

.....
(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. _____

To prevent the mass collection of records of innocent Americans under section 501 of the Foreign Intelligence Surveillance Act of 1978, as amended by section 215 of the USA PATRIOT Act, and to provide for greater accountability and transparency in the implementation of the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

IN THE HOUSE OF REPRESENTATIVES

Mr. CONYERS introduced the following bill; which was referred to the Committee on _____

A BILL

To prevent the mass collection of records of innocent Americans under section 501 of the Foreign Intelligence Surveillance Act of 1978, as amended by section 215 of the USA PATRIOT Act, and to provide for greater accountability and transparency in the implementation of the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Limiting Internet and
3 Blanket Electronic Review of Telecommunications and
4 Email Act” or “LIBERT-E Act”.

5 **SEC. 2. REFORMS TO ACCESS TO CERTAIN BUSINESS**
6 **RECORDS FOR FOREIGN INTELLIGENCE AND**
7 **INTERNATIONAL TERRORISM INVESTIGA-**
8 **TIONS.**

9 Section 501 of the Foreign Intelligence Surveillance
10 Act of 1978 (50 U.S.C. 1861) is amended—

11 (1) in subsection (b)(2)(A)—

12 (A) in the matter preceding clause (i)—

13 (i) by inserting “specific and
14 articulable” before “facts showing”;

15 (ii) by inserting “and material” after
16 “are relevant”; and

17 (iii) by striking “clandestine intel-
18 ligence activities” and all that follows and
19 inserting “clandestine intelligence activities
20 and pertain only to an individual that is
21 the subject of such investigation; and”;
22 and

23 (B) by striking clauses (i) through (iii);

24 (2) in subsection (c)(2)—

25 (A) in subparagraph (D), by striking “;
26 and” and inserting a semicolon;

1 (B) in subparagraph (E), by striking the
2 period and inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(F) shall direct the applicant to provide
6 notice to each person required to produce a tan-
7 gible thing under the order of—

8 “(i) the right to challenge the legality
9 of a production order or nondisclosure
10 order (as defined in subsection (f)) by fil-
11 ing a petition in accordance with sub-
12 section (f); and

13 “(ii) the procedures to follow to file
14 such a petition in accordance with such
15 subsection.”; and

16 (3) in subsection (f)(2)—

17 (A) in subparagraph (A)—

18 (i) in clause (i)—

19 (I) in the first sentence, by strik-
20 ing “production order” and inserting
21 “production order or nondisclosure
22 order”; and

23 (II) by striking the second sen-
24 tence; and

- 1 (ii) in clause (ii) in the third sentence,
2 by striking “production order or nondisclo-
3 sure order” and inserting “order”; and
4 (B) in subparagraph (C)—
5 (i) by striking clause (ii); and
6 (ii) by redesignating clause (iii) as
7 clause (ii).

8 **SEC. 3. ADDITIONAL DISCLOSURES TO CONGRESS AND THE**
9 **PUBLIC.**

10 (a) IN GENERAL.—Section 601 of the Foreign Intel-
11 ligence Surveillance Act of 1978 (50 U.S.C. 1871) is
12 amended—

13 (1) by redesignating subsection (e) as sub-
14 section (f); and

15 (2) by inserting after subsection (d) the fol-
16 lowing new subsection:

17 “(e) ADDITIONAL DISCLOSURES TO CONGRESS AND
18 THE PUBLIC.—

19 “(1) ALL MEMBERS OF CONGRESS.—Not later
20 than 45 days after the date on which the Attorney
21 General submits a report, decision, order, opinion,
22 pleading, application, or memoranda of law under
23 subsection (a) or (c), the Attorney General shall
24 make such report, decision, order, opinion, pleading,
25 application, or memoranda of law available to all

1 Members of Congress (including the Delegates and
2 Resident Commissioner to the Congress) in a man-
3 ner consistent with the protection of national secu-
4 rity.

5 “(2) UNCLASSIFIED SUMMARIES OF DECISIONS,
6 ORDERS, OR OPINIONS.—Not later than 180 days
7 after the date on which the Attorney General sub-
8 mits a decision, order, or opinion under subsection
9 (c), the Attorney General shall make publicly avail-
10 able an unclassified summary of such decision,
11 order, or opinion.”.

12 (b) SUBMISSIONS MADE PRIOR TO DATE OF ENACT-
13 MENT.—

14 (1) ALL MEMBERS OF CONGRESS.—Not later
15 than 45 days after the date of the enactment of this
16 Act, the Attorney General shall make each report,
17 decision, order, opinion, pleading, application, or
18 memoranda of law submitted under subsection (a) or
19 (c) of section 601 of the Foreign Intelligence Sur-
20 veillance Act of 1978 (50 U.S.C. 1871) prior to the
21 date of the enactment of this Act available to all
22 Members of Congress (including the Delegates and
23 Resident Commissioner to the Congress) in a man-
24 ner consistent with the protection of national secu-
25 rity.

1 (2) UNCLASSIFIED SUMMARIES OF DECISIONS,
2 ORDERS, OR OPINIONS.—Not later than 180 days
3 after the date of the enactment of this Act, the At-
4 torney General shall make publicly available an un-
5 classified summary of each decision, order, or opin-
6 ion submitted under section 601(c) of the Foreign
7 Intelligence Surveillance Act of 1978 (50 U.S.C.
8 1871(c)) prior to the date of the enactment of this
9 Act.

10 **SEC. 4. REPORT ON IMPACT OF PROVISIONS RELATING TO**
11 **ACCESS TO CERTAIN BUSINESS RECORDS**
12 **AND TARGETING NON-UNITED STATES PER-**
13 **SONS OUTSIDE OF THE UNITED STATES ON**
14 **PRIVACY OF PERSONS LOCATED IN THE**
15 **UNITED STATES.**

16 (a) REPORT.—Not later than one year after the date
17 of enactment of this Act, the Inspector General of the De-
18 partment of Justice and the inspector general of each ele-
19 ment of the intelligence community authorized to acquire
20 information pursuant to an order under section 501 of the
21 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
22 1861) or an order or determination under section 702 of
23 such Act (50 U.S.C. 1881a) on or after October 26, 2001,
24 shall jointly submit to Congress a report on the impact
25 of acquisitions made under such section 501 or such sec-

1 tion 702 on or after October 26, 2001, on the privacy in-
2 terests of United States persons.

3 (b) CONTENTS.—The report required by subsection
4 (a) shall include the following

5 (1) An assessment of the impact that imple-
6 mentation of section 501 (as in effect on or after
7 October 26, 2001) and section 702 of the Foreign
8 Intelligence Surveillance Act of 1978 (50 U.S.C.
9 1861, 1881a) has had on the privacy of persons in-
10 side the United States.

11 (2) An assessment of the extent to which acqui-
12 sitions made under such section 501 and such sec-
13 tion 702 have resulted in the acquisition or review
14 of the contents of communications of persons located
15 inside the United States, including—

16 (A) the number of persons located inside
17 the United States who have had the contents of
18 their communications acquired under such sec-
19 tion 501 or such section 702, and the number
20 of persons located inside the United States who
21 have had the contents of their communications
22 reviewed under such section 501 or such section
23 702; or

24 (B) if it is not possible to determine such
25 numbers, the estimate of the inspectors general

1 “(4) FORM OF ASSESSMENTS AND REVIEWS.—
2 Each assessment or review required under para-
3 graph (1), (2), or (3) shall be submitted or provided
4 in unclassified form, but may include a classified
5 annex.”.