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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. REFORMS TO ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

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

(1) in subsection (b)(2)(A)—

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

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

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

(iii) by striking “clandestine intelligence activities” and all that follows and inserting “clandestine intelligence activities and pertain only to an individual that is the subject of such investigation; and”;

and

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

(2) in subsection (c)(2)—

(A) in subparagraph (D), by striking “; and” and inserting a semicolon;
(B) in subparagraph (E), by striking the period and inserting “; and”; and

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

“(F) shall direct the applicant to provide notice to each person required to produce a tangible thing under the order of—

“(i) the right to challenge the legality of a production order or nondisclosure order (as defined in subsection (f)) by filing a petition in accordance with subsection (f); and

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

(3) in subsection (f)(2)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in the first sentence, by striking “production order” and inserting “production order or nondisclosure order”; and

(II) by striking the second sentence; and
(ii) in clause (ii) in the third sentence, by striking “production order or nondisclosure order” and inserting “order”; and

(B) in subparagraph (C) —

(i) by striking clause (ii); and

(ii) by redesignating clause (iii) as clause (ii).

SEC. 3. ADDITIONAL DISCLOSURES TO CONGRESS AND THE PUBLIC.

(a) IN GENERAL.—Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

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

“(1) ALL MEMBERS OF CONGRESS.—Not later than 45 days after the date on which the Attorney General submits a report, decision, order, opinion, pleading, application, or memoranda of law under subsection (a) or (e), the Attorney General shall make such report, decision, order, opinion, pleading, application, or memoranda of law available to all
Members of Congress (including the Delegates and Resident Commissioner to the Congress) in a manner consistent with the protection of national security.

“(2) UNCLASSIFIED SUMMARIES OF DECISIONS, ORDERS, OR OPINIONS.—Not later than 180 days after the date on which the Attorney General submits a decision, order, or opinion under subsection (e), the Attorney General shall make publicly available an unclassified summary of such decision, order, or opinion.”.

(b) SUBMISSIONS MADE PRIOR TO DATE OF ENACTMENT.—

(1) ALL MEMBERS OF CONGRESS.—Not later than 45 days after the date of the enactment of this Act, the Attorney General shall make each report, decision, order, opinion, pleading, application, or memoranda of law submitted under subsection (a) or (c) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) prior to the date of the enactment of this Act available to all Members of Congress (including the Delegates and Resident Commissioner to the Congress) in a manner consistent with the protection of national security.
(2) UNCLASSIFIED SUMMARIES OF DECISIONS, ORDERS, OR OPINIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall make publicly available an unclassified summary of each decision, order, or opinion submitted under section 601(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(c)) prior to the date of the enactment of this Act.

SEC. 4. REPORT ON IMPACT OF PROVISIONS RELATING TO ACCESS TO CERTAIN BUSINESS RECORDS AND TARGETING NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES ON PRIVACY OF PERSONS LOCATED IN THE UNITED STATES.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General of the Department of Justice and the inspector general of each element of the intelligence community authorized to acquire information pursuant to an order under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) or an order or determination under section 702 of such Act (50 U.S.C. 1881a) on or after October 26, 2001, shall jointly submit to Congress a report on the impact of acquisitions made under such section 501 or such sec-
tion 702 on or after October 26, 2001, on the privacy inter-

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

(1) An assessment of the impact that implementation of section 501 (as in effect on or after October 26, 2001) and section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861, 1881a) has had on the privacy of persons inside the United States.

(2) An assessment of the extent to which acquisitions made under such section 501 and such section 702 have resulted in the acquisition or review of the contents of communications of persons located inside the United States, including—

(A) the number of persons located inside the United States who have had the contents of their communications acquired under such section 501 or such section 702, and the number of persons located inside the United States who have had the contents of their communications reviewed under such section 501 or such section 702; or

(B) if it is not possible to determine such numbers, the estimate of the inspectors general
of such numbers made using representative sampling or other analytical techniques.

(3) A review of the inspectors general of incidents of non-compliance with such section 501 or such section 702, with a particular focus on any types of non-compliance incidents that have recurred, and the impact of such non-compliance on the privacy of persons inside the United States.

(e) Disclosure to the Public.—Not later than 180 days after the date on which the report required by subsection (a) is submitted, the Inspector General of the Department of Justice shall make such report available to the public, with any redactions limited to those that are necessary to protect properly classified information.

(d) Intelligence Community Defined.—In this section, the term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 5. FORM OF ASSESSMENTS OF PROCEDURES TARGETING CERTAIN PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following new paragraph:
“(4) FORM OF ASSESSMENTS AND REVIEWS.—

Each assessment or review required under paragraph (1), (2), or (3) shall be submitted or provided in unclassified form, but may include a classified annex.”.