

## S 1599

### USA FREEDOM Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Oct 29, 2013

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Oct 29, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/senate-bill/1599>

### Sponsor

**Name:** Sen. Leahy, Patrick J. [D-VT]

**Party:** Democratic • **State:** VT • **Chamber:** Senate

### Cosponsors (22 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baldwin, Tammy [D-WI]	D · WI		Oct 29, 2013
Sen. Begich, Mark [D-AK]	D · AK		Oct 29, 2013
Sen. Blumenthal, Richard [D-CT]	D · CT		Oct 29, 2013
Sen. Durbin, Richard J. [D-IL]	D · IL		Oct 29, 2013
Sen. Heinrich, Martin [D-NM]	D · NM		Oct 29, 2013
Sen. Heller, Dean [R-NV]	R · NV		Oct 29, 2013
Sen. Hirono, Mazie K. [D-HI]	D · HI		Oct 29, 2013
Sen. Lee, Mike [R-UT]	R · UT		Oct 29, 2013
Sen. Markey, Edward J. [D-MA]	D · MA		Oct 29, 2013
Sen. Menendez, Robert [D-NJ]	D · NJ		Oct 29, 2013
Sen. Merkley, Jeff [D-OR]	D · OR		Oct 29, 2013
Sen. Murkowski, Lisa [R-AK]	R · AK		Oct 29, 2013
Sen. Schatz, Brian [D-HI]	D · HI		Oct 29, 2013
Sen. Tester, Jon [D-MT]	D · MT		Oct 29, 2013
Sen. Udall, Mark [D-CO]	D · CO		Oct 29, 2013
Sen. Udall, Tom [D-NM]	D · NM		Oct 29, 2013
Sen. Warren, Elizabeth [D-MA]	D · MA		Oct 29, 2013
Sen. Wyden, Ron [D-OR]	D · OR		Nov 5, 2013
Sen. Harkin, Tom [D-IA]	D · IA		Dec 20, 2013
Sen. Walsh, John E. [D-MT]	D · MT		Feb 12, 2014
Sen. Coons, Christopher A. [D-DE]	D · DE		Feb 24, 2014
Sen. Franken, Al [D-MN]	D · MN		Jul 7, 2014

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Oct 29, 2013

## Subjects & Policy Tags

### Policy Area:

Crime and Law Enforcement

## Related Bills

Bill	Relationship	Last Action
113 HR 3361	Related bill	Jun 5, 2014: Select Committee on Intelligence. Hearings held.

Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act or the USA FREEDOM Act - Amends the Foreign Intelligence Surveillance Act of 1978 (FISA) to set forth additional requirements for obtaining orders for business records in counterterrorism investigations, including requiring that the records sought pertain to a foreign power, an agent of a foreign power, or an individual in contact with, or known to a suspected agent of, a foreign power. Requires additional information if the applicant is seeking a nondisclosure requirement in connection with such request. Allows the Director of the Federal Bureau of Investigation (FBI) to apply for renewals of nondisclosure requirements. Authorizes the Attorney General (AG) to require the production of call data records by the provider of a wire or electronic communication service.

Amends the USA PATRIOT Improvements and Reauthorization Act of 2005 to require the Inspector General (IG) of the Department of Justice (DOJ), for 2010 through 2013, to report on an examination of the minimization procedures (procedures designed to minimize the acquisition and retention of information and to prohibit its unauthorized dissemination) used in relation to business records orders.

Imposes additional requirements on the authorized use of pen registers and trap and trace devices (devices for recording incoming and outgoing telephone numbers), including that: (1) the information sought must pertain to a foreign power, agent thereof, or individual in contact with or known to such an agent; and (2) the application must contain a statement of proposed minimization procedures. Requires audits of the effectiveness and use of such devices.

Prohibits the searching of collections of communications of U.S. persons, except: (1) under an order or authorization for electronic surveillance or physical search, (2) with the consent of such person, or (3) under a reasonable belief that the life or safety of the person is threatened and the information is sought to assist that person.

Limits the collection of wholly domestic communications of a U.S. person to those communications: (1) to which any party is a target of the acquisition; or (2) that contain an identifier of a target of an acquisition, only if the communications are acquired to protect against international terrorism or the proliferation of weapons of mass destruction.

Prohibits receiving into evidence any information obtained in an acquisition against any U.S. person for which a deficiency in the procedures for acquiring such information is identified by the Foreign Intelligence Surveillance Court (FISA Court). Authorizes the FISA Court, if the government corrects any deficiencies so identified, to permit the use or disclosure of information acquired before the correction under such minimization procedures as the FISA Court shall establish.

Repeals on June 1, 2015, FISA procedures regarding the targeting of non-U.S. persons located outside the United States in order to acquire foreign intelligence information. Requires reviews of surveillance targeting and minimization procedures by the IG of the Intelligence Community (IC), including mandatory review with respect to the privacy rights of U.S. persons.

Establishes within the judicial branch an Office of the Special Advocate to participate in proceedings before the FISA Court and the Foreign Intelligence Surveillance Court of Review, request reconsiderations of FISA Court decisions, and participate in appeals and reviews. Requires the Special Advocate to vigorously advocate in support of legal interpretations that protect individual privacy and civil liberties. Requires the Attorney General to publicly disclose specified information in connection with FISA Court or FISA Court of Review decisions appealed by the Special Advocate. Requires the release of as much information regarding the facts and analysis in such decisions as is

consistent with legitimate national security concerns.

Authorizes the FBI Director to request from a communication service provider the name, address, length of service, and local and long distance billing records of a person as part of a national security investigation only if there are reasonable grounds to believe that the information sought pertains to a foreign power, an agent of a foreign power, or an individual in contact with, or known to a suspected agent of, a foreign power. Provides similar requirements with respect to an FBI request for information from financial institutions and consumer reporting agencies. Revises provisions prohibiting the disclosure of the receipt of a national security letter by such providers, institutions, and agencies to except disclosure to: (1) those persons to whom disclosure is necessary to comply with the request, (2) an attorney in order to obtain legal advice or assistance regarding the request, or (3) other persons as permitted by the FBI. Includes under such prohibition (with the same exceptions) national security letters issued in connection with the investigation of persons with access to classified information. Allows affected communications providers, financial institutions, and consumer reporting agencies to seek judicial review of requests for information. Requires the DOJ IG to report results of audits of national security letters issued during 2010 through 2013.

Amends provisions of FISA, the Right to Financial Privacy Act of 1978, the National Security Act of 1947, and the Fair Credit Reporting Act (FCRA) concerning national security letters to, effective June 1, 2015, make such provisions read as they read on October 25, 2001.

Allows electronic service providers to publicly report on information provided under FISA orders and national security letters. Exempts such providers from liability with respect to such reports. Revises requirements concerning government reporting on the use of FISA orders and national security letters.

Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to remove the AG as a required intermediary for subpoenas in connection with authorized activities of the Privacy and Civil Liberties Oversight Board.

## **Actions Timeline**

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- **Oct 29, 2013:** Introduced in Senate
- **Oct 29, 2013:** Sponsor introductory remarks on measure. (CR S7618-7619)
- **Oct 29, 2013:** Read twice and referred to the Committee on the Judiciary.