

S 1631

FISA Improvements Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Oct 31, 2013

Current Status: By Senator Feinstein from Select Committee on Intelligence filed written report. Report No. 113-119.

Latest Action: By Senator Feinstein from Select Committee on Intelligence filed written report. Report No. 113-119.

Additional and Minority views filed. (Nov 12, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1631>

Sponsor

Name: Sen. Feinstein, Dianne [D-CA]

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Select) Committee	Senate	Reported Original Measure	Oct 31, 2013

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
113 HR 4291	Related bill	Apr 16, 2014: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
113 HR 3779	Related bill	Dec 16, 2013: Referred to the House Committee on Intelligence (Permanent Select).

FISA Improvements Act of 2013 - Amends the Foreign Intelligence Surveillance Act of 1978 (FISA) to place restrictions on the bulk collection of wire or electronic communications that a FISA court may authorize in response to an application by the Federal Bureau of Investigation (FBI) for an order requiring the production of tangible things (commonly referred to as business records, including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

Prohibits a FISA court from authorizing: (1) bulk acquisition of wire or electronic communication records from an entity that provides an electronic communication service to the public if such order does not name or otherwise identify either individuals or facilities, unless the court requires specified security procedures to be followed with respect to the use of, and personnel authorized to access, such data; or (2) acquisition of the content of any communication.

Defines "content" as information concerning the substance, purport, or meaning of a communication, excluding any dialing, routing, addressing, or signaling information.

Prohibits access to bulk information acquired pursuant to an order except to: (1) query a selector (such as a phone number or electronic account identifier associated with a particular communicant or facility) for which a recorded determination has been made that there is a reasonable articulable suspicion (RAS) that it is associated with international terrorism or related terrorism preparation activities; (2) return information concerning communications to or from such selector, or communications to or from other selectors in communication with, or reasonably linked to, the selector used to perform the query; or (3) narrow query results or conduct technical assurance, data management, or compliance measures.

Requires court-approved minimization procedures to be followed when a query returns information concerning a selector that is only reasonably linked to the selector used to perform the query.

Limits to 90 days the period during which an order may be in effect, subject to possible extension by the court.

Requires the Director of National Intelligence (DNI) to establish an automated procedure to record the aggregate number of queries in the previous quarter and report such information to Congress. Provides for such information to be available upon request to Inspectors General of the National Security Agency (NSA), Intelligence Community, and Department of Justice (DOJ), other appropriate DOJ and NSA officials, and the Privacy and Civil Liberties Oversight Board (PCLOB).

Requires copies of each RAS determination to be provided to the court. Specifies that determinations reasonably believed to be associated with a particular, known U.S. person must be provided to the court within seven days.

Authorizes the court, if it finds an RAS determination to be improper, to order: (1) the production of records to be terminated or modified, or (2) the information acquired to be destroyed.

Prohibits the government from: (1) retaining records and information produced pursuant to an order, other than query results, for longer than five years; or (2) querying retained data more than three years after it was acquired, unless the Attorney General determines that the query meets an RAS standard.

Requires a copy of each tangible thing production order to be provided to Congress.

Directs the Attorney General to report annually to Congress regarding the number of: (1) unique selectors for which an

RAS determination has been made as well as the number of bulk data queries performed by the government; (2) investigative leads developed from bulk data queries; and (3) warrants or court orders, based on probable cause, issued in response to information produced by such queries.

Amends the federal criminal code to provide for a fine and/or imprisonment for up to 10 years for accessing a computer without authorization or exceeding authorized access and thereby obtaining information from any U.S. agency while knowing or having reason to know that: (1) such computer was operated by or on behalf of the United States, and (2) such information was acquired by the United States pursuant to a FISA order.

Permits FISA courts to appoint amicus curiae to assist the court in the consideration of a certain applications.

Consolidates various FISA reporting requirements into a combined semiannual report.

Places restrictions on queries that may be conducted on the contents of communications acquired pursuant to a joint authorization by the Attorney General and DNI to target persons located outside the United States other than U.S. persons. Permits queries of a selector known to be used by a U.S. person to be conducted by personnel of elements of the intelligence community only if the purpose is to obtain foreign intelligence information or information necessary to understand such intelligence or to assess its importance.

Permits the acquisition of foreign intelligence information by targeting a non-U.S. person located outside the United States, that was lawfully initiated by an element of the intelligence community, to continue for a transitional period of up to 72 hours from the time when it is recognized that the non-U.S. person is located inside the United States, provided that: (1) the head of the element determines that an exigent circumstance exists; (2) the target of the acquisition has communicated or received, or will communicate or receive, foreign intelligence information relevant to such circumstance; and (3) a request for emergency authorization from the Attorney General is impracticable in light of the exigent circumstance.

Requires presidential appointment, with advice and consent of the Senate, of the NSA Director and the NSA Inspector General.

Amends the National Security Act of 1947 to require the DNI to report annually to Congress regarding violations of laws or executive orders by personnel of an element of the intelligence community, including violations of Executive Order 12333 relating to U.S. intelligence activities.

Directs the PCLOB to conduct an annual review of NSA activities related to FISA information collection.

Actions Timeline

- **Nov 12, 2013:** By Senator Feinstein from Select Committee on Intelligence filed written report. Report No. 113-119. Additional and Minority views filed.
- **Oct 31, 2013:** Introduced in Senate
- **Oct 31, 2013:** Select Committee on Intelligence. Ordered to be reported without amendment favorably.
- **Oct 31, 2013:** Select Committee on Intelligence. Original measure reported to Senate by Senator Feinstein. Without written report.
- **Oct 31, 2013:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 235.