

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3361
OFFERED BY MS. DELBENE OF WASHINGTON**

Page 32, line 1, insert “**AND NATIONAL SECURITY LETTER**” after “**FISA**”.

Strike section 606 and insert the following new sections:

1 SEC. 606. GOVERNMENT REPORTING ON FISA ORDERS.

2 (a) ELECTRONIC SURVEILLANCE.—

3 (1) REPORT OF ELECTRONIC SURVEILLANCE.—

4 Section 107 (50 U.S.C. 1807) is amended—

5 (A) by redesignating subsections (a) and

6 (b) as paragraphs (1) and (2), respectively;

7 (B) in the matter preceding paragraph (1)

8 (as redesignated by subparagraph (A) of this

9 paragraph)—

10 (i) by striking “In April” and insert-

11 ing “(a) In April”; and

12 (ii) by striking “Congress” and insert-

13 ing “the Permanent Select Committee on

14 Intelligence and the Committee on the Ju-

15 diciary of the House of Representatives

1 and the Select Committee on Intelligence
2 and the Committee on the Judiciary of the
3 Senate”;

4 (C) in subsection (a) (as designated by
5 subparagraph (B) of this paragraph)—

6 (i) in paragraph (1) (as redesignated
7 by subparagraph (A) of this paragraph),
8 by striking “; and” and inserting a semi-
9 colon;

10 (ii) in paragraph (2) (as so redesign-
11 ated), by striking the period and inserting
12 a semicolon; and

13 (iii) by adding at the end the fol-
14 lowing new paragraphs:

15 “(3) a good faith estimate of the total number
16 of individuals who were subject to electronic surveil-
17 lance conducted under an order entered under this
18 title, rounded to the nearest 100; and

19 “(4) a good faith estimate of the total number
20 of individuals located in the United States who were
21 subject to electronic surveillance conducted under an
22 order entered under this title, rounded to the nearest
23 100.”; and

24 (D) by adding at the end the following new
25 subsection:

1 “(b)(1) Each report required under subsection (a)
2 shall be submitted in unclassified form.

3 “(2) Not later than 7 days after a report is submitted
4 under subsection (a), the Attorney General shall make
5 such report publicly available.”.

6 (2) CONGRESSIONAL OVERSIGHT.—Section
7 108(a)(1) (50 U.S.C. 1808) is amended by striking
8 “the House Permanent Select Committee on Intel-
9 ligence and the Senate Select Committee on Intel-
10 ligence, and the Committee on the Judiciary of the
11 Senate” and inserting “the Permanent Select Com-
12 mittee on Intelligence and the Committee on the Ju-
13 diciary of the House of Representatives and the Se-
14 lect Committee on Intelligence and the Committee
15 on the Judiciary of the Senate”.

16 (b) PHYSICAL SEARCHES.—Section 306 (50 U.S.C.
17 1826) is amended—

18 (1) in the first sentence, by striking “Perma-
19 nent Select Committee on Intelligence of the House
20 of Representatives and the Select Committee on In-
21 telligence of the Senate, and the Committee on the
22 Judiciary of the Senate” and inserting “Permanent
23 Select Committee on Intelligence and the Committee
24 on the Judiciary of the House of Representatives

1 and the Select Committee on Intelligence and the
2 Committee on the Judiciary of the Senate”; and

3 (2) in the second sentence, by striking “and the
4 Committee on the Judiciary of the House of Rep-
5 resentatives”.

6 (c) PEN REGISTER AND TRAP AND TRACE DE-
7 VICES.—Section 406 (50 U.S.C. 1846) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (2), by striking “; and”
10 and inserting a semicolon;

11 (B) in paragraph (3), by striking the pe-
12 riod and inserting a semicolon; and

13 (C) by adding at the end the following new
14 paragraphs:

15 “(4) each department or agency on behalf of
16 which the Government has made application for or-
17 ders approving the use of pen registers or trap and
18 trace devices under this title;

19 “(5) for each department or agency described in
20 paragraph (4), a breakdown of the numbers required
21 by paragraphs (1), (2), and (3);

22 “(6) a good faith estimate of the total number
23 of individuals whose information was obtained
24 through the use of a pen register or trap and trace

1 device authorized under an order entered under this
2 title, rounded to the nearest 100;

3 “(7) a good faith estimate of the total number
4 of individuals located in the United States whose in-
5 formation was obtained through the use of a pen
6 register or trap and trace device authorized under
7 an order entered under this title, rounded to the
8 nearest 100; and

9 “(8) a good faith estimate of the total number
10 of individuals located in the United States whose in-
11 formation was obtained through the use of a pen
12 register or trap and trace device authorized under
13 an order entered under this title and whose informa-
14 tion acquired by such pen register or trap and trace
15 device was subsequently reviewed or accessed by a
16 Federal officer, employee, or agent, rounded to the
17 nearest 100.”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(c)(1) Each report required under subsection (b)
21 shall be submitted in unclassified form.

22 “(2) Not later than 7 days after a report is submitted
23 under subsection (b), the Attorney General shall make
24 such report publicly available.

1 “(3) In any case where it is not reasonably possible
2 to report an estimate required under paragraph (6), (7),
3 or (8) or of subsection (b) with respect to the total number
4 of individuals, such estimate may be reported with respect
5 to the total number of unique identifiers.”.

6 (d) ACCESS TO CERTAIN BUSINESS RECORDS AND
7 OTHER TANGIBLE THINGS.—Section 502 (50 U.S.C.
8 1862) is amended—

9 (1) in subsection (a), by striking “Permanent
10 Select Committee on Intelligence of the House of
11 Representatives and the Select Committee on Intel-
12 ligence and the Committee on the Judiciary of the
13 Senate” and inserting after “Permanent Select
14 Committee on Intelligence of the House of Rep-
15 resentatives, the Select Committee on Intelligence of
16 the Senate, and the Committees on the Judiciary of
17 the House of Representatives and the Senate”;

18 (2) in subsection (b)—

19 (A) in the matter preceding paragraph (1),
20 by striking “to the preceding calendar year—”
21 and inserting “to the preceding calendar year
22 the following:”;

23 (B) in paragraph (1)—

24 (i) by striking “the total” and insert-
25 ing “The total”; and

1 (ii) by striking the semicolon and in-
2 serting a period;

3 (C) in paragraph (2)—

4 (i) by striking “the total” and insert-
5 ing “The total”; and

6 (ii) by striking “; and” and inserting
7 a period;

8 (D) in paragraph (3)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “the number” and
11 inserting “The number”; and

12 (ii) by adding at the end the following
13 new subparagraphs:

14 “(F) Records concerning electronic com-
15 munications.

16 “(G) Records concerning wire communica-
17 tions.

18 “(H) Information described in subpara-
19 graph (A), (B), (C), (D), (E), or (F) of section
20 2703(c)(2) of title 18, United States Code.”;
21 and

22 (E) by adding at the end the following new
23 paragraphs:

24 “(4) A description of all other tangible things
25 sought by an application made for the production of

1 any tangible things under section 501, and the num-
2 ber of orders under such section 501 granted, modi-
3 fied, or denied, for each tangible thing.

4 “(5) A description of each order under section
5 501 granted, modified, or denied for the production
6 of tangible things on an ongoing basis.

7 “(6) Each department or agency on whose be-
8 half the Director of the Federal Bureau of Investiga-
9 tion or a designee of the Director has made an ap-
10 plication for an order requiring the production of
11 any tangible things under section 501.

12 “(7) For each department or agency described
13 in paragraph (6), a breakdown of the numbers and
14 descriptions required by paragraphs (1), (2), (3),
15 (4), and (5).”; and

16 (3) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by striking “;
19 and” and inserting a semicolon;

20 (ii) in subparagraph (B), by striking
21 the period and inserting a semicolon; and

22 (iii) by adding at the end the fol-
23 lowing new subparagraphs:

24 “(C) a good faith estimate of the total number
25 of individuals whose tangible things were produced

1 under an order entered under section 501, rounded
2 to the nearest 100;

3 “(D) a good faith estimate of the total number
4 of individuals located in the United States whose
5 tangible things were produced under an order en-
6 tered under section 501, rounded to the nearest 100;
7 and

8 “(E) a good faith estimate of the total number
9 of individuals located in the United States whose
10 tangible things were produced under an order en-
11 tered under section 501 and subsequently reviewed
12 or accessed by a Federal officer, employee, or agent,
13 rounded to the nearest 100.”; and

14 (B) by adding at the end the following new
15 paragraphs

16 “(3) Not later than 7 days after the date on which
17 a report is submitted under paragraph (1), the Attorney
18 General shall make such report publicly available.

19 “(4) In any case where it is not reasonably possible
20 to report an estimate required under subparagraph (C),
21 (D), or (E) of paragraph (1) with respect to the total num-
22 ber of individuals, such estimate may be reported with re-
23 spect to the total number of unique identifiers.”.

24 (e) ADDITIONAL PROCEDURES REGARDING CERTAIN
25 PERSONS OUTSIDE THE UNITED STATES.—Section 707

1 of the Foreign Intelligence Surveillance Act of 1978 (50
2 U.S.C. 1881f) is amended by adding at the end the fol-
3 lowing new subsection:

4 “(c) ADDITIONAL ANNUAL REPORT.—

5 “(1) REPORT REQUIRED.—In April of each
6 year, the Attorney General shall submit to the Per-
7 manent Select Committee on Intelligence and the
8 Committee on the Judiciary of the House of Rep-
9 resentatives and the Select Committee on Intel-
10 ligence and the Committee on the Judiciary of the
11 Senate a report setting forth with respect to the pre-
12 ceding year—

13 “(A) the total number of—

14 “(i) directives issued under section
15 702;

16 “(ii) orders granted under section
17 703; and

18 “(iii) orders granted under section
19 704;

20 “(B) good faith estimates of the total num-
21 ber of individuals, rounded to the nearest 100,
22 whose electronic or wire communications or
23 communications records were collected pursuant
24 to—

1 “(i) a directive issued under section
2 702;

3 “(ii) an order granted under section
4 703; and

5 “(iii) an order granted under section
6 704;

7 “(C) good faith estimates of the total num-
8 ber, rounded to the nearest 100, of individuals
9 located in the United States whose electronic or
10 wire communications or communications
11 records were collected pursuant to—

12 “(i) a directive issued under section
13 702, provided that such estimate may rely
14 on statistical sampling with a sample of
15 not more than 1,000 individuals or unique
16 identifiers;

17 “(ii) an order granted under section
18 703; and

19 “(iii) an order granted under section
20 704; and

21 “(D) a good faith estimate of the total
22 number of individuals located within the United
23 States whose electronic or wire communications
24 or communications records were collected pur-
25 suant to a directive issued under section 702

1 and subsequently reviewed or accessed by a
2 Federal officer, employee, or agent, rounded to
3 the nearest 100, provided that such estimate
4 may rely on statistical sampling with a sample
5 of not more than 1,000 individuals or unique
6 identifiers.

7 “(2) FORM.—Each report required under para-
8 graph (1) shall be submitted in unclassified form.

9 “(3) PUBLIC AVAILABILITY.—Not later than 7
10 days after the date on which a report is submitted
11 under paragraph (1), the Attorney General shall
12 make such report publicly available.

13 “(4) ESTIMATES.—In any case where it is not
14 reasonably possible to report an estimate required
15 under subparagraph (B)(i), (C)(i), or (D) of para-
16 graph (1) with respect to the total number of indi-
17 viduals, such estimate may be reported with respect
18 to the total number of unique identifiers.”.

19 **SEC. 607. GOVERNMENT REPORTING ON NATIONAL SECU-**
20 **RITY LETTERS.**

21 Section 118(c) of the USA PATRIOT Improvement
22 and Reauthorization Act of 2005 (18 U.S.C. 3511 note)
23 is amended to read as follows:

24 “(c) REPORT ON REQUESTS FOR NATIONAL SECU-
25 RITY LETTERS.—

1 “(1) CLASSIFIED FORM.—

2 “(A) IN GENERAL.—Not later than March
3 1, 2015, and every 180 days thereafter, the At-
4 torney General shall submit to the Select Com-
5 mittee on Intelligence, the Committee on the
6 Judiciary, and the Committee on Banking,
7 Housing, and Urban Affairs of the Senate and
8 the Permanent Select Committee on Intel-
9 ligence, the Committee on the Judiciary, and
10 the Committee on Financial Services of the
11 House of Representatives a report fully inform-
12 ing the committees concerning the requests
13 made under section 2709(a) of title 18, United
14 States Code, section 1114 of the Right to Fi-
15 nancial Privacy Act of 1978 (12 U.S.C.
16 3414(a)(5)(A)), section 626 of the Fair Credit
17 Reporting Act (15 U.S.C. 1681u), or section
18 802 of the National Security Act of 1947 (50
19 U.S.C. 3162) during the applicable period.

20 “(B) CONTENTS.—Each report under sub-
21 paragraph (A) shall include, for each provision
22 of law described in subparagraph (A)—

23 “(i) authorized requests under the
24 provision, including requests for subscriber
25 information; and

1 “(ii) the number of authorized re-
2 quests under the provision—

3 “(I) that relate to a United
4 States person;

5 “(II) that relate to a person that
6 is not a United States person;

7 “(III) that relate to a person
8 that is—

9 “(aa) the subject of an au-
10 thorized national security inves-
11 tigation; or

12 “(bb) an individual who has
13 been in contact with or otherwise
14 directly linked to the subject of
15 an authorized national security
16 investigation; and

17 “(IV) that relate to a person that
18 is not known to be the subject of an
19 authorized national security investiga-
20 tion.

21 “(2) UNCLASSIFIED FORM.—

22 “(A) IN GENERAL.—Not later than March
23 1, 2015, and every 180 days thereafter, the At-
24 torney General shall submit to the Select Com-
25 mittee on Intelligence, the Committee on the

1 Judiciary, and the Committee on Banking,
2 Housing, and Urban Affairs of the Senate and
3 the Permanent Select Committee on Intel-
4 ligence, the Committee on the Judiciary, and
5 the Committee on Financial Services of the
6 House of Representatives a report fully inform-
7 ing the committees concerning the aggregate
8 total of all requests identified under paragraph
9 (1) during the applicable period. Each report
10 under this paragraph shall be in unclassified
11 form.

12 “(B) CONTENTS.—Each report under sub-
13 paragraph (A) shall include the aggregate total
14 of requests—

15 “(i) that relate to a United States
16 person;

17 “(ii) that relate to a person that is
18 not a United States person;

19 “(iii) that relate to a person that is—

20 “(I) the subject of an authorized
21 national security investigation; or

22 “(II) an individual who has been
23 in contact with or otherwise directly
24 linked to the subject of an authorized
25 national security investigation; and

1 “(iv) that relate to a person that is
2 not known to be the subject of an author-
3 ized national security investigation.

4 “(3) DEFINITIONS.—In this subsection:

5 “(A) APPLICABLE PERIOD.—The term ‘ap-
6 plicable period’ means—

7 “(i) with respect to the first report
8 submitted under paragraph (1) or (2), the
9 period beginning 180 days after the date
10 of enactment of the USA FREEDOM Act
11 and ending on December 31, 2014; and

12 “(ii) with respect to the second report
13 submitted under paragraph (1) or (2), and
14 each report thereafter, the 6-month period
15 ending on the last day of the second month
16 before the date for submission of the re-
17 port.

18 “(B) UNITED STATES PERSON.—The term
19 ‘United States person’ has the meaning given
20 that term in section 101 of the Foreign Intel-
21 ligence Surveillance Act of 1978 (50 U.S.C.
22 1801).”.

