116TH CONGRESS
1ST SESSION

H. R. _____

To repeal the authority to access on an ongoing basis business records for foreign intelligence and international terrorism investigations, and for other purposes.

_____

IN THE HOUSE OF REPRESENTATIVES

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

_____

A BILL

To repeal the authority to access on an ongoing basis business records for foreign intelligence and international terrorism investigations, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Ending Mass Collec-

5 tion of Americans' Phone Records Act".

SEC. 2. REPEAL OF AUTHORITY TO ACCESS ON AN ONGO-ING BASIS BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TER-RORISM INVESTIGATIONS.

(a) IN GENERAL.—Subsection (a) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

"(4) The authority under paragraph (1) shall not include an application for an order requiring the production—

"(A) on an ongoing basis of any tangible things; or

"(B) of any tangible things other than those identified by the specific selection term included in the application pursuant to subsection (b)(2)(A).".

(b) CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 501 (50 U.S.C. 1861)—

(A) in subsection (b)(2)—

(i) by striking subparagraph (C);

(ii) in subparagraph (B), by striking "in the case of" and all that follows through "in subparagraph (C)),";

(iii) by redesignating subparagraph (D) as subparagraph (C); and

1   (iv) in subparagraph (B)(iii), by strik-

2   ing the semicolon at the end and inserting

3   ''; and'';

4   (B) in subsection (c)—

5   (i) in paragraph (1), by striking ''with

6   subsection (b)(2)(D)'' and inserting ''with

7   subsection (b)(2)(C)''; and

8   (ii) in paragraph (2), by striking sub-

9   paragraph (F) and inserting the following:

10   ''(F) in the case of an application for call

11   detail records, shall direct the Government—

12   ''(i) to adopt minimization procedures

13   that require the prompt destruction of all

14   call detail records produced under the

15   order that the Government determines are

16   not foreign intelligence information; and

17   ''(ii) to destroy all call detail records

18   produced under the order as prescribed by

19   such procedures.'';

20   (C) by amending subsection (j) to read as

21   follows:

22   ''(j) COMPENSATION.—The Government shall com-

23 pensate a person for reasonable expenses incurred for pro-

24 viding technical assistance to the Government under this

25 section.''; and

1   (D) in subsection (k)(4)(B), by striking

2   "For purposes of an application submitted

3   under subsection (b)(2)(C)" and inserting "In

4   the case of an application for a call detail

5   record";

6   (2) in section 502(b) (50 U.S.C. 1862(b))—

7   (A) by striking paragraph (4); and

8   (B) by redesignating paragraphs (5)

9   through (8) as paragraphs (4) through (7), re-

10   spectively;

11   (3) in section 603(b)(6) (50 U.S.C.

12   1873(b)(6))—

13   (A) in the matter before subparagraph (A),

14   by striking "under section 501(b)(2)(C)" and

15   inserting "under section 501(b)(2)(B)"; and

16   (B) in subparagraph (C), by striking "any

17   database of"; and

18   (4) in section 604(a)(1)(F) (50 U.S.C.

19   1874(a)(1)(F))—

20   (A) by striking clause (iii);

21   (B) in clause (ii), by striking "; and" and

22   inserting a period; and

23   (C) in clause (i), by striking the semicolon

24   and inserting "; and".

1   (c) TECHNICAL CORRECTION.—Paragraph (3) of sec-
2 tion 501(a) of the Foreign Intelligence Surveillance Act
3 of 1978 (50 U.S.C. 1861(a)) is amended by indenting
4 such paragraph 2 ems to the left.

5   (d) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on the date of the enactment
7 of this Act and shall apply with respect to applications
8 made under section 501of the Foreign Intelligence Surveil-
9 lance Act of 1978 (50 U.S.C. 1861) on or after such date.