

Support the USA FREEDOM Act

(Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet Collection, and Online Monitoring Act)

Purpose: To rein in the dragnet collection of data by the National Security Agency (NSA) and other government agencies, increase transparency of the Foreign Intelligence Surveillance Court (FISC), provide businesses the ability to release information regarding FISA requests, and create an independent constitutional advocate to argue cases before the FISC.

End bulk collection of Americans' communications records

- The USA Freedom Act ends bulk collection under Section 215 of the Patriot Act. The bill would require that tangible things sought are relevant to an authorized investigation into international terrorism or clandestine intelligence activities **and** pertain to (1) a foreign power or agent of a foreign power, (2) the activities of a suspected agent of a foreign power who is the subject of an investigation, or (3) an individual in contact with, or known to, a suspected agent of a foreign power.
- The bill would also strengthen the prohibition on "reverse targeting" of Americans—that is, targeting a foreigner with the goal of obtaining communications involving an American.
- The bill requires the government to more aggressively filter and discard information about Americans accidentally collected through PRISM and related programs.

Reform the Foreign Intelligence Surveillance Court

- The USA Freedom Act creates an Office of the Special Advocate (OSA) tasked with promoting privacy interests before the FISA court's closed proceedings. The OSA will have the authority to appeal decisions of the FISA court. It will be staffed by attorneys who are properly cleared to view the classified information considered by the FISA court.
- The bill creates new and more robust reporting requirements to ensure that Congress is aware of actions by the FISC and intelligence community as a whole.
- The bill would grant the Privacy and Civil Liberties Oversight Board subpoena authority to investigate issues related to privacy and national security.

Increase Transparency:

- The USA Freedom Act requires the Attorney General to publicly disclose all FISC decisions issued after July 10, 2003 that contain a significant construction or interpretation of law. Disclosures must include public documents sufficient to: (1) identify each legal question addressed; (2) generally describe the issues; (3) describe the construction and interpretation of a statute, constitutional provision, or other legal authority; and (4) indicate whether the decision departs from a prior decision.
- Private companies are currently barred from disclosing basic information about their participation in NSA surveillance programs. Under the bill, Internet and telecom companies would be allowed to publicly report an estimate of (1) the number of FISA orders and national security letters

received, (2) the number of such orders and letters complied with, and (3) the number of users or accounts on whom information was demanded under the orders and letters.

- The bill would also require the government to make new public reports on FISA orders. Specifically, the government would be required to make annual or semiannual public reports estimating the total number of individuals and U.S. persons that were subject to FISA orders authorizing electronic surveillance, pen/trap devices, and access to business records.

National Security Letters

- The USA Freedom Act adopts a single standard for Section 215 and NSL protection to ensure the Administration doesn't use different authorities to support bulk collection.
- The bill adds a sunset date to NSLs requiring that Congress reauthorize the government's authority thereby ensuring proper congressional review.