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October 31, 2013

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## **Senate Intelligence Committee Approves FISA Improvements Act**

*Increases privacy protections, oversight, transparency of critical intelligence programs*

*Imposes criminal penalties for unauthorized access to call-records data*

*Washington*—The Senate Intelligence Committee today approved the *FISA Improvements Act* by a vote of 11-4.

The bipartisan legislation increases privacy protections and public transparency of the National Security Agency call-records program in several ways, while preserving the operational effectiveness and flexibility of this vital national security program. The legislation:

- Prohibits the collection of bulk communication records under Section 215 of the USA PATRIOT Act except under specific procedures and restrictions set forth

in the bill;

- Establishes criminal penalties of up to 10 years in prison for intentional unauthorized access to data acquired under the Foreign Intelligence Surveillance Act (FISA) by the United States;
- Prohibits the bulk collection of the content of communications under Section 215 of the USA PATRIOT Act;
- Requires an annual public report of the total number of queries of NSA's telephone metadata database and the number of times the program leads to an FBI investigation or probable cause order;
- Requires that the Foreign Intelligence Surveillance Court impose limits on the number of people at NSA who may authorize or query the call-records database;
- Prohibits any review of bulk communication records acquired under Section 215 of the USA PATRIOT Act unless there is a “reasonable articulable suspicion” of association with international terrorism;
- Requires that records of each “reasonable articulable suspicion” determination be provided to the FISA Court for review. If the Court disapproves, it may order the destruction of any records produced;
- Mandates the FISA Court impose a limit on the number of contacts (i.e., “hops”) an analyst can receive in response to a query of bulk communication records acquired under Section 215 of the USA PATRIOT Act; and
- Imposes a five-year limit on the retention of bulk communication records

acquired under Section 215 of the USA PATRIOT Act and requires Attorney General approval to query records that are older than three years.

**The bill also increases privacy protections and oversight of other intelligence activities:**

- Requires reporting to Congress on all violations of law or executive order by intelligence agencies;
- Requires Attorney General-approved procedures for intelligence collection under Executive Order 12333—including those collection activities conducted abroad and aimed at non-U.S. persons—undergo a review process every five years;
- Requires Senate confirmation of the NSA director and NSA inspector general; and
- Authorizes the FISA Court to designate outside “Amicus Curiae” (“Friends of the Court”) to provide independent perspectives and assist the court in reviewing matters that present a novel or significant interpretation of the law.

Chairman Dianne Feinstein (D-Calif.) said: **“The NSA call-records program is legal and subject to extensive congressional and judicial oversight, and I believe it contributes to our national security. But more can and should be done to increase transparency and build public support for privacy protections in place.**

**“Today the committee passed a bipartisan bill to do just that. The threats we face—from terrorism, proliferation and cyber attack, among others—are real, and they will continue. Intelligence is necessary to protect our national and economic security, as well as to stop attacks against our friends and allies around the world.**

**“This committee has conducted considerable oversight of FISA programs, both before and after recent leaks, and I believe the reforms in this bill are prudent, responsible and meaningful. I look forward to working with Chairman Leahy and the members of the Senate Judiciary Committee to move legislation to the Senate floor as soon as possible.”**

Vice Chairman Saxby Chambliss (R-Ga.) said: **“I am pleased the bill to modify key parts of the Foreign Intelligence Surveillance Act was passed out of the Intelligence Committee today. As Congress has known for years, these NSA**

**intelligence collection programs are vital to our national security and must continue.**

**“At the same time, the American people deserve to know that their privacy will be protected under these legal and necessary programs. This bill accomplishes our goals of increased transparency and improved privacy protections, while maintaining operational effectiveness and flexibility for the intelligence community.”**

Full text of the *FISA Improvements Act* will be available on the intelligence committee’s website soon. The Senate Judiciary Committee, which shares jurisdiction over FISA, is expected to consider separate legislation this fall.

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