

108TH CONGRESS
1ST SESSION

H. R. 1157

To amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2003

Mr. SANDERS (for himself, Mr. PAUL, Mr. DEFazio, Mr. BLUMENAUER, Mr. OWENS, Ms. LEE, Mr. FARR, Mr. TOWNS, Mr. GRIJALVA, Mr. CONYERS, Mr. McDERMOTT, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. OLVER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. MCGOVERN, Ms. BALDWIN, Ms. WATERS, Mr. FORD, Mr. LIPINSKI, Mr. STARK, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom to Read Pro-
3 tection Act of 2003”.

4 **SEC. 2. EXEMPTION OF BOOKSTORES AND LIBRARIES**
5 **FROM ORDERS REQUIRING THE PRODUC-**
6 **TION OF ANY TANGIBLE THINGS FOR CER-**
7 **TAIN FOREIGN INTELLIGENCE INVESTIGA-**
8 **TIONS.**

9 Section 501 of the Foreign Intelligence Surveillance
10 Act of 1978 (50 U.S.C. 1861) is amended by adding at
11 the end the following new subsection:

12 “(f)(1) No application may be made under this sec-
13 tion with either the purpose or effect of searching for, or
14 seizing from, a bookseller or library documentary mate-
15 rials that contain personally identifiable information con-
16 cerning a patron of a bookseller or library.

17 “(2) Nothing in this subsection shall be construed as
18 precluding a physical search for documentary materials re-
19 ferred to in paragraph (1) under other provisions of law,
20 including under section 303.

21 “(3) In this subsection:

22 “(A) The term ‘bookseller’ means any person or
23 entity engaged in the sale, rental or delivery of
24 books, journals, magazines or other similar forms of
25 communication in print or digitally.

1 “(B) The term ‘library’ has the meaning given
2 that term under section 213(2) of the Library Serv-
3 ices and Technology Act (20 U.S.C. 9122(2)) whose
4 services include access to the Internet, books, jour-
5 nals, magazines, newspapers, or other similar forms
6 of communication in print or digitally to patrons for
7 their use, review, examination or circulation.

8 “(C) The term ‘patron’ means any purchaser,
9 renter, borrower, user or subscriber of goods or serv-
10 ices from a library or bookseller.

11 “(D) The term ‘documentary materials’ means
12 any document, tape or other communication created
13 by a bookseller or library in connection with print or
14 digital dissemination of a book, journal, magazine,
15 newspaper, or other similar form of communication,
16 including access to the Internet.

17 “(E) The term ‘personally identifiable informa-
18 tion’ includes information that identifies a person as
19 having used, requested or obtained specific reading
20 materials or services from a bookseller or library.”.

21 **SEC. 3. EXPANSION OF REPORTING REQUIREMENTS UNDER**

22 **FISA.**

23 Section 502 of the Foreign Intelligence Surveillance
24 Act of 1978 (50 U.S.C. 1862) is amended by striking sub-
25 sections (a) and (b) and inserting the following:

1 “(a) On a semiannual basis, the Attorney General
2 shall fully inform the appropriate congressional commit-
3 tees concerning all requests for the production of tangible
4 things under section 501, including with respect to the
5 preceding 6-month period—

6 “(1) the total number of applications made for
7 orders approving requests for the production of tan-
8 gible things under section 501; and

9 “(2) the total number of such orders either
10 granted, modified, or denied.

11 “(b) In informing the appropriate congressional com-
12 mittees under subsection (a), the Attorney General shall
13 include the following:

14 “(1) A description with respect to each applica-
15 tion for an order requiring the production of any
16 tangible things for the specific purpose for such pro-
17 duction.

18 “(2) An analysis of the effectiveness of each ap-
19 plication that was granted or modified in protecting
20 citizens of the United States against terrorism.

21 “(c) In a manner consistent with the protection of
22 the national security of the United States, the Attorney
23 General shall make public the information provided to the
24 appropriate congressional committees under subsection
25 (a).

1 “(d) In this section, the term ‘appropriate congres-
2 sional committees’ means—

3 “(1) the Permanent Select Committee on Intel-
4 ligence of the House of Representatives and the Se-
5 lect Committee on Intelligence of the Senate; and

6 “(2) the Committees on the Judiciary of the
7 House of Representatives and the Senate.”.

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