

114TH CONGRESS
1ST SESSION

H. R. 2108

To require reports submitted to Congress under the Foreign Intelligence Surveillance Act of 1978 to also be submitted to the Privacy and Civil Liberties Oversight Board.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

Mr. HIMES 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 require reports submitted to Congress under the Foreign Intelligence Surveillance Act of 1978 to also be submitted to the Privacy and Civil Liberties Oversight Board.

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 “Privacy and Civil Lib-
5 erties Oversight Enhancement Act”.

1 **SEC. 2. SUBMISSION OF REPORTS UNDER THE FOREIGN IN-**
2 **TELLIGENCE SURVEILLANCE ACT OF 1978 TO**
3 **THE PRIVACY AND CIVIL LIBERTIES OVER-**
4 **SIGHT BOARD.**

5 (a) REFERENCES.—Except as otherwise expressly
6 provided, whenever in this Act an amendment or repeal
7 is expressed in terms of an amendment to, or repeal of,
8 a section or other provision, the reference shall be consid-
9 ered to be made to a section or other provision of the For-
10 eign Intelligence Surveillance Act of 1978 (50 U.S.C.
11 1801 et seq.).

12 (b) FOREIGN INTELLIGENCE SURVEILLANCE COURT
13 RULES.—Section 103(g)(2) (50 U.S.C. 1803(g)(2)) is
14 amended by adding at the end the following new subpara-
15 graph:

16 “(H) The Privacy and Civil Liberties Oversight
17 Board.”.

18 (c) REPORT OF ELECTRONIC SURVEILLANCE.—Sec-
19 tion 107 (50 U.S.C. 1807) is amended in the matter pre-
20 ceding paragraph (1) by striking “Administrative Office
21 of the United States Court and to Congress” and inserting
22 “Administrative Office of the United States Court, Con-
23 gress, and the Privacy and Civil Liberties Oversight
24 Board”.

25 (d) OVERSIGHT OF ELECTRONIC SURVEILLANCE.—
26 Section 108 (50 U.S.C. 1808) is amended—

1 (1) in the heading, by striking “**CONGRES-**
2 **SIONAL**”; and

3 (2) in subsection (a)(1), by striking “the House
4 Permanent Select Committee on Intelligence and the
5 Senate Select Committee on Intelligence, and the
6 Committee on the Judiciary of the Senate,” and in-
7 serting “the Permanent Select Committee on Intel-
8 ligence and the Committee on the Judiciary of the
9 House of Representatives, the Select Committee on
10 Intelligence and the Committee on the Judiciary of
11 the Senate, and the Privacy and Civil Liberties
12 Oversight Board”.

13 (e) OVERSIGHT OF PHYSICAL SEARCHES.—Section
14 306 (50 U.S.C. 1826) is amended—

15 (1) in the heading, by striking “**CONGRES-**
16 **SIONAL**”; and

17 (2) in the matter preceding paragraph (1)—

18 (A) in the first sentence, by striking “the
19 Permanent Select Committee on Intelligence of
20 the House of Representatives and the Select
21 Committee on Intelligence of the Senate, and
22 the Committee on the Judiciary of the Senate,”
23 and inserting “the Permanent Select Committee
24 on Intelligence of the House of Representatives,
25 the Select Committee on Intelligence of the

Senate, the Committees on the Judiciary of the House of Representatives and the Senate, and the Privacy and Civil Liberties Oversight Board”; and

(B) in the second sentence, by striking “those committees and the Committee on the Judiciary of the House of Representatives” and inserting “those committees and the Privacy and Civil Liberties Oversight Board”.

(f) OVERSIGHT OF PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406 (50 U.S.C. 1846) is amended—

(1) in the heading, by striking “**CONGRESSIONAL**”;

(2) in subsection (a), by striking “the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” and inserting “the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committees on the Judiciary of the House of Represent-

1 atives and the Senate, and the Privacy and Civil
2 Liberties Oversight Board”; and

3 (3) in subsection (b), by striking “the commit-
4 tees referred to in subsection (a) and to the Commit-
5 tees on the Judiciary of the House of Representa-
6 tives and the Senate” and inserting “the committees
7 referred to in subsection (a) and the Privacy and
8 Civil Liberties Oversight Board”.

9 (g) OVERSIGHT OF PRODUCTION OF CERTAIN BUSI-
10 NESS RECORDS.—Section 502 (50 U.S.C. 1862) is amend-
11 ed—

12 (1) in the heading, by striking “**CONGRES-**
13 **SIONAL**”;

14 (2) in subsection (a), by striking “the Perma-
15 nent Select Committee on Intelligence of the House
16 of Representatives and the Select Committee on In-
17 telligence and the Committee on the Judiciary of the
18 Senate” and inserting “the Permanent Select Com-
19 mittee on Intelligence of the House of Representa-
20 tives, the Select Committee on Intelligence of the
21 Senate, the Committees on the Judiciary of the
22 House of Representatives and the Senate, and the
23 Privacy and Civil Liberties Oversight Board”; and

24 (3) in subsection (b), by striking “the House
25 and Senate Committees on the Judiciary and the

1 House Permanent Select Committee on Intelligence
2 and the Senate Select Committee on Intelligence”
3 and inserting “the Permanent Select Committee on
4 Intelligence of the House of Representatives, the Se-
5 lect Committee on Intelligence of the Senate, the
6 Committees on the Judiciary of the House of Rep-
7 resentatives and the Senate, and the Privacy and
8 Civil Liberties Oversight Board”.

9 (h) SEMIANNUAL REPORT OF THE ATTORNEY GEN-
10 ERAL.—Section 601 (50 U.S.C. 1871) is amended—

11 (1) in subsection (a), by striking “and the Com-
12 mittees on the Judiciary of the House of Represent-
13 atives and the Senate,” and inserting “the Commit-
14 tees on the Judiciary of the House of Representa-
15 tives and the Senate, and the Privacy and Civil Lib-
16 erties Oversight Board”;

17 (2) in subsection (c), by inserting “and the Pri-
18 vacy and Civil Liberties Oversight Board” after
19 “subsection (a)”; and

20 (3) in subsection (d), by inserting “and the Pri-
21 vacy and Civil Liberties Oversight Board” after
22 “subsection (a)”.

23 (i) PROCEDURES FOR TARGETING CERTAIN PERSONS
24 OUTSIDE THE UNITED STATES OTHER THAN UNITED

1 STATES PERSONS.—Section 702(l) (50 U.S.C. 1881a(l))
2 is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (A), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (B)(ii), by striking
7 the period and inserting “; and”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(C) the Privacy and Civil Liberties Over-
11 sight Board.”;

12 (2) in paragraph (2)(D)—

13 (A) in clause (ii), by striking “; and” and
14 inserting a semicolon;

15 (B) in clause (iii)(II), by striking the pe-
16 riod and inserting “; and”; and

17 (C) by adding at the end the following new
18 clause:

19 “(iv) the Privacy and Civil Liberties
20 Oversight Board.”; and

21 (3) in paragraph (3)(C)—

22 (A) in clause (iii), by striking “; and” and
23 inserting a semicolon;

24 (B) in clause (iv)(II), by striking the pe-
25 riod and inserting “; and”; and

1 (C) by adding at the end the following new
2 clause:

3 “(v) the Privacy and Civil Liberties
4 Oversight Board.”.

5 (j) OVERSIGHT OF PROCEDURES FOR TARGETING
6 CERTAIN PERSONS OUTSIDE THE UNITED STATES
7 OTHER THAN UNITED STATES PERSONS.—Section
8 707(a) (50 U.S.C. 1881f(a)) is amended—

9 (1) in the heading, by striking “**CONGRES-**
10 **SIONAL**”; and

11 (2) by inserting “and the Privacy and Civil Lib-
12 erties Oversight Board” before “concerning the im-
13 plementation of this title”.

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