

116TH CONGRESS
1ST SESSION

S. 936

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 SENATE OF THE UNITED STATES

MARCH 28, 2019

Mr. WYDEN (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 of 2019”.

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

5 (a) IN GENERAL.—Subsection (a) of section 501 of
 6 the Foreign Intelligence Surveillance Act of 1978 (50
 7 U.S.C. 1861) is amended by adding at the end the fol-
 8 lowing:

9 “(4) The authority under paragraph (1) shall not in-
 10 clude an application for an order requiring the produc-
 11 tion—

12 “(A) on an ongoing basis of any tangible
 13 things; or

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

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

19 (1) in section 501 (50 U.S.C. 1861)—

20 (A) in subsection (b)(2)—

21 (i) by striking subparagraph (C);

22 (ii) in subparagraph (B), by striking
 23 “in the case of” and all that follows
 24 through “in subparagraph (C)),”;

25 (iii) by redesignating subparagraph
 26 (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)”;

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 501 of the Foreign Intelligence Sur-
9 veillance Act of 1978 (50 U.S.C. 1861) on or after such
10 date.

