

down the report by calendar quarters or any other time periods greater than a calendar quarter.

(d) **LIMITATION ON LIABILITY.**—An electronic service provider making a report that the provider reasonably believes in good faith is authorized by this section is not criminally or civilly liable in any court for making that report.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit disclosures other than those authorized by this section.

(f) **DEFINITIONS.**—In this section:

(1) The term “electronic service provider” means a provider of an electronic communications service (as that term is defined in section 2510 of title 18, United States Code) or a provider of a remote computing service (as that term is defined in section 2711 of title 18, United States Code).

(2) The term “surveillance law” means any provision of any of the following:

(A) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(B) Section 802(a) of the National Security Act of 1947 (50 U.S.C. 3162(a)).

(C) Section 2709 of title 18, United States Code.

(D) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(E) Subsections (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u).

SEC. 602. GOVERNMENT REPORTING OF FISA ORDERS.

(a) **ELECTRONIC SURVEILLANCE.**—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807) is amended—

(1) by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively;

(2) in the matter preceding paragraph (1) (as redesignated by paragraph (1) of this subsection)—

(A) by striking “In April” and inserting “(a) In April”; and

(B) by striking “Congress” and inserting “the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives”;

(3) in subsection (a) (as designated by paragraph (2) of this subsection)—

(A) in paragraph (1) (as redesignated by paragraph (1) of this subsection), by striking “and” at the end;

(B) in paragraph (2) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) the total number of individuals who were subject to electronic surveillance conducted under an order entered under this title, rounded to the nearest 100; and

“(4) the total number of United States persons who were subject to electronic surveillance conducted under an order entered under this title, rounded to the nearest 100.”; and

(4) by adding at the end the following new subsection:

“(b)(1) Each report required under subsection (a) shall be submitted in unclassified form.

“(2) Not later than 7 days after a report is submitted under subsection (a), the Attorney General shall make such report publicly available.”.

(b) **PEN REGISTER AND TRAP AND TRACE DEVICES.**—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(4) a good faith estimate of the total number of individuals whose electronic or wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title, rounded to the nearest 100; and

“(5) a good faith estimate of the total number of United States persons whose electronic or wire communications information was obtained through the use of a pen register or trap and trace devices authorized under an order entered under this title, rounded to the nearest 100.”; and

(2) by adding at the end the following new subsection:

“(c)(1) Each report required under subsection (b) shall be submitted in unclassified form.

“(2) Not later than 7 days after a report is submitted under subsection (b), the Attorney General shall make such report publicly available.”.

(c) **ACCESS TO CERTAIN BUSINESS RECORDS.**—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (b)(3), by adding at the end the following new subparagraphs:

“(F) Records concerning electronic communications.

“(G) Records concerning wire communications.”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

“(C) a good faith estimate of the total number of individuals whose tangible things were produced under an order entered under section 501, rounded to the nearest 100; and

“(D) a good faith estimate of the total number of United States persons whose tangible things were produced under an order entered under section 501, rounded to the nearest 100.”; and

(B) by adding at the end the following new paragraph:

“(3) Not later than 7 days after the date on which a report is submitted under paragraph (1), the Attorney General shall make such report publicly available.”.

(d) **ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.**—Section 707 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f) is amended by adding at the end the following new subsection:

“(c) **ADDITIONAL ANNUAL REPORT.**—

(1) **REPORT REQUIRED.**—In April of each year, the Attorney General shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding year—

“(A) the total number of—

“(i) directives issued under section 702;

“(ii) orders granted under section 703; and

“(iii) orders granted under section 704;

“(B) good faith estimates of the total number of individuals, rounded to the nearest 100, whose electronic or wire communications or communications records were collected pursuant to—

“(i) an order granted under section 703; and

“(ii) an order granted under section 704; and

“(C) good faith estimates of the total number, rounded to the nearest 100, of United States persons whose electronic or wire com-

munications or communications records were collected pursuant to—

“(i) an order granted under section 703; and

“(ii) an order granted under section 704.

“(2) **FORM.**—Each report required under paragraph (1) shall be submitted in unclassified form.

“(3) **PUBLIC AVAILABILITY.**—Not later than 7 days after the date on which a report is submitted under paragraph (1), the Attorney General shall make such report publicly available.”.

TITLE VII—OTHER MATTERS

SEC. 701. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY.

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended—

(1) in paragraph (1)(D), by striking “submit a written request to the Attorney General of the United States that the Attorney General”;

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3).

SEC. 702. SCOPE OF LIABILITY PROTECTION FOR PROVIDING ASSISTANCE TO THE GOVERNMENT.

Section 802 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1885a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “and except as provided in subsection (j),” after “law.”; and

(2) by adding at the end the following:

“(j) **VIOLATION OF USER AGREEMENTS.**—Subsection (a) shall not apply to assistance provided by a person if the provision of assistance violates a user agreement, including any privacy policy associated with the user agreement, in effect at the time the assistance is provided between the person and the person relating to whom the assistance was provided.”.

SA 1461. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 113(b), strike “The Secretary shall” and insert “Not later than 90 days after the date of the enactment of this Act, the Secretary shall”.

SA 1462. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 112(b), strike “The Secretary shall” and insert “Not later than 90 days after the date of the enactment of this Act, the Secretary shall”.

ORDERS FOR TUESDAY, JUNE 2, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 9:30 a.m., Tuesday, June 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate then resume consideration of H.R. 2048; and finally, that the filing deadline for all second-degree amend-

ments to H.R. 2048 be at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, under the regular order, the cloture vote will occur at 10:30 in the morning.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Tuesday, June 2, 2015, at 9:30 a.m.