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

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

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 Representatives of the United States of America in Congress assembled,

2  SECTION 1. SHORT TITLE.

3  This Act may be cited as the “Ending Mass Collection of Americans’ Phone Records Act of 2019”.

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SEC. 2. REPEAL OF AUTHORITY TO ACCESS ON AN ONGOING BASIS BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

(a) In General.—Subsection (a) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“(4) The authority under paragraph (1) shall not include an application for an order requiring the production—

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

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

(b) Conforming Amendments.—Such Act is amended—

(1) in section 501 (50 U.S.C. 1861)—

(A) in subsection (b)(2)—

(i) by striking subparagraph (C);

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

(iii) by redesignating subparagraph (D) as subparagraph (C); and
(iv) in subparagraph (B)(iii), by striking the semicolon at the end and inserting "; and";

(B) in subsection (c)—

(i) in paragraph (1), by striking "with subsection (b)(2)(D)" and inserting "with subsection (b)(2)(C)"; and

(ii) in paragraph (2), by striking subparagraph (F) and inserting the following:

"(F) in the case of an application for call detail records, shall direct the Government—

"(i) to adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and

"(ii) to destroy all call detail records produced under the order as prescribed by such procedures.";

(C) by amending subsection (j) to read as follows:

"(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for providing technical assistance to the Government under this section."; and
(D) in subsection (k)(4)(B), by striking “For purposes of an application submitted under subsection (b)(2)(C)” and inserting “In the case of an application for a call detail record”;

(2) in section 502(b) (50 U.S.C. 1862(b))—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(3) in section 603(b)(6) (50 U.S.C. 1873(b)(6))—

(A) in the matter before subparagraph (A), by striking “under section 501(b)(2)(C)” and inserting “under section 501(b)(2)(B)”;

(B) in subparagraph (C), by striking “any database of”; and

(4) in section 604(a)(1)(F) (50 U.S.C. 1874(a)(1)(F))—

(A) by striking clause (iii);

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) in clause (i), by striking the semicolon and inserting “; and”.
(c) TECHNICAL CORRECTION.—Paragraph (3) of section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended by indenting such paragraph 2 ems to the left.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to applications made under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) on or after such date.