

Title	<del>"The Cotton Bill"</del>	FISA Amendments Reauthorization Act of 2017	USA Liberty Act of 2017	The USA RIGHTS Act	
<b>Description</b>	<del>To make title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and for other purposes</del>	To extend the FISA Amendments Act of 2008 for 8 years, and for other purposes	To amend the Foreign Intelligence Surveillance Act of 1978 to clarify and improve the procedures and accountability for authorizing certain acquisitions of foreign intelligence, to extend title VII of such Act, to ensure that the barriers to sharing critical foreign intelligence among the intelligence community that existed before September 11, 2001, are not reimposed, and for other purposes	To amend the Foreign Intelligence Surveillance Act of 1978 to protect privacy rights and for other purposes.	
<b>Bill ID</b>	<del>S. 1297</del>	S. 2010	H.R. 3989	S. 1997	
<b>Links</b>	<del><a href="http://bit.ly/S1297">http://bit.ly/S1297</a></del>	<a href="http://bit.ly/FISAS2010">http://bit.ly/FISAS2010</a> <a href="http://bit.ly/2iEUbei">http://bit.ly/2iEUbei</a>	<a href="http://bit.ly/HR3989">http://bit.ly/HR3989</a> <a href="http://bit.ly/2iDtOpc">http://bit.ly/2iDtOpc</a>	<a href="http://bit.ly/S1997">http://bit.ly/S1997</a> ; <a href="http://bit.ly/2yTUUpUZ">http://bit.ly/2yTUUpUZ</a>	
<b>Sponsors</b>	<del>Tom Cotton (R-AR) Richard Burr (R-NC) James Risch (R-ID) Marco Rubio (R-FL) Susan Collins (R-ME) Roy Blunt (R-MO) James Lanford (R-OK) John Cornyn (R-TX) John McCain (R-AZ) Thom Tillis (R-NC) Pat Roberts (R-KS) Lindsey Graham (R-SC) John Thune (R-SD) David Perdue (R-GA)</del>	Richard Burr (R-NC)	Bob Goodlatte (R-VA) John Conyers (D-MI) James Sensenbrenner (R-WI) Jerrold Nadler (D-NY) Lamar Smith (R-TX) Sheila Jackson Lee (D-TX) Doug Collins (R-GA) Henry Johnson (D-GA) John Rutherford (R-FL) Theodore Deutch (D-FL) Steve Chabot (R-OH) Jamie Raskin (D-MD) Mike Johnson (R-LA)	Ron Wyden (D-OR) Rand Paul (R-KY) Tom Udall (D-NM) Tammy Baldwin (D-WI) Martin Heinrich (D-NM) Mazie Hirono (D-HI) Jeff Merkley (D-OR) Edward Markey (D-MA) Bernie Sanders (I-VT) Elizabeth Warren (D-MA) Jon Tester (D-MT) Dean Heller (R-NV) Mike Lee (R-UT) Steve Daines (R-MT) Al Franken (D-MN)	Zoe Lofgren (D-CA) Ted Poe (R-TX) Beto O'Rourke (D-TX) Justin Amash (R-MI) Ted Lieu (D-CA) Thomas Massie (R-KY)
<b>Committees</b>	<del>Judiciary</del>	Intelligence	Homeland Security/Intelligence /Judiciary/Oversight & Government Reform		
<b>Introduced</b>	<del>2017/06/06</del>	2017/10/25	2017/10/06	2017/10/24	
<b>Hearing</b>	<del>2017/06/27</del>				
<b>Mark-up</b>		2017/10/24 passed 12-3			
<b>Referrals</b>		2017/10/25 to Senate	2017/10/16 to subcommittees	2017/10/24 S. 1997 to Judiciary Committee	

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<b>Sunset Date</b>				
Sunset Date	<del>None</del>	2025 - 8 years	2023 - 6 years	2021 - 4 years
<b>Protect Privacy and Civil Liberties</b>				
Backdoor Searches	<del>No change</del>		Must have good legitimate reasons for national security investigations	Prohibits querying of US person unless there is order, with some exceptions
Reverse Targeting	<del>No change</del>			Requires warrant when significant purpose of targeting is a person in the U.S.
"About" Collection	<del>No change</del>	Resumes and authorizes "abouts" collection with congressional oversight upon request, but may not intentionally acquire; adds definitions	Prohibits explicitly by law of a practice that recently ceased, but may be reviewed in 6 years	Prohibits explicitly by law of a practice that recently ceased
Domestic communications	<del>No change</del>			Prohibits using 702 to collect communications that are entirely domestic
Misuse of information on Americans	<del>No change</del>	Prohibits the use of 702 information of a U.S. person against that U.S. person in a domestic lawsuit except as evidence of an enumerated crime.	Must have court order based on probable cause to look at content of communications, with exceptions about lives, safety, previous court-order, and metadata	Prohibits use of communications under 702 about US person in proceedings or investigation
Prevents Abuse of Unmasking	<del>No change</del>		Requires record keeping to ensure Congressional oversight and Americans' privacy	
Purging of Information	<del>No change</del>		Requires NSA and AG to sign certification that 702 data not containing foreign intelligence information are purged	
Standing	<del>No change</del>			Confers standing to challenge constitutionality of surveillance
<b>Oversight and Transparency</b>				
Criminal selector	<del>No change</del>		Requires a report on DOJ inquiries that	

<b>Privacy and Civil Liberties Oversight Board</b>	No change	Excludes PCLOB as an official agency in US Code; exempts PCLOB from public hearings	resulted in a criminal selector having a "hit" in 702 database Allows staff hiring and work when not all 5 members nominated and confirmed	Expands PCLOB mandate to receive whistleblower complaints, independent subpoena authority, full-time staffing, and requires DOJ keeping PCLOB informed
<b>Whistleblower protection</b>	No change		Extends protection from government employees to private contractors	Expands PCLOB mandate to receive whistleblower complaints
<b>FISC Amici</b>	No change	requires the appointment of an amicus under the presumed resumption of the "abouts" collection program	Codifies FISC designation of an amicus curiae to represent civil liberties concerns regarding 702 annual certification, allowing no designation with documented reasons	Strengthens role of amicus curiae to raise issue, refer to Supreme Court, report statistics on referrals, collaborate, provide public notice, accept briefs, assist FISC in review
<b>FISC Judge Selection</b>	No change			Each of 13 judicial circuits to appoint one judge instead of by Chief Justice; Court of Review requires at least 5 Supreme Court justices
<b>FISA Court Reporting</b>	No change			Requires study to ensure judges are diverse and representative
<b>Unsealing FISC Opinions</b>	No change			Requires declassification of interpretations of law or language by FISC, including pre-2015
<b>Parallel Construction</b>	No change			Ensures that FISA cannot be used to build criminal cases without notice to criminal defendants
<b>FISA Court oversight</b>	No change			Requires all forms of assistance with 702 surveillance by internet companies must be approved by FISC. Assistance must be necessary, narrowly tailored, and pose no undue burden on the providers or customers
<b>Provider Transparency</b>	No change			Requires recipients of FISA directives to publish rough number of directives to allow for more meaningful reporting
<b>702 Target Transparency</b>	No change	Requires report on the number of people, non-US persons, US persons, targeted under 702, the number of criminal proceedings in the U.S. at the federal, state or local level that received notice of an intent to		Requires DNI to annually publish description of the subject matter of certifications and statistics on the number of persons targeted under each certification

<p><b>702 FBI Statistics</b></p>	<p>No change</p>	<p>use 702 information as evidence Requires report on the number of FBI queries on 702 databases for criminal evidence unrelated to foreign intelligence resulting in positive hits, the number of domestic FBI investigations authorized partially or entirely based on 702 information</p>	<p>Requires FBI to report on number of US person queries of 702</p>
<p><b>702 Statistics on swept-up Americans</b></p>	<p>No change</p>		<p>Requires DNI to report to Congress twice a year on the number of US persons in incidental collection; number of unmasking requests of US persons; number of requests resulting in dissemination of unmasked US person identities</p> <p>Requires DNI to publish an estimate of the number of persons or communications to a US person, with some exceptions due to technical impossibility with unclassified explanation</p>
<b>Accountability</b>			
<p><b>Material breaches</b></p>	<p>No change</p>	<p>Requires the intelligence agencies involved in the acquisition of “abouts” communication to report material breaches to House and Senate Judiciary Committees and Committees on Intelligence.</p>	
<p><b>Unauthorized removal and retention of classified information</b></p>	<p>No change</p>		<p>Raises penalty from “up to one year” to “up to 5 years”</p>
<p><b>Criminal Sanctions and Damage Recovery</b></p>	<p>No change</p>		
<b>National Security</b>			
<p><b>Emergency Provision</b></p>	<p>No change</p>	<p>Allows the AG to target known U.S. persons for the purpose of gathering foreign intelligence without a FISC order under Section 705 conditions</p>	

<b>Domestic Information Sharing</b>	No change	States that federal government should share national security and foreign intelligence information among the intelligence community to thwart terror plots
<b>Foreign Information Sharing</b>	No change	States that the US should share 702 information with allies to combat terrorism

Last updated: October 31, 2017