

# #USA Freedom Act

HOUSE JUDICIARY COMMITTEE | Chairman Bob Goodlatte

## USA Freedom Act – What’s Different in the New Bill? More protections for civil liberties while protecting national security

113th Congress – H.R. 3361 <i>Good</i>	114th Congress – H.R. 2048 <i>Even Better</i>
<p><b>Protects Americans’ Privacy</b></p> <ul style="list-style-type: none"> <li>• Ends bulk collection.</li> </ul>	<p><b>Strengthens Privacy Protections</b></p> <ul style="list-style-type: none"> <li>• Ends bulk collection <i>and</i> strengthens the definition of “Specific Selection Term” to prohibit the government from seeking large-scale, indiscriminate collection, such as all records from an entire state, city, or even zip codes.</li> </ul>
<p><b>Increases Transparency</b></p> <ul style="list-style-type: none"> <li>• Creates an amicus curiae in the FISA Court. This amicus would be chosen from a panel of legal experts to help ensure the court adequately considers privacy concerns and the constitutional rights of Americans when reviewing the government’s request for records.</li> <li>• Allows American tech companies to disclose information about FISA orders.</li> <li>• Requires additional government reporting to Congress.</li> </ul>	<p><b>Even More Transparency</b></p> <ul style="list-style-type: none"> <li>• Provides for amicus curiae when presented with a novel or significant interpretation of law, and allows for amici guidance on privacy and civil liberties, communications technology, and other technical or legal matters. Requires the FISC to report to Congress when it chooses not to appoint an amicus when faced with a novel or significant interpretation of the law.</li> <li>• Allows American tech companies to publically disclose certain information about FISA orders, including an additional band of reporting. Also gives tech companies a range of options for describing how they respond to national security orders, all consistent with national security needs.</li> <li>• Expands government reporting of national security process to provide greater detail about how FISA authorities are used, including more information about how Americans are impacted under these authorities.</li> </ul>
<p><b>National Security Letter Reform</b></p> <ul style="list-style-type: none"> <li>• Requires a “Specific Selection Term” be used as the basis for seeking records under the various National Security Letter statutes.</li> </ul>	<p><b>Additional NSL Reform</b></p> <ul style="list-style-type: none"> <li>• Strengthens the “Specific Selection Term” definition for each NSL statute.</li> <li>• Addresses constitutional concerns and codifies procedures for challenging NSL nondisclosure. Requires the government to periodically review standing NSL nondisclosure orders to determine if they are still necessary.</li> </ul>
<p><b>Protects National Security</b></p> <ul style="list-style-type: none"> <li>• The bill provides for the emergency use of Section 215.</li> </ul>	<p><b>Even Stronger National Security Provisions</b></p> <ul style="list-style-type: none"> <li>• The bill allows for continued monitoring of a foreign national for up to 72 hours under certain limited circumstances when he or she initially enters the United States. This ensures that potential national security threats, such as ISIL terrorists, won’t be able to “go dark” in the U.S.</li> <li>• Increases the statutory maximum prison sentence to 20 years for providing material support or resources to a designated foreign terrorist organization.</li> <li>• Enhances investigations of international proliferation of weapons of mass destruction.</li> <li>• Protects United States’ maritime activities from nuclear, weapons of mass destruction, and other threats by implementing the obligations of various treaties to which the United States is a party.</li> <li>• The bill preserves the traditional operational use of intelligence-gathering authorities by the FBI and other intelligence agencies.</li> <li>• Reauthorizes Section 215, roving wiretaps and lone wolf definition to December 2019.</li> </ul>