

Amendment #2
Passed voice vote

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3361**

**OFFERED BY MS. DELBEVE, MR. GODDLETTE +
MR. SENSENBRENNER**

At the appropriate place in title VI, insert the following new section:

1 **SEC. ____ . PUBLIC REPORTING BY PERSONS SUBJECT TO**
2 **FISA ORDERS.**

3 (a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.),
4 as amended by section 603 of this Act, is further amended
5 by adding at the end the following new section:

6 **“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO**
7 **ORDERS.**

8 “(a) REPORTING.—A person may semiannually pub-
9 licly report the following information with respect to the
10 preceding half year using one of the following structures:

11 “(1) A report that aggregates the number of or-
12 ders or directives the person was required to comply
13 with in the following separate categories:

14 “(A) Criminal process, subject to no re-
15 strictions.

16 “(B) The number of national security let-
17 ters received, reported in bands of 1000 start-
18 ing with 0-999.

1 “(C) The number of customer accounts af-
2 fected by national security letters, reported in
3 bands of 1000 starting with 0-999.

4 “(D) The number of orders under this Act
5 for content, reported in bands of 1000 starting
6 with 0-999.

7 “(E) With respect to content orders under
8 this Act, in bands of 1000 starting with 0-
9 999—

10 “(i) the number of accounts affected
11 under orders under title I; and

12 “(ii) the number of customer selectors
13 targeted under orders under title VII.

14 “(F) The number of orders under this Act
15 for non-content, reported in bands of 1000
16 starting with 0-999.

17 “(G) With respect to non-content orders
18 under this Act, in bands of 1000 starting with
19 0-999—

20 “(i) the number of accounts affected
21 under orders under—

22 “(I) title I;

23 “(II) title IV;

1 “(III) title V with respect to ap-
2 plications described in section
3 501(b)(2)(B); and

4 “(IV) title V with respect to ap-
5 plications described in section
6 501(b)(2)(C); and

7 “(ii) the number of customer selectors
8 targeted under orders under title VII.

9 “(2) A report that aggregates the number of or-
10 ders or directives the person was required to comply
11 with in the following separate categories:

12 “(A) Criminal process, subject to no re-
13 strictions.

14 “(B) The total number of all national secu-
15 rity process received, including all national se-
16 curity letters and orders under this Act, re-
17 ported as a single number in a band of 0-249
18 and thereafter in bands of 250.

19 “(C) The total number of customer selec-
20 tors targeted under all national security process
21 received, including all national security letters
22 and orders under this Act, reported as a single
23 number in a band of 0-249 and thereafter in
24 bands of 250.

1 “(3) A report that aggregates the number of or-
2 ders or directives the person was required to comply
3 with in the following separate categories:

4 “(A) Criminal process, subject to no re-
5 strictions.

6 “(B) The number of national security let-
7 ters received, reported in bands of 500 starting
8 with 0-499.

9 “(C) The number of customer accounts af-
10 fected by national security letters, reported in
11 bands of 500 starting with 0-499.

12 “(D) The number of orders under this Act
13 for content, reported in bands of 500 starting
14 with 0-499.

15 “(E) The number of customer selectors
16 targeted under such orders, in bands of 500
17 starting with 0-499.

18 “(F) The number of orders under this Act
19 for non-content, reported in bands of 500 start-
20 ing with 0-499.

21 “(G) The number of customer selectors
22 targeted under such orders, reported in bands
23 of 500 starting with 0-499.

1 “(b) NATIONAL SECURITY LETTER DEFINED.—The
2 term ‘national security letter’ means any of the following
3 provisions:

4 “(1) Section 2709 of title 18, United States
5 Code.

6 “(2) Section 1114(a)(5)(A) of the Right to Fi-
7 nancial Privacy Act of 1978 (12 U.S.C.
8 3414(a)(5)(A)).

9 “(3) Subsections (a) or (b) of section 626 of the
10 Fair Credit Reporting Act (15 U.S.C. 1681u(a),
11 1681u(b)).

12 “(4) Section 627(a) of the Fair Credit Report-
13 ing Act (15 U.S.C. 1681v(a)).”.

14 (b) TABLE OF CONTENTS AMENDMENT.—The table
15 of contents in the first section, as amended by section 603
16 of this Act, is further amended by inserting after the item
17 relating to section 603, as added by section 603 of this
18 Act, the following new item:

“604. Public reporting by persons subject to orders.”.



