

[108H1157]

.....
(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SANDERS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Read Pro-
5 tection Act of 2005”.



1 **SEC. 2. EXEMPTION OF BOOKSTORES AND LIBRARIES**
2 **FROM ORDERS REQUIRING THE PRODUC-**
3 **TION OF ANY TANGIBLE THINGS FOR CER-**
4 **TAIN FOREIGN INTELLIGENCE INVESTIGA-**
5 **TIONS.**

6 Section 501 of the Foreign Intelligence Surveillance
7 Act of 1978 (50 U.S.C. 1861) is amended by adding at
8 the end the following new subsection:

9 “(f)(1) No application may be made under this sec-
10 tion with either the purpose or effect of searching for, or
11 seizing from, a bookseller or library documentary mate-
12 rials that contain personally identifiable information con-
13 cerning a patron of a bookseller or library.

14 “(2) Nothing in this subsection shall be construed as
15 precluding a physical search for documentary materials re-
16 ferred to in paragraph (1) under other provisions of law,
17 including under section 303.

18 “(3) In this subsection:

19 “(A) The term ‘bookseller’ means any person or
20 entity engaged in the sale, rental or delivery of
21 books, journals, magazines or other similar forms of
22 communication in print or digitally.

23 “(B) The term ‘library’ has the meaning given
24 that term under section 213(2) of the Library Serv-
25 ices and Technology Act (20 U.S.C. 9122(2)) whose
26 services include access to the Internet, books, jour-



1 nals, magazines, newspapers, or other similar forms
2 of communication in print or digitally to patrons for
3 their use, review, examination or circulation.

4 “(C) The term ‘patron’ means any purchaser,
5 renter, borrower, user or subscriber of goods or serv-
6 ices from a library or bookseller.

7 “(D) The term ‘documentary materials’ means
8 any document, tape or other communication created
9 by a bookseller or library in connection with print or
10 digital dissemination of a book, journal, magazine,
11 newspaper, or other similar form of communication,
12 including access to the Internet.

13 “(E) The term ‘personally identifiable informa-
14 tion’ includes information that identifies a person as
15 having used, requested or obtained specific reading
16 materials or services from a bookseller or library.”.

17 **SEC. 3. EXPANSION OF REPORTING REQUIREMENTS UNDER**
18 **FISA.**

19 Section 502 of the Foreign Intelligence Surveillance
20 Act of 1978 (50 U.S.C. 1862) is amended by striking sub-
21 sections (a) and (b) and inserting the following:

22 “(a) On a semiannual basis, the Attorney General
23 shall fully inform the appropriate congressional commit-
24 tees concerning all requests for the production of tangible



1 things under section 501, including with respect to the
2 preceding 6-month period—

3 “(1) the total number of applications made for
4 orders approving requests for the production of tan-
5 gible things under section 501; and

6 “(2) the total number of such orders either
7 granted, modified, or denied.

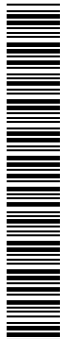
8 “(b) In informing the appropriate congressional com-
9 mittees under subsection (a), the Attorney General shall
10 include the following:

11 “(1) A description with respect to each applica-
12 tion for an order requiring the production of any
13 tangible things for the specific purpose for such pro-
14 duction.

15 “(2) An analysis of the effectiveness of each ap-
16 plication that was granted or modified in protecting
17 citizens of the United States against terrorism.

18 “(c) In a manner consistent with the protection of
19 the national security of the United States, the Attorney
20 General shall make public the information provided to the
21 appropriate congressional committees under subsection
22 (a).

23 “(d) In this section, the term ‘appropriate congres-
24 sional committees’ means—



1 “(1) the Permanent Select Committee on Intel-
2 ligence of the House of Representatives and the Se-
3 lect Committee on Intelligence of the Senate; and

4 “(2) the Committees on the Judiciary of the
5 House of Representatives and the Senate.”.

