

113TH CONGRESS
1ST SESSION

H. R. 3035

To permit periodic public reporting by electronic communications providers and remote computer service providers of certain estimates pertaining to requests or demands by Federal agencies under the provisions of certain surveillance laws where disclosure of such estimates is, or may be, otherwise prohibited by law.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Ms. LOFGREN (for herself, Mr. CHAFFETZ, Mr. CONYERS, Mr. NADLER, Mr. FARENTHOLD, Ms. DELBENE, Mr. POE of Texas, Mr. POLIS, Mr. AMASH, and Mr. MASSIE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select) and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To permit periodic public reporting by electronic communications providers and remote computer service providers of certain estimates pertaining to requests or demands by Federal agencies under the provisions of certain surveillance laws where disclosure of such estimates is, or may be, otherwise prohibited by law.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Surveillance Order Re-
3 porting Act of 2013”.

4 **SEC. 2. REPORTING FISA ORDERS AND NATIONAL SECU-
5 RITY LETTERS.**

6 (a) **IN GENERAL.**—Each electronic service provider
7 may report information to the public in accordance with
8 this section about requests and demands for information
9 made by any Government entity under a surveillance law,
10 and is exempt in accordance with subsection (d) from li-
11 ability with respect to that report, even if such provider
12 would otherwise be prohibited by a surveillance law from
13 reporting that information.

14 (b) **PERIODIC AGGREGATE REPORTS.**—An electronic
15 service provider may report such information not more
16 often than quarterly and only to the following extent:

17 (1) **ESTIMATE OF NUMBERS OF DEMANDS AND
18 REQUESTS MADE.**—The report may reveal an esti-
19 mate of the number of such demands and requests
20 made during the period to which the report pertains.

21 (2) **ESTIMATE OF NUMBERS OF DEMANDS AND
22 REQUESTS COMPLIED WITH.**—The report may reveal
23 an estimate of the numbers of such demands and re-
24 quests the service provider complied with during the
25 period to which the report pertains, regardless of
26 when the demands or requests were made.

1 (3) ESTIMATE OF NUMBER OF USERS OR AC-
2 COUNTS.—The report may reveal an estimate of the
3 numbers of users or accounts, or both, of the service
4 provider, for which information was demanded, re-
5 quested, or provided during the period to which the
6 report pertains.

7 (c) SPECIAL RULES FOR REPORTS.—

8 (1) LEVEL OF DETAIL BY AUTHORIZING SUR-
9 VEILLANCE LAW.—Any estimate disclosed under this
10 section may be an overall estimate or broken down
11 by categories of authorizing surveillance laws or by
12 provisions of authorizing surveillance laws.

13 (2) LEVEL OF DETAIL BY NUMERICAL
14 RANGE.—Each estimate disclosed under this section
15 must be expressed in no greater detail than in a
16 range of 100, rounded to the nearest 100s.

17 (3) REPORT MAY BE BROKEN DOWN BY PERI-
18 ODS NOT LESS THAN CALENDAR QUARTERS.—For
19 any reporting period, the provider may break down
20 the report by calendar quarters or any other time
21 periods greater than a calendar quarter.

22 (d) LIMITATION ON LIABILITY.—A electronic service
23 provider making a report that provider reasonably believes
24 in good faith is authorized by this section is not criminally
25 or civilly liable in any court for making that report.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit disclosures other than
3 those authorized by this section.

4 (f) DEFINITIONS.—In this section:

5 (1) The term “electronic service provider”
6 means an electronic communications service provider
7 (as that term is defined in section 2510 of title 18,
8 United States Code) or a remote computing service
9 provider (as that term is defined in section 2711 of
10 title 18, United States Code).

11 (2) The term “surveillance law” means any pro-
12 vision of any of the following:

13 (A) The Foreign Intelligence Surveillance
14 Act of 1978 (50 U.S.C. 1801 et seq.).

15 (B) Section 802(a) of the National Secu-
16 rity Act of 1947 (50 U.S.C. 436(a)).

17 (C) Section 2709 of title 18, United States
18 Code.

19 (D) Section 1114(a)(5)(A) of the Right to
20 Financial Privacy Act of 1978 (12 U.S.C.
21 3414(a)(5)(A)).

22 (E) Subsections (a) or (b) of section 626
23 of the Fair Credit Reporting Act (15 U.S.C.
24 1681u(a), 1681u(b)).

1 (F) Section 627(a) of the Fair Credit Re-
2 porting Act (15 U.S.C. 1681v(a)).

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