

109TH CONGRESS  
1ST SESSION

# H. R. 1157

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2005

Mr. SANDERS (for himself, Mr. OTTER, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. HOLT, Ms. WATSON, Ms. LEE, Mr. INSLEE, Mr. FARR, Mr. MEEHAN, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. OLVER, Mr. ABERCROMBIE, Mr. MOORE of Kansas, Mr. BLUMENAUER, Mrs. LOWEY, Mr. MARKEY, Mr. KIND, Mr. SERRANO, Mr. McDERMOTT, Mr. OWENS, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. COSTELLO, Mr. HINCHEY, Mr. FILNER, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Ms. WATERS, Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. PAUL, Ms. BALDWIN, Mr. WEXLER, Mr. STARK, Mr. UDALL of Colorado, Ms. SOLIS, Mr. McNULTY, Ms. DELAURO, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. CLAY, Ms. ESHOO, Mr. CONYERS, Ms. CARSON, Mr. KUCINICH, Mr. ALLEN, Mr. LANTOS, Mr. PRICE of North Carolina, Mr. WAXMAN, Mr. LARSON of Connecticut, Mrs. TAUSCHER, Mr. ENGEL, Mr. DOGGETT, Mr. PALLONE, Mrs. CAPPS, Mr. DAVIS of Illinois, Mr. BOUCHER, Mr. ETHERIDGE, Mr. WYNN, Mrs. DAVIS of California, Mr. HONDA, Mr. GUTIERREZ, Mr. DEFazio, Mr. LARSEN of Washington, Mr. PETERSON of Minnesota, Mr. PAYNE, Mr. PASTOR, Mr. SABO, Mr. TAYLOR of Mississippi, Mr. STUPAK, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mrs. MCCARTHY, Mr. RUSH, Mr. YOUNG of Alaska, Mr. CASE, Mr. JACKSON of Illinois, Mr. CLYBURN, Ms. LINDA T. SÁNCHEZ of California, Mr. DINGELL, Mr. DAVIS of Florida, Mr. BISHOP of New York, Mr. OBERSTAR, Mr. CUMMINGS, Mr. WEINER, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. VIS-CLOSKY, Mr. TIERNEY, Mr. NADLER, Mr. ISRAEL, Mr. EMANUEL, Mr. JEFFERSON, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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”.

6        **SEC. 2. EXEMPTION OF BOOKSTORES AND LIBRARIES**

7                                **FROM ORDERS REQUIRING THE PRODUC-**  
 8                                **TION OF ANY TANGIBLE THINGS FOR CER-**  
 9                                **TAIN FOREIGN INTELLIGENCE INVESTIGA-**  
 10                                **TIONS.**

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

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

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

5       “(3) In this subsection:

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

10          “(B) The term ‘library’ has the meaning given  
11 that term under section 213(2) of the Library Serv-  
12 ices and Technology Act (20 U.S.C. 9122(2)) whose  
13 services include access to the Internet, books, jour-  
14 nals, magazines, newspapers, or other similar forms  
15 of communication in print or digitally to patrons for  
16 their use, review, examination or circulation.

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

20          “(D) The term ‘documentary materials’ means  
21 any document, tape or other communication created  
22 by a bookseller or library in connection with print or  
23 digital dissemination of a book, journal, magazine,  
24 newspaper, or other similar form of communication,  
25 including access to the Internet.

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

5 **SEC. 3. EXPANSION OF REPORTING REQUIREMENTS UNDER**  
6 **FISA.**

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

10          “(a) On a semiannual basis, the Attorney General  
11 shall fully inform the appropriate congressional commit-  
12 tees concerning all requests for the production of tangible  
13 things under section 501, including with respect to the  
14 preceding 6-month period—

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

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

20          “(b) In informing the appropriate congressional com-  
21 mittees under subsection (a), the Attorney General shall  
22 include the following:

23                 “(1) A description with respect to each applica-  
24 tion for an order requiring the production of any

1       tangible things for the specific purpose for such pro-  
2       duction.

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

6       “(c) In a manner consistent with the protection of  
7       the national security of the United States, the Attorney  
8       General shall make public the information provided to the  
9       appropriate congressional committees under subsection  
10      (a).

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

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

16               “(2) the Committees on the Judiciary of the  
17      House of Representatives and the Senate.”.

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