

(2) *No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or officer, employee, or agent thereof, shall disclose to any person (other than those officers, agents, or employees of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section) that the Federal Bureau of Investigation has sought or obtained records pursuant to an order under this section.*

*See 2006, 2009, 2010, 2011, and 2015 Amendment notes below.*

*[Amendment made by Pub. L. 114-23 to section 102(b) of Pub. L. 109-177, delaying the reversion of this section from June 1, 2015, to Dec. 15, 2019, was given effect to reflect the probable intent of Congress, notwithstanding that Pub. L. 114-23 was enacted on June 2, 2015.]*

#### CODIFICATION

Pursuant to Pub. L. 109-177, §102(b)(1), as amended by Pub. L. 112-14, this section was amended, effective June 1, 2015, to read as it read on Oct. 25, 2001. The amendments made by Pub. L. 114-23, which was enacted June 2, 2015, were directed to this section as it read prior to such reversion and were executed as if the reversion had not taken place, to reflect the probable intent of Congress and the extension of the provisions of this section to Dec. 15, 2019, by Pub. L. 114-23, §705(a), (c). See 2015 Amendment notes below.

#### PRIOR PROVISIONS

A prior section 1862, Pub. L. 95-511, title V, §502, as added Pub. L. 105-272, title VI, §602, Oct. 20, 1998, 112 Stat. 2411, which related to access to certain business records for foreign intelligence and international terrorism investigations, was repealed by Pub. L. 107-56, title II, §215, Oct. 26, 2001, 115 Stat. 287. See section 1861 of this title and see Amendment of Section note above.

#### AMENDMENTS

2015—Pub. L. 114-23, §705(a), (c), amended directory language of Pub. L. 109-177, §102(b)(1). See Codification note above and 2006 Amendment note below.

Subsec. (a). Pub. L. 114-23, §605(d), substituted “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” for “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

Subsec. (b). Pub. L. 114-23, §601(a), added pars. (1) to (5) and redesignated former pars. (1) to (3) as (6) to (8), respectively.

Subsec. (c)(1)(C) to (E). Pub. L. 114-23, §601(b), added subpars. (C) to (E).

2011—Pub. L. 112-14 amended directory language of Pub. L. 109-177, §102(b)(1). See 2006 Amendment note below.

Pub. L. 112-3 amended directory language of Pub. L. 109-177, §102(b)(1). See 2006 Amendment note below.

2010—Pub. L. 111-141 amended directory language of Pub. L. 109-177, §102(b)(1). See 2006 Amendment note below.

Subsec. (a). Pub. L. 111-259 substituted “an annual” for “a annual”.

2009—Pub. L. 111-118 amended directory language of Pub. L. 109-177, §102(b)(1). See 2006 Amendment note below.

2006—Pub. L. 109-177, §102(b)(1), as amended by Pub. L. 111-118, Pub. L. 111-141, Pub. L. 112-3, Pub. L. 112-14, and Pub. L. 114-23, §705(a), (c), amended section effective

Dec. 15, 2019, so as to read as it read on Oct. 25, 2001. Prior to amendment, section related to reports to Congressional committees concerning requests for the production of tangible things under section 1861 of this title.

Subsec. (a). Pub. L. 109-177, §106(h)(1), substituted “annual basis” for “semiannual basis” and inserted “and the Committee on the Judiciary” after “and the Select Committee on Intelligence”.

Subsec. (b). Pub. L. 109-177, §106(h)(2)(A), in introductory provisions, substituted “In April of each year, the Attorney General shall submit to the House and Senate Committees on the Judiciary and the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence a report setting forth with respect to the preceding calendar year” for “On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period”.

Subsec. (b)(3). Pub. L. 109-177, §106(h)(2)(B)–(D), added par. (3).

Subsec. (c). Pub. L. 109-177, §106(h)(3), added subsec. (c).

2001—Subsecs. (a), (b)(1). Pub. L. 107-108 substituted “section 1861 of this title” for “section 1842 of this title”.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 102(b)(1) of Pub. L. 109-177 effective Dec. 15, 2019, except that former provisions to continue in effect with respect to any particular foreign intelligence investigation that began before Dec. 15, 2019, or with respect to any particular offense or potential offense that began or occurred before Dec. 15, 2019, see section 102(b) of Pub. L. 109-177, set out as a note under section 1805 of this title.

#### § 1863. Repealed. Pub. L. 107-56, title II, § 215, Oct. 26, 2001, 115 Stat. 287

Section, Pub. L. 95-511, title V, §503, as added Pub. L. 105-272, title VI, §602, Oct. 20, 1998, 112 Stat. 2412, related to congressional oversight. See section 1862 of this title.

#### REVIVAL OF SECTION

*Pub. L. 109-177, title I, §102(b), Mar. 9, 2006, 120 Stat. 195, as amended by Pub. L. 111-118, div. B, §1004(a), Dec. 19, 2009, 123 Stat. 3470; Pub. L. 111-141, §1(a), Feb. 27, 2010, 124 Stat. 37; Pub. L. 112-3, §2(a), Feb. 25, 2011, 125 Stat. 5; Pub. L. 112-14, §2(a), May 26, 2011, 125 Stat. 216; Pub. L. 114-23, title VII, §705(a), (c), June 2, 2015, 129 Stat. 300, provided that, effective Dec. 15, 2019, with certain exceptions, this section is amended to read as it read on Oct. 25, 2001:*

#### § 1863. Congressional oversight

(a) *On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for records under this subchapter.*

(b) *On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—*

(1) *the total number of applications made for orders approving requests for records under this subchapter; and*

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

## EFFECTIVE DATE OF REVIVAL

Revival of section by section 102(b)(1) of Pub. L. 109-177 effective Dec. 15, 2019, except that former provisions to continue in effect with respect to any particular foreign intelligence investigation that began before Dec. 15, 2019, or with respect to any particular offense or potential offense that began or occurred before Dec. 15, 2019, see section 102(b) of Pub. L. 109-177, set out as an Effective Date of 2006 Amendment note under section 1805 of this title.

**§ 1864. Notification of changes to retention of call detail record policies**

**(a) Requirement to retain**

**(1) In general**

Not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed the policy of the provider on the retention of such call detail records to result in a retention period of less than 18 months, the Director of National Intelligence shall notify, in writing, the congressional intelligence committees of such change.

**(2) Report**

Not later than 30 days after December 18, 2015, the Director shall submit to the congressional intelligence committees a report identifying each electronic communication service provider that has, as of the date of the report, a policy to retain call detail records for a period of 18 months or less.

**(b) Definitions**

In this section:

**(1) Call detail record**

The term “call detail record” has the meaning given that term in section 1861(k) of this title.

**(2) Electronic communication service provider**

The term “electronic communication service provider” has the meaning given that term in section 1881(b)(4) of this title.

(Pub. L. 114-113, div. M, title III, §307, Dec. 18, 2015, 129 Stat. 2916.)

## CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 2016, and also as part of the Consolidated Appropriations Act, 2016, and not as part of the Foreign Intelligence Surveillance Act of 1978 which comprises this chapter.

## DEFINITIONS

For definition of “congressional intelligence committees” as used in this section, see section 2 of div. M of Pub. L. 114-113, set out as a note under section 3003 of this title.

## SUBCHAPTER V—OVERSIGHT

## CODIFICATION

Pub. L. 114-23, title IV, §402(a)(1), June 2, 2015, 129 Stat. 281, substituted “OVERSIGHT” for “REPORTING REQUIREMENT” in heading.

**§ 1871. Semiannual report of the Attorney General**

**(a) Report**

On a semiannual basis, the Attorney General shall submit to the Permanent Select Commit-

tee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate, in a manner consistent with the protection of the national security, a report setting forth with respect to the preceding 6-month period—

(1) the aggregate number of persons targeted for orders issued under this chapter, including a breakdown of those targeted for—

(A) electronic surveillance under section 1805 of this title;

(B) physical searches under section 1824 of this title;

(C) pen registers under section 1842 of this title;

(D) access to records under section 1861 of this title;

(E) acquisitions under section 1881b of this title; and

(F) acquisitions under section 1881c of this title;

(2) the number of individuals covered by an order issued pursuant to section 1801(b)(1)(C) of this title;

(3) the number of times that the Attorney General has authorized that information obtained under this chapter may be used in a criminal proceeding or any information derived therefrom may be used in a criminal proceeding;

(4) a summary of significant legal interpretations of this chapter involving matters before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, including interpretations presented in applications or pleadings filed with the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review by the Department of Justice; and

(5) copies of all decisions, orders, or opinions of the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review that include significant construction or interpretation of the provisions of this chapter.

**(b) Frequency**

The first report under this section shall be submitted not later than 6 months after December 17, 2004. Subsequent reports under this section shall be submitted semi-annually thereafter.

**(c) Submissions to Congress**

The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this chapter, that includes significant construction or interpretation of any provision of law or results in a change of application of any provision of this chapter or a novel application of any provision of this chapter, a copy of such decision, order, or opinion and any pleadings, applications, or