

(c) Ex parte judicial order of approval

(1) Upon application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application satisfies the requirements of this section.

(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

(d) Compliance; nondisclosure

(1) Any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility shall comply with an order under subsection (c).

(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. (Pub. L. 95-511, title V, § 502, as added Pub. L. 107-56, title II, § 215, Oct. 26, 2001, 115 Stat. 288; amended Pub. L. 107-108, title III, § 314(a)(7), Dec. 28, 2001, 115 Stat. 1402; Pub. L. 109-177, title I, §§ 102(b)(1), 106(h), Mar. 9, 2006, 120 Stat. 195, 199; 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. 111-259, title VIII, § 801(6), Oct. 7, 2010, 124 Stat. 2746; 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 VI, §§ 601, 605(d), title VII, § 705(a), (c), June 2, 2015, 129 Stat. 291, 298, 300; Pub. L. 116-69, div. B, title VII, § 1703(a), Nov. 21, 2019, 133 Stat. 1143.)

Editorial Notes**REFERENCES IN TEXT**

Executive Order No. 12333, referred to in subsec. (a), is set out as a note under section 3001 of this title.

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.

AMENDMENTS

2019—Pub. L. 116-69 amended directory language of Pub. L. 109-177, § 102(b)(1). See 2006 Amendment note below.

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, Pub. L. 114-23, § 705(a), (c), and Pub. L. 116-69, amended section effective Mar. 15, 2020, 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”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2006 AMENDMENT**

Amendment by section 102(b)(1) of Pub. L. 109-177 effective Mar. 15, 2020, except that former provisions to continue in effect with respect to any particular foreign intelligence investigation that began before Mar. 15, 2020, or with respect to any particular offense or potential offense that began or occurred before Mar. 15, 2020, see section 102(b) of Pub. L. 109-177, set out as a note under section 1805 of this title.

§ 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 Ju-

diciary 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.

(Pub. L. 95–511, title V, §503, as added Pub. L. 105–272, title VI, §602, Oct. 20, 1998, 112 Stat. 2412; Pub. L. 109–177, title I, §102(b)(1), Mar. 9, 2006, 120 Stat. 195; 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; Pub. L. 116–69, div. B, title VII, §1703(a), Nov. 21, 2019, 133 Stat. 1143.)

Editorial Notes

AMENDMENTS

2019—Pub. L. 116–69 amended directory language of Pub. L. 109–177, §102(b)(1). See 2006 Amendment note below.

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

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.

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), revived this section to read as it read on Oct. 25, 2001.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REVIVAL

Section, which had been repealed by Pub. L. 107–56, title II, §215, Oct. 26, 2001, 115 Stat. 287, was revived by section 102(b)(1) of Pub. L. 109–177 effective Mar. 15, 2020, except that former provisions to continue in effect with respect to any particular foreign intelligence investigation that began before Mar. 15, 2020, or with respect to any particular offense or potential offense that began or occurred before Mar. 15, 2020, 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 congres-

sional 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)¹ 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.)

Editorial Notes

REFERENCES IN TEXT

Section 1861(k) of this title, referred to in subsec. (b)(1), means section 1861(k) of this title prior to the amendment of section 1861 by Pub. L. 109–177, title I, §102(b), Mar. 9, 2006, 120 Stat. 195, set out as an Effective Date of 2006 Amendment note under section 1805 of this title, which amended section 1861 of this title, effective Mar. 15, 2020, so that such section read as it read on Oct. 25, 2001, with certain exceptions.

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.

Statutory Notes and Related Subsidiaries

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

Editorial Notes

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 Committee 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—

¹ See References in Text note below.