

Calendar No. 71

112TH CONGRESS
1ST SESSION**S. 1125**

To improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

Mr. LEAHY (for himself, Mr. WYDEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. AKAKA, Mr. FRANKEN, Mr. BINGAMAN, Mrs. BOXER, Mr. COONS, and Mr. CARDIN) introduced the following bill; which was read the first time

JUNE 6, 2011

Read the second time and placed on the calendar

A BILL

To improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, 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 “USA PATRIOT Act
5 Improvements Act of 2011”.

1 **SEC. 2. ADDITIONAL SUNSETS.**

2 (a) NATIONAL SECURITY LETTERS.—

3 (1) REPEAL.—Effective on December 31,
4 2013—

5 (A) section 2709 of title 18, United States
6 Code, is amended to read as such provision
7 read on October 25, 2001;

8 (B) section 1114(a)(5) of the Right to Fi-
9 nancial Privacy Act of 1978 (12 U.S.C.
10 3414(a)(5)) is amended to read as such provi-
11 sion read on October 25, 2001;

12 (C) subsections (a) and (b) of section 626
13 of the Fair Credit Reporting Act (15 U.S.C.
14 1681u) are amended to read as subsections (a)
15 and (b), respectively, of the second of the 2 sec-
16 tions designated as section 624 of such Act (15
17 U.S.C. 1681u) (relating to disclosure to the
18 Federal Bureau of Investigation for counter-
19 intelligence purposes), as added by section 601
20 of the Intelligence Authorization Act for Fiscal
21 Year 1996 (Public Law 104–93; 109 Stat.
22 974), read on October 25, 2001;

23 (D) section 627 of the Fair Credit Report-
24 ing Act (15 U.S.C. 1681v) is repealed; and

25 (E) section 802 of the National Security
26 Act of 1947 (50 U.S.C. 436) is amended to

1 read as such provision read on October 25,
2 2001.

3 (2) TRANSITION PROVISION.—Notwithstanding
4 paragraph (1), the provisions of law referred to in
5 paragraph (1), as in effect on December 30, 2013,
6 shall continue to apply on and after December 31,
7 2013, with respect to any particular foreign intel-
8 ligence investigation or with respect to any par-
9 ticular offense or potential offense that began or oc-
10 curred before December 31, 2013.

11 (3) TECHNICAL AND CONFORMING AMEND-
12 MENTS.—Effective December 31, 2013—

13 (A) section 3511 of title 18, United States
14 Code, is amended—

15 (i) in subsections (a), (c), and (d), by
16 striking “or 627(a)” each place it appears;
17 and

18 (ii) in subsection (b)(1)(A), as amend-
19 ed by section 6(b) of this Act, by striking
20 “section 626 or 627 of the Fair Credit Re-
21 porting Act (15 U.S.C. 1681u and 1681v)”
22 and inserting “section 626 of the Fair
23 Credit Reporting Act (15 U.S.C. 1681u)”;

1 (B) section 118(c) of the USA PATRIOT
2 Improvement and Reauthorization Act of 2005
3 (18 U.S.C. 3511 note) is amended—

4 (i) in subparagraph (C), by adding
5 “and” at the end;

6 (ii) in subparagraph (D), by striking
7 “; and” and inserting a period; and

8 (iii) by striking subparagraph (E);
9 and

10 (C) the table of sections for the Fair Cred-
11 it Reporting Act (15 U.S.C. 1681 et seq.) is
12 amended by striking the item relating to section
13 627.

14 (b) FISA AMENDMENTS ACT OF 2008.—

15 (1) EXTENSION.—Section 403(b)(1) of the
16 FISA Amendments Act of 2008 (Public Law 110–
17 261; 50 U.S.C. 1881 note) is amended by striking
18 “December 31, 2012” and inserting “December 31,
19 2013”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—Section 403(b)(2) of such Act (Public Law
22 110–261; 122 Stat. 2474) is amended by striking
23 “December 31, 2012” and inserting “December 31,
24 2013”.

1 (3) ORDERS IN EFFECT.—Section 404(b)(1) of
2 such Act (Public Law 110–261; 50 U.S.C. 1801
3 note) is amended in the heading by striking “DE-
4 CEMBER 31, 2012” and inserting “DECEMBER 31,
5 2013”.

6 **SEC. 3. ORDERS FOR ACCESS TO CERTAIN BUSINESS**
7 **RECORDS AND TANGIBLE THINGS.**

8 (a) IN GENERAL.—Section 501 of the Foreign Intel-
9 ligence Surveillance Act of 1978 (50 U.S.C. 1861) is
10 amended—

11 (1) in the section heading, by inserting “**AND**
12 **OTHER TANGIBLE THINGS**” after “**CERTAIN**
13 **BUSINESS RECORDS**”;

14 (2) in subsection (b)(2)—

15 (A) in subparagraph (A)—

16 (i) by striking “a statement of facts
17 showing” and inserting “a statement of
18 the facts and circumstances relied upon by
19 the applicant to justify the belief of the ap-
20 plicant”; and

21 (ii) by striking “clandestine intel-
22 ligence activities,” and all that follows and
23 inserting “clandestine intelligence activi-
24 ties;”; and

1 (B) by striking subparagraph (B) and in-
2 serting the following:

3 “(B) if the records sought contain book-
4 seller records, or are from a library and contain
5 personally identifiable information about a pa-
6 tron of the library, a statement of facts showing
7 that there are reasonable grounds to believe
8 that the records sought—

9 “(i) are relevant to an authorized in-
10 vestigation (other than a threat assess-
11 ment) conducted in accordance with sub-
12 section (a)(2) to obtain foreign intelligence
13 information not concerning a United
14 States person or to protect against inter-
15 national terrorism or clandestine intel-
16 ligence activities; and

17 “(ii)(I) pertain to a foreign power or
18 an agent of a foreign power;

19 “(II) are relevant to the activities of
20 a suspected agent of a foreign power who
21 is the subject of such authorized investiga-
22 tion; or

23 “(III) pertain to an individual in con-
24 tact with, or known to, a suspected agent
25 of a foreign power; and

1 “(C) a statement of proposed minimization
2 procedures.”;

3 (3) in subsection (c)(1)—

4 (A) by inserting “and that the proposed
5 minimization procedures meet the definition of
6 minimization procedures under subsection (g)”
7 after “subsections (a) and (b)”;

8 (B) by inserting “, and directing that the
9 minimization procedures be followed” after “re-
10 lease of tangible things”; and

11 (C) by striking the second sentence; and

12 (4) by adding at the end the following:

13 “(i) DEFINITIONS.—In this section—

14 “(1) the term ‘bookseller records’ means trans-
15 actional records reflecting the purchase (including
16 subscription purchase) or rental of books, journals,
17 or magazines, whether in digital form or in print, of
18 an individual or entity engaged in the sale or rental
19 of books, journals, or magazines;

20 “(2) the term ‘library’ has the meaning given
21 that term in section 213(1) of the Library Services
22 and Technology Act (20 U.S.C. 9122(1));

23 “(3) the term ‘patron’ means a purchaser,
24 renter, borrower, user, or subscriber of goods or
25 services from a library; and

1 “(4) 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 library.”.

5 (b) **TRANSITION PROCEDURES.**—Notwithstanding
6 the amendments made by this Act, an order entered under
7 section 501(c)(1) of the Foreign Intelligence Surveillance
8 Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on
9 the effective date of the amendments made by this section
10 shall remain in effect until the expiration of the order.

11 (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

12 (1) **DEFINITIONS.**—Title V of the Foreign In-
13 telligence Surveillance Act of 1978 (50 U.S.C. 1861
14 et seq.) is amended by adding at the end the fol-
15 lowing:

16 **“SEC. 503. DEFINITIONS.**

17 “‘In this title, the terms ‘Attorney General’, ‘foreign
18 intelligence information’, ‘international terrorism’, ‘per-
19 son’, ‘United States’, and ‘United States person’ have the
20 meanings given such terms in section 101.”.

21 (2) **TITLE HEADING.**—Title V of the Foreign
22 Intelligence Surveillance Act of 1978 (50 U.S.C.
23 1861 et seq.) is amended in the title heading by in-
24 serting “**AND OTHER TANGIBLE THINGS**”
25 after “**CERTAIN BUSINESS RECORDS**”.

1 (3) TABLE OF CONTENTS.—The table of con-
 2 tents in the first section of the Foreign Intelligence
 3 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
 4 is amended—

5 (A) by striking the items relating to title
 6 V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER
 TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other tangible things for for-
 eign intelligence purposes and international terrorism investiga-
 tions.”;

7 and

8 (B) by inserting after the item relating to
 9 section 502 the following:

“Sec. 503. Definitions.”.

10 **SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND**
 11 **TRACE DEVICES FOR FOREIGN INTEL-**
 12 **LIGENCE PURPOSES.**

13 (a) APPLICATION.—Section 402(c) of the Foreign In-
 14 telligence Surveillance Act of 1978 (50 U.S.C. 1842(c))
 15 is amended—

16 (1) in paragraph (1), by striking “and” at the
 17 end;

18 (2) in paragraph (2)—

19 (A) by striking “a certification by the ap-
 20 plicant” and inserting “a statement of the facts
 21 and circumstances relied upon by the applicant
 22 to justify the belief of the applicant”; and

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(3) a statement of whether minimization pro-
5 cedures are being proposed and, if so, a statement
6 of the proposed minimization procedures.”.

7 (b) MINIMIZATION.—

8 (1) DEFINITION.—Section 401 of the Foreign
9 Intelligence Surveillance Act of 1978 (50 U.S.C.
10 1841) is amended by adding at the end the fol-
11 lowing:

12 “(4) The term ‘minimization procedures’
13 means—

14 “(A) specific procedures, that are reason-
15 ably designed in light of the purpose and tech-
16 nique of an order for the installation and use
17 of a pen register or trap and trace device, to
18 minimize the retention, and prohibit the dis-
19 semination, of nonpublicly available information
20 known to concern unconsenting United States
21 persons consistent with the need of the United
22 States to obtain, produce, and disseminate for-
23 eign intelligence information;

24 “(B) procedures that require that nonpub-
25 licly available information, which is not foreign

1 intelligence information shall not be dissemi-
2 nated in a manner that identifies any United
3 States person, without such person’s consent,
4 unless such person’s identity is necessary to un-
5 derstand foreign intelligence information or as-
6 sess its importance; and

7 “(C) notwithstanding subparagraphs (A)
8 and (B), procedures that allow for the retention
9 and dissemination of information that is evi-
10 dence of a crime which has been, is being, or
11 is about to be committed and that is to be re-
12 tained or disseminated for law enforcement pur-
13 poses.”.

14 (2) PEN REGISTERS AND TRAP AND TRACE DE-
15 VICES.—Section 402 of the Foreign Intelligence Sur-
16 veillance Act of 1978 (50 U.S.C. 1842) is amend-
17 ed—

18 (A) in subsection (d)(1), by striking “the
19 judge finds” and all that follows and inserting
20 the following: “the judge finds—

21 “(A) that the application satisfies the require-
22 ments of this section; and

23 “(B) that, if there are exceptional cir-
24 cumstances justifying the use of minimization proce-
25 dures in a particular case, the proposed minimiza-

1 tion procedures meet the definition of minimization
2 procedures under this title.”; and

3 (B) by adding at the end the following:

4 “(h) At or before the end of the period of time for
5 which the installation and use of a pen register or trap
6 and trace device is approved under an order or an exten-
7 sion under this section, the judge may assess compliance
8 with any applicable minimization procedures by reviewing
9 the circumstances under which information concerning
10 United States persons was retained or disseminated.”.

11 (3) EMERGENCIES.—Section 403 of the For-
12 eign Intelligence Surveillance Act of 1978 (50
13 U.S.C. 1843) is amended—

14 (A) by redesignating subsection (c) as sub-
15 section (d); and

16 (B) by inserting after subsection (b) the
17 following:

18 “(c) If the Attorney General authorizes the emer-
19 gency installation and use of a pen register or trap and
20 trace device under this section, the Attorney General shall
21 require that minimization procedures be followed, if appro-
22 priate.”.

23 (4) USE OF INFORMATION.—Section 405(a)(1)
24 of the Foreign Intelligence Surveillance Act of 1978
25 (50 U.S.C. 1845(a)(1)) is amended by striking “pro-

1 visions of this section” and inserting “minimization
2 procedures required under this title”.

3 (c) TRANSITION PROCEDURES.—

4 (1) ORDERS IN EFFECT.—Notwithstanding the
5 amendments made by this Act, an order entered
6 under section 402(d)(1) of the Foreign Intelligence
7 Surveillance Act of 1978 (50 U.S.C. 1842(d)(1))
8 that is in effect on the effective date of the amend-
9 ments made by this section shall remain in effect
10 until the expiration of the order.

11 (2) EXTENSIONS.—A request for an extension
12 of an order referred to in paragraph (1) shall be
13 subject to the requirements of the Foreign Intel-
14 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et
15 seq.), as amended by this Act.

16 **SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECUR-**
17 **RITY LETTERS.**

18 (a) IN GENERAL.—Section 2709 of title 18, United
19 States Code, is amended by striking subsection (c) and
20 inserting the following:

21 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

22 “(1) PROHIBITION.—

23 “(A) IN GENERAL.—If a certification is
24 issued under subparagraph (B) and notice of
25 the right to judicial review under paragraph (3)

1 is provided, no wire or electronic communica-
2 tion service provider, or officer, employee, or
3 agent thereof, that receives a request under
4 subsection (a), shall disclose to any person that
5 the Director of the Federal Bureau of Inves-
6 tigation has sought or obtained access to infor-
7 mation or records under this section.

8 “(B) CERTIFICATION.—The requirements
9 of subparagraph (A) shall apply if the Director
10 of the Federal Bureau of Investigation, or a
11 designee of the Director whose rank shall be no
12 lower than Deputy Assistant Director at Bu-
13 reau headquarters or a Special Agent in Charge
14 of a Bureau field office, certifies that, absent a
15 prohibition of disclosure under this subsection,
16 there may result—

17 “(i) a danger to the national security
18 of the United States;

19 “(ii) interference with a criminal,
20 counterterrorism, or counterintelligence in-
21 vestigation;

22 “(iii) interference with diplomatic re-
23 lations; or

24 “(iv) danger to the life or physical
25 safety of any person.

1 “(2) EXCEPTION.—

2 “(A) IN GENERAL.—A wire or electronic
3 communication service provider, or officer, em-
4 ployee, or agent thereof, that receives a request
5 under subsection (a) may disclose information
6 otherwise subject to any applicable nondisclo-
7 sure requirement to—

8 “(i) those persons to whom disclosure
9 is necessary in order to comply with the re-
10 quest;

11 “(ii) an attorney in order to obtain
12 legal advice or assistance regarding the re-
13 quest; or

14 “(iii) other persons as permitted by
15 the Director of the Federal Bureau of In-
16 vestigation or the designee of the Director.

17 “(B) PERSONS NECESSARY FOR COMPLI-
18 ANCE.—Upon a request by the Director of the
19 Federal Bureau of Investigation or the designee
20 of the Director, those persons to whom disclo-
21 sure will be made under subparagraph (A)(i) or
22 to whom such disclosure was made before the
23 request shall be identified to the Director or the
24 designee.

1 “(C) NONDISCLOSURE REQUIREMENT.—A
2 person to whom disclosure is made under sub-
3 paragraph (A) shall be subject to the nondisclo-
4 sure requirements applicable to a person to
5 whom a request is issued under subsection (a)
6 in the same manner as the person to whom the
7 request is issued.

8 “(D) NOTICE.—Any recipient that dis-
9 closes to a person described in subparagraph
10 (A) information otherwise subject to a non-
11 disclosure requirement shall inform the person
12 of the applicable nondisclosure requirement.

13 “(3) RIGHT TO JUDICIAL REVIEW.—

14 “(A) IN GENERAL.—A wire or electronic
15 communications service provider that receives a
16 request under subsection (a) shall have the
17 right to judicial review of any applicable non-
18 disclosure requirement.

19 “(B) NOTIFICATION.—A request under
20 subsection (a) shall state that if the recipient
21 wishes to have a court review a nondisclosure
22 requirement, the recipient shall notify the Gov-
23 ernment.

24 “(C) INITIATION OF PROCEEDINGS.—If a
25 recipient of a request under subsection (a)

1 makes a notification under subparagraph (B),
2 the Government shall initiate judicial review
3 under the procedures established in section
4 3511 of this title, unless an appropriate official
5 of the Federal Bureau of the Investigation
6 makes a notification under paragraph (4).

7 “(4) TERMINATION.—In the case of any request
8 for which a recipient has submitted a notification
9 under paragraph (3)(B), if the facts supporting a
10 nondisclosure requirement cease to exist, an appro-
11 priate official of the Federal Bureau of Investigation
12 shall promptly notify the wire or electronic service
13 provider, or officer, employee, or agent thereof, sub-
14 ject to the nondisclosure requirement that the non-
15 disclosure requirement is no longer in effect.”.

16 (b) IDENTITY OF FINANCIAL INSTITUTIONS AND
17 CREDIT REPORTS.—Section 626 of the Fair Credit Re-
18 porting Act (15 U.S.C. 1681u) is amended by striking
19 subsection (d) and inserting the following:

20 “(d) PROHIBITION OF CERTAIN DISCLOSURE.—

21 “(1) PROHIBITION.—

22 “(A) IN GENERAL.—If a certification is
23 issued under subparagraph (B) and notice of
24 the right to judicial review under paragraph (3)
25 is provided, no consumer reporting agency, or

1 officer, employee, or agent thereof, that receives
2 a request or order under subsection (a), (b), or
3 (c), shall disclose or specify in any consumer re-
4 port, that the Federal Bureau of Investigation
5 has sought or obtained access to information or
6 records under subsection (a), (b), or (c).

7 “(B) CERTIFICATION.—The requirements
8 of subparagraph (A) shall apply if the Director
9 of the Federal Bureau of Investigation, or a
10 designee of the Director whose rank shall be no
11 lower than Deputy Assistant Director at Bu-
12 reau headquarters or a Special Agent in Charge
13 of a Bureau field office, certifies that, absent a
14 prohibition of disclosure under this subsection,
15 there may result—

16 “(i) a danger to the national security
17 of the United States;

18 “(ii) interference with a criminal,
19 counterterrorism, or counterintelligence in-
20 vestigation;

21 “(iii) interference with diplomatic re-
22 lations; or

23 “(iv) danger to the life or physical
24 safety of any person.

25 “(2) EXCEPTION.—

1 “(A) IN GENERAL.—A consumer reporting
2 agency, or officer, employee, or agent thereof,
3 that receives a request or order under sub-
4 section (a), (b), or (c) may disclose information
5 otherwise subject to any applicable nondisclo-
6 sure requirement to—

7 “(i) those persons to whom disclosure
8 is necessary in order to comply with the re-
9 quest or order;

10 “(ii) an attorney in order to obtain
11 legal advice or assistance regarding the re-
12 quest or order; or

13 “(iii) other persons as permitted by
14 the Director of the Federal Bureau of In-
15 vestigation or the designee of the Director.

16 “(B) PERSONS NECESSARY FOR COMPLI-
17 ANCE.—Upon a request by the Director of the
18 Federal Bureau of Investigation or the designee
19 of the Director, those persons to whom disclo-
20 sure will be made under subparagraph (A)(i) or
21 to whom such disclosure was made before the
22 request shall be identified to the Director or the
23 designee.

24 “(C) NONDISCLOSURE REQUIREMENT.—A
25 person to whom disclosure is made under sub-

1 paragraph (A) shall be subject to the nondisclo-
2 sure requirements applicable to a person to
3 whom a request or order is issued under sub-
4 section (a), (b), or (c) in the same manner as
5 the person to whom the request or order is
6 issued.

7 “(D) NOTICE.—Any recipient that dis-
8 closes to a person described in subparagraph
9 (A) information otherwise subject to a non-
10 disclosure requirement shall inform the person
11 of the applicable nondisclosure requirement.

12 “(3) RIGHT TO JUDICIAL REVIEW.—

13 “(A) IN GENERAL.—A consumer reporting
14 agency that receives a request or order under
15 subsection (a), (b), or (c) shall have the right
16 to judicial review of any applicable nondisclo-
17 sure requirement.

18 “(B) NOTIFICATION.—A request or order
19 under subsection (a), (b), or (c) shall state that
20 if the recipient wishes to have a court review a
21 nondisclosure requirement, the recipient shall
22 notify the Government.

23 “(C) INITIATION OF PROCEEDINGS.—If a
24 recipient of a request or order under subsection
25 (a), (b), or (c) makes a notification under sub-

1 paragraph (B), the Government shall initiate
2 judicial review under the procedures established
3 in section 3511 of title 18, United States Code,
4 unless an appropriate official of the Federal
5 Bureau of Investigation makes a notification
6 under paragraph (4).

7 “(4) TERMINATION.—In the case of any request
8 or order for which a consumer reporting agency has
9 submitted a notification under paragraph (3)(B), if
10 the facts supporting a nondisclosure requirement
11 cease to exist, an appropriate official of the Federal
12 Bureau of Investigation shall promptly notify the
13 consumer reporting agency, or officer, employee, or
14 agent thereof, subject to the nondisclosure require-
15 ment that the nondisclosure requirement is no longer
16 in effect.”.

17 (c) DISCLOSURES TO GOVERNMENTAL AGENCIES
18 FOR COUNTERTERRORISM PURPOSES.—Section 627 of the
19 Fair Credit Reporting Act (15 U.S.C. 1681v) is amended
20 by striking subsection (c) and inserting the following:

21 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

22 “(1) PROHIBITION.—

23 “(A) IN GENERAL.—If a certification is
24 issued under subparagraph (B) and notice of
25 the right to judicial review under paragraph (3)

1 is provided, no consumer reporting agency, or
2 officer, employee, or agent thereof, that receives
3 a request under subsection (a), shall disclose to
4 any person or specify in any consumer report,
5 that a government agency has sought or ob-
6 tained access to information under subsection
7 (a).

8 “(B) CERTIFICATION.—The requirements
9 of subparagraph (A) shall apply if the head of
10 a government agency authorized to conduct in-
11 vestigations of, or intelligence or counterintel-
12 ligence activities or analysis related to, inter-
13 national terrorism, or a designee, certifies that,
14 absent a prohibition of disclosure under this
15 subsection, there may result—

16 “(i) a danger to the national security
17 of the United States;

18 “(ii) interference with a criminal,
19 counterterrorism, or counterintelligence in-
20 vestigation;

21 “(iii) interference with diplomatic re-
22 lations; or

23 “(iv) danger to the life or physical
24 safety of any person.

25 “(2) EXCEPTION.—

1 “(A) IN GENERAL.—A consumer reporting
2 agency, or officer, employee, or agent thereof,
3 that receives a request under subsection (a)
4 may disclose information otherwise subject to
5 any applicable nondisclosure requirement to—

6 “(i) those persons to whom disclosure
7 is necessary in order to comply with the re-
8 quest;

9 “(ii) an attorney in order to obtain
10 legal advice or assistance regarding the re-
11 quest; or

12 “(iii) other persons as permitted by
13 the head of the government agency author-
14 ized to conduct investigations of, or intel-
15 ligence or counterintelligence activities or
16 analysis related to, international terrorism,
17 or a designee.

18 “(B) PERSONS NECESSARY FOR COMPLI-
19 ANCE.—Upon a request by the head of a gov-
20 ernment agency authorized to conduct inves-
21 tigations of, or intelligence or counterintel-
22 ligence activities or analysis related to, inter-
23 national terrorism, or a designee, those persons
24 to whom disclosure will be made under subpara-
25 graph (A)(i) or to whom such disclosure was

1 made before the request shall be identified to
2 the head of the government agency or the des-
3 ignee.

4 “(C) NONDISCLOSURE REQUIREMENT.—A
5 person to whom disclosure is made under sub-
6 paragraph (A) shall be subject to the nondisclo-
7 sure requirements applicable to a person to
8 whom a request is issued under subsection (a)
9 in the same manner as the person to whom the
10 request is issued.

11 “(D) NOTICE.—Any recipient that dis-
12 closes to a person described in subparagraph
13 (A) information otherwise subject to a non-
14 disclosure requirement shall inform the person
15 of the applicable nondisclosure requirement.

16 “(3) RIGHT TO JUDICIAL REVIEW.—

17 “(A) IN GENERAL.—A consumer reporting
18 agency that receives a request under subsection
19 (a) shall have the right to judicial review of any
20 applicable nondisclosure requirement.

21 “(B) NOTIFICATION.—A request under
22 subsection (a) shall state that if the recipient
23 wishes to have a court review a nondisclosure
24 requirement, the recipient shall notify the gov-
25 ernment.

1 “(C) INITIATION OF PROCEEDINGS.—If a
2 recipient of a request under subsection (a)
3 makes a notification under subparagraph (B),
4 the government shall initiate judicial review
5 under the procedures established in section
6 3511 of title 18, United States Code, unless an
7 appropriate official of the government agency
8 authorized to conduct investigations of, or intel-
9 ligence or counterintelligence activities or anal-
10 ysis related to, international terrorism makes a
11 notification under paragraph (4).

12 “(4) TERMINATION.—In the case of any request
13 for which a consumer reporting agency has sub-
14 mitted a notification under paragraph (3)(B), if the
15 facts supporting a nondisclosure requirement cease
16 to exist, an appropriate official of the government
17 agency authorized to conduct investigations of, or in-
18 telligence or counterintelligence activities or analysis
19 related to, international terrorism shall promptly no-
20 tify the consumer reporting agency, or officer, em-
21 ployee, or agent thereof, subject to the nondisclosure
22 requirement that the nondisclosure requirement is
23 no longer in effect.”.

24 (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the
25 Right to Financial Privacy Act of 1978 (12 U.S.C.

1 3414(a)(5)) is amended by striking subparagraph (D) and
2 inserting the following:

3 “(D) PROHIBITION OF CERTAIN DISCLOSURE.—

4 “(i) PROHIBITION.—

5 “(I) IN GENERAL.—If a certification is
6 issued under subclause (II) and notice of the
7 right to judicial review under clause (iii) is pro-
8 vided, no financial institution, or officer, em-
9 ployee, or agent thereof, that receives a request
10 under subparagraph (A), shall disclose to any
11 person that the Federal Bureau of Investigation
12 has sought or obtained access to information or
13 records under subparagraph (A).

14 “(II) CERTIFICATION.—The requirements
15 of subclause (I) shall apply if the Director of
16 the Federal Bureau of Investigation, or a des-
17 ignee of the Director whose rank shall be no
18 lower than Deputy Assistant Director at Bu-
19 reau headquarters or a Special Agent in Charge
20 of a Bureau field office, certifies that, absent a
21 prohibition of disclosure under this subpara-
22 graph, there may result—

23 “(aa) a danger to the national secu-
24 rity of the United States;

1 “(bb) interference with a criminal,
2 counterterrorism, or counterintelligence in-
3 vestigation;

4 “(cc) interference with diplomatic re-
5 lations; or

6 “(dd) danger to the life or physical
7 safety of any person.

8 “(ii) EXCEPTION.—

9 “(I) IN GENERAL.—A financial institution,
10 or officer, employee, or agent thereof, that re-
11 ceives a request under subparagraph (A) may
12 disclose information otherwise subject to any
13 applicable nondisclosure requirement to—

14 “(aa) those persons to whom disclo-
15 sure is necessary in order to comply with
16 the request;

17 “(bb) an attorney in order to obtain
18 legal advice or assistance regarding the re-
19 quest; or

20 “(cc) other persons as permitted by
21 the Director of the Federal Bureau of In-
22 vestigation or the designee of the Director.

23 “(II) PERSONS NECESSARY FOR COMPLI-
24 ANCE.—Upon a request by the Director of the
25 Federal Bureau of Investigation or the designee

1 of the Director, those persons to whom disclo-
2 sure will be made under subclause (I)(aa) or to
3 whom such disclosure was made before the re-
4 quest shall be identified to the Director or the
5 designee.

6 “(III) NONDISCLOSURE REQUIREMENT.—

7 A person to whom disclosure is made under
8 subclause (I) shall be subject to the nondisclo-
9 sure requirements applicable to a person to
10 whom a request is issued under subparagraph
11 (A) in the same manner as the person to whom
12 the request is issued.

13 “(IV) NOTICE.—Any recipient that dis-

14 closes to a person described in subclause (I) in-
15 formation otherwise subject to a nondisclosure
16 requirement shall inform the person of the ap-
17 plicable nondisclosure requirement.

18 “(iii) RIGHT TO JUDICIAL REVIEW.—

19 “(I) IN GENERAL.—A financial institution
20 that receives a request under subparagraph (A)
21 shall have the right to judicial review of any ap-
22 plicable nondisclosure requirement.

23 “(II) NOTIFICATION.—A request under

24 subparagraph (A) shall state that if the recipi-
25 ent wishes to have a court review a nondisclo-

1 sure requirement, the recipient shall notify the
2 Government.

3 “(III) INITIATION OF PROCEEDINGS.—If a
4 recipient of a request under subparagraph (A)
5 makes a notification under subclause (II), the
6 Government shall initiate judicial review under
7 the procedures established in section 3511 of
8 title 18, United States Code, unless an appro-
9 priate official of the Federal Bureau of Inves-
10 tigation makes a notification under clause (iv).

11 “(iv) TERMINATION.—In the case of any re-
12 quest for which a financial institution has submitted
13 a notification under clause (iii)(II), if the facts sup-
14 porting a nondisclosure requirement cease to exist,
15 an appropriate official of the Federal Bureau of In-
16 vestigation shall promptly notify the financial insti-
17 tution, or officer, employee, or agent thereof, subject
18 to the nondisclosure requirement that the nondisclo-
19 sure requirement is no longer in effect.”.

20 (e) REQUESTS BY AUTHORIZED INVESTIGATIVE
21 AGENCIES.—Section 802 of the National Security Act of
22 1947 (50 U.S.C. 436), is amended by striking subsection
23 (b) and inserting the following:

24 “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

25 “(1) PROHIBITION.—

1 “(A) IN GENERAL.—If a certification is
2 issued under subparagraph (B) and notice of
3 the right to judicial review under paragraph (3)
4 is provided, no governmental or private entity,
5 or officer, employee, or agent thereof, that re-
6 ceives a request under subsection (a), shall dis-
7 close to any person that an authorized inves-
8 tigative agency described in subsection (a) has
9 sought or obtained access to information under
10 subsection (a).

11 “(B) CERTIFICATION.—The requirements
12 of subparagraph (A) shall apply if the head of
13 an authorized investigative agency described in
14 subsection (a), or a designee, certifies that, ab-
15 sent a prohibition of disclosure under this sub-
16 section, there may result—

17 “(i) a danger to the national security
18 of the United States;

19 “(ii) interference with a criminal,
20 counterterrorism, or counterintelligence in-
21 vestigation;

22 “(iii) interference with diplomatic re-
23 lations; or

24 “(iv) danger to the life or physical
25 safety of any person.

1 “(2) EXCEPTION.—

2 “(A) IN GENERAL.—A governmental or
3 private entity, or officer, employee, or agent
4 thereof, that receives a request under sub-
5 section (a) may disclose information otherwise
6 subject to any applicable nondisclosure require-
7 ment to—

8 “(i) those persons to whom disclosure
9 is necessary in order to comply with the re-
10 quest;

11 “(ii) an attorney in order to obtain
12 legal advice or assistance regarding the re-
13 quest; or

14 “(iii) other persons as permitted by
15 the head of the authorized investigative
16 agency described in subsection (a).

17 “(B) PERSONS NECESSARY FOR COMPLI-
18 ANCE.—Upon a request by the head of an au-
19 thorized investigative agency described in sub-
20 section (a), or a designee, those persons to
21 whom disclosure will be made under subpara-
22 graph (A)(i) or to whom such disclosure was
23 made before the request shall be identified to
24 the head of the authorized investigative agency
25 or the designee.

1 “(C) NONDISCLOSURE REQUIREMENT.—A
2 person to whom disclosure is made under sub-
3 paragraph (A) shall be subject to the nondisclo-
4 sure requirements applicable to a person to
5 whom a request is issued under subsection (a)
6 in the same manner as the person to whom the
7 request is issued.

8 “(D) NOTICE.—Any recipient that dis-
9 closes to a person described in subparagraph
10 (A) information otherwise subject to a non-
11 disclosure requirement shall inform the person
12 of the applicable nondisclosure requirement.

13 “(3) RIGHT TO JUDICIAL REVIEW.—

14 “(A) IN GENERAL.—A governmental or
15 private entity that receives a request under sub-
16 section (a) shall have the right to judicial re-
17 view of any applicable nondisclosure require-
18 ment.

19 “(B) NOTIFICATION.—A request under
20 subsection (a) shall state that if the recipient
21 wishes to have a court review a nondisclosure
22 requirement, the recipient shall notify the Gov-
23 ernment.

24 “(C) INITIATION OF PROCEEDINGS.—If a
25 recipient of a request under subsection (a)

1 makes a notification under subparagraph (B),
2 the Government shall initiate judicial review
3 under the procedures established in section
4 3511 of title 18, United States Code, unless an
5 appropriate official of the authorized investiga-
6 tive agency described in subsection (a) makes a
7 notification under paragraph (4).

8 “(4) TERMINATION.—In the case of any request
9 for which a governmental or private entity has sub-
10 mitted a notification under paragraph (3)(B), if the
11 facts supporting a nondisclosure requirement cease
12 to exist, an appropriate official of the authorized in-
13 vestigative agency described in subsection (a) shall
14 promptly notify the governmental or private entity,
15 or officer, employee, or agent thereof, subject to the
16 nondisclosure requirement that the nondisclosure re-
17 quirement is no longer in effect.”.

18 **SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL**
19 **SECURITY LETTERS.**

20 (a) FISA.—Section 501(f)(2) of the Foreign Intel-
21 ligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2))
22 is amended—

23 (1) in subparagraph (A)—

24 (A) in clause (i)—

1 (i) by striking “a production order”
2 and inserting “a production order or non-
3 disclosure order”; and

4 (ii) by striking “Not less than 1 year”
5 and all that follows; and

6 (B) in clause (ii), by striking “production
7 order or nondisclosure”; and

8 (2) in subparagraph (C)—

9 (A) by striking clause (ii); and

10 (B) by redesignating clause (iii) as clause
11 (ii).

12 (b) JUDICIAL REVIEW OF NATIONAL SECURITY LET-
13 TERS.—Section 3511(b) of title 18, United States Code,
14 is amended to read as follows:

15 “(b) NONDISCLOSURE.—

16 “(1) IN GENERAL.—

17 “(A) NOTICE.—If a recipient of a request
18 or order for a report, records, or other informa-
19 tion under section 2709 of this title, section
20 626 or 627 of the Fair Credit Reporting Act
21 (15 U.S.C. 1681u and 1681v), section 1114 of
22 the Right to Financial Privacy Act of 1978 (12
23 U.S.C. 3414), or section 802 of the National
24 Security Act of 1947 (50 U.S.C. 436), wishes
25 to have a court review a nondisclosure require-

1 ment imposed in connection with the request or
2 order, the recipient shall notify the Govern-
3 ment.

4 “(B) APPLICATION.—Not later than 30
5 days after the date of receipt of a notification
6 under subparagraph (A), the Government shall
7 apply for an order prohibiting the disclosure of
8 the existence or contents of the relevant request
9 or order. An application under this subpara-
10 graph may be filed in the district court of the
11 United States for the judicial district in which
12 the recipient of the order is doing business or
13 in the district court of the United States for
14 any judicial district within which the authorized
15 investigation that is the basis for the request or
16 order is being conducted. The applicable non-
17 disclosure requirement shall remain in effect
18 during the pendency of proceedings relating to
19 the requirement.

20 “(C) CONSIDERATION.—A district court of
21 the United States that receives an application
22 under subparagraph (B) should rule expedi-
23 tiously, and shall, subject to paragraph (3),
24 issue a nondisclosure order that includes condi-
25 tions appropriate to the circumstances.

1 “(2) APPLICATION CONTENTS.—An application
2 for a nondisclosure order or extension thereof under
3 this subsection shall include a certification from the
4 Attorney General, Deputy Attorney General, an As-
5 sistant Attorney General, or the Director of the Fed-
6 eral Bureau of Investigation, or in the case of a re-
7 quest by a department, agency, or instrumentality of
8 the Federal Government other than the Department
9 of Justice, the head or deputy head of the depart-
10 ment, agency, or instrumentality, containing a state-
11 ment of specific facts indicating that, absent a pro-
12 hibition of disclosure under this subsection, there
13 may result—

14 “(A) a danger to the national security of
15 the United States;

16 “(B) interference with a criminal, counter-
17 terrorism, or counterintelligence investigation;

18 “(C) interference with diplomatic relations;

19 or

20 “(D) danger to the life or physical safety
21 of any person.

22 “(3) STANDARD.—A district court of the
23 United States shall issue a nondisclosure require-
24 ment order or extension thereof under this sub-
25 section if the court determines, giving substantial

1 weight to the certification under paragraph (2) that
2 there is reason to believe that disclosure of the infor-
3 mation subject to the nondisclosure requirement dur-
4 ing the applicable time period will result in—

5 “(A) a danger to the national security of
6 the United States;

7 “(B) interference with a criminal, counter-
8 terrorism, or counterintelligence investigation;

9 “(C) interference with diplomatic relations;

10 or

11 “(D) danger to the life or physical safety
12 of any person.”.

13 (c) MINIMIZATION.—Section 501(g)(1) of the For-
14 eign Intelligence Surveillance Act of 1978 (50 U.S.C.
15 1861(g)(1)) is amended by striking “Not later than” and
16 all that follows and inserting “At or before the end of the
17 period of time for the production of tangible things under
18 an order approved under this section or at any time after
19 the production of tangible things under an order approved
20 under this section, a judge may assess compliance with
21 the minimization procedures by reviewing the cir-
22 cumstances under which information concerning United
23 States persons was retained or disseminated.”.

1 **SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL**
2 **AND TRANSACTIONAL RECORDS.**

3 (a) IN GENERAL.—Section 2709 of title 18, United
4 States Code, as amended by this Act, is amended—

5 (1) by striking subsection (e);

6 (2) by redesignating subsections (c) and (d) as
7 subsections (d) and (e), respectively; and

8 (3) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) WRITTEN STATEMENT.—The Director of the
11 Federal Bureau of Investigation, or a designee in a posi-
12 tion not lower than Deputy Assistant Director at Bureau
13 headquarters or a Special Agent in Charge in a Bureau
14 field office designated by the Director, may make a certifi-
15 cation under subsection (b) only upon a written statement,
16 which shall be retained by the Federal Bureau of Inves-
17 tigation, of specific facts showing that there are reason-
18 able grounds to believe that the information sought is rel-
19 evant to the authorized investigation described in sub-
20 section (b).”.

21 (b) IDENTITY OF FINANCIAL INSTITUTIONS AND
22 CREDIT REPORTS.—Section 626 of the Fair Credit Re-
23 porting Act (15 U.S.C. 1681u), as amended by this Act,
24 is amended—

25 (1) by striking subsection (h);

1 (2) by redesignating subsections (d), (e), (f),
2 and (g) as subsections (e), (f), (g), and (h), respec-
3 tively; and

4 (3) by inserting after subsection (c) the fol-
5 lowing:

6 “(d) WRITTEN STATEMENT.—The Director of the
7 Federal Bureau of Investigation, or a designee in a posi-
8 tion not lower than Deputy Assistant Director at Bureau
9 headquarters or a Special Agent in Charge in a Bureau
10 field office designated by the Director, may make a certifi-
11 cation under subsection (a) or (b) only upon a written
12 statement, which shall be retained by the Federal Bureau
13 of Investigation, of specific facts showing that there are
14 reasonable grounds to believe that the information sought
15 is relevant to the authorized investigation described in
16 subsection (a) or (b), as the case may be.”.

17 (c) DISCLOSURES TO GOVERNMENTAL AGENCIES
18 FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of
19 the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is
20 amended—

21 (1) in the subsection heading, by striking
22 “FORM OF CERTIFICATION” and inserting “CER-
23 TIFICATION”;

24 (2) by striking “The certification” and inserting
25 the following:

1 “(1) FORM OF CERTIFICATION.—The certifi-
2 cation”; and

3 (3) by adding at the end the following:

4 “(2) WRITTEN STATEMENT.—A supervisory of-
5 ficial or officer described in paragraph (1) may
6 make a certification under subsection (a) only upon
7 a written statement, which shall be retained by the
8 government agency, of specific facts showing that
9 there are reasonable grounds to believe that the in-
10 formation sought is relevant to the authorized inves-
11 tigation described in subsection (a).”.

12 (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the
13 Right to Financial Privacy Act of 1978 (12 U.S.C.
14 3414(a)(5)), as amended by this Act, is amended—

15 (1) by striking subparagraph (C);

16 (2) by redesignating subparagraph (B) as sub-
17 paragraph (C); and

18 (3) by inserting after subparagraph (A) the fol-
19 lowing:

20 “(B) The Director of the Federal Bureau of Inves-
21 tigation, or a designee in a position not lower than Deputy
22 Assistant Director at Bureau headquarters or a Special
23 Agent in Charge in a Bureau field office designated by
24 the Director, may make a certification under subpara-
25 graph (A) only upon a written statement, which shall be

1 retained by the Federal Bureau of Investigation, of spe-
2 cific facts showing that there are reasonable grounds to
3 believe that the information sought is relevant to the au-
4 thorized investigation described in subparagraph (A).”.

5 (e) REQUESTS BY AUTHORIZED INVESTIGATIVE
6 AGENCIES.—Section 802(a) of the National Security Act
7 of 1947 (50 U.S.C. 436(a)) is amended by adding at the
8 end the following:

9 “(4) A department or agency head, deputy depart-
10 ment or agency head, or senior official described in para-
11 graph (3)(A) may make a certification under paragraph
12 (3)(A) only upon a written statement, which shall be re-
13 tained by the authorized investigative agency, of specific
14 facts showing that there are reasonable grounds to believe
15 that the information sought is relevant to the authorized
16 inquiry or investigation described in paragraph
17 (3)(A)(ii).”.

18 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) OBSTRUCTION OF CRIMINAL INVESTIGA-
20 TIONS.—Section 1510(e) of title 18, United States
21 Code, is amended by striking “section 2709(c)(1) of
22 this title, section 626(d)(1) or 627(c)(1) of the Fair
23 Credit Reporting Act (15 U.S.C. 1681u(d)(1) or
24 1681v(e)(1)), section 1114(a)(3)(A) or
25 1114(a)(5)(D)(i) of the Right to Financial Privacy

1 Act (12 U.S.C. 3414(a)(3)(A) or
 2 3414(a)(5)(D)(i)),” and inserting “section
 3 2709(d)(1) of this title, section 626(e)(1) or
 4 627(c)(1) of the Fair Credit Reporting Act (15
 5 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section
 6 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to
 7 Financial Privacy Act of 1978 (12 U.S.C.
 8 3414(a)(3)(A) and 3414(a)(5)(D)(i)),”.

9 (2) SEMIANNUAL REPORTS.—Section 507(b) of
 10 the National Security Act of 1947 (50 U.S.C.
 11 415b(b)) is amended—

12 (A) by striking paragraphs (4) and (5);

13 and

14 (B) by redesignating paragraph (6) as
 15 paragraph (4).

16 **SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LET-**
 17 **TERS.**

18 (a) IN GENERAL.—Section 118(c) of the USA PA-
 19 TRIOT Improvement and Reauthorization Act of 2005
 20 (18 U.S.C. 3511 note) is amended to read as follows:

21 “(c) REPORTS ON REQUESTS FOR NATIONAL SECU-
 22 RITY LETTERS.—

23 “(1) DEFINITIONS.—In this subsection—

24 “(A) the term ‘applicable period’ means—

1 “(i) with respect to the first report
2 submitted under paragraph (2) or (3), the
3 period beginning 180 days after the date
4 of enactment of the USA PATRIOT Act
5 Improvements Act of 2011 and ending on
6 December 31, 2011; and

7 “(ii) with respect to the second report
8 submitted under paragraph (2) or (3), and
9 each report thereafter, the 6-month period
10 ending on the last day of the second month
11 before the date for submission of the re-
12 port; and

13 “(B) the term ‘United States person’ has
14 the meaning given that term in section 101 of
15 the Foreign Intelligence Surveillance Act of
16 1978 (50 U.S.C. 1801).

17 “(2) CLASSIFIED FORM.—

18 “(A) IN GENERAL.—Not later than Feb-
19 ruary 1, 2012, and every 6 months thereafter,
20 the Attorney General shall submit to the Select
21 Committee on Intelligence, the Committee on
22 the Judiciary, and the Committee on Banking,
23 Housing, and Urban Affairs of the Senate and
24 the Permanent Select Committee on Intel-
25 ligence, the Committee on the Judiciary, and

1 the Committee on Financial Services of the
2 House of Representatives a report fully inform-
3 ing the committees concerning the requests
4 made under section 2709(a) of title 18, United
5 States Code, section 1114(a)(5)(A) of the Right
6 to Financial Privacy Act of 1978 (12 U.S.C.
7 3414(a)(5)(A)), section 626 of the Fair Credit
8 Reporting Act (15 U.S.C. 1681u), section 627
9 of the Fair Credit Reporting Act (15 U.S.C.
10 1681v), or section 802 of the National Security
11 Act of 1947 (50 U.S.C. 436) during the appli-
12 cable period.

13 “(B) CONTENTS.—Each report under sub-
14 paragraph (A) shall include, for each provision
15 of law described in subparagraph (A)—

16 “(i) the number of authorized re-
17 quests under the provision, including re-
18 quests for subscriber information; and

19 “(ii) the number of authorized re-
20 quests under the provision—

21 “(I) that relate to a United
22 States person;

23 “(II) that relate to a person that
24 is not a United States person;

1 “(III) that relate to a person
2 that is—

3 “(aa) the subject of an au-
4 thorized national security inves-
5 tigation; or

6 “(bb) an individual who has
7 been in contact with or otherwise
8 directly linked to the subject of
9 an authorized national security
10 investigation; and

11 “(IV) that relate to a person that
12 is not known to be the subject of an
13 authorized national security investiga-
14 tion or to have been in contact with or
15 otherwise directly linked to the subject
16 of an authorized national security in-
17 vestigation.

18 “(3) UNCLASSIFIED FORM.—

19 “(A) IN GENERAL.—Not later than Feb-
20 ruary 1, 2012, and every 6 months thereafter,
21 the Attorney General shall submit to the Select
22 Committee on Intelligence, the Committee on
23 the Judiciary, and the Committee on Banking,
24 Housing, and Urban Affairs of the Senate and
25 the Permanent Select Committee on Intel-

1 ligence, the Committee on the Judiciary, and
2 the Committee on Financial Services of the
3 House of Representatives a report fully inform-
4 ing the committees concerning the aggregate
5 total of all requests identified under paragraph
6 (2) during the applicable period ending on the
7 last day of the second month before the date for
8 submission of the report. Each report under
9 this subparagraph shall be in unclassified form.

10 “(B) CONTENTS.—Each report under sub-
11 paragraph (A) shall include the aggregate total
12 of requests—

13 “(i) that relate to a United States
14 person;

15 “(ii) that relate to a person that is
16 not a United States person;

17 “(iii) that relate to a person that is—

18 “(I) the subject of an authorized
19 national security investigation; or

20 “(II) an individual who has been
21 in contact with or otherwise directly
22 linked to the subject of an authorized
23 national security investigation; and

24 “(iv) that relate to a person that is
25 not known to be the subject of an author-

1 ized national security investigation or to
2 have been in contact with or otherwise di-
3 rectly linked to the subject of an author-
4 ized national security investigation.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 Section 627 of the Fair Credit Reporting Act (15 U.S.C.
7 1681v) is amended by striking subsection (f).

8 **SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTEL-**
9 **LIGENCE SURVEILLANCE ACT OF 1978.**

10 (a) IN GENERAL.—Title VI of the Foreign Intel-
11 ligence Surveillance Act of 1978 (50 U.S.C. 1871) is
12 amended by adding at the end the following:

13 **“SEC. 602. ANNUAL UNCLASSIFIED REPORT.**

14 “Not later than June 30, 2012, and every year there-
15 after, the Attorney General, in consultation with the Di-
16 rector of National Intelligence, and with due regard for
17 the protection of classified information from unauthorized
18 disclosure, shall submit to the Committee on the Judiciary
19 and the Select Committee on Intelligence of the Senate
20 and the Committee on the Judiciary and the Permanent
21 Select Committee on Intelligence of the House of Rep-
22 resentatives an unclassified report summarizing how the
23 authorities under this Act are used, including the impact
24 of the use of the authorities under this Act on the privacy
25 of United States persons (as defined in section 101).”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of contents in the first section of the Foreign
3 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et
4 seq.) is amended by inserting after the item relating to
5 section 601 the following:

“Sec. 602. Annual unclassified report.”.

6 **SEC. 10. AUDITS.**

7 (a) TANGIBLE THINGS.—Section 106A of the USA
8 PATRIOT Improvement and Reauthorization Act of 2005
9 (Public Law 109–177; 120 Stat. 200) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “2006”
12 and inserting “2013”;

13 (B) by striking paragraphs (2) and (3);

14 (C) by redesignating paragraphs (4) and
15 (5) as paragraphs (2) and (3), respectively; and

16 (D) in paragraph (3), as so redesignated—

17 (i) by striking subparagraph (C) and
18 inserting the following:

19 “(C) with respect to calendar years 2007
20 through 2013, an examination of the minimiza-
21 tion procedures used in relation to orders under
22 section 501 of the Foreign Intelligence Surveil-
23 lance Act of 1978 (50 U.S.C. 1861) and wheth-
24 er the minimization procedures protect the con-

1 stitutional rights of United States persons.”;
2 and

3 (ii) in subparagraph (D), by striking
4 “(as such term is defined in section 3(4) of
5 the National Security Act of 1947 (50
6 U.S.C. 401a(4))”;

7 (2) in subsection (c), by adding at the end the
8 following:

9 “(3) CALENDAR YEARS 2007, 2008, AND 2009.—
10 Not later than March 31, 2012, the Inspector Gen-
11 eral of the Department of Justice shall submit to the
12 Committee on the Judiciary and the Permanent Se-
13 lect Committee on Intelligence of the House of Rep-
14 resentatives and the Committee on the Judiciary and
15 the Select Committee on Intelligence of the Senate
16 a report containing the results of the audit con-
17 ducted under subsection (a) for calendar years 2007,
18 2008, and 2009.

19 “(4) CALENDAR YEARS 2010 AND 2011.—Not
20 later than March 31, 2013, the Inspector General of
21 the Department of Justice shall submit to the Com-
22 mittee on the Judiciary and the Permanent Select
23 Committee on Intelligence of the House of Rep-
24 resentatives and the Committee on the Judiciary and
25 the Select Committee on Intelligence of the Senate

1 a report containing the results of the audit con-
2 ducted under subsection (a) for calendar years 2010
3 and 2011.

4 “(5) CALENDAR YEARS 2012 AND 2013.—Not
5 later than March 31, 2015, the Inspector General of
6 the Department of Justice shall submit to the Com-
7 mittee on the Judiciary and the Permanent Select
8 Committee on Intelligence of the House of Rep-
9 resentatives and the Committee on the Judiciary and
10 the Select Committee on Intelligence of the Senate
11 a report containing the results of the audit con-
12 ducted under subsection (a) for calendar years 2012
13 and 2013.”;

14 (3) by redesignating subsections (d) and (e) as
15 subsections (e) and (f), respectively;

16 (4) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) INTELLIGENCE ASSESSMENT.—

19 “(1) IN GENERAL.—For the period beginning
20 on January 1, 2007 and ending on December 31,
21 2013, the Inspector General of each element of the
22 intelligence community outside of the Department of
23 Justice that used information acquired under title V
24 of the Foreign Intelligence Surveillance Act of 1978

1 (50 U.S.C. 1861 et seq.) in the intelligence activities
2 of the element of the intelligence community shall—

3 “(A) assess the importance of the informa-
4 tion to the intelligence activities of the element
5 of the intelligence community;

6 “(B) examine the manner in which that in-
7 formation was collected, retained, analyzed, and
8 disseminated by the element of the intelligence
9 community;

10 “(C) describe any noteworthy facts or cir-
11 cumstances relating to orders under title V of
12 the Foreign Intelligence Surveillance Act of
13 1978 as the orders relate to the element of the
14 intelligence community; and

15 “(D) examine any minimization procedures
16 used by the element of the intelligence commu-
17 nity under title V of the Foreign Intelligence
18 Surveillance Act of 1978 and whether the mini-
19 mization procedures protect the constitutional
20 rights of United States persons.

21 “(2) SUBMISSION DATES FOR ASSESSMENT.—

22 “(A) CALENDAR YEARS 2007 THROUGH
23 2009.—Not later than March 31, 2012, the In-
24 spector General of each element of the intel-
25 ligence community that conducts an assessment

1 under this subsection shall submit to the Com-
2 mittee on the Judiciary and the Select Com-
3 mittee on Intelligence of the Senate and the
4 Committee on the Judiciary and the Permanent
5 Select Committee on Intelligence of the House
6 of Representative a report containing the re-
7 sults of the assessment for calendar years 2007
8 through 2009.

9 “(B) CALENDAR YEARS 2010 AND 2011.—

10 Not later than March 31, 2013, the Inspector
11 General of each element of the intelligence com-
12 munity that conducts an assessment under this
13 subsection shall submit to the Committee on the
14 Judiciary and the Select Committee on Intel-
15 ligence of the Senate and the Committee on the
16 Judiciary and the Permanent Select Committee
17 on Intelligence of the House of Representatives
18 a report containing the results of the assess-
19 ment for calendar years 2010 and 2011.

20 “(C) CALENDAR YEARS 2012 AND 2013.—

21 Not later than March 31, 2015, the Inspector
22 General of each element of the intelligence com-
23 munity that conducts an assessment under this
24 subsection shall submit to the Committee on the
25 Judiciary and the Select Committee on Intel-

1 ligence of the Senate and the Committee on the
2 Judiciary and the Permanent Select Committee
3 on Intelligence of the House of Representatives
4 a report containing the results of the assess-
5 ment for calendar years 2012 and 2013.”;

6 (5) in subsection (e), as redesignated by para-
7 graph (3)—

8 (A) in paragraph (1)—

9 (i) by striking “a report under sub-
10 section (c)(1) or (c)(2)” and inserting “any
11 report under subsection (e) or (d)”;

12 (ii) by inserting “and any Inspector
13 General of an element of the intelligence
14 community that submits a report under
15 this section” after “Justice”; and

16 (B) in paragraph (2), by striking “the re-
17 ports submitted under subsection (c)(1) and
18 (c)(2)” and inserting “any report submitted
19 under subsection (c) or (d)”;

20 (6) in subsection (f) as redesignated by para-
21 graph (3)—

22 (A) by striking “The reports submitted
23 under subsections (c)(1) and (c)(2)” and insert-
24 ing “Each report submitted under subsection
25 (c)”;

1 (B) by striking “subsection (d)(2)” and in-
2 serting “subsection (e)(2)”; and

3 (7) by adding at the end the following:

4 “(g) DEFINITIONS.—In this section—

5 “(1) the term ‘intelligence community’ has the
6 meaning given that term in section 3 of the National
7 Security Act of 1947 (50 U.S.C. 401a); and

8 “(2) the term ‘United States person’ has the
9 meaning given that term in section 101 of the For-
10 eign Intelligence Surveillance Act of 1978 (50
11 U.S.C. 1801).”.

12 (b) NATIONAL SECURITY LETTERS.—Section 119 of
13 the USA PATRIOT Improvement and Reauthorization
14 Act of 2005 (Public Law 109–177; 120 Stat. 219) is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “2006”
18 and inserting “2013”; and

19 (B) in paragraph (3)(C), by striking “(as
20 such term is defined in section 3(4) of the Na-
21 tional Security Act of 1947 (50 U.S.C.
22 401a(4)))”;

23 (2) in subsection (c), by adding at the end the
24 following:

1 “(3) CALENDAR YEARS 2007, 2008, AND 2009.—
2 Not later than March 31, 2012, the Inspector Gen-
3 eral of the Department of Justice shall submit to the
4 Committee on the Judiciary and the Permanent Se-
5 lect Committee on Intelligence of the House of Rep-
6 resentatives and the Committee on the Judiciary and
7 the Select Committee on Intelligence of the Senate
8 a report containing the results of the audit con-
9 ducted under subsection (a) for calendar years 2007,
10 2008, and 2009.

11 “(4) CALENDAR YEARS 2010 AND 2011.—Not
12 later than March 31, 2013, the Inspector General of
13 the Department of Justice shall submit to the Com-
14 mittee on the Judiciary and the Permanent Select
15 Committee on Intelligence of the House of Rep-
16 resentatives and the Committee on the Judiciary and
17 the Select Committee on Intelligence of the Senate
18 a report containing the results of the audit con-
19 ducted under subsection (a) for calendar years 2010
20 and 2011.

21 “(5) CALENDAR YEARS 2012 AND 2013.—Not
22 later than March 31, 2015, the Inspector General of
23 the Department of Justice shall submit to the Com-
24 mittee on the Judiciary and the Permanent Select
25 Committee on Intelligence of the House of Rep-

1 representatives and the Committee on the Judiciary and
2 the Select Committee on Intelligence of the Senate
3 a report containing the results of the audit con-
4 ducted under subsection (a) for calendar years 2012
5 and 2013.”;

6 (3) by striking subsection (g) and inserting the
7 following:

8 “(h) DEFINITIONS.—In this section—

9 “(1) the term ‘intelligence community’ has the
10 meaning given that term in section 3 of the National
11 Security Act of 1947 (50 U.S.C. 401a);

12 “(2) the term ‘national security letter’ means a
13 request for information under—

14 “(A) section 2709(a) of title 18, United
15 States Code (to access certain communication
16 service provider records);

17 “(B) section 1114(a)(5)(A) of the Right to
18 Financial Privacy Act of 1978 (12 U.S.C.
19 3414(a)(5)(A)) (to obtain financial institution
20 customer records);

21 “(C) section 802 of the National Security
22 Act of 1947 (50 U.S.C. 436) (to obtain finan-
23 cial information, records, and consumer re-
24 ports);

1 “(D) section 626 of the Fair Credit Re-
2 porting Act (15 U.S.C. 1681u) (to obtain cer-
3 tain financial information and consumer re-
4 ports); or

5 “(E) section 627 of the Fair Credit Re-
6 porting Act (15 U.S.C. 1681v) (to obtain credit
7 agency consumer records for counterterrorism
8 investigations); and

9 “(3) the term ‘United States person’ has the
10 meaning given that term in section 101 of the For-
11 eign Intelligence Surveillance Act of 1978 (50
12 U.S.C. 1801).”;

13 (4) by redesignating subsections (d), (e), and
14 (f) as subsections (e), (f), and (g), respectively;

15 (5) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) INTELLIGENCE ASSESSMENT.—

18 “(1) IN GENERAL.—For the period beginning
19 on January 1, 2007 and ending on December 31,
20 2013, the Inspector General of each element of the
21 intelligence community outside of the Department of
22 Justice that issued national security letters in the
23 intelligence activities of the element of the intel-
24 ligence community shall—

1 “(A) examine the use of national security
2 letters by the element of the intelligence com-
3 munity during the period;

4 “(B) describe any noteworthy facts or cir-
5 cumstances relating to the use of national secu-
6 rity letters by the element of the intelligence
7 community, including any improper or illegal
8 use of such authority;

9 “(C) assess the importance of information
10 received under the national security letters to
11 the intelligence activities of the element of the
12 intelligence community; and

13 “(D) examine the manner in which infor-
14 mation received under the national security let-
15 ters was collected, retained, analyzed, and dis-
16 seminated.

17 “(2) SUBMISSION DATES FOR ASSESSMENT.—

18 “(A) CALENDAR YEARS 2007 THROUGH
19 2009.—Not later than March 31, 2012, the In-
20 spector General of each element of the intel-
21 ligence community that conducts an assessment
22 under this subsection shall submit to the Com-
23 mittee on the Judiciary and the Select Com-
24 mittee on Intelligence of the Senate and the
25 Committee on the Judiciary and the Permanent

1 Select Committee on Intelligence of the House
2 of Representatives a report containing the re-
3 sults of the assessment for calendar years 2007
4 through 2009.

5 “(B) CALENDAR YEARS 2010 AND 2011.—
6 Not later than March 31, 2013, the Inspector
7 General of any element of the intelligence com-
8 munity that conducts an assessment under this
9 subsection shall submit to the Committee on the
10 Judiciary and the Select Committee on Intel-
11 ligence of the Senate and the Committee on the
12 Judiciary and the Permanent Select Committee
13 on Intelligence of the House of Representatives
14 a report containing the results of the assess-
15 ment for calendar years 2010 and 2011.

16 “(C) CALENDAR YEARS 2012 AND 2013.—
17 Not later than March 31, 2015, the Inspector
18 General of any element of the intelligence com-
19 munity that conducts an assessment under this
20 subsection shall submit to the Committee on the
21 Judiciary and the Select Committee on Intel-
22 ligence of the Senate and the Committee on the
23 Judiciary and the Permanent Select Committee
24 on Intelligence of the House of Representatives

1 a report containing the results of the assess-
2 ment for calendar years 2012 and 2013.”;

3 (6) in subsection (e), as redesignated by para-
4 graph (4)—

5 (A) in paragraph (1)—

6 (i) by striking “a report under sub-
7 section (c)(1) or (c)(2)” and inserting “any
8 report under subsection (e) or (d)”;

9 (ii) by inserting “and any Inspector
10 General of an element of the intelligence
11 community that submits a report under
12 this section” after “Justice”; and

13 (B) in paragraph (2), by striking “the re-
14 ports submitted under subsection (c)(1) or
15 (c)(2)” and inserting “any report submitted
16 under subsection (c) or (d)”;

17 (7) in subsection (f), as redesignated by para-
18 graph (4)—

19 (A) by striking “The reports submitted
20 under subsections (c)(1) or (c)(2)” and insert-
21 ing “Each report submitted under subsection
22 (c)”;

23 (B) by striking “subsection (d)(2)” and in-
24 serting “subsection (e)(2)”.

1 (c) PEN REGISTERS AND TRAP AND TRACE DE-
2 VICES.—

3 (1) AUDITS.—The Inspector General of the De-
4 partment of Justice shall perform comprehensive au-
5 dits of the effectiveness and use, including any im-
6 proper or illegal use, of pen registers and trap and
7 trace devices under title IV of the Foreign Intel-
8 ligence Surveillance Act of 1978 (50 U.S.C. 1841 et
9 seq.) during the period beginning on January 1,
10 2007 and ending on December 31, 2013.

11 (2) REQUIREMENTS.—The audits required
12 under paragraph (1) shall include—

13 (A) an examination of the use of pen reg-
14 isters and trap and trace devices under title IV
15 of the Foreign Intelligence Surveillance Act of
16 1978 for calendar years 2007 through 2013;

17 (B) an examination of the installation and
18 use of a pen register or trap and trace device
19 on emergency bases under section 403 of the
20 Foreign Intelligence Surveillance Act of 1978
21 (50 U.S.C. 1843);

22 (C) any noteworthy facts or circumstances
23 relating to the use of a pen register or trap and
24 trace device under title IV of the Foreign Intel-
25 ligence Surveillance Act of 1978, including any

1 improper or illegal use of the authority provided
2 under that title; and

3 (D) an examination of the effectiveness of
4 the authority under title IV of the Foreign In-
5 telligence Surveillance Act of 1978 as an inves-
6 tigative tool, including—

7 (i) the importance of the information
8 acquired to the intelligence activities of the
9 Federal Bureau of Investigation;

10 (ii) the manner in which the informa-
11 tion is collected, retained, analyzed, and
12 disseminated by the Federal Bureau of In-
13 vestigation, including any direct access to
14 the information provided to any other de-
15 partment, agency, or instrumentality of
16 Federal, State, local, or tribal governments
17 or any private sector entity;

18 (iii) with respect to calendar years
19 2010 through 2013, an examination of the
20 minimization procedures of the Federal
21 Bureau of Investigation used in relation to
22 pen registers and trap and trace devices
23 under title IV of the Foreign Intelligence
24 Surveillance Act of 1978 and whether the

1 minimization procedures protect the con-
2 stitutional rights of United States persons;

3 (iv) whether, and how often, the Fed-
4 eral Bureau of Investigation used informa-
5 tion acquired under a pen register or trap
6 and trace device under title IV of the For-
7 eign Intelligence Surveillance Act of 1978
8 to produce an analytical intelligence prod-
9 uct for distribution within the Federal Bu-
10 reau of Investigation, to the intelligence
11 community, or to another department,
12 agency, or instrumentality of Federal,
13 State, local, or tribal governments; and

14 (v) whether, and how often, the Fed-
15 eral Bureau of Investigation provided in-
16 formation acquired under a pen register or
17 trap and trace device under title IV of the
18 Foreign Intelligence Surveillance Act of
19 1978 to law enforcement authorities for
20 use in criminal proceedings.

21 (3) SUBMISSION DATES.—

22 (A) CALENDAR YEARS 2007 THROUGH
23 2009.—Not later than March 31, 2012, the In-
24 spector General of the Department of Justice
25 shall submit to the Committee on the Judiciary

1 and the Select Committee on Intelligence of the
2 Senate and the Committee on the Judiciary and
3 the Permanent Select Committee on Intelligence
4 of the House of Representatives a report con-
5 taining the results of the audits conducted
6 under paragraph (1) for calendar years 2007
7 through 2009.

8 (B) CALENDAR YEARS 2010 AND 2011.—

9 Not later than March 31, 2013, the Inspector
10 General of the Department of Justice shall sub-
11 mit to the Committee on the Judiciary and the
12 Select Committee on Intelligence of the Senate
13 and the Committee on the Judiciary and the
14 Permanent Select Committee on Intelligence of
15 the House of Representatives a report con-
16 taining the results of the audits conducted
17 under paragraph (1) for calendar years 2010
18 and 2011.

19 (C) CALENDAR YEARS 2012 AND 2013.—Not

20 later than March 31, 2015, the Inspector Gen-
21 eral of the Department of Justice shall submit
22 to the Committee on the Judiciary and the Se-
23 lect Committee on Intelligence of the Senate
24 and the Committee on the Judiciary and the
25 Permanent Select Committee on Intelligence of

1 the House of Representatives a report con-
2 taining the results of the audits conducted
3 under paragraph (1) for calendar years 2012
4 and 2013.

5 (4) INTELLIGENCE ASSESSMENT.—

6 (A) IN GENERAL.—For the period begin-
7 ning January 1, 2007 and ending on December
8 31, 2013, the Inspector General of any element
9 of the intelligence community outside of the De-
10 partment of Justice that used information ac-
11 quired under a pen register or trap and trace
12 device under title IV of the Foreign Intelligence
13 Surveillance Act of 1978 in the intelligence ac-
14 tivities of the element of the intelligence com-
15 munity shall—

16 (i) assess the importance of the infor-
17 mation to the intelligence activities of the
18 element of the intelligence community;

19 (ii) examine the manner in which the
20 information was collected, retained, ana-
21 lyzed, and disseminated;

22 (iii) describe any noteworthy facts or
23 circumstances relating to orders under title
24 IV of the Foreign Intelligence Surveillance

1 Act of 1978 as the orders relate to the ele-
2 ment of the intelligence community; and

3 (iv) examine any minimization proce-
4 dures used by the element of the intel-
5 ligence community in relation to pen reg-
6 isters and trap and trace devices under
7 title IV of the Foreign Intelligence Surveil-
8 lance Act of 1978 and whether the mini-
9 mization procedures protect the constitu-
10 tional rights of United States persons.

11 (B) SUBMISSION DATES FOR ASSESS-
12 MENT.—

13 (i) CALENDAR YEARS 2007 THROUGH
14 2009.—Not later than March 31, 2012, the
15 Inspector General of each element of the
16 intelligence community that conducts an
17 assessment under this paragraph shall sub-
18 mit to the Committee on the Judiciary and
19 the Select Committee on Intelligence of the
20 Senate and the Committee on the Judici-
21 ary and the Permanent Select Committee
22 on Intelligence of the House of Represent-
23 ative a report containing the results of the
24 assessment for calendar years 2007
25 through 2009.

1 (ii) CALENDAR YEARS 2010 AND
2 2011.—Not later than March 31, 2013, the
3 Inspector General of each element of the
4 intelligence community that conducts an
5 assessment under this paragraph shall sub-
6 mit to the Committee on the Judiciary and
7 the Select Committee on Intelligence of the
8 Senate and the Committee on the Judici-
9 ary and the Permanent Select Committee
10 on Intelligence of the House of Represent-
11 ative a report containing the results of the
12 assessment for calendar years 2010 and
13 2011.

14 (iii) CALENDAR YEARS 2012 AND
15 2013.—Not later than March 31, 2015, the
16 Inspector General of each element of the
17 intelligence community that conducts an
18 assessment under this paragraph shall sub-
19 mit to the Committee on the Judiciary and
20 the Select Committee on Intelligence of the
21 Senate and the Committee on the Judici-
22 ary and the Permanent Select Committee
23 on Intelligence of the House of Represent-
24 ative a report containing the results of the

1 assessment for calendar years 2012 and
2 2013.

3 (5) PRIOR NOTICE TO ATTORNEY GENERAL AND
4 DIRECTOR OF NATIONAL INTELLIGENCE; COM-
5 MENTS.—

6 (A) NOTICE.—Not later than 30 days be-
7 fore the submission of any report paragraph (3)
8 or (4), the Inspector General of the Department
9 of Justice and any Inspector General of an ele-
10 ment of the intelligence community that sub-
11 mits a report under this subsection shall pro-
12 vide the report to the Attorney General and the
13 Director of National Intelligence.

14 (B) COMMENTS.—The Attorney General or
15 the Director of National Intelligence may pro-
16 vide such comments to be included in any re-
17 port submitted under paragraph (3) or (4) as
18 the Attorney General or the Director of Na-
19 tional Intelligence may consider necessary.

20 (6) UNCLASSIFIED FORM.—Each report sub-
21 mitted under paragraph (3) and any comments in-
22 cluded in that report under paragraph (5)(B) shall
23 be in unclassified form, but may include a classified
24 annex.

25 (d) DEFINITIONS.—In this section—

1 (1) the terms “foreign intelligence information”
2 and “United States person” have the meanings
3 given those terms in section 101 of the Foreign In-
4 telligence Surveillance Act of 1978 (50 U.S.C.
5 1801); and

6 (2) the term “intelligence community” has the
7 meaning given that term in section 3 of the National
8 Security Act of 1947 (50 U.S.C. 401a).

9 (e) OFFSET.—Of the unobligated balances available
10 in the Department of Justice Assets Forfeiture Fund es-
11 tablished under section 524(c)(1) of title 28, United
12 States Code, \$9,000,000 are permanently rescinded and
13 shall be returned to the general fund of the Treasury.

14 **SEC. 11. DELAYED NOTICE SEARCH WARRANTS.**

15 Section 3103a(b)(3) of title 18, United States Code,
16 is amended by striking “30 days” and inserting “7 days”.

17 **SEC. 12. PROCEDURES.**

18 (a) IN GENERAL.—The Attorney General shall peri-
19 odically review, and revise as necessary, the procedures
20 adopted by the Attorney General on October 1, 2010 for
21 the collection, use, and storage of information obtained in
22 response to a national security letter issued under section
23 2709 of title 18, United States Code, section 1114(a)(5)
24 of the Right to Financial Privacy Act of 1978 (12 U.S.C.
25 3414(5)), section 626 of the Fair Credit Reporting Act

1 (15 U.S.C. 1681u), or section 627 of the Fair Credit Re-
2 porting Act (15 U.S.C. 1681v).

3 (b) CONSIDERATIONS.—In reviewing and revising the
4 procedures described in subsection (a), the Attorney Gen-
5 eral shall give due consideration to the privacy interests
6 of individuals and the need to protect national security.

7 (c) REVISIONS TO PROCEDURES AND OVERSIGHT.—
8 If the Attorney General makes any significant changes to
9 the procedures described in subsection (a), the Attorney
10 General shall notify and submit a copy of the changes to
11 the Committee on the Judiciary and the Select Committee
12 on Intelligence of the Senate and the Committee on the
13 Judiciary and the Permanent Select Committee on Intel-
14 ligence of the House of Representatives.

15 **SEC. 13. SEVERABILITY.**

16 If any provision of this Act or an amendment made
17 by this Act, or the application of the provision to any per-
18 son or circumstance, is held to be unconstitutional, the
19 remainder of this Act and the amendments made by this
20 Act, and the application of the provisions of this Act and
21 the amendments made by this Act to any other person
22 or circumstance, shall not be affected thereby.

23 **SEC. 14. OFFSET.**

24 Of the unobligated balances available in the Depart-
25 ment of Justice Assets Forfeiture Fund established under

1 section 524(c)(1) of title 28, United States Code,
2 \$9,000,000 are permanently rescinded and shall be re-
3 turned to the general fund of the Treasury.

4 **SEC. 15. ELECTRONIC SURVEILLANCE.**

5 Section 105(c)(1)(A) of the Foreign Intelligence Sur-
6 veillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amend-
7 ed by inserting “with particularity” after “description”.

8 **SEC. 16. EFFECTIVE DATE.**

9 The amendments made by sections 3, 4, 5, 6, 7, and
10 11 shall take effect on the date that is 120 days after
11 the date of enactment of this Act.

Calendar No. 71

112TH CONGRESS
1ST Session

S. 1125

A BILL

To improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

JUNE 6, 2011

Read the second time and placed on the calendar