

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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—112th Cong., 1st Sess.**

**S. 1038**

To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEAHY

Viz:

1 At the end, add the following:

2 **SEC. 3. ADDITIONAL SUNSETS.**

3 (a) NATIONAL SECURITY LETTERS.—

4 (1) REPEAL.—Effective on December 31,  
5 2013—

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

9 (B) section 1114(a)(5) of the Right to Fi-  
10 nancial Privacy Act of 1978 (12 U.S.C.

1           3414(a)(5)) is amended to read as such provi-  
2           sion read on October 25, 2001;

3           (C) subsections (a) and (b) of section 626  
4           of the Fair Credit Reporting Act (15 U.S.C.  
5           1681u) are amended to read as subsections (a)  
6           and (b), respectively, of the second of the 2 sec-  
7           tions designated as section 624 of such Act (15  
8           U.S.C. 1681u) (relating to disclosure to the  
9           Federal Bureau of Investigation for counter-  
10          intelligence purposes), as added by section 601  
11          of the Intelligence Authorization Act for Fiscal  
12          Year 1996 (Public Law 104–93; 109 Stat.  
13          974), read on October 25, 2001;

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15          ing Act (15 U.S.C. 1681v) is repealed; and

16          (E) section 802 of the National Security  
17          Act of 1947 (50 U.S.C. 436) is amended to  
18          read as such provision read on October 25,  
19          2001.

20          (2) TRANSITION PROVISION.—Notwithstanding  
21          paragraph (1), the provisions of law referred to in  
22          paragraph (1), as in effect on December 30, 2013,  
23          shall continue to apply on and after December 31,  
24          2013, with respect to any particular foreign intel-  
25          ligence investigation or with respect to any par-

1            ticular offense or potential offense that began or oc-  
2            curred before December 31, 2013.

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

5            (A) section 3511 of title 18, United States  
6            Code, is amended—

7                    (i) in subsections (a), (c), and (d), by  
8                    striking “or 627(a)” each place it appears;  
9                    and

10                    (ii) in subsection (b)(1)(A), as amend-  
11                    ed by section 7(b) of this Act, by striking  
12                    “section 626 or 627 of the Fair Credit Re-  
13                    porting Act (15 U.S.C. 1681u and 1681v)”  
14                    and inserting “section 626 of the Fair  
15                    Credit Reporting Act (15 U.S.C. 1681u)”;

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

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

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

23                    (iii) by striking subparagraph (E);  
24                    and

1 (C) the table of sections for the Fair Cred-  
2 it Reporting Act (15 U.S.C. 1681 et seq.) is  
3 amended by striking the item relating to section  
4 627.

5 (b) FISA AMENDMENTS ACT OF 2008.—

6 (1) EXTENSION.—Section 403(b)(1) of the  
7 FISA Amendments Act of 2008 (Public Law 110–  
8 261; 50 U.S.C. 1881 note) is amended by striking  
9 “December 31, 2012” and inserting “December 31,  
10 2013”.

11 (2) TECHNICAL AND CONFORMING AMEND-  
12 MENTS.—Section 403(b)(2) of such Act (Public Law  
13 110–261; 122 Stat. 2474) is amended by striking  
14 “December 31, 2012” and inserting “December 31,  
15 2013”.

16 (3) ORDERS IN EFFECT.—Section 404(b)(1) of  
17 such Act (Public Law 110–261; 50 U.S.C. 1801  
18 note) is amended in the heading by striking “DE-  
19 CEMBER 31, 2012” and inserting “DECEMBER 31,  
20 2013”.

21 **SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS**  
22 **RECORDS AND TANGIBLE THINGS.**

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

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

4 (2) in subsection (b)(2)—

5 (A) in subparagraph (A)—

6 (i) by striking “a statement of facts  
7 showing” and inserting “a statement of  
8 the facts and circumstances relied upon by  
9 the applicant to justify the belief of the ap-  
10 plicant”; and

11 (ii) by striking “clandestine intel-  
12 ligence activities,” and all that follows and  
13 inserting “clandestine intelligence activi-  
14 ties;”; and

15 (B) by striking subparagraph (B) and in-  
16 serting the following:

17 “(B) if the records sought contain book-  
18 seller records, or are from a library and contain  
19 personally identifiable information about a pa-  
20 tron of the library, a statement of facts showing  
21 that there are reasonable grounds to believe  
22 that the records sought—

23 “(i) are relevant to an authorized in-  
24 vestigation (other than a threat assess-  
25 ment) conducted in accordance with sub-

1 section (a)(2) to obtain foreign intelligence  
2 information not concerning a United  
3 States person or to protect against inter-  
4 national terrorism or clandestine intel-  
5 ligence activities; and

6 “(ii)(I) pertain to a foreign power or  
7 an agent of a foreign power;

8 “(II) are relevant to the activities of  
9 a suspected agent of a foreign power who  
10 is the subject of such authorized investiga-  
11 tion; or

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

15 “(C) a statement of proposed minimization  
16 procedures.”;

17 (3) in subsection (c)(1)—

18 (A) by inserting “and that the proposed  
19 minimization procedures meet the definition of  
20 minimization procedures under subsection (g)”  
21 after “subsections (a) and (b)”;

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

25 (C) by striking the second sentence; and

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

2 “(i) DEFINITIONS.—In this section—

3 “(1) the term ‘bookseller records’ means trans-  
4 actional records reflecting the purchase (including  
5 subscription purchase) or rental of books, journals,  
6 or magazines, whether in digital form or in print, of  
7 an individual or entity engaged in the sale or rental  
8 of books, journals, or magazines;

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

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

15 “(4) the term ‘personally identifiable informa-  
16 tion’ includes information that identifies a person as  
17 having used, requested, or obtained specific reading  
18 materials or services from a library.”.

19 (b) TRANSITION PROCEDURES.—Notwithstanding  
20 the amendments made by this Act, an order entered under  
21 section 501(c)(1) of the Foreign Intelligence Surveillance  
22 Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on  
23 the effective date of the amendments made by this section  
24 shall remain in effect until the expiration of the order.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

5   **“SEC. 503. DEFINITIONS.**

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

10          (2) TITLE HEADING.—Title V of the Foreign  
11          Intelligence Surveillance Act of 1978 (50 U.S.C.  
12          1861 et seq.) is amended in the title heading by in-  
13          serting “AND OTHER TANGIBLE THINGS”  
14          after “CERTAIN BUSINESS RECORDS”.

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

19                   (A) by striking the items relating to title  
20                   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.”;

21                   and

1 (B) by inserting after the item relating to  
2 section 502 the following:

“Sec. 503. Definitions.”.

3 **SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND**  
4 **TRACE DEVICES FOR FOREIGN INTEL-**  
5 **LIGENCE PURPOSES.**

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

9 (1) in paragraph (1), by striking “and” at the  
10 end;

11 (2) in paragraph (2)—

12 (A) by striking “a certification by the ap-  
13 plicant” and inserting “a statement of the facts  
14 and circumstances relied upon by the applicant  
15 to justify the belief of the applicant”; and

16 (B) by striking the period at the end and  
17 inserting “; and”; and

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

19 “(3) a statement of whether minimization pro-  
20 cedures are being proposed and, if so, a statement  
21 of the proposed minimization procedures.”.

22 (b) MINIMIZATION.—

23 (1) DEFINITION.—Section 401 of the Foreign  
24 Intelligence Surveillance Act of 1978 (50 U.S.C.

1 1841) is amended by adding at the end the fol-  
2 lowing:

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

5 “(A) specific procedures, that are reason-  
6 ably designed in light of the purpose and tech-  
7 nique of an order for the installation and use  
8 of a pen register or trap and trace device, to  
9 minimize the retention, and prohibit the dis-  
10 semination, of nonpublicly available information  
11 known to concern unconsenting United States  
12 persons consistent with the need of the United  
13 States to obtain, produce, and disseminate for-  
14 eign intelligence information;

15 “(B) procedures that require that nonpub-  
16 licly available information, which is not foreign  
17 intelligence information shall not be dissemi-  
18 nated in a manner that identifies any United  
19 States person, without such person’s consent,  
20 unless such person’s identity is necessary to un-  
21 derstand foreign intelligence information or as-  
22 sess its importance; and

23 “(C) notwithstanding subparagraphs (A)  
24 and (B), procedures that allow for the retention  
25 and dissemination of information that is evi-

1           dence of a crime which has been, is being, or  
2           is about to be committed and that is to be re-  
3           tained or disseminated for law enforcement pur-  
4           poses.”.

5           (2) PEN REGISTERS AND TRAP AND TRACE DE-  
6           VICES.—Section 402 of the Foreign Intelligence Sur-  
7           veillance Act of 1978 (50 U.S.C. 1842) is amend-  
8           ed—

9                   (A) in subsection (d)(1), by striking “the  
10           judge finds” and all that follows and inserting  
11           the following: “the judge finds—

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

14                   “(B) that, if there are exceptional cir-  
15           cumstances justifying the use of minimization proce-  
16           dures in a particular case, the proposed minimiza-  
17           tion procedures meet the definition of minimization  
18           procedures under this title.”; and

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

20                   “(h) At or before the end of the period of time for  
21           which the installation and use of a pen register or trap  
22           and trace device is approved under an order or an exten-  
23           sion under this section, the judge may assess compliance  
24           with any applicable minimization procedures by reviewing

1 the circumstances under which information concerning  
2 United States persons was retained or disseminated.”.

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

6 (A) by redesignating subsection (c) as sub-  
7 section (d); and

8 (B) by inserting after subsection (b) the  
9 following:

10 “(c) If the Attorney General authorizes the emer-  
11 gency installation and use of a pen register or trap and  
12 trace device under this section, the Attorney General shall  
13 require that minimization procedures be followed, if appro-  
14 priate.”.

15 (4) USE OF INFORMATION.—Section 405(a)(1)  
16 of the Foreign Intelligence Surveillance Act of 1978  
17 (50 U.S.C. 1845(a)(1)) is amended by striking “pro-  
18 visions of this section” and inserting “minimization  
19 procedures required under this title”.

20 (c) TRANSITION PROCEDURES.—

21 (1) ORDERS IN EFFECT.—Notwithstanding the  
22 amendments made by this Act, an order entered  
23 under section 402(d)(1) of the Foreign Intelligence  
24 Surveillance Act of 1978 (50 U.S.C. 1842(d)(1))  
25 that is in effect on the effective date of the amend-



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

10                   “(i) a danger to the national security  
11 of the United States;

12                   “(ii) interference with a criminal,  
13 counterterrorism, or counterintelligence in-  
14 vestigation;

15                   “(iii) interference with diplomatic re-  
16 lations; or

17                   “(iv) danger to the life or physical  
18 safety of any person.

19           “(2) EXCEPTION.—

20           “(A) IN GENERAL.—A wire or electronic  
21 communication service provider, or officer, em-  
22 ployee, or agent thereof, that receives a request  
23 under subsection (a) may disclose information  
24 otherwise subject to any applicable nondisclo-  
25 sure requirement to—

1                   “(i) those persons to whom disclosure  
2                   is necessary in order to comply with the re-  
3                   quest;

4                   “(ii) an attorney in order to obtain  
5                   legal advice or assistance regarding the re-  
6                   quest; or

7                   “(iii) other persons as permitted by  
8                   the Director of the Federal Bureau of In-  
9                   vestigation or the designee of the Director.

10                  “(B) PERSONS NECESSARY FOR COMPLI-  
11                  ANCE.—Upon a request by the Director of the  
12                  Federal Bureau of Investigation or the designee  
13                  of the Director, those persons to whom disclo-  
14                  sure will be made under subparagraph (A)(i) or  
15                  to whom such disclosure was made before the  
16                  request shall be identified to the Director or the  
17                  designee.

18                  “(C) NONDISCLOSURE REQUIREMENT.—A  
19                  person to whom disclosure is made under sub-  
20                  paragraph (A) shall be subject to the nondisclo-  
21                  sure requirements applicable to a person to  
22                  whom a request is issued under subsection (a)  
23                  in the same manner as the person to whom the  
24                  request is issued.

1           “(D) NOTICE.—Any recipient that dis-  
2 closes to a person described in subparagraph  
3 (A) information otherwise subject to a non-  
4 disclosure requirement shall inform the person  
5 of the applicable nondisclosure requirement.

6           “(3) RIGHT TO JUDICIAL REVIEW.—

7           “(A) IN GENERAL.—A wire or electronic  
8 communications service provider that receives a  
9 request under subsection (a) shall have the  
10 right to judicial review of any applicable non-  
11 disclosure requirement.

12           “(B) NOTIFICATION.—A request under  
13 subsection (a) shall state that if the recipient  
14 wishes to have a court review a nondisclosure  
15 requirement, the recipient shall notify the Gov-  
16 ernment.

17           “(C) INITIATION OF PROCEEDINGS.—If a  
18 recipient of a request under subsection (a)  
19 makes a notification under subparagraph (B),  
20 the Government shall initiate judicial review  
21 under the procedures established in section  
22 3511 of this title, unless an appropriate official  
23 of the Federal Bureau of the Investigation  
24 makes a notification under paragraph (4).

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

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

14          “(d) PROHIBITION OF CERTAIN DISCLOSURE.—

15               “(1) PROHIBITION.—

16                   “(A) IN GENERAL.—If a certification is  
17                   issued under subparagraph (B) and notice of  
18                   the right to judicial review under paragraph (3)  
19                   is provided, no consumer reporting agency, or  
20                   officer, employee, or agent thereof, that receives  
21                   a request or order under subsection (a), (b), or  
22                   (c), shall disclose or specify in any consumer re-  
23                   port, that the Federal Bureau of Investigation  
24                   has sought or obtained access to information or  
25                   records under subsection (a), (b), or (c).

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

10                   “(i) a danger to the national security  
11 of the United States;

12                   “(ii) interference with a criminal,  
13 counterterrorism, or counterintelligence in-  
14 vestigation;

15                   “(iii) interference with diplomatic re-  
16 lations; or

17                   “(iv) danger to the life or physical  
18 safety of any person.

19           “(2) EXCEPTION.—

20           “(A) IN GENERAL.—A consumer reporting  
21 agency, or officer, employee, or agent thereof,  
22 that receives a request or order under sub-  
23 section (a), (b), or (c) may disclose information  
24 otherwise subject to any applicable nondisclo-  
25 sure requirement to—

1                   “(i) those persons to whom disclosure  
2                   is necessary in order to comply with the re-  
3                   quest or order;

4                   “(ii) an attorney in order to obtain  
5                   legal advice or assistance regarding the re-  
6                   quest or order; or

7                   “(iii) other persons as permitted by  
8                   the Director of the Federal Bureau of In-  
9                   vestigation or the designee of the Director.

10                  “(B) PERSONS NECESSARY FOR COMPLI-  
11                  ANCE.—Upon a request by the Director of the  
12                  Federal Bureau of Investigation or the designee  
13                  of the Director, those persons to whom disclo-  
14                  sure will be made under subparagraph (A)(i) or  
15                  to whom such disclosure was made before the  
16                  request shall be identified to the Director or the  
17                  designee.

18                  “(C) NONDISCLOSURE REQUIREMENT.—A  
19                  person to whom disclosure is made under sub-  
20                  paragraph (A) shall be subject to the nondisclo-  
21                  sure requirements applicable to a person to  
22                  whom a request or order is issued under sub-  
23                  section (a), (b), or (c) in the same manner as  
24                  the person to whom the request or order is  
25                  issued.

1           “(D) NOTICE.—Any recipient that dis-  
2 closes to a person described in subparagraph  
3 (A) information otherwise subject to a non-  
4 disclosure requirement shall inform the person  
5 of the applicable nondisclosure requirement.

6           “(3) RIGHT TO JUDICIAL REVIEW.—

7           “(A) IN GENERAL.—A consumer reporting  
8 agency that receives a request or order under  
9 subsection (a), (b), or (c) shall have the right  
10 to judicial review of any applicable nondisclo-  
11 sure requirement.

12           “(B) NOTIFICATION.—A request or order  
13 under subsection (a), (b), or (c) shall state that  
14 if the recipient wishes to have a court review a  
15 nondisclosure requirement, the recipient shall  
16 notify the Government.

17           “(C) INITIATION OF PROCEEDINGS.—If a  
18 recipient of a request or order under subsection  
19 (a), (b), or (c) makes a notification under sub-  
20 paragraph (B), the Government shall initiate  
21 judicial review under the procedures established  
22 in section 3511 of title 18, United States Code,  
23 unless an appropriate official of the Federal  
24 Bureau of Investigation makes a notification  
25 under paragraph (4).

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

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

15           “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

16           “(1) PROHIBITION.—

17           “(A) IN GENERAL.—If a certification is  
18 issued under subparagraph (B) and notice of  
19 the right to judicial review under paragraph (3)  
20 is provided, no consumer reporting agency, or  
21 officer, employee, or agent thereof, that receives  
22 a request under subsection (a), shall disclose to  
23 any person or specify in any consumer report,  
24 that a government agency has sought or ob-

1           tained access to information under subsection  
2           (a).

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

11                   “(i) a danger to the national security  
12                   of the United States;

13                   “(ii) interference with a criminal,  
14                   counterterrorism, or counterintelligence in-  
15                   vestigation;

16                   “(iii) interference with diplomatic re-  
17                   lations; or

18                   “(iv) danger to the life or physical  
19                   safety of any person.

20          “(2) EXCEPTION.—

21                   “(A) IN GENERAL.—A consumer reporting  
22                   agency, or officer, employee, or agent thereof,  
23                   that receives a request under subsection (a)  
24                   may disclose information otherwise subject to  
25                   any applicable nondisclosure requirement to—

1                   “(i) those persons to whom disclosure  
2                   is necessary in order to comply with the re-  
3                   quest;

4                   “(ii) an attorney in order to obtain  
5                   legal advice or assistance regarding the re-  
6                   quest; or

7                   “(iii) other persons as permitted by  
8                   the head of the government agency author-  
9                   ized to conduct investigations of, or intel-  
10                  ligence or counterintelligence activities or  
11                  analysis related to, international terrorism,  
12                  or a designee.

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

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 is issued under subsection (a)  
4 in the same manner as the person to whom the  
5 request is issued.

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

11 “(3) RIGHT TO JUDICIAL REVIEW.—

12 “(A) IN GENERAL.—A consumer reporting  
13 agency that receives a request under subsection  
14 (a) shall have the right to judicial review of any  
15 applicable nondisclosure requirement.

16 “(B) NOTIFICATION.—A request under  
17 subsection (a) shall state that if the recipient  
18 wishes to have a court review a nondisclosure  
19 requirement, the recipient shall notify the gov-  
20 ernment.

21 “(C) INITIATION OF PROCEEDINGS.—If a  
22 recipient of a request under subsection (a)  
23 makes a notification under subparagraph (B),  
24 the government shall initiate judicial review  
25 under the procedures established in section

1           3511 of title 18, United States Code, unless an  
2           appropriate official of the government agency  
3           authorized to conduct investigations of, or intel-  
4           ligence or counterintelligence activities or anal-  
5           ysis related to, international terrorism makes a  
6           notification under paragraph (4).

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

19          (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the  
20          Right to Financial Privacy Act of 1978 (12 U.S.C.  
21          3414(a)(5)) is amended by striking subparagraph (D) and  
22          inserting the following:

23          “(D) PROHIBITION OF CERTAIN DISCLOSURE.—

24                  “(i) PROHIBITION.—

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

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

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

21                   “(bb) interference with a criminal,  
22 counterterrorism, or counterintelligence in-  
23 vestigation;

24                   “(cc) interference with diplomatic re-  
25 lations; or

1                   “(dd) danger to the life or physical  
2                   safety of any person.

3                   “(ii) EXCEPTION.—

4                   “(I) IN GENERAL.—A financial institution,  
5                   or officer, employee, or agent thereof, that re-  
6                   ceives a request under subparagraph (A) may  
7                   disclose information otherwise subject to any  
8                   applicable nondisclosure requirement to—

9                   “(aa) those persons to whom disclo-  
10                  sure is necessary in order to comply with  
11                  the request;

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

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

18                  “(II) PERSONS NECESSARY FOR COMPLI-  
19                  ANCE.—Upon a request by the Director of the  
20                  Federal Bureau of Investigation or the designee  
21                  of the Director, those persons to whom disclo-  
22                  sure will be made under subclause (I)(aa) or to  
23                  whom such disclosure was made before the re-  
24                  quest shall be identified to the Director or the  
25                  designee.

1           “(III) NONDISCLOSURE REQUIREMENT.—

2           A person to whom disclosure is made under  
3           subclause (I) shall be subject to the nondislo-  
4           sure requirements applicable to a person to  
5           whom a request is issued under subparagraph  
6           (A) in the same manner as the person to whom  
7           the request is issued.

8           “(IV) NOTICE.—Any recipient that dis-  
9           closes to a person described in subclause (I) in-  
10          formation otherwise subject to a nondisclosure  
11          requirement shall inform the person of the ap-  
12          plicable nondisclosure requirement.

13          “(iii) RIGHT TO JUDICIAL REVIEW.—

14          “(I) IN GENERAL.—A financial institution  
15          that receives a request under subparagraph (A)  
16          shall have the right to judicial review of any ap-  
17          plicable nondisclosure requirement.

18          “(II) NOTIFICATION.—A request under  
19          subparagraph (A) shall state that if the recipi-  
20          ent wishes to have a court review a nondislo-  
21          sure requirement, the recipient shall notify the  
22          Government.

23          “(III) INITIATION OF PROCEEDINGS.—If a  
24          recipient of a request under subparagraph (A)  
25          makes a notification under subclause (II), the

1 Government shall initiate judicial review under  
2 the procedures established in section 3511 of  
3 title 18, United States Code, unless an appro-  
4 priate official of the Federal Bureau of Inves-  
5 tigation makes a notification under clause (iv).

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

15 (e) REQUESTS BY AUTHORIZED INVESTIGATIVE  
16 AGENCIES.—Section 802 of the National Security Act of  
17 1947 (50 U.S.C. 436), is amended by striking subsection  
18 (b) and inserting the following:

19 “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

20 “(1) PROHIBITION.—

21 “(A) IN GENERAL.—If a certification is  
22 issued under subparagraph (B) and notice of  
23 the right to judicial review under paragraph (3)  
24 is provided, no governmental or private entity,  
25 or officer, employee, or agent thereof, that re-

1 ceives a request under subsection (a), shall dis-  
2 close to any person that an authorized inves-  
3 tigative agency described in subsection (a) has  
4 sought or obtained access to information under  
5 subsection (a).

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

12 “(i) a danger to the national security  
13 of the United States;

14 “(ii) interference with a criminal,  
15 counterterrorism, or counterintelligence in-  
16 vestigation;

17 “(iii) interference with diplomatic re-  
18 lations; or

19 “(iv) danger to the life or physical  
20 safety of any person.

21 “(2) EXCEPTION.—

22 “(A) IN GENERAL.—A governmental or  
23 private entity, or officer, employee, or agent  
24 thereof, that receives a request under sub-  
25 section (a) may disclose information otherwise

1 subject to any applicable nondisclosure require-  
2 ment to—

3 “(i) those persons to whom disclosure  
4 is necessary in order to comply with the re-  
5 quest;

6 “(ii) an attorney in order to obtain  
7 legal advice or assistance regarding the re-  
8 quest; or

9 “(iii) other persons as permitted by  
10 the head of the authorized investigative  
11 agency described in subsection (a).

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

21 “(C) NONDISCLOSURE REQUIREMENT.—A  
22 person to whom disclosure is made under sub-  
23 paragraph (A) shall be subject to the nondisclo-  
24 sure requirements applicable to a person to  
25 whom a request is issued under subsection (a)

1 in the same manner as the person to whom the  
2 request is issued.

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

8 “(3) RIGHT TO JUDICIAL REVIEW.—

9 “(A) IN GENERAL.—A governmental or  
10 private entity that receives a request under sub-  
11 section (a) shall have the right to judicial re-  
12 view of any applicable nondisclosure require-  
13 ment.

14 “(B) NOTIFICATION.—A request under  
15 subsection (a) shall state that if the recipient  
16 wishes to have a court review a nondisclosure  
17 requirement, the recipient shall notify the Gov-  
18 ernment.

19 “(C) INITIATION OF PROCEEDINGS.—If a  
20 recipient of a request under subsection (a)  
21 makes a notification under subparagraph (B),  
22 the Government shall initiate judicial review  
23 under the procedures established in section  
24 3511 of title 18, United States Code, unless an  
25 appropriate official of the authorized investiga-



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

3 (2) in subparagraph (C)—

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

5 (B) by redesignating clause (iii) as clause  
6 (ii).

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

10 “(b) NONDISCLOSURE.—

11 “(1) IN GENERAL.—

12 “(A) NOTICE.—If a recipient of a request  
13 or order for a report, records, or other informa-  
14 tion under section 2709 of this title, section  
15 626 or 627 of the Fair Credit Reporting Act  
16 (15 U.S.C. 1681u and 1681v), section 1114 of  
17 the Right to Financial Privacy Act of 1978 (12  
18 U.S.C. 3414), or section 802 of the National  
19 Security Act of 1947 (50 U.S.C. 436), wishes  
20 to have a court review a nondisclosure require-  
21 ment imposed in connection with the request or  
22 order, the recipient shall notify the Govern-  
23 ment.

24 “(B) APPLICATION.—Not later than 30  
25 days after the date of receipt of a notification

1 under subparagraph (A), the Government shall  
2 apply for an order prohibiting the disclosure of  
3 the existence or contents of the relevant request  
4 or order. An application under this subpara-  
5 graph may be filed in the district court of the  
6 United States for the judicial district in which  
7 the recipient of the order is doing business or  
8 in the district court of the United States for  
9 any judicial district within which the authorized  
10 investigation that is the basis for the request or  
11 order is being conducted. The applicable non-  
12 disclosure requirement shall remain in effect  
13 during the pendency of proceedings relating to  
14 the requirement.

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

21 “(2) APPLICATION CONTENTS.—An application  
22 for a nondisclosure order or extension thereof under  
23 this subsection shall include a certification from the  
24 Attorney General, Deputy Attorney General, an As-  
25 sistant Attorney General, or the Director of the Fed-

1       eral Bureau of Investigation, or in the case of a re-  
2       quest by a department, agency, or instrumentality of  
3       the Federal Government other than the Department  
4       of Justice, the head or deputy head of the depart-  
5       ment, agency, or instrumentality, containing a state-  
6       ment of specific facts indicating that, absent a pro-  
7       hibition of disclosure under this subsection, there  
8       may result—

9               “(A) a danger to the national security of  
10              the United States;

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

13             “(C) interference with diplomatic relations;  
14              or

15             “(D) danger to the life or physical safety  
16              of any person.

17             “(3) STANDARD.—A district court of the  
18              United States shall issue a nondisclosure require-  
19              ment order or extension thereof under this sub-  
20              section if the court determines, giving substantial  
21              weight to the certification under paragraph (2) that  
22              there is reason to believe that disclosure of the infor-  
23              mation subject to the nondisclosure requirement dur-  
24              ing the applicable time period will result in—

1           “(A) a danger to the national security of  
2 the United States;

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

5           “(C) interference with diplomatic relations;

6 or

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

9       (c) MINIMIZATION.—Section 501(g)(1) of the For-  
10 eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
11 1861(g)(1)) is amended by striking “Not later than” and  
12 all that follows and inserting “At or before the end of the  
13 period of time for the production of tangible things under  
14 an order approved under this section or at any time after  
15 the production of tangible things under an order approved  
16 under this section, a judge may assess compliance with  
17 the minimization procedures by reviewing the cir-  
18 cumstances under which information concerning United  
19 States persons was retained or disseminated.”.

20 **SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL**  
21 **AND TRANSACTIONAL RECORDS.**

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

24           (1) by striking subsection (e);

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

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

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

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), as amended by this Act,  
19          is amended—

20               (1) by striking subsection (h);

21               (2) by redesignating subsections (d), (e), (f),  
22               and (g) as subsections (e), (f), (g), and (h), respec-  
23               tively; and

24               (3) by inserting after subsection (c) the fol-  
25               lowing:

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

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

16           (1) in the subsection heading, by striking  
17 “FORM OF CERTIFICATION” and inserting “CER-  
18 TIFICATION”;

19           (2) by striking “The certification” and inserting  
20 the following:

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

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

24           “(2) WRITTEN STATEMENT.—A supervisory of-  
25 ficial or officer described in paragraph (1) may

1       make a certification under subsection (a) only upon  
2       a written statement, which shall be retained by the  
3       government agency, of specific facts showing that  
4       there are reasonable grounds to believe that the in-  
5       formation sought is relevant to the authorized inves-  
6       tigation described in subsection (a).”.

7       (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the  
8       Right to Financial Privacy Act of 1978 (12 U.S.C.  
9       3414(a)(5)), as amended by this Act, is amended—

10           (1) by striking subparagraph (C);

11           (2) by redesignating subparagraph (B) as sub-  
12       paragraph (C); and

13           (3) by inserting after subparagraph (A) the fol-  
14       lowing:

15       “(B) The Director of the Federal Bureau of Inves-  
16       tigation, or a designee in a position not lower than Deputy  
17       Assistant Director at Bureau headquarters or a Special  
18       Agent in Charge in a Bureau field office designated by  
19       the Director, may make a certification under subpara-  
20       graph (A) only upon a written statement, which shall be  
21       retained by the Federal Bureau of Investigation, of spe-  
22       cific facts showing that there are reasonable grounds to  
23       believe that the information sought is relevant to the au-  
24       thorized investigation described in subparagraph (A).”.

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

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

14 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) OBSTRUCTION OF CRIMINAL INVESTIGA-  
16 TIONS.—Section 1510(e) of title 18, United States  
17 Code, is amended by striking “section 2709(c)(1) of  
18 this title, section 626(d)(1) or 627(c)(1) of the Fair  
19 Credit Reporting Act (15 U.S.C. 1681u(d)(1) or  
20 1681v(e)(1)), section 1114(a)(3)(A) or  
21 1114(a)(5)(D)(i) of the Right to Financial Privacy  
22 Act (12 U.S.C. 3414(a)(3)(A) or  
23 3414(a)(5)(D)(i)),” and inserting “section  
24 2709(d)(1) of this title, section 626(e)(1) or  
25 627(c)(1) of the Fair Credit Reporting Act (15

1 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section  
2 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to  
3 Financial Privacy Act of 1978 (12 U.S.C.  
4 3414(a)(3)(A) and 3414(a)(5)(D)(i)),”.

5 (2) SEMIANNUAL REPORTS.—Section 507(b) of  
6 the National Security Act of 1947 (50 U.S.C.  
7 415b(b)) is amended—

8 (A) by striking paragraphs (4) and (5);  
9 and

10 (B) by redesignating paragraph (6) as  
11 paragraph (4).

12 **SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LET-**  
13 **TERS.**

14 (a) IN GENERAL.—Section 118(c) of the USA PA-  
15 TRIOT Improvement and Reauthorization Act of 2005  
16 (18 U.S.C. 3511 note) is amended to read as follows:

17 “(c) REPORTS ON REQUESTS FOR NATIONAL SECU-  
18 RITY LETTERS.—

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

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

21 “(i) with respect to the first report  
22 submitted under paragraph (2) or (3), the  
23 period beginning 180 days after the date  
24 of enactment of the PATRIOT Sunsets

1 Extension Act of 2011 and ending on De-  
2 cember 31, 2011; and

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

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

13 “(2) CLASSIFIED FORM.—

14 “(A) IN GENERAL.—Not later than Feb-  
15 ruary 1, 2012, and every 6 months thereafter,  
16 the Attorney General shall submit to the Select  
17 Committee on Intelligence, the Committee on  
18 the Judiciary, and the Committee on Banking,  
19 Housing, and Urban Affairs of the Senate and  
20 the Permanent Select Committee on Intel-  
21 ligence, the Committee on the Judiciary, and  
22 the Committee on Financial Services of the  
23 House of Representatives a report fully inform-  
24 ing the committees concerning the requests  
25 made under section 2709(a) of title 18, United

1 States Code, section 1114(a)(5)(A) of the Right  
2 to Financial Privacy Act of 1978 (12 U.S.C.  
3 3414(a)(5)(A)), section 626 of the Fair Credit  
4 Reporting Act (15 U.S.C. 1681u), section 627  
5 of the Fair Credit Reporting Act (15 U.S.C.  
6 1681v), or section 802 of the National Security  
7 Act of 1947 (50 U.S.C. 436) during the appli-  
8 cable period.

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

12 “(i) the number of authorized re-  
13 quests under the provision, including re-  
14 quests for subscriber information; and

15 “(ii) the number of authorized re-  
16 quests under the provision—

17 “(I) that relate to a United  
18 States person;

19 “(II) that relate to a person that  
20 is not a United States person;

21 “(III) that relate to a person  
22 that is—

23 “(aa) the subject of an au-  
24 thorized national security inves-  
25 tigation; or

1                   “(bb) an individual who has  
2                   been in contact with or otherwise  
3                   directly linked to the subject of  
4                   an authorized national security  
5                   investigation; and

6                   “(IV) that relate to a person that  
7                   is not known to be the subject of an  
8                   authorized national security investiga-  
9                   tion or to have been in contact with or  
10                  otherwise directly linked to the subject  
11                  of an authorized national security in-  
12                  vestigation.

13                  “(3) UNCLASSIFIED FORM.—

14                  “(A) IN GENERAL.—Not later than Feb-  
15                  ruary 1, 2012, and every 6 months thereafter,  
16                  the Attorney General shall submit to the Select  
17                  Committee on Intelligence, the Committee on  
18                  the Judiciary, and the Committee on Banking,  
19                  Housing, and Urban Affairs of the Senate and  
20                  the Permanent Select Committee on Intel-  
21                  ligence, the Committee on the Judiciary, and  
22                  the Committee on Financial Services of the  
23                  House of Representatives a report fully inform-  
24                  ing the committees concerning the aggregate  
25                  total of all requests identified under paragraph

1 (2) during the applicable period ending on the  
2 last day of the second month before the date for  
3 submission of the report. Each report under  
4 this subparagraph shall be in unclassified form.

5 “(B) CONTENTS.—Each report under sub-  
6 paragraph (A) shall include the aggregate total  
7 of requests—

8 “(i) that relate to a United States  
9 person;

10 “(ii) that relate to a person that is  
11 not a United States person;

12 “(iii) that relate to a person that is—  
13 “(I) the subject of an authorized  
14 national security investigation; or

15 “(II) an individual who has been  
16 in contact with or otherwise directly  
17 linked to the subject of an authorized  
18 national security investigation; and

19 “(iv) that relate to a person that is  
20 not known to be the subject of an author-  
21 ized national security investigation or to  
22 have been in contact with or otherwise di-  
23 rectly linked to the subject of an author-  
24 ized national security investigation.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 Section 627 of the Fair Credit Reporting Act (15 U.S.C.  
3 1681v) is amended by striking subsection (f).

4 **SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTEL-**  
5 **LIGENCE SURVEILLANCE ACT OF 1978.**

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

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

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

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of contents in the first section of the Foreign  
24 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et

1 seq.) is amended by inserting after the item relating to  
2 section 601 the following:

“Sec. 602. Annual unclassified report.”.

3 **SEC. 11. AUDITS.**

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

7 (1) in subsection (b)—

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

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

11 (C) by redesignating paragraphs (4) and  
12 (5) as paragraphs (2) and (3), respectively; and

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

14 (i) by striking subparagraph (C) and  
15 inserting the following:

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

24 (ii) in subparagraph (D), by striking

25 “(as such term is defined in section 3(4) of

1           the National Security Act of 1947 (50  
2           U.S.C. 401a(4))”;

3           (2) in subsection (c), by adding at the end the  
4 following:

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

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

1           “(5) CALENDAR YEARS 2012 AND 2013.—Not  
2 later than March 31, 2015, the Inspector General of  
3 the Department of Justice shall submit to the Com-  
4 mittee on the Judiciary and the Permanent Select  
5 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 2012  
10 and 2013.”;

11           (3) by redesignating subsections (d) and (e) as  
12 subsections (e) and (f), respectively;

13           (4) by inserting after subsection (c) the fol-  
14 lowing:

15           “(d) INTELLIGENCE ASSESSMENT.—

16           “(1) IN GENERAL.—For the period beginning  
17 on January 1, 2007 and ending on December 31,  
18 2013, the Inspector General of each element of the  
19 intelligence community outside of the Department of  
20 Justice that used information acquired under title V  
21 of the Foreign Intelligence Surveillance Act of 1978  
22 (50 U.S.C. 1861 et seq.) in the intelligence activities  
23 of the element of the intelligence community shall—

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

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

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

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

19          “(2) SUBMISSION DATES FOR ASSESSMENT.—

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

1           mittee on Intelligence of the Senate and the  
2           Committee on the Judiciary and the Permanent  
3           Select Committee on Intelligence of the House  
4           of Representative a report containing the re-  
5           sults of the assessment for calendar years 2007  
6           through 2009.

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

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

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

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

6 (A) in paragraph (1)—

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

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

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

18 (6) in subsection (f) as redesignated by para-  
19 graph (3)—

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

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

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

2 “(g) DEFINITIONS.—In this section—

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

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

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

14 (1) in subsection (b)—

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

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

21 (2) in subsection (c), by adding at the end the  
22 following:

23 “(3) CALENDAR YEARS 2007, 2008, AND 2009.—  
24 Not later than March 31, 2012, the Inspector Gen-  
25 eral of the Department of Justice shall submit to the

1 Committee on the Judiciary and the Permanent Se-  
2 lect Committee on Intelligence of the House of Rep-  
3 resentatives and the Committee on the Judiciary and  
4 the Select Committee on Intelligence of the Senate  
5 a report containing the results of the audit con-  
6 ducted under subsection (a) for calendar years 2007,  
7 2008, and 2009.

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

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

1 ducted under subsection (a) for calendar years 2012  
2 and 2013.”;

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

5 “(h) DEFINITIONS.—In this section—

6 “(1) 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 “(2) the term ‘national security letter’ means a  
10 request for information under—

11 “(A) section 2709(a) of title 18, United  
12 States Code (to access certain communication  
13 service provider records);

14 “(B) section 1114(a)(5)(A) of the Right to  
15 Financial Privacy Act of 1978 (12 U.S.C.  
16 3414(a)(5)(A)) (to obtain financial institution  
17 customer records);

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

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

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

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

9           (4) by redesignating subsections (d), (e), and  
10          (f) as subsections (e), (f), and (g), respectively;

11          (5) by inserting after subsection (c) the fol-  
12          lowing:

13          “(d) INTELLIGENCE ASSESSMENT.—

14                 “(1) IN GENERAL.—For the period beginning  
15                 on January 1, 2007 and ending on December 31,  
16                 2013, the Inspector General of each element of the  
17                 intelligence community outside of the Department of  
18                 Justice that issued national security letters in the  
19                 intelligence activities of the element of the intel-  
20                 ligence community shall—

21                         “(A) examine the use of national security  
22                         letters by the element of the intelligence com-  
23                         munity during the period;

24                         “(B) describe any noteworthy facts or cir-  
25                         cumstances relating to the use of national secu-

1 rity letters by the element of the intelligence  
2 community, including any improper or illegal  
3 use of such authority;

4 “(C) assess the importance of information  
5 received under the national security letters to  
6 the intelligence activities of the element of the  
7 intelligence community; and

8 “(D) examine the manner in which infor-  
9 mation received under the national security let-  
10 ters was collected, retained, analyzed, and dis-  
11 seminated.

12 “(2) SUBMISSION DATES FOR ASSESSMENT.—

13 “(A) CALENDAR YEARS 2007 THROUGH  
14 2009.—Not later than March 31, 2012, the In-  
15 spector General of each element of the intel-  
16 ligence community that conducts an assessment  
17 under this subsection shall submit to the Com-  
18 mittee on the Judiciary and the Select Com-  
19 mittee on Intelligence of the Senate and the  
20 Committee on the Judiciary and the Permanent  
21 Select Committee on Intelligence of the House  
22 of Representatives a report containing the re-  
23 sults of the assessment for calendar years 2007  
24 through 2009.

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

12          “(C) CALENDAR YEARS 2012 AND 2013.—  
13          Not later than March 31, 2015, the Inspector  
14          General of any element of the intelligence com-  
15          munity that conducts an assessment under this  
16          subsection shall submit to the Committee on the  
17          Judiciary and the Select Committee on Intel-  
18          ligence of the Senate and the Committee on the  
19          Judiciary and the Permanent Select Committee  
20          on Intelligence of the House of Representatives  
21          a report containing the results of the assess-  
22          ment for calendar years 2012 and 2013.”;

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

25                 (A) in paragraph (1)—

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

4 (ii) by inserting “and any Inspector  
5 General of an element of the intelligence  
6 community that submits a report under  
7 this section” after “Justice”; and

8 (B) in paragraph (2), by striking “the re-  
9 ports submitted under subsection (c)(1) or  
10 (c)(2)” and inserting “any report submitted  
11 under subsection (c) or (d)”; and

12 (7) in subsection (f), as redesignated by para-  
13 graph (4)—

14 (A) by striking “The reports submitted  
15 under subsections (c)(1) or (c)(2)” and insert-  
16 ing “Each report submitted under subsection  
17 (c)”; and

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

20 (c) PEN REGISTERS AND TRAP AND TRACE DE-  
21 VICES.—

22 (1) AUDITS.—The Inspector General of the De-  
23 partment of Justice shall perform comprehensive au-  
24 dits of the effectiveness and use, including any im-  
25 proper or illegal use, of pen registers and trap and

1 trace devices under title IV of the Foreign Intel-  
2 ligence Surveillance Act of 1978 (50 U.S.C. 1841 et  
3 seq.) during the period beginning on January 1,  
4 2007 and ending on December 31, 2013.

5 (2) REQUIREMENTS.—The audits required  
6 under paragraph (1) shall include—

7 (A) an examination of the use of pen reg-  
8 isters and trap and trace devices under title IV  
9 of the Foreign Intelligence Surveillance Act of  
10 1978 for calendar years 2007 through 2013;

11 (B) an examination of the installation and  
12 use of a pen register or trap and trace device  
13 on emergency bases under section 403 of the  
14 Foreign Intelligence Surveillance Act of 1978  
15 (50 U.S.C. 1843);

16 (C) any noteworthy facts or circumstances  
17 relating to the use of a pen register or trap and  
18 trace device under title IV of the Foreign Intel-  
19 ligence Surveillance Act of 1978, including any  
20 improper or illegal use of the authority provided  
21 under that title; and

22 (D) an examination of the effectiveness of  
23 the authority under title IV of the Foreign In-  
24 telligence Surveillance Act of 1978 as an inves-  
25 tigative tool, including—

1 (i) the importance of the information  
2 acquired to the intelligence activities of the  
3 Federal Bureau of Investigation;

4 (ii) the manner in which the informa-  
5 tion is collected, retained, analyzed, and  
6 disseminated by the Federal Bureau of In-  
7 vestigation, including any direct access to  
8 the information provided to any other de-  
9 partment, agency, or instrumentality of  
10 Federal, State, local, or tribal governments  
11 or any private sector entity;

12 (iii) with respect to calendar years  
13 2010 through 2013, an examination of the  
14 minimization procedures of the Federal  
15 Bureau of Investigation used in relation to  
16 pen registers and trap and trace devices  
17 under title IV of the Foreign Intelligence  
18 Surveillance Act of 1978 and whether the  
19 minimization procedures protect the con-  
20 stitutional rights of United States persons;

21 (iv) whether, and how often, the Fed-  
22 eral Bureau of Investigation used informa-  
23 tion acquired under a pen register or trap  
24 and trace device under title IV of the For-  
25 eign Intelligence Surveillance Act of 1978

1 to produce an analytical intelligence prod-  
2 uct for distribution within the Federal Bu-  
3 reau of Investigation, to the intelligence  
4 community, or to another department,  
5 agency, or instrumentality of Federal,  
6 State, local, or tribal governments; and

7 (v) whether, and how often, the Fed-  
8 eral Bureau of Investigation provided in-  
9 formation acquired under a pen register or  
10 trap and trace device under title IV of the  
11 Foreign Intelligence Surveillance Act of  
12 1978 to law enforcement authorities for  
13 use in criminal proceedings.

14 (3) SUBMISSION DATES.—

15 (A) CALENDAR YEARS 2007 THROUGH  
16 2009.—Not later than March 31, 2012, the In-  
17 spector General of the Department of Justice  
18 shall submit to the Committee on the Judiciary  
19 and the Select Committee on Intelligence of the  
20 Senate and the Committee on the Judiciary and  
21 the Permanent Select Committee on Intelligence  
22 of the House of Representatives a report con-  
23 taining the results of the audits conducted  
24 under paragraph (1) for calendar years 2007  
25 through 2009.

1           (B) CALENDAR YEARS 2010 AND 2011.—  
2           Not later than March 31, 2013, the Inspector  
3           General of the Department of Justice shall sub-  
4           mit to the Committee on the Judiciary and the  
5           Select Committee on Intelligence of the Senate  
6           and the Committee on the Judiciary and the  
7           Permanent Select Committee on Intelligence of  
8           the House of Representatives a report con-  
9           taining the results of the audits conducted  
10          under paragraph (1) for calendar years 2010  
11          and 2011.

12          (C) CALENDAR YEARS 2012 AND 2013.—Not  
13          later than March 31, 2015, the Inspector Gen-  
14          eral of the Department of Justice shall submit  
15          to the Committee on the Judiciary and the Se-  
16          lect Committee on Intelligence of the Senate  
17          and the Committee on the Judiciary and the  
18          Permanent Select Committee on Intelligence of  
19          the House of Representatives a report con-  
20          taining the results of the audits conducted  
21          under paragraph (1) for calendar years 2012  
22          and 2013.

23          (4) INTELLIGENCE ASSESSMENT.—

24                 (A) IN GENERAL.—For the period begin-  
25                 ning January 1, 2007 and ending on December

1           31, 2013, the Inspector General of any element  
2           of the intelligence community outside of the De-  
3           partment of Justice that used information ac-  
4           quired under a pen register or trap and trace  
5           device under title IV of the Foreign Intelligence  
6           Surveillance Act of 1978 in the intelligence ac-  
7           tivities of the element of the intelligence com-  
8           munity shall—

9                   (i) assess the importance of the infor-  
10                  mation to the intelligence activities of the  
11                  element of the intelligence community;

12                  (ii) examine the manner in which the  
13                  information was collected, retained, ana-  
14                  lyzed, and disseminated;

15                  (iii) describe any noteworthy facts or  
16                  circumstances relating to orders under title  
17                  IV of the Foreign Intelligence Surveillance  
18                  Act of 1978 as the orders relate to the ele-  
19                  ment of the intelligence community; and

20                  (iv) examine any minimization proce-  
21                  dures used by the element of the intel-  
22                  ligence community in relation to pen reg-  
23                  isters and trap and trace devices under  
24                  title IV of the Foreign Intelligence Surveil-  
25                  lance Act of 1978 and whether the mini-

1 mization procedures protect the constitu-  
2 tional rights of United States persons.

3 (B) SUBMISSION DATES FOR ASSESS-  
4 MENT.—

5 (i) CALENDAR YEARS 2007 THROUGH  
6 2009.—Not later than March 31, 2012, the  
7 Inspector General of each element of the  
8 intelligence community that conducts an  
9 assessment under this paragraph shall sub-  
10 mit to the Committee on the Judiciary and  
11 the Select Committee on Intelligence of the  
12 Senate and the Committee on the Judici-  
13 ary and the Permanent Select Committee  
14 on Intelligence of the House of Represent-  
15 ative a report containing the results of the  
16 assessment for calendar years 2007  
17 through 2009.

18 (ii) CALENDAR YEARS 2010 AND  
19 2011.—Not later than March 31, 2013, the  
20 Inspector General of each element of the  
21 intelligence community that conducts an  
22 assessment under this paragraph shall sub-  
23 mit to the Committee on the Judiciary and  
24 the Select Committee on Intelligence of the  
25 Senate and the Committee on the Judici-

1           ary and the Permanent Select Committee  
2           on Intelligence of the House of Represent-  
3           ative a report containing the results of the  
4           assessment for calendar years 2010 and  
5           2011.

6                   (iii) CALENDAR YEARS 2012 AND  
7           2013.—Not later than March 31, 2015, the  
8           Inspector General of each element of the  
9           intelligence community that conducts an  
10          assessment under this paragraph shall sub-  
11          mit to the Committee on the Judiciary and  
12          the Select Committee on Intelligence of the  
13          Senate and the Committee on the Judici-  
14          ary and the Permanent Select Committee  
15          on Intelligence of the House of Represent-  
16          ative a report containing the results of the  
17          assessment for calendar years 2012 and  
18          2013.

19                   (5) PRIOR NOTICE TO ATTORNEY GENERAL AND  
20          DIRECTOR OF NATIONAL INTELLIGENCE; COM-  
21          MENTS.—

22                   (A) NOTICE.—Not later than 30 days be-  
23          fore the submission of any report paragraph (3)  
24          or (4), the Inspector General of the Department  
25          of Justice and any Inspector General of an ele-

1           ment of the intelligence community that sub-  
2           mits a report under this subsection shall pro-  
3           vide the report to the Attorney General and the  
4           Director of National Intelligence.

5                   (B) COMMENTS.—The Attorney General or  
6           the Director of National Intelligence may pro-  
7           vide such comments to be included in any re-  
8           port submitted under paragraph (3) or (4) as  
9           the Attorney General or the Director of Na-  
10          tional Intelligence may consider necessary.

11                   (6) UNCLASSIFIED FORM.—Each report sub-  
12          mitted under paragraph (3) and any comments in-  
13          cluded in that report under paragraph (5)(B) shall  
14          be in unclassified form, but may include a classified  
15          annex.

16                   (d) DEFINITIONS.—In this section—

17                   (1) the terms “foreign intelligence information”  
18           and “United States person” have the meanings  
19           given those terms in section 101 of the Foreign In-  
20           telligence Surveillance Act of 1978 (50 U.S.C.  
21           1801); and

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

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

6 **SEC. 12. DELAYED NOTICE SEARCH WARRANTS.**

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

9 **SEC. 13. PROCEDURES.**

10 (a) IN GENERAL.—The Attorney General shall peri-  
11 odically review, and revise as necessary, the procedures  
12 adopted by the Attorney General on October 1, 2010 for  
13 the collection, use, and storage of information obtained in  
14 response to a national security letter issued under section  
15 2709 of title 18, United States Code, section 1114(a)(5)  
16 of the Right to Financial Privacy Act of 1978 (12 U.S.C.  
17 3414(5)), section 626 of the Fair Credit Reporting Act  
18 (15 U.S.C. 1681u), or section 627 of the Fair Credit Re-  
19 porting Act (15 U.S.C. 1681v).

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

24 (c) REVISIONS TO PROCEDURES AND OVERSIGHT.—  
25 If the Attorney General makes any significant changes to

1 the procedures described in subsection (a), the Attorney  
2 General shall notify and submit a copy of the changes to  
3 the Committee on the Judiciary and the Select Committee  
4 on Intelligence of the Senate and the Committee on the  
5 Judiciary and the Permanent Select Committee on Intel-  
6 ligence of the House of Representatives.

7 **SEC. 14. SEVERABILITY.**

8 If any provision of this Act or an amendment made  
9 by this Act, or the application of the provision to any per-  
10 son or circumstance, is held to be unconstitutional, the  
11 remainder of this Act and the amendments made by this  
12 Act, and the application of the provisions of this Act and  
13 the amendments made by this Act to any other person  
14 or circumstance, shall not be affected thereby.

15 **SEC. 15. OFFSET.**

16 Of the unobligated balances available in the Depart-  
17 ment of Justice Assets Forfeiture Fund established under  
18 section 524(c)(1) of title 28, United States Code,  
19 \$9,000,000 are permanently rescinded and shall be re-  
20 turned to the general fund of the Treasury.

21 **SEC. 16. ELECTRONIC SURVEILLANCE.**

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

**1 SEC. 17. EFFECTIVE DATE.**

2       The amendments made by sections 4, 5, 6, 7, 8, and  
3 12 shall take effect on the date that is 120 days after  
4 the date of enactment of this Act.