To strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2013

Mr. LEAHY (for himself, Mr. LEE, Mr. UDALL of Colorado, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FISA Accountability and Privacy Protection Act of 2013”.

SEC. 2. SUNSETS.

(a) MODIFICATION OF FISA AMENDMENTS ACT OF 2008 SUNSET.—
(1) Modification.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2017” and inserting “June 1, 2015”.

(2) Technical and Conforming Amendments.—Section 403(b)(2) of such Act (Public Law 110–261; 122 Stat. 2474) is amended by striking “December 31, 2017” and inserting “June 1, 2015”.

(3) Orders in Effect.—Section 404(b)(1) of such Act (Public Law 110–261; 50 U.S.C. 1801 note) is amended in the paragraph heading by striking “December 31, 2017” and inserting “June 1, 2015”.

(b) National Security Letters.—

(1) Repeal.—Effective on June 1, 2015—

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

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;
(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended to read as such provision read on October 25, 2001.

(2) Transition provision.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on May 31, 2015, shall continue to apply on and after June 1, 2015, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before June 1, 2015.
(3) **Technical and Conforming Amendments.—** Effective June 1, 2015—

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

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

and

(ii) in subsection (b)(1)(A), as amended by section 6(b) of this Act, by striking “section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)” and inserting “section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)”;

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

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

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

(iii) by striking subparagraph (E);

and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is
amended by striking the item relating to section 627.

SEC. 3. FACTUAL BASIS FOR AND ISSUANCE OF ORDERS FOR ACCESS TO TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by striking “CERTAIN BUSINESS RECORDS” and inserting “TANGIBLE THINGS”;

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii)(I) pertain to a foreign power or an agent of a foreign power;
“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(B) a statement of proposed minimization procedures.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”; and

(ii) by striking the second sentence; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking “and” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following:

“(F) shall direct that the minimization procedures be followed.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

“SEC. 503. DEFINITIONS.

“In this title, the terms ‘Attorney General’, ‘foreign intelligence information’, ‘international terrorism’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given those terms in section 101.”.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by striking “CERTAIN BUSINESS RECORDS” and inserting “TANGIBLE THINGS”.

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

(A) by striking the items relating to title V and section 501 and inserting the following:
“TITLE V—ACCESS TO TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to tangible things for foreign intelligence purposes and international terrorism investigations.”;

and

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

“Sec. 503. Definitions.”.

4 SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) Application.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

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

(2) in paragraph (2)—

(A) by striking “a certification by the applicant” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

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

(3) by adding at the end the following:

“(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.”.
(b) Minimization.—

(1) Definition.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

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

“(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, shall not be disseminated in a manner that identifies any United States person, without the consent of such person, unless the identity of such person is necessary to understand foreign intelligence information or assess its importance; and
“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(2) Pen registers and trap and trace devices.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

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

“(A) that the application satisfies the requirements of this section; and

“(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.”; and

(B) by adding at the end the following:

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

(3) EMERGENCIES.—Section 403 of the For-

gn Intelligence Surveillance Act of 1978 (50

U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as sub-

section (d); and

(B) by inserting after subsection (b) the

following:

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

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

(c) TRANSITION PROCEDURES.—

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

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

SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

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

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Invest-
tigation has sought or obtained access to information or records under this section.

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

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

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

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

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information
otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a)
in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

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

“(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

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

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

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

“(B) Certification.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

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

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

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

“(2) Exception.—

“(A) In general.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information
otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as
the person to whom the request or order is
issued.

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

“(3) RIGHT TO JUDICIAL REVIEW.—

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

“(B) NOTIFICATION.—A request or order
under subsection (a), (b), or (c) shall state that
if the recipient wishes to have a court review a
non disclosure requirement, the recipient shall
notify the Government.

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

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

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

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report,
that a government agency has sought or obtained access to information under subsection (a).

“(B) Certification.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

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

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

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

“(2) Exception.—

“(A) In general.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a)
may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.
“(C) Nondisclosure requirement.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) Notice.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) Right to judicial review.—

“(A) In general.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) Notification.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

“(C) Initiation of proceedings.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B),
the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

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

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—
“(i) Prohibition.—

“(I) In general.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

“(II) Certification.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;
“(cc) interference with diplomatic relations; or
   “(dd) danger to the life or physical safety of any person.

“(ii) Exception.—
   “(I) In general.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—
       “(aa) those persons to whom disclosure is necessary in order to comply with the request;
       “(bb) an attorney in order to obtain legal advice or assistance regarding the request; or
       “(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) Persons necessary for compliance.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the re-
quest shall be identified to the Director or the
designee.

“(III) **Nondisclosure requirement.**—
A person to whom disclosure is made under
subclause (I) shall be subject to the nondisclo-
sure requirements applicable to a person to
whom a request is issued under subparagraph
(A) in the same manner as the person to whom
the request is issued.

“(IV) **Notice.**—Any recipient that dis-
closes to a person described in subclause (I) in-
formation otherwise subject to a nondisclosure
requirement shall inform the person of the ap-
licable nondisclosure requirement.

“(iii) **Right to judicial review.**—

“(I) **In general.**—A financial institution
that receives a request under subparagraph (A)
shall have the right to judicial review of any ap-
licable nondisclosure requirement.

“(II) **Notification.**—A request under
subparagraph (A) shall state that if the recipi-
ent wishes to have a court review a nondisclou-
sure requirement, the recipient shall notify the
Government.
“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

“(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of
the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

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

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

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

“(2) EXCEPTION.—
“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

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

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.
“(C) Nondisclosure requirement.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) Notice.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) Right to judicial review.—

“(A) In general.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) Notification.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) Initiation of proceedings.—If a recipient of a request under subsection (a)
makes a notification under subparagraph (B),
the Government shall initiate judicial review
under the procedures established in section
3511 of title 18, United States Code, unless an
appropriate official of the authorized investiga-
tive agency described in subsection (a) makes a
notification under paragraph (4).

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

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

(a) FISA.—Section 501(f)(2) of the Foreign Intel-
is amended—

(1) in subparagraph (A)—

(A) in clause (i)—
(i) by striking “a production order” and inserting “a production order or non-disclosure order”; and
(ii) by striking “Not less than 1 year” and all that follows; and
(B) in clause (ii), by striking “production order or nondisclosure”; and
(2) in subparagraph (C)—
(A) by striking clause (ii); and
(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure require-
ment imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.
“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

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

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations;

or

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

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

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

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

“(C) interference with diplomatic relations;

or

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

(e) MINIMIZATION.—Section 501(g)(1) of the For-

ey Intelligence Surveillance Act of 1978 (50 U.S.C.

1861(g)(1)) is amended by striking “Not later than” and

all that follows and inserting “At or before the end of the

period of time for the production of tangible things under

an order approved under this section or at any time after

the production of tangible things under an order approved

under this section, a judge may assess compliance with

the minimization procedures by reviewing the cir-

cumstances under which information concerning United

States persons was retained or disseminated.”.
SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

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

(1) by striking subsection (e);

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

(3) by inserting after subsection (b) the following:

“(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);
(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

“(d) Written Statement.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(e) Disclosures to Governmental Agencies for Counterterrorism Purposes.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

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

“

(d) Written Statement.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(e) Disclosures to Governmental Agencies for Counterterrorism Purposes.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

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

“

(d) Written Statement.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(e) Disclosures to Governmental Agencies for Counterterrorism Purposes.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

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

“

(d) Written Statement.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.
“(1) FORM OF CERTIFICATION.—The certification”;
and
(3) by adding at the end the following:
“(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).”.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—
(1) by striking subparagraph (C);
(2) by redesignating subparagraph (B) as subparagraph (C); and
(3) by inserting after subparagraph (A) the following:
“(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be
retained by the Federal Bureau of Investigation, of spe-
cific facts showing that there are reasonable grounds to
believe that the information sought is relevant to the au-
thorized investigation described in subparagraph (A).”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE
AGENCIES.—Section 802(a) of the National Security Act
of 1947 (50 U.S.C. 3162(a)) is amended by adding at the
end the following:

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

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGA-
TIONS.—Section 1510(e) of title 18, United States
Code, is amended by striking “section 2709(c)(1) of
this title, section 626(d)(1) or 627(c)(1) of the Fair
Credit Reporting Act (15 U.S.C. 1681u(d)(1) or
1681v(c)(1)), section 1114(a)(3)(A) or
1114(a)(5)(D)(i) of the Right to Financial Privacy
Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), or section 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 403(b)(1))’’ and inserting ‘‘section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), or section 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 3162(b)(1))’’.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended to read as follows:

‘‘(b) SEMIANNUAL REPORTS.—The dates for the submital to the congressional intelligence committees of the semiannual reports on decisions not to prosecute certain violations of law under the Classified Information Procedures Act (18 U.S.C. App.), as required by section 13 of that Act, shall be the dates each year provided in subsection (c)(2).’’.
SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) In General.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

“(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

“(1) DEFINITIONS.—In this subsection—

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

“(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the FISA Accountability and Privacy Protection Act of 2013 and ending on December 31, 2013; and

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

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

“(2) CLASSIFIED FORM.—
“(A) IN GENERAL.—Not later than March 1, 2014, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162) during the applicable period.

“(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—
“(i) the number of authorized requests under the provision, including requests for subscriber information; and

“(ii) the number of authorized requests under the provision—

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

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

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

“(aa) the subject of an authorized national security investigation; or

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

“(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject
of an authorized national security investigation.

“(3) UNCLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than March 1, 2014, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period. Each report under this subparagraph shall be in unclassified form.

“(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

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

“(ii) that relate to a person that is not a United States person;
“(iii) that relate to a person that is—

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

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

“(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).


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

“SEC. 602. ANNUAL UNCLASSIFIED REPORT.

“Not later than December 31, 2014, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for
the protection of classified information from unauthorized
disclosure, shall submit to the Committee on the Judiciary
and the Select Committee on Intelligence of the Senate
and the Committee on the Judiciary and the Permanent
Select Committee on Intelligence of the House of Rep-
resentatives an unclassified report summarizing how the
authorities under this Act are used, including the impact
of the use of the authorities under this Act on the privacy
of United States persons (as defined in section 101).”.

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

“Sec. 602. Annual unclassified report.”.

SEC. 10. AUDITS.

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

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and
calendar years 2010 through 2013” after
“2006”;

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

(C) by redesignating paragraphs (4) and
(5) as paragraphs (2) and (3), respectively; and
(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and

inserting the following:

“(C) with respect to calendar years 2010 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons.”; and

(ii) in subparagraph (D), by striking

“(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

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

“(3) CALENDAR YEARS 2010 AND 2011.—Not later than January 1, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the
audit conducted under subsection (a) for calendar years 2010 and 2011.

“(4) CALENDAR YEARS 2012 AND 2013.—Not later than January 1, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

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

(4) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2010 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—
“(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

“(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

“(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

“(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures adequately protect the constitutional rights of United States persons.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2010 AND 2011.—Not later than January 1, 2014, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intel-
ligence of the Senate and the Committee on the
Judiciary and the Permanent Select Committee
on Intelligence of the House of Representative
a report containing the results of the assess-
ment for calendar years 2010 and 2011.

“(B) Calendar years 2012 and 2013.—
Not later than January 1, 2015, the Inspector
General of each element of the intelligence com-
munity that conducts an assessment under this
subsection shall submit to the Committee on the
Judiciary and the Select Committee on Intel-
ligence of the Senate and the Committee on the
Judiciary and the Permanent Select Committee
on Intelligence of the House of Representatives
a report containing the results of the assess-
ment for calendar years 2012 and 2013.”;

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

(A) in paragraph (1)—

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

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

(B) in paragraph (2), by striking “the reports submitted under subsection (e)(1) and (e)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”; and

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”; and

(7) by adding at the end the following:

“(g) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003); and

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

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

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and calendar years 2010 through 2013” after “2006”; and

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

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

“(3) Calendar years 2010 and 2011.—Not later than January 1, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(4) Calendar years 2012 and 2013.—Not later than January 1, 2015, the Inspector General of the Department of Justice shall submit to the
Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

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

“(h) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

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

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

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

“(C) section 802 of the National Security Act of 1947 (50 U.S.C. 3162) (to obtain finan-
cial information, records, and consumer reports);

“(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

“(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

“(3) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”;

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

(5) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2010 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the
intelligence activities of the element of the intel-
ligence community shall—

“(A) examine the use of national security
letters by the element of the intelligence com-
community during the period;

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

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

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

“(2) Submission dates for assessment.—

“(A) Calendar years 2010 and 2011.—
Not later than January 1, 2014, the Inspector
General of each element of the intelligence com-
munity that conducts an assessment under this
subsection shall submit to the Committee on the
Judiciary and the Select Committee on Intel-
ligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(B) Calendar Years 2012 and 2013.—

Not later than January 1, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

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

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

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) or (c)(2)” and inserting “any report submitted under subsection (c) or (d)”; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking “The reports submitted under subsections (c)(1) or (c)(2)” and inserting “Each report submitted under subsection (c)”; and

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2010 and ending on December 31, 2013.
(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2010 through 2013;

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

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;
(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2012 and 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures adequately protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bu-
reau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) Submission dates.—

(A) Calendar years 2010 and 2011.—
Not later than January 1, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(B) Calendar years 2012 and 2013.—
Not later than January 1, 2015, the Inspector
General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2010 and ending on December 31, 2013, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;
(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures adequately protect the constitutional rights of United States persons.

(B) Submission dates for assessment.—

(i) Calendar years 2010 and 2011.—Not later than January 1, 2014, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary
and the Select Committee on Intelligence
of the Senate and the Committee on the
Judiciary and the Permanent Select Com-
mittee on Intelligence of the House of Rep-
resentative a report containing the results
of the assessment for calendar years 2010
and 2011.

(ii) Calendar Years 2012 and
2013.—Not later than January 1, 2015,
the Inspector General of each element of
the intelligence community that conducts
an assessment under this paragraph shall
submit to the Committee on the Judiciary
and the Select Committee on Intelligence
of the Senate and the Committee on the
Judiciary and the Permanent Select Com-
mittee on Intelligence of the House of Rep-
resentative a report containing the results
of the assessment for calendar years 2012
and 2013.

(5) Prior notice to attorney general and
director of national intelligence; com-
ments.—

(A) Notice.—Not later than 30 days be-
fore the submission of any report under para-
graph (3) or (4), the Inspector General of the
Department of Justice and any Inspector Gen-
eral of an element of the intelligence community
that submits a report under this subsection
shall provide the report to the Attorney General
and the Director of National Intelligence.

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

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

(d) DEFINITIONS.—In this section—

(1) the terms “Attorney General”, “foreign in-
telligence information”, and “United States person”
have the meanings given those terms in section 101
of the Foreign Intelligence Surveillance Act of 1978
(50 U.S.C. 1801);
(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

(3) the term “minimization procedures” has the meaning given that term in section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841), as amended by this Act; and

(4) the terms “pen register” and “trap and trace device” have the meanings given those terms in section 3127 of title 18, United States Code.

SEC. 11. DELAYED NOTICE SEARCH WARRANTS.

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

SEC. 12. INSPECTOR GENERAL REVIEWS.

(a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “authorized to acquire foreign intelligence information under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”;

(2) in subparagraph (C), by inserting “United States persons or” after “later determined to be”;

and
(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking “such review” and inserting “review conducted under this paragraph”;

(B) in clause (ii), by striking “and” at the end;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii), the following:

“(iii) the Inspector General of the Intelligence Community; and”.

(b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

“(A) IN GENERAL.—The Inspector General of the Intelligence Community is authorized to review the acquisition, use, and dissemination
of information acquired under subsection (a) in order to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f), and in order to conduct the review required under subparagraph (B).

“(B) MANDATORY REVIEW.—The Inspector General of the Intelligence Community shall review the procedures and guidelines developed by the intelligence community to implement this section, with respect to the protection of the privacy rights of United States persons, including—

“(i) an evaluation of the limitations outlined in subsection (b), the procedures approved in accordance with subsections (d) and (e), and the guidelines adopted in accordance with subsection (f), with respect to the protection of the privacy rights of United States persons; and

“(ii) an evaluation of the circumstances under which the contents of communications acquired under subsection (a) may be searched in order to review the
communications of particular United
States persons.

“(C) CONSIDERATION OF OTHER REVIEWS
AND ASSESSMENTS.—In conducting a review
under subparagraph (B), the Inspector General
of the Intelligence Community should take into
consideration, to the extent relevant and appro-
priate, any reviews or assessments that have
been completed or are being undertaken under
this section.

“(D) REPORT.—Not later than December
31, 2014, the Inspector General of the Intel-
ligence Community shall submit a report re-
garding the reviews conducted under this para-
graph to—

“(i) the Attorney General;

“(ii) the Director of National Intel-
ligence; and

“(iii) consistent with the Rules of the
House of Representatives, the Standing
Rules of the Senate, and Senate Resolution
400 of the 94th Congress or any successor
Senate resolution—

“(I) the congressional intelligence
committees; and
“(II) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(E) Public reporting of findings and conclusions.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).”.

(c) Annual Reviews.—Section 702(l)(4)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as redesignated by subsection (b)(1), is amended—

(1) in the matter preceding clause (i)—

(A) in the first sentence—

(i) by striking “conducting an acquisition authorized under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”;

and
(ii) by striking “the acquisition” and inserting “acquisitions under subsection (a)”;
and
(B) in the second sentence, by striking “The annual review” and inserting “As applicable, the annual review”; and
(2) in clause (iii), by inserting “United States persons or” after “later determined to be”.

SEC. 13. ELECTRONIC SURVEILLANCE.

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting “with particularity” after “description”.

SEC. 14. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 15. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code,
$5,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 16. EFFECTIVE DATE.

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