

113TH CONGRESS
1ST SESSION

S. 1701

To amend the Foreign Intelligence Surveillance Act of 1978 to strengthen Fourth and Fifth Amendment protections and freedoms of citizens of the United States and ensure greater transparency and oversight of the ability of the Federal Government to collect information and conduct surveillance on the private lives of citizens of the United States.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2013

Ms. BALDWIN (for herself, Mr. WYDEN, and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to strengthen Fourth and Fifth Amendment protections and freedoms of citizens of the United States and ensure greater transparency and oversight of the ability of the Federal Government to collect information and conduct surveillance on the private lives of citizens of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedoms and Privacy
3 Act of 2013”.

4 **SEC. 2. OVERSIGHT AND DISCLOSURE PROCEDURES OF**
5 **FISA INTELLIGENCE IN FEDERAL PRO-**
6 **CEEDINGS.**

7 (a) NOTIFICATION AND DISCLOSURE OF INFORMA-
8 TION.—

9 (1) ELECTRONIC SURVEILLANCE.—Section 106
10 of the Foreign Intelligence Surveillance Act of 1978
11 (50 U.S.C. 1806) is amended—

12 (A) in subsection (c), by striking “of that
13 aggrieved person”;

14 (B) in subsection (f)—

15 (i) by striking “(f) Whenever a court
16 or other authority” and inserting the fol-
17 lowing:

18 “(f)(1)(A) In a Federal criminal proceeding, when-
19 ever the United States district court is notified pursuant
20 to subsection (c), or whenever a motion is made pursuant
21 to subsection (e), or whenever any motion or request is
22 made by the defendant or another aggrieved person to dis-
23 cover or obtain applications or orders or other materials
24 relating to electronic surveillance authorized by this title
25 or to discover, obtain, or suppress evidence or information
26 obtained or derived from electronic surveillance authorized

1 by this title, the court shall, notwithstanding any other
2 law, ensure all applicable communications and information
3 are handled in full compliance with the Classified Informa-
4 tion Procedures Act (18 U.S.C. App.).

5 “(B) In subparagraph (A), the term ‘all applicable
6 communications and information’ includes any informa-
7 tion that has been collected under this title and used in
8 the course of an investigation that is relevant to the Fed-
9 eral criminal proceeding concerned, including information
10 not intended to be entered into evidence in the proceeding.

11 “(C) Under subparagraph (A), acting in accordance
12 with the hearing procedures described in the Classified In-
13 formation Procedures Act, the court shall order the Gov-
14 ernment to provide the defendant with the following:

15 “(i) Information that was used to secure from
16 the court established under section 103(a) an order
17 for surveillance of the defendant or another applica-
18 ble aggrieved person.

19 “(ii) A copy of each order from the court estab-
20 lished by section 103(a), including the application of
21 the Government for such order, authorizing surveil-
22 lance of the defendant or another applicable ag-
23 grieved person.

24 “(iii) Any information obtained by the Govern-
25 ment pursuant to each order described in clause (ii)

1 that the Government intends to introduce into evi-
2 dence or otherwise use or disclose in the Federal
3 criminal proceeding concerned.

4 “(iv) Any information obtained by the Govern-
5 ment pursuant to each order described in clause (ii)
6 that is material and helpful to the defense.

7 “(2) In a proceeding other than a Federal criminal
8 proceeding, whenever a court or other authority”; and

9 (ii) in paragraph (2), as designated by
10 clause (i), by striking “if the Attorney
11 General files” and all that follows and in-
12 serting “apply the procedures set forth in
13 section 6 of the Classified Information
14 Procedures Act. In applying such section
15 for that purpose, any reference in such sec-
16 tion to the ‘defendant’ shall be deemed to
17 be a reference to the aggrieved person.”;
18 and

19 (C) in subsection (g), in the first sentence,
20 by striking “electronic surveillance of the ag-
21 grievied person” and inserting “electronic sur-
22 veillance”.

23 (2) PHYSICAL SEARCHES.—Section 305 of that
24 Act (50 U.S.C. 1825) is amended—

25 (A) in subsection (g)—

1 (i) by striking “(g) Whenever a court
2 or other authority” and inserting the fol-
3 lowing:

4 “(g)(1)(A) In a Federal criminal proceeding, when-
5 ever the United States district court is notified pursuant
6 to subsection (d), or whenever a motion is made pursuant
7 to subsection (f), or whenever any motion or request is
8 made by the defendant or another aggrieved person to dis-
9 cover or obtain applications or orders or other materials
10 relating to a physical search authorized by this title or
11 to discover, obtain, or suppress evidence or information
12 obtained or derived from a physical search authorized by
13 this title, the court shall, notwithstanding any other law,
14 ensure all applicable information is handled in full compli-
15 ance with the Classified Information Procedures Act (18
16 U.S.C. App.).

17 “(B) In subparagraph (A), the term ‘all applicable
18 information’ includes any information that has been col-
19 lected under this title and used in the course of an inves-
20 tigation that is relevant to the Federal criminal proceeding
21 concerned, including information not intended to be en-
22 tered into evidence in the proceeding.

23 “(C) Under subparagraph (A), acting in accordance
24 with the hearing procedures described in the Classified In-

1 formation Procedures Act, the court shall order the Gov-
 2 ernment to provide the defendant with the following:

3 “(i) Information that was used to secure from
 4 the Foreign Intelligence Surveillance Court an order
 5 for a physical search of the defendant or another ap-
 6 plicable aggrieved person.

7 “(ii) A copy of each order from the Foreign In-
 8 telligence Surveillance Court, including the applica-
 9 tion of the Government for the order, authorizing
 10 the physical search of the defendant or another ap-
 11 plicable aggrieved person.

12 “(iii) Any information obtained by the Govern-
 13 ment pursuant to each order described in clause (ii)
 14 that the Government intends to introduce into evi-
 15 dence or otherwise use or disclose in the Federal
 16 criminal proceeding concerned.

17 “(iv) Any information obtained by the Govern-
 18 ment pursuant to each order described in clause (ii)
 19 that is material and helpful to the defense.

20 “(2) In a proceeding other than a Federal criminal
 21 proceeding, whenever a court or other authority”; and

22 (ii) in paragraph (2), as designated by
 23 clause (i), by striking “if the Attorney
 24 General files” and all that follows and in-
 25 serting “apply the procedures set forth in

1 section 6 of the Classified Information
2 Procedures Act. In applying such section
3 for that purpose, any reference in such sec-
4 tion to the ‘defendant’ shall be deemed to
5 be a reference to the aggrieved person.”;
6 and

7 (B) in subsection (h), by striking “physical
8 search of the aggrieved person” and inserting
9 “physical search”.

10 (3) PEN REGISTERS AND TRAP AND TRACE DE-
11 VICES.—Section 405(f) of that Act (50 U.S.C.
12 1845(f)) is amended—

13 (A) by striking paragraph (2);

14 (B) in paragraph (1), by striking “(f)(1)
15 Whenever a court or other authority” and in-
16 serting the following:

17 “(f)(1)(A) In a Federal criminal proceeding, when-
18 ever the United States district court is notified pursuant
19 to subsection (c), or whenever a motion is made pursuant
20 to subsection (e), or whenever any motion or request is
21 made by the defendant or another aggrieved person to dis-
22 cover or obtain applications or orders or other materials
23 relating to the use of a pen register or trap and trace de-
24 vice authorized by this title or to discover, obtain, or sup-
25 press evidence or information obtained or derived from the

1 use of a pen register or trap and trace device authorized
2 by this title, the court shall, notwithstanding any other
3 law, ensure all applicable information is handled in full
4 compliance with the Classified Information Procedures
5 Act (18 U.S.C. App.).

6 “(B) In subparagraph (A), the term ‘all applicable
7 information’ includes any information that has been col-
8 lected under this title and used in the course of an inves-
9 tigation that is relevant to the Federal criminal proceeding
10 concerned, including information not intended to be en-
11 tered into evidence in the proceeding.

12 “(C) Under subparagraph (A), acting in accordance
13 with the hearing procedures described in the Classified In-
14 formation Procedures Act, the court shall order the Gov-
15 ernment to provide the defendant with the following:

16 “(i) Information that was used to secure from
17 a judge referred to in section 402(b) an order for
18 the use of a pen register or trap and trace device
19 with respect to the defendant or another applicable
20 aggrieved person.

21 “(ii) A copy of each order from a judge referred
22 to in section 402(b), including the application of the
23 Government for such order, authorizing the use of a
24 pen register or trap and trace device with respect to

1 the defendant or another applicable aggrieved per-
2 son.

3 “(iii) Any information obtained by the Govern-
4 ment pursuant to each order described in clause (ii)
5 that the Government intends to introduce into evi-
6 dence or otherwise use or disclose in the Federal
7 criminal proceeding concerned.

8 “(iv) Any information obtained by the Govern-
9 ment pursuant to each order described in clause (ii)
10 that is material and helpful to the defense.

11 “(2) In a proceeding other than a Federal criminal
12 proceeding, whenever a court or other authority”; and

13 (C) in paragraph (2), as amended by this
14 paragraph, by striking “and if the Attorney
15 General files” and all that follows and inserting
16 “, apply the procedures set forth in section 6 of
17 the Classified Information Procedures Act. In
18 applying such section for that purpose, any ref-
19 erence in such section to the ‘defendant’ shall
20 be deemed to be a reference to the aggrieved
21 person.”.

22 (4) BUSINESS RECORDS.—Section 501 of that
23 Act (50 U.S.C. 1861) is amended by adding at the
24 end the following:

1 “(i) NOTIFICATION AND DISCLOSURE OF INFORMA-
2 TION.—(1)(A) In a Federal criminal proceeding, whenever
3 any motion or request is made by the defendant or another
4 aggrieved person to discover or obtain applications or or-
5 ders or other materials relating to the production of tan-
6 gible things authorized by this section or to discover, ob-
7 tain, or suppress evidence or information obtained or de-
8 rived from the production of tangible things authorized by
9 this section, the court shall, notwithstanding any other
10 law, ensure all applicable information is handled in full
11 compliance with the Classified Information Procedures
12 Act (18 U.S.C. App.).

13 “(B) In subparagraph (A), the term ‘all applicable
14 information’ includes any information that has been col-
15 lected under this section and used in the course of an in-
16 vestigation that is relevant to the Federal criminal pro-
17 ceeding concerned, including information not intended to
18 be entered into evidence in the proceeding.

19 “(C) Under subparagraph (A), acting in accordance
20 with the hearing procedures described in the Classified In-
21 formation Procedures Act, the court shall order the Gov-
22 ernment to provide the defendant with the following:

23 “(i) Information that was used to secure from
24 a judge referred to in subsection (b) an order for the

1 production of tangible things with respect to the de-
2 fendant or another applicable aggrieved person.

3 “(ii) A copy of each order from a judge referred
4 to in subsection (b), including the application of the
5 Government for such order, authorizing the produc-
6 tion of tangible things with respect to the defendant
7 or another applicable aggrieved person.

8 “(iii) Any information obtained by the Govern-
9 ment pursuant to each order described in clause (ii)
10 that the Government intends to introduce into evi-
11 dence or otherwise use or disclose in the Federal
12 criminal proceeding concerned.

13 “(iv) Any information obtained by the Govern-
14 ment pursuant to each order described in clause (ii)
15 that is material and helpful to the defense.

16 “(2) In a proceeding other than a Federal criminal
17 proceeding, whenever any motion or request is made by
18 the defendant or another aggrieved person to discover or
19 obtain applications or orders or other materials relating
20 to the production of tangible things authorized by this sec-
21 tion or to discover, obtain, or suppress evidence or infor-
22 mation obtained or derived from the production of tangible
23 things authorized by this section, the United States dis-
24 trict court or, where the motion is made before another
25 authority, the United States district court in the same dis-

1 triet as the authority, shall, notwithstanding any other
 2 provision of law, apply the procedures set forth in section
 3 6 of the Classified Information Procedures Act. In apply-
 4 ing such section for that purpose, any reference in such
 5 section to the ‘defendant’ shall be deemed to be a reference
 6 to the aggrieved person

7 “(3) In this subsection, the term ‘aggrieved person’
 8 means any person whose tangible things were produced
 9 through an order for the production of things authorized
 10 by this section.”.

11 (b) USE OF INFORMATION.—

12 (1) PEN REGISTERS AND TRAP AND TRACE DE-
 13 VICES.—Subsection (b) of section 405 of the Foreign
 14 Intelligence Surveillance Act of 1978 (50 U.S.C.
 15 1845) is amended to read as follows:

16 “(b)(1) No information acquired pursuant to this
 17 title may be disclosed for law enforcement purposes (other
 18 than for international terrorism or clandestine intelligence
 19 investigations) unless the Attorney General or the Attor-
 20 ney General’s designee (who shall be a current official of
 21 the United States who was appointed by and with the ad-
 22 vice and consent of the Senate) executes a written certifi-
 23 cation that this section is the grounds for the authoriza-
 24 tion for disclosure. The written certification shall be exe-

1 cuted not later than 30 days after the date of the dislo-
2 sure.

3 “(2) In the event information acquired pursuant to
4 this title or information derived therefrom is used in any
5 investigation, prosecution, or other proceeding, the exist-
6 ence of the written certification executed in connection
7 with the disclosure of such information under paragraph
8 (1) shall be made known to the supervisory official over-
9 seeing such investigation, prosecution, or proceeding.

10 “(3) No information acquired pursuant to this title
11 may be used in any trial, hearing, or other proceeding in
12 or before any court, department, officer, agency, regu-
13 latory body, or other authority of the United States or
14 any State without the advance written authorization of the
15 Attorney General, which written authorization shall—

16 “(A) include the reasons specific to the facts at
17 issue for such authorization, the order of a court es-
18 tablished under section 103 that permits the infor-
19 mation to be acquired, and identifies this section as
20 the grounds for such authorization; and

21 “(B) be made known to all the parties and ad-
22 judicators involved in a manner that complies with
23 the Classified Information Procedures Act (18
24 U.S.C. App.).”.

1 (2) BUSINESS RECORDS.—Section 501 of that
2 Act (50 U.S.C. 1861), as amended by subsection
3 (a)(4), is further amended by adding at the end the
4 following:

5 “(j) SHARING AND USE OF INFORMATION.—

6 “(1) WRITTEN CERTIFICATION REQUIRED ON
7 AUTHORIZED DISCLOSURE.—No information ac-
8 quired pursuant to this section may be disclosed for
9 law enforcement purposes (other than for inter-
10 national terrorism or clandestine intelligence inves-
11 tigations) unless the Attorney General or the Attor-
12 ney General’s designee (who shall be a current offi-
13 cial of the United States who was appointed by and
14 with the advice and consent of the Senate) executes
15 a written certification that this section is the
16 grounds for the authorization for disclosure. The
17 written certification shall be executed not later than
18 30 days after the date of the disclosure.

19 “(2) NOTICE OF EXISTENCE OF CERTIFI-
20 CATION.—In the event information acquired pursu-
21 ant to this section or information derived therefrom
22 is used in any investigation, prosecution, or other
23 proceeding, the existence of the written certification
24 executed in connection with the disclosure of such
25 information under paragraph (1) shall be made

1 known to the supervisory official overseeing such in-
2 vestigation, prosecution, or proceeding.

3 “(3) ATTORNEY GENERAL AUTHORIZATION RE-
4 QUIRED FOR USE IN PROCEEDINGS.—No informa-
5 tion acquired pursuant to this section may be used
6 in any trial, hearing, or other proceeding in or be-
7 fore any court, department, officer, agency, regu-
8 latory body, or other authority of the United States
9 or any State without the advance written authoriza-
10 tion of the Attorney General, which written author-
11 ization shall—

12 “(A) include the reasons specific to the
13 facts at issue for such authorization, the order
14 of a court established under section 103 that
15 permits the information to be acquired, and
16 identifies this section as the grounds for such
17 authorization; and

18 “(B) be made known to all the parties and
19 adjudicators involved in a manner that complies
20 with the Classified Information Procedures Act
21 (18 U.S.C. App.).”.

22 (3) INFORMATION FROM TARGETS OUTSIDE
23 THE UNITED STATES.—Section 702 of that Act (50
24 U.S.C. 1881a) is amended—

1 (A) by redesignating subsections (j), (k),
2 and (l) as subsections (k), (l), and (m), respec-
3 tively; and

4 (B) by inserting after subsection (i) the
5 following new subsection (j):

6 “(j) SHARING AND USE OF INFORMATION.—

7 “(1) WRITTEN CERTIFICATION REQUIRED ON
8 AUTHORIZED DISCLOSURE.—No information ac-
9 quired pursuant to this section may be disclosed for
10 law enforcement purposes (other than for inter-
11 national terrorism or clandestine intelligence inves-
12 tigation) unless the Attorney General or the Attor-
13 ney General’s designee (who shall be a current offi-
14 cial of the United States who was appointed by and
15 with the advice and consent of the Senate) executes
16 a written certification that this section is the
17 grounds for the authorization for disclosure. The
18 written certification shall be executed not later than
19 30 days after the date of the disclosure.

20 “(2) NOTICE OF EXISTENCE OF CERTIFI-
21 CATION.—In the event information acquired pursu-
22 ant to this section or information derived therefrom
23 is used in any investigation, prosecution, or other
24 proceeding, the existence of the written certification
25 executed in connection with the disclosure of such

1 information under paragraph (1) shall be made
2 known to the supervisory official overseeing such in-
3 vestigation, prosecution, or proceeding.

4 “(3) ATTORNEY GENERAL AUTHORIZATION RE-
5 QUIRED FOR USE IN PROCEEDINGS.—No informa-
6 tion acquired pursuant to this section may be used
7 in any trial, hearing, or other proceeding in or be-
8 fore any court, department, officer, agency, regu-
9 latory body, or other authority of the United States
10 or any State without the advance written authoriza-
11 tion of the Attorney General, which written author-
12 ization shall—

13 “(A) include the reasons specific to the
14 facts at issue for such authorization, the order
15 of a court established under section 103 that
16 permits the information to be acquired, and
17 identifies this section as the grounds for such
18 authorization; and

19 “(B) be made known to all the parties and
20 adjudicators involved in a manner that complies
21 with the Classified Information Procedures Act
22 (18 U.S.C. App.).”.

23 (c) REPORTS TO CONGRESS.—

24 (1) IN GENERAL.—Title VI of the Foreign In-
25 telligence Surveillance Act of 1978 (50 U.S.C. 1871

1 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 602. REPORTS TO CONGRESS ON INTELLIGENCE COM-**
4 **MUNITY AND LAW ENFORCEMENT COLLABO-**
5 **RATION.**

6 “(a) IN GENERAL.—Not later than 6 months after
7 the date of the enactment of the Freedoms and Privacy
8 Act of 2013 and every 6 months thereafter, the Attorney
9 General shall make available to all members of Congress
10 a report setting forth—

11 “(1) with respect to the preceding 6-month pe-
12 riod, a summary of all instances of sharing under,
13 and any changes made to, any applicable memo-
14 randum of understanding within the executive
15 branch, established in accordance with section
16 535(b) of title 28, United States Code, and Execu-
17 tive Order 12333 (50 U.S.C. 3001 note), or any
18 other sets of rules governing any applicable aspects
19 of each element of the intelligence community (as
20 defined in section 3 of the National Security Act of
21 1947 (50 U.S.C. 3003)) in reporting to the Attorney
22 General and to Federal investigative agencies infor-
23 mation concerning possible Federal crimes, based
24 upon information which was collected by the element

1 during the performance of the designated intel-
2 ligence activities of the element under this Act;

3 “(2) with respect to the preceding 6-month pe-
4 riod, a summary of instances described in paragraph
5 (1), which, in any instances in which shared infor-
6 mation played an identifiable role in bringing an in-
7 vestigation, criminal or other proceeding, or settle-
8 ment, shall include—

9 “(A) a summary of how the information
10 was used in such investigation, proceeding, or
11 settlement, and an assessment of the value of
12 such information in such investigation, pro-
13 ceeding, or settlement;

14 “(B) a summary of the legal authorities
15 under which such information was collected;
16 and

17 “(C) a summary of the outcome of the pro-
18 ceeding or settlement;

19 “(3) with respect to the preceding 6-month pe-
20 riod, a summary of the investigations, criminal or
21 other proceedings, or settlements arising from the
22 sharing of information described in paragraph (1),
23 which shall include—

24 “(A) total number of such investigations,
25 proceedings, and settlements;

1 “(B) total number of such investigations,
2 proceedings, and settlements pursued and ob-
3 tained for each recipient law enforcement agen-
4 cy;

5 “(C) total number of such investigations
6 pursued by each recipient law enforcement
7 agency;

8 “(D) total number of such investigations
9 brought to trial by each recipient law enforce-
10 ment agency;

11 “(E) total number of such proceedings re-
12 sulting in conviction, and in acquittal, by each
13 recipient law enforcement agency; and

14 “(F) the total number of such investiga-
15 tions for which information was withheld pursu-
16 ant to subsection (b);

17 “(4) with respect to the preceding 6-month pe-
18 riod, a detailed explanation of any changes to a
19 Memoranda of Understanding or other policies and
20 rules governing information sharing between the in-
21 telligence community and Federal investigative agen-
22 cies, as referred to in paragraph (1); and

23 “(5) with respect to the preceding 6-month pe-
24 riod, all of the written authorizations of the Attorney
25 General, including the reasons for such authoriza-

1 tions, issued under sections 405(b)(2), 501(j)(2),
 2 and 702(j)(2).

3 “(b) WITHHOLDING OF INFORMATION RELATING TO
 4 ONGOING INVESTIGATIONS.—

5 “(1) WITHHOLDING AUTHORIZED.—The Attor-
 6 ney General may withhold from a report required by
 7 subsection (a) information on an ongoing investiga-
 8 tion that is otherwise required to be included in such
 9 report if the inclusion of such information in such
 10 report would jeopardize such investigation.

11 “(2) INCLUSION IN LATER REPORT.—Informa-
 12 tion on an investigation that is withheld from inclu-
 13 sion in a report pursuant to paragraph (1) shall be
 14 included in the first report under subsection (a) that
 15 is made available after the earliest of the following:

16 “(A) The closure of such investigation.

17 “(B) The completion of the adjudication of
 18 the matters covered by such investigation before
 19 an appropriate authority.

20 “(C) A determination by the Attorney Gen-
 21 eral that inclusion of such information in a re-
 22 port under subsection (a) would no longer jeop-
 23 ardize such investigation.

24 “(c) ASSESSMENT OF VALUE OF INFORMATION.—
 25 The assessment of value of information for purposes of

1 subsection (a)(2)(A) shall be conducted in accordance with
 2 such metrics as the Attorney General shall establish for
 3 purposes of this section.

4 “(d) FORM.—Each report under this section shall be
 5 made available as follows:

6 “(1) In unclassified form, in a manner con-
 7 sistent with the protection of national security, suit-
 8 able for being made available to the public.

9 “(2) With one or more classified annexes (with
 10 one such annex classified at a level no higher than
 11 Top Secret GENSER (or superseding level of equiv-
 12 alent classification)).”.

13 (2) CLERICAL AMENDMENT.—The table of con-
 14 tents for that Act is amended by inserting after the
 15 item relating to section 601 the following:

“Sec. 602. Reports to Congress on intelligence community and law enforcement
 collaboration.”.

16 (d) PROHIBITION OF COLLECTION OF INFORMATION
 17 UNDER FISA FOR DOMESTIC LAW ENFORCEMENT PUR-
 18 POSES.—Section 702(g)(2)(A)(v) of the Foreign Intel-
 19 ligence Surveillance Act of 1978 (50 U.S.C.
 20 1881a(g)(2)(A)(v)) is amended by striking “a significant”
 21 and inserting “the primary”.

1 **SEC. 3. MINIMIZATION PROCEDURES FOR INFORMATION**
2 **COLLECTED ON UNITED STATES PERSONS;**
3 **DISCLOSURE OF PROCEDURES.**

4 (a) IN GENERAL.—

5 (1) PEN REGISTERS AND TRAP AND TRACE DE-
6 VICES.—Section 406 of the Foreign Intelligence Sur-
7 veillance Act of 1978 (50 U.S.C. 1846) is amended
8 by adding at the end the following:

9 “(c)(1) The Attorney General, in consultation with
10 the Director of National Intelligence, shall make available
11 to all members of Congress all standard minimization pro-
12 cedures, including any modifications made to the standard
13 minimization procedures after the date of the enactment
14 of the Freedoms and Privacy Act of 2013, applied to the
15 acquisition, retention, use, and dissemination of non-pub-
16 licly available information concerning unconsenting United
17 States persons acquired in accordance with this section.

18 “(2) The Attorney General, in consultation with the
19 Director of National Intelligence, shall satisfy the disclo-
20 sure requirement described in paragraph (1) by making
21 available the guidance documents provided to personnel
22 executing the applicable programs to all members of Con-
23 gress. Such documents shall be so submitted in unclassi-
24 fied form, in a manner consistent with the protection of
25 national security, and with one or more classified annexes
26 (with one such annex classified at a level no higher than

1 Top Secret GENSER (or superseding level of equivalent
2 classification)).

3 “(3) A procedure issued before the date of the enact-
4 ment of the Freedoms and Privacy Act of 2013 that is
5 required to be disclosed under paragraph (1) shall be dis-
6 closed not later than 180 days after the date of the enact-
7 ment of the Freedoms and Privacy Act of 2013.”.

8 (2) BUSINESS RECORDS.—Section 501(g) that
9 Act (50 U.S.C. 1861(g)) is amended by adding at
10 the end the following:

11 “(3) DISCLOSURE.—

12 “(A) REQUIREMENT.—The Attorney Gen-
13 eral, in consultation with the Director of Na-
14 tional Intelligence, shall make available to all
15 members of Congress all standard minimization
16 procedures, including any modifications made to
17 the standard minimization procedures after the
18 date of the enactment of the Freedoms and Pri-
19 vacy Act of 2013, applied to the acquisition, re-
20 tention, use, and dissemination of non-publicly
21 available information concerning unconsenting
22 United States persons acquired in accordance
23 with this section.

24 “(B) SATISFACTION OF REQUIREMENT.—

25 The Attorney General, in consultation with the

1 Director of National Intelligence, shall satisfy
2 the disclosure requirement described in sub-
3 paragraph (A) by making available the guid-
4 ance documents provided to personnel executing
5 the applicable programs to all members of Con-
6 gress. Such documents shall be so submitted in
7 unclassified form, in a manner consistent with
8 the protection of national security, and with one
9 or more classified annexes (with one such annex
10 classified at a level no higher than Top Secret
11 GENSER (or superseding level of equivalent
12 classification)).

13 “(C) TIMING.—A procedure issued before
14 the date of the enactment of the Freedoms and
15 Privacy Act of 2013 that is required to be dis-
16 closed under subparagraph (A) shall be dis-
17 closed not later than 180 days after the date of
18 the enactment of the Freedoms and Privacy Act
19 of 2013.”.

20 (3) TARGETS OUTSIDE THE UNITED STATES.—
21 Section 702(e) of that Act (50 U.S.C. 1881a(e)) is
22 amended by adding at the end the following:

23 “(3) DISCLOSURE.—

24 “(A) REQUIREMENT.—The Attorney Gen-
25 eral, in consultation with the Director of Na-

1 tional Intelligence, shall make available to all
2 members of Congress all standard minimization
3 procedures, including any modifications made to
4 the standard minimization procedures after the
5 date of the enactment of the Freedoms and Pri-
6 vacy Act of 2013, applied to the acquisition, re-
7 tention, use, and dissemination of non-publicly
8 available information concerning unconsenting
9 United States persons acquired by targeting
10 non-United States persons reasonably believed
11 to be located outside the United States in ac-
12 cordance with this section.

13 “(B) SATISFACTION OF REQUIREMENT.—

14 The Attorney General, in consultation with the
15 Director of National Intelligence, shall satisfy
16 the disclosure requirement described in sub-
17 paragraph (A) by making available the guid-
18 ance documents provided to personnel executing
19 the applicable programs to all members of Con-
20 gress. Such documents shall be so submitted in
21 unclassified form, in a manner consistent with
22 the protection of national security, and with one
23 or more classified annexes (with one such annex
24 classified at a level no higher than Top Secret

1 GENSER (or superseding level of equivalent
2 classification)).

3 “(C) TIMING.—A procedure issued before
4 the date of the enactment of the Freedoms and
5 Privacy Act of 2013 that is required to be dis-
6 closed under subparagraph (A) shall be dis-
7 closed not later than 180 days after the date of
8 the enactment of the Freedoms and Privacy Act
9 of 2013.”.

10 (b) REPORTS TO CONGRESS.—

11 (1) IN GENERAL.—Title VI of the Foreign In-
12 telligence Surveillance Act of 1978 (50 U.S.C. 1871
13 et seq.), as amended by section 2(c) of this Act, is
14 further amended by adding at the end the following:

15 **“SEC. 603. REPORTS TO CONGRESS ON REVIEW OF MINI-**
16 **MIZATION PROCEDURES.**

17 “(a) IN GENERAL.—Not later than 6 months after
18 the date of the enactment of the Freedoms and Privacy
19 Act of 2013 and every year thereafter, the Attorney Gen-
20 eral shall make available to all members of Congress a
21 report setting forth a review and justification of all stand-
22 ard minimization procedures which address the access, col-
23 lections, storage, use, or dissemination of information con-
24 cerning United States persons.

1 “(b) FORM.—Each report under this section shall be
2 made available as follows:

3 “(1) In unclassified form, in a manner con-
4 sistent with the protection of national security, suit-
5 able for being made available to the public.

6 “(2) With one or more classified annexes (with
7 one such annex classified at a level no higher than
8 Top Secret GENSER (or superseding level of equiv-
9 alent classification)).”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents for that Act, as so amended, is further amend-
12 ed by inserting after the item relating to section 602
13 the following:

“Sec. 603. Reports to Congress on review of minimization procedures.”.

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