

contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be \$6,100,000,000;

Whereas the goals of "Crohn's and Colitis Awareness Week" are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated "Crohn's and Colitis Awareness Week": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "Crohn's and Colitis Awareness Week";

(2) encourages media organizations to participate in "Crohn's and Colitis Awareness Week" by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

AMENDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

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SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339E. Providing material support to international terrorism

“(a) DEFINITIONS.—In this section:

“(1) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).”

“(2) The term ‘international terrorism’ has the same meaning as in section 2331.

“(3) The term ‘material support or resources’ has the same meaning as in section 2339A(b).

“(4) The term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture)”.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “25 years”.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking “fined under this title” and all that follows and inserting “fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking “shall be fined under this title” and all that follows and inserting “shall be fined under this title and imprisoned for any term of years not less than 5 or for life.”

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking “ten years” and inserting “15 years”.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

SA 357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”;

(2) in paragraph (2), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”; and

(3) by striking the matter following paragraph (2) and inserting the following:

“shall be punished as provided in section 2242, and, if the conduct would violate sec-

tion 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United States, shall be punished as provided in section 2241(c).”

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

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

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

“(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.”

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1111(b);” and

(2) in paragraph (2), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1112(b); and”.

SA 358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or any other offense listed under section 2332b(g)(5)(B) of this title,” after “title 49;” and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

“(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

“(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.”; and

(2) by amending subsection (b) to read as follows:

“(b) CIVIL ACTION.—

“(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(2) EFFECT OF CONDUCT.—

“(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

“(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

“(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

“(B) APPLICABILITY.—A person described in this subparagraph is any person that—

“(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

“(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

“(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.”

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section, the term ‘addressed to any other person’ includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.”

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

“For purposes of this section, the term ‘addressed to any person’ includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.”

SA 359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—SAFE COPS ACT

SECTION 201. SHORT TITLE.

This title may be cited as the “Safe Cops Act of 2011”.

SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”; and

(2) by adding at the end the following:

“(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

“(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

“(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

“(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.”

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

“(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.”

SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

“§ 111. Assaulting or interfering with certain officers or employees

“(a) OFFICERS AND EMPLOYEES.—

“(1) IN GENERAL.—It shall be unlawful to—

“(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

“(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

“(C) assault or interfere with an individual on account of that individual’s current or former status as an officer or employee described in section 1114.

“(2) PENALTY.—Any person who violates paragraph (1), shall be—

“(A) fined under this title;

“(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

“(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

“(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

“(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

“(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

“(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

“(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

“(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

“(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

“(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

“111. Assaulting or interfering with certain officers or employees.”

SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

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

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

“(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual’s current or former status as such an officer or judge, the offender shall be punished—

“(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

“(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking “in section 115(c)(2)” and inserting “in section 115(d)(2)”; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking “in section 115(c)” and inserting “in section 115”.

(2) OTHER LAW.—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course

of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY’S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.

(a) SHORT TITLE.—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer’s or judge’s performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall

apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ADDITIONAL SUNSETS.

(a) NATIONAL SECURITY LETTERS.—

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

(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. 436) 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 December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(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 7(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.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) EXTENSION.—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, 2012” and inserting “December 31, 2013”.

(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, 2012” and inserting “December 31, 2013”.

(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 heading by striking “DECEMBER 31, 2012” and inserting “DECEMBER 31, 2013”.

SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND 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 inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

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

(ii) by striking “clandestine intelligence activities,” and all that follows and inserting “clandestine intelligence activities”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) if the records sought contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records 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

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

(3) in subsection (c)(1)—

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

(B) by inserting “, and directing that the minimization procedures be followed” after “release of tangible things”; and

(C) by striking the second sentence; and

(4) by adding at the end the following:

“(i) DEFINITIONS.—In this section—

“(1) the term ‘bookseller records’ means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

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

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

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

(b) **TRANSITION PROCEDURES.**—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(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.

(c) **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 such 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 inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”.

(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 CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other 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.”.

SEC. 5. 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”;

(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 such person’s consent, unless such person’s identity 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 extension 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 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

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

“(c) If the Attorney General authorizes the emergency 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 appropriate.”.

(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 “provisions 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. 6. 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 Investigation 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 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 or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure 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 nondisclosure 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 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 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 inves-

tigations 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.

“(i) 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 request 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 nondisclosure 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 discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable 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 applicable nondisclosure requirement.

“(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure 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. 436), 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 investigative 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 submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative 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 requirement is no longer in effect.”

SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking “a production order” and inserting “a production order or nondisclosure 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. 436), wishes to have a court review a nondisclosure requirement 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 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 information subject to the nondisclosure requirement during the applicable time period will result in—

“(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.”

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign 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 circumstances under which information concerning United States persons was retained or disseminated.”

SEC. 8. 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.”

(c) 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:

“(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 specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized 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. 436(a)) is amended by adding at the end the following:

“(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained 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 INVESTIGATIONS.—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)),” 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) and 3414(a)(5)(D)(i)).”

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

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

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

SEC. 9. 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 PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; 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 February 1, 2012, 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. 436) 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 February 1, 2012, 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 ending on the last day of the second month before the date for submission of the report. 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).

SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(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 June 30, 2012, 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 Representatives 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. 11. 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 striking “2006” and inserting “2013”;

(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 2007 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 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 2007, 2008, AND 2009.—Not later than March 31, 2012, 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 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 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 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, 2007 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 protect the constitutional rights of United States persons.”.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, 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 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 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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 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 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, 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 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.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(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)”;

(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) and (c)(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)”;

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

(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. 401a); 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 striking “2006” and inserting “2013”; 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 2007, 2008, AND 2009.—

Not later than March 31, 2012, 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 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 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. 401a);

“(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. 436) (to obtain financial 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, 2007 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 intelligence community shall—

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

“(B) describe any noteworthy facts or circumstances relating to the use of national security 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 information received under the national security letters was collected, retained, analyzed, and disseminated.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, 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 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 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 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)”;

(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)”;

(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)”;

(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, 2007 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 2007 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 2010 through 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 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 Bureau 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 2007 THROUGH 2009.—Not later than March 31, 2012, 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 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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.

(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 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, 2007 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 protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, 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 Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, 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 Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 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 Committee on Intelligence of the House of Representative 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; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General 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 provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included 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 “foreign intelligence 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); and

(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. 401a).

(e) 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, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 12. 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. 13. PROCEDURES.

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

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes 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.

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, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 16. 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. 17. EFFECTIVE DATE.

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

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

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

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment

intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”;

(2) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;

“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and
“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: “, but only upon request of an appropriate law enforcement agency to such institution or person for such report”.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, 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(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not for-

eign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), 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.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, 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(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. ____ . ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”;

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued

under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary."

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MILITARY ENGAGEMENT IN LIBYA.

(a) **DECLARATION OF WAR.**—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) **AUTHORITIES.**—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MILITARY ENGAGEMENT IN LIBYA.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to "fulfill the intent of the framers of the Constitution of the United States" in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of

the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is "implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities".

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is "(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces".

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to "take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya" and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than "sixty calendar days".

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) **ACTIONS REQUIRED BY WAR POWERS RESOLUTION.**—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment

intended to be proposed to amendment SA 377 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: " , except as provided in paragraph (5)"; and

(2) by adding at the end the following:

"(5) **EXEMPTION.**—

"(A) **IN GENERAL.**—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

"(i) has in effect an established decision-making process with respect to suspicious transactions;

"(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

"(iii) has determined not to file a report with respect to a particular transaction.

"(B) **EXCEPTION.**—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1)."

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: " , but only upon request of an appropriate law enforcement agency to such institution or person for such report".

SA 376. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, 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(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), 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.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50

U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, 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(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. . . . ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;” and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MILITARY ENGAGEMENT IN LIBYA.

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MILITARY ENGAGEMENT IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is "implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities".

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is "(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces".

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to "take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya" and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than "sixty calendar days".

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end " , subject to judicial review under paragraph (5)"; and

(2) by adding at the end the following:

"(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary."

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 3 through 10 and insert the following:

1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "December 1, 2011".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "December 1, 2011".

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act

and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government's official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government's official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed

by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) **FACTUAL BASIS FOR REQUESTED ORDER.**—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

“(2) shall include—

“(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) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.”.

(b) **EXCEPTION.**—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on September 30, 2011.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 363 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 364 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules

of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 365 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 366 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 367 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 368 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 369 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 370 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 371 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 372 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 373 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 374 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 375 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 376 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 377 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 378 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 379 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 380 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 381 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move