

Calendar No. 8

112TH CONGRESS
1ST SESSION**S. 290**

To extend the sunset of certain provisions of the USA PATRIOT Act,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. LEAHY introduced the following bill; which was read the first time

FEBRUARY 4, 2011

Read the second time and placed on the calendar

A BILL

To extend the sunset of certain provisions of the USA
PATRIOT Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “USA PATRIOT Act
5 Sunset Extension Act of 2011”.

6 **SEC. 2. SUNSETS.**

7 (a) SECTIONS 206 AND 215 SUNSET.—

1 (1) IN GENERAL.—Section 102(b)(1) of the
 2 USA PATRIOT Improvement and Reauthorization
 3 Act of 2005 (Public Law 109–177; 50 U.S.C. 1805
 4 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862
 5 note) is amended by striking “February, 28, 2011”
 6 and inserting “ December 31, 2013”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) IN GENERAL.—The Foreign Intel-
 9 ligence Surveillance Act of 1978 (50 U.S.C.
 10 1801 et seq.), as amended by section 3 of this
 11 Act, is amended—

12 (i) in the table of contents in the first
 13 section, by striking the items relating to
 14 title V and sections 501, 502, and 503 and
 15 inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR
 FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Definitions.

“Sec. 502. Access to certain business records for foreign intelligence and inter-
 national terrorism investigations.”;

16 (ii) in title V (50 U.S.C. 1861 et
 17 seq.)—

18 (I) in the title heading, by strik-
 19 ing “AND OTHER TANGIBLE
 20 THINGS”; and

21 (II) by striking section 503; and

1 (iii) in section 601(a)(1)(D) (50
2 U.S.C. 1871(a)(1)(D)), by striking “sec-
3 tion 501;” and inserting “section 502 or
4 under section 501 pursuant to section
5 102(b)(2) of the USA PATRIOT Improve-
6 ment and Reauthorization Act of 2005
7 (Public Law 109–177; 50 U.S.C. 1861
8 note);”.

9 (B) APPLICATION UNDER SECTION 404 OF
10 THE FISA AMENDMENTS ACT OF 2008.—Section
11 404(b)(4)(A) of the FISA Amendments Act of
12 2008 (Public Law 110–261; 122 Stat. 2477) is
13 amended by striking the period at the end and
14 inserting “, except that paragraph (1)(D) of
15 such section 601(a) shall be applied as if it read
16 as follows:

17 ““(D) access to records under section 502
18 or under section 501 pursuant to section
19 102(b)(2) of the USA PATRIOT Improvement
20 and Reauthorization Act of 2005 (Public Law
21 109–177; 50 U.S.C. 1861 note);’.”.

22 (C) EFFECTIVE DATE.—The amendments
23 made by this paragraph shall take effect on De-
24 cember 31, 2013.

1 (b) INDIVIDUAL TERRORISTS AS AGENTS OF FOR-
2 EIGN POWERS.—

3 (1) EXTENSION OF SUNSET.—Section 6001(b)
4 of the Intelligence Reform and Terrorism Prevention
5 Act of 2004 (Public Law 108–458; 50 U.S.C. 1801
6 note) is amended to read as follows:

7 “(b) SUNSET.—

8 “(1) REPEAL.—Subparagraph (C) of section
9 101(b)(1) of the Foreign Intelligence Surveillance
10 Act of 1978 (50 U.S.C. 1801(b)(1)), as added by
11 subsection (a), is repealed effective December 31,
12 2013.

13 “(2) TRANSITION PROVISION.—Notwithstanding
14 paragraph (1), subparagraph (C) of section
15 101(b)(1) of the Foreign Intelligence Surveillance
16 Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue
17 to apply on and after December 31, 2013, with re-
18 spect to any particular foreign intelligence investiga-
19 tion or with respect to any particular offense or po-
20 tential offense that began or occurred before Decem-
21 ber 31, 2013.”.

22 (2) CONFORMING AMENDMENT.—

23 (A) IN GENERAL.—Section 601(a)(2) of
24 the Foreign Intelligence Surveillance Act of
25 1978 (50 U.S.C. 1871(a)(2)) is amended by

1 striking the semicolon at the end and inserting
2 “pursuant to subsection (b)(2) of section 6001
3 of the Intelligence Reform and Terrorism Pre-
4 vention Act of 2004 (Public Law 108–458; 50
5 U.S.C. 1801 note);”.

6 (B) EFFECTIVE DATE.—The amendment
7 made by subparagraph (A) shall take effect on
8 December 31, 2013.

9 (c) NATIONAL SECURITY LETTERS.—

10 (1) REPEAL.—Effective on December 31,
11 2013—

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

15 (B) section 1114(a)(5) of the Right to Fi-
16 nancial Privacy Act of 1978 (12 U.S.C.
17 3414(a)(5)) is amended to read as such provi-
18 sion read on October 25, 2001;

19 (C) subsections (a) and (b) of section 626
20 of the Fair Credit Reporting Act (15 U.S.C.
21 1681u) are amended to read as subsections (a)
22 and (b), respectively, of the second of the 2 sec-
23 tions designated as section 624 of such Act (15
24 U.S.C. 1681u) (relating to disclosure to the
25 Federal Bureau of Investigation for counter-

1 intelligence purposes), as added by section 601
2 of the Intelligence Authorization Act for Fiscal
3 Year 1996 (Public Law 104–93; 109 Stat.
4 974), read on October 25, 2001;

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

7 (E) section 802 of the National Security
8 Act of 1947 (50 U.S.C. 436) is amended to
9 read as such provision read on October 25,
10 2001.

11 (2) TRANSITION PROVISION.—Notwithstanding
12 paragraph (1), the provisions of law referred to in
13 paragraph (1), as in effect on December 30, 2013,
14 shall continue to apply on and after December 31,
15 2013, with respect to any particular foreign intel-
16 ligence investigation or with respect to any par-
17 ticular offense or potential offense that began or oc-
18 curred before December 31, 2013.

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

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

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

1 (ii) in subsection (b)(1)(A), as amend-
 2 ed by section 6(b) of this Act, by striking
 3 “section 626 or 627 of the Fair Credit Re-
 4 porting Act (15 U.S.C. 1681u and 1681v)”
 5 and inserting “section 626 of the Fair
 6 Credit Reporting Act (15 U.S.C. 1681u”;
 7 (B) section 118(c) of the USA PATRIOT
 8 Improvement and Reauthorization Act of 2005
 9 (18 U.S.C. 3511 note) is amended—

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

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

14 (iii) by striking subparagraph (E);
 15 and

16 (C) the table of sections for the Fair Cred-
 17 it Reporting Act (15 U.S.C. 1681 et seq.) is
 18 amended by striking the item relating to section
 19 627.

20 **SEC. 3. ORDERS FOR ACCESS TO CERTAIN BUSINESS**
 21 **RECORDS AND TANGIBLE THINGS.**

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

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

4 (2) in subsection (b)(2)—

5 (A) in subparagraph (A)—

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

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

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

17 “(B) if the records sought are the circula-
18 tion records or patron lists of a library (as de-
19 fined in section 213(1) of the Library Services
20 and Technology Act (20 U.S.C. 9122(1)), a
21 statement of facts showing that there are rea-
22 sonable grounds to believe that the records
23 sought—

24 “(i) are relevant to an authorized in-
25 vestigation (other than a threat assess-

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

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

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

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

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

18 (3) in subsection (c)(1)—

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

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

1 (C) by striking the second sentence.

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

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

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

13 **“SEC. 503. DEFINITIONS.**

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

18 (2) **TITLE HEADING.**—Title V of the Foreign
19 Intelligence Surveillance Act of 1978 (50 U.S.C.
20 1861 et seq.) is amended in the title heading by in-
21 sserting “**AND OTHER TANGIBLE THINGS**”
22 after “**CERTAIN BUSINESS RECORDS**”.

23 (3) **TABLE OF CONTENTS.**—The table of con-
24 tents in the first section of the Foreign Intelligence

1 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
 2 is amended—

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

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

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

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

“Sec. 503. Definitions.”.

7 **SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND**
 8 **TRACE DEVICES FOR FOREIGN INTEL-**
 9 **LIGENCE PURPOSES.**

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

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

15 (2) in paragraph (2)—

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

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

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

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

4 (b) MINIMIZATION.—

5 (1) DEFINITION.—Section 401 of the Foreign
6 Intelligence Surveillance Act of 1978 (50 U.S.C.
7 1841) is amended by adding at the end the fol-
8 lowing:

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

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

21 “(B) procedures that require that nonpub-
22 licly available information, which is not foreign
23 intelligence information shall not be dissemi-
24 nated in a manner that identifies any United
25 States person, without such person’s consent,

1 unless such person's identity is necessary to un-
2 derstand foreign intelligence information or as-
3 sess its importance; and

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

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

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

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

20 “(B) that, if there are exceptional cir-
21 cumstances justifying the use of minimization proce-
22 dures in a particular case, the proposed minimiza-
23 tion procedures meet the definition of minimization
24 procedures under this title.”; and

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

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

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

11 (A) by redesignating subsection (c) as sub-
12 section (d); and

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

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

20 (4) USE OF INFORMATION.—Section 405(a)(1)
21 of the Foreign Intelligence Surveillance Act of 1978
22 (50 U.S.C. 1845(a)(1)) is amended by striking “pro-
23 visions of this section” and inserting “minimization
24 procedures required under this title”.

25 (c) TRANSITION PROCEDURES.—

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

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

13 **SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECU-**
14 **RITY LETTERS.**

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

18 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

19 “(1) PROHIBITION.—

20 “(A) IN GENERAL.—If a certification is
21 issued under subparagraph (B) and notice of
22 the right to judicial review under paragraph (3)
23 is provided, no wire or electronic communica-
24 tion service provider, or officer, employee, or
25 agent thereof, that receives a request under

1 subsection (a), shall disclose to any person that
2 the Director of the Federal Bureau of Inves-
3 tigation has sought or obtained access to infor-
4 mation or records under this section.

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

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

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

19 “(iii) interference with diplomatic re-
20 lations; or

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

23 “(2) EXCEPTION.—

24 “(A) IN GENERAL.—A wire or electronic
25 communication service provider, or officer, em-

1 ployee, or agent thereof, that receives a request
2 under subsection (a) may disclose information
3 otherwise subject to any applicable nondisclo-
4 sure requirement to—

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

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

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

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

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

1 whom a request is issued under subsection (a)
2 in the same manner as the person to whom the
3 request is issued.

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

9 “(3) RIGHT TO JUDICIAL REVIEW.—

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

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

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

1 of the Federal Bureau of the Investigation
2 makes a notification under paragraph (4).

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

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

16 “(d) PROHIBITION OF CERTAIN DISCLOSURE.—

17 “(1) PROHIBITION.—

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

1 has sought or obtained access to information or
2 records under subsection (a), (b), or (c).

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

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

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

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

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

21 “(2) EXCEPTION.—

22 “(A) IN GENERAL.—A consumer reporting
23 agency, or officer, employee, or agent thereof,
24 that receives a request or order under sub-
25 section (a), (b), or (c) may disclose information

1 otherwise subject to any applicable nondisclo-
2 sure requirement to—

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

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

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

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

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

1 the person to whom the request or order is
2 issued.

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

8 “(3) RIGHT TO JUDICIAL REVIEW.—

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

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

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

1 Bureau of Investigation makes a notification
2 under paragraph (4).

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

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

17 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

18 “(1) PROHIBITION.—

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

1 that a government agency has sought or ob-
2 tained access to information under subsection
3 (a).

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

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

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

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

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

21 “(2) EXCEPTION.—

22 “(A) IN GENERAL.—A consumer reporting
23 agency, or officer, employee, or agent thereof,
24 that receives a request under subsection (a)

1 may disclose information otherwise subject to
2 any applicable nondisclosure requirement to—

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

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

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

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

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

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

13 “(3) RIGHT TO JUDICIAL REVIEW.—

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

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

23 “(C) INITIATION OF PROCEEDINGS.—If a
24 recipient of a request under subsection (a)
25 makes a notification under subparagraph (B),

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

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

21 (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the
22 Right to Financial Privacy Act of 1978 (12 U.S.C.
23 3414(a)(5)) is amended by striking subparagraph (D) and
24 inserting the following:

25 “(D) PROHIBITION OF CERTAIN DISCLOSURE.—

1 “(i) PROHIBITION.—

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

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

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

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

1 “(cc) interference with diplomatic re-
2 lations; or

3 “(dd) danger to the life or physical
4 safety of any person.

5 “(ii) EXCEPTION.—

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

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

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

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

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

1 quest shall be identified to the Director or the
2 designee.

3 “(III) NONDISCLOSURE REQUIREMENT.—
4 A person to whom disclosure is made under
5 subclause (I) shall be subject to the nondisclo-
6 sure requirements applicable to a person to
7 whom a request is issued under subparagraph
8 (A) in the same manner as the person to whom
9 the request is issued.

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

15 “(iii) RIGHT TO JUDICIAL REVIEW.—

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

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

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

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

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

22 “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

23 “(1) PROHIBITION.—

24 “(A) IN GENERAL.—If a certification is
25 issued under subparagraph (B) and notice of

1 the right to judicial review under paragraph (3)
2 is provided, no governmental or private entity,
3 or officer, employee, or agent thereof, that re-
4 ceives a request under subsection (a), shall dis-
5 close to any person that an authorized inves-
6 tigative agency described in subsection (a) has
7 sought or obtained access to information under
8 subsection (a).

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

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

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

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

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

24 “(2) EXCEPTION.—

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

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

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

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

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

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

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

13 “(3) RIGHT TO JUDICIAL REVIEW.—

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

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

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

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

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

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

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

23 (1) in subparagraph (A)—

24 (A) in clause (i)—

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

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

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

8 (2) in subparagraph (C)—

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

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

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

15 “(b) NONDISCLOSURE.—

16 “(1) IN GENERAL.—

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

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

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

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

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

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

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

18 “(C) interference with diplomatic relations;

19 or

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

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

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

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

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

9 “(C) interference with diplomatic relations;

10 or

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

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

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

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

5 (1) by striking subsection (e);

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

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

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

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

25 (1) by striking subsection (h);

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

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

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

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

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

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

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

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

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

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

15 (1) by striking subparagraph (C);

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

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

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

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

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

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

18 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

13 and

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

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

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

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

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

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

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

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

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

17 “(2) CLASSIFIED FORM.—

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

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

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

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

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

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

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

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

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

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

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

18 “(3) UNCLASSIFIED FORM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 602. Annual unclassified report.”.

6 **SEC. 10. AUDITS.**

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

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “2006”
12 and inserting “2011”;

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

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

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

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

19 “(C) with respect to calendar years 2007
20 through 2011, an examination of the minimiza-
21 tion procedures used in relation to orders under
22 section 501 of the Foreign Intelligence Surveil-
23 lance Act of 1978 (50 U.S.C. 1861) and wheth-
24 er the minimization procedures protect the con-

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

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

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

9 “(3) CALENDAR YEARS 2007, 2008, AND 2009.—
10 Not later than September 30, 2011, the Inspector
11 General of the Department of Justice shall submit
12 to the Committee on the Judiciary and the Perma-
13 nent Select Committee on Intelligence of the House
14 of Representatives and the Committee on the Judici-
15 ary and the Select Committee on Intelligence of the
16 Senate a report containing the results of the audit
17 conducted under subsection (a) for calendar years
18 2007, 2008, and 2009.

19 “(4) CALENDAR YEARS 2010 AND 2011.—Not
20 later than December 31, 2012, the Inspector Gen-
21 eral of the Department of Justice shall submit to the
22 Committee on the Judiciary and the Permanent Se-
23 lect Committee on Intelligence of the House of Rep-
24 resentatives and the Committee on the Judiciary and
25 the Select Committee on Intelligence of the Senate

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

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

6 (4) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) INTELLIGENCE ASSESSMENT.—

9 “(1) IN GENERAL.—For the period beginning
10 on January 1, 2007 and ending on December 31,
11 2011, the Inspector General of each element of the
12 intelligence community outside of the Department of
13 Justice that used information acquired under title V
14 of the Foreign Intelligence Surveillance Act of 1978
15 (50 U.S.C. 1861 et seq.) in the intelligence activities
16 of the element of the intelligence community shall—

17 “(A) assess the importance of the informa-
18 tion to the intelligence activities of the element
19 of the intelligence community;

20 “(B) examine the manner in which that in-
21 formation was collected, retained, analyzed, and
22 disseminated by the element of the intelligence
23 community;

24 “(C) describe any noteworthy facts or cir-
25 cumstances relating to orders under title V of

1 the Foreign Intelligence Surveillance Act of
2 1978 as the orders relate to the element of the
3 intelligence community; and

4 “(D) examine any minimization procedures
5 used by the element of the intelligence commu-
6 nity under title V of the Foreign Intelligence
7 Surveillance Act of 1978 and whether the mini-
8 mization procedures protect the constitutional
9 rights of United States persons.

10 “(2) SUBMISSION DATES FOR ASSESSMENT.—

11 “(A) CALENDAR YEARS 2007 THROUGH
12 2009.—Not later than September 30, 2011, the
13 Inspector General of each element of the intel-
14 ligence community that conducts an assessment
15 under this subsection shall submit to the Com-
16 mittee on the Judiciary and the Select Com-
17 mittee on Intelligence of the Senate and the
18 Committee on the Judiciary and the Permanent
19 Select Committee on Intelligence of the House
20 of Representative a report containing the re-
21 sults of the assessment for calendar years 2007
22 through 2009.

23 “(B) CALENDAR YEARS 2010 AND 2011.—
24 Not later than December 31, 2012, the Inspec-
25 tor General of each element of the intelligence

1 community that conducts an assessment under
2 this subsection shall submit to the Committee
3 on the Judiciary and the Select Committee on
4 Intelligence of the Senate and the Committee
5 on the Judiciary and the Permanent Select
6 Committee on Intelligence of the House of Rep-
7 resentatives a report containing the results of
8 the assessment for calendar years 2010 and
9 2011.”;

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

12 (A) in paragraph (1)—

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

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

20 (B) in paragraph (2), by striking “the re-
21 ports submitted under subsection (c)(1) and
22 (c)(2)” and inserting “any report submitted
23 under subsection (c) or (d)”;

24 (6) in subsection (f) as redesignated by para-
25 graph (3)—

1 (A) by striking “The reports submitted
2 under subsections (c)(1) and (c)(2)” and insert-
3 ing “Each report submitted under subsection
4 (c)”; and

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

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

8 “(g) DEFINITIONS.—In this section—

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

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

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

20 (1) in subsection (b)—

21 (A) in paragraph (1), by striking “2006”
22 and inserting “2011”; and

23 (B) in paragraph (3)(C), by striking “(as
24 such term is defined in section 3(4) of the Na-

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

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

5 “(3) CALENDAR YEARS 2007, 2008, AND 2009.—
6 Not later than September 30, 2011, the Inspector
7 General of the Department of Justice shall submit
8 to the Committee on the Judiciary and the Perma-
9 nent Select Committee on Intelligence of the House
10 of Representatives and the Committee on the Judici-
11 ary and the Select Committee on Intelligence of the
12 Senate a report containing the results of the audit
13 conducted under subsection (a) for calendar years
14 2007, 2008, and 2009.

15 “(4) CALENDAR YEARS 2010 AND 2011.—Not
16 later than December 31, 2012, the Inspector Gen-
17 eral of the Department of Justice shall submit to the
18 Committee on the Judiciary and the Permanent Se-
19 lect Committee on Intelligence of the House of Rep-
20 resentatives and the Committee on the Judiciary and
21 the Select Committee on Intelligence of the Senate
22 a report containing the results of the audit con-
23 ducted under subsection (a) for calendar years 2010
24 and 2011.”;

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

3 “(h) DEFINITIONS.—In this section—

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

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

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

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

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

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

24 “(E) section 627 of the Fair Credit Re-
25 porting Act (15 U.S.C. 1681v) (to obtain credit

1 agency consumer records for counterterrorism
2 investigations); and

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

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

9 (5) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) INTELLIGENCE ASSESSMENT.—

12 “(1) IN GENERAL.—For the period beginning
13 on January 1, 2007 and ending on December 31,
14 2011, the Inspector General of each element of the
15 intelligence community outside of the Department of
16 Justice that issued national security letters in the
17 intelligence activities of the element of the intel-
18 ligence community shall—

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

22 “(B) describe any noteworthy facts or cir-
23 cumstances relating to the use of national secu-
24 rity letters by the element of the intelligence

1 community, including any improper or illegal
2 use of such authority;

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

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

11 “(2) SUBMISSION DATES FOR ASSESSMENT.—

12 “(A) CALENDAR YEARS 2007 THROUGH
13 2009.—Not later than September 30, 2011, the
14 Inspector General of each element of the intel-
15 ligence community that conducts an assessment
16 under this subsection shall submit to the Com-
17 mittee on the Judiciary and the Select Com-
18 mittee on Intelligence of the Senate and the
19 Committee on the Judiciary and the Permanent
20 Select Committee on Intelligence of the House
21 of Representatives a report containing the re-
22 sults of the assessment for calendar years 2007
23 through 2009.

24 “(B) CALENDAR YEARS 2010 AND 2011.—

25 Not later than December 31, 2012, the Inspec-

1 tor General of any element of the intelligence
2 community that conducts an assessment under
3 this subsection shall submit to the Committee
4 on the Judiciary and the Select Committee on
5 Intelligence of the Senate and the Committee
6 on the Judiciary and the Permanent Select
7 Committee on Intelligence of the House of Rep-
8 resentatives a report containing the results of
9 the assessment for calendar years 2010 and
10 2011.”;

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

13 (A) in paragraph (1)—

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

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

21 (B) in paragraph (2), by striking “the re-
22 ports submitted under subsection (c)(1) or
23 (c)(2)” and inserting “any report submitted
24 under subsection (c) or (d)”;

1 (7) in subsection (f), as redesignated by para-
2 graph (4)—

3 (A) by striking “The reports submitted
4 under subsections (c)(1) or (c)(2)” and insert-
5 ing “Each report submitted under subsection
6 (c)”;

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

9 (c) PEN REGISTERS AND TRAP AND TRACE DE-
10 VICES.—

11 (1) AUDITS.—The Inspector General of the De-
12 partment of Justice shall perform comprehensive au-
13 dits of the effectiveness and use, including any im-
14 proper or illegal use, of pen registers and trap and
15 trace devices under title IV of the Foreign Intel-
16 ligence Surveillance Act of 1978 (50 U.S.C. 1841 et
17 seq.) during the period beginning on January 1,
18 2007 and ending on December 31, 2011.

19 (2) REQUIREMENTS.—The audits required
20 under paragraph (1) shall include—

21 (A) an examination of the use of pen reg-
22 isters and trap and trace devices under title IV
23 of the Foreign Intelligence Surveillance Act of
24 1978 for calendar years 2007 through 2011;

1 (B) an examination of the installation and
2 use of a pen register or trap and trace device
3 on emergency bases under section 403 of the
4 Foreign Intelligence Surveillance Act of 1978
5 (50 U.S.C. 1843);

6 (C) any noteworthy facts or circumstances
7 relating to the use of a pen register or trap and
8 trace device under title IV of the Foreign Intel-
9 ligence Surveillance Act of 1978, including any
10 improper or illegal use of the authority provided
11 under that title; and

12 (D) an examination of the effectiveness of
13 the authority under title IV of the Foreign In-
14 telligence Surveillance Act of 1978 as an inves-
15 tigative tool, including—

16 (i) the importance of the information
17 acquired to the intelligence activities of the
18 Federal Bureau of Investigation;

19 (ii) the manner in which the informa-
20 tion is collected, retained, analyzed, and
21 disseminated by the Federal Bureau of In-
22 vestigation, including any direct access to
23 the information provided to any other de-
24 partment, agency, or instrumentality of

1 Federal, State, local, or tribal governments
2 or any private sector entity;

3 (iii) with respect to calendar years
4 2010 and 2011, an examination of the
5 minimization procedures of the Federal
6 Bureau of Investigation used in relation to
7 pen registers and trap and trace devices
8 under title IV of the Foreign Intelligence
9 Surveillance Act of 1978 and whether the
10 minimization procedures protect the con-
11 stitutional rights of United States persons;

12 (iv) whether, and how often, the Fed-
13 eral Bureau of Investigation used informa-
14 tion acquired under a pen register or trap
15 and trace device under title IV of the For-
16 eign Intelligence Surveillance Act of 1978
17 to produce an analytical intelligence prod-
18 uct for distribution within the Federal Bu-
19 reau of Investigation, to the intelligence
20 community, or to another department,
21 agency, or instrumentality of Federal,
22 State, local, or tribal governments; and

23 (v) whether, and how often, the Fed-
24 eral Bureau of Investigation provided in-
25 formation acquired under a pen register or

1 trap and trace device under title IV of the
2 Foreign Intelligence Surveillance Act of
3 1978 to law enforcement authorities for
4 use in criminal proceedings.

5 (3) SUBMISSION DATES.—

6 (A) CALENDAR YEARS 2007 THROUGH
7 2009.—Not later than September 30, 2011, the
8 Inspector General of the Department of Justice
9 shall submit to the Committee on the Judiciary
10 and the Select Committee on Intelligence of the
11 Senate and the Committee on the Judiciary and
12 the Permanent Select Committee on Intelligence
13 of the House of Representatives a report con-
14 taining the results of the audits conducted
15 under paragraph (1) for calendar years 2007
16 through 2009.

17 (B) CALENDAR YEARS 2010 AND 2011.—
18 Not later than December 31, 2012, the Inspec-
19 tor General of the Department of Justice shall
20 submit to the Committee on the Judiciary and
21 the Select Committee on Intelligence of the
22 Senate and the Committee on the Judiciary and
23 the Permanent Select Committee on Intelligence
24 of the House of Representatives a report con-
25 taining the results of the audits conducted

1 under paragraph (1) for calendar years 2010
2 and 2011.

3 (4) INTELLIGENCE ASSESSMENT.—

4 (A) IN GENERAL.—For the period begin-
5 ning January 1, 2007 and ending on December
6 31, 2011, the Inspector General of any element
7 of the intelligence community outside of the De-
8 partment of Justice that used information ac-
9 quired under a pen register or trap and trace
10 device under title IV of the Foreign Intelligence
11 Surveillance Act of 1978 in the intelligence ac-
12 tivities of the element of the intelligence com-
13 munity shall—

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

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

20 (iii) describe any noteworthy facts or
21 circumstances relating to orders under title
22 IV of the Foreign Intelligence Surveillance
23 Act of 1978 as the orders relate to the ele-
24 ment of the intelligence community; and

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

9 (B) SUBMISSION DATES FOR ASSESS-
10 MENT.—

11 (i) CALENDAR YEARS 2007 THROUGH
12 2009.—Not later than September 30, 2011,
13 the Inspector General of each element of
14 the intelligence community that conducts
15 an assessment under this paragraph shall
16 submit to the Committee on the Judiciary
17 and the Select Committee on Intelligence
18 of the Senate and the Committee on the
19 Judiciary and the Permanent Select Com-
20 mittee on Intelligence of the House of Rep-
21 resentative a report containing the results
22 of the assessment for calendar years 2007
23 through 2009.

24 (ii) CALENDAR YEARS 2010 AND
25 2011.—Not later than December 31, 2012,

1 the Inspector General of each element of
2 the intelligence community that conducts
3 an assessment under this paragraph shall
4 submit to the Committee on the Judiciary
5 and the Select Committee on Intelligence
6 of the Senate and the Committee on the
7 Judiciary and the Permanent Select Com-
8 mittee on Intelligence of the House of Rep-
9 resentative a report containing the results
10 of the assessment for calendar years 2010
11 and 2011.

12 (5) PRIOR NOTICE TO ATTORNEY GENERAL AND
13 DIRECTOR OF NATIONAL INTELLIGENCE; COM-
14 MENTS.—

15 (A) NOTICE.—Not later than 30 days be-
16 fore the submission of any report paragraph (3)
17 or (4), the Inspector General of the Department
18 of Justice and any Inspector General of an ele-
19 ment of the intelligence community that sub-
20 mits a report under this subsection shall pro-
21 vide the report to the Attorney General and the
22 Director of National Intelligence.

23 (B) COMMENTS.—The Attorney General or
24 the Director of National Intelligence may pro-
25 vide such comments to be included in any re-

1 port submitted under paragraph (3) or (4) as
2 the Attorney General or the Director of Na-
3 tional Intelligence may consider necessary.

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

9 (d) DEFINITIONS.—In this section—

10 (1) the terms “foreign intelligence information”
11 and “United States person” have the meanings
12 given those terms in section 101 of the Foreign In-
13 telligence Surveillance Act of 1978 (50 U.S.C.
14 1801); and

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

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

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

21 **SEC. 12. PROCEDURES.**

22 (a) IN GENERAL.—The Attorney General shall peri-
23 odically review, and revise as necessary, the procedures
24 adopted by the Attorney General on October 1, 2010 for
25 the collection, use, and storage of information obtained in

1 response to a national security letter issued under section
2 2709 of title 18, United States Code, section 1114(a)(5)
3 of the Right to Financial Privacy Act of 1978 (12 U.S.C.
4 3414(5)), section 626 of the Fair Credit Reporting Act
5 (15 U.S.C. 1681u), or section 627 of the Fair Credit Re-
6 porting Act (15 U.S.C. 1681v).

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

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

19 **SEC. 13. SEVERABILITY.**

20 If any provision of this Act or an amendment made
21 by this Act, or the application of the provision to any per-
22 son or circumstance, is held to be unconstitutional, the
23 remainder of this Act and the amendments made by this
24 Act, and the application of the provisions of this Act and

1 the amendments made by this Act to any other person
2 or circumstance, shall not be affected thereby.

3 **SEC. 14. OFFSET.**

4 Of the unobligated balances available in the Depart-
5 ment of Justice Assets Forfeiture Fund established under
6 section 524(c)(1) of title 28, United States Code,
7 \$5,000,000 are permanently rescinded and shall be re-
8 turned to the general fund of the Treasury.

9 **SEC. 15. EFFECTIVE DATE.**

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

Calendar No. 8

112TH CONGRESS
1ST Session
S. 290

A BILL

To extend the sunset of certain provisions of the
USA PATRIOT Act, and for other purposes.

FEBRUARY 4, 2011

Read the second time and placed on the calendar