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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Uniting and Strengthening America by Fulfilling Rights  
4 and Ending Eavesdropping, Dragnet-collection, and On-  
5 line Monitoring Act” or the “USA FREEDOM Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—FISA BUSINESS RECORDS REFORMS**

Sec. 101. Privacy protections for business records orders.  
Sec. 102. Inspector general reports on business records orders.

**TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORMS**

Sec. 201. Privacy protections for pen registers and trap and trace devices.  
Sec. 202. Inspector general reports on pen registers and trap and trace devices.

**TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS**

Sec. 301. Clarification on prohibition on searching of collections of communications to conduct warrantless searches for the communications of United States persons.  
Sec. 302. Protection against collection of wholly domestic communications.  
Sec. 303. Prohibition on reverse targeting.  
Sec. 304. Limits on use of unlawfully obtained information.  
Sec. 305. Modification of FISA Amendments Act of 2008 sunset.  
Sec. 306. Inspector general reviews of authorities.

**TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS**

Sec. 401. Office of the Special Advocate.  
Sec. 402. Foreign Intelligence Surveillance Court disclosure of opinions.  
Sec. 403. Preservation of rights.

**TITLE V—NATIONAL SECURITY LETTER REFORMS**

Sec. 501. National security letter authority.  
Sec. 502. Limitations on disclosure of national security letters.  
Sec. 503. Judicial review.  
Sec. 504. Inspector general reports on national security letters.  
Sec. 505. National security letter sunset.  
Sec. 506. Technical and conforming amendments.

**TITLE VI—FISA AND NATIONAL SECURITY LETTER TRANSPARENCY REFORMS**

- Sec. 601. Third-party reporting on FISA orders and national security letters.
- Sec. 602. Government reporting on FISA orders.
- Sec. 603. Government reporting on national security letters.

TITLE VII—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD  
SUBPOENA AUTHORITY

- Sec. 701. Privacy and Civil Liberties Oversight Board subpoena authority.

1                   **TITLE I—FISA BUSINESS**  
2                   **RECORDS REFORMS**  
3 **SEC. 101. PRIVACY PROTECTIONS FOR BUSINESS RECORDS**  
4                   **ORDERS.**

5                   (a) PRIVACY PROTECTIONS.—

6                   (1) IN GENERAL.—Section 501(b) of the For-  
7                   eign Intelligence Surveillance Act of 1978 (50  
8                   U.S.C. 1861(b)) is amended—

9                   (A) in paragraph (1)(B), by striking “and”  
10                  after the semicolon;

11                  (B) in paragraph (2), by striking subpara-  
12                  graphs (A) and (B) and inserting the following  
13                  new subparagraphs:

14                  “(A) a statement of facts showing that  
15                  there are reasonable grounds to believe that the  
16                  tangible things sought—

17                  “(i) are relevant and material to an  
18                  authorized investigation (other than a  
19                  threat assessment) conducted in accord-  
20                  ance with subsection (a)(2) to obtain for-  
21                  eign intelligence information not con-  
22                  cerning a United States person or to pro-

1 tect against international terrorism or  
2 clandestine intelligence activities; and

3 “(ii) pertain to—

4 “(I) a foreign power or an agent  
5 of a foreign power;

6 “(II) the activities of a suspected  
7 agent of a foreign power who is the  
8 subject of such authorized investiga-  
9 tion; or

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

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

15 (C) by adding at the end the following  
16 paragraph:

17 “(3) if the applicant is seeking a nondisclosure  
18 requirement described in subsection (d), shall in-  
19 clude—

20 “(A) the time period during which the  
21 Government believes the nondisclosure require-  
22 ment should apply;

23 “(B) a statement of facts showing that  
24 there are reasonable grounds to believe that dis-  
25 closure of particular information about the ex-

1           istence or contents of the order requiring the  
2           production of tangible things under this section  
3           during such time period will result in—

4                   “(i) endangering the life or physical  
5                   safety of any person;

6                   “(ii) flight from investigation or pros-  
7                   ecution;

8                   “(iii) destruction of or tampering with  
9                   evidence;

10                  “(iv) intimidation of potential wit-  
11                  nesses;

12                  “(v) interference with diplomatic rela-  
13                  tions;

14                  “(vi) alerting a target, an associate of  
15                  a target, or the foreign power of which the  
16                  target is an agent, of the interest of the  
17                  Government in the target; or

18                  “(vii) otherwise seriously endangering  
19                  the national security of the United States;  
20                  and

21                  “(C) an explanation of how the nondislo-  
22                  sure requirement is narrowly tailored to address  
23                  the specific harm identified under subparagraph  
24                  (B).”.

1           (2) ORDER.—Section 501(e) of the Foreign In-  
2           telligence Surveillance Act of 1978 (50 U.S.C.  
3           1861(e)) is amended—

4           (A) in paragraph (1)—

5                   (i) by striking “subsections (a) and  
6                   (b)” and inserting “subsection (a) and  
7                   paragraphs (1) and (2) of subsection (b)  
8                   and that the proposed minimization proce-  
9                   dures meet the definition of minimization  
10                  procedures under subsection (g)”;

11                  (ii) by striking the last sentence and  
12                  inserting the following: “If the judge finds  
13                  that the requirements of subsection (b)(3)  
14                  have been met, such order shall include a  
15                  nondisclosure requirement, which may  
16                  apply for not longer than 1 year, unless  
17                  the facts justify a longer period of non-  
18                  disclosure, subject to the principles and  
19                  procedures described in subsection (d).”;  
20                  and

21           (B) in paragraph (2)—

22                   (i) in subparagraph (C), by inserting  
23                   before the semicolon “, if applicable”;

24                   (ii) in subparagraph (D), by striking  
25                   “and” at the end;

1 (iii) in subparagraph (E), by striking  
2 the period at the end and inserting “;  
3 and”; and

4 (iv) by adding at the end the following  
5 new subparagraph:

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

8 (3) NONDISCLOSURE.—Section 501(d) of the  
9 Foreign Intelligence Surveillance Act of 1978 (50  
10 U.S.C. 1861(d)) is amended to read as follows:

11 “(d) NONDISCLOSURE.—

12 “(1) IN GENERAL.—No person who receives an  
13 order under subsection (c) that contains a nondisclo-  
14 sure requirement shall disclose to any person the  
15 particular information specified in the nondisclosure  
16 requirement during the time period to which the re-  
17 quirement applies.

18 “(2) EXCEPTION.—

19 “(A) IN GENERAL.—A person who receives  
20 an order under subsection (c) that contains a  
21 nondisclosure requirement may disclose infor-  
22 mation otherwise subject to any applicable non-  
23 disclosure requirement to—

1           “(i) those persons to whom disclosure  
2           is necessary to comply with an order under  
3           this section;

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

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

9           “(B) APPLICATION.—A person to whom  
10          disclosure is made under subparagraph (A)  
11          shall be subject to the nondisclosure require-  
12          ments applicable to a person to whom an order  
13          is directed under this section in the same man-  
14          ner as the person to whom the order is directed.

15          “(C) NOTICE.—Any person who discloses  
16          to a person described in subparagraph (A) in-  
17          formation otherwise subject to a nondisclosure  
18          requirement shall notify the person of the appli-  
19          cable nondisclosure requirement.

20          “(D) IDENTIFICATION OF DISCLOSURE RE-  
21          CIPIENTS.—At the request of the Director of  
22          the Federal Bureau of Investigation or the des-  
23          ignee of the Director, any person making or in-  
24          tending to make a disclosure under clause (i) or  
25          (iii) of subparagraph (A) shall identify to the

1 Director or such designee the person to whom  
2 such disclosure will be made or to whom such  
3 disclosure was made prior to the request.

4 “(3) EXTENSION.—The Director of the Federal  
5 Bureau of Investigation, or a designee of the Direc-  
6 tor (whose rank shall be no lower than Assistant  
7 Special Agent in Charge), may apply for renewals of  
8 the prohibition on disclosure of particular informa-  
9 tion about the existence or contents of an order re-  
10 quiring the production of tangible things under this  
11 section for additional periods of not longer than 1  
12 year, unless the facts justify a longer period of non-  
13 disclosure. A nondisclosure requirement shall be re-  
14 newed if a court having jurisdiction under paragraph  
15 (4) determines that the application meets the re-  
16 quirements of subsection (b)(3).

17 “(4) JURISDICTION.—An application for a re-  
18 newal under this subsection shall be made to—

19 “(A) a judge of the court established under  
20 section 103(a); or

21 “(B) a United States Magistrate Judge  
22 under chapter 43 of title 28, United States  
23 Code, who is publicly designated by the Chief  
24 Justice of the United States to have the power  
25 to hear applications and grant orders for the

1 production of tangible things under this section  
2 on behalf of a judge of the court established  
3 under section 103(a).”.

4 (4) MINIMIZATION.—Section 501(g) of the For-  
5 eign Intelligence Surveillance Act of 1978 (50  
6 U.S.C. 1861(g)) is amended—

7 (A) in paragraph (1), by striking “Not  
8 later than” and all that follows and inserting  
9 “At or before the end of the period of time for  
10 the production of tangible things under an  
11 order issued under this section or at any time  
12 after the production of tangible things under an  
13 order issued under this section, a judge may as-  
14 sess compliance with the minimization proce-  
15 dures required by such order by reviewing the  
16 circumstances under which information con-  
17 cerning United States persons was acquired, re-  
18 tained, or disseminated.”; and

19 (B) in paragraph (2)(A), by inserting “ac-  
20 quisition and” after “to minimize the”.

21 (5) CONFORMING AMENDMENT.—Section  
22 501(f)(1)(B) of the Foreign Intelligence Surveillance  
23 Act of 1978 (50 U.S.C. 1861(f)(1)(B)) is amended  
24 by striking “an order imposed under subsection (d)”

1 and inserting “a nondisclosure requirement imposed  
2 in connection with a production order”.

3 (b) JUDICIAL REVIEW.—Section 501(f)(2) of the  
4 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
5 1861(f)(2)) is amended—

6 (1) in subparagraph (A)(i)—

7 (A) by striking “that order” and inserting  
8 “such production order or any nondisclosure  
9 order imposed in connection with such produc-  
10 tion order”; and

11 (B) by striking the second sentence;

12 (2) by striking subparagraph (C) and inserting  
13 the following new subparagraph:

14 “(C) A judge considering a petition to modify or set  
15 aside a nondisclosure order shall grant such petition un-  
16 less the court determines that—

17 “(i) there is reason to believe that disclosure of  
18 the information subject to the nondisclosure require-  
19 ment during the time period in which such require-  
20 ment is in effect will result in—

21 “(I) endangering the life or physical safety  
22 of any person;

23 “(II) flight from investigation or prosecu-  
24 tion;

1           “(III) destruction of or tampering with evi-  
2           dence;

3           “(IV) intimidation of potential witnesses;

4           “(V) interference with diplomatic relations;

5           “(VI) alerting a target, an associate of a  
6           target, or the foreign power of which the target  
7           is an agent, of the interest of the Government  
8           in the target; or

9           “(VII) otherwise seriously endangering the  
10          national security of the United States; and

11          “(ii) the nondisclosure requirement is narrowly  
12          tailored to address the specific harm identified under  
13          clause (i).”; and

14          (3) by adding at the end the following new sub-  
15          paragraph:

16          “(E) If a judge denies a petition to modify or set  
17          aside a nondisclosure order under this paragraph, no per-  
18          son may file another petition to modify or set aside such  
19          nondisclosure order until the date that is one year after  
20          the date on which such judge issues the denial of such  
21          petition.”.

22          (c) EMERGENCY AUTHORITY FOR ACCESS TO CALL  
23          DETAIL RECORDS.—

1           (1) IN GENERAL.—Title V of the Foreign Intel-  
2           ligence Surveillance Act of 1978 (50 U.S.C. 1861 et  
3           seq.) is amended—

4                   (A) by redesignating section 502 as section  
5           503; and

6                   (B) by adding at the end the following new  
7           section:

8           **“SEC. 502. EMERGENCY AUTHORITY FOR ACCESS TO CALL**  
9                   **DETAIL RECORDS.**

10           “(a) IN GENERAL.—Notwithstanding any other pro-  
11           vision of this title, the Attorney General may require the  
12           production of call detail records by the provider of a wire  
13           or electronic communication service on an emergency basis  
14           if—

15                   “(1) such records—

16                           “(A) are relevant and material to an au-  
17                           thorized investigation (other than a threat as-  
18                           sessment) conducted in accordance with section  
19                           501(a)(2) to obtain foreign intelligence informa-  
20                           tion not concerning a United States person or  
21                           to protect against international terrorism or  
22                           clandestine intelligence activities; and

23                           “(B) pertain to—

24                                   “(i) a foreign power or an agent of a  
25                                   foreign power;

1                   “(ii) the activities of a suspected  
2                   agent of a foreign power who is the subject  
3                   of such authorized investigation; or

4                   “(iii) an individual in contact with, or  
5                   known to, a suspected agent of a foreign  
6                   power; and

7                   “(2) the Attorney General reasonably deter-  
8                   mines that—

9                   “(A) an emergency requires the production  
10                  of such records before an order requiring such  
11                  production can with due diligence be obtained  
12                  under section 501; and

13                  “(B) the factual basis for issuance of an  
14                  order under section 501 to require the produc-  
15                  tion of such records exists;

16                  “(3) a judge referred to in section 501(b)(1) is  
17                  informed by the Attorney General or a designee of  
18                  the Attorney General at the time of the required  
19                  production of such records that the decision has  
20                  been made to require such production on an emer-  
21                  gency basis; and

22                  “(4) an application in accordance with section  
23                  501 is made to such judge as soon as practicable,  
24                  but not more than 7 days after the date on which

1 the Attorney General requires the production of such  
2 records under this section.

3 “(b) TERMINATION OF AUTHORITY.—

4 “(1) TERMINATION.—In the absence of an  
5 order under section 501 to approve the emergency  
6 required production of call detail records under sub-  
7 section (a), the authority to require the production  
8 of such records shall terminate at the earlier of—

9 “(A) when the information sought is ob-  
10 tained;

11 “(B) when the application for the order is  
12 denied under section 501; or

13 “(C) 7 days after the time of the author-  
14 ization by the Attorney General.

15 “(2) USE OF INFORMATION.—If an application  
16 for an order applied for under section 501 for the  
17 production of call detail records required to be pro-  
18 duced pursuant to subsection (a) is denied, or in any  
19 other case where the emergency production of call  
20 detail records under this section is terminated and  
21 no order under section 501 is issued approving the  
22 required production of such records, no information  
23 obtained or evidence derived from such records shall  
24 be received in evidence or otherwise disclosed in any  
25 trial, hearing, or other proceeding in or before any

1 court, grand jury, department, office, agency, regu-  
2 latory body, legislative committee, or other authority  
3 of the United States, a State, or political subdivision  
4 thereof, and no information concerning any United  
5 States person acquired from such records shall sub-  
6 sequently be used or disclosed in any other manner  
7 by Federal officers or employees without the consent  
8 of such person, except with the approval of the At-  
9 torney General if the information indicates a threat  
10 of death or serious bodily harm to any person.

11 “(c) REPORT.—The Attorney General shall annually  
12 submit to the Permanent Select Committee on Intelligence  
13 of the House of Representatives, the Select Committee on  
14 Intelligence of the Senate, and the Committees on the Ju-  
15 diciary of the House of Representatives and the Senate  
16 a report containing the number of times the authority  
17 under this section was exercised during the calendar year  
18 covered by such report.

19 “(d) CALL DETAIL RECORDS DEFINED.—In this sec-  
20 tion, the term ‘call detail records’—

21 “(1) means session identifying information (in-  
22 cluding originating or terminating telephone num-  
23 ber, International Mobile Subscriber Identity num-  
24 ber, or International Mobile Station Equipment

1 Identity number), telephone calling card numbers, or  
2 time or duration of call; and

3 “(2) does not include—

4 “(A) the contents of any communication  
5 (as defined in section 2510(8) of title 18,  
6 United States Code);

7 “(B) the name, address, or financial infor-  
8 mation of a subscriber or customer; or

9 “(C) cell site location information.”.

10 (2) TABLE OF CONTENTS AMENDMENT.—The  
11 table of contents in the first section of the Foreign  
12 Intelligence Surveillance Act of 1978 is amended by  
13 striking the item relating to section 502 and insert-  
14 ing the following new items:

“502. Emergency authority for access to call detail records.

“503. Congressional oversight.”.

15 (3) CONFORMING AMENDMENT.—Section  
16 102(b) of the USA PATRIOT Improvement and Re-  
17 authorization Act of 2005 (50 U.S.C. 1805 note) is  
18 amended by striking “sections 501, 502, and” and  
19 inserting “title V and section”.

20 **SEC. 102. INSPECTOR GENERAL REPORTS ON BUSINESS**  
21 **RECORDS ORDERS.**

22 Section 106A of the USA Patriot Improvement and  
23 Reauthorization Act of 2005 (Public Law 109–177; 120  
24 Stat. 200) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1), by inserting “and  
3 calendar years 2010 through 2013” after  
4 “2006”;

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

6 (C) by redesignating paragraphs (4) and  
7 (5) as paragraphs (2) and (3), respectively; and

8 (D) in paragraph (3) (as so redesign-  
9 nated)—

10 (i) by striking subparagraph (C) and  
11 inserting the following new subparagraph:

12 “(C) with respect to calendar years 2010  
13 through 2013, an examination of the minimiza-  
14 tion procedures used in relation to orders under  
15 section 501 of the Foreign Intelligence Surveil-  
16 lance Act of 1978 (50 U.S.C. 1861) and wheth-  
17 er the minimization procedures adequately pro-  
18 tect the constitutional rights of United States  
19 persons.”; and

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

24 (2) in subsection (c), by adding at the end the  
25 following new paragraph:

1           “(3) CALENDAR YEARS 2010 THROUGH 2013.—  
2           Not later than December 31, 2014, the Inspector  
3           General of the Department of Justice shall submit  
4           to the Committee on the Judiciary and the Select  
5           Committee on Intelligence of the Senate and the  
6           Committee on the Judiciary and the Permanent Se-  
7           lect Committee on Intelligence of the House of Rep-  
8           resentatives a report containing the results of the  
9           audit conducted under subsection (a) for calendar  
10          years 2010 through 2013.”;

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

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

15          “(d) INTELLIGENCE ASSESSMENT.—

16           “(1) IN GENERAL.—For the period beginning  
17          on January 1, 2010, and ending on December 31,  
18          2013, the Inspector General of the Intelligence Com-  
19          munity shall—

20           “(A) assess the importance of the informa-  
21          tion acquired under title V of the Foreign Intel-  
22          ligence Surveillance Act of 1978 (50 U.S.C.  
23          1861 et seq.) to the activities of the intelligence  
24          community;

1           “(B) examine the manner in which that in-  
2           formation was collected, retained, analyzed, and  
3           disseminated by the intelligence community;

4           “(C) describe any noteworthy facts or cir-  
5           cumstances relating to orders under such title;

6           “(D) examine any minimization procedures  
7           used by elements of the intelligence community  
8           under such title and whether the minimization  
9           procedures adequately protect the constitutional  
10          rights of United States persons; and

11          “(E) examine any minimization procedures  
12          proposed by an element of the intelligence com-  
13          munity under such title that were modified or  
14          denied by the court established under section  
15          103(a) of such Act (50 U.S.C. 1803(a)).

16          “(2) SUBMISSION DATE FOR ASSESSMENT.—  
17          Not later than December 31, 2014, the Inspector  
18          General of the Intelligence Community shall submit  
19          to the Committee on the Judiciary and the Select  
20          Committee on Intelligence of the Senate and the  
21          Committee on the Judiciary and the Permanent Se-  
22          lect Committee on Intelligence of the House of Rep-  
23          resentative a report containing the results of the as-  
24          sessment for calendar years 2010 through 2013.”.

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

3           (A) in paragraph (1)—

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

7                 (ii) by inserting by striking “Inspector  
8 General of the Department of Justice” and  
9 inserting “Inspector General of the De-  
10 partment of Justice, the Inspector General  
11 of the Intelligence Community, and any In-  
12 spector General of an element of the intel-  
13 ligence community that prepares a report  
14 to assist the Inspector General of the De-  
15 partment of Justice or the Inspector Gen-  
16 eral of the Intelligence Community in com-  
17 plying with the requirements of this sec-  
18 tion”; and

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

23           (6) in subsection (f), as redesignated by para-  
24 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 new sub-  
8 section:

9 “(g) DEFINITIONS.—In this section:

10 “(1) INTELLIGENCE COMMUNITY.—The term  
11 ‘intelligence community’ has the meaning given that  
12 term in section 3 of the National Security Act of  
13 1947 (50 U.S.C. 3003).

14 “(2) UNITED STATES PERSON.—The term  
15 ‘United States person’ has the meaning given that  
16 term in section 101 of the Foreign Intelligence Sur-  
17 veillance Act of 1978 (50 U.S.C. 1801).”.

18 **TITLE II—FISA PEN REGISTER**  
19 **AND TRAP AND TRACE DE-**  
20 **VICE REFORMS**

21 **SEC. 201. PRIVACY PROTECTIONS FOR PEN REGISTERS**  
22 **AND TRAP AND TRACE DEVICES.**

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

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

3           (2) by striking paragraph (2) and inserting the  
4           following new paragraphs:

5           “(2) a statement of facts showing that there  
6           are reasonable grounds to believe that the informa-  
7           tion sought—

8                   “(A) is relevant and material to an author-  
9                   ized investigation to obtain foreign intelligence  
10                  information not concerning a United States per-  
11                  son or to protect against international terrorism  
12                  or clandestine intelligence activities (other than  
13                  a threat assessment), provided that such inves-  
14                  tigation of a United States person is not con-  
15                  ducted solely upon the basis of activities pro-  
16                  tected by the first amendment to the Constitu-  
17                  tion of the United States; and

18                   “(B) pertain to—

19                           “(i) a foreign power or an agent of a  
20                           foreign power;

21                           “(ii) the activities of a suspected  
22                           agent of a foreign power who is the subject  
23                           of such authorized investigation; or

1                   “(iii) an individual in contact with, or  
2                   known to, a suspected agent of a foreign  
3                   power; and

4                   “(3) a statement of proposed minimization pro-  
5                   cedures.”.

6                   (b) MINIMIZATION.—

7                   (1) DEFINITION.—Section 401 of the Foreign  
8                   Intelligence Surveillance Act of 1978 (50 U.S.C.  
9                   1841) is amended by adding at the end the following  
10                  new paragraph:

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

13                         “(A) specific procedures that are reason-  
14                         ably designed in light of the purpose and tech-  
15                         nique of an order for the installation and use  
16                         of a pen register or trap and trace device, to  
17                         minimize the acquisition and retention, and pro-  
18                         hibit the dissemination, of nonpublicly available  
19                         information concerning unconsenting United  
20                         States persons consistent with the need of the  
21                         United States to obtain, produce, and dissemi-  
22                         nate foreign intelligence information;

23                         “(B) procedures that require that nonpub-  
24                         licly available information, which is not foreign  
25                         intelligence information, as defined in section

1           101(e)(1), shall not be disseminated in a man-  
2           ner that identifies any United States person,  
3           without such person’s consent, unless such per-  
4           son’s identity is necessary to understand foreign  
5           intelligence information or assess its impor-  
6           tance; and

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

14          (2) PROCEDURES REQUIRED.—Section 402 of  
15          the Foreign Intelligence Surveillance Act of 1978  
16          (50 U.S.C. 1842) is amended—

17                 (A) in subsection (d)—

18                         (i) in paragraph (1), by inserting  
19                         “and that the proposed minimization pro-  
20                         cedures meet the definition of minimization  
21                         procedures under this title” before the pe-  
22                         riod at the end; and

23                         (ii) in paragraph (2)(B)—

24                                 (I) in clause (ii)(II), by striking  
25                                 “and” after the semicolon; and

1 (II) by adding at the end the fol-  
2 lowing new clause:

3 “(iv) the minimization procedures be  
4 followed; and”; and

5 (B) by adding at the end the following new  
6 subsection:

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

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

17 (A) by redesignating subsection (c) as sub-  
18 section (d); and

19 (B) by inserting after subsection (b) the  
20 following new subsection:

21 “(c) If the Attorney General authorizes the emer-  
22 gency installation and use of a pen register or trap and  
23 trace device under this section, the Attorney General shall  
24 require that minimization procedures required by this title  
25 for the issuance of a judicial order be followed.”.

1           (4) USE OF INFORMATION.—Section 405(a)(1)  
2 of the Foreign Intelligence Surveillance Act of 1978  
3 (50 U.S.C. 1845(a)(1)) is amended by inserting  
4 “and the minimization procedures required under  
5 the order approving such pen register or trap and  
6 trace device” after “of this section”.

7           (c) TRANSITION PROCEDURES.—

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

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

20 **SEC. 202. INSPECTOR GENERAL REPORTS ON PEN REG-**  
21 **ISTERS AND TRAP AND TRACE DEVICES.**

22           (a) AUDITS.—The Inspector General of the Depart-  
23 ment of Justice shall perform comprehensive audits of the  
24 effectiveness and use, including any improper or illegal  
25 use, of pen registers and trap and trace devices under title

1 IV of the Foreign Intelligence Surveillance Act of 1978  
2 (50 U.S.C. 1841 et seq.) during the period beginning on  
3 January 1, 2010, and ending on December 31, 2013.

4 (b) REQUIREMENTS.—The audits required under  
5 subsection (a) shall include—

6 (1) an examination of the use of pen registers  
7 and trap and trace devices under such title for cal-  
8 endar years 2010 through 2013;

9 (2) an examination of the installation and use  
10 of a pen register or trap and trace device on emer-  
11 gency bases under section 403 of such Act (50  
12 U.S.C. 1843);

13 (3) an examination any noteworthy facts or cir-  
14 cumstances relating to the use of a pen register or  
15 trap and trace device under such title, including any  
16 improper or illegal use of the authority provided  
17 under such title; and

18 (4) an examination of the effectiveness of the  
19 authority under such title as an investigative tool,  
20 including—

21 (A) the importance of the information ac-  
22 quired to the intelligence activities of the Fed-  
23 eral Bureau of Investigation;

24 (B) the manner in which the information is  
25 collected, retained, analyzed, and disseminated

1 by the Federal Bureau of Investigation, includ-  
2 ing any direct access to the information pro-  
3 vided to any other department, agency, or in-  
4 strumentality of Federal, State, local, or tribal  
5 governments or any private sector entity;

6 (C) whether, and how often, the Federal  
7 Bureau of Investigation used information ac-  
8 quired under a pen register or trap and trace  
9 device under such title to produce an analytical  
10 intelligence product for distribution within the  
11 Federal Bureau of Investigation, to the intel-  
12 ligence community, or to another department,  
13 agency, or instrumentality of Federal, State,  
14 local, or tribal governments; and

15 (D) whether, and how often, the Federal  
16 Bureau of Investigation provided information  
17 acquired under a pen register or trap and trace  
18 device under such title to law enforcement au-  
19 thorities for use in criminal proceedings.

20 (c) REPORT.—Not later than December 31, 2014, the  
21 Inspector General of the Department of Justice shall sub-  
22 mit to the Committee on the Judiciary and the Select  
23 Committee on Intelligence of the Senate and the Com-  
24 mittee on the Judiciary and the Permanent Select Com-  
25 mittee on Intelligence of the House of Representatives a

1 report containing the results of the audits conducted  
2 under subsection (a) for calendar years 2010 through  
3 2013.

4 (d) INTELLIGENCE ASSESSMENT.—

5 (1) IN GENERAL.—For the period beginning  
6 January 1, 2010, and ending on December 31,  
7 2013, the Inspector General of the Intelligence Com-  
8 munity shall—

9 (A) assess the importance of the informa-  
10 tion to the activities of the intelligence commu-  
11 nity;

12 (B) examine the manner in which the in-  
13 formation was collected, retained, analyzed, and  
14 disseminated;

15 (C) describe any noteworthy facts or cir-  
16 cumstances relating to orders under title IV of  
17 the Foreign Intelligence Surveillance Act of  
18 1978; and

19 (D) examine any minimization procedures  
20 used by elements of the intelligence community  
21 in relation to pen registers and trap and trace  
22 devices under title IV of the Foreign Intel-  
23 ligence Surveillance Act of 1978 and whether  
24 the minimization procedures adequately protect

1           the constitutional rights of United States per-  
2           sons.

3           (2) SUBMISSION DATES FOR ASSESSMENT.—

4           Not later than December 31, 2014, the Inspector  
5           General of the Intelligence Community shall submit  
6           to the Committee on the Judiciary and the Select  
7           Committee on Intelligence of the Senate and the  
8           Committee on the Judiciary and the Permanent Se-  
9           lect Committee on Intelligence of the House of Rep-  
10          resentative a report containing the results of the as-  
11          sessment for calendar years 2010 through 2013.

12          (e) PRIOR NOTICE TO ATTORNEY GENERAL AND DI-  
13          RECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

14           (1) NOTICE.—Not later than 30 days before the  
15          submission of any report under subsection (c) or (d),  
16          the Inspector General of the Department of Justice  
17          and the Inspector General of the Intelligence Com-  
18          munity shall provide the report to the Attorney Gen-  
19          eral and the Director of National Intelligence.

20           (2) COMMENTS.—The Attorney General or the  
21          Director of National Intelligence may provide such  
22          comments to be included in any report submitted  
23          under subsection (c) or (d) as the Attorney General  
24          or the Director of National Intelligence may consider  
25          necessary.

1 (f) UNCLASSIFIED FORM.—Each report submitted  
2 under subsection (c) and any comments included in that  
3 report under subsection (d)(2) shall be in unclassified  
4 form, but may include a classified annex.

5 (g) DEFINITIONS.—In this section—

6 (1) the terms “Attorney General”, “foreign in-  
7 telligence information”, and “United States person”  
8 have the meanings given those terms in section 101  
9 of the Foreign Intelligence Surveillance Act of 1978  
10 (50 U.S.C. 1801);

11 (2) the term “intelligence community” has the  
12 meaning given that term in section 3 of the National  
13 Security Act of 1947 (50 U.S.C. 3003);

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

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

1 **TITLE III—FISA ACQUISITIONS**  
2 **TARGETING PERSONS OUT-**  
3 **SIDE THE UNITED STATES RE-**  
4 **FORMS**

5 **SEC. 301. CLARIFICATION ON PROHIBITION ON SEARCHING**  
6 **OF COLLECTIONS OF COMMUNICATIONS TO**  
7 **CONDUCT WARRANTLESS SEARCHES FOR**  
8 **THE COMMUNICATIONS OF UNITED STATES**  
9 **PERSONS.**

10 Section 702(b) of the Foreign Intelligence Surveil-  
11 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

12 (1) by redesignating paragraphs (1) through  
13 (5) as subparagraphs (A) through (E), respectively,  
14 and indenting such subparagraphs, as so redesign-  
15 nated, an additional two ems from the left margin;

16 (2) by striking “An acquisition” and inserting  
17 the following:

18 “(1) IN GENERAL.—An acquisition”; and

19 (3) by adding at the end the following new  
20 paragraph:

21 “(2) CLARIFICATION ON PROHIBITION ON  
22 SEARCHING OF COLLECTIONS OF COMMUNICATIONS  
23 OF UNITED STATES PERSONS.—

24 “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), no officer or employee of the

1 United States may conduct a search of a collec-  
2 tion of communications acquired under this sec-  
3 tion in an effort to find communications of a  
4 particular United States person (other than a  
5 corporation).

6 “(B) CONCURRENT AUTHORIZATION AND  
7 EXCEPTION FOR EMERGENCY SITUATIONS.—  
8 Subparagraph (A) shall not apply to a search  
9 for communications related to a particular  
10 United States person if—

11 “(i) such United States person is the  
12 subject of an order or emergency author-  
13 ization authorizing electronic surveillance  
14 or physical search under section 105, 304,  
15 703, 704, or 705, or title 18, United  
16 States Code, for the effective period of that  
17 order;

18 “(ii) the entity carrying out the  
19 search has a reasonable belief that the life  
20 or safety of such United States person is  
21 threatened and the information is sought  
22 for the purpose of assisting that person; or

23 “(iii) such United States person has  
24 consented to the search.”.

1 **SEC. 302. PROTECTION AGAINST COLLECTION OF WHOLLY**  
2 **DOMESTIC COMMUNICATIONS.**

3 (a) IN GENERAL.—Section 702 of the Foreign Intel-  
4 ligence Surveillance Act of 1978 (50 U.S.C. 1881a) is  
5 amended—

6 (1) in subsection (d)(1)—

7 (A) in subparagraph (B), by striking the  
8 period and inserting “; and”; and

9 (B) by adding at the end the following new  
10 subparagraph:

11 “(C) limit the acquisition of the contents  
12 of any communication to those communica-  
13 tions—

14 “(i) to which any party is a target of  
15 the acquisition; or

16 “(ii) that contain an account identifier  
17 of a target of an acquisition, only if such  
18 communications are acquired to protect  
19 against international terrorism or the  
20 international proliferation of weapons of  
21 mass destruction.”; and

22 (2) in subsection (i)(2)(B)—

23 (A) in clause (i), by striking “; and” and  
24 inserting a semicolon;

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

1 (C) by adding at the end the following new  
2 clause:

3 “(iii) limit the acquisition of the con-  
4 tents of any communication to those com-  
5 munications—

6 “(I) to which any party is a tar-  
7 get of the acquisition; or

8 “(II) that contain an account  
9 identifier of the target of an acquisi-  
10 tion, only if such communications are  
11 acquired to protect against inter-  
12 national terrorism or the international  
13 proliferation of weapons of mass de-  
14 struction.”.

15 (b) CONFORMING AMENDMENT.—Section 701 of the  
16 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
17 1881) is amended—

18 (1) in subsection (a)—

19 (A) by inserting “‘international ter-  
20 rorism’,” after “‘foreign power’,”; and

21 (B) by striking “and ‘United States per-  
22 son’” and inserting “‘United States person’,  
23 and ‘weapon of mass destruction’”; and

24 (2) in subsection (b)—

1 (A) by redesignating paragraphs (1)  
2 through (5) as paragraphs (2) through (6), re-  
3 spectively; and

4 (B) by inserting before paragraph (2) (as  
5 so redesignated), the following new paragraph:

6 “(1) ACCOUNT IDENTIFIER.—The term ‘ac-  
7 count identifier’ means a telephone or instrument  
8 number, other subscriber number, email address, or  
9 username used to uniquely identify an account.”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 subsections (a) and (b) shall take effect on the date that  
12 is 180 days after the date of the enactment of this Act.

13 **SEC. 303. PROHIBITION ON REVERSE TARGETING.**

14 Section 702(b)(1)(B) of the Foreign Intelligence Sur-  
15 veillance Act of 1978 (50 U.S.C. 1881a), as redesignated  
16 by section 301(1) of this Act, is amended by striking “the  
17 purpose” and inserting “a significant purpose”.

18 **SEC. 304. LIMITS ON USE OF UNLAWFULLY OBTAINED IN-**  
19 **FORMATION.**

20 Section 702(i)(3) of the Foreign Intelligence Surveil-  
21 lance Act of 1978 (50 U.S.C. 1881a(i)(3)) is amended by  
22 striking subparagraph (B) and inserting the following new  
23 subparagraph:

24 “(B) CORRECTION OF DEFICIENCIES.—

1           “(i) IN GENERAL.—If the Court finds  
2           that a certification required by subsection  
3           (g) does not contain all of the required ele-  
4           ments, or that the procedures required by  
5           subsections (d) and (e) are not consistent  
6           with the requirements of those subsections  
7           or the fourth amendment to the Constitu-  
8           tion of the United States, the Court shall  
9           issue an order directing the Government  
10          to, at the Government’s election and to the  
11          extent required by the order of the  
12          Court—

13                   “(I) correct any deficiency identi-  
14                   fied by the order of the Court not  
15                   later than 30 days after the date on  
16                   which the Court issues the order; or

17                   “(II) cease, or not begin, the im-  
18                   plementation of the authorization for  
19                   which such certification was sub-  
20                   mitted.

21           “(ii) LIMITATION ON USE OF INFOR-  
22          MATION.—

23                   “(I) IN GENERAL.—Except as  
24                   provided in subclause (II), no infor-  
25                   mation obtained or evidence derived

1 from an acquisition pursuant to a cer-  
2 tification or targeting or minimization  
3 procedures subject to an order under  
4 clause (i) concerning any United  
5 States person shall be received in evi-  
6 dence or otherwise disclosed in any  
7 trial, hearing, or other proceeding in  
8 or before any court, grand jury, de-  
9 partment, office, agency, regulatory  
10 body, legislative committee, or other  
11 authority of the United States, a  
12 State, or political subdivision thereof,  
13 and no information concerning any  
14 United States person acquired from  
15 the acquisition shall subsequently be  
16 used or disclosed in any other manner  
17 by Federal officers or employees with-  
18 out the consent of the United States  
19 person, except with the approval of  
20 the Attorney General if the informa-  
21 tion indicates a threat of death or se-  
22 rious bodily harm to any person.

23 “(II) EXCEPTION.—If the Gov-  
24 ernment corrects any deficiency iden-  
25 tified by the order of the Court under

1 clause (i), the Court may permit the  
2 use or disclosure of information ac-  
3 quired before the date of the correc-  
4 tion under such minimization proce-  
5 dures as the Court shall establish for  
6 purposes of this clause.”.

7 **SEC. 305. MODIFICATION OF FISA AMENDMENTS ACT OF**  
8 **2008 SUNSET.**

9 (a) **MODIFICATION.**—Section 403(b)(1) of the FISA  
10 Amendments Act of 2008 (Public Law 110–261; 50  
11 U.S.C. 1881 note) is amended by striking “December 31,  
12 2017” and inserting “June 1, 2015”.

13 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—  
14 Section 403(b)(2) of such Act (Public Law 110–261; 122  
15 Stat. 2474) is amended by striking “December 31, 2017”  
16 and inserting “June 1, 2015”.

17 (c) **ORDERS IN EFFECT.**—Section 404(b)(1) of such  
18 Act (Public Law 110–261; 50 U.S.C. 1801 note) is  
19 amended in the paragraph heading by striking “DECEM-  
20 BER 31, 2017” and inserting “JUNE 1, 2015”.

21 **SEC. 306. INSPECTOR GENERAL REVIEWS OF AUTHORITIES.**

22 (a) **AGENCY ASSESSMENTS.**—Section 702(l)(2) of the  
23 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
24 1881a(l)(2)) is amended—

1           (1) in the matter preceding subparagraph (A),  
2           by striking “authorized to acquire foreign intel-  
3           ligence information under subsection (a)” and in-  
4           serting “subject to the targeting or minimization  
5           procedures approved under this section”;

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

9           (3) in subparagraph (D)—

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

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

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

17           (D) by inserting after clause (ii) the fol-  
18           lowing new clause:

19                   “(iii) the Inspector General of the In-  
20                   telligence Community; and”.

21           (b) INSPECTOR GENERAL OF THE INTELLIGENCE  
22           COMMUNITY REVIEW.—

23           (1) RECURRING REVIEWS.—Section 702(l) of  
24           the Foreign Intelligence Surveillance Act of 1978  
25           (50 U.S.C. 1881a(l)) is amended—

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

3 (B) by inserting after paragraph (2) the  
4 following new paragraph:

5 “(3) INSPECTOR GENERAL OF THE INTEL-  
6 LIGENCE COMMUNITY REVIEW.—

7 “(A) IN GENERAL.—The Inspector General  
8 of the Intelligence Community is authorized to  
9 review the acquisition, use, and dissemination  
10 of information acquired under subsection (a) to  
11 review compliance with the targeting and mini-  
12 mization procedures adopted in accordance with  
13 subsections (d) and (e) and the guidelines  
14 adopted in accordance with subsection (f), and  
15 in order to conduct the review required under  
16 subparagraph (B).

17 “(B) MANDATORY REVIEW.—The Inspec-  
18 tor General of the Intelligence Community shall  
19 review the procedures and guidelines developed  
20 by the elements of the intelligence community  
21 to implement this section, with respect to the  
22 protection of the privacy rights of United States  
23 persons, including—

24 “(i) an evaluation of the limitations  
25 outlined in subsection (b), the procedures

1 approved in accordance with subsections  
2 (d) and (e), and the guidelines adopted in  
3 accordance with subsection (f), with re-  
4 spect to the protection of the privacy rights  
5 of United States persons; and

6 “(ii) an evaluation of the cir-  
7 cumstances under which the contents of  
8 communications acquired under subsection  
9 (a) may be searched in order to review the  
10 communications of particular United  
11 States persons.

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

20 “(D) PUBLIC REPORTING OF FINDINGS  
21 AND CONCLUSIONS.—In a manner consistent  
22 with the protection of the national security of  
23 the United States, and in unclassified form, the  
24 Inspector General of the Intelligence Commu-  
25 nity shall make publicly available a summary of

1           the findings and conclusions of the review con-  
2           ducted under subparagraph (B).”.

3           (2) REPORT.—Not later than December 31,  
4           2014, the Inspector General of the Intelligence Com-  
5           munity shall submit a report regarding the reviews  
6           conducted under paragraph (3) of section 702(l) of  
7           the Foreign Intelligence Surveillance Act of 1978  
8           (50 U.S.C. 1881a(l)), as amended by paragraph (1)  
9           of this subsection, to—

10                   (A) the Attorney General;

11                   (B) the Director of National Intelligence;

12           and

13                   (C) consistent with the Rules of the House  
14           of Representatives, the Standing Rules of the  
15           Senate, and Senate Resolution 400 of the 94th  
16           Congress or any successor Senate resolution—

17                           (i) the congressional intelligence com-  
18                           mittees; and

19                           (ii) the Committee on the Judiciary of  
20                           the Senate and the Committee on the Ju-  
21                           diciary of the House of Representatives.

22           (c) ANNUAL REVIEWS.—Section 702(l)(4)(A) of the  
23           Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
24           1881a(l)(4)(A)), as redesignated by subsection (b)(1), is  
25           amended—

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

2 (A) in the first sentence—

3 (i) by striking “conducting an acquisi-  
4 tion authorized under subsection (a)” and  
5 inserting “subject to targeting or mini-  
6 mization procedures approved under this  
7 section”; and

8 (ii) by striking “the acquisition” and  
9 inserting “acquisitions under subsection  
10 (a)”; and

11 (B) in the second sentence, by striking  
12 “acquisitions” and inserting “information ob-  
13 tained through an acquisition”; and

14 (2) in clause (iii), by inserting “United States  
15 persons or” after “later determined to be”.

16 **TITLE IV—FOREIGN INTEL-**  
17 **LIGENCE SURVEILLANCE**  
18 **COURT REFORMS**

19 **SEC. 401. OFFICE OF THE SPECIAL ADVOCATE.**

20 (a) ESTABLISHMENT.—The Foreign Intelligence Sur-  
21 veillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended  
22 by adding at the end the following new title:

1           **“TITLE IX—OFFICE OF THE**  
2                           **SPECIAL ADVOCATE**

3   **“SEC. 901. DEFINITIONS.**

4           “In this title:

5                   “(1) DECISION.—The term ‘decision’ means a  
6           decision, order, or opinion issued by the Foreign In-  
7           telligence Surveillance Court or the Foreign Intel-  
8           ligence Surveillance Court of Review.

9                   “(2) FOREIGN INTELLIGENCE SURVEILLANCE  
10           COURT; COURT.—The terms ‘Foreign Intelligence  
11           Surveillance Court’ and ‘Court’ mean the court es-  
12           tablished under section 103(a) and the petition re-  
13           view pool established under section 103(e).

14                   “(3) FOREIGN INTELLIGENCE SURVEILLANCE  
15           COURT OF REVIEW; COURT OF REVIEW.—The terms  
16           ‘Foreign Intelligence Surveillance Court of Review’  
17           and ‘Court of Review’ mean the court of review es-  
18           tablished under section 103(b).

19                   “(4) OFFICE.—The term ‘Office’ means the Of-  
20           fice of the Special Advocate established under sec-  
21           tion 902(a).

22                   “(5) SIGNIFICANT CONSTRUCTION OR INTER-  
23           PRETATION OF LAW.—The term ‘significant con-  
24           struction or interpretation of law’ means a signifi-

1 cant construction or interpretation of a provision, as  
2 that term is construed under section 601(c).

3 “(6) SPECIAL ADVOCATE.—The term ‘Special  
4 Advocate’ means the Special Advocate appointed  
5 under section 902(b).

6 **“SEC. 902. OFFICE OF THE SPECIAL ADVOCATE.**

7 “(a) ESTABLISHMENT.—There is established within  
8 the judicial branch of the United States an Office of the  
9 Special Advocate.

10 “(b) SPECIAL ADVOCATE.—

11 “(1) IN GENERAL.—The head of the Office is  
12 the Special Advocate.

13 “(2) APPOINTMENT AND TERM.—

14 “(A) APPOINTMENT.—The Chief Justice of  
15 the United States shall appoint the Special Ad-  
16 vocate from the list of candidates submitted  
17 under subparagraph (B).

18 “(B) LIST OF CANDIDATES.—The Privacy  
19 and Civil Liberties Oversight Board shall sub-  
20 mit to the Chief Justice a list of not less than  
21 5 qualified candidates to serve as Special Advo-  
22 cate. The Board shall select candidates for such  
23 list whom the Board believes will be zealous and  
24 effective advocates in defense of civil liberties

1           and consider with respect to each potential can-  
2           didate—

3                   “(i) the litigation and other profes-  
4                   sional experience of such candidate;

5                   “(ii) the experience of such candidate  
6                   in areas of law that the Special Advocate  
7                   is likely to encounter in the course of the  
8                   duties of the Special Advocate; and

9                   “(iii) the demonstrated commitment  
10                  of such candidate to civil liberties.

11                 “(C) SECURITY CLEARANCE.—An indi-  
12                 vidual may be appointed Special Advocate with-  
13                 out regard to whether the individual possesses  
14                 a security clearance on the date of the appoint-  
15                 ment.

16                 “(D) TERM AND DISMISSAL.—A Special  
17                 Advocate shall be appointed for a term of 3  
18                 years and may be removed only for good cause  
19                 shown, including the demonstrated inability to  
20                 qualify for an adequate security clearance.

21                 “(E) REAPPOINTMENT.—There shall be no  
22                 limit to the number of consecutive terms served  
23                 by a Special Advocate. The reappointment of a  
24                 Special Advocate shall be made in the same  
25                 manner as appointment of a Special Advocate.

1           “(F) ACTING SPECIAL ADVOCATE.—If the  
2           position of Special Advocate is vacant, the Chief  
3           Justice of the United States may appoint an  
4           Acting Special Advocate from among the quali-  
5           fied employees of the Office. If there are no  
6           such qualified employees, the Chief Justice may  
7           appoint an Acting Special Advocate from the  
8           most recent list of candidates provided by the  
9           Privacy and Civil Liberties Oversight Board  
10          pursuant to subparagraph (B). The Acting Spe-  
11          cial Advocate shall have all of the powers of a  
12          Special Advocate and shall serve until a Special  
13          Advocate is appointed.

14          “(3) EMPLOYEES.—The Special Advocate may  
15          appoint and terminate staff of the Office without re-  
16          gard to the provisions of title 5, United States Code,  
17          governing appointments in the competitive service.

18          “(c) DUTIES AND AUTHORITIES OF THE SPECIAL  
19          ADVOCATE.—

20                 “(1) IN GENERAL.—The Special Advocate—

21                         “(A) may consider any request for con-  
22                         sultation by a party who has been served with  
23                         an order or directive issued under this Act re-  
24                         quiring the party to provide information, facili-  
25                         ties, or assistance to the Federal Government;

1           “(B) may request to participate in a pro-  
2           ceeding before the Foreign Intelligence Surveil-  
3           lance Court;

4           “(C) shall participate in such proceeding if  
5           such request is granted;

6           “(D) shall participate in a proceeding be-  
7           fore the Court if appointed to participate by the  
8           Court under section 903(a);

9           “(E) may request reconsideration of a de-  
10          cision of the Court under section 903(b);

11          “(F) may appeal or seek review of a deci-  
12          sion of the Court or the Foreign Intelligence  
13          Surveillance Court of Review under section 904;  
14          and

15          “(G) shall participate in such appeal or re-  
16          view.

17          “(2) ACCESS TO APPLICATIONS AND DECI-  
18          SIONS.—

19                 “(A) APPLICATIONS.—The Attorney Gen-  
20                 eral shall provide to the Special Advocate each  
21                 application submitted to a judge of the Foreign  
22                 Intelligence Surveillance Court under this Act  
23                 at the same time as the Attorney General sub-  
24                 mits such applications.

1           “(B) DECISIONS.—The Foreign Intel-  
2           ligence Surveillance Court and the Foreign In-  
3           telligence Surveillance Court of Review shall  
4           provide to the Special Advocate access to each  
5           decision of the Court and the Court of Review,  
6           respectively, issued after the date of the enact-  
7           ment of the USA FREEDOM Act and all docu-  
8           ments and other material relevant to such deci-  
9           sion in complete, unredacted form.

10           “(3) ADVOCACY.—The Special Advocate shall  
11           vigorously advocate before the Foreign Intelligence  
12           Surveillance Court or the Foreign Intelligence Sur-  
13           veillance Court of Review, as appropriate, in support  
14           of legal interpretations that protect individual pri-  
15           vacy and civil liberties.

16           “(4) OUTSIDE COUNSEL.—The Special Advo-  
17           cate—

18           “(A) may delegate to a competent outside  
19           counsel who has or is able to obtain an appro-  
20           priate security clearance any duty or responsi-  
21           bility of the Special Advocate with respect to  
22           participation in a matter before the Court, the  
23           Court of Review, or the Supreme Court of the  
24           United States; and



1           “(1) IN GENERAL.—The Foreign Intelligence  
2           Surveillance Court may appoint the Special Advocate  
3           to participate in a proceeding before the Court.

4           “(2) STANDING.—If the Special Advocate is ap-  
5           pointed to participate in a Court proceeding pursu-  
6           ant to paragraph (1), the Special Advocate shall  
7           have standing as a party before the Court in that  
8           proceeding.

9           “(b) RECONSIDERATION OF A FOREIGN INTEL-  
10          LIGENCE SURVEILLANCE COURT DECISION.—

11           “(1) AUTHORITY TO MOVE FOR RECONSIDER-  
12          ATION.—The Special Advocate may move the Court  
13          to reconsider any decision of the Court made after  
14          the date of the enactment of the USA FREEDOM  
15          Act by petitioning the Court not later than 30 days  
16          after the date on which all documents and materials  
17          relevant to the decision are made available to the  
18          Special Advocate.

19           “(2) DISCRETION OF THE COURT.—The Court  
20          shall have discretion to grant or deny a motion for  
21          reconsideration made pursuant to paragraph (1).

22          “(c) AMICI CURIAE PARTICIPATION.—

23           “(1) MOTION BY THE SPECIAL ADVOCATE.—  
24          The Special Advocate may file a motion with the  
25          Court to permit and facilitate participation of amici

1 curiae, including participation in oral argument if  
2 appropriate, in any proceeding. The Court shall have  
3 the discretion to grant or deny such a motion.

4 “(2) FACILITATION BY THE FOREIGN INTEL-  
5 LIGENCE SURVEILLANCE COURT.—The Court may,  
6 sua sponte, permit and facilitate participation by  
7 amici curiae, including participation in oral argu-  
8 ment if appropriate, in proceedings before the Court.

9 “(3) REGULATIONS.—Not later than 180 days  
10 after the date of the enactment of USA FREEDOM  
11 Act, the Court shall promulgate regulations to pro-  
12 vide the public with information sufficient to allow  
13 interested parties to participate as amici curiae.

14 **“SEC. 904. APPELLATE REVIEW.**

15 “(a) APPEAL OF FOREIGN INTELLIGENCE SURVEIL-  
16 LANCE COURT DECISIONS.—

17 “(1) AUTHORITY TO APPEAL.—The Special Ad-  
18 vocate may appeal any decision of the Foreign Intel-  
19 ligence Surveillance Court issued after the date of  
20 the enactment of the USA FREEDOM Act not later  
21 than 90 days after the date on which the decision  
22 is issued.

23 “(2) STANDING AS APPELLANT.—If the Special  
24 Advocate appeals a decision of the Court pursuant  
25 to paragraph (1), the Special Advocate shall have

1 standing as a party before the Foreign Intelligence  
2 Surveillance Court of Review in such appeal.

3 “(3) MANDATORY REVIEW.—The Court of Re-  
4 view shall review any Foreign Intelligence Surveil-  
5 lance Court decision appealed by the Special Advo-  
6 cate and issue a decision in such appeal, unless it  
7 would be apparent to all reasonable jurists that such  
8 decision is dictated by statute or by precedent.

9 “(4) STANDARD OF REVIEW.—The standard for  
10 a mandatory review of a Foreign Intelligence Sur-  
11 veillance Court decision pursuant to paragraph (3)  
12 shall be—

13 “(A) de novo with respect to issues of law;  
14 and

15 “(B) clearly erroneous with respect to de-  
16 termination of facts.

17 “(5) AMICI CURIAE PARTICIPATION.—

18 “(A) IN GENERAL.—The Court of Review  
19 shall accept amici curiae briefs from interested  
20 parties in all mandatory reviews pursuant to  
21 paragraph (3) and shall provide for amici cu-  
22 riae participation in oral argument if appro-  
23 priate.

24 “(B) REGULATIONS.—Not later than 180  
25 days after the date of the enactment of the

1 USA FREEDOM Act, the Court of Review  
2 shall promulgate regulations to provide the pub-  
3 lic with information sufficient to allow inter-  
4 ested parties to participate as amici curiae.

5 “(b) REVIEW OF FOREIGN INTELLIGENCE SURVEIL-  
6 LANCE COURT OF REVIEW DECISIONS.—

7 “(1) AUTHORITY.—The Special Advocate may  
8 seek a writ of certiorari from the Supreme Court of  
9 the United States for review of any decision of the  
10 Foreign Intelligence Surveillance Court of Review.

11 “(2) STANDING.—In any proceedings before the  
12 Supreme Court of the United States relating to a  
13 petition of certiorari filed under paragraph (1) and  
14 any proceedings in a matter for which certiorari is  
15 granted, the Special Advocate shall have standing as  
16 a party.

17 **“SEC. 905. DISCLOSURE.**

18 “(a) REQUIREMENT TO DISCLOSE.—The Attorney  
19 General shall publicly disclose—

20 “(1) all decisions issued by the Foreign Intel-  
21 ligence Surveillance Court or the Foreign Intel-  
22 ligence Surveillance Court of Review after July 10,  
23 2003, that include a significant construction or in-  
24 terpretation of law;

1           “(2) any decision of the Court appealed by the  
2           Special Advocate pursuant to this title; and

3           “(3) any Court of Review decision that is issued  
4           after an appeal by the Special Advocate.

5           “(b) DISCLOSURE DESCRIBED.—For each disclosure  
6           required by subsection (a) with respect to a decision, the  
7           Attorney General shall make available to the public docu-  
8           ments sufficient—

9           “(1) to identify with particularity each legal  
10          question addressed by the decision and how such  
11          question was resolved;

12          “(2) to describe in general terms the context in  
13          which the matter arises;

14          “(3) to describe the construction or interpreta-  
15          tion of any statute, constitutional provision, or other  
16          legal authority relied on by the decision; and

17          “(4) to indicate whether the decision departed  
18          from any prior decision of the Court or Court of Re-  
19          view.

20          “(c) DOCUMENTS DESCRIBED.—The Attorney Gen-  
21          eral shall satisfy the disclosure requirements in subsection  
22          (b) by—

23          “(1) releasing a Court or Court of Review deci-  
24          sion in its entirety or as redacted;

1           “(2) releasing a summary of a Court or Court  
2 of Review decision; or

3           “(3) releasing an application made to the  
4 Court, briefs filed before the Court or the Court of  
5 Review, or other materials, in full or as redacted.

6           “(d) EXTENSIVE DISCLOSURE.—The Attorney Gen-  
7 eral shall release as much information regarding the facts  
8 and analysis contained in a decision described in sub-  
9 section (a) or documents described in subsection (c) as is  
10 consistent with legitimate national security concerns.

11          “(e) TIMING OF DISCLOSURE.—

12           “(1) DECISIONS ISSUED PRIOR TO ENACT-  
13 MENT.—The Attorney General shall disclose a deci-  
14 sion issued prior to the date of the enactment of the  
15 USA FREEDOM Act that is required to be dis-  
16 closed under subsection (a)(1) not later than 180  
17 days after the date of the enactment of such Act.

18           “(2) FISA COURT DECISIONS.—The Attorney  
19 General shall release Court decisions appealed by the  
20 Special Advocate not later than 30 days after the  
21 date on which the appeal is filed.

22           “(3) FISA COURT OF REVIEW DECISIONS.—The  
23 Attorney General shall release Court of Review deci-  
24 sions appealed by the Special Advocate not later

1 than 90 days after the date on which the appeal is  
2 filed.

3 “(f) PETITION BY THE SPECIAL ADVOCATE.—

4 “(1) AUTHORITY TO PETITION.—The Special  
5 Advocate may petition the Court or the Court of Re-  
6 view to order—

7 “(A) the public disclosure of a decision of  
8 the Court or Court of Review, and documents  
9 or other material relevant to such a decision,  
10 previously designated as classified information;  
11 or

12 “(B) the release of an unclassified sum-  
13 mary of such decisions and documents.

14 “(2) CONTENTS OF PETITION.—Each petition  
15 filed under paragraph (1) shall contain a detailed  
16 declassification proposal or a summary of the deci-  
17 sion and documents that the Special Advocate pro-  
18 poses to have released publicly.

19 “(3) ROLE OF THE ATTORNEY GENERAL.—

20 “(A) COPY OF PETITION.—The Special  
21 Advocate shall provide to the Attorney General  
22 a copy of each petition filed under paragraph  
23 (1).

24 “(B) OPPOSITION.—The Attorney General  
25 may oppose a petition filed under paragraph (1)

1 by submitting any objections in writing to the  
2 Court or the Court of Review, as appropriate,  
3 not later than 90 days after the date such peti-  
4 tion was submitted.

5 “(4) PUBLIC AVAILABILITY.—Not less than 91  
6 days after receiving a petition under paragraph (1),  
7 and taking into account any objections from the At-  
8 torney General made under paragraph (3)(B), the  
9 Court or the Court of Review, as appropriate, shall  
10 declassify and make readily available to the public  
11 any decision, document, or other material requested  
12 in such petition, to the greatest extent possible, con-  
13 sistent with legitimate national security consider-  
14 ations.

15 “(5) EFFECTIVE DATE.—The Special Advocate  
16 may not file a petition under paragraph (1) until  
17 181 days after the date of the enactment of the  
18 USA FREEDOM Act, except with respect to a deci-  
19 sion appealed by the Special Advocate.

20 **“SEC. 906. ANNUAL REPORT TO CONGRESS.**

21 “(a) REQUIREMENT FOR ANNUAL REPORT.—The  
22 Special Advocate shall submit to Congress an annual re-  
23 port on the implementation of this title.

24 “(b) CONTENTS.—Each annual report submitted  
25 under subsection (a) shall—

1 “(1) detail the activities of the Office of the  
2 Special Advocate;

3 “(2) provide an assessment of the effectiveness  
4 of this title; and

5 “(3) propose any new legislation to improve the  
6 functioning of the Office or the operation of the For-  
7 eign Intelligence Surveillance Court or the Foreign  
8 Intelligence Surveillance Court of Review that the  
9 Special Advocate considers appropriate.”.

10 (b) TABLE OF CONTENTS AMENDMENT.—The table  
11 of contents in the first section of the Foreign Intelligence  
12 Surveillance Act of 1978, as amended by section 101(c)(2)  
13 of this Act, is further amended by adding at the end the  
14 following new items:

“TITLE IX—OFFICE OF THE SPECIAL ADVOCATE

“Sec. 901. Definitions.

“Sec. 902. Office of the Special Advocate.

“Sec. 903. Advocacy before the Foreign Intelligence Surveillance Court.

“Sec. 904. Appellate review.

“Sec. 905. Disclosure.

“Sec. 906. Annual report to Congress.”.

15 **SEC. 402. FOREIGN INTELLIGENCE SURVEILLANCE COURT**

16 **DISCLOSURE OF OPINIONS.**

17 Section 103 of the Foreign Intelligence Surveillance  
18 Act of 1978 (50 U.S.C. 1803) is amended—

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

21 (2) by inserting after subsection (f) the fol-  
22 lowing new subsection:

1           “(g)(1) A judge of the court established under sub-  
2 section (a) who authored an order, opinion, or other deci-  
3 sion may sua sponte or on motion by a party request that  
4 such order, opinion, or other decision be made publicly  
5 available.

6           “(2) Upon a request under paragraph (1), the pre-  
7 siding judge of the court established under subsection (a),  
8 in consultation with the other judges of such court, may  
9 direct that such order, opinion, or other decision be made  
10 publicly available.

11           “(3) Prior to making an order, opinion, or other deci-  
12 sion of the court established under subsection (a) publicly  
13 available in accordance with this subsection, the presiding  
14 judge of such court may direct the Executive branch to  
15 review such order, opinion, or other decision and redact  
16 such order, opinion, or other decision as necessary to en-  
17 sure that properly classified information is appropriately  
18 protected.”.

19 **SEC. 403. PRESERVATION OF RIGHTS.**

20           Nothing in this title shall be construed—

21           (1) to provide the Attorney General with au-  
22 thority to prevent the FISA Court or FISA Court of  
23 Review from declassifying decisions or releasing in-  
24 formation pursuant to this title; and

1           (2) to eliminate the public’s ability to secure in-  
2           formation under section 552 of title 5, United States  
3           Code (commonly known as the “Freedom of Infor-  
4           mation Act”) or any other provision of law.

5           **TITLE V—NATIONAL SECURITY**  
6           **LETTER REFORMS**

7           **SEC. 501. NATIONAL SECURITY LETTER AUTHORITY.**

8           (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE  
9           TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b)  
10          of title 18, United States Code, is amended—

11           (1) by striking “may—” and all that follows  
12           through the period at the end and inserting the fol-  
13           lowing: “may request the name, address, length of  
14           service, and local and long distance toll billing  
15           records of a person or entity if the Director (or his  
16           designee) certifies in writing to the wire or electronic  
17           communication service provider to which the request  
18           is made that—”; and

19           (2) by adding at the end the following new  
20           paragraphs:

21           “(1) the name, address, length of service, and  
22           toll billing records sought are relevant and material  
23           to an authorized investigation to protect against  
24           international terrorism or clandestine intelligence ac-  
25           tivities, provided that such an investigation of a

1 United States person is not conducted solely on the  
2 basis of activities protected by the first amendment  
3 to the Constitution of the United States; and

4 “(2) there are reasonable grounds to believe  
5 that the name, address, length of service, and toll  
6 billing records sought pertain to—

7 “(A) a foreign power or agent of a foreign  
8 power;

9 “(B) the activities of a suspected agent of  
10 a foreign power who is the subject of such au-  
11 thorized investigation; or

12 “(C) an individual in contact with, or  
13 known to, a suspected agent of a foreign  
14 power.”.

15 (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN  
16 INTELLIGENCE AND PROTECTIVE PURPOSES.—Section  
17 1114 of the Right to Financial Privacy Act of 1978 (12  
18 U.S.C. 3414) is amended to read as follows:

19 **“SEC. 1114. ACCESS TO FINANCIAL RECORDS FOR CERTAIN**  
20 **INTELLIGENCE AND PROTECTIVE PURPOSES.**

21 “(a) AUTHORIZATION.—

22 “(1) IN GENERAL.—The Director of the Fed-  
23 eral Bureau of Investigation, or a designee of the  
24 Director whose rank shall be no lower than Deputy  
25 Assistant Director at Bureau headquarters or Spe-

1       cial Agent in Charge in a Bureau field office, may  
2       issue in writing and cause to be served on a financial  
3       institution, a request requiring the production of—

4               “(A) the name of a customer of the finan-  
5       cial institution;

6               “(B) the address of a customer of the fi-  
7       nancial institution;

8               “(C) the length of time during which a  
9       person has been, or was, a customer of the fi-  
10      nancial institution (including the start date)  
11      and the type of service provided by the institu-  
12      tion to the customer; and

13              “(D) any account number or other unique  
14      identifier associated with a customer of the fi-  
15      nancial institution.

16              “(2) LIMITATION.—A request issued under this  
17      subsection may not require the production of records  
18      or information not listed in paragraph (1).

19              “(b) REQUIREMENTS.—

20              “(1) IN GENERAL.—A request issued under  
21      subsection (a) shall—

22              “(A) be subject to the requirements of sub-  
23      sections (b) through (g) of section 2709 of title  
24      18, United States Code, in the same manner  
25      and to the same extent as those provisions

1 apply with respect to a request under section  
2 2709(b) of title 18, United States Code, to a  
3 wire or electronic communication service pro-  
4 vider; and

5 “(B) include a statement of facts showing  
6 that there are reasonable grounds to believe  
7 that the records or other things sought—

8 “(i) are relevant and material to an  
9 authorized investigation (other than a  
10 threat assessment) to obtain foreign intel-  
11 ligence information not concerning a  
12 United States person or to protect against  
13 international terrorism or clandestine intel-  
14 ligence activities; and

15 “(ii) pertain to—

16 “(I) a foreign power or an agent  
17 of a foreign power;

18 “(II) the activities of a suspected  
19 agent of a foreign power who is the  
20 subject of such authorized investiga-  
21 tion; or

22 “(III) an individual in contact  
23 with, or known to, a suspected agent  
24 of a foreign power.

1           “(2) DEFINITIONS.—For purposes of this sub-  
2           section, the terms ‘agent of a foreign power’, ‘inter-  
3           national terrorism’, ‘foreign intelligence informa-  
4           tion’, and ‘United States person’ have the same  
5           meanings as in section 101 of the Foreign Intel-  
6           ligence Surveillance Act of 1978 (50 U.S.C. 1801).

7           “(c) DEFINITION OF FINANCIAL INSTITUTION.—For  
8           purposes of this section (and sections 1115 and 1117, in-  
9           sofar as the sections relate to the operation of this sec-  
10          tion), the term ‘financial institution’ has the same mean-  
11          ing as in subsections (a)(2) and (c)(1) of section 5312 of  
12          title 31, United States Code, except that the term shall  
13          include only a financial institution any part of which is  
14          located inside any State or territory of the United States,  
15          the District of Columbia, Puerto Rico, Guam, American  
16          Samoa, the Commonwealth of the Northern Mariana Is-  
17          lands, or the United States Virgin Islands.”.

18          (c) NATIONAL SECURITY LETTER AUTHORITY FOR  
19          CERTAIN CONSUMER REPORT RECORDS.—

20                 (1) IN GENERAL.—Section 626 of the Fair  
21          Credit Reporting Act (15 U.S.C. 1681u) is amend-  
22          ed—

23                         (A) by striking subsections (a) through (c)  
24                         and inserting the following new subsections:

25           “(a) AUTHORIZATION.—

1           “(1) IN GENERAL.—The Director of the Fed-  
2           eral Bureau of Investigation, or a designee of the  
3           Director whose rank shall be no lower than Deputy  
4           Assistant Director at Bureau headquarters or Spe-  
5           cial Agent in Charge in a Bureau field office, may  
6           issue in writing and cause to be served on a con-  
7           sumer reporting agency a request requiring the pro-  
8           duction of—

9                   “(A) the name of a consumer;

10                   “(B) the current and former address of a  
11           consumer;

12                   “(C) the current and former places of em-  
13           ployment of a consumer; and

14                   “(D) the name and address of any finan-  
15           cial institution (as that term is defined in sec-  
16           tion 1101 of the Right to Financial Privacy Act  
17           of 1978 (12 U.S.C. 3401)) at which a consumer  
18           maintains or has maintained an account, to the  
19           extent that the information is in the files of the  
20           consumer reporting agency.

21           “(2) LIMITATION.—A request issued under this  
22           subsection may not require the production of a con-  
23           sumer report.

24           “(b) REQUIREMENTS.—

1           “(1) IN GENERAL.—A request issued under  
2 subsection (a) shall—

3           “(A) be subject to the requirements of sub-  
4 sections (b) through (g) of section 2709 of title  
5 18, United States Code, in the same manner  
6 and to the same extent as those provisions  
7 apply with respect to a request under section  
8 2709(b) of title 18, United States Code, to a  
9 wire or electronic communication service pro-  
10 vider; and

11           “(B) include a statement of facts showing  
12 that there are reasonable grounds to believe  
13 that the records or other things sought—

14           “(i) are relevant and material to an  
15 authorized investigation (other than a  
16 threat assessment) to obtain foreign intel-  
17 ligence information not concerning a  
18 United States person or to protect against  
19 international terrorism or clandestine intel-  
20 ligence activities; and

21           “(ii) pertain to—

22           “(I) a foreign power or an agent  
23 of a foreign power;

24           “(II) the activities of a suspected  
25 agent of a foreign power who is the

1 subject of such authorized investiga-  
2 tion; or

3 “(III) an individual in contact  
4 with, or known to, a suspected agent  
5 of a foreign power.

6 “(2) DEFINITIONS.—In this subsection, the  
7 terms ‘agent of a foreign power’, ‘international ter-  
8 rorism’, ‘foreign intelligence information’, and  
9 ‘United States person’ have the meaning given such  
10 terms in section 101 of the Foreign Intelligence Sur-  
11 veillance Act of 1978 (50 U.S.C. 1801).”;

12 (B) by striking subsections (f) through (h);

13 and

14 (C) by redesignating subsections (d), (e),  
15 (i), (j), (k), (l), and (m) as subsections (c), (d),  
16 (e), (f), (g), (h), and (i), respectively.

17 (2) REPEAL.—Section 627 of the Fair Credit  
18 Reporting Act (15 U.S.C. 1681v) is repealed.

19 **SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SE-**  
20 **CURITY LETTERS.**

21 (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE  
22 TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of  
23 title 18, United States Code, is amended by striking sub-  
24 section (c) and inserting the following new subsection:

25 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

1           “(1) PROHIBITION.—

2                   “(A) IN GENERAL.—If a certification is  
3 issued under subparagraph (B) and notice of  
4 the right to judicial review under subsection (d)  
5 is provided, no wire or electronic communica-  
6 tion service provider, or officer, employee, or  
7 agent thereof, that receives a request under  
8 subsection (a), shall disclose to any person that  
9 the Director of the Federal Bureau of Inves-  
10 tigation has sought or obtained access to infor-  
11 mation or records under this section.

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

21                           “(i) endangering the life or physical  
22 safety of any person;

23                           “(ii) flight from investigation or pros-  
24 ecution;

1                   “(iii) destruction of or tampering with  
2                   evidence;

3                   “(iv) intimidation of potential wit-  
4                   nesses;

5                   “(v) interference with diplomatic rela-  
6                   tions;

7                   “(vi) alerting a target, an associate of  
8                   a target, or the foreign power of which the  
9                   target is an agent, of the interest of the  
10                  Government in the target; or

11                  “(vii) otherwise seriously endangering  
12                  the national security of the United States.

13                  “(2) EXCEPTION.—

14                  “(A) IN GENERAL.—A wire or electronic  
15                  communication service provider, or officer, em-  
16                  ployee, or agent thereof, that receives a request  
17                  under subsection (a) may disclose information  
18                  otherwise subject to any applicable nondisclo-  
19                  sure requirement to—

20                  “(i) those persons to whom disclosure  
21                  is necessary in order to comply with the re-  
22                  quest;

23                  “(ii) an attorney in order to obtain  
24                  legal advice or assistance regarding the re-  
25                  quest; or

1                   “(iii) other persons as permitted by  
2                   the Director of the Federal Bureau of In-  
3                   vestigation or the designee of the Director.

4                   “(B) APPLICATION.—A person to whom  
5                   disclosure is made under subparagraph (A)  
6                   shall be subject to the nondisclosure require-  
7                   ments applicable to a person to whom a request  
8                   is issued under subsection (a) in the same man-  
9                   ner as the person to whom the request is  
10                  issued.

11                  “(C) NOTICE.—Any recipient that dis-  
12                  closes to a person described in subparagraph  
13                  (A) information otherwise subject to a non-  
14                  disclosure requirement shall notify the person of  
15                  the applicable nondisclosure requirement.

16                  “(D) IDENTIFICATION OF DISCLOSURE RE-  
17                  CIPIENTS.—At the request of the Director of  
18                  the Federal Bureau of Investigation or the des-  
19                  ignee of the Director, any person making or in-  
20                  tending to make a disclosure under clause (i) or  
21                  (iii) of subparagraph (A) shall identify to the  
22                  Director or such designee the person to whom  
23                  such disclosure will be made or to whom such  
24                  disclosure was made prior to the request.

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

11          (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN  
12          INTELLIGENCE AND PROTECTIVE PURPOSES.—Section  
13          1114 of the Right to Financial Privacy Act of 1978 (12  
14          U.S.C. 3414), as amended by section 501(b) of this Act,  
15          is further amended—

16                 (1) by redesignating subsection (c) as sub-  
17                 section (d); and

18                 (2) by inserting after subsection (b) the fol-  
19                 lowing new subsection:

20          “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

21                 “(1) PROHIBITION.—

22                         “(A) IN GENERAL.—If a certification is  
23                         issued under subparagraph (B) and notice of  
24                         the right to judicial review under subsection (d)  
25                         is provided, no financial institution, or officer,

1 employee, or agent thereof, that receives a re-  
2 quest or order under subsection (a) shall dis-  
3 close or specify to any person that the Federal  
4 Bureau of Investigation has sought or obtained  
5 access to information or records under sub-  
6 section (a).

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

16 “(i) endangering the life or physical  
17 safety of any person;

18 “(ii) flight from investigation or pros-  
19 ecution;

20 “(iii) destruction of or tampering with  
21 evidence;

22 “(iv) intimidation of potential wit-  
23 nesses;

24 “(v) interference with diplomatic rela-  
25 tions;

1           “(vi) alerting a target, an associate of  
2           a target, or the foreign power of which the  
3           target is an agent, of the interest of the  
4           Government in the target; or

5           “(vii) otherwise seriously endangering  
6           the national security of the United States.

7           “(2) EXCEPTION.—

8           “(A) IN GENERAL.—A financial institu-  
9           tion, or officer, employee, or agent thereof, that  
10          receives a request or order under subsection (a)  
11          may disclose information otherwise subject to  
12          any applicable nondisclosure requirement to—

13          “(i) those persons to whom disclosure  
14          is necessary in order to comply with the re-  
15          quest or order;

16          “(ii) an attorney in order to obtain  
17          legal advice or assistance regarding the re-  
18          quest or order; or

19          “(iii) other persons as permitted by  
20          the Director of the Federal Bureau of In-  
21          vestigation or the designee of the Director.

22          “(B) APPLICATION.—A person to whom  
23          disclosure is made under subparagraph (A)  
24          shall be subject to the nondisclosure require-  
25          ments applicable to a person to whom a request

1 or order is issued under subsection (a) in the  
2 same manner as the person to whom the re-  
3 quest or order is issued.

4 “(C) 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 “(D) IDENTIFICATION OF DISCLOSURE RE-  
10 CIPIENTS.—At the request of the Director of  
11 the Federal Bureau of Investigation or the des-  
12 ignee of the Director, any person making or in-  
13 tending to make a disclosure under clause (i) or  
14 (iii) of subparagraph (A) shall identify to the  
15 Director or such designee the person to whom  
16 such disclosure will be made or to whom such  
17 disclosure was made prior to the request.

18 “(3) TERMINATION.—In the case of any request  
19 or order for which a financial institution has sub-  
20 mitted a notification or filed a petition for judicial  
21 review under paragraph (3)(B), if the facts sup-  
22 porting a nondisclosure requirement cease to exist,  
23 an appropriate official of the Federal Bureau of In-  
24 vestigation shall promptly notify the financial insti-  
25 tution, or officer, employee, or agent thereof, subject

1 to the nondisclosure requirement that the nondisclo-  
2 sure requirement is no longer in effect.”.

3 (c) IDENTITY OF FINANCIAL INSTITUTIONS AND  
4 CREDIT REPORTS.—Section 626 of the Fair Credit Re-  
5 porting Act (15 U.S.C. 1681u), as amended by section  
6 501(c) of this Act, is further amended by striking sub-  
7 section (c) (as redesignated by section 501(c)(1)(D) of this  
8 Act) and inserting the following new subsection:

9 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

10 “(1) PROHIBITION.—

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

21 “(B) CERTIFICATION.—The requirements  
22 of subparagraph (A) shall apply if the Director  
23 of the Federal Bureau of Investigation, or a  
24 designee of the Director whose rank shall be no  
25 lower than Deputy Assistant Director at Bu-

1           reau headquarters or a Special Agent in Charge  
2           of a Bureau field office, certifies that, absent a  
3           prohibition of disclosure under this subsection,  
4           there may result in—

5                   “(i) endangering the life or physical  
6                   safety of any person;

7                   “(ii) flight from investigation or pros-  
8                   ecution;

9                   “(iii) destruction of or tampering with  
10                  evidence;

11                  “(iv) intimidation of potential wit-  
12                  nesses;

13                  “(v) interference with diplomatic rela-  
14                  tions;

15                  “(vi) alerting a target, an associate of  
16                  a target, or the foreign power of which the  
17                  target is an agent, of the interest of the  
18                  Government in the target; or

19                  “(vii) otherwise seriously endangering  
20                  the national security of the United States.

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) or (b) may disclose information oth-

1 otherwise subject to any applicable nondisclosure  
2 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) APPLICATION.—A person to whom  
13 disclosure is made under subparagraph (A)  
14 shall be subject to the nondisclosure require-  
15 ments applicable to a person to whom a request  
16 or order is issued under subsection (a) or (b) in  
17 the same manner as the person to whom the re-  
18 quest or order is issued.

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

24 “(D) IDENTIFICATION OF DISCLOSURE RE-  
25 CIPIENTS.—At the request of the Director of

1           the Federal Bureau of Investigation or the des-  
2           ignee of the Director, any person making or in-  
3           tending to make a disclosure under clause (i) or  
4           (iii) of subparagraph (A) shall identify to the  
5           Director or such designee the person to whom  
6           such disclosure will be made or to whom such  
7           disclosure was made prior to the request.

8           “(3) TERMINATION.—In the case of any request  
9           or order for which a consumer reporting agency has  
10          submitted a notification or filed a petition for judi-  
11          cial review under paragraph (3)(B), 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 consumer re-  
15          porting agency, or officer, employee, or agent there-  
16          of, subject to the nondisclosure requirement that the  
17          nondisclosure requirement is no longer in effect.”.

18          (d) INVESTIGATIONS OF PERSONS WITH ACCESS TO  
19          CLASSIFIED INFORMATION.—Section 802 of the National  
20          Security Act of 1947 (50 U.S.C. 3162) is amended by  
21          striking subsection (b) and inserting the following new  
22          subsection:

23           “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

24           “(1) PROHIBITION.—

1           “(A) IN GENERAL.—If a certification is  
2           issued under subparagraph (B) and notice of  
3           the right to judicial review under subsection (c)  
4           is provided, no governmental or private entity,  
5           or officer, employee, or agent thereof, that re-  
6           ceives a request under subsection (a), shall dis-  
7           close to any person that an authorized inves-  
8           tigative agency described in subsection (a) has  
9           sought or obtained access to information under  
10          subsection (a).

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

17                 “(i) endangering the life or physical  
18                 safety of any person;

19                 “(ii) flight from investigation or pros-  
20                 ecution;

21                 “(iii) destruction of or tampering with  
22                 evidence;

23                 “(iv) intimidation of potential wit-  
24                 nesses;

1           “(v) interference with diplomatic rela-  
2           tions;

3           “(vi) alerting a target, an associate of  
4           a target, or the foreign power of which the  
5           target is an agent, of the interest of the  
6           Government in the target; or

7           “(vii) otherwise seriously endangering  
8           the national security of the United States.

9           “(2) EXCEPTION.—

10           “(A) IN GENERAL.—A governmental or  
11           private entity, or officer, employee, or agent  
12           thereof, that receives a request under sub-  
13           section (a) may disclose information otherwise  
14           subject to any applicable nondisclosure require-  
15           ment to—

16           “(i) those persons to whom disclosure  
17           is necessary in order to comply with the re-  
18           quest;

19           “(ii) an attorney in order to obtain  
20           legal advice or assistance regarding the re-  
21           quest; or

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

1           “(B) APPLICATION.—A person to whom  
2 disclosure is made under subparagraph (A)  
3 shall be subject to the nondisclosure require-  
4 ments applicable to a person to whom a request  
5 is issued under subsection (a) in the same man-  
6 ner as the person to whom the request is  
7 issued.

8           “(C) 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           “(D) IDENTIFICATION OF DISCLOSURE RE-  
14 CIPIENTS.—At the request of the head of an  
15 authorized investigative agency described in  
16 subsection (a), or a designee, any person mak-  
17 ing or intending to make a disclosure under  
18 clause (i) or (iii) of subparagraph (A) shall  
19 identify to the head of the authorized investiga-  
20 tive agency or such designee the person to  
21 whom such disclosure will be made or to whom  
22 such disclosure was made prior to the request.

23           “(3) TERMINATION.—In the case of any request  
24 for which a governmental or private entity has sub-  
25 mitted a notification or filed a petition for judicial

1 review under paragraph (3)(B), if the facts sup-  
2 porting a nondisclosure requirement cease to exist,  
3 an appropriate official of the authorized investigative  
4 agency described in subsection (a) shall promptly no-  
5 tify the governmental or private entity, or officer,  
6 employee, or agent thereof, subject to the nondisclo-  
7 sure requirement that the nondisclosure requirement  
8 is no longer in effect.”.

9 (e) JUDICIAL REVIEW.—Section 3511 of title 18,  
10 United States Code, is amended by striking subsection (b)  
11 and inserting the following new subsection:

12 “(b) NONDISCLOSURE.—

13 “(1) IN GENERAL.—

14 “(A) NOTICE.—If a recipient of a request  
15 or order for a report, records, or other informa-  
16 tion under section 2709 of this title, section  
17 626 of the Fair Credit Reporting Act (15  
18 U.S.C. 1681u), section 1114 of the Right to Fi-  
19 nancial Privacy Act of 1978 (12 U.S.C. 3414),  
20 or section 802 of the National Security Act of  
21 1947 (50 U.S.C. 3162), wishes to have a court  
22 review a nondisclosure requirement imposed in  
23 connection with the request or order, the recipi-  
24 ent may notify the Government or file a petition

1           for judicial review in any court described in  
2           subsection (a).

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

19          “(C) CONSIDERATION.—A district court of  
20          the United States that receives a petition or an  
21          application under this paragraph should rule  
22          expeditiously, and shall, subject to paragraph  
23          (3), issue a nondisclosure order that includes  
24          conditions appropriate to the circumstances.

1           “(2) APPLICATION CONTENTS.—An application  
2           for a nondisclosure order or extension thereof under  
3           paragraph (1) 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 facts indicating that, absent a pro-  
12          hibition of disclosure under this subsection, there  
13          may result in—

14                 “(A) endangering the life or physical safety  
15                 of any person;

16                 “(B) flight from investigation or prosecu-  
17                 tion;

18                 “(C) destruction of or tampering with evi-  
19                 dence;

20                 “(D) intimidation of potential witnesses;

21                 “(E) interference with diplomatic relations;

22                 “(F) alerting a target, an associate of a  
23                 target, or the foreign power of which the target  
24                 is an agent, of the interest of the Government  
25                 in the target; or

1           “(G) otherwise seriously endangering the  
2           national security of the United States.

3           “(3) STANDARD.—A district court of the  
4           United States shall issue a nondisclosure require-  
5           ment order or extension thereof under this sub-  
6           section if the court determines that there is reason  
7           to believe that disclosure of the information subject  
8           to the nondisclosure requirement during the applica-  
9           ble time period will result in—

10           “(A) endangering the life or physical safety  
11           of any person;

12           “(B) flight from investigation or prosecu-  
13           tion;

14           “(C) destruction of or tampering with evi-  
15           dence;

16           “(D) intimidation of potential witnesses;

17           “(E) interference with diplomatic relations;

18           “(F) alerting a target, an associate of a  
19           target, or the foreign power of which the target  
20           is an agent, of the interest of the Government  
21           in the target; or

22           “(G) otherwise seriously endangering the  
23           national security of the United States.”.

1 **SEC. 503. JUDICIAL REVIEW.**

2 (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE  
3 TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of  
4 title 18, United States Code, is amended—

5 (1) by redesignating subsections (d), (e), and  
6 (f), as subsections (e), (f), and (g), respectively; and

7 (2) by inserting after subsection (c) the fol-  
8 lowing new subsection:

9 “(d) JUDICIAL REVIEW.—

10 “(1) IN GENERAL.—A request under subsection  
11 (a) or a non-disclosure requirement imposed in con-  
12 nection with such request under subsection (c) shall  
13 be subject to judicial review under section 3511.

14 “(2) NOTICE.—A request under subsection (a)  
15 shall include notice of the availability of judicial re-  
16 view described in paragraph (1).”.

17 (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN  
18 INTELLIGENCE AND PROTECTIVE PURPOSES.—Section  
19 1114 of the Right to Financial Privacy Act of 1978 (12  
20 U.S.C. 3414), as amended by section 502(b) of this Act,  
21 is further amended—

22 (1) by redesignating subsection (d) (as rede-  
23 signed by such section 502(b)) as subsection (e); and

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

26 “(d) JUDICIAL REVIEW.—

1           “(1) IN GENERAL.—A request under subsection  
2           (a) or a non-disclosure requirement imposed in con-  
3           nection with such request under subsection (c) shall  
4           be subject to judicial review under section 3511 of  
5           title 18, United States Code.

6           “(2) NOTICE.—A request under subsection (a)  
7           shall include notice of the availability of judicial re-  
8           view described in paragraph (1).”.

9           (c) IDENTITY OF FINANCIAL INSTITUTIONS AND  
10          CREDIT REPORTS.—Section 626 of the Right to Financial  
11          Privacy Act (15 U.S.C. 1681u), as amended by section  
12          502(e) of this Act, is further amended—

13                 (1) by redesignating subsections (d) through (i)  
14                 (as redesignated by such section 502(e)) as sub-  
15                 sections (e) through (j), respectively; and

16                 (2) by inserting after subsection (c) the fol-  
17                 lowing new subsection:

18           “(d) JUDICIAL REVIEW.—

19                 “(1) IN GENERAL.—A request under subsection  
20                 (a) or a non-disclosure requirement imposed in con-  
21                 nection with such request under subsection (c) shall  
22                 be subject to judicial review under section 3511 of  
23                 title 18, United States Code.

1           “(2) NOTICE.—A request under subsection (a)  
2           shall include notice of the availability of judicial re-  
3           view described in paragraph (1).”.

4           (d) INVESTIGATIONS OF PERSONS WITH ACCESS TO  
5           CLASSIFIED INFORMATION.—Section 802 of the National  
6           Security Act of 1947 (50 U.S.C. 3162) is amended—

7           (1) by redesignating subsections (e) through (e)  
8           as subsections (d) through (f), respectively; and

9           (2) by inserting after subsection (b) the fol-  
10          lowing new subsection:

11          “(c) JUDICIAL REVIEW.—

12           “(1) IN GENERAL.—A request under subsection  
13           (a) or a non-disclosure requirement imposed in con-  
14           nection with such request under subsection (c) shall  
15           be subject to judicial review under section 3511 of  
16           title 18, United States Code.

17           “(2) NOTICE.—A request under subsection (a)  
18           shall include notice of the availability of judicial re-  
19           view described in paragraph (1).”.

20           **SEC. 504. INSPECTOR GENERAL REPORTS ON NATIONAL SE-**  
21           **CURITY LETTERS.**

22           Section 119 of the USA PATRIOT Improvement and  
23           Reauthorization Act of 2005 (Public Law 109–177; 120  
24           Stat. 219) is amended—

25           (1) in subsection (b)—

1 (A) in paragraph (1), by inserting “and  
2 calendar years 2010 through 2013” after  
3 “2006”; and

4 (B) in paragraph (3)(C), by striking “(as  
5 such term is defined in section 3(4) of the Na-  
6 tional Security Act of 1947 (50 U.S.C.  
7 401a(4)))”;

8 (2) in subsection (c), by adding at the end the  
9 following new paragraph:

10 “(3) CALENDAR YEARS 2010 THROUGH 2013.—  
11 Not later than December 31, 2014, the Inspector  
12 General of the Department of Justice shall submit  
13 to the Committee on the Judiciary and the Perma-  
14 nent Select Committee on Intelligence of the House  
15 of Representatives and the Committee on the Judici-  
16 ary and the Select Committee on Intelligence of the  
17 Senate a report containing the results of the audit  
18 conducted under subsection (a) for calendar years  
19 2010 through 2013.”;

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

22 “(h) DEFINITIONS.—In this section:

23 “(1) INTELLIGENCE COMMUNITY.—The term  
24 ‘intelligence community’ has the meaning given that

1 term in section 3 of the National Security Act of  
2 1947 (50 U.S.C. 3003).

3 “(2) NATIONAL SECURITY LETTER.—The term  
4 ‘national security letter’ means a request for infor-  
5 mation under—

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

9 “(B) section 1114 of the Right to Finan-  
10 cial Privacy Act of 1978 (12 U.S.C.  
11 3414(a)(5)(A)) (to obtain financial institution  
12 customer records);

13 “(C) section 802 of the National Security  
14 Act of 1947 (50 U.S.C. 3162) (to obtain finan-  
15 cial information, records, and consumer re-  
16 ports); or

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

21 “(3) UNITED STATES PERSON.—The term  
22 ‘United States person’ has the meaning given that  
23 term in section 101 of the Foreign Intelligence Sur-  
24 veillance Act of 1978 (50 U.S.C. 1801).”;

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

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

5           “(d) INTELLIGENCE ASSESSMENT.—

6           “(1) IN GENERAL.—For the period beginning  
7           on January 1, 2010, and ending on December 31,  
8           2013, the Inspector General of the Intelligence Com-  
9           munity shall—

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

13           “(B) describe any noteworthy facts or cir-  
14           cumstances relating to the use of national secu-  
15           rity letters by the intelligence community, in-  
16           cluding any improper or illegal use of such au-  
17           thority;

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

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

1           “(2) SUBMISSION DATE FOR ASSESSMENT.—  
2           Not later than December 31, 2014, the Inspector  
3           General of the Intelligence Community shall submit  
4           to the Committee on the Judiciary and the Select  
5           Committee on Intelligence of the Senate and the  
6           Committee on the Judiciary and the Permanent Se-  
7           lect Committee on Intelligence of the House of Rep-  
8           resentatives a report containing the results of the  
9           assessment for calendar years 2010 through 2013.”;

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

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)”; and

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) or  
22           (c)(2)” and inserting “any report submitted  
23           under subsection (c) or (d)”; and

24           (7) in subsection (f), as redesignated by para-  
25           graph (4)—

1 (A) by striking “The reports submitted  
2 under subsections (c)(1) or (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)”.

7 **SEC. 505. NATIONAL SECURITY LETTER SUNSET.**

8 (a) REPEAL.—Effective on June 1, 2015—

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

12 (2) section 1114 of the Right to Financial Pri-  
13 vacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended  
14 to read as such provision read on October 25, 2001;

15 (3) subsections (a) and (b) of section 626 of the  
16 Fair Credit Reporting Act (15 U.S.C. 1681u) are  
17 amended to read as subsections (a) and (b), respec-  
18 tively, of the second of the 2 sections designated as  
19 section 624 of such Act (15 U.S.C. 1681u) (relating  
20 to disclosure to the Federal Bureau of Investigation  
21 for counterintelligence purposes), as added by sec-  
22 tion 601 of the Intelligence Authorization Act for  
23 Fiscal Year 1996 (Public Law 104–93; 109 Stat.  
24 974), read on October 25, 2001; and

1 (4) section 802 of the National Security Act of  
2 1947 (50 U.S.C. 3162) is amended to read as such  
3 provision read on October 25, 2001.

4 (b) TRANSITION PROVISION.—Notwithstanding para-  
5 graph (1), the provisions of law referred to in paragraph  
6 (1), as in effect on May 31, 2015, shall continue to apply  
7 on and after June 1, 2015, with respect to any particular  
8 foreign intelligence investigation or with respect to any  
9 particular offense or potential offense that began or oc-  
10 curred before June 1, 2015.

11 **SEC. 506. TECHNICAL AND CONFORMING AMENDMENTS.**

12 (a) TITLE 18.—Section 3511 of title 18, United  
13 States Code, is amended—

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

16 (2) in subsection (b)(1)(A), as amended by sec-  
17 tion 6(b) of this Act, by striking “section 626 or 627  
18 of the Fair Credit Reporting Act (15 U.S.C. 1681u  
19 and 1681v)” and inserting “section 626 of the Fair  
20 Credit Reporting Act (15 U.S.C. 1681u)”.

21 (b) USA PATRIOT IMPROVEMENT AND REAUTHOR-  
22 IZATION ACT OF 2005.—Section 118(c)(1) of the USA  
23 PATRIOT Improvement and Reauthorization Act of 2005  
24 (18 U.S.C. 3511 note) is amended—

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

3 (2) in subparagraph (D), by striking “; and”  
4 and inserting a period; and

5 (3) by striking subparagraph (E).

6 **TITLE VI—FISA AND NATIONAL**  
7 **SECURITY LETTER TRANS-**  
8 **PARENCY REFORMS**

9 **SEC. 601. THIRD-PARTY REPORTING ON FISA ORDERS AND**  
10 **NATIONAL SECURITY LETTERS.**

11 (a) IN GENERAL.—Each electronic service provider  
12 may report information to the public in accordance with  
13 this section about requests and demands for information  
14 made by any Government entity under a surveillance law,  
15 and is exempt in accordance with subsection (d) from li-  
16 ability with respect to that report, even if such provider  
17 would otherwise be prohibited by a surveillance law from  
18 reporting that information.

19 (b) PERIODIC AGGREGATE REPORTS.—An electronic  
20 service provider may report such information not more  
21 often than quarterly and only to the following extent:

22 (1) ESTIMATE OF NUMBERS OF DEMANDS AND  
23 REQUESTS MADE.—The report may reveal an esti-  
24 mate of the number of such demands and requests  
25 made during the period to which the report pertains.

1           (2) ESTIMATE OF NUMBERS OF DEMANDS AND  
2           REQUESTS COMPLIED WITH.—The report may reveal  
3           an estimate of the numbers of such demands and re-  
4           quests the service provider complied with during the  
5           period to which the report pertains, regardless of  
6           when the demands or requests were made.

7           (3) ESTIMATE OF NUMBER OF USERS OR AC-  
8           COUNTS.—The report may reveal an estimate of the  
9           numbers of users or accounts, or both, of the service  
10          provider, for which information was demanded, re-  
11          quested, or provided during the period to which the  
12          report pertains.

13         (c) SPECIAL RULES FOR REPORTS.—

14           (1) LEVEL OF DETAIL BY AUTHORIZING SUR-  
15           VEILLANCE LAW.—Any estimate disclosed under this  
16           section may be an overall estimate or broken down  
17           by categories of authorizing surveillance laws or by  
18           provisions of authorizing surveillance laws.

19           (2) LEVEL OF DETAIL BY NUMERICAL  
20           RANGE.—Each estimate disclosed under this section  
21           shall be rounded to the nearest 100. If an estimate  
22           is zero, an electronic service provider may report the  
23           estimate as zero.

24           (3) REPORT MAY BE BROKEN DOWN BY PERI-  
25           ODS NOT LESS THAN CALENDAR QUARTERS.—For

1 any reporting period, the provider may break down  
2 the report by calendar quarters or any other time  
3 periods greater than a calendar quarter.

4 (d) LIMITATION ON LIABILITY.—A electronic service  
5 provider making a report that provider reasonably believes  
6 in good faith is authorized by this section is not criminally  
7 or civilly liable in any court for making that report.

8 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed to prohibit disclosures other than  
10 those authorized by this section.

11 (f) DEFINITIONS.—In this section:

12 (1) ELECTRONIC SERVICE PROVIDER.—The  
13 term “electronic service provider” means an elec-  
14 tronic communications service provider (as that term  
15 is defined in section 2510 of title 18, United States  
16 Code) or a remote computing service provider (as  
17 that term is defined in section 2711 of title 18,  
18 United States Code).

19 (2) SURVEILLANCE LAW.—The term “surveil-  
20 lance law” means any provision of any of the fol-  
21 lowing:

22 (A) The Foreign Intelligence Surveillance  
23 Act of 1978 (50 U.S.C. 1801 et seq.).

24 (B) Section 802(a) of the National Secu-  
25 rity Act of 1947 (50 U.S.C. 436(a)).

1 (C) Section 2709 of title 18, United States  
2 Code.

3 (D) Section 1114 of the Right to Financial  
4 Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)).

5 (E) Subsection (a) or (b) of section 626 of  
6 the Fair Credit Reporting Act (15 U.S.C.  
7 1681u(a), 1681u(b)).

8 (F) Section 627(a) of the Fair Credit Re-  
9 porting Act (15 U.S.C. 1681v(a)) (as in effect  
10 on the day before the date of the enactment of  
11 this Act).

12 **SEC. 602. GOVERNMENT REPORTING ON FISA ORDERS.**

13 (a) ELECTRONIC SURVEILLANCE.—

14 (1) REPORT OF ELECTRONIC SURVEILLANCE.—  
15 Section 107 of the Foreign Intelligence Surveillance  
16 Act of 1978 (50 U.S.C. 1807) is amended—

17 (A) by redesignating subsections (a) and  
18 (b) as paragraphs (1) and (2), respectively;

19 (B) in the matter preceding paragraph (1)  
20 (as redesignated by subparagraph (A) of this  
21 paragraph)—

22 (i) by striking “In April” and insert-  
23 ing “(a) In April”; and

24 (ii) by striking “Congress” and insert-  
25 ing “the Permanent Select Committee on

1 Intelligence of the House of Representa-  
2 tives, the Select Committee on Intelligence  
3 of the Senate, and the Committees on the  
4 Judiciary of the House of Representatives  
5 and the Senate”;

6 (C) in subsection (a) (as designated by  
7 subparagraph (B) of this paragraph)—

8 (i) in paragraph (1) (as redesignated  
9 by subparagraph (A) of this paragraph),  
10 by striking “; and” and inserting a semi-  
11 colon;

12 (ii) in paragraph (2) (as so redesign-  
13 ated), by striking the period and inserting  
14 a semicolon; and

15 (iii) by adding at the end the fol-  
16 lowing new paragraphs:

17 “(3) the total number of individuals who were  
18 subject to electronic surveillance conducted under an  
19 order entered under this title, rounded to the nearest  
20 100; and

21 “(4) the total number of United States persons  
22 who were subject to electronic surveillance conducted  
23 under an order entered under this title, rounded to  
24 the nearest 100.”; and

1 (D) by adding at the end the following new  
2 subsection:

3 “(b)(1) Each report required under subsection (a)  
4 shall be submitted in unclassified form.

5 “(2) Not later than 7 days after a report is submitted  
6 under subsection (a), the Attorney General shall make  
7 such report publicly available.”.

8 (2) CONGRESSIONAL OVERSIGHT.—Section  
9 108(a)(1) of the Foreign Intelligence Surveillance  
10 Act of 1978 (50 U.S.C. 1808) is amended by strik-  
11 ing “the House Permanent Select Committee on In-  
12 telligence and the Senate Select Committee on Intel-  
13 ligence, and the Committee on the Judiciary of the  
14 Senate” and inserting “the Permanent Select Com-  
15 mittee on Intelligence of the House of Representa-  
16 tives, the Select Committee on Intelligence of the  
17 Senate, and the Committees on the Judiciary of the  
18 House of Representatives and the Senate”.

19 (b) PHYSICAL SEARCHES.—Section 306 of the For-  
20 eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
21 1826) is amended—

22 (1) in the first sentence, by striking “Perma-  
23 nent Select Committee on Intelligence of the House  
24 of Representatives and the Select Committee on In-  
25 telligence of the Senate, and the Committee on the

1       Judiciary of the Senate” and inserting “Permanent  
2       Select Committee on Intelligence of the House of  
3       Representatives, the Select Committee on Intel-  
4       ligence of the Senate, and the Committees on the  
5       Judiciary of the House of Representatives and the  
6       Senate”; and

7               (2) in the second sentence, by striking “and the  
8       Committee on the Judiciary of the House of Rep-  
9       resentatives”.

10       (c) PEN REGISTER AND TRAP AND TRACE DE-  
11       VICES.—Section 406 of the Foreign Intelligence Surveil-  
12       lance Act of 1978 (50 U.S.C. 1846) is amended—

13               (1) in subsection (b)—

14                       (A) in paragraph (2), by striking “; and”  
15                       and inserting a semicolon;

16                       (B) in paragraph (3), by striking the pe-  
17                       riod and inserting a semicolon; and

18                       (C) by adding at the end the following new  
19                       paragraphs:

20                       “(4) each department or agency on behalf of  
21                       which the Government has made application for or-  
22                       ders approving the use of pen registers or trap and  
23                       trace devices under this title;

1           “(5) for each such department or agency, a  
2           breakdown of the numbers required by paragraphs  
3           (1), (2), and (3);

4           “(6) a good faith estimate of the total number  
5           of individuals who were targeted by the installation  
6           and use of a pen register or trap and trace device  
7           authorized under an order entered under this title,  
8           rounded to the nearest 100;

9           “(7) a good faith estimate of the total number  
10          of United States persons who were targeted by the  
11          installation and use of a pen register or trap and  
12          trace device authorized under an order entered  
13          under this title, rounded to the nearest 100; and

14          “(8) a good faith estimate of the total number  
15          of United States persons who were targeted by the  
16          installation and use of a pen register or trap and  
17          trace device authorized under an order entered  
18          under this title and whose information acquired by  
19          such pen register or trap and trace device was sub-  
20          sequently reviewed or accessed by a Federal officer,  
21          employee, or agent, rounded to the nearest 100.”;  
22          and

23                 (2) by adding at the end the following new sub-  
24          section:

1       “(c)(1) Each report required under subsection (b)  
2 shall be submitted in unclassified form.

3       “(2) Not later than 7 days after a report is submitted  
4 under subsection (b), the Attorney General shall make  
5 such report publicly available.”.

6       (d) ACCESS TO CERTAIN BUSINESS RECORDS AND  
7 OTHER TANGIBLE THINGS.—Section 503 of the Foreign  
8 Intelligence Surveillance Act of 1978 (50 U.S.C. 1862),  
9 as redesignated by section 101(d) of this Act, is amend-  
10 ed—

11           (1) in subsection (a), by striking “Permanent  
12 Select Committee on Intelligence of the House of  
13 Representatives and the Select Committee on Intel-  
14 ligence and the Committee on the Judiciary of the  
15 Senate” and inserting after “Permanent Select  
16 Committee on Intelligence of the House of Rep-  
17 resentatives, the Select Committee on Intelligence of  
18 the Senate, and the Committees on the Judiciary of  
19 the House of Representatives and the Senate”;

20           (2) in subsection (b)—

21               (A) in the matter preceding paragraph (1),  
22 by striking “to the preceding calendar year—”  
23 and inserting “to the preceding calendar year  
24 the following:”;

25               (B) in paragraph (1)—

1 (i) by striking “the total” and insert-  
2 ing “The total”; and

3 (ii) by striking the semicolon and in-  
4 sserting a period;

5 (C) in paragraph (2)—

6 (i) by striking “the total” and insert-  
7 ing “The total”; and

8 (ii) by striking “; and” and inserting  
9 a period;

10 (D) in paragraph (3)—

11 (i) in the matter preceding subpara-  
12 graph (A), by striking “the number” and  
13 inserting “The number”; and

14 (ii) by adding at the end the following  
15 new subparagraphs:

16 “(F) Records concerning electronic com-  
17 munications.

18 “(G) Records concerning wire communica-  
19 tions.”; and

20 (E) by adding at the end the following new  
21 paragraphs:

22 “(4) A description of all other tangible things  
23 sought by an application made for the production of  
24 any tangible things under section 501, and the num-

1       ber of orders under such section 501 granted, modi-  
2       fied, or denied, for each tangible thing.

3           “(5) A description of each order under section  
4       501 granted, modified, or denied for the production  
5       of tangible things on an ongoing basis.

6           “(6) Each department or agency on whose be-  
7       half the Director of the Federal Bureau of Investiga-  
8       tion or a designee of the Director has made an ap-  
9       plication for an order requiring the production of  
10      any tangible things under section 501.

11          “(7) For each such department or agency, a  
12      breakdown of the numbers and descriptions required  
13      by paragraphs (1), (2), (3), (4), and (5).”; and

14           (3) in subsection (c)—

15           (A) in paragraph (1)—

16           (i) in subparagraph (A), by striking “;  
17           and” and inserting a semicolon;

18           (ii) in subparagraph (B), by striking  
19           the period and inserting a semicolon; and

20           (iii) by adding at the end the fol-  
21           lowing new subparagraphs:

22           “(C) a good faith estimate of the total number  
23      of individuals whose tangible things were produced  
24      under an order entered under section 501, rounded  
25      to the nearest 100;

1           “(D) a good faith estimate of the total number  
2 of United States persons whose tangible things were  
3 produced under an order entered under section 501,  
4 rounded to the nearest 100; and

5           “(E) a good faith estimate of the total number  
6 of United States persons whose tangible things were  
7 produced under an order entered under section 501  
8 and subsequently reviewed or accessed by a Federal  
9 officer, employee, or agent, rounded to the nearest  
10 100.”; and

11           (B) by adding at the end the following new  
12 paragraph:

13           “(3) Not later than 7 days after the date on which  
14 a report is submitted under paragraph (1), the Attorney  
15 General shall make such report publicly available.”.

16           (e) ADDITIONAL PROCEDURES REGARDING CERTAIN  
17 PERSONS OUTSIDE THE UNITED STATES.—Section 707  
18 of the Foreign Intelligence Surveillance Act of 1978 (50  
19 U.S.C. 1881f) is amended by adding at the end the fol-  
20 lowing new subsection:

21           “(c) ADDITIONAL ANNUAL REPORT.—

22           “(1) REPORT REQUIRED.—In April of each  
23 year, the Attorney General shall submit to the con-  
24 gressional intelligence committees and the Commit-  
25 tees on the Judiciary of the House of Representa-

1           tives and the Senate a report setting forth with re-  
2           spect to the preceding year—

3                   “(A) the total number of—

4                           “(i) directives issued under section  
5                           702;

6                           “(ii) orders granted under section  
7                           703; and

8                           “(iii) orders granted under section  
9                           704;

10                   “(B) good faith estimates of the total num-  
11                   ber of individuals, rounded to the nearest 100,  
12                   whose electronic or wire communications or  
13                   communications records were collected pursuant  
14                   to—

15                           “(i) a directive issued under section  
16                           702;

17                           “(ii) an order granted under section  
18                           703; and

19                           “(iii) an order granted under section  
20                           704;

21                   “(C) good faith estimates of the total num-  
22                   ber, rounded to the nearest 100, of United  
23                   States persons whose electronic or wire commu-  
24                   nications or communications records were col-  
25                   lected pursuant to—

1 “(i) a directive issued under section  
2 702;

3 “(ii) an order granted under section  
4 703; and

5 “(iii) an order granted under section  
6 704; and

7 “(D) a good faith estimate of the total  
8 number of United States persons whose elec-  
9 tronic or wire communications or communica-  
10 tions records were collected pursuant to a direc-  
11 tive issued under section 702 and subsequently  
12 reviewed or accessed by a Federal officer, em-  
13 ployee, or agent, rounded to the nearest 100.

14 “(2) FORM.—Each report required under para-  
15 graph (1) shall be submitted in unclassified form.

16 “(3) PUBLIC AVAILABILITY.—Not later than 7  
17 days after the date on which a report is submitted  
18 under paragraph (1), the Attorney General shall  
19 make such report publicly available.”.

20 **SEC. 603. GOVERNMENT REPORTING ON NATIONAL SECU-**  
21 **RITY LETTERS.**

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

1           “(c) REPORT ON REQUESTS FOR NATIONAL SECUR-  
2 RITY LETTERS.—

3           “(1) CLASSIFIED FORM.—

4           “(A) IN GENERAL.—Not later than March  
5 1, 2015, and every 180 days thereafter, the At-  
6 torney General shall submit to the Select Com-  
7 mittee on Intelligence, the Committee on the  
8 Judiciary, and the Committee on Banking,  
9 Housing, and Urban Affairs of the Senate and  
10 the Permanent Select Committee on Intel-  
11 ligence, the Committee on the Judiciary, and  
12 the Committee on Financial Services of the  
13 House of Representatives a report fully inform-  
14 ing the committees concerning the requests  
15 made under section 2709(a) of title 18, United  
16 States Code, section 1114 of the Right to Fi-  
17 nancial Privacy Act of 1978 (12 U.S.C.  
18 3414(a)(5)(A)), section 626 of the Fair Credit  
19 Reporting Act (15 U.S.C. 1681u), or section  
20 802 of the National Security Act of 1947 (50  
21 U.S.C. 3162) during the applicable period.

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

1 “(i) authorized requests under the  
2 provision, including requests for subscriber  
3 information; and

4 “(ii) the number of authorized re-  
5 quests under the provision—

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

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

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

12 “(aa) the subject of an au-  
13 thorized national security inves-  
14 tigation; or

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

20 “(IV) that relate to a person that  
21 is not known to be the subject of an  
22 authorized national security investiga-  
23 tion.

24 “(2) UNCLASSIFIED FORM.—

1           “(A) IN GENERAL.—Not later than March  
2           1, 2015, and every 180 days thereafter, the At-  
3           torney General shall submit to the Select Com-  
4           mittee on Intelligence, the Committee on the  
5           Judiciary, and the Committee on Banking,  
6           Housing, and Urban Affairs of the Senate and  
7           the Permanent Select Committee on Intel-  
8           ligence, the Committee on the Judiciary, and  
9           the Committee on Financial Services of the  
10          House of Representatives a report fully inform-  
11          ing the committees concerning the aggregate  
12          total of all requests identified under paragraph  
13          (1) during the applicable period. Each report  
14          under this paragraph shall be in unclassified  
15          form.

16          “(B) CONTENTS.—Each report under sub-  
17          paragraph (A) shall include the aggregate total  
18          of requests—

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

21                 “(ii) that relate to a person that is  
22                 not a United States person;

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

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

1                   “(II) an individual who has been  
2                   in contact with or otherwise directly  
3                   linked to the subject of an authorized  
4                   national security investigation; and  
5                   “(iv) that relate to a person that is  
6                   not known to be the subject of an author-  
7                   ized national security investigation.

8                   “(3) DEFINITIONS.—In this subsection:

9                   “(A) APPLICABLE PERIOD.—The term ‘ap-  
10                  plicable period’ means—

11                  “(i) with respect to the first report  
12                  submitted under paragraph (1) or (2), the  
13                  period beginning 180 days after the date  
14                  of enactment of the USA FREEDOM Act  
15                  and ending on December 31, 2014; and

16                  “(ii) with respect to the second report  
17                  submitted under paragraph (1) or (2), and  
18                  each report thereafter, the 6-month period  
19                  ending on the last day of the second month  
20                  before the date for submission of the re-  
21                  port.

22                  “(B) UNITED STATES PERSON.—The term  
23                  ‘United States person’ has the meaning given  
24                  that term in section 101 of the Foreign Intel-

1           ligence Surveillance Act of 1978 (50 U.S.C.  
2           1801).”.

3   **TITLE VII—PRIVACY AND CIVIL**  
4   **LIBERTIES                   OVERSIGHT**  
5   **BOARD SUBPOENA AUTHOR-**  
6   **ITY**

7   **SEC. 701. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**  
8                   **BOARD SUBPOENA AUTHORITY.**

9           Section 1061(g) of the Intelligence Reform and Ter-  
10   rorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is  
11   amended—

12           (1) in paragraph (1)(D), by striking “submit a  
13   written request to the Attorney General of the  
14   United States that the Attorney General”;

15           (2) by striking paragraph (2); and

16           (3) by redesignating paragraphs (3) and (4) as  
17   paragraphs (2) and (3).