S. 1590

At the request of Mr. ALEXANDER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. BLUNT), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Indiana (Mr. COATS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1592

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. RES. 26

At the request of Mr. MORAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States.

S. RES. 254

At the request of Mr. ENZI, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. Res. 254, a resolution designating November 2, 2013, as ''National Bison Day''.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRUZ (for himself and Mr. CORNYN):

S. 1594. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the Paul Brown United States Courthouse; to the Committee on Environment and Public Works.

Mr. CRUZ. Mr. President, I rise today to honor the late Judge Paul Brown, and to urge the Senate to adopt a bill I am introducing, along with the Senior Senator from Texas. This bill will rename the Federal courthouse in Sherman, TX, as the Paul Brown United States Courthouse.

Judge Brown was a Federal judge for the United States District Court for the Eastern District of Texas. He joined the court in 1985, after being nominated by President Reagan. He served on that court admirably until his death on November 26, 2012.

Judge Paul Brown was born on October 4, 1926. He was the youngest of 6 children. He was raised on a farm near Pottsboro, TX. He graduated from Denison High School in 1943.

He left home to attend the University of Texas at Austin. But with World War II escalating, he left UT to enlist in the Navy at the age of 17. He returned to UT, where he got his law degree in 1950. He is said to have loved UT so much that a fellow judge once recalled that although Judge Brown never wore a burnt orange tie on the bench, you could see him ''glow orange'' by simply mentioning UT.

Just after Judge Brown got his law degree, the Korean War began. And he served our country admirably once again in the Navy from 1950 to 1951. In 1951, he returned to Sherman, TX, and began private practice. In 1953, he was appointed as an Assistant U.S. Attorney for the Eastern District of Texas. President Eisenhower named him U.S. Attorney for the Eastern District of Texas in 1959.

After meeting and marrying Francis Morehead in Texarkana, Judge Brown then moved back to Sherman and reentered private practice in 1961. After almost a quarter century of practicing law in Sherman, Senator Phil Gramm recommended Judge Brown to President Reagan for a new vacancy in the Eastern District of Texas.

Judge Brown was confirmed for this vacancy in 1985. He served with distinction for the next 27 years. Judge Brown took senior status in 2001. At Judge Brown's retirement celebration, Chief Judge Heartfield called Judge Brown ''a textbook member'' of ''the Greatest Generation.''

His legacy lives on today, as the Judge Paul Brown Endowed Scholarship was established at the University of Texas School of Law in 2005. He was honored as a Distinguished Alumnus of Denison High School in 2006.

Judge Brown will be missed by his family, his community, and his nation. He, and his family, deserve this great honor, as the people of Sherman, TX, will forever remember the great jurist, Judge Paul Brown.

By Mr. LEAHY (for himself, Mr. LEE, Mr. DURBIN, Mr. HELLER, Mr. BLUMENTHAL, Ms. MURKOWSKI, Ms. HIRONO, Mr. UDALL of New Mexico, Mr. BEGICH, Ms. BALDWIN, Mr. HEINRICH, Mr. MARKEY, Mr. UDALL of Colorado, Ms. WARREN, Mr. MERKLEY, Mr. TESTER, Mr. SCHATZ, and Mr. MENENDEZ):

S. 1599. 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; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, the Foreign Intelligence Surveillance Act, or FISA, was enacted 35 years ago to limit the government's ability to engage in domestic surveillance operations. In the years since September 11, 2001, Congress has repeatedly expanded the scope of this law to provide the government with broad new powers to gather information about law-abiding Americans. No one underestimates the threat this country continues to face, and we can all agree that the intelligence community should be given necessary and appropriate tools to help keep us safe. But we should also agree that there must be reasonable limits on the surveillance powers we give to the government. That is why I have consistently fought to curtail the sweeping powers contained in the USA PATRIOT Act and FISA Amendments Act, while also bolstering privacy protections and strengthening oversight. And that is why I continue my efforts today by joining with Congressman JIM SENSENBRENNER, as well as members of Congress from both political parties, to introduce the bipartisan USA FREEDOM Act of 2013.

Over the past several months, Americans have learned that government surveillance programs conducted under FISA are far broader than previously understood. Section 215 of the USA PATRIOT Act has for years been secretly interpreted to authorize the dragnet collection of Americans' phone records on an unprecedented scale, regardless of whether those Americans have any connection to terrorist activities or groups. The American public also learned more about the government's broad collection of Internet data through the use of Section 702 of FISA. And the world has learned that this surveillance has extended to millions of individuals in the global community including some of our allies and their leaders. These revelations have undermined Americans' trust in our intelligence community and harmed our relationships with some of our most important international partners.

While I do not condone the manner in which these and other highly classified programs were disclosed, I agree with the Director of National Intelligence that this debate about surveillance needed to happen. It is a debate that some of us in Congress have been engaged in for years. Since this summer, the Judiciary Committee convened two public hearings and a classified briefing with officials from the administration, including the Director of National Intelligence, the Director of the National Security Agency, and the Deputy Attorney General.

As a result of these hearings and the recent declassification of documents by the administration, the public now knows about the repeated and substantial legal and policy violations by the

NSA in its implementation of both Section 215 and Section 702. The public now knows that, in addition to collecting phone call metadata on millions of law-abiding Americans, the NSA collected, without a warrant, the contents of tens of thousands of wholly domestic emails of innocent Americans. The NSA also violated a FISA Court order by regularly searching the Section 215 bulk phone records database without meeting the standard imposed by the Court.

These repeated violations, which have occurred nearly every year that these programs have been authorized by the FISA Court, led to several reprimands from the FISA Court for what it called ''systemic noncompliance'' by the government. In addition, the Court admonished the government for making a series of substantial misrepresentations to the Court about its activities. The NSA has assured Congress that these problems have been corrected. Yet with each new revelation in the press about new techniques developed by the NSA that intrude into the privacy and everyday lives of Americans, I grow increasingly concerned about the lack of sufficient oversight and accountability.

Last week, the Assistant to the President for Homeland Security and Counterterrorism, Lisa Monaco, stated that the government should only collect data ''because we need it and not just because we can.'' I completely agree—and that is why the government's dragnet collection of phone records should end. The government has not made a compelling case that this program is an effective counterterrorism tool, especially when balanced against the intrusion on Americans' privacy. In fact, both the Director and the Deputy Director of the NSA have testified before the Judiciary Committee that there is no evidence that the Section 215 phone records collection program helped to thwart dozens or even several terrorist plots.

It is clear that as the administration has become more open and forthright about these programs, the facts have not matched the rhetoric. It is time for serious and meaningful reforms to FISA in order to restore the confidence of the American people in our intelligence community. Modest transparency and oversight provisions are a good first step, but by themselves they are insufficient to protect the privacy rights and civil liberties of Americans. We must do more.

The USA FREEDOM ACT is a legislative solution that comprehensively addresses a range of surveillance authorities contained in FISA. I want to thank Congressman SENSENBRENNER for his dedicated work on this bipartisan, bicameral piece of legislation that we are introducing today. We are joined in this effort by members of Congress from both chambers and across the political spectrum, and I want to thank the following Senators for cosponsoring this legislation: Senator LEE, Senator DURBIN, Senator HELLER, Senator BLUMENTHAL, Senator MURKOWSKI, Senator HIRONO, Senator UDALL of New Mexico, Senator BEGICH, Senator BALDWIN, Senator HEINRICH, Senator MARKEY, Senator UDALL of Colorado, Senator WARREN, Senator MERKLEY, Senator TESTER, and Senator SCHATZ.

Our bill will end the dragnet collection of phone records under Section 215 of the PATRIOT Act by requiring that only documents or records relevant and material to an investigation may be obtained, and that they have some particular nexus to a specific foreign agent or power. It will also ensure that the FISA pen register statute and National Security Letters cannot be used to authorize similar dragnet collection by applying the same standard. The bill also adds more meaningful judicial review of Section 215 orders and raises the standard for the government to obtain a gag order for every Section 215 order.

In addition to stopping the dragnet collection of phone records, our legislation will address privacy concerns related to surveillance conducted under the FISA Amendments Act, which allows the government to gather vast amounts of Internet communications content by foreigners located overseas. Given the technological nature of Internet communications, we must vigilantly protect against the inadvertent collection of the contents of the wholly domestic communications of U.S. persons—something that the NSA acknowledged has happened before. Our bill will place stricter limits on this type of collection, and also require the government to obtain a court order prior to conducting 'back door' searches looking for the communications of U.S. persons in databases collected without a warrant under Section 702 of FISA.

Finally, the USA FREEDOM Act will require enhanced accountability, transparency, and oversight in the FISA process. Our bill builds on a proposal by Senator BLUMENTHAL to provide for the creation of a Special Advocate who will advocate specifically for the protection of privacy rights and civil liberties before the FISA Court, as well as a process for publicly releasing FISA Court opinions containing significant interpretations of law. Under the bill, public confidence in the government's activities will also be strengthened by more detailed public reporting about the numbers and types of FISA orders that are issued.

Importantly, this measure requires new Inspector General reviews and imposes new sunset dates. I have long believed that sunset provisions are an important tool because nothing focuses the attention of Congress or the Executive Branch like the looming chance that a law will end. It is important to note that Section 215, which the government is using to conduct dragnet phone records collection, will expire in June 2015 unless Congress decides otherwise. This bill also shortens the FISA Amendments Act sunset by 2 years, and adds a new sunset for National Security Letters. This aligns all of these FISA sunsets so that Congress can address them comprehensively in 2015, rather than in a piecemeal fashion.

These are all commonsense, bipartisan improvements that will ensure appropriate limits are placed on the government's vast surveillance powers. The American people deserve to know how laws governing surveillance authorities are being interpreted and will implicate their personal information and activities. The American people also deserve to know whether these programs have proven sufficiently valuable as counterterrorism tools to justify their extraordinary breadth. This legislation will help to repair that trust deficit by providing enhanced layers of transparency, oversight, and accountability to ensure that we are protecting national security while restoring protections for the privacy rights and civil liberties of law-abiding Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1599

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act'' or the ''USA FREEDOM Act''.

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

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. PRIVACY PROTECTIONS FOR BUSINESS RECORDS ORDERS.

(a) PRIVACY PROTECTIONS.—

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

(A) in paragraph (1)(B), by striking ''and'' after the semicolon;

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

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

''(i) are relevant and material to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

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

''(B) a statement of proposed minimization procedures; and''; and

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

''(3) if the applicant is seeking a nondisclosure requirement described in subsection (d), shall include—

''(A) the time period during which the Government believes the nondisclosure requirement should apply;

''(B) a statement of facts showing that there are reasonable grounds to believe that disclosure of particular information about the existence or contents of the order requiring the production of tangible things under this section during such time period will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States; and

''(C) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified under subparagraph (B).''.

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

(A) in paragraph (1)—

(i) by striking ''subsections (a) and (b)'' and inserting ''subsection (a) and paragraphs (1) and (2) of subsection (b) and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)''; and

(ii) by striking the last sentence and inserting the following: ''If the judge finds that the requirements of subsection (b)(3) have been met, such order shall include a nondisclosure requirement, which may apply for not longer than 1 year, unless the facts justify a longer period of nondisclosure, subject to the principles and procedures described in subsection (d).''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by inserting before the semicolon '', if applicable'';

(ii) in subparagraph (D), by striking ''and'' at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

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

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

''(d) NONDISCLOSURE.—

''(1) IN GENERAL.—No person who receives an order entered under subsection (c) that contains a nondisclosure requirement shall disclose to any person the particular information specified in the nondisclosure requirement during the time period to which the requirement applies.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A person who receives an order entered under subsection (c) that contains a nondisclosure requirement may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary to comply with the order;

''(ii) an attorney to obtain legal advice or assistance regarding the order; or

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

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as the person to whom the order is directed.

''(C) NOTICE.—Any person who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge), may apply for renewals of the prohibition on disclosure of particular information about the existence or contents of an order requiring the production of tangible things under this section for additional periods of not longer than 1 year, unless the facts justify a longer period of nondisclosure. A nondisclosure requirement shall be renewed if a court having jurisdiction under paragraph (4) determines that the application meets the requirements of subsection (b)(3).

''(4) JURISDICTION.—An application for a renewal under this subsection shall be made to—

''(A) a judge of the court established under section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of the court established under section 103(a).''.

(4) MINIMIZATION.—Section 501(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)) is amended—

(A) in paragraph (1), by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order entered under this section or at any time after the production of tangible things under an order entered under this section, a judge may assess compliance with the minimization procedures required by such order by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''; and

(B) in paragraph (2)(A), by inserting ''acquisition and'' after ''to minimize the''.

(5) CONFORMING AMENDMENT.—Section 501(f)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(1)(B)) is amended by striking ''an order imposed under subsection (d)'' and inserting ''a nondisclosure requirement imposed in connection with a production order''.

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

(1) in subparagraph (A)(i)—

(A) by striking ''that order'' and inserting ''such production order or any nondisclosure order imposed in connection with such production order''; and

(B) by striking the second sentence;

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

''(C) A judge considering a petition to modify or set aside a nondisclosure order shall grant such petition unless the court determines that—

''(i) there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the time period in which such requirement is in effect will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from investigation or prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations;

''(VI) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(VII) otherwise seriously endangering the national security of the United States; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified under clause (i).''; and

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

''(E) If a judge denies a petition to modify or set aside a nondisclosure order under this paragraph, no person may file another petition to modify or set aside such nondisclosure order until the date that is one year after the date on which such judge issues the denial of such petition.''.

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

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

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

(B) by inserting after section 501 the following new section:

''SEC. 502. EMERGENCY AUTHORITY FOR ACCESS TO CALL DETAIL RECORDS.

''(a) IN GENERAL.—Notwithstanding any other provision of this title, the Attorney General may require the production of call detail records by the provider of a wire or electronic communication service on an emergency basis if—

''(1) such records—

''(A) are relevant and material to an authorized investigation (other than a threat assessment) conducted in accordance with section 501(a)(2) to—

''(i) obtain foreign intelligence information not concerning a United States person; or

''(ii) protect against international terrorism or clandestine intelligence activities; and

''(B) pertain to—

''(i) a foreign power or an agent of a foreign power;

''(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

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

''(2) the Attorney General reasonably determines that—

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

''(B) the factual basis for issuance of an order under section 501 to require the production of such records exists;

''(3) a judge referred to in section 501(b)(1) is informed by the Attorney General or a designee of the Attorney General at the time of the required production of such records that the decision has been made to require such production on an emergency basis; and

''(4) an application in accordance with section 501 is made to such judge as soon as practicable, but not more than 7 days after the date on which the Attorney General requires the production of such records under this section.

''(b) TERMINATION OF AUTHORITY.—

''(1) TERMINATION.—In the absence of an order under section 501 approving the production of call detail records under subsection (a), the authority to require the production of such records shall terminate at the earlier of—

''(A) when the information sought is obtained;

''(B) when the application for the order is denied under section 501; or

''(C) 7 days after the time of the authorization by the Attorney General.

''(2) USE OF INFORMATION.—If an application for an order under section 501 for the production of call detail records required to be produced pursuant to subsection (a) is denied, or in any other case in which the emergency production of call detail records under this section is terminated and no order under section 501 is issued approving the required production of such records, no information obtained or evidence derived from such records shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such records shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(c) REPORT.—The Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the number of times the authority under this section was exercised during the calendar year covered by such report.

''(d) CALL DETAIL RECORDS DEFINED.—In this section, the term 'call detail records'—

''(1) means session identifying information (including originating or terminating telephone number, International Mobile Subscriber Identity number, or International Mobile Station Equipment Identity number), telephone calling card numbers, or the time or duration of a call; and

''(2) does not include—

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

''(B) the name, address, or financial information of a subscriber or customer; or

''(C) cell site location information.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by striking the item relating to section 502 and inserting the following new items:

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

''503. Congressional oversight.''.

(3) CONFORMING AMENDMENT.—Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking ''sections 501, 502, and'' and inserting ''title V and section''.

SEC. 102. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

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

(1) in subsection (b)—

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

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

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

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

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

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

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

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

''(3) CALENDAR YEARS 2010 THROUGH 2013.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2010 through 2013.'';

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

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

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

''(A) assess the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

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

''(C) describe any noteworthy facts or circumstances relating to orders under such title;

''(D) examine any minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

''(E) examine any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 through 2013.''.

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

(A) in paragraph (1)—

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

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

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

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

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

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

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

''(g) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

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

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

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

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

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

''(2) a statement of facts showing that there are reasonable grounds to believe that the information sought—

''(A) is relevant and material to an authorized investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities (other than a threat assessment), provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution of the United States; and

''(B) pertain to—

''(i) a foreign power or an agent of a foreign power;

''(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

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

''(3) a statement of proposed minimization procedures.''.

(b) MINIMIZATION.—

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

''(4) The term 'minimization procedures' means—

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

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

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

(A) in subsection (d)—

(i) in paragraph (1), by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under this title'' before the period at the end; and

(ii) in paragraph (2)(B)—

(I) in clause (ii)(II), by striking ''and'' after the semicolon; and

(II) by adding at the end the following new clause:

''(iv) the minimization procedures be followed; and''; and

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

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

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

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

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

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures required by this title for the issuance of a judicial order be followed.''.

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

(c) TRANSITION PROCEDURES.—

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

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

SEC. 202. INSPECTOR GENERAL REPORTS ON PEN REGISTERS AND TRAP AND TRACE DEVICES.

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

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

(1) an examination of the use of pen registers and trap and trace devices under such title for calendar years 2010 through 2013;

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

(3) an examination of any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under such title, including any improper or illegal use of the authority provided under such title; and

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

(A) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

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

(C) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under such title to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(D) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under such title to law enforcement authorities for use in criminal proceedings.

(c) REPORT.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under subsection (a) for calendar years 2010 through 2013.

(d) INTELLIGENCE ASSESSMENT.—

(1) IN GENERAL.—For the period beginning January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

(A) assess the importance of the information to the activities of the intelligence community;

(B) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(C) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.); and

(D) examine any minimization procedures used by elements of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) and whether the minimization procedures adequately protect the constitutional rights of United States persons.

(2) SUBMISSION DATES FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 through 2013.

(e) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(1) NOTICE.—Not later than 30 days before the submission of any report under subsection (c) or (d), the Inspector General of the Department of Justice and the Inspector General of the Intelligence Community shall

provide the report to the Attorney General and the Director of National Intelligence.

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

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

(g) DEFINITIONS.—In this section—

(1) the terms ''Attorney General'', ''foreign intelligence information'', and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

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

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

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

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.

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

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking ''An acquisition'' and inserting the following:

''(1) IN GENERAL.—An acquisition''; and

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

''(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

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

''(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

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

''(iii) such United States person has consented to the search.''.

SEC. 302. PROTECTION AGAINST COLLECTION OF WHOLLY DOMESTIC COMMUNICATIONS.

(a) IN GENERAL.—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) limit the acquisition of the contents of any communication to those communications—

''(i) to which any party is a target of the acquisition; or

''(ii) that contain an account identifier of a target of an acquisition, only if such communications are acquired to protect against international terrorism or the international proliferation of weapons of mass destruction.''; and

(2) in subsection (i)(2)(B)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon;

(B) in clause (ii), by striking the period and inserting ''; and''; and

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

''(iii) limit the acquisition of the contents of any communication to those communications—

''(I) to which any party is a target of the acquisition; or

''(II) that contain an account identifier of the target of an acquisition, only if such communications are acquired to protect against international terrorism or the international proliferation of weapons of mass destruction.''.

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

(1) in subsection (a)—

(A) by inserting '' 'international terrorism','' after '' 'foreign power','; and

(B) by striking ''and 'United States person''' and inserting '' 'United States person', and 'weapon of mass destruction'''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

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

''(1) ACCOUNT IDENTIFIER.—The term 'account identifier' means a telephone or instrument number, other subscriber number, email address, or username used to uniquely identify an account.''.

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

SEC. 303. PROHIBITION ON REVERSE TARGETING.

Section 702(b)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as redesignated by section 301(1) of this Act, is amended by striking ''the purpose'' and inserting ''a significant purpose''.

SEC. 304. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(i)(3)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) CORRECTION OF DEFICIENCIES.—

''(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the Fourth Amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the order of the Court—

''(I) correct any deficiency identified by the order of the Court not later than 30 days after the date on which the Court issues the order; or

''(II) cease, or not begin, the implementation of the authorization for which such certification was submitted.

''(ii) LIMITATION ON USE OF INFORMATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition pursuant to a certification or targeting or minimization procedures subject to an order under clause (i) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from the acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(II) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.''.

SEC. 305. MODIFICATION OF FISA AMENDMENTS ACT OF 2008 SUNSET.

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

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

(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110–261; 50 U.S.C. 1801 note) is amended in the paragraph heading by striking ''DECEMBER 31, 2017'' and inserting ''JUNE 1, 2015''.

SEC. 306. INSPECTOR GENERAL REVIEWS OF AUTHORITIES.

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

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

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

(3) in subparagraph (D)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(D) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).''.

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

(A) the Attorney General;

(B) the Director of National Intelligence; and

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

(i) the congressional intelligence committees; and

(ii) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

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

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

(A) in the first sentence—

(i) by striking ''conducting an acquisition authorized under subsection (a)'' and inserting ''subject to targeting or minimization procedures approved under this section''; and

(ii) by striking ''the acquisition'' and inserting ''acquisitions under subsection (a)''; and

(B) in the second sentence, by striking ''acquisitions'' and inserting ''information obtained through an acquisition''; and

(2) in clause (iii), by inserting ''United States persons or'' after ''later determined to be''.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. OFFICE OF THE SPECIAL ADVOCATE.

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

''TITLE IX—OFFICE OF THE SPECIAL ADVOCATE

''SEC. 901. DEFINITIONS.

''In this title:

''(1) DECISION.—The term 'decision' means a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established under section 103(a) and the petition review pool established under section 103(e).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court of review established under section 103(b).

''(4) OFFICE.—The term 'Office' means the Office of the Special Advocate established under section 902(a).

''(5) SIGNIFICANT CONSTRUCTION OR INTERPRETATION OF LAW.—The term 'significant construction or interpretation of law' means a significant construction or interpretation of a provision, as that term is construed under section 601(c).

''(6) SPECIAL ADVOCATE.—The term 'Special Advocate' means the Special Advocate appointed under section 902(b).

''SEC. 902. OFFICE OF THE SPECIAL ADVOCATE.

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

''(b) SPECIAL ADVOCATE.—

''(1) IN GENERAL.—The head of the Office is the Special Advocate.

''(2) APPOINTMENT AND TERM.—

''(A) APPOINTMENT.—The Chief Justice of the United States shall appoint the Special Advocate from the list of candidates submitted under subparagraph (B).

''(B) LIST OF CANDIDATES.—The Privacy and Civil Liberties Oversight Board shall submit to the Chief Justice a list of not less than 5 qualified candidates to serve as Special Advocate. The Board shall select candidates for such list whom the Board believes will be zealous and effective advocates in defense of civil liberties and consider with respect to each potential candidate—

''(i) the litigation and other professional experience of such candidate;

''(ii) the experience of such candidate in areas of law that the Special Advocate is likely to encounter in the course of the duties of the Special Advocate; and

''(iii) the demonstrated commitment of such candidate to civil liberties.

''(C) SECURITY CLEARANCE.—An individual may be appointed Special Advocate without regard to whether the individual possesses a security clearance on the date of the appointment.

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

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

''(F) ACTING SPECIAL ADVOCATE.—If the position of Special Advocate is vacant, the Chief Justice of the United States may appoint an Acting Special Advocate from among the qualified employees of the Office. If there are no such qualified employees, the Chief Justice may appoint an Acting Special Advocate from the most recent list of candidates provided by the Privacy and Civil Liberties Oversight Board pursuant to subparagraph (B). The Acting Special Advocate shall have all of the powers of a Special Advocate and shall serve until a Special Advocate is appointed.

''(3) EMPLOYEES.—The Special Advocate may appoint and terminate and fix the compensation of employees of the Office without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(c) DUTIES AND AUTHORITIES OF THE SPECIAL ADVOCATE.—

''(1) IN GENERAL.—The Special Advocate—

''(A) may consider any request for consultation by a party who has been served with an order or directive issued under this Act requiring the party to provide information, facilities, or assistance to the Federal Government;

''(B) may request to participate in a proceeding before the Foreign Intelligence Surveillance Court;

''(C) shall participate in such proceeding if such request is granted;

''(D) shall participate in a proceeding before the Court if appointed to participate by the Court under section 903(a);

''(E) may request reconsideration of a decision of the Court under section 903(b);

''(F) may appeal or seek review of a decision of the Court or the Foreign Intelligence Surveillance Court of Review under section 904; and

''(G) shall participate in such appeal or review.

''(2) ACCESS TO APPLICATIONS AND DECISIONS.—

''(A) APPLICATIONS.—The Attorney General shall provide to the Special Advocate each application submitted to a judge of the Foreign Intelligence Surveillance Court under this Act at the same time as the Attorney General submits such applications.

''(B) DECISIONS.—The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review shall provide to the Special Advocate access to each decision of the Court and the Court of Review, respectively, issued after the date of the enactment of the USA FREEDOM Act and all documents and other material relevant to such decision in complete, unredacted form.

''(3) ADVOCACY.—The Special Advocate shall vigorously advocate before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as appropriate, in support of legal interpretations that protect individual privacy and civil liberties.

''(4) OUTSIDE COUNSEL.—The Special Advocate may delegate to a competent outside counsel who has or is able to obtain an appropriate security clearance any duty or responsibility of the Special Advocate set out in subparagraph (C), (D), or (G) of paragraph (1) with respect to participation in a matter before the Court, the Court of Review, or the Supreme Court of the United States.

''(5) AVAILABILITY OF DOCUMENTS AND MATERIAL.—The Court or the Court of Review, as

appropriate, shall order any agency, department, or entity to make available to the Special Advocate, or appropriate outside counsel if the Special Advocate has delegated duties or responsibilities to the outside counsel under paragraph (4), any documents or other material necessary to carry out the duties described in paragraph (1).

''(d) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the Executive branch shall cooperate with the Office, to the extent possible under existing procedures and requirements, to expeditiously provide the Special Advocate, appropriate employees of the Office, and outside counsel to whom the Special Advocate delegates a duty or responsibility under subsection (c)(4) with the security clearances necessary to carry out the duties of the Special Advocate.

''SEC. 903. ADVOCACY BEFORE THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

''(a) APPOINTMENT TO PARTICIPATE.—

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

''(2) STANDING.—If the Special Advocate is appointed to participate in a Court proceeding pursuant to paragraph (1), the Special Advocate shall have standing as a party before the Court in that proceeding.

''(b) RECONSIDERATION OF A FOREIGN INTELLIGENCE SURVEILLANCE COURT DECISION.—

''(1) AUTHORITY TO MOVE FOR RECONSIDERATION.—The Special Advocate may move the Court to reconsider any decision of the Court made after the date of the enactment of the USA FREEDOM Act by petitioning the Court not later than 30 days after the date on which all documents and materials relevant to the decision are made available to the Special Advocate.

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

''(c) AMICI CURIAE PARTICIPATION.—

''(1) MOTION BY THE SPECIAL ADVOCATE.—The Special Advocate may file a motion with the Court to permit and facilitate participation of amici curiae, including participation in oral argument if appropriate, in any proceeding. The Court shall have the discretion to grant or deny such a motion.

''(2) FACILITATION BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Court may, sua sponte, permit and facilitate participation by amici curiae, including participation in oral argument if appropriate, in proceedings before the Court.

''(3) REGULATIONS.—Not later than 180 days after the date of the enactment of USA FREEDOM Act, the Court shall promulgate regulations to provide the public with information sufficient to allow interested parties to participate as amici curiae.

''SEC. 904. APPELLATE REVIEW.

''(a) APPEAL OF FOREIGN INTELLIGENCE SURVEILLANCE COURT DECISIONS.—

''(1) AUTHORITY TO APPEAL.—The Special Advocate may appeal any decision of the Foreign Intelligence Surveillance Court issued after the date of the enactment of the USA FREEDOM Act not later than 90 days after the date on which the decision is issued.

''(2) STANDING AS APPELLANT.—If the Special Advocate appeals a decision of the Court pursuant to paragraph (1), the Special Advocate shall have standing as a party before the Foreign Intelligence Surveillance Court of Review in such appeal.

''(3) MANDATORY REVIEW.—The Court of Review shall review any Foreign Intelligence Surveillance Court decision appealed by the Special Advocate and issue a decision in such appeal, unless it would be apparent to all reasonable jurists that such decision is dictated by statute or by precedent.

''(4) STANDARD OF REVIEW.—The standard for a mandatory review of a Foreign Intelligence Surveillance Court decision pursuant to paragraph (3) shall be—

''(A) de novo with respect to issues of law; and

''(B) clearly erroneous with respect to determination of facts.

''(5) AMICI CURIAE PARTICIPATION.—

''(A) IN GENERAL.—The Court of Review shall accept amici curiae briefs from interested parties in all mandatory reviews pursuant to paragraph (3) and shall provide for amici curiae participation in oral argument if appropriate.

''(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the USA FREEDOM Act, the Court of Review shall promulgate regulations to provide the public with information sufficient to allow interested parties to participate as amici curiae.

''(b) REVIEW OF FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW DECISIONS.—

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

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

''SEC. 905. DISCLOSURE.

''(a) REQUIREMENT TO DISCLOSE.—The Attorney General shall publicly disclose—

''(1) all decisions issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review after July 10, 2003, that include a significant construction or interpretation of law;

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

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

''(b) DISCLOSURE DESCRIBED.—For each disclosure required by subsection (a) with respect to a decision, the Attorney General shall make available to the public documents sufficient—

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

''(2) to describe in general terms the context in which the matter arises;

''(3) to describe the construction or interpretation of any statute, constitutional provision, or other legal authority relied on by the decision; and

''(4) to indicate whether the decision departed from any prior decision of the Court or Court of Review.

''(c) DOCUMENTS DESCRIBED.—The Attorney General shall satisfy the disclosure requirements in subsection (b) by—

''(1) releasing a Court or Court of Review decision in its entirety or as redacted;

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

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

''(d) EXTENSIVE DISCLOSURE.—The Attorney General shall release as much information regarding the facts and analysis contained in a decision described in subsection (a) or documents described in subsection (c) as is consistent with legitimate national security concerns.

''(e) TIMING OF DISCLOSURE.—

''(1) DECISIONS ISSUED PRIOR TO ENACTMENT.—The Attorney General shall disclose a decision issued prior to the date of the enactment of the USA FREEDOM Act that is required to be disclosed under subsection (a)(1) not later than 180 days after the date of the enactment of such Act.

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

''(3) FISA COURT OF REVIEW DECISIONS.—The Attorney General shall release Court of Review decisions for which the Special Advocate seeks a writ of certiorari not later than 90 days after the date on which the petition is filed.

''(f) PETITION BY THE SPECIAL ADVOCATE.—

''(1) AUTHORITY TO PETITION.—The Special Advocate may petition the Court or the Court of Review to order—

''(A) the public disclosure of a decision of the Court or Court of Review, and documents or other material relevant to such a decision, previously designated as classified information; or

''(B) the release of an unclassified summary of such decisions and documents.

''(2) CONTENTS OF PETITION.—Each petition filed under paragraph (1) shall contain a detailed declassification proposal or a summary of the decision and documents that the Special Advocate proposes to have released publicly.

''(3) ROLE OF THE ATTORNEY GENERAL.—

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

''(B) OPPOSITION.—The Attorney General may oppose a petition filed under paragraph (1) by submitting any objections in writing to the Court or the Court of Review, as appropriate, not later than 90 days after the date such petition was submitted.

''(4) PUBLIC AVAILABILITY.—Not less than 91 days after receiving a petition under paragraph (1), and taking into account any objections from the Attorney General made under paragraph (3)(B), the Court or the Court of Review, as appropriate, shall declassify and make readily available to the public any decision, document, or other material requested in such petition, to the greatest extent possible, consistent with legitimate national security considerations.

''(5) EFFECTIVE DATE.—The Special Advocate may not file a petition under paragraph (1) until 181 days after the date of the enactment of the USA FREEDOM Act, except with respect to a decision appealed by the Special Advocate.

''SEC. 906. ANNUAL REPORT TO CONGRESS.

''(a) REQUIREMENT FOR ANNUAL REPORT.—The Special Advocate shall submit to Congress an annual report on the implementation of this title.

''(b) CONTENTS.—Each annual report submitted under subsection (a) shall—

''(1) detail the activities of the Office of the Special Advocate;

''(2) provide an assessment of the effectiveness of this title; and

''(3) propose any new legislation to improve the functioning of the Office or the operation of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that the Special Advocate considers appropriate.''.

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

SEC. 402. FOREIGN INTELLIGENCE SURVEILLANCE COURT DISCLOSURE OF OPINIONS.

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

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

(2) by inserting after subsection (f) the following new subsection:

''(g)(1) A judge of the court established under subsection (a) who authored an order, opinion, or other decision may sua sponte or on motion by a party request that such order, opinion, or other decision be made publicly available.

''(2) Upon a request under paragraph (1), the presiding judge of the court established under subsection (a), in consultation with the other judges of such court, may direct that such order, opinion, or other decision be made publicly available.

''(3) Prior to making an order, opinion, or other decision of the court established under subsection (a) publicly available in accordance with this subsection, the presiding judge of such court may direct the Executive branch to review such order, opinion, or other decision and redact such order, opinion, or other decision as necessary to ensure that properly classified information is appropriately protected.''.

SEC. 403. PRESERVATION OF RIGHTS.

Nothing in this title or an amendment made by this title shall be construed—

(1) to provide the Attorney General with authority to prevent the court established under section 103(a) of Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), the petition review pool established under section 103(e) of such Act (50 U.S.C. 1803(e)), or the court of review established under section 103(b) of such Act (50 U.S.C. 1803(b)) from declassifying decisions or releasing information pursuant to this title or an amendment made by this title; or

(2) to eliminate the public's ability to secure information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') or any other provision of law.

TITLE V—NATIONAL SECURITY LETTER REFORMS

SEC. 501. NATIONAL SECURITY LETTER AUTHORITY.

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

(1) in subsection (b)—

(A) by striking ''may—'' and all that follows through the period at the end and inserting the following: ''may request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that—''; and

(B) by adding at the end the following new paragraphs:

''(1) the name, address, length of service, and toll billing records sought are relevant and material to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States; and

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

''(A) a foreign power or agent of a foreign power;

''(B) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(C) an individual in contact with, or known to, a suspected agent of a foreign power.''; and

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

''(g) For purposes of this subsection, the terms 'agent of a foreign power', 'foreign power', 'international terrorism', and 'United States person' have the same meanings as in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

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

''SEC. 1114. ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in a Bureau field office, may issue in writing and cause to be served on a financial institution, a request requiring the production of—

''(A) the name of a customer of the financial institution;

''(B) the address of a customer of the financial institution;

''(C) the length of time during which a person has been, or was, a customer of the financial institution (including the start date) and the type of service provided by the financial institution to the customer; and

''(D) any account number or other unique identifier associated with a customer of the financial institution.

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

''(b) REQUIREMENTS.—

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

''(A) be subject to the requirements of subsections (d) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to a request under section 2709(b) of title 18, United States Code, to a wire or electronic communication service provider; and

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

''(i) are relevant and material to an authorized investigation (other than a threat assessment and provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) an individual in contact with, or known to, a suspected agent of a foreign power.

''(2) DEFINITIONS.—For purposes of this subsection, the terms 'agent of a foreign power', 'foreign intelligence information', 'foreign power', 'international terrorism', and 'United States person' have the same meanings as in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(c) DEFINITION OF FINANCIAL INSTITUTION.—For purposes of this section (and sections 1115 and 1117, insofar as the sections relate to the operation of this section), the term 'financial institution' has the same meaning as in subsections (a)(2) and (c)(1) of section 5312 of title 31, United States Code, except that the term shall include only a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.''.

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

(1) IN GENERAL.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

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

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in a Bureau field office, may issue in writing and cause to be served on a consumer reporting agency a request requiring the production of—

''(A) the name of a consumer;

''(B) the current and former address of a consumer;

''(C) the current and former places of employment of a consumer; and

''(D) the name and address of any financial institution (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)) at which a consumer maintains or has maintained an account, to the extent that the information is in the files of the consumer reporting agency.

''(2) LIMITATION.—A request issued under this subsection may not require the production of a consumer report.

''(b) REQUIREMENTS.—

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

''(A) be subject to the requirements of subsections (d) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to a request under section 2709(b) of title 18, United States Code, to a wire or electronic communication service provider; and

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

''(i) are relevant and material to an authorized investigation (other than a threat assessment and provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States) to—

''(I) obtain foreign intelligence information not concerning a United States person; or

''(II) protect against international terrorism or clandestine intelligence activities; and

''(ii) pertain to—

''(I) a foreign power or an agent of a foreign power;

''(II) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) an individual in contact with, or known to, a suspected agent of a foreign power.

''(2) DEFINITIONS.—In this subsection, the terms 'agent of a foreign power', 'foreign intelligence information', 'foreign power', 'international terrorism', and 'United States person' have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

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

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

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

SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

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

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

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

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

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

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

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

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

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

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (b) in the same manner as the person to whom the request is issued.

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

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

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

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

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

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

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subsection (a) shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a).

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

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

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

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

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

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

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

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a financial institution has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

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

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

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

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

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

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

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

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

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

''(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) or (b) in the same manner as the person to whom the request is issued.

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

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

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

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

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

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

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

''(i) endangering the life or physical safety of any person;

''(ii) flight from investigation or prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations;

''(vi) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(vii) otherwise seriously endangering the national security of the United States.

''(2) EXCEPTION.—

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

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

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

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

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

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

''(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of an authorized investigative agency described in subsection (a), or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head of the authorized investigative agency or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

''(3) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification or filed a petition for judicial review under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

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

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request for a report, records, or other information under section 2709 of this title, section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure requirement imposed in connection with the request, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a).

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

''(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that the absence of a prohibition of disclosure under this subsection may result in—

''(A) endangering the life or physical safety of any person;

''(B) flight from investigation or prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses;

''(E) interference with diplomatic relations;

''(F) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(G) otherwise seriously endangering the national security of the United States.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) endangering the life or physical safety of any person;

''(B) flight from investigation or prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses;

''(E) interference with diplomatic relations;

''(F) alerting a target, an associate of a target, or the foreign power of which the target is an agent, of the interest of the Government in the target; or

''(G) otherwise seriously endangering the national security of the United States.''.

SEC. 503. JUDICIAL REVIEW.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, as amended by section 501(a) of this Act, is further amended—

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

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A request under subsection (b) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511.

''(2) NOTICE.—A request under subsection (b) shall include notice of the availability of judicial review described in paragraph (1).''.

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

(1) by redesignating subsection (d) (as redesigned by such section 502(b)) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

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

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

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

(1) by redesignating subsections (d) through (i) (as redesignated by such section 502(c)) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) JUDICIAL REVIEW.—

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

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

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

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

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

''(c) JUDICIAL REVIEW.—

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

''(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).''.

SEC. 504. INSPECTOR GENERAL REPORTS ON NATIONAL SECURITY LETTERS.

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

(1) in subsection (b)—

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

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

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

''(3) CALENDAR YEARS 2010 THROUGH 2013.—Not later than December 31, 2014, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 through 2013.'';

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

''(h) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) NATIONAL SECURITY LETTER.—The term 'national security letter' means a request for information under—

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

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

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 3162) (to obtain financial information, records, and consumer reports); or

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

''(3) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

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

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

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2010, and ending on December 31, 2013, the Inspector General of the Intelligence Community shall—

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

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the intelligence community, including any improper or illegal use of such authority;

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

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 through 2013.'';

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

(A) in paragraph (1)—

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

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

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

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

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

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

SEC. 505. NATIONAL SECURITY LETTER SUNSET.

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

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

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

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

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

(b) TRANSITION PROVISION.—Notwithstanding subsection (a), the provisions of law referred to in subsection (a), as in effect on May 31, 2015, shall continue to apply on and after June 1, 2015, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before June 1, 2015.

SEC. 506. TECHNICAL AND CONFORMING AMENDMENTS.

Section 3511 of title 18, United States Code, is amended in subsections (a), (c), and (d), by striking ''or 627(a)'' each place it appears.

TITLE VI—FISA AND NATIONAL SECURITY LETTER TRANSPARENCY REFORMS

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

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

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

(1) ESTIMATE OF NUMBERS OF DEMANDS AND REQUESTS MADE.—The report may reveal an estimate of the number of the demands and requests described in subsection (a) made during the period to which the report pertains.

(2) ESTIMATE OF NUMBERS OF DEMANDS AND REQUESTS COMPLIED WITH.—The report may reveal an estimate of the numbers of the demands and requests described in subsection (a) the electronic service provider complied with during the period to which the report pertains, regardless of when the demands or requests were made.

(3) ESTIMATE OF NUMBER OF USERS OR ACCOUNTS.—The report may reveal an estimate of the numbers of users or accounts, or both, of the electronic service provider, for which information was demanded, requested, or provided during the period to which the report pertains.

(c) SPECIAL RULES FOR REPORTS.—

(1) LEVEL OF DETAIL BY AUTHORIZING SURVEILLANCE LAW.—Any estimate disclosed under this section may be an overall estimate or broken down by categories of authorizing surveillance laws or by provisions of authorizing surveillance laws.

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

(3) REPORT MAY BE BROKEN DOWN BY PERIODS NOT LESS THAN CALENDAR QUARTERS.—For any reporting period, an electronic service provider may break down the report by calendar quarters or any other time periods greater than a calendar quarter.

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

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit disclosures other than those authorized by this section.

(f) DEFINITIONS.—In this section:

(1) ELECTRONIC SERVICE PROVIDER.—The term ''electronic service provider'' means an electronic communications service provider (as that term is defined in section 2510 of title 18, United States Code) or a remote computing service provider (as that term is defined in section 2711 of title 18, United States Code).

(2) SURVEILLANCE LAW.—The term ''surveillance law'' means any provision of any of the following:

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

(B) Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)).

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

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

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

(F) Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) (as in effect on the day before the date of the enactment of this Act).

SEC. 602. GOVERNMENT REPORTING ON FISA ORDERS.

(a) ELECTRONIC SURVEILLANCE.—

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

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

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

(i) by striking ''In April'' and inserting ''(a) In April''; and

(ii) by striking ''Congress'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'';

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

(i) in paragraph (1) (as redesignated by subparagraph (A) of this paragraph), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (2) (as so redesignated), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following new paragraphs:

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

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

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

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

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

(2) CONGRESSIONAL OVERSIGHT.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended by striking ''the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''.

(b) PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate'' and inserting ''Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''; and

(2) in the second sentence, by striking ''and the Committee on the Judiciary of the House of Representatives''.

(c) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting a semicolon; and

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

''(4) each department or agency on behalf of which the Government has made application for orders approving the use of pen registers or trap and trace devices under this title;

''(5) for each department or agency described in paragraph (4), a breakdown of the numbers required by paragraphs (1), (2), and (3);

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

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

''(8) a good faith estimate of the total number of United States persons who were targeted by the installation and use of a pen register or trap and trace device authorized under an order entered under this title and whose information acquired by such pen register or trap and trace device was subsequently reviewed or accessed by a Federal officer, employee, or agent, rounded to the nearest 100.''; and

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

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

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

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 503 of the Foreign Intelligence Surveillance Act of 1978, as redesignated by section 101(c) of this Act, is amended—

(1) in subsection (a), by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'' and inserting after ''Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''to the preceding calendar year—'' and inserting ''to the preceding calendar year the following:'';

(B) in paragraph (1)—

(i) by striking ''the total'' and inserting ''The total''; and

(ii) by striking the semicolon and inserting a period;

(C) in paragraph (2)—

(i) by striking ''the total'' and inserting ''The total''; and

(ii) by striking ''; and'' and inserting a period;

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''the number'' and inserting ''The number''; and

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

''(F) Records concerning electronic communications.

''(G) Records concerning wire communications.''; and

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

''(4) A description of all other tangible things sought by an application made for the production of any tangible things under section 501, and the number of orders under such section 501 granted, modified, or denied, for each tangible thing.

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

''(6) Each department or agency on whose behalf the Director of the Federal Bureau of Investigation or a designee of the Director has made an application for an order requiring the production of any tangible things under section 501.

''(7) For each department or agency described in paragraph (6), a breakdown of the numbers and descriptions required by paragraphs (1), (2), (3), (4), and (5).''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

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

(iii) by adding at the end the following new subparagraphs:

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

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

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

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

''(3) Not later than 7 days after the date on which a report is submitted under paragraph

(1), the Attorney General shall make such report publicly available.''.

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

''(c) ADDITIONAL ANNUAL REPORT.—

''(1) REPORT REQUIRED.—In April of each year, the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report setting forth with respect to the preceding year—

''(A) the total number of—

''(i) directives issued under section 702;

''(ii) orders granted under section 703; and

''(iii) orders granted under section 704;

''(B) good faith estimates of the total number of individuals, rounded to the nearest 100, whose electronic or wire communications or communications records were collected pursuant to—

''(i) a directive issued under section 702;

''(ii) an order granted under section 703; and

''(iii) an order granted under section 704;

''(C) good faith estimates of the total number, rounded to the nearest 100, of United States persons whose electronic or wire communications or communications records were collected pursuant to—

''(i) a directive issued under section 702;

''(ii) an order granted under section 703; and

''(iii) an order granted under section 704; and

''(D) a good faith estimate of the total number of United States persons whose electronic or wire communications or communications records were collected pursuant to a directive issued under section 702 and subsequently reviewed or accessed by a Federal officer, employee, or agent, rounded to the nearest 100.

''(2) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form.

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

SEC. 603. GOVERNMENT REPORTING ON NATIONAL SECURITY LETTERS.

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

''(c) REPORT ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than March 1, 2015, and every 180 days thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) authorized requests under the provision, including requests for subscriber information; and

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

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

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

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

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

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

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation.

''(2) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than March 1, 2015, and every 180 days thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (1) during the applicable period. Each report under this paragraph shall be in unclassified form.

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

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

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

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

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

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation.

''(3) DEFINITIONS.—In this subsection:

''(A) APPLICABLE PERIOD.—The term 'applicable period' means—

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

''(ii) with respect to the second report submitted under paragraph (1) or (2), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report.

''(B) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

TITLE VII—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY

SEC. 701. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY.

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended—

(1) in paragraph (1)(D), by striking ''submit a written request to the Attorney General of the United States that the Attorney General'';

(2) by striking paragraph (2); and

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

TITLE VIII—SEVERABILITY

SEC. 801. SEVERABILITY.

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

By Ms. MURKOWSKI (for herself, Mr. WYDEN, Mr. UDALL of Colorado, Mr. HELLER, Mr. ENZI, Mrs. HAGAN, Mr. THUNE, Mr. COONS, Mr. HOEVEN, Ms. LANDRIEU, Mr. COATS, Mr. BEGICH, Mr. RISCH, Ms. KLOBUCHAR, Mr. BLUNT, Mr. FRANKEN, and Mr. CRAPO):

S. 1600. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, our national security depends upon minerals that enable nearly all of the defense and weapons systems used by the U.S. Armed Forces. These minerals are also critical to the clean energy, electronics, and medical industries. Yet, for how critical these minerals are, the vast majority of our domestic supply is imported from China in order to reduce cost. In fact, China supplies 90 to 95 percent of our rare earth oxides, a special class of critical minerals. We have seen how dangerous this dependence can be—in 2009, China choked off the supply of these materials to the rest of the world, restricting exports by 72 percent and causing the prices of rare earth elements to skyrocket here in the U.S.

I am pleased to join Senators MURKOWSKI, UDALL, and HELLER as the leading sponsors of bipartisan legislation to prevent future supply shocks of these critical minerals that are the key to our defense, energy, electronics, and medical industries by expanding U.S. production and supply of these important substances. This legislation—the Critical Minerals Policy Act of 2013—builds on two bills that were introduced in the 112th Congress and which were referred to the Committee on Energy and Natural Resources. S. 383, the Critical Minerals and Materials Promotion Act of 2011, which I cosponsored, was introduced by Senator MARK UDALL. S. 1113, the Critical Minerals Policy Act, was introduced by Senator MURKOWSKI. The Energy and Natural Resources Committee held a hearing on these bills in June 2011, and this new bill is a product of those efforts. We are being joined by 13 of our Senate colleagues as original bipartisan cosponsors: Senators RISCH, HAGAN, THUNE, BEGICH, ENZI, COONS, HOEVEN, LANDRIEU, COATS, KLOBUCHAR, BLUNT, FRANKEN, and CRAPO.

Critical minerals are pervasive in our everyday life. Let me give you a few examples. They are the key to stronger permanent magnets, which allow for smaller electric motors and other electronic devices, as well as for more efficient clean wind energy and MRI machines. They are essential for rechargeable batteries in hybrid and electric vehicles and the high-efficiency motors that power them. They are vital to phosphors, which give us more efficient lighting and flat panel displays. They serve as catalysts for fuel cells and for refining automobile fuel. Our Armed Forces also rely on critical minerals every time they use night-vision goggles, heads-up displays, satellite images, radar systems, high-energy laser weapons, precision-guided missiles, and fighter jets. By one estimate, the Defense Department alone constitutes 5 percent of total U.S. demand for rare earth elements. In short, critical minerals are so indispensable that we can't imagine life without them. They are called critical minerals because they are indeed critical to the development of so many high-tech weapons systems and commercial products.

Although China currently enjoys near-monopoly in the global production of critical minerals, the truth is that it doesn't have to be this way. China only holds 50 percent of the world's natural reserves, while the U.S. holds about 13 percent of the world's reserves, according a recent study by the U.S. Geological Survey. In fact, a large part of the critical minerals supply shock in 2009 was due to uncertainty about the global distribution of critical minerals. When China began to restrict supply, the rest of the world was in the dark about what alternative sources of supply were even available. Clearly, there is significant work to be done in this field.

The bill being introduced today outlines a series of measures to expand U.S. supplies of critical minerals starting with the identification of which minerals and elements are truly in need of special attention. The bill then requires the Interior Department to conduct assessments of where these minerals are located within the U.S. and expands research to find more efficient ways of extracting and processing those minerals. The bill also includes research programs to extract critical minerals from unconventional sources, such as coal or geothermal energy wells, as well as recycling these important substances from obsolete devices. The bill also requires the two lead agencies which manage our public lands and forests—the Department of the Interior and the Department of Agriculture—to reexamine the permitting processes for hard rock minerals under current law to see if there are ways of reducing delays for mining projects that would extract critical minerals. This legislation also includes programs to enable our next generation of scientists studying critical minerals and to prepare them for jobs in these fields as well as efforts to work with our international trading partners on expanding worldwide supplies of these materials.

I commend Senator MURKOWSKI for her leadership on this issue. This legislation is important for our national security. It is important for our high-tech manufacturing industries. It is important for U.S. competitiveness. I ask all Senators to support this bipartisan legislation.

By Ms. MURKOWSKI:

S. 1605. A bill for the relief of Michael G. Faber; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce unique legislation to remedy a clear mistake by the Federal Government that affects only a single person, an Army veteran, formerly from Alaska, now living in Idaho, who for the past nearly 40 years has been trying to get the Federal Government to remedy an inequity that has affected him, but also has impacts on his family.

While Congress is struggling to find solutions for the economic and health care problems of all 311 million Americans and a means to fund the Federal Government, I hope we also can find the time to right a wrong for a single man and his family.

The issue briefly is that Michael Faber, a Tsimshian Indian whose family has long roots in Southeast Alaska, initially had been granted membership/stock in 1973 in the Sealaska Native Regional Corp., the corporation made up of Southeast Alaska Natives formed as a result of the aboriginal land claims settlement between the Federal Government and Alaska Natives accomplished through passage of the Alaska Native Claims Settlement Act, ANCSA, of 1971. Because of a clerical error by the Bureau of Indian Affairs in the early 1970s Mr. Faber was shifted without cause or his permission to the out-of-state 13th Regional Corporation in late 1976. For decades Mr. Faber has been trying to win reinstatement to the Sealaska Corp., a request the corporation has endorsed, but that the Federal Government, and now seemingly the Federal courts, have decided can't happen without Congress expressly authorizing his reenrollment.

The legislation I offer today, which to my knowledge is supported by everyone possibly connected to this case, will do nothing but right an error by our government that never should have happened. It is a bill that affects a sole individual, which I know is something that has become unpopular on Capitol Hill in recent years. But Congress early in history provided an avenue for passage of legislation to provide relief for individuals who are the victims of an injustice. In fact, it was once relatively common for Congress to pass such legislation. There were hundreds of such bills approved between 1817 and 1971. Admittedly just one was approved last year, when Nigerian student, Sopuruchi ''Victor'' Chukwueke, became the first person in two years to win a private relief bill so he could stay in the United States on an expired visa and gain a path to permanent residency so he could enter medical school in Ohio. Mr. Faber's case is even more worthy of approval because this bill simply remedies a mistake clearly caused by a Federal agency.

This issue stems from the fact that during the original enrollment process following passage of the Alaska Native Claims Settlement Act, Michael Faber enrolled in the Sealaska Corporation, the tenth of the thirteen corporations created by the Act, along with his father, Clyde Benjamin Faber, his brother Gary Dennis Faber and his sister Debra Marlene Faber. Michael Faber's enrollment was approved by the Bureau of Indian Affairs, and he received Sealaska share number 13–752–39665–01, and an initial 100 shares of stock in the Sealaska Corporation. The family lived in Metlakatla, Alaska prior to passage of the claims act, and by the time of implementation of the act had moved to Juneau, AK.

In the mid-1960s Mr. Faber joined the U.S. Army and was stationed in Germany. At some point in 1976, while Mr. Faber was on duty with the Army, and consequently had an out-of-Alaska mailing address, someone in BIW apparently moved to shift his enrollment from the Sealaska Corp. to the then newly created 13th Corporation. That corporation was intended to serve the needs of Alaska Natives living outside of Alaska.

Under the law, Mr. Faber was sent a ballot that he was required to sign to accept the shift in enrollment. However, he never received the ballot; it was returned to BIA—unopened and unsigned. Mr. Faber had been badly injured during his military service and, in early 1976, was in and out of rehabilitation hospitals and clinics at different locations. By late 1976, Mr. Faber spent 19 months in a military hospital in Texas recovering from severe burns. Unfortunately, someone at BIA went ahead, and without Mr. Faber's legal approval, administratively completed the enrollment shift. Mr. Faber eventually was placed on the military's Temporary Disability Retirement List, TDRL, and then was involved in years of post-service counseling. It wasn't until after his recovery that he fully realized he had been shifted from Sealaska to the 13th Corporation, and it was then that he began his effort to be reenrolled in the Sealaska Corp.

The record indicates that during the 1990s BIA acknowledged it made an error in shifting Mr. Faber's enrollment without his written approval. Unfortunately, by then BIA believed it did not have the legal authority to reenroll Mr. Faber in the Sealaska Corporation shareholder rolls. Over the years, Mr. Faber won a resolution of support by the Sealaska Corporation's Board of Directors. The resolution welcomed his

reinstatement to that corporation. He filed in U.S. District Court in Idaho a request for a writ ordering BIA to change his enrollment back to membership in Sealaska. In late 2012, however, a Federal judge in Idaho encouraged all parties to dismiss the suit without prejudice. Accordingly, there is no avenue for this injustice to be rectified without congressional authorization of Mr. Faber's reenrollment in the Sealaska Corp.

This case has been complicated by the fact that Mr. Faber moved back to the community of Metlakatla, Alaska in the mid–1990s to work as the Executive Director of the Metlakatla Housing Authority. The complication is that residents of Metlakatla, the main community on the Annette Island Indian Reservation, were allowed by ANCSA to maintain their reservation status—the only reservation in the state to be reauthorized by the claims settlement act. But in return, members of the Metlakatla Indian Community were required to denounce other ANCSA benefits. This legislation, to prevent any precedents and to clarify the factual record, not only requires Mr. Faber to surrender or abrogate any possible membership in the Metlakatla Indian Community before his enrollment in the Sealaska Corp. can take effect, but also in no way alters the Section 19(a) provisions of ANCSA involving Metlakatla reservation status.

Mr. Faber has been waiting for nearly 40 years for someone to champion his quest to be restored to the Sealaska Corp., a legacy he wants largely for the benefit of his children. This legislation will allow Mr. Faber retroactive benefits only to 2011. In that year, Sealaska's board voted to welcome Mr. Faber back to its membership. It also voted to support the legislation. The bill sets no precedents for other Natives to seek changes in their ANCSA enrollments because of the unique and singular nature of the clerical error that was responsible for this change in enrollment status in the first place. This bill will simply treat Mr. Faber and his descendants humanely and formally recognize their legal and cultural status as Alaska Natives.

I hope that Congress will see fit to pass this bill promptly—truly the right and just result.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 1607. A bill to provide conformity in Native small business opportunities and promote job creation, manufacturing, and American economic recovery; to the Committee on Small Business and Entrepreneurship.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1607

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native Small Business Conformity Act of 2013''.

SEC. 2. SMALL BUSINESS CONFORMITY.

(a) HUBZONE ELIGIBILITY.—

(1) IN GENERAL.—Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

''(D) a small business concern that is owned and controlled by an organization described in section 8(a)(15);''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(p)(5)(A)(i)(I)(aa) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)(aa)) is amended by striking ''subparagraph (A), (B), (C), (D), or (E) of paragraph (3)'' and inserting ''subparagraph (A), (B), (C), (D), (E) or (F) of paragraph (3)''.

(b) 8(a) PROGRAM.—

(1) IN GENERAL.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended by adding at the end the following:

''(F) If an organization described in paragraph (15) establishes that it is economically disadvantaged under this paragraph in connection with an application for 1 small business concern owned or controlled by the organization, the organization shall not be required to reestablish that it is economically disadvantaged in order to have other businesses that it owns or controls certified for participation in the program under this subsection, unless specifically requested to do so by the Administration.''.

(2) APPLICABILITY.—The amendment made by this subsection shall take effect on the date of enactment of this Act and apply to determinations of economic disadvantage made before, on, or after the date of enactment of this Act.

By Mr. SCHATZ:

S. 1608. A bill to authorize appropriations for the SelectUSA Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1608

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SelectUSA Authorization Act of 2013''.

SEC. 2. SELECTUSA INITIATIVE DEFINED.

In this Act, the term ''SelectUSA Initiative'' means the SelectUSA Initiative established by Executive Order 13577 of June 15, 2011.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE SELECTUSA INITIATIVE.

There is authorized to be appropriated for the SelectUSA Initiative $17,000,000 for each of fiscal years 2014 through 2018.

SEC. 4. REPORTS AND NOTIFICATIONS TO CONGRESS.

(a) IN GENERAL.—Not later than December 31 of 2014, 2015, 2016, 2017, and 2018, the Secretary of Commerce shall submit to Congress a report on the activities of the SelectUSA Initiative during the preceding fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) A description of the outreach activities of the SelectUSA Initiative and the amounts used by the SelectUSA Initiative for such activities.

(2) The number of foreign firms that relocated to the United States as a result of the activities of the SelectUSA Initiative.

(3) A description of the progress made by the United States in increasing its share of foreign direct investment from the Asia and Pacific regions.

(4) Any findings that are made by the SelectUSA Initiative in conducting its activities and are relevant to promoting the United States as a destination for the location of foreign direct investment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 276—DESIGNATING OCTOBER 2013 AS ''NATIONAL WORK AND FAMILY MONTH''

Mr. MERKLEY (for himself, Mr. CRAPO, Mr. DURBIN, Mrs. MURRAY, Mr. SCHATZ, Mr. BROWN, Mr. UDALL of New Mexico, Mr. HEINRICH, Mr. BEGICH, Ms. WARREN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of a job and the supportiveness of a workplace are key predictors of the job productivity, job satisfaction, and commitment to the employer of workers, as well as of the ability of an employer to retain workers;

Whereas the term ''work-life balance'' refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, promoting health and wellness, providing paid and unpaid time off, providing financial support, encouraging community involvement, and improving workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-life needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies show that family rituals such as sitting down to dinner together and sharing activities on weekends and holidays positively influence the health and development of children, and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it