

S 1125

USA PATRIOT Act Improvements Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 26, 2011

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 71.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 71. (Jun 6, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1125>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (13 total)

| Cosponsor | Party / State | Role | Date Joined |
|------------------------------------|---------------|------|--------------|
| Sen. Akaka, Daniel K. [D-HI] | D · HI | | May 26, 2011 |
| Sen. Bingaman, Jeff [D-NM] | D · NM | | May 26, 2011 |
| Sen. Boxer, Barbara [D-CA] | D · CA | | May 26, 2011 |
| Sen. Cardin, Benjamin L. [D-MD] | D · MD | | May 26, 2011 |
| Sen. Coons, Christopher A. [D-DE] | D · DE | | May 26, 2011 |
| Sen. Durbin, Richard J. [D-IL] | D · IL | | May 26, 2011 |
| Sen. Franken, Al [D-MN] | D · MN | | May 26, 2011 |
| Sen. Gillibrand, Kirsten E. [D-NY] | D · NY | | May 26, 2011 |
| Sen. Harkin, Tom [D-IA] | D · IA | | May 26, 2011 |
| Sen. Wyden, Ron [D-OR] | D · OR | | May 26, 2011 |
| Sen. Bennet, Michael F. [D-CO] | D · CO | | Jun 7, 2011 |
| Sen. Paul, Rand [R-KY] | R · KY | | Jun 8, 2011 |
| Sen. Klobuchar, Amy [D-MN] | D · MN | | Jun 14, 2011 |

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|---|
| 112 HR 1805 | Related bill | Jul 29, 2011: Referred to the Subcommittee on Financial Institutions and Consumer Credit. |
| 112 S 193 | Related bill | Apr 5, 2011: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 112-13. Minority views filed. |
| 112 S 290 | Related bill | Feb 4, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 8. |

USA PATRIOT Act Improvements Act of 2011 - Amends provisions of the Foreign Intelligence Surveillance Act of 1978 (FISA), the Right to Financial Privacy Act of 1978, the National Security Act of 1947, and the Fair Credit Reporting Act (FCRA) concerning national security letters to, effective December 31, 2013, make such provisions read as they read on October 25, 2001. Repeals a separate related FCRA provision.

Amends FISA to revise requirements for applications for access to business records and other tangible things in counterterrorism investigations to require an applicant to present a statement of facts and circumstances relied upon to justify the applicant's belief that the records sought are relevant to an investigation. Repeals the presumption in favor of the government that an application for records is relevant to an investigation. Imposes similar requirements for access to bookseller records or library records containing personally identifiable information, and for orders for pen registers and trap and trace devices. Defines and requires "minimization procedures" for minimizing the retention and dissemination of information obtained from such records and devices.

Revises requirements for obtaining orders to prohibit disclosure of the receipt of a national security letter.

Requires the Federal Bureau of Investigation (FBI) or other appropriate agency to notify persons challenging a nondisclosure order if facts supporting such order no longer exist.

Amends FISA to eliminate: (1) the requirement that recipients of any order to produce records wait one year before challenging such order or a nondisclosure requirement in court, and (2) the conclusive presumption that disclosure of an order for tangible things would endanger national security or a person's life or safety or would interfere with a criminal or terrorist investigation or with diplomatic relations.

Revises procedures for obtaining judicial review of national security letter nondisclosure orders. Allows the recipient of a nondisclosure order to request judicial review of the order and requires the government to respond by setting forth specific facts in a certification that justify the need for nondisclosure based upon national security and other concerns. Requires courts, in considering whether to grant a nondisclosure order, to give substantial weight to the facts alleged by the government in its certification.

Modifies the standard for obtaining a national security letter to require the FBI or other agency issuing a national security letter to provide a written statement of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to an authorized investigation.

Modifies reporting requirements for national security letters to require a breakdown of the types of persons targeted (e.g., U.S. persons and non-U.S. persons) and whether such persons are subjects of authorized national security investigations.

Amends FISA to require the Attorney General to submit an annual unclassified report summarizing how the authorities under such Act are used, including the impact of such use on the privacy of U.S. persons.

Extends through 2013 provisions requiring the Inspector General of the Department of Justice (DOJ) to conduct audits on investigative authority provided to the FBI under FISA and on the effectiveness and use of national security letters. Repeals a requirement for such audits to include information on bureaucratic or procedural impediments to the use of such letters. Directs the Inspector General to report to Congress on the results of such audits: (1) by March 31, 2012, for audits conducted for 2007, 2008, and 2009; (2) by March 31, 2013, for audits conducted for 2010 and 2011; and (3) by

March 31, 2015, for audits conducted for 2012 and 2013.

Requires reports by the inspectors general of each element of DOJ assessing the use and value of information obtained through such investigative authority and national security letters.

Sets forth similar audit and reporting requirements regarding the use of pen registers and trap and trace devices and requires submission to the Attorney General and the Director of National Intelligence as well as Congress.

Amends the federal criminal code to reduce from 30 to 7 days the period for giving delayed notice of the execution of a search warrant in a criminal investigation when the warrant permits the giving of such delayed notice.

Directs the Attorney General to periodically review and revise the procedures adopted by the Attorney General on October 1, 2010, for the collection, use, and storage of information obtained in response to a national security letter, with due consideration to the privacy interests of individuals and the need to protect national security.

Rescinds specified unobligated balances available in the DOJ Assets Forfeiture Fund.

Actions Timeline

- **Jun 6, 2011:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 71.
- **May 26, 2011:** Introduced in Senate
- **May 26, 2011:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.