

S 1215

FISA Accountability and Privacy Protection Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Jun 24, 2013

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5020-

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5020-5027) (Jun 24, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1215>

Sponsor

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

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

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Jun 24, 2013
Sen. Lee, Mike [R-UT]	R · UT		Jun 24, 2013
Sen. Tester, Jon [D-MT]	D · MT		Jun 24, 2013
Sen. Udall, Mark [D-CO]	D · CO		Jun 24, 2013
Sen. Wyden, Ron [D-OR]	D · OR		Jun 24, 2013
Sen. Begich, Mark [D-AK]	D · AK		Jun 25, 2013
Sen. Merkley, Jeff [D-OR]	D · OR		Jun 25, 2013
Sen. Udall, Tom [D-NM]	D · NM		Jul 8, 2013
Sen. Heinrich, Martin [D-NM]	D · NM		Jul 24, 2013
Sen. Coons, Christopher A. [D-DE]	D · DE		Jul 30, 2013

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 24, 2013

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
113 HR 3361	Related bill	Jun 5, 2014: Select Committee on Intelligence. Hearings held.

FISA Accountability and Privacy Protection Act of 2013 - Amends the FISA Amendments Act of 2008 to repeal on June 1, 2015, procedures outlined under the Foreign Intelligence Surveillance Act of 1978 (FISA) regarding the targeting by the United States of non-U.S. persons located outside the United States in order to acquire foreign intelligence information.

Amends provisions of 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 June 1, 2015, 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 showing reasonable grounds to believe that the records sought are relevant to an investigation. Imposes similar requirements 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 January 1, 2014, for

audits conducted for 2010 and 2011, and (2) by January 1, 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 (DNI) 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.

Authorizes the Inspector General of the Intelligence Community to review the acquisition, use, and dissemination of acquired surveillance information in order to review its compliance with adopted targeting and minimization procedures, as well as with guidelines for the protection of privacy rights of U.S. persons. Requires such Inspector General to report to the Attorney General, the DNI, and specified congressional committees on reviews conducted.

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

Actions Timeline

- **Jun 24, 2013:** Introduced in Senate
- **Jun 24, 2013:** Sponsor introductory remarks on measure. (CR S5019-5020)
- **Jun 24, 2013:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S5020-5027)