

**AMENDMENT TO H.R. 1800**  
**OFFERED BY MS. CHU OF CALIFORNIA**

At the end of the bill, add the following new sections:

1 **SEC. \_\_\_\_ . PUBLIC REPORTING ON THE FOREIGN INTEL-**  
2 **LIGENCE SURVEILLANCE ACT OF 1978.**

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

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

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

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

“Sec. 602. Annual unclassified report.”

6 SEC. \_\_\_\_ . AUDITS.

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

10 (1) in subsection (b)—

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

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

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

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

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

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

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

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

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

9                       “(3) CALENDAR YEARS 2007, 2008, AND 2009.—  
10           Not later than March 31, 2012, the Inspector Gen-  
11           eral of the Department of Justice shall submit to the  
12           Committee on the Judiciary and the Permanent Se-  
13           lect Committee on Intelligence of the House of Rep-  
14           resentatives and the Committee on the Judiciary and  
15           the Select Committee on Intelligence of the Senate  
16           a report containing the results of the audit con-  
17           ducted under subsection (a) for calendar years 2007,  
18           2008, and 2009.

19                      “(4) CALENDAR YEARS 2010 THROUGH 2017.—  
20           The Inspector General of the Department of Justice  
21           shall submit to the Committee on the Judiciary and  
22           the Permanent Select Committee on Intelligence of  
23           the House of Representatives and the Committee on  
24           the Judiciary and the Select Committee on Intel-  
25           ligence of the Senate a report containing the results

1 of the audit conducted under subsection (a) for cal-  
2 endar years 2010 through 2017 as follows:

3 “(A) For calendar years 2010 and 2011,  
4 not later than March 31, 2013.

5 “(B) For calendar years 2012 and 2013,  
6 not later than March 31, 2015.

7 “(C) For calendar years 2014 and 2015,  
8 not later than March 31, 2017.

9 “(D) For calendar years 2016 and 2017,  
10 not later than March 31, 2019.”;

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

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

15 “(d) INTELLIGENCE ASSESSMENT.—

16 “(1) IN GENERAL.—For the period beginning  
17 on January 1, 2007 and ending on December 31,  
18 2017, the Inspector General of each element of the  
19 intelligence community outside of the Department of  
20 Justice that used information acquired under title V  
21 of the Foreign Intelligence Surveillance Act of 1978  
22 (50 U.S.C. 1861 et seq.) in the intelligence activities  
23 of the element of the intelligence community shall—

1           “(A) assess the importance of the informa-  
2           tion to the intelligence activities of the element  
3           of the intelligence community;

4           “(B) examine the manner in which that in-  
5           formation was collected, retained, analyzed, and  
6           disseminated by the element of the intelligence  
7           community;

8           “(C) describe any noteworthy facts or cir-  
9           cumstances relating to orders under title V of  
10          the Foreign Intelligence Surveillance Act of  
11          1978 as the orders relate to the element of the  
12          intelligence community; and

13          “(D) examine any minimization procedures  
14          used by the element of the intelligence commu-  
15          nity under title V of the Foreign Intelligence  
16          Surveillance Act of 1978 and whether the mini-  
17          mization procedures protect the constitutional  
18          rights of United States persons.

19          “(2) SUBMISSION DATES FOR ASSESSMENT.—

20                 “(A) CALENDAR YEARS 2007 THROUGH  
21                 2009.—Not later than March 31, 2012, the In-  
22                 specter General of each element of the intel-  
23                 ligence community that conducts an assessment  
24                 under this subsection shall submit to the Com-  
25                 mittee on the Judiciary and the Select Com-

1           mittee on Intelligence of the Senate and the  
2           Committee on the Judiciary and the Permanent  
3           Select Committee on Intelligence of the House  
4           of Representative a report containing the re-  
5           sults of the assessment for calendar years 2007  
6           through 2009.

7           “(B) CALENDAR YEARS 2010 THROUGH  
8           2017.—The Inspector General of each element  
9           of the intelligence community that conducts an  
10          assessment under this subsection shall submit  
11          to the Committee on the Judiciary and the Se-  
12          lect Committee on Intelligence of the Senate  
13          and the Committee on the Judiciary and the  
14          Permanent Select Committee on Intelligence of  
15          the House of Representatives a report con-  
16          taining the results of the assessment for cal-  
17          endar years 2010 through 2017 as follows:

18                 “(i) For calendar years 2010 and  
19                 2011, not later than March 31, 2013.

20                 “(ii) For calendar years 2012 and  
21                 2013, not later than March 31, 2015.

22                 “(iii) For calendar years 2014 and  
23                 2015, not later than March 31, 2017.

24                 “(iv) For calendar years 2016 and  
25                 2017, not later than March 31, 2019.”;

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

3           (A) in paragraph (1)—

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

7                 (ii) by inserting “and any Inspector  
8 General of an element of the intelligence  
9 community that submits a report under  
10 this section” after “Justice”; and

11           (B) in paragraph (2), by striking “the re-  
12 ports submitted under subsection (c)(1) and  
13 (c)(2)” and inserting “any report submitted  
14 under subsection (c) or (d)”; and

15           (6) in subsection (f) as redesignated by para-  
16 graph (3)—

17           (A) by striking “The reports submitted  
18 under subsections (c)(1) and (c)(2)” and insert-  
19 ing “Each report submitted under subsection  
20 (c)”; and

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

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

24           “(g) DEFINITIONS.—In this section—

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

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

8           (b) PEN REGISTERS AND TRAP AND TRACE DE-  
9 VICES.—

10           (1) AUDITS.—The Inspector General of the De-  
11 partment of Justice shall perform comprehensive au-  
12 dits of the effectiveness and use, including any im-  
13 proper or illegal use, of pen registers and trap and  
14 trace devices under title IV of the Foreign Intel-  
15 ligence Surveillance Act of 1978 (50 U.S.C. 1841 et  
16 seq.) during the period beginning on January 1,  
17 2007 and ending on December 31, 2017.

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

20           (A) an examination of the use of pen reg-  
21 isters and trap and trace devices under title IV  
22 of the Foreign Intelligence Surveillance Act of  
23 1978 for calendar years 2007 through 2017;

24           (B) an examination of the installation and  
25 use of a pen register or trap and trace device

1 on emergency bases under section 403 of the  
2 Foreign Intelligence Surveillance Act of 1978  
3 (50 U.S.C. 1843);

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

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

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

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

1 (iii) with respect to calendar years  
2 2010 through 2017, an examination of the  
3 minimization procedures of the Federal  
4 Bureau of Investigation used in relation to  
5 pen registers and trap and trace devices  
6 under title IV of the Foreign Intelligence  
7 Surveillance Act of 1978 and whether the  
8 minimization procedures protect the con-  
9 stitutional rights of United States persons;

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

21 (v) whether, and how often, the Fed-  
22 eral Bureau of Investigation provided in-  
23 formation acquired under a pen register or  
24 trap and trace device under title IV of the  
25 Foreign Intelligence Surveillance Act of

1           1978 to law enforcement authorities for  
2           use in criminal proceedings.

3           (3) SUBMISSION DATES.—

4           (A) CALENDAR YEARS 2007 THROUGH  
5           2009.—Not later than March 31, 2012, the In-  
6           specter General of the Department of Justice  
7           shall submit to the Committee on the Judiciary  
8           and the Select Committee on Intelligence of the  
9           Senate and the Committee on the Judiciary and  
10          the Permanent Select Committee on Intelligence  
11          of the House of Representatives a report con-  
12          taining the results of the audits conducted  
13          under paragraph (1) for calendar years 2007  
14          through 2009.

15          (B) CALENDAR YEARS 2010 THROUGH  
16          2017.—The Inspector General of the Depart-  
17          ment of Justice shall submit to the Committee  
18          on the Judiciary and the Select Committee on  
19          Intelligence of the Senate and the Committee  
20          on the Judiciary and the Permanent Select  
21          Committee on Intelligence of the House of Rep-  
22          resentatives a report containing the results of  
23          the audits conducted under paragraph (1) for  
24          calendar years 2010 through 2017 as follows:

1 (i) For calendar years 2010 and  
2 2011, not later than March 31, 2013.

3 (ii) For calendar years 2012 and  
4 2013, not later than March 31, 2015.

5 (iii) For calendar years 2014 and  
6 2015, not later than March 31, 2017.

7 (iv) For calendar years 2016 and  
8 2017, not later than March 31, 2019.

9 (4) INTELLIGENCE ASSESSMENT.—

10 (A) IN GENERAL.—For the period begin-  
11 ning January 1, 2007 and ending on December  
12 31, 2017, the Inspector General of any element  
13 of the intelligence community outside of the De-  
14 partment of Justice that used information ac-  
15 quired under a pen register or trap and trace  
16 device under title IV of the Foreign Intelligence  
17 Surveillance Act of 1978 in the intelligence ac-  
18 tivities of the element of the intelligence com-  
19 munity shall—

20 (i) assess the importance of the infor-  
21 mation to the intelligence activities of the  
22 element of the intelligence community;

23 (ii) examine the manner in which the  
24 information was collected, retained, ana-  
25 lyzed, and disseminated;

1 (iii) describe any noteworthy facts or  
2 circumstances relating to orders under title  
3 IV of the Foreign Intelligence Surveillance  
4 Act of 1978 as the orders relate to the ele-  
5 ment of the intelligence community; and

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

14 (B) SUBMISSION DATES FOR ASSESS-  
15 MENT.—

16 (i) CALENDAR YEARS 2007 THROUGH  
17 2009.—Not later than March 31, 2012, the  
18 Inspector General of each element of the  
19 intelligence community that conducts an  
20 assessment under this paragraph shall sub-  
21 mit to the Committee on the Judiciary and  
22 the Select Committee on Intelligence of the  
23 Senate and the Committee on the Judici-  
24 ary and the Permanent Select Committee  
25 on Intelligence of the House of Represent-

1           ative a report containing the results of the  
2           assessment for calendar years 2007  
3           through 2009.

4           (ii) CALENDAR YEARS 2010 THROUGH  
5           2017.—The Inspector General of each ele-  
6           ment of the intelligence community that  
7           conducts an assessment under this para-  
8           graph shall submit to the Committee on  
9           the Judiciary and the Select Committee on  
10          Intelligence of the Senate and the Com-  
11          mittee on the Judiciary and the Permanent  
12          Select Committee on Intelligence of the  
13          House of Representative a report con-  
14          taining the results of the assessment for  
15          calendar years 2010 through 2017 as fol-  
16          lows:

17                   (I) For calendar years 2010 and  
18                   2011, not later than March 31, 2013.

19                   (II) For calendar years 2012 and  
20                   2013, not later than March 31, 2015.

21                   (III) For calendar years 2014  
22                   and 2015, not later than March 31,  
23                   2017.

1 (IV) For calendar years 2016  
2 and 2017, not later than March 31,  
3 2019.

4 (5) PRIOR NOTICE TO ATTORNEY GENERAL AND  
5 DIRECTOR OF NATIONAL INTELLIGENCE; COM-  
6 MENTS.—

7 (A) NOTICE.—Not later than 30 days be-  
8 fore the submission of any report paragraph (3)  
9 or (4), the Inspector General of the Department  
10 of Justice and any Inspector General of an ele-  
11 ment of the intelligence community that sub-  
12 mits a report under this subsection shall pro-  
13 vide the report to the Attorney General and the  
14 Director of National Intelligence.

15 (B) COMMENTS.—The Attorney General or  
16 the Director of National Intelligence may pro-  
17 vide such comments to be included in any re-  
18 port submitted under paragraph (3) or (4) as  
19 the Attorney General or the Director of Na-  
20 tional Intelligence may consider necessary.

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

1 (c) DEFINITIONS.—In this section—

2 (1) the terms “foreign intelligence information”  
3 and “United States person” have the meanings  
4 given those terms in section 101 of the Foreign In-  
5 telligence Surveillance Act of 1978 (50 U.S.C.  
6 1801); and

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

