

112TH CONGRESS  
1ST SESSION

# S. 1073

To require the Attorney General to establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of certain records.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2011

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require the Attorney General to establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of certain records.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. MINIMIZATION PROCEDURES.**

4       (a) IN GENERAL.—Not later than 180 days after the  
5       date of enactment of this Act, the Attorney General shall  
6       establish minimization and destruction procedures gov-  
7       erning the acquisition, retention, and dissemination by the

1 Federal Bureau of Investigation of any records received  
2 by the Federal Bureau of Investigation—

3 (1) in response to a National Security Letter  
4 issued under section 2709 of title 18, United States  
5 Code, section 626 or 627 of the Fair Credit Report-  
6 ing Act (15 U.S.C. 1681u and 1681v), section 1114  
7 of the Right to Financial Privacy Act of 1978 (12  
8 U.S.C. 3414), or section 802(a) of the National Se-  
9 curity Act of 1947 (50 U.S.C. 436(a)); or

10 (2) pursuant to title V of the Foreign Intel-  
11 ligence Surveillance Act of 1978 (50 U.S.C. 1861 et  
12 seq.).

13 (b) MINIMIZATION AND DESTRUCTION PROCEDURES  
14 DEFINED.—In this section, the term “minimization and  
15 destruction procedures” means—

16 (1) specific procedures that are reasonably de-  
17 signed in light of the purpose and technique of a  
18 National Security Letter or a request for tangible  
19 things for an investigation to obtain foreign intel-  
20 ligence information, as appropriate, to minimize the  
21 acquisition and retention, and prohibit the dissemi-  
22 nation, of nonpublicly available information con-  
23 cerning unconsenting United States persons con-  
24 sistent with the need of the United States to obtain,  
25 produce, and disseminate foreign intelligence infor-

1       mation, including procedures to ensure that informa-  
2       tion obtained that is outside the scope of such Na-  
3       tional Security Letter or request, is returned or de-  
4       stroyed;

5           (2) procedures that require that nonpublicly  
6       available information, which is not foreign intel-  
7       ligence information (as defined in section 101(e)(1)  
8       of the Foreign Intelligence Surveillance Act of 1978  
9       (50 U.S.C. 1801(e)(1))) shall not be disseminated in  
10      a manner that identifies any United States person,  
11      without the consent of the United States person, un-  
12      less the identity of the United States person is nec-  
13      essary to understand foreign intelligence information  
14      or assess its importance; and

15           (3) notwithstanding paragraphs (1) and (2),  
16      procedures that allow for the retention and dissemi-  
17      nation of information that is evidence of a crime  
18      which has been, is being, or is about to be com-  
19      mitted and that is to be retained or disseminated for  
20      law enforcement purposes.

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