

**AMENDMENT TO H.R. 2701, AS REPORTED
OFFERED BY MR. SMITH OF TEXAS**

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

1 TITLE VI—EXTENSION OF CER-
2 TAIN PROVISIONS OF USA PA-
3 TRIOT IMPROVEMENT AND
4 REAUTHORIZATION ACT OF
5 2005 AND INTELLIGENCE RE-
6 FORM AND TERRORISM PRE-
7 VENTION ACT OF 2004

8 SEC. 601. EXTENSION OF CERTAIN PROVISIONS OF USA PA-
9 TRIOT IMPROVEMENT AND REAUTHORIZA-
10 TION ACT OF 2005 AND INTELLIGENCE RE-
11 FORM AND TERRORISM PREVENTION ACT OF
12 2004.

13 (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-
14 IZATION ACT OF 2005.—Section 102(b)(1) of the USA
15 PATRIOT Improvement and Reauthorization Act of 2005
16 (Public Law 109-177; 120 Stat. 195) is amended by strik-
17 ing “February 28, 2010” and inserting “December 31,
18 2013”.

19 (b) INTELLIGENCE REFORM AND TERRORISM PRE-
20 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-

1 ligenace Reform and Terrorism Prevention Act of 2004
2 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801
3 note) is amended by striking "February 28, 2010" and
4 inserting "December 31, 2013".

5 **SEC. 602. LIMITATIONS ON DISCLOSURE OF NATIONAL SE-**
6 **URITY LETTERS.**

7 (a) IN GENERAL.—Section 2709 of title 18, United
8 States Code, is amended by striking subsection (c) and
9 inserting the following:

10 "(c) PROHIBITION OF CERTAIN DISCLOSURE.—

11 "(1) PROHIBITION.—

12 "(A) IN GENERAL.—If a certification is
13 issued under subparagraph (B) and notice of
14 the right to judicial review under paragraph (3)
15 is provided, no wire or electronic communica-
16 tion service provider, or officer, employee, or
17 agent thereof, that receives a request under
18 subsection (a), shall disclose to any person that
19 the Director of the Federal Bureau of Inves-
20 tigation has sought or obtained access to infor-
21 mation or records under this section.

22 "(B) CERTIFICATION.—The requirements
23 of subparagraph (A) shall apply if the Director
24 of the Federal Bureau of Investigation, or a
25 designee of the Director whose rank shall be no

1 lower than Deputy Assistant Director at Bu-
2 reau headquarters or a Special Agent in Charge
3 of a Bureau field office, certifies that, absent a
4 prohibition of disclosure under this subsection,
5 there may result—

6 “(i) a danger to the national security
7 of the United States;

8 “(ii) interference with a criminal,
9 counterterrorism, or counterintelligence in-
10 vestigation;

11 “(iii) interference with diplomatic re-
12 lations; or

13 “(iv) danger to the life or physical
14 safety of any person.

15 “(2) EXCEPTION.—

16 “(A) IN GENERAL.—A wire or electronic
17 communication service provider, or officer, em-
18 ployee, or agent thereof, that receives a request
19 under subsection (a) may disclose information
20 otherwise subject to any applicable nondisclo-
21 sure requirement to—

22 “(i) those persons to whom disclosure
23 is necessary in order to comply with the re-
24 quest;

1 “(ii) an attorney in order to obtain
2 legal advice or assistance regarding the re-
3 quest; or

4 “(iii) other persons as permitted by
5 the Director of the Federal Bureau of In-
6 vestigation or the designee of the Director.

7 “(B) PERSONS NECESSARY FOR COMPLI-
8 ANCE.—Upon a request by the Director of the
9 Federal Bureau of Investigation or the designee
10 of the Director, those persons to whom disclo-
11 sure will be made under subparagraph (A)(i) or
12 to whom such disclosure was made before the
13 request shall be identified to the Director or the
14 designee.

15 “(C) NONDISCLOSURE REQUIREMENT.—A
16 person to whom disclosure is made under sub-
17 paragraph (A) shall be subject to the nondisclo-
18 sure requirements applicable to a person to
19 whom a request is issued under subsection (a)
20 in the same manner as the person to whom the
21 request is issued.

22 “(D) NOTICE.—Any recipient that dis-
23 closes to a person described in subparagraph
24 (A) information otherwise subject to a non-

1 disclosure requirement shall inform the person
2 of the applicable nondisclosure requirement.

3 “(3) RIGHT TO JUDICIAL REVIEW.—

4 “(A) IN GENERAL.—A wire or electronic
5 communications service provider that receives a
6 request under subsection (a) shall have the
7 right to judicial review of any applicable non-
8 disclosure requirement.

9 “(B) NOTIFICATION.—A request under
10 subsection (a) shall state that if the recipient
11 wishes to have a court review a nondisclosure
12 requirement, the recipient shall notify the Gov-
13 ernment.

14 “(C) INITIATION OF PROCEEDINGS.—If a
15 recipient of a request under subsection (a)
16 makes a notification under subparagraph (B),
17 the Government shall initiate judicial review
18 under the procedures established in section
19 3511 of this title, unless an appropriate official
20 of the Federal Bureau of the Investigation
21 makes a notification under paragraph (4).

22 “(4) TERMINATION.—In the case of any request
23 for which a recipient has submitted a notification
24 under paragraph (3)(B), if the facts supporting a
25 nondisclosure requirement cease to exist, an appro-

1 priate official of the Federal Bureau of Investigation
2 shall promptly notify the wire or electronic service
3 provider, or officer, employee, or agent thereof, sub-
4 ject to the nondisclosure requirement that the non-
5 disclosure requirement is no longer in effect.”.

6 (b) IDENTITY OF FINANCIAL INSTITUTIONS AND
7 CREDIT REPORTS.—Section 626 of the Fair Credit Re-
8 porting Act (15 U.S.C. 1681u) is amended by striking
9 subsection (d) and inserting the following:

10 “(d) PROHIBITION OF CERTAIN DISCLOSURE.—

11 “(1) PROHIBITION.—

12 “(A) IN GENERAL.—If a certification is
13 issued under subparagraph (B) and notice of
14 the right to judicial review under paragraph (3)
15 is provided, no consumer reporting agency, or
16 officer, employee, or agent thereof, that receives
17 a request or order under subsection (a), (b), or
18 (c), shall disclose or specify in any consumer re-
19 port, that the Federal Bureau of Investigation
20 has sought or obtained access to information or
21 records under subsection (a), (b), or (c).

22 “(B) CERTIFICATION.—The requirements
23 of subparagraph (A) shall apply if the Director
24 of the Federal Bureau of Investigation, or a
25 designee of the Director whose rank shall be no

1 lower than Deputy Assistant Director at Bu-
2 reau headquarters or a Special Agent in Charge
3 of a Bureau field office, certifies that, absent a
4 prohibition of disclosure under this subsection,
5 there may result—

6 “(i) a danger to the national security
7 of the United States;

8 “(ii) interference with a criminal,
9 counterterrorism, or counterintelligence in-
10 vestigation;

11 “(iii) interference with diplomatic re-
12 lations; or

13 “(iv) danger to the life or physical
14 safety of any person.

15 “(2) EXCEPTION.—

16 “(A) IN GENERAL.—A consumer reporting
17 agency, or officer, employee, or agent thereof,
18 that receives a request or order under sub-
19 section (a), (b), or (c) may disclose information
20 otherwise subject to any applicable nondisclo-
21 sure requirement to—

22 “(i) those persons to whom disclosure
23 is necessary in order to comply with the re-
24 quest or order;

1 “(ii) an attorney in order to obtain
2 legal advice or assistance regarding the re-
3 quest or order; or

4 “(iii) other persons as permitted by
5 the Director of the Federal Bureau of In-
6 vestigation or the designee of the Director.

7 “(B) PERSONS NECESSARY FOR COMPLI-
8 ANCE.—Upon a request by the Director of the
9 Federal Bureau of Investigation or the designee
10 of the Director, those persons to whom disclo-
11 sure will be made under subparagraph (A)(i) or
12 to whom such disclosure was made before the
13 request shall be identified to the Director or the
14 designee.

15 “(C) NONDISCLOSURE REQUIREMENT.—A
16 person to whom disclosure is made under sub-
17 paragraph (A) shall be subject to the nondisclo-
18 sure requirements applicable to a person to
19 whom a request or order is issued under sub-
20 section (a), (b), or (c) in the same manner as
21 the person to whom the request or order is
22 issued.

23 “(D) NOTICE.—Any recipient that dis-
24 closes to a person described in subparagraph
25 (A) information otherwise subject to a non-

1 disclosure requirement shall inform the person
2 of the applicable nondisclosure requirement.

3 “(3) RIGHT TO JUDICIAL REVIEW.—

4 “(A) IN GENERAL.—A consumer reporting
5 agency that receives a request or order under
6 subsection (a), (b), or (c) shall have the right
7 to judicial review of any applicable nondisclo-
8 sure requirement.

9 “(B) NOTIFICATION.—A request or order
10 under subsection (a), (b), or (c) shall state that
11 if the recipient wishes to have a court review a
12 nondisclosure requirement, the recipient shall
13 notify the Government.

14 “(C) INITIATION OF PROCEEDINGS.—If a
15 recipient of a request or order under subsection
16 (a), (b), or (c) makes a notification under sub-
17 paragraph (B), the Government shall initiate
18 judicial review under the procedures established
19 in section 3511 of title 18, United States Code,
20 unless an appropriate official of the Federal
21 Bureau of Investigation makes a notification
22 under paragraph (4).

23 “(4) TERMINATION.—In the case of any request
24 or order for which a consumer reporting agency has
25 submitted a notification under paragraph (3)(B), if

1 the facts supporting a nondisclosure requirement
2 cease to exist, an appropriate official of the Federal
3 Bureau of Investigation shall promptly notify the
4 consumer reporting agency, or officer, employee, or
5 agent thereof, subject to the nondisclosure require-
6 ment that the nondisclosure requirement is no longer
7 in effect.”.

8 (c) DISCLOSURES TO GOVERNMENTAL AGENCIES
9 FOR COUNTERTERRORISM PURPOSES.—Section 627 of the
10 Fair Credit Reporting Act (15 U.S.C. 1681v) is amended
11 by striking subsection (c) and inserting the following:

12 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

13 “(1) PROHIBITION.—

14 “(A) IN GENERAL.—If a certification is
15 issued under subparagraph (B) and notice of
16 the right to judicial review under paragraph (3)
17 is provided, no consumer reporting agency, or
18 officer, employee, or agent thereof, that receives
19 a request under subsection (a), shall disclose to
20 any person or specify in any consumer report,
21 that a government agency has sought or ob-
22 tained access to information under subsection
23 (a).

24 “(B) CERTIFICATION.—The requirements
25 of subparagraph (A) shall apply if the head of

1 a government agency authorized to conduct in-
2 vestigations of, or intelligence or counterintel-
3 ligence activities or analysis related to, inter-
4 national terrorism, or a designee, certifies that,
5 absent a prohibition of disclosure under this
6 subsection, there may result—

7 “(i) a danger to the national security
8 of the United States;

9 “(ii) interference with a criminal,
10 counterterrorism, or counterintelligence in-
11 vestigation;

12 “(iii) interference with diplomatic re-
13 lations; or

14 “(iv) danger to the life or physical
15 safety of any person.

16 “(2) EXCEPTION.—

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

22 “(i) those persons to whom disclosure
23 is necessary in order to comply with the re-
24 quest;

1 “(ii) an attorney in order to obtain
2 legal advice or assistance regarding the re-
3 quest; or

4 “(iii) other persons as permitted by
5 the head of the government agency author-
6 ized to conduct investigations of, or intel-
7 ligence or counterintelligence activities or
8 analysis related to, international terrorism,
9 or a designee.

10 “(B) PERSONS NECESSARY FOR COMPLI-
11 ANCE.—Upon a request by the head of a gov-
12 ernment agency authorized to conduct inves-
13 tigations of, or intelligence or counterintel-
14 ligence activities or analysis related to, inter-
15 national terrorism, or a designee, those persons
16 to whom disclosure will be made under subpara-
17 graph (A)(i) or to whom such disclosure was
18 made before the request shall be identified to
19 the head of the government agency or the des-
20 ignee.

21 “(C) NONDISCLOSURE REQUIREMENT.—A
22 person to whom disclosure is made under sub-
23 paragraph (A) shall be subject to the nondisclo-
24 sure requirements applicable to a person to
25 whom a request is issued under subsection (a)

1 in the same manner as the person to whom the
2 request is issued.

3 “(D) NOTICE.—Any recipient that dis-
4 closes to a person described in subparagraph
5 (A) information otherwise subject to a non-
6 disclosure requirement shall inform the person
7 of the applicable nondisclosure requirement.

8 “(3) RIGHT TO JUDICIAL REVIEW.—

9 “(A) IN GENERAL.—A consumer reporting
10 agency that receives a request under subsection
11 (a) shall have the right to judicial review of any
12 applicable nondisclosure requirement.

13 “(B) NOTIFICATION.—A request under
14 subsection (a) shall state that if the recipient
15 wishes to have a court review a nondisclosure
16 requirement, the recipient shall notify the gov-
17 ernment.

18 “(C) INITIATION OF PROCEEDINGS.—If a
19 recipient of a request under subsection (a)
20 makes a notification under subparagraph (B),
21 the government shall initiate judicial review
22 under the procedures established in section
23 3511 of title 18, United States Code, unless an
24 appropriate official of the government agency
25 authorized to conduct investigations of, or intel-

1 ligence or counterintelligence activities or anal-
2 ysis related to, international terrorism makes a
3 notification under paragraph (4).

4 “(4) TERMINATION.—In the case of any request
5 for which a consumer reporting agency has sub-
6 mitted a notification under paragraph (3)(B), if the
7 facts supporting a nondisclosure requirement cease
8 to exist, an appropriate official of the government
9 agency authorized to conduct investigations of, or in-
10 telligence or counterintelligence activities or analysis
11 related to, international terrorism shall promptly no-
12 tify the consumer reporting agency, or officer, em-
13 ployee, or agent thereof, subject to the nondisclosure
14 requirement that the nondisclosure requirement is
15 no longer in effect.”.

16 (d) FINANCIAL RECORDS.—Section 1114(a)(5) of the
17 Right to Financial Privacy Act of 1978 (12 U.S.C.
18 3414(a)(5)) is amended by striking subparagraph (D) and
19 inserting the following:

20 “(D) PROHIBITION OF CERTAIN DISCLO-
21 SURE.—

22 “(i) PROHIBITION.—

23 “(I) IN GENERAL.—If a certifi-
24 cation is issued under subclause (II)
25 and notice of the right to judicial re-

1 view under clause (iii) is provided, no
2 financial institution, or officer, em-
3 ployee, or agent thereof, that receives
4 a request under subparagraph (A),
5 shall disclose to any person that the
6 Federal Bureau of Investigation has
7 sought or obtained access to informa-
8 tion or records under subparagraph
9 (A).

10 “(II) CERTIFICATION.—The re-
11 quirements of subclause (I) shall
12 apply if the Director of the Federal
13 Bureau of Investigation, or a designee
14 of the Director whose rank shall be no
15 lower than Deputy Assistant Director
16 at Bureau headquarters or a Special
17 Agent in Charge of a Bureau field of-
18 fice, certifies that, absent a prohibi-
19 tion of disclosure under this subpara-
20 graph, there may result—

21 “(aa) a danger to the na-
22 tional security of the United
23 States;

1 “(bb) interference with a
2 criminal, counterterrorism, or
3 counterintelligence investigation;

4 “(cc) interference with diplo-
5 matic relations; or

6 “(dd) danger to the life or
7 physical safety of any person.

8 “(ii) EXCEPTION.—

9 “(I) IN GENERAL.—A financial
10 institution, or officer, employee, or
11 agent thereof, that receives a request
12 under subparagraph (A) may disclose
13 information otherwise subject to any
14 applicable nondisclosure requirement
15 to—

16 “(aa) those persons to whom
17 disclosure is necessary in order to
18 comply with the request;

19 “(bb) an attorney in order
20 to obtain legal advice or assist-
21 ance regarding the request; or

22 “(cc) other persons as per-
23 mitted by the Director of the
24 Federal Bureau of Investigation
25 or the designee of the Director.

1 “(II) PERSONS NECESSARY FOR
2 COMPLIANCE.—Upon a request by the
3 Director of the Federal Bureau of In-
4 vestigation or the designee of the Di-
5 rector, those persons to whom disclo-
6 sure will be made under subclause
7 (I)(aa) or to whom such disclosure
8 was made before the request shall be
9 identified to the Director or the des-
10 ignee.

11 “(III) NONDISCLOSURE RE-
12 QUIREMENT.—A person to whom dis-
13 closure is made under subclause (I)
14 shall be subject to the nondisclosure
15 requirements applicable to a person to
16 whom a request is issued under sub-
17 paragraph (A) in the same manner as
18 the person to whom the request is
19 issued.

20 “(IV) NOTICE.—Any recipient
21 that discloses to a person described in
22 subclause (I) information otherwise
23 subject to a nondisclosure requirement
24 shall inform the person of the applica-
25 ble nondisclosure requirement.

1 “(iii) RIGHT TO JUDICIAL REVIEW.—

2 “(I) IN GENERAL.—A financial
3 institution that receives a request
4 under subparagraph (A) shall have
5 the right to judicial review of any ap-
6 plicable nondisclosure requirement.

7 “(II) NOTIFICATION.—A request
8 under subparagraph (A) shall state
9 that if the recipient wishes to have a
10 court review a nondisclosure require-
11 ment, the recipient shall notify the
12 Government.

13 “(III) INITIATION OF PRO-
14 CEEDINGS.—If a recipient of a re-
15 quest under subparagraph (A) makes
16 a notification under subclause (II),
17 the Government shall initiate judicial
18 review under the procedures estab-
19 lished in section 3511 of title 18,
20 United States Code, unless an appro-
21 priate official of the Federal Bureau
22 of Investigation makes a notification
23 under clause (iv).

24 “(iv) TERMINATION.—In the case of
25 any request for which a financial institu-

1 tion has submitted a notification under
2 clause (iii)(II), if the facts supporting a
3 nondisclosure requirement cease to exist,
4 an appropriate official of the Federal Bu-
5 reau of Investigation shall promptly notify
6 the financial institution, or officer, em-
7 ployee, or agent thereof, subject to the
8 nondisclosure requirement that the non-
9 disclosure requirement is no longer in ef-
10 fect.”.

11 (e) REQUESTS BY AUTHORIZED INVESTIGATIVE
12 AGENCIES.—Section 802 of the National Security Act of
13 1947 (50 U.S.C. 436), is amended by striking subsection
14 (b) and inserting the following:

15 “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

16 “(1) PROHIBITION.—

17 “(A) IN GENERAL.—If a certification is
18 issued under subparagraph (B) and notice of
19 the right to judicial review under paragraph (3)
20 is provided, no governmental or private entity,
21 or officer, employee, or agent thereof, that re-
22 ceives a request under subsection (a), shall dis-
23 close to any person that an authorized inves-
24 tigative agency described in subsection (a) has

1 sought or obtained access to information under
2 subsection (a).

3 “(B) CERTIFICATION.—The requirements
4 of subparagraph (A) shall apply if the head of
5 an authorized investigative agency described in
6 subsection (a), or a designee, certifies that, ab-
7 sent a prohibition of disclosure under this sub-
8 section, there may result—

9 “(i) a danger to the national security
10 of the United States;

11 “(ii) interference with a criminal,
12 counterterrorism, or counterintelligence in-
13 vestigation;

14 “(iii) interference with diplomatic re-
15 lations; or

16 “(iv) danger to the life or physical
17 safety of any person.

18 “(2) EXCEPTION.—

19 “(A) IN GENERAL.—A governmental or
20 private entity, or officer, employee, or agent
21 thereof, that receives a request under sub-
22 section (a) may disclose information otherwise
23 subject to any applicable nondisclosure require-
24 ment to—

1 “(i) those persons to whom disclosure
2 is necessary in order to comply with the re-
3 quest;

4 “(ii) an attorney in order to obtain
5 legal advice or assistance regarding the re-
6 quest; or

7 “(iii) other persons as permitted by
8 the head of the authorized investigative
9 agency described in subsection (a).

10 “(B) PERSONS NECESSARY FOR COMPLI-
11 ANCE.—Upon a request by the head of an au-
12 thorized investigative agency described in sub-
13 section (a), or a designee, those persons to
14 whom disclosure will be made under subpara-
15 graph (A)(i) or to whom such disclosure was
16 made before the request shall be identified to
17 the head of the authorized investigative agency
18 or the designee.

19 “(C) NONDISCLOSURE REQUIREMENT.—A
20 person to whom disclosure is made under sub-
21 paragraph (A) shall be subject to the nondisclo-
22 sure requirements applicable to a person to
23 whom a request is issued under subsection (a)
24 in the same manner as the person to whom the
25 request is issued.

1 “(D) NOTICE.—Any recipient that dis-
2 closes to a person described in subparagraph
3 (A) information otherwise subject to a non-
4 disclosure requirement shall inform the person
5 of the applicable nondisclosure requirement.

6 “(3) RIGHT TO JUDICIAL REVIEW.—

7 “(A) IN GENERAL.—A governmental or
8 private entity that receives a request under sub-
9 section (a) shall have the right to judicial re-
10 view of any applicable nondisclosure require-
11 ment.

12 “(B) NOTIFICATION.—A request under
13 subsection (a) shall state that if the recipient
14 wishes to have a court review a nondisclosure
15 requirement, the recipient shall notify the Gov-
16 ernment.

17 “(C) INITIATION OF PROCEEDINGS.—If a
18 recipient of a request under subsection (a)
19 makes a notification under subparagraph (B),
20 the Government shall initiate judicial review
21 under the procedures established in section
22 3511 of title 18, United States Code, unless an
23 appropriate official of the authorized investiga-
24 tive agency described in subsection (a) makes a
25 notification under paragraph (4).

1 “(4) TERMINATION.—In the case of any request
2 for which a governmental or private entity has sub-
3 mitted a notification under paragraph (3)(B), if the
4 facts supporting a nondisclosure requirement cease
5 to exist, an appropriate official of the authorized in-
6 vestigative agency described in subsection (a) shall
7 promptly notify the governmental or private entity,
8 or officer, employee, or agent thereof, subject to the
9 nondisclosure requirement that the nondisclosure re-
10 quirement is no longer in effect.”.

11 **SEC. 603. JUDICIAL REVIEW OF NATIONAL SECURITY LET-**
12 **TERS.**

13 Section 3511(b) of title 18, United States Code, is
14 amended to read as follows:

15 “(b) NONDISCLOSURE.—

16 “(1) IN GENERAL.—

17 “(A) NOTICE.—If a recipient of a request
18 or order for a report, records, or other informa-
19 tion under section 2709 of this title, section
20 626 or 627 of the Fair Credit Reporting Act
21 (15 U.S.C. 1681u and 1681v), section 1114 of
22 the Right to Financial Privacy Act of 1978 (12
23 U.S.C. 3414), or section 802 of the National
24 Security Act of 1947 (50 U.S.C. 436), wishes
25 to have a court review a nondisclosure require-

1 ment imposed in connection with the request or
2 order, the recipient shall notify the Govern-
3 ment.

4 “(B) APPLICATION.—Not later than 30
5 days after the date of receipt of a notification
6 under subparagraph (A), the Government shall
7 apply for an order prohibiting the disclosure of
8 the existence or contents of the relevant request
9 or order. An application under this subpara-
10 graph may be filed in the district court of the
11 United States for any district within which the
12 authorized investigation that is the basis for the
13 request or order is being conducted. The appli-
14 cable nondisclosure requirement shall remain in
15 effect during the pendency of proceedings relat-
16 ing to the requirement.

17 “(C) CONSIDERATION.—A district court of
18 the United States that receives an application
19 under subparagraph (B) should rule expedi-
20 tiously, and shall, subject to paragraph (3),
21 issue a nondisclosure order that includes condi-
22 tions appropriate to the circumstances.

23 “(2) APPLICATION CONTENTS.—An application
24 for a nondisclosure order or extension thereof under
25 this subsection shall include a certification from the

1 Attorney General, Deputy Attorney General, an As-
2 sistant Attorney General, or the Director of the Fed-
3 eral Bureau of Investigation, or in the case of a re-
4 quest by a department, agency, or instrumentality of
5 the Federal Government other than the Department
6 of Justice, the head or deputy head of the depart-
7 ment, agency, or instrumentality, containing a state-
8 ment of specific and articulable facts indicating that,
9 absent a prohibition of disclosure under this sub-
10 section, there may result—

11 “(A) a danger to the national security of
12 the United States;

13 “(B) interference with a criminal, counter-
14 terrorism, or counterintelligence investigation;

15 “(C) interference with diplomatic relations;
16 or

17 “(D) danger to the life or physical safety
18 of any person.

19 “(3) STANDARD.—A district court of the
20 United States shall issue a nondisclosure require-
21 ment order or extension thereof under this sub-
22 section if the court determines, giving substantial
23 weight to the certification under paragraph (2) that
24 there is reason to believe that disclosure of the infor-

1 mation subject to the nondisclosure requirement dur-
2 ing the applicable time period will result in—

3 “(A) a danger to the national security of
4 the United States;

5 “(B) interference with a criminal, counter-
6 terrorism, or counterintelligence investigation;

7 “(C) interference with diplomatic relations;
8 or

9 “(D) danger to the life or physical safety
10 of any person.”.

