

National Security Letters: Proposals in the 113th Congress



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(Reyes Murphy)

NATIONAL SECURITY LETTERS: PROPOSALS IN THE 113TH CONGRESS



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Createspace, United States, 2015. Paperback. Book Condition: New. 279 x 216 mm. Language: English . Brand New Book ***** Print on Demand *****.A National Security Letter (NSL) is roughly comparable to an administrative subpoena. Various intelligence agencies use NSLs to demand certain customer information from communications providers, financial institutions, and consumer credit reporting agencies under the Right to Financial Privacy Act, the Fair Credit Reporting Act, the National Security Act, and the Electronic Communications Privacy Act. Congress weighed several NSL amendments during the 113th Congress. The House passed one, H.R. 3361. The Senate failed to provide the three-fifths vote necessary for cloture on another, S. 2685. Yet in the end, the 113th Congress adjourned without enacting any of the proposed NSL amendments. The bills in the 113th Congress that would have amended the NSL statutes proposed adjustments in four areas: (1) the grounds for issuing an NSL; (2) confidentiality requirements and judicial review; (3) reports and audits; and (4) sunset and repeal. S. 1551 (Wyden), H.R. 3361 (House-passed), S. 1599 (Leahy), and S. 2685 (Leahy) would have defined more precisely the circumstances under which an NSL might be issued. Initially, the U.S. Court of Appeals for the Second Circuit and later the District Court for the Northern District of California concluded that the statutory secrecy and judicial review provisions relating to NSLs, read to their fullest, are inconsistent with the proscriptions of the First Amendment right to free speech and the principles of separation of powers. S. 1215 (Leahy), H.R. 3361 (House-passed), S. 1599 (Leahy), and S. 2685 (Leahy) would have amended the provisions in question roughly along lines suggested by the Second Circuit. In the past, Congress has counterbalanced expanded NSL authority with increased oversight mechanisms. For example, it directed the Department of Justice's Inspector General to conduct...



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