

## 18 U.S.C. 2709

### (c) PROHIBITION OF CERTAIN DISCLOSURE.—

#### (1) PROHIBITION.—

##### (A) In general.—

If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no wire or [electronic communication service provider](#) that receives a request under subsection (b), or officer, [employee](#), or agent thereof, shall disclose to any [person](#) that the Federal Bureau of Investigation has sought or obtained access to information or [records](#) under this section for 30 days after receipt of such request from the Bureau.

**(B) Certification.**—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field [office](#), certifies in writing based on specific and articulable facts that the absence of a prohibition of disclosure under this subsection may result in—

(i) endangering the life or physical safety of any person;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target.

**(C) Extension** — If a certification is issued under subparagraph (B), the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field [office](#), may apply for an order pursuant to section 3511 prohibiting disclosure that the Bureau has sought or obtained access to information or records under this section.

## **18 U.S.C. § 3511**

### **(a)**

The recipient of a request for [records](#), a report, or other information under [section 2709\(b\) of this title](#), section 626(a) or (b) or 627(a) of the [Fair Credit Reporting Act](#), section 1114(a)(5)(A) of the Right to Financial [Privacy Act](#), or section 802(a) of the [National Security Act of 1947](#) may, in the [United States](#) district court for the district in which that [person](#) or entity does business or resides, petition for an order modifying or setting aside the request. The court may modify or set aside the request if compliance would be unreasonable, oppressive, or otherwise unlawful.

### **(b) NONDISCLOSURE.—**

#### **(1) IN GENERAL.—**

**(A) Non-disclosure Order.** —The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field [office](#), may apply for an order prohibiting disclosure that the Federal Bureau of Investigation has sought or obtained access to information or records under [section 2709 of this title](#), section 626 or 627 of the [Fair Credit Reporting Act](#) ([15 U.S.C. 1681u](#) and [1681v](#)), section 1114 of the [Right to Financial Privacy Act of 1978](#) ([12 U.S.C. 3414](#)), or section 802 of the [National Security Act of 1947](#) ([50 U.S.C. 3162](#)).

**(B) Application Contents.**—An application for an order pursuant to this subsection must state specific and articulable facts giving the applicant reason to believe that disclosure that the Federal Bureau of Investigation has sought or obtained access to information or records under this section will result in—

- (i) endangering the life or physical safety of any person;
- (ii) flight from prosecution;
- (iii) destruction of or tampering with evidence;
- (iv) intimidation of potential witnesses; or
- (v) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target.

**(C) Standard.**—A court may issue an order as described in paragraph (D) in response to an application under paragraph (A) if the court determines that the order is narrowly tailored to meet a compelling interest and it determines that disclosure that the Federal Bureau of Investigation has sought or obtained access to information or records under this section is highly likely to have one of the results described in paragraph (B).

(D) Duration and scope.—A court issuing an order under this subsection shall:

(i) limit the order's duration to the shortest period necessary to prevent the results described in paragraph (B) and in no case longer than 180 days. Such order may be renewed for additional periods of not more than 180 days upon another application meeting the requirements of paragraph (B) and a determination by the court that the standard of paragraph (C) continues to be met; and

(ii) consider whether the whether there are less restrictive means short of ordering a full prohibition on disclosure.

(E) Jurisdiction.—An application for an order pursuant to this subsection shall be filed in the district court of the United States considering a petition filed pursuant to paragraph (a), or, if no petition has been filed, in any district within which the authorized investigation that is the basis for a request pursuant to this section is being conducted.