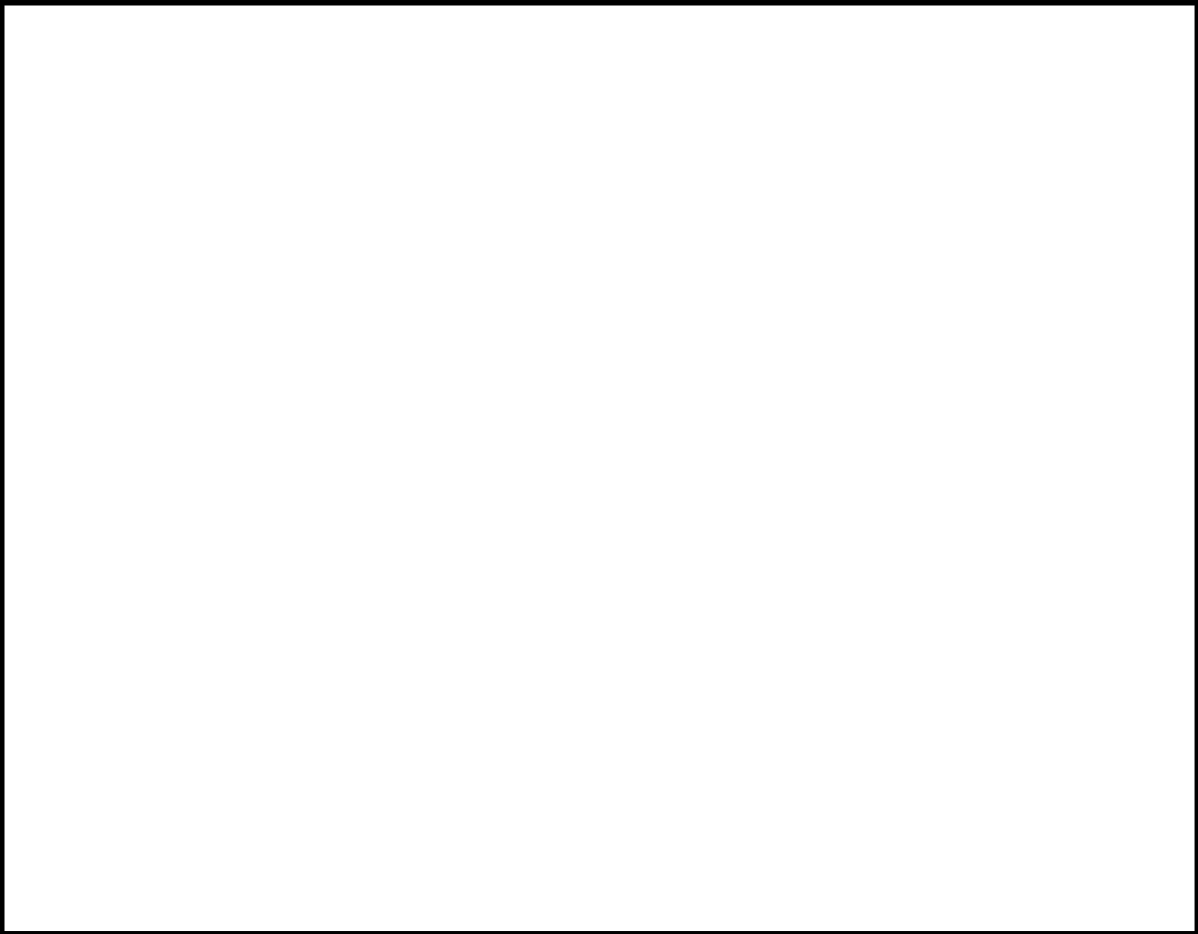


[REDACTED] REGARDING FISA USE AUTHORITY IN BUSINESS
RECORDS DRAFT 7/28/11

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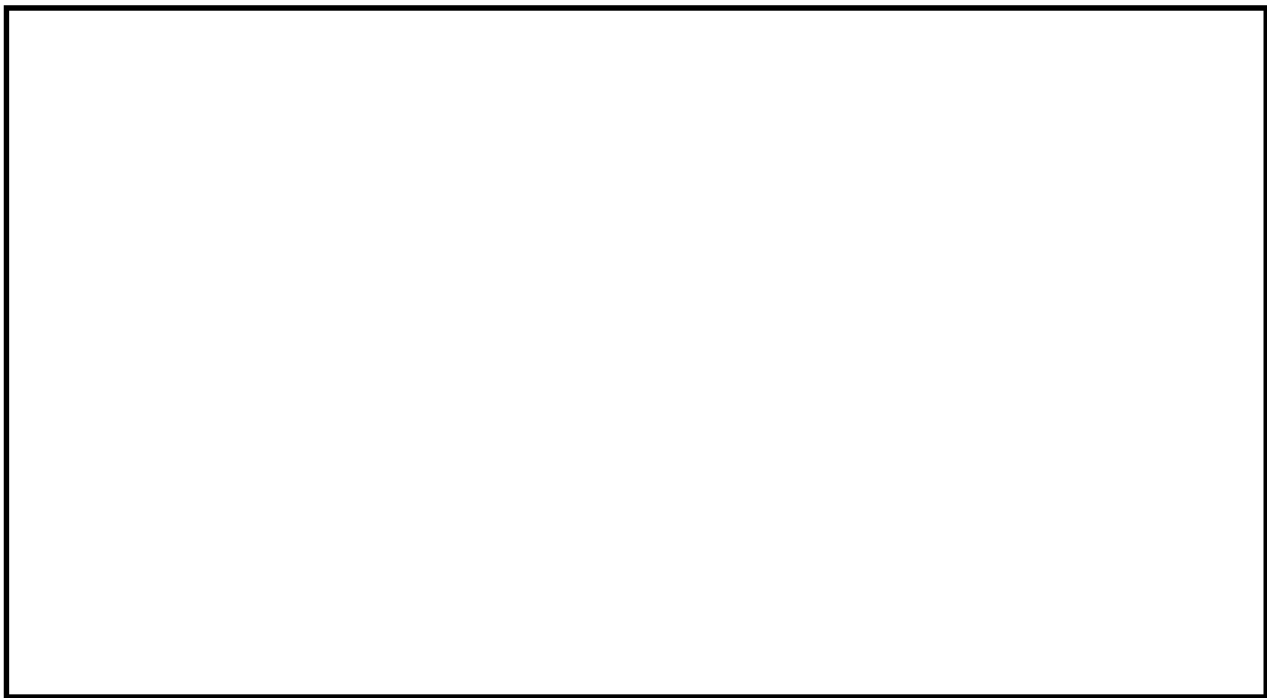
House Intelligence Committee Report No. 95-1283, *Foreign Intelligence Surveillance*

Outside the Scope

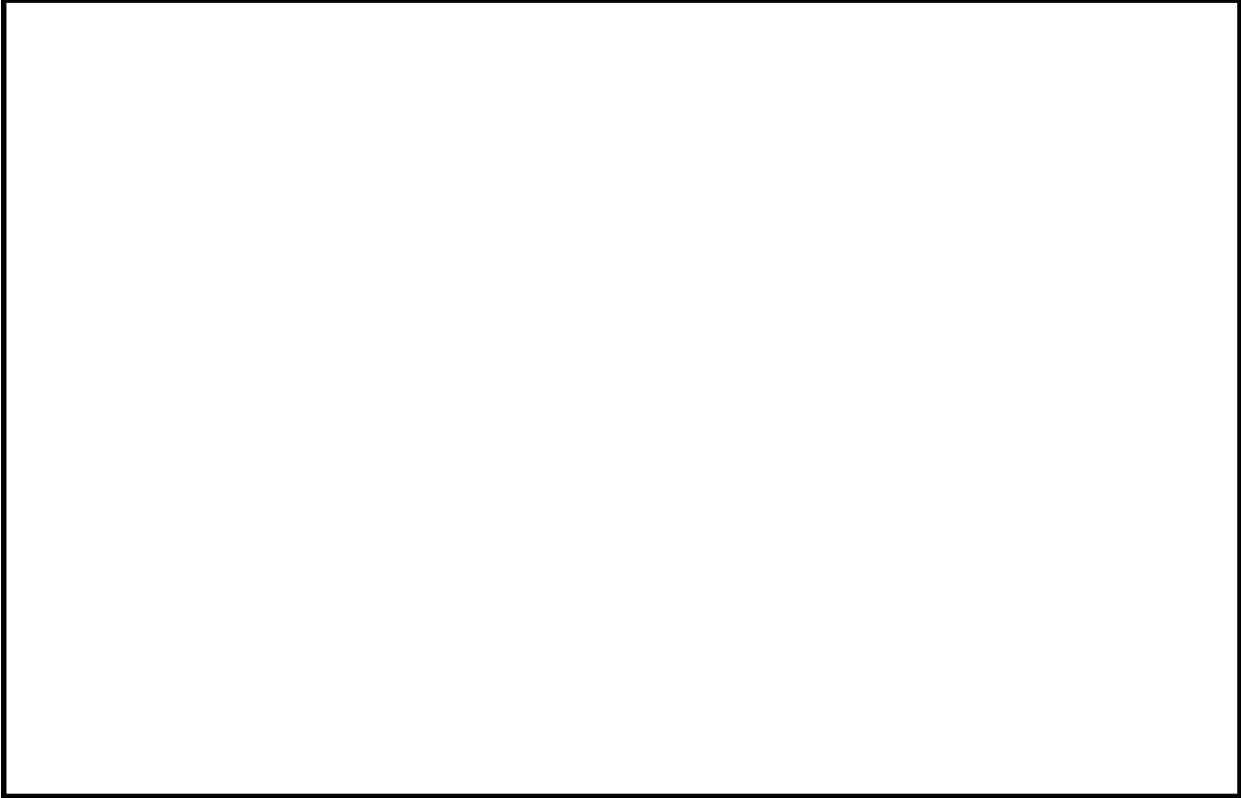
Act of 1978, 6/08/1978, page 89.

The FISA Business Record statute was originally enacted as part of the Intelligence Authorization Act for FY 1999, Pub.L. 95-511, Title V, § 501, without any use of information provision. The provision was amended several times after 1998, however, a use of information provision was not added until 2006 (along with a minimization procedures requirement) as part of the *USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005*. The legislative history contains no discussion of why a use standard was added. Additionally, instead of the FISA Use Caveat, Congress mandated the use of Business Record information in the following manner:

50 U.S.C. § 1861(h) Use of information--Information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this subchapter concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures adopted pursuant to subsection (g) of this section. No otherwise privileged information acquired from tangible things received by the Federal Bureau of Investigation in accordance with the provisions of this subchapter shall lose its privileged character. No information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this subchapter may be used or disclosed by Federal officers or employees except for lawful purposes.



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Thank you for your assistance in resolving this important matter.

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