

USA PATRIOT ACT



CHIEF DIVISION COUNSEL – FBI SPRINGFIELD

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PATRIOT ACT

10/26/2001

16 sunset provisions (12/31/2005)

Permanent provisions

PATRIOT ACT

- Information sharing;
- Provide traditional criminal investigative tools to national security investigations;
- Bring statutes up to date with emerging technology

PATRIOT ACT

- 215 – FISA Business Records Court Order
 - Broadened scope to include “any tangible thing” from all businesses
 - Previously limited to certain businesses.

USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT



ACLU Sect. 215-1153

PATRIOT ACT

- ❑ The USA Patriot Improvement and Reauthorization Act of 2005 went into effect on March 09, 2006.
- ❑ Makes 14 of the 16 USA Patriot Act provisions permanent.

PATRIOT ACT

- ❑ Creates a new 4 year sunset extension for two USA Patriot Act provisions, through 12/31/2009:

Outside the Scope



- FISA Business Records court orders

PATRIOT ACT

Changes:

Outside the Scope

➤ FISA Business Records;



BUSINESS RECORDS

- ❑ FISA Business Record authority has been modified to provide more safeguards to protect certain categories of personal information.

BUSINESS RECORDS

□ Special categories:

- Library circulation records;
- Library patron lists;
- Book sales records;
- Book customer lists;
- Firearms sales records;
- Tax return records;
- Educational records;
- Medical records which identify a person

BUSINESS RECORDS

- These special categories of business records will require approval from FBIHQ executive management

BUSINESS RECORDS

□ Non-Disclosure Provision

- No person shall disclose the fact that the FBI has sought tangible things under this authority, with these exceptions:
 - Persons necessary for compliance;
 - An attorney for legal advice.

BUSINESS RECORDS

- Judicial Challenge of the court order
 - The recipient of a FISA Business Record court order may challenge the legality of the order in the FISA Court.

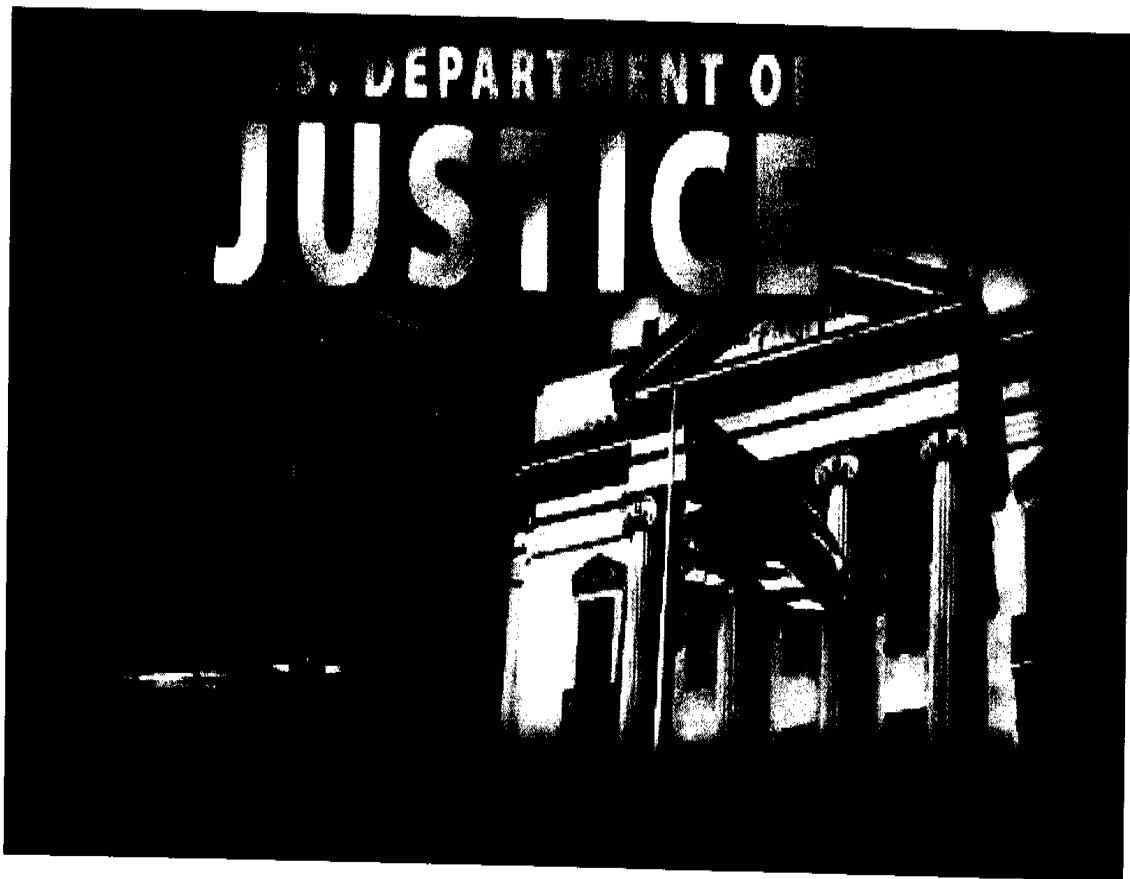
 - Relief may be granted only if the court order does not meet legal requirements.

BUSINESS RECORDS

□ Judicial challenge of nondisclosure

- FISC may set aside the nondisclosure provision only if there is no reason to believe that disclosure may:
 - Endanger National Security;
 - Interfere with a pending investigation;
 - Interfere with diplomatic relations, or
 - Endanger the life or safety of a person.

QUESTIONS



ACLU Sect. 215-1175

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ACLU Sect. 215-1176

- Uniting and**
- Strengthening**
- America by**

- Providing**
- Appropriate**
- Tools**
- Required to**
- Intercept and**
- Obstruct**
- Terrorism**



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