



## USA PATRIOT Improvement and Reauthorization Act of 2006

- I. The USA PATRIOT Act (“Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”) of 2001 became law on October 26, 2001, with overwhelming bipartisan support (Senate passed it 98-1; House passed it 357-66).
  - A. Sixteen significant provisions of the USA PATRIOT Act were scheduled to “sunset” on December 31, 2005, unless expressly reauthorized by Congress.
- II. Congress engaged in vigorous debate on reauthorization of the Patriot Act throughout 2005. Eighteen hearings took place between April and June 2005.
- III. Unable to agree on some of the controversial provisions, on December 22, 2005, Congress twice extended the original sunset until March 10, 2006.
- IV. The USA Patriot Improvement and Reauthorization Act of 2006 was signed into law by President Bush on March 9, 2006.
- V. The following are highlights of the USA PATRIOT Improvement and Reauthorization Act of 2006:
  - A. **Sunset Provisions:** Most of the expiring provisions became permanent. Congress imposed new “sunsets” on some of the more controversial provisions. Section 206 (roving FISA surveillance), Section 215 (access to business records under FISA), and the “Lone Wolf” provision of IRTPA (Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004) will sunset again on December 31, 2009.



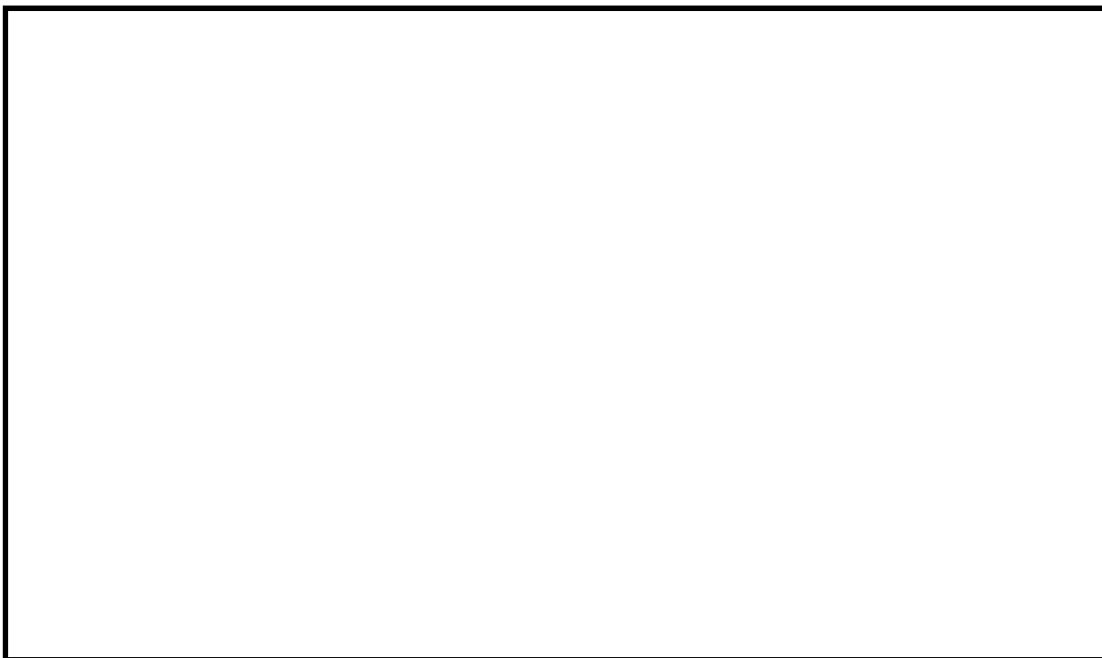
Outside the Scope

D. **Section 215 (access to business records under FISA):** There are significant changes involving Section 215. The new law applies a 3-part “presumptively relevant” test to requests for business records. The records are presumptively relevant if they pertain to “(i) a foreign power or an agent of a foreign power, (ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation, or (iii) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigation....”

Special categories of records requested under Section 215 now require special approval. The Director, Deputy Director, or the Executive Director for National Security have to sign requests for library records, book sales and book customer lists, firearm sales records, tax records, educational records, and medical records.

The law provides additional protection for Section 215 recipients, including the following: a reasonable time to produce records, authority to disclose the request to an attorney, the right to challenge the request in the FISC, the requirement for the Order to describe the items requested with “sufficient particularity,” and the requirement that the Government develop special minimization procedures.

The law includes enhanced Congressional oversight of Section 215. DOJ is required to report annually to the HJC, the HPSCI, the SJC, and the SSCI regarding the total Section 215 requests (unclassified report) and the requests for the special categories of business records. Additionally, the law directs DOJ’s IG to audit the effectiveness and use of Section 215 for the years 2002 to 2006.



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