



Summary of the Patriot Act Renewal Legislation

Outside the Scope

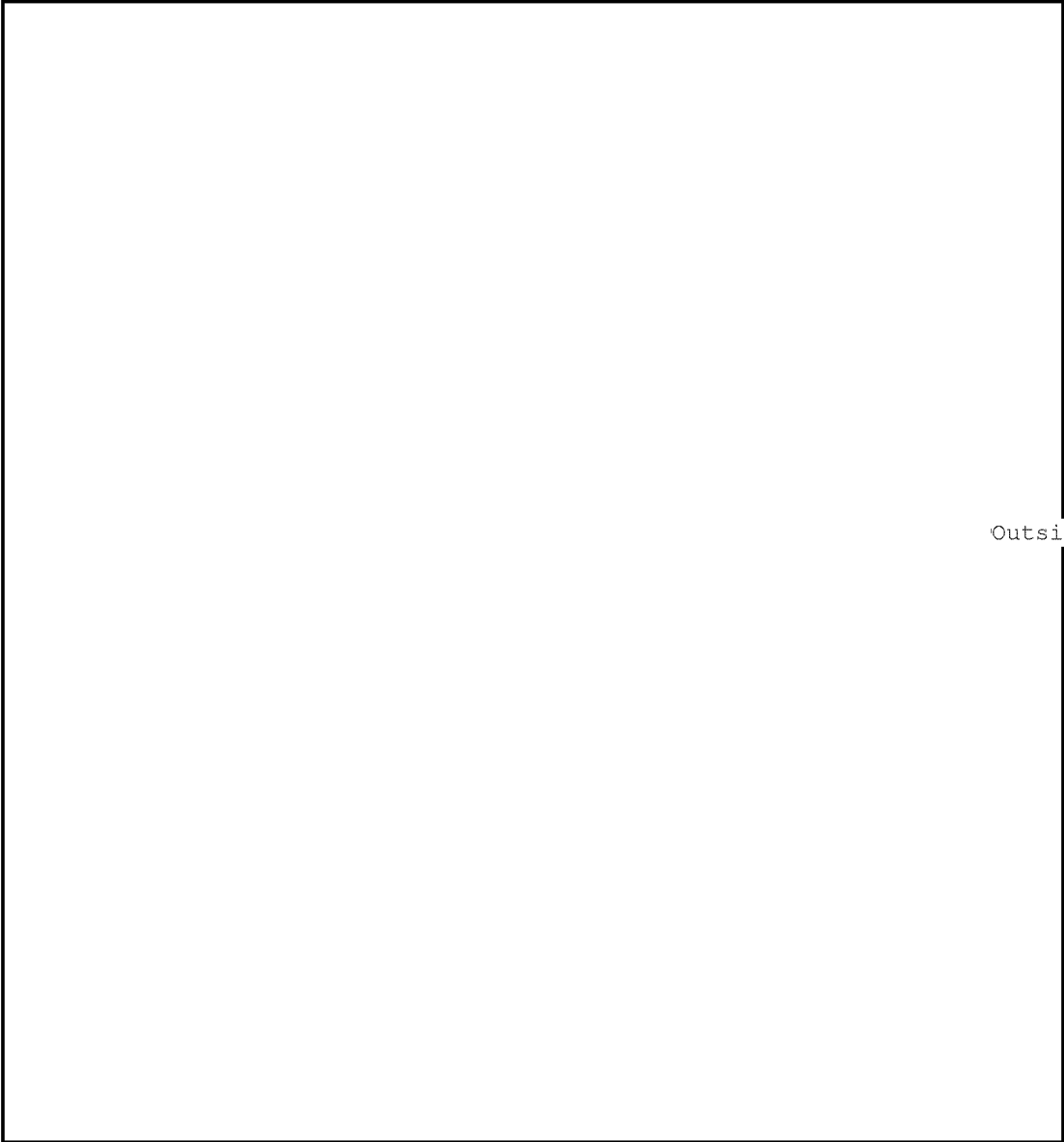


II. FISA BUSINESS RECORDS

(Original Sec. 215 / Conference Report Sec. 106 / S. 2271)

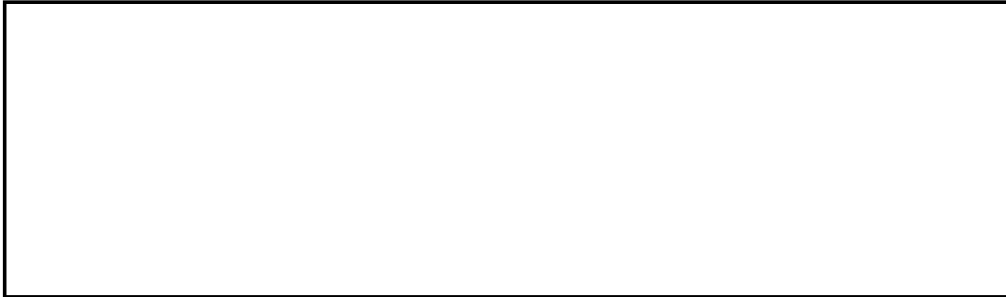
1. Orders for the production of certain library, bookstore, firearm sales, tax return, educational or medical records must be approved by the FBI Director or Deputy Director or Executive Assistant Director.
2. Adds procedural changes including: presumptive relevancy test; mandatory adherence to minimization procedures; permitted disclosure to recipient's attorney; recipient may seek FISA Court review of request.
 - a. Allows the recipient of a business records order to challenge its non-disclosure requirement no sooner than one year after the issuance of the production order. (Added by S. 2271)



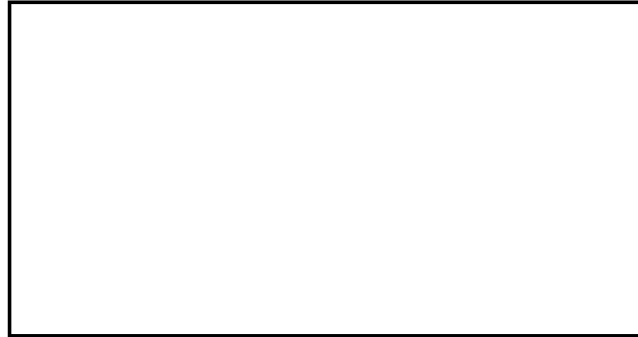


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X. SUNSET PROVISIONS
(Original Sec. 224 / Conference Report Secs. 102, 103)



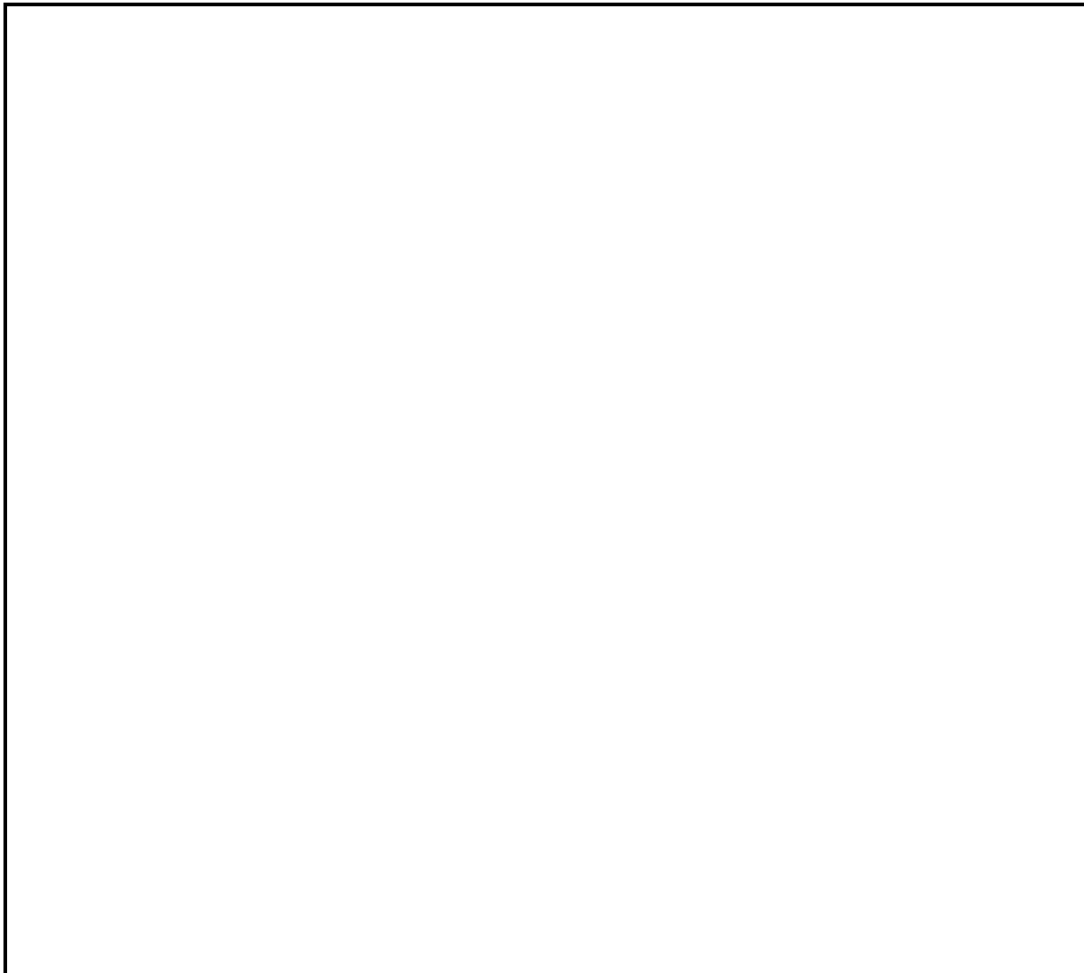
Outside the Scope



2. The following provisions are extended until December 31, 2009:



Sec. 215 - (FISA access to business records)



SUMMARY OF PATRIOT ACT REAUTHORIZATION

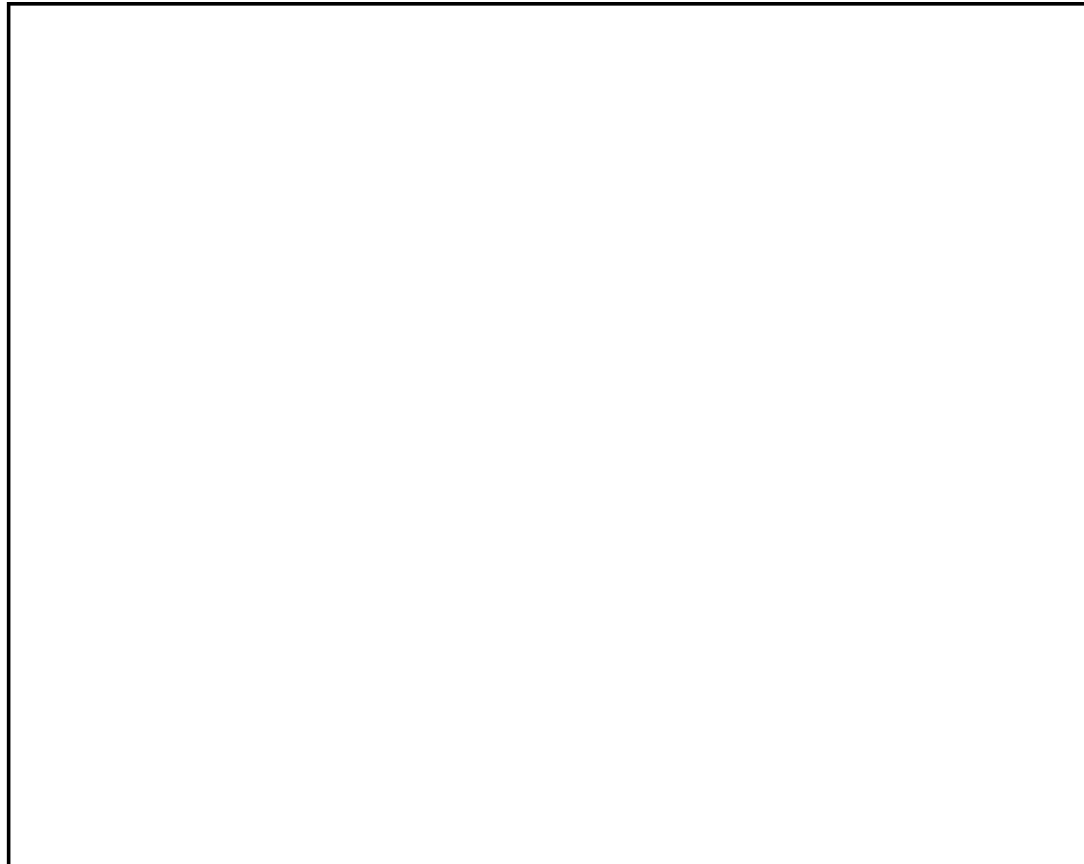
Sunsets

- Retains 4-year sunsets for two PATRIOT provisions:

[Redacted]

Outside the Scope

- Section 215, FISA court orders for business records.



Section 215 (FISA Business Records)

- Requires applications to include “a statement of facts” showing “reasonable grounds to believe” the things sought are “relevant” to an authorized investigation.
- Creates a legal presumption in favor of a finding of relevance for records that pertain to: (a) a foreign power or an agent of a foreign power; (b) the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or (c) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation.
- Includes explicit right for recipients to consult legal counsel and to seek judicial review.

- Permits challenges to non-disclosure requirement, but no sooner than 1 year after issuance of order. (Added by Sununu bill, S.2271.)
- Makes clear that section 215 orders are not available for threat assessments.
- Requires FBI Director, Deputy Director or Executive Assistant Director to approve requests for certain records (e.g., library, medical, educational, and tax records).
- Limits scope of requests to materials that could be obtained via grand jury subpoena or a similar court order for the production of records.
- Requires recipients, upon request, to inform the FBI of the names of others to whom the order has been or will be disclosed.
 - Disclosures to legal counsel exempt from this requirement. (Added by S. 2271)
- Requires the use of minimization procedures to limit “the retention, and prohibit the dissemination” of information concerning US persons.
- Requires audits by the DOJ Inspector General on the use of Section 215;
- Includes enhanced reporting to Congress regarding the use of Section 215 and new public reporting on the use of Section 215. Outside the Scope

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

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