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**REPORTING REQUIREMENTS UNDER  
THE USA PATRIOT IMPROVEMENT and REAUTHORIZATION ACT of  
2005 (Public Law 109-177).**

**&**

**THE USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006  
(Public Law 109-178).**

**FISA BUSINESS RECORD CHANGES**

**Sec. 106. Access to Certain Business Records Under Section 215 of the USA PATRIOT Act.**

Reporting Cycle:	Attorney General will report on an annual basis (April of each year).
Congressional Committees:	<ul style="list-style-type: none"><li>•House Permanent Select Committee on Intelligence</li><li>•House Judiciary Committee</li><li>•Senate Select Committee on Intelligence</li><li>•Senate Judiciary Committee</li></ul>
Reporting Categories:	<p>(1) Total number of applications for FISA Business Records. (2) Total number of orders granted, modified, or denied. (3) Total number of orders granted, modified, or denied for the special categories of tangible things.</p> <ul style="list-style-type: none"><li>• Library circulation records, library patron lists, book sales records, or book customer lists.</li><li>• Firearms sales records.</li><li>• Tax return records.</li><li>• Educational records.</li><li>• Medical records containing information that would identify a person.</li></ul>
Additional unclassified report:	Annually (April of each year), the Attorney General shall make an unclassified report on the total number of FISA Business Records applications, and the total number of orders granted, modified, or denied.

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ACLU Sect. 215-969

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**Sec. 106A Audit on Access to Certain Business Records for Foreign Intelligence Purposes.**

Scope of Audit:	The IG will perform a comprehensive audit of the effectiveness and use, including any improper or illegal use, of the investigative authority.
Timing of Audit:	For 2002, 2003, and 2004, the audit should be completed within one year of enactment (March 9, 2007).
	For 2005 and 2006, the audit should be completed by December 31, 2007.
Report results to Congress:	<p>The IG shall submit the audit reports to –</p> <ul style="list-style-type: none"> <li>• House Judiciary Committee.</li> <li>• House Permanent Select Committee on Intelligence.</li> <li>• Senate Judiciary Committee.</li> <li>• Senate Select Committee on Intelligence.</li> </ul>
Examine effectiveness of the tool:	<p>Audit will look at the following for effectiveness –</p> <ul style="list-style-type: none"> <li>• Categories of records obtained.</li> <li>• The importance to the FBI and the IC of the information obtained.</li> <li>• The manner in which the information is collected, retained, analyzed, and disseminated by the FBI (this will include an examination of the access to “raw data” provided by the FBI to other agencies of the Federal, State, local, or tribal governments, or private sector agencies).</li> <li>• The minimization procedures adopted by the AG.</li> <li>• Whether, and how often, the FBI used information to produce analytical intelligence products for the FBI, the IC, or other Federal, State, local, or tribal government agencies.</li> <li>• Whether, and how often, the FBI provided the information to law enforcement authorities for criminal proceedings.</li> </ul>

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Examine the process:	The audit process will look at the following: <ul style="list-style-type: none"><li>• How often the FBI requested DOJ to submit an application and the request was not submitted to the court (including the basis for the decision).</li><li>• Whether the court granted, modified, or denied the application.</li><li>• The justification for the failure of the AG to issue implementing procedures governing the requests in a timely fashion, including whether the delay harmed national security.</li><li>• Whether bureaucratic or procedural impediments prevent the FBI from fully using the authority.</li></ul>
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Outside the Scope



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FOIPA  
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