

S 1692

USA PATRIOT Act Sunset Extension Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Sep 22, 2009

Current Status: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-92. Additional

Latest Action: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-92. Additional and Minority views filed. (Oct 28, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/1692>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Sep 22, 2009
Sen. Kaufman, Edward E. [D-DE]	D · DE		Sep 22, 2009
Sen. Sanders, Bernard [I-VT]	I · VT		Sep 25, 2009
Sen. Feinstein, Dianne [D-CA]	D · CA		Oct 1, 2009
Sen. Klobuchar, Amy [D-MN]	D · MN		Oct 1, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Oct 1, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Oct 13, 2009

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
111 HR 3845	Related bill	Jan 29, 2010: Placed on the Union Calendar, Calendar No. 240.
111 S 2336	Related bill	Oct 29, 2009: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S10934)

USA PATRIOT Act Sunset Extension Act of 2009 - (Sec. 2) Amends the USA PATRIOT Improvement and Reauthorization Act of 2005 to extend until December 31, 2013, provisions authorizing: (1) roving electronic surveillance; and (2) the production of tangible things (including books, records, papers, and documents) for foreign intelligence and international terrorism investigations.

Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to extend until December 31, 2013, provisions revising the definition of an "agent of a foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities ("lone wolf" provision).

Amends the Foreign Intelligence Surveillance Act of 1978 (FISA), the Right to Financial Privacy Act, and the Fair Credit Reporting Act to terminate on December 31, 2013, authorities for the issuance of national security letters.

(Sec. 3) Amends FISA to revise requirements for applications for access to business records in counterterrorism investigations to require an applicant to present a statement of facts and circumstances relied upon to justify the applicant's belief that the records sought are relevant to an investigation. Repeals the presumption in favor of the government that an application for records is relevant to an investigation. Imposes similar requirements for access to circulation records or patron lists of a library and for orders for pen registers and trap and trace devices (devices for recording incoming and outgoing telephone numbers). Defines and requires "minimization procedures" for minimizing the retention and dissemination of information obtained from such records and devices.

(Sec. 5) Revises requirements for obtaining orders to prohibit disclosure of the receipt of a national security letter.

Requires the Federal Bureau of Investigation (FBI) or other appropriate agency to notify persons challenging a nondisclosure order if facts supporting such order no longer exist.

(Sec. 6) Amends FISA to eliminate: (1) the requirement that recipients of any order to produce records wait one year before challenging such order or a nondisclosure requirement in court; and (2) the conclusive presumption that disclosure of an order for tangible things would endanger national security or a person's life or safety or would interfere with a criminal or terrorist investigation or with diplomatic relations.

Revises procedures for obtaining judicial review of national security letter nondisclosure orders. Allows the recipient of a nondisclosure order to request judicial review of the order and requires the government to respond by setting forth specific facts in a certification that justify the need for nondisclosure based upon national security and other concerns. Requires courts, in considering whether to grant a nondisclosure order, to give substantial weight to the facts alleged by the government in its certification.

(Sec. 7) Modifies the standard for obtaining a national security letter to require the FBI or other agency issuing a national security letter to provide a written statement of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to an authorized investigation.

(Sec. 8) Modifies reporting requirements for national security letters to require a breakdown of the types of persons targeted (e.g., U.S. persons and non-U.S. persons) and whether such persons are subjects of authorized national security investigations or not.

(Sec. 9) Amends FISA to require separate public reporting of requests for electronic surveillance, physical searches, pen

registers, and orders for tangible things in the semiannual report of the Attorney General on persons targeted for investigation under FISA.

(Sec. 10) Extends through 2011 provisions requiring the Inspector General of the Department of Justice (DOJ) to conduct audits on investigative authority provided to the FBI under FISA and on the effectiveness and use of national security letters. Directs the Inspector General to report to the House and Senate Judiciary and Intelligence Committees on the results of such audits by June 30, 2011, for audits conducted in 2007, 2008, and 2009, and by December 31, 2012, for audits conducted in 2010 and 2011.

(Sec. 11) Amends the federal criminal code to reduce from 30 to 7 days the period for giving notice to the target of a search warrant in a criminal investigation.

(Sec. 12) Directs the Attorney General to: (1) establish procedures, within 180 days of the enactment of this Act, minimizing the acquisition, retention, and dissemination by the FBI of any records received by the FBI in response to a national security letter; and (2) submit to the House and Senate Judiciary and Intelligence Committees a copy of such procedures.

Actions Timeline

- **Oct 28, 2009:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-92. Additional and Minority views filed.
- **Oct 13, 2009:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Oct 13, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 177.
- **Oct 8, 2009:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 22, 2009:** Introduced in Senate
- **Sep 22, 2009:** Sponsor introductory remarks on measure. (CR S9673-9675)
- **Sep 22, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9675-9680)