

HR 3845

USA PATRIOT Amendments Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Oct 20, 2009

Current Status: Placed on the Union Calendar, Calendar No. 240.

Latest Action: Placed on the Union Calendar, Calendar No. 240. (Jan 29, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/3845>

Sponsor

Name: Rep. Conyers, John, Jr. [D-MI-14]

Party: Democratic • State: MI • Chamber: House

Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cohen, Steve [D-TN-9]	D · TN		Oct 20, 2009
Rep. Harman, Jane [D-CA-36]	D · CA		Oct 20, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Oct 20, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Oct 20, 2009
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Oct 20, 2009
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Oct 20, 2009
Rep. Honda, Michael M. [D-CA-15]	D · CA		Oct 28, 2009
Rep. Holt, Rush [D-NJ-12]	D · NJ		Nov 3, 2009
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Nov 3, 2009
Rep. Michaud, Michael H. [D-ME-2]	D · ME		Nov 19, 2009
Rep. Pingree, Chellie [D-ME-1]	D · ME		Dec 11, 2009

Committee Activity

Committee	Chamber	Activity	Date
Financial Services Committee	House	Discharged From	Jan 29, 2010
Intelligence (Permanent Select) Committee	House	Discharged From	Jan 29, 2010
Judiciary Committee	House	Reported By	Dec 16, 2009

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
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)
111 S 1692	Related bill	Oct 28, 2009: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-92. Additional and Minority views filed.

USA PATRIOT Act Amendments Act of 2009 - **Title I: USA PATRIOT Act Related Amendments** - (Sec. 101) Amends the Foreign Intelligence Surveillance Act of 1978 (FISA) to require an ex parte order for electronic surveillance to contain specific information as to whether a surveillance target is a foreign power, an agent of a foreign power, or a specific individual.

(Sec. 102) 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.

(Sec. 103) Amends FISA to revise criteria 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 authorized terrorism 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 library records and bookseller information.

Requires the government to notify the recipient of a nondisclosure order (a prohibition against disclosing the receipt or contents of a national security letter) of the right to challenge such order in court. Authorizes a judge to assess compliance with minimization procedures applicable to a FISA order for the production of tangible things.

(Sec. 104) Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to allow the expiration, effective February 28, 2010, of 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).

(Sec. 105) Requires the Inspector General of the Department of Justice (DOJ) to conduct audits on orders for records, national security letters, and pen register and trap and trace devices (devices for recording incoming and outgoing telephone numbers) for all calendar years through 2013, and to submit a report on such audits to the House and Senate Judiciary and Intelligence Committees.

(Sec. 106) Amends the federal criminal code to reduce (from 30 to 7 days after the date of execution) the period during which notice of a search warrant in a criminal investigation may be delayed. Permits additional 21-day extensions of such period upon a showing by a U.S. attorney that execution of a warrant may endanger an individual or otherwise jeopardize an investigation or delay a trial.

(Sec. 107) Amends FISA to modify the standards for applications to obtain pen registers and trap and trace devices to require: (1) a statement of facts relied upon to justify the belief of the applicant that the information sought is relevant to an ongoing terrorism investigation; and (2) a statement of proposed procedures for the minimization of the retention and dissemination of information obtained through the use of such devices.

(Sec. 108) 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. 109) Amends the federal criminal code to allow a provider of a electronic communication service or a remote computing service to challenge a court order for disclosure of customer communications or records in the U.S. district court in which such order was issued or served.

(Sec. 110) Requires the President to submit to the House and Senate Intelligence and Judiciary Committees a report on whether operations conducted under FISA authority could be modified to enhance protections for civil liberties and on the nature and cost of any potential modifications.

Title II: National Security Letter Reform - National Security Letter Reform Act of 2009 - (Sec. 202) Terminates on December 31, 2013, the authorities for issuance of a national security letter.

(Sec. 203) Defines "national security letter" as a request for information under certain provisions of the federal criminal code relating to access to records of communication service providers, the Right to Financial Privacy Act, the Fair Credit Reporting Act, and the National Security Act of 1947.

(Sec. 204) Prohibits the issuance of a national security letter unless the official having authority over such issuance documents in a separate writing specific and articulable facts showing reasonable grounds to believe that the information sought: (1) pertains to a foreign power or an agent of a foreign power; (2) is relevant to the activities of a suspected agent of a foreign power that is the subject of an authorized investigation; or (3) pertains to an individual in contact with, or personally known to, a suspected agent of a foreign power that is the subject of an authorized investigation.

(Sec. 205) Requires notice to the recipient of a national security letter subject to a nondisclosure requirement: (1) of the right to judicial review of such requirement; and (2) that such requirement will remain in effect during the pendency of any judicial review.

(Sec. 206) Prohibits disclosure of any information acquired by a national security letter for law enforcement purposes unless such disclosure contains a statement that such information may only be used in a criminal proceeding with the advance authorization of the Attorney General or an authorized designee.

(Sec. 207) Expands procedures for obtaining judicial review of government requirements for nondisclosure of the issuance of a national security letter. Requires any application for a nondisclosure order (or an extension of an existing order) to include a certification from the Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation (FBI) that disclosure may cause a danger to national security, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. Requires the government to notify the recipient of a national security letter if the factual basis for such letter has ceased to exist.

(Sec. 208) Directs the Attorney General to establish and submit to the House and Senate Judiciary and Intelligence Committees procedures minimizing the acquisition, retention, and dissemination by the FBI of any records received by the FBI in response to a national security letter.

(Sec. 209) 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.

Title III: General Provisions - Expresses the sense of Congress that the President should periodically review the level of classification of programs that make use of national security letters or authorities under FISA to determine if such programs can be declassified, in whole or in part, without interfering with an ongoing investigation or otherwise threatening national security.

Actions Timeline

- **Jan 29, 2010:** Committee on Intelligence (Permanent) discharged.
- **Jan 29, 2010:** Committee on Financial Services discharged.
- **Jan 29, 2010:** Placed on the Union Calendar, Calendar No. 240.
- **Dec 16, 2009:** Reported (Amended) by the Committee on Judiciary. H. Rept. 111-382, Part I.
- **Dec 16, 2009:** House Committee on Intelligence (Permanent) Granted an extension for further consideration ending not later than Jan. 29, 2010.
- **Dec 16, 2009:** House Committee on Financial Services Granted an extension for further consideration ending not later than Jan. 29, 2010.
- **Nov 5, 2009:** Committee Consideration and Mark-up Session Held.
- **Nov 5, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 16 - 10.
- **Oct 20, 2009:** Introduced in House
- **Oct 20, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Oct 20, 2009:** Referred to House Judiciary
- **Oct 20, 2009:** Referred to House Intelligence (Permanent)
- **Oct 20, 2009:** Referred to House Financial Services