



Senate Judiciary Committee Unanimously
Approves Modified USA Patriot Act
July 21, 2005

Washington, DC – The Senate Judiciary Committee today unanimously approved a modified version of legislation sponsored by Senators Arlen Specter (R-PA) and Dianne Feinstein (D-Calif.) that would reauthorize the USA Patriot Act.

“The USA Patriot Act has helped strengthen our nation’s efforts against terrorism, yet serious and legitimate concerns about the law’s impact on civil liberties remain,” Senator Feinstein said. **“The bill approved by the Judiciary Committee today should go a long way toward alleviating those concerns.”**

“The changes made to the bill prevent law enforcement and intelligence officials from going on ‘fishing expeditions,’ but preserve their ability to ferret out terrorist activities. In my view, this bill represents a careful balance. It is my hope that the bill ultimately signed into law reflects the changes made to this bill.”

This legislation, which was first introduced by Senator Specter and Senator Feinstein on July 13, 2005, would permanently reauthorize 14 of the 16 provisions scheduled to sunset in December 2005 and extend two other provisions (multi-point (roving) wiretaps and the acquisition of business records) until December 2009.

But in doing so, the legislation made improvements to key portions of the act by:

- Clarifying the rules governing multi-point wiretaps as well as regulating the acquisition of business records in the course of foreign intelligence investigations by requiring that a judge determine that the request is relevant to a national security intelligence investigation.
- Increasing the amount of information that must be provided to Congress to ensure adequate and effective oversight.

The bill approved by Committee today went even further in strengthening the USA Patriot Act and protecting the civil liberties of Americans. It included the following modifications:

- **Changes to a provision altering Section 215 of the USA Patriot Act (FISA Tangible Item Orders or the so-called “library provision”)**, tightening the requirement to make it clear that investigators must not only show relevance but also that the request pertains to a known or suspected agent of a foreign power or their associates.

- **Changes to a provision altering Section 213 of the USA Patriot Act (Delayed Notification of Search Warrants or “Sneak and Peak”)**, to include a “7-day default” for delayed notice search warrants. Extension of this delay is permitted to dates certain (limited to 90 days or less unless the facts of the case justify a longer period of delay), but only upon showing of facts supporting that request.
- **The elimination of a provision altering Section 203 of the USA Patriot Act (Disclosure of Foreign Intelligence Information)**, which requires law enforcement to disclose, under seal to a judge, foreign intelligence information that is obtained through a Title III (criminal) court-ordered wiretap to other government agencies.
- **Changes to a provision altering Section 212 of the USA Patriot Act**, so that electronic service providers (Verizon, Comcast, etc.) are authorized to voluntarily (i.e., without a warrant) disclose customer records and the content of communications in an emergency situation -- where delay could be harmful, but without a need to show “immediacy.”
- **Changes to a provision altering Section 214 of the USA Patriot Act (FISA Pen Registers/Trap and Trace Devices)** in a way that makes them consistent with those used in criminal cases.
- **Changes to a provision altering Section 505 of the USA Patriot Act (National Security Letter Protections)**, clarifying that any person contesting an order to produce a tangible thing, can not only challenge the order, but also any gag-order accompanying it.

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