

## **SAFE Act Sponsors' Civil Liberty Achievements Throughout the PATRIOT Act Reauthorization Process**

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### **Draft Conference Report-November 17, 2005**

#### Section 215 Orders

- 1) Requires the government to provide a statement of facts to a FISA judge, and requires the judge to find that the statement of facts show reasonable grounds to believe the items sought are relevant to an investigation.
- 2) Requires the use of minimization procedures to limit and/or prohibit the retention and dissemination of information regarding U.S. persons.
- 3) Establishes explicit right of recipients to consult with an attorney.
- 4) Establishes explicit right to judicial review of the order.
- 5) Requires approval of a senior FBI official to seek sensitive records such as libraries, medical, educational and gun records.

#### Delayed Notice ("Sneak and Peak") Search Warrants

- 6) Requires notice given to target within 30 days, with extensions of up to 90 days.

#### Roving Wiretaps

- 7) Requires application and order to include the identity, or if identity is unknown, a description of the specific target.

#### National Security Letters (NSL)

- 8) Establishes explicit right of recipients to consult with an attorney.
- 9) Establishes explicit judicial review of the order.
- 10) Establishes explicit judicial review of the non-disclosure ("gag") order.

#### Sunsets

- 11) Establishes 7 yr. sunsets for sec. 215, roving wiretaps, and lone wolf terrorist provisions.

#### Congressional and Public Reporting

- 12) Requires extensive Congressional and public reporting on the use of section 215, delayed notice searches, roving wiretaps, NSL's and other PATRIOT provisions.
- 13) Requires extensive audits on use of section 215 and NSL orders by the DoJ IG.

### **Revised Conference Report-December 8, 2005**

#### National Security Letters

- 14) Removes from the draft conference report the provision making disclosure of an NSL a crime even though there was no intent to break the law.

#### Sunsets

- 15) Reduces sunsets from 7 years to 4 years for section 215, roving wiretaps, and lone wolf terrorist provisions.

### **Post-Cloture Vote-December 16, 2005 to present**

#### Section 215 Orders

- 16) Establishes explicit judicial review of non-disclosure ("gag") order.

#### Disclosure of Counsel

- 17) Removes from the conference report the requirement that a person provide the FBI with the name of an attorney consulted regarding an NSL.

#### NSL's

- 18) Clarifies current law to ensure that libraries, when functioning in their traditional roles, including providing Internet access, are NOT subject to NSL's.