U.S. House of Representatives
Committee on the Judiciary
F. James Sensenbrenner, Jr., Chairman

http://judiciary.house.gov/

News Advisory

For immediate release
January 9, 2006

Contact: Jeff Lungren/Terry Shawn
202-225-2492

Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #5

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #5 – Explicitly Providing for a Judicial Challenge to a Section 215 Order:

Section 215 of the PATRIOT Act authorizes the Director of the Federal Bureau of Investigation or a designee of the Director to apply to the Foreign Intelligence Surveillance Act (FISA) Court for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for a foreign terrorism or spy investigation. This authority provides counterterrorism and law enforcement officials a helpful and less invasive tool to both uncover what activities suspected terrorists or spies are engaged in and clear innocent people suspected of terrorism or spying.

Current law requires judicial review before a Section 215 order can be issued. Specifically, the FISA Court is required to review all applications before a Section 215 order is approved. However, current law does not provide a judicial review process after a 215 order has been issued. **The pending PATRIOT Act conference report explicitly establishes a judicial review process after the 215 order has been issued to allow the recipient of a 215 order to challenge the order before the FISA Court.** The FISA Court may quash a Section 215 request if it does not meet the requirements of the statute or is otherwise unlawful. This civil liberty safeguard contained in the conference report does not exist under current law.

####