

Section 215. Access To Records And Other Items Under The Foreign Intelligence Surveillance Act - Excerptsⁱ

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

“SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

1 “(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose
2 rank shall be no lower than Assistant Special Agent in Charge) may make an application for an
3 order requiring the production of any tangible things (including books, records, papers, documents,
4 and other items) for an investigation to protect against international terrorism or clandestine
5 intelligence activities, provided that such investigation of a United States person is not conducted
6 solely upon the basis of activities protected by the first amendment to the Constitution....

7 “(b) Each application under this section—

8 “(1) shall be made to—

9 “(A) a judge of the court established by section 103(a); or

10 “(B) a United States Magistrate Judge under chapter 43 of title 28, United States
11 Code, who is publicly designated by the Chief Justice of the United States to have
12 the power to hear applications and grant orders for the production of tangible
13 things under this section on behalf of a judge of that court; and

14 “(2) shall specify that the records concerned are sought for an authorized investigation
15 ... to obtain foreign intelligence information not concerning a United States person or to
16 protect against international terrorism or clandestine intelligence activities.

17 “(c)(1) Upon an application made pursuant to this section, the judge shall enter an *ex parte*
18 orderⁱⁱ as requested, or as modified, approving the release of records if the judge finds that the
19 application meets the requirements of this section.

20 “(2) An order under this subsection shall not disclose that it is issued for purposes of an
21 investigation described in subsection (a).

22 “(d) No person shall disclose to any other person (other than those persons necessary to
23 produce the tangible things under this section) that the Federal Bureau of Investigation has sought
24 or obtained tangible things under this section.”

ⁱ USA PATRIOT Act of 2001 (Public Law 107–56—OCT. 26, 2001). Full text at www.lifeandliberty.gov.

ⁱⁱ *Ex Parte* is Latin for “on behalf of.” This kind of order refers to an action taken without notifying the person who is the target of the order.