



American Association of Law Libraries
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National Security Letters

Legislation in the 111th Congress: The *National Security Letters Reform Act of 2009* ([H.R. 1800](#)) would narrow the overbroad subpoena power in the National Security Letter (NSL) provision of the *USA PATRIOT Act* (P.L. 107-56).

Committees: [House Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Civil Liberties](#); [House Financial Services Committee](#)

Current Status: H.R. 1800 was introduced on March 30, 2009 and referred to the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties and House Financial Services Committee.

Original Sponsors: Rep. Jerrold Nadler (D-NY-8) and Rep. Jeff Flake (R-AZ-6)

Co-Sponsors:

Rep. Andre Carson (D-IN-7)	Rep. Carolyn B. Maloney (D-NY-14)
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Rep. Maurice D. Hinchey (D-NY-22)	Rep. Carol Shea-Porter (D-NH-1)
Rep. Rush D. Holt (D-NJ-12)	Rep. Fortney Pete Stark (D-CA-13)
Rep. Michael M. Honda (D-CA-15)	Rep. Robert Wexler (D-FL-19)
Rep. Sheila Jackson-Lee (D-TX-18)	Rep. Lynn C. Woolsey (D-CA-6)
Rep. Barbara Lee (D-CA-9)	

Message for every member of the House: AALL strongly supports H.R. 1800 to increase oversight and add strict guidelines for the use of National Security Letters. We believe the scope of NSLs should be limited to protect the privacy and civil liberties of library users and all Americans.

If your member of the House is a co-sponsor of H.R. 1800:

- Thank him or her for co-sponsoring the bill.
- Ask what you can do to help support this important piece of legislation.

If your member of the House is NOT a co-sponsor of H.R. 1800:

- Ask him or her to support the bill, which would limit the FBI's use of NSLs to circumstances where the agency is specifically collecting information about terrorism suspects or agents of foreign powers.

Background:

AALL supports the *National Security Letters Reform Act of 2009* (H.R. 1800), which would prevent the FBI from seeking records about innocent people who are not subject to specific investigations. NSLs are secret demand letters, signed by officials of the FBI and other agencies with no prior judicial approval, that allow the FBI to demand personal information such as financial records, telephone and email communications, and Internet searches from Internet service providers (ISPs), including law libraries.

With the enactment of Section 505 of the *USA PATRIOT Act* (P.L. 107-56), it is now sufficient for the FBI to simply assert that the records are “relevant to” an investigation to protect against international terrorism or foreign espionage. This means that NSLs may request information about persons other than the subjects of FBI national security investigation, as long as it is in the interest of protecting against terrorism.

In 2004, AALL issued a [*Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users*](#) that articulates the Association’s support for protecting the privacy of library users and urges Congress to provide effective oversight of expanding surveillance powers. AALL’s [*“Statement on the Public Policy Positions of AALL”*](#) expresses our belief that the library exemption in the *USA PATRIOT Reauthorization Act* (P.L. 109-177) should be clarified so that libraries providing computer access are not, by that fact alone, subject to an NSL.

We also believe that the scope of National Security Letters should be returned to the pre-PATRIOT Act standard so that there be "clear and articulable facts" that are relevant to an ongoing authorized investigation before a letter is issued.

H.R. 1800 would reinstate pre-PATRIOT Act law that requires NSLs to be used to specifically target terrorism suspects or other agents of foreign powers. It would also ensure that recipients of gag orders are not silenced indefinitely. Although the bill would allow a 30 day gag order, it would require the FBI to go to court to renew the gag, which could last no longer than 180 days. The bill would also allow the recipient of the gag order to consult a lawyer during the time the gag is in place. Therefore, AALL strongly supports H.R. 1800 and we encourage Congress to take swift action to pass this important legislation.