



American Association of Law Libraries
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

USA PATRIOT Act Reauthorization: Section 215

Legislation in the 111th Congress: No legislation has been introduced this year.

Committees: [House](#) and [Senate](#) Judiciary Committees

Current Status: Section 215 of the *USA PATRIOT Improvement and Reauthorization Act of 2005* (P.L. 109-177) will sunset on December 31, 2009.

Message for all senators and House representatives: AALL strongly opposes the reauthorization of Section 215, the so-called “library” provision of the *USA PATRIOT Improvement and Reauthorization Act of 2005*. We believe the government must curtail its surveillance authority to preserve the privacy rights and civil liberties of library users and all Americans.

If repeal of Section 215 is not possible, we urge Congress to include in the reauthorization of the bill requirements that return to the pre-*PATRIOT Act* standard. Documents or other tangible things being sought by the Federal Bureau of Investigation or a designee must be shown to pertain to a suspected agent of a foreign power or a person in contact with or otherwise directly linked to such an agent.

Background:

The *USA PATRIOT Improvement and Reauthorization Act of 2005* (P.L. 109-177) extended the sunset date for Section 215 to December 31, 2009. Section 215, codified as 50 U.S.C. § 1861, authorizes the Director of the Federal Bureau of Investigation (FBI) or a designee to apply for a Foreign Intelligence Surveillance Court order requiring production of any tangible thing (including books, records, papers, and documents) it claims is relevant to authorized foreign intelligence and international terrorism investigations. Section 215 orders come with a “gag order” which prevents the recipients of the court order from disclosing that fact to anyone other than the attorneys involved in the case and to those who need to know in order to comply with the order.

AALL’s “[Statement to the Obama-Biden Transition Team](#)” affirms that we oppose the reauthorization of Section 215 because we believe that it unnecessarily impinges on the privacy rights and civil liberties of library users and all Americans.