

SUMMARY OF KEY SECTIONS OF THE
USA PATRIOT ACT OF 2001
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The Patriot Act was signed into law by President George W. Bush on October 26, 2001. It passed in the Senate by a vote of 98-1 and in the House of Representatives by 357-66.

USA Patriot is an acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.”

These summaries of the Patriot Act’s key sections contain the Act’s language whenever possible.

Title I – Enhancing Domestic Security Against Terrorism

Section 101: Establishes a Counterterrorism Fund in the U.S. Treasury to reimburse the Justice Department and other government agencies for losses incurred due to terrorism and for certain counterterrorism activities.

Section 102: Declaration that Arab Americans, Muslim Americans, and Americans from South Asia are entitled to the full rights of every American and that their civil rights and liberties must be protected.

Section 106: Authorizes the President, when dealing with “any unusual and extraordinary threat” to the U.S. national security, foreign policy or economy whose source is outside the U.S. to “investigate, regulate, or prohibit . . . the importing or exporting of currency or securities . . . when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals” and to accordingly confiscate property of any foreign person, organization, or country that “has planned, authorized, aided, or engaged in such hostilities or attacks.”

Title II – Enhanced Surveillance Procedures

Section 203: Allows the sharing of grand jury information with federal law enforcement, immigration, national defense, and intelligence officials when the matters involve foreign intelligence or counterintelligence information.

Section 206: Allows for roving wiretaps under the Foreign Intelligence Surveillance Act, which allows the issuance of a court order the government to employ electronic surveillance of a foreign power or agent of a foreign power.

Section 209: Allows law enforcement to seize voice mail messages pursuant to a warrant.

Section 210: Allows law enforcement to subpoena additional subscriber records from service providers such as “records of sessions and durations” and “means and source of payment.”

Section 213: Allows law enforcement to delay notice that may be required to be given of a search warrant if the “court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result.”

Section 215: Allows the Director of the Federal Bureau of Investigation “access to certain business records for foreign intelligence and international terrorism investigations” where such investigation is to be “conducted under guidelines approved by the Attorney General.”

Section 216: Allows a Pen Trap, a device that records the numbers dialed but not the content of the conversation, to be applied to internet dialing and email.

Section 219: Allows for “Single Jurisdiction Search Warrants for Terrorism.”

Section 220: Allows for “Nation Wide Service of Search Warrant for Electronic Evidence.”

Section 224: Called the “Sunset” provision, this section terminates certain amendments in Title II on December 31, 2005. The terminated amendments will continue to be in effect however if they were employed in a “foreign intelligence investigation” which began prior to December 31, 2005.

Title III – International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001

Section 311: Allows the Treasury Secretary to require domestic financial institutions to obtain certain recordkeeping and background information from their customers if probable cause exists that an overseas jurisdiction, transaction, or financial institution “is of primary money laundering concern.”

Section 312: Requires a financial institution that establishes or manages a private banking account or a correspondent account in the United States for a non-United States person to “establish due diligence policies, procedures, and controls that are reasonably designed to detect and report instances of money laundering through those accounts.”

Section 313: Prohibits a financial institution from establishing or managing “a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

Section 318: Prohibits money laundering through a foreign bank.

Section 321: Includes credit unions and anyone required to register under the Commodity Exchange Act in the definition of “financial institution” which is bound by U.S. anti-money laws.

Section 326: Requires financial institutions to compare names of potential customers with lists terrorist or suspected terrorists provided by the government, and requires foreign nationals to obtain an identification number similar to a Social Security number or tax identification number prior to opening an account with a domestic financial institution, and.

Section 356: Requires securities brokers and dealers to file suspicious activities reports to the Treasury Department, as do bankers.

Section 359: Adds to the definition of “financial agency” any “person who engages as a business in the transmission of funds . . . or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system.”

Section 371: Criminalizes “currency smuggling,” the transport of more than \$10,000 into or out of the United States.

Title IV – Protecting the Border

Section 403: Allows the State Department and the Immigration and Naturalization Service access to criminal history and other records held by the Federal Bureau of Investigation.

Section 411: Denies admissibility to the United States to an alien who is a member or representative of a terrorist organization or of a group whose endorsements of terrorism undermines U.S. counterterrorism efforts, or to an alien who has used his position of prominence in any country to endorse terrorism or persuade others to support terrorism in a way that undermines U.S. counterterrorism efforts.

Section 412: Mandates the Attorney General to maintain custody of an alien involved in terrorism until that alien is removed from the United States.

Section 416: Calls on the Attorney General to implement the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which authorizes the Attorney General to collect from educational institutions information on aliens who have are or applying for nonimmigrant status, such as “the current academic status of the alien, including whether the alien is maintain status as a full-time student.”

Title V – Removing Obstacles to Investigating Terrorism

Section 501: Authorizes the Attorney General to make funds available for the payment of rewards for assistance in combating terrorism.

Section 502: Includes payments to an individual who furnishes information leading to the prevention of terrorism or the identity of someone “who holds a key leadership position in a terrorist organization” in the State Department’s rewards program.

Section 504: Authorizes federal officers who conduct electronic surveillance or physical searches to acquire foreign intelligence information, to consult with other Federal law enforcement officers to coordinate efforts to protect against terrorist attacks or clandestine intelligence activities by a foreign power or its agent.

Section 505: Allows law enforcement easier access to telephone toll and transactional records, financial records, and consumer reports.

Section 506: Extends jurisdiction to the U.S. Secret Service to investigate computer fraud.

Section 507: Authorizes the Attorney General to collect education records from an educational agency or institution that are relevant to certain government investigations by means of a written application to an appropriate court.

Title VI – Providing for Victims of Terrorism, Public Safety Officers, and Their Families

Section 611: Authorizes payments to beneficiaries of public safety officers who were killed or who suffered catastrophic injuries while involved in the prevention, investigation, rescue, or recovery related to a terrorist attack within 30 days of receipt of certification.

Section 621: Allows donations to be made to the U.S. Treasury's Crime Victims Fund from private entities or individuals.

Section 624: Provides for supplemental grants from the Crime Victims Fund to victims of terrorism within and outside the United States.

Title VII – Increased Information Sharing for Critical Infrastructure Protection

Section 710: Includes "terrorist conspiracies and activities spanning jurisdictional boundaries" among the activities for which the Bureau of Justice Assistance can make grants and enter into contracts with local criminal justice agencies and non-profit organizations, and authorizes \$150,000,000 through 2003 for this purpose.

Title VIII – Strengthening the Criminal Laws Against Terrorism

Section 801: Creates a prohibition of "terrorist attacks and other acts of violence against mass transportation systems."

Section 802: Defines "domestic terrorism" as activities that "involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States."

Section 803: Creates a prohibition "against harboring terrorists."

Section 804: Creates "jurisdiction over crimes committed at U.S. facilities abroad."

Section 806: Makes subject to forfeiture by the U.S. Government, foreign or domestic assets of any individual or organization engaged in planning or perpetrating terrorism against the U.S. or its citizens.

Section 808: Defines numerous existing crimes as a “federal crime of terrorism” if “calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct.”

Section 809: No statute of limitations if a federal crime of terrorism “resulted in or created a foreseeable risk of death or serious bodily injury to another person.”

Section 811: Creates penalties for terrorist conspiracies such as attempting to provide material support to terrorists, sabotaging nuclear facilities, destroying communications lines or interstate gas or hazardous material pipeline facilities.

Section 813: Considers acts of terrorism “racketeering activity” so they can be prosecuted under the Racketeer Influenced and Corrupt Organization (RICO) statute.

Section 814: Prohibits damaging through hacking a government computer “used by or for a government entity in furtherance of the administration of justice, national defense, or national security.”

Section 817: Provides fines and imprisonment for the knowing possession of a biological agent or toxin that is not for research or other peaceful purpose.

Title IX – Improved Intelligence

Section 901: Provides “assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches” under the Foreign Intelligence Surveillance Act “is disseminated so it may be used efficiently and effectively for foreign intelligence purposes.”

Section 903: Sense of Congress that “officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities.”

Section 905: Requires heads of federal law enforcement agencies to disclose foreign intelligence information to the Director of Central Intelligence that was acquired in the course of criminal investigations.

Section 908: Requires the Attorney General, in consultation with the Director of Central Intelligence, to provide training in identifying and utilizing foreign intelligence information to federal officials who are not ordinarily involved with its use and to state and local officials who may encounter foreign intelligence in the course of a terrorist event.

Title X – Miscellaneous

Section 1005: Authorizes the Attorney General to make grants to state and local governments “to improve the ability of state and local law enforcement, fire departments, and first responders to respond and prevent acts of terrorism.”

Section 1006: Prohibits the admissibility of an alien to the United States about whom the government has reason to believe is engaged in money laundering offences.

Section 1008: Authorizes a feasibility study of fingerprint identification and access to the FBI fingerprint database at overseas consular offices and at points of entry to the U.S. to identify aliens wanted in connection with criminal or terrorist investigations.

Section 1010: Gives temporary authority to the Defense Department to contract with local and state governments for performance of security functions at U.S. military installations until 180 days after the completion of Operation Enduring Freedom.

Section 1011: Includes telemarketing calls for charitable contributions along with calls for goods and services in the telemarketing fraud laws.

Section 1012: Prohibits a state from issuing a license to operate a motor vehicle transporting a hazardous material unless the Secretary of Transportation determined that the individual does not pose a security risk warranting denial of the license.

Section 1016: Establishes the National Infrastructure Simulation and Analysis Center to address critical infrastructure protection and continuity.