

Chart comparing current law, S. 1692 (PATRIOT Act Sunset Extension Act) as reported by Senate Judiciary Committee, and H.R. 3845 (USA Patriot Amendments Act of 2009) as reported by the House Judiciary Committee.

Issue Area	Current Law	S. 1692 – as reported by Senate Judiciary Comm.	H.R. 3845 – as reported by House Judiciary Comm.
Standard for NSL Issuance	Mere relevance. Gov't must certify that information sought is relevant to authorized investigation to protect against int'l terrorism or clandestine intel activity. Investigation cannot be based solely on First Amendment activity of US Person.	Sec. 7: Same as current law but also requires written statement of specific facts showing reasonable grounds to believe that the info sought is relevant to an investigation. This statement is retained by the agency and does not appear in the NSL itself. (FBI procedures already require the creation of similar statements.)	Sec. 204: Requires statement of specific and articulable facts showing reasonable grounds to believe the info sought i) pertains to a foreign power or AFP, ii) is relevant to the activities of a suspected AFP who is under investigation, iii) pertains to an individual in contact with or personally known to AFP. (This standard is similar to Senate Judiciary standard for library patron lists sought with Section 215 orders.) The statement must be created at the time the letter is issued, is retained by the agency, and does not appear in the NSL itself.
Minimization of Info Obtained with NSL	None required by law.	Sec. 12: AG must establish minimization procedures similar to those in FISA for FISA surveillance. The required minimization procedures govern acquisition, retention and dissemination of non-public info collected with NSLs about unconsenting U.S. Persons and must be submitted to House and Senate Judiciary and Intel Committees. Ct. approval not required.	Sec. 208: Same as Senate Judiciary bill.
Judicial Review of NSL Production Demand	18 USC 3511: Upon petition filed by NSL recipient, U.S. District court may set aside NSL request for records if compliance would be unreasonable, oppressive, or otherwise unlawful.	Same as current law.	Same as current law.