

## Section 215

Section 215 of the USA PATRIOT Act of 2001, which amended Title V, Section 501 of the Foreign Intelligence Surveillance Act (FISA), "Access to Certain Business Records for Foreign Intelligence and International Terrorism Investigations" (50 U.S.C. sec. 1861)

- This program concerns the collection only of telephone metadata. Under this program, the government does not acquire the content of any communication, the identity of any party to the communication, or any cell-site locational information.
- This metadata is stored in repositories within secure networks, must be uniquely marked, and can only be accessed by a limited number of authorized personnel who have received appropriate and adequate training.
- This metadata may be queried only when there is a reasonable suspicion, based on specific and articulated facts, that the identifier that will be used as the basis for the query is associated with specific foreign terrorist organizations.
- The basis for these queries must be documented in writing in advance.
- Fewer than two dozen NSA officials may approve such queries.
- The documented basis for these queries is regularly audited by the Department of Justice.
- Only seven senior officials may authorize the dissemination of any U.S. person information outside of NSA (e.g. to the FBI) after determining that the information is related to and is necessary to understand counterterrorism information, or assess its importance.
- Every 30 days, the government must file with the Foreign Intelligence Surveillance Court a report describing the implementation of the program, to include a discussion of the application of the Reasonable Articulate Suspicion (RAS) standard, the number of approved queries and the number of instances that query results that contain U.S. person information were shared outside of NSA in any form.
- The Foreign Intelligence Surveillance Court reviews and must reauthorize the program every 90 days.
- At least once every 90 days, DOJ must meet with the NSA Office of Inspector General to discuss their respective oversight responsibilities and assess NSA's compliance with the Court's orders.
- At least once every 90 days, representatives from DOJ, ODNI and NSA meet to assess compliance with the Court's orders.

- Metadata collected under this program that has not been reviewed and minimized must be destroyed within 5 years.
- DOJ and NSA must consult on all significant legal opinions that relate to the interpretation, scope, and/or implementation of this authority.