



Uniting and Strengthening America by  
Providing Appropriate Tools Required to  
Intercept and Obstruct Terrorism (USA  
PATRIOT ACT) Act of 2001

“Objective” Analysis



# USA PATRIOT Act

## Quickview

- Created in response to the 9/11 terrorist attack
- Ten Titles
- 160 Sections
- Addresses various aspects of terrorism including foreign, domestic and cyber-terrorism; victim compensation; terror financing; law enforcement tools and appropriations



# Title I

Enhancing domestic security against terrorism

- Authorizes appropriation of funding for various organization for counter-terrorism activities
- Prohibits discrimination against Arab and Muslim Americans.
- Expands Emergency Powers Act to allow confiscation of property by Presidential mandate
- Creation of national Electronic Crimes Task Force



# Title II

## Enhanced Surveillance Procedures

- Can do surveillance on communications relating to computer fraud or terrorism
- Allows sharing of information between departments
- Adds payment information to communication subpoenas
- Allows single jurisdiction warrants for terrorist related crimes.
- Allows nationwide search and seizure warrants
- Allow delaying notification of warrants



# Title III

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

- An attempt to strengthen the laws around money laundering and financing of terrorist organizations
- Requires monitoring and tracking of suspected accounts.
- Allows tracking and seizure of criminal funds that travel through domestic banks at any time.
- Makes Financial Crimes Enforcement Network (FinCEN) a bureau in Dept. of Treasury.



# Title IV

## Protecting the Border

### ■ Protecting the Northern border

- Requires sharing of information between INS and other agencies
- Authorizes purchase of technology needed to protect border
- Identifies an electronic system of Law enforcement

### ■ Enhancing Immigration Provisions

- Requires integrated system of entry and exit
- Stops “Consular Shopping” for passports

### ■ Preserving of Immigration benefits for victims of terrorism



# Title V

Removing obstacles to investigating terrorism

- Allows rewards to combat terrorism
- Allows coordination of efforts between federal officers for physical searches and surveillance
- Lowers the bar for obtaining certain records by the FBI.



# Title VI

Providing for Victims of Terrorism, Public Safety Officers,  
and their Families

- Expedited and increased payments for injury or death of Safety Officers relating to a Terrorist Act
- Made applicable from 1/1/2001
- Changes the way crime victims receive assistance and compensation





# Title VII

Increased Information sharing for Critical Infrastructure Protection

- Established an information sharing system between Federal, State and Local law enforcement agencies.
  - Built to handle multi-jurisdictional incidents of terrorist activities.



# Title VIII

## Strengthening the Criminal Laws Against Terrorism

- Defines scope and response to Terrorist acts against mass transportation
- Defined domestic terrorism and Federal crime of Terrorism and Prohibited Harboring Terrorism
- Allow seizure of assets used for terrorism
- Extends or Removes Statue of limitations on certain Terrorist acts and increases maximum penalties
- Set up regional Computing Forensic Lab for training, analysis and prosecution of Computer crimes
- Deterrence and Prevention of Cyber-terrorism



# Title IX

## Improved Intelligence

- Requires CIA to share data with the Attorney General
- Requires other Federal institutes to share data with the CIA
- Requires CIA to report to appropriate congressional committees



# Title X

## Miscellaneous

- Requires investigation of allegation of abuse by government employees
- Enhances ability to prosecute illegal money transactions
- Authorizes Terror prevention grants
- Limitations on hazmat licenses
- Critical Infrastructure protection



# So what does that mean?

- What is considered a violation the law?
- What punishments are allowed?
- What can the Government do to enforce it?



# Violations

## Title VIII

- Expanded governmental authority to prosecute hacking and denial of service attacks under the Computer Fraud and Abuse Act
- It clarifies the *mens rea* required for such offenses to make explicit that a hacker need only to intend damage and not a particular *type* of damage.
- expands the coverage of the statute to include computers in foreign countries so long as there is an effect on U.S. interstate or foreign commerce



# Sentencing and protections

## Title VIII

- For the purpose of sentencing, it will count state convictions as prior offenses and allows the losses to several computers from a hacker's course of conduct to be aggregated for purposes of meeting the \$5,000 jurisdictional threshold
- It precludes the private lawsuits for negligent design or manufacture of hardware or software



# Regional Forensics Labs

Title VIII Section 816

- To be established by Attorney General
- Provide support to the existing computer forensic laboratories
- Assist all forensic laboratories to have the capabilities to provide the skills and resources to make forensic examinations
- Provide for training and education of Federal, State, and local law enforcement personnel





# Regional Forensics Labs

Title VIII Section 816

- Assist prosecutors, Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws
- Facilitate and promote the sharing of Federal law enforcement expertise
- Carry out such other activities, as the Attorney General considers appropriate



## **Interception of Computer Trespasser Communications**

### **Title II Section 217**

- Defines a Computer Trespasser as: a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer.
- A Computer Trespasser is not: a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.



## **Interception of Computer Trespasser Communications Title II Section 217**

- It is considered lawful for a law enforcement officer to obtain wire or electronic communications as long as
  - the owner of the machine give permission
  - The officer is in the middle of an investigation
  - The officer has reasonable doubt the collected information is relevant to the investigation
  - Such interceptions does not acquire any other communications.



## **Authority for Delaying Notice of the Execution of a Warrant**

### **Title II Section 213**

- Delaying the notification of the execution of a warrant is justified if:
  - The court thinks execution of the warrant will have an adverse affect.
  - Notification must occur within a reasonable time, which the court can change if shown good cause



# Questions?

- Many sections not covered that could be pertinent
- Many changes to existing laws the extent of which is not readily apparent.
- If concerned, seek legal advice