



NATIONAL ASSOCIATION OF REALTORS®

The Voice For Real Estate®

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October 17, 2005

The Honorable Pat Roberts
Chairman
Select Committee on Intelligence
U.S. Senate
109 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Roberts:

The over one million members of the National Association of REALTORS® (NAR) are involved in all aspects of the residential and commercial real estate industry, work in over 200,000 office locations across the country, and are vigilant when it comes to suspicious terrorist activity. Because many of our members work in small businesses, we are concerned that sections of the Patriot Act lack sufficient checks and balances as it pertains to the access of confidential business records.

As you work to reconcile the differences between the Senate and House versions of the reauthorized Patriot Act, I urge you to adopt changes to sections 215 and 505 pertaining to the access of confidential business records. Section 215, which allows the government to obtain a secret order for business records and other tangible things from the Foreign Intelligence Surveillance Court, should be revised, as it is in the Senate version, to require a statement of some facts and some link between records sought and an individual suspected of being a terrorist or spy. Section 505, which provides a process for the FBI to obtain business records without any court approval through a National Security Letter, should similarly be revised to require individual suspicion linking the records to a terrorist, spy, or other foreign agent.

NAR is a willing partner in the war on terrorism. NAR has advised its members to be aware of Treasury's Specially Designated Nationals list to ensure that they do not enter into a business arrangement with a restricted entity. NAR is also a member of the Real Estate Information Sharing and Analysis Center, a joint venture between the real estate industry and the Department of Homeland Security to share information about suspicious activity and potential threats.

The trust and confidence between REALTOR® and client form the backbone of the real estate industry – whether it is real estate brokerage or property management. Because of this expectation of privacy, NAR believes that there should be a higher standard than currently exists to obtain a business's confidential records. Revising these sections of the Patriot Act will accomplish that goal, while also not impeding the Patriot Act's effectiveness as a law enforcement tool.

Sincerely,

Al Mansell, President
National Association of REALTORS®