

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Friday, May 01, 2009 5:42 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

b6
b7C

~~SECRET//NOFORN~~
RECORD s

THANK YOU!!

SSA [REDACTED]
[REDACTED]
National Security Branch
FBIHQ, Room [REDACTED]
[REDACTED]

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, May 01, 2009 5:40 PM
To: [REDACTED] (DO) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

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~~SECRET//NOFORN~~
RECORD s

[REDACTED]

We have put together a couple of papers on the Patriot Act Sunsets recently. Of course, my computer has crashed several times over the past week so I cannot readily find those documents right now.

I have copied [REDACTED] from OCA who compiled a paper in March for these provisions which Valerie approved on these provisions.

[REDACTED] and [REDACTED] also copied, also have some documents (including the March white paper prepared by OCA) discussing the three provisions which will sunset. Those documents were supplemented by the attached information about roving wire-taps in the attached e-mail from CTD. << Message: FW: Roving wiretaps >>

I hope this is of some help. I am leaving you in the capable hands of these folks as I will be on leave until June 1.

The attachment is SECRET.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

Patriot Act-1

From: [redacted] (DO) (FBI)
Sent: Friday, May 01, 2009 4:17 PM
To: MCNALLY, RICHARD (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: Mr. Cummings' courtesy visit with Congressman Bond

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b7C

UNCLASSIFIED
NON-RECORD

Rich and Steve,

On Tuesday, Mr. Cummings will be traveling to the hill for a courtesy visit with Congressman Bond.

We have received word that a topic of conversation which Bond might try to engage Mr. Cummings in will be sunsets for Patriot Act provisions. Yes, this is a bit out of Mr. Cummings lane, but if cornered, he wants to ensure he has a bit of awareness as to which provisions are due to sunset, etc.

Could you please provide me with a document/slide deck/cheat sheet (the format is your choice) of the provisions which are due to sunset.

I have also pulled the Director's SSCI testimony from 3/29 to assist Mr. Cummings in not contradicting the Director!

If you could email me the document/slide deck/cheat sheet by noon Monday, I would be very appreciative.

Thanks,

[redacted]

SSA [redacted]
[redacted]

b6
b7C

National Security Branch
FBIHQ, Room [redacted]
[redacted]

UNCLASSIFIED

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFY ON: 20340501~~
~~SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFY ON: 20340501~~
~~SECRET//NOFORN~~

Patriot
Act-2

[REDACTED] (RMD)(FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, March 17, 2009 8:28 AM
To: LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (DO) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI)
Subject: RE: Director's SJC Hearing

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]
b5

Rick - can you ask them about it this am?

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

[REDACTED]
THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC
WITHOUT PRIOR APPROVAL

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Tuesday, March 17, 2009 8:27 AM
To: [REDACTED] (DO) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing
Importance: High

UNCLASSIFIED
NON-RECORD

b6
b7C

Steve,

Do we want to say something about [REDACTED]

b5

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: [REDACTED] (DO) (FBI)
Sent: Monday, March 16, 2009 4:14 PM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: Director's SJC Hearing
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot
Act-3

Elaine,

Attached is a doc on the 3 sunset provisions. It is my understanding that this info was originally going to be placed in the SFR, but that has changed to being placed in the Director's Briefing book. Steve Siegel provided the info and I compiled it into a document. Could you please review and have approved by GC Caproni by noon tomorrow?

Sorry for the short deadline.

[REDACTED]

<< File: Patriot Act authorities sunset.doc >>

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, March 13, 2009 6:19 AM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

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[REDACTED]

The 2008 numbers are Secret. They will remain so until April when DOJ makes its report to Congress.

Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[REDACTED]

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO) (FBI)
Sent: Thursday, March 12, 2009 12:05 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

b6
b7C

Steve,

Is any of this information considered classified?

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, March 12, 2009 11:58 AM
To: [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI)
Subject: RE: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

[REDACTED]

Patriot
Act-4

The only difference from below is that for BRs from 2008: 14 (13 +1) should change to 14 (14 +0).

The roving is confirmed at 147.

Thanks.

Steve

b6
b7C

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight



THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Thursday, March 12, 2009 11:52 AM
To: [REDACTED] (DO) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: 215 orders, roving , lonewolf

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b7C

UNCLASSIFIED
NON-RECORD



Per our discussion, Steve Siegel has someone updating the numbers re the use of the expiring authorities for the Directors briefing book.

From: [REDACTED] (DO)(FBI)
Sent: Monday, March 09, 2009 9:32 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve, pinging you as requested...thanks

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Wednesday, March 04, 2009 10:48 AM
To: [REDACTED] (DO)(FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

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b7C

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NON-RECORD

Almost completed. Here is what I have so far:

We didn't start **using Business Records** (215s) until 2004. Since then, we have used it as follows:

2004: 7 (pure BR requests)

2005: 153 (14 pure + 141 combination requests, which means that the BR request was combined with a

Patriot Act-5

PR/TT request to the FISC)

2006: 44 (12 + 32)

2007: 17 (17 + 0)

2008: 14 (13 +1)

Total: **235 times**

The **Lone Wolf** provision has not been used at all.

I am still working on the use of **Roving**, but will have answers by the end of tomorrow. Preliminarily (and this number may be wrong) we may have used the provision 147 times since 2002. That data to support that number is being reviewed for accuracy though, so the number may be completely wrong. I have also asked for a break-down by year.

Please ping me again on Friday morning (early) if I haven't gotten back to you Thursday night.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

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THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Wednesday, March 04, 2009 10:14 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Hi Steve,

Any luck getting numbers re usage of the expiring authorities re 215 orders, roving wiretaps, and lonewolf? There is a meeting today re drafting the statement for the Directors 3/25 hearing and I am just checking on a couple of issues.
Thanks

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-6

From: [REDACTED] (SC) (FBI) b7C
Sent: Wednesday, June 03, 2009 3:26 PM
To: POWERS, RICHARD C. (HO) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)

FBI-PREPROCESSED00007

~~SECRET~~

DATE: 06-29-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-29-2035
10-CV-00755
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Statistics for the Director's Personal Hearing Outline

TEDAC

Outside the Scope

FISA

Business records provision (215) – how many times used? 236 (between 2004-08);

Roving wiretaps – how many times used? 147 (2004-08)

Lone Wolf – how many times used? None (2008)

- (U) ~~(S)~~ FY2009: January 1- June 1, 2009
- (U) ~~(S)~~ Business Records (215s) (pure): 6
- (U) ~~(S)~~ Roving Wiretaps: 6 (approved by FISC)
- (U) ~~(S)~~ Lonewolf: 0

Outside the Scope

Hiring / SES turnover / TURK

JTTFs / Fusion Ctrs

Outside the Scope

Language program

b1

Outside the Scope

Financial Fraud (as of 6/6/2009)

Outside the Scope

Technology

Outside the Scope

Patriot Act-8

~~SECRET~~

~~SECRET~~

Outside the Scope

Terrorist Screening Center

Patriot Act-9

~~SECRET~~

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Tuesday, July 14, 2009 2:33 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: [REDACTED] - Outline for the Director updated

b6
b7C

Attachments: Statistics for the Director's Outline.doc

~~SECRET~~
RECORD 62f-hq-1077673

The updated chart includes the CY 2009 Patriot Act Sunset Provisions stats.



Statistics for the
Director's ...

~~DERIVED FROM: Single Source Document~~
~~DECLASSIFY ON: 20340714~~
~~SECRET~~

Patriot Act-10

~~SECRET~~

Page 1 of 6

DATE: 06-16-2010
CLASSIFIED BY 65179/DMH/STP/KM
REASON: 1.4 (c, d)
DECLASSIFY ON: 06-16-2035
10-CV-00755

[REDACTED] (RMD)(FBI)

b6
b7C

From: [REDACTED] (DO) (FBI)

Sent: Tuesday, July 14, 2009 12:35 PM

To: SIEGEL, STEVEN N. (OGC) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) Subject: RE: Patriot Act Sunset provision stats (S)

~~SECRET//ORCON,NOFORN~~
~~RECORD s~~

Got it! That's why I wanted to double check since I wasn't exactly sure of what the "special handling cases" meant.

Thanks for your assistance!

From: SIEGEL, STEVEN N. (OGC) (FBI)

Sent: Tuesday, July 14, 2009 11:27 AM

To: [REDACTED] (DO) (FBI)

(U) Subject: RE: Patriot Act Sunset provision stats (S)

~~SECRET//ORCON,NOFORN~~
~~RECORD s~~

b6
b7C

(S)

[REDACTED]

b1

[REDACTED]

b2
b7E

Otherwise, it is perfect.

Thanks.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

[REDACTED]

From: [REDACTED] (DO) (FBI)

Sent: Tuesday, July 14, 2009 11:01 AM

To: SIEGEL, STEVEN N. (OGC) (FBI)

b6
b7C

(U) Subject: RE: Patriot Act Sunset provision stats (S)

~~SECRET//ORCON,NOFORN~~

Patriot Act-11

8/17/2009

~~SECRET~~

FBI-PREPROCESSED00011

~~SECRET~~

RECORD s

Steve,

Have I captured this correctly in the chart? Specifically the BR stats.

(U) • ~~(S)~~ The below CY 2009 statistics are from January 1 through June 1, 2009:

(U) ~~(S)~~ Business Records (215s)

Year	Business Record (pure)	Business Record Combination (i.e, combined with PR/TT request to the FISC)	Total
2009	6 (S) (U)	0 (S) (U)	6

(U) ~~(S)~~ Roving Wiretaps: [REDACTED]

b2
b7E

(U) ~~(S)~~ Lonewolf: This provision has not been utilized.

From: SIEGEL, STEVEN N. (OGC) (FBI)

Sent: Friday, July 10, 2009 5:14 PM

To: [REDACTED] (DO) (FBI)

(U) **Subject:** FW: Patriot Act Sunset provision stats ~~(S)~~

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD s

[REDACTED]

I found them!

below are stats you requested from January 1, 2009 through June 1, 2009:

BR: [REDACTED] (Please note, we have several additional requests in the works. We cannot guarantee if they will be approved by the Director's testimony, so **these stats cover a set time period.**)

b2
b7E

Roving [REDACTED] (Please not this is approved by the FISC, not actually used in the field [REDACTED])

b2
b7E

[REDACTED]

b5

Lone wolf - 0

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

Patriot Act-12

8/17/2009

~~SECRET~~

~~SECRET~~



b6
b7C

From: [redacted]@nsd.usdoj.sgov.gov [mailto:[redacted]@nsd.usdoj.sgov.gov]
Sent: Wednesday, June 17, 2009 5:32 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted]@nsd.usdoj.sgov.gov
Cc: [redacted]@nsd.usdoj.sgov.gov; [redacted]@nsd.usdoj.sgov.gov
Subject: RE: Patriot Act Sunset provision stats (~~S~~)

CLASSIFICATION: ~~SECRET~~//ORCON/NOFORN

Here are the roving cases (I assume FISAMS numbers are the most useful reference):

(S)



b1
b6
b7C

These, and the other stats, are classified Secret.

From: SIEGEL, STEVEN N. (OGC) (FBI); [redacted]
Sent: Wednesday, June 17, 2009 5:10 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Patriot Act Sunset provision stats

b6
b7C

~~SECRET~~ RECORD s
Thank you!

Two quick follow-ups:

Are you able to tell me in which 6 cases (or dockets) the roving was granted?

I assume that these statistics are classified Secret. Is that a correct assumption?

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

Patriot Act-13

8/17/2009

~~SECRET~~

~~SECRET~~

From: [redacted]@nsd.usdoj.sgov.gov [mailto:[redacted]@nsd.usdoj.sgov.gov]
Sent: Wednesday, June 17, 2009 5:07 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted]@nsd.usdoj.sgov.gov; [redacted]@nsd.usdoj.sgov.gov;
[redacted]@nsd.usdoj.sgov.gov
Subject: FW: Patriot Act Sunset provision stats

b6
b7C

Steve - below are stats you requested from January 1, 2009 through June 1, 2009:

b2
b7E

BR: [redacted] (Please note, we have several additional requests in the works. We cannot guarantee if they will be approved by the Director's testimony, so these stats cover a set time period.)

Roving: [redacted] (Please not this is approved by the FISC, not actually used in the field.) [redacted]

b2
b7E

b5

Lone wolf - 0

Special thanks to [redacted] for pulling this together with such short notice.

b6
b7C

[redacted]

From: [redacted] (OGC) (OGA) [mailto:[redacted]@fbi.sgov.gov]
Sent: Tuesday, June 16, 2009 10:35 AM
To: [redacted]
Subject: FW: Patriot Act Sunset provision stats

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, June 16, 2009 6:24 AM
To: [redacted] (OGC) (OGA); [redacted] (OGC) (OGA); [redacted] (OGC) (OGA)
Subject: Patriot Act Sunset provision stats

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Patriot Act-14

8/17/2009

~~SECRET~~

~~SECRET~~

b6
b7C

[REDACTED]

You were kind enough to provide us with statistics on the number of times we used the BR, Roving and Lone Wolf provisions of the Patriot Act through 2008. Our Director will testify before SSCI soon and they have asked if we can get the number of times we have used these same provisions in 2009.

Is it possible to get the 2009 numbers either later today (Tuesday) or early on Wednesday?

Thanks for your help!

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

~~SENSITIVE BUT UNCLASSIFIED
DERIVED FROM: Multiple Sources DECLASSIFY ON: 20340617 SECRET~~

~~CLASSIFICATION: SECRET//ORCON/NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340710
SECRET//ORCON,NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340710
SECRET//ORCON,NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340710
SECRET//ORCON,NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340710~~

Patriot Act-15

~~SECRET~~

8/17/2009



PATRIOT ACT SUNSET PROVISIONS (215s/Roving Wiretaps/Lone Wolf)

What use has the FBI made of the expiring Patriot Act authorities?

Response:

Business Records (215s)

- The FBI began using Business Records in 2004. Since that time, through CY 2008, we have used this authority a total of 236 times.

Year	Business Record (pure)	Business Record Combination (i.e. combined with PR/TT request to the FISC)	Totals
2004	7	0	7
2005	14	141	155
2006	12	32	44
2007	17	0	17
2008	13	0	13
TOTALS	63	173	236

Roving Wiretaps

- We have utilized the Roving Wiretap authority a total of 147 times.

Lone Wolf

- Although the lone wolf provision has never been used, it is an important investigative option which must remain available. This provision gives the FBI the flexibility to obtain FISA warrants and orders in the rare circumstance where a non-US person engages in terrorist activities, but his or her nexus to a known terrorist group is unknown. The fact that this provision has not been used does not denigrate the need for the provision. To the contrary, this is an important tool which allows the FBI to obtain foreign intelligence about a non-US person under the authority and direct supervision of a court expressly created to keep the domestic collection of foreign intelligence within constitutional limits.
- It is an important tool which will be used only under the appropriate circumstances and with the appropriate supervision from the Foreign Intelligence Surveillance Court. Because the circumstances under which we would use the lone wolf provision have not arisen since the passage of the Intelligence Reform and Terrorist Prevention Act of 2004 does not mean that they will not arise in the future. The United States Government needs to be prepared to address that situation should it occur.

Information provided by: Rick McNally, A-DCI/NSB OGC
Information approved by: Cx Valerie Caproni, OGC

Dated: 5/15/2009

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Friday, July 10, 2009 4:28 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: Director's SSCI hearing on 6/25/09

b6
b7C

Importance: High

Attachments: OGC-Patriot Act authorities sunset 2.doc

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Steve,

As you may know, the Director's hearing for 6/25/09 was postponed to July 23, 2009. Forgive me if I overlooked it, but I don't believe I ever received the stats on my below request. Do you recall getting the numbers from DOJ? If so, could you please forward them to me. I need the info by COB 7/14/2009.

Thanks,

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, June 16, 2009 6:37 AM
To: [REDACTED] (DO) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: RE: Director's SSCI hearing on 6/25/09

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NON-RECORD

b6
b7C

[REDACTED]

I have sent a request to DOJ for the numbers. I hope to get them either later today or tomorrow morning.

Thanks.



OGC-Patriot Act
authorities su...

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

From: [REDACTED] (DO) (FBI)
Sent: Monday, June 15, 2009 6:01 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: Director's SSCI hearing on 6/25/09
Importance: High

b6
b7C

Patriot Act-17

UNCLASSIFIED
NON-RECORD

Steve,

Attached is the Sunset Provision paper OCA has utilized for past few Director's hearings. Could the FY '09 stats be provided on these provisions by COB Wednesday (6/16)? This info has been requested by one of the Director's staff. I'm aware the stats may be classified.

An email response with the numbers will suffice.

Thanks,

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b7C

<< File: OGC-Patriot Act authorities sunset 2.doc >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED
Tracking:

Recipient

SIEGEL, STEVEN N. (OGC) (FBI)

[REDACTED] (OGC) (FBI)

Read

Read: 7/10/2009 5:07 PM

Patriot Act-18

[REDACTED] (RMD)(FBI)

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Wednesday, March 18, 2009 3:09 PM
To: [REDACTED] (DO) (FBI)
Subject: FW: Director's SJC Hearing

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NON-RECORD

[REDACTED]

Can you make the changes per the General Counsel's comments? If not, let me know and I will get someone to do it. Otherwise, it is good to go. Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, March 18, 2009 2:59 PM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing

UNCLASSIFIED
NON-RECORD

[REDACTED] b5

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Wednesday, March 18, 2009 11:38 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's SJC Hearing

UNCLASSIFIED
NON-RECORD

For your review and approval. Thank you.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: [REDACTED] (DO) (FBI)
Sent: Wednesday, March 18, 2009 11:29 AM
To: LAMMERT, ELAINE N. (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing

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b7C

Patriot Act-29

UNCLASSIFIED
NON-RECORD

b6
b7C

Elaine,

Here's the doc with the Lone Wolf info. FYI - I did [REDACTED]

b5

I have to provide the book to AD Powers early afternoon. Thanks,

<< File: Patriot Act authorities sunset.doc >>

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Wednesday, March 18, 2009 11:07 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO) (FBI)
Subject: RE: Director's SJC Hearing

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]

Could you incorporate Steve's suggested language and resend us the briefing paper. The General Counsel is on the Hill but should be back by 11:30. She wants to see this before it goes into the book. Thank you for your patience.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Wednesday, March 18, 2009 11:01 AM
To: [REDACTED] (DO) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing

UNCLASSIFIED
NON-RECORD

b6
b7C

Elaine and [REDACTED]

No response from CTD, so here is what I think we should say:

b5

Patriot Act-30

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

[REDACTED]

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO) (FBI)
Sent: Wednesday, March 18, 2009 10:28 AM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing

UNCLASSIFIED
NON-RECORD

b6
b7C

Elaine,

Do you know what the status is for this paper? We have to turn the books in by noon today.

Thanks,

[REDACTED]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Tuesday, March 17, 2009 8:27 AM
To: [REDACTED] (DO) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: Director's SJC Hearing
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve,

b5

[REDACTED]

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: [REDACTED] (DO) (FBI)
Sent: Monday, March 16, 2009 4:14 PM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: Director's SJC Hearing
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-31

Elaine,

Attached is a doc on the 3 sunset provisions. It is my understanding that this info was originally going to be placed in the SFR, but that has changed to being placed in the Director's Briefing book. Steve Siegel provided the info and I compiled it into a document. Could you please review and have approved by GC Caproni by noon tomorrow?

Sorry for the short deadline.

[REDACTED]

<< File: Patriot Act authorities sunset.doc >>

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, March 13, 2009 6:19 AM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]

The 2008 numbers are Secret. They will remain so until April when DOJ makes its report to Congress.

Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[REDACTED]

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO) (FBI)
Sent: Thursday, March 12, 2009 12:05 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve,

Is any of this information considered classified?

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, March 12, 2009 11:58 AM
To: [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI)
Subject: RE: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

b6
b7C

[REDACTED] and [REDACTED]

Patriot Act-32

The only difference from below is that for BRs from 2008: 14 (13 +1) should change to 14 (14 +0).

The roving is confirmed at 147.

Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Thursday, March 12, 2009 11:52 AM
To: [REDACTED] (DO) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

b6
b7C

Per our discussion, Steve Siegel has someone updating the numbers re the use of the expiring authorities for the Directors briefing book.

From: [REDACTED] (DO)(FBI)
Sent: Monday, March 09, 2009 9:32 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve, pingin you as requested...thanks

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Wednesday, March 04, 2009 10:48 AM
To: [REDACTED] (DO)(FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Almost completed. Here is what I have so far:

We didn't start **using Business Records** (215s) until 2004. Since then, we have used it as follows:

2004: 7 (pure BR requests)
2005: 153 (14 pure + 141 combination requests, which means that the BR request was combined with a

Patriot Act-33

PR/TT request to the FISC)

2006: 44 (12 + 32)

2007: 17 (17 + 0)

2008: 14 (13 +1)

Total: **235 times**

The **Lone Wolf** provision has not been used at all.

I am still working on the use of **Roving**, but will have answers by the end of tomorrow. Preliminarily (and this number may be wrong) we may have used the provision 147 times since 2002. That data to support that number is being reviewed for accuracy though, so the number may be completely wrong. I have also asked for a break-down by year.

Please ping me again on Friday morning (early) if I haven't gotten back to you Thursday night.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Wednesday, March 04, 2009 10:14 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: 215 orders, roving, lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Hi Steve,

Any luck getting numbers re usage of the expiring authorities re 215 orders, roving wiretaps, and lonewolf? There is a meeting today re drafting the statement for the Directors 3/25 hearing and I am just checking on a couple of issues.
Thanks

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-34

[REDACTED] (RMD)(FBI)

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Thursday, March 19, 2009 9:34 AM
To: [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI)
Subject: RE: Patriot Act - Sunset Provisions

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b7C

UNCLASSIFIED
NON-RECORD

agree w/ [REDACTED]

b5

thanks,

Beth Beers
Office of Congressional Affairs
[REDACTED]

b6
b7C

From: [REDACTED] (DO)(FBI)
Sent: Thursday, March 19, 2009 9:31 AM
To: [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: RE: Patriot Act - Sunset Provisions

UNCLASSIFIED
NON-RECORD

b6
b7C

[REDACTED] ...not sure if [REDACTED] weighed in ... [REDACTED] The only
suggestion I have is [REDACTED]

b5

Just a thought

From: [REDACTED] (DO) (FBI)
Sent: Thursday, March 19, 2009 8:38 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED] (DO)(FBI)
Subject: Patriot Act - Sunset Provisions

b6
b7C

UNCLASSIFIED
NON-RECORD

The attached paper is for your review, approval and submission into the Dir's Briefing book. It has been approved by GC Caproni.

<< File: Patriot Act authorities sunset.doc >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-39

[REDACTED] (RMD)(FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, March 12, 2009 4:15 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

I am checking. I don't think so, but the e-mail they sent back was marked as classified, though none of the information was so marked.

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO) (FBI)
Sent: Thursday, March 12, 2009 12:05 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

Steve,

Is any of this information considered classified?

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, March 12, 2009 11:58 AM
To: [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] and [REDACTED]

The only difference from below is that for BRs from 2008: 14 (13 +1) should change to 14 (14 +0).

The roving is confirmed at 147.

Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

Patriot Act-48

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Thursday, March 12, 2009 11:52 AM
To: [REDACTED] (DO) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Per our discussion, Steve Siegel has someone updating the numbers re the use of the expiring authorities for the Directors briefing book.

From: [REDACTED] (DO)(FBI)
Sent: Monday, March 09, 2009 9:32 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve, pinging you as requested...thanks

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Wednesday, March 04, 2009 10:48 AM
To: [REDACTED] (DO)(FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

Almost completed. Here is what I have so far:

We didn't start **using Business Records** (215s) until 2004. Since then, we have used it as follows:

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2006: 44 (12 + 32)
2007: 17 (17 + 0)
2008: 14 (13 +1)
Total: **235 times**

The **Lone Wolf** provision has not been used at all.

I am still working on the use of **Roving**, but will have answers by the end of tomorrow. Preliminarily (and this number may be wrong) we may have used the provision 147 times since 2002. That data to support that number is being reviewed for accuracy though, so the number may be completely wrong. I have also asked for a break-down by year.

Please ping me again on Friday morning (early) if I haven't gotten back to you Thursday night.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (DO)(FBI)
Sent: Wednesday, March 04, 2009 10:14 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: 215 orders, roving , lonewolf

UNCLASSIFIED
NON-RECORD

Hi Steve,

Any luck getting numbers re usage of the expiring authorities re 215 orders, roving wiretaps, and lonewolf? There is a meeting today re drafting the statement for the Directors 3/25 hearing and I am just checking on a couple of issues.
Thanks

UNCLASSIFIED

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UNCLASSIFIED

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-50

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Monday, May 11, 2009 10:44 AM
To: MCNALLY, RICHARD (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 5/20/09

b6
b7C

Importance: High

~~SECRET~~
RECORD 62f,hq-1077228

Thanks Rick. [REDACTED]

b5

From: MCNALLY, RICHARD (OGC) (FBI)
Sent: Monday, May 11, 2009 10:01 AM
To: LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (DO) (FBI)
Subject: RE: Director's Congressional Appearance 5/20/09

b6
b7C

~~SECRET~~
RECORD 62f,hq-1077228

Rick McNally

b2
b6
b7C

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, May 11, 2009 7:57 AM
To: [REDACTED] (DO) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 5/20/09
Importance: High

~~SECRET~~
RECORD 62f,hq-1077228

b6
b7C

[REDACTED]
Rick McNally, A-DGC NLSB, has the paper for review.

Rick - Is the paper ready to go?

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]

Patriot Act-51

From: [REDACTED] (DO) (FBI)
Sent: Monday, May 11, 2009 7:42 AM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 5/20/09
Importance: High

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b7C

~~SECRET~~

RECORD 62f,hq-1077228

I hate to bother you, but do you have any word on the briefing paper? The Director's briefing book is due to our AD today.

From: [REDACTED] (DO) (FBI)
Sent: Thursday, May 07, 2009 3:10 PM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 5/20/09
Importance: High

~~SECRET~~

RECORD 62f,hq-1077228

b6
b7C

Hi Elaine,

I haven't heard anything to date on this one. Can you please advise as to its status? Thanks!

[REDACTED]

From: [REDACTED] (DO) (FBI)
Sent: Wednesday, April 29, 2009 10:41 AM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI)
Subject: Director's Congressional Appearance 5/20/09
Importance: High

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b7C

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RECORD 62f,hq-1077228

The Director will appear before the House Judiciary Committee on May 20, 2009. The Office of Congressional Affairs (OCA), Special Projects Unit, is tasking out the Questions & Answers (Q&As) that are needed to prepare him for his appearance.

The following paper(s) will need to be updated. (As with all briefing material prepared for the Director, please have the paper approved at the AD or DAD level.)

- The Q&A response(s) should be **short, bullet (talking) point responses, and be as concise as possible**, but provide the Director with the most current information.

(Note: The Director prefers a one page answer for these papers. However, depending on the issue and the number of questions posed, OCA is sensitive to the fact that the paper may end up being longer.)

- Any statistics that are being updated for Fiscal Year 2009 should be current as of **April 30, 2009**.
- If classified information is included within the response, please ensure that it contains the appropriate portion markings.

A firm deadline of COB 5/6/2009 has been set for the return of these Q&A papers.
Patriot Act-52

When responding to this email, it is requested that you "Reply to All" SPU employees:

and

Thank you in advance for your cooperation.

<< File: OGC-Patriot Act authorities sunset 2.doc >>

b6
b7C

Special Projects Unit
Office of Congressional Affairs

~~DERIVED FROM: Single Source Document
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: Single Source Document
DECLASSIFICATION EXEMPTION 1
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DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: Single Source Document
DECLASSIFICATION EXEMPTION 1
SECRET~~

Tracking:

Recipient

MCNALLY, RICHARD (OGC) (FBI)

(OGC) (FBI)

Read

Read: 5/11/2009 12:23 PM

Read: 5/11/2009 10:45 AM

b6
b7C

Patriot Act-53

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OCA) (FBI)
Sent: Wednesday, April 08, 2009 2:25 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI)
Subject: Q35, 3/25/09 SJC QFRs

b6
b7c

UNCLASSIFIED
NON-RECORD

[REDACTED] and [REDACTED]

I feel as though we have answered the below question before, but I don't see it in my QFRs.

Have you guys seen this, perhaps in prep for this or another hearing?

Thanks!

[REDACTED]
Office of Congressional Affairs
JEH Building Room [REDACTED]
(Send mail to Room [REDACTED])
[REDACTED]

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

UNCLASSIFIED

Patriot Act-56

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 36

Page 19 ~ Duplicate email string

Page 20 ~ Duplicate email string

Page 21 ~ Duplicate email string

Page 22 ~ Duplicate email string

Page 23 ~ Duplicate email string

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Page 25 ~ Duplicate email string

Page 26 ~ Duplicate email string

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Page 41 ~ Duplicate email string

Page 42 ~ Duplicate email string

Page 43 ~ Duplicate email string

Page 44 ~ Duplicate email string

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Page 46 ~ Duplicate email string

Page 47 ~ Duplicate email string

Page 54 ~ Outside the Scope

Page 55 ~ Outside the Scope

Page 57 ~ Outside the Scope - emails from 2008

Page 58 ~ Outside the Scope - material from 2006

Page 59 ~ b5

Page 60 ~ b5

Page 61 ~ b5

Page 62 ~ b5

Page 63 ~ b5

Page 64 ~ b5

Page 65 ~ b5

Page 66 ~ Outside the Scope -material from 2005

Page 67 ~ Outside the Scope -material from 2005

Page 68 ~ Outside the Scope -material from 2005

NON-RECORD

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Thursday, March 19, 2009 11:00 AM
To: [REDACTED] (DO) (FBI)
Subject: RE: Mueller excerpts re interrogation techniques

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] - we've got two things - the word doc (attached) is for the Director's briefing book - basically stats. The narrative pasted below was in an early version of the Statement for the Record (SFR), but didn't make the final cut - either here or @ DOJ - but the descriptions are ok.

Beth Beers
Office of Congressional Affairs

b6
b7C



Patriot Act
authorities sunset...

++++

b5

Patriot Act-70

From: [REDACTED] (DO) (FBI)
Sent: Thursday, March 19, 2009 10:43 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: RE: Mueller excerpts re interrogation techniques

UNCLASSIFIED
NON-RECORD

b6
b7C

Beth,

Do there exist any current summaries on the performance and need for the three FISA provisions that expire on 12/31/09 (lone wolf, roving wiretap, section 215 business records)? (Not looking for creation of new product; just looking for off-the-shelf items, if they exist.)

Thanks very much,

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Wednesday, March 18, 2009 2:53 PM
To: CARLIN, JOHN (DO) (FBI); [REDACTED] (DO) (FBI)
Cc: POWERS, RICHARD C. (DO) (FBI)
Subject: Mueller excerpts re interrogation techniques

UNCLASSIFIED
NON-RECORD

John / [REDACTED] - in response to John's request, attached is a document containing excerpts from the last two SJC hearings in which the Director and Members discuss interrogation techniques Patriot Act-71

Beth Beers
Office of Congressional Affairs

b6
b7C

<< File: Mueller re interrogation techniques.doc >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Patriot Act-72



~~SECRET~~

PATRIOT ACT SUNSET PROVISIONS (215s/Roving Wiretaps/Lone Wolf)

What use has the FBI made of the expiring Patriot Act authorities?

Response:

Business Records (215s)

- The FBI began using Business Records in 2004. Since that time, through CY 2007, we have used this authority a total of 223 times.

Year	Business Record (pure)	Business Record Combination (i.e, combined with PR/TT request to the FISC)	Totals
2004	7	0	7
2005	14	141	155
2006	12	32	44
2007	17	0	17
TOTALS	50	173	223

- The statistics for 2008 are currently considered classified and can not be discussed in an open forum. These statistics will remain so until April when the Department of Justice makes it report to Congress.

Year	Business Record (pure)	Business Record Combination (i.e, combined with PR/TT request to the FISC)	Totals
2008	14 (S) (U)	0 (S) (U)	14 (S) (U)

Roving Wiretaps

- We have utilized the Roving Wiretap authority a total of 147 times.

Lone Wolf

- Although the lone wolf provision has never been used, it is an important investigative option which must remain available. This provision gives the FBI the flexibility to obtain FISA warrants and orders in the rare circumstance where a non-US person engages in terrorist activities, but his or her nexus to a known terrorist group is unknown. The fact that this provision has not been used does not denigrate the need for the provision. To the contrary, this is an important tool which allows the FBI to obtain foreign intelligence about a non-US person under the authority and direct supervision of a court expressly created to keep the domestic collection of foreign intelligence within constitutional limits.
- It is an important tool which will be used only under the appropriate circumstances and with the appropriate supervision from the Foreign Intelligence Surveillance Court. Because the circumstances under which we would use the lone wolf provision have not arisen since the passage of the

Patriot Act-73

~~SECRET~~

~~SECRET~~

Intelligence Reform and Terrorist Prevention Act of 2004 does not mean that they will not arise in the future. The United States Government needs to be prepared to address that situation should it occur.

Information provided by: SC Steven Siegel, NSLB, OGC
Information approved by: GC Valerie Caproni, OGC

Dated: 3/18/2009

Patriot Act-74

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 08-20-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 08-20-2035

X

Outside the Scope - emails from 2010 forwarding responsive documents

X

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 2:32 PM
To: STEGEL, STEVEN N. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) [redacted] thank you for the information. Would it be possible to get information on the remaining [redacted] authorizations by Friday, COB? If nothing else, the target names?

b1

(S) [redacted] was anyone tasked to do this from the CounterIntelligence side of the house? [redacted] seemed to believe [redacted] was an interagency meeting on this issue on Monday, and [redacted] believes we will be heading up to the Hill shortly thereafter. Is there someone we can get

b1
b2
b7E

~~SECRET~~

~~SECRET~~

from CounterIntelligence to work this issue by Wednesday of next week?

b6
b7C

[redacted]
From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, April 14, 2009 5:32 PM
To: [redacted] (CTD) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Thanks [redacted]

[redacted] copied here, will use this information when meeting with DOJ on the Patriot Act Reauthorization. This information will help to inform the arguments they make. [redacted] and/or [redacted] may come back with some questions and/or for some clarification. << File: Use of Roving Wiretaps 0409.doc >>

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

[redacted]
THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [redacted] (CTD) (FBI)
Sent: Tuesday, April 14, 2009 5:22 PM
To: [redacted] (DO) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted] and Steve,
AD Heimbach approved the below document today!

Let us know if you require anything further.

From: [redacted] (CTD) (FBI)
Sent: Monday, April 06, 2009 3:03 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: MCJUNKIN, JAMES W. (CTD) (FBI)
Subject: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Attached is the ITOS 1 submission on roving wiretaps authorization.

<< File: Use of Roving Wiretaps 0409.doc >>

Patriot Act-76

[redacted]
~~SECRET~~

~~SECRET~~

ITOS 1/TDY Front Office

b2
b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340406
SECRET//ORCON,NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
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DECLASSIFY ON: 20340406
SECRET//ORCON,NOFORN~~

~~SECRET~~

Patriot Act-77

~~SECRET~~

Outside the Scope - emails from 2010 forwarding responsive documents

From: [REDACTED] (CTD) (FBI)
Sent: Thursday, April 16, 2009 3:30 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: Roving wiretaps

~~SECRET~~//ORCON,NOFORN
RECORD 415-HQ

[REDACTED]
See below!

From: [REDACTED] (CTD) (FBI)
Sent: Thursday, April 16, 2009 3:25 PM

b6
b7C

DATE: 06-15-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-15-2035
10-CV-00755

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b6
b7C
Patriot Act-78

~~SECRET~~

~~SECRET~~

To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Hey [redacted]

b1
b6
b7C

(S) Running around crazy right now, but here are the [redacted]
[redacted] when the case was with [redacted] prior to being transferred to [redacted] I can try and get
more/a write-up to you tomorrow, but no guarantees.

b2
b7E

From: [redacted] (CTD) (FBI)
Sent: Thursday, April 16, 2009 3:19 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted]
Regarding the above, is it possible to obtain just the names of the 3 subjects remaining today and the remainder tomorrow?

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 3:13 PM
To: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted] Would it be possible as an initial step to get just the names on the other three cases? DOJ NSD just pinged me for that information (after meeting with [redacted] today) in hopes of immediately pulling what they have on their own. Would the author of the original report know the names given that he/she was able to come up with the tally. If that person doesn't know the names right off the bat, tomorrow COB will be fine. Thanks. [redacted]

From: [redacted] (CTD) (FBI)
Sent: Thursday, April 16, 2009 2:51 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

b6
b7C

[redacted]
I've asked the ITOS-II Front Office to provide this information. We should have this information by COB Friday.

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 2:32 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Patriot Act-79

~~SECRET~~

~~SECRET~~

(S) [] thank you for the information. Would it be possible to get information on the remaining [] authorizations by Friday, COB? If nothing else, the target names?

b1

(S) [] was anyone tasked to do this from the CounterIntelligence side of the house? [] seemed to believe [] There will be an interagency meeting on this issue on Monday, and [] believes we will be heading up to the Hill shortly thereafter. Is there someone we can get from CounterIntelligence to work this issue by Wednesday of next week?

b6
b7C

b1
b2
b7E

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, April 14, 2009 5:32 PM
To: [] (CTD) (FBI); [] (DO) (FBI)
Cc: [] (CTD) (FBI); [] (OGC) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
~~RECORD 415-HQ~~

b6
b7C

Thanks []

[] copied here, will use this information when meeting with DOJ on the Patriot Act Reauthorization. This information will help to inform the arguments they make. [] and/or [] may come back with some questions and/or for some clarification. << File: Use of Roving Wiretaps 0409.doc >>

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [] (CTD) (FBI)
Sent: Tuesday, April 14, 2009 5:22 PM
To: [] (DO) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [] (CTD) (FBI); [] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
~~RECORD 415-HQ~~

[] and Steve,
AD Heimbach approved the below document today!

Let us know if you require anything further.

From: [] (CTD) (FBI)
Sent: Monday, April 06, 2009 3:03 PM
To: [] (CTD) (FBI); [] (CTD) (FBI)
Cc: MCJUNKIN, JAMES W. (CTD) (FBI)
Subject: Roving wiretaps

b6
b7C

Patriot Act-80

~~SECRET//ORCON,NOFORN~~

~~SECRET~~

~~SECRET~~

~~RECORD 415-HQ~~

Attached is the ITOS 1 submission on roving wiretaps authorization.

<< File: Use of Roving Wiretaps 0409.doc >>

[REDACTED]
ITOS 1/TDY Front Office
[REDACTED]

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b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340406
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340406~~

Patriot Act-81

~~SECRET~~

Outside the Scope - emails from 2010 forwarding responsive documents

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-15-2010 BY 65179 DMH/STP/KM
10-CV-00755

From: [REDACTED] (CTD) (FBI)
Sent: Friday, April 17, 2009 7:27 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO) (FBI)
Cc: [REDACTED] (CTD) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-82

For your information, not sure if either of you have seen the below letter from DOJ!

b6
b7c

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HQ-DIV05-CD-EXEC-STAFF; [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CID) (FBI); [redacted] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); POWERS, RICHARD C. (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI)
Subject: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

UNCLASSIFIED
NON-RECORD



PA reauth letter
MJW Draft Apr...

The attached letter / official communication is being routed by DOJ for official comment.

RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

b6
b7c

Please provide comments in a **WORD DOCUMENT** only.

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

Patriot Act 83

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

b6
b7C

[REDACTED]
CLU I
FBI OCA
[REDACTED]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

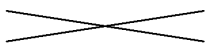
UNCLASSIFIED

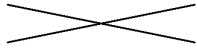
Patriot Act-84

~~SECRET~~

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DATE: 08-20-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)


Outside the Scope - emails from 2010 forwarding responsive documents


From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 5:06 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (DO) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

 Steven and 

Here are the write-ups on the remaining 3 cases. Let us know if you require any further information. ^{Patriot Act-90}

~~SECRET~~

~~SECRET~~

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 3:35 PM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ



(S) Here are the three additional write-ups. There have been no IOB violations associated with the [redacted] cases which involved the use of the roving wiretaps. b1



Roving Wiretaps
part 2 041709....

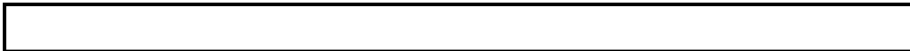
If you need anything else, let me know.



b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 8:57 AM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ



b5

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 8:52 AM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ



I started looking into this, and a good point was raised. [redacted]

b5

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 7:34 AM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Patriot Act-91

~~SECRET~~

~~SECRET~~

The IOB violations should be in the case file. Check with either [redacted] or the MAC team for any reported violations from ITOS-I. Also, if HQ reported it, any such violations may have been reported to the CTD Administrative Management and Support Unit during one of the quarterly canvasses. I've copied [redacted] on this e-mail.

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 6:35 AM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted]

Would that information be in the case file? I don't know how to find that.

Also, I'm ITOS 1, just FYI.

[redacted]

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Thursday, April 16, 2009 7:45 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) [redacted] See below! Can you check if the either of the [redacted] cases ever resulted in IOB violations?

b1

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 5:03 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) [redacted] If possible, can they also find out if there have been any reports to the IOB resulting from the use of roving authority in the [redacted] cases? Thanks, [redacted]

b1

From: [redacted] (CTD) (FBI)
Sent: Thursday, April 16, 2009 2:51 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted]

I've asked the ITOS-II Front Office to provide this information. We should have this information by COB Friday.

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 2:32 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI)

Patriot Act-92

b6
b7C

~~SECRET~~

3

~~SECRET~~

Cc: [REDACTED] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) [REDACTED] thank you for the information. Would it be possible to get information on the remaining [REDACTED] authorizations by Friday, COB? If nothing else, the target names?

b1

(S) [REDACTED] was anyone tasked to do this from the CounterIntelligence side of the house? [REDACTED] seemed to believe [REDACTED] There will be an interagency meeting on this issue on Monday, and [REDACTED] believes we will be heading up to the Hill shortly thereafter. Is there someone we can get from CounterIntelligence to work this issue by Wednesday of next week?

b1
b2
b7E

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, April 14, 2009 5:32 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (DO) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Thanks [REDACTED]

[REDACTED] copied here, will use this information when meeting with DOJ on the Patriot Act Reauthorization. This information will help to inform the arguments they make. [REDACTED] and/or [REDACTED] may come back with some questions and/or for some clarification. << File: Use of Roving Wiretaps 0409.doc >>

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[REDACTED]
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From: [REDACTED] (CTD) (FBI)
Sent: Tuesday, April 14, 2009 5:22 PM
To: [REDACTED] (DO) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[REDACTED] and Steve,
AD Heimbach approved the below document today!

Let us know if you require anything further.

From: [REDACTED] (CTD) (FBI)
Sent: Monday, April 06, 2009 3:03 PM

Patriot Act-93

b6
b7C

~~SECRET~~

~~SECRET~~

To: [redacted] (CTD) (FBI) [redacted] (CTD) (FBI)
Cc: MCJUNKIN, JAMES W. (CTD) (FBI)
Subject: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Attached is the ITOS 1 submission on roving wiretaps authorization.

<< File: Use of Roving Wiretaps 0409.doc >>

[redacted]
ITOS 1/TDY Front Office
[redacted]

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SECRET//ORCON,NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340406

~~SECRET~~



~~SECRET~~//ORCON/NOFORN [] (S)

b1

COUNTERTERRORISM DIVISION
International Terrorism Operations Section I

Roving Wiretap Authorizations

Additional Examples:

(S)

[Empty box for additional examples]

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b7C
b7E

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

DATE: 06-15-2010
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REASON: 1.4 (c)
DECLASSIFY ON: 06-15-2035
10-CV-00755

Patriot Act-95

~~SECRET~~//ORCON/NOFORN [] (S) b1

~~SECRET~~

b1
b6
b7C

(S)

Outside the Scope - emails from 2010 forwarding responsive documents

From: DESLAURIERS, RICHARD (CD) (FBI)
Sent: Friday, April 24, 2009 7:45 PM
To: [REDACTED] (DO) (FBI)
Cc: CARLIN, JOHN (DO) (FBI); CLOYD, DANIEL L. (CD) (FBI)
Subject: ROVING FISAs

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-12-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 07-12-2035
10-CV-00755

~~SECRET//ORCON,NOFORN~~
~~RECORD MISC~~

[REDACTED]

Reference my high-side e-mail of a few moments ago, attached below please find CD case write-ups to support DOJ's drive for renewal of FISA roving wiretap authority, set to expire 12/31/09. Please let us know if any clarifications are

Patriot Act 96

~~SECRET~~

~~SECRET~~

needed. Very best.....Rick

Richard DesLauriers
Deputy Assistant Director - Counterintelligence Operations
Counterintelligence Division

b6
b7C



(S) RovingFISAwriteup
wpd (13 KB)

b1
b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~SECRET~~

Patriot Act-97

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DATE: 06-15-2010
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REASON: 1.4 (c)
DECLASSIFY ON: 06-15-2035
10-CV-00755

(S) ~~SECRET//ORCON//NOFORN~~ [REDACTED]

b1

April 20, 2009

(S) [REDACTED]

b1
b2

(S)



b1
b2
b6
b7C
b7E

CASE STATUS:

(S)



b1
b2
b6
b7C
b7E

(S)



b1
b6
b7C

(S) ~~SECRET//ORCON//NOFORN~~ [REDACTED]

b1

Patriot Act-98

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DATE: 06-15-2010
CLASSIFIED BY 65179/DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 06-15-2035
10-CV-00755 b1

(S) ~~SECRET~~//ORCON/NOFORN [redacted]

April 23, 2009

(S) [redacted]

b1
b6
b7C

(S) [redacted]

b1
b2
b6
b7C
b7E

CASE STATUS:

(S) [redacted]

b1
b2
b6
b7C
b7E

[redacted] Overall, the value of the roving authority was that it afforded [redacted] the
ability to maintain key technical coverage on a very active KIO.

b2
b7E

(S) ~~SECRET~~//ORCON/NOFORN [redacted]

b1

Patriot Act-99

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DATE: 06-15-2010
CLASSIFIED BY 65179/DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-15-2035
10-CV-00755 b1

(S) ~~SECRET~~//ORCON/NOFORN []

April 23, 2009

(S) []

b1
b6
b7C

(S)

[]

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b2
b6
b7C
b7E

CASE STATUS:

(S)

[]

b1
b2
b6
b7C
b7D

(S) ~~SECRET~~//ORCON/NOFORN []

b1

Patriot Act-100

(U)X

Outside the Scope - emails from 2010 forwarding responsive documents

(U)X

From: [redacted]@nsd.usdoj.sgov.gov [mailto:[redacted]@nsd.usdoj.sgov.gov]

Sent: Monday, April 27, 2009 4:55 PM

To: [redacted] (DO) (FBI)

(U) **Subject:** RE: ROVING FISAs (S)

b6
b7c

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

CLASSIFICATION: ~~SECRET~~ ORCON/NOFORN

DATE: 06-15-2010
CLASSIFIED BY 65179/DMH/STP/KM
REASON: 1.4 (c, d)
DECLASSIFY ON: 06-15-2035

Thanks. This is very useful; I think we are in good shape on the [redacted] now.

Patrol Act 101

5/26/2010

~~SECRET~~

~~SECRET~~

Page 2 of 3

From: [redacted] (DO) (FBI) [redacted]
Sent: Monday, April 27, 2009 8:39 AM
To: [redacted]
Subject: FW: ROVING FISAs

b6
b7C

~~SECRET~~//ORCON,NOFORN
RECORD MISC

Names of two cases not summarized.

: ROVING FISAs

~~SECRET~~//ORCON,NOFORN
RECORD MISC

[redacted]

(S) The other cases are [redacted]
[redacted] Glad this information will likely be of use to DOJ, NSD. Very best.....Rick

b1
b6
b7C

Richard DesLauriers
Deputy Assistant Director - Counterintelligence Operations
Counterintelligence Division
[redacted]

b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
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~~CLASSIFICATION:SECRET//ORCON/NOFORN~~

~~DERIVED FROM: Multiple Sources
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SECRET//NOFORN~~

Patriot Act-102

~~SECRET~~

5/26/2010

FBI-PREPROCESSED00061

X

Outside the Scope - emails from 2010 forwarding responsive documents

X

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, May 01, 2009 6:01 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

DECLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
ON 07-12-2010

b6
b7C

~~SECRET//NOFORN~~
RECORD s

Numbers of times each was used:

We didn't start **using Business Records** (215s) until 2004. Since then, we have used it as follows:

2004: 7 (pure BR requests)

Patriot Act-103

2005: 153 (14 pure + 141 combination requests, which means that the BR request was combined with a

PR/TT request to the FISC)
2006: 44 (12 + 32)
2007: 17 (17 + 0)
2008: 14 (14 + 0) - Note: this figure is still classified ~~SECRET~~
Total: 235 times

The Lone Wolf provision has not been used at all.

We have obtained authority to use the provision 147 times since 2002. This provision was used much less frequently than it was authorized. See the paper from CTD in my first e-mail.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Friday, May 01, 2009 5:52 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (DO) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

~~SECRET//NOFORN~~
RECORD s

b6
b7C

<< File: FISA renewal.wpd >>
I'll send something on UNET as well.

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, May 01, 2009 5:48 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

~~SECRET//NOFORN~~
RECORD s

[redacted]

Do you also have a copy of the white paper that discussed the numbers of 215s, Roving and Lone Wolves? I thought you forwarded that to me at one point.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Friday, May 01, 2009 5:46 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (DO) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

Patriot Act-104

~~SECRET//NOFORN~~
~~RECORD s~~

b6
b7C

[] I have a one-pager I did for the Director and I have the DRAFT DOJ letter that is about to go to the Hill summarizing DOJ position on the three provisions that expire at the end of this year. I'll send those two items to you (both unclass, check UNET). []

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Friday, May 01, 2009 5:40 PM
To: [] (DO) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Cc: [] (DO) (FBI); [] (DO) (FBI); [] (OGC) (FBI)
Subject: RE: Mr. Cummings' courtesy visit with Congressman Bond

~~SECRET//NOFORN~~
~~RECORD s~~

b6
b7C

[]
We have put together a couple of papers on the Patriot Act Sunsets recently. Of course, my computer has crashed several times over the past week so I cannot readily find those documents right now.

I have copied [] from OCA who compiled a paper in March for these provisions which Valerie approved on these provisions.

[] and [] also copied, also have some documents (including the March white paper prepared by OCA) discussing the three provisions which will sunset. Those documents were supplemented by the attached information about roving wire-taps in the attached e-mail from CTD. << Message: FW: Roving wiretaps >>

I hope this is of some help. I am leaving you in the capable hands of these folks as I will be on leave until June 1.

The attachment is SECRET.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[]

From: [] (DO) (FBI)
Sent: Friday, May 01, 2009 4:17 PM
To: MCNALLY, RICHARD (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: Mr. Cummings' courtesy visit with Congressman Bond

b6
b7C

UNCLASSIFIED
NON-RECORD

Rich and Steve,
On Tuesday, Mr. Cummings will be traveling to the hill for a courtesy visit with Congressman Bond. We have received word that a topic of conversation which Bond might try to engage Mr. Cummings in will be sunsets for Patriot Act provisions. Yes, this is a bit out of Mr. Cummings' lane, but if cornered, he wants to ensure he has a bit of awareness as to which provisions are due to sunset, etc.

Could you please provide me with a document/slide deck/cheat sheet (the format is your choice) of the provisions which are due to sunset.

I have also pulled the Director's SSCI testimony from 3/29 to assist Mr. Cummings in not contradicting the Director!

If you could email me the document/slide deck/cheat sheet by noon Monday, I would be very appreciative.

Thanks,

[redacted]
SSA [redacted]
[redacted]
National Security Branch
FBIHQ, Room [redacted]
[redacted]

b6
b7c

~~UNCLASSIFIED~~

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Patriot Act-106

~~XXXXXXXXXX~~

Outside the Scope - emails from 2010 forwarding responsive documents

~~XXXXXXXXXX~~

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, April 14, 2009 5:32 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (DO) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Roving wiretaps

DECLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
ON 07-12-2010

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

b6
b7c

Thanks [REDACTED]

[REDACTED] copied here, will use this information when meeting with DOJ on the Patriot Act Reauthorization.

Patriot Act-107

This information will help to inform the arguments they make. [redacted] and/or [redacted] may come back with some



Use of Roving
Wiretaps 0409.do...

questions and/or for some clarification.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

[redacted]
THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC
WITHOUT PRIOR APPROVAL

From: [redacted] (CTD) (FBI)
Sent: Tuesday, April 14, 2009 5:22 PM
To: [redacted] (DO) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
~~RECORD 415-HQ~~

[redacted] and Steve,
AD Heimbach approved the below document today!

Let us know if you require anything further.

From: [redacted] (CTD) (FBI)
Sent: Monday, April 06, 2009 3:03 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: MCJUNKIN, JAMES W. (CTD) (FBI)
Subject: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
~~RECORD 415-HQ~~

Attached is the ITOS 1 submission on roving wiretaps authorization.

<< File: Use of Roving Wiretaps 0409.doc >>

[redacted]
ITOS 1/TDY Front Office

b2
b6
b7C

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Patriot Act-108

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~



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DATE: 07-12-2010
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DECLASSIFY ON: 07-12-2035
10-CV-00755

COUNTERTERRORISM DIVISION
International Terrorism Operations Section I

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Roving Wiretap Authorizations

(U) ~~(S)~~ Number of Authorizations for
International Terrorism Investigations: 55
(January 2002-December 2008)

(U) ~~(S)~~ Number of Instances the Roving
Authorization Was Used: 5
(January 2002-December 2008)

Examples:

(S) [Redacted Box] b1
b2
b6
b7C
b7E

(S) [Redacted Box with X] b1
b2
b6
b7C
b7E

(S) [Redacted Box] b1
b2
b6
b7C
b7E

(S) [Redacted Box with X] b1
b2
b6
b7C
b7E

Patriot Act-109

~~SECRET~~//ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 7

Page 1 ~ Outside the Scope - emails from 2010 forwarding responsive documents

Page 17 ~ b5

Page 18 ~ b5

Page 19 ~ b5

Page 20 ~ b5

Page 21 ~ b5

Page 42 ~ Duplicate

PATRIOT ACT

March 25, 2009 Senate Judiciary Committee

CARDIN:

Thank you, Mr. Chairman. And let me thank Director Mueller for your service and thank you for being here today.

I want to talk about the Patriot Act. There are three major provisions that will sunset during 2009 that will need to be taken up by Congress. This committee will have a significant role in regards to the reauthorization and perhaps modifications of the roving wiretaps, the business records, and the lone wolf provisions.

I would hope you could share with us the importance of these provisions, whether you believe that there will be efforts made to extend these sunsets and whether you will be recommending modifications in these laws and what process you are intending to go through to work with Congress as we take up these issues, which, in the past, have been somewhat controversial.

MUELLER:

My hope, quite obviously, is that they'll be less controversial as they come up this time, because we have seen their use and have some track record with it.

Starting with the business records provision, 215, we have utilized that 223 times between 2004 and 2007. We don't yet have the records or the total for 2008. But it has been exceptionally helpful and useful in our national security investigations.

With regard to the roving wiretap provision that is also sunseting, we've used that 147 times, and that also has eliminated a substantial amount of paperwork and, I would say, confusion in terms of the ability for us to maintain surveillance, electronic surveillance on an individual where we can utilize that roving wiretap provision.

As to the lone wolf provision, while we have not -- there has not been a lone wolf, so to speak, indicted, that provision is tremendously helpful where we have a difficulty in showing a tie between a particular individual who -- about whom we have information that might be supporting terrorism and be a terrorist, but we have difficulty in identifying the foreign power for which he is an agent, whether it be a terrorist group or otherwise, what we call the Mussawi problem, where the issue was the inability for us to tie Mussawi to a particular terrorist group.

So that also is a provision that has been, I believe, beneficial and should be reenacted.

I have not yet had an opportunity, with the new administration, to have a discussion about the position. I know we'll be working with the Department of Justice on these three provisions, but my hope is that the department will support the reenactment of all three and that we can sit and work with Congress to explain, if necessary, more fully how important they are to our work.

CARDIN:

Well, I very much appreciate your response. Having the total numbers of uses is useful, very helpful.

In regards to the business records, there's been some press that has been less than favorable on some of the applications.

Patriot Act-111

But this may not be the right forum to get into more detail, but I do think it's important that the Judiciary Committee, in its oversight function, and the Intelligence Committee, in its oversight function, examine more specifics, for two years.

One, I think most of us believe these tools are extremely important and we want to make sure that you have the tools that you need. We want to make sure that there is the appropriate oversight.

We normally get more attention as we get closer to the deadlines on extending sunsets that other times during the year, we want to make sure we take advantage of this opportunity to get a better understanding so we are on the same page as to what tools are needed.

And the third point is there may need to be modifications, not necessarily restrictions. There may need to be a fine-tuning of these provisions to make sure that they're more effective and used as intended by Congress.

So I would just encourage you to work with the chairman of our committee, the chairman of the Intelligence Committee, so that we can feel more comfortable working with the administration.

I know it's early in the new administration, but this issue is going to come up quicker than we think and the one thing I don't want to see happen is that we have a deadline without an opportunity to be fully comfortable with a bill that would extend the provisions in the Patriot Act.

SESSIONS:

Thank you, Mr. Chairman.

And I think the Patriot Act was carefully constructed. We had some very vigorous and -- hearings.

And I believe all the provisions in it are consistent, do you not agree, Mr. Mueller, with traditional law enforcement methods, many of which have been used in other circumstances and even in terrorism, and that care was taken not to violate any of the great constitutional protections that we cherish in this country?

MUELLER:

I do. I'm, not surprisingly, a strong supporter of the Patriot Act, particularly the areas where it broke down the walls between ourselves and the intelligence community.

Senator Specter alludes to the changes since September 11th. One of the substantial change since September 11th has been, quite obviously, our sharing of information with the intelligence community and vice versa. And that was attributable to the Patriot Act.

The three provisions that are to sunset are important provisions that we hope will again be reenacted when it comes up for vote.

May 20, 2009 House Judiciary Committee

SMITH:

Thank you.

Recently, you've said that you support reauthorization of the three expiring provisions of the Patriot Act.

Do you foresee any need to make any changes in those three expiring provisions?

Patriot Act-112

MUELLER:

No. I previously, when questioned, testified that the three provisions, the first one, the business records provision, has been exceptionally useful for us over the period of time that it's been on the record books and we've used it over 230 times.

The second provision that is sunseting relates to roving wiretaps. We've used that over 140 times. It has been exceptionally useful and cut down on not only paper, but also enabled us to better facilitate our investigations.

And, lastly, the Lone Wolf provision, while we have not used it with regard to an indictment, it continues to be available for that individual whom we lack evidence to put with a particular terrorist group, but does present a threat as an international terrorist.

Each of those three provisions are important to us. And while I don't believe the Department of Justice has yet weighed in with its letter, this is what I've testified to in the past and is my current opinion.

SMITH:

And you don't foresee the need to make any changes in any of those provisions.

MUELLER:

Not at this juncture.

September 16, 2009 Senate Judiciary Committee

FEINSTEIN:

And we have to find a way to stop that. So, I'd like to talk with you. But I'd like to turn now to a FISA matter, the three sun-setting provisions of the Patriot Act, the lone wolf, the business letters and the roving wiretaps. This -- is an issue where two committees have jurisdiction, both the Judiciary Committee and the Intelligence Committee.

I spoke with Senator Leahy yesterday and indicated that we'd like to work together, if possible, so we don't get into battles of sequential referrals and that kind of thing. It was my thinking simply to extend those three provisions until the Patriot Act is up for reauthorization, which is three years hence. I believe Senator Leahy will submit a bill that does some other things as well.

I have just received a copy of a letter, or a letter directed to me and the vice chairman of intelligence, dated September 14, by the Justice Department, saying that they are in full support of reauthorization of all three provisions; and that they, if there were some ideas for some changes, they would be happy to discuss them. The letter is signed by Ron Weich. And it's a rather forceful case for continuation.

I would like to ask you if you would discuss your use of those three provisions and their relevance today in the continuing concerns about terror infiltrating our country.

MUELLER:

Well, let me start by saying I hope you reinforce each other to -- to, again, pass these three -- these three provisions.

LEAHY:

Patriot Act-113

We'll work it out.

FEINSTEIN:

Right.

MUELLER:

The -- first of all, the business records, 200 -- 215, between 2004 and 2009, we've used that more than 250 times. I make the point that that provision is used with the approval of the FISA court. And the business records that are sought there relate almost -- not all the time -- but almost solely to terrorist investigations in which the records that are received are absolutely essential to identifying other persons who may be involved in terrorist activities.

FEINSTEIN:

Involving a foreign terrorist.

MUELLER:

Involving a -- a -- a -- someone who is a -- yes, a foreign terrorist.

FEINSTEIN:

So, you're prepared to say that there is no domestic exclusivity, but that this relates to a foreign terrorist.

MUELLER:

Well, it relates to an agent of a foreign power.

FEINSTEIN:

Exactly.

MUELLER:

Agent of -- as it says in the...

FEINSTEIN:

Yes, exactly.

MUELLER:

... in the FISA statute.

FEINSTEIN:

So, each one would.

MUELLER:

Yes. My understanding is that 215 relates to any investigation relating to...
[CROSS-TALK]

FEINSTEIN:

Patriot Act-114

It does and (inaudible) it's being used that way.

MUELLER:

Yes.

FEINSTEIN:

OK.

MUELLER:

Let me just check and make sure that's so. Yes.

LEAHY:

The...

FEINSTEIN:

Can we...

LEAHY:

Do you want to add to the question?

FEINSTEIN:

Oh, I -- if he could just finish quickly...

LEAHY:

Sure.

FEINSTEIN:

... on the -- the lone wolf provision...

MUELLER:

OK.

FEINSTEIN:

... and the roving wiretap.

MUELLER:

Roving wiretaps we used approximately 140 times over the -- the -- those same years. And it's tremendously important. With the new technology, it is nothing to buy four or five cell phones at the same time and use them serially to avoid -- to avoid coverage. And the roving wiretaps are used in those circumstances, where we make a case that is going to happen. And we've got approval for it. It's essential, given the technology and the growth of technology that we've had.

As to the lone wolf, that has been -- that has not been used yet. But my belief is it needs to be there, where we have an individual, such as Moussaoui, whom we need to go up and get a FISA warrant, either for a search or a -- an interception and cannot identify

Patriot Act-115

specifically, with specificity, a particular foreign power that is particularized terrorist organization, that he belongs to.

But we -- the need to, as they say in this lone wolf context -- go to a FISA court and say, OK, this is a lone wolf. We can't put the -- the tie to this particular terrorist group. But here are the reasons why we need to go up on this individual. So, my belief is each of these three provisions are important to our work.

FEINSTEIN:

Thank you, Mr. Chairman, for allowing him to answer.

September 30, 2009 Senate Homeland Security

MR. MUELLER: I'll leap into the fray and say yes. The Patriot Act is going to be debated. I know those provisions have been very essential to us, particularly the first two which relate to the business records provision and, secondly, the roving wiretaps. And a third, while it has not been used, lone wolf will be and is important if we get the similar situation that we had with Musawi in 2001. So I would urge the reenactment of those provisions.

I also would make a point in terms of national security letters. Our success and our information is in large part attributable to the information we can gather, not of substantive conversations but of the tag data or the telephone toll data that we obtain by reason of national security letters. So it's really retaining these capabilities that is important.



~~SECRET~~

PATRIOT ACT SUNSET PROVISIONS

(215s/Roving Wiretaps/Lone Wolf)

Some provisions of the PATRIOT Act will expire this December. Two sections, Business Records access and Roving Wiretaps, give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. How important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

- (U) These tools are extremely important in the FBI's investigative work and the FBI has a solid track record of using both of them.
- (U) The FBI began using the business record authority in 2004. It has been used on more than 250 occasions since that time. This authority has been useful in furthering national security investigations.
- (U) The FBI was authorized to use roving wiretap authority 147 times from 2004-08. This tool provides the ability for the FBI to obtain valuable intelligence in situations where a surveillance conscious target seeks to thwart our investigative option by rapidly changing facilities.
- (U) ~~(S)~~ To date in CY 2009, the FBI has been authorized to use the roving wiretap authority 13 times.

How many times has the Lone Wolf provision been utilized?

Response:

- (U) Although the lone wolf provision has not yet been used, it is an important investigative option which must remain available.
- (U) This provision gives the FBI the flexibility to obtain FISA warrants and orders in the rare circumstance where a non-US person engages in terrorist activities, but his or her nexus to a known terrorist group is unknown. The fact that this provision has not been used does not denigrate the need for the provision.
- (U) It is an important tool which will be used only under the appropriate circumstances and with the appropriate supervision from the Foreign Intelligence Surveillance Court. Because the circumstances under which we would use the lone wolf provision have not arisen since the passage of the Intelligence Reform and Terrorist Prevention Act of 2004 does not mean that they will not arise in the future. The United States Government needs to be prepared to address that situation should it occur.

Information approved by: Deputy GC Elaine Lammert – pending GC Caproni approval
Dated: 8/26/2009

GC Caproni approval received: 9/14/2009

2009 Statistics provided by: Steven Siegel, Deputy General Counsel, NSLB, OGC

Patriot Act-117

~~SECRET~~

FBI-PREPROCESSED00076

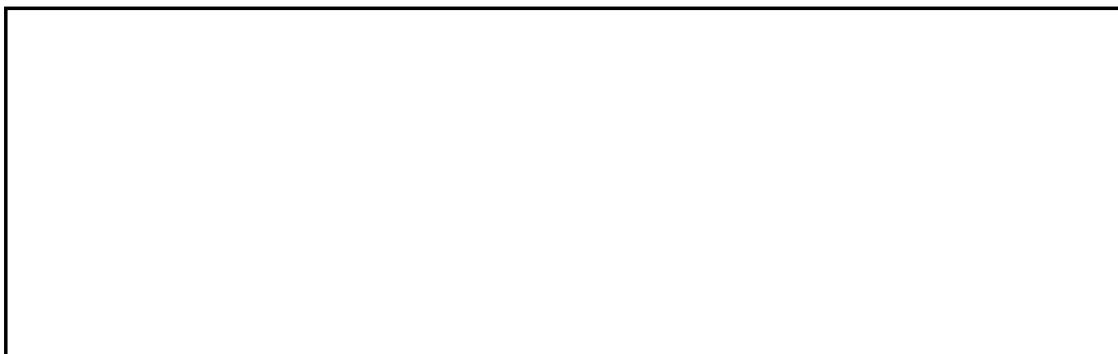


The Inspector General's 2008 Report Regarding the FBI's Use of Section 215 Orders in 2006

23. The 2008 Inspector General (IG) Report noted that when FBI agents submitted Section 215 requests processed in 2006, they encountered similar processing delays as those identified in the IG's 2007 report. These delays were caused by unfamiliarity with Section 215 orders, too few resources to handle requests expeditiously, the multi-layered review process, and substantive issues regarding whether the application met the statutory requirements. What is the FBI doing to address these problems?

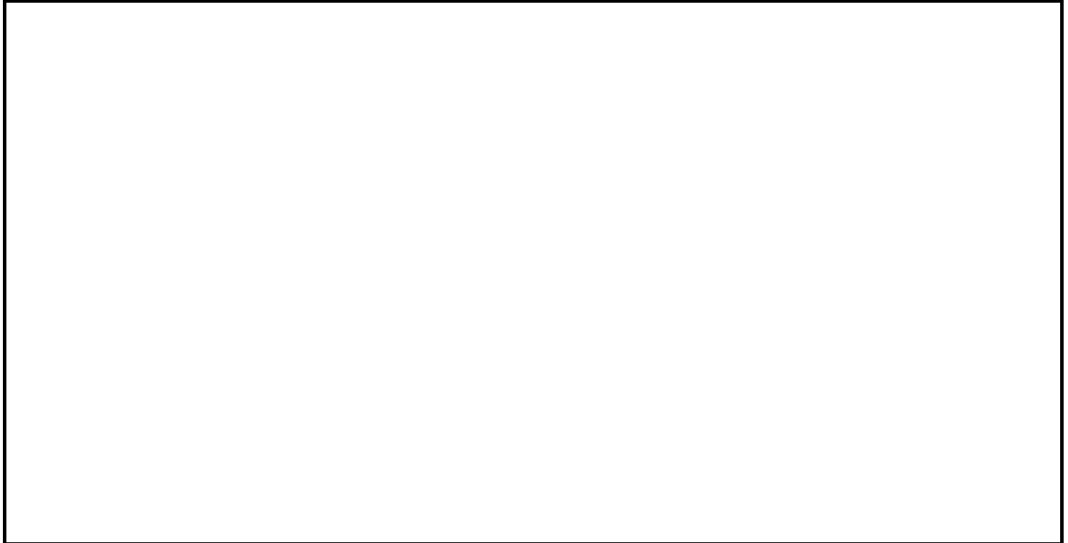
b5

Response:



24. The 2008 IG report also recommended that the FBI develop procedures that require FBI employees to review materials received from Section 215 orders to ensure that the material they receive pursuant to Section 215 is authorized by the Section 215 order itself. What has the FBI done to implement this recommendation?

Response:



b5



Outside the Scope

Outside the Scope

31. Questions [29] and [30] address the nondisclosure requirements for NSL recipients. Those receiving requests for information under Section 215 of the USA PATRIOT Act also are prohibited from disclosing receipt of that request.

a. Is the reciprocal notice procedure used by the FBI for NSLs being used for nondisclosure requirements issued under Section 215 of the USA PATRIOT Act?

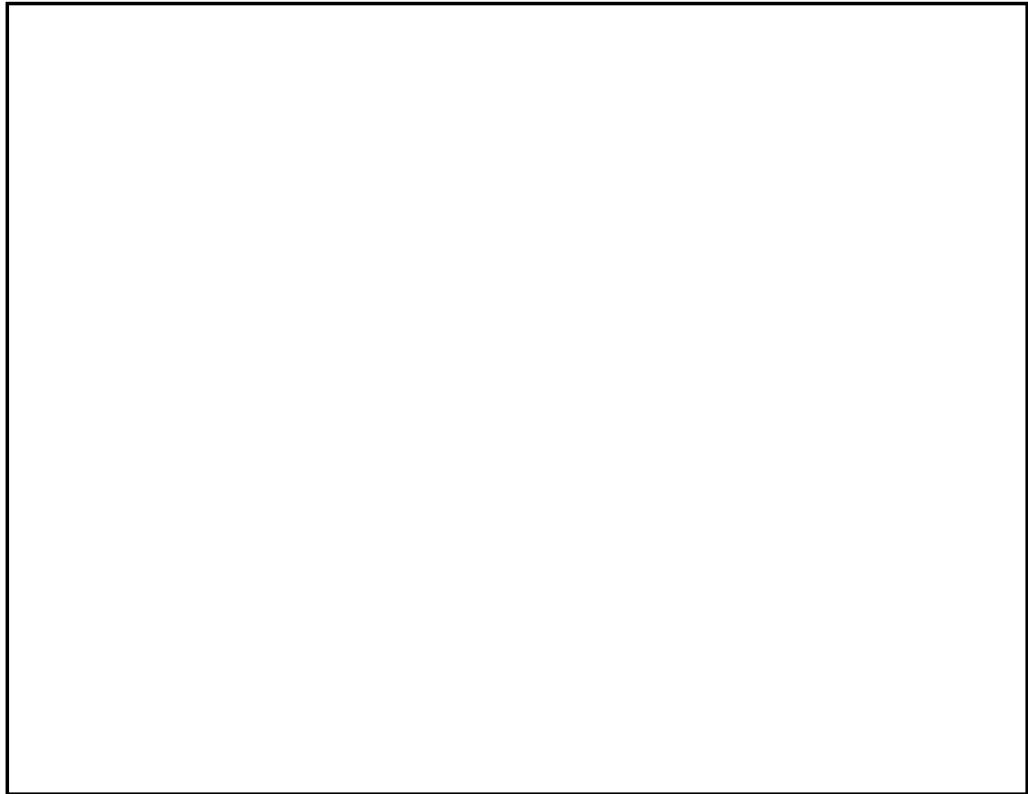
If yes, since what date has the FBI used this procedure for recipients of Section 215 orders? How many Section 215 orders have been issued since that date? Has anyone given notice to the government of their intention to challenge a nondisclosure requirement in a Section 215 order? If so, has the government gone to court to enforce a nondisclosure requirement in a Section 215 order pursuant to notice being given that the recipient wished to challenge? If so, what was the result of the government going to court and asking the court enforce the nondisclosure requirement?

If no, what is the FBI's justification or argument for not using the reciprocal notice system in the context of Section 215 orders? Does the FBI plan to use that system for recipients of Section 215 orders in the future?

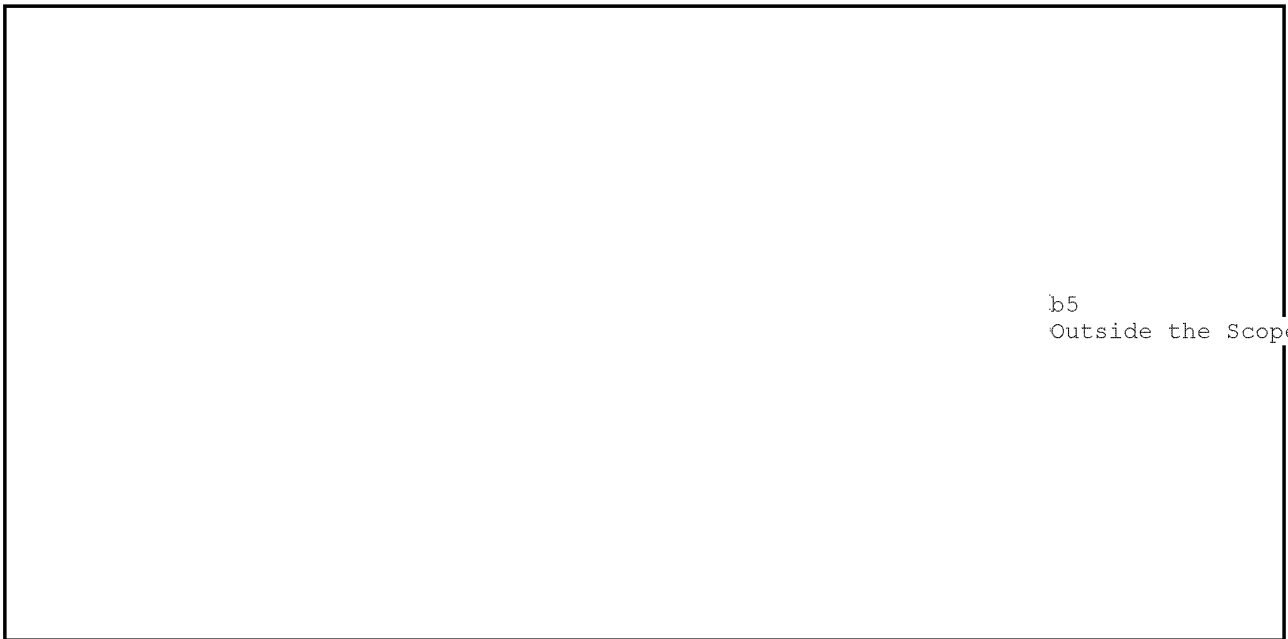
b. If this reciprocal notice procedure is being used for Section 215 orders, please provide a copy of the notice the FBI is sending to recipients of Section 215 orders that informs them of their right to challenge the nondisclosure provision.

Response to subparts a and b:

b5



b5



b5
Outside the Scope

2025 RELEASE UNDER E.O. 14176

DATE: 07-12-2010

CLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755

REASON: 1.4 (c)

DECLASSIFY ON: 07-12-2035

~~SECRET~~/NOFORN
9/25/2009

FBI NSLB Comments on S.1686 (FEINGOLD Bill): "USA PATRIOT Act Sunset
Extension Act of 2009"

Section 101(a)(2) (Limitation on ECPA NSLs): With the change, the FBI could seek only
subscriber information, not toll billing records or electronic communication transactional
information, from an electronic communication service provider.

b5

Outside the Scope

- **We recommend that the FBI** [REDACTED]

[REDACTED]

Section 101(b)(1) (Standard for Issuance): The bill adds to current the "relevance" standard for all
NSLs an additional requirement of "specific and articulable facts" that the records would pertain to
a foreign power or agent of a foreign power, pertain to individuals in contact with an agent of a
foreign power, pertain to the activities of an agent of a foreign power.

b5

Outside the Scope

- **We recommend that the FBI** [REDACTED]

[REDACTED]

Section 101(c) (Nondisclosure): For all types of NSLs, limits the nondisclosure provision to a
maximum of one year. In order to extend a new certification must be made and notice provided
to the recipient that the nondisclosure provision has been extended. If the facts supporting the
nondisclosure requirement cease to exist, the FBI must notify the recipient.

b5

Outside the Scope

- **We recommend that the FBI** [REDACTED]

[REDACTED]

Section 101(f) Disclosure for Law Enforcement Purposes: Requires advance AG authorization
for use of NSL derived information in a criminal proceeding.

b5

Outside the Scope

- **We recommend the FBI** [REDACTED]

[REDACTED]

~~SECRET~~

Patriot Act-1/4

~~SECRET~~/NOFORN
9/25/2009

b5
Outside the Scope

Section 101(f)(Notification at trial): Government required to provide notice of use of NSL-derived information at trial; aggrieved person can move to suppress such information.

- **We recommend the FBI** [REDACTED]

[REDACTED]

Section 101 (a) Restrictions on Transactional Information: Limits the information that can be provided in response to an Electronic Communication Privacy Act (ECPA) or Right to Financial Privacy Act (RFPA) NSL to customer identification and account information. NSLs may no longer be used to obtain credit reports.

b5
Outside the Scope

- **We recommend the FBI** [REDACTED]

[REDACTED]

Section 102 (Right to Judicial Review of Nondisclosure): If the NSL recipient wishes to challenge the nondisclosure provision, the recipient may inform the FBI of its intent to do so within 21 days and the FBI must initiate court proceedings within 21. An application for a nondisclosure order would include a statement of specific and articulable facts that a harm to national security will result.

[REDACTED]

b5
Outside the Scope

Section 103 (Compliance Program and Database): Mandates creation of compliance program and NSL tracking database.

[REDACTED]

b5
Outside the Scope

Section 104 (NSL Reporting): Would require the FBI to report in unclassified form the number of NSLs targeting US Persons, Non US persons, persons the subject of national security investigations, and persons not the subject of a national security investigation. Subscriber only requests are not required to be broken down into such categories.

b5
Outside the Scope

[REDACTED]

Section 105 (Emergency Disclosure Change): Changes "good faith" to "reasonably believes" and inserts the word "immediate." Notice to court must be provided within 5 days of an emergency request and notice to the customer must be provided.

- **We recommend the FBI** [REDACTED]

[REDACTED]

Patriot Act-175

b5
Outside the Scope

~~SECRET~~

~~SECRET~~/NOFORN
9/25/2009

Outside the Scope

(U//FOUO) In **Section 107**, the FBI has the following comments:

(S)

b1

b5

~~SECRET~~

Patriot Act-176

~~SECRET~~/NOFORN
9/25/2009

(U//FOUO) **Section 303** would strike from FISA Title VIII (50 U.S.C. 1885 et seq.), "Protection of Persons Assisting the Government," in its entirety. Title VIII establishes procedures for implementing statutory defenses for persons providing assistance to the USG pursuant to FISC Orders, 2511 certifications, other FISA directives, and under the TSP in various civil actions. **We recommend the FBI**

[Redacted]

b5
Outside the Scope

(S)

[Redacted]

b1
b5
Outside the Scope

(U//FOUO) **Section 305**

[Redacted]

b5
Outside the Scope

[Redacted] Thus, **we recommend the FBI** [Redacted]

(U//FOUO) **We recommend**

Section 306

[Redacted]

(S)

[Redacted]

b1
b5
Outside the Scope

Patriot Act-177

~~SECRET~~

~~SECRET~~/NOFORN
9/25/2009

b1
b5
Outside the Scope

(S)

Section 402 of the JUSTICE Act seeks to amend portions of FISA dealing with district courts' authority to disclose FISA applications, orders and other materials to FISA targets. FISA currently provides that when an aggrieved person moves to discover, obtain, or suppress FISA-derived evidence, the court (upon filing of an AG affidavit of national security harm) reviews *in camera* and *ex parte* the FISA application, order, materials as necessary to determine whether the FISA was lawfully authorized and conducted. The court may disclose the FISA to the aggrieved person only if the court determines that such disclosure is necessary to make this determination. For example, the last sentence of section 50 USC 1806 (f) currently provides that:

"In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the surveillance only where such disclosure is necessary to make an accurate determination of the legality of the surveillance." (emphasis added.)

Section 402 of the JUSTICE Act seeks to delete the above sentence and insert the following:

"In making this determination, unless the court finds that disclosure would not assist in determining any legal or factual issue pertinent to the case, the court may disclose to the aggrieved person, the counsel for the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other appropriate security procedures and protective orders, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order." (emphasis added.)

(Note that the proposed amendment above applies to Electronic Surveillance portion of FISA but that identical amendments are proposed for Physical Searches and Pen Registers and Trap and Trace.)

The current law only authorizes the court to disclose the FISA with a finding that the disclosure is necessary to help the court determine the legality of the FISA. The proposed language would reverse this presumption against disclosure by allowing the court to disclose the FISA unless it finds that the disclosure would NOT assist in determining legality.

we recommend that the FBI

For these reasons,

b5
Outside the Scope

~~SECRET~~

Patriot Act-178

FBI-PREPROCESSED00085

~~SECRET~~

DATE: 07-12-2010
CLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
REASON: 1.4 (c)
DECLASSIFY ON: 07-12-2035

FBI /NSLB Comments on Senator Leahy's Bill: "USA PATRIOT Act Sunset Extension Act of 2009"

September 25, 2009

Section 2: *Sunsets*

b5

- We recommend that the FBI

Section 3: *Factual Basis for Issuance of Orders for Access to Tangible Things*

(S)

b1
b5

b5

Section 4: *Factual Basis for and Issuance of Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes*

(S)

Patriot Act 179

b1
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Outside the Scope

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(S)

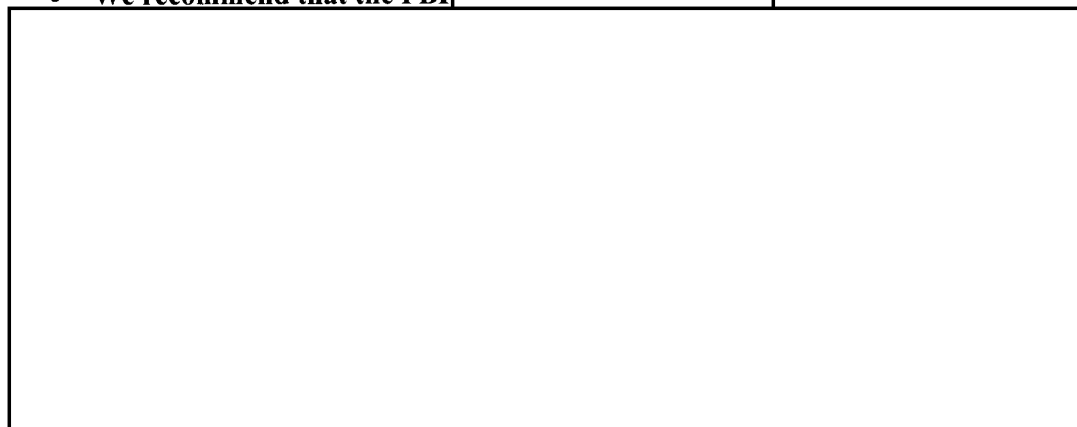
b1
b5
Outside the Scope

Section 5: Limitations on Disclosure of National Security Letters

Section 5(c) (Nondisclosure): For all types of NSLs, this provision limits the nondisclosure provision to a maximum of one year. To extend this, a new certification must be made and notice provided to the recipient that the nondisclosure provision has been extended. If the facts supporting the nondisclosure requirement cease to exist, the FBI must notify the recipient.

b5
Outside the Scope

- **We recommend that the FBI**



Section 5(c)(4); Section 6(b) (Right to Judicial Review of Nondisclosure): If the NSL recipient wishes to challenge the nondisclosure provision, the recipient may inform the FBI of its intent to do so within 21 days and the FBI must initiate court proceedings within 21.

Patriot Act-180

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b5
Outside the Scope

Section 6: Judicial Review of FISA Orders and National Security Letters

Section 6(a): This section appears to eliminate the one year time period before a recipient may challenge a nondisclosure order issued under the FISA business records provision. This would permit immediate review of the business record nondisclosure provision. The FBI [REDACTED]

b5
Outside the Scope

Section 6(b)(3) (Nondisclosure Standard): Eliminates the ability for the Director or other officials to certify as to the need for nondisclosure.

Section 7: Certification for Access to Telephone Toll and Transactional Records

Changes the current certification of relevance to “a statement of facts that there are reasonable grounds to believe” that the information sought is relevant to an investigation of international terrorism or clandestine intelligence activities.

b5
Outside the Scope

- **We recommend that the FBI** [REDACTED]

Section 8: Public Reporting on National Security Letters

Would require the FBI to report in unclassified form the number of NSLs targeting US Persons, Non US persons, persons the subject of national security investigations, and persons not the subject of a national security investigation. Subscriber only requests are not required to be broken down into such categories.

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Outside the Scope

Patriot Act-181

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Outside the Scope



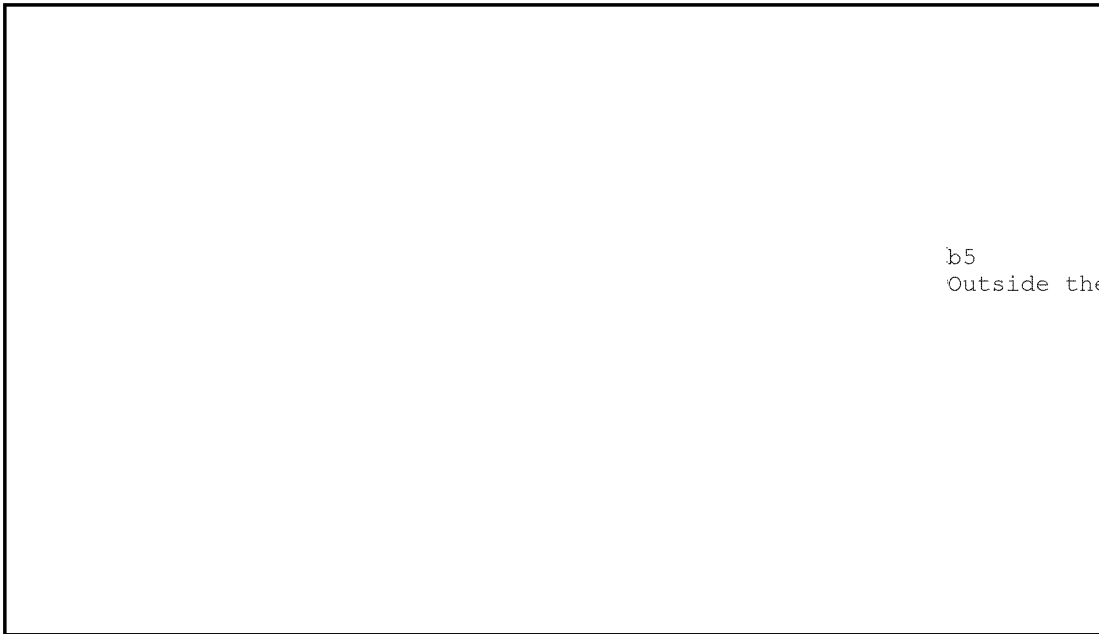
Section 10: Audits

Section 10(a) and (b). Would continue audits of NSL and business records through 2012.



b5

Section 10 (c) Pen Registers and Trap and Trace Devices Audits



b5
Outside the Scope

~~SECRET~~

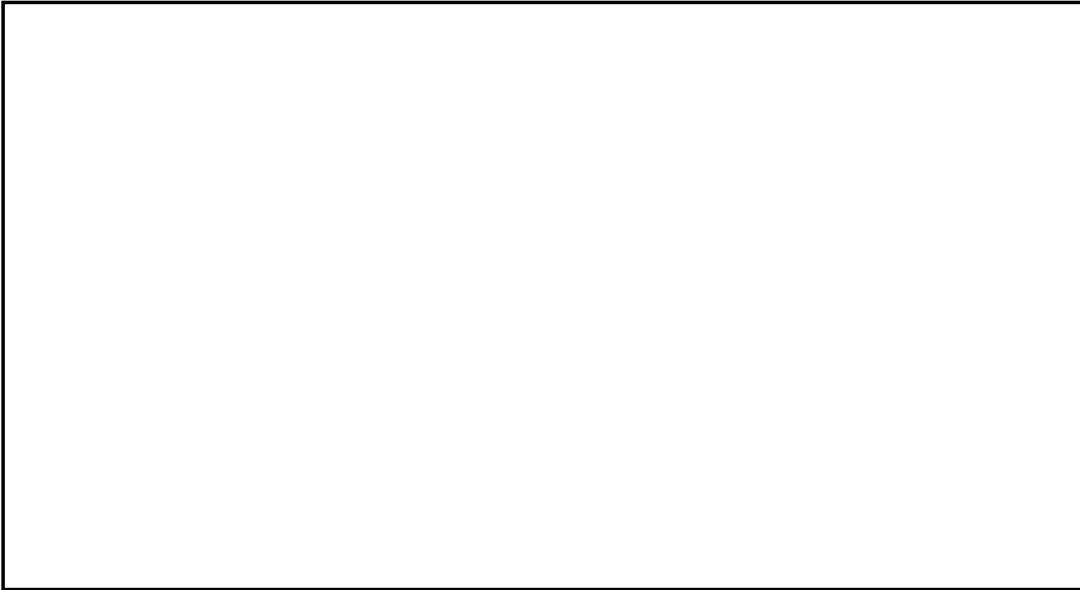
Patriot Act-182

FEDERAL BUREAU OF INVESTIGATION
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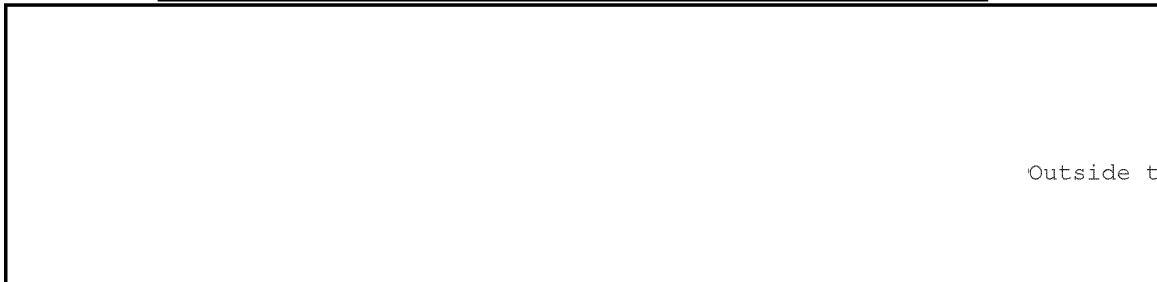
Outside the Scope

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:



b5



Outside the Scope

Patriot Act-250

From: [REDACTED] (DO)(FBI)
Sent: Wednesday, February 25, 2009 2:56 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Director Mueller's Senate Judiciary hearing 03/25/09
UNCLASSIFIED
NON-RECORD

b6
b7C

Do u know if we have QFRs re: Patriot Act Sunsets re roving wiretaps, FISa Business records, and Lone Wolf?

SUNSETS

The USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT, Sec 102, sunsets Sections 206 and 209 of the PATRIOT ACT, returning sections 501, 502, and 105(c) (2) of the FISA of 1978 to how they read on 10/25/01, effective December 31, 2009; and the sunset relating to individual terrorists as agents of foreign powers, Sec. 103 of the USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT that amended Section 6001 (b) of the Intelligence Reform and Terrorism Prevention Act of 2004 by adding a December 31, 2009 sunset.

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, February 25, 2009 2:52 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [REDACTED] (DO)(FBI)
Subject: RE: Director Mueller's Senate Judiciary hearing 03/25/09

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] Steve?

b5

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Wednesday, February 25, 2009 1:41 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [REDACTED] (DO)(FBI)
Subject: RE: Director Mueller's Senate Judiciary hearing 03/25/09

b6
b7C

UNCLASSIFIED
NON-RECORD

Val - we'll pull prior testimony and QFRs on sunset provisions and use that - but do you know if

[REDACTED]

b5

Beth Beers
Office of Congressional Affairs

Patriot Act-342

b6
b7C

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, February 24, 2009 11:30 AM

To: [redacted] (DO)(FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OPA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director Mueller's Senate Judiciary hearing 03/25/09

b6
b7C

UNCLASSIFIED
NON-RECORD

On sunsets: I would go back to what we've said previously regarding those provisions.

On DIOG: POC's should be [redacted] and [redacted]

b6
b7C

From: [redacted] (DO)(FBI)
Sent: Monday, February 23, 2009 6:35 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (OPA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI)
Subject: Director Mueller's Senate Judiciary hearing 03/25/09

UNCLASSIFIED
NON-RECORD

Hello,

On March 25, Director Mueller will appear before the Senate Judiciary Committee (SJC). OCA and OPA are in the process of coordinating the official Statement for the Record (SFR). In that regard, the Executive Writing Unit will be starting a draft of the SFR. The initial plan is to have the SFR provide an update to the Committee on initiatives that were presented to them in Sept. 2008, when the Director last appeared before the SJC, and also have some information about mortgage fraud, The Leadership Initiative, state and local partnerships etc.

Preliminary discussions re the topics for the SFR have identified 2 small pieces for inclusion in the SFR that relate to OGC:

SUNSETS

The USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT, Sec 102, sunsets Sections 206 and 209 of the PATRIOT ACT, returning sections 501, 502, and 105(c) (2) of the FISA of 1978 to how they read on 10/25/01, effective December 31, 2009; and the sunset relating to individual terrorists as agents of foreign powers, Sec. 103 of the USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT that amended Section 6001 (b) of the Intelligence Reform and Terrorism Prevention Act of 2004 by adding a December 31, 2009 sunset.

DIOG

Some type of update on the DIOG?

Patriot Act-343

If you could provide a POC for OPA/OCA to work with on getting some material for the SFR re these topics, or point us to already existing material that you feel is suitable from which to draw (i.e. the recent info re "Train the Trainer, " for the DIOG piece) we will be able to start the process.

Thanks

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Patriot Act-344

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

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From: HQ_DIV05_CD_EXEC_STAFF
Sent: Thursday, April 16, 2009 5:47 PM
To: [REDACTED] (DO) (FBI)
Cc: BUCKLEY, MARGARET R. (CD) (FBI); [REDACTED] (CD) (FBI);
[REDACTED] (DO) (FBI); [REDACTED] (CD) (CON); [REDACTED]
[REDACTED] (KC) (CON); [REDACTED] (OCA) (FBI); [REDACTED]
[REDACTED] (CD) (FBI); [REDACTED] (CD) (CON)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

Importance: High

Attachments: PA reauth letter MJW Draft April 16.doc

UNCLASSIFIED
NON-RECORD

[REDACTED] CD has reviewed the DOJ Letter on USA Patriot Act Reauthorization-Roving Wiretaps/Business Records/Lone Wolf regarding the reauthorization of FISA provisions and [REDACTED]

b5

For information of CD, provisions of the FISA is scheduled to sunset on December 31, 2009. DOJ Letter addresses the reauthorization of FISA Provisions as follows: 1. The Roving Wiretaps, USA Patriot Act Section 206. It is recommended this provision [REDACTED]

b5

[REDACTED] 2. Business Records, USA Patriot Act Section 215. It is recommended that the Business Record provision [REDACTED]

[REDACTED] 3. Lone Wolf Intelligence Reform and Terrorism Prevention Act of 2004, Section 6001. It is recommended the Lone Wolf [REDACTED]

[REDACTED] PSC
Columbia/CD Division
[REDACTED]

b6
b7C

Please take a moment to visit the CD Administrative Section's Customer Service Satisfaction survey. We appreciate you letting us know how we are doing.
[http://\[REDACTED\]](http://[REDACTED])

From: [REDACTED] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HQ-DIV05-CD-EXEC-STAFF; [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED]
[REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CID) (FBI);
[REDACTED] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)
(FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE (OCA)

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Patriot Act-359

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(FBI); POWERS, RICHARD C. (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA)
(FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI);
[redacted] (OCA) (FBI); [redacted] (OCA) (FBI)

Subject: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

UNCLASSIFIED
NON-RECORD



PA reauth letter
MJW Draft Apr...

The attached letter / official communication is being routed by DOJ for official comment.
RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

Please provide comments in a **WORD DOCUMENT** only.

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Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, **PLEASE** forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
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- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

Patriot Act-360

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

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[REDACTED]

CLU I
FBI OCA

[REDACTED]

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-361

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 11:30 AM
To: [REDACTED] (DO) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

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Attachments: DOJ Letter Pat Act reaut- approved.doc
UNCLASSIFIED
NON-RECORD



DOJ Letter Pat Act
reaut- appr...

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b7C

[REDACTED]
Please find attached our inputs on the proposed letter. [REDACTED]
[REDACTED]

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[REDACTED]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch
[REDACTED]

b6
b7C

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:50 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

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UNCLASSIFIED
NON-RECORD

[REDACTED]
My comments are attached. See the 4th paragraph under Business Records.

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[REDACTED] CD may want to look at this letter, particularly the third full paragraph under Roving Authority. Do we think [REDACTED]
[REDACTED]

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Patriot Act-362

[redacted] - I think you asked [redacted]
[redacted]

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Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[redacted]

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b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:15 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

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NON-RECORD

Section and Unit Chiefs,

This is a draft letter from DOJ pushing the renewal of the Roving Wiretaps/Business Records/Lone Wolf Patriot Act provisions. The hard deadline for FBI input into the letter is NLT Monday, April 20th.

Please disseminate this to all concerned attorneys. In order to allow me time to reconcile our inputs, please have any and all responses to me by 0900 Monday.

[redacted]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch

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[redacted]

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HO-DIV05-CD-EXEC-STAFF; [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CID) (FBI); [redacted] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI);

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Patriot Act-363

Cc:

Subject:

Importance:

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (DO) (FBI); [redacted] (OGC) (FBI)
[redacted] (DO) (FBI); [redacted] (DO) (FBI); BEERS, ELIZABETH RAE (OCA)
(FBI); POWERS, RICHARD C. (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA)
(FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI);
[redacted] (OCA) (FBI); [redacted] (OCA) (FBI)

DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

High

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NON-RECORD

<< File: PA reauth letter MJW Draft April 16.doc >>

The attached letter / official communication is being routed by DOJ for official comment.
RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

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Thank you.

Please provide comments in a **WORD DOCUMENT** only.

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted] and [redacted]

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If you feel there is someone else who should see this and who has not been included, **PLEASE** forward it to them and then let me know that I should add them on to the lists for future distribution.

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- If your division is not taking a position and has no comments, please send an E-mail stating such.

Patriot Act-364

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

[REDACTED]

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FBI OCA

[REDACTED]

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Patriot Act-365

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 8, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to questions for the record posed to Federal Bureau of Investigation Director Robert Mueller following his appearance before the Committee at an oversight hearing on September 16, 2009.

We hope this information is helpful. Please do not hesitate to contact this office if we may be of further assistance on other matters. The Office of Management and Budget has advised us that from the perspective of the Administration's program, they have no objection to submission of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Weich".

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Jeff Sessions
Ranking Minority Member

Patriot Act-423

FBI-PREPROCESSED00109

Questions Posed by Senator Specter

Outside the Scope

15. On October 11, 2001, I was one of seven Senators to vote “no” on a motion to table an amendment introduced by Senator Feingold to limit the roving wiretap authority under FISA. The amendment would limit surveillance to those instances “...when the target’s presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained....” Why should we not tie the availability of roving wiretaps to the standard established in the Feingold amendment?

Response:

Although there is an ascertainment requirement in Title III, such a provision should not be imported into the Foreign Intelligence Surveillance Act (FISA). In order to authorize surveillance, the FISA Court must find probable cause to believe the target is using or is about to use the targeted facility. If Congress were to add a requirement that the government know the target is proximate to the facility in order to use roving authority, we would be required to maintain constant physical surveillance of the target or risk missing communications we are otherwise entitled to intercept. Roving authority can only be obtained if the government demonstrates reason to believe the target will take actions to thwart surveillance. Given that we are starting with a subset of FISA targets who are

quite savvy about law enforcement efforts and who tend to be surveillance conscious, adding a requirement that would necessitate constant physical surveillance is particularly ill advised. Since there have been no occasions on which the FBI has misidentified facilities that were being used or about to be used by the intended target when executing roving surveillance, it is not clear what benefit would be obtained from such an amendment, particularly in light of the substantial disadvantages it would afford.

Congress has already provided safeguards to ensure that facilities are appropriately targeted for roving electronic surveillance. Pursuant to 50 U.S.C. § 1805(c)(3),

[a]n order approving electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within ten days after the date on which surveillance begins to be directed at any new facility or place, unless the court finds good cause to justify a longer period of up to 60 days.

The required notice to the court must include:

- (1) the nature and location of each new facility or place at which the electronic surveillance is directed; and
- (2) the facts and circumstances relied upon by the applicant to justify the applicant's belief that each new facility or place at which the electronic surveillance is directed is or was being used, or is about to be used, by the target of the surveillance.

16. The Lone Wolf amendment to FISA was enacted to “fix” an alleged “problem” with FISA. Shortly after September 11, 2001, the FBI believed that FISA did not allow the FBI to gain access to a laptop computer used by Zacharias Moussaoui. It turns out that the FBI personnel were misinterpreting the FISA statute – the statute did not preclude such a search. However, the Lone Wolf provision was enacted to “fix” this problem anyway.

The Lone Wolf exception undermines the policy and constitutional justifications for FISA. When Congress enacted FISA, it carefully limited its application in order to ensure that the procedures established in FISA are reasonable in relation to legitimate foreign counterintelligence requirements and the protected rights of individuals. Their reasonableness depends, in part, upon an assessment of the difficulties of

investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups.

Further, the Lone Wolf provision is unnecessary and, according to the Assistant Attorney General for the National Security Division, David Kris, has never been used. The current version of the PATRIOT Act would allow the government to seek a criminal warrant without concern of precluding future use of FISA. In virtually every case in which you could meet the probable cause standard for obtaining a FISA warrant for a lone wolf, you could meet the probable cause standard for a criminal warrant.

Given the minimal value of the Lone Wolf provision, and given its erosive effects on the justification for FISA, what is your best argument in favor of its reauthorization?

Response:

Although the narrowly tailored lone wolf provision has never been used, it is an important investigative option that must remain available. This provision gives the FBI the flexibility to obtain FISA warrants or orders in the rare circumstances in which non-U.S. persons engage in terrorist activities but their nexus to known terrorist groups is unknown. The fact that this provision has not been used does not negate the need for it, should the appropriate circumstances arise.

Outside the Scope

PATRIOT Act Reauthorization

34. As you are aware, three provisions of the USA PATRIOT Act are set to expire at the end of this year. Without action, law enforcement would not be able to use these three important tools after December 31, 2009: section 206 of the USA PATRIOT Act, which governs “roving” wiretaps; section 215 of the USA PATRIOT Act, which allows federal agents to ask a court for an order to obtain business records in national security terrorism cases; and section 6001 of the Intelligence Reform and Terrorism Prevention Act (“IRTPA”), which allows intelligence investigations of lone terrorists not connected to a foreign nation or organization (also known as the “lone wolf” provision).

a. Last week, Assistant Attorney General Ronald Weich sent a views letter to Chairman Leahy recommending renewal of all three of these tools. The letter noted that the Office of the Director of National Intelligence concurred with the recommendations for renewal. In that letter, the Department of Justice specifically stated that the roving wiretaps provision “has functioned as intended and has addressed an investigative requirement that will continue to be critical to national security operations.” Do you agree?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

b. In that same letter, the Department of Justice also recommended the renewal of section 215, the business records provision. It stated, “the availability of a generic, court-supervised FISA business records authority is the best option for advancing national security investigations in a manner

consistent with civil liberties. The absence of such an authority could force the FBI to sacrifice key intelligence opportunities.” Do you agree?

Response:

Yes. This authority has been exceptionally useful in our national security investigations. It allows us to obtain records in national security investigations that we may be unable to obtain using National Security Letters (NSLs); the records that can be obtained using this tool are those that are typically obtained in a criminal case by using a grand jury subpoena. The operational security requirements of most intelligence investigations require the secrecy afforded by this FISA authority. We anticipate that there will always be national security investigations in which the FBI needs to obtain records that are not available through the use of NSLs and in which criminal investigative tools are either unavailable or insufficiently secure. The authority to obtain records under the supervision of the FISA Court in such cases is entirely appropriate. Moreover, the FISA Court’s track record since this provision was added to FISA clearly establishes that the court is sensitive to the need to protect the privacy rights of unconsenting U.S. persons who may have some connection to the documents received pursuant to such an order.

c. The Department’s views letter also recommended the renewal of the lone wolf provision, stating, “We believe that it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established.” Do you agree?

Response:

Yes. Although the narrowly tailored lone wolf provision has never been used, it is an important investigative option that must remain available. This provision gives the FBI the flexibility to obtain FISA warrants and orders in the rare circumstances in which non-U.S. persons engage in terrorist activities, but their nexus to known terrorist groups is unknown. The fact that this provision has not been used does not negate the need for it, should the appropriate circumstances arise.

Outside the Scope

FEDERAL BUREAU OF INVESTIGATION
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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 15, 2009

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to questions posed to FBI Director Robert S. Mueller III, following Director Mueller's appearance before the Committee on March 25, 2009. The subject of the Committee's hearing was "Oversight of the Federal Bureau of Investigation." We hope this information is helpful to the Committee.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of these responses. If we may be of additional assistance in connection with this or any other matter, we trust that you will not hesitate to call upon us.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Weich".

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Jeff Sessions
Ranking Minority Member

Patriot Act-470

FBI-PREPROCESSED00116

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

These tools are extremely important in the FBI's investigative work and we have a solid track record of using both of them. The FBI began using the business records authority in 2004, obtaining approximately 236 orders from the FISA Court to produce business records from that time through Calendar Year (CY) 2008. The business records authority has been exceptionally useful in our national security investigations; some of these orders have been used to support important collection operations, of which Intelligence Committee Members and their staffs are aware. Roving wiretap authority has similarly increased the FBI's efficiency in critical investigations. The FBI has obtained roving wiretap authority an average of approximately 22 times per year from 2004 through CY 2008. It is the FBI's hope that both tools will be extended.

Outside the Scope

FEDERAL BUREAU OF INVESTIGATION
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DECLASSIFY ON: 07-13-2035
10-CV-00755

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/05/2009

To: General Counsel

Attn: NSLB

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Cyber

Attn: SSA [REDACTED] TFU2

From: [REDACTED]

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CY-1

Contact: [REDACTED]

Approved By: [REDACTED]

Colgan Mark P
Chamberlain Robert W
[REDACTED]

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Drafted By: [REDACTED]

b1

(S) **Case ID #:** ~~(S)~~ [REDACTED] (Pending)

(S) **Title:** [REDACTED]

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b2

(U) **Synopsis:** ~~(S)~~ REPORT OF POTENTIAL IOB MATTER

~~Derived From:~~ FBI NSISCG-20080301
~~Declassify On:~~ 2034Q805

(U) **Full Investigation Initiated:** 11/24/2008

(S)

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(S) To: General Counsel From: [redacted]
Re: ~~(S)~~ [redacted] 08/05/2009

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(U) 1. Full Initiated: 11/24/2009

(U) 2. Case Agent: SA [redacted]

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(U) 3. Supervisor: SSA [redacted]

(S)

[redacted]

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~~(S)~~ 5. Possible IOB error: [redacted]

(U) 6. Description of the error:

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(S) To: General Counsel From: [REDACTED]
Re: (S) [REDACTED] 08/05/2009

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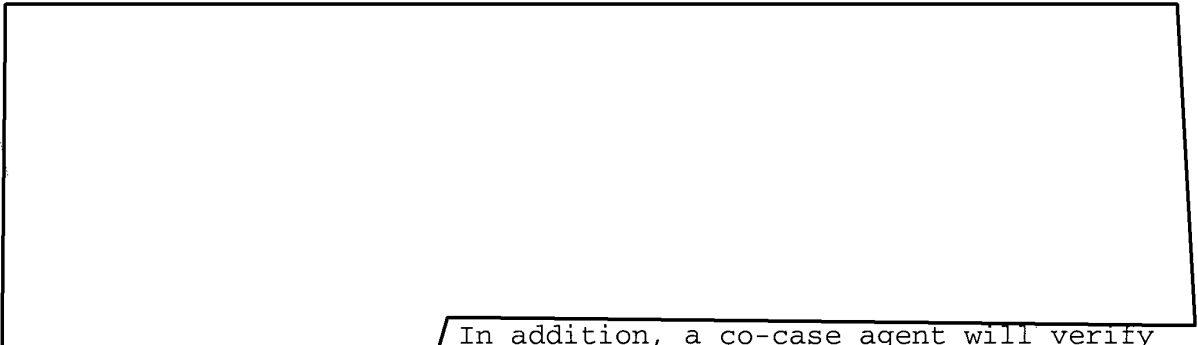
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Re: ~~(S)~~ [REDACTED] 08/05/2009

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In addition, a co-case agent will verify
final packages.

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To: General Counsel From: [REDACTED]
Re: (S) (X) [REDACTED] 08/05/2009

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LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For whatever action deemed appropriate.

Set Lead 2: (Info)

CYBER

AT TFU2, D.C.

(U) For the information of SSA [REDACTED]

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♦♦

~~SECRET~~//ORCON/NOFORN

~~SECRET~~

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

DATE: 08-19-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 08-19-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:16 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Can we search the 278 file in ACS for roving.

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

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WITHOUT PRIOR APPROVAL

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:06 PM
To: [REDACTED] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[REDACTED] do we have anyway of tracking whether PIOBs were reported based on FISA roving authority?

From: [REDACTED] (DO) (FBI)
Sent: Thursday, April 16, 2009 5:03 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [REDACTED] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) If possible, can they also find out if there have been any reports to the IOB resulting from the use of roving authority in the [REDACTED] cases? Thanks [REDACTED]

b1

From: [REDACTED] (CTD) (FBI)
Sent: Thursday, April 16, 2009 2:51 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (DO) (FBI)
Cc: [REDACTED] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Patriot Act-543

~~SECRET~~

~~SECRET~~

I've asked the ITOS-II Front Office to provide this information. We should have this information by COB Friday.

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 2:32 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

(S) [redacted] thank you for the information. Would it be possible to get information on the remaining [redacted] authorizations by Friday, COB? If nothing else, the target names?

b1

(S) [redacted] was anyone tasked to do this from the CounterIntelligence side of the house? [redacted] seemed to believe [redacted]? There will be an interagency meeting on this issue on Monday, and [redacted] believes we will be heading up to the Hill shortly thereafter. Is there someone we can get from CounterIntelligence to work this issue by Wednesday of next week?

b1
b2
b7E

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, April 14, 2009 5:32 PM
To: [redacted] (CTD) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

b6
b7C

Thanks [redacted]

[redacted] copied here, will use this information when meeting with DOJ on the Patriot Act Reauthorization. This information will help to inform the arguments they make. [redacted] and/or [redacted] may come back with some questions and/or for some clarification. << File: Use of Roving Wiretaps 0409.doc >>

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

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b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Tuesday, April 14, 2009 5:22 PM
To: [redacted] (DO) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Roving wiretaps

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

[redacted] and Steve,
AD Heimbach approved the below document today!

Patriot Act-544

~~SECRET~~

~~SECRET~~

Let us know if you require anything further.

From: [redacted] (CTD) (FBI)
Sent: Monday, April 06, 2009 3:03 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: MCJUNKIN, JAMES W. (CTD) (FBI)
Subject: Roving wiretaps

b6
b7C

~~SECRET//ORCON,NOFORN~~
RECORD 415-HQ

Attached is the ITOS 1 submission on roving wiretaps authorization.

<< File: Use of Roving Wiretaps 0409.doc >>

[redacted]
ITOS 1/TDY Front Office
[redacted]

b2
b6
b7C

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~~SECRET~~

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DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[redacted] (OGC) (FBI)

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 11:52 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
Subject: RE: IOB database--Roving Wiretap Authority

~~SECRET~~
~~RECORD 415-HQ~~

Re-read your email and have some more info for you:

b2
b6
b7C
b7E

Case opening dates:

[redacted]
[redacted]
[redacted]
[redacted] (start only from 2006, as that is when his fisa went up)

Thank you again!

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 11:39 AM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted]

Reports of potential IOB matters and OGC/NSLB's IOB decisions are all located in Case Identification Number 278-HQ-C1229736-VIO. We are currently searching all of the files, and were wondering how far back we should go. Do you know when was roving authority first authorized by the FISC, or do you know when the five cases listed below were first opened? Thank you.

[redacted]

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 11:06 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Thank you very much!

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 11:02 AM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~

Patriot Act-546

~~SECRET~~

~~SECRET~~

~~RECORD 415-HQ~~

b6
b7C

[redacted]

[redacted] and [redacted] are working on this now. We should be able to have the results to you by 2:00 today, and will keep you posted. Thanks.

[redacted]

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations or [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S) [redacted] Case is currently in [redacted] but the authority was used when the case was in [redacted]

b1
b6
b7C

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[redacted]

[redacted]

ITOS 1/TDY Front Office

[redacted]

b2
b6
b7C

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~~Patriot Act 547~~

~~SECRET~~

~~SECRET~~

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DATE: 07-13-2010

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REASON: 1.4 (c,d)

DECLASSIFY ON: 07-13-2035

10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 2:45 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: IOB database--Roving Authority

b6
b7C

~~SECRET~~

RECORD 415-HQ

b1

(S) Great. Just as a quick follow-up with respect to the [REDACTED] cases:

(S) [REDACTED] overproduction in response to an NSL).

b1
b6

Status: No opinion yet by OGC/NSLB, but after reviewing it, it will almost definitely not be reported to the IOB, and in fact, is no longer considered a matter that must be reported to OGC/NSLB as a potential IOB matter. However, this type of NSL overproduction must be reported to OGC/NSLB for tracking purposes.

b7C

(S) [REDACTED]

Status: Opinion dated 02/09/2006, 278-HQ-C1229736-VIO serial 1168, reported to the IOB.

b1
b6
b7C

(S) [REDACTED]

Status: Opinion dated 09/21/2007, 278-HQ-C1229736-VIO serial 4735, not reported to the IOB.

From: [REDACTED] (CTD) (FBI)
Sent: Friday, April 17, 2009 2:07 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: IOB database--Roving Authority

b6
b7C

~~SECRET~~

RECORD 415-HQ

This is exactly what I was looking for. Thank you very much for putting this together.

[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~

RECORD 415-HQ

[REDACTED]

[REDACTED] and [REDACTED] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

1. Potential IOB Matter 2005-160

Patriot Act-548

(S) [REDACTED]

b1
b6
b7C

~~SECRET~~

~~SECRET~~

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

b1
b6
b7C

(S)

b1
b2
b7E

2. Potential IOB Matter 2008-1178

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: no opinion by OGC/NSLB yet

b1

(S)

b1
b2
b4
b7D
b7E

(S)

(overproduction in response to an NSL).

(S)

b1
b6
b7C

(S)

Please let me know if there is any other information that you need.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
RECORD 415-HQ

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1
b6
b7C

(S)

Case is currently in [redacted] but the authority was used when the case was in [redacted]

Patriot Act-549

b2
b7E

~~SECRET~~

~~SECRET~~

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[Redacted]

[Redacted]

ITOS 1/TDY Front Office

b2
b6
b7C

[Redacted]

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~~SECRET~~

Patriot Act-550

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DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
REASON: 1.4 (c)
DECLASSIFY ON: 07-13-2035

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 11:22 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Thanks [REDACTED] and [REDACTED]. Would the following email be accurate.

b5

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 11:11 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

No hits in either database.

[REDACTED]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 11:02 AM
To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: RE: IOB database--Roving Wiretap Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[REDACTED]
[REDACTED] and [REDACTED] are working on this now. We should be able to have the results to you by 2:00 today, and will keep you posted. Thanks.

From: [REDACTED] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: IOB database

b6
b7C

Patriot Act-553

~~SECRET~~

~~SECRET~~

~~SECRET~~

~~RECORD 415-HQ~~

b6
b7C

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1
b1
b6
b7C

(S) [redacted]

Case is currently in [redacted] but the authority was used when the case was in [redacted]

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[redacted]

[redacted]

ITOS 1/TDY Front Office

b2
b6
b7C

[redacted]

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~~SECRET~~

Patriot Act-554

~~SECRET~~

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DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
REASON: 1.4 (c)
DECLASSIFY ON: 07-13-2035

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Friday, April 17, 2009 10:51 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: IOB database

b6
b7C

~~SECRET~~
RECORD 415-HQ

FYI, we have the case names/file numbers. I will talk with [REDACTED] about this now.

From: [REDACTED] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
RECORD 415-HQ

Hello,

b1

(S) [REDACTED] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [REDACTED] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1
b6
b7C

(S) [REDACTED] Case is currently in [REDACTED] but the authority was used when the case was in [REDACTED]

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[REDACTED]

b2
b6
b7C

ITOS 1/TDY Front Office

[REDACTED]

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DECLASSIFY ON: 20340417
SECRET~~

~~SECRET~~

Patriot Act-557

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 10:47 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

UNCLASSIFIED
NON-RECORD

Thanks [REDACTED] It's always nice to know why we are requested to produce data....)

[REDACTED]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 10:19 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

UNCLASSIFIED
NON-RECORD

b5

Per the email below, an explanation of why [REDACTED]

[REDACTED] Thanks again for looking into this.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 9:55 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] I don't know if this was forwarded to you or not. There's a statement in this proposed letter dealing with IOBs and the use of roving authority. From the looks of the below email, it looks like Steve was referring us to you.

Do you have any insight to offer with regard to the 3rd full paragraph, page 2? The one containing the bracketed, bold-face text? If you do, I'd like to get your inputs as soon as possible, as the deadline is today. [REDACTED] I believe that Steve is deferring to you regarding classification in this matter. Do you have anything to add or omit from the attached letter?

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:50 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

UNCLASSIFIED
NON-RECORD

b6
b7C

[REDACTED]

My comments are attached. See the 4th paragraph under Business Records.

<< File: PA reauth letter MJW Draft April 16.doc >>

[REDACTED] - CD may want to look at this letter, particularly the third full paragraph under Roving Authority. [REDACTED]

b5

[REDACTED] - I think you asked [REDACTED] about the violations. Can they search ACS under the 278 file for "roving" to find that information?

Thanks.

Steve

b6
b7C

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

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b6
b7C

From: [REDACTED] (OGC) (FBI)

Sent: Thursday, April 16, 2009 5:15 PM

To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)

Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

Importance: High

UNCLASSIFIED
NON-RECORD

Section and Unit Chiefs,

This is a draft letter from DOJ pushing the renewal of the Roving Wiretaps/Business Records/Lone Wolf Patriot Act provisions. The hard deadline for FBI input into the letter is NLT Monday, April 20th.

Please disseminate this to all concerned attorneys. In order to allow me time to reconcile our inputs, please have any and all responses to me by 0900 Monday.

[REDACTED]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch

b6
b7C

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

Patriot Act-561

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HO-DIV05-CD-EXEC-STAFF; [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CID) (FBI); [redacted] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); POWERS, RICHARD C. (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI)
Subject: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

UNCLASSIFIED
NON-RECORD

<< File: PA reauth letter MJW Draft April 16.doc >>

The attached letter / official communication is being routed by DOJ for official comment.

RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

b6
b7C

Please provide comments in a **WORD DOCUMENT** only.

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, **PLEASE** forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

Patriot Act-562

[REDACTED]
CLU I
FBI OCA
[REDACTED]

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Patriot Act-563

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM 10-CV-00755
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035

[redacted] (OGC) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Monday, April 20, 2009 10:18 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

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~~SECRET~~
~~RECORD 415-HQ~~

Great. [redacted] Thanks for the quick turn-around!

[redacted]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch
[redacted]

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: [redacted] (OGC) (FBI)
Sent: Monday, April 20, 2009 10:15 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

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~~SECRET~~
~~RECORD 415-HQ~~

[redacted]
Based on our research on Friday, [redacted] Please see below.

b5

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
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~~SECRET~~
~~RECORD 415-HQ~~

[redacted]
[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

1. Potential IOB Matter 2005-160

Patriot Act-564

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(S)

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(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S)

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b2
b7E

2. Potential IOB Matter 2008-1178

b1

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: no opinion by OGC/NSLB yet

(S)

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b7D
b7E

(S)

[redacted] overproduction in response to an NSL).

b1

(S)

b6
b7C

(S)

Please let me know if there is any other information that you need.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

b1

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations or [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1
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(S)

Case is currently in [redacted] but the authority was used when the case was in [redacted]

b2
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Patriot Act-565

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this

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~~SECRET~~

morning for the info. Thank you in advance for your assistance.

b2
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b7C

[redacted]
[redacted]
ITOS 1/TDY Front Office
[redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

Patriot Act-566

~~SECRET~~

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 9:55 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

b6
b7C

Attachments: PA reauth letter MJW Draft April 16.doc

UNCLASSIFIED
NON-RECORD

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b7C

[REDACTED] I don't know if this was forwarded to you or not. There's a statement in this proposed letter dealing with IOBs and the use of roving authority. From the looks of the below email, it looks like Steve was referring us to you.

Do you have any insight to offer with regard to the 3rd full paragraph, page 2? The one containing the bracketed, bold-face text? If you do, I'd like to get your inputs as soon as possible, as the deadline is today. [REDACTED] I believe that Steve is deferring to you regarding classification in this matter. Do you have anything to add or omit from the attached letter?

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:50 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm

UNCLASSIFIED
NON-RECORD

[REDACTED]
My comments are attached. See the 4th paragraph under Business Records.

b6
b7C



PA reauth letter
MJW Draft Apr...

[REDACTED] - CD may want to look at this letter, particularly the third full paragraph under Roving Authority. [REDACTED]

b5

[REDACTED] - I think you asked [REDACTED] about the violations. Can they search ACS under the 278 file for "roving" to find that information?

Thanks.

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

Patriot Act-567

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:15 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

UNCLASSIFIED
NON-RECORD

Section and Unit Chiefs,

This is a draft letter from DOJ pushing the renewal of the Roving Wiretaps/Business Records/Lone Wolf Patriot Act provisions. The hard deadline for FBI input into the letter is NLT Monday, April 20th.

Please disseminate this to all concerned attorneys. In order to allow me time to reconcile our inputs, please have any and all responses to me by 0900 Monday.

[REDACTED]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: [REDACTED] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HQ-DIV05-CD-EXEC-STAFF; [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CID) (FBI); [REDACTED] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); POWERS, RICHARD C. (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI)
Subject: DOJ Ltr on USA PATRIOT Act Reauth- Roving Wiretaps/Bus Recs/Lone Wolf; Deadline 4/20 4pm
Importance: High

UNCLASSIFIED
NON-RECORD

<< File: PA reauth letter MJW Draft April 16.doc >>

The attached letter / official communication is being routed by DOJ for official comment.

RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Patriot Act-568

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

Please provide comments in a **WORD DOCUMENT** only.

b6
b7C

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted]
[redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, **PLEASE** forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

[redacted]
CLU I
FBI OCA
[redacted]

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Patriot Act-569

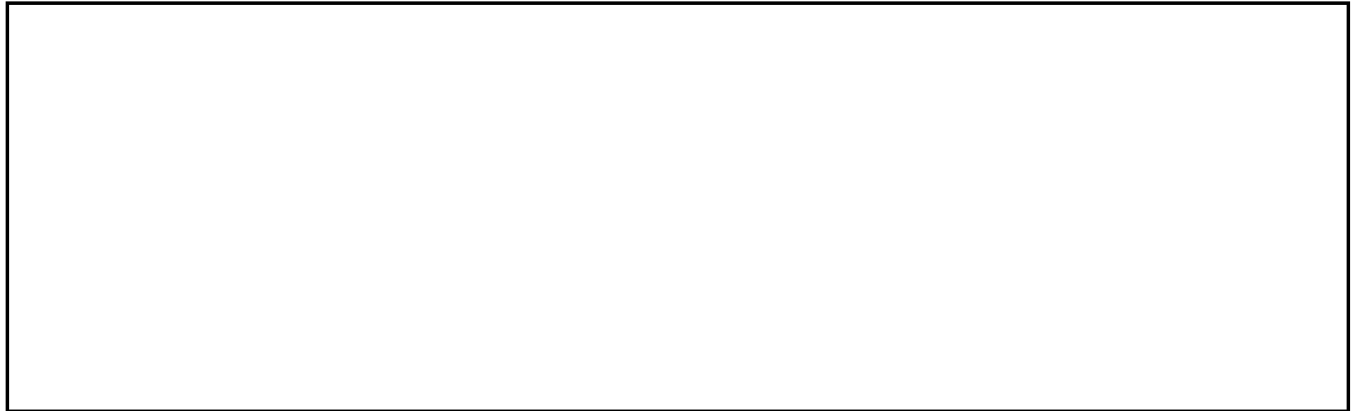
From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 26, 2009 4:04 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009

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b7C

UNCLASSIFIED
NON-RECORD

Steve,

b5



From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 25, 2009 1:19 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

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b7C

UNCLASSIFIED
NON-RECORD

Numbers are listed below, was waiting for review.

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 25, 2009 12:58 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

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UNCLASSIFIED
NON-RECORD



Our deadline on this stuff is tomorrow. Have you been able to run those numbers yet?

From: [redacted] (OGC) (FBI)
Sent: Monday, August 24, 2009 11:13 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Please review, report will be turned in prior to close of business on Tuesday, to ensure meeting established deadlines

b6
b7C

SECRET
RECORD 319-HQ

Patriot Act-578

PATRIOT ACT SUNSET PROVISIONS (215s/Roving Wiretaps/Lone Wolf)

Some provisions of the PATRIOT Act will expire this December. Two sections, Business Records access and Roving Wiretaps, give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. How important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Reporting period 01.01/2008 to 06/30/2009 the
The total number of Business Records via FISA is 10.

Below listed calculations were conducted in response the the question listed below.

Since the creation of the web-based NSL subsystem, how many NSL's have been issued and have there been any deficiencies . What is the status of any further reviews.

<< OLE Object: Microsoft Excel Worksheet >>

DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20340824
SECRET

From: [redacted] (OGC) (FBI)
Sent: Monday, August 24, 2009 4:25 PM
To: [redacted] (OGC)(FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009

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UNCLASSIFIED
NON-RECORD



Do you have that number of 215s yet? And the number of NSLs issued thru the new Subsystem? (see below)

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, August 24, 2009 4:21 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC)
(FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

Patriot Act-579

UNCLASSIFIED
NON-RECORD

b5

We've reviewed the attached three papers. The first- FISA Accuracy- [REDACTED]

WRT the second paper- dealing with NSLs- we're awaiting numbers from the FISA unit on the following new question:

NATIONAL SECURITY LETTERS

(New question) Since the creation of the web-based NSL subsystem, how many NSLs have been issued and have there been any deficiencies or errors detected with its use?

WRT the third paper- 215s/Roving Wiretaps/Lone Wolf provisions- we're awaiting numbers from the FISA unit with regard to the number of 215s.

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b7C

[REDACTED] is supposed to be obtaining the number of Roving Wiretaps for us at OI. Evidently, we don't track this info here at the Bureau.

[REDACTED] Is that correct?

b5

<< File: OGC-FISA- Accuracy.doc >> << File: OGC-NSL Status Revised (VC).doc >> << File: OGC-Patriot Act authorities sunset.doc >>

Response:

From: [REDACTED] (OGC) (FBI)
Sent: Monday, August 24, 2009 3:55 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] I am leaving these in your capable hands to respond by the deadline.

[REDACTED]
Unit Chief, Policy and Training Unit
OGC/NSLB

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Wednesday, August 19, 2009 11:10 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009
Importance: High

b6
b7C

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NON-RECORD

Patriot Act-580

See below for more papers that need to be updated. I confess that I don't know who the right people are for the first and

last.

FISA Accuracy
NSLs
Patriot Act provisions.

b6
b7C

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[REDACTED]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, August 17, 2009 2:17 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009
Importance: High

UNCLASSIFIED
NON-RECORD

Steve,

These are all NSLB's - sorry. Please provide draft by COB 8/26/09 - the final is due 8/28/09. Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

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b7C

From: [REDACTED] (DO) (FBI)
Sent: Monday, August 17, 2009 1:52 PM
To: LAMMERT, ELAINE N. (OGC) (FBI)
Subject: FW: Director's Congressional Appearance 9/16/2009
Importance: High

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b7C

UNCLASSIFIED
NON-RECORD

Elaine,

The Director will appear before the Senate Judiciary Committee on Intelligence on September 16, 2009, regarding FBI oversight. The Office of Congressional Affairs (OCA), Special Projects Unit, is tasking out the Questions & Answers (Q&As) that are needed to prepare him for his appearance. This will be an open hearing session and requires unclassified responses to the Q&A.

The following paper(s) will need to be updated. (As with all briefing material prepared for the Director, please have the paper approved at the AD or DAD level.)

<< File: OGC-FISA- Accuracy.doc >> << File: OGC-NSL Status Revised (VC).doc >> << File: OGC-Patriot Act authorities sunset.doc >>

FYI - Attached below, for reference only, is the prior Patriot Act sunset provisions paper.

<< File: OGC-Patriot Act authorities sunset 2.doc >>

Patriot Act-581

- The Q&A response(s) should be **short, bullet (talking) point responses, and be as concise as possible**, but provide the Director with the most current information.

(Note: The Director prefers a one page answer for these papers. However, depending on the issue and the number of questions posed, OCA is sensitive to the fact that the paper may end up being longer.)

- **Any statistics that are being updated for Fiscal Year 2009 should be the most recent available. Ensure you cite the complete date (month, day and year).**
- Please ensure that it contains the appropriate portion markings.

A firm deadline of COB 8/28/2009 has been set for the return of these Q&A papers.

When responding to this email, it is requested that you "Reply to All" SPU employees:

[redacted] and [redacted]

Thank you in advance for your cooperation.

b6
b7C

[redacted]
Special Projects Unit
Office of Congressional Affairs
[redacted]

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Patriot Act-582

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Attachments: OGC QFRS 100809.wpd



OGC QFRS
100809.wpd (21 KB)

b5

Can you prepare answers for the following 3 QFRs set forth in the attachment? Our responses are due 10/5.

NSLPTU/Congressional. There is a doc from 2005 in the S folder under

Steve thought that [redacted] may have worked on #15 before, but I am not sure whether he'll be back in time to address this.

#15: Roving wiretap authority

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b7C

#16: Lone Wolf

#34: Sunset provisions (repetitive of above + BR)

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

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b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI).
Subject: RE: Director's 9/16/09 SJCR OFRs

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel

Patriot Act-589

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b7C

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

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15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? This is the ascertainment question. Did [] start looking in to this?

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? **NSLPTU.**

32 deals with the **Detention Policy Task Force**. - but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized.
but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and bunes records**. NSLPTU, Ops Units?
NSLPTU.

#39 deals with **HIG** again, same as #33. - but will need input from NSB.

b6
b7C

UNCLASSIFIED
NON-RECORD

Here it is Thanks.

Elaine N. Lammert
Deputy General Counsel

Patriot Act-590

Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-591

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC)(FBI)
Sent: Thursday, October 01, 2009 12:55 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs

b6
b7C

Attachments: OGC-Patriot Act authorities sunset [REDACTED] 26 Aug 09).doc; DOJ Letter Pat Act reaut-approved.doc; QFR.wpd

~~SECRET//NOFORN~~
~~RECORD qfr~~

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, October 01, 2009 11:21 AM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

~~SECRET//NOFORN~~
~~RECORD qfr~~

b6
b7C

[REDACTED]

The last file attached is a rough draft of proposed responses to the 3 QFRs you asked me to start on. I cut and pasted the questions from the incoming document and then added responses for each. The responses came from two fairly recent documents, both of which are also attached: (1) 26 Aug 09 info paper by [REDACTED] and (2) MJW [REDACTED] 4/16/09 draft response to Senators Feinstein and Bond.

b5

Hope this helps some.



OGC-Patriot Act
authorities su...



DOJ Letter Pat Act
reaut- appr...



QFR.wpd (13 KB)

From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 1:27 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED

Patriot Act-603

NON-RECORD

b6
b7C

[redacted]
Sorry if I wasn't clear in my email, I was really just looking for you to spearhead getting the "experts" to weigh in and prepare a response.

Steve has assigned our unit to handle these 3 issues.

Let me know if you don't think you can do that and I'll assign it to someone else, although I am afraid no one in our unit would be the expert on these, although #34 [redacted] b5

Thanks.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 10:35 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

[redacted]
I'm afraid I am not much help on these questions. None of this has anything to do with my portfolio the last 4 years and I have no experience (policy or operational) on these issues. These are just not issues that I have been involved with or kept up with. Sorry.

[redacted]
From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 10:11 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs

b6
b7C

<< File: OGC QFRS 100809.wpd >>

[redacted]
Can you prepare answers for the following 3 QFRs set forth in the attachment? Our responses are due 10/5. [redacted] b5

[redacted] There is a doc from 2005 in the S folder under
NSLPTU/Congressional.

Steve thought that [redacted] may have worked on #15 before, but I am not sure whether he'll be back in time to address this. b6
b7C

Patriot Act-604

#34: Sunset provisions (repetitive of above + BR)

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
 (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJCR QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJ C QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

Questions 15, 16, 32, 33, 34, and 39 pertains to NSLB: Patriot Act-605

15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? This is the ascertainment question. Did [] start looking in to this?

b6
b7C

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? NSLPTU.

32 deals with the **Detention Policy Task Force**. [] - but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and bunes records**. NSLPTU, Ops Units? NSLPTU.

#39 deals with **HIG** again, same as #33. [] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

b6
b7C

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

Patriot Act-606

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20341001
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20341001
SECRET//NOFORN~~

Patriot Act-607

~~SECRET//NOFORN~~

**Responses of the Federal Bureau of Investigation
Based Upon Questions Posed by Senators Specter and Grassley**

15. On October 11, 2001, I was one of seven Senators to vote "no" on a motion to table an amendment introduced by Senator Feingold to limit the roving wiretap authority under FISA. The amendment would limit surveillance to those instances "...when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained...." Why should we not tie the availability of roving wiretaps to the standard established in the Feingold amendment?

16. The Lone Wolf amendment to FISA was enacted to "fix" an alleged "problem" with FISA. Shortly after September 11, 2001, the FBI believed that FISA did not allow the FBI to gain access to a laptop computer used by Zacharias Moussaoui. It turns out that the FBI personnel were misinterpreting the FISA statute – the statute did not preclude such a search. However, the Lone Wolf provision was enacted to "fix" this problem anyway.

The Lone Wolf exception undermines the policy and constitutional justifications for FISA. When Congress enacted FISA, it carefully limited its application in order to ensure that the procedures established in FISA are reasonable in relation to legitimate foreign counterintelligence requirements and the protected rights of individuals. Their reasonableness depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups.

Further, the Lone Wolf provision is unnecessary and, according to the Assistant Attorney General for the National Security Division, David Kris, has never been used. The current version of the PATRIOT Act would allow the government to seek a criminal warrant without concern of precluding future use of FISA. In virtually every case in which you could meet the probable cause standard for obtaining a FISA warrant for a lone wolf, you could meet the probable cause standard for a criminal warrant.

Given the minimal value of the Lone Wolf provision, and given its erosive effects on the justification for FISA, what is your best argument in favor of its reauthorization?

b5

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Patriot Act-608

~~SECRET//NOFORN~~

b5

34. As you are aware, three provisions of the USA PATRIOT Act are set to expire at the end of this year. Without action, law enforcement would not be able to use these three important tools after December 31, 2009: section 206 of the USA PATRIOT Act, which governs "roving" wiretaps; section 215 of the USA PATRIOT Act, which allows federal agents to ask a court for an order to obtain business records in national security terrorism cases; and section 6001 of the Intelligence Reform and Terrorism Prevention Act ("IRTPA"), which allows intelligence investigations of lone terrorists not connected to a foreign nation or organization (also known as the "lone wolf" provision).

a. Last week, Assistant Attorney General Ronald Weich sent a views letter to Chairman Leahy recommending renewal of all three of these tools. The letter noted that the Office of the Director of National Intelligence concurred with the recommendations for renewal. In that letter, the Department of Justice specifically stated that the roving wiretaps provision "has functioned as intended and has addressed an investigative requirement that will continue to be critical to national security operations." Do you agree?

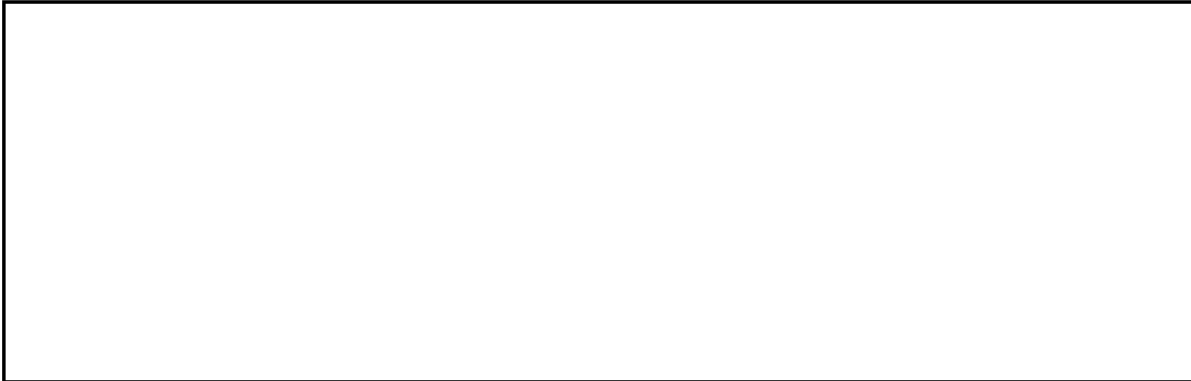
(U)

b5

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Patriot Act-609

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b. In that same letter, the Department of Justice also recommended the renewal of section 215, the business records provision. It stated, "the availability of a generic, court-supervised FISA business records authority is the best option for advancing national security investigations in a manner consistent with civil liberties. The absence of such an authority could force the FBI to sacrifice key intelligence opportunities." Do you agree?



b5

c. The Department's views letter also recommended the renewal of the lone wolf provision, stating, "We believe that it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established." Do you agree?



b5

~~SECRET//NOFORN~~

Patriot Act-610

[redacted] (OGC) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Thursday, October 01, 2009 1:15 PM
To: [redacted] (OGC)(FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

~~SECRET//NOFORN~~
RECORD qfr

Thanks [redacted]

[redacted]

This may be a privileged attorney-client/attorney work product communication.

From: [redacted] (OGC) (FBI)
Sent: Thursday, October 01, 2009 12:55 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs

b6
b7C

~~SECRET//NOFORN~~
RECORD qfr

From: [redacted] (OGC) (FBI)
Sent: Thursday, October 01, 2009 11:21 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

~~SECRET//NOFORN~~
RECORD qfr

[redacted]

b6
b7C

The last file attached is a rough draft of proposed responses to the 3 QFRs you asked me to start on. I cut and pasted the questions from the incoming document and then added responses for each. The responses came from two fairly recent documents, both of which are also attached: (1) 26 Aug 09 info paper by [redacted] and (2) MJW [redacted] 4/16/09 draft response to Senators Feinstein and Bond.

b5

Hope this helps some.

[redacted]

Patriot Act-614

b6
b7C

b6
b7C

<< File: OGC-Patriot Act authorities sunset ([redacted] 26 Aug 09).doc >> << File: DOJ Letter Pat Act reaut- approved.doc >>
<< File: QFR.wpd >>

From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 1:27 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]
Sorry if I wasn't clear in my email, I was really just looking for you to spearhead getting the "experts" to weigh in and prepare a response.
Steve has assigned our unit to handle these 3 issues.
Let me know if you don't think you can do that and I'll assign it to someone else, although I am afraid no one in our unit would be the expert on these, although #34 [redacted]
Thanks.

b5

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 10:35 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]
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[redacted]
From: [redacted] (OGC) (FBI)
Sent: Tuesday, September 29, 2009 10:11 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs

b6
b7C

<< File: OGC QFRS 100809.wpd >>

Patriot Act-615

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b6
b7C

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

3

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

b6
b7C

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15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? This is the ascertainment question. Did [] start looking in to this?

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? NSLPTU.

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#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and bunes records**. NSLPTU, Ops Units? NSLPTU.

#39 deals with **HIG** again, same as #33. [] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

Patriot Act-617

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20341001
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20341001
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources~~

Patriot Act-618

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 1:45 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
 [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
 (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
 [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
 [REDACTED] (OGC)(FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b5

b6
b7C

b5

b6
b7C

1

Have we [redacted] ? Is that [redacted]
 [redacted] ? How [redacted] ? Do we really want to say [redacted]
 [redacted] ? [redacted] Will this cuase concern? [redacted]
 [redacted]

<< File: QFR (2).wpd >>

[redacted]
 OGC/NSLB
 Unit Chief
 Policy & Training Unit
 [redacted]

b6
 b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI);
 [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
 b7C

<< File: QFR (2).wpd >>

Steve [redacted] here is a draft of the QFRs assigned to NSLPTU.
 They need to be reviewed by [redacted] and the ops attys who may have further insight.
 I'll be back around noon to finish.

[redacted]
 Assistant General Counsel
 Policy and Training Unit
 National Security Law Branch
 [redacted]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
 (OGC)(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
 b7C

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
 What is the ETA on close to final?

Steven N. Siegel
 Deputy General Counsel
 National Security Law Branch

Patriot Act-620

Office of the General Counsel

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)(FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:02 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

Patriot Act-621

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC)(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

[redacted]
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

b6
b7C

Thanks.

Questions 15, 16, 32, 33, 34, and 39 pertains to NSLB:

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16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? **NSLPTU.**

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#39 deals with **HIG** again, same as #33. [redacted] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM

Patriot Act-622

To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Here it is [redacted] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

b6
b7C

Patriot Act-623

~~SECRET~~
~~RECORD~~ xxxx

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

~~SECRET~~
~~RECORD~~ xxxx

b6
b7C

[REDACTED]
OGC/NSLB
Unit Chief
Policy & Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

<< File: QFR (2).wpd >>

Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [REDACTED] and the ops attys who may have further insight.
I'll be back around noon to finish.

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
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Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

Patriot Act-625

b6
b7C

b6
b7C

b6
b7C

b6
b7C

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

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Thanks.

b6
b7C

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From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-627

Here it is [redacted] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

b6
b7C

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
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UNCLASSIFIED
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Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

b6
b7C

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-628

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20191005
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20191005
SECRET~~

Patriot Act-629

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:07 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs

b6
b7C

Importance: High

Attachments: QFR (2).wpd

UNCLASSIFIED
NON-RECORD

☐ did you work on this response?

15. On October 11, 2001, I was one of seven Senators to vote "no" on a motion to table an amendment introduced by Senator Feingold to limit the roving wiretap authority under FISA. The amendment would limit surveillance to those instances "...when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained...." Why should we not tie the availability of roving wiretaps to the standard established in the Feingold amendment?

b5

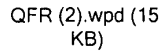
[REDACTED]
OGC/NSLB
Unit Chief
Policy & Training Unit
[REDACTED]

b6
b7C

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Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Patriot Act-644



b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

b6
b7C

b6
b7C

Patriot Act-645

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:02 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
(OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJG OFRs

b5

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

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Sent: Tuesday, September 29, 2009 8:17 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJCR QFRs

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

[illegible]

Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
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Subject: FW: Director's 9/16/09 SJC QFRs
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b6
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UNCLASSIFIED
NON-RECORD

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Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

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Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (Patriot Act-647) (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)

b6
b7C

Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

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<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

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UNCLASSIFIED

UNCLASSIFIED

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UNCLASSIFIED

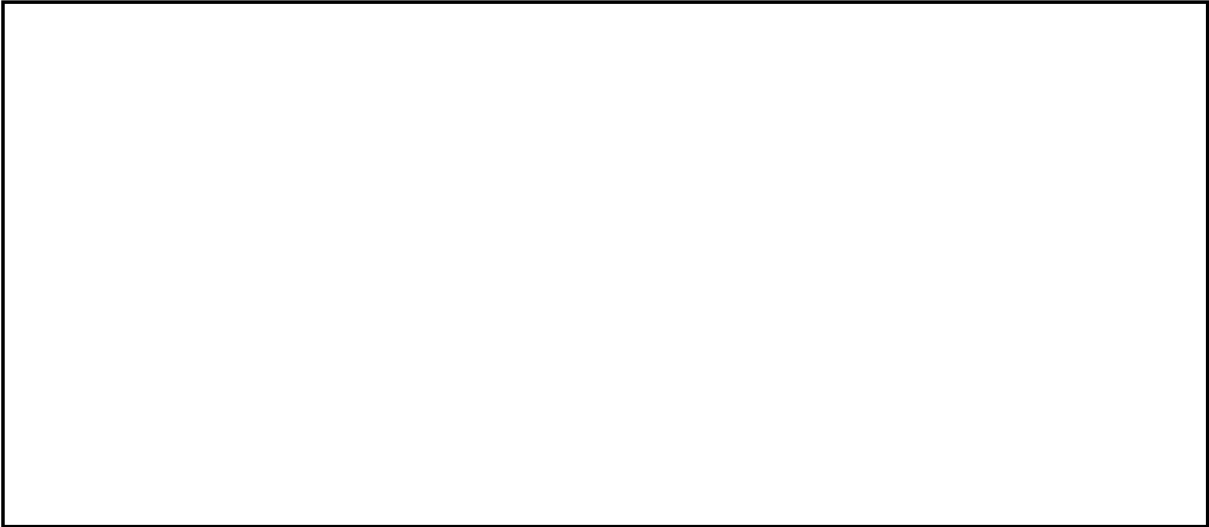
UNCLASSIFIED

Patriot Act-648

~~SECRET/NOFORN~~

**Responses of the Federal Bureau of Investigation
Based Upon Questions Posed by Senators Specter and Grassley**

15. On October 11, 2001, I was one of seven Senators to vote “no” on a motion to table an amendment introduced by Senator Feingold to limit the roving wiretap authority under FISA. The amendment would limit surveillance to those instances “...when the target’s presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained....” Why should we not tie the availability of roving wiretaps to the standard established in the Feingold amendment?



b5

16. The Lone Wolf amendment to FISA was enacted to “fix” an alleged “problem” with FISA. Shortly after September 11, 2001, the FBI believed that FISA did not allow the FBI to gain access to a laptop computer used by Zacharias Moussaoui. It turns out that the FBI personnel were misinterpreting the FISA statute – the statute did not preclude such a search. However, the Lone Wolf provision was enacted to “fix” this problem anyway.

The Lone Wolf exception undermines the policy and constitutional justifications for FISA. When Congress enacted FISA, it carefully limited its application in order to ensure that the procedures established in FISA are reasonable in relation to legitimate foreign counterintelligence requirements and the protected rights of individuals. Their reasonableness depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups.

Further, the Lone Wolf provision is unnecessary and, according to the Assistant Attorney General for the National Security Division, David Kris, has never been used. The

~~SECRET/NOFORN~~
Patriot Act-649

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current version of the PATRIOT Act would allow the government to seek a criminal warrant without concern of precluding future use of FISA. In virtually every case in which you could meet the probable cause standard for obtaining a FISA warrant for a lone wolf, you could meet the probable cause standard for a criminal warrant.

Given the minimal value of the Lone Wolf provision, and given its erosive effects on the justification for FISA, what is your best argument in favor of its reauthorization?

b5

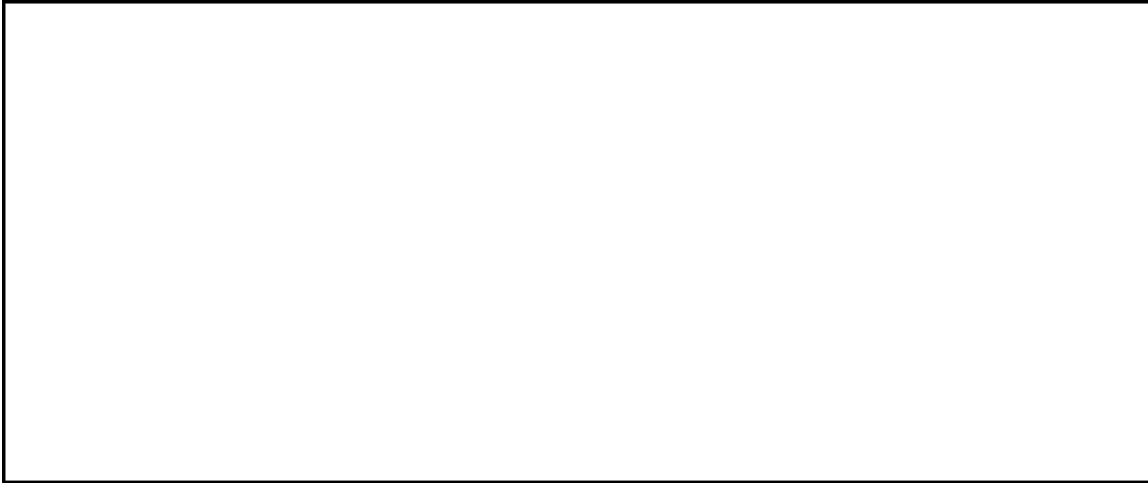
34. As you are aware, three provisions of the USA PATRIOT Act are set to expire at the end of this year. Without action, law enforcement would not be able to use these three important tools after December 31, 2009: section 206 of the USA PATRIOT Act, which governs "roving" wiretaps; section 215 of the USA PATRIOT Act, which allows federal agents to ask a court for an order to obtain business records in national security terrorism cases; and section 6001 of the Intelligence Reform and Terrorism Prevention Act ("IRTPA"), which allows intelligence investigations of lone terrorists not connected to a foreign nation or organization (also known as the "lone wolf" provision).

a. Last week, Assistant Attorney General Ronald Weich sent a views letter to Chairman Leahy recommending renewal of all three of these tools. The letter noted that the Office of the Director of National Intelligence concurred with the recommendations for renewal. In that letter, the Department of Justice specifically stated that the roving wiretaps provision "has functioned as intended and has addressed an investigative requirement that will continue to be critical to national security operations." Do you agree?

b5

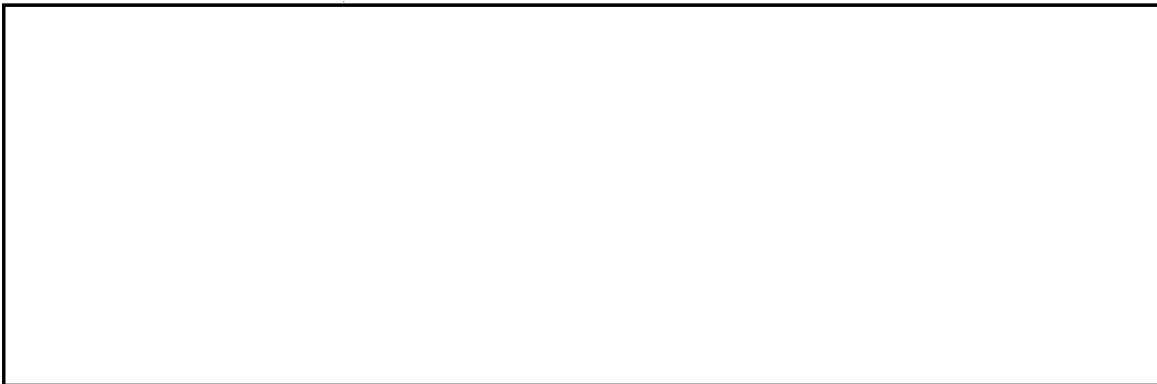
~~SECRET//NOFORN~~
Patriot Act-650

~~SECRET//NOFORN~~



b5

b. In that same letter, the Department of Justice also recommended the renewal of section 215, the business records provision. It stated, “the availability of a generic, court-supervised FISA business records authority is the best option for advancing national security investigations in a manner consistent with civil liberties. The absence of such an authority could force the FBI to sacrifice key intelligence opportunities.” Do you agree?



b5

c. The Department’s views letter also recommended the renewal of the lone wolf provision, stating, “We believe that it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established.” Do you agree?



b5

~~SECRET//NOFORN~~
Patriot Act-651

[redacted] (OGC) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 11:16 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs
Attachments: QFR (October 2009).wpd

b6
b7C

~~SECRET~~
~~RECORD~~ xxxx

I've added some info to [redacted] draft regarding roving wiretap authority for your review.



QFR (October 2009).wpd (18 KB)..

This may be a privileged attorney-client/attorney work product communication.

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:10 AM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted] can work on this in [redacted] absence so please advise him of any necessary problems.

[redacted]
OGC/NSLB
Unit Chief
Policy & Training Unit
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Patriot Act-666

Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU. They need to be reviewed by [REDACTED] and the ops attys who may have further insight. I'll be back around noon to finish.

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

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Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
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UNCLASSIFIED
NON-RECORD

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

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Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Assistant General Counsel

Patriot Act-667

Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
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(OGC) (FBI); (OGC) (FBI); (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
(OGC) (FBI); (OGC) (FBI); (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

From: (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
(FBI); (OGC) (FBI); (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

Patriot Act-668

UNCLASSIFIED
NON-RECORD

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b7C

Questions 15, 16, 32, 33, 34, and 39 pertain to NSLB:

15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? **This is the ascertainment question. Did [] start looking in to this?**

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? NSLPTU.

32 deals with the **Detention Policy Task Force**. [] but some of the parts of this question need to be referred to others (DOJ?).

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and business records**. NSLPTU, Ops Units? NSLPTU.

#39 deals with **HIG** again, same as #33. [] but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

b6
b7C

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

Patriot Act-669

UNCLASSIFIED

NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-670

UNCLASSIFIED

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20191005

SECRET

Tracking:

Recipient	Delivery	Read
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 12:12 PM
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 11:57 AM
SIEGEL, STEVEN N. (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 1:39 PM
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 2:09 PM
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 11:52 AM
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 12:13 PM
MCNALLY, RICHARD (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	Read: 10/5/2009 1:48 PM
[REDACTED] (OGC) (FBI)	Delivered: 10/5/2009 11:17 AM	

b6
b7C

Patriot Act-671

~~SECRET//NOFORN~~

**Responses of the Federal Bureau of Investigation
Based Upon Questions Posed by Senators Specter and Grassley**

15. On October 11, 2001, I was one of seven Senators to vote “no” on a motion to table an amendment introduced by Senator Feingold to limit the roving wiretap authority under FISA. The amendment would limit surveillance to those instances “...when the target’s presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained....” Why should we not tie the availability of roving wiretaps to the standard established in the Feingold amendment?



b5

Patriot Act-672

~~SECRET//NOFORN~~

b5

16. The Lone Wolf amendment to FISA was enacted to “fix” an alleged “problem” with FISA. Shortly after September 11, 2001, the FBI believed that FISA did not allow the FBI to gain access to a laptop computer used by Zacharias Moussaoui. It turns out that the FBI personnel were misinterpreting the FISA statute – the statute did not preclude such a search. However, the Lone Wolf provision was enacted to “fix” this problem anyway.

The Lone Wolf exception undermines the policy and constitutional justifications for FISA. When Congress enacted FISA, it carefully limited its application in order to ensure that the procedures established in FISA are reasonable in relation to legitimate foreign counterintelligence requirements and the protected rights of individuals. Their reasonableness depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups.

Further, the Lone Wolf provision is unnecessary and, according to the Assistant Attorney General for the National Security Division, David Kris, has never been used. The current version of the PATRIOT Act would allow the government to seek a criminal warrant without concern of precluding future use of FISA. In virtually every case in which you could meet the probable cause standard for obtaining a FISA warrant for a lone wolf, you could meet the probable cause standard for a criminal warrant.

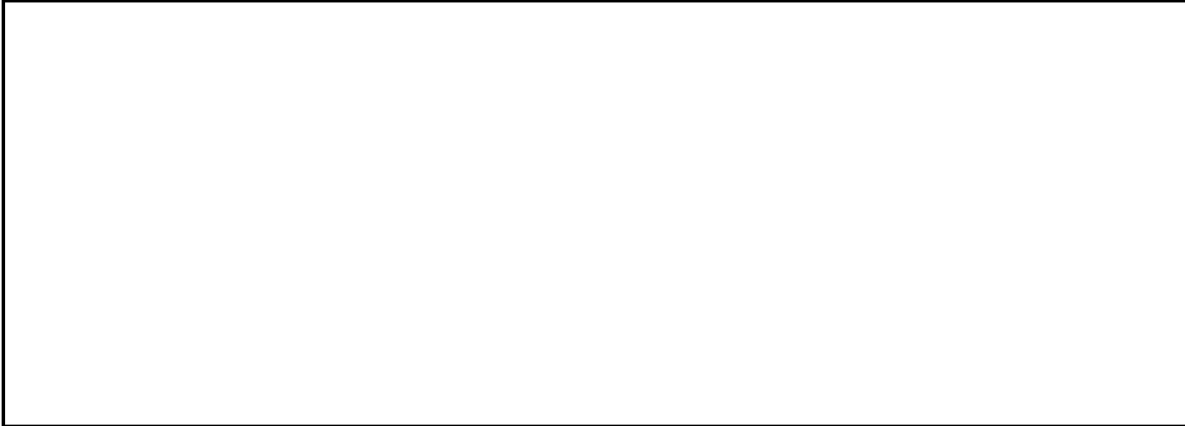
Given the minimal value of the Lone Wolf provision, and given its erosive effects on the justification for FISA, what is your best argument in favor of its reauthorization?

~~SECRET//NOFORN~~

Patriot Act-673

FBI-PREPROCESSED00193

~~SECRET//NOFORN~~

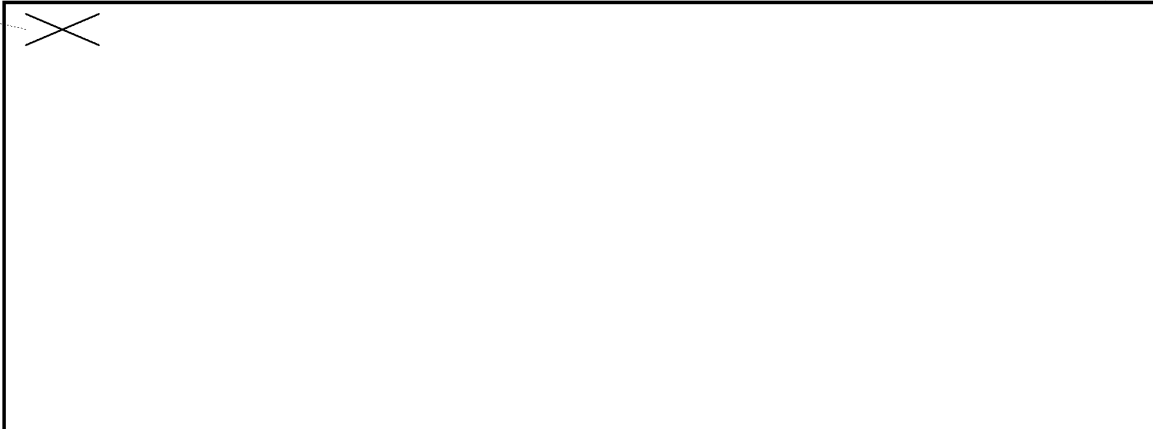


b5

34. As you are aware, three provisions of the USA PATRIOT Act are set to expire at the end of this year. Without action, law enforcement would not be able to use these three important tools after December 31, 2009: section 206 of the USA PATRIOT Act, which governs “roving” wiretaps; section 215 of the USA PATRIOT Act, which allows federal agents to ask a court for an order to obtain business records in national security terrorism cases; and section 6001 of the Intelligence Reform and Terrorism Prevention Act (“IRTPA”), which allows intelligence investigations of lone terrorists not connected to a foreign nation or organization (also known as the “lone wolf” provision).

a. Last week, Assistant Attorney General Ronald Weich sent a views letter to Chairman Leahy recommending renewal of all three of these tools. The letter noted that the Office of the Director of National Intelligence concurred with the recommendations for renewal. In that letter, the Department of Justice specifically stated that the roving wiretaps provision “has functioned as intended and has addressed an investigative requirement that will continue to be critical to national security operations.” Do you agree?

(U)

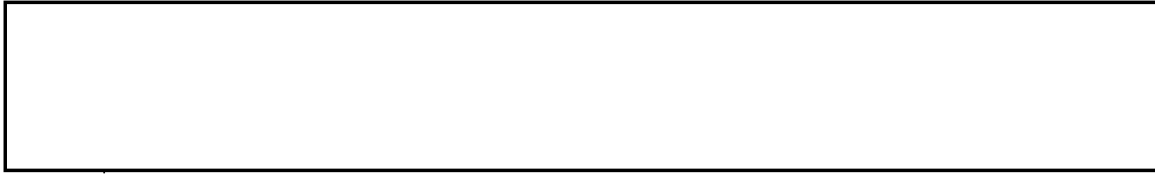


b5

~~SECRET//NOFORN~~

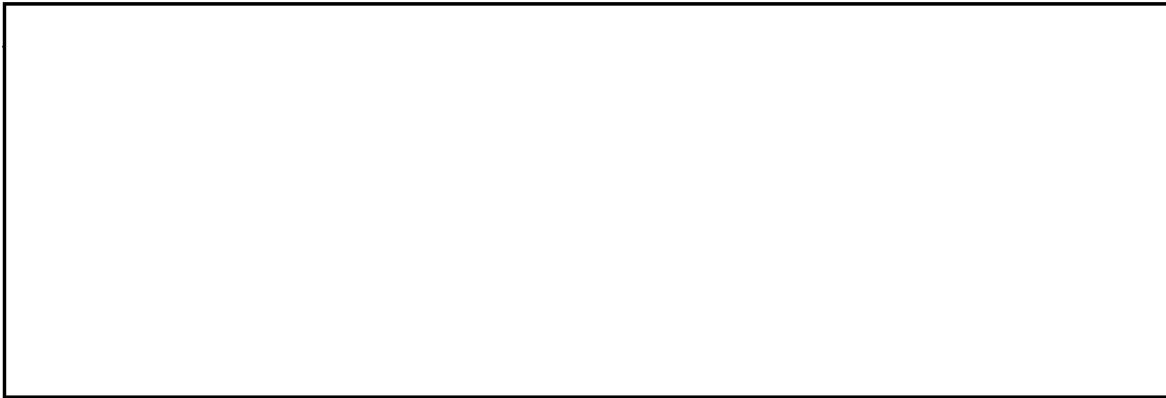
Patriot Act-674

~~SECRET//NOFORN~~



b5

b. In that same letter, the Department of Justice also recommended the renewal of section 215, the business records provision. It stated, "the availability of a generic, court-supervised FISA business records authority is the best option for advancing national security investigations in a manner consistent with civil liberties. The absence of such an authority could force the FBI to sacrifice key intelligence opportunities." Do you agree?



b5

c. The Department's views letter also recommended the renewal of the lone wolf provision, stating, "We believe that it is essential to have the tool available for the rare situation in which it is necessary rather than to delay surveillance of a terrorist in the hopes that the necessary links are established." Do you agree?

b5



~~SECRET//NOFORN~~
Patriot Act-675

FBI-PREPROCESSED00196

From: [redacted] (FBI)
Sent: Monday, October 05, 2009 3:04 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]

Actually, I've just verified that the below response WAS provided to the Hill on 9/15/09. I still think it's July and my sense of timing is way off!

Sorry if I caused confusion.

[redacted]
Special Counsel
Office of Congressional Affairs
[redacted]
Room [redacted] (send mail to Room [redacted])

From: [redacted] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:29 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]

Below is our response to Q 35 from the Director's 3/25/09 SJC QFRs. This response was the result of coordination with [redacted] and is currently at DOJ for review (hasn't yet been provided to the Hill).

Is this what you were looking for?

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

These tools are extremely important in the FBI's investigative work and we have a solid track record of using both of them. The FBI began using the business records authority in 2004, obtaining approximately 236 orders from the FISA Court to produce business records from that time through Calendar Year (CY) 2008. The business records authority has been exceptionally useful in our national security investigations; some of these orders have been used to support important collection operations, of which IntelPatriot Act 6777tee Members and their staffs are aware. Roving wiretap authority has similarly increased the FBI's efficiency in critical

investigations. The FBI has obtained roving wiretap authority an average of approximately 22 times per year from 2004 through CY 2008. It is the FBI's hope that both tools will be extended.

b6
b7C

[redacted]
Special Counsel
Office of Congressional Affairs

Room [redacted] (send mail to Room [redacted])

b6
b7C

From: [redacted] (OGC) (FBI)

Sent: Monday, October 05, 2009 1:58 PM

To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

[redacted] (OGC) (FBI); [redacted] (OCA) (FBI)

Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED

NON-RECORD

[redacted] do you have a cite for testimony regarding the number of business records that the FBI has issued? Steve thinks [redacted]

b5

Thanks.

In [redacted] draft letter to Senators Feinstein and Bond dated 4/16/09, it states that [redacted]

b5

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)

Sent: Monday, October 05, 2009 1:45 PM

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

[redacted] (OGC) (FBI)

Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED

NON-RECORD

Patriot Act-678

b5

b5

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:49 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b5

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:26 AM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Have we [REDACTED]? Is that [REDACTED]?
[REDACTED]? How [REDACTED]? Do we really want to say [REDACTED]?
[REDACTED]? Will this cuase concern? [REDACTED]

b5

<< File: QFR (2).wpd >>

OGC/NSLB
Unit Chief
Policy & Training Unit

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); Patriot Act-679 (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

<< File: QFR (2).wpd >>

Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [REDACTED] and the ops attys who may have further insight.
I'll be back around noon to finish.

b6
b7C

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible. What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

Patriot Act-680

Patriot Act-680

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

UNCLASSIFIED
NON-RECORD

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

UNCLASSIFIED
NON-RECORD

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

6

To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

b6
b7C

Questions 15, 16, 32, 33, 34, and 39 pertains to NSLB:

15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? This is the ascertainment question. Did [redacted] start looking in to this?

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? NSLPTU.

32 deals with the **Detention Policy Task Force**. [redacted] - but some of the parts of this question need to be referred to others (DOJ?)

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#39 deals with **HIG** again, same as #33. [redacted] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Here it is [redacted] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM

Patriot Act-682

To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

b6
b7C

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

~~**UNCLASSIFIED**~~

Patriot Act-683

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 3:33 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

b5

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 3:26 PM
To: [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Also, I noticed that in Director Mueller's testimony in response to Sen. Feinstein's questions on 9/16/09 (to which these QFRs that we are addressing today), he said that "the business records, 200-215, between 2004 and 2009, we've used that more than 250 times."

He also said that we used roving wiretaps approx. 140 times

The Dir also gave a good answer to Feingold on the roving issue. "To prove more would mean that we would be oing back to the judges day in and day out in this day were cell phones are throwawy cell phones....In...adding another requirement, it will inhibit our ability to swiftly track those individuals who are seeking to avoid surveillance..."

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 05, 2009 3:04 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-684

[REDACTED]

Actually, I've just verified that the below response WAS provided to the Hill on 9/15/09. I still think it's July and my sense of timing is way off!

Sorry if I caused confusion.

[REDACTED]
Special Counsel
Office of Congressional Affairs

Room [REDACTED] (send mail to Room [REDACTED])

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:29 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
(OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

[REDACTED]

Below is our response to Q 35 from the Director's 3/25/09 SJC QFRs. This response was the result of coordination with [REDACTED] and is currently at DOJ for review (hasn't yet been provided to the Hill).

Is this what you were looking for?

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

These tools are extremely important in the FBI's investigative work and we have a solid track record of using both of them. The FBI began using the business records authority in 2004, obtaining approximately 236 orders from the FISA Court to produce business records from that time through Calendar Year (CY) 2008. The business records authority has been exceptionally useful in our national security investigations; some of these orders have been used to support important collection operations, of which Intelligence Committee Members and their staffs are aware. Roving wiretap authority has similarly increased the FBI's efficiency in critical investigations. The FBI has obtained roving wiretap authority an average of approximately 22 times per year from 2004 through CY 2008. It is the FBI's hope that both tools will be extended.

[REDACTED]
Special Counsel
Office of Congressional Affairs

Room [REDACTED] (send mail to Room [REDACTED])

Patriot Act-685

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:49 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b5

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:26 AM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Have we [redacted]? Is that [redacted] b5
[redacted]? How [redacted]? Do we really want [redacted]
[redacted]? [redacted] Will this cause concern? [redacted]

<< File: QFR (2).wpd >>

[redacted]
OGC/NSLB
Unit Chief
Policy & Training Unit
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

<< File: QFR (2).wpd >>
Steve [redacted] here is a draft of the QFRs assigned to NSLPTU. Patriot Act-687

They need to be reviewed by [redacted] and the ops attys who may have further insight.
I'll be back around noon to finish.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

Patriot Act-688

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:02 AM
To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
(OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
(OGC) (FBI); (OGC) (FBI); (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

From: (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI); (OGC) (FBI);
(FBI); (OGC) (FBI); (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Patriot Act-689

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

b6
b7C

Thanks.

Questions 15, 16, 32, 33, 34, and 39 pertains to NSLB:

15 deals with the renewal of the **roving wiretap authority**. NSLPTU, Ops Units? **This is the ascertainment question. Did [] start looking in to this?**

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? **NSLPTU.**

32 deals with the **Detention Policy Task Force**. [] - but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and bueness records**. NSLPTU, Ops Units? **NSLPTU.**

#39 deals with **HIG** again, same as #33. [] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

b6
b7C

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-690

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7c

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-691

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:56 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]
I called and left a message.

[REDACTED] b5

[REDACTED]
Special Counsel
Office of Congressional Affairs

[REDACTED]
Room [REDACTED] (send mail to Room [REDACTED])

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 2:33 PM
To: [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b5

Yes, but [REDACTED]
[REDACTED]
[REDACTED]

Please call me when you have a chance.
Thanks.

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:29 PM

Patriot Act-699

b6
b7C

To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

Below is our response to Q 35 from the Director's 3/25/09 SJC QFRs. This response was the result of coordination with [redacted] and is currently at DOJ for review (hasn't yet been provided to the Hill).

Is this what you were looking for?

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

These tools are extremely important in the FBI's investigative work and we have a solid track record of using both of them. The FBI began using the business records authority in 2004, obtaining approximately 236 orders from the FISA Court to produce business records from that time through Calendar Year (CY) 2008. The business records authority has been exceptionally useful in our national security investigations; some of these orders have been used to support important collection operations, of which Intelligence Committee Members and their staffs are aware. Roving wiretap authority has similarly increased the FBI's efficiency in critical investigations. The FBI has obtained roving wiretap authority an average of approximately 22 times per year from 2004 through CY 2008. It is the FBI's hope that both tools will be extended.

[redacted]
Special Counsel
Office of Congressional Affairs

b6
b7C

Room [redacted] (send mail to Room [redacted])

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 1:58 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
[redacted] (OGC) (FBI); HAYN, LINDA SUSAN (OCA) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted] do you have a cite for testimony regarding the number of business records that the FBI has issued? Steve thinks [redacted]

Thanks.

Patriot Act-700

b5

In [redacted] draft letter to Senators Feinstein and Bond dated 4/16/09, it states [redacted]

b5

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 1:45 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

b5

[redacted]
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 10:49 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Patriot Act-701

b5

--

b6
b7C

Have we [redacted]? Is that [redacted] b5
[redacted]? How [redacted]? Do we really want to say [redacted]
[redacted]? [redacted] Will this cuase concern? [redacted]

OGC/NSLB
Unit Chief
Policy & Training Unit

b6
b7C

b6
b7C

<< File: QFR (2).wpd >>
Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [REDACTED] and the ops attys who may have further insight.
I'll be back around noon to finish.

b6
b7C

Patriot Act-702

b6
b7C

b6
b7C

b6
b7c

32 deals with the **Detention Policy Task Force**. [] but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with **roving wiretap, Lone Wolf, and buness records**. NSLPTU, Ops Units? NSLPTU.

#39 deals with **HIG** again, same as #33. [] but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch

Patriot Act-705

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-706

b6
b7C

b6
b7C

b5

b6
b7C

b5

b6
b7C

b5

b5

<< File: QFR (2).wpd >>

OGC/NSLB
Unit Chief
Policy & Training Unit

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

<< File: QFR (2).wpd >>

Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [REDACTED] and the ops attys who may have further insight.
I'll be back around noon to finish.

Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

Patriot Act-720

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

b6
b7C

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To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs
Patriot Act-721

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC)
(FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

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b6
b7C

16 deals with the **Lone Wolf** provision. NSLPTU, Ops Units? **NSLPTU.**

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#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [redacted] but some or most of this question needs to be referred to DOJ and/or NSC.

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#39 deals with **HIG** again, same as #33. [redacted] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

Patriot Act-722

UNCLASSIFIED

NON-RECORD

Here it is [redacted] Thanks.

b6
b7C

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning;

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

UNCLASSIFIED

Patriot Act-723

UNCLASSIFIED

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:56 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED]
(OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI) b6
Subject: RE: Roving Authority Issue b7C
Attachments: 278-HQ-C1229736-VIO-8121[1].EC.WPD

~~SECRET~~
~~RECORD 415-HQ~~

b2
b7E

Attached is the only EC from [REDACTED] that hit in both ACS and Sentinel searches from 4/17-present. The IOB number assigned is: IOB # 1668 and assigned to [REDACTED]



278-HQ-C1229736-
VIO-8121[1].EC...

b6
b7C

[REDACTED]
Management & Program Analyst
OGC/NSLBP&TU
[REDACTED]

This communication contains privileged and confidential attorney work product/attorney client information.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[REDACTED] and [REDACTED] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[REDACTED] is checking now to determine whether we had any reports from April 2009 to present.

b6
b7C

~~SECRET~~

Patriot Act-758

~~SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
RECORD 415-HQ

[redacted]

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b1
b6
b7C

1. Potential IOB Matter 2005-160

(S) [redacted]

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S) [redacted]

b1
b2
b7E

2. Potential IOB Matter 2008-1178

(S) [redacted]

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

(S) [redacted]

b1
b2
b4
b7D
b7E

(S) [redacted] (overproduction in response to an NSL).

(S) [redacted]

b1
b6
b7C

(S) [redacted]

Please let me know if there is any other information that you need.

[redacted]

b6
b7C

From: [redacted] (CTD) (FBI)

Patriot Act-759

~~SECRET~~

~~SECRET~~

Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations on [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S) [redacted] Case is currently in [redacted] but the authority was used when the case was in [redacted]

b1
b6
b7C

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[redacted]

[redacted]

ITOS 1/TDY Front Office

[redacted]

b2
b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~SECRET~~

Patriot Act-760

~~SECRET~~//NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/22/2009

To: General Counsel

Attn:

AGC

NSLB, Room

From:

CDC1

Contact:

Approved By:

Drafted By:

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending)

(U) ~~(S)~~ (Pending)

(U) Title: ~~(S)~~ REPORTING OF POTENTIAL IOB VIOLATION;
OVER COLLECTION OF FISA DERIVED INFORMATION

Synopsis: To report a potential Intelligence Oversight Board (PIOB) matter relative to the over collection of FISA derived information.

~~Derived From : G-1~~

~~Declassify On: 04/22/2034~~

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO Serial 5693 and serial 3726.

Details: ~~(S//NF)~~ This EC advises OGC/NSLB of a PIOB violation involving the over collection of FISA derived information pursuant to an FBI Division Resident Agency (RA)

(S)

The RA case agent assigned to this investigation is SA and the SSA is

(S)

Patriot Act-761

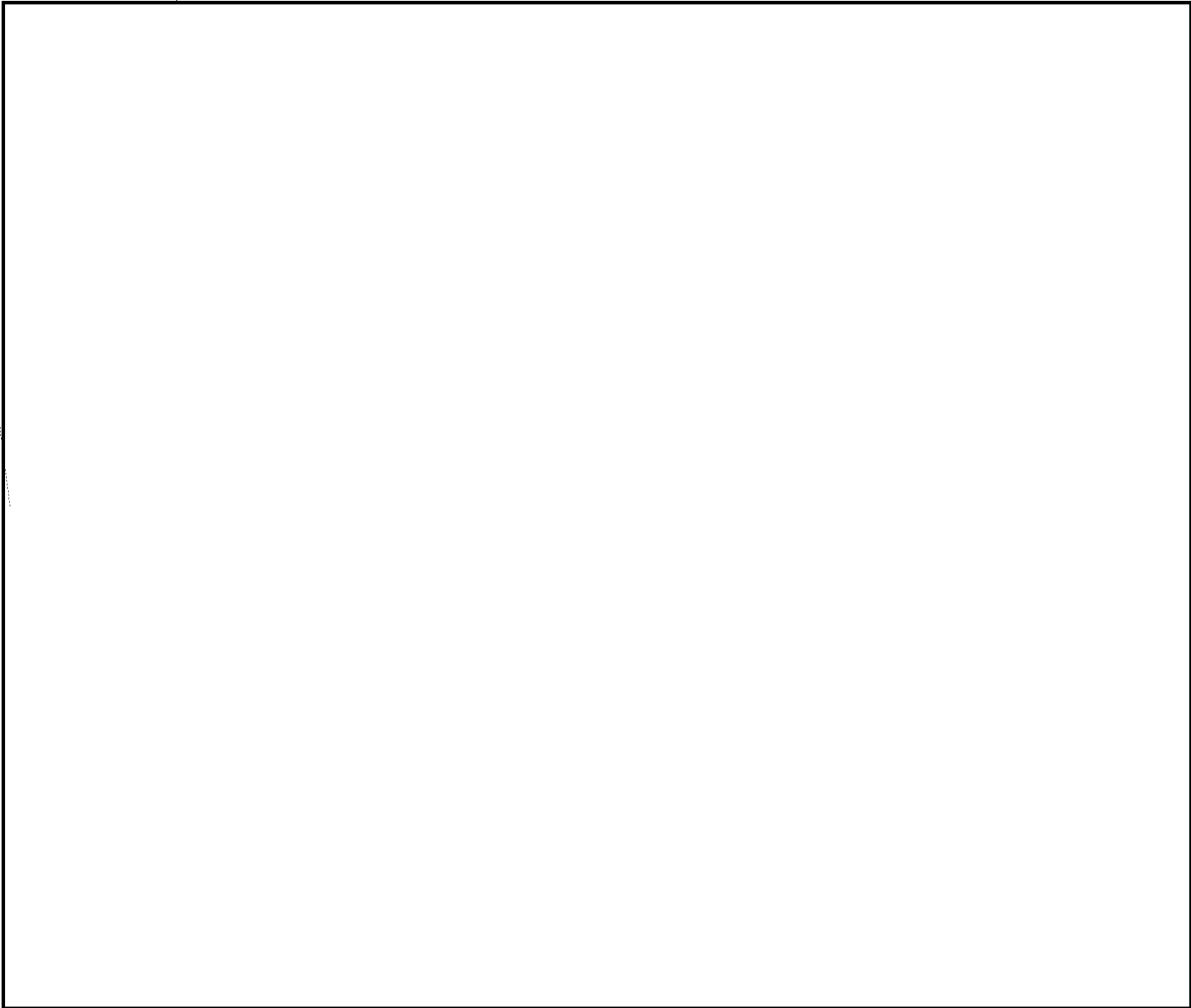
FBI-PREPROCESSED00228

~~SECRET~~//NOFORN

b2
b7E

To: General Counsel From: 
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2009

(S)



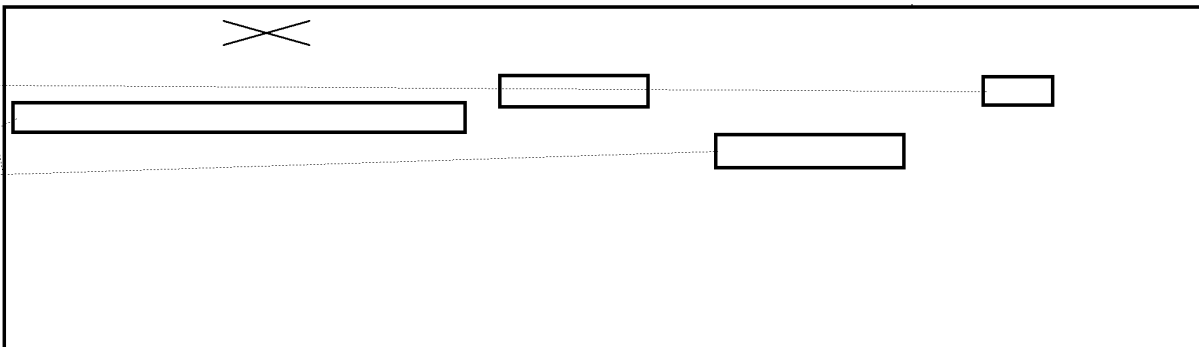
b1
b2
b6
b7C
b7D
b7E

(S)

(S)

(S)

(S)



b1
b2
b6
b7C
b7E

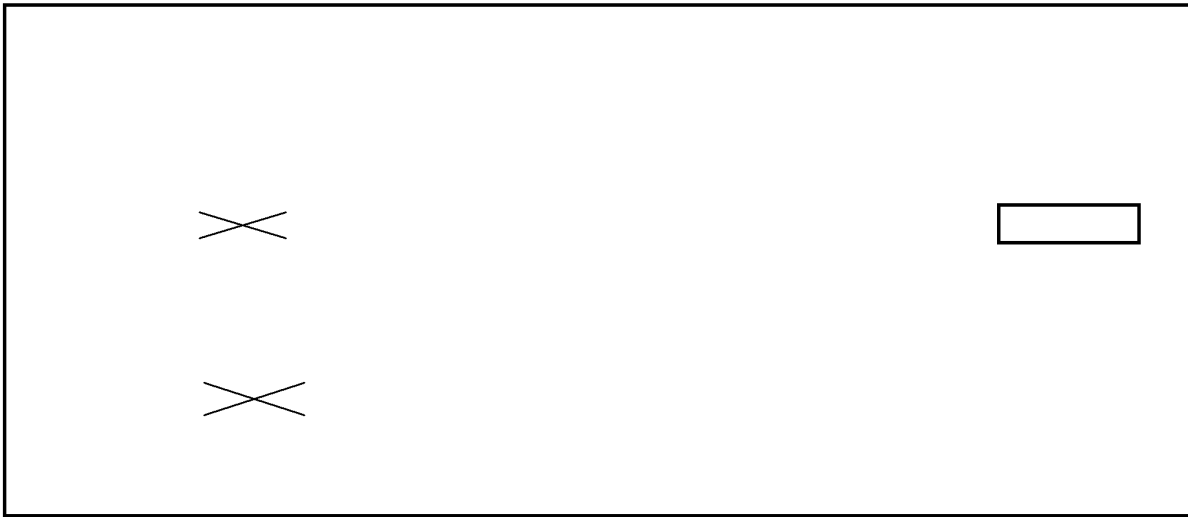
~~SECRET~~//NOFORN

~~SECRET~~//NOFORN

b2
b7E

To: General Counsel From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2009

(S)



b1
b2
b6
b7C
b7E

~~SECRET~~//NOFORN

~~SECRET~~//NOFORN

To: General Counsel From:
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 04/22/2009

b2
b7E

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) ~~(S)~~ To report a potential Intelligence Oversight Board
(PIOB) matter relative to the over collection of FISA-related
information.

♦♦

~~SECRET~~//NOFORN

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 2:06 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[REDACTED] Let me know if there is anything else!

b5

[REDACTED]
Management & Program Analyst
OGC/NSLBP&TU

b6
b7C

This communication contains privileged and confidential attorney work product/attorney client information.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 2:05 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Thank you [REDACTED]

b5

[REDACTED] Thanks again.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:56 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

b2
b7E

Attached is the only EC from [REDACTED] that hit in both ACS and Sentinel searches from 4/17-present. The IOB number assigned is: IOB # 1668 and assigned to [REDACTED]

<< File: 278-HQ-C1229736-VIO-8121[1].EC.WPD >>

[REDACTED]
Management & Program Analyst
OGC/NSLBP&TU

b6
b7C

This communication contains privileged and confidential attorney work product/attorney client information.

Patriot Act-765

From: [REDACTED] (OGC) (FBI)

~~SECRET~~

FBI-PREPROCESSED00232

~~SECRET~~

Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

[redacted]

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted]

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b1
b6
b7C

1. Potential IOB Matter 2005-160

(S)

[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S)

b1
b2
b7E

2. Potential IOB Matter 2008-1178

(S)

[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

(S)

b1
b4
b7D

Patriot Act-766

b2
b7E

~~SECRET~~

~~SECRET~~

(S)

b1
b2
b7E

(S)

(overproduction in response to an NSL).

b1
b6
b7C

(S)

(S)

Please let me know if there is any other information that you need.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

Hello,

(S)

[redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations on [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S)

Case is currently in [redacted] but the authority was used when the case was in [redacted]

b1
b6
b7C

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

ITOS 1/TDY Front Office

b2
b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20340417~~
~~SECRET~~

Patriot Act-767

~~SECRET~~

~~SECRET~~

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

~~SECRET~~

Patriot Act-768

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 4:19 PM
To: SIEGEL STEVEN N. (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
[redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue

~~SECRET//NOFORN~~
~~RECORD 415-HQ~~

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

Response: Our research indicates that there were NO reports where we erroneously "roved" onto a facility that was not the target.

In April 2009, [redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

1. Potential IOB Matter 2005-160

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

b6
b7C

b1
b6
b7C

(5)

b1
b2
b7E

2. Potential IOB Matter 2008-1178

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: no opinion by OGC/NSLB yet

b1

(5)

 $\{U\}$

(11)

b1
b4
b7D
b6
b7C
b2
b7E

Patriot Act-769

~~SECRET~~

~~SECRET~~

(S)

(U)

b1
b2
b7E
b6
b7C

(S)

[redacted] (overproduction in response to an NSL).

(S)

b1
b6
b7C

(S)

Let me know if you need anything else.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S)

[redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S)

[redacted] Case is currently in [redacted] but the authority was used when the case was in [redacted]

b1
b6
b7C
b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

b2
b6
b7C

ITOS 1/TDY Front Office

Patriot Act-770

~~SECRET~~

~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340921
SECRET//NOFORN~~

~~SECRET~~

Patriot Act-771

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[redacted] (OGC) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:53 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted]
Could you see if there has been an opinion in the following situation, and if so, whether it was reportable. Thanks!

(S) Potential IOB Matter 2008-1178
[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted] Patriot Act-775

~~SECRET~~

~~SECRET~~

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b6
b7C

1. Potential IOB Matter 2005-160

b1
b6
b7C

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S)

b1
b2
b7E

2. Potential IOB Matter 2008-1178

b1

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

(S)

b1
b4
b7D
b2
b7E

(S)

[redacted] overproduction in response to an NSL).

b1
b6
b7C

(S)

(S)

Please let me know if there is any other information that you need.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

Patriot Act-776

(S)

b1
b6
b7C

~~SECRET~~

~~SECRET~~

b1
b6
b7C

(S) [redacted] Case is currently in [redacted] but the authority was used when the case was in [redacted]

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

b2
b6
b7C

[redacted]

[redacted]

ITOS 1/TDY Front Office

[redacted]

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

~~SECRET~~

Patriot Act-777

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:46 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hi [REDACTED]

I do not have that IOB here. I do not recall having one with that issue.

Thanks,

[REDACTED]

[REDACTED]

Assistant General Counsel
National Security Law Branch
Federal Bureau of Investigation

b2
b6
b7C

[REDACTED]

This document may contain Attorney-Client/Attorney Work Product or other privileged information and may not be disseminated without prior OGC approval.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:34 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hi [REDACTED]

Do you have IOB #1178? If so, is it reportable?

[REDACTED]

Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit

[REDACTED]

~~SECRET~~

Patriot Act-781

~~SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:53 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted]

Could you see if there has been an opinion in the following situation, and if so, whether it was reportable. Thanks!

[redacted]

(S) Potential IOB Matter 2008-1178
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

[redacted]

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted]

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

Patriot Act-782

1. Potential IOB Matter 2005-160

~~SECRET~~

~~SECRET~~

b1
b6
b7C

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S)

b1
b2
b7E

2. Potential IOB Matter 2008-1178

b1

(S)

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

(S)

b1
b4
b7D

b2
b7E

(S)

(overproduction in response to an NSL).

(S)

b1
b6
b7C

(S)

Please let me know if there is any other information that you need.

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
RECORD 415-HQ

Hello,

(S) [redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations or [redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S)

b1
b6
b7C

Case is currently in [redacted] but the authority was used when the case was in [redacted]

Patriot Act-783

b2
b7E

~~SECRET~~

~~SECRET~~

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

b2
b6
b7C

ITOS 1/TDY Front Office

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

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DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~SECRET~~

Patriot Act-784

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:38 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

It has not.

[REDACTED]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 2:17 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Roving Authority Issue

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

[REDACTED] could you also see if 2009-1668 has been signed by Steve? It's still in the pending uploads file. Thanks!

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:53 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Roving Authority Issue

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

[REDACTED]
Could you see if there has been an opinion in the following situation, and if so, whether it was reportable. Thanks!

Potential IOB Matter 2008-1178

(S)

[REDACTED]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Patriot Act-785

~~SECRET~~

~~SECRET~~

Steve,

b6
b7C

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[] and [] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[] is checking now to determine whether we had any reports from April 2009 to present.

[]

From: [] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [] (CTD) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: [] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[]

[] and [] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b1
b6
b7C

1. Potential IOB Matter 2005-160

(S)

[]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

(S)

[]

b1
b2
b7E

2. Potential IOB Matter 2008-1178

(S)

[]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

(S)

[]

b1
b4
b7D
b2
b7E

(S)

[] Patriot Act-786
(overproduction in response to an NSL).

b1
b6
b7C

~~SECRET~~

~~SECRET~~

(S)

b1
b6
b7C

(S)

Please let me know if there is any other information that you need.

[Redacted]

b6
b7C

From: [Redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S) [Redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations of [Redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S)

b1
b6
b7C

[Redacted] Case is currently in [Redacted] but the authority was used when the case was in [Redacted]

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[Redacted]

[Redacted]

ITOS 1/TDY Front Office

[Redacted]

b2
b6
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

Patriot Act-787

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035
10-CV-00755

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:30 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Feb., 2009. I was getting ready to send him an e-mail.

[REDACTED]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:28 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

He got that one a while ago!

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 3:26 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: Roving Authority Issue

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

[REDACTED] is assigned and I have no indication that he has adjudicated it.

[REDACTED]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:53 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Patriot Act-791

~~SECRET~~

~~SECRET~~

b6
b7C

Could you see if there has been an opinion in the following situation, and if so, whether it was reportable. Thanks!

(S) Potential IOB Matter 2008-1178

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b1
b6
b7C

1. Potential IOB Matter 2005-160

(S) [redacted]

Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

b1
b2
b7E

Patriot Act-792

~~SECRET~~

~~SECRET~~

(S)

[Redacted]

b1
b2
b7E

(S)

2. Potential IOB Matter 2008-1178

Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

(S)

[Redacted]

b1
b4
b7D

b2
b7E

(S)

[Redacted] overproduction in response to an NSL).

b1

(S)

[Redacted]

b6
b7C

(S)

[Redacted]

Please let me know if there is any other information that you need.

[Redacted]

b6
b7C

From: [Redacted] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S)

[Redacted] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations on [Redacted] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

b1
b6
b7C

(S)

[Redacted]

Case is currently in [Redacted] but the authority was used when the case was in [Redacted]

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[Redacted]

[Redacted]

ITOS 1/TDY Front Office

[Redacted]

Patriot Act-793

b6
b7C

~~SECRET~~

~~SECRET~~

b2
b6
b7C

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DECLASSIFY ON: 20340417
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DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
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DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
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DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

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DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET

~~SECRET~~

Patriot Act-794

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-13-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-13-2035

[redacted] OGC) (FBI)

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 2:18 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Roving Authority Issue

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

Will do.

[redacted]
Management Program Analyst
OGC/NSLB
National Security Law Policy
and Training Unit
[redacted]

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 2:17 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Roving Authority Issue

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

[redacted] could you also see if 2009-1668 has been signed by Steve? It's still in the pending uploads file. Thanks!

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:53 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Roving Authority Issue

~~SECRET~~
~~RECORD 415-HQ~~

b6
b7C

[redacted]
Could you see if there has been an opinion in the following situation, and if so, whether it was reportable. Thanks!

Potential IOB Matter: 2008-1178

(S)

[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

From: [redacted] (OGC) (FBI)
Sent: Monday, September 21, 2009 1:29 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Roving Authority Issue
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Patriot Act-798

~~SECRET~~

~~SECRET~~

Steve,

Valerie asked if we were aware of an instance where we used roving FISA authority and erroneously "roved" onto a facility that was NOT being used by our target.

[redacted] and [redacted] had looked into this issue in April 2009. As you can see by the email chain below, there were NO reports where we erroneously "roved" onto a facility that was not the target.

b6
b7C

[redacted] is checking now to determine whether we had any reports from April 2009 to present.

[redacted]

From: [redacted] (OGC) (FBI)
Sent: Friday, April 17, 2009 1:56 PM
To: [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: IOB database--Roving Authority

b6
b7C

~~SECRET~~
RECORD 415-HQ

[redacted]

[redacted] and [redacted] searched ACS (Case Identification Number 278-HQ-C1229736-VIO where reports of potential IOB matters and OGC/NSLB's IOB decisions are located) and all of the IOB databases. Based upon their search, the following information was found:

b1
b6
b7C

1. Potential IOB Matter 2005-160

(S)

[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 848;
IOB Opinion, 278-HQ-C1229736-VIO serial 1068

b1
b2
b7E

(S)

[redacted]

2. Potential IOB Matter 2008-1178

(S)

[redacted]
Report of potential IOB, 278-HQ-C1229736-VIO, serial 7089
IOB Opinion: As of April 17, 2009, no opinion by OGC/NSLB yet

b1

(S)

[redacted]

b1
b4
b7D

b2
b7E

Patriot Act-799

(S)

[redacted] overproduction in response to an NSL).

b1
b6
b7C

~~SECRET~~

~~SECRET~~

(S) [REDACTED]

b1
b6
b7C

(S) [REDACTED]

Please let me know if there is any other information that you need.

b6
b7C

[REDACTED]

From: [REDACTED] (CTD) (FBI)
Sent: Friday, April 17, 2009 10:34 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: IOB database

b6
b7C

~~SECRET~~
~~RECORD 415-HQ~~

Hello,

(S) [REDACTED] suggested I contact you as I am working on a tasking due today to determine if there have been any IOB violations on [REDACTED] cases. These cases had roving wiretap authority and the Director's office wants to know if any IOB violations have been associated with the cases in using it. The cases are:

b1

(S) [REDACTED] Case is currently in [REDACTED] but the authority was used when the case was in [REDACTED]

b1
b6
b7C

b2
b7E

Please let me know if you can help out with this, or provide the correct POC. The deadline is 2pm today, was ask this morning for the info. Thank you in advance for you assistance.

[REDACTED]

[REDACTED]
ITOS 1/TDY Front Office

b2
b6
b7C

[REDACTED]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340417
SECRET~~

Patriot Act-800

~~SECRET~~

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, August 26, 2009 5:01 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

b6
b7C

UNCLASSIFIED
NON-RECORD

b5

Excellent, [REDACTED]
[REDACTED] ?

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, August 26, 2009 4:58 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] the reason for this is that [REDACTED]
[REDACTED]

b5

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, August 26, 2009 4:55 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's Congressional Appearance 9/16/2009

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]
Can you [REDACTED] ?

b5

Thanks

[REDACTED]
Chief, Counterterrorism Law Unit 1
National Security Law Branch
Office of the General Counsel

b2
b6
b7C

This may be a privileged attorney-client/attorney work product under the
Patriot Act 803

FEDERAL BUREAU OF INVESTIGATION
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Page 22 ~ Duplicate email string
Page 33 ~ b5
Page 34 ~ b5
Page 35 ~ b5
Page 36 ~ b5
Page 37 ~ b5
Page 38 ~ Duplicate email string
Page 39 ~ Duplicate email string
Page 40 ~ Duplicate email string
Page 46 ~ Duplicate email string
Page 47 ~ Duplicate email string
Page 48 ~ Duplicate email string
Page 49 ~ Duplicate email string
Page 50 ~ Duplicate email string
Page 51 ~ Duplicate email string
Page 55 ~ Outside the Scope
Page 56 ~ Outside the Scope
Page 57 ~ Outside the Scope
Page 58 ~ Outside the Scope
Page 59 ~ Outside the Scope
Page 60 ~ Outside the Scope
Page 61 ~ Duplicate email string
Page 62 ~ Duplicate email string
Page 63 ~ Duplicate email string
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[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, October 15, 2009 9:21 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: High side e-mail

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]
My [REDACTED] Can I get you to print out the proposed testimony? And can I stop by to grab a copy?

b2

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, October 15, 2009 5:58 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: High side e-mail

b6
b7C

UNCLASSIFIED
NON-RECORD

I forwarded an e-mail on the high side with David Kris' proposed HPSCI testimony on the Patriot Act reauthorization. [REDACTED] needs comments by noon today. Can you take a look (it is only 7 pages). I had 2 potential concerns: 1) [REDACTED] and 2) [REDACTED]

b5

[REDACTED] and [REDACTED] ([REDACTED] are out), can we speak early today about this? I have to go to LX, possibly on the 9:45 shuttle.

Thanks.

b6
b7C

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

UNCLASSIFIED

UNCLASSIFIED

Patriot
Act-814

Valerie is now invited to testify before the SJC tomorrow regarding the Leahy substitute Patriot Act reauthorization bill. We have the opportunity [redacted] about the impact of the bill. By 4 pm today, can you pass questions to me that would be good [redacted] Goal - important issue, open-ended questions b5

For example, a good question would be:

[redacted]

Obviously, this is a provision of concern and the question (though compound) is open-ended enough so that Valerie can get our points out. b5

Obviously, we want questions on [redacted] but I know there are more.

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Patriot
Act-817

b6
b7C

b5

b6
b7C

b6
b7C

b5

1

For example, a good question would be:

[REDACTED]

b5

Obviously, this is a provision of concern and the question (though compound) is open-ended enough so that Valerie can get our points out.

Obviously, we want questions on [REDACTED] but I know there are more.

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Patriot
Act-819

Subject: RE: Patriot Act issues

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

A few proposed questions:

b5

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

All ~

b5

For example, a good question would be:

[REDACTED]

b5

Obviously, this is a provision of concern and the question (though compound) is open-ended enough so that Valerie can get our points out.

Obviously, we want questions on [REDACTED] but I know there are more.

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Patriot
Act-821

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b7C

b6
b7C

b6
b7C

b6
b7C

b5

FBI-PREPROCESSED00267

Obviously, this is a provision of concern and the question (though compound) is open-ended enough so that Valerie can get our points out.

Obviously, we want questions on [REDACTED], but I know there are more.

b5

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Patriot
Act-823

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 3:46 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] but I just wanted to put forward what has been provided publicly so far.

b5

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 3:33 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 3:26 PM
To: [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Also, I noticed that in Director Mueller's testimony in response to Sen. Feinstein's questions on 9/16/09 (to which these QFRs that we are addressing today), he said that "the business records, 200-215, between 2004 and 2009, we've used that more than 250 times."

He also said that we used roving wiretaps approx. 140 times

The Dir also gave a good answer to Feingold on the roving issue. "To prove more would mean that we would be going back to the judges day in and day out in this day where cell phones are throwaway cell phones....In...adding another requirement, it will inhibit our ability to swiftly track those individuals

who are seeking to avoid surveillance..."

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [redacted] (OCA) (FBI)
Sent: Monday, October 05, 2009 3:04 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]
Actually, I've just verified that the below response WAS provided to the Hill on 9/15/09. I still think it's July and my sense of timing is way off!

Sorry if I caused confusion.

[redacted]
Special Counsel
Office of Congressional Affairs
[redacted]

Room [redacted] (send mail to Room [redacted])

From: [redacted] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:29 PM
To: [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

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b7C

[redacted]
Below is our response to Q 35 from the Director's 3/25/09 SJC QFRs. This response was the result of coordination with [redacted] and is currently at DOJ for review (hasn't yet been provided to the Hill).

Is this what you were looking for?

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal

investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

[REDACTED]

b5

[REDACTED]
Special Counsel
Office of Congressional Affairs

b6
b7C

Room [REDACTED] (send mail to Room [REDACTED])

From: [REDACTED] (OGC) (FBI)

Sent: Monday, October 05, 2009 1:58 PM

To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]

Subject: [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI)
RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] do you have a cite for testimony regarding the number of business records that the FBI have issued? Steve thinks [REDACTED]

b5

Thanks.

b6
b7C

In [REDACTED] draft letter to Senators Feinstein and Bond dated 4/16/09, it states that [REDACTED]

[REDACTED]

b5

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

Patriot
Act-827

b5

Have we [redacted] ? Is that [redacted]
[redacted] ? How [redacted] ? Do we really want [redacted]
[redacted] ? Will this cause concern? [redacted]
[redacted]

<< File: QFR (2).wpd >>

b6
b7C

[redacted]
OGC/NSLB
Unit Chief
Policy & Training Unit
[redacted]

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

<< File: QFR (2).wpd >>

Steve [redacted] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [redacted] and the ops attys who may have further insight.
I'll be back around noon to finish.

b6
b7C

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

Patriot Act-829

From: [redacted] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:02 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Patriot Act 830

b6
b7C

UNCLASSIFIED
NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJQ QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

Questions 15, 16, 32, 33, 34, and 39 pertains to NSLB:

15 deals with the renewal of the roving wiretap authority. NSLPTU, Ops Units? This is the ascertainment question. Did [] start looking in to this?

16 deals with the Lone Wolf provision. NSLPTU, Ops Units? NSLPTU.

32.deals with the **Detention Policy Task Force.** [redacted] but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [REDACTED]
but some or most of this question needs to be referred to DOJ and/or NSC.

b6
b7C

#34 deals with with roving wiretap; Lone Wolf, and business records. NSLPTU, Ops Units? NSLPTU.

#39 deals with HIG again, same as #33.	- but will need input from NSB.
---	---------------------------------

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [REDACTED] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC OFRs

Patriot Act-831

Importance: High

UNCLASSIFIED
NON-RECORD

Here it is [] Thanks.

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

b6
b7C

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [] (OGC) (FBI); [] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room []
[]

b6
b7C

UNCLASSIFIED

Patriot Act-832

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 2:33 PM
To: [REDACTED] (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)
(FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Yes, but we'd like to [REDACTED]

b5

Please call me when you have a chance.
Thanks.

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 05, 2009 2:29 PM
To: [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
(OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]
Below is our response to Q 35 from the Director's 3/25/09 SJC QFRs. This response was the result of coordination with [REDACTED] and is currently at DOJ for review (hasn't yet been provided to the Hill).

Is this what you were looking for?

35. Some provisions of the PATRIOT Act will expire this December. Two sections pertaining to Roving Wiretaps and Business Record Access give the FBI some of its most powerful tools in investigating suspected terrorists operating in the United States. Roving Wiretaps are used in other criminal investigations, for example organized crime and drug trafficking investigations. An examination of business records can provide critical insight into possible pre-attack planning by suspects. Director, how important are these tools in furthering the FBI's mission in investigating terrorism activity here in the United States?

Response:

[REDACTED]

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b6
b7C

[REDACTED]
Special Counsel
Office of Congressional Affairs

Room [REDACTED] (send mail to Room [REDACTED])

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 1:58 PM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

b5

[REDACTED] do you have a cite for testimony regarding the number of business records that the FBI has issued? Steve thinks [REDACTED]

[REDACTED]
Thanks.

b6
b7C

In [REDACTED] draft letter to Senators Feinstein and Bond dated 4/16/09, it states that [REDACTED]

b5

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch

b6
b7C

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

Patriot Act-834

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b6
b7C

b5

Patriot Act-835

<< File: QFR (2).wpd >>

b6
b7C

[REDACTED]
OGC/NSLB
Unit Chief
Policy & Training Unit
[REDACTED]

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 9:42 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

UNCLASSIFIED
NON-RECORD

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b7C

<< File: QFR (2).wpd >>

Steve [REDACTED] here is a draft of the QFRs assigned to NSLPTU.
They need to be reviewed by [REDACTED] and the ops attys who may have further insight.
I'll be back around noon to finish.

[REDACTED]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[REDACTED]

PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:46 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Director's 9/16/09 SJC QFRs

b6
b7C

UNCLASSIFIED
NON-RECORD

Elaine sent something out changing the deadline to 9 am. We should do our best to get it to her as soon as possible.
What is the ETA on close to final?

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[REDACTED]

b6
b7C

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 8:39 AM

Patriot Act-836

To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
RE: Director's 9/16/09 SJC QFRs

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UNCLASSIFIED
NON-RECORD

Steve, we have a draft response but I had the deadline from Elaine as COB today and the hard deadline for Valerie as COB 10/8. If the 9 am is your internal deadline, we'll need a little more time this morning.
Just let me know.
Thanks.

[redacted]
Assistant General Counsel
Policy and Training Unit
National Security Law Branch
[redacted]

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PRIVILEGED COMMUNICATION-DO NOT DISTRIBUTE OUTSIDE OF THE FBI WITHOUT OGC APPROVAL

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, October 05, 2009 8:02 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
RE: Director's 9/16/09 SJC QFRs

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NON-RECORD

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Reminder that responses are due by 0900 today. Where are we with these?

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

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b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, September 29, 2009 8:17 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)
RE: Director's 9/16/09 SJC QFRs

Patriot Act-837

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NON-RECORD

My comments on who should answer are below.

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

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From: [redacted] (OGC) (FBI)
Sent: Monday, September 28, 2009 4:08 PM
To: MILLER, KAREN D (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

UNCLASSIFIED
NON-RECORD

Ladies and gentlemen:

Below are the QFRs, which were generated after the Director's testimony on September 16th. Per Valerie, they are due to Elaine NLT Monday morning, October 5th. I am taking a best guess on who owns these, but obviously defer to Steve and Rick for a more concise assignment.

Thanks.

Questions 15, 16, 32, 33, 34, and 39 pertain to NSLB:

15 deals with the renewal of the roving wiretap authority. NSLPTU, Ops Units? This is the ascertainment question. Did [redacted] start looking in to this?

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16 deals with the Lone Wolf provision. NSLPTU, Ops Units? NSLPTU.

32 deals with the Detention Policy Task Force. [redacted] - but some of the parts of this question need to be referred to others (DOJ?)

#33 deals with **HIG** issues specifically on when High-Value detainees will be Mirandized. [redacted] but some or most of this question needs to be referred to DOJ and/or NSC.

#34 deals with with roving wiretap, Lone Wolf, and business records. NSLPTU, Ops Units? NSLPTU.

#39 deals with **HIG** again, same as #33. [redacted] - but will need input from NSB.

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 11:26 AM
To: [redacted] (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

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UNCLASSIFIED
NON-RECORD

Patriot Act-838

Here it is [redacted] Thanks.

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Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, September 28, 2009 7:40 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: FW: Director's 9/16/09 SJC QFRs
Importance: High

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NON-RECORD

Good morning,

OCA has advised that following the Director's 9/16/09 testimony before the Senate Judiciary Committee (SJC), they have received numerous Questions for the Record (QFRs) for response. I have attached the QFRs assigned to OGC and I have noted which branch is tasked to respond to a QFR. If classified responses are necessary, please provide paragraph markings so OCA can segregate that content.

Please forward responses to me by **COB Monday, October 5**, so I can obtain Valerie's approval by OCA's deadline of **COB Thursday, 10/08/09**.

Thank you.

<< File: OGC QFRS 100809.wpd >>

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [redacted]
[redacted]

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UNCLASSIFIED

Patriot Act-839

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, October 05, 2009 1:52 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: Correct transcript

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UNCLASSIFIED
NON-RECORD

[REDACTED] this is the correct testimony--not what I sent earlier

On Wednesday, September 23, the Senate Judiciary Committee held a hearing to consider provisions of the PATRIOT Act, which are set to expire later this year. Specifically, the roving wiretap provision, the "lone wolf" provision and section 215, which provides access to certain records, will all sunset on December 31, 2009 unless Congress approves a reauthorization package during this Congressional Session. Appearing before the Committee was Assistant Attorney General David Kris and Inspector General Glenn Fine. Earlier in the week, the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a similar hearing. For additional information, please see the attached transcripts.

Senate Judiciary Committee Transcript

UNCLASSIFIED

Patriot Act-840

[REDACTED] (RMD)(FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, October 01, 2009 10:51 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: NSL reporting

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NON-RECORD

As part of the Patriot Act Reauthorization, some of the draft bills have introduced changed standards and other restrictions on NSL usage. We think [REDACTED]

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So, Valerie would like us to [REDACTED]
This would require [REDACTED]

[REDACTED]

Who would like to be lead on this? And turn around time will be relatively short.

Thanks.

Steve

Steven N. Siegel
Deputy General Counsel
National Security Law Branch
Office of the General Counsel

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SENSITIVE BUT UNCLASSIFIED

Patriot Act-841

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Thursday, September 17, 2009 11:22 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (NSB) (FBI); HQ-DIV19-EXECSTAFF; [REDACTED] (NSB) (FBI); HQ DIV05 CD EXEC STAFF; [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (BA)(FBI); [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI)
Subject: DOJ Draft Testimony Reauthorization of USA Patriot Act; Deadline TODAY 9/17 2pm; RFC
Attachments: FISA32 doc.doc

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FISA32 doc.doc
(105 KB)

The attached testimony is being routed by DOJ for official comment.

RE: This statement will be used for both House and Senate hearings on the reauthorization of the PATRIOT Act, taking place 9/22 and 9/23.

FYI FOR OGC - Ms. Caproni has already provided comments, and those have been sent to DOJ direct.

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Please provide comments in a WORD DOCUMENT only.

Please provide primary responses with comments to [REDACTED] in OCA, with a cc to [REDACTED] and [REDACTED]

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the testimony, as well as the reasons for your division's position.
- If your division opposes the testimony fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: TODAY - September 17, 2pm

Patriot Act-842

As always, I appreciate your attention to this matter.

[REDACTED]
CLU I
FBI OCA
[REDACTED]

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Patriot Act-843

[REDACTED] (RMD)(FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI) b6
Sent: Monday, August 17, 2009 2:05 PM b7c
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: DOJ EXECSEC / TRIM Document : 09/DO/3031 : (Fax rec'd from OLA) Ltr from Chmn

Feingold, Subcomte on the Constitution, Judiciary Comte, advising that several provisions of the USA PATRIOT Act will expire at the end of the year. As the Department formul

Attachments: (Fax ~ Act will expire at the end of the year. As the Department formulates its views on the Patriot Act, they.pdf



(Fax ~ Act will
expire at the ...

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NON-RECORD

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

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-----Original Message-----

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, August 17, 2009 12:55 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: DOJ EXECSEC / TRIM Document : 09/DO/3031 : (Fax rec'd from OLA) Ltr from Chmn Feingold, Subcomte on the Constitution, Judiciary Comte, advising that several provisions of the USA PATRIOT Act will expire at the end of the year. As the Department formul

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NON-RECORD

fyi

Elaine N. Lammert

Patriot Act-851

Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

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-----Original Message-----

From: ExecSec (DO)

Sent: Monday, August 17, 2009 10:38 AM

To: [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI); [REDACTED]
(DO) (OGA); [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED]
[REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); LAMMERT,
ELAINE N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (NSB)
(FBI); [REDACTED] (NSB) (FBI); [REDACTED] (NSB) (FBI); [REDACTED]
[REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED] (CTD)
(FBI); [REDACTED] (CTD) (FBI); HQ_Div00_NSB_ADMINISTRATIVE;
[REDACTED] (NSB) (FBI); [REDACTED] (DO)(FBI); [REDACTED]
(DO) (FBI); HARRINGTON, T. J. (DO) (FBI); [REDACTED] (CID) (FBI); [REDACTED]
[REDACTED] (CID) (FBI); [REDACTED] (CID) (FBI); MCTIGHE, JAMES S. (DO) (FBI); [REDACTED]
[REDACTED] (DO) (FBI); PISTOLE, JOHN S. (DO) (FBI); FRIES, ELIZABETH A. (DO)
(FBI); [REDACTED] (DO) (FBI); MURPHY, TIMOTHY P. (DO) (FBI); BOEHRINGER,
CHRIS (DI) (FBI); HQ-DIV19-EXECSTAFF; [REDACTED] (CD) (FBI)
Subject: DOJ EXECSEC / TRIM Document : 09/DO/3031 : (Fax rec'd from OLA) Ltr from
Chmn Feingold, Subcomte on the Constitution, Judiciary Comte, advising that several provisions
of the USA PATRIOT Act will expire at the end of the year. As the Department formulates

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INFORMATION ONLY: DD, ADD, SPECIAL COUNSEL [REDACTED], EAD-NSB, AEAD-NSB, EAD-
CCRS, CID, DI, CD, OGC, CTD, OCA, [REDACTED], [REDACTED], & [REDACTED]

Instructions:

Attached is correspondence referred to the FBI by the U.S. Department of Justice (DOJ) Executive Secretariat, FOR INFORMATION ONLY. IT DOES NOT REQUIRE ANY FBI ACTION; however, it is being referred to you for your information in the event you may be contacted by the DOJ entity tasked with handling the response. The original will be maintained in the ExecSec office for a period of 90 days; and thereafter, disposed of due to limited record storage space. Should you need to refer to this document after this time frame, a copy can be provided from the TRIM database.

If this matter needs to be reassigned to another entity, the FBI ExecSec should be advised immediately (within 2 days of e-mail receipt). The ExecSec will need to know to whom the request should be reassigned, together with a point of contact (if known).

If you have any questions, comments, suggestions, or require the attached correspondence to be sent to another division/office for action or information, please contact the Executive Secretariat [redacted], Ext [redacted], [redacted] Ext [redacted], or by e-mail to HQ_DIV00_ExecSec.

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-----< TRIM Record Information >-----

Date Due :

Addressee :

Current Action :

All Contacts : Office of Congressional Affairs (Other)

AD-Office of the General Counsel (Other)

Special Counsel to the Director (Other)

[redacted] (Other) Business Phone: [redacted]

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AD-Counterterrorism (Other)

EAD-National Security Branch (Other)

Associate Executive Assistant Director-National Security Branch (Other)

[redacted] (Other)

EAD-Criminal, Cyber, Response, and Services (Other)

AD-Criminal Investigative Division (Other) Business Phone: [redacted]

Deputy Director (Other)

Associate Deputy Director (Other)

Directorate of Intelligence (Other)

AD-Counterintelligence (Other)

Access DB or Workflow : 1648627

From : FEINGOLD, RUSSELL D.

Constituent :

Title (Free Text Part) : (Fax rec'd from OLA) Ltr from Chmn Feingold, Subcomte on the Constitution, Judiciary Comte, advising that several provisions of the USA PATRIOT Act will expire at the end of the year. As the Department formulates its views on the Patriot Act, they

Date of Communication : Thursday, August 06, 2009

Notes: SUBJECT: request that DOJ consider the Security and Freedom Enhancement or

SAFE Act of 2005 (S. 737) and the National Security Letter (NSL) Reform Act of 2007 (S. 2088), both narrowly tailored bipartisan bills that would have added important conditions protections to several provisions of the PATRIOT Act. Also suggest that DOJ review the attached letter of 12/14/2005 which identifies several important reforms from the Senate-passed version of the PATRIOT Act. reauthorization bill that was not included in the final version of the bill. Letter also signed by MC Richard Durbin. See related corres in ES. (Enclosure not rec'd in ES.) (DA)

"Monday, August 17, 2009 at 10:00:56 AM (GMT-04:00)



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Related Records :

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-854

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035
10-CV-00755

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:39 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (SecD) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (TSC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (TD) (FBI);
[REDACTED] (WF) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CYD) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (CYD) (FBI); [REDACTED] (DN) (FBI)
Subject: Business record order results - usefulness of the information obtained by the field

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If anyone has any offhand knowledge about the use that the field has gotten out of records received from business record orders, please let [REDACTED] know. We are trying to put something together in response to question 1, below, and will probably just have to send an email to each field agent and find out what help the BR records gave in their investigation. But if you know something off-hand, or could easily find out by contacting an agent with whom you have obtained such an order, that would be helpful.

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From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:29 AM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: [REDACTED]

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[REDACTED]

[REDACTED] asked me to send this to you. Can you ensure that your Unit knows about this and gets the information requested? You guys have two weeks (COB 8/18) to get this to me. You lost a day because [REDACTED] forgot to send this out.

Thanks.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[REDACTED]

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, August 03, 2009 10:31 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: [REDACTED]

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See below for action. Please canvass to find examples for #1.

[REDACTED]

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[REDACTED] can the [REDACTED]

[REDACTED]

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Please have at least preliminary information back by Wednesday at noon.

[REDACTED] and [REDACTED], see #s 3 & 4 fyi.

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Rick, we need to talk about #8.

Thanks.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

[REDACTED]

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From: [REDACTED] (DN) (FBI)
Sent: Monday, August 03, 2009 9:25 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); DESLAURIERS, RICHARD (CD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DI) (FBI); CLOYD, DANIEL L. (CD) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)
Subject: [REDACTED]

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NON-RECORD

Hello everyone,

b5

Here is a summary of [REDACTED]

[REDACTED] Please let me know with whom I should coordinate to get responses back to [REDACTED] in a reasonable time (By August 24th).

[REDACTED]

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Patriot Act 859

[REDACTED]

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~~SECRET~~

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(S)

Please let me know if you more information or if you have any questions about this material.

Thanks...

Office of Congressional Affairs
Congressional Liaison Unit 1
FBIHQ-Room

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Patriot Act-860

[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Monday, April 20, 2009 11:31 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on [REDACTED]

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UNCLASSIFIED
NON-RECORD

Excellent -thank you.

From: [REDACTED] (OGC) (FBI)
Sent: Monday, April 20, 2009 11:30 AM
To: [REDACTED] (DO) (FBI)
Subject: FW: DOJ Ltr on [REDACTED]

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NON-RECORD

<< File: DOJ Letter [REDACTED] >>

Please find attached our inputs on the proposed letter. FYI, there were only two sets of changes: [REDACTED]

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[REDACTED]
Attorney
National Security Law Policy and Training Unit
National Security Law Branch

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b7C

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:50 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: DOJ Ltr on [REDACTED]

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NON-RECORD

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[REDACTED]
My comments are attached. See the 4th paragraph under Business Records.

[REDACTED] - CD may want to look at this letter, particularly the third full paragraph under Roving Authority. [REDACTED]

Patriot Act-861

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[redacted] - I think you asked [redacted] about the violations. Can they search ACS under the 278 file for "roving" to find that information?

Thanks.

Steve

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b7C

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[redacted]

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: [redacted] (OGC) (FBI)
Sent: Thursday, April 16, 2009 5:15 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Subject: FW: DOJ Ltr on [redacted]
Importance: High

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UNCLASSIFIED
NON-RECORD

Section and Unit Chiefs,

This is a draft letter from DOJ [redacted]
[redacted] The hard deadline for FBI input into the letter is NLT Monday, April 20th.

b5

Please disseminate this to all concerned attorneys. In order to allow me time to reconcile our inputs, please have any and all responses to me by 0900 Monday.

[redacted]

Attorney
National Security Law Policy and Training Unit
National Security Law Branch

b6
b7C

[redacted]

This communication may contain attorney-client or attorney work product information. Do not disclose without OGC approval.

From: [redacted] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HQ-DIV05-CD-EXEC-STAFF; [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CID) (FBI); [redacted] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (DO) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); POWERS, RICHARD C. (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (OCA) (FBI)
Subject: DOJ Ltr on [redacted] Patriot Act-862
Importance: High

b6
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UNCLASSIFIED
NON-RECORD

<< File: PA reauth letter MJW Draft April 16.doc >>

The attached letter / official communication is being routed by DOJ for official comment.

RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

Please provide comments in a WORD DOCUMENT only.

b6
b7C

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

[redacted]
CLU I
FBI OCA

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b7C

UNCLASSIFIED

Patriot Act-863

UNCLASSIFIED

[REDACTED] (RMD)(FBI)

b6
b7C

From: [REDACTED] (OGC) (FBI)

Sent: Monday, April 20, 2009 11:09 AM

To: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED]

[REDACTED] (OGC) (FBI)

Subject: FW: DOJ Ltr on [REDACTED]

b5

Attachments: PA reauth letter MJW Draft April 16.doc

UNCLASSIFIED
NON-RECORD

From: DESLAURIERS, RICHARD (CD) (FBI)

Sent: Friday, April 17, 2009 5:02 PM

To: [REDACTED] (OGC) (FBI)

Cc: BUCKLEY, MARGARET R. (CD) (FBI); [REDACTED] (CD) (FBI); CLOYD, DANIEL L. (CD) (FBI)

Subject: FW: DOJ Ltr on [REDACTED]

b6
b7C

b5

UNCLASSIFIED
NON-RECORD

[REDACTED]
Dán and I have both reviewed the verbiage in the draft response [REDACTED]

b5

[REDACTED] Thanks for running this by
us....Rick

From: BUCKLEY, MARGARET R. (CD) (FBI)

Sent: Thursday, April 16, 2009 6:02 PM

To: DESLAURIERS, RICHARD (CD) (FBI)

Cc: [REDACTED] (CD) (FBI)

Subject: FW: DOJ Ltr on [REDACTED]

Importance: High

b6
b7C

b5

UNCLASSIFIED
NON-RECORD

fyi

From: HQ_DIV05_CD_EXEC_STAFF

Sent: Thursday, April 16, 2009 5:47 PM

To: [REDACTED] (DO) (FBI)

Cc: BUCKLEY, MARGARET R. (CD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (CD)

(CON); [REDACTED] (KC) (CON); [REDACTED] (OCA) (FBI); [REDACTED] (CD) (FBI); [REDACTED]

[REDACTED] (CD) (CON)

Subject: FW: DOJ Ltr on [REDACTED]

Importance: High

b6
b7C

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UNCLASSIFIED
NON-RECORD

[REDACTED] CD has reviewed the DOJ Letter on [REDACTED] Patriot Act 864

[REDACTED] and concurs with DOJ letter.

b5

For information of CD, provisions of the FISA is scheduled to sunset on December 31, 2009. DOJ Letter addresses the reauthorization of FISA Provisions as follows: 1. The Rovine Wiretaps. USA Patriot Act Section 206. It is recommended [REDACTED] b5

2. Business Records. USA Patriot Act Section 215. It is recommended [REDACTED]

3. Lone Wolf Intelligence Reform and Terrorism Prevention Act of 2004, Section 6001. It is recommended [REDACTED]

[REDACTED]
Columbia/CD Division

b6
b7C

Please take a moment to visit the CD Administrative Section's Customer Service Satisfaction survey. We appreciate you letting us know how we are doing.

From: [REDACTED] (DO) (FBI)
Sent: Thursday, April 16, 2009 4:34 PM
To: HO-DIV05-CD-EXEC-STAFF; [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CID) (FBI); [REDACTED] (CID) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); POWERS, RICHARD C. (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI)
Subject: DOJ Ltr on [REDACTED]
Importance: High b5

UNCLASSIFIED
NON-RECORD



PA reauth letter
MJW Draft Apr...

The attached letter / official communication is being routed by DOJ for official comment.

RE: This letter is a draft in response to a Senate Select Intelligence Committee Letter on March 31 re: Reauthorization of FISA Provisions

Please forward this draft on to all those you feel should have eyes on; however, please note the deadline as DOJ has informed us it is "firm" and no extensions shall be granted.

Thank you.

Please provide comments in a **WORD DOCUMENT** only.
Patriot Act-865

Please provide primary responses with comments to [redacted] in OCA, with a cc to [redacted]
[redacted] and [redacted]

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.
- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: Monday April 20, 4pm

As always, I appreciate your attention to this matter.

[redacted]
CLU I
FBI OCA
[redacted]

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-866

[REDACTED] (RMD)(FBI)

From: SIEGEL, STEVEN N. (OGC) (FBI) b6
Sent: Monday, April 13, 2009 9:30 AM b7C
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: FW: DOJ EXEC SEC / TRIM Document : 09/DO/1237 : (Rec'd from OAG) Ltr from Chmn Feinstein and Vice Chmn Bond, Select Comte on Intelligence, advising that three provisions of the Foreign Intelligence Surveillance Act of 1978 are scheduled to expire on 12/31

Attachments: (Rec ~ Surveillance Act of 1978 are scheduled to expire on 12 31 2009, specifically Sections 206, 215 of the.pdf)



(Rec ~ Surveillance
Act of 197...

UNCLASSIFIED

NON-RECORD

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

b6
b7C

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

-----Original Message-----

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, April 13, 2009 9:17 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: FW: DOJ EXEC SEC / TRIM Document : 09/DO/1237 : (Rec'd from OAG) Ltr from Chmn Feinstein and Vice Chmn Bond, Select Comte on Intelligence, advising that three provisions of the Foreign Intelligence Surveillance Act of 1978 are scheduled to expire on 12/31

UNCLASSIFIED
NON-RECORD

Patriot Act-895

fyi

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

-----Original Message-----

From: ExecSec (DO)

Sent: Thursday, April 09, 2009 9:55 AM

To: BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED]
[REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI);
HARRINGTON, T. J. (DO) (FBI); [REDACTED] (NSB) (FBI); [REDACTED] (NSB)
(FBI); [REDACTED] (NSB) (FBI); HQ_Div00_NSB_ADMINISTRATIVE; [REDACTED]
[REDACTED] (NSB) (FBI); [REDACTED] (DO) (FBI); LAMMERT, ELAINE N. (OGC)
(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); CARLIN,
JOHN (DO) (FBI); BOEHRINGER, CHRIS (DI) (FBI); HQ-DIV19-EXECSTAFF; [REDACTED]
[REDACTED] (DI) (FBI); [REDACTED] (CD) (FBI); [REDACTED]
(CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI);
[REDACTED] (CTD) (FBI); [REDACTED] (CID) (FBI); [REDACTED]
(CID) (FBI); MCTIGHE, JAMES S. (DO) (FBI); [REDACTED] (DO) (FBI);
PISTOLE, JOHN S. (DO) (FBI)

b6
b7C

Subject: DOJ EXEC SEC / TRIM Document : 09/DO/1237 : (Rec'd from OAG) Ltr from Chmn
Feinstein and Vice Chmn Bond, Select Comte on Intelligence, advising that three provisions of
the Foreign Intelligence Surveillance Act of 1978 are scheduled to expire on 12/31/200

INFORMATION ONLY:

Instructions:

Attached is correspondence referred to the FBI by the U.S. Department of Justice (DOJ)
Executive Secretariat, FOR INFORMATION ONLY. IT DOES NOT REQUIRE ANY FBI
ACTION; however, it is being referred to you for your information in the event you may be
contacted by the DOJ entity tasked with handling the response. The original will be maintained
in the ExecSec office for a period of 90 days; and thereafter, disposed of due to limited
record storage space. Should you need to refer to this document after this time frame, a copy
can be provided from the TRIM database.

Patriot Act-896

If this matter needs to be reassigned to another entity, the FBI ExecSec should be advised

immediately (within 2 days of e-mail receipt). The ExecSec will need to know to whom the request should be reassigned to, together with a point of contact (if known).

If you have any questions, comments, suggestions, or require the attached correspondence to be sent to another division/office for action or information, please contact the Executive Secretariat, [REDACTED], Ext [REDACTED] [REDACTED] Ext [REDACTED], or by e-mail to HQ_DIV00_ExecSec.

b6
b7C

-----< TRIM Record Information >-----

Date Due :

Addressee :

Current Action :

All Contacts : Office of Congressional Affairs (Other)

EAD-National Security Branch (Other)

Associate Executive Assistant Director-National Security Branch (Other)

EAD-Criminal, Cyber, Response, and Services (Other)

Office of General Counsel (Other)

AD-Criminal Investigative Division (Other) Business Phone: [REDACTED]

b6
b7C

AD-Counterterrorism (Other)

AD-Counterintelligence (Other)

Directorate of Intelligence (Other)

Deputy Director (Other)

Chief of Staff (Other)

Deputy Chief of Staff and Counselor to the Director (Other)

Access DB or Workflow : 1551472

From : FEINSTEIN, DIANNE

Constituent :

Title (Free Text Part) : (Rec'd from OAG) Ltr from Chmn Feinstein and Vice Chmn Bond, Select Comte on Intelligence, advising that three provisions of the Foreign Intelligence Surveillance Act of 1978 are scheduled to expire on 12/31/2009, specifically Sections 206, 215 of the

Date of Communication : Tuesday, March 31, 2009

Notes: Subject: USA PATRIOT Act of 2001 and Section 6001 of the Intelligence Reform and Terrorism Act of 2004. Requesting that DOJ consider these provisions so that legislation can be enacted in advance of the end of the year. Therefore, requests by 5/1/2009 DOJ's recommendations together with written presentation of the facts and reasons that support those recommendations. Mentions that the Comte intends to schedule a hearing in May that will provide the Comte with an initial opportunity to consider DOJ's recommendations. See WF

Patriot Act-897

1535052 & related corres in ES. (DA)

"Thursday, April 09, 2009 at 9:43:33 AM (GMT-04:00)

b6
b7c

Related Records : 09/DO/819: (Fax) Ltr from Chmn Leahy, Judiciary Comte, expressing his concerns about the USA PATRIOT Improvement and Reauthorization Act of 2005, three authorities permitting certain government intelligence gathering and surveillance activities (Related to)

UNCLASSIFIED

UNCLASSIFIED

Patriot Act-898

[REDACTED] (RMD)(FBI)

From: [REDACTED] (NSB) (FBI)
Sent: Monday, March 30, 2009 10:30 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO)(FBI)
Subject: RE: MEETING DNI/DIRECTOR

b6
b7C

UNCLASSIFIED
NON-RECORD

Thank you

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Monday, March 30, 2009 10:18 AM
To: [REDACTED] (DD) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC)
(FBI); [REDACTED] (DO)(FBI)
Subject: RE: MEETING DNI/DIRECTOR

b6
b7C

UNCLASSIFIED
NON-RECORD

The Director testified before the Senate Judiciary Committee last week and when asked by Members, he said the he is "a strong supporter of the Patriot Act, particularly the areas where it broke down the walls between ourselves and the intelligence community . . . The three provisions that are to sunset are important provisions that we hope will again be reenacted when it comes up for vote." On Patriot Act Reauthorization, my sense is that [REDACTED]

b5

I'm adding [REDACTED] to the distro because OCA did send a legislative wish list package to ODNI and [REDACTED] can provide you w/ a copy of that package.

b6
b7C

Beth Beers
Office of Congressional Affairs
[REDACTED]

From: [REDACTED] (DI) (FBI)
Sent: Monday, March 30, 2009 10:08 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: MEETING DNI/DIRECTOR

b6
b7C

UNCLASSIFIED
NON-RECORD

Beth and Steve:

What is the FBI's official position on our legal authorities at present?

I assume [REDACTED] Is that correct? b5

If not, could you send me our official wish list for legislation so I can get it to the Director's office for his meeting with the DNI at 11:00 am.

Thanks

Patriot Act-903

[REDACTED] (RMD)(FBI)

From: [REDACTED] (CTD)(FBI)
Sent: Monday, August 17, 2009 10:46 AM
To: [REDACTED] (OGC) (FBI)

b6
b7C

~~SECRET~~
RECORD 415

[REDACTED]

Below is [REDACTED] response;

"In related cases from the [REDACTED] 215 requests were made to identified US companies in order to obtain business records [REDACTED]"

b2
b4
b7E

[REDACTED]

[REDACTED]

ITOS 1 CONUS 4

b6
b7C

[REDACTED]

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET

Patriot Act-908

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-28-2035
10-CV-00755

[REDACTED] (RMD)(FBI)

From: [REDACTED] (WF) (FBI)
Sent: Friday, August 14, 2009 1:50 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: 215 Business Records Request

b6
b7C

~~SECRET~~
~~RECORD 415~~

Here you go!

From: [REDACTED] (FBI)
Sent: Friday, August 14, 2009 1:40 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: RE: 215 Business Records Request

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b7C

~~SECRET~~
~~RECORD 415~~

Here we go:

b2
b7E

In related cases from the [REDACTED] circa January 2006 a 215 request was made to [REDACTED]

(S)

b1
b2
b4
b7E

[REDACTED] the use of the
215 request was a necessary investigative step which allowed the investigation to continue its focus on the identification of
other individuals who [REDACTED] in question.

b2
b7E

b2
b5
b7E

From: [REDACTED] (CTD) (FBI)
Sent: Friday, August 14, 2009 8:43 AM
To: [REDACTED] (FBI)
Cc: [REDACTED] (CTD)(FBI)
Subject: FW: 215 Business Records Request
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

Hi [REDACTED]

Patriot Act-909

Please see the below regarding a very old case closed in April 2007. I don't know if [REDACTED] (or me) sent this request out

~~SECRET~~

~~SECRET~~

(S) last week or not, but NSLB must provide an answer to the Director on this today. The task appears to be pretty easy, a quick paragraph summarizing the value of some 215 business records request [redacted] The pony paragraph is listed below. If you can provide us with a short 2-3 sentences, we'll provide the information to NSLB. b1

Thanks,

[redacted]
ITOS I / CONUS VI / Team 3

b6
b7C

From: [redacted] (CTD) (FBI)
Sent: Wednesday, August 05, 2009 5:49 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD)(FBI); [redacted] (CTD)(FBI)
Subject: FW: 215 Business Records Request
Importance: High

~~SECRET~~
~~RECORD 415~~

Please see below and make contact with SC to request the info.

Thanks

[redacted]
Unit Chief
CTD/ITOS 1, CONUS VI

b2
b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 05, 2009 3:14 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: HECK, BRENDA L (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: 215 Business Records Request
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

Hi Everyone,

If you could have your teams get in touch with the agents from these cases and provide a brief paragraph of how the 215 Business Records were helpful to their case. Specifically, I need the feedback to look something like this:

[redacted]
b2
b5
b7E

The responses can be classified. I need specifics but keeping it general as well. Patriot Act-910

Deadline: COB August 13th.

~~SECRET~~

~~SECRET~~

Here are the respective cases per CONUS:

CONUS 4:

(S)

[Redacted]

CONUS 5:

(S)

[Redacted]

b1
b6
b7C

CONUS 6:

(S)

[Redacted]

Thanks,
LQ

[Redacted]

Assistant General Counsel
National Security Law Branch/ CTLU I

b2
b6
b7C

[Redacted]

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE
WITHOUT OGC APPROVAL.

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET~~

Patriot Act-911

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-28-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (b,c,d)
DECLASSIFY ON: 06-28-2035
10-CW-00255

[REDACTED] (RMD)(FBI)

From: [REDACTED] (CTD) (FBI)
Sent: Thursday, August 13, 2009 1:24 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (CTD) (FBI)
Subject: FW: 215 Business Records Requests

Importance: High

Follow Up Flag: Follow up
Flag Status: Red

b6
b7C

~~SECRET~~
~~RECORD 415~~

[REDACTED]
Below are the two paragraphs from [REDACTED]

b2
b7E

[REDACTED]
From: [REDACTED] (FBI)
Sent: Thursday, August 13, 2009 1:19 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (OGA)
Subject: FW: 215 Business Records Requests
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

[REDACTED]
No additions or changes as of yet.
Please consider this our final draft; unless I hear something different, or you need further info.

Sincerely,

[REDACTED]
b2
b6
b7C
b7E

From: [REDACTED] (FBI)
Sent: Wednesday, August 12, 2009 1:08 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (OGA); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: FW: 215 Business Records Requests
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

~~SECRET~~

Patriot Act-912

~~SECRET~~

This is our proposed response to NSLB's request via our ITOS team.
Deadline is tomorrow. Please let me know if there are any additions or changes and we will send it forward.

(S) [redacted] b1
b6
b7C

b2
b7E

(S) (FOUO) In related cases from the [redacted] 215 requests were made to identified IIS Entity (IIS Bureau of Prisons) in order to learn information relevant to [redacted] b1
b2
b6
b7C
b7D
b7E

(S) [redacted] b1
b6
b7C

b2
b7E

(S) (S/NF) In related cases from the [redacted] 215 requests were made to [redacted] in order to determine the circumstances under which Captioned Subject [redacted] had used any of several [redacted] b1
b2
b6
b7C
b7E

Sincerely,

[redacted]

b2
b6
b7C
b7E

From: [redacted] (FBI)
Sent: Monday, August 10, 2009 12:48 PM
To: [redacted] (OGA)
Cc: [redacted] (CTD) (FBI)
Subject: FW: 215 Business Records Request
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

[redacted]

Since [redacted] will be out until the deadline has passed, please also research his case and provide our response.

Sincerely,

b2
b6
b7C
b7E

[redacted]

Patriot Act-913

b6
b7C

From: [redacted] (CTD) (FBI)

~~SECRET~~

~~SECRET~~

Sent: Friday, August 07, 2009 5:33 AM
To: [redacted] (FBI); [redacted] (OGA)
Cc: [redacted] (FBI); [redacted] (CTD) (FBI)
Subject: FW: 215 Business Records Request
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

[redacted]

Please see the below request on the use of 215 business records requests in cases assigned to you. Note the deadline of August 13. There is a paragraph to follow on how to write a response. Any questions, let me know. Thanks.

[redacted]

[redacted]

ITOS 1/CONUS 5

[redacted]

b2
b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, August 05, 2009 3:14 PM
To: [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)
Cc: HECK, BRENDA L (CTD) (FBI); [redacted] (CTD) (FBI)
Subject: 215 Business Records Request
Importance: High

b6
b7C

~~SECRET~~
~~RECORD 415~~

Hi Everyone,

If you could have your teams get in touch with the agents from these cases and provide a brief paragraph of how the 215 Business Records were helpful to their case. Specifically, I need the feedback to look something like this:

b2
b5
b7E

[redacted]

The responses can be classified. I need specifics but keeping it general as well.

Deadline: COB August 13th.

CONUS 5:

(S)

b1
b6
b7C

[redacted]

Patriot Act-914

~~SECRET~~

~~SECRET~~

Thanks,
LQ

Assistant General Counsel
National Security Law Branch/ CTLU I

b2
b6
b7C

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE
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DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
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DERIVED FROM: G-1 FBI Classification Guide G-1, dated 1/99, Foreign Government Information
DECLASSIFICATION EXEMPTION 1
SECRET

~~SECRET~~

Patriot Act-915

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 06-30-2010
CLASSIFIED BY 65179 DMH/STP/KM
REASON: 1.4 (c)
DECLASSIFY ON: 06-30-2035
10-CV-00755

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, August 06, 2009 6:51 PM
To: SIEGEL, STEVEN N. (OGC) (FBI) b6
Cc: MCNALLY, RICHARD (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI) b7C
Subject: [REDACTED]
Follow Up Flag: Follow up b5
Flag Status: Red
Attachments: BizRecords.pdf

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

All,
Attached is a FISAMS report depicting all business records for the past 2 years. This report includes the following data:

b2
b7E



BizRecords.pdf (68 KB)

V/r

[REDACTED]
Chief, Foreign Intelligence Surveillance Act Unit
National Security Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, August 04, 2009 12:20 PM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: [REDACTED]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Lets start by getting a list of the field agents/squads with BR requests for the past 2 years. Can we get that today? Maybe [REDACTED] can help with that.

b6
b7C

I will send an e-mail back to the DO telling them that CTD and CD need to compile the operational information from their folks. My sense, though, is that [REDACTED]

b5

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[REDACTED]

Patriot Act-916

b6
b7C

~~SECRET~~

~~SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:38 AM
To: SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC)(FBI); [redacted] (OGC) (FBI)
Subject: [redacted]

b6
b7C

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] gave me her folder and I can provide them the questions you wanted below. The only thing is, as [redacted] pointed out, the BR requests [redacted]

b2
b5
b7E

How do you want to handle this? I know we [redacted]

LQ

[redacted]
Assistant General Counsel
National Security Law Branch/ CTLU I

b2
b6
b7C

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE WITHOUT OGC APPROVAL.

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:35 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI)
Subject: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C

Don't worry about request #2. FISAMS is handling that one. I will send CD and GTD management the request and let them know that their troops should be gathering that information. They will likely want help from us.

Thanks.

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[redacted]

Patriot Act-917

~~SECRET~~

~~SECRET~~

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:33 AM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b5

I think [redacted] just left you a message that we will work on number one by [redacted]
[redacted]

As to the second request, I will send around an email to gather such information. But I cannot be the POC, as I am out of the office for the new three weeks. [redacted]

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Tuesday, August 04, 2009 11:29 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C

[redacted]

[redacted] asked me to send this to you. Can you ensure that your Unit knows about this and gets the information requested? You guys have two weeks (COB 8/18) to get this to me. You lost a day because [redacted] forgot to send this out.

Thanks.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel
[redacted]

b6
b7C

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Monday, August 03, 2009 10:31 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

See below for action. Please canvass to find examples for #1.

b5

b6
b7C

[redacted] can the [redacted]

Patriot Act-918

b5

~~SECRET~~

~~SECRET~~

b5

Please have at least preliminary information back by Wednesday at noon.

[redacted] see #s 3 & 4 fyi.

Rick, we need to talk about #8.

b6
b7C

Thanks.

Steve

Steven N. Siegel
Section Chief
National Security Law Branch
Office of the General Counsel

b6
b7C

From: [redacted] (DN) (FBI)
Sent: Monday, August 03, 2009 9:25 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI); SIEGEL, STEVEN N. (OGC) (FBI); DESLAURIERS, RICHARD (CD) (FBI); HEIMBACH, MICHAEL J. (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (DO) (FBI); [redacted] (DI) (FBI); CLOYD, DANIEL L. (CD) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: [redacted]

b5

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hello everyone,

Here is a summary of [redacted] Please let me know with whom I should coordinate to get responses back to [redacted] in a reasonable time (By August 24th).

b5

b5

(S)

b1

Patriot Act-919

~~SECRET~~

~~SECRET~~

(S)

b5

b1
b2

Please let me know if you more information or if you have any questions about this material.

Thanks... [redacted]

[redacted]

Office of Congressional Affairs
Congressional Liaison Unit 1
FBIHQ-Room [redacted]

b6
b7C

[redacted]

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

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Patriot Act-920



ALL INFORMATION CONTAINED
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DATE: 07-14-2010
CLASSIFIED BY 65719 DMH/STP/KM
REASON: 1.4 (c,d)
DECLASSIFY ON: 07-14-2035
10-CV-00755

FISA Order Report

FISA Management System

Creator:

Creator Office/Role: FISA/Order Handler

Generation Date: Aug 6, 2009 6:32 PM

b6
b7C

Note: This report was generated at the time specified above and the data is valid only up to that time.
Additionally, the report was generated by the specified user, while acting in the given role.
Requests to which the creator does not have access will not be included in the report.

Parameters

Start Date: Jan 1, 2007 12:00 AM
Coverage Type: BR
Completion Date: Aug 5, 2009 12:00 AM

b2
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(S)

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ALL INFORMATION CONTAINED

DATE: 06-17-2010

HEREIN IS UNCLASSIFIED EXCEPT CLASSIFIED BY 65179 DMH/STP/KM

WHERE SHOWN OTHERWISE

REASON: 1.4 (c,d)

DECLASSIFY ON: 06-17-2035

10-CV-00755

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, August 05, 2009 2:46 PM
To: [REDACTED] (OGC) (FBI)
Cc: SIEGEL, STEVEN N. (OGC) (FBI); [REDACTED] (OGC)(FBI)
Subject: 215 BR Research

b6
b7C

Importance: High

SECRET
RECORD 415

[REDACTED]
From [REDACTED] stack of 215 Records, these are CD's within the last 3 years. There could be more, and we would need FISA unit's help in identifying more. Steve indicated that [REDACTED]

b5

Here's the language that Steve wants us to compile is something like this:

b2
b5
b7E

The responses from the field can be classified. As Steve mentioned before, we have roughly 2 weeks to get this done.

I'm working on the CTD ones. Not sure who is working on the CD ones. I assume we [REDACTED]
[REDACTED] Is that ok Steve?

b5

These are some business records from CD.

(S)

b1
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b7C

Patriot Act-933

~~SECRET~~

~~SECRET~~

b2
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b7C

[REDACTED]
Assistant General Counsel
National Security Law Branch/ CTLU I



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Patriot Act-934

FEDERAL BUREAU OF INVESTIGATION
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[REDACTED] (RMD)(FBI)

From: [REDACTED] (DO) (FBI)
Sent: Monday, October 19, 2009 4:49 PM
To: [REDACTED] (DO) (OGA); [REDACTED] (DO) (OGA); [REDACTED] (DO)
[REDACTED] (OGA); [REDACTED] (DO) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS)
[REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS)
(FBI); HQ-DIV05-CD-EXEC-STAFF; [REDACTED] (CTD) (FBI); [REDACTED]
[REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI);
[REDACTED] (CID) (FBI); [REDACTED] (AT) (FBI); [REDACTED] (CI) (FBI);
HQ-DIV16-EXECUTIVE-STAFF; BENNETT, DAVID G. (HRD) (FBI); BLADEN, ANTHONY M.
(DO) (FBI); [REDACTED] (HRD) (FBI); [REDACTED] (MM) (FBI); b6
[REDACTED] (CJIS) (FBI); [REDACTED] (NSB) (FBI); HQ-DIV19-EXEC-STAFF; b7C
[REDACTED] (NSB) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED]
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO)
(FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OTD) (FBI); [REDACTED] (SecD) (CON); [REDACTED]
(SecD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (TSC) (OGA);
[REDACTED] (WMD) (FBI); BENNETT, LAURIE (WMD) (FBI); [REDACTED]
(WMD) (FBI); [REDACTED] (WMD) (FBI); [REDACTED] (CV) (FBI); [REDACTED]
[REDACTED] (PA) (FBI); [REDACTED] (WMD) (FBI)
Cc: [REDACTED] (BA) (FBI); [REDACTED] (DO) (FBI); BEERS, ELIZABETH RAE
(OCA) (FBI); KELLY, STEPHEN (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED]
[REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (DO) (FBI);
[REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED]
(OCA) (FBI)
Subject: Draft DOJ Views Letter on S 1692 PATRIOT Act; deadline Tuesday 10/21 10am - RFC
Importance: High
Attachments: S 1692 FISA Patriot.pdf; FISA34 let.doc

UNCLASSIFIED
NON-RECORD



S 1692 FISA Patriot.pdf (318 K...)



FISA34 let.doc (40 KB)

The attached letter / official communication is being routed by DOJ for official comment.

RE: DOJ Draft Views -

Please provide comments in a WORD DOCUMENT only.

Please provide primary responses with comments to HQ-DIV00-OCA-SME.

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the letter, as well as the reasons for your division's position.

Act-1701

- If your division opposes the letter fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If you have additional comments which are not suitable for dissemination, please include them in the body of your E-mail separate and apart from the attachment.
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: TUESDAY OCTOBER 21, 10am

As always, I appreciate your attention to this matter.

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FBI OCA
[REDACTED]

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Patriot
Act-1702

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI) b6
Sent: Tuesday, October 27, 2009 10:47 AM b7C
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: DOJ EXEC SEC / TRIM Document : 09/DO/3909 : Expressing concerns regarding the Patriot Act, which was passed under the necessity of strengthening our law enforcement in the fight against terror. (MW)

Attachments: Expressing concerns regarding the ~ necessity of strengthening our law enforcement in the fight against terror. (MW).pdf



Expressing
concerns regarding ..UNCLASSIFIED
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-----Original Message-----

From: LAMMERT, ELAINE N. (OGC) (FBI)
Sent: Monday, October 26, 2009 11:05 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI) b6
Subject: FW: DOJ EXEC SEC / TRIM Document : 09/DO/3909 : Expressing concerns regarding the Patriot Act, which was passed under the necessity of strengthening our law enforcement in the fight against terror. (MW) b7C

UNCLASSIFIED
NON-RECORD

fyi

Elaine N. Lammert
Deputy General Counsel
Investigative Law Branch
Office of the General Counsel
Room [REDACTED]
[REDACTED]

Patriot Act-1819

-----Original Message-----

From: ExecSec (DO)

Sent: Monday, October 26, 2009 10:57 AM

To: [REDACTED] (DO) (FBI); KELLY, STEPHEN (DO)(FBI); [REDACTED] (NSB) (FBI); [REDACTED] (NSB) (FBI); [REDACTED] (NSB) (FBI); HQ_Div00

_NSB_ADMINISTRATIVE; [REDACTED] (NSB) (FBI); [REDACTED] (DO)(FBI);

[REDACTED] (DO) (FBI); HARRINGTON, T. J. (DO) (FBI); FRIES, ELIZABETH A.

(DO) (FBI); [REDACTED] (DO) (FBI); MURPHY, TIMOTHY P. (DO) (FBI); MCTIGHE,

JAMES S. (DO) (FBI); [REDACTED] (DO) (FBI); PISTOLE, JOHN S. (DO)

(FBI); [REDACTED] (OPA) (FBI); [REDACTED] (OPA) (FBI);

[REDACTED] (OPA) (FBI); KORTAN, MICHAEL P. (OPA) (FBI); [REDACTED]

(DO)(FBI); [REDACTED] (OPA) (FBI); MROSE, YONINA A. (OPA) (FBI); [REDACTED]

[REDACTED] (OPA) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (OGC)

(FBI); BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED] (OCA) (FBI); [REDACTED]

[REDACTED] (OCA) (FBI); HQ_DIV05_CD_EXEC_STAFF; [REDACTED] (CD) (FBI);

[REDACTED] (CTD)(FBI); [REDACTED] (CTD)(FBI); [REDACTED]

[REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED]

(CID) (FBI); [REDACTED] (CID) (FBI); HQ-DIV19-EXECSTAFF; CARLIN, JOHN (DO) (FBI)

Subject: DOJ EXEC SEC / TRIM Document : 09/DO/3909 : Expressing concerns regarding the Patriot Act, which was passed under the necessity of strengthening our law enforcement in the fight against terror. (MW)

INFORMATION ONLY:

Instructions:

Attached is correspondence referred to the FBI by the U.S. Department of Justice (DOJ) Executive Secretariat, FOR INFORMATION ONLY. IT DOES NOT REQUIRE ANY FBI ACTION; however, it is being referred to you for your information in the event you may be contacted by the DOJ entity tasked with handling the response. The original will be maintained in the ExecSec office for a period of 90 days; and thereafter, disposed of due to limited record storage space. Should you need to refer to this document after this time frame, a copy can be provided from the TRIM database.

If this matter needs to be reassigned to another entity, the FBI ExecSec should be advised immediately (within 2 days of e-mail receipt). The ExecSec will need to know to whom the request should be reassigned, together with a point of contact (if known).

If you have any questions, comments, suggestions, or require the attached correspondence to be sent to another division/office for action or information, please contact the Executive Secretariat, [REDACTED], Ext [REDACTED], [REDACTED], Ext [REDACTED] or by e-mail to HQ_DIV00_ExecSec.

Patriot Act-1820

-----< TRIM Record Information >-----

Date Due :

Addressee :

Current Action :

All Contacts : EAD-National Security Branch (Other)

Associate Executive Assistant Director-National Security Branch (Other)

Deputy Director (Other)

Associate Deputy Director (Other)

Office of Congressional Affairs (Other)

Office of Public Affairs (OPA) (Other)

Office of General Counsel (Other)

AD-Counterintelligence (Other)

AD-Counterterrorism (Other)

Directorate of Intelligence (Other)

AD-Criminal Investigative Division (Other) Business Phone: [REDACTED]

EAD-Criminal, Cyber, Response, and Services (Other)

Deputy Chief of Staff and Counselor to the Director (Other)

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[REDACTED] (Other) Business Phone: [REDACTED]

Access DB or Workflow : 1697028

From : [REDACTED]

Constituent :

Title (Free Text Part) : Expressing concerns regarding the Patriot Act, which was passed under the necessity of strengthening our law enforcement in the fight against terror. (MW)

Date of Communication : Friday, October 02, 2009

Notes:

Related Records :

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Patriot Act-1821

[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, September 17, 2009 1:12 PM
To: [REDACTED] (OGC) (FBI)
Subject: FW: DOJ Draft Testimony Reauthorization of USA Patriot Act; Deadline TODAY 9/17 2pm; RFC

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Attachments: FISA32 doc.doc

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After all, [REDACTED]
[REDACTED] What more is there to say? ;-)

[REDACTED]
Assistant General Counsel
OGC, Privacy and Civil Liberties Unit
FBIHQ, Room [REDACTED]
[REDACTED]

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**THE FOREGOING MAY BE A PRIVILEGED FBI OGC COMMUNICATION AND SHOULD NOT BE DISSEMINATED
WITHOUT OGC APPROVAL**

From: [REDACTED] (OGC) (FBI)
Sent: Thursday, September 17, 2009 1:10 PM
To: [REDACTED] (DO) (FBI)
Cc: [REDACTED] (OCA) (FBI); [REDACTED] (DO)(FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: DOJ Draft Testimony Reauthorization of USA Patriot Act; Deadline TODAY 9/17 2pm; RFC

UNCLASSIFIED
NON-RECORD

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I don't have any comments on behalf of the OGC Privacy and Civil Liberties Unit.

[REDACTED]
Assistant General Counsel
OGC, Privacy and Civil Liberties Unit
FBIHQ, Room [REDACTED]
[REDACTED]

**THE FOREGOING MAY BE A PRIVILEGED FBI OGC COMMUNICATION AND SHOULD NOT BE DISSEMINATED
WITHOUT OGC APPROVAL**

From: [REDACTED] (DO) (FBI)
Sent: Thursday, September 17, 2009 11:22 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (CJIS) (FBI); [REDACTED] (NSB) (FBI); HO-DIV19-EXECSTAFF; [REDACTED] (NSB) (FBI); HQ_DIV05 CD_EXEC_STAFF; [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (OCA) (FBI); [REDACTED] (OCA) (FBI)

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(FBI); [] (DO) (FBI); [] (DO) (FBI); [] (DO)(FBI); [] (OCA)

b6
b7C

Subject:

DOJ Draft Testimony Reauthorization of USA Patriot Act; Deadline TODAY 9/17 2pm; RFC

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FISA32 doc.doc
(105 KB)

The attached testimony is being routed by DOJ for official comment.

RE: This statement will be used for both House and Senate hearings on the reauthorization of the PATRIOT Act, taking place 9/22 and 9/23.

FYI FOR OGC - Ms. Caproni has already provided comments, and those have been sent to DOJ direct.

Please provide comments in a WORD DOCUMENT only.

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Please provide primary responses with comments to [] in OCA, with a cc to [] and []

If you feel there is someone else who should see this and who has not been included, PLEASE forward it to them and then let me know that I should add them on to the lists for future distribution.

- Please indicate if your division is in favor or opposed to the testimony, as well as the reasons for your division's position.
- If your division opposes the testimony fully or in part, but believes that it can be remedied by changes in the verbiage, please describe in detail what should be added, deleted, or changed, including recommendations for substitute language sufficient to correct the objectionable section(s).
- If your division is not taking a position and has no comments, please send an E-mail stating such.

DEADLINE: TODAY - September 17, 2pm

As always, I appreciate your attention to this matter.

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Patriot Act-1855

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RE: Patriot Act Reauthorization

Page 1 of 1

Kelly, Stephen

From: Agrast, Mark D. [Mark.D.Agrast@usdoj.gov]
Sent: Tuesday, October 20, 2009 5:53 PM
To: Samuels, Jonathan D.; Monaco, Lisa (ODAG) (SMO); Caproni, Valerie E.; Libin, Nancy C. (ODAG) (SMO); De, Rajesh (SMO); Wiegmann, Brad (SMO); Kris, David (NSD) (SMO); [REDACTED] (SMO); Kang, Christopher D.; [REDACTED] Krass, Caroline D.; Siegel, Steven N.; Larson, David C.; Weich, Ron (SMO); Baker, James A. (ODAG) (SMO); [REDACTED] Kelly, Stephen; [REDACTED]
Subject: Introduction of House PATRIOT bill

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Attachments: USA Patriot Amendments Act of 2009 Oct. 20.pdf; Section by Section Analysis USA Patriot Amendments Act 2009 Oct 19.doc; Two Pager on Patriot Bill Oct 19.wpd; FISA Amendments Act of 2009 Oct. 20.pdf; The FISA Amendments Act of 2009 Section by Section Oct 19.wpd

House Judiciary bills and analyses attached. We'll want to focus on the PATRIOT Amendments Act. The FISA bill deals with broader issues and is on a separate -- and slower -- track.

From: Agrast, Mark D.
To: Monaco, Lisa (ODAG) ; Caproni, Valerie E. (FBI) ; Libin, Nancy C. (ODAG) ; De, Rajesh ; Wiegmann, Brad ; Kris, David (NSD) ; [REDACTED] ; Kang, Christopher D.; Samuels, Jonathan D.; [REDACTED] ; Krass, Caroline D.; Siegel, Steven N. (FBI) ; Larson, David C. (FBI) ; Weich, Ron ; Baker, James A. (ODAG) ; [REDACTED] ; Kelly, Stephen (FBI) ; Weich, Ron ; Robert Litt ; [REDACTED] ; [REDACTED]

b6
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Sent: Mon Oct 19 22:34:35 2009

b2
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Subject: Introduction of House PATRIOT bill and request for Member briefing

I wanted to give you a heads up that we expect Chairman Conyers and Chairman Nadler to introduce their PATRIOT Act reauthorization bill this week--possibly as early as tomorrow. We also expect their bill to be somewhat closer to the Leahy bill as introduced than to Feingold-Durbin. We will circulate language as soon as we have it. I believe they will be eager to sit down with us to discuss the bill as soon as we have had an opportunity to analyze it--ideally at some point next week.

They also have requested a classified briefing for Judiciary Committee Members and cleared staff on the use of PATRIOT Act authorities. They have suggested Thursday, October 29 at 11 a.m. as a possible date. I think we will want to have the same line-up we presented at the SJC Member briefing, subject to availability.

Mark David Agrast
Deputy Assistant Attorney General for Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

Patriot Act-1866

6/23/2010

Section by Section Analysis

USA PATRIOT Amendments Act of 2009

Sec. 1. Short title and table of contents. Section 1 names this Act the “USA PATRIOT Amendments Act of 2009” and provides a table of contents for the entire bill.

Title I—USA PATRIOT Act Related Amendments

Sec. 101. Roving Wiretaps. Sec. 101 clarifies that when the government only provides a description of the target of surveillance for purposes of obtaining a warrant (whether or not that warrant is for a regular or roving FISA warrant), that description must be sufficient to allow a court to determine that the target is a single individual.

Sec. 102. Extension of Sunset of Sections 206 and 215 of USA PATRIOT Act. Sec. 102 extends the sunset dates of roving wiretaps and FISA business records to December 31, 2013.

Sec. 103. Access to Certain Tangible Things under section 501 of the Foreign Intelligence Surveillance Act of 1978. Sec. 103 (§215 tangible things) requires a statement of specific and articulable facts showing that the tangible things sought are relevant to an authorized investigation, other than a threat assessment. The “specific and articulable” language is not present in the current law, and is a more exacting standard for government to meet.

This section also retains the concept that certain types of records are “presumptively relevant” to a counterterrorism or counterintelligence related investigation (assuming an appropriate statement containing specific and articulable facts). The retention of the “presumptive relevance” for documents pertaining to foreign powers or agents of a foreign power accomplishes two important goals. First, it puts the government and a court on notice that these types of records are the type of documents that Congress generally expects the government will be pursuing in furtherance of authorized counterterrorism and counterintelligence investigations. The presumptive relevance standard does not, however, allow the government to obtain the documents merely by showing relevance to a foreign power or agent of a foreign power through a statement of “specific and articulable facts.” A court must also find that the requested records are actually relevant to an authorized investigation.

Second, the government may be able to acquire certain records even if it cannot show that the documents are relevant to a foreign power or agent of a foreign power. However, these types of records, which do not fall into the “presumptively relevant” category, would be evaluated with a

higher degree of scrutiny by a court. The court would determine whether or not the government presented specific and articulable facts to show relevance to an authorized investigation.

With respect to judicial review, current law requires the recipient of a nondisclosure order associated with a § 215 order to wait a year before seeking judicial review of the nondisclosure order. Sec. 103 allows a recipient to challenge both the underlying order and any associated nondisclosure order immediately. In addition, the government must notify the recipient of a right to challenge the legality of the production order or nondisclosure order, and the procedure to follow to file such a petition at the time the government serves the § 215 order on the recipient. Absent bad faith on the part of the government, current law also allows a certification by a high level official to conclusively defeat a challenge to a nondisclosure order. Sec. 103 eliminates the concept of a "conclusive certification" entirely.

Compliance assessments of minimization procedures pertaining to §215 orders are now facilitated by allowing FISA court judges to review government compliance with minimization procedures associated with specific orders. A request for §215 records cannot be made to a library or bookseller for documentary materials that contain personally identifiable information concerning a patron. None of these elements are present in the current law.

Sec. 104. Sunset Relating to Individual Terrorists as Agents of Foreign Powers. Sec. 104 allows the "Lone Wolf" provision to sunset on December 31, 2009. "Lone Wolf" is not reauthorized.

Sec. 105. Audits. Sec. 105 requires the DOJ Inspector General to audit and submit reports to Congress for §215 tangible thing orders, National Security Letters (NSLs), and FISA pen register/trap and trace orders for all calendar years through 2013.

Sec. 106. Criminal "sneak and peek" searches. Sec. 106 requires the government to seek an extension for delaying notice of the search after seven (7) days, not the current thirty (30) days. Any extension to delay notice granted by a court cannot be longer than 21 days at a time. In addition, any application for extension must be made by the Senate-confirmed United States Attorney for the district seeking the delay. This section also narrows the circumstances under which the government could obtain a "sneak and peek" warrant by eliminating "otherwise seriously jeopardizing an investigation or unduly delaying a trial" as a situation that would permit the issuance of a "sneak and peek" warrant.

Sec. 107. Use of Pen Registers and Trap and Trace Devices under title 18, United States Code. Sec. 107 requires the application for a pen register to contain a statement of specific and articulable facts showing that the information likely to be obtained is relevant to an ongoing criminal investigation. Current law only requires a certification by the applicant.

Sec. 108. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes. Sec. 108 requires the application for a pen register to contain a statement of specific and articulable facts relied upon by the applicant to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation. Current law only requires a certification by the applicant. This section also requires the implementation of minimization procedures for pen registers and trap and trace devices, and allows FISA court judges to assess the government's compliance with these minimization procedures. These are new requirements

Sec. 109. Public Reporting on the Foreign Intelligence Surveillance Act. Sec. 109 requires annual public reporting of aggregate numbers of requests for surveillance that also include a breakdown of requests for (a) electronic surveillance, (b) physical searches, (c) orders for tangible things (Section 215 orders), and (d) pen registers. Current law requires only public reporting of the above categories in the aggregate.

Sec. 110. Challenges to Nationwide Orders for Electronic Surveillance. Sec. 110 allows a provider of electronic communication service or remote computing service to challenge a subpoena, order, or warrant requiring disclosure of customer communications or records in either the district in which the order was issued or the district in which the order was served.

Title II—National Security Letter Reform

Sec. 201. Short Title. Sec. 201 indicates that title II shall be cited as the "National Security Letter Reform Act of 2009."

Sec. 202. Sunset. Section 202 provides a sunset date of December 31, 2013 for national security letters, with the effect of returning the relevant national security letter statutes to read as they read on October 25, 2001.

Sec. 203. National Security Letter defined. Sec. 203 defines "national security letter," for the purposes of this bill, as a request for information under one of the enumerated provisions of law.

Sec. 204. Modification of Standard. Sec. 204 requires an official with authority to issue a national security letter to document and retain a statement of specific and articulable facts showing that there are reasonable grounds to believe that the information sought pertains to a foreign power or agent of a foreign power. This standard changes the focus of the "relevance" required under current law from "authorized investigation" to "foreign power or agent of a foreign power." In addition, current law does not directly couple the relevance standard with "specific and articulable" facts as support for relevance—a more exacting standard for the government to meet. Current law also does not require the government to create and maintain a record of such facts at the time the national security letter is issued.

Sec. 205. Notification of Right to Judicial Review of Nondisclosure Order. Sec. 205 requires the government to notify a recipient of a national security letter of (1) a right to judicial review of any nondisclosure requirement imposed in connection with that national security letter and, (2) that the nondisclosure requirement will remain in effect during the pendency of any judicial review proceedings. Current law does not require such notification.

Sec. 206. Disclosure for Law Enforcement Purposes. Sec. 206 requires the Attorney General to authorize the use of any information acquired or derived from a national security letter in a criminal proceeding. Current law does not require such "use authority" for national security letters.

Sec. 207. Judicial Review of National Security Letter Nondisclosure Order. Sec. 207 establishes additional procedures for a recipient to seek judicial review of a nondisclosure requirement imposed in connection with a national security letter. If the recipient wishes to have a court review a nondisclosure requirement, the recipient must notify the government. Not later than thirty days after the receipt of notification, the government must apply for a court order prohibiting the disclosure of information about the national security letter or the existence of the national security letter. The nondisclosure requirement remains in effect during the pendency of any judicial review proceedings. The government's application for a nondisclosure order must include a certification from the Attorney General, Deputy Attorney General, or the Director of the FBI (or the head of another agency if not part of DOJ) containing a statement of specific and articulable facts indicating that disclosure may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. If a court determines that there is reason to believe that disclosure will result in one of the enumerated harms, the court will issue a nondisclosure order for no longer than 180 days. The government can seek renewals of nondisclosure orders for additional periods of not longer than 180 days each. If there comes a time when the facts supporting a nondisclosure order issued by the court cease to exist, the government must promptly notify a recipient who sought judicial review of a nondisclosure order that the nondisclosure is not longer in effect.

Current law neither requires the recipient to formally notify the government if "he" wishes to seek judicial review, nor specifies that the government will initiate such court review by applying for a court order. The government is also not required to notify a recipient who sought judicial review of a nondisclosure if or when such an order would cease to exist based on a change in facts supporting the nondisclosure order. In addition, absent bad faith on the part of the government, current law also allows a certification by a high level government official to conclusively defeat a challenge to a nondisclosure order if the challenge is filed within one year of the request for records. Current law also allows a recertification made by high level officials to be treated as conclusive, unless made in bad faith. Sec. 207 eliminates the concept of a "conclusive certification" entirely. Moreover, this section corrects constitutional defects in the

nondisclosure orders pertaining to national security letters as addressed in *Doe v. Mukasey*, 549 F.3d 861 (2nd Cir. 2008).

Sec. 208. Minimization Procedures. Sec. 208 requires the Attorney General to establish minimization and destruction procedures to ensure that information obtained pursuant to a national security letter regarding persons that are no longer of interest in an authorized investigation is destroyed.

Patriot Act-1871

Kelly, Stephen

From: Weich, Ron [Ron.Weich@usdoj.gov]
Sent: Wednesday, October 14, 2009 9:59 AM
To: Kelly, Stephen
Cc: Monaco, Lisa (ODAG) (SMO); [redacted] (SMO); [redacted] (SMO); Libin, Nancy C. (ODAG) (SMO); Carlin, John; Larson, David C.; Christopher D Kang; Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO); Caroline Krass; Agrast, Mark D. (SMO); Beers, Elizabeth R.; [redacted] Siegel, Steven N.; [redacted] Robert Litt; Caproni, Valerie E.
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

b2
b6

b6
b7C

Yes, we will schedule that for when Lisa and Val can attend, maybe Fri.

-----Original Message-----

From: Kelly, Stephen (FBI)
Sent: Tuesday, October 13, 2009 8:00 PM
To: Weich, Ron
Cc: Monaco, Lisa (ODAG); [redacted] Libin, Nancy C. (ODAG); Carlin, John (FBI); Larson, David C. (FBI); Christopher D Kang; Wiegmann, Brad; De, Rajesh; Baker, James A. (ODAG); Caroline Krass; Agrast, Mark D.; Beers, Elizabeth R. (FBI); [redacted] (FBI); Siegel, Steven N. (FBI); [redacted] (FBI); Robert Litt; Caproni, Valerie E. (FBI)
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

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b7C

Ron -

Val is out of the office until Thursday afternoon, I believe, but I think it's important for us to make progress on this. Can we start by scheduling a DoJ-FBI meeting, as you suggested, later this week?

Thanks.

- Stephen

-----Original Message-----

From: Weich, Ron [mailto:Ron.Weich@usdoj.gov]
Sent: Friday, October 09, 2009 10:55 AM
To: Caproni, Valerie E.; Robert Litt
Cc: Monaco, Lisa (ODAG) (SMO); [redacted] (SMO); [redacted] (SMO); Libin, Nancy C. (ODAG) (SMO); Carlin, John; Larson, David C.; Christopher D Kang; Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO); Caroline Krass; Agrast, Mark D. (SMO); Kelly, Stephen
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

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We're not going to resolve this by email. Let's discuss this in person early next week, perhaps first within DOJ/FBI. [redacted]

b5

-----Original Message-----

From: Caproni, Valerie E. (FBI)
Sent: Friday, October 09, 2009 10:49 AM
To: Robert Litt
Cc: Monaco, Lisa (ODAG); [redacted] Weich, Ron; Libin, Nancy C. (ODAG); Carlin, John (FBI); Larson, David C. (FBI); Christopher D Kang; Wiegmann, Brad; De, Rajesh; Baker, James A. (ODAG); Caroline Krass; Agrast, Mark D.; Kelly, Stephen (FBI)
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

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Patrol Act-1872

b2
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b7E

VC

-----Original Message-----

From: Robert Litt [REDACTED]
Sent: Friday, October 09, 2009 9:11 AM
To: Caproni, Valerie E.

Cc: Monaco, Lisa (ODAG) (SMO); [REDACTED] (SMO); [REDACTED]
(SMO); Weich, Ron (SMO); Libin, Nancy C. (ODAG) (SMO); Carlin, John; Larson, David C.;
Christopher D Kang; Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO);
Caroline Krass; Agrast, Mark D. (SMO); Kelly, Stephen
Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

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b7C

b5

Patriot Act-1873

----- Original Message -----

From: "Valerie E. Caproni" <Valerie.Caproni@ic.fbi.gov>
To: "Mark D. Agrast (SMO)" <Mark.D.Agrast@usdoj.gov>, "Stephen Kelly"
<Stephen.Kelly@ic.fbi.gov>, "Robert Litt" [REDACTED]
Cc: "Lisa Monaco (ODAG) (SMO)" <Lisa.Monaco@usdoj.gov>, [REDACTED]

b2
b6

[REDACTED] "Ron Weich (SMO)" <Ron.Weich@usdoj.gov>, "Nancy C. Libin
(ODAG) (SMO)" <Nancy.C.Libin@usdoj.gov>, "John Carlin"
<jcarlin@ic.fbi.gov>, "David C. Larson" <David.Larson@ic.fbi.gov>, "Christopher D. Kang"
[REDACTED] "Brad Wiegmann (SMO)" <Brad.Wiegmann@usdoj.gov>,
"Rajesh De (SMO)"

b6
b7C

<Rajesh.De@usdoj.gov>, "James A. Baker (ODAG) (SMO)"
<James.A.Baker@usdoj.gov>, "Caroline Krass" [REDACTED]
Sent: Friday, October 9, 2009 8:54:06 AM GMT -05:00 US/Canada Eastern
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

Mark,

I don't know that we need to resolve who shot John, but we do need to get this fixed. Are
the leg people thinking about a strategy?

VC

-----Original Message-----

From: Agrast, Mark D. [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Friday, October 09, 2009 8:29 AM
To: Kelly, Stephen; [REDACTED] Caproni, Valerie E.
Cc: Monaco, Lisa (ODAG) (SMO); [REDACTED]; [REDACTED]
[REDACTED] (SMO); Weich, Ron (SMO); Libin, Nancy C. (ODAG) (SMO); Carlin, John; Larson,
David C.; [REDACTED] Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker,
James A. (ODAG) (SMO); [REDACTED]
Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

b2
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Steve,

Steve,

[REDACTED]

b5

Mark

----- Original Message -----

From: Kelly, Stephen (FBI)
To: [REDACTED] Caproni, Valerie E.
(FBI)
Cc: Monaco, Lisa (ODAG); [REDACTED]

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b6

[REDACTED] Weich, Ron; Libin, Nancy
C. (ODAG); Carlin, John (FBI); Larson, David C. (FBI); Agrast, Mark D.; [REDACTED]
[REDACTED]; Wiegmann, Brad; De, Rajesh; Baker, James A. (ODAG);
[REDACTED]

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Sent: Thu Oct 08 23:05:42 2009

Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

Patriot Act-1874

b5

[REDACTED]

b5

----- Original Message -----

b2
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From: Robert Litt [REDACTED]
To: Caproni, Valerie E.
Cc: Monaco, Lisa (ODAG) (SMO); [REDACTED] (SMO); [REDACTED] (SMO); Weich, Ron (SMO); Libin, Nancy C. (ODAG) (SMO); Kelly, Stephen; Carlin, John; Larson, David C.; Agrast, Mark D. (SMO); [REDACTED] (SMO); Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO); [REDACTED]
Sent: Thu Oct 08 22:14:07 2009
Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

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b7C

[REDACTED]

b5

----- Original Message -----

From: "Valerie E. Caproni" <Valerie.Caproni@ic.fbi.gov>
To: "Mark D. Agrast (SMO)" <Mark.D.Agrast@usdoj.gov>, [REDACTED]
"Brad Wiegmann (SMO)" <Brad.Wiegmann@usdoj.gov>, "Rajesh De (SMO)" <Rajesh.De@usdoj.gov>, "James A. Baker (ODAG) (SMO)" <James.A.Baker@usdoj.gov>, [REDACTED]
[REDACTED], [REDACTED]
[REDACTED]

b6
b7C

Cc: "Lisa Monaco (ODAG) (SMO)" <Lisa.Monaco@usdoj.gov> [REDACTED]

b2
b6

[REDACTED] (SMO)"

[REDACTED] "Ron Weich (SMO)" <Ron.Weich@usdoj.gov>, "Nancy C. Libin (ODAG) (SMO)" <Nancy.C.Libin@usdoj.gov>, "Stephen Kelly" <Stephen.Kelly@ic.fbi.gov>, "John Carlin" <jcarlin@ic.fbi.gov>, "David C. Larson" <David.Larson@ic.fbi.gov>

Sent: Thursday, October 8, 2009 9:53:52 PM GMT -05:00 US/Canada Eastern
Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

[REDACTED]

b5

From : Agrast, Mark D. <Mark.D.Agrast@usdoj.gov> To : Kang, Christopher D. [REDACTED]
[REDACTED]; Caproni, Valerie E.; Wiegmann, Brad (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO); Krass, Caroline D. [REDACTED] [REDACTED]

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Cc : Monaco, Lisa (ODAG) (SMO); [REDACTED] (SMO); [REDACTED] (SMO); Weich, Ron (SMO); Libin, Nancy C. (ODAG) (SMO) Sent : Thu Oct 08 19:07:37 2009 Subject : RE: For today's Leahy meeting: possible amendment re roving wiretaps

b6
b7C

Act-1875

[REDACTED]

From: Kang, Christopher D. [REDACTED]
Sent: Thursday, October 08, 2009 6:32 PM
To: Caproni, Valerie E. (FBI); Wiegmann, Brad; De, Rajesh; Agrast, Mark D.; Baker, James A. (ODAG); Krass, Caroline D.; [REDACTED]
Cc: Monaco, Lisa (ODAG); [REDACTED]
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

b5

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b7C

[REDACTED]

From: Caproni, Valerie E. [mailto:Valerie.Caproni@ic.fbi.gov]
Sent: Thursday, October 08, 2009 6:26 PM
To: Wiegmann, Brad (SMO); De, Rajesh (SMO); Agrast, Mark D. (SMO); Baker, James A. (ODAG) (SMO); Kang, Christopher D.; Krass, Caroline D.; [REDACTED]
Cc: Monaco, Lisa (ODAG) (SMO); [REDACTED] (SMO); [REDACTED] (SMO); [REDACTED] (SMO)
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

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All,

What happened here? We have gotten a call from [REDACTED] saying that Feingold represented that the FBI said we didn't have a problem with this.

[REDACTED]

b6
b7C

b5

Distressed at the FBI

From: Caproni, Valerie E.
Sent: Tuesday, October 06, 2009 5:08 PM
To: Wiegmann, Brad (SMO); De, Rajesh (SMO); Agrast, Mark D. (SMO); Baker, James A. (ODAG) (SMO); [REDACTED]

b6
b7C

b2
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[redacted]; [redacted]
Cc: Monaco, Lisa (ODAG) (SMO); [redacted]; [redacted] (SMO); [redacted]
[redacted] (SMO)

b6
b7C

Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

On the issue of a statutory requirement that there be minimization requirements for NSLs:

[redacted]

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From : Wiegmann, Brad <Brad.Wiegmann@usdoj.gov> To : Wiegmann, Brad (SMO); De, Rajesh (SMO); Agrast, Mark D. (SMO); Baker, James A. (ODAG) (SMO); Canroni, Valerie E.;

b6
b7C

[redacted]
[redacted]
Cc : Monaco, Lisa (ODAG) (SMO); [redacted]
[redacted] (SMO); [redacted]

b2
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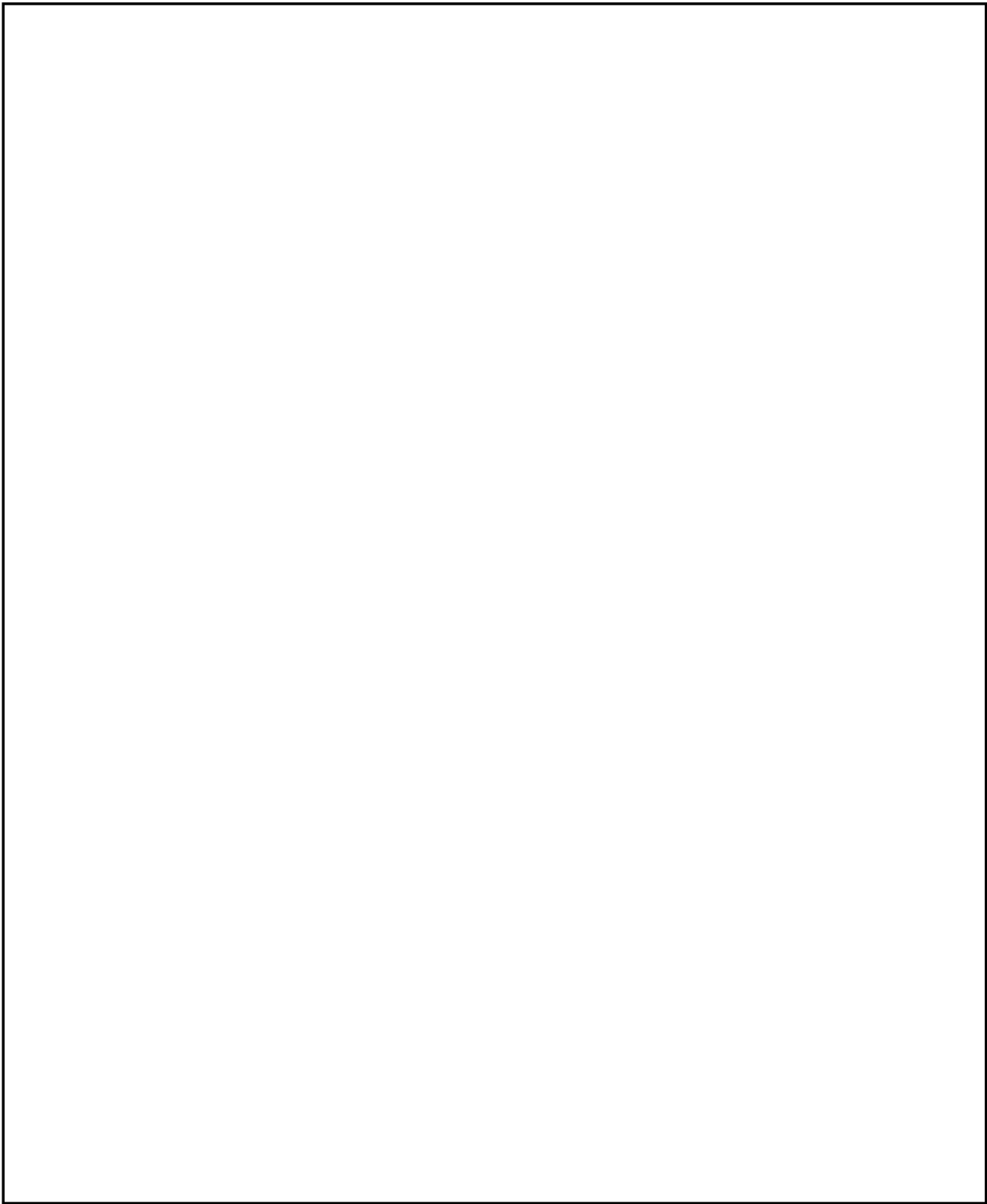
Sent : Tue Oct 06 15:00:21 2009

Subject : RE: For today's Leahy meeting: possible amendment re roving wiretaps

[redacted]

b5

Patriot
Act-1877



b5

[REDACTED]

b5

b6
b7C

From: De, Rajesh
Sent: Tuesday, October 06, 2009 2:39 PM
To: Agrast, Mark D.; Baker, James A. (ODAG); Caproni, Valerie E. (FBI); [REDACTED]
[REDACTED]; [REDACTED]; [REDACTED] Wiegmann, Brad
Cc: Monaco, Lisa (ODAG); [REDACTED]
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps

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[REDACTED]

b5

b6
b7C

From: Agrast, Mark D.
Sent: Tuesday, October 06, 2009 2:34 PM
To: Baker, James A. (ODAG); Caproni, Valerie E. (FBI); [REDACTED]
[REDACTED]; [REDACTED] Wiegmann, Brad
Cc: Monaco, Lisa (ODAG); De, Rajesh
Subject: Re: For today's Leahy meeting: possible amendment re roving wiretaps

b2
b6

Thanks, everybody, for a useful meeting.

b5

[REDACTED]
I would be happy to get it into their hands.

If Val can send me the language,

From : Agrast, Mark D.
To : Baker, James A. (ODAG); Caproni, Valerie E. (FBI); [REDACTED]
[REDACTED]

b6
b7C

[REDACTED] Wiegmann, Brad

'Robert Litt'

Cc : Monaco, Lisa (ODAG); De, Rajesh
Sent : Tue Oct 06 12:50:42 2009

b2
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Subject : RE: For today's Leahy meeting: possible amendment re roving wiretaps

Thanks, Jim. We're getting en route to the 1:15 meeting but please let us know if you have any thoughts or suggestions for us.

Patriot
Act-1879

From: Baker, James A. (ODAG)
Sent: Tuesday, October 06, 2009 12:49 PM
To: Caproni, Valerie E. (FBI); Agrast, Mark D.; [REDACTED]
[REDACTED] Robert Litt; Wiegmann, Brad
Cc: Monaco, Lisa (ODAG); De, Rajesh
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps
I'm looking at this now. Thanks.

b6
b7C

From: Caproni, Valerie E. (FBI)
Sent: Tuesday, October 06, 2009 11:56 AM
To: Agrast, Mark D.; [REDACTED]; [REDACTED]; Robert Litt; Wiegmann, Brad
Cc: Monaco, Lisa (ODAG); De, Rajesh; Baker, James A. (ODAG)
Subject: RE: For today's Leahy meeting: possible amendment re roving wiretaps
Jim,

My recollection is that [REDACTED]

Do you?

b5

VC

From: Agrast, Mark D. [mailto:Mark.D.Agrast@usdoj.gov]
Sent: Tuesday, October 06, 2009 11:12 AM
To: [REDACTED]; Caproni, Valerie E.;
Robert Litt; Wiegmann, Brad (SMO)
Cc: Monaco, Lisa (ODAG) (SMO); De, Rajesh (SMO); Baker, James A. (ODAG) (SMO)
Subject: For today's Leahy meeting: possible amendment re roving wiretaps

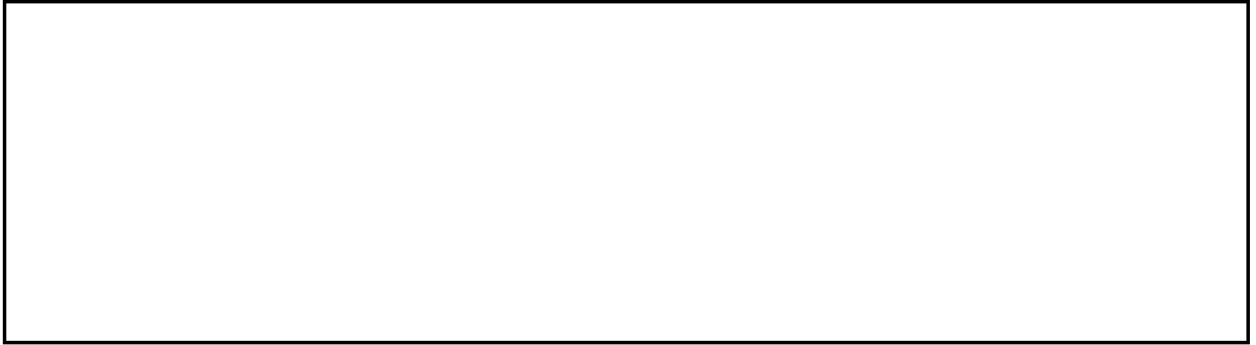
b6
b7C

From Leahy staff

From: Magner, Tara (Judiciary-Dem)
[mailto:Tara_Magner@Judiciary-dem.senate.gov]
Sent: Tuesday, October 06, 2009 10:42 AM
To: Agrast, Mark D.
Cc: Park, Chan (Judiciary-Dem); Bookbinder, Noah (Judiciary-Dem)
Subject: Query re Roving wiretaps

Patriot
Act-1880

b5



b5

KELLY, STEPHEN (DO)(FBI)

From: KELLY, STEPHEN (DO)(FBI)
Sent: Tuesday, October 13, 2009 7:35 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO)(FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DN) (FBI)
Subject: RE: Patriot Act Summary

b6
b7C

UNCLASSIFIED
NON-RECORD

If they are not looking for numbers, [REDACTED] you may be able to give them the basics of what [REDACTED] [REDACTED] Won't get into it here, but happy to give you a sense in person of the line that I think [REDACTED] drew on this in his testimony. Clearly, however, for starters we can confirm that no lone wolf provision usage so far. That being said, I think that in other briefings/background it has been made clear that it would be useful in cases similar to those we have encountered, and that's why DoJ is seeking reauth of the provision.

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Keep us posted on how much heat you're getting for detail on these issues.

Thanks.

- Stephen

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Tuesday, October 13, 2009 12:28 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO)(FBI); KELLY, STEPHEN (DO)(FBI)
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DN) (FBI)
Subject: RE: Patriot Act Summary

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] What the Director has said publicly is that the lone wolf provision has not been used - see excerpt below from the Senate Homeland Security Govt Affairs Committee hearing for most recent statement - so that info can be shared w/ HPSCI if they are not already aware.

b5

thanks,

Beth Beers
Office of Congressional Affairs
[REDACTED]

b5

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b7C

MR. MUELLER: I'll leap into the fray and say yes. The Patriot Act is going to be debated. I know those provisions have been very essential to us, particularly the first two which relate to the business records provision and, secondly, the roving wiretaps. And a third, while it has not been used, lone wolf will be and is important if we get the similar situation that we had with Musawi in 2001. So I would urge the reenactment of those provisions.

I also would make a point in terms of national security letters. Our success and our information is in large part attributable to the information we can gather, not our substantive conversations but of the tag

Patriot Act-1882

data or the telephone toll data that we obtain by reason of national security letters. So it's really retaining these capabilities that is important.

From: [redacted] (DO) (FBI)
Sent: Tuesday, October 13, 2009 12:16 PM
To: [redacted] (DO)(FBI); BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DN) (FBI)
Subject: RE: Patriot Act Summary

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

b5

b6
b7C

Thanks

[redacted]

[redacted]
FBIHQ/OFFICE OF CONGRESSIONAL AFFAIRS
[redacted]

b6
b7C

From: [redacted] (DO)(FBI)
Sent: Tuesday, October 13, 2009 10:59 AM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DN) (FBI)
Subject: FW: Patriot Act Summary

UNCLASSIFIED
NON-RECORD

Hi Beth:

Would you have any thought to [redacted] question below?
Had we heard back from Steven Siegel re: authorities used, numbers, etc.

I would also assume that [redacted] is still looking for these, but all of the sudden it seemed to fall off his radar towards the end of last week. I know Stephen brought this up to him on Thursday, and [redacted] seemed uninterested to the extent he had been with the non-stop emails earlier in the week. [redacted] - had you hear from him yet this week?

Thanks.

From: [redacted] (DO) (FBI)
Sent: Tuesday, October 13, 2009 8:33 AM
To: [redacted] (DO)(FBI)
Cc: [redacted] (DN) (FBI)
Subject: Patriot Act Summary

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Patriot
Act-1883

UNCLASSIFIED
NON-RECORD

[REDACTED]

Have you gotten anything finalized on the Patriot Act authorities used in the recent CTD investigations? I need to get something to HPSCI asap.

b6
b7C

Thanks

[REDACTED]

[REDACTED]

FBIHQ/OFFICE OF CONGRESSIONAL AFFAIRS

[REDACTED]

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Patriot
Act-1884

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Total Deleted Page(s) ~ 12

Page 1 ~ Outside the Scope Material from 2010

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Page 3 ~ Outside the Scope Material from 2007

Page 4 ~ Outside the Scope Material from 2008

Page 5 ~ Outside the Scope of Request

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Page 12 ~ Outside the Scope of Request

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X No Duplication Fee X
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FEDERAL BUREAU OF INVESTIGATION
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Page 1 ~ Outside the Scope - documents from 2006 / 2007
Page 2 ~ Outside the Scope - documents from 2006 / 2007
Page 3 ~ Outside the Scope - documents from 2006 / 2007
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Page 17 ~ Outside the Scope - documents from 2006 / 2007
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