Precedence: ROUTINE

To: All Field Offices

Attn: ADIC
SAC
ASAC
DT Supervisor

From: Counterterrorism

Domestic Terrorism Operations Section

Contact: UC

Approved By: 

Date: 09/20/2004
Synopsis: To advise field offices of the requirement to report the progress of a full Terrorism Enterprise Investigation (TEI) not later than 180 days of its initiation, and provide guidance on the substance of this report.

Reference: 66F-HQ-C1185963-F Serial 97

Details: The Attorney General’s Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations (hereinafter referred to as AGG) provide: "The FBI shall report the progress of a terrorism enterprise investigation not later than 180 days after its initiation, and the results at the end of each year the investigation continues." (Part III(B)(4)(f)).

Current policy requires reporting of the results of investigation after 180 days for preliminary inquiry TEIs and after one year for full TEIs (MIOG, Part 1, Section 100-3). However, the current policy does not address the progress report required within 180 days after initiation of full TEIs.

By way of background, prior to the May 30, 2002 revisions to the AGG, TEIs could be approved for 180 days, and renewed for 180-day intervals. LHM reports of investigation were required to be submitted to FBIHQ, and in turn, DOJ, on 180-day intervals. This 180-day reporting requirement was set forth in MIOG, Part 1, Section 100-3.1.1.

The May 30, 2002 revisions to the AGG extended the approval duration for TEIs to one year, with one year renewal intervals. Additionally, the AGG was interpreted to allow for preliminary inquiry TEIs to be approved by the SAC for a period of 180 days, with one 180-day renewal (see referenced serial 97). MIOG, Part 1, Section 100-3.1.1 was changed to provide "After 180 days (for a preliminary inquiry) and the first year (for a full-field investigation), the office of origin should continue to submit reports in ongoing investigations." This policy reflects the reporting required at the end of the relevant authorization period (180 days for PIs and one year for full TEIs). However, this policy does not address the progress reporting still required within 180 days "after initiation."
Therefore, in addition to the reporting required at the end of the relevant authorization period, it is hereby FBI policy that a one-time progress report is required to be submitted by the office of origin to FBIHQ within 180 days of the initiation of a full TEI, regardless of whether the TEI began as a full or was converted from a PI. The Domestic Terrorism Operations Unit (DTOU) will review pending full TEIs that have been open less than one year, and advise the office of origin if a progress report should be submitted. Hereafter, all new initiations of full TEIs must comply with this 180-day progress report requirement. A progress report is not required 180 days after initiation of a preliminary inquiry TEI; only 180 days after initiation of a full TEI.

The one-time 180-day progress report should be in LHM format suitable for dissemination to the Counterterrorism Section, Criminal Division, DOJ. Although the AGG also provides for reporting to the Office of Intelligence Policy and Review, such reporting is no longer applicable since TEIs will no longer be used for international terrorism cases (all IT cases are now operated under the 315 classification per FBI policy).

This one-time 180-day progress report need not follow the guidelines for content set forth in MIOG, Part 1, Section 100-3.1.1. Rather, it should be concise, and include a brief summary of the predication upon which the full TEI was opened, plus new developments and results of investigation since initiation of the full TEI. The one-time progress report is intended as an update, and need not repeat all information previously provided in the opening LHM. A cover EC addressed to the DTOU, Domestic Terrorism Operations Section (DTOS), Counterterrorism Division (CTD), should accompany the 180-day progress report, but need not duplicate its content.

The Counterterrorism Section, Criminal Division, DOJ, concurred that a 180-day progress report is required only after initiation of a full TEI (and not a preliminary inquiry TEI), and with the use of a concise progress report format.

Questions regarding this EC may be directed to Unit Chief or SSA Investigative Law Unit, Office of the General Counsel.
LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

Office of origin must submit a progress report consistent with this EC within 180 days of initiation of a full TSI.