Date: 03/31/2006

To: All Offices
Attn: ADICs, SACs, ASACs, CDCs
FBIHQ, Manuals Desk

From: Office of the General Counsel
National Security Law Branch
Contact: (for legal matters),
for SSA (for procedural matters),

Approved By:

Drafted By:

Case ID #: (U) (for legal matters), (U) (for procedural matters), (U)

Title: POLICY AND PROCEDURE FOR REQUESTING EXECUTIVE ORDER 12333 SECTION 2.5 AUTHORITY TO CONDUCT ELECTRONIC SURVEILLANCE ON US PERSONS

SECRET/NOFORN

SECRET/NOFORN
To: All Offices  From: Office of the General Counsel  
Re: (U) 03/31/2006

EO 12333, Section 2.5, reads as follows:

"The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign..."
To: All Offices  From: Office of the General Counsel
Re: Office of the General Counsel

Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.
To: All Offices  From: Office of the General Counsel
Re: (U)  03/31/2006

Procedurally, upon receipt of the EC containing the Section 2.5 request, the FBIHQ substantive desk should, on a timely basis, coordinate the request with the National Security Law Branch (NSLB). The NSLB will review and forward the request.
To: All Offices  
From: Office of the General Counsel  
Re: (U)  
03/31/2006
To: All Offices  From: Office of the General Counsel
Re: (U) 03/31/2006

LEAD(s):
Set Lead 1: (Action)

ALL RECEIVING OFFICES

(S)