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February 23, 2006

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE ACTING DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~X~~

Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The report of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005 was submitted on August 30, 2005. However, due to a computer programming error that report was incorrect.

1 - 319X-HQ-A1487720-OGC 1 - Mr. Berenzay, Rm. 4012
1 - Mr. Pistole, Rm. 7142 1 - Ms. Thomas, Rm. 7947
1 - Ms. Caproni, Rm. 7427 1 - [REDACTED] Rm. 7176
1 - Mr. Bald, Rm. 7116 1 - NSLE, Rm. 7975

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SNS:bae (8)

SEE NOTE PAGE 2

DECLASSIFIED BY: 65179 amh/kse/jhf
ON 11-15-2007

~~Classified by: 66293 DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~

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NSL
VIO-29111

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

The attached list contains a corrected reporting of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U)

Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

~~(U)~~ Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

~~(U)~~ Should your staff require additional information regarding the FBI's use of this authority, please contact Office of the General Counsel, at (202) 324- (U)

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Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2005 to June 30, 2005. The Attorney General will forward this information to Congress. ~~(S)~~

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(U)

NSL VIO-29112

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 3

NSL VIO-29113

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NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

	Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such Requests	Relating to Investigations of U.S. Persons or Organizations	Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such Requests
Relating to Investigations of Non-U.S. Persons or Organizations			

First & Second
Quarters - 2005

(S) [redacted] (S) [redacted] (S) [redacted] (S) [redacted]

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

First & Second
Quarters - 2005

(S) [redacted]

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

Classified by: 39645, SC/OGC

Reason: 1.4(c)

Declassify on: X25-1

~~SECRET~~

DATE: 11-15-2007
CLASSIFIED BY: 65179 dmh/kak/jhf
REASON: 1.4 (c)
DECLASSIFY ON: 11-15-2032

To: [redacted] (OGC) (FBI)
Subject: 1st Date That FBI Rptd to Congress Errors in NSL Database

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 27, 2007 8:21 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We tracked down the dates from OCA. The corrected reports went out (from DOJ) with the reports for the subsequent reporting period March 28, 2006.

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 27, 2007 7:43 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We filed corrected reports. The best that we can do is as recommended below database issues were first reported in "corrected semi-annual reports regarding NSL statistics for the semiannual period of January 1, 2005 to June 30, 2005." . Otherwise, our OCA can get the information from DOJ's OCA.

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 27, 2007 7:12 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-2007 BY 65179 dmh/kxr/jhf

Double-check -- were the reports actually corrected, or did we just inform everyone that our numbers were not accurate?

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[redacted]

Unit Chief
Counterterrorism Law Unit II
FBI HQ Room 7947
STU III: [redacted]

Privileged Attorney-Client/Attorney Work Product Communication

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, February 26, 2007 1:33 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

If we cannot track down the exact dates the information was transmitted to Congress from DOJ, we could say database issues were first reported in "corrected semi-annual reports regarding NSL statistics for the semiannual period of January 1, 2005 to June 30, 2005." I have asked [redacted] if she might have the information as well.

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, February 26, 2007 1:17 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Is there a way to find out when it went to congress?

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, February 26, 2007 12:55 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] to clarify, Feb 23 is the date our report went to DOJ. I am not certain when it would have gone from DOJ to Congress.

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, February 26, 2007 11:03 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: The first date that FBI reported to Congress errors in the NSL database?

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] confirmed that the February 23, 2006 was this first time we reported database issues. The report is attached. Database/spreadsheet issues

were discussed in more detail in the May 10, 2006 aggregate report.



J5TOLL1.REP2.wpd
(18 KB)

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, February 26, 2007 10:36 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: The first date that FBI reported to Congress errors in the NSL database?
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We need to find out when we first reported this to Congress. The three of you would be in the best position to answer this. Unfortunately, [redacted] is out today and we need an answer asap on this.

Thanks in advance,

[redacted]
[redacted]
Assistant General Counsel
National Security Law Branch
Office of the General Counsel
Phone 202-324-[redacted]
Page [redacted]

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SENSITIVE BUT UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 29, 2007 3:50 PM
To: [redacted] (OGC) (FBI)
Subject: Thx [1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)]
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Thanks, [redacted] I'll do my best to weave that into our response in an appropriate place.

Again, thanks!

[redacted]

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 29, 2007 10:22 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Follow-up Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

- The FBI has a duty to preserve documents where litigation is reasonably foreseeable.

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:07 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Follow-up Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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Thanks [redacted] Most appreciated.

I'm eager to wrap up these answers this week--the sooner, the better. But, I'll gladly await input from [redacted] and/or [redacted] before "going final" and submitting the responses to GC Caproni.

In the meantime, thanks to all!

[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 11:00 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
(FBI)
Cc: GULYASSY, ANNE M. (OGC) (FBI)
Subject: FW: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

FYI, looks like [redacted] is out so am including [redacted] w/ cc to [redacted]

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 10:57 AM
To: [redacted] (OGC) (FBI)
Subject: Out of Office AutoReply: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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I am currently out of the office and will not return until 4/2/07. If you need immediate assistance, please contact [redacted] at 220-[redacted] or [redacted] at 202-220-[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, March 28, 2007 10:57 AM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I would like to add to discussion the following points:
[redacted]

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[Redacted]

b5

-----Original Message-----

From: [Redacted] OGC (FBI)
Sent: Wednesday, March 28, 2007 8:54 AM
To: [Redacted] OGC (FBI)
Subject: 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

Before I forward the DRAFT response (below) to GC Caproni for her thoughts, I wanted to bounce it off you. (I pulled these paragraphs almost verbatim from [Redacted] EC, [Redacted] that OGC published. I used language from that one, rather than our more recent [Redacted] EC, because the previous one was UNCLAS.)

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If we end up going forward with something along these lines, what--if anything--do you wish to add?

[Redacted]

-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Wednesday, March 28, 2007 7:37 AM
To: [Redacted] OGC (FBI)
Subject: RE: QUESTION Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Forward to Ms. Caproni.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975
202-324-[Redacted]
202-324-[Redacted] (fax)

b2

[Redacted]

-----Original Message-----

From: [Redacted] OGC (FBI)
Sent: Tuesday, March 27, 2007 4:59 PM

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To: THOMAS, JULIE F. (OGC) (FBI)
Subject: QUESTION Re 1st DRAFT - Conyers' QFR No. 9 (Caproni, 20 Mar 07)

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UNCLASSIFIED
NON-RECORD

Julie --

may have additional comments to offer regarding QFR No. 9. In the meantime, can you live with the comments (below) as NSLB's portion of the response?

9. [P]lease detail the FBI's reasons for the retention of data pertaining to individuals who the FBI has concluded are irrelevant to terrorism investigations.

Response:

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...

-----Original Message-----

From: KELLEY, PATRICK W. (OGC) (FBI)
Sent: Friday, March 23, 2007 8:27 AM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] please take #3--provide input to [redacted] and copy me.

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[redacted] please take #9. Ditto. Thanks. (The answer to this will assist me in the Data Retention Working Group.)

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 3:07 PM
To: KELLEY, PATRICK W. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Pat --

Sir, as you probably know, OGC has already received some QFRs

from GC Caproni's 20 March testimony before the House Judiciary Committee.

Julie asked me to contact you regarding two of those QFRs:

3. [Please provide] copies of all documents, including internal memoranda, pertaining to the FBI's Communications Analysis Unit's contracts with the three telephone companies identified in the Inspector General's Report, and identify all FBI attorneys who participated in the review and approval of those contracts.

9. [P]lease detail the FBI's reasons for the retention of data pertaining to individuals who the FBI has concluded are irrelevant to terrorism investigations.

Re No. 3: OCA will contact Finance Division regarding the actual contracts. However, based on what we suspect would've been the Procurement Law Unit's involvement, Julie asked me to contact you regarding the referenced attorney participation.

Re No. 9: Our current vision of this response is to explain [redacted]

[redacted]

[redacted] In that regard, comments from you and [redacted] would be most helpful.

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As always, sincere thanks for your help.

[redacted]

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SECRET

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a)(5)

FIRST AND SECOND QUARTERS 2005 (S)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

(U)

	Total Number of Investigations of <i>Different</i> Non-U.S. Persons or Organizations Predicating Such Requests	Relating to Investigations of U.S. Persons or Organizations	Total Number of Investigations of <i>Different</i> U.S. Persons or Organizations Predicating Such Requests
Relating to Investigations of Non-U.S. Persons or Organizations			

~~(S)~~

(S)

~~(S)~~

(S)

~~(S)~~

(S)

~~(S)~~

(S)

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DATE: 11-16-2007
CLASSIFIED BY: 66179/DNH/KSR/JHF
REASON: 1.4 (C)
DECLASSIFY ON: 11-19-2032

ALL INFORMATION CONTAINED
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NSL VIO-29124

~~SECRET~~

August 31, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL RECORDS MADE PURSUANT TO TITLE 12, UNITED STATES CODE (U.S.C.), SECTION 3414, PARAGRAPH (a)(5), NATIONAL SECURITY INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U)

Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from January 1, 2005 through June 30, 2005. It should be noted that a single investigation may require requests for records from numerous financial institutions. ~~(S)~~

- 1 - 66F-HQ-C1303371
- 1 - 66F-HQ-A1253972-NSLEBANK
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Stady
- 1 - Ms. Thomas
- 1 -
- 1 - NSLE

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(U)

SNS:bac (9)

SEE NOTE PAGE 3

~~Classified by: 39645 SC/OGC~~
~~Reason: 1.4 (S)~~
~~Declassify on: X25-1~~

DECLASSIFIED BY 65179/DMH/KSR/JHF
ON 11-16-2007

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NSL VIO-29125

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U)

The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." (S)

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. (S)

With regard to compliance by credit card companies, the November 2003 amendment to RFFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFFPA NSLs. (S)

(U)

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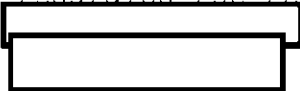
NSL VIO-29126

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

Should your staff require additional information
regarding the FBI's use of this authority, please contact



Office of the General Counsel, at
(U)

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Enclosure

NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 12, USC,
Section 3414, paragraph (a)(5)(C). It provides the number of
requests for mandatory production of financial records made in
counterintelligence investigations during the following
semiannual period: January 1, 2005 through June 30, 2005. The
Attorney General will forward this information to Congress.

~~(S)~~

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NSL VIO-29127

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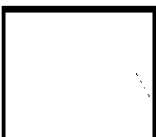
NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

FIRST AND SECOND QUARTERS 2005 (S)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

(U)

15 USC 1681u(a) Financial Institution Information <u>USPER/Non-USPER</u>	15 USC 1681u(b) Consumer Identifying Information <u>USPER/Non-USPER</u>	15 USC 1681u(c) Court Ordered Information <u>USPER/Non-USPER</u>	Total Number of 15 USC 1681u Requests For Information <u>USPER/Non-USPER</u>
 (S) (S)	 (S) (S)	 (S) (S)	 (S) (S)

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~~Classified by: 39645, SC/OCG
Reason: 1.4(c)
Declassify on: X25-~~

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 11-16-2007
CLASSIFIED BY: 65179/DNH/KSR/JHP
REASON: 1.4 (C)
DECLASSIFY ON: 11-16-2032

NSL VIO-29128

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

August 31, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

DATE: 11-16-2007
CLASSIFIED BY: 65179/DMH/KSR/JHF
REASON: 1.4 (C)
DECLASSIFY ON: 11-16-2032

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
(U) ~~FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM~~
(S)

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. (U)

The certification standard for obtaining financial institution information and consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

1 - 66F-HQ-C1303371	1 - Mr. Stady
1 - 66F-HQ-A1253972-NSLEBANK	1 - Ms. Thomas
1 - Mr. Pistole	1 -
1 - Ms. Caproni	1 - NSLE
1 - Mr. Bald	

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SNS:bac (9)

SEE NOTE PAGE 3

~~Classified By: 39645 SC/OGC
Reason: 1.4 (c)
Declassify On: X25-1~~

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NSL VIO-29130

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted], Office of the General Counsel, at [redacted] (U)

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b2

Enclosure

(S)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2005 through June 30, 2005. ~~(S)~~ (U)

b1

SECRET

NSL VIO-29131

~~SECRET~~

SECRET

NSL VIO-29132

~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~
(U)

Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The report of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005 was submitted on August 30, 2005. However, due to a computer programming error that report was incorrect.

1 - 319X-HQ-A1487720-OGC
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald

1 - Mr. Beroznay
1 - Ms. Thomas
1 -
1 - NSLB

b6
b7C

SNS:bac (8)

SEE NOTE PAGE 2

DECLASSIFIED BY 65179/DMH/KSR/JHF
ON 11-16-2007

~~Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~

~~SECRET~~

NSL VIO-29133

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

The attached list contains a corrected reporting of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~ (U)

Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~ (U)

Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~ (U)

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(U) Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at (202) 324-[redacted] (U)

Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2005 to June 30, 2005. The Attorney General will forward this information to Congress. ~~(S)~~ (U)

~~SECRET~~

(U)

NSL VIO-29134

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 3

NSL VIO-29135

~~SECRET~~

DATE: 11-16-2007
CLASSIFIED BY: 65179/DME/KSD/JHT
REASON: 1.4 (C)
DECLASSIFY ON: 11-16-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

	Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such <u>Requests</u>	Relating to Investigations of U.S. Persons or Organizations	Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such <u>Requests</u>
Relating to Investigations of Non-U.S. Persons or Organizations			

First & Second
Quarters - 2005

(S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	X	X	X	X

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

b1

First & Second
Quarters - 2005

(S)

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, 98/JGC
Reason: 1.4(c)
Declassify on: X28-1~~

SECRET

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WHERE SHOWN OTHERWISE

NSL VIO-29136

**Responses of the Federal Bureau of Investigation
Based Upon the March 20, 2007 Hearing Before the
House Committee on the Judiciary
Regarding National Security Letters**

Questions Posed by Chairman Conyers

1. [Please provide] copies of all e-mails, memoranda, and other documents that relate to the FBI's use of "exigent letters," as well as transcripts of your interviews conducted on the issue.

Response:

X

2. [P]lease identify all of the FBI personnel who participated in the creation and issuance of the "exigent letters."

Response:

X

3. [Please provide] copies of all documents, including internal memoranda, pertaining to the FBI's Communications Analysis Unit's contracts with the three telephone companies identified in the Inspector General's Report, and identify all FBI attorneys who participated in the review and approval of those contracts.

Response:

X

4. [Please provide] copies of all documents pertaining to the information that the FBI acquired through the use of National Security Letters (NSLs) pertaining to individuals who the FBI concluded were irrelevant to terrorism investigations.

Response:

X

5. [Please provide] copies of all documents pertaining to the FBI's standards regarding the maintenance of the Office of General Counsel's National Security Letter database.

Response:

X

6. [P]lease detail the internal FBI standards for the reporting of possible Intelligence Oversight Board violations, and provide any documents related thereto.

Response:

X

7. [P]lease identify FBI standards pertaining to the review of investigative files to ensure that supervisory review of National Security Letter approval memoranda has occurred, and that the relevant authorizing statutes are in the NSLs.

Response:

X

8. [Please provide] copies of all internal communications relating to the FBI's use of Certificate Letters to obtain financial records from the Federal Reserve Bank.

Response:

X

9. [P]lease detail the FBI's reasons for the retention of data pertaining to individuals who the FBI has concluded are irrelevant to terrorism investigations.

Response:

X

10. [P]lease explain why the FBI had no policy or directive requiring the retention of signed copies of NSLs, or any requirement to upload NSLs in the FBI's case management system. Provide any documents relating to any decisions pertaining to this issue.

Response:

These responses are current as of 07/10/06

X

11. [P]lease detail why the FBI does not have a uniform system for tracking responses to NSLs, either manually or electronically. Provide any documents relating to any decisions pertaining to this issue.

Response:

X

12. [P]lease detail why the FBI's database was unable to filter NSL requests for the same person in the same investigation.

Response:

X

13. [P]lease explain why the FBI does not maintain records on NSL usefulness in criminal investigations and prosecutions.

Response:

X

These responses are current as of 07/10/06

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From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 10:48 AM
To: [redacted] (OGC) (FBI)
Subject: FW: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

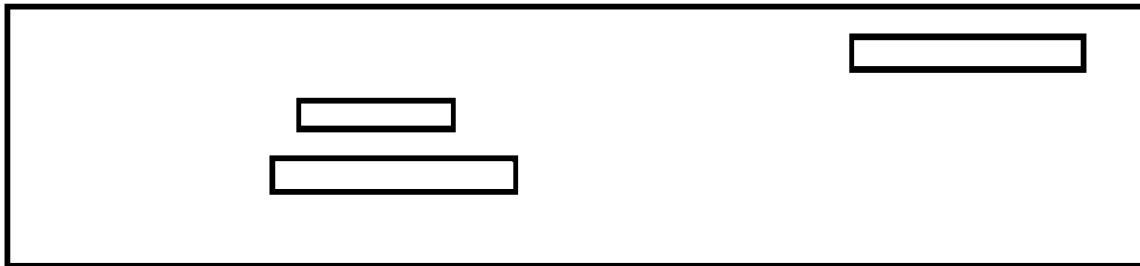
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DATE 11-19-2007 BY 65179/DMH/KSR/JHF

-----Original Message-----

b6
b7C

From: KELLEY, PATRICK W. (OGC) (FBI)
Sent: Monday, March 26, 2007 10:46 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
Subject: RE: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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-----Original Message-----

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From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 9:57 AM
To: KELLEY, PATRICK W. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)
Subject: FW: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Pat, re your comments below, is there any background materials or insights that you have from the data retention group that might be useful background? (See my e-mail back to [redacted] below)?

-----Original Message-----

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From: KELLEY, PATRICK W. (OGC) (FBI)
Sent: Friday, March 23, 2007 5:38 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Actually, the data retention working group is working on that issue/policy so [redacted] articulation of the reasons will help me at the working group

b6
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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 9:25 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); KELLEY, PATRICK W. (OGC)
Subject: FW: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] just want to make sure I have any pertinent material that may provide helpful context for preparing responses to #9. I've got VC's prepared testimony from FBI intranet. But is there anything more that would also be relevant?

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P.S. What is time frame?

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 4:51 PM
To: [redacted] (OGC) (FBI)
Cc: KELLEY, PATRICK W. (OGC) (FBI)
Subject: FW: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] want to take a crack at #9 in view of my departure--don't know the time frame but you can ask [redacted]. This may be an opportunity to take on a project we have discussed--if we have to retain names we collect per policy, explore ways to archive and restrict access.

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 10:09 AM
To: KELLEY, PATRICK W. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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Sincere thanks to all. Looking forward to your replies.

[Redacted]

-----Original Message-----

From: KELLEY, PATRICK W. (OGC) (FBI)
Sent: Friday, March 23, 2007 8:27 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: Fw: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

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NON-RECORD Duplicate email this file

[Redacted]

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 3:07 PM
To: KELLEY, PATRICK W. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: QFRs fm GC Caproni's HJC Hrg (20 Mar 07)
Importance: High

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NON-RECORD Duplicate email this file

[Redacted]

Duplicate



SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

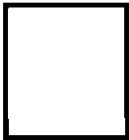
SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 11:02 AM
To: [redacted] (IR) (FBI)
Subject: FYI: Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)
UNCLASSIFIED
NON-RECORD

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for your files.

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-----Original Message-----

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Friday, March 23, 2007 7:10 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: Ques No. 5 - Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)
Importance: High

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UNCLASSIFIED
NON-RECORD

One of the As you asked OGC to draft.

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 11:26 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Ques No. 5 - Addit NSL Questions for Dir's SJC Testimony (27 Mar 07)
Importance: High

UNCLASSIFIED
NON-RECORD

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Ms. Caproni --

The attached responds to Question No. 5 on the list of questions that OCA gave us yesterday. (As you'll recall, we agreed that other offices will handle Nos. 1&2 and that you'll handle Nos. 3&4.)

Julie has approved the attached for submission to you.

RECOMMENDATION: That you approve the attached for submission to OCA for their use in preparing the Director for his SJC testimony.



NSL VIO-29177



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(299 KB)

UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 14, 2006 9:24 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (CTD) (FBI)
Subject: Monday Meetings [redacted]
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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As you may know, [redacted] joined NSLPTU yesterday, following his recently completed tour as [redacted]. Since it's not out of the question that he may eventually take over NSLs, let's add his name to this list as well.

Thanks,

[redacted]

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-----Original Message-----

b6
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From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 14, 2006 9:14 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (OGC) (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] (CTD) (FBI)
Subject: RE: [redacted] meeting
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Let's say 9:30 Monday. I just moved the meeting with [redacted] back to 10:30.

[redacted] - can we get the conference room from 9:30 to 12:30? Thanks.

Everyone - can you come to HQ OGC conference room at 9:30 so we can spent an hour discussing this among ourselves.

If anyone thinks of any other persons who should be invited, please let me know.

-----Original Message-----

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From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, November 14, 2006 8:52 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can we do it in 30 minutes? If so, 9:30 Monday will work.

Alternatively, if we need, say, 60 minutes, can we push [redacted] back to 10:30?

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 14, 2006 8:10 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

The only problem is that [redacted] won't be able to make it since he is out of town this whole week, unless we set it up for early am on Monday (such as 9). Otherwise, I don't think he is back in town on Friday.

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-----Original Message-----
From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Monday, November 13, 2006 1:30 PM
To: [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We need a pre-meeting for this [redacted] meeting [redacted] will you please set something up?

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, November 13, 2006 12:56 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (FBI)
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I have it for 11/20 at 10.

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-----Original Message-----
From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Monday, November 13, 2006 12:49 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I thought it was getting pushed until next week.

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-----Original Message-----
From: [redacted] (FBI)
Sent: Monday, November 13, 2006 12:45 PM

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To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F. (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: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] are you still scheduling meeting for this week - Weds afternoon??

-----Original Message-----

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Thursday, November 09, 2006 3:14 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can we get together Wednesday afternoon to discuss these issues, please? [redacted] please check my calendar and set up an hour meeting.

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, November 09, 2006 3:05 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: RE: [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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This has now been scheduled for next Thursday, November 16 at 10 am.

[redacted] can you see if the OGC conference room is available for 2 hours? Thanks. [redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:12 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);

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Cc:

[redacted] (OGC) (FBI) [redacted]
(OGC) (FBI) [redacted] (FBI);

Subject:

[redacted] (OGC) (FBI)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I talked to

[redacted]

A few issues --

[redacted]

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But for the immediate time, he'd like to meet with the FBI for a few hours to discuss these matters. We proposed either Thursday, November 16 or Friday, November 17, at 10 am (Place TBD).

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Can I find out who is interested in attending and when you are available?



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SENSITIVE BUT UNCLASSIFIED



b5

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DATE 11-19-2007 BY 65179/DMH/KSR/JHF

NSL VIO-29203

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From: [redacted] OGC (FBI)
Sent: Wednesday, March 28, 2007 9:59 AM
To: [redacted] (DO) (FBI); [redacted] (OCA) (FBI)
Cc: [redacted] OGC(FBI); [redacted] OGC (FBI)
Subject: NSLB Cmnts - DOJ Legisl Proposal Re ECPA (18 U.S.C. 2709)

Importance: High
UNCLASSIFIED
NON-RECORD

[redacted]

NSLB attorneys have worked extensively with DOJ regarding this legislative proposal.

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We support it.

[redacted]

OGC / NSLB / NSLPTU
(202) 324-[redacted]

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DATE 11-19-2007 BY 65179/DMH/KSR/JHF

-----Original Message-----

From: [redacted] (DO) (FBI)
Sent: Tuesday, March 27, 2007 4:03 PM
To: [redacted] (CD) (CON); [redacted]

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CAPRONI, VALERIE TIGHE [redacted] OGC (FBI); LAMMERT, ELAINE N. (OGC) (FBI); [redacted] OGC (FBI)

Cc: [redacted] (DO) (FBI); [redacted] (OCA) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)

Subject: Draft legislative proposal re: Counterterrorism and Counterintelligence Access to Electronic Communication Service; Deadline 3/28/07 4pm; RFC
Importance: High

UNCLASSIFIED
NON-RECORD



070327 ECPA NSL
Definitions Pr...

The attached legislation is being provided for you review.

RE: Draft proposal coming out of DOJ's NSB/OLP offices (National Security/ Office of Legislative Policy)

We would appreciate responses from CTD and CD, in particular, on this one. Thank you.

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.

If you have comments, please provide them IN WORD FORMAT ONLY to [redacted] [redacted] in OCA with a cc to [redacted]. Please attach your comments as a separate document to your reply.

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- Please indicate if your division is in favor or is opposed to the legislation, as well as the reasons for your division's position.
- If your division believes that changes in the verbiage are necessary, 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.
- Finally, if your division is not taking a position, please send an Email indicating "No Comment".

DEADLINE: March 28th, 4pm

I sincerely appreciate your attention to this matter.

[redacted]
Acting Unit Chief, Legislative Affairs
FBI OCA
324 [redacted]

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b7c

From: [redacted] (OGC) (FBI)
Sent: Monday, March 26, 2007 9:49 AM
To: [redacted] (INSD) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: NSLB Input Re INSD's "OCA Chart"

Importance: High
UNCLASSIFIED
NON-RECORD

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DATE 11-19-2007 BY 65179/DMH/KSR/JHF

[redacted]

I discussed these issues with UC [redacted] of NSLB this morning. Based on [redacted] comments, we offer the following for the "Congressional Reporting" blocks on your chart:

1. ITOD identified [redacted] internally inconsistent records. STATUS: OGC corrected all [redacted]
2. INSD conducted a review in the field, sampling from ACS to the database. STATUS: INSD completed its work last Friday and is now analyzing the results. [You, of course, may have more detailed or current info on this particular review.]
3. OGC conducted a review, sampling from the database back against the ACS records which were used to generate them (in effect, the reverse of INSD's review referenced in No. 2, above). STATUS: The nine IAs who conducted this review completed their work last Friday. NSLB is evaluating the results. [redacted] [redacted] will probably have an update for you later today. In the meantime, I wanted to provide you as much as I could.]

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As you'll see from the above, No. 1 was basically an effort to correct data; Nos. 2&3, an effort to address error rates.

I trust that the above adequately addresses your questions. However, if I may be of any further service, please don't hesitate to contact me again.

[redacted]

-----Original Message-----

From: [redacted] (INSD) (FBI)
Sent: Sunday, March 25, 2007 1:00 PM
To: [redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: OCA Chart

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b7c

UNCLASSIFIED

NON-RECORD



OCA.NSLResponse.
wpd (9 KB)

[redacted] OCA asked me to produce a chart covering these topics. I can not complete the Congressional Reporting boxes. Can you provide input? They need this Mon. morning. Thanks, [redacted]

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	Action Taken	Scope of Review	Status
Congressional Reporting	OGC database reviewed for inconsistencies		
Exigent Letters	Prepared ConOps Assembled CAU Audit Team	Review all documented procedures [redacted] [redacted] Audit [redacted] use of Exigent Letters and FGJ Subpoenas Review established procedures for use of Exigent Letters by CAU Audit [redacted] (10%) of Exigent Letters without NSLs utilized by CAU	Pending
IOB Issues	Deployed [redacted] AIPs to 56 field offices	Audited [redacted] (10% random sample) of CT, CI, Cyber files in open status between 01/01/03-12/31/06 This sample contained approximately [redacted] NSLs Most significant findings involved the over production by the carriers with no redaction by field offices	Audit 100% complete Data to be analyzed Report pending containing summary and recommendations

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From: [redacted] OGC) (FBI)
Sent: Tuesday, March 27, 2007 11:05 AM
To: [redacted] OCA) (FBI)
Subject: RE: Follow-up Re HJC QFRs (Caproni, 20 Mar 07)
UNCLASSIFIED
NON-RECORD

Works for me. We'll take it.

Thanks [redacted]

b6
b7C

-----Original Message-----
From: [redacted] OCA) (FBI)
Sent: Tuesday, March 27, 2007 11:03 AM
To: [redacted] OGC) (FBI)
Subject: RE: Follow-up Re HJC QFRs (Caproni, 20 Mar 07)

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[redacted]

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[redacted]

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b2

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JEH Building Room 7252
(Send mail to Room 7240)
202-324-[redacted]

b6
b7C
b2

-----Original Message-----
From: [redacted] OGC) (FBI)
Sent: Tuesday, March 27, 2007 10:58 AM
To: [redacted] OCA) (FBI)
Subject: Follow-up Re HJC QFRs (Caproni, 20 Mar 07)

UNCLASSIFIED
NON-RECORD

[redacted]

As you'll recall from my 22 March e-mail (below), we in OGC felt that QFR No. 2 could be handled in either of two different ways, depending on OCA's preference.

Do you folks have a preference regarding No. 2?

Thanks.

[Redacted]

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b7C

-----Original Message-----

From: [Redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 2:17 PM
To: [Redacted] OCA) (FBI)
Subject: Thx (HJC "QFRs" - "Conyers' 3/20/07 Ltr")

UNCLASSIFIED
NON-RECORD

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b7C

Roger that, [Redacted] We'll give it our very best.

[Redacted]

-----Original Message-----

From: [Redacted] OCA) (FBI)
Sent: Thursday, March 22, 2007 2:15 PM
To: [Redacted] OGC) (FBI)
Subject: RE: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"

UNCLASSIFIED
NON-RECORD

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The Committee's letter requests responses by April 4th. [Redacted]

[Redacted]

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Because they will have to get through internal review here, I'll need them by **COB Monday, April 2, 2007**, to meet that deadline. Earlier would always be better, of course.

[Redacted]

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JEH Building Room 7252
(Send mail to Room 7240)
202-324-[Redacted]

-----Original Message-----

From: [Redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 2:11 PM
To: [Redacted] OCA) (FBI)
Subject: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"
Importance: High

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NON-RECORD

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b7c

Thank YOU, [REDACTED]

And, by the way, what's our deadline regarding OGC's responses?

[REDACTED]

b6
b7c

-----Original Message-----
From: [REDACTED] (OCA) (FBI)
Sent: Thursday, March 22, 2007 2:08 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: HJC "QFRs" - "Conyers' 3/20/07 Ltr"

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NON-RECORD

Thanks.

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[REDACTED]

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JEH Building Room 7252
(Send mail to Room 7240)
202-324-[REDACTED]

b6
b7c

-----Original Message-----
From: [REDACTED] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:00 PM
To: [REDACTED] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: HJC "QFRs" - "Conyers' 3/20/07 Ltr"
Importance: High

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NON-RECORD

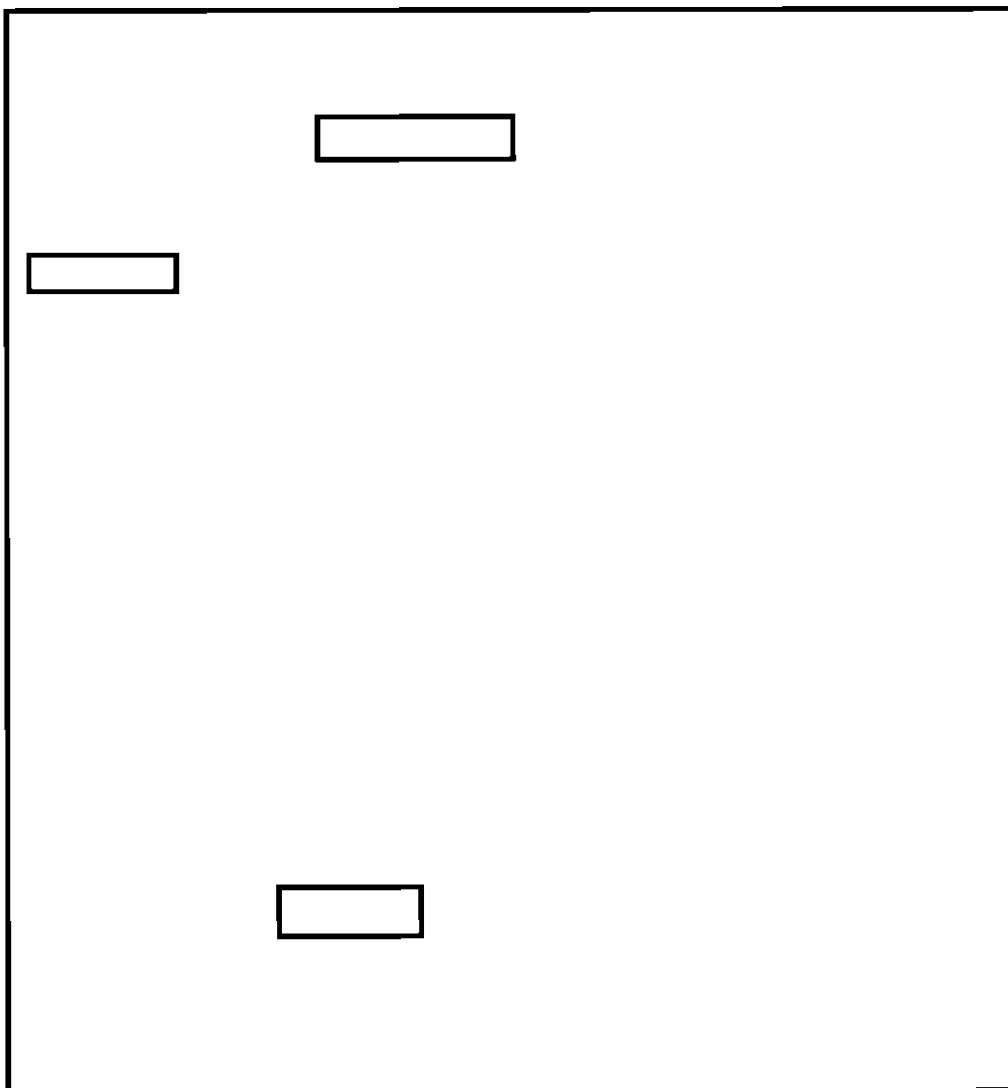
[REDACTED]

This e-mail follows my office conference with Beth Beers this afternoon. I discussed these matters with Beth, and she instructed me to pass them along to you.

GC Caproni and Julie met this morning to discuss Chairman Conyers' 13 questions and requests for documents. As a result, they asked me to contact OCA regarding certain items which are not within OGC's purview. They ask that OCA task those particular items to the relevant entities for a response.

NSL VIO-29238

Here are the specific items they referenced:



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As for the OGC aspects of the QFRs, I'll serve as your Primary POC.

Sincere thanks.



-----Original Message-----

b6
b7C

From: [redacted] (OCA) (FBI)
Sent: Wednesday, March 21, 2007 4:01 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)

NSL VIO-29239

Subject: Conyers' 3/20/07 Letter with 13 Qs

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Valerie:


Beth indicated that she has spoken to you about Chairman Conyers' 3/20/07 letter asking 13 questions relating to the 3/20/07 NSL hearing. As you know, we will be handling those as QFRs.

I've attached the questions in WordPerfect format so you or your folks can fill in the responses.

I'll rely on you to task these out to your folks as appropriate. When you have answers, please forward them to me for provision to the Committee through the normal QFR process.

Thanks. Let me know if you have questions.



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202-324-

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<< File: 032107.wpd >>

<< File: 032107.wpd >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

From: [redacted] OGC (FBI)
Sent: Thursday, March 08, 2007 9:45 AM
To: [redacted] (DO) (FBI); [redacted] (OCA) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: REQUEST Re OGC's ECPA Legislative Proposal
Importance: High
UNCLASSIFIED
NON-RECORD

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[redacted]

DOJ wants us to review their proposed language regarding the Electronic Communications Privacy Act (ECPA)--specifically, their "proposed amendment to implement the change in the ECPA definition of 'toll billing records' suggested by the IG."

We've been asked to let them know ASAP whether OGC concurs with their their draft.

As you know, OGC has previously made such proposals--multiple times, as I recall. Most recently, we submitted a proposal to you on 23 October 2006. The relevant portion of that proposal is set forth below and emphasized in bold.

REQUEST: Please provide me a copy of the proposal as it looked when it eventually went across the street to DOJ. We'll then compare it to what DOJ is currently proposing.

As always, THANKS for your help!

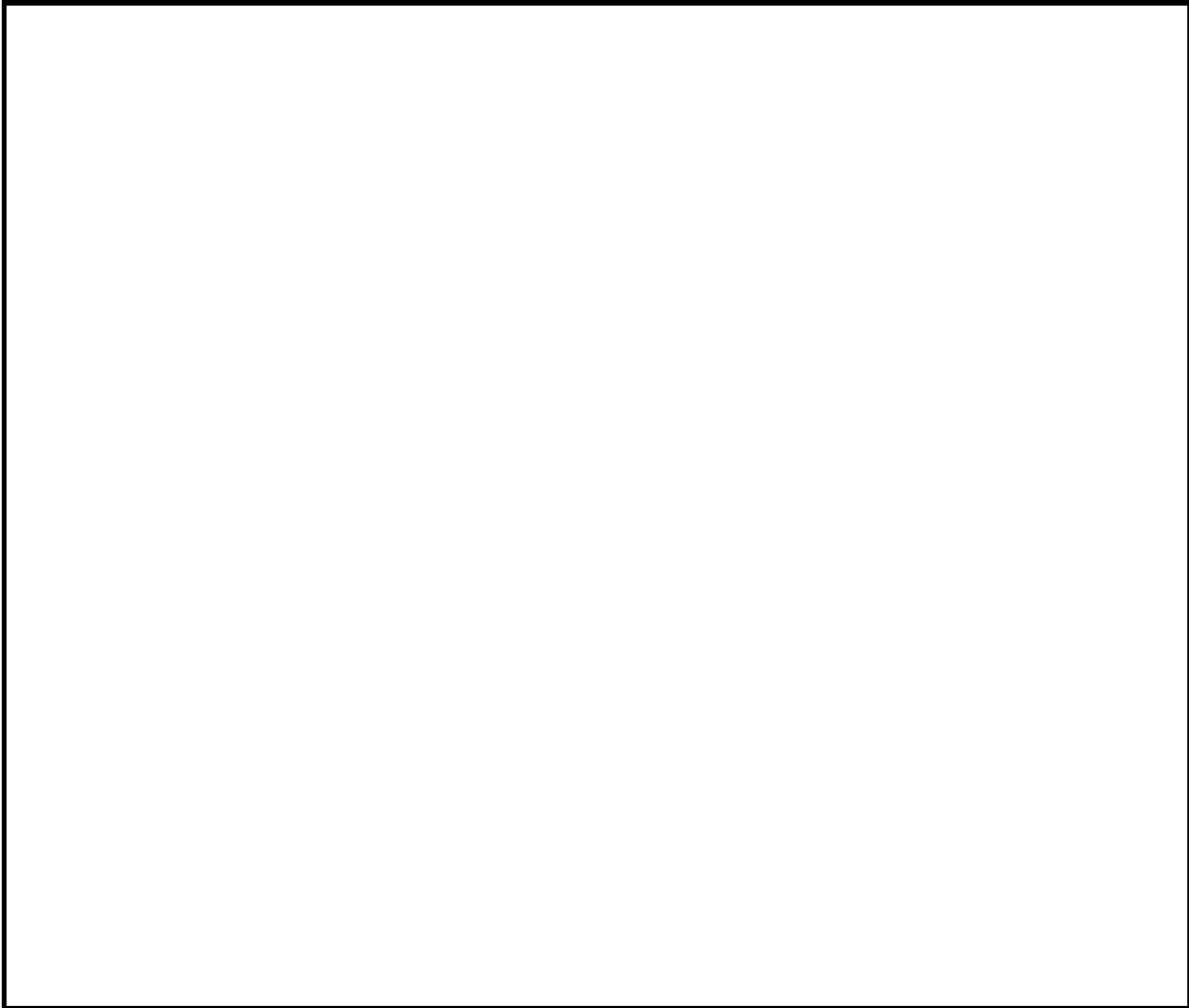
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[redacted]

(U) NSLB's legislative proposals for the FY08 Intelligence Authorization Act are as follows:

[redacted]

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UNCLASSIFIED

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 07, 2006 5:46 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: Telephone apps

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NON-RECORD

Ms. Caproni --

Yes, ma'am. Understand.

[redacted]

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[redacted] concurs, and he asked me to add this additional comment:

[redacted]

[redacted]

-----Original Message-----

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Tuesday, March 07, 2006 5:37 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: Telephone apps

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NON-RECORD

[redacted]

The answer to [redacted] didn't quite answer what I needed. The question is NOT [redacted]

[redacted] The question is

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[redacted]

VC

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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 4/97, Foreign CounterIntelligence
Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

From: [redacted] (OGC) (FBI)
Sent: Monday, March 06, 2006 9:41 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Thx! (NSL Question 13 Re IOB Audit)

UNCLASSIFIED
NON-RECORD

[redacted]

b6
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Sincere thanks. A huge help, and most appreciated!

[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, March 06, 2006 9:12 AM
To: [redacted] (OGC) (FBI)
Subject: NSL Question 13

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[redacted]

This may be more information than you want. But here it is.



NSL.doc (23 KB)

[redacted]

UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 3:25 PM
To: [redacted] (OCA) (FBI)
Subject: Thx (Q 1, 3/20/07 NSL QFRs)

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DATE 11-26-2007 BY 65179 DMH/KSR/JHF

Thanks, Sue.

b6
b7C

-----Original Message-----
From: [redacted] (OCA) (FBI)
Sent: Friday, March 23, 2007 3:16 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Q 1, 3/20/07 NSL QFRs

UNCLASSIFIED
NON-RECORD

That helps a lot. Thanks. No need to re-engage the honchos at this at this point.

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[redacted]

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202-324-[redacted]

b6
b7C

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 2:56 PM
To: [redacted] (OCA) (FBI)
Subject: RE: Q 1, 3/20/07 NSL QFRs

UNCLASSIFIED
NON-RECORD

Hi, [redacted]

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When GC Caproni and Julie conferred regarding Chairman Conyers' requests, they specifically discussed those items, and I took notes to the best of my ability.

It was their view that [redacted]

[redacted]

If I need to re-engage with GC Caproni and Julie on those issues, just let me know.



b6
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-----Original Message-----
From: [Redacted] (OCA) (FBI)
Sent: Friday, March 23, 2007 2:31 PM
To: [Redacted] (OGC) (FBI)
Subject: Q 1, 3/20/07 NSL Q1RS

UNCLASSIFIED
NON-RECORD



Below is Q 1 from the 3/20/07 letter to GC Caproni re: NSLs.

I understand OGC cannot produce **emails** (and I'm working on those), but I presume OGC would be the most likely Divisions to be able to produce "**memoranda, and other documents** that relate to the FBI's use of "exigent letters."

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Is that correct?



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202-324-[Redacted]

1. [Please provide] copies of all e-mails, memoranda, and other documents that relate to the FBI's use of "exigent letters," as well as transcripts of your interviews conducted on the issue.

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From: [redacted] (OGC) (FBI)
Sent: Monday, April 23, 2007 1:27 PM
To: [redacted] (INSD) (FBI)
Cc: THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted] (OGC) (FBI)
[redacted] (RE: NSL QUESTION Re Dir's Bfg Paper)

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NON-RECORD

Yes, it does indeed help. I'll revise the paper accordingly.

Again [redacted] our sincere thanks.

[redacted]

-----Original Message-----

From: [redacted] (INSD) (FBI)
Sent: Monday, April 23, 2007 12:22 PM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL QUESTION Re Dir's Bfg Paper

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[redacted] This is not exactly correct. Inspection Division reviewed a 10 percent sample of cases that were in an open status anytime between 01/01/03 - 12/31/06, to identify all NSLs in those case files. The results of INSD's review were compared with the OGC data base. Hope this helps. [redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Monday, April 23, 2007 11:37 AM
To: [redacted] (INSD) (FBI)
Subject: NSL QUESTION Re Dir's Bfg Paper
Importance: High

UNCLASSIFIED
NON-RECORD

[redacted]

I'm trying to knock out a Briefing Paper for the Director's testimony on Thursday. It includes the following statement:

"The FBI's Inspection Division (INSD) reviewed a 10 percent sample of ACS records involving NSLs--specifically checking to

determine whether those NSLs were properly reflected in OGC's database."

GC Caproni asked me to confirm that the above is an accurate statement-
-thus, this e-mail to you.

Is the above statement "good to go"? Is there anything about it that you
would like for me to revise?

As always, thanks for your help.

[Redacted]

OGC / NSLB / NSLPTU

(202) 324 [Redacted]

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UNCLASSIFIED

From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 20, 2007 4:12 PM
To: BEERS, ELIZABETH RAE (OCA) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (OCA) (FBI); [redacted] (OCA) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC)
[redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: Thx! (RE: REQUEST Re ECPA Legislative Proposals)
UNCLASSIFIED
NON-RECORD

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DATE 11-26-2007 BY 65179 DMH/KSR/JHF

Sincere thanks, Beth. Most appreciated.

[redacted]

-----Original Message-----

From: BEERS, ELIZABETH RAE (OCA) (FBI)
Sent: Tuesday, February 20, 2007 4:04 PM
To: [redacted] (OGC) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); [redacted] (OGC)
[redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: REQUEST Re ECPA Legislative Proposals
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I can only locate one previous legislative proposal package that addresses this issue - see attached.



FBI Rsp to ODNI
datacall.pdf (...)

b2

[redacted]

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202-324-[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 20, 2007 10:15 AM
To: [redacted] (DO) (FBI)
Cc: [redacted] (OCA) (FBI); [redacted] (OCA) (FBI); BEERS, ELIZABETH RAE (OCA)
[redacted] (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: REQUEST Re ECPA Legislative Proposals
Importance: High

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Several NSLB attorneys are feverishly working to assist the Director in his response to the forthcoming IG Report on NSLs. (As I understand it, the Director wants it completed by Thursday.) In that regard, there is a question as to the FBI's history of legislative proposals regarding the **Electronic Communications Privacy Act (ECPA)**--particularly as it relates to the clarification of "toll billing."

I'm attaching (below) an excerpt from OGC's legislative proposals that GC Caproni forwarded to you on 23 October 2006. As its first paragraph indicates, it was not the first time that such a proposal was submitted.



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As always, sincere thanks for your help.



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(U) NSLB's legislative proposals for the FY08 Intelligence Authorization Act are as follows:



[Redacted]

(U)

[Redacted]

(U)

[Redacted]

[Redacted]

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UNCLASSIFIED

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:29 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: UPDATE - HJC QFRs & Addit Questions for Dir's SJC Prep
UNCLASSIFIED
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Ms. Caproni --

As the e-mail string (below) reflects, OCA is onboard with our request to redirect several QFRs to other entities.

The same applies to our request to OCA that two of the five additional questions for the Director's SJC testimony prep be redirected.

No problems thus far.

FYI.

[redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:17 PM
To: [redacted] (OCA) (FBI)
Subject: Thx (HJC "QFRs" - "Conyers' 3/20/07 Ltr")

UNCLASSIFIED
NON-RECORD

Roger that [redacted] We'll give it our very best.

[redacted]

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-----Original Message-----
From: [redacted] (OCA) (FBI)
Sent: Thursday, March 22, 2007 2:15 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"

UNCLASSIFIED
NON-RECORD

The Committee's letter requests responses by April 4th. They won't get through

the entire clearance process by then, but I'm sure we'll want to demonstrate that failure to meet that deadline is DOJ's fault and not ours. Because they will have to get through internal review here, I'll need them by COB Monday, April 2, 2007, to meet that deadline. Earlier would always be better, of course.

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[redacted]
Office of Congressional Affairs
JEH Building Room 7252
(Send mail to Room 7240)
202-324-[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 22, 2007 2:11 PM
To: [redacted] (FBI)
Subject: Follow-up re HJC "QFRs" - "Conyers' 3/20/07 Ltr"
Importance: High

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b7C

UNCLASSIFIED
NON-RECORD

Thank YOU [redacted]

And, by the way, what's our deadline regarding OGC's responses?

[redacted]

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 22, 2007 2:08 PM
To: [redacted] (OGC) (FBI)
Subject: RE: HJC "QFRs" - "Conyers' 3/20/07 Ltr"

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UNCLASSIFIED
NON-RECORD

Thanks.

[redacted]

b2
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(Send mail to Room 7240)
202-324-[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)

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Sent: Thursday, March 22, 2007 2:00 PM
To: [REDACTED] (OCA) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: HJC "QFRs" - "Conyers' 3/20/07 Ltr"
Importance: High

UNCLASSIFIED
NON-RECORD

[REDACTED]

This e-mail follows my office conference with Beth Beers this afternoon. I discussed these matters with Beth, and she instructed me to pass them along to you.

GC Caproni and Julie met this morning to discuss Chairman Conyers' 13 questions and requests for documents. As a result, they asked me to contact OCA regarding certain items which are not within OGC's purview. They ask that OCA task those particular items to the relevant entities for a response.

Here are the specific items they referenced:

[REDACTED]

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As for the OGC aspects of the QFRs, I'll serve as your Primary POC.

Sincere thanks.



-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Wednesday, March 21, 2007 4:01 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: Conyers' 3/20/07 Letter with 13 Qs

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UNCLASSIFIED
NON-RECORD

Valerie:

Beth indicated that she has spoken to you about Chairman Conyers' 3/20/07 letter asking 13 questions relating to the 3/20/07 NSL hearing. As you know, we will be handling those as QFRs.

I've attached the questions in WordPerfect format so you or your folks can fill in the responses.

I'll rely on you to task these out to your folks as appropriate. When you have answers, please forward them to me for provision to the Committee through the normal QFR process.

Thanks. Let me know if you have questions.



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<< File: aaCaproni_032007_OCAREsp_032107.wpd >>

NSL VIO-29295



aaCaproni_032007
_OCAResp_03210...

UNCLASSIFIED

NSL VIO-29296

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 5:19 PM
To: [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Your EC-Related Ques [GC Caproni's HPSCI Testimony (28 Mar 07)]

Importance: High
UNCLASSIFIED
NON-RECORD

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DATE 11-27-2007 BY 665179/DMH/KSR/JHF

[redacted]

Julie concurred with my assessment (i.e., no valid grounds on which to object).

[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 3:56 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: QUESTION Re GC Caproni's HPSCI Testimony (28 Mar 07)
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

Julie --

As you know, OCA provided HPSCI staffers a copy of our 1 March EC on emergency disclosures (attached).



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emergency_di...

OCA (in their e-mail, below) now asks whether we've any objection to the Members' quoting from it during GC Caproni's 28 March testimony before the HPSCI. I personally can't imagine any valid grounds on which we could object. Are you aware of any?

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b7C

[redacted]

-----Original Message-----

NSL VIO-29297

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b7C

From: [redacted] (OGC) (FBI)
Sent: Friday, March 23, 2007 3:34 PM
To: [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: RE: Question in preparation for the hearing

UNCLASSIFIED
NON-RECORD



b6
b7C

Given that the EC is UNCLAS legal advice to the Field, I personally can't imagine why they couldn't quote from it. **HOWEVER**, in case I'm overlooking some subtlety, let me check with the "Powers That Be."

I'll get back to you ASAP.



-----Original Message-----

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Friday, March 23, 2007 3:16 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: Question in preparation for the hearing

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NON-RECORD



HPSCI staff received the EC yesterday on the emergency disclosure provision. They asked if Members could quote from that EC during the open hearing next week or if there are reasons why questions about the content of the EC should be more general when discussing the EC (maybe operational or attorney/client privilege reasons).

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Staff believe Members may want to clarify parts of the EC and used footnote 4 as an example (ie: why the distinction between customer records and content information may not be clear).

If there are reasons why Members shouldn't quote from the EC, staff will provide that guidance to Members.

Let me know what NSLB thinks and we'll work with staff as needed.



NSL VIO-29298

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b7C
b2

[Redacted]

Office of Congressional Affairs

phone: 202-324-[Redacted]

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