# 1073946

213, has been the subject of criticism and various legislative proposals. The FBI believes that Section 213 is an invaluable tool in the war on terror and our efforts to combat serious criminal conduct. It is important to note that delayed notice warrants were not created by the USA Patriot Act. Rather, the Act simply codified a common law practice recognized by courts across the country and created a uniform nationwide standard for the issuance of those warrants. The USA Patriot Act ensures that delayed notice search warrants are evaluated under the same criteria across the nation. Like any other search warrant, a delayed notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that the property to be searched for or seized constitutes evidence of a criminal offense. A delayed notice warrant differs from an ordinary search warrant only in that the judge specifically authorizes the law enforcement officers executing the warrant to wait for a limited period of time before notifying the subject of the search that a search had been executed.

Delayed notice search warrants provide a crucial option to law enforcement and can only be issued if a federal judge-finds that one of five tailored circumstances exists. The FBI has requested this authority in several cases. In most instances, the FBI seeks delayed notice when contemporaneous notice would reasonably be expected to cause serious jeopardy to an ongoing investigation.

ALL INFORMATION CONTAINED

#### ADDITIONAL TOOLS TO FIGHT TERRORISM

HEREIN IS UNCLASSIFIED
DATE 05-28-2007 BY 55179 dmh/ksr/gcl

As I have described above, the USA Patriot Act has been invaluable in providing the FBI with tools that it needs to fight terrorism in the 21st Century. This committee has been one of our strongest supporters in this effort and for this the men and women of the FBI are grateful. Having said that, I would like to address another area in which the FBI needs the committee's support in order to continue to fulfill its primary mission of protecting America from further terrorist attacks.

#### Administrative Subpoenas

Planning, funding, supporting and committing acts of terrorism all are federal crimes. For many years, the FBI has had administrative subpoena authority for investigations of crimes ranging from drug trafficking to health care fraud to child exploitation. Yet, when it comes to terrorism investigations, the FBI has no such authority.

Instead, we rely on two tools - National Security Letters (NSLs) and orders for FISA business records. Although both are useful and important tools in our national security investigations, administrative subpoena power would greatly enhance our abilities to obtain information. Information that may be obtained through an NSL is limited in scope and enforcement is difficult. FISA business record requests require the submission of an application for an order to the FISA Court. In investigations where there is a need to obtain information expeditiously, Section 215, which does not contain an emergency provision, may not be the most effective process to undertake. The administrative subpoena power would be a valuable complement to these tools and provide added efficiency to the FBI's ability to investigate and disrupt terrorism operations and our intelligence gathering efforts. It would provide the government with an enforcement mechanism which currently does not exist with NSLs. Moreover, it would bring the authorities of agents and analysts investigating terrorism into line with the authorities the FBI already has to combat other serious crimes. I would like to stress that the administrative subpoena power proposal should provide the recipient the ability to quash the subpoena on the same grounds as a grand jury subpoena.

CONCLUSION

Mr. Chairman and Members of the Committee, the importance of the provisions of the USA Patriot Act I have discussed today in the war against terrorism cannot be overstated. They are crucial to our present and future successes. By responsibly using the statutes provided by Congress, the FBI has made substantial progress in its ability to proactively investigate and prevent terrorism and protect lives, while at the same time protecting civil liberties. In renewing those provisions scheduled to "sunset" at then end of this year, Congress will ensure that the FBI will continue to have the tools it needs to combat the very real threat to America posed by terrorists and their supporters. In addition, by giving the FBI administrative subpoena authority, Congress will enable the FBI to be more efficient in its Counterterrorism efforts. Thank you for your time today. I am happy to answer any of your questions.

[Congressional Matters Index] [OPA Home]

# SECRET

March 23, 2005

### MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: (U) 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

(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 July 1, 2004 through December 31, 2004. It should be noted that a single investigation may require requests for records from numerous financial institutions.

1 - 66F-HQ-C1303371 - 10748

1 - 66F-HQ-A1255972-NSLBANK-26

1 - Mr. Pistole

1 - Ms. Caproní

1 - Mr. Bald

EL:bac (9)

1 - Mr. Szady

1 - Ms. Thomas

SEE NOTE PAGE 3

b6

b70

Classified by: 39645. SC/OGC

Reason:

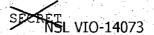
Declassify on:

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

Page 2

- 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."
- 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.
- (U) With regard to compliance by credit card companies, the November 2003 amendment to RFPA 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 RFPA. 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 REPA 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 RFPA NSLs. 38)



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

Page 3

Should yo	our staff require additional information	, b2
	s use of this authority, please contact	<b>—</b> b6
	Office of the General Counsel, at	<b>_</b> b7€
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(U)

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: July 1, 2004 through December 31, 2004. The Attorney General will forward this information to Congress.

APPROVED:	Adm. Serv.	Gen. Counsel V	National Sec	
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Deputy Director	Cribiterror	inv Listania/	OPR	

PATE: 06-28-2007

.CLASSIFIED BY 65179 dmh/ksr/qcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

SECRET

(U) NUMBER OF REQUESTS FOR FINANCIAL RECORDS

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

(U) THIRD AND FOURTH QUARTERS 2004

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

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

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SECRET

November 9, 2004

#### MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)

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 (8)

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, 2004 through June 30, 2004. It should be noted that a single investigation may require requests for records from numerous financial institutions.

EL:bac (10)

SEE NOTE PAGE 3

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Classified by: 39645, SC/OGC Reason: 1.5(c) Declassify on: X1

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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."
- (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. The FBI has experienced non-compliance with requests for e-mail records and credit card records. The FBI is aware of at least one instance where a bank served with a Right to Financial Privacy Act (RFPA) NSL, contrary to the statute, notified its customer, the subject of the FBI inquiry, that the FBI had requested the records.
- With regard to compliance by credit card companies, the November 2003 amendment to RFPA 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 RFPA. 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 RFPA and accordingly not subject to production pursuant to an The FBI is continuing to work with this company to

#### SECRET

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

Page 3

(U) .	resolve	this	issue	in a	manner	that	would	result	in	the	company
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Should y	our staff require additional information	. D
regarding the FBI'	s use of this authority, please contact	<b>,</b> b
	Office of the General Counsel, at	b
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Enclosure

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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, 2004 through June 30, 2004. The Attorney General will forward this information to Congress.

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APPROVED:	Crim. Inv	Info, Res	Training	Art i
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SECRET

DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/gcl.

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

(U) NUMBER OF REQUESTS FOR FINANCIAL RECORDS

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

FIRST AND SECOND OUARTERS 2004

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

Relating to Investigations of Non-U.S. Persons or Organizations

Total Number of Investigations of Different Non-U.S. Persons or . Organizations Predicating Such Requests

Relating to Investigations of U.S. Persons or Organizations

Total Number of Investigations of Different U.S. Persons or Organizations -Predicating Such

Requests

Classified By:

Reason Declassify On:



April 6, 2004

#### MEMORANDUM FOR THE ATTORNEY GENERAL

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

(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 July 1, 2003 through December 31, 2003. It should be noted that a single investigation may require requests for records from numerous financial institutions.

1 - 66F-HQ-C1303371

1 - 66F-HQ-A1255972-NSLBANK

1 - Mr. Gebhardt

1 - Mr. Pistole

1 - Ms. Caproni

1 - Mr. Bald

1 - Mr. Szady

1 - Mr. Curran

1 - Mr. Bowman

b6 b70

EL:bac (11)

SEE NOTE PAGE 3

39645 Se/OGO Classified by:

Reason:

Declassify on: X1

SECKET

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

Page 2

- 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."
- 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 enforcement provisions within the NSL statutes to remedy non-compliance. The FBI has experienced non-compliance with requests for e-mail records and credit card records. The FBI is aware of at least one instance where a bank served with a Right to Financial Privacy Act (RFPA) NSL, contrary to the statute, notified its customer, the subject of the FBI inquiry, that the FBI had requested the records.
- With regard to the problem with compliance by credit—card companies, the amendment to the RFPA in November 2003 to include the "operator of a credit card system" as a covered financial institution was made for the purpose of addressing the position of a major credit card company that it did not fall within the parameters of the prior definition, namely, an "card issuer," inasmuch as it, the company, did not issue credit cards but rather banks issued credit cards. Thus, the change in the definition was intended to make clear Congress's intent to include all major credit card companies within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, an attorney for that credit card company has advised the FBI that in his opinion the company still is not covered by the statute because the "financial records" deemed protected by the RFPA but disseminable pursuant to an NSL are defined as records "pertaining to a customer's relationship with the financial institution." Per the attorney for the company, credit card holders are not its customers, but rather are the customers of the bank. Thus, its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The attorney has not confirmed

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

Page 3

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that his opinion is the official position of the company itself; nor is there evidence of non-compliance with NSLs by the credit card company. Nonetheless, the FBI would like to resolve this issue so that the company fully acknowledges its obligation to comply with RFPA NSLs. Discussions with the attorney for the credit card company are continuing.

Should your staff require additional information	
egarding the FBI's use of this authority, please contact	
Office of the General Counsel, at	
U) ————————————————————————————————————	_

Enclosure

(U)

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: July 1, 2003 through December 31, 2003. The Attorney General will forward this information to Congress.

APPROVED: Adm. Serv. Gen. Counsel Malchail Sec.
Citis Info. Res. GEDA
Director Control Inv. Serv. CIPR.
Deputy Director Finance Laboratory Training.

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DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

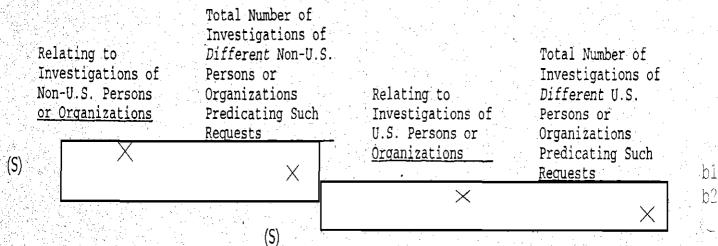
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(U) NUMBER OF REQUESTS FOR FINANCIAL RECORDS

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

(U) THIRD AND FOURTH QUARTERS 2003

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



Classified By: 39645, ACCTOGC

Reason 151

Declassify On: X1

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CLASSIFIED BY 65179 dmh/kar/gc)

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

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 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 as 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-C1213150-/396

1 - 66F-HQ-A1255972-NSLFCRA-/4

1 - Mr. Pistole

1 - Ms. Caproni

1 - Mr. Bald

EL:bac (9)

1 - Mr. Szady

SEE NOTE PAGE 2

.b7C

Classified By: 39645, SC/OGC

Reason Declassify On:

#### SECRET

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

Page 2

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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)

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(U) Enclosure	APPROVED:	Adm. Serv.	Gen Counsel VC	National Sec.	A setting
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NOTE: This communication is submitted to the Att	orney General
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mandatory production of consumer credit information	ion were made
in support of counterintelligence investigations	during the
following semiannual period: July 1, 2004 through	gh
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DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/qcl

REASON: 1.4 (c)

DECLASSIFY 0N: 06-28-2032

(U) NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND

CONSUMER IDENTIFYING INFORMATION, AND

CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

THIRD AND FOURTH QUARTERS 2004 DSK

15 USC 1681u(a) 15 USC 1681u(c) Financial 15 USC 1681u(b) Total Number of 15 Institution Consumer Identifying Court Ordered USC 1681u Requests Information Information For Information Information USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER b1 (S) X Χ X Χ

Classified by: 39645\_8e/OGC

Reason: 1.4(c)

Declassify on: X25-1

SECRET



PATE: 06-28-2007 CLASSIFIED BY 65179 dmh/ksr/gcl REASON: 1.4 (c) DECLASSIFY ON: 06-28-2032

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

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

FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM

()&()

- Title 15, U.S.C., Section 168lu(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. Paragraph (h) of Section 168lu 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)
- (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. The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (M)

EL:bac (10)

SEE NOTE PAGE 2

Classified By: 39645, SC/OGC Reason : 1.5[C]

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NSL VIO-14087

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#### SECRET

Memorandum for the Attorney General

Re: Semiannual Report of Requests for Consumer Credit

Information Made Pursuant to Title 15, USC, 1681u

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an exparte 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 and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

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

	Should your staff requir	re additional information	h?
	regarding the FBI's use of this a	uthority, please contact	
I	Office of the	General Counsel, at	, b6
Γ	(U)		b7C
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NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that requests for mandatory production or consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2004 through June 30, 2004.

Enclosure

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Training Crim. Inv. inia Res. APPROVED: Office of EEO Inspection\_ Crim, Jus. Info. Laboratory \_ - Affairs Servs. Office of Public & National Sec. Finance Director Fuscinel\_ Gen, Counse Deputy Director

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NSL VIO-14088

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DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

(U) 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 2004 (8)

(U)

(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)

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

Classified by: 39645\_SC/OGC

Reason:

1.5(c)

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SECRET

DATE: 05-28-2007 CLASSIFIED BY 65179 dmh/ksr/gcl REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

April 6, 2004

#### MEMORANDUM FOR THE ATTORNEY GENERAL

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 NATIONAL SECURITY INVESTIGATIONS/FOREIGN INTELLIGENCE COLLECTION (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. 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)

(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.

EL:bac (11)

SEE NOTE PAGE 2

Classified By: 39645, SC/OGC
Reason : 1.5(c)
Declassify On: X1

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# SEXRET

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

Page 2

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

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an exparte 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 and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

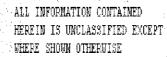
The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

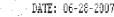
	Should your staff require additional information
	regarding the FBI's use of this authority, please contact
	Office of the General Counsel, at
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	<u> </u>
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	following semi	annual period:	July 1, 2001	3 through D	ecember 31.	
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REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

SECRET

(U) NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND

CONSUMER IDENTIFYING INFORMATION, AND

CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

# THIRD AND FOURTH QUARTERS 2003 \$\structure{1}{2}\$

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. (8)

18 USC 1681u(a) Financial 18 USC 1681u(b) 18 USC 1681u(c) Total Number of 18 Institution Consumer Identifying Court Ordered USC 1681u Requests Information Information Information For Information USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER (S) $\times$ 

> Classified by: 39645\_SC/OGC Reason: 15(c)

Declassify on: X1

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DATE: 06-28-2007 CLASSIFIED BY 65179 dmh/ksr/gcl PEASON: 1.4 (c) DECLASSIFY ON: 06-28-2032

October 23, 2003

#### MEMORANDUM FOR THE ATTORNEY GENERAL

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 FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM

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. 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)

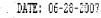
Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

· .			
1 -	66F-HQ-C1213150	1 - Mr. Pistole	. 4
1 -	66F-HQ-A1255972-NSLFCRA	1 - Mr. Szady	b6
1 -	Mr. Gebhardt	1 - Mr. Bowman	
1 -	Mr. Mefford	1 1	b7
1 -	Ms. Caproni	(1) - NSLB	7 K - 1
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Declassify On: X1

Memorandum for the Attorney General Page 2 Re: Semiannual Report of Requests for Consumer Credit Information Made Pursuant to Title 15, USC, 1681u
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 and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (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
Office of the General Counsel, at (U)
Enclosure
NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 15, USC, Section
168lu(h). It states that requests for b
mandatory production of consumer credit information were made in support of counterintelligence investigations during the
following semiannual period: January 1, 2003 through June 30, 2003. (8)
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Deputy DirectorInfo. Res Personnel Cong. Affs



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REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032



(U) 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 2003 (8)

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

Financial 18 USC 1681u(b) 18 USC 1681u(c) Total Number of 18 Consumer Identifying Institution Court Ordered USC 1681u Requests Information Information Information For Information USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER X X Χ

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18 USC 1681u(a)

Classified by: 39645, SC/OGC Reason: 1.5(c) Declassify on: X1

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DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/gc

REASON: 1.4 (c)

DECLASSIFY ON: 06+28-2032

April 2, 2003

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

(U)

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

FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM

**VS**(

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. 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)."

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

1 - 66F-HQ-C1213150

1 - 66F-HQ-A1255972-NSLFCRA

1 - Mr. Gebhardt

1 - Mr. D'Amuro

1 - Mr. Wainstein

1 - Mr. Mefford

1 - Mr. Szady

1 - Mr. Bowman

NSLU-

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SEE NOTE PAGE 2

Classified By: 39645

Reason

Declassify On:

NSL VIO-14096

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

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

regarding the FRI's use of this authority, please contact Office of the General Counsel, at  (U)		-
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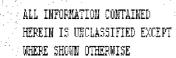
Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 168lu(h). It states that requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: July 1, 2002, through December 31, 2002.

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DATE: 06-28-2007

CLASSIFIED BY 65179 dmh/ksr/gcl

REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032



(U) 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 2002 (%)

(U)

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

F I I	8 USC 1681U(a) inancial nstitution nformation SPER/Non-USPER	18 USC 1681u(b) Consumer Identifying Information USPER/Non-USPER	18 USC 1681u(c) Court Ordered Information USPER/Non-USPER	<u>Total</u> Number of 18 USC 1681u Requests For Information <u>USPER/Non-USPER</u>
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Reason: 1.5(c)
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DATE: 06-28-2007 CLASSIFIED BY 65179 dmh/ksr/gcl PEASOM: 1.4 (c) DECLASSIFY ON: 06-28-2032

# 1073946 -

April 2, 2003

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

DIRECTOR, FBI (U)

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 FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM

(32)

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. 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).

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1 - Mr. Mefford 1 - 66F - HQ - C12131501 - 66F-HQ-A1255972-NSLFCRA 1 - Mr. Szady 1 - Mr. Gebhardt 1 - Mr. Bowman **b**6 1 - Mr. D'Amuro b70 1 - Mr. Wainstein NSLU

JL:bac (10)

SEE NOTE PAGE 2

39645, DGC/OGC Classified By: Reason Declassify On: X1

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

Page 2

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

Should	your staff	require ad	ditional inf	ormation	b2
regarding the FB	I's use of	this author	ity, please	contact	
	Office of	the General	Counsel, at		b70
(U)					

Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2002, through June 30, 2002. \*\*(8)

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DATE: 06-28-2007

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REASON: 1.4 (c)

DECLASSIFY ON: 06-28-2032

SECRET

(U) NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND

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CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

THIRD AND FOURTH QUARTERS 2002 (X)

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

18 USC 1681u(a) 18 USC 1681u(b) Financial 18 USC 1681u(c) Total Number of 18 Institution Consumer Identifying Court Ordered USC 1681u Requests Information Information Information For Information USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER USPER/Non-USPER Χ Χ Χ  $\times$ 

Classified by: 39645, AGC/OGC

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