

~~SECRET~~

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/24/2004

To: General Counsel

Attn: Investigative Law Unit, EBIHQ
Room 7326, [redacted]

From: [redacted]

b2

b6

Chief Division Counsel

b7C

Contact: [redacted]

b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2

b6

b7C

Approved By: [redacted]

Drafted By: [redacted]

DATE: 09-12-2005
CLASSIFIED BY 65179 DMH/KJ
REASON: 1.4 (C)
DECLASSIFY ON: 09-12-2030

b6

b7C

Case ID #: 66F-HQ-C1364260-44 (Pending)

1A [redacted] 231

05-CV-0845

b2

b7E

Title: USA PATRIOT ACT SUNSET
PROVISIONS

Synopsis: [redacted] summary of the benefits the office
has received from Patriot Act provisions which will sunset or
expire on December 31, 2005, unless Congress acts otherwise.

b2

b7E

Details: The [redacted] has canvassed individuals who have
used some of the Patriot Act investigative tools outlined in
serial 5, dated February 27, 2004, in file 66F-HQ-C1364260. The
following summary includes only those tools used or actively
considered by the Division.

Roving FISA Surveillance-Section 206

[redacted]

b1

(S) b2

The Case Agent, [redacted] characterized this authority as both
necessary and effective. While the roving authority did not
thwart a terrorist act, it better enabled the Agents to
successfully and more expeditiously conclude the investigation.
All participants agreed that the option to consider securing this
authority is critical in resolving serious IT and FCI matters.

b7E

b6

b7C

New Standard for FISA Pen/Trap

For reasons of which OGC is aware, the lower
evidentiary standard to establish grounds to secure FISA
pen/traps has not been adequately exploited in IT and FCI

~~SECRET~~

~~SECRET~~

To: General Counsel From: [redacted]
Re: 66F-HQ-C136426 03/24/2004

b2

b7E

matters. [redacted] has submitted some requests, but until the process is expedited and made more akin to the ease with which criminal pen/traps are secured, the law has been of little benefit. In fact, in at least one 315 case, criminal pen/trap orders (and grand subpoenas) were used largely because of the perceived slow pace in using FISA techniques, despite the fact that a full content FISA was later approved. [redacted]

b1

(S)

b2

b7E

Changes to "Primary Purpose" Standard for FISA

The change to the FISA certification now requiring that foreign intelligence be a "significant purpose" of the authority sought has benefitted the FBI's mission in general, and [redacted] investigations in particular, as it has made considering and/or obtaining FISAs more possible under appropriate circumstances. If nothing else, it has also given Agents more flexibility in determining how to most effectively use investigative strategies to protect against terrorism and clandestine intelligence activities. And similarly, consultation with prosecutors has improved.

b2

b7E

New Standard for Business Records for FISA

b1

b2

[redacted] notes the process would appear to be greatly improved based on recent changes allowing FBIHQ/OGC to bypass OIPR, but the benefits have not been fully realized yet.

(S) b7E

◆◆

~~SECRET~~

~~SECRET~~

To: General Counsel From: [REDACTED]
Re: 66F-HQ-C136426 03/24/2004

b2

b7E

LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

For information and possible use by ILU in support of continuing usage of certain provisions of the USA Patriot Act beyond 12/31/2005.

◆◆

~~SECRET~~