

Carnivore/DCS 1000 Report to Congress

**Submitted to:
Judiciary Committees of the
United States House of Representatives
and
United States Senate**

**Prepared by:
The Federal Bureau of Investigation
United States Department of Justice**

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I. Introduction

Section 305 of the 21st Century Department of Justice Appropriation Authorization Act requires the Attorney General to submit to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives a report, at the end of Fiscal Year 2002 and Fiscal Year 2003, on the use of DCS 1000 (formerly known as Carnivore), or any subsequent version of such program in the implementation of court ordered surveillance under section 3123 of title 18, United States Code, and under section 2518 of title 18 respectively. Pub. L. 107-273 (2002). In accordance with these requirements, the following delineates the use and implementation of FBI network collection devices on packet networks for Fiscal Year 2002.

The FBI conducted court-ordered surveillance of authorized subject accounts using commercially available software owned by the FBI and deployed on data networks on five occasions during Fiscal Year 2002. Three deployments were made to implement court orders issued under section 3123. The other two deployments were to effect court ordered surveillance under section 2518. Of these occurrences, both involve pending sensitive investigations and are therefore not reported herein. The FBI made no use of DCS 1000, to effect court-ordered surveillance during that same period.

II. Report Details

The following information is provided in response to the specific reporting requirements that apply to the Federal Bureau of Investigation as contained in the 21st Century Department of Justice Appropriation Authorization Act, section 305 "Reports on Use of DCS 1000 (Carnivore)."

A. Report on Use of DCS 1000 (Carnivore) to Implement Orders Under 18 U.S.C. 3123

The following provides information on court orders under section 3123 obtained by the FBI, whose implementation involved the use of an FBI-owned network collection device on packet networks including:

(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

- Instance 1: 11/28/2001 - 01/26/2002 (no extensions)
- Instance 2: 01/30/2002 - 03/31/2002 (no extensions)
- Instance 3: 01/10/2002, initial period of 60-days, extensions granted to 08/26/2002.

(2) the offense specified in the order or application, or extension of an order;

- Instance 1: the prohibited distribution of controlled substances on board vessels, in violation of 46 U.S.C. § 1903;
- Instance 2: 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud), 1956 (money laundering), and 42 U.S.C. § 408 (misuse of a social security number);
- Instance 3: extortion, arson, and teaching of others how to make and use destructive devices and explosives, in violation of 18 U.S.C. §§ 1951, 842(p), 844(e), and 844(i);

(3) the number of investigations involved;

- All Instances (1-3): single investigation for each respective instance.

(4) the number and nature of the facilities affected;

- All Instances (1-3): In all instances, a specified Internet service account accessed from the respective service provider facility.

(5) the identity of the applying investigative or law enforcement agency making the application for an order; and

- All Instances (1-3): Federal Bureau of Investigation

(6) the specific persons authorizing the use of the DCS 1000 program (or any subsequent version of such program) in the implementation of such order.

The FBI made no use of DCS 1000 to effect court-ordered surveillance during FY 2002, but rather utilized commercially available software. In these instances, the specific persons authorizing the use of this software in the implementation of such order were:

- All Instances (1-3): Unit Chief, Data Intercept Technology Unit, Investigative Technology Division

B. Report on Use of DCS 1000 (Carnivore) to Implement Orders Under 18 U.S.C. 2518

During Fiscal Year 2002, two deployments of an FBI-owned network collection device were made to implement court orders issued under section 2518. Both of these occurrences involve pending sensitive investigations and are therefore not reported herein.

Dated: 22 ft / 03


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