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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/18/2004

To: General Counsel

Attn: Investigative Law Unit

From: [Redacted]

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Squad 1

Contact: Acting OGC [Redacted]

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Approved By: [Redacted]

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Drafted By: [Redacted]

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Case ID #: 66F-HQ-C1364260

(Pending) ; 38

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(Pending) ; 8266

Title: USA PATRIOT ACT
SUNSET PROVISIONS

Synopsis: [Redacted] response to USA Patriot Act survey regarding use of the particular provisions scheduled to expire on December 31, 2005.

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Reference: 66F-HQ-1364260 Serial 5

Details: After a review of whether any of [Redacted] investigations have utilized the enhanced investigative tools which are scheduled to expire as provided by the Patriot Act ("Act") [Redacted]

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[Redacted] has used other investigative tools created by provisions of the Act and these tools have had a crucial impact on [Redacted] investigations. The greatest positive impact is derived from the ease with which [Redacted] can now issue National Security Letters ("NSLs") due to the reduced signature authority of NSLs and the relevance standard. Before passage of the Act, NSLs were less frequently used because of the lengthy process required for issuance of NSLs. OGC has access to the control file that would provide an accurate number of NSLs issued since the passage of the Act. To supplement that figure, [Redacted] polled the majority of the agents who have used NSLs on the number of NSLs used and the importance that obtaining such information in a timely manner was to their investigations. Based on that effort, it appears

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that [redacted] has issued well in excess of 100 NSLs since the passage of the Act. More importantly, the information obtained from these NSLs has represented the full range of information available to include financial records, E-mail account information, telephone toll records, and consumer credit reports. Invariably, the agents replied that the information was crucial to their investigations to the extent that the ability to succeed in the investigation hinged upon the ability to obtain such information in a timely manner.

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Many of the cases in which the NSLs have produced positive impact are classified matters; accordingly, specific anecdotal examples will not be provided in this response. The Counter Terrorism squad supervisor has advised, in general terms, that the matters have concerned potential threats wherein the quick access to information from NSLs played a critical role in accessing the credibility of the potential threats. The Foreign Counter Intelligence squad has likewise show a dramatic increase in its utilization of NSLs and expressed the value that NSLs have provided to its efforts.

Furthermore, [redacted] anticipates that the new ability to obtain temporarily assigned network addresses by subpoena will play a critical role in its newly established Cyber Squad in intrusion cases. Thus far, that information has been already obtained by other divisions involved in the same investigations.

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[redacted] will continue to educate its agents on the tools created by the Act, including the provisions scheduled to expire. If the investigative tools derived from the provisions with relevant expiration dates are employed in [redacted] prior to December 31, 2005, [redacted] will amend this response.

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LEAD(s) :

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and clear.

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