

FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

05-cv-0845

Precedence: ROUTINE

Date: 03/17/2004

To: General Counsel

Attn: [Redacted]
Investigative Law Unit
Room 7326

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From: [Redacted]

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Squad A-1

Contact: CDC [Redacted]

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Approved By: [Redacted] *ymk*

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Drafted By: [Redacted] *AK*

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

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Case ID #: 66F-HQ-C1364260

(Pending) - 39

[Redacted]

(Pending) - 8275

05-CV-0845

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66F [Redacted] C117669

(Pending) - 973

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Title: USA PATRIOT ACT

SUNSET PROVISIONS

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Synopsis: To provide information summarizing [Redacted] reliance on several authorities implemented by the USA Patriot Act (the Act) which are subject to sunset provisions.

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Details: As requested in an electronic communication (EC) dated 2/27/2004 to All Field Offices from the Office of the General Counsel, offices were requested to provide the Investigative Law Unit (ILU) with information, examples and/or statistics demonstrating the benefits the division has received from certain provisions of the Patriot Act.

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Writer conducted a poll of all supervisors within the division seeking information described above. Based upon responses the poll, [Redacted] provides the following information:

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1. Voice Mail - Section 209 of the Act permits law enforcement to obtain a search warrant or court order for voice mail messages maintained by a communications provider under 18 USC 2510 or 2703.

[Redacted]

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2. Nationwide Search Warrants for e-mail - Section 220 of the Act permits the issuance of search warrants with nationwide jurisdiction to an electronic communications service provider under 18 USC 2703.

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[Redacted]

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364260 03/17/2004

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3. Voluntary Disclosures by ISPs - Section 212 of the Act permits communications providers to voluntarily disclose the contents of communications to protect life or limb or their rights or property.

[redacted]

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which involved a domestic terrorism investigation arising from an arson allegedly perpetrated by a radical animal rights group.

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4. Information Sharing - Sections 203(b) and (d) of the Act permit the sharing of information between criminal and intelligence investigations.

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There is an overwhelmingly positive response among both criminal and intelligence investigators to this section of the Act. The examples of information sharing are too numerous to describe in detail, however, two large scale investigations have benefitted immeasurably, specifically:

a. Example A is a criminal case which involves two charitable organizations found to have fund-raising ties to terrorist groups. The matter began as an intelligence investigation, but information was shared between criminal and intelligence investigators and will likely lead to criminal indictments and substantial forfeiture.

b. Example B is a criminal investigation into a Middle East terrorist group, with a parallel intelligence investigation into specific members of the group. Through information sharing and the ability of the criminal and intelligence investigators to work together, FISA interceptions and search warrants have been used to provide extremely valuable information for both the criminal and intelligence investigators.

5. Intercepting Communications of Computer Trespassers - Section 217 of the Act permits a computer owner/operator to provide consent for law enforcement to monitor the activities of a computer trespasser.

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6. Expanded Title III Predicates - Sections 201 and 202 of the Act permit the use of court authorized electronic surveillance in investigations involving chemical weapons, terrorism or computer fraud and abuse.

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To: General Counsel From: [redacted]
Re: 66F-HQ-C1364260 03/17/2004

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7. Roving FISA Surveillance - Section 206 of the Act permits roving surveillance where the target is attempting to thwart electronic surveillance.

[redacted] (S)

[redacted] did assist another field office in its utilization of a roving FISA. Agents from the [redacted] Division monitored the roving FISA when the subject arrived in [redacted] and while the subject stayed in an area hotel.

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8. New Standard for FISA Pen/Trap - Section 214 of the Act authorized a FISA order for a pen register or trap and trace device, based upon the standard that such is relevant to the investigation.

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9. Changes to the "Primary Purpose" standard for FISA Court Orders - Section 218 of the Act authorized the issuance of a FISA Court order where foreign intelligence gathering is a "significant purpose" rather than the "primary purpose."

[redacted] as sharing of information between intelligence and criminal agents was prohibited prior to the Patriot Act. See Examples 4a and b above.

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10. New Standard for Business Records Under FISA - Section 215 of the Act permits the issuance of a FISA Court Order for records production where the information is relevant to an investigation.

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To: General Counsel From:
Re: 66F-HQ-C1364260 03/17/2004

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LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

To provide information as requested by ILU. Read and clear.

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