



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 4, 2002

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In your meeting with Attorney General Ashcroft on Tuesday, September 24, 2002, you expressed interest in the grand jury notices submitted under section 203 of the USA PATRIOT Act. As you are aware, the notices are filed with the court supervising the grand jury when certain foreign intelligence or counterintelligence information is shared with federal agencies. The Act requires that the notice be submitted to the court within a reasonable time after the information was shared.

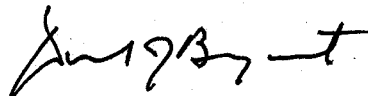
We should reiterate that, as was noted at the time, our original response covered information about the PENTTBOM/9-11 investigation that was disclosed both before and after the enactment of the USA PATRIOT Act and the time when districts around the country began making use of its provisions. In response to your inquiry about the notices, we have canvassed the 38 districts involved in the disclosure of information stemming from 39 grand juries as noted in our earlier response. We have heard from 36 districts and are still awaiting responses from 2 districts. All 36 districts that responded thus far either filed the appropriate USA PATRIOT Act disclosure notice with the court after the disclosure was made (18 districts) or, prior to making disclosure and in accordance with pre-USA PATRIOT Act procedure, filed a motion and obtained an order from the court permitting such disclosure (27 districts), in which case no subsequent notice was required. Some districts did both (11 districts). A number of districts filed multiple notices to keep their courts apprised of continuing disclosures. We are also able to report that none of the 36 districts reported any instance of a complaint from the court as to the timeliness of the notice filed.

The Criminal Division has provided individual guidance to attorneys in those cases in which foreign intelligence acquired in the course of a grand jury investigation has been disclosed to another federal official. The Department is in the process of formulating and disseminating more formal guidance to the field with respect to the Rule 6(e)(3)(C)(iii) notification requirements. In addition, at the end of October, each of the 94 National Security Coordinators will attend a conference at the National Advocacy Center at which they will be briefed

extensively on these notification requirements. The Department will also include in its forthcoming policy and field guidance a mechanism for the reporting of any complaints by courts about the untimely filing of notices under section 203.

Thank you for this opportunity to further expand upon our answers to your oversight questions on USA PATRIOT Act implementation. We assure you that the Department will continue to work with the Committee as we implement and evaluate the important new tools provided in the USA PATRIOT Act. If we may be of further assistance on this, or any other matter, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan J. Bryant", with a stylized flourish at the end.

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Minority Member