

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE 08-26-2005
CLASSIFIED BY 65179 DMH/KJ/05-cv00845
REASON: 1.4 (c)
DECLASSIFY ON: 08-26-2030

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/18/2004 **55**

To: FBIHQ

Attn: Office of General Counsel
Investigative Law Unit

[Redacted]
Room 7326

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From: [Redacted]

11A
Contact: ADC [Redacted]

Ext.: [Redacted]

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Approved By: [Redacted] *rh*

Drafted By: [Redacted] : *jamp*

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Case ID #: 66F-HQ-C1364260 (Pending) 8124
66F-HQ-C1384970 (Pending)

Title: USA PATRIOT ACT
SUNSET PROVISIONS

Synopsis: [Redacted] response to Patriot Act survey.

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Reference: 66F-HQ-C1364260 Serial 5
66F-HQ-C1384970 Serial 7564

Details: A canvas was conducted of all counterintelligence and counterterrorism squads regarding the provisions of the USA Patriot Act which are subject to the sunset provisions. The following details the results:

Voice Mail (Section 209) [Redacted]

(S)

[Redacted] is a valuable tool. In an emergency situation obtaining a search warrant would be much faster and less complicated than obtaining an emergency Title III [Redacted]

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Nationwide Search Warrants for E-mail (Section 220) -

The [Redacted]

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this is a crucial provision for [Redacted]. Prior to the USA Patriot Act a great deal of manpower was used obtaining

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To: FBIHQ From: [redacted]
Re: 66F-HQ-C1364260 03/18/2004

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search warrants for other divisions for e-mail carriers which are located in the [redacted] still spends a great deal of time serving process for other divisions, however, it is nothing like the days after 9/11 when SAs were required to draft and swear to affidavits for all the other divisions.

Voluntary Disclosures (Section 212)

[redacted] (S)

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This provision is essential to [redacted] for the same reasons as stated above. Due to the number of communication carriers in the division, it is imperative that we are able to request this type of information from communications carriers in an emergency situation. [redacted] (S)

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Information Sharing (Section 203(b) &(d)) - [redacted]

[redacted] A considerable amount of Grand Jury material has been shared, but to this date [redacted] investigations have generated information pertinent to any CI or CT investigations. However, due to the new 315 classification and the removal of the wall between the criminal and intelligence worlds, it is imperative that information be permitted to flow in both directions.

Intercepting Communications of Computer Trespassers (Section 217)

[redacted] Although, most of [redacted] computer hacking cases have [redacted] it is anticipated that it will occur in the near future. [redacted] (S)

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Expanded Predicates for Title III (Sections 201 & 202) - [redacted]

[redacted] It is very important that all tools be made available in the fight against terrorism. At this time, FISA is primarily being used to obtain ELSUR on [redacted] IT subjects, however, it is crucial that the FBI have the ability to neutralize terrorists where the danger they pose outweighs the value of the intelligence that we maybe able to collect. Title III is an excellent investigative tool that should be available in the fight against terrorism.

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Roving FISA Surveillance (Section 206)

[redacted] (S)
[redacted] (C) [redacted] (S)

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To: FBIHQ From: [redacted]
Re: 66F-HQ-C1364268 03/18/2004

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[redacted] (S)

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New Standard for FISA Pen/Trap (Section 214) - [redacted]

[redacted] (S)
[redacted] this technique has provided contacts for potential assets and has aided in developing the subject's personal profile. However, this is a under utilized technique due to the length of time it takes to obtain, most agents wait and request a FISA [redacted]

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[redacted] (S)

Changes to "Primary Purpose" Standard for FISA

(Section 218) - [redacted]

[redacted] (S) b1
However, it is arguable that this provision has aided in obtaining the majority of IT FISAs. It is necessary to maintain this provision in order to continue investigating counterterrorism under the 315 classification.

New Standard for Business Records under FISA

(Section 215) - [redacted]

[redacted] (S)

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