Precedence: ROUTINE

To: General Counsel

From: Legal Unit

Contact: CDC

Approved By: 

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

Title: USA PATRIOT ACT
SUNSET PROVISIONS

Date: 03/18/2004

Synopsis: Summary of benefits has received from various provisions of the USA PATRIOT Act.

Details: The following provides statistics, examples, and brief narratives summarizing some of the benefits the has received from various provisions of the USA PATRIOT Act:

Nationwide Search Warrants for E-mail and Associated Records - Section 220 of the Act. See 18 U.S.C. § 2703.

This technique has been used frequently for e-mail records. Without it service would have been much more time consuming and less successful.

During this investigation, FISA coverage was conducted for approximately one year. A significant part of the coverage included several e-mail accounts. Part of the success and ease of initiating this coverage hinged on this provision. Each of the e-mail providers were located in a different part of the country. If this provision were not in place, this coverage, which was deemed urgent at the time of initiation, would have been dramatically hindered and crucial intelligence lost or delayed.

Information Sharing - Section 203(b) & (d) of the Act.
Generally speaking we are now able to discuss our cases with other agencies much more freely. This has streamlined and greatly facilitated our investigations.

Investigation revealed subject to be a con-man who was primarily raising money for his own personal benefit. However, investigation also revealed subject was engaged in various criminal activities. Sections 203(b) and 203(d) were utilized in allowing information from the criminal case to be shared with the intelligence investigator. The intelligence investigation produced an enormous amount of intelligence, including information received from several foreign intelligence services. Section 218 and Section 504 were utilized to share the pertinent parts of that intelligence with the criminal investigator, as well as the federal prosecutors. Without all three of these provisions, both the criminal and intelligence investigators would have been conducting simultaneous and parallel investigations, without the ability to have a complete picture of the subject, thereby, resulting in lengthy and duplicative investigative efforts. As a direct result of these enabling provisions of the USA Patriot Act, the subject was ultimately convicted on the criminal charges and, consequently, deported from the United States. However, prior to subject's deportation, subject provided a tremendous amount of valuable information which has been used in approximately a dozen investigations alone, plus an additional half dozen cases in other divisions across the United States.

The information sharing portion of the act has impacted the effectiveness of the which participated in the referenced case which involved threat mailings. The ability to share information has enriched FBI liaison with State, Local and other Federal agencies, resulting in better relationships.

When events broke in this case requiring JTTF response, the ability to organize an action plan among the agencies was greatly enhanced. A level of trust resonated among investigators which resulted in a style of teamwork imperative in the first few days after the threat mailings. The ability to share information relieved the case agent from being overwhelmed, and allowed for a much more effective investigation.

This is an investigation of an increasingly organization, with its leaders in the United States advocating and preparing for violence. In recent years, radicals have infiltrated the group's leadership in the US with several key members advocating violence.
this threat would be difficult to combat given the respect and legal protections the group enjoys in the US and overseas.

Information sharing with associates, travel, and activities in support of this organization.

In this case, we opened a parallel investigation on the criminal side. Subpoenas were used for financial information and NSLS for toll records. Previously, we would have had difficulty sharing the NSL results with the criminal side. When we obtained pertinent information from the criminal side, we had to send an NSL for the same information in order to use it for the intelligence side, duplicating voluminous work on the part of the Bureau and the service provider. Also, the criminal case agent would not have been apprized of significant developments on the intelligence side of the case. Recently,

The criminal case agent would not have been in a position to assist us if he had not been fully briefed in on the case. Due to the criminal agent's work, a valuable source was successfully recruited.

Due to the complexities inherent in this terrorism investigation, this case has been a joint effort between the following agencies: FBI.

These cases involve

The purpose of the investigation is to determine if these businesses and/or their owners/employees are forwarding funds overseas in support of terrorist activities.

The Information Sharing sections of the USA Patriot Act have been critical in that the investigation is being conducted.

Information sharing between the FBI and these agencies has been instrumental in identifying subjects, conducting surveillance and obtaining various records. Due to these Patriot Act provisions, intelligence information can be shared which greatly affects the utilization of resources and the focus of the case.
This investigation was initiated based on information sharing between intelligence agencies, and FBI. This aspect of intelligence sharing between agencies in the intelligence community has been a tremendous asset in this investigation, particularly with

At the outset of this investigation, a parallel criminal investigation was initiated, which at the time was still under the mandate of the previous guidelines which forbid information sharing between intelligence and criminal investigations of the same subject. This was an excellent opportunity to witness the difference between the guidelines when a "wall" existed and the new guidelines where the "wall" was removed between criminal and intelligence investigations. Under the criminal investigation, subpoenas were issued for toll records and financial information. Since this was during the "wall" period, the criminal agent and the intelligence agent could not and would not be in the same room while there was information received as a result of the subpoenas. Likewise, when intelligence information was received from a linked FISA investigation, the criminal agent would remain completely unaware of the new intelligence which could aid in the direction of the criminal investigation. The AUSA assigned to the investigation was particularly uncomfortable with the investigation for fear of violating the guidelines of influencing the intelligence investigation. This placed the AUSA in a precarious position: needing to know all the information from both aspects of the investigation and yet not wanting to mistakenly report information from the criminal agent to the intelligence agent and vice versa. The "wall" procedures hindered the investigation of terrorism cases tremendously.

After the "wall" was removed, the difference in the investigation was obvious and significant. Meetings between the USA, AUSA, intelligence agents, criminal agents were regular and productive. This allowed a team aspect to investigations between the USA’s office and the agents in the field.

Practical aspects of information sharing involved less repetitive effort duplicating information. An example of this would be information from subpoenas and National Security Letters
(NSL). Before, the criminal investigation could not have any information gathered as a result of a NSL and likewise with intelligence investigations having information gathered from a subpoena. This required two documents to be issued per one piece of information.

Since the implementation of the new provisions, information from this investigation has been shared with several other FBI field offices which has resulted in an expanded picture of potential terrorist activities within the United States. This provision is crucial to the ongoing effort against terrorist threats to the United States.

**New Standard for FISA Pen/Trap - Section 214 of the Act.**

The old standard of "specific and articulable facts" that the line was used by an agent of a foreign power was changed to a relevance to terrorism standard.
Changes to "Primary Purpose" Standard for FISA - 
Section 218. Section 504 amended FISA to allow personnel 
involved in a FISA to consult with law enforcement officials.

281F[66686: Information was shared from the case agent in the 
above referenced 1990[66215 investigation under Section 218 
and Section 504 with the criminal investigator and federal 
prosecutors to convict one of the subjects of this investigation. 
Having the criminal side fully apprized of all of the 
intelligence was of great benefit as this helped in the 
coordination of surveillance and the interviews of certain 
individuals connected to this investigation. After completing 
his sentence in federal prison, this particular subject of this 
criminal investigation will also be deported from the United 
States. All of this was facilitated by the sharing provisions 
under the USA Patriot Act.

Section 218 has enabled the intelligence 
received from a foreign intelligence/security agency regarding 
subject to be shared with federal prosecutors both in two 
Divisions. This is an ongoing investigation.

This intelligence investigation was opened based 
solely on information provided by the subject of above referenced 
closed 1990[66215 investigation. This information alleged the 

Through the coordinated efforts of 
various divisions and resident agencies, information was received 
from several foreign intelligence services regarding subject. 
This intelligence included information about

As a direct result of being able to share this intelligence under 
Section 218 and Section 504 of the USA Patriot Act with other 
agencies involved with this investigation,

Without these referenced provisions of the USA Patriot 
Act, this coordinated investigative effort between a multitude of 
various federal, state, local, and international law enforcement
agencies would have been much more difficult with possibly a much
different result.

The changing of the FISA standard from a "primary
purpose" to "a significant purpose" has had a dramatic impact on
terrorism cases and this particular investigation would not have
been possible without this change. This investigation centered on
The FISA coverage of the subject was initiated
after intelligence indicated that

This information would fall primarily in the criminal aspect of a
terrorist attack and negate the "primary purpose" standard for
FISA coverage since the purpose was not to gather intelligence
but to use the criminal justice system to stop a terrorist
attack. As a result of the changing standard, FISA coverage was
initiated and further information was gathered to accurately
assess the threat.

New Standard for Business Records under FISA - Section
215.

We have obtained NSLs for records from a

SECRET
LEAD(s):

Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and clear.

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