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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/10/2005

To: All Divisions

Attn: ADIC/SAC
Chief Division Counsel
FBIHQ, Manuals Desk

From: Inspection Division
Internal Investigations Section
Contact: Toni Mari Fogle, Ext. [redacted]

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Pistole John S
Thornton Charlene B
Caproni Valerie E

DATE: 08-09-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 08-09-2032

Drafted By: [redacted]

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Case ID #: (U) 66F-HQ-A1247863-172
(U) 66F-HQ-A1192082-572
(U) HQ 66-A19202-23
(U) 66F-HQ-C1384970-16631

Title: (U) REVISED PROCEDURES FOR THE SUBMISSION
OF REPORTS OF POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTERS

Synopsis: (U) To advise that reports of potential IOB matters should be submitted to the FBI's Internal Investigations Section (IIS), Inspection Division (INSD), FBI Headquarters, and to the National Security Law Branch (NSLB), Office of the General Counsel (OGC), and include the additional information listed below. Appropriate manual changes will be prepared to reflect the revised IOB reporting requirements.

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~~Derived From : G-1
Declassify On: X25-1~~



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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005

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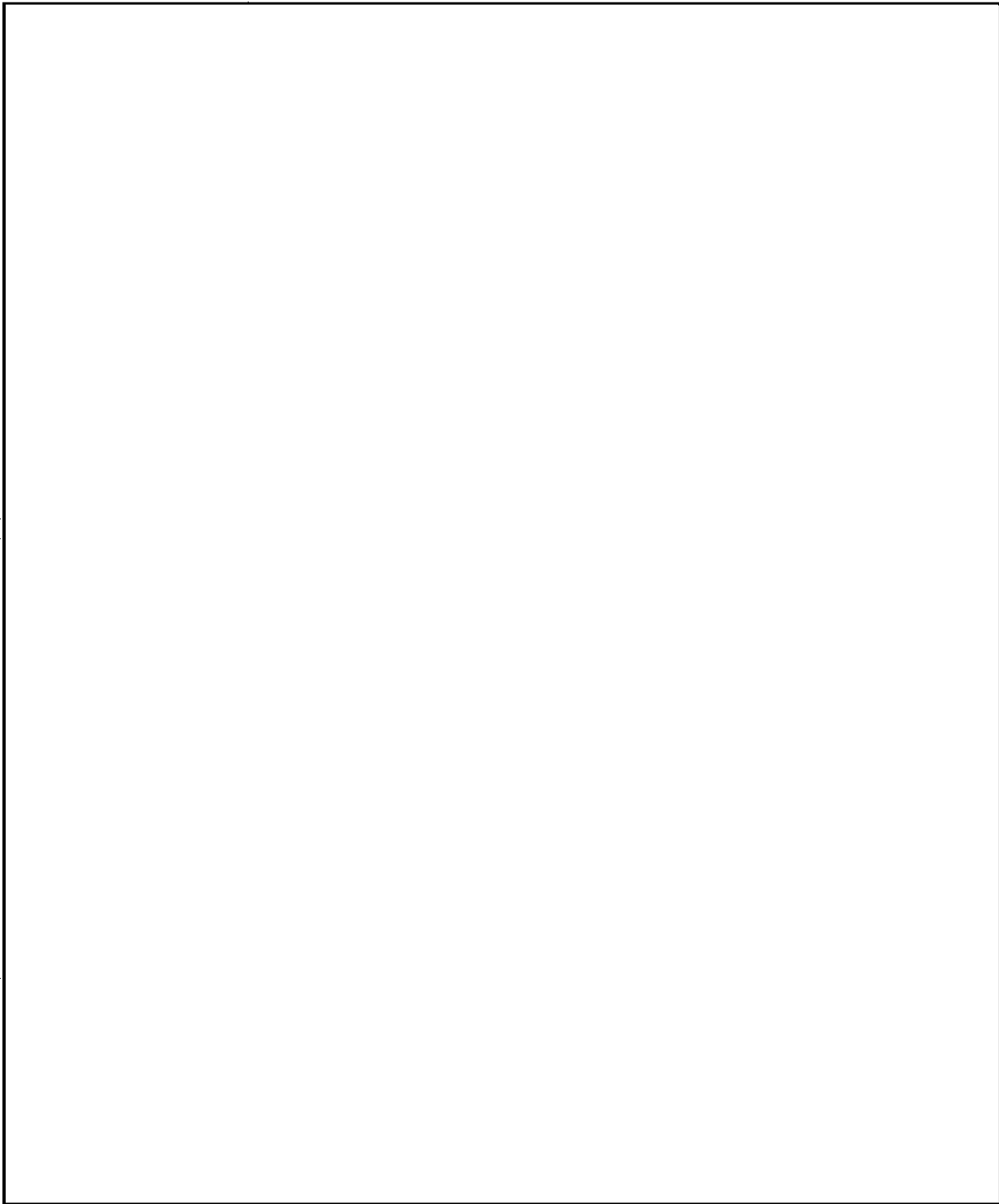
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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005



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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005



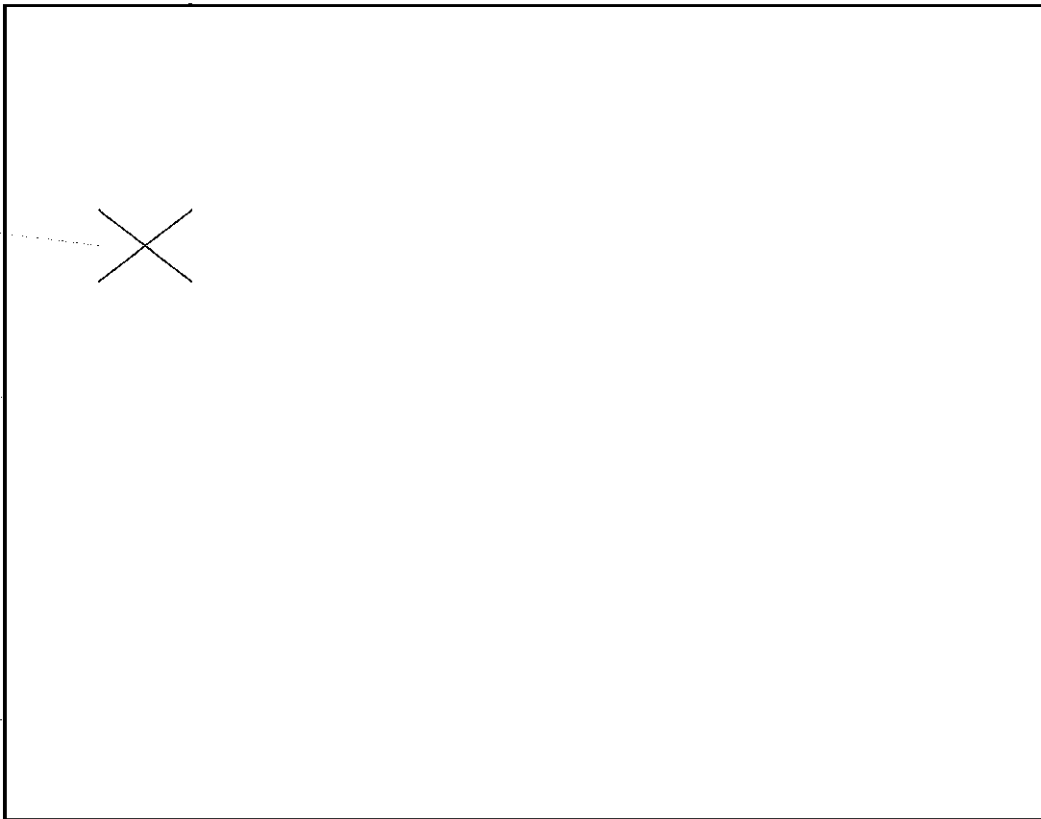
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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005



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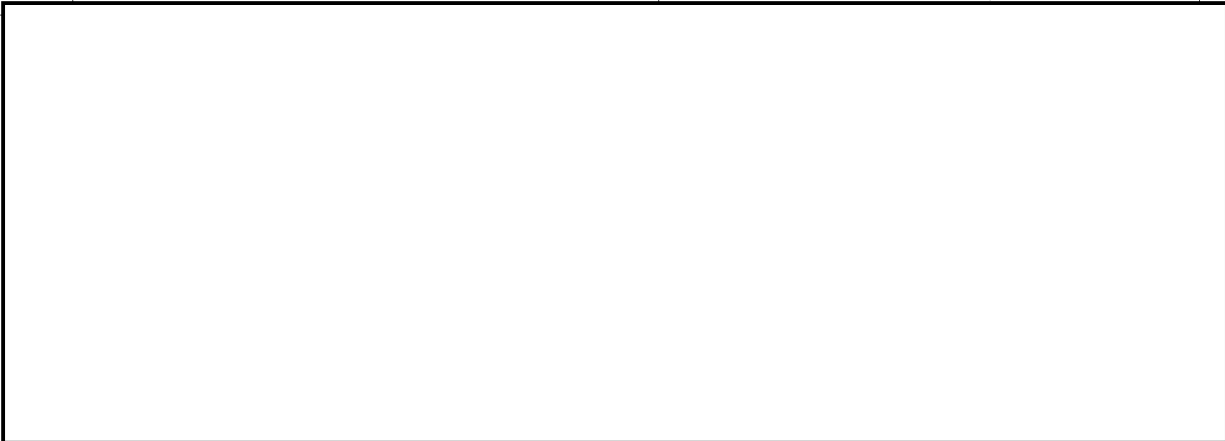
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(U) H. ~~(S)~~ Nonreportable Matters. By longstanding agreement between the FBI and the IOB, EO 12863 has been interpreted to require the FBI to notify the IOB of any violation of a provision of the foreign counterintelligence guidelines (now the NSIG) or other regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was specifically intended to protect the individual rights of a United States person. This administrative practice often necessitated the submission of reports of potential IOB errors concerning overdue 90-day and annual LHMs because such reports were required to be submitted pursuant to Section IX.C of the FCIG, which pertained uniquely to investigations involving United States persons. In drafting the 2003 NSIG, the separate reporting requirement in the FCIG concerning U.S. persons was determined to be redundant with other reporting criteria, and thus the former requirement was not included in the NSIG. Consequently, while overdue reports of administrative or investigative activities conducted under the NSIG may be considered in evaluating the work performance of FBI employees, such errors are not required to be reported to OGC as potential IOB matters.

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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005



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INTELLIGENCE OVERSIGHT BOARD (See NFIPM, Section 2-56.)

(1) The President, by Executive Order 12683 of September 13, 1993, established the Intelligence Oversight Board as a standing committee of the President's Foreign Intelligence Advisory Board. The Board is charged with reviewing activities of the Intelligence Community and informing the President of any activities that any member believes are in violation of the Constitution, the laws of the United States, or Executive Orders or Presidential Directives. In this regard, the Board will receive and consider reports of Inspectors General and General Counsels of the Intelligence Community concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive Orders, Presidential Directives, or other guidelines or regulations approved by the Attorney General, in accordance with Executive Order 12333, if such provisions were intended to protect the individual rights of a United States person.

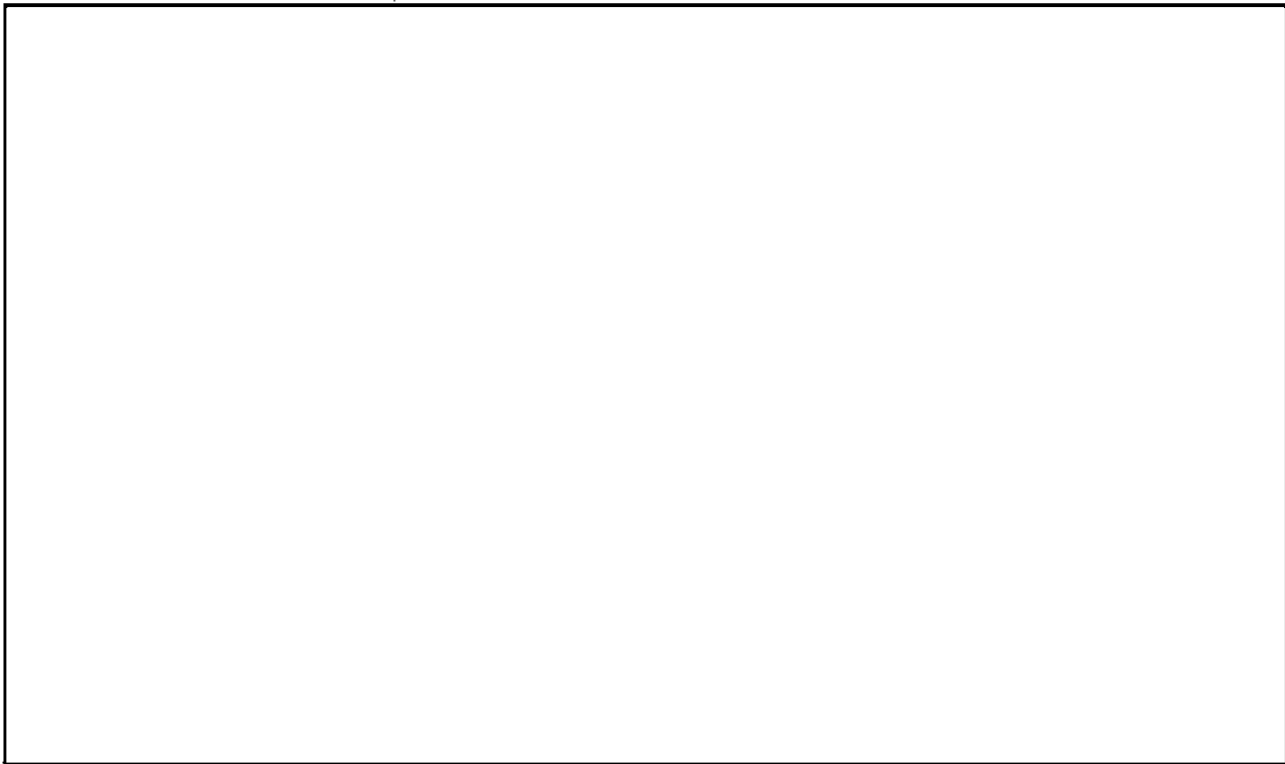


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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005



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To: All Divisions From: Inspection Division
Re: (U) 66F-HQ-A1247863 , 02/10/2005

LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

(U) Disseminate to all division personnel.

Set Lead 2: (Action)

Manuals Desk

(U) Make manual changes as appropriate.

- 1 - AD Thornton, Rm. 7825
- 1 - AD Will, Rm. 11255C
- 1 - Ms. Caproni, Rm. 7427
- 1 - Ms. Thomas, Rm. 7427
- 1 - [redacted] Rm. 7975
- 1 - [redacted] Rm. 7975
- 1 - [redacted] Rm. 7975
- 1 - [redacted] Rm. 7975
- 1 - [redacted] Rm. 11102
- 1 - [redacted] Rm. 11102
- 1 - [redacted] Rm. 7648
- 1 - NSLB Library

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NSL VIO-23692

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/08/2004

To: All Divisions

Attn: ADIC/SAC
Chief Division Counsel
FBIHQ, Manuals Desk

From: Office of the Director
National Security Law Branch/Rm. 7974
Contact: [redacted] Ext. [redacted]

Approved By: Mueller Robert S III ✓

Drafted By: [redacted]

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Case ID #: (U) 66F-HQ-A1247863 - 149
(U) 66F-HQ-A1192082 - 547
(U) HQ 66-A19202 - 21
(U) 66F-HQ-C1384970 - 7648

Title: (U) REVISED PROCEDURES FOR THE SUBMISSION
OF REPORTS OF POTENTIAL INTELLIGENCE
OVERSIGHT BOARD (IOB) MATTERS

Synopsis: (U) To promulgate revised procedures for the submission of reports of potential IOB matters directly to the National Security Law Branch (NSLB), Office of the General Counsel (OGC). Significantly, as discussed below (on page 5) regarding Section 2-56.G of the revised NFIPM, consistent with the revised Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, with the concurrence of the IOB and the Office of Intelligence Policy and Review, Department of Justice, these revised IOB procedures eliminate the prior requirement to report as potential IOB matters overdue reports concerning administrative or investigative activities.

(U) ~~Derived From : G-1
Declassify On: X25-1~~

Details: (U) To facilitate the timely review and disposition of reports of intelligence activities conducted by the FBI which may have been unlawful or contrary to Executive Orders, Presidential Directives, or Departmental guidelines, the requirements for the submission of reports to Headquarters concerning such matters --

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DATE: 08-08-2007
CLASSIFIED BY 65179/DMH/KSR/RM
REASON: 1.4 (c)
DECLASSIFY ON: 08-08-2032

NSL VIO-23693

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

generally referred to as "IOB matters" or "IOB errors" -- are changed as discussed below to require the submission of reports of potential IOB matters directly to the Office of the General Counsel (OGC) (Attn: National Security Law Branch [NSLB]) by electronic communication (EC)).

CHANGES TO THE
NATIONAL FOREIGN INTELLIGENCE PROGRAM MANUAL (NFIPM)

(U) ~~(S)~~ NFIPM, Sec. 2-56, Intelligence Oversight Board Matters, is changed in its entirety to read as follows:

A. (U) Background. The Intelligence Oversight Board (IOB) was established as a standing committee of the President's Foreign Intelligence Advisory Board by Executive Order (EO) 12863 dated 09/13/93. Among its other responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection. Within the FBI, the "IOB process" is the means by which the FBI reports to the IOB intelligence activities conducted by the FBI which may have been unlawful or contrary to Executive Orders, Presidential Directives, Departmental guidelines or the investigative procedures set forth in this manual.

(U) Section 2.4 of EO 12863 requires that the Inspectors General and General Counsel of the Intelligence Community components report to the IOB "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language was adopted verbatim from EO 12334 when the IOB was known as the President's Intelligence Oversight Board (PIOB). By longstanding agreement between the FBI and the IOB (and its predecessor, the PIOB), this language has been interpreted to mandate the reporting of any violation of a provision of the foreign counterintelligence guidelines or other guidelines or regulations approved by the Attorney General, in accordance with EO 12333, if such provision was intended to protect the individual rights of a United States person. Counsel for Intelligence Policy, Office of Intelligence Policy and Review (OIPR), Department of Justice (DOJ), has further opined that the words "may be unlawful" in the Executive Order should be interpreted to include violations of agency procedures issued under the Executive Order, unless they involve purely administrative matters.

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

B. (U) Obligation to Report Potential IOB Matters.
FBI employees have an obligation to report potential IOB matters within 14 days of the discovery of a possible error or violation. The failure to report such matters, for whatever reason, may result in severe disciplinary action, up to and including dismissal from the FBI.

C. (U) Reporting Procedures. NSLB, OGC, is responsible for coordinating all reporting procedures relating to possible IOB matters. FBI Headquarters (FBIHQ) divisions and field offices are responsible for monitoring intelligence activities and reporting possible IOB matters to OGC as discussed in this section.

(U) Reports of potential IOB Matters are to be reported to OGC (Attn: NSLB) by electronic communication (EC), uploaded into Case ID # 278-HQ-C1229736-VIO, and include the following information: 1) identification of the substantive investigation in which the questionable activity occurred; 2) identification of the target by name [or in matters involving assets, the asset file number]; 3) identification of the subject's (or asset's) status as a United States (U.S.) person or non-U.S. person; 4) a statement concerning the controlling legal authority for the investigation or the administrative requirements of the NFIPM that pertain [for example: "The Foreign Intelligence Surveillance Court authorized an electronic surveillance to begin at (time) on (date)," or "A full investigation was initiated on (date) and expired on (date)"]; and 5) a statement of the error believed committed and when it occurred (including, in instances of delayed reporting, an explanation for the delayed submission). EC reports of potential IOB matters must be signed out by the ADIC/SAC or Assistant Director, as appropriate. FBI personnel are encouraged to call NSLB concerning questions as to what is required or should be included in initial reports of IOB matters.

D. (U) Quarterly Reports. In addition to the foregoing, on a quarterly basis, each field office and FBIHQ division is required to submit to OGC (Attn: NSLB) an EC certifying that all employees of the office or division were contacted concerning the requirement to report possible IOB matters. (See MAOP, Part 1, 1-22.) The canvassing of employees may be accomplished by e-mail within field offices and HQ divisions. EC certifications to OGC may be signed out by an ASAC or Deputy Assistant Director, as appropriate.

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

E. (U) Action by Inspection Division (INSD).
IOB errors or other suspected violations of Executive Orders, Presidential Directives, Departmental guidelines or other regulations approved by the Attorney General in accordance with EO 12333, detected by INSD through case reviews or other inspection procedures, shall be reported to OGC within 14 days of discovery.

F. (U) Action by OGC. OGC shall review reports of potential IOB matters to determine if a reported error or violation requires notification to the IOB based on the requirements of EO 12863 and guidance previously provided by the IOB and the Office of Intelligence Policy and Review, Department of Justice. OGC will prepare a written opinion as to whether the matter is reportable to the IOB. If the reported matter is determined to require IOB notification, OGC will prepare the necessary correspondence to the IOB setting forth the basis for the notification (see "Reportable Matters" below). That correspondence will be signed by the General Counsel or the General Counsel's designee and then be hand carried to the IOB. A copy of the correspondence will also be sent to the FBI's Office of Professional Responsibility (OPR) and to the SAC or Assistant Director who initially reported the matter for action deemed appropriate. Copies of that correspondence will also be delivered to the Office of the Attorney General, Department of Justice (DOJ), the Office of Professional Responsibility, DOJ, the Office of Intelligence Policy and Review, DOJ.

(U) (U) Reports of potential IOB matters determined by OGC not to require notification to the IOB will be retained by OGC for three years for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required.

(U) (U) ~~(S)~~ Reportable Matters. Examples of potential IOB matters which must be reported to OGC include:

1. ~~(S)~~ Unauthorized investigations. (See, generally, the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG).)

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

3. (U) Initiating a form of electronic surveillance or a search without authorization from the Foreign Intelligence Surveillance Court (FISC), or failing to terminate an authorized surveillance at the time prescribed by the Court. (See 50 U.S.C. § 1805, 1824.)

4. (U) Failing to adhere to the minimization or dissemination requirements specified in a FISC Order. (See 50 U.S.C. § 1806.)

(U)

H. ~~(S)~~ Nonreportable Matters. By longstanding agreement between the FBI and the IOB, EO 12863 has been interpreted to require the FBI to notify the IOB of any violation of a provision of the foreign counterintelligence guidelines (now the NSIG) or other regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was specifically intended to protect the individual rights of a United States person. This administrative practice often necessitated the submission of reports of potential IOB errors concerning overdue 90-day and annual LHMs because such reports were required to be submitted pursuant to Section IX.C of the FCIG, which pertained uniquely to investigations involving United States persons. In drafting the 2003 NSIG, the separate reporting requirement in the FCIG concerning U.S. persons was determined to be redundant with other reporting criteria, and thus the former requirement was not included in the NSIG. Consequently, while overdue reports of administrative or investigative activities conducted under the NSIG may be considered in evaluating the work performance of FBI employees, such errors are not required to be reported to OGC as potential IOB matters.

CHANGES TO THE MANUAL OF ADMINISTRATIVE
OPERATIONS AND PROCEDURES (MAOP)

(U) MAOP, Part 1, 1-22, Intelligence Oversight Board is changed to read as follows:

INTELLIGENCE OVERSIGHT BOARD (See NFIPM, Section 2-56.)

(1) The President, by Executive Order 12683 of September 13, 1993, established the Intelligence Oversight Board as a standing committee of the President's Foreign Intelligence Advisory Board. The Board is charged with reviewing activities of the Intelligence Community and informing the President of any activities that any member believes are in violation of the Constitution, the laws of the United States, or Executive Orders

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

or Presidential Directives. In this regard, the Board will receive and consider reports of Inspectors General and General Counsels of the Intelligence Community concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive Orders, Presidential Directives, or other guidelines or regulations approved by the Attorney General, in accordance with Executive Order 12333, if such provisions were intended to protect the individual rights of a United States person.

(2) In the FBI, reports to the Board are submitted by the Office of the General Counsel (OGC). Employees must refer matters which they believe may require submission to the Board to the National Security Law Branch, OGC (Attn: NSLB). It should be noted in this regard that matters involving allegations of illegal or improper personal conduct on the part of government employees generally are not matters within the purview of the Intelligence Oversight Board. Accordingly, allegations of illegal or improper personal conduct which are not related to the FBI's intelligence or counterintelligence responsibilities, if detected, should be reported to the FBI's Office of Professional Responsibility.

(3) Pursuant to the provisions of Executive Order 12863 of September 13, 1993, on a quarterly basis, each field office and Headquarters division is required to submit to the Office of the General Counsel (OGC) (Attn: NSLB) an electronic communication (EC) certifying that all employees of the office or division have been contacted concerning the requirement to report any intelligence or counterintelligence activities within their office or division that they believe may be unlawful or contrary to Executive Order, Presidential Directive, or Departmental regulation. Such canvassing may be accomplished by e-mail. EC certifications reporting the results of employee canvassing may be signed out by an ASAC or Deputy Assistant Director, as appropriate. Allegations of potential IOB violations not previously reported pursuant to the requirements of Section 2-56 of the NFIPM shall be reported to OGC within 14 days of discovery. The failure to report such matters, for whatever reason, may result in severe disciplinary action, up to and including dismissal from the FBI.

(4) Questions concerning the IOB process or reporting procedures should be directed to NSLB, OGC.

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To: All Divisions From: Office of the Director
Re: (U) 66F-HQ-A1247863 , 03/08/2004

LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

(U) Disseminate to all division personnel.

- 1 - AD McCraw, Rm. 7825
- 1 - DAD J.P Weis, Rm. 7125
- 1 - DAD Perkins, Rm. 7825
- 1 - Ms. Caproni, Rm. 7427
- 1 - Mr. Kelley, Rm. 7427
- 1 - Mr. Curran, Rm. 7427
- 1 - UC [redacted] Rm. 7975
- 1 - SSA [redacted] Rm. 7975
- 1 - SSA [redacted] Rm. 7975
- 1 - NSLB Library

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NSL VIO-23699

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 08/20/2003

To: All Divisions

Attn: ADIC/SAC
Chief Divison Counsel
FBIHQ, Manuals Desk

From: Office of the Director
National Security Law Branch

Contact: [Redacted]

Approved By: Mueller Robert S III

Drafted By: [Redacted]

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HEREIN IS UNCLASSIFIED
DATE 06-09-2007 BY 65179/DMH/KSR/RW

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Case ID #: 66F-HQ-A1247863
66F-HQ-A1192082
HQ 66-A19202
66F-HQ-C1384970

Title: REVISED INTERIM PROCEDURES FOR THE
SUBMISSION OF REPORTS OF POTENTIAL
INTELLIGENCE OVERSIGHT BOARD (IOB)
MATTERS

Synopsis: To promulgate revised interim procedures for the submission of reports of potential IOB matters directly to the National Security Law Branch (NSLB), Office of the General Counsel (OGC).

Details: This is an interim change to Section 2-57 of the National Foreign Intelligence Program Manual (NFIPM) and Part 1, Section 1-22 of the Manual of Administrative Operations and Procedures (MAOP). Additional IOB guidance and appropriate manual changes will follow upon promulgation of the revised Attorney General guidelines for foreign intelligence collection and foreign counterintelligence investigations.

Background. The IOB was established as a standing committee of the President's Foreign Intelligence Advisory Board by Executive Order (EO) 12863 dated 09/13/95. Among its other responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection. Within the FBI, the "IOB process" is the means by which the FBI reports to the IOB intelligence activities conducted by the FBI which may have been unlawful or contrary to Executive Orders, Presidential Directives, Departmental guidelines or the investigative procedures set forth in the NFIPM and the MAOP.

To: All Divisions From: Office of the Director
Re: 66F-HQ-A1247863 08/20/2003

To facilitate the timely review and disposition of reports of potential IOB matters, effective immediately, NSLB, OGC, has assumed responsibility from Inspection Management Unit, Inspection Division, for the receipt of all reports of potential IOB matters.

Reporting Procedures: Reports of potential IOB Matters are to be reported to OGC (Attn: NSLB) by electronic communication (EC), uploaded into Case ID # 278-HQ-C1229736-VIO, and include the following information: 1) identification of the substantive investigation in which the questionable activity occurred; 2) identification of the target by name [or in matters involving assets, the asset file number]; 3) identification of the subject's (or asset's) status as a United States (U.S) person or non-U.S. person; 4) a statement concerning the controlling legal authority for the investigation or the administrative requirements of the NFIPM that pertain [for example: "The Foreign Intelligence Surveillance Court authorized an electronic surveillance to begin at (time) on (date)," or "A full investigation was initiated on (date) and expired on (date)"]; and 5) a statement of the error believed committed and when it occurred (including, in instances of delayed reporting, an explanation for the delayed submission). EC reports of potential IOB matters must be signed out by the ADIC/SAC or Assistant Director, as appropriate.

Quarterly Reports. In addition to the foregoing, on a quarterly basis, each field office and FBIHQ division is required to submit to OGC (Attn: NSLB) an EC certifying that all employees of the office or division were contacted concerning the requirement to report possible IOB matters. (See MAOP, Part 1, 1-22.) The canvassing of employees may be accomplished by e-mail within field offices and HQ divisions. EC certifications to OGC must be signed out by the ADIC/SAC or Assistant Director, as appropriate.

FBI personnel are encouraged to call NSLB, OGC, concerning questions as to what is required or should be included in initial reports of IOB matters.

To: All Divisions From: Office of the Director
Re: 66F-HQ-A1247863 08/20/2003

LEAD(s):

Set Lead 1:

ALL RECEIVING OFFICES

Advise all concerned of the revised interim procedures for the submission of reports of potential IOB matters directly to the National Security Law Branch, Office of the General Counsel.

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 06/20/2003

To: Records Management

Attn: Manuals Desk
Room 10471

From: Inspection

Inspection Management Unit, Rm. 7837

Contact: [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-08-2007 BY 65179/DMH/KSP/RW

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Drafted By: [Redacted]

Case ID #: 66F-HQ-A1192082 (Pending)
278-HQ-C1229736 (Pending)

Title: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES

Synopsis: To revise the Manual of Administrative Operations and Procedures (MAOP) and the National Foreign Intelligence Manual (NFIPM) to reflect newly established procedures for reporting instances of Intelligence Oversight Board (IOB) violations.

Reference: 278-HQ-C1229736 Serial 1366

Details: REASON FOR CHANGE

The current MAOP and NFIPM provide guidance for all divisions to provide the Inspection Division (INSD) on a quarterly basis, a communication certifying that all employees of the respective divisions have been contacted concerning intelligence activities and they have no reason to believe any activities may be unlawful or contrary to executive order or presidential directive. The MAOP and NFIPM also provide instruction for all divisions to report any instances of a violation of law, executive order, or presidential directive, promptly without waiting for the normal quarterly response.

The INSD, Inspection Management Unit (IMU) has been designated the FBIHQ point-of-contact for the quarterly reporting of IOB matters, as well as detected IOB violations. Additionally, all divisions have been instructed to provide the Office of the General Counsel (OGC), National Security Law Unit (NSLU) a copy of all reports. Notwithstanding MAOP and NFIPM

To: Records Management From: Inspection
Re: 66F-HQ-A1192082, 06/11/2003

citations and written directive from both IMU and NSLU, the field, Counterintelligence Division, and Counterterrorism Division continue to report IOB violations in a number of dissimilar methods which ultimately cause administrative delays at FBIHQ in the proper and timely notification of Office of Professional Responsibility (OPR) and the Department of Justice (DOJ), Office of Intelligence and Policy Review (OIPR) pursuant to the MAOP Part 1, 1-22 and NFIPM, Part 1, Section 2-56.

The requirement to report violations to both OGC and INSD is duplicative and serves no investigative function in the IOB reporting process. In many instances, divisions have made OGC aware of potential violations, which has then taken administrative action (i.e., establish contact with OIPR representatives) absent information received from INSD. INSD serves only as an administrative "clearing house" for reporting. INSD opens and assigns reports of violations an Automated Case Support (ACS) file number; reviews incoming reports to determine whether a possible violation has occurred; reviews submitted documents for compliance with prescribed reporting format; assesses the completeness of the reports; and prepares a second "summary" electronic communication (EC) to OGC and OPR, again providing a summary of events leading up to the possible violation already reported by the affected entity.

In view of the above, the current policy regarding the reporting of IOB violations was amended. The change will enable timely submission of information to OGC, OIPR and OPR.

CHANGED TEXT

MAOP, Part 1, Section 1-22, INTELLIGENCE OVERSIGHT BOARD (See NFIPM, Part 1, Section 2-56), should be changed and/or added as follows: (Changes are underlined. Note change in above referenced NFIPM Section.)

MAOP, Part 1, Section 1-22:

- (1) Same
- (2) Same

(3) On a quarterly basis, each division will submit to FBIHQ, Office of the General Counsel, Attention: National Security Law, a communication certifying that all the employees of that division have been contacted concerning intelligence activities and that they have no reason to believe any activities may be unlawful or contrary to Executive Order or Presidential Directive. This communication will be signed out personally by

To: Records Management From: Inspection
Re: 66F-HQ-A1192082, 06/11/2003

the SAC, Assistant Director, or Bureau Executive, and this responsibility cannot be delegated. Should a question of a violation of law, Executive Order, or Presidential Directive arise, it must be reported promptly without waiting for the normal quarterly response. Detected allegations are to be reported as 278 violations, and captioned with the name of the supervisor, employee administering the case, and name of the field office. Communications should be directed to the Office of the General Counsel, National Security Law Unit by EC within 14 days of discovery of a possible Intelligence Oversight. Failure to report such activity will subject the employees sharing the responsibility for the dereliction to severe administrative action up to and including dismissal from the service.

NFIPM, Part 1, Section 2-56, INTELLIGENCE OVERSIGHT BOARD MATTERS should be changed and/or added as follows: (Changes are underlined.)

NFIPM, Part 1, Section 2-56:

A. Same

B. Same

C. On a quarterly basis, each FBI Headquarters division, each field office and each Legat must submit a communication to the FBI's Office of the General Counsel, National Security Law Unit, certifying that employees have been canvassed as respects the Intelligence Oversight Board's mandate. This routine quarterly certification requirement notwithstanding, possible violations of the above authorities must also be reported to the FBI's Office of the General Counsel, National Security Law Unit within 14 days of their discovery. Both quarterly certifications and interim communications must be signed out by the Assistant Director or SAC, as appropriate. This responsibility may not be delegated. The OGC refers reported matters to the FBI's Director's Office, Office of Professional Responsibility; and it is the OGC which determines which of them should be reported to the Intelligence Oversight Board.

a) Same

D. Same

E. Same

To: Records Management From: Inspection
Re: 66F-HQ-A1192082, 06/11/2003

1. Upon being advised of a potential Intelligence Oversight Board violation, the National Security Law Unit initiates an Intelligence Oversight Board case, and advises the Adjudication Unit in the FBI's Office of Professional Responsibility of that fact.

2. /OMIT SECTION/

3. Same

4. The LHM and cover communication will be signed by the General Counsel, OGC. It will then be hand carried to the Intelligence Oversight Board, and the results fo the investigation will be provided to the FBI's Office of Professional Responsibility for review as respects recommended administrative action.

F. If reported activities are determined not to rise to a level requiring Intelligence Oversight Board notification, the OGC reports the results of its investigation to the Office of Professional Responsibility, for review as respects recommended administrative action.

1. The Office of Professional Responsibility considers the referred matter, notified the FBI Headquarters division, the field office or Legat of its findings, and returns the matter to the OGC, which in turn, closes the matter.

2. Same

G. Same

H. Same

To: Records Management From: Inspection
Re: 66F-HQ-A1192082, 06/11/2003

LEAD(s):

Set Lead 1:

RECORDS MANAGEMENT

AT WASHINGTON, DC

Upon approval of manual changes, EC should be forwarded to Manuals Desk, Records Management Division for handling.

CC: 1 - Acting General Counsel Patrick W. Kelley, OGC, Rm. 7427
1 - Assistant Director Robert J. Jordan, OPR, Rm. 7129
1 - Assistant Director David W. Szady, CD, Rm. 4012
1 - Assistant Director Larry A. Mefford, CTD, Rm. 5829
1 - Manuals Desk, Rm. 10471

◆◆

FEDERAL BUREAU OF INVESTIGATION

Precedence: Routine

Date: 06/11/2003

To: All Divisions

Attn: EADs
ADs
ADICs
SACs
Legats
CDCs

From: Inspection

Office of Inspections, Inspection Management Unit, Rm. 7837

Contact: [Redacted]

Approved By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-08-2007 BY 65179/DMH/KSR/RW

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Drafted By: [Redacted]

Case ID #: 278-HQ-C1229736 (Pending)
278-HQ-C1229736-QR (Pending)
278-HQ-C1229736-VIO (Pending)

Title: INTELLIGENCE OVERSIGHT BOARD MATTERS

Synopsis: (U) To provide notification of revised reporting procedures for Intelligence Oversight Board (IOB) matters.

Reference: 278-HQ-C1229736 Serial 1366

Details: (U) Under revised procedures, all receiving offices should report instances of IOB violations directly to the Office of the General Counsel (OGC), National Security Law Unit (NSLU). The Inspection Division (INSD) will no longer facilitate reporting to either the OGC, NSLU, the Director's Office, or Office of Professional Responsibility (OPR) and thus need not be provided informational copies of IOB-related communications. Similarly, receiving offices will continue to report both quarterly and violation reporting, however, reporting will be made directly to the OGC, NSLU versus INSD. The change will eliminate redundant reporting, allowing the NSLU to expeditiously communicate IOB violations to the DOJ, Office of Intelligence and Policy Review.

(U) To reiterate reporting requirements, quarterly IOB reporting is based upon the calendar year. All reporting should be directed to OGC, Attention: NSLU, Room 7975 utilizing the previously established IOB Quarterly Report (QR) sub file: 278-

To: All Divisions From: Inspection
Re: 278-HQ-C1229736, 06/11/2003

HQ-C1229736-QR. The required quarterly report will document the fact all employees were canvassed for their knowledge of any known or suspected IOB violations and to report pertinent findings.

(U) All receiving offices should report potential IOB matters promptly. Reporting of potential IOB matters detected by field offices or FBIHQ divisions should be reported to OGC, NSLU by EC within 14 days of discovery of the possible violation. All reporting should be directed to the FBIHQ IOB violation sub file: 278-HQ-C1229736-VIO and not the substantive case file number.

(U) Questions concerning this EC or other aspects of the IOB process should be directed to the respective Chief Division Counsel or OGC, NSLU, at (202) 324-3951.

Relevant Manual of Administrative Operations and Procedures and National Foreign Intelligence Manual changes will follow.

To: All Divisions From: Inspection
Re: 278-HQ-C1229736, 06/11/2003

LEAD(s):

Set Lead 1: (Adm)

ALL RECEIVING OFFICES

Ensure the contents of this communication are made available to affected personnel.

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SECRET//ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/03/2007

To: General Counsel
Counterterrorism

Attn: NSLB
Julie Thomas
Attn: CAU
SIA [Redacted]

From: Counterterrorism
ITOS 1/ETIU/LX-1
Contact: SSA [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DATE: 08-02-2007
CLASSIFIED BY 65179/DMH/KSP/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 08-02-2032

Case ID #: (S) [Redacted] (Pending)
(S) [Redacted] (Pending)
(S) [Redacted] (Pending)

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Title: (S) [Redacted]
(S) [Redacted]
(S) [Redacted]

(U) ~~(S)~~ Synopsis: Approves the historic issuance of ECPA National Security Letters (NSLs) for toll billing records; provides reporting data.

(U) ~~(S)~~ Derived From: Multiple Sources
~~Declassify On: 25X1 Human~~

Enclosures: (U) Telephone numbers submitted as part of NSLs.
Enclosure 1: NSL to [Redacted] on 08/24/2006.
Enclosure 2: NSL to [Redacted] on

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~~SECRET//ORCON/NOFORN~~

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~~SECRET~~//ORCON/NOFORN

To: General Counsel From: Counterterrorism
Re: (S) [redacted] 11/22/2006

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09/19/2006. Enclosure 3: NSL to [redacted] on
09/19/2006.

(U) ~~Administrative:~~ (S) This document is classified
SECRET//ORCON/NOFORN. Portions of this document carrying
corresponding classification markings may not be incorporated
into any criminal affidavit, criminal court proceeding or
unclassified investigative file. The information in this
document is intended to be used for lead or background purposes
only. No further dissemination of the material classified ORCON
in this document may be made without the prior approval of the
originating agency.

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(S) ~~(S)~~ This EC is being produced on this date to document early
investigation into th [redacted] and urgent NSLs issued to
[redacted] on 08/24/2006, [redacted]
[redacted] on 09/19/2006, and [redacted] also on
09/19/2006.

Details: (S//OC/NF)

[redacted]

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(S//OC/NF)

[redacted]

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~~SECRET~~//ORCON/NOFORN

~~SECRET~~//ORCON/NOFORN

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To: General Counsel

From: Counterterrorism

Re: (S)

11/22/2006

(S)

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~~SECRET~~//ORCON/NOFORN

~~SECRET~~//ORCON/NOFORN

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To: General Counsel
Re: (S [redacted])

From: Counterterrorism
11/22/2006

[redacted]

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[redacted]

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[redacted]

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~~SECRET~~//ORCON/NOFORN

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~~SECRET~~//ORCON/NOFORN

To: General Counsel

From: Counterterrorism

Re: (S)

11/22/2006

(S)

[Redacted]

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(S) (OC/NF)

[Redacted]

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(S) (OC/NF)

[Redacted]

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(S)

[Redacted]

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~~SECRET~~//ORCON/NOFORN

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~~SECRET~~//ORCON/NOFORN

To: General Counsel

From: Counterterrorism

Re: (S)

11/22/2006

(S)

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~~SECRET~~//ORCON/NOFORN

~~SECRET~~//ORCON/NOFORN

To: General Counsel

From: Counterterrorism

Re: (S)

11/22/2006

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(S)



~~SECRET~~//ORCON/NOFORN

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~~SECRET~~//ORCON/NOFORN

To: General Counsel From: Counterterrorism
Re: (S) [redacted] 11/22/2006

(S) [redacted]

(S) [redacted]

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~~SECRET~~//ORCON/NOFORN

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~~SECRET~~//ORCON/NOFORN

To: General Counsel [redacted] From: Counterterrorism
Re: (S) [redacted] 11/22/2006

fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person.

(U) ~~(S)~~ More specifically, the manner in which the disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may prematurely disclose a national security threat assessment or investigation to the target and associates affiliated with the target, and cause them to alter their communications network to circumvent detection. Disclosure may also prematurely lead to the disclosure of classified national security intelligence surveillance techniques.

(U) Any questions regarding the above can be directed to ITOS 1/ETIU, SSA [redacted]

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~~SECRET~~//ORCON/NOFORN

~~SECRET~~//ORCON/NOFORN

To: General Counsel From: Counterterrorism
Re: (S) [REDACTED] 11/22/2006
LEAD (s) [REDACTED]

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Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

Set Lead 2: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) CAU: Is requested to maintain copies as appropriate of the EC.

◆◆

~~SECRET~~//ORCON/NOFORN

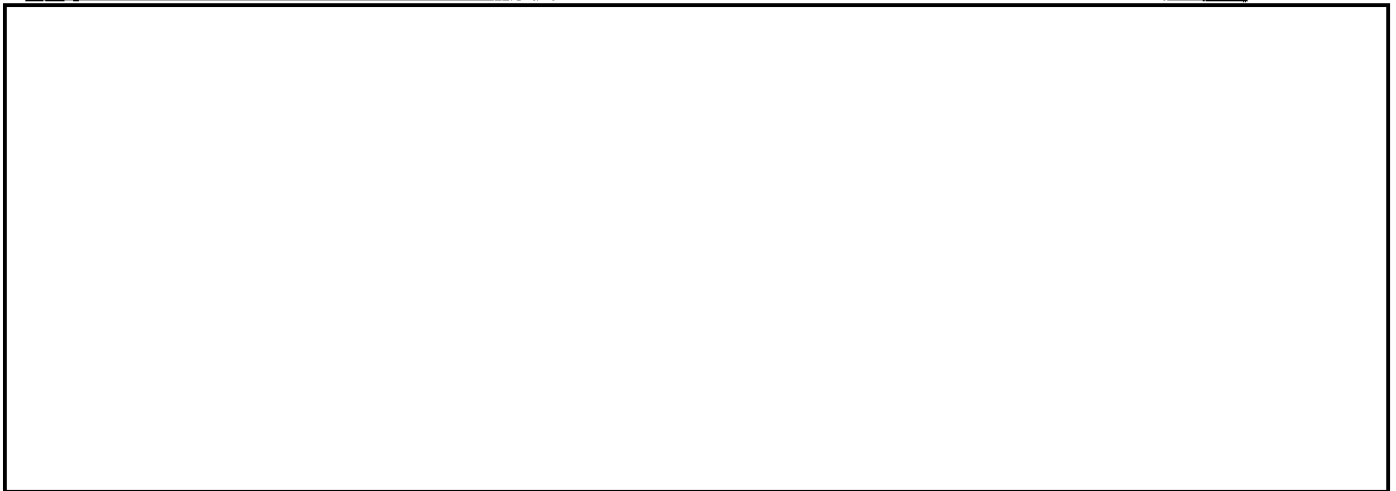
~~SECRET~~

IOB Number

Date Completed

**Signed copy returned/
date signed by Julie/Jim**

Outside the Scope



2. 2004

2/16/2005

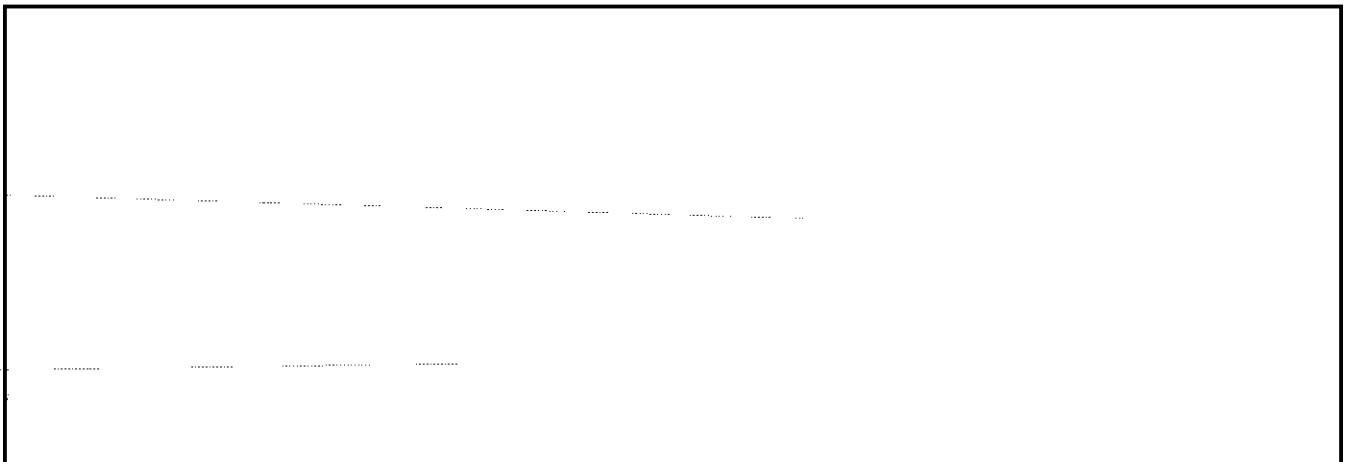
2/16/2005 2/17/2005

As provided in section 2.4 of E.O. 12333, while the FBI had the authority to conduct an search of the target's email account, Here, the inadvertent dissemination of search information from the target's email account was a violation of section 2.4 of E.O. 12333. Moreover, as explained above, the dissemination of such information went beyond the scope of the FISC order. Thus, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, this mistake must be reported to the IOB. OGC will prepare an appropriate cover letter and an enclosure for the Deputy General Counsel to report this matter to the IOB.

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Outside the Scope

(S)



(S)

(S)

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 08-08-2007
CLASSIFIED BY 65179/DME/KSP/PM
REASON: 1.4 (c)
DECLASSIFY ON: 08-08-2032

NSL VIO-23755



4. 2004 [redacted] 1/10/2005 1/10/2005 1/11/2005

Here, as a consequence of an error on the part of [redacted] and through no fault of the Case Agent, an unauthorized electronic surveillance was conducted.

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5. 2004 [redacted] 2/3/2005 2/3/2005

Under the AG Guidelines, the FBI is permitted to conduct an interview (other than a pretext interview) without first opening a [redacted] Here, the interview in question was not a pretext interview, and accordingly, it was unnecessary to open a [redacted] before conducting the interview.

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6. 2005 [redacted] 2/17/05 2/17/05 2/18/05

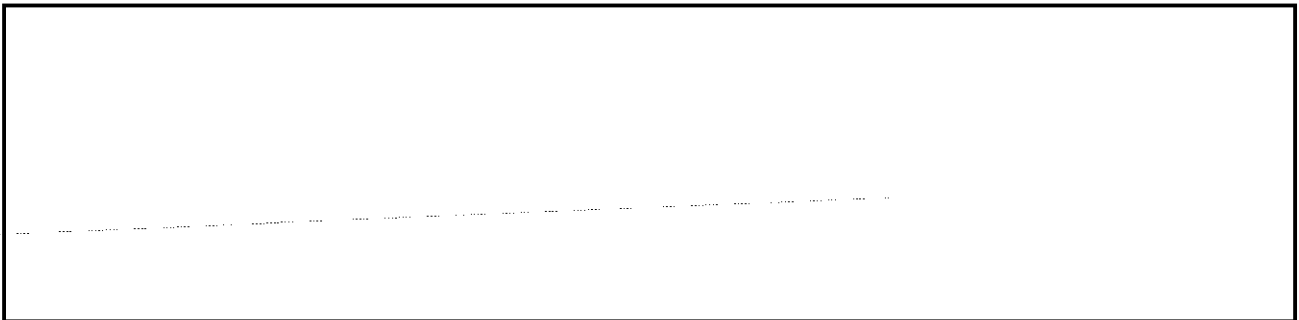
Here, as a consequence of an error on the part of [redacted] and through no fault of [redacted] an unauthorized electronic surveillance of an email account was conducted.

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7. 2005 [redacted] 2/24/05 2/24/05

Further, the initial case agent failed to timely submit the required annual LHM that was due in August 2000. Rather, the case agent submitted the annual LHM on March 16, 2001, approximately seven months late. This delayed reporting precluded OIPR from exercising its responsibility for oversight and approval of an ongoing [redacted] [redacted] of a U.S. person, which is contrary to the requirements of the March 8, 1999 AG Guidelines

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(S)

(S)



9. 2005 [redacted] 2/24/05 2/24/05

Here, [redacted] failed to provide a mandatory 90-day LHM. When the investigation was converted from a [redacted] [redacted] was required to submit an LHM within 90 days from the date that [redacted] was initiated. [redacted] failed to do so. This delayed reporting precluded OIPR from exercising its responsibility for oversight and approval of an ongoing [redacted] of a United States person, which is contrary to the requirements of the March 8, 1999 AG Guidelines.

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10. 2005 [redacted] 2/28/05 2/28/05 3/31/05

Here, [redacted] failed to submit an annual LHM for the year 2002. Although the investigation had been placed in "pending inactive" status, and no active investigation had been conducted, this did not obviate the requirement of submitting an annual LHM in [redacted] of a United States person. The failure to submit an annual LHM for the year 2002 precluded OIPR from exercising its responsibility for oversight and approval of an ongoing full investigation of a United States person, which is contrary to the requirements of the March 8, 1999 AG Guidelines.

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11. 2005 [redacted] [redacted] completed 2/18/05
278-HQ-1381271 on 2/14/04

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12. 2005 [redacted] 5/16/05

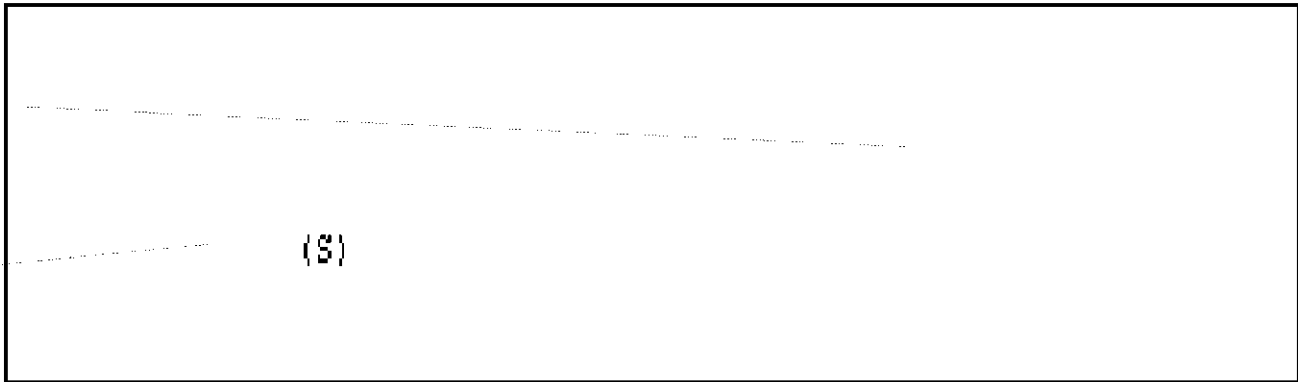
Here, an unauthorized electronic surveillance was conducted. As a consequence of an error on the part of the communications carrier, the FBI unintentionally conducted a form of electronic surveillance that was unauthorized. Based upon our analysis, in accordance with the reporting requirements of Section 2.4 of E.O. 12863, the carrier's mistake must be reported to the IOB because the surveillance was not authorized under the Foreign Intelligence Surveillance Act or Executive Order 12333.

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14. 2006- (NSL)

4/18/06

5/2/06

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(U)

~~(S)~~ In this situation, the information obtained by the FBI was not relevant to an authorized national security investigation. Due to the incorrect number stated in the NSL, the FBI received telephone toll billing records pertaining to a telephone number that was neither under investigation nor related to an investigation. Therefore, the information was improperly collected, although unintentionally so, in violation of the NSIG and ECPA.

15. 2006-

May 17, 2006

May 23, 2006

NSL--asked for information from inception to present and received prior subscriber information, not reportable to IOB

16. 2006-

May 16, 2006

May 17, 2006

NSL--asked for information from inception to present and received prior subscriber information, not reportable to IOB

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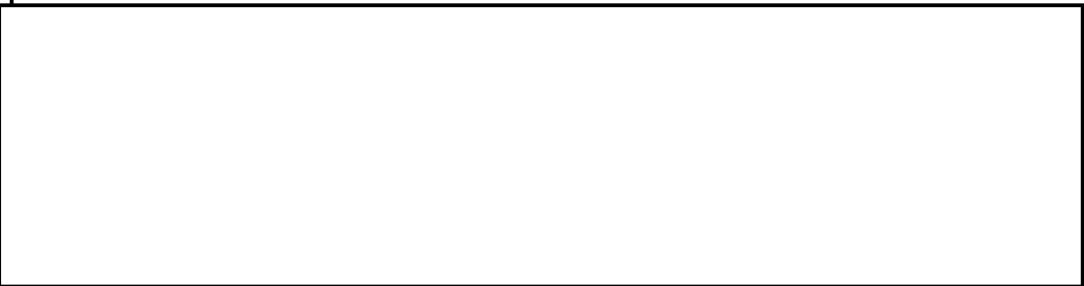
17. 2006- (NSL)

05/03/2006

May 17, 2006

Typo in NSL, reportable to IOB

Outside the Scope



20. 2006 [redacted] June 14, 2006 June 19, 2006
After inadvertent administrative oversight [redacted] and case agent engaged in investigative activity including serving an NSL, reviewing NSL results, and asking other gov't entities for information. Most not reportable, serving NSL reportable. Outside the Scope

[redacted]

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[redacted]

2006 [redacted] May 24, 2006/to DGC May 31, 2006
Internet service provider provided FBI with information that exceeded the scope of the NSL. Reported to IOB.

2006 [redacted] May 23, 2006 May 24, 2006
[redacted] provided FBI with information that exceeded the scope of the NSL. Provided all employer toll billing records and not just target employee. Reported to IOB.

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2006 [redacted] June 8, 2006 June 19, 2006
[redacted] provided FBI with information that exceeded the scope of the NSL. Provided information dating back further than what the NSL requested. Reported to IOB.

2006 [redacted] June 14, 2006 June 19, 2006
NSL--asked for information from inception to present and received other subscriber information, not reportable to IOB

2006 [redacted] 12/21/2006
OGC has insufficient facts to determine whether the [redacted] potential Intelligence Oversight Board (IOB) violations in the captioned matter are reportable to the IOB. Accordingly, the [redacted] Field Office [redacted] is directed to provide OGC with [redacted] separate electronic communications (ECs) sufficiently describing the circumstances with respect to each potential IOB matter

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Outside the Scope

[Redacted]

2006- [Redacted]
Nevertheless, the NSLs that were served on 04/28/2006, 05/02/2006
and 05/04/2006 in the absence of a properly [Redacted]
[Redacted] contravened the NSIG and must be reported to the IOB.

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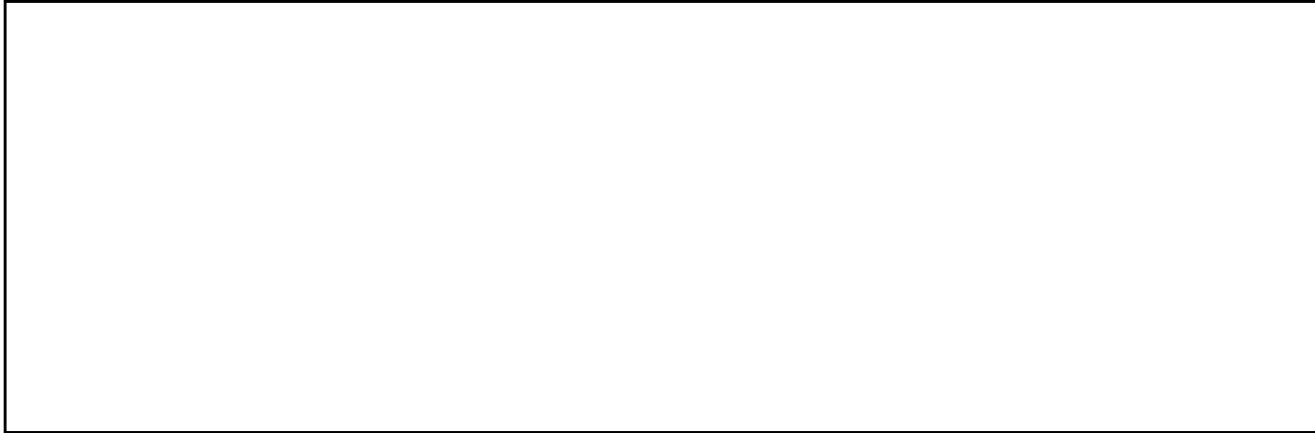
[Redacted]

2006 [Redacted]
Served NSL on inaccurate phone number based on incorrect info. received during an interview,

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[Redacted]

[Redacted]

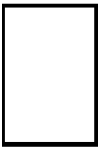
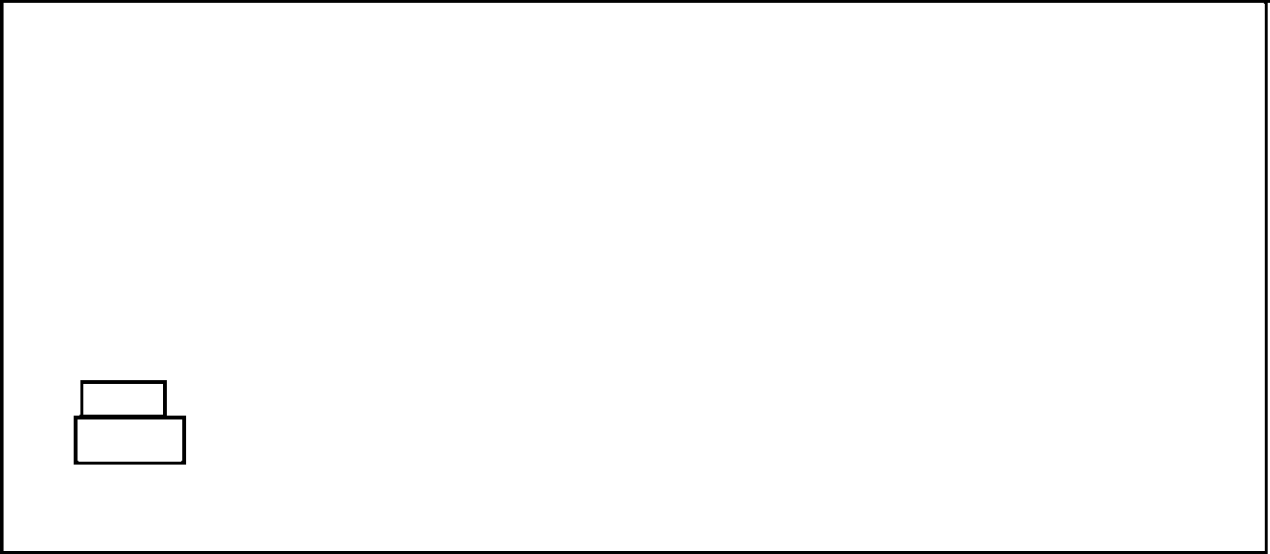
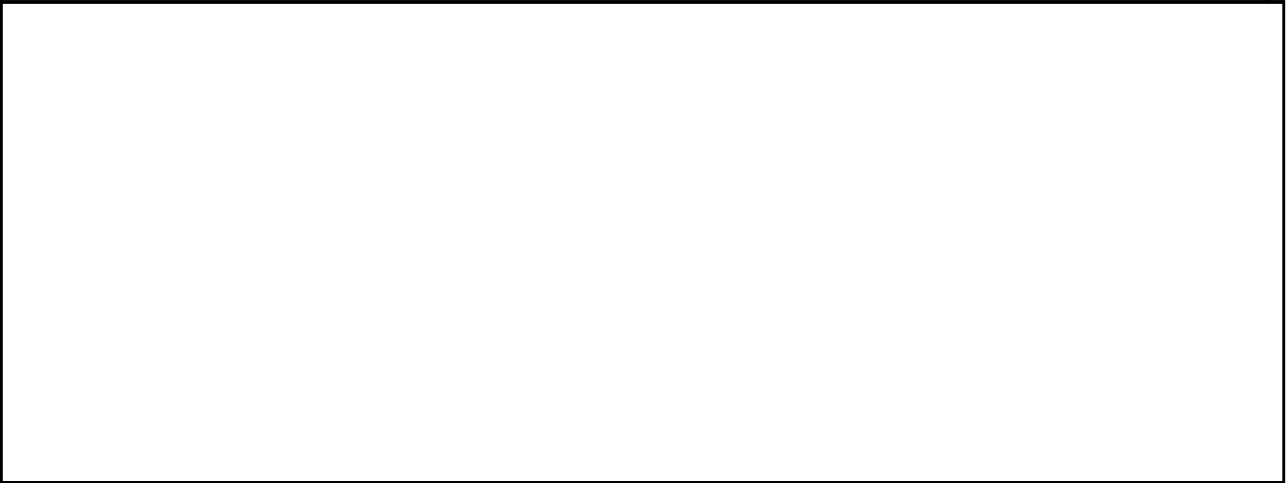


2006-
Here, although the initial 10-day notification was due on 06/18/2006, it was not submitted until 06/27/2006, approximately nine days late. Although late, FBIHQ was in fact notified of the investigation and was able to provide meaningful oversight and review of this investigation. Thus, it is not necessary to report this incident to the IOB.


b2 2006-
Here, although the initial 10-day notification was due on 04/03/2006, it was not submitted until 04/19/2006, approximately 16 days late. Although late, FBIHQ was in fact notified of the investigation and was able to provide meaningful oversight and review of this investigation. Thus, it is not necessary to report this incident to the IOB.

2006-
Here, although the initial 10-day notification was due on 04/15/2004, it was not submitted until 07/07/2004, approximately three months late. Additionally, FBIHQ was notified of the investigation by the 07/06/2004 EC to the Human Intelligence Unit. Although late, FBIHQ was in fact notified of the investigation and was able to provide meaningful oversight and review of this investigation. Thus, it is not necessary to report this incident to the IOB.





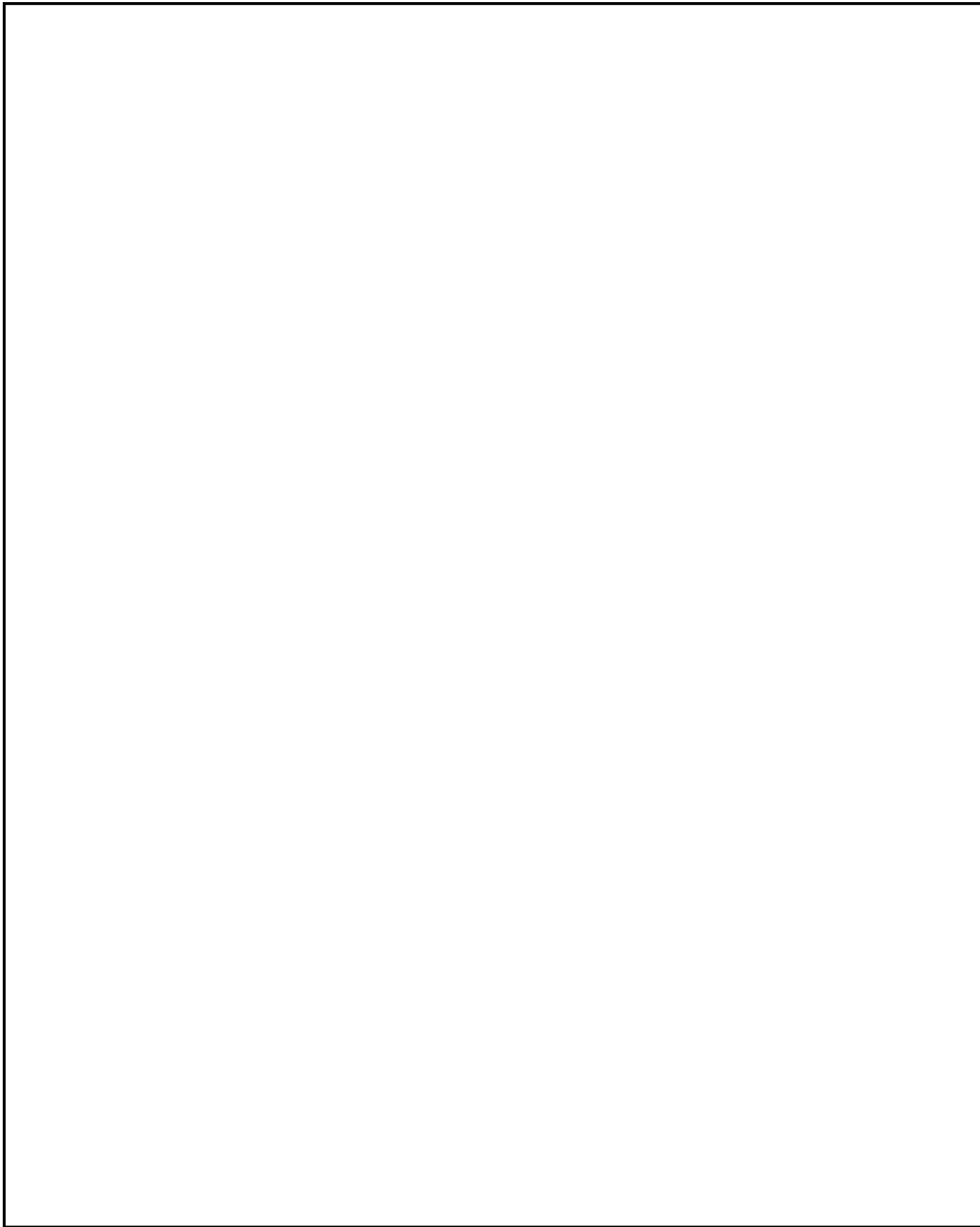
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2006  10/19/2006
Carrier monitored incorrect DSL line, reportable to IOB.



~~SECRET~~

Outside the Scope



~~SECRET~~

NSL VIO-23763

(S) [Redacted]

(S) 2007 [Redacted] Here [Redacted] DIPR was not notified of the investigation until January 2007, a year after it was initiated and during its entire duration. Reportable to the IOB.

To UC on February 20, 2007.

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[Redacted]

2007 [Redacted] -need to draft opinion

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[Redacted]

~~SECRET~~



(S)

7006 [redacted] 1/9/07
S [redacted]

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Outside the Scope

~~SECRET~~

~~SECRET~~

FOIA Request

IOB Number	Date Completed	Signed copy returned/ date signed by Julie/Jim
1. 2002 <input type="checkbox"/>	2/9/2005	2/9/05
2. 2004 <input type="checkbox"/>	2/16/2005	2/16/2005 2/17/2005
3. 2004 <input type="checkbox"/>	1/19/2005	1/19/2005 1/21/2005
4. 2004 <input type="checkbox"/>	1/10/2005	1/10/2005 1/11/2005
5. 2004 <input type="checkbox"/>	2/3/2005	2/3/2005
6. 2005 <input type="checkbox"/>	2/17/05	2/17/05 2/18/05
7. 2005 <input type="checkbox"/>	2/24/05	2/24/05
8. 2005 <input type="checkbox"/>	2/22/05	2/22/05
9. 2005 <input type="checkbox"/>	2/24/05	2/24/05
10. 2005 <input type="checkbox"/>	2/28/05	2/28/05 3/31/05
11. 2005 <input type="checkbox"/> 278-HQ-1381271	<input type="checkbox"/> completed on 2/14/04	2/18/05
12. 2005 <input type="checkbox"/>	5/16/05	
13. 2005 <input type="checkbox"/>	5/6/05	5/9/05

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14. 2006 [] (NSL) 4/18/06 5/2/06

15. 2006 [] May 17, 2006 May 23, 2006
NSL--asked for information from inception to present and received prior subscriber information,
not reportable to IOB

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16. 2006 [] May 16, 2006 May 17, 2006
NSL--asked for information from inception to present and received prior subscriber information,
not reportable to IOB

17. 2006 [] (NSL) 05/03/2006 May 17, 2006
Typo in NSL, reportable to IOB

Outside the Scope

[]
[]
[]

20. 2006 [] June 14, 2006 June 19, 2006
After inadvertent administrative oversight [] and case agent engaged in investigative activity
including serving an NSL, reviewing NSL results, and asking other gov't entities for information. Most
not reportable, serving NSL reportable.

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Outside the Scope

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[]

2006 [redacted] May 24, 2006/to DGC May 31, 2006
Internet service provider provided FBI with information that exceeded the scope of the NSL. Reported to IOB.

2006 [redacted] May 23, 2006 May 24, 2006
[redacted] provided FBI with information that exceeded the scope of the NSL. Provided all employer toll billing records and not just target employee. Reported to IOB.

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2006 [redacted] June 8, 2006 June 19, 2006
[redacted] provided FBI with information that exceeded the scope of the NSL. Provided information dating back further than what the NSL requested. Reported to IOB.

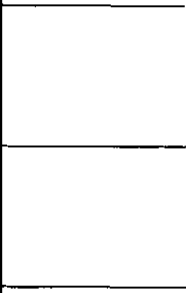
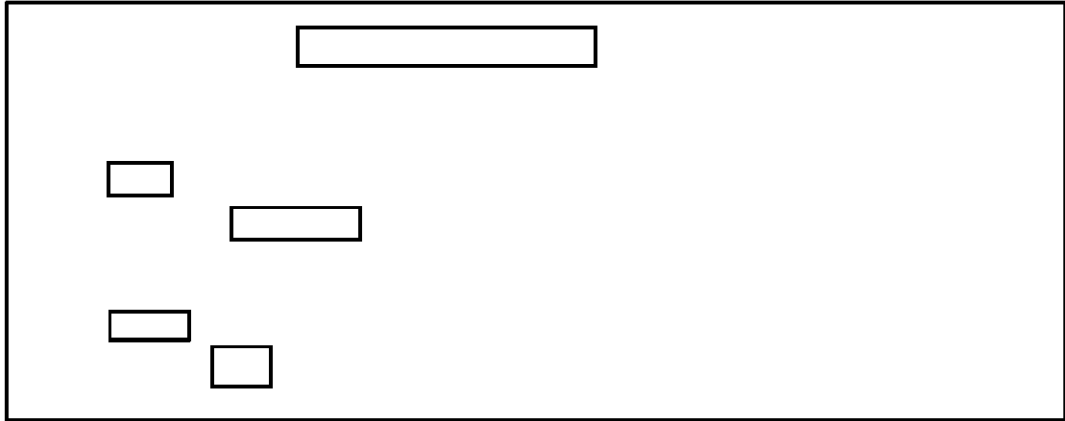
2006 [redacted] June 14, 2006 June 19, 2006
NSL--asked for information from inception to present and received other subscriber information, not reportable to IOB

2006 [redacted] 12/21/2006
OGC has insufficient facts to determine whether the [redacted] potential Intelligence Oversight Board (IOB) violations in the captioned matter are reportable to the IOB. Accordingly, the [redacted] Field Office [redacted] is directed to provide OGC with [redacted] separate electronic communications (ECs) sufficiently describing the circumstances with respect to each potential IOB matter

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2006 [redacted] December 14, 2006
NSL [redacted] Carrier provided info. beyond scope of NSL and not permitted under statute. Not reportable.

2006 [redacted] 6/28/2006

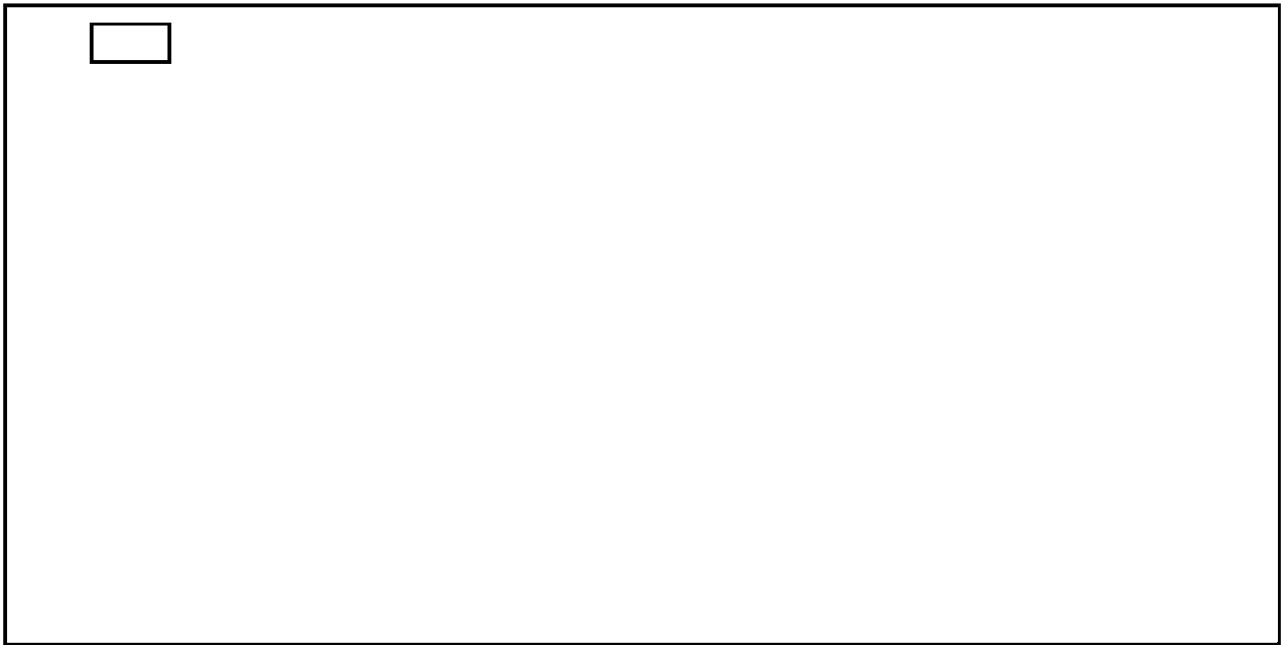


2006

Served NSL on inaccurate phone number based on incorrect info. received during an interview,

b2

Outside the Scope



[Redacted]

2007 [Redacted] 01/08/2007 Reportable

An error on the part of the [Redacted] resulted in the unintentional acquisition of information relating to

[Redacted] were not subjects of an

investigation, and [Redacted] authority was not requested

authority was not requested for [Redacted] The field should return the unintentionally acquired information to the [Redacted] with appropriate documentation to the file.

Outside the Scope

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[Redacted]

(S) 2007 [Redacted] Here [Redacted] OIPR was not notified of the investigation until January 2007, a year after it was initiated and during its entire duration. Reportable to the IOB.

To UC on February 20, 2007.

2007 [Redacted] Annual LHM 4 1/2 months late--not reportable to IOB.

To UC on February 13, 2007

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2007 [Redacted] Annual LHM 4 1/2 months late--not reportable to IOB.

To UC on February 15, 2007

✓ 2007 [redacted], Carrier provided info. beyond scope of NSL. Carrier provided information as of date of execution and not date requested in NSL. Not reportable.

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✓ 2007 [redacted] provided the subscriber information for each of the above telephone numbers as of the date of the execution, 12/01/2006, and not for the dates specified in the NSLs. Further, one of the telephone numbers was not associated with the target. The telephone number was given to the FBI by a reliable source. Not Reportable.

(S) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Outside the Scope

[Redacted]

b2

2002 - [Redacted]

2004 - [Redacted]

2005 [Redacted]

2006 [Redacted]

[Redacted]

2004 [Redacted]

2007 [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-02-2007 BY 65179/DMH/KSR/RU
NSL VIO-23772



FBI FACSIMILE COVER SHEET

PRECEDENCE

- Immediate
- Priority
- Routine

CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Sensitive
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