

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-03-2007

foipa # 1073946

April 6, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, NATIONAL
SECURITY INVESTIGATIONS/FOREIGN INTELLIGENCE
COLLECTION (S)

(U)

(U)

Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of July 1, 2003 to December 31, 2003. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. (S)

- | | |
|----------------------------------|----------------|
| 1 - 66F-HQ-C1303375 | 1 - Mr. Bald |
| 1 - 66F-HQ-A1255972-NSLPHONE -26 | 1 - Mr. Szady |
| 1 - Mr. Gebhardt | 1 - Mr. Curran |
| 1 - Mr. Pistole | 1 - Mr. Bowman |
| 1 - Ms. Caproni | 1 - [REDACTED] |

(P) - NSLB

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EL:bac (11)

SEE NOTE PAGE 2

Classified by: 39645,SC/OGC
Reason: 1.5(c)
Declassify on: X1

~~SECRET~~

NSL VIO-9568

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) Also reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted]

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b6
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Enclosure

BAK

APPROVED:

| | | |
|------------------------|--------------|-------|
| Adm. Serv. | Gen. Counsel | _____ |
| CJIS | Inf. Sys. | _____ |
| Crim Inv. | Inspection | _____ |
| Director <i>BSM/jw</i> | Int. Serv. | _____ |
| Deputy Director | Laboratory | _____ |
| Entr. Aff. | Legal Sec. | _____ |
| Finance | OPIC | _____ |
| | Rec. Mgmt. | _____ |
| | Training | _____ |

JK

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: July 1, 2003 to December 31, 2003. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~

NSL VIO-9569

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

| | | | |
|---|--|--|--|
| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of <u>Different</u> Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of <u>Different</u> U.S. Persons or Organizations Predicating Such Requests |
| | | | |

Third & Fourth
Quarters - 2003

| | | | |
|---|---|---|---|
| × | × | × | × |
|---|---|---|---|

(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION **ONLY**
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

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Third & Fourth
Quarters - 2003

(S)

| | |
|--|---|
| | × |
|--|---|

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-03-2007

October 23, 2003

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
(U) UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2003 to June 30, 2003. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. Also reflected are requests limited to subscriber information which

1 - 66F-HQ-C1303375

1 - 66F-HQ-A1255972-NSLPHONE -25

1 - Mr. Gebhardt

1 - Mr. Mefford

1 - Ms. Caproni

EL:bac (10)

1 - Mr. Pistole

1 - Mr. Szady

1 - Mr. Bowman

1 - [Redacted]

(1) - NSLB

b6
b7C

SEE NOTE PAGE 2

Classified by: 39645, SC/OGC

Reason: 1.5(c)

Declassify on: X1

~~SECRET~~

NSL VIO-9571

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) were made pursuant to the certification standard of paragraph 2709 (b) (2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709 (b) (2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

[redacted] Office of the General Counsel, at [redacted]
[redacted] (U)

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Enclosure

APPROVED:

| | | |
|-----------------------------------|---------------------------------------|---|
| Crim. Inv. _____ | Inspection _____ | Training _____ |
| CJIS _____ | Laboratory _____ | Off. of EEO _____ |
| Director <i>[Signature]</i> _____ | Finance _____ | National Sec _____ |
| Deputy Director _____ | Gen. Counsel <i>[Signature]</i> _____ | Off. _____ |
| | Info. Res. _____ | Personnel _____ |
| | | Off. of Public & Cong. Affs. _____ <i>[Signature]</i> |

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2003 to June 30, 2003. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~

NSL VIO-9572

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such Requests |
|---|--|--|--|
|---|--|--|--|

First & Second
Quarters - 2003

(S)

| | | | |
|---|---|---|---|
| - | X | X | X |
|---|---|---|---|

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION **ONLY**
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

First & Second
Quarters - 2003

(S)

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|---|
| X |
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NOTE: When the FBI requests subscriber information pursuant to the certification of Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-03-2007

April 6, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U) SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5),
requires financial institutions to comply with a request for a
customer's or entity's financial records. Paragraph (a)(5)(C)
of Section 3414 requires that, on a semiannual basis, the
Attorney General "shall inform the Permanent Select Committee
on Intelligence of the House of Representatives, and the Select
Committee on Intelligence of the Senate concerning all requests
made pursuant to this paragraph." The attached list contains
the number of requests for financial records made by the FBI
under this authority during the semiannual period from
July 1, 2003 through December 31, 2003. It should be noted
that a single investigation may require requests for records
from numerous financial institutions. ~~(S)~~

1 - 66F-HQ-C1303371
1 - 66F-HQ-A1255972-NSLBANK
1 - Mr. Gebhardt
1 - Mr. Pistole
1 - Ms. Caproni

1 - Mr. Bald
1 - Mr. Szady
1 - Mr. Curran
1 - Mr. Bowman

1 -
① - NSLB

b6
b7C

EL:bac (11)

SEE NOTE PAGE 3

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

NSL VIO-9574

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no enforcement provisions within the NSL statutes to remedy non-compliance. The FBI has experienced non-compliance with requests for e-mail records and credit card records. The FBI is aware of at least one instance where a bank served with a Right to Financial Privacy Act (RFPA) NSL, contrary to the statute, notified its customer, the subject of the FBI inquiry, that the FBI had requested the records. ~~(S)~~

(U) With regard to the problem with compliance by credit card companies, the amendment to the RFPA in November 2003 to include the "operator of a credit card system" as a covered financial institution was made for the purpose of addressing the position of a major credit card company that it did not fall within the parameters of the prior definition, namely, an "card issuer," inasmuch as it, the company, did not issue credit cards but rather banks issued credit cards. Thus, the change in the definition was intended to make clear Congress's intent to include all major credit card companies within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, an attorney for that credit card company has advised the FBI that in his opinion the company still is not covered by the statute because the "financial records" deemed protected by the RFPA but disseminable pursuant to an NSL are defined as records "pertaining to a customer's relationship with the financial institution." Per the attorney for the company, credit card holders are not its customers, but rather are the customers of the bank. Thus, its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The attorney has not confirmed

~~SECRET~~

NSL VIO-9575

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

(U) that his opinion is the official position of the company itself; nor is there evidence of non-compliance with NSLs by the credit card company. Nonetheless, the FBI would like to resolve this issue so that the company fully acknowledges its obligation to comply with RFPA NSLs. Discussions with the attorney for the credit card company are continuing. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

[redacted] Office of the General Counsel, at [redacted]

(U)

Enclosure

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NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 12, USC, Section 3414, paragraph (a)(5)(C). It provides the number of requests for mandatory production of financial records made in counterintelligence investigations during the following semiannual period: July 1, 2003 through December 31, 2003. The Attorney General will forward this information to Congress.

~~(S)~~ (U)

| | | | |
|------------------|-----------------------------|--------------------|---------------------|
| APPROVED: | Adm. Serv. _____ | Gen. Counsel _____ | National Sec. _____ |
| | C.I.S. _____ | Info. Res. _____ | OS/ISA _____ |
| | Crim Inv. _____ | Inspection _____ | CF/CI _____ |
| | Director <i>[Signature]</i> | Intelligence _____ | CI/A _____ |
| | Deputy Director _____ | Finance _____ | Laboratory _____ |
| | | Training _____ | |

~~SECRET~~

NSL VIO-9576

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a)(5)

THIRD AND FOURTH QUARTERS 2003 ~~(S)~~

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests |
|--|---|--|---|
| X | X | X | X |

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~Classified By: 39645, AGC/OGC
Reason : 1.5(c)
Declassify On: X1~~

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b2

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/rsk/cak
ON 07-03-2007

October 23, 2003

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
(U) RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), FOREIGN COUNTERINTELLIGENCE/
INTERNATIONAL TERRORISM (S)

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5),
requires financial institutions to comply with a request for a
customer's or entity's financial records. Paragraph (a)(5)(C)
of Section 3414 requires that, on a semiannual basis, the
Attorney General "shall inform the Permanent Select Committee
on Intelligence of the House of Representatives, and the Select
Committee on Intelligence of the Senate concerning all requests
made pursuant to this paragraph." The attached list contains
the number of requests for financial records made by the FBI
under this authority during the semiannual period from
January 1, 2003 through June 30, 2003. It should be noted that
a single investigation may require requests for records from
numerous financial institutions. (S)

1 - 66F-HQ-C1303371
1 - 66F-HQ-A1255972-NSLBANK
1 - Mr. Gebhardt
1 - Mr. Mefford
1 - Ms. Caproni
1 - Mr. Pistole

1 - Mr. Szady

1 - Mr. Bowman

1 -

(1) - NSLB

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b7C

EL:bac (10)

SEE NOTE PAGE 2

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

NSL VIO-9578

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Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

Should your staff require additional information
regarding the FBI's use of this authority, please contact
[redacted] Office of the General Counsel, at [redacted]

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[redacted] (U)

Enclosure

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 12, USC, Section 3414, paragraph (a)(5)(C). It provides the number of requests for mandatory production of financial records made in counterintelligence investigations during the following semiannual period: January 1, 2003 through June 30, 2003. The Attorney General will forward this information to Congress.

~~(S)~~

APPROVED:

| | | |
|------------------------------|------------------|------------------------------------|
| Crim. Inv. _____ | Inspection _____ | Training _____ |
| CJIS _____ | Laboratory _____ | Off. of EEO _____ |
| Director <i>REM/ma</i> _____ | Finance _____ | National Sec. _____ |
| Gen. Counsel _____ | OPR _____ | Affairs _____ |
| Deputy Director _____ | Info. Res. _____ | Personnel _____ |
| | | Off. of Public & Cong. Affs. _____ |

NSUB/alm

~~SECRET~~

NSL-VIO-9579

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

(U) MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a) (5)

FIRST AND SECOND QUARTERS 2003 - ~~(S)~~

(U) **Note:** If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| <u>Relating to Investigations of Non-U.S. Persons or Organizations</u> | Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests |
|--|---|---|---|
| (S) X | X | X | X |

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~Classified By: 39645, AGC/OGC~~
~~Reason: 1.5(c)~~
~~Declassify On: X1~~

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~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 07-05-2007
CLASSIFIED BY: 88179/abh/kst/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

April 6, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U) SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
NATIONAL SECURITY INVESTIGATIONS/FOREIGN
INTELLIGENCE COLLECTION (S)

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

(U) Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. (S)

- 1 - 66F-HQ-C1213150
- 1 - 66F-HQ-A1255972-NSLFCRA
- 1 - Mr. Gebhardt
- 1 - Mr. Pistole
- 1 - Ms. Caproni

- 1 - Mr. Bald
- 1 - Mr. Szady
- 1 - Mr. Curran
- 1 - Mr. Bowman

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1 -

(1) NSLB

EL:bac (11)

~~Classified By: 39645, SC/OGC
Reason : 1.5(c)
Declassify On: X1~~

SEE NOTE PAGE 2

~~SECRET~~

NSL VIO-9581

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact

[Redacted] Office of the General Counsel, at [Redacted]
[Redacted] (U)

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Enclosure

(S) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [Redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: July 1, 2003 through December 31, 2003. (S)

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APPROVED:

| | | |
|---------------------|--------------------|---------------------|
| Adm. Serv. _____ | Gen. Counsel _____ | National Sec. _____ |
| CIS _____ | Info. Sys. _____ | _____ |
| Ident. _____ | Intell. _____ | _____ |
| Legal Coun. _____ | Lab. _____ | _____ |
| Plan. & Insp. _____ | Rec. Mgmt. _____ | _____ |
| Training _____ | _____ | _____ |

Director *[Signature]*
Deputy Director _____

~~SECRET~~

NSL VIO-9582

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/kxr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

(U) ~~THIRD AND FOURTH QUARTERS 2003 (S)~~

(U) **Note:** If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| 18 USC 1681u(a) Financial Institution Information USPER/Non-USPER | 18 USC 1681u(b) Consumer Identifying Information USPER/Non-USPER | 18 USC 1681u(c) Court Ordered Information USPER/Non-USPER | Total Number of 18 USC 1681u Requests For Information USPER/Non-USPER |
|---|--|---|---|
| X | X | X | X |

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

b1
b2

~~Classified by: 39645, SC/OGC
Reason: 1.5 (c)
Declassify on: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY: 65179/dmh/ksi/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

October 23, 2003

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM

~~(S)~~

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

1 - 66F-HQ-C1213150
1 - 66F-HQ-A1255972-NSLFCRA
1 - Mr. Gebhardt
1 - Mr. Mefford
1 - Ms. Caproni
EL:bac (10)

1 - Mr. Pistole
1 - Mr. Szady
1 - Mr. Bowman

1 - [REDACTED]
① - NSLB

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SEE NOTE PAGE 2

~~Classified By: 39645, SC/OGC~~
~~Reason: 1.5(c)~~
~~Declassify On: X1~~

~~SECRET~~

NSL VIO-9584

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted]

[redacted] (U)

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b7C

Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2003 through June 30, 2003. (S)

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|------------------------|-------------------|---------------------|------------------------|
| APPROVED: | Crim. Inv. _____ | Inspection _____ | Training _____ |
| | CJIS _____ | Laboratory _____ | Off. of EEO _____ |
| | Finance _____ | National Sec. _____ | Affairs _____ |
| Director <i>DSM/ML</i> | Gen Counsel _____ | OPR _____ | Off. of Public & _____ |
| Deputy Director _____ | Info. Res. _____ | Personnel _____ | Cong. Affs. _____ |

NSL BLM

~~SECRET~~

NSL-VIO-9585

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

(U) ~~SECRET~~
FIRST AND SECOND QUARTERS 2003

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| 18 USC 1681u(a) Financial Institution Information USPER/Non-USPER | 18 USC 1681u(b) Consumer Identifying Information USPER/Non-USPER | 18 USC 1681u(c) Court Ordered Information USPER/Non-USPER | Total Number of 18 USC 1681u Requests For Information USPER/Non-USPER |
|---|---|--|---|
| X | X | X | X |

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

Classified by: ~~39645, SC/OGC~~
Reason: ~~1.5(c)~~
Declassify on: ~~X1~~

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U) SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM (S)

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of July 1, 2004 to December 31, 2004. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first.

- 1 - 66F-HQ-C1303375-49128
- 1 - 66F-HQ-A1255972-NSLPHONE-28
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald
- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 -
- 1 - NSLB

b6
b7C

EL:bac (9)

SEE NOTE PAGE 2

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-9587

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

[redacted] Office of the General Counsel, at [redacted]
[redacted] (U)

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b7C

Enclosure

| | | | |
|------------------|-----------------------|------------------------|---------------------|
| APPROVED: | Adm. Serv. _____ | Gen. Counsel <u>JK</u> | National Sec. _____ |
| | CJIS _____ | Ident. Div. _____ | OEECA _____ |
| | Crim. Inv. _____ | Int. Sec. _____ | OPCA _____ |
| | Director _____ | Interr. _____ | OPH _____ |
| | Deputy Director _____ | Finance _____ | Libraries _____ |
| | | | Training _____ |

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: July 1, 2004 to December 31, 2004. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~

NSL VIO-9588

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dah/kxz/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such Requests |
|---|--|--|--|
|---|--|--|--|

Third & Fourth
Quarters - 2004

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

b1
b2

Third & Fourth
Quarters - 2004

(S)

| |
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NOTE: When the FBI requests subscriber information pursuant to the certification of Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/kar/cak
ON 07-03-2007

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
(U) TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2004 to June 30, 2004. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first.

1 - 66F-HQ-C1303375
1 - 66F-HQ-A1255972-NSLPHONE -27
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald
1 - Mr. Szady
1 - Ms. Thomas
1 - Mr. Bowman
1 -
(T) - NSLB

b6
b7C

EL:bac (10)

SEE NOTE PAGE 2

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

NSL VIO-9590

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U) Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

[Redacted] Office of the General Counsel, at [Redacted]
[Redacted] (U)

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Enclosure

| | | | |
|-----------------------|------------------------|------------------|--|
| APPROVED: | Crim. Inv. _____ | Info. Res. _____ | Training _____ |
| | Crim. Jus. Infa. _____ | Inspection _____ | Office of EEO _____ |
| | Servs. _____ | Laboratory _____ | Affairs _____ |
| | Director _____ | Finance _____ | National Sec. _____ |
| Deputy Director _____ | Gen. Counsel _____ | Personnel _____ | Office of Public & Cong. Affairs _____ |

[Handwritten Signature]

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2004 to June 30, 2004. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~

NSL VIO-9591

~~SECRET~~

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

| Relating to Investigations of Non-U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different</u> Non-U.S. Persons or Organizations Predicating Such <u>Requests</u> | Relating to Investigations of U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different</u> U.S. Persons or Organizations Predicating Such <u>Requests</u> |
|--|---|---|---|
|--|---|---|---|

First & Second
Quarters - 2004

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION **ONLY**
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

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b2

First & Second
Quarters - 2004

(S)

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| X |
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NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-03-2007

March 23, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
(U) RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from July 1, 2004 through December 31, 2004. It should be noted that a single investigation may require requests for records from numerous financial institutions. ~~(S)~~

- 1 - 66F-HQ-C1303371 - 10748
- 1 - 66F-HQ-A1255972-NSLBANK-26
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald
- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 -
- 1 - NSLB

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EL:bac (9)

SEE NOTE PAGE 3

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X2S-1~~

~~SECRET~~

NSL VIO-9593

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. ~~(S)~~

(U) With regard to compliance by credit card companies, the November 2003 amendment to RFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFPA NSLs. ~~(S)~~

~~SECRET~~

~~NSL VIO-9594~~

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted] [redacted] (U)

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Enclosure

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 12, USC, Section 3414, paragraph (a)(5)(C). It provides the number of requests for mandatory production of financial records made in counterintelligence investigations during the following semiannual period: July 1, 2004 through December 31, 2004. The Attorney General will forward this information to Congress.
~~(S)~~

| | | | |
|-----------------------|------------------|------------------------|---------------------|
| APPROVED: | Adm. Serv. _____ | Gen. Counsel <u>VC</u> | National Sec. _____ |
| | CJIS _____ | _____ | OEEOA _____ |
| | Crim. Inv. _____ | _____ | OPCA _____ |
| | Director _____ | _____ | OPH _____ |
| Deputy Director _____ | Finance _____ | _____ | Training _____ |

~~SECRET~~

NSL VIO-9595

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

~~SECRET~~

(U)

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a) (5)

THIRD AND FOURTH QUARTERS 2004 ~~(S)~~

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of <i>Different</i> Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of <i>Different</i> U.S. Persons or Organizations Predicating Such Requests |
|--|--|--|--|
|--|--|--|--|

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| × | × | × | × |
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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NSL VIO-9596

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DECLASSIFIED BY 65179/dmh/xsr/cak
ON 07-03-2007

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5),
requires financial institutions to comply with a request for a
customer's or entity's financial records. Paragraph (a)(5)(C)
of Section 3414 requires that, on a semiannual basis, the
Attorney General "shall inform the Permanent Select Committee
on Intelligence of the House of Representatives, and the Select
Committee on Intelligence of the Senate concerning all requests
made pursuant to this paragraph." The attached list contains
the number of requests for financial records made by the FBI
under this authority during the semiannual period from
January 1, 2004 through June 30, 2004. It should be noted that
a single investigation may require requests for records from
numerous financial institutions. ~~(S)~~

- 1 - 66F-HQ-C1303371
- 1 - 66F-HQ-A1255972-NSLBANK
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - Mr. Bowman

1 -
① - NSLB

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EL:bac (10)

SEE NOTE PAGE 3

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

NSL VIO-9597

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U) In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. The FBI has experienced non-compliance with requests for e-mail records and credit card records. The FBI is aware of at least one instance where a bank served with a Right to Financial Privacy Act (RFPA) NSL, contrary to the statute, notified its customer, the subject of the FBI inquiry, that the FBI had requested the records. ~~(S)~~

(U) With regard to compliance by credit card companies, the November 2003 amendment to RFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to

~~SECRET~~

NSL VIO-9598

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

(U) resolve this issue in a manner that would result in the company
complying with RFPA NSLs. ~~(S)~~

Should your staff require additional information
regarding the FBI's use of this authority, please contact

[redacted], Office of the General Counsel, at [redacted]
[redacted] (U)

Enclosure

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(U) NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 12, USC,
Section 3414, paragraph (a)(5)(C). It provides the number of
requests for mandatory production of financial records made in
counterintelligence investigations during the following
semiannual period: January 1, 2004 through June 30, 2004. The
Attorney General will forward this information to Congress.

~~(S)~~

APPROVED:

| | | | | | |
|-----------------------|------------------|-------|---------------|-------|--------------------|
| _____ | Com. Inv. | _____ | Info. Res. | _____ | Training |
| _____ | Crim. Jus. Info. | _____ | Inspection | _____ | Office of EEO |
| _____ | Servs. | _____ | Laboratory | _____ | Affairs |
| Director _____ | Finance | _____ | National Sec. | _____ | Office of Public & |
| Deputy Director _____ | Gen. Counsel | _____ | Personnel | _____ | Cong. Affairs |

[Signature]
VK

~~SECRET~~

NSL VIO-9599

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4(c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a)(5)

FIRST AND SECOND QUARTERS 2004 ~~(S)~~ (U)

(U) **Note:** If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such |
|--|---|--|---|
|--|---|--|---|

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|---|---|---|-------|
| X | X | X | X (C) |
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(S)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Classified By: ~~39645, AGC/OGC~~
Reason: ~~1.5(c)~~
Declassify On: ~~X1~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

March 23, 2005

DATE: 07-05-2007
CLASSIFIED BY: 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM

~~(S)~~

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. (U)

The certification standard for obtaining financial institution information and consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

- 1 - 66F-HQ-C1213150-1396
- 1 - 66F-HQ-A1255972-NSLFCRA-14
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Baid

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - [REDACTED]
- 1 - NSLB

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b7C

EL:bac (9)

SEE NOTE PAGE 2

~~Classified By: 39645, SC/OGC
Reason: 1.4(c)
Declassify On: X25-1~~

SECRET

NSL VIO-9601

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

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b6
b7C

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted] [redacted] (U)

Enclosure

| | | | |
|-----------------------|------------------|------------------------|---------------------|
| APPROVED: | Adm. Serv. _____ | Gen. Counsel <u>VC</u> | National Sec. _____ |
| | CIIS _____ | Ident. Div. _____ | Intell. Div. _____ |
| Director _____ | Crim. Inv. _____ | Lab. _____ | Legal Coun. _____ |
| Deputy Director _____ | Finance _____ | Records _____ | Training _____ |

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: July 1, 2004 through December 31, 2004. ~~(S)~~

b1
b2

~~SECRET~~

NSL VIO-9602

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

~~THIRD AND FOURTH QUARTERS 2004~~

~~(S)~~ Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a)

Financial
Institution
Information
USPER/Non-USPER

15 USC 1681u(b)
Consumer Identifying
Information
USPER/Non-USPER

15 USC 1681u(c)
Court Ordered
Information
USPER/Non-USPER

Total Number of 15
USC 1681u Requests
For Information
USPER/Non-USPER

(S)

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

b1
b2

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

November 9, 2004

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM

(U)

~~(S)~~

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. The certification standard for obtaining consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

- 1 - 66F-HQ-C1213150
- 1 - 66F-HQ-A1255972-NSLFCRA
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - Mr. Bowman
- 1 -
- 1 - NSLB

b6
b7C

EL:bac (10)

SEE NOTE PAGE 2

~~Classified By: 39645, SC/OGC
Reason: 1.5(c)~~

~~SECRET~~

NSL VIO-9604

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 2

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures and court orders to compel production of consumer information, the FBI has established procedures that have been implemented to exercise this authority. (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted]

(U)

b2
b6
b7C

Enclosure

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2004 through June 30, 2004. (S)

(S)

b1
b2

| | | | |
|-----------------------|------------------------|------------------|---------------------|
| APPROVED: | Crim. Inv. _____ | Info. Res. _____ | Training _____ |
| | Crim. Jus. Info. _____ | Inspection _____ | Office of EEO _____ |
| | Servs. _____ | Laboratory _____ | Affairs _____ |
| | Director _____ | Finance _____ | National Sec. _____ |
| Deputy Director _____ | Gen. Counsel _____ | Personnel _____ | Cong. Affairs _____ |

~~SECRET~~

NSL VIO-9605

~~SECRET~~

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

(U) FIRST AND SECOND QUARTERS 2004 ~~(S)~~

(U) **Note:** If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| 15 USC 1681u(a) Financial Institution Information <u>USPER/Non-USPER</u> | 15 USC 1681u(b) Consumer Identifying Information <u>USPER/Non-USPER</u> | 15 USC 1681u(c) Court Ordered Information <u>USPER/Non-USPER</u> | Total Number of 15 USC 1681u Requests For Information <u>USPER/Non-USPER</u> | b1 b2 |
|--|--|---|--|----------|
|--|--|---|--|----------|

| | | | | |
|---|---|---|---|--|
| X | X | X | X | |
|---|---|---|---|--|

(S)

~~Classified by: 39645, SC/OGC
Reason: 1.5(c)
Declassify on: X1~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-03-2007

March 23, 2006

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM (U)

(U)

Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of July 1, 2005, to December 31, 2005. In order to meet

- 1 - 319X-HQ-A1487720-OGC - 218
 - 1 - 62F-HQ-1077231 - 39599
 - 1 - Mr. Pistole Rm. 7142
 - 1 - Ms. Caproni Rm. 7427
 - 1 - Mr. Bald Rm. 7116
 - 1 - Mr. Berezney Rm. 4012
 - 1 - Ms. Thomas Rm. 7947
 - 1 - Ms. [REDACTED] Rm. 7176
 - ① - NSLB Rm. 7947
- SNS:bac (8)

b6
b7C

SEE NOTE PAGE 3

Classified by: ~~66293, DGC/OGC~~
Reason: ~~1.4(c)~~
Declassify on: ~~X-1~~

APPROVED: _____

| | | |
|-----------------------|--------------------|---------------------|
| Adm. Serv. _____ | Gen. Counsel _____ | National Sec. _____ |
| CIS _____ | Info. Res. _____ | OCIA _____ |
| Crim. Inv. _____ | Inspection _____ | OPM _____ |
| Director _____ | Inv. Serv. _____ | OPR _____ |
| Deputy Director _____ | Lab. _____ | Training _____ |

NSL 607

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U)

congressional reporting requirements for submission of this report to Congress, this report was prepared on February 24, 2006. The data contained herein is therefore accurate as of that date. The final statistics for the two quarters reported herein may change slightly, should additional data be subsequently reported to the National Security Law Branch/FBI by the field offices. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2).

~~(S)~~

(U)

Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U)

Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

~~SECRET~~

NSL VIO-9608

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 3

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted] (U)

b2
b6
b7C

Enclosure

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: July 1, 2005, to December 31, 2005. The Attorney General will forward this information to Congress. ~~(S)~~

gob

APPROVED:

| | | |
|-----------------|-----------------------|------------------|
| Crim. Inv. | Inspection | Training |
| CIS | Laboratory | Off. of EEO |
| Ident. | National Sec. | Affairs |
| Director | Gen. Counsel <i>✓</i> | Off. of Public & |
| Deputy Director | Info. Res. | Cong. Affs. |
| | Personnel | |

~~SECRET~~

NSL VIO-9609

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-03-2007
CLASSIFIED BY 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-03-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b)(1)

| <u>Relating to Investigations of Non-U.S. Persons or Organizations</u> | <u>Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests</u> | <u>Relating to Investigations of U.S. Persons or Organizations</u> | <u>Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests</u> |
|--|--|--|--|
|--|--|--|--|

Third & Fourth
Quarters - 2005



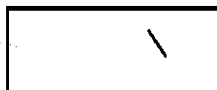
(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b)(2)

b1
b2

Third & Fourth
Quarters - 2005

(S)



NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b)(2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 66293, DGC/OGC~~

~~Reason: 1.4(c)~~

~~Declassify on: X-1~~

~~SECRET~~

~~SECRET~~

February 23, 2006

DECLASSIFIED BY 65179/dmh/kar/cak
ON 07-05-2007

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE ACTING DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM (U)

(U)

Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The report of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005 was submitted on August 30, 2005. However, due to a computer programming error that report was incorrect. The

- 1 - 319X-HQ-A1487720-OGC - 209
- 1 - Mr. Pistole, Rm 7142
- 1 - Ms. Caproni, Rm 7427
- 1 - Mr. Bald, Rm 7116
- SNS:bac (8)
- 1 - 62F-HQ-1077231-39003

- 1 - Mr. Berezney, Rm 4012
- 1 - Ms. Thomas, Rm 7947
- 1 - [Redacted], Rm 7176
- 1 - NSLB, Room 7915

SEE NOTE PAGE 2

b6
b7C

~~Classified by: 66293, DGC/OGC~~
~~Reason: 1.4(c)~~
~~Declassify on: X-1~~

~~SECRET~~

NSL VIO-9611

~~SECRET~~

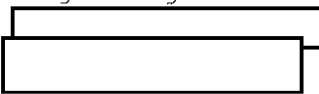
Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

(U) attached list contains a corrected reporting of the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first. Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U) Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U) Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

 Office of the General Counsel, at
(U)

b2
b6
b7C

Enclosure

(U) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2005 to June 30, 2005. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~
- 2 NSL VIO-9612

~~SECRET~~

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b) (1)

| Relating to Investigations of Non-U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such <u>Requests</u> | Relating to Investigations of U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such <u>Requests</u> |
|--|---|---|---|
|--|---|---|---|

First & Second
Quarters - 2005

(S)

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b) (2)

b1
b2

First & Second
Quarters - 2005

(S)

| |
|---|
| X |
|---|

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b) (2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC~~

~~Reason: 1.4(c)~~

~~Declassify on: X25-1~~

~~SECRET~~

~~SECRET~~

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-05-2007

August 31, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U) SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR TELEPHONE
SUBSCRIBER OR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO TITLE 18,
UNITED STATES CODE (U.S.C.), SECTION 2709, FOREIGN
COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM ~~(S)~~

(U) Title 18, U.S.C., Section 2709, requires a wire or electronic communication service provider to comply with a request for subscriber information, toll billing record information, or electronic communication transactional records in its custody or possession made by the Director of the FBI, or the Director's designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office. Subsection 2709(e) requires that, on a semiannual basis, the Director of the FBI fully inform the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, concerning all requests made under Section 2709. The attached list contains the number of requests made by the FBI pursuant to Section 2709 during the semiannual period of January 1, 2005 to June 30, 2005. Requests for information pursuant to the certification standard of paragraph 2709(b)(1), which may include toll billing records, are listed first.

1 - 66F-HQ-C1303375-57825
1 - 66F-HQ-A1255972-NSLPHONE-29
1 - Mr. Pistole
1 - Ms. Caproni
1 - Mr. Bald

1 - Mr. Szady
1 - Ms. Thomas
1 -
(P) - NSLB/JJ

b6
b7C

SNS:bac (9)

SEE NOTE PAGE 2

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-9614

~~SECRET~~

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

NUMBER OF REQUESTS FOR TOLL BILLING/ELECTRONIC COMMUNICATION
TRANSACTIONAL RECORDS MADE PURSUANT TO THE CERTIFICATION SET
FORTH IN TITLE 18, USC, SECTION 2709(b) (1)

| Relating to Investigations of Non-U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different Non-U.S.</u> Persons or Organizations Predicating Such <u>Requests</u> | | Relating to Investigations of U.S. Persons or <u>Organizations</u> | Total Number of Investigations of <u>Different U.S.</u> Persons or Organizations Predicating Such <u>Requests</u> | |
|--|---|--|---|---|--|
|--|---|--|---|---|--|

First & Second
Quarters - 2005

| | | | |
|---|---|---|---|
| X | X | X | X |
|---|---|---|---|

(S)

NUMBER OF REQUESTS FOR SUBSCRIBER INFORMATION ONLY
MADE PURSUANT TO THE CERTIFICATION SET FORTH IN
TITLE 18, USC, SECTION 2709(b) (2)

First & Second
Quarters - 2005

| |
|-------|
| (S) X |
|-------|

b1
b2

NOTE: When the FBI requests subscriber information pursuant to the certification of
Section 2709(b) (2), generally it is not known whether the subscriber is a U.S. person or not.

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Telephone
Subscriber or Toll Billing Information

Page 2

(U)

Also, reflected are requests limited to subscriber information which were made pursuant to the certification standard of paragraph 2709(b)(2). ~~(S)~~

(U)

Two points should be noted for ease in understanding the data. First, during a six-month period, more than one request for the toll billing records of a single subject may be made. Thus, both the number of requests, as well as the number of different persons or entities to which such requests relate, are listed. ~~(S)~~

(U)

Second, when requesting only subscriber information pursuant to paragraph 2709(b)(2), the FBI does not know - and may never learn - whether the subscriber was a "United States person" as that term is defined in the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations. This fact is noted on the enclosure. ~~(S)~~

Should your staff require additional information regarding the FBI's use of this authority, please contact

[Redacted]
[Redacted]

Office of the General Counsel, at
(U)

b2
b6
b7C

Enclosure

APPROVED:

| | | |
|---------------------------|------------------------|------------------------------|
| Crim. Inv. | Inspection | Training |
| CIS | Laboratory | Off. of EEO |
| Finance | National Sec. | Affairs |
| Director <i>as/af</i> | Gen. Counsel <i>VZ</i> | Off. of Public & Cong. Affs. |
| Deputy Director <i>af</i> | Info. Res. | Personnel |

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 18, USC, Section 2709, paragraph (e). It provides the number of requests for mandatory production of local and long distance telephone toll billing information, as well as subscriber information, made in counterintelligence investigations during the following semiannual period: January 1, 2005 to June 30, 2005. The Attorney General will forward this information to Congress. ~~(S)~~

~~SECRET~~

NSL VIO-9616



~~SECRET~~

Office of the Director

Washington, DC 20535

May 8, 2006

DECLASSIFIED BY 65179/dmh/ksr/cak
ON 07-05-2007

MEMORANDUM FOR THE ATTORNEY GENERAL

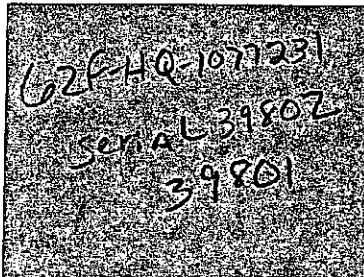
THROUGH: THE DEPUTY ATTORNEY GENERAL *psm sl/106*

FROM: DIRECTOR, FBI *psm*

SUBJECT: CORRECTED SEMIANNUAL REPORT OF REQUESTS FOR
FINANCIAL RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION (U)

(U) Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The report of the number of requests made by the FBI pursuant to Section 3414 during the semiannual period of January 1, 2005, to June 30, 2005, was submitted on August 30, 2005. However, due to a computer programming error that report was incorrect. The attached list

~~Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~



~~SECRET~~

~~SECRET~~

Memorandum for the Attorney General
Re: Corrected Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U) contains a corrected reporting of the number of requests made by the FBI pursuant to Section 3414 during the semiannual period of January 1, 2005, to June 30, 2005. It should be noted that a single investigation may require requests for records from numerous financial institutions. ~~(S)~~

The Intelligence Authorization Act For Fiscal Year 2004 requests a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." (U)

(U) In response to this question, the FBI has, in general, experienced some problems with noncompliance by companies served with NSLs. During the time period covered by this reporting, there were no express enforcement provisions within the NSL statutes to remedy noncompliance. ~~(S)~~

(U) With regard to compliance by credit card companies, the November 2003 amendment to the Right to Financial Privacy Act (RFPA) provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFPA NSLs. ~~(S)~~

~~SECRET~~

NSL VIO-9618

~~SECRET~~

Memorandum for the Attorney General

Page 3

Re: Corrected Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Should your staff require additional information
regarding the FBI's use of this authority, please contact

[REDACTED]
[REDACTED]

Office of the General Counsel, at
(U)

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Enclosure

(U)

NOTE: This communication is submitted to the Attorney General
in accordance with the requirements of Title 12, USC,
Section 3414, paragraph (a)(5)(C). It provides the number of
requests for mandatory production of financial records made in
counterintelligence investigations during the following
semiannual period: January 1, 2005 through June 30, 2005. The
Attorney General will forward this information to Congress.

~~(S)~~

~~SECRET~~

NSL VIO-9619

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

(U)

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a) ~~(S)~~

(U) ~~-----~~ FIRST AND SECOND QUARTERS 2005 ~~(S)~~

(U) ~~-----~~ Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| | Total Number of Investigations of <i>Different Non-U.S.</i> Persons or Organizations Predicating Such Requests | Relating to Investagations of U.S. Persons or Organizations | Total Number of Investigations of <i>Different U.S.</i> Persons or Organizations Predicating Such Requests |
|--|--|--|--|
| Relating to Investigations of Non-U.S. Persons or Organizations | | | |

(S)

| | | | |
|---|---|---|---|
| × | × | × | × |
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~~Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~

~~SECRET~~

~~SECRET~~

March 23, 2006

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
RECORDS MADE PURSUANT TO TITLE 12,
UNITED STATES CODE (U.S.C.), SECTION 3414,
PARAGRAPH (a)(5), NATIONAL SECURITY
INVESTIGATIONS/FOREIGN COLLECTION (U)

Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from July 1, 2005 through December 31, 2005. In order to meet congressional reporting requirements for submission of this

- 1 - 319X-HQ-A1487720-OGC - 219
 - 1 - 62F-HQ-1077231 - 39600
 - 1 - Mr. Pistole Rm. 7142
 - 1 - Ms. Caproni Rm. 7427
 - 1 - Mr. Bald Rm. 7116
 - 1 - Mr. Berezney Rm. 4012
 - 1 - Ms. Thomas Rm. 7947
 - 1 - [Redacted] Rm. 7176
 - ① - NSLB Rm. 7947
- SNS:bac (8) SEE NOTE PAGE 3

~~Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~

APPROVED: _____

Director: NSA/VIC-9621 _____

Deputy Director: _____

Gen. Counsel: _____

Asst. Dir.:

- Adm. Serv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgmt. _____
- Tech. Serv. _____
- Training _____

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

report to Congress, this report was prepared on February 24, 2006. The data contained herein is therefore accurate as of that date. The final statistics for the two quarters reported herein may change slightly, should additional data be subsequently reported to the National Security Law Branch/FBI by the field offices. It should be noted that a single investigation may require requests for records from numerous financial institutions. (U)

The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." (U)

In response to these questions, the FBI has, in general, experienced some problems with noncompliance by companies served with NSLs. During the time period covered by this reporting, there were no express enforcement provisions within the NSL statutes to remedy noncompliance. (U)

(U) With regard to compliance by credit card companies, the November 2003 amendment to the Right to Financial Privacy Act (RFPA) provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFPA, NSLs. ~~(S)~~

~~SECRET~~

NSL VIO-9622

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted] (U)

b2
b6
b7C

Enclosure

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 12, USC, Section 3414, paragraph (a)(5)(C). It provides the number of requests for mandatory production of financial records made in counterintelligence investigations during the following semiannual period: July 1, 2005 through December 31, 2005. The Attorney General will forward this information to Congress.

~~(S)~~

| | | | |
|-----------------------|--------------------|---------------------|----------------------------|
| APPROVED: | Crim. Inv. _____ | Inspection _____ | |
| | CIS _____ | Laboratory _____ | |
| | Finance _____ | National Sec. _____ | |
| Director _____ | Gen. Counsel _____ | OPR _____ | Off. of Public Affs. _____ |
| Deputy Director _____ | Info. Res. _____ | Personnel _____ | Cong. Affs. _____ |



~~SECRET~~

NSL VIO-9623

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a)(5)

(U) THIRD AND FOURTH QUARTERS 2005 ~~(S)~~

(U) Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| | Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests |
|--|---|--|---|
| Relating to Investigations of Non-U.S. Persons or Organizations | | | |

| | | | | |
|-----|---|---|---|---|
| (S) | X | X | X | X |
|-----|---|---|---|---|

b1
b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1

~~SECRET~~

~~SECRET~~

August 31, 2005

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: DIRECTOR, FBI

(U)

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL RECORDS MADE PURSUANT TO TITLE 12, UNITED STATES CODE (U.S.C.), SECTION 3414, PARAGRAPH (a)(5), NATIONAL SECURITY INVESTIGATIONS/FOREIGN COLLECTION ~~(S)~~

(U)

Title 12, U.S.C., Section 3414, paragraph (a)(5), requires financial institutions to comply with a request for a customer's or entity's financial records. Paragraph (a)(5)(C) of Section 3414 requires that, on a semiannual basis, the Attorney General "shall inform the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to this paragraph." The attached list contains the number of requests for financial records made by the FBI under this authority during the semiannual period from January 1, 2005 through June 30, 2005. It should be noted that a single investigation may require requests for records from numerous financial institutions. ~~(S)~~

- 1 - 66F-HQ-C1303371 - 13287
- 1 - 66F-HQ-A1255972-NSLBANK - 28
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - [Redacted]
- ① - NSLB/JS

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SNS:bac (9)

SEE NOTE PAGE 3

~~Classified by: 32645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

~~SECRET~~

NSL VIO-9625

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 2

(U)

The Intelligence Authorization Act For Fiscal Year 2004 requests information about the "process and standards for approving National Security Letters" and a "description of issues (if any) concerning the scope of such letters, or financial institution compliance with such letters." ~~(S)~~

(U)

In response to these questions, the FBI has, in general, experienced some problems with non-compliance by companies served with NSLs. There are currently no express enforcement provisions within the NSL statutes to remedy non-compliance. ~~(S)~~

(U)

With regard to compliance by credit card companies, the November 2003 amendment to RFPA provided that the "operator of a credit card system" is a covered financial institution. This change was intended to make clear that all major credit card companies fall within the dictates of the RFPA. Nonetheless, since the November 2003 amendment, a major credit card company has advised the FBI through counsel, that the company still is not covered by the statute because the "financial records" that are disseminable pursuant to an NSL are records "pertaining to a customer's relationship with the financial institution." According to the company, its customers are the banks not the individual credit card holders. The credit card holders, in turn, are customers of the bank. In short, its position is that its records are not "financial records" protected by the RFPA and accordingly not subject to production pursuant to an NSL. The FBI is continuing to work with this company to resolve this issue in a manner that would result in the company complying with RFPA NSLs. ~~(S)~~

~~SECRET~~

NSL VIO-9626

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Financial
Records Made Pursuant to Title 12

Page 3

Should your staff require additional information
regarding the FBI's use of this authority, please contact

[Redacted]
[Redacted]

Office of the General Counsel, at
(U)

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Enclosure

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|------------------|--------------------|---------------------|------------------------|
| APPROVED: | Crim. Inv. _____ | Inspection _____ | Training _____ |
| | CJIS _____ | Laboratory _____ | Off. of EEO _____ |
| | Finance _____ | National Sec. _____ | Affairs _____ |
| | Gen. Counsel _____ | OPR _____ | Off. of Public & _____ |
| | Info. Res. _____ | Personnel _____ | Cong. Affs. _____ |

AS
Director KSM/pt
Deputy Director [Signature]

(U)

NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 12, USC, Section 3414, paragraph (a)(5)(C). It provides the number of requests for mandatory production of financial records made in counterintelligence investigations during the following semiannual period: January 1, 2005 through June 30, 2005. The Attorney General will forward this information to Congress.

~~SECRET~~

~~SECRET~~

NSL VIO-9627

~~SECRET~~

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/wsr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

NUMBER OF REQUESTS FOR FINANCIAL RECORDS

(U) MADE PURSUANT TO TITLE 12, USC, SECTION 3414, PARAGRAPH (a) (5)

FIRST AND SECOND QUARTERS 2005 ~~(S)~~

(U) **Note:** If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

| Relating to Investigations of Non-U.S. Persons or Organizations | Total Number of Investigations of Different Non-U.S. Persons or Organizations Predicating Such Requests | Relating to Investigations of U.S. Persons or Organizations | Total Number of Investigations of Different U.S. Persons or Organizations Predicating Such Requests |
|--|---|--|---|
|--|---|--|---|

| | | | | |
|-----|---|---|---|---|
| (S) | X | X | X | X |
|-----|---|---|---|---|

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 07-05-2007
CLASSIFIED BY: 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

March 23, 2006

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM
(U)

Title 15, U.S.C., Section 1681u(a) requires consumer
reporting agencies to comply with a request by the FBI for the
names and addresses of all financial institutions at which a
consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer
reporting agencies to furnish identifying information about
consumers, limited to name, address, former addresses, places
of employment, or former places of employment. (U)

- 1 - 319X-HQ-A1487720-OGC - 217
 - 1 - 62F-HQ-1077231-39598 1 - Mr. Berezney Rm. 4012
 - 1 - Mr. Pistole Rm. 7142 1 - Ms. Thomas Rm. 7947
 - 1 - Ms. Caproni Rm. 7427 1 - [Redacted] Rm. 7176
 - 1 - Mr. Bald Rm. 7116 ① - NSLB Rm. 7947
- SNS:bac (8)

SEE NOTE PAGE 3

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

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~~Classified By: 66293, DGC/OGC
Reason: 1.4 (c)
Declassify On: X-1~~

~~SECRET~~ APPROVED

| | | | | | | | | | | | |
|-----------------|--------------|----------------|------------|--------|---------|------|-------------|--------------------------|------------|-------------|----------|
| Director | NSL VIQ-9629 | Asst. Dir.: | Adm. Serv. | Ident. | Intell. | Lab. | Legal Coun. | Off. Cong. & Public Aff. | Rec. Mgmt. | Tech. Serv. | Training |
| Deputy Director | | Chief of Staff | Exec. Dir. | Ident. | Intell. | Lab. | Legal Coun. | Off. Cong. & Public Aff. | Rec. Mgmt. | Tech. Serv. | Training |

~~SECRET~~

Memorandum for the Attorney General

Page 2

Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

The certification standard for obtaining financial institution information and consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. In order to meet requirements for submission of this report to Congress, this report was prepared on February 24, 2006. The data contained herein is therefore accurate as of that date. The final statistics for the two quarters reported herein may change slightly, should additional data be subsequently reported to the National Security Law Branch/FBI by the field offices. (U)

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NSL VIO-9630

~~SECRET~~

Memorandum for the Attorney General
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Page 3

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Should your staff require additional information regarding the FBI's use of this authority, please contact [redacted] Office of the General Counsel, at [redacted] (U)

Enclosure

(S) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that [redacted] requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: July 1, 2005 through December 31, 2005. ~~(S)~~

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(U)

| | | |
|-----------------------|--------------------|----------------------------|
| APPROVED: | Crim. Inv. _____ | Inspection _____ |
| | C.I.S. _____ | Laboratory _____ |
| Director _____ | Finance _____ | National Sec. _____ |
| Deputy Director _____ | Gen. Counsel _____ | Off. of Public Affs. _____ |
| | Adm. Serv. _____ | Personnel _____ |
| | | Cong. Affs. _____ |



~~SECRET~~

NSL VIO-9631

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/kxr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

~~(U)~~ MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

~~(S)~~ THIRD AND FOURTH QUARTERS 2005

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a)

Financial
Institution
Information
USPER/Non-USPER

15 USC 1681u(b)
Consumer Identifying
Information
USPER/Non-USPER

15 USC 1681u(c)
Court Ordered
Information
USPER/Non-USPER

Total Number of 15
USC 1681u Requests
For Information
USPER/Non-USPER

~~(S)~~

| | | | |
|--------------|--------------|--------------|--------------|
| X | X | X | X |
|--------------|--------------|--------------|--------------|

~~Classified by: 66293, DGC/OGC
Reason: 1.4(c)
Declassify on: X-1~~

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U.S. Department of Justice

Federal Bureau of Investigation

SECRET

DATE: 07-05-2007
CLASSIFIED BY: 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

Office of the Director

Washington, D.C. 20535

March 17, 2006

RECEIVED
FBI
MAR 17 2006

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE ACTING DEPUTY ATTORNEY GENERAL

RJM 5/3/06

FROM: DIRECTOR, FBI *[Signature]*

SUBJECT: CORRECTED SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL INSTITUTION AND CONSUMER IDENTIFYING INFORMATION, AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15, UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM (U)

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. (U)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Classified By: 66293, DGC/OGC
Reason: 1.4(c)
Declassify On: X-1~~

~~SECRET~~

62F-HQ-1077231
Serial 39744
39743

NSL VIO-9633

~~SECRET~~

Memorandum for the Attorney General
Re: Corrected Semiannual Report of Requests for Consumer
Credit Information Made Pursuant to Title 15, USC, 1681u

Page 2

The certification standard for obtaining financial institution information and consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

The report of the number of requests made by the FBI pursuant to Section 1681u(a) and (b) during the semiannual period of January 1, 2005, to June 30, 2005, was submitted on August 30, 2005. However, due to a computer programming error that report was incorrect. The attached list contains a corrected reporting of the number of requests made by the FBI pursuant to Section 1681u(a) and (b) during the semiannual period of January 1, 2005 to June 30, 2005. (U)

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. The August 30, 2005 reporting of section 1681u(c) was correct, therefore there is no change to this reporting. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

~~SECRET~~

NSL VIO-9634

~~SECRET~~

Memorandum for the Attorney General Page 3
Re: Corrected Semiannual Report of Requests for Consumer
Credit Information Made Pursuant to Title 15, USC, 1681u

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact

Office of the General Counsel, at
(U)

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b7C

Enclosure

(S) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2005 through June 30, 2005. (X)

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~~SECRET~~

NSL VIO-9635

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/kar/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

(U)

FIRST AND SECOND QUARTERS 2005 ~~(S)~~

(U)

Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a)

Financial
Institution
Information

USPER/Non-USPER

15 USC 1681u(b)

Consumer Identifying
Information

USPER/Non-USPER

15 USC 1681u(c)

Court Ordered
Information

USPER/Non-USPER

Total Number of 15

USC 1681u Requests
For Information

USPER/Non-USPER

(S)

| | | | |
|--------------|--------------|--------------|--------------|
| X | X | X | X |
|--------------|--------------|--------------|--------------|

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Classified by: ~~66293, DGC/OGC~~

Reason: ~~1.4(c)~~

Declassify on: ~~X-~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 07-05-2007
CLASSIFIED BY: 65179/amh/kxr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

August 31, 2005

foipa # 1073946

MEMORANDUM FOR THE ATTORNEY GENERAL

(U)

FROM: DIRECTOR, FBI

SUBJECT: SEMIANNUAL REPORT OF REQUESTS FOR FINANCIAL
INSTITUTION AND CONSUMER IDENTIFYING INFORMATION,
AND CONSUMER CREDIT REPORTS, PURSUANT TO TITLE 15,
UNITED STATES CODE (U.S.C.) SECTION 1681u, FOR
FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM

~~(S)~~

Title 15, U.S.C., Section 1681u(a) requires consumer reporting agencies to comply with a request by the FBI for the names and addresses of all financial institutions at which a consumer maintains or has maintained an account. (U)

Title 15, U.S.C., Section 1681u(b) requires consumer reporting agencies to furnish identifying information about consumers, limited to name, address, former addresses, places of employment, or former places of employment. (U)

The certification standard for obtaining financial institution information and consumer identifying information requires relevance to an authorized investigation "to protect against international terrorism or clandestine intelligence activities." (U)

- 1 - 66F-HQ-C1303371-13283
- 1 - 66F-HQ-A1255972-NSLBANK-27
- 1 - Mr. Pistole
- 1 - Ms. Caproni
- 1 - Mr. Bald

- 1 - Mr. Szady
- 1 - Ms. Thomas
- 1 - [Redacted]
- (1) - NSLB

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SNS:bac (9)

SEE NOTE PAGE 3

~~Classified By: 39645, SC/OGC
Reason : 1.4(c)
Declassify On: X25-1~~

~~SECRET~~

NSL VIO-9637

~~SECRET~~

Memorandum for the Attorney General Page 2
Re: Semiannual Report of Requests for Consumer Credit
Information Made Pursuant to Title 15, USC, 1681u

Title 15, U.S.C., Section 1681u(c) requires consumer reporting agencies to comply with an ex parte court order to provide the FBI with a consumer credit report. The current standard for obtaining court-ordered credit reports is the same "relevance" standard required for NSLs. (U)

Since receiving authorization to use the certification procedures to obtain consumer information pursuant to Sections 1681u(a) and (b), the FBI has established procedures that have been implemented to exercise this authority. (U)

Paragraph (h) of Section 1681u requires that, on a semiannual basis, the Attorney General "shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c)." (U)

The attached list indicates FBI use of this authority during the most recent semi-annual period. (U)

Should your staff require additional information regarding the FBI's use of this authority, please contact Office of the General Counsel, at (U)

b2
b6
b7C

Enclosure

| | | | |
|------------------|---------------------------|---------------------|------------------------|
| APPROVED: | Crim. Inv. _____ | Inspection _____ | Training _____ |
| | C.I.R.S. _____ | Laboratory _____ | Off. of EEO _____ |
| | Finance _____ | National Sec. _____ | Affairs _____ |
| | Gen. Counsel <i>VC</i> | OPR _____ | Off. of Public & _____ |
| | Deputy Director <i>gl</i> | Info. Res. _____ | Personnel _____ |
| | | Cong. Affs. _____ | |

(S) NOTE: This communication is submitted to the Attorney General in accordance with the requirements of Title 15, USC, Section 1681u(h). It states that requests for mandatory production of consumer credit information were made in support of counterintelligence investigations during the following semiannual period: January 1, 2005 through June 30, 2005. ~~(S)~~

b1
b2

~~SECRET~~

NSL VIO-9638

DATE: 07-05-2007
CLASSIFIED BY 65179/dmh/ksr/cak
REASON: 1.4 (c)
DECLASSIFY ON: 07-05-2032

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

NUMBER OF REQUESTS FOR FINANCIAL INSTITUTIONS AND
CONSUMER IDENTIFYING INFORMATION, AND
CONSUMER CREDIT REPORTS

MADE PURSUANT TO TITLE 15, USC, SECTION 1681u

FIRST AND SECOND QUARTERS 2005 ~~(S)~~

(U) Note: If subject's status as a United States (U.S.) person is unknown, subject is presumed to be a U.S. person. ~~(S)~~

15 USC 1681u(a)

Financial
Institution
Information
USPER/Non-USPER

15 USC 1681u(b)
Consumer Identifying
Information
USPER/Non-USPER

15 USC 1681u(c)
Court Ordered
Information
USPER/Non-USPER

Total Number of 15
USC 1681u Requests
For Information
USPER/Non-USPER

| | | | | |
|-----|---|---|---|---|
| (S) | X | X | X | X |
|-----|---|---|---|---|

~~Classified by: 39645, SC/OGC
Reason: 1.4(c)
Declassify on: X25-1~~

b1
b2

~~SECRET~~