

1073946

OIG'S PATRIOT ACT REVIEW

DOJ-OIG REQUEST of MARCH 29, 2006 - FOLLOW-UP to 1ST DOCUMENT REQUEST

SUBJECT: ALL GUIDANCE IN EFFECT DURING THE PERIOD 01/01/2003 - 12/31/2005 CONCERNING THE INITIATION, APPROVAL, MANAGEMENT, COLLECTION, ANALYSIS, SERIALIZATION AND/OR UPLOADING, DISSEMINATION WITHIN AND OUTSIDE DOJ, AND ALL OTHER ASPECTS OF THE FBI'S USE OF NSLS AND 215S (INCLUDING HOW AGENTS ARE TO ADDRESS INFORMATION PROVIDED VIA NSLS OR 215S THAT THE FBI IS NOT ENTITLED TO HAVE UNDER THE RELEVANT STATUTES.)

[2003-2004]

FBI TRACKING # : OIG REQ-PA/NSL 03/29/06 -ITEM #2

PACKET: #2

{APRIL 6, 2006}

DATE	TYPE of DOCUMENT	SUBJECT	TOTAL PAGES	BATE STAMP #s
UNDATED	COVER SHEET	<i>OIG INSPECTION: 1/01/2001 - 12/31/2005 NSL INFORMATION for 2003</i>	1	042
08/22/03	OGC EC	NATIONAL SECURITY LETTERS; DELEGATION OF SIGNATURE AUTHORITY; CREDIT REPORTS	3	043-045
UNDATED	EC CHECKLIST	FCRA NATIONAL SECURITY LETTER (NSL) REQUESTING CONSUMER REPORT (15 U. S. C. § 1681v)	1	046
UNDATED	DRAFTS EXAMPLES	ECs & LETTERs	6	047-052
10/01/03	OGC EC	NATIONAL SECURITY LETTERS; CREDIT REPORTS UNDER FCRA, 15 U. S. C. § 1681v	12	053-064
10/17/03	OGC EC	NATIONAL SECURITY LETTERS; DELEGATION OF SIGNATURE AUTHORITY	3	065-067
10/31/03	OGC EC	NATIONAL SECURITY LETTERS; DELEGATION OF SIGNATURE AUTHORITY	3	068-070

DATE	TYPE of DOCUMENT	SUBJECT	TOTAL PAGES	BATE STAMP #s
11/05/03	OGCEC	NATIONAL SECURITY LETTERS; CREDIT REPORTS UNDER FCRA, 15 U. S. C. § 1681v	3	071-073
UNDATED	COVER SHEET	<i>OIG INSPECTION: 1/01/2001 - 12/31/2005</i> <i>NSL INFORMATION for 2004: NO RESPONSIVE DOCUMENTS</i>	1	074
TOTAL PAGES			33	

OIG Inspection: 1/01/2001 – 12/31/2005

NSL Information for 2003

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-22-2007 BY 85179 DMH/KSR/JW

NSL-VIO-4409

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 08/22/2003

To: All Divisions

Attn: ADIC, AD, DAD, SAC, CDC

From: Office of the General Counsel
National Security Law Branch

Contact: [Redacted] 202 342 [Redacted]

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Approved By: Mueller Robert S III

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-22-2007 BY 63179 DMH/KSR/JM

Drafted By: [Redacted] djk

Case ID #: 66F-HQ-A1255972

1073946

Title: NATIONAL SECURITY LETTERS
DELEGATION OF AUTHORITY
CREDIT REPORTS

Synopsis: Delegates signature authority for National Security Letters to SACs and FBIHQ officials under 15 U.S.C. § 1681v.

Details: Public law 107-56 (The USA Patriot Act) significantly changed National Security Letters (NSLs). In addition to changing the standards for issuing NSLs and permitting delegation of authority to SACs, it created a new category of NSL. 15 U.S.C. § 1681 was amended to add a new section, 15 U.S.C. § 1681v (Section 1681v). Prior to the enactment of the USA Patriot Act, the FBI could only obtain a credit report in a counterintelligence or counterterrorism investigation with a court order pursuant to 15 U.S.C. § 1681u(c). Section 1681v allows the FBI to obtain a credit report with an NSL in international terrorism (IT) cases where such information "is necessary for the agency's conduct of such investigation, activity or analysis." **Please note that Section 1681v NSLs can only be used in full international terrorism investigations.**

The statute permits delegation of certification authority to designated supervisory officials. I hereby designate certification signature authority for IT NSLs pursuant to 15 U.S.C. § 1681v(b) to the following FBI Officials:

To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, 08/22/2003

1. The Deputy Director;
2. The Executive Assistant Director for Counterterrorism/Counterintelligence;
3. The Assistant Director and all Deputy Assistant Directors of the Counterterrorism Division;
4. The General Counsel; the Deputy General Counsel for National Security Affairs; the Senior Counsel for National Security Affairs;
5. The Assistant Director in Charge, and all SACs of the New York, Washington D.C., and Los Angeles field offices; and
6. The SACs in all other field divisions.

The SACs and Chief Division Counsel will be responsible for ensuring that this authority is used appropriately in the field. NSLB will be responsible for the implementation of this delegation and will issue guidance on the preparation of Section 1681v NSLs. Field Divisions should await this guidance before issuing Section 1681v NSLs. This communication supplements the November 9, 2001, EC 66F-HQ-A1255972.

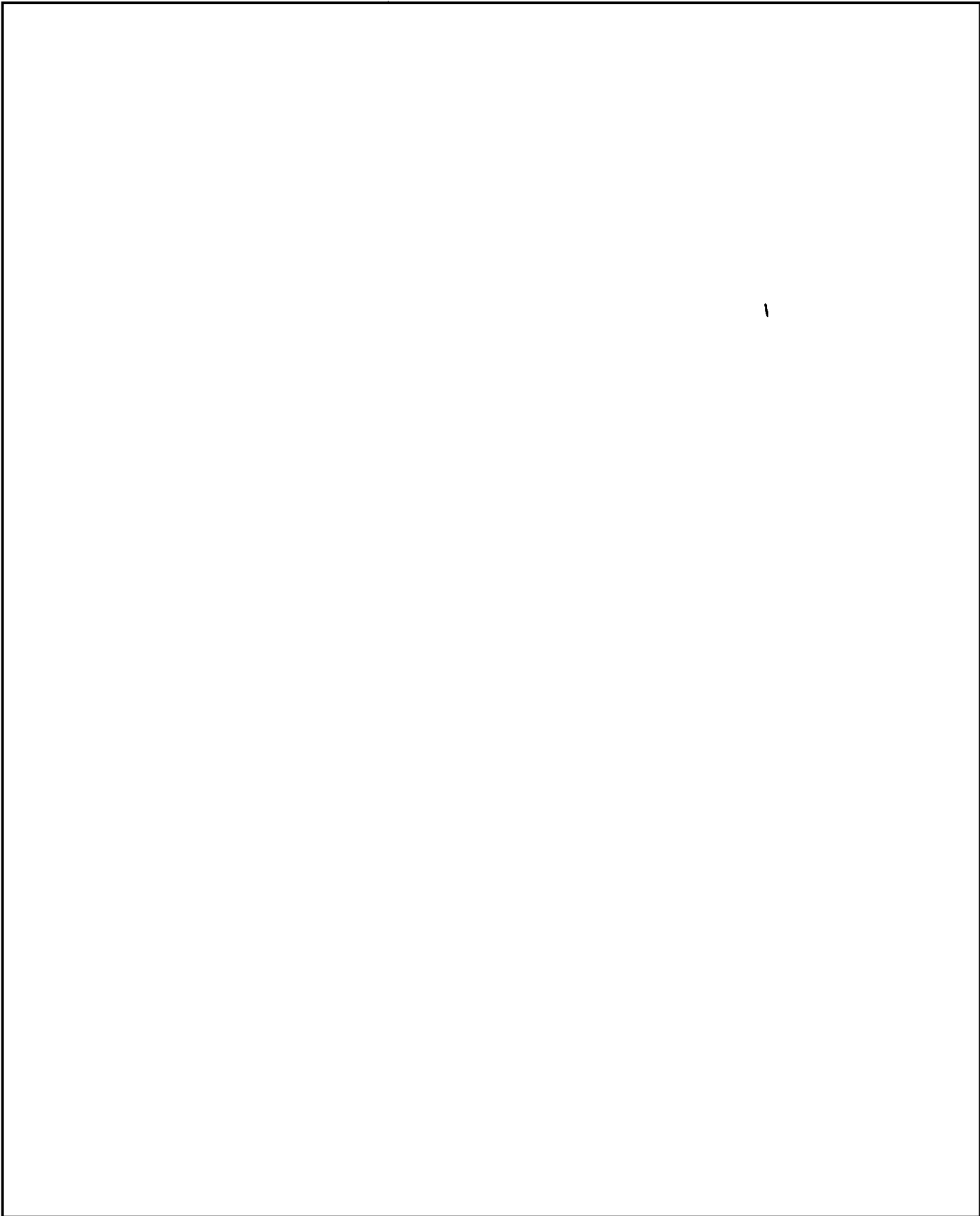
To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, 08/22/2003

LEAD:

Set Lead 1: (adm)

ALL RECEIVING OFFICES

Disseminate to personnel involved in IT operations
and to other personnel as appropriate.



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NSL VIO-4413

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: MM/DD/YYYY

To: General Counsel

Attn: Deputy General Counsel

[Requesting Squad]

NSLB

SSA [Squad Supervisor]

SA [Case Agent]

[Delivering Division]

Squad [X]

[Office of Origin]

SA [Case Agent]

Squad [X]

CTD

A/AD Pistole

From: [Drafting Division]

[Position of Approving Official]

Contact: [Case agent and telephone number]

Approved By: [ADIC (if applicable)]

DECLASSIFIED BY 68179 DMH/KSR/JW

[SAC name]

ON 06-22-2007

[ASAC name]

[CDC name]

[SSA name]

Drafted By: [Last First Middle Name: Initials]

(U)

Case ID #: ~~(S)~~ [Case File Number] (Pending)

(U)

~~(S)~~ [Case file for NSLs of delivering office]

(U) ~~(S)~~ 66F-HQ-C1213150

Title: ~~(S)~~ [SUBJECT]

(U) AKA [Alias (if applicable)]

IT [-Foreign Power]

OO [Office of Origin]

Synopsis: (U) This EC approves the issuance of one credit report National Security Letter (NSL) pursuant to **15 U.S.C. §1681y**; sets a lead and provides reporting data to NSLB; and transmits the NSL to FBI [Delivering Division] for delivery to [the consumer reporting agency].

(U) ~~(S)~~

~~Derived From :~~ G-3

~~Declassify On:~~ X25-1

~~SECRET~~

~~SECRET~~

To: General Counsel From [Drafting Division]
Re: ~~(S)~~ [Case File Number] (Pending), [MM/DD/YYYY]

(U)

(U) Full Investigation or Preliminary Investigation Instituted:
MM/DD/YYYY [USP/Non-USP] [If subject of credit report is different from subject of full or preliminary investigation, state whether subject of credit report is USP/Non-USP]

Enclosure(s): (U) Enclosed for [Delivering Division] is an original and a copy of an NSL dated MM/DD/YYYY addressed to [consumer reporting company POC and address] requesting a consumer credit report and all information in its files concerning the listed consumer.

(U) **Details:** ~~(S)~~ A [full or preliminary] international terrorism investigation of [subject of investigation], a [USP/Non-USP], was authorized in accordance with the Attorney General Guidelines because [brief explanation of justification for opening or maintaining the investigation on this subject, referencing the criteria found in the Attorney General Guidelines for opening a full investigation]. This NSL seeks the consumer credit report and all information in the files of the consumer reporting agency concerning [name of subject of the records sought]. This information is necessary to the conduct of this investigation because [brief explanation of why you need this information, e.g., records will identify associates, businesses, financial institutions, etc.].

(U) On August 27, 2003, the Director delegated the official signing the enclosed letter authority to make the required certification.

(U) ~~(S)~~ This electronic communication documents the [approving official's] approval and certification of the enclosed NSL. For informational and reporting purposes, the enclosed NSL seeks the consumer credit report and all other information in the consumer reporting agency's files of [number of subjects of request] individual(s).

(U) A representative of the [delivering division] who has liaison with [the consumer reporting agency] should hand deliver the letter to [the consumer reporting agency]. FBI [delivering division] should advise [the consumer reporting agency] that Title 15 U.S.C. §1681v(c) prohibits it from disclosing that the FBI has made this request. In addition, [the consumer reporting agency] is prohibited from including in any consumer report any information that would indicate that the FBI has sought or obtained such information.

~~SECRET~~

~~SECRET~~

To: General Counsel From [Drafting Division]
(U) Re: ~~(S)~~ [Case File Number] (Pending), [MM/DD/YYYY]

(U) Arrangements should be made with [the consumer reporting agency] to provide the records personally to a representative of the [delivering division]. [The consumer reporting agency] should neither send the records through the mail nor utilize the name of the subject of the request in any telephone calls to the FBI.

(U) Any questions regarding the above can be directed to [Drafting Division], Attention: [SA(Case agent) and phone number].

~~SECRET~~

~~SECRET~~

To: General Counsel From [Drafting Division]
Re: (S) [Case File Number] (Pending), [MM/DD/YYYY]

LEAD(s):

Set Lead 1:

DELIVERING DIVISION

AT [CITY/STATE]

(U) Deliver the attached letter as indicated above. Upon receipt of information from [the consumer reporting agency], the [delivering division] is requested to submit results to [the drafting division and the office of origin, if applicable].

Set Lead 2:

GENERAL COUNSEL

AT WASHINGTON, D.C.

(U) NSLB is requested to record the appropriate information for its purposes.

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~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

[Drafting] Field Division
[Address]
[Date]

POC
Consumer Reporting Agency
Address

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-22-2007 BY 65179 DMH/KSF/JW

Dear [POC]:

Pursuant to Executive Order 12333, dated December 4, 1981, and 15 U.S.C. §1681v of the Fair Credit Reporting Act, you are hereby directed to provide the Federal Bureau of Investigation (FBI) with a copy of a consumer report and all other information contained in your files for the below-listed consumer:

Consumer Name: [Name]
Date of Birth: [MM/DD/YYYY]
Social Security Number: [000-00-0000]

In accordance with 15 U.S.C. §1681v, I certify that I have been designated to make this request and that the requested information is necessary to conduct an authorized investigation of, or intelligence or counterintelligence activities or analysis related to, international terrorism.

Please be advised that 15 U.S.C. §1681v(c) prohibits your consumer reporting agency or any officer, employee or agent of your agency from disclosing to any person that the FBI has sought or obtained access to information or records under these provisions. Furthermore, your agency, or any officer, employee or agent of your agency, is prohibited from including in any consumer report any information that would indicate or disclose that the FBI has sought or obtained such information.

You are requested to provide the responsive records personally to an employee of the [delivering field office]. Any questions regarding this request should be directed to your designated point of contact at the [delivering field office]. Due to security considerations, you should neither send the records through the mail nor disclose the substance of this request in any telephone conversation.

Your cooperation in this matter is appreciated.

Sincerely yours,

[ADIC/SAC Name]
Assistant Director/
Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 10/17/2003

To: All Divisions

Attn: ADIC, AD, DAD, SAC, CDC

From: Office of the General Counsel
National Security Law Branch

Contact: [Redacted] 202 342 [Redacted]

Approved By: Mueller Robert S III

Drafted By: [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-26-2007 BY 65179 DMH/KSR/JM

Case ID #: 66F-HQ-A1255972

Title: NATIONAL SECURITY LETTERS
DELEGATION OF AUTHORITY

Synopsis: Delegates signature authority for National Security Letters to the Senior Counsel for National Security Affairs.

Details: Public law 107-56 (The USA Patriot Act) permits delegation of certification authority for National Security Letters (NSLs) to FBI officials from the level of Special Agent in Charge (SAC) and above. Prior to passage of the USA Patriot Act, the delegation level was no lower than Deputy Assistant Director. Pursuant to the USA Patriot Act, by EC dated 11/09/2001, certification authority was delegated to the following:

1. The Deputy Director
2. The Assistant Directors in charge, and all Deputy Assistant Directors, of the Counterterrorism Division and the National Security Division;
3. The General Counsel and the Deputy General Counsel for National Security Affairs;
4. The Assistant Director in Charge, and all SACs, of the New York, Washington, D.C., and Los Angeles field offices;
5. The SACs in all other field divisions.

Effective immediately, I hereby additionally delegate the authority to sign National Security Letters issued pursuant to the Electronic Communications Privacy Act (18 U.S.C. 2709), the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)), and

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To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, 10/17/2003

the Fair Credit Reporting Act (15 U.S.C. 1681(u)), to the following official:

1. The Senior Counsel for National Security Affairs

The list of officials to whom certification authority was delegated by EC dated 11/09/2001 otherwise remains the same.

To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, 10/17/2003

LEAD:

Set Lead 1: (adm)

ALL RECEIVING OFFICES

Disseminate to appropriate personnel.

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 10/31/2003

To: All Divisions

Attn: ADIC, AD, DAD, SAC, CDC

From: Office of the General Counsel
National Security Law Branch

Contact: [Redacted] 202 [Redacted]

Approved By: Mueller Robert S III

Drafted By: [Redacted]

Case ID #: 66F-HQ-A1255972

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-26-2007 BY 65179 DMH/KSR/JW

Title: NATIONAL SECURITY LETTERS
DELEGATION OF AUTHORITY

Synopsis: Delegates signature authority for National Security Letters to the Executive Assistant Director for Counterterrorism/Counterintelligence and the Assistant Director and all Deputy Assistant Directors of the Cyber Division.

Details: Public law 107-56 (The USA Patriot Act) permits delegation of certification authority for National Security Letters (NSLs) to FBI officials from the level of Special Agent in Charge (SAC) and above. Prior to passage of the USA Patriot Act, the delegation level was no lower than Deputy Assistant Director. Pursuant to the USA Patriot Act, by EC dated 11/09/2001, certification authority was delegated to the following:

1. The Deputy Director
2. The Assistant Directors in charge, and all Deputy Assistant Directors, of the Counterterrorism Division and the National Security Division [Counterintelligence Division];
3. The General Counsel and the Deputy General Counsel for National Security Affairs;
4. The Assistant Director in Charge, and all SACs, of the New York, Washington, D.C., and Los Angeles field offices;
5. The SACs in all other field divisions.

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To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, /31/2003

On October 17, 2003, certification authority also was delegated to the Senior Counsel for National Security Affairs.

Effective immediately, I hereby additionally delegate the authority to sign National Security Letters issued pursuant to the Electronic Communications Privacy Act (18 U.S.C. 2709), the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)), and the Fair Credit Reporting Act (15 U.S.C. 1681(u)) to the following officials:

1. Executive Assistant Director for Counterterrorism/Counterintelligence.
2. The Assistant Director and all Deputy Assistant Directors of the Cyber Division.

The list of officials to whom certification authority has already been delegated otherwise remains the same.

To: All Divisions From: Office of the General Counsel
Re: 66F-HQ-A1255972, /31/2003

LEAD:

Set Lead 1: (adm)

ALL RECEIVING OFFICES

Disseminate to appropriate personnel.

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 11/5/2003

To: All Field Offices

Attn: ADIC;
SAC;
CDC
FCI/IT Supervisors
AD Pistole;
DADs;
Section Chiefs
AD Szady;
DADs;
Section Chiefs

Counterterrorism

Counterintelligence

From: General Counsel

National Security Law Branch, Room 7975

Contact: [Redacted] 202-324 [Redacted]

Approved By: Caproni Valerie E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-26-2007 BY 65179 DMH/KSF/JW

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Drafted By: [Redacted]

Case ID #: 66F-HQ-A1255972
66F-HQ-C1213150

Title: NATIONAL SECURITY LETTERS
CREDIT REPORTS UNDER FCRA, 15 U.S.C. §1681v

Synopsis: Provides an amendment to guidance issued on October 1, 2003 on the preparation, approval, and service of National Security Letters (NSLs) to obtain Credit Reports in International Terrorism cases, implementing 15 U.S.C. § 1681v of the Fair Credit Reporting Act, created by the 2001 USA Patriot Act.

Reference: 66F-HQ-A1255972-serial 32
66F-HQ-C1213150-serial 302

Enclosure(s): 1) Revised Model EC for Credit Report NSL
2) Revised Checklist for Credit Report NSL

Details: On October 1, 2003, the General Counsel issued guidance on the preparation, approval, and service of NSLs to obtain full credit reports in international terrorism cases, pursuant to 15 U.S.C. § 1681v. At that time, the policy of the Department of Justice was to restrict the use [Redacted]

[Redacted] That policy has now been amended [Redacted]
[Redacted]

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To: All Field Offices From: General Counsel
Re: 66F-HQ-A1255972, 11/05/2003

[redacted] as such inquiries will now be denoted under the new DOJ policy.

Because of this change, the enclosed Model EC for Credit Report NSL and Model Checklist for Credit Report NSL also needed to be amended to reflect the fact that the forms could be used to seek an NSL [redacted]

[redacted] The Model Credit Report NSL remains unchanged.

All other aspects of the guidance remain accurate.

Any questions regarding this communication may be directed to Assistant General Counsel [redacted] at (202) 324-[redacted]

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To: All Field Offices From: General Counsel
Re: 66F-HQ-A1255972, 11/05/2003

LEAD(s):

Set Lead 1: (Adm)

ALL RECEIVING OFFICES

Distribute to all supervisory personnel involved in the investigation of international terrorism cases.

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OIG Inspection: 1/01/2001 – 12/31/2005

NSL Information for 2004: No responsive documents

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FEDERAL BUREAU OF INVESTIGATION
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