

[Redacted]

b6
b7C

Subject: Request for a Sample of an Exparte Order for Educational Records

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

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b7E

The NSLB Library provides the following guidance:

Other types of records are also protected from disclosure and require an **ex parte court order** to obtain, such as **educational records under the Buckley Amendment** (12 U.S.C. §1232g(j)); full credit reports in counterintelligence cases (15 U.S.C. § 1681u(c)); and taxpayer return information from the Internal Revenue Service (26 U.S.C. §(i)(7)(C)).

[Redacted]

b5

Therefore, it appears that I have a couple of options:

[Redacted]

b7E

Thank you for your consistently helpful assistance to accomplish what we can under a system which is woefully inadequate in many regards. This is yet another glaring example of how the system we must use to protect the American people from another terrorist attack is irreparably broken! The helpful changes provided by the Patriot Act simply provided us with "band aids" to treat a problem in critical condition. Simply stated, we have not been provided the tools necessary to successfully fulfill our mission of protecting the American people from another terrorist attack--potentially involving the use of WMDs. Most of the problems need to be addressed legislatively. Yet, other are executive branch inadequacies. Additional Americans should not have to die before their government is willing to take appropriate action. Thanks for your help! [Redacted]

~~SECRET~~

~~SENSITIVE BUT UNCLASSIFIED~~

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~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

EFF Section 215-1149

[Redacted] (RMD)(FBI)

From: [Redacted] (WF) (FBI)
Sent: Thursday, February 02, 2006 11:28 AM
To:
Cc:

[Redacted]

Subject: RE: Request for a Sample of an Exparte Order for Educational Records

Attachments: B7 FAFSA Request

SENSITIVE BUT UNCLASSIFIED
NON-RECORD



B7 FAFSA Request
(37 KB)

b6
b7C
Outside the Scope

[Redacted]

[Redacted]

SSA [Redacted] WFO

-----Original Message-----

From: [Redacted] (JK) (FBI)
Sent: Thursday, February 02, 2006 10:09 AM
To:
Cc:

[Redacted]

Subject: Request for a Sample of an Exparte Order for Educational Records

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6
b7C
Outside the Scope

[Redacted]

The NSLB Library provides the following guidance:

Other types of records are also protected from disclosure and require an **ex parte court order** to obtain, such as **educational records under the Buckley Amendment (12 U.S.C. §1232g(j))**; **full credit reports in counterintelligence cases (15 U.S.C. §1681u(c))**; and **taxpayer return information from the Internal Revenue Service (26 U.S.C. §(i)(7)(C))**.

b5

[Redacted]

Outside the Scope

Therefore, it appears that I have a couple of options:

[Redacted]

Thank you for your consistently helpful assistance to accomplish what we can under a system which is woefully inadequate in many regards. This is yet another glaring example of how the system we must use to protect the American people from another terrorist attack is irreparably broken! The helpful changes provided by the Patriot Act simply provided us with "band aids" to treat a problem in critical condition. Simply stated, we have not been provided the tools necessary to successfully fulfill our mission of protecting the American people from another terrorist attack--potentially involving the use of WMDs. Most of the problems need to be addressed legislatively. Yet, other are executive branch inadequacies. Additional Americans should not have to die before their government is willing to take appropriate action. Thanks for your help! [Redacted]

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF Section 215-1163

SAC Approval of Service of Classified Order on Uncleared Person:

Based upon representations that a preliminary background check has been conducted of the person upon whom this classified business record order will be served, and there being no derogatory or negative information that would indicate that the person should not be given access to the classified order, I hereby approve the service of this order on [Name of custodian of records].

SAC approving this service:

Printed (or Typed) Name:

Telephone Number:

Signature:

Date:

CERTIFICATE OF SERVICE OF BUSINESS RECORD ORDER

Date and Time of Service _____

Place of Service _____

Served upon _____

Served by _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Certificate of Service of Attached Order is true and correct.

Executed on _____
Date

By: _____
Signature of Server

Inquiries Regarding Production May Be Directed to:

[Name], Special Agent
Federal Bureau of Investigation
[Name of] Field Office
[Telephone number]

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[redacted] (RMD)(FBI)

From: [redacted] (OGC) (FBI)
Sent: Friday, June 23, 2006 3:05 PM
To: [redacted] (OGC) (FBI)
Subject: RE: Follow-up Re "Double Checking a QFR Response"

UNCLASSIFIED
NON-RECORD

[redacted]

b5

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, June 23, 2006 9:25 AM
To: [redacted] (OGC) (FBI)
Subject: Follow-up Re "Double Checking a QFR Response"

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UNCLASSIFIED
NON-RECORD

[redacted]

I found the QFR to which [redacted] referred. I believe it was one that you drafted.

Do you have the answer to [redacted] question off the top of your head? If not, we'll try to run it to ground.

[redacted]

[redacted]

b5

[Redacted]

b5

-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Friday, June 23, 2006 8:53 AM
To: [Redacted]
Subject: FW: Double Checking a QFR Response

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UNCLASSIFIED
NON-RECORD

Could you check on this and respond directly to [Redacted]

Julie

-----Original Message-----

From: [Redacted] (OCA) (FBI)
Sent: Thursday, June 22, 2006 11:07 AM
To: THOMAS, JULIE F. (OGC) (FBI)
Subject: Double Checking a QFR Response

UNCLASSIFIED
NON-RECORD

Julie:

In response to a recent QFR, NSLB said:

[Redacted]

b5

I make no claim to understand this legal area, but are we sure it's not "not MORE than"?

Thanks. If you need the entire response for context, let me know.

[Redacted]

Office of Congressional Affairs
JEH Building Room 7252
(Send mail to Room 7240)

[Redacted]

EFF Section 215-1175

UNCLASSIFIED

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UNCLASSIFIED

UNCLASSIFIED

Draft

[Redacted] (RMD)(FBI)

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From: [Redacted] (OGC) (FBI)
Sent: Wednesday, May 24, 2006 4:41 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

No problem, [Redacted] Glad to do it. (I always want to extend to you the opportunity to comment on such matters first. If I didn't, I'd feel as if I were "going behind your back.")

[Redacted]

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, May 24, 2006 4:36 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can you do this. We must have sent a million things to OCA on admin subpoenas. I don't have time to reinvent the wheel.

Thanks. Pik

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, May 24, 2006 3:37 PM
To: [Redacted]
Cc: [Redacted]
Subject: FOOTNOTE Re Julie's Cmnts (QFR No. 103 on NSLs)
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

There is one additional comment that I forgot to include my e-mail, below.

[Redacted]

b5

FYI.

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[Redacted]

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, May 24, 2006 2:24 PM
To: [Redacted]
Cc: [Redacted]
Subject: Julie's Cmnts Re QFR No. 103 on NSLs
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

I tried three times today to FAX you Julie's handwritten comments regarding QFR No. 103. However, each time, it failed to go through. So, in the alternative, I'll now try this approach.

Below, in red, you'll find the DRAFT response that you prepared. Immediately beneath that, in blue, you'll find the response as Julie revised it--plus her request that the last sentences be "reworked." She just wasn't comfortable with the way it reads. She'd like to find another way of saying it.

Your help in "reworking" that last section would be extremely helpful and most appreciated. In that regard, sincere thanks!

[Redacted]

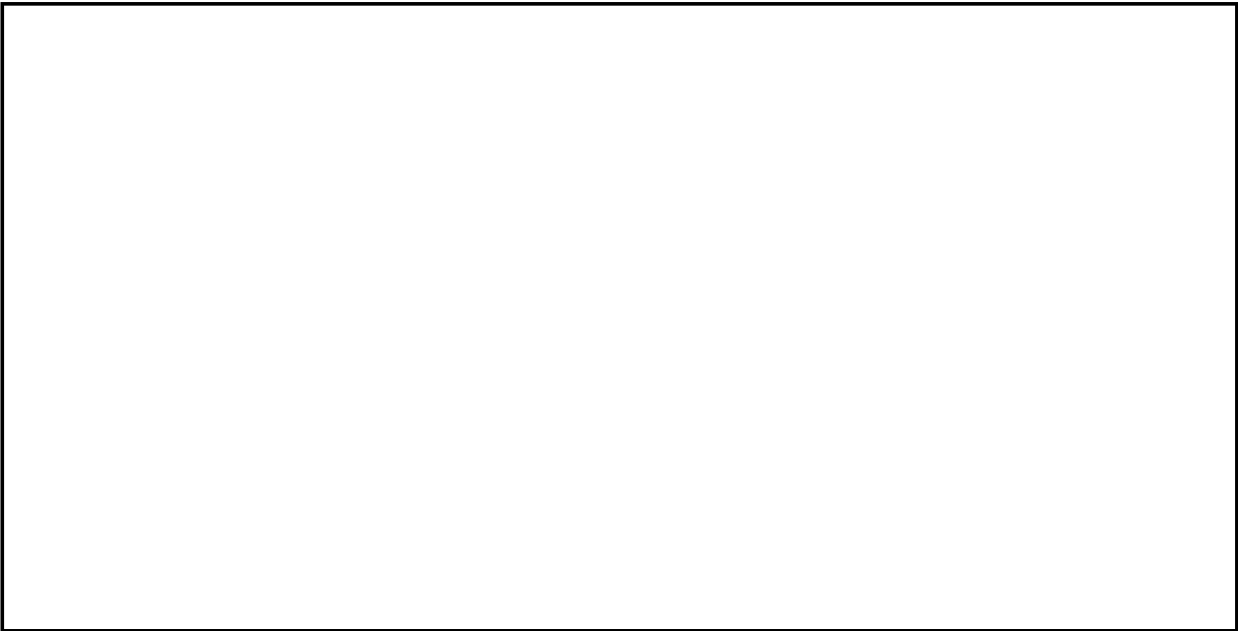
-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, May 16, 2006 1:31 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject:

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large Redacted Area]

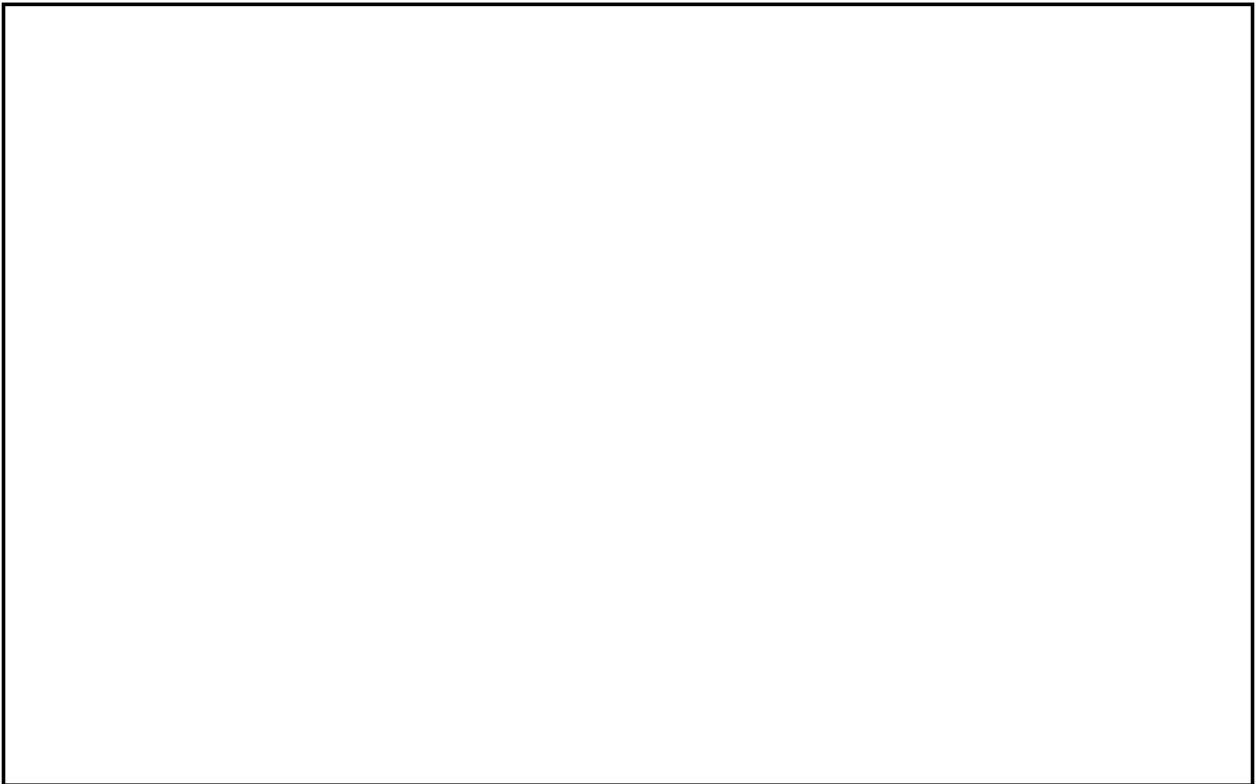
b5



b5

pik

Per Julie's Revisions / Comments:



[BRACKETED SENTENCES IN RED, ABOVE, NEED TO BE REWORKED.]

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Draft

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[Redacted] (RMD)(FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-12-2012 BY 65179 DMH/STP/MJS

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, May 24, 2006 4:31 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Julie's Cmnts Re QFR No. 103 on NSLs

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

b5

Duplicate

[Redacted]

[REDACTED] (RMD)(FBI)

b6
b7C

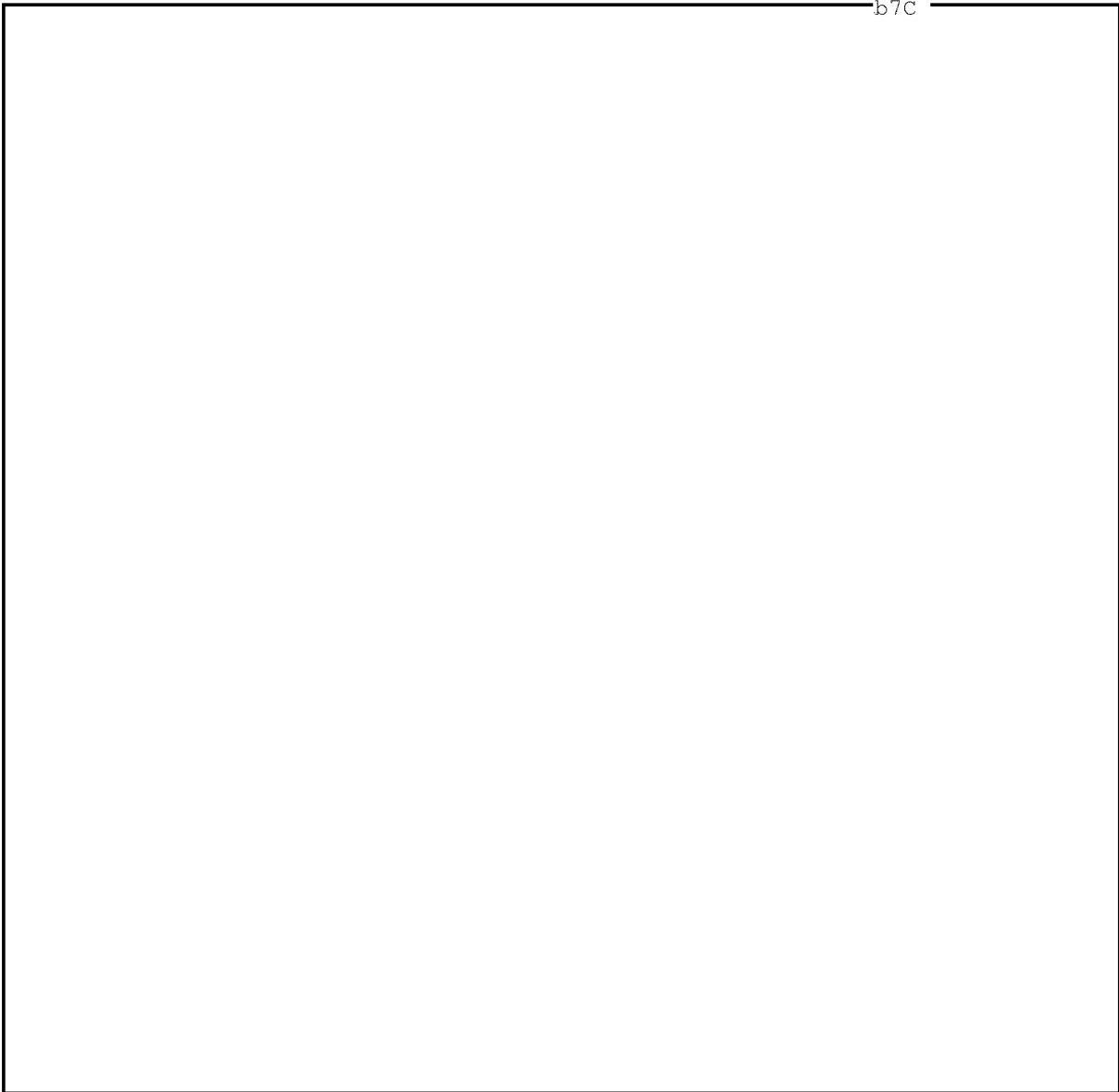
From: [REDACTED] (OGC) (FBI)
Sent: Thursday, May 11, 2006 7:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: I think I need to rethink what I said. (That's the down side of being so quick to respond)

UNCLASSIFIED
NON-RECORD



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b7C



UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[redacted] (RMD)(FBI)

b6
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From: [redacted] (OGC) (FBI)
Sent: Thursday, March 23, 2006 4:33 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] D. (OGC) (FBI)
Subject: FW: USAPA IRA - business record provision on delegation (the either/or provision)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
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b7C

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 23, 2006 3:17 PM
To: [redacted]
Cc: [redacted]
Subject: RE: USAPA IRA

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

b5
b6
b7C

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 23, 2006 2:52 PM
To: [redacted]
Cc: [redacted]
Subject: RE: USAPA IRA

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NON-RECORD

[redacted] alerted me to the 'Joint Explanatory Statement' in the attached conference report doc (beginning on .pdf pg. 89). While it describes the business records provision, it does not specifically address your 'either/or' language.

Stay tuned for more from [redacted] on that.

b6
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<< File: Conference Rpt.pdf >>

Beth Beers
Special Counsel
Office of Congressional Affairs
202-324-3073

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 23, 2006 2:12 PM
To: [redacted] (OCA) (FBI)
Subject: RE: USAPA IRA

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Thanks!

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Thursday, March 23, 2006 2:09 PM
To: [redacted]
Cc: [redacted]
Subject: FW: USAPA IRA

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] see question below from [redacted] (NSLB) re intent of "either / or" language in the business records provision of PatAct ReAuth. Do you have a sense, from your detail experience, of which interpretation was intended?

[redacted] was detailed to the Senate Judiciary Committee during the drafting of the reauthorization

[redacted]
Special Counsel
Office of Congressional Affairs

[redacted]

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 23, 2006 2:04 PM
To: [redacted] (OCA) (FBI)
Subject: FW: USAPA IRA

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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provision that we might be able to approach and find out if there is anything out there that would address the issue.

Thanks. pik

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, March 23, 2006 10:15 AM
To: [redacted]
Subject: RE: USAPA IRA

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Interesting question has arisen regarding the business record delegation. The statute says:

In the case of an application for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person, the Director of the Federal Bureau of Investigation may delegate the authority to make such application to either the Deputy Director of the Federal Bureau of Investigation or the Executive Assistant Director for National Security (or any successor position). The Deputy Director or the Executive Assistant Director may not further delegate such authority.



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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 07, 2006 3:38 PM
To: [redacted] (OGC) (FBI)
Subject: USAPA IRA

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NON-RECORD

[redacted]

Here is the draft EC - the nondisclosure stuff starts at page 34. Also, here is a draft NSL change - see what you think.

JB

EFF Section 215-1187

<< File: USAPA EC S.2271 version Mar.07.2006.wpd >> << File: toll record EC 2006.03.09.wpd >> <<
File: toll record NSL 2006.03.09.wpd >>

b6
b7c

[REDACTED]
Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: [REDACTED]
Unclassified Fax: (202) 324-1023
Secure Fax: (202) 324-9361

Privileged Attorney-Client/Attorney Work Product Communication

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SENSITIVE BUT UNCLASSIFIED

b6
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[REDACTED] (RMD)(FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, July 19, 2006 11:48 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: NSL/Business Records question

UNCLASSIFIED
NON-RECORD

You're welcome. pik

-----Original Message-----

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, July 19, 2006 11:47 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: NSL/Business Records question

UNCLASSIFIED
NON-RECORD

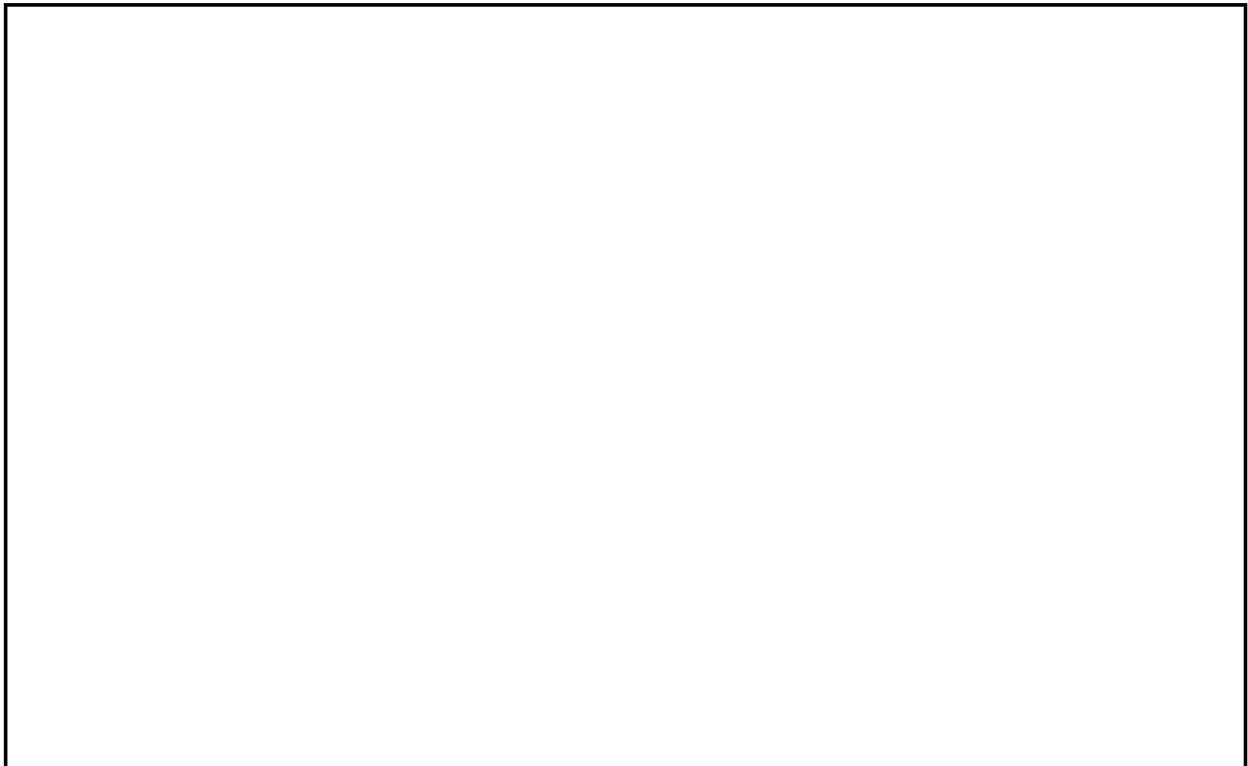
Thanks!

-----Original Message-----

From: [REDACTED] (OGC) (FBI)
Sent: Wednesday, July 19, 2006 11:43 AM
To: [REDACTED] (OGC) (FBI)
Subject: RE: NSL/Business Records question

UNCLASSIFIED
NON-RECORD

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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Friday, June 23, 2006 10:19 AM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL/Business Records question

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b7C

UNCLASSIFIED
NON-RECORD



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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, June 22, 2006 11:00 AM
To: [redacted] (OGC) (FBI)
Subject: NSL/Business Records question

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[redacted] (RMD)(FBI)

b6
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From: [redacted] (OGC) (FBI)
Sent: Monday, July 17, 2006 11:06 AM
To: [redacted] (OGC) (FBI)
Subject: RE: FISA Suggestion for our list:

Importance: High

Attachments: Additional Recommended Changes to FISA - 7-17-06 1200.doc

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NON-RECORD

[redacted]

Please check page 6 of attached doc before I take to Valerie at noon.

Thanks



Additional
Recommended Change
[redacted]

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[redacted]
Assistant General Counsel
National Security Law Policy and Training Unit
National Security Law Branch
Office of the General Counsel, FBI, JEH, Room 7947

[redacted]
Unclassified email: [redacted]
SIPRnet: [redacted]
JWICS (Top Secret): [redacted]

This is a Privileged Attorney-Client/Attorney Work Product Communication

-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Monday, July 17, 2006 10:39 AM
To: [redacted] (OGC) (FBI)
Subject: RE: FISA Suggestion for our list:

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I would phrase it a little differently, as the thoughts reflected in [redacted] email were sent to him by me before I had actually looked at the words of the statute. I would do the following with the paragraph that exists --

The language of the provision reads

"In the case of an application for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person, the Director of the FBI may delegate the authority to make such application to either the DD of the FBI or the EAD for National Security (or any successor position). The DD or the EAD may not further delegate such authority.

EFF Section 215-1191

I would have it read as follows:

[Redacted]

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Thanks. pik

-----Original Message-----

From: [Redacted] (OGC) (FBI)
Sent: Monday, July 17, 2006 10:26 AM
To: [Redacted]
Cc: [Redacted]
Subject: FISA Suggestion for our list:

b6
b7c

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[Redacted]

Here is a problem and solution identified by [Redacted] to add to the list:

[Redacted]

b5

JB

[Redacted]
Assistant General Counsel
National Security Law Policy and Training Unit
FBI HQ Room 7975
STU III: [Redacted]
Unclassified Fax: (202) 324-1023
Secure Fax: (202) 324-9361

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EFF Section 215-1192

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

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