

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-17-2011 BY 65179/DMH/BAW/STP/bls

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 12:11 PM  
To: [redacted] (DO)(OGA)  
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: Follow-up from Friday's mtg

b5  
b6  
b7C  
b7E

UNCLASSIFIED  
NON-RECORD

[redacted]  
Here are the answers to most of your items. [redacted]  
[redacted]

From: [redacted] (DO)(OGA)  
Sent: Tuesday, December 08, 2009 1:43 PM  
To: PAGLINO, MARYBETH (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OGC) (FBI); [redacted] (DI)(FBI)  
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)  
Subject: Follow-up from Friday's mtg

UNCLASSIFIED  
NON-RECORD

I just want to make sure that everyone is on the same page about do-outs from Friday's meeting. My notes show [redacted]

[Large redacted area]

EFF/Lynch-1012

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION  
FOIA/PA DELETED PAGE INFORMATION SHEET

1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

**EFF/Lynch 1013:** Page 2 of a 3 page e-mail chain dated between December 8-9, 2009. See Bates page 1012 for partially released e-mail page 1.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

**EFF/Lynch 1014:** Page 3 of a 3 page e-mail chain dated between December 8-9, 2009. See Bates page 1012 for partially released e-mail page 1. See Bates page 1013 for e-mail page 2, which is also withheld in full.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 05-17-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-17-2036

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~~Secret~~

(U) [redacted] use a variety of technologies that have presented electronic surveillance challenges to case agents in the field. A few examples include the following:

- X
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OPCA-20 (12-3-96)

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1016-1017:** Pages 1-2 of 12 pages of partly classified e-mail chains dated between June 16 - September 29, 2010, that discuss "Going Dark Case Examples," and showing how ELSUR limitations have effected FBI investigations. A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1018-1027 for e-mail chain pages 3-12.

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- The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1018, and 1021-1024:** Pages 3 and 6-9 of 12 pages of partly classified e-mail chains dated between June 16 - September 29, 2010 that discuss "Going Dark Case Examples," and showing how ELSUR limitations have effected FBI investigations. A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1016-1017, 1019-1020, and 1025-1027 for e-mail chain pages 1-2, 4-5, and 10-12.

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EFF/Lynch 1019-1020, and 1025-1027: Pages 4-5 and 10-12 of 12 pages of partly classified e-mail chains dated between June 16 - September 29, 2010 that discuss "Going Dark Case Examples," and showing how ELSUR limitations have effected FBI investigations. See Bates pages 1016-1018, and 1021-1024 for e-mail chain pages 1-3, and 6-9.

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1028:** Page 1 of a 2 page undated discussion paper that outlines technical issues and impediments investigators faced during a specific investigation.

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1029:** Page 2 of a 2 page undated discussion paper that outlines technical issues and impediments investigators faced during a specific investigation. See Bates page 1028 for page 1 of this discussion paper.

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1030-1032: 3 page undated discussion paper that outlines technical issues and impediments investigators faced during a specific investigation. A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1033-1036: 4 page undated discussion report that outlines sensitive investigative techniques being used in a certain pending investigation and ELSUR impediments investigators are facing during the investigation. A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1037-1039: 3 page partly classified e-mail chain dated between June 16 - June 18, 2010 that discuss "Going Dark Case Examples," and shows how ELSUR limitations have effected FBI investigations. A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates page 1040 for e-mail chain page 4.

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EFF/Lynch 1040: 1 page e-mail chain dated June 17, 2010 that discuss "VoIP communication services" relating to a specific pending FBI investigation. See Bates pages 1037-1039 for e-mail pages 1-3.

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1041-1042: 2 page undated discussion paper that outlines technical issues and impediments investigators are facing during a specific pending investigation.

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OPCA-20 (12-3-96)

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5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
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- (b)(7)(A)
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- (d)(5)
(j)(2)
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- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
Document(s) originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1043-1046, and 1048: Pages 1-4, and 6 of a 12 page partly classified internal FBI Intelligence Assessment discussion paper dated July 23, 2010, prepared by the FBI Directorate of Intelligence, Cyber Intelligence Section, titled, "Challenges Posed by Malicious Use of Voice over Internet Protocol." See Bates pages 1047, and 1049-1054 for discussion paper pages 5, and 7-11.

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FOIA/PA DELETED PAGE INFORMATION SHEET

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- Exemption options for Section 552 and 552a including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an)other released page(s).

Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1047, and 1051-1052: Pages 5, and 9-10 of a 12 page partly classified internal FBI Intelligence Assessment discussion paper dated July 23, 2010, prepared by the FBI Directorate of Intelligence, Cyber Intelligence Section, titled, "Challenges Posed by Malicious Use of Voice over Internet Protocol." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1043-1046, 1048-1050, and 1053-1054 for discussion paper pages 1-4, 6-8, and 11-12.

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1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

- Exemption options for Section 552 and 552a, including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1050: Page 8 of a 12 page partly classified internal FBI Intelligence Assessment discussion paper dated July 23, 2010, prepared by the FBI Directorate of Intelligence, Cyber Intelligence Section, titled, "Challenges Posed by Malicious Use of Voice over Internet Protocol." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1043-1049, and 1051-1054 for discussion paper pages 1-7, and 9-12.

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (d)(5)
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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1054: Page 12 of a 12 page partly classified internal FBI Intelligence Assessment discussion paper dated July 23, 2010, prepared by the FBI Directorate of Intelligence, Cyber Intelligence Section, titled, "Challenges Posed by Malicious Use of Voice over Internet Protocol." See Bates pages: 1043-1053 for discussion paper pages 1-11.

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4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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- (d)(5)
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- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1055-1056, and 1058-1059: Pages 1-2 and 4-5 of 6 pages of undated discussion papers that outline technical issues and impediments investigators are facing during 4 separate pending investigations. See Bates pages 1057, and 1060 for discussion paper pages 3, and 6.

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- Exemption options for Section 552 (b)(1)-(6) and Section 552a (d)(5), (j)(2), (k)(1)-(7).

- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
Document(s) originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1057: Page 3 of 6 pages of undated discussion papers that outline technical issues and impediments investigators are facing during 4 separate pending investigations. See Bates pages 1055-1056, and 1058-1060 for discussion paper pages 1-2, and 4-6.

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Section 552

Section 552a

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1060: Page 6 of 6 pages of undated discussion papers that outline technical issues and impediments investigators are facing during 4 separate pending investigations. See Bates page 1055-1059 for discussion paper pages 1-5.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1061: Talking points page outlining proposed changes to CALEA that would simplify the communication industries ability to comply with lawful intercept orders.

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2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1062, and 1066: Pages 1, and 5 of a 5 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1063-1065 for talking points paper pages 2-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1063: Page 2 of a 5 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1062, and 1064-1066 for talking points paper pages 1, and 3-5.

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Section 552

Section 552a

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(k)(1)

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(b)(7)(E)

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Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an)other released page(s).

Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1064: Page 3 of a 5 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1062-1063, and 1065-1066 for talking points paper pages 1-2, and 4-5.

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Section 552

Section 552a

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- (b)(9)

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\_\_\_\_\_ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1065:** Page 4 of a 5 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1062-1064 and 1066 for talking points paper pages 1-3 and 5.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1067: Page 1 of a 4 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1068-1070 for talking points paper pages 2-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1068: Page 2 of a 4 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1067, and 1069-1070 for talking points paper pages 1, and 3-4.

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1069: Page 3 of a 4 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1067-1068 and 1070 for talking points paper pages 1-2, and 4.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1070: Page 4 of a 4 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1067-1069 for talking points paper pages 1-3.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1071:** Page 1 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1072-1074 for talking points paper pages 2-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1072: Page 2 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1071, and 1073-1074 for talking points paper pages 1, and 3-4.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

EFF/Lynch 1073: Page 3 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1071-1072 and 1074 for talking points paper pages 1-2, and 4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1074: Page 4 of a 4 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1071-1073 for talking points paper pages 1-3.

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Section 552

Section 552a

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1075-1076:** Pages 1-2 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1077-1079 for talking points paper pages 3-5.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1077: Page 3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1075-1076 and 1078-1079 for talking points paper pages 1-2, and 4-5.

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Section 552

Section 552a

- Exemption codes under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption codes under Section 552: (b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), (b)(8), (b)(9)

- Exemption codes under Section 552a: (d)(5), (j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), (k)(7)

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1078: Page 4 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1075-1077, and 1079 for talking points paper pages 1-3, and 5.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1079:** Page 5 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1075-1078 for talking points paper pages 1-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1080: Page 1 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1081-1083 for talking points paper pages 2-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1081: Page 2 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1080, and 1082-1083 for talking points paper pages 1, and 3-4.

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Section 552

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EFF/Lynch 1082: Page 3 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1080-1081, and 1083 for talking points paper pages 1-2, and 4.

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EFF/Lynch 1083: Page 4 of a 4 page partly classified undated draft/redline talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1080-1082 for talking points paper pages 1-3.

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The following number is to be used for reference regarding this page:

EFF/Lynch 1084: Page 1 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1085-1088 for talking points paper pages 2-5.

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EFF/Lynch 1085-1086: Pages 2-3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1084, and 1088 for talking points paper pages 1 and 5.

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EFF/Lynch 1087: Page 3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1084-1086, and 1088 for talking points paper pages 1-2, and 5.

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EFF/Lynch 1088: Page 5 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1084-1087 for talking points paper pages 1-4.

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EFF/Lynch 1089: Page 1 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1090-1093 for talking points paper pages 2-5.

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EFF/Lynch 1090: Page 2 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1089, and 1091-1093 for talking points paper pages 1, and 3-5.

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EFF/Lynch 1091: Page 3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1089-1090, and 1092-1093 for talking points paper pages 1-2, and 4-5.

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**EFF/Lynch 1092:** Page 4 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1089-1091, and 1093 for talking points paper pages 1-3, and 5.

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**EFF/Lynch 1093:** Page 5 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1089-1092 for talking points paper pages 1-4.

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EFF/Lynch 1094: Page 1 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1095-1098 for talking points paper pages 2-5.

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Section 552a

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\_\_\_\_\_ Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

**EFF/Lynch 1095:** Page 2 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1094, and 1096-1098 for talking points paper pages 1, and 3-5.

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OPCA-20 (12-3-96)

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FOIA/PA DELETED PAGE INFORMATION SHEET

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- |  |   |                                 |
|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A)            | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2)            | <input type="checkbox"/> (b)(7)(B)            | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____      | <input type="checkbox"/> (b)(7)(C)            | <input type="checkbox"/> (k)(1) |
| _____                                      | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(2) |
| _____                                      | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| <input type="checkbox"/> (b)(4)            | <input type="checkbox"/> (b)(7)(F)            | <input type="checkbox"/> (k)(4) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(8)               | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(6)            | <input type="checkbox"/> (b)(9)               | <input type="checkbox"/> (k)(6) |
|  |   | <input type="checkbox"/> (k)(7) |

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\_\_\_\_\_ Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

**EFF/Lynch 1096:** Page 3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1094-1095, and 1097-1098 for talking points paper pages 1-2, and 4-5.

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OPCA-20 (12-3-96)

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1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1097: Page 4 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1094-1096, and 1098 for talking points paper pages 1-3, and 5.

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Section 552

Section 552a

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(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
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(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1098: Page 5 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1094-1097 for talking points paper pages 1-4.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1099: Page 1 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1100-1103 for talking points paper pages 2-5.

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Section 552

Section 552a

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|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2)            | <input type="checkbox"/> (b)(7)(B)            | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____      | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____                                      | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(2) |
| _____                                      | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____                                      | <input type="checkbox"/> (b)(7)(F)            | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4)            | <input type="checkbox"/> (b)(8)               | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9)               | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) |   | <input type="checkbox"/> (k)(7) |

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

**EFF/Lynch 1100:** Page 2 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1099, and 1101-1103 for talking points paper pages 1, and 3-5.

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

**Section 552**

**Section 552a**

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|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A)            | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2)            | <input type="checkbox"/> (b)(7)(B)            | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____      | <input type="checkbox"/> (b)(7)(C)            | <input type="checkbox"/> (k)(1) |
| _____                                      | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(2) |
| _____                                      | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| <input type="checkbox"/> (b)(4)            | <input type="checkbox"/> (b)(7)(F)            | <input type="checkbox"/> (k)(4) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(8)               | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(6)            | <input type="checkbox"/> (b)(9)               | <input type="checkbox"/> (k)(6) |
|  |   | <input type="checkbox"/> (k)(7) |

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

**EFF/Lynch 1101:** Page 3 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1099-1100, and 1102-1103 for talking points paper pages 1-2, and 4-5.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552: (b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), (k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1102: Page 4 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1099-1101, and 1103 for talking points paper pages 1-3, and 5.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1103: Page 5 of a 5 page partly classified undated draft talking points paper titled, "Challenges With Emerging Technologies." The talking points paper outlines examples of the widening ELSUR Gap that places our national security at risk. See Bates pages 1099-1102 for talking points paper pages 1-4.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 05-18-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-18-2036

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Tuesday, June 22, 2010 2:08 PM  
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [redacted]  
[redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P.  
(OTD) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted]  
(DO) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: [redacted]  
UNCLASSIFIED  
NON-RECORD

b5  
b6  
b7c

[redacted]

From: CAPRONI, VALERIE E. (OGC) (FBI)  
Sent: Tuesday, June 22, 2010 2:03 PM  
To: THOMAS, MARCUS C. (OTD) (FBI); [redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE,  
ANTHONY P. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted]  
(OTD) (FBI)  
Subject: RE: [redacted]

b5  
b6  
b7c  
b7E

[redacted]

THIS MAY BE A PRIVILEGED ATTORNEY CLIENT ATTORNEY WORK PRODUCT COMMUNICATION  
AND SHOULD NOT BE DISCLOSED OUTSIDE THE FBI WITHOUT OGC'S PRIOR PERMISSION

From: THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Tuesday, June 22, 2010 11:08 AM  
To: [redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);  
CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI);  
[redacted] (OTD) (FBI)  
Subject: RE: [redacted]

b1  
b5  
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~~SECRET//NOFORN~~  
RECORD 415

(S) [redacted]  
(S) [redacted]  
(S) [redacted]

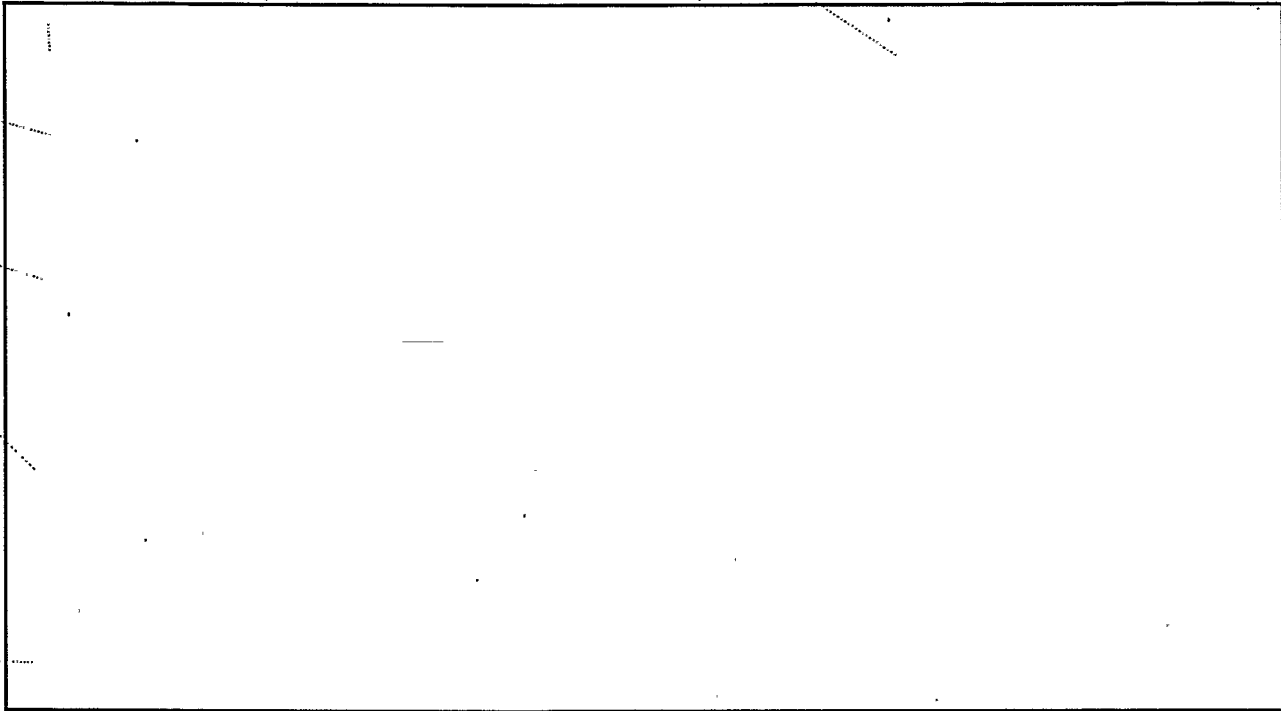
EFF/Lynch-1104

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(S)

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(S)

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b1  
b5  
b7E

Thanks,

Marcus

Marcus C. Thomas  
Assistant Director .b6  
Operational Technology Division b7C  
[Redacted]

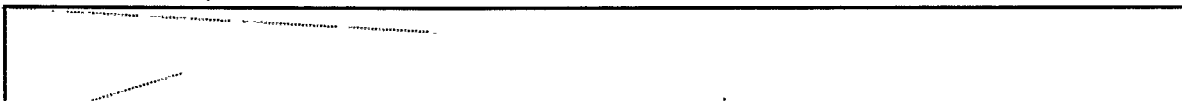
From: [Redacted] (DO)(OGA)  
Sent: Tuesday, June 22, 2010 10:35 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);  
CARRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: RE: [Redacted]

b1  
b5  
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~~SECRET//NOFORN~~  
RECORD 415

Ok, thanks.

(S)



(S)

EFF/Lynch-1105

~~SECRET~~

~~SECRET~~

[Redacted]

b5  
b7E

Thanks.

From: THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Tuesday, June 22, 2010 8:00 AM  
To: [Redacted] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: RE: [Redacted]

~~SECRET//NOFORN~~  
RECORD 415

Suggestion

b5  
b6  
b7C

[Redacted]

Marcus C. Thomas  
Assistant Director  
Operational Technology Division

[Redacted]

From: [Redacted] (DO)(OGA)  
Sent: Monday, June 21, 2010 11:52 PM  
To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI)  
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: [Redacted]

~~SECRET//NOFORN~~  
RECORD 415

Thanks for your help [Redacted]

b5  
b6  
b7C

If at all possible, please take a look first thing in the morning. We need to make changes before noon. This goes to the Director in the afternoon.

Thanks!

[Redacted]

<< File [Redacted] >>

EFF/Lynch-1106

~~SECRET~~



OPCA-20 (12-3-96)

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Section 552

Section 552a

- Exemption options for Section 552 and Section 552a, including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1107-1114, 1116, and 1119: Pages 1-8, 10 and 13 of a 13 page December 2009, draft Going Dark presentation titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1115, and 1117-1118 for presentation pages 9, and 11-12.

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Section 552

Section 552a

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|--|---|---------------------------------|
| <input type="checkbox"/> (b)(1)            | <input type="checkbox"/> (b)(7)(A)            | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2)            | <input type="checkbox"/> (b)(7)(B)            | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____      | <input type="checkbox"/> (b)(7)(C)            | <input type="checkbox"/> (k)(1) |
| _____                                      | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(2) |
| _____                                      | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____                                      | <input type="checkbox"/> (b)(7)(F)            | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4)            | <input type="checkbox"/> (b)(8)               | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9)               | <input type="checkbox"/> (k)(6) |
| <input type="checkbox"/> (b)(6)            |   | <input type="checkbox"/> (k)(7) |

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The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1115, and 1117-1118:** Pages 9 and 11-12 of a 13 page December 2009, draft Going Dark presentation titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1107-1114, 1116, and 1119 for presentation pages 1-8, 10, and 13.

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Section 552

Section 552a

- (b)(1)
(b)(2)
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(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
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(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1120-1121: Pages 1-2 of a 4 page December 2009, draft Going Dark presentation titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1122-1123 for presentation pages 3-4.

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Section 552

Section 552a

- Exemption options for Section 552 (b)(1)-(6) and Section 552a (d)(5), (j)(2), (k)(1)-(7).

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1122-1123: Pages 3, and 4 of a 4 page December 2009, draft Going Dark presentation titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1120-1121 for presentation pages 1-2.

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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

50 U.S.C. § 1806

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

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(b)(6)

(k)(7)

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1124-1126, and 1128-1130: Pages 1-3, and 5-7 of two 4 page partly classified draft internal FBI talking points papers titled, "Make CALEA Implementation Easier for Service Providers." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1127 and 1131 for talking point paper pages 4 and 8.

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Section 552

Section 552a

- (b)(1)
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(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
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(k)(4)
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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1127, and 1131: Pages 4, and 8 of two 4 page partly classified draft internal FBI talking points papers titled, "Make CALEA Implementation Easier for Service Providers." See Bates pages 1124-1126, and 1128-1130 for talking point paper pages 1-3 and 5-7.

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Section 552

Section 552a

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(b)(3)

18 U.S.C. § 3123

50 U.S.C. § 1806

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(2)

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1132-1133, and 1137: Pages 1-2, and 6 of a 6 page partly classified draft internal FBI talking points summary report outlining investigative techniques used during national security and/or criminal investigations where technical impediments and ELSUR limitations impaired these investigations. A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1134-1136 for talking point report pages 3-5.

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Section 552

Section 552a

(b)(1)

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(b)(3)

50 U.S.C. § 1806

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(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(2)

(k)(1)

(k)(2)

(k)(3)

(k)(4)

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(k)(6)

(k)(7)

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1134:** Page 3 of a 6 page partly classified draft internal FBI talking points summary report outlining investigative techniques used during national security and/or criminal investigations where technical impediments and ELSUR limitations impaired these investigations. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1132-1133, and 1135-1137 for talking point report pages 1-2, and 4-6.

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Section 552

Section 552a

- Exemption codes: (b)(1), (b)(2), (b)(3), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1135: Page 4 of a 6 page partly classified draft internal FBI talking points summary report outlining investigative techniques used during national security and/or criminal investigations where technical impediments and ELSUR limitations impaired these investigations. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1132-1134, and 1136-1137 for talking point report pages 1-3, and 5-6.

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Section 552

Section 552a

(b)(1)

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(b)(7)(B)

(j)(2)

(b)(2)

(b)(7)(C)

(k)(1)

18 U.S.C. § 3123

(b)(7)(D)

(k)(2)

18 U.S.C. § 2510 et. seq.

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

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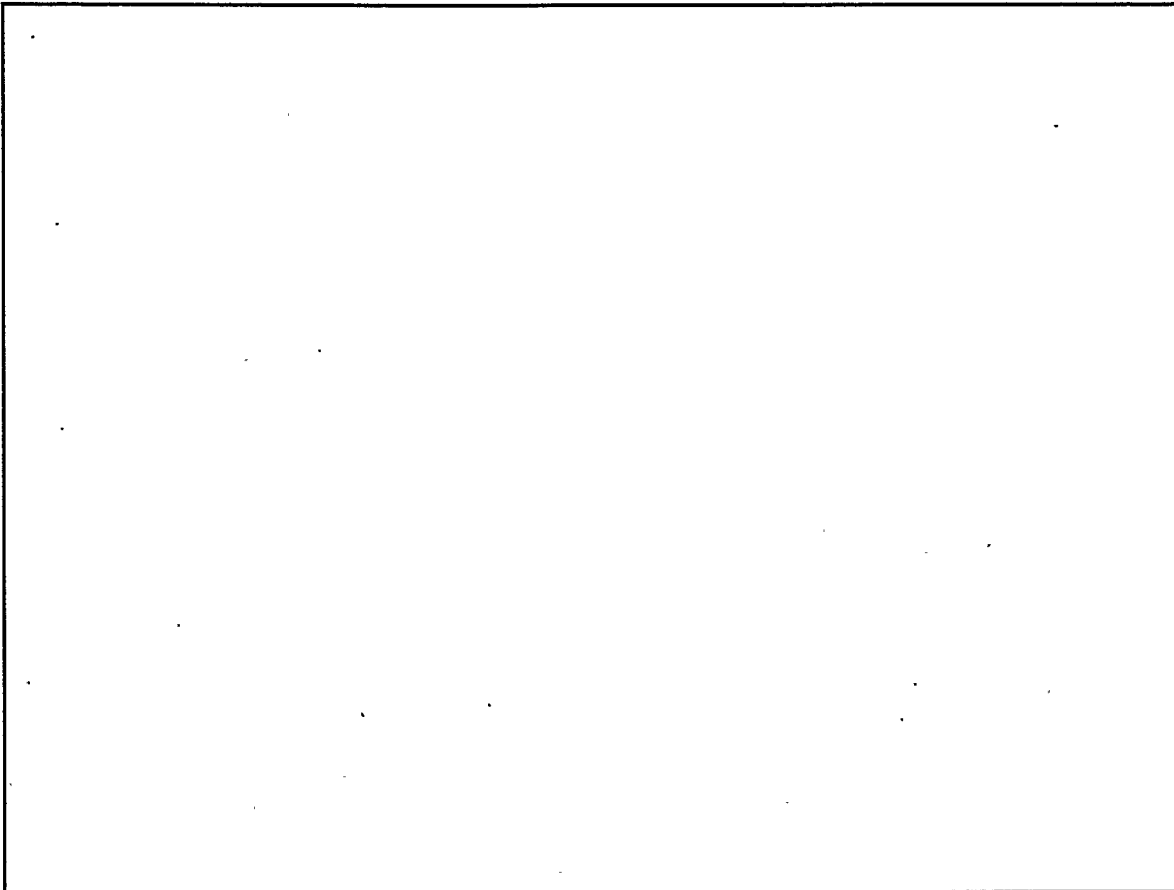
EFF/Lynch 1136: Page 5 of a 6 page partly classified draft internal FBI talking points summary report outlining investigative techniques used during national security and/or criminal investigations where technical impediments and ELSUR limitations impaired these investigations. See Bates pages 1132-1135, and 1137 for talking point report pages 1-4, and 6.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-19-2011 BY 65179/DMH/BAW/STP/bls

From: PAGLINO, MARYBETH (OTD) (FBI)  
Sent: Friday, December 11, 2009 12:29 PM  
To:  (DO)(OGA)  
Subject: UNCLASSIFIED  
NON-RECORD

b6  
b7C  
b7E



UNCLASSIFIED

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-19-2011 BY 65179/DMH/BAW/STP/bls

From: PAGLINO, MARYBETH (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 2:20 PM  
To: [redacted] (DO)(OGA)  
Cc: [redacted] (OTD) (CON)  
Subject: [redacted]

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Attachments: [redacted] (OTD) (FBI).vcf  
UNCLASSIFIED  
NON-RECORD

[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 1:51 PM  
To: [redacted] (OTD) (FBI)  
Subject: [redacted]

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NON-RECORD

[redacted]

Is this sufficient?

[redacted]

SSA [redacted]  
Unit Chief  
Data Intercept Technology Unit  
[redacted]

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 1:34 PM  
To: [redacted] (OTD) (FBI)  
Subject: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

EFF/Lynch-1139

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[Redacted]

[Redacted]

[Redacted]

SSA [Redacted]  
OTD/DITU  
Des [Redacted]  
Blackberry [Redacted]  
STU [Redacted]  
Help Desk [Redacted]



[Redacted]  
(OTD) (FBI).vcf (...)

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 11:07 AM  
To: [Redacted] (OTD) (FBI)  
Subject: [Redacted]

UNCLASSIFIED  
NON-RECORD

SSA [Redacted]  
Unit Chief  
Data Intercept Technology Unit

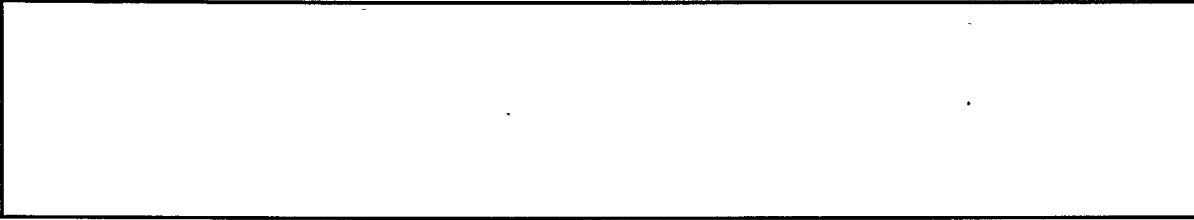
[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 11:06 AM  
To: [Redacted] (OTD) (FBI)  
Subject: [Redacted]

UNCLASSIFIED

EFF/Lynch-1140

NON-RECORD



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b6  
b7C

Thanks,



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EFF/Lynch-1141

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Section 552

Section 552a

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- (d)(5)
(j)(2)
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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1142, and 1144: Pages 1 and 3 of a 3 page undated draft Going Dark presentation titled, "Basics of CALEA: Who is Covered? Who is not?" See Bates page 1143 for presentation page 2.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

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EFF/Lynch 1143: Page 2 of a 3 page undated draft Going Dark presentation titled, "Basics of CALEA: Who is Covered? Who is not?" See Bates pages 1142 and 1144 for presentation pages 1, and 3.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1145-1146, 1148, and 1150-1154: Pages 1-2, 4, and 6-10 of a 11 page undated partly classified internal Going Dark talking points paper titled, "Going Dark: Q/A." See Bates pages 1147, 1149, and 1155 for talking points pages 3, 5, and 11.

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Section 552

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The following number is to be used for reference regarding this page:

EFF/Lynch 1147: Page 3 of a 11 page undated partly classified internal Going Dark talking points paper titled, "Going Dark: Q/A." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1145-1146, and 1148-1155 for talking points pages 1-2, and 4-11.

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EFF/Lynch 1149, and 1155: Pages 5 and 11 of a 11 page undated partly classified internal Going Dark talking points paper titled, "Going Dark: Q/A." See Bates pages 1145-1148, and 1150-1154 for talking points pages 1-4 and 6-10.

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1156-1158: 3 page undated internal Going Dark talking points paper that discusses CALEA limitations, which leave current modalities of communications not subject to legal mandates to build and maintain legal intercept solutions.

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1159: Page 1 of a 7 page September 28, 2010, internal Going Dark talking points paper titled, "Going Dark: Q/A." See Bates pages 1160-1165 for talking points pages 2-7.

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EFF/Lynch 1160, and 1164: Pages 2, and 6 of a 7 page September 28, 2010, internal Going Dark talking points paper titled, "Going Dark: Q/A." See Bates pages 1159, 1161-1163 and 1165 for talking points pages 1, 3-5, and 7.

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EFF/Lynch 1161-1163, and 1165: Pages 3-5, and 7 of a 7 page September 28, 2010, internal Going Dark talking points paper titled, "Going Dark: Q/A." See Bates pages 1159-1160 and 1164 for talking points pages 1-2, and 6.

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EFF/Lynch 1166-1169: 4 page May 15, 2006, memo and talking points paper, which was forwarded March 12, 2010, to internal FBI personnel, to show prior work concerning updating CALEA. The 2006 talking points paper discusses strategy on improving ELSUR capabilities, and "Q & A" concerning the drafting of amendments to CALEA, and future implementation of these changes.

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EFF/Lynch 1170-1175: 6 page talking point document that outlines the ELSUR collection capabilities, and ELSUR gaps of the major US-based service providers as of May 27, 2010, and lists by priority the service providers concerns.

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EFF/Lynch 1176, and 1180: Pages 1 and 5 of a 5 page August 21, 2009, draft Going Dark presentation titled, "FBI Efforts to Protect Title III and FISA Capabilities." See Bates pages 1177-1179 for presentation pages 2-4.

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EFF/Lynch 1177-1179: Pages 2-4 of a 5 page August 21, 2009, draft Going Dark presentation titled, "FBI Efforts to Protect Title III and FISA Capabilities." See Bates pages 1176, and 1180 for presentation pages 1, and 5.

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EFF/Lynch 1181, and 1185: Pages 1 and 5 of a 5 page August 24, 2009, draft Going Dark presentation titled, "FBI Efforts to Preserve Electronic Surveillance (ELSUR) Capabilities." See Bates pages 1182-1184 for presentation pages 2-4.

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EFF/Lynch 1182-1184: Pages 2-4 of a 5 page August 24, 2009, draft Going Dark presentation titled, "FBI Efforts to Preserve Electronic Surveillance (ELSUR) Capabilities." See Bates pages 1181, and 1185 for presentation pages 1, and 5.

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1186-1188: 3 page January 1, 2009, draft Going Dark presentation titled, "Continued Problems with CALEA Implementation Despite the FCC's Initial Efforts."

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1189-1191: Internal FBI e-mail chain dated between November 6 - November 19, 2009, concerning setting up a meeting of the Capabilities Gaps Working Group to discuss Going Dark legislative and institutional proposals under consideration and ELSUR technological gaps.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1192-1198: 7 page undated draft Going Dark discussion paper titled, "Going Dark: Technology Gaps." This discussion paper was referred to on Bates page 1190 as an attachment titled, "Technology Gaps.doc."

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1199-1202: Internal FBI e-mail chain dated between November 6 - November 24, 2009, concerning setting up a meeting of the Capabilities Gaps Working Group to discuss Going Dark legislative and institutional proposals under consideration and ELSUR technological gaps. This is the same e-mail chain withheld at 1189-1191, except for a follow-up e-mail dated November 24, 2009, that summaries the meeting for those that were not able to attend.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1203-1205: 3 page undated draft Going Dark discussion paper titled, "Law Enforcement Gaps Survey Conducted by the FBI." The FBI surveyed other law enforcement agencies to see what legal and technological gaps were hampering investigations, and the discussion paper summarizes the results.

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Section 552

Section 552a

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**EFF/Lynch 1206:** Follow-up internal FBI e-mail dated December 8, 2009 concerning the November 20, 2009, Capabilities Gaps Working Group meeting (see Bates pages 1199-1202). This e-mail was directed to the meetings participants and sets out to insure everyone is on the same page, and summarizes what follow-up data each participant should be working on producing.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1207: 1 page sample draft Going Dark presentation slide titled, "Future Challenges: Technology/Authorities."

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Section 552

Section 552a

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**EFF/Lynch 1208, 1210-1211, 1214, and 1220:** Pages 1, 4-5, 8, and 14 of a 14 page December 2009, draft Going Dark presentation titled, "Government's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1209, 1212-1213, and 1215-1219 for presentation pages 2, 6-7, and 9-13. Presentation page 3 was determined to be outside the scope of plaintiffs FOIA request.

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Section 552

Section 552a

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EFF/Lynch 1209, 1212-1213, and 1215-1219: Pages 2, 6-7, and 9-13 of a 14 page December 2009, draft Going Dark presentation titled, "Government's Need to Preserve Lawful Intercept Capabilities." See Bates pages 1208, 1210-1211, 1214, and 1220 for presentation pages 1, 4-5, 8, and 14. Presentation page 3 was determined to be outside the scope of plaintiffs FOIA request.

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EFF/Lynch 1221: 1 page discussion paper that profiles a new telephone marketed by a communication company, and discusses legal and technical issues that would hamper lawful intercepts.

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Section 552a

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EFF/Lynch 1222-1223, 1225, and 1228: Pages 1-2, 4, and 7 of 9 pages from 2 partly classified internal memorandum dated June 22, 2010, and June 30, 2010, where proposed talking points are being developed that outline the ELSUR challenges law enforcement are encountering with regard to emerging technologies. Information from these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1224, 1226-1227, and 1229-1230 for memorandum pages 3, 5-6, and 8-9.

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EFF/Lynch 1224, 1226-1227, and 1229-1230: Pages 3, 5-6, and 8-9 of 9 pages from 2 partly classified internal memorandum dated June 22, 2010, and June 30, 2010, where proposed talking points are being developed that outline the ELSUR challenges law enforcement are encountering with regard to emerging technologies. Information from these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1222-1223, 1225, and 1228 for memorandum pages 1-2, 4, and 7.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1231: Page 1 of a 2 page internal memorandum dated July 21, 2010, titled, "Going Dark: Q/A for SJC Hearing." The memorandum outlines talking points that define "Going Dark," and gives examples of where ELSUR limitations hampered FBI investigations. See Bates page 1232 for memorandum page 2.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552(a): (b)(7)(A) through (b)(7)(F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1) through (k)(7)

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 1232: Page 2 of a 2 page internal memorandum dated July 21, 2010, titled, "Going Dark: Q/A for SJC Hearing." The memorandum outlines talking points that define "Going Dark," and gives examples of where ELSUR limitations hampered FBI investigations. See Bates page 1231 for memorandum page 1.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

**EFF/Lynch 1233:** 1 page internal FBI discussion paged dated April 26, 2006, outlines 3 FBI investigations that were hampered because of ELSUR limitations.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1234-1240:** 7 page undated draft Going Dark discussion paper titled, "Going Dark: Technology Gaps." This discussion paper, essentially the same as Bates pages 1192-1198, was referred to on Bates page 1190 as an attachment titled, "Technology Gaps.doc."

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FEDERAL BUREAU OF INVESTIGATION  
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DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 83	
Page 10 ~ b2, b5, b6, b7C, b7E	1241
Page 11 ~ b2, b5, b6, b7C, b7E	1242
Page 12 ~ b2, b5, b6, b7C, b7E	1243
Page 13 ~ b5	1244
Page 14 ~ b2, b5, b6, b7C	1245
Page 15 ~ b2, b5, b6, b7C	1246
Page 16 ~ b5	1247
Page 17 ~ b2, b5, b7E	1248
Page 18 ~ b2, b5, b7E	1249
Page 19 ~ b2, b5, b7E	1250
Page 20 ~ b2, b5, b7E	1251
Page 21 ~ b2, b5, b7E	1252
Page 22 ~ b2, b5, b7E	1253
Page 23 ~ b2, b5, b7E	1254
Page 24 ~ b2, b5, b7E	1255
Page 25 ~ b2, b5, b7E	1256
Page 26 ~ b2, b5, b7E	1257
Page 27 ~ b2, b5, b7E	1258
Page 28 ~ b2, b5, b7E	1259
Page 29 ~ b2, b5, b7E	1260
Page 30 ~ b2, b5, b7E	1261
Page 31 ~ b2, b5, b7E	1262
Page 32 ~ b5	1263
Page 33 ~ b2, b5, b7E	1264
Page 34 ~ b2, b5, b7E	1265
Page 35 ~ b2, b5, b7E	1266
Page 36 ~ b2, b5, b7E	1267
Page 37 ~ b2, b5, b7E	1268
Page 38 ~ b2, b5, b7E	1269
Page 39 ~ b2, b5, b7E	1270
Page 40 ~ b2, b5, b7E	1271
Page 41 ~ b2, b5, b7E	1272
Page 42 ~ b2, b5, b7E	1273
Page 43 ~ b2, b5, b7E	1274
Page 44 ~ b2, b5, b7E	1275
Page 45 ~ b2, b5, b7E	1276
Page 46 ~ b2, b5, b7E	1277
Page 47 ~ b2, b5, b6, b7C, b7E	1278
Page 48 ~ b5	1279
Page 49 ~ b2, b5, b6, b7C, b7E	1280
Page 50 ~ b2, b5, b7E	1281
Page 51 ~ b2, b5, b7E	1282
Page 52 ~ b2, b5, b7E	1283
Page 53 ~ b2, b5, b7E	1284

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Bates Page

Page 54 ~ b2, b5, b7E	1285
Page 55 ~ b2, b5, b7E	1286
Page 56 ~ b2, b5, b7E	1287
Page 57 ~ b2, b5, b7E	1288
Page 58 ~ b2, b5, b7E	1289
Page 59 ~ b2, b5, b7E	1290
Page 60 ~ b2, b5, b6, b7C, b7E	1291
Page 61 ~ b2, b5, b7E	1292
Page 62 ~ b2, b5, b7E	1293
Page 63 ~ b2, b5, b7E	1294
Page 64 ~ b2, b5, b7E	1295
Page 65 ~ b2, b5, b7E	1296
Page 66 ~ b2, b5, b7E	1297
Page 67 ~ b2, b5, b7E	1298
Page 68 ~ b2, b5, b7E	1299
Page 69 ~ b2, b5, b7E	1300
Page 70 ~ b2, b5, b7E	1301
Page 71 ~ b2, b5, b7E	1302
Page 72 ~ b2, b5, b7E	1303
Page 73 ~ b2, b5, b7E	1304
Page 74 ~ b2, b5, b7E	1305
Page 75 ~ b2, b5, b7E	1306
Page 76 ~ b2, b5, b7E	1307
Page 77 ~ b2, b5, b7E	1308
Page 78 ~ b5	1309
Page 79 ~ b2, b5, b7E	1310
Page 80 ~ b2, b5, b7E	1311
Page 81 ~ b2, b5, b7E	1312
Page 82 ~ b2, b5, b7E	1313
Page 83 ~ b2, b5, b7E	1314
Page 84 ~ b2, b5, b7E	1315
Page 85 ~ b2, b5, b7E	1316
Page 86 ~ b2, b5, b7E	1317
Page 87 ~ b2, b5, b7E	1318
Page 88 ~ b2, b5, b7E	1319
Page 89 ~ b2, b5, b7E	1320
Page 90 ~ b2, b5, b7E	1321
Page 91 ~ b2, b5, b7E	1322
Page 92 ~ b2, b5, b6, b7C	1323

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Section 552

Section 552a

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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1241-1243:** Pages 7-9 of an Executive Summary/Meeting Notes from the June 25, 2009 Law Enforcement Executive Forum (LEEF) held at FBI Headquarters. Meeting notes pages 1-6 where withheld in full at Bates pages 1327-1332.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1244: Attachment cover page of a 2 page membership list of the Law Enforcement Executive Forum (LEEF). The membership list was given as an attachment to the June 25, 2009 Executive Summary.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1245-1246: 2 page membership list of the Law Enforcement Executive Forum (LEEF), which was given as an attachment to the June 25, 2009 meeting Executive Summary. See Bates page 1244 for the attachment cover page.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

**EFF/Lynch 1247:** Attachment cover page of a 15 page talking points presentation titled, "Going Dark June 2009 Update: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1248-1262: 15 page talking points presentation titled, "Going Dark June 2009 Update: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1263: Attachment cover page of a 15 page talking points presentation titled, "Technology Transfer Program Information Guide, Office of National Drug Control Policy, Counter Drug Technology Assessment Center." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1264-1277: Pages 1-14 of a 15 page talking points presentation titled, "Technology Transfer Program Information Guide, Office of National Drug Control Policy, Counter Drug Technology Assessment Center." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

Section 552a

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EFF/Lynch 1278: Page 15 of a 15 page talking points presentation titled, "Technology Transfer Program Information Guide, Office of National Drug Control Policy, Counter Drug Technology Assessment Center." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF). See Bates pages 1264-1277 for presentation pages 1-14.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1279: Attachment cover page of a 18 page talking points presentation titled, "State and Local Law Enforcement Challenges: Perspectives from New Jersey State Police and San Bernardino County Sheriff's." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1280, and 1291: Pages 1 and 12 of a 18 page talking points presentation titled, "State and Local Law Enforcement Challenges: Perspectives from New Jersey State Police and San Bernardino County Sheriffs." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF). See Bates pages 1281-1290, and 1292-1308 for presentation pages 2-11, and 13-18.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1281-1290, and 1292-1308:** Pages 2-11, and 13-18 of an 18 page talking points presentation titled, "State and Local Law Enforcement Challenges: Perspectives from New Jersey State Police and San Bernardino County Sheriffs." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF). See Bates pages 1280, and 1291 for presentation pages 1, and 12.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1309: Attachment cover page of a 13 page talking points presentation titled, "Going Dark: June 2009 Update." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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13 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1310-1322:** 13 page talking points presentation titled, "Going Dark: June 2009 Update." This presentation was given as an attachment to the Executive Summary after the June 25, 2009 Law Enforcement Executive Forum (LEEF).

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Section 552

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1323: May 18, 2009, invitation sent to Law Enforcement Executive Forum (LEEF) members asking them to attend the next scheduled meeting on June 25, 2009 at FBI Headquarters to discuss a unified electronic surveillance strategy.

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FEDERAL BUREAU OF INVESTIGATION  
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*Direct*  
*DEA Referral 1a*

Serial Description ~ Unrecorded Serial

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Total Deleted Page(s) ~ 9	
Page 1 ~ b2, b7E	1324
Page 2 ~ b2, b7E	1325
Page 3 ~ b2, b7E	1326
Page 4 ~ b2, b5, b6, b7C, b7E	1327
Page 5 ~ b2, b5, b7E	1328
Page 6 ~ b2, b5, b6, b7C, b7E	1329
Page 7 ~ b2, b5, b6, b7C, b7E	1330
Page 8 ~ b2, b5, b6, b7C, b7E	1331
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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1324-1326: 3 page FBI CALEA unit sample form titled, "ELSUR Non-compliance Incidence Report," which reports communication service providers non-compliance with the retrieval of communication records.

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5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1327, and 1329-1332:** Pages 1, and 3-6 of a 9 page Executive Summary of "Meeting Notes" from the June 25, 2009 Law Enforcement Executive Forum (LEEF) held at FBI Headquarters. See Bates pages 1328, and 1241-1243 for note pages 2, and 7-9.

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Section 552

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1328: Page 2 of a 9 page Executive Summary of "Meeting Notes" from the June 25, 2009 Law Enforcement Executive Forum (LEEF) held at FBI Headquarters. See Bates pages 1327, 1329-1332, and 1241-1243 for note pages 1, and 3-9.

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FEDERAL BUREAU OF INVESTIGATION  
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*DEA Referral 2*

Serial Description ~ Unrecorded Serial

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Page 2 ~ b2, b5, b7E	1334
Page 3 ~ b2, b5, b7E	1335
Page 4 ~ b2, b5, b7E	1336
Page 5 ~ b2, b5, b7E	1337
Page 6 ~ b2, b5, b7E	1338
Page 7 ~ b2, b5, b7E	1339
Page 8 ~ b2, b5, b7E	1340
Page 9 ~ b2, b5, b7E	1341
Page 10 ~ b2, b5, b7E	1342
Page 11 ~ b2, b5, b7E	1343
Page 12 ~ b2, b5, b7E	1344
Page 13 ~ b2, b5, b7E	1345
Page 14 ~ b2, b5, b7E	1346
Page 15 ~ b2, b5, b7E	1347
Page 16 ~ b2, b5, b7E	1348
Page 17 ~ b2, b5, b7E	1349
Page 18 ~ b2, b5, b7E	1350
Page 19 ~ b2, b5, b7E	1351
Page 20 ~ b2, b5, b7E	1352
Page 21 ~ b2, b5, b7E	1353
Page 22 ~ b2, b5, b7E	1354
Page 23 ~ b2, b5, b7E	1355
Page 24 ~ b2, b5, b7E	1356
Page 25 ~ b2, b5, b7E	1357
Page 26 ~ b2, b5, b7E	1358
Page 27 ~ b2, b5, b7E	1359
Page 28 ~ b2, b5, b7E	1360
Page 29 ~ b2, b5, b7E	1361
Page 30 ~ b2, b5, b7E	1362
Page 31 ~ b2, b5, b7E	1363
Page 32 ~ b2, b5, b7E	1364
Page 33 ~ b2, b5, b7E	1365
Page 34 ~ b2, b5, b7E	1366
Page 35 ~ b2, b5, b7E	1367
Page 36 ~ b2, b5, b7E	1368
Page 37 ~ b5	1369
Page 38 ~ b2, b5, b7E	1370
Page 39 ~ b2, b5, b7E	1371
Page 40 ~ b2, b5, b7E	1372
Page 41 ~ b2, b5, b7E	1373
Page 42 ~ b2, b5, b7E	1374
Page 43 ~ b2, b5, b7E	1375
Page 44 ~ b2, b5, b7E	1376

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Bates Page

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 Page 46 ~ b2, b5, b7E 1378  
 Page 47 ~ b2, b5, b7E 1379  
 Page 48 ~ b2, b5, b7E 1380  
 Page 49 ~ b2, b5, b7E 1381  
 Page 50 ~ b2, b5, b7E 1382  
 Page 51 ~ b2, b5, b7E 1383  
 Page 52 ~ b2, b5, b7E 1384  
 Page 53 ~ b2, b5, b7E 1385  
 Page 54 ~ b2, b5, b7E 1386  
 Page 55 ~ b2, b5, b7E 1387  
 Page 56 ~ b2, b5, b7E 1388  
 Page 57 ~ b2, b5, b7E 1389  
 Page 58 ~ b2, b5, b7E 1390  
 Page 59 ~ b2, b5, b7E 1391  
 Page 60 ~ b2, b5, b7E 1392  
 Page 61 ~ b2, b5, b7E 1393  
 Page 62 ~ b2, b5, b7E 1394  
 Page 63 ~ b2, b5, b7E 1395  
 Page 64 ~ b2, b5, b7E 1396  
 Page 65 ~ b2, b5, b7E 1397  
 Page 66 ~ b2, b5, b7E 1398  
 Page 67 ~ b2, b5, b7E 1399  
 Page 68 ~ b2, b5, b7E 1400  
 Page 69 ~ b2, b5, b7E 1401  
 Page 70 ~ b2, b5, b7E 1402  
 Page 71 ~ b2, b5, b7E 1403  
 Page 72 ~ b2, b5, b7E 1404  
 Page 73 ~ b2, b5, b7E 1405  
 Page 74 ~ b2, b5, b7E 1406  
 Page 75 ~ b2, b5, b7E 1407  
 Page 76 ~ b2, b5, b7E 1408  
 Page 77 ~ b2, b5, b7E 1409  
 Page 78 ~ b2, b5, b7E 1410  
 Page 79 ~ b2, b5, b7E 1411  
 Page 80 ~ b2, b5, b7E 1412  
 Page 81 ~ b2, b5, b7E 1413  
 Page 82 ~ b2, b5, b7E 1414  
 Page 83 ~ b2, b5, b7E 1415  
 Page 84 ~ b2, b5, b7E 1416  
 Page 85 ~ b2, b5, b7E 1417  
 Page 86 ~ b2, b5, b7E 1418  
 Page 87 ~ b2, b5, b7E 1419  
 Page 88 ~ b2, b5, b7E 1420

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Bates Page

Page 89 ~ b2, b5, b7E	1421
Page 90 ~ b2, b5, b7E	1422
Page 91 ~ b2, b5, b7E	1423
Page 92 ~ b2, b5, b7E	1424
Page 93 ~ b2, b5, b7E	1425
Page 94 ~ b2, b5, b7E	1426
Page 95 ~ b2, b5, b7E	1427
Page 96 ~ b2, b5, b7E	1428
Page 97 ~ b2, b5, b7E	1429
Page 98 ~ b2, b5, b7E	1430
Page 99 ~ b2, b5, b7E	1431
Page 100 ~ b2, b5, b7E	1432

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1333-1349: 17 page "White paper," dated March 2009, titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities."

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1350-1368: 19 page 'Going Dark' presentation dated December 2009, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions."

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1369: Page 1 of a 29 page draft 'Going Dark' discussion paper dated January 15, 2009, titled, "Going Dark: Problems and Potential Solutions." Draft copy provided to DEA for review, and comment.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1370-1397: Pages 2-29 of a 29 page draft 'Going Dark' discussion paper dated January 15, 2009, titled, "Going Dark: Problems and Potential Solutions." Draft copy provided to DEA for review, and comment.

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1398-1405: 8 page draft 'Going Dark' talking points presentation dated June 2008, titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." Copy provided to DEA for review and comment.

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Section 552

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1406-1432: 27 page 'Going Dark' talking points presentation dated September 28, 2010, titled, "Preservation of Lawful Intercepts: Challenges and Solutions." Presentation includes establishment criteria, core functions, and organizational chart of the proposed Domestic Communications Assistance Center.

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DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Bates Page

Total Deleted Page(s) ~ 21

Page 28 ~ b2, b7E	1433
Page 29 ~ b2, b7E	1434
Page 30 ~ b2, b7E	1435
Page 31 ~ b2, b7E	1436
Page 32 ~ b2, b7E	1437
Page 33 ~ b2, b7E	1438
Page 34 ~ b2, b5, b7E	1439
Page 35 ~ b2, b5, b7E	1440
Page 36 ~ b2, b5, b7E	1441
Page 37 ~ b2, b5, b7E	1442
Page 38 ~ b2, b5, b7E	1443
Page 39 ~ b2, b5, b7E	1444
Page 40 ~ b2, b5, b7E	1445
Page 41 ~ b2, b5, b7E	1446
Page 42 ~ b2, b5, b7E	1447
Page 43 ~ b2, b5, b7E	1448
Page 44 ~ b2, b7E	1449
Page 45 ~ b2, b7E	1450
Page 46 ~ b2, b7E	1451
Page 47 ~ b2, b7E	1452
Page 48 ~ b2, b5, b7E	1453

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1433-1438, and 1449-1452: Pages 28-33, and 44-47 of a 48 page talking points presentation dated July 12, 2006, titled, "Voice over Internet Protocol (VoIP) Communications." Presentation pages 1-27 determined out-side the scope of plaintiff's FOIA request. See Bates pages 1439-1448, and 1453 for presentation pages 34-43, and 48. Responsive presentation slides pertain to lawful interception in traditional service provider networks before CALEA and Post-CALEA, interception in an evolved IP Network, Law Enforcement (LE) access points in networks, and LE needs that would enhance lawful intercept capabilities, including the development of standard requirements to make it easier to intercept, store data, and access data to meet CALEA compliance requirements.

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Section 552

Section 552a

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FEDERAL BUREAU OF INVESTIGATION  
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Serial Description ~ Unrecorded Serial

	<u>Bates Pages</u>	<u>Duplicate of Bates Page</u>
Total Deleted Page(s) ~ 6		
Page 2 ~ Duplicate	1455	1351
Page 3 ~ Duplicate	1456	1354
Page 7 ~ b5	1458	
Page 9 ~ b5, b7E	1460	
Page 10 ~ b7E	1461	
Page 13 ~ b7E	1464	

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# GOING DARK

## Preservation of Lawful Intercepts: Challenges and Potential Solutions

EFF/LYNCH-1454

March 2010



"Going Dark"

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Section 552

Section 552a

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EFF/Lynch 1455-1456: These Bates pages are duplicates of Bates pages 1351 and 1354.

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## The Intercept Capability Gap for State and Local Law Enforcement Agencies

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- Current and emerging communications technologies and services prevent most LEAs from pursuing real-time data intercepts.
- LEAs often lack an understanding of the services offered by emerging service providers, and industry often lacks an understanding of the needs of LEAs. This prevents the development of timely, cost-effective solutions.

• The lack of efficient information sharing mechanisms often results in duplication of efforts among LEAs.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 1458: Page 4 of a 11 page 'Going Dark' talking points presentation dated March 2010, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 1454-1457, and 1459-1464 for presentation pages 1-3, and 5-11.

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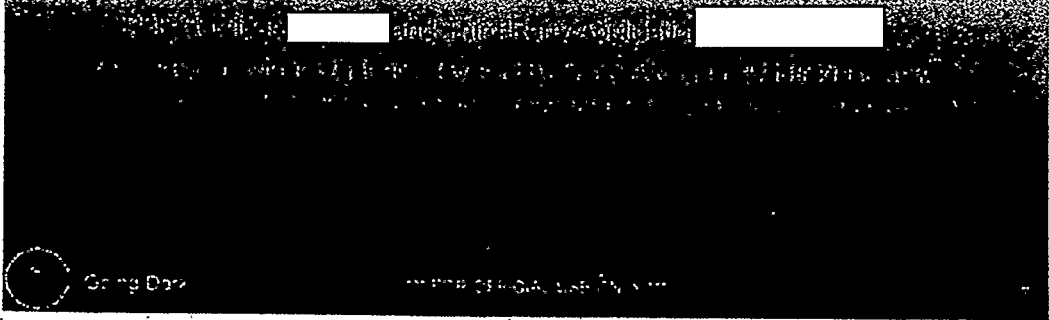
## Legislative and Policy Challenge Scope of CALEA

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**Issue:**

- CALEA requires "telecommunications carriers" to develop and deploy intercept solutions in their networks to ensure that lawfully-authorized electronic surveillance could be performed
- Since CALEA's enactment in 1994, communications services have evolved beyond the traditional telecommunications platforms that existed at the time of passage
- A growing number of providers and emerging services that offer alternatives to traditional telephony may no longer meet CALEA's definition of a telecommunications carrier

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1460: Page 7 of a 11 page 'Going Dark' talking points presentation dated March 2010, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 1454-1459, and 1461-1464 for presentation pages 1-6, and 8-11.

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Section 552

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1461, and 1464: Pages 8 and 11 of a 11 page 'Going Dark' talking points presentation dated March 2010, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 1454-1460, and 1462-1463 for presentation pages 1-7, and 9-10.

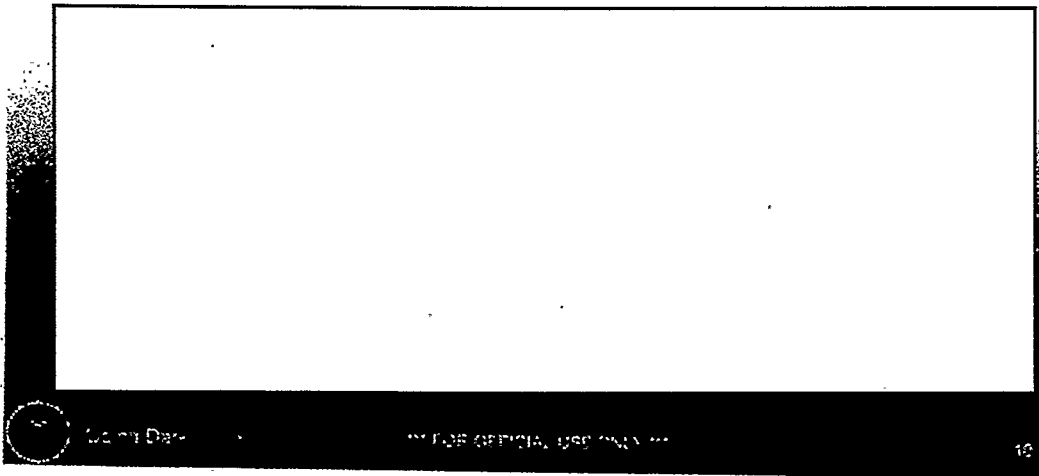
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## Legislative and Policy Challenge Enforcement

**Issue:**

- Non-compliance with CALEA for emerging service occurs often
- CALEA's current enforcement provisions present insurmountable hurdles that make even the threat of enforcement non-credible
- CALEA places the government in a "Catch-22" position
- Recent examples

Outside the Scope



EFF/LYNCH-1462

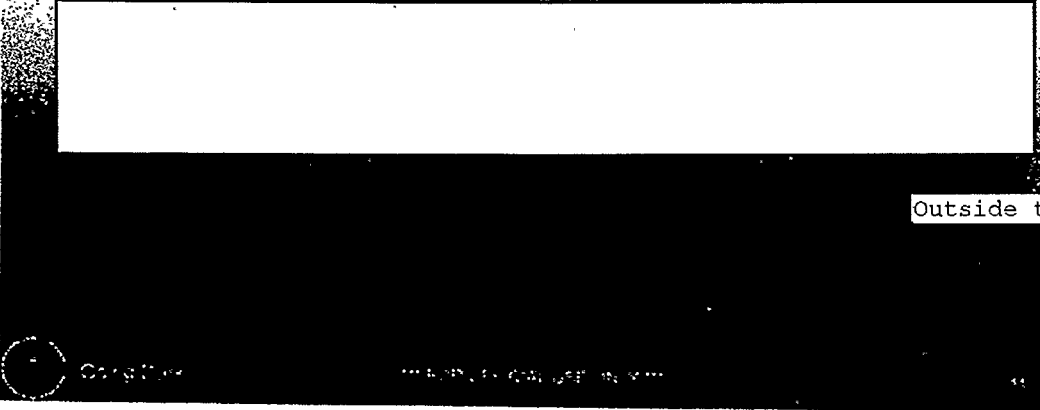
## Legislative and Policy Challenge Encryption

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**Issue:**

• Many modern communication services and devices use encryption as a means to protect subscriber communications and data

- Data "in transit," such as VoIP and e-mail communications
- Data "at rest," such as the data stored on a hard drive or USB device



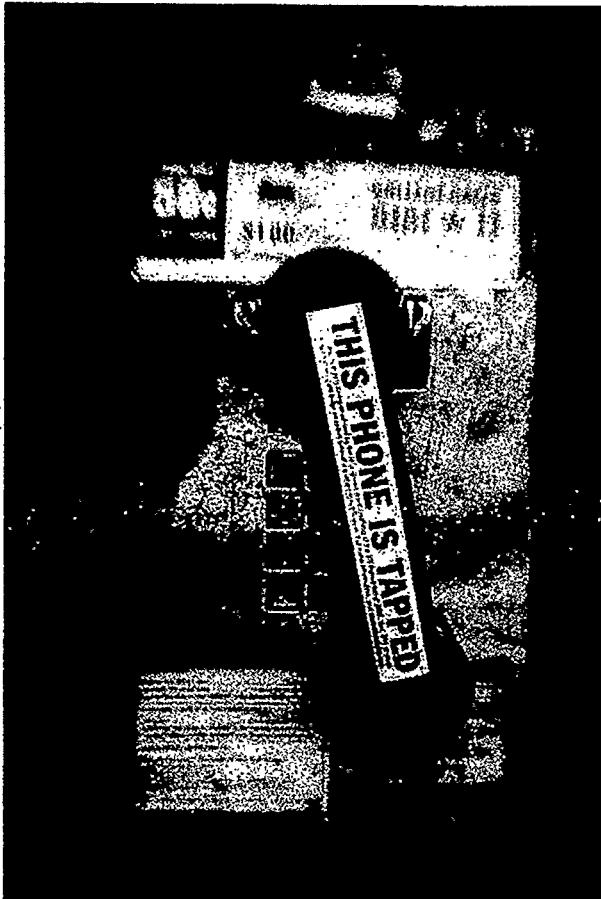
Outside the Scope

Threat Level

Privacy, Crime and Security Online

# FBI 'Going Dark' with New Advanced Surveillance Program

By Kim Zetter ☒ May 11, 2009 | 1:40 pm | Categories: Surveillance



The proposed 2010 Justice Department budget published last week reveals the development of a new FBI advanced electronic surveillance program dubbed "Going Dark." The program is being budgeted \$233.9 million next year.

According to the published budget summary (.pdf), the program "supports the FBI's electronic surveillance (ELSUR), intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community."

An FBI spokesman told ABC News, which first reported the information, that the program's name, Going Dark, "does not refer to a specific capability, but is a program name for the part of the FBI,

EFF/LYNCH-1465



Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies." He added that "The term applies to the research and development of new tools, technical support and training initiatives."

The program is designed to help the agency address challenges with conducting surveillance over newish technologies, such as VoIP. The program is also doing research on automated link analysis to find connections between subjects of surveillance "and other investigative suspects."

The budget report also discusses a Biometric Technology Center that is being developed jointly by the FBI, Defense Department and Justice Department in conjunction with the University of West Virginia for research and development of biometric technologies. The center is located at the Criminal Justice Information Services (CJIS) Division complex in Clarksburg, West Virginia.

The biometric project will also encompass "a vast database of personal data including fingerprints, iris scans and DNA which the FBI calls the Next Generation Identification (NGI)," according to ABC, which could be online next year. Lockheed Martin has been awarded the contract to update and maintain the database at an estimated cost of up to \$1 billion a year.

Photo: [Sparktography/flickr](#)

[Post Comment](#) | [Permalink](#)

### Comments (3)

Posted by: bornean | 05/11/09 | 6:09 pm

These databases. How do we know if they're not using it for child porn?

We have no way to assure they're not committing horrific crimes against our children because they have no oversight.

Please. This isn't about rights, it's about protecting our children.

---

Posted by: bornean | 05/11/09 | 6:11 pm

And also WTF. Why all the databases and shit?

You're supposed to be a minimalist when it comes to cases. But this "technology" is something people need to understand the gravity of. If the senate knew what was going on their, they would never let it happen.

---

Posted by: csmuncyphoto | 05/12/09 | 10:12 am

Excellent photo choice, by the way. I see these stickers all over the city (I live in Manhattan) and haven't yet snapped off any photos of my own. I picture myself twenty years from now, showing such pictures to my children, who I'm sure will respond with something like "There was a time when people didn't know their phones were tapped?"

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EFF/LYNCH-1466

EFF/LYNCH-1467



## Federal Bureau of Investigation (FBI)

### FY 2010 Budget Request At A Glance

FY 2009 Enacted:	\$7,301.2 million (31,494 positions; 13,382 agents)
Current Services Adjustments:	+\$61.9 million (2.5% above FY 2009 Enacted)
Program Changes:	+\$498.5 million
FY 2010 Budget Request:	\$7,861.5 million (32,883 positions; 13,789 agents)
Change from FY 2009 Enacted:	+\$560.3 million (+7.7%) (+1,389 positions; +407 agents)

#### Mission:

The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

#### Resources:

The FBI's FY 2010 budget request proposes \$7.9 billion, \$7.7 billion for Salaries and Expenses (including \$101.1 million for Overseas Contingency Operations) and \$143.8 million for Construction. This represents a 7.7 percent increase from the FY 2009 enacted level. In FY 2009, the FBI also received \$82.6 million in supplemental funds for continuing national security operations, including the Render Safe mission.

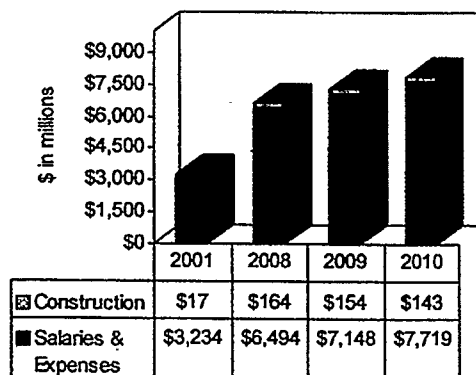
#### Organization:

FBI Headquarters, located in Washington, D.C., provides centralized operational, policy, and administrative support to FBI investigations. The FBI operates 56 field offices in major U.S. cities and over 400 resident agencies (RAs) throughout the country. RAs are satellite offices that allow the FBI to maintain a presence in and serve local communities. As of April 2009, the FBI also operates 61 Legal Attaché (Legat) offices and 14 sub-offices in 65 foreign countries around the world.

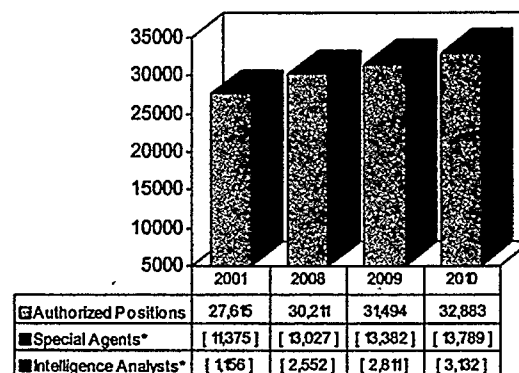
#### Personnel:

The FBI's authorized positions for FY 2010 total 32,883 positions, including 13,789 special agents. Of the total authorized positions, 32,610 are located in domestic offices and 273 are in foreign offices. FBI's FY 2010 request includes an increase of 1,389 positions, including 407 special agents, over the FY 2009 level of 31,494 authorized positions.

Funding (FY 2001 - 2010)



Personnel (FY 2001 - 2010)



\* Includes Reimbursable agents and intelligence analysts.

**FY 2010 Strategy:**

The FBI's budget strategy is based on the FBI's understanding of current and future national security and criminal investigative threats. From this understanding, the FBI has identified critical, enterprise-wide capabilities needed to perform its mission. This capabilities-based approach to planning the FBI's future resource requirements is necessary since it is not possible to project with certainty who will be the future adversary. Future capabilities are designed to enable the FBI to address the range of expected national security threats and crime problems regardless of who perpetrates the act.

To meet these threats and crime problems and operate successfully in a challenging external environment, the FBI is fusing and integrating intelligence and law enforcement. As a member of the Intelligence Community, the FBI has placed an increased emphasis on threat-based, intelligence-driven investigations and operations, especially in the areas of counterterrorism and counterintelligence, and on internal and external information sharing. Finally, the FBI is working to form and maintain alliances with others in law enforcement, at home and abroad as these relationships are essential.

The foundation of the FBI's budget strategy is supported by four objectives: (1) the application of a Strategy Management System to FBI planning; (2) accelerated improvements in program management through the efforts of the Strategic Execution Team; (3) continuation of a multi-year planning process; and (4) a directed growth strategy aligned to the FBI's most critical requirements.

**FY 2010 Program Changes:****DOMAIN AND OPERATIONS**

**Comprehensive National Cybersecurity Initiative:** 260 positions (107 agents and 42 Intelligence Analysts) and \$61.2 million in support of the investigative, intelligence, and technological requirements to combat cyber attacks. FY 2010 current services resources for this program are 300 positions (68 agents) and \$79.1 million.

**Intelligence Program:** 480 positions (41 agents and 279 Intelligence Analysts) and \$70 million to build an FBI-wide intelligence capability that integrates intelligence activities into all investigative efforts through the five core intelligence functions: domain management, collection management, requirements-based human intelligence collection, tactical intelligence, and intelligence production and dissemination. FY 2010 current services for this initiative are 2,398 positions (470 agents) and \$275.9 million.

**National Security Field Investigations:** 231 positions (105 agents) and \$48 million to augment its national security field investigations. The details of this enhancement are classified. FY 2010 current services for this initiative are 2,698 positions (1,407 agents) and \$490 million.

**Mortgage Fraud:** 143 positions (50 agents) and \$25.5 million to combat the increase in mortgage fraud. Resources would enhance FBI field investigative capabilities, increase the number of Forensic Accountants, and increase the number of Mortgage Fraud Task Forces. FY 2010 current services for this program are 337 positions (175 agents) and \$49.7 million.

**Weapons of Mass Destruction (WMD) Response:** 168 positions (91 agents) and \$80.6 million to disrupt terrorist groups, address domain awareness, and achieve a technical response by expanding the FBI's tactical response, hazardous materials response, and bomb technician teams. FY 2010 current services for this initiative are 672 positions (328 agents) and \$270.2 million.

**INFRASTRUCTURE**

**Central Records Complex:** \$9 million to support the inventory, consolidation, and preparation of 18 linear miles of records for relocation. FY 2010 current services for this initiative are \$8 million.

**LEVERAGING TECHNOLOGY**

**3rd Generation (3G) Wireless Networks:** \$20.5 million to ensure the FBI's capability to develop wireless tracking and intercept technologies for 3rd Generation (3G) wireless networks are up to date. FY 2010 current services for this program are \$4.1 million.

**FY 2010 Program Changes (cont.):****SURVEILLANCE**

**Advanced Electronic Surveillance:** \$9 million for Advanced Electronic Surveillance, otherwise known as the FBI's Going Dark Program. The program supports the FBI's electronic surveillance (ELSUR), intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community. FY 2010 current services for this program are 133 positions (15 agents) and \$233.9 million.

**Surveillance:** 75 positions (12 agents) and \$23.5 million to enhance and support the surveillance capabilities of the Special Operations Group (SOG), the Special Surveillance Group (SSG), and the Aviation Program. FY 2010 current services for this program are 1,108 position (53 agents) and \$161 million.

**WORKFORCE**

**National Security Training/Career Path:** 32 positions (1 Agent) and \$25.1 million to support the National Security Training and Career Path Initiative which will enhance the FBI's ability to recruit and train agents, analysts, and support staff. FY 2010 current services for this initiative include 407 positions (23 agents) and \$177.7 million.

**OVERSEAS CONTINGENCY OPERATIONS**

**Overseas Contingency Operations:** \$101.1 million to continue support of overseas contingency operations. Funding will continue FBI operations in Afghanistan, international deployment activities, overtime and hazardous duty pay, and other counterterrorism-related requirements previously supported by supplemental funding.

**CONSTRUCTION**

**Biometric Technology Center (BTC):** \$97.6 million (\$30.0 million provided by the Department of Defense (DOD) for the joint DOD/DOJ/FBI project) to support Phase III construction of a BTC at the Criminal Justice Information Services (CJIS) Division complex in Clarksburg, WG. The BTC will be a collaborative effort between the FBI and DOD to serve as the center for biometric research and development. Current services for the BTC are \$361,000.

**FBI Training Facility A&E Study:** \$10 million to conduct an Architecture and Engineering (A&E) study, to determine the requirements to expand its FBI Academy training facilities on the Quantico Marine Corps Base. There are no FY 2010 current services for this initiative.

**Financial Snapshot 2008**

Clean Opinion on Financial Statements	Yes
Timely Financial Reporting	Yes
Material Weaknesses	None

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**FEDERAL BUREAU OF INVESTIGATIONS**  
(Dollars in Thousands)

	Salaries and Expenses			Construction			TOTAL		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
2008 Appropriation	30,211	29,349	\$6,493,489	0	0	\$164,200	30,211	29,349	\$6,657,689
2008 Supplemental	0	0	106,122	0	0	0	0	0	106,122
<b>2008 Enacted with Supplementals</b>	<b>30,211</b>	<b>29,349</b>	<b>6,599,611</b>	<b>0</b>	<b>0</b>	<b>164,200</b>	<b>30,211</b>	<b>29,349</b>	<b>6,763,811</b>
2009 Enacted	31,494	30,543	7,065,100	0	0	153,491	31,494	30,543	7,218,591
2009 Supplemental	0	0	82,600	0	0	0	0	0	82,600
<b>2009 Enacted with Supplementals</b>	<b>31,494</b>	<b>30,543</b>	<b>7,147,700</b>	<b>0</b>	<b>0</b>	<b>153,491</b>	<b>31,494</b>	<b>30,543</b>	<b>7,301,191</b>
<b>2010 Request</b>	<b>32,883</b>	<b>31,881</b>	<b>7,718,741</b>	<b>0</b>	<b>0</b>	<b>142,796</b>	<b>32,883</b>	<b>31,881</b>	<b>7,861,537</b>
<b>Change 2010 from 2009 Enacted</b>	<b>1,389</b>	<b>1,338</b>	<b>653,641</b>	<b>0</b>	<b>0</b>	<b>-10,695</b>	<b>1,389</b>	<b>1,338</b>	<b>642,946</b>
<b>Adjustments to Base</b>									
Increases:									
Pay and Benefits	0	642	255,843	0	0	0	0	642	255,843
Domestic Rent and Facilities	0	0	41,405	0	0	0	0	0	41,405
Other Adjustments	0	0	476	0	0	0	0	0	476
Foreign Expenses	0	0	3,199	0	0	0	0	0	3,199
Subtotal Increases	0	642	300,923	0	0	0	0	642	300,923
Decreases:									
Non-Recurrence of Prior Year Enhancements	0	0	-120,743	0	0	-118,300	0	0	-239,043
Subtotal Decreases	0	0	-120,743	0	0	-118,300	0	0	-239,043
<b>Total Adjustments to Base</b>	<b>0</b>	<b>642</b>	<b>180,180</b>	<b>0</b>	<b>0</b>	<b>-118,300</b>	<b>0</b>	<b>642</b>	<b>61,880</b>
<b>Total Adjustments to Base and Technical Adjustments</b>	<b>0</b>	<b>642</b>	<b>180,180</b>	<b>0</b>	<b>0</b>	<b>-118,300</b>	<b>0</b>	<b>642</b>	<b>61,880</b>
<b>2010 Current Services</b>	<b>31,494</b>	<b>31,185</b>	<b>7,327,880</b>	<b>0</b>	<b>0</b>	<b>35,191</b>	<b>31,494</b>	<b>31,185</b>	<b>7,363,071</b>
<b>Program Changes</b>									
Increases:									
Domain and Operations	1,282	642	285,241	0	0	0	1,282	642	285,241
Infrastructure	0	0	9,000	0	0	0	0	0	9,000
Leveraging Technology	0	0	20,510	0	0	0	0	0	20,510
Surveillance	75	38	32,531	0	0	0	75	38	32,531
Workforce	32	16	25,113	0	0	0	32	16	25,113
Overseas Contingency Operations	0	0	101,066	0	0	0	0	0	101,066
Biometrics Technology Center	0	0	0	0	0	97,605	0	0	97,605
FBI Academy Training Facility A&E	0	0	0	0	0	10,000	0	0	10,000
Subtotal Increases	1,389	696	473,461	0	0	107,605	1,389	696	581,066
Decreases:									
Non-Recurrence of 2009 Bridge Supplemental	0	0	-82,600	0	0	0	0	0	-82,600
Subtotal Decreases	0	0	-82,600	0	0	0	0	0	-82,600
<b>Total Program Changes</b>	<b>1,389</b>	<b>696</b>	<b>390,861</b>	<b>0</b>	<b>0</b>	<b>107,605</b>	<b>1,389</b>	<b>696</b>	<b>498,466</b>
<b>2010 Request</b>	<b>32,883</b>	<b>31,881</b>	<b>7,718,741</b>	<b>0</b>	<b>0</b>	<b>142,796</b>	<b>32,883</b>	<b>31,881</b>	<b>7,861,537</b>
<b>Change 2010 from 2009 Enacted</b>	<b>1,389</b>	<b>1,338</b>	<b>653,641</b>	<b>0</b>	<b>0</b>	<b>-10,695</b>	<b>1,389</b>	<b>1,338</b>	<b>642,946</b>

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**FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES  
(Dollars in thousands)**

Comparison by activity and program	2009 Enacted			2010 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Intelligence	6,217	5,906	\$1,487,262	6,269	6,214	\$1,562,352
2. Counterterrorism/Counterintelligence	12,480	12,121	2,884,041	12,477	12,361	2,958,234
3. Criminal Enterprise Federal Crimes	10,850	10,596	2,275,754	10,813	10,698	2,308,039
4. Criminal Justice Services	1,947	1,920	418,043	1,935	1,912	416,655
Overseas Contingency Operations	0	0	0	0	0	0
FY 2009 GWOT Bridge Supplemental	0	0	82,600	0	0	82,600
<b>Total</b>	<b>31,494</b>	<b>30,543</b>	<b>7,147,700</b>	<b>31,494</b>	<b>31,185</b>	<b>7,327,880</b>
Reimbursable FTE	0	3,152	0	0	3,152	
<b>Grand Total</b>	<b>31,494</b>	<b>33,695</b>	<b>\$7,147,700</b>	<b>31,494</b>	<b>34,337</b>	<b>\$7,327,880</b>

Comparison by activity and program	Total Program Changes			2010 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Intelligence	565	282	\$78,863	6,834	6,496	\$1,641,215
2. Counterterrorism/Counterintelligence	547	273	183,247	13,024	12,634	3,141,481
3. Criminal Enterprise Federal Crimes	269	137	100,490	11,082	10,835	2,408,529
4. Criminal Justice Services	8	4	9,795	1,943	1,916	426,450
Overseas Contingency Operations	0	0	101,066	0	0	101,066
FY 2009 GWOT Bridge Supplemental	0	0	-82,600	0	0	0
<b>Total</b>	<b>1,389</b>	<b>696</b>	<b>390,861</b>	<b>32,883</b>	<b>31,881</b>	<b>\$7,718,741</b>
Reimbursable FTE	0	63	0	0	3,215	0
<b>Grand Total</b>	<b>1,389</b>	<b>759</b>	<b>\$390,861</b>	<b>32,883</b>	<b>35,096</b>	<b>\$7,718,741</b>

**FEDERAL BUREAU OF INVESTIGATION  
CONSTRUCTION  
(Dollars in thousands)**

Comparison by activity and program	2009 Enacted			2010 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Construction	0	0	\$153,491	0	0	\$35,191
<b>Total</b>	<b>0</b>	<b>0</b>	<b>\$153,491</b>	<b>0</b>	<b>0</b>	<b>\$35,191</b>

Comparison by activity and program	Total Program Changes			2010 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Construction	0	0	\$107,605	0	0	\$142,796
<b>Total</b>	<b>0</b>	<b>0</b>	<b>\$107,605</b>	<b>0</b>	<b>0</b>	<b>\$142,796</b>

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Page 10 ~ b5, b7E	1477
Page 11 ~ b5, b7E	1478
Page 12 ~ b5, b7E	1479
Page 13 ~ b5, b7E	1480
Page 14 ~ b5, b7E	1481
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Page 16 ~ b5, b7E	1483

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Section 552a

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EFF/Lynch 1473-1483: 11 pages of a undated draft discussion paper pertaining to FBI CALEA Scope of Coverage, CALEA Point-of-Presence, CALEA Premises Monitoring, and FBI Encryption Amendment Proposals. FBI gave the DEA a copy for review and comment.

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Page 5 ~ b5, b7E	1488
Page 6 ~ b5, b7E	1489
Page 7 ~ b5, b7E	1490
Page 8 ~ b5, b7E	1491
Page 9 ~ b5, b7E	1492
Page 10 ~ b5, b7E	1493
Page 11 ~ b5, b7E	1494
Page 12 ~ b5, b7E	1495
Page 13 ~ b5, b7E	1496
Page 14 ~ b5, b7E	1497
Page 15 ~ b5, b7E	1498
Page 16 ~ b5, b7E	1499

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EFF/Lynch 1484-1499: 16 page draft discussion paper dated August 14, 2007 pertaining to proposed legal procedures needed to obtain assistance de-compressing compressed data obtained from lawful intercepts from a foreign manufacturer that has ownership of a proprietary algorithm used to send, receive, and store electronic data on a communication device.

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Referral 1

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 4	<u>Bates Pages</u>	<u>Duplicate of Bates Page</u>
Page 1 ~ b5, b7E	1500	
Page 4 ~ b5, b7E	1501	
Page 5 ~ b5, b7E	1502	
Page 8 ~ Duplicate	1504	138

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
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(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
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(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1500-1502: 3 pages of a undated draft discussion paper pertaining to FBI CALEA Point-of-Presence Amendment Proposals. FBI gave DOJ/CRM a copy for review and comment.

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Sabol, Sherry E.

A

From: Sabol, Sherry E.

(FBI)

Sent: Tuesday, September 28, 2010 1:46 PM

To:

[redacted] (CRM); [redacted] (CRM); [redacted] (SMO); [redacted] (DEA-US); [redacted] (OLP) (SMO); [redacted] (SMO); [redacted] (SMO) (OLP) (SMO)

b6  
b7C  
b7E

Subject: RE: Updated Going Dark Redline

All,

Following our conversation yesterday, I spoke with OTD regarding [redacted].  
[redacted] Based on that discussion, I provide the following for consideration...

[redacted] - according to OTD, currently, [redacted]

[redacted] Obstacles to effecting surveillance include: [redacted]

[redacted]

[redacted] - aside from [redacted] which OTD agrees can be handled separately as we discussed, their major concerns with [redacted]

[redacted]

OTD isn't as concerned with what its called [redacted] as they are that it serves the purpose intended.

I'm passing this on as background - again, for further consideration/discussion.

NR (CRM)

B

EFF/LYNCH-1503

9/28/2010

OPCA-20 (12-3-96)

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Section 552

Section 552a

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(b)(9)

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(k)(5)
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EFF/Lynch 1504: This Bates page is a duplicate of Bates page 138.

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UNCLASSIFIED // FOUO

### What threatens the LE & IC ability to intercept targets' communication?

#### 1. Targets communicate via technology that we can't attack

- High cost for LE development of LI capabilities driven by rapidly changing technology
- [Redacted]
- Lack of influence over industry due to outdated statutory language

#### 2. We don't have the authority to implement an intercept

- [Redacted]

#### 3. Targets communicate from mobile and/or secure platforms

- [Redacted]

#### 4. Volume of data is increasing rapidly

- [Redacted]

The risk of not addressing these threats is a loss of evidence and intelligence

EFF/LYNCH-1505

b7E

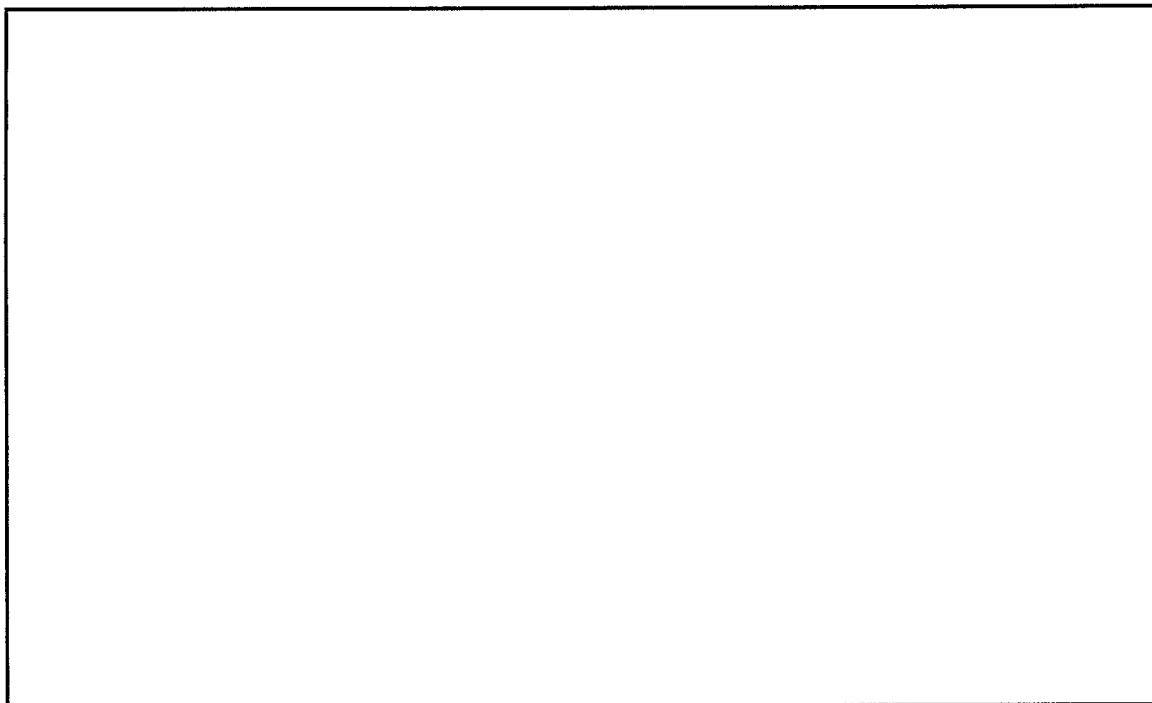




UNCLASSIFIED // FOUO

The FBI has experienced the impact of the widening gaps

*[Faint, illegible text]*



EFF/LYNCH-1506

b7E



UNCLASSIFIED // FOUO

# What threatens Law Enforcement and the Intelligence Community's ability to intercept targets' communication?

1. Competing interests of the Intelligence Community and Law Enforcement

[Redacted]

2. Uncoordinated efforts between LE and IC, as well as within LE

[Redacted]

[Redacted]

Lack of coordination leads to duplication of effort, fractured industry liaison and competing entities, increasing the risk of lost capabilities

EFF/LYNCH-1507

Outside the scope

b7E

FEDERAL BUREAU OF INVESTIGATION  
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DELETED PAGE INFORMATION SHEET

*DOJ/CRM Direct*  
*Referral 2*

Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 19	
Page 1 ~ b5	1508
Page 2 ~ b5	1509
Page 5 ~ b5	1510
Page 6 ~ b5	1511
Page 10 ~ b5, b7E	1512
Page 12 ~ b5	1513
Page 13 ~ b5	1514
Page 14 ~ b5, b7E	1515
Page 15 ~ b5, b7E	1516
Page 16 ~ b5, b7E	1517
Page 17 ~ b5, b7E	1518
Page 18 ~ b5	1519
Page 19 ~ b5, b7E	1520
Page 20 ~ b5	1521
Page 22 ~ b5	1522
Page 39 ~ b5, b7E	1525
Page 40 ~ b5, b7E	1526
Page 41 ~ b5, b7E	1527
Page 42 ~ b5, b7E	1528

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1508-1511, 1513-1514, and 1519: Pages 1-2, 5-6, 12-13 and 18 of a 19 page 'Going Dark' talking points presentation dated December 2009, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 1512, 1515-1518, and 1520 for presentation pages 10, 14-17, and 19. Presentation pages 3-4, 7-9, and 11 were determined to be outside the scope of plaintiff's Lynch request. Copy of presentation provided to DOJ/CRM for review and comment.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 1512, 1515-1518, and 1520: Pages 10, 14-17, and 19 of a 19 page draft 'Going Dark' talking points presentation dated December 2009, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 1508-1511, 1513-1514, and 1519 for presentation pages 1-2, 5-6, 12-13 and 18. Presentation pages 3-4, 7-9, and 11 were determined to be outside the scope of plaintiff's Lynch request. Copy of presentation given to DOJ/CRM for review and comment.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1521-1522: Pages 1 and 3 of a 17 page draft 'Going Dark' talking points presentation dated November 2009, titled, "Law Enforcement's Need to Preserve Lawful Intercept Capabilities." Presentation pages 2, and 4-17 were determined to be outside the scope of plaintiff's Lynch request. Copy of presentation provided to DOJ/CRM for review and comment.

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CRM 10-21

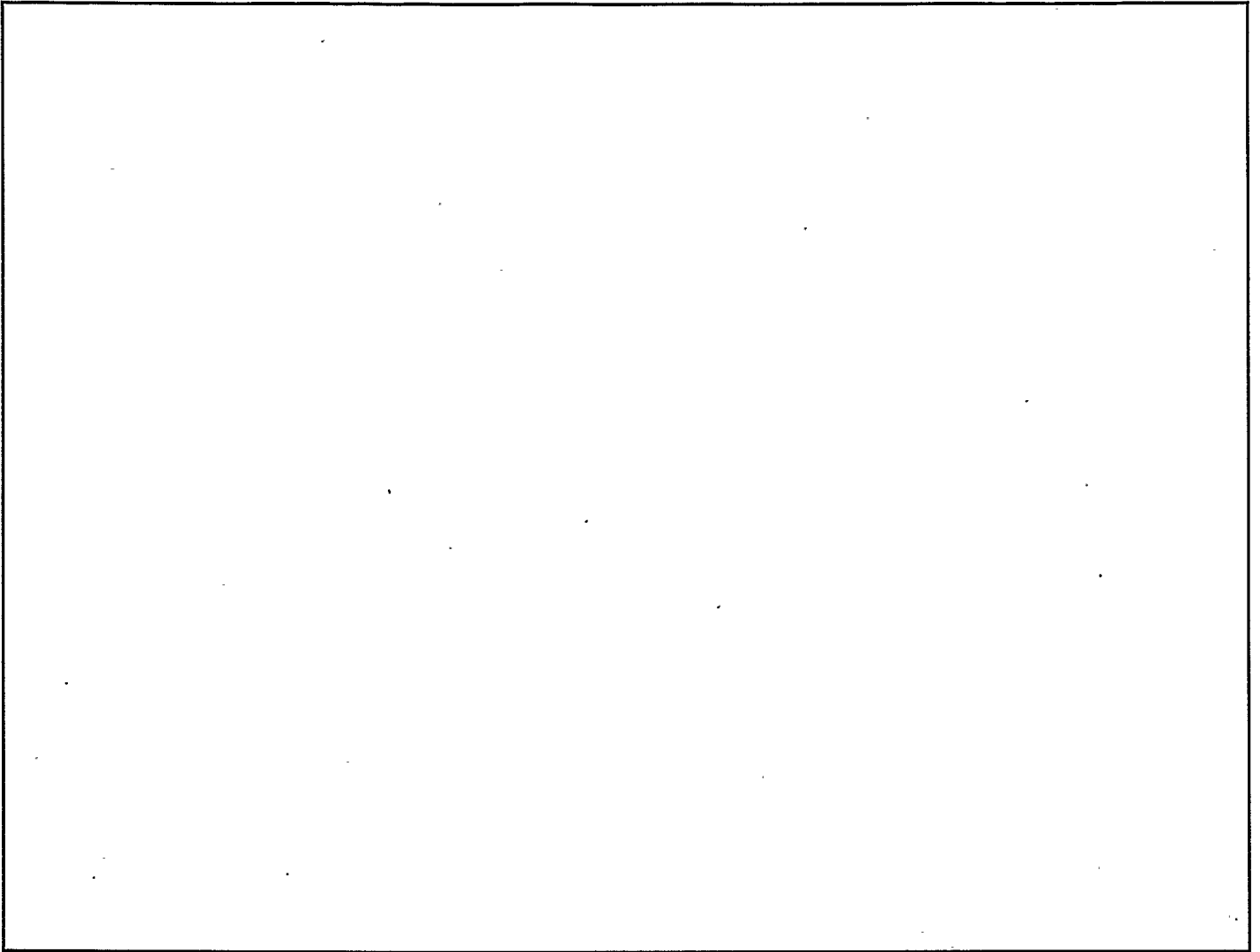
b5  
b6  
b7C  
b7E

[Redacted]

**From:** Sabol, Sherry E. [Sherry.Sabol@ic.fbi.gov]  
**Sent:** Thursday, July 23, 2009 8:37 PM  
**To:** [Redacted] (SMO); Thomas, Marcus C. (FBI); DiClemente, Anthony P. (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI)  
**Cc:** (SMO); Motta, Thomas G. (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (SMO); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI)  
**Subject:** [Redacted]  
**Attachments:** [Redacted]

To those that were able to make today's meeting, thank you for attending. I believe we had a productive meeting that will enable us to move forward on a variety of issues [Redacted]

[Large redacted area]



Please let me know if anything above is incorrect.  
Thank you!

Sherry.

b5  
b6  
b7C  
b7E

EFF/LYNCH-1524



OPCA-20 (12-3-96)

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**Section 552**

**Section 552a**

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- (b)(4)
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- (b)(7)(C)
- (b)(7)(D)
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- (b)(7)(F)
- (b)(8)
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\_\_\_\_\_ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

**EFF/Lynch 1525-1528:** 4 pages of a undated draft discussion paper pertaining to FBI CALEA Scope of Coverage Amendment Proposal. FBI provided DOJ/CRM a copy for review and comment.

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CRM 18-178

[Redacted]

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b7c

A

FBI

From: Sabol, Sherry E. [Sherry.Sabol@ic.fbi.gov]

Sent: Tuesday, September 28, 2010 1:46 PM

To: [Redacted] (FBI); [Redacted] (FBI); [Redacted] (SMO); [Redacted] (FBI); [Redacted] (DEA-US); [Redacted] (OLP) (SMO); [Redacted] (SMO); [Redacted] (SMO); [Redacted] (OLP) (SMO)

Subject: RE: [Redacted]

All,

Following our conversation yesterday, I spoke with OTD regarding [Redacted] on that discussion, I provide the following for consideration...

Based b5  
b7E

[Large Redacted Area]

I'm passing this on as background – again, for further consideration/discussion.

B

CRM / NR

EFF/LYNCH-1529

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DoJ/CRM Direct  
Referral 4

Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 44	
Page 5 ~ b5, b7E	1530
Page 7 ~ b5, b7E	1531
Page 9 ~ b5, b6, b7C, b7E	1532
Page 16 ~ b5	1533
Page 17 ~ b5	1534
Page 18 ~ b5, b6, b7A, b7C, b7E	1535
Page 19 ~ b5, b6, b7C, b7E	1536
Page 20 ~ b5, b6, b7A, b7C, b7E	1537
Page 21 ~ b5, b6, b7A, b7C, b7E	1538
Page 22 ~ b5, b6, b7A, b7C, b7E	1539
Page 25 ~ b5, b7E	1540
Page 26 ~ b5, b7E	1541
Page 27 ~ b5, b7E	1542
Page 28 ~ b1, b5, b7E	1543
Page 29 ~ b1, b5, b7A, b7E	1544
Page 30 ~ b5, b7E	1545
Page 31 ~ b5	1546
Page 33 ~ b5	1547
Page 34 ~ b5	1548
Page 35 ~ b5, b6, b7A, b7C, b7E	1549
Page 36 ~ b5, b6, b7A, b7C, b7E	1550
Page 37 ~ b5, b6, b7A, b7C, b7E	1551
Page 38 ~ b1, b5, b7E	1552
Page 39 ~ b5, b6, b7C, b7E	1553
Page 42 ~ b5, b7E	1554
Page 43 ~ b5, b7E	1555
Page 44 ~ b5, b7E	1556
Page 45 ~ b1, b5, b7E	1557
Page 46 ~ b1, b5, b7A, b7E	1558
Page 47 ~ b5, b7E	1559
Page 48 ~ b5	1560
Page 50 ~ b5	1561
Page 51 ~ b5	1562
Page 52 ~ b5, b6, b7A, b7C, b7E	1563
Page 53 ~ b5, b6, b7A, b7C, b7E	1564
Page 54 ~ b5, b6, b7A, b7C, b7E	1565
Page 55 ~ b1, b5, b7E	1566
Page 56 ~ b5, b7E	1567
Page 59 ~ b5, b7E	1568
Page 60 ~ b5, b7E	1569
Page 61 ~ b5, b7E	1570
Page 62 ~ b1, b5, b7E	1571
Page 63 ~ b1, b5, b7A, b7E	1572
Page 64 ~ b5	1573

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

FFF/Lynch 1530-1531: Pages 5, and 7 of a 15 page draft discussion document dated April 2010, titled, "FBI Highlights on Transnational Criminal Threats: Response to National Security Council Request." Report prioritizes the treat level of Transnational Criminal Groups, and these responsive Bates pages identify Transnational Cyber Crime Groups as threat priority 1, and Transnational Criminal Enterprises as treat priority #2. The discussion pages highlight the capability gaps, which include Process/Technological, Authority/Legal and Information Sharing/Coordination gaps, and lists proposals to address these gaps. See Bates page 1532 for discussion document page 9. Document pages 1-4, 6, 8, and 10-15 determined as outside the scope of plaintiff's Lynch request.

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 1532: Page 9 of a 15 page draft discussion document dated April 2010, titled, "FBI Highlights on Transnational Criminal Threats: Response to National Security Council Request." Report prioritizes the treat level of Transnational Criminal Groups, and this responsive Bates page identifies Southwest Border Drug Trafficking Organizations and Violent Gangs as Transnational treat priority 4. This discussion page gives a treat assessment on the leading drug trafficking organizations and violent gangs and highlights the capability gaps, which include Process/Technological, Authority/Legal, and Information Sharing/Coordination gaps. See Bates pages 1530-1531 for discussion document pages 5 and 7. Document pages 1-4, 6, 8, and 10-15 determined as outside the scope of plaintiff's Lynch request.

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OPCA-20 (12-3-96)

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EFF/Lynch 1533-1534, and 1546: Pages 1-2, and 16 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1535-45 for presentation pages 3-7, and 10-15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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Section 552

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EFF/Lynch 1535, and 1537-1539: Pages 3, and 5-7 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1533-1534, 1536, and 1540-1546 for presentation pages 1-2, 4, and 10-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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The following number is to be used for reference regarding this page:

EFF/Lynch 1536: Page 4 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1533-1535, and 1537-1546 for presentation pages 1-3, 5-7, and 10-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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EFF/Lynch 1540-1542, and 1545: Pages 10-12, and 15 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1533-1539, 1543-1544, and 1546 for presentation pages 1-7, 13-14, and 16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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EFF/Lynch 1543: Page 13 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1533-1542, and 1544-1546 for presentation pages 1-7, 10-12, and 14-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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Section 552

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**EFF/Lynch 1544:** Page 14 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, Office of Hon. Lamar Smith (HJC)." See Bates pages 1533-1543, and 1544-1546 for presentation pages 1-7, 10-13, and 15-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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EFF/Lynch 1547-1548, and 1560: Pages 1-2, and 16 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1549-1559 for presentation pages 3-7, and 10-15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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EFF/Lynch 1549-1551: Pages 3-5 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1547-1548, and 1552-1560 for presentation pages 1-2, 6-7, and 10-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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Section 552

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EFF/Lynch 1552, and 1557: Pages 6 and 13 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1547-1551, 1553-1556, and 1558-1560 for presentation pages 1-5, 7, 10-12, and 14-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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**EFF/Lynch 1553:** Page 7 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1547-1552, and 1554-1560 for presentation pages 1-6, and 10-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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EFF/Lynch 1554-1556, and 1559: Pages 10-12, and 15 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1547-1553, 1557-1558, and 1560 for presentation pages 1-7, 13-14, and 16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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EFF/Lynch 1558: Page 14 of a 16 page 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem: Congressional Briefing, House and Senate Intelligence Committee Staff." See Bates pages 1547-1557, and 1559-1560 for presentation pages 1-7, 10-13, and 15-16. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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EFF/Lynch 1561-1562, and 1573: Pages 1-2, and 15 of a 15 page draft 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem." See Bates pages 1563-1572 for presentation pages 3-7, and 10-14. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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Section 552

Section 552a

- Exemption list for Section 552 including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption list for Section 552a including (b)(7)(A) through (b)(7)(F), (b)(8), (b)(9)

- Exemption list for Section 552a including (d)(5), (j)(2), (k)(1) through (k)(7)

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EFF/Lynch 1563-1565: Pages 3-5 of a 15 page draft 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem." See Bates pages 1561-1562, and 1566-1573 for presentation pages 1-2, 6-7, and 10-15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 1566, and 1571: Pages 6 and 13 of a 15 page draft 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem." See Bates pages 1561-1565, 1567-1570, and 1572-1573 for presentation pages 1-5, 7, 10-12, and 14-15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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EFF/Lynch 1567-1570: Pages 7, and 10-12 of a 15 page draft 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem." See Bates pages 1561-1566, and 1571-1573 for presentation pages 1-6, and 13-15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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EFF/Lynch 1572: Page 14 of a 15 page draft 'Going Dark' talking points presentation dated November 2010, titled, "The Going Dark Problem." See Bates pages 1561-1571, and 1573 for presentation pages 1-13, and 15. Presentation pages 8-9 were determined to be outside the scope of plaintiff's Lynch request. Information from this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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