

[Redacted] OGC (INT)

From: [Redacted] (OGC) (FBI)
Sent: Thursday, December 23, 2004 10:48 AM
To: [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI) [Redacted] (CTD) (FBI) [Redacted] (CTD) (FBI) [Redacted] (OGC) (FBI)
Subject: RE: CTD SSA advice re NSL language

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2007 BY 65179 DMH/KSR/JE

-----Original Message-----
From: [Redacted] (FBI)
Sent: Wednesday, December 22, 2004 8:18 AM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: CTD SSA advice re NSL language

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

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NSL VIO-22464

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22465

6/21/2007

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Tuesday, May 17, 2005 8:40 AM
To: [redacted] (FBI); [redacted] (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-17-2007 BY 65199 DMH/TAM/KSR/JB

---Original Message---

From: [redacted] (FBI)
Sent: Tuesday, May 17, 2005 8:37 AM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

terrific . . . nothing is ever simple

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, May 17, 2005 8:26 AM
To: [redacted] (FBI); [redacted] (NY) (FBI)
Subject: FW: [redacted] Proposal to amend ECPA NSL to [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

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[redacted] So this isn't going to be as quick as we hoped.

[redacted]
-----Original Message-----

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, May 16, 2005 5:12 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Proposal to amend ECPA NSL to [redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

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[redacted]

NSL VIO-22466

[Redacted]
[Redacted] Julie

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 1:11 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: [Redacted] proposal to amend ECPA NSL to [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large Redacted Area]

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NSL VIO-22467



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

From: [redacted] (OGC) (FBI)

Sent: Monday, May 16, 2005 12:03 PM

To: [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted]

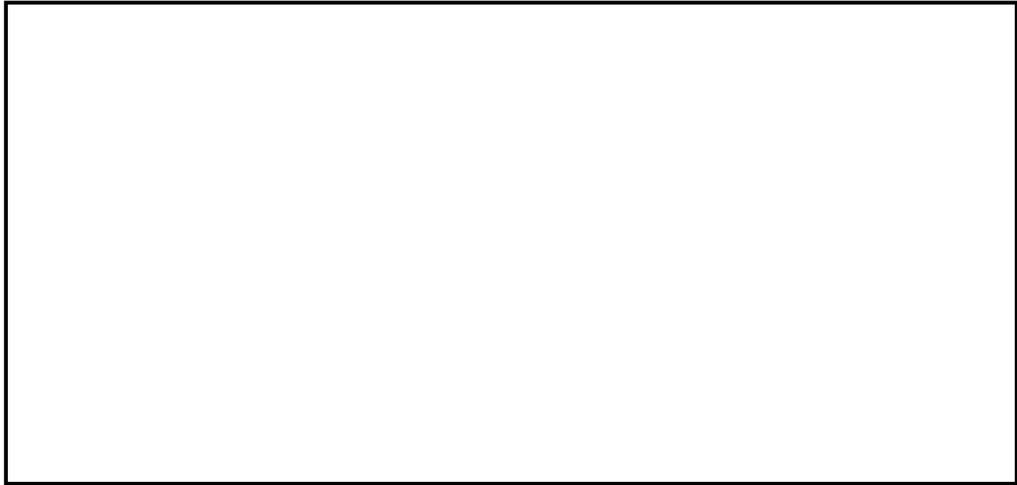
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]

[redacted] (OGC) (FBI)

Subject: RE: [redacted] Proposal to amend ECPA NSL to [redacted]

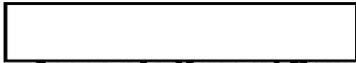
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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**PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE
THE FBI WITHOUT PRIOR OGC APPROVAL**



Associate General Counsel - Unit Chief



Tel.

Fax



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

From: [redacted] (OGC) (FBI)

Sent: Monday, May 16, 2005 10:23 AM

To: [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI);

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NSL VIO-22468

[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
 [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE [redacted] Proposal to amend ECPA NSL to [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Thanks, [redacted]

[Large redacted block]

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thanks, [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, May 16, 2005 9:28 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI);
 [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
 [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE [redacted] Proposal to amend ECPA NSL to [redacted]
Importance: High

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I note that the NSL Letter's criminal law administrative subpoena counterpart in ECPA, Section 2703(c)(2), is broader than 2709 in that the criminal version was expanded to include methods of payment. Since both provisions were amended by the USA Patriot Act (USPA) (Section 2703 by USPA Section 210, and Section 2709(b) BY USPA 505), a

[Redacted block]

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NSL VIO-22469

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**PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE
OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL**

[Redacted]

Associate General Counsel - Unit Chief

[Redacted]

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Tel. [Redacted]
Fax [Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Thursday, May 05, 2005 5:24 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC)

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NSL VIO-22470

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(FBI); [redacted] (OGC) (FBI)
Subject: FW: [redacted] Proposal to amend ECPA NSL to [redacted]
[redacted]

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[redacted]

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thanks [redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, May 04, 2005 5:02 PM
To: [redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted] Proposal to amend ECPA NSL to [redacted]
[redacted]

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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

I have to respond to an EC from [redacted] about issuing an amended form ECPA NSL in certain circumstances. [redacted]

[redacted]

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[redacted] in order to be able to apply for a FISA. It wants to amend the standard ECPA NSL to a telephone company to include [redacted]
[redacted]

"Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (Section 201 of the Electronic Communications and Privacy Act of 1986, as amended), you are hereby directed to provide to the Federal Bureau of Investigation (FBI) the names, addresses, lengths of service, and electronic communication transactional records [redacted]

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[redacted] of the person or entity to whom the following telephone number was registered on [insert date]."

[redacted]

b5

NSI VIO-22471

[Redacted]

[Redacted]

[Redacted] In fact, apart from the opening paragraph of 2709, wherein it states that "wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records, or electronic communication transactional records," neither of the paragraphs under (b) "required certification" even deal with transactional records. The statute clearly is inartfully drafted. [Redacted]

b5

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Please give me your thoughts. [Redacted]

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22472

6/21/2007

[Redacted] (OGC) (INT)

From: [Redacted] OGC) (FBI)
Sent: Thursday, December 23, 2004 12:45 PM
To: [Redacted] (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (FBI)
Subject: RE: CTD SSA advice re NSL language

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ALL INFORMATION CONTAINED
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DATE 09-14-2007 BY 65179 DMH/KSR/JB

**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]
[Redacted] but Spike Bowman, our
senior counsel
[Redacted]

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[Large Redacted Area]

Anyway, those are my thoughts [Redacted]

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

From: [Redacted] (FBI)
Sent: Thursday, December 23, 2004 11:49 AM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (FBI)
Subject: RE: CTD SSA advice re NSL language

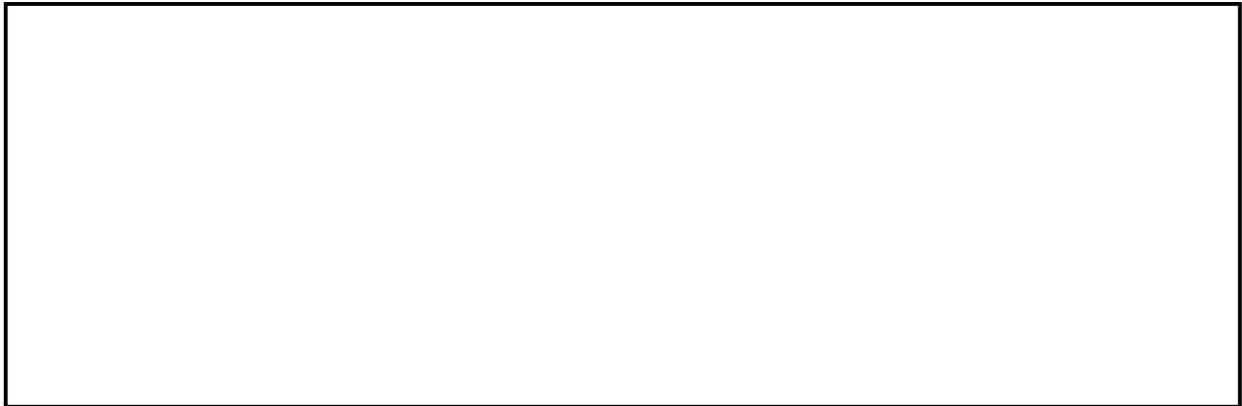
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**SENSITIVE BUT UNCLASSIFIED
NON-RECORD**

[Redacted]

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NSL VIO-22473



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b7C
b4
b7D
b7E

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

From: [redacted] (OGC) (FBI)
Sent: Thursday, December 23, 2004 10:57 AM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: CTD SSA advice re NSL language

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NON-RECORD

The language suggested by CTD [redacted]



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This language was reviewed by OGC and approved by Spike Bowman. OGC has not changed its suggested NSL language- [redacted]



Happy holidays [redacted]

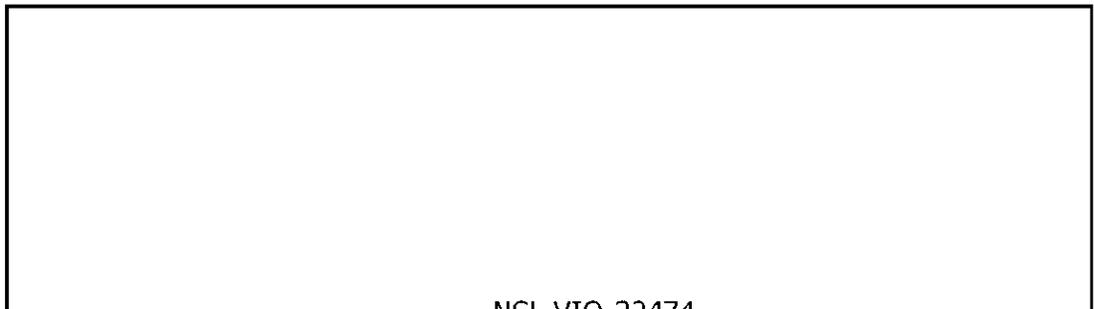
[redacted] chime in if I missed (or misstated) something...

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

From: [redacted] (FBI)
Sent: Wednesday, December 22, 2004 8:18 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: CTD SSA advice re NSL language

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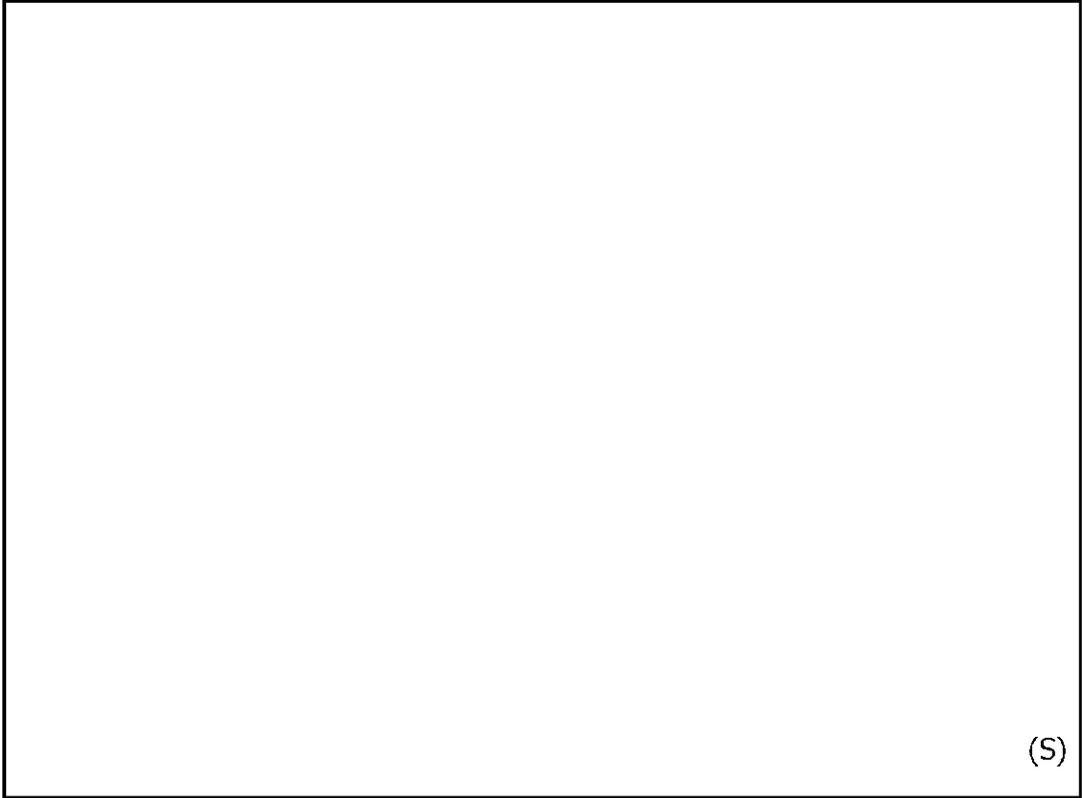
SENSITIVE BUT UNCLASSIFIED
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NSL VIO 22474

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

NSL VIO-22475

6/21/2007

[Redacted] (OGC) (INT)

From: [Redacted] (OGC) (FBI) b6
Sent: Friday, December 09, 2005 3:07 PM b7C
To: CAPRONI, VALERIE E. (OGC) (FBI) [Redacted] b1
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI) b7A
Subject: RE: Emergency issue on [Redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED Duplicate VC2
HEREIN IS UNCLASSIFIED
DATE 07-17-2007 BY 65179 DMH/TAM/KSR/JB

[Redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Friday, December 09, 2005 3:04 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI) b6
Cc: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) b7C
(FBI); [Redacted] (OGC) (FBI) b1
Subject: RE: Emergency issue on [Redacted] b7A

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate VC2

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, December 09, 2005 2:56 PM
To: [Redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI) b6
Cc: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) b7C
(FBI); [Redacted] (OGC) (FBI) b1
Subject: RE: Emergency issue on [Redacted] b7A

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate V

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, December 09, 2005 2:51 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) b6
(FBI) b7C
Subject: RE: Emergency issue on [Redacted] b1
b7A

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate VC2

[Redacted]

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

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Friday, December 09, 2005 2:49 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: RE: Emergency issue on [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate VC2

[Redacted]

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

From: [Redacted] (OGC) (FBI)
Sent: Friday, December 09, 2005 2:40 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: Emergency issue on [Redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate V

SECRET

[Redacted]

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

From: [Redacted] (CTD) (CON)
Sent: Friday, December 09, 2005 2:26 PM
To: [Redacted] (OGC) (FBI)
Subject: Out of Office AutoReply: Emergency issue on [Redacted]

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[Redacted]

SENSITIVE BUT UNCLASSIFIED

Duplicate VC2

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[Redacted] OGC) (INT)

From: [Redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 12:13 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (FBI)
Cc: [Redacted] OGC) (FBI); [Redacted] OGC) (FBI)
Subject: RE: Potential IOB

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[Redacted]

b2
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-----Original Message-----

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Thursday, March 22, 2007 10:46 AM
To: [Redacted] (OGC) (FBI); [Redacted] (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: RE: Potential IOB

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UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-17-2007 BY 65179 DMH/TAM/KSR/JB

[Redacted]

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

From: [Redacted] OGC) (FBI)
Sent: Thursday, March 22, 2007 11:36 AM
To: [Redacted] (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] OGC) (FBI)
Subject: RE: Potential IOB

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We do this in the NSL toll billing record attachment.

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

From: [Redacted] (FBI)
Sent: Thursday, March 22, 2007 10:24 AM
To: [Redacted] OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI); [Redacted] OGC) (FBI); [Redacted] OGC) (FBI)
Subject: RE: Potential IOB

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UNCLASSIFIED
NON-RECORD

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[Redacted]

[Redacted]

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[Redacted]

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b7C

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

From: [Redacted] OGC) (FBI)
Sent: Tuesday, March 20, 2007 9:47 AM
To: [Redacted] (FBI)
Cc: FBI_ALL CDCs; THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: Potential IOB

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[redacted] we need to report these.

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CDCs -- FYI - if this issue arises in your inspection, or otherwise, please report as a PIOB.

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Tuesday, March 20, 2007 11:40 AM
To: [redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: Potential IOB

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UNCLASSIFIED
NON-RECORD

Yes, report it at this time. Once we review these, we may be issuing additional guidance.

Julie F. Thomas
DGC, National Security Law Branch
Office of the General Counsel
Room 7975

[redacted] (fax)
[redacted]

b2

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, March 20, 2007 12:39 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: Potential IOB

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IOB question from the field that needs to be resolved before the inspectors leave --

[redacted]

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UNCLASSIFIED

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[redacted] (OGC) (INT)

b6
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From: [redacted] (OGC) (FBI)
Sent: Monday, November 27, 2006 9:56 AM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Subject: Combo toll billing and electronic communication transactional records

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Enclosed is a combination toll billing records and electronic communication transaction records that we would use for phone companies. The first paragraph of the new form NSL would simply add what is in red to the existing form NSL and ask for

"the name, address, length of service, and local and long distance toll billing records [redacted] and electronic communications transactional records associated with the following [name, telephone number, address, etc.]:

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[redacted]

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[redacted]

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b7D



[redacted]

b2

[redacted]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

~~SECRET~~

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 26, 2006 8:52 AM
To: [redacted] (FBI)
Subject: (S) RE: NSL [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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(S) ~~SECRET~~
~~RECORD~~ [redacted]

DATE: 07-17-2007
CLASSIFIED BY: 65179 DMH/TAM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 07-17-2032

You're welcome [redacted]

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

(S) From: [redacted] (FBI)
Sent: Wednesday, April 26, 2006 8:51 AM
To: [redacted] (OGC) (FBI)
Subject: RE: NSL [redacted]

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(S) ~~SECRET~~
~~RECORD~~ [redacted]

[redacted] Thanks for your help.

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

(S) From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 26, 2006 8:16 AM
To: [redacted] (OGC) (FBI); [redacted] (FBI)
Cc: [redacted] (FBI)
Subject: RE: NSL [redacted]

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(S) ~~SECRET~~
~~RECORD~~ [redacted]

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[redacted]

<< [redacted] >> b2

[redacted] b6
b7C

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

(S) From: [redacted] (OGC) (FBI)
Sent: Tuesday, April 25, 2006 4:30 PM
To: [redacted] (FBI)
Cc: [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: RE: NSL [redacted]

(S) ~~SECRET~~
~~RECORD~~ [redacted]

If [redacted] thinks that the original NSL's language is broad enough to encompass what the provider sent, [redacted]

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NSL VIO 22501

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records.

[Redacted]

Assistant General Counsel
Counterterrorism Law Unit I
National Security Law Branch
Office of the General Counsel
Federal Bureau of Investigation
LX1, 3S-137

Unsecure: [Redacted]
Secure: [Redacted]
Pager: [Redacted]

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

From: [Redacted] (FBI)
Sent: Tuesday, April 25, 2006 4:10 PM
To: [Redacted] (OGC) (FBI)
(S) **Cc:** [Redacted] (FBI)
Subject: NSL [Redacted]

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(S) ~~SECRET~~
~~RECORD~~ [Redacted]

(S)

[Large Redacted Area]

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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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DECLASSIFICATION EXEMPTION 1
SECRET~~

b2
b7E
b6
b7C
b4
b7D

[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Friday, October 27, 2006 9:48 AM
To: [redacted] (FBI)
Subject: RE: NSLs FOR [redacted]

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DATE 07-17-2007 BY 65179 DMH/TAM/KSR/JE

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In our attachment, we list local, long distance, incoming and outgoing calls. That is intended to encompass everything. Some companies call that call detail records, and if you need to put that term into the attachment, that's fine [redacted]

[redacted]

b2
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b4
b7D

[redacted]

b2
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b7D

So we are well aware of this problem, both with regard to [redacted] and plenty of other companies.

[redacted]

b6
b7C

b2
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b4
b7D

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

From: [redacted] (FBI)
Sent: Thursday, October 26, 2006 5:02 PM
To: [redacted] (OGC) (FBI)
Subject: NSLs FOR [redacted]

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b6
b7C

[redacted]

I need to discuss your favorite legal topic, the utilization of NSLs. That, by the way, is just a joke in case you're not laughing. I don't recall that this particular issue has been addressed, but I'll apologize in advance if I somehow missed a previous resolution.

Back in June, one of our [redacted] sent an NSL for Toll Records to [redacted] headquartered in [redacted]. The Agent received a response from [redacted] sent out a form letter stating that they were unable to comply with our request because: "There were no toll records available for this telephone number for the time frame designated." There were, in fact, toll records available; however, the form letter went on to explain that [redacted]. To the form letter is an attachment which provides definitions, and it states:

b2
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b4
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b6
b7C

"Why the distinction between Toll Records and call Detail Records?" Because [redacted] bills customers at a flat rate for local calls. The FCC and case law has defined "Toll Records" and/or "Toll Billing Records" as records of individual calls kept in the normal course of business for billing purposes. Since [redacted] have unlimited local calls, this means that local calls (non-billed calls) do not fit this definition. Additionally, some plans provide for flat-rate unlimited long-distance calls, so those (non-billed) long-distance calls also do not fit the definition.

The local call switch data is only stored for 6 months and then is purged and cannot be recovered.

[Redacted]

b5
b4
b7D

Our Agent was able to eventually get the records using an administrative subpoena, because the case also had a drug nexus. However, his contact in the [Redacted] Division indicated that they had addressed the problem with HQ, possibly NSLB. The [Redacted] CDC wasn't aware of this issue, so I thought I'd query you.

I know that my telephone provider [Redacted] also has flat-rate billing for local and long-distance calls, so I assume they would have the same distinction when defining Toll Records. Have ya'll already addressed this issue? I guess that it would be relatively simple to add the verbiage "[Redacted]" to the NSL, except that the ECPA might not provide appropriate authorization.

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b6
b7C

Is this a dead horse that only I am trying to ride?

CDC [Redacted]
[Redacted]

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~~SECRET~~

[redacted] OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Thursday, July 07, 2005 3:45 PM
To: [redacted] (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: NSL [redacted] Question

b2
b7E
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(S) SECRET RECORD [redacted]

DATE: 07-17-2007
CLASSIFIED BY: 65179 DMH/TAM/KSR/JE
REASON: 1.4 (c)
DECLASSIFY ON: 07-17-2032

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First, the answer is yes, you can issue an NSL to a [redacted] Do we have a pony -i.e. but that's not to say that I can't come up with one.

b5
b6
b7C

[Large redacted block]

[redacted]

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2
b7E
b6
b7C

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

From: [redacted] (FBI)
Sent: Thursday, July 07, 2005 3:00 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: NSL [redacted] Question
Importance: High

(S) SECRET RECORD [redacted]

b1
b2
b7E
b7A

[redacted] b6
[redacted] b7C

We are working a 315 case where the subject has started utilizing a Voice over Internet Protocol (VOIP) telephone service with the provider called [redacted] We would like to send a National Security Letter to this provider. We were hoping we would be able to get more than subscriber information. We have a few questions for you:

b4
b7D

[redacted]

b5

Can you please give us some direction on this at your earliest convenience.

Thanks,

[redacted]
[redacted] Division JTTF

b2
b7E
b6
b7C

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence

NSL VIO-22505

~~SECRET~~

[redacted] OGC) (INT)

From: [redacted] (OGC) (FBI) b6
Sent: Thursday, March 30, 2006 8:40 AM b7C
To: [redacted] (OGC) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: ODNI Questions re FBI Legislative Proposals

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DATE 07-17-2007 BY 65179 DMH/TAM/KSR/JE

[redacted]

b2
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-----Original Message-----

From: [redacted] (OGC) (FBI) b6
Sent: Wednesday, March 29, 2006 5:02 PM b7C
To: BEERS, ELIZABETH RAE (OCA) (FBI)
Cc: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: ODNI Questions re FBI Legislative Proposals

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Beth --

As you requested, I'm responding to [redacted] of ODNI's OGC regarding two of her questions involving the FBI's legislative proposals.

b6
b7C

As you and I discussed this afternoon, I've information on two different computer systems--my FBI Intranet account and my Internet Cafe account. With a view toward consolidating it in one answer on one account, I'm sending the answers to you FYI. Then, I intend to FAX a hard copy to [redacted] at ODNI to respond to her questions.

[redacted] questions and NSLB's answers follow:

b6
b7C

Question No. 1

Do we know why 2703 and 2709 evolved differently?

Answer No. 1

Although I seriously doubt that one could find it in the legislative history, our corporate knowledge recalls that it was not by happenstance that the two provisions evolved differently. In other words, Congress intended that we be somewhat more restricted on the intelligence side than on the criminal side. Congress was concerned about our ability to acquire things in secret by what they at least perceived as a lower threshold for intelligence purposes. They wanted that ability held in check to some extent.

b2
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I trust the above will assist. But, if additional information is needed, we'll be glad to give it another

shot.



b6
b7C

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[redacted] (OGC) (INT)

From: [redacted] (OGC) (FBI)
Sent: Wednesday, April 19, 2006 11:38 AM
To: FBI ALL CDCs
Cc: [redacted] (OGC) (FBI)
Subject: FW: NSL IOBs - rewording the attachment to allow [redacted]

b6
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[redacted]

b5
b2

[redacted]

b6
b7C

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

From: [redacted] (OGC) (FBI)
Sent: Monday, April 17, 2006 2:38 PM
To: THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: NSL IOBs - rewording the attachment to allow [redacted]

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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b2

[redacted]

b6
b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[redacted] (OGC) (INT)

b6
b7C

From: [redacted] (OGC) (FBI)
Sent: Monday, November 28, 2005 1:08 PM
To: FBI_ALL CDCs
Cc: THOMAS, JULIE F. (OGC) (FBI)
Subject: FW: Legislative Priorities

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I know you are getting tired of hearing from me but I am doing this at the behest of the deputy general counsel. (Not to say that I wouldn't have bothered you on my own, anyway, since I've made an art of it.)

[redacted]

b2
b5

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, November 28, 2005 12:41 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC)(FBI)
Cc: BEERS, ELIZABETH RAE (OCA) (FBI)
Subject: RE: Legislative Priorities

b6
b7C

UNCLASSIFIED
NON-RECORD

Please request this information of the CDCs. Julie

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

From: [redacted] (OGC) (FBI)
Sent: Monday, November 28, 2005 12:36 PM
To: THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OCA) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC)(FBI); [redacted] (OGC) (FBI)
Subject: RE: Legislative Priorities

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b7C

UNCLASSIFIED
NON-RECORD

[redacted]

b2
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b6
b7C

[Redacted]

b2
b5

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

From: THOMAS, JULIE F. (OGC) (FBI)
Sent: Monday, November 28, 2005 12:19 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OCA) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: FW: Legislative Priorities

b6
b7C

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NON-RECORD

Dear [Redacted] and [Redacted]

[Redacted]

b6
b7C
b5

Julie

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

From: [Redacted] (OCA) (FBI)
Sent: Wednesday, November 23, 2005 1:00 PM
To: THOMAS, JULIE F. (OGC) (FBI); Caproni, Valerie E. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: Legislative Priorities

b6
b7C

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NON-RECORD

[Redacted]

b5
b6
b7C
b2

Your input is appreciated. Thanks,

<< File: 18 USC 2709.doc >> << File: [Redacted] nly.wpd >>

[Redacted]

Special Counsel
Office of Congressional Affairs

[Redacted]

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