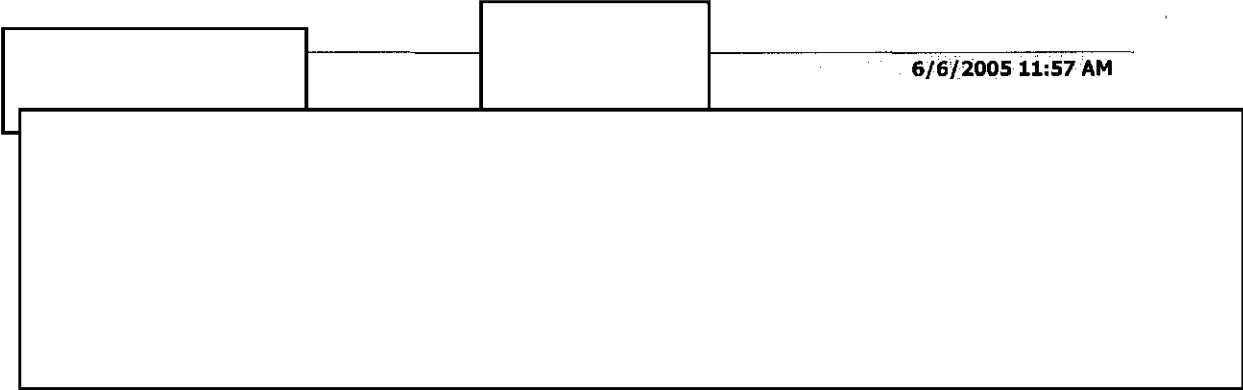


1082884



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6/6/2005 11:57 AM

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HEREIN IS UNCLASSIFIED
DATE 12-03-2007 BY 65179 DMH/KSR/UM

PROPOSED CHANGES

1) 18 U.S.C. § 2709 (a) DUTY TO PROVIDE

CURRENT VERSION:

A wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records information, or electronic communication transactional records in its custody or possession made by the Director of the Federal Bureau of Investigation under subsection (b) of this section

CHANGE TO:

b5

2) 18 U.S.C. § 2709(b) REQUIRED CERTIFICATION

CURRENT VERSION:

The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designed by the Director, may

(1) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

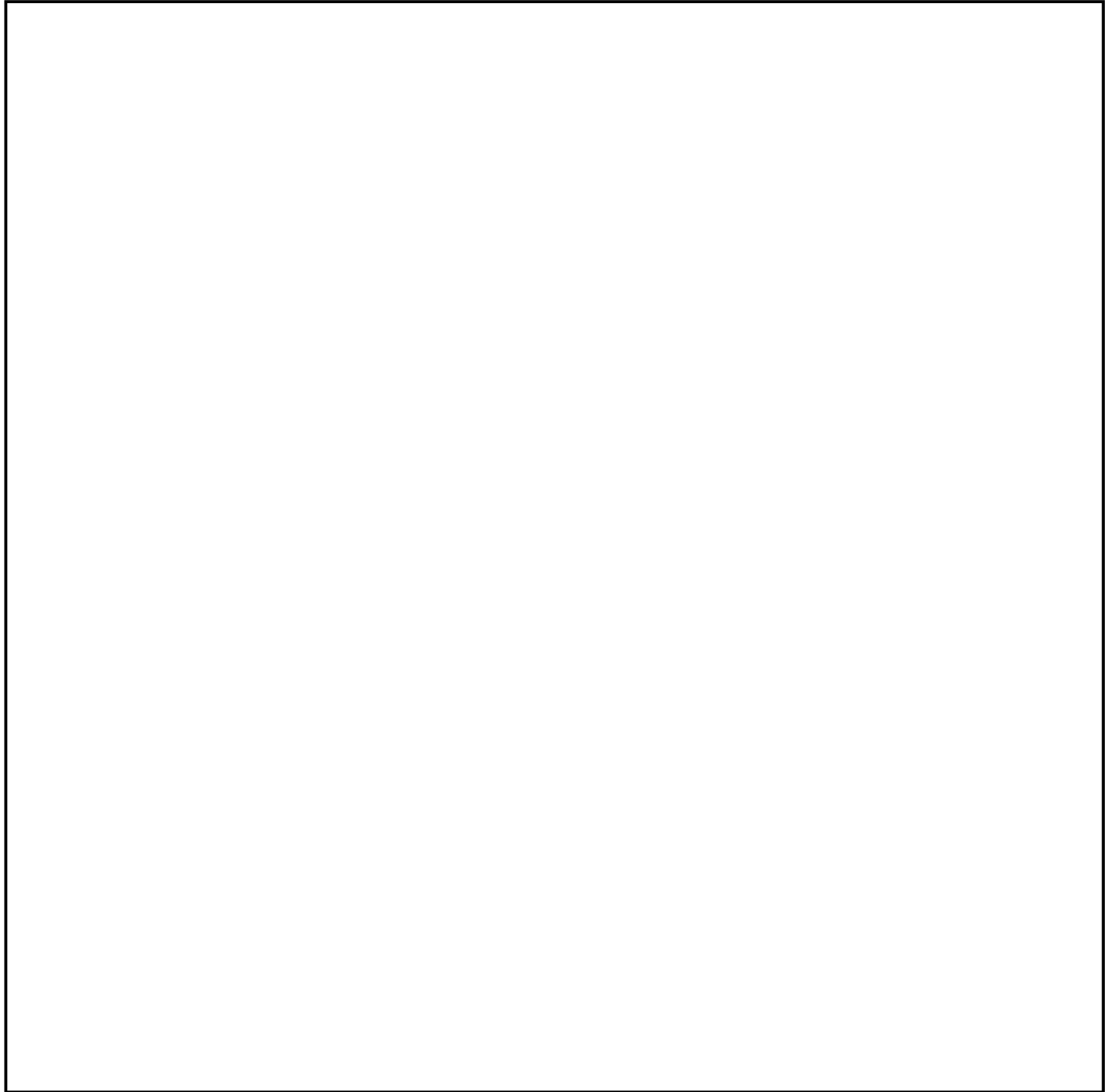
(2) request the name, address, and length of service of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

ALTERNATIVE ONE



b5

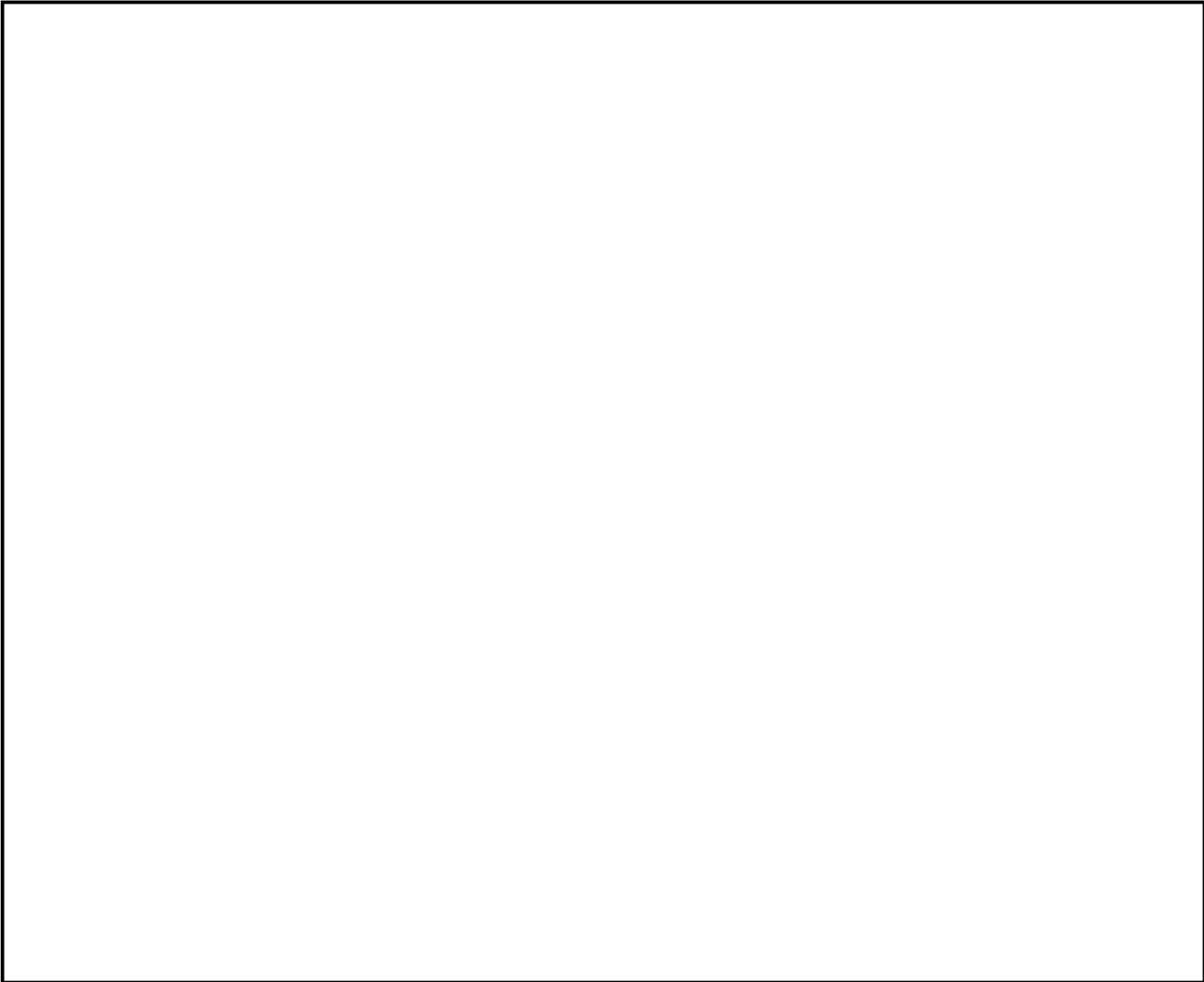
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ALTERNATIVE TWO

b5





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3) ADDITION



4) ADDITION

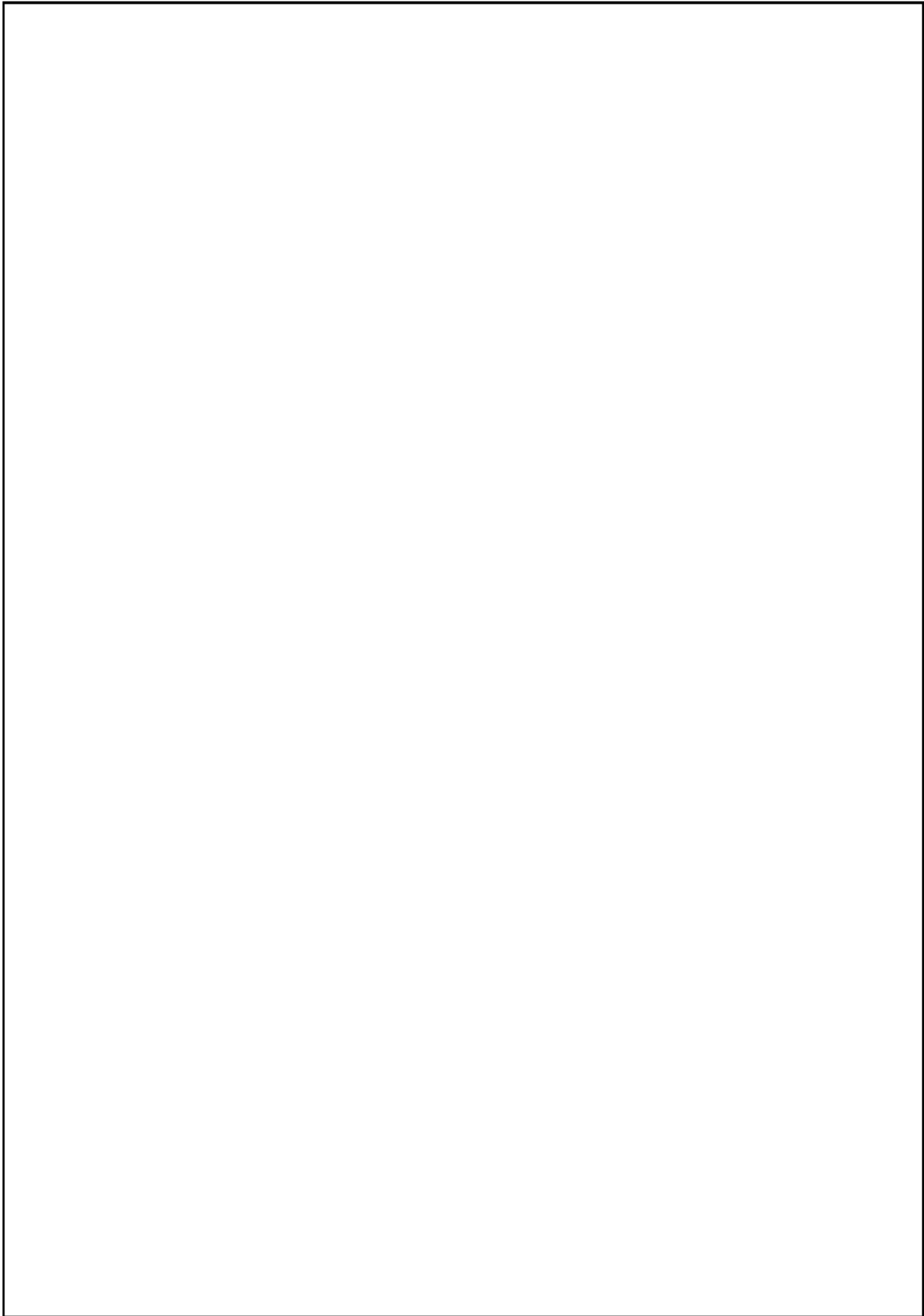




Analysis:

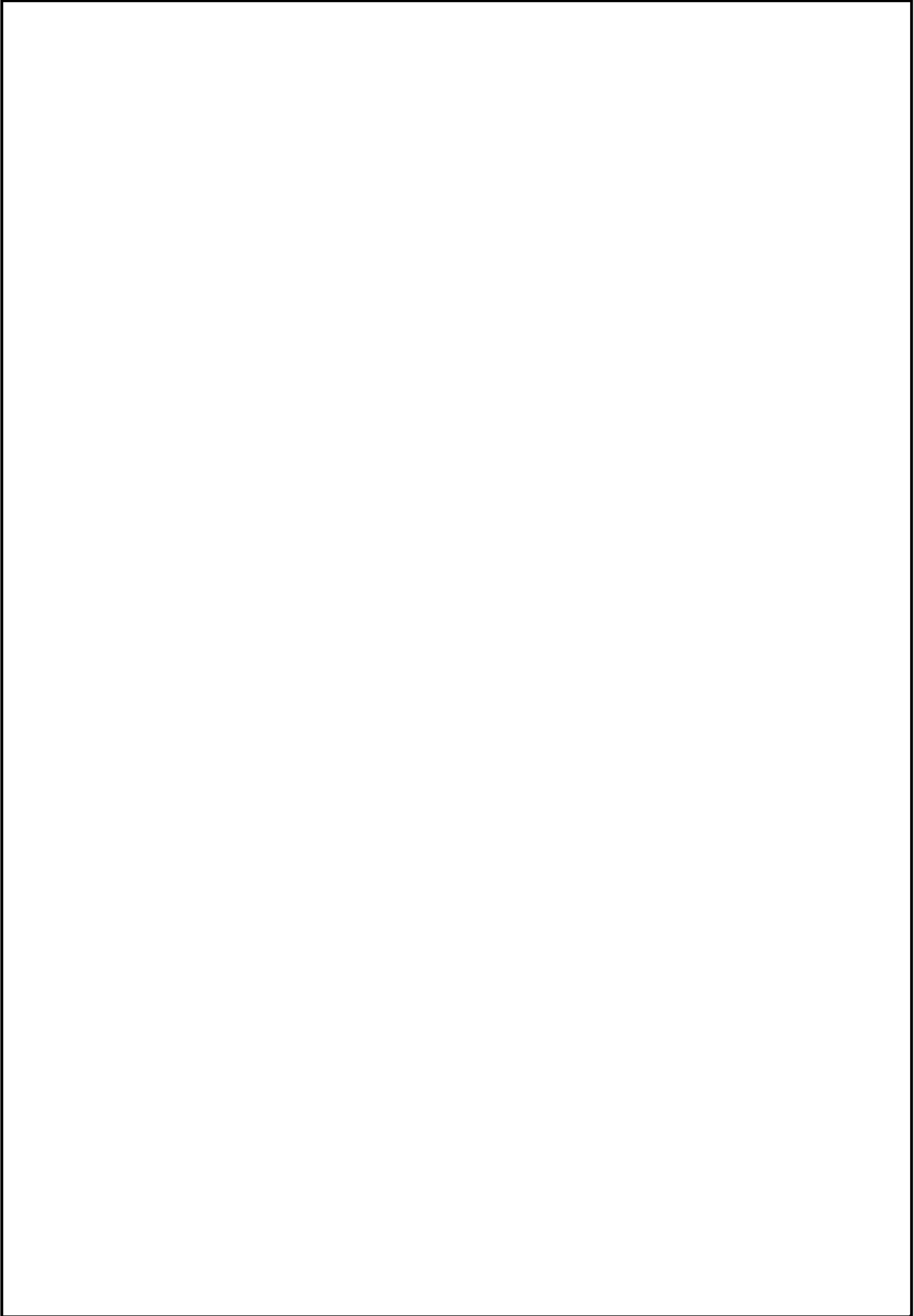


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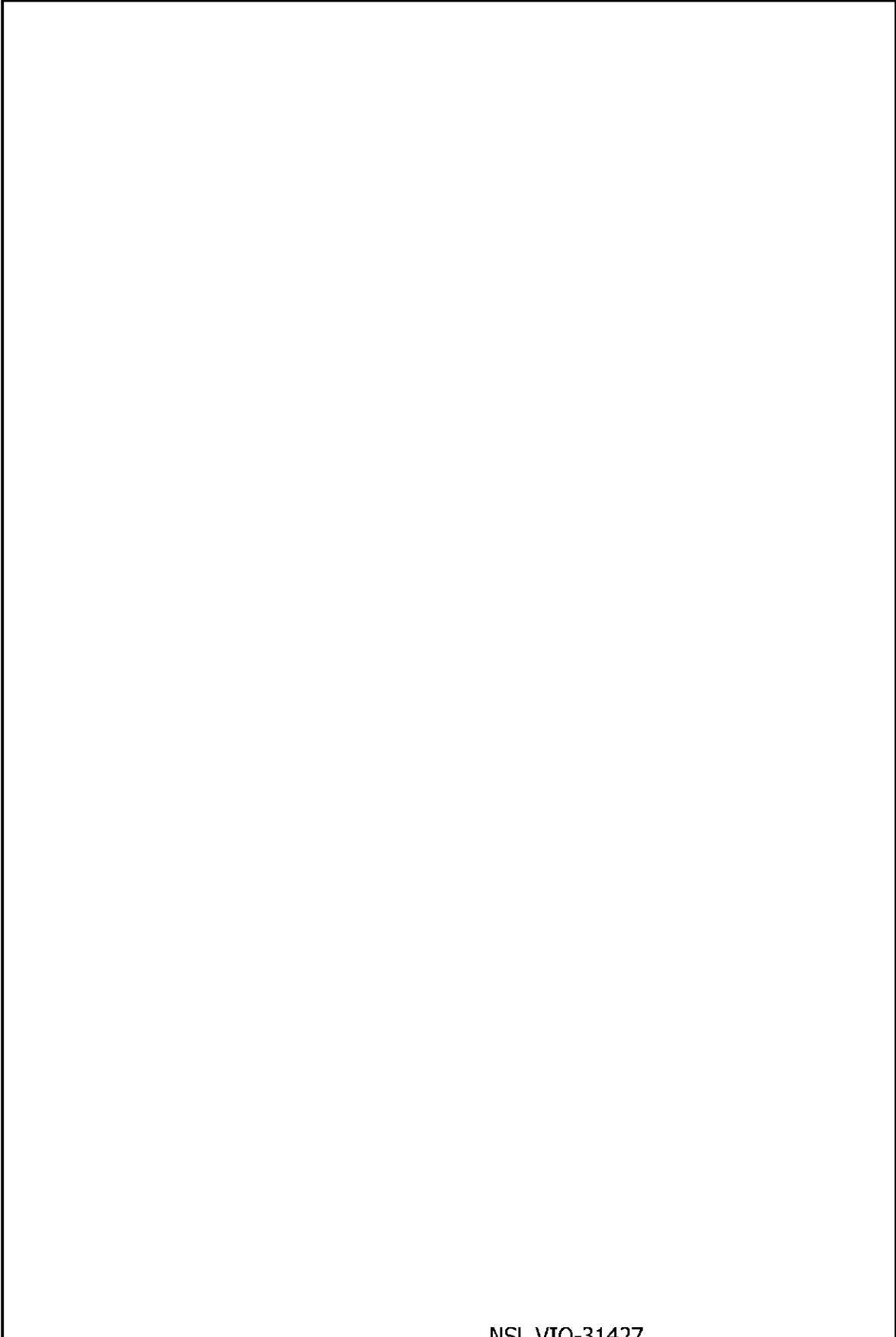


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NSL VIO-31425

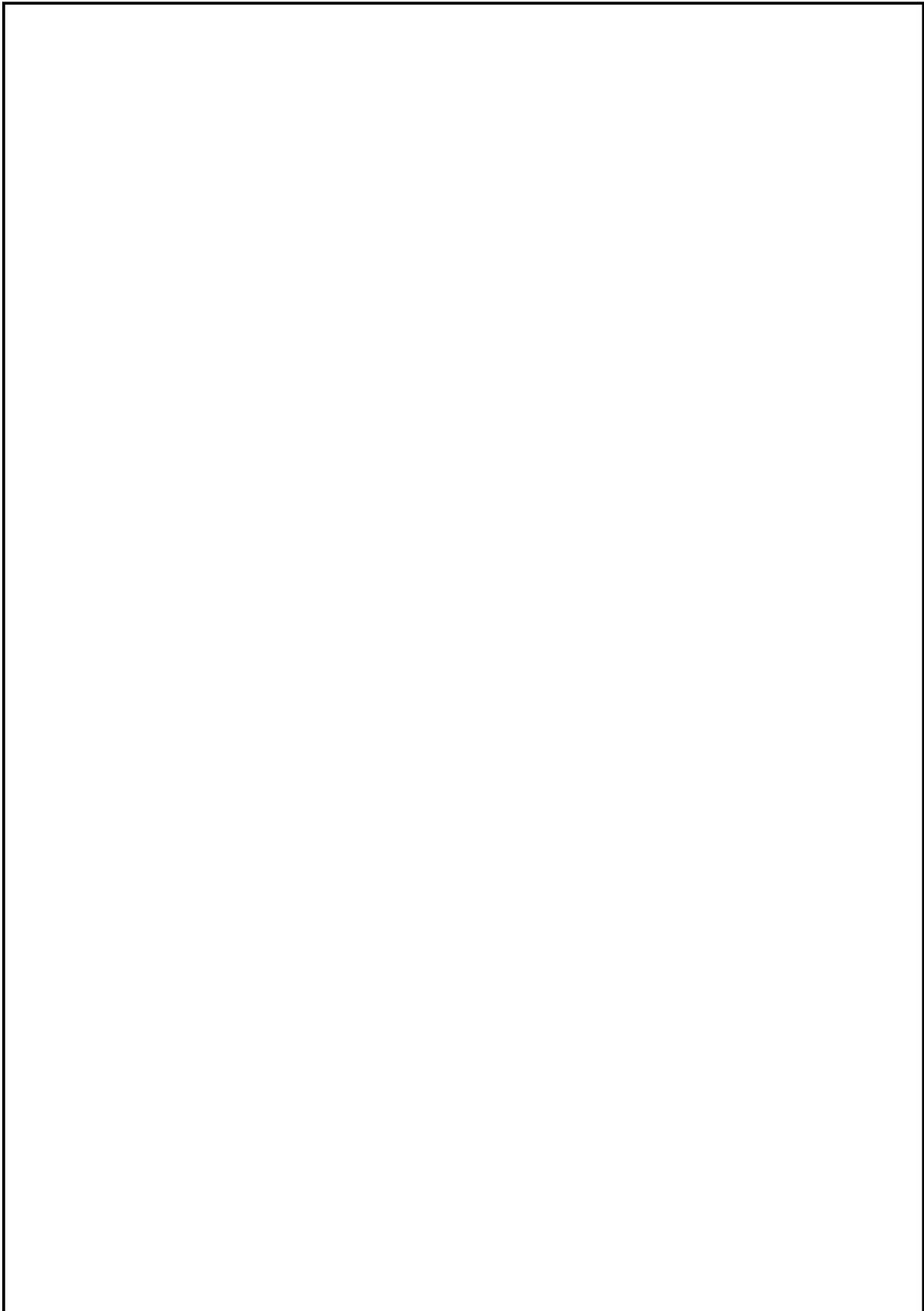


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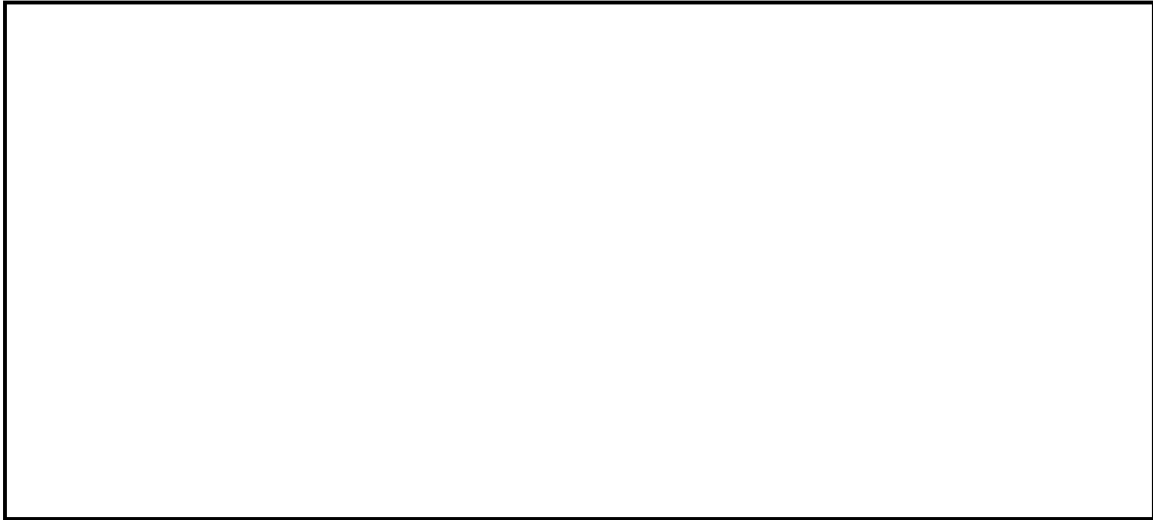
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NSL VIO-31427



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NSL VIO-31428



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C:\Documents and Settings\ [redacted] Local Settings\Temporary Internet
Files\ [redacted] .doc Created on 7/29/2005 3:16 PM



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1) 18 U.S.C. § 2709 (a) DUTY TO PROVIDE

CURRENT VERSION:

A wire or electronic communication service provider shall comply with a request for subscriber information and toll billing records information, or electronic communication transactional records in its custody or possession made by the Director of the Federal Bureau of Investigation under subsection (b) of this section

RECOMMENDED CHANGE:

[Redacted]

[Large redacted area]

b5

2) 18 U.S.C. § 2709(b) REQUIRED CERTIFICATION

CURRENT VERSION:

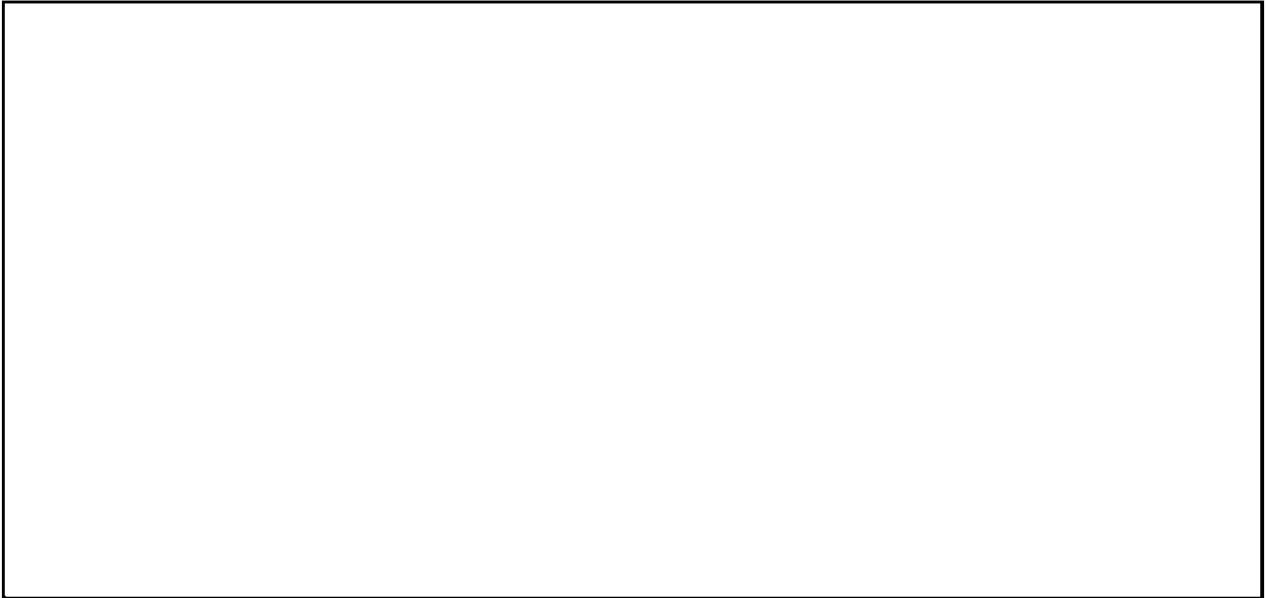
The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designed by the Director, may

(1) request the name, address, length of service, and local and long distance toll billing records of

a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

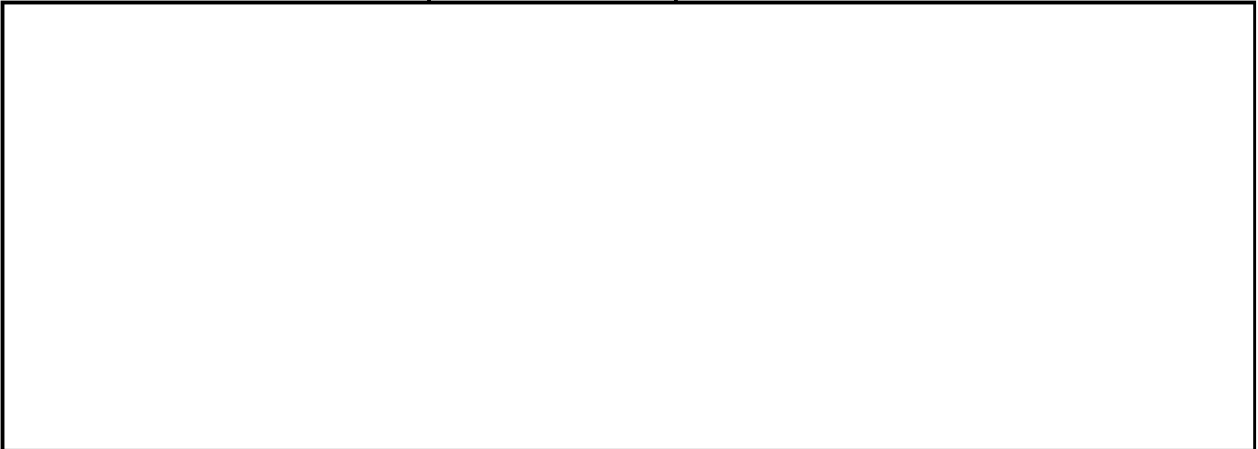
(2) request the name, address, and length of service of a person or entity if the Director (or his designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

RECOMMENDED CHANGE:



b5

3. Amendment to 20 USC 1231



[Redacted]

RECOMMENDED CHANGE

[Redacted]

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March 17, 2006
H:\OGC EFF Responsive Sept07\Responsive Record [Redacted] Section 1\2709revision17Mar2006-1300.wpd


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b7C

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 22, 2006 2:50 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: DRAFT [redacted] ltr

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NON-RECORD

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DATE 12-03-2007 BY 65179 DMH/KSR/JW


[redacted] letter
11 22 2006...

[redacted]

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SENSITIVE BUT UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 27, 2007 4:38 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: [redacted]
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-03-2007 BY 65179 DMH/KSR/JM



[redacted]
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[redacted]

CRS Report -- Gov't
Access to ...

[redacted]

I would appreciate your review if you are willing--particularly re

[redacted]

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Thanks,

[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, February 21, 2007 3:47 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

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Let me go back over some of my emails to see if I can find anything that will help your write-up.

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

From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 20, 2007 11:14 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: [redacted]
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

As I mentioned in my voicemail message, [redacted]

[redacted]

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Please advise [redacted]

Thanks,
[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 1:49 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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[redacted]

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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 1:32 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:49 PM
To: [redacted] (FBI); [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] JR (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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NON-RECORD

It's an interesting theory [redacted]



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-----Original Message-----
From: [redacted] (FBI)
Sent: Wednesday, November 08, 2006 12:38 PM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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NON-RECORD

PS - [redacted]



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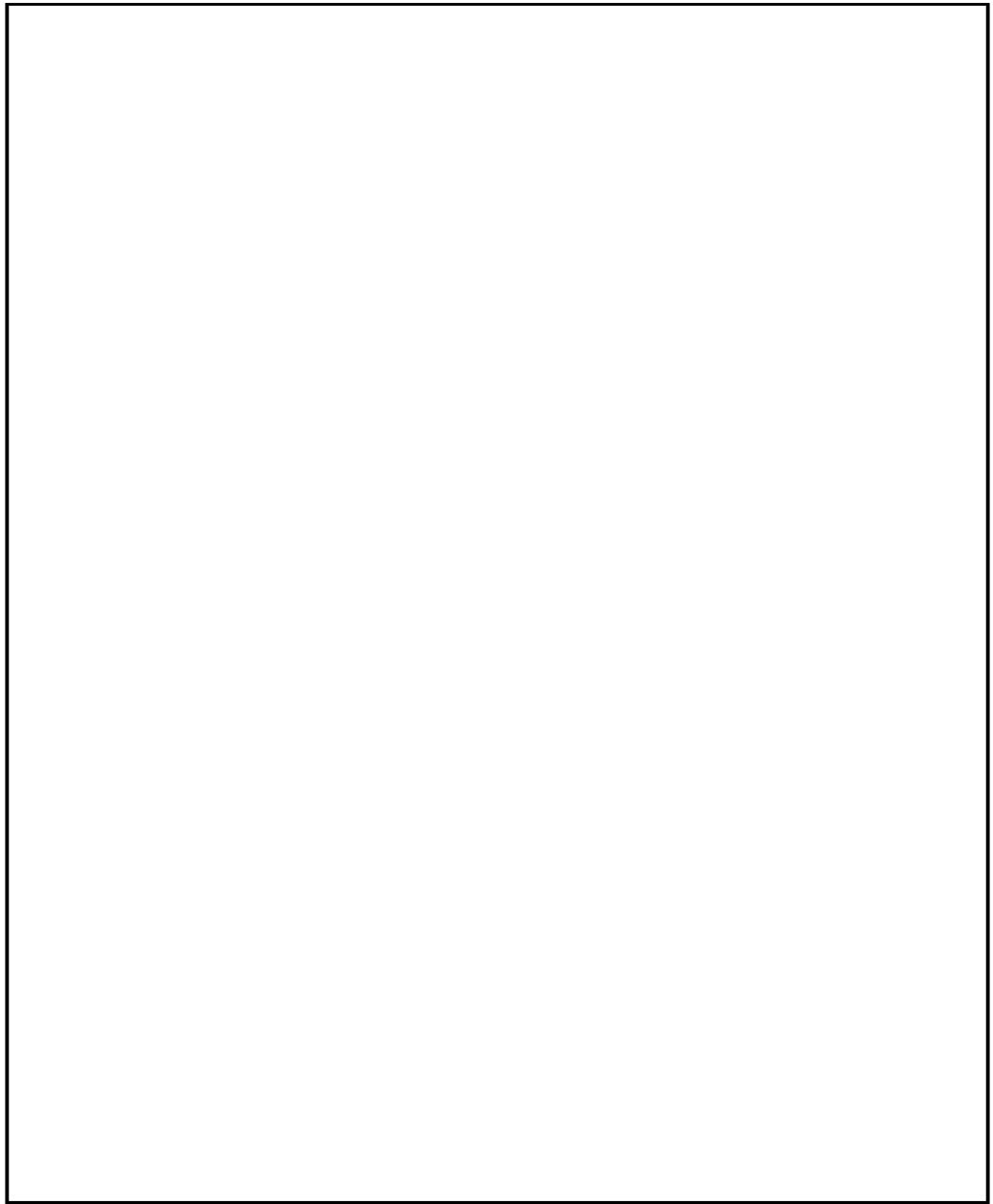


-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:12 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted]
 [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
 [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: [redacted]

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But for the immediate time, he'd like to meet with the FBI for a few hours to discuss these matters. We proposed either Thursday, November 16 or Friday, November 17, at 10 am (Place TBD).

Can I find out who is interested in attending and when you are available?



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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

2Message.txt

b6 MessageFrom: [redacted] (OGC) (FBI)
b7C Sent: Thursday, September 29, 2005 2:54 PM
b2 To: [redacted] (OGC) (FBI)
b7E Subject: RE: 2709: [redacted] NSLS; [redacted] USA
Patriot Act; [redacted]

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Large redacted block]

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From: [redacted] (OGC) (FBI)
Sent: Wednesday, September 14, 2005 9:57 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
Subject: RE: 2709: [redacted]; NSLS; [redacted]
USA Patriot Act; [redacted]

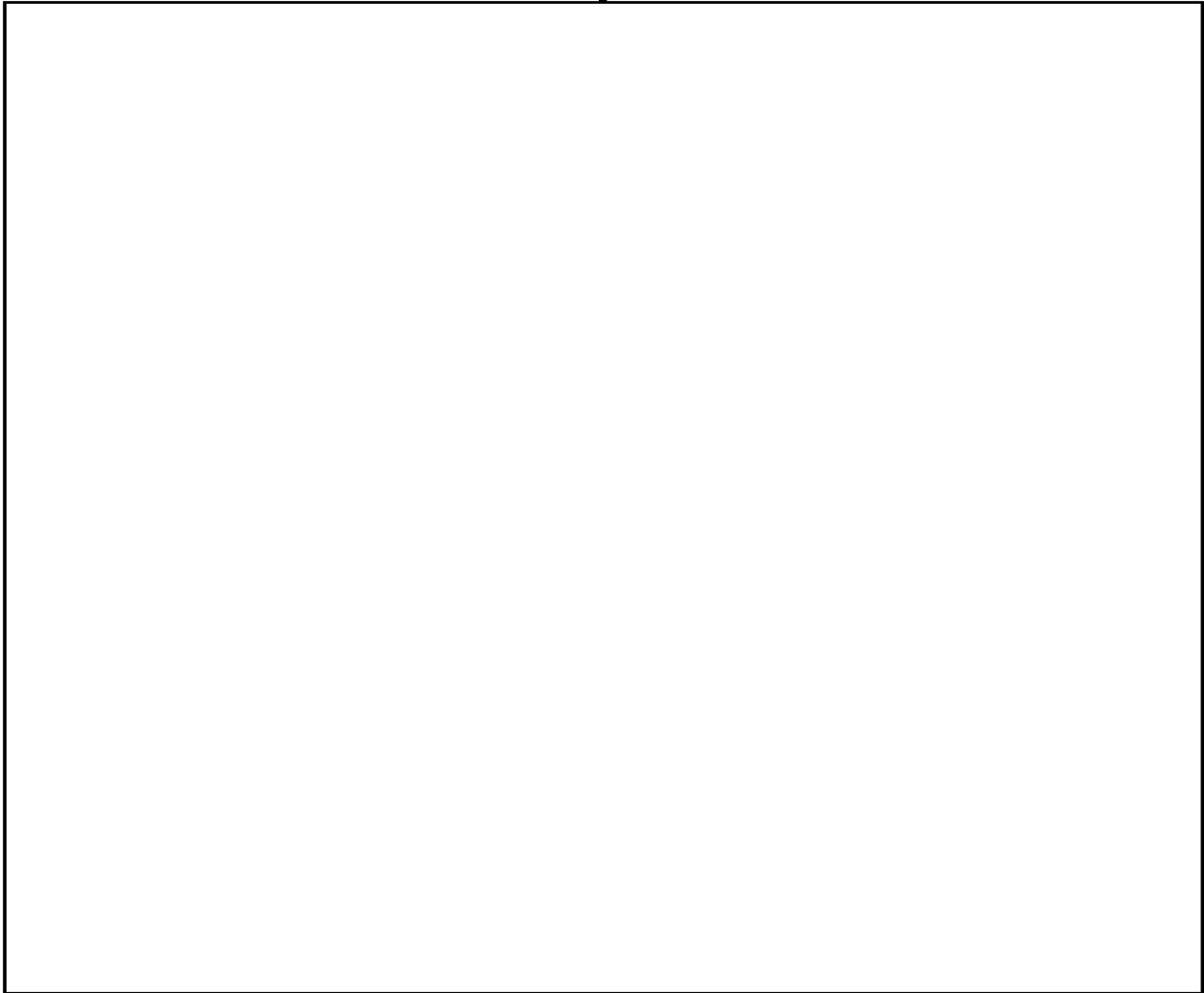
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2Message.txt



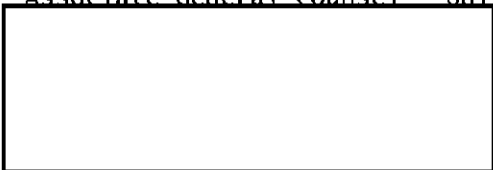
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PRIOR OGC APPROVAL

[Redacted]

Associate General Counsel - Unit Chief

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

From: [Redacted] (OGC) (FBI)
Sent: Tuesday, September 13, 2005 8:50 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI);
[Redacted] (OTD) (FBI)
Subject: RE: Z709

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[Redacted]

[Redacted] This of course will
raised up to Julie and she will raise to the GC but I want us to be on the
same wave length.

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[Redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI
202-324 [Redacted] Voice
[Redacted] Pager
[Redacted] Secure Fax
202-324 [Redacted] Fax

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

From: [Redacted] (OGC) (FBI)
Sent: Monday, September 12, 2005 4:42 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI);
[Redacted] (OTD) (FBI)
Subject: RE: 2709

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NON-RECORD

There have been extensive discussions [Redacted]

[Redacted]

[Redacted] I would recommend that the OGC front office (and
possibly OIPR and CrimDiv) be included into the timing of such a decision.

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WITHOUT PRIOR OGC APPROVAL

[Redacted]

Associate General Counsel - Unit Chief

[Redacted]

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

2Message.txt
From: [redacted] (OGC) (FBI)
Sent: Monday, September 12, 2005 7:02 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: 2709

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[redacted] I have been working on [redacted]
[redacted]
[redacted] I spoke with [redacted]
and we both agree [redacted]
[redacted] If you concur I would then discuss
this with Julie Thomas [redacted] Thanks

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[redacted]
Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI
202-324-[redacted] Voice
[redacted] Pager
[redacted] Secure Fax
202-324-[redacted] Fax

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

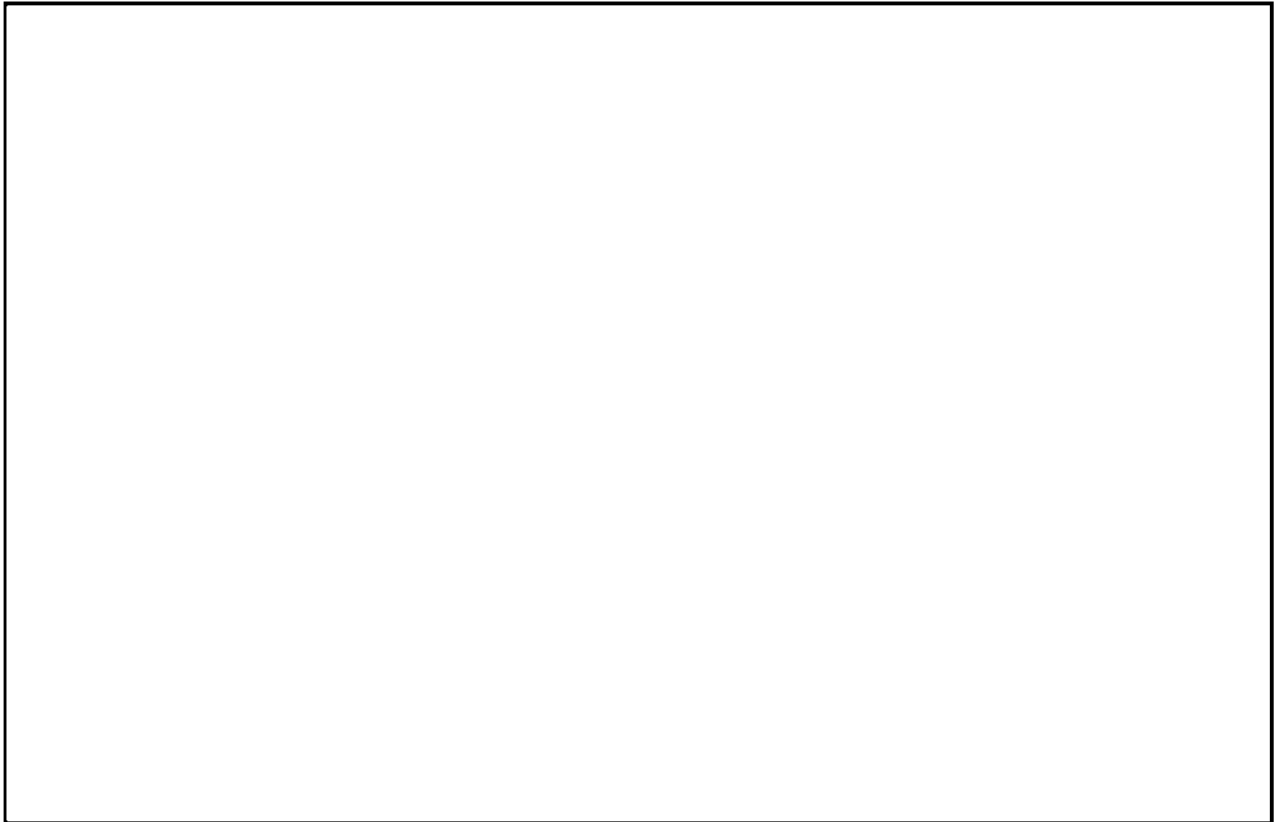
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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

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From: [redacted] (OGC) (FBI)
Sent: Friday, December 01, 2006 9:43 AM
To: [redacted] (OGC) (FBI); [redacted]
(OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI);
CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: 18 USC 2709 Analysis - Draft [redacted] Letter
SENSITIVE BUT UNCLASSIFIED
NON-RECORD Duplicate Email of OGC employee # 3 dated 12/1/06



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

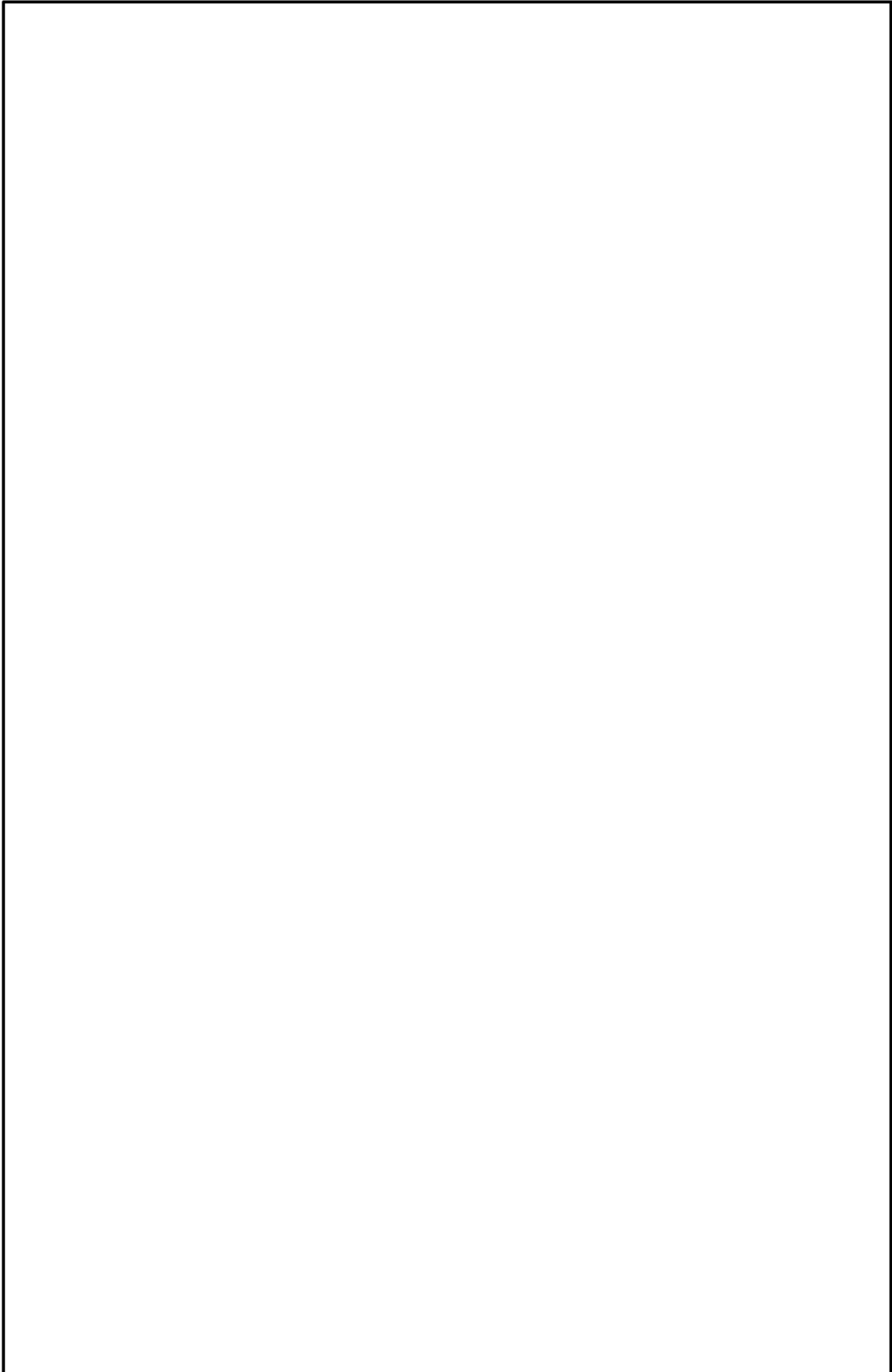
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From: [redacted] (OGC) (FBI)
Sent: Tuesday, November 28, 2006 10:27 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: 18 USC 2709 Analysis - Draft [redacted] Letter

SENSITIVE BUT UNCLASSIFIED Duplicate
NON-RECORD

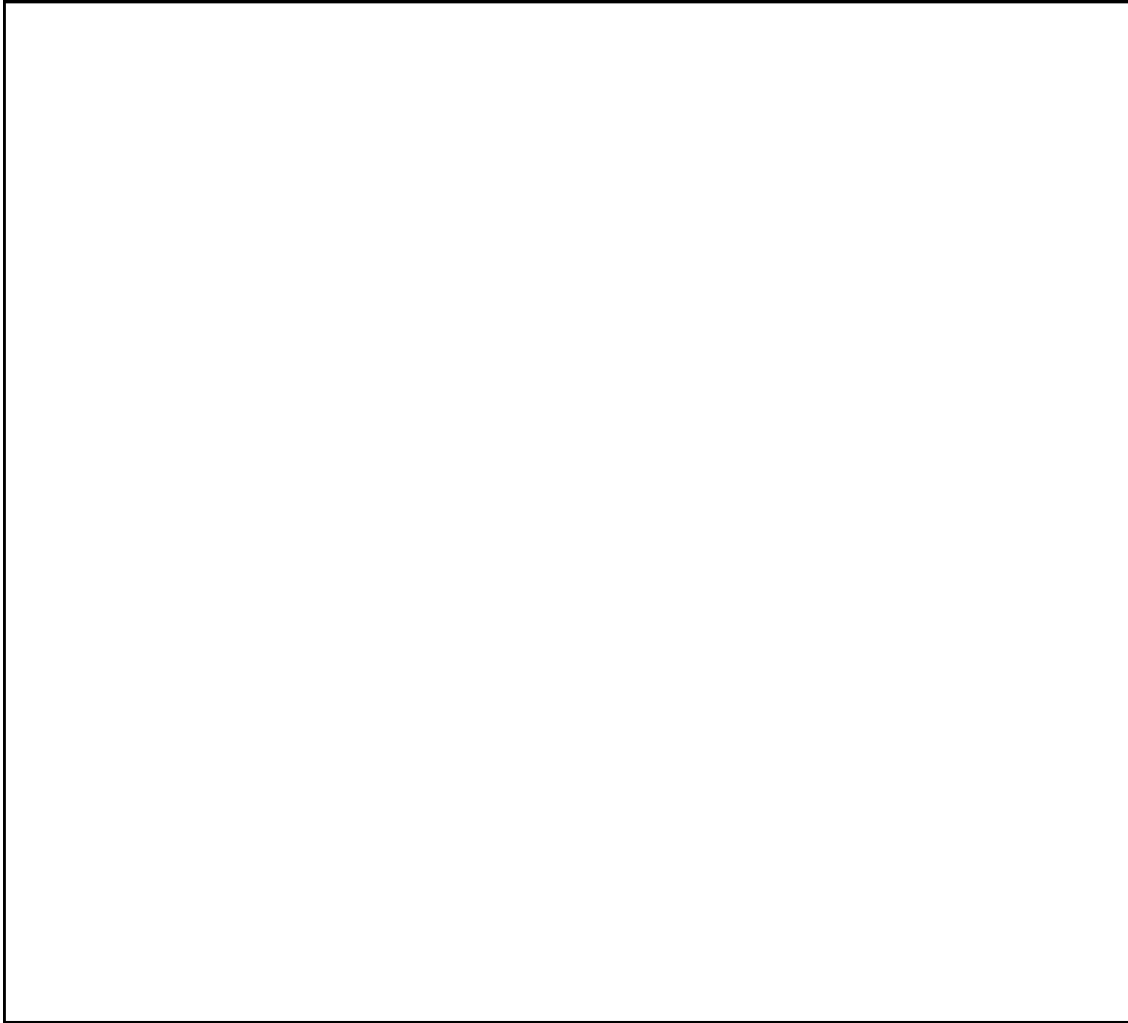


Duplicate



NSL VIO-31463

Duplicate



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

From: [redacted] (OGC) (FBI)
Sent: Monday, November 27, 2006 5:13 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: LAMMERT, ELAINE N. (OGC) (FBI); THOMAS, JULIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: 18 USC 2709 Analysis - Draft [redacted] Letter

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NON-RECORD

GC,

Attached for your review as a MS Word document is a draft letter to [redacted]



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Please advise your direction.



<< File [redacted] 2709 letter-200611271705.doc >>

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FBI WITHOUT PRIOR OGC APPROVAL**

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[redacted]

Associate General Counsel - Unit Chief

[redacted]

UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

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DATE 12-04-2007 BY 65179 DMH/KSR/JW

3Message.txt

MessageFrom: [redacted] (OGC) (FBI)
Sent: Monday, August 29, 2005 3:29 PM
To: [redacted] (OGC) (FBI); Caproni, Valerie E. (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); KELLEY, PATRICK W.
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); THOMAS, JULIE F.
(OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted] Electronic Records Production

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As discussed in the attached, [redacted]

[Large redacted block]

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PRIOR OGC APPROVAL

[redacted]

Assistant General Counsel

[Large redacted block]

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

From: [redacted] (OGC) (FBI)
Sent: Monday, August 29, 2005 2:21 PM
To: Caproni, Valerie E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); KELLEY, PATRICK

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From: [redacted] (OGC) (FBI)
Sent: Tuesday, February 20, 2007 11:14 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: FW: [redacted]

Duplicate email this file

Importance: High
SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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HEREIN IS UNCLASSIFIED
DATE 12-04-2007 BY 65179 DMH/ESP/JU

1082884

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 1:49 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

-----Original Message-----
From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 1:32 PM
To: [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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[redacted]

Duplicate email this file



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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:49 PM
To: [redacted] (FBI); [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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

From: [redacted] (FBI)
Sent: Wednesday, November 08, 2006 12:38 PM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD



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

From: [redacted] (OGC) (FBI)
Sent: Wednesday, November 08, 2006 12:12 PM

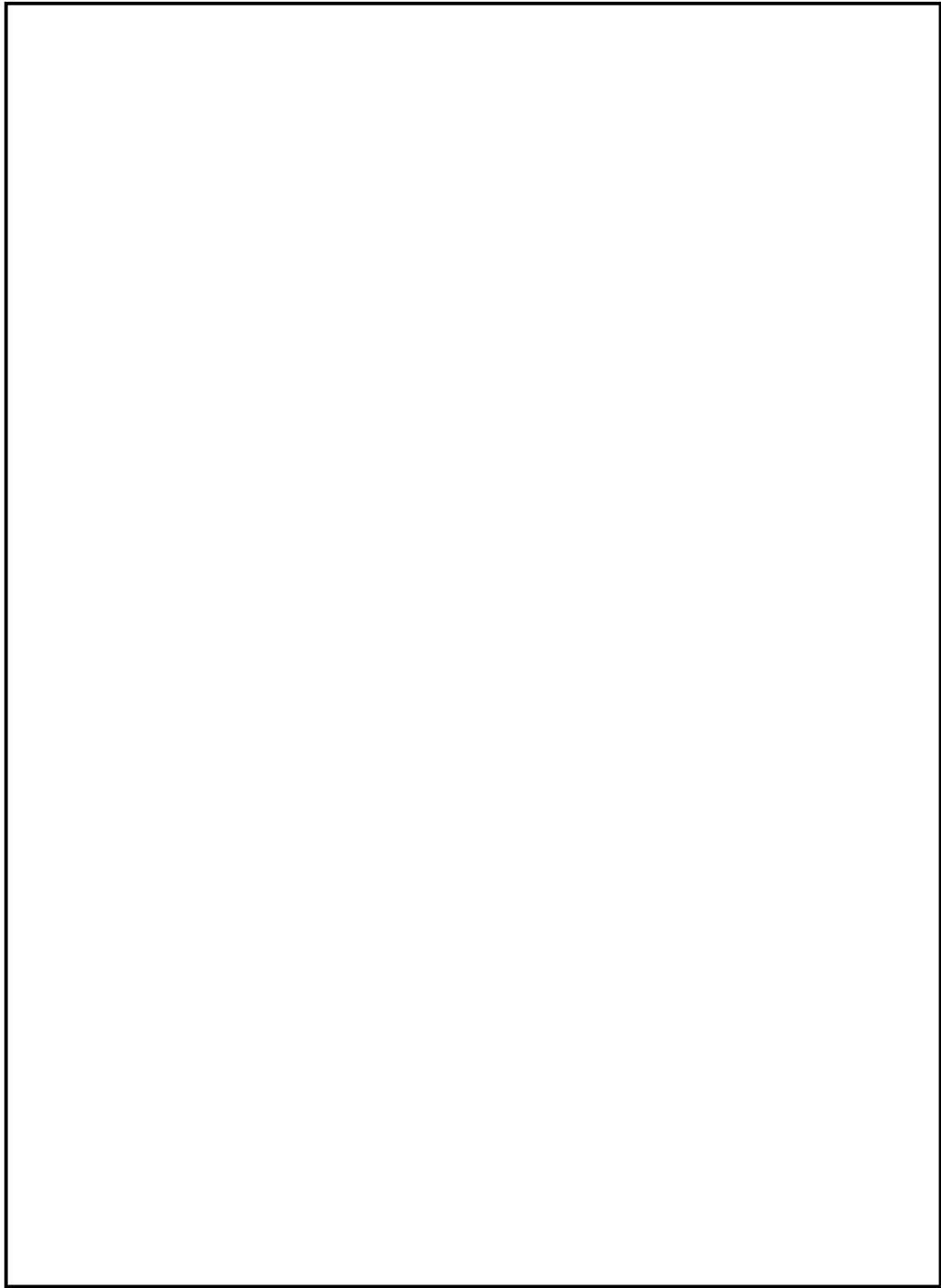
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To: [redacted] CABRONTI, VALERIE E. (OGC) (FBI); THOMAS, JULIE F. (OGC) (FBI); [redacted]
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted] (FBI); [redacted] (OGC) (FBI)

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Duplicate email this file



Duplicate



SENSITIVE BUT UNCLASSIFIED

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