

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 06-27-2007  
CLASSIFIED BY: 65179 DMH/KSP/JW  
REASON: 1.4 (C)  
DECLASSIFY ON: 06-27-2032

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TFOS RESPONSE TO DOJ/OIG<sup>1</sup>

This information, or portions thereof, is derived from a court-authorized FISA order and such information or any information derived therefrom, may only be used in a criminal or other proceeding only with the advance authorization of the Attorney General. See, 50 U.S.C. 1806(b).

1) (a) How is information derived from NSLs used in developing information on subjects or possible subjects of terrorism cases? (b) In what form does TFOS see the NSL information?

~~(S)~~ (a) The Terrorist Financing Operations Section (TFOS) acquires information via three forms of National Security Letters (NSLs). One is issued under the Right to Financial Privacy Act, 12 U.S.C. §3414(a)(5)(A), for records of financial institutions. Another can be issued under the Fair Credit Reporting Act, 15 U.S.C. §§1681u(a) and (b), in which TFOS can obtain a list of financial institutions and consumer identifying information from a credit reporting company; and the third, under the Fair Credit Reporting Act, 15 U.S.C. §1681v, TFOS can obtain a full credit report in an international terrorism case. [redacted]

(S)

[redacted]

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(S) [redacted]

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<sup>1</sup> This response is based solely upon TFOS' experience with the utilization of NSLs during FBI counterterrorism investigations. It does not address all categories of NSL use, nor does it respond to the utilization of [redacted] TFOS has not utilized [redacted] [redacted] and therefore cannot comment on the collection or benefit derived from this information collection method.

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(U) ~~(S)~~ (b) TFOS obtains access to NSL derived information by receiving it directly from the responding institution, by receiving the summary information from an FBI field office and/or accessing the information uploaded into FBI internally shared databases.

2) *Identify examples of how information derived from NSLs was used in successful CTD cases, for example, in establishing sources of income, patterns of activity, affiliations with known terrorists - or in eliminating possible subjects.*

(U) ~~(S)~~ The following are examples of how NSL derived financial information has assisted counterterrorism investigations:

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[Redacted]

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2. (S)

[Redacted]

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(S)

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(S) The bank records received were examined and no significant ties were established between this individual and the subject of the [redacted] Based upon this and the lack of any other information linking the individual to terrorist activities, further investigation of this individual was terminated.

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3. (S) [redacted]

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4. (S) [redacted]

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(S) [redacted]

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b2  
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(S)

5. (U) (S) [redacted]

(S)

[redacted]

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6. (S) [redacted]

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7. (S)

[Redacted]

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8. (S)

[Redacted]

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b2  
b7D  
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9. (S//OC,NF)

[Redacted]

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~~(S)~~ Based upon this information, TFOS coordinated with the FBI's Office of General Counsel (OGC) National Security Law Branch (NSLB) and requested a NSL be prepared

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(S//OC,NF/FISA)

[Redacted]

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(S) 10 [Redacted]

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3) *How do NSLs compare in their effectiveness with other investigative tools such as grand jury subpoenas or full FISAs? Why would you use an NSL in some cases, but not others?*

(U) ~~(S)~~ As background, for TFOS to obtain a NSL a request must be made to the Office of General Counsel/National Security Law Branch (OGC/NSLB) describing how the acquisition of the records is relevant and can assist an authorized ongoing investigation and protect against international terrorism or clandestine intelligence activities. A judgement must also be rendered that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment of the United States Constitution. If TFOS cannot satisfactorily articulate the relevance for acquiring financial records or data on a person in a particular counterterrorism investigation, or the request is deemed by OGC/NSLB to be too broad, then a NSL will not be issued until or unless those issues are addressed. Moreover, NSL recipients are allowed to challenge the NSL in Federal District Court.

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(S) [Redacted]

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~~(S)~~ There may also be circumstances wherein TFOS does not request a NSL during an investigation. In these instances, the records may have been obtained via other methods such as a grand jury subpoena or lawfully provided by other agencies. In other cases, a subject may not utilize formal financial institutions or has not established themselves in the credit system; and therefore, no financial records, subject to NSL collection, exist on the person.

4) *How is information derived from NSLs analyzed within TFOS? What are the principal analytical products? Are there analytical products generated by others within the CTD, the DI or in the field divisions which use NSL derived information that TFOS obtains and uses?*

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5) *What, if any, information from NSLs is disseminated by TFOS both within the FBI and beyond?*

(U)

~~(S)~~ Relevant information derived from NSLs is disseminated, as appropriate, by TFOS to other FBIHQ components and field offices as well as the intelligence community. All communications are uploaded into the Automated Case System (ACS) to ensure the product is accessible in the FBI shared database. The communications are generally in the form of Electronic Communications (ECs), Letterhead Memorandum (LHM), I2 charts and/or Excel spreadsheets. The field offices use this analysis in their investigation to generate additional leads or corroborate other information. If other components in the FBI, both field and FBIHQ, upload similar data into ACS, TFOS has access to that analysis as well.

6) *What, if any, bureaucratic hurdles prevents NSLs from being more efficient or more effective?*

(U) In the past, compelling production of records pursuant to a NSL could be difficult because the request is in the form of a letter demand, not a subpoena or court order. Nevertheless, for the reasons stated above, NSLs are a necessary and irreplaceable mechanism in the fight against terrorism.

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# COUNTERTERRORISM DIVISION

## Routing / Action Slip

TO	ROOM	NAME/TITLE	TO	ROOM	NAME/TITLE
	7142	Deputy Director John S. Pistole	Admin	3W409	SC
	7116	Executive Assistant Director Gary Bald	CORS	3W100	SC
3 <i>WJW</i>	5012	Assistant Director Willie Hulon <i>WJW</i>	CORS	3W107	ASC [Redacted]
	3W 421	Deputy Assistant Director Joseph Billy	NTCS	3W105	A/SC
2 <i>see attached</i>	5012	Deputy Assistant Director [Redacted] <i>MAZC</i>	NTCS	3W105	ASC
	3W400	Deputy Assistant Director Donald Van Duyn			
Ops Support	3W423	Deputy Assistant Director Thomas Harrington			EXECUTIVE STAFF
TSC	TSC	SC Donna Bucella	1	4981	UC [Redacted]
TSC	TSC	ASC [Redacted]		4981	SSA [Redacted]
FTTTF	FTTTF	SC Gervis Grigg		4981	SSA [Redacted]
ITOS 1	3W412	SC Michael Heimbach		4981	MPA [Redacted]
ITOS 1	4W113	ASC [Redacted]		3W300	SSA [Redacted]
ITOS 2	6S222	SC John Kavanagh		4981	SSA [Redacted]
ITOS 2	6S214	ASC [Redacted]		3W307	IA [Redacted]
DTOS	4246	SC Edward Dickson		3W306	IA [Redacted]
DTOS	4246	ASC [Redacted]		4981	MPA [Redacted]
CXS	4944	SC Jennifer Love		3W300	SSA [Redacted]
CXS	4944	ASC [Redacted]		4981	SSA [Redacted]
TFOS	4871	SC Michael Morehart		4981	MPA [Redacted]
TFOS	4869	ASC [Redacted]		4981	MPA [Redacted]
TFOS	3W100	ASC [Redacted]		3W304	IA [Redacted]
CTAS	3W119	SC Leonard Yorke		3W309	Editor [Redacted]
CTAS	4933	ASC [Redacted]		4981	SSA [Redacted]
TRRS	3W111	SC William Davidson		3W308	MPA [Redacted]
<input type="checkbox"/> Call Me <input type="checkbox"/> See Me <input type="checkbox"/> Appropriate Action <input type="checkbox"/> Initial <input type="checkbox"/> Per Inquiry		<input type="checkbox"/> For Your Information/Review <input type="checkbox"/> Note & Return <input type="checkbox"/> Record & Return <input type="checkbox"/> See Notes <input type="checkbox"/> Approval/Signature		TFOS response to DOJ/OIG questions	
<b>Notes:</b>					
From: UC [Redacted]	Room: 4981	Phone: [Redacted]	Date: 06/02/2006		

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FOIPA  
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