



PATRIOT ACT SUNSET PROVISIONS (215s/Roving Wiretaps/Lone Wolf)

What use has the FBI made of the expiring Patriot Act authorities?

Response:

Business Records (215s)

- The FBI began using Business Records in 2004. Since that time, through CY 2008, we have used this authority a total of 236 times.

Year	Business Record (pure)	Business Record Combination (i.e. combined with PR/TT request to the FISC)	Totals
2004	7	0	7
2005	14	141	155
2006	12	32	44
2007	17	0	17
2008	13	0	13
TOTALS	63	173	236

Roving Wiretaps

- We have utilized the Roving Wiretap authority a total of 147 times.

Lone Wolf

- Although the lone wolf provision has never been used, it is an important investigative option which must remain available. This provision gives the FBI the flexibility to obtain FISA warrants and orders in the rare circumstance where a non-US person engages in terrorist activities, but his or her nexus to a known terrorist group is unknown. The fact that this provision has not been used does not denigrate the need for the provision. To the contrary, this is an important tool which allows the FBI to obtain foreign intelligence about a non-US person under the authority and direct supervision of a court expressly created to keep the domestic collection of foreign intelligence within constitutional limits.
- It is an important tool which will be used only under the appropriate circumstances and with the appropriate supervision from the Foreign Intelligence Surveillance Court. Because the circumstances under which we would use the lone wolf provision have not arisen since the passage of the Intelligence Reform and Terrorist Prevention Act of 2004 does not mean that they will not arise in the future. The United States Government needs to be prepared to address that situation should it occur.

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