

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 03-21-2012 BY 65179 DMH/STP/MJS

# Investigative Tools for Intelligence Investigations



National Security Law Branch  
Federal Bureau of Investigation

b6  
b7c

# FISA - Business Records

Under FISA, 50 USC 1861, FBI can apply to FISC for an ex parte order for business records (note: other sections of FISA say that AG applies to Court for order)

When added to FISA in 1998, limited to business records from common carriers, public accommodations, vehicle rentals, storage facilities and standard was specific and articulable facts that records related to agent of foreign power

# FISA - Business Records

Patriot Act expanded universe of items obtainable, to “any tangible things (including books, records, papers, documents and other items)”

Patriot Act changed legal standard: “the information to be obtained is foreign intelligence information not concerning a US person , or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence gathering activities” and investigation of USP cannot be based solely on activities protected by First Amendment

Same standard as established by Patriot Act for  NSLs

Available in

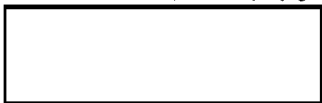
b7E

# FISA - Business Records

FISA permits delegation down to level of ASAC

At current time, approval authority has been delegated to headquarters officials (Deputy Director; EAD for CT/CI; AD and all DADs of CT, CI, Cyber; General Counsel, Deputy General Counsel for National Security Affairs, and Senior Counsel for National Security Affairs)

Business records form available for field to fill out and submit to headquarters and NSLB (atty



b6  
b7c

# FISA - Business Records

Since Patriot Act, requests have been made to OIPR and finally, on

b7E

We will be sending out guidance on service of the order, since it is classified and most recipients will not be cleared.

# FISA - Business Records

May or may not be able to get records covered by other statutes, such as tax returns or educational records

b7E

Library record requests will be subject to scrutiny

# QUESTIONS?

NSLB - (202) 324-3951



b6  
b7C

Visit our FBI Intranet site at



b7E

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 31  
Page 3 ~ Outside the Scope  
Page 4 ~ Outside the Scope  
Page 5 ~ Outside the Scope  
Page 6 ~ Outside the Scope  
Page 7 ~ Outside the Scope  
Page 8 ~ Outside the Scope  
Page 9 ~ Outside the Scope  
Page 10 ~ Outside the Scope  
Page 11 ~ Outside the Scope  
Page 12 ~ Outside the Scope  
Page 13 ~ Outside the Scope  
Page 14 ~ Outside the Scope  
Page 15 ~ Outside the Scope  
Page 16 ~ Outside the Scope  
Page 17 ~ Outside the Scope  
Page 23 ~ Outside the Scope  
Page 24 ~ Outside the Scope  
Page 25 ~ Outside the Scope  
Page 26 ~ Outside the Scope  
Page 27 ~ Outside the Scope  
Page 28 ~ Outside the Scope  
Page 29 ~ Outside the Scope  
Page 30 ~ Outside the Scope  
Page 31 ~ Outside the Scope  
Page 32 ~ Outside the Scope  
Page 33 ~ Outside the Scope  
Page 34 ~ Outside the Scope  
Page 35 ~ Outside the Scope  
Page 36 ~ Outside the Scope  
Page 37 ~ Outside the Scope  
Page 38 ~ Outside the Scope