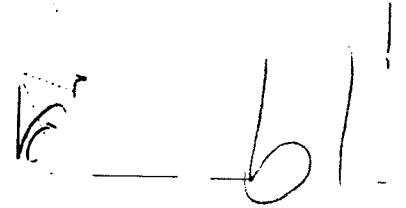
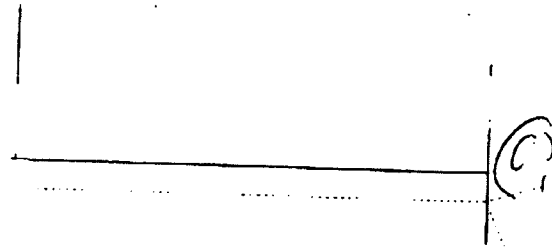


bl



002814

Deleted C65 3

b1

Comment: b6, b7C What does this refer to?

b1

002815

Deleted: From

Deleted: CBP

b1

Deleted: and Amendment. 1

~~(c)~~ (c)

b1

Deleted: [b5]

(c)

b1

002816

002817

Formatted: Font: Not Bold

19

(1)

Formatted: Comment [D18]

2655

(1)

Formatted: Indent: Left: 0"

19

b1

(iv) Global text edits/Issues:

- (a)
- (a)

(c)

b1

(c)

(v) Preambular text:

- (a)
- (a)
- (a)
- (c)
- (c)

b1

(c)

002937

Perred: Schaefer MFL

Revised: 12/2022

363

~~SECRET~~

(S)  
(S)

b1

002938

~~SECRET~~

~~SECRET~~

[ b6 ]

**From:** Rosenzweig, Paul  
**Sent:** Monday, June 26, 2006 10:13 AM  
**To:** Baker, Stewart  
**Subject:** RE: PNR memo  
**Attachments:** NSC PNR Memo Ver sab (PSR).doc

[

b5

]

(S)

b1

P

(J) Back to soaking up water ...

**From:** Baker, Stewart  
**Sent:** Mon 6/26/2006 5:33 AM  
**To:** Rosenzweig, Paul; Scardaville, Michael  
**Subject:** RE: PNR memo (U)

(C) apologies. I use an open source word processor. See if this works for you.

**From:** Rosenzweig, Paul  
**Sent:** Mon 6/26/2006 12:20 AM  
**To:** Baker, Stewart; Scardaville, Michael  
**Subject:** RE: PNR memo (U)

Stewart

(U) I can't open this in Word. What format did you save it in?

P

**From:** Baker, Stewart  
**Sent:** Sun 6/25/2006 10:19 PM  
**To:** Rosenzweig, Paul; Scardaville, Michael  
**Subject:** PNR memo (U)

(U) Here's my edit. Please read carefully for things you think are wrong. [

[

b5

]

000319

MAILED  
COMM-FEDER  
MFR  
JUN 26 2006

6/12/2007

(40)

~~SECRET~~

Scardaville, Michael

From: Baker, Stewart

Sent: Sunday, July 30, 2006 3:00 PM

To: Roserzweig, Paul; Scardaville, Michael

Subject: NSC memo, etc.

~~SECRET~~

(C) - b1

(S)

(L) Finally, to be ready for this meeting, I'd like a few things:

(C) 1. The C 65 ] list that Paul prepared

(C) 2.

4.5 - b1

(5) Thanks.

Stewart

AS's

① Paper edit

② → Sec. ...

③ Post 9/11 study ...

Revised Secret Air MFR  
f. policy 7/20/06

~~SECRET~~

7/31/2006

001529

(41)



474

From: Baker, Stewart [ b2 (100) ]  
Sent: Thursday, September 14, 2006 6:48 AM  
To: [ b6 ] Baker, Stewart; [ b6 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

~~SECRET~~

(c) b1

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

From: [ b6 ] [mailto:[ b6 ]]  
Sent: Thursday, September 14, 2006 12:04 AM  
To: [ b6 ]; Baker, Stewart: [ b6 ]  
Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

(c)

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

From: [ b2(100) + b6 ]  
To: Baker, Stewart [ b2(100) ] [ b6 ]  
[ b6 ] [mailto:[ b6 ]]; Scardaville,  
Michael [ b2 (100) ]  
Cc: Teufel, [ b2 (100) ] [ b6 ] Rosenzweig,  
Paul [ b2 (100) ] [ b2(100) + b6 ]  
Sent: Wed Sep 13 21:00:55 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

Derived: Schneider MFR  
Declass 9/20/31

~~SECRET~~

001515

~~SECRET~~

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

From: "Baker, Stewart" < b2 (low) >  
Sent: 09/13/2006 06:26 PM  
To: ( b6 b2 (low) )  
Cc: "Teufel, Hugo" < b2 low > ; "Scardaville, Michael" < b2 (low) + b6 > ; "Rosenzweig, Paul" < b2 (low) >  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

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

From: ( b6 )  
Sent: Wednesday, September 13, 2006 6:19 PM  
To: ( b6 ) Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

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

From: ( b6 )  
To: Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 18:11:34 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1  
(s)

-----  
Sent from my BlackBerry Wireless Handheld

~~SECRET~~

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

From: Scardaville, Michael  
To: ( b6 ) Baker, Stewart  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 17:59:03 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

~~SECRET~~

( b6 )

(c)

b1

(c)

Mike  
( b2 (law) )

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

From: ( b6 )  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c)

b1

(c)

(c)

Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart  
To: Scardaville, Michael  
Cc: Teufel, Hugo; ( b6 ) ; Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c)

b1

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

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart

~~SECRET~~

Cc: ( Frenkel, Jonathan; ( b1  
Bob M; ( b1  
( b1 ) Jacksta,  
( b1 ) Mortensen,  
Kenneth; ( b1 ) Rosenzweig, Paul;  
( b1 ) Scardaville, Michael; ( b1 ) Teufel, Hugo;  
( b1 )

Subject: FW: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Stewart,

(c) b1

"Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

(u)

Mike  
( b2(100) )

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

From: Telmo.Baltazar ( b2(100) )  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; ( b1 )  
( b2(100) + b1 )  
( b2(100) + b1 )  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

1/ GJ/ml b1

Best regards,

Telmo Baltazar

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

(u) Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR). Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

(u)

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial

1/17/2007

001519

[ b4 ]

SECRET

From: [ b4 b2 low ]  
Sent: Thursday, September 14, 2006 6:59 AM  
To: Baker, Stewart; [ b4 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b6 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

SB.

(u) [ b5 ]

Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart [ b2 low ]  
To: [ b4 b2 low ] Scardaville, Michael [ b2 low ] Baker, Stewart [ b2 low ] [ b4 ]  
Cc: Teufel, Hugo [ b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]  
Sent: Thu Sep 14 06:48:10 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

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

From: [ b4 b2 low ]  
Sent: Thursday, September 14, 2006 12:04 AM  
To: [ b4 ] Baker, Stewart; [ b6 ] Scardaville, Michael  
Cc: Teufel, Hugo; Rosenzweig, Paul; [ b4 ]  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

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

From: [ b6 b2 low ]  
To: Baker, Stewart [ b2 low ] [ b6 ]

[ b6 b2 low Michael [ b2 low ] Scardaville,  
Cc: Teufel, Hugo [ b2 low ] [ b6 ] Rosenzweig,  
Paul [ b2 low ] [ b6 b2 low ]  
Sent: Wed Sep 13 21:00:55 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

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

From: "Baker, Stewart" [ b2 low ]  
Sent: 09/13/2006 06:26 PM  
To: [ b6 b2 low ]  
[ b6 b2 low ] "Scardaville, Michael" [ b2 low ]  
Cc: "Teufel, Hugo" [ b2 low ] [ b6 ]  
[ b6 b2 low ] "Rosenzweig, Paul" [ b2 low ]  
Subject: RE: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

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

From: [ b6 ]  
Sent: Wednesday, September 13, 2006 6:19 PM  
To: [ b6 ] Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo: [ b6 ] Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

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

From: [ b6 ]  
To: Scardaville, Michael; Baker, Stewart

Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Sent: Wed Sep 13 18:11:34 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

2/5

(c) [ b1 ]

(S)

Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Scardaville, Michael  
To: [ b6 ] Baker, Stewart  
Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Sent: Wed Sep 13 17:59:03 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

[ b6 ]

(c) [ b1 ]

(c) Mike  
[ b2 low ]

-----Original Message-----  
From: [ b6 ]  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] [ ] Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

@  
e [ b1 ]

Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Baker, Stewart  
To: Scardaville, Michael



Cc: Teufel, Hugo; [ b6 ]  
Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(7): b1

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

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart  
Cc: [ b6 ]  
Frenkel, Jonathan; [ b6 ]  
Bob M: [ b6 ]  
[ b6 ]  
Kenneth; [ b6 ]  
[ b6 ]; Scardaville, Michael; [ b6 ]  
[ b6 ]  
Subject: FW: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

[ ] Jacksta,  
[ ]  
[ ] Mortensen,  
[ ]; Rosenzweig, Paul;  
[ ] Teufel, Hugo;

Stewart,

(e) b1

"Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

(u)

Mike  
[ b2 low ]

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

From: Telmo.Baltazar [ b2 low ]  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; [ b6 ]  
[ b6 ] [ b2 low ]  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

b1

Best regards,

Telmo Baltazar

~~SECRET~~

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-09-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

1) The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR), Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial interim agreement to run until November 2007 - in which the conditions on data protection and transfer of PNR would remain unchanged - and start immediate negotiations for a further definitive agreement to run from 2008, on which the content can be renegotiated. "The US said it was prepared to enter into negotiations of substance" on this second agreement, said Mr Frattini. A Commission representative was present on Friday to assist Council during the negotiations.

4) Asked by rapporteur Sophie In 't Veld (ALDE, NL) whether the US was willing to make its commitments on the protection and use of data legally binding, Mr Frattini admitted that this would not be easy for the first short term agreement, since it would require the US Congress to ratify these conditions (known as the 'undertakings', which are now in an annex and not part of the legal text). Stavros Lambrinidis (PES, EL) responded: "You have told us enough... the US is seeking to turn the issue of making the undertakings legally binding into a problem (...) We agreed to sign the short term agreement while keeping the content unchanged but now the US is not so interested in signing and is dragging its feet". He claimed the American position was a form of "blackmail".

#### Ratification procedure

4) Under the treaties, Mr Frattini explained, an interim international agreement signed by the EU with a third country can come into force immediately, without waiting for the ratification process to be concluded: "The need to be ratified does not prevent it from taking effect immediately", he said. Ewa Klant (EPP-ED, DE) was surprised that no ratification by national parliaments would be required on such a sensitive topic and Ignasi Guardans (ALDE, ES) added: "only ratification can give legitimacy to your work, Mr Frattini. You need the parliaments' blessing (...) so they take responsibility for it".

#### Time pressure

4) Commissioner Frattini warned of the risks of not reaching a PNR deal with US to replace the pact annulled by the EU Court of Justice, which is due to expire on September 30. He explained that there is not enough time for negotiations at present and that he had urged US officials to accept merely a change in how the deal is framed legally. Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini. "I am aware that it is in our interest

1/17/2007

001503  
001504

(u) to avoid bilateral agreements", said Martine Roure (PES, FR), "but it is our responsibility to ensure that EU citizens can enjoy at least the same level of data protection as US citizens".

(u) Lastly, Mr Frattini said that positive or voluntary profiling should be seen as a benefit, as "it can mean you spend less time at borders". The Commission will therefore consider submitting a draft directive on this direction. "We will present a feasibility study next spring", he said. Lastly, he argued that giving people the chance to register their personal data in a database voluntarily would allow them to cut down the number of controls and even diminish the risk that they would suffer ethnic profiling.

11/09/2006

Committee on Civil Liberties, Justice and Home Affairs  
In the Chair : Jean-Marie CAVADA (ALDE, FR)

~~SECRET~~

From: [b6] ]  
Sent: Friday, September 15, 2006 7:04 PM  
To: Teufel, Hugo  
Subject: Fw: URGENT: PCC Tasking

(u) Meant to copy you on this. I'm handling but just so you're aware on the state of play. Will be going to DVC with EU monday morning at the NAC.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Rosenzweig, Paul  
To: Scardaville, Michael; [b6] b2 low ]  
Cc: 'Scardaville, Michael' [b2 low] ] Jacksta, Bob M  
Sent: Fri Sep 15 18:51:07 2006  
Subject: RE: URGENT: PCC Tasking

(u) Let me jump in and offer kudos to the core PNR team. We are doing great work [b5] ] . Keep

P

Paul Rosenzweig

[b2 low]

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

From: Scardaville, Michael  
Sent: Friday, September 15, 2006 6:36 PM  
To: [b6] b2 low ]  
Cc: Scardaville, Michael; Jacksta, Bob M; Rosenzweig, Paul  
Subject: URGENT: PCC Tasking  
Importance: High

All,

(u) You missed one of the more fun-filled PNR meetings yet, but before I go into details, let me get right to the taskings. DHS left with two taskings:

b1

(u) #2 is minor and I'll take care of it and send a copy once Stewart is happy with it. On #1, we need to finalize [b6] document and make it a little more readable for non-lawyers. [b5]

Derived: Schneider MFR  
Declass: 15 Sept 2021  
1/17/2007

(44)

002948

(u) The target due date for both documents is Noon Tomorrow (yes Saturday) Sorry but that's unavoidable - personally I'm hoping for rain tomorrow.

(u) To recap generally and provide food for thought.

(c)

(c)

(c)

b1

(c)

(c)

(c)

(c)

(c)

(c) No options are off the table, but if the description of what is covered [b5] is good enough we will present the Joint Statement as an alternative to the EU's proposal by Monday.

(u) Please send me an email confirming that you received this and give me a ring if you'd like to discuss. [b6] if you can give me an idea of when you can provide you additions it would be very useful so I know when to get in tomorrow. I'll be here for a while yet and will likely be in most of the day tomorrow.

Mike  
[b2] [low]

002949

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

From: [b6]

Sent: Thursday, September 14, 2006 4:27 PM

To: Scardaville, Michael; [b6] [b2] [low]

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

Importance: High

[b6]

Attached is a draft explicating what is meant [b6]

b5

~~SECRET~~

(u)

For Mike,

I've addressed to you to make sure this is in the ball park for what POLICY envisions. [b6]

b5

(u)

Thanks.

[b6]

Director of International Privacy Programs

DHS, Privacy Office

Tel. [b2 law]

Fax [b2 law]

Email: [b6 b2 law]

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you received this in error, please reply immediately to the sender and delete the message. Thank you.

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

From: Scardaville, Michael

Sent: Thursday, September 14, 2006 8:52 AM

To: [b6 b2 law]

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(u)

I can do a call before 9:00 or after 9:45.

(u)

[b6 b5]

]

(c)

(c)

b1

Mike

[b2 law]

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

From: [b6]

Sent: Thursday, September 14, 2006 7:17 AM

To: [b6 b2 law] Scardaville, Michael

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

1/17/2007

002950

(c) b1

Sent from my BlackBerry Wireless Handheld

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

From: [ b6 b2 low ]

To: [ b6 b2 low ]

Sent: Thu Sep 14 07:03:55 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(v) [ b5 ] [ b6 ]

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

From: [ b6 b2 low ]

To: [ b6 b2 low ]

[ b6 b2 low ] Scardaville, Michael [ b2 low ] Baker, Stewart [ b2 low ] [ b6 ]

Cc: Teufel, Hugo [ b2 low ] [ b6 b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]

Sent: Thu Sep 14 06:50:44 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

[ b6 ]

Understand your views but unless I'm misunderstanding, [ b5 ] Mike wanted something soon so + I'll try to circulate something by cob or early tomorrow for you to look at

(S)

(v) [ b5 ]

Sent from my BlackBerry Wireless Handheld

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

From: [ b6 b2 low ]

To: [ b6 ] Baker, Stewart [ b2 low ] [ b6 b2 low ] [ b6 b2 low ] Scardaville, Michael [ b2 low ]

Cc: Teufel, Hugo [ b2 low ] [ b6 b2 low ] Rosenzweig, Paul [ b2 low ] [ b6 ]

Sent: Thu Sep 14 00:03:58 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(c) b1

002951

(C) b1

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

From: [ b6 b2 100 ]

To: Baker, Stewart [ b2 100 ] [ b6 b2 100 ]  
[ b6 b2 100 ] Scardaville, Michael [ b2 100 ] [ b6 b2 100 ]

Cc: Teufel, Hugo [ b2 100 ] [ b6 ] [ b2 100 ] [ b6 ]  
[ b6 b2 100 ]

Sent: Wed Sep 13 21:00:55 2006

Subject: Re: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(C) b1

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

From: "Baker, Stewart" [ b2 100 ]

Sent: 09/13/2006 06:26 PM

To: [ b6 b2 100 ] [ b2 100 ] [ b6 b2 100 ] "Scardaville, Michael"

Cc: "Teufel, Hugo" [ b2 100 ] [ b6 b2 100 ] [ b6 b2 100 ] "Rosenzweig, Paul"

Subject: RE: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA

(C) b1

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

From: [ b6 ]

Sent: Wednesday, September 13, 2006 6:19 PM

To: [ b6 ] Scardaville, Michael; Baker, Stewart

Cc: Teufel, Hugo; [ b6 ] Rosenzweig, Paul

Subject: Re: EU Commission Vice President Franco Frattini updates

002952



European Parliament on talks with USA

(c) b1

/

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

From [b6] ]  
To: Scardaville, Michael; Baker, Stewart  
Cc: Teufel, Hugo; [b6] ] Rosenzweig, Paul  
Sent: Wed Sep 13 18:11:34 2006  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(c) b1

~~(c)~~

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Scardaville, Michael  
To: [b6] ] Baker, Stewart  
Cc: Teufel, Hugo; [b6] ] Rosenzweig, Paul  
Sent: Wed Sep 13 17:59:03 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

[b6] ]

(c) b1

002953

Mike  
[b2] ]

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

From: [ b6 ]  
Sent: Wednesday, September 13, 2006 5:56 PM  
To: Baker, Stewart; Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] ; Rosenzweig, Paul  
Subject: Re: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(a)  
(e) b1

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart  
To: Scardaville, Michael  
Cc: Teufel, Hugo; [ b6 ] ;  
Rosenzweig, Paul  
Sent: Wed Sep 13 17:51:33 2006  
Subject: RE: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA

(a) b1

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

From: Scardaville, Michael  
Sent: Wednesday, September 13, 2006 4:58 PM  
To: Baker, Stewart  
Cc: [ b6 ] ;  
Frenkel, Jonathan; [ b6 ] ; Jacksta,  
Bob M; [ b6 ] ;  
[ b6 ] ; Mortensen,  
Kenneth; [ b6 ] ; Rosenzweig, Paul;  
[ b6 ] Scardaville, Michael; [ b6 ] ; Teufel, Hugo;  
[ b6 ] ;  
Subject: FW: EU Commission Vice President Franco Frattini updates  
European Parliament on talks with USA  
Importance: Low

Stewart.

002954

(E) b1

(U) "Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini."

Mike  
[ b2 low ]

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

From: Telmo.Baltazar [ b2 low ]  
Sent: Wednesday, September 13, 2006 9:30 AM  
To: Scardaville, Michael; Rosenzweig, Paul; [ b6 ]  
[ b6 b2 low ]  
[ b6 b2 low ]  
Subject: PNR: EU Commission Vice President Franco Frattini updates European Parliament on talks with USA  
Importance: Low

Dear Colleagues,

~~(S)~~ b1

Best regards,

Telmo Baltazar

[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-10525-254-0-9-37-902-20060908IPR10489-11-09-2006-2006-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-10525-254-0-9-37-902-20060908IPR10489-11-09-2006-2006-false/default_en.htm)

(U) Justice and home affairs - 13-09-2006 - 09:13  
PNR: Frattini updates MEPs on talks with USA

(U) The US administration is ready to accept the EU's request for a two-stage procedure in the talks on the transfer of passenger name records (PNR). Commission vice-president Franco Frattini told members of the Civil Liberties Committee on Tuesday. MEPs agreed with the timetable put forward by Council and Commission representatives but were keen that the substance of the agreement be improved and they voiced concern about the unclear ratification process.

The idea proposed by the Council to US officials during their first negotiating meeting last Friday is for the two sides to sign an initial interim agreement to run until November 2007 - in which the conditions on data protection and transfer of PNR would remain unchanged - and start immediate negotiations for a further definitive agreement to run

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from 2008, on which the content can be renegotiated. "The US said it was prepared to enter into negotiations of substance" on this second agreement, said Mr Frattini. A Commission representative was present on Friday to assist Council during the negotiations.

Asked by rapporteur Sophie In 't Veld (ALDE, NL) whether the US was willing to make its commitments on the protection and use of data legally binding, Mr Frattini admitted that this would not be easy for the first short term agreement, since it would require the US Congress to ratify these conditions (known as the 'undertakings', which are now in an annex and not part of the legal text). Stavros Lambrinidis (PES, EL) responded: "You have told us enough... the US is seeking to turn the issue of making the undertakings legally binding into a problem (...) We agreed to sign the short term agreement while keeping the content unchanged but now the US is not so interested in signing and is dragging its feet". He claimed the American position was a form of "blackmail".

#### Ratification procedure (✓)

Under the treaties, Mr Frattini explained, an interim international agreement signed by the EU with a third country can come into force immediately, without waiting for the ratification process to be concluded: "The need to be ratified does not prevent it from taking effect immediately", he said. Ewa Klamt (EPP-ED, DE) was surprised that no ratification by national parliaments would be required on such a sensitive topic and Ignasi Guardans (ALDE, ES) added: "only ratification can give legitimacy to your work, Mr Frattini. You need the parliaments' blessing (...) so they take responsibility for it".

#### Time pressure (✓)

Commissioner Frattini warned of the risks of not reaching a PNR deal with US to replace the pact annulled by the EU Court of Justice, which is due to expire on September 30. He explained that there is not enough time for negotiations at present and that he had urged US officials to accept merely a change in how the deal is framed legally. Most MEPs agreed that a bad agreement is better than no agreement at all. If no deal is reached this month, airlines will continue to send data requested by the United States but without the safeguards provided by the deal, stressed Mr Frattini. "I am aware that it is in our interest to avoid bilateral agreements", said Martine Roure (PES, FR), "but it is our responsibility to ensure that EU citizens can enjoy at least the same level of data protection as US citizens".

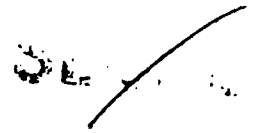
Lastly, Mr Frattini said that positive or voluntary profiling should be seen as a benefit, as "it can mean you spend less time at borders". The Commission will therefore consider submitting a draft directive on this direction. "We will present a feasibility study next spring", he said. Lastly, he argued that giving people the chance to register their personal data in a database voluntarily would allow them to cut down the number of controls and even diminish the risk that they would suffer

002956

ethnic profiling.

11/09/2006

Committee on Civil Liberties, Justice and Home Affairs  
In the Chair : Jean-Marie CAVADA (ALDE, FR)



002957

1/17/2007

[ b6 ]

~~CONFIDENTIAL~~

From: Scardaville, Michael [ b2 low ]  
Sent: Tuesday, September 19, 2006 5:05 PM  
To: Kraninger, Kathleen, Scardaville, Michael  
Cc: [ b6 ]  
Subject: RE: Push v pull

(u)

(u) [ b6 ]

b5

(u)

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(u)

b5

(u)

b5

(u)

Do you have any documentation [ b5 ] that I can read?

Mike [ b2 low ]

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

From: Kraninger, Kathleen (mailto: [ b2 low ] )  
Sent: Tuesday, September 19, 2006 4:48 PM  
To: Scardaville, Michael  
Cc: [ b6 ]  
Subject: Push v pull

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b1

Periodic ...

Peckw ...

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(45)

(44)

~~CONFIDENTIAL~~

From: Sales, Nathan  
Sent: Wednesday, September 27, 2006 11:04 AM  
To: Baker, Stewart  
Cc: Coldebella, Gus; Michael  
Subject: RE: PNR sharing under 202

Scardaville

b6

b1

Best  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security

b2 low

From: Sales, Nathan  
Sent: Wednesday, September 27, 2006 10:33 AM  
To: Baker, Stewart  
Cc: Coldebella, Gus; Michael  
Subject: RE: PNR sharing under 202

Scardaville, Michael

Nathan

b1

b5

Associate General Counsel (I&A)  
Department of Homeland Security

mobile  
pager  
fax

b6 b2 low

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091527 CONFIDENTIAL

Merick Schneider MPA  
9/27/06

446

46

From: Sales, Nathan  
Sent: Wednesday, September 27, 2006 8:56 AM  
To: Baker, Stewart  
Cc: Coldebella, Gus  
Subject: RE: PNR sharing under 202

Scardaville, Michael;

b6

b1

Best,  
NAS

Nathan A. Sales,  
Deputy Assistant Secretary for Policy Development  
Department of Homeland Security

b2 low

From: Baker, Stewart  
Sent: Tuesday, September 26, 2006 5:50 PM  
To: Baker, Stewart  
Cc: Sales, Nathan; Coldebella, Gus  
Subject: PNR sharing under 202

Scardaville, Michael;

Stewart,

b6

b1

Associate General Counsel (I&A)  
Department of Homeland Security

mobile  
pager  
fax

b2 low

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L 64

3

From: L 64 3  
Sent: Sunday, October 01, 2006 4:11 PM  
To: Teufel, Hugo  
Subject: Re: PNR implementation plan

Item 2 may esp need compliance to work on the new sorn. I've alerted L 64 3

Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; L 64 3  
Cc: Spero, Deborah J; L 64 3; Rosenzweig, Paul; L 64 3  
'Perry, Phil' L 62 100 3; Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

This is good. Two issues jump out:

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. L

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably L 64 3 from OGC and/or L 66 3 from Privacy. b5 3 It

2. The SORN looks like a gating factor to me. Getting it drafted and into the FR in 14 days will take a lot of work, and we don't have a POC for that item. L

we identify a POC Monday? b5 3 Can

I've talked to the Secretary about this, and he wants it to move forward as quickly as possible. In the meantime, L b5 3

Stewart

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

From: Sales, Nathan  
Sent: Sun 10/1/2006 1:18 PM  
To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; L 64 3  
Cc: Spero, Deborah J; L 64 3; Rosenzweig, Paul  
Subject: RE: PNR implementation plan

As promised, here's the draft implementation plan. The working group hopes to have this finalized tomorrow, which would enable us to "throw the switch" in pretty short order.

Cheers,  
NAS

Nathan A. Sales  
Deputy Assistant Secretary for Policy Development Department of Homeland Security  
L 62 100 3

----- Original Message -----  
From: Sales, Nathan

Denver from: Schneider 11/1/06  
Declassify on: 10 Oct. 2008

001001  
001000

47

Sent: Sunday, October 01, 2006 10:58 AM

To: Baker, Stewart; Ahern, Jayson P; Myers, Julie L; Basham, Wralph; [b6] [b7C]

Cc: Spero, Deborah J; [b6] [b7C] Rosenzweig, Paul

Subject: Re: PNR implementation plan

(u)

(u)

Stewart et al.,

(u)

Our implementation working group has put together a draft plan to make PNR data available to other DHS entities. Further refinement of the tasks will be needed, but right now we have a 16-step plan that will take approximately three weeks to execute. I will circulate the current draft to this group when I'm out of church.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart

To: Ahern, Jayson P; Myers, Julie L; Basham, Wralph; Sales, Nathan; [b6] [b7C]

Cc: Spero, Deborah J; [b6] [b7C] Rosenzweig, Paul

Sent: Sun Oct 01 10:41:34 2006

Subject: PNR implementation plan

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(c)

(u)

Nathan Sales, DAS for Policy Development, has been leading the planning process for opening PNR data to other agencies. The Secretary has expressed determination to implement quickly the changes that we've been negotiating so hard for. We need to report to him by COB Thursday on a detailed implementation plan for access by ICE and TSA, including any issues that need to be resolved.

(u)

Can you attend or make someone available from your agencies for a Monday meeting to force the pace on planning? Nathan can provide details on what's already been done and by whom. I will attend the meeting to provide more details about the kinds of restrictions/procedures we will need to implement to live up to the spirit of the negotiations.

(u)

Stewart

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001001

E 66

From: Baker, Stewart  
Sent: Sunday, October 01, 2006 5:11 PM  
To: Sales, Nathan; Ahern, Javson P; Myers, Julie L; Basham, Wralph; [E 66] ]  
Cc: Spero, Deborah J; [E 66] ] Rosenzweig, Paul; [E 66] ]  
Subject: ~~E 62/104~~ ] Teufel, Hugo  
RE: PNR implementation plan

(1)  
(2)

Yes. Good.

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

From: Sales, Nathan  
Sent: Sun 10/1/2006 2:38 PM  
To: Baker, Stewart; Ahern, Javson P; Myers, Julie L; Basham, Wralph; [E 66] ]  
Cc: Spero, Deborah J; [E 66] ] Rosenzweig, Paul; [E 66] ]  
Subject: Re: PNR implementation plan

(1)  
(2)

b1

On (2), we'll work to identify a POC tomorrow.

Thanks,  
NAS

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Baker, Stewart  
To: Sales, Nathan; Ahern, Javson P; Myers, Julie L; Basham, Wralph; [E 66] ]  
Cc: Spero, Deborah J; [E 66] ] Rosenzweig, Paul; [E 66] ]  
Perry, Phil; [E 62/104] ] Teufel, Hugo  
Sent: Sun Oct 01 13:53:26 2006  
Subject: RE: PNR implementation plan

(1)  
(2)

This is good. Two issues jump out:

1. Our proposal to the EU includes a promise that additional agencies will meet the standards imposed by the Undertakings on CBP. We need to operationalize those requirements and determine whether they require any changes in the activities of the receiving agencies or any special handling of PNR. We may need a memo setting forth the steps receiving agencies will take to meet the requirements. [E 65] ]

will require the participation of CBP, the receiving agency, and someone who was at the negotiations -- probably [E 66] ] from OGC and/or [E 66] ] from Privacy

2. The EDRN looks like a gating factor to me. Getting it drafted and into the PR in 14 days will take a lot of work, and we don't have a POC for that item. [E 65] ]

Can we identify a POC Monday?

I've talked to the Secretary about this, and he wants us to move forward as quickly as possible. In the meantime, [E 65] ]

Stewart

Derived from: Schneider MFK  
Declassify on: 1 Oct 2024  
001004

(48)