

~~SECRET/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 03/31/2006

To: All Offices

Attn: ADICs, SACs, ASACs, CDCs
FBIHQ, Manuals Desk

From: Office of the General Counsel
National Security Law Branch

Contact: AGC [redacted] (for legal matters),
[redacted] or SSA [redacted] (for procedural
matters), [redacted]

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Approved By: Pistole John S
Bald Gary M
Caproni Valerie E
Thomas Julie F
[redacted]

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Drafted By: [redacted]

Case ID #: (U) 66H-HQ1234599 (Pending)
(U) 66F-HQ-A1360914-N
(U) 66F-HQ-C1384970
(U) 319X-HQ-A1487720-OGC

(U) Title: ~~(S)~~/~~(X)~~ POLICY AND PROCEDURE FOR REQUESTING
EXECUTIVE ORDER 12333 SECTION 2.5 AUTHORITY TO
CONDUCT ELECTRONIC SURVEILLANCE ON US PERSONS
TRAVELING OUTSIDE THE UNITED STATES

(U) Synopsis: ~~(S)~~/~~(X)~~ Electronic communication (EC) sets out policy
and procedure for requesting Attorney General authority under E.O.
12333, Section 2.5 to collect intelligence on U.S. persons overseas.

~~(S)~~ (U) ~~Derived From: G-3~~
~~Declassify On: X1~~

(U) Details: ~~(S)~~/~~(X)~~ [redacted]

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To: All Offices From: Office of the General Counsel
Re: (U) 66H-HQ1234599, 03/31/2006

[Redacted]

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(U) Policy

~~(S)~~ The Foreign Intelligence Surveillance Act (FISA) gives the U.S. government the authority to conduct physical search and electronic surveillance of subjects inside the United States.

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[Redacted]

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(S)

[Redacted]

[Redacted]

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Both Executive Order (EO) 12333, Section 2.5, and the Classified Annex to the Department of Defense (DoD) Procedures under EO 12333, require that the FBI obtain Attorney General approval [Redacted]

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[Redacted]

(U) EO 12333, Section 2.5, reads as follows:

"The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order."

(U)

~~(S)~~

Under EO 12333, [Redacted]

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[Redacted]

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Re: (U) 66H-HQ1234599, 03/31/2006

[Redacted]
[Redacted] and that the purpose of the [Redacted]
[Redacted]

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(U) Procedure

(U) Requests from the FBI [Redacted]

[Redacted]

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(U) Synopsis should contain language such as [Redacted]

[Redacted]

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~~(S)~~ Details should include [Redacted]

[Redacted]

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(S) [Redacted]

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~~(S)~~ [Redacted]

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(U) Procedurally, upon receipt of the EC containing the Section 2.5 request, the FBIHQ substantive desk should, on a timely basis, coordinate the request with the National Security Law Branch (NSLB) who, in turn, will review and forward the request [redacted]

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[redacted]

(U) ~~(S//NF)~~ To reiterate, each request must meet the probable cause standard, [redacted]

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[redacted]

(U) [redacted]

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(U) ~~(S)~~ [redacted]

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* If the requesting office learns that the [redacted]

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[redacted]

[redacted]

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[redacted]

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(U) Conclusion

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General questions concerning Section 2.5 authority requests should be brought to the attention of NSLB. After a request is made, questions concerning the status of the request should be directed to the appropriate FBIHQ program manager who is ultimately responsible for processing the request for the requesting office.

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LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

(U) ~~(S//NF)~~ Disseminate to all FBI personnel engaged in investigations or analyses in support of FBI investigations wherein there exists a [REDACTED]

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EO 12333-FBI-35