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*"Rummaging in the government's attic"*

Description of document:	<b>Previously released US Department of Justice (DOJ) records regarding DOJ investigations into "unauthorized disclosure of classified information," i.e. "Leaks"</b>
Requested date:	17-March-2006
Released date:	26-April-2007
Posted date:	03-June-2008
Date/date range of documents:	2001 - 2006
Source of document:	US Department of Justice FOIA/PA Unit Criminal Division Suite 1127, Keeney Building Washington, D.C. 20530-0001

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U.S. Department of Justice

Criminal Division

**FILE**

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Washington, D.C. 20530

CRM-200600311F

APR 26 2007

This is in response to your March 17, 2006, Freedom of Information Act request for records concerning unauthorized disclosure of classified information to the press or public as described in the five numbered paragraphs listed in your request letter. Inasmuch as for the time period covered by your request the Counterespionage Section (CES) and the Counterterrorism Section (CTS) were components of the Criminal Division (transferred to the new National Security Division in September 2006), this response pertains to records maintained by those former sections.

With regard to paragraph 1 of your request, all such referrals, with one exception, originated with other government agencies. The responsive documents will be reviewed by those agencies who will respond to you directly. The single exception (Document 1) originated with another federal government entity and is being withheld in its entirety pursuant to Exemption 1 of the FOIA, 5 U.S.C. § 552(b)(1), which permits the withholding of information properly classified pursuant to Executive Order.

With regard to paragraphs 2, 3 and 5 of your request, 64 documents (2-65) have been located. These documents are being released to you, in whole or in part, with the exception of those documents listed on the attached "Schedule of Documents Withheld in Full." We are withholding the records withheld in full and certain portions of the records being released, as indicated, pursuant to one or more of the following FOIA exemptions set forth in 5 U.S.C. § 552(b):

- (1) which permits the withholding of information properly classified pursuant to Executive Order;
- (2) which permits the withholding of information relating solely to the internal personnel rules and practices of an agency;

*JGm 4/26/07*

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- (3) which permits the withholding of information specifically exempted from disclosure by statute. The applicable statutes are the Central Intelligence Act of 1949, 30 U.S.C § 403(g), which protects from disclosure intelligence sources and methods as well as the organization, functions, names, official titles, salaries or number of personnel employed by the Agency and Section 6 of Public Law 86-36, (50 U.S.C. § 402 note), which protects from disclosure the organization, functions, activities and personnel of the National Security Agency.
- (5) which permits the withholding of inter-agency or intra-agency memorandums or letters which reflect the predecisional, deliberative processes of the Department, and/or which consist of attorney work product prepared in anticipation of litigation and/or which consist of confidential attorney-client information;
- (6) which permits the withholding of personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) which permits the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...
  - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.

With regard to paragraph 4 of your request--pertaining to whether the United States engaged in or was aware of the tracking of a satellite telephone used by Osama bin Laden, or any leak investigation in connection with published reports alleging such tracking--a thorough search of relevant files within CES has been conducted; however, no responsive records were located.

In regard to item 38, portions of the material indicated are also withheld pursuant to the recommendation of the Office of Professional Responsibility (OPR) under Exemption 2, which, as

previously noted, permits the withholding of information relating solely to the internal personnel rules and practices of an agency.

In regard to item 59, please be advised that no "leaks" were logged for 2003.

Please further note that in response to your request for leak tracking databases (paragraph 3), we have located and processed two such databases (documents 53-64), included, with minimal redactions, with our released materials. Please be advised that we have also identified a third such database which is classified in its entirety and therefore being withheld pursuant to Exemption 1 of the FOIA, 5 U.S.C. § 552(b)(1).

In addition, we have located documents which originated in the Office of the Attorney General and the Office of Legislative Affairs. Pursuant to Department regulations, we have referred these documents to the Office of Information and Privacy (which processes such documents) for direct response to you.

Pursuant to Department regulations, documents which originated in the following components or agencies have been referred to those agencies for processing and direct response to you: Federal Bureau of Investigation, Central Intelligence Agency, National Security Agency, Office of Professional Responsibility, Department of Defense, Department of Energy, United States Air Force, Department of State, Office of the Director of National Intelligence and another government agency.

Although I am aware that you have filed a complaint with the United States District Court regarding this request, I am required to inform you of your right to an administrative appeal of this partial denial of your request. Your appeal should be addressed to: The Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." Department regulations provide that such appeals must be received by the Office of Information and Privacy within sixty days of the date of this letter. 28 C.F.R. 16.9. If you elect to file an appeal, please include, in your letter to the Office of

Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas J. McIntyre, Chief  
Freedom Information/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division

SCHEDULE OF DOCUMENTS WITHHELD IN FULL

(Refer to Body of Letter for Full Description of Exemptions)

1. Referral from another government entity regarding unauthorized disclosure. Withheld in full pursuant to 5 U.S.C. 552(b)(1).
42. Notes Re: Security Working Group Issues, Legislative Group Issues, Legal Review Group, Litigation Issues, and Interagency Task Force, undated, 6 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
43. Arguments regarding the Leak Statute, undated, 3 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
44. Criminal Division Proposed Recommendations, February 28, 2002, February 28, 2002, 9 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
45. Criminal Division Proposed Recommendations, undated, 7 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
46. InterAgency Task Force Meeting March 27, 2002, 1 page. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
47. Litigation Group, Proposed Recommendations, February 28, 2002, 2 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
48. Analysis of Criminal Statutes Potentially Applicable to Media Leaks, undated, 7 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
49. Draft, Criminal Statutes Applicable to Unauthorized Disclosures of Classified Information, April 1, 2002, 5 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
50. Report, undated, 1 page. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
51. Taskings from January 8, 2002 IATF Meeting, 1 page. Withheld in full pursuant to 5 U.S.C. 552(b)(5).
52. Taskings from January 8, 2002 IATF Meeting, 2 pages. Withheld in full pursuant to 5 U.S.C. 552(b)(5).

200600311K



## THE NEW YORK SUN

March 17, 2006

Chief, FOIA/PA Unit  
Criminal Division  
Department of Justice  
Suite 1127, Keeney Building  
Washington, D.C. 20530-0001

Via Certified Mail

Re: A Freedom of Information Act Request – Expedited Treatment Requested

Dear Sir or Madam:

This is a request for Department of Justice records brought pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

I hereby request one copy of the following:

1. All so-called criminal referrals submitted to DOJ since January 1, 2001 regarding unauthorized disclosure of classified information to the press or public.
2. All responses from DOJ to the referring entity indicating the outcome of investigations, inquiries, or legal analyses related to the incidents referenced in No. 1 above.
3. All logs, lists, tallies, tabulations, summary reports, compilations, and the like pertaining to the referrals described in No. 1 above, whether or not composed solely of those referrals.

4. All records pertaining to published reports in or about August 1998 that the United States was aware of or tracking a satellite telephone used by Osama bin Laden, the source or sources of that alleged leak, all referrals to DOJ in connection with that alleged leak, all replies from DOJ thereto, and any damage assessment conducted in connection with that alleged leak.
5. All records pertaining to, or prepared or gathered in connection with the study of unauthorized leaks of classified information transmitted to Congress on or about October 15, 2002 by the then-Attorney General.

This request is directed to records of the Criminal Division, including but not limited to records of the Counterespionage Section.

I ask that all searches conducted in connection with this request seek responsive records created or received through the date the search began.

To the extent information responsive to this request is classified pursuant to Executive Order 12958 or a predecessor order, I ask that it be reviewed pursuant to the mandatory declassification provisions of that order. I ask that any records unclassified in part or in whole be disclosed while the review of the classified portions proceeds.

I ask that the processing of this request be expedited pursuant to FOIA and 28 C.F.R. § 16.5(d)(1)(ii) and (iv) because a compelling need exists for disclosure of the records sought herein. In accordance with DOJ regulations, a copy of this request is being submitted to the Director of Public Affairs.

Some of the best indications of the urgency of public interest in this matter come from the recent public statements of such officials as the President, the Vice President, and the Director of Central Intelligence.

President Bush has complained both about disclosure of a program for warrantless surveillance and about the alleged disclosure relating to bin Laden's telephone. Regarding the warrantless surveillance program, he said, "My opinion is it was a shameful act for someone to disclose this very important program in a time of war. The fact that we're discussing this program is helping the enemy." Press Conference of the President, The White House (online), December 19, 2005, accessed at <http://www.whitehouse.gov/news/releases/2005/12/20051219-2.html> (last accessed March 11, 2006). Without any prompting, Mr. Bush raised the alleged disclosure regarding bin Laden's phone. "The fact that we were following Osama bin Laden because



he was using a certain type of telephone made it into the press as the result of a leak. And guess what happened? Saddam—Osama bin Laden changed his behavior. He began to change how he communicated. We're at war, and we must protect America's secrets. And so the Justice Department, I presume, will proceed forward with a full investigation." Id.

While the subject has been of intense interest recently, Mr. Bush's record of public exhortations about the urgent need to curtail leaks of classified information stretches back to the beginning of his presidency. During a joint press availability with Chancellor Schroeder of Germany, Mr. Bush decried leaks as a grave threat, saying, "This can't stand. We can't have leaks of classified information. It's not in our nation's interest.... I want Congress to hear loud and clear, it is unacceptable behavior to leak classified information when we have troops at risk." German Leader Reiterates Solidarity With U.S., The White House, October 9, 2001, accessed at <http://www.whitehouse.gov/news/releases/2001/10/20011009-13.html> (last accessed March 11, 2006).<sup>1</sup>

Mr. Bush has also described himself as "outspoken" on the dangers posed by leaks and declared, "They can be very damaging." President Holds Press Conference, The White House (online), October 28, 2003, accessed at <http://www.whitehouse.gov/news/releases/2003/10/20031028-2.html> (last accessed March 11, 2006).

In an interview last month, Vice President Cheney said recent leaks of classified data had harmed national security. "There clearly has been damage done.... One of the problems we have as a government is our inability to keep secrets. And it costs us, in terms of our relationship with other governments, in terms of the willingness of other intelligence services to work with us, in terms of revealing sources and methods." Interview of the Vice President by Brit Hume, Fox News, The White House (online), February 15, 2006, accessed at <http://www.whitehouse.gov/news/releases/2006/02/20060215-3.html> (last accessed March 11, 2006).

The Director of Central Intelligence, Porter Goss, has expressed concerns in a variety of venues about the damage caused by leaks and the need to contain them. See, e.g.,

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<sup>1</sup> This round of alarm about leaks of classified information appears to have led Congress to demand a study on the point. See Public Law 107-108 § 310. The resulting review by the then-Attorney General concluded, "There is no doubt and ample evidence that unauthorized disclosures of classified information cause enormous and irreparable harm to the Nation's diplomatic, military, and intelligence capabilities....The seriousness of the issue has outpaced the capacity of extant administrative and law enforcement mechanisms to address the problem effectively." Attorney General John Ashcroft, Letter to the Honorable J. Dennis Hastert, October 15, 2002, accessed at <http://www.fas.org/sgp/othergov/dojleaks.html> (last accessed March 16, 2006).

Spencer Hsu and Walter Pincus, "Goss Says Leaks Have Hurt CIA's Work, Urges Probe," Washington Post, February 3, 2006, at A03 (discussing testimony before Senate Intelligence Committee); Brian Ross and Richard Esposito, "EXCLUSIVE: Is CIA Leak Probe a Witch Hunt," ABC News (online), February 7, 2006, accessed at <http://abcnews.go.com/US/print?id=1587307> (last accessed March 11, 2006) (discussing Mr. Goss launching "a major internal probe into media leaks"); Brian Bennett et al., "The CIA Says Shhh...", Time Magazine, January 16, 2006, at 21 (discussing meetings with CIA employees). Mr. Goss's recent complaints about leaks have extended beyond the disclosure of the National Security Agency's warrantless surveillance program and have included alleged leaks in books and movies. Id. He has spoken over referring "dozens" of leak infractions for investigation by a special CIA unit devoted to the task. Id.

According to a transcript of a Senate Intelligence Committee hearing last month, Mr. Goss described the impact of leaks as "very severe" and asserted that the CIA has "a strong internal program" has been developed to combat the problem. Hearing of the Senate Intelligence Committee, Federal News Service, February 2, 2006. The Director of National Intelligence, John Negroponte, called leaks during his tenure "one of the greatest disappointments that I personally have had." Id. He also asserted, "We're seeking to investigate them as vigorously as possible and prosecute them, if necessary." Id.

In recent weeks, members of Congress have also decried leaks of classified information and are considering legislation to address the issue. See, e.g., Walter Pincus, "Senator May Seek Tougher Law on Leaks," Washington Post, February 17, 2006, at A04. There have also been calls for investigation of specific leaks, such as a disclosure about CIA prisons abroad. See, e.g., Edward Lee Pitts, "Frist Puts Priority on Secret Prison Leak," Chattanooga Times Free Press, November 11, 2005, at A1; Jonathan E. Kaplan, "Hastert Request for Investigation Flouts House Intel Committee Recommendation," The Hill, November 10, 2005, at 4. Referral of possible criminal leaks takes place at "the rate of three to four per week." Jonathan Weisman, "GOP Leaders Urge Probe in Prisons Leak," Washington Post, November 9, 2005, at A01.

Searches of databases that compile news stories also reveal widespread and exceptional recent interest in the subject of leaks of classified information. A search of the Nexis database conducted on March 11, 2006 found 977 news reports in the last 90 days including the terms, "classified" and "leaks." Of those stories, 593 referred to some type of investigation. A search for the terms "classified" and "leaks" in the Google News database on March 11, 2006 found 854 responsive stories in the past approximate 35 days. Of those stories, 246 contained the term "investigation."

Some of these stories have raised issues that go beyond the mere question of leaks. One notable article asserted that the underlying leaks were part of a CIA-led "war against the Bush Administration." John Hinderaker, "Leaking at All Costs: What the CIA Is Willing to Do to Hurt the Bush Administration," Weekly Standard (online), November 30, 2005,

March 17, 2006

Page 5

accessed at

<http://www.weeklystandard.com/Content/Public/Articles/000/000/006/417aldhj.asp> (last accessed March 11, 2006). Other recent accounts have suggested that the leak investigations are part of a broader "war" against the press and critics of the Bush Administration. *See, e.g.,* Dan Eggen, "White House Trains Efforts on Media Leaks: Sources, Reporters Could Be Prosecuted," Washington Post, March 5, 2006, at A01. In the days after being published this article was deemed the most discussed on Internet blogs by a leading tracking service, Technorati.com. *See* Edward B. Colby, "Story Based on Leaks Stirs Up Debate About Leakers and Leakees," CJR Daily (online), March 6, 2006, accessed at [http://www.cjrdaily.org/behind\\_the\\_news/story\\_based\\_on\\_leaks\\_stirs\\_up\\_1.php](http://www.cjrdaily.org/behind_the_news/story_based_on_leaks_stirs_up_1.php) (last accessed March 11, 2006).

A variety of recent stories have taken a broad look at the issue of illegal leaks and have concluded that the government's efforts to locate and punish leakers have been largely ineffectual. *See, e.g.,* Chris Mondics, "Most Justice Department Probes of High-level Leaks Go Nowhere," Philadelphia Inquirer, January 3, 2006, at A03.

While the alleged leak pertaining to bin Laden's telephone took place some time ago, it continues to be the subject of vigorous discussion, some of which argues that Mr. Bush and other official government accounts of the episode are flatly wrong. *See, e.g.,* Glenn Kessler, "Osama Bin Laden and the Leak That Wasn't," Washington Post, December 20, 2005, at A08; Jack Shafer, "Don't Blame the Washington Times," Slate (online) accessed at <http://www.slate.com/id/2132975/>, December 21, 2005, (last accessed March 11, 2006); Glenn Kessler, "File the Bin Laden Phone Leak Under Urban Myths," Washington Post, December 22, 2005, at A02.

I believe that the stories (which are attached hereto) and the cited database searches establish that widespread and exceptional media interest exists in the subject of this request. In addition, the recent comments of President Bush and other senior officials establish beyond any dispute that the issues involved are of acute and significant national interest. The potential for legislative action further underscores the urgency of this request. In light of the foregoing, this request must be expedited pursuant to FOIA and the above-cited regulations. If you determine that the request should not be expedited in its entirety, I ask that you expedite any portion eligible for such treatment.

I also ask that, under the fee provisions of FOIA, this request be considered as one from a representative of the news media. As noted above, I am a full-time reporter seeking this information in connection with news stories I am preparing. I also request that any fees that could be assessed in connection with this request be waived because disclosure of this information would significantly contribute to public understanding of the severity of the problems caused by unauthorized disclosures of classified information. In addition, disclosure of the information sought herein will aid the public in assessing the efficacy of government responses to such disclosures.

FOIA Officer, Criminal Division, Department of Justice

March 17, 2006

Page 6

If the fee waiver is not granted, I agree to pay up to \$200 in duplication fees that may legally be assessed in connection with this request, while reserving my right to appeal the denial.

In addition, due to the urgency of this request, I ask that you advise me when the records are available, so that I may make arrangements to pick it up in person. I can be reached at (415) 695-0484 to answer any questions about this request.

I hereby certify that all matters stated herein are true and accurate to the best of my knowledge and belief.

cc: Director of Public Affairs, DOJ

Enclosure



~~SECRET~~

U.S. Department of Justice

National Security Division

Counterespionage Section

Washington, D.C. 20530

MAR 13 2007

~~SECRET~~  
CIA, (b)(3)

**SEGREGATE**

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crime Report ~~SECRET~~  
DOJ / CES Reference No. CR-06-03

Dear ~~SECRET~~  
CIA, (b)(3)

(U) ~~SECRET~~ This is to advise you of the conclusion of the FBI's investigation into the unauthorized disclosure of classified information ~~SECRET~~  
CIA, (b)(1), (b)(7)(C), (b)(7)(D)  
CIA, (b)(1), (b)(7)(C), (b)(7)(D)

(U) ~~SECRET~~ Due to the extremely broad dissemination of the classified information within the Intelligence Community, it is unlikely the source of the leak can be identified. The FBI now recommends closure of this investigation, and the Counterespionage Section concurs with the FBI's recommendation.

(U//FOUO) If you have any questions, please feel free to call me at (202) 514-1187.

Sincerely,

*John J. Dion*

John J. Dion, Chief  
Counterespionage Section

Declassified by: Mark A. Bradley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

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DECL ON: 20320206

~~SECRET~~

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~~SECRET~~

U.S. Department of Justice

National Security Division

Counterespionage Section

Washington, D.C. 20530

JAN 24 2007

CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

**SEGREGATE**

Re: CIA Crime Report CIA, (b)(3)  
DOJ/CES Reference No. CR-06-004

Dear CIA, (b)(3)

(U) ~~X~~ This is to advise you of the conclusion of the FBI's investigation into the unauthorized disclosure of classified information CIA, (b)(1)(4) CIA, (b)(1)(4)

(U) ~~X~~ Due to wide dissemination of the classified information NSD, (b)(1)(4), it is unlikely the source of the leak can be identified. After consultations with CIA security personnel, the FBI has decided to close its investigation.

(U//FOUO) If you have any questions, please feel free to call me at (202) 514-1187.

Sincerely,

John J. Dion, Chief  
Counterespionage Section

DECL ON: 20310718  
DRV FROM: COL S-06

Declassified by  
Dyut

Mark A. Brinkley  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

~~SECRET~~

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~~SECRET~~

U.S. Department of Justice

National Security Division

Counterespionage Section

Washington, D.C. 20530

NOV 14 2006

**SEGREGATE**

~~SECRET~~ (b) (3)  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crime Report - ~~SECRET~~ (b)(3)  
DOJ/CES Reference No. CR-032-03

(U) ~~SECRET~~ (b)(1), (b)(3), (b)(7)(C), (b)(7)(D)  
CIA, (b)(1), (b)(3), (b)(7)(C), (b)(7)(D) - FBI Media Leak Investigation

Dear ~~SECRET~~ (b)(3)

(U) ~~SECRET~~ This is to advise you of the conclusion of the FBI's investigation into the unauthorized disclosure of classified information ~~SECRET~~ (b)(1), (b)(3), (b)(7)(C), (b)(7)(D)

~~SECRET~~ (b)(1), (b)(3), (b)(7)(C), (b)(7)(D)

(U) ~~SECRET~~ Due to the wide dissemination of the classified information, it is unlikely the source of the leak can be identified. The FBI now recommends closure of this investigation, and the Counterespionage Section concurs with the FBI's recommendation.

(U) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion, Chief  
Counterespionage Section

Declassified by  
Agency

Mark A. Brubaker  
Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/16/07

DERIVED FROM: G-3  
DECLASSIFY ON: 25X1

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~~SECRET~~

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~~SECRET~~

~~TOP SECRET~~

U.S. Department of Justice  
National Security Division

Counterespionage Section

Washington, D.C. 20530

NOV 8 2006

**SEGREGATE**

~~CIA, (b)(3)~~

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crime Report - ~~CIA, (b)(3)~~  
DOJ/CES Reference No. CR-09-05

(U) ~~CIA, (b)(1)1.4c~~ - FBI Media Leak Investigation

Dear ~~CIA, (b)(3)~~

(U) ~~CIA, (b)(1)1.4c~~ This is to advise you of the conclusion of the FBI's investigation into the unauthorized disclosure of classified CIA information ~~CIA, (b)(1)1.4c~~

~~CIA, (b)(1)1.4c~~  
(U) ~~CIA, (b)(1)1.4c~~ Due to the wide dissemination of the classified information ~~NSD, (b)(1)1.4c~~ it is unlikely the source of the leak can be identified. After consultations with CIA security personnel, the FBI now recommends closure of this investigation. The Counterespionage Section concurs with the FBI's recommendation.

(U) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion, Chief  
Counterespionage Section

classified by  
Deputy

*Mark A. Bradley*  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/67

~~TOP SECRET~~

DERIVED FROM: G3  
DECL ON: 20310929

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~~SECRET~~

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~~SECRET~~

U.S. Department of Justice

National Security Division

Counterespionage Section

Washington, D.C. 20530

NOV - 3 2006

<sup>CIA, (b)(3)</sup>  
CIA, (b)(3)

**SEGREGATE**

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crime Report - <sup>CIA, (b)(3)</sup>  
DOJ / CES Reference No. CR-040-04 & CR-041-04  
<sup>CIA, (b)(1)1.4c</sup> - FBI Media Leak Investigation

Dear <sup>CIA, (b)(3)</sup>

(U) ~~X~~ This is to advise you of the conclusion of the FBI's investigation into the unauthorized disclosure of classified CIA information <sup>CIA, (b)(1)1.4c</sup>

<sup>CIA, (b)(1)1.4c</sup>

(U) ~~X~~ Due to the wide dissemination of the classified information <sup>NSD, (b)(1)1.4c</sup> it is unlikely the source of the leak can be identified. After consultations with CIA security personnel, the FBI now recommends closure of this investigation. The Counterespionage Section concurs with the FBI's recommendation.

(U) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion, Chief  
Counterespionage Section

Declassified by  
Deputy

Mark A. Brully  
Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/16/07

DERIVED FROM: G3  
DECL ON: 20310929

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~~SECRET~~

48



U.S. Department of Justice

Criminal Division

~~SECRET~~

Counterespionage Section

Washington, DC 20530

APR 25 2005

**RELEASE**

Mr. Vito T. Potenza  
Acting General Counsel  
National Security Agency  
9800 Savage Road  
Ft. George G. Meade, MD 20755-6000

Re: NSA Crime Report GC/036/04  
DOJ / CES Reference CR-021-04

Dear Mr. Potenza:

**X** This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the Bureau's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by

*Jeanty*

*Mark A. Bradley*  
Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: X1

~~SECRET~~

0000007

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U.S. Department of Justice

Criminal Division

~~SECRET//X1~~

Counterespionage Section

Washington, DC 20530

APR 25 2005

**SEGREGATE**

CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report CIA, (b)(3)  
DOJ / CES Reference CR-028-03

Dear CIA, (b)(3)

(U) ~~X~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the Bureau's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

*John J. Dion*

John J. Dion

Chief

Counterespionage Section

Declassified by: *Mark A. Brubaker*  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: X1

~~SECRET//X1~~

0000098

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U.S. Department of Justice

Criminal Division

~~SECRET//HCS//NOFORN//MR~~  
~~HANDLE VIA HUMINT CHANNELS ONLY~~

Counterespionage Section

Washington, DC 20530

APR 13 2005

**SEGREGATE**

CIA, (b) (3)  
CIA, (b) (3)

Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report CIA, (b) (3)  
DOJ / CES Reference No. CR-061-04

Dear CIA, (b) (3)

(U) ~~(S//HCS//NF//MR)~~ NSD, (b) (1) 1.4c  
NSD, (b) (1) 1.4c  
NSD, (b) (1) 1.4c  
NSD, (b) (1) 1.4c we believe that referring the matter to the FBI for investigation was improvident. Accordingly, we are asking the FBI to close its investigation. If you are aware of any information that could substantially narrow the pool of possible suspects, we will re-consider this decision.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by: Mark A. Bradley  
Dyaly Counsel for Intelligence Policy  
OIPRAUSDOJ  
Date: 4/16/67

CL BY: 2254299  
CL REASON: 1.4 [e]  
DECL ON: 25X1-human  
DRV FROM: HCS 4-04, Multiple Sources

~~SECRET//HCS//NOFORN//MR~~  
~~HANDLE VIA HUMINT CHANNELS ONLY~~

0000009



U.S. Department of Justice

Criminal Division

~~SECRET//25-X1~~

Counterespionage Section

Washington, DC 20530

MAR 24 2005

**SEGREGATE**

~~CIA, (b)(3)~~  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report ~~CIA, (b)(3)~~  
DOJ / CES Reference CR-09-03

Dear ~~CIA, (b)(3)~~  
CIA, (b)(3)

(U) ~~X~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the FBI's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by Marla A. Brulley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: 25-X1

~~SECRET//25-X1~~

0000010

52



U.S. Department of Justice

Criminal Division

~~SECRET//25-X1~~

Counterespionage Section

Washington, DC 20530

MAR 24 2005

**SEGREGATE**

<sup>CIA, (b) (3)</sup>  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report <sup>CIA, (b) (3)</sup>  
DOJ / CES Reference CR-044-03

Dear <sup>CIA, (b) (3)</sup>  
CIA, (b)(3)

(U) ~~X~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the Bureau's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by  
Deputy

Mark A. Bradley  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: 25-X1

~~SECRET//25-X1~~

0000011

53



U.S. Department of Justice

Criminal Division

~~SECRET//25-X1~~

Counterespionage Section

Washington, DC 20530

MAR 24 2005

**SEGREGATE**

~~SECRET~~ (S) (3)  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report ~~SECRET~~ (S) (3)  
DOJ / CES Reference CR-040-03

Dear ~~SECRET~~ (S) (3)  
CIA, (b)(3)

(U) ~~SECRET~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the Bureau's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Classified By: G-3  
Declassify On: 25-X1

Classified by: Mark A. Bradley  
Counsel for Intelligence Policy  
OIP/USDOJ  
Date: 4/16/07

~~SECRET//25-X1~~

0000012



U.S. Department of Justice

Criminal Division

~~SECRET~~

Counterespionage Section

Washington, DC 20530

MAR 23 2005

**RELEASE**

Robert L. Deitz  
General Counsel  
National Security Agency  
Fort George G. Meade, Maryland 20755-6000

Re: NSA Crime Reports of Media Leak Investigations

NSA 3 June 2004 Letter to DOJ-CES  
NSA GC/107/04  
NSA GC/105/04

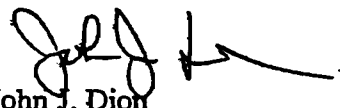
DOJ-CES Reference CR-28-04  
DOJ-CES Reference CR-32-04  
DOJ-CES Reference CR-31-04

Dear Mr. Deitz:

(U) ~~X~~ This is to advise you that following in-depth reviews by the Federal Bureau of Investigation of the three media leak referrals captioned above, they have determined that criminal investigations for the unauthorized disclosures of classified information can not be successfully concluded. Accordingly, we concur with the Bureau in closing these matters since identifying the original sources is unlikely.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

  
John J. Dion  
Chief  
Counterespionage Section

Declassified by: Marla A. Brulley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/11/07

DERIVED FROM: G-3  
DECLASSIFY ON: 25-X1

~~SECRET~~

0000013





U.S. Department of Justice

Criminal Division

~~SECRET~~

Counterespionage Section

Washington, DC 20530

MAR 22 2005

**SEGREGATE**

<sup>FOIA (b)(3)</sup>  
CIA, (b)(3)

Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Reports of Media Leak Investigations

<sup>FOIA (b)(3)</sup>  
CIA, (b)(3)

DOJ CES Reference CR-13-03  
DOJ / CES Reference CR-08-03(1)  
DOJ / CES Reference CR-08-03(2)

Dear <sup>FOIA (b)(3)</sup> CIA, (b)(3)

(U) ~~X~~ This is to advise you that following in-depth reviews by the Federal Bureau of Investigation of the three media leak referrals captioned above, they have determined that criminal investigations for the unauthorized disclosures of classified information can not be successfully concluded. Accordingly, we concur with the Bureau in closing these matters since identifying the original sources is unlikely.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by: Marla A. Bradley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

DERIVED FROM: G-3  
DECLASSIFY ON: 25-XI

~~SECRET~~

0000014



U.S. Department of Justice

Criminal Division

~~SECRET//NOFORN~~

Counterespionage Section

Washington, DC 20530

DEC 20 2004

**RELEASE**

Richard B. Schiff  
General Counsel  
Counterintelligence Field Activity  
U.S. Department of Defense  
251 18<sup>th</sup> Street  
Crystal Square 5, Suite 1200  
Arlington, VA 22202

Re: CIFA Letter dated 08 December 2004  
DOJ / CES Reference CR-030-03

Dear Mr. Schiff:

(U) ~~X~~ Thank you for your recent letter requesting that our office and the Federal Bureau of Investigation discontinue the investigation of the above referenced matter. After carefully reviewing your description of the changing circumstances involved, I agree with your assessment that pursuing this investigation any further would be a waste of important resources. Accordingly, I have authorized the FBI to close its investigation of this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion

Chief

Counterespionage Section

Declassified by: Mark A. Bradley  
Deputy Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: 25-X1

~~SECRET//NOFORN~~

0000015

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U.S. Department of Justice

Criminal Division

~~SECRET//X1~~

Counterespionage Section

Washington, DC 20530

DEC 16 2004

**SEGREGATE**

USAF, (b)(6), (b)(7)c  
[Redacted]

Air Force Office of Special Investigations  
1535 Command Drive  
Suite C 300  
Andrews Air Force Base MD 20762

Re: AFOSI Letter dated 25 July 2002  
DOJ / CES Reference CR-02-329

Dear USAF, (b)(6), (b)(7)c

(U) ~~X~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the FBI's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by Mark A. Brulley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Classified By: G-3  
Declassify On: 25-X1

~~SECRET//X1~~

0000016

58



U.S. Department of Justice

Criminal Division

~~SECRET//HCS//NOFORN, ORCON//X1~~  
~~HANDLE VIA HUMINT CHANNELS ONLY~~

Counterespionage Section

Washington, DC 20530

NOV 29 1984

**SEGREGATE**

~~SECRET~~ (b)(3)  
CIA, (b)(3)

Office of the General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: CIA Crime Report ~~SECRET~~ (b)(3)  
DOJ / CES Reference No. CR-027-03

Dear ~~SECRET~~ (b)(3)

(U) (~~SECRET~~//HCS//NOFORN) This is to advise that due to the broad dissemination of the information at issue in the media leak referral captioned above, we have concurred in the decision by the FBI to close its investigation of this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by  
Deputy

*Mark A. Bradley*  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

CL BY: 2242219  
CL REASON: 1.5 [C]  
DECL ON: X1  
DRV FROM: HCS 4-99

~~SECRET//HCS//NOFORN, ORCON//X1~~  
~~HANDLE VIA HUMINT CHANNELS ONLY~~

0000017

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U.S. Department of Justice

Criminal Division

~~TOP SECRET//CIA, (b)(1)1.4c~~

~~CIA, (b)(1)1.4c~~

Counterespionage Section

Washington, DC 20530

NOV 23 2004

**SEGREGATE**

~~CIA, (b)(3)~~

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crimes Report ~~CIA, (b)(3)~~ DOJ/CES Reference CR-02-327

Dear ~~CIA, (b)(3)~~

(U) (~~X~~ ~~CIA, (b)(1)1.4c~~) This is to advise you that following a thorough investigation by the Federal Bureau of Investigation of the media leak referral captioned above, they have concluded that identifying the source is unlikely due to its wide dissemination. Accordingly, I concur with the Bureau in closing this matter. Attached, please find a copy of FBI's memorandum to us detailing this information.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Declassified by: Marla A. Buntley  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Sincerely,

John J. Dion

John J. Dion

Chief

Counterespionage Section

CL By: 2213094  
CL REASON: 1.5 [c]  
DECL ON: X1  
DRV FROM: MET 30-87

~~TOP SECRET//CIA, (b)(1)1.4c~~

~~CIA, (b)(1)1.4c~~

0000018



U.S. Department of Justice

Criminal Division

~~TOP SECRET//X1~~

Counterespionage Section

Washington, DC 20530

NOV 23 1984

**SEGREGATE**

<sup>CIA, (b) (3)</sup>  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crimes Report <sup>CIA, (b) (3)</sup> DOJ/CES Reference CR-019-03

Dear <sup>CIA, (b) (3)</sup> CIA, (b)(3)

(U) (TS//X1) This is to advise you that following a thorough investigation by the Federal Bureau of Investigation of the media leak referral captioned above, they have concluded that identifying the source is unlikely due to its wide dissemination. Accordingly, I concur with the Bureau in closing this matter. Attached, please find a copy of FBI's memorandum to us detailing this information.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief  
Counterespionage Section

Declassified by Marl A. Brantly  
Deputy Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

CL By: 2213094  
CL REASON: 1.5 [c]  
DECL ON: X1  
DRV FROM: COL 8-87

~~TOP SECRET//X1~~

0000019

61



U.S. Department of Justice

Criminal Division

~~SECRET//25-X1~~

Counterespionage Section

Washington, DC 20530

OCT 27 2004

**SEGREGATE**

~~SECRET~~ (b) (3)  
CIA, (b) (3)

Office of General Counsel  
Central Intelligence Agency  
Washington, DC 20505

Re: CIA Crime Report ~~SECRET~~ (b) (3)  
CIA Crime Report  
CIA Crime Report  
CIA Crime Report

CES Reference No. CR-080-03  
CES Reference No. CR-024-03  
CES Reference No. CR-081-03  
CES Reference No. CR-021-03

Dear ~~SECRET~~ (b) (3)

(U) ~~X~~ This is to advise you that following in-depth reviews by the Federal Bureau of Investigation of the four media leak referrals captioned above, they have concluded that criminal investigations can not be opened for the unauthorized disclosures of classified information as the result of their broad dissemination. Accordingly, we concur with the Bureau in closing these matters since identifying the original sources is not likely. Attached, please find a copy of FBI's memorandum to us detailing this information.

(U) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion, Chief  
Counterespionage Section  
Criminal Division

Declassified by Mark A. Bradley  
Deputy Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/16/07

~~SECRET//25-X1~~

0000020

62



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

November 20, 2002

**SEGREGATE**

<sup>FOIA, (b)(3)</sup>  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: <sup>FOIA, (b)(3)</sup>  
CIA, (b)(3)

ISS REF# CR-02-366

Dear <sup>FOIA, (b)(3)</sup>  
CIA, (b)(3)

12-21-02  
This is in reference to your letter dated September 25, 2002, reporting a possible federal crime involving the unauthorized disclosure of classified information <sup>FOIA, (b)(1), (b)(7)(C)</sup>  
CIA, (b)(1), (b)(7)(C) requesting an investigation of the matter by the Department of Justice.

Because of the wide dissemination of the information involved, the Internal Security Section has elected not to authorize an FBI investigation of the matter. We have closed our file on this matter.

If you have any questions, please contact me on (202) 514-1187.

Sincerely,

John J. Dion  
Chief, Internal Security Section

Declassified by

Deputy

*Mark A. Bralley*  
Council for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

~~SECRET~~

0000021

63





U.S. Department of Justice

Criminal Division

~~SECRET//X1~~

Washington, D.C. 20530

September 4, 2002

**SEGREGATE**

The Honorable Robert L. Dietz  
General Counsel  
National Security Agency  
Ft. George G. Meade, MD 20755-6000

Re: Report of Possible Federal Crime  
ISS Reference No.: CR-200

Dear Mr. Dietz:

(U) ~~X~~ This is in reference to your memorandum of February 21, 2001 reporting a possible federal crime involving the unauthorized disclosure of classified information ~~NSA, (b)(1), 1.4c, (b)(3)~~  
~~NSA, (b)(1), 1.4c, (b)(3)~~  
~~NSA~~ and requesting an investigation of the matter by the Department of Justice.

(U) At our direction, the Federal Bureau of Investigation (FBI) initiated an investigation of this matter in March 2001. Based on the most recent information provided by the FBI, ~~NSD, (b)(5)~~  
~~NSD, (b)(5)~~ which had been approved for release by NSA's Office of Policy and Office of the General Counsel, we have concluded that no further investigation is required and are closing our file on this matter.

(U) Please contact me at (202) 514-1187 if you have any questions.

Sincerely,

John J. Dion, Chief  
Internal Security Section

Declassified by:

*Dignity*

*Marla A. Bradley*  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

CL BY: FBI (derived)  
DRV FROM: FBI memo dtd 8/2/01  
DECL ON: X1

~~SECRET//X1~~

0000022



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

September 4, 2002

**SEGREGATE**

<sup>CIA, (b)(3)</sup>  
CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Re: <sup>CIA, (b)(3)</sup>  
CIA, (b)(3)

ISS Ref. No.: CR-142

Dear <sup>CIA, (b)(3)</sup>  
CIA, (b)(3)

This is in reference to your letter dated August 2, 2000, reporting a possible federal crime involving the unauthorized disclosure of classified information <sup>CIA, (b)(1)1.4c</sup> and requesting an investigation of the matter by the Department of Justice.

At our direction, the Federal Bureau of Investigation (FBI) initiated an investigation of this matter in August 2000. Based on the most recent information provided by the FBI <sup>NSD, (b)(1)1.4c</sup> we have concluded that no further investigation by the FBI is required and are closing our file on this matter. However, <sup>NSD, (b)(1)1.4c</sup> we will consider reopening the matter at that time.

If you have any questions, please contact me on (202) 514-1187.

Sincerely,

John J. Dion  
Chief, Internal Security Section

Declassified by *Deputy*

*Mark A. Bradley*  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

~~SECRET~~

0000023

65



~~SECRET~~

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

**SEGREGATE**

September 4, 2002

Stephen W. Dillard, Director  
Office of Counterintelligence  
Department of Energy  
Washington, D.C. 20585

Dear Mr. Dillard:

This is in reference to <sup>DOE, (b)(6), (b)(7)(C)</sup> ~~DOE, (b)(6), (b)(7)(C)~~ letter of January 19, 2000, reporting a possible federal crime involving the unauthorized disclosure of classified information <sup>DOE, (b)(1), (b)(7)(C)</sup> ~~DOE, (b)(1), (b)(7)(C)~~ and requesting an investigation of the matter by the Department of Justice.

At our direction, the Federal Bureau of Investigation (FBI) initiated an investigation of this matter in February 2000. All logical investigation was conducted, but the FBI was unable to identify the source of the leak. Based on this most recent information by the FBI, we have concluded that no further investigation is required, and we are closing our file on this matter.

Please contact me at (202) 514-1187 if you have any questions.

Sincerely,

*John J. Dion*

John J. Dion, Chief  
Internal Security Section

Declassified by

*Mark A. Bradley*  
Deputy  
Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

*Close out  
to  
1H DOE FBI*

~~SECRET~~

*CR-file*

*CR-47*

0000024



U.S. Department of Justice

**SECRET**

Criminal Division

Washington, D.C. 20530

**SEGREGATE**

August 1, 2002

The Honorable Robert L. Dietz  
General Counsel  
National Security Agency  
Ft. George G. Meade, MD 20755-6000

Declassified by Mark A. Brully  
agitz Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 7/16/07

Re: Report of Possible Federal Crime, GC/191/01  
ISS Reference No.: CR-02-01

Dear Mr. Dietz:

This is in reference to your memorandum of December 28, 2001, reporting a possible federal crime involving the unauthorized disclosure of classified information <sup>NSA, (b)(1)(1.4c), (b)(3)</sup> ~~NSA, (b)(1)(1.4c), (b)(3)~~ and requesting an investigation of the matter by the Department of Justice.

The responses to the eleven questions and related enclosures provided with your memorandum indicate that the classified information disclosed <sup>NSA, (b)(1)(1.4c), (b)(3)</sup> ~~NSA, (b)(1)(1.4c), (b)(3)~~ had been disseminated to several government agencies, and likely was reviewed by many individuals at each address.

Attempting to identify the source of the leak in the face of such broad dissemination would place an undue burden on the already strained resources of the Federal Bureau of Investigation (FBI). Accordingly, although we appreciate the damage to the national security that was occasioned by this unauthorized disclosure, we have decided not to request the FBI to open an investigation at this time.

We will, of course, reconsider your request in the event information is brought to our attention which indicates a likely source of the leak or otherwise suggests a productive avenue of investigation.

<sup>NSA, (b)(1)(1.4c), (b)(3)</sup>  
NSA, (b)(1)(1.4c), (b)(3)

(U) ~~(S)~~ Re:

<sup>NSA, (b)(1)(1.4c), (b)(3)</sup>  
NSA, (b)(1)(1.4c), (b)(3)

NSA

**SECRET**


0000025

67

~~SECRET~~

Please contact me at (202) 514-2333 if you have any questions.

Sincerely,

  
Bruce Swartz  
Deputy Assistant Attorney General

cc: David Szady  
CI Division, FBI

90T  
7/15/02

~~SECRET~~



U.S. Department of Justice

Criminal Division

~~SECRET~~

**SEGREGATE**

Washington, D.C. 20530

August 1, 2002

~~CIA, (b)(3)~~

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Declassified by *Mark A. Brulley*  
*Aguty*

Counsel for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/07

Re: Report of Possible Federal Crime, ~~CIA, (b)(3)~~  
ISS Reference No.: CR-02-33

Dear ~~CIA, (b)(3)~~

This is in reference to your memorandum of November 20, 2001, reporting a possible federal crime involving the unauthorized disclosure of classified information ~~CIA, (b)(1)(4c)~~ and requesting an investigation of the matter by the Department of Justice.

The responses to the eleven questions and related enclosures provided with your memorandum indicate that the classified information disclosed ~~CIA, (b)(1)(4c)~~ had been disseminated ~~NSD, (b)(1)(4c)~~ in several government agencies.

Attempting to identify the source of the leak in the face of such broad dissemination would place an undue burden on the already strained resources of the Federal Bureau of Investigation (FBI). Accordingly, although we appreciate the damage to the national security that was occasioned by this unauthorized disclosure, we have decided not to request the FBI to open an investigation at this time.

We will, of course, reconsider your request in the event information is brought to our attention which indicates a likely source of the leak or otherwise suggests a productive avenue of investigation.

~~CIA, (b)(1)(4c)~~

Re:

~~CIA~~

0000026

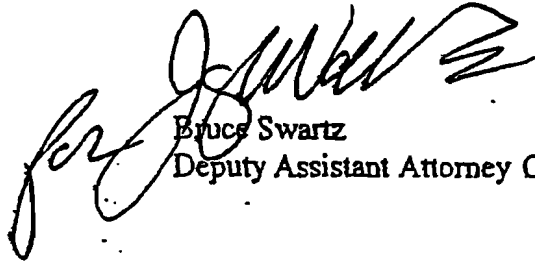
~~SECRET~~

68

~~SECRET~~

Please contact me at (202) 514-2333 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Swartz", with a stylized flourish at the end.

Bruce Swartz  
Deputy Assistant Attorney General

cc: ✓ David Szady  
CI Division, FBI

~~SECRET~~



U.S. Department of Justice

Criminal Division

*Closed*

Washington, D.C. 20530

January 24, 2001

**SEGREGATE**

USAF, (b)(6), (b)(7)c

AFOSI 33 FIS  
4864 Virginia Ave.  
Andrews AFB, MD 20762

VIA FAX and MAIL

Re: Leak Investigation  
AFOSI File Nr: 00515D34-S925119

Dear USAF, (b)(6), (b)(7)c

This is in response to your letter of January 11, 2001, which advised of the possible disclosure of classified information NSD, (b)(5)

NSD, (b)(5)

NSD, (b)(5), this office will not ask the Federal Bureau of Investigation to conduct a media leak investigation. This should not be construed, however, to suggest that AFOSI cannot, or should not, conduct whatever investigation it deems appropriate NSD, (b)(5)

Please advise if we may be of further assistance in this matter.

Sincerely,

Declassified by

*Realty*

*Mark A. Brully*  
Council for Intelligence Policy  
OIPR/USDOJ  
Date: 4/16/67

*John P. Dion*  
John P. Dion, Acting Chief  
Internal Security Section

1000027

*CR-159*

*69*

*Closed 155*



THE WHITE HOUSE

Statement by the President: Veto of the "Intelligence  
Authorization Act for Fiscal Year 2001" (11/3/00)

- Main Site Map Text Only

Go

THE WHITE HOUSE

Office of the Press Secretary

(Chappaqua, New York)

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Mrs GoreRecord of  
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for KidsWhite House  
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Tours

For Immediate Release

November 4, 2000

## STATEMENT BY THE PRESIDENT

TO THE HOUSE OF REPRESENTATIVES:

Today, I am disapproving H.R. 4392, the "Intelligence Authorization Act for Fiscal Year 2001," because of one badly flawed provision that have made a felony of unauthorized disclosures of classified information. Although well intentioned, that provision is overbroad and may unnecessarily chill legitimate activities that are at the heart of a democracy.

I agree that unauthorized disclosures can be extraordinarily harmful to United States national security interests and that far too many such disclosures occur. I have been particularly concerned about their potential effects on the sometimes irreplaceable intelligence source methods on which we rely to acquire accurate and timely information in order to make the most appropriate decisions on matters of national security. Unauthorized disclosures damage our intelligence relationship abroad, compromise intelligence gathering, jeopardize lives, and increase the threat of terrorism. As Justice Stewart stated in the Pentagon case, "it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept . . . and the development of intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely. Those who disclose classified information inappropriately thus commit a gross breach of the public trust and may recklessly put our national security at risk. To the extent that existing sanctions have proven insufficient to address and deter unauthorized disclosures, they should be strengthened. What is in dispute is not the gravity of the problem, the best way to respond to it.

In addressing this issue, we must never forget that the free flow of information is essential to a democratic society. Justice Stewart wrote in the Pentagon Papers case that "the only effective restraint on executive policy in the areas of national defense and international affairs may lie in an enlightened citizenry -- in an informed and critical public opinion which alone can here protect the values of democratic government."

Justice Brandeis reminded us that "those who won our independence believed . . . that public discussion is a political duty; and that should be a fundamental principle of the American government." His caution that we must always tread carefully when considering measures that may limit public discussion -- even when those measures are intended to achieve laudable, indeed necessary, goals.

As President, therefore, it is my obligation to protect not only

Government's vital information from improper disclosure, but also to protect the rights of citizens to receive the information necessary for democracy to work. Furthering these two goals requires a careful balancing, which must be assessed in light of our system of classifying information over a range of categories. This legislation does not achieve the proper balance. For example, there is a serious risk that this legislation would tend to have a chilling effect on those who engage in legitimate activities. And to avoid the risk that their good faith choice of words -- their exercise of judgment -- could become the subject of a criminal referral for prosecution might discourage Government officials from engaging even in appropriate public discussion, press briefings, or other legitimate official activities. Similarly, the legislation may unduly restrain the ability of former Government officials to teach, write, or engage in activity aimed at building public understanding of complex issues. Incurring such risks is unnecessary and inappropriate in a society with freedom of expression and the consent of the governed and is particularly inadvisable in a context in which the range of classified materials is extensive. In such circumstances, this criminal provision would, in my view, create an undue chilling effect.

The problem is compounded because this provision was passed without benefit of public hearings -- a particular concern given that it is public that this law seeks ultimately to protect. The Administration shares the burden since its deliberations lacked the thoroughness that this provision warranted, which in turn led to a failure to apprise Congress of the concerns I am expressing today.

I deeply appreciate the sincere efforts of Members of Congress to address the problem of unauthorized disclosures and I fully share their commitment. When the Congress returns, I encourage it to send me the bill with this provision deleted and I encourage the Congress as soon as possible to pursue a more narrowly drawn provision tested in public hearings so that those they represent can also be heard on this important issue.

Since the adjournment of the Congress has prevented my return to the White House within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to veto bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4392 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed this measure.

WILLIAM J. CLINTON

THE WHITE HOUSE,  
November 4, 2000.

# # #

# TITLE III—GENERAL PROVISIONS

## Subtitle A—Intelligence Community

### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

### SEC. 304. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) **IN GENERAL.**—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

#### "§ 798A. Unauthorized disclosure of classified information

"(a) **PROHIBITION.**—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) **CONSTRUCTION OF PROHIBITION.**—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any Member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) **DEFINITIONS.**—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive order, as requiring protection against unauthorized disclosure for reasons of national security.

"(3) The term 'officer or employee of the United States' means the following:

"(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

"(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10)."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

"798A. Unauthorized disclosure of classified information.

"798B. Temporary extension of section 794."

### SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

#### "TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

"SEC. 116. (a) **IN GENERAL.**—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

"(1) is consistent with intelligence community mission requirements, or

December 6, 2001

CONGRESSIONAL RECORD—HOUSE

H9057

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

# DEMOCRATIC PROCESS DISHONORED IN TRADE DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, through the tenure that I have had here in this body, I have had the opportunity to discuss and to engage in a vigorous debate on trade. On many instances I saw fit to vote for some forms of international trade. But, at that time, Mr. Speaker, there was engagement, bipartisan engagement. Under the leadership of President Clinton, every issue that was expressed by a Democrat or a Republican or an Independent was given full airing throughout the process.

Today, I believe we dishonored the democratic process in this House. There was no open discussion. There was simply an attempt to get someone's way, and it was evidenced by a vote of 215 to 214.

This is because in the Committee on Rules they would not allow a full debate and allow a very full and adequate substitute, which many business persons supported, authored by the gentleman from New York (Mr. RANGEL); one that expanded trade, opened new markets for U.S. workers, farmers and businesses; that had effective worker protections; that protected realistically the environment; and then held to the constitutional premise that when it comes to protecting the American people as to whether or not we would lose thousands of jobs, there must be Congressional oversight, which the Constitution mandates.

That is what the Rangel substitute had, and, Mr. Speaker, the Committee on Rules denied us the opportunity to have a full debate on that substitute, a substitute that would protect the American people. Instead, what we did is bring forth the Thomas bill, that had no sense of commitment to some of these very important issues.

I believe in what Democratic President John F. Kennedy said, "a rising tide lifts all boats," and that we in the United States Congress have a responsibility to work on behalf of the Nation.

My district, in fact, is a district that has in some instances advocated trade because of the business community. But I have many constituents, Mr. Speaker, and right now I am shocked that anybody in the business community is focusing on anything but the thousands of people who have lost their jobs over these last couple of weeks, maybe 10,000 in and around the 18th Congressional District. I believe House-

ton will come back. But I would think that this White House, with a president from Texas, would have more concern about passing an economic stimulus package that would in fact have extended relief for those individuals who tragically, through no fault of their own, have lost their jobs.

This trade bill could have been a trade bill that would have included everyone, but, yet, no one was involved who had a different perspective. No one was involved who wanted to see more labor protections, wanted to see the protocols that include protection of human rights, the environment, making sure that there were labor standards.

We realize when you have international trade that some jobs will be lost, but more jobs are lost because the labor standards are diminished, and many corporations will rush to those places overseas in order to pay those unbelievably diminishing and demeaning hourly wages. So we do lose good American jobs.

But I do believe trade can be a boost to the economy. How can it be a boost to the economy? Only when we sit down and negotiate together.

We now face a declining economy, and we also are in jeopardy with our own environment. We still have issues dealing with clean water and clean air. Do we not hold to the premise that what is good for the goose is good for the gander? If we are fighting for clean air and clean water and the protection of our water, in light of what we are going through, would it not be appropriate for those countries to do the same where those corporations that carry our name rush to set up their institutions?

I am very saddened that the debate went to the level it did, that we are all fighting international terrorism. We are doing that. So many of us gave the authority to our President in unity because our soil was violated, our people lost their lives. I claim and will not in any way take a back seat to my patriotism.

But this bill had nothing to do with patriotism or fighting terrorism. In fact, I am more fearful of this bill than I am supportive of this bill as having anything to do with helping us fight terrorists around the world. I would much rather shore up this declining economy and provide the opportunities for constituents to have a bridge, so that they can find work.

Mr. Speaker, I believe we did not do what was right today on behalf of all of the American people. I say to my business community in an open letter, we have worked together, and I will not again take a back seat to my concern about the economy and boosting opportunities for trade. But we cannot do it by denying our own constituency, those who work hard, who labor, those who want a cleaner environment, and those who promote the Constitution, requiring Congressional oversight.

Mr. Speaker, I yield back the balance of my time, hoping we will be able to fix this very unseemly bill.

□ 1814

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## H.R. 3365 TO ALLOW BUSINESSES TO TEMPORARILY WITHDRAW FUNDS FROM THEIR IRAS WITH- OUT PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, For weeks Congress had debated various economic stimulus plans. Meanwhile, the economy has continued to dive deeper into a recession.

In the third quarter, the economy collapsed at an annual rate of 1.1 percent, its worst showing since 1991. The Commerce Department reported that corporate profits fell 8.3 percent during the third quarter and decreased 22.2 percent compared with last year.

The economic downturn has hurt working families throughout the country. The number of unemployed persons increased by 732,000 to 7.7 million in October. The unemployment rate rose by 0.5 percentage points to 5.4 percent, the highest level since December 1996.

We need meaningful legislation to stimulate the economy, help unemployed workers, and assist struggling families.

On November 28, 2001 I introduced a bill allowing individuals suffering from the recession to withdraw funds from their Individual Retirement Accounts without penalty until September 12, 2002.

My bill temporarily waives the 10 percent individual Retirement Account withdrawal penalty fee for people who: Have received unemployment compensation for 12 consecutive weeks, have at least 10 percent stake in a small business that has suffered significant economic injury since September 11th, or lost a family member in a terrorist attack.

Congress cannot wait for the economy to recover on its own. We cannot wait for a stimulus plan whose effects may not be seen for months. We must pass legislation that immediately helps workers who have lost their jobs.

My bill will assist those who desperately need our help.

I urge my colleagues to help individuals during this recession by cosponsoring this important legislation.

## CONFERENCE REPORT ON H.R. 2883

Mr. GOSS, submitted the following conference report and statement on the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government,

the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-328)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.
- Sec. 105. Codification of the Coast Guard as an element of the intelligence community.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Sense of Congress on intelligence community contracting.
- Sec. 304. Requirements for lodging allowances in intelligence community assignment program benefits.
- Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.
- Sec. 306. Report on implementation of recommendations of the National Commission on Terrorism and other entities.
- Sec. 307. Judicial review under Foreign Narcotics Kingpin Designation Act.
- Sec. 308. Modification of positions requiring consultation with Director of Central Intelligence in appointments.
- Sec. 309. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.
- Sec. 310. Review of protections against the unauthorized disclosure of classified information.
- Sec. 311. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 312. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.
- Sec. 313. Report on alien terrorist removal proceedings.
- Sec. 314. Technical amendments.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Modifications of central services program.
- Sec. 402. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 403. Guidelines for recruitment of certain foreign assets.
- Sec. 404. Full reimbursement for professional liability insurance of counterterrorism employees.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Authority to purchase items of nominal value for recruitment purposes.
- Sec. 502. Funding for infrastructure and quality-of-life improvements at Menwith Hill and Bad Aibling stations.
- Sec. 503. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.
- Sec. 504. Undergraduate training program for employees of the National Imagery and Mapping Agency.
- Sec. 505. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.
- Sec. 506. Enhancement of security authorities of National Security Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.
- (12) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2883 of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the

number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of \$200,276,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), \$66,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be

used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

**SEC. 105. CODIFICATION OF THE COAST GUARD AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.**

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)) is amended—

(1) by striking "and" before "the Department of Energy"; and

(2) by inserting ", and the Coast Guard" before the semicolon.

**TITLE II—CENTRAL INTELLIGENCE AGENCY, RETIREMENT AND DISABILITY SYSTEM**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of \$212,000,000.

**TITLE III—GENERAL PROVISIONS**

**SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

**SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.**

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

**SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM BENEFITS.**

Section 113(b) of the National Security Act of 1947 (50 U.S.C. 404h(b)) is amended—

(1) by inserting "(1)" before "An employee"; and

(2) by adding at the end the following new paragraph:

"(2) The head of an agency of an employee detailed under subsection (a) may pay a lodging allowance for the employee subject to the following conditions:

"(A) The allowance shall be the lesser of the cost of the lodging or a maximum amount payable for the lodging as established jointly by the Director of Central Intelligence and—

"(i) with respect to detailed employees of the Department of Defense, the Secretary of Defense; and

"(ii) with respect to detailed employees of other agencies and departments, the head of such agency or department.

"(B) The detailed employee maintains a primary residence for the employee's immediate family in the local commuting area of the parent agency duty station from which the employee regularly commuted to such duty station before the detail.

"(C) The lodging is within a reasonable proximity of the host agency duty station.

"(D) The distance between the detailed employee's parent agency duty station and the host agency duty station is greater than 20 miles.

"(E) The distance between the detailed employee's primary residence and the host agency duty station is 10 miles greater than the distance between such primary residence and the employee's parent duty station.

"(F) The rate of pay applicable to the detailed employee does not exceed the rate of basic pay for grade GS-15 of the General Schedule."

**SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.**

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "To the extent"; and

(2) by adding at the end the following new subsections:

"(b) **FORM AND CONTENTS OF CERTAIN REPORTS.**—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

"(1) A concise statement of any facts pertinent to such report.

"(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

"(c) **STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.**—The Director of Central Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b)."

**SEC. 306. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM AND OTHER ENTITIES.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report concerning whether, and to what extent, the Intelligence Community has implemented recommendations relevant to the Intelligence Community as set forth in the following:

(1) The report prepared by the National Commission on Terrorism established by section 501 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

(2) The report prepared by the United States Commission on National Security for the 21st Century, Phase III, dated February 15, 2001.

(3) The second annual report of the advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction established pursuant to section 1405 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 2301 note).

(b) **RECOMMENDATIONS DETERMINED NOT TO BE ADOPTED.**—In a case in which the Director determines that a recommendation described in subsection (a) has not been implemented, the report under that subsection shall include a detailed explanation of the reasons for not implementing that recommendation.

**SEC. 307. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.**

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106-120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

**SEC. 308. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.**

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) The Director of the Office of Intelligence of the Department of Energy.

"(D) The Director of the Office of Counterintelligence of the Department of Energy."

**SEC. 309. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.**

(a) **AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.**—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: "Upon making such a determination, the Inspector General shall transmit to the Director notice of that determination, together with the complaint or information."; and

(2) in subparagraph (D)(i), by striking "does not transmit," and all that follows through "subparagraph (B)."; and inserting "does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B)."

(b) **AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.**—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: "Upon making such a determination, the Inspector General shall transmit to the head of the establishment notice of that determination, together with the complaint or information."; and

(2) in subsection (d)(1), by striking "does not transmit," and all that follows through "subsection (b)."; and inserting "does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b)."

**SEC. 310. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**

(a) **REQUIREMENT.**—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) **PARTICULAR CONSIDERATIONS.**—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of



current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(C) **REPORT.**—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

**SEC. 311. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

**SEC. 313. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.**

The National Counterintelligence Strategy, and each National Threat Identification and Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled "U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century", including any modification of that Strategy or any such Assessment, may only take effect if approved by the President. The Strategy, each Assessment, and any modification thereof, shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 313. REPORT ON ALIEN TERRORIST REMOVAL PROCEEDINGS.**

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding after subsection (k) the following new subsection:

"(l) Not later than 3 months from the date of the enactment of this subsection, the Attorney General shall submit to Congress a report concerning the effect and efficacy of alien terrorist removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past and the effect on the use of these proceedings after the enactment of the USA PATRIOT Act of 2001 (Public Law 107-56)."

**SEC. 314. TECHNICAL AMENDMENTS.**

(a) **FISA.**—The Foreign Intelligence Surveillance Act of 1978 is amended as follows:

(1) Section 101(h)(4) (50 U.S.C. 1801(h)(4)) is amended by striking "twenty-four hours" and inserting "72 hours".

(2) Section 105 (50 U.S.C. 1805) is amended—

(A) by inserting "if known" in subsection (c)(1)(B) before the semicolon at the end;

(B) by striking "twenty-four hours" in subsection (f) each place it appears and inserting "72 hours";

(C) by transferring the subsection (h) added by section 225 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 295) so as to appear after (rather than before) the subsection (h) redesignated by section 602(b)(2) of the Counterintelligence Reform Act of 2000 (title VI of Public Law 106-567; 114 Stat. 2851) and redesignating that subsection as so transferred as subsection (i); and

(D) in the subsection transferred and redesignated by subparagraph (C), by inserting "for electronic surveillance or physical search" before the period at the end.

(3) Section 301(d)(D) (50 U.S.C. 1821(d)(D)) is amended by striking "24 hours" and inserting "72 hours".

(4) Section 304(e) (50 U.S.C. 1824(e)) is amended by striking "24 hours" each place it appears and inserting "72 hours".

(5) Section 402 (50 U.S.C. 1842) is amended—

(A) in subsection (c), as amended by paragraphs (2) and (3) of section 214(a) of the USA PATRIOT Act (115 Stat. 286), by inserting "and" at the end of paragraph (1); and

(B) in subsection (f), by striking "of a court" and inserting "of an order issued".

(6) Subsection (a) of section 501 (50 U.S.C. 1861), as inserted by section 215 of the USA PATRIOT Act (115 Stat. 287), is amended by inserting "to obtain foreign intelligence information not concerning a United States person or" in paragraph (1) after "an investigation".

(7) Section 502 (50 U.S.C. 1862), as inserted by section 215 of the USA PATRIOT Act (115 Stat. 288), is amended by striking "section 402" both places it appears and inserting "section 501".

(8) The table of contents in the first section is amended—

(A) by inserting "Sec." at the beginning of the items relating to sections 401, 402, 403, 404, 405, 406, and 601; and

(B) by striking the items relating to sections 501, 502, and 503 and inserting the following:

"Sec. 501. Access to certain business records for foreign intelligence and international terrorism investigations.

"Sec. 502. Congressional oversight."

(b) **TITLE 18, UNITED STATES CODE.**—Paragraph (19) of section 2510 of title 18, United States Code, as added by section 203(b)(2)(C) of the USA PATRIOT Act (115 Stat. 280), is amended by inserting "for purposes of section 2517(6) of this title," before "means".

(c) **USA PATRIOT ACT.**—Effective as of the enactment of such Act and as if included therein as originally enacted, the USA PATRIOT Act (Public Law 107-56) is amended—

(1) in section 207(b)(1) (115 Stat. 282), by striking "105(d)(2)" and "1805(d)(2)" and inserting "105(e)(2)" and "1805(e)(2)", respectively; and

(2) in section 1003 (115 Stat. 392), by inserting "of 1978" after "Act".

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

**SEC. 401. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.**

(a) **ANNUAL AUDITS.**—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking "December 31" and inserting "January 31"; and

(2) by striking "conduct" and inserting "complete".

(b) **PERMANENT AUTHORITY.**—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (2)"; and

(4) in paragraph (2), as so redesignated, by striking "paragraph (2)" and inserting "paragraph (1)".

**SEC. 402. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.**

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

(1) in subsection (f), by striking "September 30, 2002" and inserting "September 30, 2003"; and

(2) in subsection (i), by striking "or 2002" and inserting "2002, or 2003".

**SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN FOREIGN ASSETS.**

Recognizing dissatisfaction with the provisions of the guidelines of the Central Intelligence Agency (promulgated in 1995) for handling cases involving foreign assets or sources with human rights concerns and recognizing that, although there have been recent modifications to those guidelines, they do not fully address the challenges of both existing and long-term threats to United States security, the Director of Central Intelligence shall—

(1) rescind the existing guidelines for handling such cases;

(2) issue new guidelines that more appropriately weigh and incentivize risks to ensure that qualified field intelligence officers can, and should, swiftly and directly gather intelligence from human sources in such a fashion as to ensure the ability to provide timely information that would allow for indications and warnings of plans and intentions of hostile actions or events; and

(3) ensure that such information is shared in a broad and expeditious fashion so that, to the extent possible, actions to protect American lives and interests can be taken.

**SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.**

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking "one-half" and inserting "100 percent".

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

**SEC. 601. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.**

(a) **AUTHORITY.**—Section 422 of title 10, United States Code, is amended by adding at the end the following:

"(b) **PROMOTIONAL ITEMS FOR RECRUITMENT PURPOSES.**—The Secretary of Defense may use funds available for an intelligence element of the Department of Defense to purchase promotional items of nominal value for use in the recruitment of individuals for employment by that element."

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

"§ 422. Use of funds for certain incidental purposes."

(2) Such section is further amended by inserting at the beginning of the text of the section the following:

"(a) **COUNTERINTELLIGENCE OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.**"

(3) The item relating to such section in the table of sections at the beginning of subchapter 1 of chapter 21 of such title is amended to read as follows:

"422. Use of funds for certain incidental purposes."

**SEC. 602. FUNDING FOR INFRASTRUCTURE AND QUALITY-OF-LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.**

(a) **AUTHORITY.**—

(1) In addition to funds otherwise available for such purpose, the Secretaries of the Army, Navy, and Air Force may each transfer or reprogram such funds as are necessary—

(A) for the enhancement of the capabilities of the Menwith Hill Station and Bad Aibling Station, including improvements of facility infrastructure and quality of life programs at those installations; and

(B) at the appropriate time, for costs associated with the closure of the Bad Aibling Station.

(2) The authority provided in paragraph (1) may be exercised notwithstanding any other provision of law.

(b) **SOURCE OF FUNDS.**—Funds available for any of the military departments for operation and maintenance shall be available to carry out subsection (a).

(c) **BUDGET REPORT.**—The Secretary of each military department shall ensure—

(1), that the annual budget request of that military department reflects any funds transferred or reprogrammed under this section for the preceding fiscal year; and

(2) that a copy of the portion of the budget request showing each such transfer or reprogramming is transmitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to modify or obviate existing law or practice with regard to the transfer or reprogramming of funds from the Department of the Army, the Department of the Navy, or the Department of the Air Force to the Menwith Hill Station at the Bad Aibling Station.

**SEC. 503. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLEGAL DRUG TRAFFICKING.**

(a) **CERTIFICATION REQUIRED FOR IMMUNITY.**—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22 U.S.C. 2291-4) is amended by striking “, before the interdiction occurs, has determined” in the matter preceding subparagraph (A) and inserting “has, during the 12-month period ending on the date of the interdiction, certified to Congress”.

(b) **ANNUAL REPORTS.**—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(C) **ANNUAL REPORT.**—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

“(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

“(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

“(C) A complete description of any assistance provided under subsection (b).

“(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

“(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.”.

**SEC. 504. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.**

(a) **AUTHORITY TO CARRY OUT TRAINING PROGRAM.**—Subchapter 111 of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 462. Financial assistance to certain employees in acquisition of critical skills

“The Secretary of Defense may establish an undergraduate training program with respect to civilian employees of the National Imagery and Mapping Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“§ 462. Financial assistance to certain employees in acquisition of critical skills.”.

**SEC. 505. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.**

(a) **CONSULTATION IN PREPARATION.**—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) **SUBMITTAL.**—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

**SEC. 506. ENHANCEMENT OF SECURITY AUTHORITIES OF NATIONAL SECURITY AGENCY.**

Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

“SEC. 11. (a)(1) The Director of the National Security Agency may authorize agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled ‘An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes’ (40 U.S.C. 318) with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers—

“(A) at the National Security Agency Headquarters complex and at any facilities and protected property which are solely under the administration and control of, or are used exclusively by, the National Security Agency; and

“(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such facilities or protected property and extending outward 500 feet.

“(2) The performance of functions and exercise of powers under subparagraph (B) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to agency installations, property, or employees.

“(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

“(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) of paragraph (1).

“(5) Not later than July 1 each year, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report that describes in detail the exercise of the authority granted by this subsection and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make each such report available to the Inspector General of the National Security Agency.

“(b) The Director of the National Security Agency is authorized to establish penalties for violations of the rules or regulations prescribed by the Director under subsection (a). Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c).

“(c) Agency personnel designated by the Director of the National Security Agency under subsection (a) shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) refers.”.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSB, DOUGLAS BEREUTER, MICHAEL N. CASTLE, SHERWOOD BOEHLENT, JIM GIBBONS, RAY LAHOOD, DUKE CUNNINGHAM, PETE HOEKSTRA, RICHARD BURR, SARKIS CHAMBERS, NANCY PELOSI, SANFORD BISHOP, JANE HARMON, GARY CONDIT, TIM ROEMER, ALICE L. HASTINGS, LEONARD L. BOSWELL, COLLIN C. PETERSON, Managers on the Part of the House.

BOB GRAM, JOHN D. ROCKEFELLER IV, DIANNE FEINSTEIN, RON WYDEN, RICHARD DURBIN, EVAN BAYE, JOHN EDWARDS, BARBARA MIKULSKI, RICHARD SHELLEY, JON KYL, JAMES INHOPE, ORRIN G. HATCH, PAT ROBERTS, MIKE DEWINE, FRED THOMPSON, RICHARD G. LUGAR, Managers on the Part of the Senate.

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other



purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 2883, should be undertaken to the extent that such congressionally directed actions are not amended, altered, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 2883.

#### *Rebuilding the Nation's Intelligence Capabilities*

The conferees note that the fiscal year 2002 budget request submitted by the President includes a substantial increase for programs funded in the National Foreign Intelligence Program. This authorization bill further enhances that investment. The conferees believe this funding increase should represent the first installment of at least a five-year effort to correct serious deficiencies that have developed over the past decade in the Intelligence Community. The conferees recognize that these deficiencies existed prior to the events of September 11th and, indeed, they have been consistently highlighting these shortfalls for the past seven years. Put simply, although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address the emerging threats and technological challenges of the 21st Century.

In this budget, the conferees seek to highlight four priority areas that must receive significant attention in the near term if intelligence is to fulfill its role in our national security strategy. Those are: (1) revitalizing the National Security Agency (NSA); (2) correcting deficiencies in human intelligence; (3) addressing the imbalance between intelligence collection and analysis; and (4) rebuilding a robust research and development program.

The conferees' top priority last year was the revitalization of the National Security Agency. This continues to be the conferees' number one concern. Within the next five years, the NSA must have the ability to collect and exploit electronic signals in a vastly different communications environment. Along with significant investment in technology, this means closer collaboration with clandestine human collectors. The computer and telecommunications systems that NSA employees use to accomplish their work must be state-of-the-art technology. Analysts must have sophisticated software tools to allow them to exploit fully the amount of data available in the future.

Correcting deficiencies in the area of human intelligence is critical for the Intelligence Community if it is to meet the increasingly complex and growing set of collection requirements within the next five years. The Central Intelligence Agency (CIA) will need to hire case officers capable of

dealing with the explosion of technology, both as collection tools and as potential threats. These individuals must be able to operate effectively in the many places around the world. To do that, the CIA must place even greater emphasis on the diversity of the new recruits. As importantly, the emphasis of our human collection must change in such a way that places a priority on being able to access the types of information that reveal the plans and intentions of those who would harm U.S. interests. The human intelligence system also must be integrated more closely with our other collection capabilities.

As we do a better job of collecting intelligence, we also must enhance our ability to understand this information. The percentage of the intelligence budget devoted to processing and analysis has been declining steadily since 1990. Although collection systems are becoming more and more capable, our investment in analysis continues to decline. The disparity threatens to overwhelm our ability to effectively use the information collected. To address this problem, the conferees have added funds to finance promising all-source analysis initiatives across the Community. Over the next five years, the Intelligence Community must rebuild its all-source analytical capability, creating a force that can truly present a global coverage capability.

The conferees' fourth priority, a strong research and development program, supports all of the other initiatives and more. Over the past decade, agencies have allowed research and development accounts to be the "bill payer" for funding shortfalls, and have sacrificed modernization and innovation in the process. The conferees believe that over the next five years, there must be a review of several emerging technologies to determine what will provide the best long-term return on investment, while ensuring that sufficient incentives for "risk" are promoted in order to bring R&D to the "cutting edge." As part of such an effort, the conferees continue to support and encourage a symbiotic relationship between the Intelligence Community and the private sector using innovative approaches such as the Central Intelligence Agency's In-Q-Tel.

Although the conferees believe that this authorization represents a "down payment" for a five-year effort to rebuild our intelligence capabilities, they also believe that, in light of the horrible and tragic terrorist attacks, this year's authorization represents only a snapshot in time, and does not necessarily represent the critically needed long-term investments sufficient to bolster national security objectives. In fact, the conferees believe that this authorization is only the beginning of what must be a substantial investment if the nation is to have the intelligence capabilities required to protect national security and to provide the first line of defense against terrorism and other transnational issues.

Beyond the four priority areas mentioned above, significant attention is needed elsewhere as well. For example, designing and procuring the appropriate capabilities for technical collection to replace our aging systems must also be addressed. Additionally, there are areas that the Administration must address that are beyond financial investment, and go to intelling, within the Intelligence Community, a focus on ensuring anticipatory access, so as to be able to obtain information on plans and intentions in order to prevent crises. The Intelligence Community must create a "culture" that is less risk averse.

Finally, the conferees believe that any effort to invest in and expand intelligence capabilities will only be marginally successful,

at best, if there is not a parallel effort to change the structure of the Community where appropriate. Today's intelligence structure is not suitable to address current and future challenges, and the conferees look forward to working with the Administration on this issue as well.

#### **TITLE I—INTELLIGENCE ACTIVITIES**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS**

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2002. Section 101 is identical to section 101 of the House bill and section 101 of the Senate amendment, except for the addition of the Coast Guard, see section 105, infra.

##### **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS**

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 2002 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The classified annex provides the details of the Schedule. Section 102 is identical to section 102 of the House bill and section 102 of the Senate amendment.

##### **SEC. 103. PERSONNEL CEILING ADJUSTMENTS**

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2002 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not too exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only if necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit wholesale increases in personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs that are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the House bill and section 103 of the Senate amendment.

##### **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT**

Section 104 of the conference report authorizes appropriations for the Community Management Account (CMA) of the Director of Central Intelligence (DCI) and sets the personnel end-strength for the Intelligence Community management staff for fiscal year 2002.

Subsection (a) authorizes appropriations of \$200,276,000 for fiscal year 2002 for the activities of the CMA of the DCI.

Subsection (b) authorizes 343 full-time personnel for the Community Management Staff for fiscal year 2002 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and permits these additional amounts to remain available through September 30, 2003.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, personnel from another element of the United States Government be detailed to an element of the CMA on a reimbursable basis, or for temporary situations of less than one year on a non-reimbursable basis.

Subsection (e) authorizes \$44,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DCI to transfer these funds to the Department of Justice to be used for NDIC activities under the authority of the Attorney General and subject to section 103(d)(1) of the National Security Act. Subsection (e) is similar to subsection (e) of the House bill and subsection (e) of the Senate amendment.

The managers note that since Fiscal Year 1997 the Community Management Account has included authorization for appropriations for the National Drug Intelligence Center (NDIC). The committees periodically have expressed concern about the effectiveness of NDIC and its ability to fulfill the role for which it was created. The managers are encouraged by the NDIC's recent performance and by the refocused role for the organization. The conferees request that the Director of the NDIC provide a spending plan for fiscal year 2002 to the intelligence committees and to the appropriations committees within 90 days of enactment of this Act.

#### SEC. 106. MODIFICATION OF THE COAST GUARD AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY

Section 106 is identical to Section 106 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 301. AUTHORIZATION OF APPROPRIATIONS

Section 301 is identical to Section 201 of the Senate amendment and section 201 of the House bill.

#### TITLE III—GENERAL PROVISIONS

##### Subtitle A—Intelligence Community

##### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to Section 301 of the Senate amendment and section 301 of the House bill.

##### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to Section 302 of the Senate amendment and section 302 of the House bill.

##### SEC. 303. SENSE OF THE CONGRESS OF INTELLIGENCE COMMUNITY CONTRACTING

Section 303 is identical to Section 303 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

##### SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM BENEFITS

Section 304 is identical to Section 304 of the House amendment. The Senate amendment had no similar provision. The Senate recedes.

##### SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES

Section 305 is identical to Section 305 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 306. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM AND OTHER ENTITIES

Section 306 is similar to Section 307 of the House bill, which requires a report from the Director of Central Intelligence concerning whether and to what extent, the Intelligence Community has implemented the applicable recommendations set forth by the National Commission on Terrorism (Bremer Commission). The DCI report, which shall be due 120 days after enactment of this legislation, shall include a detailed explanation from the DCI as to the reasons for not implementing Intelligence Community-related recommendations contained within the three commission reports. The Senate amendment had no similar provision. The conferees agree to expand the DCI's reporting requirement to include applicable provisions of the US commission on National Security for the 21st Century and the second annual report of the so-called Gilmore Commission. The Senate amendment had no similar provision. The Senate recedes.

##### SEC. 307. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT

Section 307 is identical to Section 303 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 308. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS

Section 308 is identical to Section 304 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 309. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS

Section 309 is identical to Section 306 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 310. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

Section 310 is identical to Section 307 of the Senate amendment. The House bill had no similar provision. The House recedes. The conferees expect a report no later than May 1, 2002, from the Attorney General providing a comprehensive review of current protections against the unauthorized disclosure of classified information.

##### SEC. 311. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Section 311 is identical to Section 309 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 312. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTER-INTelligence STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS

Section 312 is identical to Section 310 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 313. REPORT ON ALIEN TERRORIST REMOVAL PROCEEDINGS

Section 313 is identical to section 312 of the Senate amendment. The House bill had no similar provision. The House recedes.

##### SEC. 314. TECHNICAL AMENDMENTS

##### Extension of Time to Seek FISA Ratification of Attorney General-authorized Electronic Surveillance and Physical Searches

Under current law, the Attorney General may authorize electronic surveillance or a search without a court order when he concludes, first, that the factual basis for granting such an order exists and, second, that an emergency exists requiring action before a court order may be obtained. 50 U.S.C. §§1805(f), 1824(e). Current law requires the Government to prepare a complete FISA application and present it to the FISA court for approval within 24 hours "after the Attorney General authorizes" the surveillance or search. Failure to do so results in the suppression of information from the surveillance or search.

Given the length and complexity of many FISA applications, the need to verify the accuracy of each FISA declaration by review in the field, the requirement that the Government obtain both a written certification from the director of the FBI (or a similar official) and the written approval of the Attorney General, it often is extremely difficult to meet the 24-hour deadline. This is especially true where—as often will be the case—the emergency authorization comes in the midst of a larger emergency requiring the personal attention of the Attorney General and the Director of the FBI. The emergency authorization provision of title III wiretaps, 18 U.S.C. §2518(7), sets a deadline of 48 hours, and starts the 48-hour clock not at the time of authorization, but only once the interception "has occurred, or begins to occur."

The conferees agreed to a provision to extend the time for judicial ratification of an emergency FISA surveillance or search from 24 to 72 hours. That would give the Government adequate time to assemble an application without requiring extraordinary effort by officials responsible for the preparation of those applications. The additional 48 hours for FISA applications is appropriate given their complexity and the need for higher-level approval for FISA applications than for applications under title III. The additional time is also appropriate given that the deadline for submission of applications under FISA begins when the Attorney General authorizes the surveillance or search, rather than when the surveillance or search actually occurs, as is the case under title III. *Multipoint Wiretaps*

The multipoint wiretap amendment to FISA in the USA PATRIOT Act (section 309) allows the FISA court to issue generic orders of assistance to any communications provider or similar person, instead of to a particular communications provider. This change permits the Government to implement new surveillance immediately if the FISA target changes providers in an effort to thwart surveillance. The amendment was directed at persons who, for example, attempt to defeat surveillance by changing wireless telephone providers or using pay phones.

Currently, FISA requires the court to "specify" the "nature and location of each of the facilities or places at which the electronic surveillance will be directed." 50 U.S.C. §1805(c)(1)(B). Obviously, in certain situations under current law such a specification is limited. For example, a wireless phone has no fixed location and electronic mail may be accessed from any number of locations.

To avoid any ambiguity and clarify Congress' intent, the conferees agreed to a provision which adds the phrase, "if known," to the end of 50 U.S.C. §1805(c)(1)(B). The "if known" language, which follows the model of 50 U.S.C. §1805(c)(1)(A), is designed to avoid any uncertainty about the kind of

specification required in a multipoint wiretap case, where the facility to be monitored is typically not known in advance.

*Non-conformity of FISA Subsections 501(a)(1) and 501(b)(2)*

Section 215 of the USA PATRIOT Act of 2001 amended title V of the FISA, adding a new section 501. Section 501(a)(1) now authorizes the director of the FBI to apply for a court order to produce certain records "for an investigation to protect against international terrorism or clandestine intelligence activities." Section 501(b)(2) directs that the application for such records specify that the purpose of the investigation is to "obtain foreign intelligence information not concerning a United States person." However, section 501(a)(1), which generally authorizes the applications, does not contain equivalent language. Thus, subsections (a)(1) and (b)(2) now appear inconsistent.

The conferees agreed to a provision which adds the phrase "to obtain foreign intelligence information not concerning a United States person or" to section 501(a)(1). This would make the language of section 501(a)(1) consistent with the legislative history of section 215 of the USA PATRIOT Act (see 147 Cong. Res. S11006 (daily ed. Oct. 25, 2001) (sectional analysis)) and with the language of section 214 of the USA PATRIOT Act (authorizing an application for an order to use pen registers and trap and trace devices to "obtain foreign intelligence information not concerning a United States person").

*Clarification of Intelligence Exception*

Section 203(b)(2) of the USA PATRIOT Act added a definition of "foreign intelligence information" to chapter 119 of title 18, United States Code. The existing intelligence exception from certain chapters of title 18—i.e., chapters 119, 121, and 206—is contained in chapter 119 (at 18 U.S.C. § 2511(2)(f)) and uses the term "foreign intelligence information" to define the scope of the exception. As a result, the new definition of "foreign intelligence information" added by section 203(b)(2) could potentially be read to limit the intelligence exception—particularly when compared to the National Security Act definition of "foreign intelligence" (50 U.S.C. § 401(a)).

*Other Technical Amendments*

The conferees agreed to provisions correcting several drafting problems in the text of the USA PATRIOT Act. First, section 207(b)(1) of the PATRIOT ACT refers to section 105(d)(2) instead of section 105(e)(2) and to 50 U.S.C. § 1805(d)(2) instead of 50 U.S.C. § 1805(e)(2). Second, section 215 (creating new section 502 of FISA) refers to "section 402" instead of "section 501" in the last line of new section 502(a) and in the last line of new section 502(b)(1). Third, section 225 adds a new subsection (h) immediately following 50 U.S.C. § 1805(g), but it should add a new subsection (i) immediately following 50 U.S.C. § 1805(h).

Fourth, the title of section 225 is "Immunity for Compliance with FISA Wiretap" and it is inconsistent with 50 U.S.C. § 1861, which states that it applies only to electronic surveillance and not to physical searches or other activity authorized by FISA. However, the text of section 225 refers to court orders and requests for emergency assistance "under this Act," which makes clear that it applies to physical searches (and pen-trap requests—for which there already exists an immunity provision, 50 U.S.C. § 1862(f)—and subpoenas) as well as to electronic surveillance.

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

**SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICE PROGRAM**

Section 401 is identical to Section 401 of the House bill and Section 402 of the Senate amendment.

**SEC. 402. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT**

Section 402 is identical to Section 402 of the House bill and section 401 of the Senate amendment.

**SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN FOREIGN ASSETS**

Section 403 addresses the CIA's 1995 guidelines on recruitment of foreign assets and sources. The House bill noted the concern that excessive caution and a burdensome vetting process resulting from the 1995 guidelines have undermined the CIA's ability and willingness to recruit assets, especially those who would provide insights into terrorist organizations and other hard targets.

The conferees believe that the concerns expressed in the House bill are justified and that, despite the changes to the 1995 guidelines that the Director of Central Intelligence made in September, the current guidelines must be rescinded and replaced with new guidelines. The conferees intend that a new balance be struck between potential gain and risk, a balance that recognizes concerns about egregious human rights behavior and law breaking, while providing much needed flexibility to take advantage of opportunities to gather important information as those opportunities present themselves. Moreover, the conferees believe that the goals and priorities for human collection must be weighted toward collecting the type of information that will provide plans and intentions of those who would threaten American national security, in a timeframe that will allow maximum opportunity to prevent actions against American interests. The conferees acknowledge that it may not always be possible to collect such information in every case, but this must be a focus for planning future HUMINT collection efforts if such collection is going to be preventative in nature rather than reactive. The Senate amendment had no similar provision. The Senate recedes.

**SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES**

Section 404 is identical to Section 404 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

**SEC. 501. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES**

Section 501 is identical to Section 501 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

**SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY-OF-LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AILING STATIONS**

Section 502 is similar to Section 502 of the House bill. The provision is intended to facilitate the transfer or reprogramming of funds from the Departments of the Army, the Force, and Navy as necessary to support the enhancement of the infrastructure of Menwith Hill and Bad Ailing stations. The Senate amendment had no similar provision. The Senate recedes.

**SEC. 503. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLEGAL DRUG TRAFFICKING**

Section 503 is identical to Section 503 of the House bill and Section 308 of the Senate amendment.

**SEC. 504. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY**

Section 504 is identical to Section 504 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

**SEC. 505. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

Section 505 is identical to Section 311 of the Senate amendment. The House bill had no similar provision. The House recedes.

**SEC. 506. ENHANCEMENT OF SECURITY AUTHORITIES OF NATIONAL SECURITY AGENCY**

Section 506 authorizes the National Security Agency (NSA) security protective officers to exercise their law enforcement functions 500 feet beyond the confines of NSA facilities. At present, NSA's protective jurisdiction does not extend beyond the territorial bounds of its perimeter fences. Additionally, NSA has to rely on several federal, state, and local jurisdictions to respond to threats that occur just outside its fence line. With so many jurisdictions involved, there is a chance that a necessary response could be slowed and thus ineffective. In addition, under current law (Section 11 of the National Security Agency Act of 1959) the Administrator of General Services, upon the application of the Director of NSA, may provide for the protection of those facilities that are under the control of or use by the National Security Agency. The General Services Administration has delegated this authority to NSA. This amendment to the National Security Agency Act would provide NSA with the organic authority needed to protect its facilities and personnel without having to obtain a delegation of authority from the General Services Administration. This section parallels authority the Central Intelligence Agency currently has in section 15 of the CIA Act of 1949 (50 U.S.C. 403o).

The attacks of September 11, 2001 demonstrated the growing threat of terrorism in the United States. The conferees believe the NSA's authority to have a protective detail should be clarified and enhanced 500 feet beyond the confines of NSA's facilities, but were sensitive to the public's reaction to an unlimited grant of law enforcement jurisdiction outside NSA's borders. Therefore, the exercise of this new authority is expressly limited to only those circumstances where NSA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is necessary to protect against physical damage or injury to NSA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of the NSA for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The conferees do not envision a general grant of police authority in the 500 foot zone, but do envision NSA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The conferees expect the Director of NSA to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which NSA will exercise concurrent jurisdiction in the 500 foot zones. The Director of NSA shall submit such Memoranda of Understanding to the Select Committee on Intelligence and the Armed Services Committee of the Senate and the Permanent Select Committee on Intelligence

and the Armed Services Committee of the House of Representatives. The Director of NSA is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of NSA shall submit such plan to the Select Committee on Intelligence and the Armed Services Committee of the Senate and the Permanent Select Committee on Intelligence and the Armed Services Committee of the House of Representatives not later than 30 days after the enactment of this provision.

Section 506 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

#### Items Not Included

Section 306 of the House bill contained a provision establishing, with respect to the terrorist attacks of September 11, 2001, a federal commission on the national security readiness of the United States. The Senate bill had no similar provision. The House recedes.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,  
DOUGLAS BEREUTER,  
MICHAEL N. CASTLE,  
SHERWOOD BOEHLERT,  
JIM GIBBONS,  
RAY LAHOOD,  
DUKE CUNNINGHAM,  
PETE HOEKSTRA,  
RICHARD BURR,  
SAXBY CHAMBLISS,  
NANCY PELOSI,  
SANFORD BISHOP,  
JANE HARMAN,  
GARY CONDTT,  
TIM ROEMER,  
ALCEE L. HASTINGS,  
LEONARD L. BOSWELL,  
COLLIN C. PETERSON,

*Managers on the Part of the House.*

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT) for today after 4:30 p.m. on account of personal business.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 5:00 p.m. on account of personal business.

Mrs. MORELLA (at the request of Mr. ARMEY) for today until 12:00 noon on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 76. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

#### ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, December 10, 2001, at 2 p.m.

#### NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
Washington, DC, November 13, 2001.

Hon. J. DENNIS HASTERT,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA") (2 U.S.C. §1316a(4)) and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am submitting on behalf of the Office of Compliance, U.S. Congress, this notice of proposed rulemaking for publication in the Congressional Record. This notice seeks comment on substantive regulations being proposed to implement section 4(c) of VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Very truly yours,

SUSAN S. ROBOGIEL,  
Chair of the Board.

#### OFFICE OF COMPLIANCE

The Veterans Employment Opportunities Act of 1998: Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch

#### NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance ("Board") is publishing proposed regulations to implement section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA"), Pub. L. 105-339, 112 Stat. 3186, codified at 2 USC §1316a, as applied to covered employees of the House of Representatives, the Senate, and certain Congressional instrumentalities.

The VEOA applies to the legislative branch the rights and protections pertaining to veterans' preference established under section 2106, sections 3309 through 3312, and subchapter 1 of chapter 35, of title 5, United States Code ("USC").

This Notice proposes that identical regulations be adopted for the Senate, the House of

Representatives, and the six Congressional instrumentalities and for their covered employees. Accordingly:

(1) *Senate.* It is proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the Senate and employees of the Senate, and this proposal regarding the Senate and its employees is recommended by the Office of Compliance's Deputy Executive Director for the Senate.

(2) *House of Representatives.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the House of Representatives and employees of the House of Representatives, and this proposal regarding the House of Representatives and its employees is recommended by the Office of Compliance's Deputy Executive Director for the House of Representatives.

(3) *Certain Congressional instrumentalities.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance, and their employees; and this proposal regarding these six Congressional instrumentalities is recommended by the Office of Compliance's Executive Director.

*Dates:* Interested parties may submit comments within 30 days after the date of publication of this Notice of Proposed Rulemaking in the Congressional Record.

*Addresses:* Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1989. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

*For Further Information Contact:* Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, Braille, audio-tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224-2705.

*Supplementary Information:*

#### Background

The Veterans Employment Opportunities Act of 1998<sup>1</sup> "strengthen[s] and broadens" the rights and remedies available to military veterans who are entitled, under the Veterans' Preference Act of 1944<sup>2</sup> (and its amendments), to preferred consideration in appointment to the Federal civil service of the executive branch and in retention during reductions in force ("RIFs"). In addition, and most relevant to this NPR, VEOA affords to "covered employees" of the legislative branch (as defined by section 101 of the Congressional Accountability Act ("CAA") (2 USC §1301)) the rights and protections of selected provisions of veterans' preference law. VEOA §4(c)(2). The selected statutory sections made applicable to such legislative

<sup>1</sup> Pub. L. 105-339, 112 Stat. 3186 (Oct. 31, 1998).

<sup>2</sup> Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

<sup>3</sup> Act of June 27, 1944, ch. 287, 58 Stat. 287, amended and codified in various provisions of Title 5, USC.

**SEC. 310. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**

(a) **REQUIREMENT-** The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including--

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) **PARTICULAR CONSIDERATIONS-** In carrying out the review required by subsection (a), the Attorney General shall consider, in particular--

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) **REPORT-** (1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

*- INTERIM due Feb 1.*

**Amendment to Title 18, Chapter 115-Treason,  
Sedition, and Subversive Activities**

**"Sec. 2391. Disclosure of Classified Information to the  
Detriment of the United States.**

**"(a) Whoever, having authorized access to[, or  
*formerly having had authorized access to,*] information  
classified pursuant to statute, regulation, or executive  
order, intentionally discloses, or attempts to disclose, such  
classified information, acquired as a result of such  
person's authorized access to classified information, to  
another person without authority to receive classified  
information, knowing or having reason to believe that-**

**"(1) the person receiving the classified information is  
not authorized to receive classified information;  
and**

**"(2) the disclosure of such classified information to  
the other person could result in injury to the  
national security interests of the United States or  
to the advantage of any foreign nation;**

**shall be fined under this title or imprisoned not more than  
ten years, or both.**

**(b) Notwithstanding any other provision of law,  
section 2 and section 371 of this title shall not be  
charged in connection with this section.**

Amendment to Sec. 104 of the National Security Act of 1947, as amended:

In subsection (g), strike all after the words "United States." through the end of that subsection;

Insert at the end, a new subsection (h), to wit:

**"Sec. 104(h). Termination of Employment of Intelligence Community Employees.**

"(h) Notwithstanding the provisions of any other law, each head of a department with authority over an element of the intelligence community may, in the discretion of that department head, terminate the employment of any officer or employee of such department intelligence community element whenever the department head shall deem such termination necessary or advisable in the interests of the United States."

Reported out 5/4/20  
Motion to proceed  
7/27/0

Richard Shelby

Calendar No. \_\_\_\_\_

106TH CONGRESS  
2D SESSION

**S.** 2507

[Report No. 106-279]

IN THE SENATE OF THE UNITED STATES

\_\_\_\_ (legislative day, \_\_\_\_\_), 2000

Mr. SHELBY, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

**A BILL**

To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 "Intelligence Authorization Act for Fiscal Year 2001".



1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INTELLIGENCE ACTIVITIES**

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
DISABILITY SYSTEM**

- Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL PROVISIONS**

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Prohibition on unauthorized disclosure of classified information.
- Sec. 304. POW/MIA analytic capability within the intelligence community.
- Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
- Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
- Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
- Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

- Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
- Sec. 402. Subpoena authority of the Inspector General.
- Sec. 403. Improvement and extension of central services program.
- Sec. 404. Details of employees to the National Reconnaissance Office.
- Sec. 405. Transfers of funds to other agencies for acquisition of land.
- Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

- Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 502. Nuclear test monitoring equipment.
- Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.

1 SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE  
2 OF CLASSIFIED INFORMATION.

3 (a) IN GENERAL.—Chapter 37 of title 18, United  
4 States Code, is amended—

5 (1) by redesignating section 798A as section  
6 798B; and

7 (2) by inserting after section 798 the following  
8 new section 798A:

9 “§ 798A. Unauthorized disclosure of classified infor-  
10 mation

11 “(a) PROHIBITION.—Whoever, being an officer or  
12 employee of the United States, a former or retired officer  
13 or employee of the United States, any other person with  
14 authorized access to classified information, or any other  
15 person formerly with authorized access to classified infor-  
16 mation, knowingly and willfully discloses, or attempts to  
17 disclose, any classified information to a person who is not  
18 both an officer or employee of the United States and who  
19 is not authorized access to the classified information shall  
20 be fined not more than \$10,000, imprisoned not more  
21 than 3 years, or both.

22 “(b) CONSTRUCTION OF PROHIBITION.—Nothing in  
23 this section shall be construed to establish criminal liabil-  
24 ity for disclosure of classified information in accordance  
25 with applicable law to the following:

1           “(1) Any justice or judge of a court of the  
2       United States established pursuant to article III of  
3       the Constitution of the United States.

4           “(2) The Senate or House of Representatives,  
5       or any committee or subcommittee thereof, or joint  
6       committee thereof, or any member of Congress.

7       “(c) DEFINITIONS.—In this section:

8           “(1) The term ‘authorized’, in the case of ac-  
9       cess to classified information, means having author-  
10      ity or permission to have access to the classified in-  
11      formation pursuant to the provisions of a statute,  
12      Executive Order, regulation, or directive of the head  
13      of any department or agency who is empowered to  
14      classify information, an order of any United States  
15      court, or a provision of any Resolution of the Senate  
16      or Rule of the House of Representatives which gov-  
17      erns release of classified information by the such  
18      House of Congress.

19          “(2) The term ‘classified information’ means in-  
20      formation or material designated and clearly marked  
21      or represented, or that the person knows or has rea-  
22      son to believe has been determined by appropriate  
23      authorities, pursuant to the provisions of a statute  
24      or Executive Order, as requiring protection against

1 unauthorized disclosure for reasons of national secu-  
2 rity.

3 "(3) The term 'officer or employee of the  
4 United States' means the following:

5 "(A) An officer or employee (as those  
6 terms are defined in sections 2104 and 2105 of  
7 title 5).

8 "(B) An officer or enlisted member of the  
9 Armed Forces (as those terms are defined in  
10 section 101(b) of title 10)."

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of that chapter is amended by striking  
13 the item relating to section 798A and inserting the fol-  
14 lowing new items:

"798A. Unauthorized disclosure of classified information.

"798B. Temporary extension of section 794."

15 **SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE IN-**  
16 **TELLIGENCE COMMUNITY.**

17 Title I of the National Security Act of 1947 (50  
18 U.S.C. 402 et seq.) is amended by adding at the end the  
19 following:

20 **"POW/MIA ANALYTIC CAPABILITY**

21 **"SEC. 115. (a) REQUIREMENT.—(1) The Director of**  
22 **Central Intelligence shall, in consultation with the Sec-**  
23 **retary of Defense, establish and maintain in the intel-**  
24 **ligence community an analytic capability with responsi-**

**AGENDA**

**2/1/02**

**Litigation Group  
Interagency Task Force on Unauthorized  
Disclosure of Classified Information**

- ◆ Update on Old Taskings
- ◆ Review New Taskings
- ◆ Identify issues for discussion
- ◆ Schedule next meeting – Tuesday, February 12, 2pm

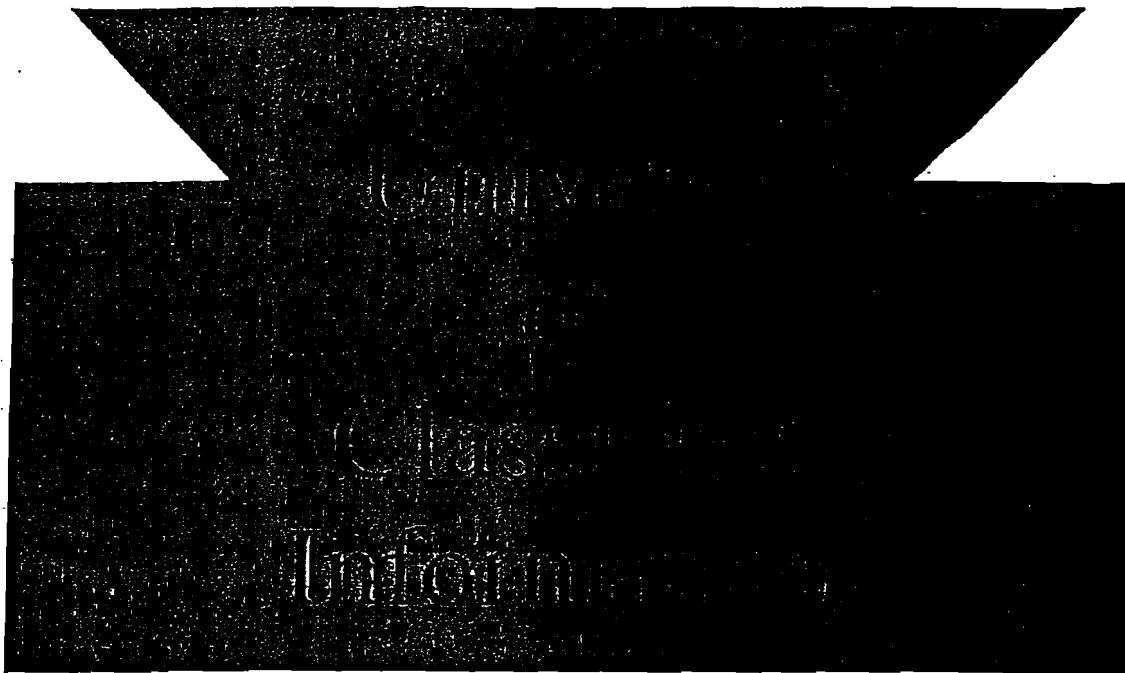
**InterAgency Task Force on Unauthorized Disclosures**  
**Working Groups Chairs Meeting**

Room 4343, DOJ RFK Building  
Friday, January 11, 2002  
2:00 p.m. – 3:00 p.m.

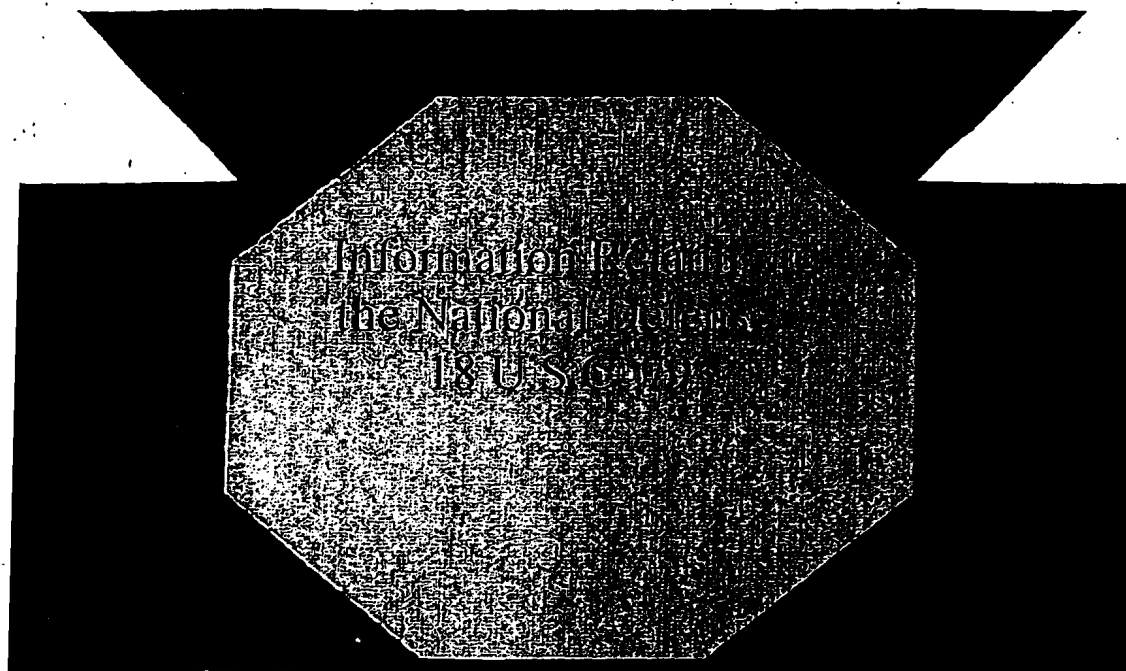
**AGENDA**

1. Convene Meeting  
--circulate sign in sheet
2. Distribution of materials and discussion
  - a. summary of IATF meeting of 1/8/02
  - b. taskings papers
  - c. working group chair contact information
  - d. working group staffing sheet
  - e. calendar
3. Reports from Working Groups, if any
4. General Discussion
5. Adjourn

Application of U.S. Criminal Code for Unauthorized  
Disclosure of Classified Information



The Majority of Classified Information is Covered by  
18 U.S.C. 793



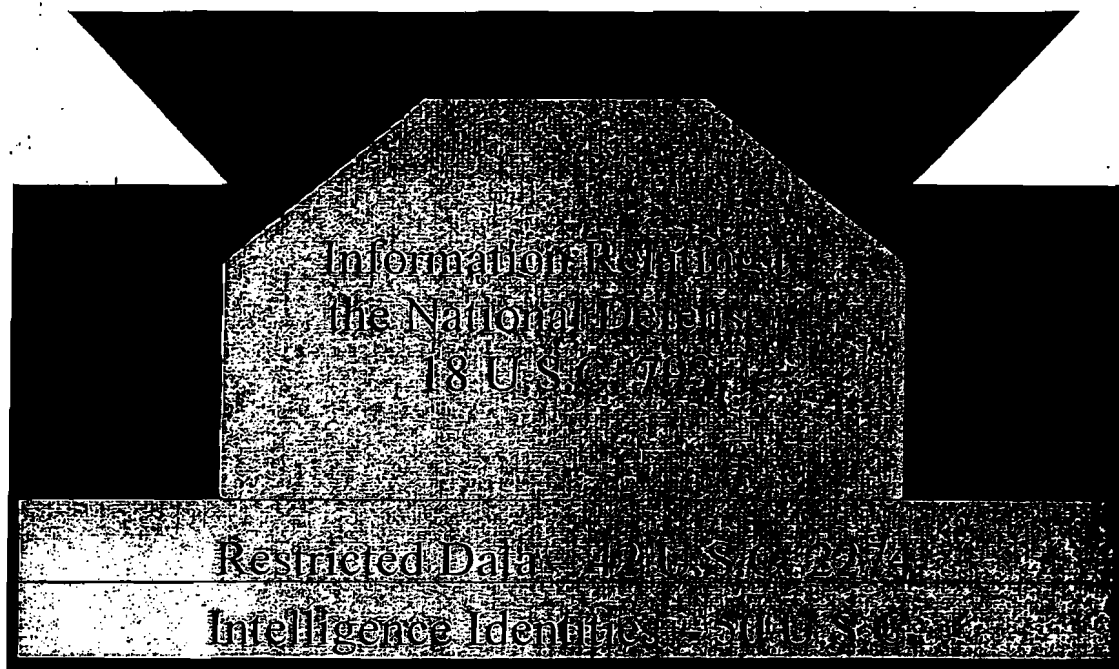


Unauthorized Disclosure of Intelligence Agents'  
Identities is Covered by 50 U.S.C. 421

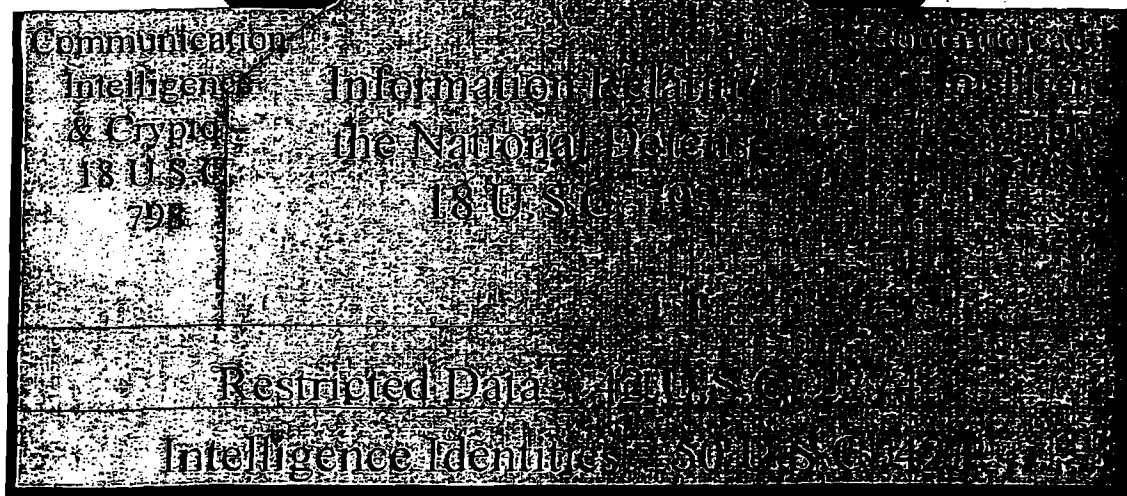
Information Relating to  
the National Defense  
18 U.S.C. 793

Intelligence Identity 50 U.S.C. 421

Unauthorized Disclosure of Restricted Data is Covered  
by 42 U.S.C. 2274



Unauthorized Disclosure of Communication Intelligence  
Activities or Crypto Information is Covered by  
18 U.S.C. 798



Unauthorized Disclosure of Diplomatic Codes can be  
Prosecuted Under 18 U.S.C. 952

Diplomatic Traffic - 18 U.S.C. 952

Communication  
Intelligence  
& Cryptic  
18 U.S.C.  
793

Information Relating to  
the National Defense  
18 U.S.C. 793

Restricted Data - 18 U.S.C. 227

Intelligence Identities - 18 U.S.C. 1424

Areas Indicated in  
Red are Arguably  
Uncovered by

Current Federal Law

## Retain Eleven Questions

### **Recommendation:**

- The eleven questions should be retained and answered by the agency or department responsible for the classified information in every leak investigation.

### **Discussion:**

The eleven questions serve essentially as a police report when an agency or department makes a criminal referral concerning a leak to the Department of Justice. Answers to the questions can be valuable in focusing the investigation. It should be noted that in cases of extreme importance or urgency, an investigation can be opened without the answers to these questions. As currently formulated, the eleven questions are:

1. Date and identity of the article containing the classified information.
2. Specific statements in the article which are classified and whether the information was properly classified.
3. Whether the classified information disclosed is accurate.
4. Whether the information came from a specific document and, if so, the origin of the document and the name of the individual responsible for the security of the classified data disclosed.
5. The extent of official dissemination of the information.
6. Whether the information has been the subject of prior official release.
7. Whether prior clearance for publication or release of the information was sought from proper authorities.
8. Whether the material or portions thereof or enough background data has been published officially or in the press to make an educated speculation on the matter possible.
9. Whether the information can be made available for use in a prosecution and, if so, the name of the person competent to testify concerning its classification.
10. Whether declassification had been considered or decided upon prior to the publication of the data.

11. What effect the disclosure of the classified information could have on national defense.

Originator: Internal Security Section, Criminal Division, Department of Justice (POC: John Dion, 202-514-1250).

### **Recommendation:**

• The eleven questions should be retained and answered by the agency or department responsible for the classified information in every leak investigation.

### **Analysis:**

The eleven questions serve essentially as a police report when an agency or department makes a criminal referral concerning a leak to the Department of Justice. Answers to the questions can be valuable in focusing the investigation. It should be noted that in cases of extreme importance or urgency, an investigation can be opened without the answers to these questions. As currently formulated, the eleven questions are:

1. Date and identity of the article containing the classified information.
2. Specific statements in the article which are classified and whether the information was properly classified.
3. Whether the classified information disclosed is accurate.
4. Whether the information came from a specific document and, if so, the origin of the document and the name of the individual responsible for the security of the classified data disclosed.
5. The extent of official dissemination of the information.
6. Whether the information has been the subject of prior official release.
7. Whether prior clearance for publication or release of the information was sought from proper authorities.
8. Whether the material or portions thereof or enough background data has been published officially or in the press to make an educated speculation on the matter possible.
9. Whether the information can be made available for use in a prosecution and, if so, the name of the person competent to testify concerning its classification.
10. Whether declassification had been considered or decided upon prior to the publication of the data.
11. What effect the disclosure of the classified information could have on national defense.



**INTERAGENCY TASK FORCE  
UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION  
LITIGATION GROUP**

**HAIR, DOJ AAG/CRM**  
**Steve Bunnell**

**Office**  
**202-353-7595**

**Fax**  
**202-514-0108**

**MEMBERS:**

<b>DOJ/ISS</b>	<b>John Dion</b>	<b>202-514-1250</b>	<b>Fax 202-514-2836</b>
<b>DOJ/ISS</b>	<b>Michael Leibman</b>	<b>202-514-4882</b>	<b>Fax 202-514-2836</b>

<b>DOJ/OPR</b>	<b>Marshall Jarrett</b>	<b>202-514-3365</b>
<b>DOJ/OPR</b>	<b>James Duncan</b>	<b>202-514-3365</b>

*2  
PEL  
OPR*

<b>DOJ/CIV</b>	<b>Michele Mickey Miller</b>	<b>202-514-3886</b>	<b>Fax 202-514-8071</b>
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<b>DOJ/OLP</b>	<b>Jennifer Newstead</b>	<b>202-616-0038</b>	<b>Fax 202-353-9163</b>
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**DOJ/OIPR**

*(b)(6)*

*(b)(6) PEL*

*(b)(6)*

<b>DOJ/OLC</b>	<b>Dan Koffsky</b>	<b>202-514-2030</b>	<b>Fax 202-305-8524</b>
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**BI**  
**BI**

*6-2*

<b>DOJ/OEC</b>	<b>Stuart Aly</b>	<b>703-695-6804</b>	<b>Fax 703-614-6745</b>
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<b>DOJ</b>	<b>Tyler Przybylek</b>	<b>202-586-7515</b>	<b>Fax 202-586-7535</b>
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**IA**  
**IA/OGCT**

*3-2*

**SA**

*6*

<b>DOJ</b>	<b>John Bellinger</b>	<b>202-456-9111</b>	<b>Fax 202-456-9110</b>
------------	-----------------------	---------------------	-------------------------

<b>DOJ/ATE</b>	<b>Jim Anderson</b>	<b>202-663-0530</b>	<b>Fax 202-663-0212</b>
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**InterAgency Task Force on Unauthorized Disclosures  
Working Groups Chairs**

**Contact Information**

<u>Working Group</u>	<u>Chair</u>	<u>Phone number</u>
Litigation Group	Steve Bunnell DOJ, Criminal Division (CRM) Counsel for Nat'l Security	202-353-7595
Legislative Group	Jennifer Newstead DOJ, Office of Legal Policy (OLP) Dep. Asst. AG	202-616-0038
Science & Tech Group	[ 3 ] CIA, Security Division Dep. Dir. for Security	[ 3 ]
Security Group Co-chairs	Jeff Gaynor DOD, Security & Info. Ops. [ 3 ] CIA, Security Division	703-697-2242 [ 3 ]
Media Affairs Group	Susan Dryden DOJ, Office of Public Affairs (OPA) Dep. Dir. for OPA	202-616-2777
Legal Review Group	Dan Koffsky DOJ, Office of Legal Counsel (OLC) Special Counsel to the Asst. AG for OLC	202-514-2030

AGENDA

1/18/02

next 2 wks from today

**Litigation Group  
Interagency Task Force on Unauthorized  
Disclosure of Classified Information**

◆ **Overview and Schedule**

May 1, 2002 report to Cong

April 10, 2002, internal Task Force deadline

February 14, 2002, SSCI briefing

◆ **Review Taskings from Task Force**

5

◆ **Assign responsibility for follow-up**

◆ **Schedule next meeting – February 1, 2pm**

Thursday, December 20, 2001

Time: 2:00-3:00 PM

Location: Room 4343

**Task Force on Unauthorized Disclosures of Classified Information - DOJ Components**

	<u>Component</u>	<u>Representative</u>	<u>Phone Number</u>
1.	ODAG	Patrick Murray	(202) 514-0835 JG (202) 514-9340
2.	OLC	Dan Koffsky	(202) 514-2030 JG (202) 514-2030
3.	CRM	Steve Bunnell	(202) 353-7595
4.	CIV	Michelle Miller	(202) 514-3301 (202) 514-3301
5.	OLP	Jennifer Newstead	(202) 616-0038 (202) 54-4601
6.	OLA	Sheryl Walter	(202) 514-4054 - 6 (202) 514-4054
7.	OIG	Glenn Fine	JG (202) 514-3435 (202) 514-3435
8.	OPR	Marshall Jarrett	JG (202) 514-3365
9.	OIPR		516 { JG
10.	C/S & T Advisor	Don Prosnitz	6 (202) 353-8878
11.	FBI		JG



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
08/16/2006	:	08/17/2006 MEDIA LEAK.	CIA II	CES
06/13/2006	:	06/15/2006 MEDIA LEAK.	CIA II	CES
05/01/2006	:	05/01/2006 MEDIA LEAK.	CIA II	CES
05/09/2006	b2	05/09/2006 MEDIA LEAK.	CIA II	CES
05/16/2006	b2	05/17/2006 MEDIA LEAK.	CIA II	CES
05/23/2006	/	05/24/2006 MEDIA LEAK.	CIA II	CES
07/17/2006	b3	07/18/2006 MEDIA LEAK.	CIA5	CES
07/17/2006	b3	07/18/2006 MEDIA LEAK.	CIA5	CES
08/07/2006		08/08/2006 MEDIA LEAK.	CIA II	CES
08/16/2006		08/17/2006 MEDIA LEAK.	CIA II	CES
08/29/2006		08/30/2006 MEDIA LEAK.	CIA II	CES
09/05/2006		09/07/2006 MEDIA LEAK.	CIA II	CES
09/01/2006		09/05/2006 MEDIA LEAK.	CIA II	CES

2  
F 53

# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
01/12/2006	G/00/120-06	01/18/2006 UNAUTHORIZED DISCLOSURE.	NSA	CES
02/16/2006		02/16/2006 UNAUTHORIZED DISCLOSURE.	CIA II	CES
02/16/2006	b2	03/16/2006 UNAUTHORIZED DISCLOSURE.	CIA II	CES
02/16/2006		03/13/2006 UNAUTHORIZED DISCLOSURE.	CIA II	CES
03/17/2006	/	03/17/2006 UNAUTHORIZED DISCLOSURE	CIA 4	CES
03/06/2006		03/13/2006 UNAUTHORIZED DISCLOSURE.	CIA	CES
03/06/2006	b3	03/06/2006 UNAUTHORIZED DISCLOSURE.	CIA 4	CES
03/22/2006		03/23/2006 UNAUTHORIZED DISCLOSURE.	CIA 4	CES
03/17/2006		03/17/2006 UNAUTHORIZED DISCLOSURE.	CIA 4	CES
03/17/2006		03/17/2006 UNAUTHORIZED DISCLOSURE.	CIA 4	CES
03/29/2006		03/30/2006 UNAUTHORIZED DISCLOSURE.	CIA II	CES
03/29/2006		03/30/2006 UNAUTHORIZED DISCLOSURE.	CIA II	CES
07/06/2004		07/07/2006 UNAUTHORIZED DISCLOSURE "11 QUES	CIA	CES

85 54



Office of the Inspector General  
Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
07/06/2005		07/06/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
12/22/2005		12/22/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
11/02/2005	b2	11/10/2005 UNAUTHORIZED DISCLOSURE (11 QUEST	CIA	CES
04/04/2004		04/05/2005 UNAUTHORIZED DISCLOSURE	CIA	CES
02/18/2005	/	02/22/2005 UNAUTHORIZED DISCLOSURE	CIA II	CES
03/30/2005		04/11/2005 UNAUTHORIZED DISCLOSURE	CIA II	CES
06/24/2005	b3	06/30/2005 UNAUTHORIZED DISCLOSURE.	CIA	CES
06/13/2005		06/17/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
06/30/2005		07/06/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
07/13/2005		07/15/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
11/15/2005		11/17/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
11/02/2005		11/09/2005 UNAUTHORIZED DISCLOSURE.	CIA II	CES
11/22/2005		11/23/2005 UNAUTHORIZED DISCLOSURE.	CIA	CES
12/05/2005		12/05/2005 UNAUTHORIZED DISCLOSURE (FAXED CO	CIA II	CES

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# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
01/11/2005	-----	01/15/2005 LEAKS.	CIA	CES
07/25/2005	AGC(0)-155-05	07/28/2005 LEAK	NSA2	CES
04/14/2005	GC/063/05	04/18/2005 MEDIA LEAK	NSA	CES
08/22/2005	GC/118/05	08/26/2005 LEAK.	NSA	CES
09/01/2005	ODNI	09/08/2005 LEAK.	ODNI	CES
08/04/2005		08/10/2005 LEAK [b3]	CIA	CES
08/16/2005		08/26/2005 LEAK.	CIA II	CES
12/19/2004		01/24/2005 LEAKS	CIA	CES
03/10/2005		03/15/2005 LEAK	CIA II	CES
12/30/2004		01/24/2005 LEAKS	CIA	CES
01/04/2005		01/04/2005 LEAKS	CIA	CES
01/13/2005	b2	01/18/2005 LEAK	CIA	CES
05/03/2005	/	05/09/2005 MEDIA LEAK.	CIA II	CES
02/14/2005		02/15/2005 LEAK	CIA	CES
02/17/2005		02/25/2005 LEAK	CIA II	CES
02/18/2005	b3	02/22/2005 LEAK	CIA II	CES
02/18/2005		02/22/2005 LEAK	CIA II	CES
03/16/2005		03/21/2005 LEAK	CIA II	CES
03/16/2005		03/18/2005 LEAK	CIA II	CES
03/09/2005		03/10/2005 LEAK	CIA II	CES
03/09/2005		03/18/2005 LEAK	CIA II	CES
03/18/2005		03/23/2005 LEAK	CIA	CES
04/12/2005		04/15/2005 MEDIA LEAK	CIA II	CTS

87 56



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
04/12/2005		04/15/2005 MEDIA LEAK.	CIA II	CTS
05/24/2005		05/31/2005 MEDIA LEAK.	CIA II	CES
06/06/2005		06/06/2005 MEDIA LEAK	CIA II	CES
06/13/2005	b2	06/14/2005 MEDIA LEAK	CIA II	CES
06/30/2005		07/06/2005 LEAK b3	CIA II	CES
07/06/2005		08/11/2005 LEAK	CIA IG	CES
07/07/2005		07/13/2005 LEAK	CIA II	CES
07/15/2005	b3	07/18/2005 MEDIA LEAK.	CIA II	CES
07/21/2005		07/28/2005 LEAK.	CIA II	CES
09/16/2005		09/21/2005 LEAK	CIA II	CES
08/23/2005		08/26/2005 LEAK.	CIA II	CES
08/30/2005		09/06/2005 LEAK	CIA II	CES
08/23/2005		08/26/2005 LEAK	CIA II	CES
09/16/2005		09/19/2005 LEAK.	CIA II	CES
09/16/2005		09/19/2005 LEAK.	CIA II	CES
09/19/2009		09/21/2005 LEAK.	CIA II	CES
09/15/2005		09/15/2005 LEAK.	CIA IG	CES
09/19/2005		09/20/2005 LEAK.	CIA II	CES
09/19/2005		09/21/2005 LEAK.	CIA II	CES
10/17/2005		10/21/2005 MEDIA LEAK.	CIA 3	CTS
11/18/2005		11/21/2005 LEAK.	CIA II	CES
11/15/2005		11/16/2005 LEAKS (ADDENDUM) COPY TO DION FR	CIA 3	CES
11/29/2005		12/07/2005 MEDIA LEAK.	CIA II	CES



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
11/29/2005		11/30/2005 MEDIA LEAKS (FAXED COPY).	CIA II	CES
11/29/2005		11/30/2005 MEDIA LEAKS. (FAXED COPY).	CIA II	CES
11/29/2005		12/07/2005 MEDIA LEAK.	CIA II	CES
11/29/2005		11/30/2005 MEDIA LEAKS (FAX COPY)	CIA II	CES
02/14/2005		02/20/2005 LEAK	CIA II	CES

b2  
b3



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG	Synopsis of Alleged Offense(s)	Final Date	Agency	Section(s)
03/12/2004	GC/036/04	03/31/2004	UNAUTHORIZED DISCLOSURE		NSA	CES
12/08/2004		12/12/2004	UNAUTHORIZED DISCLOSURE.		CIA 3	CES
07/06/2004		07/12/2004	UNAUTHORIZED DISCLOSURE		CIA II	CES
04/02/2004		04/05/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
04/01/2004	b2	04/05/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
04/01/2004		04/05/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/01/2004		03/11/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
02/02/2004	b3	04/05/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
02/05/2004		02/06/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
01/29/2004		02/06/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
02/02/2004		02/06/2004	UNAUTHORIZED DISCLOSURE		CIA	DSS
02/06/2004		02/17/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
02/19/2004		02/20/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
02/23/2004		02/26/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/02/2004		03/04/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/01/2004		03/02/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/31/2004		04/05/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/23/2004		03/24/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
03/26/2004		03/30/2004	UNAUTHORIZED DISCLOSURE		CIA	CES
05/11/2004		05/18/2004	UNAUTHORIZED DISCLOSURE		CIA II	CES
05/12/2004		05/18/2004	UNAUTHORIZED DISCLOSURE		CIA II	CES
05/13/2005		05/18/2004	UNAUTHORIZED DISCLOSURE		CIA II	CES
05/21/2004	3	06/02/2004	UNAUTHORIZED DISCLOSURE		CIA II	CES



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
05/21/2004		06/02/2004 UNAUTHORIZED DISCLOSURE	CIA II	CES
06/02/2004	b2	06/03/2004 UNAUTHORIZED DISCLOSURE	CIA II	CES
07/01/2004		07/12/2004 UNAUTHORIZED DISCLOSURE	CIA II	CES
10/13/2004	b3	10/15/2004 UNAUTHORIZED DISCLOSURE	CIA	CES
10/08/2004		10/10/2004 UNAUTHORIZED DISCLOSURE	CIA	CES
02/09/2004		02/17/2004 UNAUTHORIZED DISCLOSURE	CIA	CES
06/03/2004		06/09/2004 UNAUTHORIZED DISCLOSURE	NSA	CES

Office of the Assistant Attorney General  
Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
03/04/2004		03/22/2004 LEAK	CIA AG	CES
06/08/2004		06/09/2004 LEAK (FAXED TO JOHN DION BY PAT M	CIA	CES
06/09/2004	GC/107/04	06/14/2004 LEAK	NSA	CES
09/20/2004	GC/157/04	09/22/2004 LEAK	NSA	CES
11/29/2004	GC/191/04	12/08/2004 LEAK	NSA2	CES
12/10/2004	GC/197/04	12/15/2004 LEAK	NSA2	CES
07/15/2004	b2	07/19/2004 LEAK.	CIA II	CES
03/18/2004		03/18/2004 LEAK - THE DOCUMENT WAS SECURED	CIA	CES
07/13/2004		07/15/2004 LEAK	CIA	CES
07/12/2004		07/12/2004 LEAK	CIA	CES
07/13/2004	b3	07/15/2004 LEAK	CIA	CES
07/15/2004		07/19/2004 LEAK	CIA	CES
07/19/2004		07/21/2004 LEAK	CIA	CES
07/10/2004		07/13/2004 LEAK	CIA	CES
07/30/2004		08/06/2004 LEAK	CIA	CES
11/12/2004		11/23/2004 LEAK	CIA II	CES
08/02/2004		08/09/2004 LEAK	CIA	CES
09/28/2004		09/30/2004 LEAK	CIA	CES
10/15/2004		10/18/2004 LEAKC	CIA	CES
10/22/2004		10/25/2004 LEAK	CIA	CES
10/27/2004		10/28/2004 LEAK	CIA	CES
11/03/2004		11/04/2004 LEAK	CIA	CES
11/05/2004		11/05/2004 LEAK	CIA	CES



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
11/26/2004		11/30/2004 LEAK	CIA II	CES
12/01/2004	b2	12/03/2004 LEAK	CIA II	CES
12/08/2004	b2	12/08/2004 LEAKS	CIA	CES
10/14/2004	b3	10/15/2004 LEAK	CIA	CES
11/24/2004	Y-IG/00/164-04	11/30/2004 LEAK	NSA2	CES



# Criminal Division Crimes Reporting Tracking Report

No leaks for 2003

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
11/20/2003		11/20/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
01/13/2003		01/15/2003 [S] POSSIBLE UNAUTHORIZED DISCLO	CIA	CES
01/06/2003		01/08/2003 [S] POSSIBLE UNAUTHORIZED DISCLO	CIA	CES
01/13/2003		01/15/2003 [S] POSSIBLE UNAUTHORIZED DISCLO	CIA	CES
01/06/2003		01/08/2003 [S] POSSIBLE UNAUTHORIZED DISCLO	CIA	CES
01/13/2003		01/15/2003 [S] POSSIBLE UNAUTHORIZED DISCLO	CIA	CES
01/23/2003		01/29/2003 POSSIBLE VIOLATION UNAUTHORIZED D	CIA	CES
09/10/2003		09/12/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
09/29/2003		10/02/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
09/23/2003		09/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/07/2003		10/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/10/2003		10/16/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/10/2003		10/10/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/14/2003		11/04/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/16/2003		10/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/20/2003		10/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/28/2003		11/04/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/29/2003		11/04/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
10/29/2003		10/31/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
11/13/2003		11/20/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
11/03/2003		11/03/2003 UNAUTHORIZED DISCLOSURES	CIA	CES
11/05/2003		11/06/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
12/19/2003		12/20/2003 UNAUTHORIZED DISCLOSURE	CIA	CES

b2  
b3

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# Criminal Division Crimes Reporting Tracking Report

Date of atter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
1/20/2003		11/20/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
1/19/2003	b2	11/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
1/20/2003		11/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
1/21/2003		11/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
2/03/2003		12/09/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
2/08/2003	b3	12/09/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
2/05/2003		12/09/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
2/16/2003		12/17/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
2/15/2003		12/15/2003 UNAUTHORIZED DISCLOSURE	CIA	CES
1/19/2003		11/24/2003 UNAUTHORIZED DISCLOSURE	CIA	CES





# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
01/17/2002	GC/012/02	01/23/2002 UNAUTHORIZED DISCLOSURE	NSA	ISS
05/21/2002	GC/071/02	05/23/2002 UNAUTHORIZED DISCLOSURE	NSA	ISS
06/20/2002	GC/099/02	06/25/2002 UNAUTHORIZED DISCLOSURES	NSA	ISS
06/25/2002		06/27/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
12/20/2001		01/09/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
01/16/2002	b2	01/17/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
03/19/2002		03/21/2002 UNAUTHORIZED DISCLOSURE CODEW	CIA	ISS
11/19/2002		11/19/2002 [TS] POSSIBLE UNAUTHORIZED DISCLO	CIA	ISS
01/28/2002		01/30/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
02/05/2002	b3	02/10/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
02/05/2002		02/21/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
03/07/2002		03/13/2002 UNAUTHORIZED DISCLOSURE SE	CIA	ISS
02/05/2002		01/08/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
02/05/2002		02/08/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
02/01/2002		02/04/2002 UNAUTHORIZED DISCLOSURE UPDATED	CIA	ISS
05/29/2002		06/05/2002 UNAUTHORIZED DISCLOSURE - UPDATE,	CIA	ISS
03/05/2002		03/06/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
05/29/2002		06/05/2002 UNAUTHORIZED DISCLOSURES UPDATE,	CIA	ISS
04/15/2002		04/19/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
05/15/2002		05/21/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
05/20/2002		05/30/2002 UNAUTHORIZED DISCLOSURES - UPDATE	CIA	ISS
05/13/2002		05/16/2002 UNAUTHORIZED DISCLOSURES FOLLOWU	CIA	ISS
04/02/2002		04/03/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
04/19/2002		04/23/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
05/20/2002		05/22/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
06/18/2002		06/25/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
06/18/2002		06/25/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
06/18/2002		06/25/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
06/10/2002		06/11/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
06/12/2002	b2	06/13/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
07/05/2002		08/06/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
07/05/2002		07/10/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
06/18/2002		06/20/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
06/18/2002	b3	06/20/2002 UNAUTHORIZED DISCLOSURE	CIA	ISS
06/18/2002		06/25/2002 UNAUTHORIZED DISCLOSURES	CIA	ISS
08/21/2002		08/23/2002 UNAUTHORIZED DISCLOSURE (UPDATE)	CIA	ISS
09/16/2002		09/19/2002 CRIME REPORT (UNAUTHORIZED DISCLO	CIA	ISS
09/25/2002		09/27/2002 CRIME REPORT -- VIOLATIONS OF CRI	CIA	ISS
11/19/2002		11/20/2002 [S] POSSIBLE UNAUTHORIZED DISCLOS	CIA	ISS
10/29/2002		10/30/2002 [S] POSSIBLE UNAUTHORIZED DISCLOS	CIA	ISS
11/18/2002		11/20/2002 [TS] POSSIBLE UNAUTHORIZED DISCLO	CIA	ISS
11/21/2002		11/22/2002 [S] UNAUTHORIZED DISCLOSURES OF C	CIA	ISS
11/12/2002		11/14/2002 [TS] POSSIBLE UNAUTHORIZED DISCL	CIA	ISS
11/20/2002		11/20/2002 [TS] POSSIBLE UNAUTHORIZED DISCLO	CIA	ISS
11/26/2002		11/26/2002 [S] UNAUTHORIZED DISCLOSURES OF C	CIA	ISS
11/26/2002		11/26/2002 [S] UNAUTHORIZED DISCLOSURES OF C	CIA	ISS



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG	Synopsis of Alleged Offense(s)	Final Date	Agency	Section(s)
2/09/2002		12/09/2002	[S] UNAUTHORIZED DISCLOSURES OF C		CIA	ISS
1/27/2002		12/04/2002	[TS] POSSIBLE UNAUTHORIZED DISCL		CIA	CES
2/09/2002	b2	12/09/2002	[S] UNAUTHORIZED DISCLOSURES OF C		CIA	ISS
2/09/2002		12/11/2002	[S] UNAUTHORIZED DISCLOSURES OF C		CIA	ISS
2/15/2002	/	02/20/2002	UNAUTHORIZED DISCLOSURE		CIA	ISS
6/18/2002	b3	06/25/2002	UNAUTHORIZED DISCLOSURES		CIA	ISS



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG	Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
9/18/2002	GC/137/02	09/25/2002	REPORT OF POSSIBLE FEDERAL CRIME	NSA	ISS

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Offense Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG	Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
01/10/2001	GC/006/01	01/16/2001	UNAUTHORIZED DISCLOSURE	NSA	ISS
11/14/2001	GC/164/01	11/19/2001	UNAUTHORIZED DISCLOSURE	NSA	ISS
12/28/2001	GC/191/01	01/09/2001	UNAUTHORIZED DISCLOSURE	NSA	ISS
10/22/2001		10/26/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
10/22/2001		10/26/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
11/05/2001		11/08/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
11/05/2001		11/06/2001	LEAK UNAUTHORIZED DISCLOSURES	CIA	ISS
10/22/2001		10/26/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
11/06/2001		11/08/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
11/06/2001		11/08/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS
12/20/2001		12/21/2001	UNAUTHORIZED DISCLOSURE	NSA	ISS
01/16/2002		01/18/2001	UNAUTHORIZED DISCLOSURE	CIA	ISS



# Criminal Division Crimes Reporting Tracking Report

Date of Letter	Report Number	Date Received in CRM/OAAG Synopsis of Alleged Offense(s)	Final Date Agency	Section(s)
0/22/2001	GC/147/01	10/24/2001 LEAKS	NSA	ISS
0/10/2001		10/17/2001 LEAKS	CIA	ISS
0/10/2001		10/17/2001 LEAKS	CIA	ISS
0/10/2001	b2	10/17/2001 LEAKS	CIA	ISS
0/11/2001		10/11/2001 LEAKS	CIA	ISS
0/12/2001		10/12/2001 LEAKS	CIA	ISS
0/12/2001	b3	10/17/2001 LEAKS	CIA	ISS

7/10/03

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ACTS - CES leaks

*Time*

CES Media Leaks  
Opened 2000 to 2006

DRAFT

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Pgmt Code
2000	01/04/2000	cr-02-141/99 closed	09/04/2002		CRML
	02/02/2000	cr-02-139/00	10/01/2006		CRML
	04/01/2000	Classified-02-2002	03/21/2005	CIA	CRML
	04/01/2000	cr-02-357/00 other	10/01/2006		CRUD
	04/07/2000	cr-02-234/00	10/01/2006		CRML
	05/01/2000	cr-02-144/00	10/01/2006		CRML
	05/12/2000	cr-02-100/00	10/01/2006		CRML
	05/17/2000	cr-02-99/00	10/01/2006		CRML
	05/22/2000	CR-02-181 and CR-02-182/00	10/01/2006	CIA	CRML
	06/06/2000	Classified	10/01/2006	FBI	CRML
	06/07/2000	cr-02-140	10/01/2006		CRML
	07/21/2000	cr-02-97/00	10/01/2006		CRML
	08/17/2000	cr-02-143/00	10/01/2006		CRML
	08/17/2000	cr-02-349/00 other	10/01/2006		CRUD
	08/18/2000	cr-02-95/00	10/01/2006		CRML
	09/01/2000	cr-02-245/00	10/01/2006		CRML
	09/20/2000	cr-02-89/00 FYI	08/01/2002		CRML
	09/21/2000	cr-02-90/00	10/01/2006		CRO
	09/21/2000	cr-02-91/00 FYI	10/01/2006		CRML
	09/21/2000	cr-02-92/00 FYI	10/01/2006		CRML
	10/02/2000	cr-02-2/98 closed	09/20/2002		CRML
	10/02/2000	cr-02-3/99 closed	08/10/2002		CRML
	10/18/2000	cr-02-219/00	10/01/2006		CRML
	10/18/2000	cr-02-220/00	10/01/2006		CRML
	10/27/2000	cr-02-138/00	10/01/2006		CRML
	11/30/2000	cr-02-154/00	10/01/2006		CRML
	11/30/2000	cr-02-155/00	10/01/2006		CRML
	12/12/2000	cr-02-190/00 closed	09/19/2002		CRML
	12/12/2000	cr-02-355/00	10/01/2006		CRUD
	12/12/2000	cr-02-83/99	10/01/2006		CRML
	12/14/2000	cr-02-88/00	10/01/2006		CRML
		Total for Year: 31			
2001	01/19/2001	CR-02-174/00 closed	05/21/2002		CRO
	01/30/2001	cr-02-153/00 closed	12/13/2001		CRML
	02/09/2001	cr-02-171/01 FYI	01/01/2002		CRML
	02/13/2001	cr-02-173/00 closed	08/01/2002		CRO
	03/02/2001	cr-02-200/01 closed	08/01/2002		CRML
	03/09/2001	cr-02-152/01 FYI	01/01/2007		CRML
	04/01/2001	cr-02-254/01 closed	05/21/2002		CRML
	05/31/2001	CR-02-183/01	01/01/2007		CRML
	07/11/2001	cr-02-195/01	01/01/2007		CRML
	07/17/2001	CR-02-39A/00	12/31/2006		CRML
	07/30/2001	cr-02-201/01	01/01/2007		CRML
	07/30/2001	cr-02-202/01	01/01/2007		CRML
	08/01/2001	CR-02-383	04/26/2004	FBI	CRUD
	08/06/2001	CR-02-179/01	01/01/2007		CRML
	09/18/2001	cr-02-210/01	01/01/2007		CRML
	09/18/2001	cr-02-211/01	01/01/2007		CRML

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ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Pgm Code
	10/04/2001	cr-02-4/01	01/01/2007		CRML
	10/22/2001	cr-02-209/01	01/01/2007		CRML
	10/25/2001	cr-02-197A - E/01	01/01/2007		CRML
	10/26/2001	cr-02-150/01	01/01/2007		CRML
	11/01/2001	CR-02-384	04/26/2004	FBI	CRUD
	11/23/2001	cr-02-10/01 FYI	01/01/2007		CRML
	11/23/2001	cr-02-147/01	01/01/2007		CRML
	11/27/2001	cr-02-11/01 FYI	01/01/2007		CRML
	11/28/2001	cr-02-353/ 01	01/01/2007		CRML
	12/06/2001	CR-02-180/01 FYI	01/01/2007		CRML
	12/28/2001	cr-02-1/01 closed	02/15/2002		CRML
		Total for Year: 27			
2002	01/09/2002	cr-02-5/01 FYI	01/01/2003		CRML
	01/09/2002	cr-02-6/01 FYI	01/01/2007		CRML
	01/17/2002	cr-02- 14/01	01/01/2007		CRML
	01/17/2002	cr-02-7/01	01/01/2007		CRML
	01/23/2002	cr-02-12/01 FYI	01/01/2003		CRML
	01/23/2002	cr-02-13/01 FYI	01/01/2007		CRML
	01/23/2002	cr-02-8/01	01/01/2007		CRML
	01/24/2002	cr-02-15/01	01/01/2007		CRML
	01/24/2002	cr-02-16/02	01/01/2007		CRML
	01/24/2002	cr-02-17/02 FYI	01/01/2007		CRML
	01/25/2002	cr-02-9/01 FYI	01/01/2003		CRML
	01/31/2002	cr-02-18/02 FYI	01/01/2003		CRML
	01/31/2002	cr-02-33/01 closed	02/21/2002		CRML
	02/04/2002	cr-02-26/02	01/01/2007		CRML
	02/08/2002	cr-02-19/02 FYI	02/16/2002		CRML
	02/12/2002	cr-02-170/01 FYI	01/01/2003		CRUD
	02/16/2002	cr-02-34/01 closed	09/04/2002		CRML
	02/21/2002	CR-02-39/00	12/31/2006		CRML
	02/21/2002	cr-02-40/02 FYI	02/26/2002		CRML
	02/21/2002	cr-02-41/02	01/01/2007		CRML
	02/21/2002	cr-02-44/02 FYI	02/26/2002		CRO
	03/11/2002	cr-02-284/02	01/01/2007		CRML
	03/11/2002	cr-02-286/02	01/01/2007		CRML
	03/13/2002	cr-02-285/02	01/01/2007		CRML
	03/21/2002	cr-02-295/01 FYI	01/01/2003		CRML
	04/05/2002	cr-02-296/02 open			CRML
	04/11/2002	CR-02-300/02 other	01/01/2007	CIA	CRO
	05/01/2002	cr-02-303/02 FYI	01/01/2007		CRML
	05/01/2002	cr-02-305/02	01/01/2007		CRML
	05/03/2002	cr-02-304/02 FYI	01/01/2003		CRML
	05/15/2002	cr-02-314/02	01/01/2007		CRML
	05/20/2002	cr-02-310/02 FYI	01/01/2007		CRML
	06/03/2002	CR-02-380		CIA	CRUD
	06/03/2002	CR-02-380		FBI	CRUD
	06/12/2002	CR-02-315/02	10/21/2004	CIA	CRML
	06/12/2002	CR-02-315/02	10/21/2004	FBI	CRML
	06/13/2002	cr-02-316/02 CLOSED	10/01/2006		CRML
	06/13/2002	cr-02-317/02	01/01/2007		CRML
	06/20/2002	CR-02-318/02 (NSA)	01/01/2007	NSA	CRML
	06/20/2002	CR-02-318/02 (NSA)	01/01/2007	FBI	CRML
	06/20/2002	CR-02-318/02 (NSA)	01/01/2007	ISS	CRML

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ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Perm Code
	06/21/2002	CR-02-320/02	02/28/2007		CRML
	06/21/2002	In Re possible 18 USC 798 violation	01/01/2007		070B
	06/21/2002	cr-02-321/02	01/01/2007		CRML
	06/21/2002	cr-02-322/02 FYI	01/01/2007		CRML
	06/27/2002	CR-02-327	11/19/2004		CRML
	06/27/2002	cr-02-325/02 FYI	01/01/2007		CRML
	06/27/2002	cr-02-326/02	01/01/2007		CRML
	07/25/2002	CR-02-329/02	12/16/2004		CRML
	08/06/2002	CR-02-333/02 (CIA)	11/09/2005	CIA	CRML
	08/06/2002	cr-02-331/02 FYI	01/01/2007		CRML
	08/06/2002	cr-02-332/02 FYI	01/01/2007		CRML
	08/13/2002	cr-02-335/02 CLOSED	10/01/2006		CRML
	09/18/2002	cr-02-341/02	01/01/2007		CRML
	09/26/2002	CR-02-344/02 (CIA)	02/28/2007	CIA	CRML
	09/26/2002	CR-02-344/02 (CIA)	02/28/2007	FBI	CRML
	09/27/2002	CR-02-343 /02 open		NSA	CRML
	09/27/2002	CR-02-343 /02 open		FBI	CRML
	10/03/2002	CR-02-365/02 CLOSED	11/26/2002		CRML
	10/03/2002	CR-02-366/02 fyi	01/01/2004		CRML
	10/03/2002	cr-02-345/02 FYI	01/01/2007		CRML
	10/03/2002	cr-02-346/02 FYI	01/01/2007		CRML
	11/06/2002	CR-02-369/02	03/22/2005	CIA	CRML
	11/18/2002	CR-02-359/02	01/01/2007		CRML
	12/10/2002	CR-02-370/02 pending			CRML
	12/10/2002	CR-06-03 (Dec. 2002)	03/09/2007		CRUD
	12/12/2002	cr-02-371/02	01/01/2007		CRML
	12/20/2002	CR-03-03 (NSA)	07/14/2005	FBI	CRML
	12/20/2002	CR-03-03 (NSA)	07/14/2005	NSA	CRML
		Total for Year: 62			
2003	01/01/2003	CR-02-379	01/01/2007	FBI	CRUD
	01/01/2003	CR-02-379	01/01/2007	CIA	CRUD
	01/21/2003	CR-CG/188/02 - NSA open			CRML
	01/27/2003	CR-03-14 (CIA)	03/22/2005	CIA	CRO
	01/27/2003	CR-FBI			CRO
	01/27/2003	CR-FBI open			CRO
	01/27/2003	CR-GC/184/02 - NSA open			CRML
	01/27/2003	CR (b)(3) CIA			CRML
	01/27/2003	CR (b)(3) CIA open			CRML
	01/27/2003	CR (b)(3) CIA open			CRML
	01/27/2003	CR (b)(3) CIA (Jan. 2003)			CRML
	01/27/2003	cr-LE-2002-00289-Cia - CLOSED	02/03/2003		CRO
	01/28/2003	Classified-07-2003	01/01/2006	CIA	070A
	01/28/2003	Classified-07-2003	01/01/2006	FBI	070A
	01/28/2003	Classified-07-2003	01/01/2006	FBI	070B
	01/28/2003	Classified-07-2003	01/01/2006	CIA	070B
	03/04/2003	CR-013-03 (CIA)	03/21/2005	CIA	CRML
	03/04/2003	CR-013-03 (CIA)	03/21/2005	FBI	CRML
	03/10/2003	CR-07-03 (March 2003)		CIA	CRUD
	03/11/2003	CR-09-03	03/24/2005		CRUD
	03/19/2003	CR-11-03 (CIA)		CIA	CRML

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ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Perm Code
	03/24/2003	CR-046-03		CIA	CRML
	03/24/2003	CR-050-03		CIA	CRML
	03/24/2003	CR-052-03		CIA	CRML
	03/24/2003	CR-054-03		CIA	CRML
	03/27/2003	CR-017-03		FBI	CRML
	03/27/2003	CR-017-03		CIA	CRML
	04/07/2003	CR-019-03	11/19/2004		CRML
	04/07/2003	CR-058-03		CIA	CRML
	04/07/2003	CR-058-03		FBI	CRML
	04/08/2003	CR-049-03		CIA	CRML
	04/08/2003	CR-053-03		CIA	CRML
	04/22/2003	CR-061-03		CIA	CRML
	04/23/2003	CR-045-03		CIA	CRML
	04/23/2003	CR-080-03		FBI	CRML
	04/30/2003	CR-059-03		CIA	CRML
	04/30/2003	CR-060-03		CIA	CRML
	05/07/2003	CR-062-03		CIA	CRML
	05/07/2003	CR-081-03	07/21/2004	FBI	CRML
	05/16/2003	CR-020-03			CRML
	05/25/2003	CR-015-03			CRML
	05/25/2003	CR-016-03			CRML
	06/02/2003	CR-057-03		FBI	CRUD
	06/17/2003	CR-02-370		CIA	CRMC
	06/17/2003	CR-021-03			CRML
	06/24/2003	CR-022-03			CRML
	06/25/2003	CR-063-03		CIA	CRML
	07/10/2003	CR-03-02 (CIA) (July 2003)		CIA	CRML
	07/23/2003	CR-03-01 (FBI) (July 2003)	05/22/2006	FBI	CRML
	08/20/2003	CR-027-03 (CIA)		CIA	CRML
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		USAO	076
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		USAO	087
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		USAO	CRML
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		AAGDM	076
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		AAGDM	087
	09/29/2003	Libby, I. Lewis, U.S. v. / CR-023-03		AAGDM	CRML
	10/14/2003	CR-024-03			CRML
	10/27/2003	CR-026-03	03/05/2004	FBI	CRML
	10/27/2003	CR-026-03	03/05/2004	CIA	CRML
	11/04/2003	CR-064-03		CIA	CRML
	11/04/2003	CR-065-03		CIA	CRML
	11/04/2003	CR-066-03		CIA	CRML
	11/04/2003	CR-069-03	05/14/2004	CIA	CRML
	11/06/2003	CR-067-03		CIA	CRML
	11/10/2003	CR-028-03		CIA	CRML
	11/10/2003	CR-030-03	12/20/2004	OTH	CRML
	11/20/2003	CR-044-03	03/24/2005	FBI	CRML
	11/20/2003	CR-044-03	03/24/2005	CIA	CRML
	12/02/2003	CR-037-03		CIA	CRML

UNCLASSIFIED

13-MAR-07

ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Pgm Code
	12/02/2003	CR-068-03		CIA	CRML
	12/02/2003	CR-072-03		CIA	CRML
	12/03/2003	CR-071-03		CIA	CRML
	12/15/2003	CR-034-03		CIA	070B
	12/15/2003	CR-035-03		CIA	CRML
	12/15/2003	CR-036-03	01/01/2007	CIA	CRML
	12/19/2003	CR-031-03 (FBI)	12/31/2005	FBI	CRML
	12/31/2003	CR-032-03 (CIA)	11/14/2006	CIA	CRML
	12/31/2003	CR-032-03 (CIA)	11/14/2006	FBI	CRML
		Total for Year: 64			
2004	01/02/2004	CR-01-04		CIA	CRML
	01/21/2004	CR-038-03	08/05/2005	CIA	CRML
	01/21/2004	CR-038-03	08/05/2005	FBI	CRML
	02/04/2004	LHM-03-069		CIA	CRML
	02/04/2004	LHM-03-069		FBI	CRML
	02/18/2004	CR-017-04		CIA	CRML
	02/18/2004	CR-06-04 (Feb. 2004)	01/01/2007	CIA	CRML
	02/18/2004	CR-07-04 (Feb. 2004)	01/01/2007	CIA	CRML
	02/18/2004	CR-08-04 (Feb. 2004)		CIA	CRML
	02/19/2004	CR-022-04	03/24/2005	FBI	CRML
	02/19/2004	CR-022-04	03/24/2005	CIA	CRML
	02/23/2004	CR-10-04	03/16/2006	FBI	CRML
	02/24/2004	LHM-03-081		FBI	LHME
	02/24/2004	LHM-03-081		FBI	LHMT
	03/04/2004	CR-11-04		CIA	CRML
	03/05/2004	CR-12-04		CIA	CRML
	03/05/2004	CR-13-04		CIA	CRML
	03/05/2004	CR-14-04		CIA	CRML
	03/05/2004	CR-15-04 (CIA)	01/01/2007	CIA	CRML
	03/19/2004	CR-039-03		CIA	CRML
	03/19/2004	CR-039-03		FBI	CRML
	03/19/2004	CR-040-03	03/24/2005	CIA	CRML
	03/19/2004	CR-040-03	03/24/2005	FBI	CRML
	03/19/2004	CR-041-03	12/31/2005	CIA	CRML
	03/19/2004	CR-041-03	12/31/2005	FBI	CRML
	03/19/2004	CR-042-03	10/01/2006	CIA	CRML
	03/19/2004	CR-042-03	10/01/2006	FBI	CRML
	03/19/2004	CR-043-03 (CIA)	12/31/2006	FBI	CRML
	03/19/2004	CR-043-03 (CIA)	12/31/2006	CIA	CRML
	03/19/2004	CR-016-04		CIA	CRUD
	03/23/2004	CR-070-03		CIA	CRML
	04/12/2004	CR-020-04		CIA	CRML
	04/12/2004	CR-021-04	04/19/2005	NSA	CRML
	04/12/2004	CR-018-04 (CIA)	12/31/2005	CIA	CRML
	04/12/2004	CR-019-04		CIA	CRML
	04/29/2004	CR-023-04		NSA	070B
	04/29/2004	CR-023-04		NSA	070A
	05/20/2004	CR-024-04		CIA	CRML
	05/20/2004	CR-025-04 (CIA)	05/21/2004	CIA	CRML
	05/20/2004	CR-026-04		CIA	CRML
	06/01/2004	CR-074-03		CIA	CRML
	06/01/2004	CR-075-03		CIA	CRML
	06/01/2004	CR-076-03		CIA	CRML

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13-MAR-07

ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Pgm Code
	06/01/2004	CR-077-03		CIA	CRML
	06/01/2004	CR-078-03		CIA	CRML
	06/01/2004	CR-079-03		CIA	CRML
	06/04/2004	CR-028-04	03/22/2005	NSA	CRML
	06/08/2004	CR-029-04		CIA	CRML
	06/08/2004	CR-030-04		CIA	CRML
	06/09/2004	CR-031-04	03/22/2005	NSA	CRML
	06/09/2004	CR-031-04	03/22/2005	FBI	CRML
	06/10/2004	CR-032-04	03/22/2005	NSA	CRML
	06/10/2004	CR-032-04	03/22/2005	FBI	CRML
	06/21/2004	CR-033-04		CIA	CRML
	07/15/2004	CR-043-04 (CIA)	02/28/2007	FBI	CRML
	08/02/2004	CR-036-04		CIA	CRML
	08/03/2004	CR-037-04		CIA	CRML
	08/03/2004	CR-038-04	12/31/2006	CIA	CRML
	08/03/2004	CR-039-04		CIA	CRML
	08/05/2004	CR-040-04	11/03/2006	CIA	CRML
	08/05/2004	CR-041-04	11/03/2006	CIA	CRML
	11/04/2004	CR-044-04		NSA	CRML
	11/04/2004	CR-044-04		FBI	CRML
	11/08/2004	CR-045-04	11/09/2004	CIA	01Z
	11/08/2004	CR-045-04	11/09/2004	CIA	CRML
	11/10/2004	CR-048-04		CIA	CRML
	11/10/2004	CR-050-04		CIA	CRML
	11/10/2004	CR-051-04		CIA	CRML
	11/15/2004	CR-049-04		CIA	CRML
	11/17/2004	CR-052-04		CIA	CRML
	11/17/2004	CR-053-04		CIA	CRML
	11/17/2004	CR-054-04		CIA	CRML
	11/18/2004	CR-055-04	02/28/2007	CIA	CRML
	11/18/2004	CR-056-04		CIA	CRML
	12/09/2004	CR-057-04 (NSA)	12/31/2006	FBI	CRML
	12/09/2004	CR-057-04 (NSA)	12/31/2006	NSA	CRML
	12/14/2004	CR-058-04	12/31/2006	FBI	CRML
	12/14/2004	CR-058-04	12/31/2006		CRML
	12/14/2004	CR-059-04	02/28/2007	NSA	CRML
		Total for Year: 63			
2005	01/14/2005	CR-01-05			CRML
	02/04/2005	CR-060-04		CIA	CRML
	02/04/2005	CR-061-04	03/31/2005	CIA	CRML
	02/04/2005	CR-062-04	12/31/2006	CIA	CRML
	02/04/2005	CR-063-04	10/01/2006	CIA	CRML
	02/04/2005	CR-064-04		CIA	CRML
	02/04/2005	CR-065-04		CIA	CRML
	02/09/2005	CR-067-04 (DOE)	01/23/2006	DOE	CRML
	02/09/2005	CR-067-04 (DOE)	01/23/2006	FBI	CRML
	02/16/2005	CR-066-04		CIA	CRML
	03/07/2005	CR-02-05	03/08/2005	CIA	CRML
	03/07/2005	CR-03-05 (CIA) (March 2005)	01/01/2007	CIA	CRML
	03/07/2005	CR-068-04		CIA	CRML
	03/07/2005	CR-069-04		CIA	CRML
	03/23/2005	CR-04-05	02/28/2007	CIA	CRML
	03/23/2005	CR-05-05		CIA	CRML

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13-MAR-07

ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Pgm Code
	03/23/2005	CR-08-05 (Mar. 2005)		CIA	CRML
	03/25/2005	CR-06-05 (March 2005)	01/31/2007	CIA	CRML
	03/25/2005	CR-07-05 (March 2005)	01/01/2007	CIA	CRML
	03/25/2005	CR-071-04	04/06/2005	CIA	CRML
	03/25/2005	CR-072-04		CIA	CRML
	03/25/2005	CR-073-04	02/28/2007	CIA	CRML
	03/25/2005	CR-09-05 (CIA)	11/08/2006	CIA	CRML
	03/25/2005	CR-10-05		CIA	CRML
	05/26/2005	CR-12-05		FBI	CRML
	05/26/2005	CR-12-05		CIA	CRML
	06/10/2005	CR-14-05		CIA	CRML
	06/15/2005	CR-13-05		CIA	CRML
	06/15/2005	CR-13-05		FBI	CRML
	07/15/2005	CR-16-05 (CIA)	12/31/2006	FBI	CRML
	07/15/2005	CR-16-05 (CIA)	12/31/2006	CIA	CRML
	07/21/2005	CR-17-05		FBI	CRML
	07/21/2005	CR-17-05		CIA	CRML
	07/21/2005	CR-18-05 (CIA)		FBI	CRML
	07/21/2005	CR-18-05 (CIA)		CIA	CRML
	08/03/2005	CR-20-05		CIA	CRML
	08/10/2005	CR-21-05		CIA	CRML
	08/17/2005	CR-23-05 (CIA)		CIA	CRML
	08/17/2005	CR-24-05 (CIA)		CIA	CRML
	08/18/2005	CR-25-05 (CIA)		CIA	CRUD
	08/19/2005	CR-24-05 (CIA)		CIA	CRML
	08/19/2005	CR-25-05 (CIA)		CIA	CRML
	08/26/2005	CR-26-05 (CIA)	12/31/2005	CIA	CRML
	09/15/2005	LHM-149-05 (Media Leak)			CRUD
	09/15/2005	LHM-149-05 (Media Leak)			CRML
	10/04/2005	CR-28-05 (DNI)		ODNI	CRUD
	11/08/2005	CR-29-05 (CIA)	11/28/2005	CIA	CRML
	11/28/2005	CR-30-05		CIA	CRMC
		Total for Year 41			
2006	05/22/2006	CR-06-001 (DoD)		DOD	CRML
	09/01/2006	CR-06-002 (CIA)		CIA	CRML
	10/03/2006	CR-06-003 (CIA)		FBI	CRML
	10/03/2006	CR-06-003 (CIA)		CIA	CRML
	10/03/2006	CR-06-004 (CIA)	01/24/2007	CIA	CRML
	10/03/2006	CR-06-004 (CIA)	01/24/2007	FBI	CRML
	10/03/2006	CR-06-005 (CIA)	01/24/2007	CIA	CRML
	10/03/2006	CR-06-005 (CIA)	01/24/2007	FBI	CRML
	10/25/2006	CR-06-006 (NSA)		NSA	CRML
	11/01/2006	CR-06-008 (CIA)		CIA	CRML
	11/01/2006	CR-06-009 (CIA)		CIA	CRML
	11/01/2006	CR-06-010 (CIA) Recusal	12/19/2006	CIA	CRML
	11/01/2006	CR-06-011 (CIA)		CIA	CRML
	11/01/2006	CR-06-012 (CIA)		CIA	CRML
	11/01/2006	CR-06-013 (DNI)		ODNI	CRML
	11/13/2006	CR-06-014 (DNI)		ODNI	CRML
	11/29/2006	CR-06-016 (CIA)	02/13/2007	CIA	CRML
	11/29/2006	CR-06-017 (CIA)	12/31/2006	CIA	CRML
	11/29/2006	CR-06-018 (CIA)		CIA	CRML
	12/01/2006	CR-06-015 (CIA) Recusal	12/19/2006	CIA	CRML

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13-MAR-07

ACTS - CES leaks

Matter Open Year	Matter Open Date	Case Name	Case Close Date	Agency	Rgm Code
	12/07/2006	CR-06-020 (CIA)		CIA	CRML
	12/08/2006	CR-06-019 (CIA)	12/31/2006	CIA	CRML
	12/12/2006	CR-06-021 (CIA)	12/31/2006	CIA	CRML
	12/13/2006	CR-06-022 (CIA)	12/31/2006	CIA	CRML
	12/19/2006	CR-06-023 (CIA)	12/31/2006	CIA	CRML
	12/19/2006	CR-06-024 (CIA)	12/31/2006	CIA	CRML
		Total for Year: 23			
		Total for			



U.S. Department of Justice

Criminal Division

~~SECRET//25-X1~~

Counterespionage Section

Washington, DC 20530

MAR 24 2005

CIA, (b)(3)

Office of General Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

**SEGREGATE**

Re: CIA Crime Report CIA, (b)(3)  
DOJ / CES Reference CR-022-04

Dear CIA, (b)(3)

(U) ~~X~~ This is to advise you that following a thorough investigation of the media leak referral captioned above, the Federal Bureau of Investigation has concluded that identifying the source is unlikely due to the wide dissemination of the classified information at issue. Accordingly, I have approved the Bureau's request to close this matter.

(U//FOUO) If you have any questions, please feel free to contact me at (202) 514-1187.

Sincerely,

John J. Dion  
Chief

Counterespionage Section

Declassified by M. L. B. mly  
Acting Counsel for Intelligence Policy  
OIPRA/USDOJ  
Date: 4/25/07

Classified By: G-3  
Declassify On: 25-X1

~~SECRET//25-X1~~

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U.S. Department of Justice

Criminal Division  
Office of Enforcement Operations

**FILE**

(202) 616-0307

Washington, D.C. 20530

CRM-200601098F

JAN 10 2007

Mr. Lowell Bergman  
PBS Frontline  
2481 Hearst Avenue  
Berkeley, California

Dear Mr. Bergman:

This is in partial response to your Freedom of Information Act request dated October 20, 2006, requesting certain information regarding media subpoenas sought during the past 15 years, Appendix A to a March 22, 2002, letter of Assistant Attorney General Daniel J. Bryant, and the Justice Department's eleven-question leak investigation questionnaire.

Please be advised that we are unaware of any single record that details the number of subpoenas authorized during the requested time period. However, from a number of records we have determined that the Attorney General authorized media related subpoenas in approximately 143 matters between January 1, 1991 and October 20, 2006.

We do not have records that show a breakdown for all subpoena approvals by year for the time period requested. However, based on available records, the following is a breakdown of approved matters since 2001:

2001: 13	2004: 19
2002: 7	2005: 7
2003: 16	2006: 3

We also have the following breakdown for source-related subpoena approvals by year:

1991: 0	1997: 3	2003: 0
1992: 3	1998: 2	2004: 1
1993: 2	1999: 1	2005: 0
1994: 0	2000: 0	2006: 1
1995: 3	2001: 2	
1996: 1	2002: 0	

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We are aware of nine instances in which media subpoena requests have been formally denied by the Department during the past 15 years. More typically, however, requests for authorization that do not meet the requirements of 28 C.F.R. § 50.10 are withdrawn before a final decision by the Attorney General is needed.

We are enclosing a copy of the eleven questions pertaining to leak investigations. We are still making a determination on Appendix A and will respond to you as soon as that determination is final.

If you treat this partial response as a denial of your request you have a right to an administrative appeal of this determination. Department regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.9. Your appeal should be addressed to: Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit  
Office of Enforcement Operations  
Criminal Division

**Unauthorized Disclosure of  
Classified Information  
"11 Questions"**

- 1) Give the date and identity of the article disclosing the classified information?
- 2) Give specific statements in the article which are considered classified and whether the data was properly classified?
- 3) State whether the classified data is disclosed accurately?
- 4) State whether the data came from a specific document and, if so, the origin of the document and the name of the individual responsible for the security for the security of the classified data?
- 5) Give the extent of official dissemination of the data?
- 6) State whether the data has been the subject of prior official releases?
- 7) State whether prior clearances for publication or release of the information was sought from proper authorities?
- 8) State whether the material, or portions thereof, or enough background data has been published officially or in the press to make an educated speculation on the matter possible?
- 9) State whether the data can be declassified for the purpose of prosecution, and, if so, the names of the person competent to testify concerning the classification.
- 10) State whether declassification has been decided upon prior to the publication of the release of the data?
- 11) What effect does the disclosure of classified material have on the national defense?

20060109PF



WGHI  
125 Western Avenue  
Boston, Massachusetts 02134  
617.300.5500  
Fax: 617.300.1001



October 20, 2006

Thomas J. McIntyre  
Chief  
FOIA/PA Unit  
Criminal Division  
Department of Justice  
Suite 1127, Keeney Building  
Washington, DC 20530-0001

**Re: FOIA REQUEST**

Dear Mr. McIntyre,

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I am writing to respectfully request copies of records for the time period of January 1, 1991 to October 20, 2006 detailing the number of subpoenas the Department of Justice authorized to obtain information from, or about, members of the news media, including those to discover a reporter's source; those that inadvertently could lead to the identification of a reporter's source; and those that did not implicate, directly or indirectly, a reporter's source, ideally broken down by year.

My understanding is that each Attorney General during this 15-year time period, Dick Thornburgh, William Barr, Janet Reno, John Ashcroft and Alberto Gonzales each kept detailed files of these cases, including affected parties, the underlying crime, who the subpoenaing party was, and the type of material requested from the news media (confidential sources; documents only; testimony only; documents and testimony; telephone toll records, etc.)

Please include those in which the receiving party (a news organization, individual journalist or others) cooperated with the government's request.

We would also appreciate copies of the following:

1. On March 22, 2002, Asst. Attorney General Daniel J. Bryant wrote a letter to Senator Charles Grassley regarding subpoenas to members of the news media (see attached). Mr. Bryant's letter referred to "Appendix A," in which the Department of Justice's Criminal Division provided information on press subpoena requests implicating source information. We would like to receive a copy of "Appendix A".
2. The Department's leak investigation questionnaire, which asks the requesting agency to answer 11 questions before the DOJ will open a criminal investigation into

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leaks of classified material. For reference, my understanding is that questions include whether the classified data disclosed is accurate, the extent of official dissemination of the data, whether the data has been the subject of prior official releases and what effect disclosure has on national security, etc.

3. The number of news media subpoenas that have been requested and then denied during the past 15 years.

Prominent government officials, scholars and journalists we have interviewed tell us that federal prosecutors have been requesting news media subpoenas more often in recent years. In attempting to fact-check this claim, we have contacted the Department of Justice directly, but have received specific information to either substantiate or refute this claim. We are now turning to the FOIA in the hope that we can obtain information about the number and type of news media subpoenas of the last 15 years before our approaching deadline.

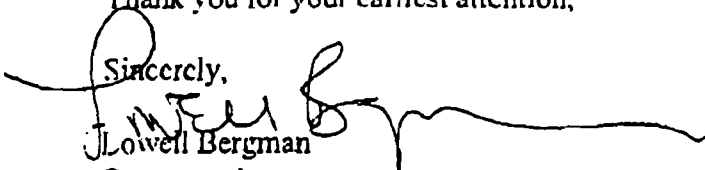
This is to certify that I am a member of the news media and agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$200. Please notify me prior to incurring any expenses in excess of that amount. As a representative of the news media, I understand I am only required to pay for the direct cost of duplication after the first 100 pages. This request is made as part of newsgathering and not for commercial use.

I look forward to your reply within 20 business days, as the statute stipulates, but ideally sooner as we are on a strict production schedule for this project.

If you have any questions, or need additional information or clarification, please contact my associate [redacted] (b)(6)

Thank you for your earliest attention,

Sincerely,

  
Lowell Bergman

Correspondent

PBS "Frontline"

2481 Hearst Avenue

Berkeley, CA 94709



**U.S. Department of Justice**

**Criminal Division**

*Office of Enforcement Operations*

*Washington, D.C. 20530*

TJM:KS:ss  
typed 09-18-06

00 0000

CRM-200600183F

This is in response to your request dated February 2, 2006, for a copy of all records pertaining to an investigation of an alleged leak of classified intercepts that may have presaged the September 11, 2001 attacks.

We have conducted a search and located records responsive to your request. However, we have been advised that these records relate to open and on-going law enforcement proceedings, and that release, at this time, could reasonably be expected to interfere with these proceedings by revealing prematurely the nature and scope of the evidence compiled by the government. Therefore we are withholding these records in their entireties pursuant to Exemption 7(A) of the FOIA, 5 U.S.C. § 552(b)(7)(A), which permits the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings.

Additionally please be advised that other exemptions may be applicable to this material including, but not limited to, Exemption 1 of the FOIA, 5 U.S.C. § 552 (b)(1), which permits the withholding of information properly classified pursuant to Executive Order and Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5), which permits the withholding of inter-agency or intra-agency memorandums or letters which reflect predecisional, deliberative agency processes, and/or which consist of attorney work product prepared in anticipation of litigation.

To the extent that the Criminal Division maintains publicly available information, e.g., court filings, press releases or newspaper clippings, we will make them available to you if you are interested in public source material. If you wish to obtain public source information, please advise us and we will conduct a search for such material, if any. If we do not hear from you within 45 days, we will assume that you are not interested in receiving public records and will close-out your request with this Office.

You have a right to an administrative appeal of this determination. Department

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**FILE COPY**

Handwritten: 9/19/06

regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.9. Your appeal should be addressed to: Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit



# THE NEW YORK SUN

February 2, 2006

Mr. Thomas J. McIntyre, Chief  
FOIA/PA Unit  
Criminal Division  
U.S. Department of Justice  
1301 New York Ave., N.W., Suite 1127  
Washington, D.C. 20530

FEB 1 2006

Re: A Freedom of Information Act Request

Dear Mr. McIntyre:

This is a request for agency records, brought pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

I hereby request one copy of all records pertaining to an investigation of an alleged leak of classified intercepts that may have presaged the September 11, 2001 attacks. The intercepts were reported by CNN on or about June 19, 2002 and included the phrases, "The match begins tomorrow," and "Tomorrow is zero hour."

I ask that this request be considered as one from a representative of the news media under fee provisions of FOIA. I am a full-time reporter for *The New York Sun*, a daily newspaper published at New York City, and I am seeking this information for use in news stories I am preparing on this subject.

To the extent records requested herein may be classified, I ask that they be reviewed for declassification pursuant to the relevant executive order.

I ask that any fees that could be assessed in connection with this request be waived. I believe that disclosure of this information will contribute significantly to public understanding of government operations. In this instance, the records can be expected to shed light on the way the government safeguards classified information and on how leaks are addressed.

In the event that my request for a fee waiver is denied, I agree to pay up to \$200 in duplication fees, without prejudicing my right to appeal the denial.

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Mr. Thomas McIntyre, Criminal Division, U.S. Department of Justice  
February 2, 2006  
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If there are any questions pertaining to this request, please don't hesitate to contact me .