

~~SECRET//NOFORN~~

## FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE

**Precedence:** ROUTINE**Date:** 03/31/2005**To:** All Offices**Attn:** ADICs, SACs, ASACs, CDCs  
FBIHQ, Manuals Desk**From:** Office of the General Counsel  
National Security Law Branch

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

b6  
b7c

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

b6  
b7c**Drafted By:** [REDACTED]b6  
b7c

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

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

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

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

(U) **Details:** ~~(S//NF)~~ [REDACTED]

b7E

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

To: All Offices From: Office of the General Counsel  
Re: (U) 66H-HQ1234599, 03/31/2005

b7E

[REDACTED]

(U) Policy

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

(S)

[REDACTED]

b1  
b3  
b7E

(T)

[REDACTED]

b7E

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

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

(U)

~~(S)~~

[REDACTED]

b7E

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

To: All Offices From: Office of the General Counsel  
Re: (U) 66H-HQ1234599, 03/31/2005

[Redacted]

b7E

(U) Procedure

(U) Requests from the FBI [Redacted]

b7E

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

[Redacted]

b7E

XO) Details should include [Redacted]

[Redacted]

(S)

[Redacted]

b1 per NSI

b3

b7E

(S)

[Redacted]

b1

b3

b7E

~~SECRET//NOFORN~~

EO 12333-FBI-39

~~SECRET//NOFORN~~

To: All Offices From: Office of the General Counsel  
Re: (U) 66H-HQ1234599, 03/31/2005

(U) Procedurally, upon receipt of [redacted]

b7E

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

b7E

(U) [redacted]

b7E

(U) ~~X/X~~ [redacted]

b7E

\* If the requesting office learns that the [redacted]

b7E

[redacted]  
[redacted]  
[redacted]

b7E

(U) Conclusion

~~SECRET//NOFORN~~

EO 12333-FBI-40

~~SECRET//NOFORN~~

To: All Offices From: Office of the General Counsel  
Re: (U) 66H-HQ1234599, 03/31/2005

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

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

To: All Offices From: Office of the General Counsel  
Re: (U) 66H-HQ1234599, 03/31/2005

**LEAD(s):**

**Set Lead 1: (Action)**

**ALL RECEIVING OFFICES**

(U) ~~DO NOT~~ Disseminate to all FBI personnel engaged in investigations or analyses in support of FBI investigations wherein there exists a [redacted]  
[redacted]

b7E

♦ ♦

~~SECRET//NOFORN~~