

August 3, 2020

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, regarding the expiration of three surveillance laws (collectively, the “expired provisions”), namely: (i) Section 215 of the USA Patriot Act of 2001 (50 U.S.C. § 1861 or FISA Section 501; the so-called “business records” provision); (ii) Section 206 of the USA Patriot Act of 2001 (50 U.S.C. § 1805(c)(2)(b) or FISA Section 105(c)(2)(B); the so-called “roving wiretaps” provision); and (iii) Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. § 1801(b)(1)(C) or FISA Section 101(b)(1)(C); the so-called “lone wolf” amendment). The three expired provisions expired on March 15, 2020, and have not been revived through additional legislation, affecting the FBI’s legal authority to conduct future investigations.¹ This request is filed on behalf of the Project for Privacy and Surveillance Accountability, Inc. (“PPSA”).

Specifically, PPSA seeks: *all written communications, including but not limited to memoranda, emails, faxes, letters, and text messages, sent from any employee, agent, or officer within the FBI to any other employee, agent, or officer within the FBI from December 15, 2019 until August 3, 2020 regarding (1) the expiration of any of the expired provisions; (2) the discontinuance or modification of any FBI practice of submitting applications to the Foreign Intelligence Surveillance Court, as such discontinuance or modification may relate to the expiration of any of the expired provisions; and (3) the discontinuance or modification of any FBI surveillance practice previously authorized under any of the expired provisions.*

Rather than physical production of any responsive records, we ask that you please provide each record in electronic form. If a portion of responsive records may be produced more readily than the remainder, we request that those records be produced first and that the remaining records be produced on a rolling basis. Further, we recognize the possibility that some responsive records may be exempt. **To the extent possible, if redaction under 5 U.S.C. § 552(b) can render a responsive but exempt record nonexempt, please produce any such record in redacted form.** We believe that any redaction should foreclose the need to issue a Glomar response, as anonymized and redacted

¹ See, e.g., Charlie Savage, *House Departs Without Vote to Extend Expired F.B.I. Spy Tools*, THE NEW YORK TIMES (March 27, 2020), <https://www.nytimes.com/2020/03/27/us/politics/house-fisa-bill.html>



**PROJECT FOR PRIVACY &
SURVEILLANCE ACCOUNTABILITY**

production would neither (1) reveal intelligence sources or methods nor (2) disclose the agency's interest (or lack thereof) in any particular individual.

We are prepared to pay up to \$2000 for the material in question. Please contact me if the fees associated with this request exceed that figure, or if you have any other questions about this request.

Thank you in advance for your speedy attention and assistance.

Sincerely,

Gene C. Schaerr
PPSA, Inc.
General Counsel