

March 9, 2003

The Honorable  
John D. Ashcroft  
Attorney General of the United States  
U.S. Department of Justice  
10<sup>th</sup> Street and Constitution Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Ashcroft:

We write to request the following information about the use of section 215 (the business records provision) of the USA PATRIOT Act by the U.S. Department of Justice.

1. In September 2003, in response to concerns raised by members of Congress, librarians, booksellers, and other Americans, you and FBI Director Mueller publicly disclosed that the Department had not yet used section 215 of the PATRIOT Act. At a recent briefing for Senate staff, Department officials repeatedly emphasized that this representation – that section 215 had not been used – was current only as of September 18, 2003.

Has the Department used section 215 since September 18, 2003? If so, how many times has the Department relied on this authority? Also, please describe the nature of the investigation(s) in which this authority was used, the types of business records seized, and the basis for why the information was sought.

2. If the Department has still not yet used section 215, please describe what authority the Department has relied upon to obtain business records in connection with foreign intelligence or terrorism investigations since September 11, 2001.
3. As you know, during the week of December 21, 2003, the Department of Homeland Security raised the nation's threat level to "orange alert" and,

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among other things, warned the American people that al Qaeda operatives could be planning an attack in or near Las Vegas, Nevada. According to subsequent news reports, the FBI sought and obtained records pertaining to hotel guests from hotels in Las Vegas.

Please identify what authority the FBI relied upon to obtain these hotel records and please include specific citations to the law authorizing the information collection activity.

Your responses to these questions are critical to allowing Congress to exercise its responsibility to oversee the Department of Justice, and specifically its implementation of the PATRIOT Act. To the extent that elements of your response require a classified response, please provide the classified response in a separate communication.

Thank you for your attention to this request. We look forward to hearing from you.

Sincerely,

Russell D. Feingold  
U.S. SENATOR

Richard J. Durbin  
U.S. SENATOR

Jon S. Corzine  
U.S. SENATOR

Jeff Bingaman  
U.S. SENATOR

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Ron Wyden  
U.S. SENATOR

Daniel K. Akaka  
U.S. SENATOR