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THE ATTORNEY GENERAL'S REPORT ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

December 2007

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~~TOP SECRET//COMINT//NOFORN,ORCON~~**Section 1: Introduction** (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It includes information concerning electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), and/or the Central Intelligence Agency (CIA) during the period January 1, 2007, through June 30, 2007.¹ Consistent with the Department of Justice's efforts to keep the Congress fully informed about its FISA activities in a manner consistent with the national security, this report contains information beyond that required by the statutory provisions set forth above. In addition to submitting this semi-annual report, the Intelligence Community and the Department provide information to the Congress concerning significant intelligence activities conducted under FISA in a manner consistent with the National Security Act. ~~(TS)~~

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¹² Some of the individuals listed below, however, may be current targets of Court-authorized pen register/trap and trace surveillance. (U)

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D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General, Acting Attorney General, or Assistant Attorney General for National Security) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), ~~Out of scope/non-responsive~~ 46 times. These emergency authorizations resulted in 181 applications for electronic surveillance authority, 179 applications for no applications for ~~per register/trap and~~ ~~respo~~ trace surveillance.¹⁵ Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization. The FISC approved all of the applications and/or accepted the other pleadings. ~~(S)~~

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G. Pen Register/Trap and Trace Surveillance (U)

During this reporting period, the United States filed 117 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. In these 117 applications, at least 50 United States persons were the targets of pen register/trap and trace surveillance.

(b)

The FISC denied no applications, as they were originally presented, during this reporting period. Ten orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

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IV. **Judicial Assessment and Other Oversight Matters** (U)

A. **FISC Modifications of Orders** (U)

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Incident 05-2-17 (U)

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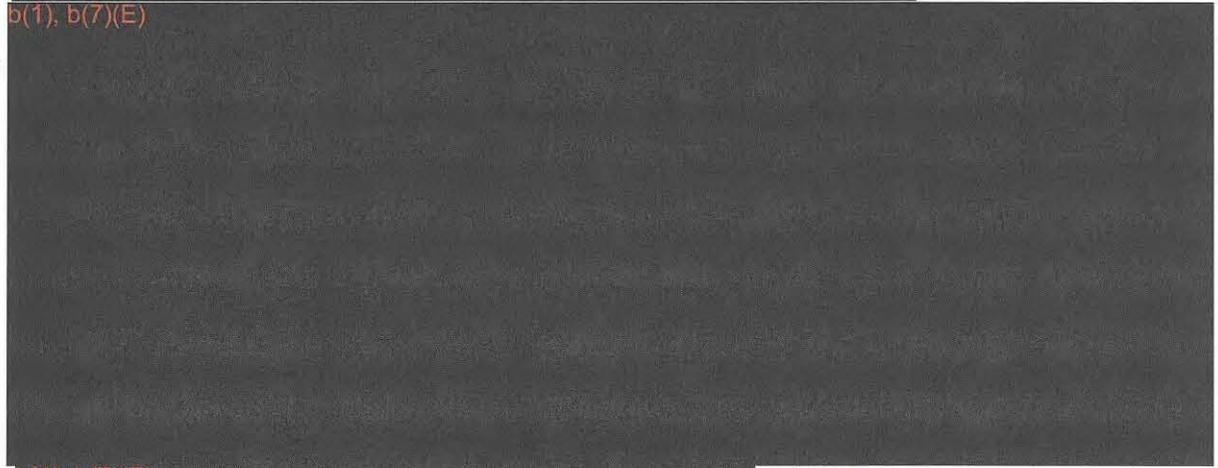
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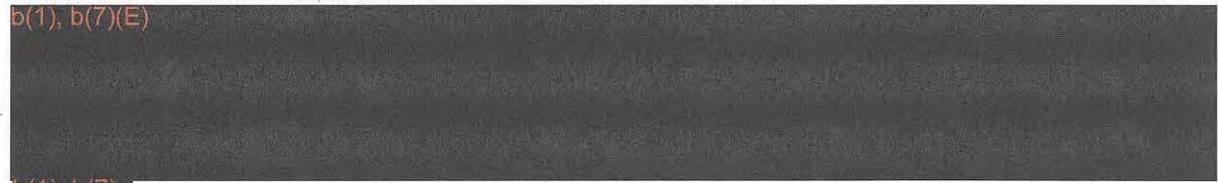
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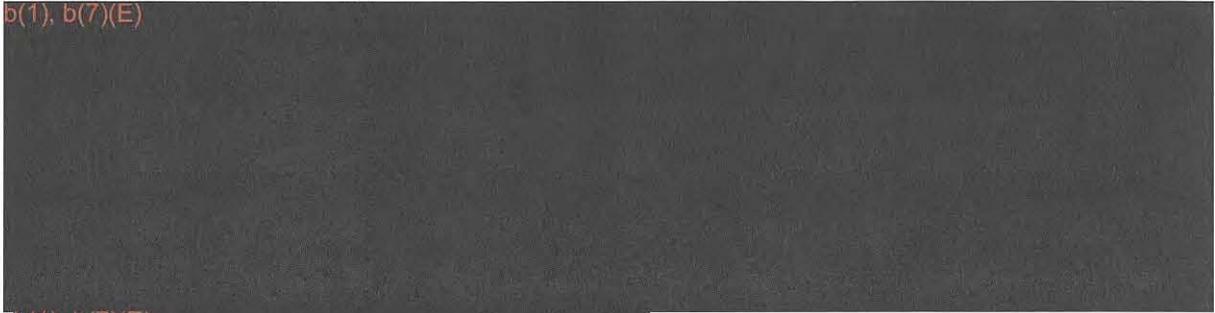
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C. Update to Incidents Reported in 06-1 (U)

Incident 06-1-7 (U)

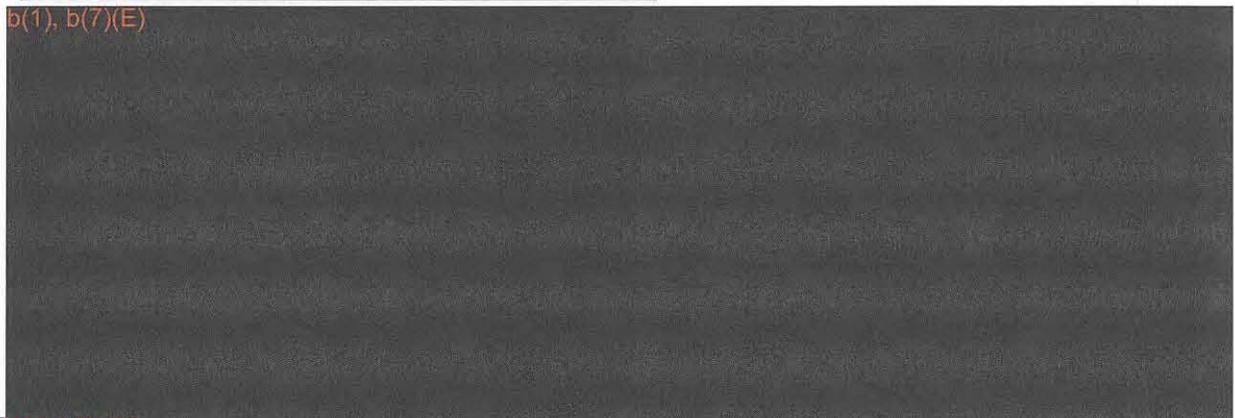
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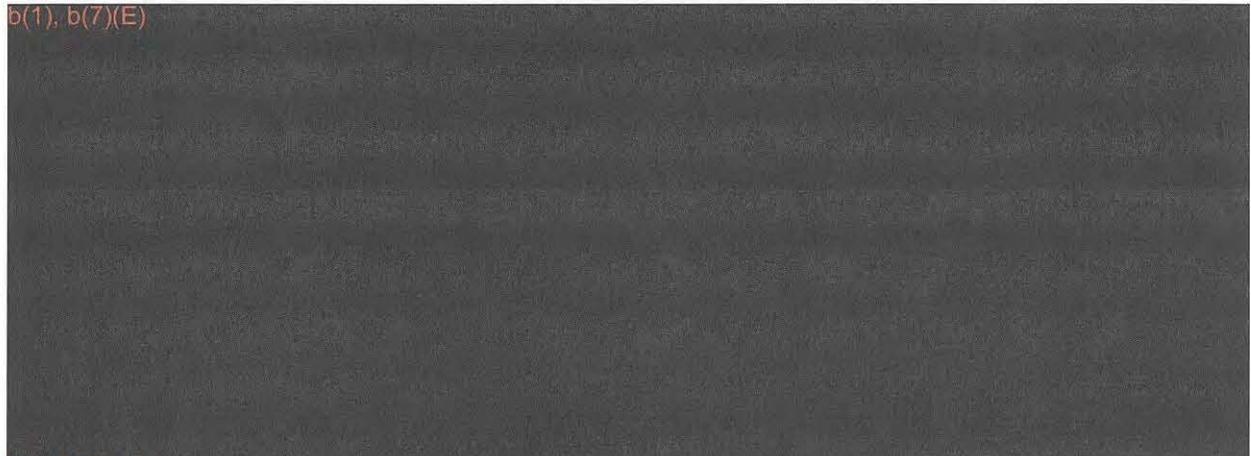
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Incident 07-1-16 (U)

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b(1), b(7)(E) [Redacted]

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THE ATTORNEY GENERAL'S REPORT ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

June 2007

~~TOP SECRET//COMINT//NOFORN,ORCON~~

~~TOP SECRET//COMINT//NOFORN,ORCON~~**Section 1: Introduction** (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It includes information concerning electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), and/or the Central Intelligence Agency (CIA) during the period July 1, 2006, through December 31, 2006.¹ Consistent with the Department of Justice's efforts to keep the Congress fully informed about its FISA activities in a manner consistent with the national security, this report contains information beyond that required by the statutory provisions set forth above. In addition to submitting this semi-annual report, the Intelligence Community and the Department provide information to the Congress concerning significant intelligence activities conducted under FISA in a manner consistent with the National Security Act. ~~(TS)~~

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¹⁴ Some of the individuals listed below, however, may be current targets of Court-authorized pen register/trap and trace surveillance. (U)

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D. **Emergency Surveillance or Physical Search** (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), [redacted]

[redacted]. These emergency authorizations resulted in [redacted] [redacted] [redacted] two applications for pen register/trap and trace surveillance.¹⁹ Applications or

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other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for pen register/trap and trace applications). The FISC approved all of the applications and/or accepted the other pleadings. ~~(S)~~

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G. Pen Register/Trap and Trace Surveillance (U)

During this reporting period, the United States filed 98 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. The FISC denied no applications, as they were originally presented, during this reporting period. Eighteen orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

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~~TOP SECRET//COMINT//NOFORN,ORCON~~C. **FISC Modifications of Orders** (U)

As reported in previous semi-annual reports, in some cases considered by the FISC during the time period covered by this Semi-Annual Report, the FISC has modified orders submitted by the government. Substantive changes (not technical corrections) to orders, are usually handwritten but sometimes are issued as a separate amendment or addendum to an order. The changes made by FISC judges during the period covered by this report include:

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the FISC in a combined format with pen register/trap and trace applications. Because of that combination, the number of requests for the production of tangible things increased in past semi-annual reports because the practice of filing combined business record and pen register/trap and trace applications continued. ~~(S)~~

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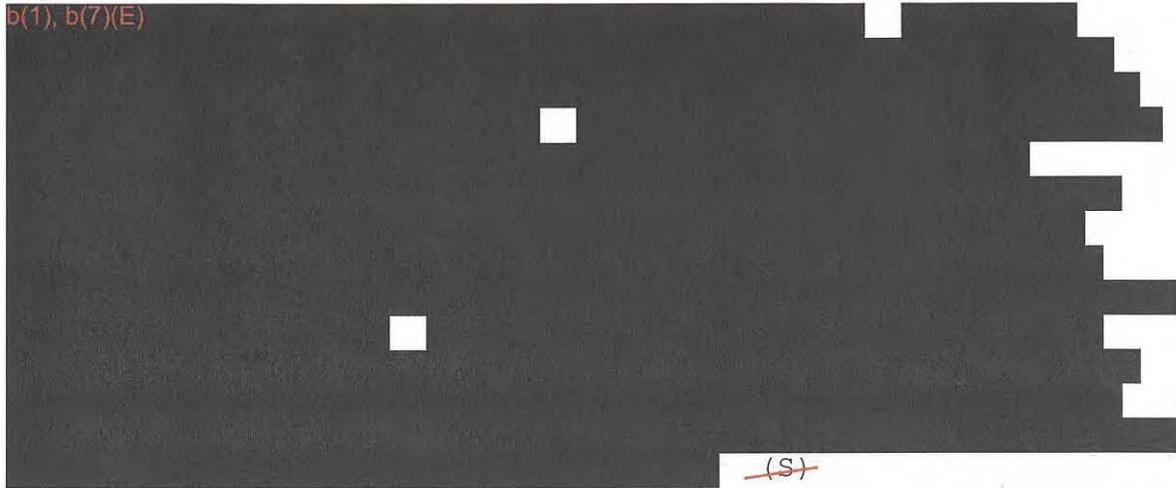
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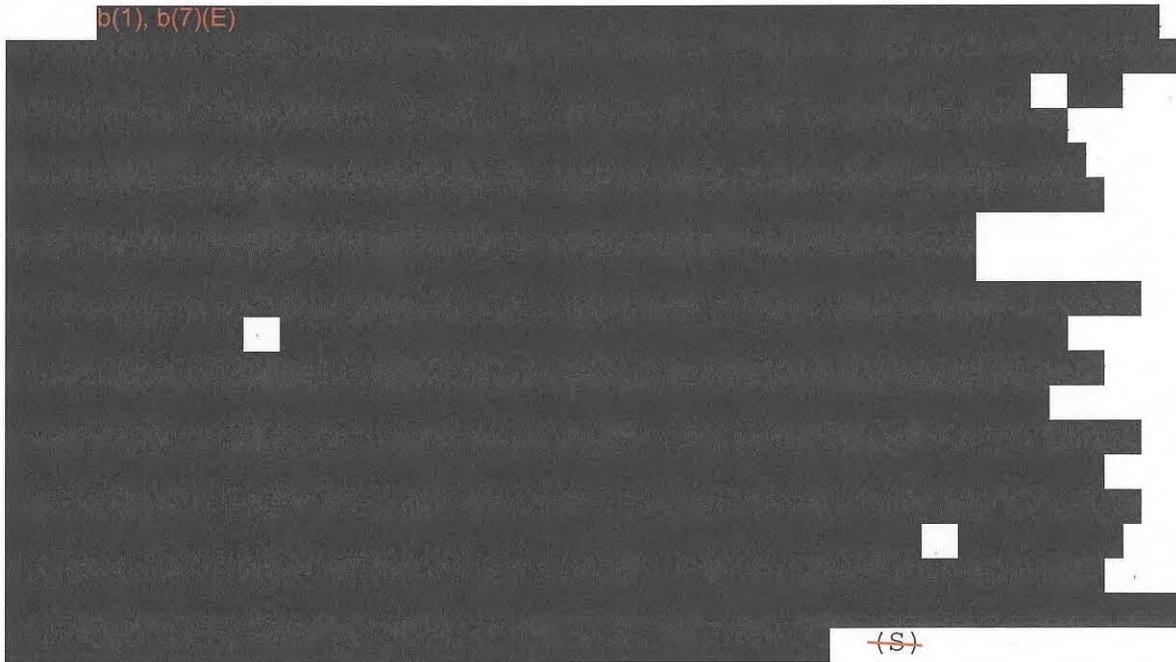
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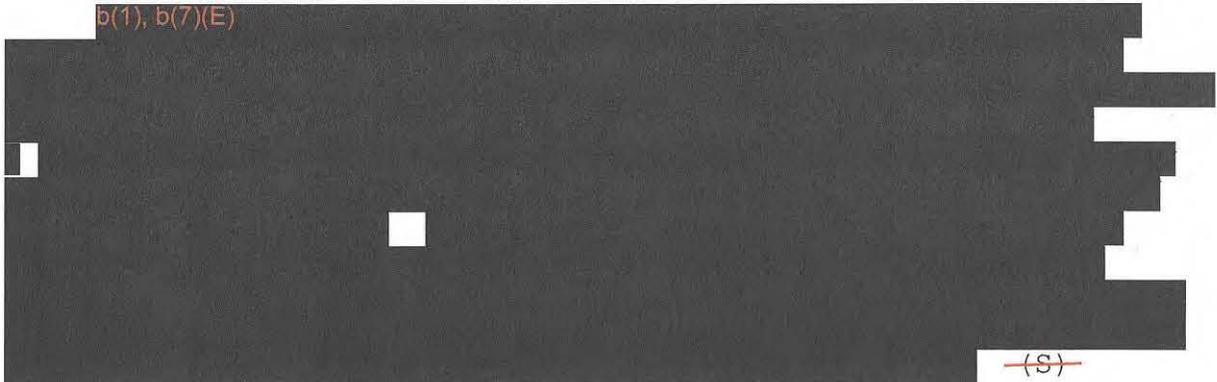
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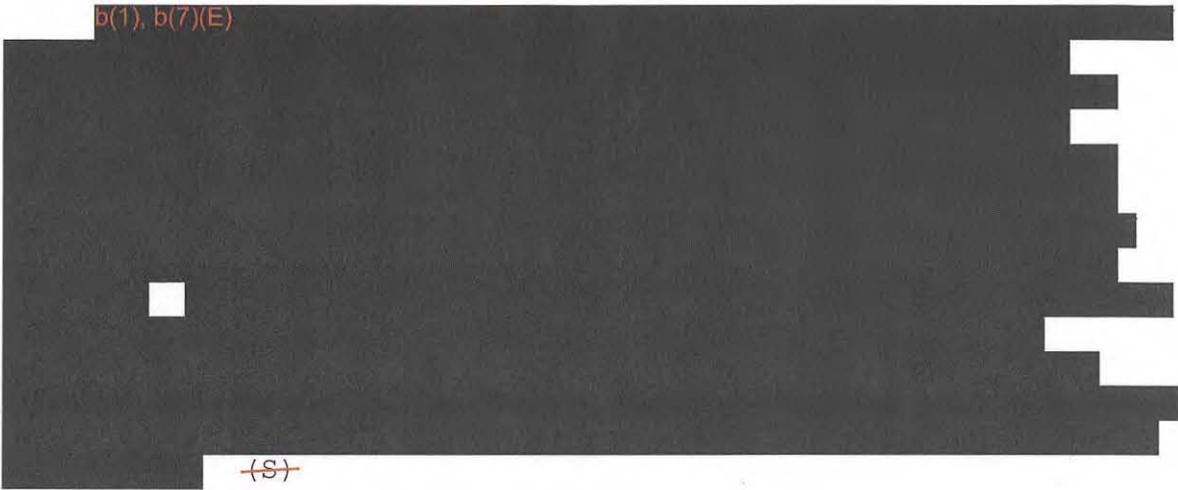


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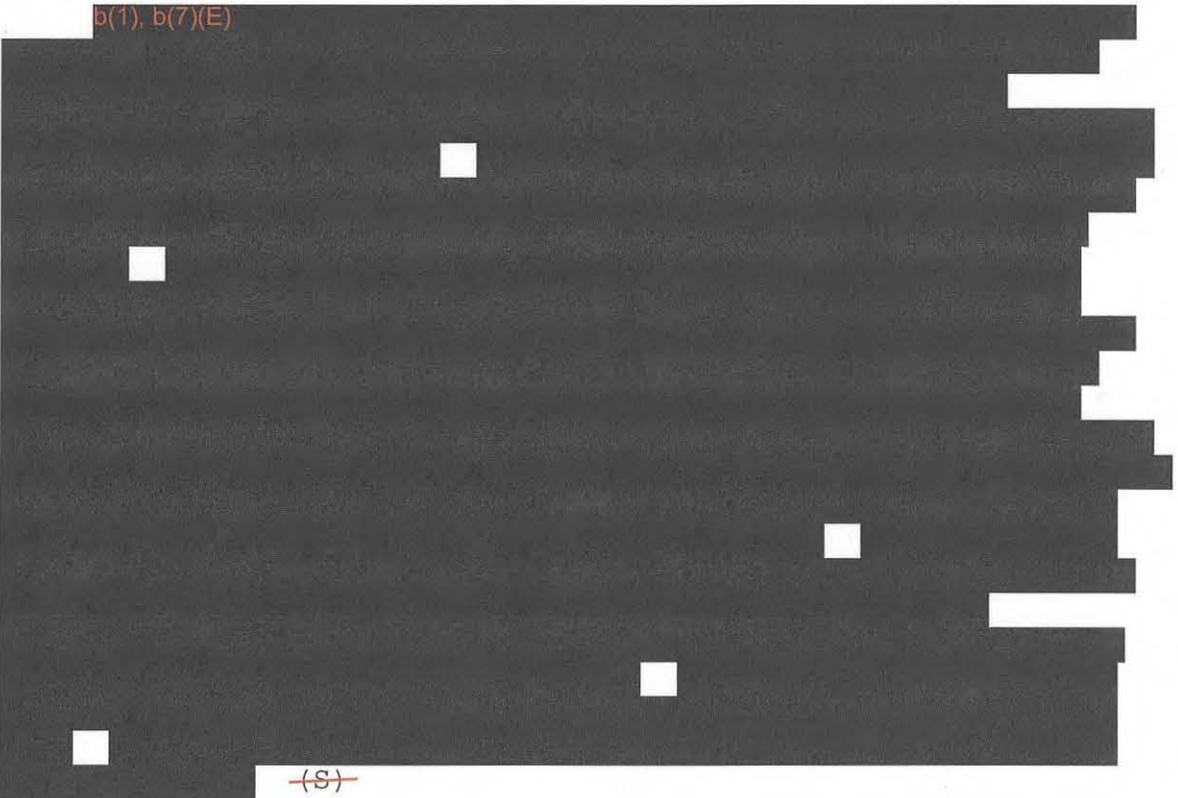
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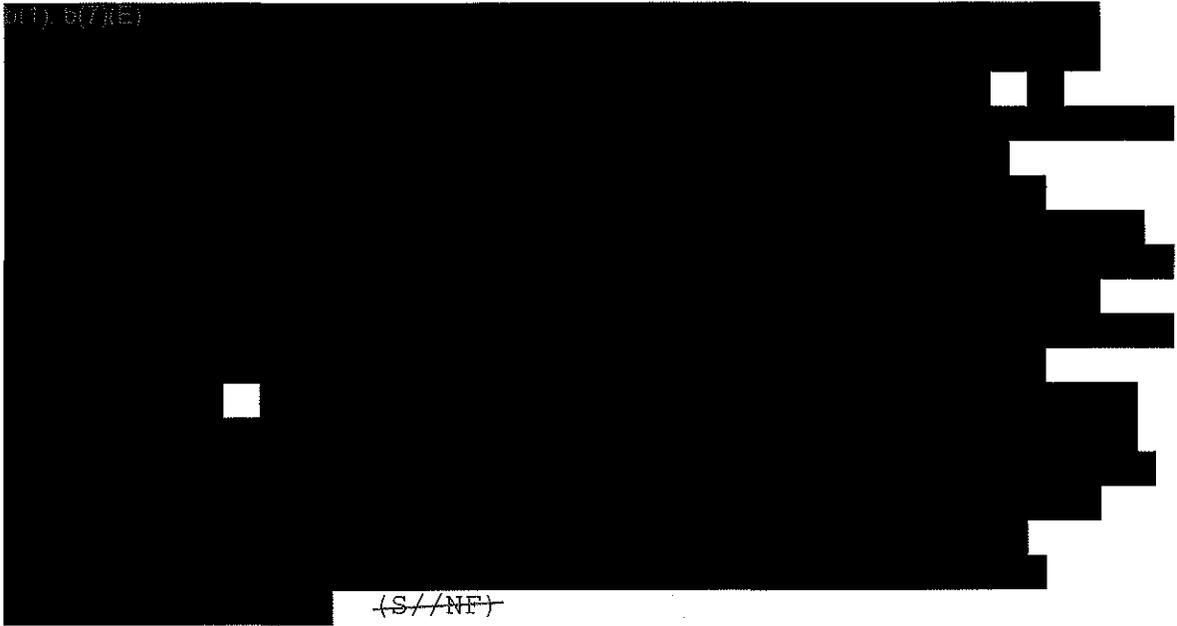
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L. FISA Process Improvements (U)

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In addition to the changes to the FISA process made at the Attorney General's April 2004 direction referenced in prior semi-annual reports, OIPR continues to seek ways to further improve the processing of FISA requests. In particular, and in response to OIPR's growing number of attorneys, as was reported in previous semi-annual reports, OIPR reorganized in November 2004 into sections that reflect the current nature of FISA work and to a significant degree mirror the FBI's internal organization. OIPR's current reorganization is discussed below in Part M. (U)

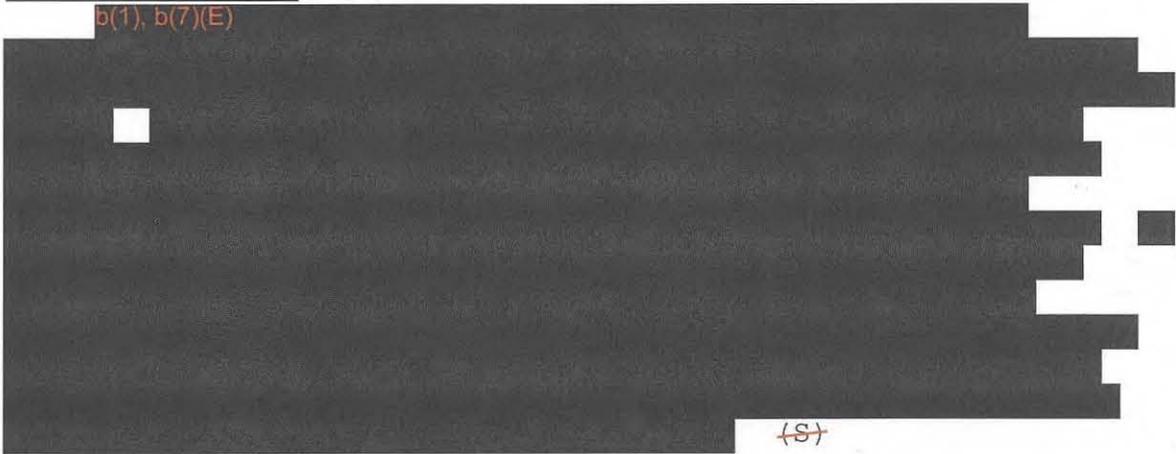
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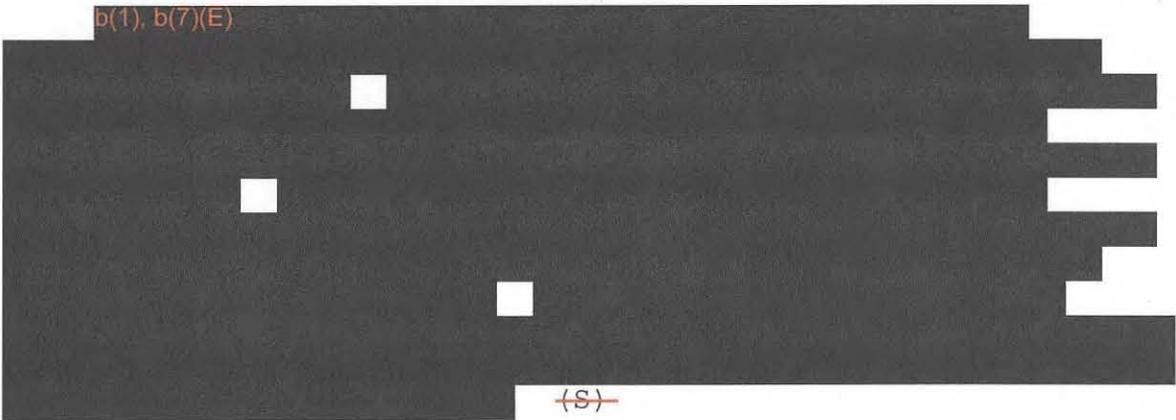
Incident 05-2-17 (U)

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5. Update to Incidents Reported in 06-1 (U)

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Incident 06-1-7 (U)
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(S)

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[Redacted]
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Incident 06-1-12 (U)

[REDACTED] (U) (S) (S)

[REDACTED] (U) (S) (S)

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