

NSD 14-007

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

June 2008

remaining redactions are b(1) and outside the remaining challenged withholdings.

~~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, 2007, through December 31, 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)~~

[REDACTED]

Section 2: Federal Bureau of Investigation (U)

I. Collection Authorized by the FISC (U)

[REDACTED]

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2. *Descriptions* (U)

[REDACTED]

~~(S)~~

[REDACTED]

~~(S)~~

[REDACTED]

~~(S)~~

[REDACTED]

~~(S)~~

[REDACTED]

⁹ 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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[REDACTED] (S)

3. [REDACTED] (S)

[REDACTED] (S)

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, physical search, and/or pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), [REDACTED]. These emergency authorizations resulted [REDACTED]

[REDACTED] and seven applications for pen register/trap and trace surveillance.¹¹ 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)

E. [REDACTED] (S)

[REDACTED]

[REDACTED] (S)

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remaining redactions are b(1) and outside the remaining challenged withholdings.

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

During this reporting period, the United States filed 129 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 129 applications, at least 37 United States persons were the targets of pen register/trap and trace surveillance. The FISC denied no applications, as they were originally presented, during this reporting period. Seven orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

H.

[Redacted]

[Redacted] ~~(S)~~

[Redacted] ~~(S)~~

[Redacted]

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remaining redactions
are b(1) and outside
the remaining
challenged

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b(1), b(7)(E)

[Redacted]

~~(S)~~

b(1), b(7)(E)

[Redacted]

~~(S)~~

within the
remaining
challenged
withholdings.

D. Retention and Use of Results of Pen Register and
Trap and Trace Surveillance (U)

b(1), b(7)(E)

[Redacted]

b1-1 Per FBI
b3-1
b7E-2, 5, 6

~~(S)~~

b1-1 Per FBI
b3-1
b7E-5

~~(S)~~

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

within the remaining challenged withholdings.

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

On [redacted], the Government submitted to the FISC a Memorandum of Law Regarding the Collection of Certain [redacted]

[redacted] Through Pen Register and/or Trap and Trace Surveillance Under the Foreign Intelligence Surveillance Act. The memorandum sets forth a technical description of, and the legal basis for, the Government's request to the FISC for authorization to conduct pen register and trap and trace surveillance, [redacted]

b1-1 Per FBI
b3-1
b7E-2,5,6

[redacted]

~~(TS//SI//OC,NF)~~

b(1), b(7)(E) [redacted]
[redacted]
~~(TS//SI//OC,NF)~~

F. Requests for the Production of Tangible Things (U)

outside the remaining challenged withholdings

During the reporting period covered by this semi-annual report, the Government obtained FISC approval of [redacted] requests for the production of tangible things pursuant to Section 215 of the USA PATRIOT Act (50 U.S.C. §§ 1861-1862), under which the Government may obtain any tangible thing pursuant to FISA, including business records. All of these orders were for records related to investigations conducted under guidelines approved by the Attorney General under Executive Order 12333, as amended. None involved investigations being conducted solely on the basis of activities protected by the First Amendment. (S)

b1-1 Per FBI
b3-1

[redacted] (S)

b1-1 Per FBI
b3-1
b7E-6

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