

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

SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH UNDER
THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

December 2008 Report

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

~~Classified by: Matthew G. Olsen,
Deputy Assistant Attorney General,
National Security Division,
U.S. Department of Justice
Reason: 1.4(c)
Declassify on: December 30, 2033~~

~~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, 2008 through June 30, 2008.**¹ Consistent with the Department of Justice's efforts to keep the Congress fully informed of 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 semiannual 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 of 1947, as amended. ~~(TS)~~

Out of scope/non-responsive

Out of scope/non-responsive

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

Out of scope/non-responsive

Out of scope/non-responsive

¹¹ Some of the individuals listed below, however, may be current targets of Court-authorized pen register/trap and trace surveillance. (U)

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

Out of scope/non-responsive

D. Emergency Electronic Surveillance or Physical Search (U)

During this reporting period, the Attorney General¹⁵ 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), 189 times.¹⁶ These

out of scope/non-responsive

¹⁵ FISA defines the "Attorney General" to mean the Attorney General, the Deputy Attorney General, Acting Attorney General, or Assistant Attorney General for National Security. 50 U.S.C. § 1801(g). (U)

(b) (1)

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

emergency authorizations resulted in Out of scope/non-responsive

and two (2) applications for pen register/trap and trace surveillance.¹⁷ 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)~~

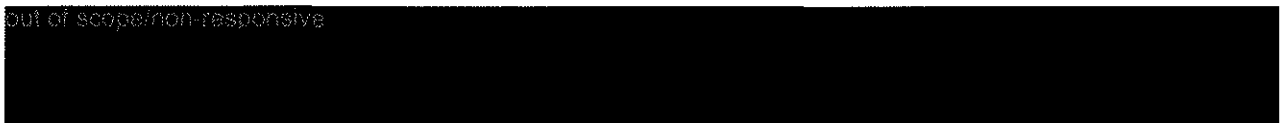
out of scope/non-responsive



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

~~(S)~~

out of scope/non-responsive



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

Out of scope/non-responsive

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

During this reporting period, the United States filed **110** 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 **110** applications, at least **23** United States persons were the targets of pen register/trap and trace surveillance. The FISC denied **no** applications during this reporting period. **Four orders** authorizing pen register/trap and trace surveillance were **modified** by the FISC. (S)

Out of scope/non-responsive

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

C. Update to Incidents Reported in 07-1 (U)

Out of scope/non-responsive

Incident 07-1-16 (U)

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

[REDACTED]

~~(S)~~

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

[REDACTED]

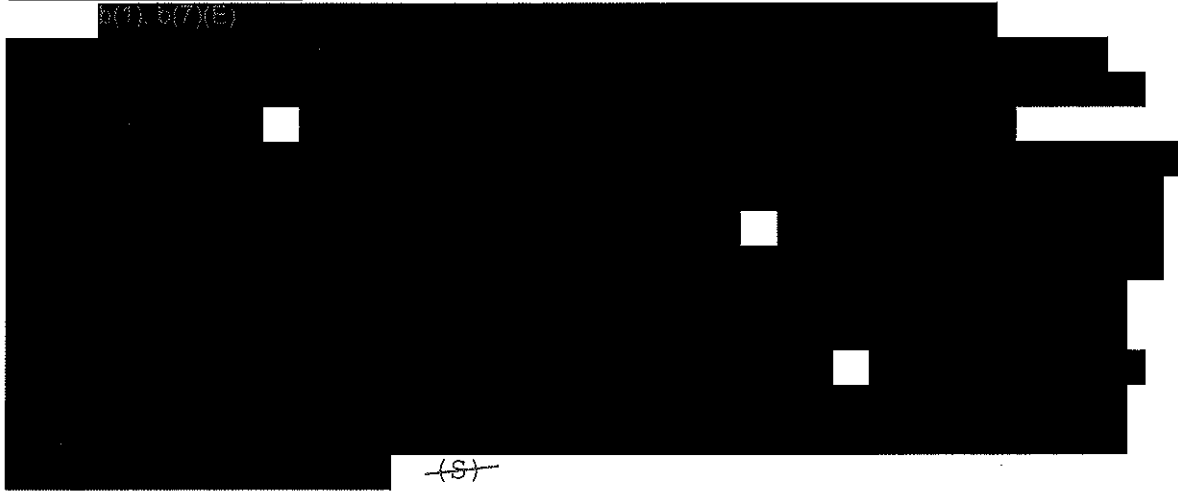
~~(S)~~

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

Out of scope/non-responsive

Incident 08-1-11 (U)

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



~~(S)~~

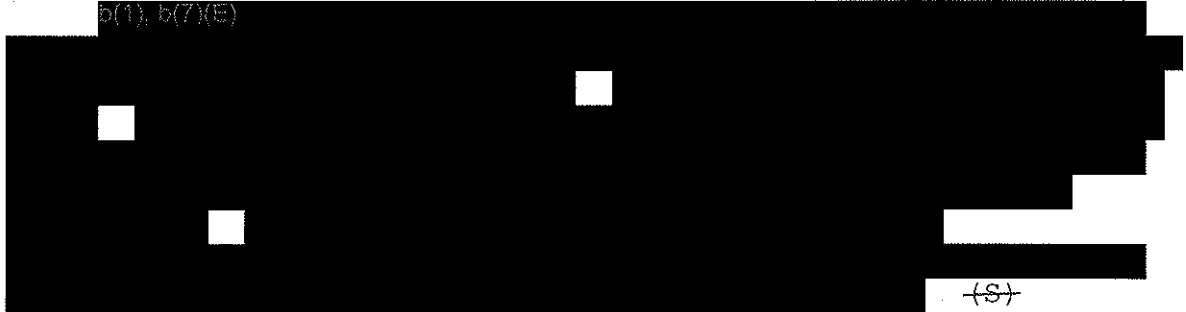
Out of scope/non-responsive

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

Out of scope/non-responsive

Incident 08-1-14 (U)

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



(S)

Out of scope/non-responsive