

NSD 14-007

Document 127

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

DATE: 02/26/2016
FBI INFO. CLASSIFIED BY: J23J98T32
REASON: 1.4(c)
DECLASSIFY ON: 12/31/2041

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

June 2007

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

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

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

Section 1: Introduction (U)

[Redacted text block]

~~(S)~~

[Redacted text block]

~~(S)~~

The FISC denied one application in part during this reporting period. (U)

[Redacted text block]

~~(S)~~

[Redacted text block]

~~(S)~~

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

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

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

[REDACTED] (S)

2. *Descriptions* (U)

[REDACTED] (S)

[REDACTED] (S)

[REDACTED] (S)

[REDACTED] (S)

¹⁴ 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~~

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

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

[REDACTED] (S)

[REDACTED] (S)

[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 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].

These emergency authorizations resulted in [REDACTED] b(1), b(7), [REDACTED] b(7), [REDACTED] two applications for pen register/trap and trace surveillance.¹⁹ Applications or [REDACTED]

[REDACTED]

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

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

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

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)~~

E.  ~~(S)~~



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

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

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

[REDACTED]

(S)

F. [REDACTED] (S)

[REDACTED]

(S)

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)

H. [REDACTED]

[REDACTED]

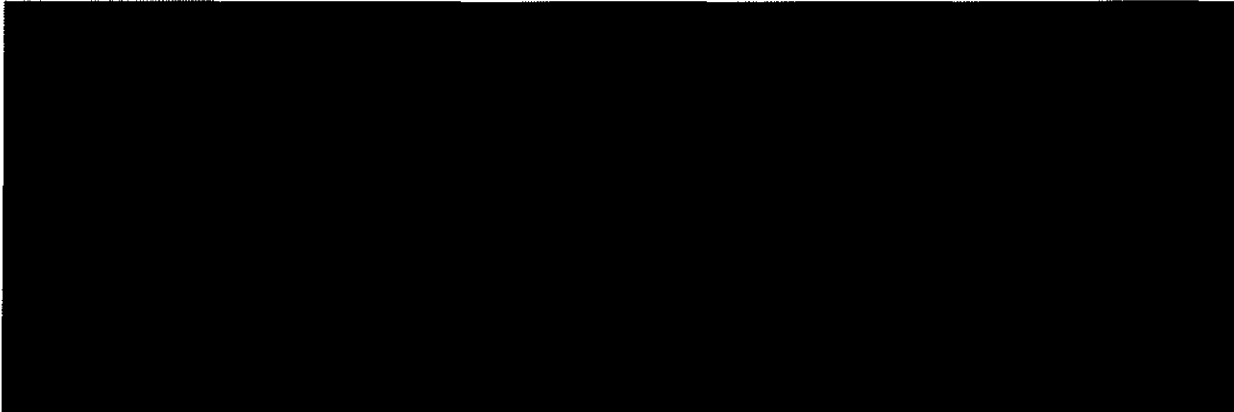
~~TOP SECRET//COMINT//NOFORN,ORCON~~

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

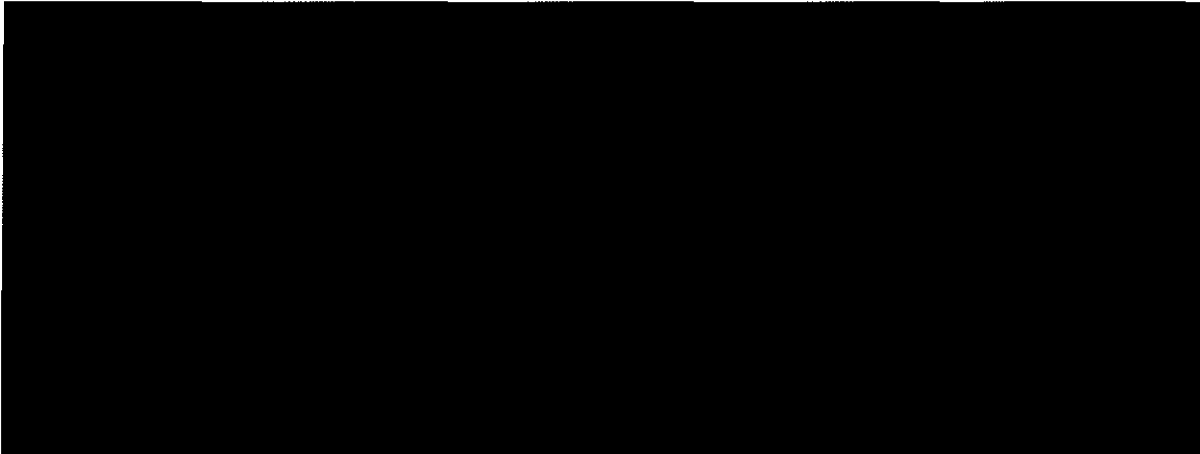
~~TOP SECRET//COMINT//NOFORN,ORCON~~

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:



- deleting language, in an application for pen register/trap and trace device, permitting affirmative investigative use of possible content information in rare cases in order to prevent an immediate danger of death, serious physical injury, or harm to the national security;



- adding a specific time period within which the government must report the use of any affirmative investigative use of possible content information in an application for pen register/trap and trace device;



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

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

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)~~

As noted in prior semi-annual reports, on March 9, 2006, 50 U.S.C. §§ 1861 and 1842 were amended. See USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (March 9, 2006) ("Reauthorization Act"). As part of the revisions, 50 U.S.C. § 1842 (the FISA Pen Register provision) was amended to include telephone subscriber data as part of the information that must be disclosed by the wire or electronic communication service provider upon request of the Department through a pen register or trap and trace device. Because of this amendment to the statute, the Department anticipated in prior semi-annual reports that the number of requests for production of tangible things pursuant to Section 215 would decrease in future reporting periods. In the reporting period covering July 1, 2005, through December 31, 2005, there were [REDACTED] requests for the production of tangible things pursuant to 50 U.S.C. § 1861. There were [REDACTED] in the last reporting period, covering January 1, 2006 through June 30, 2006. As anticipated in prior semi-annual reports, the number of requests for production of tangible things pursuant to Section 215 continued to decline, to five in this reporting period. ~~(S)~~

b1-1 Per FBI
b3-1

As further discussed below, as required by one of the provisions of the Reauthorization Act, on September 5, 2006, the government filed interim standard minimization procedures governing the retention and dissemination by the FBI of any tangible things, or information therein, received by the FBI in response to an order under 50 U.S.C. § 1861. As also discussed further below, pursuant to the Reauthorization Act, the Office of the Inspector General (OIG) was directed to conduct an audit of the effectiveness and use of FISA's authority to obtain access to certain business records or tangible things for foreign intelligence purposes, pursuant to 50 U.S.C. § 1861. The OIG issued its first report, as required by statute, in March 2007. This report is discussed further in Part N. ~~(S)~~

[REDACTED]

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

[REDACTED]

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

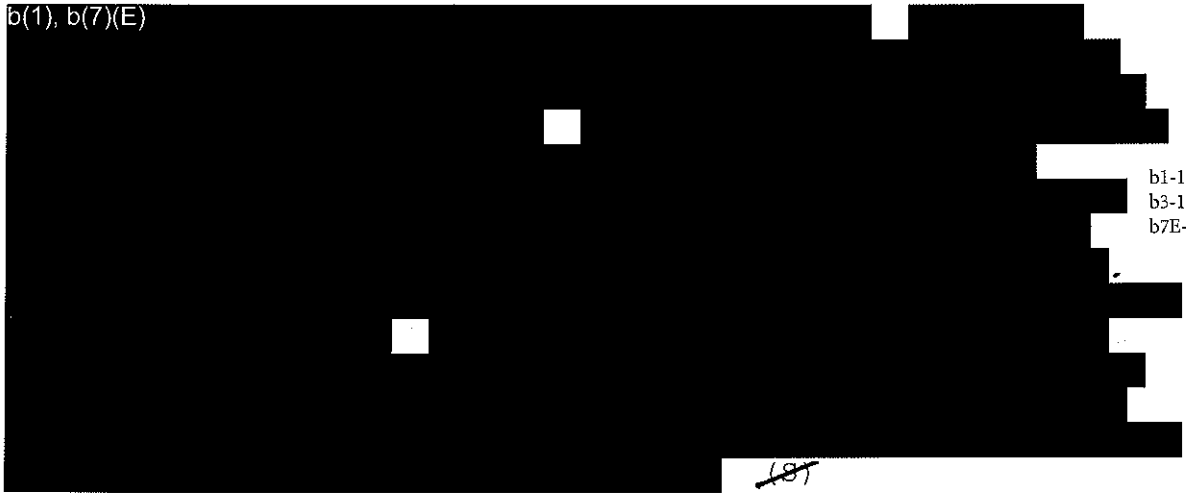
within the remaining
challenged withholdings.

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

within the remaining
challenged withholdings.

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

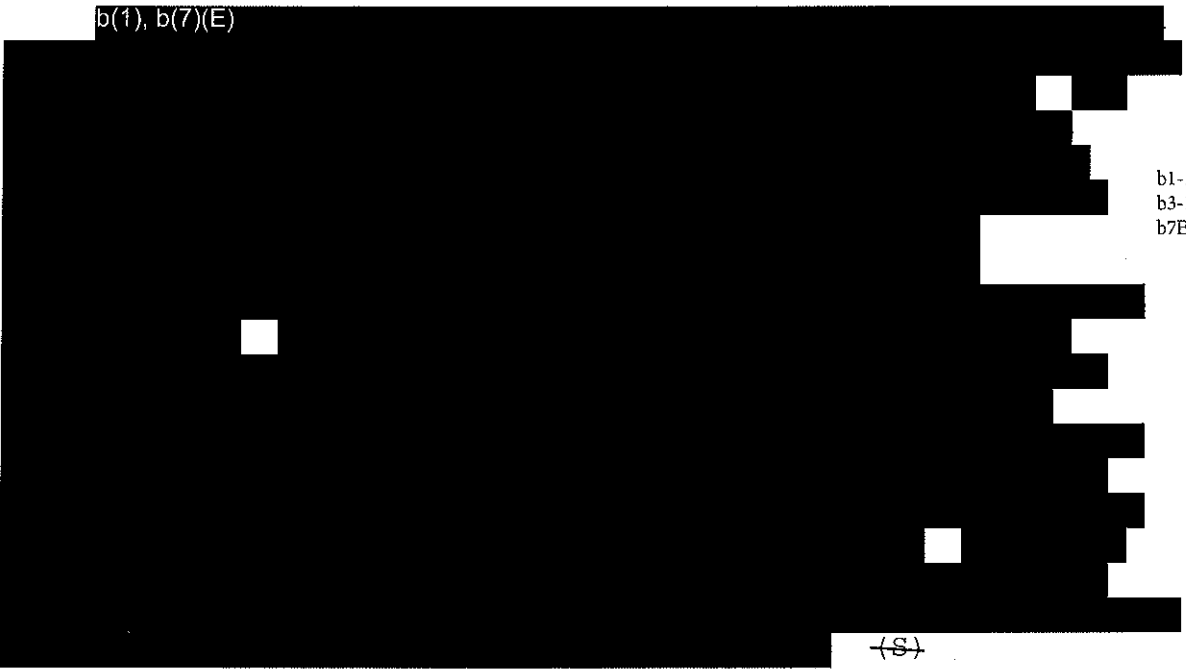
b(1), b(7)(E)



(S)

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

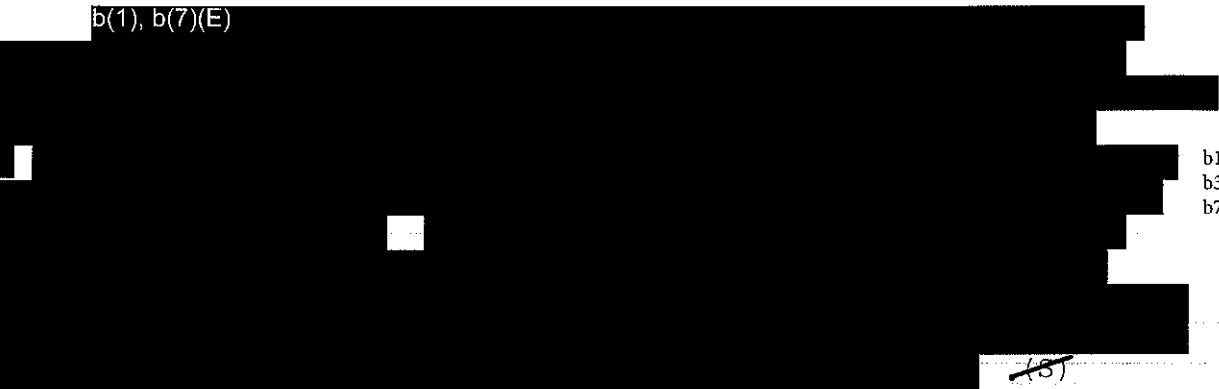
b(1), b(7)(E)



(S)

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

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



(S)

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

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

within the remaining
challenged withholdings.

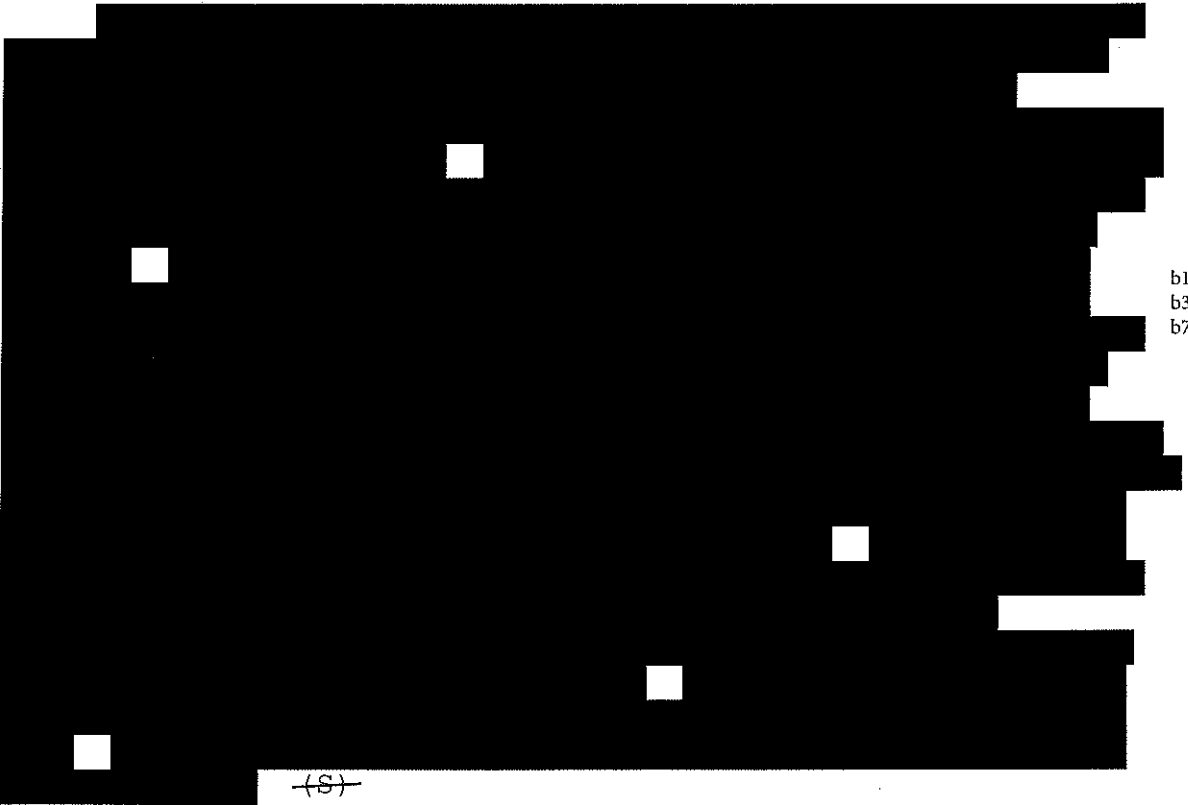
~~TOP SECRET//COMINT//NOFORN,ORCON~~

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



(S)

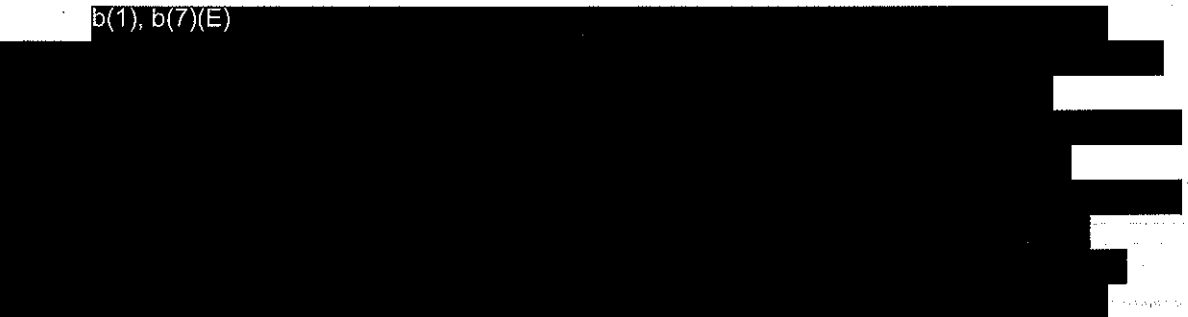
b1-1 Per FBI
b3-1
b7E-2, 5, 6



(S)

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

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



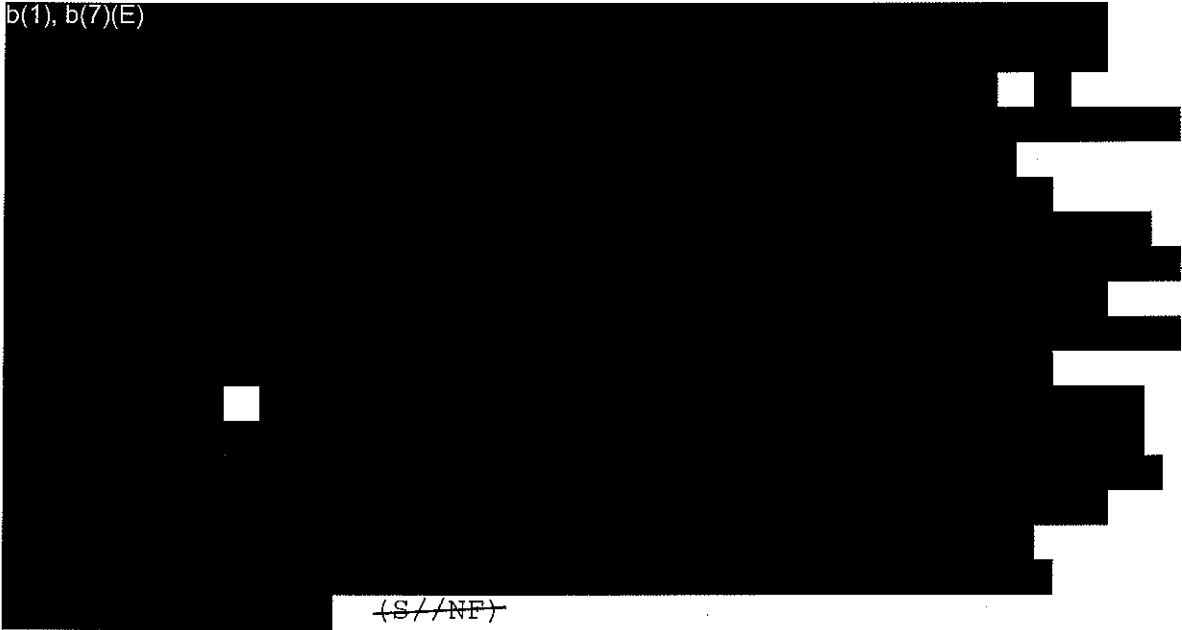
b1-1 Per FBI
b3-1
b7E-2, 5

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

within the remaining
challenged withholdings.

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

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



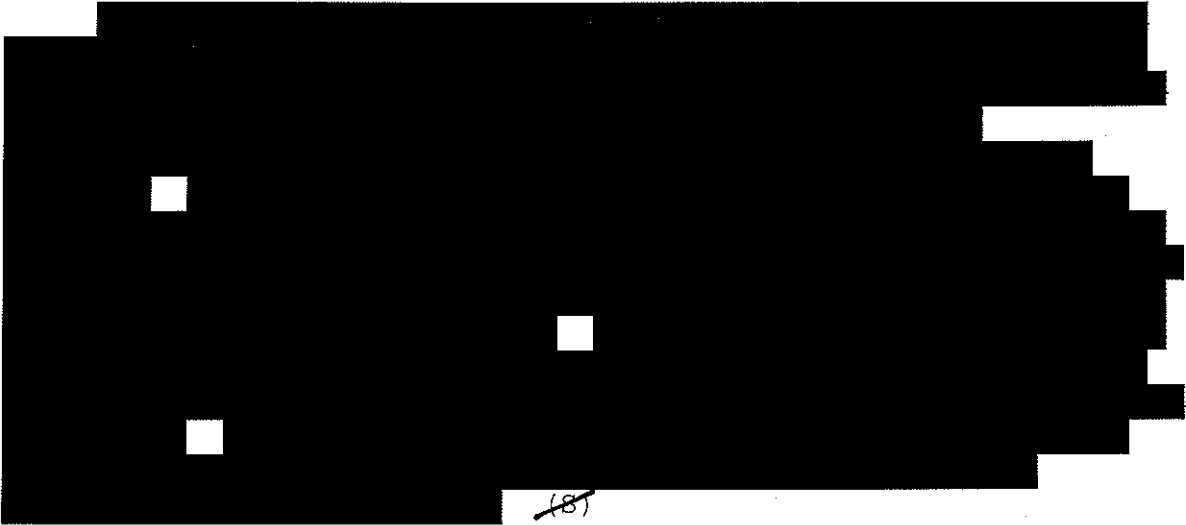
b1-1 Per FBI
b3-1
b7E-2, 5, 6

~~(S//NF)~~

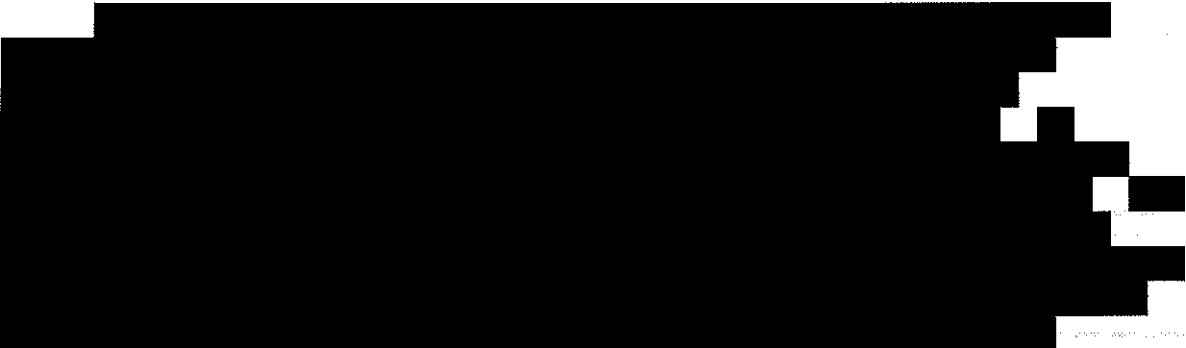
G.



~~(S)~~

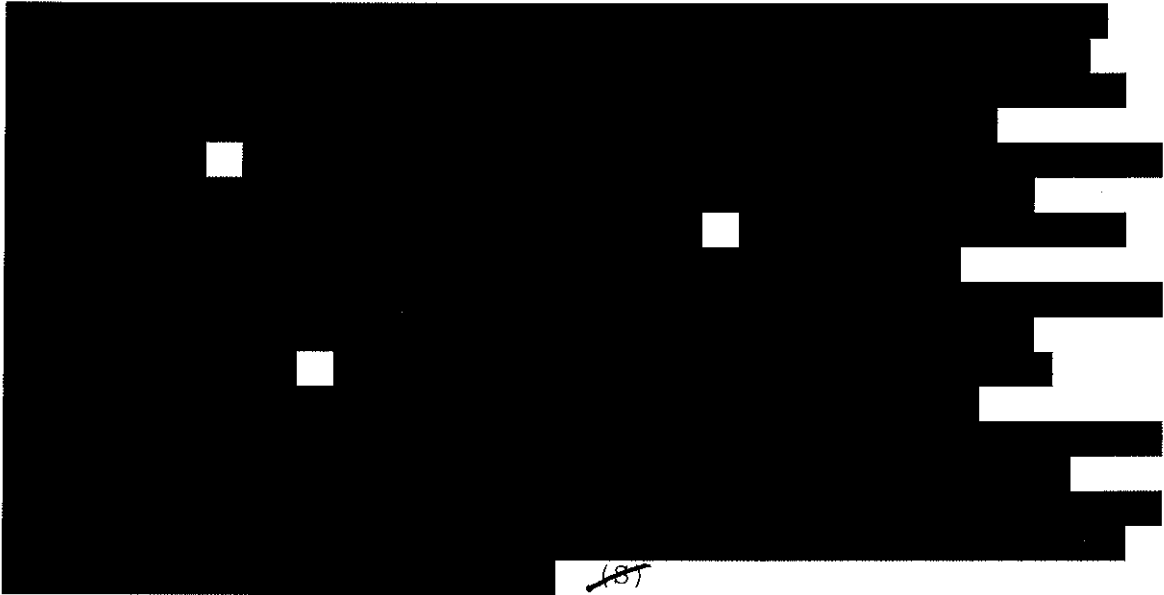


~~(S)~~



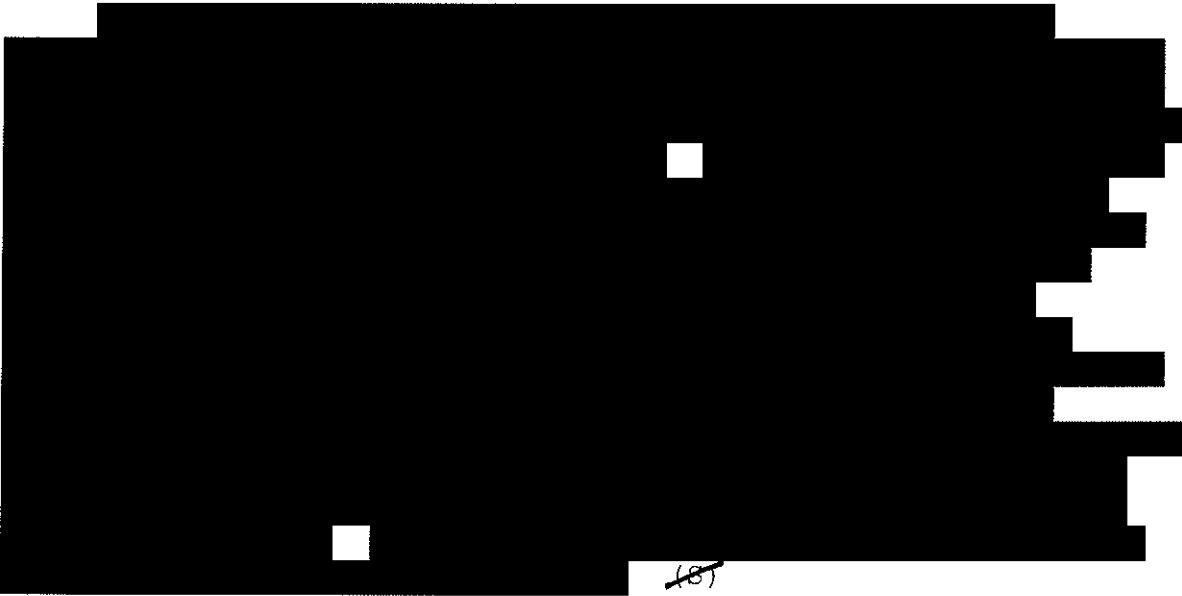
~~TOP SECRET//COMINT//NOFORN,ORCON~~

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



(S)

L. FISA Process Improvements (U)



(S)

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)

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

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