THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE

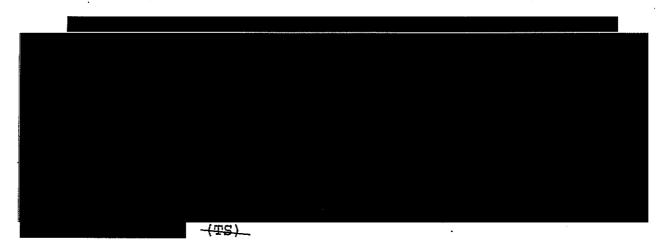
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2005

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2005, through June 30, 2005. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)

Section 601(a)(1) of FISA requires the Attorney General to report on "the aggregate number of persons targeted for orders issued under the Act" for electronic surveillance, physical search, pen registers, and access to records. FISA defines "person" as "any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power." 50 U.S.C. § 1801(m). (U)

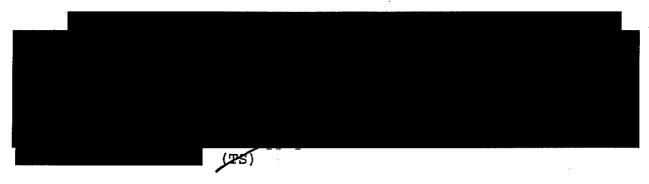


Classified by: James A. Baker, Counsel

for Intelligence Policy Office of Intelligence Policy and Review,

U.S. Department of Justice

Reason: 1.4(c)
Declassify on: 21



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2005, through June 30, 2005, was (S)

B. Physical Searches (U)

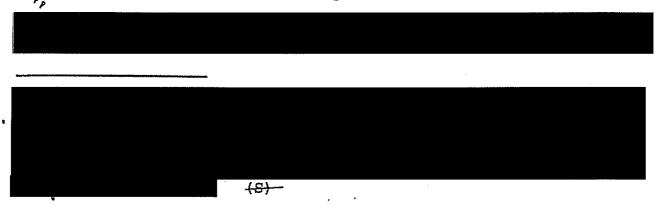
The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2005, through June 30, 2005,

(S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2005, through June 30, 2005, was at least $130.^{1}$ (S)

D. Access to Tangible Things (U)





II. Number of Individuals Covered by an Order Under Section 101(b)(1)(C) (U)

The number of individuals covered by an order issued pursuant to section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2005, through June 30, 2005, (S)

III. Attorney General Authorizations for Use of FISA-derived Information Use in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2005, through June 30, 2005, (8)

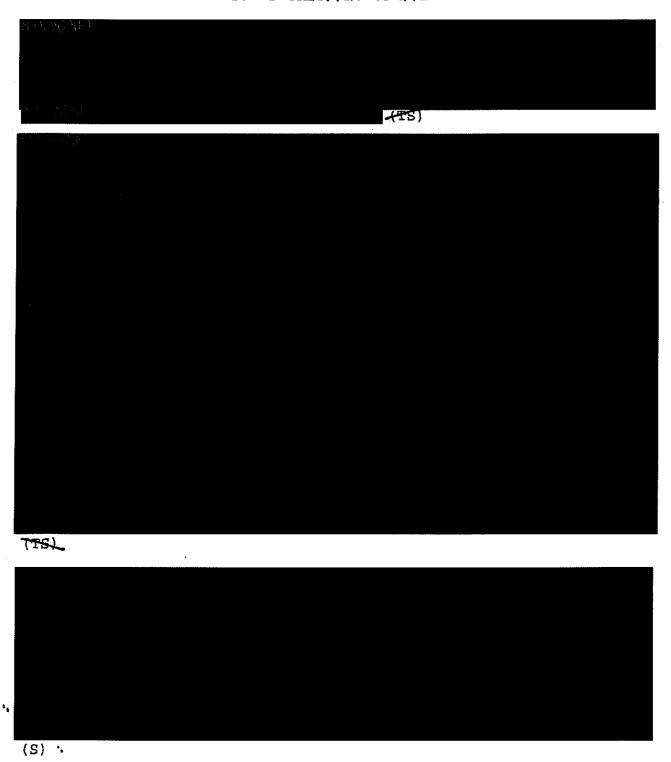
IV. Summary of Significant Legal Interpretations (U)

During the reporting period from January 1, 2005, through June 30, 2005, there were two significant legal interpretations of the Act involving matters before the Foreign Intelligence Surveillance Court ("the Court") or the Foreign Intelligence Surveillance Court of Review ("the Court of Review"), including interpretations presented in applications or pleadings filed with the Court or the Court of Review. Both were presented in supplemental briefs filed by the government with the Court in connection with applications submitted pursuant to the Act by the government. A summary of those legal interpretations follows.

-(S)



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4



V. Copies of Decisions or Opinions (U)

There was one decision or opinion of the Court or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2005, through June 30, 2005. A redacted copy of this opinion is attached to this report. (S)

THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

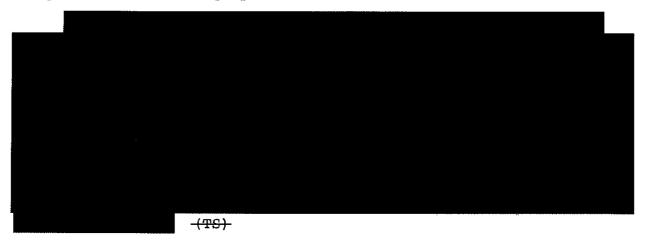
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
June 2006

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period July 1, 2005, through December 31, 2005. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)

Section 601(a)(1) of FISA requires the Attorney General to report on "the aggregate number of persons targeted for orders issued under the Act" for electronic surveillance, physical search, pen registers, and access to records. FISA defines "person" as "any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power." 50 U.S.C. § 1801(m). (U)



Classified by: James A. Baker, Counsel

for Intelligence Policy, Office of

Intelligence Policy and Review,

U.S. Department of Justice eason: 1.4(c)

Reason: 1.4(c)
Declassify on: X1

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A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2005, through December 31, 2005, was

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2005, through December 31, 2005, was at (S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2005, through December 31, 2005, was at least $138.^1$ —(S)—

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2005, through December 31, 2005, was



-(S)

II. Number of Individuals Covered by an Order Under Section 101(b)(1)(C) (U)

The number of individuals covered by an order issued pursuant to section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2005, through December 31, 2005

III. Attorney General Authorizations for Use of FISA-derived Information Use in a Criminal Proceeding (U)

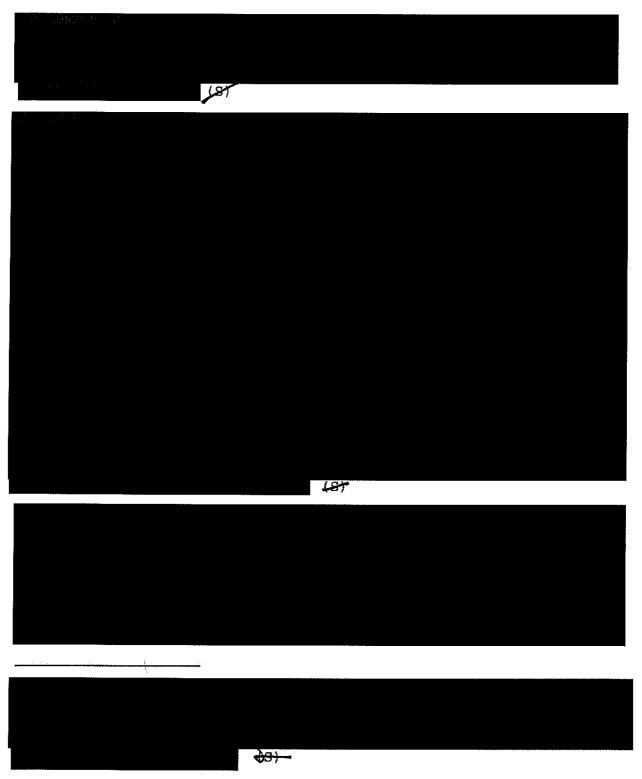
The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2005, through December 31, 2005, (S)

IV. Summary of Significant Legal Interpretations (U)

During the reporting period from July 1, 2005, through December 31, 2005, there was one significant legal interpretation of the Act involving matters before the Foreign Intelligence Surveillance Court ("the Court") or the Foreign Intelligence Surveillance Court of Review ("the Court of Review"), including an interpretation presented in an application or pleading filed with the Court or the Court of Review.² It was presented in a supplemental brief filed by the government with the Court in connection with applications submitted pursuant to the Act by the government. A summary of the legal interpretation follows. (S)



² There were no cases presented to the Court of Review during the reporting period.



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V. Copies of Decisions or Opinions (U)

There was one decision or opinion of the Court or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2005, through December 31, 2005. A redacted copy of this opinion is attached to this report. (S)

THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

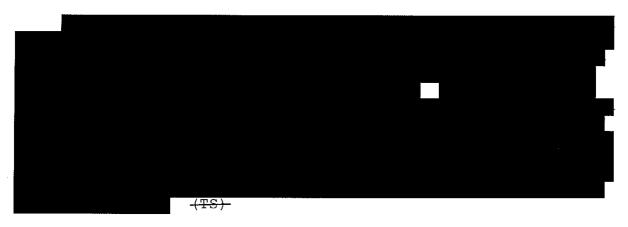
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 December 2006

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. \$\$ 1801 et seq., and covers the period January 1, 2006, through June 30, 2006. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)

Section 601(a)(1) of FISA requires the Attorney General to report on "the aggregate number of persons targeted for orders issued under the Act" for electronic surveillance, physical search, pen registers, and access to records. FISA defines "person" as "any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power." 50 U.S.C. § 1801(m). (U)



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Classified by: James A. Baker, Counsel

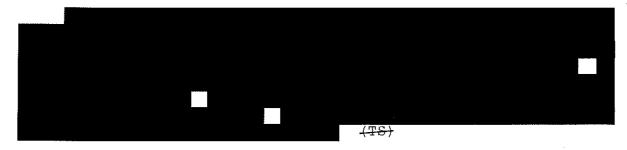
for Intelligence Policy, Office of

Intelligence Policy and Review

National Security Division U.S. Department of Justice

Reason: $\frac{1.4(c)}{}$

Declassify on: X1



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2006, through June 30, 2006,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2006, through June 30, 2006,

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2006, through June 30, 2006, was at least $104.^{1}$ (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2006, through June 30, 2006,

(S)

(S)

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II. Number of Individuals Covered by an Order Under Section 101(b)(1)(C) (U)

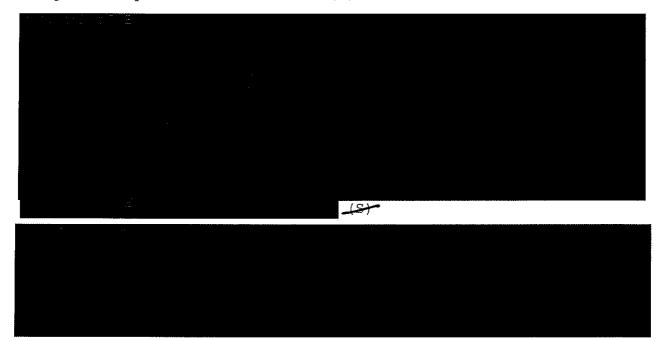
The number of individuals covered by an order issued pursuant to section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2006, through June 30, 2006, (S)

III. Attorney General Authorizations for Use of FISA-derived Information Use in a Criminal Proceeding (U)

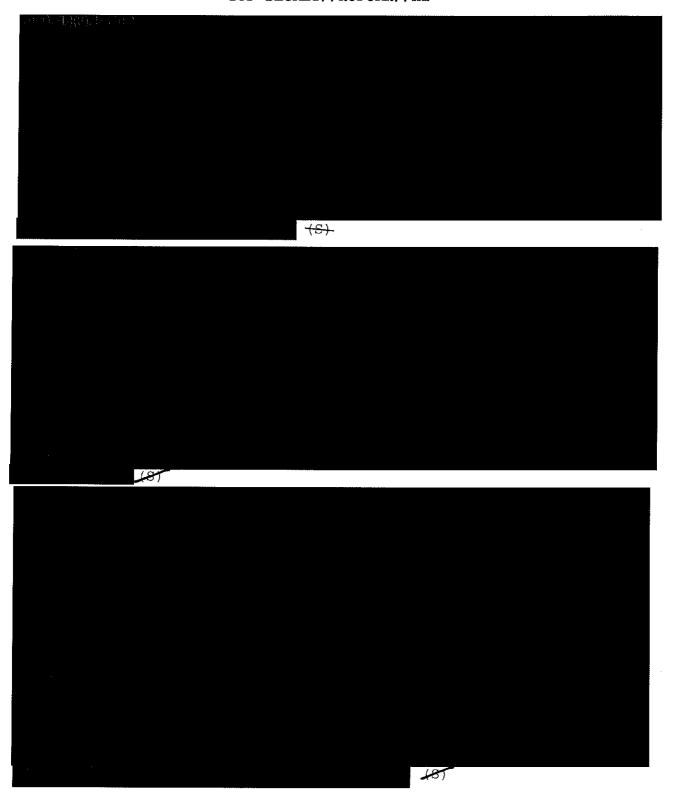
The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2006, through June 30, 2006,

IV. Summary of Significant Legal Interpretations (U)

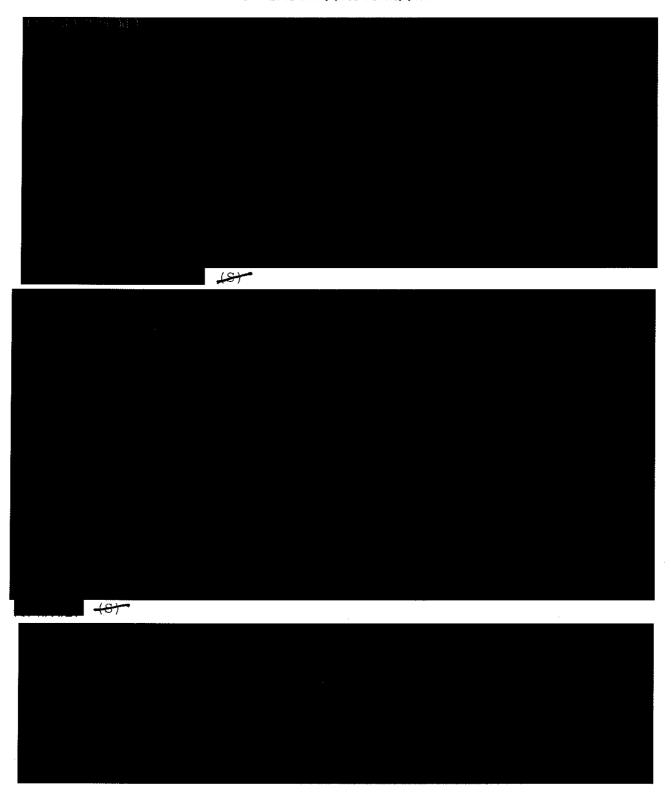
During the reporting period from January 1, 2006, through June 30, 2006, there were four significant legal interpretations of the Act involving matters before the Foreign Intelligence Surveillance Court ("the Court") or the Foreign Intelligence Surveillance Court of Review ("the Court of Review"), including interpretations presented in applications or pleadings filed with the Court or the Court of Review. These were presented in supplemental briefs filed by the government with the Court in connection with applications submitted pursuant to the Act by the government. A summary of those legal interpretations follows. (S)



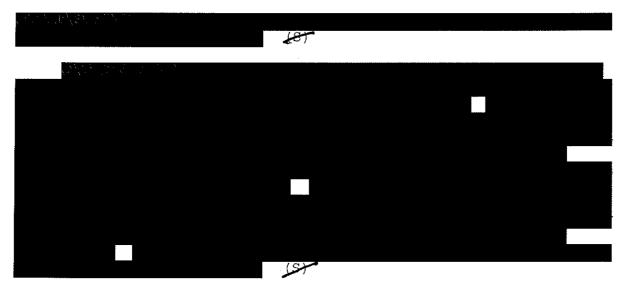
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V. Copies of Decisions or Opinions (U)

Other than those opinions which were previously provided, there were no new decisions or opinions of the Court or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2006, through June 30, 2006. Copies of those previously reported opinions were provided with the last report. Accordingly, there are no copies of opinions attached to this report. (S)

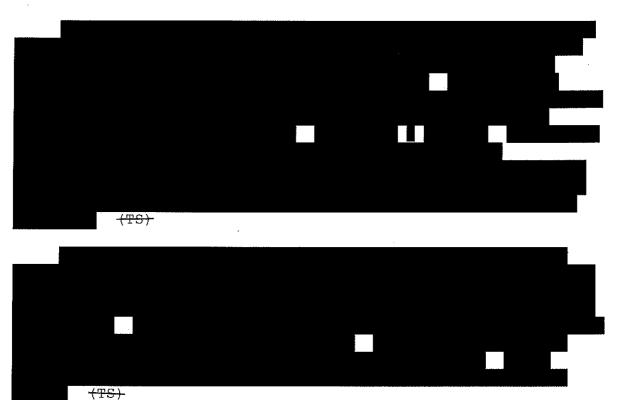
THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2007

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. §§ 1801 $\underline{\text{et}}$ $\underline{\text{seq}}$., and covers the period July 1, 2006, through December 31, $\underline{2006}$. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (\mathbb{U})



TOP SECRET//COMINT//NOFORN

Classified by: Margaret A. Skelly-Nolen

Acting Counsel for Intelligence Policy

National Security Division
U.S. Department of Justice

Reason•

-1.4(c)

Declassify on: June 30, 2032

A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2006, through December 31, 2006, (S)

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2006, through December 31, 2006, $\frac{1}{(S)}$

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2006, through December 31, 2006, was at least 81. $\frac{(8)}{}$

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2006, through December 31, 2006,

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2006, through December 31, 2006,

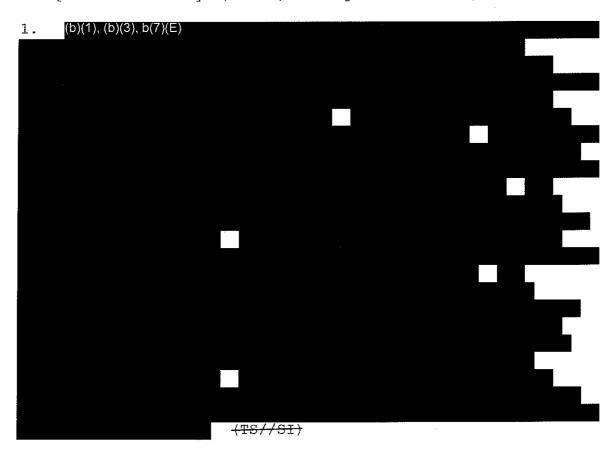
III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2006, through December 31, 2006, (S)

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IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes in a manner consistent with the protection of national security several significant legal interpretations involving matters before the Foreign Intelligence Surveillance Court (FISC) during the period from July 1, 2006, through December 31, 2006. (S)



2. During the reporting period, the FISC issued orders directing the installation and use of pen register and trap and trace devices, pursuant to 50 U.S.C. § 1801-1811, 1841-1846, as amended, to allow an intelligence agency to collect addressing and routing information (or "meta data") regarding certain electronic mail (e-mail) (b)(1) and (b)(3)

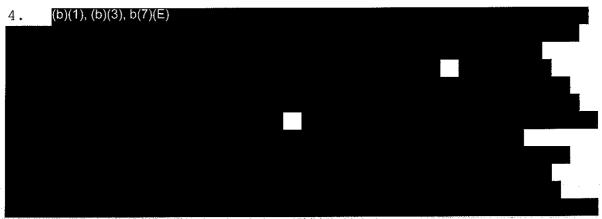
The FISC concluded that the records were relevant to terrorism investigations because the large number of records was required to conduct meaningful searches of the data based upon identifiers that are associated with terrorist suspects. The orders required that any search of

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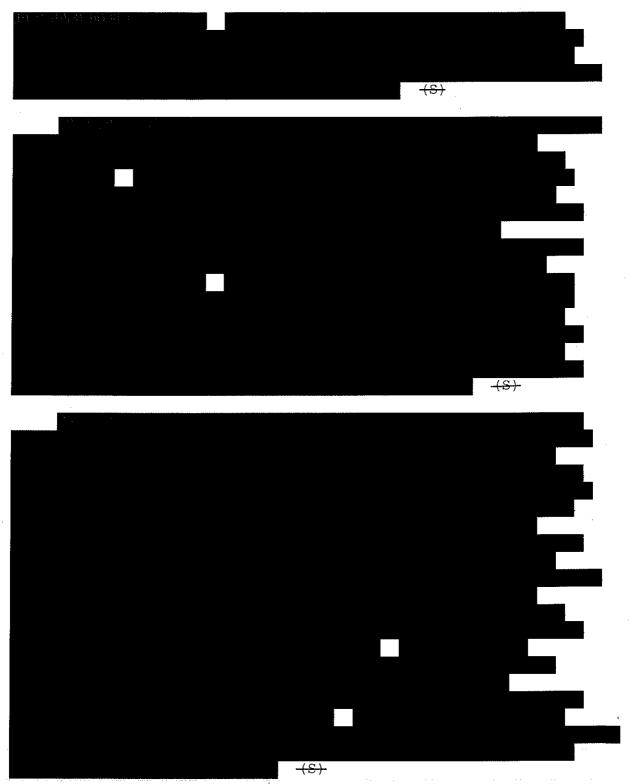
records produced pursuant to the orders occur only when there are facts giving rise to a reasonable, articulable suspicion that an identified e-mail account (b)(1) and (b)(3) is associated with a targeted foreign power. The FISC also ordered several additional minimization and oversight procedures, including a report to be submitted by an intelligence agency on its activities every 30 days. This matter has been fully briefed to the members of the House and Senate Intelligence Committees as well as appropriately cleared staff members. (TS//SI//NF)

During the reporting period, the FISC issued orders, 3. pursuant to 50 U.S.C. § 1861, as amended, directing certain companies to produce business records of call detail records or "telephony metadata" (b)(1) and (b)(3) The FISC found that these records are relevant to authorized investigations being conducted by the Federal Bureau of Investigation (FBI) under guidelines approved by the Attorney General under Executive Order 12333 to protect against international terrorism. Like the pen register and trap and trace orders described above, the FISC concluded that the records were relevant to terrorism investigations because the large number of records was required to conduct meaningful searches of the data based upon identifiers that are associated with terrorist suspects. The orders required that any search of the business records produced pursuant to the orders occur only when there are facts giving rise to a reasonable, articulable suspicion that a particular known identifier is associated with a targeted foreign

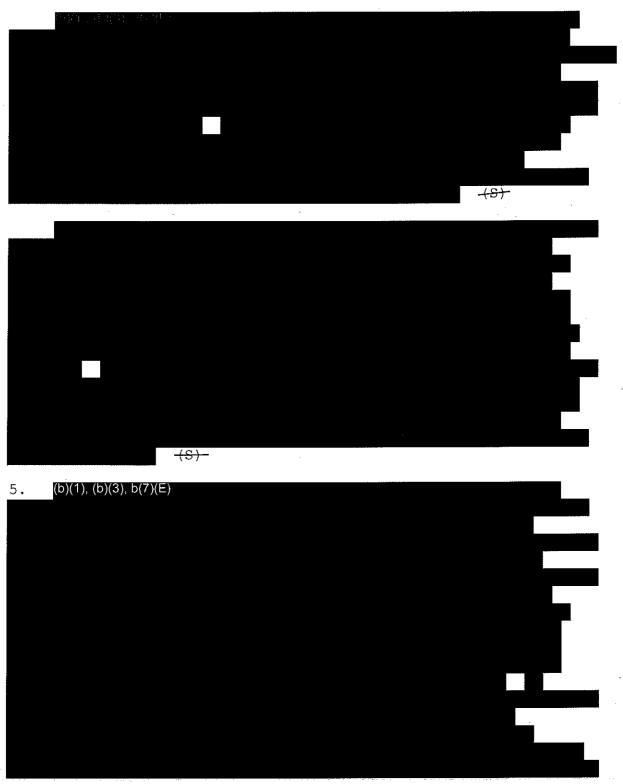
power. These matters have been fully briefed to the members of the House and Senate Intelligence Committees as well as appropriately cleared staff members. \(\frac{\tangle TS/\SI/\NF\}{\tangle}\)

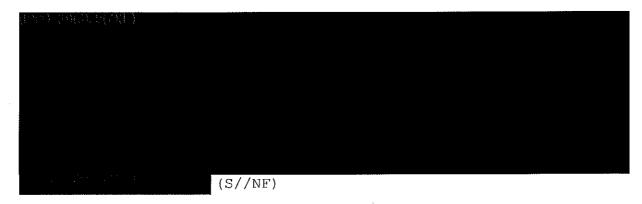


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V. Copies of Decisions or Opinions (U)

Other than those opinions which were previously provided, there were no new decisions (not including orders) or opinions, see 50 U.S.C. § 1871 (a)(4), of the FISC or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2006, through December 31, 2006. Copies of those previously reported opinions were provided with the last report. Accordingly, there are no copies of opinions attached to this report.

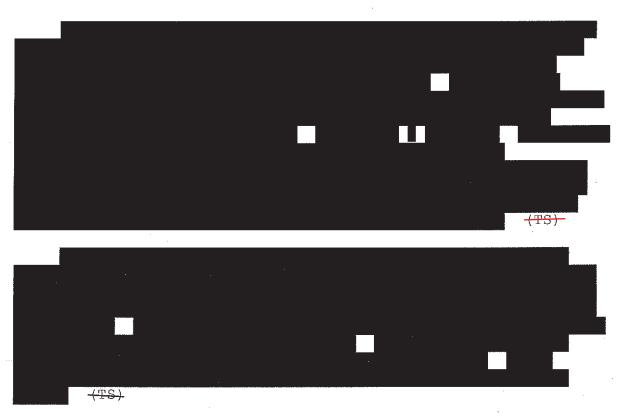
THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
December 2007

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. §§ 1801 $\underline{\text{et}}$ $\underline{\text{seq}}$., and covers the period January 1, 2007, through June 30, $\underline{\text{2007}}$. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (\mathbb{U})



TOP SECRET//COMINT//ORCON, NOFORN

Classified by: Margaret A. Skelly-Nolen

Acting Counsel for Intelligence Policy

National Security Division U.S. Department of Justice

Reason: $\frac{1.4(c)}{}$

Declassify on: December 14, 2032

A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2007, through June 30, 2007,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2007, through June 30, 2007,

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2007, through June 30, 2007, was at least 101. (S)

D. Access to Tangible Things (U)

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b) (1) (C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2007, through June 30, 2007,

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (\mathtt{U})

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2007, through June 30, 2007,

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-(S)-

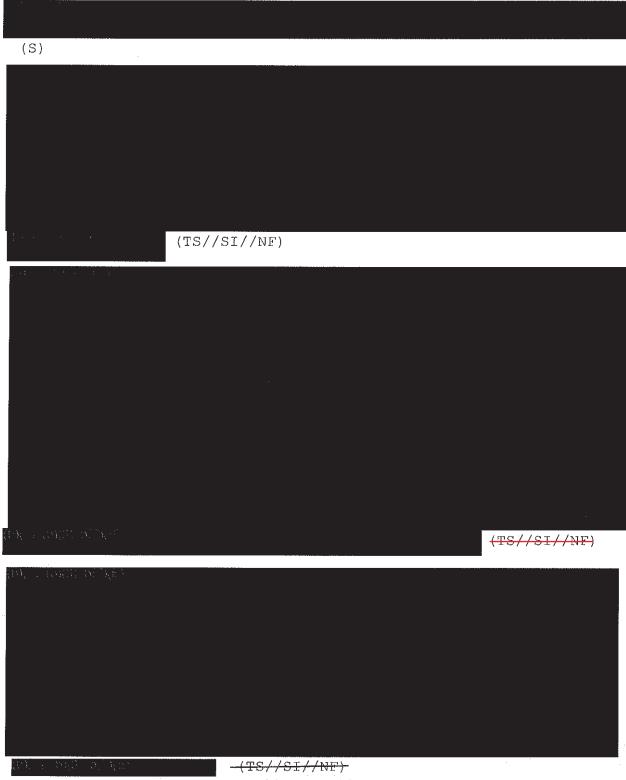
IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes in a manner consistent with the protection of national security several significant legal interpretations involving matters before the Foreign Intelligence Surveillance Court during the period from January 1, 2007, through June 30, 2007. $\frac{1}{2}$

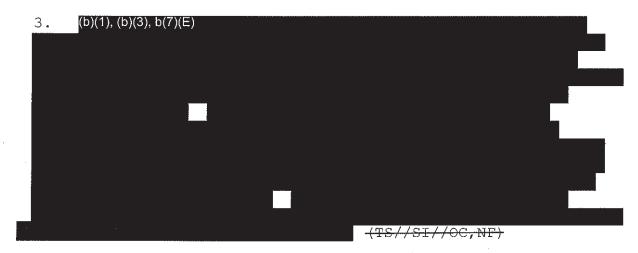




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V. Copies of Decisions or Opinions (U)

Other than the decisions or opinions discussed in Section IV.1 above, there were no new decisions or opinions of the FISC that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2007 through June 30, 2007. Accordingly, there are no copies of decisions or opinions attached to this report. —(S)—

THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT UNDER THE

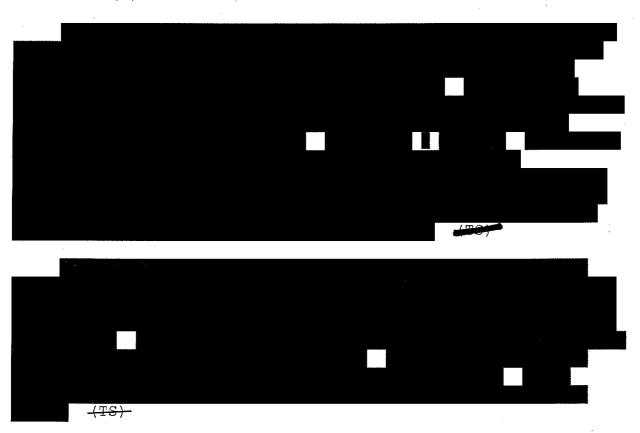
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2008

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 ("FISA" or the "Act"), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period July 1, 2007, through December 31, 2007. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



TOP SECRET//COMINT//NOFORN

Classified by: Matthew G. Olsen

Deputy Assistant Attorney General,

National Security Division r U.S. Department of Justice

Reason: $\frac{1.4(c)}{}$

Declassify on: June 15, 2033

TOP SECRET / COMINT / NOFORN

A. Electronic Surveillance (U

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2007, through December 31, 2007,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2007, through December 31, 2007,

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2007, through December 31, 2007, was at least 118.

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2007, through December 31, 2007,

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b) (1) (C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2007, through December 31, 2007,

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

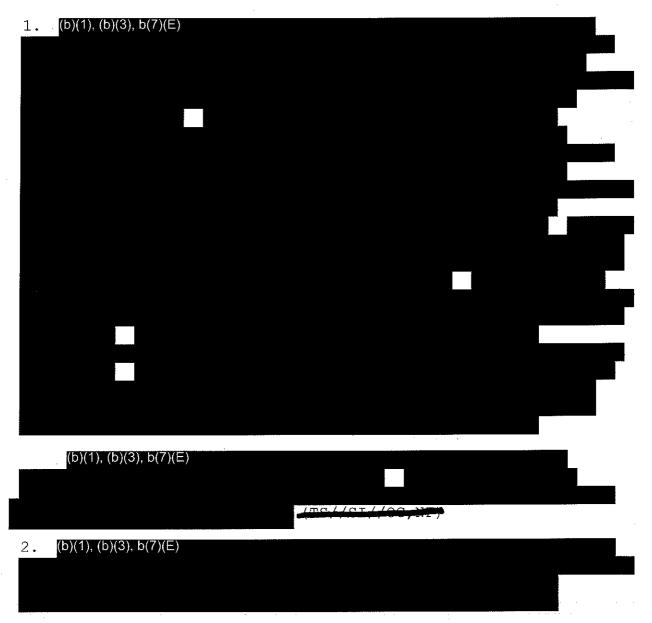
The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2007, through December 31, 2007,

TOP SECRET//COMINT//NOFORN

-(S)

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes in a manner consistent with the protection of national security several significant legal interpretations involving matters before the Foreign Intelligence Surveillance Court (FISC) during the period from July 1, 2007, through December 31, 2007. $\frac{(S)}{(S)}$



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TOP SECRET / / COMINT / / NOFORN



V. Copies of Decisions or Opinions (U)

Other than the decisions or opinions discussed in Section IV.2 above, there were no new decisions or opinions of the Court or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2007, through December 31, 2007. A copy of the Court's opinion from the matter discussed in Section IV.2, above, is attached. (S)

Attachment - 1 (U)

SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978,
AS AMENDED BY SECTION 6002 OF THE
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2008

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (AFISA@ or the AAct@), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2008 through June 30, 2008. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



TOP SECRET//COMINT//ORCON, NOFORN

Classified by: Matthew G. Olsen

Deputy Assistant Attorney General.

National Security Division, ILS. Department of Justice

Reason:

1.4(c)

Declassify on: December 30, 2033

A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, rom January 1, 2008 through June 30, 2008,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Ac

24, from January 1, 2008 through June 30, 2008, (S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2008 through June 30, 2008, was at least 99. $\frac{\langle S \rangle}{\langle S \rangle}$

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, § 1861, from January 1, 2008 through June 30, 2008, (S)

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b) (1) (C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S 01(b)(1)(C), from January 1, 2008 through June 30, 2008, (S)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a crim occeding, from January 1, 2008 through June 30, 2008, (8)

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IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, one significant legal interpretation involving matters before the Foreign Intelligence Surveillance Court (FISC) during the period from January 1, 2008 through June 30, 2008. (S)



B. A Court Opinion Concerning Government's Request for Provider to Comply with Directives by the Director of National Intelligence and the Attorney General (U)

On November 21, 2007, the Government moved for an order compelling an electronic communications serve rovider (hereinafter "the Provider") to comply with directives issued by the Director of National Intelligence and the Attorney General pursuant to the Protect America Act. The directives required the Provider to "immediately provide the Government with all information, facilities, and assistance necessary to accomplish th[e] acquisition" of foreign intelligence information concerning certain persons reasonably believed to be located outside the United States. In its motion to compel, the

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Government argued that the Court should order the Provider's compliance because the directives were issued in accordance with the appropriate certifications and relevant provisions of the Protect America Act and were otherwise lawful. (S)

The Provider opposed the Government's motion to compel, arguing that the directives violated the Fourth Amendment because they authorized the acquisition of foreign intelligence information without a warrant, and that, even if the Fourth Amendment did not require a warrant, the directives were unreasonable under the Fourth Amendment. On December 11, 2007, the Government filed a memorandum addressing the Provider's arguments. As a threshold matter, the Government argued that the Provider could not vicariously assert the Fourth Amendment rights of others as grounds for its non-compliance. Government further argued that the directives satisfied the requirements of the Fourth Amendment because: (1) acquisitions pursuant to the directives did not require a warrant because they were conducted for the purpose of acquiring foreign intelligence information; and (2) the directives were reasonable under the Fourth Amendment because they advanced a compelling government interest, were limited in scope and duration, and were accompanied by substantial safeguards designed to protect the privacy of U.S. persons. -(S)

On April 25, 2008, the Court issued an order and opinion granting the Government's motion to compel. In its opinion, the Court held that although the Provider may assert the Fourth Amendment rights of its customers, the directives complied with the Fourth Amendment. Specifically, the Court held that the directives fell within the foreign intelligence exception to the warrant requirement and were reasonable under the Fourth Amendment. A redacted copy of this opinion is attached. On or about May 12, 2008, the Provider began to comply with the FISC's April 25, 2008 order. —(S)

On May 6, 2008, the Provider filed a petition for review by the Foreign Intelligence Surveillance Court of Review (FISCR) of the FISC's decision. The parties completed expedited briefing ordered by the FISCR, and oral argument was held on June 19, 2008. On August 22, 2008, the FISCR issued an opinion that affirmed the FISC. A redacted copy of this opinion is attached. As of the date of this report, the FISCR is considering the possible publication of a declassified, suitably redacted

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version of its opinion. (S)

C. A Court Opinion Upholding the Attorney General's and the Director of National Intelligence's Certifications Regarding Targeting Procedures (8)

In 2007, the governme certifications pursuant to 50 U.S.C. § 1805b. On 2007, the government filed with the Foreign Intelligence Surveillance Court (FISC) its first § 1805b certification by the Attorney General and the Director of National Intelligence (DNI) (hereinafter, "Certification 07-01"). Certification 07-01 authorized the acquisition of foreign intelligence info

On 2007, the government filed with the FISC a set of procedures under Certification 07-01 (hereinafter, "targeting procedures") for determining that the acquisition of this foreign intelligence information concerned persons reasonably believed to be located outside the United States, and as such would not constitute electronic surveillance as defined by the Foreign In Surveillance Act, see 50 U.S.C. §§ 1801(f), 1805a.

On October 11, 2007, the FISC consolidated its review of the targeting procedures for each Certification and addressed a series of written questions to the government regarding these targeting procedures. The Government submitted its response on October 26, 2007. On December 12, 2007, the FISC conducted an ex parte hearing on the targeting procedures. (TS//SI//OC.NF)

On the FISC issued a "Memorandum Opinion and Orde" e Attorney General and DNI's

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certifications that the targeting procedures associated with each Certification were "reasonably designed to ensure that acquisitions conducted pursuant to [50 U.S.C. § 1805b] do not constitute electronic surveillance," 50 U.S.C. § 1805c(b). The FISC held that pursuant to 50 U.S.C. § 1805c(b), the FISC was to apply a "clearly erroneous standard of review" to the Attorney General and DNI's certification of the targeting procedures. The FISC further held these targeting procedures must be reasonably designed to ensure that these acquisitions were both (1) directed at and (2) concerned persons reasonably believed to be outside the United States.

_from facilities that have been determined through a variety of methods to be used by a person located outside of the United States met both of these standards. In coming to this determination, the Court interpreted 50 U.S.C. § 1805b(a)(1) to permit procedures reasonably designed to ensure that each acquired communication "concerns" a person reasonably believed to be outside the United States, even if the acquisition also "concerns" another person who is located in the United States. The FISC further held that the acquisition of other communications that (a) contained a reference to an e-mail account whose user has reasonably been determined to be outside the United States, and (b) were either sent or received by a user reasonably believed to be located outside of the United States, also complied with 50 U.S.C. §§ 1805a and 1805c(b)'s requirements that acquisitions be "directed at a person reasonably located outside of the United States." Finally, the FISC found permissible the delegation of authority to the NSA to depart from these targeting procedures in emergency situations where prior modification of the targeting procedures by the Attorney General and DNI could not be obtained. (TS//SI//OC, NF)

On May 9, tment of Justice provided copies of the FISC's opinion to the Senate Select Committee on I House Permanent Select Committee on Intelligence, the Senate Judiciary Committee, and the House Judiciary Committee. (TS//SI//OC,NF)

On January 31, 200 and the DNI amended Certifications ize the of Investigation (FBI) pursuant to these Certifications. On February 12, 2008, the government filed with the FISC additional targeting

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procedures to be used by the FBI in making these acquisitions.

Additionally, on February 15, 2008, the Attorney General and the DNI authorized the acquisition of f

On March 3, 2008, the governme led with the FISC targeting procedures for Certification

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

The FISC consolidated these two filings and issued on June 18, 2008, a "Memorandum Opinion and Order" that upheld the Attorney General and DNI's certifications of the reasonableness of the targeting procedures. The FISC held that despite the subsequent expiration of the Protect America Act, the DNI and Attorney General's certifications prior to this expiration date preserved the FISC's jurisdiction to review the targeting procedures pursuant to 50 U.S.C. § 1805c. In finding jurisdiction, the FISC construed 50 U.S.C. §§ 1805c(a)-(b) to permit the submission of revised or additional procedures outside of the 120 and 180-day time limits specified in those subsections. Moving to the merits, the E_ _held the NSA's targeting procedures under Certification finding them for the most part identical to t ng procedures in Certifications The FISC noted that unlike the prior Certifications, these targeting procedures contained a provision permitting, upon a specified finding by the Director of the NSA, the retention of inadvertently acquired communications sent to or from a target while they were located in the United States, but held that this provision constituted a minimization procedure that was not subject to judicial review under 50 U.S.C. § 1805c.

Certifications, as well as Certification the FISC upheld the Attorney General and DNI's certification that these procedures "were reasonably designed to ensure that acquisitions conducted pursuant to [50 U.S.C. § 1805b] do not constitute electronic surveillance," 50 U.S.C. § 1805c(b). The FISC noted that the FBI's targeting procedures apply in addition to the NSA's targeting procedures, which the FISC had already held met the statutory requirements. The FISC held that the supplemental FBI procedures provided additional measures to ensure that persons targeted are located outside the United

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States. (TS//SI//OC, NF)

On August 6, 2008, the Department of Justice provided copies of the FISC's June 18, 2008, opinion to the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, the Senate Judiciary Committee, and the House Judiciary Committee. (TS//SI//OC,NF)

V. Copies of Decisions or Opinions (U)

Other than the decisions or opinions discussed in Section IV above, and those already provided to Congress, there were no new decisions or opinions of the Court or the Court of Review that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2008 through June 30, 2008. Copies of the Court's opinions from the matters discussed in Section IV, above, are attached.

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SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Report for the Period from July 1, 2008 through December 31, 2008

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 *et seq.*, and covers the period July 1, 2008 through December 31, 2008. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



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Classified by:

David S. Kris, Assistant Attorney

General, NSD, DOJ

Reason:

-1.4(c)

Declassify on:

29 December 2034

TOP SECRET//COMINT//ORCON,NOFORN

A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2008 through December 31, 2008,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2008 through December 31, 2008,

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2008 through December 31, 2008, was at least 52. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2008 through December 31, 2008, (S)

E. Acquisitions under Section 703

There were no persons targeted for orders issued under Section 703 of the Act, 50 U.S.C. § 1881b, from July 1, 2008 through December 30, 2008.

F. Acquisitions under Section 704

The aggregate number of persons targeted for orders under Section 704 of the Act, 50 U.S.C. § 1881b, from July 1, 2008 through December 30, 2008, was

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2008 through December 31, 2008,

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III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2008 through December 31, 2008,

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, four significant legal interpretations involving matters before the FISC during the period from July 1, 2008 through December 31, 2008. (S)

A. A Court Opinion Concerning the Government's Request for a Provider to Comply with Directives by the Director of National Intelligence and the Attorney General (U)

On November 21, 2007, the government moved for an order compelling an electronic communications service provider (the Provider) to comply with directives issued by the Director of National Intelligence (DNI) and the Attorney General pursuant to the Protect America Act (PAA). The directives required the Provider to "immediately provide the government with all information, facilities, and assistance necessary to accomplish th[e] acquisition" of foreign intelligence information concerning certain persons reasonably believed to be located outside the United States. In its motion to compel, the government argued that the FISC should order the Provider's compliance because the directives were issued in accordance with the appropriate certifications and relevant provisions of the PAA and were otherwise lawful. (S)

The Provider opposed the government's motion to compel, arguing that the directives violated the Fourth Amendment because they authorized the acquisition of foreign intelligence information without a warrant, and that, even if the Fourth Amendment did not require a warrant, the directives were unreasonable under the Fourth Amendment. On December 11, 2007, the government filed a memorandum addressing the Provider's arguments. As a threshold matter, the government argued that the Provider could not vicariously assert the Fourth Amendment rights of others as grounds for its non-compliance. The government further argued that the directives satisfied the requirements of the Fourth Amendment because: (1) acquisitions pursuant to the directives did not require a warrant because they were conducted for the purpose of acquiring foreign intelligence information; and (2) the directives were reasonable under the Fourth Amendment because they advanced a compelling government interest, were limited in scope and duration, and were accompanied by substantial safeguards designed to protect the privacy of U.S. persons. (8)

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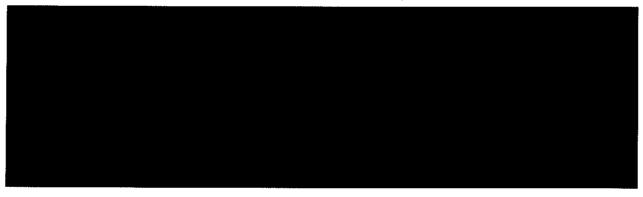
On April 25, 2008, the FISC issued an order and opinion granting the government's motion to compel. In its opinion, the FISC held that although the Provider may assert the Fourth Amendment rights of its customers, the directives complied with the Fourth Amendment. Specifically, the FISC held that the directives fell within the foreign intelligence exception to the warrant requirement and were reasonable under the Fourth Amendment. On or about May 12, 2008, the Provider began to comply with the FISC's April 25, 2008 order. (S)

On May 6, 2008, the Provider filed a petition for review by the Foreign Intelligence Surveillance Court of Review (FISCR) of the FISC's decision. The parties completed expedited briefing ordered by the FISCR, and oral argument was held on June 19, 2008. On August 22, 2008, the FISCR issued an opinion that affirmed the FISC. A copy of that opinion has been provided to the oversight committees. The FISCR published an unclassified version of the opinion in January 2009. *In re Directives*, 551 F.3d 1004 (2008).

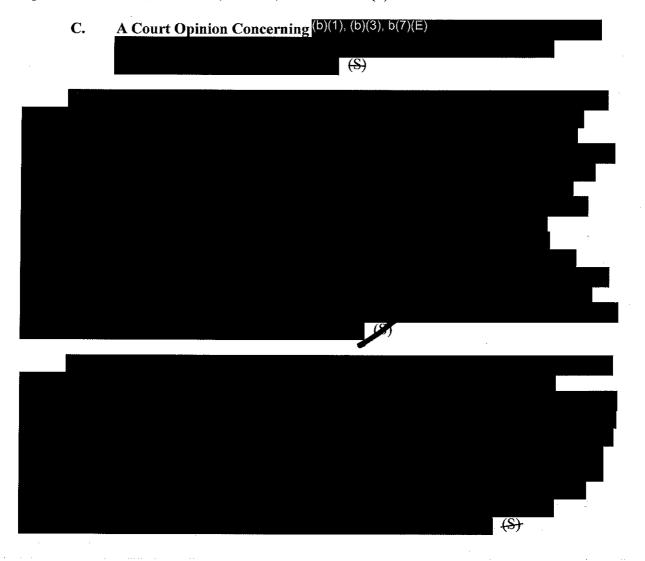
B. Court Opinions Upholding the Attorney General's and the Director of National Intelligence's Certifications Regarding Acquisitions to be Conducted Pursuant to Section 702 of FISA (S)

During the <u>period</u> from July 1, 2008 through December 31, 2008, the government
executed and filed certifications pursuant to Section 702(g) of FISA, as enacted by the FISA
Amendments Act (FAA). On 2008, the government filed with the FISC a § 702(g)
certification by the Attorney General and DNI
accompanying affidavits, targeting procedures, and minimization procedures.
authorized for a period of one year the targeting of non-United States persons reasonably
believed to be located outside the United States in order to acquire foreign intelligence
information concerning
The FISC held a hearing on on August 27, 2008,
de supplemental filings with the FISC on August 26 and 28 and
September 2, 2008. On September 4, 2008, the FISC issued an order and memorandum opinion
holding that contained all of the elements required by the FAA and further
held that the targeting and minimization procedures submitted by the government were
consistent with the definition of such procedures under Sections 702(d) and (e) of the FAA and
with the Fourth Amendment of the Constitution. (S)
On October 17, 2008, the Department of Justice (DOJ) provided copies of the FISC's
September 4, 2008 opinion to the Senate Select Committee on Intelligence (SSCI), the House
Permanent Select Committee on Intelligence (HPSCI), the Senate Judiciary Committee (SJC),
and the House Judiciary Committee (HJC). (S)
(x,v-c), (z)

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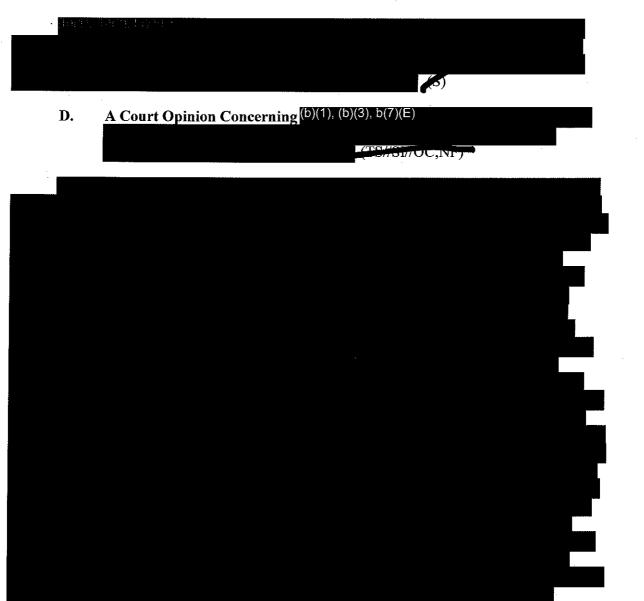


On October 31, 2008, the DOJ provided copies of the FISC's September 16, 2008 opinion to the SSCI, the HPSCI, the SJC, and the HJC.-(S)



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V. Copies of Decisions or Opinions (U)

Other than the decisions or opinions discussed in Section IV above, and those already provided to Congress, there were no new decisions or opinions of the FISC or the FISCR that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2008 through December 31, 2008. Copies of the FISC's opinions from the matters discussed in Section IV, above, are attached. (S)

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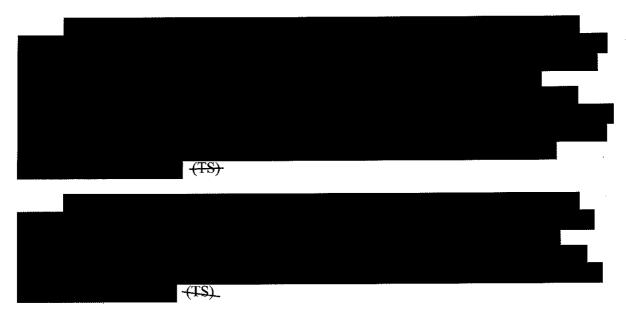
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SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2009

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2009 through June 30, 2009. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2009 through June 30, 2009,

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Classified by:

David S. Kris, Assistant Attorney

General, NSD, DOJ

Reason:

 $\frac{1.4(c)}{}$

Declassify on:

28 December 2034

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В.	Phy	sical	Searches	(I	\mathbb{J}

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2009 through June 30, 2009, (S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2009 through June 30, 2009, was at least 31. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2009 through June 30, 2009,

- E. Acquisitions under Section 703
- F. Acquisitions under Section 704

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2009 through June 30, 2009, (S)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2009 through June 30, 2009, (8)

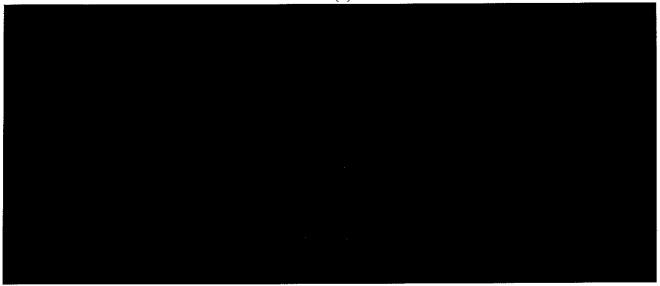
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IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, one significant legal interpretation involving matters before the FISC during the period from January 1, 2009 through June 30, 2009. (S)

Court Opinion Upholding the Attorney General's and the Director of National Intelligence's Certification Regarding Acquisitions to be Conducted Pursuant to Section 702 of FISA (S)



The Court further discussed several compliance issues occurring under other Section 702 (g) certifications and held that the Government's remedial and preventative measures satisfied the requirements of Section 702 and the Fourth Amendment. (8)

On May 11-12, 2009, the Department of Justice (DOJ) provided copies of the FISC's April 7, 2009 opinion to the Senate Select Committee on Intelligence (SSCI), the House Permanent Select Committee on Intelligence (HPSCI), the Senate Judiciary Committee (SJC), and the House Judiciary Committee (HJC). -(S)-

V. Copy of Opinion (U)

Other than the opinion discussed in Section IV above, and those already provided to Congress, there were no new decisions or opinions of the FISC or the FISCR that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2009 through June 30, 2009. A copy of the FISC's opinion from the matter discussed in Section IV, above, is attached. (S)

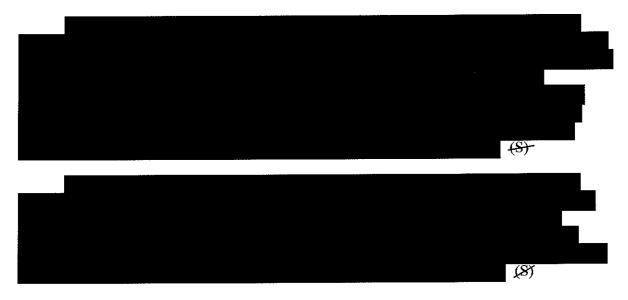
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SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2010

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period **July 1, 2009** through **December 31, 2009**. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2009 through December 31, 2009,

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2009 through December 31, 2009, (S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2009 through December 31, 2009, was at least 37. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2009 through December 31, 2009, (S)

E. Orders Targeting United States Persons Outside the United States (U)



II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2009 through December 31, 2009, (S)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2009 through December 31, 2009,

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, two significant legal interpretations involving matters before the FISC during the period from July 1, 2009 through December 31, 2009. In a significant opinion,

In another significant matter,

Copies of the FISC's Order and the

Government's brief have already been submitted to Congress. (S)

V. Copies of Decisions or Opinions (U)

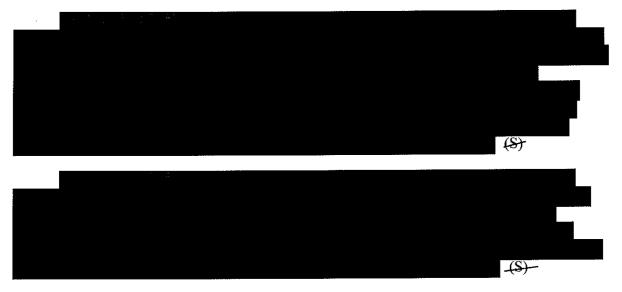
Other than the matters discussed in Section IV above, and those already provided to Congress, there were no new decisions or opinions of the FISC or the FISCR, or pleadings by the Government, that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2009 through December 31, 2009. Copies of the relevant orders and pleadings and pleadings, as discussed in Section IV, above, are attached as Exhibit A. (S)

SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2010

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2010 through June 30, 2010. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2010 through June 30, 2010, (S)

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2010 through June 30, 2010, (S)

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Classified by:

David S. Kris, Assistant Attorney

General, NSD, DOJ

Reason:

-1.4(c)

Declassify on:

-30 December 2035

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2010 through June 30, 2010, was at least 244. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2010 through June 30, 2010, (S)

E. Orders Targeting United States Persons Outside the United States (U)



II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2010 through June 30, 2010, (S)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2010 through June 30, 2010,

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, a significant legal interpretation involving matters before the FISC during the period from January 1, 2010 through June 30, 2010.

(S)

V. Copies of Decisions or Opinions (U)

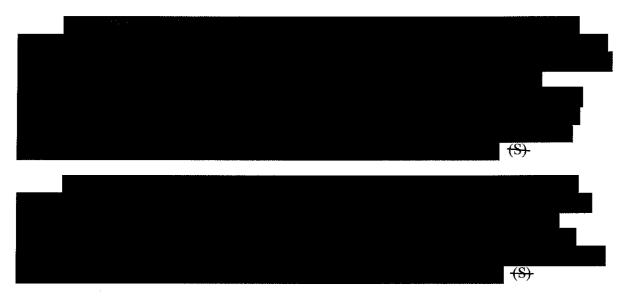
Other than the matter discussed in Section IV above, and those already provided to Congress, there were no new decisions or opinions of the FISC or the FISCR, or pleadings by the Government, that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2010 through June 30, 2010. Copies of the relevant orders and pleadings from the matter discussed in Section IV, above, have already been submitted to Congress. (S)—

SEMIANNUAL REPORT OF THE U.S. DEPARTMENT OF JUSTICE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2011

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period July 1, 2010 through December 31, 2010. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2010 through December 31, 2010, (S)

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2010 through December 31, 2010, (S)

-SECRET

Classified by:

Tashina Gauhar, Deputy Assistant Attorney

General, NSD, DOJ

Reason:

1.4(e)

Declassify on:

_30 June 2036

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2010 through December 31, 2010, was at least 81. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2010 through December 31, 2010,

E. Orders Targeting United States Persons Outside the United States (U)



II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2010 through December 31, 2010,

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2010 through December 31, 2010,

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, significant legal interpretations involving matters before the FISC during the period from July 1, 2010 through December 31, 2010. In a significant opinion, the Court held that the government could use a pen register application to access bulk metadata pertaining to internet communications.

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 $\mathcal{S}/(d_f)$ Sitts $^{(1)}f^{(1)}_{f}$

Finally, in

another significant opinion, the Court held that FISA allowed the government to use a request for the production of tangible things to obtain documents otherwise subject to the Right to Financial Privacy Act. (S)

V. Copies of Decisions or Opinions (U)

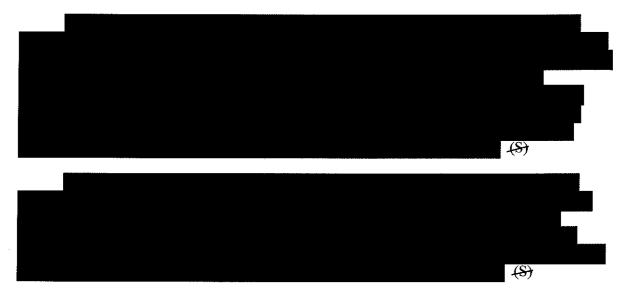
Other than the matters discussed in Section IV above, there were no new decisions or opinions of the FISC or the FISCR, or pleadings by the Government, that included significant construction or interpretation of the provisions of the Act issued during the period from July 1, 2010 through December 31, 2010. Copies of the relevant orders and pleadings from the matters discussed in Section IV, above, have already been submitted to Congress. (S)

SEMIANNUAL REPORT OF THE ATTORNEY GENERAL UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2011

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2011 through June 30, 2011. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2011 through June 30, 2011, —(S)—

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2011 through June 30, 2011, (S)

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Classified by:

Lisa O. Monaco, Assistant Attorney

General, NSD, DOJ

Reason:

-1.4(c)

Declassify on:

31 December 2036

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2011 through June 30, 2011, was at least 81. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2011 through June 30, 2011, (S)

E. Orders Targeting United States Persons Outside the United States (U)



II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

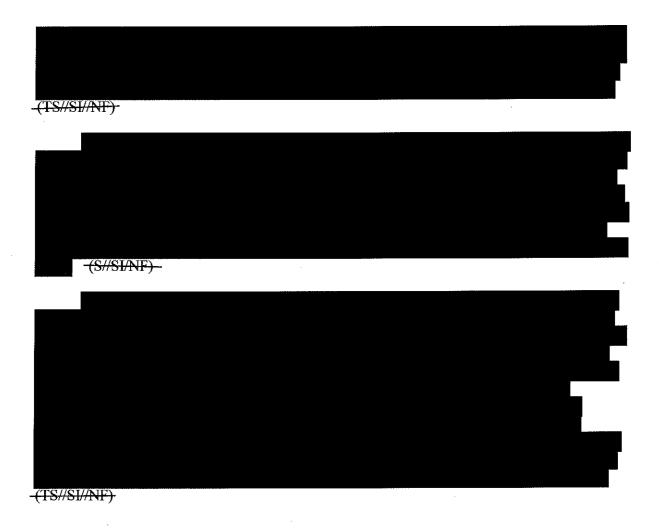
The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), January 1, 2011 through June 30, 2011, (S)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from January 1, 2011 through June 30, 2011, (8)

IV. Summary of Significant Legal Interpretations (U)

This report, pursuant to 18 U.S.C. § 1871(a)(4), summarizes, in a manner consistent with the protection of national security, significant legal interpretations involving matters before the FISC during the period from January 1, 2011 through June 30, 2011. In a significant opinion,



V. Copies of Decisions or Opinions (U)

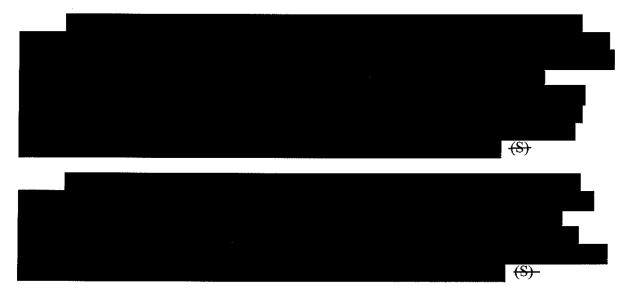
Other than the matters discussed in Section IV above, there were no new decisions or opinions of the FISC or the FISCR, or pleadings by the Government, that included significant construction or interpretation of the provisions of the Act issued during the period from January 1, 2011 through June 30, 2011. Copies of the relevant orders and pleadings from the matters discussed in Section IV, above, have already been submitted to Congress. -(S)

SEMIANNUAL REPORT OF THE ATTORNEY GENERAL UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2012

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period July 1, 2011 through December 31, 2011. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2011 through December 31, 2011, (S)

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2011 through December 31, 2011, (S)

TOP SECRET//COMINT//NOFORN

Classified by:

Lisa O. Monaco, Assistant Attorney

General, NSD, DOJ

Reason:

1.4(c)

Declassify on:

30 June 2037

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2011 through December 31, 2011, was at least 175. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2011 through December 31, 2011, (S)

E. Orders Targeting United States Persons Outside the United States (U)



II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

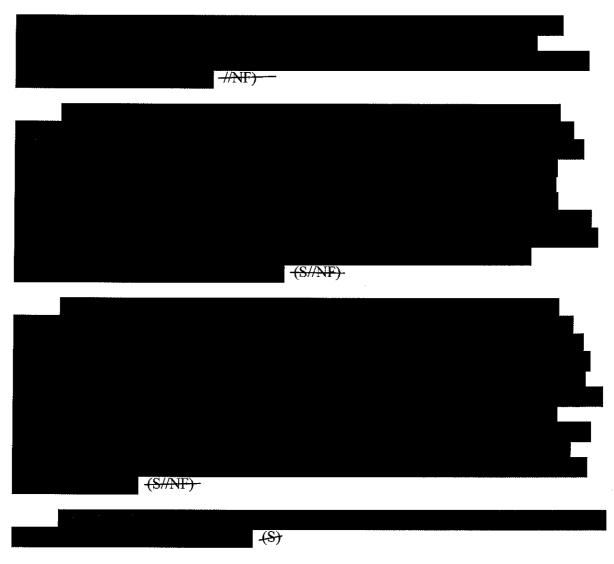
The number of individuals subject to electronic surveillance as agents of a foreign power as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2011 through December 31, 2011, (8)

III. Attorney General Authorizations for Use of FISA-derived Information in a Criminal Proceeding (U)

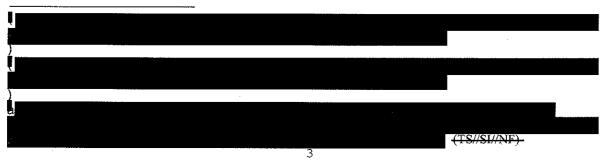
The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom may be used in a criminal proceeding, from July 1, 2011 through December 31, 2011,

IV. Summary of Significant Legal Interpretations (U)





On October 3, 2011, the Court issued an opinion and order concerning DNI/AG 702(g) Certifications and the amendments to their respective predecessor certifications. The FISC approved the use of the certifications in part and denied them in part. While holding that each of these certifications contained all of the elements required by Section 702 of FISA, and further holding that all other aspects of the Government's targeting and minimization procedures met all statutory and constitutional requirements, the FISC concluded that the Government's "upstream collection" of Internet transactions containing multiple



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communications was, in some respects, deficient on statutory and constitutional grounds. Pursuant 50 U.S.C. § 1881a(i)(3)(B), the FISC ordered the Government to correct, within 30 days, the deficiencies identified by the FISC or cease collection of certain communications obtained pursuant to NSA's upstream collection techniques. (TS//SI//NF)

The Government elected to correct the deficiencies identified in the FISC's October 3, 2011, Opinion and Order. On October 4 and 5, 2011, the Government submitted Motions for Secondary Orders to certain electronic communication service providers regarding the FISC's October 3, 2011, Opinion, which the FISC granted the same day they were submitted. (S//NF)

On October 31, 2011, the Government executed Section 702(g) Amended Certifications
The Amended Certifications, and Amended NSA Section 702
Minimization Procedures, were filed with the FISC on October 31, 2011. (S//NF)

On November 30, 2011, the FISC issued its Opinion and Order regarding Amended Certifications

and the Amended NSA Section 702 Minimization Procedures. In its Opinion, the FISC held that the Amended NSA Section 702 Minimization Procedures submitted with the Amended Certifications corrected the deficiencies the FISC had identified in its October 3, 2011, Opinion. The FISC further held that the Amended Certifications contained all of the elements required by Section 702 of FISA and that the targeting and minimization procedures submitted by the Government for use with the Amended Certifications were consistent with the definition of such procedures under Sections 702(d) and (e) of the Act and with the Fourth Amendment to the Constitution. (S//NF)

Copies of the October 3, 2011 and November 30, 2011 FISC opinions and related documents were provided to the Senate Select Committee in Intelligence (SSCI), the House Permanent Select Committee on Intelligence (HPSCI), the Senate Judiciary Committee (SJC), and the House Judiciary Committee (HJC) in October and December 2011. (S)

V. Copies of Decisions or Opinions (U)

Other than the opinions discussed in section IV above, during the period from July 1, 2011 through December 31, 2011, there were no new decisions or opinions of the FISC or the Foreign Intelligence Surveillance Court of Review (FISCR) that included a significant construction or interpretation of the Act. (8)

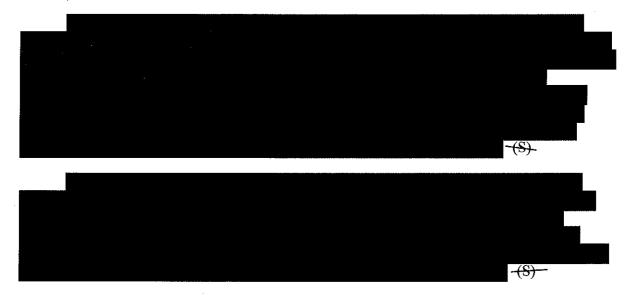
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SEMIANNUAL REPORT OF THE ATTORNEY GENERAL UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2012

This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2012 through June 30, 2012. (U)

I. Aggregate Number of Persons Targeted for Orders Under the Act (U)



A. Electronic Surveillance (U)

The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2012 through June 30, 2012,

SECRET//NOFORN

Classified by:

Lisa O. Monaco, Assistant Attorney

General, NSD, DOJ

Reason:

1.4(c)

Declassify on:

-31 December 2037

-SECRET//NOFORN

B. Physical Searches (U)

The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2012 through June 30, 2012, ...(S)

C. Pen Registers/Trap and Trace Devices (U)

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2012 through June 30, 2012, was at least 81. (S)

D. Access to Tangible Things (U)

The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2012 through June 30, 2012, (8)

E. Orders Targeting United States Persons Outside the United States (U)

<u> (S)</u>			
-(D)		4	

II. Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C) (U)

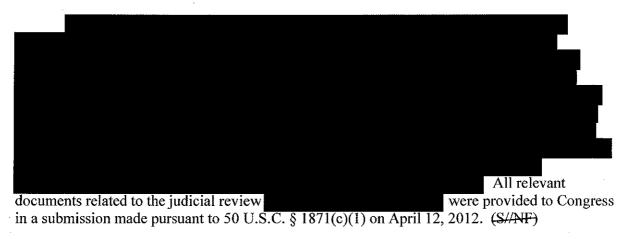
The number of individuals subject to electronic surveillance as agents of foreign powers as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2012 through June 30, 2012, This is commonly referred to as the Lone Wolf provision.

(S)

III. Attorney General Authorizations for Use of FISA-Derived Information in a Criminal Proceeding (U)

The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom, may be used in a criminal proceeding, from January 1, 2012 through June 30, 2012, (S)

IV. Summary of Significant Legal Interpretations (U)





All relevant documents related to the judicial opinion were provided to Congress in a submission made pursuant to 50 U.S.C. § 1871(c)(1) on July 13, 2012 and July 16, 2012. (S//NF)



SECRET//NOFORN

All relevant documents related to the judicial opinion were provided to Congress in a submission made pursuant to 50 U.S.C. § 1871(c)(1) on July 19, 2012. (S//NF)

V. Copies of Decisions or Opinions (U)

Other than the opinions discussed in section IV above, during the period from January 1, 2012 through June 30, 2012, there were no new decisions or opinions of the FISC or the Foreign Intelligence Surveillance Court of Review (FISCR) that included a significant construction or interpretation of the Act. (S)

-SECRET//NOFORN

SEMIANNUAL REPORT OF THE ATTORNEY GENERAL UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

June 2013

(U) This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period July 1, 2012 through December 31, 2012.

I. (U) Aggregate Number of Persons Targeted for Orders Under the Act



A. (U) Electronic Surveillance

-(S) The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from July 1, 2012 through December 31, 2012,

-SECRET//NOFORN

Classified by:

The Attorney General

Reason:

-1.4(e)

Declassify on:

-30 June 2038

SECRET//NOFORN

B. (U) Physical Searches

(S) The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from July 1, 2012 through December 31, 2012,

C. (U) Pen Registers/Trap and Trace Devices

(S) The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2012 through December 31, 2012, was at least 64.

D. (U) Access to Tangible Things

(S) The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from July 1, 2012 through December 31, 2012,

E. (U) Orders Targeting United States Persons Outside the United States

-(S)-		 	

II. (U) Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C)

(S) The number of individuals subject to electronic surveillance as agents of foreign powers as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from July 1, 2012 through December 31, 2012. This is commonly referred to as the Lone Wolf provision.

III. (U) Attorney General Authorizations for Use of FISA-Obtained or FISA-Derived Information in a Criminal Proceeding

(S) The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom, may be used in a criminal proceeding, from July 1, 2012 through December 31, 2012.

-SECRET//NOFORN

IV. (U) Summary of Significant Legal Interpretations

(S)—During the period from July 1, 2012 through December 31, 2012, there were no significant legal interpretations of the Act involving matters before the FISC or the Foreign Intelligence Surveillance Court of Review (FISCR), including interpretations presented in applications or pleadings filed with the FISC or the FISCR.

V. (U) Copies of Decisions or Opinions

(S) During the period from July 1, 2012 through December 31, 2012, there were no decisions, orders or opinions of the FISC or the FISCR that included a significant construction or interpretation of the provisions of the Act.

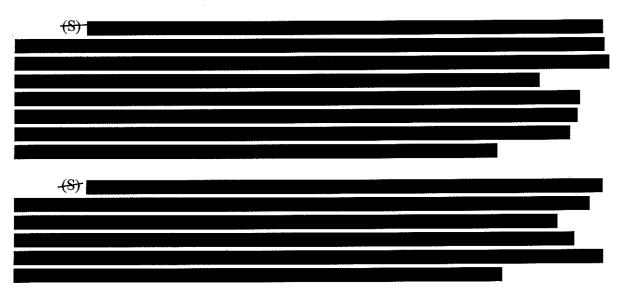
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SEMIANNUAL REPORT OF THE ATTORNEY GENERAL UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED BY SECTION 6002 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

December 2013

(U) This report is submitted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801 et seq., and covers the period January 1, 2013 through June 30, 2013.

I. (U) Aggregate Number of Persons Targeted for Orders Under the Act



A. (U) Electronic Surveillance

(S) The aggregate number of persons targeted for orders for electronic surveillance issued under section 105 of the Act, 50 U.S.C. § 1805, from January 1, 2013 through June 30, 2013,

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Classified by:

The Attorney General

Reason:

-1.4(c)

Declassify on:

31 December 2038-

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B. (U) Physical Searches

(S) The aggregate number of persons targeted for orders for physical searches issued under section 304 of the Act, 50 U.S.C. § 1824, from January 1, 2013 through June 30, 2013,

C. (U) Pen Registers/Trap and Trace Devices

(S) The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2013 through June 30, 2013, was at least 143.

D. (U) Access to Tangible Things

- (S) The aggregate number of persons targeted for orders for access to tangible things issued under section 501 of the Act, 50 U.S.C. § 1861, from January 1, 2013 through June 30, 2013,
 - E. (U) Orders Targeting United States Persons Outside the United States

(S)		

- II. (U) Individuals Subject to Electronic Surveillance and Defined as Agents of a Foreign Power Under Section 101(b)(1)(C)
- (S) The number of individuals subject to electronic surveillance as agents of foreign powers as defined under section 101(b)(1)(C) of the Act, 50 U.S.C. § 1801(b)(1)(C), from January 1, 2013 through June 30, 2013, This is commonly referred to as the Lone Wolf provision.
- III. (U) Attorney General Authorizations for Use of FISA-Obtained or FISA-Derived Information in a Criminal Proceeding
- (S) The number of Attorney General authorizations providing that information obtained under this Act or any information derived therefrom, may be used in a criminal proceeding, from January 1, 2013 through June 30, 2013,

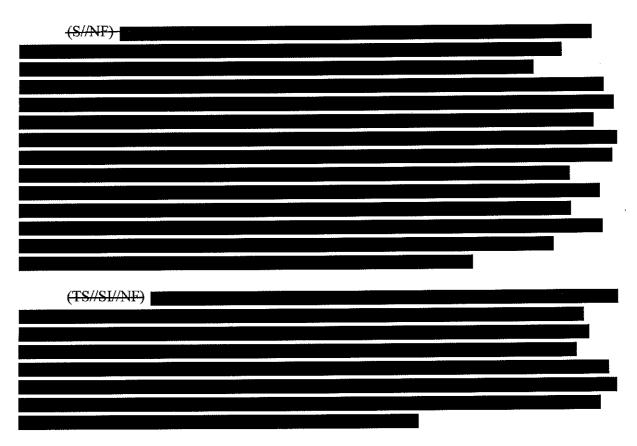
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IV. (U) Summary of Significant Legal Interpretations

(S) During the period from January 1, 2013 through June 30, 2013, there were four significant legal interpretations of the Act involving matters before the Foreign Intelligence Surveillance Court (FISC) or the Foreign Intelligence Surveillance Court of Review (FISCR), including interpretations presented in applications or pleadings filed with the FISC or the FISCR.

(S)	
-FELICI/NIE)	
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(TS//SI/NE)	

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V. (U) Copies of Decisions or Opinions

-(S) As detailed in Section IV above, copies of Government pleadings and opinions of the FISC or the FISCR issued during the period from January 1, 2013 through June 30, 2013 have already been submitted to Congress.