



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 16, 2021

The Honorable Mark Warner  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

The Honorable Dick Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Adam Schiff  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairmen:

This report is submitted in accordance with section 406 of the Foreign Intelligence Surveillance Act of 1978 (the Act), as amended, 50 U.S.C. § 1801 *et seq.* It provides information regarding applications to use pen register and/or trap and trace devices (PR/TT) conducted pursuant to the Act during the period from July 1, 2020 through December 31, 2020.

During this reporting period, the Government filed **four** applications<sup>1</sup> with the Foreign Intelligence Surveillance Court (FISC) seeking authorization for the FBI to use PR/TT devices. The FISC approved all **four** PR/TT applications filed during the reporting period. The FISC did not deny in whole, or in part, any PR/TT applications during the reporting period. The FISC did not modify any of the proposed orders submitted to the FISC during the period covered by this report.<sup>2</sup>

<sup>1</sup> In keeping with the Department's historical reporting practice, the number of applications listed in this report refers to applications that were filed in signed, final form pursuant to Rule 9(b) of the Foreign Intelligence Surveillance Court Rules of Procedure. A "denial" refers to a judge's formal denial of any such an application; it does not include a proposed application submitted pursuant to Rule 9(a) of the Foreign Intelligence Surveillance Court Rules of Procedure for which the government did not subsequently submit a signed, final application pursuant to Rule 9(b).

<sup>2</sup> A "modification" includes any substantive disparity between the authority requested by the Government in a final application filed pursuant to Rule 9(b) and the authority granted by the FISC. It does not include changes made by the government after the submission of a proposed application submitted pursuant to Rule 9(a).

The Honorable Mark Warner  
The Honorable Dick Durbin  
The Honorable Adam Schiff  
The Honorable Jerrold Nadler  
Page Two

During this reporting period, the total number of persons targeted for PR/TT orders was between zero and 499.<sup>3</sup> The aggregate number of United States persons targeted for PR/TT orders was between zero and 499. Of these United States persons, the number of United States persons whose information was reviewed or accessed by a federal officer, employee, or agent was between zero and 499.

The Attorney General<sup>4</sup> approved the use of **zero** PR/TT devices on an emergency basis pursuant to 50 U.S.C. § 1843 during the reporting period.

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Joe Gaeta  
Deputy Assistant Attorney General

cc:

The Honorable Marco Rubio  
Vice Chairman  
Select Committee on Intelligence  
United States Senate

The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Devin Nunes  
Ranking Member  
Permanent Select Committee on Intelligence  
U.S. House of Representatives

The Honorable Jim Jordan  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives

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<sup>3</sup> The statistics reported in this paragraph are given in bands of 500 as directed by 50 U.S.C. § 1846(b)(6).

<sup>4</sup> FISA defines the "Attorney General" to mean the Attorney General, the Deputy Attorney General, Acting Attorney General, or Assistant Attorney General for National Security. 50 U.S.C. § 1801(g).