



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

June 21, 2019

William Marshall
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, DC 20024
bmarshall@judicialwatch.org

Re: DOJ-2018-002923 (OLA)
18-cv-1088 (D.D.C.)
TAZ:JMS

Dear William Marshall:

This is a response to your Freedom of Information Act (FOIA) request dated February 9, 2018, in which you requested Congressional committee communications regarding FISA warrants, dating since June 1, 2016. This response is made on behalf of the Office of Legislative Affairs ("OLA").¹

Please be advised that a search has been conducted in OLA, as well as of the electronic database of the Departmental Executive Secretariat, which maintains certain OLA records, including records of Department correspondence, and 115 pages were located that contain records responsive to your request. I have determined that this material is appropriate for release with excisions made, some on behalf of the Federal Bureau of Investigation, pursuant to Exemptions 6, 7(C), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(6), (b)(7)(C), (b)(7)(E).

Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques or procedures for law enforcement investigations or prosecutions. Please be advised that non-responsive records were not processed, and are marked accordingly. Additionally, duplicative material was not processed, and is marked accordingly.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements

¹ Because you directed your request to the FOIA/PA Mail Referral Unit (MRU), Justice Management Division, for appropriate routing, it was not received by this Office until February 23, 2018. The MRU tracking number associated with this request is 7017 1000 0000 5383 3781.

of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Laura Hunt of the Department's Civil Division, at (202) 616-8337.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Ziese", with a horizontal line drawn underneath it.

Timothy Ziese
Senior Reviewing Attorney

Enclosures

COMMITTEES:
AGING
BUDGET
ENVIRONMENT AND PUBLIC WORKS
HEALTH, EDUCATION, LABOR, AND PENSIONS
JUDICIARY

United States Senate

WASHINGTON, DC 20510-3905

September 15, 2017

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Deputy Attorney General Rosenstein and Director Wray:

I write to express concern over the handling of a request Senator Graham and I made to the Department of Justice and Federal Bureau of Investigation in March 2017. Recent developments suggest that the agency is not treating congressional inquiries with the seriousness they warrant.

On March 3, 2017, President Trump tweeted: "Terrible! Just found out that Obama had my "wires tapped" in Trump Tower just before the victory. Nothing found. This is McCarthyism!" The following day, he took to the same medium to state "How low has President Obama gone to tapp my phones during the very sacred election process. This is Nixon/Watergate. Bad (or sick) guy!"

On March 8, 2017, Senator Graham and I sent the attached letter to the FBI and DOJ. The letter asked for "copies of any warrant applications and court orders—redacted as necessary to protect intelligence sources and methods that may be compromised by disclosure, and to protect any ongoing investigations—related to wiretaps of President Trump, the Trump Campaign, or Trump Tower."

Six months have now elapsed, and Senator Graham and I have received no response to our letter.¹ We have learned that DOJ provided a written, unclassified answer to a similar inquiry in connection with a Freedom of Information Act lawsuit brought by a government watchdog group. American Oversight requested "warrant applications or records requesting a court order to intercept communications related to candidate Donald Trump, Trump Tower, entities housed

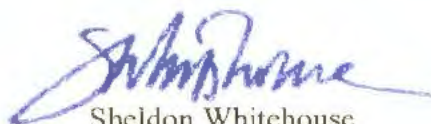
¹ On Friday, March 17, 2017, at approximately 3:30 p.m., staff for Senator Graham received a telephone call from the Office of Legislative Affairs at DOJ offering Senators Graham and Whitehouse a classified briefing (presumably to address the outstanding correspondence) for 5:00 p.m. that same day. Given the lack of meaningful notice and the fact that Members are not, as a matter of course, in Washington, D.C. on Fridays, staff declined the offer and requested that the Department reschedule the briefing for another time.

in Trump Tower, or any person affiliated with Mr. Trump's campaign; court orders approving or rejecting those requests; records of those wiretaps, and; communications between the FBI or DOJ and Congress relating to these issues." In its responsive filing, DOJ noted that

"[o]ther than this public statement by then-Director Comey addressing this specific assertion by the President, neither the FBI nor DOJ have publicly commented on or acknowledged the existence or non-existence of any FISA, Title III, or other wiretaps "in connection with presidential candidate Donald Trump, Trump Tower (located at 725 5th Avenue, New York, NY), entities housed in Trump Tower, or any person affiliated with Mr. Trump's campaign, whether paid or unpaid, between June 16, 2015, and the present."

While I am pleased that DOJ and FBI are complying with their obligations under FOIA, that is not a substitute for members of the Senate Committee charged with oversight of your two agencies receiving a direct and timely response to an oversight letter. I expect more from DOJ and FBI, and request to be advised within two weeks of the date of this letter what steps you are taking to ensure this situation will not occur again.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", written in a cursive style.

Sheldon Whitehouse
United States Senator

Devin Nunes, California, CHAIRMAN

K. Michael Conaway, Texas
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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DANOW NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

September 1, 2017

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions:

On August 24, 2017, the House Permanent Select Committee on Intelligence ("Committee") served subpoenas on the Attorney General, in his capacity as head of the Department of Justice ("DOJ"), and the Director of the Federal Bureau of Investigation ("FBI") for production of documents relevant to the Committee's ongoing investigation of Russian interference in the 2016 U.S. presidential election, including allegations of collusion between the Trump campaign and the Russians.

The subpoenas directed DOJ and FBI to produce any and all documents relating to the agencies' relationship with former British Secret Intelligence Service officer Christopher Steele and/or the so-called "Trump Dossier," including those memorializing FBI's relationship with Mr. Steele, any payments made to Mr. Steele, and efforts to corroborate information provided by Mr. Steele and his sub-sources—whether directly or via Fusion GPS. The subpoenas also directed DOJ and FBI to provide copies of any Foreign Intelligence Surveillance Act (FISA) applications submitted to the Foreign Intelligence Surveillance Court (FISC)—whether or not approved by the FISC—incorporating information provided by Mr. Steele, his sub-sources, and/or Fusion GPS.

Resort to compulsory process was necessary because of DOJ's and FBI's insufficient responsiveness to the Committee's numerous Russia-investigation related requests over the past several months. On multiple occasions, through written requests and direct engagements, the Committee has sought but failed to receive responsive testimony or documents from DOJ and FBI. For example, to date the Committee has not received a meaningful response to its May 9, 2017, request to Attorney General Sessions. Additionally, on May 16, 2017, the Committee sent a letter asking then-Acting Director Andrew McCabe to participate in a voluntary interview, and produce relevant documents. The Committee received no reply until May 27—more than two months later—when DOJ declined the interview request and indicated that "the Department is not prepared to respond further to your request at this time."

Previously, on March 8, the Committee sought from DOJ certain documents, including relevant FISA applications and FISC orders, and on March 17 was allotted two billets to review responsive documents on a read-and-return basis. The Committee was not provided a copy of these documents, and the Committee's request to review them again was denied.

The subpoenas issued on August 24 required production no later than 12:00pm on September 1, 2017. Neither DOJ nor FBI provided any documents by the deadline. On the afternoon of August 31, less than 24 hours before the due date, the Committee received an initial response from the DOJ Office of Legislative Affairs requesting—on behalf of both DOJ and FBI—additional time to comply with the subpoenas.

The Committee requires timely production of the subpoenaed documents in order to execute its oversight responsibilities on behalf of the American public and fully evaluate the actions of both DOJ and the FBI. There is no legitimate basis for DOJ's failure to meaningfully engage the Committee until the eve of the deadline or begin production as a show of good faith.

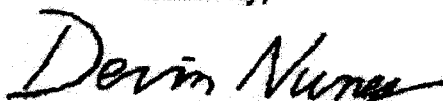
Moreover, there is no legitimate basis for DOJ's request for additional time to comply, because DOJ and the FBI are well aware of the identity of the requested documents. Indeed, as noted above, at least some of them have already been compiled and made temporarily available for the Committee's review, and the remaining requested documents are readily identifiable.

Notwithstanding these concerns, the Committee hereby grants an additional thirteen (13) days for full compliance and production, to occur no later than 9:00 a.m. on September 14, 2017, at the local specified in the original subpoena. This revised deadline will not be extended.

In the alternative, if all responsive documents are not produced by the revised deadline, the Attorney General and the Director of the FBI shall appear before the Committee at 9:00 am on September 14, 2017, in Room HVC-210 of the U.S. Capitol during an open hearing, to explain under oath DOJ's and FBI's unwillingness or inability to comply in full with the subpoenas issued on August 24.

Please be advised that, in the event that DOJ or FBI fails to provide the documents in full or testimony described above, the Committee expressly reserves its right to proceed with any and all available legal options—including reporting to the full House of Representatives a resolution to hold the Attorney General and Director of the FBI in contempt of Congress, pursuant to 2 U.S.C. §§ 192, 194.

Sincerely,

A handwritten signature in black ink that reads "Devin Nunes". The signature is written in a cursive, flowing style.

Devin Nunes
Chairman

K. Michael Conaway, Texas
Peter T. King, New York
Frank A. LoBiondo, New Jersey
Thomas J. Rooney, Florida
Ileana Ros-Lehtinen, Florida
Michael R. Turner, Ohio
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Adam B. Schiff, California,
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André Carson, Indiana
Jackie Speier, California
Mike Quigley, Illinois
Eric Swalwell, California
Joaquin Castro, Texas
Denny Heck, Washington

Paul D. Ryan, SPEAKER OF THE HOUSE
Nancy Pelosi, DEMOCRATIC LEADER

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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

September 15, 2017

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions and Director Wray:

On September 14, 2017, representatives from the Department of Justice (“DOJ”) and Federal Bureau of Investigation (“FBI”) informed the Committee that they were not prepared to produce *any* documents responsive to the subpoenas issued on August 24—despite a 13-day extension of the original September 1 deadline that was granted at DOJ’s request. I was particularly concerned to learn that, in the past three weeks, efforts to assemble such documents had not advanced beyond a preliminary stage.

As noted in my letter of September 1, the Committee continues to seek any documents regarding the extent of your agencies’ relationship with former British Secret Intelligence Service officer Christopher Steele and/or the so-called “Trump Dossier” relevant to the Committee’s ongoing investigation of Russian interference in the 2016 U.S. presidential election—including allegations of collusion between the Trump campaign and the Russians. The Committee has also sought any Foreign Intelligence Court Surveillance Act (FISA) applications submitted to the Foreign Intelligence Surveillance Court (FISC) – whether or not approved by the FISC – that may have incorporated any information provided by Mr. Steele and/or Fusion GPS. To date, no documents have been provided.

Unfortunately, DOJ’s and FBI’s last-minute engagement with the Committee regarding subpoena compliance and failure to produce *any* documents—including those previously made available—fits into a continuing pattern of insufficient responsiveness to written Committee requests dating back over 5 months, including for documents and testimony from Attorney

General Sessions, FBI Deputy Director Andrew McCabe, and former Acting Assistant Attorney General Mary McCord.

The Committee remains committed to exercising its constitutional oversight responsibilities, and will continue seeking your cooperation with these efforts. DOJ and FBI are therefore granted an extraordinary extension of an additional seven (7) days for production that satisfies the August 24 subpoena, to occur no later than 9:00 a.m. on September 22, 2017. In the alternative, and pursuant to the testimonial subpoenas issued on September 5, the Attorney General and the Director of the FBI shall appear for an open hearing at 9:00 am on September 28, 2017, in Room HVC-210 of the U.S. Capitol, to testify under oath.

In the event of continued noncompliance, the Committee reserves its right to proceed with any and all available legal options—including reporting to the full House of Representatives a resolution to hold the Attorney General and Director of the FBI in contempt of Congress, pursuant to 2 U.S.C. §§ 192, 194.

Sincerely,

A handwritten signature in blue ink that reads "Devin Nunes". The signature is fluid and cursive, with the first name "Devin" and last name "Nunes" clearly legible.

Devin Nunes
Chairman



Office of the Deputy Attorney General
Washington, D.C. 20530

September 22, 2017

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nunes:

Our Legislative Affairs Office has been consulting with your staff in an effort to arrange for me to meet with you to discuss the Committee's inquiries. I understand that you have been on foreign travel this week. I will be on foreign travel for the next five days. I therefore request that you extend the deadline stated in your September 15 letter to the Attorney General and the FBI Director, so that we can arrange to address your requests without unduly damaging national security and disrupting any ongoing criminal investigation.

I appreciated our brief telephone conversation last week. I know that you understand that the executive branch's obligation to safeguard intelligence sources and methods and protect the integrity of investigations sometimes warrants accommodation.

This is not a novel issue, and it is not a partisan issue. Law enforcement and national security matters are kept confidential for good reasons.

Wise legislative and executive branch officials have worked together for many decades to defend our nation's long-term interests by protecting the confidentiality of Department of Justice investigations and preserving the Department's independence from the political arena.

I hope that longstanding tradition will continue on our watch.

Thank you for your continuing courtesies.

Sincerely,

A handwritten signature in blue ink, which appears to read "Rod J. Rosenstein", is written over a horizontal line.

Rod J. Rosenstein
Deputy Attorney General

Not Responsive Record



From: Holmes, Lee (Judiciary-Rep) [REDACTED]
Sent: Wednesday, March 08, 2017 10:22 AM
To: DOJ.Correspondence@usdoj.gov
Cc: Quint, Lara (Judiciary-Dem) [REDACTED]
Subject: Wiretap Letter to Deputy AG Boente

Hello—

Please ensure that Deputy AG Boente and Director Comey receive the attached letter from Senators Graham and Whitehouse. Please reach out with any questions. Thank you very much.

Lee

LEE HOLMES
Chief Counsel
Senator Lindsey O. Graham
U.S. Senate Committee on the Judiciary
202-224-5972

March 8, 2017

The Honorable Dana J. Boente
Acting Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Deputy Attorney General Boente and Director Comey:

Congress must get to the bottom of President Trump's recent allegation that President Obama wiretapped President Trump's phones during the 2016 election. The White House agrees. On Sunday, President Trump requested, through Press Secretary Sean Spicer, that Congressional committees investigate whether executive branch investigative powers were abused during the Obama administration.

The President's request was for the intelligence committees to look into this, but it is the Department of Justice's criminal division that obtains warrants for wiretaps, and oversight of the criminal division lies with the Judiciary Committee's Subcommittee on Crime and Terrorism. Therefore, we request that the Department of Justice provide us copies of any warrant applications and court orders—redacted as necessary to protect intelligence sources and methods that may be compromised by disclosure, and to protect any ongoing investigations—related to wiretaps of President Trump, the Trump Campaign, or Trump Tower. We will be glad to review any such applications and orders once they are disclosed, and proceed as appropriate with the oversight the President has requested.

As Chairman and Ranking Member of the Senate Judiciary Committee's Subcommittee on Crime and Terrorism, we would take any abuse of wiretapping authorities for political purposes very seriously. We would be equally alarmed to learn that a court found enough evidence of criminal activity or contact with a foreign power to legally authorize a wiretap of President Trump, the Trump Campaign, or Trump Tower. We look forward to your response.

Sincerely,



Lindsey O. Graham
United States Senator



Sheldon Whitehouse
United States Senator

UNCLASSIFIED

K. Michael Conaway, Texas
Peter T. King, New York
Frank A. LoBiondo, New Jersey
Thomas J. Rooney, Florida
Ileana Ros-Lehtinen, Florida
Michael R. Turner, Ohio
Brad R. Wenstrup, Ohio
Chris Stewart, Utah
Rick Crawford, Arkansas
Trey Gowdy, South Carolina
Elise M. Stefanik, New York
Will Hurd, Texas

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ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

March 8, 2017

The Honorable Dana Boente
Acting Deputy Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Acting Deputy Attorney General Boente,

The House Permanent Select Committee on Intelligence (the Committee) is aware of recent media reports indicating the possible existence of Foreign Intelligence Surveillance Act (FISA) applications submitted by the Department of Justice (DoJ) in 2016, and/or Foreign Intelligence Surveillance Court (FISC) orders or criminal warrants pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 that may have authorized the collection of communications and/or information regarding Presidential candidate Donald J. Trump or his associates in 2016.

For the purposes of this letter, "associates" includes any Trump campaign surrogates, advisors, or employees; any Trump Organization surrogates, advisors, or employees; and family, friends, and business associates of Mr. Trump.

Accordingly, the Committee requests the following information, if it exists:

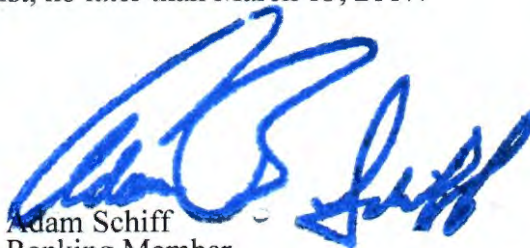
1. Any and all copies of any FISA applications submitted to the FISC by the DoJ in 2016 regarding then Presidential candidate Donald J. Trump or his associates.
2. Any and all copies of any orders issued by the FISC in 2016 regarding then Presidential candidate Donald J. Trump or his associates.
3. Any and all copies of any warrant issued by a Federal Judge or Magistrate pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 in 2016 regarding then Presidential candidate Donald J. Trump or his associates.

We seek copies of the foregoing documents, if they exist, no later than March 13, 2017.

Sincerely,



Devin Nunes
Chairman



Adam Schiff
Ranking Member

Copy to: The Honorable James Comey, Director, Federal Bureau of Investigation

UNCLASSIFIED

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

Attorney General Jeff Sessions
Department of Justice

To

You are hereby commanded to be and appear before the
Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: U.S. Capitol- House Permanent Select Committee on Intelligence, HVC-304

Date: 01 September 2017

Time: 12:00 p.m.

- ☐ to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- ☐ to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

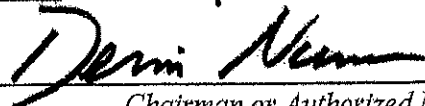
Time: _____

To the United States Marshal Service or any authorized Member of Congress or congressional staff

_____ to serve and make return.

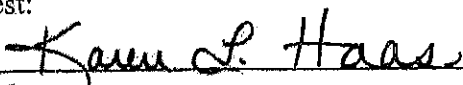
Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 24th day of August, 2017.



Chairman or Authorized Member

Attest:



Clerk

PROOF OF SERVICE

Subpoena for	Attorney General Jeff Sessions
	Department of Justice
Address	
before the	Permanent Select Committee on Intelligence
U.S. House of Representatives	
115th Congress	

Served by (print name)	Nicholas A. Ciarlante
Title	Chief Clerk
Manner of service	By Hand
Date	24 August 2017
Signature of Server	Nicholas A. Ciarlante
Address	

UNCLASSIFIED//COMMITTEE SENSITIVE

Schedule A

Complete and unredacted copies of the following:

Any and all documents including electronic communications referring or relating to any Department of Justice (DOJ) and/or Federal Bureau of Investigation's (FBI) relationship with former British Secret Intelligence Service officer Christopher Steele, and/or the so-called "Trump Dossier*" including, but not limited to:

1. Any and all applications (including applications for renewal or extension), if they exist, for court orders submitted to the Foreign Intelligence Surveillance Court (FISC) pursuant to the Foreign Intelligence Surveillance Act (FISA) (whether or not approved by the Court) where information provided by Mr. Steele was utilized;
2. Any and all FISC orders issued, if they exist, based on any information provided by Mr. Steele and/or Fusion GPS;
3. Any and all additional documents submitted to the FISC, including, but not limited to, pleadings and transcripts, if they exist, based on information provided by and/or created by Mr. Steele and/or Fusion GPS, if they exist.
4. Any information, if it exists, provided by Christopher Steele as an informant/source (confidential or otherwise), or in any other capacity;
5. Any and all FD-1023s, Contact Reports, or other documents incorporating, relying on, or referring to information provided by Mr. Steele and/or sub-sources and/or Fusion GPS and/or contained in the "Trump Dossier," if they exist;
6. Any documents that memorialize compensation paid to, or any other benefits conferred on Mr. Steele and/or sub-sources, if they exist;
7. Any documents, if they exist, that memorialize DOJ and/or FBI efforts to corroborate, validate, or evaluate information provided by Mr. Steele and/or sub-sources and/or contained in the "Trump Dossier"; and
8. Any and all documented communications, if they exist, concerning Mr. Steele or sub-sources, information provided by Mr. Steele or sub-sources, or information contained in the "Trump Dossier."

*For purposes of this subpoena, the Trump Dossier refers to the document compiled by Mr. Steele and published by *BuzzFeed News* on January 10, 2017.

Due to the nature of this information, a classified return may be necessary. To the extent such is the case, this subpoena and its parameters extend in its totality to the production of classified materials that are responsive.

UNCLASSIFIED//COMMITTEE SENSITIVE

Schedule Instructions

1. In complying with this subpoena, you are required to produce all responsive records that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce records that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as records that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include that alternative identification.
3. If any record responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the record (stating its date, author, subject and recipients) and explain the circumstances under which the record ceased to be in your possession, custody, or control.
4. If a date or other descriptive detail set forth in this subpoena referring to a record is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, you are required to produce all records which would be responsive as if the date or other descriptive detail were correct.
5. This subpoena is continuing in nature and applies to any newly-discovered or newly-created information. Any responsive record not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
6. It shall not be a basis for refusal to produce records that any other person or entity also possesses non-identical or identical copies of the same records.
7. Each record produced shall be produced in a form that renders the record capable of being printed and copied.
8. The production returned pursuant to this subpoena will be issued in electronic format, either scanned copies of all documents or electronic files stored on a portable drive. A combination of the two is also acceptable, if that expedites production.
9. Records produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the subpoena was served.
10. When you produce records, you should identify the paragraph in the Committee's schedule to which the records respond.
11. Two sets of records shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When records are produced to the Committee, production sets shall be

UNCLASSIFIED//COMMITTEE SENSITIVE

delivered to the Majority Staff in Room HVC-304 of the House of Representatives Building and the Minority Staff in Room HVC-304 of the House of Representatives Building.

12. Upon completion of the record production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all records in your possession, custody, or control which reasonably could contain responsive records; and (2) records responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, whether classified or unclassified, and whether original or copy, including, but not limited to, the following: memoranda, instructions, working papers, records notes, letters, notices, confirmations, telegrams, receipts, interoffice and intra office communications, electronic mail (e-mail), cables, notations of any type of conversation, telephone calls, meeting or other communications, bulletins, printed matter, computer printouts, teletypes, transcripts, diaries, analyses, summaries, minutes, accounts, projections, comparisons, messages, correspondence, press releases, circulars, reviews, opinions, investigations, questionnaires and surveys, spreadsheets, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
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3. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.

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4. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this Subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.
7. The term "Trump Dossier" refers to a document compiled by Mr. Steele and published by *BuzzFeed News* on or about January 10, 2017.



UNITED STATES
HOUSE OF REPRESENTATIVES

KASHYAP PRAMOD PATEL
SENIOR COUNSEL FOR COUNTERTERRORISM
PERMANENT SELECT COMMITTEE ON INTELLIGENCE

DESK:
CELL:

(b) (6)

HVC-804, THE CAPITOL
WASHINGTON, DC 20515

(b)(6) - Kash Patel Email Address



UNITED STATES
HOUSE OF REPRESENTATIVES

NICK CIARLANTE
CHIEF CLERK
PERMANENT SELECT COMMITTEE ON INTELLIGENCE

(b) (6)
Fax (202) 225-1991

HVC-304, U.S. CAPITOL
WASHINGTON, DC 20515

(b)(6) - Nick Ciarlante Email Address

Not Responsive Record

Begin forwarded message:

From: "Davis, Patrick (Judiciary-Rep)" (b) (6)
 To: "Burton, Faith (OLA)" <fburton@jmd.usdoj.gov>, (b)(6), (b)(7)(C) per FBI (DO) (FBI)"
 (b)(6), (b)(7)(C), (b)(7)(E) per FBI
 Cc: "CEG (Judiciary-Rep)" (b) (6), "Foster, Jason (Judiciary-Rep)"
 (b) (6), "Holmes, Lee (Judiciary-Rep)" (b) (6) (b) (6)
 "Sawyer, Heather (Judiciary-Dem)" (b) (6) (b) (6)
 "Quint, Lara (Judiciary-Dem)" (b) (6)
 Subject: 2017-06-27 CEG LOG to DOJ FBI (proposed and final FISA applications)

Faith and (b)(6), (b)(7)(C) per FBI
 Attached is a letter from Senators Grassley and Graham to Deputy Attorney General Rosenstein and Acting Director McCabe. Please confirm receipt, and please send all formal follow-up correspondence electronically in PDF format to (b)(6) - CEG Email Address, (b)(6) - Jason Foster Email Address, (b)(6) - Lee Holmes Email Address, and me.
 Thanks,
 -Patrick
 Patrick D. Davis
 Investigative Counsel
 Chairman Charles E. Grassley
 U.S. Senate Committee on the Judiciary
 (202) 224-5225

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Tuesday, December 12, 2017 4:21 PM
To: Davis, Patrick (Judiciary-Rep)
Subject: 27 June incoming letter
Attachments: 2017-06-27 CEG LOG to DOJ FBI (proposed and final FISA applications)
#3852056.pdf

Patrick—good afternoon. Hope you are well. I was looking through some older letters and just wanted to confirm that the document review provided last month was sufficient to answer the attached. Could you confirm?

Thanks much,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 27, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

The Honorable Andrew McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Deputy Attorney General Rosenstein and Acting Director McCabe:

We are writing to request information regarding FISA-related actions by the FBI and the Justice Department in the course of the investigation of Russian interference in the 2016 election, including the investigations into allegations of collusion between the Trump campaign and the Russians. As explained below, we are writing to request the following related materials: all proposed FISA applications that the FBI and Justice Department submitted to the Foreign Intelligence Surveillance Court (FISC); the FISC's responses to such proposed FISA applications; all final, signed FISA applications that the FBI and the Justice Department submitted to the FISC; and the FISC's responses to the final, signed applications. Media reports and the FISC's 2016 annual report provide reason to believe that, in the course of these investigations, the FBI and Justice Department may have submitted proposed FISA applications that the FISC preliminarily evaluated and stated it would reject, which the FBI and Justice Department then modified and resubmitted. Media reports also provide reason to believe that the FBI and Justice Department may have submitted some final, signed FISA applications in these matters that the FISC rejected outright. The Committee needs all of these documents to evaluate fully the FBI's and Justice Department's actions in this situation.

Under Rule 9(a) of the Foreign Intelligence Surveillance Court's Rules of Procedure, the government provides the Court its proposed FISA applications at least seven days before filing its final, signed FISA applications.¹ This preview gives the Court the chance to assess each proposed application before actually ruling on it, and to recommend changes to the government. As noted in the *Report of the Director of the Administrative Office of the U.S. Courts on Activities of the Foreign Intelligence Surveillance Courts for 2016* ("2016 FISC Report"), "[i]n some instances, the Court examinations resulted in the government making material changes to applications and certifications;

¹ Available at: <http://www.fisc.uscourts.gov/sites/default/files/FISC%20Rules%20of%20Procedure.pdf>

Deputy Attorney General Rosenstein and
Acting Director McCabe
June 27, 2017
Page 2 of 3

for example, proffering additional facts to support a required judicial finding of probable cause or to address minimization concerns.”²

The 2016 FISC Report, which provides annual statistics about the Court’s actions in general, states that in 2016 the FISC denied nine applications or certifications, and denied in part or modified 365 orders.³ While the 2016 FISC Report provides Congress and the public this information, it does not report “any modifications made by the government to [a proposed] application or certification that it had submitted pursuant to Rule 9(a).”⁴ While we understand that this may be part of a routine FISC process, it is important for the Committee to understand fully the context of and basis for requests to the FISC related to this particular matter. We have some reason to believe these processes have been used in these investigations. For example, on January 11, 2017, the *Guardian* reported that:

[T]he FBI applied for a warrant from the foreign intelligence surveillance court (FISA) over the summer in order to monitor four members of the Trump team suspected of irregular contact with Russian officials. The FISA court turned down the application asking FBI counter-intelligence investigators to narrow its focus.⁵

The next day, the *BBC* stated that Justice Department attorneys involved in the investigation of Russian election interference submitted a FISA application to the FISC focused on two Russian banks, reporting:

Their first application, in June, was rejected outright by the judge. They returned with a more narrowly drawn order in July and were rejected again.⁶

There have been subsequent media reports claiming the FBI submitted and received approval of a FISA application in the investigation that was based on the political opposition research dossier.⁷

In order for the Committee to assess this situation, please provide the following information by no later than July 11, 2017:

1. Copies of all proposed and all final signed FISA applications submitted to the FISC relating to: Russian interference in the 2016 election; allegations of collusion between people associated with the Trump campaign and Russia; and any known Trump associates regardless of context.
2. Copies of all FISC responses to the above-mentioned applications in which the Court notified the FBI or Justice Department that it would not grant the proposed applications or recommended changes. If any such FISC responses were provided orally, rather than in

² Available at: http://www.uscourts.gov/sites/default/files/ao_foreign_int_surveillance_court_annual_report_2016_final_0.pdf

³ *Id.*

⁴ *Id.*

⁵ Julian Border, *John McCain Passes Dossier Alleging Secret Trump-Russia Contacts to FBI*, THE GUARDIAN (Jan. 11, 2017).

⁶ Paul Wood, *Trump ‘Compromising’ Claims: How and Why Did We Get Here?* BBC NEWS (Jan. 12, 2017).

⁷ Evan Perez, Shimon Prokupecz, and Manu Raju, *FBI Used Dossier Allegations to Bolster Trump-Russia Investigation*, CNN (Apr. 18, 2017).

Deputy Attorney General Rosenstein and
Acting Director McCabe
June 27, 2017
Page 3 of 3

writing, please provide copies of all FBI or Justice Department records memorializing or otherwise referencing the relevant FISC responses.

3. Copies of all FISC orders relating to the above-mentioned applications, whether denying the applications and certifications, denying the orders, modifying the orders, granting the orders, or other types of orders.

We anticipate that some of these documents may be classified, some may not, and others may contain both classified and unclassified information. Please deliver any documents containing classified information to the Office of Senate Security and provide all unclassified documents directly to the Committee. If you have any specific requests with regard to the Committee's handling of unclassified material, please raise those with us in advance.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Chairman Grassley's Committee staff at (202) 224-5225 or Lee Holmes of Chairman Graham's staff at (202) 224-5972.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
Committee on the Judiciary

Patel, Kash

From: Patel, Kash
Sent: Friday, March 2, 2018 1:39 PM
To: Boyd, Stephen E. (OLA); Lasseeter, David F. (OLA)
Cc: Stewart, Mark; Nelson, Damon; Glabe, Scott; Hull, Cordell
Subject: Follow-Up on FISC Transcript Request
Attachments: CHM ltr to Stephen Boyd re Delcassified Memo w Attachment - 16 Feb 18.pdf

Stephen and David,

The Committee is following up on our request we made (via letter) to you dated February 16, 2018 (at the written suggestion of Presiding Judge Rosemary Collyer), in which we requested relevant transcripts from the FISC. The deadline of February 26, 2018 has passed, and we have not heard from the Department. We'd greatly appreciate a response from DOJ. For quick reference, our letter is attached. Thanks very much.

Regards,
Kash

Kashyap P. Patel
Senior Counsel for Counterterrorism
House Permanent Select Committee on Intelligence

Desk: (b) (6)
Cell: (b) (6)
NSTS: (b) (6)

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HVC 304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DATION NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

February 16, 2018

Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Mr. Boyd:

On February 7, 2018, I wrote to the Honorable Rosemary M. Collyer, Presiding Judge of the United States Foreign Intelligence Surveillance Court (FISC), requesting that the Court produce transcripts of any relevant FISC hearings associated with the initial FISA application or subsequent renewals related to the electronic surveillance of Carter Page.

In her response to the Committee, Judge Collyer wrote, "... you may note that the Department of Justice possesses (or can easily obtain) the same responsive information the Court might possess, and...is better positioned than the Court to respond quickly."

Therefore, in an effort to inform the Committee's ongoing investigation, the Committee seeks the transcripts of any relevant FISC hearings associated with the initial FISA application or subsequent renewals related to electronic surveillance of Carter Page. The Committee respectfully requests that, no later than February 26, 2018, DOJ inform the Committee whether such transcripts exist, and, if so, please provide them.

If you have any questions, please contact Committee staff at (202) 225-4121.

Sincerely,



Devin Nunes
Chairman

Enclosure [1]

UNITED STATES FOREIGN
INTELLIGENCE SURVEILLANCE COURT
Washington, D.C.



Honorable Rosemary M. Collyer
Presiding Judge

February 15, 2018

Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Nunes:


I write in response to your letter of February 7, 2018, in which you request that the Foreign Intelligence Surveillance Court confirm whether “transcripts of relevant FISC hearings associated with” matters described in the letter exist and, if so, provide copies to the Committee. As you know, any such transcripts would be classified. It may also be helpful for me to observe that, in a typical process of considering an application, we make no systematic record of questions we ask or responses the government gives.

The Court appreciates the interest of the House Intelligence Committee in its operations and public confidence therein. Before 2018, the Court had never received a request from Congress for documents related to any specific FISA application. Thus, your requests – and others I have recently received from Congress – present novel and significant questions. The considerations involve not only prerogatives of the Legislative Branch, but also interests of the Executive Branch, including its responsibility for national security and its need to maintain the integrity of any ongoing law enforcement investigations.

While this analysis is underway, you may note that the Department of Justice possesses (or can easily obtain) the same responsive information the Court might possess, and because of separation of powers considerations, is better positioned than the Court to respond quickly. (We have previously made clear to the Department, both formally and informally, that we do not object to any decision by the Executive Branch to convey to Congress any such information.)

We have asked the Executive Branch to keep us informed regarding any information concerning the FISC that it provides to Congress. If you choose to present your request to the Executive Branch, we likewise request that you kindly let us know.

Sincerely,


Rosemary M. Collyer
Presiding Judge

cc: Honorable Adam Schiff
Honorable Jeff Sessions
Honorable Christopher Wray

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Wednesday, March 7, 2018 12:47 PM
To: Patel, Kash; Boyd, Stephen E. (OLA)
Cc: Stewart, Mark; Nelson, Damon; Glabe, Scott; Hull, Cordell
Subject: RE: Follow-Up on FISC Transcript Request
Attachments: Repsonse to CHM Nunes 16 Feb letter.pdf

Kash—good afternoon. Please find attached response.

Thanks,
David

From: Patel, Kash (b) (6)
Sent: Tuesday, March 6, 2018 9:32 AM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b) (6)
Cc: Stewart, Mark (b) (6); Nelson, Damon (b) (6)
Glabe, Scott (b) (6); Hull, Cordell (b) (6)
Subject: RE: Follow-Up on FISC Transcript Request

David, thanks. I have informed the Chairman and we look forward to receiving DOJ's response this week.

Regards,
Kash

Kashyap P. Patel
National Security Advisor
House Permanent Select Committee on Intelligence

Desk: (b) (6)
Cell: (b) (6)
NSTS: (b) (6)

From: Lasseter, David F. (OLA) [mailto:David.F.Lasseter@usdoj.gov]
Sent: Monday, March 05, 2018 5:45 PM
To: Patel, Kash (b) (6); Boyd, Stephen E. (OLA) (b) (6)
Cc: Stewart, Mark (b) (6); Nelson, Damon (b) (6)
Glabe, Scott (b) (6); Hull, Cordell (b) (6)
Subject: RE: Follow-Up on FISC Transcript Request


Kash—good evening. We anticipate getting this back to the Chairman this week.

Thanks,
David

From: Patel, Kash (b) (6)

From: [REDACTED] (b) (6)
Sent: Friday, March 2, 2018 1:39 PM
To: Boyd, Stephen E. (OLA) [REDACTED] (b) (6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Stewart, Mark [REDACTED] (b) (6); Nelson, Damon [REDACTED] (b) (6)
Glabe, Scott [REDACTED] (b) (6); Hull, Cordell [REDACTED] (b) (6)
Subject: Follow-Up on FISC Transcript Request

Duplicative Material





U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 07 2018

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter dated February 16, 2018, requesting transcripts of any relevant hearings of the Foreign Intelligence Surveillance Court (FISC) associated with the initial FISA application or subsequent renewals related to the electronic surveillance of Carter Page. As is typical in the consideration of warrant applications generally, including applications to the FISC, the FISC considered the applications based upon the written submission, and held no hearings. Accordingly, no responsive transcripts exist. For your reference, we have attached a letter dated July 29, 2013 from FISC Presiding Judge Reggie B. Walton to the Senate Committee on the Judiciary then-Chairman Patrick J. Leahy that outlines the FISC practice when considering FISA applications, which includes consideration of circumstances in which a hearing may be required.

We hope 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,

A handwritten signature in black ink, appearing to read "S. Boyd", is written over a circular stamp or seal.

Stephen E. Boyd
Assistant Attorney General

Enclosure

**UNITED STATES FOREIGN
INTELLIGENCE SURVEILLANCE COURT**
Washington, D.C.



Honorable Reggie B. Walton
Presiding Judge

July 29, 2013

Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter of July 18, 2013, in which you posed several questions about the operations of the Foreign Intelligence Surveillance Court (the Court). As you requested, we are providing unclassified responses. We would note that, as a general matter, the Court's practices have evolved over time. Various developments in the last several years – including statutory changes, changes in the size of the Court and its staff, the adoption of new Rules of Procedure in 2010, and the relocation of the Court's facilities from the Department of Justice headquarters to a secure space in the federal courthouse in 2009 – have affected some of these practices. The responses below reflect the current practices of the Court.

1. *Describe the typical process that the Court follows when it considers the following: (1) an application for an order for electronic surveillance under Title I of FISA; (2) an application for an order for access to business records under Title V of FISA; and (3) submissions from the government under Section 702 of FISA. As to applications for orders for access to business records under Title V of FISA, please describe whether the process for the Court's consideration of such applications is different when considering requests for bulk collection of phone call metadata records, as recently declassified by the Director of National Intelligence.*

Each week, one of the eleven district court judges who comprise the Court is on duty in Washington. As discussed below, most of the Court's work is handled by the duty judge with the assistance of attorneys and clerk's office personnel who staff the Court. Some of the Court's more complex or time-consuming matters are handled by judges outside of the duty-week system, at the discretion of the Presiding Judge. In either case, matters before the Court are thoroughly reviewed and analyzed by the Court.

Rule 9(a) of the United States Foreign Intelligence Surveillance Court Rules of Procedure

Honorable Patrick J. Leahy
July 29, 2013
Page 2

(FISC Rules of Procedure)¹ requires that except in certain circumstances (i.e., a submission pursuant to an emergency authorization under the statute or as otherwise permitted by the Court), a proposed application must be submitted by the government no later than seven days before the government seeks to have the matter entertained.² Upon the Court's receipt of a proposed application for an order under FISA, a member of the Court's legal staff reviews the application and evaluates whether it meets the legal requirements under the statute. As part of this evaluation, a Court attorney will often have one or more telephone conversations with the government³ to seek additional information and/or raise concerns about the application. A Court attorney then prepares a written analysis of the application for the duty judge, which includes an identification of any weaknesses, flaws, or other concerns. For example, the attorney may recommend that the judge consider requiring the addition of information to the application; imposing special reporting requirements;⁴ or shortening the requested duration of an authorization.

The judge then reviews the proposed application, as well as the attorney's written analysis.⁵ The judge typically makes a preliminary determination at that time about what course

¹ A copy of the FISC Rules of Procedure is appended hereto as Attachment A. The rules are also available at <http://www.uscourts.gov/uscourts/rules/FISC2010.pdf>.

² A proposed application is also sometimes referred to as a "read copy" and has been referred to in this manner in at least one recent congressional hearing. A proposed application or "read copy" is a near-final version of the government's application, which does not include the signatures of executive branch officials required by statutory provisions such as 50 U.S.C. §§ 1804(a)(6) and 1823(a)(6). As described below, in most circumstances, the government will subsequently file a final copy of an application pursuant to Rule 9(b) of the FISC Rules of Procedure. Both the proposed and final applications include proposed orders.

The process of using proposed applications and final applications is altogether similar to the process employed by other federal courts in considering applications for wiretap orders under Title III of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("Title III"), which is codified at 18 U.S.C. §§ 2510-2522.

³ In discussing Court interactions with "the government" throughout this document, I am referring to interactions with attorneys in the Office of Intelligence of the National Security Division of the United States Department of Justice.

⁴ Pursuant to 50 U.S.C. §§ 1805(d)(3) and 1824(d)(3), the Court is authorized to assess compliance with the statutorily-required minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

⁵ For each application, the Court retains the attorney's written analysis and the notes made by the judge, so that if the government later seeks to renew the authorization, the judge who considers the next

Honorable Patrick J. Leahy

July 29, 2013

Page 3

of action to take. These courses of action might include indicating to Court staff that he or she is prepared to approve the application without a hearing; indicating an inclination to impose conditions on the approval of the application; determining that additional information is needed about the application; or determining that a hearing would be appropriate before deciding whether to grant the application. A staff attorney will then relay the judge's inclination to the government, and the government will typically proceed by providing additional information, or by submitting a final application (sometimes with amendments, at the government's election) for the Court's ruling pursuant to Rule 9(b) of the FISC Rules of Procedure. In conjunction with its submission of a final application, the government has an opportunity to request a hearing, even if the judge did not otherwise intend to require one. The government might request a hearing, for example, to challenge conditions that the judge has indicated he or she would impose on the approval of an application. If the judge schedules a hearing, the judge decides whether to approve the application thereafter. Otherwise, the judge makes a determination based on the final written application submitted by the government. In approving an application, a judge will sometimes issue a Supplemental Order in addition to signing the government's proposed orders. Often, a Supplemental Order imposes some form of reporting requirement on the government.

If after receiving a final application, the judge is inclined to deny it, the Court will prepare a statement of reason(s) pursuant to 50 U.S.C. § 1803(a)(1). In some cases, the government may decide not to submit a final application, or to withdraw one that has been submitted, after learning that the judge does not intend to approve it. The annual statistics provided to Congress by the Attorney General pursuant to 50 U.S.C. §§ 1807 and 1862(b) – frequently cited to in press reports as a suggestion that the Court's approval rate of applications is over 99% – reflect only the number of *final* applications submitted to and acted on by the Court. These statistics do not reflect the fact that many applications are altered prior to final submission or even withheld from final submission entirely, often after an indication that a judge would not approve them.⁶

Most applications under Title V of FISA are handled pursuant to the process described above. However, applications under Title V of FISA for bulk collection of phone call metadata records are normally handled by the weekly duty judge using a process that is similar to the one described above, albeit more exacting. The government typically submits a proposed application of this type more than one week in advance. The attorney who reviews the application spends a

application has the benefit of the prior thoughts of the judge(s) and staff, and a written record of any problems with the case.

⁶ Notably, the approval rate for Title III wiretap applications (see note 2 above) is higher than the approval rate for FISA applications, even using the Attorney General's FISA statistics as the baseline for comparison, as recent statistics show that from 2008 through 2012, only five of 13,593 Title III wiretap applications were requested but not authorized. See Administrative Office of the United States Courts, *Wiretap Report 2012*, Table 7 (available at <http://www.uscourts.gov/uscourts/statistics/wiretapreports/2012/Table7.pdf>).

Honorable Patrick J. Leahy

July 29, 2013

Page 4

greater amount of time reviewing and preparing a written analysis of such an application, in part because the Court has always required detailed information about the government's implementation of this authority. The judge likewise typically spends a greater amount of time than he or she normally spends on an individual application, carefully considering the extensive information provided by the government and determining whether to seek more information or hold a hearing before ruling on the application.

As described above, the majority of applications submitted to the Court are handled on a seven-day cycle, by a judge sitting on a weekly duty schedule. Applications that are novel or more complex are sometimes handled on a longer time-line, usually require additional briefing, and are assigned by the Presiding Judge based on judges' availability. Section 702 (i.e., 50 U.S.C. § 1881a) applications⁷ would typically fall into this category.

Where the Court's process for handling Section 702 applications differs from the process described above, it is largely based on the statutory requirements of that section, which was enacted as part of the FISA Amendments Act of 2008 (FAA). Pursuant to 50 U.S.C. §§ 1881a(g)(1)(A) & (g)(2)(D)(i), prior to the implementation of an authorization under Section 702, the Attorney General and the Director of National Intelligence must provide the Court with a written certification containing certain statutorily required elements, and that certification must include an effective date for the authorization that is at least 30 days after the submission of the written certification to the Court.⁸ Under 50 U.S.C. § 1881a(i)(B), the Court must review the certification, as well as the targeting and minimization procedures adopted in accordance with 50 U.S.C. §§ 1881a(d) & (e), not later than 30 days after the date on which the certification and procedures are submitted. The statutorily-imposed deadline for the Court's review typically coincides with the effective date identified in the final certification filed with the Court.

The government's submission of a Section 702 application typically includes a cover filing that highlights any special issues and identifies any changes that have been made relative to the prior application. The government has typically filed proposed (read copy) Section 702 applications approximately one month before filing a final application. Proposed Section 702 applications are reviewed by multiple members of the Court's legal staff. At the direction of the Presiding Judge or a judge who has been assigned to handle the Section 702 application, the

⁷ "Section 702 application" is used here to refer collectively to a Section 702 certification and supporting affidavit, as well as to the statutorily-required targeting and minimization procedures.

⁸ If the acquisition has already begun (e.g., pursuant to a determination of exigent circumstances under 50 U.S.C. § 1881a(c)(2)) or the effective date is less than 30 days after the submission of the written certification to the Court (e.g., because of an amendment to a certification while judicial review is pending, pursuant to 50 U.S.C. § 1881a(i)(1)(C)), 50 U.S.C. § 1881a(g)(2)(D)(ii) requires the certification to include the date the acquisition began or the effective date of the authorization.

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Court's legal staff may request a meeting with the government to discuss a proposed application. Also at the direction of the Presiding Judge or a judge who has been assigned to handle the Section 702 application, the Court legal staff may request additional information from the government or convey a judge's concerns about the legal sufficiency of a proposed Section 702 application. Following these interactions, the government files a final Section 702 application, which the government may have elected to amend based on any concerns raised by the judge.

The judge reviews the final Section 702 application and may set a hearing if he or she has additional questions about it. If the judge finds (based on the written submission alone or the written submission in combination with a hearing) that the certification contains all of the required elements, and that the targeting and minimization procedures adopted in accordance with 50 U.S.C. §§ 1881a(d) & (e) are consistent with the requirements of those subsections and with the Fourth Amendment to the Constitution of the United States, the judge enters an order approving the certification in accordance with 50 U.S.C. § 1881a(i)(3)(A). As required by 50 U.S.C. § 1881a(i)(3)(C), the judge also issues an opinion in support of the order. If the judge finds that the certification does not contain the required elements or the targeting and minimization procedures are inconsistent with the requirements of 50 U.S.C. §§ 1881a(d) & (e), or the Fourth Amendment, the judge will, pursuant to 50 U.S.C. § 1881a(i)(3)(B), issue an order directing the government to, at the government's election and to the extent required by the Court's order, either correct any deficiency identified by the Court's order not later than 30 days after the date on which the Court issues the order, or cease, or not begin, the implementation of the authorization for which the certification was submitted. Subsequent review of any remedial measures taken by the government may then be required and may result in another order and opinion pursuant to 50 U.S.C. § 1881a(i).

2. *When considering such applications and submissions, please describe the interaction between the government and the Court (including both judges and court staff), including any hearings, meetings, or other means through which the Court has the opportunity to ask questions or seek additional information from the government. Please describe how frequently such exchanges occur, and generally what types of additional information that the Court might request of the government, if any. Please also describe how frequently the Court asks the government to make changes to its applications and submissions before ruling.*

The process through which the Court interacts with the government in reviewing proposed applications, seeking additional information, conveying Court concerns, and adjudicating final applications, is very similar to the process employed by other federal courts in considering applications for wiretap orders under Title III (discussed in notes 2 and 6 above).

Under FISA practice, the first set of interactions often take place at the staff level. The Court's legal staff frequently interacts with the government in various ways in the context of

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examining the legal sufficiency of applications before they are presented in final form to a judge. Indeed, in the process of reviewing the government's applications and submissions in order to provide advice to the judge, the legal staff interact with the government on a daily basis. These daily interactions typically consist of secure telephone conversations in which legal staff ask the government questions about the legal and factual elements of applications or submissions. These questions may originate with legal staff after an initial review of an application or submission, or they may come from a judge.

At the direction of the Presiding Judge or the judge assigned to a matter, Court legal staff sometimes meet with the government in connection with applications and submissions. The Court typically requests such meetings when a proposed application or submission presents a special legal or factual concern about which the Court would like additional information (e.g., a novel use of technology or a request to use a new surveillance or search technique). The frequency of such meetings varies depending on the Court's assessment of its need for additional information in matters before it and the most conducive means to obtain that information. Court legal staff may meet with the government as often as 2-3 times a week, or as few as 1-2 times a month, in connection with the various matters pending before the Court.

Pursuant to 50 U.S.C. § 1803(a)(2)(A) and Rule 17(a) of the FISC Rules of Procedure, the Court also holds hearings in cases in which a judge assesses that he or she needs additional information in order to rule on a matter. The frequency of hearings varies depending on the nature and complexity of matters pending before the Court at a given time, and also, to some extent, based on the individual preferences of different judges. Hearings are attended, at a minimum, by the Department of Justice attorney who prepared the application and a fact witness from the agency seeking the Court's authorization.

The types of additional information sought from the government – through telephone conversations, meetings, or hearings – include, but are not limited to, the following: additional facts to justify the government's belief that its application meets the legal requirements for the type of authority it is seeking (e.g., in the case of electronic surveillance, that might include additional information to justify the government's belief that a target of surveillance is a foreign power or an agent of a foreign power, as required by 50 U.S.C. § 1804(a)(3)(A), or that the target is using or about to use a particular facility, as required by 50 U.S.C. § 1804(a)(3)(B)); additional facts about how the government intends to implement statutorily required minimization procedures (see, e.g., 50 U.S.C. §§ 1801(h); 1805(a)(3); 1824(a)(3); 1861(c)(1); 1881a(i)(3)(A); and 1881c(c)(1)(c)); additional information about the government's prior implementation of a Court order, particularly if the government has previously failed to comply fully with a Court order; or additional information about novel issues of technology or law (see Rule 11 of FISC Rules of Procedure).

In a typical week, the Court seeks additional information or modifies the terms proposed

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by the government in a significant percentage of cases.⁹ (The Court has recently initiated the process of tracking more precisely how frequently this occurs.) The judge may determine, for example, that he or she cannot make the necessary findings under the statute without the addition of information to the application, or that he or she can approve only some of the authorities sought through the application. The government then has the choice to alter its final application or proposed orders in response to the judge's concerns; request a hearing to address those concerns; submit a final application without changes; or elect not to proceed at all with a final application. If the government files a final application, the Court may, on its own, make changes to the government's proposed orders (or issue totally redrafted orders) to address the judge's concern about a given application. The judge may choose, for example, to make an authorization of a shorter duration than what was requested by the government, or the judge may issue a Supplemental Order imposing special reporting or minimization requirements on the government's implementation of an authorization.

3. *Public FISA Court opinions and orders make clear that the Court has considered the views of non-governmental parties in certain cases, including a provider challenge to the Protect America Act of 2007. Describe instances where non-governmental parties have appeared before the Court. Has the Court invited or heard views from a nongovernmental party regarding applications or submissions under Title I, Title V, or Title VII of FISA? If so, how did this come about, and what was the process or mechanism that the Court used to enable such views to be considered?*

FISA does not provide a mechanism for the Court to invite the views of nongovernmental parties. In fact, the Court's proceedings are *ex parte* as required by the statute (see, e.g., 50 U.S.C. §§ 1805(a), 1824(a), 1842(d)(1) & 1861(c)(1)), and in keeping with the procedures followed by other courts in applications for search warrants and wiretap orders. Nevertheless, the statute and the FISC Rules of Procedure provide multiple opportunities for recipients of Court orders or government directives to challenge those orders or directives, either directly or through refusal to comply with orders or directives. Additionally, as detailed below, there have been several instances – particularly in the past several months – in which nongovernmental parties have appeared before the Court outside of the context of a challenge to an individual Court order or government directive.

There has been one instance in which the Court heard arguments from a nongovernmental party that sought to substantively contest a directive from the government. Specifically, in 2007, the government issued directives to Yahoo!, Inc. (Yahoo) pursuant to Section 105B of the Protect America Act of 2007 (PAA). Yahoo refused to comply with the directives, and the government

⁹ This assessment does not include minor technical or typographical changes, which occur more frequently.

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filed a motion with this Court to compel compliance. The Court ordered and received briefing from both parties, and rendered a decision in April 2008.¹⁰

As noted above, the FISC Rules of Procedure and the FISA statute provide opportunities for the appearance of nongovernmental parties before the Court in matters pending pursuant to Titles I, V and VII of the statute. For example, Rule 19(a) of the FISC Rules of Procedure provides that if a person or entity served with a Court order fails to comply with that order, the government may file a motion for an order to show cause why the recipient should not be held in contempt and sanctioned accordingly. Thus, a nongovernmental party served with an order may invite an opportunity to be heard by the Court through refusal to comply with an order.

With respect to applications filed under Title V of FISA, 50 U.S.C. § 1861(f)(2)(A)(i) provides that a person receiving a production order may challenge the legality of that order by filing a petition with the Court. The same section of the statute provides that the recipient of a production order may challenge the non-disclosure order imposed in connection with a production order by filing a petition to modify or set aside the nondisclosure order. Rules 33-36 of the FISC Rules of Procedure delineate the procedures and requirements for filing such petitions, including the time limits on such challenges. To date, no recipient of a production order has opted to invoke this section of the statute.

With respect to applications filed under Title VII of FISA, 50 U.S.C. § 1881a(h)(4)(A) provides that an electronic communication service provider who receives a directive pursuant to Section 702 may file a petition to modify or set aside the directive with the Court. Sections 1881a(h)(4)(A)-(G) of the statute, as well as Rule 28 of the FISC Rules of Procedure, delineate

¹⁰ Yahoo thereafter appealed the Court's decision to the Foreign Intelligence Surveillance Court of Review (FISCR). See *In re Directives [redacted] Pursuant to Section 105b of the Foreign Intelligence Surveillance Act*, 551 F.3d 1004 (FISA Ct. Rev. 2008). This is not the only instance in which a nongovernmental entity has appeared before the FISCR. In 2002, the FISCR accepted briefs filed by the ACLU and the National Association of Criminal Defense Lawyers as *amici curiae* in *In re Sealed Case*, 310 F.3d 717 (FISA Ct. Rev. 2002).

While Yahoo's identity as the provider that challenged these directives was previously under seal pursuant to the FISCR's decision in *In re Directives*, 551 F.3d 1004, 1016-18, the FISCR issued an Order on June 26, 2013, indicating that it does not object to the release of Yahoo's identity, and ordering, among other things, a new declassification review of the FISCR's opinion in *In re Directives*. The FISCR issued this order in response to a motion by Yahoo's counsel, and after receiving briefing by Yahoo and the government. Yahoo also recently filed a motion for publication of the Court's decision that was appealed to the FISCR, resulting in the published opinion in *In re Directives*. The Court granted the motion. Documents related to Yahoo's recent motion to this Court are available at <http://www.uscourts.gov/uscourts/courts/fisc/index.html> under Docket No. 105B(g) 07-01.

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the procedures and requirements for such challenges. Relatedly, 50 U.S.C. § 1881a(h)(5)(A) provides that if an electronic communication service provider fails to comply with a directive issued under Section 702, the Attorney General may file a petition with the Court for an order to compel compliance, which would likely result in the service provider's appearance before the Court through its legal representatives. (Section 1881a(h)(5), as well as Rule 29 of the FISC Rules of Procedure, provide further detail on the procedures and requirements for the enforcement of Section 702 directives.) Finally, 50 U.S.C. § 1881a(h)(6) and Rule 31 of the FISC Rules of Procedure allow for the government or an electronic communication service provider to appeal an order of this Court under §§ 1881a(h)(4) or (5) to the FISC. To date, no electronic communication service provider has opted to challenge a directive issued pursuant to Section 702, although, as noted above, Yahoo refused to comply with government directives issued under the PAA, which resulted in the government invoking a provision under that statute to compel compliance.

As noted above, there have been a number of other instances in which nongovernmental parties have appeared before the Court outside of the context of a direct challenge to a court order or a government directive, particularly recently. Those instances are as follows:

In August 2007, the American Civil Liberties Union (ACLU) filed a motion with the Court for the release of certain records. The Court ordered and received briefing on the matter from the ACLU and the government, and rendered a decision in December 2007. *See In re Motion for Release of Court Records*, 526 F. Supp. 2d 484 (FISA Ct. 2007).

On May 23, 2013, the Electronic Frontier Foundation (EFF) filed a motion with this Court for consent to disclosure of court records, or in the alternative, a determination of the effect of the Court's rules on access rights under the Freedom of Information Act. Following briefing by EFF and the government, the Court issued an Opinion and Order on June 12, 2013. All documents filed in this docket are available at <http://www.uscourts.gov/uscourts/courts/fisc/index.html> under Case No. Misc. 13-01.

On June 12, 2013, the ACLU, the American Civil Liberties Union of the Nation's Capital, and the Media Freedom and Information Access Clinic (Movants) filed a motion with this Court for the release of Court records. The Court ordered and has received briefing on the matter from the Movants and the government. On July 18, 2013, the Court granted the motions of (1) sixteen members of the House of Representatives and (2) a coalition of news media organizations for leave to file *amicus curiae* briefs in this case. The matter is pending before the Court. All documents filed in this docket are available at <http://www.uscourts.gov/uscourts/courts/fisc/index.html> under Case No. Misc. 13-02.

On June 18, 2013, Google, Inc. filed a motion with this Court for declaratory judgment of the company's first amendment right to publish aggregate information about FISA orders. The

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court ordered briefing on the matter. On July 18, 2013, the Court granted the motions of (1) a coalition of news media organizations and (2) the First Amendment Coalition, the ACLU, the Center for Democracy and Technology, the EFF, and Techfreedom for leave to file *amicus curiae* briefs in this case. The matter is pending before the Court. All documents filed in this docket are available at <http://www.uscourts.gov/uscourts/courts/fisc/index.html> under Case No. Misc. 13-03.

On June 19, 2013, Microsoft Corporation filed a motion in this Court for declaratory judgment or other appropriate relief authorizing disclosure of aggregate data regarding any FISA orders it has received. The court ordered briefing on the matter. On July 18, 2013, the Court granted the motions of (1) a coalition of news media organizations and (2) the First Amendment Coalition, the ACLU, the Center for Democracy and Technology, the EFF, and Techfreedom for leave to file *amicus curiae* briefs in this case. The matter is pending before the Court. All documents filed in this docket are available at <http://www.uscourts.gov/uscourts/courts/fisc/index.html> under Case No. Misc. 13-04.

4. *Please describe the process used by the Court to consider and resolve any instances where the government notifies the Court of compliance concerns with any of the FISA authorities.*

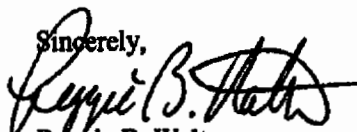
Pursuant to 50 U.S.C. § 1803(h), the Court is empowered to ensure compliance with its orders. Additionally, Rule 13(a) of the FISC Rules of Procedure requires the government to file a written notice with the Court immediately upon discovering that any authority or approval granted by the Court has been implemented (either by government officials or others operating pursuant to Court order) in a manner that did not comply with the Court's authorization or approval or with applicable law. Rule 13(a) also requires the government to notify the Court in writing of the facts and circumstances relevant to the non-compliance; any modifications the government has made or proposes to make in how it will implement any authority or approval granted by the Court; and how the government proposes to dispose of or treat any information obtained as a result of the non-compliance.

When the government discovers instances of non-compliance, it files notices with the Court as required by Rule 13(a). Because the rule requires the government to "immediately inform the Judge" of a compliance incident, the government typically files a preliminary notice that provides whatever facts are available at the time an incident is discovered. The legal staff review these notices as they are received and call significant matters to the attention of the appropriate judge. In instances in which the non-compliance has not been fully addressed by the time the preliminary Rule 13(a) notice is filed, the Court may seek additional information through telephone calls, meetings, or hearings. Typically, the government will file a final Rule 13(a) notice once the relevant facts are known and any unauthorized collection has been destroyed. However, judges sometimes issue orders directing the government to take specific

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actions to address instances of non-compliance either before or after a final notice is filed, and, less frequently, to cease a course of action that the Court considers non-compliant. This process is followed for compliance issues in all matters, including matters handled under Title V and Section 702.

I hope these responses are helpful to the Senate Judiciary Committee in its deliberations.

Sincerely,

Reggie B. Walton
Presiding Judge

Identical letter sent to: Honorable Charles E. Grassley

TO THE BENCH, BAR AND PUBLIC:

The attached *Rules of Procedure* for the Foreign Intelligence Surveillance Court supersedes both the February 17, 2006 *Rules of Procedure* and the May 5, 2006 *Procedures for Review of Petitions Filed Pursuant to Section 501(f) of the Foreign Intelligence Surveillance Act of 1978, As Amended*. These revised *Rules of Procedure* are effective immediately.

**John D. Bates
Presiding Judge
Foreign Intelligence Surveillance Court**

November 1, 2010

**UNITED STATES FOREIGN
INTELLIGENCE SURVEILLANCE COURT
Washington, D.C.**

**RULES OF PROCEDURE
*Effective November 1, 2010***

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Title I. Scope of Rules; Amendment

Rule 1. Scope of Rules. These rules, which are promulgated pursuant to 50 U.S.C. § 1803(g), govern all proceedings in the Foreign Intelligence Surveillance Court ("the Court"). Issues not addressed in these rules or the Foreign Intelligence Surveillance Act, as amended ("the Act"), may be resolved under the Federal Rules of Criminal Procedure or the Federal Rules of Civil Procedure.

Rule 2. Amendment. Any amendment to these rules must be promulgated in accordance with 28 U.S.C. § 2071.

Title II. National Security Information

Rule 3. National Security Information. In all matters, the Court and its staff shall comply with the security measures established pursuant to 50 U.S.C. §§ 1803(c), 1822(e), 1861(f)(4), and 1881a(k)(1), as well as Executive Order 13526, "Classified National Security Information" (or its successor). Each member of the Court's staff must possess security clearances at a level commensurate to the individual's responsibilities.

Title III. Structure and Powers of the Court

Rule 4. Structure.

- (a) Composition.** In accordance with 50 U.S.C. § 1803(a), the Court consists of United States District Court Judges appointed by the Chief Justice of the United States.
- (b) Presiding Judge.** The Chief Justice designates the "Presiding Judge."

Rule 5. Authority of the Judges.

- (a) Scope of Authority.** Each Judge may exercise the authority vested by the Act and such other authority as is consistent with Article III of the Constitution and other statutes and laws of the United States, to the extent not inconsistent with the Act.
- (b) Referring Matters to Other Judges.** Except for matters involving a denial of an application for an order, a Judge may refer any matter to another Judge of the Court with that Judge's consent. If a Judge directs the government to supplement an application, the Judge may direct the government to present the renewal of that application to the same Judge. If a matter is presented to a Judge who is unavailable or whose tenure on the Court expires while the matter is pending, the Presiding Judge may re-assign the matter.
- (c) Supplementation.** The Judge before whom a matter is pending may order a party to furnish any information that the Judge deems necessary.

Title IV. Matters Presented to the Court

Rule 6. Means of Requesting Relief from the Court.

- (a) Application.** The government may, in accordance with 50 U.S.C. §§ 1804, 1823, 1842, 1861, 1881b(b), 1881c(b), or 1881d(a), file an application for a Court order ("application").
- (b) Certification.** The government may, in accordance with 50 U.S.C. § 1881a(g), file a certification concerning the targeting of non-United States persons reasonably believed to be located outside the United States ("certification").
- (c) Petition.** A party may, in accordance with 50 U.S.C. §§ 1861(f) and 1881a(h) and the Supplemental Procedures in Titles VI and VII of these Rules, file a petition for review of a production or nondisclosure order issued under 50 U.S.C. § 1861 or for review or enforcement of a directive issued under 50 U.S.C. § 1881a ("petition").
- (d) Motion.** A party seeking relief, other than pursuant to an application, certification, or petition permitted under the Act and these Rules, must do so by motion ("motion").

Rule 7. Filing Applications, Certifications, Petitions, Motions, or Other Papers ("Submissions").

- (a) Filing.** A submission is filed by delivering it to the Clerk or as otherwise directed by the Clerk in accordance with Rule 7(k).
- (b) Original and One Copy.** Except as otherwise provided, a signed original and one copy must be filed with the Clerk.
- (c) Form.** Unless otherwise ordered, all submissions must be:
 - (1) on 8½-by-11-inch opaque white paper; and
 - (2) typed (double-spaced) or reproduced in a manner that produces a clear black image.
- (d) Electronic Filing.** The Clerk, when authorized by the Court, may accept and file submissions by any reliable, and appropriately secure, electronic means.
- (e) Facsimile or Scanned Signature.** The Clerk may accept for filing a submission bearing a facsimile or scanned signature in lieu of the original signature. Upon acceptance, a submission bearing a facsimile or scanned signature is the original Court record.
- (f) Citations.** Each submission must contain citations to pertinent provisions of the Act.
- (g) Contents.** Each application and certification filed by the government must be approved and certified in accordance with the Act, and must contain the statements and other information required by the Act.
- (h) Contact Information in Adversarial Proceedings.**
 - (1) Filing by a Party Other Than the Government.** A party other than the government must include in the initial submission the party's full name, address, and telephone number, or, if the party is represented by counsel, the full name of the party and the party's counsel, as well as counsel's address, telephone number, facsimile number, and bar membership information.
 - (2) Filing by the Government.** In an adversarial proceeding, the initial

submission filed by the government must include the full names of the attorneys representing the United States and their mailing addresses, telephone numbers, and facsimile numbers.

(i) Information Concerning Security Clearances in Adversarial Proceedings. A party other than the government must:

- (1) state in the initial submission whether the party (or the party's responsible officers or employees) and counsel for the party hold security clearances;
- (2) describe the circumstances in which such clearances were granted; and
- (3) identify the federal agencies granting the clearances and the classification levels and compartments involved.

(j) Ex Parte Review. At the request of the government in an adversarial proceeding, the Judge must review *ex parte* and *in camera* any submissions by the government, or portions thereof, which may include classified information. Except as otherwise ordered, if the government files *ex parte* a submission that contains classified information, the government must file and serve on the non-governmental party an unclassified or redacted version. The unclassified or redacted version, at a minimum, must clearly articulate the government's legal arguments.

(k) Instructions for Delivery to the Court. A party may obtain instructions for making submissions permitted under the Act and these Rules by contacting the Clerk at (202) 357-6250.

Rule 8. Service.

(a) By a Party Other than the Government. A party other than the government must, at or before the time of filing a submission permitted under the Act and these Rules, serve a copy on the government. Instructions for effecting service must be obtained by contacting the Security and Emergency Planning Staff, United States Department of Justice, by telephone at (202) 514-2094.

(b) By the Government. At or before the time of filing a submission in an adversarial proceeding, the government must, subject to Rule 7(j), serve a copy by hand delivery or by overnight delivery on counsel for the other party, or, if the party is not represented by counsel, on the party directly.

(c) Certificate of Service. A party must include a certificate of service specifying the time and manner of service.

Rule 9. Time and Manner of Submission of Applications.

(a) Proposed Applications. Except when an application is being submitted following an emergency authorization pursuant to 50 U.S.C. §§ 1805(e), 1824(e), 1843, 1881b(d), or 1881c(d) ("emergency authorization"), or as otherwise permitted by the Court, proposed applications must be submitted by the government no later than seven days before the government seeks to have the matter entertained by the Court. Proposed applications submitted following an emergency authorization must be submitted as soon after such authorization as is reasonably practicable.

(b) Final Applications. Unless the Court permits otherwise, the final application,

including all signatures, approvals, and certifications required by the Act, must be filed no later than 10:00 a.m. Eastern Time on the day the government seeks to have the matter entertained by the Court.

(c) Proposed Orders. Each proposed application and final application submitted to the Court must include any pertinent proposed orders.

(d) Number of Copies. Notwithstanding Rule 7(b), unless the Court directs otherwise, only one copy of a proposed application must be submitted and only the original final application must be filed.

(e) Notice of Changes. No later than the time the final application is filed, the government must identify any differences between the final application and the proposed application.

Rule 10. Computation of Time. The following rules apply in computing a time period specified by these Rules or by Court order:

(a) Day of the Event Excluded. Exclude the day of the event that triggers the period.

(b) Compute Time Using Calendar Days. Compute time using calendar days, not business days.

(c) Include the Last Day. Include the last day of the period; but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday, or legal holiday.

Rule 11. Notice and Briefing of Novel Issues.

(a) Notice to the Court. If a submission by the government for Court action involves an issue not previously presented to the Court — including, but not limited to, a novel issue of technology or law — the government must inform the Court in writing of the nature and significance of that issue.

(b) Submission Relating to New Techniques. Prior to requesting authorization to use a new surveillance or search technique, the government must submit a memorandum to the Court that:

- (1) explains the technique;
- (2) describes the circumstances of the likely implementation of the technique;
- (3) discusses any legal issues apparently raised; and
- (4) describes the proposed minimization procedures to be applied.

At the latest, the memorandum must be submitted as part of the first proposed application or other submission that seeks to employ the new technique.

(c) Novel Implementation. When requesting authorization to use an existing surveillance or search technique in a novel context, the government must identify and address any new minimization or other issues in a written submission made, at the latest, as part of the application or other filing seeking such authorization.

(d) Legal Memorandum. If an application or other request for action raises an issue of law not previously considered by the Court, the government must file a memorandum of law in support of its position on each new issue. At the latest, the memorandum must be

submitted as part of the first proposed application or other submission that raises the issue.

Rule 12. Submission of Targeting and Minimization Procedures. In a matter involving Court review of targeting or minimization procedures, such procedures may be set out in full in the government's submission or may be incorporated by reference to procedures approved in a prior docket. Procedures that are incorporated by reference to a prior docket may be supplemented, but not otherwise modified, in the government's submission. Otherwise, proposed procedures must be set forth in a clear and self-contained manner, without resort to cross-referencing.

Rule 13. Correction of Misstatement or Omission; Disclosure of Non-Compliance.

(a) Correction of Material Facts. If the government discovers that a submission to the Court contained a misstatement or omission of material fact, the government, in writing, must immediately inform the Judge to whom the submission was made of:

- (1) the misstatement or omission;
- (2) any necessary correction;
- (3) the facts and circumstances relevant to the misstatement or omission;
- (4) any modifications the government has made or proposes to make in how it will implement any authority or approval granted by the Court; and
- (5) how the government proposes to dispose of or treat any information obtained as a result of the misstatement or omission.

(b) Disclosure of Non-Compliance. If the government discovers that any authority or approval granted by the Court has been implemented in a manner that did not comply with the Court's authorization or approval or with applicable law, the government, in writing, must immediately inform the Judge to whom the submission was made of:

- (1) the non-compliance;
- (2) the facts and circumstances relevant to the non-compliance;
- (3) any modifications the government has made or proposes to make in how it will implement any authority or approval granted by the Court; and
- (4) how the government proposes to dispose of or treat any information obtained as a result of the non-compliance.

Rule 14. Motions to Amend Court Orders. Unless the Judge who issued the order granting an application directs otherwise, a motion to amend the order may be presented to any other Judge.

Rule 15. Sequestration. Except as required by Court-approved minimization procedures, the government must not submit material for sequestration with the Court without the prior approval of the Presiding Judge. To obtain such approval, the government must, prior to tendering the material to the Court for sequestration, file a motion stating the circumstances of the material's acquisition and explaining why it is necessary for such material to be retained in the custody of the Court.

Rule 16. Returns.

(a) Time for Filing.

(1) Search Orders. Unless the Court directs otherwise, a return must be made and filed either at the time of submission of a proposed renewal application or within 90 days of the execution of a search order, whichever is sooner.

(2) Other Orders. The Court may direct the filing of other returns at a time and in a manner that it deems appropriate.

(b) Contents. The return must:

(1) notify the Court of the execution of the order;

(2) describe the circumstances and results of the search or other activity including, where appropriate, an inventory;

(3) certify that the execution was in conformity with the order or describe and explain any deviation from the order; and

(4) include any other information as the Court may direct.

Title V. Hearings, Orders, and Enforcement

Rule 17. Hearings.

(a) Scheduling. The Judge to whom a matter is presented or assigned must determine whether a hearing is necessary and, if so, set the time and place of the hearing.

(b) Ex Parte. Except as the Court otherwise directs or the Rules otherwise provide, a hearing in a non-adversarial matter must be *ex parte* and conducted within the Court's secure facility.

(c) Appearances. Unless excused, the government official providing the factual information in an application or certification and an attorney for the applicant must attend the hearing, along with other representatives of the government, and any other party, as the Court may direct or permit.

(d) Testimony; Oath; Recording of Proceedings. A Judge may take testimony under oath and receive other evidence. The testimony may be recorded electronically or as the Judge may otherwise direct, consistent with the security measures referenced in Rule 3.

Rule 18. Court Orders.

(a) Citations. All orders must contain citations to pertinent provisions of the Act.

(b) Denying Applications.

(1) Written Statement of Reasons. If a Judge denies the government's application, the Judge must immediately provide a written statement of each reason for the decision and cause a copy of the statement to be served on the government.

(2) Previously Denied Application. If a Judge denies an application or other request for relief by the government, any subsequent submission on the matter must be referred to that Judge.

(c) Expiration Dates. An expiration date in an order must be stated using Eastern Time and must be computed from the date and time of the Court's issuance of the order, or, if applicable, of an emergency authorization.

(d) Electronic Signatures. The Judge may sign an order by any reliable, appropriately secure electronic means, including facsimile.

Rule 19. Enforcement of Orders.

(a) Show Cause Motions. If a person or entity served with a Court order (the "recipient") fails to comply with that order, the government may file a motion for an order to show cause why the recipient should not be held in contempt and sanctioned accordingly. The motion must be presented to the Judge who entered the underlying order.

(b) Proceedings.

(1) An order to show cause must:

- (i)** confirm that the underlying order was issued;
- (ii)** schedule further proceedings; and
- (iii)** afford the recipient an opportunity to show cause why the recipient should not be held in contempt.

(2) A Judge must conduct any proceeding on a motion to show cause *in camera*. The Clerk must maintain all records of the proceedings in conformance with 50 U.S.C. § 1803(c).

(3) If the recipient fails to show cause for noncompliance with the underlying order, the Court may find the recipient in contempt and enter any order it deems necessary and appropriate to compel compliance and to sanction the recipient for noncompliance with the underlying order.

(4) If the recipient shows cause for noncompliance or if the Court concludes that the order should not be enforced as issued, the Court may enter any order it deems appropriate.

Title VI. Supplemental Procedures for Proceedings Under 50 U.S.C. § 1881a(h)

Rule 20. Scope. Together with the generally-applicable provisions of these Rules concerning filing, service, and other matters, these supplemental procedures apply in proceedings under 50 U.S.C. § 1881a(h).

Rule 21. Petition to Modify or Set Aside a Directive. An electronic communication service provider ("provider"), who receives a directive issued under 50 U.S.C. § 1881a(h)(1), may file a petition to modify or set aside such directive under 50 U.S.C. § 1881a(h)(4). A petition may be filed by the provider's counsel.

Rule 22. Petition to Compel Compliance With a Directive. In the event a provider fails to comply with a directive issued under 50 U.S.C. § 1881a(h)(1), the government may, pursuant to 50 U.S.C. § 1881a(h)(5), file a petition to compel compliance with the directive.

Rule 23. Contents of Petition. The petition must:

- (a) state clearly the relief being sought;
- (b) state concisely the factual and legal grounds for modifying, setting aside, or compelling compliance with the directive at issue;
- (c) include a copy of the directive and state the date on which the directive was served on the provider; and
- (d) state whether a hearing is requested.

Rule 24. Response.

- (a) **By Government.** The government may, within seven days following notification under Rule 28(b) that plenary review is necessary, file a response to a provider's petition.
- (b) **By Provider.** The provider may, within seven days after service of a petition by the government to compel compliance, file a response to the petition.

Rule 25. Length of Petition and Response; Other Papers.

- (a) **Length.** Unless the Court directs otherwise, a petition and response each must not exceed 20 pages in length, including any attachments (other than a copy of the directive at issue).
- (b) **Other papers.** No supplements, replies, or sur-replies may be filed without leave of the Court.

Rule 26. Notification of Presiding Judge. Upon receipt, the Clerk must notify the Presiding Judge that a petition to modify, set aside, or compel compliance with a directive issued under 50 U.S.C. § 1881a(h)(1) has been filed. If the Presiding Judge is not reasonably available when the Clerk receives a petition, the Clerk must notify each of the local Judges, in order of seniority on the Court, and, if necessary, each of the other Judges, in order of seniority on the Court, until a Judge who is reasonably available has received notification. The reasonably available Judge who receives notification will be the acting Presiding Judge ("Presiding Judge") for the case.

Rule 27. Assignment.

- (a) **Presiding Judge.** As soon as possible after receiving notification from the Clerk that a petition has been filed, and no later than 24 hours after the filing of the petition, the Presiding Judge must assign the matter to a Judge in the petition review pool established by 50 U.S.C. § 1803(e)(1). The Clerk must record the date and time of the assignment.
- (b) **Transmitting Petition.** The Clerk must transmit the petition to the assigned Judge as soon as possible but no later than 24 hours after being notified of the assignment by the Presiding Judge.

Rule 28. Review of Petition to Modify or Set Aside a Directive.

(a) Initial Review Pursuant to 50 U.S.C. § 1881a(h)(4)(D).

(1) A Judge must conduct an initial review of a petition to modify or set aside a directive within five days after being assigned such petition.

(2) If the Judge determines that the provider's claims, defenses, or other legal contentions are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the Judge must promptly deny such petition, affirm the directive, and order the provider to comply with the directive. Upon making such determination or promptly thereafter, the Judge must provide a written statement of reasons. The Clerk must transmit the ruling and statement of reasons to the provider and the government.

(b) Plenary Review Pursuant to 50 U.S.C. § 1881a(h)(4)(E).

(1) If the Judge determines that the petition requires plenary review, the Court must promptly notify the parties. The Judge must provide a written statement of reasons for the determination.

(2) The Judge must affirm, modify, or set aside the directive that is the subject of the petition within the time permitted under 50 U.S.C. §§ 1881a(h)(4)(E) and 1881a(j)(2).

(3) The Judge may hold a hearing or conduct proceedings solely on the papers filed by the provider and the government.

(c) Burden. Pursuant to 50 U.S.C. § 1881a(h)(4)(C), a Judge may grant the petition only if the Judge finds that the challenged directive does not meet the requirements of 50 U.S.C. § 1881a or is otherwise unlawful.

(d) Continued Effect. Pursuant to 50 U.S.C. § 1881a(h)(4)(F), any directive not explicitly modified or set aside by the Judge remains in full effect.

Rule 29. Review of Petition to Compel Compliance Pursuant to 50 U.S.C. § 1881a(h)(5)(C).

(a) The Judge reviewing the government's petition to compel compliance with a directive must, within the time permitted under 50 U.S.C. §§ 1881a(h)(5)(C) and 1881a(j)(2), issue an order requiring the provider to comply with the directive or any part of it, as issued or as modified, if the Judge finds that the directive meets the requirements of 50 U.S.C. § 1881a and is otherwise lawful.

(b) The Judge must provide a written statement of reasons for the determination. The Clerk must transmit the ruling and statement of reasons to the provider and the government.

Rule 30. *In Camera* Review. Pursuant to 50 U.S.C. § 1803(e)(2), the Court must review a petition under 50 U.S.C. § 1881a(h) and conduct related proceedings *in camera*.

Rule 31. Appeal. Pursuant to 50 U.S.C. § 1881a(h)(6) and subject to Rules 54 through 59 of these Rules, the government or the provider may petition the Foreign Intelligence Surveillance Court of Review ("Court of Review") to review the Judge's ruling.

Title VII. Supplemental Procedures for Proceedings Under 50 U.S.C. § 1861(f)

Rule 32. Scope. Together with the generally-applicable provisions of these Rules regarding filing, service, and other matters, these supplemental procedures apply in proceedings under 50 U.S.C. § 1861(f).

Rule 33. Petition Challenging Production or Nondisclosure Order.

(a) Who May File. The recipient of a production order or nondisclosure order under 50 U.S.C. § 1861 ("petitioner") may file a petition challenging the order pursuant to 50 U.S.C. § 1861(f). A petition may be filed by the petitioner's counsel.

(b) Time to File Petition.

(1) Challenging a Production Order. The petitioner must file a petition challenging a production order within 20 days after the order has been served.

(2) Challenging a Nondisclosure Order. A petitioner may not file a petition challenging a nondisclosure order issued under 50 U.S.C. § 1861(d) earlier than one year after the order was entered.

(3) Subsequent Petition Challenging a Nondisclosure Order. If a Judge denies a petition to modify or set aside a nondisclosure order, the petitioner may not file a subsequent petition challenging the same nondisclosure order earlier than one year after the date of the denial.

Rule 34. Contents of Petition. A petition must:

- (a)** state clearly the relief being sought;
- (b)** state concisely the factual and legal grounds for modifying or setting aside the challenged order;
- (c)** include a copy of the challenged order and state the date on which it was served on the petitioner; and
- (d)** state whether a hearing is requested.

Rule 35. Length of Petition. Unless the Court directs otherwise, a petition may not exceed 20 pages in length, including any attachments (other than a copy of the challenged order).

Rule 36. Request to Stay Production.

(a) Petition Does Not Automatically Effect a Stay. A petition does not automatically stay the underlying order. A production order will be stayed only if the petitioner requests a stay and the Judge grants such relief.

(b) Stay May Be Requested Prior to Filing of a Petition. A petitioner may request the Court to stay the production order before filing a petition challenging the order.

Rule 37. Notification of Presiding Judge. Upon receipt, the Clerk must notify the Presiding Judge that a petition challenging a production or nondisclosure order has been filed. If the Presiding Judge is not reasonably available when the Clerk receives the petition, the Clerk must

notify each of the local Judges, in order of seniority on the Court, and, if necessary, each of the other Judges, in order of seniority on the Court, until a Judge who is reasonably available has received notification. The reasonably available Judge who receives notification will be the acting Presiding Judge ("Presiding Judge") for the case.

Rule 38. Assignment.

- (a) **Presiding Judge.** Immediately after receiving notification from the Clerk that a petition has been filed, the Presiding Judge must assign the matter to a Judge in the petition pool established by 50 U.S.C. § 1803(e)(1). The Clerk must record the date and time of the assignment.
- (b) **Transmitting Petition.** The Clerk must transmit the petition to the assigned Judge as soon as possible but no later than 24 hours after being notified of the assignment by the Presiding Judge.

Rule 39. Initial Review.

- (a) **When.** The Judge must review the petition within 72 hours after being assigned the petition.
- (b) **Frivolous Petition.** If the Judge determines that the petition is frivolous, the Judge must:
 - (1) immediately deny the petition and affirm the challenged order;
 - (2) promptly provide a written statement of the reasons for the denial; and
 - (3) provide a written ruling, together with the statement of reasons, to the Clerk, who must transmit the ruling and statement of reasons to the petitioner and the government.
- (c) **Non-Frivolous Petition.**
 - (1) **Scheduling.** If the Judge determines that the petition is not frivolous, the Judge must promptly issue an order that sets a schedule for its consideration. The Clerk must transmit the order to the petitioner and the government.
 - (2) **Manner of Proceeding.** The judge may hold a hearing or conduct the proceedings solely on the papers filed by the petitioner and the government.

Rule 40. Response to Petition; Other Papers.

- (a) **Government's Response.** Unless the Judge orders otherwise, the government must file a response within 20 days after the issuance of the initial scheduling order pursuant to Rule 39(c). The response must not exceed 20 pages in length, including any attachments (other than a copy of the challenged order).
- (b) **Other Papers.** No supplements, replies, or sur-replies may be filed without leave of the Court.

Rule 41. Rulings on Non-frivolous Petitions.

- (a) **Written Statement of Reasons.** If the Judge determines that the petition is not frivolous, the Judge must promptly provide a written statement of the reasons for modifying, setting aside, or affirming the production or nondisclosure order.

(b) Affirming the Order. If the Judge does not modify or set aside the production or nondisclosure order, the Judge must affirm it and order the recipient promptly to comply with it.

(c) Transmitting the Judge's Ruling. The Clerk must transmit the Judge's ruling and written statement of reasons to the petitioner and the government.

Rule 42. Failure to Comply. If a recipient fails to comply with an order affirmed under 50 U.S.C. § 1861(f), the government may file a motion seeking immediate enforcement of the affirmed order. The Court may consider the government's motion without receiving additional submissions or convening further proceedings on the matter.

Rule 43. In Camera Review. Pursuant to 50 U.S.C. § 1803(e)(2), the Court must review a petition under 50 U.S.C. § 1861(f) and conduct related proceedings *in camera*.

Rule 44. Appeal. Pursuant to 50 U.S.C. § 1861(f)(3) and subject to Rules 54 through 59 of these Rules, the government or the petitioner may petition the Court of Review to review the Judge's ruling.

Title VIII. En Banc Proceedings

Rule 45. Standard for Hearing or Rehearing En Banc. Pursuant to 50 U.S.C. § 1803(a)(2)(A), the Court may order a hearing or rehearing en banc only if it is necessary to secure or maintain uniformity of the Court's decisions, or the proceeding involves a question of exceptional importance.

Rule 46. Initial Hearing En Banc on Request of a Party. The government in any proceeding, or a party in a proceeding under 50 U.S.C. § 1861(f) or 50 U.S.C. § 1881a(h)(4)-(5), may request that the matter be entertained from the outset by the full Court. However, initial hearings en banc are extraordinary and will be ordered only when a majority of the Judges determines that a matter is of such immediate and extraordinary importance that initial consideration by the en banc Court is necessary, and en banc review is feasible in light of applicable time constraints on Court action.

Rule 47. Rehearing En Banc on Petition by a Party.

(a) Timing of Petition and Response. A party may file a petition for rehearing en banc permitted under 50 U.S.C. § 1803(a)(2) no later than 30 days after the challenged order or decision is entered. In an adversarial proceeding in which a petition for rehearing en banc is permitted under § 1803(a)(2), a party must file a response to the petition within 14 days after filing and service of the petition.

(b) Length of Petition and Response. Unless the Court directs otherwise, a petition for rehearing en banc and a response to a petition for rehearing en banc each must not exceed 15 pages, including any attachments (other than the challenged order or decision).

Rule 48. Circulation of En Banc Petitions and Responses. The Clerk must, after consulting with the Presiding Judge and in a manner consistent with applicable security requirements, promptly provide a copy of any timely-filed en banc petition permitted under 50 U.S.C. § 1803(a)(2), and any timely-filed response thereto, to each Judge.

Rule 49. Court-Initiated En Banc Proceedings. A Judge to whom a matter has been presented may request that all Judges be polled with respect to whether the matter should be considered or reconsidered en banc. On a Judge's request, the Clerk must, after consulting with the Presiding Judge and in a manner consistent with applicable security requirements, promptly provide notice of the request, along with a copy of pertinent materials, to every Judge.

Rule 50. Polling.

(a) **Deadline for Vote.** The Presiding Judge must set a deadline for the Judges to submit their vote to the Clerk on whether to grant a hearing or rehearing en banc. The deadline must be communicated to all Judges at the time the petition or polling request is circulated.

(b) **Vote on Stay.** In the case of rehearing en banc, the Presiding Judge may request that all Judges also vote on whether and to what extent the challenged order or ruling should be stayed or remain in effect if rehearing en banc is granted, pending a decision by the en banc Court on the merits.

Rule 51. Stay Pending En Banc Review.

(a) **Stay or Modifying Order.** In accordance with 50 U.S.C. §§ 1803(a)(2)(B) and 1803(f), the Court en banc may enter a stay or modifying order while en banc proceedings are pending.

(b) **Statement of Position Regarding Continued Effect of Challenged Order.** A petition for rehearing en banc and any response to the petition each must include a statement of the party's position as to whether and to what extent the challenged order should remain in effect if rehearing en banc is granted, pending a decision by the en banc Court on the merits.

Rule 52. Supplemental Briefing. Upon ordering hearing or rehearing en banc, the Court may require the submission of supplemental briefs.

Rule 53. Order Granting or Denying En Banc Review.

(a) **Entry of Order.** If a majority of the Judges votes within the time allotted for polling that a matter be considered en banc, the Presiding Judge must direct the Clerk to enter an order granting en banc review. If a majority of the Judges does not vote to grant hearing or rehearing en banc within the time allotted for polling, the Presiding Judge must direct the Clerk to enter an order denying en banc review.

(b) **Other Issues.** The Presiding Judge may set the time of an en banc hearing and the time and scope of any supplemental hearing in the order granting en banc review. The

order may also address whether and to what extent the challenged order or ruling will be stayed or remain in effect pending a decision by the en banc Court on the merits.

Title IX. Appeals

Rule 54. How Taken. An appeal to the Court of Review, as permitted by law, may be taken by filing a petition for review with the Clerk.

Rule 55. When Taken.

(a) **Generally.** Except as the Act provides otherwise, a party must file a petition for review no later than 30 days after entry of the decision or order as to which review is sought.

(b) **Effect of En Banc Proceedings.** Following the timely submission of a petition for rehearing en banc permitted under 50 U.S.C. § 1803(a)(2) or the grant of rehearing en banc on the Court's own initiative, the time otherwise allowed for taking an appeal runs from the date on which such petition is denied or dismissed or, if en banc review is granted, from the date of the decision of the en banc Court on the merits.

Rule 56. Stay Pending Appeal. In accordance with 50 U.S.C. § 1803(f), the Court may enter a stay of an order or an order modifying an order while an appeal is pending.

Rule 57. Motion to Transmit the Record. Together with the petition for review, the party filing the appeal must also file a motion to transmit the record to the Court of Review.

Rule 58. Transmitting the Record. The Clerk must arrange to transmit the record under seal to the Court of Review as expeditiously as possible, no later than 30 days after an appeal has been filed. The Clerk must include a copy of the Court's statement of reasons for the decision or order appealed from as part of the record on appeal.

Rule 59. Oral Notification to the Court of Review. The Clerk must orally notify the Presiding Judge of the Court of Review promptly upon the filing of a petition for review.

Title X. Administrative Provisions

Rule 60. Duties of the Clerk.

(a) **General Duties.** The Clerk supports the work of the Court consistent with the directives of the Presiding Judge. The Presiding Judge may authorize the Clerk to delegate duties to staff in the Clerk's office or other designated individuals.

(b) **Maintenance of Court Records.** The Clerk:

(1) maintains the Court's docket and records — including records and recordings of proceedings before the Court — and the seal of the Court;

- (2) accepts papers for filing;
- (3) keeps all records, pleadings, and files in a secure location, making those materials available only to persons authorized to have access to them; and
- (4) performs any other duties, consistent with the usual powers of a Clerk of Court, as the Presiding Judge may authorize.

Rule 61. Office Hours. Although the Court is always open, the regular business hours of the Clerk's Office are 9:00 a.m. to 5:00 p.m. daily except Saturdays, Sundays, and legal holidays. Except when the government submits an application following an emergency authorization, or when the Court otherwise directs, any filing outside these hours will be recorded as received at the start of the next business day.

Rule 62. Release of Court Records.

(a) **Publication of Opinions.** The Judge who authored an order, opinion, or other decision may *sua sponte* or on motion by a party request that it be published. Upon such request, the Presiding Judge, after consulting with other Judges of the Court, may direct that an order, opinion or other decision be published. Before publication, the Court may, as appropriate, direct the Executive Branch to review the order, opinion, or other decision and redact it as necessary to ensure that properly classified information is appropriately protected pursuant to Executive Order 13526 (or its successor).

(b) **Other Records.** Except when an order, opinion, or other decision is published or provided to a party upon issuance, the Clerk may not release it, or other related record, without a Court order. Such records must be released in conformance with the security measures referenced in Rule 3.

(c) **Provision of Court Records to Congress.**

(1) **By the Government.** The government may provide copies of Court orders, opinions, decisions, or other Court records, to Congress, pursuant to 50 U.S.C. §§ 1871(a)(5), 1871(c), or 1881f(b)(1)(D), or any other statutory requirement, without prior motion to and order by the Court. The government, however, must contemporaneously notify the Court in writing whenever it provides copies of Court records to Congress and must include in the notice a list of the documents provided.

(2) **By the Court.** The Presiding Judge may provide copies of Court orders, opinions, decisions, or other Court records to Congress. Such disclosures must be made in conformance with the security measures referenced in Rule 3.

Rule 63. Practice Before Court. An attorney may appear on a matter with the permission of the Judge before whom the matter is pending. An attorney who appears before the Court must be a licensed attorney and a member, in good standing, of the bar of a United States district or circuit court, except that an attorney who is employed by and represents the United States or any of its agencies in a matter before the Court may appear before the Court regardless of federal bar membership. All attorneys appearing before the Court must have the appropriate security clearance.

Ciarlante, Nick

From: Ciarlante, Nick
Sent: Friday, March 23, 2018 2:02 PM
To: Lasseter, David F. (OLA); Boyd, Stephen E. (OLA); (b)(6), (b)(7)(C) per FBI
(b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Ciarlante, Nick; Glabe, Scott; Stewart, Mark; Hull, Cordell; Patel, Kash
Subject: Letter for AG Sessions and Director Wray
Attachments: CHM ltr to AG and DIRFBI re Document Production Requests - 23 Mar 18.pdf

Good afternoon,

Attached please find a letter from Chairman Nunes for Attorney General Sessions and Director Wray.

Best,
Nick

Nicholas A. Ciarlante
Executive Director
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515

O: (b) (6)

C:

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WASHINGTON, DC 20515
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DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

March 23, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, D.C. 20535

Dear Attorney General Sessions and Director Wray:

As you are aware, the House Permanent Select Committee on Intelligence (the Committee) is conducting an ongoing investigation into the abuse of surveillance authorities under the Foreign Intelligence Surveillance Act (FISA) by the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI). While the Committee appreciates the cooperation of DOJ and FBI with some past requests, I hope that you will expedite the process moving forward. Additionally, the Committee remains concerned about the DOJ's and FBI's unduly narrow construction—and withholding—of information relevant to the Committee's exercise of its ongoing constitutional oversight responsibilities.

To further the Committee's investigation, the Committee directs DOJ and FBI to, **no later than 5:00 pm on April 9, 2018**, provide in unredacted form, all documents and communications, including emails and text messages (from any messaging applications) referring or relating to any of the following topics: (1) the Steele dossier, to include any and all information that supported or related to the work undertaken by Christopher Steele; (2) all applications for surveillance under the Foreign Intelligence Surveillance Act against any person affiliated with the campaign for any candidate in the 2016 U.S. presidential election, and any documents and communications pertaining to the processes related to those applications; and (3) all matters where the below named DOJ/FBI individuals discussed, referenced, or undertook work regarding Christopher Steele, the Steele dossier, related FISA applications and the application process.

The Committee requests these materials, for the time period from January 1, 2016, to the present, from all government-provided accounts (classified and unclassified) and government-provided devices for the following current and/or former DOJ/FBI officials:

1. James Comey
2. Andrew McCabe
3. Peter Strzok
4. Lisa Page
5. (b)(6), (b)(7)(C) per FBI
6. Bill Priestap
7. Greg Brower
8. James Baker
9. Bruce Ohr

With respect to former FBI Deputy Director McCabe, the request should be construed to include any memoranda documenting his conversations or interactions with President Trump.

Sincerely,

A handwritten signature in blue ink, appearing to read "Devin Nunes", is written over the typed name and title.

Devin Nunes
Chairman

Bitar, Maher

From: Bitar, Maher
Sent: Friday, March 30, 2018 3:29 PM
To: Boyd, Stephen E. (OLA); Lasseter, David F. (OLA); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (DO) (FBI)
Cc: Travel, TB; Bergreen, Timothy; Bennett, Wells
Subject: HPSCI Minority - Bipartisan Cooperation
Attachments: 20180323 - HPSCI Majority Letter to FBI and DOJ.pdf

Stephen, David, (b)(6), (b)(7)(C) per FBI

In light of the HPSCI Majority's March 23, 2018 letter to Attorney General Sessions and Director Wray (attached), we wanted to reconfirm the Department and Bureau's commitment, reaffirmed by Deputy Attorney General to Ranking Member Schiff, that the Department and Bureau will communicate with the Committee on a bipartisan basis – to include any responses to the attached letter – and provide the Minority with equal access to or possession of any and all material provided physically or otherwise made available to the Majority. If there has been correspondence to date exclusively with the Majority, we would appreciate receiving copies for our situational awareness.

Appreciate your confirmation,

Maher

--

Maher Bitar
General Counsel (Minority)
U.S. House Permanent Select Committee on Intelligence (HPSCI)
HVC-304 - The Capitol
(b) (6)

Skaggs, Marissa

From: Skaggs, Marissa
Sent: Wednesday, April 4, 2018 12:51 PM
To: Lasseter, David F. (OLA); Boyd, Stephen E. (OLA); (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Ciarlante, Nick; Glabe, Scott; Stewart, Mark; Hull, Cordell; Patel, Kash
Subject: Letter for DAG Rosenstein and Director Wray
Attachments: 2018_04_04_12_39_29.pdf

Good afternoon,

Attached please find a letter from Chairman Nunes for Deputy Attorney General Rosenstein and Director Wray.

Best regards,
Marissa

Marissa Skaggs
Policy Advisor
House Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515
(b) (6)

Devin Nunes, California, CHAIRMAN

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

April 4, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

During our last in-person meeting to discuss the August 24, 2017, subpoenas issued by this Committee to the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI)—which remain in force—you expressed a desire to restore a constructive working relationship with the Committee, and specifically asked that we seek to proceed on a more informal basis without the need for detailed written communications.

At your request, I have endeavored to execute the Committee's oversight responsibilities more informally. More than a month ago, on February 27, 2018, I requested Director Wray's assistance in gaining access to an unredacted version of an Electronic Communication (EC) related to the opening of an FBI counterintelligence investigation into the Trump campaign and responsive to the August 24 subpoenas, which had been made available to the Committee in heavily redacted form. I made Deputy Attorney General Rosenstein aware of this request in early March. On March 14, 2018, Committee investigators were given access to a still heavily redacted version of the EC, which—as I informed Director Wray the next day via phone—was unsatisfactory.

On March 23, 2018, FBI's Assistant Director for Legislative Affairs informed the Committee that FBI would refuse to further unredact the EC based on its supposed sensitivity. The

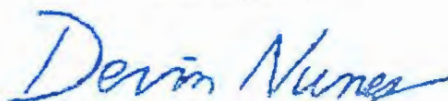
document in question is not highly classified, and law enforcement sources have apparently not been shy about leaking to the press information that the Department and Bureau refuse to share with Congress.

Additionally, DOJ has for months restricted Member access to other documents responsive to the August 24 subpoenas, including four Foreign Intelligence Surveillance Act (FISA) applications targeting Carter Page. As I made clear in a November 2, 2017, letter to Deputy Attorney General Rosenstein, my initial designation of Rep. Trey Gowdy to review the documents was “made without prejudice to, and shall not limit or waive the authority of all Members of the House Permanent Select Committee on Intelligence from reviewing the documents at a later date upon request.”

The Committee communicated such a request via email to DOJ’s Office of Legislative Affairs (OLA) on February 7, 2018, and followed up—again via email—on February 8, February 14, and February 26. After nearly three weeks without a meaningful response, OLA finally informed the Committee on February 26, 2018, that “the Department has not agreed to allow further member access.” Particularly given that multiple members of other committees have been the beneficiaries of such access, this arbitrary resistance to legitimate oversight is unacceptable.

Therefore, in accordance with the August 24, 2017 subpoenas, you are hereby directed to produce to the Committee, by Wednesday, April 11, 2018, an unredacted version of the EC, along with any and all responsive documents previously made available for *in camera* review, including but not limited to the Carter Page FISA applications. Be advised that failure to comply in a satisfactory manner will result in the Committee pursuing all appropriate legal remedies, including seeking civil enforcement of the August 24 subpoenas in federal district court.

Best regards,



Devin Nunes
Chairman

Bitar, Maher

From: Bitar, Maher
Sent: Thursday, April 5, 2018 10:54 AM
To: Lasseter, David F. (OLA); Boyd, Stephen E. (OLA); (b)(6), (b)(7)(C) per FBI (DO) (FBI)
Cc: Bergreen, Timothy; Bennett, Wells
Subject: RE: HPSCI Minority - Bipartisan Cooperation
Attachments: 20180404 - HPSCI Chairman Nunes Letter to DOJ and FBI on CI Investigation.pdf

Stephen, David, (b)(6), (b)(7)(C) per FBI

As you may have seen, our Majority shared with select outlets yesterday evening the new attached letter sent by Chairman Nunes to DAG Rosenstein and Director Wray. (See [here](#) and [here](#).)

This letter indicates that the Majority was given access on March 14, 2018 to a document that appears to have less information redacted than the version made available earlier to both the Majority and Minority. To ensure equal access, Tim and I would like to review that specific document, as presented to the Majority. We are available tomorrow morning.

Also, is there additional correspondence between your agencies and our Majority that we should be aware of, or documents that have been made available? We will be briefing the Ranking Member and we want to make sure we can represent that FBI and DOJ have shared with us, and made available to us, all information also provided to the Majority.

Thanks,

Maher

—
Maher Bitar
General Counsel (Minority)
U.S. House Permanent Select Committee on Intelligence (HPSCI)
HVC-304 - The Capitol
(b) (6)

From: Bitar, Maher
Sent: Monday, April 02, 2018 4:06 PM
To: 'Lasseter, David F. (OLA)' <David.F.Lasseter@usdoj.gov>; Boyd, Stephen E. (OLA) (b)(6), (b)(7)(C) per FBI (DO) (FBI); (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Bergreen, Timothy (b)(6); (b)(6) >; Bennett, Wells
Subject: RE: HPSCI Minority - Bipartisan Cooperation

Thank you, David, for the confirmation. Much appreciated.

From: Lasseter, David F. (OLA) [<mailto:David.F.Lasseter@usdoj.gov>]
Sent: Monday, April 02, 2018 2:54 PM

Sent: Monday, April 02, 2018 1:27 PM

To: Bitar, Maher (b) (6) Boyd, Stephen E. (OLA) (b) (6)
(b)(6), (b)(7)(C) per FBI (DO) (FBI) (b)(6), (b)(7)(C) per FBI
Cc: Bergreen, Timothy (b) (6) Bennett, Wells
(b) (6)

Subject: RE: HPSCI Minority - Bipartisan Cooperation

Mahe—good afternoon. Hope all is well.

As has been the Department's practice heretofore, we would still plan to provide information to both the majority and minority in an equal fashion.

Thanks,
David

From: Bitar, Maher (b) (6)

Sent: Friday, March 30, 2018 3:29 PM

To: Boyd, Stephen E. (OLA) (b) (6) Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>;
(b)(6), (b)(7)(C) per FBI (DO) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Cc: Travel, TB (b) (6); Bergreen, Timothy (b) (6)
Bennett, Wells (b) (6)

Subject: HPSCI Minority - Bipartisan Cooperation

Duplicative Material



Mangum, Anela M. (OLA)

From: Mangum, Anela M. (OLA)
Sent: Friday, April 06, 2018 5:32 PM
To: Patel, Kash; Stewart, Mark; Nelson, Damon; Glabe, Scott;
(b)(6) - Chris Joyner Email Address (b)(6) - Christian Cook Email Address
(b)(6) - Michael Casey Email Address (b)(6) - Mark Epley Email Address
Cc: Lasseeter, David F. (OLA); Escalona, Prim F. (OLA); Boyd, Stephen E. (OLA)
Subject: Letter from AAG Stephen Boyd
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good evening,

Please find attached a response to Chairman Nunes's April 4, 2018, letter. A hard copy will be delivered on Monday, April 9, 2018.

Best,
Anela M. Mangum
Confidential Assistant
Office of Legislative Affairs
U.S. Department of Justice
Phone: 202-514-4828
Fax: 202-514-4482



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Devin Nunes
House Permanent Select Committee on Intelligence
Chairman
U.S. House of Representatives
Washington, DC 20510

APR 06 2018

Dear Mr. Chairman:

This responds to your letter to the Deputy Attorney General and the Director of the Federal Bureau of Investigation (FBI) dated April 4, 2018, requesting expanded access for other members of the House Permanent Select Committee on Intelligence (Committee) to certain classified documents.

The Department of Justice (Department) and the FBI have sought to accommodate the Committee's legitimate oversight inquiries in a manner consistent with relevant legal precedents, the Department's significant law enforcement and national security responsibilities, and Executive Branch confidentiality interests. To date, that accommodation has occurred through briefings and numerous *in camera* reviews of classified materials by the Chairman and Ranking Member (or their designees) and designated Committee staff.

With respect to a request made by Speaker of the House Paul Ryan and you that certain documents be made available to members of the Committee beyond the Chairman and Ranking Members (or their designees), the Department and the FBI agree to permit all members of the Committee to review the FISA applications and renewals *in camera* at the Department. The Department considers this an extraordinary accommodation based on unique facts and circumstances. We are also extending this review opportunity to the members of the Senate Select Committee on Intelligence, and the Department will be in contact to arrange the appropriate review sessions in the near future.

The Honorable Devin Nunes
Page Two

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Boyd Escalona / fox".

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Paul Ryan
Speaker of the House

The Honorable Adam Schiff
House Permanent Select Committee on Intelligence
Ranking Member

The Honorable Richard Burr
Senate Select Committee on Intelligence
Chairman

The Honorable Mark Warner
Senate Select Committee on Intelligence
Vice Chairman

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:50 PM
To: (b)(6) - Sarah King Email Address
Subject: Document Review - Rep. King
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. King would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 09, 2018 5:51 PM
To: (b)(6) - Jason Galanes Email Address
Subject: Document Review - Rep. LoBiondo
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. LoBiondo would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:51 PM
To: (b)(6) - Jessica Moore Email Address
Subject: Document Review - Rep. Rooney
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Rooney would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:52 PM
To: (b)(6) - Joshua Salapeter Email Address
Subject: Document Review - Rep. Ros-Lehtinen
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Ros-Lehtinen would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:52 PM
To: (b)(6) - Adam Howard Email Address
Subject: Document Review - Rep. Turner
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Turner would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:52 PM
To: (b)(6) - Derek Harley Email Address
Subject: Document Review: Rep. Wenstrup
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Wenstrup would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:53 PM
To: (b)(6) - Chris Harmer Email Address
Subject: Document Review - Rep. Stewart
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Stewart would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:53 PM
To: (b)(6) - Jonah Schumate Email Address
Subject: Document Review - Rick Crawford
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Crawford would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:55 PM
To: (b)(6) - Cachavious English Email Address
Subject: Document Review: Rep. Sewell
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Sewell would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:55 PM
To: (b)(6) - Kim Rudolph Email Address
Subject: Document Review: Rep. Carson
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Carson would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:55 PM
To: (b)(6) - Josh Connolly Email Address
Subject: Document Review: Rep. Speier
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Speier would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 09, 2018 5:56 PM
To: (b)(6) - Juan Hinojosa Email Address
Subject: Document Review: Rep. Quigley
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Quigley would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 09, 2018 5:56 PM
To: (b)(6) - Danny Meza Email Address
Subject: Document Review: Rep. Castro
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Castro would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 9, 2018 5:56 PM
To: (b)(6) - Jami Burgess Email Address
Subject: Document Review: Rep. Heck
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Heck would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Ginsburg, Andrew

From: Ginsburg, Andrew
Sent: Tuesday, April 10, 2018 9:55 AM
To: Johnson, Joanne E. (OLA); Evans, Alex
Subject: FW: Document Review: Rep. Swalwell
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Including our new Chief of Staff, Alex Evans.

Andrew S. Ginsburg
Legislative Director
Congressman Eric Swalwell (CA-15)
129 Cannon House Office Building
Washington, DC 20515

(b) (6)

swalwell.house.gov



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From: Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Sent: Monday, April 9, 2018 6:51 PM
To: Ginsburg, Andrew (b) (6)
Subject: FW: Document Review: Rep. Swalwell

Good evening Andrew:

I received a bounceback re: below. Could you refer below the Chief of Staff?

Thank you,

Joanne Johnson
Attorney-Advisor
OLA/DOJ
202-305-8313

From: Johnson, Joanne E. (OLA)
Sent: Monday, April 09, 2018 5:56 PM
To: (b)(6) - Ricky Le Email Address
Subject: Document Review: Rep. Swalwell

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Swalwell would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Ciarlante, Nick

From: Ciarlante, Nick
Sent: Tuesday, April 10, 2018 5:06 PM
To: Boyd, Stephen E. (OLA); Lasseeter, David F. (OLA)
Cc: Ciarlante, Nick; Stewart, Mark; Glabe, Scott; Patel, Kash; Hull, Cordell
Subject: Letter from Chairman Nunes
Attachments: CHM ltr to Stephen Boyd re Response to 6 Apr 18 Letter - 10 Apr 18.pdf

Stephen,

Attached please find a letter from Chairman Nunes.

Best,
Nick

Nicholas A. Ciarlante
Executive Director
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515

O: (b) (6)
C: (u) (u)

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Devin Nunes, California, CHAIRMAN

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Rick Crawford, Arkansas
Trey Gowdy, South Carolina
Elise M. Stefanik, New York
Will Hurd, Texas

Adam B. Schiff, California,
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Terri A. Sewell, Alabama
André Carson, Indiana
Jackie Speier, California
Mike Quigley, Illinois
Eric Swalwell, California
Joaquin Castro, Texas
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Paul D. Ryan, SPEAKER OF THE HOUSE
Nancy Pelosi, DEMOCRATIC LEADER

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

TIMOTHY S. BERGREEN
MINORITY STAFF DIRECTOR

April 10, 2018

Mr. Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Mr. Boyd:

The Committee is in receipt of your letter of April 6, 2018, and will work with you to arrange *in camera* reviews at the Department of Justice (DOJ) of the Foreign Intelligence Surveillance Act (FISA) applications targeting Carter Page. These arrangements are without prejudice to, and the Committee reserves the right to direct, future production of the applications pursuant to the subpoenas issued to DOJ and the Federal Bureau of Investigation (FBI) on August 24, 2017.

Additionally, your letter failed to address the other documents responsive to the subpoenas previously made available for *in camera* review, including an Electronic Communication (EC) related to the opening of an FBI counterintelligence investigation into the Trump campaign. The Committee is legally entitled to production of those documents, and you have not identified any purported legal basis for refusing to provide them. Consistent with my letter of April 4, 2018, the Committee expects that these documents—including an unredacted version of the EC—will be delivered to the Capitol by tomorrow's deadline.

Withholding these documents frustrates the Committee's exercise of its constitutional oversight responsibility, and any purported legal grounds for non-compliance must be asserted in writing with your response tomorrow, or will be deemed to have been waived. I remind you that failure to timely comply will result in appropriate action by the Committee, including civil enforcement of the August 24 subpoenas.

Sincerely,



Devin Nunes
Chairman

Fritcke, Emily

From: Fritcke, Emily
Sent: Wednesday, April 11, 2018 11:50 AM
To: Johnson, Joanne E. (OLA)
Subject: FW: Document Review: Rep. Himes
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Hi Joanne,

Would Congressman Himes be able to come review the documents this Friday, April 13—perhaps 9:00 am – Noon?

Emily

From: Henson, Mark
Sent: Tuesday, April 10, 2018 3:04 PM
To: Fritcke, Emily (b) (6)
Subject: FW: Document Review: Rep. Himes

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Monday, April 09, 2018 5:55 PM
To: Henson, Mark (b) (6)
Subject: Document Review: Rep. Himes

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Himes would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Thursday, April 12, 2018 6:47 PM
To: Glabe, Scott
Cc: Ciarlante, Nick; Boyd, Stephen E. (OLA); Stewart, Mark; Patel, Kash; Hull, Cordell
Subject: RE: Letter from Chairman Nunes

Scott—good evening. The Department has not yet decided to extend to additional members the viewing opportunity of the other documents previously viewed by select members and cleared staff. The Department will make available the latest unredacted EC and the FISAs.

Thanks,
David

From: Glabe, Scott (b) (6)
Sent: Wednesday, April 11, 2018 8:07 PM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Ciarlante, Nick (b) (6); Boyd, Stephen E. (OLA) (b) (6)
Stewart, Mark (b) (6); Patel, Kash (b) (6) Hull, Cordell
(b) (6)
Subject: Re: Letter from Chairman Nunes

I understand that the FISA applications will be available but am inquiring about the other documents responsive to the subpoenas and previously made available for in camera review.

Are they also available for review by all Committee members?

On Apr 11, 2018, at 7:59 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:

Scott—I sent an email earlier stating that y'all can come visit the FISAs that have had redactions removed. Also open to the additional HPSCI members.

Thanks,
David

David F. Lasseter

On Apr 11, 2018, at 19:55, Glabe, Scott (b) (6) wrote:

Stephen and David—

Thank you for facilitating the review and meeting today.

Can we expect a written response regarding the other documents—besides the EC and the FISA applications—covered by the Chairman's April 4 and 10 letters?

Best

Scott,
Scott


On Apr 10, 2018, at 7:29 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:

Received Nick. We will be back in touch tomorrow regarding the other issue raised in the letter.

Thanks,
David

From: Ciarlante, Nick (b) (6)
Sent: Tuesday, April 10, 2018 5:06 PM
To: Boyd, Stephen E. (OLA) (b) (6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Ciarlante, Nick (b) (6); Stewart, Mark (b) (6); Glabe, Scott (b) (6); Patel, Kash (b) (6); Hull, Cordell (b) (6)
Subject: Letter from Chairman Nunes

Duplicative Material



Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Friday, April 13, 2018 9:31 AM
To: Patel, Kash; Glabe, Scott
Subject: FW: Document Review: Rep. Stefanik
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf

Kash/Scott: I tried to call you but received your voicemail. I wanted to let you know that sent emails to the HPSCI Members to facilitate their review of documents. I heard back from Rep. Stefanik, who will be arriving today at DOJ at 1:30. See below and attached. As noted below, we indicated that no staff may attend except the cleared HPSCI staff who previously reviewed the documents. (Are either of you coming with the Member? If so, I will need to add you to the Visitor Center notification).

Please let me know if you have any questions. I'm at 202-305-8313.

Thank you,

Joanne

From: Johnson, Joanne E. (OLA)
Sent: Wednesday, April 11, 2018 12:32 PM
To: Cosci (Hunter), Emily (b) (6)
Cc: Sherer (Kratovil), Lindley (b) (6)
Subject: RE: Document Review: Rep. Stefanik

Good afternoon Emily:

Yes, 1:30 will work on Friday. Only the Member is permitted to review the documents. No staff may attend except the cleared HPSCI staff who previously reviewed the documents. (If any of these HPSCI staffers attends with the Member, the staffer will need to submit his/her clearance to the Department in advance of the review).

Thank you,

Joanne Johnson
Attorney-Advisor
OLA/DOJ
202-305-8313

From: Cosci (Hunter), Emily (b) (6)
Sent: Wednesday, April 11, 2018 9:50 AM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Cc: Sherer (Kratovil), Lindley (b) (6)
Subject: RE: Document Review: Rep. Stefanik

Subject: RE: Document Review: Rep. Stefanik

Hi Joanne—Thanks for reaching out. Can we schedule time for the Congresswoman to review the documents this Friday afternoon at around 1:30 PM?

Thanks,

Emily Hunter Cosci
Director of Scheduling
Congresswoman Elise Stefanik (NY-21)
318 Cannon House Office Building | Washington, D.C. 20515
t| 202.225.4611 e| [REDACTED] (b) (6)



Please [click here](#) to subscribe to Congresswoman Stefanik's newsletter

From: Sherer (Kratovil), Lindley
Sent: Tuesday, April 10, 2018 9:08 AM
To: Cosci (Hunter), Emily [REDACTED] (b) (6)
Subject: FW: Document Review: Rep. Stefanik

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Monday, April 9, 2018 5:54 PM
To: Sherer (Kratovil), Lindley [REDACTED] (b) (6)
Subject: Document Review: Rep. Stefanik

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Stefanik would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Friday, April 13, 2018 6:50 PM
To: Nelson, Damon
Cc: Patel, Kash; Glabe, Scott; Johnson, Joanne E. (OLA)
Subject: Re: HPSCI Member FISA reviews

I don't believe anyone in our office reached out to individual member offices. They may have contacted us but the inverse did not happen.

Joanne—please confirm.

David F. Lasseter

> On Apr 13, 2018, at 18:43, Nelson, Damon (b) (6) wrote:
>
> Thank you. It may be a result of OLA reaching out directly to the offices. We will have to let the personal office Staff know to loop us in if they schedule a visit.
>
> Sent from my iPhone
>
>> On Apr 13, 2018, at 6:39 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:
>>
>> Rgr. I just want y'all to have the opportunity to interact with your members and provide guidance as needed.
>>
>>
>> David F. Lasseter
>>
>>> On Apr 13, 2018, at 18:29, Nelson, Damon (b) (6) wrote:
>>>
>>> Ok. Also, I do not believe Stefanik's Staff coordinated with us. So, we weren't aware she was there.
>>>
>>> Sent from my iPhone
>>>
>>>> On Apr 13, 2018, at 6:28 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:
>>>>
>>>> The staff who have viewed them.

>>>>
>>>>
>>>> David F. Lasseter
>>>>
>>>>> On Apr 13, 2018, at 18:19, Nelson, Damon (b) (6) wrote:
>>>>>
>>>>> So, more than the two that have seen the docs can go?
>>>>>
>>>>> Sent from my iPhone
>>>>>
>>>>>> On Apr 13, 2018, at 6:09 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:
>>>>>>
>>>>>>> Fellas—good afternoon. Today Rep Stefanik viewed the documents along with multiple HPSCI minority members. There were no majority staffers present; however, there was a minority staffer present to discuss the materials with her. Going forward please have a majority staffer present when you have HPSCI majority members viewing the documents in order to answer questions.
>>>>>>>
>>>>>>>> The Department will not have staff present in the room during these reviews. We will be available to escort members to and from the visitors center and for limited questions from the members when necessary.
>>>>>>>>
>>>>>>>> Thanks,
>>>>>>>> David
>>>>>>>>
>>>>>>>>
>>>>>>>> David F. Lasseter

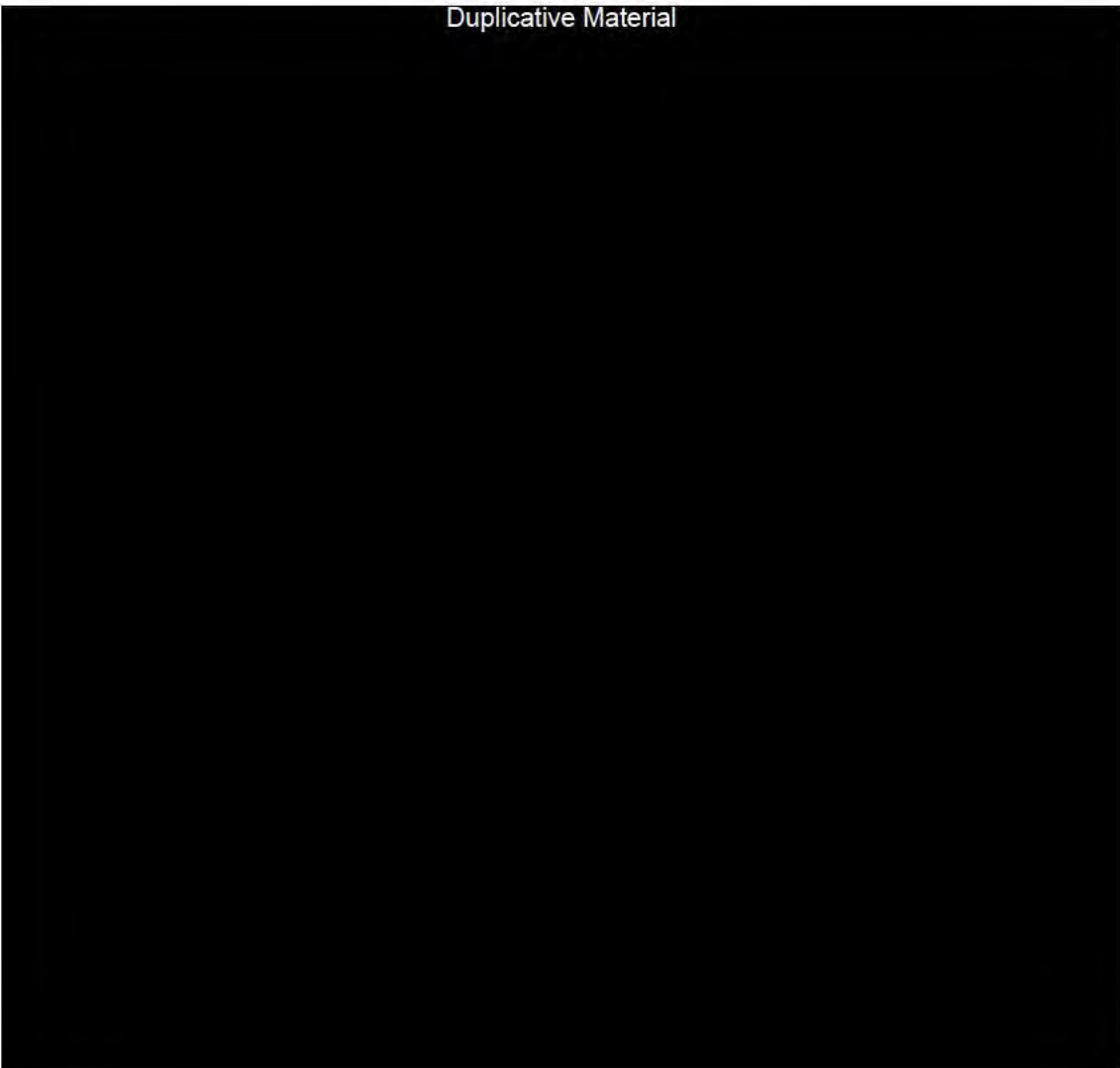
Glabe, Scott

From: Glabe, Scott
Sent: Friday, April 13, 2018 6:53 PM
To: Lasseter, David F. (OLA)
Cc: Nelson, Damon
Subject: Fwd: Document Review: Rep. Stefanik
Attachments: 2018-4-6 Expanded Access to Documents - Nunes.pdf; ATT00001.htm

Multiple member offices received a version of this email.

From: Johnson, Joanne E. (OLA)
[mailto:Joanne.E.Johnson@usdoj.gov]
Sent: Monday, April 9, 2018 5:54 PM
To: Sherer (Kratovil), Lindley (b) (6)
Subject: Document Review: Rep. Stefanik

Duplicative Material



Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Friday, April 13, 2018 7:31 PM
To: Nelson, Damon; Lasseeter, David F. (OLA)
Cc: Patel, Kash; Glabe, Scott
Subject: RE: Document Review - Rep. Conaway
Attachments: FW: Document Review: Rep. Stefanik.msg

Good evening: I think I can explain the confusion. See attached. I responded to Rep. Stefanik's staffer re: the document review, indicating that no staff may attend except the cleared HPSCI staff who previously reviewed the documents and that if any of these HPSCI staffers attends with the Member, the staffer will need to submit his/her clearance to the Department in advance of the review. I also emailed Kash and Scott this morning asking if they would be attending the review. I tried calling Kash, as well. I did not hear back.

I hope this is helpful.

Thank you,

Joanne Johnson
Attorney-Advisor
OLA/DOJ
202-305-8313

From: Nelson, Damon (b) (6)
Sent: Friday, April 13, 2018 6:59 PM
To: Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>; Patel, Kash (b) (6); Glabe, (b) (6)
Subject: Fwd: Document Review - Rep. Conaway

From: "Johnson, Joanne E. (OLA)" <Joanne.E.Johnson@usdoj.gov>
Date: April 9, 2018 at 5:49:57 PM EDT
To: (b)(6) - Mark Williams Email Address
Subject: Document Review - Rep. Conaway

Good afternoon:

I am following up on the attached letter to Chairman Nunes. To the extent that Rep. Conaway would like to review the documents outlined in the attached letter, I will be the point of contact for scheduling the

review. We recommend allotting at least two to three hours to review these documents. I look forward to hearing from you.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Patel, Kash

From: Patel, Kash
Sent: Wednesday, April 18, 2018 3:21 PM
To: Lasseter, David F. (OLA); Ciarlante, Nick; Boyd, Stephen E. (OLA); (b)(6), (b)(7)(C) per FBI
(b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Glabe, Scott; Stewart, Mark; Hull, Cordell
Subject: RE: Letter for AG Sessions and Director Wray
Attachments: CHM ltr to AG and DIRFBI re Document Production Requests - 23 Mar 18.pdf

All,

Just following-up on the below request from the Chairman to AG Sessions and Director Wray (letter attached for easy reference), requesting production of certain communications. The deadline in the letter was April 9, 2018. Please let us know when DOJ/FBI will be providing the requested material. Thanks very much.

Regards,
Kash

Kashyap P. Patel
National Security Advisor
House Permanent Select Committee on Intelligence

Desk: (b) (6)
Cell: (b) (6)
NSTS: (b) (6)

From: Lasseter, David F. (OLA) [mailto:David.F.Lasseter@usdoj.gov]
Sent: Friday, March 23, 2018 3:06 PM
To: Ciarlante, Nick (b) (6); Boyd, Stephen E. (OLA) (b) (6); (b)(6), (b)(7)(C) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Glabe, Scott (b) (6); Stewart, Mark (b) (6); Hull, Cordell (b) (6); Patel, Kash (b) (6)
Subject: RE: Letter for AG Sessions and Director Wray

Received

From: Ciarlante, Nick (b) (6)
Sent: Friday, March 23, 2018 2:02 PM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Boyd, Stephen E. (OLA) (b) (6); (b)(6), (b)(7)(C) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Ciarlante, Nick (b) (6); Glabe, Scott (b) (6); Stewart, Mark (b) (6); Hull, Cordell (b) (6); Patel, Kash (b) (6)
Subject: Letter for AG Sessions and Director Wray

Duplicative Material

Burwell, Carter (Judiciary-Rep)

From: Burwell, Carter (Judiciary-Rep)
Sent: Wednesday, May 2, 2018 3:38 PM
To: Lasseter, David F. (OLA)
Cc: Hanke, David (Intelligence); Johnson, Joanne E. (OLA)
Subject: RE: Page Fisa Applications

Ok.

From: Lasseter, David F. (OLA) [mailto:David.F.Lasseter@usdoj.gov]
Sent: Wednesday, May 02, 2018 1:48 PM
To: Burwell, Carter (Judiciary-Rep) (b) (6)
Cc: Hanke, David (Intelligence) (b) (6); Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Subject: RE: Page Fisa Applications

Carter—staff level review is limited to the SJC/SSCI staff who have previously viewed them. We can get you those names if you need them.

Thanks,
David

From: Burwell, Carter (Judiciary-Rep) (b) (6)
Sent: Wednesday, May 2, 2018 12:48 PM
To: Lasseter, David F. (OLA) <dlasseter@imd.usdoj.gov>
Cc: Hanke, David (Intelligence) (b) (6); Johnson, Joanne E. (OLA) <jojohnson@imd.usdoj.gov>
Subject: RE: Page Fisa Applications

Thanks, David. I'll let our schedulers know and recommend that they try to coordinate directly. Are staff able to review? It might be helpful for me to walk Senator Cornyn through the applications but understand if you all are limiting review to members.

Carter

From: Lasseter, David F. (OLA) [mailto:David.F.Lasseter@usdoj.gov]
Sent: Monday, April 30, 2018 2:27 PM
To: Burwell, Carter (Judiciary-Rep) (b) (6)
Cc: Hanke, David (Intelligence) (b) (6); Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Subject: RE: Page Fisa Applications

Hey fellas hope all is well. They are here at the Department for viewing as referenced in the attached. Due to the number of Congressional reviews we are currently undertaking (6 committees) we need to conduct these viewings here. All HPSCI members are following that protocol with respect to these documents.

Just let us know when the Senator would like to come by the Department.

Thanks,
David

From: Burwell, Carter (Judiciary-Rep) <(b) (6)>
Sent: Monday, April 30, 2018 10:23 AM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Hanke, David (Intelligence) (b) (6)
Subject: Page Fisa Applications

Hi David,

Senator Cornyn would like to review the FISA applications/renewals on Carter Page. You were kind enough to arrange a briefing for us a few weeks. I'm adding Dave Hanke in case this is more readily achievable through SSCI.

Many thanks.

Carter

Carter Burwell
Chief Counsel, Judiciary Committee
Senator John Cornyn
(b) (6)

Lassester, David F. (OLA)

From: Lassester, David F. (OLA)
Sent: Monday, May 7, 2018 10:48 AM
To: Burwell, Carter (Judiciary-Rep)
Cc: Johnson, Joanne E. (OLA); Kerr, Paige (Cornyn); Ziegler, Emily (Cornyn); Hanke, David (Intelligence)
Subject: RE: Page Fisa Applications

I would recommend pulling Tully or one of the other staffers who has reviewed these documents in detail

From: Burwell, Carter (Judiciary-Rep) (b) (6)
Sent: Sunday, May 6, 2018 8:29 AM
To: Lassester, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>; Kerr, Paige (Cornyn)
(b) (6); Ziegler, Emily (Cornyn) (b) (6); Hanke, David (Intelligence) (b) (6)
Subject: Re: Page Fisa Applications

Understood. It might be helpful for someone from doj or ssci to be there.

From: Lassester, David F. (OLA)
Sent: Sunday, May 6, 2018 7:30 AM
To: Burwell, Carter (Judiciary-Rep)
Cc: Johnson, Joanne E. (OLA); Kerr, Paige (Cornyn); Ziegler, Emily (Cornyn); Hanke, David (Intelligence)
Subject: Re: Page Fisa Applications

We won't be able to lift the limitations unfortunately. He could pull one of the SSCI staffers who has viewed them or we could possibly review them generally with him. As you know they are fact based applications so it would just be the time necessary to read them.

David F. Lassester

On May 4, 2018, at 13:35, Burwell, Carter (Judiciary-Rep) (b) (6) wrote:

Adding back in Lassester. Since neither Dave Hanke (Senator Cornyn's SSCI staffer) nor I (Senator Cornyn's Judiciary staffer) have prior access to the Fisa apps (but I think we were both briefed on the apps), we can't help to staff Senator Cornyn, so right now he'll be flying solo, which can be dangerous for everyone. Kindly let us know if DOJ wants to adjust its limitations.

Carter

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Friday, May 04, 2018 1:30 PM
To: Burwell, Carter (Judiciary-Rep) (b) (6); Kerr, Paige (Cornyn) (b) (6)
Cc: Ziegler, Emily (Cornyn) (b) (6)
Subject: RE: Page Fisa Applications

Thanks, Carter. Can you let me know if the Senator will be coming alone or with staff? (If staff will be joining, can you identify who it will be, as I will need to inform the Visitor Center for access? As David noted, staff level review is limited to the SJC/SSCI staff who previously viewed them). Thank you, Joanne

From: Burwell, Carter (Judiciary-Rep) (b) (6)
Sent: Friday, May 04, 2018 1:24 PM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>; Kerr, Paige (Cornyn) (b) (6)
Cc: Ziegler, Emily (Cornyn) (b) (6)
Subject: RE: Page Fisa Applications

Thanks Joanne, but 1 hour should be enough for Senator Cornyn. He can always go back if he'd like.

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Friday, May 04, 2018 1:12 PM
To: Kerr, Paige (Cornyn) (b) (6)
Cc: Ziegler, Emily (Cornyn) (b) (6); Burwell, Carter (Judiciary-Rep) (b) (6)
Subject: RE: Page Fisa Applications

Paige: I apologize for the delay in getting back to you. Tuesday, May 15th, at 5:00 is okay, but our Visitor Center closes at 6:00. Given that this is a voluminous production, I am not sure that one hour would be enough time. I defer to you on that and look forward to hearing from you. Thank you, Joanne 202-305-8313

From: Kerr, Paige (Cornyn) (b) (6)
Sent: Wednesday, May 02, 2018 1:40 PM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Cc: Ziegler, Emily (Cornyn) (b) (6)
Subject: RE: Page Fisa Applications

Hi Joanne—

Carter forwarded me y'all's correspondence. Would it be possible for Senator Cornyn to come by DOJ on Tuesday, May 15th at 5PM to review these documents? How long do you think it might take? Thank you,

Paige

From: Lasseter, David F. (OLA) [<mailto:David.F.Lasseter@usdoj.gov>]
Sent: Monday, April 30, 2018 2:27 PM
To: Burwell, Carter (Judiciary-Rep) (b) (6)
Cc: Hanke, David (Intelligence) (b) (6); Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Subject: RE: Page Fisa Applications

Duplicative Material

Kerr, Paige (Cornyn)

From: Kerr, Paige (Cornyn)
Sent: Monday, May 14, 2018 3:19 PM
To: Johnson, Joanne E. (OLA)
Cc: Ziegler, Emily (Cornyn); Burwell, Carter (Judiciary-Rep); Lasseter, David F. (OLA)
Subject: RE: Page Fisa Applications

Hi Joanne—

We are waiting to ask Senator Cornyn, but I should have an answer for you this afternoon. Thanks!

From: Johnson, Joanne E. (OLA) [mailto:Joanne.E.Johnson@usdoj.gov]
Sent: Monday, May 14, 2018 2:56 PM
To: Kerr, Paige (Cornyn); (b) (6)
Cc: Ziegler, Emily (Cornyn); (b) (6); Burwell, Carter (Judiciary-Rep)
(b) (6); Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov>
Subject: RE: Page Fisa Applications

Hello: I am checking in re tomorrow. Have you decided which, if any, staffer will attend with Sen. Cornyn tomorrow? Thank you, Joanne 202-305-8313

From: Johnson, Joanne E. (OLA)
Sent: Monday, May 07, 2018 10:56 AM
To: 'Kerr, Paige (Cornyn)'; (b) (6)
Cc: Ziegler, Emily (Cornyn); (b) (6); Burwell, Carter (Judiciary-Rep)
(b) (6)
Subject: RE: Page Fisa Applications

Thank you. We will meet Senator Cornyn at the Visitor Center on May 15, 2018, at 5:00. Please let us know the name(s) of the other staffers who will attend (when that is determined; I know Carter is working on that). We will need to provide their names to the Visitor Center. The Visitor Center is located between 9th and 10th Streets on Constitution Avenue. Thank you, Joanne 202-305-8313

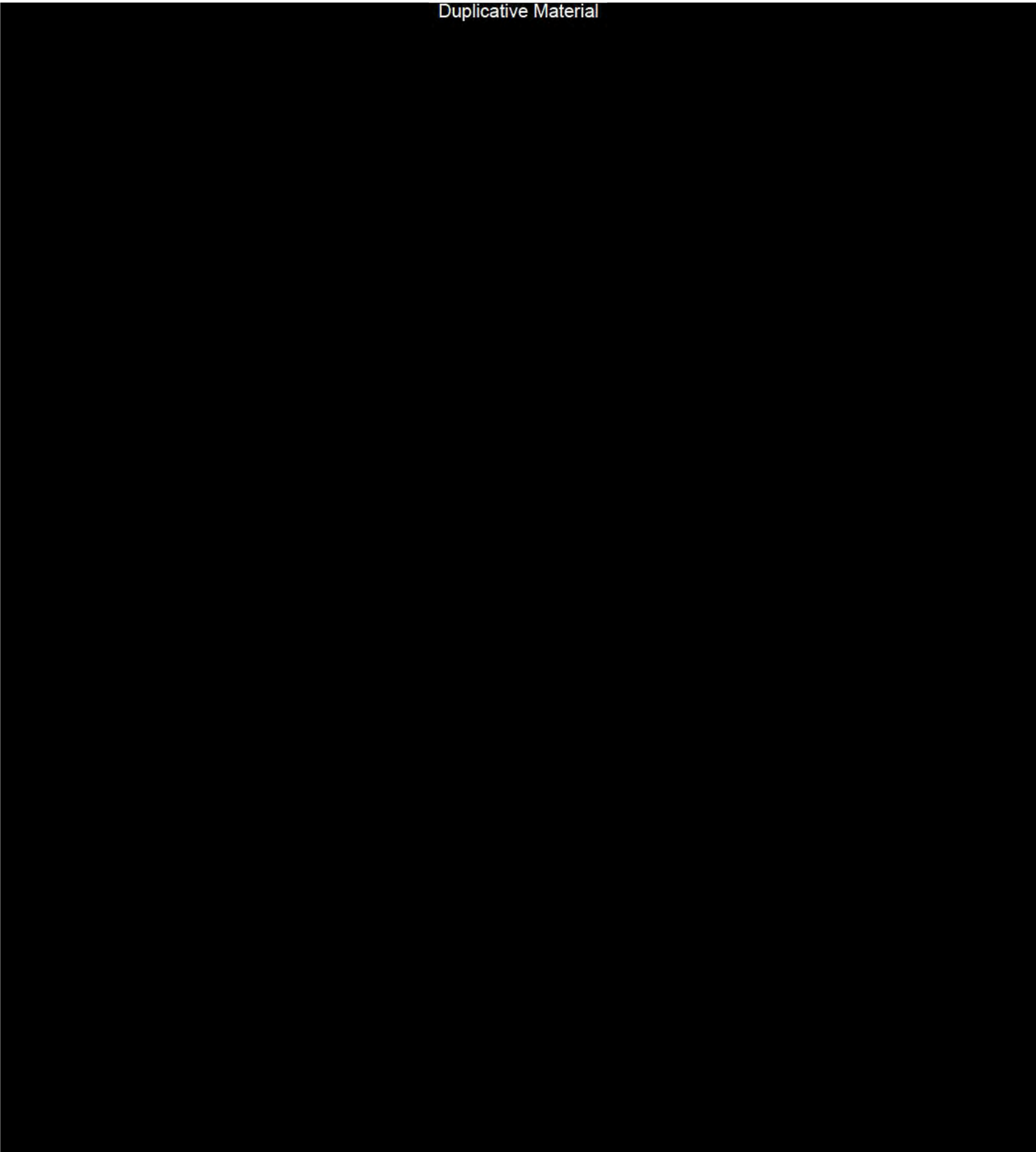
From: Kerr, Paige (Cornyn); (b) (6)
Sent: Monday, May 07, 2018 10:44 AM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Cc: Ziegler, Emily (Cornyn); (b) (6); Burwell, Carter (Judiciary-Rep)
(b) (6)
Subject: RE: Page Fisa Applications

Just touching base that we are confirmed on our end for 5-6PM on May 15th. Is there a specific room in DoJ we should denote on his schedule? Thank you,

Paige

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Friday, May 04, 2018 1:12 PM
To: Kerr, Paige (Cornyn) (b) (6)
Cc: Ziegler, Emily (Cornyn) (b) (6); Burwell, Carter (Judiciary-Rep)
(b) (6)
Subject: RE: Page Fisa Applications

Duplicative Material



Kerr, Paige (Cornyn)

From: Kerr, Paige (Cornyn)
Sent: Monday, May 14, 2018 4:52 PM
To: Johnson, Joanne E. (OLA)
Cc: Ziegler, Emily (Cornyn); Burwell, Carter (Judiciary-Rep); Lasseter, David F. (OLA)
Subject: RE: Page Fisa Applications

Got it, we will let him know!

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Monday, May 14, 2018 4:48 PM
To: Kerr, Paige (Cornyn) <(b) (6)>
Cc: Ziegler, Emily (Cornyn) <(b) (6)>; Burwell, Carter (Judiciary-Rep) <(b) (6)>; Lasseter, David F. (OLA) <(b) (6)>
Subject: RE: Page Fisa Applications

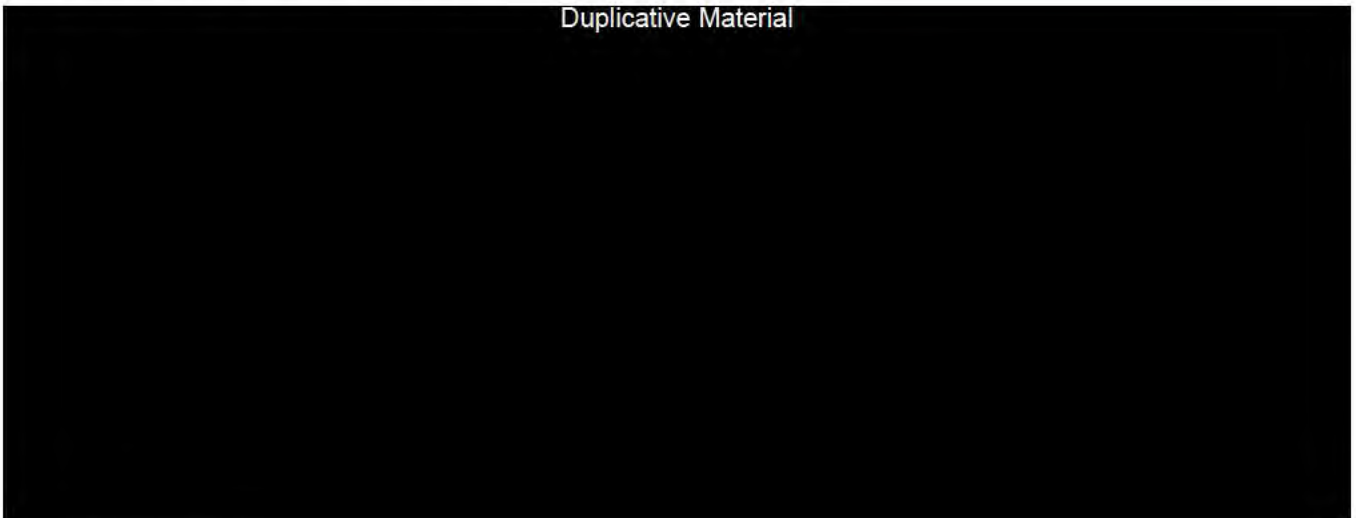
Thank you. Please have Ryan come to the Visitor Center to check in for an escort badge. We will meet Ryan and Sen. Cornyn at the Visitor Center. Thank you, Joanne 202-305-8313

From: Kerr, Paige (Cornyn) <(b) (6)>
Sent: Monday, May 14, 2018 3:56 PM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Cc: Ziegler, Emily (Cornyn) <(b) (6)>; Burwell, Carter (Judiciary-Rep) <(b) (6)>; Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: RE: Page Fisa Applications

Joanne, Ryan Tully from SSCI will accompany Senator Cornyn tomorrow. Thank you!

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Monday, May 14, 2018 2:56 PM
To: Kerr, Paige (Cornyn) <(b) (6)>
Cc: Ziegler, Emily (Cornyn) <(b) (6)>; Burwell, Carter (Judiciary-Rep) <(b) (6)>; Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov>
Subject: RE: Page Fisa Applications

Duplicative Material



Lasseter, David F. (OLA)

From: Lasseter, David F. (OLA)
Sent: Wednesday, June 20, 2018 5:09 PM
To: Nelson, Damon; Patel, Kash; Glabe, Scott; Bergreen, Timothy; Bitar, Maher
Cc: Johnson, Joanne E. (OLA)
Subject: Response to Chairman Nunes subpoena request
Attachments: 2018-6-20 HPSCI Subpoena for Documents - Nunes.pdf

HPSCI—good afternoon. Please find attached response to Chairman Nunes subpoena request.

Thanks,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

JUN 20 2018

Dear Mr. Chairman:

We write in further response to the August 24, 2017 subpoena (Subpoena) issued by the House Permanent Select Committee on Intelligence. The Department of Justice (Department) will provide Committee members and professional staff with the opportunity to review *in camera* certain supporting documents for the applications submitted to the Foreign Intelligence Surveillance Court regarding Carter Page. Please note that the Department agrees to provide the documents for *in camera* review subject to an agreement that members of the Committee and congressional staff neither disclose the contents of the document to anyone outside of the Committee nor make any public statements about the existence of this document.

We note that this accommodation is not a public disclosure but instead is undertaken to assist the Committee in its inquiry. The disclosure does not waive the Executive Branch's right to assert any and all applicable privileges and protections pertaining to this document and any related material. Nor does the disclosure waive the privileges and protections that would pertain to the materials if they were sought by third parties in other contexts, such as requests under the Freedom of Information Act. In addition, the disclosure does not waive any of the privileges and protections that may apply in this and other contexts to materials containing different information but which may relate in subject matter or be similar in nature to the disclosed material.

We hope 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,

A handwritten signature in blue ink, appearing to be "SEB", enclosed within a blue circular stamp.

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Adam Schiff
Ranking Member

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Thursday, June 21, 2018 5:58 PM
To: Sawyer, Heather (Judiciary-Dem); Lasseeter, David F. (OLA); Foster, Jason (Judiciary-Rep); Davis, Patrick (Judiciary-Rep)
Subject: RE: Additional documents available for review

Good afternoon, Heather: Yes. Please let us know when you plan to review the documents.
Thank you, Joanne 202-305-8313

From: Sawyer, Heather (Judiciary-Dem) - (b) (6)
Sent: Thursday, June 21, 2018 3:45 PM
To: Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Foster, Jason (Judiciary-Rep) (b) (6); Davis, Patrick (Judiciary-Rep) (b) (6)
(b) (6)
Cc: Johnson, Joanne E. (OLA) <jjohnson@jmd.usdoj.gov>
Subject: RE: Additional documents available for review

Hi David –

Thanks. On the reference to previously cleared staff, will this also include the two staff for Senators Whitehouse (Lara Quint) and Senator Graham (Lee Holmes)? They have reviewed some of the documents along with the staff for Chairman Grassley and Ranking Member Feinstein.

Thanks -- Heather

From: Lasseeter, David F. (OLA) [<mailto:David.F.Lasseeter@usdoj.gov>]
Sent: Thursday, June 21, 2018 3:37 PM
To: Foster, Jason (Judiciary-Rep) (b) (6); Davis, Patrick (Judiciary-Rep) (b) (6); Sawyer, Heather (Judiciary-Dem) (b) (6)
(b) (6)
Cc: Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Subject: Additional documents available for review

SJC—good afternoon. Delightful to be with y'all this morning.

The Department of Justice will provide previously cleared professional staff with the opportunity to review *in camera* certain supporting documents for the applications submitted to the Foreign Intelligence Surveillance Court regarding Carter Page. Please note that the Department agrees to provide the documents for *in camera* review subject to an agreement that previously cleared professional staff neither disclose the contents of the document to anyone outside of the Committee nor make any public statements about the existence of the documents.

Please coordinate viewing opportunity with Joanne Johnson.

Thanks,
David

David F. Lasseter
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
(202) 514-1260

Johnson, Joanne E. (OLA)

From: Johnson, Joanne E. (OLA)
Sent: Friday, June 22, 2018 10:54 AM
To: Davis, Patrick (Judiciary-Rep)
Subject: RE: Additional documents available for review

TS

From: Davis, Patrick (Judiciary-Rep) (b) (6)
Sent: Friday, June 22, 2018 10:52 AM
To: Johnson, Joanne E. (OLA) <jojohnson@jmd.usdoj.gov>
Subject: RE: Additional documents available for review

What is the classification level of the materials? Thanks

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Thursday, June 21, 2018 5:56 PM
To: Davis, Patrick (Judiciary-Rep) (b) (6); Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov>; Lay, DeLisa (Judiciary-Rep) (b) (6)
Cc: Foster, Jason (Judiciary-Rep) (b) (6); Mangum, Anela M. (OLA) <Anela.M.Mangum@usdoj.gov>; Callier, Sandra M (OLA) <Sandra.M.Callier@usdoj.gov>
Subject: RE: Additional documents available for review

2:30 tomorrow works. I will meet you and DeLisa at the Visitor Center at 2:30. If you could send me an email as you are arriving, that would be helpful. Thank you, Joanne 202-305-8313

From: Davis, Patrick (Judiciary-Rep) (b) (6)
Sent: Thursday, June 21, 2018 5:53 PM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Johnson, Joanne E. (OLA) (b) (6); Lay, DeLisa (Judiciary-Rep) (b) (6)
Cc: Foster, Jason (Judiciary-Rep) (b) (6)
Subject: RE: Additional documents available for review

Joanne,
DeLisa and I would like to review the documents at 2:30pm tomorrow, if possible. We'd also like access to the previous binder of related materials.
Thanks,
-Patrick

From: Lasseter, David F. (OLA) [<mailto:David.F.Lasseter@usdoj.gov>]
Sent: Thursday, June 21, 2018 3:37 PM
To: Foster, Jason (Judiciary-Rep) (b) (6); Davis, Patrick (Judiciary-Rep) (b) (6); Sawyer, Heather (Judiciary-Dem) (b) (6)
Cc: Johnson, Joanne E. (OLA) <Joanne.E.Johnson@usdoj.gov>
Subject: Additional documents available for review

Holmes, Lee (Judiciary-Rep)

From: Holmes, Lee (Judiciary-Rep)
Sent: Tuesday, July 24, 2018 11:45 AM
To: Johnson, Joanne E. (OLA)
Cc: Mangum, Anela M. (OLA); Rubens, William B. (OLA)
Subject: Re: Additional documents available for review

Great. Thank you. The documents referenced below as "certain supporting documents for the applications submitted to the Foreign Intelligence Surveillance Court."

See y'all tomorrow.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Johnson, Joanne E. (OLA)" <Joanne.E.Johnson@usdoj.gov>
Date: 7/24/18 9:36 AM (GMT-05:00)
To: "Holmes, Lee (Judiciary-Rep)" (b) (6)
Cc: "Mangum, Anela M. (OLA)" <Anela.M.Mangum@usdoj.gov>, "Rubens, William B. (OLA)" <William.B.Rubens@usdoj.gov>
Subject: Re: Additional documents available for review

Good morning Lee. That will work. Which documents are you reviewing? If you could email me shortly before arrival, that would be helpful. Please include all on this email.

Thank you,

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

On Jul 24, 2018, at 9:31 AM, Holmes, Lee (Judiciary-Rep) (b) (6) wrote:

Hey Joanne—I finally have a slow week. Can I come tomorrow afternoon at 3 to review the docs? Thank you!

From: Johnson, Joanne E. (OLA) [<mailto:Joanne.E.Johnson@usdoj.gov>]
Sent: Monday, June 25, 2018 12:28 PM
To: Holmes, Lee (Judiciary-Rep) (b) (6)
Cc: Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov>; Rubens, William B. (OLA) <William.B.Rubens@usdoj.gov>
Subject: Fwd: Additional documents available for review

Subject: FW: Additional documents available for review

Lee. I am out today but back tomorrow and would welcome discussing C-UAS with you. I have been working on that matter. Re document review, please let me know what days/times work, and we can set up. Thank you.

Joanne Johnson
Attorney-Advisor
Office of Legislative Affairs
US Department of Justice
202-305-8313

Begin forwarded message:

From: "Lasseter, David F. (OLA)" <dlasseter@jmd.usdoj.gov>
Date: June 25, 2018 at 11:16:25 AM EDT
To: "Holmes, Lee (Judiciary-Rep)" (b) (6)
(b) (6) "Johnson, Joanne E. (OLA)"
<jojohnson@jmd.usdoj.gov>, "Rubens, William B. (OLA)"
<wbrubens@jmd.usdoj.gov>
Subject: RE: Additional documents available for review

Hey brother tomorrow might actually be better if that works. I have included Joanne and Will on this as well.

From: Holmes, Lee (Judiciary-Rep) (b) (6)
Sent: Monday, June 25, 2018 10:40 AM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Subject: FW: Additional documents available for review

Hey David—Please let me know when I could come see the docs... I could even come today if it works. And, maybe we could discuss C-UAS while I'm over there?

LEE HOLMES
Chief Counsel
Senator Lindsey O. Graham
U.S. Senate Committee on the Judiciary
202-224-5972

From: Holmes, Lee (Judiciary-Rep)
Sent: Monday, June 25, 2018 10:29 AM
To: 'Johnson, Joanne E. (OLA)' <Joanne.E.Johnson@usdoj.gov>
Subject: FW: Additional documents available for review

Hey Joanne—happy Monday. Sorry I missed the doc review with other committee staff. (b) (6) Is there a time this week that is convenient for me to come?

LEE HOLMES
Chief Counsel
Senator Lindsey O. Graham
U.S. Senate Committee on the Judiciary
202-224-5972

From: Foster, Jason (Judiciary-Rep)
Sent: Monday, June 25, 2018 10:22 AM
To: Holmes, Lee (Judiciary-Rep) (b) (6)
Subject: RE: Additional documents available for review

Went last week.

From: Holmes, Lee (Judiciary-Rep)
Sent: Monday, June 25, 2018 10:19 AM
To: Foster, Jason (Judiciary-Rep) (b) (6)
Subject: RE: Additional documents available for review

When are yall going?

LEE HOLMES
Chief Counsel
Senator Lindsey O. Graham
U.S. Senate Committee on the Judiciary
202-224-5972

From: Foster, Jason (Judiciary-Rep)
Sent: Thursday, June 21, 2018 6:09 PM
To: Holmes, Lee (Judiciary-Rep) (b) (6)
Subject: Fwd: Additional documents available for review

Begin forwarded message:

From: "Johnson, Joanne E. (OLA)" <Joanne.E.Johnson@usdoj.gov>
Date: June 21, 2018 at 5:57:31 PM EDT
To: "Sawyer, Heather (Judiciary-Dem)" (b) (6)
(b) (6), "Lasseter, David F. (OLA)"
<David.F.Lasseter@usdoj.gov>, "Foster, Jason (Judiciary-Rep)"
(b) (6), "Davis, Patrick (Judiciary-Rep)"
(b) (6)
Subject: RE: Additional documents available for review

Duplicative Material

