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

March 19, 2015

MEMORANDUM FOR THE NATIONAL SECURITY DIVISION

FROM: THE ATTORNEY GENERAL

CC: THE FEDERAL BUREAU OF INVESTIGATION

SUBJECT: Procedures for Processing Foreign Intelligence Surveillance Act ("FISA")
Applications Targeting Known Media Entities or Known Members of the Media

This memorandum directs the National Security Division ("NSD") to implement the following procedures that are designed to ensure that the Attorney General ("AG") or Deputy Attorney General ("DAG") reviews those FISA applications targeting known media entities or known members of the media, so that review of such FISA applications occurs at even higher levels than otherwise permitted by FISA and existing AG orders:

1. All FISA applications under Title I (electronic surveillance), Title III (physical search), Title IV (PR/TT), Title V (business records—which do not require formal AG approval under the statute), Section 703 (targeting certain U.S. persons located outside the U.S.), or Section 704 (targeting certain U.S. persons located outside the U.S.) that target known media entities or known members of the media must be presented to the AG or DAG for approval prior to submission to the Foreign Intelligence Surveillance Court ("FISC"); but, upon direction of the AG or DAG, any such applications may be referred to the Assistant Attorney General ("AAG") for NSD for disposition.
2. Once the AG or DAG has approved the submission of an application to the FISC as set forth in paragraph 1, or referred that application to the AAG for NSD for disposition, subsequent applications for the same target (such as renewal applications or motions) should be presented to the AAG for NSD unless circumstances related to the target's news media status have changed subsequent to AG or DAG approval or referral. If circumstances have changed, the application must be presented to the AG or DAG for approval; but, upon direction of the AG or DAG, any such applications may be referred to the AAG for NSD for disposition.
3. To the extent that an entity or individual who is already a FISA target subsequently is assessed to be a known media entity or known member of the media, the AG or DAG will be so notified promptly.

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4. The Federal Bureau of Investigation ("FBI") will identify to NSD as soon as known whether any target under FISA is a known media entity or known member of the media. [REDACTED]

[REDACTED]

[REDACTED] In assessing whether to refer matters to the AG or DAG, NSD and the FBI shall err on the side of referral.

These procedures are solely for internal Department of Justice guidance. They are not intended to, do not, and may not be relied upon to create any rights or benefits, substantive or procedural, enforceable at law or in equity in any matter, civil or criminal, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the Department of Justice.