

Filed  
United States Foreign  
Intelligence Surveillance Court

JUL 08 2015

LeeAnn Flynn Hall, Clerk of Court

~~SECRET//NOFORN~~

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

IN RE [redacted]  
[redacted]

Docket Number: PR/TT

15-53

**SUPPLEMENTAL ORDER**

On this date, the Court has issued a Primary Order authorizing the government to conduct pen register/trap and trace surveillance in the above-captioned matter. The Court's Order includes the following provision:

[redacted] this authority includes the authority to record and decode all post-cut-through digits, as described in the Government's Verified Memorandum of Law Regarding the Collection of Post-Cut-Through Digits Through Telephone Pen Register Surveillance Under the Foreign Intelligence Surveillance Act, filed with the Court on August 17, 2009, in Docket Numbers PR/TT 09-36, PR/TT 09-37 and PR/TT 09-38. The Government shall not make any affirmative investigative use of post-cut-through digits acquired through pen register authorization that do not constitute call dialing, routing, addressing or signaling information, unless separately authorized by this Court.

b3 Per FBI  
b7E

The government extensively briefed the issue of post-cut-through digits in its Verified Memorandum of Law that was filed with the FISC on August 17, 2009 (Memorandum). In that filing, the government represented that there was no technology reasonably available to the government that could distinguish between content and non-content post-cut-through digits at the time of acquisition. Memorandum at 7-9.

b3 Per FBI  
b7E

[Large redacted area]

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

Id. at 26 n. 17.



b3 Per FBI  
b7E

The government shall make a written submission to the Court either at the time of submission of a proposed renewal application for the above-captioned matter [redacted] of the issuance of this Supplemental Order, whichever is sooner. This submission shall include:

- (1) A description of whether and to what extent technology that is now reasonably available to the government can distinguish between content and non-content post-cut-through digits prior to acquisition; and what efforts the government is making to develop such technology if it does not currently exist.
- (2) An updated description of the procedures the government is using to prevent the unauthorized use of post-cut-through digits that constitute "content" and are acquired pursuant to FISC pen register/trap and trace orders.
- (3) A description of the volume of post-cut-through digits acquired pursuant to the Court's order in this matter and an explanation of how any post-cut through digits acquired were stored and handled, and what steps the government took to prevent the use of any post-cut-through digits that constituted "content."
- (4) A report on the status of the FBI's efforts to implement the technical enhancements described in the Memorandum.

ENTERED this 8<sup>th</sup> day of July, 2015 in Docket No. PR/TT 15-53

*Claire V. Eagan*  
CLAIRE V. EAGAN  
Judge, United States Foreign  
Intelligence Surveillance Court

b6, b7C [redacted] Chief Deputy Clerk,  
FISC, certify that this document is a  
true and correct copy of the original

b6, b7C [redacted]

~~SECRET//NOFORN~~