



U.S. Department of Justice APPROVED FOR PUBLIC RELEASE

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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DEC 29 2005

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

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act, all requests for pen registers and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period January 1, 2005, through June 30, 2005.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Jane Harman
Ranking Minority Member

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

DEC 29 2005

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act, all requests for pen register and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period January 1, 2005, through June 30, 2005.

Sincerely,

William E. Moschella
William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

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Washington, D.C. 20530

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DEC 29 2005

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act, all requests for pen register and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period January 1, 2005, through June 30, 2005.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Patrick J. Leahy
"Ranking Minority Member

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Washington, D.C. 20530

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DEC 29 2005

The Honorable Pat Roberts
Chairman
Senate Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act, all requests for pen registers and trap and trace surveillance, and all requests for access to certain business records (including the production of tangible things) under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period January 1, 2005, through June 30, 2005.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller IV
"Vice Chairman"

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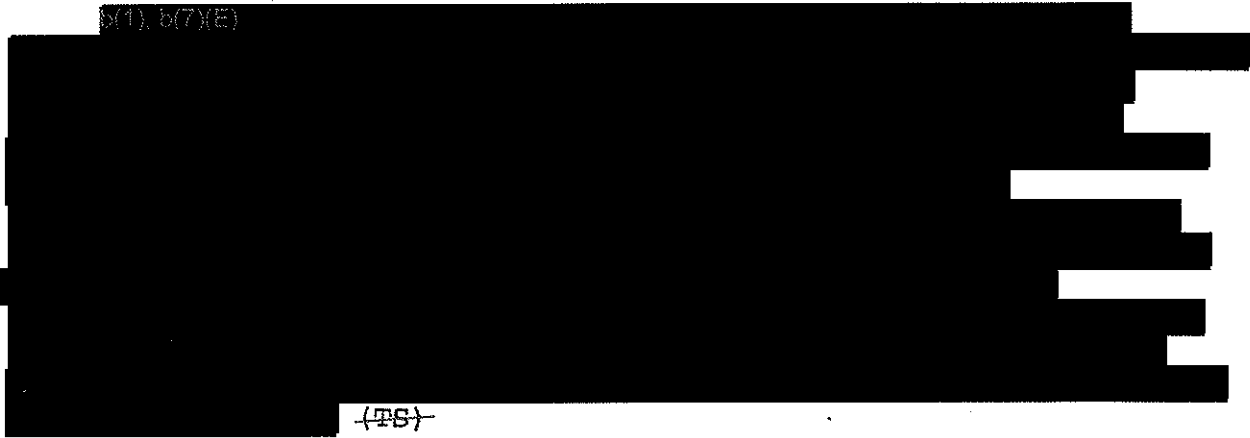
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THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT
UNDER THE
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED
BY SECTION 6002 OF THE
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
December 2005

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

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

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

(S), (b)(7)(E)

(TS)

~~Classified by: James A. Baker, Counsel
for Intelligence Policy, Office of
Intelligence Policy and Review,
U.S. Department of Justice
Reason: 1.4(c)
Declassify on: X1~~

~~TOP SECRET//NOFORN//X1~~

~~TOP SECRET//COMINT//NOFORN//X1~~Section 1: Introduction (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It covers all electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), and electronic surveillance conducted by the National Security Agency (NSA), during the period January 1, 2005, through June 30, 2005. (S)

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

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2005, through June 30, 2005, was at least 130.¹ (S)

D. Access to Tangible Things (U)

PP
b(1), b(7)(E)
[Redacted]

b(1), b(7)(E)
[Redacted]
(S)

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(b) (1), (b) (7)(E)

[REDACTED] The
business records portion of the combined applications seeks
telecommunications subscriber information for telephone numbers
in conjunction with the Court-authorized installation and use of
pen registers/trap and trace devices. ~~(S)~~

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(b) (1), (b) (7)(E)

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D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b). [REDACTED] (S) These emergency authorizations resulted in [REDACTED] (S)

[REDACTED] and two applications for pen register/trap and trace surveillance.¹⁵ Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for pen register/trap and trace applications). The FISC approved all of the applications and/or accepted the other pleadings. (S)

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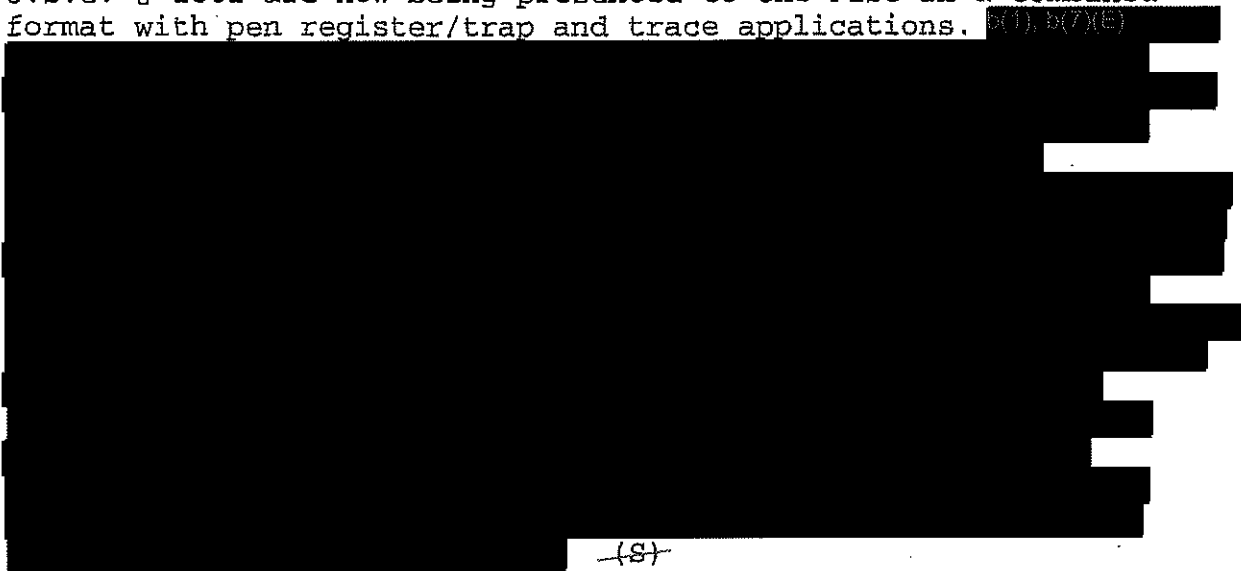
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As was discussed in the previous semi-annual report, many of the requests for the production of tangible things pursuant to 50 U.S.C. § 1861 are now being presented to the FISC in a combined format with pen register/trap and trace applications. (S), (b)(7)(E)



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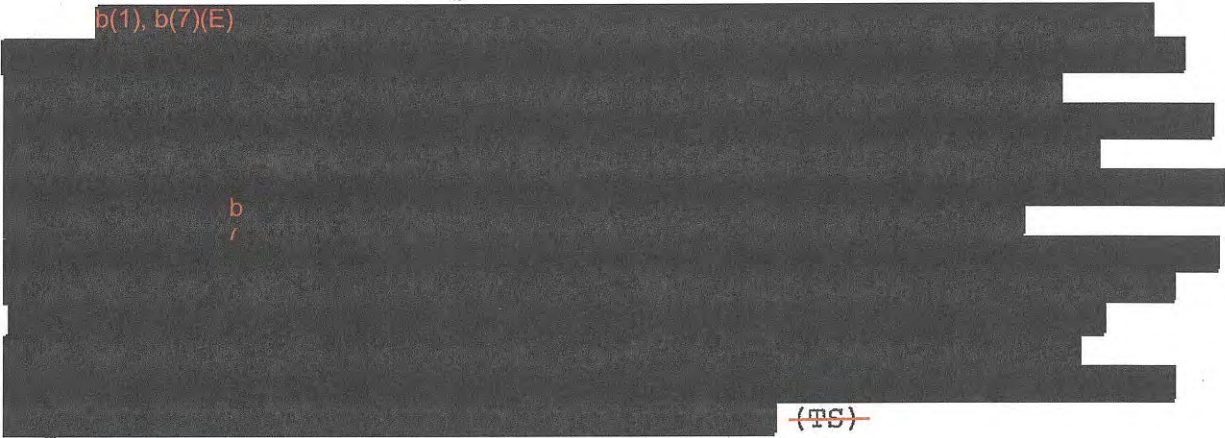
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G. Other Legal Interpretations under FISA by the FISC (U)

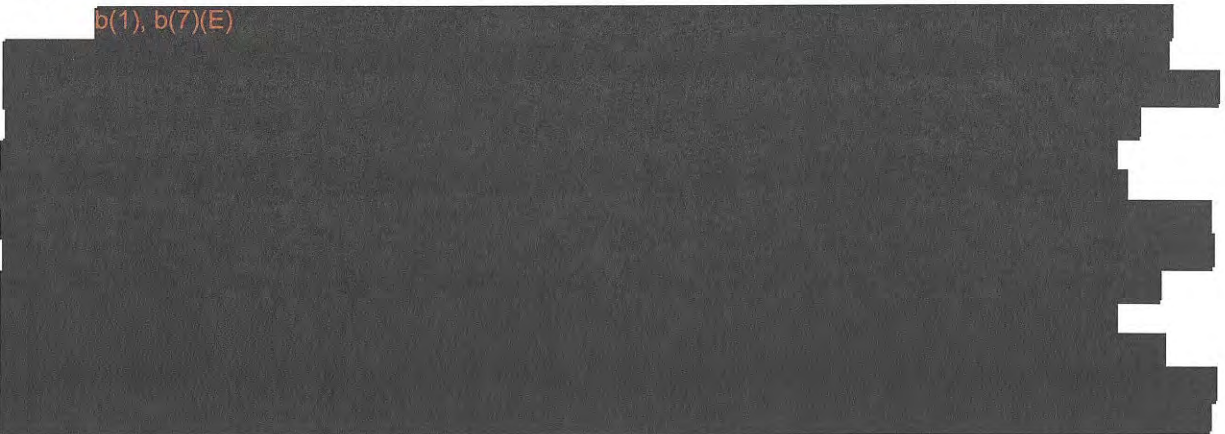
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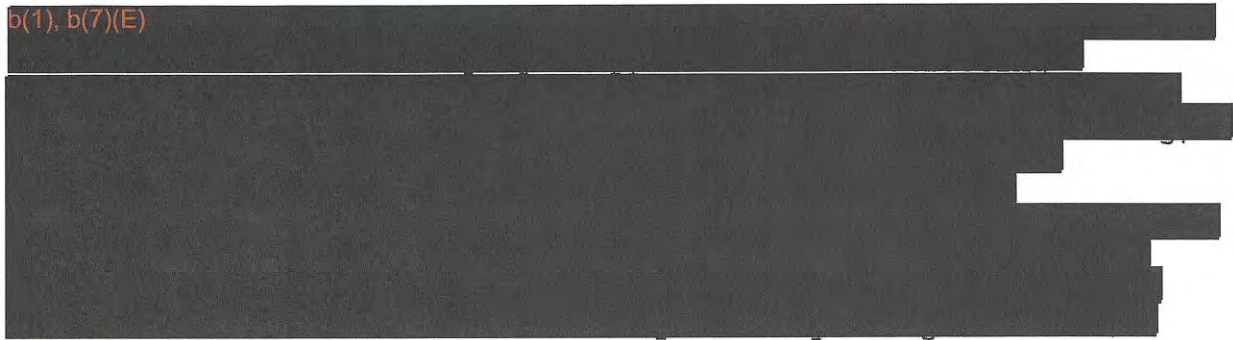
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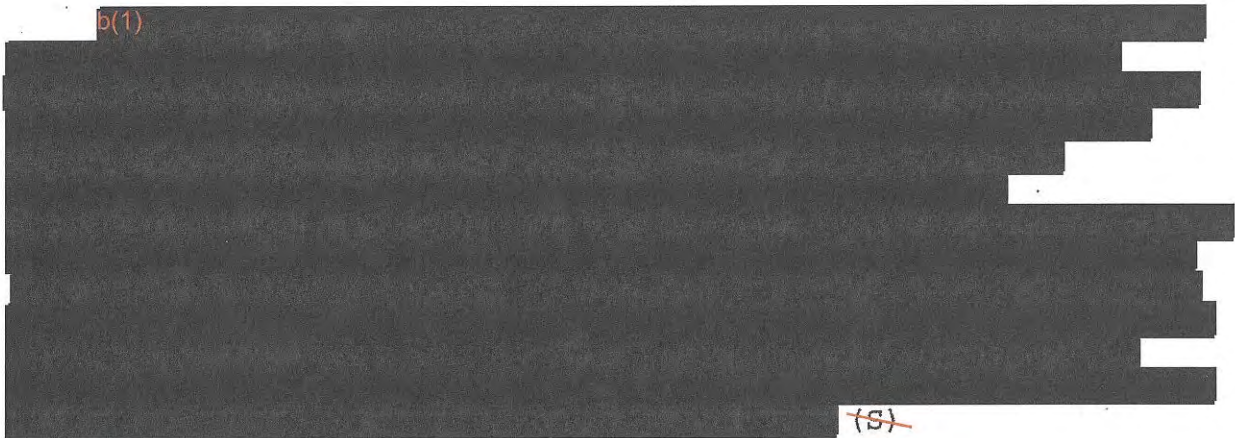
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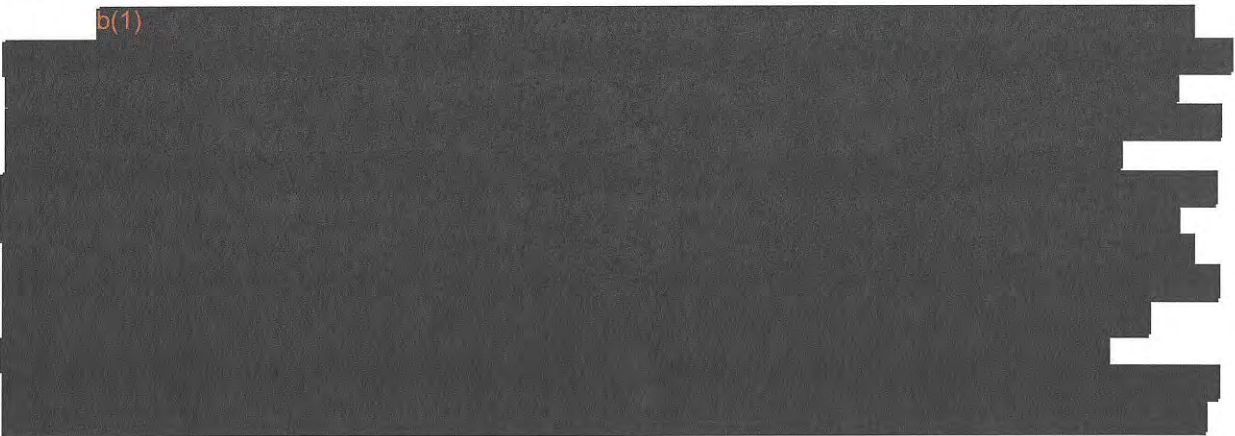
K. FISA Process Improvements (U)

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b(1)



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3. Update to Incidents Reported in 04-1 (U)

Incident 04-1-4 (U)

b(1), b(7)(E)

[REDACTED]

(S)

b(1), b(7)(E)

[REDACTED]

(S)

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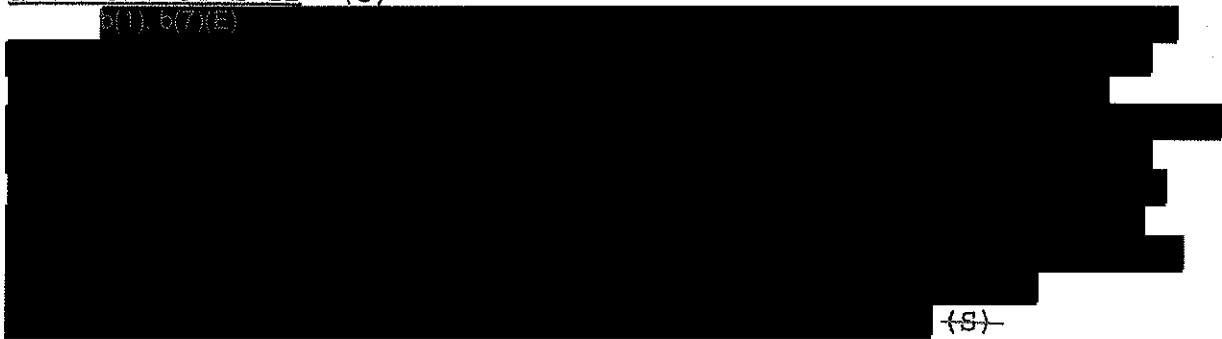
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Incident 04-1-22 (U)

(U) b(7)(E)



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4. Update to Incidents Reported in 04-2 (U)

Incident 04-2-1 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

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~~TOP SECRET//COMINT//NOFORN//X1~~

b(1), b(7)(E)



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Incident 04-2-7 (U)

b(1), b(7)(E)



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b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Out of scope/non-responsive

Incident 04-2-10 (U)

b(1), b(7)(E)

[REDACTED]

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b(1), b(7)(E)



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b(1), b(7)(E)



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Incident 04-2-13 (U)

b(1), b(7)(E)



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Incident 05-1-5 (U)

(1), b(7)(E)



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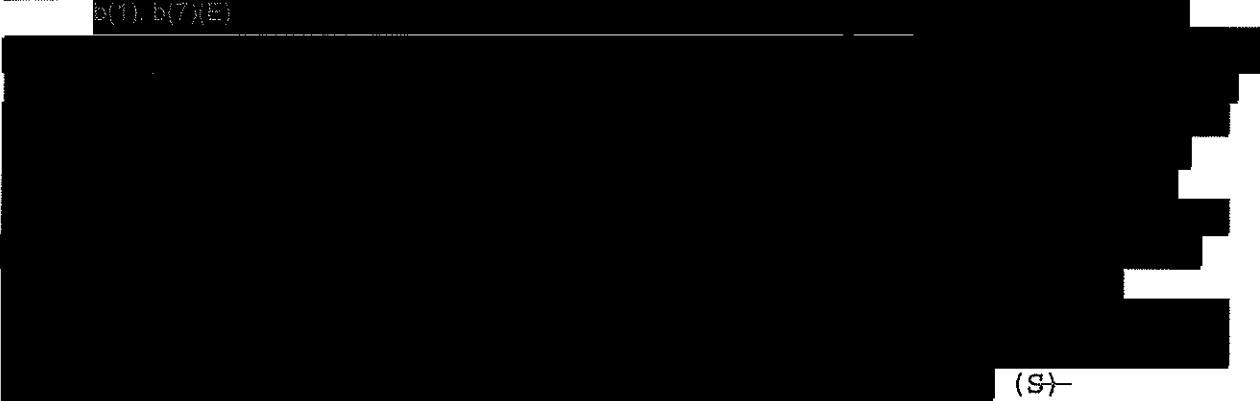
b(1), b(7)(E)



~~(S)~~

Incident 05-1-6 (U)

b(1), b(7)(E)



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THE ATTORNEY GENERAL'S REPORT ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

June 2005

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~~TOP SECRET//COMINT//NOFORN//X1~~

Section 1: Introduction (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, and 1861-1862. It covers all electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), and electronic surveillance conducted by the National Security Agency (NSA), during the period July 1, 2004 through December 31, 2004. (U)

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b(1) b(7)(E)

~~(S)~~

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Out of scope/non-responsive

D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), 104 times. These emergency authorizations resulted in [REDACTED] b(1), b(7)(E)

[REDACTED] two applications for pen register/trap and trace surveillance." Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for pen register/trap and trace applications). The FISC approved all of the applications and/or accepted the other pleadings. (S)

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G. Pen Register/Trap and Trace Surveillance (U)

The United States filed 184 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. In these 184 applications, 111 United States persons were the targets of pen register/trap and trace surveillance.¹² (b)(1)

The FISC denied no applications during this reporting period as they were originally presented. Six orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S//SI//NF)~~

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^{12/} As has been the practice in the past several reports, this report does not include thumbnail descriptions of U.S. person targets of pen register/trap and trace surveillance. The Department notes, however, that all applications for pen register/trap and trace surveillance concerning U.S. persons contain a statement describing the factual circumstances demonstrating to the FISC why the related foreign counterintelligence investigation is not based solely on activities protected by the First Amendment to the Constitution, in accordance with FISA. (S)

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Incident 04-1-3 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Incident 04-1-4 (U)

b(1), b(7)(E)

[REDACTED]

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Incident 04-1-13 (U)

b(1), b(7)(E)

[REDACTED]

(S)

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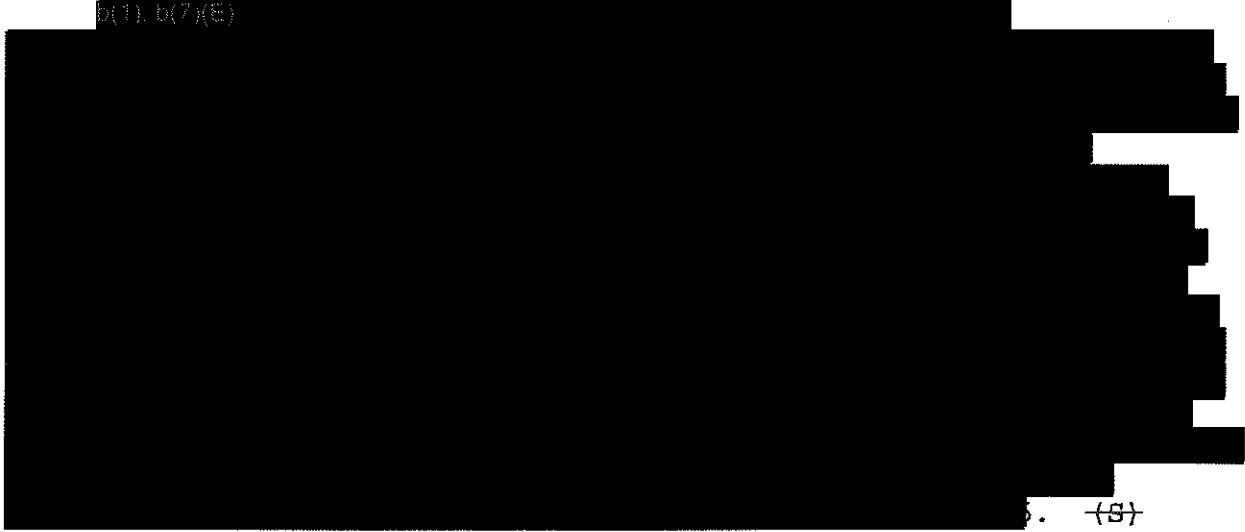
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Incident 04-1-19 (U)

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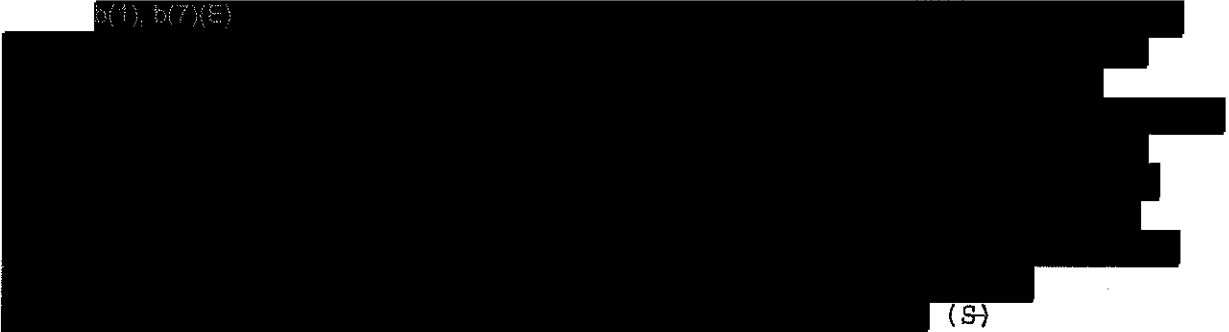


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Incident 04-1-22 (U)

b(1), b(7)(E)



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4. Incidents Not Previously Reported (U)

Incident 04-2-1 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

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~~TOP SECRET//COMINT//NOFORN//X1~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Incident 04-2-2 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Out of scope/non-responsive

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Incident 04-2-5 (U)

(S) (U) (E)

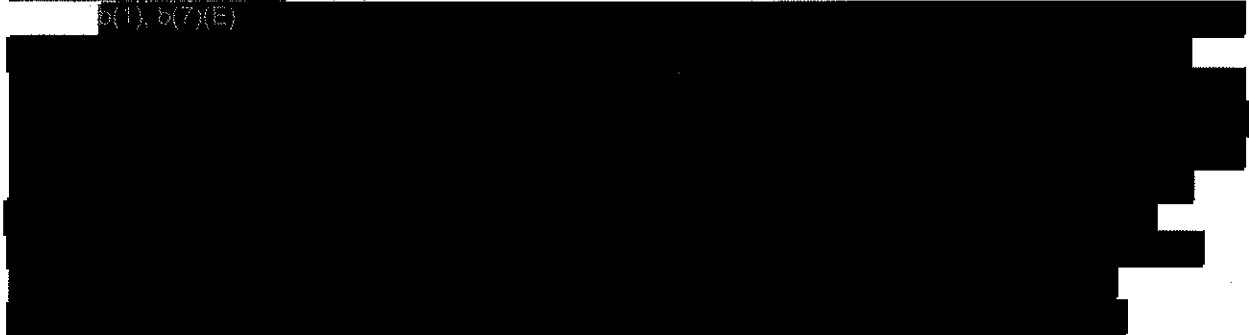


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Incident 04-2-7 (U)

(S) (U) (E)



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b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

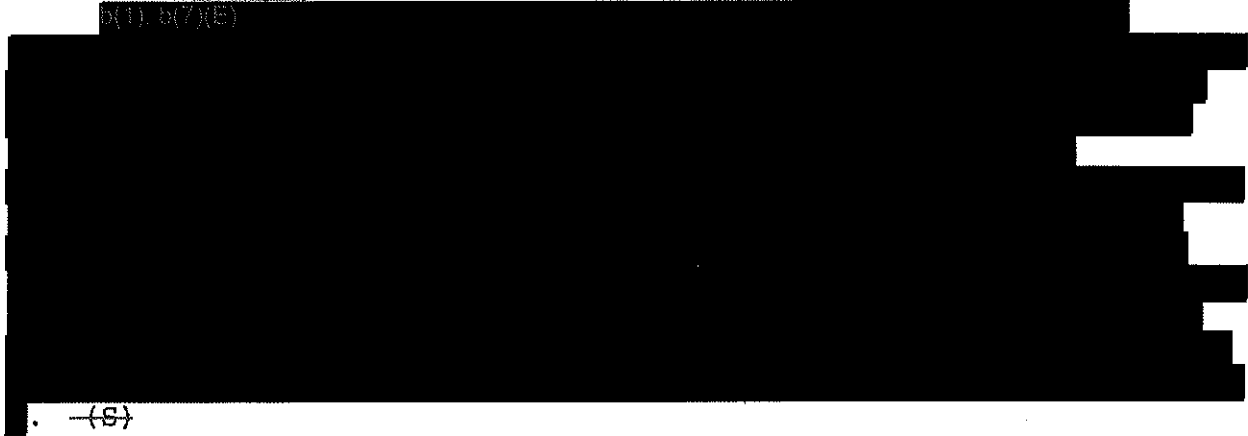
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Incident 04-2-10 (U)

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b(1), b(7)(E)



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Incident 04-2-13 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

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**Semi Annual Report
to the Congress on Electronic Surveillance and Physical Search
--Under the Foreign Intelligence Surveillance Act**

December 2006

Unannotated Version

- Tab 1 Semi Annual Report**
- Tab 2 Transmittal Letters to the Senate and House Select
Intelligence and Judiciary Committees**
- Tab 3 Semi Annual Report on Physical Search**
- Tab 4 Semi Annual Report on Pen Registers/Trap and Trace**
- Tab 5 Intelligence Reform and Terrorism Prevention Act of 2004
(IRTPA)**



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 21, 2006

~~TOP SECRET//COMINT//NOFORN,ORCON//X1~~

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act and all requests for pen register and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, *et. seq.* These reports cover the period January 1, 2006, through June 30, 2006.

Sincerely,

A handwritten signature in cursive script that reads "James H. Clinger".

James H. Clinger
Acting Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

~~TOP SECRET//COMINT//NOFORN,ORCON//X1~~
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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 21, 2006

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The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act and all requests for pen registers and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, *et. seq.* These reports cover the period January 1, 2006, through June 30, 2006.

Sincerely,

A handwritten signature in cursive script that reads "James H. Clinger".

James H. Clinger
Acting Assistant Attorney General

Attachments

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 21, 2006

~~TOP SECRET//COMINT//NOFORN,ORCON//X1~~

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

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act and all requests for pen registers and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, *et. seq.* These reports cover the period January 1, 2006, through June 30, 2006.

Sincerely,

A handwritten signature in cursive script that reads "James H. Clinger".

James H. Clinger
Acting Assistant Attorney General

Attachments

cc: The Honorable Jane Harman
Ranking Minority Member

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 21, 2006

~~TOP SECRET//COMINT//NOFORN,ORCON//X1~~

The Honorable Pat Roberts
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act and all requests for pen registers and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period January 1, 2006, through June 30, 2006.

Sincerely,

A handwritten signature in cursive script that reads "James H. Clinger".

James H. Clinger
Acting Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller IV
Vice Chairman

~~TOP SECRET//COMINT//NOFORN,ORCON//X1~~
~~UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED~~

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THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT
UNDER THE
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED
BY SECTION 6002 OF THE
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
December 2006

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

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

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

(S) (U) (X)



~~(TS)~~

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~~Classified by: James A. Baker, Counsel
for Intelligence Policy, Office of
Intelligence Policy and Review
National Security Division
U.S. Department of Justice~~

~~Reason: 1.4(c)
Declassify on: X1~~

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Out of scope/non-responsive

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

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from January 1, 2006, through June 30, 2006, was at least 104.¹ ~~(S)~~

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Out of scope/non-responsive
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Out of scope/non-responsive

The business records portion of the combined applications seeks telecommunications subscriber information for telephone numbers in conjunction with the Court-authorized installation and use of pen registers/trap and trace devices. ~~(S)~~

¹ Of these, [redacted] d in pen register/trap and trace applications, (b) (1) [redacted] in combined pen register-trap and trace/business records applications, and (b) (1), (b) (7)(E) (b) (1), (b) (7)(E) in both pen register/trap and trace applications and combined pen register-trap and trace/business records applications. ~~(S)~~

² Of these, (b) (1) (b) (1) (b) (1) (b) (1) (b) (1) [redacted] in combined pen register-trap and trace/business records applications, (b) (1), (b) (7)(E) [redacted] ds a combined pen register-trap and trace/business records application and a business records application. ~~(S)~~

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IV. Summary of Significant Legal Interpretations (U)

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b(1) b(7)(E)



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b(1), b(7)(E)



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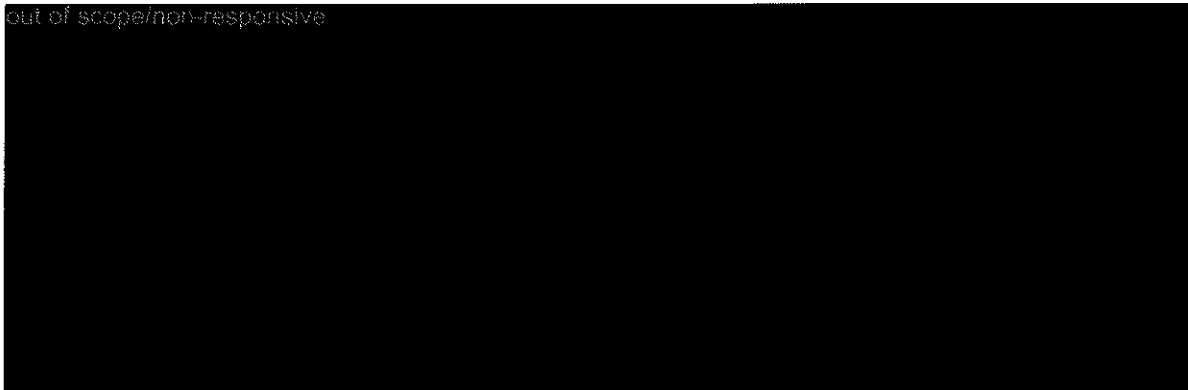
Section 1: Introduction (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It covers all electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), and electronic surveillance conducted by the National Security Agency (NSA), during the period January 1, 2006, through June 30, 2006. (S)

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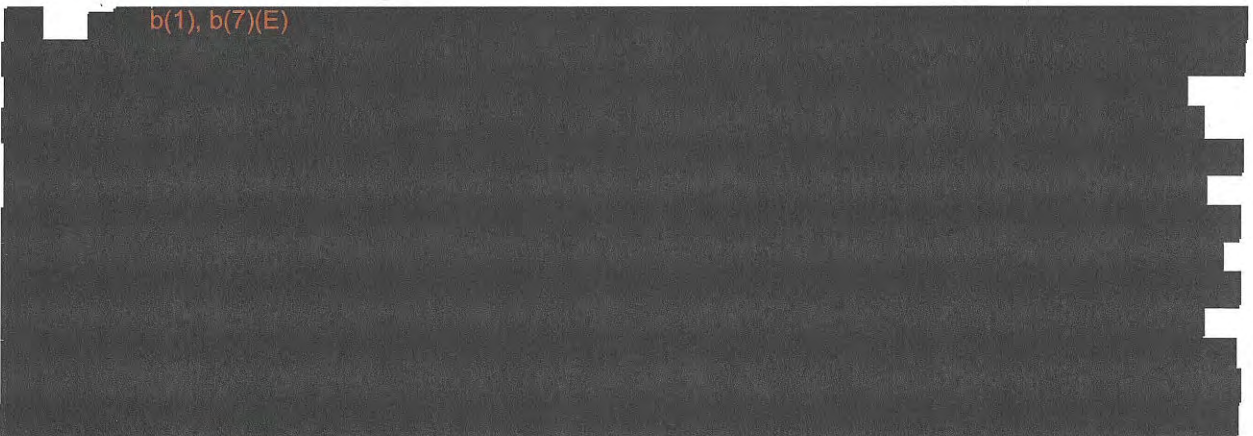
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b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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(b)(7)(E)

(U)

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D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b) ~~(b)(1), b(7)~~

~~(b)(1), b(7)~~ (E) These emergency authorizations resulted in ~~(b)(1), b(7)~~ (E)

~~(b)(1), b(7)~~ (E) and zero applications for pen register/trap and trace surveillance.¹¹ Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for pen register/trap and trace applications). The FISC approved all of the applications and/or accepted the other pleadings. ~~(S)~~

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G. Pen Register/Trap and Trace Surveillance (U)

During this reporting period, the United States filed 120 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. In these 120 applications, at least 49 United States persons were the targets of pen register/trap and trace surveillance.¹³

~~(S)~~ (U), (7)(F)

The FISC denied no applications, as they were originally presented, during this reporting period. Five orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

Out of scope/non-responsive

¹³ As has been the practice in the past several reports, this report does not include thumbnail descriptions of U.S. person targets of pen register/trap and trace surveillance. The Department notes, however, that all applications for pen register/trap and trace surveillance concerning U.S. persons contain a statement describing the factual circumstances demonstrating to the FISC why the related foreign counterintelligence investigation is not based solely on activities protected by the First Amendment to the Constitution, in accordance with FISA. ~~(S)~~

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~~(b)(1), (b)(7)(E)~~~~(S)~~

As was discussed in previous semi-annual reports, many of these requests for the production of tangible things pursuant to 50 U.S.C. § 1861 were presented to the FISC in a combined format with pen register/trap and trace applications. Because of that combination, the number of requests for the production of tangible things increased in past semi-annual reports because ~~the practice of filing combined business record and pen register/trap and trace applications continued.~~ ~~(S)~~

As noted above, however, on March 9, 2006, 50 U.S.C. §§ 1861 and 1842 were amended. See USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (March 9, 2006). As part of the revisions, 50 U.S.C. § 1842 (the FISA Pen Register provision) was amended to include telephone subscriber data as part of the information that must be disclosed by the wire or electronic communication service upon request of the Department through a pen register or trap and trace device. Because of this amendment to the statute, the Department anticipated in the last Semi-Annual Report that the number of requests for production of tangible things pursuant to Section 215 would decrease in future reporting periods. In the last reporting period, there were 78 requests for the production of tangible things pursuant to 50 U.S.C. § 1861, compared to 38 requests during this reporting period. The Department anticipates that the number of requests for production of tangible things pursuant to Section 215 will continue to decline in future reporting periods. ~~(S)~~

E. Scope of FISC's Jurisdiction (U)

In connection with combined applications for authority to install and use pen registers and trap and trace devices and obtain business records under FISA, OIPR has sought, and the FISC has granted, ~~(b)(1), (b)(7)(E)~~

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b(1), b(7)(E)

[REDACTED]

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1)

b(1)

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b(1), b(7)(E)

[REDACTED]

(S)

b(7)(E)

[REDACTED]

(S)

b(1), b(7)(E)

[REDACTED]

(S)

b(1), b(7)(E)

[REDACTED]

(S)

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b(1), b(7)(E)



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b(1), b(7)(E)



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b(1), b(7)(E)



~~(S)~~

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Incident 05-1-6 (U)

(b)(1); (b)(7)(E)

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Incident 05-2-13 (U)

b(1), b(7)(E)



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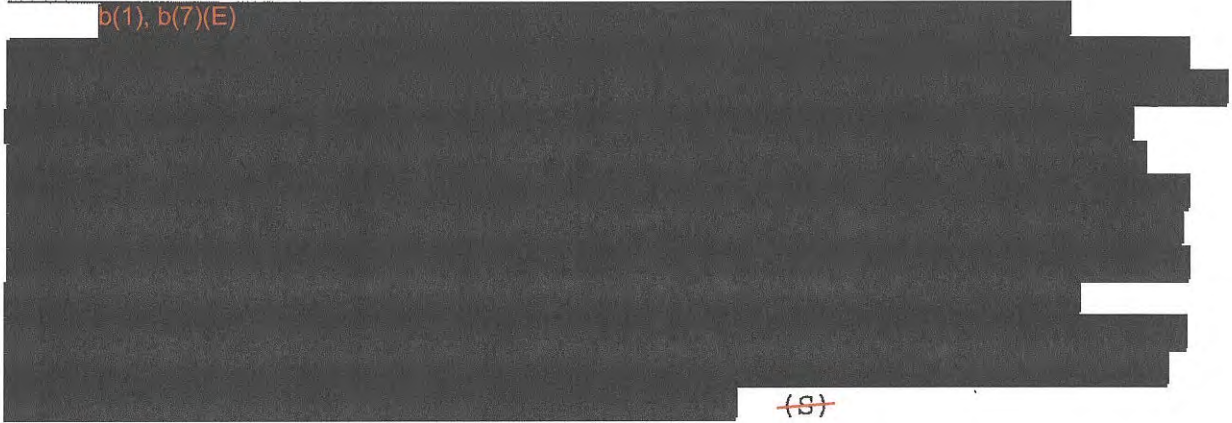
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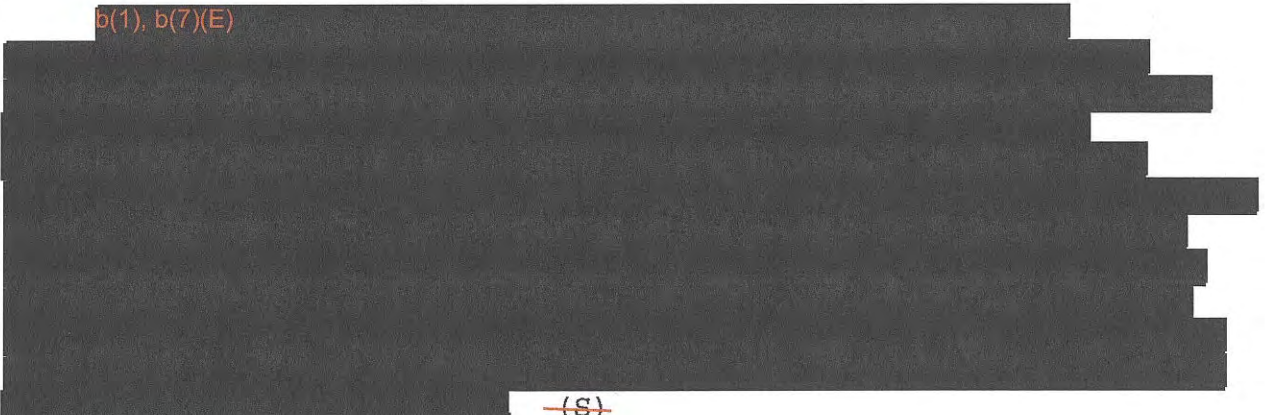
Incident 05-2-17 (U)

b(1), b(7)(E)



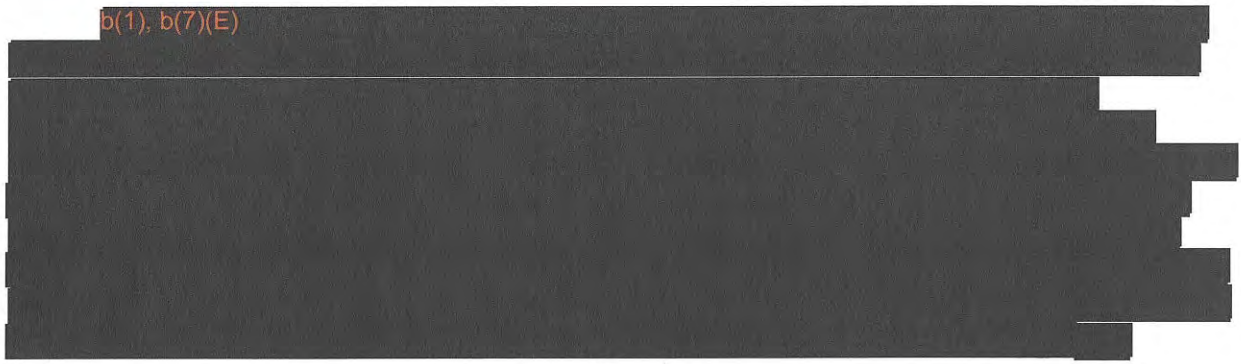
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b(1), b(7)(E)



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b(1), b(7)(E)



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Incident 06-1-3 (U)

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b(1), b(7)(E)

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b(1), b(7)(E)

~~(S)~~

Incident 06-1-4 (U)

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~~(S)~~

b(1), b(7)(E)

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Incident 06-1-7 (U)

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[REDACTED]

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b(1), b(7)(E)

[REDACTED]

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Out of scope/non-responsive

Incident 06-1-11 (U)

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b(1), b(7)(E)

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b(1), b(7)(E)

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b(1), b(7)(E)

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b(1), b(7)(E)

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Incident 06-1-12 (U)

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(b)(1), b(7)(E)

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(b)(1), (b)(7)(E)



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(b)(1), (b)(7)(E)



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b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Incident 06-1-14 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

Incident 06-1-15 (U)

b(1), b(7)(E)

[REDACTED]

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APPROVED FOR PUBLIC RELEASE



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

~~TOP SECRET//COMINT//NOFORN//XI~~

JUL 20 2006

The Honorable Pat Roberts
Chairman
Senate Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act and all requests for pen registers and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, *et. seq.* These reports cover the period July 1, 2005, through December 31, 2005.

We appreciate your flexibility in working with the Department in connection with the filing of this semi-annual report while the offices involved in the preparation of the report were displaced from the Main Justice Building as of June 26, 2006, due to flooding.

Sincerely,

Handwritten signature of William E. Moschella in black ink.
William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller IV
Vice Chairman

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UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

~~TOP SECRET//COMINT//NOFORN//X1~~

JUL 20 2006


The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with Sections 1808(a), 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning electronic surveillances and physical searches conducted under the Act and all requests for pen registers and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, *et. seq.* These reports cover the period July 1, 2005, through December 31, 2005.

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Sincerely,


William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Patrick J. Leahy
Ranking Minority Member

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UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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JUL 20 2006

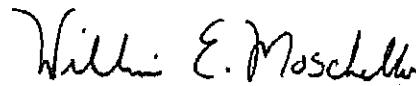
The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In accordance with Sections 1826, 1846, and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended, I am submitting herewith the semi-annual reports of the Attorney General concerning physical searches conducted under the Act and all requests for pen register and trap and trace surveillance under the Act. In addition, in accordance with Section 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, I am submitting herewith the semi-annual report of the Attorney General also concerning certain activities under and legal interpretations of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801, et. seq. These reports cover the period July 1, 2005, through December 31, 2005.

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William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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JUL 20 2006

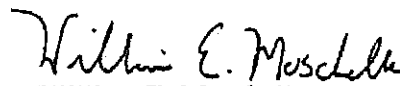
The Honorable Peter Hoekstra
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

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Sincerely,


William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Jane Harman
Ranking Minority Member

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THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT
UNDER THE
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED
BY SECTION 6002 OF THE
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
June 2006

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

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

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

(b)(1), (b)(7)(E)

~~(TS)~~

~~Classified by: James A. Baker, Counsel
for Intelligence Policy, Office of
Intelligence Policy and Review,
U.S. Department of Justice~~

~~Reason: 1.4(c)~~

~~Declassify on: X1~~

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Section 1: Introduction (U)

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

The aggregate number of persons targeted for orders for pen registers/trap and trace devices issued under section 402 of the Act, 50 U.S.C. § 1842, from July 1, 2005, through December 31, 2005, was at least 138.¹ (S)

Out of scope/non-responsive

Of those, 53 persons were targeted for pen registers/trap

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IV. Summary of Significant Legal Interpretations (U)


(b) (1)

(b) (1), (b) (7)(E)

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b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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b(1), b(7)(E)



~~(S)~~

V. Copies of Decisions or Opinions (U)

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

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(S)

D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a) - (b)(1), b(7)(E) [redacted]. These emergency authorizations resulted in b(1), b(7)(E) [redacted].

[redacted] zero applications for pen register/trap and trace surveillance.¹³ Applications or other appropriate

[redacted] b(1), b(7)(E) [redacted]

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~~TOP SECRET//COMINT//NOFORN//X1~~

b(1), b(7)(E)

[REDACTED] (S)

b(1), b(7)(E)

[REDACTED] (S)

b(1), b(7)(E)

[REDACTED] (S)

As noted above, on March 9, 2006, 50 U.S.C. §§ 1861 and 1842 were amended. See USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (March 9, 2006). As part of the revisions, 50 U.S.C. § 1842 (the FISA Pen Register provision) was amended to include telephone subscriber information in the information that must be disclosed by the wire or electronic communication service upon request of the Department through a pen register or trap and trace device. Because of this amendment to the statute, the Department anticipates that the number of requests for production of tangible things pursuant to Section 215 will decrease in future reporting periods. (S)

D. Scope of FISC's Jurisdiction (U)

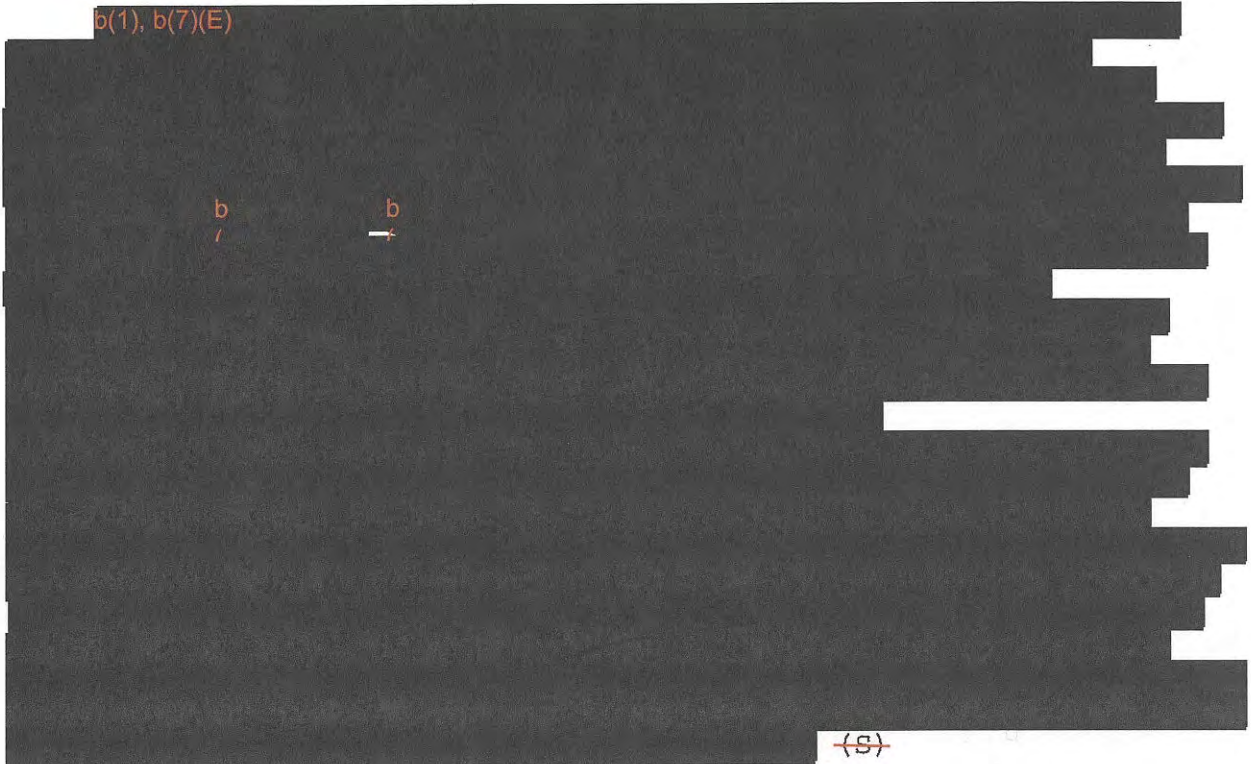
In connection with combined applications for authority to install and use pen registers and trap and trace devices and obtain business records under FISA, OIPR has sought, and the FISC has granted, b(1), b(7)(E)

[REDACTED] (S)

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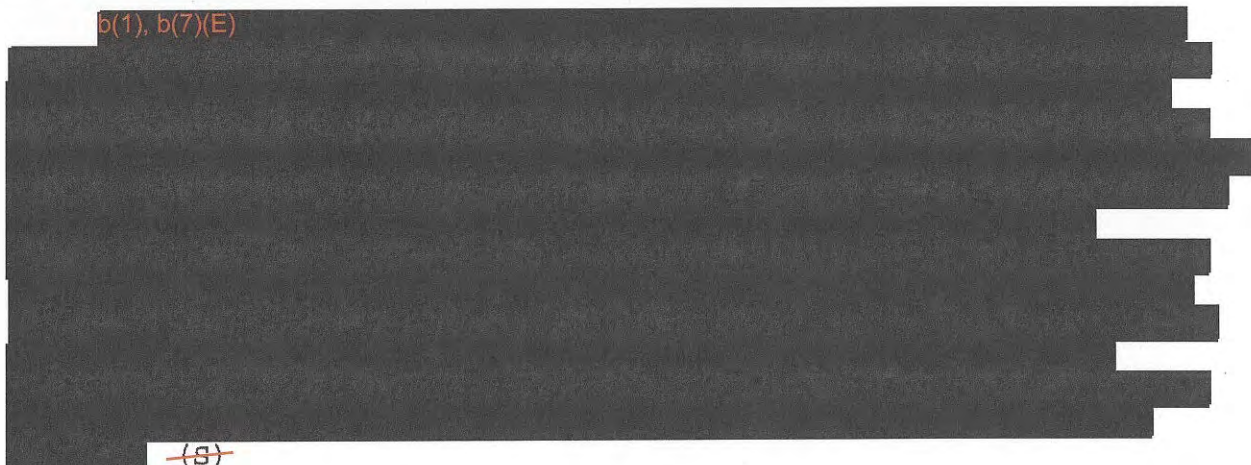
b(1), b(7)(E)



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b(1), b(7)(E)

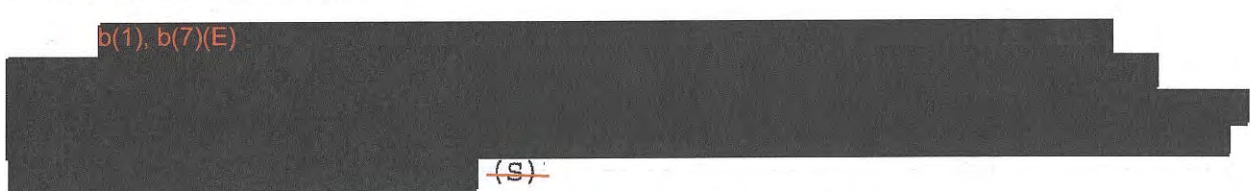


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b(1), b(7)(E)



b(1), b(7)(E)



~~(S)~~

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~~TOP SECRET//COMINT//NOFORN//X1~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

E. b(1), b(7)(E)

[REDACTED]

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

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J)

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31

Incident 04-1-22 (U)

b(1), b(7)(E)



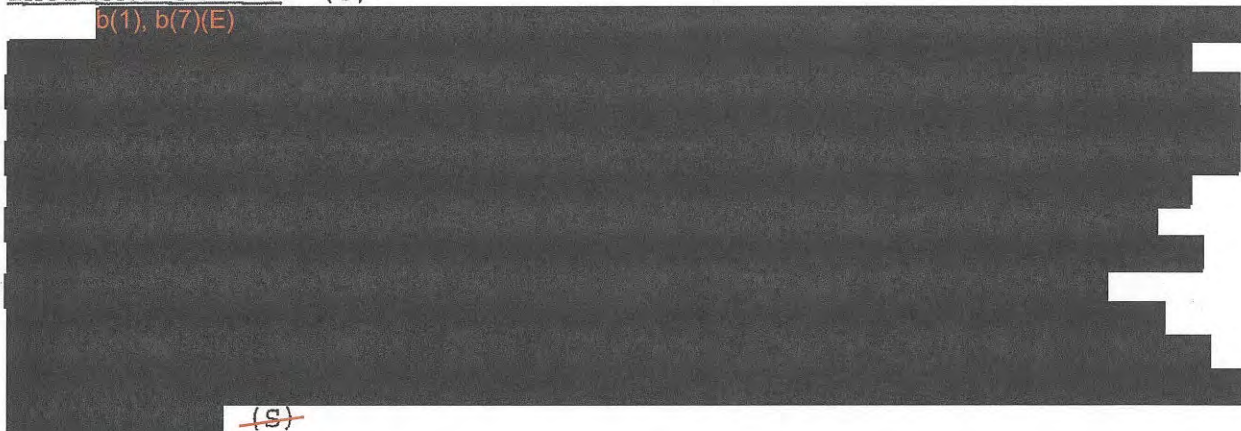
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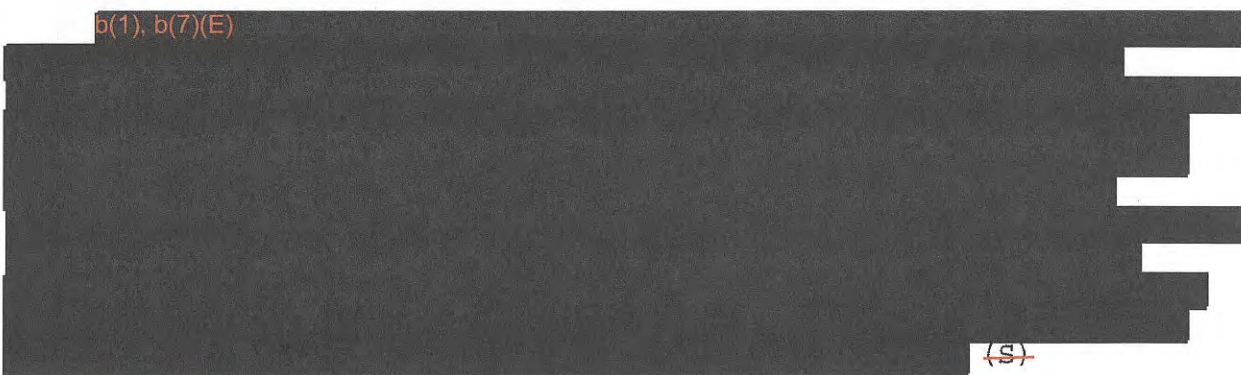
Incident 04-2-7 (U)

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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b(1), b(7)(E)

[REDACTED]

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Incident 04-2-10 (U)

b(1), b(7)(E)

[REDACTED]

~~(S)~~

b(1), b(7)(E)

[REDACTED]

~~(S)~~

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Incident 04-2-13 (U)

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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[REDACTED]

Incident 05-1-5 (U)

(1), b(7)(E)

[REDACTED]

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~~TOP SECRET//COMINT//NOFORN//X1~~

b(1), b(7)(E)

[REDACTED]

(S)

Incident 05-1-6 (U)

b(1), b(7)(E)

[REDACTED]

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(U)

b(1)

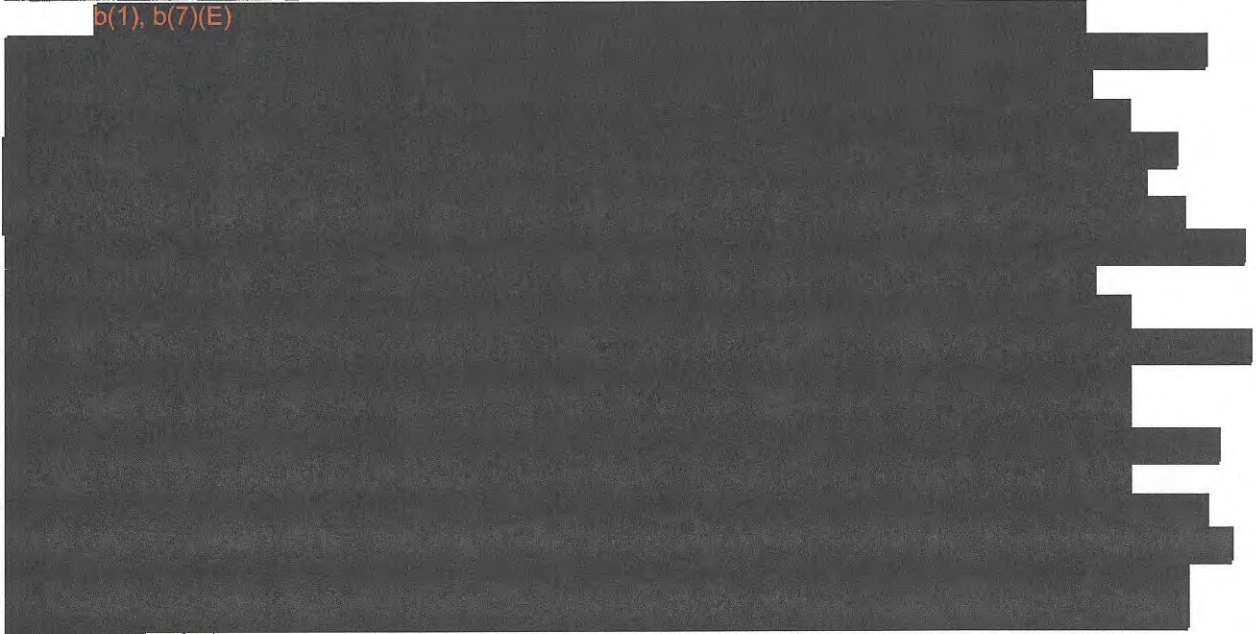
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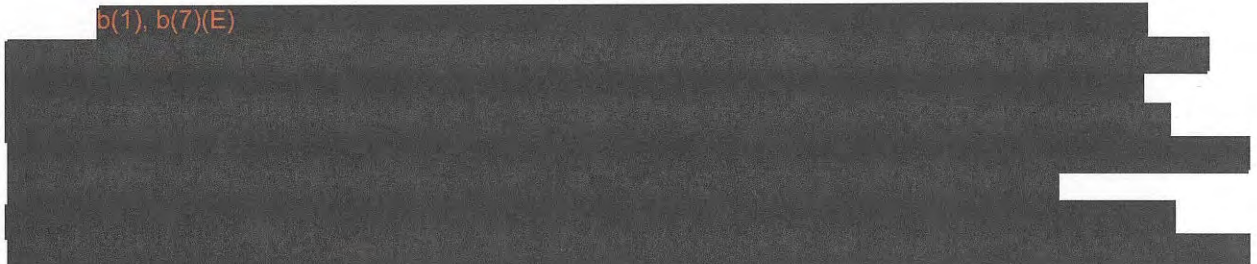
Incident 05-2-11 (U)

b(1), b(7)(E)



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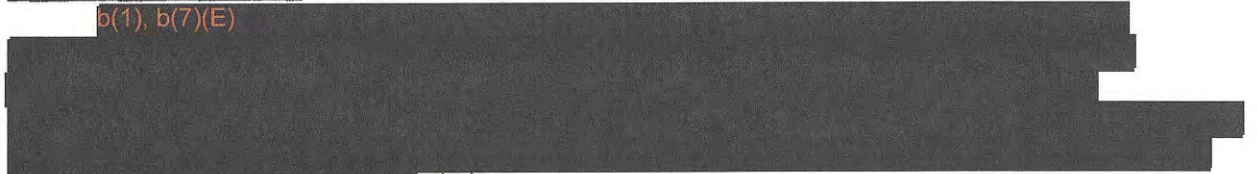
b(1), b(7)(E)



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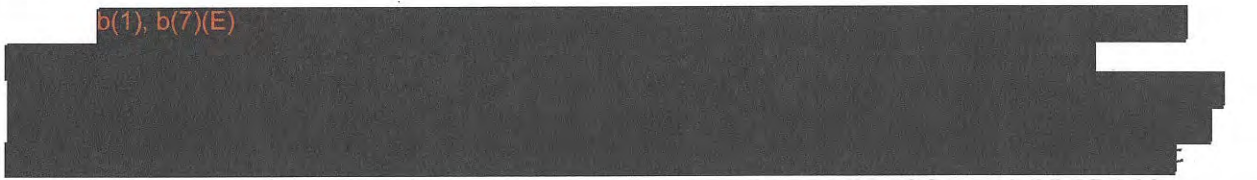
Incident 05-2-12 (U)

b(1), b(7)(E)



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b(1), b(7)(E)



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b(1), b(7)(E)



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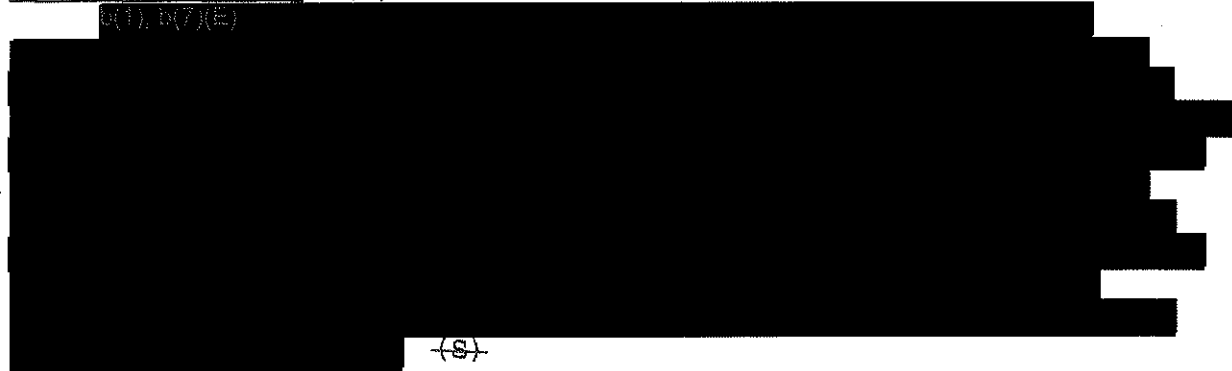
b(1), b(7)(E)



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Incident 05-2-13 (U)

b(1), b(7)(E)



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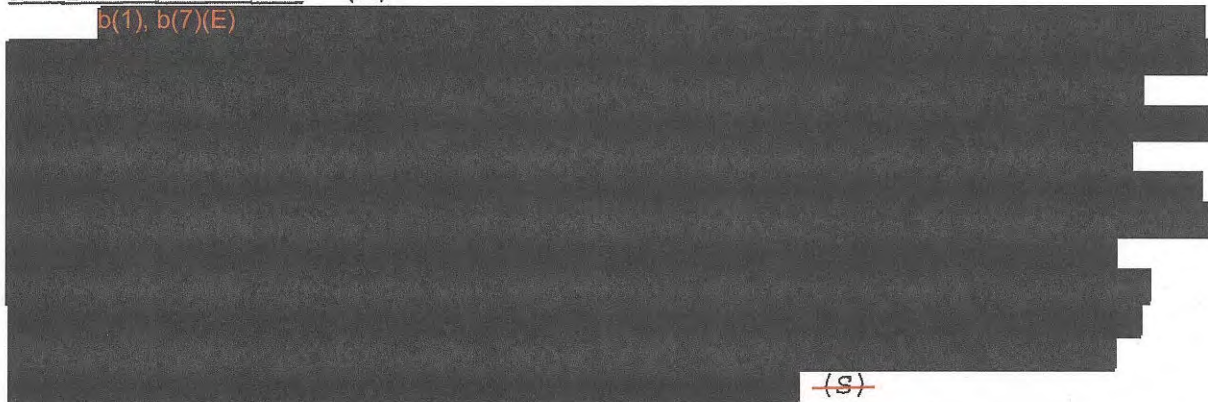
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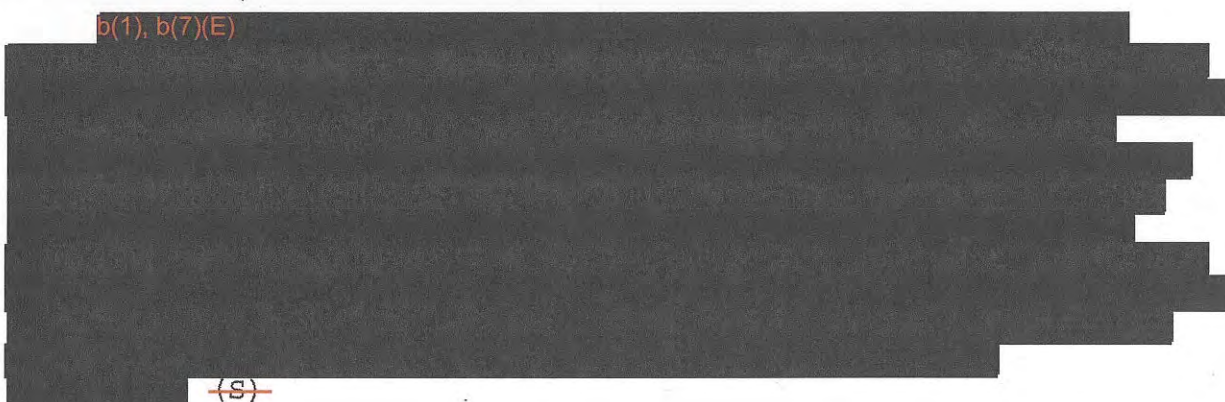
Incident 05-2-15 (U)

b(1), b(7)(E)



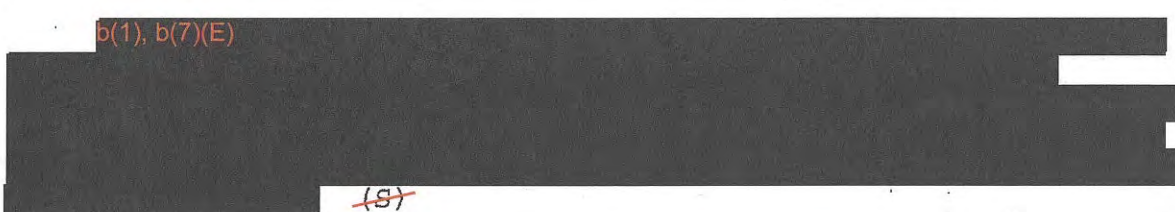
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b(1), b(7)(E)



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b(1), b(7)(E)



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(U)

Incident 05-2-17 (U)

b(1), b(7)(E)



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b(1), b(7)(E)

[REDACTED]

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b(1), b(7)(E)

[REDACTED]

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b(1), b(7)(E)

[REDACTED]

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THE ATTORNEY GENERAL'S REPORT ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

December 2007

~~TOP SECRET//COMINT//NOFORN,ORCON~~

~~TOP SECRET//COMINT//NOFORN,ORCON~~**Section 1: Introduction** (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It includes information concerning electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), and/or the Central Intelligence Agency (CIA) during the period January 1, 2007, through June 30, 2007.¹ Consistent with the Department of Justice's efforts to keep the Congress fully informed about its FISA activities in a manner consistent with the national security, this report contains information beyond that required by the statutory provisions set forth above. In addition to submitting this semi-annual report, the Intelligence Community and the Department provide information to the Congress concerning significant intelligence activities conducted under FISA in a manner consistent with the National Security Act. ~~(TS)~~

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¹² Some of the individuals listed below, however, may be current targets of Court-authorized pen register/trap and trace surveillance. (U)

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D. Emergency Surveillance or Physical Search (U)

During this reporting period, the Attorney General (or Deputy Attorney General, Acting Attorney General, or Assistant Attorney General for National Security) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), ~~Out of scope/non-responsive~~ 46 times. These emergency authorizations resulted in 181 applications for electronic surveillance authority, 179 applications for no applications for register/trap and trace surveillance.¹⁵ Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization. The FISC approved all of the applications and/or accepted the other pleadings. ~~(S)~~

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G. Pen Register/Trap and Trace Surveillance (U)

During this reporting period, the United States filed 117 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. In these 117 applications, at least 50 United States persons were the targets of pen register/trap and trace surveillance.

(b)

The FISC denied no applications, as they were originally presented, during this reporting period. Ten orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

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IV. **Judicial Assessment and Other Oversight Matters** (U)

A. **FISC Modifications of Orders** (U)

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Incident 05-2-17 (U)

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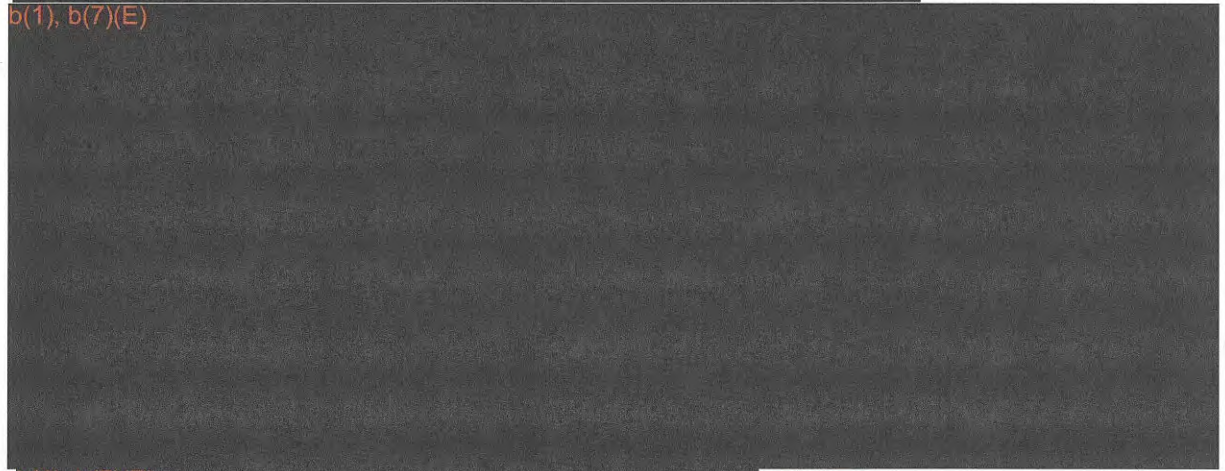
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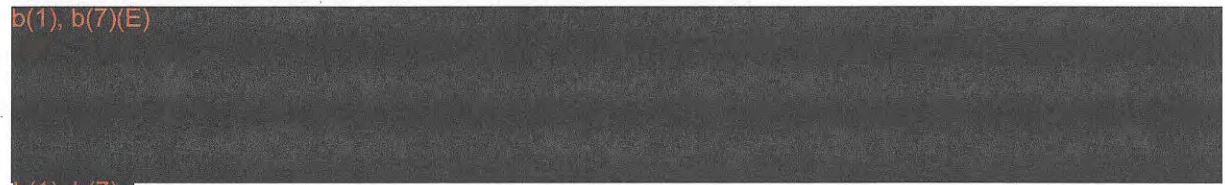
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b(1), b(7)(E)



b(1), b(7)(E) ~~(S)~~

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b(1), b(7)(E)



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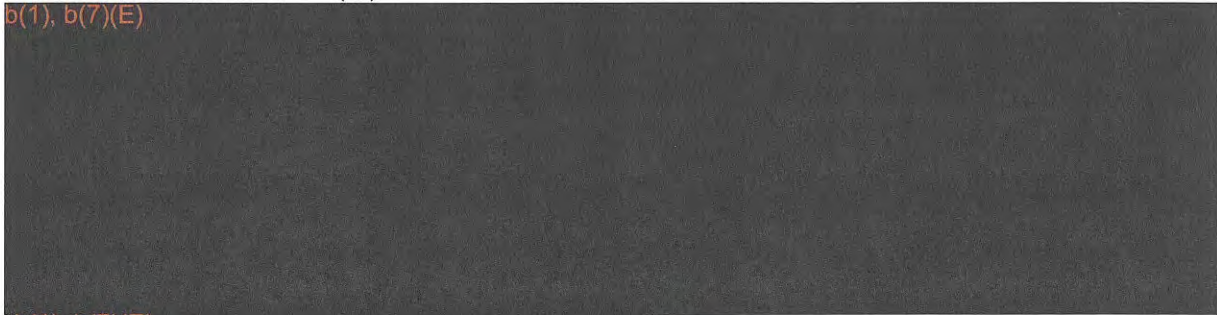
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C. Update to Incidents Reported in 06-1 (U)

Incident 06-1-7 (U)

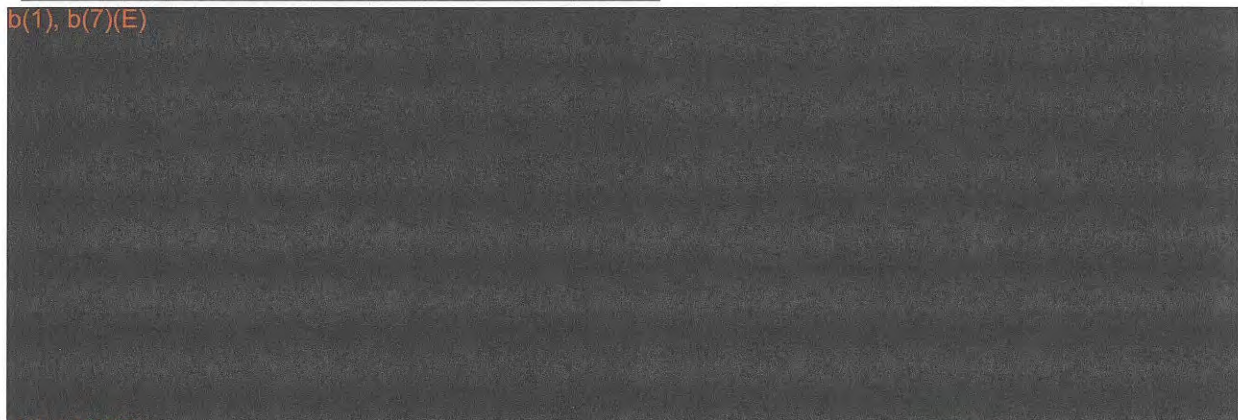
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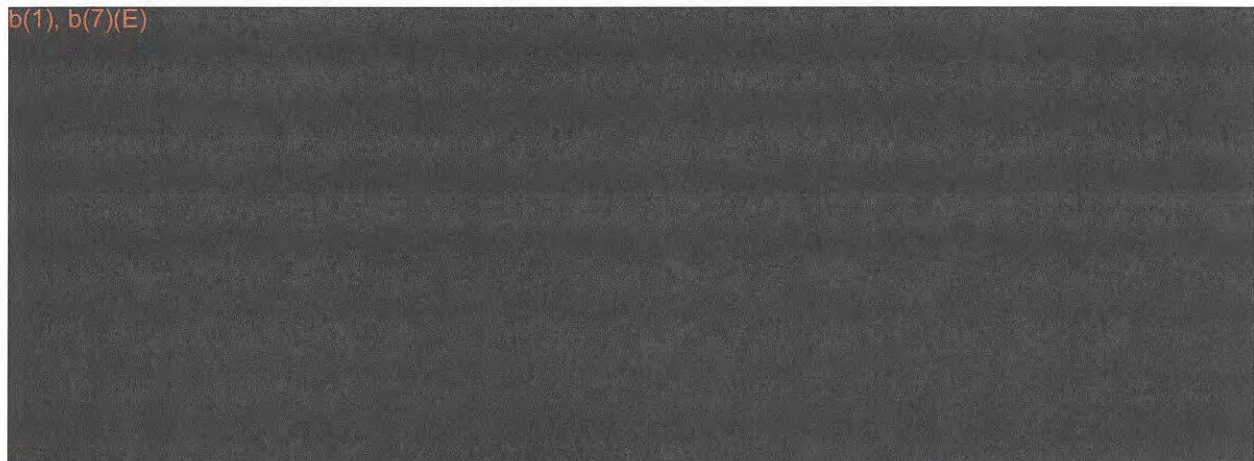
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Incident 07-1-16 (U)

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APPROVED FOR PUBLIC RELEASE

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THE ATTORNEY GENERAL'S REPORT ON
ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH
UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

June 2007

~~TOP SECRET//COMINT//NOFORN,ORCON~~

~~TOP SECRET//COMINT//NOFORN,ORCON~~**Section 1: Introduction** (U)

This report is submitted pursuant to Sections 108(a), 306, 406, and 502 of the Foreign Intelligence Surveillance Act of 1978 (FISA or the Act), as amended, 50 U.S.C. §§ 1801-1811, 1821-1829, 1841-1846, 1861-1862. It includes information concerning electronic surveillance, physical searches, pen register/trap and trace surveillance, and requests for access to certain business records for foreign intelligence purposes conducted under the Act by the Federal Bureau of Investigation (FBI), the National Security Agency (NSA), and/or the Central Intelligence Agency (CIA) during the period July 1, 2006, through December 31, 2006.¹ Consistent with the Department of Justice's efforts to keep the Congress fully informed about its FISA activities in a manner consistent with the national security, this report contains information beyond that required by the statutory provisions set forth above. In addition to submitting this semi-annual report, the Intelligence Community and the Department provide information to the Congress concerning significant intelligence activities conducted under FISA in a manner consistent with the National Security Act. ~~(TS)~~

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¹⁴ Some of the individuals listed below, however, may be current targets of Court-authorized pen register/trap and trace surveillance. (U)

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D. **Emergency Surveillance or Physical Search** (U)

During this reporting period, the Attorney General (or Deputy Attorney General or Acting Attorney General) authorized emergency electronic surveillance and/or physical search pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b),

[REDACTED] . These emergency authorizations resulted in [REDACTED] two applications for pen register/trap and trace surveillance.¹⁹ Applications or

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other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (for electronic surveillance and/or physical search applications), or within 48 hours (for pen register/trap and trace applications). The FISC approved all of the applications and/or accepted the other pleadings. ~~(S)~~

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G. Pen Register/Trap and Trace Surveillance (U)

During this reporting period, the United States filed 98 applications with the FISC seeking authorization for the FBI and/or the NSA to conduct pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1841-1846, as amended. The FISC denied no applications, as they were originally presented, during this reporting period. Eighteen orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

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C. **FISC Modifications of Orders** (U)

As reported in previous semi-annual reports, in some cases considered by the FISC during the time period covered by this Semi-Annual Report, the FISC has modified orders submitted by the government. Substantive changes (not technical corrections) to orders, are usually handwritten but sometimes are issued as a separate amendment or addendum to an order. The changes made by FISC judges during the period covered by this report include:

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(b) (1), (b) (7)(E)

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(b) (1), (b) (7)(E)

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the FISC in a combined format with pen register/trap and trace applications. Because of that combination, the number of requests for the production of tangible things increased in past semi-annual reports because the practice of filing combined business record and pen register/trap and trace applications continued. ~~(S)~~

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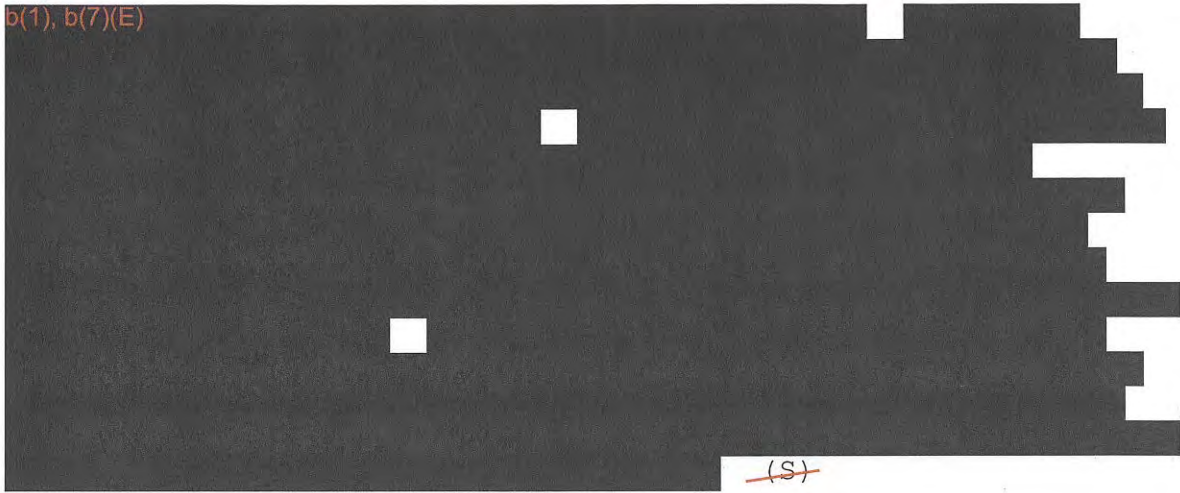
b(7)(E)

b(1), b(7)(E)

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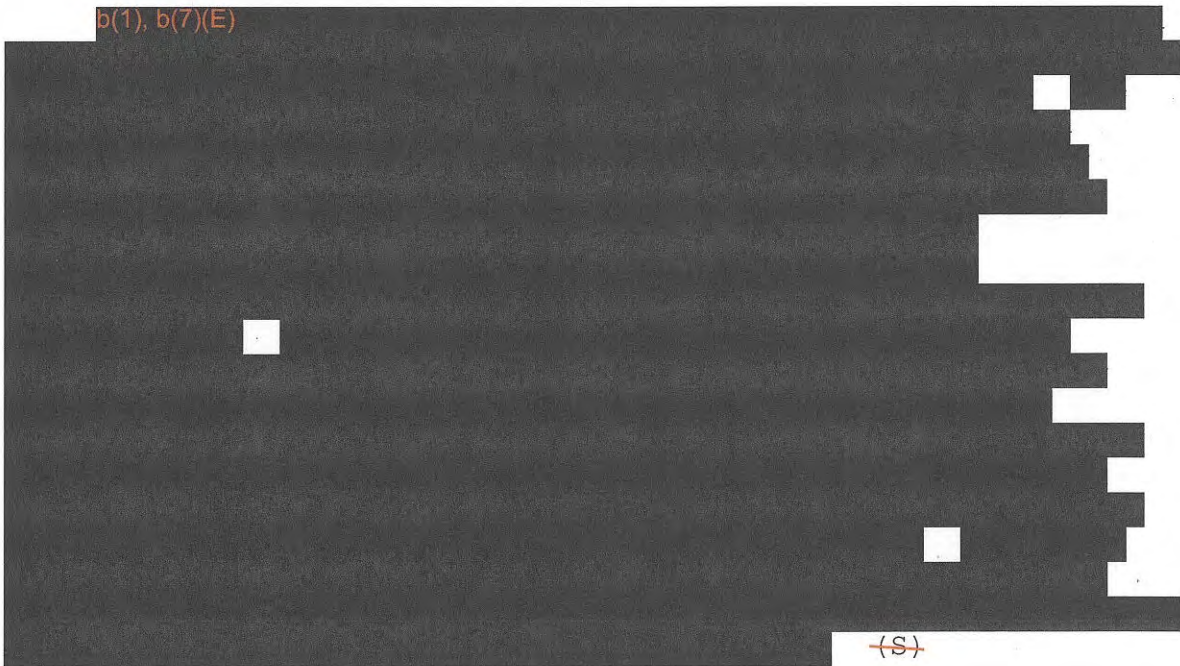
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b(1), b(7)(E)



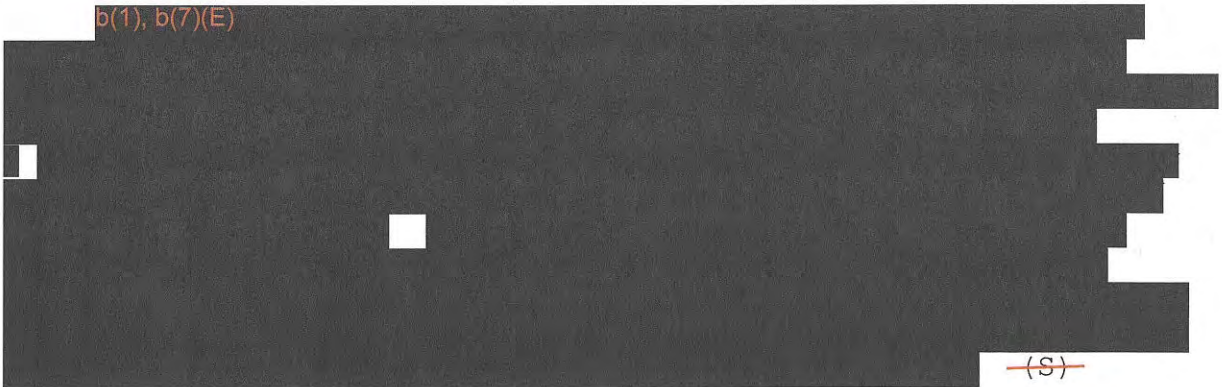
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b(1), b(7)(E)



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b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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(b)(1), b(7)(E)



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L. FISA Process Improvements (U)

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In addition to the changes to the FISA process made at the Attorney General's April 2004 direction referenced in prior semi-annual reports, OIPR continues to seek ways to further improve the processing of FISA requests. In particular, and in response to OIPR's growing number of attorneys, as was reported in previous semi-annual reports, OIPR reorganized in November 2004 into sections that reflect the current nature of FISA work and to a significant degree mirror the FBI's internal organization. OIPR's current reorganization is discussed below in Part M. (U)

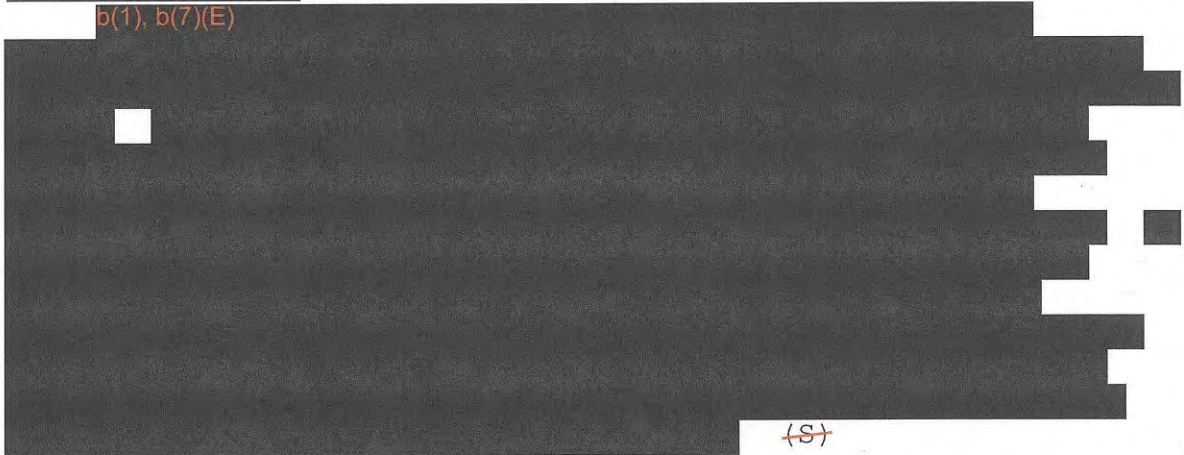
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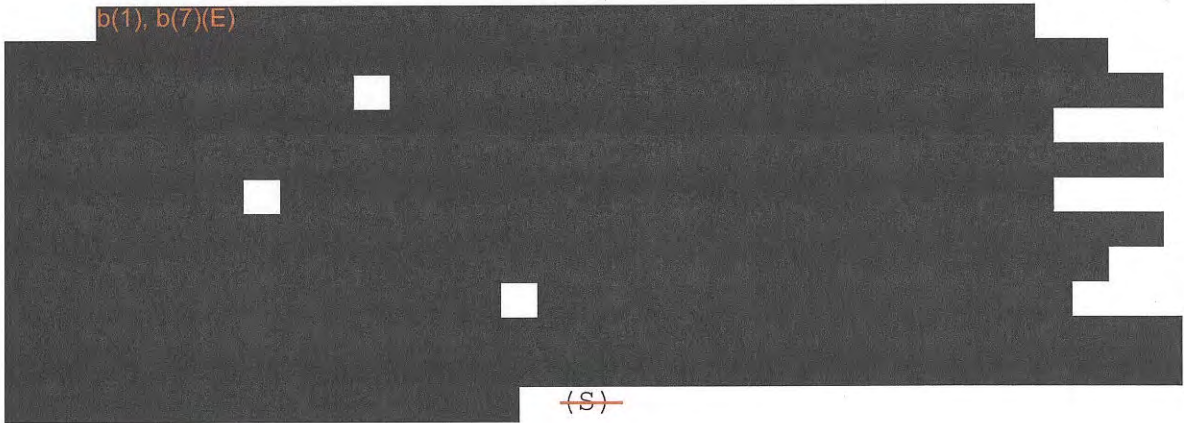
Incident 05-2-17 (U)

b(1), b(7)(E)



~~(S)~~

b(1), b(7)(E)



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b(1), b(7)(E)



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(U), b(7)(E)



5. Update to Incidents Reported in 06-1 (U)

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Incident 06-1-7 (U)
(b) (1), (b) (7)(E)

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b(1), b(7)(E)
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(S)

b(1), b(7)(E)
[Redacted]
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Incident 06-1-12 (U)

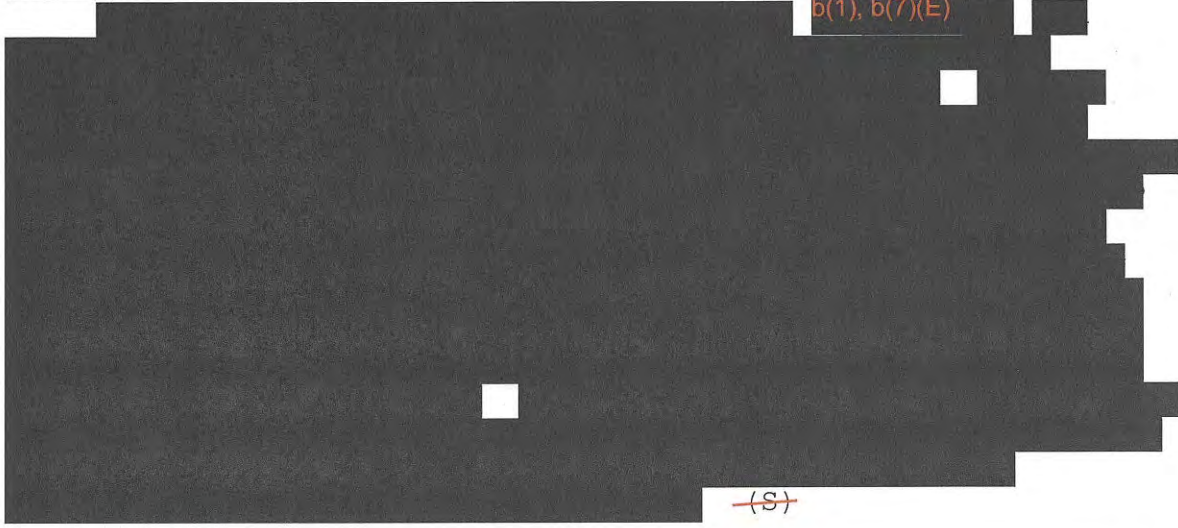
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[REDACTED] (U) (S) (S)

~~TOP SECRET//COMINT//NOFORN,ORCON~~

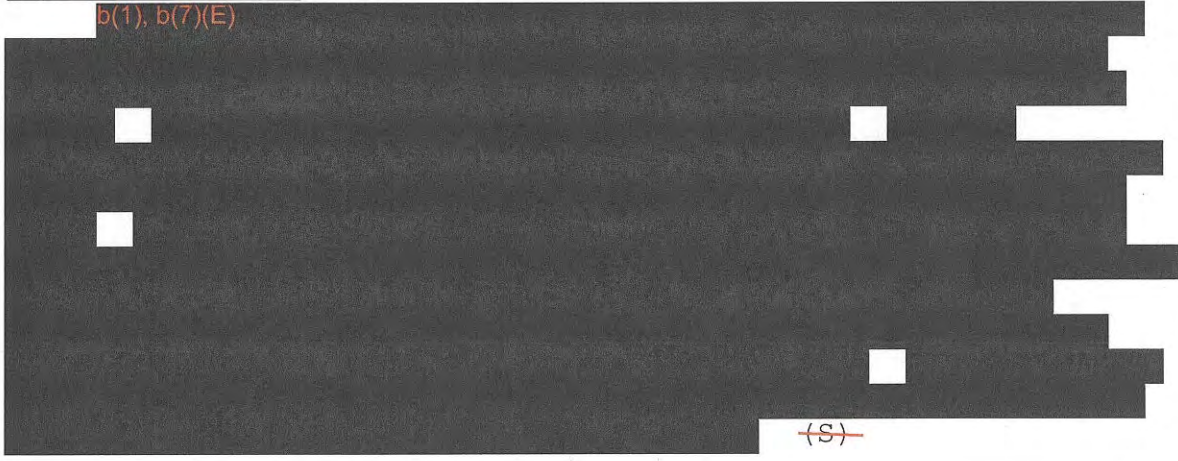
~~TOP SECRET//COMINT//NOFORN,ORCON~~

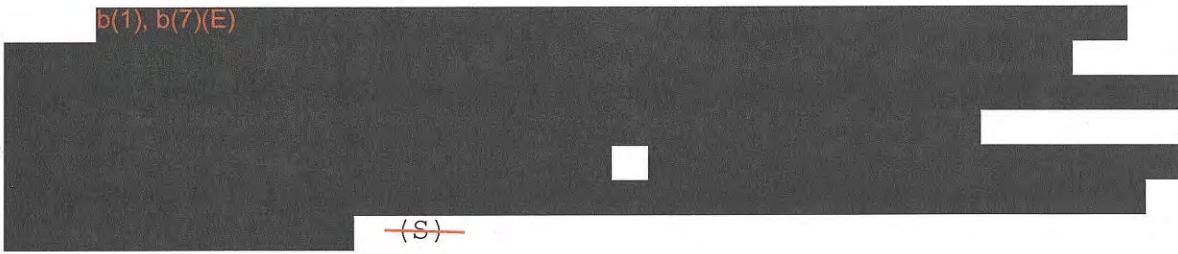
Incident 06-1-14 (U)

~~b(1), b(7)(E)~~

~~(S)~~

~~b(1), b(7)(E)~~

~~(S)~~

Incident 06-1-15 (U)

~~b(1), b(7)(E)~~

~~(S)~~

~~b(1), b(7)(E)~~

~~(S)~~

~~b(1), b(7)(E)~~

~~(S)~~

~~TOP SECRET//COMINT//NOFORN,ORCON~~