



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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~~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//NOFORN//X1~~

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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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 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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Office of the Assistant Attorney General

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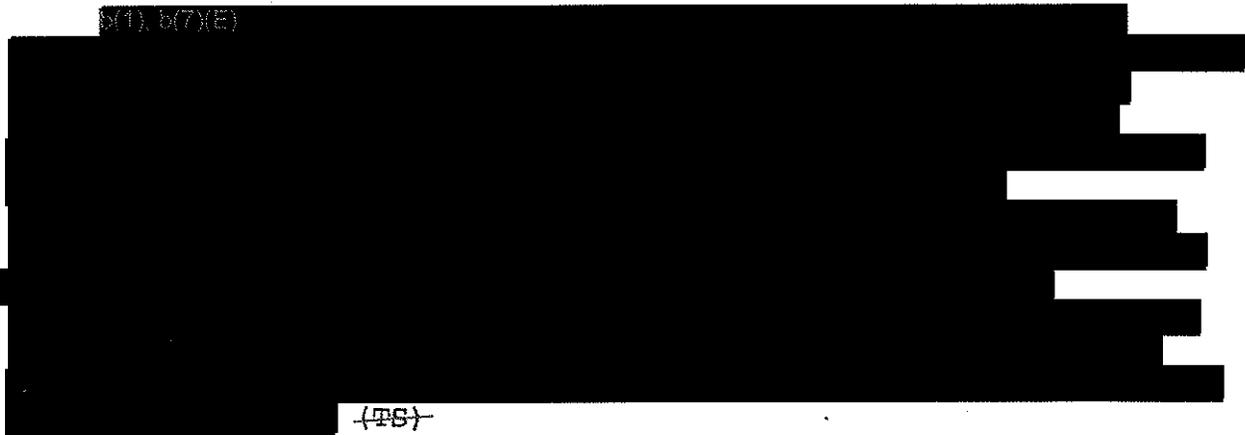
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THE ATTORNEY GENERAL'S SEMI-ANNUAL REPORT
UNDER THE
FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED
BY SECTION 6002 OF THE
INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004
December 2005

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~~

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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, 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)

pp D. Access to Tangible Things (U)

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

~~(TS)~~

~~(TS)~~

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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)(E) [redacted] These emergency authorizations resulted in (b)(1), (b)(7)(E) [redacted]

[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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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)

[REDACTED]

(S)

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[REDACTED]

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

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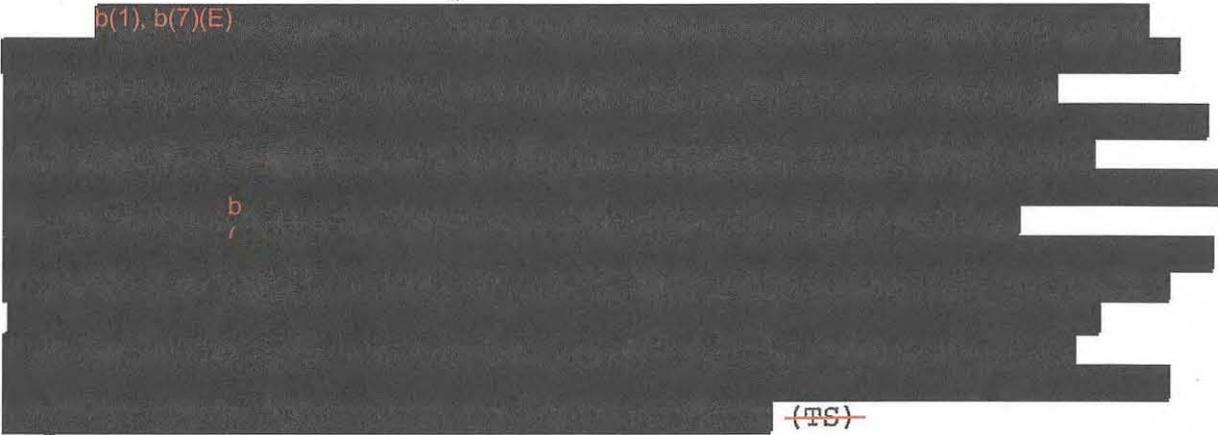
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G. Other Legal Interpretations under FISA by the FISC (U)

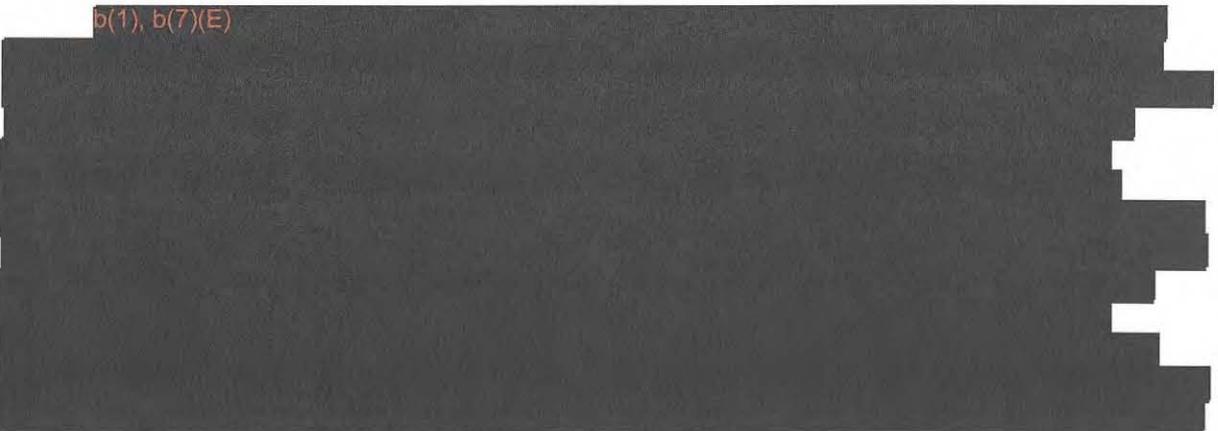
b(1), b(7)(E)



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~~(TS)~~

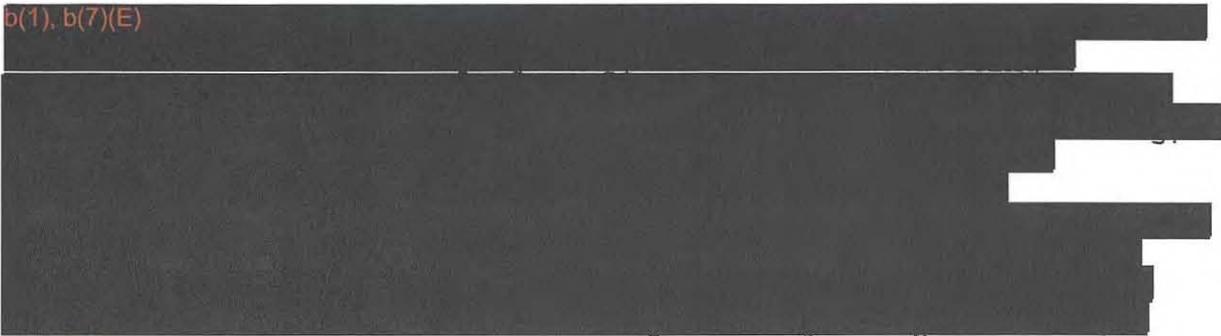
b(1), b(7)(E)



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



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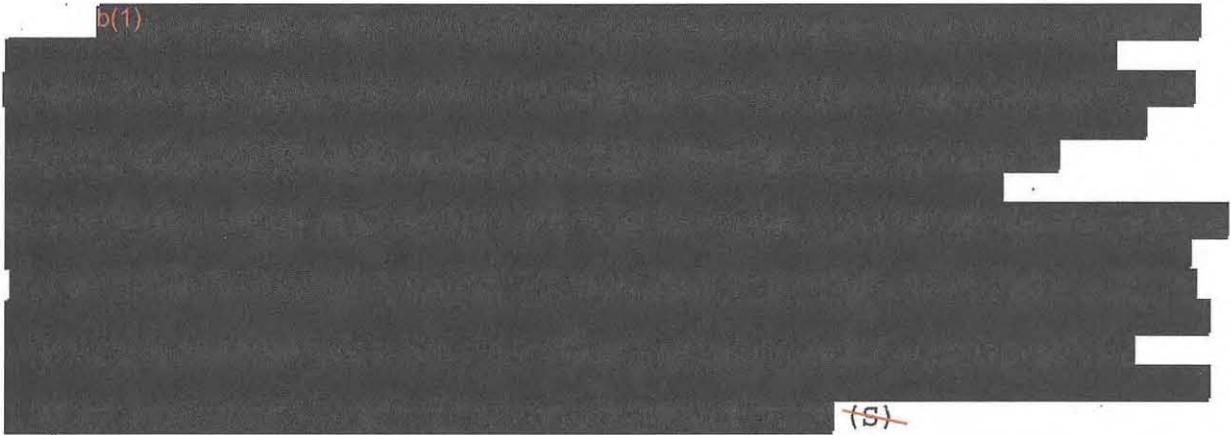
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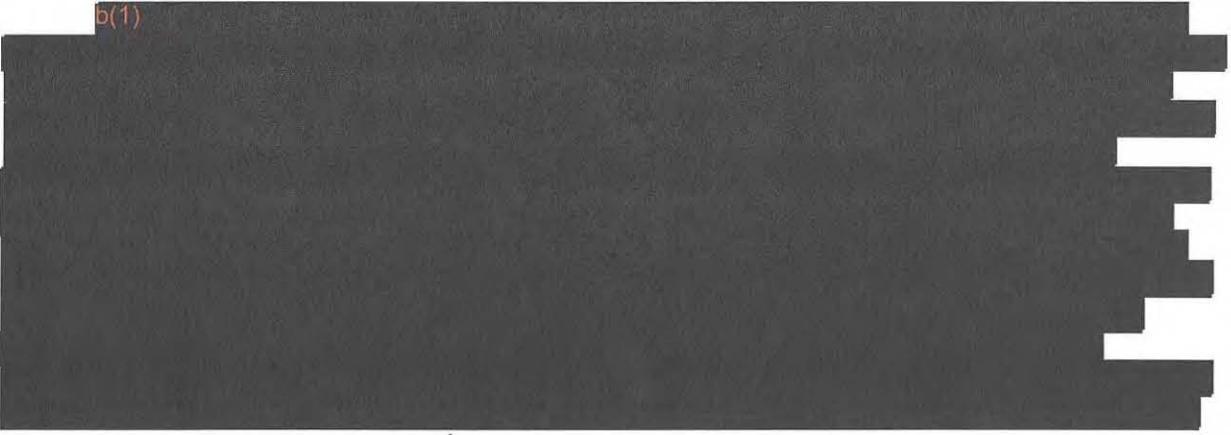
K. FISA Process Improvements (U)

b(1)



(S)

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)



(S)

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



(S)

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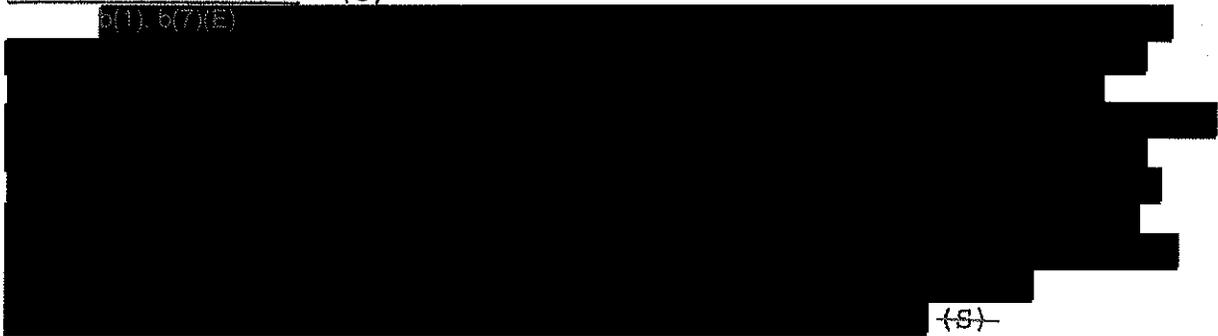
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Incident 04-1-22 (U)

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

Incident 04-2-1 (U)

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

[REDACTED]

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

[REDACTED]

~~(S)~~

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

[REDACTED]

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

(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)

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Incident 04-2-10 (U)

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

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

~~(S)~~

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

~~(S)~~

Out of scope/non-responsive

Incident 04-2-13 (U)

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

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Incident 05-1-5 (U)

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



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

[REDACTED]

~~(S)~~

Incident 05-1-6 (U)

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

[REDACTED]

~~(S)~~

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