



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,

William E. Moschella
William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller IV
Vice Chairman

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~~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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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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Sincerely,

William E. Moschella
 William E. Moschella
 Assistant Attorney General

Attachments

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

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JUL 20 2006

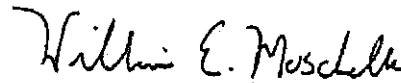
The Honorable Peter Hoekstra
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

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 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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~~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 July 1, 2005, through December 31, 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 July 1, 2005, through December 31, 2005, was at least 138.¹ (S)

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OF WHICH, 138 PERSONS WERE TARGETED BY PEN REGISTERS/...

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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)

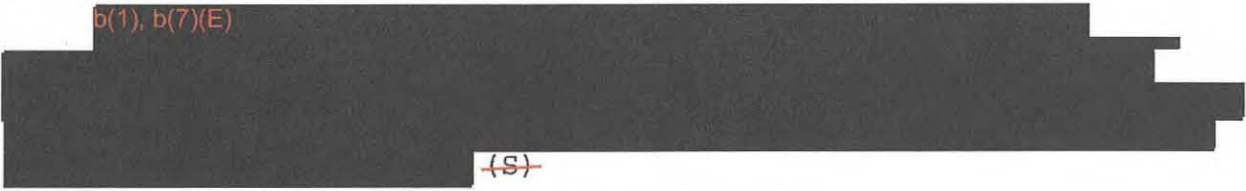


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b(1), b(7)(E)



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



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

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

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

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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)

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)

[REDACTED]

b / b

~~(S)~~

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

[REDACTED]

~~(S)~~

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

[REDACTED]

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

[REDACTED]

~~(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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Incident 04-1-22 (U)

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



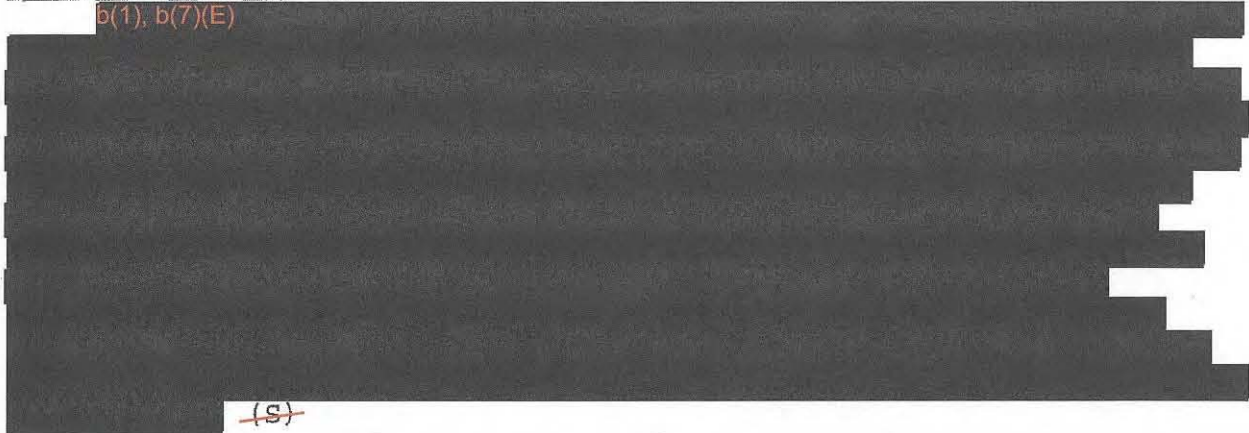
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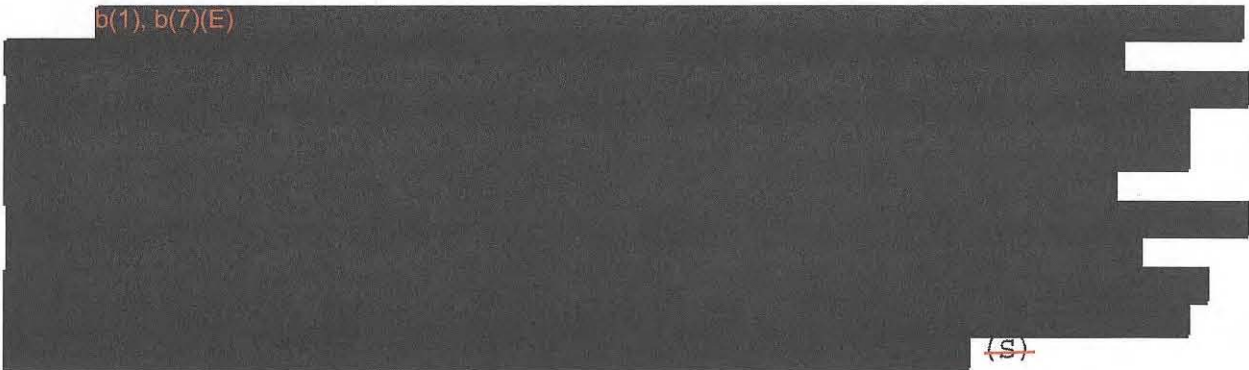
Incident 04-2-7 (U)

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]

~~(S)~~

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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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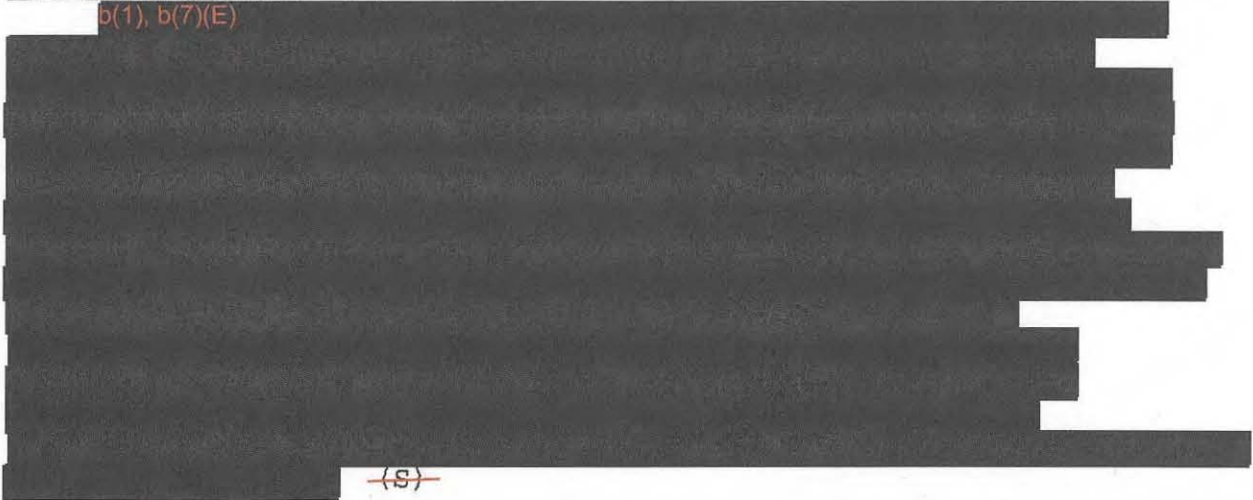
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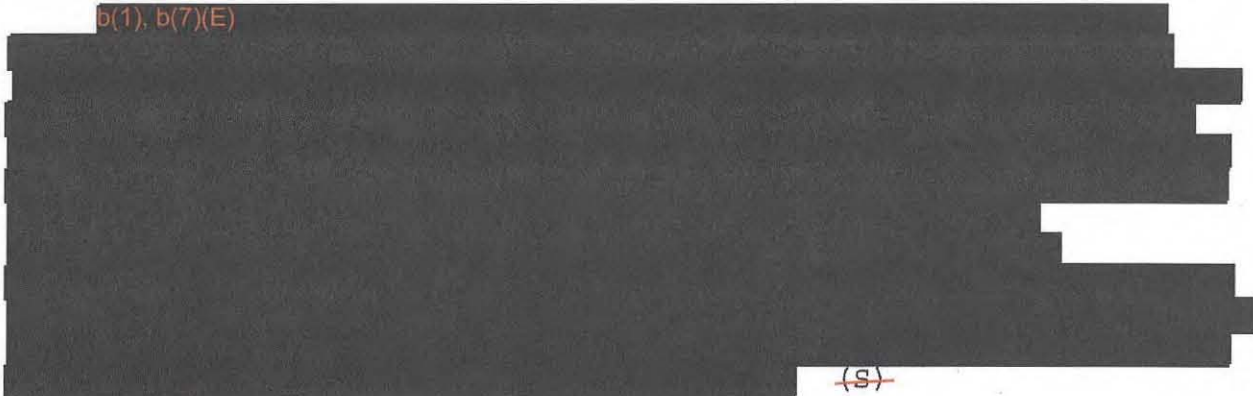
Incident 04-2-13 (U)

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

[REDACTED]

(S)

Incident 05-1-6 (U)

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

[REDACTED]

(S)

Out of scope/non-responsive (U)

b(1)

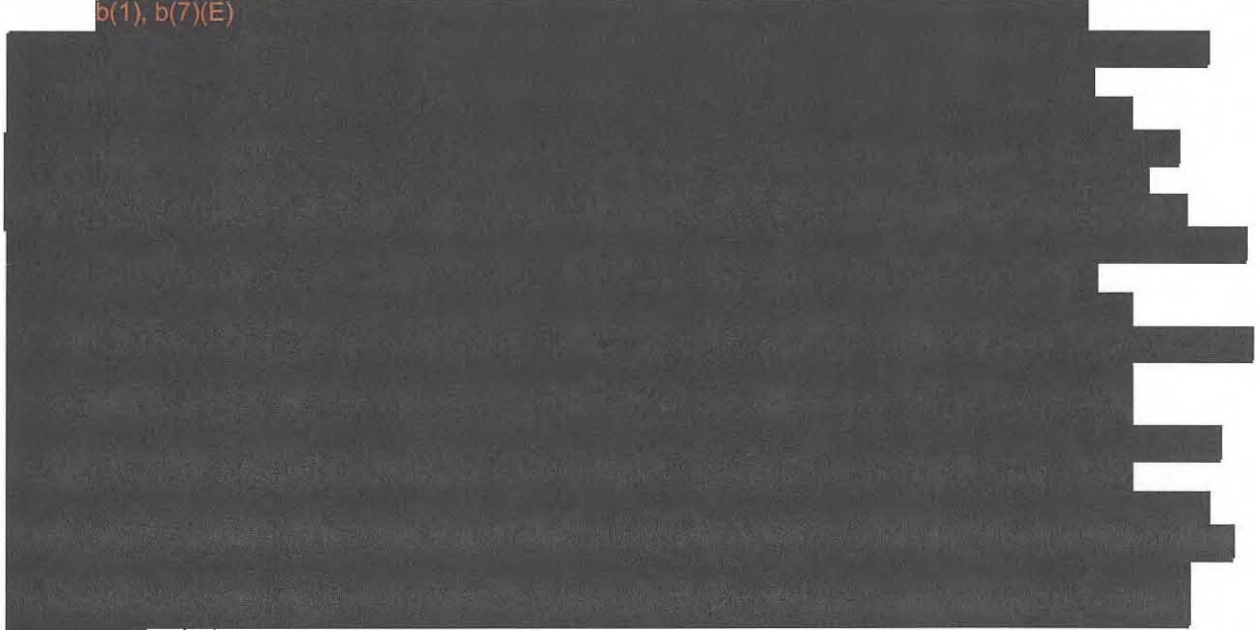
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Incident 05-2-11 (U)

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



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



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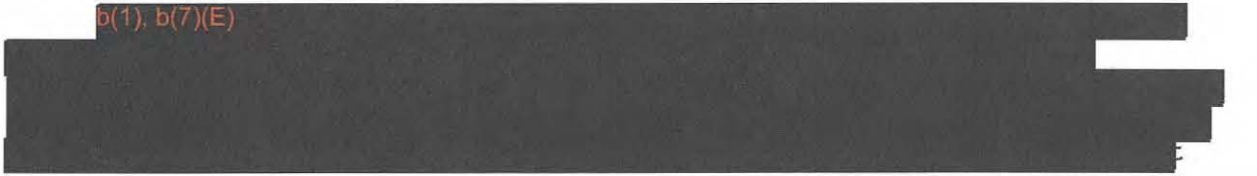
Incident 05-2-12 (U)

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



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



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

[REDACTED]

~~(S)~~

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

[REDACTED]

~~(S)~~

Incident 05-2-13 (U)

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

[REDACTED]

~~(S)~~

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[REDACTED]

Incident 05-2-15 (U)

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 05-2-17 (U)

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



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

[REDACTED]

~~(S)~~

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

[REDACTED]

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

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