



U.S. Department of Justice

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Office of Legislative Affairs

DATE: 02/26/2016  
FBI INFO. CLASSIFIED BY J23J98T32  
REASON: 14(C)  
DECLASSIFICATION: 12/31/2041

Office of the Assistant Attorney General

Washington, D.C. 20530

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

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*

William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable Jane Harman  
"Ranking Minority Member"

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

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Committee on the Judiciary  
United States Senate  
Washington, DC 20510

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"Ranking Minority Member"

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Chairman  
Committee on the Judiciary  
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cc: The Honorable John Conyers, Jr.  
Ranking Minority Member

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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, 2005, through June 30, 2005. (S)

[REDACTED] (S)

The FISC denied no applications during this reporting period as they were originally presented. (U)

[REDACTED] (S)

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18T**2. Descriptions. (U)**

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(S)  
18T

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

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3.

[REDACTED] (S)

[REDACTED] (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). These emergency authorizations resulted in

[REDACTED] and two applications for pen register/trap and trace surveillance.<sup>15</sup> 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)

E.

[REDACTED] (S)

[REDACTED]

[REDACTED] (S)

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categories of information sought pursuant to 50 U.S.C. § 1861 were: (1) driver's license records from state departments of motor vehicles; (2) public accommodations; (3) apartment lease records; (4) credit card records; and (5) telecommunications subscriber information for telephone numbers in conjunction with the FISC-authorized installation and use of pen registers/trap and trace devices. (U)

During the reporting period covered by this semi-annual report, the government obtained FISC approval of 77 requests for the production of tangible things under Section 215. All of these orders were for records related to an investigation authorized under Attorney General guidelines. None involved investigations being conducted solely on the basis of activities protected by the First Amendment. These orders involved the following categories of targets and types of records:

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-6


(S)

The government continues to file, and the FISC has approved, requests for the production of tangible things pursuant to 50 U.S.C. § 1861. These requests will be reported in the semi-annual reports covering the period in which they are filed and approved. None of these investigations are being conducted based solely on activities protected by the First Amendment. (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.




b1-1 Per FBI  
b3-1  
b7E-6

(S)

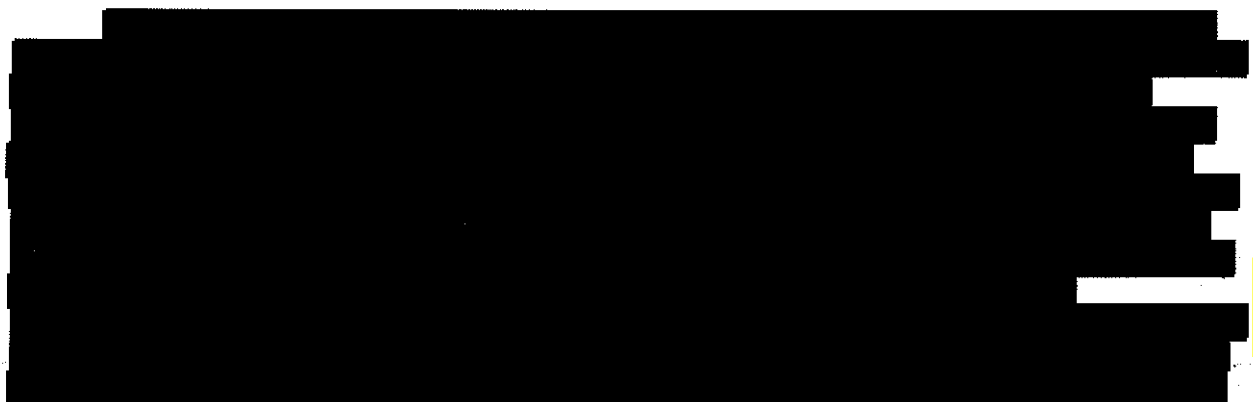
#### D. Scope of FISC's Jurisdiction (U)

As reported in previous semi-annual reports, the FISC asked the government to file a memorandum of law addressing a question about the scope of the FISC's jurisdiction. On October 17, 2003, a FISC judge raised the following question during a hearing:



b1-1 Per FBI  
b3-1  
b7E-5

the Foreign Intelligence Surveillance Court has jurisdiction to issue an order under the Foreign Intelligence Surveillance Act. (S)



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b7E-5

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[REDACTED] Thus, the FISC concluded that the interception of such communications was not covered by the Act. (S)

this redaction is within the remaining challenged withholdings.

b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

The government continues to expect that, as the means of communication used by terrorists and other FISA targets change, difficult questions about the applicability of FISA will continue to arise. We will keep Congress informed as these issues develop. (S)

E. [REDACTED] (S)

These redactions are b(1) and outside of the remaining challenged withholdings

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~~(TS)~~

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

~~(TS)~~

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[REDACTED]

(TS)

H.

[REDACTED]

(S)

[REDACTED]

(b)1 These redactions are outside of the remaining challenged withholding s

[REDACTED] (S)

I. Litigation Support (U)

[REDACTED]

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[REDACTED]

(S)

[REDACTED]

(S)

K. FISA Process Improvements (U)

[REDACTED]

(S)

[REDACTED]

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withholdings

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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)

[REDACTED]

(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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[REDACTED]

(TS)

A. Electronic Surveillance (U)

[REDACTED]

(S)

B. Physical Searches (U)

[REDACTED]

(S)

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.<sup>1</sup> (S)

pp D. Access to Tangible Things (U)

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-6

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-6

(S)

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TOP SECRET//NOFORN//X1

(b)1 These redactions are outside of the remaining challenged withholdings

b1-1 Per FBI  
b3-1  
b7E-6

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)

## II. Number of Individuals Covered by an Order Under Section 101(b)(1)(C) (U)

(b)1 These redactions are outside of the remaining challenged withholdings

(S)

## III. Attorney General Authorizations for Use of FISA-derived Information Use in a Criminal Proceeding (U)

(S)

## IV. Summary of Significant Legal Interpretations (U)

During the reporting period from January 1, 2005, through June 30, 2005, there were two significant legal interpretations of the Act involving matters before the Foreign Intelligence Surveillance Court ("the Court") or the Foreign Intelligence Surveillance Court of Review ("the Court of Review"), including interpretations presented in applications or pleadings filed with the Court or the Court of Review. Both were presented in supplemental briefs filed by the government with the Court in connection with applications submitted pursuant to the Act by the government. A summary of those legal interpretations follows. (S)

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b7E-5,6

within the remaining challenged withholdings.

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challenged withholdings.

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b1-1 Per FBI  
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7E-5

(TS)

In this application, the relevant provisions of FISA were those containing the definitions of pen register and trap and trace devices. See 50 U.S.C. § 1841(2) (stating that "the terms 'pen register' and 'trap and trace device' have the meanings given such terms in Section 3127 of Title 18, United States Code"). These definitions were amended by the "Uniting and Strengthening America by Providing Appropriate Tools Required to Obstruct and Intercept Terrorism Act of 2001" (USA PATRIOT Act), Pub.L. 107-56, to clarify that the pen register and trap and trace provisions apply to an array of modern communications technologies (e.g., cellular phones and the Internet) and not simply traditional telephone lines. In the USA PATRIOT Act, the definitions were updated to include the recording or decoding of "dialing, routing, addressing or signaling information" in order to confirm the statute's proper application to collecting communications in an advanced electronic environment. In this application,

b1 Per FBI  
b3-1  
b7E-5, 6

Thus, the government argued, use of the requested surveillance technique was authorized under FISA's definitions of pen registers and trap and trace devices. The court approved the application as requested by the government. (TS)

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challenged withholdings.

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## Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DATE: 02/26/2016

FBI INFO. CLASSIFIED BY J23J98T32

REASON: 1.4(c)

DECLASSIFY ON: 12/31/2041

~~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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Ranking Minority Member

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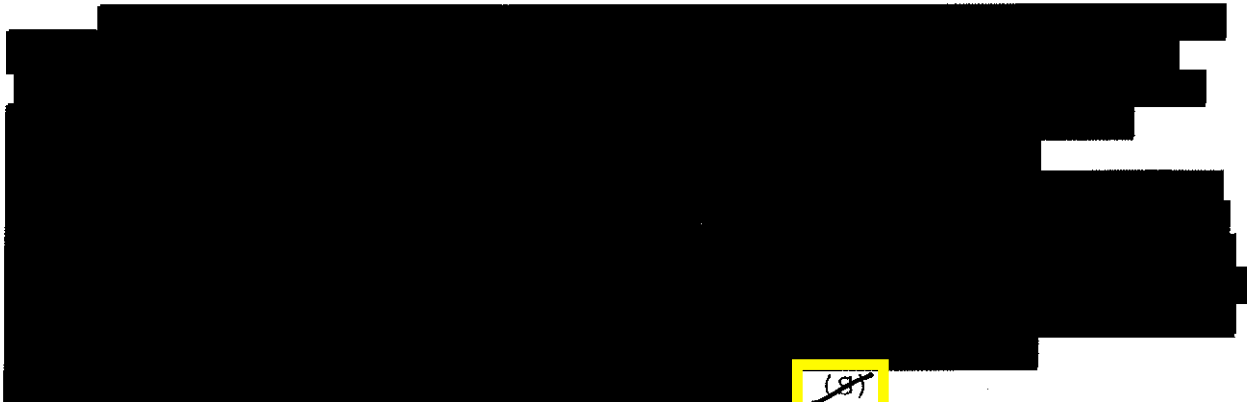
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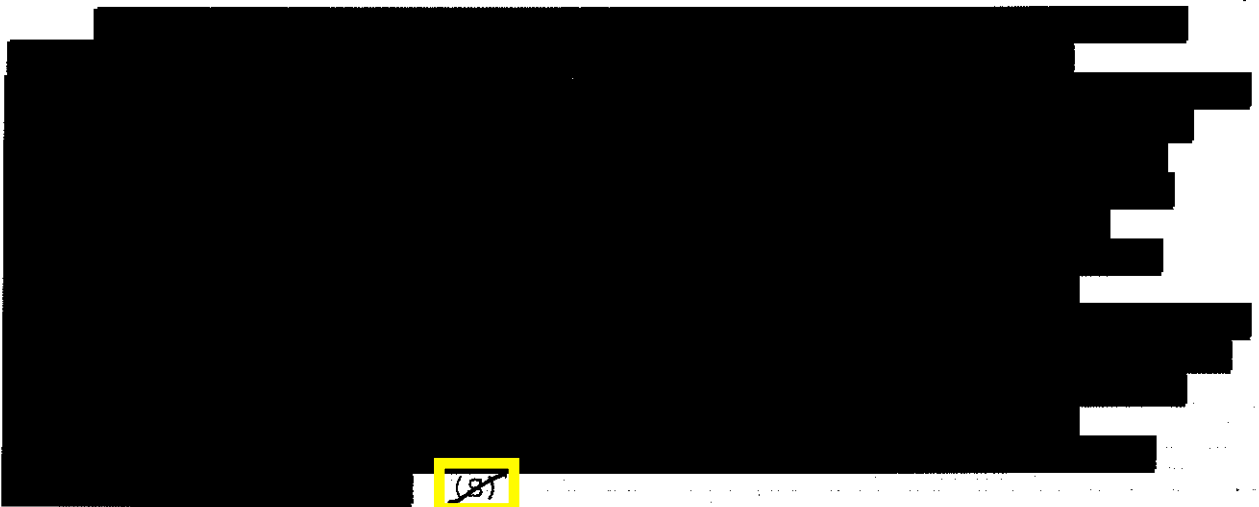
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The FISC denied no applications during this reporting period. (U)



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(S)

## 1. Introduction (U)

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(S)

## 2. Descriptions (U)

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(S)

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surveillance. (S)

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[REDACTED]

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[REDACTED] ic  
[REDACTED]

(S)

[REDACTED]

(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.<sup>13</sup> Applications or other appropriate

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

[REDACTED]

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

b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

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

(S)

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

b1-1 Per FBI  
b3-1  
b7E-6

(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)

b1-1 Per FBI  
b3-1  
b7E-5

(S)

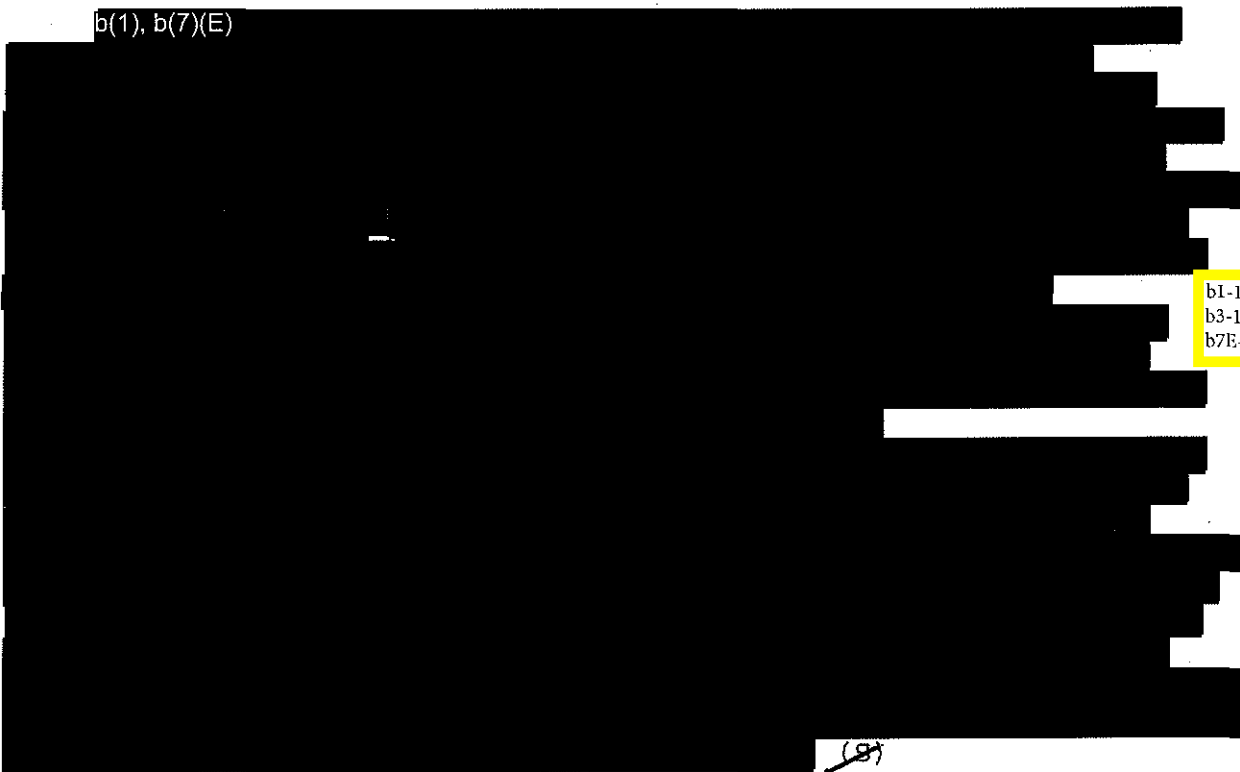
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within the remaining challenges.

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



b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

(S)

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



b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

In light of amendments to the FISA pen register provision after the government filed its brief described above, the Department is in the process of drafting a new memorandum of law

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



(S)

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outside the remaining challenges.

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that the recent amendments to the FISA pen register provision make clear that the government may obtain this information pursuant to 1) the FISA pen register authority irrespective of the FISA business records provision, or 2) pursuant to the FISA business records provision for the reasons set forth in the Department's February 10, 2006, memorandum. ~~(S)~~

within the  
remaining  
challenges.

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

b3-1 Per FBI  
b7E-2

b1-1 Per FBI  
b3-1  
b7E-2, 6

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

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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outside the  
remaining  
challenges.

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

[REDACTED]

(S)

within the  
remaining  
challenges.

L. FISA Process Improvements (U)

[REDACTED]

(S)

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 and detailees, 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. (U)

OIPR is also in the final phase of testing and has initiated limited deployment of a computer-assisted document assembly system which is expected to enhance the efficiency of its attorneys and the consistency of FISA applications. This system uses an off-the-shelf software program which has been specially configured with contractor support to meet the unique needs of the FISA application process. This system was deployed in a limited category of cases beginning in the first quarter of 2006, and is expected to have progressive deployment in increasingly complicated cases as final testing and the training of OIPR attorneys to use the new system are completed. The transition into the system indicates that its use will result in greater

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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)

Due to the manner in which certain kinds of collection authorized under FISA are conducted, the Department of Justice is able to provide only an estimate of the aggregate number of individuals targeted by orders for electronic surveillance, physical search, and pen registers/trap and trace devices under FISA. Investigation and analysis by the FBI and U.S. Intelligence Community have revealed that certain international terrorist groups and their agents who are located overseas, not all of whom can be specifically identified, use certain facilities as part of a communications network to conduct their terrorism-related activities. Accordingly, FISA applications target such persons as various unidentified agents of particular terrorist groups. (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~~

all redactions are b(1) and  
outside the remaining  
challenged withholdings

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[REDACTED]

A. Electronic Surveillance (U)

[REDACTED] 60  
as

B. Physical Searches (U)

[REDACTED] 138

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.<sup>1</sup> (S)

D. Access to Tangible Things (U)

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-6

[REDACTED] 138

b1-1 Per FBI  
b3-1  
b7E-6

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references to  
PRTT, but  
outside the  
remaining  
challenged  
withholdings

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[REDACTED]

b1-1 PerFBI  
b3-1  
b7E-6

(S)

## II. Number of Individuals Covered by an Order Under Section 101(b)(1)(C) (U)

[REDACTED]

(S)

## III. Attorney General Authorizations for Use of FISA-derived Information Use in a Criminal Proceeding (U)

[REDACTED]

(S)

## IV. Summary of Significant Legal Interpretations (U)

During the reporting period from July 1, 2005, through December 31, 2005, there was one significant legal interpretation of the Act involving matters before the Foreign Intelligence Surveillance Court ("the Court") or the Foreign Intelligence Surveillance Court of Review ("the Court of Review"), including an interpretation presented in an application or pleading filed with the Court or the Court of Review.<sup>2</sup> It was presented in a supplemental brief filed by the government with the Court in connection with applications submitted pursuant to the Act by the government. A summary of the legal interpretation follows. (S)

[REDACTED]

b1-1 PerFBI  
b3-1  
b7E-5, 6

<sup>2</sup> There were no cases presented to the Court of Review during the reporting period.

within the remaining challenges.

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within the remaining challenges.

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

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

b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

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

b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

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

b1-1 Per FBI  
b3-1  
b7E-5, 6

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

(S)

outside the remaining challenges.

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within the remaining  
challenges.

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

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

b1-1 Per FBI  
b3-1  
b7E-5, 6

~~(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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DATE: 02/26/2016  
FBI INFO. CLASSIFIED BY: J23J98T32  
REASON: 1.4(c)  
DECLASSIFY ON: 12/31/2041

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

**December 2006**

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**Unannotated Version**

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

(b)1 All redactions on this page are outside of the remaining challenged withholdings

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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)

[REDACTED]

The FISC denied no applications during this reporting period. (U)

[REDACTED]

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(b)1 All redactions on this page are outside of the remaining challenged withholdings

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[REDACTED]

## 2. Descriptions (U)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 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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on this page are  
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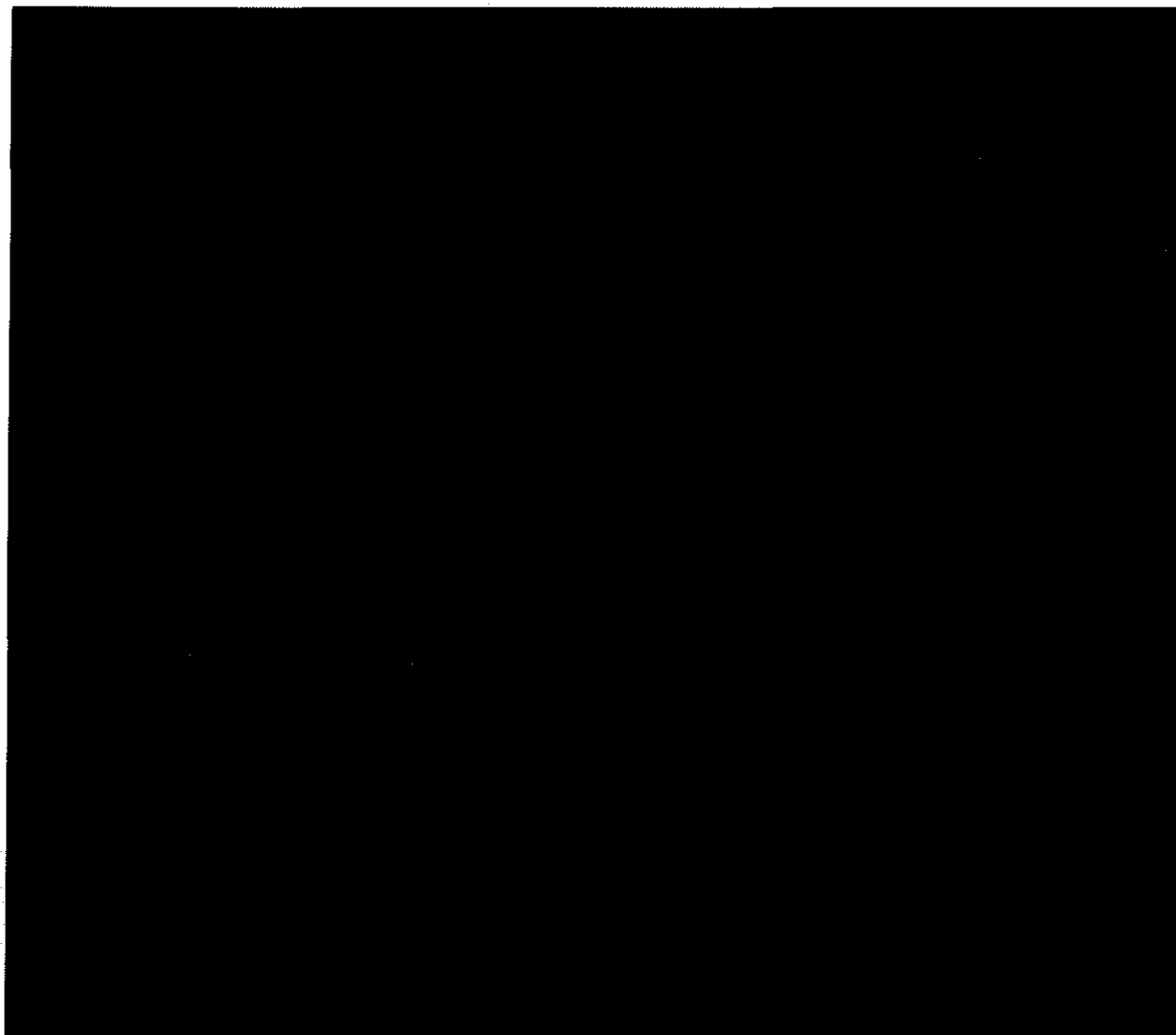
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### Emergency Surveillance or Physical Search (U)

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]

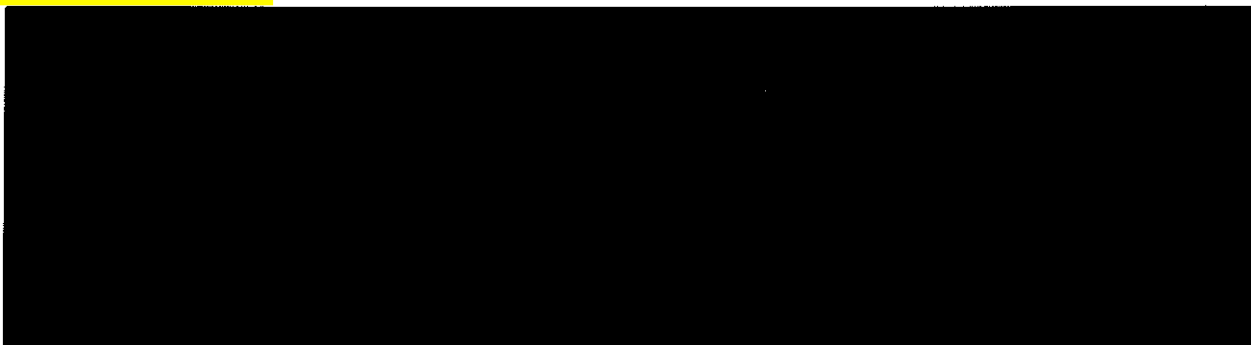
[REDACTED] These emergency authorizations resulted in [REDACTED] (E)

[REDACTED] and zero applications for pen register/trap and trace surveillance.<sup>11</sup> 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.<sup>13</sup>

b1-1 Per FBI  
b3-1  
b7E-6

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)~~



<sup>13</sup> 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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reference to PRTT but outside of the remaining challenged withholdings

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b7E-2, 5, 6

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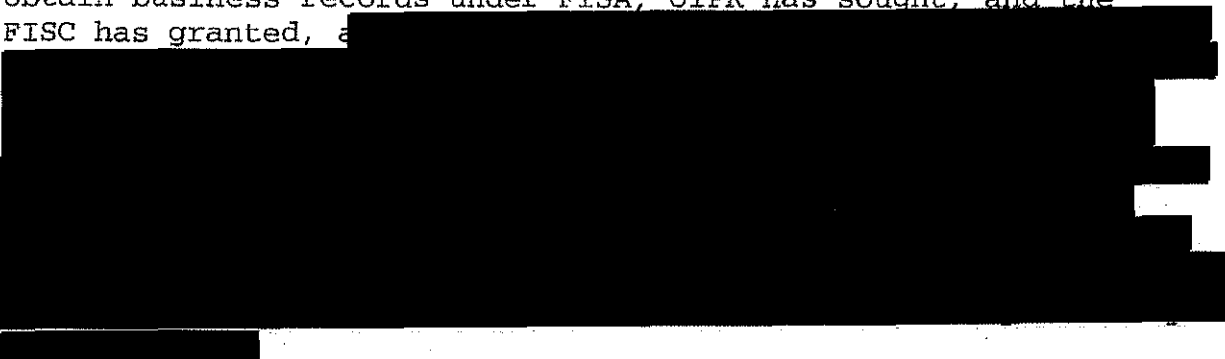
b1-1 Per FBI  
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b7E-2, 5, 6

~~(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)~~

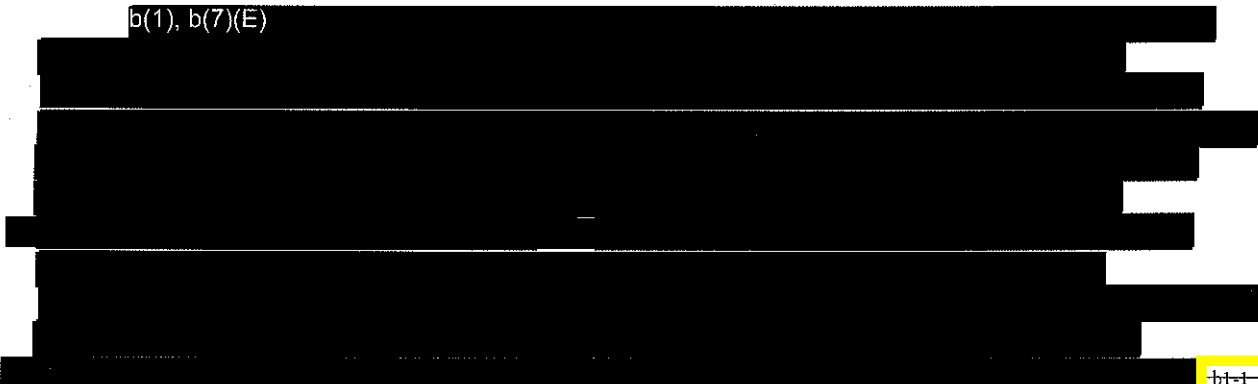
#### E. Scope of FISC's Jurisdiction (U)

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, a 

within the remaining  
challenged withholdings.

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



b1-1 Per FBI  
b3-1  
b7E-2, 5, 6


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



(S)


b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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



b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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



(S)

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within the remaining  
challenged withholdings.

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

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

(S)



F.

b3-1 Per FBI  
b7E-2, 5

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

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

(S)

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

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

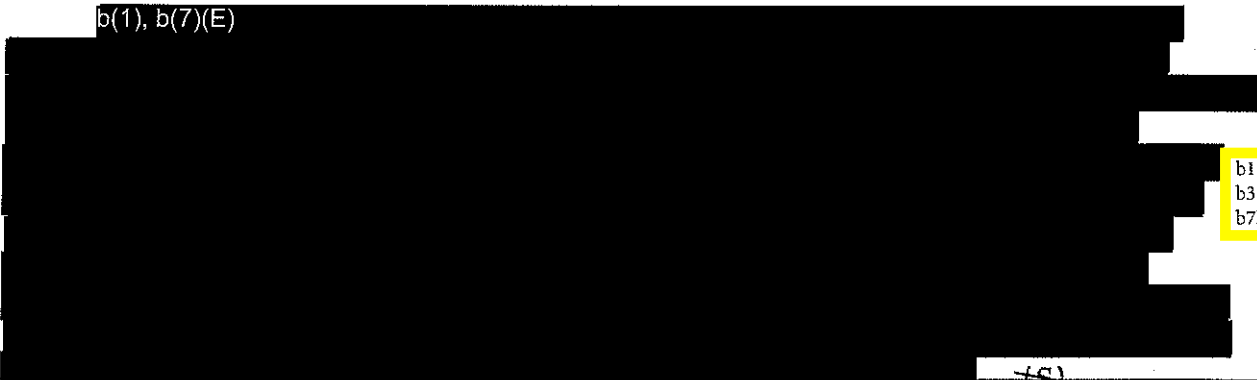
(S)

within the remaining  
challenged withholdings.

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~~(S)~~

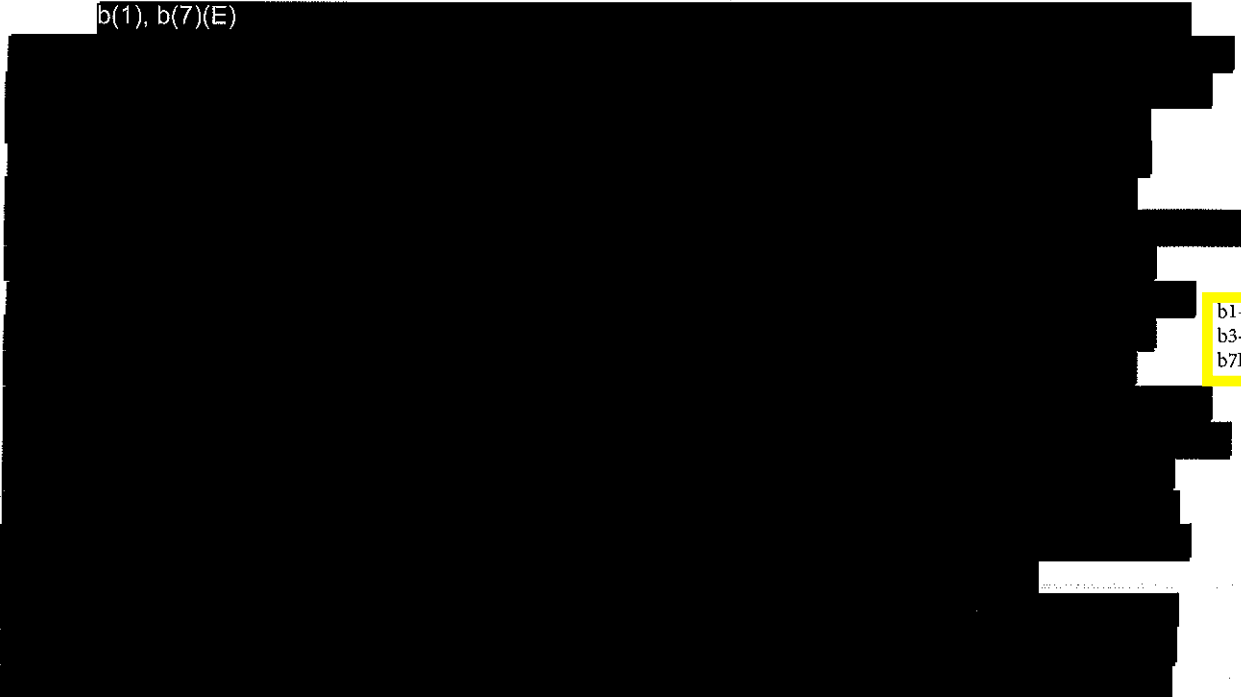
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b7E-2, 5, 6

~~(S)~~

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



b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

~~(S)~~


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within the remaining  
challenged withholdings.

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



b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

(S//NF)

outside of the  
remaining  
challenged  
withholdings.

G.

(S)





## 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,

James H. Clinger  
Acting Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.  
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

December 21, 2006

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

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,

James H. Clinger  
Acting Assistant Attorney General

## Attachments

cc: The Honorable Patrick J. Leahy  
Ranking Minority Member

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



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,

James H. Clinger  
Acting Assistant Attorney General

Attachments

cc: The Honorable Jane Harman  
Ranking Minority Member

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



## 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,

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~~

(b)1 All redactions  
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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)

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



~~(TS)~~

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

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

(b)1 All redactions on this page are outside of the remaining challenged withholdings

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~~(TS)~~

A. Electronic Surveillance (U)

(S)

B. Physical Searches (U)

~~(S)~~

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.<sup>1</sup> ~~(S)~~

D. Access to Tangible Things (U)

<sup>2</sup> 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)~~

b1-1 Per FBI  
b3-1

<sup>1</sup> Of these, [redacted] in pen register/trap and trace applications, [redacted] in combined pen register-trap and trace/business records applications, and [redacted] in both pen register/trap and trace applications and combined pen register-trap and trace/business records applications. ~~(S)~~

b1-1 Per FBI  
b3-1

<sup>2</sup> Of these, [redacted] in combined pen register-trap and trace/business records applications, [redacted] in business records applications, and [redacted] both a combined pen register-trap and trace/business records application and a business records application. ~~(S)~~

b1-1 Per FBI  
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II. Number of Individuals Covered by an Order Under Section  
101(b)(1)(C) (U)

III. Attorney General Authorizations for Use of FISA-derived  
Information Use in a Criminal Proceeding (U)

(S)

IV. Summary of Significant Legal Interpretations (U)

1.

(S)

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outside of the  
remaining challenged  
withholdings

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[REDACTED]

(S)

2.

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-5, 6

(S)

3.

[REDACTED]

b1-1 Per FBI  
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b7E-2, 5, 6

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challenged withholdings.

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are within the remaining  
challenged withholdings.

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[REDACTED]

(S)

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b3-1  
b7E-2, 5, 6

[REDACTED]

(S)

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

4. [REDACTED]

1-1 Per FBI  
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7E-2, 5, 6

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are within the  
remaining  
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withholdings.

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b7E-2, 5, 6

[REDACTED] (S)

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

[REDACTED] (S)

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NSD 14-007

Document 127

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DATE: 02/26/2016  
FBI INFO. CLASSIFIED BY: J23J98T32  
REASON: 1.4(c)  
DECLASSIFY ON: 12/31/2041

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

June 2007

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Section 1: Introduction (U)

[REDACTED]

(S)

[REDACTED]

(S)

The FISC denied one application in part during this  
reporting period. (U)

[REDACTED]

(S)

[REDACTED]

(S)

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(S)

## 2. Descriptions (U)

(S)

(S)

(S)

(S)

<sup>14</sup> 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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(S)

(S)

(S)

3.

(S)

(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),

. These emergency authorizations resulted in b(1), b(7) two applications for pen register/trap and trace surveillance.<sup>19</sup> 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)

E. [REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(S)

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[REDACTED]

(S)

F.

[REDACTED]

(S)

[REDACTED]

(S)

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)

H.

[REDACTED]

[REDACTED]

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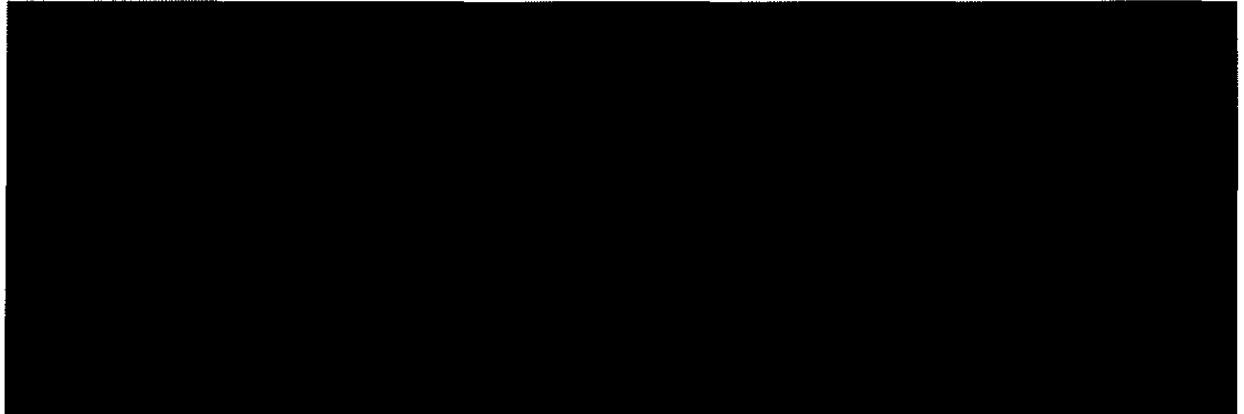
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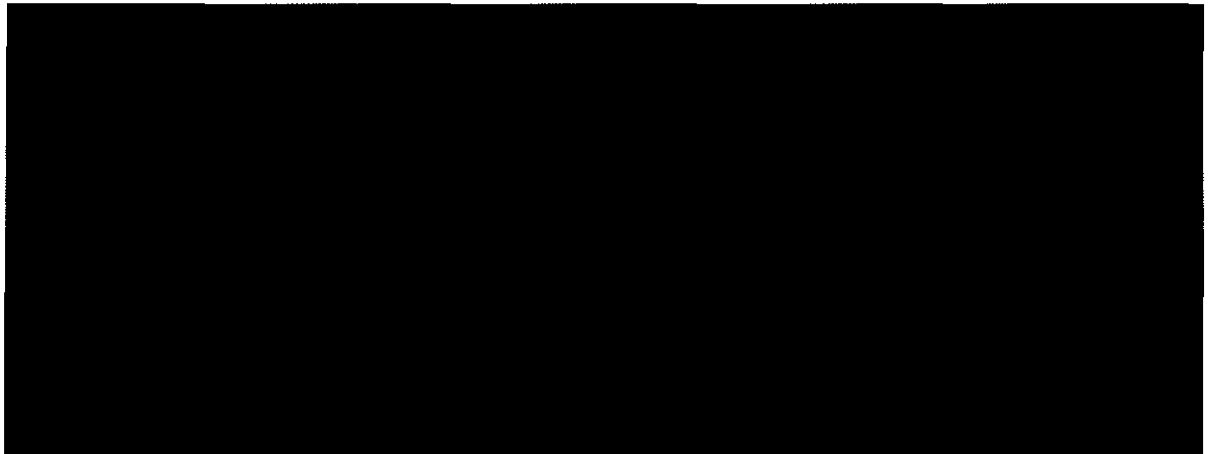
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C. FISC Modifications of Orders (U)

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:



- deleting language, in an application for pen register/trap and trace device, permitting affirmative investigative use of possible content information in rare cases in order to prevent an immediate danger of death, serious physical injury, or harm to the national security;



- adding a specific time period within which the government must report the use of any affirmative investigative use of possible content information in an application for pen register/trap and trace device;



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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)~~

As noted in prior semi-annual reports, 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) ("Reauthorization Act"). 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 provider 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 prior semi-annual reports that the number of requests for production of tangible things pursuant to Section 215 would decrease in future reporting periods. In the reporting period covering July 1, 2005, through December 31, 2005, there were [REDACTED] requests for the production of tangible things pursuant to 50 U.S.C. § 1861. There were [REDACTED] in the last reporting period, covering January 1, 2006 through June 30, 2006. As anticipated in prior semi-annual reports, the number of requests for production of tangible things pursuant to Section 215 continued to decline, to five in this reporting period. ~~(S)~~

b1-1 Per FBI  
b3-1

As further discussed below, as required by one of the provisions of the Reauthorization Act, on September 5, 2006, the government filed interim standard minimization procedures governing the retention and dissemination by the FBI of any tangible things, or information therein, received by the FBI in response to an order under 50 U.S.C. § 1861. As also discussed further below, pursuant to the Reauthorization Act, the Office of the Inspector General (OIG) was directed to conduct an audit of the effectiveness and use of FISA's authority to obtain access to certain business records or tangible things for foreign intelligence purposes, pursuant to 50 U.S.C. § 1861. The OIG issued its first report, as required by statute, in March 2007. This report is discussed further in Part N. ~~(S)~~

[REDACTED]  
b(1), b(7)(E)b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

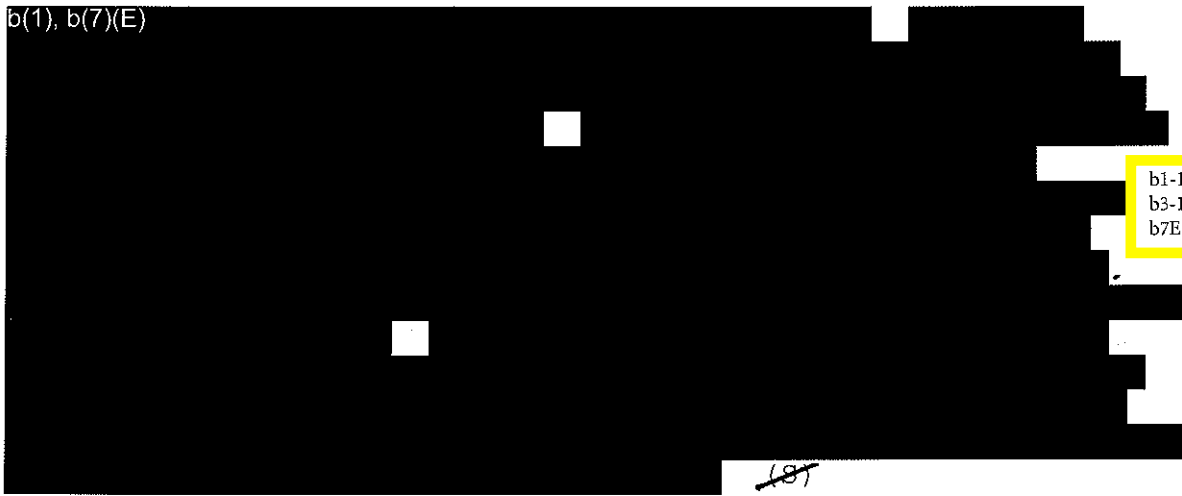
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challenged withholdings.

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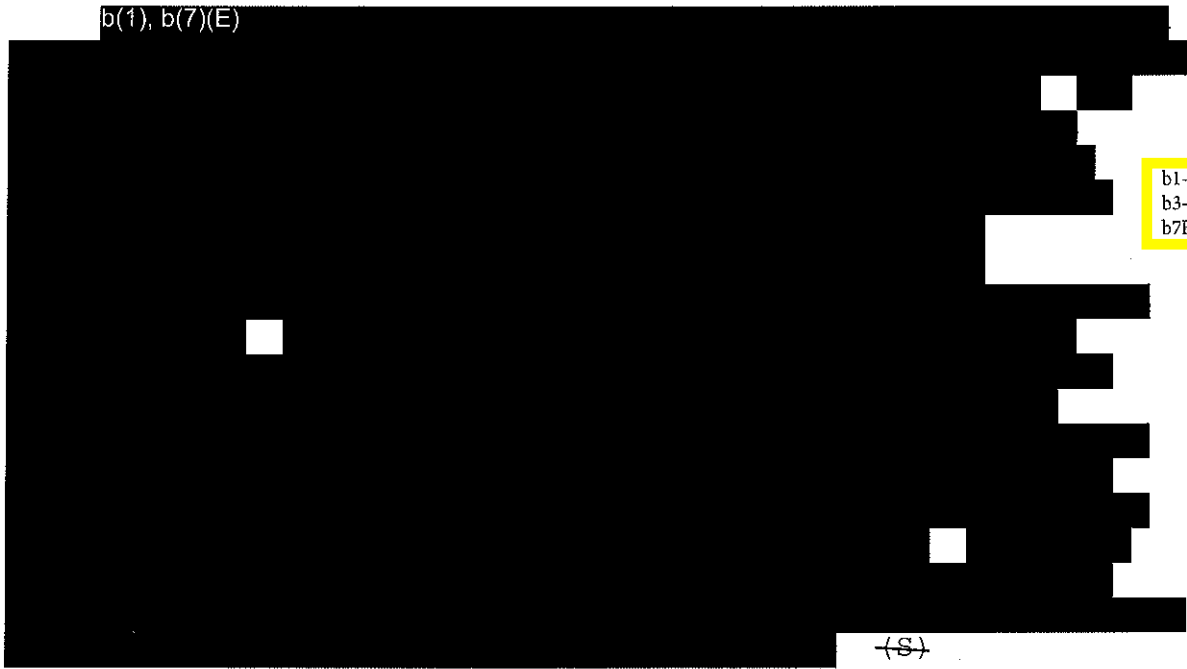
b(1), b(7)(E)



(S)

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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



(S)

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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



(S)

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

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within the remaining  
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b(1), b(7)(E)

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

(S)

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-2, 5,

(S)

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

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-2, 5

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

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

~~(S//NF)~~

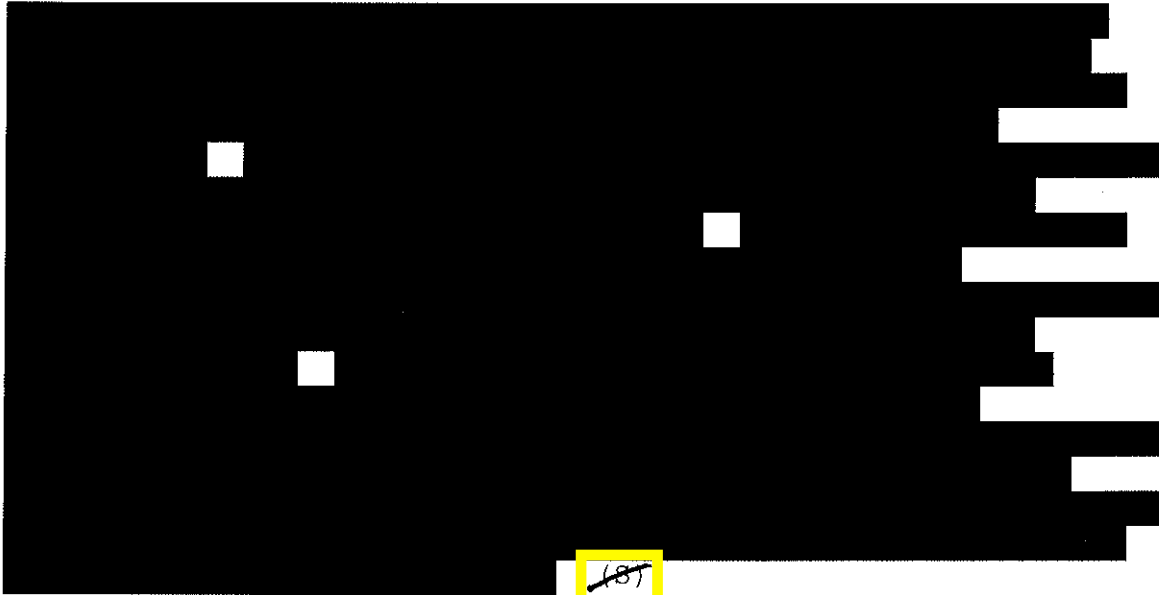
G.

~~(S)~~

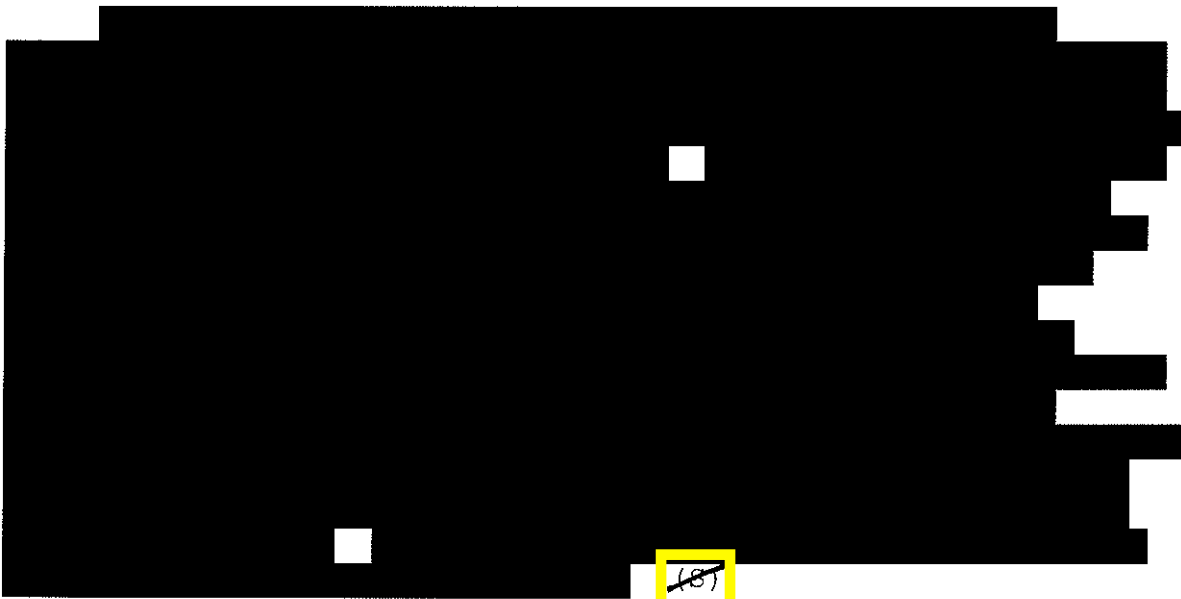
~~(S)~~

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(S)

**L. FISA Process Improvements (U)**

(S)

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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UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

June 2008

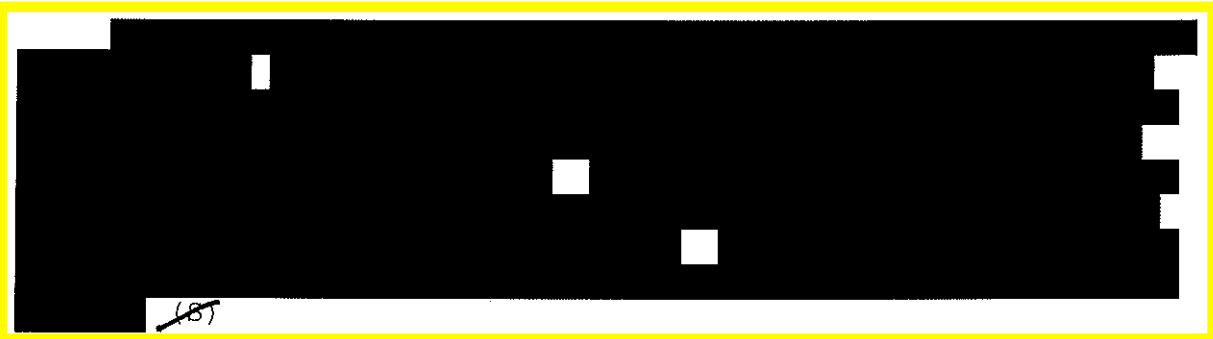
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## Section 1: Introduction (U)

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 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, 2007, through December 31, 2007.<sup>1</sup> 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)~~



## Section 2: Federal Bureau of Investigation (U)

### I. Collection Authorized by the FISC (U)



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2. **Descriptions** (U)

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

<sup>9</sup> 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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~~TOP SECRET//COMINT//NOFORN,ORCON~~

[REDACTED] (S)

3.

[REDACTED] (S)

[REDACTED] (S)

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, physical search, and/or pen register/trap and trace surveillance pursuant to 50 U.S.C. §§ 1805(f), 1824(e), or 1843(a)-(b), [REDACTED]. These emergency authorizations resulted [REDACTED]

[REDACTED] and seven applications for pen register/trap and trace surveillance.<sup>11</sup> 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)

E.

[REDACTED] (S)

[REDACTED]

[REDACTED] (S)

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

remaining redactions  
are b(1) and outside the  
remaining challenged  
withholdings.

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

During this reporting period, the United States filed 129 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 129 applications, at least 37 United States persons were the targets of pen register/trap and trace surveillance. The FISC denied no applications, as they were originally presented, during this reporting period. Seven orders authorizing pen register/trap and trace surveillance were modified by the FISC. ~~(S)~~

H. [REDACTED]

[REDACTED]

~~(S)~~

[REDACTED]

~~(S)~~

[REDACTED]

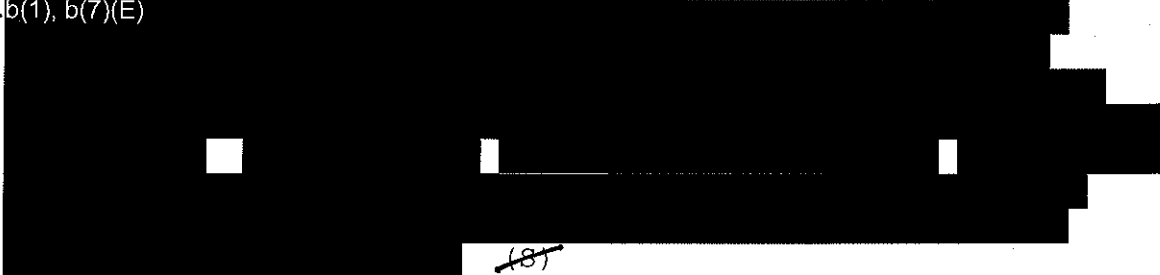
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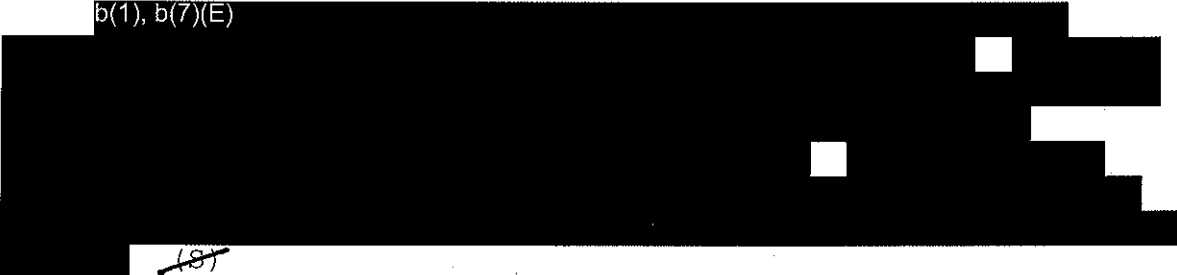
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b(1), b(7)(E)



(S)

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

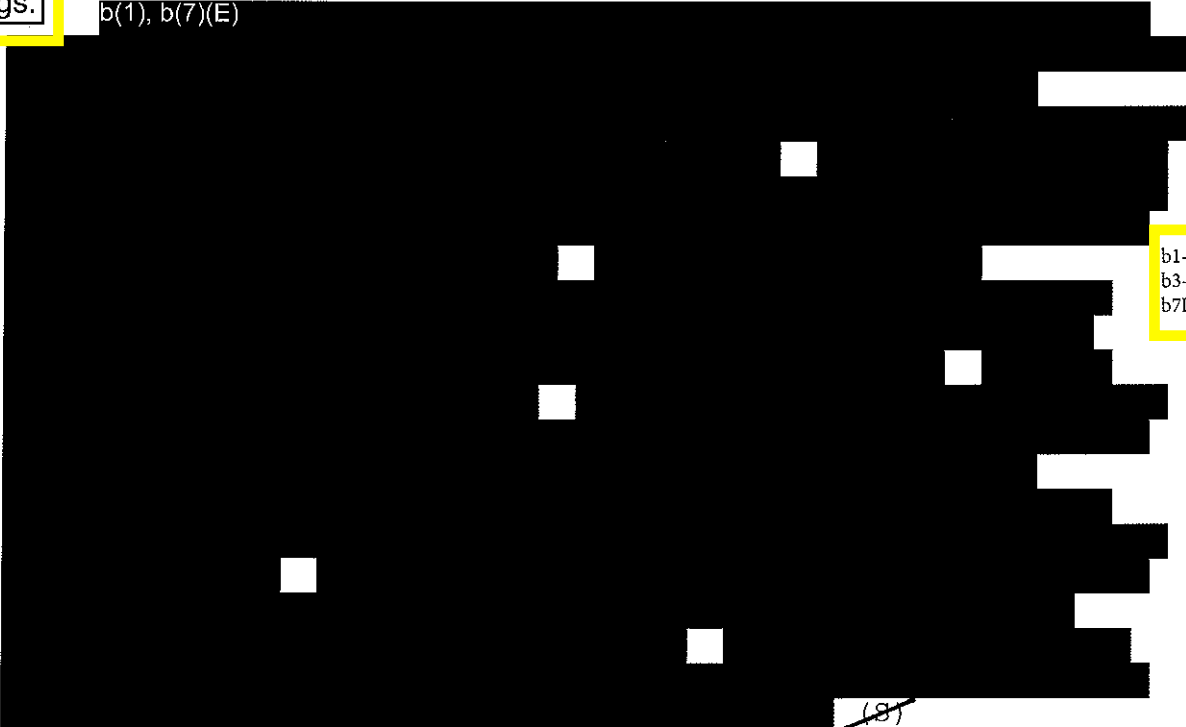


(S)

within the  
remaining  
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withholdings.

D. Retention and Use of Results of Pen Register and  
Trap and Trace Surveillance (U)

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



(S)

b1-1 Per FBI  
b3-1  
b7E-2, 5, 6

b1-1 Per FBI  
b3-1  
b7E-5

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within the  
remaining  
challenged  
withholdings.

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On [REDACTED], the Government submitted to the FISC a Memorandum of Law Regarding the Collection of Certain [REDACTED] Through Pen Register and/or Trap and Trace Surveillance Under the Foreign Intelligence Surveillance Act. The memorandum sets forth a technical description of, and the legal basis for, the Government's request to the FISC for authorization to conduct pen register and trap and trace surveillance, [REDACTED]

b1-1 Per FBI  
b3-1  
b7E-2,5,6

[REDACTED]

(TS//SI//OC,NF)

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

[REDACTED]

(TS//SI//OC,NF)

outside the  
remaining  
challenged  
withholdings

#### F. Requests for the Production of Tangible Things (U)

During the reporting period covered by this semi-annual report, the Government obtained FISC approval of [REDACTED] requests for the production of tangible things pursuant to Section 215 of the USA PATRIOT Act (50 U.S.C. §§ 1861-1862), under which the Government may obtain any tangible thing pursuant to FISA, including business records. All of these orders were for records related to investigations conducted under guidelines approved by the Attorney General under Executive Order 12333, as amended. None involved investigations being conducted solely on the basis of activities protected by the First Amendment. (S)

b1-1 Per FBI  
b3-1

[REDACTED]

b1-1 Per FBI  
b3-1  
b7E-6

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