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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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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)

a Out of scope/non-responsive vi

Out of scope/non-responsive

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[redacted]

[redacted] ~~(S)~~

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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), 104 times. These emergency authorizations resulted in [redacted] two 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)

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)

~~(S)~~

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

~~(S)~~

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

~~(S)~~

Incident 04-1-4 (U)

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

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Incident 04-1-13 (U)

b(1) b(7)(E)

[redacted] (~~S~~)

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Incident 04-1-19 (U)

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

[redacted] ~~(S)~~

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Incident 04-1-22 (U)

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

[redacted] (S)

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4. Incidents Not Previously Reported (U)

Incident 04-2-1 (U)

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

~~(S)~~

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

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

~~(S)~~

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

~~(S)~~

Incident 04-2-2 (U)

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

~~(S)~~

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Incident 04-2-5 (U)

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

[redacted]

(S)

Out of scope/non-responsive

Incident 04-2-7 (U)

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

[redacted]

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

~~(S)~~

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

~~(S)~~

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

~~(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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Incident 04-2-13 (U)

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

[redacted] ~~(S)~~

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

[redacted] ~~(S)~~

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