December 23, 2004

The Honorable Orrin G. Hatch
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. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Patrick Leahy
    Ranking Minority Member
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. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable Jane Harman
Ranking Minority Member

TOP-SECRET//COMINT//NOFORN//K1
UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED
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. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

[Signature]  
William E. Moschella  
Assistant Attorney General

Attachments

cc: The Honorable John D. Rockefeller  
Vice Chairman

UNCLASSIFIED WHEN ATTACHMENTS ARE REMOVED
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, 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. These reports cover the period January 1, 2004 through June 30, 2004.

Sincerely,

William E. Moschella
Assistant Attorney General

Attachments

cc: The Honorable John Conyers, Jr.
Ranking Minority Member
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, and 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, 2004 through June 30, 2004. (U)

Out of scope/non-responsive

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

Out of scope/non-responsive

(b) (1), (b) (7)(E)
There were 66 United States person targets of Court-authorized electronic surveillance described during the previous reporting period who were not targets of electronic surveillance during this reporting period. Electronic surveillance of some of these targets has been discontinued.

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) and/or § 1824(e) [1], [2], [3] times. 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 the one
pen register/trap and trace application). The FISC approved all of the applications and/or accepted the other pleadings.
G. Pen Register/Trap and Trace Surveillance (U)

The United States filed 119 applications with the FISC seeking authorization for the FBI and/or the National Security Agency to conduct pen register/trap and trace surveillance, pursuant to 50 U.S.C. §§ 1841-1846, as amended. The FISC approved all 119 applications. There were 58 United States persons who were the targets of pen register/trap and trace surveillance.\(^\text{10}\) [5(1), 6(7)(E)]

\(^{10}\) 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)
United States person. Five proposed orders seeking authorization for pen register/trap and trace surveillance were modified by the FISC. (G)
Incident 04-1-4 (U)

Out of scope/non-responsive

---

TOP-SECRET//COMINT//NOFORN//X1

-54-

epic.org EPIC-13-10-03-DOJ-FOIA-20141211-SARs 000102
Out of scope/non-responsive
Out of scope/non-responsive

Out of scope/non-responsive

Incident 04-1-13 (U)

Out of scope/non-responsive

Out of scope/non-responsive
Out of scope/non-responsive
Out of scope/non-responsive
Incident 04-1-23 (U)

Out of scope/non-responsive