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

September 2004

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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, 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 July 1, 2003 through December 31, 2003. (U)

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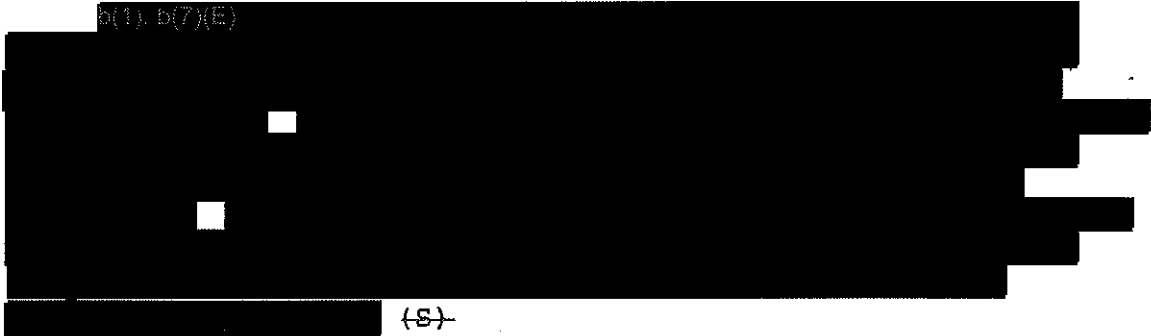
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b(1), b(7)(E)



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D.¹⁵ **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) ~~b(1), b(7)(E)~~. These emergency authorizations resulted ~~b(1), b(7)(E)~~

[Redacted] and one application for pen

^{15/} The "Means of Electronic Surveillance" section previously appeared in this place of the report. That section has been deleted in an effort to streamline the report. ~~(S)~~

~~b(1), b(7)(E)~~
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register/trap and trace authority.¹⁷ Applications or other appropriate pleadings were filed with the FISC within 72 hours of each emergency authorization (S) (b)(7)(E) 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. (S)

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

The United States filed 99 applications with the FISC seeking authorization for the FBI to conduct pen register/trap and trace surveillance, pursuant to 50 U.S.C. §§ 1841-1846, as amended. The FISC approved all 99 applications. There were 82 United States persons who were the targets of pen register/trap and trace surveillance.¹⁹ ~~(S)~~ ~~(b)(1), b(7)(E)~~

~~(S)~~

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^{19/} 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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(b) (1), (b) (7)(E)

AS DESCRIBED EARLIER IN THE INTRODUCTION TO THIS REPORT.

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Incident 03-2-7 (U)
(b) (1), (b) (7)(E)

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THE ABOVE INFORMATION WAS OBTAINED BY THE
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Incident 03-2-13 (U)

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~~(S)~~

Incident 03-2-14 (U)

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

[REDACTED]

~~(S)~~

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

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

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ESTABLISHED, AS DESCRIBED IN THE APPROPRIATE

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