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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 30, 2010

The Honorable Joseph R. Biden, Jr.
President
United States Senate
Washington, D.C. 20510

Dear Mr. President:

This report is submitted pursuant to sections 107 and 502 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), as amended, 50 U.S.C. § 1801 *et seq.*, and section 118 of USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006). In accordance with those provisions, this report covers all applications made by the Government during calendar year 2009 for authority to conduct electronic surveillance for foreign intelligence purposes under the Act, all applications made by the Government during calendar year 2009 for access to certain business records (including the production of tangible things) for foreign intelligence purposes, and certain requests made by the Federal Bureau of Investigation pursuant to national security letter authorities. In addition, while not required to do so by statute, the Government is providing information concerning the number of applications made during calendar year 2009 for authority to conduct physical searches for foreign intelligence purposes.

Applications for Electronic Surveillance Made During Calendar Year 2009 (section 107 of the Act, 50 U.S.C. § 1807)

During calendar year 2009, the Government made 1,376 applications to the Foreign Intelligence Surveillance Court (hereinafter "FISC") for authority to conduct electronic surveillance and physical searches for foreign intelligence purposes. The 1,376 applications include applications made solely for electronic surveillance, applications made solely for physical search, and combined applications requesting authority for electronic surveillance and physical search. Of these, 1,329 applications included requests for authority to conduct electronic surveillance.

Of these 1,329 applications, eight were withdrawn by the Government. The FISC denied one application in whole, and one in part, and made modifications to the proposed orders in

fourteen applications. Thus, the FISC approved collection activity in a total of 1,320 of the applications that included requests for authority to conduct electronic surveillance.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2009 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))


During calendar year 2009, the Government made twenty-one applications to the FISC for access to certain business records (including the production of tangible things) for foreign intelligence purposes. The FISC did not deny, in whole or in part, any such application filed by the Government during calendar year 2009. The FISC made modifications to nine proposed orders in applications for access to business records.

Requests Made for Certain Information Concerning Different United States Persons Pursuant to National Security Letter Authorities During Calendar Year 2009 (USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006))

Pursuant to Section 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. 109-177 (2006), the Department of Justice provides Congress with annual reports regarding requests made by the Federal Bureau of Investigation (FBI) pursuant to the National Security Letter (NSL) authorities provided in 12 U.S.C. § 3414, 15 U.S.C. § 1681u, 15 U.S.C. § 1681v, 18 U.S.C. § 2709, and 50 U.S.C. § 436.

In 2009, the FBI made 14,788 NSL requests (excluding requests for subscriber information only) for information concerning United States persons. These sought information pertaining to 6,114 different United States persons.

Sincerely,


For
Ronald Weich
Assistant Attorney General

OFFICIAL COMMUNICATION

Received on

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in the Office of
the President of the Senate