



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Michael R. Pence
President
United States Senate
Washington, DC 20510

Dear Mr. President:

This report is submitted in accordance with 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, as amended. This report provides information regarding: (1) all final, filed applications made by the Government during calendar year 2018 for authority to conduct electronic surveillance and/or physical search for foreign intelligence purposes under the Act; (2) all final, filed applications made by the Government during calendar year 2018 for access to certain business records (including the production of tangible things) for foreign intelligence purposes; and (3) certain requests made by the Federal Bureau of Investigation (FBI) pursuant to national security letter authorities.

In addition to reporting statistics based on the number of final filed applications this report also includes statistics published by the Director of the Administrative Office of the United States Courts (AOUSC). The AOUSC reports the number of proposed applications rather than the number of final, filed applications. Rule 9(a) of the Foreign Intelligence Surveillance Court Rules of Procedure requires the Government to submit proposed applications at least seven days before the Government seeks to have a matter entertained by the Foreign Intelligence Surveillance Court (hereinafter "FISC"). Modifications or withdrawals of applications may occur between the filing of a proposed application and the filing of a final application for a variety of reasons, including the Government modifying a proposed application in response to questions or concerns raised by the Court. The statistics prepared by the AOUSC, which use the number of proposed applications rather than final, filed applications as their baseline, reflect this robust interaction between the Government and the Court, and thus are included herein to provide important additional context. The AOUSC Director's full report is available on the AOUSC website.

Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2018 (section 107 of the Act, 50 U.S.C. § 1807)

During calendar year 2018, the Government filed 1,117 final applications to the FISC for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. The 1,117 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, 1,081 applications included requests for authority to conduct electronic surveillance.

One of these applications was withdrawn by the Government. The FISC denied one final, filed application in whole and one final, filed application in part. The FISC made modifications to the proposed orders in 119 final, filed applications. Thus, the FISC approved collection activity in a total of 1,079 of the applications that included requests for authority to conduct electronic surveillance.

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During calendar year 2018, the total number of persons targeted for orders for electronic surveillance was between 1,500 and 1,999. The aggregate number of United States persons targeted for orders for electronic surveillance was between zero and 499.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2018 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

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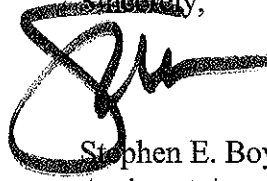
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Stephen E. Boyd
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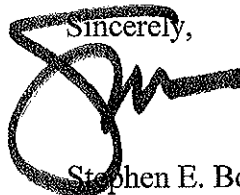
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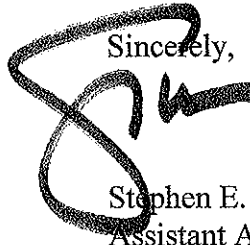
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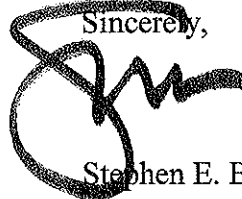
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⁴ Because Congress has recognized that the FBI typically knows little about the user of a facility when requests for only subscriber information are made, Section 118(c)(2)(B) does not require the number of requests for NSLs seeking only subscriber information to be broken down to identify the number of requests related to United States persons and non-United States persons. *See* Section 118(c)(2)(B), USA Patriot Act Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177, 120 Stat. 217 (2006), as amended.

The Honorable Nancy Pelosi
Page Four

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'SEB', written over the word 'Sincerely,'.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Leader:

This report is submitted in accordance with 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, as amended. This report provides information regarding: (1) all final, filed applications made by the Government during calendar year 2018 for authority to conduct electronic surveillance and/or physical search for foreign intelligence purposes under the Act; (2) all final, filed applications made by the Government during calendar year 2018 for access to certain business records (including the production of tangible things) for foreign intelligence purposes; and (3) certain requests made by the Federal Bureau of Investigation (FBI) pursuant to national security letter authorities.

In addition to reporting statistics based on the number of final filed applications this report also includes statistics published by the Director of the Administrative Office of the United States Courts (AOUSC). The AOUSC reports the number of proposed applications rather than the number of final, filed applications. Rule 9(a) of the Foreign Intelligence Surveillance Court Rules of Procedure requires the Government to submit proposed applications at least seven days before the Government seeks to have a matter entertained by the Foreign Intelligence Surveillance Court (hereinafter "FISC"). Modifications or withdrawals of applications may occur between the filing of a proposed application and the filing of a final application for a variety of reasons, including the Government modifying a proposed application in response to questions or concerns raised by the Court. The statistics prepared by the AOUSC, which use the number of proposed applications rather than final, filed applications as their baseline, reflect this robust interaction between the Government and the Court, and thus are included herein to provide important additional context. The AOUSC Director's full report is available on the AOUSC website.

Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2018 (section 107 of the Act, 50 U.S.C. § 1807)

During calendar year 2018, the Government filed 1,117 final applications to the FISC for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. The 1,117 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, 1,081 applications included requests for authority to conduct electronic surveillance.

One of these applications was withdrawn by the Government. The FISC denied one final, filed application in whole and one final, filed application in part. The FISC made modifications to the proposed orders in 119 final, filed applications. Thus, the FISC approved collection activity in a total of 1,079 of the applications that included requests for authority to conduct electronic surveillance.

The AOUSC, applying the methodology outlined above, has reported that the FISC received 1,142 proposed applications in 2018 for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. The AOUSC reported that 830 proposed orders were granted, 245 proposed orders were modified, 40 proposed applications were denied in part, and 27 proposed applications were denied in full. As noted above, the AOUSC statistics include modifications made to proposed orders between the filing of the proposed application and the final application, as well as proposed applications withdrawn by the Government in full or in part after being advised that the Court would not grant the proposed application as initially submitted by the Government.

During calendar year 2018, the total number of persons targeted for orders for electronic surveillance was between 1,500 and 1,999. The aggregate number of United States persons targeted for orders for electronic surveillance was between zero and 499.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2018 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2018, the Government filed 70 final 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 final, filed application by the Government during calendar year 2018. The FISC modified the proposed orders submitted with one final application for access to business records.

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Pursuant to Section 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. 109-177 (2006), as amended, the Department of Justice provides Congress with annual reports regarding requests made by the 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.

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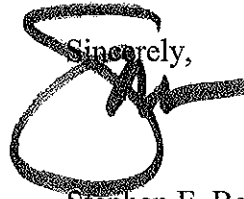
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The Honorable Steny Hoyer
Page Four

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,


Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Leader:

This report is submitted in accordance with 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, as amended. This report provides information regarding: (1) all final, filed applications made by the Government during calendar year 2018 for authority to conduct electronic surveillance and/or physical search for foreign intelligence purposes under the Act; (2) all final, filed applications made by the Government during calendar year 2018 for access to certain business records (including the production of tangible things) for foreign intelligence purposes; and (3) certain requests made by the Federal Bureau of Investigation (FBI) pursuant to national security letter authorities.

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Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2018 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2018, the Government filed 70 final 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 final, filed application by the Government during calendar year 2018. The FISC modified the proposed orders submitted with one final application for access to business records.

The AOUSC, applying the methodology outlined above, has reported that the FISC received 73 proposed applications for access to certain business records (including the production of tangible things) for foreign intelligence purposes. In these matters, the AOUSC reported that 61 proposed orders were granted, nine proposed orders were modified, and three proposed applications were denied in full.

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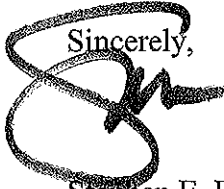
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The Honorable Kevin McCarthy
Page Four

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,


Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Messrs. Chairmen:

This report is submitted in accordance with 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, as amended. This report provides information regarding: (1) all final, filed applications made by the Government during calendar year 2018 for authority to conduct electronic surveillance and/or physical search for foreign intelligence purposes under the Act; (2) all final, filed applications made by the Government during calendar year 2018 for access to certain business records (including the production of tangible things) for foreign intelligence purposes; and (3) certain requests made by the Federal Bureau of Investigation (FBI) pursuant to national security letter authorities.

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The Honorable Lindsey Graham
The Honorable Richard Burr
The Honorable Jerrold Nadler
The Honorable Adam Schiff
Page Two

AOUSC website (www.uscourts.gov)

Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2018 (section 107 of the Act, 50 U.S.C. § 1807)

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During calendar year 2018, the total number of persons targeted for orders for electronic surveillance was between 1,500 and 1,999. The aggregate number of United States persons targeted for orders for electronic surveillance was between zero and 499.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2018 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2018, the Government filed 70 final 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 final, filed application by the Government during calendar year 2018. The FISC modified the proposed orders submitted with one final application for access to business records.

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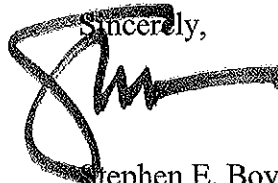
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The Honorable Lindsey Graham
The Honorable Richard Burr
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The Honorable Adam Schiff
Page Four

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We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,


Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Mark Warner
Vice Chairman
Senate Select Committee on Intelligence

The Honorable Doug Collins
Ranking Member
House Committee on the Judiciary

The Honorable Devin Nunes
Ranking Member
House Permanent Select Committee on Intelligence

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable James C. Duff
Director
Administrative Office of the United States Courts
Washington, D.C. 20544

MAY 03 2019

Dear Mr. Duff:

Pursuant to section 107 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), as amended, 50 U.S.C. § 1801 *et seq.*, this report provides information regarding applications made by the Government during calendar year 2018 for authority to conduct electronic surveillance and physical search for foreign intelligence purposes.

As you are aware, it has been the Government's historical practice to report statistics based on the number of *final*, filed applications to the Foreign Intelligence Surveillance Court (hereinafter "FISC"). Whereas, the statistics published in your report are based on the number of *proposed applications and orders*. More specifically, Rule 9(a) of the Foreign Intelligence Surveillance Court Rules of Procedure requires the Government to submit proposed applications at least seven days before the Government seeks to have a matter entertained by the FISC. Modifications or withdrawals of applications may occur between the filing of a proposed application and the filing of a final application for a variety of reasons, including the Government modifying a proposed application in response to questions or concerns raised by the Court. Because the methodology utilized in your report reflects this robust interaction between the Government and the Court, we have repeated that information herein to provide important additional context.

During calendar year 2018, the Government filed 1,117 final applications to the FISC for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. The 1,117 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, 1,081 applications included requests for authority to conduct electronic surveillance.

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Your office, applying the methodology outlined above, reported that the FISC received 1,142 proposed applications in 2018 for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. In these matters, you reported that 830 proposed orders were granted, 245 proposed orders were modified, 40 proposed applications were denied in part, and 27 proposed applications were denied in full. As noted above, those statistics include modifications made to applications between the filing of the proposed application and the final application, as well as proposed applications withdrawn by the Government in full or in part after being advised that the Court would not grant the proposed application as initially submitted by the Government.

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We hope that this information is helpful. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Boyd', with a large loop at the end.

Stephen E. Boyd
Assistant Attorney General