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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 14, 2009

The Honorable Silvestre Reyes
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
HVC-304, The Capitol
Washington, DC 20515

Dear Chairman Reyes:

~~(TS)~~ Thank you for your letter of September 30, 2009, requesting that the Department of Justice provide a document to the House Permanent Select Committee on Intelligence (HPSCI) that describes the bulk collection program conducted under Section 215 -- the "business records" provision of the Foreign Intelligence Surveillance Act (FISA). We agree that it is important that all Members of Congress have access to information about this program, as well as a similar bulk collection program conducted under the pen register/trap and trace authority of FISA, when considering reauthorization of the expiring USA PATRIOT Act provisions.

~~(TS)~~ The Department has therefore worked with the Intelligence Community to prepare the enclosed document that describes these two bulk collection programs, the authorities under which they operate, the restrictions imposed by the Foreign Intelligence Surveillance Court, the National Security Agency's record of compliance, and the importance of these programs to the national security of the United States. We believe that making this document available to all Members of Congress is an effective way to inform the legislative debate about reauthorization of Section 215 and any changes to the FISA pen register/trap and trace authority. However, as you know, it is critical that Members understand the importance to national security of maintaining the secrecy of these programs, and that the HPSCI's plan to make the document available to other Members is subject to strict rules.

~~Classified by: Assistant Attorney General, NSD
Reason: 1.4(c)
Declassify on: 11 December 2034~~

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~~(TS)~~ Therefore, the enclosed document is being provided on the understanding that it will be provided only to Members of Congress (and cleared HPSCI, Judiciary Committee, and leadership staff), in a secure location in the HPSCI's offices, for a limited time period to be agreed upon, and consistent with the rules of the HPSCI regarding review of classified information and non-disclosure agreements. No photocopies may be made of the document, and any notes taken by Members may not be removed from the secure location. We further understand that HPSCI staff will be present at all times when the document is being reviewed, and that Executive Branch officials will be available nearby during certain, pre-established times to answer questions should they arise. We also request your support in ensuring that the Members are well informed regarding the importance of this classified and extremely sensitive information to prevent any unauthorized disclosures resulting from this process. We intend to provide the same document to the Senate Select Committee on Intelligence (SSCI) under similar conditions, so that it may be made available to the Members of the Senate, as well as cleared leadership, SSCI and Senate Judiciary Committee staff.

(U) Thank you again for your letter, and we look forward to continuing to work with you and your staff as Congress continues its deliberations on reauthorizing the expiring provisions of the USA PATRIOT Act.

Sincerely,



Ronald Weich
Assistant Attorney General

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