(U) ANNUAL REPORT REQUIRED BY SUBSECTION 702(1)(3) OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT, AS AMENDED
FOR THE REPORTING PERIOD
SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009

(U) Subsection 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended, requires the FBI, which has conducted acquisitions under subsection 702(a) of the Act, to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. This review shall be provided to the Foreign Intelligence Surveillance Court, the Attorney General, the Director of National Intelligence, the congressional intelligence committees, and the Committees on the Judiciary of the House of Representatives and the Senate. The review is required to provide the following four categories of information and is to be used by the FBI Director to evaluate the adequacy of the minimization procedures utilized by the FBI and, as appropriate, the application of those procedures to a particular acquisition authorized under subsection section 702(a): (i) an accounting of the number of disseminated intelligence reports containing a reference to a United States-person identity; (ii) an accounting of the number of United States-person identities subsequently disseminated in response to requests for identities that were not referred to by name or title in the original reporting; (iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed; and (iv) a description of any procedures developed by the FBI and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements, and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire communications of United States persons, and the results of any such assessment. The following reports the FBI's annual review for the time period identified below.

(U) I. Reporting Period

(U) This annual report covers the time period from September 1, 2008, through August 31, 2009.

(U) II. Disseminated Intelligence Reports Referencing U.S. Person Identities

( U )

( S )

Derived From: Multiple Sources
Declassify On: 293590117

FAA-11

SECRET IN FORM
III. Subsequent Identifications of U.S. Persons Not Initially Identified

During the reporting period, the FBI also did not disseminate any United States-person identities in response to any requests for identities that were not referred to by name or title in original reporting.

IV. Targets Later Determined to be Located in the U.S.

V. Procedures to Assess Extent of Acquisitions of U.S. Persons' Communications
(U) During the relevant reporting period, the FBI did not develop any procedures to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection 702(a) acquire the communications of United States persons.

( )

(U) During the relevant reporting period, the FBI did not discover any instance in which it targeted a facility used by a United States person.

( )

(U) VI. Acquisition of Foreign Intelligence Information

( )

(U) This request has also been sent to the Senate Select Committee on Intelligence, the Senate Judiciary Committee, the House Permanent Select Committee on Intelligence, the House Judiciary Committee, and the Foreign Intelligence Surveillance Court.

(U) Should either of your respective staffs require additional information regarding the matters discussed in this report, please contact Assistant General Counsel Office of the General Counsel, National Security Law Branch, at

(U) Knowingly targeting a facility used by a United States person would not be permissible under section 702.