



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 24, 2009

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20515

Dear Mr. Chairman:

Section 107 of the USA PATRIOT Improvement and Reauthorization Act of 2005 requires the Department of Justice (DOJ) to make an annual report to Congress regarding emergency disclosures of the contents of communications by public electronic communication service providers or public remote communication service providers. *See* 18 U.S.C. § 2702(b)(8). Specifically, this statute requires that DOJ provide: (1) the “number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8)”; and (2) “a summary of the basis for disclosure” in circumstances in which the voluntary disclosures were made to DOJ and “the investigation pertaining to those disclosures was closed without the filing of criminal charges.” *Id.*

This report covers the period from January 1, 2008 through December 31, 2008. During this period, DOJ received voluntary disclosures from 17 accounts pursuant to section 2702(b)(8). In this period, two investigations were closed without the filing of criminal charges; one disclosure involved a kidnapping, ransom or death threat, and the other involved a terrorist threat. Additionally, voluntary disclosures from 18 accounts were requested on behalf of foreign governments in emergency situations. We have no information as to whether these disclosures resulted in criminal charges by the foreign government.

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We hope this information is helpful. Please do not hesitate to contact this office if we can be of assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Weich". The signature is fluid and cursive, with the first letter of the first name being a large, stylized "R".

Ronald Weich
Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member