



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 30, 2008

The Honorable Richard B. Cheney
President
United States Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), as amended, this report provides information regarding applications made by the Government during calendar year 2007 for authority to conduct electronic surveillance and physical search for foreign intelligence purposes under the Act and applications made by the Government during calendar year 2007 for access to certain business records (including the production of tangible things) for foreign intelligence purposes under the Act.

In addition, pursuant to Section 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. 109-177 (2006), this report provides information regarding the total number of requests made by the Department of Justice for information concerning different United States persons 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.

**Applications for Electronic Surveillance and Physical Search Made During
Calendar Year 2007 (50 U.S.C. § 1807)**

During calendar year 2007, the Government made 2,371 applications to the Foreign Intelligence Surveillance Court (hereinafter "FISC") for authority to conduct electronic surveillance and physical search for foreign intelligence purposes. The 2,371 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 simultaneously.

During calendar year 2007, the FISC approved 2,370 applications for authority to conduct electronic surveillance and physical search. The FISC made substantive modifications to the Government's proposed orders in 86 of those applications. The FISC denied three applications and one application in part filed by the Government during calendar year 2007. Two applications filed in calendar year 2006 were not approved until calendar year 2007.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2007 (50 U.S.C. § 1862(c)(2))

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Requests Made for Certain Information Concerning Different United States Persons Pursuant to National Security Letters During Calendar Years 2006 and 2007 (USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177, § 118 (2006))

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Although the FBI expended significant resources to identify and correct errors in its database, the statistics for calendar year 2006 should be considered approximate. Based on the best available information, in 2006 the Government made 12,583 NSL requests (excluding requests for subscriber information) for information concerning United States persons. These 12,583 requests sought information pertaining to 4,790 different United States persons.

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The FBI has taken steps to ensure the accuracy of future reporting, including automating its NSL reporting process and deploying a new NSL tracking system. The new database will help provide more accurate and timely reporting of NSL statistics and should help eliminate counting errors in the future. In the most recent report on the FBI's use of NSLs, the Inspector

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General found that the FBI's senior leadership is committed to addressing the issues identified in the March 2007 report and has made "significant progress" in doing so.

If we can be of assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

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Brian A. Benzowski
Principal Deputy Assistant Attorney General



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Brian A. Benczkowski
Principal Deputy Assistant Attorney General



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Minority Leader
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Brian A. Benczkowski
Principal Deputy Assistant Attorney General



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The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

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Mr. James C. Duff
Director
Administrative Office of the United States Courts
Washington, DC 20544

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