



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

APR 28 2017

Dear Mr. President:

This report is submitted in accordance with sections 107 and 502 of the Foreign Intelligence Surveillance Act of 1978 (the “Act”), 50 U.S.C. § 1801 *et seq.*, and section 118 of USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006), most recently amended by the USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268 (2015). This report provides information regarding: (1) all final filed applications made by the Government during calendar year 2016 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 2016 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 pursuant to national security letter authorities.

In addition to reporting statistics based on the number of *final filed* applications, as has been the Government’s historical practice, this letter also includes for the first time statistics published by the Director of the Administrative Office of the United States Courts (AOUSC). Unlike the Government, AOUSC reports the number of *proposed applications* rather than the number of *final filed* applications. 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. 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 its website.

Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2016 (section 107 of the Act, 50 U.S.C. § 1807)

During calendar year 2016, the Government filed 1,477 final applications to the Foreign Intelligence Surveillance Court (hereinafter “FISC”) for authority to conduct electronic

surveillance and/or physical searches for foreign intelligence purposes. The 1,477 final filed 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, 1,446 final filed applications included requests for authority to conduct electronic surveillance.

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Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2016 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2016, the Government filed 124 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 2016. The FISC made modifications to one of the proposed orders in a final application for access to business records.

The AOUSC, applying the methodology outlined above, has reported that the FISC received 125 proposed applications in 2016 for access to certain business records (including the production of tangible things) for foreign intelligence purposes. In these matters, the AOUSC reported that 108 proposed orders were granted, 16 proposed orders were modified, zero proposed applications were denied in part, and one proposed application was denied in full.

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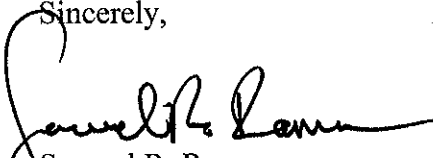
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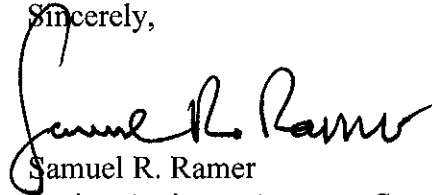
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The Honorable Mitch McConnell
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Samuel R. Ramer
Acting Assistant Attorney General



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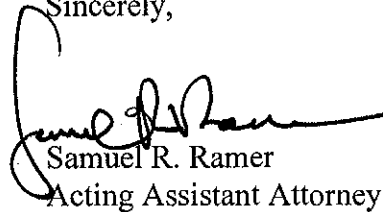
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Samuel R. Ramer
Acting Assistant Attorney General



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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 Federal Bureau of Investigation (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.

In 2016, the FBI made 8,727 NSL requests (excluding requests for subscriber information only) for information concerning United States persons. These sought information pertaining to 3,117 different United States persons.³

In 2016, the FBI made 6,651 NSL requests (excluding requests for subscriber information only) for information concerning non-United States persons. These sought information pertaining to 2,310 different non-United States persons.⁴

In 2016, the FBI made 9,423 NSL requests for information concerning only subscriber information for United States persons and non-United States persons. These sought information pertaining to 3,725 persons.⁵

We hope that this information is helpful. Please do not hesitate to contact this office if

mandates inclusion in this report of certain requests that otherwise meet the definition of specific selection term in 50 U.S.C. § 1861(k). For example, the reporting requirement mandates inclusion of requests in which the specific selection term was an "address."

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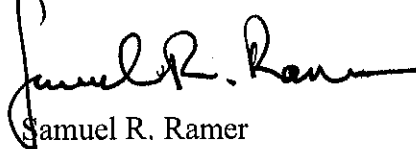
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The Honorable Paul D. Ryan
Page Four

we may provide additional assistance regarding this or any other matter.

Sincerely,

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Samuel R. Ramer
Acting 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
Majority Leader
U.S. House of Representatives
Washington, DC 20515

APR 28 2017

Dear Mr. Leader:

This report is submitted in accordance with sections 107 and 502 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), 50 U.S.C. § 1801 *et seq.*, and section 118 of USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006), most recently amended by the USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268 (2015). This report provides information regarding: (1) all final filed applications made by the Government during calendar year 2016 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 2016 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 pursuant to national security letter authorities.

In addition to reporting statistics based on the number of *final filed* applications, as has been the Government's historical practice, this letter also includes for the first time statistics published by the Director of the Administrative Office of the United States Courts (AOUSC). Unlike the Government, AOUSC reports the number of *proposed applications* rather than the number of *final filed* applications. 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. 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 its website.

Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2016 (section 107 of the Act, 50 U.S.C. § 1807)

During calendar year 2016, the Government filed 1,477 final applications to the Foreign Intelligence Surveillance Court (hereinafter "FISC") for authority to conduct electronic

surveillance and/or physical searches for foreign intelligence purposes. The 1,477 final filed 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, 1,446 final filed applications included requests for authority to conduct electronic surveillance.

None of these final filed applications were withdrawn by the Government. The FISC did not deny any final filed applications in whole, or in part. The FISC made modifications to the proposed orders in 112¹ final filed applications. Thus, the FISC approved collection activity in a total of 1,446 of the final filed applications that included requests for authority to conduct electronic surveillance.

The AOUSC, applying the methodology outlined above, has reported that the FISC received 1,485 proposed applications in 2016 for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. In these matters, the AOUSC reported that 1,141 proposed orders were granted, 310 proposed orders were modified, 26 proposed applications were denied in part, and eight 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.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2016 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2016, the Government filed 124 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 2016. The FISC made modifications to one of the proposed orders in a final application for access to business records.

The AOUSC, applying the methodology outlined above, has reported that the FISC received 125 proposed applications in 2016 for access to certain business records (including the production of tangible things) for foreign intelligence purposes. In these matters, the AOUSC reported that 108 proposed orders were granted, 16 proposed orders were modified, zero proposed applications were denied in part, and one proposed application was denied in full.

Twenty-one final filed applications did not specifically identify an individual, account, or personal device as the specific selection term.² The FISC did not modify the proposed orders in

¹ Additionally, the FISC issued a second supplemental order, *nunc pro tunc*, to correct a typographical error in the original supplemental order. This second supplemental order is not included in the 112 substantive modifications being reported.

² Notably, the definition of “specific selection term” for obtaining an order for the production of tangible things is “a term that specifically identifies a person, account, address, or personal device, or any other specific identifier,” 50 U.S.C. § 1861(k), whereas the definition of “specific selection term” for the reporting requirement encompasses a smaller group of terms, to include only “an individual, account, or personal device,” 50 U.S.C. § 1862(c)(1)(C). Thus, the reporting requirement

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In 2016, the FBI made 9,423 NSL requests for information concerning only subscriber information for United States persons and non-United States persons. These sought information pertaining to 3,725 persons.⁵

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mandates inclusion in this report of certain requests that otherwise meet the definition of specific selection term in 50 U.S.C. § 1861(k). For example, the reporting requirement mandates inclusion of requests in which the specific selection term was an "address."

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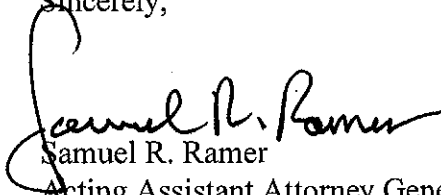
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The Honorable Kevin McCarthy
Page Four

we may provide additional assistance regarding this or any other matter.

Sincerely,



Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

APR 28 2017

Dear Madam Leader:

This report is submitted in accordance with sections 107 and 502 of the Foreign Intelligence Surveillance Act of 1978 (the “Act”), 50 U.S.C. § 1801 *et seq.*, and section 118 of USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006), most recently amended by the USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268 (2015). This report provides information regarding: (1) all final filed applications made by the Government during calendar year 2016 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 2016 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 pursuant to national security letter authorities.

In addition to reporting statistics based on the number of *final filed* applications, as has been the Government’s historical practice, this letter also includes for the first time statistics published by the Director of the Administrative Office of the United States Courts (AOUSC). Unlike the Government, AOUSC reports the number of *proposed applications* rather than the number of *final filed* applications. 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. 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 its website.

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During calendar year 2016, the Government filed 1,477 final applications to the Foreign Intelligence Surveillance Court (hereinafter “FISC”) for authority to conduct electronic

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The AOUSC, applying the methodology outlined above, has reported that the FISC received 1,485 proposed applications in 2016 for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. In these matters, the AOUSC reported that 1,141 proposed orders were granted, 310 proposed orders were modified, 26 proposed applications were denied in part, and eight 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.

Applications for Access to Certain Business Records (Including the Production of Tangible Things) Made During Calendar Year 2016 (section 502 of the Act, 50 U.S.C. § 1862(c)(1))

During calendar year 2016, the Government filed 124 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 2016. The FISC made modifications to one of the proposed orders in a final application for access to business records.

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In 2016, the FBI made 8,727 NSL requests (excluding requests for subscriber information only) for information concerning United States persons. These sought information pertaining to 3,117 different United States persons.³

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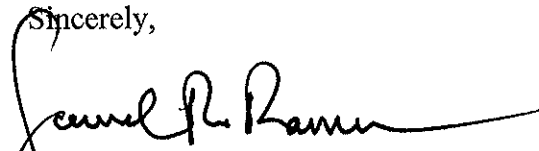
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The Honorable Nancy Pelosi
Page Four

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Sincerely,

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Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 28 2017

The Honorable Charles E. Grassley
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 Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Devin Nunes
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"), 50 U.S.C. § 1801 *et seq.*, and section 118 of USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177 (2006), most recently amended by the USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268 (2015). This report provides information regarding: (1) all final filed applications made by the Government during calendar year 2016 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 2016 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 pursuant to national security letter authorities.

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The Honorable Charles E. Grassley
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The Honorable Charles E. Grassley

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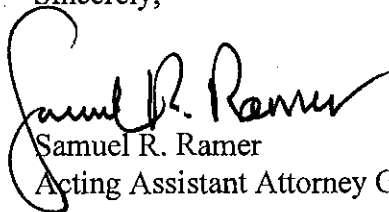
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The Honorable Charles E. Grassley
The Honorable Richard Burr
The Honorable Robert W. Goodlatte
The Honorable Devin Nunes
Page Four

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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,



Samuel R. Ramer
Acting Assistant Attorney General

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

The Honorable Mark Warner
Vice Chairman
Senate Select Committee on Intelligence

The Honorable John Conyers, Jr.
Ranking Minority Member
House Committee on the Judiciary

The Honorable Adam Schiff
Ranking Minority 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

APR 28 2017

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 2016 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 2016, the Government filed 1,477 final applications to the FISC for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. The 1,477 final filed 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, 1,446 final filed applications included requests for authority to conduct electronic surveillance.

No final filed applications were withdrawn by the Government. The FISC did not deny any final filed applications in whole, or in part. The FISC made modifications¹ to the proposed

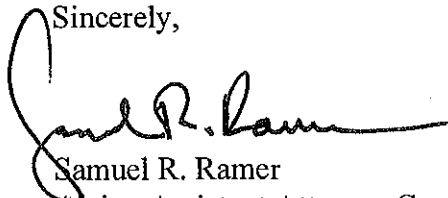
¹ A "modification" includes any substantive disparity between the authority requested by the Government in a final application filed pursuant to Rule 9(b) and the authority granted by the FISC. It does not include changes made by the Government after the submission of a proposed application submitted pursuant to Rule 9(a).

orders in 112² final filed applications. Thus, the FISC approved collection activity in a total of 1,446 of the final filed applications that included requests for authority to conduct electronic surveillance.

Your office, applying the methodology outlined above, reported that the FISC received 1,485 proposed applications in 2016 for authority to conduct electronic surveillance and/or physical searches for foreign intelligence purposes. In these matters, you reported that 1,141 proposed orders were granted, 310 proposed orders were modified, 26 proposed applications were denied in part, and eight 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.

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 black ink, appearing to read "Samuel R. Ramer". The signature is fluid and cursive, with a large initial "S" and "R".

Samuel R. Ramer
Acting Assistant Attorney General

² Additionally, the FISC issued a second supplemental order, *nunc pro tunc*, to correct a typographical error in the original supplemental order. This second supplemental order is not included in the 112 substantive modifications being reported.