



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

April 27, 2007

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

Dear Mr. President:

This report is submitted pursuant to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), as amended, and Section 118 of USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177 (2006). In accordance with those provisions, this report covers all applications made by the Government during calendar year 2006 for authority to conduct electronic surveillance and physical search for foreign intelligence purposes under the Act and all applications made by the Government during calendar year 2006 for access to certain business records (including the production of tangible things) for foreign intelligence purposes.

**Applications for Electronic Surveillance and Physical Search  
Made During Calendar Year 2006 (50 U.S.C. § 1807)**

During calendar year 2006, the Government made 2,181 applications to the Foreign Intelligence Surveillance Court (hereinafter "FISC") for authority to conduct electronic surveillance and physical search for foreign intelligence purposes. The 2,181 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. Five of the 2,181 applications made during calendar year 2006 were withdrawn by the Government prior to the FISC ruling on them. The Government later resubmitted one of the withdrawn applications as a new application, which was approved by the FISC.

During calendar year 2006, the FISC approved 2,176 applications for authority to conduct electronic surveillance and physical search. The FISC made substantive modifications to the

Government's proposed orders in 73 of those applications. The FISC denied one application in part filed by the Government during calendar year 2006.

**Applications for Access to Certain Business Records  
(Including the Production of Tangible Things) Made During  
Calendar Year 2006 (50 U.S.C. § 1862(c)(2))**

During calendar year 2006, the Government made 43 applications to the FISC for access to certain business records (including the production of tangible things) for foreign intelligence purposes.

During calendar year 2006, the FISC approved 43 applications for access to certain business records (including the production of tangible things). The FISC made substantive modifications to the Government's proposed orders in four of those applications. The FISC did not deny, in whole or in part, any application filed by the Government during calendar year 2006.

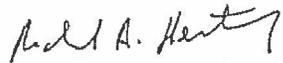
**Requests Made for Certain Information Concerning Different  
United States Persons Pursuant to National Security Letters  
During Calendar Year 2006 (USA PATRIOT Improvement and  
Reauthorization Act, Pub. L. No. 109-177, § 118 (2006))**

Pursuant to Section 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. 109-177 (2006), in April of each year the Department of Justice provides Congress with annual reports regarding the 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. On April 28, 2006, a report covering calendar year 2005 was provided to Congress.

As you may know, on March 9, 2007, the Inspector General of the Department of Justice released a report regarding the FBI's use of NSLs. One of the Inspector General's findings was that several factors concerning the manner in which NSLs are tracked have resulted in inaccuracies in the numbers reported to Congress in recent reports. In response to the Inspector General's findings and recommendations, the FBI is taking steps to correct the identified deficiencies in its tracking of NSLs, and to develop more accurate information concerning the use of NSLs during periods of past reporting. As soon as possible following the completion of this process, the Department will provide Congress with adjustments to the report provided on April 28, 2006, as well as a report covering calendar year 2006.

Similar letters have been sent to the Majority Leader, the Honorable Harry Reid, and the Minority Leader, the Honorable Mitch McConnell.

Sincerely,



Richard A. Hertling  
Acting Assistant  
Attorney General



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The Honorable Harry Reid  
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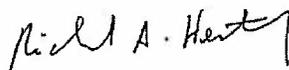
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Similar letters have been sent to the Senate President, the Honorable Richard B. Cheney, and the Minority Leader, the Honorable Mitch McConnell.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Hertling".

Richard A. Hertling  
Acting Assistant  
Attorney General



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