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.


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.
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In March 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 in the FBI database have resulted in inaccuracies in the numbers reported to Congress in recent reports. In March 2007, the Department of Justice notified Congress that it would seek to correct the problems in FBI's tracking of NSL requests and would provide additional statistics once those issues had been addressed. This report provides Congress with statistics on NSL requests in calendar year 2006. The Department of Justice will report the 2007 NSL statistics as soon as they are available.

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
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,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General
April 30, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

Dear Mr. Leader:

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Sincerely,

[Signature]
Brian A. Benczkowski
Principal Deputy Assistant Attorney General
April 30, 2008

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

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Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General
April 30, 2008

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

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Principal Deputy Assistant Attorney General
April 30, 2008

The Honorable Steny Hoyer
Majority Leader
United States House of Representatives
Washington, DC 20515

Dear Mr. Leader:

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The Honorable John A. Boehner  
Minority Leader  
United States House of Representatives  
Washington, DC  20515

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Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General
Mr. James C. Duff  
Director  
Administrative Office of the United States Courts  
Washington, DC 20544

Dear Mr. Duff:

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