



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 24, 2008

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 imposes on the Department of Justice (DOJ) an annual reporting requirement relating to emergency disclosures of the contents of communications by Internet service providers (ISPs), pursuant to Title 18, United States Code Section 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."

This report covers the period from January 1, 2007 through December 31, 2007. During this period, DOJ received voluntary disclosures from nine accounts pursuant to Section 2702(b)(8). In this period, two investigations were closed without the filing of criminal charges; both involved death threats, and one of the two also involved extortion. Additionally, six disclosures 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.

It has also come to our attention that DOJ inadvertently reported two more disclosures in our prior report (for 2006) than were received under Section 2702(b)(8): there were only eleven, rather than thirteen, disclosures of content under Section 2702(b)(8) during the period from July 1, 2006 through December 31, 2006.

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Please do not hesitate to contact this office should you have any questions regarding the information provided in this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian A. Benczkowski". The signature is fluid and cursive, with a prominent initial "B".

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

cc: The Honorable Arlen Specter
Ranking Minority Member