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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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November 1, 2007

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The Honorable Peter D. Keisler  
Acting Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Mr. Keisler:

Congress is considering legislation regarding the Foreign Intelligence Surveillance Act. As part of that legislation, Congress is considering proposals concerning retroactive immunity to telecommunications companies widely reported to have been involved in the Administration's warrantless surveillance program.

As the House Committee with jurisdiction over telecommunications, we recently wrote to these companies requesting answers to a series of questions about the nature and extent of their participation in the program. The companies informed the Committee that they are unable to respond to our inquiries because any such information is within the control of the Administration; that if such information exists, it is classified and therefore the companies are unable to produce it; and that the United States has invoked the state secrets privilege as it relates to any such information, thereby preventing the companies from producing any such information.

In order for this Committee to consider any legislation involving immunity for telecommunications companies, we will need more information about the nature and extent of this program. Because the Administration is the only entity able to provide this information, we are formally requesting a briefing from the appropriate Administration personnel.

The Honorable Peter D. Keisler  
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Please contact Amy Levine, Colin Crowell, or John Sopko with Committee staff at (202) 226-2424, within one week of the date of this letter, to arrange the requested briefing.

Sincerely,



John D. Dingell  
Chairman



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations



Edward J. Markey  
Chairman  
Subcommittee on Telecommunications and  
the Internet

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member  
Subcommittee on Oversight and Investigations

The Honorable Fred Upton, Ranking Member  
Subcommittee on Telecommunications and the Internet