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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT

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LEEANN FLYNN HALL  
CLERK OF COURT

(U) IN RE ACCURACY CONCERNS REGARDING FBI  
MATTERS SUBMITTED TO THE FISC.

Docket No. Misc. 19-02

**(U) SUPPLEMENTAL RESPONSE TO THE COURT'S ORDER  
DATED DECEMBER 17, 2019 AND CORRECTED OPINION AND  
ORDER DATED MARCH 5, 2020; AND PARTIAL RESPONSE TO  
THE COURT'S ORDER DATED APRIL 3, 2020**

(U) The United States respectfully submits this supplemental response to the Order of the Foreign Intelligence Surveillance Court (FISC or the Court) entered on December 17, 2019 (December 17, 2019 Order), and Corrected Opinion and Order of the Court entered on March 5, 2020 (March 5, 2020 Order); and partial response to the Order of the Court entered on April 3, 2020 (April 3, 2020 Order).

**I. (U) INTRODUCTION**

(U) As described in greater detail in the Government's previous submissions in the above-captioned docket, the Federal Bureau of Investigation (FBI) and Office of Intelligence (OI) have undertaken multiple corrective measures to ensure the accuracy and completeness of applications submitted to the Court following the findings and recommendations of the Office of the Inspector General's (OIG) December 2019 Report, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation* (OIG Report). This submission, including the attached declaration by the FBI, supplements the Government's earlier explanation of corrective actions

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taken in response to the OIG Report as required by the Government's response to the Court's December 17, 2019 Order, as well as the Court's March 5, 2020 Order and April 3, 2020 Order.

## **II. (U) ENHANCING PROTOCOLS REGARDING APPLICATIONS SUBMITTED ON BEHALF OF THE FBI UNDER TITLES IV AND V OF FISA**

(U) On January 10, 2020, the Government filed a response to the December 17, 2019 Order (January 10, 2020 Response), accompanied by a declaration from Director Christopher A. Wray of the FBI identifying actions the FBI planned to take in order to address the findings of the OIG Report. In the January 10, 2020 Response, FBI Director Wray committed to enhancing the FBI's "protocols to ensure the accuracy of applications brought under Titles IV (relating to pen register and trap and trace surveillance) and V (relating to the acquisition of business records) of FISA." January 10, 2020 Response, Attachment A at 14. As explained in that filing, "[t]his effort will require changes to workflow processes, and the development of accuracy procedures and FISA accuracy forms that are specific to pen register and trap and trace and business records applications." *Id.* at 14-15.

(U) As described in the Government's response to the March 5, 2020 Order, the FBI Office of General Counsel's National Security and Cyber Law Branch (NSCLB) formed a working group undertaking efforts to revise the pen register and trap and trace (PR/TT) and business records (BR) FISA request forms, with the goal of ensuring the accuracy of applications brought under Titles IV and V. Response to the Court's Corrected Opinion and Order Dated March 5, 2020 and Update to the Government's January 10, 2020 Response at 52. The group also has drafted a proposed verification form for PR/TT and BR applications, which previously did not exist. *Id.* The Government's response explained that NSCLB also began to consider the best approach for developing accuracy procedures for such applications, and would provide a further update on the progress related to these efforts by May 22, 2020. *Id.* at 52-53. The FBI's declaration, attached as

Exhibit A to this submission, provides the further update described in the Government's response to the March 5, 2020 Order.

**III. (U) ACTIONS BY THE FBI'S OFFICE OF INTEGRITY AND COMPLIANCE AND RESOURCE PLANNING OFFICE**

(U) In response to the OIG Report and described in the Government's response to the December 17, 2019 Order, FBI Director Wray committed to direct the FBI's Office of Integrity and Compliance (OIC) to work with the FBI's Resource Planning Office (RPO) to identify and propose audit, review, and compliance mechanisms to ensure that changes to the FISA process adopted in response to the OIG Report are effective in achieving the identified goals, and to evaluate whether other compliance mechanisms would be beneficial. January 10, 2020 Response, Attachment A at 4, 9-10. FBI Director Wray also committed to update the Court on the FBI's progress with respect to this corrective action by May 22, 2020. *Id.* at 10. The March 5, 2020 Order subsequently directed the Government, by May 22, 2020, to describe any audit, review, or compliance mechanisms implemented or to be implemented by OIC or RPO that bear on the efficacy of any of the remedial measures discussed elsewhere in the Court's March 5, 2020 Order. March 5, 2020 Order at 18. The FBI's declaration, attached as Exhibit A to this submission, provides the description required by the Court's Order.

**IV. (U) IDENTIFYING PATTERNS OR TRENDS TO ENHANCE TRAINING REGARDING ACCURACY PROCEDURES AND ENSURE THE ACCURACY OF FISA APPLICATIONS**

(U) The April 3, 2020 Order, among other requirements, directed the Government to also describe how the Government will use the results of accuracy reviews to identify patterns or trends so that the FBI can enhance training to improve performance in following the Woods Procedures or improve policies to help ensure the accuracy of FISA applications. April 3, 2020 Order at 4. The attached declaration provides a description of how the FBI will use the results of accuracy reviews

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to identify and take further action based on such patterns or trends. The National Security Division (NSD) also hereby provides the Court with a further description of the manner in which OI uses and intends to use the results of accuracy reviews to ensure the accuracy and completeness of FISA applications and enhance training provided by OI.

**A. (U) The Office of Intelligence's Use of the Results of Accuracy Reviews**

(U) As noted in the January 10, 2020 Response, NSD conducts oversight reviews at approximately 25-30 FBI field offices annually. During those reviews, NSD assesses compliance with Court-approved minimization and querying procedures, as well as the Court's orders. NSD also conducts accuracy reviews of a limited number of cases at FBI field offices to assess compliance with the FBI's accuracy procedures and to ensure the accuracy of the facts in the applicable FISA application in compliance with *Guidance to Ensure the Accuracy of Federal Bureau of Investigation Applications under the Foreign Intelligence Surveillance Act, Memorandum from Matthew G. Olsen & Valerie Caproni to all Office of Intelligence Attorneys, All National Security Law Branch Attorneys, and All Chief Division Counsels* (Feb. 11, 2009).

(U) In addition to memorializing the results of individual accuracy reviews in reports that are sent to the relevant FBI offices, NSD has completed trends reports for minimization and accuracy reviews for calendar years 2013, 2014, 2016-2017. NSD has also completed a trends report for accuracy reviews conducted in 2018.<sup>1</sup> OI has provided the trends reports for 2016-2018 to the FBI, including OIC. The findings from NSD's accuracy trends reports have also been shared with OI attorneys. The results of all accuracy reviews conducted during 2018, for example, were reviewed and organized into categories of illustrative types of non-material errors, which described

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<sup>1</sup> (U) OI is in the process of compiling the findings from its 2019 accuracy reviews and will produce a trends report for the calendar year 2019 reviews, which will be provided to all OI attorneys and the FBI.

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the type of error as well as the field office in which these errors were encountered; within each category, the trends report further identified the number and field office location of similar errors identified in prior years in order to identify trends on a category-by-category basis. OI leadership encouraged all attorneys to review these findings and the most common categories of non-material errors in order to anticipate and highlight these areas when working with FBI personnel during the drafting process.<sup>2</sup> In April 2020, OI supplemented its internal training for new attorneys regarding accuracy during the drafting process and OI's oversight function, including explaining that OI's oversight reviews permit OI to identify and assess trends to allow the office to ensure that appropriate corrective action can be taken, or training can be delivered, to forestall future issues. This supplement was also included in a document distributed to all OI attorneys on April 3, 2020.

(U) OI has also used trends identified from accuracy reviews in its training at FBI field offices. Beginning in January 2020, OI began emphasizing accuracy-related training at FBI field offices subject to an oversight review. That training discussed the roles of case agents and drafting OI attorneys and included a discussion, for example, of the need for agents to document and provide to OI information necessary to complete the narrative or theory of probable cause underlying the application, as well as the need for OI attorneys to coordinate closely with case agents and avoid rephrasing facts in a manner that changes their meaning as compared to the underlying source document. This training also addressed the need to reassess previous factual assertions over time to ensure that any intervening changes – including changes related to

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<sup>2</sup> (U) As noted in the Government's response to the March 5, 2020 Order, NSD also makes use of findings from individual accuracy reviews on an individual and programmatic basis, by providing results of each accuracy review to both the drafting attorney and supervisor for that application, and by having supervisors address lessons learned from accuracy reviews at meetings of the operational units, allowing for the wider dissemination of commonly found issues. Issues identified in accuracy reviews also are incorporated into mandatory training on accuracy and completeness issues that all new attorneys in OI must take.

confidential human source reliability or reporting – are brought to the Court's attention in subsequent renewals. In addition, this training, based on OI's experience conducting oversight accuracy reviews, provided examples of specific accuracy errors that can arise during the drafting process with regard to the descriptions of dates, phrases to describe timing, and other details. Following the lifting of staffing, travel, and operational restrictions in response to the coronavirus outbreak, OI will resume these oversight reviews at FBI field offices and continue to provide the accuracy training.

**B. (U) Expansion of OI's Accuracy Reviews Will Enhance Training Efforts**

(U) As described in the Government's April 3, 2020 Response, NSD has decided to expand its existing accuracy reviews in two respects, which will inform accuracy-related training both by OI and FBI. First, as detailed in the Government's April 3, 2020 Response, commencing with accuracy reviews starting after September 30, 2020, OI will not provide advance notice to the FBI field offices undergoing an accuracy review which applications will be subjected to an accuracy review, unless a completeness review is also being conducted. This will allow OI to evaluate how effective agents have been at complying with the requirement to maintain an accuracy sub-file, complete with all required documentation. OI will tally and report as a part of its accuracy review process all facts for which any documentation, or appropriate documentation, was not a part of the accuracy sub-file at the time of the accuracy review, even if the agent was ultimately able to obtain the documentation and support the applicable facts. OI will provide this information to the FBI, so that the FBI can use this information to assess compliance with its accuracy procedures and determine if additional training and guidance is needed.

(U) Second, NSD has decided to expand its existing accuracy review framework to include completeness reviews, to ensure that FBI personnel are providing NSD attorneys during the

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drafting process with all facts relevant to the probable cause determinations submitted for the Court's decision. In the Government's April 3, 2020 response, it indicated that it anticipated beginning to conduct completeness reviews within 30 days of the lifting of staffing, travel, and operational restrictions in response to the coronavirus outbreak. However, as of May 2020, NSD and FBI have begun the process of attempting to conduct a completeness review remotely. NSD has not yet assessed the efficacy of conducting such a review remotely. NSD will draft a summary of the accuracy and completeness reviews, which will include a description of all omissions or other identified errors. This summary will be provided to applicable OI and FBI personnel. The findings from the completeness reviews will be incorporated by OI in its annual trends report and will inform accuracy-related training that OI conducts at FBI field offices, as well as in-house training conducted for OI personnel.

(U) On April 3, 2020, the Government responded to the March 5, 2020 Order by describing OI's Oversight Section's anticipated process and methodology for conducting completeness reviews, including the methodology used to select applications for reviews. Response to the Court's Corrected Opinion and Order Dated March 5, 2020 and Update to the Government's January 10, 2020 Response at 49-51. Additionally, the March 5, 2020 Order directed the Government, beginning on September 1, 2020, and every six months thereafter, to provide a general description of the results of OI's completeness and accuracy reviews conducted following the issuance of the March 5, 2020 Order, including the number and types of FISA applications reviewed, the field offices visited, and a description of the manner in which cases were selected for review. The Government believes this reporting requirement will also provide an ongoing opportunity to provide the Court with information related to OI's use of the results of oversight reviews to ensure the accuracy and completeness of FISA applications.

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(U) Due to operational, travel and staffing restrictions imposed by the coronavirus outbreak, OI has not yet conducted an accuracy or completeness review of a FISA application that was drafted based on the FBI's use of the revised FISA request and verification forms and confidential human source checklist developed and implemented by the FBI in response to the OIG Report. The Government anticipates that reviews of FISA applications that utilized these newly-developed forms will yield valuable information that will be included and analyzed in future trends reports and may form the basis for adjusting existing policies or training. OI believes that the recurring reporting requirement imposed by the Court's March 5, 2020 Order will also permit the Government to provide the Court with ongoing updates regarding the ways in which the FBI and OI are using the results of enhanced accuracy reviews as well as forthcoming completeness reviews to identify patterns or trends that can be communicated to personnel involved in the FISA process.

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V. (U) CONCLUSION

(U) This response, including the attached declaration, supplements the Government's prior responses to the Court's December 17, 2019 Order and March 5, 2020 Order, and includes the Government's partial response to the April 3, 2020 Order. The Government will provide the Court additional updates in response to the deadlines set forth in those Orders.

Respectfully submitted,

Date: May 22, 2020

Melissa MacTough  
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Deputy Assistant Attorney General  
National Security Division  
U.S. Department of Justice

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FOREIGN INTELLIGENCE SURVEILLANCE COURT  
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(U) IN RE ACCURACY CONCERNS REGARDING  
FBI MATTERS SUBMITTED TO THE FISC

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Docket No. Misc. 19-02

(U) DECLARATION OF DANA BOENTE,  
GENERAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION,  
IN SUPPORT OF THE SUPPLEMENTAL RESPONSE TO THE COURT'S ORDER DATED  
DECEMBER 17, 2019 AND CORRECTED OPINION AND ORDER DATED MARCH 5,  
2020; AND PARTIAL RESPONSE TO THE COURT'S ORDER DATED APRIL 3, 2020

(U) I, Dana Boente, hereby declare the following:

1. (U) Since January 28, 2018, I have been the General Counsel of the Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ), a component of an Executive Department of the United States Government (USG). I am responsible, among other things, for various legal issues related to the national security operations of the FBI, including those conducted by the FBI's Counterterrorism Division, Counterintelligence Division, and Cyber Division, all of which submit applications to the Foreign Intelligence Surveillance Court (the Court).

2. (U) The matters stated herein are based on my personal knowledge, my review and consideration of documents and information available to me in my official capacity, and information obtained from FBI personnel in the course of their official duties. My conclusions have been reached in accordance therewith.

3. (U) I am submitting this declaration in support of the Government's Supplemental Response to the Court's Order dated December 17, 2019, and Corrected Opinion and Order dated March 5, 2020; and Partial Response to the Court's Order dated April 3, 2020.

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This declaration provides the Court with information regarding certain measures the FBI has undertaken in response to the DOJ's Office of the Inspector General report, *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation* (OIG Report), as well as the OIG's *Management Advisory Memorandum for the Director of the FBI Regarding the Execution of Woods Procedures for Applications Filed with the FISC Relating to U.S. Persons* (OIG Memorandum). In particular, this declaration provides an update to the Court on the FBI's efforts to: (1) enhance its protocols to ensure the accuracy of applications brought under Titles IV (relating to pen register and trap and trace surveillance) and V (relating to the acquisition of business records) of FISA; (2) utilize its Office of Integrity and Compliance (OIC), in collaboration with its Resource Planning Office (RPO), to identify and propose audit, review, and compliance mechanisms to ensure the FISA-related corrective actions adopted in response to the OIG Report are effective; and (3) use the results of Accuracy Reviews to identify patterns or trends, so that the FBI can enhance training to improve performance in following the Woods Procedures, or improve policies to help ensure the accuracy of FISA applications.

**(U) Update on Efforts to Enhance Accuracy of Title IV and V FISA Applications**

4. (U) In a Declaration filed with the Court on January 10, 2020, FBI Director Christopher A. Wray stated that the FBI would "enhance its protocols to ensure the accuracy of applications brought under Title IV (relating to pen register and trap and trace surveillance) and V (relating to the acquisition of business records) of FISA." January 10, 2020 Response to the Court's Order Dated December 17, 2020 (January 10 Response), Attachment A at 14. Director Wray indicated that the effort would "require changes in workflow processes, and the development of accuracy procedures and FISA accuracy forms that are specific to pen register and trap and trace [PR/TT] and business records [BR] applications." *Id.* at 14-15. The FBI stated

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that it would update the Court on its progress by March 27, 2020. *Id.* at 15. Following a one-week extension granted by the Court, the FBI provided the referenced update in a filing made on April 3, 2020 (April 3 Response). Because the FBI's progress with respect to this effort was, at the time, still ongoing, the FBI committed in the April 3 Response to provide a further update to the Court by May 22, 2020. April 3 Response at 53. That update follows.

5. (U) In mid-February 2020, as the FBI was undertaking numerous other efforts designed to improve its Title I/III FISA processes, the FBI also established a working group to drive Director Wray's commitment to enhancing the FBI's protocols to ensure the accuracy of Title IV and V applications. To advance this goal, the group has revised the current BR and PR/TT request forms, as well as created new verification forms for these types of applications. These forms largely mirror the revised, augmented request and verification forms developed for Title I/III FISAs, and significantly amplify the information an agent must provide when submitting a BR or PR/TT request.

6. (U) The revised and newly developed forms, and their attendant processes, are expected to incorporate several features to improve the accuracy of BR and PR/TT applications. For example, the forms include updated questions designed to elicit more fulsome information about the target or subject of the request, including, to the best of the agent's knowledge, whether the target or subject has ever been interviewed by the FBI, any other government agency (OGA), or a foreign government (FG), or whether the target or subject ever served as a confidential human source (CHS), asset, or operational contact of the FBI, an OGA, or an FG. The revised PR/TT request form also directs agents to disclose, in the case of a renewal, any modifications or corrections that are necessary to the prior application(s), and, if applicable, the discovery of any misstatements or relevant information omitted from the prior application(s). In

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such cases, the form instructs agents to immediately contact their Chief Division Counsel's (CDC) office or the National Security and Cyber Law Branch (NSCLB), so FBI attorneys can ensure that the Office of Intelligence (OI) and this Court are notified before renewed PR/TT authorities are sought.

7. (U) Beyond revising the BR and PR/TT request forms in ways designed to enhance accuracy, the FBI also has created new verification forms for BR and PR/TT applications that agents eventually will be required to use before a BR or PR/TT application can be submitted to the Court. The new verification forms largely parallel the form used in the Title I/III context. At the outset, the forms include an introductory paragraph highlighting, among other things, their purpose of ensuring that BR and PR/TT applications are accurate and complete, and that information pertaining to the assessment of relevance—including any information that reasonably calls into question the accuracy of the information or the reasonableness of any FBI assessment in the application—must be disclosed to OI. The forms also require case agents and their supervisors to make several related affirmations, including that factual assertions in the application accurately reflect documentation in the FBI's possession, and that documentation supporting each such fact is being retained in an accuracy sub-file.

8. (U) As is true of the recently revised Title I/III request and verification forms, the new BR and PR/TT forms are meant to supplement other aspects of the FBI's efforts and commitment to enhance FISA accuracy and completeness. For instance, the FBI will develop policies mandating that agents create and maintain a related FISA accuracy sub-file for each submitted BR or PR/TT application. Similarly, after the new forms are released, agents submitting a new BR or PR/TT request will be required to affirm that they have taken the recently developed FISA Process Training, which the FBI described to the Court in a filing made

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on April 30, 2020. See Supplemental Response to the Court's Order Dated December 17, 2019; the Court's Scheduling Order Dated January 17, 2020; and the Court's Corrected Opinion and Order Dated March 5, 2020 (April 30 Response), Attachment A at 4-7. Finally, as stated in the April 3 Response, the FBI is considering the best approach for developing accuracy procedures for BR and PR/TT applications. Efforts on this front are pending, as the FBI expects that the procedures will be informed by revisions currently underway to the *Guidance to Ensure the Accuracy of Federal Bureau of Investigation (FBI) Applications under the Foreign Intelligence Surveillance Act (FISA)*, *Memorandum from Matthew G. Olsen & Valerie Caproni to all Office of Intelligence Attorneys, All National Security Law Branch Attorneys, and All Chief Divisions Counsels* (the 2009 Accuracy Memorandum).

9. (U) As noted in the April 3 Response, once the working group involved in these efforts completes its work, the FBI General Counsel will need to approve any related protocols, forms, and procedures, after which they will be implemented through the FBI's formal policy collaboration process. April 3 Response at 52-53. The FBI will also coordinate with OI on these protocols, forms, and procedures. The FBI proposes to update the Court on further progress related to these efforts by July 31, 2020.

**(U) Update on Recommendations for Audit, Review, and Compliance Mechanisms**

10. (U) Beyond advising the Court of the FBI's commitment to enhance accuracy in BR and PR/TT applications, the January 10 Response also explained that, in response to the OIG Report, Director Wray ordered the FBI's OIC and RPO to work to identify and propose audit, review, and compliance mechanisms to ensure that changes to the FISA process outlined in the

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Director's Corrective Actions are effective in achieving the identified goals.<sup>1</sup> January 10 Response, Attachment A at 4, 9-10. The FBI proposed to update the Court on its related progress by May 22, 2020, which it does below. *See id.* at 10.

11. (U//~~FOUO~~) A strong internal audit function is essential to ensuring that the mistakes of the past are not repeated. The FBI is committed to having thoughtful, meaningful FISA controls, and a robust FISA audit program will allow the FBI to monitor and continue to improve its core FISA policies and procedures. In the coming weeks, the FBI will be issuing a public Request for Information to collect information from external consulting firms to advise the FBI on the redesign of its FISA audit program. As the first step in the procurement process, the FBI seeks to solicit and receive information regarding the capabilities of independent, professional firms with expertise in the design of internal auditing programs. The FBI intends to select a firm that is a proven thought leader in the areas of internal audit protocols and programs, process design, and implementation. Bringing an independent perspective, this firm will be tasked with conducting a review of the FBI's current FISA audit functions, proposing "best practice" modifications, and offering guidance on implementation. A robust and exacting audit program will allow the FBI to identify, measure, and remediate any deficiencies that are detected in its FISA policies, processes, and training—all with the goal of continuously strengthening the accuracy and completeness of FISA applications. The FBI will provide an update to the Court on the status of these efforts by July 31, 2020.

12. (U//~~FOUO~~) Furthermore, FBI Executive Management is evaluating a number of compliance-related proposals by the OIC and RPO to assess and enhance the efficacy of the

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<sup>1</sup> (U) Director Wray ordered FBI personnel to undertake more than forty Corrective Actions to address failures identified in the OIG Report.

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FBI's FISA reform efforts. These proposals include expanded training, amendments to policy, and additional measures to evaluate FISA process adherence. The FBI will continue to evaluate these proposals and update the court on status by July 31, 2020.

**(U) Using Accuracy Review Results to Improve Performance**

13. (U) In addition to possible audit, review, and compliance improvements, in response to the OIG Memorandum, the FBI has committed to examining the results of Accuracy Reviews to enhance training and improve agents' performance in completing the Woods Procedures, or to improve policies to help ensure accuracy of FISA applications. By order issued April 3, 2020, the Court directed the Government to provide an update on this matter, which the FBI does below, by way of supplementing the Department's cover filing.

14. (U) The FBI's OIC, NSCLB, and INSD have devised a strategy to best track Accuracy Review results and identify related trends. As part of this effort, INSD and OIC are reviewing National Security, Minimization, and Accuracy Review Reports from 2017-2019, as they become available, including those reports produced by FBI CDCs. The OIC has developed tools that draw data from the Accuracy Review and Minimization Reports to import findings into a spreadsheet and then assign to those findings specific alphanumeric codes which correspond to an identified compliance deficiency. The data is then organized by code and the total number of potential violations are tallied for analysis and action by the end-user. As new reports are received, the new data will be similarly imported into the tracking spreadsheet to further the ongoing efforts to identify trends related to FISA compliance and mitigate any deficiencies.

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15. (U) The OIC, INSD, and NSCLB will use this data to identify any compliance deficiencies. The team currently is considering various methods to address any such deficiencies that may be identified, though the FBI believes that the efficacy of any particular method will be informed by the results of the ongoing data analysis. As relevant here, the FBI expects these efforts may include increased messaging to field offices regarding trends; revisions, as necessary, to existing training courses or materials; and, as appropriate, the development of new training courses or material. In order to remain agile, the FBI anticipates new or modified training could take any number of forms, including formal courses posted to the FBI's Virtual Academy platform; in-person training; quarterly or semi-annual compliance communications; and remote training sessions conducted via virtual platforms.

16. (U) Most immediately, as explained to the Court in previous filings, OI and FBI are expecting to release a revised version of the 2009 Accuracy Memorandum in upcoming months. The FBI anticipates that these revisions will incorporate processes designed to mitigate compliance deficiencies, including those identified by the efforts of the OIG. Once complete, revisions to the 2009 Accuracy Memorandum will be formalized in FBI policy through parallel revisions to the FBI's *Foreign Intelligence Surveillance Act and Standard Minimization Procedures Policy Guide* and updated training in Virtual Academy.

17. (U) Finally, NSCLB is taking other steps designed to use the results of Accuracy Reviews to improve performance. For example, NSCLB has formed an accuracy team to address and update, as needed, the FBI's CDC Accuracy Review Program. NSCLB also has reconstituted its Compliance Analysis Initiative, which is expected, among other things, to track and catalog compliance notices and produce quarterly compliance reports for internal analysis. The FBI expects these efforts will incorporate and benefit from the results of the aforementioned

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trends analysis. NSCLB also anticipates developing an FBI-internal FISA-specific website to be a one-stop-shop for all FISA-related policies, procedures, and documents. NSCLB plans to use this website as an educational resource, by highlighting certain materials that might address systemic compliance deficiencies. Likewise, NSCLB intends to publish the trends analysis to the website, as a means of emphasizing compliance shortfalls and any necessary remedial measures.

**(U) Conclusion**

18. (U) As demonstrated by the aforementioned efforts, and explained in previous filings made under this docket number, the FBI remains committed to ensuring that FISA applications it submits to this Court are accurate and complete.

19. (U) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my best information, knowledge, and belief.

May 22, 2020



Dana Boente  
General Counsel  
Federal Bureau of Investigation

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