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Filed
United States Foreign
Intelligence Surveillance Court

UNITED STATES

MAY 22 2023

FOREIGN INTELLIGENCE SURVEILLANCE COURT

Maura Peterson, Clerk of Court

WASHINGTON, D.C.

IN RE ACCURACY CONCERNS REGARDING

Docket No. Misc. 19-02

FBI MATTERS SUBMITTED TO THE FISC

ORDER

On May 17, 2023, the government filed a Motion for Relief from the Court's March 5, 2020 Order Requiring Periodic Reporting on the Federal Bureau of Investigation's Technical Improvements to the Foreign Intelligence Surveillance Act Process ("Motion"). For reasons discussed herein, the government's motion is granted in part, and the Court will impose a modified reporting requirement regarding the FBI's technical improvements to the FISA process.

In the March 5, 2020 Order, the Court ordered the government to provide, by March 27, 2020, among other things, "a description of any planned or implemented technological improvements to the process of preparing FISA applications or verifying the information contained in FISA applications and updates every thirty days thereafter until they have been fully implemented." Corrected Opinion and Order, Misc. 19-02 (March 5, 2020), at 17. That order was later modified on the government's motion to require reporting every 90 days. *See Order, Misc. 19-02 (June 23, 2020), at 2.*

The instant Motion seeks relief from that quarterly reporting requirement. The government reports that work is complete on the implementation of (i) secure video

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teleconference connectivity between FBI field offices and the Court; (ii) new online and virtual training courses designed to educate the FBI workforce on handling FISA-related matters; and (iii) updated methods to electronically document and store information regarding confidential human sources. *See Motion at 4-7.* With respect to the creation of a new FISA-related workflow on the “Bridge” platform, the government reports that “[t]he FBI has now finished testing the Bridge . . . in five field offices and four headquarters divisions and is now preparing the Bridge for long-term testing across key components within the FBI.” *Id.* at 9. The FBI forecasts that the Bridge will be “fully implemented across the FBI at the end of Fiscal Year 2023,” *i.e.*, September 30, 2023. *Id.* at 2. Given that the Bridge effort is now “at a stage of long-term testing, maintenance and improvements,” *id.* at 9, the government proposes, in lieu of quarterly updates, to notify the Court once the FBI has completed long-term testing and fully implemented the Bridge, or when there are any other substantive updates to report, including “updates regarding technological efforts to improve compliance with the accuracy and completeness rules, including as they may relate to the systems involved.” *Id.* at 2 & 10 n.7.

The Court finds good cause to modify the above-described reporting requirement, but not in the manner proposed by the government. The Court regards the government’s Motion, which provides substantive updates on all of the relevant initiatives, as satisfying the requirement to file the quarterly report that would otherwise have been due on or about June 1, 2023. Thereafter, the Court is imposing a modified reporting requirement as ordered below.

The government has marked the Motion as “UNCLASSIFIED//FOUO” (For Official Use Only). This Order is provisionally marked in the same manner because it contains information from the Motion that is portion-marked “FOUO.”

Accordingly, IT IS HEREBY ORDERED THAT:

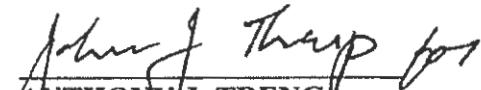
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(1) The next report on technological improvements to the FBI's processes for preparing FISA applications or verifying the information contained in FISA applications shall be submitted by the government no later than October 13, 2023. If deployment of the Bridge is not completed by that date, the government shall submit subsequent reports at intervals of no more than 90 days thereafter, until the government reports that such deployment has been completed. Such reports shall address testing and implementation of the Bridge and provide updates on any material developments regarding technological efforts to improve compliance with the FBI's accuracy and completeness procedures. After the government reports that deployment of the Bridge has been completed, it shall submit reports as needed to update the Court promptly regarding any such material developments.

(2) In order for the public to be better informed about the government's efforts to improve the accuracy and completeness of FISA applications, the government shall submit to the Court copies of the Motion and this Order that are suitable for public release, including any redactions the government believes are necessary, by June 16, 2023. If applicable, the submission shall also include a written explanation of why redactions are necessary.

SO ORDERED, this 22^d day of May, 2023.


ANTHONY J. TRENGA
Judge, United States Foreign
Intelligence Surveillance Court

I, [REDACTED], Deputy Clerk,
FISC, certify that this document
is a true and correct copy of the
original. [REDACTED]

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