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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

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**ORDER**

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The government has not yet provided a full account of the non-compliance in this case, and has undertaken to submit "a supplemental notice regarding this matter shortly." Motion at 3 n.1. Nevertheless, the following facts appear reasonably clear.

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[REDACTED]

[REDACTED]

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[REDACTED] The government describes this over-collection largely in terms of the applicable NSA standard minimization procedures for

[REDACTED]

[REDACTED] it further appears to the Court that the interception of [REDACTED] the authorizing language of these orders. As stated above, the government's failure to disclose the known scope of this surveillance resulted in orders that did not identify the [REDACTED]

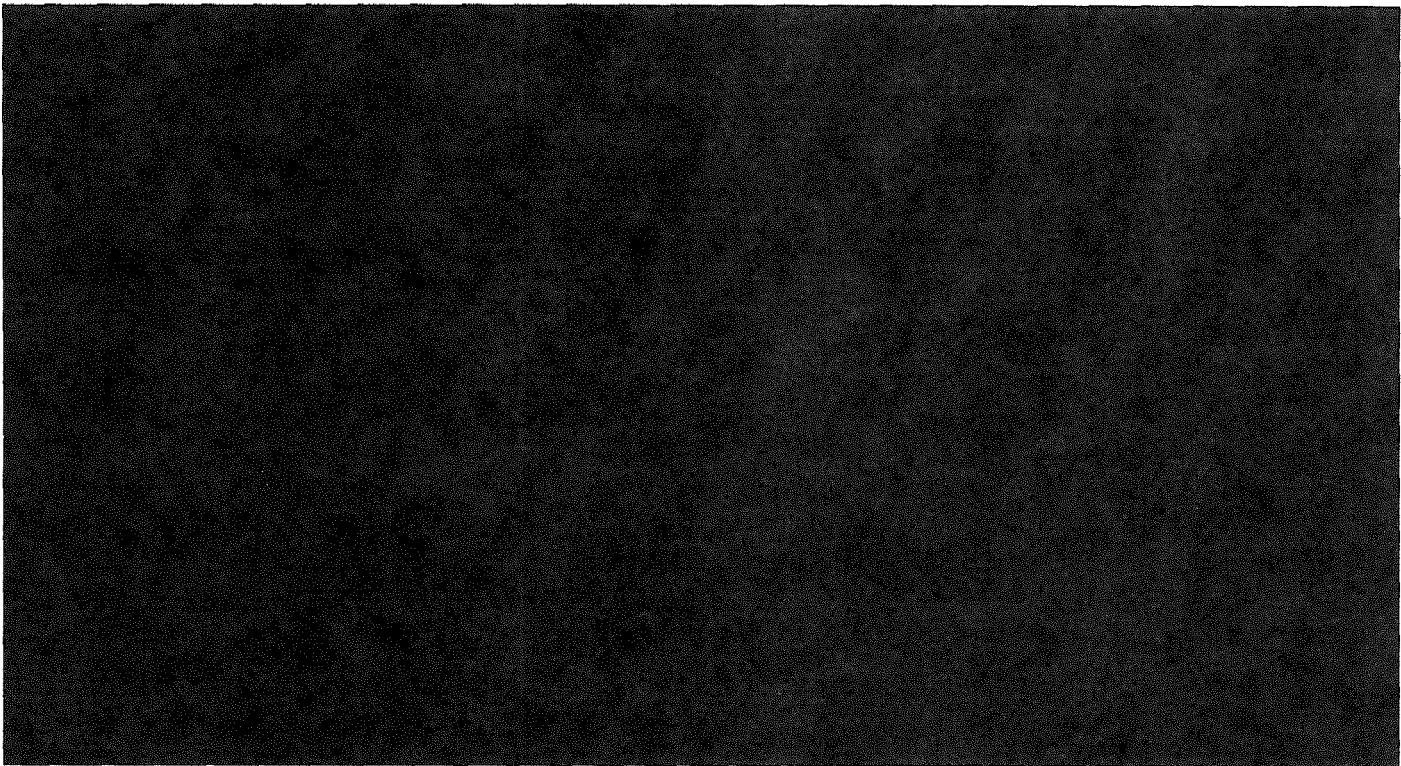
[REDACTED]

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[REDACTED]

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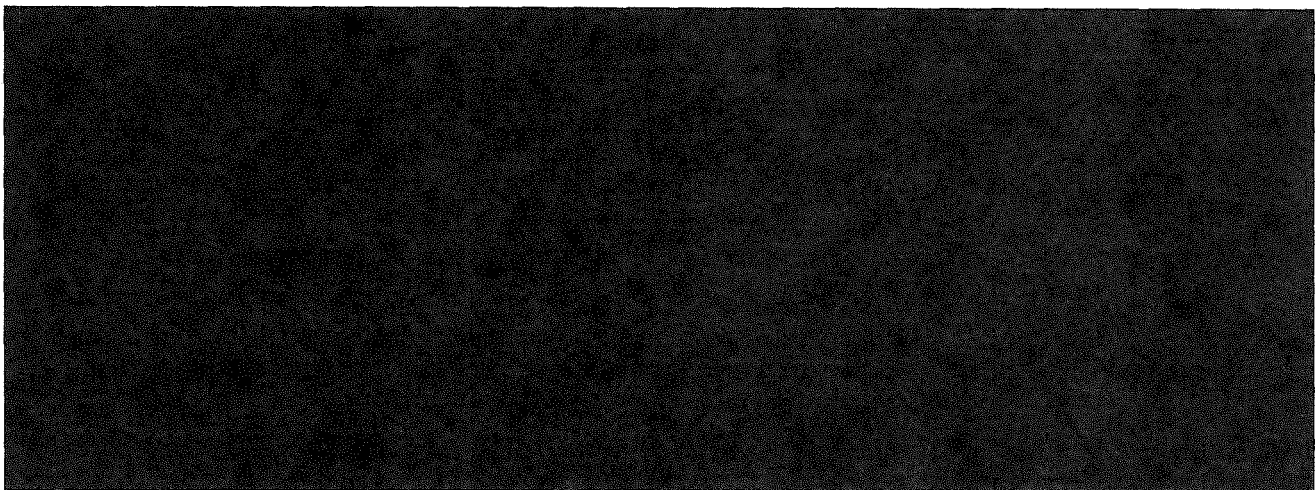
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The



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government chose not to terminate surveillance [REDACTED]  
[REDACTED]

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The government took no further action toward obtaining authorization to conduct electronic surveillance [REDACTED]  
[REDACTED]

[REDACTED] The government terminated surveillance [REDACTED]  
[REDACTED]

\* \* \*

It is troubling that, for many years, NSA failed to disclose the actual scope of its surveillance, with the result that it lacked authorization for some of the surveillance that it conducted. It is at least as troubling that, once NSA and the Department of Justice had finally recognized that unauthorized electronic surveillance was being conducted, they failed to take prompt measures to discontinue the surveillance, or even to obtain prospective authorization for the already-ongoing collection.

In view of these circumstances, and pursuant to “the inherent authority” of this Court “to determine or enforce compliance with an order” of this Court or “with a procedure approved by” this Court, see 50 U.S.C. § 1803(h), it is **HEREBY ORDERED** as follows:

(1) No later than [REDACTED] the government shall make a written submission addressing in detail:

(a) how and why the surveillance [REDACTED] was allowed to continue [REDACTED] especially after NSA and the Department of Justice had recognized that this surveillance had involved, and was likely to continue to involve, unauthorized electronic surveillance;

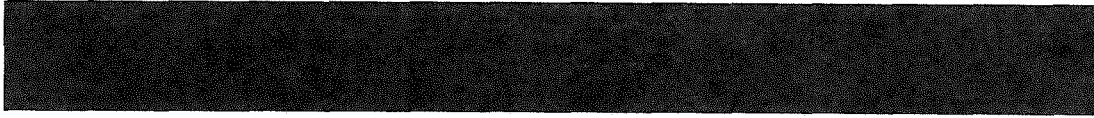
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(b) what steps the government is taking to prevent similar occurrences; [REDACTED]

(c) what steps the government has taken to identify information obtained through unauthorized electronic surveillance [REDACTED]  
[REDACTED]

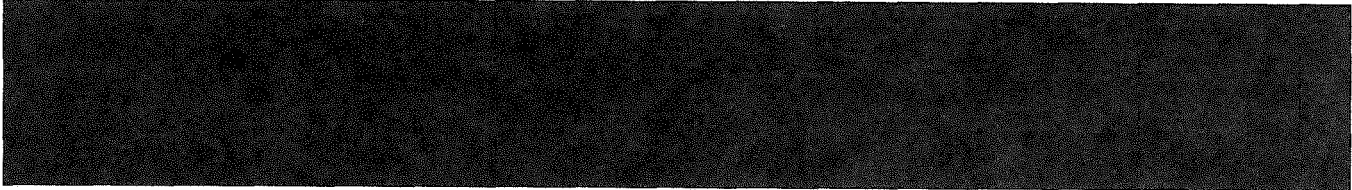
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The Court intends to examine this submission and determine whether a hearing is required to complete the record on these issues.



THOMAS F. HOGAN  
Judge, United States Foreign  
Intelligence Surveillance Court

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 Chief Deputy  
Clerk, FISC, certify that this document  
is a true and correct copy of the  
original   
August 20, 2011 release