All withheld information exempt under (b)(1) and (b)(3) unless otherwise noted

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Filed
United States Foreign
Intelligence Surveillance Court

OCT 26 2016

LeeAnn Flynn Hall, Clerk of Court

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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

[redacted]

ORDER

This matter is before the Court for review of DNI/AG 702(g) Certifications [redacted] ("2016 Certifications") under Section 702 of the Foreign Intelligence Surveillance Act ("FISA" or the "Act"), their accompanying targeting and minimization procedures, and amendments to their respective predecessor certifications. The 2016 Certifications were filed on September 26, 2016. They re-authorize Certifications [redacted] ("2015 Certifications"), which were approved, along with their accompanying targeting and minimization procedures, by the Court on November 6, 2015.

The 2015 Certifications will remain in effect – even past their stated November 6, 2016 expiration date – until the Court enters an order that approves the 2016 Certifications and the use of the revised procedures accompanying those certifications, or one that finds a deficiency in them. See 50 U.S.C. § 1881a(i)(3)(A)-(B). The Court is required to complete its review of the

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2016 Certifications within 30 days of their submission, i.e., by October 26, 2016. See 50 U.S.C. § 1881a(i)(1)(B). The Court may extend this period, however, "as necessary for good cause in a manner consistent with national security." See 50 U.S.C. § 1881a(j)(2).

On October 24, 2016, the government apprised the Court of significant compliance matters the full scope of which had not been previously disclosed to the Court. Two days later, the government made a written submission regarding those matters. See October 26, 2016, Preliminary and Supplemental Notice of Compliance Incidents Regarding the Querying of Section 702-Acquired Data. The government reported that it is working to ascertain the cause(s) of those compliance problems and develop a remedial plan to address them. Without further information about these compliance problems and the government's remedial efforts, the Court is not in a position to assess whether the proposed minimization procedures accompanying the 2016 Certifications comply with statutory standards and are consistent with the requirements of the Fourth Amendment. See 50 U.S.C. § 1881a(i)(3)(A)-(B). Nor is the government in a position to provide the necessary information without additional work.

In a hearing conducted on this date, the government provided its assessment that, in view of the above-described circumstances, an extension through January 31, 2017, of the Court's time to complete its review of the 2016 Certifications and accompanying procedures would be consistent with national security.

Based on the foregoing, the Court finds that there is good cause to extend the time limit for its review of the 2016 Certifications through January 31, 2017, including the amendments to their respective predecessor certifications, and that such extension is consistent with national security.

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WHEREFORE, IT IS HEREBY ORDERED, pursuant to 50 U.S.C. § 1881a(j)(2), that the time limits prescribed by 50 U.S.C. § 1881a(i)(1)(B) and (C) for this Court to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, the above-referenced certifications is EXTENDED to January 31, 2017.

ENTERED this 26th day of October 2016.

ROSEMARY M. COLLYER
Judge, United States Foreign
Intelligence Surveillance Court

I, (b)(6); (b)(7)(C), Chief Deputy Clerk, FISC, certify that this document is a true and correct copy of the original.
(b)(6); (b)(7)(C)

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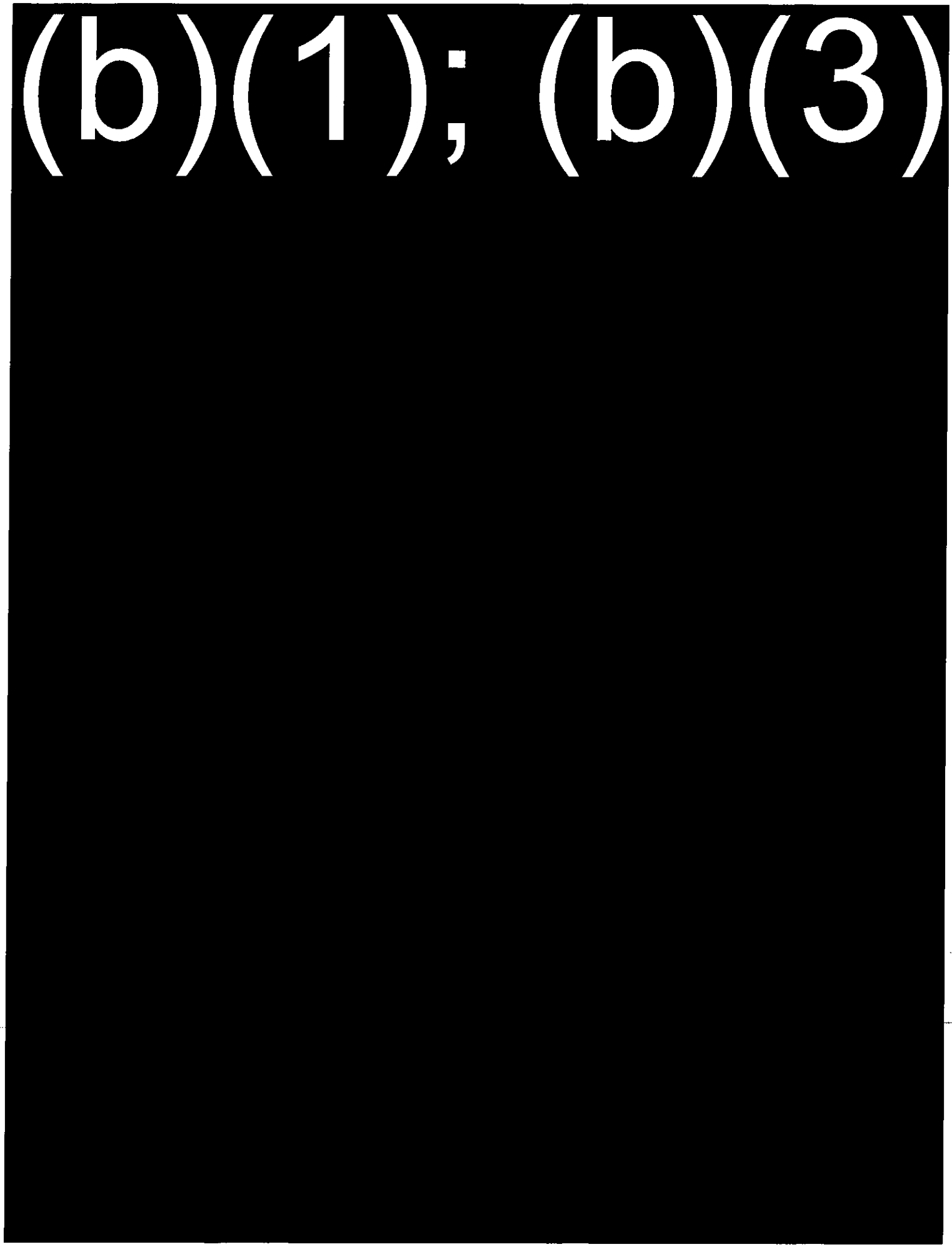
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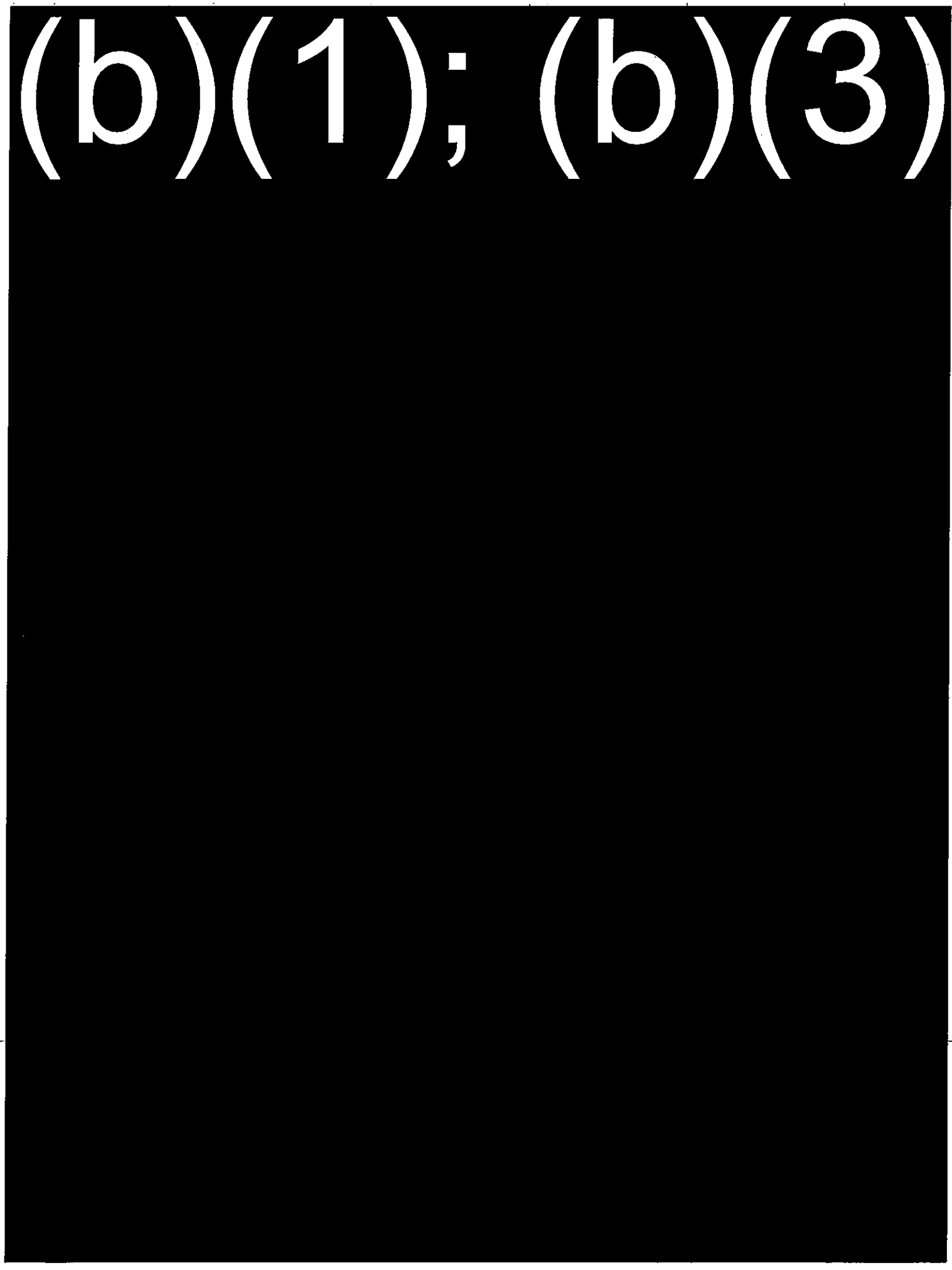
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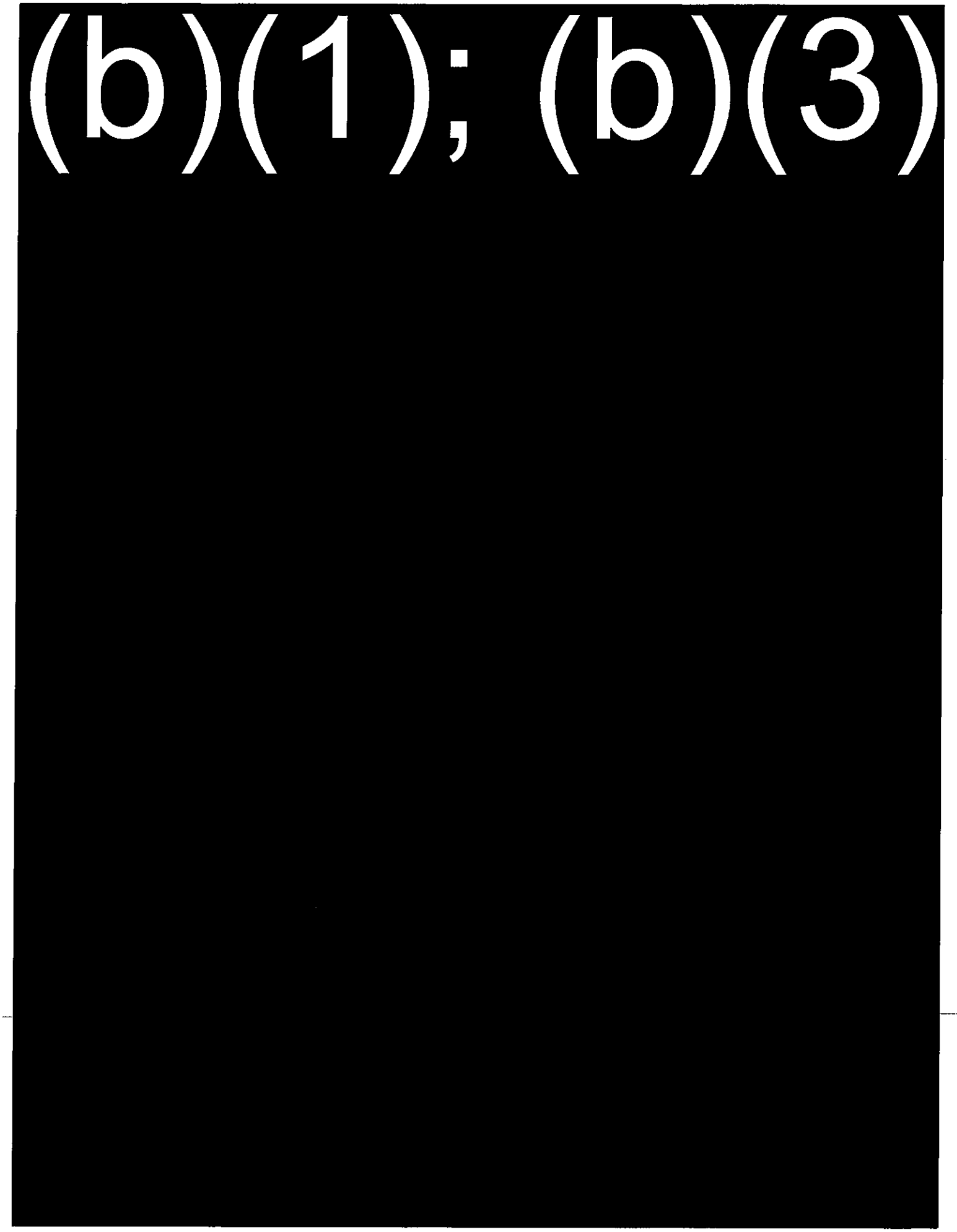
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