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UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

ORDER

This matter is before this Court on the motion of the United States for an order under 50 U.S.C. § 1881a(j)(2) of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), extending to [REDACTED] 2010, the time limits established 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, DNI/AG 702(g) [REDACTED] amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED]. In entertaining the government's motion, this Court has considered the following:

1. DNI/AG 702(g) [REDACTED] DNI/AG 702(g) [REDACTED]

[REDACTED] 2010.

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Derived From: Submission to the USFISC
in Docket Number captioned above

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2. Included within DNI/AG 702(g) [REDACTED] is an amendment to the minimization procedures currently approved for use under [REDACTED] reauthorized, DNI/AG 702(g) [REDACTED]

3. The government submitted DNI/AG 702(g) [REDACTED] amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED] to the Court on [REDACTED] 2010.

4. By operation of 50 U.S.C. § 1881a(i)(1)(B) and (C), this Court is required to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, DNI/AG 702(g) [REDACTED] and the amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED]

[REDACTED] 2010.

5. On [REDACTED] 2010, the government filed with the Court a preliminary notice of a compliance incident involving the National Security Agency's (NSA) apparent failure to purge information that was required to be destroyed under the targeting and minimization procedures from certain NSA data repositories. In subsequent submissions made on [REDACTED] 2010, the government provided the Court with additional information about the nature and scope of the purging problem and about corrective measures that are being implemented. The government represents in its motion that NSA is employing significant resources to devise and implement appropriate interim and long-term corrective actions, and has accelerated its

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ongoing efforts to improve its ability to identify, locate, isolate, and ultimately purge data that may not be retained under NSA's targeting and minimization procedures.

6. The government asserts in its motion that it will be able to supplement the record concerning these matters in a manner that will aid the Court in reviewing DNI/AG 702(g) [REDACTED] and the amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED] in making the determinations necessary to issue orders under 50 U.S.C. § 1881a(i)(3). However, the government does not expect to be in a position to fully implement its corrective measures until [REDACTED] 2010. As a result, the government will not be able to supplement the record until after [REDACTED] 2010.

7. Because the record presently before this Court concerning these matters is incomplete, the Court will not be able to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, DNI/AG 702(g) [REDACTED] amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED] 2010.

8. 50 U.S.C. § 1881a(j)(2) permits this Court, by order for reasons stated, to extend, as necessary for good cause in a manner consistent with national security, the time limit for this Court to issue orders under 50 U.S.C. § 1881a(i)(3) concerning DNI/AG 702(g) [REDACTED] and the amendment to the minimization procedures currently approved for use under DNI/AG 702(g) [REDACTED]

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9. By operation of 50 U.S.C. § 1881a(i)(5)(B), the authorization in [REDACTED] to be reauthorized, DNI/AG 702(g) [REDACTED] continues beyond its stated expiration date until this Court issues an order under 50 U.S.C. § 1881a(i)(3) concerning DNI/AG 702(g) [REDACTED]

Having given full consideration to these matters and the representations in the government's motion, this Court finds that there is good cause to extend the time limit for its review of DNI/AG 702(g) [REDACTED] minimization procedures currently approved for use under DNI/AG 702(g)

[REDACTED] beyond [REDACTED] 2010, and that such extension is consistent with national security.

WHEREFORE, IT IS HEREBY ORDERED that the government's motion is GRANTED; and

IT IS FURTHER ORDERED, pursuant to 50 U.S.C. § 1881a(j)(2), that the time limit for this Court to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, DNI/AG 702(g) [REDACTED]

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minimization procedures currently approved for use under DNI/AG 702(g)

[REDACTED] is EXTENDED to [REDACTED] 2010.

[REDACTED] 2010 P12:15

Signed _____ Eastern Time
Date Time

Mary A. McLaughlin
MARY A. McLAUGHLIN
Judge, United States Foreign
Intelligence Surveillance Court

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