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



ORDER

This matter is before this Court for review of amendments to the above-captioned [REDACTED] submitted on July 31, 2013 (“July 31 Amendments”). On August 30, 2013, the Court, on the motion of the United States, extended the time limits established by 50 U.S.C. § 1881a(1)(C) for this Court to complete its review of, and issue orders under 50 U.S.C. §

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1881a(i)(3) concerning, the July 31 Amendments. The current deadline for Court action is today, October 29, 2013.

The purpose of the extension granted by the Court on August 30 was to allow the government to supplement the record regarding a compliance incident involving the [REDACTED] post-tasking checks that the National Security Agency (NSA) conducts to help ensure that telephone numbers tasked for collection under Section 702 are not being used from inside the United States. The Court concluded that without additional information regarding the scope of the overcollection resulting from this compliance incident, the Court was unable to determine whether the minimization procedures submitted by the government for use in connection with information acquired pursuant to the above-captioned certifications are consistent with the requirements of Section 702. The government has provided the Court with substantial information regarding this incident and was, until very recently, preparing to submit newly-amended certifications, together with enhanced minimization procedures, for the Court's review. Pursuant to 50 U.S.C. § 1881a(i)(1), such submission would have superseded the July 31 Amendments and triggered a new 30-day period for judicial review.

However, on October 28, 2013, representatives of the Department of Justice orally informed the Court of an additional compliance problem concerning NSA's post-targeting review of telephone numbers tasked pursuant to Section 702. The government today submitted the attached letter providing a preliminary report on this newly-discovered problem and describing interim remedial measures that are being implemented to address it. Without more

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information regarding this late-breaking development, the Court will be unable to complete its review of, and issue orders under 50 U.S.C. § 1881a(i)(3) concerning, the July 31 Amendments by today's deadline.

Title 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 the July 31 Amendments. A short extension of time will provide the Court with the opportunity to conduct a hearing on the newly-discovered compliance incident and to obtain additional information that is necessary for the Court to make the determinations required by Section 702. During such extension, collection under [REDACTED] which the Court approved on August 30, may continue, subject to the additional limitations on acquisition described in the attached letter. Further, the retention and use of the information obtained under those and all predecessor certifications may also continue pursuant to the previously-approved minimization procedures and subject to the additional, interim protective measures described in the attached letter. Accordingly, the Court hereby finds both that there is good cause to extend the time limit for its review of the July 31 Amendments to November 8, 2013, and that such extension is consistent with national security.

WHEREFORE, IT IS HEREBY 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, the July 31 Amendments is EXTENDED to November 8, 2013.


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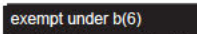
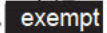
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IT IS FURTHER ORDERED that a hearing shall be held on this matter at 2:00 p.m. on Tuesday, November 5, 2013, at which time the Court will determine what, if any, further extension is appropriate.

ENTERED this 29th day of October, 2013


REGGIE B. WALTON
Judge, United States Foreign
Intelligence Surveillance Court

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I,  Chief Deputy
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