



Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the FBI's determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Please direct any further inquiries about this case to the attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

Sincerely,



Amie M. Napier  
Section Chief  
Record/Information Dissemination Section  
Information Management Division

Enclosures

FEDERAL BUREAU OF INVESTIGATION  
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DELETED PAGE INFORMATION SHEET  
FOI/PA# 25-cv-3656

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**From:**



**Sent:**

Tuesday, November 26, 2024 4:28 PM

**To:**



**Subject:**

FBI Report - RISAA Sections 12(a) and 16(a)(3)(B)

**Attachments:**

(U) Cover letter.pdf, ~~(S-NF-FISA)~~ 2024-11-26 FBI Implementation of Accountability Procedures.pdf

(U)

Classification: ~~SECRET//NOFORN/FISA~~

Classified By:

Derived From:

Declassify On: 20491231

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Good afternoon,

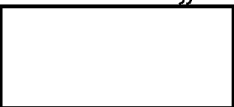
Please see the attached FBI cover letter addressed to Chairman Turner and the Committee Chairs of SSCI, HJC, and SJC, along with the corresponding report which satisfies the requirements for Sections 12(a) and 16(a)(3)(B) of the Reforming Intelligence and Securing America Act (RISAA).



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b7E -3 per FBI



*Federal Bureau of Investigation  
Senior National Intelligence Officer  
Intel Advisor – Office of Congressional Affairs*



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DATE 03-23-2026 BY [redacted] NSICG



U.S. Department of Justice  
Federal Bureau of Investigation

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Office of Congressional Affairs

Office of the Assistant Director

935 Pennsylvania Avenue, NW  
Washington, DC 20535-0001

(U) November 26, 2024

(U) The Honorable Mark R. Warner  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

(U) The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

(U) The Honorable Michael R. Turner  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, D.C. 20515

(U) The Honorable Jim Jordan  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

(U) Dear Chairman Warner, Chairman Durbin, Chairman Turner, and Chairman Jordan:

(U) With this cover letter please find the Federal Bureau of Investigation's report provided to satisfy the requirements of Sections 12(a) and 16(a)(3)(B) of the Reforming Intelligence and Securing America Act (RISAA). If you or your staff have any questions or concerns regarding this report, please do not hesitate to reach out to me or my staff.

(U) Sincerely,

Patrick N. Findlay  
Assistant Director

(U) Enclosure (classified at ~~SECRET//NOFORN/FISA~~)

(U) cc: The Honorable Marco Rubio  
Vice Chairman, Senate Select Committee on Intelligence

The Honorable Jim Himes  
Ranking Member, House Permanent Select Committee on Intelligence

The Honorable Lindsey Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable Jerrold Nadler  
Ranking Member, House Committee on the Judiciary

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Derived From: FBI NSICG  
Declassify On: 20491231

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## (U) ANNUAL REPORT ISSUED PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

(U) This report is made pursuant to the requirements of Section 12(a) and Section 16(a)(3)(B) of the Reforming Intelligence and Securing America Act (RISAA). This report is provided to the United States Senate Select Committee on Intelligence, the United States House of Representatives Permanent Select Committee on Intelligence, the United States Senate Committee on the Judiciary, the United States House of Representatives Judiciary Committee, and the Attorney General of the United States.<sup>1</sup>

### (U) DATA REQUIRED BY SECTION 12 AND SECTION 16 OF RISAA

(U) Section 12(a) of RISAA requires the Director of the Federal Bureau of Investigation to submit a report describing the accountability actions taken by the Federal Bureau of Investigation in the preceding 12-month period for noncompliant querying of information acquired under section 702 and any such actions taken pursuant to section 103(m), to include the number of ongoing personnel investigations, the outcome of any completed personnel investigations, and any related adverse personnel actions taken.

(U) Section 16(a)(3)(B) of RISAA requires that not later than December 1, 2024, and annually thereafter for 3 years, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees a report detailing each adverse personnel action taken pursuant to the accountability standards and a description of the conduct that led to each such action.

#### I. (U) OVERVIEW:

##### (U) Background Regarding the Foreign Intelligence Surveillance Act

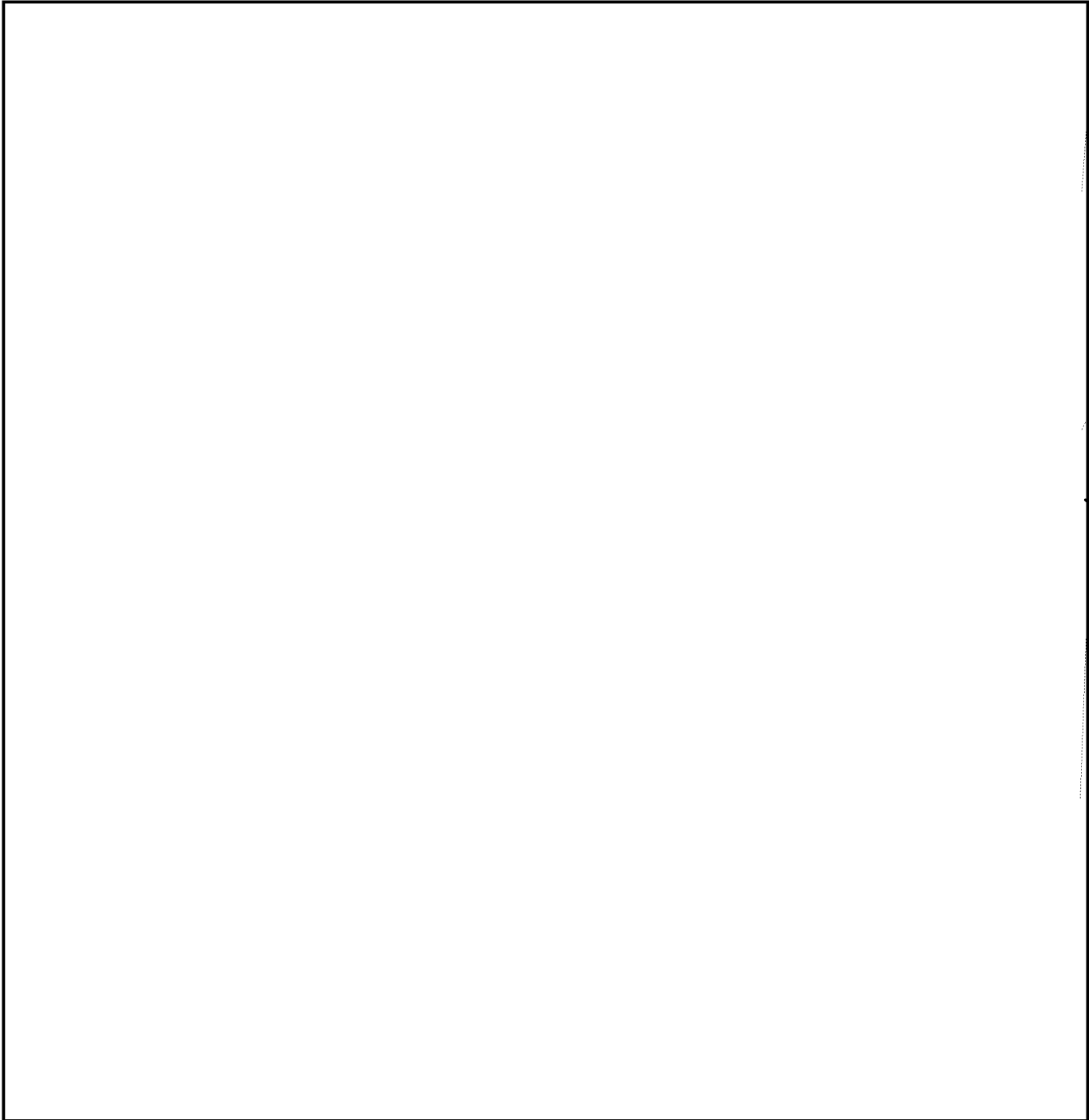
(U) In 1978, Congress passed the Foreign Intelligence Surveillance Act (FISA). In 2008, Congress amended FISA by enacting the FISA Amendments Act of 2008, Pub. L. No. 110-261 (the "FISA Amendments Act" or "FAA"), which, in part, authorized the Director of National Intelligence ("DNI") and the Attorney General, for periods of up to one year, to authorize the targeting of non-United States persons reasonably believed to be located outside the United States to acquire foreign intelligence information (a "DNI/AG Section 702(h) certification"). With any submitted certifications, the Government must also submit targeting, minimization, and querying procedures. The targeting procedures ensure that FISA Section 702 is used only to acquire foreign intelligence from foreign persons located outside the United States. The minimization procedures include safeguards for the handling of any U.S. person information

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<sup>1</sup> (U) FBI Minimized FISA: This report includes information from FBI FISA collection. Such information, and any information derived therefrom, may only be used in a U.S. legal or administrative proceeding with the advance authorization of the Attorney General. Any recipient interested in obtaining authorization for such use in a U.S. legal or administrative proceeding should contact FBI Headquarters. Any further dissemination outside of intelligence channels and/or for law enforcement purposes must be made through FBI Headquarters. Any reproduction, dissemination, or communication (including, but not limited to oral briefings) of this information must be accompanied by a statement of these restrictions.

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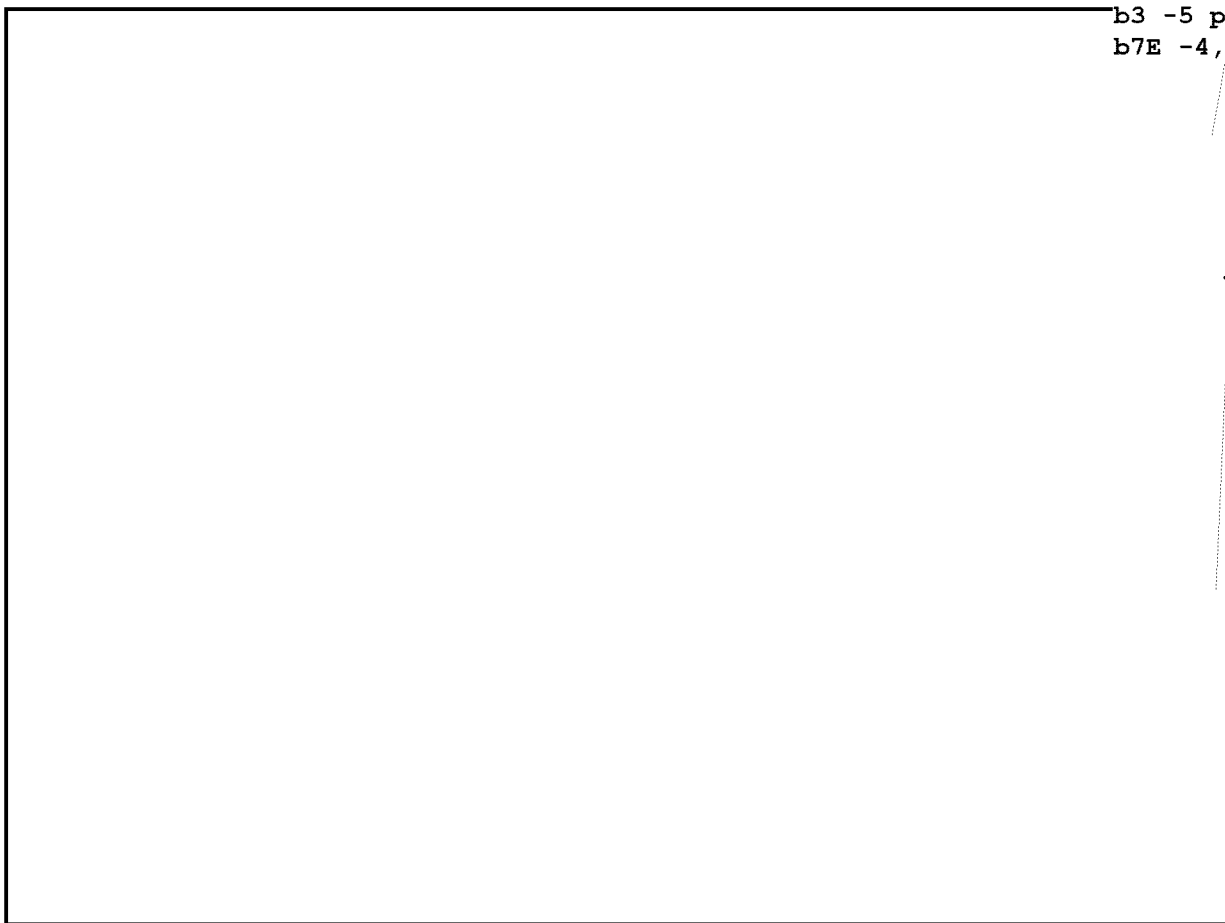
incidentally acquired, and the querying procedures govern the querying of unminimized information that is lawfully collected. The certifications, together with these procedures, are provided to the Foreign Intelligence Surveillance Court (FISC) to assess whether the certifications comply with the Constitution and laws of the United States. The Court has repeatedly concluded that the FBI's procedures are constitutional and comply with the law. Congress reauthorized the FAA three times, including most recently in April 2024 when Congress passed RISAA.





(U) Section 702 is critical to protecting against foreign influence efforts.

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(U) Relevant FISA 2021 and 2022 Query Reforms

(U) The FBI has continued to strengthen its internal compliance program to ensure it is empowering the agents and analysts with access to Section 702-acquired information to apply the query standard correctly. The Department of Justice National Security Division (NSD), in consultation with the Office of the Director of National Intelligence (ODNI), issued comprehensive guidance on the query standard in November 2021 for FBI (the “November 2021 Guidance Document”). The November 2021 Guidance Document supplemented existing training and provided a detailed explanation of the query standard, including multiple examples of the application of the query standard to particular factual scenarios. FBI provided this guidance and a user guide to all users with access to unminimized FISA-acquired information. Subsequently, the FBI developed revised training on the query standard, as well as the FBI querying procedures and statutory requirements, which was deployed in December 2021. All users with access to

unminimized FISA-acquired information were required to complete this new query training by in or about January 2022, or they would lose access to unminimized FISA-acquired information.

(U//~~FOUO~~) To address batch query compliance incidents in which a single improper decision or assessment by FBI personnel may result in noncompliant queries corresponding to a large number of individuals, FBI imposed a requirement that users obtain approval from an FBI attorney before conducting batch query jobs that would result in 100 or more queries (“large batch jobs”) in . This change became effective in June 2021.

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(U//~~FOUO~~) Additionally, in June 2021, FBI systems were reconfigured to require an FBI user to intentionally opt in to querying unminimized Section 702-acquired information when querying FBI records for information pertinent to an investigative matter. Previously, the systems defaulted to have queries run against such information, resulting in multiple incidents when users inadvertently ran queries without assessing whether the queries met the query standard.

(U) In the fall of 2021, FBI also implemented a system change that requires users to enter a free-text explanation of the justification for a query of unminimized Section 702-acquired information. This requirement applied if the user sought to access Section 702 content returned from a query that included United States person identifiers, and had to be satisfied before such contents could be reviewed. Prior to this change, users could select a justification from a pre-populated dropdown menu of options in lieu of a free-text explanation.

(U//~~FOUO~~) In March 2022, FBI implemented a pre-approval requirement for queries using identifiers that would constitute sensitive investigative matters, similar to how that phrase is defined under the FBI Domestic Investigations and Operations Guide. FBI worked with NSD and ODNI to develop requirements and guidance for users conducting sensitive queries. In particular, prior to conducting such queries, users had to obtain pre-approval from an FBI attorney, or in some instances, the FBI Deputy Director. This requirement was designed to help reduce noncompliant queries involving sensitive subject matters and allow the Deputy Director to weigh the potential investigative value against the potential First Amendment implications of the running the query. FBI’s OGC consulted with NSD prior to approving some of these requests.



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(U) 2023 Reforms

(U) On June 12, 2023, FBI notified Congress of additional remedial measures, including measures aimed at ensuring accountability for FBI's compliance with the query requirements. Although intentional and reckless querying behavior was always subject to FBI disciplinary procedures, FBI established a new policy that clearly defined the escalating consequences for performance incidents involving negligence, recklessness, and intentional conduct related to FISA. Under this policy, following an instance of employee negligence with respect to running a query, the employee's access to FISA was to be suspended until the employee retook all mandatory FISA training, executed a signed performance remediation certification, and received one-on-one training with an FBI attorney. Subsequent incidents would trigger more intensive training (e.g., attending a DOJ-led query review), and might result in the employee's indefinite loss of FISA access, reassignment to a different role, or referral to FBI's Inspection Division. The policy made clear that intentional or reckless behavior when conducting queries of unminimized FISA collection required immediate suspension of FISA access and a referral to FBI's Inspection Division for investigation of a potential violation of FBI's Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process.

(U) In addition, in October 2023, FBI implemented a new "Field Office Health Measure" that requires the leadership of FBI field offices to convene meetings at least semiannually to assess FISA compliance and the potential for proactively implementing compliance-enhancing measures within their respective field offices.

(U) As noted above, prior to September 2023, FBI users were required to enter a free-text explanation of the justification for a query only prior to accessing unminimized Section 702-acquired content information returned by a query using a United States person identifier. Starting on September 12, 2023, FBI users were required to draft a free-text justification for each United States person query of unminimized Section 702-acquired information prior to conducting the query.

(U/~~FOUO~~) Finally, effective September 12, 2023, FBI users were required to obtain attorney pre-approval for any batch job using the new batch job tool in [redacted] (which was created in anticipation of FISA-acquired information being removed from [redacted] b7E -7 per FBI). Previously, such approval was only required for batch jobs that would result in 100 or more queries.

(U) Enactment of RISAA and 2024 Reforms

(U) In April 2024, Congress enacted RISAA, which reauthorized Section 702 of FISA.

(U) While reauthorizing Section 702, RISAA added new requirements for Section 702 and "traditional" FISA. Among the requirements imposed by RISAA were new measures pertaining to the querying of Section 702-acquired information. Consistent with these new requirements, and to enhance the FBI's compliance, the FBI updated its internal policies and implemented changes with regard to its systems that store FISA information.

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(U) Actions Relating to the FBI's Query Accountability Procedures:

(U) In addition, on July 19, 2024, FBI updated its Foreign Intelligence Surveillance Act Query Accountability Procedures Policy<sup>3</sup> to comply with RISAA. On the same date, the FBI provided Congress with the updated procedures as required under Section 16(a)(3)(A) of RISAA. Under the updated policy, as under the previous policy, potential query incidents that appear to have been caused by intentional misconduct or reckless behavior are immediately referred to the FBI's Inspection Division for investigation of a potential violation of FBI's Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process. All other query incidents continue to be adjudicated by the relevant FBIHQ Assistant Director (AD), in consultation with the FBI's National Security and Cyber Law Branch (NSCLB) Deputy General Counsel (DGC) and the Senior Advisor for National Security Oversight and Compliance (SANSOC), to determine whether the employee behaved negligently. In making such determinations, the adjudicators

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<sup>2</sup> (U) The FBI is preparing a training program for select supervisors, but no supervisors are currently authorized to approve U.S. person queries.

<sup>3</sup> (U) FBI originally implemented this policy on June 12, 2023.

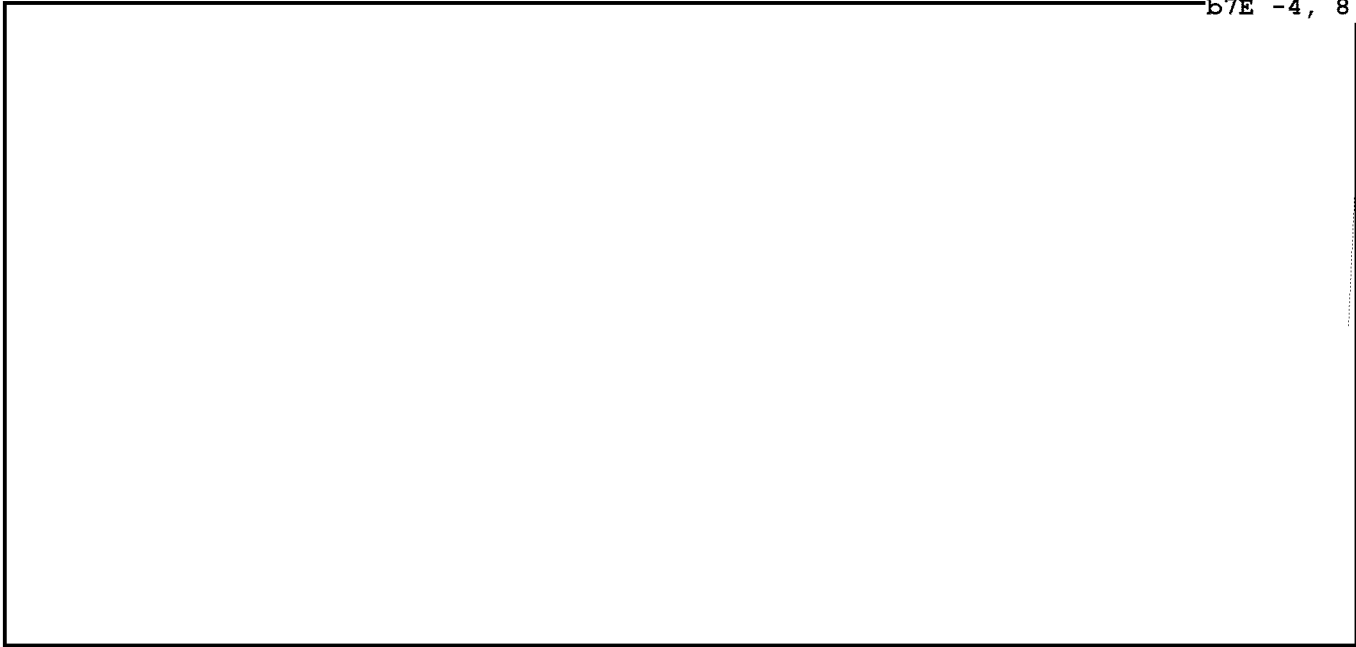
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consider multiple factors, such as whether the personnel 1) completed training, 2) exhibited an understanding of the applicable rules, and 3) applied those rules in a thoughtful manner, even though the query ultimately was determined to be non-compliant. In addition, the updated policy provides that supervisory personnel and non-FBI personnel who are detailed to the FBI are also accountable for negligent or reckless conduct under the policy. Following the implementation of the original version of the Query Accountability Procedures Policy, the FBI began reviewing incidents immediately. This review has continued pursuant to the implementation of the updated version of the policy.

(U) FINDINGS

(U//~~FOUO~~) This report contains a summary of the accountability actions taken between June 12, 2023, the effective date of the FBI's prior version of the Foreign Intelligence Surveillance Act Query Accountability Procedures Policy, and November 18, 2024. The queries subject to accountability actions were run starting in July 2021. Future reports will provide information for the preceding 12-month period.

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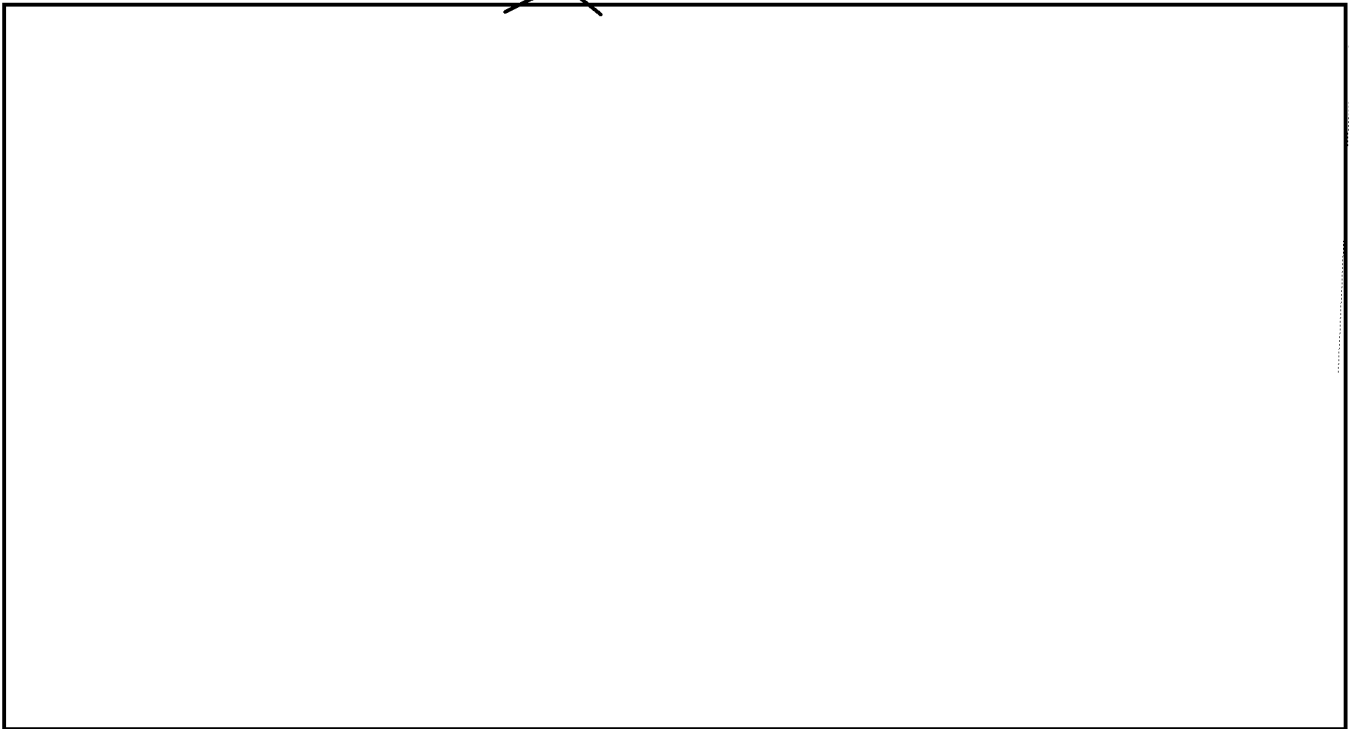
<sup>4</sup> (U//~~FOUO~~) Though Section 12(a) of RISAA only requires the FBI to report on the accountability actions taken for the noncompliant querying of 702-acquired FISA information, FBI's query accountability processes do not currently distinguish between errors in querying 702-acquired information versus errors in querying other types of FISA-acquired information. Accordingly, this report addresses all errors.

<sup>5</sup> (U//~~FOUO~~) For example, OI may review 25 queries conducted by an FBI employee and identify three instances when the employee mislabeled the query term as "presumed USPER" when s/he should have labeled it as "Other" and one instance when the employee misapplied the query standard. The FBI will open a single matter that contains all four non-compliant queries for the FBI employee. While it is possible that multiple matters will pertain to the same FBI personnel, newer matters will reference older matters so the adjudicators are aware of past compliance incidents.



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(U//~~FOUO~~) Additional information regarding these findings is provide in the next section.

## II. (U) FULLY ADJUDICATED ACTIONS:

(U//~~FOUO~~) [redacted] total incidents have been fully adjudicated under the accountability procedures:

- (U//~~FOUO~~) **Negligent.** [redacted] have been found to have engaged in negligent behavior and had their access to FISA suspended. Of the [redacted] FBI has restored access for [redacted] who completed refresher mandatory training in Virtual Academy, in-person supplemental training, and demonstrated an understanding of the query standards and requirements [redacted] are pending retraining [redacted] since resigned or retired from the FBI.



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<sup>7</sup> (U//~~FOUO~~) See Section III of this report for the query incidents that are pending adjudication.

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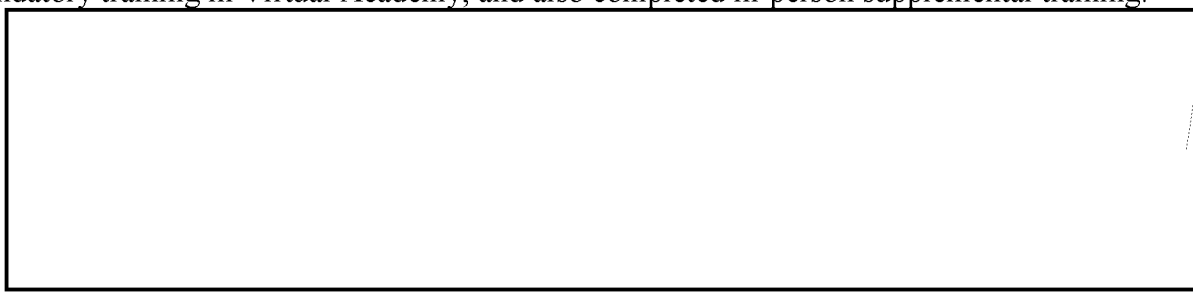
(U//~~FOUO~~) For many of the personnel, the non-compliance resulted from administrative mistakes like typographical errors, such as omitting or inverting letters in query terms, and mislabeling terms as USPER instead of OTHER, thereby affording the queries greater protections than required. To be clear, but for these administrative errors, these queries would have been compliant as they would have had an authorized purpose, been justified, and been properly designed.



**III. (U) ADDITIONAL ACTIONS**

**1. Referral to Inspection Division**

(U//~~FOUO~~) [redacted] referred to INSD for a determination about whether they intentionally violated FBI querying procedures. [redacted] access to FISA was suspended and, as of this report, remains suspended pending the outcome of the referral. To immediately address the training gap of [redacted] prior to the referral [redacted] completed refresher mandatory training in Virtual Academy, and also completed in-person supplemental training.



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**2. (U//~~FOUO~~) Pre-Adjudication Actions Since RISAA**

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(U//~~FOUO~~) After RISAA passed but before the FBI's systems were updated to require a user to input attorney approvals for all U.S. Person queries, the FBI monitored all such queries to ensure that they had received the appropriate approvals. In the two weeks following the enactment of RISAA, [redacted] personnel were identified as not having obtained the appropriate approvals for U.S. Person queries, and they were suspended from accessing raw FISA. These users were assessed to not understand the new requirements of RISAA. [redacted] personnel attended re-training.<sup>8</sup> After demonstrating an understanding of the query standards and requirements, including the newly-enacted RISAA requirements, the access of [redacted] personnel to FISA was restored. The access to FISA for [redacted] remains suspended pending retraining. These matters are still pending adjudication.

**3. (U//~~FOUO~~) Pending Adjudications**

(U//~~FOUO~~) NSCLB reviews compliance incidents under the Accountability Procedures on a rolling basis as they are identified. Currently, the DGC and SANSOC meet once a week to consider various matters regarding the query accountability process, including any matters ready for adjudication. The exact number of outstanding matters fluctuates frequently depending on the results of reviews. As of November 18, 2024, there are approximately [redacted] incidents in the Query Accountability Procedures process. The majority of these incidents occurred prior to the passage of RISAA in April 2024.

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**4. (U//~~FOUO~~) Policy or Training Updates**

(U//~~FOUO~~) On July 19, 2024, the *Foreign Intelligence Surveillance Act Query Accountability Procedures Policy Directive* (1332D) went into effect, replacing the previous Policy Notice

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<sup>8</sup> (U) In May 2024, the FBI Office of the General Counsel established weekly query refresher training sessions on Friday each week. The sessions are mandatory for personnel who were determined to meet the threshold for pre-adjudication remedial action. Personnel whose attendance is mandatory, and their field office legal counsel, are contacted individually and directed to attend the next available session. In addition, any individual who wants refresher query training may attend at their convenience.

(1272N). Consistent with Section 16(a)(1) of RISAA, FBI timely provided these updated procedures to Congress in July 2024.

**IV. (U) REPORT PURSUANT TO SECTION 103(m) OF RISAA**

(U//~~FOUO~~) Title 50, Section 1803(m) provides that an officer or employee of the United States who engages in intentional misconduct with respect to proceedings before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review shall be subject to appropriate adverse actions. Title 18, Section 1873(e) requires that any such actions be reported to Congress on an annual basis.

(U//~~FOUO~~) For this reporting period, FBI reports [redacted] personnel investigations are ongoing and have been pending with the FBI since November 2021, and [redacted] been resolved.

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**Sent:** Tuesday, November 26, 2024 4:33 PM  
**To:** [redacted]  
**Subject:** FBI Report - RISAA Sections 12(a) and 16(a)(3)(B)  
**Attachments:** (U) Cover letter.pdf, ~~(S) NF-FISA~~ 2024-11-26 FBI Implementation of Accountability Procedures.pdf

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Derived From: [redacted] dated 20241126  
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Good afternoon,

Please see the attached FBI cover letter addressed to Chairman Warner and the Committee Chairs of HPSCI, HJC, and SJC, along with the corresponding report which satisfies the requirements for Sections 12(a) and 16(a)(3)(B) of the Reforming Intelligence and Securing America Act (RISAA).

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[redacted]  
[redacted]  
*Federal Bureau of Investigation  
Senior National Intelligence Officer  
Intel Advisor – Office of Congressional Affairs*

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