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Filed
United States Foreign
Intelligence Surveillance Court

DEC 05 2019

LeeAnn Flynn Hall, Clerk of Court

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

IN RE ALL MATTERS SUBMITTED TO THE
FOREIGN INTELLIGENCE SURVEILLANCE COURT

Docket No. [REDACTED]

ORDER

On October 25, 2019, and November 27, 2019, the United States filed letters concerning information relevant to applications targeting Carter w. Page approved by the Court. See *Preliminary Supplemental Rule 13(a) letter regarding applications submitted to the Court targeting Carter W. Page in Docket Numbers 2016-1182, 2017-0052, 2017-0375, and 2017-0679* (October 25, 2019) ("Preliminary Letter"); *Supplemental Rule 13(a) letter regarding applications submitted to the Court targeting Carter W. Page in Docket Numbers 2016-1182, 2017-0052, 2017-0375, and 2017-0679* (November 27, 2019) ("Supplemental Letter"). The United States filed those letters pursuant to Rule 13(a) of the Rules of Procedure for the Foreign Intelligence Surveillance Court. Rule 13(a) requires that the government immediately inform the Court if it discovers that a submission to the Court contained a misstatement or omission of material fact, including, among other things, the facts and circumstances relevant to the misstatement or omission. FISC R. Proc. 13(a).

The Preliminary Letter informed the Court that in the course of conducting an "Examination of the Department's and the FBI's Compliance with the Legal Requirements and Policies in Applications Filed with the U.S. Foreign Intelligence Surveillance Court Relating to a Certain U.S. Person," the Office of the Inspector General (OIG) discovered that Carter Page had a prior reporting relationship with a separate United States Government Agency (USGA), a limited number of personnel at the Federal Bureau of Investigation (FBI) were aware of the existence of the relationship but did not disclose it to the Court, and an attorney in the FBI's Office of the General Counsel (OGC) had altered an email from the other USGA regarding that relationship to state that Page was not a source. The Preliminary Letter also indicated that the attorney who altered the email had resigned from the FBI, the OIG had made a criminal referral of the matter to the Department of Justice, [REDACTED]

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The Supplemental Letter identified the [REDACTED] as the USGA and provided additional information on the matter, some of which responded to specific requests made by the Court concerning the conduct of the FBI OGC attorney and the nature of Page's prior reporting relationship. The United States noted, however, that not all of the detailed findings of the OIG regarding those issues were contained in the letter and the full OIG's report, which was still being finalized, would be provided to the Court. To date, the Court has not received any part of that report in any form. The United States also noted that a separate Rule 13 letter describing other information of which it had become aware as a result of the OIG investigation was being prepared.

In light of the United States' obligation to inform the Court of the facts and circumstances relevant to any misstatement or omission of material fact contained in a submission to the Court immediately upon discovery, it is hereby ORDERED that any subsequent notice to the Court concerning additional facts and circumstances reportable under Rule 13(a) that were discovered as a result of the OIG investigation (whether in the form of the full OIG report or a separate Rule 13(a) letter to the Court) be accompanied by an explanation of any delay between the conclusion of the OIG's investigation and the Court's receipt of the required reporting.

It is further ORDERED that by written submission on or before December 20, 2019, the United States shall:

- (1) Identify all other matters currently or previously before this Court that involved the participation of the FBI OGC attorney whose conduct was described in the Preliminary Letter and Supplement Letter;
- (2) Describe any steps taken or to be taken by the Department of Justice or FBI to verify that the United States' submissions in those matters completely and fully described the material facts and circumstances; and
- (3) Advise whether the conduct of the FBI OGC attorney has been referred to the appropriate bar association(s) for investigation or possible disciplinary action.

Entered this 5th day of December, 2019.

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

I, [REDACTED] Deputy Clerk,
FISC, certify that this document
is a true and correct copy of the
original. [REDACTED]

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