FBI REMEDIAL MEASURES PRODUCE ~ 98% QUERY COMPLIANCE RATE

➤ **In 2023, DOJ's reviews found that FBI's query compliance rate was ~ 98%.**

   o In oversight reviews of FBI queries conducted during 2023, DOJ found that ~ 98% of FBI Section 702 queries were fully compliant with querying requirements.
   o In fact, compliance with the query standard exceeded 99% in that period. In most queries identified as non-compliant, the only error was that the user made a mistake in labeling whether a query used a U.S. person identifier.

➤ **FBI recent compliance improvements demonstrate that the remedial measures implemented since 2021 are working.** These measures include system changes, new DOJ/ODNI guidance, revised mandatory annual training, and pre-approval requirements for certain queries.

➤ **System changes have made a substantial impact.**

   o FBI users now must affirmatively opt-in to include Section 702 data when running a query. Previously, Section 702 data was included in all searches by default.
   o This change, together with other remedial measures, has nearly eliminated unintentional queries of Section 702 data.
   o There has been a more than 98% decrease in the total number of U.S. person queries overall. In 2021, before remedial measures, the FBI conducted ~ 2.9 million U.S. person queries. In 2022, the FBI conducted 119,383 U.S. person queries. And in 2023, that number fell further to 57,094 total FBI U.S. person queries of Section 702 data.

➤ **FBI employees must obtain pre-approval to perform batch job queries and sensitive queries.**

   o Batch job queries are a capability that allow FBI personnel to run queries more efficiently and can involve running large numbers of query terms simultaneously. Since mid-2021, FBI has required attorney pre-approval for all batch job queries resulting in 100 or more queries. In September 2023, the FBI expanded the attorney pre-approval requirement to all batch job queries.
   o Audits have shown that FBI attorney pre-approval for batch jobs has almost eliminated errors with the query standard.
   o FBI users also are required to obtain supervisory pre-approval—in some cases FBI Deputy Director approval—to conduct sensitive queries, which has further reduced compliance issues.

➢ **FBI users have new guidance and training on the rules for querying Section 702 data.**

  o In 2021, FBI updated and expanded its 702 training, incorporating new guidance on query rules. Now all personnel must complete mandatory annual training to access raw FISA information.

➢ **All FBI users are now subject to enhanced accountability measures for any improper queries of 702, whether intentional or not.**

  o In 2023, FBI established escalating consequences for query violations involving negligence, including removing the employee from access to FISA, reassignment, or referral to the FBI Inspection Division.
  o FBI field office leaders are now held accountable for monitoring FISA compliance in annual reviews that impact bonuses and eligibility for promotion.