U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT
2015 SEP 28 PM 12: 26

~~(S)~~ CERTIFICATION OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE ATTORNEY GENERAL PURSUANT TO SUBSECTION 702(g) OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED

[redacted]

~~(S)~~ DNI/AG 702(g) Certification [redacted]

~~(S//OC/NF)~~ In accordance with subsection 702(g) of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), and based on the representations made in the supporting affidavits of Admiral Michael S. Rogers, United States Navy, Director of the National Security Agency (NSA), James B. Comey, Director of the Federal Bureau of Investigation (FBI), John O. Brennan, Director of the Central Intelligence Agency (CIA), and Nicholas Rasmussen, Director of the National Counterterrorism Center (NCTC), in the above-referenced matter, the Director of National Intelligence and the Attorney General, being duly sworn, hereby certify that:

(1) ~~(S)~~ there are procedures in place that have been approved[1] or will be submitted with this certification for approval by the Foreign Intelligence Surveillance Court[2] that are reasonably designed to --

a. ensure that an acquisition authorized pursuant to subsection 702(a) of the Act is limited to targeting persons reasonably believed to be located outside the United States; and

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[1] ~~(S//OC/NF)~~ Specifically, the NSA targeting procedures attached herewith as Exhibit A were most recently submitted to the Court for approval in connection with DNI/AG 702(g) Certifications [redacted] on July 15, 2015, and were most recently approved by the Court on November 6, 2015.

[2] ~~(S//OC/NF)~~ Specifically, the FBI targeting procedures attached herewith as Exhibit C will be submitted for approval by the Court.

~~Classified by: The Attorney General~~
~~Reason: Multiple sources~~
~~Declassify on: 20410919~~

b. prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

(2) ~~(S)~~ the minimization procedures with respect to such acquisition --

a. meet the definition of minimization procedures under subsections 101(h) and 301(4) of the Act; and

b. will be submitted with this certification for approval by the Foreign Intelligence Surveillance Court;[3]

(3) ~~(S)~~ guidelines have been adopted in accordance with subsection 702(f) of the Act to ensure compliance with the limitations in subsection 702(b) of the Act and to ensure that an application for a court order is filed as required by the Act;

(4) ~~(S)~~ the procedures and guidelines referred to in sub-paragraphs (1), (2), and (3) above are consistent with the requirements of the fourth amendment to the Constitution of the United States;

(5) ~~(S)~~ a significant purpose of the acquisition is to obtain foreign intelligence information;

(6) ~~(S)~~ the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider; and

(7) ~~(S)~~ the acquisition complies with the limitations in subsection 702(b) of the Act.

~~(S//OC/NF)~~ As described in the above-referenced affidavit of Director Rogers, the foreign intelligence information to be acquired pursuant to this certification concerns [redacted]

[3] ~~(S//OC/NF)~~ Specifically, the NSA, FBI, CIA, and NCTC minimization procedures attached herewith as Exhibits B, D, E, and G, respectively, will be submitted for approval by the Court.

[redacted] If NSA seeks to acquire foreign intelligence information concerning additional [redacted] NSA may target consistent with this certification non-United States persons reasonably believed to be located outside the United States who possess, are expected to receive, and/or are likely to communicate foreign intelligence information concerning [redacted] provided that NSA notifies the Attorney General and Director of National Intelligence within five business days of implementing such targeting. Such notification shall include a description of the factual basis for NSA's determination that [redacted]

~~(S//OC/NF)~~ On the basis of the foregoing, the targeting of non-United States persons reasonably believed to be located outside the United States to acquire foreign intelligence information, as described above, is authorized, and such authorization shall be effective on October 26, 2016, or on the date upon which the Foreign Intelligence Surveillance Court issues an order concerning this certification pursuant to subsection 702(i)(3) of the Act, whichever is later. Such targeting is authorized for a period of one year from the effective date of this authorization. This authorization reauthorizes DNI/AG 702(g) Certification [redacted] which became effective on November 6, 2015.

~~(S)~~ Amendments to DNI/AG 702(g) Certifications [redacted]

~~(S//OC/NF)~~ Furthermore, in accordance with subsection 702(i)(1)(C) of the Act, DNI/AG 702(g) Certifications [redacted] are hereby amended. Specifically, the use of the NSA, FBI, CIA, and NCTC

minimization procedures attached herewith as Exhibits B, D, E, and G, respectively, in connection with foreign intelligence information acquired in accordance with DNI/AG 702(g) Certifications [redacted] is authorized.[4] Such authorization, as amended, shall be effective on October 26, 2016, or on the date upon which the Foreign Intelligence Surveillance Court issues an order concerning these amendments pursuant to subsection 702(i)(3) of the Act, whichever is later. All other aspects of DNI/AG 702(g) Certifications [redacted], as amended, remain unaltered and are incorporated herein.

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[4] ~~(S//OC/NF)~~ As certified above, these minimization procedures meet the definition of minimization procedures under subsections 101(h) and 301(4) of the Act, will be submitted for approval by the Foreign Intelligence Surveillance Court, and are consistent with the requirements of the fourth amendment to the Constitution of the United States.

(U) VERIFICATION

~~(S)~~ I declare under penalty of perjury that the facts set forth in the foregoing certification [redacted] DNI/AG 702(g) Certification [redacted], are true and correct to the best of my knowledge and belief. I further declare under penalty of perjury that the facts set forth in the foregoing amendments to DNI/AG 702(g) Certifications [redacted] are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on this 21st day of September, 2016.

Loretta E. Lynch
Attorney General of the United States

(U) VERIFICATION

~~(S)~~ I declare under penalty of perjury that the facts set forth in the foregoing certification [redacted] DNI/AG 702(g) Certification [redacted], are true and correct to the best of my knowledge and belief. I further declare under penalty of perjury that the facts set forth in the foregoing amendments to DNI/AG 702(g) Certifications [redacted] are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on this 23rd day of September, 2016.

James R. Clapper
Director of National Intelligence