All withheld information exempt under (b)(1), (b)(3), and (b)(7)(E).

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U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

2014 JUL 18 PM 4:57

LEEANN FLYNN HALL
CLERK OF COURT

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

~~(S)~~ IN RE DNI/AG 702(g) CERTIFICATION [redacted] Docket Number: [redacted]

[redacted]

(U) VERIFIED REPORT IN RESPONSE TO ORDER

(U) The Government submits this Verified Report in Response to the Court's Order of June 27, 2014, in the above-captioned matter.

(U) Procedural History

[redacted]

~~Classified by:~~ ~~Tashina Gauhar, Deputy Assistant Attorney General, NSD, DOJ~~

~~Reason:~~ ~~1.4(c)~~

~~Declassify on:~~ ~~18 July 2039~~

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All withheld information exempt under (b)(1), (b)(3), and (b)(7)(E).

Approved for Public Release

U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT

2014 JUL 28 PM 3:56

LAWRENCE HALL
CLERK OF COURT

EXHIBIT C

PROCEDURES USED BY THE FEDERAL BUREAU OF INVESTIGATION FOR TARGETING NON-UNITED STATES PERSONS REASONABLY BELIEVED TO BE LOCATED OUTSIDE THE UNITED STATES TO ACQUIRE FOREIGN INTELLIGENCE INFORMATION PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED

~~(S//NF)~~ These procedures address: (I) the process the Federal Bureau of Investigation (FBI) will use in acquiring foreign intelligence information, [redacted] by targeting electronic communications accounts/addresses/identifiers designated by the National Security Agency (NSA) [redacted] as being used by non-United States persons reasonably believed to be located outside the United States, (II) the FBI's documentation of that process, and (III) compliance and oversight.

I. (U) DETERMINATION OF WHETHER A PERSON IS REASONABLY BELIEVED TO BE LOCATED OUTSIDE THE UNITED STATES AND NOT A UNITED STATES PERSON

1. ~~(S//NF)~~ [redacted] NSA will follow its targeting procedures, adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsection 702(d) of the Act, for determining that the user of the [redacted] is a person reasonably believed to be located outside the United States and is not a United States person. NSA will also be responsible for determining that a significant purpose of the acquisition is to obtain foreign intelligence information.

2. ~~(S//NF)~~ NSA will provide the FBI with identifying information of any [redacted] together with an explanation of NSA's conclusion that the user of the [redacted] is a person reasonably believed to be located outside the United States and its determination regarding the non-United States person status of the user. NSA will also represent that a significant purpose of [redacted] is to obtain foreign intelligence information and that the purpose of such acquisition is not to intentionally target a particular, known person reasonably believed to be in the United States.

3. ~~(S//NF)~~ The FBI, in consultation with NSA, will review and evaluate the sufficiency of: (a) NSA's explanation for its reasonable belief that the user of [redacted] located outside of the United States; and (b) information provided by NSA concerning the [redacted] user's non-United States person status.

~~Classified by: The Attorney General~~
~~Reason: 1.4(c)~~
~~Declassify on: 24 July 2039~~

4. ~~(S//NF)~~ In the ordinary course of determining whether to [redacted]

a. [redacted]

b. [redacted]

5. ~~(S//NF)~~ Unless the FBI [redacted] the user of the [redacted] is a United States person or is located inside of the United States, the FBI will [redacted] of the [redacted] The FBI will [redacted]

[redacted]

[redacted] of the [redacted] to the FBI.

6. [redacted] All such communications retained by the FBI will be processed in accordance with FBI minimization procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsection 702(e) of the Act.

7. ~~(S//NF)~~ If NSA analysis of [redacted] indicates that a user of a [redacted] from which [redacted] pursuant to these procedures is actually located within the United States or is a United States person, NSA will promptly [redacted]

8. ~~(S//NF)~~ If the FBI [redacted] is not appropriate for tasking under section 702 (i.e., because the user of the [redacted] is a United States person and/or is located inside of the United States), the FBI will inform NSA, and the FBI will not [redacted] of the [redacted] unless and until the FBI determines that th[redacted]is in fact appropriate for tasking under section 702.

9. ~~(S//NF)~~ In addition, the FBI will take appropriate action, which may include the [redacted]

[redacted]

II. (U) DOCUMENTATION

10. ~~(S//NF)~~ The FBI will ensure the retention of information it receives from NSA concerning the non-United States person status of the user of tl[redacted]nd the factual basis for NSA's determination that the user of the [redacted] is reasonably believed to be located outside the United States in accordance with the National Archives and Records Administration (NARA) and, as appropriate, the FBI's Records Management Division and/or Security Division standards, policies, and guidelines.

11. [redacted]

III. (U) COMPLIANCE AND OVERSIGHT

12. ~~(S//NF)~~ The FBI will develop and deliver training regarding the applicable procedures to ensure that all personnel responsible for [redacted] under these procedures understand their responsibilities with respect to [redacted]. The FBI has established processes for determining which [redacted] and for ensuring that [redacted], and the related [redacted] are accessible only to those who are authorized and have had the proper training.

13. ~~(S//NF)~~ The FBI Inspection Division will conduct oversight of the FBI's exercise of these procedures. This oversight will include periodic reviews by FBI Inspection Division personnel to evaluate the implementation of the procedures and the training given to relevant personnel. Such reviews will occur at least once every calendar year.

14. ~~(S//NF)~~ DOJ and ODNI will conduct oversight of the FBI's exercise of the authority under section 702 of the Act, which will include periodic reviews by DOJ and ODNI personnel to evaluate the implementation of these procedures. Such reviews will occur at least once every sixty days.

15. ~~(S//NF)~~ The FBI will report to DOJ through the Deputy Assistant Attorney General in the National Security Division with responsibility for intelligence operations and oversight, to the ODNI Office of General Counsel, and to the ODNI Civil Liberties Protection Officer any incidents of noncompliance with these procedures by FBI personnel within five business days of learning of the incident.

7/24/14
Date

Eric H. Holder, Jr.
Attorney General of the United States