(U) 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 targeting electronic communications accounts/addresses/identifiers designated by the National Security Agency (NSA) ("Designated Accounts") 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. (C/NC) The FBI 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 Designated Account 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. (C/NC) NSA will provide the FBI with identifying information of any Designated Account obtained or identified by the NSA through application of its targeting procedures and additionally, NSA will provide identifying information for the user of the Designated Account.
determined to be reliable, including (1) and (2) additional identifying information of the user of the Designated Account, to the extent that NSA assesses it would be useful to FBI for purposes of application of these procedures. NSA must also provide the FBI with an explanation of NSA's conclusion that the user of the Designated Account 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 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.

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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 the Designated Account is located outside of the United States; and (b) information provided by NSA concerning the Designated Account user's non-United States person status.

4. (S//NF) In the ordinary course of determining whether to
f. (S//NF) In certain instances, the FBI may provide to NSA information establishing that an individual is a non-United States person reasonably believed to be located outside the United States, for the purpose of NSA targeting that individual under section 702 of the Act in accordance with NSA's targeting procedures.

g. (S//NF) The FBI may provide information concerning a Designated Account without first reviewing and evaluating the sufficiency of either NSA's explanation for its reasonable belief that the user of the Designated Account is located outside of the United States, or information provided by NSA concerning the Designated Account user's non-United States person status, as otherwise required by paragraph 3 above, or

h. (S//NF) In order to protect against an immediate threat to human life or property, the FBI may immediately provide information concerning a Designated Account without first (a) reviewing and evaluating the sufficiency of either NSA's explanation for its reasonable belief that the user of the Designated Account is located outside of the United States, or information provided by NSA concerning the Designated Account user's non-United States person status, as otherwise required by paragraph 3 above, or (b)

5. (S//NF) Unless the FBI locates information indicating that the user of the Designated Account is a United States person or is located inside of the United States, the FBI will

in no event will the FBI

communications that contain a reference to, but are not to or from, a person targeted in
NSA, CIA, and NCTC will process any communications received from the FBI pursuant to these procedures in accordance with minimization and querying procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsections 702(e) and 702(f)(1) of the Act, respectively. All such communications retained by the FBI will be processed in accordance with FBI minimization and querying procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsections 702(e) and 702(f)(1) of the Act, respectively.

7. (S/N) If NSA analysis of a Designated Account indicates that a user of a Designated Account from which an email is received is located within the United States or is a United States person, NSA will promptly advise the FBI.

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

9. (S/N) In addition, the FBI will take appropriate action, which may include the
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 the Designated Account and the factual basis for NSA's determination that the user of the Designated Account 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.

III. (U) COMPLIANCE AND OVERSIGHT

12. (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 two calendar years.
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.

Date: 9/16/19

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