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U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

(U) EXHIBIT C

2023 MAR 13 AM 10: 27

(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, (S//NF) 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. (S//NF) (S//NF) 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. (S//NF) NSA will provide the FBI with identifying information of any Designated Account (S//NF) Additionally, NSA will provide identifying information for the user of the Designated Account obtained or identified by the NSA through application of its targeting procedures and

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~~Classified by: The Assistant Attorney General for National Security~~

~~Derived from: DOJ/NSIS/SCG 1 INT dated 20120701, 1.6~~

~~Declassify on: 204001~~

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determined to be reliable, including (1) [REDACTED] 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.^{2,3} NSA will provide this information prior to FBI's decision whether to approve the request. 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 [REDACTED] 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. (U) 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 [REDACTED]

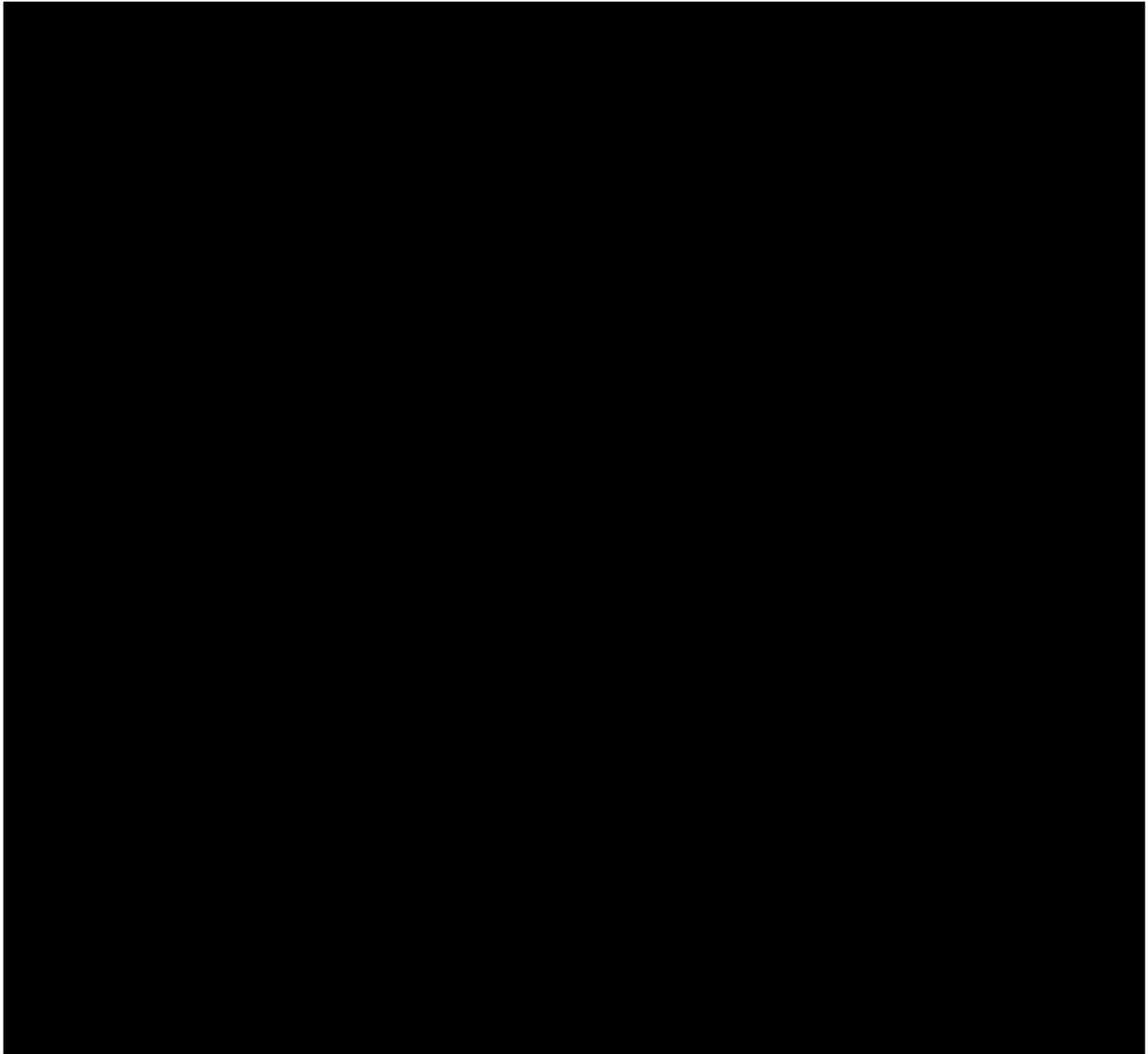
¹ [REDACTED]

² ~~(S//NF)~~ Should NSA provide to the FBI additional identifying information of the user of the Designated Account, the FBI will consider such additional information [REDACTED]

³ [REDACTED]

[REDACTED]

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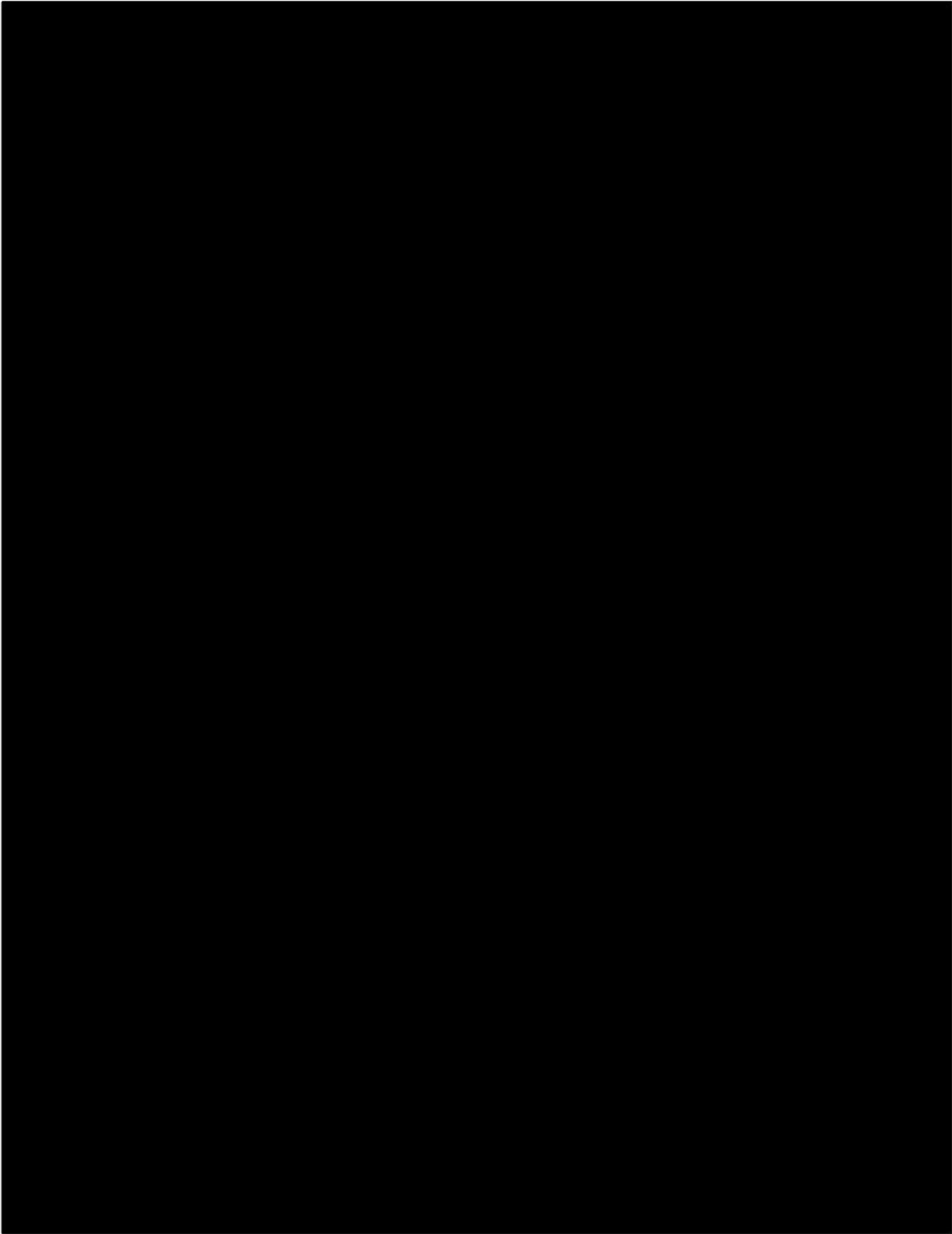
4 [Redacted]

5 [Redacted]

6 [Redacted]

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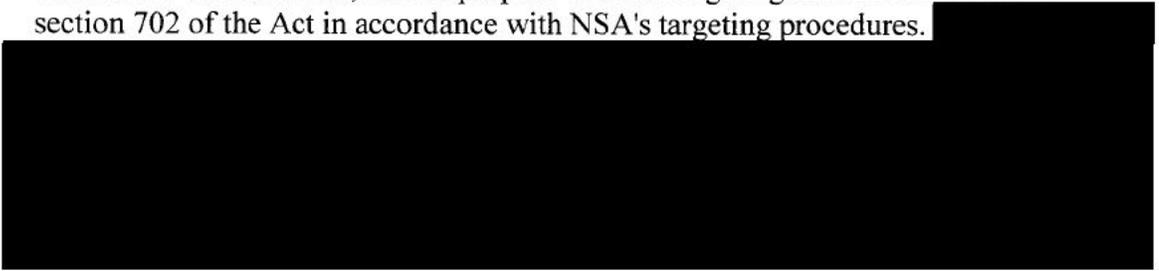
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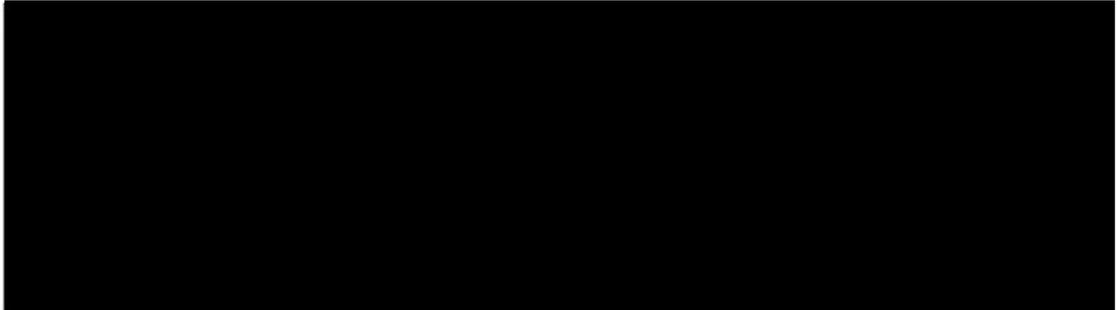
e.



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.



h. ~~(S//NF)~~ In order to protect against an immediate threat to human life or property, the FBI may immediately ~~_____~~ 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) ~~_____~~. In the event that the FBI relies on this provision ~~_____~~ it will review and evaluate the information provided by NSA, as required by paragraph 3, and ~~_____~~ required by paragraph 4, at the first available opportunity, but no later than the next business day after ~~_____~~ s approved by the FBI. The

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FBI shall promptly report this departure to NSD and ODNI, and NSD shall notify the Foreign Intelligence Surveillance Court (FISC) promptly of such activity.

- 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

[REDACTED]

[REDACTED] in no event will the FBI [REDACTED] communications that contain a reference to, but are not to or from, a person targeted in accordance with these procedures. [REDACTED]

[REDACTED]

- 6. ~~(S//NF)~~

[REDACTED]

[REDACTED] NSA, CIA, and NCTC will process any [REDACTED] 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 [REDACTED] 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//NF)~~ If NSA analysis [REDACTED] indicates that a user of a Designated Account from which [REDACTED] pursuant to these procedures is actually located within the United States or is a United States person, NSA

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will promptly advise [REDACTED]
[REDACTED]

8. (S//NF) If the FBI [REDACTED] 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 is located inside of the United States), the FBI will inform NSA, and the FBI will not [REDACTED] unless and until the FBI determines that the Designated Account 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]

determined that the Designated Account is not appropriate for tasking under the certification, [REDACTED] for notifying the Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) [REDACTED]

II. (U) DOCUMENTATION

10. (U) 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.

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 [REDACTED] under these procedures understand their responsibilities with respect to [REDACTED]

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[REDACTED] The FBI has established processes for determining [REDACTED] and for ensuring [REDACTED] and related [REDACTED] are accessible only to those who are authorized and have had the proper training.

- 13. (U) The FBI Office of Internal Auditing will conduct oversight of the FBI's exercise of these procedures. This oversight will include periodic reviews by FBI Office of Internal Auditing 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. (U) 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. (U) 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 Office of Civil Liberties, Privacy, and Transparency any incidents of noncompliance with these procedures by FBI personnel within five business days of learning of the incident.

3/8/23
Date



MATTHEW G. OLSEN
Assistant Attorney General for National Security

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