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(U) **EXHIBIT J**

(U) ~~(S//NF)~~ **QUERYING PROCEDURES USED BY THE CENTRAL INTELLIGENCE AGENCY IN CONNECTION WITH ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION CONCERNING THE INTERNATIONAL PRODUCTION, DISTRIBUTION, OR FINANCING OF CERTAIN ILLICIT DRUGS PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED**

I. (U) These procedures apply to the querying of unminimized information, acquired pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended ("FISA" or "the Act"), by the Central Intelligence Agency ("CIA"), and apply in addition to separate minimization procedures for CIA adopted pursuant to subsection 702(e) of the Act. These querying procedures should be read and applied in conjunction with those minimization procedures, and nothing in these procedures permits any actions that would otherwise be prohibited by those minimization procedures. CIA personnel who have completed training in these procedures and CIA's section 702 minimization procedures may query CIA systems containing unminimized information acquired pursuant to section 702 of the Act. Authorized users with access to unminimized section 702-acquired information should process the results of an appropriate query of unminimized section 702-acquired information in accordance with CIA's applicable section 702 minimization procedures.

II. (U) If CIA determines that it must take action in apparent departure from these querying procedures to protect against an immediate threat to human life (e.g., force protection or hostage situations) and that it is not feasible to obtain a timely modification of these procedures, CIA may take such action immediately. CIA will make a record of the action taken, to include any query term(s) used, and report the action taken to the Office of the Director of National Intelligence ("ODNI") and to the Department of Justice's National Security Division ("NSD"), which will promptly notify the Foreign Intelligence Surveillance Court ("FISC") of such activity.

III. (U) **Definitions and Presumptions**

A. (U) **Definitions for purposes of these procedures**

(U) These procedures adopt the definitions set forth in 50 U.S.C. § 1801 for the terms "foreign intelligence information," "person," "United States," and "United States person."

~~(S//NF)~~ When used to conduct a query, "United States person query term" means a term that is reasonably likely to identify one or more specific United States persons. United States person query terms may be either a single item of information or information that, when combined with other information, is reasonably likely to identify one or more specific United States persons. Determining whether information is reasonably likely to identify one or more specific United States persons in a particular context may require a case-by-case assessment

UNSEALED ON JULY 11, 2025
FILED UNDER SEAL

~~Classified by: The Attorney General~~
~~Derived From: DOJ/NSI SCG 1 INT dated 20120701, 1.6~~
~~Declassify On: 20500321~~

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by a trained intelligence professional. "United States person query term" is not limited to any single category of information or technology. Depending on the context, examples of United States person query terms may include: names or unique titles; government-associated personal or corporate identification numbers; [redacted] and street address, telephone, and [redacted] United States person query term does not include a reference to a product by brand or manufacturer's name (or related nomenclature, including part numbers) or the use of a name in a descriptive sense, as, for example, "Ford Crown Victoria" or "Boeing 737," so long as such term is not intended to retrieve information concerning a specific United States person (e.g., "Ford Crown Victoria with License Plate Number CBA 321").

(U) "Query" means the use of one or more terms[1] to retrieve the unminimized contents or noncontents of section 702-acquired information that is located in a CIA system. The term "query" does not include a user's query of a system that contains unminimized section 702-acquired information, where the user does not receive unminimized section 702-acquired information in response to the query either because the user has not been granted access to the unminimized section 702-acquired information, or because a user who has been granted such access has limited the query such that it cannot retrieve unminimized section 702-acquired information. The term "query" also does not include (1) a system user's actions subsequent to conducting a query for purposes of sorting the results of that query based upon the attributes of the information retrieved,[2] (2) examining or manipulating, including by technical means, communications or documents for the purpose of minimizing such communications or documents,[3] or (3) searches conducted in user activity monitoring systems, as described in CIA's section 702 minimization procedures, so long as the only unminimized section 702-acquired information that the searches run against are in records captured through user activity monitoring.

(U) The terms "Central Intelligence Agency," "CIA," and "CIA personnel" refer to any employees of CIA and any other personnel acting under the direction, authority, or control of the Director of the CIA.

B. (U) **Presumptions for purposes of these procedures**

(U) The following guidelines apply in determining whether a person whose status is unknown is a United States person:

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[1] ~~(S//NF)~~ Such terms may include the use of keywords, identifiers, [redacted]

[2] (U) For example, the action of a system user to sort the results of a query (i.e., the information actually returned to a system user from a query) by date, time, etc.

[3] (U) For example, an analyst might run a script against a spreadsheet that would find and replace all instances of a known United States person's name with a generic term, such as "U.S. Person 1."

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(1) (U) A person known to be located in the United States will be presumed to be a United States person unless identified as an alien who has not been admitted for permanent residence or the circumstances otherwise give rise to a reasonable belief that such person is not a United States person.

(2) (U) A person known to be located outside the United States, or whose location is not known, will be presumed to be a non-United States person unless such person is identified as a United States person, or the circumstances otherwise give rise to a reasonable belief that such person is a United States person.

(3) (U) A person known to have been at any time an alien admitted for lawful permanent residence will be presumed to be a United States person, unless a determination that such person is no longer a United States person is made (a) in consultation with the CIA Office of General Counsel after obtaining a copy of either an order revoking that person's United States person status issued by a U.S. federal court or a properly executed and filed United States Citizenship and Immigration Services Form I-407 (Record of Abandonment of Lawful Permanent Resident Status), or (b) in consultation with the office of CIA Office of General Counsel and NSD. A person known to have been at any time a citizen of the United States will be presumed to be a United States person, unless a determination that such person is no longer a United States person is made in consultation with the CIA Office of General Counsel and NSD.

(4) (U) An unincorporated association whose headquarters or primary office is located outside the United States is presumed not to be a United States person unless the circumstances otherwise give rise to a reasonable belief that a substantial number of its members are citizens of the United States or aliens lawfully admitted for permanent residence.

IV. (U) Querying Procedures

A. (U) **Query Standard.** Each query of CIA systems containing unminimized content or noncontent information acquired pursuant to section 702 of FISA must be reasonably likely to retrieve foreign intelligence information, as defined by FISA, unless otherwise specifically excepted in these procedures. In order to meet this standard:

1. (U) the person conducting the query must have the purpose of retrieving foreign intelligence information;

2. (U) the person conducting the query must have a specific factual basis to believe that it is reasonably likely to retrieve foreign intelligence information; and

3. (U) the query must be reasonably tailored to retrieve foreign intelligence information without unnecessarily retrieving other information.

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B. (U) **Creation and Maintenance of Query Records.**

1. (U) CIA must generate and maintain an electronic record of each United States person query term used for a query of unminimized information acquired pursuant to section 702. Such electronic record must, at a minimum, include the following information:
   a. (U) the query term(s) used;
   b. (U) the date of the query; and
   c. (U) the identifier of the user who conducted the query.

2. (U) Any use of a United States person query term also must be accompanied by a statement of facts showing that the use of that query term is reasonably likely to retrieve foreign intelligence information, as defined by FISA. The written statement of facts should reflect that the information to be retrieved by the query is necessary to address one of the topics set forth in 50 U.S.C. § 1801(e). CIA shall maintain a record of each such statement of facts.

   a. (U) Use of a United States person query term must be "necessary to" the ability of the United States to protect against the threats identified in 50 U.S.C. § 1801(e)(1) or be "necessary to" the national defense or the security of the United States or the conduct of the foreign affairs of the United States, as specified in 50 U.S.C. § 1801(e)(2).

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   b. ~~(U)~~ In order to be "necessary to" these topics, non-publicly available information identifying a United States person must be more than merely useful or convenient. Instead, CIA personnel must reasonably assess that the foreign intelligence information sought through the query will fulfill a significant need, which must be both important and required to address the pertinent topic(s) set forth in 50 U.S.C. § 1801(e) at the time the query is initiated. [redacted]

   c. (U) With respect to foreign intelligence information as defined in 50 U.S.C. § 1801(e)(1)(D), in particular—i.e., information that relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against the international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned (collectively "international drug trafficking")—CIA personnel must ensure that the United States person information sought through a

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query is important and required to enable the United States to protect against this threat.

(U) (i) ~~(S//NF)~~ Not all drug-related information concerning United States persons constitutes foreign intelligence information as defined in 50 U.S.C. § 1801(e)(1)(D) of FISA. Information that merely *relates to* (rather than is necessary to) the United States' ability to protect against international drug trafficking, information that concerns illicit drug production, distribution, or financing with no international nexus, or information that is not related to illicit drugs at all[4] does not constitute foreign intelligence information, and could not form the sole basis for conducting a United States person query seeking foreign intelligence information as defined in 50 U.S.C. § 1801(e)(1)(D).

3. (U) In the event it is impracticable for a CIA system to generate an electronic record, or in the event an unanticipated circumstance arises that prevents the generation of such an electronic record, CIA must generate and maintain a written record of each United States person query term that contains the same information required for electronic records, as described above. Before conducting a query in a system that does not generate an electronic record of a query, CIA personnel must reasonably determine that conducting that query in a system that generates an electronic record would be insufficient for technical, analytical, operational, or security reasons.

4. (U) CIA will maintain the query records required by this subsection in a manner that will allow NSD and ODNI to conduct oversight and compliance in an effective manner. Such records (both electronic and written), to include the statements of facts, must be maintained at least five years from the date the United States person query term was used. NSD and ODNI will review CIA's queries of unminimized section 702-acquired information using any such query terms to ensure that they were reasonably likely to retrieve foreign intelligence information, or were otherwise conducted pursuant to one of the exceptions provided below.

C. (U) **Exceptions.** Notwithstanding subsections IV.A and IV.B.2 above, nothing in these procedures shall prohibit the lawful oversight functions of NSD or ODNI, or the applicable Offices of the Inspectors General, or restrict CIA from providing the assistance necessary for these entities to perform their lawful oversight functions, and nothing in these procedures shall prohibit CIA from conducting queries it determines are necessary to:

1. (U) CIA's performance of lawful training functions of its personnel regarding the proper implementation of section 702 and CIA's section 702 procedures. However, CIA shall use non-United States person identifiers to perform such queries, unless

(U) [4] ~~(S//NF)~~ For example, information regarding the *licit* production, distribution, or financing of opioids would not be either foreign intelligence information or evidence of a crime.

CIA determines that there is a particular need to use a United States person identifier in such a query to conduct training on the implementation of an aspect of CIA's section 702 procedures;

2. (U) create, test, or conduct technical maintenance of CIA systems that process or store section 702-acquired information;

3. (U) comply with an order of a court within the United States or a specific congressional mandate, such as a subpoena or similar process consistent with congressional oversight;

4. (U) comply with the requirements of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a;

5. (U) conduct vulnerability or network assessments using information acquired pursuant to section 702 of the Act in order to ensure that its systems are not or have not been compromised;

6. (U) identify information that must be produced or preserved in connection with a litigation matter; or

7. (U) perform the following lawful oversight functions of CIA's personnel or systems:
   a. (U) support CIA's investigation and remediation of a possible FISA compliance incident;
   b. (U) remediate a potential spill of classified FISA-acquired information in CIA systems;
   c. (U) identify FISA-acquired information subject to destruction, including under CIA's section 702 minimization procedures;
   d. (U) ensure the effective application of marking or segregation requirements in CIA's FISA minimization procedures; or
   e. (U) support CIA's audit or review, for quality control purposes, of work done related to FISA collection by CIA personnel.

(U) Should CIA determine that it is necessary to deviate from an aspect of these procedures to perform lawful oversight functions of its personnel or systems apart from those specified in this subsection (IV.C.7), CIA shall consult with NSD and ODNI prior to conducting such a query. NSD shall promptly report the deviation to the FISC. Each such report shall describe the nature of the deviation from the procedures and identify the specific oversight activity for which the deviation was necessary.

(U) Consistent with the requirements set forth in subsections IV.B.1, 3, and 4 above, CIA must keep a record of any United States person query term used for a query of unminimized section 702-acquired information in support of the activities described in this subsection IV.C.

3/19/25
Date

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