(U) EXHIBIT A

(U) PROCEDURES USED BY THE NATIONAL SECURITY AGENCY 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

(U) These procedures address: (I) the manner in which the National Security Agency/Central Security Service (NSA) will determine that a person targeted under section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA or "the Act"), is a non-United States person reasonably believed to be located outside the United States ("foreignness determination"); (II) the post-targeting analysis done by NSA to ensure that the targeting of such person does not intentionally target a person known at the time of acquisition to be located in the United States and does not result in 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; (III) the documentation of NSA's foreignness determination; (IV) compliance and oversight; and (V) departures from these procedures. For the purposes of these procedures, the terms "National Security Agency" and "NSA personnel" refer to any employees of NSA and any other personnel engaged in Signals Intelligence (SIGINT) operations authorized pursuant to section 702 of the Act if such operations are executed under the direction, authority, or control of the Director, NSA/Chief, Central Security Service (DIRNSA).

I. (U) DETERMINATION OF WHETHER THE ACQUISITION TARGETS NON-UNITED STATES PERSONS REASONABLY BELIEVED TO BE LOCATED OUTSIDE THE UNITED STATES

(S) NSA determines whether a person is a non-United States person reasonably believed to be outside the United States in light of the totality of the circumstances based on the information available with respect to that person,

(S//REL TO USA, FVEY) NSA analysts examine the following three categories of information, as appropriate under the circumstances, to make the above determination: (1) they examine the lead information they have received regarding the potential target or the facility that has generated interest in conducting surveillance to determine what that lead information discloses about the person's location; (2) they conduct research in

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				er NSA
knows the location of the per		rmation that woul		
that location; and (3) they co verify information about the		NSA may use info		letermine or
combination of these categor				
determine that the potential t				inistances to
The second secon				
(TS//SI//NF) Acquisitions co	nducted under thes	e procedures will	not intentionally a	acquire
communications that contain				
accordance with these proceed				
		here NSA uses "u		
to acquire Internet transaction	ns1 to or from a per	son targeted in ac	cordance with the	se
procedures,				
(U) Lead Information				
(c) Zead Information				
(S//REL TO USA, FVEY) W	hen NSA proposes	s to direct surveilla	ance at a target, it	does so
because NSA has already lea				
uses to communicate. Accor	dingly, NSA will e	xamine the lead in	nformation to dete	rmine what it
reveals about the physical loc	cation of the target,			
(C/AIE) TI CII!	1	C1 1 ! C	and that NICA	
(S//NF) The following are ex	amples of the type	s of lead informati	ion that NSA may	examine:
a)				
<i>a)</i>				
b)				
c)				
	-			
(TS//SI/NF) For purposes of the				
through NSA's upstream collection communication (e.g., an e-mail me		ontain information or multiple discrete com		her a discrete
(0.8.)	, et .	and the district of the second		
		s of Internet transacti		
accordance with these procedures a representing either a discrete comm				
transactions that are not to or from				
regardless of whether the transaction				
with these procedures.				



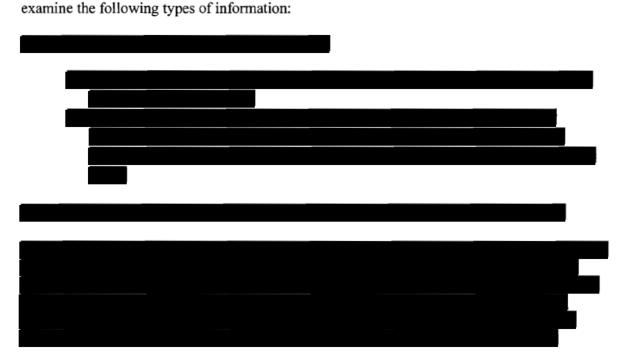
(U) Information NSA Has About the Target's Location and/or Facility or Facilities Used by the Target

(S/NF) NSA may also review information in its databases, including repositories of information collected by NSA and by other intelligence agencies, to determine if the person's location, or information providing evidence about the person's location, is already known. The NSA databases that would be used for this purpose contain information culled from signals intelligence, human intelligence, law enforcement information, and other sources. For example,

(S/NF) NSA

(S) NSA may also

to assist it in making determinations concerning the location of the person at whom NSA intends to direct surveillance. For example, NSA may



(U) Assessment of the Non-United States Person Status of the Target

_	believed to be located outside the United States may also bear upon the status of that target.	non-
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	nformation contained in NSA databases, including repositories of	
	by NSA or other agencies, may indicate that the target is a non-United	
States person.		
(S//NF) Furthermore	, in order to prevent the inadvertent targeting of a United States person,	
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(U//FOUO) The following guidelines apply in determining whether a person whose status is unknown is a United States person:

- a) 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.
- b) 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.
- c) 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 NSA 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 NSA Office of General Counsel and the National Security Division (NSD) of the Department of Justice. 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 NSA Office of General Counsel and NSD.

d) 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.

(U) Assessment of the Foreign Intelligence Purpose of the Targeting

(U) NSA must also reasonably assess, based on the totality of the circumstances, that the target is expected to possess, receive, and/or is likely to communicate foreign intelligence information concerning a foreign power or foreign territory authorized for targeting under a certification or authorization executed by the Director of National Intelligence and the Attorney General in the manner prescribed by section 702. This assessment must be particularized and fact-based, informed by analytic judgment, the specialized training and experience of the analyst, as well as the nature of the foreign intelligence information expected to be obtained. In making this assessment NSA will consider the circumstances that led to NSA's identification of the intended target and other relevant factors which could include, among other things, the following:

a. (S//NF) With respect to telephone communications:





b. (S//NF) With respect to Internet communications:





II. (U) POST-TARGETING ANALYSIS BY NSA

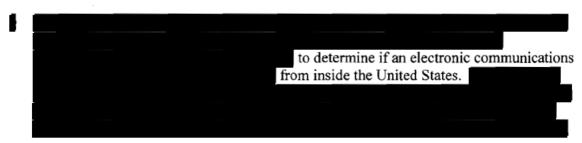
(U) After a person has been targeted for acquisition by NSA, NSA will conduct post-targeting analysis as described herein. Such analysis is designed to detect those occasions when a person who when targeted was reasonably believed to be located outside the United States is located in the United States, and will enable NSA to take steps to 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, or the intentional targeting of a person who is inside the United States. Such analysis may include:

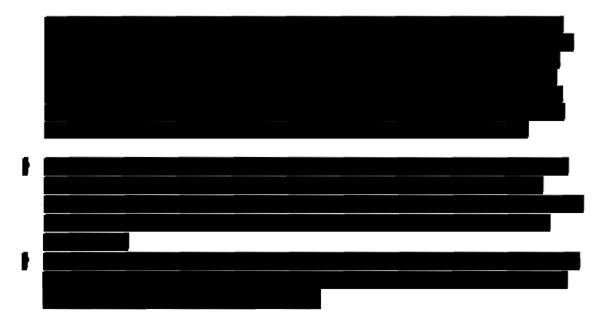
a) (S//NF) For telephone numbers:



NSA analysts may analyze content for indications that a foreign target is located in or intends to enter the United States. Such content analysis will be conducted according to analytic and intelligence requirements and priorities.

b) (S//NF) For electronic communications





(S/NF) If NSA determines that a target is located in the United States, it will follow the procedures set forth in section IV of this document, including the termination of the acquisition from the target without delay. In cases where

NSA will presume that the target is located in the United States and will terminate the acquisition from that target without delay. If at a later time NSA determines that the target is in fact located outside the United States, NSA may re-initiate the acquisition in accordance with these procedures.

(U) NSA analysts will also analyze content for indications that a target is a United States person.⁴ Such content analysis will be conducted according to analytic and intelligence requirements and priorities. If NSA determines that a target who at the time of targeting was believed to be a non-United States person is believed to be a United States person, it will follow the procedures set forth in section IV of this document, including the termination of the acquisition from the target without delay.



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III. (U) DOCUMENTATION

- (U) Analysts who request tasking will document in the tasking database a citation or citations to the information that led them to reasonably believe that a targeted person is located outside the United States. Before tasking is approved, the database entry for that tasking will be reviewed in order to verify that the database entry contains the necessary citations.
- (U) A citation is a reference that identifies the source of the information, such as a report number or communications intercept identifier, which NSA will maintain. The citation will enable those responsible for conducting oversight to locate and review the information that led NSA analysts to conclude that a target is reasonably believed to be located outside the United States.
- (U) Analysts also will identify the authorized foreign power or foreign territory about which they expect to obtain foreign intelligence information pursuant to the proposed targeting, and will provide a written explanation of the basis for their assessment, at the time of targeting, that the target possesses, is expected to receive, and/or is likely to communicate foreign intelligence information concerning that authorized foreign power or foreign territory.

IV. (U) OVERSIGHT AND COMPLIANCE

(U) NSA will conduct compliance and oversight activities, on an ongoing basis, with respect to its exercise of the authority under section 702 of the Act, including the associated targeting, minimization, and querying procedures adopted in accordance with section 702. NSA will develop and deliver training regarding the applicable procedures to ensure NSA personnel responsible for approving the targeting of persons under these procedures, as well as NSA personnel with access to the acquired foreign intelligence information understand their responsibilities and the procedures that apply to this acquisition. NSA has established processes for ensuring that raw traffic is labeled and stored only in authorized repositories, and is

accessible only to those who have had the proper training. NSA will conduct ongoing oversight activities and will make any necessary reports, including those relating to incidents of noncompliance, to the NSA Inspector General and OGC, in accordance with its NSA charter. NSA will also ensure that necessary corrective actions are taken to address any identified deficiencies. To that end, NSA will conduct periodic spot checks of targeting decisions and intelligence disseminations to ensure compliance with established procedures, and conduct periodic spot checks of queries in data repositories.

- (U) The Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) will conduct oversight of NSA'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 the procedures. Such reviews will occur approximately once every two months.
- (U) NSA will report to DOJ, to the ODNI Office of General Counsel, and to the ODNI Civil Liberties Protection Officer any incidents of noncompliance with these procedures by NSA personnel that result in the intentional targeting of a person reasonably believed to be located in the United States, the intentional targeting of a United States person, or the intentional acquisition of any communication in which the sender and all intended recipients are known at the time of acquisition to be located within the United States. NSA will provide such reports within five business days of learning of the incident. Any information acquired by intentionally targeting a United States person or a person not reasonably believed to be outside the United States at the time of such targeting will be purged from NSA databases.
- (U) NSA 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 (including overcollection) by any electronic communication service provider to whom the Attorney General and Director of National Intelligence issued a directive under section 702. Such report will be made within five business days after determining that the electronic communication service provider has not complied or does not intend to comply with a directive.
- (U) In the event that NSA concludes that a person is reasonably believed to be located outside the United States and after targeting this person learns that the person is inside the United States, or if NSA concludes that a person who at the time of targeting was believed to be a non-United States person is believed to be a United States person, it will take the following steps:
 - 1) Terminate the acquisition without delay from all facilities tasked in accordance with these procedures and used by that target, and determine whether to obtain authorization under another section of the Act. If NSA inadvertently acquires a communication sent to or from the target while the target is or was located inside the United States, including any communication where the sender and all intended recipients are reasonably believed to be located inside the United States at the time of acquisition, such communication will be treated in accordance with the applicable minimization and querying procedures.

 Report the incident 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 within five business days.

V. (U) DEPARTURE FROM PROCEDURES

(U) If, in order to protect against an immediate threat to the national security, NSA determines that it must take action, on a temporary basis, in apparent departure from these procedures and that it is not feasible to obtain a timely modification of these procedures from the Attorney General and Director of National Intelligence, NSA may take such action and will report that activity promptly to ODNI and to DOJ's National Security Division, which will promptly notify the Foreign Intelligence Surveillance Court of such activity. Under such circumstances, the Government will continue to adhere to all of the statutory limitations set forth in subsection 702(b) of the Act.



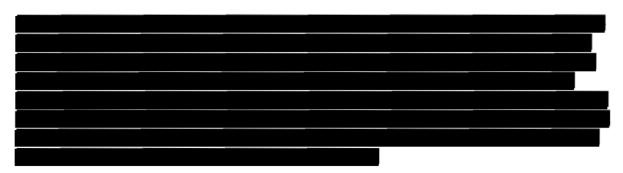
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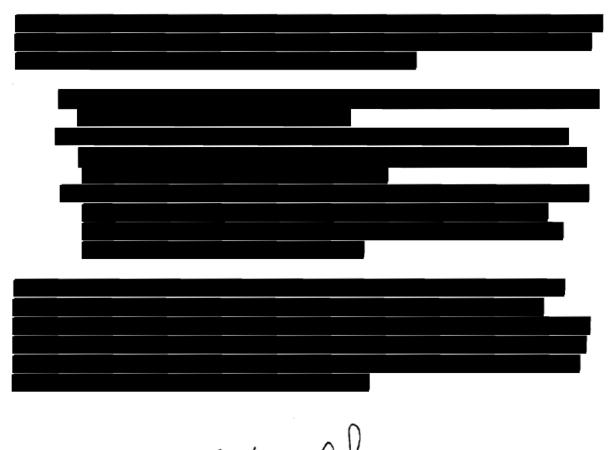


A. (U) Determination of Whether the Acquisition Targets Non-United States Persons Reasonably Believed to be Located Outside the United States



B. (U) Post-Targeting Analysis by NSA





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Assistant Attorney General for National Security