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**CERTIFICATION OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE ATTORNEY GENERAL PURSUANT TO SUBSECTION 702(g) OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED**

**IN THE MATTER OF FOREIGN GOVERNMENTS, FOREIGN FACTIONS, FOREIGN ENTITIES, AND FOREIGN-BASED POLITICAL ORGANIZATIONS**

**DNI/AG 702(g) Certification 2010-A**

Based on the representations made in the supporting affidavits of General Keith B. Alexander, United States Army, Director of the National Security Agency (NSA), Leon E. Panetta, Director, Central Intelligence Agency (CIA), and Robert S. Mueller, III, Director, Federal Bureau of Investigation (FBI), in the above-referenced matter, the Director of National Intelligence and the Attorney General, being duly sworn, hereby certify that: (S//OC,NF)

- (1) there are procedures in place that will be submitted with this certification for approval by the Foreign Intelligence Surveillance Court that are reasonably designed to --
  - a. ensure that an acquisition authorized pursuant to subsection 702(a) of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), is limited to targeting persons reasonably believed to be located outside the United States; and
  - b. 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;
- (2) the minimization procedures with respect to such acquisition --
  - a. meet the definition of minimization procedures under subsections 101(h) and 301(4) of the Act; and

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Classified by: The Attorney General  
Reason: 1.4(c)  
Declassify on: 15 July 2035

- b. will be submitted with this certification for approval by the Foreign Intelligence Surveillance Court;
- (3) guidelines have been adopted in accordance with subsection 702(f) of the Act to ensure compliance with the limitations in subsection 702(b) of the Act and to ensure that an application for a court order is filed as required by the Act;
- (4) the procedures and guidelines referred to in sub-paragraphs (1), (2), and (3) above are consistent with the requirements of the fourth amendment to the Constitution of the United States;
- (5) a significant purpose of the acquisition is to obtain foreign intelligence information;
- (6) the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider; and
- (7) the acquisition complies with the limitations in subsection 702(b) of the Act. (S)

As described in the above-referenced affidavit of General Alexander, the foreign intelligence information to be acquired pursuant to this certification concerns foreign powers as defined in 50 U.S.C. § 1801(a)(1) ("foreign governments or any components thereof, whether or not recognized by the United States"); 50 U.S.C. § 1801(a)(2) ("factions of foreign nations, not substantially composed of United States persons"); 50 U.S.C. § 1801(a)(3) ("entities openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments"); 50 U.S.C. § 1801(a)(5) ("foreign-based political organizations, not substantially composed of United States persons"); and 50 U.S.C. § 1801(a)(6) ("entities directed and controlled by a foreign government or governments"). A list of foreign powers satisfying these statutory definitions is attached herewith as Exhibit F. If NSA seeks to acquire foreign intelligence information concerning additional foreign powers as defined in

50 U.S.C. § 1801(a)(1), (2), (3), (5), or (6), NSA may target consistent with this certification non-United States persons reasonably believed to be located outside the United States who possess, are expected to receive, and/or are likely to communicate foreign intelligence information concerning those additional foreign powers, provided that NSA notifies the Attorney General and Director of National Intelligence within five business days of implementing such targeting. Such notification will include a description of the factual basis for NSA's determination that the additional government, faction, entity, or political organization is a foreign power as defined in 50 U.S.C. § 1801(a)(1), (2), (3), (5), or (6). (S//OC,NF)

On the basis of the foregoing, the targeting of non-United States persons reasonably believed to be located outside the United States to acquire foreign intelligence information, as described above, is authorized, and such authorization shall be effective on August 17, 2010, or on the date upon which the Foreign Intelligence Surveillance Court issues an order pursuant to subsection 702(i)(3) of the Act, whichever is later. Such targeting is authorized for a period of one year from the effective date of this authorization. This authorization reauthorizes DNI/AG 702(g) Certification 2009-A ("In the Matter of Foreign Governments, Foreign Factions, Foreign Entities, and Foreign-Based Political Organizations"), which was authorized by the Director of National Intelligence and Attorney General pursuant to section 702(g) of the Act on July 29, 2009. (S//OC,NF)

**Amendment 1 to DNI/AG 702(g) Certifications 2008-A and 2009-A**

Furthermore, in accordance with subsection 702(i)(1)(C) of the Act, the NSA, FBI, and CIA minimization procedures authorized for use under DNI/AG 702(g) Certifications 2008-A and 2009-A are hereby amended. Specifically, the use of the NSA, FBI, and CIA minimization procedures attached herewith as Exhibits B, D, and E, respectively, in connection with foreign

intelligence information acquired in accordance with DNI/AG 702(g) Certifications 2008-A and 2009-A is authorized.<sup>1</sup> Such authorization shall be effective on August 17, 2010, or on the date upon which the Foreign Intelligence Surveillance Court issues an order concerning these amendments pursuant to subsection 702(i)(3) of the Act, whichever is later. (S//OC,NF)

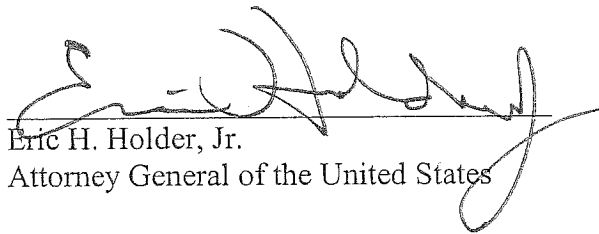
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<sup>1</sup> As certified above, these minimization procedures meet the definition of minimization procedures under subsections 101(h) and 301(4) of the Act and will be submitted herewith for approval by the Foreign Intelligence Surveillance Court. (S//OC,NF)

VERIFICATION (U)

I declare under penalty of perjury that the facts set forth in the foregoing certification in the Matter of Foreign Governments, Foreign Factions, Foreign Entities, and Foreign-Based Political Organizations, DNI/AG 702(g) Certification 2010-A, are true and correct to the best of my knowledge and belief. I further declare under penalty of perjury that the facts set forth in the foregoing amendments to the minimization procedures to be used in connection with foreign intelligence information acquired in accordance with DNI/AG 702(g) Certifications 2008-A and 2009-A are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on July 15, 2010. (S)




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

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VERIFICATION (U)

I declare under penalty of perjury that the facts set forth in the foregoing certification in the Matter of Groups Engaged in International Terrorism or Activities in Preparation Therefor, DNI/AG 702(g) Certification 2010-B, are true and correct to the best of my knowledge and belief. I further declare under penalty of perjury that the facts set forth in the foregoing amendment to the minimization procedures to be used in connection with foreign intelligence information acquired in accordance with DNI/AG 702(g) Certifications 2008-B and 2009-B are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on July 15, 2010. (S)

  
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David C. Gompert  
Acting Director of National Intelligence

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