All redacted information exempt under b(1) and/ or b(3) except where otherwise noted.

~~TOP SECRET//COMINT//NOFORN~~

U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT [redacted] PM 1:36 [redacted] COURT

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, DC

[redacted]

Docket Number: PR/TT [redacted]

REPORT OF THE UNITED STATES (U)

The United States of America, by and through the undersigned Department of Justice attorneys, respectfully submits this report and supporting documents that (1) set forth the results of the National Security Agency's (NSA) end-to-end system engineering and process reviews of its instrumentation and implementation of the authorities granted by the Court in docket number PR/TT [redacted] and previous docket

~~TOP SECRET//COMINT//NOFORN~~

Classified by: David S. Kris, Assistant Attorney General, NSD, DOJ
Reason: 1.4(c)
Declassify on: [redacted]

numbers,[1] (2) respond to Orders of the Court entered on [redacted], in docket number PR/TT [redacted] and (3) fully discuss the compliance issues first identified in a notice filed with the Court on [redacted] ~~(TS//SI//NF)~~

I. BACKGROUND (U)

In docket number PR/TT [redacted] and each subsequent authorization, including docket number PR/TT [redacted], the Government sought, and the Court authorized NSA, pursuant to the pen register and trap and trace provisions of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1841 et seq., to collect in bulk and on an ongoing basis certain metadata, but not content as defined by 18 U.S.C. § 2510(8), from electronic communications carried on [redacted][2] NSA analyzed the PR/TT metadata, using contact chaining [redacted] tools, to find and identify known and

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[1] Hereinafter the Government will refer to these docket numbers and subsequent renewals thereof, collectively or partially, as the "PR/TT Orders." The Government also will hereinafter refer to NSA's implementation of the PR/TT Orders as the "PR/TT collection." ~~(TS//SI//NF)~~

[2] Specifically, NSA was authorized to collect "all addressing and routing information reasonably likely to identify the sources or destinations of the electronic communications identified above on the [redacted] identified above, including the 'to,' 'from,' 'cc,' and 'bcc' fields for those communications [redacted]" Primary Order, Docket Number PR/TT [redacted] at 4-5. The Government will refer herein to such metadata and the other information NSA collected as part of the PR/TT collection, see infra, as "PR/TT metadata." ~~(TS//SI//NF)~~

unknown members or agents of [redacted][3] ~~(TS//SI//NF)~~

The PR/TT Orders directed the Government to treat the PR/TT metadata in accordance with minimization procedures adopted by the Attorney General. Among these minimization procedures in docket number PR/TT [redacted] was the following:

> [Q]ueries shall be performed only on the basis of a particular known [redacted] after NSA has concluded, based on the factual and practical considerations of everyday life on which reasonable and prudent persons act, that there are facts giving rise to a reasonable, articulable suspicion that [redacted] is associated with [redacted]; provided, however, that [redacted] believed to be used by a U.S. person shall not be regarded as associated with [redacted] solely on the basis of activities that are protected by the First Amendment to the Constitution.

Opinion and Order, Docket Number PR/TT [redacted], at 83-84. For purposes of querying the PR/TT metadata, all subsequent Orders in this matter required the Government to comply with the same reasonable, articulable suspicion (RAS) standard.[4] See, e.g., Primary Order, Docket Number PR/TT [redacted], at 8-9. In addition, the PR/TT Orders

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[3] The Primary Order in docket number PR/TT [redacted] authorized NSA to query the PR/TT metadata using [redacted] associated with [redacted] Later authorizations expanded the telephone identifiers that NSA could use for queries to those associated with [redacted] see docket number PR/TT [redacted] (motion to amend granted in August [redacted] and, later, [redacted] see docket number PR/TT [redacted] (motion to amend granted in [redacted]). The Court's authorization in docket number PR/TT [redacted] approved querying related to [redacted] See Primary Order, Docket Number PR/TT [redacted] at 2-3. ~~(TS//SI//NF)~~

[4] In this memorandum the Government will refer to this standard as the "RAS standard" and [redacted] that satisfy the standard as "RAS-approved." ~~(S)~~

contained minimization procedures that governed other aspects of the use, retention, and dissemination of PR/TT metadata. ~~(TS//SI//NF)~~

Beginning in [redacted] the Government notified the Court of instances of non-compliance with the Court-ordered minimization procedures in docket number BR 08-13 and previous docket numbers. By Order dated [redacted] due to "the similarity between the querying practices and requirements employed in BR 08-13 and in the [collection authorized by the PR/TT Orders]," the Court ordered that the Government "either shall affirm that it is exercising its authority [in accordance with the PR/TT Orders] or shall fully report to the Court on any deviation." Order, Docket Number PR/TT [redacted] at 1-2 (dated [redacted]). In response to this Order, the Director of NSA ordered that NSA complete an end-to-end system engineering and process review of its handling of the PR/TT metadata and its implementation of the PR/TT Orders. ~~(TS//SI//NF)~~

On [redacted] the Court issued a Supplemental Order that required the Government to "in connection with the completion of its end-to-end review . . . provide the Court with a detailed and complete description of NSA's handling of PR/TT metadata, including but not limited to, a discussion of NSA's practices with regard to sharing query results both within NSA and with other agencies, and an assessment of whether and to what extent such handling has been and continues to be consistent with

the Court's orders and otherwise necessary and appropriate." Supplemental Order, Docket Number PR/TT [redacted] at 4-5. ~~(TS//SI//NF)~~

On [redacted] in response to a filing by the Government indicating that the NSA had disseminated information derived from the PR/TT metadata in a manner not consistent with the PR/TT Orders, the Court issued an Order that required the Government to include, "in its submission[] regarding the results of the end-to-end review[], a full explanation of why the government has permitted the dissemination outside NSA of U.S. person information without regard to whether such dissemination complied with the clear and acknowledged requirements for sharing U.S. person information derived from the metadata collected pursuant to the [PR/TT Orders]." Order, Docket Numbers PR/TT [redacted] and BR 09-06, at 7-8. ~~(TS//SI//NF)~~

In [redacted] the NSA completed the end-to-end system engineering and process reviews of its instrumentation and implementation of the authorities granted by the Court in docket number PR/TT [redacted] and previous docket numbers. On [redacted] the Government filed a notice with the Court informing it that [redacted] collection processes [for the PR/TT collection] were capturing [redacted]

Supplemental Order, Docket Number PR/TT [redacted] at 1 (entered [redacted]). On [redacted] the authorization for the PR/TT collection expired. (~~TS//SI//NF~~)

This report, the supporting declaration of the Director of NSA (Exhibit A), and the attached NSA report (Exhibit B) (the "End-to-End Report"), together address the now-applicable requirements of the [redacted][5] and discuss all known and previously-reported instances of non-compliance with the PR/TT Orders, including those identified in the notice filed on [redacted] (~~TS//SI//NF~~)

II. NSA'S HANDLING OF THE PR/TT METADATA (~~TS//SI//NF~~)

The End-to-End Report is the final product of a team of experts assembled by NSA to first understand and then evaluate NSA's implementation of the PR/TT Orders. This team of experts was tasked with identifying and mapping all the system and process of components of the PR/TT collection. These components and the interaction between them are set forth in detail in the End-to-End Report. The team also reviewed, and then described in the End-to-End Report, NSA's analytic tools and processes, management controls, auditing mechanisms, oversight, and training concerning the PR/TT collection.[6] Where the team identified areas of concern, the End-to-End Report

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[5] As the authority for the PR/TT collection has expired and the Government is not seeking to reinitiate NSA's former PR/TT collection in the same form, this filing does not assess whether "NSA's handling of PR/TT metadata . . . continues to be consistent with the Court's orders and otherwise necessary and appropriate." Supplemental Order, Docket Number PR/TT [redacted] at 4-5. (~~TS//SI//NF~~)

[6] Attorneys from the Department of Justice's National Security Division participated in certain meetings conducted by NSA's teams of experts. (~~TS//SI//NF~~)

describes the remedial steps taken by NSA. The Government submits that the End-to-End Report and the Declaration of the Director of NSA, which, among other things, describes NSA's practices of sharing query results both within NSA and with other agencies, together provide a description of NSA's handling of PR/TT metadata.

~~(TS//SI//NF)~~

III. THE GOVERNMENT'S ASSESSMENT AS TO WHETHER AND TO WHAT EXTENT NSA'S HANDLING OF THE PR/TT METADATA WAS CONSISTENT WITH THE COURT'S ORDERS AND OTHERWISE NECESSARY AND APPROPRIATE ~~(TS//SI//NF)~~

A. Pre-[redacted] Compliance Incidents Described in End-to-End Report (U)

The end-to-end review revealed that, although NSA successfully implemented many of the Court-ordered requirements in docket number PR/TT [redacted] in several instances it treated data collected pursuant to the PR/TT Orders in the manner it treats information collected under other NSA collections, without the additional requirements ordered for this collection. The end-to-end review revealed that there was no single cause of the identified instances of non-compliance and that there were a number of successful oversight, management, and technology processes that operated appropriately. Nonetheless, the end-to-end review uncovered additional instances of non-compliance, all of which were brought to the Court's attention shortly after their

discovery during the end-to-end review.[7] The NSA concluded that these instances of non-compliance stemmed from or were exacerbated by a primary focus on analyst use of the data, the complexity of the overall PR/TT collection and processing systems, and a lack of shared understanding among the key stakeholders as to the full scope of the PR/TT collection and processing systems and the implementation of the PR/TT Orders. ~~(TS//SI//NF)~~

Each specific instance of non-compliance identified as part of the end-to-end review is briefly discussed below.[8] The remedies for these instances of non-compliance

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[7] As a result of the end-to-end review, NSA also discovered several areas that presented a misrepresentation or potential for non-compliance or a vulnerability in management and/or oversight controls. While these areas were not deemed compliance matters and therefore are not discussed herein, the issues and the steps NSA has taken to address them are discussed in the End-to-End Report in sections III.B.1, III.B.9, III.B.10, and III.B.11. ~~(TS)~~

The [redacted] processes are discussed in section III.A of the End-to-End Report; however, as these processes ceased in [redacted] and may not be reinstituted without Court approval, they also are not discussed herein. ~~(TS)~~

Additionally, the Government did not conclude that NSA's practice of sharing unminimized query results with analysts not authorized to query the PR/TT metadata (section III.B.5) was a compliance incident, and a form of the practice is now specifically authorized by the Court. Therefore, the matter is not discussed herein. The Government's [redacted] filing entitled Government's Response to the Court's Supplemental Order Entered on [redacted] in Docket No. PR/TT [redacted] however, is necessary to fully understand the "NSA's handling of PR/TT metadata, including . . . , [its] practices with regard to sharing query results []within NSA . . . , and . . . whether and to what extent such handling has been and continues to be consistent with the Court's orders and otherwise necessary and appropriate." Accordingly, the substance of that filing has been incorporated into Exhibit A. ~~(TS//SI//NF)~~

[8] Since the Court reauthorized the PR/TT collection on [redacted] in docket number PR/TT [redacted] representatives from the Department of Justice's National Security Division (NSD) and NSA met on several occasions to discuss NSA's compliance with the PR/TT Orders. Based on those meetings, the Government is able to represent that, with the exception of the late filing of a weekly dissemination report, which was reported in a Rule 10(c) notice on [redacted]

are discussed following the description of each instance of non-compliance.

~~(TS//SI//NF)~~

1. **Retention of PR/TT Metadata Beyond Authorized Time Period**
~~(TS//SI//NF)~~

NSA discovered during the end-to-end review that it had retained certain PR/TT metadata for longer than four and one-half years from collection as authorized by the PR/TT Orders.[9] The improperly retained metadata was included in "chain summaries" and contained on back-up tapes of the PR/TT metadata. ~~(TS//SI//NF)~~

NSA remedied this instance of non-compliance by submitting the backup tapes that contained PR/TT metadata collected in calendar years 2004 and 2005 to NSA's Material Disposition Services (MDS) for destruction in [redacted],[10] and by destroying all chain summaries containing information that was more than four and one-half years old. Ex. B to Application (90-Day Report), Docket Number PR/TT [redacted], at 15; 30-Day Report to FISC (filed [redacted]), Docket Number PR/TT [redacted], at 15-16.

~~(TS//SI//NF)~~

[redacted] and the issues related to the notice filed on [redacted] which are discussed below, there were no known instances of non-compliance with the PR/TT Orders that arose after the completion of the End-to-End report and until the expiration of the PR/TT authorities in [redacted] ~~(TS//SI//NF)~~

[9] This matter was the subject of a preliminary notice of compliance incident filed on [redacted] and is discussed in section of III.B.2 of the End-to-End Report. ~~(S)~~

[10] NSA reports that this material was subsequently destroyed by MDS in [redacted] ~~(TS//SI//NF)~~

2. RAS-Approval Based on Attorney General Emergency Authorization (~~S~~)

The end-to-end review revealed that NSA had, contrary to the PR/TT Orders, prematurely deemed two e-mail addresses RAS-approved, and subsequently conducted queries with these e-mail addresses, based on the Attorney General's authorization of emergency electronic surveillance under FISA.[11] (~~TS//SI//NF~~)

As the inappropriate queries produced no results and the prematurely approved e-mail addresses were subject to Court-authorized electronic surveillance at the time this issue was identified, NSA was not required to any take specific remedial action. However, NSA provided guidance on [redacted] to ensure that this type of incident would not be repeated. Ex. B at 15. (~~TS~~)

3. Use of PR/TT Metadata [redacted] (~~TS//SI//NF~~)

During the end-to-end review, NSA determined that it had not fully described to the Court its use of [redacted] derived from the PR/TT metadata. Specifically, it had not fully explained that both technical and analytical personnel identified [redacted] in the PR/TT metadata and that those selectors were used to manage PR/TT metadata as well as other metadata collected by NSA. The Government concluded that NSA's use of [redacted] discovered by technical

[11] This matter was the subject of a preliminary notice of compliance incident filed on [redacted] and is discussed in section of III.B.3 of the End-to-End Report. (~~S~~)

personnel to manage non-PR/TT metadata collected by NSA was not consistent with the Court's Orders. [12] ~~(TS)~~

This instance of non-compliance was rectified by the Court's [redacted] Order, which specifically authorized NSA to continue to identify and use [redacted] as described to the Court, including those previously identified in a non-compliant manner. ~~(TS)~~

4. Improper Dissemination of the Results of Queries to the PR/TT Metadata ~~(TS//SI//NF)~~

As a result of the end-to-end review, it was revealed that NSA's historic, general dissemination practice for U.S. person identifying information derived from PR/TT metadata was to apply United States Signals Intelligence Directive No. SP0018 (USSID 18) and not the more restrictive dissemination provisions of the Court's Orders.[13] Additionally, NSA also discovered that some unminimized query results were made available to certain Central Intelligence Agency (CIA), FBI, and National Counterterrrorism Center (NCTC) analysts via an NSA database, a practice which was

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[12] The use of those [redacted] discovered by technical personnel to manage non-PR/TT metadata collected by NSA was the subject of a preliminary notice of compliance incident filed on [redacted] and a separate filing in docket number PR/TT [redacted] on [redacted] These matters are discussed in section of III.B.4 of the End-to-End Report. ~~(TS//SI//NF)~~

[13] This practice was brought to the Court's attention in the Government's [redacted] filing in docket number PR/TT [redacted] and is discussed in section III.B.7 of the End-to-End Report. ~~(S)~~

not consistent with the Court's Orders.[14] A fuller description of these incidents and a full explanation of their causes are included in Exhibit A. ~~(TS//SI//NF)~~

NSA disabled external access to the database that was the mechanism for the disseminations to CIA, FBI, and NCTC on [redacted][15] Ex. B at 16. ~~(TS//SI//NF)~~

5. [redacted] ~~(TS//SI//NF)~~

During the time of the end-to-end review, NSA tested a new version [redacted] of [redacted]—the software tool interface used by analysts to manually query the PR/TT metadata chain summaries—and discovered that the new version and previous versions included [redacted].[16] ~~(TS//SI//NF)~~

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[14] This practice was the subject of a preliminary notice of potential compliance incident filed on [redacted] and is discussed in section III.B.6 of the End-to-End Report. ~~(S)~~

[15] In addition to the above practices, NSA's litigation support team conducts prudential searches in response to requests from Department of Justice or Department of Defense personnel in connection with criminal or detainee proceedings. The team does not perform queries of the PR/TT metadata. This practice of sharing information derived from the PR/TT metadata was later specifically authorized. See Primary Order, Docket Number PR/TT [redacted] at 12-13. The Government respectfully submits that NSA's historic practice of sharing of U.S. person identifying information in this manner before it was specifically authorized does not constitute non-compliance with the PR/TT Orders. ~~(TS//SI//NF)~~

[16] This matter was the subject of a preliminary notice of compliance incident filed on [redacted] and is discussed in section III.B.8 of the End-to-End Report. ~~(S)~~

NSA corrected the newest version of [redacted] to disable [redacted]. Ex. B at 18. As of [redacted] analysts could only access the PR/TT metadata through use this newest version of [redacted]. Ex. B at 18. ~~(TS//SI//NF)~~

B. Steps Taken By the Government Before [redacted] to Ensure Compliance with the PR/TT Orders ~~(TS//SI//NF)~~

Before the authority for the PR/TT collection expired on [redacted], the Government had taken significant steps to remedy and prevent compliance incidents like those described above. Beginning in docket number PR/TT [redacted] the Government implemented and the Court imposed several requirements to help ensure compliance with the PR/TT Orders. Each of these requirements was set forth in the Primary Order in docket number PR/TT [redacted]. In general, they required regular communications between NSA and NSD on significant legal interpretations, compliance with the Orders, and oversight responsibilities. Primary Order, Docket Number PR/TT [redacted] at 15-16. Also, by requiring the sharing of NSA's procedures for controlling access to and use of the PR/TT metadata and for training with NSD, the PR/TT Orders gave NSD greater insight into NSA's implementation of its authorities. Id. at 15. ~~(TS//SI//NF)~~

Apart from this more robust oversight regime, NSA addressed the potential for inappropriate queries of the PR/TT metadata through self-imposed technological "fixes." For example, on [redacted] NSA prevented automated processes and tools from accessing the PR/TT metadata in its [redacted] database by removing all previously used Public Key Infrastructure (PKI) system-level certificates that gave

processes and tools access to the PR/TT metadata.[17] Ex. B at 7-8. By removing these PKI system-level certificates NSA revoked all automated processes and tools' access to the PR/TT metadata in [redacted] and, therefore, rendered the automated query processes and tools inoperable. Ex. B at 7-8. The Emphatic Access Restriction (EAR), also implemented on [redacted] provided further protection against improper queries to the PR/TT metadata. Ex. B at 7. The EAR is a software restrictive measure that prohibits queries to the PR/TT metadata in [redacted] using non-RAS-approved seeds. Ex. B at 7. Before a given query to the PR/TT metadata was executed, the EAR, in effect, checked the RAS status of the seed for the query against the Station Table.[18] If the seed for a given query was RAS-approved, the EAR permitted the query to be run. If the seed for a given query was not RAS-approved, the EAR did not permit the query to be executed. Ex. B at 37. In this way, NSA provided a technological remedy to the potential for analysts entering non-RAS-approved identifiers as query seeds. As discussed above, NSA also implemented a new user interface – [redacted] – that limited the number of query hops to two, as authorized by the PR/TT Orders. ~~(TS//SI//NF)~~

[17] A PKI system-level certificate is essentially a "ticket" used by the system to recognize and authenticate that the automated capability has the authority to access the database. ~~(TS//SI//NF)~~

[18] The Station Table serves as the historic reference of all PR/TT selectors that have been assessed for RAS – and their associated RAS determinations. Ex. B at 11 n.11. ~~(TS//SI//NF)~~

The PR/TT Orders' requirements serve as an important backstop for these technological fixes. In the event that NSA seeks to implement an automated query process in the future, it must obtain the approval of both NSD and the Court. Primary Order, docket number PR/TT [redacted] at 16. Prior to expiration, the PR/TT Orders also required that all persons accessing the PR/TT metadata, including technical personnel, receive appropriate and adequate training and guidance regarding the procedures and restrictions for storage, access, and dissemination of the PR/TT metadata. Id. at 13-14. This broader training requirement was designed to prevent, among other things, the creation of processes to access the PR/TT metadata by persons lacking a necessary understanding of the restrictions. ~~(TS//SI//NF)~~

Prior to expiration, the PR/TT Orders' requirements also provided the Court with additional information regarding NSA's implementation of the PR/TT collection. Specifically, renewal applications had to include a report on a meeting between NSA and NSD regarding compliance with the Orders. Id. at 15. In addition, NSA was required to file a report every week describing any dissemination of PR/TT metadata and certifying whether NSA followed the PR/TT Orders' requirements for dissemination. Id. at 17-18. The dissemination report and the training requirement for persons receiving results of PR/TT metadata queries, see Primary Order, docket number PR/TT [redacted] at 11, also address NSA's prior non-compliance with the Order's dissemination requirements. ~~(TS//SI//NF)~~

IV. THE GOVERNMENT'S REVIEW AND ASSESSMENT OF THE PR/TT COLLECTION WITH RESPECT TO THE ISSUES FIRST IDENTIFIED IN THE [redacted] NOTICE TO THE COURT (~~TS//SI//NF~~)

In response to the issues identified in the [redacted] notice to the Court, the Government undertook to map and fully describe the scope of information collected pursuant to the PR/TT Orders. The product of that undertaking is set forth in Exhibit A. Based upon the facts set forth in Exhibit A, this section describes which portions of the PR/TT collection were authorized by the PR/TT Orders and what portions appear to have fallen outside the authority granted by the PR/TT Orders. First, this section discusses the Court's Opinion and Order in docket number PR/TT [redacted] and the Government's representations to the Court about the proposed, and subsequently authorized, collection. Second, this section presents the Government's assessment as to what portions of the PR/TT collection were authorized by the PR/TT Orders and what portions of the PR/TT collection appear not to have been so authorized.[19] The analysis included in this assessment focuses on the categories that appear to fall outside the authority granted by the PR/TT Orders; categories clearly within the scope of the PR/TT Orders are not discussed in detail. (~~TS//SI//NF~~)

[19] This assessment does not consider whether any portion of the PR/TT collection was permitted, or could have been authorized, under FISA. (~~TS//SI//NF~~)

A. The Court's Opinion and Order in Docket Number PR/TT [redacted] and the Government's Representations to the Court (~~TS//SI//NF~~)

In its Opinion and Order in docket number PR/TT [redacted], the Court found, based upon the "factual representations made in the application . . . [and] the separate declaration of the DIRNSA," that "the collection activities proposed in the application involve the installation and use of 'pen registers' and/or 'trap and trace devices' as those terms are used in FISA," and granted the application as modified. See Opinion and Order, Docket Number PR/TT [redacted] ("Op. and Order"), at 2-3 (July 14, 2004). The Court specifically enumerated the categories of information that the authorized pen registers and/or trap and trace devices could collect. The Court authorized the collection of the following [redacted] categories:

Category (1): "For e-mail communications, the devices will extract the addresses contained in the 'to,' 'from,' 'cc,' and 'bcc' lines. [redacted]

[redacted]

Op. and Order at 7-10 (quoting the Government's Application and citing the Declaration of Lieutenant General Michael V. Hayden, U.S. Air Force, Director of the NSA, Docket Number PR/TT [redacted] ("DIRNSA Declaration") (citations omitted). ~~(TS//SI//NF)~~

Confirming its intent to authorize the collection of only these [redacted] categories of information, the Court stated, "The DIRNSA Declaration mentions other types of information that are not described in the application as forms of meta data to be collected. The Court understands such references to pertain to information or inferences that could be gleaned from accumulating meta data in Categories [redacted] above and/or analyzing meta data, perhaps in conjunction with information from other sources. This Opinion and Order authorizes only the collection of information in Categories [redacted] above."[20] Id. at 11 (emphasis in original). ~~(TS//SI//NF)~~

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[20] Subsequent orders similarly limited the collection to these [redacted] specific categories of information. See, e.g., Primary Order, Docket Number PR/TT [redacted] at 4-5 (authorizing, while "relying on and adopting the conclusions and analysis set out in [the] July 14, 2004, Opinion and Order in docket number PR/TT [redacted]," the "installation and use of pen registers and trap and trace devices as described in the Government's Application to collect all addressing and routing information reasonably likely to identify the sources or destinations of the electronic communications identified above [redacted] including the 'to,' 'from,' 'cc,' and 'bcc' fields for those communications [redacted]

Additionally, the scope of each of the [redacted] Court-authorized categories is limited. The plainest example is Category [redacted] As described above, [redacted] Id. at 9; accord Application at 2 n.1, 15-16, 22; DIRNSA Decl. at 2 n.1, 11-12; see also [redacted] By apparently limiting the collection in Category [redacted] Similarly, the use of particular terms in Category [redacted] make it clear that it authorized the collection of information from only specific [redacted]

[redacted] Additionally, in its applications to renew the authority first granted in docket number PR/TT [redacted] the Government's description of the [redacted] categories of information to be collected did not substantively change from its initial filing in docket number PR/TT [redacted] Cf. Application, Docket Number PR/TT [redacted] ("Application"), at 21-22, and DIRNSA Decl. at 2 n.1 with Application, Docket Number PR/TT [redacted] at 18-19, and Exhibit B, Docket Number PR/TT [redacted] at 2 n.1. (~~TS//SI//NF~~)

[redacted] As described above, [redacted] Op. and Order, at 9-10; and see Application at 16, 22 (describing the proposed collection of Category [redacted]"); accord DIRNSA Decl. at 2 n.1 ("[redacted]"), 12. By limiting the collection in Category [redacted] (~~TS//SI//NF~~)

Finally, neither the Government's pleadings nor the Court's Opinion and Order expressly analyzed the issue of whether collection of metadata [redacted] would be subject to collection under any of the categories. Moreover, the Court's Opinion generally analyzed the categories in terms of communications that [redacted] See, e.g., Op. and Order at 10, 17-18. Therefore, none of the categories addressed the collection of metadata [redacted] Accordingly, the Government believes that collection of metadata [redacted] was not authorized. (~~TS//SI//NF~~)

B. Assessment of the PR/TT Collection in Light of the [redacted] Categories Set Forth in the PR/TT Orders (~~TS//SI//NF~~)

Building upon the organization of the electronic communications information collected as part of the PR/TT collection as set forth in Exhibit A, the Government has applied the criteria established by the PR/TT Orders to the historical conditions of the PR/TT collection and reached the following conclusions as to whether each portion of the PR/TT collection was authorized by PR/TT Orders or not. (~~TS//SI//NF~~)

1. [redacted]

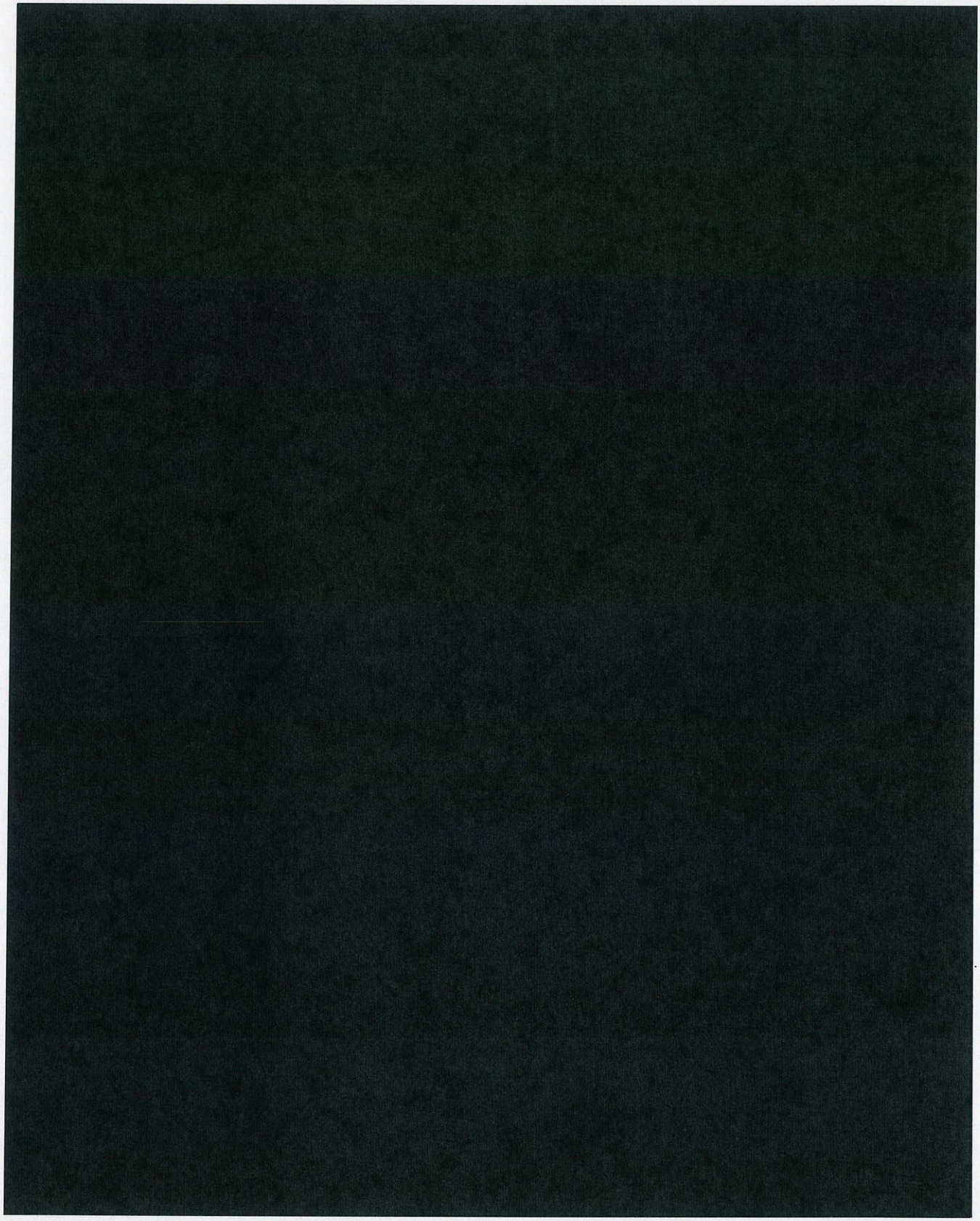
[redacted]

[21] For purposes of Exhibit A, [redacted]

[redacted]

[redacted]

[redacted]



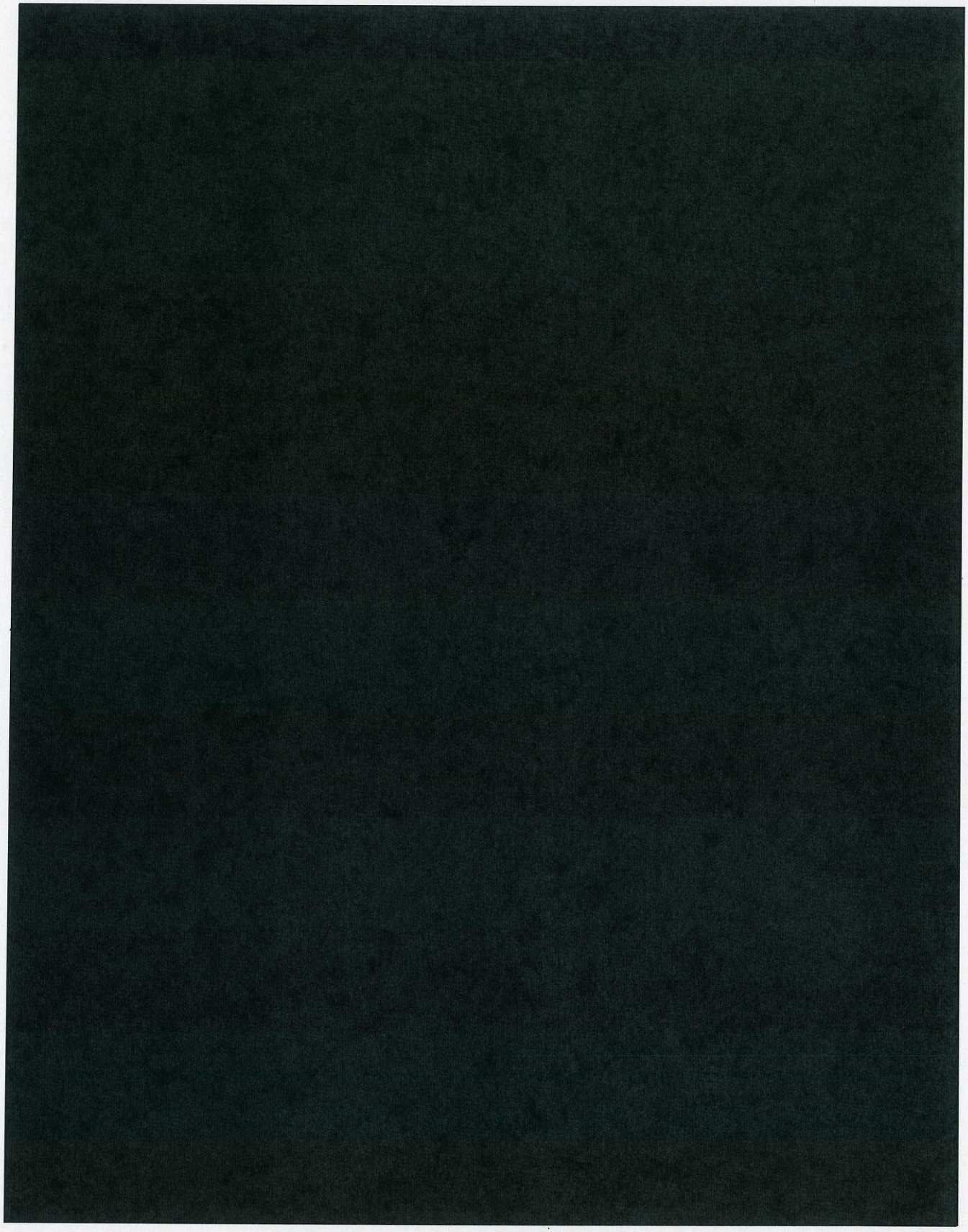
2. [redacted]

[redacted]

[redacted]

[redacted]

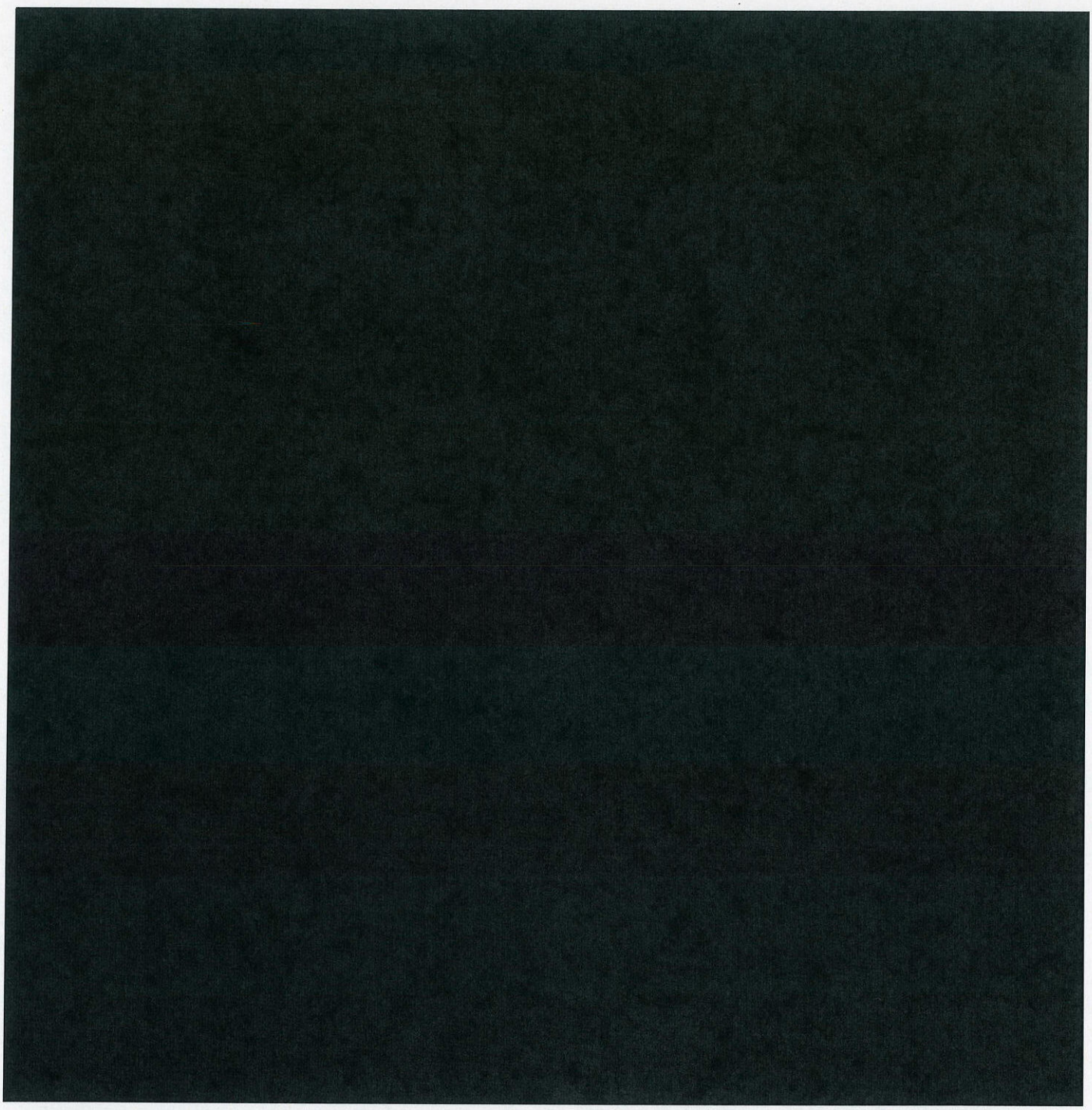
23 [redacted]

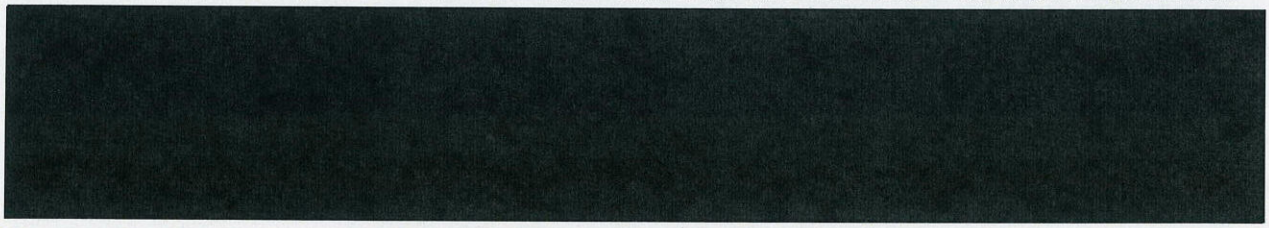


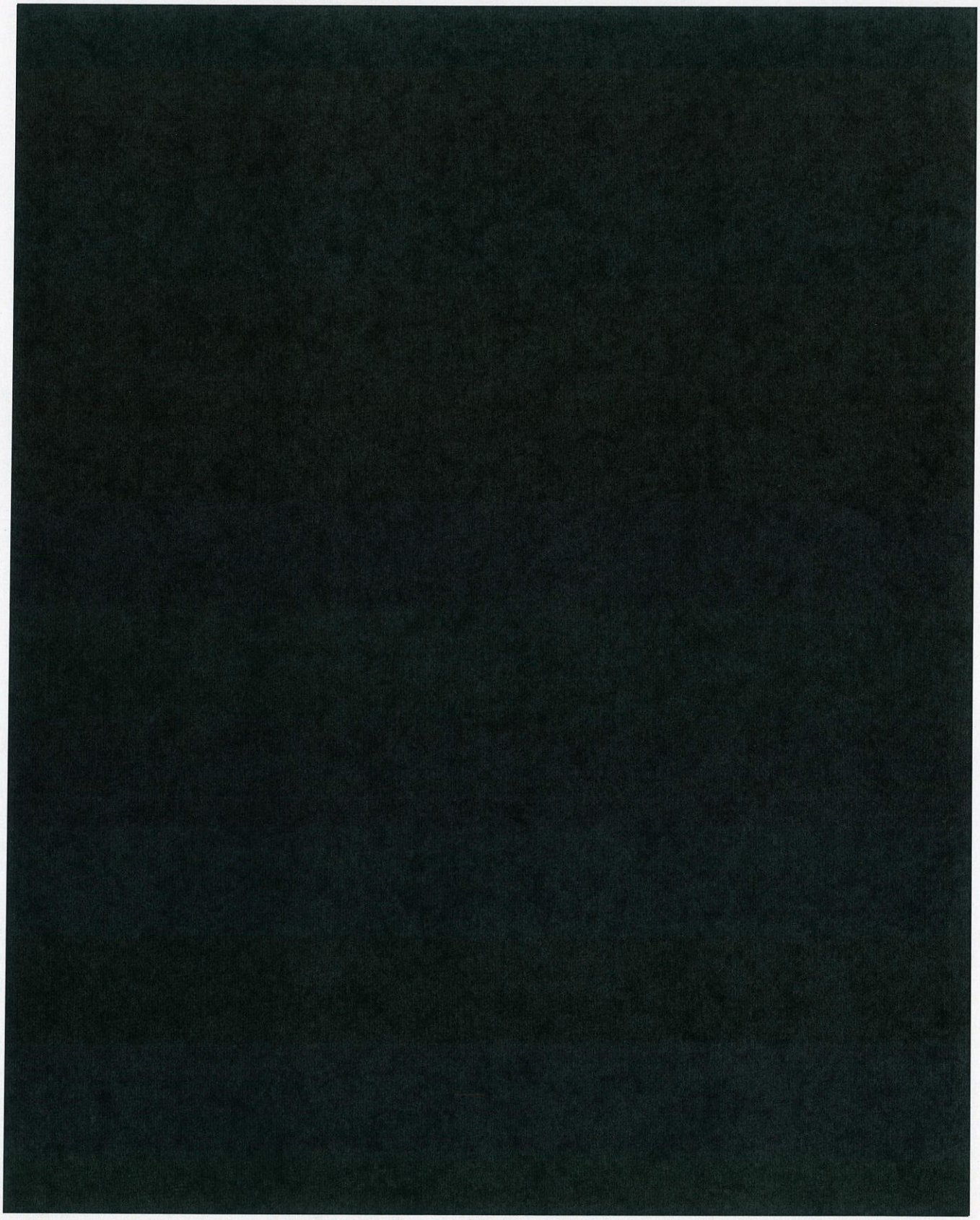
[redacted]

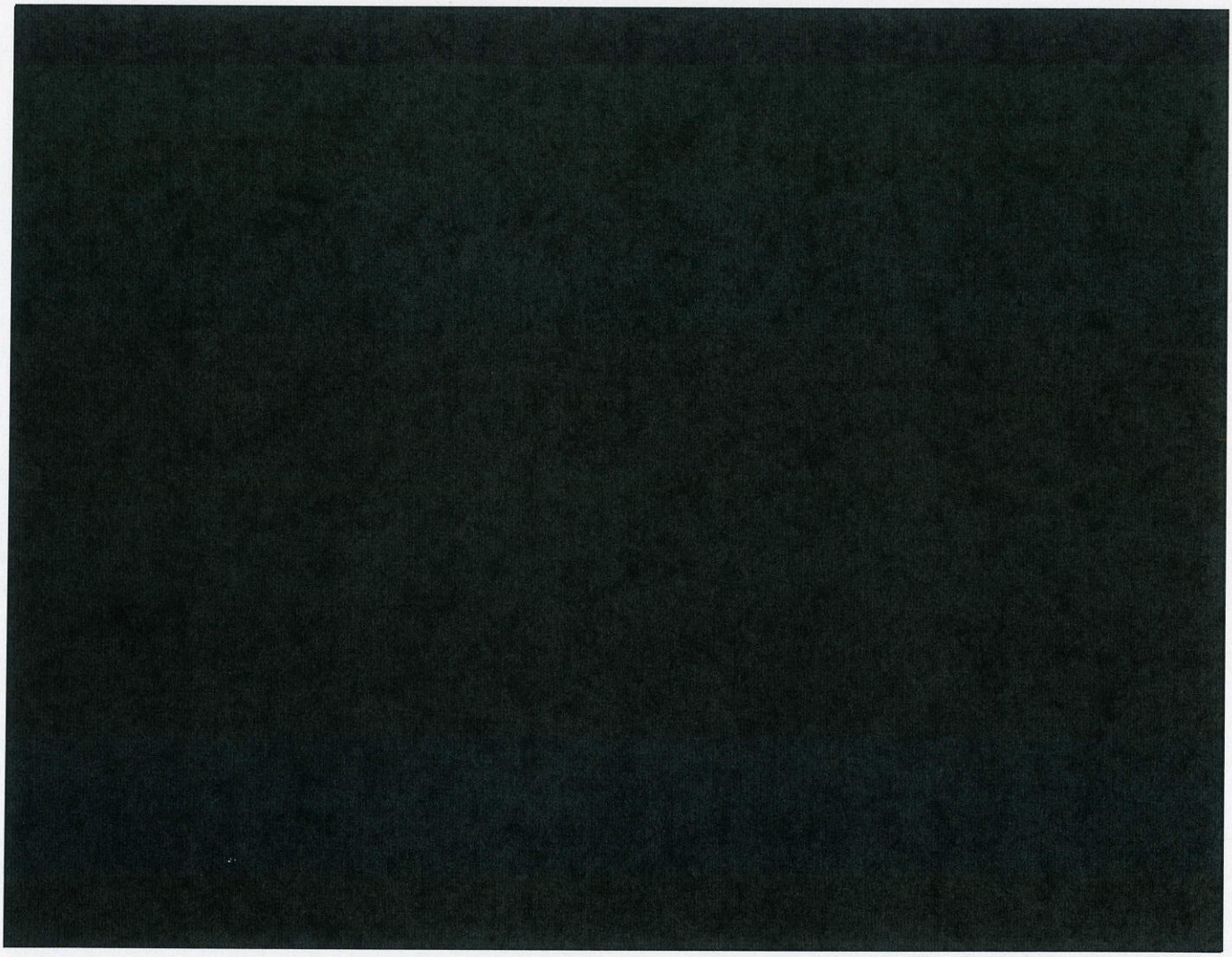
[redacted]

[24] As noted in Exhibit A, [redacted]









Should the Court have additional questions or concerns regarding NSA's handling of the PR/TT metadata, the Government will promptly supplement this Report in response to any such questions or concerns from the Court. ~~(TS//SI//NF)~~

Respectfully submitted,

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for National Security

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By: [redacted]
Chief, Special Operations Unit

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