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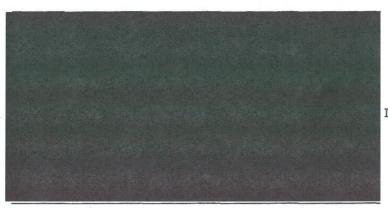
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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.



Docket Number: PR/TT

TAB 1 TO THE DECLARATION OF CHIEF, SPECIAL FOREIGN INTELLIGENCE SURVEILLANCE ACT OVERSIGHT AND PROCESSING, OVERSIGHT AND COMPLIANCE, SIGNALS INTELLIGENCE DIRECTORATE, THE NATIONAL SECURITY AGENCY

(TS//SI//NF) Set forth below is a detailed description of
on which the Government seeks renewed
authority to install and use pen registers and trap and trace
devices, in order to obtain information about

pursuant to the Foreign

Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C., sections 1801-1811, 1841-1846, as amended, as discussed in the

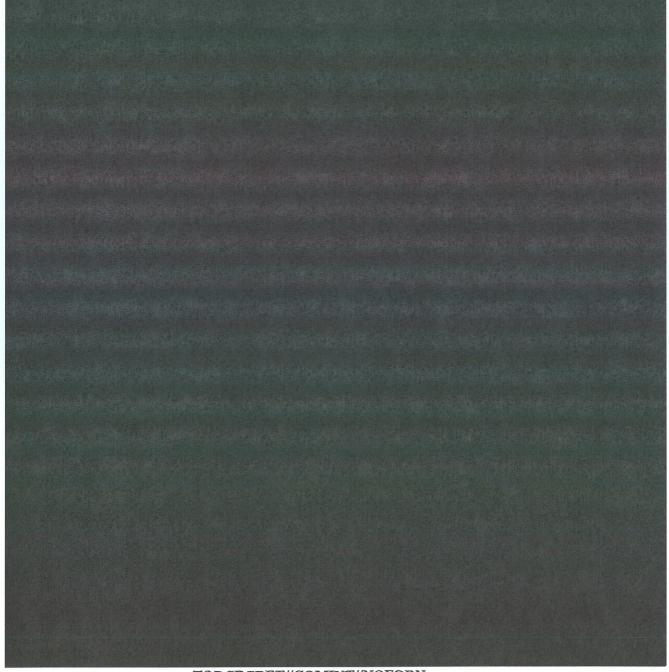
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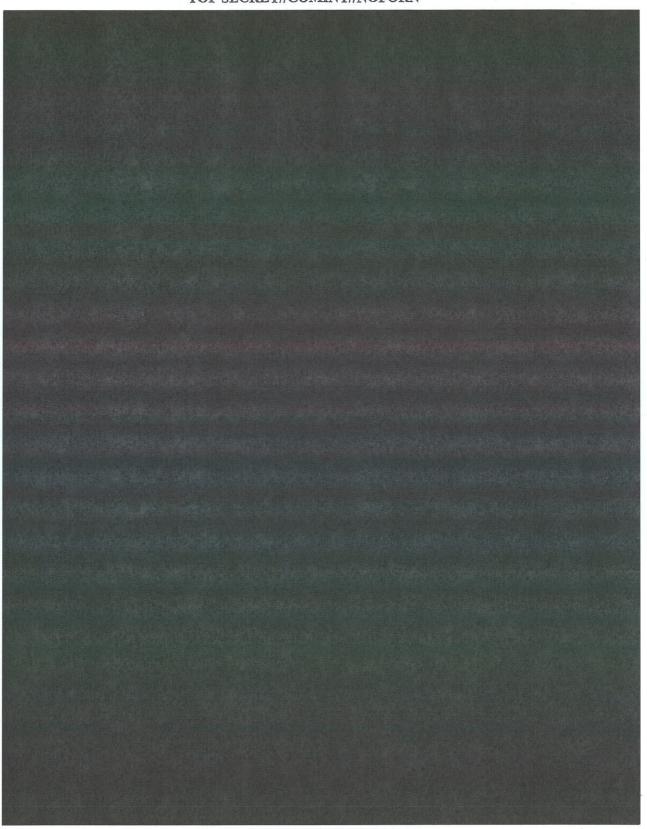
Classified by: NSA/CSSM 1-52, Dated 8 January, 2007

Reason: 1.4(c)

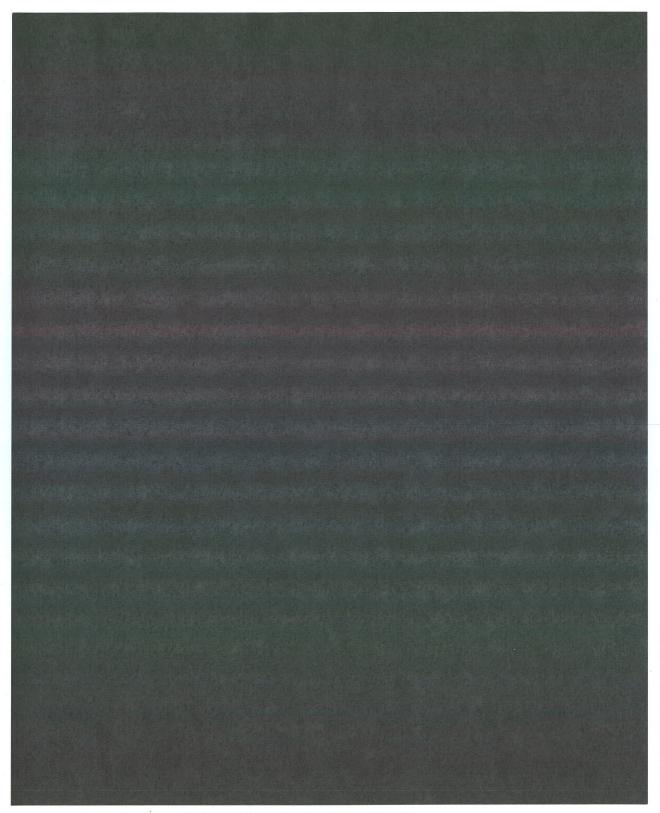
Declassify on:

accompanying Application and the Declaration of
Special FISA Oversight and Processing, Oversight and Compliance,
Signals Intelligence Directorate (SID) National Security Agency
(NSA).





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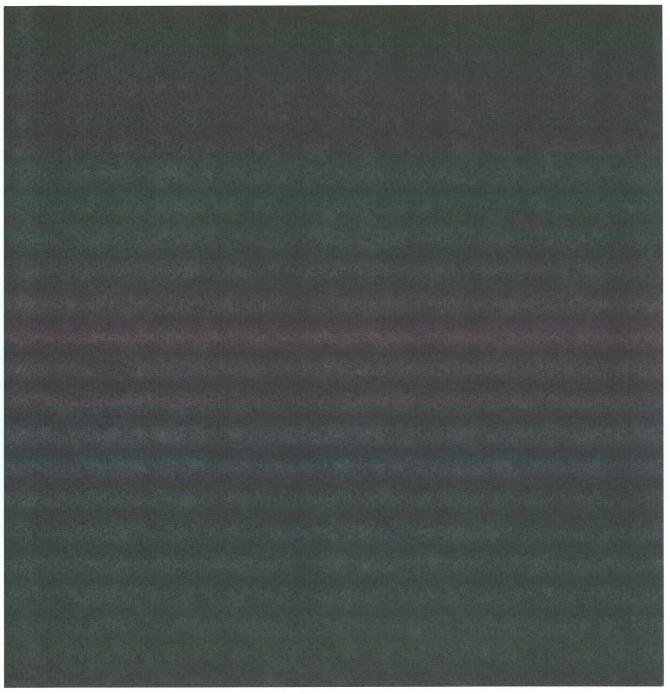
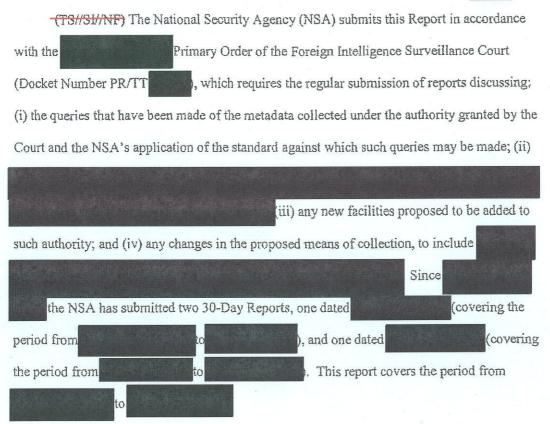




EXHIBIT B

NSA 90 DAY REPORT TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT (PR/TT



(U) NSA's Implementation of the Court's Orders

(TS//SI//NF) The Standard. On July 14, 2004, the Court issued the first of several successive orders authorizing NSA to collect and analyze information regarding electronic communications under the pen register and trap and trace provisions of the Foreign Intelligence Surveillance Act. NSA refers to the July 14, 2004 Order and its successor orders as the PR/TT

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On:

Urders	. Each of the PR/11 Orders authorized NSA to query the metadata	confected only with e-
mail	that met a particular standard:	
	[Q]ueries shall be performed only on the basis of a particular know after the NSA has concluded, based on the factual and practical coneveryday life on which reasonable and prudent persons act, that the to a reasonable articulable suspicion that	nsiderations of
	by a U.S. person shall not be regarded as associated with	believed to be used solely on
	the basis of activities that are protected by the First Amendment to	the Constitution.

See, e.g., Docket Number PR/TT Primary Order at pp. 8-9 (emphasis in original). Each of the PR/TT Orders authorized only certain NSA officials to determine whether an e-mail met the standard, and thus qualified as a "seed" with which to query the metadata. Collectively, NSA refers to these officials as the Designated Approval Authorities.

Each of the PR/TT Orders also required NSA's Office of General Counsel "to ensure appropriate consideration of any First Amendment" concerns by reviewing and approving queries based on seed accounts believed to be used by United States persons. See, e.g., PR/TT Docket Number Primary Order at pp. 8-9, 10-11.

(TS//SI/NF) Application of the Standard. NSA has applied the "reasonable articulable suspicion" standard, also called the "RAS" standard, by examining the totality of the information available on an e-mail address proposed for use as a seed. Available information could derive from any authorized source, including Court-authorized electronic surveillance, communications intercepted pursuant to NSA's Executive Order 12333 authority, open source information, information provided by other Intelligence Community agencies, or any combination of these

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sources. The following examples illustrate the information that might support NSA's		
determination that an e-mail address proposed for use as a seed is associated with		
(collectively the "Foreign Powers") and thus met the RAS standard:		
(TS//SI//NF) The Station Table, the Initial RAS-Approval Process, and the Alert		
List. As of July 14, 2004, the date the Court issued the first PR/TT Order, the NSA had amassed		
a set of more than e-mail addresses believed to be used by individuals associated with the		
Foreign Powers. These e-mail addresses (along with other e-mail addresses either associated		
with other than the Foreign Powers or linked to		
resided in a database referred to as the Station Table. A small		
percentage of these e-mail addresses were reasonably believed to be used by United States		

⁽TS//SI//NF) The Station Table includes NSA's historical listing of all terrorism-related e-mail addresses that have undergone a RAS determination, to include the results of the determination.

persons,² Such addresses carried tags in the Station Table records to denote that they were believed to be used by United States persons.

Approval Officials, and, when necessary, an attorney in NSA's Office of General Counsel, reviewed each of the e-mail addresses in the set linked to the Foreign Powers to determine which met the RAS standard. Those e-mail addresses that met the standard carried a tag in the "comments" field of the Station Table record to note that they had met the RAS standard. All of these RAS-approved e-mail addresses remained on the Station Table. A subset of this master set of RAS-approved e-mail addresses, those believed to be used by all but the lowest priority targets, became the Alert List. Since the initial PR/TT Order of July 14, 2004, NSA has run continuous automated queries against the PR/TT metadata using the e-mail addresses on the Alert List as seeds. NSA has not included all RAS-approved e-mail addresses on the Alert List because NSA has focused its limited analytical resources toward the higher priority targets.

Thus, all of the e-mail addresses on the Alert List are RAS-approved, but not all of the RAS-approved e-mail addresses are on the Alert List.

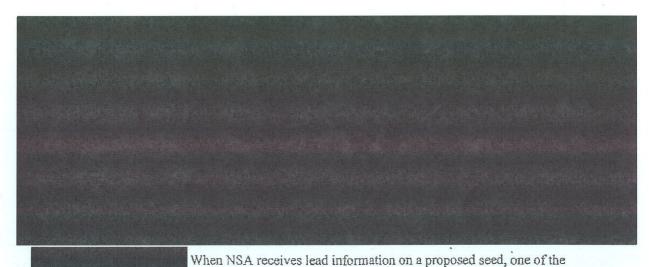
(the date on which NSA first sought renewal of the authority granted under the July 14, 2004 Order), the Alert List grew to approximately e-mail addresses. As of the Alert List had grown to approximately e-mail addresses. When NSA receives information that suggests that a RAS-approved e-mail address is no longer associated with one of the Foreign Powers, NSA will

² (TS//SI//NF) As of e-mail addresses approved for PR/TT querying are reasonably believed to be used by United States persons.

This process was broken on when a new software control, designed to prevent queries that are not RAS approved, was installed. NSA will consult NSD before reactivating the alert process.

change the tag on the Station Table to denote that the address is no longer RAS-approved and will remove the address from the Alert List.⁴

-(TS//SI//NF) <u>RAS-Approval Processes</u>. An e-mail address may be approved as a PR/TT seed, and may possibly be added to the Alert List, in any of the following ways:⁵



Designated Approval Authorities, and when necessary, an attorney in NSA's Office of General Counsel, will review the proposed seed and the accompanying information to determine if it meets the RAS standard.

^{4 (}TS//SWAF)

⁵ (TS#SI#NF) NSA confirms that e-mail addresses have been and continue to be reviewed in accordance with this Court's Orders of

(b) (TS//SI/NF) Subject to Court-Authorized Electronic Surveillance or Physical		
Search. Since the PR/TT Order in Docket Number (dated , the Court has		
Since the Fig 1 1 Order in Docker ranniber (Bated), the Court has		
authorized NSA to approve certain e-mail addresses under the RAS standard without review by		
either a Designated Approval Authority or an attorney in NSA's Office of General Counsel:		
E-mail that are the subject of electronic surveillance and/or physical search authorized by the Foreign Intelligence Surveillance Court (FISC) based on the FISC's finding of probable cause to believe that they are used by agents of		
including those used by U.S. persons, may be deemed approved for metadata querying without approval of an NSA official.		
See, e.g., PR/TT at 19. Thus, e-mail addresses proposed as seeds that satisfy this		
prerequisite may be added to the set of RAS-approved e-mail addresses and to the Alert List		
without further review. NSA receives weekly reports from the Department of Justice, National		
Security Division, that list the e-mail addresses associated with the Foreign Powers that are		
subject to Court-authorized electronic surveillance or physical search. Any foreign-based e-mail		
address approved through this process would have retained the RAS-approved designator, even		
after the Court authorization expired, unless NSA had received information to suggest that the		
factual support for the Court's probable cause determination was erroneous. Any U.Sbased e-		
mail address and/or any e-mail address used by a United States person approved through this		
process would have retained the RAS-approved designator only for the duration of the Court		
authorized electronic surveillance or physical search. Once that authority expired, NSA would		
have removed the RAS-approved designator, unless the e-mail address was submitted to a		
Designated Approval Authority and NSA's Office of General Counsel and was approved under		
the RAS standard		

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- has run continuous automated queries against the PR/TT metadata using the RAS-approved e-mail addresses on the Alert List as seeds. These automated queries return all of the direct (one-hop) and indirect (two-hop) contacts of each of the Alert List seeds. A direct contact of an Alert List seed could be deemed approved for PR/TT querying as a seed under either of the following processes:
 - (i) Direct Contact of Alert List Seed; Tagged within the Station

 Table as Pending RAS-Approval. Certain e-mail addresses residing on the Station

 Table would meet the RAS standard but for a missing link to one of the Foreign

 Powers. In other words, the information available to NSA may demonstrate that
 an e-mail address is used by an individual associated with terrorism, but the group

 with which the individual is affiliated is either not known or is a group that has
 not yet been linked to one of the Foreign Powers. These e-mail addresses carry

 certain tags in the Station Table —

 each of these tags denotes that one of the

 Designated Approval Authorities has reviewed the information available, and has
 determined that RAS-approval is warranted as soon as a direct link to one of the

 Foreign Powers is found. The automated query process looks at all of the direct

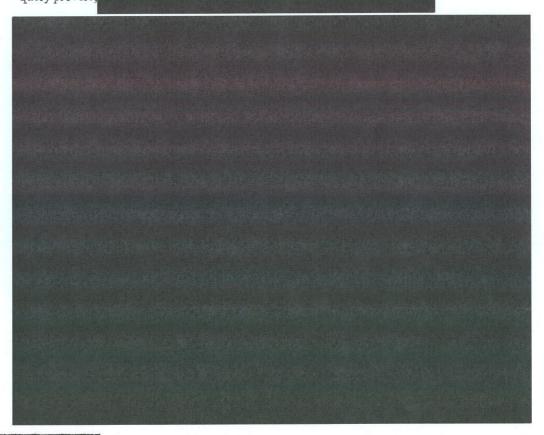


contacts of the Alert List seeds to see if any of these specially-tagged, foreign e-

mail addresses are in direct contact with one or more of the RAS-approved Alert

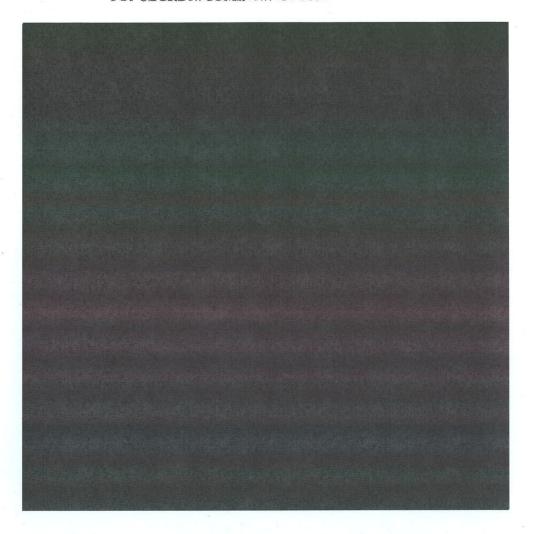
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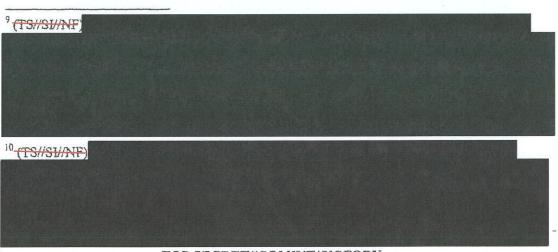
List seeds.⁷ When the automated query process returns one of these e-mail addresses as a direct contact of an Alert List seed, that direct link to one of the Foreign Powers is established. The automated query tool marks the direct contact with a special tag on the Station Table (to denote its RAS approval through this process) and adds the e-mail address to the Alert List. Once added to the Alert List, these new RAS-approved e-mail addresses become seeds for the automated query process,



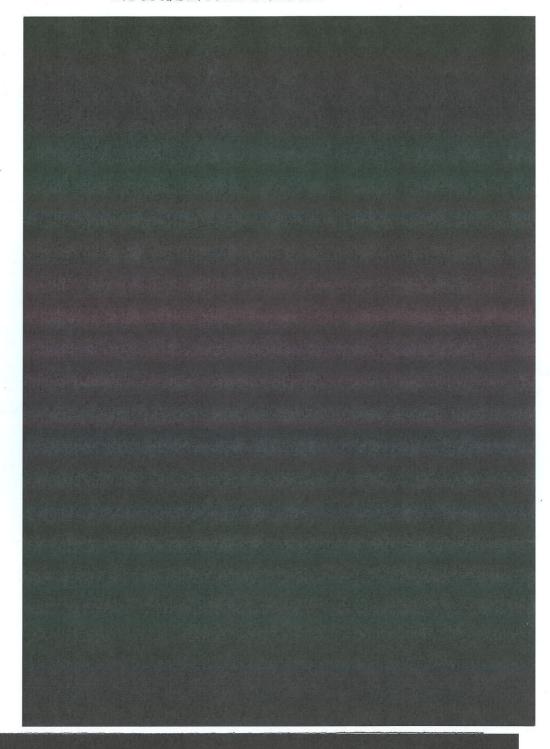
⁷ (TS//SV/NF) A separate field in the Station Table notes whether an e-mail address is reasonably believed to be used by a United States person.



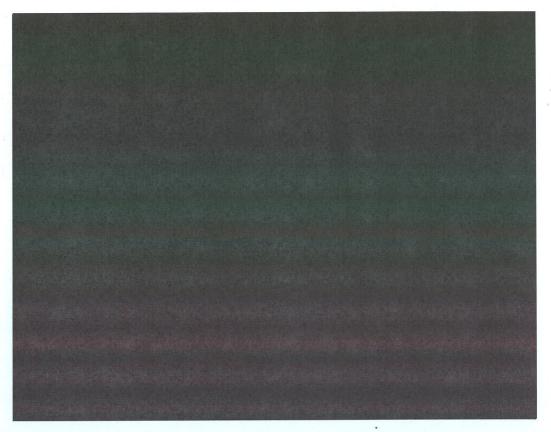




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(TS//SI//NF) Summary of Direct Submission RAS-Reviewed Seeds. Chart A

summarizes all of the direct submission requests, described generally above at p. 5, made to the Homeland Security Analysis Center (HSAC) for seed approval between

(TS//SI/AIP)

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CHART A
NEW E-MAIL ADDRESSES CONSIDERED AS SEED ADDRESSES



(TS//SL/NF) Example of NSA's Application of the RAS Standard.

(TS//SL/NF) An example of the application of the querying standard is chaining request number user of email address is affiliated with the and has been identified by the FBI as the He has maintained close ties to

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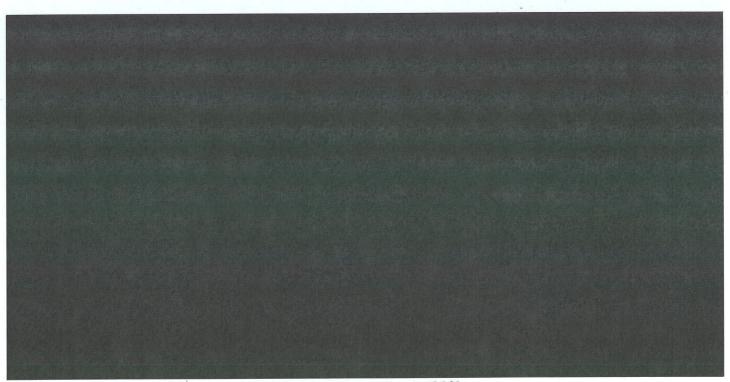
(TS//SV/NF) Summary of Non-Automated Oueries. Chart B summarizes all of the non-automated queries made against the metadata archive from 12 A query is counted each time an analyst enters a seed; thus, an analyst who enters one seed twice -will generate a record of two queries. A query is also counted each time an analyst requests a second hop query prompted by the results of an automated query and each time an analyst seeks combined categories of metadata information simultaneously. The query counts represented on Chart B do not include queries made pursuant to the automated alerting system. The query categories are (a) e-mail queries that return e-mail address chains;

¹² (TS//SI/NF) NSA retains a record of all of the queries, including automated queries, and, upon request by the Court, can provide the entire body of information on a CD-ROM.

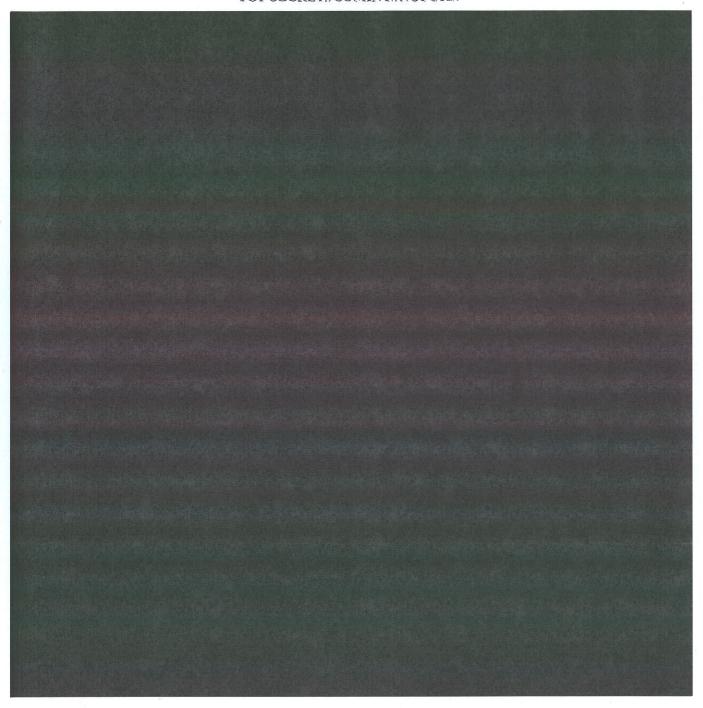
(TS//SI//NF) Set out more specifically below in Chart B are the metrics for the non-automated queries of assigned NSA analysts authorized to access the information collected pursuant to the Court's Orders, resulting from both the automated alert process and leads from other sources:



CHART B



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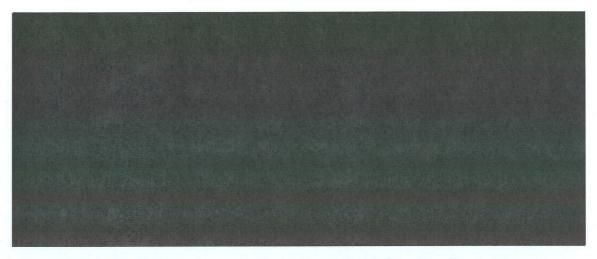
represents the automated queries described section b.1 of NSA's report filed with the Court on

Order. NSA is continuing to -(TS//SI/NF) Audit in Response to pursue end-to-end system engineering and process reviews (technical and operational) of NSA's handling of PR/TT metadata to ensure that the material is handled in strict compliance with the terms of the PR/TT Orders and the NSA's descriptions to the Court. NSA's end-to-end system and engineering and process reviews of NSA's handling of the PR/TT metadata, including a complete audit of analysts' queries entered between is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to its handling of the PR/TT metadata. Similarly, NSA's examination of its technical architecture to ensure that non-RAS-approved e-mail addresses are not being used as seeds for chaining within the PR/TT metadata is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to the use of e-mail addresses used as seeds for within the PR/TT metadata. NSA will report to the Department of chaining Justice and the Court if either the audit or examination of the technical architecture reveals any incidents of improper querying of the PR/TT metadata. As a preventative measure, NSA that prevent queries of the developed new software controls, implemented on PR/TT metadata with any e-mail address that is not RAS-approved. NSA will consult with NSD before reactivating any automated query process, including any alert list process, that touches the PR/IT FISA data.

(TS//SI/NF) New Facilities. NSA is not proposing the addition of any new facilities at this time.

(TS//SI//NF) Changes in the Proposed Means of Collection/Changes to

On



(TS//SI/NF) Conclusion. If the Court desires additional information, NSA is prepared to provide it.



Chief, Special FISA Oversight and Processing
Oversight and Compliance
Signals Intelligence Directorate
National Security Agency



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

	TOP SECRET//COMINT//NOFORN
To:	National Security Agency
From:	National Security Division
	National Security Division
Compliance to discuss a orders of the and related compliance	personnel from the National Security Division (NSD), the ecurity Agency's Office of General Counsel (OGC), Office of Oversight and e, Office of Inspector General (OIG), and Signals Intelligence Directorate (SID) met framework for regular meetings for the purpose of assessing compliance with the see Foreign Intelligence Surveillance Court (FISC) in Docket Number PR/TT dockets. In addition, the attendees discussed steps taken by NSA to assess to date and its progress in implementing remedial steps described in the att's Response to the FISC's Order Dated (DoJ Response). In the Int's Response to the FISC's Order Dated (DoJ Response).
	ATION OF NSA'S TECHNICAL INFRASTRUCTURE (U) esponse to the FISC's Order of directing the Government to affirm
that it is exc	ercising its authority only in accordance with the Primary Order issued in docket
1 In its	filing in docket number PR/TT the Government stated that
doci com OG Dire	least once before any future orders renewing the authorization granted in ket number PR/TT expire, a meeting for the purpose of assessing upliance with this Court's orders will be held with representatives from NSA's C, NSD, and appropriate individuals from NSA's Signals Intelligence actorate. The results of this meeting will be reduced to writing and submitted are Court as part of any application to renew or reinstate this authority[.]
DoJ Respor	nse, at 7. (TS//SI/NF) TOP SECRET//COMINT//NOFORN
	Classified by: Matthew G. Olsen, Acting Assistant Attorney General, NSD, DOJ Reason: 1.4(c) Declassify on:

number PR/TT or fully report to the FISC on any deviation therefrom, the Director of the NSA ordered the NSA to "complete ongoing end-to-end system and process reviews (technical and operational) of NSA's handling of PR/TT metadata to ensure that the material is handled in strict compliance with the terms of the PR/TT Orders and NSA's descriptions to the Court." Declaration of Lt. General Keith B. Alexander (attached as Ex. 1 to the DoJ Response) (Alexander Declaration), at 16. As part of the review process. NSA has initiated a complete audit of PR/TT analyst queries between examining its technical architecture to ensure that NSA's technical infrastructure has not allowed and will not allow e-mail addresses that have not been RAS-approved to be used as seeds with which to conduct contact chaining within the PR/TT data. Alexander Declaration at 16–17. NSA updated the NSD on the progress and findings of these reviews. (TS//SI/NF)
NSA's end-to-end system and engineering and process reviews of NSA's handling of the PR/TT metadata, including a complete audit of analysts' queries entered between is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to its handling of the PR/TT metadata. (TS//SI//NF)
NSA's examination of its technical architecture to ensure that non-RAS-approved e-mail addresses are not being used as seeds for chaining within the PR/TT metadata is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to the use of e-mail addresses used as seeds for chaining within the PR/TT metadata. (TS//SI/NF)
During the meeting, NSA reported that, as a consequence of its discovery of a compliance matter involving automated queries of NSA BR FISA data, on NSA effectively walled-off the BR FISA data from all automated processes and subroutines. This compliance matter involving automated queries of the BR FISA data (the and the immediate corrective measures undertaken by NSA upon its discovery, are described in greater detail in the Supplemental Declaration of General Alexander filed with the FISC on under docket number BR 08-13. (TS//SI//NF)
The NSA also reported during the meeting that the automated query process that had touched upon the BR FISA data had not touched upon the PR/TT FISA data; however, as a precautionary measure, on NSA effectively walled-off the PR/TT FISA data from all automated processes and subroutines as well. The NSA further reported that, as a result of this engineering remedy, the repositories holding the PR/TT metadata would currently accept only manual queries based upon a RAS determination. NSA and NSD agreed that NSA will consult with NSD before reactivating any automated query process that touches the PR/TT FISA data. The NSA will continue its examination of all processes to determine whether there are other processes that improperly queried the PR/TT FISA data. (TS//SI/NF)

TRAINING MATERIALS (U)

In the DoJ Response, the Government also represented to the FISC that NSA will promptly provide NSD with copies of all formal briefing materials currently in use or prepared and used in the future to brief or train NSA personnel concerning the authorization granted by

the FISC in this matter. See DoJ Response at 6. During the meeting, NSA OGC provided NSD with a description of the OGC briefing process as well as three legal memos used to brief NSA analysts. In addition, OGC also represented that it used the FISC's current PR/TT orders to conduct the briefings. According to NSA OGC, all NSA analysts who have sought access to the PR/TT metadata have been required to undergo an initial one-hour briefing presented in a small-group format of approximately eight individuals. Recently, this briefing procedure has been revised and the initial briefing is now being conducted using a one-on-one format. According to NSA SID, all such legal training has been recorded in a personnel database with training and review information for each analyst. NSA Oversight and Compliance also reported that it is considering instituting refresher training for analysts on an annual basis. In addition to training conducted by NSA OGC, NSA SID has conducted RAS-approval training for analysts who have sought access to the PR/TT metadata. This training has been typically conducted in groups of five as a lead-in to one-on-one training. SID agreed to document and compile this training material for submission to NSD for its review. (TS//SI/NF)

OUTLINE FOR FUTURE MEETINGS (U)

NSA and NSD agreed that these oversight meetings would be held on a regular basis as discussed in the DoJ response. The participants will exchange agendas in advance, and each will designate appropriate participants based upon the content of the final agenda. To the extent that the meetings can be scheduled to coincide with regular oversight and compliance reviews, the participants will schedule them accordingly. (S)

OUTLINE FOR FUTURE OVERSIGHT AND COMPLIANCE REVIEWS (U)

NSA and NSD agreed that it would meet at the earliest opportunity to develop a protocol for future oversight and compliance reviews. NSA and NSD also discussed a future briefing for NSD involving a detailed, end-to-end explanation of NSA's technical infrastructure, including a "hands-on" demonstration of the process by which NSA analysts query the PR/TT FISA data. (TS//SI/NF)

ATTENDEES (U)

The following individuals represented the NSA during all or part of the meeting:

The following individuals represented NSD at the meeting: