

~~TOP SECRET//COMINT//ORCON,NOFORN~~

CLASSIFIED APPENDIX IN SUPPORT OF THE GOVERNMENT'S MOTION TO
COMPEL COMPLIANCE WITH DIRECTIVES OF THE DIRECTOR OF
NATIONAL INTELLIGENCE AND ATTORNEY GENERAL

TAB
I

DESCRIPTION

DNI/AG CERTIFICATION [REDACTED] *

Affidavit of Keith B. Alexander*

Exhibit A = NSA Procedures**

Exhibit B = NSA Minimization Procedures*

Directives and 18 U.S.C. § 2511 certifications executed pursuant to
DNI/AG Certification [REDACTED]

AMENDMENT 1 TO DNI/AG CERTIFICATION [REDACTED]

Affidavit of Robert S. Mueller, III

Affidavit of Keith B. Alexander

Exhibit A = NSA Procedures**

Exhibit B = NSA Minimization Procedures

Exhibit E = CIA Minimization Procedures

Exhibit F = FBI Procedures

18 U.S.C. § 2511 CERTIFICATIONS EXECUTED IN FEBRUARY 2003
PURSUANT TO DNI/AG CERTIFICATION [REDACTED]

* = Included in Classified Appendix filed 11 December 2007.

** = The NSA procedures attached to each certification amendment are copies of the NSA procedures approved for use under the original certifications. These copies were attached to the certification amendments for reference purposes only.

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Classified by: Matthew G. Olsen, Deputy Assistant
Attorney General, NSD, DOJ

Reason: 1.4(c)Declassify on: 20 February 2033

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CLASSIFIED APPENDIX IN SUPPORT OF THE GOVERNMENT'S MOTION TO
COMPEL COMPLIANCE WITH DIRECTIVES OF THE DIRECTOR OF
NATIONAL INTELLIGENCE AND ATTORNEY GENERAL



DECLARATION OF 

* = Included in Classified Appendix filed 11 December 2007.

** = The NSA procedures attached to each certification amendment are copies of the NSA procedures approved for use under the original certifications. These copies were attached to the certification amendments for reference purposes only.

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TAB 1

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CERTIFICATION OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE
ATTORNEY GENERAL PURSUANT TO SECTION 105B OF THE FOREIGN
INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED

IN THE MATTER OF [REDACTED]
[REDACTED]

DNI/AG 105B CERTIFICATION [REDACTED]

The Director of National Intelligence and the Attorney General, based on the representations of Lieutenant General Keith B. Alexander, United States Army, Director of the National Security Agency (NSA), in his affidavit executed on [REDACTED] 2007, being duly sworn, hereby certify that: ~~(S)~~

(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Foreign Intelligence Surveillance Court pursuant to section 105C of the Act; ~~(S)~~

(2) the acquisition does not constitute electronic surveillance as defined in section 101(3) of the Act; ~~(S)~~

(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of communications service providers, custodians, or other persons (including any officer, employee, agent, or other specified person of such service providers, custodians, or other persons) who have access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; ~~(S)~~

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Classified by: Attorney General
Reason: 1.4(c)
Declassify on: [REDACTED] 2032

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(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and ~~(S)~~
~~(S)~~ the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h) of the Act. ~~(S)~~

On the basis of the foregoing, the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States, as described above, is hereby authorized. Any time NSA seeks to acquire foreign intelligence information against a U.S. person abroad in the above-referenced matter, NSA must first obtain Attorney General authorization, using the procedures under Executive Order 12333, section 2.5. This authorization expires on [REDACTED] 2008. ~~(S)~~

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VERIFICATION

I declare under penalty of perjury that the facts set forth in the foregoing Certification in the Matter of [REDACTED]

[REDACTED] DNI/AG 105B Certification [REDACTED] are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on [REDACTED] 2007. (S)


Alberto R. Gonzales
Attorney General of the United States

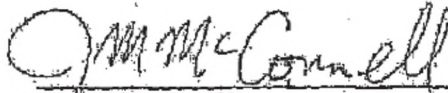
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VERIFICATION

(S) I declare under penalty of perjury that the facts set forth in the foregoing Certification in the matter of [REDACTED]

[REDACTED] DNI/AG 105B Certification [REDACTED] are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1745 on [REDACTED] 2007.



J.M. McConnell
Director of National Intelligence

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**AFFIDAVIT OF LT GENERAL KEITH B. ALEXANDER, UNITED STATES
ARMY, DIRECTOR, NATIONAL SECURITY AGENCY**

IN THE MATTER OF [REDACTED]

[REDACTED]

~~(U//FOUO)~~ Pursuant to section 105B of the Foreign Intelligence Surveillance Act (FISA) and in support of National Security Agency (NSA) request number [REDACTED] to the Attorney General of the United States and the Director of National Intelligence seeking authorization for the NSA to acquire foreign intelligence information concerning persons reasonably believed to be outside of the United States, and further requesting that the Attorney General and the Director of National Intelligence direct the persons specified herein to provide the assistance required to effect such acquisition, I affirm the following is true and accurate to the best of my knowledge and belief:

1. ~~(U//FOUO)~~ There are reasonable procedures in place that the NSA will use to determine that its acquisition of foreign intelligence information pursuant to the requested section 105B certification concerns persons reasonably believed to be located outside of the United States. These procedures are attached to this affidavit as Exhibit A. In addition, any time NSA seeks to acquire foreign intelligence information against a U.S. person abroad in the above-referenced matter, NSA will first obtain Attorney General authorization, using the procedures under Executive Order 12333, Section 2.5.
2. ~~(U//FOUO)~~ The NSA's acquisition of foreign intelligence information pursuant to the requested Section 105B certification will not constitute electronic surveillance, as that term is defined in the FISA, because the NSA has determined that the surveillance will be directed at persons reasonably believed to be located outside the United States. As noted above, the procedures used to make such determinations are attached to this affidavit as Exhibit A.
3. ~~(TS//SI//NF)~~ The NSA's acquisition of foreign intelligence information pursuant to the requested Section 105B certification involves obtaining the foreign intelligence information from or with the assistance of [REDACTED] communications service providers and/or other persons who have access to the communications that constitute the foreign intelligence, and these communications service providers and/or other persons include the following:
[REDACTED]

[REDACTED] These providers have and will in the future have in their possession and/or

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control foreign intelligence information in the form of communications to and/or from persons reasonably believed to be outside the United States, as determined in accordance with Exhibit A.

4.

5.

6. ~~(TS//SI//NF)~~ The NSA believes that each of the persons who will be targeted for collection pursuant to this request possesses and is likely to communicate information concerning

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9. ~~(TS//SI//NF)~~ In determining whether each of the persons targeted for collection pursuant to this request possesses and is likely to communicate information concerning



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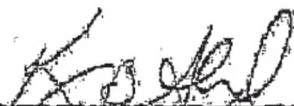
10. ~~(TS//SI//NF)~~ Accordingly, a significant purpose of the acquisition is to obtain foreign intelligence information that relates to, and if concerning a United States person is necessary to, the ability of the United States to [REDACTED]

[REDACTED] The NSA may also incidentally acquire other types of foreign intelligence information.

11. ~~(U//FOUO)~~ With respect to the information the NSA acquires pursuant to the requested Section 105B certification, the NSA will follow the Minimization Procedures attached at Exhibit B.

(U) I declare under penalty of perjury that the foregoing is true and correct.

Signed this [REDACTED] 2007.


KEITH B. ALEXANDER
Lieutenant General, U.S. Army
Director, National Security Agency

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EXHIBIT A

IN THE MATTER OF

PROCEDURES USED BY NSA IN CONNECTION WITH NSA REQUEST
NUMBER [REDACTED] FOR AUTHORIZATION FROM THE ATTORNEY GENERAL
AND THE DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE
FOREIGN INTELLIGENCE INFORMATION PURSUANT TO SECTION 105B
OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA)

[REDACTED]

[REDACTED]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20310216

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~~SECRET//COMINT//REL TO USA~~ [REDACTED]~~20320108~~**EXHIBIT B****IN THE MATTER OF** [REDACTED]

**MINIMIZATION PROCEDURES USED BY NSA IN CONNECTION WITH NSA
REQUEST NUMBER [REDACTED] FOR AUTHORIZATION FROM THE ATTORNEY
GENERAL AND THE DIRECTOR OF NATIONAL INTELLIGENCE TO
ACQUIRE FOREIGN INTELLIGENCE INFORMATION PURSUANT TO
SECTION 105B OF THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT (FISA)**

1. With respect to the information the NSA acquires pursuant to the certification of the Attorney General of the United States and the Director of National Intelligence, the NSA will follow:

(a) the Standard Minimization Procedures for Electronic Surveillance Conducted by the National Security Agency (also known as Annex A to United States Signals Intelligence Directive 18), which have been adopted by the Attorney General and are on file with the Foreign Intelligence Surveillance Court,

(b) Certain of the modifications to the standard NSA FISA minimization procedures for electronic surveillance adopted by the Foreign Intelligence Surveillance Court in [REDACTED]

[REDACTED] which modifications are set forth

below:

1. The following shall be added to the end of Section 3(f) of these standard NSA FISA procedures:

(7) The National Security Division of the Department of Justice shall periodically determine that information concerning communications of or concerning United States persons that is retained meets the requirements of these procedures and the Foreign Intelligence Surveillance Act.

2. The following shall be added to the end of Section 4(b) of these standard NSA FISA procedures:

With respect to any other communication where it is apparent to NSA processing personnel that the communication is between a person and the person's attorney (or someone acting on behalf of the attorney) concerning legal advice being sought by the former from the latter, such communications relating to foreign intelligence information may be retained and disseminated within

Derived From: NSA/CSSM 1-52

Dated: 20070108

Classify On: 20320108

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the U.S. Intelligence Community if the communications are specifically labeled as being privileged. However, such communications may not be disseminated outside of the U.S. Intelligence Community without the prior approval of the Assistant Attorney General for the National Security Division or his designee.

3. The following shall replace subsections (a), (b), and (c) of Section 8 of these standard NSA FISA procedures:

NSA may disseminate nonpublicly-available identity or personally identifiable information concerning United States persons to foreign governments provided that such information is foreign intelligence information and either (i) the Attorney General approves the dissemination; or (ii) NSA disseminates the information under procedures approved by the Attorney General. In addition, NSA may disseminate such foreign intelligence information, to the extent authorized by the Director of National Intelligence (DNI) and in accordance with DNI directives, subject to the following procedures:

- (1) Disseminations to the Governments of the [REDACTED] may be made upon the approval of any person designated for such purpose by the Director of NSA.
- (2) Disseminations to other foreign governments may be made upon the approval of the NSA's Office of General Counsel, upon consideration of the following factors: the national security benefit the United States may reasonably expect to obtain from making the dissemination; the anticipated uses to which the foreign government will put the information; and any potential for economic injury, physical harm, or other restriction of movement to be reasonably expected from providing the information to the foreign government. If the proposed recipient(s) of the dissemination have a history of human rights abuses, that history should be considered in assessing the potential for economic injury, physical harm, or other restriction of movement, and whether the dissemination should be made. In cases where there is a reasonable basis to anticipate that the dissemination will result in economic injury, physical harm, or other restriction of movement: (i) the approval of the NSA's Signals Intelligence Director will also be required; and (ii) if dissemination is approved, NSA will undertake reasonable steps to ensure that the disseminated information will be used in manner consistent with United

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States law, including Executive Order No. 12,333 and applicable federal criminal statutes.

- (3) NSA will make a written record of each dissemination approved pursuant to these procedures, and information regarding such disseminations and approvals shall be made available for review by the National Security Division, United States Department of Justice, on at least an annual basis.

4. Regarding dissemination of evidence of a crime, Sections 3(a)(2) and 6(b)(8) of these standard NSA FISA procedures shall be superseded by the following:

Information that is not foreign intelligence information, but reasonably appears to be evidence of a crime that has been, is being, or is about to be committed, may be disseminated (including United States person identities) to the FBI and other appropriate federal law enforcement authorities, in accordance with 50 U.S.C. § 1806(b), Executive Order No. 12,333, and, where applicable, the crimes reporting procedures set out in the August 1995 'Memorandum of Understanding: Reporting of Information Concerning Federal Crimes,' or any successor document.

5. The following shall be added to end of Section 6 of these standard NSA FISA procedures:

NSA may disseminate all communications acquired to the CIA, which shall process any such communications in accordance with minimization procedures approved by the Attorney General.

- (e) The following additional modifications to the standard NSA FISA minimization procedures for electronic surveillance:

1. Notwithstanding sections 3(c)(2) and (e), 5(b), and 6(a) of the standard NSA FISA procedures, communications acquired under this Certification may be retained for five years. The communications that may be retained under this Certification include [REDACTED]

2. Section 3(c)(6) of these standard NSA FISA minimization procedures is deleted and replaced with:

To the extent reasonably possible, NSA personnel with access to the data acquired pursuant to this authority shall query the data in a manner designed to minimize the review of communications of or concerning U.S. persons that do not contain foreign intelligence information or evidence of a crime.

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3. Section 3(g)(1) of these standard NSA FISA minimization procedures, relating to absences "from premises under surveillance" by agents of a foreign power, shall not apply to this surveillance.

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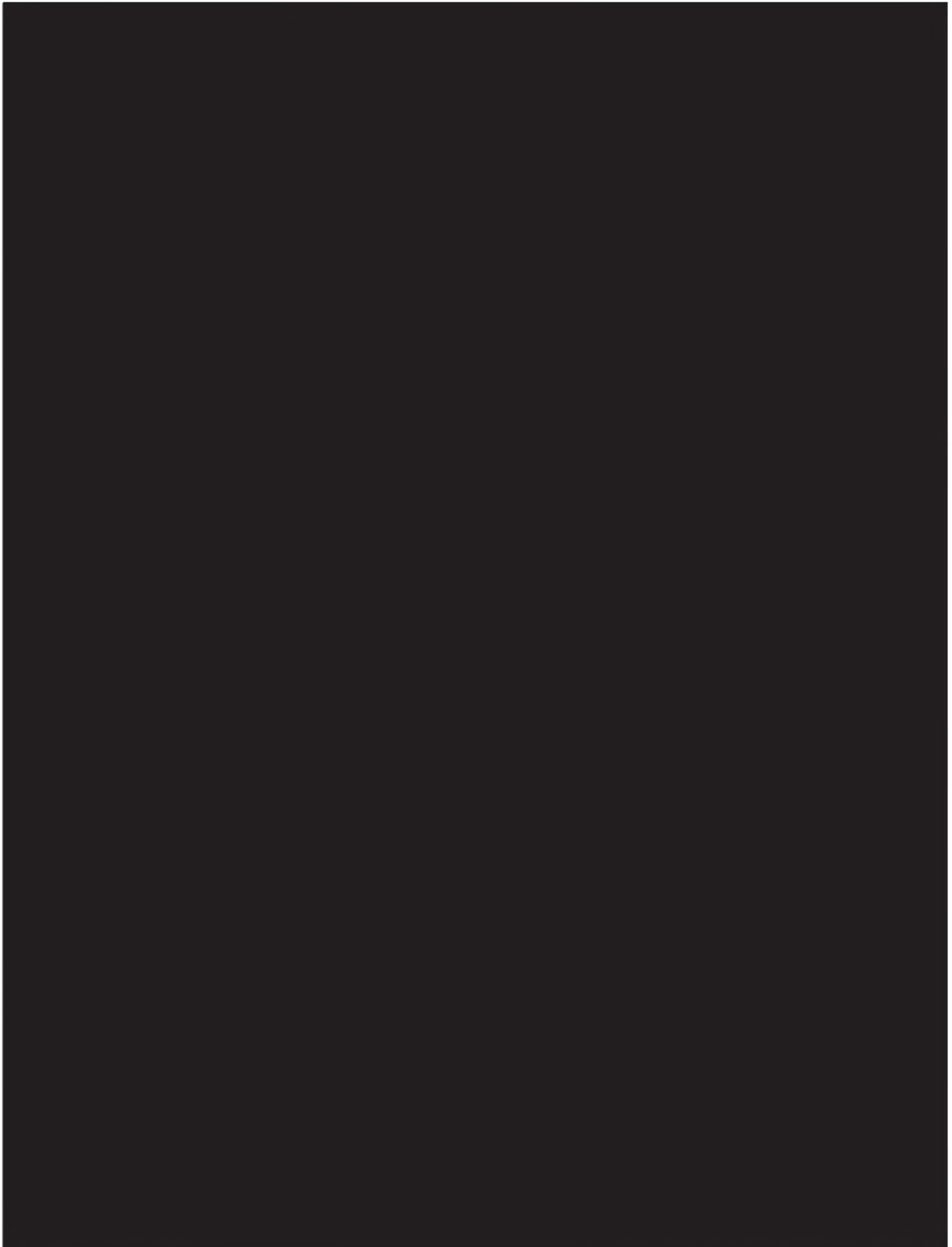
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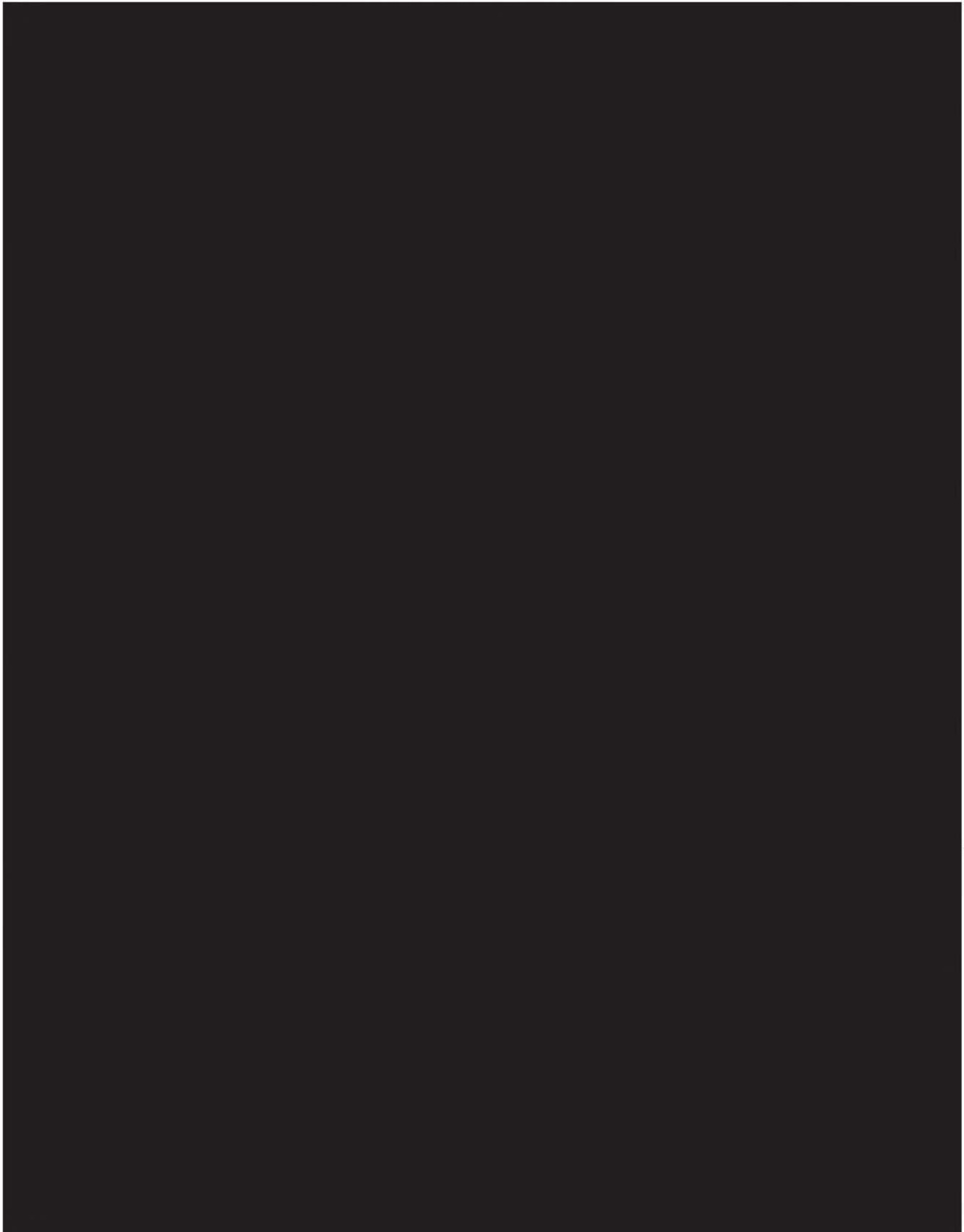
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**DIRECTIVE OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE
ATTORNEY GENERAL PURSUANT TO SECTION 105B OF THE FOREIGN
INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED**

TO: Yahoo Inc.
RE: DNI/AG 105B Certification [REDACTED]

The Director of National Intelligence and the Attorney General executed in writing and under oath, based on a supporting affidavit, the above-referenced Certification pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), thereby authorizing the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States. The Certification was executed by the Attorney General on [REDACTED] 2007, and by the Director of National Intelligence on [REDACTED] 2007. Specifically, the Director of National Intelligence and the Attorney General certified that:

- (1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under section 105B of the Act concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Foreign Intelligence Surveillance Court pursuant to section 105C of the Act;
- (2) the acquisition does not constitute electronic surveillance as defined in section 101(f) of the Act;
- (3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of communications service providers, custodians, or other persons (including any officer, employee, agent, or other specified person of such service providers, custodians, or other persons) who have access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;
- (4) a significant purpose of the acquisition is to obtain foreign intelligence information; and
- (5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h) of the Act.

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Classified by: The Attorney General
Reason: 1.4(c)
Declassify on: [REDACTED] 2032

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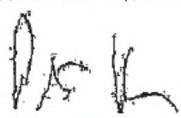
The acquisition of such information pursuant to the above-referenced Certification was authorized for a period of one year from the date that Certification was executed. This authority will expire on [REDACTED] 2008.

The Government will [REDACTED] pursuant to the above-referenced Certification, in a mutually agreed upon format.

[REDACTED] Yahoo Inc., including its affiliates, subsidiaries, assigns and successors, and including any officer, employee, agent, or other specified person thereof (hereinafter referred to collectively as Yahoo), is hereby directed, pursuant to section 105B(c)(1) of the Act, to immediately provide the Government with all information, facilities, and assistance necessary to accomplish this acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that Yahoo provides.

Yahoo is further directed, pursuant to section 105B(e)(2) of the Act, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that Yahoo wishes to maintain.

The Government shall compensate Yahoo at the prevailing rate for providing information, facilities, or assistance pursuant to this Directive.


 Peter D. Keisler
 Acting Attorney General of the United States

Signed: [REDACTED] 2007


 J.M. McConnell
 Director of National Intelligence

Signed: [REDACTED] 2007

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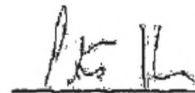
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CERTIFICATION OF THE ATTORNEY GENERAL OF THE UNITED STATES
PURSUANT TO 18 U.S.C. § 2511

With respect to the acquisition of foreign intelligence information authorized in DNI/AG 105B Certification [REDACTED], I certify that no warrant or court order is required by law, that all statutory requirements have been met, and that the assistance directed with respect to the above-referenced Certification is required by the Government in order to accomplish this acquisition. This assistance is required for a period of one year from the date that Certification was executed.

Yahoo shall not disclose the existence of any interception or surveillance or the device used to accomplish any interception or surveillance undertaken pursuant to the above-referenced Certification, except as provided in section 105B(h) of the Foreign Intelligence Surveillance Act of 1978, as amended, or as may otherwise be required by legal process and then only after prior notification to the Attorney General.

In all other respects the undersigned represents that the Directive in the above-referenced matter is consistent with and authorized by the laws of the United States.



Peter D. Keisler
Acting Attorney General of the United States

Signed: [REDACTED] 2007

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AMENDMENT TO THE CERTIFICATION OF THE DIRECTOR OF NATIONAL
INTELLIGENCE AND THE ATTORNEY GENERAL PURSUANT TO SECTION 105B
OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED

IN THE MATTER OF [REDACTED]
[REDACTED]

DNI/AG 105B Certification [REDACTED]

Amendment 1

The Director of National Intelligence and the Attorney General executed in writing and under oath, based on a supporting affidavit, the above-referenced Certification pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), thereby authorizing the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States. The Certification was executed by the Attorney General on [REDACTED] 2007, and by the Director of National Intelligence on [REDACTED] 2007. Specifically, the Director of National Intelligence and the Attorney General certified that:

~~(S)~~

(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under section 105B of the Act concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Foreign Intelligence Surveillance Court pursuant to section 105C of the Act; ~~(S)~~

(2) the acquisition does not constitute electronic surveillance as defined in section 101(f) of the Act; ~~(S)~~

(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of communications service providers, custodians, or other persons

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Classified by: The Attorney General
Reason: 1.4(e)
Declassify on: 29 January 2033

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(including any officer, employee, agent, or other specified person of such service providers, custodians, or other persons) who have access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; (S)

(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and (S)

(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(b) of the Act. (S)

As explained in the affidavit of Robert S. Mueller, III, Director, Federal Bureau of Investigation (FBI) (hereinafter "Mueller affidavit"), the FBI seeks authorization to acquire pursuant to the above-referenced certification foreign intelligence information, [REDACTED] concerning persons reasonably believed to be outside the United States. Attached herewith as Exhibit F are the procedures that, as explained in the Mueller affidavit, the FBI will use to determine, in conducting the acquisition [REDACTED] that the requested acquisition concerns persons reasonably believed to be located outside the United States. The Mueller affidavit also sets forth the minimization procedures that the FBI will apply to the [REDACTED] communications it acquires pursuant to the requested authorization. (S)

[REDACTED]

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Accordingly, based on the representations made in the affidavits described herein, the Director of National Intelligence and the Attorney General hereby certify that: ~~(S)~~

(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under section 105B of the Act concerns persons reasonably

¹ The affidavit that General Alexander executed on January 29, 2008, also contains information that supplements the affidavit that General Alexander executed on [REDACTED] 2007. This supplemental information concerns communications service providers and/or other persons who have access to the communications that constitute the foreign intelligence. ~~(S)~~

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believed to be located outside the United States, and such procedures will be subject to review of the Foreign Intelligence Surveillance Court pursuant to section 105C of the Act. ~~(S)~~

(2) the acquisition does not constitute electronic surveillance as defined in section 101(f) of the Act; ~~(S)~~

(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of communications service providers, custodians, or other persons (including any officer, employee, agent, or other specified person of such service providers, custodians, or other persons) who have access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; ~~(S)~~

(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and ~~(S)~~

(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h) of the Act. ~~(S)~~

On the basis of the foregoing, the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States, as described above, is hereby authorized. Any time the acquisition of foreign intelligence information against a U.S. person abroad is sought pursuant to the above-referenced certification, Attorney General authorization, pursuant to the procedures under Executive Order 12333, section 2.5, must first be obtained. This authorization expires on [REDACTED] 2008. ~~(S)~~

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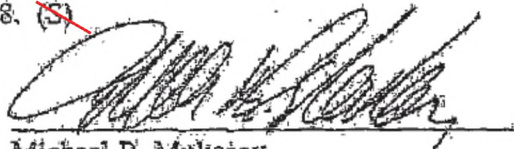
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VERIFICATION

I declare under penalty of perjury that the facts set forth in the foregoing Amendment to the Certification in the Matter of [REDACTED]

[REDACTED] DNI/AG 103E Certification [REDACTED]

are true and correct to the best of my knowledge and belief. Executed pursuant to 28 U.S.C. § 1746 on January 31, 2008. (S)



Michael B. Mukasey
Attorney General of the United States

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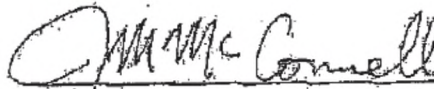
VERIFICATION

I declare under penalty of perjury that the facts set forth in the foregoing Amendment to the Certification in the matter of [REDACTED]

[REDACTED] DNVAG 105B Certification [REDACTED]

are true and correct to the best of my knowledge and belief, Executed pursuant to 28 U.S.C.

§ 1746 on January 30, 2008. ~~(S)~~



J.M. McConnell
Director of National Intelligence

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**AFFIDAVIT OF ROBERT S. MUELLER, III
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION**

IN THE MATTER OF [REDACTED]

AMENDMENT 1

~~(S)~~ Pursuant to Section 105B of the Foreign Intelligence Act of 1978, as amended ("FISA"), and in support of the Federal Bureau of Investigation's request to the Attorney General of the United States and the Director of National Intelligence seeking to amend DNI/AG 105B Certification 07-01 to authorize the Federal Bureau of Investigation (FBI) to acquire [REDACTED] concerning persons reasonably believed to be outside of the United States, and further requesting that the Attorney General and the Director of National Intelligence direct the persons specified herein to provide the assistance required to effect such acquisitions, I affirm the following is true and correct to the best of my knowledge and belief:

1. ~~(S)~~ The Director of National Intelligence and the Attorney General executed in writing and under oath the above-referenced Certification pursuant to section 105B of the FISA, thereby authorizing the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States. The above-referenced Certification was executed in writing and under oath by the Attorney General on [REDACTED] 2007, and by the Director of National Intelligence on [REDACTED] 2007. The above-referenced Certification was based on a supporting affidavit of Lieutenant General Keith B. Alexander, United States Army, Director of the National Security Agency (NSA), which was executed on [REDACTED] 2007.
2. ~~(S)~~ Attached as Exhibit A to the declaration that General Alexander executed on [REDACTED] 2007, were the procedures by which NSA determines that the acquisition of foreign intelligence information pursuant to the above-referenced Certification concerns persons reasonably believed to be located outside of the United States. These procedures are attached herewith as Exhibit A. In the above-referenced Certification, the Director of National Intelligence and Attorney General determined in writing and under oath that these procedures were reasonable.

3. [REDACTED]

Derived From: Multiple Sources
Declassify On: January 25, 2033

~~SECRET// JANUARY 25, 2033~~

~~SECRET// JANUARY 25, 2033~~

4. ~~(S)~~ The FBI's acquisition of [REDACTED] is consistent with Section 105B of FISA because: the acquisition will not constitute electronic surveillance, as defined in FISA; the acquisition will involve obtaining foreign intelligence information from or with the assistance of the above-described communication service providers and/or other persons, who have access to such communications [REDACTED]; and a significant purpose of the acquisition is to obtain foreign intelligence information.

5. ~~(S)~~ In conducting the acquisition of [REDACTED] the FBI will use the procedures attached herewith as Exhibit F to determine that the requested acquisition concerns persons reasonably believed to be located outside the United States.

6. [REDACTED]

7. ~~(S)~~ The minimization procedures that the FBI will use with respect to any [REDACTED] it acquires pursuant to the above-referenced Certification are the procedures set forth in the Government's Motion for Amended Orders Permitting Modified Minimization Procedures filed in Docket No. 02-431, as extended and modified by orders of the Foreign Intelligence Surveillance Court, most recently on December 6, 2007, with the following modifications:

- a. All [REDACTED] acquired pursuant to the certification of the Attorney General of the United States and the Director of National Intelligence shall be treated under these procedures in the same manner as [REDACTED]

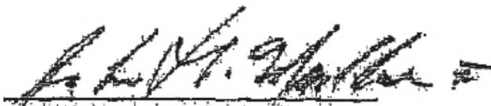
~~SECRET// JANUARY 25, 2033~~

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- b. References to "United States person agent of a foreign power" shall be understood to refer to United States persons reasonably believed to be located outside the United States, against whom the Attorney General has authorized the acquisition of foreign intelligence information pursuant to section 2.5 of Executive Order 12333.
- c. References to "non-United States person agent of a foreign power" shall be understood to refer to non-United States persons reasonably believed to be located outside the United States.
- d. 

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26th day of January 2008.


ROBERT S. MUELLER, III
Director, Federal Bureau of Investigation

~~SECRET// JANUARY 25, 2033~~

TOP SECRET//COMINT [REDACTED]//NOFORN//20320108

AFFIDAVIT OF LT GENERAL KEITH B. ALEXANDER, UNITED STATES
ARMY, DIRECTOR, NATIONAL SECURITY AGENCYIN THE MATTER OF [REDACTED]
[REDACTED]

AMENDMENT 1

~~(TS//SI//NF)~~ Pursuant to section 105B of the Foreign Intelligence Surveillance Act (FISA) and in support of the Federal Bureau of Investigation (FBI) request to the Attorney General of the United States and the Director of National Intelligence seeking to amend DNI/AG 105B Certification [REDACTED] to authorize the Federal Bureau of Investigation (FBI) to acquire [REDACTED] concerning persons reasonably believed to be outside of the United States, and in support of NSA's earlier request seeking authorization to acquire foreign intelligence information concerning persons reasonably believed to be outside the United States pursuant to the above-referenced Certification, I affirm the following is true and accurate to the best of my knowledge and belief:

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

Derived From: NSA/CSSM 1-52

Dated: 10070108

Declassify On: 20320108

~~TOP SECRET//COMINT~~ [REDACTED]~~//NOFORN//20320108~~

~~TOP SECRET//COMINT~~ [REDACTED] ~~//NOFORN//20328108~~

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

In either event, NSA will

~~TOP SECRET//COMINT~~ [REDACTED] ~~//NOFORN//20328108~~

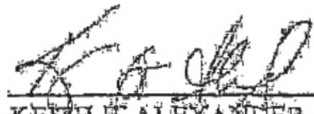
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~~TOP SECRET//COMINT~~ [REDACTED] ~~NOFORN//20320100~~

direct surveillance of a party to the communication reasonably believed to be outside the United States.

(U) I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of January 2008.



KENNETH S. ALEXANDER
Lieutenant General, U.S. Army
Director, National Security Agency

~~TOP SECRET//COMINT~~ [REDACTED] ~~NOFORN//20320100~~

- 3

~~TOP SECRET//COMINT//REL TO USA~~ [REDACTED] 20310216

EXHIBIT A

IN THE MATTER OF [REDACTED]

PROCEDURES USED BY NSA IN CONNECTION WITH NSA REQUEST
NUMBER [REDACTED] FOR AUTHORIZATION FROM THE ATTORNEY GENERAL
AND THE DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE
FOREIGN INTELLIGENCE INFORMATION PURSUANT TO SECTION 105B
OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA)

[REDACTED]

[REDACTED]

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20310216

~~TOP SECRET//COMINT//REL TO USA~~ [REDACTED]

CLASSIFIED ANNEX 000000045

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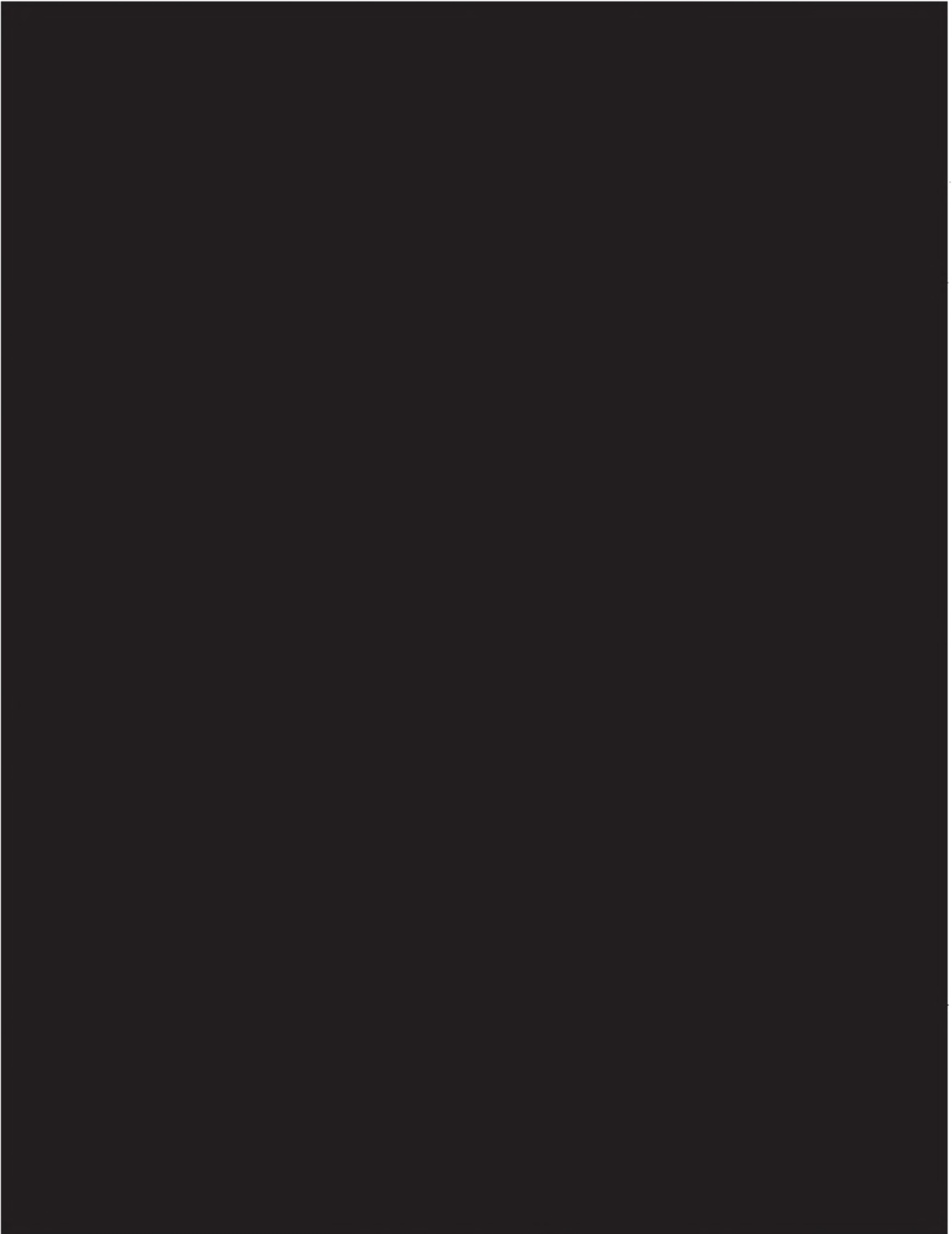


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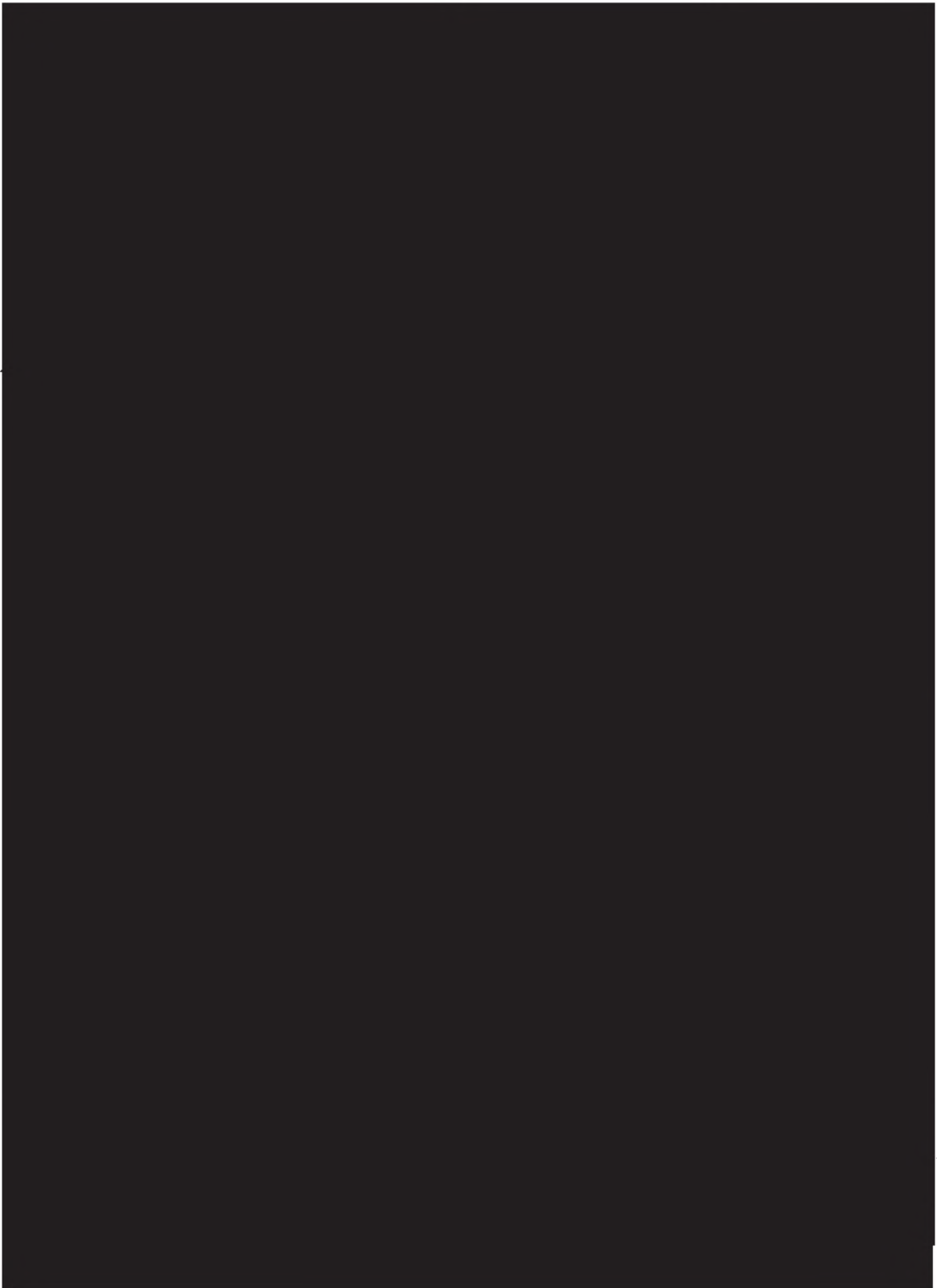


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~~TOP SECRET//COMINT//REL TO USA, [REDACTED] /20310216~~



~~TOP SECRET//COMINT//REL TO USA, [REDACTED] /20310216~~

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~~//20310216~~

~~SECRET//COMINT//REL TO USA~~~~20320108~~

EXHIBIT B

IN THE MATTER OF [REDACTED]

MINIMIZATION PROCEDURES USED BY NSA IN CONNECTION WITH NSA
REQUEST NUMBER [REDACTED] AMENDMENT 1SEEKING AUTHORIZATION FROM THE ATTORNEY GENERAL AND THE
DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE FOREIGN
INTELLIGENCE INFORMATION PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE SURVEILLANCE ACT

1. With respect to the information the NSA acquires pursuant to the certification of the Attorney General of the United States and the Director of National Intelligence, the NSA will follow:

(a) the Standard Minimization Procedures for Electronic Surveillance Conducted by the National Security Agency (also known as Annex A to United States Signals Intelligence Directive (3)), which have been adopted by the Attorney General and are on file with the Foreign Intelligence Surveillance Court;

(b) Certain of the modifications to the standard NSA FISA minimization procedures for electronic surveillance adopted by the Foreign Intelligence Surveillance Court in [REDACTED]

[REDACTED] which modifications are set forth below:

1. The following shall be added to the end of Section 3(f) of these standard NSA FISA procedures:

(7) The National Security Division of the Department of Justice shall periodically determine that information concerning communications of or concerning United States persons that is retained meets the requirements of these procedures and the Foreign Intelligence Surveillance Act.

2. The following shall be added to the end of Section 4(b) of these standard NSA FISA procedures:

With respect to any other communication where it is apparent to NSA processing personnel that the communication is between a person and the person's attorney (or someone acting on behalf of the attorney) concerning legal advice being sought by the former from the latter, such communications relating to foreign

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20320108

~~SECRET//COMINT//REL TO USA~~~~20320108~~

~~SECRET//COMINT//REL TO USA~~ [REDACTED]~~720320108~~

intelligence information may be retained and disseminated within the U.S. Intelligence Community if the communications are specifically labeled as being privileged. However, such communications may not be disseminated outside of the U.S. Intelligence Community without the prior approval of the Assistant Attorney General for the National Security Division or his designee.

3. The following shall replace subsections (a), (b), and (c) of Section 8 of these standard NSA FISA procedures:

NSA may disseminate nonpublicly-available identity or personally identifiable information concerning United States persons to foreign governments provided that such information is foreign intelligence information and either (i) the Attorney General approves the dissemination; or (ii) NSA disseminates the information under procedures approved by the Attorney General. In addition, NSA may disseminate such foreign intelligence information, to the extent authorized by the Director of National Intelligence (DNI) and in accordance with DNI directives, subject to the following procedures:

- (1) Disseminations to the Governments of the [REDACTED] may be made upon the approval of any person designated for such purpose by the Director of NSA.
- (2) Disseminations to other foreign governments may be made upon the approval of the NSA's Office of General Counsel, upon consideration of the following factors: the national security benefit the United States may reasonably expect to obtain from making the dissemination; the anticipated uses to which the foreign government will put the information; and any potential for economic injury, physical harm, or other restriction of movement to be reasonably expected from providing the information to the foreign government. If the proposed recipient(s) of the dissemination have a history of human rights abuses, that history should be considered in assessing the potential for economic injury, physical harm, or other restriction of movement, and whether the dissemination should be made. In cases where there is a reasonable basis to anticipate that the dissemination will result in economic injury, physical harm, or other restriction of movement: (i) the approval of the NSA's Signals Intelligence Director will also be required; and (ii) if dissemination is approved, NSA will undertake reasonable steps to ensure that the disseminated information will be used in manner consistent with United

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~~SECRET//COMINT//REL TO USA~~ [REDACTED] ~~/20120108~~

States law, including Executive Order No. 12,333 and applicable federal criminal statutes.

- (3) NSA will make a written record of each dissemination approved pursuant to these procedures, and information regarding such disseminations and approvals shall be made available for review by the National Security Division, United States Department of Justice, on at least an annual basis.

4. Regarding dissemination of evidence of a crime, Sections 5(a)(2) and 6(b)(8) of these standard NSA FISA procedures shall be superseded by the following:

Information that is not foreign intelligence information, but reasonably appears to be evidence of a crime that has been, is being, or is about to be committed, may be disseminated (including United States person identities) to the FBI and other appropriate federal law enforcement authorities, in accordance with 50 U.S.C. § 1806(h), Executive Order No. 12,333, and, where applicable, the crimes reporting procedures set out in the August 1995 Memorandum of Understanding: Reporting of Information Concerning Federal Crimes, or any successor document.

5. The following shall be added to end of Section 6 of these standard NSA FISA procedures:

NSA may disseminate all communications acquired to the CIA, which shall process any such communications in accordance with minimization procedures approved by the Attorney General.

- (c) The following additional modifications to the standard NSA FISA minimization procedures for electronic surveillance:

1. Notwithstanding sections 3(c)(2) and (e), 5(b), and 6(a) of the standard NSA FISA procedures, communications acquired under this Certification may be retained for five years. The communications that may be retained under this Certification include [REDACTED]

2. Section 3(e)(6) of these standard NSA FISA minimization procedures is deleted and replaced with:

To the extent reasonably possible, NSA personnel with access to the data acquired pursuant to this authority shall query the data in a manner designed to minimize the review of communications of or concerning U.S. persons that do not contain foreign intelligence information or evidence of a crime.

~~SECRET//COMINT//REL TO USA~~ [REDACTED] ~~/20120108~~

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3. Section 3(g)(1) of these standard NSA FISA minimization procedures, relating to absences "from premises under surveillance" by agents of a foreign power, shall not apply to this surveillance.

4. All information [REDACTED] acquired pursuant to the certification of the Attorney General of the United States and the Director of National Intelligence shall be treated under these procedures in the same manner as information collected through electronic surveillance.

5. The following sentence shall be added to the end of Subsection 3(g) of these standard NSA FISA minimization procedures for electronic surveillance, becoming new section 3(g)(3): "Any communications acquired through the targeting of a person who at the time of targeting is reasonably believed to be located outside the United States but is in fact located inside the United States at the time such communications are acquired shall be destroyed upon recognition. However, the Director of NSA may authorize retention, use, and dissemination of such communications if he determines in writing that they contain significant foreign intelligence information."

~~SECRET//COMINT//REL TO USA~~~~720320108~~

~~SECRET//20321005~~**EXHIBIT E****MINIMIZATION PROCEDURES USED BY THE CIA IN CONNECTION WITH ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION PURSUANT TO SECTION 105B OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED**

With respect to unminimized communications the Central Intelligence Agency (CIA) receives from the National Security Agency (NSA) or the Federal Bureau of Investigation that is acquired pursuant to a certification of the Attorney General of the United States and the Director of National Intelligence (DNI) under Section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA), the CIA will follow the "CIA Minimization Procedures for Information From FISA Electronic Surveillance Conducted by NSA" (hereinafter "CIA minimization procedures"), which have been adopted by the Attorney General and were filed with the Foreign Intelligence Surveillance Court in docket number [REDACTED] (attached hereto), with the following modifications:

1. 

CL BY: 2293198
CL REASON: 1.4(c)
DECL ON: 20321005
DRV FROM: COM S-06

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3.

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4.



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~~SECRET//JANUARY 25, 2033~~

EXHIBIT F

IN THE MATTER OF [REDACTED]
[REDACTED]

AMENDMENT 1

PROCEDURES USED BY FBI TO ACQUIRE FOREIGN INTELLIGENCE
INFORMATION [REDACTED]
REQUEST NUMBER [REDACTED] AS AUTHORIZED BY THE ATTORNEY GENERAL AND
THE DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE FOREIGN
INTELLIGENCE INFORMATION PURSUANT TO SECTION 105B OF THE FOREIGN
INTELLIGENCE SURVEILLANCE ACT (FISA)

(S) These procedures address (I) the process the Federal Bureau of Investigation (FBI) will use
in acquiring foreign intelligence information, [REDACTED]
electronic communications accounts/addresses/identifiers [REDACTED]
[REDACTED] ("Designated Accounts") as being used by persons reasonably believed to be
outside the United States, (II) the FBI's documentation of that process, and (III) compliance and
oversight.

I. (C) DETERMINATION OF WHETHER A PERSON IS REASONABLY BELIEVED TO
BE OUTSIDE THE UNITED STATES.

1. [REDACTED]

2. [REDACTED]

Classified By: PSCG
Reason: E.O. 12958 Section 1.4(c)
Declassify On: OCTOBER 1, 2032
~~SECRET//JANUARY 25, 2033~~

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10. ~~(S)~~ The minimization procedures that the FBI will use with respect to  it acquires pursuant to the above-referenced Certification are the procedures set forth in the Government's Motion for Attended Orders Permitting Modified Minimization Procedures filed in Docket No.  as extended and modified by orders of the Foreign Intelligence Surveillance Court (hereinafter "FISC"), most recently on December 6, 2007, with the following modifications:

a. 

- b. References to "United States person agent of a foreign power" shall be understood to refer to United States persons reasonably believed to be located outside the United States against whom the Attorney General has authorized the acquisition of foreign intelligence information pursuant to section 2.5 of Executive Order 12933.
- c. References to "non-United States person agent of a foreign power" shall be understood to refer to non-United States persons reasonably believed to be located outside the United States.

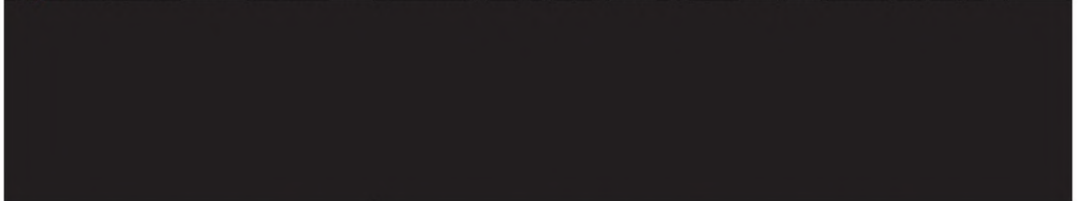
d. ~~SECRET// JANUARY 25, 2033~~

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II. (U) DOCUMENTATION

12. 13. 

III. (U) COMPLIANCE AND OVERSIGHT

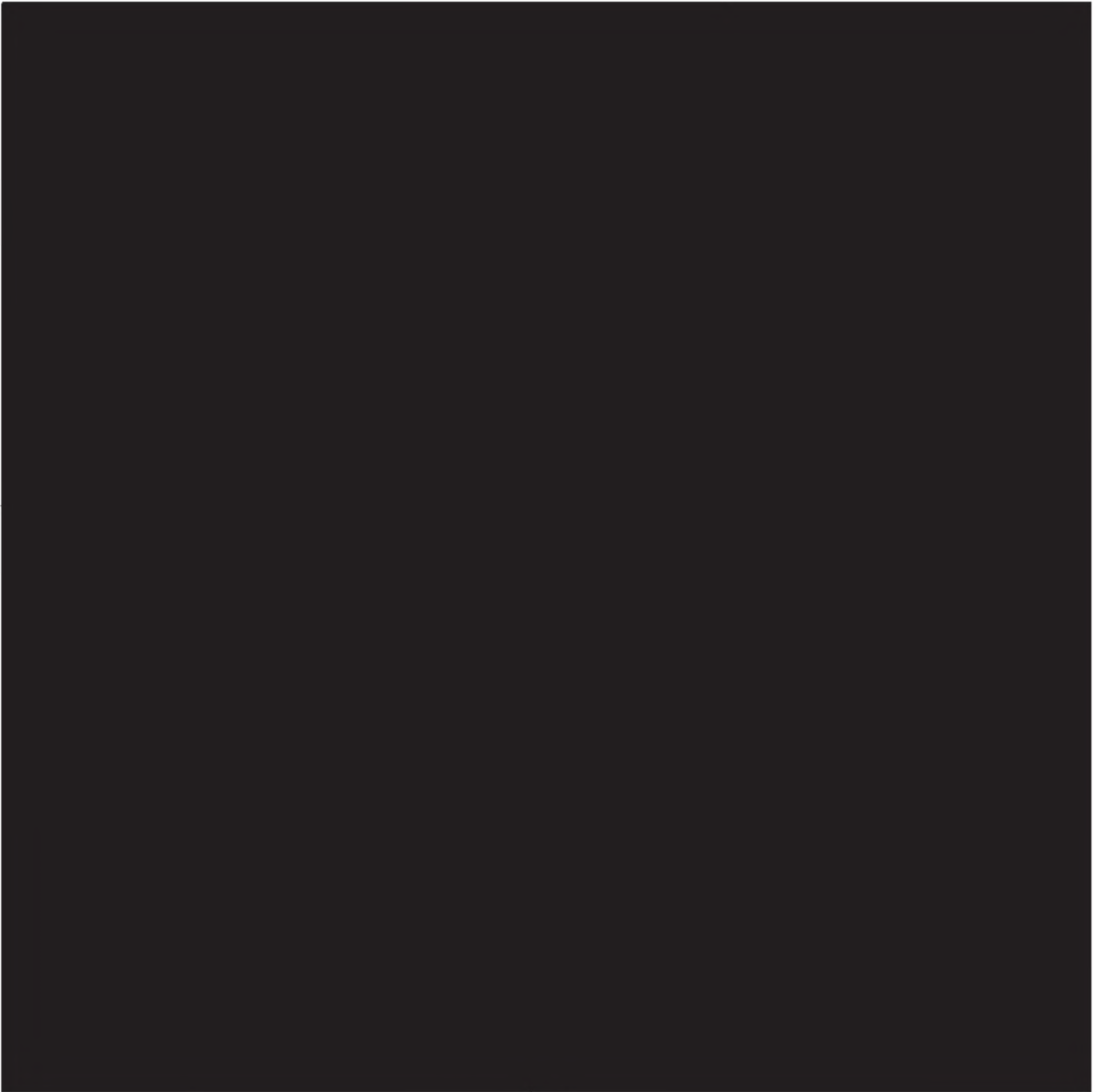
14. ~~(S)~~ FBI will develop and deliver training regarding the applicable procedures to ensure 

15. ~~(S)~~ The FBI Inspection Division will conduct oversight of FBI's exercise of these procedures. This oversight will include periodic reviews by FBI Inspection Division personnel to evaluate the implementation of the procedures and the training given to relevant personnel. The first such review shall take place within thirty days of the implementation of these procedures, and subsequent reviews shall occur on a quarterly basis.

16. ~~(S)~~ The Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) will conduct oversight of FBI's exercise of the authority under Section 105B of the FISA, which will include periodic reviews by DOJ and ODNI personnel to evaluate the implementation of these procedures. The first such review shall take place within fourteen days of the implementation of this acquisition, and subsequent visits shall occur at least once every sixty days.

17. ~~(S)~~ FBI 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 with these procedures by FBI personnel within 72 hours of learning of the incident.

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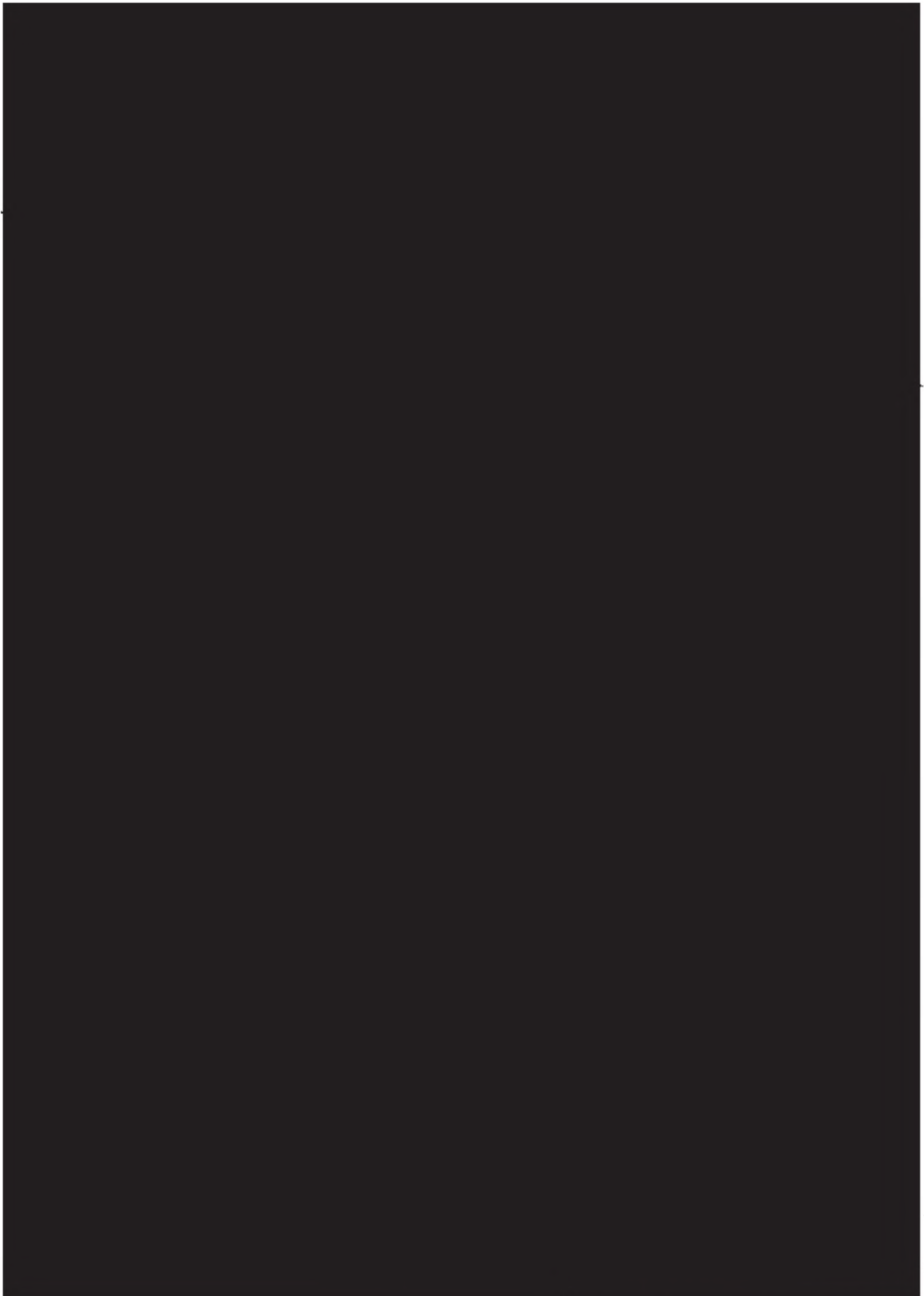
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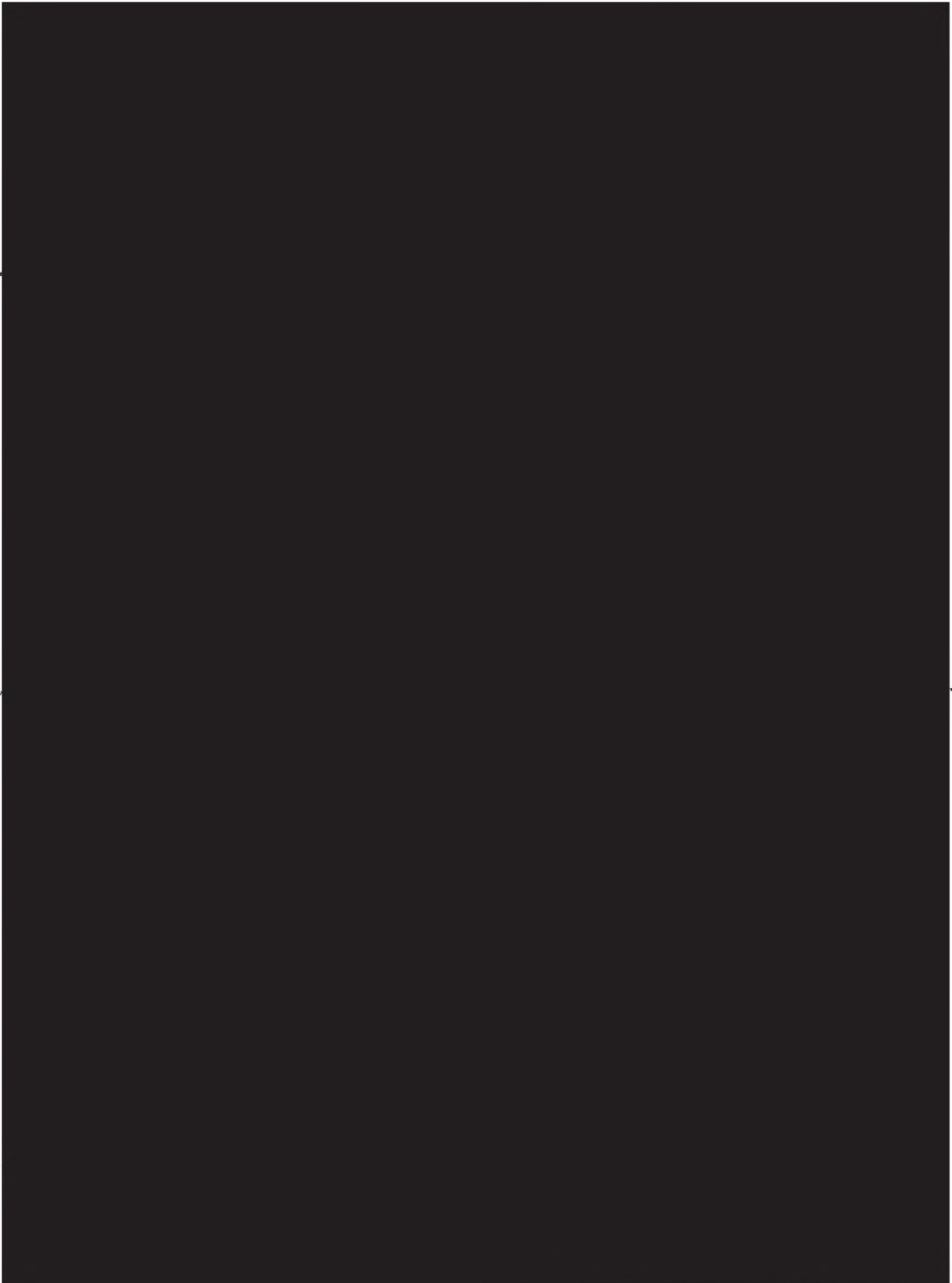


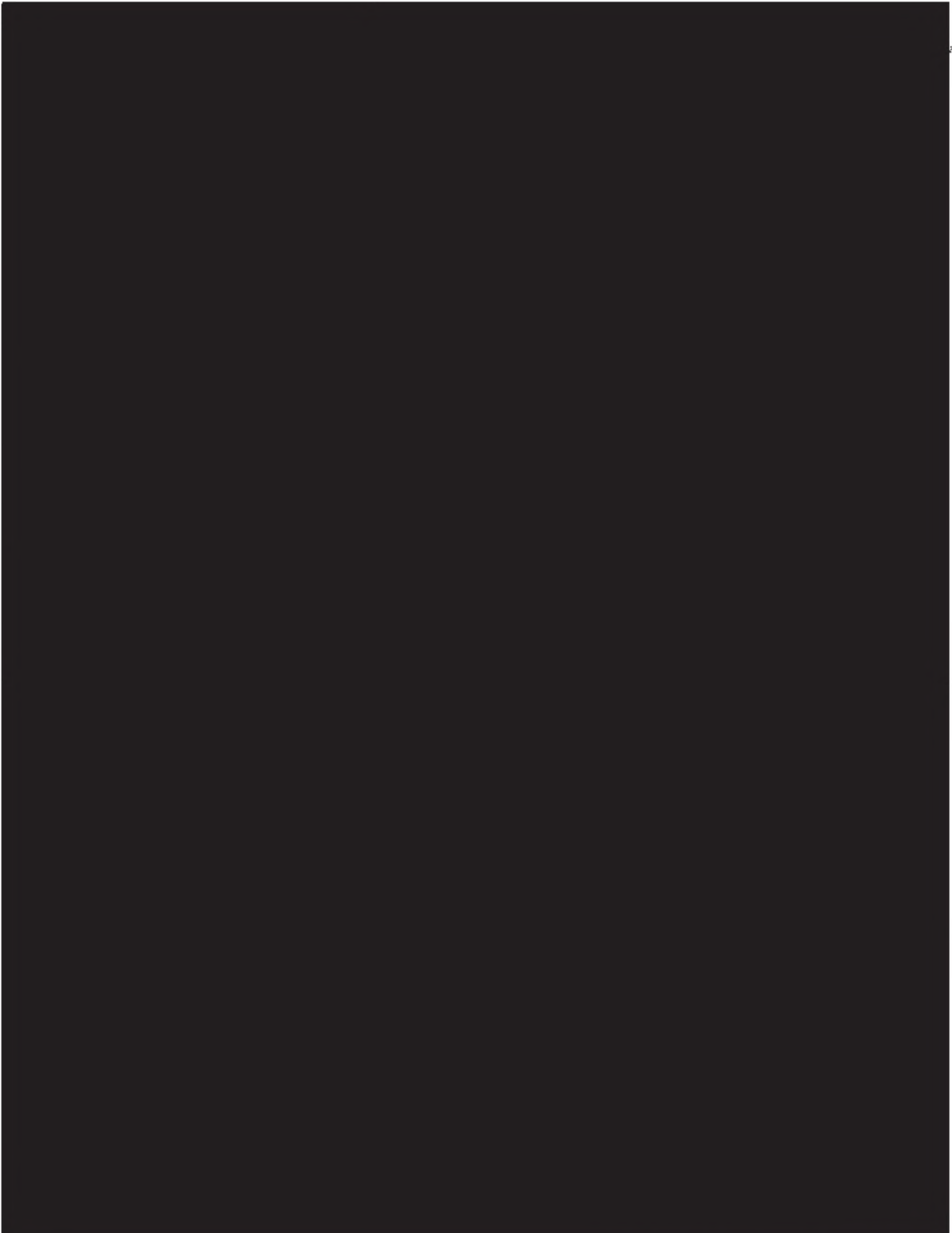


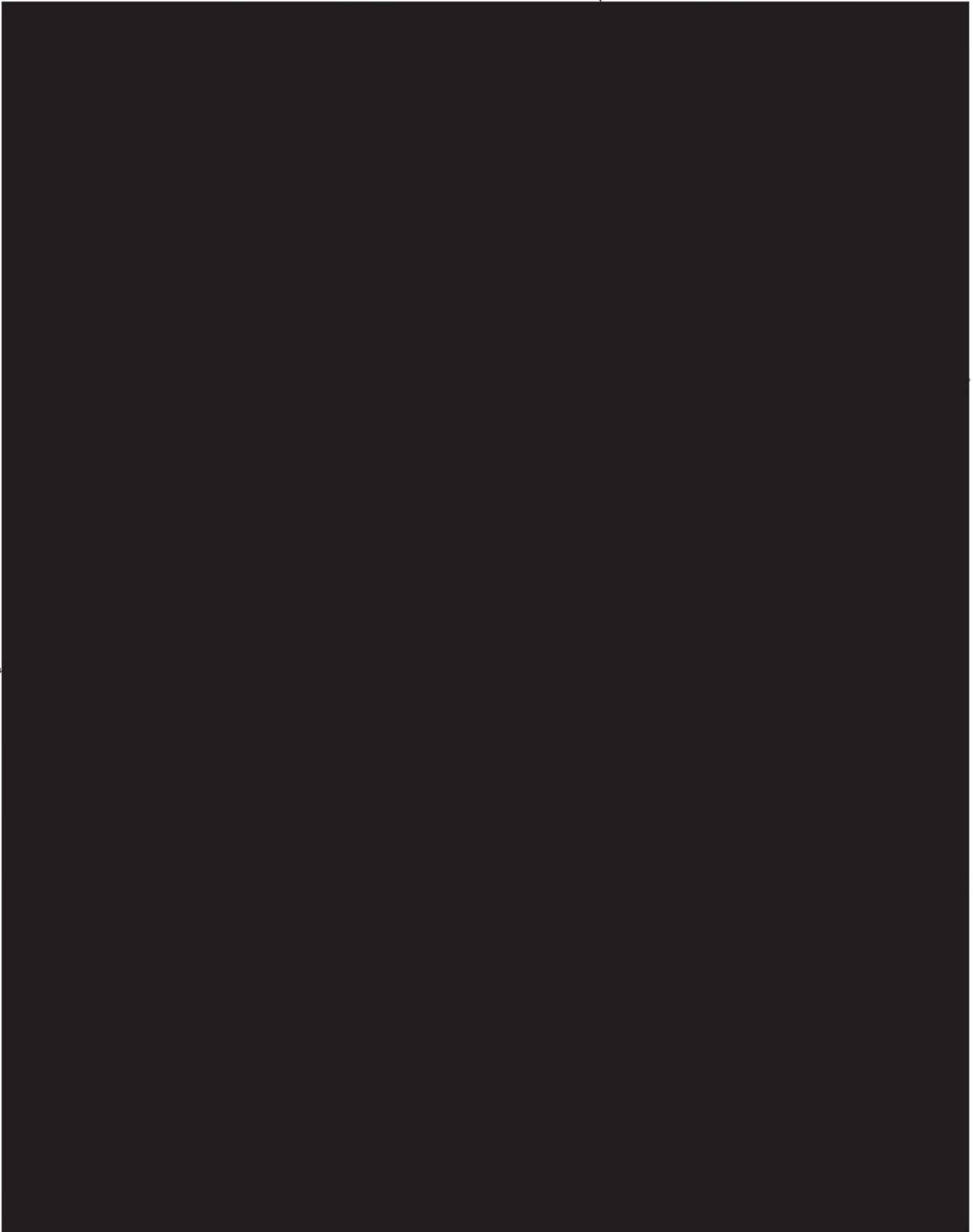












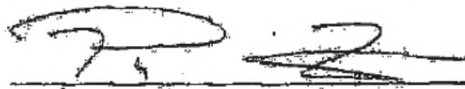
**CERTIFICATION OF THE ATTORNEY GENERAL OF THE UNITED STATES
PURSUANT TO 18 U.S.C. § 2511**

In a Directive to Yahoo, Inc., (Yahoo) signed by the Acting Attorney General on [REDACTED] 2007 and signed by the Director of National Intelligence on [REDACTED] 2007 in DNI/AG 105B Certification [REDACTED] Yahoo was notified that, among other things, the Government will [REDACTED] pursuant to the above-referenced Certification. A true, correct and complete copy of the Directive is attached hereto and incorporated by reference herein.

With respect to the [REDACTED] acquisition of foreign intelligence information authorized in DNI/AG 105B Certification [REDACTED] and in accordance with section 6(c)-(d) of the Protect America Act of 2007, as amended, I certify that no warrant or court order is required by law, that all statutory requirements have been met, and that the assistance directed with respect to the above-referenced Certification is required by the Government in order to accomplish this acquisition. This assistance is required for a period of one year from the date that Certification was executed.

Yahoo shall not disclose the existence of any interception or surveillance or the device used to accomplish any interception or surveillance undertaken pursuant to the above-referenced Certification, except as provided in section 105B(h) of the Foreign Intelligence Surveillance Act of 1978, as amended, or as may otherwise be required by legal process and then only after prior notification to the Attorney General.

In all other respects the undersigned represents that the Directive in the above-referenced matter is consistent with and authorized by the laws of the United States.



Paul D. Clement
Acting Attorney General of the United States

Signed: February 16, 2008

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~~SECRET~~

**DIRECTIVE OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE
ATTORNEY GENERAL PURSUANT TO SECTION 105B OF THE FOREIGN
INTELLIGENCE SURVEILLANCE ACT OF 1978, AS AMENDED**

TO: Yahoo Inc.
RE: DNIWAG 105B Certification [REDACTED]

The Director of National Intelligence and the Attorney General executed in writing and under oath, based on a supporting affidavit, the above-referenced Certification pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), thereby authorizing the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States. The Certification was executed by the Attorney General on [REDACTED] 2007; and by the Director of National Intelligence on [REDACTED] 2007. Specifically, the Director of National Intelligence and the Attorney General certified that:

- (1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under section 105B of the Act concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Foreign Intelligence Surveillance Court pursuant to section 105C of the Act;
- (2) the acquisition does not constitute electronic surveillance as defined in section 101(f) of the Act;
- (3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of communications service providers, custodians, or other persons (including any officer, employee, agent, or other specified person of such service providers, custodians, or other persons) who have access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;
- (4) a significant purpose of the acquisition is to obtain foreign intelligence information; and
- (5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h) of the Act.

~~SECRET~~

Classified by: The Attorney General
Reason: 1.4(c)
Declassify on: [REDACTED] 2032

THIS DOCUMENT IS CLASSIFIED SECRET IN ITS ENTIRETY

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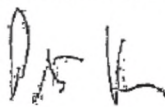
The acquisition of such information pursuant to the above-referenced Certification was authorized for a period of one year from the date that Certification was executed. This authority will expire on [REDACTED] 2008.

The Government will [REDACTED]
[REDACTED] pursuant to the above-referenced Certification
in a mutually agreed upon format.
[REDACTED]

Yahoo Inc., including its affiliates, subsidiaries, assigns and successors, and including any officer, employee, agent, or other specified person thereof (hereinafter referred to collectively as Yahoo), is hereby directed, pursuant to section 105B(e)(1) of the Act, to immediately provide the Government with all information, facilities, and assistance necessary to accomplish this acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that Yahoo provides.

Yahoo is further directed, pursuant to section 105B(e)(2) of the Act, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that Yahoo wishes to maintain.

The Government shall compensate Yahoo at the prevailing rate for providing information, facilities, or assistance pursuant to this Directive;



Peter D. Keisler
Acting Attorney General of the United States

Signed: [REDACTED] 2007



J.M. McConnell
Director of National Intelligence

Signed: [REDACTED] 2007

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CLASSIFIED ANNEX 000000080

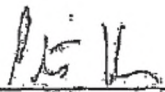
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CERTIFICATION OF THE ATTORNEY GENERAL OF THE UNITED STATES
PURSUANT TO 18 U.S.C. § 2511

With respect to the acquisition of foreign intelligence information authorized in DNI/AG 105B Certification [REDACTED], I certify that no warrant or court order is required by law, that all statutory requirements have been met, and that the assistance directed with respect to the above-referenced Certification is required by the Government in order to accomplish this acquisition. This assistance is required for a period of one year from the date that Certification was executed.

Yahoo shall not disclose the existence of any interception or surveillance or the device used to accomplish any interception or surveillance undertaken pursuant to the above-referenced Certification, except as provided in section 105B(h) of the Foreign Intelligence Surveillance Act of 1978, as amended, or as may otherwise be required by legal process and then only after prior notification to the Attorney General.

In all other respects the undersigned represents that the Directive in the above-referenced matter is consistent with and authorized by the laws of the United States.



Peter D. Keisler
Acting Attorney General of the United States

Signed: [REDACTED]

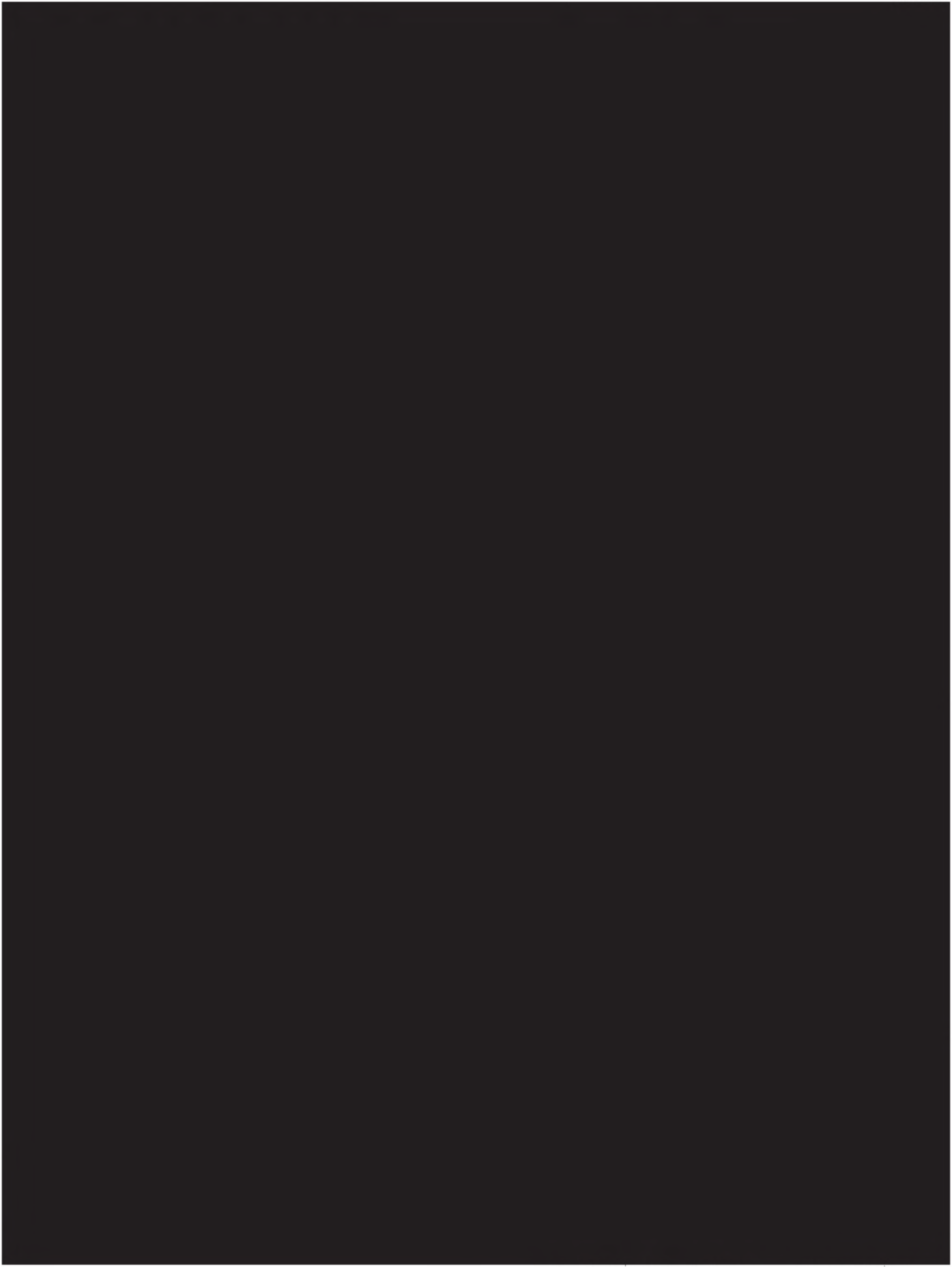
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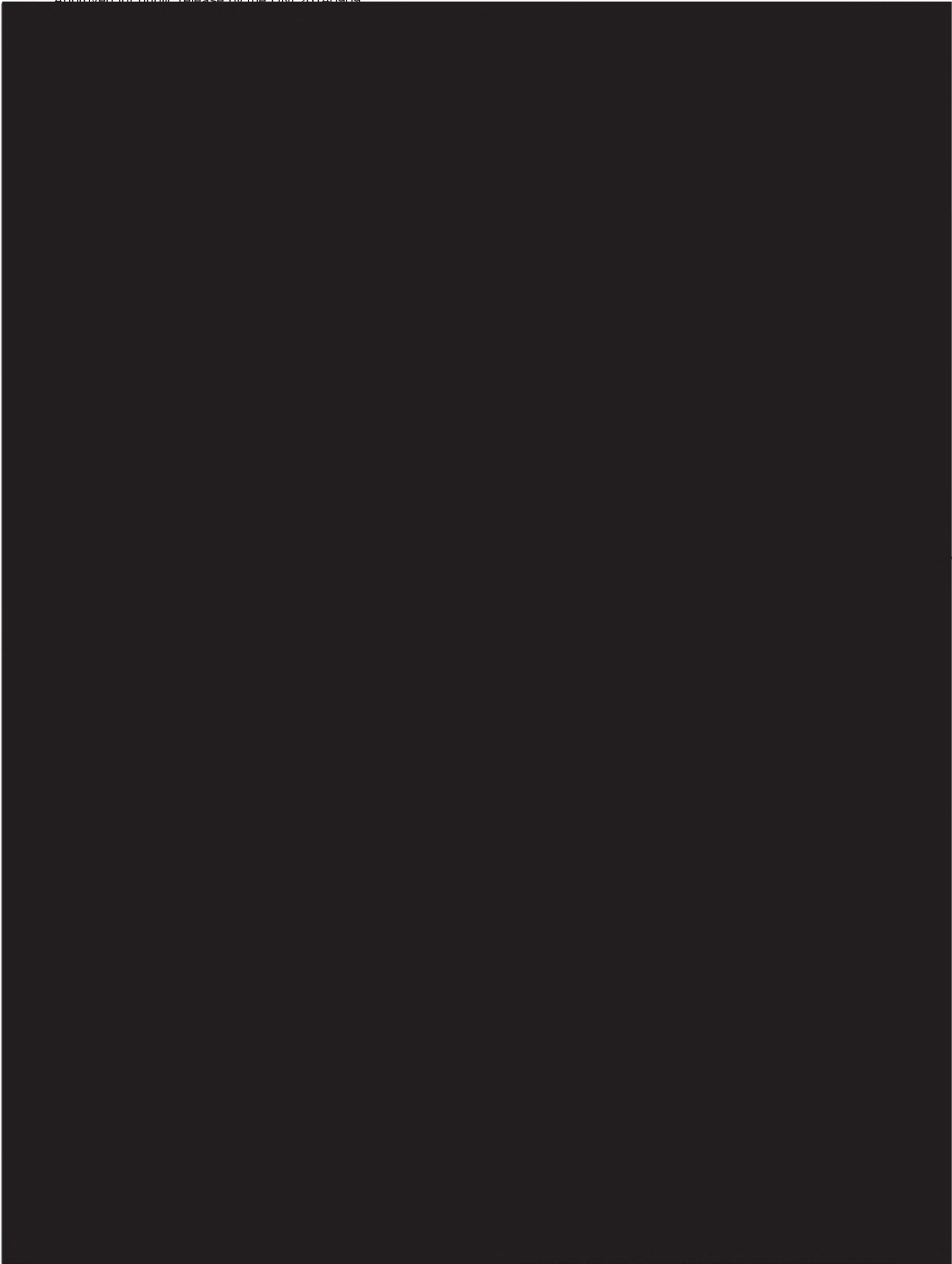
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CLASSIFIED ANNEX 000000081

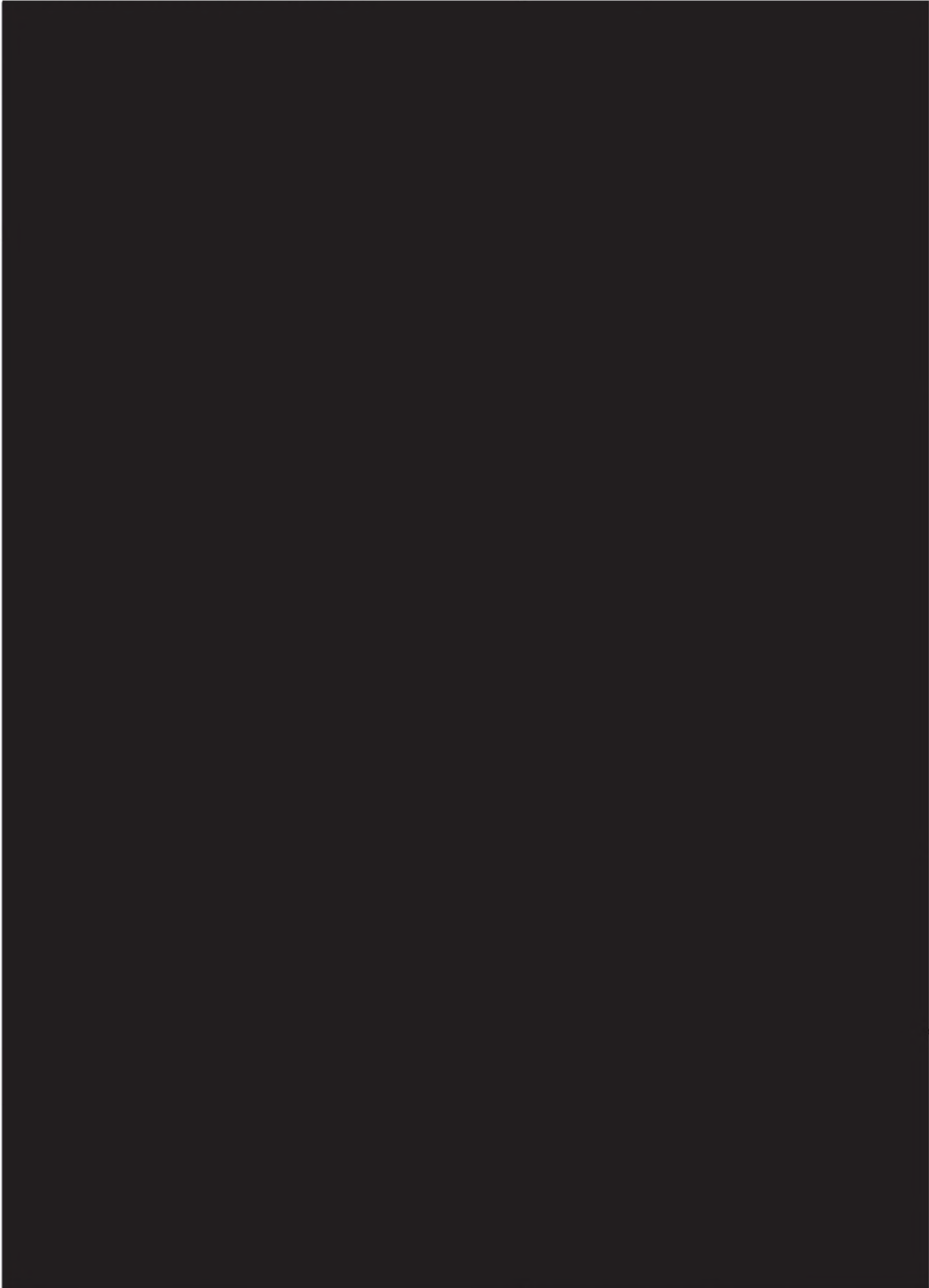


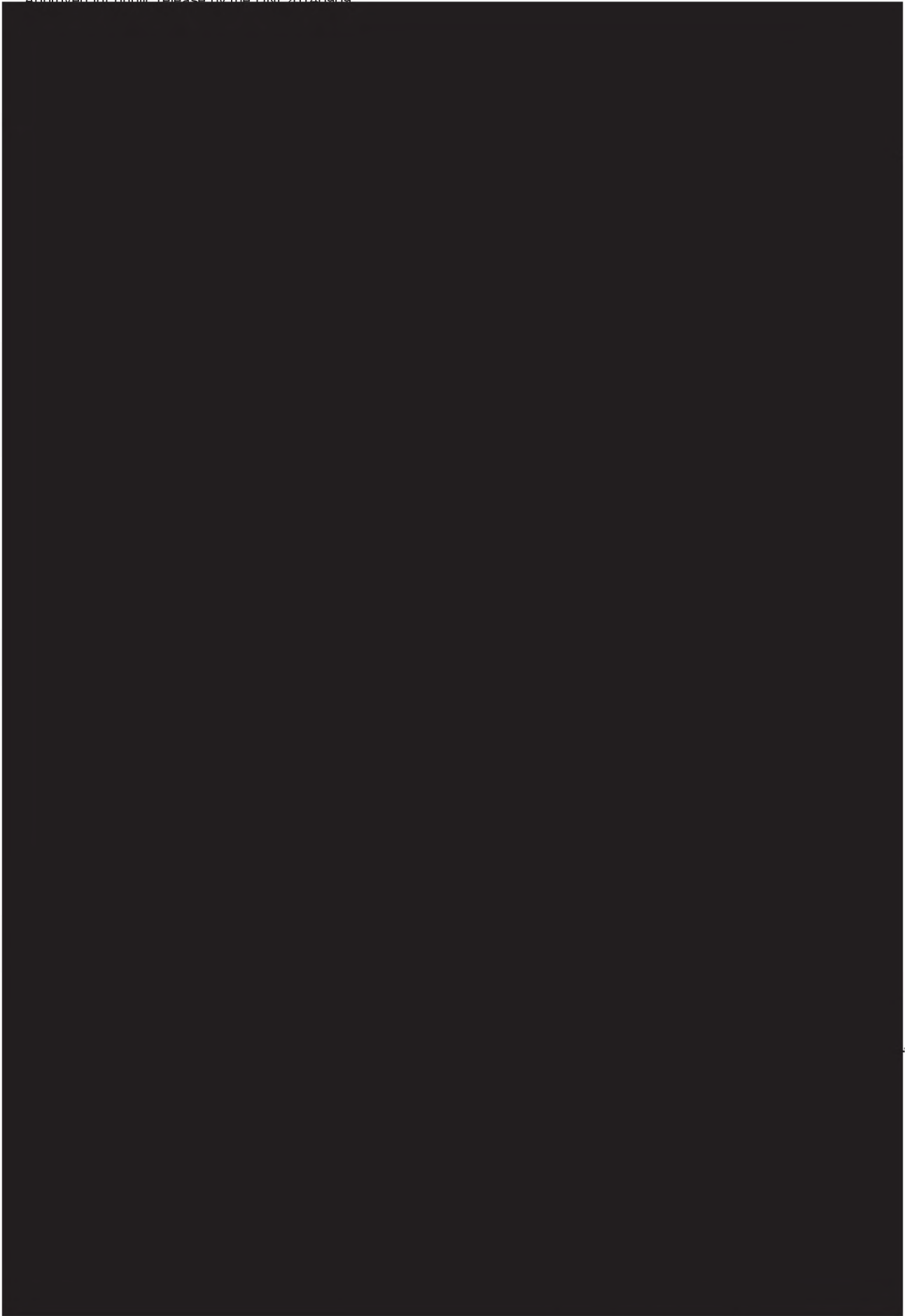


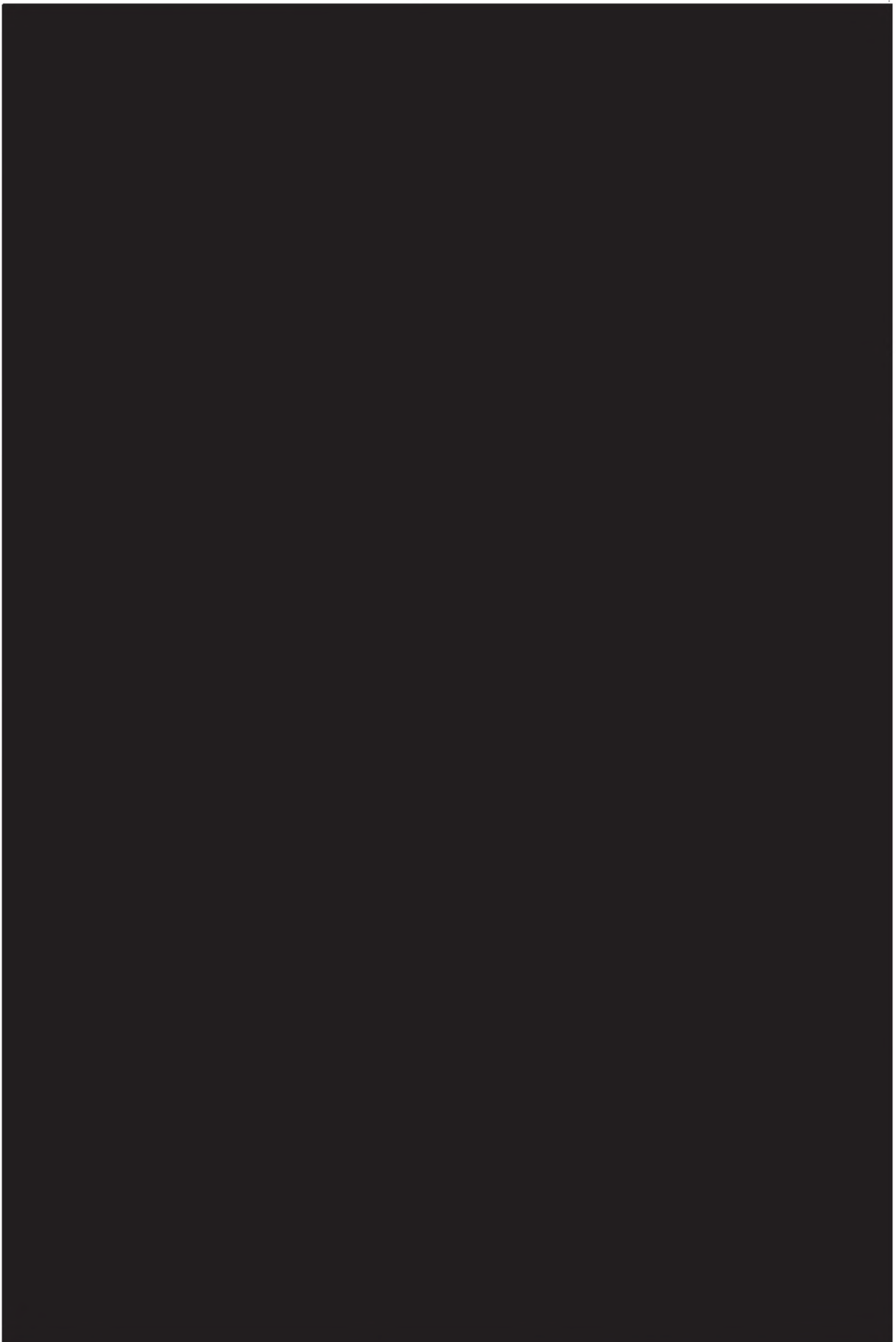












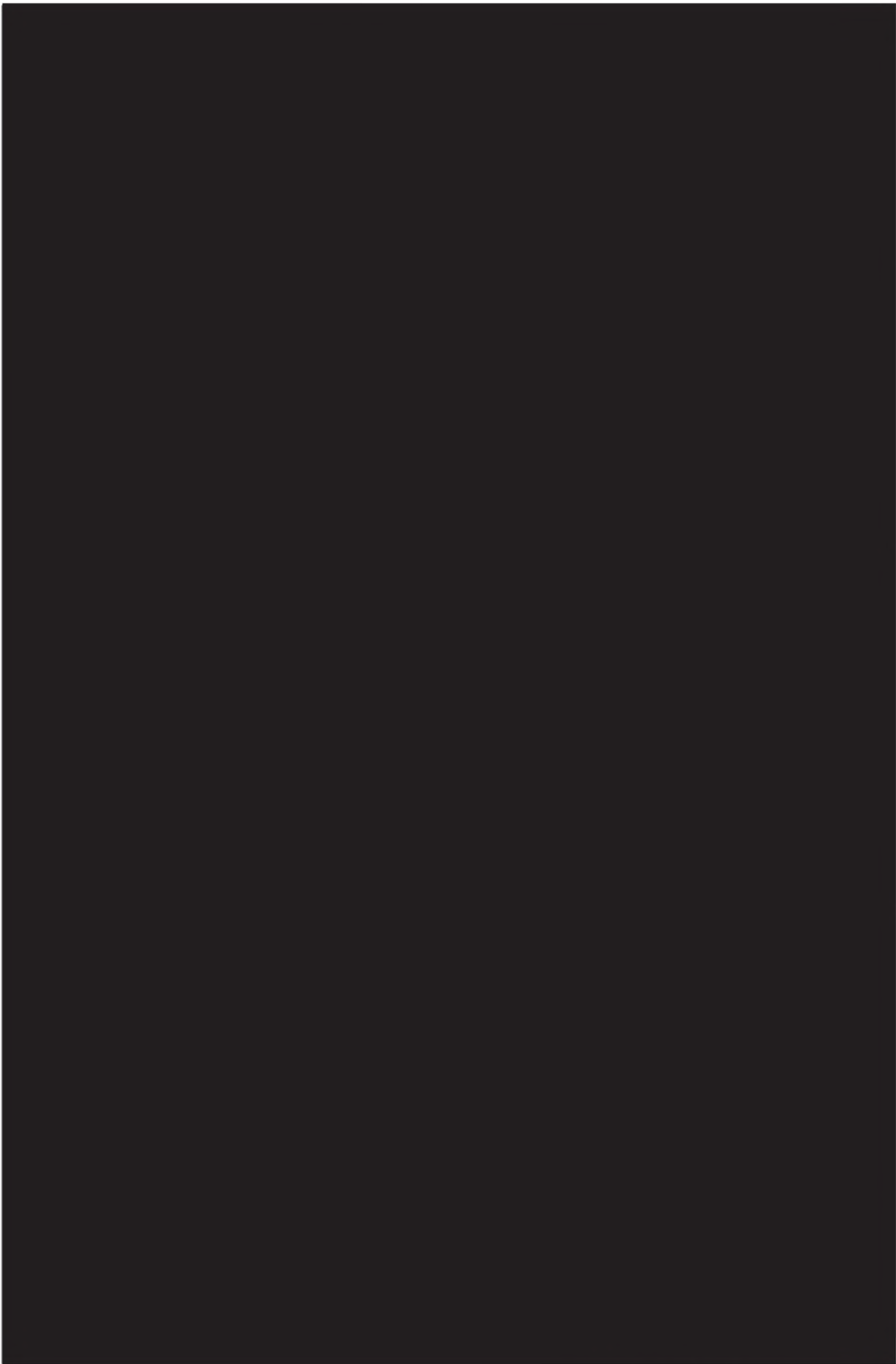




CLASSIFIED ANNEX 000000090.







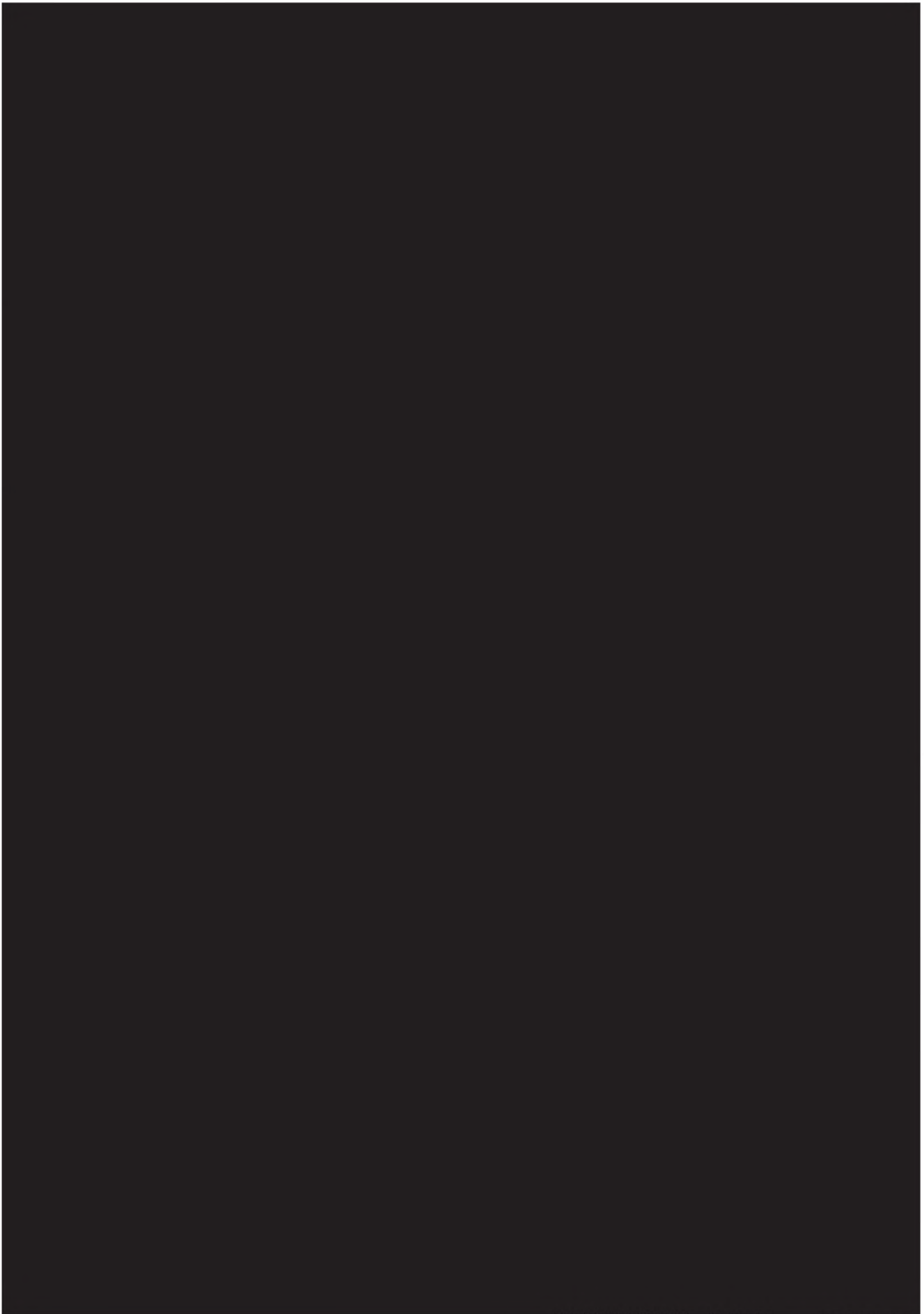






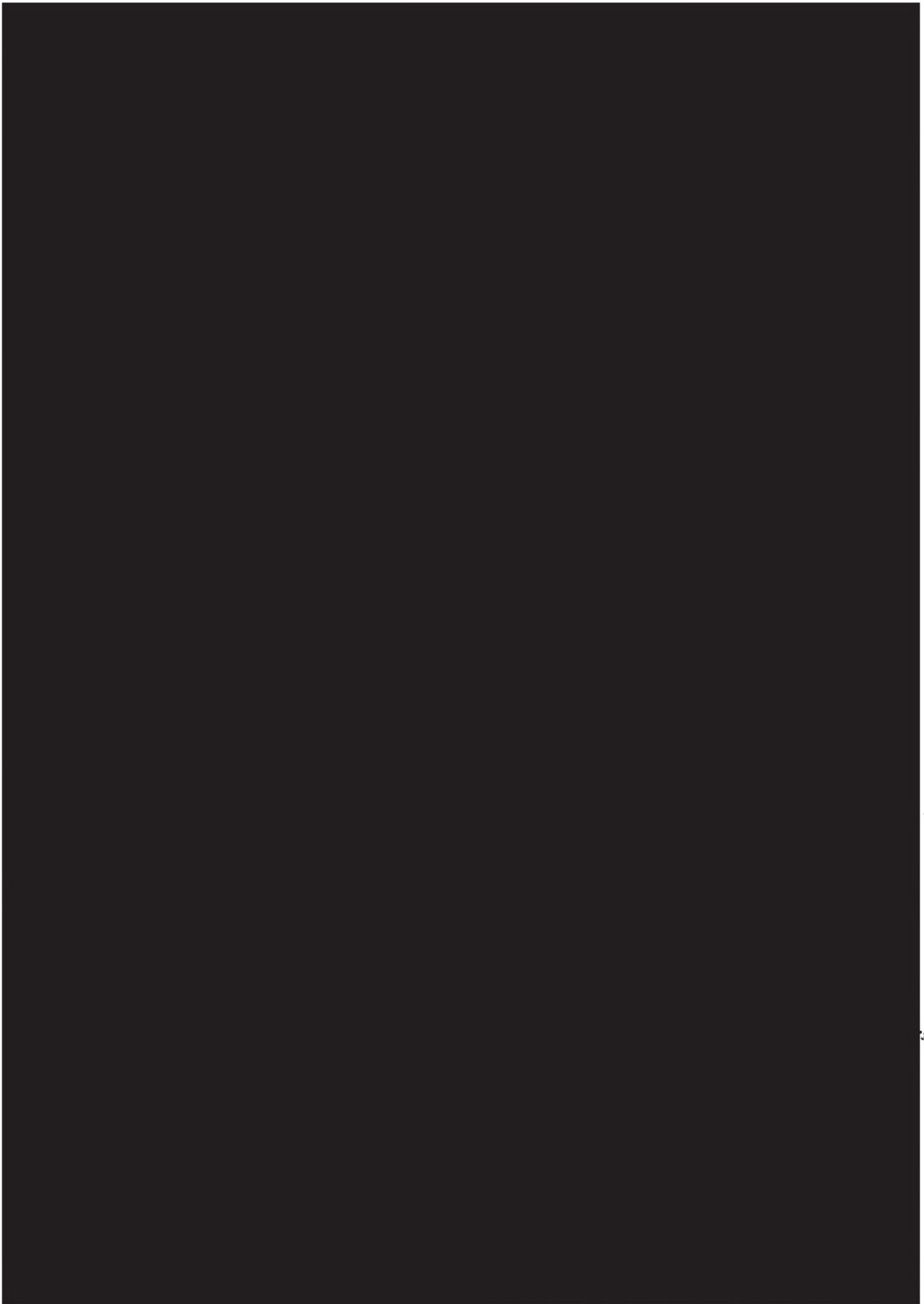


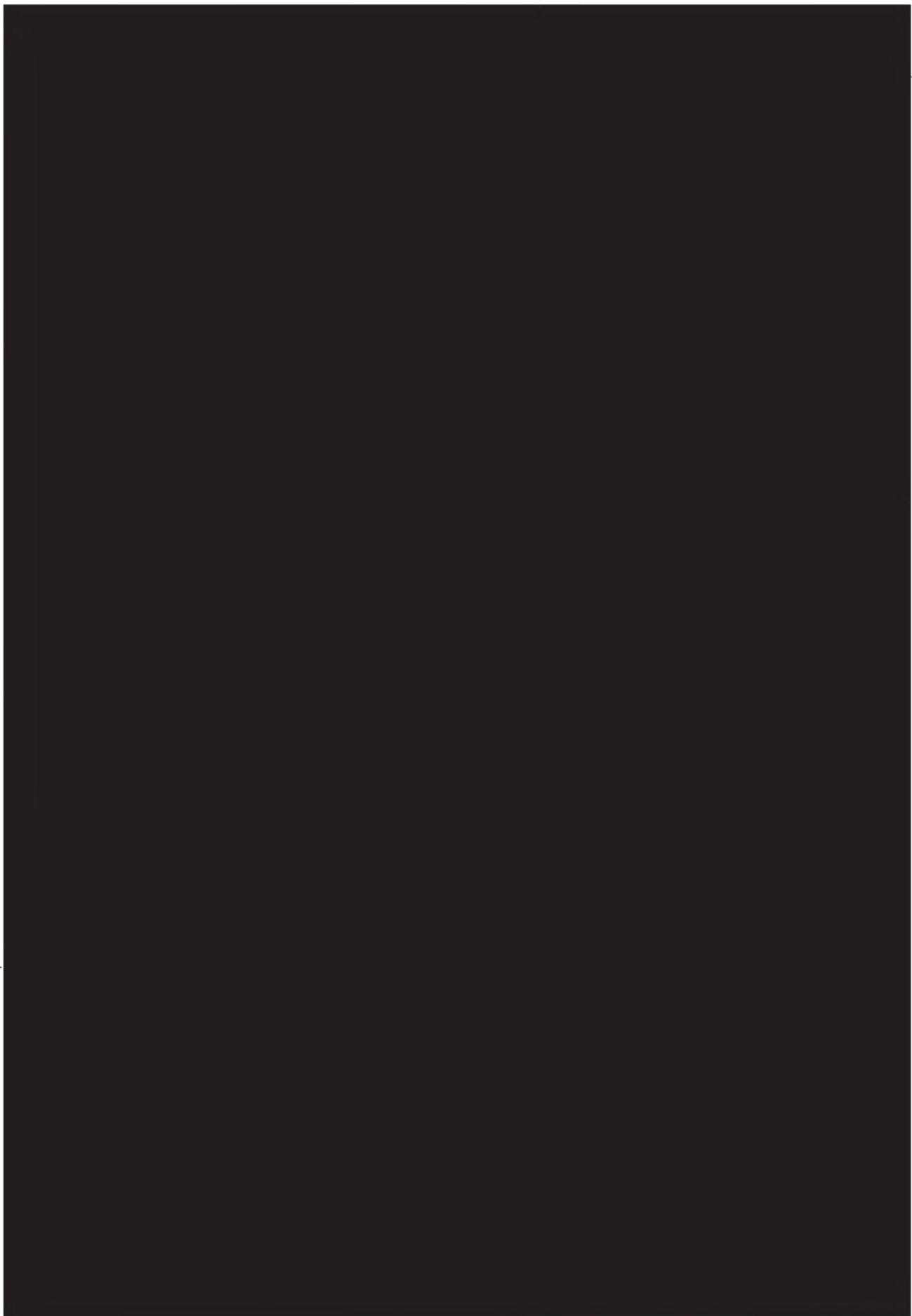






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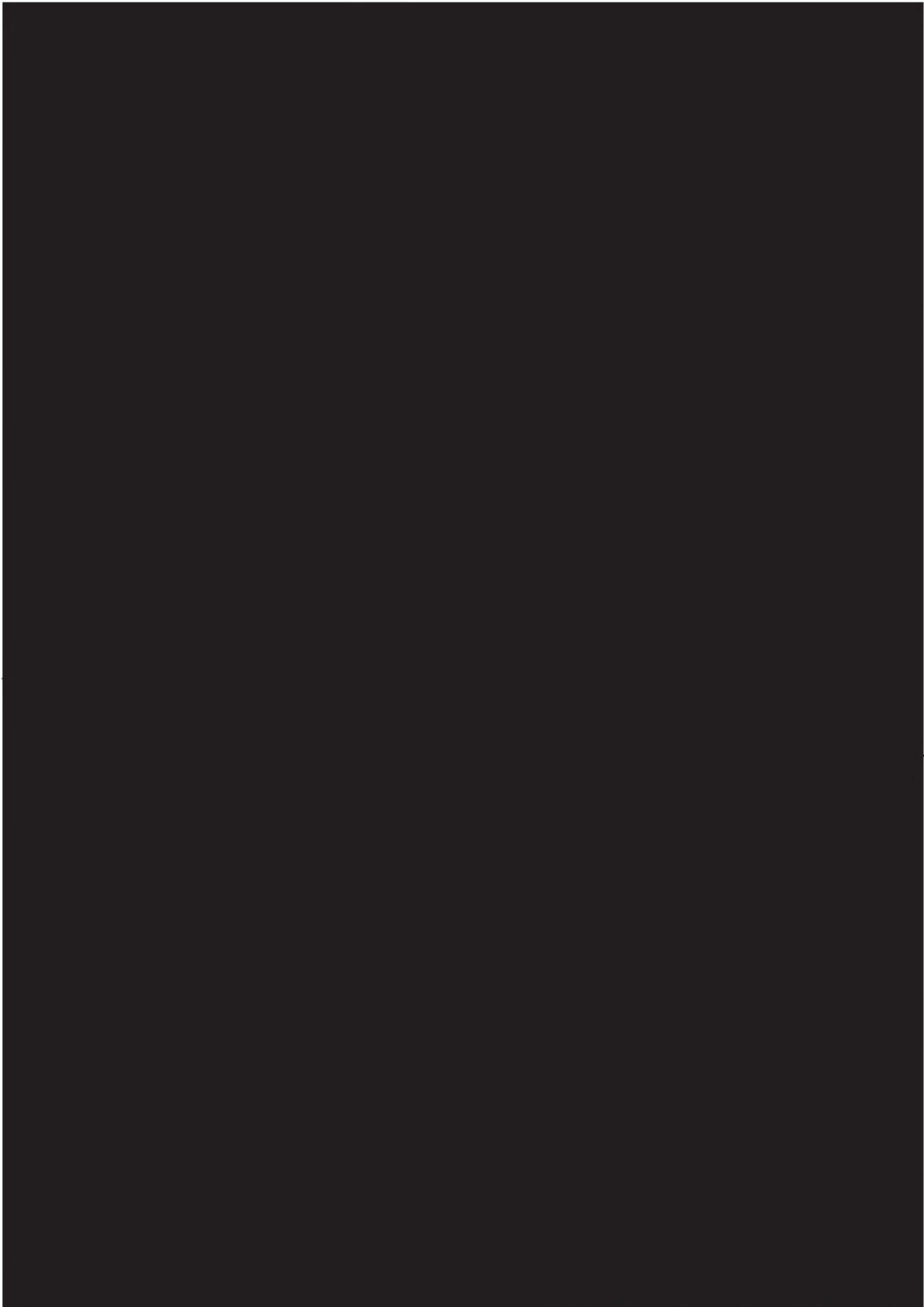


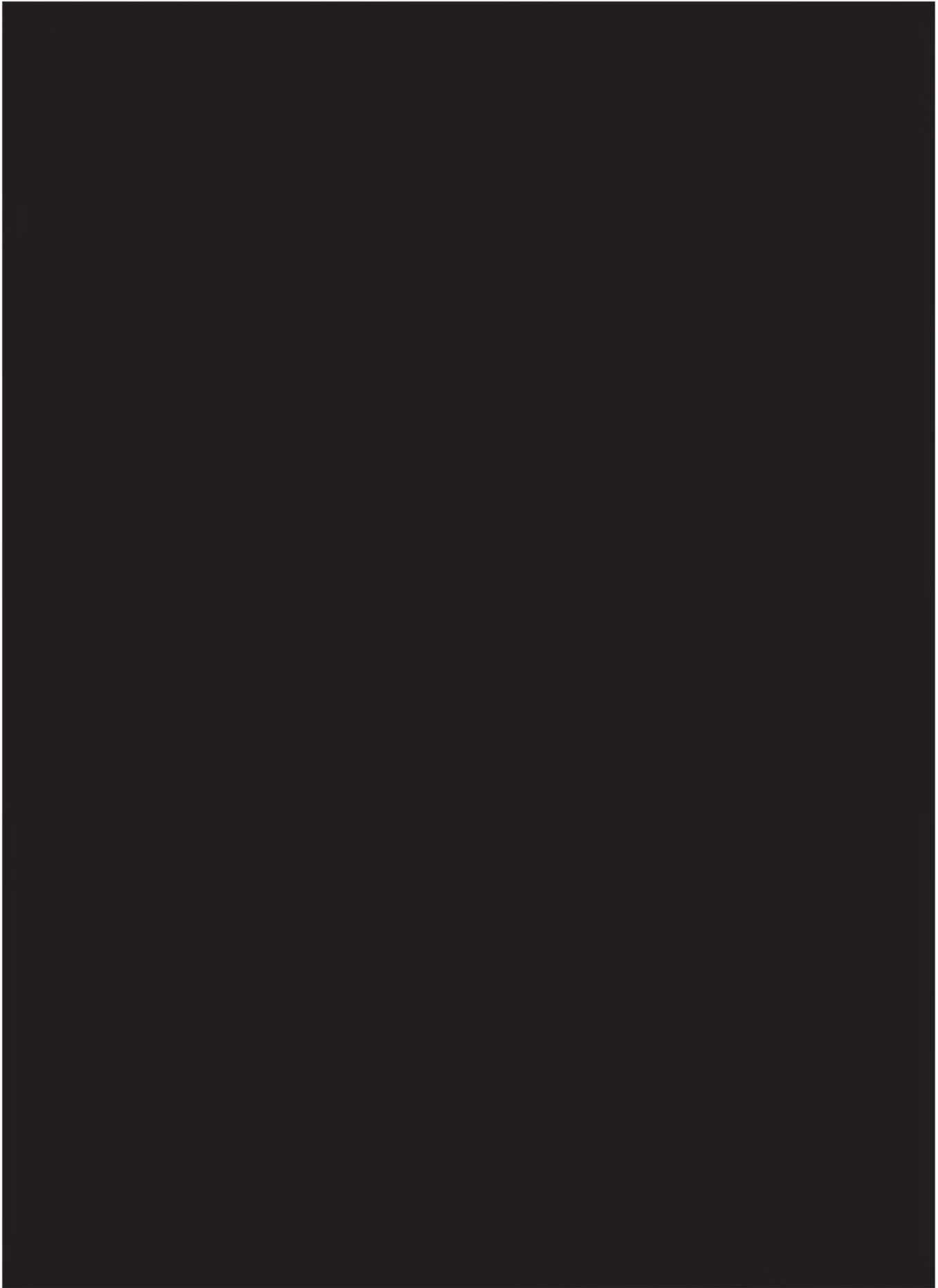


CLASSIFIED ANNEX 000000103



CLASSIFIED ANNEX 000000104

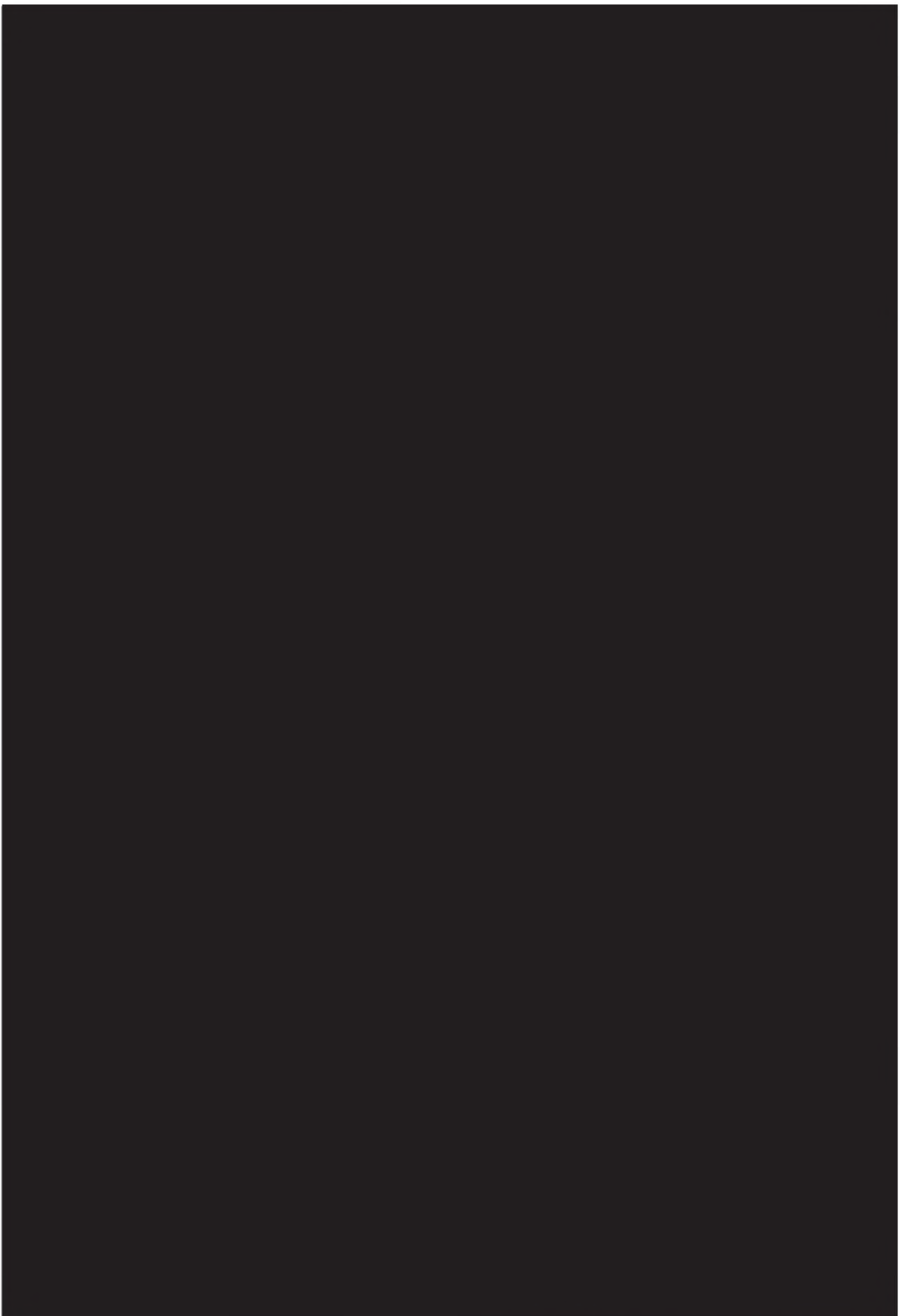




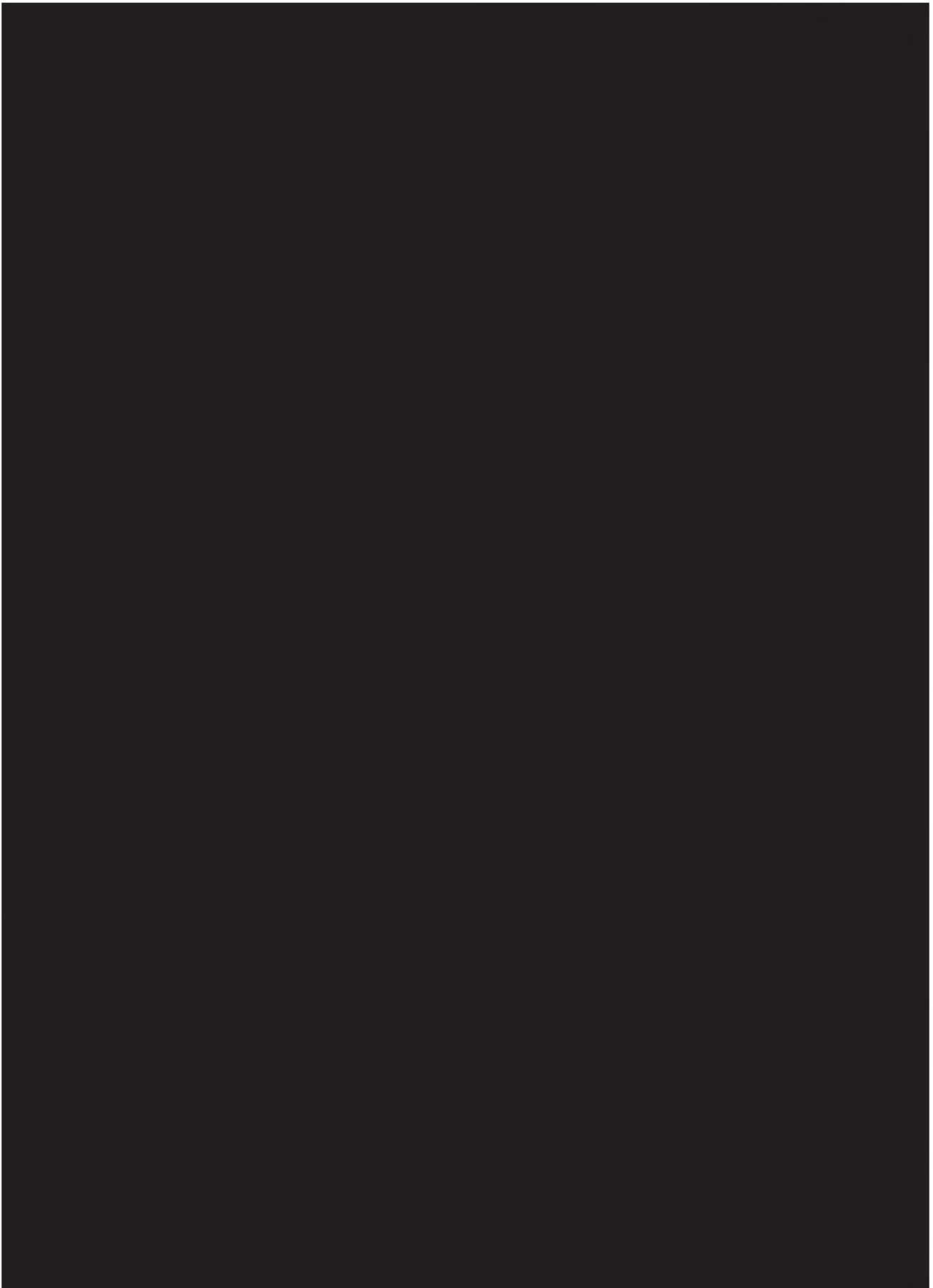




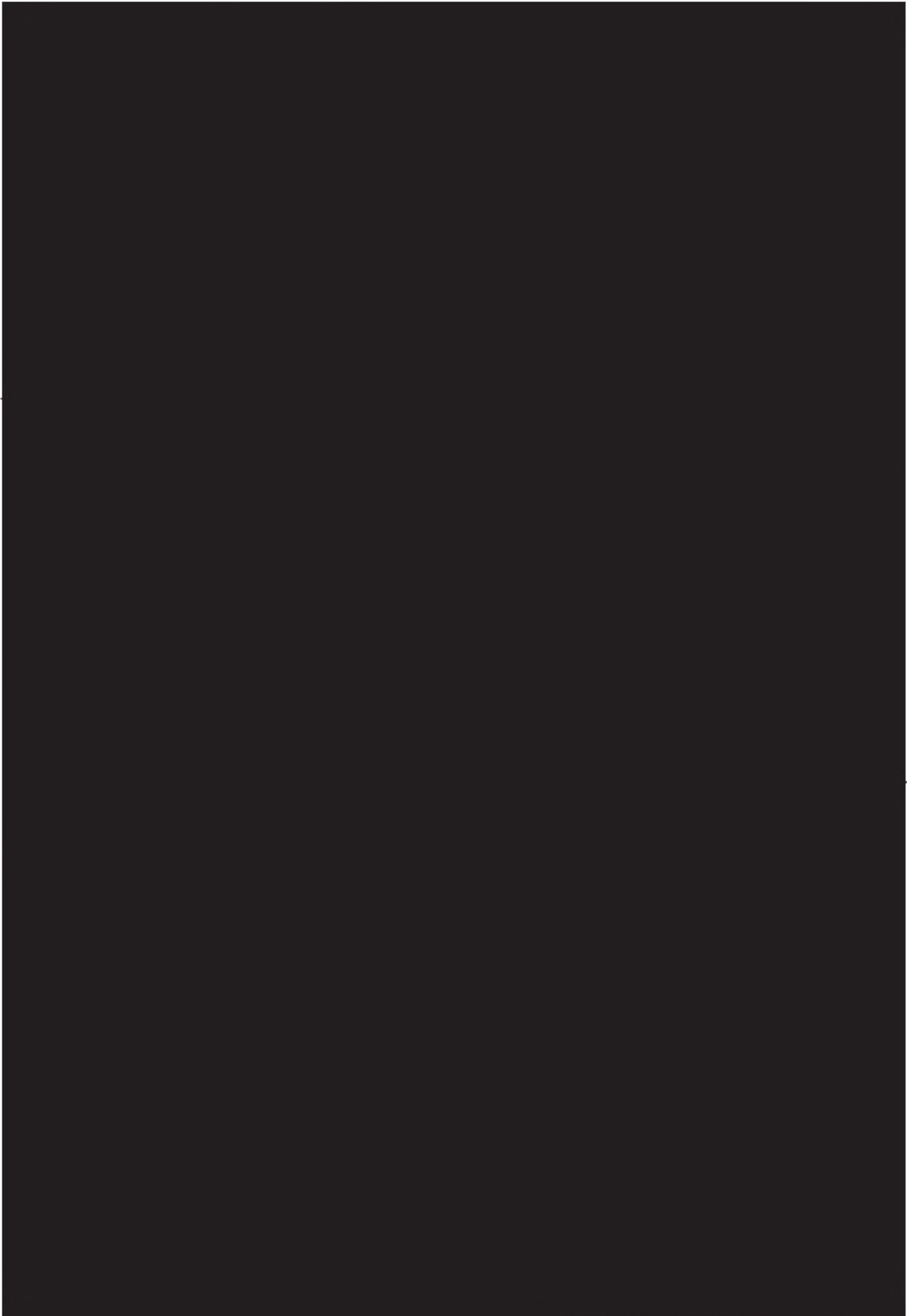
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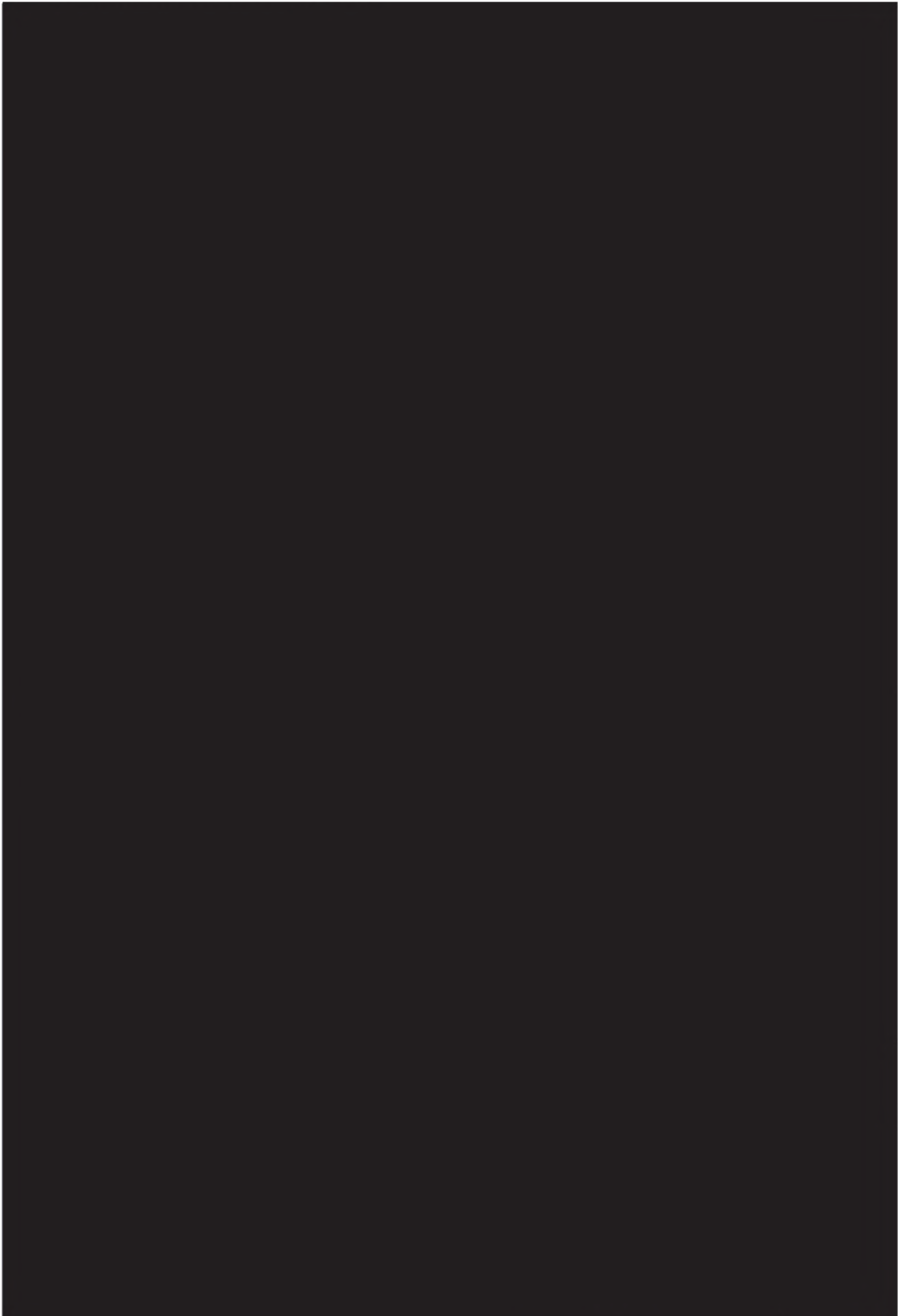


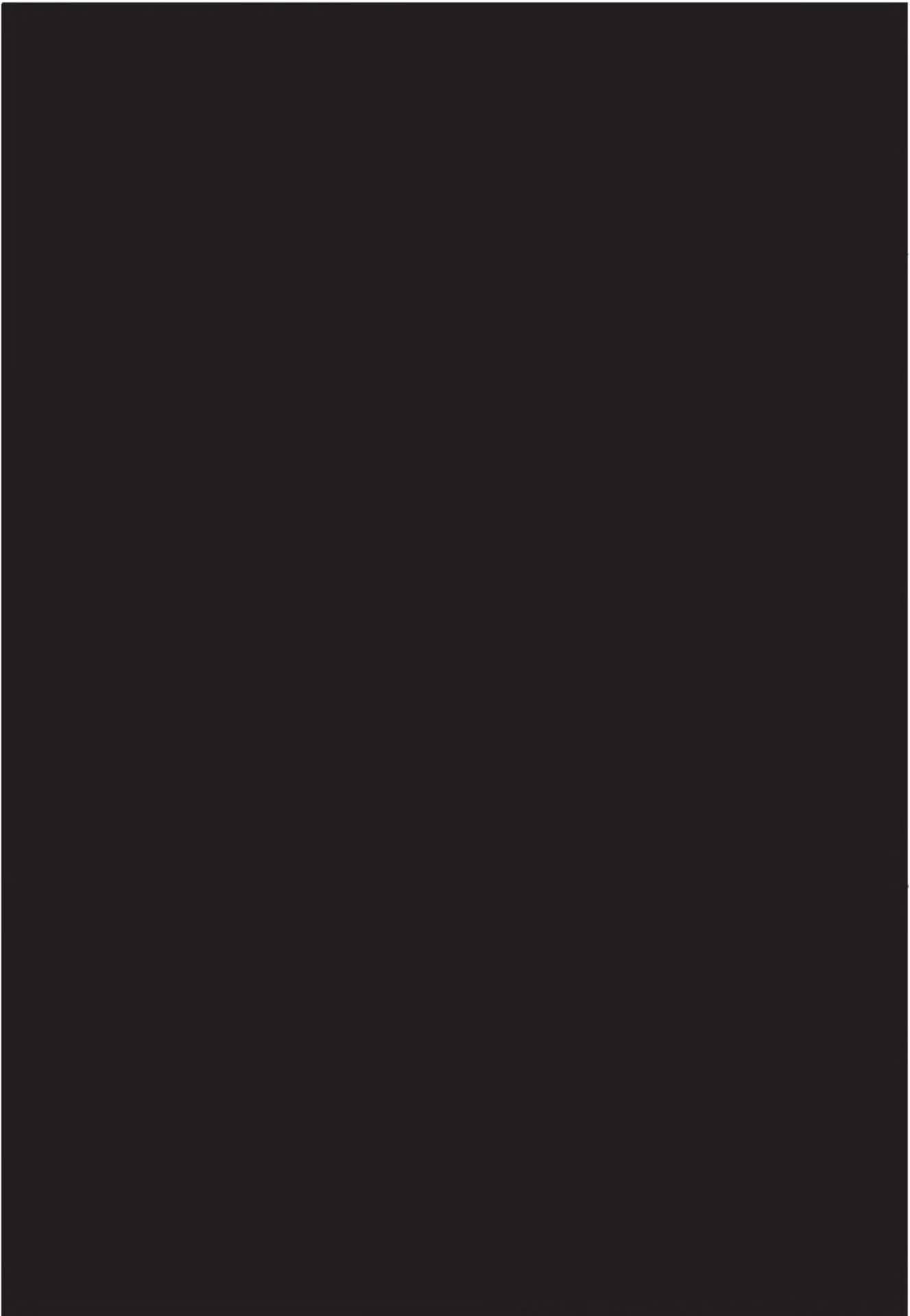




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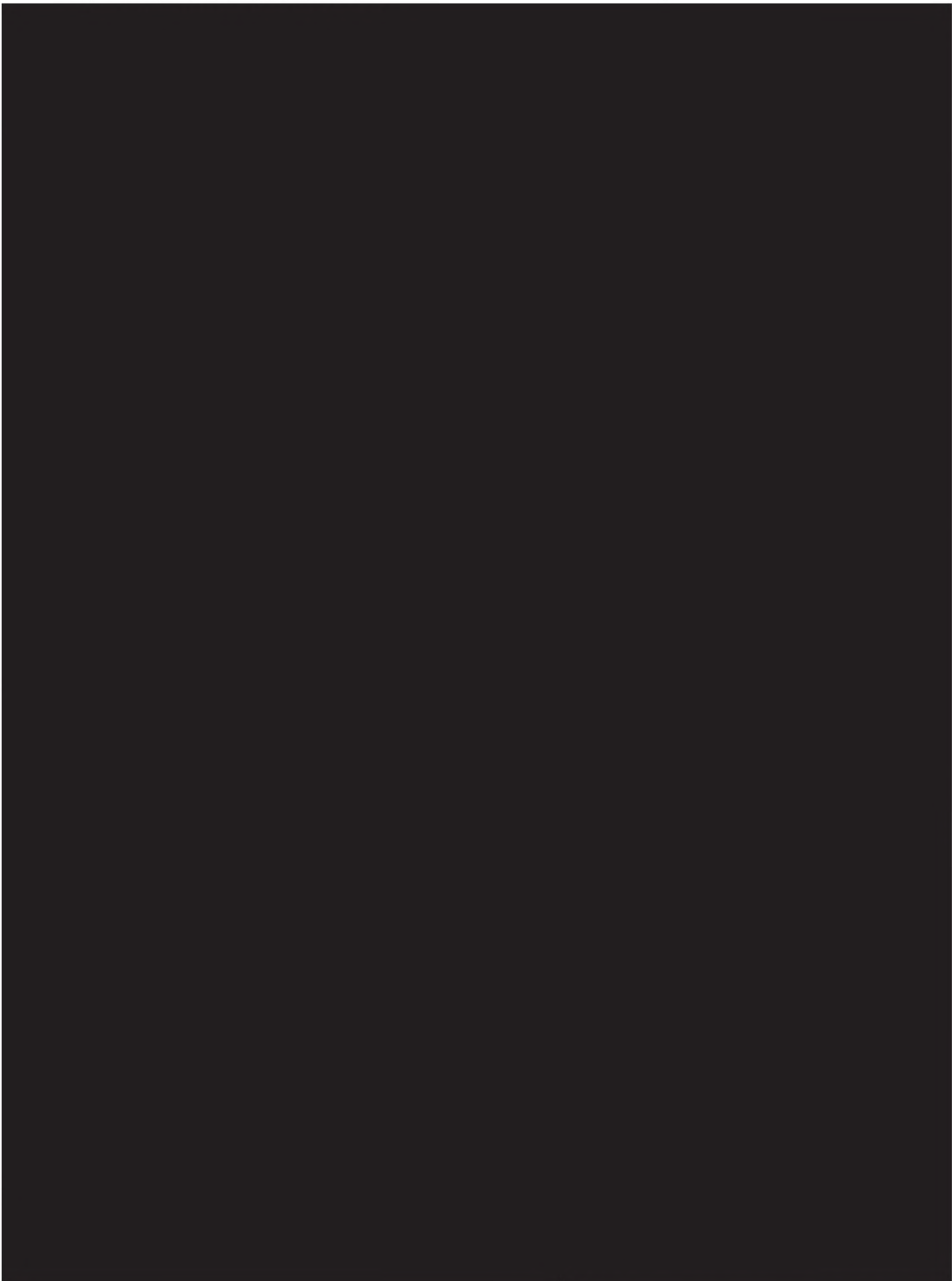


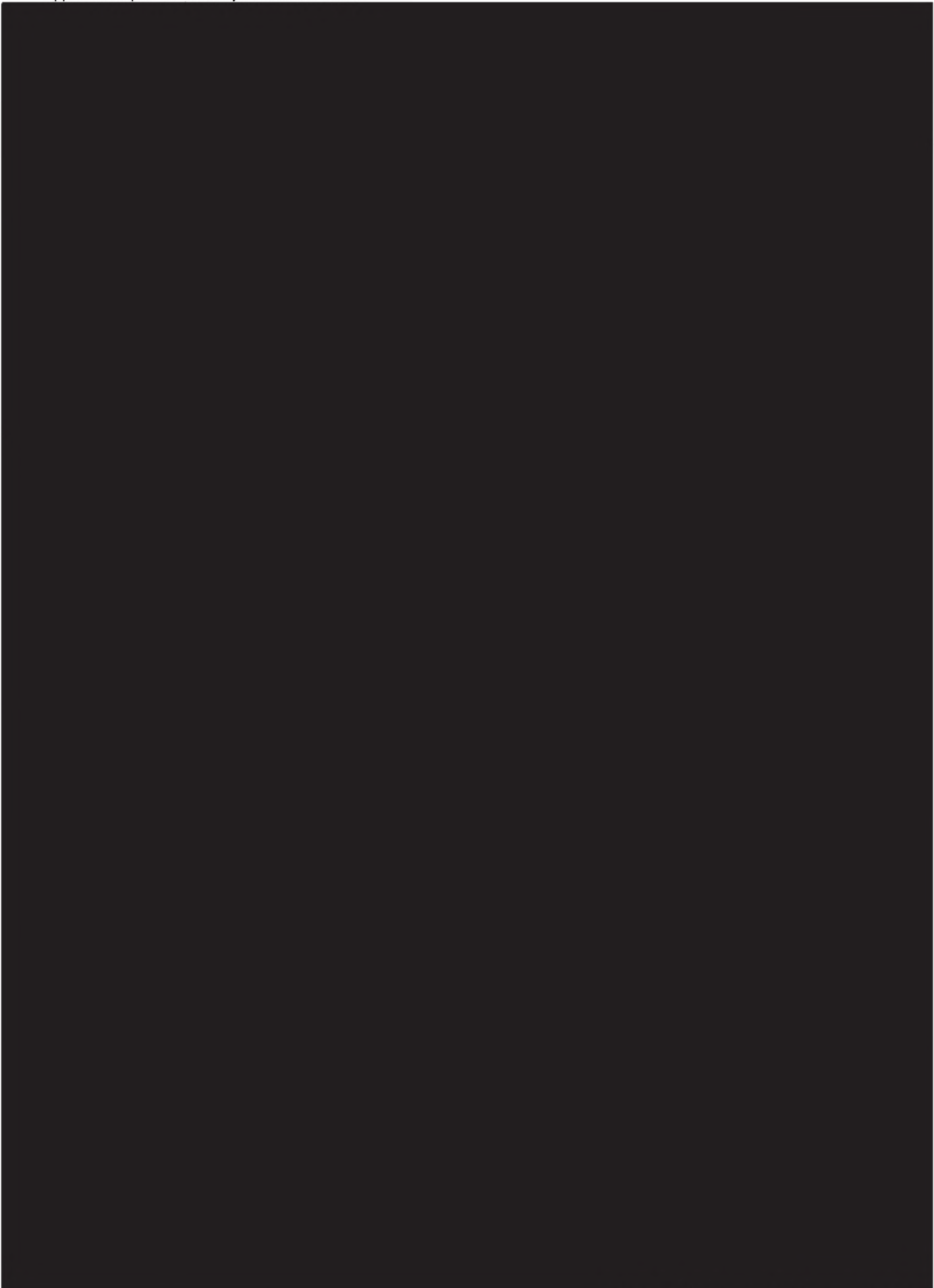


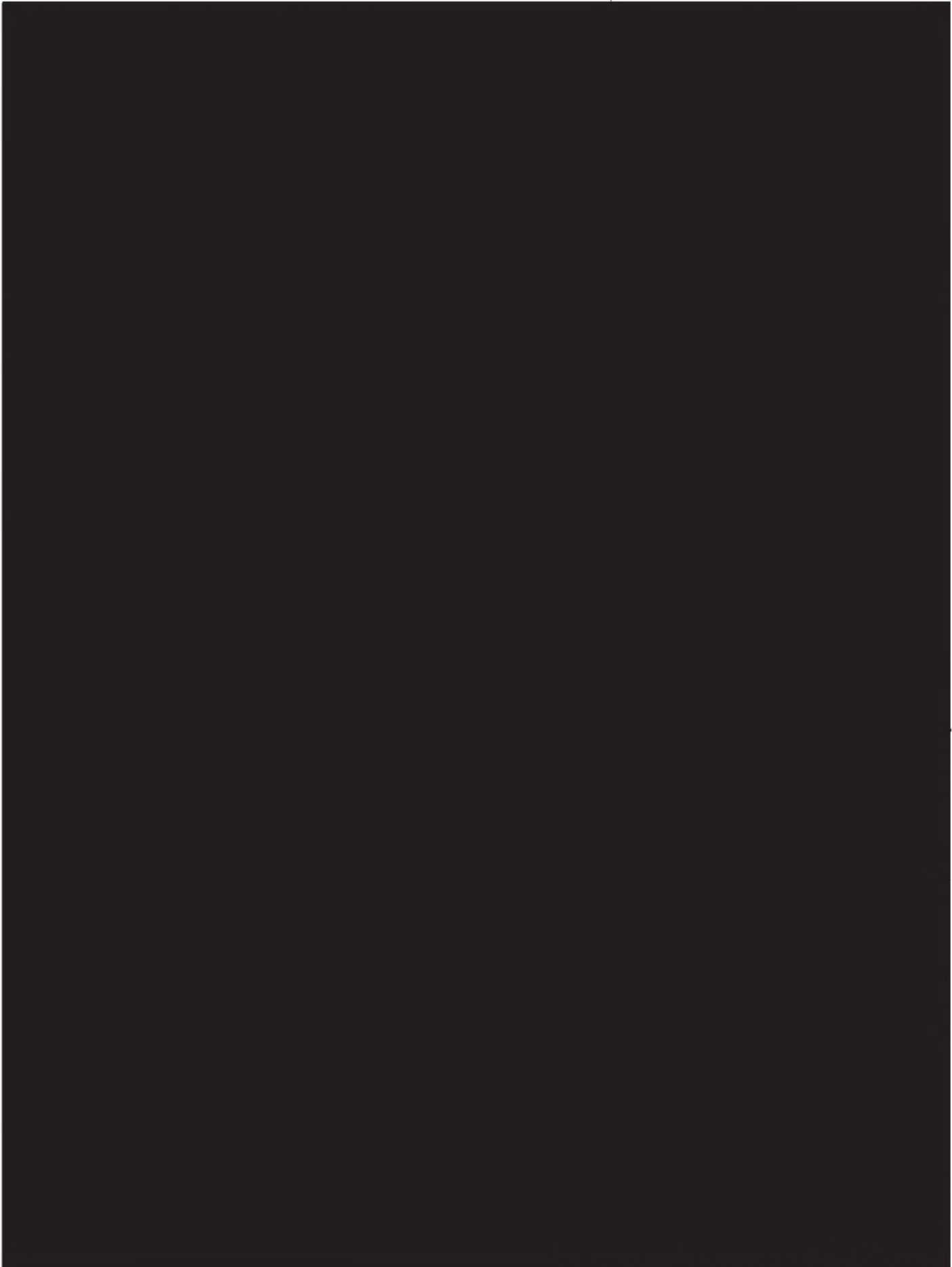


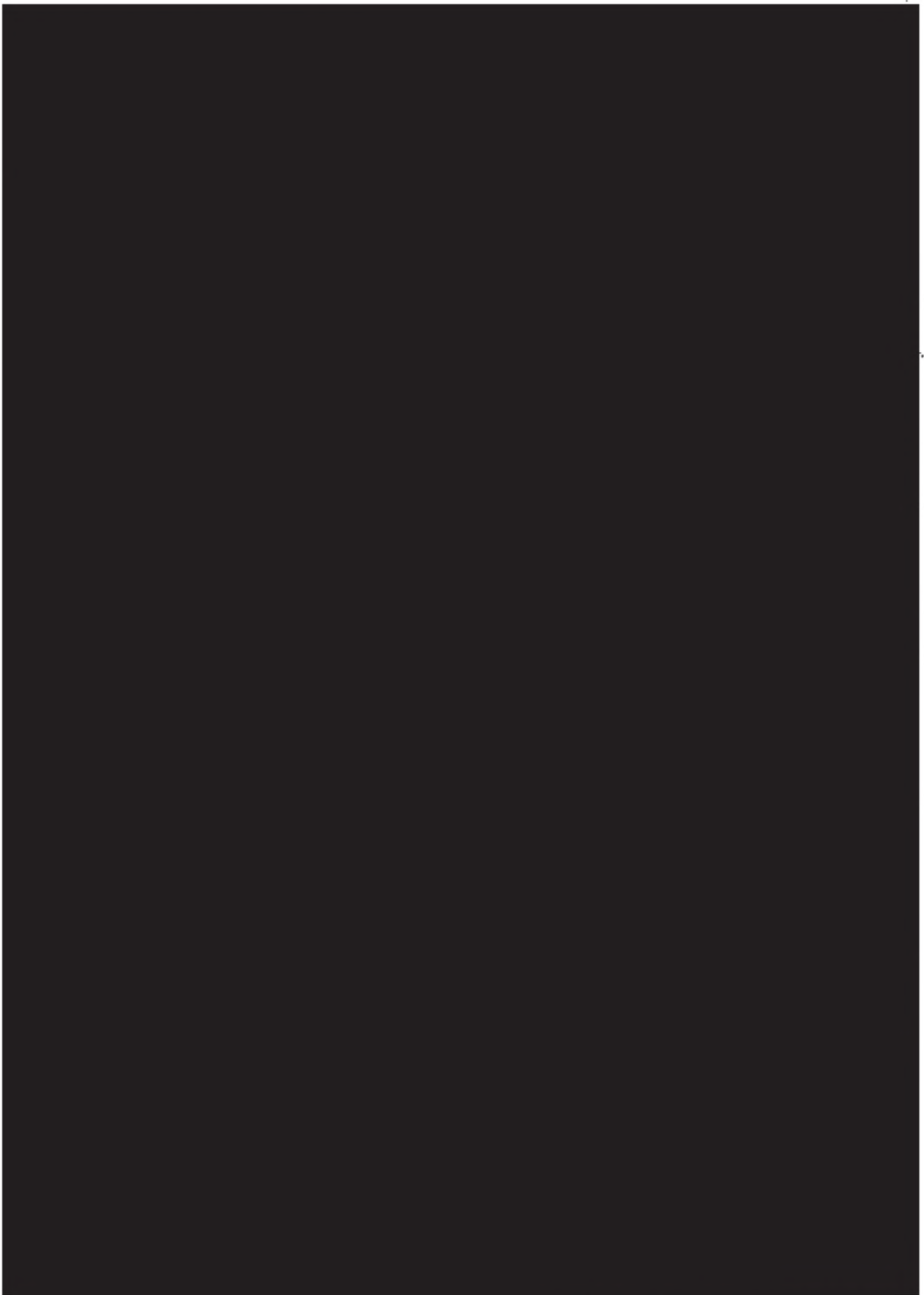
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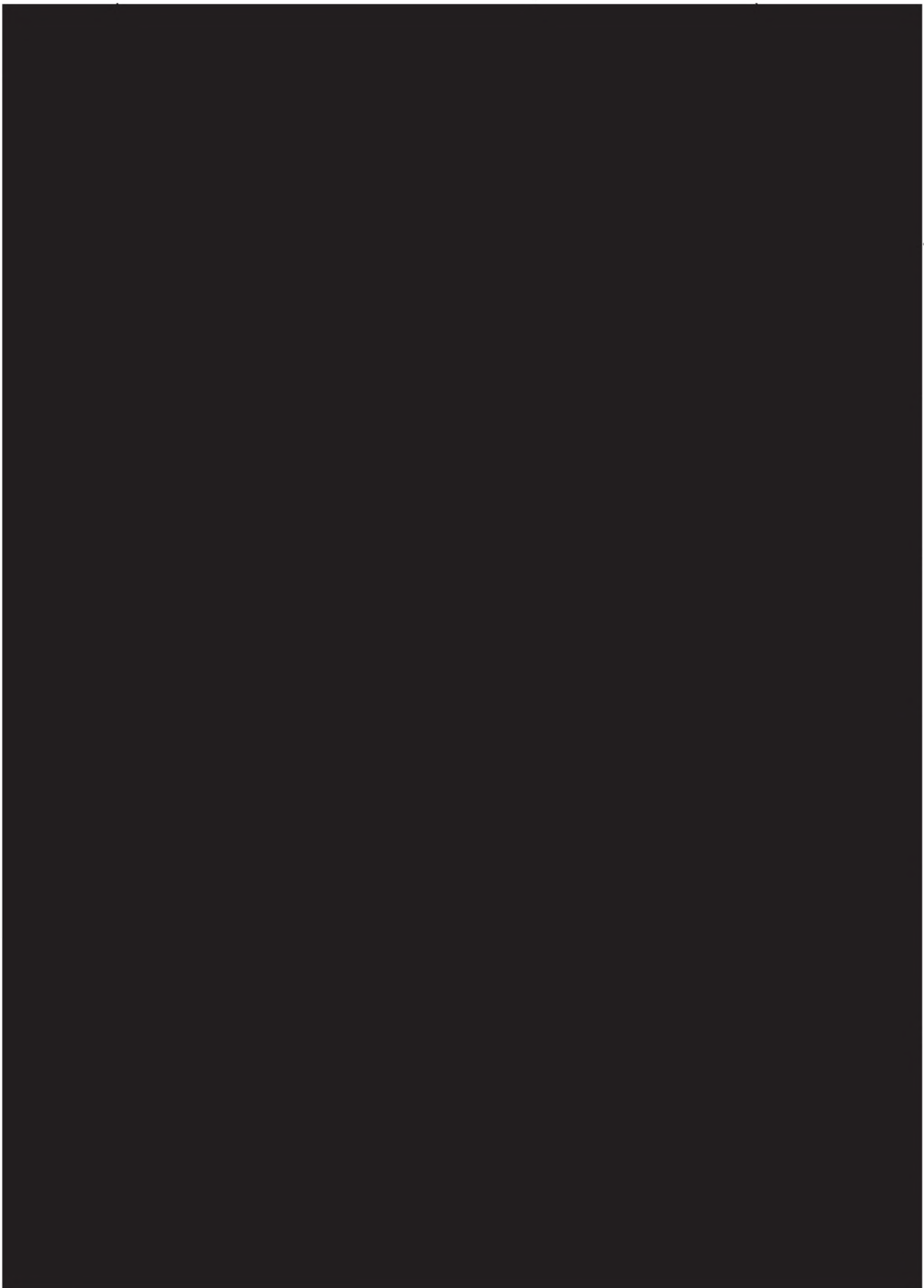


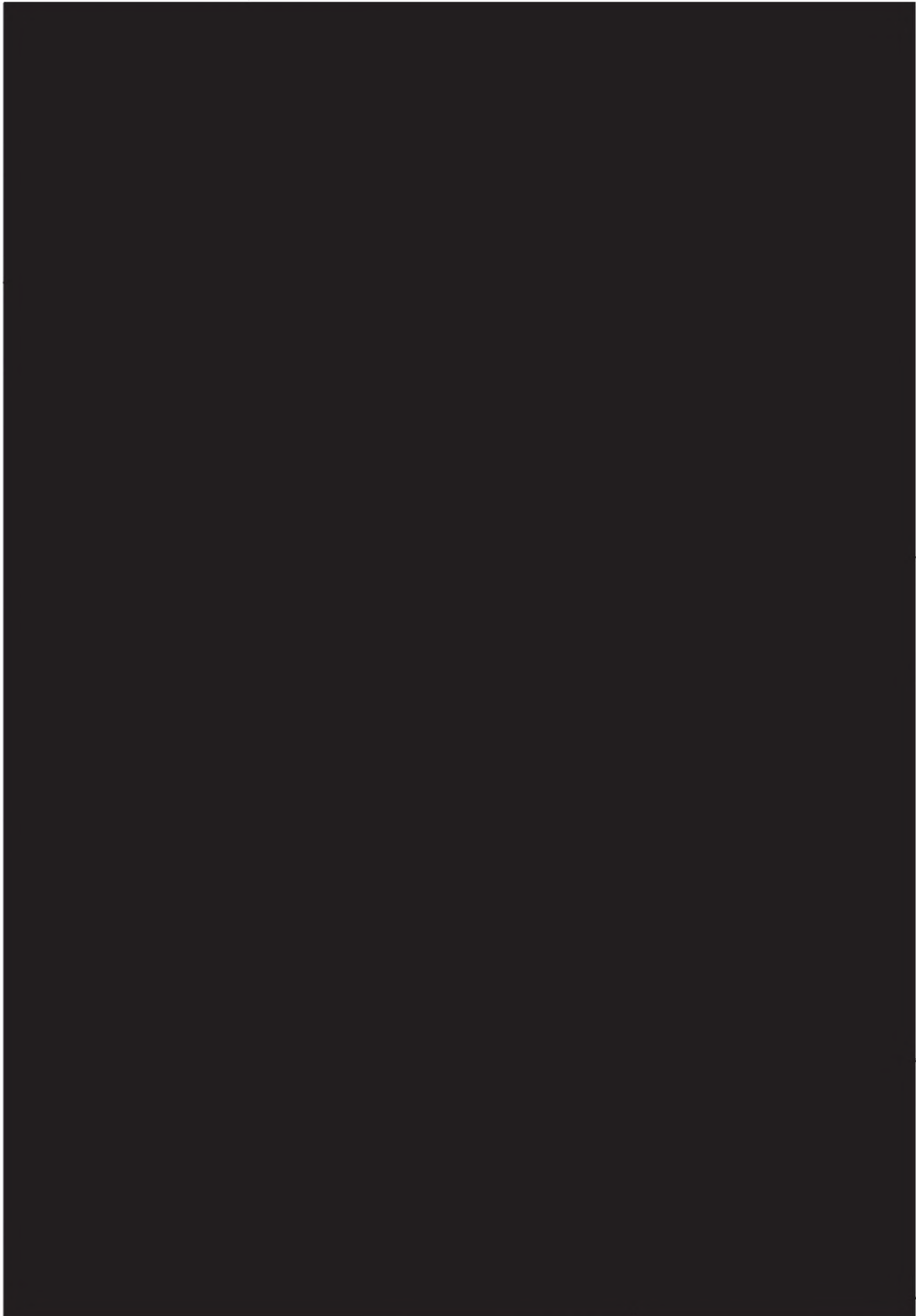








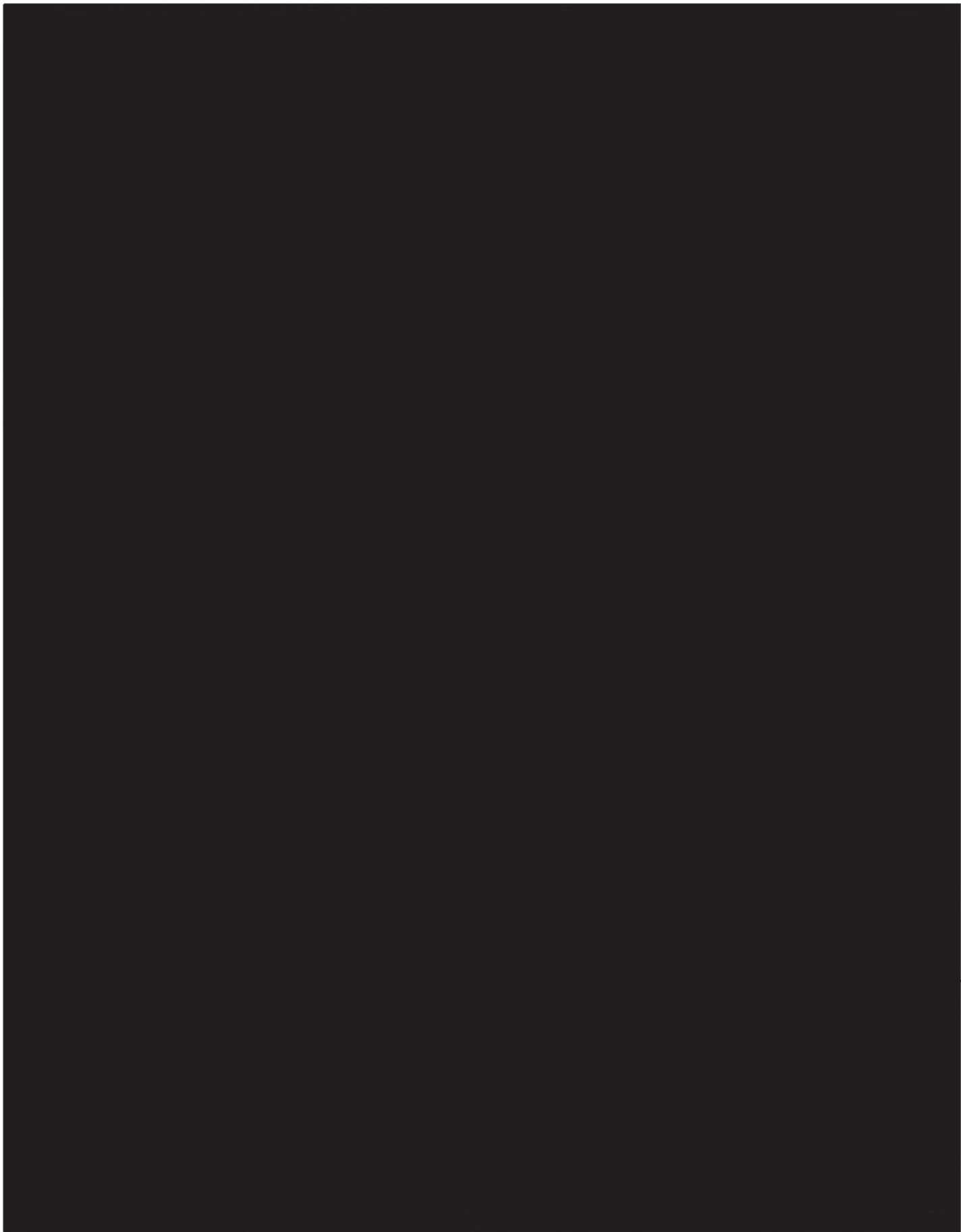


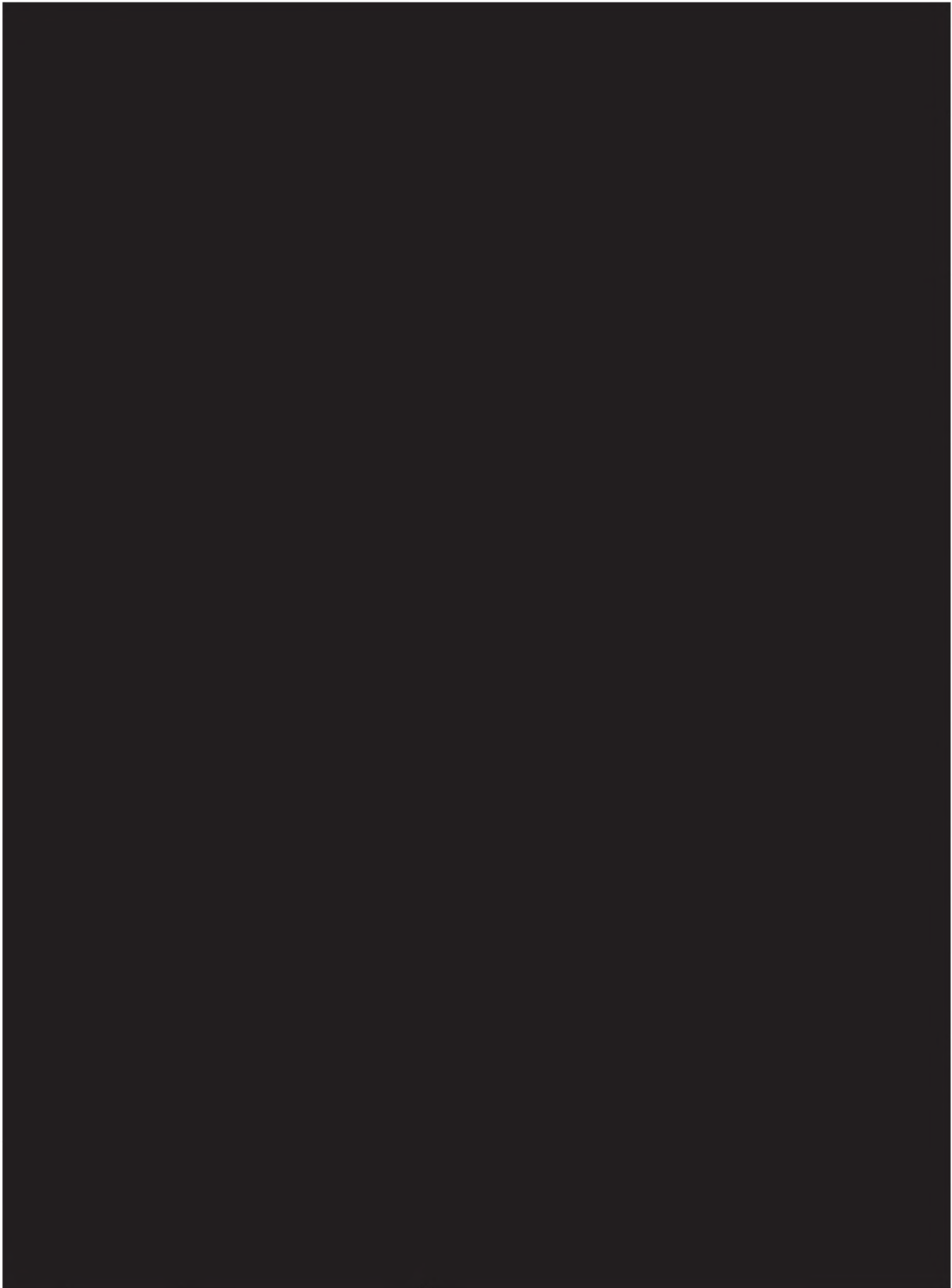






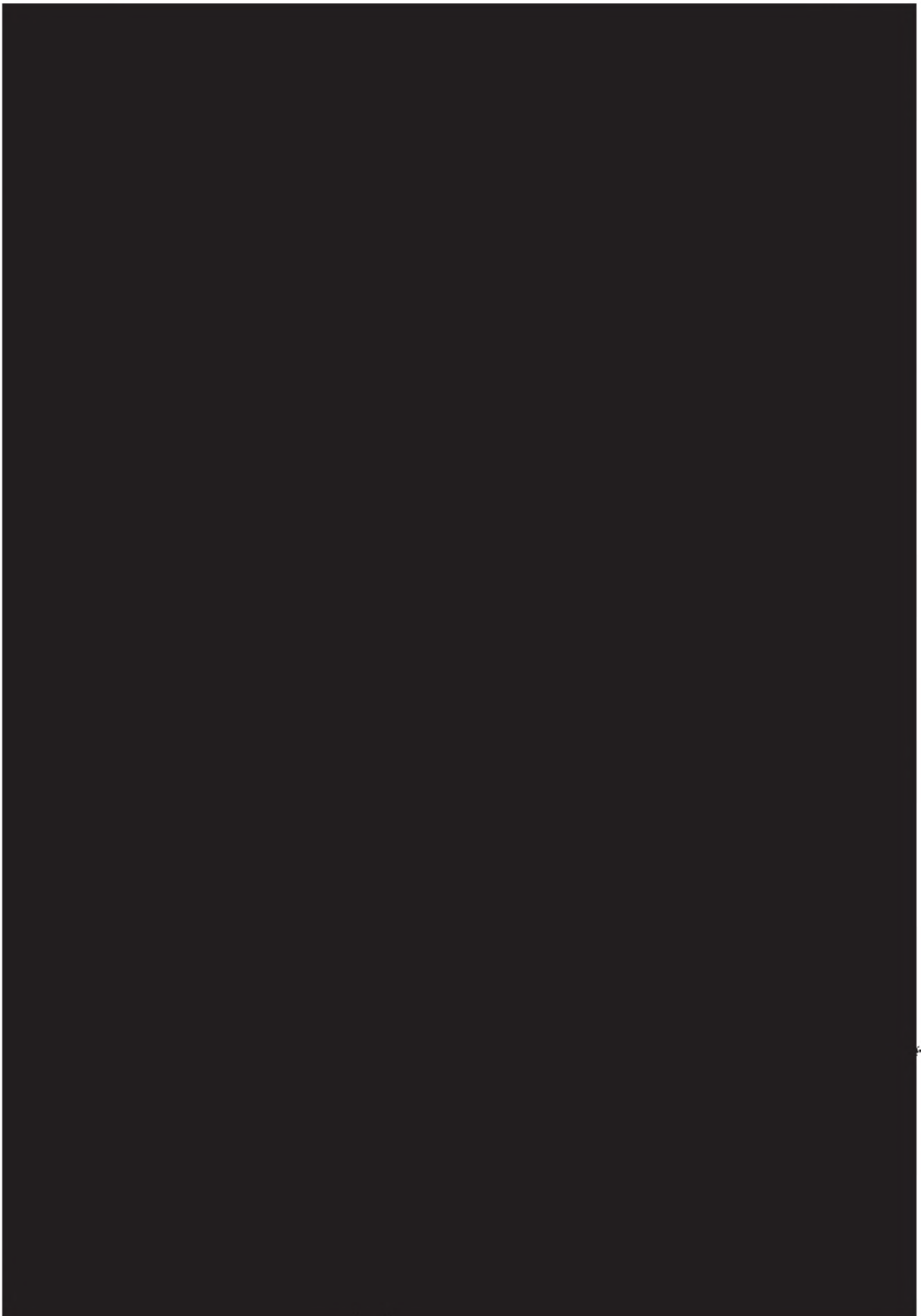








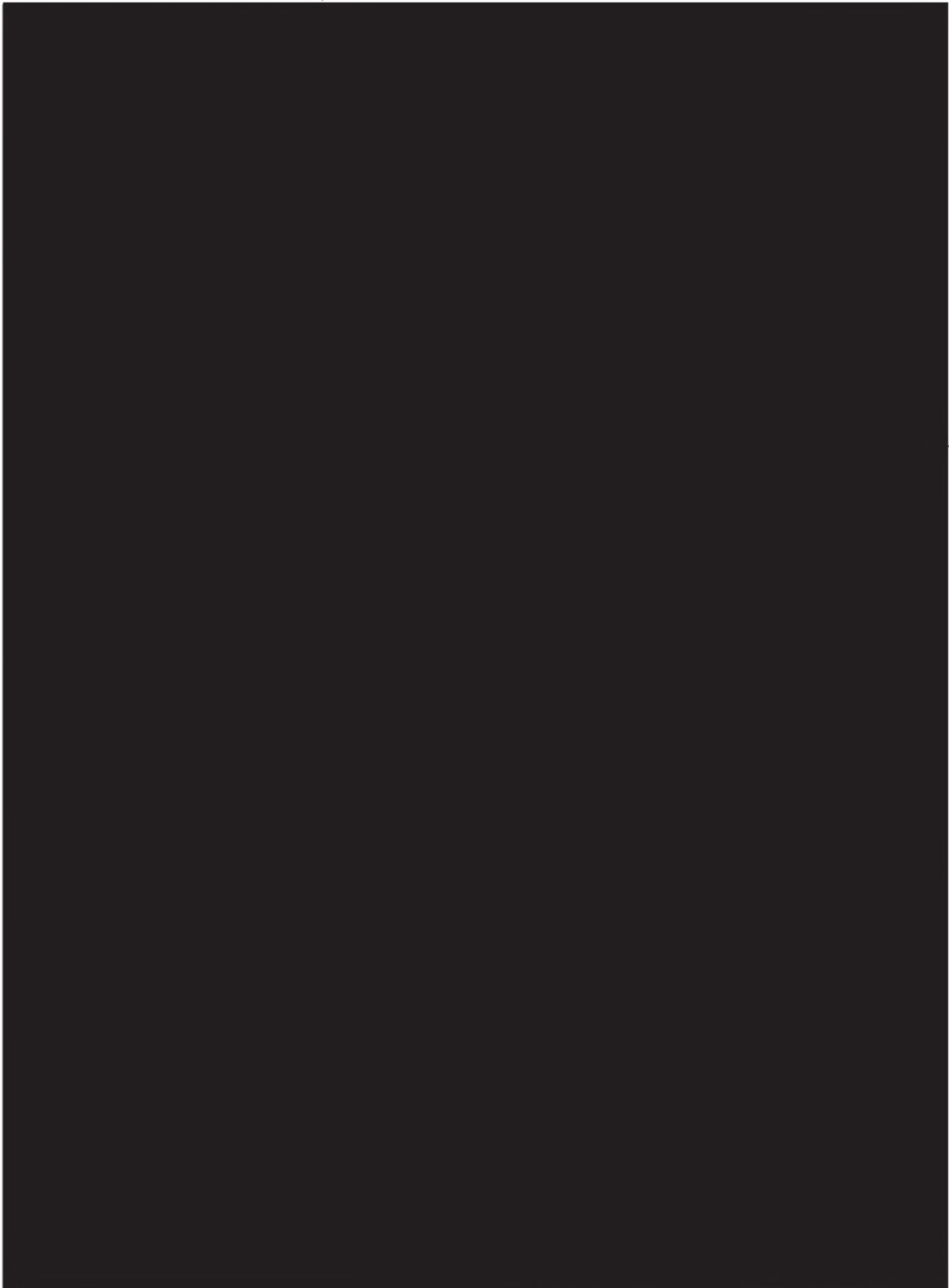


















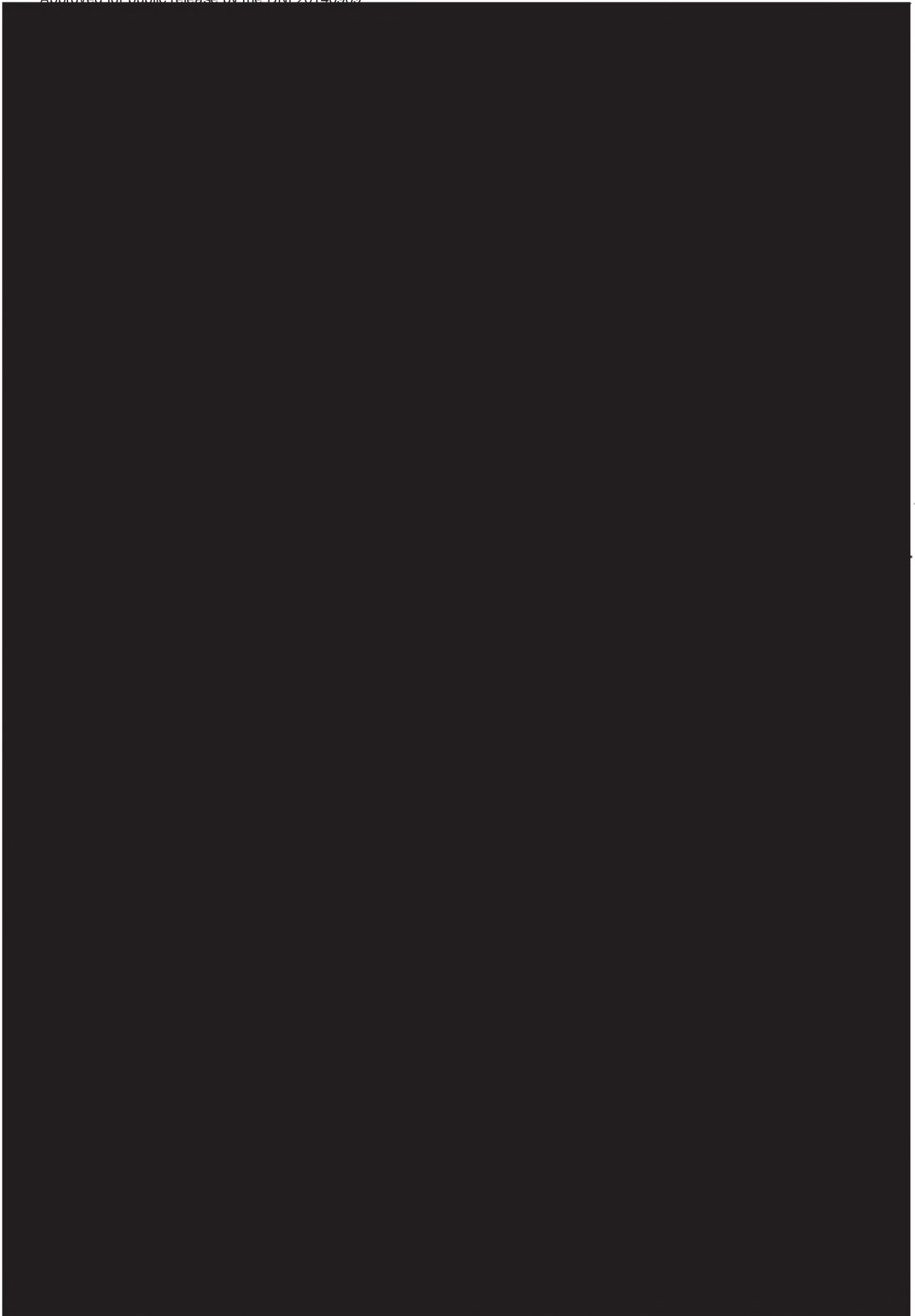


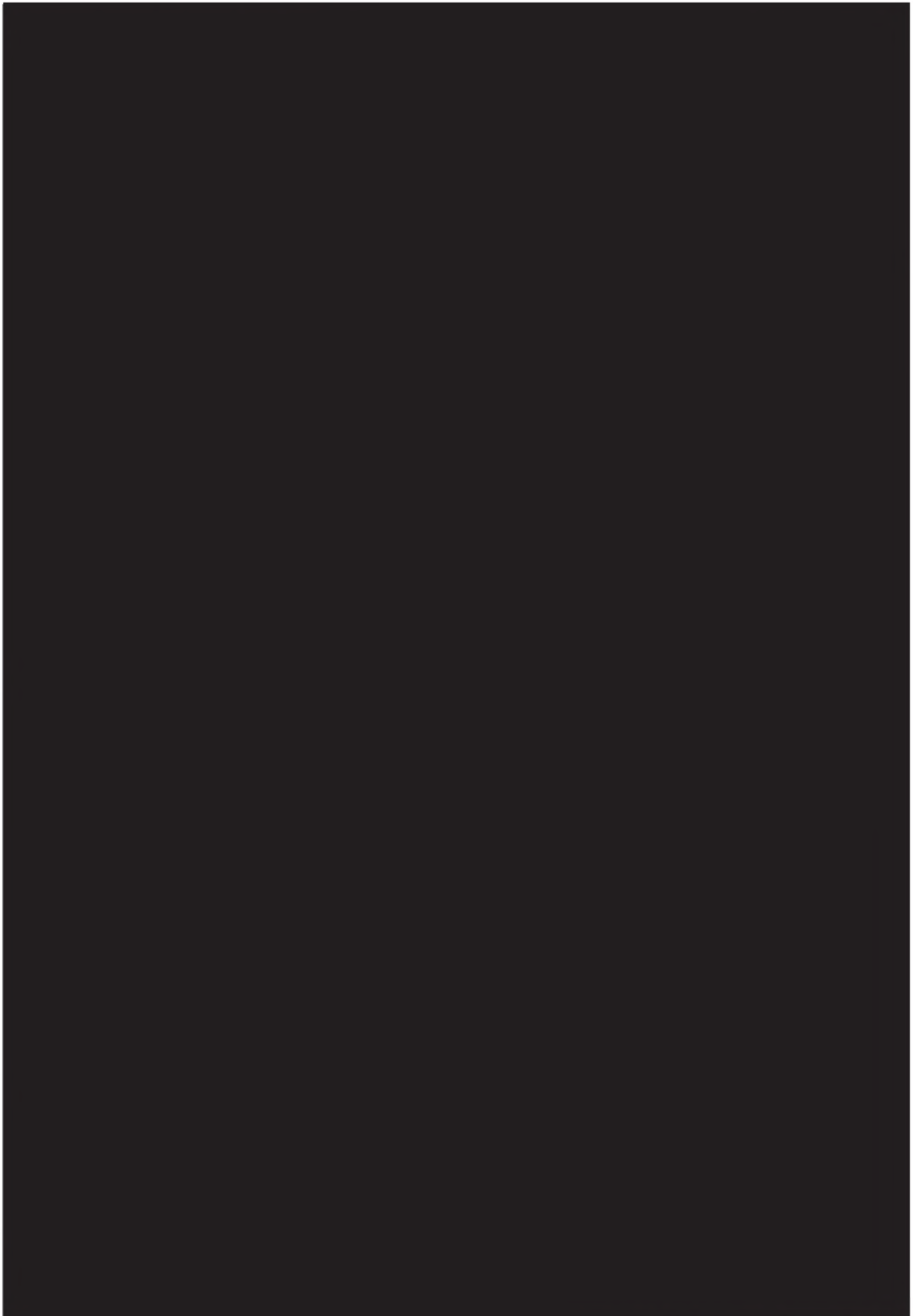






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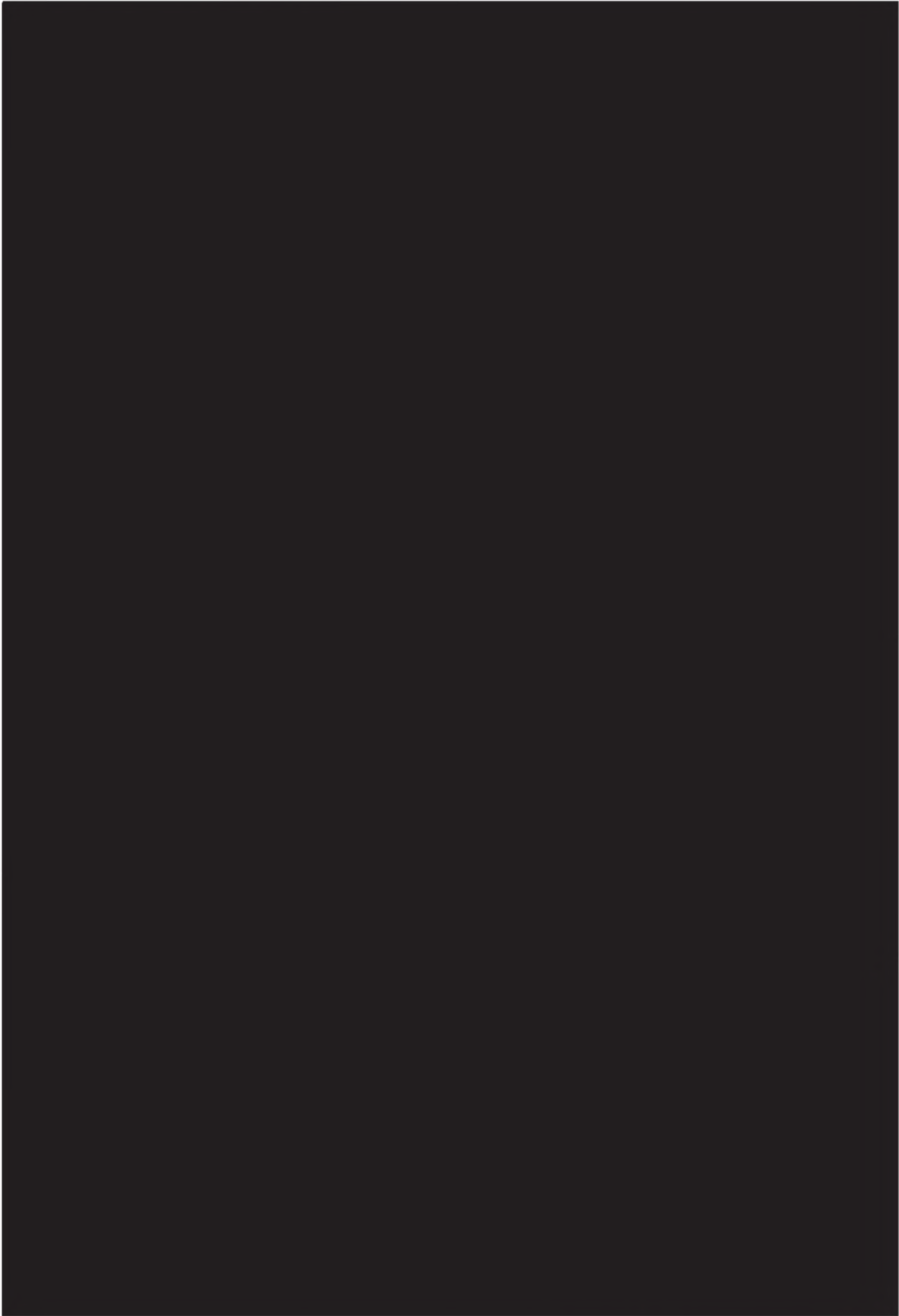




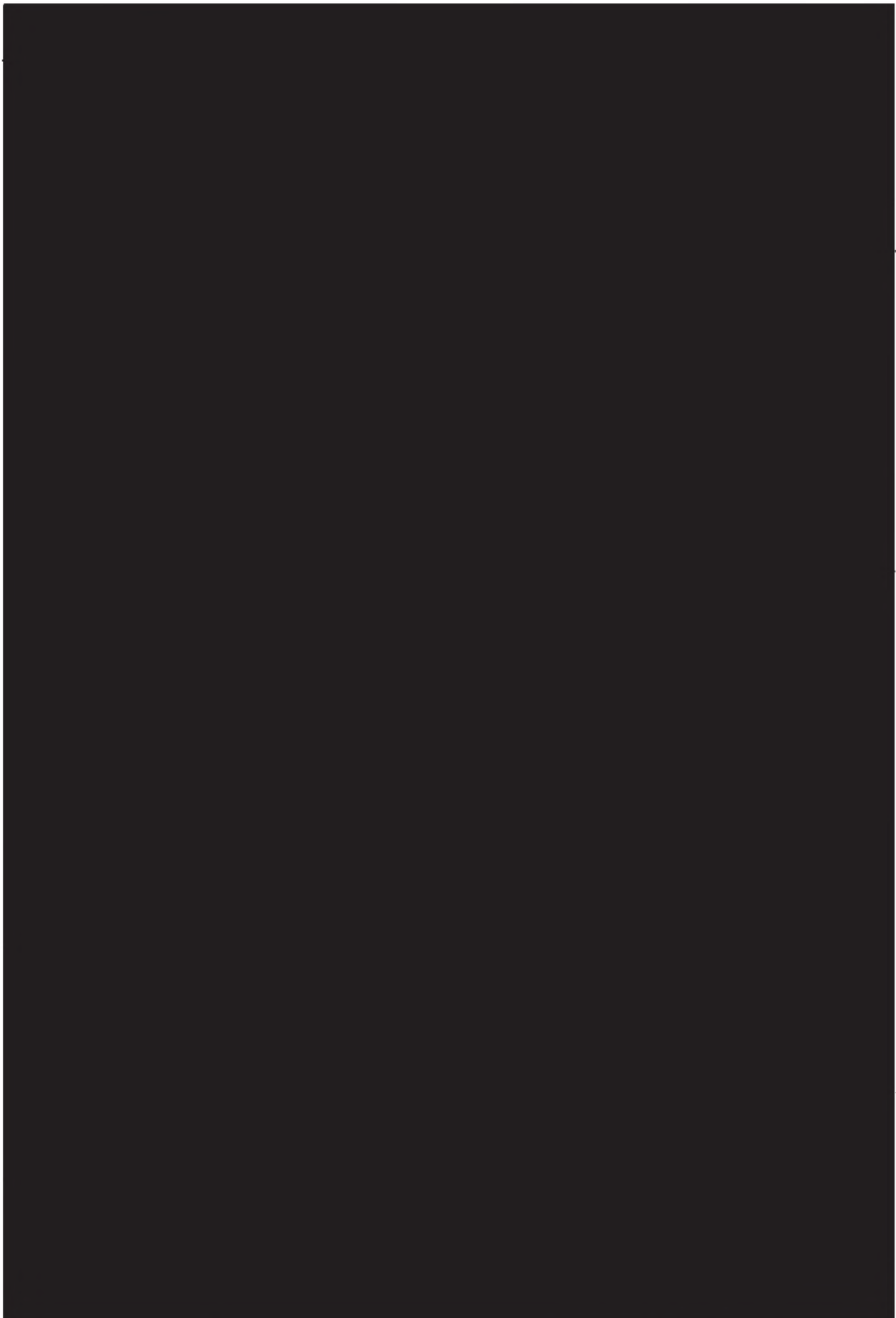










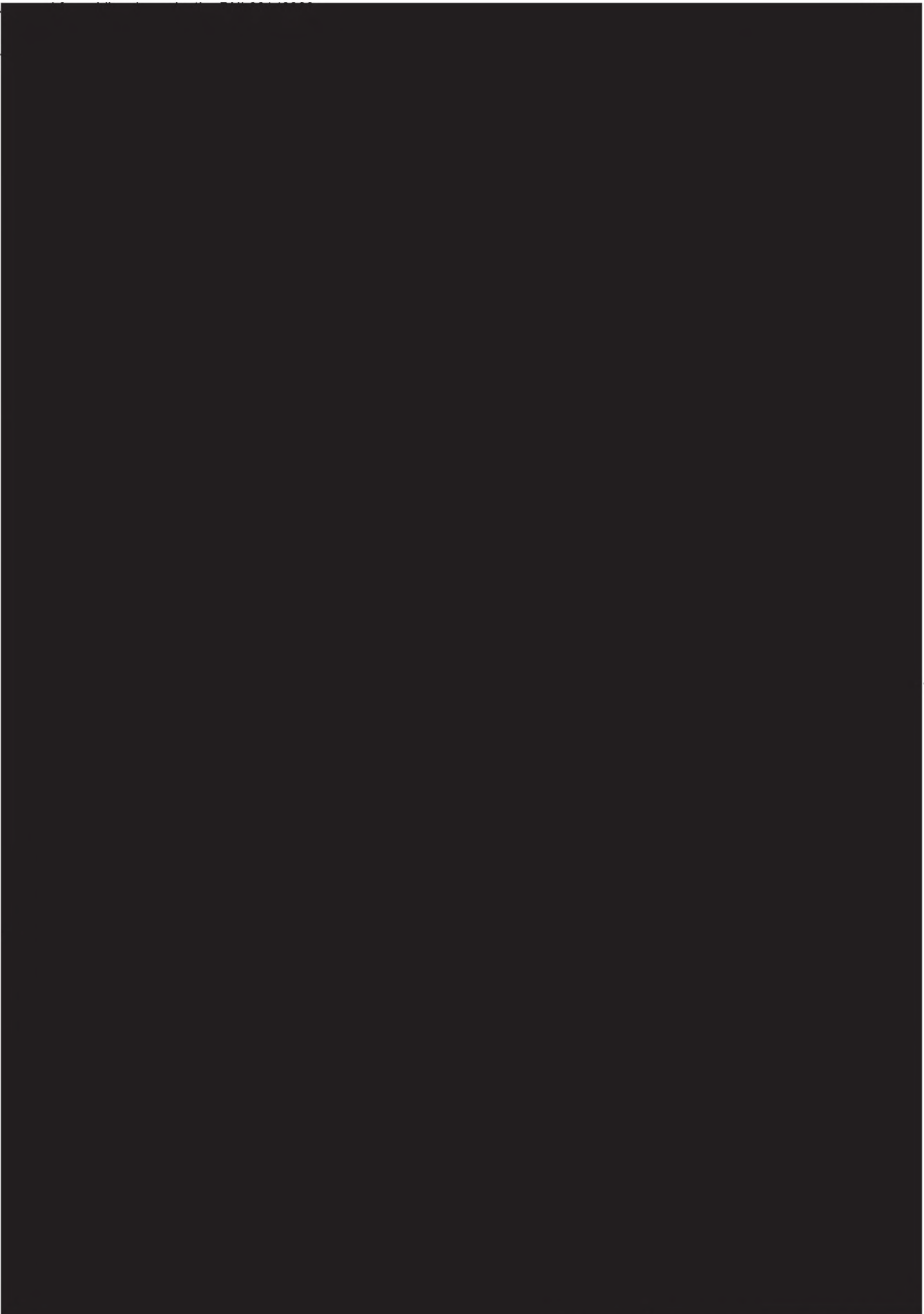








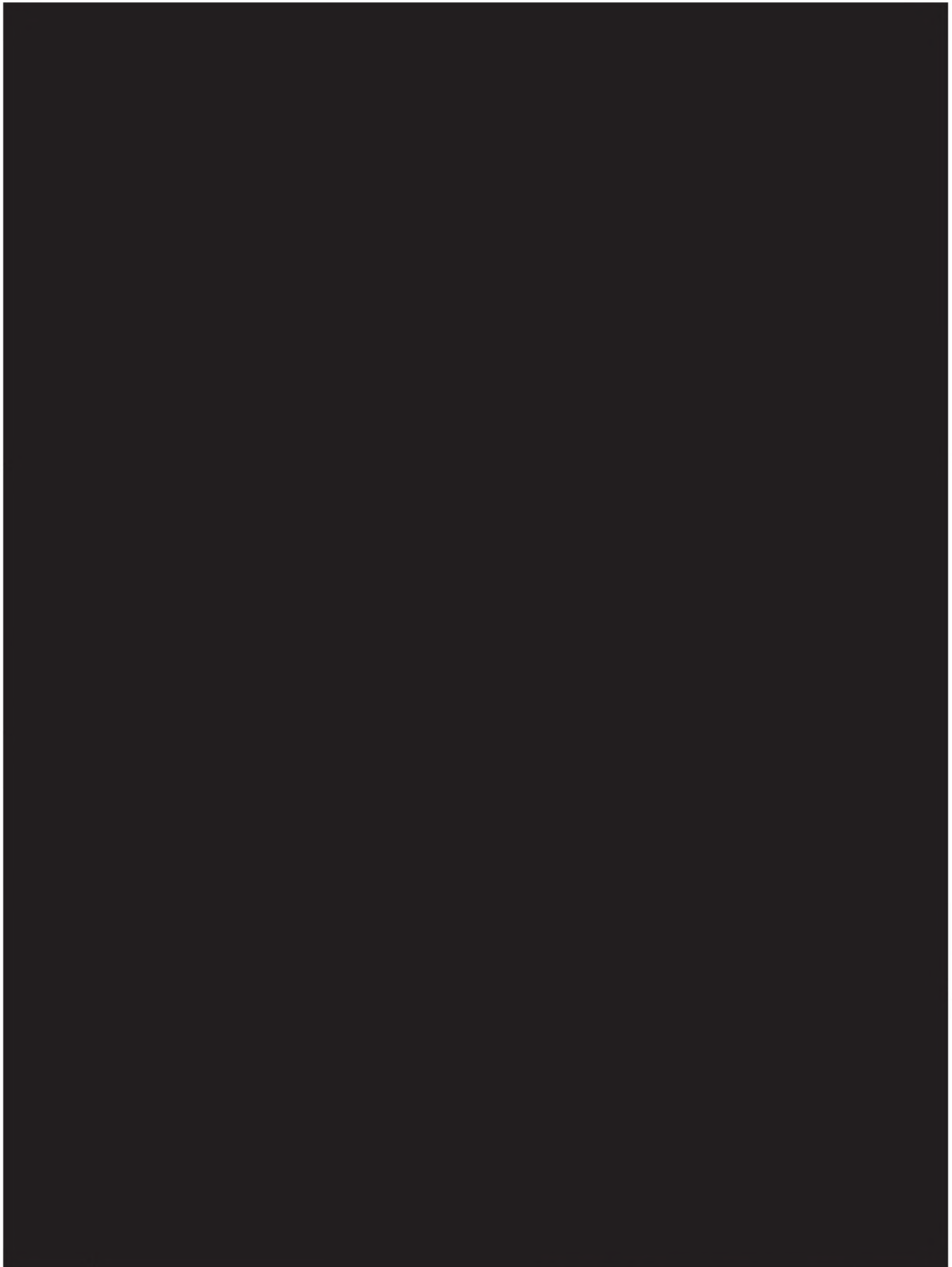
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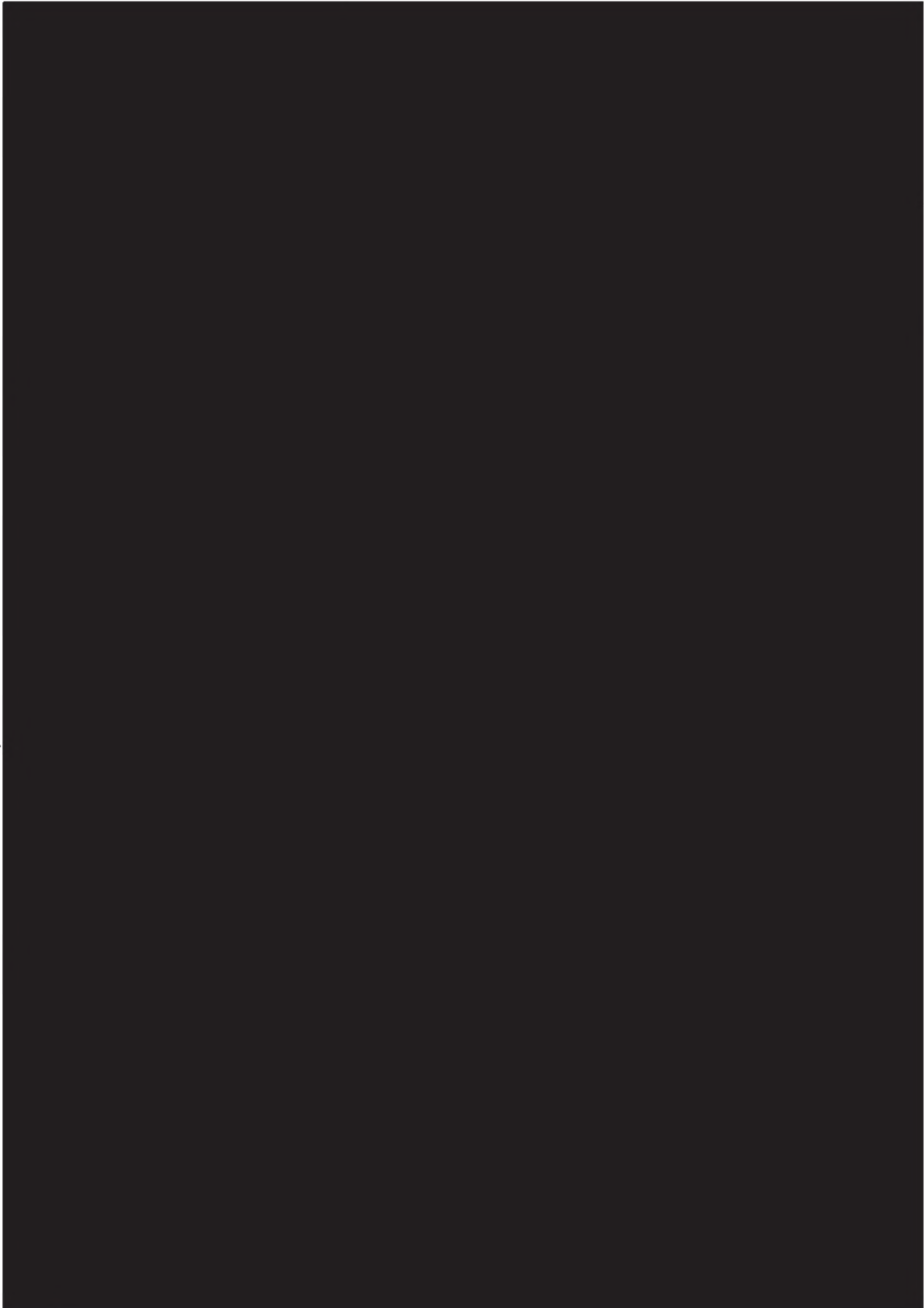






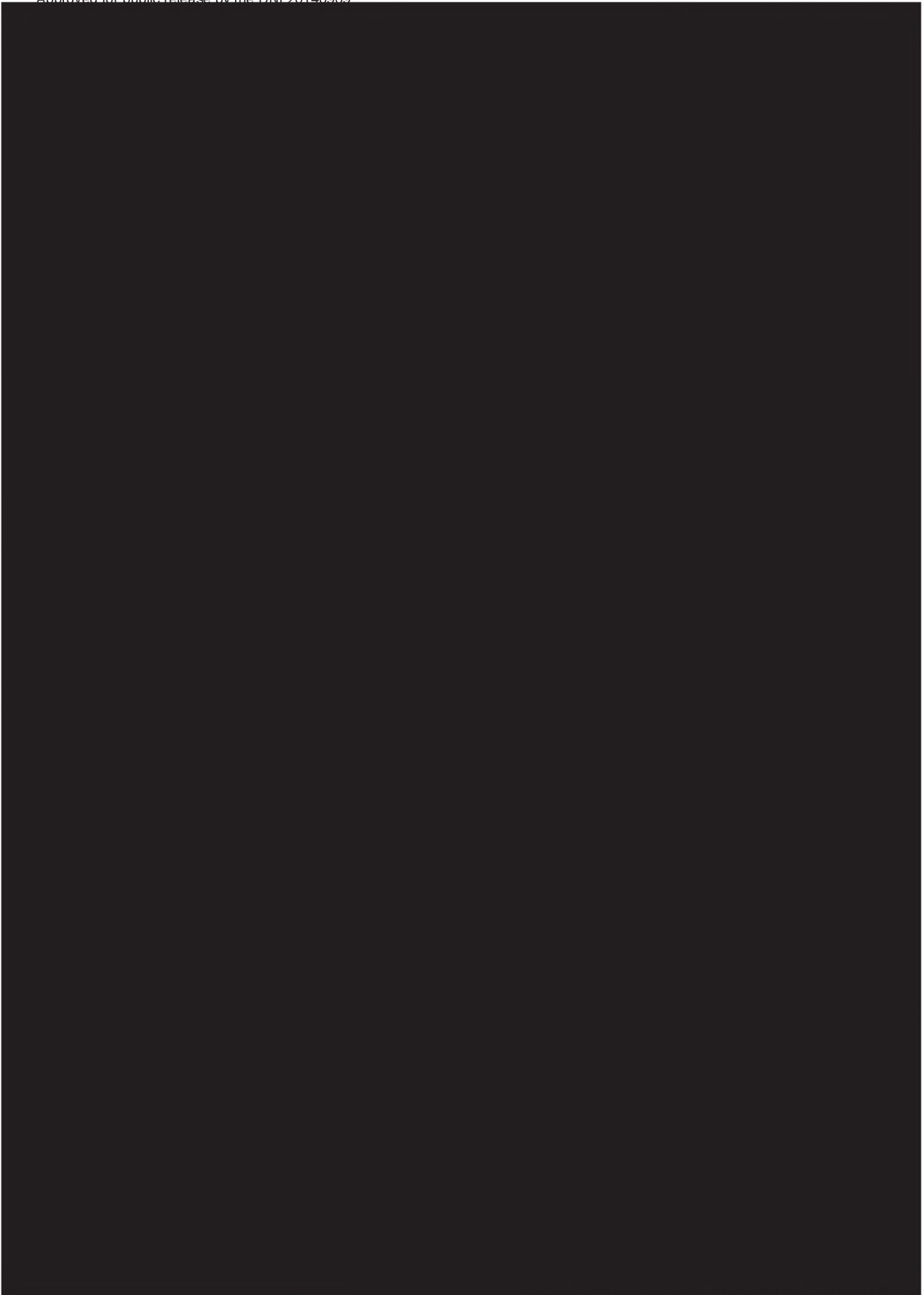


CLASSIFIED ANNEX 000000162

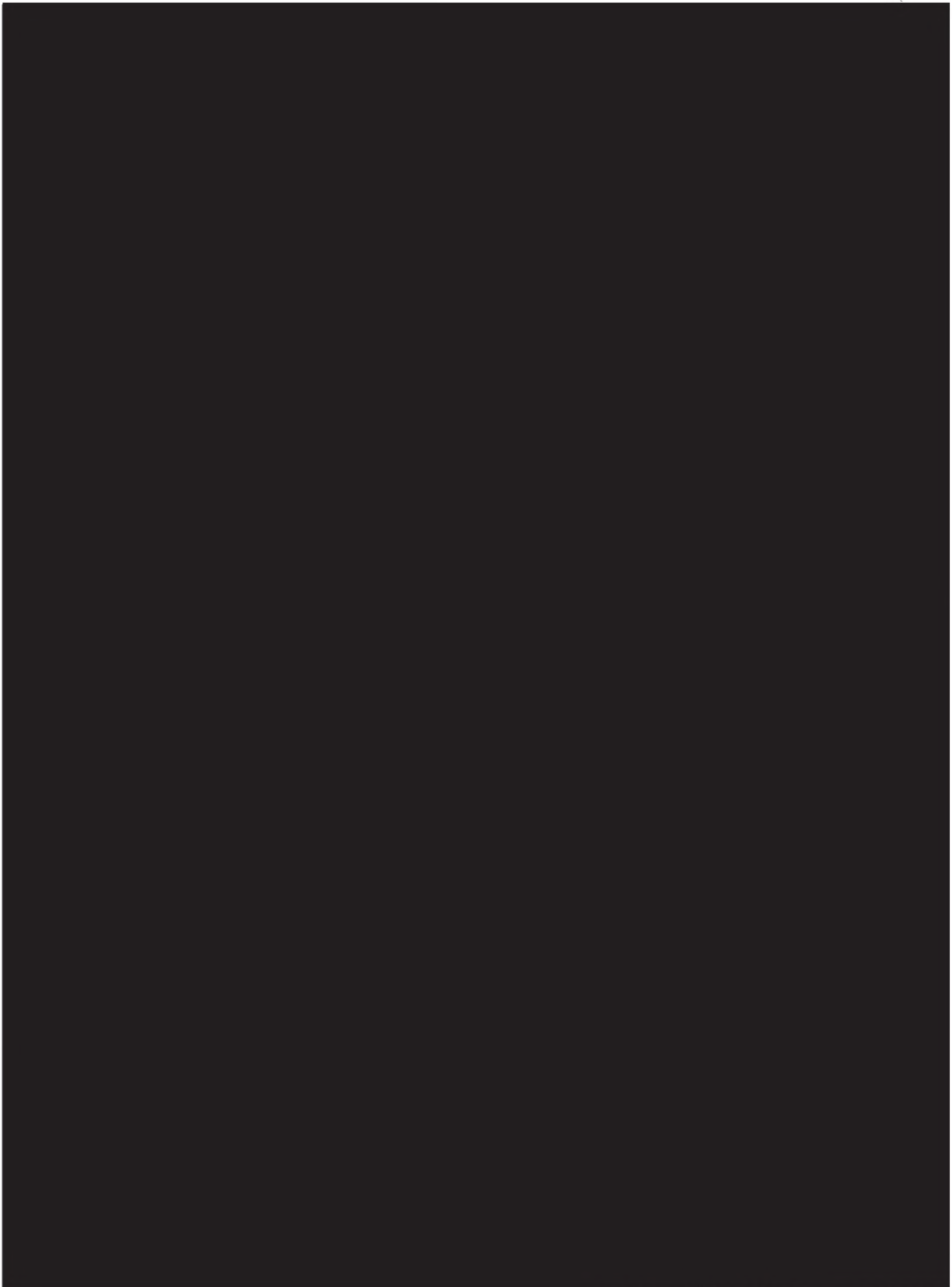








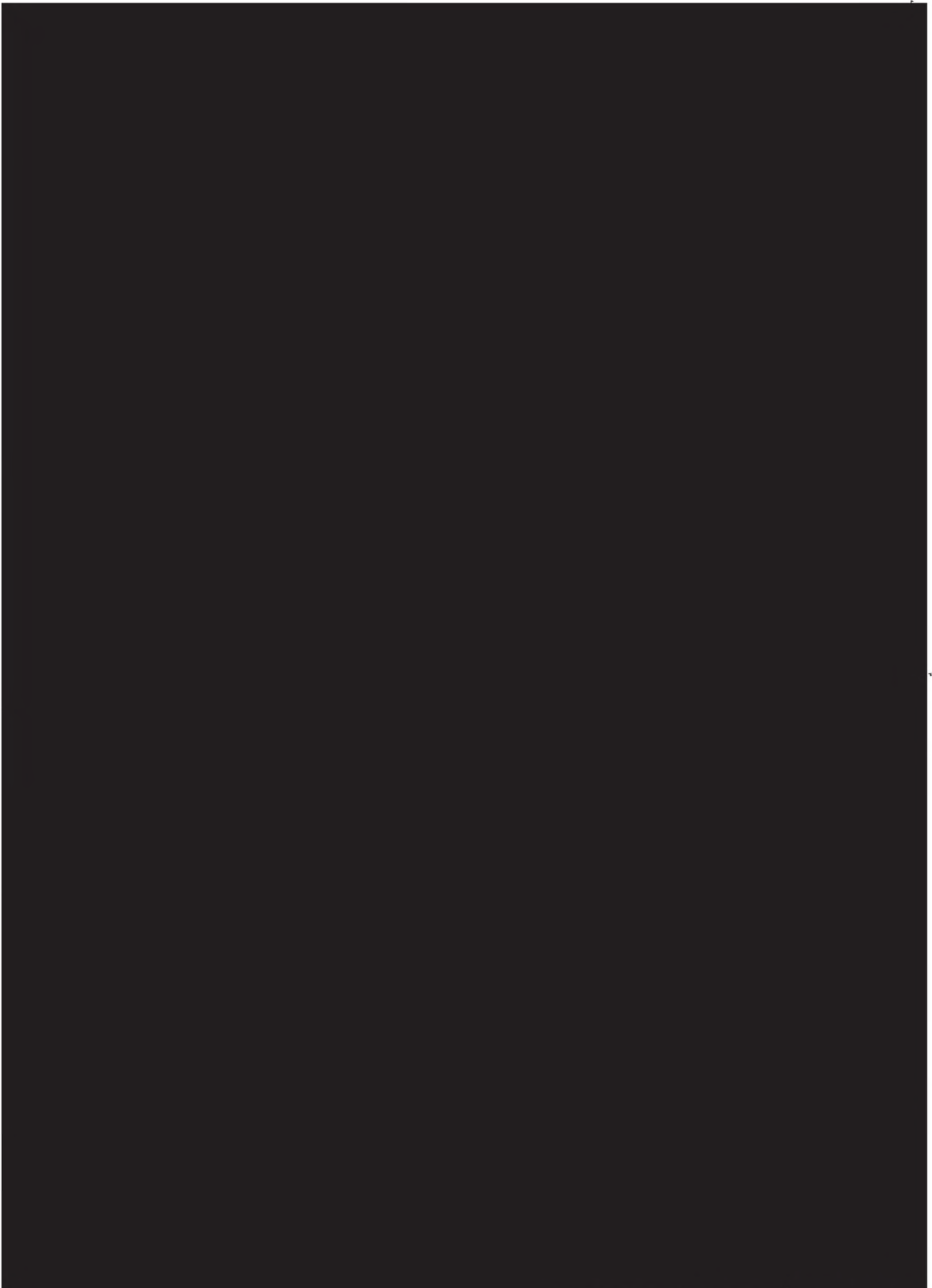


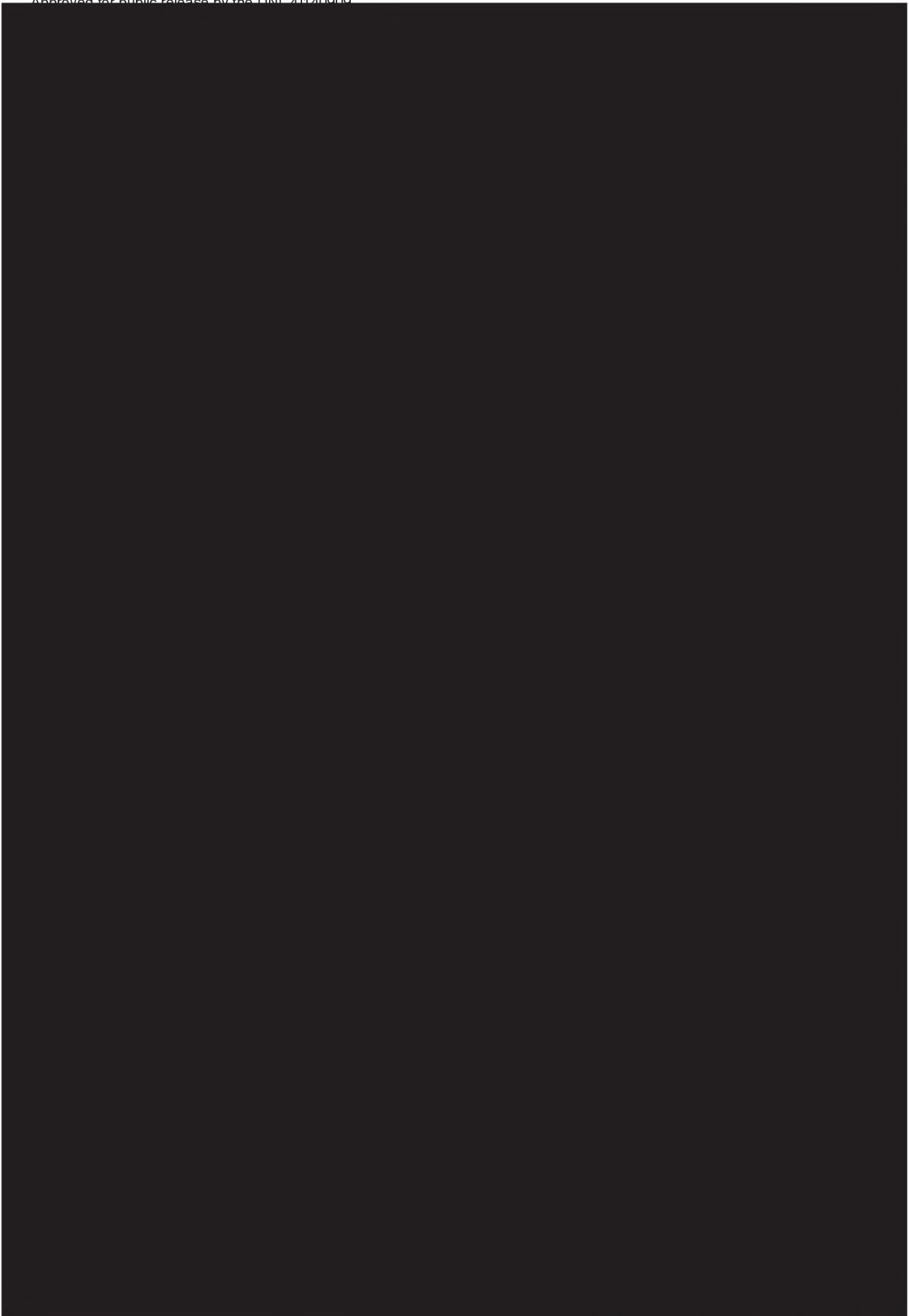








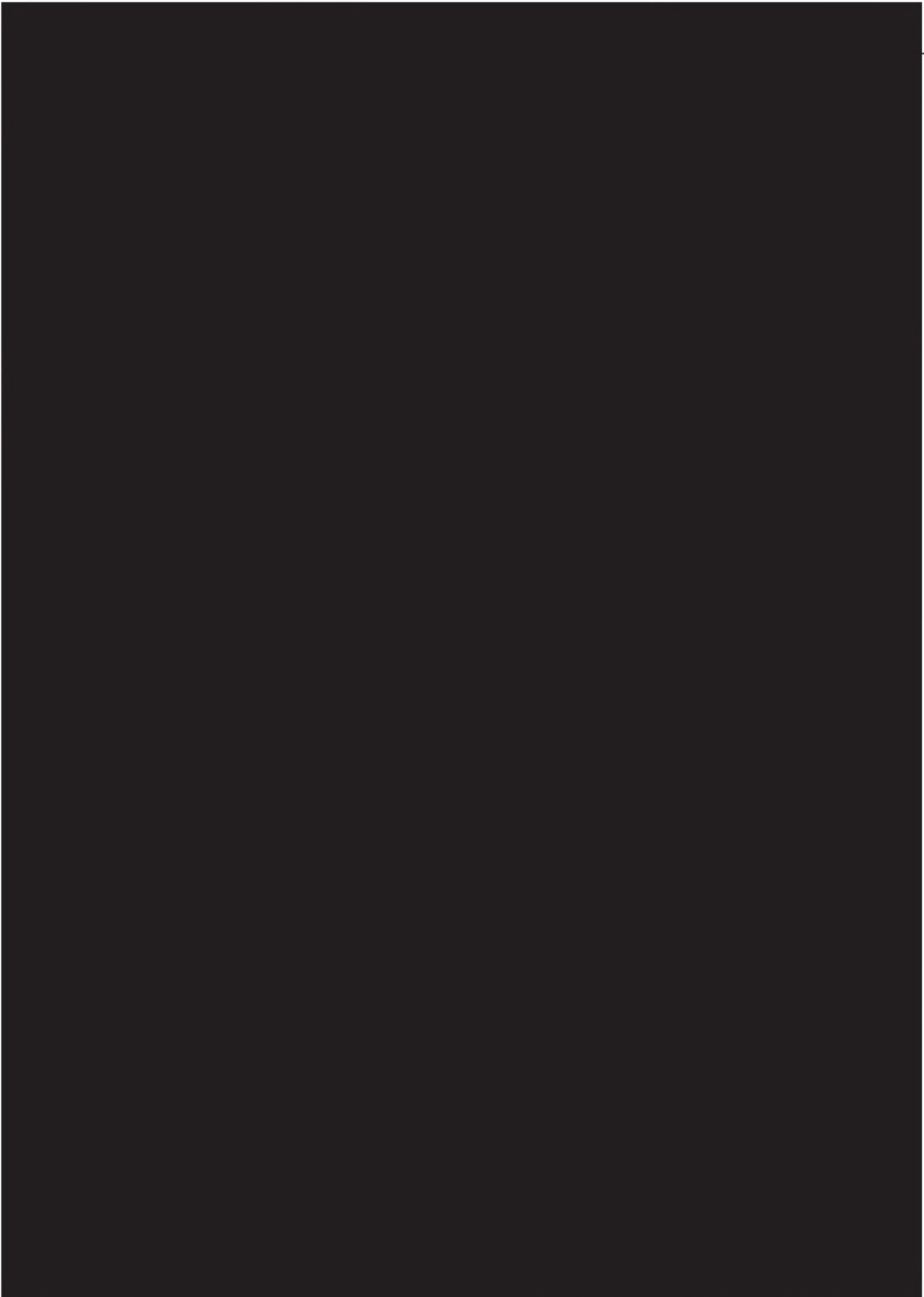




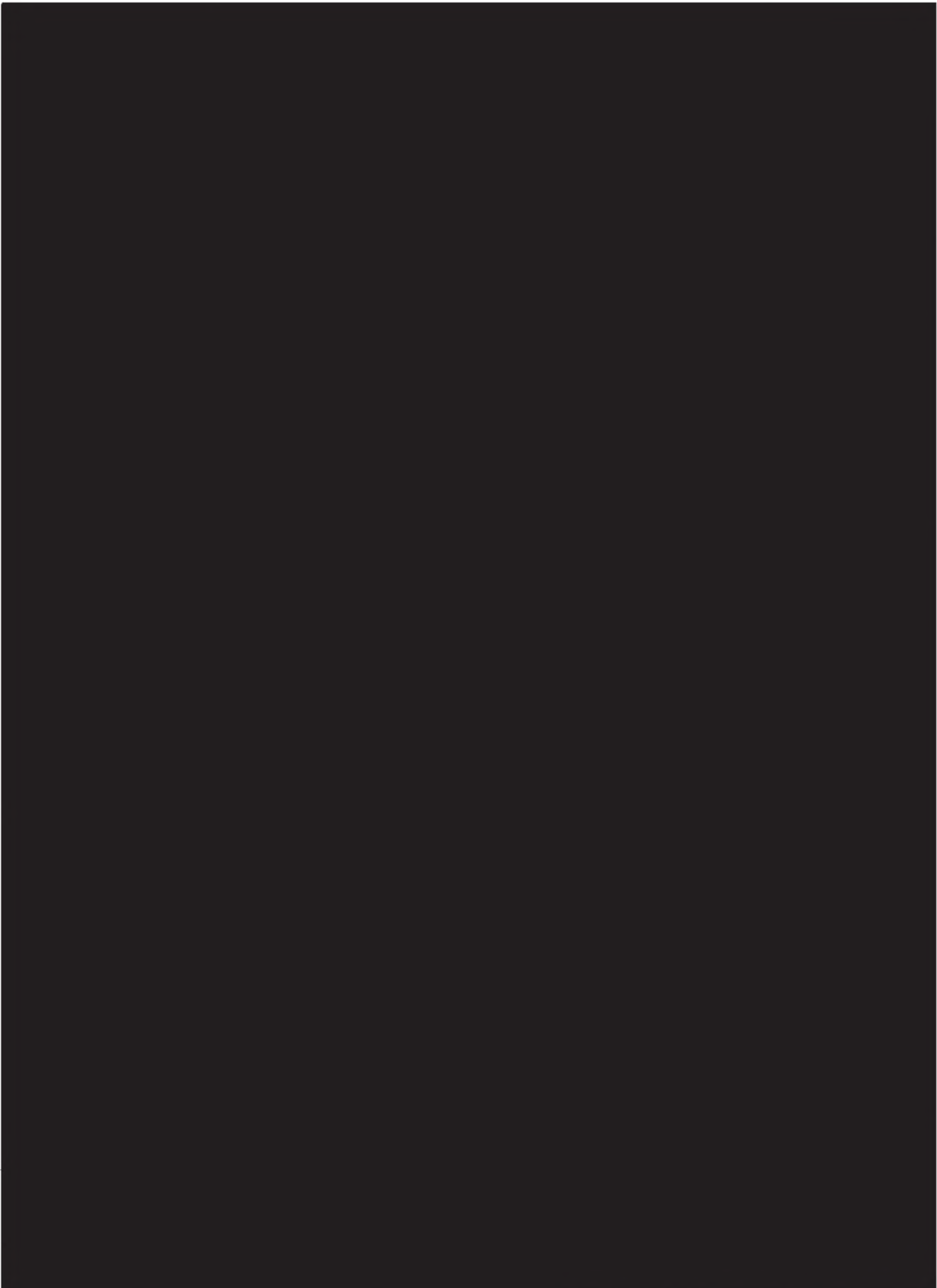


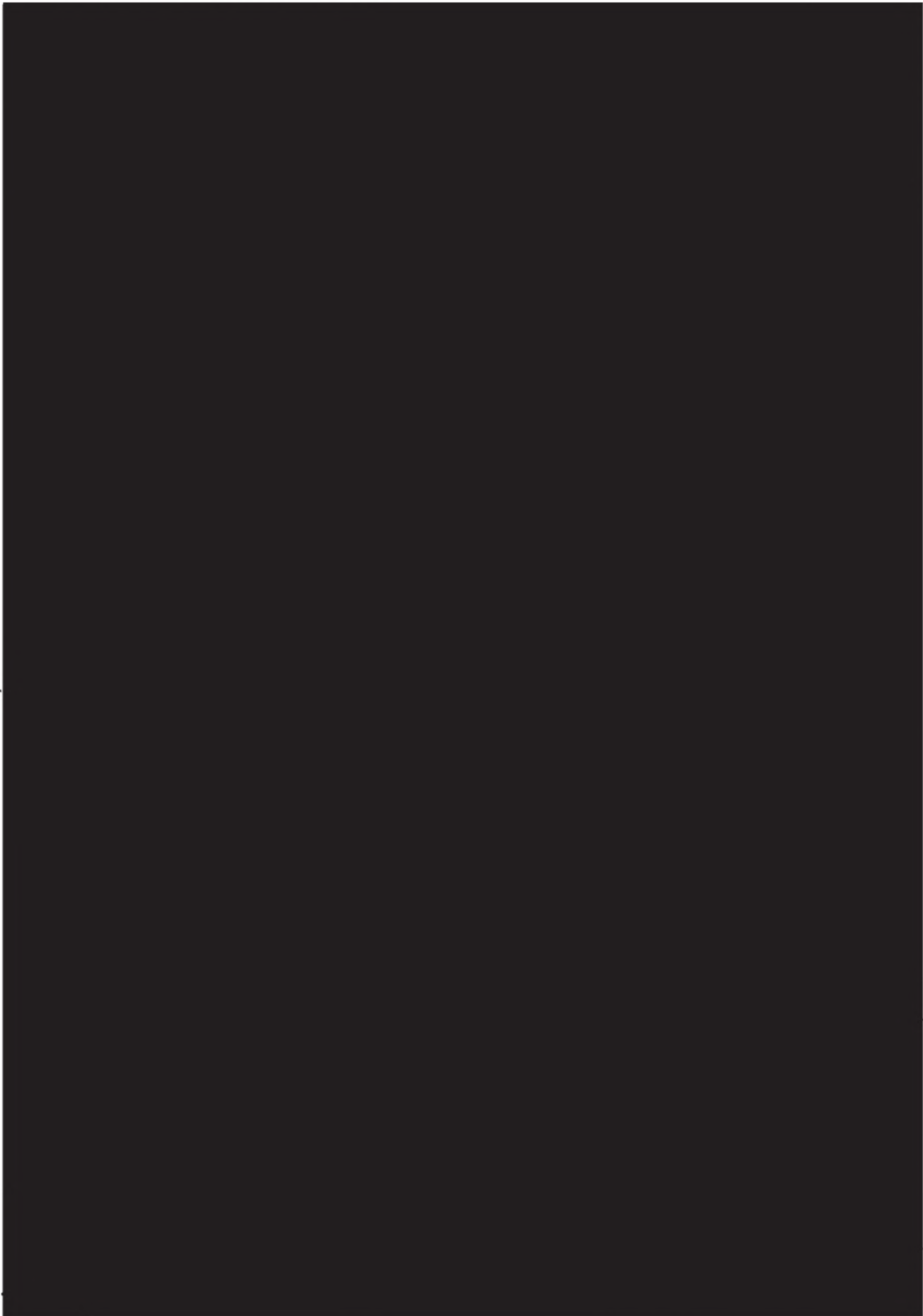


















. CLASSIFIED ANNEX 000000182

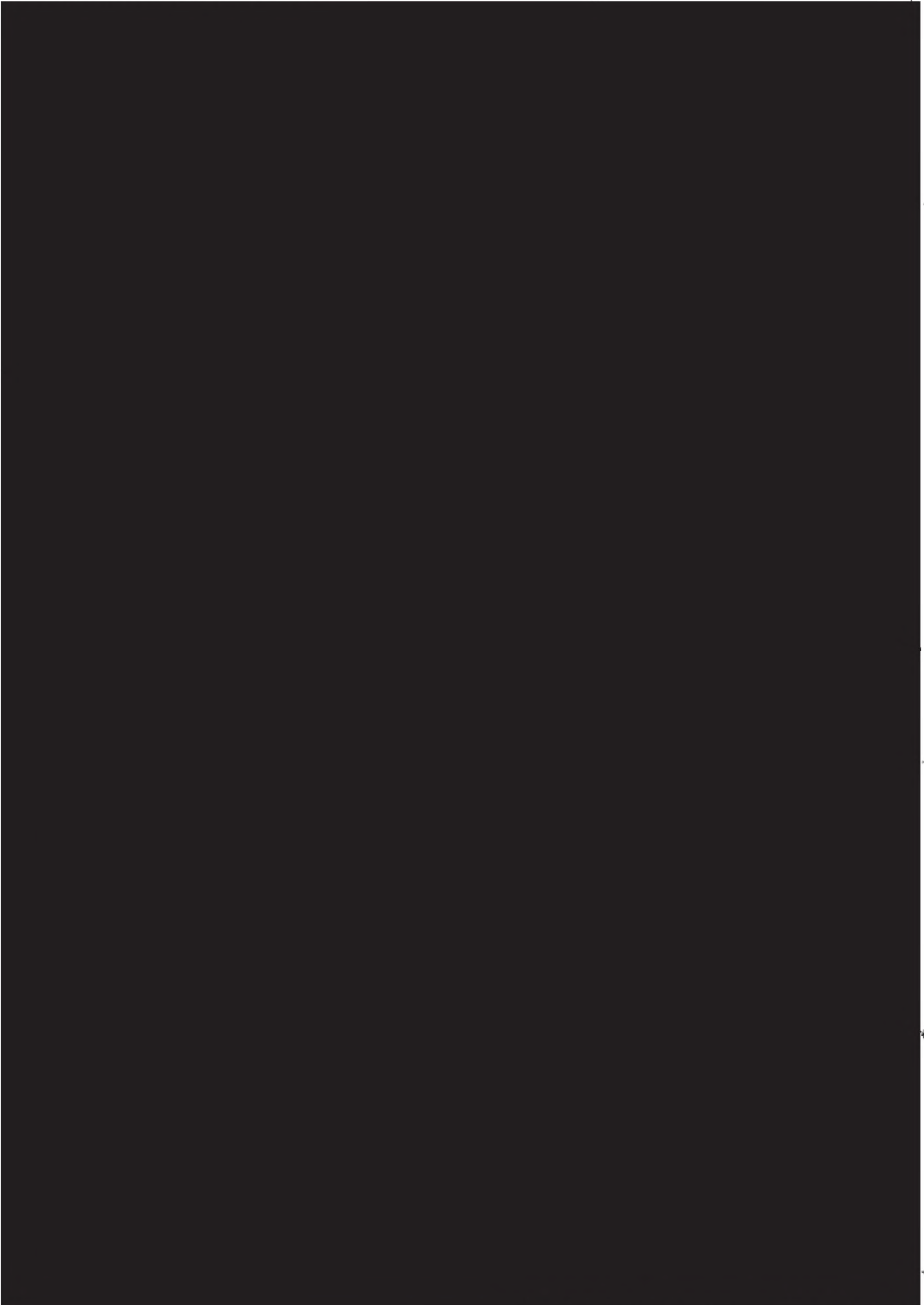




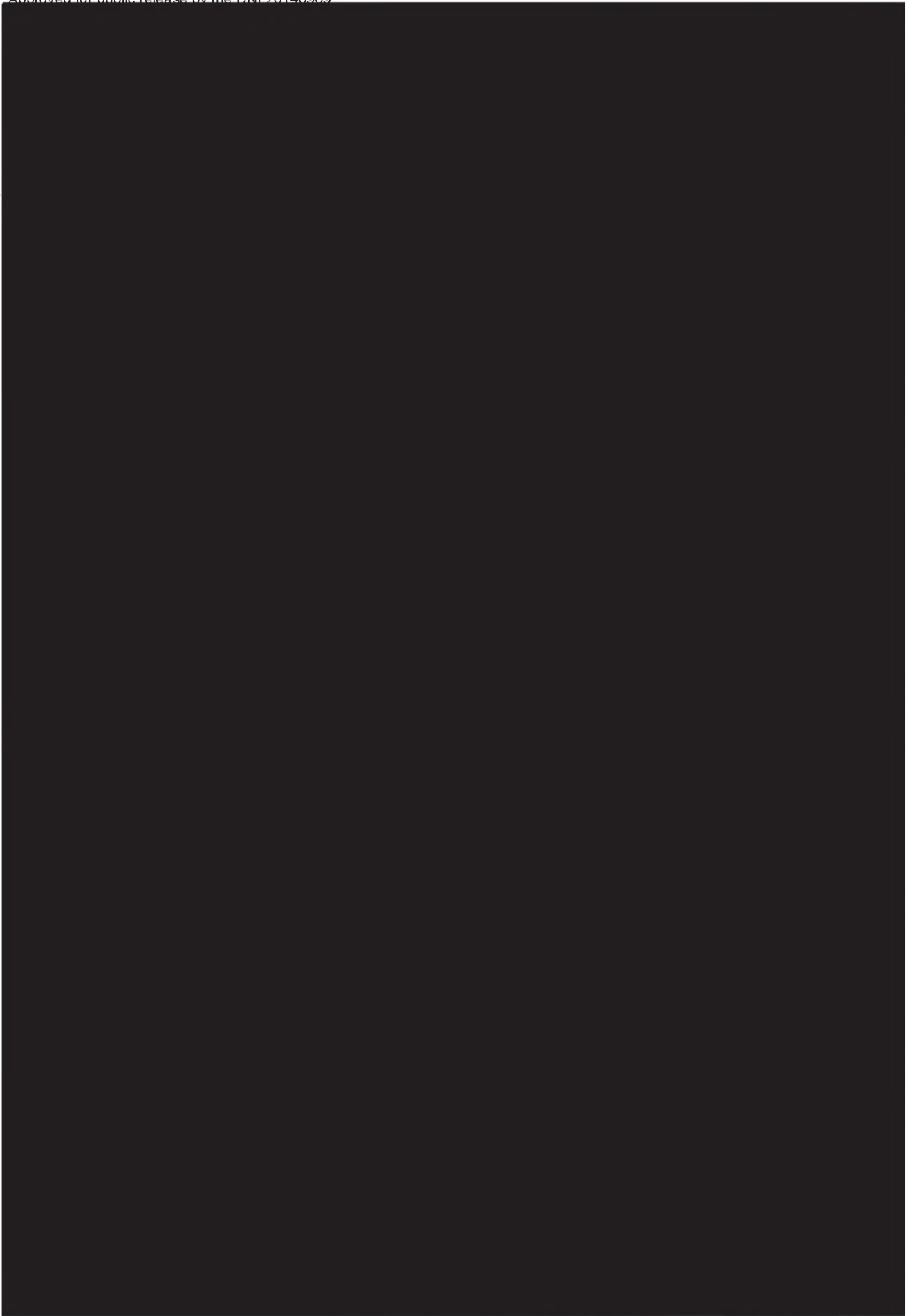
















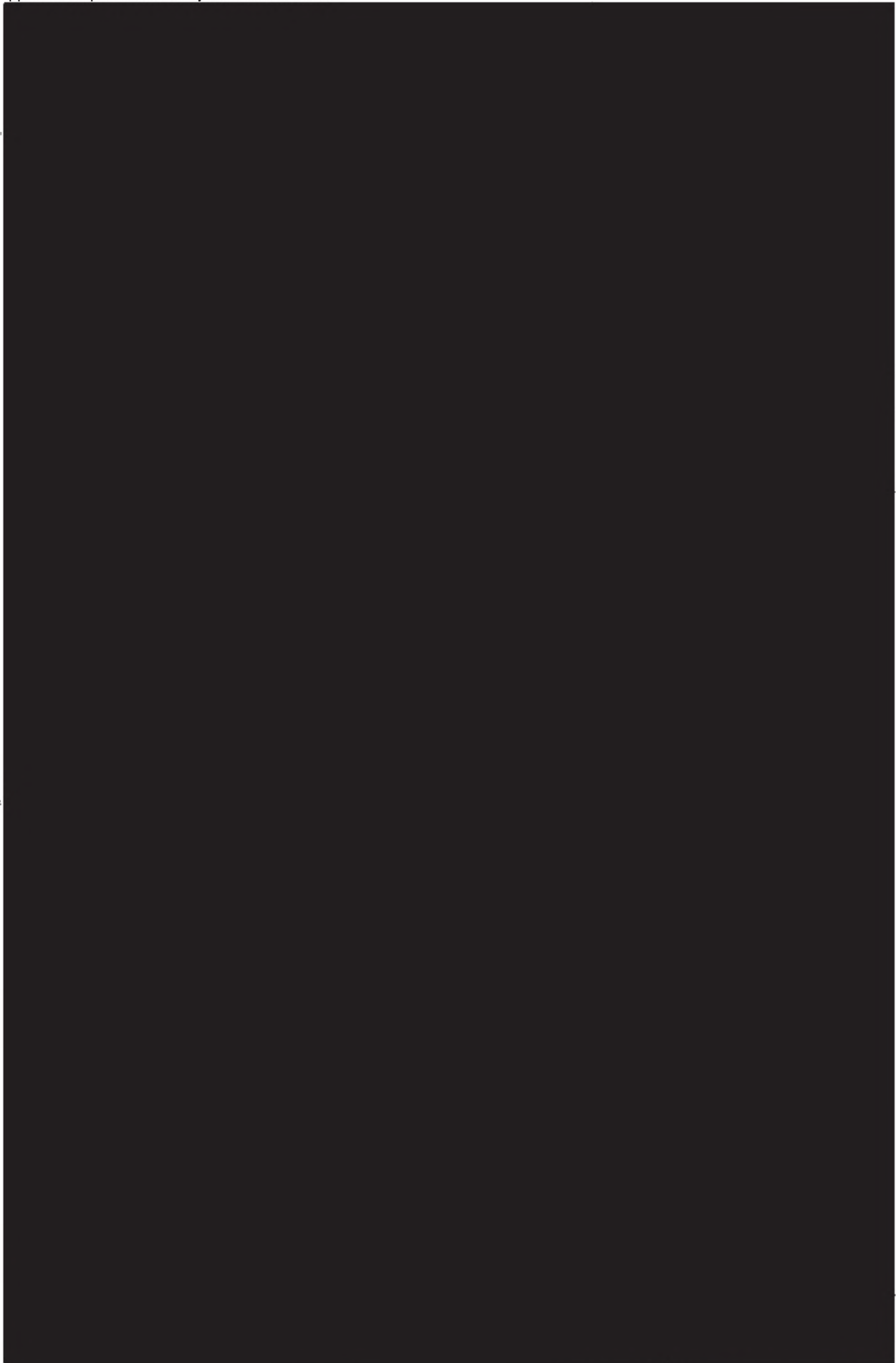


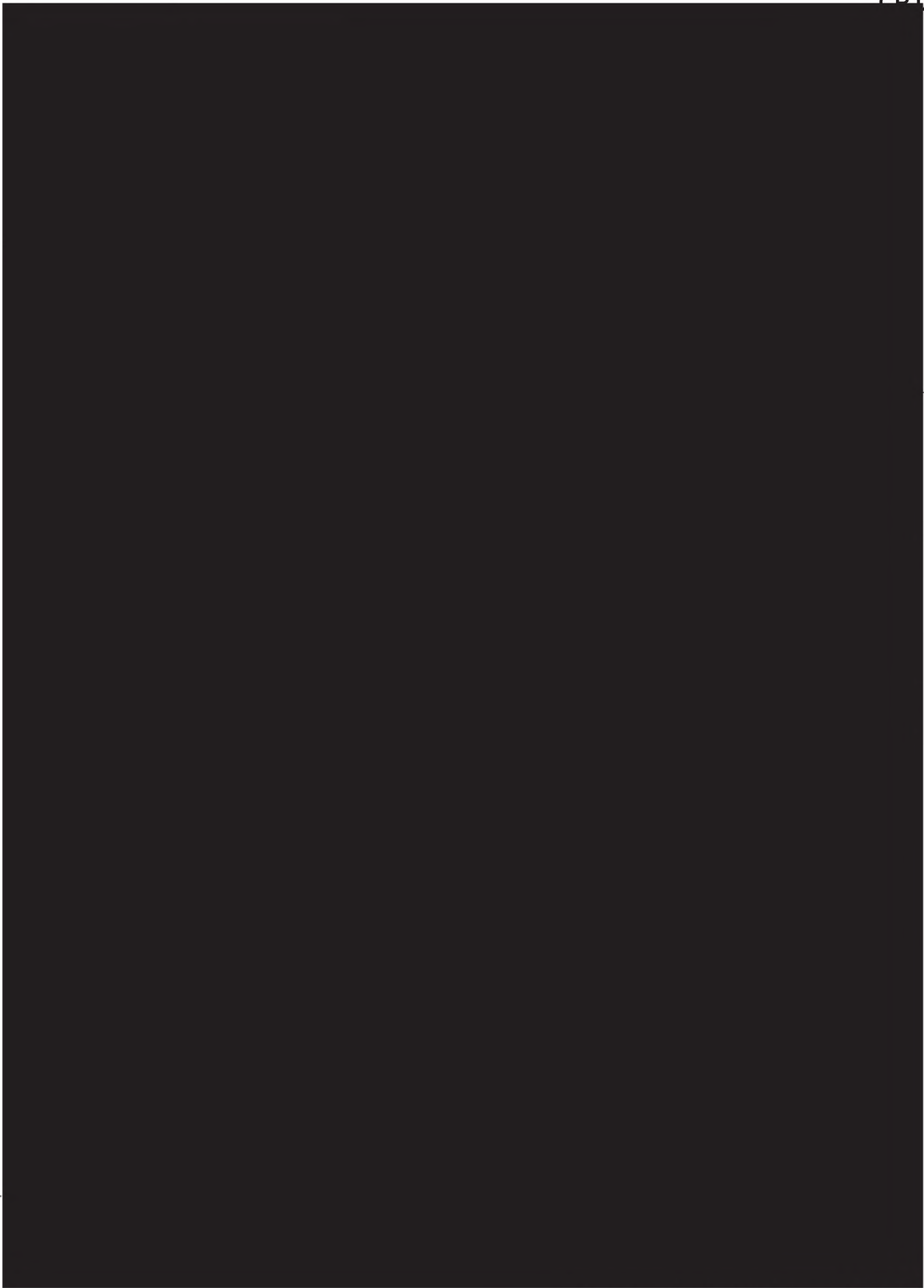




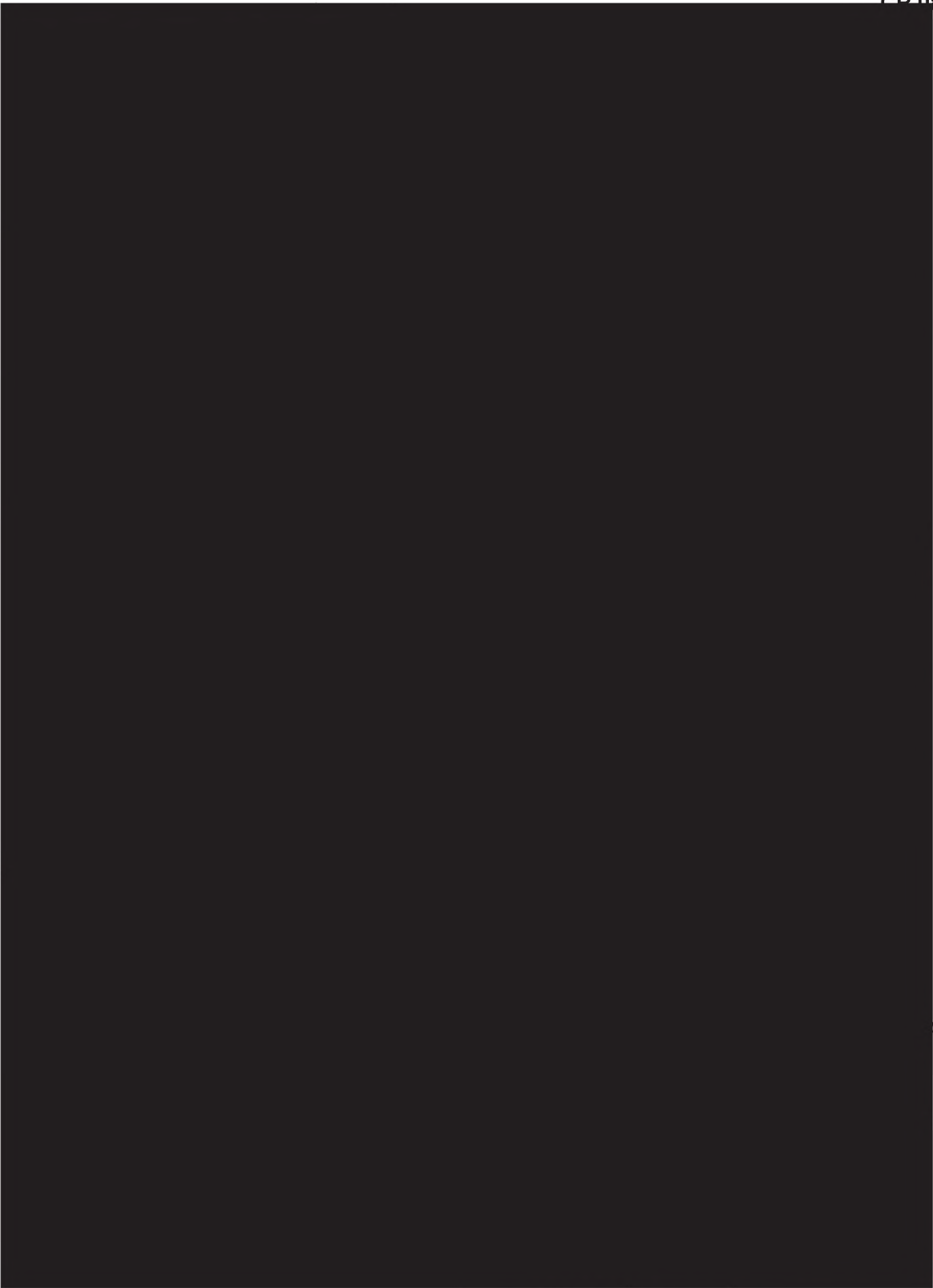






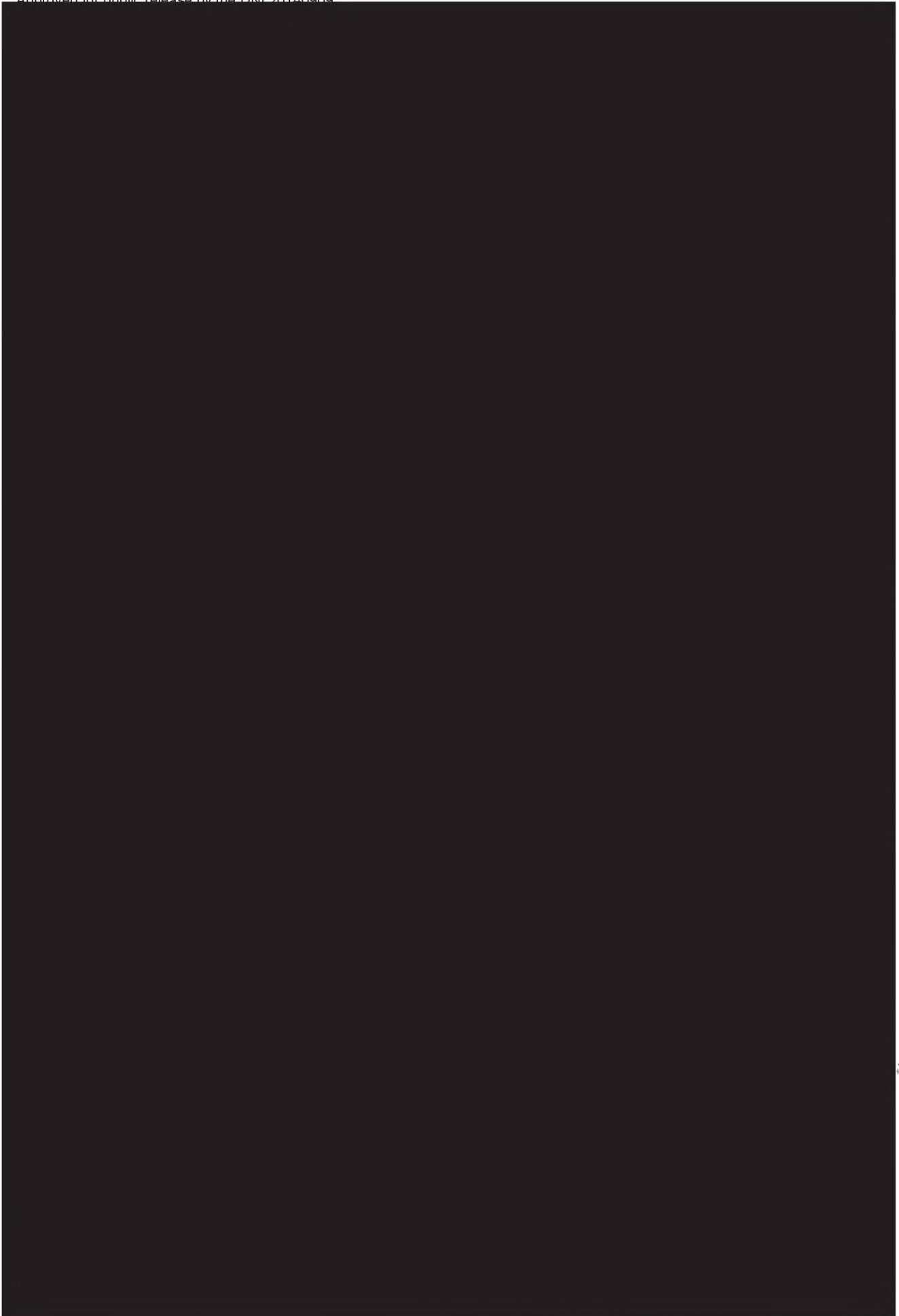


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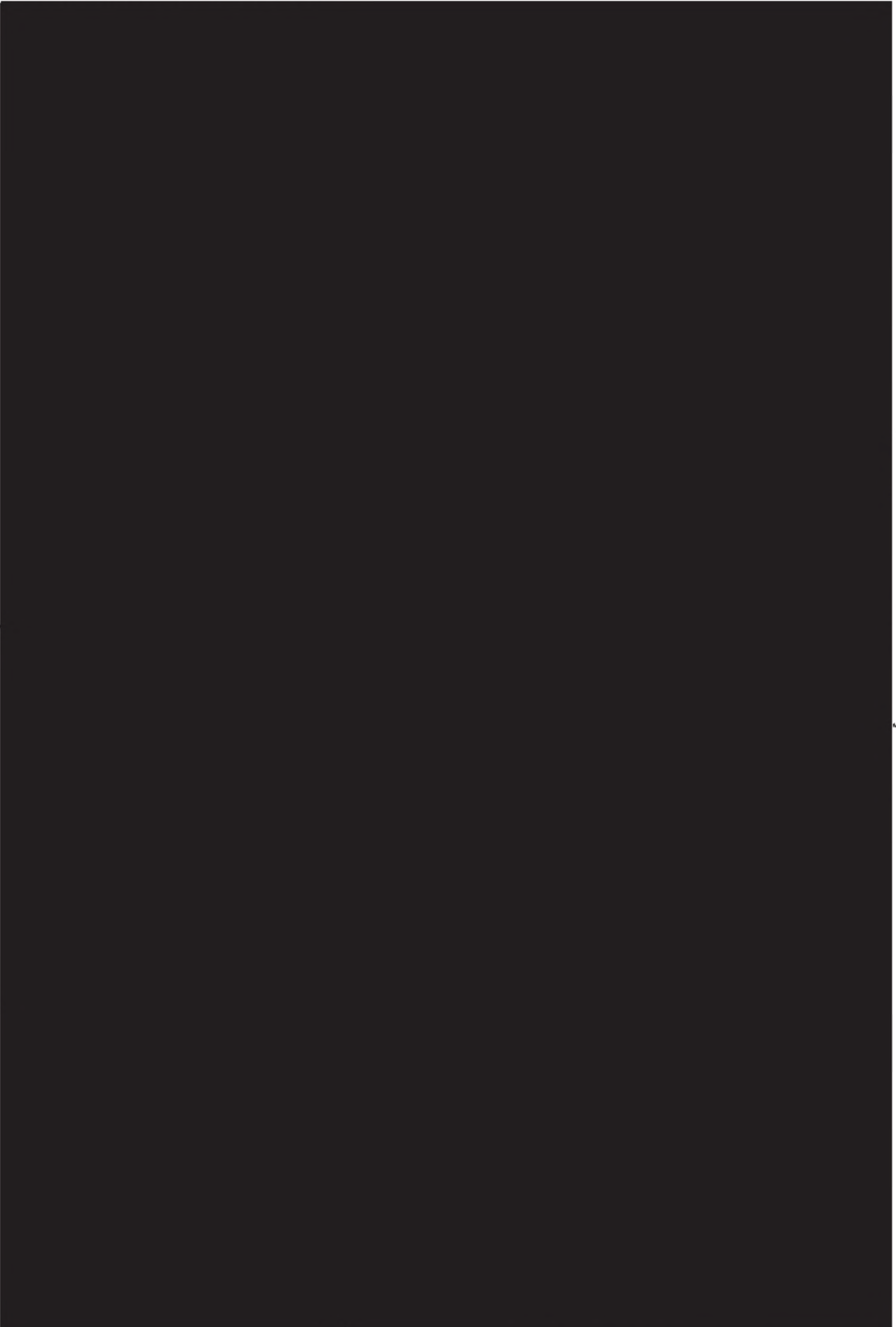






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CLASSIFIED ANNEX

000000212





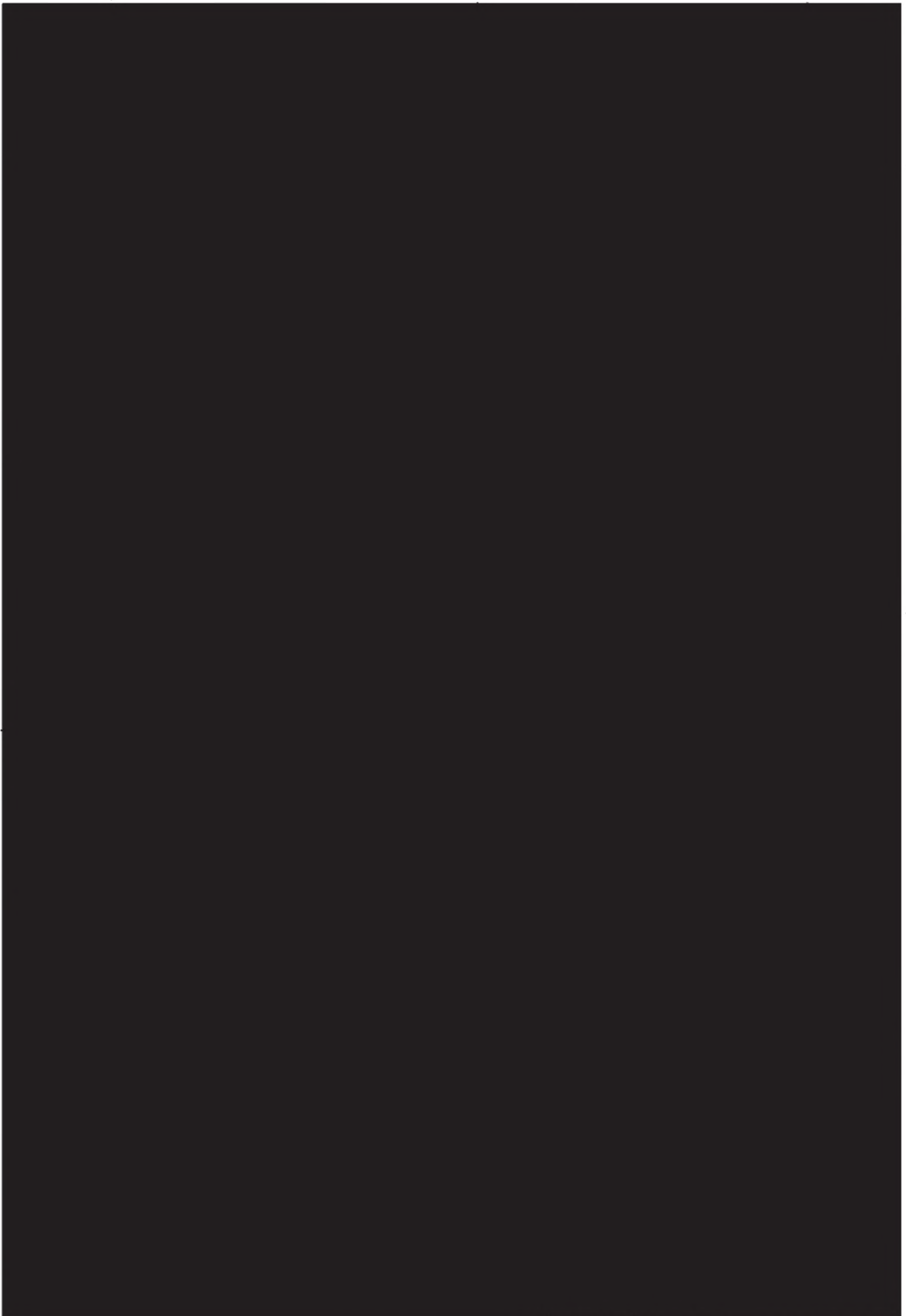
Approved for public release by the DNI CR 0903



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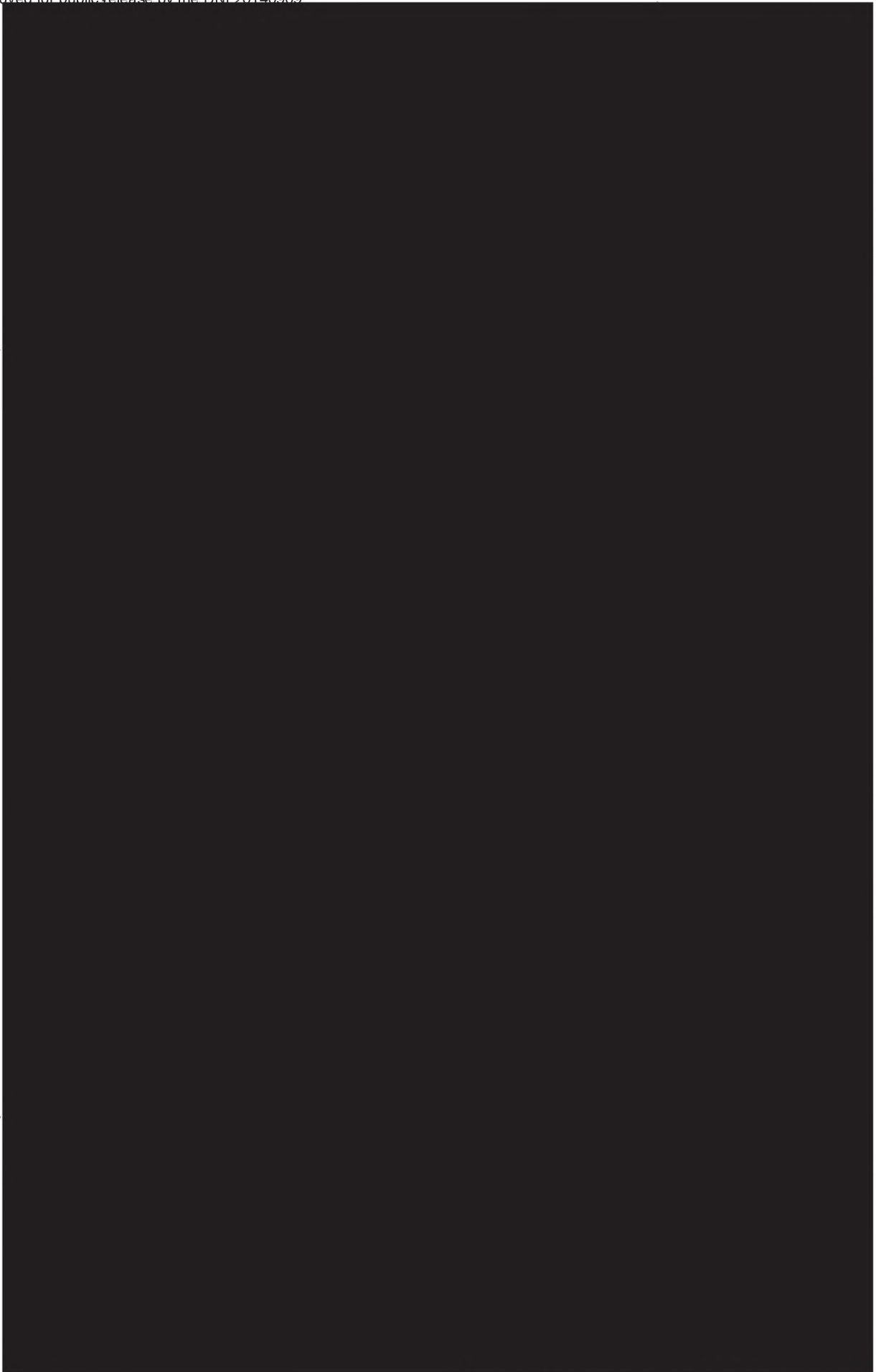




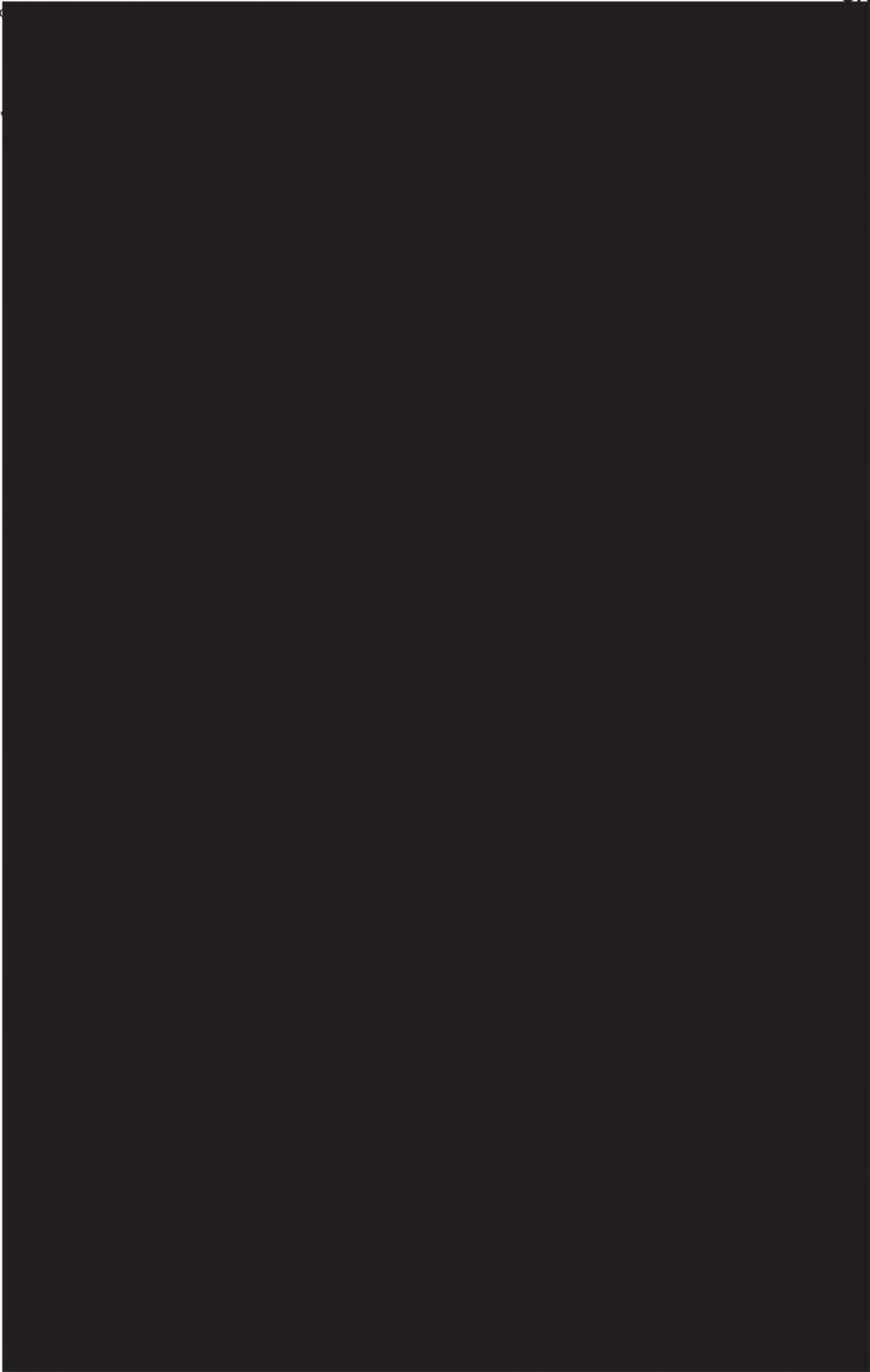


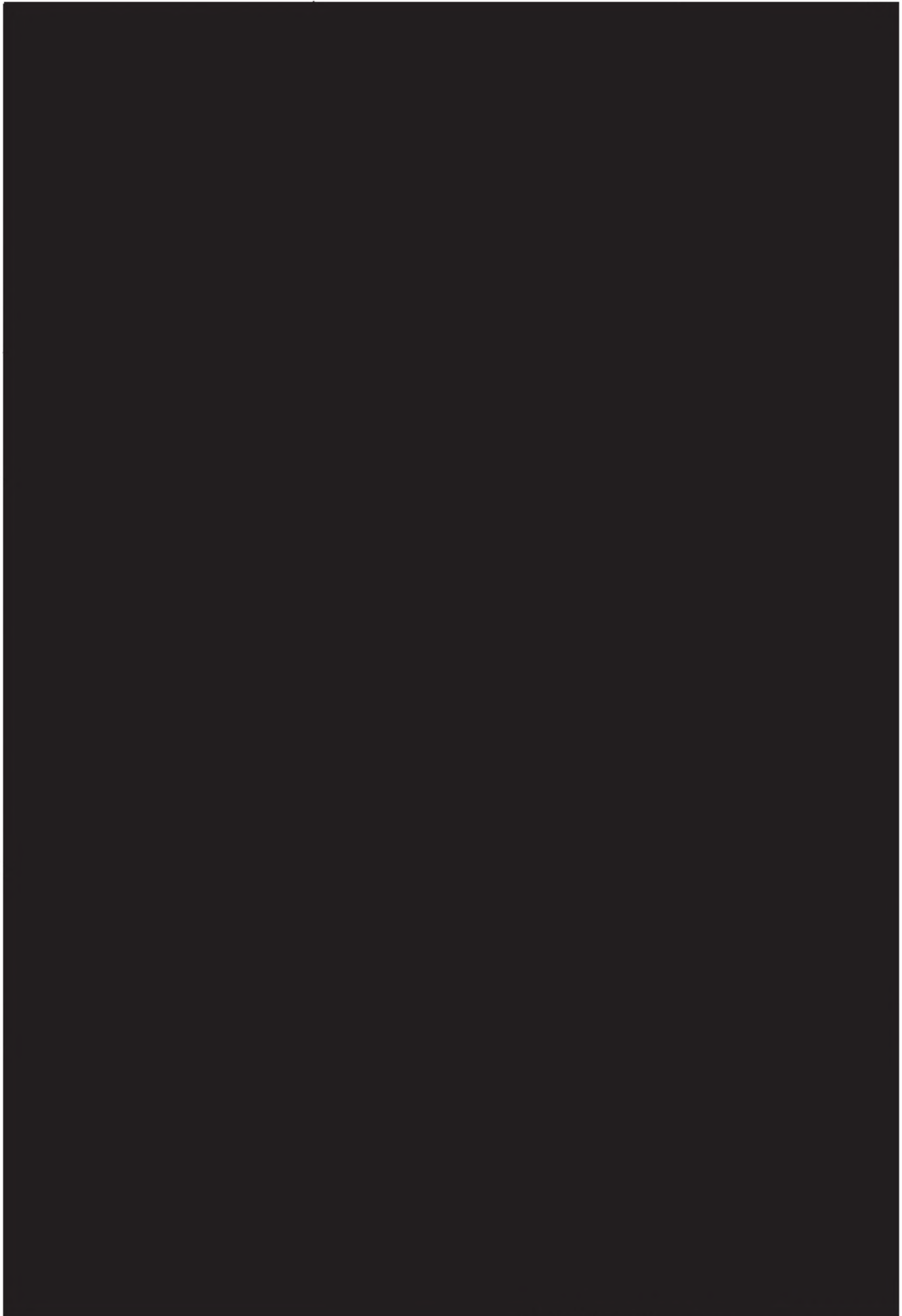




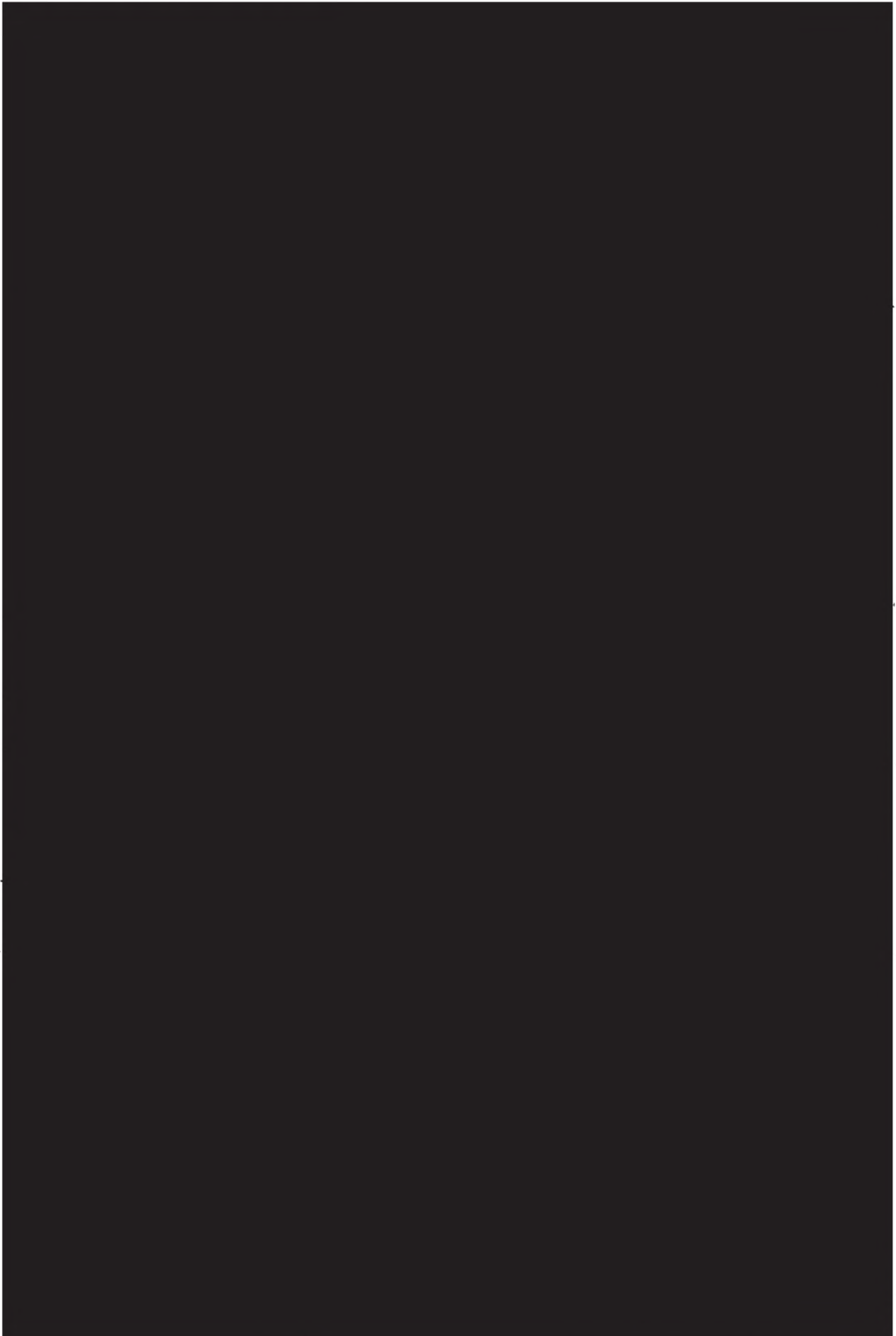


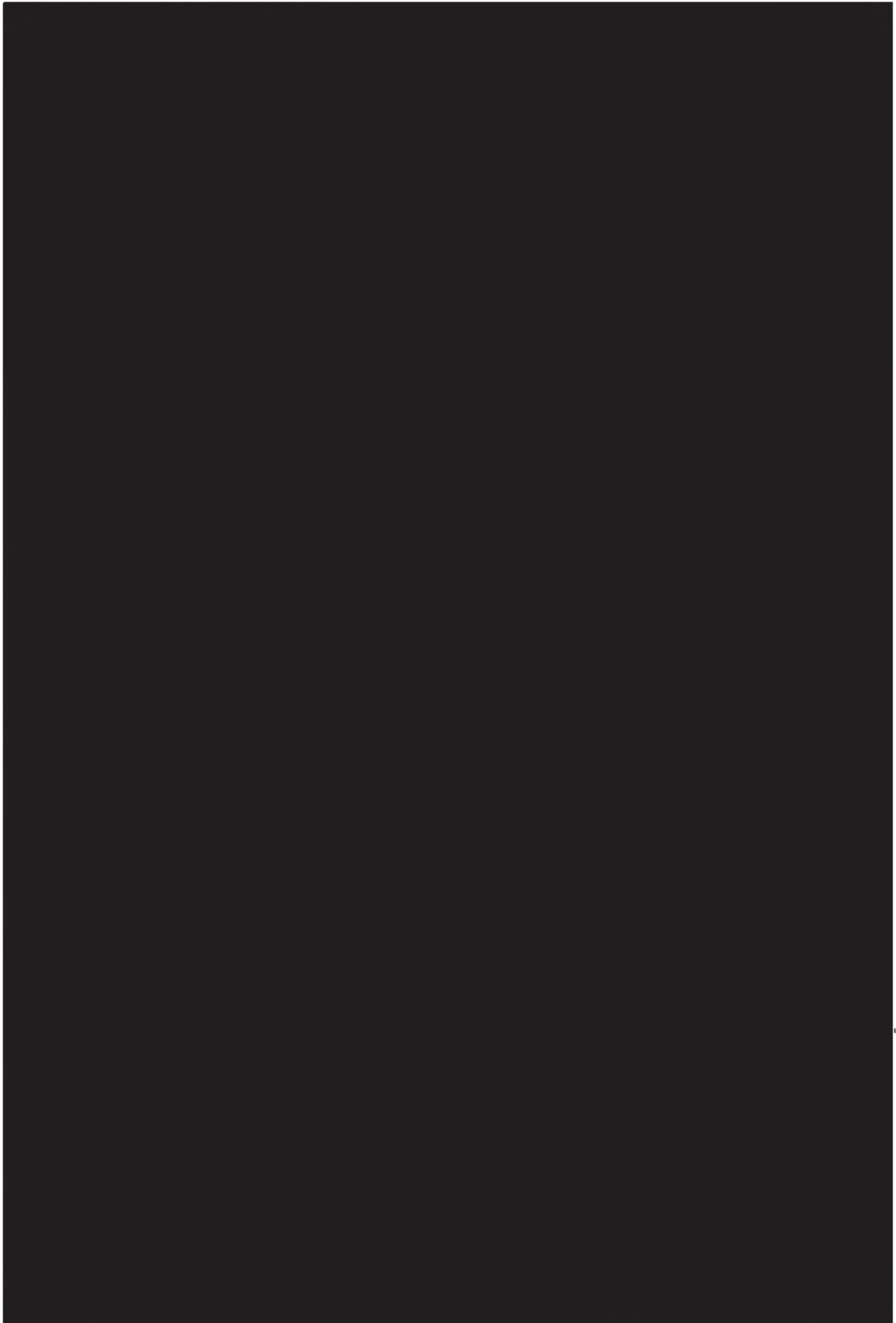
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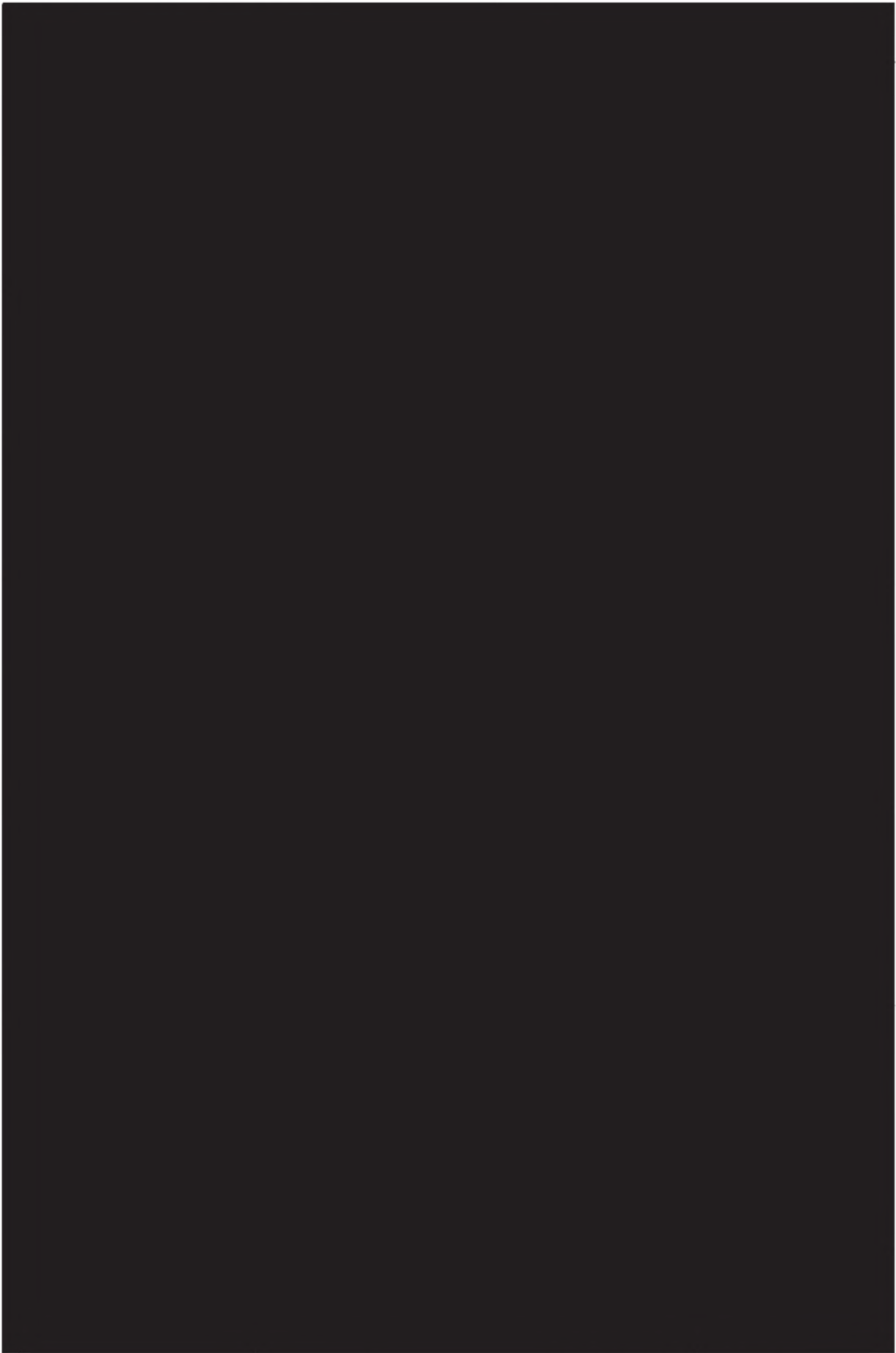


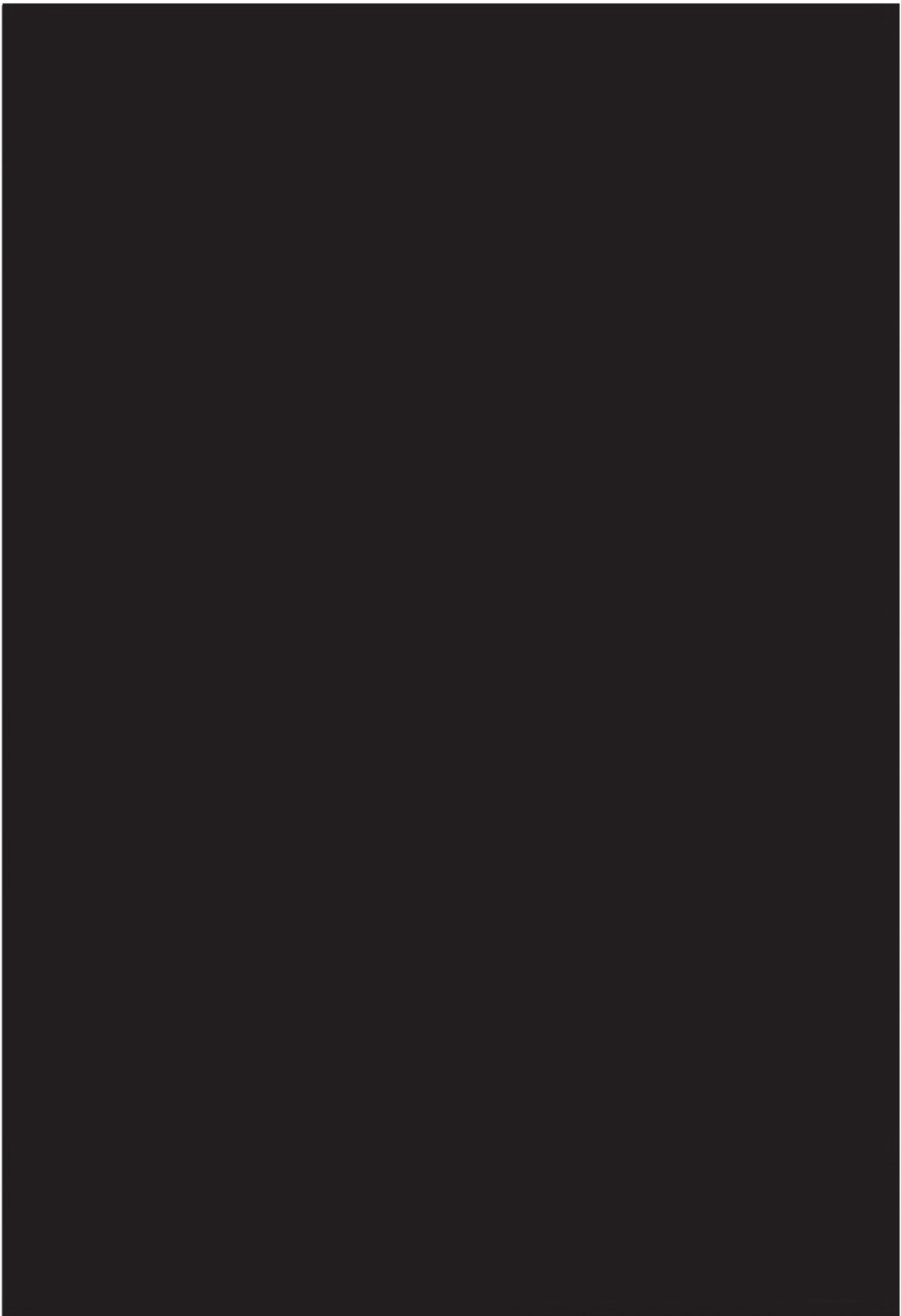






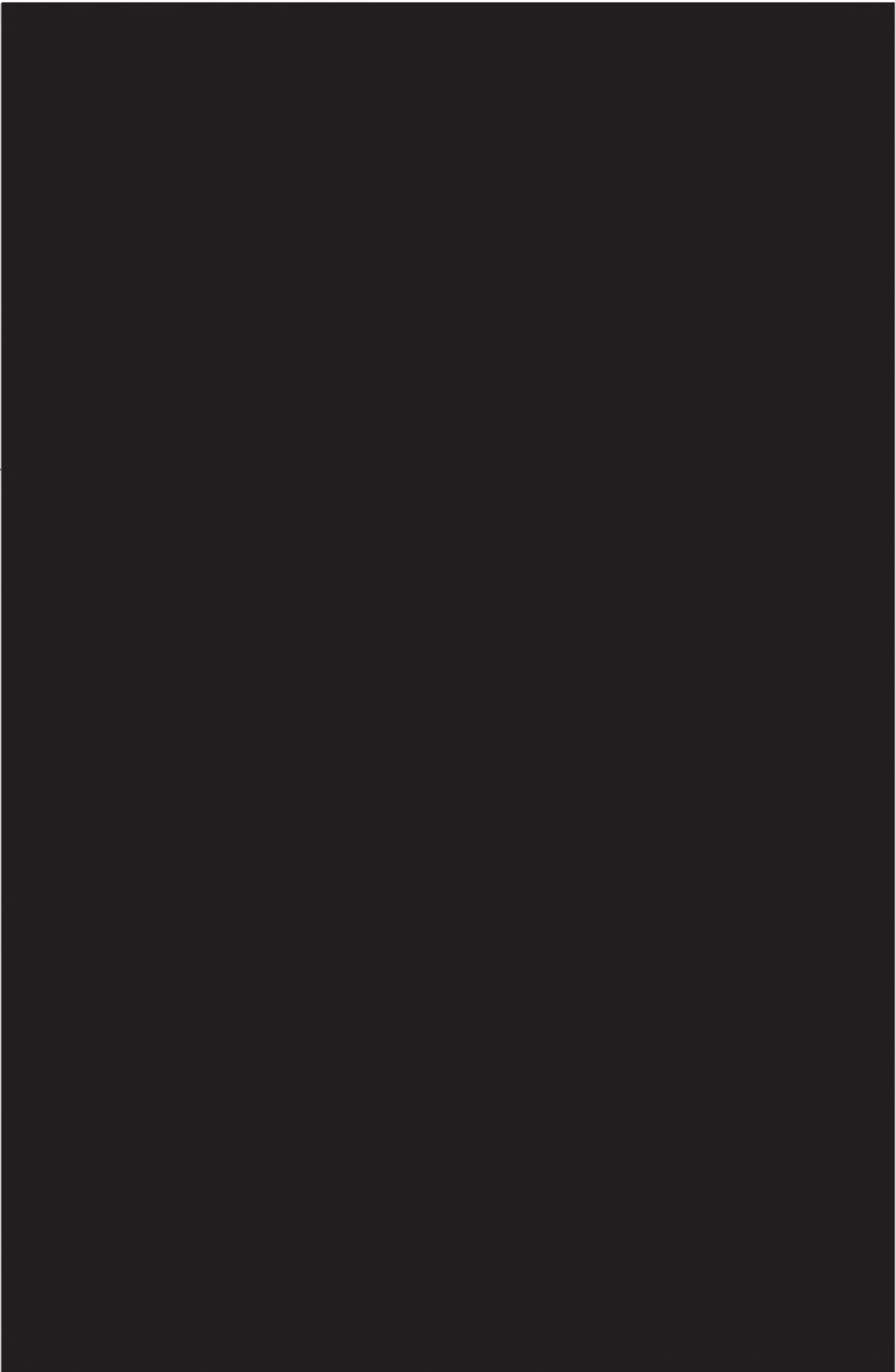






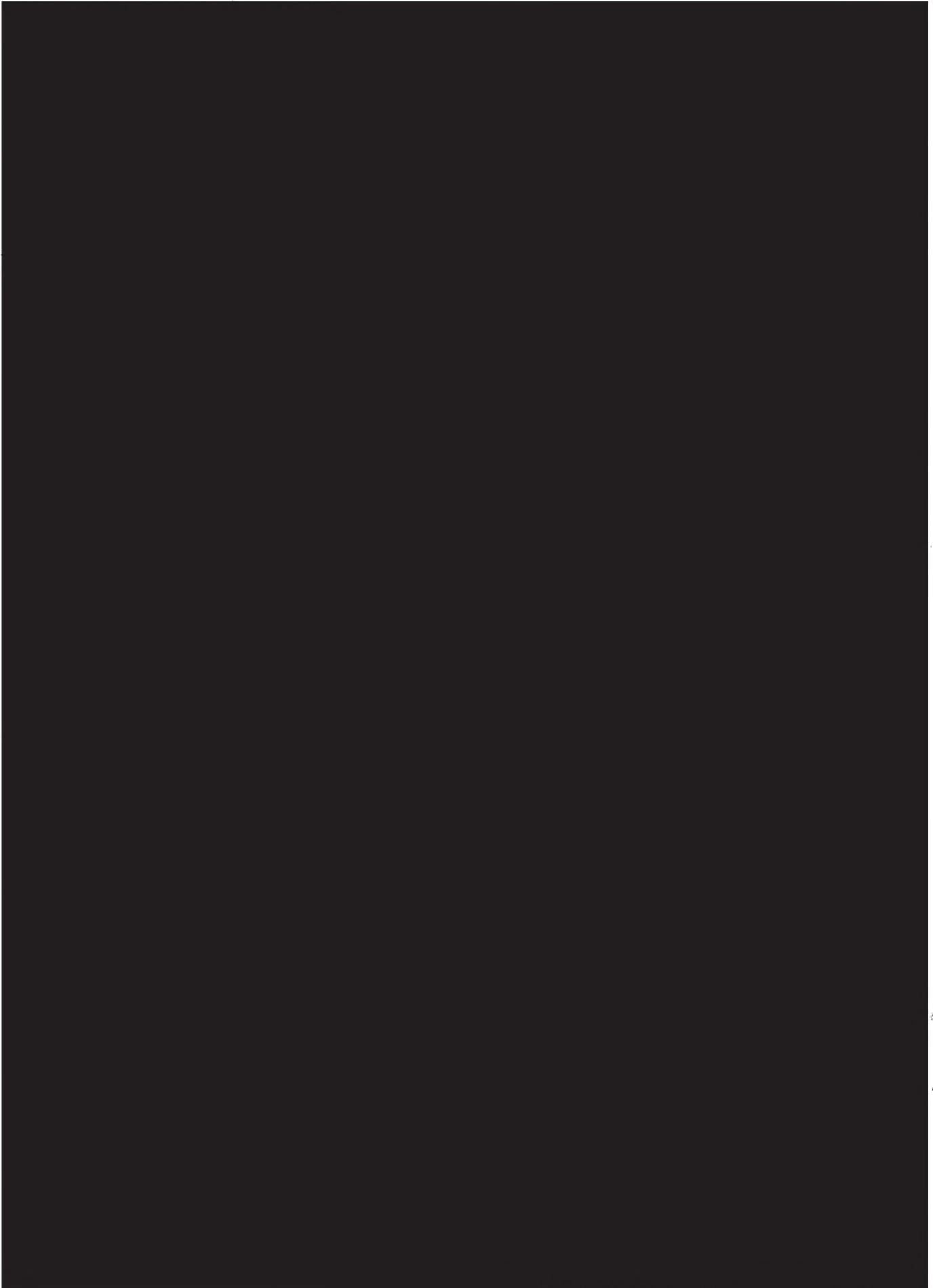




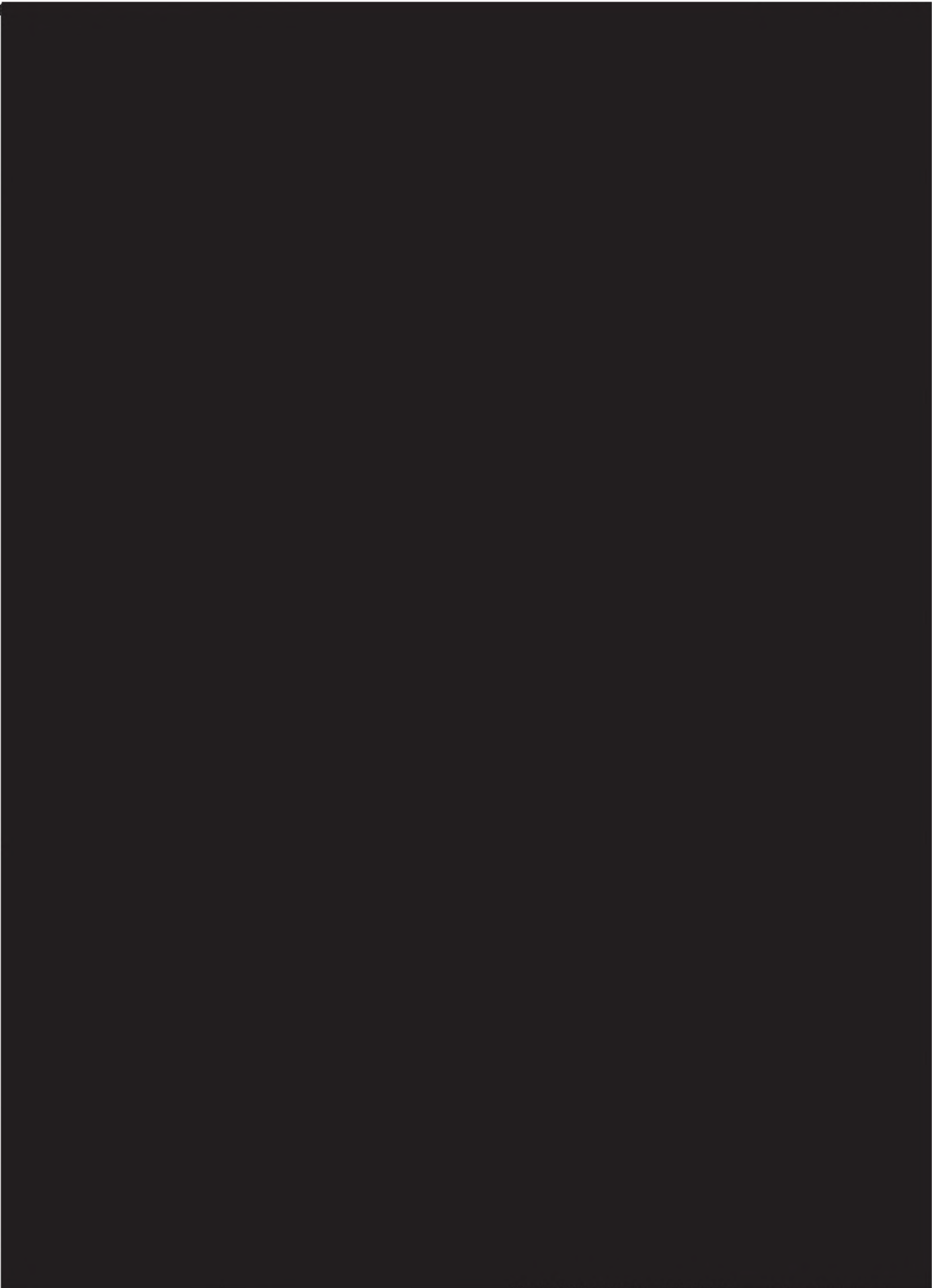








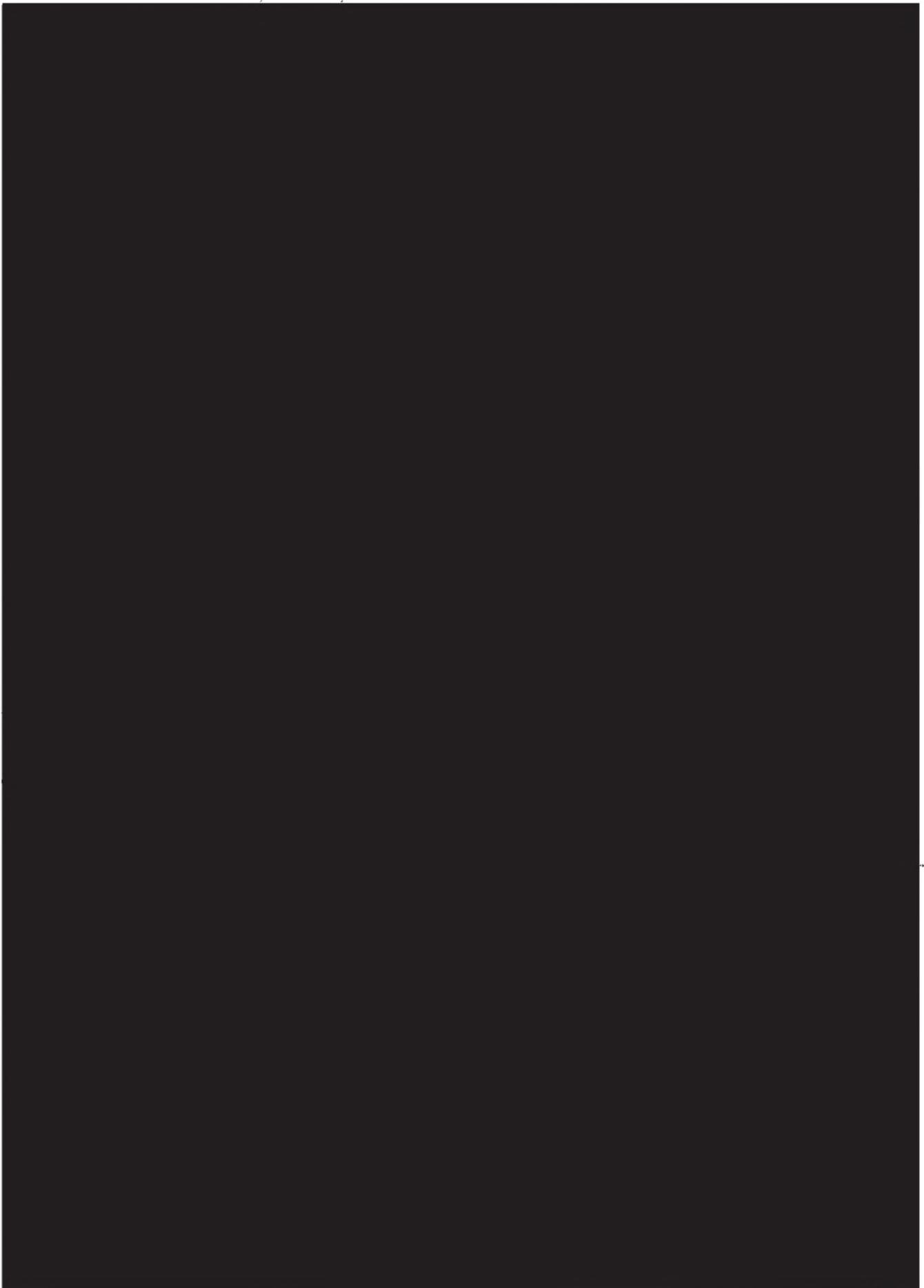
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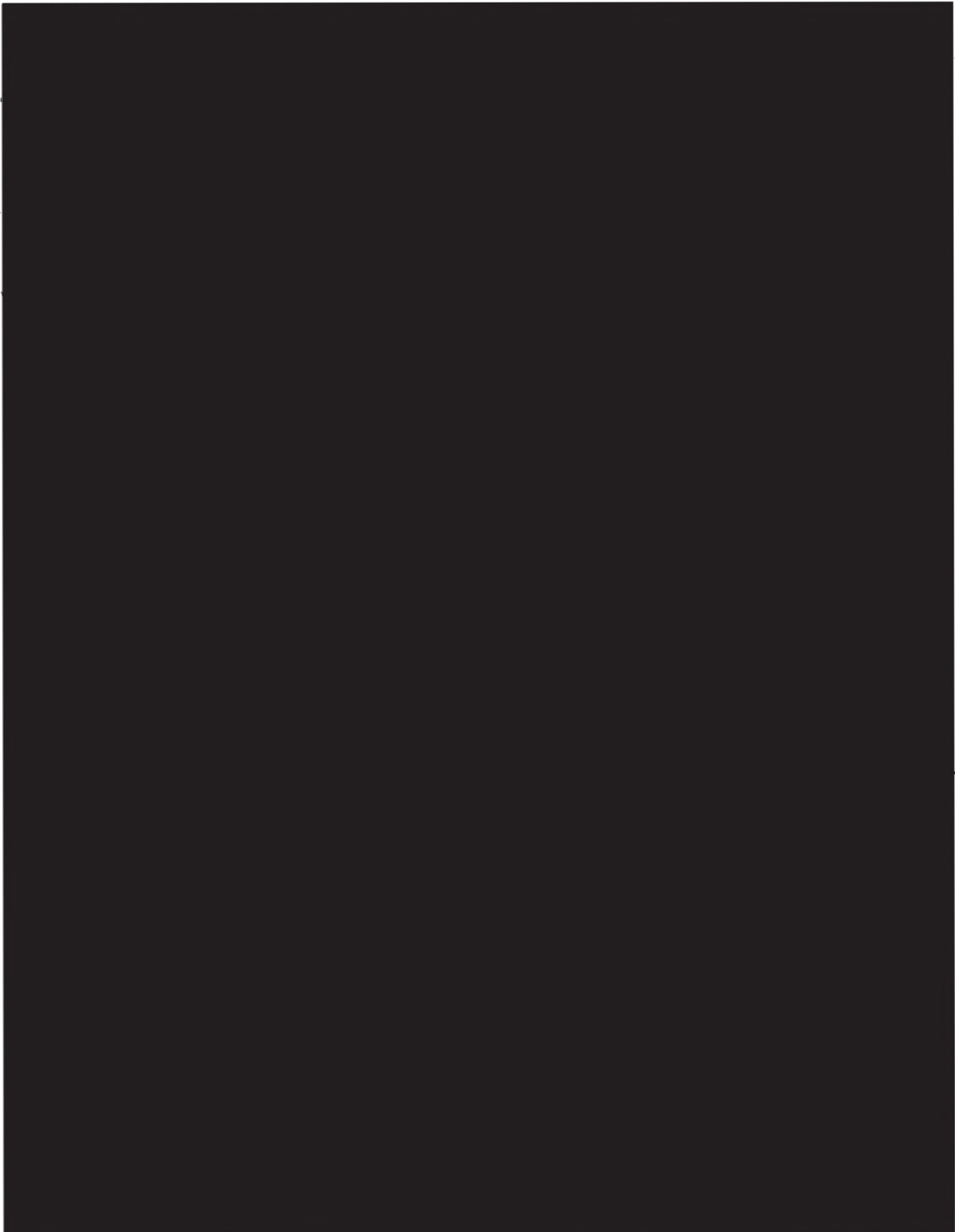






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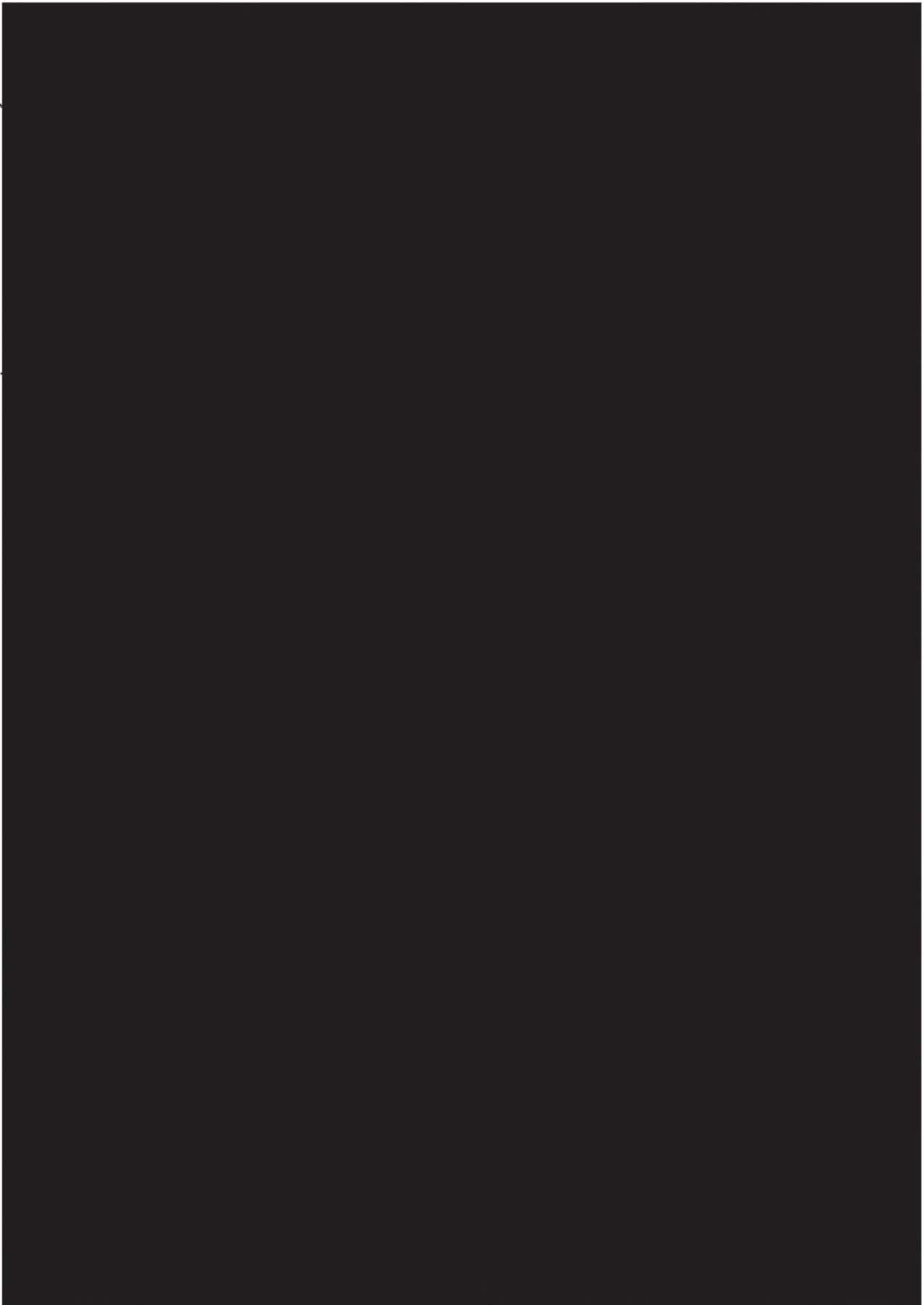










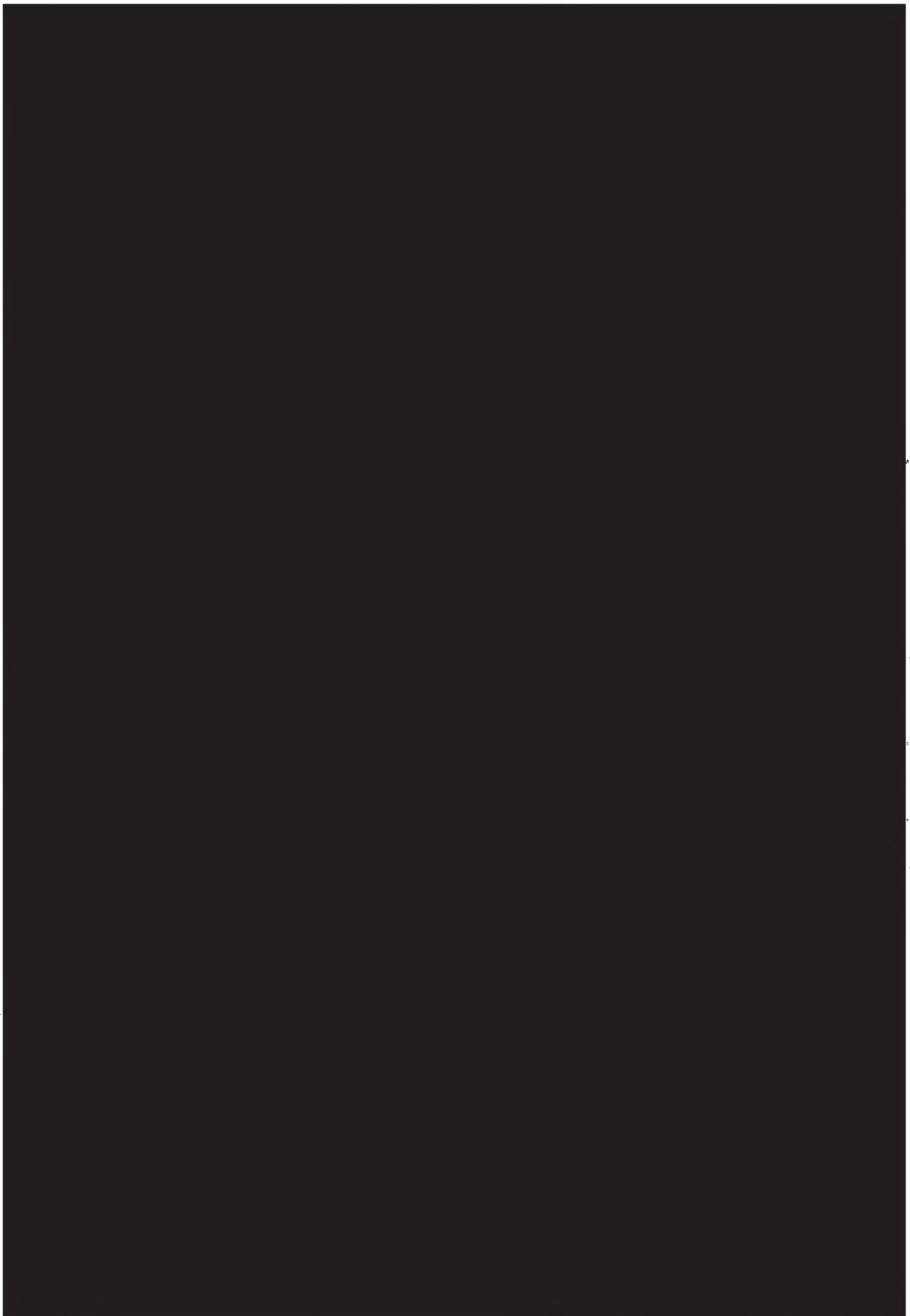








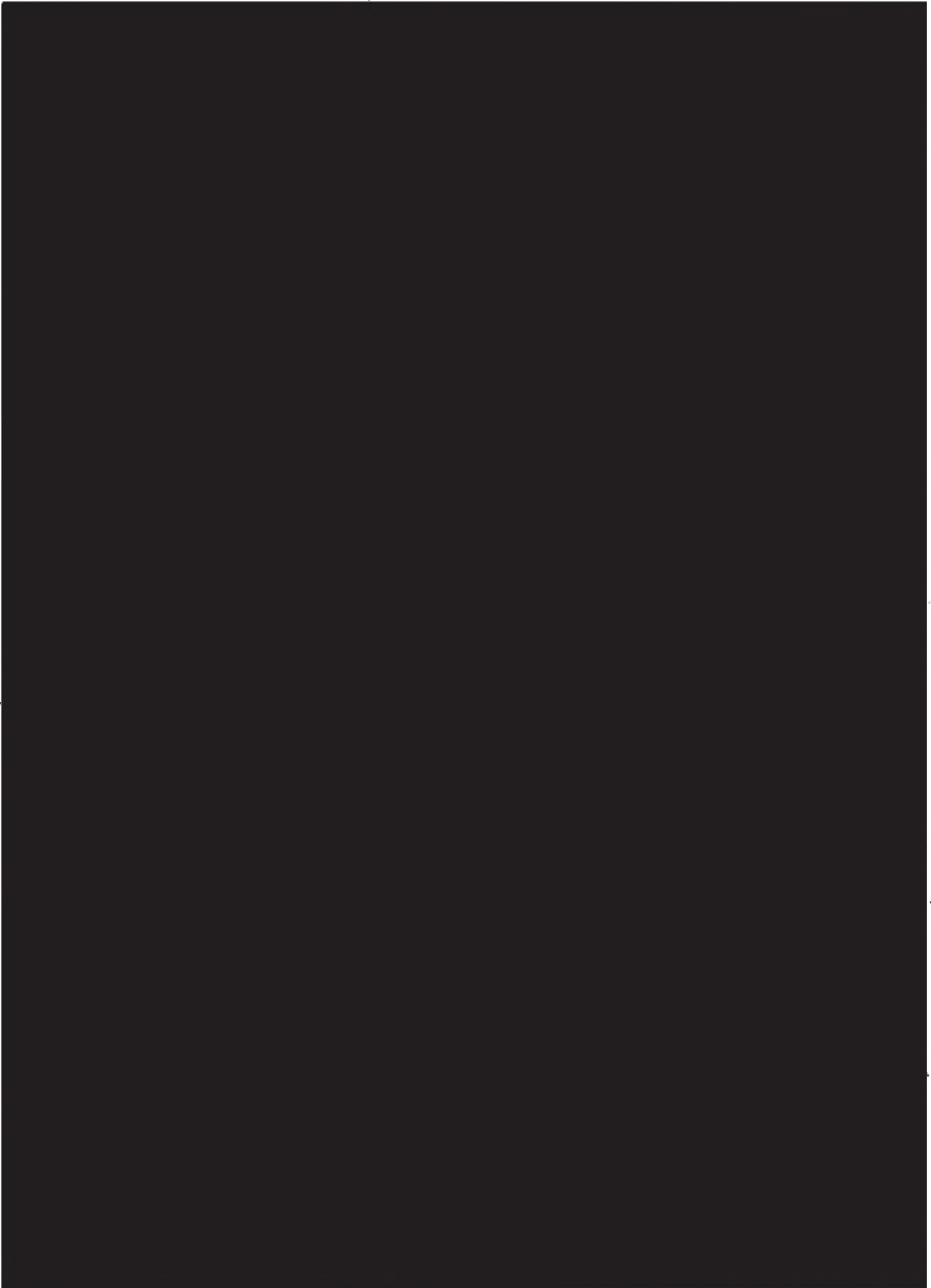














~~TOP SECRET//COMINT//ORCON//NOFORN//MR~~

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, DC

IN RE DIRECTIVES TO YAHOO! INC.

PURSUANT TO SECTION 105B OF

THE FOREIGN INTELLIGENCE

SURVEILLANCE ACT. ~~(TS//SI//REL TO~~

~~USA, EVID)~~

Docket Number: 105B(g)-07-01

EXHIBIT A

DECLARATION OF [REDACTED] NATIONAL SECURITY AGENCY (NSA)

1. ~~(S//OC/NP)~~ I am [REDACTED] the NSA Associate Deputy Director for Counterterrorism. I have held this position since [REDACTED] I have been employed at NSA in a variety of capacities since [REDACTED] My primary responsibility is to optimize the SIGINT system for the execution of the counterterrorism mission. I coordinate the totality of the counterterrorism mission across NSA, and synchronize NSA's capabilities with the Intelligence Community and with other global SIGINT partners. To accomplish this task, I oversee NSA's 24/7 operations center dedicated to

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20500607

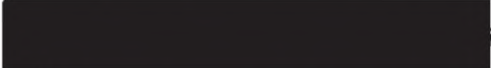
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counterterrorism and direct the development of the SIGINT strategies prosecuting the terrorism litigation.

2. ~~(S//SI//REL USA, FVEY)~~ Yahoo's compliance with the Directives issued to it pursuant to E.O. 13526 

 will significantly enhance the Government's ability to acquire extremely valuable foreign intelligence information concerning persons reasonably believed to be located outside the United States. 





3. ~~(S//SI//REL USA, FVEY)~~ As of November 20, 2007, NSA had disseminated a total of intelligence reports based at least in part on information acquired under the above-

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referenced [REDACTED] Of these [REDACTED] reports, [REDACTED] contained masked United States identities. Of the [REDACTED] reports referred to actual individuals (the remainder referred to United States person *entities* such as United States-based companies, websites, Internet service providers, etc.). All reported references to United States persons -- individuals and entities alike -- were minimized in accordance with the applicable minimization procedures approved under the above-referenced certifications. Those minimization procedures are among the materials filed herewith.

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~~TOP SECRET//COMINT//ORCON//NOFORN//20500607~~

I declare under penalty of perjury that the foregoing is true and correct

Signed this 1st day of December, 2007.



Associate Deputy Director,
Counterterrorism (ADD/CT)
National Security Agency

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