

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

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

Docket No.: PRTT

**GOVERNMENT'S RESPONSE TO THE COURT'S SUPPLEMENTAL ORDER
ENTERED ON [REDACTED] IN DOCKET NO. PR/TT [REDACTED]
REQUESTING A CORRECTIVE DECLARATION (TS)**

On [REDACTED] this Court ordered the government, within 20 days, to "submit a declaration correcting the inaccuracy regarding the number of reports specified in paragraph 14 of the [REDACTED] declaration and providing the complete and 'updated description of NSA's dissemination practices' promised in the Supplemental Declaration." Docket Number PR/TT [REDACTED] Supplemental Order [REDACTED] at 3-4. In response to this portion of the Court's [REDACTED] Supplemental Order, the United States submits herewith the Declaration of [REDACTED] Chief, Special Foreign Intelligence Surveillance Act Oversight and Processing, Oversight and Compliance, Signals Intelligence Directorate, the National Security Agency (NSA) ("[REDACTED] Declaration"). (TS//SI//NF)

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

Classified by: David S. Kris, Assistant Attorney General,
National Security Division, Department of Justice

Reason: 1.4(c)

~~Declassify on:~~ [REDACTED]

31 August 2009 Production

As set forth in the [REDACTED] Declaration, the NSA has generally permitted the dissemination of U.S. person identities derived from the metadata acquired pursuant to the Court's orders in this matter ("PR/TT metadata") in accordance with United States Signals Intelligence Directive 18 (USSID 18), rather than specifically requiring that the narrower dissemination provision set forth in the Court's orders in this matter be strictly adhered to. See [REDACTED] Declaration at ¶¶ 4-6; and compare Docket Number PR/TT [REDACTED], Primary Order at ¶ 5.f. (requiring that disseminations of U.S. person information be approved by "the Chief of Information Sharing Services in the NSA's Signals Intelligence Directorate" upon the determination that "the information is related to counterterrorism information and is necessary to understand the counterterrorism information or to assess its importance"), with USSID 18 §§ 7.2 and 7.3 (generally, permitting dissemination of U.S. person identities upon the approval of persons other than the Chief of Information Sharing Services in the NSA's Signals Intelligence Directorate upon one of numerous determinations). On [REDACTED] the Department of Justice's National Security Division (NSD) instructed the NSA only to disseminate U.S. person information derived from the PR/TT metadata outside the NSA after the Chief of Information Sharing Services in the NSA's Signals Intelligence Directorate has determined that the information is related to counterterrorism information and is necessary to understand the counterterrorism information or to assess its importance. The NSA is currently reviewing the [REDACTED] reports it has identified as containing information derived from the PR/TT metadata. See [REDACTED] Declaration at ¶ 7. If, based on this review, it is determined that U.S. person information derived from the PR/TT metadata was approved for dissemination by an official other than the Chief of Information Sharing Services (*e.g.*, by the Director of NSA) and/or based upon a

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

determination other than that the information was related to counterterrorism information and was necessary to understand the counterterrorism information or to assess its importance, the NSD will report the matter to the Court. (~~TS//SI//NF~~)

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Attorney.

Attorney
National Security Division
United States Department of Justice

Date

A black rectangular redaction box covering the date.

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