

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

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

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

Docket Number: PR/TT

EXHIBIT A

DECLARATION OF [REDACTED] CHIEF, SPECIAL FOREIGN
INTELLIGENCE SURVEILLANCE ACT OVERSIGHT AND PROCESSING,
OVERSIGHT AND COMPLIANCE, SIGNALS INTELLIGENCE DIRECTORATE,
THE NATIONAL SECURITY AGENCY

(U) I, [REDACTED] declare as follows:

1. (U) I am the Chief, Special Foreign Intelligence Surveillance Act (FISA) Oversight and Processing, Oversight and Compliance, Signals Intelligence Directorate (SID) National Security Agency (NSA). In this capacity, I am responsible to the Director of Signals Intelligence Directorate and, ultimately, to the Director of NSA, for overseeing the implementation of the pen register and trap and trace authorizations of this Court by the NSA organizations charged

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

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

Reason: 1.4(c)

Declassify on: [REDACTED]

with collection and processing of data under the provisions of this Order.

PURPOSE OF DECLARATION

2. (~~S//SI~~) I make this Declaration in support of the Government's Application seeking renewed authority with respect to the [REDACTED] described in Tab 1 to this Declaration to install and use pen registers and trap and trace devices, in order to obtain information about [REDACTED]
[REDACTED]
[REDACTED] (collectively, "Foreign Powers") pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C., sections 1801-1811, 1841-1846, as amended. The initial authority to install and use pen registers and trap and trace devices for this purpose was granted by this Court on July 14, 2004, in docket number PR/TT [REDACTED], and most recently on [REDACTED] in docket number PR/TT [REDACTED]. As set forth in greater detail below, the renewal of the surveillance authority will enable NSA to continue its efforts to discover the Foreign Powers and unknown persons in the United States and abroad affiliated with one or more of the Foreign Powers, and their communications, and to disseminate such information to support the efforts of the United States, and in particular of the Federal Bureau of Investigation (FBI), to detect and prevent terrorist acts against U.S. interests. This will be accomplished by collecting e-mail "metadata"¹—not the

¹ "Metadata," as used in this Declaration, is the information appearing on the "to," "from," "cc," and "bcc" lines of a standard e-mail, [REDACTED]
[REDACTED]

contents of the communications--and then applying sophisticated algorithms to analyze metadata related to specific terrorist-associated e-mail [REDACTED]. My statements herein are based on (i) my personal knowledge of SIGINT collection and NSA operations, (ii) my review of the Application, (iii) information available to me in my capacity as the Chief, Special FISA Oversight and Processing, about activities conducted by NSA pursuant to the [REDACTED] order of this Court, and (iv) the advice of counsel.

~~(S//SI)~~ USE OF WEB-BASED SERVICES BY TERRORIST ORGANIZATIONS

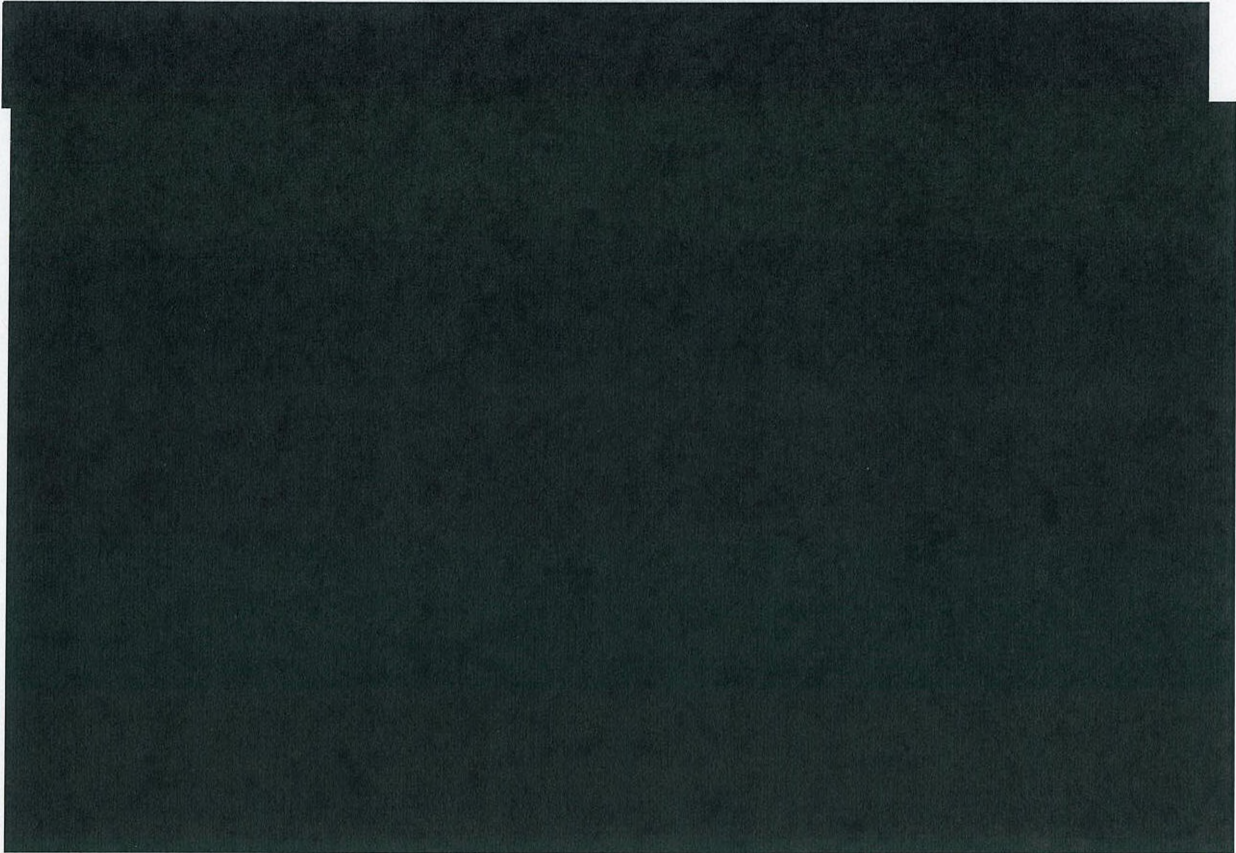
3. ~~(TS//SI//NF)~~ [REDACTED]

[REDACTED]

[REDACTED]



4. (~~TS//SI//NF~~)



~~(S//SI)~~ AVAILABILITY OF INTERNET COMMUNICATIONS
IN THE UNITED STATES

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

~~(S//SI)~~ DATA NSA SEEKS TO ACCESS

6. ~~(TS//SI//NF)~~ The accompanying Application seeks renewal of authority to [REDACTED] identified as relevant to ongoing terrorist investigations to detect and prevent hostile acts against U.S. interests.² [REDACTED]

² ~~(TS//SI//NF)~~ In docket number PR/TT [REDACTED], the Court authorized pen register and trap and trace surveillance at additional facilities [REDACTED]. The Government does not seek in the Application supported by this Declaration surveillance authority with respect to [REDACTED]. Further, the Government has never sought authorization from the Court to obtain information from [REDACTED]. However, in preparing the initial application for pen register and trap and trace authority, [REDACTED]

[REDACTED] In order to avoid confusion of the records concerning [REDACTED] which was never included in an Application, the Government will not seek authorization to [REDACTED]

[REDACTED]

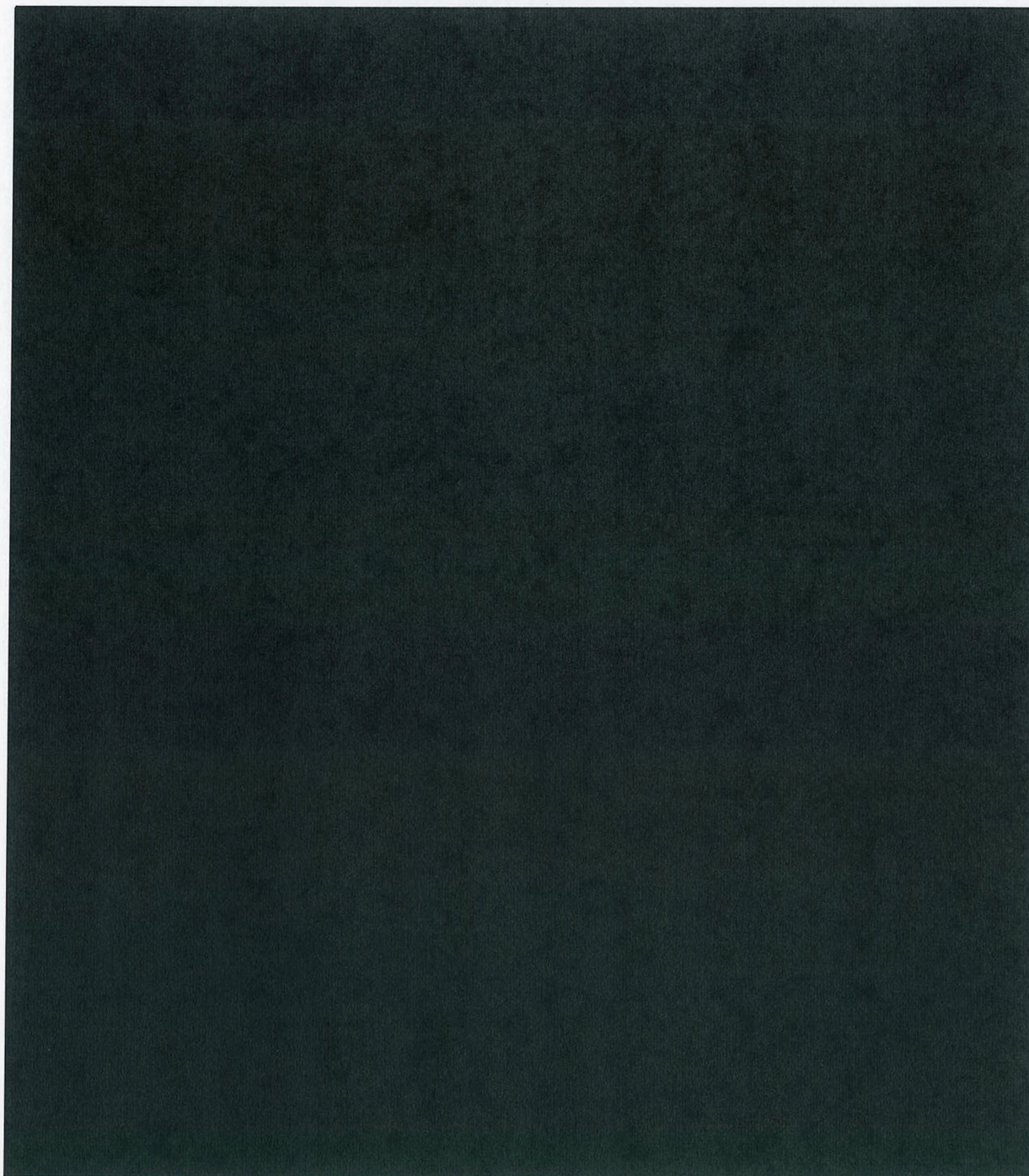
7. (~~TS//SI//NF~~) Specifically, NSA seeks renewal of the authorization to [REDACTED] described in detail in Tab 1 to this Declaration in order to collect e-mail metadata from each of them. In the [REDACTED] Declaration accompanying the Application in docket number PR/TT [REDACTED] NSA made certain statements as to the types, origin, destination, and/or collection of metadata from communications carried on [REDACTED] Set forth below are the steps NSA has taken since the Application was granted on [REDACTED] to verify those statements.³

[REDACTED]

³ (~~TS//SI//NF~~) All of the verification steps described in this Declaration are taken to ensure NSA is acting within the scope of the Court's authorization; they do not involve contact chaining [REDACTED] or any other kind of analysis other than to determine that collection is from the appropriate [REDACTED]

[REDACTED]

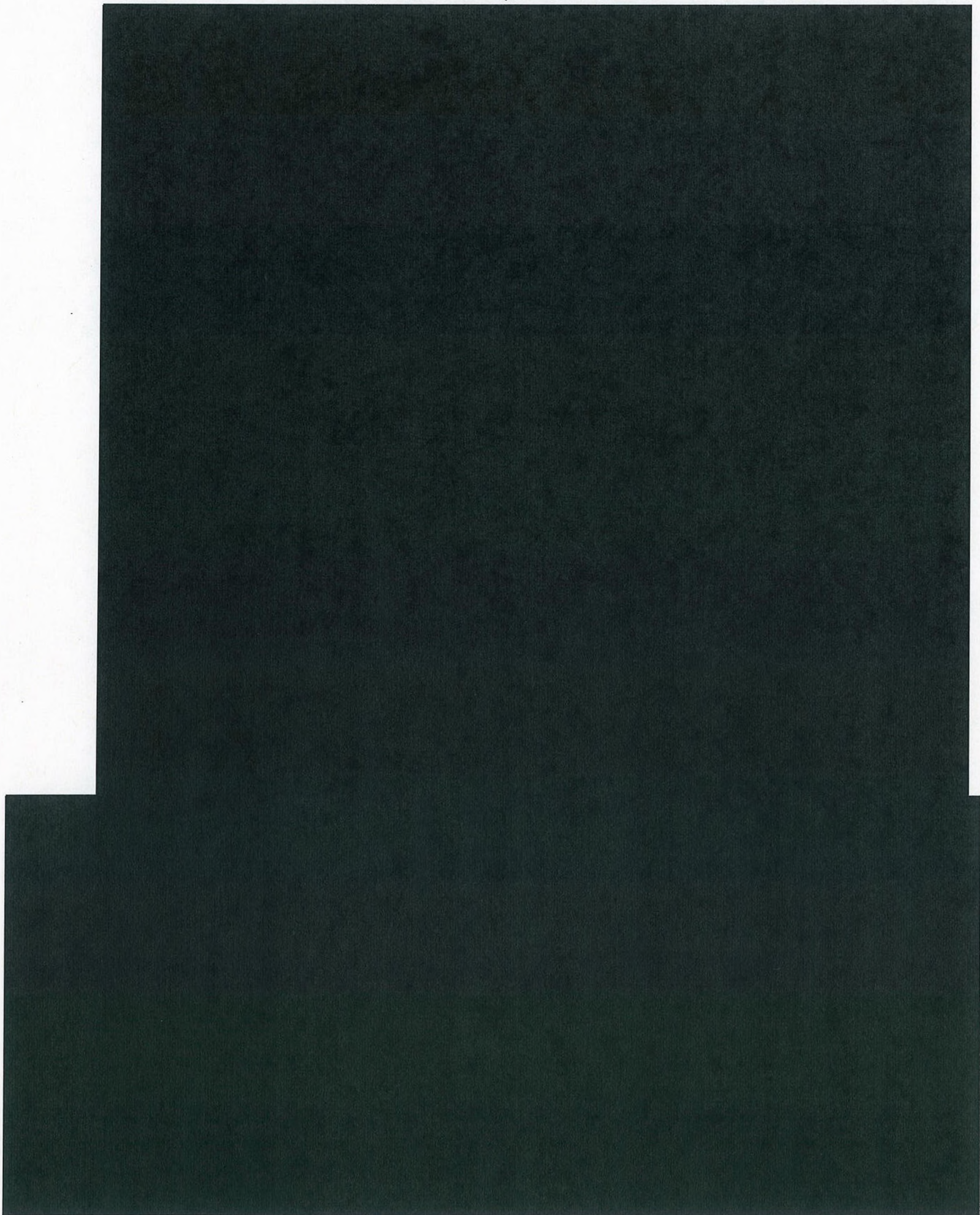
~~TOP SECRET//COMINT//NOFORN~~



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

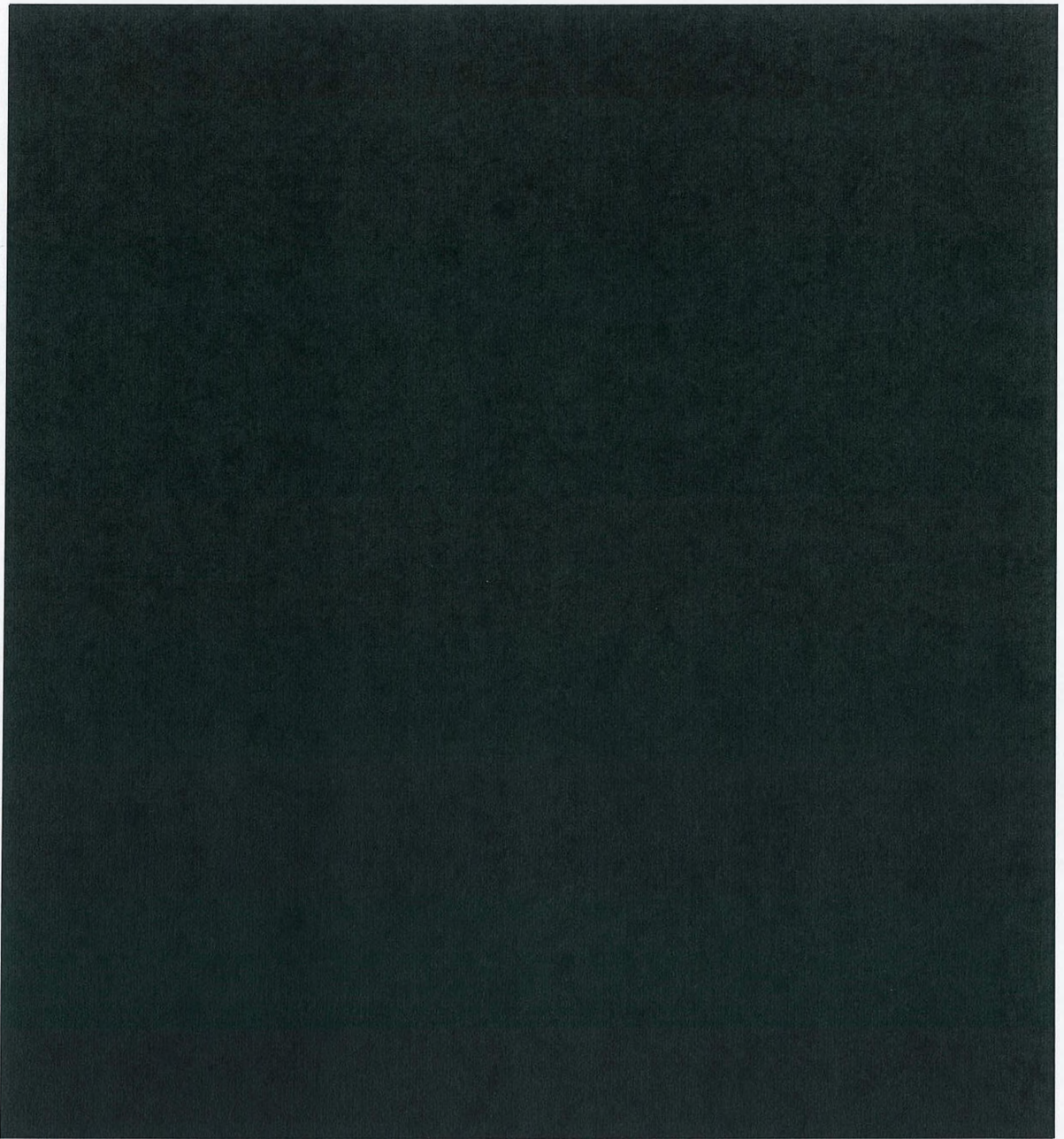


~~TOP SECRET//COMINT//NOFORN~~



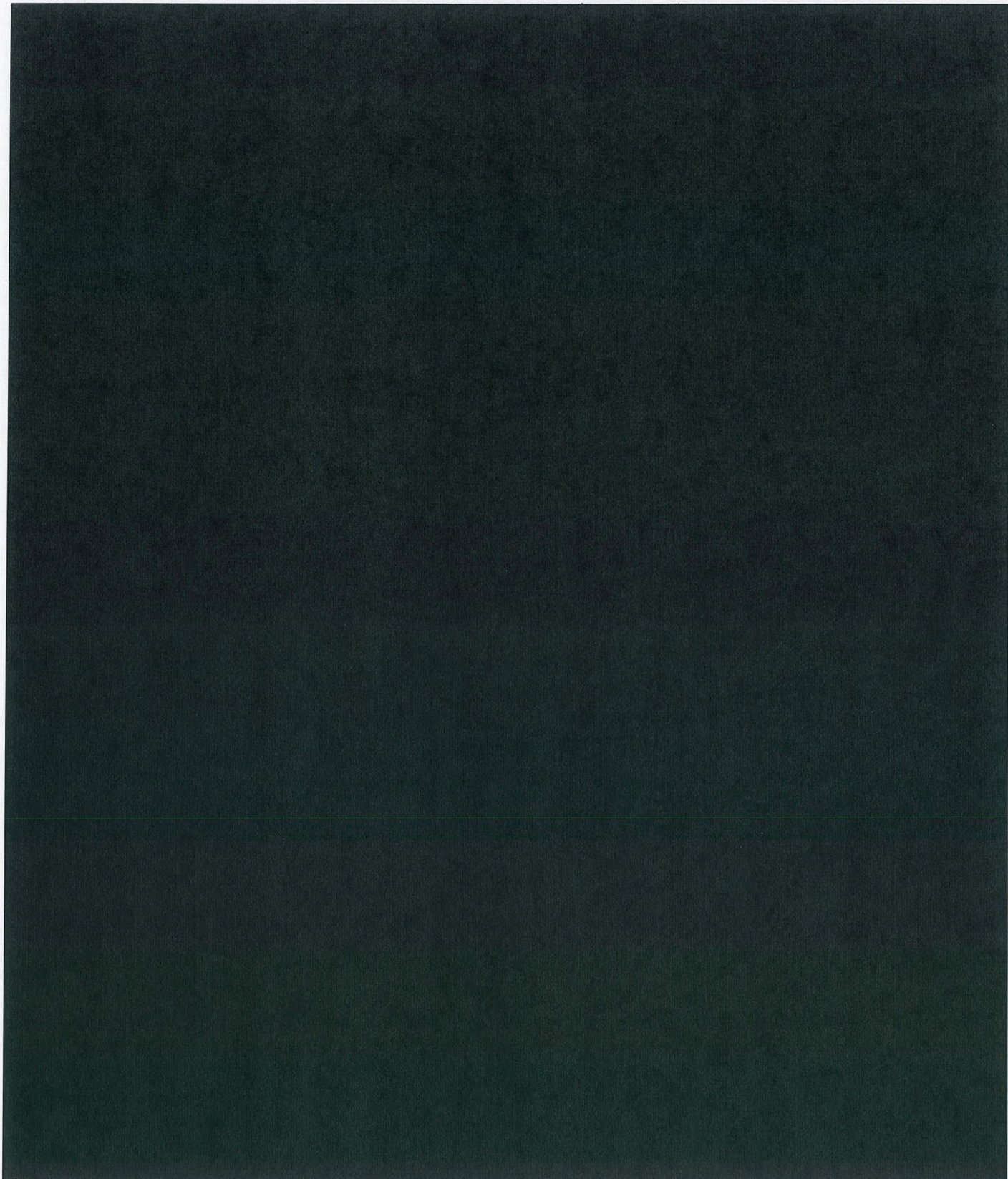
~~TOP SECRET//COMINT//NOFORN~~

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



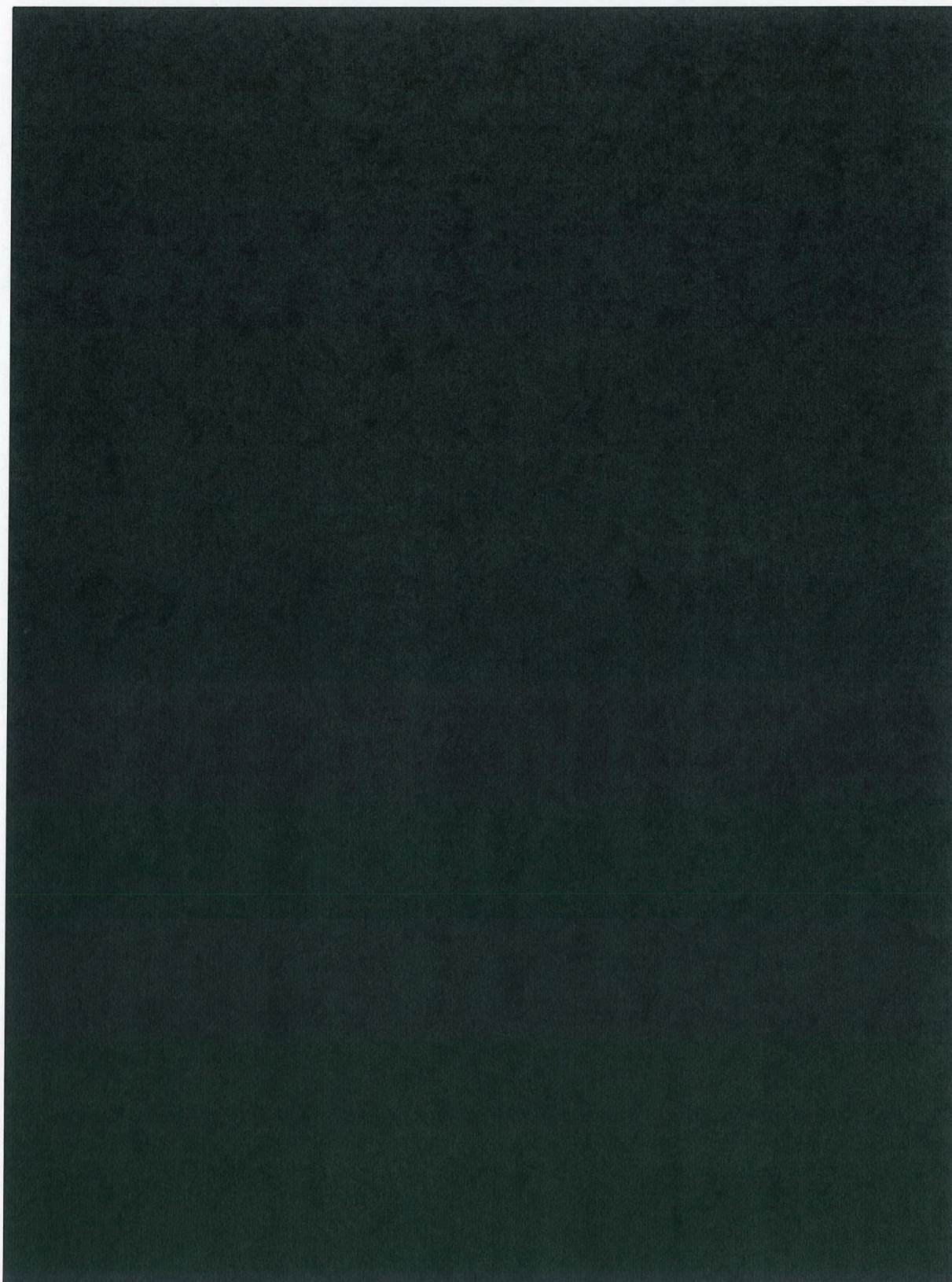
~~TOP SECRET//COMINT//NOFORN~~

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



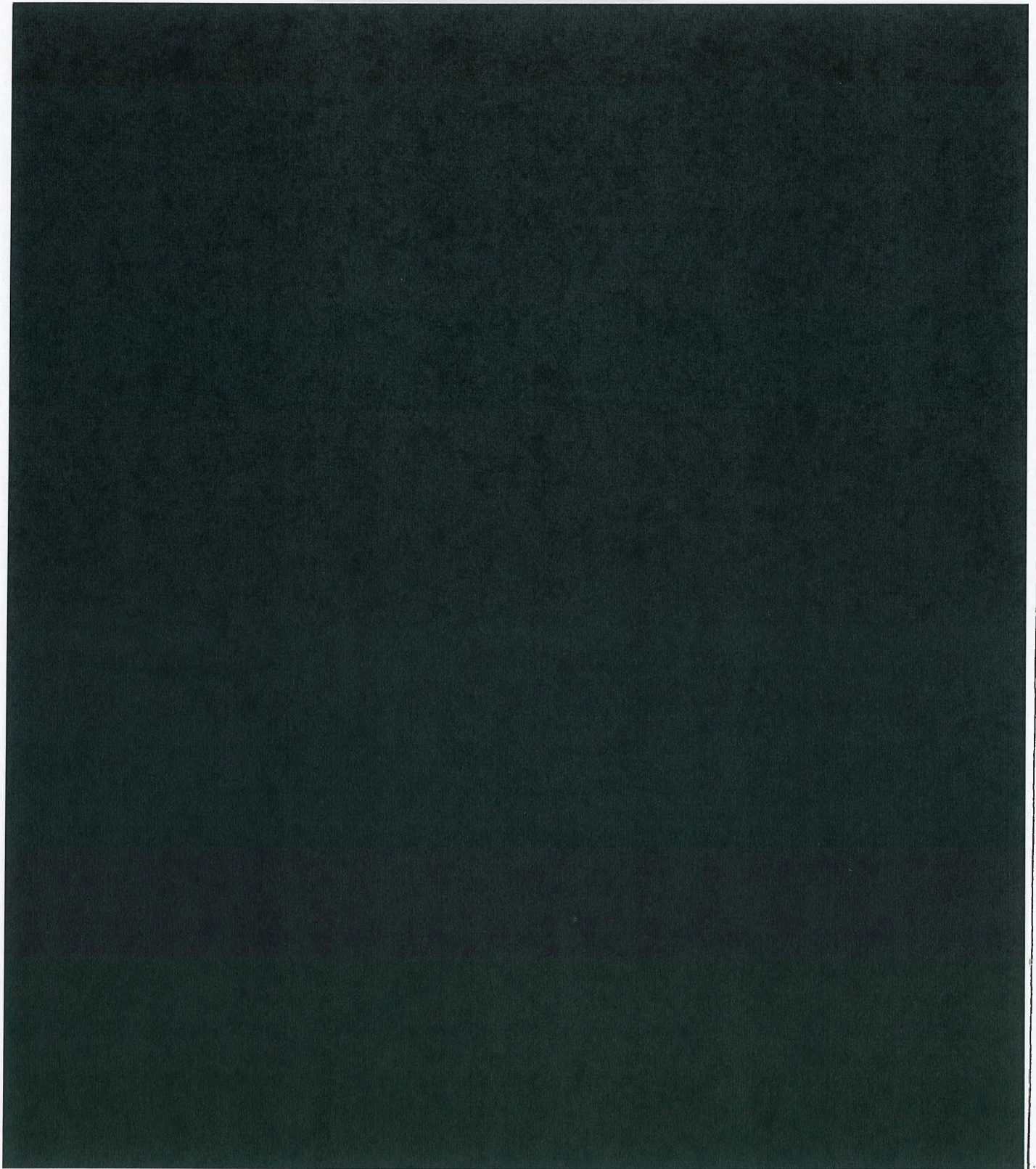
~~TOP SECRET//COMINT//NOFORN~~

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



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

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

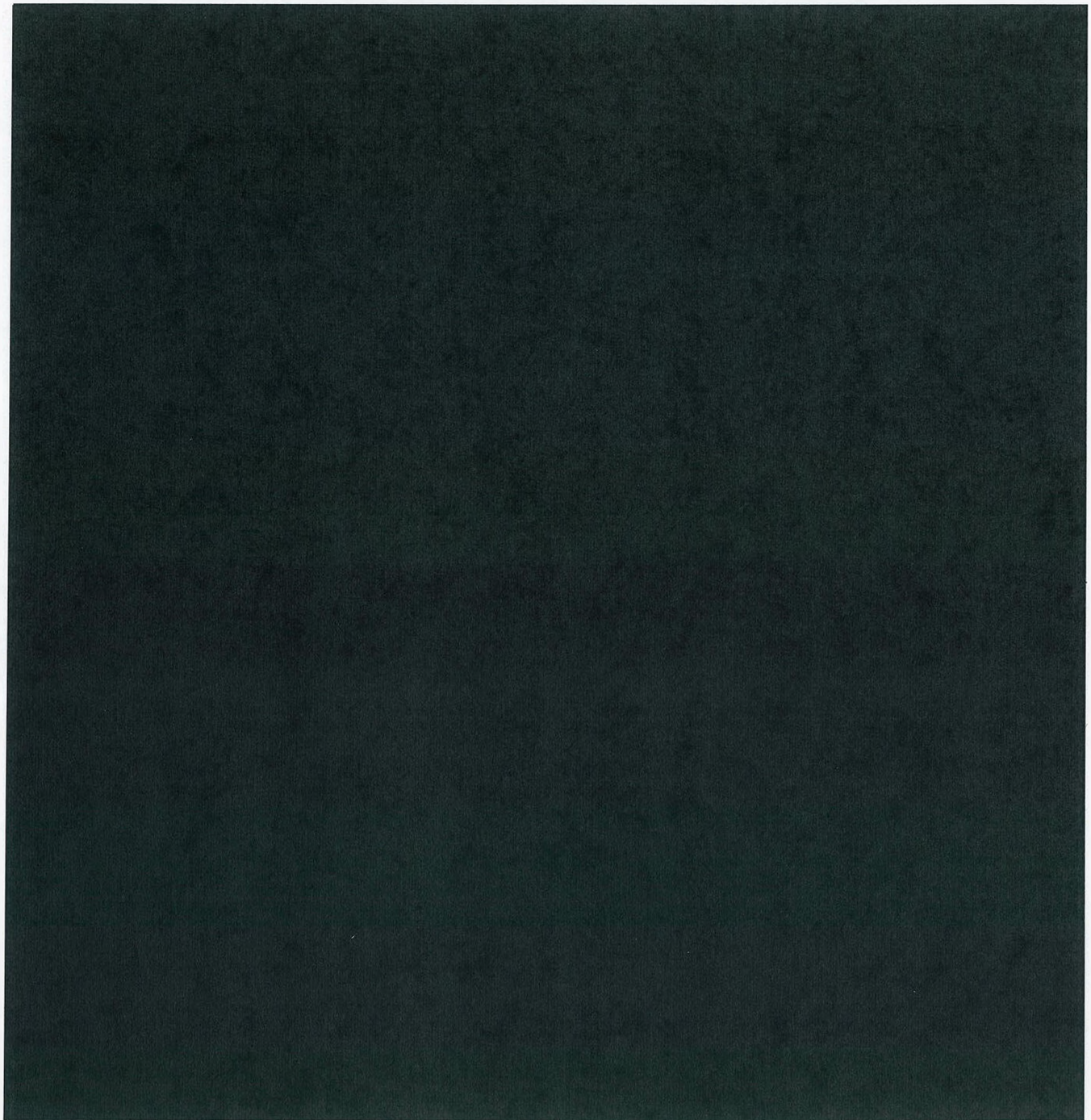


~~TOP SECRET//COMINT//NOFORN~~

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



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



8. (~~TS//SI//NF~~) In accordance with this Court's [REDACTED] Order in docket number PR/TT [REDACTED] section 5(d)(iv), at page 11, NSA's Office of General Counsel (OGC), specifically, senior attorneys in the Office of the Associate

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

General Counsel for Intelligence Law, conducted random spot checks [REDACTED] as described above on [REDACTED] and [REDACTED] to ensure that [REDACTED] [REDACTED] as authorized by the Court. The OGC determined that the assessments [REDACTED] were being conducted and confirmed [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The random spot checks also included an OGC examination of sample data.

9. [REDACTED]

[REDACTED]

⁷ ~~(TS//SI//NF)~~ [REDACTED]

[REDACTED]

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

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



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

[REDACTED]

(S) SMALL PROPORTION OF INTERNET BANDWIDTH NSA WILL OBTAIN

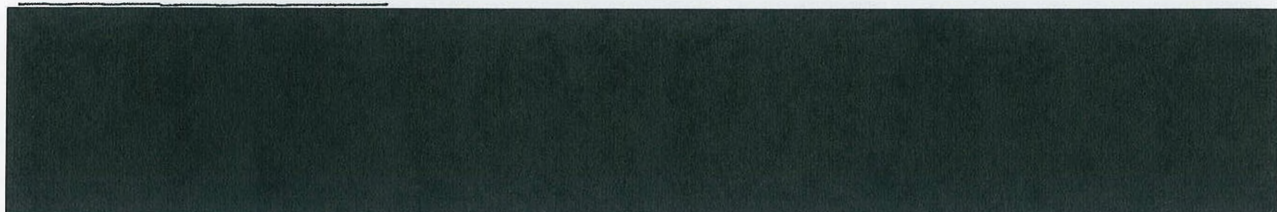
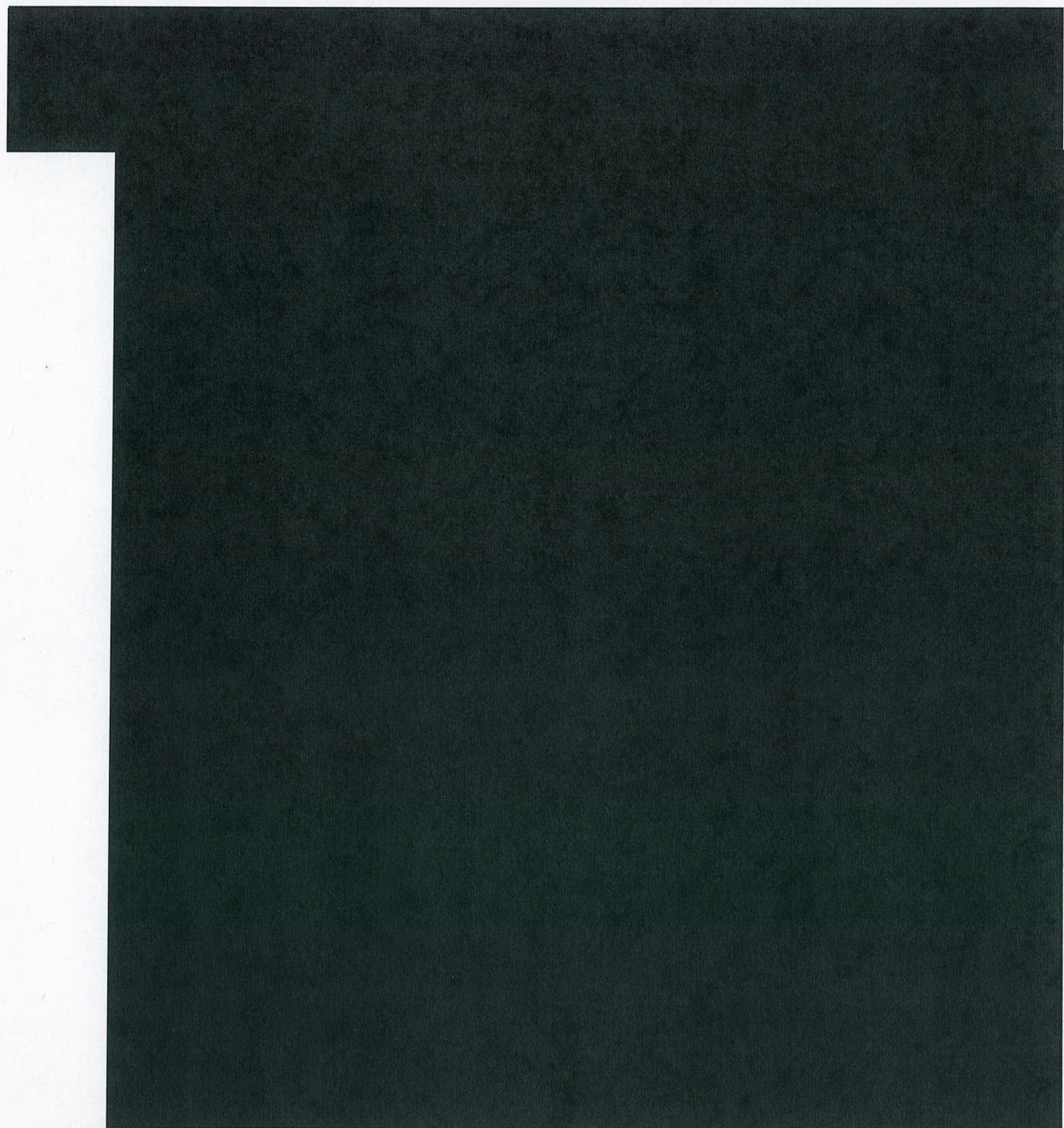
10. (TS//SI//NF) In his [REDACTED] Declaration
(Paragraph 8), the Director, NSA estimated that if the
Application were granted, NSA would collect metadata associated
with approximately [REDACTED]

[REDACTED]

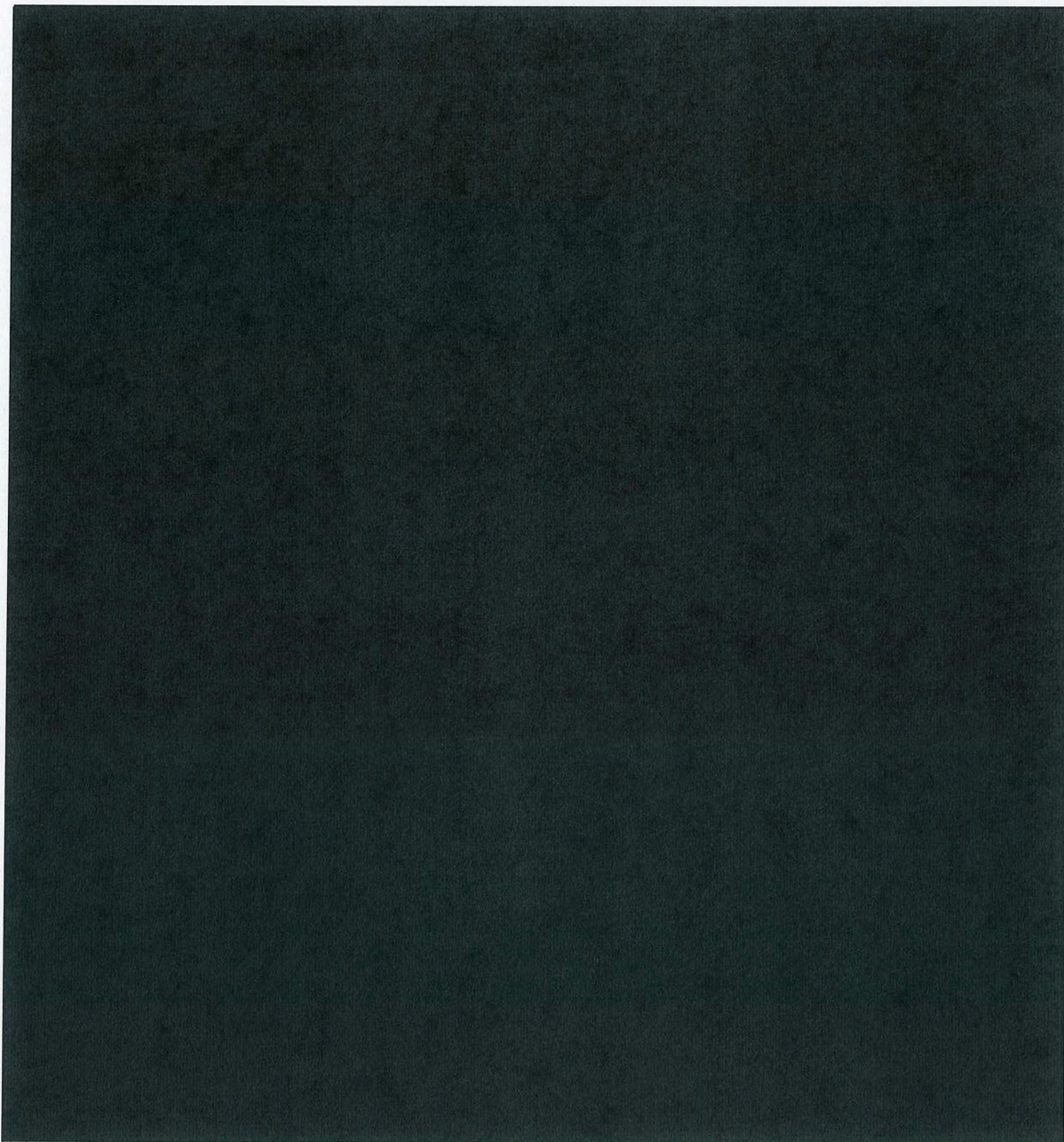
⁸ (U) [REDACTED]

[REDACTED]

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



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



(c) WHY NSA SEEKS ACCESS TO THIS AMOUNT OF DATA

11. (~~TS//SI//NF~~) I adopt and reaffirm the representations contained in the Director, NSA's [REDACTED] Declaration paragraphs 12 - 21 that to better ensure success in its

counterterrorism intelligence mission, NSA needs to have access to the accumulated pool of metadata described in the Application and this Declaration.

(U) INTERNAL CONTROLS/MINIMIZATION PROCEDURES

12. ~~(TS//SI//NF)~~ I adopt and reaffirm the representations contained in paragraphs 22-26¹⁰ and 28-30 of the Director, NSA's [REDACTED] Declaration relating to mandatory procedures to strictly control access to and use of the data collected pursuant to an order of this Court.¹¹ In addition to continuing to demand strict adherence to the Court-imposed restrictions on access to the metadata,¹² the Director, NSA established

¹⁰ ~~(TS//SI//NF)~~ In paragraph 26 of the Director, NSA's [REDACTED] Declaration, he anticipated that roughly 400 e-mail addresses would be tipped to the FBI every year. However, during 2005 [REDACTED] e-mail addresses were tipped to the FBI, and during 2006 [REDACTED] e-mail addresses were tipped to the FBI. During 2007, [REDACTED] e-mail addresses were tipped to the FBI. During 2008, [REDACTED] e-mail addresses were tipped to the FBI.

¹¹ ~~(TS//SI//NF)~~ Exhibit B to the Application describes the queries that have been made of the information collected under the Court's authorization, as well as the application of the standard that applies to such queries, during the period [REDACTED] This is the third report to this Court in accordance with the Court's [REDACTED] Order in docket number PR/TT [REDACTED] Section 5(g), at pages 12 and 13. The first two reports were filed with the Court on [REDACTED] The Director, NSA will continue to require strict adherence to the Court-imposed access restrictions.

¹² ~~(TS//SI//NF)~~ NSA technical personnel perform certain processes that are necessary for making the collected metadata usable by analysts. NSA believes that those restrictions on access are not meant to apply to those technical processes.

mandatory procedures to monitor and validate that any surveillance authorized by this Court is effected in a manner that fully complies with any Order of the Court.

13. ~~(TS//SI//NF)~~ Specifically, in order to ensure that the requested authorities will be implemented in a manner consistent with the Court's Orders:

- NSA will train the NSA personnel involved in any facet of the implementation of the Court's Orders to emphasize the degree of care that must be exercised in its implementation;
- NSA will file with the Court every thirty days during the effective period of the Order a report that includes a discussion of the queries made since the prior report to the Court, and the NSA's application of the standard the Court articulated in order to use an address as a seed address as that term is used in the Order;
- The verification measures described above in paragraph 7 will continue to be implemented to ensure that [REDACTED] remain as described in paragraph 7;
- The NSA Signals Intelligence Directorate Oversight and Compliance Office will conduct periodic audits of queries to the data to ensure application of the standard articulated by the Court to query data.

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

(~~TS//SI//NF~~) As noted in the attached Application, in addition to the above minimization procedures, the Government will implement the following oversight mechanisms to ensure compliance with any order issued by the Court in this matter:

- NSA's OGC will consult with NSD on all significant legal opinions that relate to the interpretation, scope and/or implementation of the authorizations granted by the Court in this matter. When operationally practicable, such consultation shall occur in advance; otherwise NSD will be notified as soon as practicable.
- NSA's OGC will promptly provide NSD with copies of all formal briefing and/or training materials (including all revisions thereto) currently in use or prepared and used in the future to brief/train NSA personnel concerning the authorization granted by orders issued by the Court in this matter.
- At least once before any future orders renewing the authorization period requested herein, a meeting for the purpose of assessing compliance with this Court's orders will be held with representatives from NSA's OGC, NSD, and appropriate individuals from NSA's SID. The results of this meeting will be reduced to writing and submitted to the Court as part of any application to renew or reinstate the authority requested herein.
- At least once during the authorization period of all future orders in this matter requested herein, NSD will meet with NSA's Office of Inspector General (OIG) to discuss their respective oversight responsibilities and assess NSA's compliance with the Court's orders in this matter.
- Prior to implementation, all proposed automated query processes will be reviewed and approved by NSA's OGC and NSD.
- At least once every ninety days, NSA's OGC and NSD will review a sample of the justifications for querying the metadata, including e-mail [REDACTED] placed on an alert list.

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

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

(U) SUMMARY OF REPORTING OVER THE PAST NINETY DAYS

14. ~~(TS//SI//NF)~~ As of [REDACTED]
[REDACTED]

[REDACTED] Since the Court's initial authorization in July 2004 in docket number PR/TT [REDACTED], NSA has produced [REDACTED] reports based on access to, and analysis of, metadata acquired pursuant to authorizations in the above-captioned matter. NSA has disseminated these reports to the FBI, the Central Intelligence Agency (CIA), and the National Counterterrorism Center (NCTC).

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

Signed this [REDACTED]
[REDACTED]

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

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