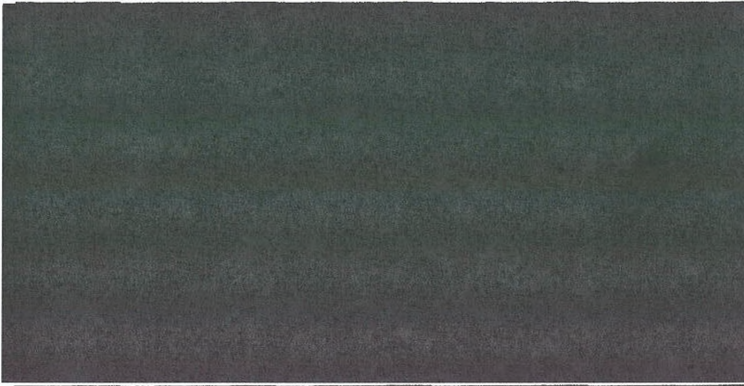


~~TOP SECRET//COMINT//NOFORN~~

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

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

~~(TS//SI//NF)~~ Set forth below is a detailed description of


[REDACTED] on which the Government seeks renewed
authority to install and use pen registers and trap and trace
devices, in order to obtain information about [REDACTED]

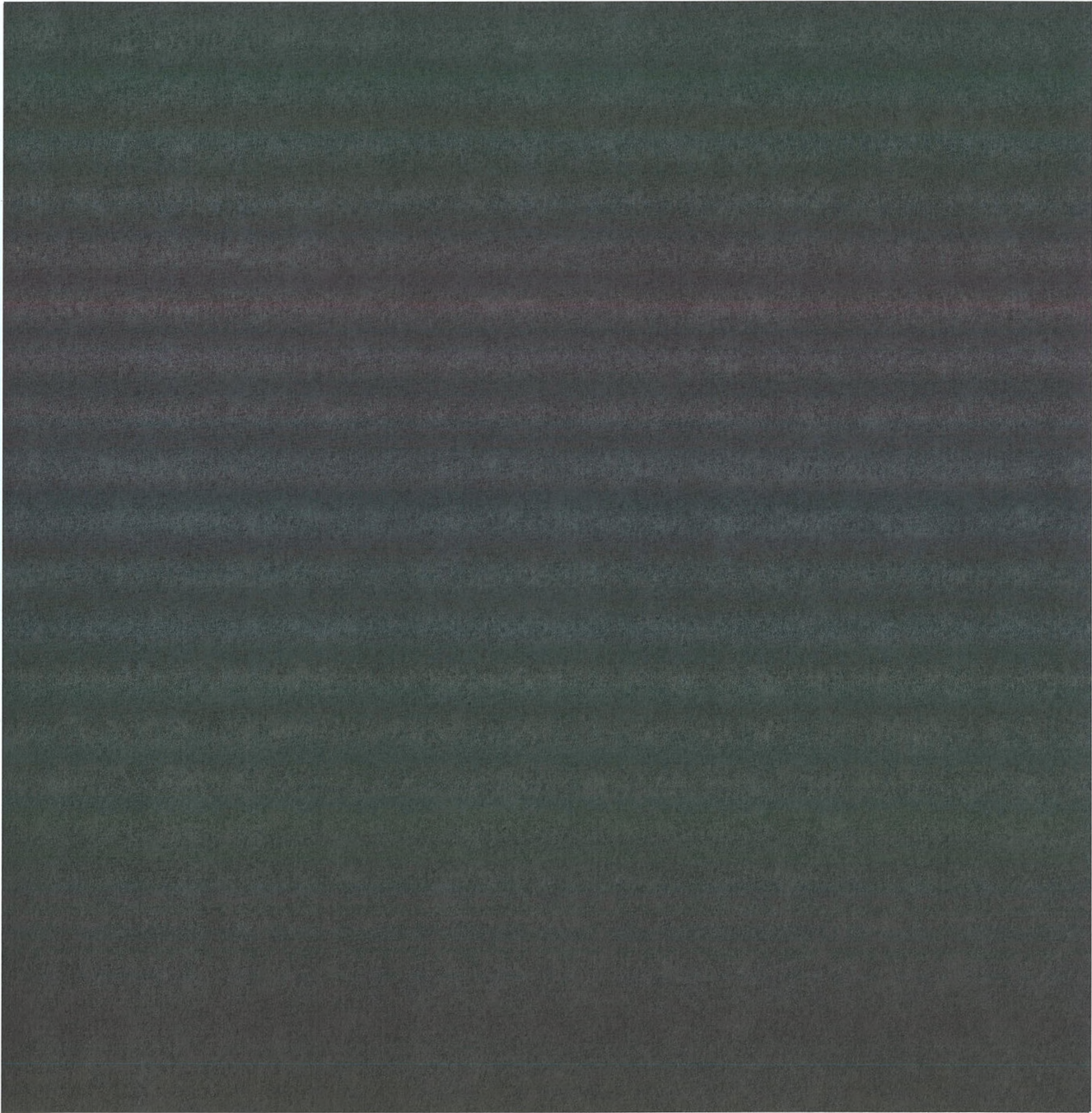
[REDACTED]
[REDACTED] pursuant to the Foreign
Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C.,
sections 1801-1811, 1841-1846, as amended, as discussed in the

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

Classified by: NSA/CSSM 1-52, Dated 8 January, 2007
Reason: 1.4(c)
Declassify on: [REDACTED]

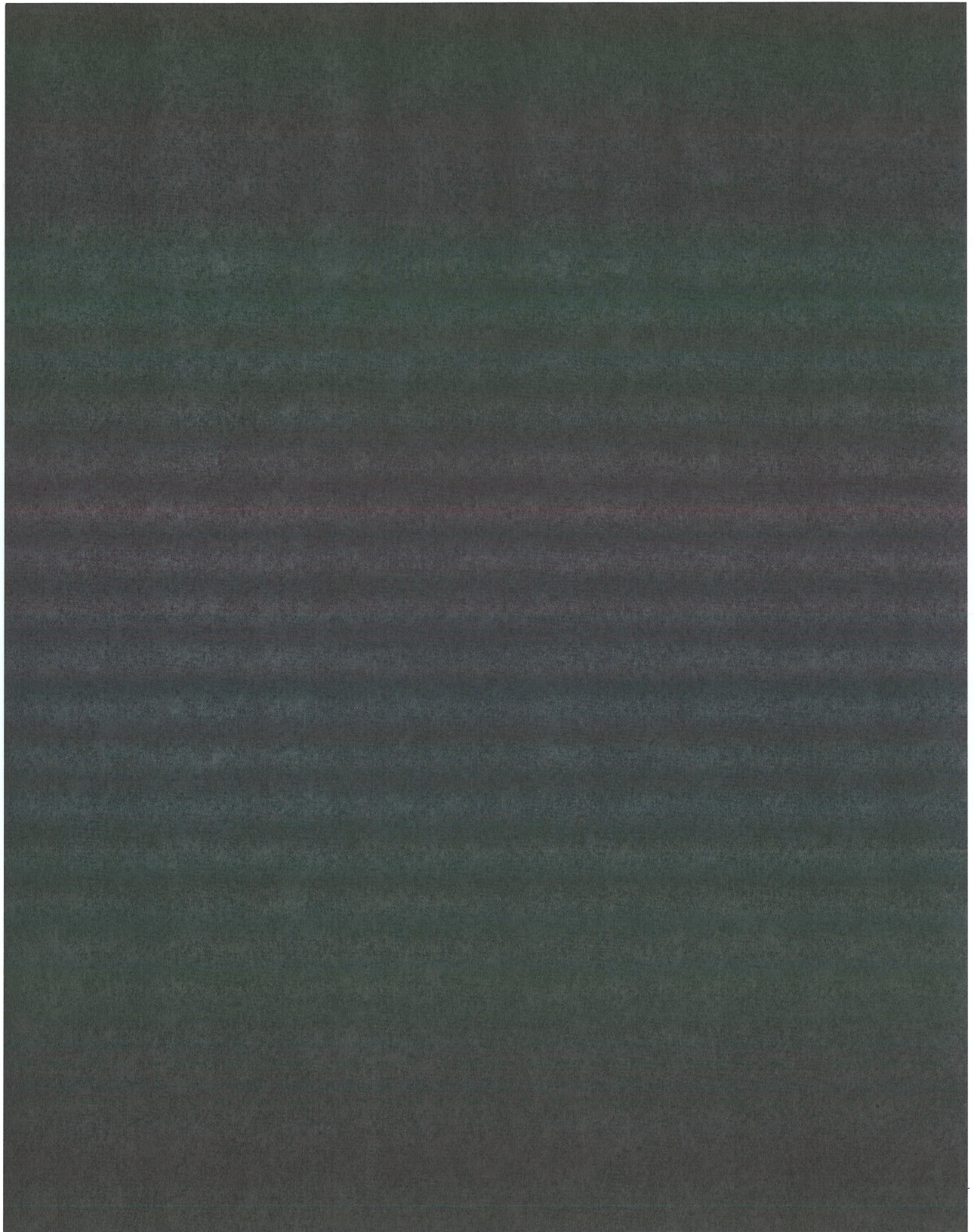
~~TOP SECRET//COMINT//NOFORN~~

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



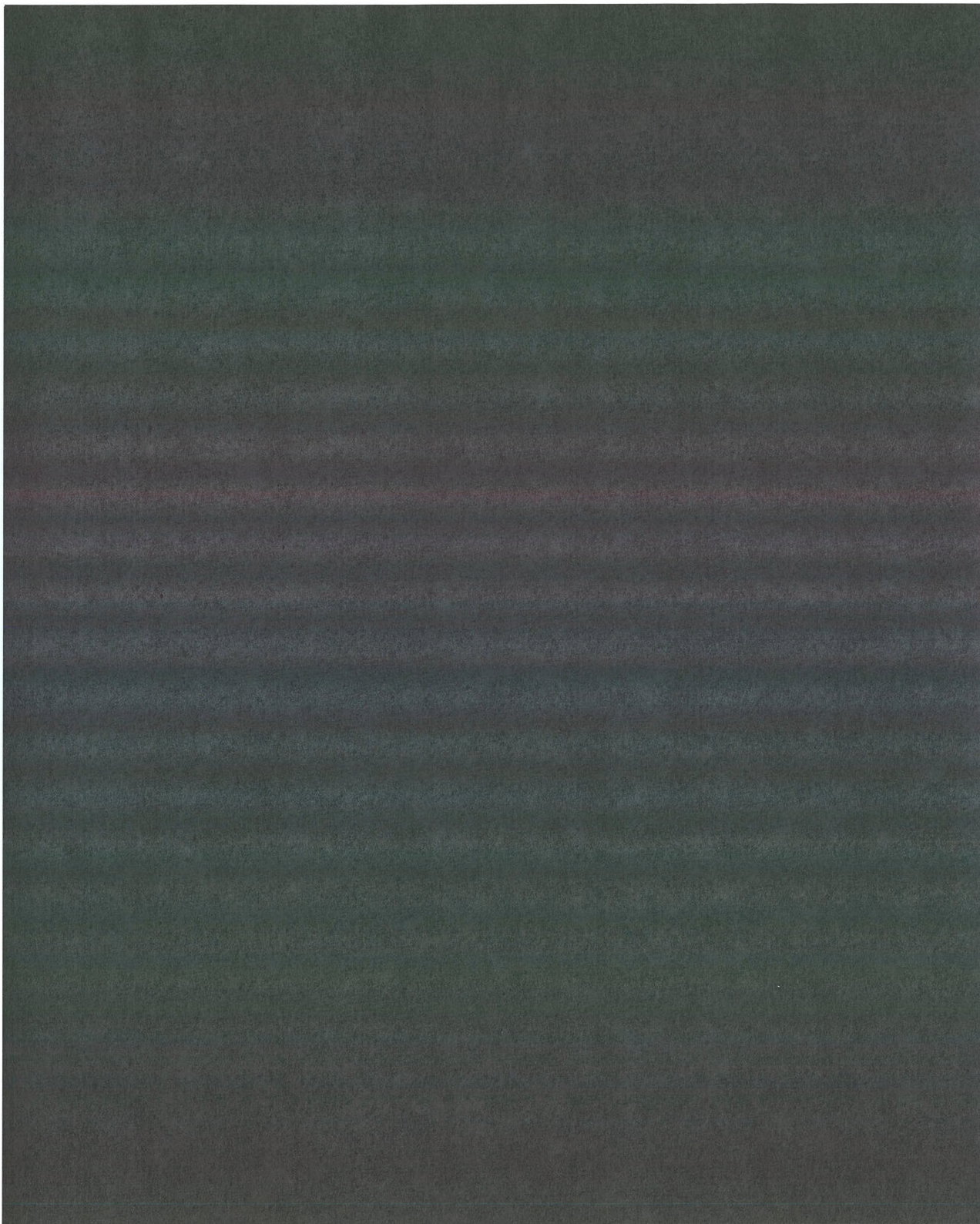
~~TOP SECRET//COMINT//NOFORN~~

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



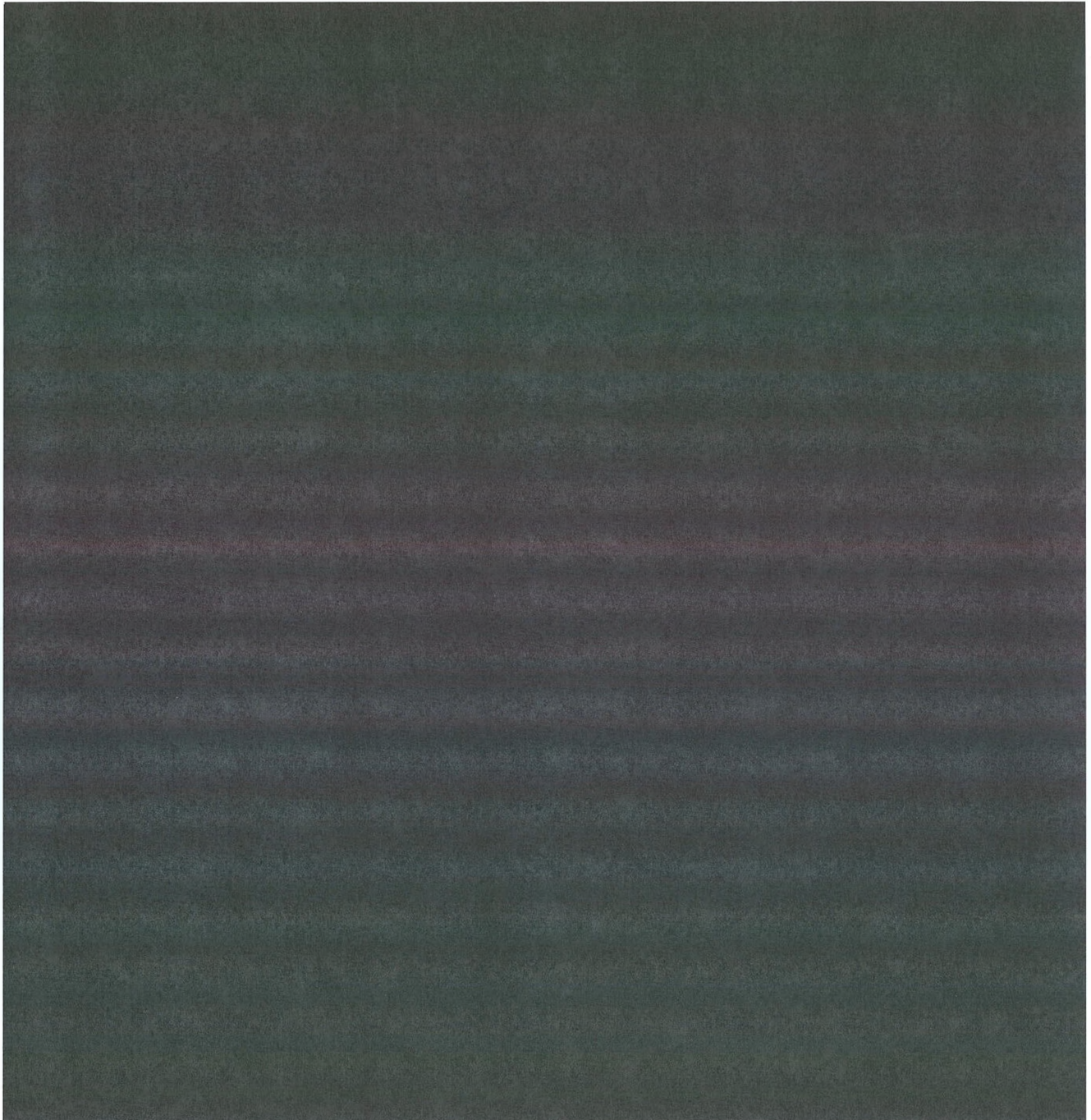
~~TOP SECRET//COMINT//NOFORN~~

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



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

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



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

B

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

EXHIBIT B

NSA 90 DAY REPORT TO
THE FOREIGN INTELLIGENCE SURVEILLANCE COURT (PR/TT [REDACTED])

~~(TS//SI//NF)~~ The National Security Agency (NSA) submits this Report in accordance with the [REDACTED] Primary Order of the Foreign Intelligence Surveillance Court (Docket Number PR/TT [REDACTED]), which requires the regular submission of reports discussing: (i) the queries that have been made of the metadata collected under the authority granted by the Court and the NSA's application of the standard against which such queries may be made; (ii)

[REDACTED] (iii) any new facilities proposed to be added to such authority; and (iv) any changes in the proposed means of collection, to include [REDACTED]

[REDACTED] Since [REDACTED] the NSA has submitted two 30-Day Reports, one dated [REDACTED] (covering the period from [REDACTED] to [REDACTED]), and one dated [REDACTED] (covering the period from [REDACTED] to [REDACTED]). This report covers the period from [REDACTED] to [REDACTED]

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

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

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: [REDACTED]

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

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

Orders. Each of the PR/TT Orders authorized NSA to query the metadata collected only with e-mail [REDACTED] that met a particular standard:

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

See, e.g., Docket Number PR/TT [REDACTED] Primary Order at pp. 8-9 (emphasis in original). Each of the PR/TT Orders authorized only certain NSA officials to determine whether an e-mail [REDACTED] met the standard, and thus qualified as a "seed" with which to query the metadata. Collectively, NSA refers to these officials as the Designated Approval Authorities. Each of the PR/TT Orders also required NSA's Office of General Counsel "to ensure appropriate consideration of any First Amendment" concerns by reviewing and approving queries based on seed accounts believed to be used by United States persons. See, e.g., PR/TT Docket Number [REDACTED] Primary Order at pp. 8-9, 10-11.

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

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

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

sources. The following examples illustrate the information that might support NSA's determination that an e-mail address proposed for use as a seed is associated with [REDACTED]

[REDACTED]

(collectively the "Foreign Powers") and thus met the RAS standard:

[REDACTED]

~~(TS//SI//NF)~~ The Station Table, the Initial RAS-Approval Process, and the Alert

List. As of July 14, 2004, the date the Court issued the first PR/TT Order, the NSA had amassed a set of more than [REDACTED] e-mail addresses believed to be used by individuals associated with the Foreign Powers. These e-mail addresses (along with other e-mail addresses either associated with [REDACTED] other than the Foreign Powers or linked to [REDACTED]) resided in a database referred to as the Station Table.¹ A small percentage of these e-mail addresses were reasonably believed to be used by United States

¹ ~~(TS//SI//NF)~~ The Station Table includes NSA's historical listing of all terrorism-related e-mail addresses that have undergone a RAS determination, to include the results of the determination.

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

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

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

~~(TS//SI//NF)~~ When the Court issued the July 14, 2004 PR/TT Order, the Designated Approval Officials, and, when necessary, an attorney in NSA's Office of General Counsel, reviewed each of the e-mail addresses in the set linked to the Foreign Powers to determine which met the RAS standard. Those e-mail addresses that met the standard carried a tag in the "comments" field of the Station Table record to note that they had met the RAS standard. All of these RAS-approved e-mail addresses remained on the Station Table. A subset of this master set of RAS-approved e-mail addresses, those believed to be used by all but the lowest priority targets, became the Alert List. Since the initial PR/TT Order of July 14, 2004, NSA has run continuous automated queries against the PR/TT metadata using the e-mail addresses on the Alert List as seeds.³ NSA has not included all RAS-approved e-mail addresses on the Alert List because NSA has focused its limited analytical resources toward the higher priority targets. Thus, all of the e-mail addresses on the Alert List are RAS-approved, but not all of the RAS-approved e-mail addresses are on the Alert List.

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

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

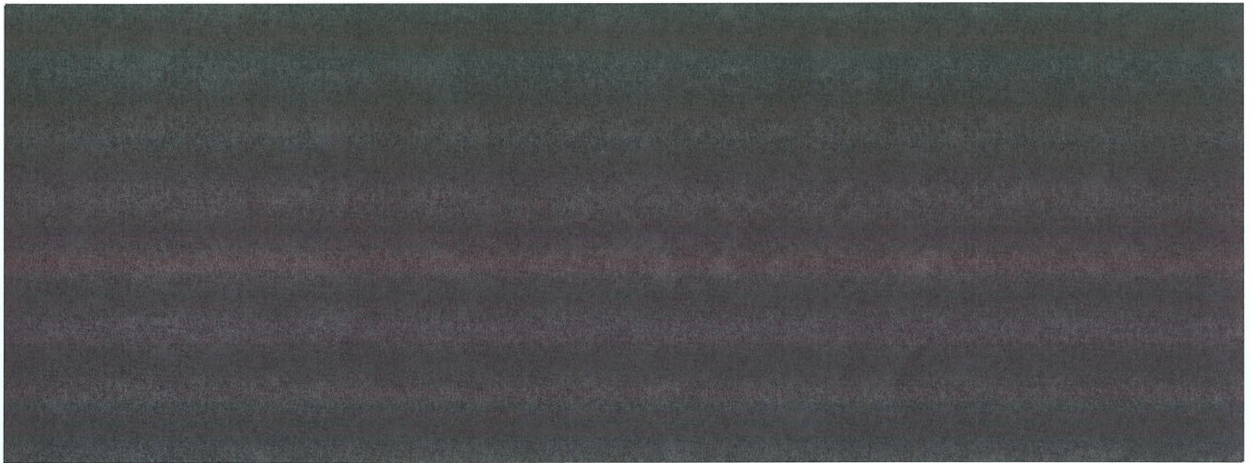
³ This process was broken on [REDACTED] when a new software control, designed to prevent queries that are not RAS approved, was installed. NSA will consult NSD before reactivating the [REDACTED] alert process.


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


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

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

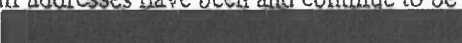
~~(TS//SI//NF)~~ RAS-Approval Processes. An e-mail address may be approved as a PR/TT seed, and may possibly be added to the Alert List, in any of the following ways:⁵



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

⁴ ~~(TS//SI//NF)~~ 



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

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

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

(b) ~~(TS//SI//NF)~~ Subject to Court-Authorized Electronic Surveillance or Physical

Search. Since the PR/TT Order in Docket Number [REDACTED] (dated [REDACTED]), the Court has authorized NSA to approve certain e-mail addresses under the RAS standard without review by either a Designated Approval Authority or an attorney in NSA's Office of General Counsel:

E-mail [REDACTED] that are the subject of electronic surveillance and/or physical search authorized by the Foreign Intelligence Surveillance Court (FISC) based on the FISC's finding of probable cause to believe that they are used by agents of [REDACTED] including those used by U.S. persons, may be deemed approved for metadata querying without approval of an NSA official.

See, e.g., PR/TT [REDACTED] at 9. Thus, e-mail addresses proposed as seeds that satisfy this prerequisite may be added to the set of RAS-approved e-mail addresses and to the Alert List without further review. NSA receives weekly reports from the Department of Justice, National Security Division, that list the e-mail addresses associated with the Foreign Powers that are subject to Court-authorized electronic surveillance or physical search. Any foreign-based e-mail address approved through this process would have retained the RAS-approved designator, even after the Court authorization expired, unless NSA had received information to suggest that the factual support for the Court's probable cause determination was erroneous. Any U.S.-based e-mail address and/or any e-mail address used by a United States person approved through this process would have retained the RAS-approved designator only for the duration of the Court authorized electronic surveillance or physical search. Once that authority expired, NSA would have removed the RAS-approved designator, unless the e-mail address was submitted to a Designated Approval Authority and NSA's Office of General Counsel and was approved under the RAS standard.

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

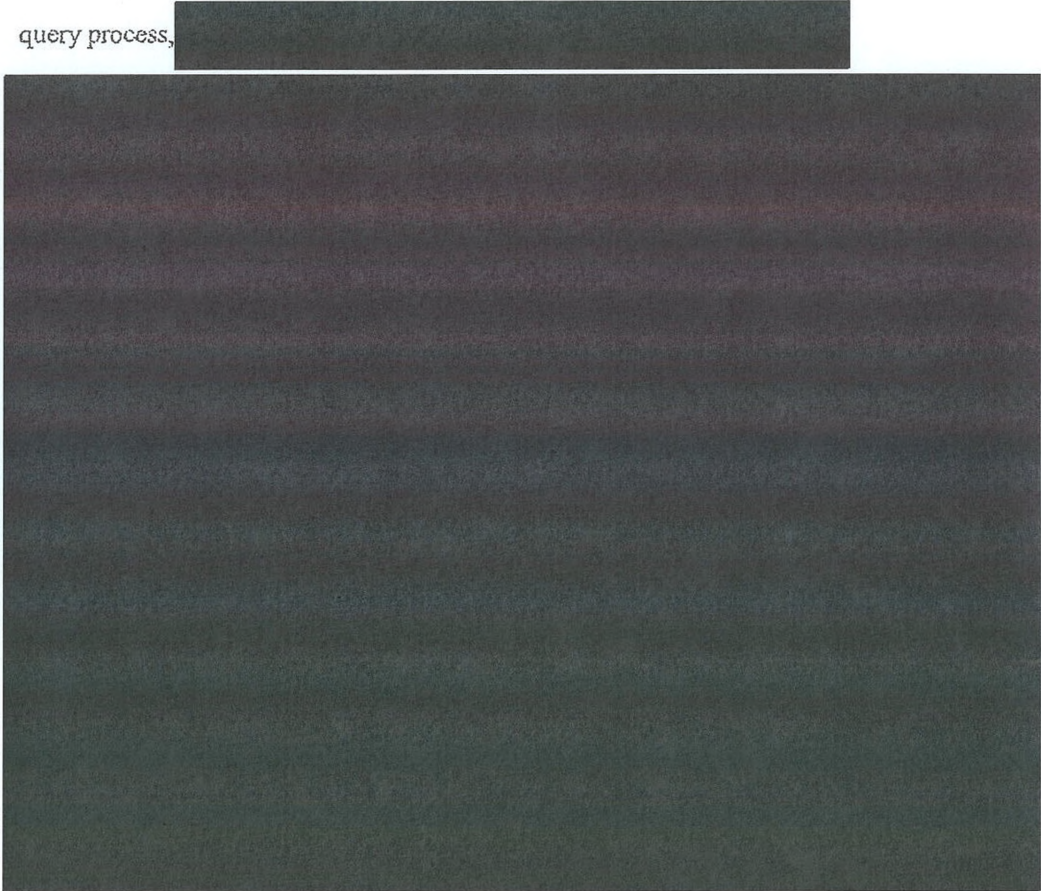
(c) ~~(TS//SI//NF)~~ Direct Contacts of Known Members of the Foreign Powers. NSA has run continuous automated queries against the PR/TT metadata using the RAS-approved e-mail addresses on the Alert List as seeds. These automated queries return all of the direct (one-hop) and indirect (two-hop) contacts of each of the Alert List seeds. A direct contact of an Alert List seed could be deemed approved for PR/TT querying as a seed under either of the following processes:

(i) *Direct Contact of Alert List Seed;* [REDACTED] *Tagged within the Station Table as Pending RAS-Approval.* Certain e-mail addresses residing on the Station Table would meet the RAS standard but for a missing link to one of the Foreign Powers. In other words, the information available to NSA may demonstrate that an e-mail address is used by an individual associated with terrorism, but the group with which the individual is affiliated is either not known or is a group that has not yet been linked to one of the Foreign Powers. These e-mail addresses carry certain tags in the Station Table — [REDACTED] — each of these tags denotes that one of the Designated Approval Authorities has reviewed the information available, and has determined that RAS-approval is warranted as soon as a direct link to one of the Foreign Powers is found.⁶ The automated query process looks at all of the direct contacts of the Alert List seeds to see if any of these specially-tagged, foreign e-mail addresses are in direct contact with one or more of the RAS-approved Alert

⁶ [REDACTED]

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

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



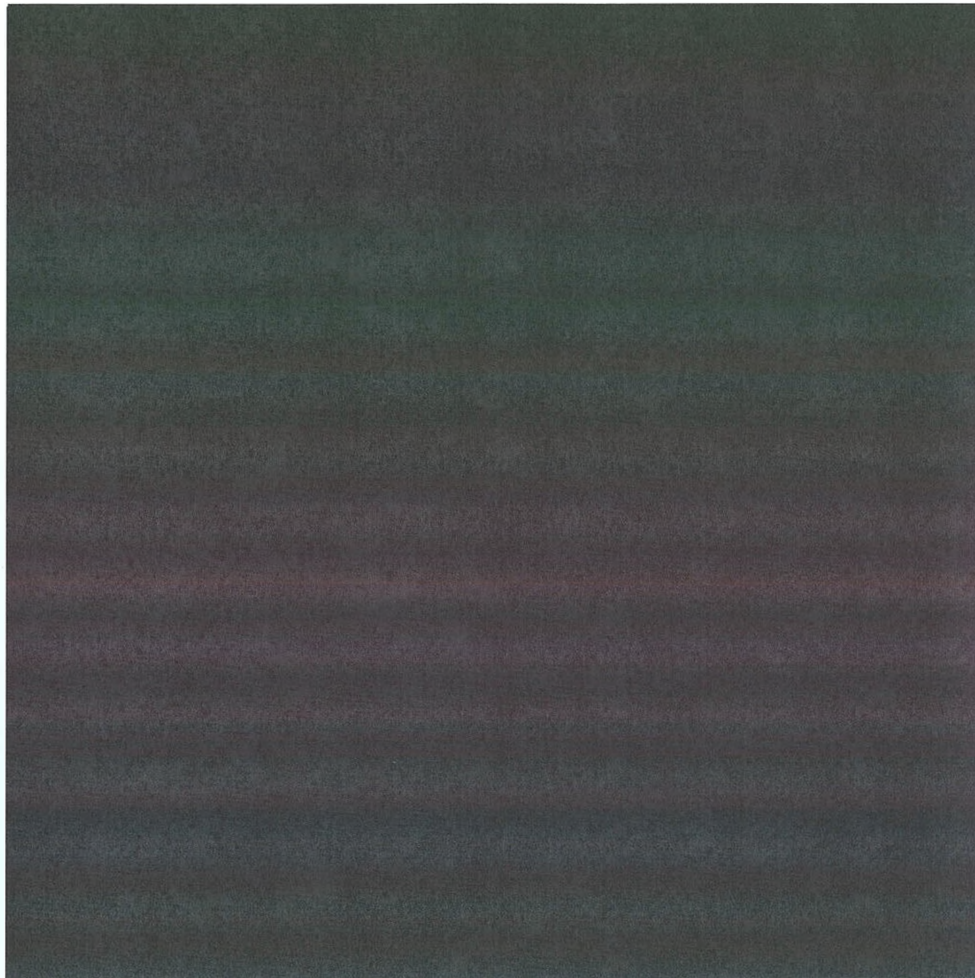
⁷ ~~(TS//SI//NF)~~ A separate field in the Station Table notes whether an e-mail address is reasonably believed to be used by a United States person.

⁸

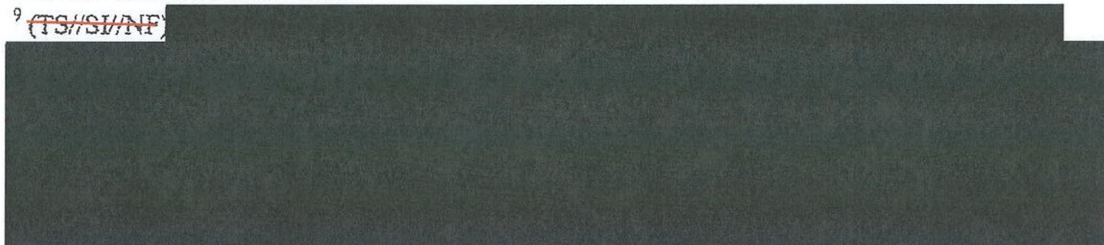


~~TOP SECRET//COMINT//NOFORN~~

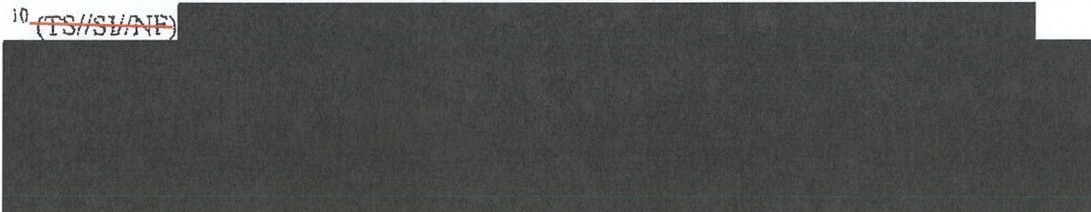
~~TOP SECRET//COMINT//NOFORN~~



⁹ ~~(TS//SI//NF)~~

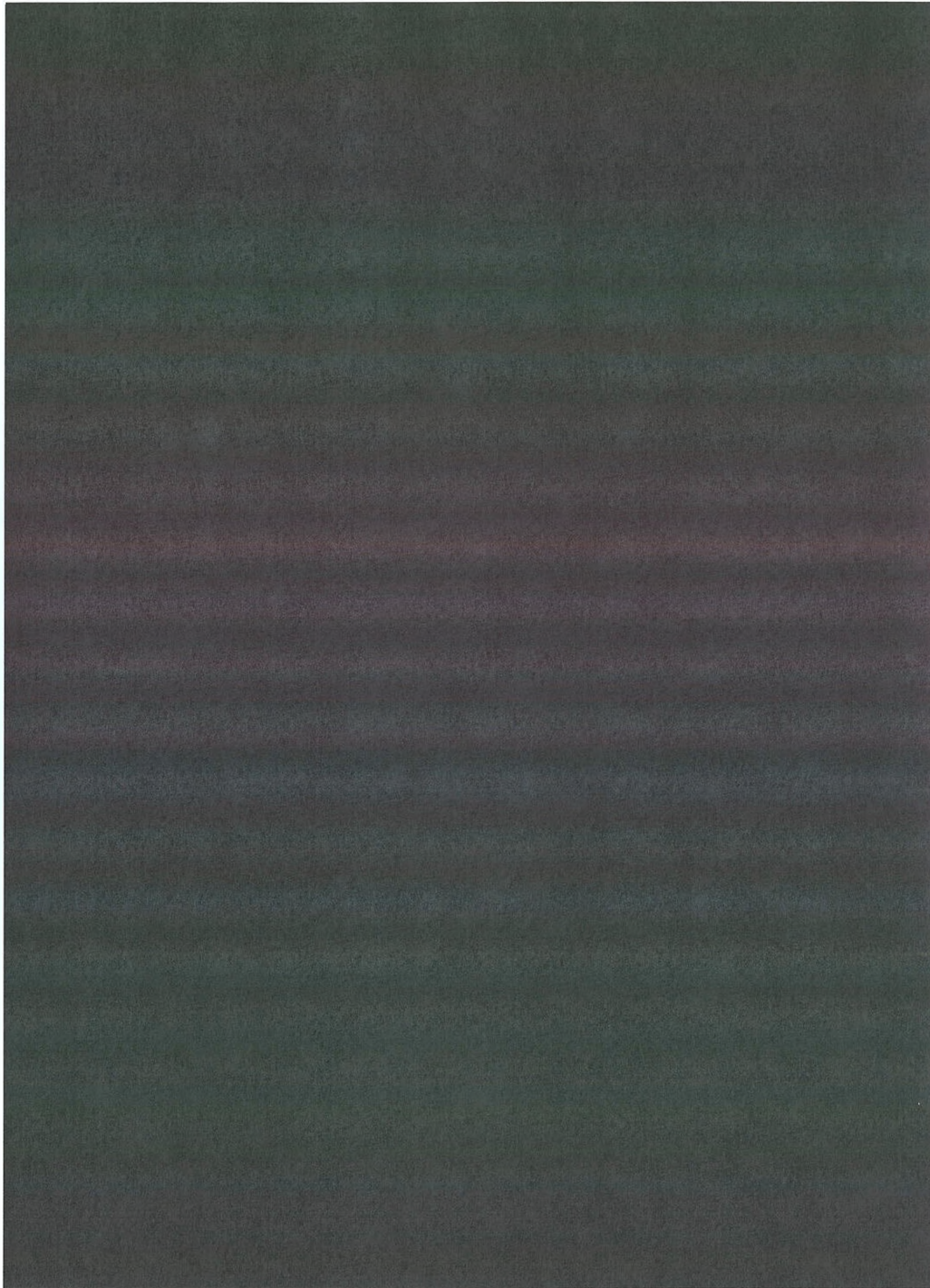


¹⁰ ~~(TS//SI//NF)~~

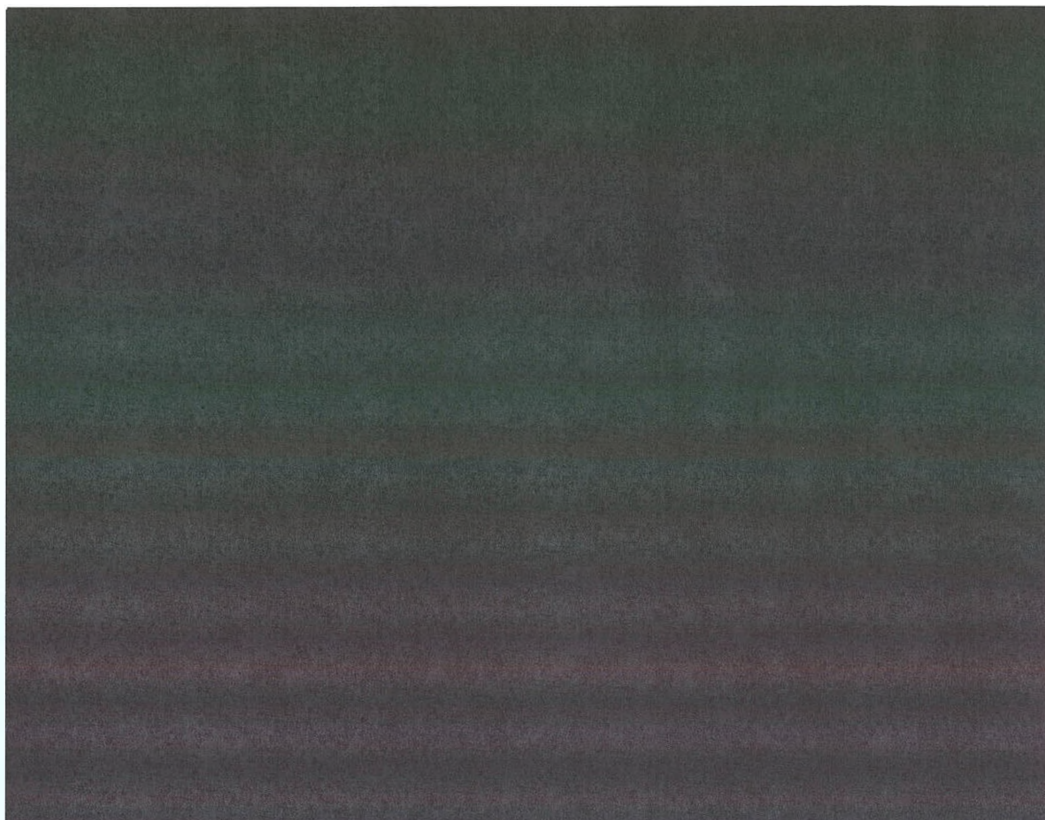


~~TOP SECRET//COMINT//NOFORN~~

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



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



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

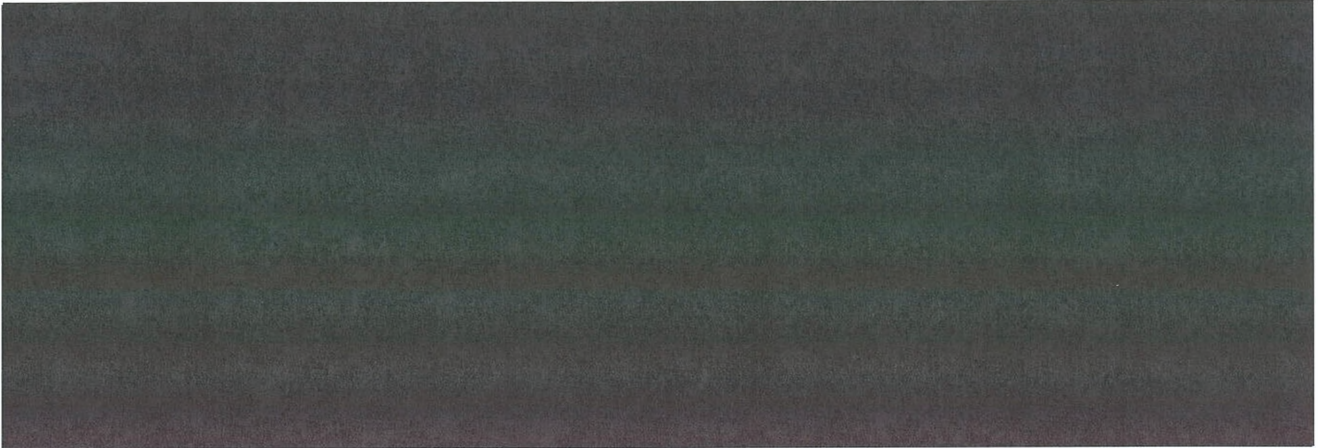
summarizes all of the direct submission requests, described generally above at p. 5, made to the Homeland Security Analysis Center (HSAC) for seed approval between [REDACTED]

[REDACTED] 11

11 ~~(TS//SI//NF)~~ [REDACTED]

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

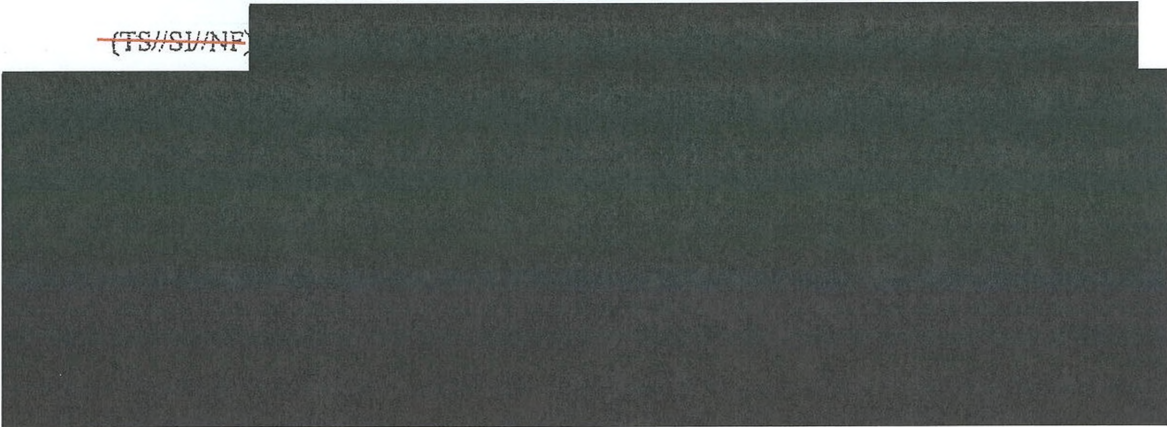
CHART A
NEW E-MAIL ADDRESSES CONSIDERED AS SEED ADDRESSES



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


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



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





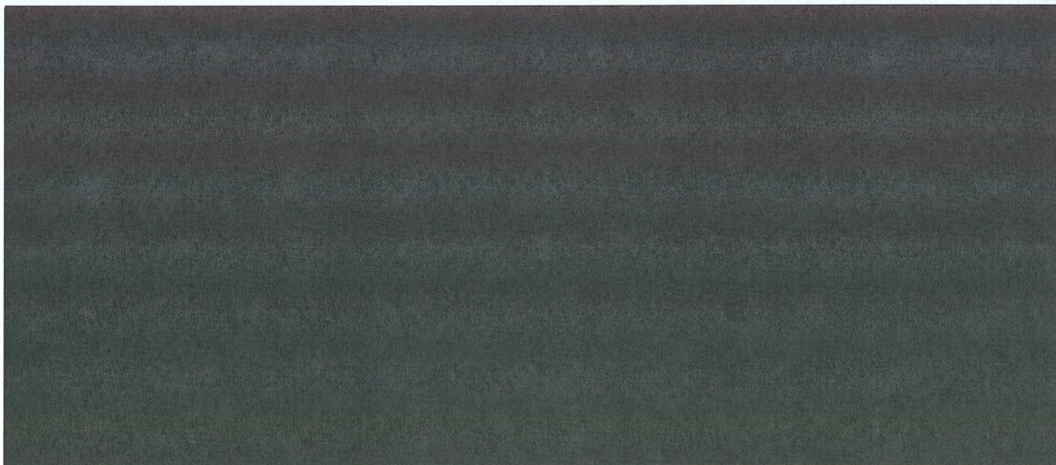
~~TOP SECRET//COMINT//NOFORN~~



~~(TS//SI//NF)~~ Summary of Non-Automated Queries. Chart B summarizes all of the non-automated queries made against the metadata archive from 

¹² A query is counted each time an analyst enters a seed; thus, an analyst who enters one seed twice 

 – will generate a record of two queries. A query is also counted each time an analyst requests a second hop query prompted by the results of an automated query and each time an analyst seeks combined categories of metadata information simultaneously. The query counts represented on Chart B do not include queries made pursuant to the automated alerting system. The query categories are (a) e-mail queries that return e-mail address chains; 



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

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

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

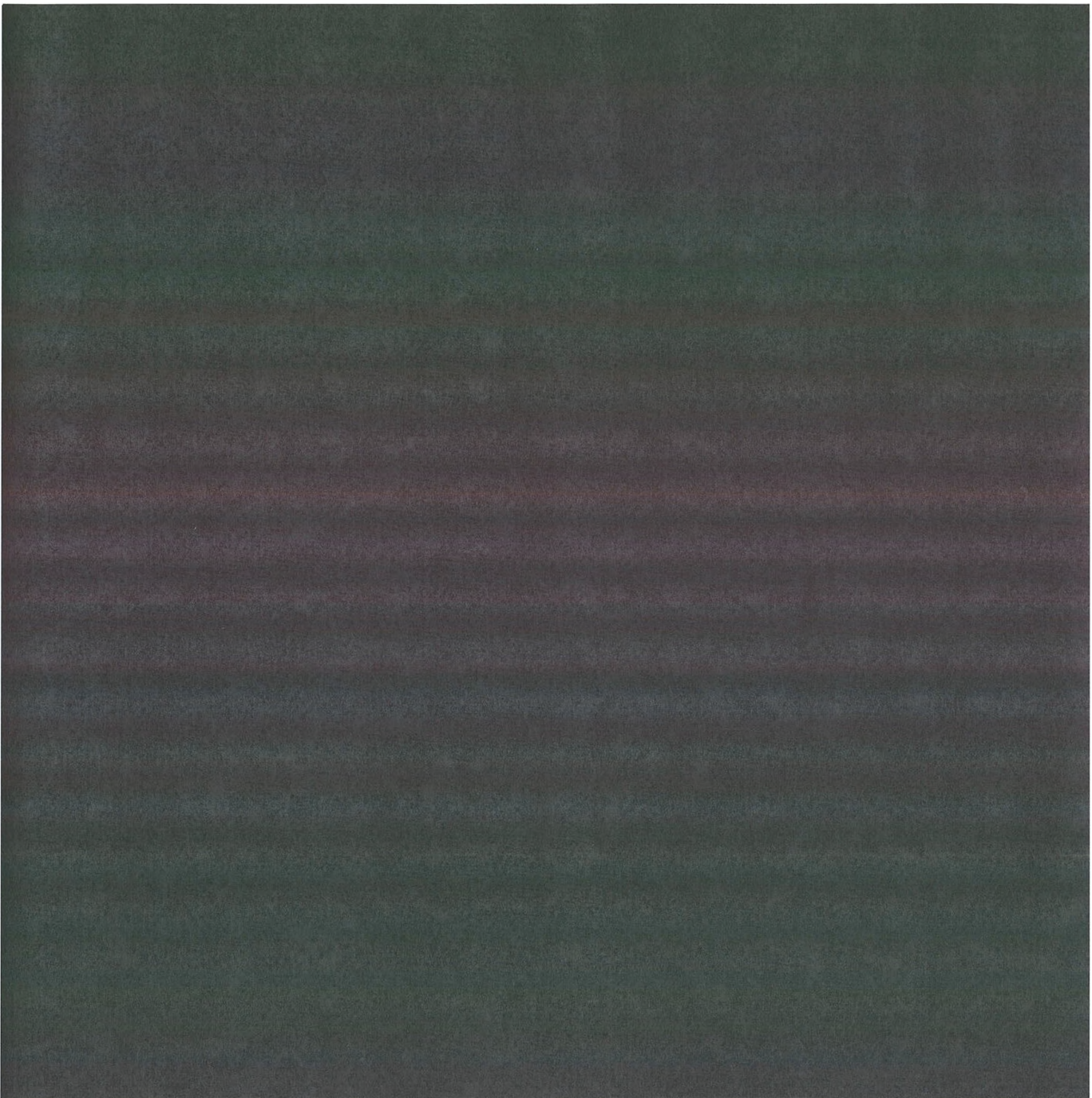


CHART B



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

TOP SECRET//COMINT//NOFORN



¹³ (TS//SI//NF) The identifier [REDACTED] represents the automated queries described section b.1 of NSA's report filed with the Court on [REDACTED]

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

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

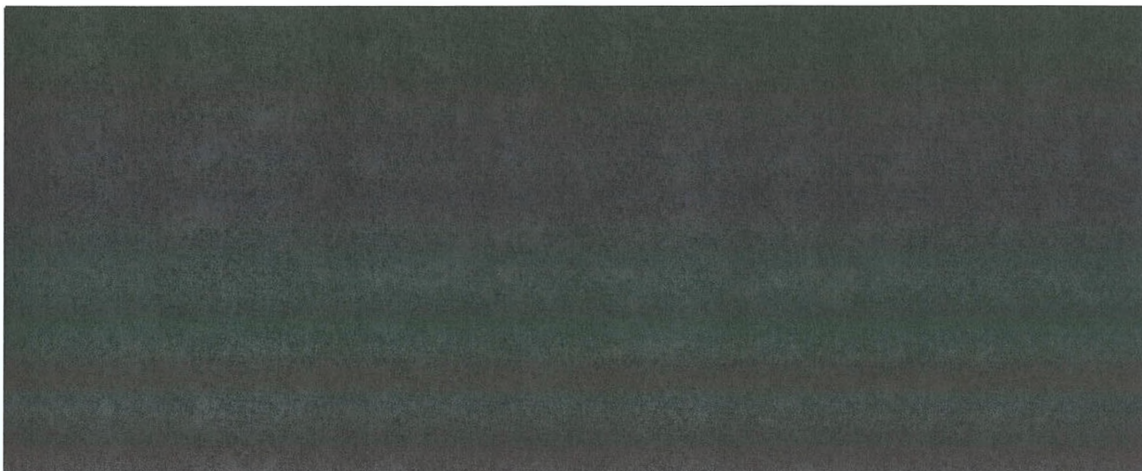
~~(TS//SI//NF)~~ Audit in Response to [REDACTED] Order. NSA is continuing to pursue end-to-end system engineering and process reviews (technical and operational) of NSA's handling of PR/TT metadata to ensure that the material is handled in strict compliance with the terms of the PR/TT Orders and the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

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

~~(TS//SI//NF)~~ Changes in the Proposed Means of Collection/Changes to [REDACTED]
On [REDACTED]
[REDACTED]

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

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



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



Date



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

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



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

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

To:

[REDACTED]
National Security Agency

From:

[REDACTED]
National Security Division

[REDACTED]
National Security Division

On [REDACTED] personnel from the National Security Division (NSD), the National Security Agency's Office of General Counsel (OGC), Office of Oversight and Compliance, Office of Inspector General (OIG), and Signals Intelligence Directorate (SID) met to discuss a framework for regular meetings for the purpose of assessing compliance with the orders of the Foreign Intelligence Surveillance Court (FISC) in Docket Number PR/TT [REDACTED] and related dockets. In addition, the attendees discussed steps taken by NSA to assess compliance to date and its progress in implementing remedial steps described in the Government's Response to the FISC's Order Dated [REDACTED] (DoJ Response).¹

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

EXAMINATION OF NSA'S TECHNICAL INFRASTRUCTURE (U)

In response to the FISC's Order of [REDACTED] directing the Government to affirm that it is exercising its authority only in accordance with the Primary Order issued in docket

¹ In its [REDACTED] filing in docket number PR/TT [REDACTED] the Government stated that

[a]t least once before any future orders renewing the authorization granted in docket number PR/TT [REDACTED] expire, 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 Signals Intelligence Directorate. The results of this meeting will be reduced to writing and submitted to the Court as part of any application to renew or reinstate this authority[.]

DoJ Response, at 7. ~~(TS//SI//NF)~~

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

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

Reason: 1.4(c)

Declassify on: [REDACTED]

number PR/TT [REDACTED] or fully report to the FISC on any deviation therefrom, the Director of the NSA ordered the NSA to "complete ongoing end-to-end system and process reviews (technical and operational) of NSA's handling of PR/TT metadata to ensure that the material is handled in strict compliance with the terms of the PR/TT Orders and NSA's descriptions to the Court." Declaration of Lt. General Keith B. Alexander (attached as Ex. 1 to the DoJ Response) (Alexander Declaration), at 16. As part of the review process, NSA has initiated a complete audit of PR/TT analyst queries between [REDACTED] and is examining its technical architecture to ensure that NSA's technical infrastructure has not allowed and will not allow e-mail addresses that have not been RAS-approved to be used as seeds with which to conduct contact chaining [REDACTED] within the PR/TT data. Alexander Declaration at 16-17. NSA updated the NSD on the progress and findings of these reviews. ~~(TS//SI//NF)~~

NSA's end-to-end system and engineering and process reviews of NSA's handling of the PR/TT metadata, including a complete audit of analysts' queries entered between [REDACTED] is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to its handling of the PR/TT metadata. ~~(TS//SI//NF)~~

NSA's examination of its technical architecture to ensure that non-RAS-approved e-mail addresses are not being used as seeds for chaining [REDACTED] within the PR/TT metadata is ongoing; however, to date, NSA's review has discovered no compliance issues with regard to the use of e-mail addresses used as seeds for chaining [REDACTED] within the PR/TT metadata. ~~(TS//SI//NF)~~

During the meeting, NSA reported that, as a consequence of its discovery of a compliance matter involving automated queries of NSA BR FISA data, on [REDACTED] NSA effectively walled-off the BR FISA data from all automated processes and subroutines. This compliance matter involving automated queries of the BR FISA data (the [REDACTED]), and the immediate corrective measures undertaken by NSA upon its discovery, are described in greater detail in the Supplemental Declaration of General Alexander filed with the FISC on [REDACTED] under docket number BR 08-13. ~~(TS//SI//NF)~~

The NSA also reported during the meeting that the automated query process that had touched upon the BR FISA data had not touched upon the PR/TT FISA data; however, as a precautionary measure, on [REDACTED] NSA effectively walled-off the PR/TT FISA data from all automated processes and subroutines as well. The NSA further reported that, as a result of this engineering remedy, the repositories holding the PR/TT metadata would currently accept only manual queries based upon a RAS determination. NSA and NSD agreed that NSA will consult with NSD before reactivating any automated query process that touches the PR/TT FISA data. The NSA will continue its examination of all processes to determine whether there are other processes that improperly queried the PR/TT FISA data. ~~(TS//SI//NF)~~

TRAINING MATERIALS (U)

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

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


OUTLINE FOR FUTURE MEETINGS (U)

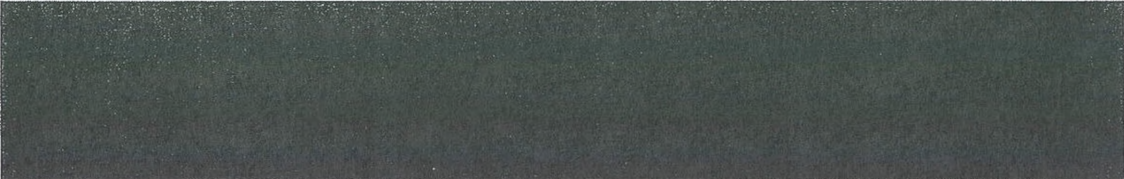
NSA and NSD agreed that these oversight meetings would be held on a regular basis as discussed in the DoJ response. The participants will exchange agendas in advance, and each will designate appropriate participants based upon the content of the final agenda. To the extent that the meetings can be scheduled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

OUTLINE FOR FUTURE OVERSIGHT AND COMPLIANCE REVIEWS (U)

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

ATTENDEES (U)

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



The following individuals represented NSD at the meeting: 