

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

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

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE

UNITED STATES

PM 5:40

FOREIGN INTELLIGENCE SURVEILLANCE COURT CLERK

WASHINGTON, D.C.

Docket No.: PRTT

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

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

1. ~~(TS//SI//NF)~~ I submit this Declaration in support of the Government's Response
to the Court's Supplemental Order in Docket Number PR/TT [REDACTED]

See Docket Number PR/TT [REDACTED], Supplemental Order at pp. 3-4 ([REDACTED]).

~~(TS//SI//NF)~~ The NSA's Creation and Use of Defeat Lists [REDACTED]

2. ~~(TS//SI//NF)~~ In many of its data repositories, including the repository that
holds PR/TT metadata, the NSA employs data reduction and management strategies to

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

Reason: 1.4(c)

Declassify on: [REDACTED]

31 August 2009 Production

eliminate [REDACTED]

[REDACTED] The NSA has determined that [REDACTED]

[REDACTED] are likely to identify

[REDACTED] and, as such, are of little or no foreign intelligence value for contact chaining.

3. ~~(TS//SI//NF)~~ By eliminating [REDACTED] the NSA significantly improves the analytical value of its metadata and improves system performance. [REDACTED]

[REDACTED] Moreover, data reduction and management strategies preserve finite storage space. [REDACTED]

[REDACTED] The NSA's data reduction and management strategies also ensure optimal performance of analytic tools. One measure of the success of the NSA's counterterrorism mission is the speed with which it can identify and disseminate

information on terrorist threats to the homeland. The ingestion of [REDACTED]

[REDACTED] unwanted electronic communications would hinder both the speed and performance of both the analytic tools and the analysts who use them.

4. ~~(TS//SI//NF)~~ One of the data reduction and management practices used by NSA to eliminate [REDACTED] is its use of a "master defeat list."¹ [REDACTED]

[REDACTED] The master defeat list is used by NSA to [REDACTED]

5. ~~(TS//SI//NF)~~ Since issuance of the first PR/TT Order in July 2004, [REDACTED]

[REDACTED] the master defeat list had been populated [REDACTED]

[REDACTED]² First, [REDACTED] technical personnel identified [REDACTED]

¹ ~~(TS//SI//NF)~~ In prior applications to the Court, NSA has described certain metadata reduction processes, namely [REDACTED]

² ~~(TS//SI//NF)~~ NSA has not added to the master defeat list newly identified [REDACTED] derived from [REDACTED] Nonetheless, NSA has continued to use the existing master defeat list, [REDACTED] Historically, NSA added [REDACTED] to the master defeat list [REDACTED]

[REDACTED] and added those [REDACTED] to the master defeat list.³

Second, NSA also permitted PR/TT-cleared analysts to add to the master defeat list [REDACTED]

[REDACTED]

6. ~~(TS//SI//NF)~~ Technical personnel are responsible for various metadata reduction and management activities to make the PR/TT metadata usable by analysts. [REDACTED]

[REDACTED]

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

[REDACTED]

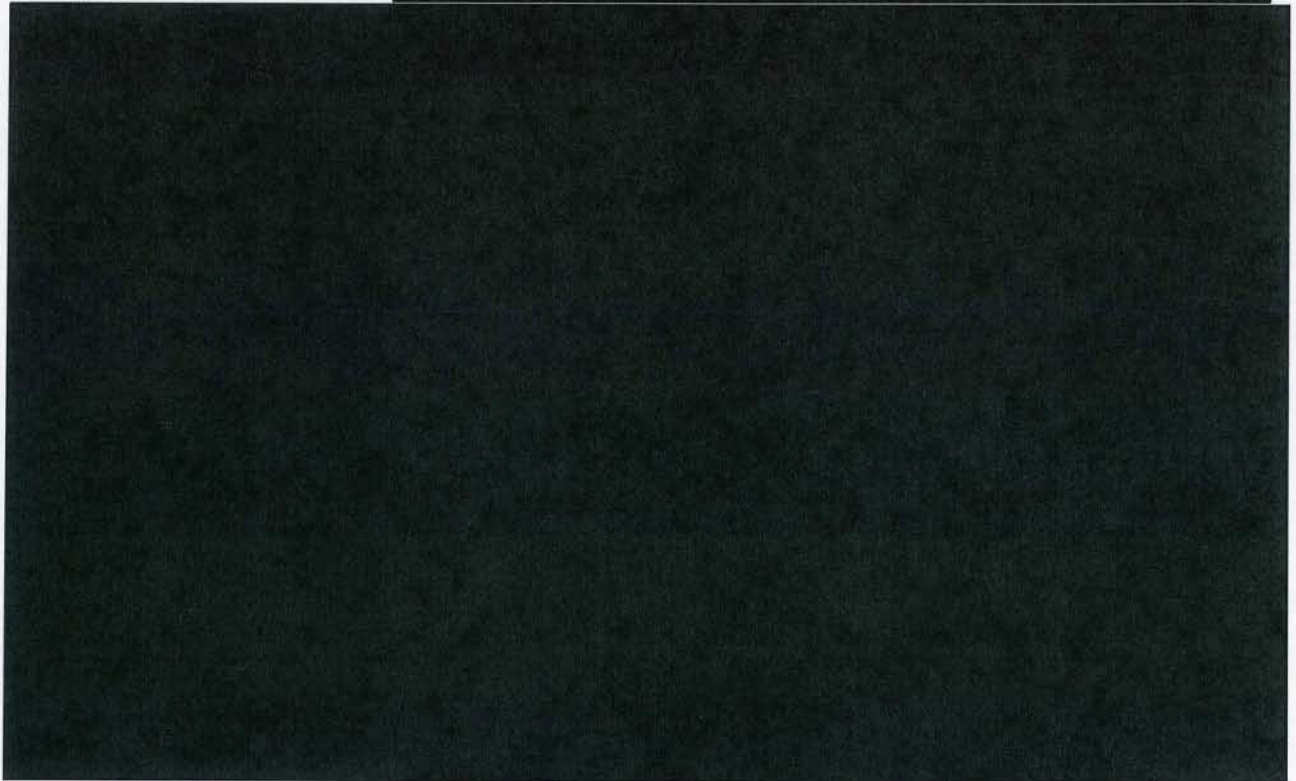
³ ~~(TS//SI//NF)~~ [REDACTED]

⁴ ~~(TS//SI//NF)~~ See Docket Number PR/TT [REDACTED] Primary Order at pp. 8-9, for the definition of the RAS or "reasonable articulable suspicion" standard.

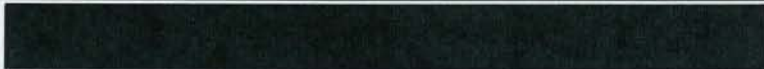
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8. ~~(TS//SI//NF)~~



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



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

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

the

NSA continues to use this master defeat list -- which currently contains more than [REDACTED]

-- for metadata reduction and management purposes in PR/TT [REDACTED]

repositories. The NSA cannot ascertain which selectors were [REDACTED]

accordingly, NSA cannot purge the list of PR/TT

selectors added in a manner not contemplated by the Court's orders—it could only cease using the list altogether. If NSA were required to cease its use of the master defeat list for metadata reduction and management [REDACTED] NSA would be required to identify [REDACTED] and build an entirely new defeat list selector by selector. Pending the creation of a new list, NSA would likely experience degradation in processing speed and storage capacity, and impairment of analytic agility, until the new list achieved the volume of the old master defeat list. NSA could experience these difficulties for a significant amount of time.

The Sharing of Unminimized Query Results with Non-PR/TT Analysts

11. ~~(TS//SI//NF)~~ Since the initial PR/TT Order in July 2004, NSA has permitted the sharing of PR/TT query results with non-PR/TT-cleared analysts. Query results could include information provided orally or in writing, and could include a tip or a lead (e.g., "a query on RAS-approved Selector A revealed a direct contact with Selector Z"), a written or electronic depiction of a chain [REDACTED] a compilation or summary of direct or indirect contacts of a RAS-approved seed, a draft or finished report, or any other information that would be returned following a properly predicated PR/TT query.

12. ~~(TS//SI//NF)~~ The current PR/TT Order identifies [REDACTED]
[REDACTED]
[REDACTED] See Docket Number [REDACTED] Primary Order at pp. 2-3, n. 1 & n. 2 ([REDACTED]). NSA's collective expertise in these Foreign Powers resides in more than [REDACTED] intelligence analysts, who sit, not only in the NSA's Counterterrorism Analytic Enterprise, but also in other NSA organizations or product lines. Analysts from other product lines also address counterterrorism issues specific to their analytic missions and expertise. For example, the International Security Issues product line pursues foreign intelligence information on [REDACTED], including [REDACTED]
[REDACTED] The mission of the Combating Proliferation product line includes identifying connections between proliferators of weapons of mass destruction and terrorists, including those terrorists associated with the Foreign Powers. The International Crime and Narcotics product line identifies connections between terrorism and human or nuclear smuggling or other forms of

international crime. [REDACTED]

[REDACTED] Each of the NSA's ten product lines has some role in protecting the homeland from terrorists, including these Foreign Powers. Because so many analysts touch upon terrorism information, it is impossible to estimate how many analysts might be served by access to PR/TT query results.

13. ~~(TS//SI//NF)~~ Less than ten percent of NSA intelligence analysts responsible for tracking and reporting foreign intelligence on counterterrorism matters generally may query the PR/TT metadata. The PR/TT-cleared analysts are seasoned and experienced analysts. Most of them have extensive knowledge of many of the terrorist targets they track; nonetheless, their collective expertise represents a small fraction of the NSA's collective expertise on Foreign Power targets. Consequently, the inability to share the unminimized results of queries to the PR/TT metadata with other analysts within NSA would undermine the purpose of the collection. The ability of PR/TT-cleared analysts to share unminimized query results with non-PR/TT-cleared analysts is critical to the success of the NSA's counterterrorism mission.

(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