

(TS) [REDACTED] RAS APPROVAL PROCESS

D R A F T: 27 August 2009

- I. ~~(TS//SI//NF)~~ Operation [REDACTED] (also known as [REDACTED] by NSA) is a high priority counterterrorism investigation into a potential terrorist threat to the US Homeland. On 27 August 2009, the FISA Court approved the Government's request but only for telephone identifiers that "satisfies the reasonable articulable suspicion standard with respect to both (a) the connection to [REDACTED] and (b) the connection to the [REDACTED] investigation." This document sets forth the process the Homeland Security Analysis Center (HSAC) in NSA's Signals Intelligence Directorate will follow when exercising the RAS approval authority that the Court has granted for Operation [REDACTED]
- II. ~~(TS//SI//NF)~~ Before any candidate identifiers are deemed RAS approved, the RAS nomination will be reviewed by two analysts and verified by one of the following: One of the two named Senior Homeland Mission Coordinators (HMC), the Chief or Deputy of the Homeland Security Analysis Center (HSAC), or the Chief, Special FISA Oversight and Processing. In applying the Court-approved RAS standard for determining whether the identifier is associated with [REDACTED] and the connection to the [REDACTED] investigation, the analysts and HMCs will make a determination that there are sufficient facts to conclude based on Reasonable articulable suspicion that 1) the telephone identifier is associated with the correct target, 2) the target is associated with [REDACTED] and (2) the target is associated with the [REDACTED] investigation. HSAC personnel will coordinate with FBI [REDACTED] and other Intelligence Community counterparts as appropriate in developing a RAS justification statement to ensure the telephone identifier satisfies the requirements imposed by the Court's authorization for NSA to make RAS determinations in support of the [REDACTED] investigation.
- III. ~~(TS//SI//NF)~~ The same review and verification procedures will apply after-hours.
- IV. ~~(TS//SI//NF)~~ The HSAC will notify NSA's Office of General Counsel (OGC) and the SIGINT Directorate's Office of Oversight & Compliance (SV) when the HSAC exercises the RAS approval authority to help ensure the authority is being implemented in accordance with the terms of the Court's order. SV will then conduct a spot check to ensure the Station Table has been correctly updated and will maintain a running list for follow-on oversight visits by the Department of Justice. In addition, NSA/OGC will coordinate with the National Security Division of the Department of Justice on all significant interpretations of the Court's orders in the BR docket.
- V. ~~(S//SI)~~ The Signals Intelligence Directorate will disseminate a copy of these procedures to all personnel involved in the process for obtaining RAS approval on telephone identifiers believed to be associated with the [REDACTED] investigation.

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- VI. ~~(TS//SI//NF)~~ These procedures do not initiate the procedures under the “Imminent Threat” authority given by the FISA Court in the Business Records docket. In other words, the Court’s approval for NSA to make RAS determinations in support of the [redacted] investigation are separate and distinct from the requirements for using the emergency by-pass procedures that may only be used when there is an imminent threat.
- VII. Finally, NSA is required to notify the Court in writing within seven days of all such determinations. At a minimum such notifications shall specify the telephone identifier used to query the BR data and provide the factual basis for NSA’s belief that the reasonable articulable suspicion standard with respect to the connection to [redacted] and the connection to the [redacted] investigation has been met for that telephone identifier.

DoJ notice
daily/24 hr.

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