

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	1:13-cv-0851-RJL
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
)	
Defendants.)	

**DECLARATION OF TERESA H. SHEA, SIGNALS INTELLIGENCE
DIRECTOR, NATIONAL SECURITY AGENCY**

I, Teresa H. Shea, for my declaration in the above-captioned case, do hereby state and declare as follows:

1. I am the Director of the Signals Intelligence Directorate (SID) at the National Security Agency (NSA), an intelligence agency within the Department of Defense. I am responsible for, among other things, protecting NSA Signals Intelligence (SIGINT) activities, sources, and methods against unauthorized disclosures.

2. I submit this declaration to discuss the transition ordered by the President to the NSA’s bulk telephony metadata program (carried out under Section 215 of the USA-PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272 (2001)) to preserve the program’s needed capabilities while enhancing the program’s protections against the potential for abuse. I also address certain speculation about the program’s scope. My statements herein are based upon my personal knowledge of SIGINT collection and NSA operations, and the information available to me in my capacity as SIGINT Director.

**TRANSITION TO THE SECTION 215 TELEPHONY METADATA
PROGRAM ORDERED BY THE PRESIDENT**

3. On January 17, 2014, following a review of the Nation's Signals Intelligence programs, the President announced a series of reforms designed to preserve the Intelligence Community's capabilities to detect and prevent threats by foreign terrorist organizations through the penetration of their communications, while enhancing protections for individual privacy as intelligence capabilities developed to meet the threat of international terrorism continue to advance. A transcript of the President's remarks is available at <http://www.whitehouse.gov/the-press-office/2014/01/17/remarks-president-review-signals-intelligence>.

4. Regarding the Section 215 telephony metadata program, the President ordered a transition during which the Intelligence Community and the Attorney General were to develop options for a new approach that can match the program's capabilities without the Government continuing to hold the bulk telephony metadata. The President also directed: (1) that the Government work with the Foreign Intelligence Surveillance Court (FISC) to require, during the transition period, advance findings by FISC judges of "reasonable, articulable suspicion" that selectors (such as telephone numbers) used to query the database are associated with foreign terrorist organizations (except in emergency situations, in which case FISC approval is to be sought retrospectively); and (2) that query results available to NSA analysts be limited to metadata within two "hops" (degrees of contact) of suspected terrorist selectors, not three as previously allowed.

5. The Government (including NSA) took immediate steps to put these two changes into effect. Among these steps, the Government filed a motion with the FISC to amend its January 3, 2014, Primary Order approving the Section 215 telephony metadata program. The Government's motion proposed two changes to the previously approved minimization procedures: First, the Government proposed a change that (except in cases of emergency) would

require it to obtain permission from the FISC to use a proposed selector as a “seed” to query the telephony metadata, based on a finding by the FISC that the selector to be used satisfies the “reasonable, articulable suspicion” standard. Second, the Government proposed limiting the results of each query to metadata that are within two, rather than three, “hops” of the approved selector used to conduct the query. On February 5, 2014, the FISC granted the Government’s motion to implement these two changes to the Section 215 program. *In re Application of the FBI for an Order Requiring the Production of Tangible Things from [Redacted]*, Dkt. No. BR14-01 (F.I.S.C. Feb. 5, 2014) (publicly released, unclassified version) (Enclosure A).

6. On March 27, 2014, the President announced that, after having considered options presented to him by the Intelligence Community and the Attorney General, he will seek legislation to replace the Section 215 telephony metadata program. Statement by the President on the Section 215 Bulk Metadata Program, <http://www.whitehouse.gov/the-press-office/2014/03/27/statement-president-section-215-bulk-metadata-program>. The President stated that his goal is to “establish a mechanism to preserve the capabilities we need without the Government holding this bulk metadata” to “give the public greater confidence that their privacy is appropriately protected,” while maintaining the intelligence tools needed “to keep us safe.” Instead of the Government obtaining business records of telephony metadata in bulk, the President proposed that telephony metadata should remain in the hands of telecommunications companies. The President stated that “legislation will be needed to permit the Government to obtain information with the speed and in the manner that will be required to make this approach workable.” Under such legislation, the Government would be authorized to obtain telephony metadata from the companies pursuant to individualized orders from the FISC. The President explained that, in the meantime, the Government would seek from the FISC a 90-day

reauthorization of the existing Section 215 program, with the two modifications already approved by the FISC in February.

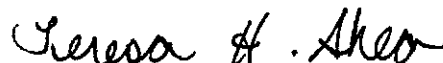
7. On March 28, 2014, the FISC issued a new Primary Order approving the Government's application to reauthorize the program, with the modifications described above, for approximately another 90 days (through June 20, 2014). The FISC's action brought to 37 the number of times the FISC (by 16 different judges) has authorized the NSA's bulk collection of telephony metadata under Section 215 of the USA-PATRIOT Act.

SCOPE OF THE SECTION 215 TELEPHONY METADATA PROGRAM

8. Although there has been speculation that the NSA, under this program, acquires metadata relating to all telephone calls to, from, or within the United States, that is not the case. The Government has acknowledged that the program is broad in scope and involves the collection and aggregation of a large volume of data from multiple telecommunications service providers, but as the FISC observed in a decision last year, the program has never captured information on all (or virtually all) calls made and/or received in the U.S. *See In re Application of the FBI for an Order Requiring the Production of Tangible Things from [Redacted]*, Dkt. No. BR13-109, Amended Mem. Op. at 4 n.5 (F.I.S.C. Aug. 29, 2013) (public unclassified version) ("The production of all call detail records of all persons in the United States has never occurred under this program."). And while the Government has also acknowledged that one provider was the recipient of a now-expired April 25, 2013, Secondary Order from the FISC, the identities of the carriers participating in the program (either now, or at any other time) otherwise remain classified.

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

Executed on: May 1, 2014



Teresa H. Shea
Signals Intelligence Director
National Security Agency