In this section:

(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT. -- The term "Foreign Intelligence Surveillance Court" means the Foreign Intelligence Surveillance Court of Review established under section 103(a).

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW. -- The term "Foreign Intelligence Surveillance Court of Review" means the Foreign Intelligence Surveillance Court established under section 103(b).

AG/DNI ROLE (redact sources & methods info and non-senior staff names)

AG/DNI (now complete)

not previously submitted in a report under subsection (a).

5-YEAR PRODUCTION

5-Year period ending on the date of the enactment of the FISA Amendments Act of 2008 and

(1) a copy of each decision, order, or opinion, and any pleadings, applications, or

ONGOING

order, or opinion is issued; and

memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision,

memoranda of any provision of this Act, and any pleadings, applications, or

SUBMISSIONS TO CONGRESS. -- The Attorney General shall submit to the Committees of Congress

50 U.S.C. 1871(c) - FISA Section 601 (as amended by P.4A)
Objective: To meet 45-day turnarounds set in statute

- Documents go through DO/NSD internal process (OLA, front office, etc.)
- Electronically for production to the four committees
- Follows security-approved process for producing documents in hard-copy or
- Makes final black-line redactions

DO/NSD

Existing redactions that aren't needed, for DO/NSD

Submit comments and/or questions related to additional redactions or

necessary

Reviews documents; responds to agency reviewers with additional questions if

and/or NSA

Tasks out documents for appropriate IC agency reviewers (generally CIA, FBI,

ODNI

Makes initial gray/black-line redactions for agency reviewers

Identifies "significant" decisions, orders, and opinions

DO/NSD

1871(c) process

but sources and methods (as well as non-senior staff names) are redacted pursuant to the

Summarized of 1871(c) redaction process

For Security
AG/DNI 1871(c) process objectives

(1) Ensure that decisions, orders, and opinions containing "significant" interpretations of FISA are accurately identified for production (along with associated filings)

(2) Make accurate sources and methods (and non-senior staff name) redactions- take precautions to protect intelligence sources and methods

(3) Avoid excess redactions that aren't necessary to protect sources and methods

(4) Meet 45-day deadlines set in statute
Top Secret

That is the purpose of the 1871(c) redaction process.

Need proper procedures for safeguarding sources and methods.

- Sources jeopardized; foreign liaison agencies will lose confidence.
- Sources and methods are disclosed; collection methods may be lost.
- Sources and methods are inadvertently disclosed.
- Information may be inadvertently disclosed to public legistsative debates and behind-the-scenes correspondence.
- Public (C-Span, etc.)
- Very difficult position to have to differentiate between sensitive sources.
- Members of Congress have to speak publicly and communicate with the public.

Importance of dissemination controls, protections.

- Foreign liaison relationships that are classified.
- People who are sources or targets of surveillance.
- Collection methods that may be lost if disclosed.
- Many sources and methods from the 9/11-day FISC/FRSCF productions are current.

Some sources and methods used since WW2 are still classified and still
including CI threats to those employees when traveling overseas.
Disclosure of non-senior staff names could present

Some agencies have statutory authority to protect

Non-senior staff can

Importance of redactions: Non-senior staff names
Congressional staff must have security clearances to access classified information.

- House requires security clearances for members - Senate does not.
- Speech & debate protection.
- Agency officials.
- Role to make law, appropriate funds, conduct oversight, and confirm.
- Access to classified information is based on Congress' constitutional responsibilities.
- Senators or Representatives to receive access to classified information as trustworthy, so no specific security clearances are necessary for members of Congress, as constitutionally elected officers, are presumed.

Congress, access to classified information.
 Requirements for Information and Personnel Security

House: Individual House Committees and Member office

Sensitive Material

House: Individual House Committees and Member office

See also: committee procedures such as the SSCI's S. Res.

Senate: Office of Senate Security; Senate Security Manual

Congressional Committees: Information Security Procedures

Various information and personnel security rules/procedures (e.g., SCI's, etc.)
Upholding these obligations.

The AG and DNI are responsible for

by the government that furnishes the information standards providing a degree of protection at least equivalent to that required

4.1(h)- safeguard foreign government information, liaison information, under


elsewhere

4.1(g)- ensure protections for classified information being transmitted

4.1(e)- ensure protections for classified information transmitted

4.1(f)- equivalent to that provided within the executive branch

Executive Branch shall ensure the protection of the information in a manner

Executive Order 13526, Classified National Security Information ("the new

Executive Branch obligation to protect classified information

Executive Order 12958", part 4. safeguarding, includes a number of executive branch obligations;

TOP SECRET
Examples of sources and methods:

1871(c) redaction process?

What types of sources and methods information should be redacted under the

TOP SECRET
(Category)

Some issues covered during the 5-year production fall into this.

Techniques already widely covered in Intel and Judicial committees.

• BUT still need to redact specific targets.

• BUT still need to redact specific targets.

PROCESS

Classified disclosure to the Intel and Judicial committees through the 1871(c).

Types of sources and methods information that do not need to be redacted.

Types of sources and methods information that do NOT need to be redacted.
(4) Meet 45-day deadlines set in statute.

(3) Avoid excessive redactions that aren't necessary to protect sources of intelligence sources and methods

(2) Make accurate sources and methods (and non-senior staff name)

(1) Ensure that decisions' orders and opinions containing "significant"

Summary: AG/DNI Objectives
Status of declassification initiatives?

Possible process improvements?

Issues to discuss?

How to improve the process?