



~~TOP SECRET//COMINT//REL TO USA, FVEY~~  
NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

November 30, 2009

The Honorable Silvestre Reyes  
Chairman, Permanent Select  
Committee on Intelligence  
United States House of Representatives  
H-405, The Capitol  
Washington, DC 20515

Dear Representative Reyes:

(U//~~FOUO~~) The Foreign Intelligence Surveillance Act Amendments Act of 2008 (FAA) authorizes the NSA Inspector General to assess the Agency's compliance with procedures for targeting certain persons outside the United States, other than United States persons. Except as otherwise stated, I have no reason to believe that any intelligence activities of the National Security Agency during the period 1 September 2008 through 31 August 2009 were unlawful.

(U//~~FOUO~~) My office reviews the collection, processing, and reporting of data at least quarterly. Incidents involving compliance with procedures for targeting certain persons outside the United States, other than United States persons, and incidents involving minimization of United States person information are reported to the OIG as they occur and quarterly. Each incident is evaluated against the targeting and minimization procedures set forth in the FAA and in NSA directives.

(b)(1)  
(b)(3)-P.L. 86-36

~~(S//SI//REL TO USA, FVEY)~~ In compliance with the targeting and minimization procedures of §702 of the FAA, NSA/CSS disseminated [ ] intelligence reports between FAA implementation on 1 September 2008 and 31 August 2009. Of the [ ] disseminations, [ ] reports contained a reference to a United States person identity. Additionally, NSA released [ ] names of U.S. identities in response to [ ] customer requests.

~~(TS//SI//REL TO USA, FVEY)~~ During this reporting period,  valid foreign targets outside the United States at the time of tasking were later suspected or confirmed to be in the United States. (b)

(b)(1) L. 86-36  
3 USC 798  
(b)(5)-30 USC 3024(i)

~~(TS//SI//REL TO USA, FVEY)~~ We found and reported  instances of § 702 targeting or minimization mistakes to the President's Intelligence Oversight Board through the Assistant to the Secretary of Defense for Intelligence Oversight:

- target selectors had been tasked under an incorrect §702 certification category
  - software malfunctions had caused unintended collection
  - foreign intelligence targets had been incorrectly tasked for §702 collection

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- [redacted] target was later found to have U.S. citizenship
- There were [redacted] delays in removing the target selectors from collection systems and
- [redacted] delays in purging unauthorized collection from NSA databases.

(U) Action was taken to correct the mistakes and processes were reviewed and adjusted to reduce the risk of unauthorized acquisition and improper retention of U.S. person communications.

(U//FOUO) The Office of Inspector General continues to exercise oversight of Agency intelligence activities.

(b)(1)  
(b)(3)-P.L. 86-36

  
GEORGE ELLARD  
Inspector General

Copy Furnished:

The Honorable Peter Hoekstra  
Ranking Member, Permanent Select  
Committee on Intelligence

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