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NATIONAL SECURITY AGENCY

FORT GEORGE G. MEADE, MARYLAND 20755-6000

19 December 2012

The Honorable Saxby Chambliss  
 Vice Chairman, Select Committee  
 on Intelligence  
 United States Senate  
 211 Hart Senate Office Building  
 Washington, DC 20510

Dear Mr. Vice Chairman:

(U//~~FOUO~~) Section 702 (1) (2) of the FISA Amendments Act of 2008 (FAA) authorizes the National Security Agency/Central Security Service (NSA/CSS) Office of the Inspector General (OIG) to assess the Agency's compliance with procedures for targeting certain persons, other than U.S. persons (USPs), outside the United States. My office reviews the collection, processing, and reporting of data at least quarterly. Incidents involving compliance with procedures for targeting certain persons, other than USPs, outside the United States and incidents involving minimization of USP 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/CSS directives. This report covers 1 September 2011 through 31 August 2012.

(U//~~FOUO~~) The OIG completed the Special Study: Assessment of Management Controls Over FAA §702. This study examined the design of these management controls; future studies will test the identified controls.

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

(S//NF) In compliance with the targeting and minimization procedures of §702 of the FAA, [ ] intelligence reports were disseminated by NSA/CSS [ ] based on SIGINT derived from FAA §702 authorized collection.<sup>1</sup> Of the [ ] disseminated reports, [ ] contained one or more references to U.S. persons.<sup>2</sup> This number includes references to a United States electronic communications service provider as part of the

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

<sup>1</sup> (U//~~FOUO~~) These reports were based in whole or in part on information acquired pursuant to FAA §702(a).

<sup>2</sup> (U//~~FOUO~~) [ ]

the references

to U.S.-person identities may have resulted from collection pursuant to FAA §702 or from other authorized Signals Intelligence activity conducted by NSA that was reported in conjunction with information acquired under FAA §702.

(S//NF) The Central Intelligence Agency (CIA) does not conduct acquisitions under FAA §702. However, it receives unminimized communications from NSA and FBI and disseminates information based on that information.

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

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communications identifier used by targets of this acquisition and other non-U.S. persons with whom they communicate. A communicant using email account targetA@USprovider.com was included here as a report referencing a U.S.-person identity. In February 2012, NSA stopped counting such communications identifiers as U.S. person identifiers if the user is a non-U.S. person. As a result, the number of intelligence reports containing one or more references to U.S. persons is significantly lower this year than last.<sup>3</sup>

~~(S//NF)~~ In addition, NSA/CSS released [ ] USP identities in response to customer requests for USP identities not referred to by name or title in the original reporting.<sup>4</sup> (b)(1) (b)(3)-P.L. 86-36

~~(S//NF)~~ During this reporting period, [ ] foreign targets reasonably believed to be located outside the United States at the time of tasking were later suspected or confirmed to be in the United States. In each instance, NSA/CSS targeted selectors that at the time of targeting were reasonably believed to be outside the United States but were later found to be [ ]  
[ ]

(U//~~FOUO~~) Compliance incidents occurred under such circumstances as:

- (U//~~FOUO~~) Tasking under an incorrect certification, (b)(1)  
(b)(3)-P.L. 86-36
- ~~(S//NF)~~ Errors in entry of the selector for tasking, (b)(3)-18 USC 798
- (U//~~FOUO~~) Insufficient foreignness support, (b)(3)-50 USC 3024(i)
- (U//~~FOUO~~) Dissemination errors,
- (U//~~FOUO~~) Poor construction of database queries, and
- (U//~~FOUO~~) USP status discovered post-tasking.

(U) Action has been taken to correct mistakes, and internal management processes have been reviewed and adjusted to reduce the risk of unauthorized acquisition and improper retention of USP communications.

(U//~~FOUO~~) This is the fourth year for which the OIG has assessed for the Congress the Agency's compliance with FAA §702. To ensure consistency between the DIRNSA report and the OIG report, the OIG and SID worked together to achieve a common understanding of the

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~~(S//NF)~~ For the previous reporting period, NSA reported that [ ] intelligence reports contained one or more (b)(1) references to U.S. persons, including references to U.S. electronic communications providers as part of a (b)(3)-P.L. 86-36 communications identifier.

~~(S//NF)~~ For the previous reporting period, NSA reported that there were [ ] identities disseminated in response to requests for identities not referred to by name or title in the original reporting. [ ] reports by the NSA/CSS Threat Operation Center account for [ ] of the increase. Approximately [ ] of these disseminated United States person identities were proper names of real persons or their titles:  
[ ]

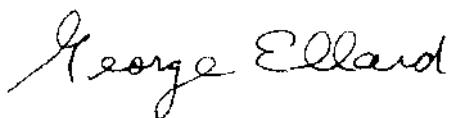
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(b)(1)  
(b)(3)-P.L. 86-36  
(b)(3)-18 USC 798  
(b)(3)-50 USC 3024(i)

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reporting requirements and have agreed on a methodology for accumulating and analyzing compliance statistics.

(U) The OIG continues to exercise oversight of Agency intelligence activities.



GEORGE ELLARD  
Inspector General

Copy Furnished:

The Honorable Dianne Feinstein  
Chairman, Select Committee  
on Intelligence

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