



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

19 November 2010

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 of 1978 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 outside the United States, other than U.S. persons. 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 U.S. persons, and incidents involving minimization of U.S. 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/CSS directives. This report covers the period 1 September 2009 through 31 August 2010.

(S//SI//~~REL TO USA, FVEY~~) In compliance with the targeting and minimization procedures of §702 of the FAA, NSA/CSS disseminated [ ] intelligence reports based on FAA 702 authority. Of the [ ] disseminations, [ ] reports contained a reference to a U.S. person identity. In addition, NSA/CSS released [ ] U.S. identities in response to [ ] customer requests. The total of [ ] is an aggregate of FAA-derived identities because NSA/CSS's tracking system did not discriminate between FAA sections until 26 November 2009.

(b)(1)

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

(TS//SI//~~REL TO USA, FVEY~~) During this reporting period, [ ] valid 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 many instances, NSA/CSS targeted selectors that at the time of targeting were confirmed to be outside the United States but were later [ ]

[ ] In some cases, compliance incidents occurred under circumstances such as:

(b)(1)

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

(b)(3)-18 USC 798

(b)(3)-50 USC 3024(i)

Derived From: NSA/CSS Classification Guide 2-48

Dated: 20090804

Declassify On: 20351130

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- (U//~~FOUO~~) Target selectors were tasked under an incorrect §702 certification category.
- (U//~~FOUO~~) Targets were tasked before §702 certification was approved.
- (U//~~FOUO~~) Software malfunctions caused unintended collection.
- (U//~~FOUO~~) Database queries were poorly constructed.
- (U//~~FOUO~~) There were delays in implementing minimization procedures and in purging unauthorized collection.

(U) Action was taken to correct any 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 OIG continues to exercise oversight of Agency intelligence activities.



GEORGE ELLARD  
Inspector General

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