

NSA STAFF PROCESSING FORM

TO DIRECTOR	EXREG CONTROL NUMBER 16-1176	KCC CONTROL NUMBER IG-10490-05
THRU D/DIR, D SECRETARIAT	ACTION <input type="checkbox"/> APPROVAL <input checked="" type="checkbox"/> SIGNATURE <input type="checkbox"/> INFORMATION	EXREG SUSPENSE KCC SUSPENSE ELEMENT SUSPENSE
SUBJECT (U// <del>FOUO</del> ) Quarterly Report to the Intelligence Oversight Board on NSA Activities—Second Quarter FY05		
DISTRIBUTION		

SUMMARY

**PURPOSE:** (U//~~FOUO~~) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

**BACKGROUND:** (U//~~FOUO~~) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

**RECOMMENDATION:** (U) Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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

This document may be declassified and marked "UNCLASSIFIED//~~For Official Use Only~~" upon removal of enclosure(s)

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
GC	Robert L. Deitz	5548s			
AGC(O)		3121s			
IG	Joel F. Brenner	3544s			
D/IG		3544s			
AIG(IO)		3544s			
ORIGINATOR			ORG D11	PHONE (Secure) 963-2984	DATE PREPARED 3 May 2005



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

2QFY05

17 May 2005

## MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA  
Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2005 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER  
Inspector General

ROBERT L. DEITZ  
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

WILLIAM B. BLACK, JR.  
Acting Director, NSA/Chief, CSS

Encl:

Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified  
Upon Removal of Enclosure

DERIVED FROM: NSA/CSSPM 1-52  
DATED: 23NOV04  
DECLASSIFY ON: 20291123

## 1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (EOs), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (U//~~FOUO~~) Along with inspectors from [REDACTED] (b) (3) - P.L. 86-36 [REDACTED] the NSA  
OIG completed a joint inspection of the Kunia Regional Security Operations Center (KRSOC), Kunia, Hawaii. The inspection team found that the KRSOC IO program manager lacked the authority to manage the IO program centrally, the IO training materials contained inaccuracies, and the training accounting process was fragmented. The deficiencies will be monitored by the NSA OIG through correction.

c. As reported in the fourth quarter fiscal year 2004 (See report dated 24 November 2004), the NSA OIG, with the [REDACTED]

[REDACTED] The two intelligence-related actions resulting from the inspection, a continuity guide and quarterly reporting process have been completed.

## 2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons (USP); the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the Foreign Intelligence Surveillance Act. (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

Derived From: NSA/CSSM 1-52

Dated: 20041123

Declassify On: 20291123

### 3. (U) SIGINT ACTIVITIES

#### a. ~~(S//SI)~~ Collection Against U.S. Persons

##### (1) (U) Intentional

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

a. ~~(S//SI)~~ During this quarter, the Director of the National Security Agency (DIRNSA) granted approval for consensual collection against [ ] U.S. persons. DIRNSA also approved non-consensual collection of [ ] U.S. companies [ ]

[ ] and 1 organization designated by the U. S. Government as a terrorist support organization. The DIRNSA-approved consensual collection against [ ] U.S. persons was routinely terminated this quarter.

b. ~~(S//SI)~~ The AG granted authority to collect the communications of [ ] U.S. persons during this quarter.

##### (2) (U) Unintentional

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

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

a. ~~(S//SI/NF)~~ This quarter, there were [ ] instances in which analysts inadvertently collected against U. S. persons while pursuing foreign intelligence tasking. All of the incidents were reported to responsible oversight officials and corrective actions were taken. All unauthorized traffic collected has been destroyed.

[1] ~~(TS//SI)~~ [ ] intercepted [ ] telephone calls to a [ ] number associated with [ ] of a [ ] Although [ ] analysts heard the caller say that he was calling from [ ] in Washington, D.C. The intercepts were determined to have come from an [ ] Corrective steps have been taken to prevent [ ] The intercept and translation have been deleted from the system.

[2] ~~(TS//SI)~~ [ ] NSA acquired [ ] intercepts [ ] associated with various [ ] telephone numbers that [ ] [ ] The [ ] were [ ] to prevent further incidental collection of the [ ]

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

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

2ND QTR FY05

[3]-(S//SI)

[redacted] identifying a person who was later discovered to be [redacted]

[redacted] The telephone number was detasked, all intercepts were deleted and the single resulting report was cancelled.

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

[4]-(TS//SI//NF)

An [redacted] inadvertently targeted the [redacted] telephone number of a U. S. person [redacted]

[redacted] AG authorization for the number had expired [redacted] When the analyst realized that the AG authorization had expired, analysis was terminated and intercept was destroyed.

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

**b. (U//FOUO) Dissemination of U.S. Identities**

**(1) (U) Intentional**

(S//SI) In accordance with section 7 of USSID 18, U.S. identities were disseminated [redacted] times during this quarter. The following table shows the justification and the number of instances of dissemination: In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the "Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

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

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official			
<b>TOTAL</b>			

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

**(2) (U) Unintentional**

a. (S//SI) During this quarter the Signals Intelligence Directorate (SID) cancelled [redacted] SIGINT products because they contained the identities of U.S. persons, organizations, or entities; those products that contained information derived from communications of U.S. persons were not reissued.

b. ~~(TS//SI)~~ [redacted] released a total of [redacted] reports containing the identities of U.S. persons or based on the communications of persons later identified as U.S. persons. In all instances [redacted] cancelled the reports, which were either not reissued or were reissued with the proper minimization.

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

**(3) (U) Raw Traffic Dissemination — SIGINT Production Chain**

~~(S//SI)~~ [redacted]  
[redacted]  
[redacted] The SID ensures that the personnel are trained by the OGC on NSA's legal restrictions and on proper handling and dissemination of SIGINT data [redacted]  
[redacted] Personnel working in or with SID during this quarter included representatives of [redacted]  
[redacted]

**4. (U) Other Activities**

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

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

**a. (U//FOUO) FISA Incidents**

(1) ~~(TS//SI//OC, NF)~~ Last quarter, NSA reported on the collection of [redacted] following the expiration of the FISA court order [redacted] (See report dated 14 March 2005.) The particular type of collection required removal from [redacted]  
[redacted] The latter did not occur, and the collected information remained available for processing. The information was immediately deleted upon recognition of the violation. [redacted]  
[redacted] at the time of [redacted] detasking.

(2) ~~(TS//SI//NF)~~ [redacted] an NSA analyst discovered that a telephone number previously associated with [redacted] and tasked under FISA authority had been reassigned to a [redacted]

[redacted] The number was detasked and all stored traffic associated with that number [redacted] was immediately destroyed. (b)(1) (b)(3)-P.L. 86-36

**b. (U//~~FOUO~~) Unauthorized Targeting of a U. S. Person** (b) (3) - P.L. 86-36

~~(TS//SI)~~ An [redacted] element reported that [redacted] it inadvertently retained on cover a telephone number of U. S. person overseas [redacted] No collection resulted from the [redacted] tasking. (b)(3)-P.L. 86-36

**c. (U//~~FOUO~~) Misuse of the U.S. SIGINT System**

~~(S//SI//NF)~~ An NSA employee revealed during a pre-polygraph interview that he had misused the SIGINT system by conducting unauthorized electronic surveillance of a non-U.S. person abroad. The unauthorized surveillance was conducted for no legitimate foreign intelligence purpose. There is an ongoing investigation to determine the scope of the improper activity.

**d. (U) Assistance to Law Enforcement**

~~(S//SI)~~ During this quarter, the SID responded to [redacted] requests for technical assistance from law enforcement or other government agencies, including requests from [redacted] Assistance included technical and analytic support. (b) (1) (b) (3) - P.L. 86-36

**e. (U) Working Aids**

(U//~~FOUO~~) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID 18 are also available on-line.



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

17 May 2005

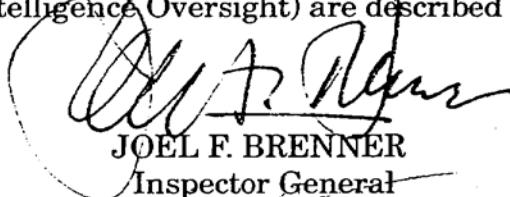
MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

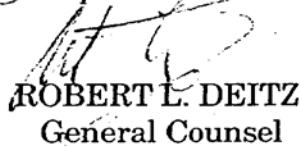
THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

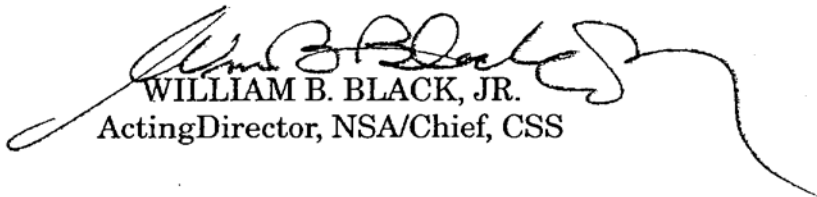
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JOEL F. BRENNER  
Inspector General

  
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(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

  
WILLIAM B. BLACK, JR.  
Acting Director, NSA/Chief, CSS

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