



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

FOIA Case: 71184B
17 October 2013



Dear Mr. Leopold:

This further responds to your Freedom of Information Act (FOIA) of 13 June 2013, which was received by this office on 14 June 2013, for "copies of all talking points as well as all documents, which includes but is not limited to, emails, reports, memos, transcripts, used to prepare said talking points for members of Congress, the media and anyone else within the Obama administration surrounding the leak of information related to NSA surveillance activities. To be clear, the leak that was first reported by The Guardian Newspaper and the Washington Post." On 27 June 2013, you agreed to narrow the scope of this request to "final talking points, documents from which information was pulled to put into the talking points, and the final agreement from whoever was going to be using the talking points as to their content."

As stated in our initial response letter dated 18 June 2013, your request has been assigned Case Number 71184. For purposes of this request and based on the information you provided in your letter, you are considered a representative of the media. Unless you qualify for a fee waiver or reduction, you must pay for duplication in excess of the first 100 pages. Since there are no assessable fees for this request, we are not addressing your request for a fee waiver.

We have completed our search for records responsive to your request. A portion of the material is enclosed. Please note that the documents that contain or represent talking points are prepared and approved for a speaker to use and do not necessarily represent what the speaker actually said at the event.

The remaining material responsive to your request requires review prior to release. Since your request is not a simple request, it has been placed in the first-in, first-out processing backlog queue. Because there are a significant

number of cases ahead of yours in the queue, however, we are unable to respond to your request within 20 days. We appreciate your patience with our efforts to treat all requesters fairly by responding to each on a "first-in, first-out" basis.

Sincerely,



PAMELA N. PHILLIPS
Chief
FOIA/PA Office

Encls:
a/s



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MEDIA LEAKS ONE CARD

- **FIRST RESPONSIBILITY IS TO DEFEND THE NATION.**
- **NSA AND ITS PARTNERS MUST MAKE SURE WE CONNECT THE DOTS SO THAT THE NATION IS NEVER ATTACKED AGAIN LIKE IT WAS ON 9/11**
- **LAWFUL PATH WORKING THROUGH ALL THREE BRANCHES OF GOVERNMENT – CONGRESS, COURTS, AND EXECUTIVE BRANCH – LEGAL AUTHORITIES AND RIGOROUS OVERSIGHT. COMPLIANCE.**
- **FISA PROVIDES THAT IN ORDER TO TARGET THE CONTENT OF A U.S. PERSON'S COMMUNICATIONS ANYWHERE IN THE WORLD, NSA REQUIRES A FINDING OF PROBABLE CAUSE UNDER A SPECIFIC COURT ORDER.**
- **A REPORT ISSUED BY THE SENATE SELECT INTELLIGENCE COMMITTEE IN JUNE 2012 IN SUPPORT OF THE REAUTHORIZATION OF THE 2008 AMENDMENTS TO FISA EMPHASIZED THAT THE GOVERNMENT IMPLEMENTS THESE SURVEILLANCE AUTHORITIES IN A RESPONSIBLE MANNER: "THROUGH FOUR YEARS OF OVERSIGHT, THE COMMITTEE HAS NOT IDENTIFIED A SINGLE CASE IN WHICH A GOVERNMENT OFFICIAL ENGAGED IN WILLFUL EFFORT TO CIRCUMVENT OR VIOLATE THE LAW."**
- **PROGRAMS HAVE RESULTED IN INTELLIGENCE THAT HELPED CONTRIBUTE TO THE DISRUPTION OF OVER 50 POTENTIAL TERRORIST ATTACKS.**
- **ALLIES BENEFIT TOO.**
- **DISCLOSURES HAVE DONE IRREVERSIBLE AND SIGNIFICANT DAMAGE TO SECURITY.**
- **EVERY TIME THERE ARE DISCLOSURES, IT MAKES OUR JOB HARDER.**
- **OUR ADVERSARIES ARE PAYING ATTENTION AND WE ALREADY SEE SIGNS THEY ARE MAKING ADJUSTMENTS.**
- **NSA IS COMMITTED TO PROTECTING THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE**
- **NSA EMPLOYEES AND AFFILIATES ARE GREAT PEOPLE DOING GREAT WORK; THEY ARE PATRIOTS WHO SERVE IN SILENCE.**
- **WE COULD NOT DO THIS WITHOUT INDUSTRY SUPPORT**

Approved for Release by
NSA on 10-17-2013, FOIA
Case # 71184

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**MEDIA LEAKS MASTER TPS
24 JUNE 2013**

SOUND BITES THAT RESONATE

- I MUCH PREFER TO BE HERE TODAY EXPLAINING THESE PROGRAMS, THAN EXPLAINING ANOTHER 9/11 EVENT THAT WE WERE NOT ABLE TO PREVENT.

MISSION

- OUR PRIMARY RESPONSIBILITY IS TO DEFEND THE NATION.
- NSA'S MISSION IS TO PRODUCE FOREIGN INTELLIGENCE TO PROTECT THE U.S. AND ITS ALLIES.
- THE MISSION OF NSA AND ITS MILITARY COMPONENT, THE CENTRAL SECURITY SERVICE, IS FOCUSED ON SAVING LIVES, DEFENDING VITAL NETWORKS, AND IN PROVIDING ESSENTIAL FOREIGN INTELLIGENCE TO OUR NATION'S LEADERS AND ALLIES. WE'VE SERVED THE NATION IN SILENCE FOR 60 YEARS.

WE NEEDED TO CONNECT THE DOTS

- AFTER 9/11 IT WAS DETERMINED THE INTELLIGENCE COMMUNITY FAILED TO CONNECT THE DOTS.
- SOME OF THOSE DOTS WERE IN THE UNITED STATES. THE INTELLIGENCE COMMUNITY WAS NOT ABLE TO CONNECT THOSE "DOMESTIC DOTS" – PHONE CALLS BETWEEN OPERATIVES IN THE U.S. - AND AL- QA'IDA TERRORISTS OVERSEAS.
- A MAJOR CHALLENGE IN THIS DIGITAL AGE IS THAT TERRORISTS AND CITIZENS USE THE SAME COMMUNICATIONS NETWORKS.
- BECAUSE TERRORISTS AND KEY TARGETS USE THE FULL SPECTRUM OF GLOBAL COMMUNICATION TOOLS AND MEANS THAT ARE AVAILABLE, NSA MAINTAINS A ROBUST SET OF TOOLS AND CAPABILITIES THAT ENABLE IT TO LAWFULLY PROVIDE CRITICAL, TIMELY INTELLIGENCE TO U.S. GOVERNMENT LEADERS AND TO OUR KEY ALLIES.
- POST-9/11 WE MADE SEVERAL CHANGES AND ADDED A NUMBER OF CAPABILITIES TO ENABLE US TO CONNECT THE DOTS.
- TWO OF THOSE CAPABILITIES ARE THE BUSINESS RECORDS FISA, OR SECTION 215 AND FAA 702 OR PRISM.
- FOLLOWING THE 9/11 COMMISSION FINDINGS, CONGRESS PASSED THE

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PATRIOT ACT. SECTION 215 OF THAT ACT, AS IT HAS BEEN INTERPRETED AND APPLIED, HELPS THE GOVERNMENT CLOSE THAT GAP BY ENABLING THE DETECTION OF TELEPHONE CONTACT BETWEEN TERRORISTS OVERSEAS AND OPERATIVES WITHIN THE UNITED STATES. LATER IN 2007 AND 2008 CONGRESS PASSED STATUTES TO ENABLE THE USG TO MORE EFFECTIVELY COLLECT FOREIGN INTELLIGENCE INFORMATION ABOUT FOREIGN PERSONS OUTSIDE THE UNITED STATES WITH THE ASSISTANCE OF US COMMUNICATIONS PROVIDERS.

- THESE PROGRAMS ARE LIMITED, FOCUSED, AND SUBJECT TO RIGOROUS OVERSIGHT. THEY HAVE DISTINCT PURPOSES AND OVERSIGHT MECHANISMS.

PROGRAM OVERSIGHT

- THESE CAPABILITIES WERE APPROVED BY THE ADMINISTRATION, CONGRESS AND THE FISA COURT; ALL THREE BRANCHES OF THE GOVERNMENT.
- AND WITH THESE EXCEPTIONAL AUTHORITIES CAME SIGNIFICANT OVERSIGHT FROM ALL THREE BRANCHES OF THE GOVERNMENT.
- A REPORT ISSUED BY THE SENATE SELECT INTELLIGENCE COMMITTEE IN JUNE 2012 IN SUPPORT OF THE REAUTHORIZATION OF THE 2008 AMENDMENTS TO FISA EMPHASIZED THAT THE GOVERNMENT IMPLEMENTS THESE SURVEILLANCE AUTHORITIES IN A RESPONSIBLE MANNER: "THROUGH FOUR YEARS OF OVERSIGHT, THE COMMITTEE HAS NOT IDENTIFIED A SINGLE CASE IN WHICH A GOVERNMENT OFFICIAL ENGAGED IN WILLFUL EFFORT TO CIRCUMVENT OR VIOLATE THE LAW."
- WE WORK THROUGH ALL THREE BRANCHES OF GOVERNMENT - CONGRESS, COURTS, AND EXECUTIVE - TO RECEIVE THE NECESSARY LEGAL AUTHORITIES AND RIGOROUS OVERSIGHT TO DO OUR MISSION.
- THIS IS A HIGHLY REGULATED SPACE.

PROTECTION OF PRIVACY AND CIVIL LIBERTIES

- TO BE CLEAR, UNDER FISA, IN ORDER TO TARGET THE CONTENT OF A U.S. PERSON'S COMMUNICATIONS ANYWHERE IN THE WORLD, NSA REQUIRES A FINDING OF PROBABLE CAUSE UNDER A SPECIFIC COURT ORDER
- IN MY VIEW, THE LEAKED TARGETING AND MINIMIZATION PROCEDURES FOR FAA 702 DEMONSTRATE "A RULE-BOUND INTELLIGENCE BUREAUCRACY THAT IS HIGHLY SENSITIVE TO THE DISTINCTION BETWEEN FOREIGNERS AND U.S. PERSONS. ... THE TWO SETS OF RULES, EACH NINE PAGES LONG, BELIE THE IMAGE OF A ROGUE INTELLIGENCE AGENCY RECKLESSLY VIOLATING

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AMERICAN'S PRIVACY."

- NSA EMPLOYEES ARE ACUTELY AWARE OF THE IMPORTANCE OF PROTECTING THE 4TH AMENDMENT. WE ARE, OURSELVES, PRIVATE CITIZENS.

TARGETING AND MINIMIZATION PROCEDURES FOR FAA 702

- "TARGETING" AND "MINIMIZATION" PROCEDURES ARE USED BY THE NSA UNDER SECTION 702 TO ENSURE THAT OUR FOREIGN INTELLIGENCE COLLECTION ONLY TARGETS FOREIGN PERSONS OF INTELLIGENCE INTEREST BELIEVED TO BE OUTSIDE THE U.S.
- THESE RIGOROUS PROCEDURES DETAIL THE HANDLING OF ANY U.S. PERSON COMMUNICATIONS.
- THE "TARGETING PROCEDURES" UNDER 702 ARE THE RULES REQUIRED BY CONGRESS AND APPROVED BY THE COURT TO ENSURE THAT WE ARE PURPOSEFULLY DIRECTING OUR EFFORTS AT FOREIGNERS OUTSIDE THE US FOR A VALID INTELLIGENCE REASON LIKE COUNTERTERRORISM.
- ALL TARGETING DECISIONS ARE DOCUMENTED IN ADVANCE AND REGULARLY REVIEWED BY THE DEPARTMENT OF JUSTICE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.
- THE "MINIMIZATION" PROCEDURES ARE THE RULES REQUIRED BY CONGRESS AND APPROVED BY THE COURT TO ENSURE THE PROTECTION OF US PERSONS' PRIVACY AND CIVIL LIBERTIES THROUGH THE PROCESS WHEN WE ACQUIRE, ANALYZE AND DISSEMINATE INFORMATION.

COMPLIANCE

- NSA IS COMMITTED TO COMPLIANCE WITH THE LAW, THEREBY PROTECTING AND UPHOLDING THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE
- COMPLIANCE AT NSA IS ROBUST AND RIGOROUS. THERE ARE MULTIPLE INTERNAL AND EXTERNAL LEVELS OF COMPLIANCE, REVIEW, AND OVERSIGHT. ANALYSTS WITH ACCESS TO COMMUNICATIONS INFORMATION UNDERGO EXTENSIVE AND ONGOING TRAINING THROUGHOUT THEIR CAREERS IN ORDER TO ENSURE PROPER HANDLING OF U.S. PERSON INFORMATION. THE PROGRAMS WHICH HAVE BEEN DISCUSSED IN THE MEDIA RECENTLY ARE SUBJECT TO NOT ONLY INTERNAL SCRUTINY, BUT ALSO OVERSIGHT FROM ALL THREE BRANCHES OF GOVERNMENT.
- QUERIES INTO DATABASES ARE REGULARLY AUDITED TO ENSURE PROPER HANDLING OF DATA. ANY VIOLATIONS ARE INVESTIGATED, AND REPORTED

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AS PART OF MANDATORY COMPLIANCE REPORTING REQUIREMENTS.

VALUE OF PROGRAMS

- ON 21 JUNE, WE PROVIDED OVER 50 CASES TO BOTH THE HOUSE AND SENATE INTELLIGENCE COMMITTEES THAT SHOW THE CONTRIBUTION OF OUR UNDERSTANDING AND IN MANY CASES DISRUPTION OF TERRORIST PLOTS IN THE US AND IN OVER 20 COUNTRIES THROUGHOUT THE WORLD.
- WHAT THAT TRANSLATES TO IS SIGNIFICANT INFORMATION ON ONGOING TERRORIST ACTIVITIES WITH NO WILLFUL VIOLATIONS OF OUR CIVIL LIBERTIES AND PRIVACY. 50+ TO ZERO.
- THESE PROGRAMS HAVE HELPED US CONNECT THE DOTS.
- AND THE STATISTICS HIGHLIGHT THAT NSA IS COMMITTED TO PROTECTING AND UPHOLDING THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE
- INFORMATION GATHERED FROM THESE PROGRAMS PROVIDED USG WITH LEADS TO HELP PREVENT OVER 50 POTENTIAL TERRORIST EVENTS IN MORE THAN 20 COUNTRIES AROUND THE WORLD.
- AT LEAST 10 OF THESE EVENTS INCLUDED HOMELAND-BASED THREATS.
- THE INFORMATION THE U.S. INTELLIGENCE COMMUNITY PROVIDED TO MORE THAN 20 FOREIGN COUNTRIES, SPREAD ACROSS EUROPE AND AFRICA, ENABLED THEIR GOVERNMENTS TO DISRUPT PLOTS IN THEIR OWN COUNTRIES.
- I WANT TO REITERATE WHAT DDIR FBI JOYCE SAID IN TESTIMONY: EVERY TOOL IS ESSENTIAL AND VITAL. THESE HAVE BEEN VALUABLE TO STOPPING SOME OF THOSE PLOTS. YOU ASK, HOW CAN YOU PUT THE VALUE ON AN AMERICAN LIFE? AND I CAN TELL YOU, IT'S PRICELESS.

VALUE TO ALLIES

- AND OUR ALLIES HAVE BENEFITED FROM THESE LAWFULLY OPERATED PROGRAMS JUST AS WE HAVE.
- ANY ALLEGATION THAT NSA RELIES ON ITS FOREIGN PARTNERS TO CIRCUMVENT U.S. LAW IS ABSOLUTELY FALSE. NSA DOES NOT ASK ITS FOREIGN PARTNERS TO UNDERTAKE ANY INTELLIGENCE ACTIVITY THAT THE U.S. GOVERNMENT WOULD BE LEGALLY PROHIBITED FROM UNDERTAKING ITSELF.

NSA'S PEOPLE

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- **THIS HAS BEEN ACCOMPLISHED BY THE EXTRAORDINARY PEOPLE AT NSA, THE REAL HEROS, ALONG WITH OUR PARTNERS AT CIA, FBI, DOD AND DHS.**
- **THE MEN AND WOMEN OF NSA TAKE AN OATH TO THE CONSTITUTION – NOT TO THE DIRECTOR, OR THE AGENCY, OR THE PRESIDENT – AND THEY TAKE THAT OATH VERY SERIOUSLY.**
- **THE SOLUTIONS THEY DEVELOP AND THE ACTIONS THEY TAKE DEFEND THE CONSTITUTION AND THE AMERICAN PEOPLE, BOTH THEIR PHYSICAL SAFETY AND THEIR RIGHT TO PRIVACY.**
- **WE TRAIN THEM ON THAT FROM THEIR FIRST DAY AT WORK AND THROUGHOUT THEIR CAREER.**
- **THEY OPERATE WITHIN A SET OF INTERLOCKING OVERSIGHT AND COMPLIANCE MECHANISMS THAT RANGE FROM INTERNAL NSA CONTROLS TO THOSE IMPLEMENTED BY THE EXECUTIVE BRANCH (ODNI, DOJ), THE JUDICIAL BRANCH (FISA COURT), AND BOTH HOUSES OF CONGRESS.**
- **THIS IS ALSO TRUE OF CONTRACTORS. THE MISDEEDS OF ONE CONTRACTOR SHOULD NOT TARNISH ALL THE CONTRACTORS BECAUSE THEY DO GREAT WORK FOR OUR NATION, AS WELL.**

INDUSTRY IS NECESSARY PARTNER

- **BUT WE COULD NOT DO THIS WITHOUT INDUSTRY SUPPORT. IN THESE CASES, INDUSTRY IS COMPELLED BY THE COURT TO PROVIDE THE REQUIRED INFORMATION.**
- **IT HAS BEEN MY EXPERIENCE THAT INDUSTRY WANTS TO ENSURE THEY ARE PROTECTING YOUR DATA, SO BEING COMPELLED ENSURES WE ARE BOTH DOING THIS RIGHT.**
- **THEY KNOW THESE PROGRAMS MAKE A DIFFERENCE IN DEFENDING OUR NATION AND OUR ALLIES.**
- **U.S. COMPANIES HAVE PUT ENERGY, FOCUS AND COMMITMENT INTO CONSISTENTLY PROTECTING THE PRIVACY OF THEIR CUSTOMERS AROUND THE WORLD, WHILE MEETING THEIR OBLIGATIONS UNDER THE LAW.**

DISCLOSURES AND DAMAGE

- **PUBLIC DISCUSSION OF NSA'S TRADecraft, OR THE TOOLS THAT SUPPORT ITS OPERATIONS, PROVIDE INSIGHTS THAT TERRORISTS CAN AND DO USE TO HIDE THEIR ACTIVITIES. THIS WOULD BE DETRIMENTAL TO NATIONAL SECURITY.**
- **THOSE WHO WISH TO DO US HARM NOW KNOW HOW WE COUNTER THEIR ACTIONS; THIS HAD DONE IRREVERSIBLE HARM TO OUR NATION'S SECURITY.**

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HISTORICALLY EVERY TIME A CAPABILITY IS REVEALED, IT HAS COMPROMISED SOURCES AND METHODS.

- I HAVE CONCERNS THAT THE IRRESPONSIBLE RELEASE OF CLASSIFIED INFORMATION ABOUT THESE PROGRAMS WILL HAVE A LONG TERM DETRIMENTAL IMPACT ON THE INTELLIGENCE COMMUNITY'S ABILITY TO DETECT FUTURE ATTACKS SINCE TERRORISTS AND OTHER FOREIGN ADVERSARIES CHANGE THEIR METHODS OF COMMUNICATION WHEN THEY LEARN HOW THE USG HAS DETECTED THEIR PREVIOUS PLANNING ACTIVITIES.
- OUR ADVERSARIES ARE PAYING ATTENTION AND WE ALREADY SEE SIGNS THEY ARE BEGINNING TO MAKE ADJUSTMENTS.

MANY NATIONS HAVE SIMILAR CAPABILITIES

- WE BELIEVE THAT OVER 100 NATIONS ARE CAPABLE OF COLLECTING SIGNALS INTELLIGENCE OR OPERATING A LAWFUL INTERCEPT CAPABILITY THAT ENABLE THEM TO MONITOR COMMUNICATIONS.
- NSA ACTIVITIES ARE DONE IN COMPLETE COMPLIANCE WITH U.S. LAWS AND WITH THE OVERSIGHT OF ALL THREE BRANCHES OF GOVERNMENT.
- I THINK OURS IS AMONG THE BEST AT PROTECTING PRIVACY AND CIVIL LIBERTIES. WE FOCUS ON FOREIGN INTELLIGENCE; NOT ECONOMIC ESPIONAGE, NOT CRIME.

NEED FOR APOLITICAL CONVERSATION

- FROM MY PERSPECTIVE THIS IS NOT A POLITICAL DEBATE, THIS IS A NATIONAL SECURITY ISSUE.
- WE EXPECT THERE WILL BE FURTHER DISCLOSURES DESIGNED TO EMBARRASS. THEY WILL TAKE OUR PARTNERSHIPS AND ALLIES AND INDUSTRY OUT OF CONTEXT TO FURTHER INFLAME THE DEBATE.
- THE DISCLOSURES HAVE SENSATIONALIZED AND MISINFORMED THE DEBATE ABOUT SECURITY AND PRIVACY. THIS DEBATE BEGAN LONG BEFORE THESE DISCLOSURES AND IS ONGOING ACROSS THE THREE BRANCHES OF OUR GOVERNMENT.

NEED TO BALANCE TRANSPARENCY WITH PROTECTING SOURCES AND METHODS

- THE NSA IS COMMITTED TO TRANSPARENCY. WE MUST BALANCE TRANSPARENCY WITH THE PROTECTION OF SOURCES AND METHODS. WE NEED TO ENSURE THAT AS WE MAKE INFORMATION AVAILABLE TO THE

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PUBLIC, WE ALSO ENSURE THAT WE ARE PROTECTING THE TECHNOLOGIES AND CAPABILITIES THAT ENABLE OUR SUCCESSES IN OUR LAWFUL SIGINT AND INFORMATION ASSURANCE MISSION.

- **IF WE COULD HAVE AN OPEN AND PUBLIC DEBATE WITHOUT ARMING TERRORISTS WITH THE INFORMATION ABOUT HOW TO DEFEAT OUR CAPABILITIES, WE WOULD JUMP ON IT.**

TWO DISTINCT PROGRAMS AT ISSUE

- **THERE HAS BEEN CONSIDERABLE CONFUSION IN THE PRESS, SO ALLOW ME TO CLARIFY SOMETHING RIGHT AT THE START. TWO SEPARATE PROGRAMS ARE AT ISSUE:**
 - **ONE PROGRAM, AS NOTED ABOVE, IS AUTHORIZED BY SECTION 215 OF THE PATRIOT ACT. THIS PROGRAM INVOLVES ONLY TELEPHONE METADATA, SUCH AS TELEPHONE NUMBERS DIALED AND LENGTH OF CALL, BUT NOT THE CONTENT OF ANY CALL, SUBSCRIBER INFORMATION, OR LOCATIONAL DATA.**
 - **THE SECOND PROGRAM, AUTHORIZED UNDER SECTION 702 OF THE FISA AMENDMENTS ACT, CONCERNS TARGETING NON-U.S. PERSONS ABROAD FOR FOREIGN INTELLIGENCE ABOUT MATTERS LIKE COUNTERTERRORISM.**



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NYC ATTACK PLOT 2009

- IN EARLY SEPTEMBER OF 2009, WHILE MONITORING THE ACTIVITIES OF AL QAEDA TERRORISTS IN PAKISTAN, NSA NOTED CONTACT FROM AN INDIVIDUAL IN THE US THAT THE FBI SUBSEQUENTLY IDENTIFIED AS COLORADO-BASED NAJIBULLAH ZAZI. THE US INTELLIGENCE COMMUNITY, INCLUDING THE FBI AND NSA, WORKED IN CONCERT TO DETERMINE HIS RELATIONSHIP WITH AL QAEDA, AS WELL AS IDENTIFY ANY FOREIGN OR DOMESTIC TERRORIST LINKS.
- THE FBI TRACKED ZAZI AS HE TRAVELED TO NEW YORK TO MEET UP WITH CO-CONSPIRATORS, WHERE THEY WERE PLANNING TO CONDUCT A TERRORIST ATTACK.
- ZAZI AND HIS CO-CONSPIRATORS WERE SUBSEQUENTLY ARRESTED. ZAZI, UPON INDICTMENT, PLED GUILTY TO CONSPIRING TO BOMB THE NYC SUBWAY SYSTEM. THIS PLOT WAS CHARACTERIZED AS 'THE MOST SERIOUS TERRORIST THREAT ON U.S. SOIL SINCE 9/11.'
- COMPELLED COLLECTION (AUTHORIZED UNDER FISA SECTION 702) AGAINST FOREIGN TERRORISTS WAS CRITICAL TO THE DISCOVERY AND DISRUPTION OF THIS THREAT AGAINST THE UNITED STATES.

CHICAGO TERROR INVESTIGATION

- IN OCTOBER 2009, DAVID COLEMAN HEADLEY, A CHICAGO BUSINESSMAN AND DUAL U.S. AND PAKISTANI CITIZEN, WAS ARRESTED BY THE FBI AS HE TRIED TO DEPART FROM CHICAGO O'HARE AIRPORT ON A TRIP TO EUROPE. HEADLEY WAS CHARGED WITH SUPPORT TO TERRORISM BASED ON HIS INVOLVEMENT IN THE PLANNING AND RECONNAISSANCE OF THE HOTEL ATTACK IN MUMBAI 2008.
- AT THE TIME OF HIS ARREST, HEADLEY AND HIS COLLEAGUES WERE PLOTTING TO ATTACK THE DANISH NEWSPAPER THAT PUBLISHED THE UNFLATTERING CARTOONS OF THE PROPHET MOHAMMED, AT THE BEHEST OF AL QAEDA.
- COMPELLED COLLECTION (AUTHORIZED UNDER FISA SECTION 702) AGAINST FOREIGN TERRORISTS AND METADATA ANALYSIS (AUTHORIZED UNDER THE BUSINESS RECORDS PROVISION OF FISA) WERE UTILIZED IN COMPLEMENT WITH THE FBI LAW ENFORCEMENT AUTHORITIES TO INVESTIGATE HEADLEY'S

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OVERSEAS ASSOCIATES AND THEIR INVOLVEMENT IN HEADLEY'S ACTIVITIES.

BASAALY MOALIN, OCTOBER 2007

- **IN OCTOBER 2007, NSA PROVIDED THE FBI WITH INFORMATION OBTAINED FROM QUERYING THE METADATA OBTAINED UNDER SECTION 215. THIS INFORMATION ESTABLISHED A CONNECTION BETWEEN A PHONE KNOWN TO BE USED BY AN EXTREMIST OVERSEAS WITH TIES TO AL QAEDA'S EAST AFRICA NETWORK, AND AN UNKNOWN SAN DIEGO-BASED NUMBER. THAT TIP ULTIMATELY LED TO THE FBI'S OPENING OF A FULL INVESTIGATION THAT RESULTED IN A FEBRUARY 2013 CONVICTION OF BASAALY MOALIN AND THREE OTHERS FOR CONSPIRING TO PROVIDE MATERIAL SUPPORT TO AL SHABAAB, A STATE DEPARTMENT-DESIGNATED TERRORIST GROUP IN SOMALIA THAT ENGAGES IN SUICIDE BOMBINGS, TARGETS CIVILIANS FOR ASSASSINATION, AND USES IMPROVISED EXPLOSIVE DEVICES.**

OPERATION WI-FI, APRIL 2009

- **IN JANUARY 2009, USING AUTHORIZED COLLECTION UNDER SECTION 702 TO MONITOR THE COMMUNICATIONS OF AN EXTREMIST OVERSEAS WITH TIES TO AL-QA'IDA, NSA DISCOVERED A CONNECTION WITH AN INDIVIDUAL BASED IN KANSAS CITY. NSA TIPPED THE INFORMATION TO FBI, WHICH DURING THE COURSE OF ITS INVESTIGATION UNCOVERED A PLOT TO ATTACK THE NEW YORK STOCK EXCHANGE. NSA QUERIED METADATA OBTAINED UNDER SECTION 215 TO ENSURE THAT WE IDENTIFIED ALL POTENTIAL CONNECTIONS TO THE PLOT, ASSISTING THE FBI IN RUNNING DOWN LEADS.**

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**HPSCI OPEN HEARING ON MEDIA LEAKS
18 JUNE 2013**

INTRODUCTION

- **OVER THE PAST FEW WEEKS, UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION HAVE RESULTED IN CONSIDERABLE DEBATE IN THE PRESS ABOUT TWO NSA PROGRAMS.**
- **THIS DEBATE HAS BEEN FUELED BY INCOMPLETE AND INACCURATE INFORMATION, WITH LITTLE CONTEXT PROVIDED ON THE PURPOSE OF THESE PROGRAMS, THEIR VALUE TO OUR NATIONAL SECURITY AND THAT OF OUR ALLIES, AND THE PROTECTIONS THAT ARE IN PLACE TO PRESERVE OUR PRIVACY AND CIVIL LIBERTIES.**
- **TODAY I AM HERE TO PROVIDE ADDITIONAL DETAIL AND CONTEXT ON THESE TWO PROGRAMS TO HELP INFORM THE DEBATE.**
- **THESE PROGRAMS WERE APPROVED BY THE ADMINISTRATION, CONGRESS, AND THE COURT—A SOUND LEGAL PROCESS.**
- **IRONICALLY THE DOCUMENTS THAT HAVE BEEN RELEASED SO FAR SHOW THE RIGOROUS OVERSIGHT AND COMPLIANCE OUR GOVERNMENT USES TO BALANCE SECURITY WITH CIVIL LIBERTIES AND PRIVACY.**
- **LET ME START BY SAYING THAT I MUCH PREFER TO BE HERE TODAY EXPLAINING THESE PROGRAMS, THAN EXPLAINING ANOTHER 9/11 EVENT THAT WE WERE NOT ABLE TO PREVENT.**
- **IT IS A TESTAMENT TO THE ONGOING TEAMWORK OF CIA-FBI-NSA, WORKING WITH OUR ALLIES AND INDUSTRY PARTNERS THAT WE HAVE BEEN ABLE TO “CONNECT THE DOTS” AND PREVENT MORE TERRORIST ATTACKS.**
- **THE EVENTS OF SEPTEMBER 11TH, 2001 OCCURRED, IN PART, BECAUSE OF A FAILURE ON THE PART OF OUR GOVERNMENT TO “CONNECT THE DOTS”.**
- **SOME OF THOSE DOTS WERE IN THE UNITED STATES. THE INTELLIGENCE COMMUNITY WAS NOT ABLE TO CONNECT THOSE “DOMESTIC DOTS” – PHONE CALLS BETWEEN OPERATIVES IN THE U.S. - AND AL- QA’IDA TERRORISTS OVERSEAS.**
- **FOLLOWING THE 9/11 COMMISSION, WHICH INVESTIGATED THE**

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INTELLIGENCE COMMUNITY'S FAILURES TO DETECT 9/11, CONGRESS PASSED THE PATRIOT ACT.

- **SECTION 215 OF THAT ACT, AS IT HAS BEEN INTERPRETED AND APPLIED, HELPS THE GOVERNMENT CLOSE THAT GAP BY ENABLING THE DETECTION OF TELEPHONE CONTACT BETWEEN TERRORISTS OVERSEAS AND OPERATIVES WITHIN THE UNITED STATES.**
- **AS DIR MUELLER EMPHASIZED LAST WEEK DURING HIS TESTIMONY TO THE JUDICIARY COMMITTEE, IF WE HAD HAD SECTION 215 IN PLACE PRIOR TO 9/11, WE MAY HAVE KNOWN THAT 9/11 HIJACKER KHALID AL MIDHAR WAS LOCATED IN SAN DIEGO AND COMMUNICATING WITH A KNOWN AL-QA'IDA SAFEHOUSE IN YEMEN.**
- **IN RECENT YEARS, THESE PROGRAMS TOGETHER WITH OTHER INTELLIGENCE HAVE PROTECTED THE U.S. AND OUR ALLIES FROM TERRORIST THREATS ACROSS THE GLOBE, TO INCLUDE HELPING TO PREVENT OVER 50 POTENTIAL TERRORIST EVENTS SINCE 9/11.**
- **I BELIEVE WE HAVE ACHIEVED THIS SECURITY AND RELATIVE SAFETY IN A WAY THAT DOES NOT COMPROMISE THE PRIVACY AND CIVIL LIBERTIES OF OUR CITIZENS.**

- **I HOPE YOU WILL TAKE AWAY FROM THIS DISCUSSION 3 FUNDAMENTAL POINTS:**
 - **FIRST, THESE PROGRAMS ARE CRITICAL TO THE INTELLIGENCE COMMUNITY'S ABILITY TO PROTECT OUR NATION AND OUR ALLIES' SECURITY. THEY ASSIST THE INTELLIGENCE COMMUNITY EFFORTS TO "CONNECT THE DOTS".**
 - **SECOND, THESE PROGRAMS ARE LIMITED, FOCUSED, AND SUBJECT TO RIGOROUS OVERSIGHT. THEY HAVE DISTINCT PURPOSES AND OVERSIGHT MECHANISMS. WE HAVE RIGOROUS TRAINING PROGRAMS FOR OUR ANALYSTS AND THEIR SUPERVISORS TO UNDERSTAND THEIR RESPONSIBILITIES REGARDING COMPLIANCE.**
 - **THIRD, THE DISCIPLINED OPERATION OF THESE PROGRAMS PROTECTS THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE.**

- **WE WILL PROVIDE IMPORTANT DETAILS ABOUT EACH OF THESE POINTS TO INFORM THE DEBATE.**

HAND OFF TO DAG TO DISCUSS OVERARCHING FRAMEWORK OF AUTHORITIES

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- I WILL NOW ADDRESS EACH OF MY THREE POINTS IN GREATER DETAIL.
- FIRST, THESE PROGRAMS ARE IMMENSELY VALUABLE FOR PROTECTING OUR NATION AND ENSURING THE SECURITY OF OUR ALLIES.
- IN RECENT YEARS, THE INFORMATION GATHERED FROM THESE PROGRAMS PROVIDED THE U.S. GOVERNMENT WITH CRITICAL LEADS TO HELP PREVENT OVER 50 POTENTIAL TERRORIST EVENTS IN MORE THAN 20 COUNTRIES AROUND THE WORLD.
- AT LEAST 10 OF THESE EVENTS INCLUDED HOMELAND-BASED THREATS.
- THE INFORMATION THE U.S. INTELLIGENCE COMMUNITY PROVIDED TO MORE THAN 20 FOREIGN COUNTRIES, SPREAD ACROSS EUROPE AND AFRICA, ENABLED THEIR GOVERNMENTS TO DISRUPT PLOTS IN THEIR OWN COUNTRIES.

HAND OFF TO DEPDIR/FBI FOR OPERATIONAL RELEVANCE DISCUSSIONS – HIGHLIGHTED PART WILL BE SKIPPED AS SEAN COVERS.

- SEVERAL OF THESE PLOTS MAY BE FAMILIAR TO YOU: AN AL-QA'IDA DIRECTED PLOT TO BLOW UP THE NEW YORK SUBWAY SYSTEM; MALICIOUS EFFORTS TO DERAIL A PASSENGER TRAIN; PLANS TO PUT BOMBS ABOARD U.S.-BOUND AIRLINERS; AND ATTEMPTS TO EXPLODE DEVICES SIMILAR TO THE KIND WE SAW AT THE BOSTON MARATHON THIS PAST APRIL.
- AS YOU KNOW, WE HAVE RELEASED THE DETAILS BEHIND TWO OF THE PLOTS WHICH THESE PROGRAMS HELPED DISRUPT, ONE OF THEM A MAJOR AL-QA'IDA DIRECTED ATTACK AGAINST THE NEW YORK CITY SUBWAY SYSTEM, WHAT MANY HAVE CHARACTERIZED AS THE "MOST SERIOUS TERRORIST THREAT ON US SOIL SINCE 9/11."
- IN SEPTEMBER 2009, USING AUTHORIZED COLLECTION UNDER SECTION 702 TO MONITOR AL-QA'IDA TERRORISTS IN PAKISTAN, NSA DISCOVERED THAT ONE OF THE AL-QA'IDA ASSOCIATED TERRORISTS IN PAKISTAN WAS IN CONTACT WITH AN UNKNOWN PERSON LOCATED IN THE U.S. ABOUT EFFORTS TO PROCURE EXPLOSIVE MATERIAL.
- NSA IMMEDIATELY TIPPED THIS INFORMATION TO THE FBI, WHICH INVESTIGATED FURTHER, AND IDENTIFIED THE AL-QA'IDA CONTACT AS COLORADO-BASED EXTREMIST NAJIBULLAH ZAZI.
 - NSA AND FBI WORKED TOGETHER TO DETERMINE THE EXTENT OF ZAZI'S

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RELATIONSHIP WITH AL-QA'IDA AND TO IDENTIFY ANY OTHER FOREIGN OR DOMESTIC TERRORIST LINKS. NSA RECEIVED ZAZI'S TELEPHONE NUMBER FROM FBI AND RAN IT AGAINST THE SECTION 215 BUSINESS RECORDS DATA, IDENTIFYING AND PASSING ADDITIONAL LEADS BACK TO THE FBI FOR INVESTIGATION. ONE OF THESE LEADS REVEALED A PREVIOUSLY UNKNOWN NUMBER FOR CO-CONSPIRATOR ADIS MEDUNJANIN AND CORROBORATED HIS CONNECTION TO ZAZI AS WELL AS TO OTHER U.S.-BASED EXTREMISTS. WHILE THE FBI WAS AWARE OF MEDUNJANIN, THESE CONNECTIONS HIGHLIGHTED THE IMPORTANCE OF MEDUNJANIN AS A PERSON OF INTEREST IN THIS PLOT.

- THE FBI INVESTIGATED THESE LEADS, TRACKING ZAZI AS HE TRAVELED TO MEET UP WITH HIS CO-CONSPIRATORS IN NEW YORK, WHERE THEY WERE PLANNING TO CONDUCT A TERRORIST ATTACK. ZAZI AND HIS CO-CONSPIRATORS WERE SUBSEQUENTLY ARRESTED, AND THE ATTACK THWARTED. UPON INDICTMENT, ZAZI PLED GUILTY TO CONSPIRING TO BOMB THE NYC SUBWAY SYSTEM. IN NOVEMBER 2012, MEDUNJANIN WAS SENTENCED TO LIFE IN PRISON.
- SEPARATELY, YOU LIKELY READ ABOUT THE ROLE OF THESE PROGRAMS IN THE 2009 CHICAGO-BASED TERROR INVESTIGATION WHICH ULTIMATELY LED TO THE ARREST OF DAVID COLEMAN HEADLEY FOR HIS INVOLVEMENT IN THE PLANNING AND RECONNAISSANCE OF THE 2008 HOTEL ATTACK IN MUMBAI, AS WELL AS HIS ROLE IN PLOTTING TO ATTACK THE DANISH NEWSPAPER THAT PUBLISHED UNFLATTERING CARTOONS OF THE PROPHET MOHAMMED. BOTH 702 AND SECTION 215 PLAYED A ROLE IN THIS SUCCESS.
- FINALLY, WHILE I AM VERY MINDFUL OF PROVIDING ADDITIONAL DETAILS THAT MAY HAMPER OUR NATION'S COUNTERTERRORISM CAPABILITIES, I DO WANT TO BRIEFLY MENTION TWO OTHER CASES IN WHICH BOTH OF THESE PROGRAMS PLAYED A ROLE.
 - FIRST, IN OCTOBER 2007, NSA PROVIDED THE FBI WITH INFORMATION OBTAINED FROM QUERYING METADATA OBTAINED UNDER SECTION 215. THIS INFORMATION ESTABLISHED A CONNECTION BETWEEN A PHONE KNOWN TO BE USED BY AN EXTREMIST OVERSEAS WITH TIES TO AL QAEDA'S EAST AFRICA NETWORK, AND AN UNKNOWN SAN DIEGO-BASED NUMBER.

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THAT TIP ULTIMATELY LED TO THE FBI'S OPENING OF A FULL INVESTIGATION THAT RESULTED IN THE FEBRUARY 2013 CONVICTION OF BASAALY MOALIN AND THREE OTHERS FOR CONSPIRING TO PROVIDE MATERIAL SUPPORT TO AL SHABAAB. AS YOU KNOW, AL SHABAAB IS A STATE DEPARTMENT-DESIGNATED TERRORIST GROUP IN SOMALIA THAT ENGAGES IN SUICIDE BOMBINGS, TARGETS CIVILIANS FOR ASSASSINATION, AND USES IMPROVISED EXPLOSIVE DEVICES.

- SEPARATELY, IN JANUARY 2009, USING AUTHORIZED COLLECTION UNDER SECTION 702 TO MONITOR THE COMMUNICATIONS OF AN EXTREMIST OVERSEAS WITH TIES TO AL-QA'IDA, NSA DISCOVERED A CONNECTION WITH AN INDIVIDUAL BASED IN KANSAS CITY. NSA TIPPED THE INFORMATION TO FBI, WHICH DURING THE COURSE OF ITS INVESTIGATION UNCOVERED A PLOT TO ATTACK THE NEW YORK STOCK EXCHANGE. NSA QUERIED METADATA OBTAINED UNDER SECTION 215 TO ENSURE THAT WE IDENTIFIED ALL POTENTIAL CONNECTIONS TO THE PLOT, ASSISTING THE FBI IN RUNNING DOWN LEADS.
- AGAIN, INFORMATION GLEANED IN THE TWO PROGRAMS DESCRIBED IN THE RECENT NEWS ARTICLES HAVE HELPED TO PREVENT OVER 50 POTENTIAL TERRORIST EVENTS AROUND THE WORLD – OF WHICH 10 WERE IN THE US.
- THE EXAMPLES WE HAVE DECLASSIFIED TO DISCUSS TODAY ARE ALL THAT WE PLAN TO DECLASSIFY. WE NEED TO PROTECT SOURCES AND METHODS. WE WILL BE SHARING DETAILS ABOUT 50 PLUS POTENTIAL TERRORIST EVENTS WITH THE COMMITTEES IN A CLASSIFIED SETTING.
- THE U.S. INTELLIGENCE COMMUNITY PRIDES ITSELF ON SERVING IN SILENCE IN ORDER TO PROTECT SENSITIVE SOURCES AND METHODS AND ALLOW US TO CONTINUE TO PREVENT ATTACKS.
- TO ALLOW US TO DISCUSS WHAT THESE PROGRAMS HAVE ACCOMPLISHED, THOUGH, WE HAVE WORKED TO CAREFULLY DE-CLASSIFY THIS INFORMATION.
- I HAVE CONCERNS THAT THE INTENTIONAL AND IRRESPONSIBLE RELEASE OF CLASSIFIED INFORMATION ABOUT THESE PROGRAMS WILL HAVE A LONG TERM DETRIMENTAL IMPACT ON THE INTELLIGENCE COMMUNITY'S ABILITY

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TO DETECT FUTURE ATTACKS SINCE TERRORISTS AND OTHER CRIMINALS CHANGE THEIR METHODS OF COMMUNICATION WHEN THEY LEARN HOW THE USG HAS DETECTED THEIR PREVIOUS PLANNING ACTIVITIES.

- I WANT TO EMPHASIZE THAT FOREIGN INTELLIGENCE IS THE BEST COUNTER-TERRORISM TOOL THAT WE HAVE.
- MY SECOND POINT IS THAT THESE PROGRAMS ARE LIMITED, FOCUSED, AND SUBJECT TO RIGOROUS OVERSIGHT. THEY HAVE DISTINCT PURPOSES AND OVERSIGHT MECHANISMS.

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- THE FIRST PROGRAM, SECTION 215 OF THE PATRIOT ACT, AUTHORIZES THE COLLECTION OF TELEPHONE METADATA ONLY.
- IT DOES NOT ALLOW THE GOVERNMENT TO LISTEN TO ANYONE'S PHONE CALLS.
- THE INFORMATION ACQUIRED DOES NOT CONTAIN THE CONTENT OF ANY COMMUNICATIONS (E.G. WHAT YOU ARE SAYING WHEN YOU TALK), THE IDENTITIES OF THE PEOPLE TALKING, OR ANY CELL PHONE LOCATIONAL INFORMATION.
- THIS PROGRAM WAS SPECIFICALLY DEVELOPED TO ALLOW THE USG TO DETECT COMMUNICATIONS BETWEEN TERRORISTS WHO ARE OPERATING OUTSIDE THE U.S. BUT WHO ARE COMMUNICATING WITH POTENTIAL OPERATIVES INSIDE THE U.S., A GAP HIGHLIGHTED BY THE ATTACKS OF 9/11.
- THE METADATA ACQUIRED AND STORED UNDER THIS PROGRAM MAY BE QUERIED ONLY WHEN THERE IS A REASONABLE SUSPICION BASED ON SPECIFIC FACTS THAT A "SELECTOR"—WHICH IS TYPICALLY A PHONE NUMBER—IS ASSOCIATED WITH SPECIFIC FOREIGN TERRORIST ORGANIZATIONS.

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- DURING 2012, WE ONLY SEARCHED FOR INFORMATION IN THIS DATASET INVOLVING FEWER THAN 300 UNIQUE IDENTIFIERS:
- THE SECOND PROGRAM, SECTION 702, AUTHORIZES TARGETING COMMUNICATIONS OF FOREIGNERS ONLY; FOR FOREIGN INTELLIGENCE PURPOSES, WITH THE COMPELLED ASSISTANCE OF AN ELECTRONIC COMMUNICATION SERVICE PROVIDER.
- NSA IS A FOREIGN INTELLIGENCE AGENCY. FOREIGN INTELLIGENCE IS INFORMATION RELATING TO THE CAPABILITIES, INTENTIONS, OR ACTIVITIES OF FOREIGN GOVERNMENTS, FOREIGN ORGANIZATIONS , FOREIGN PERSONS, OR INTERNATIONAL TERRORISTS.
- LET ME BE VERY CLEAR -- SECTION 702 CANNOT BE USED TO INTENTIONALLY TARGET:
 - ANY U.S. CITIZEN OR OTHER U.S. PERSON,
 - ANY PERSON KNOWN TO BE IN THE U.S., OR
 - A PERSON OUTSIDE THE UNITED STATES IF THE PURPOSE IS TO ACQUIRE INFORMATION FROM A PERSON INSIDE THE UNITED STATES
- THIS PROGRAM IS ALSO KEY TO OUR COUNTERTERRORISM EFFORTS; MORE THAN 90% OF THE INFORMATION USED TO SUPPORT THE 50 DISRUPTIONS MENTIONED EARLIER WAS GAINED FROM SECTION 702 AUTHORITIES.
- LET ME DESCRIBE SOME OF THE RIGOROUS OVERSIGHT FOR EACH OF THE PROGRAMS.
- FOR THE SECTION 215 PROGRAM, THE METADATA IS SEGREGATED AND QUERIES AGAINST THE DATABASE ARE RIGOROUSLY DOCUMENTED AND AUDITED.
- ONLY 20 ANALYSTS AND 2 MANAGERS ARE AUTHORIZED THE APPROVE THE FORMATION OF SELECTORS AGAINST THIS SPECIALIZED DATA SET.
- IN ADDITION, ONLY SEVEN SENIOR OFFICIALS IN NSA MAY AUTHORIZE THE DISSEMINATION OF U.S. PERSON INFORMATION OUTSIDE OF NSA (E.G. TO THE FBI) AFTER DETERMINING THAT THE INFORMATION IS RELATED TO AND IS

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NECESSARY TO UNDERSTAND COUNTERTERRORISM INFORMATION, OR ASSESS ITS IMPORTANCE.

- **THE FOREIGN INTELLIGENCE SURVEILLANCE COURT REVIEWS THE PROGRAM EVERY 90 DAYS; AND THE DATA MUST BE DESTROYED WITHIN 5 YEARS.**
- **FOR THE 702 PROGRAM, THE FOREIGN INTELLIGENCE SURVEILLANCE COURT ANNUALLY REVIEWS CERTIFICATIONS JOINTLY SUBMITTED BY THE ATTORNEY GENERAL AND THE DIRECTOR OF NATIONAL INTELLIGENCE.**
- **THESE CERTIFICATIONS DEFINE THE CATEGORIES OF FOREIGN ACTORS THAT MAY BE APPROPRIATELY TARGETED, AND BY LAW, MUST INCLUDE SPECIFIC TARGETING AND MINIMIZATION PROCEDURES THAT THE ATTORNEY GENERAL AND COURT MUST BOTH AGREE ARE CONSISTENT WITH THE LAW AND 4TH AMENDMENT OF THE CONSTITUTION.**
- **THESE PROCEDURES REQUIRE THAT A COMMUNICATION OF OR CONCERNING A U.S. PERSON MUST BE PROMPTLY DESTROYED AFTER IT IS IDENTIFIED EITHER AS CLEARLY NOT RELEVANT TO THE AUTHORIZED PURPOSE OR AS NOT CONTAINING EVIDENCE OF A CRIME.**
- **OUTSIDE NSA, BOTH PROGRAMS ARE SUBJECT TO ADDITIONAL, STRICT CONTROLS AND OVERSIGHT BY THE DEPARTMENT OF JUSTICE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. THERE ARE REGULAR ON-SITE INSPECTIONS AND AUDITS. AND SEMI-ANNUAL REPORTS ARE PROVIDED TO CONGRESS AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.**
- **LET'S HIT ANOTHER KEY INACCURACY IN THE NEWS ARTICLES OVER THE LAST FEW WEEKS.**
- **UNDER THE 702 PROGRAM, THE USG DOES NOT UNILATERALLY OBTAIN INFORMATION FROM THE SERVERS OF U.S. COMPANIES.**
- **RATHER, THE U.S. COMPANIES ARE COMPELLED TO PROVIDE THESE RECORDS BY U.S. LAW, USING METHODS THAT ARE IN STRICT COMPLIANCE WITH THE**

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LAW.

- **FURTHER, VIRTUALLY ALL COUNTRIES HAVE LAWFUL INTERCEPT PROGRAMS UNDER WHICH THEY COMPEL COMMUNICATIONS PROVIDERS TO SHARE DATA ABOUT INDIVIDUALS THEY BELIEVE REPRESENT THREATS TO THEIR SOCIETIES.**
- **COMMUNICATIONS PROVIDERS ARE REQUIRED TO COMPLY WITH THESE PROGRAMS, IN THE COUNTRIES IN WHICH THEY OPERATE.**
- **THE UNITED STATES IS NOT UNIQUE IN THIS CAPABILITY. THE U.S., HOWEVER, OPERATES ITS PROGRAM UNDER THE STRICT OVERSIGHT REGIME I NOTED ABOVE, WITH CAREFUL OVERSIGHT OF THE COURTS, CONGRESS AND THE DIRECTOR OF NATIONAL INTELLIGENCE.**
- **IN PRACTICE, U.S. COMPANIES HAVE PUT ENERGY, FOCUS AND COMMITMENT INTO CONSISTENTLY PROTECTING THE PRIVACY OF THEIR CUSTOMERS AROUND THE WORLD, WHILE MEETING THEIR OBLIGATIONS UNDER THE LAWS OF THE U.S. AND OTHER COUNTRIES IN WHICH THEY OPERATE.**
- **THE COMPANIES TAKE THESE OBLIGATIONS SERIOUSLY.**
- **MY THIRD AND FINAL POINT—THE DISCIPLINED OPERATION OF THESE PROGRAMS PROTECTS THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE.**
- **AS AMERICANS, WE VALUE OUR PRIVACY AND OUR LIBERTY.**
- **AS AMERICANS, WE ALSO VALUE OUR SECURITY AND OUR SAFETY.**
- **IN THE 12 YEARS SINCE THE ATTACKS OF SEPTEMBER 11TH, WE HAVE LIVED IN RELATIVE SAFETY AND SECURITY.**
- **THIS SECURITY IS A DIRECT RESULT OF THE INTELLIGENCE COMMUNITY'S QUIET EFFORTS TO BETTER "CONNECT THE DOTS" AND LEARN FROM THE MISTAKES THAT PERMITTED THOSE ATTACKS TO OCCUR.**
- **IN THOSE 12 YEARS, WE HAVE THOUGHT LONG AND HARD ABOUT OUR OVERSIGHT AND HOW WE MINIMIZE THE IMPACT TO OUR FELLOW CITIZENS' PRIVACY.**
- **WE HAVE CREATED AND IMPLEMENTED AND CONTINUE TO MONITOR A COMPREHENSIVE MISSION COMPLIANCE PROGRAM INSIDE NSA. THIS PROGRAM, WHICH WAS DEVELOPED BASED ON INDUSTRY BEST PRACTICES IN COMPLIANCE, WORKS TO KEEP OPERATIONS AND TECHNOLOGY ALIGNED WITH NSA'S EXTERNALLY APPROVED PROCEDURES.**

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- OUTSIDE OF NSA, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, DEPARTMENT OF JUSTICE, AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT, PROVIDE ROBUST OVERSIGHT.
 - THE DIALOGUE ABOUT THAT BALANCE BETWEEN SECURITY AND PRIVACY IS A VERY IMPORTANT ONE. IT IS ONE THAT AS AMERICANS WE ARE PRIVILEGED TO HAVE, AND IT IS A DISCOURSE THAT IS HEALTHY FOR A DEMOCRACY.
 - I BELIEVE WE HAVE THAT BALANCE RIGHT.
-
- IN SUMMARY, THESE PROGRAMS HAVE HELPED PREVENT OVER 50 TERRORIST EVENTS SINCE 9/11, WHILE ALSO CAREFULLY PROTECTING THE CIVIL LIBERTIES AND PRIVACY OF OUR CITIZENS.
 - BOTTOM LINE:
 - FIRST, THESE PROGRAMS ARE CRITICAL TO THE INTELLIGENCE COMMUNITY'S ABILITY TO PROTECT OUR NATION AND OUR ALLIES' SECURITY. THEY ASSIST THE INTELLIGENCE COMMUNITY'S EFFORTS TO "CONNECT THE DOTS.
 - SECOND, THESE PROGRAMS ARE LIMITED, FOCUSED, AND SUBJECT TO RIGOROUS OVERSIGHT. THEY HAVE DISTINCT PURPOSES AND OVERSIGHT MECHANISMS.
 - THIRD, THE DISCIPLINED OPERATION OF THESE PROGRAMS PROTECTS THE PRIVACY AND CIVIL LIBERTIES OF THE AMERICAN PEOPLE.
 - NSA PEOPLE TAKE THESE RESPONSIBILITIES TO HEART. THEY PROTECT OUR NATION AND OUR ALLIES AS PART OF A BIGGER TEAM; AND THEY PROTECT OUR CIVIL LIBERTIES AND PRIVACY. IT HAS BEEN AN HONOR AND PRIVILEGE TO LEAD THESE EXTRAORDINARY AMERICANS.

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OVERSIGHT MECHANISMS
18 June 2013

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FAA 702 AND BR FISA OVERSIGHT MECHANISMS

- **FAA SECTION 702**
- **SECTION 702 FACILITATES THE NARROWLY FOCUSED AND CONTROLLED ACQUISITION UNDER COURT OVERSIGHT OF FOREIGN INTELLIGENCE INFORMATION CONCERNING SPECIFIC FOREIGN INDIVIDUALS AND ENTITIES OF INTELLIGENCE INTEREST LOCATED OUTSIDE THE UNITED STATES. SERVICE PROVIDERS SUPPLY INFORMATION TO THE GOVERNMENT WHEN THEY ARE LAWFULLY REQUIRED TO DO SO.**
- **ACQUISITION OF INTELLIGENCE INFORMATION UNDER SECTION 702 IS SUBJECT TO AN EXTENSIVE OVERSIGHT REGIME, INCORPORATING REVIEWS BY THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES.**

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JUDICIAL BRANCH OVERSIGHT:

- **ALL ACQUISITION OF INTELLIGENCE INFORMATION UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA), INCLUDING ITS ACQUISITION UNDER SECTION 702, IS OVERSEEN AND MONITORED BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT (FISC), COMPRISED OF 11 FEDERAL JUDGES APPOINTED BY THE CHIEF JUSTICE OF THE UNITED STATES. THE**

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FISC MUST APPROVE TARGETING AND MINIMIZATION PROCEDURES UNDER SECTION 702 PRIOR TO THE ACQUISITION OF ANY INFORMATION.

- **TARGETING PROCEDURES ARE DESIGNED TO ENSURE THAT AN ACQUISITION TARGETS NON-U.S. PERSONS REASONABLY BELIEVED TO BE OUTSIDE THE UNITED STATES FOR SPECIFIC PURPOSES, AND ALSO THAT IT DOES NOT ACQUIRE A COMMUNICATION**
- **WHEN ALL THE PARTIES ARE INSIDE THE US.**

- **MINIMIZATION PROCEDURES GOVERN HOW THE INTELLIGENCE COMMUNITY (IC) TREATS THE INFORMATION CONCERNING ANY U.S. PERSONS WHOSE COMMUNICATIONS MIGHT BE INCIDENTALLY INTERCEPTED AND REGULATE THE HANDLING OF ANY NONPUBLIC INFORMATION CONCERNING U.S. PERSONS THAT IS ACQUIRED, INCLUDING WHETHER INFORMATION CONCERNING A U.S. PERSON CAN BE DISSEMINATED. SIGNIFICANTLY, THE DISSEMINATION OF INFORMATION ABOUT U.S. PERSONS IS EXPRESSLY PROHIBITED UNLESS IT IS NECESSARY TO UNDERSTAND FOREIGN INTELLIGENCE OR ASSESS ITS IMPORTANCE, IS EVIDENCE OF A CRIME, OR INDICATES A THREAT OF DEATH OR SERIOUS BODILY HARM.**

EXECUTIVE BRANCH OVERSIGHT:

- THE EXECUTIVE BRANCH, INCLUDING THROUGH ITS INDEPENDENT INSPECTORS GENERAL, CARRIES OUT EXTENSIVE OVERSIGHT OF THE USE OF SECTION 702 AUTHORITIES, WHICH INCLUDES REGULAR ON-SITE REVIEWS OF HOW SECTION 702 AUTHORITIES ARE BEING IMPLEMENTED. THESE REGULAR REVIEWS ARE DOCUMENTED IN REPORTS PRODUCED TO CONGRESS. TARGETING DECISIONS ARE REVIEWED BY ODNI AND DOJ.

LEGISLATIVE BRANCH OVERSIGHT:

- CONGRESS REAUTHORIZED SECTION 702 IN DECEMBER 2012. THE LAW SPECIFICALLY REQUIRES THE EXECUTIVE BRANCH TO PROVIDE A VARIETY OF REPORTS ABOUT SECTION 702 TO THE CONGRESS.
- THE DNI AND THE ATTORNEY GENERAL PROVIDE HIGHLY DETAILED AND SPECIFIC SEMIANNUAL REPORTS ASSESSING COMPLIANCE WITH THE TARGETING AND MINIMIZATION PROCEDURES.
- THESE REPORTS, ALONG WITH FISA COURT OPINIONS AND A SEMI-ANNUAL REPORT BY THE ATTORNEY GENERAL, ARE PROVIDED TO CONGRESS.

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- **IN SHORT, THE INFORMATION PROVIDED TO CONGRESS BY THE EXECUTIVE BRANCH WITH RESPECT TO THESE ACTIVITIES PROVIDES AN UNPRECEDENTED DEGREE OF ACCOUNTABILITY AND TRANSPARENCY.**
- **THE CONGRESSIONAL INTELLIGENCE AND JUDICIARY COMMITTEES ARE BRIEFED ON THE OPERATION OF SECTION 702.**

BUSINESS RECORDS FISA PROGRAM

- **SECTION 215 OF THE USAPATRIOT ACT AMENDED THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 (FISA) BY ADDING A NEW PROVISION (50 U.S.C. § 1861 ET SEQ.) THAT AUTHORIZES THE FEDERAL BUREAU OF INVESTIGATION TO SEEK ORDERS FROM THE FOREIGN INTELLIGENCE SURVEILLANCE COURT TO OBTAIN “TANGIBLE THINGS” OR “BUSINESS RECORDS” THAT ARE RELEVANT TO “AN INVESTIGATION TO OBTAIN FOREIGN INTELLIGENCE INFORMATION NOT CONCERNING A UNITED STATES PERSON OR TO PROTECT AGAINST INTERNATIONAL TERRORISM OR CLANDESTINE INTELLIGENCE ACTIVITIES, PROVIDED THAT SUCH INVESTIGATION OF A UNITED STATES PERSON IS NOT CONDUCTED SOLELY ON THE BASIS OF ACTIVITIES PROTECTED BY THE FIRST**

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AMENDMENT TO THE U.S. CONSTITUTION.

- **CONGRESS REAUTHORIZED FISA'S BUSINESS RECORDS (BR) PROVISION AS PART OF THE REAUTHORIZATION OF SEVERAL PARTS OF THE USAPATRIOT ACT.**
- **THE BUSINESS RECORDS OBTAINED UNDER SECTION 215 ARE SUBJECT TO AN EXTENSIVE OVERSIGHT REGIME, INCORPORATING REVIEWS BY THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES.**

EXECUTIVE BRANCH OVERSIGHT:

- **DOJ AND ODNI MEET WITH NSA REGULARLY TO ENSURE ONLY APPROVED METADATA IS BEING ACQUIRED.**
- **BY ORDER OF THE FISC, THE GOVERNMENT IS PROHIBITED FROM INDISCRIMINATELY SIFTING THROUGH THE TELEPHONY METADATA ACQUIRED UNDER THE PROGRAM. ALL INFORMATION THAT IS ACQUIRED UNDER THIS PROGRAM IS SUBJECT TO STRICT, COURT-IMPOSED RESTRICTIONS ON REVIEW AND HANDLING. THE COURT ONLY ALLOWS THE DATA TO BE QUERIED WHEN THERE IS A REASONABLE SUSPICION, BASED ON SPECIFIC FACTS, THAT THE PARTICULAR BASIS FOR THE QUERY IS ASSOCIATED WITH A FOREIGN TERRORIST ORGANIZATION. ONLY SPECIALLY CLEARED COUNTERTERRORISM PERSONNEL SPECIFICALLY TRAINED IN THE COURT-APPROVED PROCEDURES MAY ACCESS THE RECORDS.**

LEGISLATIVE BRANCH OVERSIGHT:

- **NSA PROVIDES BRIEFINGS TO THE CONGRESSIONAL INTELLIGENCE AND JUDICIARY COMMITTEES ON NSA'S OPERATION OF THE BR FISA BULK**

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TELEPHONY METADATA PROGRAM.

- **NSA ALSO PROVIDES CONGRESS WITH WRITTEN NOTIFICATIONS REGARDING ALL SIGNIFICANT DEVELOPMENTS IN THE PROGRAM.**
- **THE DEPARTMENT OF JUSTICE PROVIDES CONGRESSIONAL INTELLIGENCE AND JUDICIARY COMMITTEES WITH COPIES OF ALL SIGNIFICANT FISC OPINIONS REGARDING THE BR FISA PROGRAM.**

JUDICIAL BRANCH OVERSIGHT:

- **NSA PROVIDES REGULAR 30 DAY REPORTS TO THE FISC THAT DISCUSS THE NUMBER OF APPROVED SELECTORS AND THE NUMBER OF DISSEMINATIONS OF U.S. PERSON INFORMATION MADE DURING THE REPORTING PERIOD.**
- **NSA REPORTS UPON RENEWAL ANY SIGNIFICANT CHANGES IN THE WAY NSA RECEIVES CALL DETAIL RECORDS OR CHANGES TO NSA'S CONTROLS TO RECEIVE, STORE, PROCESS, AND DISSEMINATE BR METADATA.**
- **THE BR FISA STATUTORY PROVISION REQUIRES THE ATTORNEY GENERAL, ON AN ANNUAL BASIS, TO REPORT TO THE INTELLIGENCE AND JUDICIARY COMMITTEES OF THE CONGRESS:**
 - **THE TOTAL NUMBER OF BR FISA APPLICATIONS;**
 - **THE TOTAL NUMBER OF BR FISA ORDERS EITHER GRANTED, MODIFIED, OR DENIED; AND**
 - **THE TOTAL NUMBER OF ORDERS EITHER GRANTED, MODIFIED, OR DENIED THAT CONCERNED LIBRARY CIRCULATION RECORDS, FIREARMS**

**SALES RECORDS, TAX RETURN RECORDS, EDUCATIONAL RECORDS, OR
MEDICAL RECORDS THAT WOULD IDENTIFY A PERSON.**



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