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APPENDIX A

(U) About the Review

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(U) About the Review

(U) Objectives

(U) The Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008, which was signed into law on 10 July 2008, requires that the Inspectors General of Intelligence Community elements that participated in the President's Surveillance Program (PSP) conduct a comprehensive review of the Program. The NSA Office of the Inspector General (OIG) reviewed NSA's participation in the PSP. The specific review objectives were to examine:

- (U) The establishment and evolution of the PSP as it affected NSA
- (U) NSA implementation of the PSP, including preparation and dissemination of product under the PSP
- (U) NSA access to legal reviews of the PSP and access to information about the Program
- (U) NSA communications with and representations made to private sector entities and private sector participation
- (U) NSA interaction with the Foreign Intelligence Surveillance Court (FISC) and transition of PSP-authorized collection to court orders
- (U) Oversight of PSP activities at NSA.

(U) Scope and Methodology

(U) This review was conducted in accordance with generally accepted government auditing standards, as set forth by the Comptroller General of the United States and implemented by the audit manuals of the DoD and NSA/CSS Inspectors General.

(U) The review was conducted from 10 July 2008 to 15 May 2009 in coordination with the Inspectors General of the Department of Defense, Office of the Director of National Intelligence, CIA, and DoJ.

(U//FOUO) The scope of this review was limited to NSA's participation in the PSP from 4 October 2001 to 17 January 2007. The review included NSA activities before and after the terrorist attacks of 11 September 2001 that led to the Presidential Authorization on 4 October 2001. It also included the transition of PSP-authorized activity to FISC orders.

(TS//NF) To satisfy review objectives, we interviewed [REDACTED] current and former NSA personnel who participated in the PSP including NSA Directors and Deputy Director, General Counsels, Deputy General Counsels, Associate General Counsels for Operations, and the Inspector General responsible for Program oversight from August 2002 until August 2006. We also interviewed former [REDACTED] as well as leadership [REDACTED] within the Signals Intelligence Directorate.

(TS//SI//NF) Interviews of the former Director of NSA, General Hayden, the former NSA Associate General Counsel for Operations, [REDACTED] were conducted with other IG offices involved in the joint PSP review.

(U//FOUO) We requested White House documentation of meetings at which General Hayden or NSA employees discussed the PSP or the Terrorist Surveillance Program with the President, Vice President, or White House personnel, but did not receive a response before publication of this report.

(TS//SI//NF) [REDACTED]

(U//FOUO) We reviewed NSA records dated 27 July 1993 to 10 July 2008 that pertained to review objectives. Records included NSA policies and regulations, correspondence, e-mail, briefings, notes, reports, calendars, and database reports.

(S//NF) Numbers of selectors tasked and reports issued were based on information provided by the PSP Program Management Office and were not independently verified during this review.

(U//~~FOUO~~) Information about individuals cleared for access to Program information was based on records provided by the PSP Project Security Officer and were not independently verified during this review.

(U) Prior Coverage

(U//~~FOUO~~) The OIG began oversight of the PSP and related activities in August 2002 and issued twelve reports dated 21 February 2003 through 30 June 2008 (Appendix E.) The OIG also issued 14 Presidential notifications from March 2003 to October 2006 (Appendix F). Detailed discussion of the OIG's oversight of the PSP is included in Section VIII of this report.

~~(TS//SI//NF)~~ As portions of the Program were transitioned to FISC orders for the collection of internet metadata and telephony business records, the OIG reviewed the execution and adequacy of controls in ensuring compliance with the orders. The OIG did not test the efficacy of controls for metadata collected under the authority of the PSP or court orders. Three reports summarized OIG investigations into possible misuse of the Authority or violations of FISC orders. One report summarized the OIG's oversight of the PSP, and the last report reviewed the adequacy of Program compartmentation plans.

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APPENDIX B

(U) The Presidential Authorizations

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(U) The Presidential Authorizations

~~(TS//STLW//SI//OC/NF)~~ The Authorization documents that contained the terms under which NSA executed special Presidential authority were addressed to the Secretary of Defense and were titled "*Presidential Authorization for Specified Electronic Surveillance Activities during a Limited Period to Detect and Prevent Acts of Terrorism within the United States.*" The first Authorization consisted of eight paragraphs, and all but one subsequent Authorization consisted of nine. There were 43 Authorizations, two modifications, and one document described as (b)(1), (b)(3)

Description of Authorization contents by paragraph:

(U) Paragraph 1 - The President's Conclusions

~~(TS//STLW//SI//OC/NF)~~ The first paragraph referred to the 11 September 2001 terrorist attacks and the President's directions [to the Secretary of Defense] on employing U.S. Armed Forces. The first Authorization contained statements on the President's conclusions based on information about terrorist capabilities; this statement became the second paragraph in subsequent Authorizations. After the first Authorization, paragraph one included references to all previous versions of the Authorization and the dates they were signed by the President.

(U) Paragraph 2 - Terrorism Threat

~~(TS//STLW//SI//OC/NF)~~ After the first Authorization, the second paragraph stated that the President based his conclusions about terrorist capabilities on information provided by the DCI, including an attached terrorism threat assessment, a document that consisted of five or more pages and was signed by the DCI (later by the DNI) and the Secretary of Defense.

(U) Paragraph 3 - Considerations

~~(TS//STLW//SI//OC/NF)~~ The third paragraph contained the President's considerations in authorizing electronic surveillance, including the potential for deaths, injuries, and destruction from acts of terrorism, their probability, the need for action and secrecy, and intrusion into privacy, its reasonableness, and alternatives. In the first Authorization the considerations were in paragraph two.

~~(TS//STLW//SI//OC/NF)~~ Paragraph three of the first Authorization stated the President's determination that an

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“extraordinary emergency” existed made electronic surveillance without a court order a compelling Government interest.¹

~~(TS//STLW//SI//OC/NF)~~ Paragraph 4 - Authorized Electronic Surveillance

~~(TS//STLW//SI//OC/NF)~~ Paragraph four contains the President’s statement of the basis for issuing the authority and the substantive description of the electronic surveillance that he authorized and directed. The President states that he is acting pursuant to Article II of the Constitution, including the executive power, his authority as Commander in Chief of the Armed Forces, his duty to preserve, protect and defend the Constitution, and the Authorization for Use of Military Force Joint Resolution (Public Law 107-40), with due regard for the Fourth Amendment. There were major and minor changes in that description, resulting in seven versions of paragraph four over approximately six years.

~~(TS//SI//NF)~~ Changes to Authorization Language on Electronic Surveillance

~~(TS//STLW//SI//OC/NF)~~

Version/Date	Description of Changes to Authorization Language
<p>First Authorization 4 October 2001</p>	<p>Authorized NSA to acquire the content and associated metadata of telephony and Internet communications including wire and cable communications carried into or out of the United States for which there was probable cause to believe that one of the communicants was (b)(1), (b)(3) that one communicant was engaged in or preparing for acts of international terrorism.² This was the only version of the Authorization to use the term “probable cause.”</p> <p>Version 1 also authorized the acquisition of telephony and Internet metadata for communications with at least one communicant outside the United States or for which no communicant was known to be a citizen of the United States.</p> <p>Paragraph four included the authority to</p>

¹(U) The third paragraph was marked with the number three in two places until the error was corrected in the September 2003 authorization.

²(U) This parenthetical condition is present in all descriptions of content collection.

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Version/Date	Description of Changes to Authorization Language
	retain, process, analyze and disseminate intelligence from the communications acquired under the authority.
Version 2 2 November 2001 and 30 November 2001	<p>Authorized NSA to acquire the content and associated metadata of communications for which there was "reasonable grounds to believe" that one of the communicants was (b)(1), (b)(3) that one communicant was outside the United States and was engaged in or preparing for acts of international terrorism.³ This change to the wording on collecting content eliminated the possibility of interpreting the authority to permit collection with both ends in the United States.</p> <p>This version also authorized the acquisition of telephony and Internet metadata for communications with at least one communicant outside the United States, with no communicant known to be a citizen of the United States, or when there were reasonable grounds to believe that the communication related to international terrorism or activities in preparation for international terrorism.</p> <p>Version 2 was used in two Authorization documents.</p>
Version 3 9 January 2002 to 14 January 2004	<p>Eliminated (b)(1), (b)(3) but was otherwise identical to the previous version.</p> <p>This version of the authorizing provision was used in 19 of the documents.</p>
Version 4 11 March 2004	<p>Stated that the Department of Defense may obtain and retain Internet and telephony metadata (b)(1), (b)(3) on the condition that search and retrieval of that information was conducted in accordance with the Authorization. The term "acquire" was defined with respect to metadata as the act of querying stored data. (b)(1), (b)(3) The provision contained the President's statement that both</p>

³(U) Qualified as "based on the factual and practical considerations of everyday life on which reasonable persons act."

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Version/Date	Description of Changes to Authorization Language
	these clarifications were consistent with all previous Authorizations and thus approval for acting under that definition was retroactive.
Version 5 19 March 2004	Became effective in the middle of a previously authorized period as the result of a modification. NSA's authority to collect content and associated metadata was changed to specify that the terrorist groups for which there was authority to collect were al-Qa'ida, groups affiliated with al-Qa'ida, or another group that the President determined was in armed conflict with the United States. NSA's authority to [REDACTED] (b)(1), (b)(3) [REDACTED]
Version 6 2 April 2004 to 10 September 2005	Also became effective in the middle of a previously authorized period as the result of a modification. NSA's authority [REDACTED] (b)(1), (b)(3) [REDACTED] al-Qa'ida, a group affiliated with al-Qa'ida, or of another group that the President determined was in armed conflict with the United States. Version 6 was used in 12 of the documents.
Version 7 26 October 2005 to 8 December 2006	Added the clarification that groups affiliated with al-Qa'ida [REDACTED] (b)(1), (b)(3) [REDACTED] the provision was otherwise identical to that in version 6. Version 7 and was used in the final nine documents.

~~(TS//STLW//SI//OC/NF)~~

~~(U//FOUO) Paragraph 5 - Detect and Prevent~~

~~(TS//STLW//SI//OC/NF) In paragraph five, the President stated that the surveillance was essential and appropriate to~~

detect and prevent future acts of terrorism in the United States.

(U//FOUO) Paragraph 6 - Minimization

~~(TS//STLW//SI//OC/NF)~~ Paragraph six directed that information concerning American citizens be minimized to the extent consistent with the mission and with the Authorization.

(U//FOUO) Paragraph 7 - Notifying Congress

~~(TS//STLW//SI//OC/NF)~~ Paragraph seven stated that notification of the Authorization outside the executive branch would be deferred, but the President stated his intent to notify Congress when consistent with national defense. When select members of Congress were briefed on the Program, information on the briefings was contained in paragraph eight.

(U) Paragraph 8 - Other Notifications

~~(TS//STLW//SI//OC/NF)~~ The initial Authorization specified that collection would cease 30 days after signature and required reporting on changes in circumstances underlying the Authorization. After the initial Authorization, paragraph eight contained a statement on restricting notifications to U.S. Government officials outside the executive branch or it named individuals, by title, who had been informed since the previous Authorization period expired.

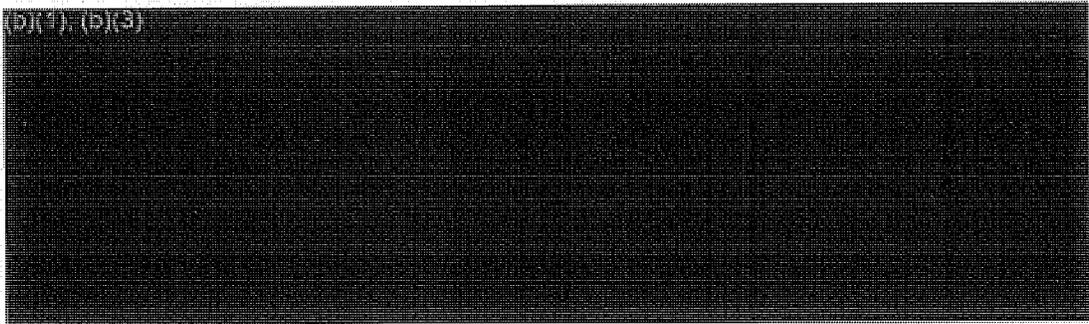
(U) Paragraph 9 - Expiration

~~(TS//STLW//SI//OC/NF)~~ After the initial Authorization, the exact date of expiration was specified in paragraph nine.

(U//FOUO) Paragraph 10 - "The President's Ultimate Responsibility"

~~(TS//STLW//SI//OC/NF)~~ The Authorization signed in March of 2004 – the only one not signed by the Attorney General or a Deputy Attorney General – is also the only Authorization that contains a paragraph ten. This paragraph contained a legal argument about the President's ultimate responsibility to interpret the law on behalf of the executive branch and his authority for issuing the Authorization.

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(U//FOUO) Signature of President

~~(TS//STLW//SI//OC/NF)~~ The Authorizations were signed by the President, followed by a place and date of signature. All but one authorization was signed in Washington, D.C.

(U) Other Signatures

~~(TS//STLW//SI//OC/NF)~~ Under the phrase "approved for form and legality," the Attorney General signed all but one of the Authorizations. The other authorization and the two modifications were signed by the Counsel to the President.

(U) Handwritten Note

~~(TS//STLW//SI//OC/NF)~~ The first 2 and the last 29 Authorizations, both modifications, and ~~(b)(1), (b)(3)~~ have a handwritten note signed by the Secretary of Defense (or Deputy Secretary of Defense) directing the NSA or the Director of NSA to execute the document.

APPENDIX C

(U) Timeline of Key Events

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(U) Timeline of Key Events

(U//~~FOUO~~) This timeline includes key events that occurred during NSA's implementation of the President's Surveillance Program (PSP). In addition to issuances of the Authorization, the timeline includes selected communications between NSA and Congress, the Foreign Intelligence Surveillance Court (FISC), [REDACTED]. Because the timeline is limited to documented events and communications, it is not all-inclusive.

~~(TS//STLW//SI//OC//NF)~~

Date	Event
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2001

- 4-Oct-01 1st Presidential Authorization signed
- 4-Oct-01 General Hayden briefs White House (President, Vice President [VP], VP Counsel, VP Chief of Staff, White House Counsel)
- [REDACTED]
- 25-Oct-01 NSA briefs Chair and Ranking Member of House Permanent Select Committee on Intelligence (HPSCI), Chair and Vice Chair of Senate Select Committee on Intelligence (SSCI)
- 2-Nov-01 2nd Presidential Authorization signed
- [REDACTED]
- 14-Nov-01 NSA briefs Chair and Ranking Member, HPSCI, Chair and Vice Chair, SSCI
- 30-Nov-01 3rd Presidential Authorization signed
- 4-Dec-01 NSA briefs Chair, Senate Defense Appropriations Subcommittee, and Ranking Member, Senate Defense Appropriations Subcommittee
- 5 Dec 01 NSA briefs FBI Director Mueller
- [REDACTED]

2002

- 9-Jan-02 4th Presidential Authorization signed
- [REDACTED]
- 11-Jan-02 NSA briefs Department of Justice, Office of Intelligence Policy and Review (DoJ, OIPR), James Baker
- 31-Jan-02 NSA briefs FISC Presiding Judge Lamberth
- [REDACTED]
- 5-Mar-02 NSA briefs Chair and Ranking Member, HPSCI, and Vice Chair, SSCI
- 14-Mar-02 5th Presidential Authorization signed
- [REDACTED]

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Date	Event
10-Apr-02	NSA briefs Chair SSCI
18-Apr-02	6th Presidential Authorization signed [REDACTED]
17-May-02	NSA briefs incumbent FISC Presiding Judge Kollar-Kotelly
22-May-02	7th Presidential Authorization signed [REDACTED]
12-Jun-02	NSA briefs Chair, HPSCI, and Ranking Member HPSCI
24-Jun-02	8th Presidential Authorization signed [REDACTED]
8-Jul-02	NSA briefs Chair and Ranking Member SSCI
30-Jul-02	9th Presidential Authorization signed [REDACTED]
12-Aug-02	NSA briefs FISC Presiding Judge Kollar-Kotelly at the White House
13-Aug-02	NSA Inspector General (IG) cleared for the PSP
10-Sep-02	10th Presidential Authorization signed
11-Sep-02	NSA GC, Deputy General Counsel (GC), Associate GC for Operations, and IG meet to discuss PSP oversight [REDACTED]
18-Sep-02	1st NSA Due Diligence Meeting
30-Sep-02	Chair HPSCI visits NSA for briefing [REDACTED]
15-Oct-02	11th Presidential Authorization signed [REDACTED]
18-Nov-02	12th Presidential Authorization signed [REDACTED]
16-Dec-02	NSA IG advises General Hayden to issue "Delegation of Authority Letters" to "units that administer the project"
2003	
8-Jan-03	13th Presidential Authorization signed [REDACTED]

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Date	Event
13-Jan-03	FBI Director visits NSA for briefing
29-Jan-03	NSA briefs Chair and Ranking Member, HPSCI, Chair and Vice Chair, SSCI
7-Feb-03	14th Presidential Authorization signed
4-Mar-03	General Hayden issues first Delegation of Authority letter to key Signals Intelligence (SIGINT) Directorate operational personnel
17-Mar-03	15th Presidential Authorization signed
22-Apr-03	16th Presidential Authorization signed
11-Jun-03	17th Presidential Authorization signed
14-Jul-03	18th Presidential Authorization signed
17-Jul-03	NSA briefs Chair and Ranking Member, HPSCI, Chair and Vice Chair, SSCI
10-Sep-03	19th Presidential Authorization signed

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Date	Event
8-Oct-03	NSA-FBI-CIA conference at NSA to discuss PSP operations and customer needs
15-Oct-03	20th Presidential Authorization signed
[REDACTED]	[REDACTED]
1-Dec-03	NSA IG announces a review of NSA PSP operations
8-Dec-03	NSA IG asks VP Counsel for access to PSP legal opinions and is told that a request should come from General Hayden
9-Dec-03	21st Presidential Authorization signed
9-Dec-03	IG memo asks General Hayden to ask VP Counsel's permission for NSA IG and GC to obtain copies of, or view, PSP legal justification
[REDACTED]	[REDACTED]
2004	
6-Jan-04	NSA briefing to DoJ Mr. Philbin, Mr. Goldsmith for Mr. Goldsmith's orientation to the PSP and other NSA Signals Intelligence efforts against terrorism
8-Jan-04	NSA and FBI [REDACTED] meet to discuss the PSP and recent changes at NSA
14-Jan-04	22nd Presidential Authorization signed
[REDACTED]	[REDACTED]
9-Mar-04	General Hayden briefs Director of Central Intelligence (DCI) on value of the PSP
10-Mar-04	General Hayden briefs White House Counsel and Chief of Staff, Deputy DCI, Deputy AG, and FBI Director on value of the PSP
10-Mar-04	General Hayden briefs Speaker of the House, Senate Majority and Minority leaders, House Minority Leader, Chairman and Ranking Member, HPSCI, and Chair and Vice Chair, SSCI
10-Mar-04	General Hayden briefs Secretary of Defense, DoD Principal Deputy GC
11-Mar-04	23rd Presidential Authorization signed
11-Mar-04	NSA IG and Acting GC discuss new Authorization signed by President's Counsel rather than the AG
11-Mar-04	NSA briefs House Majority Leader
[REDACTED]	[REDACTED]
12-Mar-04	General Hayden briefs House Majority Leader
19-Mar-04	Revision to 23rd Presidential Authorization signed
[REDACTED]	General Hayden sends letter to Assistant AG, Office of Legal Counsel (OLC) [REDACTED]

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Date	Event
2-Apr-04	2nd Revision to 23rd Presidential Authorization signed
4-Apr-04	General Hayden briefs DoD Principal Deputy GC
5-May-04	24th Presidential Authorization signed
20-May-04	NSA briefs the Minority Leader of the Senate
23-Jun-04	25th Presidential Authorization signed
14-Jul-04	Initial PR/TT Order approved by FISC
9-Aug-04	26th Presidential Authorization signed
23-Aug-04	General Hayden briefs National Security Advisor and Homeland Security Advisor
17-Sep-04	27th Presidential Authorization signed
23-Sep-04	Presidential "further direction" of 9 August 2004 expires
23-Sep-04	NSA briefs Chair, HPSCI
17-Nov-04	28th Presidential Authorization signed

2005

5-Jan-05 NSA briefs National Security Advisor and White House Counsel

11-Jan-05 29th Presidential Authorization signed

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Date	Event
[REDACTED]	[REDACTED]
3-Feb-05	NSA briefs Chair and Ranking Member, HPSCI, Chair and Vice Chair, SSCI
25-Feb-05	General Hayden briefs White House Counsel and Counsel to Deputy AG
1-Mar-05	30th Presidential Authorization signed
2-Mar-05	NSA briefs Senate Minority Leader
[REDACTED]	[REDACTED]
19-Apr-05	31st Presidential Authorization signed
[REDACTED]	[REDACTED]
22-Apr-05	General Hayden briefs Director of National Intelligence (DNI)
23-May-05	Two-level PSP clearance structure discontinued
1-Jun-05	Discussions to seek FISC orders to authorize content collection begin with DoJ OLC
14-Jun-05	32nd Presidential Authorization signed
[REDACTED]	[REDACTED]
26-Jul-05	33rd Presidential Authorization signed
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
3-Aug-05	Principal Deputy DNI Hayden briefs new NSA/CSS Director General Alexander on the PSP
10-Sep-05	34th Presidential Authorization signed
14-Sep-05	NSA briefs Chair and Ranking Member, HPSCI, Chair and Vice Chair, SSCI
[REDACTED]	[REDACTED]
26-Oct-05	35th Presidential Authorization signed
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
13-Dec-05	36th Presidential Authorization signed
16-Dec-05	New York Times says that President secretly authorized NSA eavesdropping on Americans
[REDACTED]	[REDACTED]
20-Dec-05	DoD IG receives letter, signed by 39 Congressmen, requesting a review of the PSP. DoD IG faxes the letter to the NSA IG on 10 Jan 06
21-Dec-05	NSA briefs DNI

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Date	Event
2006	
3-Jan-06	NSA IG and DoD IG discuss letter from 39 Congressmen requesting DoD IG review of the PSP
9-Jan-06	NSA briefs nine FISC judges and three FISC legal advisors
11-Jan-06	NSA briefs Speaker of the House, Senate Majority Leader, Chair of HPSCI, Chair and Vice Chair, SSCI
20-Jan-06	NSA briefs Senate Minority Leader, House Minority Leader, Chair SSCI, and Ranking Member HPSCI
27-Jan-06	37th Presidential Authorization signed
31-Jan-06	NSA briefs FISC Judge Scullin
11-Feb-06	NSA briefs Chair SSCI
16-Feb-06	NSA briefs Speaker of the House and Chair, HPSCI
28-Feb-06	NSA briefs Chair and Ranking Member, House Appropriations Subcommittee on Defense
3-Mar-06	NSA briefs Vice Chair, SSCI
9-Mar-06	NSA briefs Chair and Vice Chair, SSCI, and Members of SSCI Terrorist Surveillance Program (TSP) Subcommittee (Roberts, Rockefeller, Hatch, DeWine, Feinstein, Levin, Bond) with SSCI Minority and Majority Staff Directors, Senior Director for Legislative Affairs, National Security Counsel, VP, AG, White House Counsel, and VP Chief of Staff
10-Mar-06	NSA briefs Mr. Bond, Member, SSCI TSP Subcommittee
13-Mar-06	NSA briefs Chair, SSCI TSP Subcommittee, Members SSCI TSP Subcommittee (Roberts, Feinstein, and Hatch), SSCI Majority and Minority Staff Directors, and SSCI Counsel at NSA
14-Mar-06	NSA briefs Mr. DeWine, Member, SSCI TSP Subcommittee at NSA
21-Mar-06	38th Presidential Authorization signed
21-Mar-06	NSA briefs FISC Judge Bates
27-Mar-06	NSA briefs Mr. Levin, Member, SSCI TSP Subcommittee and Minority Staff Director at NSA
29-Mar-06	NSA briefs Chairman and Ranking Member HPSCI TSP Subcommittee, TSP Subcommittee Members (Hoekstra, Harman, McHugh, Rogers, Thornberry, Wilson, Davis, Holt, Cramer, Eshoo, and Boswell), Majority General Counsel, Staff Member, and Minority General Counsel

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Date	Event
7-Apr-06	NSA briefs Chairman of the HPSCI TSP Subcommittee, HPSCI TSP Subcommittee Members (Hoekstra, McHugh, Rogers, Thornberry, Wilson, and Holt), Majority General Counsel, Staff Member, and Minority General Counsel at NSA
[REDACTED]	[REDACTED]
28-Apr-06	NSA briefs Ranking Member, HPSCI TSP Subcommittee, Members of HPSCI TSP Subcommittee (Harman, Wilson, and Eshoo), Majority General Counsel, Staff Member, and Minority General Counsel at NSA
[REDACTED]	[REDACTED]
11-May-06	NSA briefs Chair and Ranking Member House Appropriations Committee Defense Subcommittee
16-May-06	39th Presidential Authorization signed
17-May-06	Chair SSCI, Members, SSCI (Roberts, Hagel, Mikulski, Snowe, DeWine, Bayh, Chambliss, Lott, Bond, Levin, Feingold, Feinstein, Wyden, Warner), SSCI Staff Member, SSCI Majority Staff Director, and SSCI Counsel
17-May-06	HPSCI Chair, HPSCI Members (Hoekstra, Harman, Wilson, Eshoo, Rogers, Thornberry, Holt, Boswell, Cramer, LaHood, Everett, Gallegly, Davis, Tiahrt, Reyes, Ruppertsberger, and Tierney), Majority General Counsel, Staff Director, and Minority General Counsel
[REDACTED]	[REDACTED]
24-May-06	First Business Records Order approved by the FISC
5-Jun-06	NSA briefs Ms. Feingold, SSCI Member at NSA
7-Jun-06	NSA briefs Ranking Member, Senate Defense Appropriations Subcommittee, and SSCI Staff Director
7-Jun-06	NSA briefs President's Privacy and Civil Liberties Oversight Board
9-Jun-06	NSA briefs Chair, SSCI, SSCI Members (Mikulski, Wyden, and Hagel), SSCI Minority Staff Director, SSCI Counsel, and SSCI Staff Director
15-Jun-06	NSA briefs Chair, SSCI and SSCI Members (Roberts, Mikulski, Feingold, Bayh, Snowe, Hatch, Lott, and Bond), and Minority Staff Director
26-Jun-06	NSA briefs Chair, Senate Defense Appropriations Subcommittee, and House Minority Leader
30-Jun-06	NSA briefs Mr. Bayh, SSCI Member at NSA
6-Jul-06	40th Presidential Authorization signed
[REDACTED]	[REDACTED]
10-Jul-06	NSA briefs Ms. Snowe, SSCI Member and SSCI Counsel at NSA
18-Jul-06	NSA briefs Mr. Chambliss, SSCI Member at NSA
[REDACTED]	[REDACTED]
6-Sep-06	41st Presidential Authorization signed
[REDACTED]	[REDACTED]

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Date	Event
[REDACTED]	[REDACTED]
24-Oct-06	42nd Presidential Authorization signed
[REDACTED]	[REDACTED]
20-Nov-06	NSA briefs President's Privacy and Civil Liberties Oversight Board
8-Dec-06	43rd and final Presidential Authorization signed
[REDACTED]	[REDACTED]

2007

- 10-Jan-07 Content orders approved by the FISC
- 17-Jan-07 AG letter to Congress: Presidential program brought under the FISC
- 1-Feb-07 NSA briefs President's Privacy and Civil Liberties Oversight Board
- 1-Feb-07 Presidential Authorization expires

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APPENDIX D

(U) Cumulative Number of Clearances for the
President's Surveillance Program

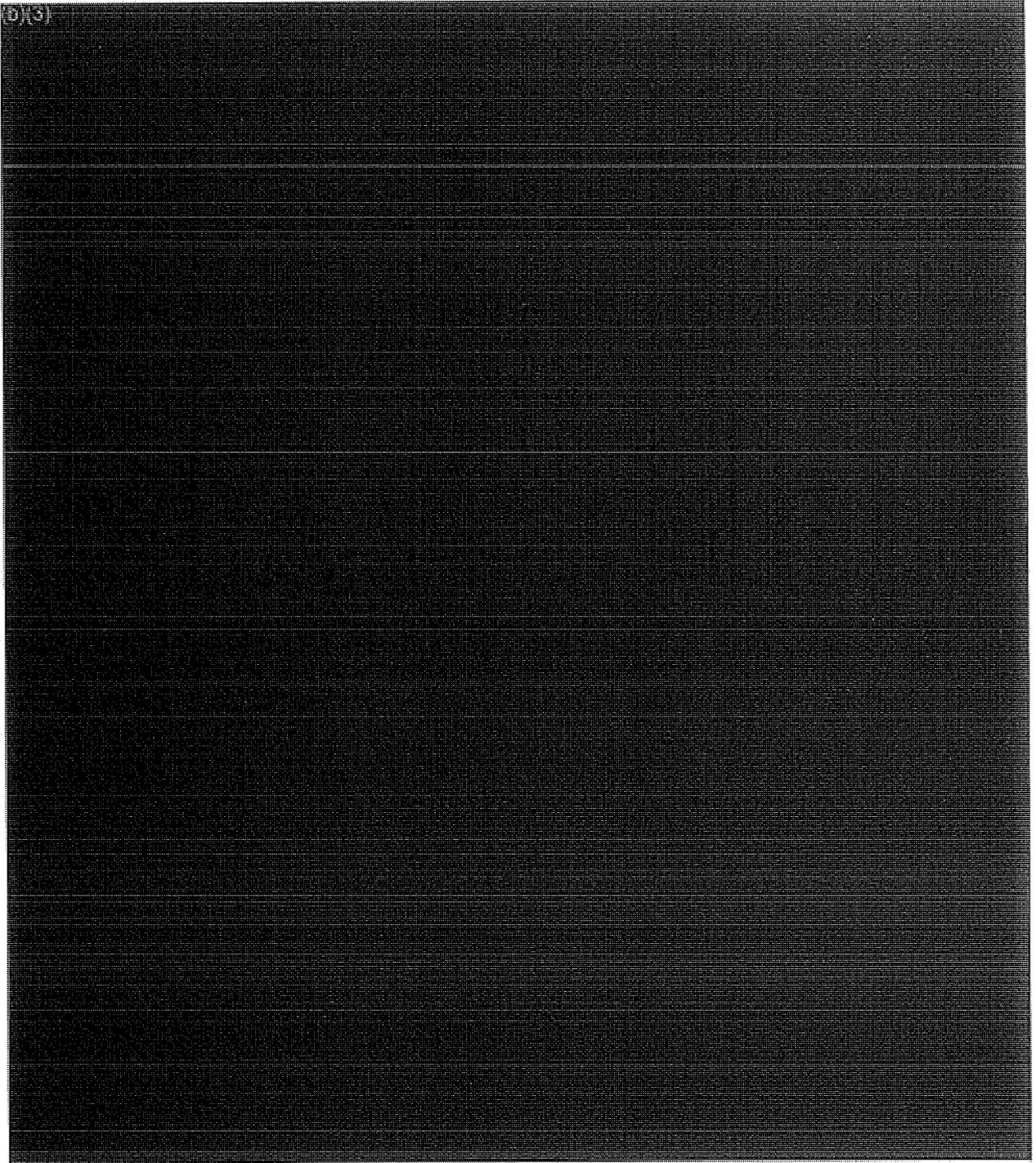
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**(U) Cumulative Number of Clearances for the
President's Surveillance Program⁴**



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APPENDIX E

(U) NSA Office of the Inspector General Reports on the President's Surveillance Program and Related Activities

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(U) NSA Office of the Inspector General Reports on the President's Surveillance Program and Related Activities

~~(TS//SI//NF)~~ This appendix lists and describes OIG investigation and review reports of activity conducted under the PSP, also referred to as the STELLARWIND Program, and related activities such as the Pen Register Trap and Trace (PR/TT) Order and the Business Records Order. These reports are limited to activity conducted between 4 October 2001 and 17 January 2007.

(U) OIG Investigations

(U) Report of Investigation of Two Violations

~~(S//NF)~~ On [REDACTED] the OIG issued a report on what it believed to be the first two violations of Authorization, both of which were unintentional.

~~(TS//STLW//SI//OC/NF)~~ The first incident occurred on [REDACTED]

[REDACTED] An NSA analyst misguidedly used PSP authority to collect communications between [REDACTED]

[REDACTED] These communications were foreign within the meaning of the Authorization, but they were not terrorist related. [REDACTED]

~~(TS//STLW//SI//OC/NF)~~ The second incident occurred on [REDACTED] when NSA inappropriately performed contact chaining on [REDACTED]

[REDACTED] This query was requested by an FBI official during the investigation of [REDACTED]

~~(S//NF)~~ NSA OIG found that in neither incident had NSA personnel acted with intent to disregard their authority.

ST-09-0002

~~TOP SECRET//STLW//COMINT//ORCON/NOFORN~~

Both incidents occurred, at least in part, because early in the Program the terms of the Authorization were so closely held that few, if any, operational personnel working under the Authority were permitted to see the Authorization or its operative provisions. It was unreasonable to hold persons accountable for violating an order that they had not seen, when the order was too complex to be easily committed to memory. Accordingly, the OIG did not recommend disciplinary action, but did recommend that the NSA Director issue formal written delegations of authority to the Signal's Intelligence Director and specified subordinates so that personnel working the Program would know the precise terms of the Authorization. Management concurred with the recommendations and made appropriate notifications.

(U//FOUO) This report was sent to SSCI on 31 May 2006 and HPSCI on 2 January 2008.

[REDACTED]

~~(TS//SI//NF)~~ *Violations of Court Orders in*

Foreign Intelligence Surveillance Court

~~(TS//STLW//SI//OC/NF)~~ On 14 July 2004

The Order permitted NSA to collect internet metadata under the pen register/trap-and-trace provisions of the FISA (§§ 1841-1846). The authority to collect Internet metadata under the Order

Material acquired under the Order continued to be protected in PSP channels.

~~(TS//STLW//SI//OC/NF)~~ On

NSA OIG issued a report on an investigation of a management breakdown that had resulted in unintentional filtering violations of the FISC Order. The Order permitted NSA to collect Internet metadata from communications involving

The violations occurred because NSA

However, no violations resulted from the collection of domestic communications. An NSA collection manager discovered the violations on . The following day, the questionable collection was stopped and reported to the OIG and the OGC. With the exception of the OIG

~~TOP SECRET//STLW//COMINT//ORCON/NOFORN~~

found no reason to believe that any violations resulted in the collection of U.S. person information. The OIG reserved judgment on [REDACTED]

[REDACTED] The OIG evaluation of responsibility for the incident led directly to the replacement of the Program Manager and to changes in Program management, leadership, and chain of command.

(U//FOUO) This report was sent to SSCI on 31 May 2006 and HPSCI on 2 January 2008 and was redacted at the request of the White House.

[REDACTED] **(TS//SI//NF) Supplemental Report on Violations of Court Orders in** [REDACTED]

~~(TS//STLW//SI//OC/NF)~~ A follow-up investigation of the questionable [REDACTED] revealed no additional violations. On [REDACTED] the NSA OIG issued a report detailing its examination of [REDACTED] that the OIG suspected might not have originated or terminated outside the United States.

[REDACTED] All but [REDACTED] messages could have been associated with a foreign sender or recipient.

[REDACTED] None of the [REDACTED] messages had been intentionally collected, none had been analyzed, and none had been reported outside NSA.

(U//FOUO) This report was sent to SSCI on 31 May 2006 and HPSCI on 2 January 2008.

(U) OIG Reviews

14 May 2004

(U) Need for Documentation and Development of Key Processes (ST-04-0024)

~~(TS//SI//NF)~~ This OIG report concluded that a continuing deficiency in clear, written procedures governing the collection, processing, and dissemination of PSP material created undue risk of unintentional violations of the Authorization. The report noted that Program officials had