

June 24, 2020

Via FedEx

The Honorable John Ratcliffe
Office of the Director of National Intelligence
Washington, DC 20511

Re: *Unmasking Investigation*

Dear Director Ratcliffe:

On behalf of the non-partisan Project for Privacy and Surveillance Accountability (PPSA), we write to seek information and clarification about the continued use of “unmasking” under the Trump Administration. First brought to national attention by the targeting of Trump campaign and transition team members by the previous administration, the potential for abuse of surveillance and unmasking authorities continues to be an issue of concern for civil liberties advocates across the political spectrum.

To fully understand the reasoning behind these unmaskings and their effects on American citizens, PPSA has led a years-long campaign of FOIA requests and research. In the process, we have learned a great deal about the unmasking process and its potential abuses at the highest levels of government. We have summarized that information in the attached letter to John Bash, the U.S. Attorney recently appointed by the Attorney General to investigate unmasking during the final months of the prior administration.

One important fact of direct relevance to the current administration is this: **There were 16,721 unmaskings in 2018, and 10,012 in 2019—higher than the peak numbers during the prior administration.**¹ In 2013, there were only 198 requests for unmaskings made by government officials. By 2015, that number had increased to 4,672, with 2016 seeing an even greater number at 5,288 requests—but still less than 2018 and 2019.

While it is unlikely that all of the unmasking requests during the prior administration were related to Operation Crossfire Hurricane, it is well known that members of that administration used information captured from the surveillance of communications of foreign officials to collect “valuable political information on the Trump transition, such as [with] whom the Trump [transition] team was meeting,

¹ https://www.dni.gov/files/CLPT/documents/2020_ASTR_for_CY2019_FINAL.pdf figure 12

the views of Trump associates on foreign policy matters and plans for the incoming administration.” The result of this surveillance was that “some in the intelligence community” during the Obama Administration “were following the activities of the Trump team closely.”²

The political nature of this surveillance caused deep concern across the civil liberties community. The danger created by an administration surveilling their successors, or potential successors, or any other political adversaries, is an urgent one that threatens to upend the orderly and peaceful transition of power that underpins our democracy. And, despite many members of the incoming Trump Administration voicing these very concerns, the Trump administration to date has seen routine requests for unmaskings become normalized.

Given that background, we seek clarification of the nature of and reasoning behind the continued, frequent and often growing use of unmasking under the Trump administration. What are the institutional factors behind the continued high level of unmaskings? Does the mission of the federal government in 2020 require agencies to unmask U.S. persons at such a high rate? Or are the agencies simply using a combination of (a) increased surveillance of foreign persons and (b) increased unmasking of any U.S. persons with whom they have contact, as a way to avoid the standard restrictions governing surveillance of U.S. persons?

We recognize the delicate balance between security and civil liberties, but the dramatic and sustained rise in unmaskings creates reason for concern. Has the national security situation of the United States changed so drastically that surveillance (indirectly, through foreign persons) and unmasking of Americans is now necessary on such a scale? If so, the public deserves to know.

Finally, please assure the American people that these are not political unmaskings. Citizens and civil liberties advocates across the political spectrum recognize the danger to our democracy posed by surveillance of a political nature.

Thank you for your attention to this matter. We stand ready to work with you and other Administration officials to reduce the risk of improper surveillance and unmasking.

² Stephan Dinan and S.A. Miller, *How Team Trump's 'unmasking' by intel community may reveal illegal actions by Obama officials*, *Washington Times*, March 22, 2017.

Sincerely,



The Honorable Bob Goodlatte
Senior Policy Advisor



Gene Schaerr
General Counsel

Enclosures:

1. Letter to U.S. Attorney John Bash
2. Appendix A: Timeline of key moments in Operation Crossfire Hurricane
3. Appendix B: 18th Joint Assessment of FISA Compliance (redacted)
4. Appendix C: Chairman Nunes Comments on Incidental Collection of Trump Associates



June 24, 2020

Via FedEx

The Honorable John Franklin Bash III
United States Attorney for the Western District of Texas
601 Northwest Loop 410, Suite 600
San Antonio, TX 78216

Re: *Unmasking Investigation*

Dear Mr. Bash:

On behalf of the non-partisan Project for Privacy and Surveillance Accountability (PPSA), I write to thank you for your willingness to review the repeated “unmaskings” of members of the Trump campaign and transition team by members of the prior Administration. The apparent violation of settled law that occurred in connection with those unmaskings should be of great concern to all Americans, regardless of party, and regardless whether they supported or now support President Trump. We hope the information we are providing with this letter will assist you and your team in accurately assessing and properly responding to any and all wrongdoing that may have occurred.

But first a word about the organization I represent: PPSA was founded in response to the irony that, “in the name of national defense, we [often] sanction the subversion of . . . those liberties . . . which make[] the defense of the Nation worthwhile.” *United States v. Robel*, 389 U. S. 258, 264 (1967). Because PPSA believes such “subversion” of Americans’ “liberties” is inappropriate except in the most dire circumstances, we have worked tirelessly to ensure that the nation’s intelligence agencies respect the rights of American citizens to be free from warrantless surveillance—including unmasking. In the process, we have learned a lot about the unmasking process and—unfortunately—its abuses at the highest levels of American government.

We have gathered the information presented here through a years-long campaign of FOIA requests and journalism research, beginning shortly after the inauguration of President Trump, when rumors about unmasking abuse first began to percolate. In what follows I will first explain the legal structure under which the unmasking took place and the anti-Trump dispositions within the intelligence agencies during the

Trump campaign and transition. I will then explain why the information we have collected suggests that the extensive unmasking of Trump campaign and transition officials was unlawful. While much of the information we have collected is already in the public domain, the speed of the news cycle has buried many of these facts from public view.

A. Legal Framework

As you know, federal law forbids any person from engaging in electronic surveillance unless a statute authorizes the surveillance. See 50 U.S.C. § 1809(a). The Fourth Amendment likewise protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. Amend. IV; *see also* *Carpenter v. United States*, 138 S. Ct. 2206, 2213 (2018).

Under this framework, Congress has enacted and repeatedly renewed the Foreign Intelligence Surveillance Act. This Act authorizes various agencies—particularly the NSA, CIA, and FBI—to collect intelligence without a warrant. Once the information is collected, reports are prepared which summarize the data and then circulate it to others who have the proper clearances and sufficient justification to receive such material. And because FISA is intended to target “persons reasonably believed to be located *outside* the United States,” 50 U.S.C. § 1881a(a) (emphasis added), it specifically forbids use of foreign intelligence surveillance to target persons *inside* the United States.¹

¹ FISA contains five specific limitations that protect United States persons from surveillance. It requires that permissible surveillance:

- a. “may not intentionally target any person known at the time of acquisition to be located in the United States,” *id.* at § 1881a(b)(1);
- b. “may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States,” *id.* at § 1881a(b)(2);
- c. “may not intentionally target a United States person reasonably believed to be located outside the United States,” *id.* at § 1881a(b)(3);

To implement that requirement, Congress requires that minimization procedures be designed to ensure the anonymity of United States persons who may be incidentally subject to surveillance. These procedures must “require that nonpublicly available information, which is not foreign intelligence information, as defined in [50 U.S.C. § 1801(e)(1)], shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance.” *Id.* at § 1801(h)(2).

The term “foreign intelligence information” means information that, “if concerning a United States person[,] is necessary to” protect against security threats or to conduct the Nation’s defense and foreign affairs. *Id.* at § 1801(e)(1). Section 702 thus requires that, unless “information concerning a United States person” is “necessary” to protect the United States from certain security threats or to understand or assess such threats (and therefore qualifies as “foreign intelligence information,” *id.*, the person’s identity must be concealed when the information is disseminated. *Id.* at § 1801(h)(2). Such concealment of personal identities is critical to preserving the anonymity that Congress sought to protect, and that the Fourth Amendment requires.

Pursuant to this statutory framework, the NSA, FBI, and CIA have promulgated minimization procedures to govern their surveillance activities. The Office of the Director of National Intelligence coordinates these activities. Under those procedures, the NSA, FBI, and CIA routinely “mask” the identities of United States persons incidentally surveilled, as follows: When electronic surveillance information concerning a United States person is disseminated within the government, the agency’s staff prepares summaries of the monitored conversations. In preparing those summaries, the agency staff member replaces the person’s name with a generic identifier such as “U.S. Person 1.” The summaries are then circulated to other government agencies and officials, including the Office of the Director of National

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- d. “may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States,” *id.* at § 1881a(b)(4); and
 - e. “shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States,” *id.* at § 1881a(b)(5).

Intelligence, officials of the President’s National Security Council, and the State Department. This “masking” system is designed to ensure that political appointees do not routinely see or have access to the unminimized information.

Although the identities of United States persons are masked when electronic surveillance information is disseminated within the government, approximately twenty individuals within the NSA—and more in the other agencies—have authority to “unmask” the concealed identities. When individuals’ identities are unmasked, their names are available when the electronic surveillance information concerning them is disseminated. In that circumstance, anyone authorized to see the information will know the names of the United States persons involved. When agencies unmask the identities of United States persons, they are required to apply standards derived from FISA and found in the agencies’ minimization procedures. Unmasking is permissible only when certain criteria, specified in the minimization procedures, are met.²

The White House, the Office of the Director of National Intelligence, and the State Department, as well as these organizations’ officials, are consumers rather than producers of intelligence surveillance material. As a result, White House and State Department officials do not have direct authority to unmask any identity masked by one of the intelligence-gathering agencies. Should an official of the White House, National Security Council, or State Department want the identity of any person whose identity has been masked in the intelligence materials that official receives, the official must ask the originating agency to unmask it.³

² For example, the NSA minimization procedures specify that the identity of a United States person can be unmasked when “the communication or information indicates that the United States person may be engaging in international terrorist activities.” See Juliegrace Brufke, *GOP lawmaker calls on FBI to provide more info on former Feinstein staffer*, The Hill (Aug. 14, 2018), <https://thehill.com/homenews/house/401851-gop-lawmaker-calls-on-fbi-to-provide-more-info-on-former-feinstein-staffer>. The NSA’s minimization procedures also allow unmasking for more benign reasons, such as if the individual has consented to the unmasking or a court has authorized collection of the surveillance.

³ John Bowden, *FBI agent in texts: ‘We’ll stop’ Trump from becoming president*, The Hill (June 14, 2018), <https://thehill.com/policy/national-security/392284-fbi-agent-in-texts-well-stop-trump-from-becoming-president>.

B. The anti-Trump sentiment within the intelligence agencies colored many intelligence and law enforcement decisions during and after the 2016 election.

The improper unmasking described below appears to have resulted in part from the polarization of the election of 2016. Both supporters and opponents of the Obama administration sometimes took extreme views and actions to attempt to influence the outcome. As the 2016 Republican nominee became Donald Trump, the polarization intensified.

Unfortunately, this polarization carried over to those in the intelligence agencies who are supposed to remain neutral during elections. That polarization is documented extensively in Appendix A, which is a detailed timeline documenting (among other things) key moments in Operation Crossfire Hurricane—the FBI’s investigation into potential collusion between Russia and the Trump campaign. Many intelligence community employees clearly held strong views opposing the election of President Trump, while far fewer held positions in favor. The positions of many employees of the agencies were what one commentator—indeed, a commentator who *opposed* Candidate Trump—called a “toxic stew of anti-Trump bias.”⁴ And political appointees of President Obama were similarly disposed against Trump, as demonstrated by emails (obtained through FOIA requests) from Samantha Power.⁵

For example, there are strong indications that the FBI failed to inform the Trump Campaign of the specific people it was investigating—including Carter Page, George Papadopoulos and perhaps Paul Manafort—as it had informed public officials on previous analogous occasions. True, there was a briefing in August 2016. But public information indicates the briefing did not have sufficient detail regarding the individuals involved.⁶ And individuals associated with the campaign—for example,

⁴ David French, *The Strange Tale of How the FBI’s Anti-Trump Bias Helped Elect Trump*, National Review (June 15, 2018), <https://www.nationalreview.com/2018/06/inspector-general-report-fbi-bias-helped-trump/>.

⁵ See Powers emails, <http://media.aclj.org/pdf/Powers-Emails-Timeline.pdf>.

⁶ Catherine Herridge & Cyd Upson, *2016 intel briefing didn’t warn of Russian outreach to Trump campaign or investigation of aids*, Fox News, <https://www.foxnews.com/politics/2016-intel-briefing-did-not-warn-about-russian-outreach-to-trump-campaign-aides-under-investigation>.

former U.S. Attorneys Chris Christie and Rudy Giuliani—would have been in an excellent position to address the issue promptly. Apparently, the agencies distrusted the campaign. The FBI was predisposed to assume the worst.

Indeed, FBI employee Peter Strzok mistakenly predicted that the FBI’s investigation into members of the Trump campaign—perhaps among other investigations—would “stop” Trump’s election. Strzok indicated in numerous text messages his hope that Trump would not be elected.⁷ As you know, Strzok was ultimately fired for his conduct.

Ironically, the public record illustrates that this bias against candidate Trump may ultimately have worked in his favor. For example, by delaying the investigation into Anthony Weiner’s server in order to investigate allegations of Trump campaign members colluding with Russia, Strzok and others set up the circumstance that led to the letter from James Comey that shifted the polls in favor of Trump. As one commentator put it, “[t]hey aimed at Trump, but they hit Clinton.”⁸

C. Members of the Obama Administration performed improper electronic surveillance of the Trump transition team.

One of the clearer ways that anti-Trump bias affected agency actions was in the use of electronic surveillance. Members of the Obama administration engaged in electronic surveillance pursuant to FISA. To the extent it followed the law, the surveillance was ostensibly for purposes of national security. Some of that surveillance concerned possible interference by the government of Russia and its agents with United States political matters, including the 2016 election and the Trump presidential transition. However, the surveillance encompassed numerous other matters as well.

The Obama administration’s use of unmasking in general increased dramatically during the 2016 election. In 2013, the administration requested unmasking just 198

⁷ Kyle Cheney, *FBI agent Strzok defiant in face of Republican interrogation*, Politico (July 12, 2018), <https://www.politico.com/story/2018/07/12/fbi-peter-strzok-testify-trump-714977>.

⁸ David French, *The Strange Tale of How the FBI’s Anti-Trump Bias Helped Elect Trump*, National Review (June 15, 2018), <https://www.nationalreview.com/2018/06/inspector-general-report-fbi-bias-helped-trump/>.

times. By contrast, there were 4,672 and 5,288 requests for unmasking in 2015 and 2016, respectively.⁹ Although it is unlikely that all of these unmasking requests were related to Operation Crossfire Hurricane, it is well known that the Obama administration's electronic surveillance of foreign nationals captured communications by members of the Trump transition team with monitored foreign nationals, as well as communications between foreign officials discussing the Trump transition. Those captured communications contained "valuable political information on the Trump transition such as [with] whom the Trump [transition] team was meeting, the views of Trump associates on foreign policy matters and plans for the incoming administration."¹⁰ The net result of the monitoring was that "some in the intelligence community" during the Obama administration "were following the activities of the Trump team closely."¹¹

Our understanding is that the captured communications of Trump transition team members were disseminated within the United States intelligence community in the form of intelligence reports summarizing the captured conversations.¹² The reports originally masked the identities of the United States citizens, including Trump campaign and transition team members whose communications were intercepted, by replacing their names with anonymous identifiers, as current minimization procedures require.¹³

⁹ Circa, President Obama's team sought NSA intel on thousands of Americans during the 2016 election (May 3, 2017),

<https://web.archive.org/web/20190226114904/https://www.circa.com/story/2017/05/03/politics/president-obamas-team-sought-nsa-intel-on-thousands-of-americans-during-the-2016-election>. Statistics for 2014 were unavailable.

¹⁰ Eli Lake, *Top Obama Adviser Sought Names of Trump Associates in Intel*, Bloomberg (April 3, 2019), <https://www.bloomberg.com/opinion/articles/2017-04-03/top-obama-adviser-sought-names-of-trump-associates-in-intel/>.

¹¹ Stephen Dinan and S.A. Miller, *How Team Trump's 'unmasking' by intel community may reveal illegal actions by Obama officials*, Washington Times (Mar. 22, 2017), <http://www.washingtontimes.com/news/2017/mar/22/trump-officials-unmasked-intel-community/>.

¹² Kelly Riddell, *Susan Rice ordered unmasking of Trump team in intel*, Bloomberg View reports, Washington Times (Apr. 3, 2017) <https://www.washingtontimes.com/news/2017/apr/3/susan-rice-ordered-unmasking-trump-team-intel-bloo/>.

¹³ *Id.*

Some of those reports were then presented to White House or National Security Council staff, as well as State Department staff, including National Security Advisor Susan Rice and U.N. Ambassador Samantha Power. In these instances, government agencies directly charged with investigating threats to the United States' national security, including the FBI, NSA, and CIA, did not request that the identities of Trump transition team members be "unmasked" before the intelligence reports were presented to President Obama's staff. However, some of President Obama's staff members requested—and the agency officials approved—the unmasking of various Trump campaign and transition officials in the summary reports.¹⁴

For example, recently declassified documents reveal that at least sixteen different officials within the Obama administration—ranging from Vice President Joe Biden to John Bass, U.S. Ambassador to Turkey—submitted requests to the NSA that the identity of Lieutenant General Michael Flynn (ret.) be unmasked. Those requests concerned intelligence reports between November 8, 2016 and January 31, 2017.¹⁵

Furthermore, a February 2017 National Security Council review of the Obama administration's unmasking orders revealed that Susan Rice repeatedly requested that the identities of certain Trump transition team members be "unmasked." Rice's unmasking requests were not isolated incidents, but a pattern comprising of "dozens of occasions that connect to the Donald Trump transition and campaign[.]"¹⁶ Indeed, one report indicates that even prior to the election she "ordered U.S. spy agencies to produce 'detailed spreadsheets' of legal phone calls involving Donald Trump and his aides."¹⁷

¹⁴ *Id.*

¹⁵ Letter from Richard A. Gerenell, Acting Director of National Intelligence, to Senator Charles E. Grassley and Senator Ron Johnson (May 13, 2020), <https://www.grassley.senate.gov/sites/default/files/2020-05-13%20ODNI%20to%20CEG%20RHJ%20%28Unmasking%29.pdf>.

¹⁶ Eli Lake, *Top Obama Adviser Sought Names of Trump Associates in Intel*, Bloomberg (April 3, 2019), <https://www.bloomberg.com/opinion/articles/2017-04-03/top-obama-adviser-sought-names-of-trump-associates-in-intel>.

¹⁷ Richard Pollock, *Former U.S. Attorney: Susan Rice ordered spy agencies to produce detailed spreadsheets involving Trump*, Daily Caller, April 3, 2017, <http://dailycaller.com/2017/04/03/susan-rice-ordered-spy-agencies-to-produce-detailed-spreadsheets-involving-trump/>.

More troubling is the unmasking by Samantha Power, President Obama’s U.N. Ambassador. She was the government official identified in a letter from the chair of the House Select Committee on Intelligence who, according to the letter, “had no apparent intelligence-related function,” but nevertheless “made *hundreds* of unmasking requests during the final year of the Obama Administration.”¹⁸ Some of these requests—nearly 270 in all—came just days (or even hours) before her service in the government ended.¹⁹ Moreover, “[o]f those requests, only one offered a justification that was not boilerplate and articulated why that specific official required the U.S. person information for the performance of his or her official duties.”²⁰

To be sure former Representative Trey Gowdy has claimed that, during Power’s closed-door testimony before the House Oversight Committee, she was “pretty emphatic” that although those requests had been made in her name, she had not submitted a majority of them.²¹ But still the pattern was unusual and needs to be examined. If Gowdy’s understanding is correct, then either (a) Power was lying under oath or (b) someone who was not authorized to unmask intelligence reports illegally submitted requests in her name. You and your investigators need to determine—for both personal privacy and national security reasons—how and why Power was

¹⁸ See Letter from Chairman Devin Nunes to Dan Coats, Director of National Intelligence, July 27, 2017, at 2, https://republicans-intelligence.house.gov/uploadedfiles/chairman_letter_to_dni_unmasking_drafting_assistance.pdf (emphasis in original).

¹⁹ Bret Baier and Catherine Herridge, *Samantha Power sought to unmask Americans on almost daily basis, sources say*, Fox News (Sep. 21, 2017), <http://www.foxnews.com/politics/2017/09/20/samantha-power-sought-to-unmask-americans-on-almost-daily-basis-sources-say.html>.

²⁰ Letter from Chairman Devin Nunes to Dan Coats, Director of National Intelligence, July 27, 2017, at 2, https://republicans-intelligence.house.gov/uploadedfiles/chairman_letter_to_dni_unmasking_drafting_assistance.pdf.

²¹ Fox News, *Gowdy: Former UN Ambassador Samantha Power claims others unmasked in her name* (Oct. 18, 2017), <https://www.foxnews.com/politics/gowdy-former-un-ambassador-samantha-power-claims-others-unmasked-in-her-name>; Pete Kasperowicz, *Trey Gowdy: Samantha Power testified that intel officials made ‘unmasking’ requests in her name*, The Washington Examiner (Oct. 17, 2018), <https://www.washingtonexaminer.com/trey-gowdy-samantha-power-testified-that-intel-officials-made-unmasking-requests-in-her-name>.

unaware of who submitted these requests in her name and whether intelligence officials routinely use the names of their superiors as autopens for unmasking.

Even if Power is ultimately behind all of those unmasking requests, given her long-standing activities as a Democratic Party activist and campaign worker (including her work on President Obama's first presidential campaign), her lack of core intelligence responsibilities in her role as Ambassador to the United Nations, and committee testimony, investigation is required before one assumes that all of these unmasking requests were made for national security rather than political purposes. Indeed, one report indicates that Power deliberately unmasked Americans who engaged in pro-Israel advocacy.²²

Furthermore, although it is redacted, the 18th Joint Assessment, an oversight document concerning FISA and attached as Appendix B, suggests (at pages 46-47) that the agencies may already have discovered inappropriate activity during the period of the Trump transition. The Assessment identified several "incidents involving noncompliance with the FBI minimization procedures."²³ "*Some*" of these incidents were merely inappropriate searches made for "work-related purposes, such as for caseload management," but even redacted, the Assessment makes clear that this does not encompass all of the violations.²⁴ Investigators should determine whether at least some instances involved what could be fairly described as political fishing expeditions.

Some of the unmasking orders were not supported by any legitimate national security justification contemplated by Section 702 or applicable minimization procedures. The information connected with the unmasked identities had "little or no apparent foreign intelligence value."²⁵ In particular, some of the unmasking did not concern

²² See Jack Posobiec, Twitter (May 24, 2019), <https://twitter.com/JackPosobiec/status/1131933485567029248>? ("Samantha Power targeted any call made about Israeli settlements for unmasking. When she found Gen Flynn making calls she opposed, she passed information to Sally Yates who opened Logan Act investigation. DNI Coats has now reviewed all unmaskings").

²³ Appendix B, at 46.

²⁴ *Id.* (emphasis added).

²⁵ See Appendix C, Chairman Nunes Comments on Incidental Collection of Trump Associates, Mar. 22, 2017, *archived at*:

intelligence “related to Russia or any investigation of Russian activities or of the Trump team.”²⁶

In our view, the agencies’ efforts to improperly unmask and disseminate the identities of Trump campaign and transition team members are core, verifiable evidence that may well illustrate efforts by some in the Obama administration to undermine the incoming administration. We believe that enough information about these unmaskings may exist to demonstrate the propriety or impropriety of the Obama administration’s activities. We request that, as part of your report, the circumstances surrounding all of these unmaskings be addressed in detail, explicitly reaching a conclusion regarding whether illegal activity occurred.

Thank you for your attention to this matter. I would also be happy to discuss these issues in more detail if you would find it useful.

Sincerely,



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<https://web.archive.org/web/20170829052809/https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=774>.

²⁶ *Id.*

APPENDIX A

Surveillance and Unmasking of Trump Associates: Timeline of Key Events

2012 (unknown): Former British intelligence officer Christopher Steele is hired as a subcontractor by a law firm working for Oleg Deripaska, a Russian oligarch with ties to Putin.¹

June 2013: The FBI interviews Carter Page, who will later become a Trump campaign adviser, as part of an investigation into a spy ring involving Victor Podobnyy, a Russian intelligence officer posing as an attache at the United Nations. The ring includes Russian operatives Igor Sporyshev, working as a trade representative of the Russian Federation in New York, and Evgeny Buryakov, posing as an employee of a Russian bank. But the FBI decides Page had not known the men were spies, and never accuses him of wrongdoing.²

- Page had been a vice president of Merrill Lynch's Russia branch. Apparently, he developed relationships with Russian oil executives, especially from Kremlin-connected Gazprom.³
- Page had met with Podobnyy in January 2013, believing he could help Page broker energy deals in Russia. Page passes documents to him, which he says were public documents about the energy business.⁴
- It's possible the FBI began regularly surveilling Page around this time, but that is not confirmed.⁵

August 2013: Page tells an (unknown) academic press that he has been serving as “an informal advisor to the staff of the Kremlin in preparation for their Presidency of the G-20 Summit next month, where energy issues will be a prominent point on the agenda.” Page described his role differently in 2018: “I sat in on some meetings, but to call me an advisor is way over the top.”⁶

2013 (unknown time): FISA Court approves first application for surveillance of Carter Page, which apparently continues through 2014.^{7 8}

2014 (unknown time): FBI tries to cultivate Oleg Deripaska, a Russian oligarch with ties to Putin, as a source. These attempts continue into late 2016. Bruce Ohr, associate deputy attorney general and director of the Organized Crime Drug Enforcement Task Force, is a part of this effort.⁹ Ohr was put in contact with Deripaska by Steele, who was friendly with one of his lawyers.¹⁰

February 2014: Michael Flynn, then the director of the Defense Intelligence Agency and a future Trump campaign adviser, meets with Russian-born historian Svetlana Lokhova,

who claimed to have unique access to previously classified Soviet-era material of the GRU (Russia's military spy agency).

- Flynn and Lokhova stay in touch, according to The Guardian. Flynn does not report the meeting, which some would have expected, given Lokhova's status as a person who may have links to an adversary country. Flynn later says the meeting was incidental.
- The meeting during which Flynn and Lokhova were introduced was organized by a group including Sir Richard Dearlove, former head of MI6, and Stefan Halper, who would later be identified as an FBI informant looking to get information from Trump campaign officials. Devin Nunes would later identify this meeting as a possible setup.^{11 12}

July 30, 2014: Paul Manafort, who will later become Trump's campaign chairman, meets with the Department of Justice to discuss his political consulting involving Ukraine.¹³

- Manafort had signed a contract in 2006 with Russian oligarch and Vladimir Putin ally, Oleg Deripaska, for ten million dollars a year, which, according to a memo he wrote to Deripaska in 2005, was presumably to benefit Putin's government.¹⁴ Manafort would later (2012-13) incur debts totaling as much as \$17 million to pro-Russia interests, including Deripaska, who later sued Manafort for \$19 million.¹⁵
- Manafort had also begun working in 2016 for Viktor Yanukovich, a Ukrainian politician who becomes the prime minister this year. Manafort begins receiving under-the-table payments from Yanukovich's political party totaling nearly \$13 million. Manafort denies the allegation.¹⁶ Yanukovich would go on to win the Ukrainian presidency in 2010, with Manafort's help.¹⁷
- Because of his Ukraine work, it appears the FBI wiretapped Manafort from sometime in 2014 until sometime in 2016.¹⁸

2014 (unknown time): Glenn Simpson of Fusion GPS—the firm that will later commission the “Steele dossier” on Trump—begins doing opposition research on Bill Browder, an American-born British CEO of Hermitage Capital Management, once the largest foreign portfolio investor in Russia.¹⁹ Browder is a major proponent of the Magnitsky Act, which punishes Russians involved in assassinations, and is named after a colleague of Browder's who was himself assassinated. Fusion GPS conducts this research on behalf of Prevezon Holdings, a Russian real estate company run by the Katsyvs, an oligarch family close to Putin.²⁰

November 20, 2014: Steele meets with firm founded by Bill Clinton's chief of staff Mack McLarty, after being introduced by Jonathan Winer, the U.S. Department of State's special coordinator for Libya. This suggests his relationship with the Clintons may have preceded the Trump investigation.²¹

January 26, 2015: Podobnyy, Sporyshev, and Buryakov are charged as agents of Russian intelligence. Court records include a transcript of a recorded conversation in which Podobnyy discusses efforts to recruit Carter Page as a Russian spy.²²

June 2015: Donald Trump announces his candidacy for President. Roger Stone is part of the campaign, although he will leave on August 8, 2015, apparently remaining as an informal adviser.²³

July 2015: Russian intelligence hacks DNC, and would maintain access until at least June 2016.²⁴

FBI says DNC later refused them access to servers, but instead allowed third party security service to share their findings with FBI.²⁵ DNC says FBI never asked for direct access to servers.²⁶

July 10, 2015: FBI opens a criminal investigation into Hillary Clinton's use of a private email server while she was Secretary of State.²⁷

September 2015: The Washington Free Beacon, a conservative news website that supports Marco Rubio for president, hires Fusion GPS to do opposition research on Trump.²⁸

September 2015: Steele facilitates meeting between Bruce Ohr of DOJ, FBI agents, and Deripaska to seek Deripaska's help on organized crime investigations (Steele was friendly with one of Deripaska's lawyers).²⁹ Steele has frequent dealings with Russian oligarchs this year, which later raised concerns by FBI Transnational Organized Crime Intelligence Unit.³⁰

October 28, 2015: Trump signs a letter of intent to get funding for Trump World Tower Moscow.³¹ (In Mueller report)

December 2015: Page joins Trump campaign.

December 2015: Flynn attends a gala in Moscow celebrating the Kremlin-backed television network RT, which paid Flynn more than \$45,000 to attend. Flynn is captured on camera sitting next to Russian President Vladimir Putin. Allegations later emerged that Lokhova and Flynn discussed her traveling to Moscow to act as a translator. She denies the allegations.^{32 33 34}

Late 2015: British intelligence agency GCHQ learns of suspicious interactions between figures connected to Trump and known or suspected Russian agents, and shares that info with U.S. intelligence, presumably the CIA.³⁵ It's possible that CIA director Brennan leaked this information to the press.³⁶

January 16, 2016: Michael Cohen—who had joined the Trump Organization in 2007—emails Kremlin spokesman Dmitry Peskov to get the Trump Tower in Moscow approved.³⁷ (In Mueller report)

Around February 2016: Susan Rice, then National Security Adviser in the Obama administration, begins unmasking Trump campaign associates, with the approval of intelligence agencies, and shares this information with the other members of the National Security Council, which includes some at the Defense Department, then-Director of National Intelligence James Clapper, then-CIA Director John Brennan, and Rice deputy Ben Rhodes.³⁸

- She also orders intelligence agencies to create detailed spreadsheets of legal phone calls involving Donald Trump and his aides.³⁹
- Clapper admits to either unmasking members of Congress or Trump associates (not necessarily during this time).⁴⁰
- Ambassador to the U.N. Samantha Power, who had no apparent intelligence-related function, makes nearly 270 unmasking requests, only one of which was not boilerplate.⁴¹
- This unmasking would continue until Trump became president.⁴²
- Rice would later say she unmasked these people to prevent Russian interference into the 2016 election, despite the fact the unmasking went on past the election.⁴³
- These people also conduct targeted searches of U.S. names in the database of interception transcripts. These searches increase from 198 in 2013 to 4,672 in 2015 and 5,288 in 2016—the two years of the Trump campaign.⁴⁴
- The agency similarly conducts 30,355 searches of names or phone numbers of U.S. citizens in its database of metadata, up from 23,800 in 2015, 17,500 in 2014, and 9,500 in 2013.⁴⁵
- Because some of the members of the transition team were members of Congress, some members of Congress were also unmasked during this period.⁴⁶

February 2016: Flynn begins advising the Trump campaign on “a range of issues,” including foreign policy and national security.⁴⁷

Early 2016, after Flynn begins advising Trump: Stefan Halper invites Lokhova—who had prior connections to Flynn—to a private dinner party. Lokhova says she and Halper had no personal contact, that Halper hated all Russians, and that she was surprised by the request.⁴⁸

February 2016: Christopher Steele, who will later compile the “Steele dossier” for Fusion GPS, emails Bruce Ohr (a senior Justice Department official) about Deripaska and says he may become an informant.⁴⁹ Ohr’s wife, Nellie Ohr, had begun working for Fusion GPS in 2015.⁵⁰ Bruce Ohr does not disclose that Nellie is working for Fusion in his Public Financial Disclosure Report.⁵¹ Ohr has known Steele, and Fusion GPS founder Glenn Simpson, for years.⁵² Nellie Ohr uses Serhiy Leshchenko, a member of the Ukrainian Parliament, as a source of information. Leshchenko, along with Artem Sytnyk, the director of Ukraine’s National Anti-Corruption Bureau, will later be responsible for publicly disclosing the contents of the Ukrainian “black ledger,” which implicated Trump campaign manager Paul Manafort, to the media.⁵³

March 2016: DOJ prosecutor Lisa Holtyn asks Bruce Ohr for permission for DOJ prosecutor Wheatley and another DOJ prosecutor to speak to Nellie Ohr, Bruce’s wife, who is working for Fusion GPS researching Trump’s ties to Russia.⁵⁴ The subject of their conversations is not yet known.

Early March 2016: George Papadopoulos becomes a foreign policy adviser to Trump’s campaign.⁵⁵

March 2, 2016: Carter Page interviewed by FBI’s New York field office in preparation for trial of indicted Russian intelligence officer in Evgeny Buryakov case.⁵⁶ ⁵⁷That office’s counterintelligence squad supervisor calls the Counterespionage Section of the FBI’s Counterintelligence Division to ask to open investigation into Page.⁵⁸

Around March 9, 2016: NSA Director Admiral Mike Rogers opens a full compliance audit for the period of November 1st, 2015, through March 1st, 2016, due to a significant uptick in FISA Section 702(17) “About” queries. These queries use the FBI/NSA database that holds all metadata records on every form of electronic communication. While the audit was ongoing, Rogers stopped anyone from using the Section 702(17) “about query” option. This audit found that eighty-five percent of those queries were unlawful or non-compliant. The number of searches was between 1,000 and 9,999.⁵⁹

March 14, 2016: Papadopoulos meets London-based professor Joseph Mifsud in Rome. He claims to have connections with the Russian government. Devin Nunes would later identify this as a possible setup.⁶⁰ Papadopoulos later says the FBI’s legal attache in the UK introduced them.⁶¹ Rudy Giuliani later calls Mifsud a Maltese counterintelligence guy (Mifsud is Maltese).⁶² Devin Nunes later says the FBI was active internationally, but that there was little evidence of activity by the CIA, although he has questions for John Brennan. So, if Mifsud is a plant, it may be more likely he was working with the FBI.⁶³ Mueller’s team, while saying he has connections to Russia, will interview Mifsud but not charge him.⁶⁴

March 14, 2016: John Brennan travels to Moscow and meets with Russia's federal intelligence agency, the Federal Security Service.⁶⁵

March 24 to March 29, 2016: DNC operative Alexandra Chalupa shares concerns regarding Trump, Republican strategist Paul Manafort, and their alleged ties to Russia with Valeriy Chaly, the Ukrainian ambassador to the United States, and then with DNC Sen. Chuck Grassley (R-Iowa) would later raise concerns over this meeting in a letter to Deputy Attorney General Rod Rosenstein.⁶⁶

Around March 24, 2016: While in London, Papadopoulos sends an email to Carter Page and other campaign members, telling them the professor he met in Italy two weeks earlier (Misfud) has introduced him to the Russian ambassador to England and a Russian woman who is supposedly Putin's niece. Papadopoulos says in the email that the two Russians might be able to help set up a meeting between Trump and Putin. (Page later tells congressional investigators he remembers that the email from Papadopoulos mentioned that the professor had introduced Papadopoulos to Russian government officials.)⁶⁷

March 28, 2016: Paul Manafort joins the Trump presidential campaign.⁶⁸ His long-time colleague Rick Gates accompanies him and becomes his deputy.⁶⁹

March 31, 2016: Papadopoulos tells Trump, Jeff Sessions, and others that he could facilitate a foreign policy meeting between Trump and Vladimir Putin.⁷⁰ According to people there, Trump was receptive, and there was disagreement about whether Sessions opposed it (Papadopoulos said he was supportive, two others said he opposed it). (In Mueller Report)

March and April 2016 : The Democratic National Committee (DNC) and the Clinton Campaign approach, ⁷¹hire Fusion GPS, through their law firm Perkins Coie, to dig into Trump's background and, apparently, his campaign personnel. Fusion, in turn, pays British ex-spy Christopher Steele to compile a dossier with such information.⁷² Steele is aware that he is collecting information to serve as legal ammunition to contest the election, if necessary. ⁷³ As noted above, the wife of Justice Department official Bruce Ohr, Nellie Ohr, is employed by Fusion GPS.⁷⁴ Steele later reveals two of his sources to the State Department : Vyacheslav Trubnikov and Vladislav Surkov. Trubnikov is the former first deputy minister of foreign affairs and the former director of the Russian Foreign Intelligence Service. Notably, Trubnikov has ties to FBI informant Stefan Halper, having participated in courses co-taught by Halper in 2012 and 2015. Surkov is reported to be the personal adviser on Ukraine to Russian President Vladimir Putin. He has been referred to as a "political technologist"—one who engages in the shaping and reshaping of public opinion.⁷⁵ This dossier includes unverified salacious allegations about Trump's trip to Moscow in 2013 and false information about Michael Cohen's activities. A

source with connections to Trump and Russia says these allegations were false and a product of Russian intelligence misinformation, although he or she had no specific information on these allegations.⁷⁶ The source of the salacious allegations was reportedly Sergei Milian, who is discussed later.⁷⁷

April 2016 : CIA Director John Brennan is given a tape recording of a conversation about money from the Kremlin going into the US presidential campaign. It was passed to the US by an intelligence agency of one of the Baltic States.⁷⁸

April 4 or 6, 2016 : FBI's New York field office opens investigation into Page.⁷⁹

April 11, 2016: Manafort asks Russian business associate with Russian intelligence ties Konstantin Kilimnik how to use Manafort's place on the Trump campaign to "get whole" with Russian oligarch, Deripaska, to whom he owes money.⁸⁰ Kilimnik was a high-value State Department and FBI source back to at least 2013.⁸¹

April 18, 2016: Rogers blocks all FBI contractor access to the NSA surveillance database.⁸²

April 19, 2016: Trump wins New York primary and becomes clear front-runner for the Republican nomination.

April 19th, 2016: Mary Jacoby, wife of Fusion GPS founder Glenn Simpson, goes to the White House.⁸³ The subject of her meeting is not yet known.

April 26, 2016: After returning from Moscow⁸⁴, Mifsud tells Papadopoulos the Russians have "dirt" on Hillary Clinton in the form of thousands of e-mails.⁸⁵

April 27, 2016: Papadopoulos emails Trump campaign manager Corey Lewandowski, saying he was receiving calls to arrange a meeting between Trump representatives and Russian officials.⁸⁶

April 27, 2016: FBI director's meeting held regarding Page, with James Comey attending.⁸⁷

Spring 2016 (unknown time): McCabe and Comey meet with Loretta Lynch to discuss Page investigation and give her information indicating that Russian intelligence reportedly planned to use Page for information and to develop other contacts in the United States. McCabe and Comey would later claim to not remember this conversation.⁸⁸

May 2016 (Unknown time): Papadopoulos meets in London with Terrence Dudley, who works with the Office of Defense Cooperation, and his aide Greg Baker, after they reach out. Papadopoulos later says he believes they were being sent to spy on him, while Dudley says they reached out because of personal curiosity. Russia was a topic of conversation.⁸⁹ This may indicate intelligence organizations began their investigation earlier than previously believed. If they were informants, then there would likely be recordings of conversation, according to former Congressman Trey Gowdy.⁹⁰

May 2016 (Unknown time): Page and Trump campaign adviser Stephen Miller invited to attend symposium in Cambridge taking place in July. Miller refuses and Page accepts.⁹¹ The symposium is organized by Steven Schrage, an American citizen. Devin Nunes is interested in possible connections between the FBI, Christopher Steele and the DNC, and a group of people connected with this symposium in London. He believes it is possible Mifsud is part of this last group. Robert Mueller's investigation apparently never interviews the group in London, according to Nunes.⁹²

May 3-4, 2016: Paul Manafort and Rick Gates share polling data with Konstantin Kilimnik, who has ties to Russian intelligence.⁹³ Republican presidential hopefuls Ted Cruz and John Kasich drop out of the presidential race.

May 4, 2016: Papadopoulos is emailed by Russian Ministry of Foreign Affairs official Ivan Timofeev, who says, "The[y] are open for cooperation. One of the options is to make a meeting for you and the North America desk, if you are in Moscow." Papadopoulos emails Lewandowski and campaign co-chairman Sam Clovis about the email. Clovis responds, "There are legal issues we need to mitigate, meeting with foreign officials as a private citizen." There was no response from Lewandowski on the email chain. When Papadopoulos later tells Manafort about these exchanges, Manafort tells Gates, "We need someone to communicate that DT is not doing these trips."⁹⁴

May 10, 2016: Papadopoulos tells the top Australian diplomat to the United Kingdom, Alexander Downer, that Russia has emails relating to Clinton.⁹⁵ In addition to being a diplomat, Downer was on the board of British private intelligence firm Haklyut & Company.^{96 97} Papadopoulos later believes this conversation was recorded and that U.S. intelligence organizations have the recording, and he believes it has exculpatory evidence.⁹⁸

May 19, 2016: Manafort is promoted to campaign chairman for the Trump campaign.⁹⁹

May 26, 2016: Trump gains 1,237 delegates, guaranteeing his nomination.

Summer 2016: GCHQ head Robert Hannigan personally briefs CIA Director John Brennan on Russian contacts with Trump campaign members.¹⁰⁰ Clapper also knew of “sensitive” information from Europe.¹⁰¹

Summer 2016: Steele contacted by Strobe Talbot, then-head of Brookings Institution and former deputy secretary of state under Clinton. Talbot says he had learned of Steele’s work through either State Department official Victoria Nuland or national security adviser Susan Rice. Rice has publicly denied any involvement in this. Cody Shearer, Talbot’s brother-in-law, would later create two Steele-like memos that State Department employee Jonathan Winer provided to Steele, who in turn provided them to the FBI.¹⁰²

June 2016: Cohen meets with Trump associate Felix Sater, saying he would not be able to make a planned trip to Russia to work on the Trump Tower deal.¹⁰³

- According to Mueller’s team, Cohen briefed Trump more than three times in 2016 on the status of the project. These are the last known talks on the Trump Tower Moscow deal.
- Cohen initially testified falsely to Congress and to investigators that the Trump Tower deal effort ended in January of 2016.^{104 105} (In Mueller report)

June 3, 2016: Donald Trump Jr. is contacted by Rob Goldstone, a British-born tabloid reporter, offering to connect him with Emin and Aras Agalarov, who claimed to have incriminating information about Mrs. Clinton’s relationship with the Russians.¹⁰⁶ Goldstone says he was asked to set up the meeting by Aras Agalarov.¹⁰⁷

June 8 and 9, 2016: Glenn Simpson, co-founder of Fusion GPS, twice meets with Natalia Veselnitskaya, as a part of their business dealings.

- Veselnitskaya is a long-time Russian lawyer for Russian oligarch family the Katskyys, who are close to Putin.
- The first meeting was a dinner on June 8, the second was at a court hearing on June 9.¹⁰⁸
- Simpson and Veselnitskaya say they did not discuss the upcoming Trump Tower meeting, in which Veselnitskaya was involved.¹⁰⁹
- As stated earlier, Simpson, in addition to working on Trump opposition research, was doing opposition research on Bill Browder (the moving force behind the Magnitsky Act) on behalf of Prevezon Holdings.^{110 111 112} It is likely Simpson talked with Veselnitskaya about efforts to have the Magnitsky Act repealed or its enforcement curtailed.

June 9, 2016: Donald Trump Jr. meets Veselnitskaya at Trump Tower to discuss what an intermediary promised as incriminating information about Clinton.¹¹³

- Six others were present at the meeting, including Manafort; Jared Kushner, Trump's son-in-law and now senior adviser; Goldstone and others.¹¹⁴
- The New York Times learned that the memo Veselnitskaya brought to the meeting had been shared with the Kremlin, and incorporated language that the Russian government sent to an American congressman.¹¹⁵
- Veselnitskaya fails to provide compelling information about Clinton. She turns the conversation to the Magnitsky Act, which she was working on with Glenn Simpson, using talking points that Simpson had provided.^{116 117}

June 10, 2016: Simpson and Veselnitskaya once again meet, this time in a social situation unrelated to the case, according to Simpson.¹¹⁸

June 29, 2016: Attorney General Loretta Lynch and Bill Clinton meet aboard her plane on an airport tarmac, leading to calls for her recusal from the Hillary Clinton e-mail investigation.¹¹⁹ Lynch announces that she would "fully" accept the recommendation of the FBI regarding the probe, rather than deciding herself whether to charge Clinton.¹²⁰

Early July 2016: Carter Page gives a talk in Russia that is critical of American policy toward Russia and favorable toward Putin. The speech interests FBI investigators, who had kept an eye on Page since the Podobnyy case.¹²¹

- The Steele dossier will later allege that Page meets with Igor Sechin, a Putin ally who is now chief executive of the Russian oil conglomerate Rosneft, and Igor Diveykin, a top Russian intelligence official. It will also allege that Sechin offered Trump a 19% stake in Rosneft (worth \$11 billion) in exchange for lifting sanctions on Russia after his election, and that Carter Page would get a cut.^{122 123}
- Page will later admit to meeting Diveykin during this time, but says that the conversation only lasted ten seconds or so. He will also admit to speaking with Andrey Baranov, the head of investor relations at Rosneft,¹²⁴ and admits that a stake in Rosneft might have been mentioned, but that there were no negotiations or offers related to sanctions.¹²⁵

Early July 2016 : Russian intelligence is aware of Steele's investigation at this time, possibly earlier, according to IG report.¹²⁶ This potentially points to material in the Steele dossier being Russian disinformation.

July 5, 2016: FBI acquires Steele dossier, directly or indirectly from Fusion GPS.¹²⁷ Apparently Steele gave the dossier to Michael Gaeta, head of FBI's Eurasian organized crime unit. Gaeta had been told to accept the dossier by Assistant Secretary of State Victoria Nuland.¹²⁸ This dossier would later be given to the FBI through other channels, and would eventually become the main basis for a FISA warrant against Carter Page. Bill Priestap, later part of FBI's investigation into Russian election interference, says he

was unaware of Steele's connection to Russian oligarch, possibly Deripaska, despite their shared history with DOJ and FBI. ¹²⁹

July 5, 2016: Comey announces FBI's recommendation that the DOJ file no criminal charges relating to the Hillary Clinton email controversy.¹³⁰

July 6, 2016: Nellie Ohr sends an email to her husband, Bruce Ohr, which discusses Manafort's ties to a Russian oligarch Rinat Akhmetov, highlighting a quote from an article that says, "If Putin wanted to concoct the ideal candidate to service his purposes, his laboratory creation would look like Donald Trump."¹³¹

July 11 and 12, 2016: Page meets Stefan Halper, a Republican professor at Cambridge University with ties to American and British intelligence, at a conference in Cambridge. The two continue to communicate over email. Halper would later be identified as an FBI informant who tried to get information from Trump campaign officials.¹³² Halper has a relationship with Richard Dearlove, former head of British Secret Intelligence Service, who in turn has a relationship with Christopher Steele. ¹³³

July 15, 2016: Papadopoulos connects with Belarus-born American citizen Sergei Millian via LinkedIn. Millian claims to be president of a Russian American organization and claims to have access to top levels of Russian government.¹³⁴

- Millian also claims to have a relationship with Trump from when he helped sell apartments in Trump Hollywood to rich Russians.¹³⁵
- Millian is later mentioned in the Steele dossier, which calls him a "close associate of Trump" who had given a "compatriot" information in late July 2016.¹³⁶
- Millian is the alleged source of the dossier's claim that Trump was with prostitutes in Moscow, and is also a source for the assertion that a "well developed conspiracy of cooperation" existed between Trump campaign and Russian leaders.¹³⁷
- Millian has been linked with Deripaska, and the two were seen at a forum together in July 2016.¹³⁸
- Glenn Simpson of Fusion GPS says Millian worked for Rossotrudnichestvo, a cultural organization run by Russia's foreign ministry, and that its office was used as the meeting place for Michael Cohen to meet Russian officials in 2016. This meeting appears to have never happened.¹³⁹
- Millian has also had contact with Jared Kushner through emails sent to the Trump campaign.¹⁴⁰

July 18 or 19, 2016: According to Michael Cohen, Roger Stone (an informal campaign adviser) calls Trump, tells him he was talking to Julian Assange of Wikileaks, who said there will be a dump of Clinton's emails in the next few days. ¹⁴¹

July 19, 2016: Donald Trump is formally nominated as the Republican candidate for President.

July 18-21, 2016: Carter Page and Jeff Sessions meet with Russian ambassador Sergey Kislyak during Republican Convention.¹⁴²

July 22, 2016: WikiLeaks begins releasing hacked emails from the DNC.¹⁴³ The month prior, the *Washington Post* reported that the DNC's network had been hacked, probably by those working with Russian intelligence.

- Roger Stone (who was a childhood friend and former business partner of Manafort's), boasts publicly about his contact with WikiLeaks and suggests he had inside knowledge about forthcoming leaks.¹⁴⁴
- Trump says, "Russia, if you're listening, I hope you'll be able to find the 30,000 emails [from the Clinton server] that are missing."¹⁴⁵

July 2016, after the DNC hacking had become known: Australians tell U.S. authorities about Papadopoulos's comment to Downer that Russia is in possession of Clinton's emails.¹⁴⁶

July 30 and August 1, 2016: Papadopoulos meets with Millian.¹⁴⁷

July 30, 2016: Steele tells Ohr that Russia has incriminating evidence on Trump, that when Page went to Moscow earlier that month, he met with more senior officials than he acknowledged, and that Manafort had gone into business with, and then stolen money from, Deripaska.¹⁴⁸ Steele and Ohr have known each other since 2007 through their work on Russia.¹⁴⁹

July 31, 2016: Papadopoulos emails Trump Campaign official Bo Denysyk to ask if the campaign would like to meet with Millian. Denysyk refuses.¹⁵⁰

July 31, 2016: FBI opens a formal counter-intelligence investigation into the Trump campaign called Operation Crossfire.¹⁵¹ Apparently the FBI never tells anyone at the campaign about the investigation, even though two campaign officials – Rudy Giuliani and Chris Christie – are former U.S. attorneys, and Giuliani had been Deputy Attorney General.

Late July, 2016: An unknown Confidential Human Source (CHS) contacts an FBI agent in an unknown field office regarding Steele's reporting. The CHS, who appears to have meaningful knowledge of Steele's and Fusion GPS's activities, gives the FBI a list of "individuals and entities who have surfaced in [the investigative firm's] examination. In

mid-September 2016, “McCabe told SSA 1 to instruct the FBI agent from the field office not to have any further contact with the former CHS, and not to accept any information regarding the Crossfire Hurricane investigation.” McCabe would tell the IG he did not remember giving those instructions.”¹⁵²

Late July, 2016: McCabe learns from Comey that “another U.S. government agency had briefed President Obama on intelligence that agency had suggesting that a RIS [Russian Intelligence Services] was engaged in covert actions to influence the U.S. presidential election in favor of Trump.” The U.S. agency is likely to be the CIA.¹⁵³

After July 31, 2016, early in the FBI investigation: CIA Director Brennan and others (unknown) at the State Department coordinate with the FBI investigation, according to Congressman Mark Meadows.¹⁵⁴

Between July 31 and November 8, 2016 (unknown time): FBI seeks and receives a FISA warrant to surveil Paul Manafort as part of its investigation into the Trump campaign. This warrant would not expire until at least early 2017.¹⁵⁵

Late July or Early August, 2016: FBI warns Trump and Clinton that Russia would likely try to spy on or infiltrate their campaigns. FBI tells candidates to alert it to any suspicious foreign overtures.¹⁵⁶ Still, the FBI apparently fails to inform anyone on the Trump campaign that the campaign was already the subject of a formal FBI counterintelligence investigation.

Early August 2016: CIA director John Brennan¹⁵⁷ tells Obama that Russian government is trying to interfere with the presidential election to help Trump get elected.¹⁵⁸ Obama directs the entire intelligence community to provide him with more information on Russia’s activities.¹⁵⁹ Brennan convenes a secret task force, called Fusion Center¹⁶⁰, composed of several dozen analysts and officers from the CIA, NSA and FBI. Brennan also shares the same intelligence with Comey.¹⁶¹

Early August 2016: National security adviser Susan Rice, deputy national security adviser and former CIA deputy director (under Brennan) Avril Haines, and White House homeland-security adviser Lisa Monaco begin to convene meetings on Russia election interference, and at first, only Clapper, Brennan, Lynch, and Comey are allowed to attend. Later, Biden, John Kerry of the State Department, and Ashton Carter of the Pentagon are invited as well.¹⁶² Brennan himself would deliver information to the White House for these briefings from a source close to Putin, thereby implicating Putin himself in the election interference plot.¹⁶³

August 2016: Comey asks Obama for permission to write an op-ed about Russia interference in the election, but his request is denied.¹⁶⁴

August 2016 to a few months later: The FBI investigates Flynn, Manafort, Page and Papadopoulos,¹⁶⁵ consistent with Comey's subsequent testimony to Congress that he the FBI initially investigated four Trump campaign associates.¹⁶⁶ The Mueller report later confirms that Flynn was under investigation by the FBI at this time. It does not appear that the Trump campaign was notified that these people were under investigation.^{167 168 169}

August 2016: Bruce Ohr tells Andrew McCabe, whom he knows,¹⁷⁰ and Lisa Page of Steele's allegations.¹⁷¹ He tells them that Fusion GPS and Steele are connected to the Clinton campaign, and that his wife works for Fusion GPS.¹⁷²

- He also tells the FBI, either now or later, that Steele is desperate for Trump not to be president.¹⁷³ But Ohr does not tell his superior, Deputy Attorney General Sally Yates, about this information.¹⁷⁴
- Ohr conveys this information to Andrew Weissmann, then the head of DOJ's fraud section, Bruce Swartz, head of DOJ's international operations, and Zainab Ahmad, a terrorism prosecutor working with Loretta Lynch as a senior counselor.¹⁷⁵ Ahmad and Weissmann would go on to work for Mueller, the special prosecutor overseeing the Russia probe.¹⁷⁶

August 2016 to October 21, 2016 (date unknown): FBI begins to put together a spreadsheet of Steele claims, about ninety percent of which are deemed to be false. The FBI eventually suspects that Steele's Russian source misled Steele or exaggerated the claims.¹⁷⁷ We are working on learning who made the spreadsheet and when.

August 2016: Lisa Page texts Peter Strzok, "[Trump's] not ever going to become president, right? Right?!" "No. No he won't. We'll stop it," Strzok responds.¹⁷⁸

August 1, 2016: The Crossfire Hurricane Staff Operations Specialist (SOS) prepares an attachment entitled "Carter Page-Profile," for case agent 1, Stephen Somma. The file includes statements Page made to the FBI about his contact with another U.S. government agency, likely the CIA. This file was not provided to the Office of Intelligence.¹⁷⁹

August 2, 2016: FBI officials verbally notify DOJ officials at the DOJ's National Security Division—including Deputy Assistant Attorney General (Deputy AAG) George Toscas, Deputy AAG Adam Hickey, and CES Section Chief David Laufman—about the Crossfire Hurricane counterintelligence investigation and identify the four members of the Trump campaign whom the FBI claims have ties to Russia. The FBI specifically does not notify NSD Deputy AAG Stu Evans, the person within the DOJ who was in charge of the entire FISA process.¹⁸⁰

August 2, 2016: Manafort meets with Kilimnik in New York to discuss a peace plan in Ukraine that would be friendly to Russian government, and discusses a previous meeting in which he shared political polling data. Deripaska's private jet arrives in Newark within hours, leaving that afternoon. This meeting is said to have been significant to the FBI. ¹⁸¹

August 10, 2016: Case Agent 1 (Stephen Somma)¹⁸² receives an email containing an attachment entitled "Carter Page-Profile," which had been prepared on Aug. 1, 2016, by a Crossfire Hurricane staff operations specialist. The "profile" contains Carter Page's statements about working for another agency, likely the CIA. This profile was not given to the Office of Intelligence. ¹⁸³

August 10, 2016: According to McCabe, Sally Yates is briefed on Papadopoulos. Yates will later say she didn't remember this meeting. ¹⁸⁴

August 17, 2016: Trump receives first national security briefing as presidential candidate.¹⁸⁵ He later denies being told of the Manafort investigation at this time. ¹⁸⁶ He is not warned about Russian outreach to the Trump team, or that two campaign aides, Mike Flynn and George Papadopoulos, were under investigation. Peter Strzok was central in putting together the briefing. ¹⁸⁷

August 17, 2016: The Crossfire Hurricane team is notified that Page was an "operational contact" for another agency, likely the CIA. The IG would be unable to find any evidence suggesting that the FBI followed up with the other agency to request additional information before applying for a FISA warrant on Page. This information about Page's work for the CIA was not included in the FISA applications. ¹⁸⁸

August 19, 2016: Manafort is forced to resign as Trump campaign chairman after published reports disclose his financial dealings with the pro-Russia party of a former Ukrainian president, Viktor F. Yanukovich. ¹⁸⁹

August 22, 2016: Simpson provides Bruce Ohr with the names of three individuals who Simpson thought were potential intermediaries between Russia and the Trump campaign. "One of the three names provided by Simpson was one of the sub-sources in Steele's election reports," referred to in the IG report as Person 1. ¹⁹⁰

August 23, 2016: Millian sends a Facebook message to Papadopoulos promising that he would "share with you a disruptive technology that might be instrumental in your political work for the campaign."¹⁹¹

August 25, 2016: CIA Director John Brennan briefs Harry Reid, then the top Democrat in the Senate, that Russia's hacking appeared to be intended to help Trump win the

presidency, and that unnamed Trump advisers appeared to be working with the Russians to interfere with the election, according to two former officials with knowledge of the briefing.¹⁹² Reid does not brief Paul Ryan or Devin Nunes.¹⁹³

- Two days later, Reid sends a letter to Comey asking him to look at the Trump-Russia connection.¹⁹⁴
- When Reid is later asked if Brennan directly or indirectly had enlisted him to push information held by the intelligence community into the public realm, he told an interviewer, “Why do you think he called me?”¹⁹⁵

August 26, 2016: Peter Strzok texts, “Just went to a southern Virginia Wal-Mart. I could smell the Trump support.”¹⁹⁶

August 31 or September 1, 2016: Halper, acting on behalf of the FBI, has coffee with campaign manager Sam Clovis. Clovis says that the subject of conversation was China, not Russia.¹⁹⁷ Halper requests a second meeting, but it doesn’t happen.¹⁹⁸

Late August, 2016: Comey and his deputies are briefed on the Steele dossier,¹⁹⁹ which the FBI apparently had since July 5 (see above).

Late Summer 2016, before FISA warrant: Perkins Coie attorney Michael Sussmann, who represents the DNC and Clinton campaign, meets with FBI General Counsel James Baker and gives him the Steele dossier,²⁰⁰ which will become the centerpiece of the FISA warrant on Carter Page. Apparently the FBI had the dossier since July 2016 (see above).

September 2015 to August 2016: NSA unmaskes 9,217 U.S. persons.²⁰¹

Fall 2016: Steele meets with former boss and MI6 head Richard Dearlove, who advises him to work with a British government official to pass information to the FBI.²⁰²

September 2016: Michael Sussman of Perkins Coie gives James Baker information allegedly supporting Trump-Russia collusion, including a theory that the Trump Organization maintained a direct computer server hookup to Moscow’s Alfa Bank, owned by oligarchs close to Russian President Vladimir Putin.²⁰³

September 2, 2016: Halper contacts Papadopoulos, offering to pay him to write a paper and inviting him to London. Papadopoulos does so later that month.²⁰⁴

September 2, 2016: Page tells Strzok that she is preparing talking points because “potus wants to know everything we’re doing.”²⁰⁵

September 5, 2016: Clinton tells reporters, “I’m really concerned about the credible reports about Russian government interference in our elections.” “The fact that our

intelligence professionals are now studying this, and taking it seriously raises some grave questions about potential Russian interference with our electoral process.” “We’ve never had the nominee of one of our major parties urging the Russians to hack more.” When pressed about whether she believed the Russians were actively trying to elect Trump to the Oval Office, Clinton says, “I think it’s quite intriguing that this activity has happened around the time Trump became the nominee.” ²⁰⁶

September 7, 2016: A Clinton campaign spokesman says a new article in the New York Observer establishes a “direct link” between the Donald Trump campaign and the Russian hackers. The article cites an internal memo leaked to the Observer directly from Guccifer 2.0 (the handle of the Russian hackers).²⁰⁷ The Observer is owned by Jared Kushner. ²⁰⁸

September 15, 2016: Papadopoulos meets with FBI agent known as Azra Turk, who was posing as Halper’s research assistant. Turk asks him if the Trump campaign is working with Russia.²⁰⁹ (British intelligence was notified of the operation, although its involvement is unknown. ²¹⁰) Turk spoke poor English, was very flirtatious, and said she was Turkish, according to Papadopoulos. ²¹¹ Papadopoulos believes he was brought to London so the CIA could spy on him, and that this clearly was a CIA operation. ²¹² He also says his conversations were recorded and that he met with two British intelligence people on this day. ²¹³

September 16, 2016: Papadopoulos meets with Halper in London. Halper asks Papadopoulos if he knows anything about Russia interference, and Papadopoulos denies. ²¹⁴

September 23, 2016: Yahoo News reports that Carter Page is being investigated.²¹⁵ Trump campaign immediately distances itself from him. ²¹⁶

September 26, 2016: Steele gives dossier information to Jonathan Winer, a member of the State Department mentioned previously, who shares information with Assistant Secretary of State Victoria Nuland.²¹⁷ This will later become the centerpiece of the FISA warrant on Carter Page. Apparently the FBI had the dossier since July 2016, in part through Nuland’s efforts (see above).

September 26, 2016: DOJ National Security Division Head John Carlin files the government’s proposed 2016 Section 702 certifications with the FISA court. He fails to disclose the Inspector General Report and associated FISA abuse.²¹⁸ Carlin also fails to disclose Rogers’ ongoing Compliance Review. Carlin announces his resignation the next day.²¹⁹

Early October 2016: Papadopoulos is dismissed from Trump campaign after an interview he gave to the Russian news agency Interfax generates adverse publicity.²²⁰

October 2016 (possibly October 3): Steele once again meets with FBI, this time in Rome, and is told that the FBI has received information that lines up with his.²²¹

October 2016: Beluarussian-born American businessman Sergei Millian says he can get Papadopoulos a lucrative public relations contract with a New York firm connected to an unidentified Russian national, but that Papadopoulos must continue to work for Trump. Papadopoulos believes this was a setup by the FBI.²²² Millian is the (possibly unwitting) source of some of the salacious details in the Steele dossier. He has ties to Russian intelligence and claims ties to Trump organization.²²³ Papadopoulos will later accuse Millian of working with FBI, although the FBI investigation will refute this claim.²²⁴

October 9, 2016: During a debate, Clinton says that Russia was attempting to influence U.S. elections for Donald Trump.²²⁵ Clinton also accuses Donald Trump of having financial ties with the country, calling on him again to release more documents, including his tax returns.²²⁶

October 11, 2016: Deputy Assistant Secretary of State Kathleen Kavalec meets with Steele. He tells her that he wants his allegations out before the election, that he has been revealing information to the media, and that Russia is running a spying operation out of the Russian consulate in Miami, which Kavalec notes does not exist.²²⁷ Steele says he is talking to media, claims Russia had plant in DNC, and makes other claims that appear to be false, including that Cohen traveled to Prague to meet with Russians, that Manafort owed the Russians \$100 million and was the “go-between” from Putin to Trump, that Carter Page met with a senior Russian businessman tied to Putin, and that Russians secretly communicated with Trump through a computer system.²²⁸ Steele also tells her that Millian is connected to Simon Kukes, a Russian-born American businessman and Trump supporter.²²⁹ Kavalec gives her notes to the FBI two days later.²³⁰

Steele seems to say he has been approached directly by the DNC, on Simpson’s recommendation.²³¹ Steele revealed two sources to Kavalec: Vyacheslav Trubnikov and Vladislav Surkov. Trubnikov is the former first deputy minister of foreign affairs and the former director of the Russian Foreign Intelligence Service. Notably, Trubnikov has ties to FBI informant Stefan Halper, having participated in courses co-taught by Halper in 2012 and 2015. Surkov is reported to be the personal adviser on Ukraine to Russian President Vladimir Putin. He has been referred to as a “political technologist”—one who engages in the shaping and reshaping of public opinion.²³² (Devin Nunes later says that DOJ hid Kavalec’s email from the House Intelligence Committee during its investigation of 2016 foreign election interference.²³³)

October 12, 2016: As the FBI is preparing and vetting a FISA warrant on Page, FBI attorney Lisa Page writes to Deputy FBI Director Andrew McCabe that, “OI [the Office of Intelligence] now has a robust explanation re any possible bias of chs [confidential human source, i.e., Steele] in the [FISA warrant application] package. Don’t know what the holdup is now, other than Stu’s concerns”—referring to Deputy Assistant Attorney General for National Security Stuart Evans.

October 19, 2016: During a debate, Clinton calls Trump Putin's puppet. "You encouraged espionage against our people," she says to Trump. "You are willing to spout the Putin line, sign up for his wish list: break up NATO, do whatever he wants to do." "You continue to get help from him because he has a very clear favorite in this race." ²³⁴

October 21, 2016: The FBI (per Comey, approved by Deputy AG Yates) seeks and obtains a FISA warrant to once again monitor Page’s communications, saying there is probable cause to believe Page is acting as an agent of Russia in ways related to the Trump campaign. It is approved by FISA judge Rosemary Collyer, a George W. Bush nominee.²³⁵ The warrant refers to Page’s July visit to Russia (which apparently prompted the FBI to investigate Page)²³⁶, and the allegation from Steele that, while there, he discussed with Sechin “future bilateral energy cooperation” in exchange for lifting of sanctions.²³⁷ As mentioned previously, Page later admits in congressional testimony to discussing the topic, but with Sechin’s subordinates instead of Sechin himself, and says there were no offers made.²³⁸ The warrant also refers to a “July 2016 article”²³⁹ stating that the Trump campaign “worked behind the scenes to make sure” the Republican “platform would not call for giving weapons to Ukraine to fight Russia . . . “ ²⁴⁰ ²⁴¹ The Mueller Report would later say Trump was uninvolved in the platform shift, and that his adviser J.D. Gordon was responsible.²⁴² The warrant request discloses Steele’s involvement and his possible bias, but does not disclose the role of DNC and Clinton campaign in the dossier, even though the warrant request repeatedly refers to Clinton, calling her “Candidate # 2.” ²⁴³ ²⁴⁴

It is unknown how important the Steele information was to the warrant, given the many redactions and the fact that Page had been surveilled previously, ²⁴⁵ but Andrew McCabe later says the dossier was important to the warrant, but not the majority of the evidence.²⁴⁶ FBI general counsel James Baker reviews the FISA warrant, which he says was because the warrant was sensitive.²⁴⁷ Former FBI Deputy General Counsel Trisha Anderson, who normally approves FISA applications and sends them to her superiors, is instead given the application after McCabe and Yates have signed off, causing her to defer to their judgment. ²⁴⁸ Prior to this, FISA warrants were not used for American targets unless they had a security clearance, possessed national security information, and had shown a willingness to share the information with a foreign country. Page had no security clearance. ²⁴⁹ The warrant allows FBI to obtain past emails, including Trump campaign emails.²⁵⁰ The FBI does not provide a defensive briefing on Page to the Trump

campaign.²⁵¹ The FBI apparently has exculpatory evidence on Carter Page but decides to exclude it from the warrant.²⁵² The warrant is renewed three times.

October 27, 2016: Former secretary of State Madeleine Albright and former CIA deputy director Michael Morell hold a conference call in which they demand that Trump detail his financial stake in Russia and vice versa, including by releasing his taxes.²⁵³

- They say he is a gift to Putin and that Putin is a gift to him, and that the positions he's taken are fully consistent with his business interests.²⁵⁴
- Also, Albright tells moderators, "It would be very useful to just flat-out ask him what he has been involved in and what he considers his financial stake in Russia," she said, "what he sees as Putin's role in terms of trying to figure out what is happening in Crimea" ²⁵⁵

October 28, 2016: Comey sends a letter to members of Congress advising them that the FBI was reviewing more Clinton emails.²⁵⁶

October 30, 2016: About a week before the election, Harry Reid accuses Comey of holding back damaging information about Trump to sway the election.²⁵⁷

- He says he has been told by Comey and other top national security officials that Comey has explosive information about close ties and coordination between Trump, his advisors, and the Russian government.²⁵⁸
- He said he wrote to Comey months ago calling for this information to be released to the public. ²⁵⁹

Late October, 2016: Papadopoulos tells FBI source that Trump's campaign was not involved in DNC hack. ²⁶⁰ This information was not included in Carter Page FISA applications.

November 2016: Steele is fired as an FBI source after leaking information to the press.²⁶¹ Steele continues to pass on information to the FBI, through Bruce Ohr, who meets with the FBI about sixty times from now into 2017.²⁶²

November 6, 2016: Comey tells Congress that FBI has not changed its conclusions it expressed in July.²⁶³

November 8, 2016: Trump wins presidential election.

Between November 8, 2016 and January 20, 2017: Obama administration officials undertake efforts to spread information about officials or potential officials of the incoming administration widely within the government, in an apparent effort to aid future investigations of the Trump transition and presidency.²⁶⁴ Clapper later admits to unmasking at least one Trump associate or member of Congress, and both Yates and Clapper admit to seeing documents in which a Trump associate or member of

Congress have been unmasked. Yates admits to sharing information about Flynn with intelligence agencies.²⁶⁵

Mid-November, 2016: Steele meets with Charles Farr, the former chairman of Britain's Joint Intelligence Committee, to inform him of the events and information contained within his dossier.²⁶⁶

November 17-18, 2016: FBI officials Peter Strzok and Lisa Page discuss infiltrating Trump transition team through a briefing with Mike Pence.²⁶⁷

November 18, 2016: For the first time, Operation Crossfire checks the exhaustive file on Steele as a source, which includes frequent contacts with Russian oligarchs in 2015.²⁶⁸

November 21, 2016: Kavalec provides Ohr with links to articles that suggest a Russian-American oil magnate gave money to Trump's campaign. Ohr responds, "I really hope we can get something going here.... We will take another look at this."²⁶⁹

November 29, 2016: State Department officials Winer and Nuland share Steele dossier information with incoming House Majority Whip Steny Hoyer's (D-MD) national security advisor, Daniel Silverberg.²⁷⁰

December 14, 2016 to January 12, 2017: A number of Obama administration officials submit requests to the NSA to unmask Michael Flynn. These officials include:²⁷¹

(November 30 – December 7)

- U.S. Ambassador to the United Nations – Samantha Power (Nov 30, Dec 2, Dec 7)
- Director of National Intelligence – James Clapper (Dec 2, Dec 7)
- Deputy Chief of Mission – Kelly Degnan (Dec 6)
- U.S. Ambassador to Italy and the Republic of San Marino – John R. Phillips (Dec 6)

(December 14 – 16)

- U.S. Ambassador to the United Nations – Samantha Power (two requests, Dec 14)
- Director of the CIA – John Brennan (Dec 14, Dec 15)
- OIA Director – Patrick Conlon (Dec 14)
- Secretary of the Treasury – Jacob Lew (Dec 14)
- Acting Assistant Secretary Treasury – Arthur "Danny" McGlynn (Dec 14)
- Acting Deputy Assistant Secretary Treasury – Mike Neufeld (Dec 14)
- Deputy Secretary of the Treasury – Sarah Raskin (Dec 14)
- Under Secretary of the Treasury – Nathan Sheets (Dec 14)
- Acting Under Secretary Treasury – Adam Szubin (Dec 14)
- USNATO Defense Adviser – Mr. Robert Bell (Dec 15)
- U.S. Representative to the NATO Military Committee – VADM Christenson (Dec 15)

- Director of FBI – James Comey (Dec 15)
- Chief of Syria Group – (redacted) (Dec 15)
- Deputy Assistant Director of NEMC – (redacted) (Dec 15)
- US NATO Office of the Defense Adviser Policy Adviser for Russia – Lt. Col. Paul Geehrens (Dec 15)
- U.S. NATO (redacted) Advisor to Ambassador Douglas Lute – (redacted) (Dec 15)
- US NATO Deputy DEFAD – James Hirsch (Dec 15)
- US Deputy Chief of US Mission to NATO – Mr. Litzenberger (Dec 15)
- US Permanent Representative to NATO – Ambassador Douglas Lute (Dec 15)
- USA – DOE-IN Executive Briefer – (redacted) (Dec 15)
- US NATO Political Officer (redacted) – Mr. Scott Parrish (Dec 15)
- USA – DOE – Deputy Secretary of Energy – Elizabeth Sherwood-Randall (Dec 15)
- USA – DOE-IN Executive Briefer – (redacted) (Dec 15)
- US NATO Political Advisor (POLAD) – Tamir Waser (Dec 15)
- COS (redacted) (Dec 16)
- CMO (redacted) (Dec 16)
- DCOS (redacted) (Dec 16)
- U.S. Ambassador to Russia – John Tefft (Dec 16)
- CMO (redacted) (Dec 16)

(December 23-28)

- U.S. Ambassador to the United Nations – Samantha Power (Dec 23)
- U.S. Ambassador to Turkey – Ambassador Bass (Dec 28)

(January 5 to 12)

- Chief of Staff to the President – Denis McDonough (Jan 5)
- Deputy Director of National Intelligence for Intelligence Integration – Michael Dempsey (Jan 7)
- Principal Deputy Director of National Intelligence – Stephanie L. O’Sullivan (Jan 7)
- CIA/CTMC – (redacted) (Jan 10)
- Vice President of the United States – Joseph Biden (Jan 12)
- Director of National Intelligence – James Clapper (Jan 7)
- U.S. Ambassador to the United Nations – Samantha Power (Jan 11)
- Secretary of the Treasury – Jacob Lew (Jan 12)

December 15, 2016: Strzok texts Lisa Page that CIA has begun leaking like mad, and that they feel scorned and worried.²⁷²

December 15, 2016 to January 3, 2017: Obama administration changes policy to allow NSA to share globally intercepted personal communications with the government’s 16 other intelligence agencies before applying privacy protections.²⁷³

December 29, 2016: Then-President Obama announces sanctions against the Russian government, citing attempts to influence the 2016 presidential election through cyberattacks. ²⁷⁴

December 29, 2016: Flynn calls Kislyak five times to discuss the sanctions the Obama administration had recently implemented against Russia. Kislyak was being wiretapped because of his status as a Russian diplomat. Flynn was also under FBI surveillance in some way at this point. ^{275 276} According to a former senior U.S. official, the FBI, which did the wiretapping, circulated the report with Flynn's name unredacted, saying it was necessary to understand its significance. ²⁷⁷

Early 2017 (unknown time): An unnamed report is released that includes a statement from a source connected with Trump and Russia that says that Steele dossier included Russian misinformation. ²⁷⁸ This is referenced in this timeline in an April 2016 entry.

Early 2017: Steele acknowledges to associates that the dossier is raw intelligence — not established facts, but a starting point for further investigation. ²⁷⁹

January 2017: FBI agents interview one of Steele's main sources. They suspect Steele may have added his own interpretations to reports passed on by his sources. ²⁸⁰

January 2017: FBI (per Comey, with Acting AG Yates' approval) seeks and obtains extension of the FISA warrant against Page, based in significant part on the Steele dossier. ²⁸¹ Warrant approved by Judge Michael Mosman, a George W. Bush appointee. ²⁸² FBI says that Page might be used by Russia to influence U.S. foreign policy, and that warrant extension would allow FBI to obtain communication between Russia and Trump transition team, potentially. ²⁸³

January 5, 2017²⁸⁴ : Obama briefed on Steele dossier allegations. ²⁸⁵ Obama adviser Ben Rhodes says this was first Obama knew of Steele's work. ²⁸⁶ After briefing, Obama talks with Comey, Susan Rice, Biden, and Sally Yates about sharing of intelligence data with the Trump transition team, although Rice later says Obama instructed them to do everything "by the book". ²⁸⁷ This may indicate Obama was personally involved in surveillance of Trump campaign/transition team.

January 6, 2017: CIA, FBI, and NSA issue Intelligence Community Assessment (ICA) that found Russia deliberately interfered in the 2016 presidential election to benefit Trump's candidacy. ²⁸⁸ Those who drafted the ICA were handpicked, according to Clapper, leaving open the possibility of politicization, and their conclusions were vetted and approved by Brennan, Comey, Clapper, and NSA director Mike Rogers. ²⁸⁹ There is debate over whether Brennan or Comey pushed the inclusion of the Steele allegations in

the ICA.²⁹⁰ Brennan later says the Steele allegations played no role in the ICA, and that he had doubts about them.²⁹¹

January 6, 2017: Intelligence officials present evidence to Trump that Russia intentionally interfered with election.²⁹² Comey stays behind to brief Trump on the Steele dossier, including prostitute allegations, but does not discuss the dossier's origins. Trump later says he believes this is attempted blackmail.²⁹³ FBI general counsel James Baker later says he and Comey were concerned with creating the impression of blackmail, but that it was a higher priority for Trump to know about the information.²⁹⁴

January 10, 2017: BuzzFeed publishes Steele dossier, partially funded by Clinton campaign, which alleges that Manafort used Page as an intermediary with the Russian government and that Page attended a secret meeting at the Kremlin in July of 2016.²⁹⁵ Satter later says of the dossier: "It claimed Mr. Putin had a "desire to return to Nineteenth Century 'Great Power' politics anchored upon countries' interests rather than the ideals-based international order established after World War Two"—echoing hackneyed attempts by Russian spokesmen to divert attention from the regime's connections to terrorism and organized crime. Its statement that Mr. Putin "hated and feared" Mrs. Clinton reflects the standard Kremlin practice of reducing policy differences to personality."²⁹⁶

January 12, 2017: Washington Post columnist David Ignatius reveals that a senior government official told him of a phone call between Flynn and Kislyak, although the content was not revealed.²⁹⁷

January 12, 2017: The *Washington Post* reports that Flynn and Kislyak spoke on Dec. 29.²⁹⁸ There has been speculation the leak came from McCabe.²⁹⁹

Around January 18, 2017: Obama State Department officials share classified information, including raw intelligence, about Russian election influence with Senators Mark Warner, Ben Cardin, and Robert Corker.^{300 301}

January 19, 2017: New York Times reports that Paul Manafort, Roger Stone, and Carter Page are under investigation.³⁰²

January 20, 2017: Trump sworn in as president.

January 20, 2017: Clapper and Brennan leave their positions.

January 23, 2017: Flynn sworn in as a national security adviser.

January 24, 2017: Flynn is interviewed by FBI about speaking to Russian Ambassador Sergei Kislyak during the transition, but says he did not discuss Russian sanctions.³⁰³

January 26, 2017: Acting Attorney General Sally Yates meets with White House counsel Don McGahn to warn him the Justice Department has evidence, via the FBI surveillance, that Flynn spoke about Russian sanctions to Kislyak. She said that Russia would likely have that evidence too, which would make Flynn vulnerable to blackmail.³⁰⁴

January 27, 2017: Papadopoulos interviewed by the FBI for the first time. According to court documents, he made false statements during this interview about his interactions with Russian contacts.³⁰⁵

January 27, 2017: Trump and Comey dine alone at the White House. Comey tells Trump he is not under investigation. Later, Comey says Trump asks Comey to pledge loyalty.³⁰⁶

Late January 2017: Operation Crossfire discovers Russia may have targeted Orbis (Steele's firm).³⁰⁷

February 2017: Carter Page states he had "no meetings" with Russian officials during 2016.³⁰⁸

February 10, 2017: Mueller's team interviews Mifsud in Washington. Mifsud leaves the next day and has not been back since.³⁰⁹ Mifsud apparently tells Mueller's team that the conversations with Papadopoulos were innocuous.³¹⁰

February 13, 2017: Flynn resigns following revelations that he had misled Vice President Mike Pence and other top officials about his conversations with Mr. Kislyak in December. These revelations were made to the Washington Post by "former and current U.S. officials". Acting Attorney General Sally Yates, former Director of National Intelligence James Clapper, and former CIA Director John Brennan shared concerns about Flynn's call.³¹¹

February 14, 2017: Comey says that Trump told him, "I hope you can see your way clear to letting this go, to letting Flynn go."³¹²

February 16, 2017: Papadopoulos is interviewed for the second time by the FBI. The next day, according to court documents, he shuts down his Facebook account in an attempt to erase messages with foreign contacts.³¹³

Early March 2017: Page is called by the Senate Intelligence Committee investigating links between the Trump campaign and Russian government.³¹⁴

March 2, 2017: Page, in a reversal of a previous statement, says "I do not deny that [I met with Kislyak]." He adds, "I will say that I never met him anywhere outside of Cleveland."³¹⁵

March 2, 2017: Jeff Sessions recuses himself from Russia investigation because of meetings he had with Kislyak.³¹⁶

March 20, 2017: Comey publicly acknowledges investigation into ties between Russia and the Trump campaign.³¹⁷

March 20, 2017: Sens. Patrick Leahy and Al Franken ask FBI Deputy Director Andrew McCabe to investigate Jeff Session's dealings with Russia, based on previous testimony he gave. McCabe opens criminal investigation.^{318 319}

April 2017: FBI (per Comey, with Acting AG Dana Boente's approval) seeks and obtains another extension of the FISA warrant against Page.³²⁰ Warrant approved by Judge Anne Conway, a George H.W. Bush appointee.³²¹

April 2017: Strzok emails Lisa Page that he suspects CIA as a source of some of the leaks.³²²

April 6, 2017: New York Times runs a story reporting Harry Reid's previous letter to Comey in which he asked him to investigate links between Russia and the Trump campaign, based on information given to him by former CIA director John Brennan.³²³

April 11, 2017: The *Washington Post* reports the existence of the FISA warrant on Page. Page says, "This confirms all of my suspicions about unjustified, politically motivated government surveillance."³²⁴

Around April 28, 2017: NSA stops collecting "about" communications. This at least partly stems from discovery that NSA analysts had violated FISC rules barring any searching for Americans' information in certain messages captured through such wiretapping.³²⁵ The NSA decision was made to reduce the chance that it would acquire communications of U.S. persons or others who are not in direct contact with a foreign intelligence target.³²⁶

May 3, 2017: Comey testifies that Russia was behind the DNC hack, that Russia is the greatest threat of any nation on Earth, that they will interfere with elections again because it worked, and that they should pay a price for interfering.³²⁷

May 7, 2017: In letter to the Senate intelligence committee, Page says he had only “brief interactions” with Podobnyy in 2013 and calls requests for more information a “show trial” based on “the corrupt lies of the Clinton/Obama regime.”³²⁸

May 9, 2017: Comey is fired by Trump, and Andrew McCabe becomes acting director of the FBI.³²⁹

- McCabe says he met with Trump on this day, and later recounts his thoughts during the meeting: “I was speaking to the man who had just run for the presidency, and won the election for the presidency, and who might have done so with the aid of the government of Russia, our most formidable adversary on the world stage and that was something that troubled me greatly,” he said.
- As a result, he said, “I think the next day, I met with the team investigating the Russia cases, and I asked the team to go back and conduct an assessment to determine where are we with these efforts and what steps do we need to take going forward.”³³⁰

May 2017 (after Comey fired): FBI general counsel James Baker, top counterintelligence official Bill Priestap, top national security official Carl Ghattas, Andrew McCabe, and possibly Lisa Page and Peter Strzok discuss whether Trump was acting on behalf of Putin when he fired Comey.³³¹ Baker says “Worst-case scenario is possibly true or president is totally innocent.”³³²

May 10, 2017: Trump shares highly classified and sensitive information with Russian Foreign Minister Sergei Lavrov and Ambassador Sergey Kislyak, who was a key figure in Russia controversies.³³³

May 11, 2017: Trump tells NBC’s Lester Holt he decided to fire Comey before meeting with Sessions and Deputy Attorney General Rod Rosenstein, and references Comey’s handling of the Trump-Russia investigation.³³⁴

Shortly after May 11, 2017: Acting FBI Director McCabe opens counterintelligence investigation into Trump.

- McCabe later says he based his decision on a number of factors, the culmination of which is Trump’s announcement to Holt that he was thinking about the Russia investigation when he fired Comey.³³⁵
- McCabe later says of his decision: “I was very concerned that I was able to put the Russia case on absolutely solid ground and in an indelible fashion,” McCabe said in the interview, such that “were I removed quickly or reassigned or fired, ... the case could not be closed or vanish in the night without a trace.”^{336 337}

May 12, 2017: FBI asks Bruce Ohr if they could speak to Steele again. Ohr later says that Steele did talk to the FBI again at some point in 2017.³³⁸

May 12, 2017: Deputy Attorney General Rosenstein asks Mueller if he would be willing to serve as Special Counsel to investigate Trump.³³⁹

May 16, 2017: Rosenstein is reported to have suggested to McCabe and Page that he secretly record Trump, and also discusses using 25th amendment to remove Trump from power.

- Rosenstein later says that he was joking, which McCabe disputes.^{340 341}
- Baker says the idea didn't make any sense "from an investigative or operational sense."³⁴²
- McCabe says he doesn't know how his memos, the likely source of the story, got into the hands of the press. There is speculation that either he or members of Judiciary Committee leaked the story.³⁴³

May 16, 2017: Mueller meets with Trump. Trump says he was interviewing Mueller for job, while Mueller says he thought he was giving guidance on what kind of candidate to hire. Trump will later say Mueller being turned down causes a conflict of interest.³⁴⁴ Appointing Mueller would have required a waiver from the Senate, since FBI directors have 10-year term limits, although Obama received a waiver for Mueller to serve for two years longer than his term.³⁴⁵

May 17, 2017: Deputy AG Rosenstein appoints Robert Mueller to oversee investigation into Russian interference into 2016 presidential election. He also secretly appoints Mueller to take over the investigation of Trump for obstruction of justice, which is later reported on June 14.³⁴⁶

May 19, 2017: The *Washington Post* reports that federal investigators in the Trump-Russia matter have identified a current White House official as a significant person of interest. On May 25, news reports identify the official as Jared Kushner.^{347 348}

May 26, 2017: *Washington Post* reports on Kushner's 'back-channel' meeting with Kislyak.³⁴⁹

Late May, 2017: McCabe testifies to "Gang of Eight" (a bipartisan group of Senate Intelligence Committee members) and informs them of the special counsel investigation by Mueller.³⁵⁰

- McCabe had told Rosenstein that "informing Congress of the bureau's actions" would equate to "drawing an indelible line around the cases we had opened."
- He said this point felt like a moment of relief for him: "When I came out of the Capitol, it felt like crossing a finish line. If I got nothing else done as acting director, I had done the one thing I needed to do."³⁵¹

Summer 2017: The FBI seeks a FISA warrant to monitor four former Trump campaign officials, and is rejected or forced to modify the warrant, according to anonymous sources

to *The Guardian*.³⁵² The FBI would later have a modified FISA warrant approved in October 2017.³⁵³

June 2017: FBI (per Andrew McCabe, with Rosenstein's approval) seeks and obtains another extension of the FISA warrant against Page.³⁵⁴ Warrant approved by judge Raymond Dearie, a Reagan appointee.³⁵⁵

June 27, 2017: Manafort discloses more than \$17 million in payments from Ukrainian political party.³⁵⁶ Manafort's filings served as a "retroactive admission" that he'd violated the law by not disclosing that he'd worked in the United States on behalf of a foreign power.³⁵⁷

July 20, 2017: Reports come out that Mueller is looking into Trump's business dealings with Russians, including "Russian purchases of apartments in Trump buildings, Trump's involvement in a controversial SoHo development in New York with Russian associates, the 2013 Miss Universe pageant in Moscow and Trump's sale of a Florida mansion to a Russian oligarch in 2008." It also comes out that Mueller is looking into money laundering by Manafort.^{358 359}

July 25, 2017: Manafort testifies before Senate Intelligence Committee, turns over notes from June 2016 meeting with Russian lawyer Veselnitskaya to congressional investigators looking into the Trump campaign's ties to Russia.³⁶⁰

July 26, 2017: In Israel, Papadopoulos meets with Shai Arbel, co-founder of Israeli cyber-intelligence company Terrogece, and receives \$10,000 in cash from Israeli businessman George Tawil. Papadopoulos claims these events were part of a scheme to plant marked hundred-dollar bills on him that would incriminate him when FBI agents searched his luggage upon his return to the US.³⁶¹

July 26-27, 2017: FBI agents raid Manafort's home and arrest Papadopoulos.

August 2, 2017: Rosenstein writes memo to Mueller, saying he should investigate allegations that Manafort was "colluding with Russian government officials" to interfere in the 2016 presidential election, and also investigate Manafort's payments from Ukrainian politicians.³⁶²

August 2, 2017: Rosenstein confirms Mueller's authority to investigate Manafort's possible collusion with Russia.³⁶³

August 28, 2017: Cohen gives statement to Congress that effort to build Trump Tower in Moscow ended in January 2016, before Iowa caucus and first primary.³⁶⁴ He later says

that testimony was false, and that the efforts extended well into the campaign.³⁶⁵ On that basis, he later pleads guilty to lying to Congress.

September 2017: General Service Administration staff comply with the FBI's August requests for copies of emails, laptops, cell phones and other materials associated with 13 members of Trump's transition team.^{366 367}

September 19, 2017: Media reports say the U.S. government wiretapped Manafort.^{368 369}

September 20, 2017: *New York Times* reports that Mueller is seeking White House documents on Flynn, Comey firings.³⁷⁰

September 2017: Page and Halper are in contact for the last time.³⁷¹

Late September, 2017: FISA warrant on Page expires.³⁷²

October 2017: FBI has modified FISA warrant approved for four former Trump campaign officials, according to anonymous sources for *The Guardian*.³⁷³

October 3, 2017: Papadopoulos charged, signs plea deal two days later.³⁷⁴

October 20, 2017: Rosenstein writes memo to Mueller, authorizing him to investigate Cohen, Gates, Stone, and possibly Michael Flynn Jr, possibly to pressure Flynn to cooperate.³⁷⁵

October 30, 2017: In interview with MSNBC's Chris Hayes, Page discusses Papadaopoulos' guilty plea, admitting that he was on campaign email chains with Papadopoulos about Russia.³⁷⁶

October 30, 2017: Manafort and Rick Gates, Manafort's business partner and deputy, surrender to federal authorities and plead not guilty to charges including money laundering and tax fraud.³⁷⁷ They would later face more indictments, and ultimately plead guilty.

November 2, 2017: During testimony to the House intelligence committee, Page invokes the Fifth Amendment when asked to produce documents that could potentially be relevant to the investigation.³⁷⁸

- Page also admits to writing memo to fellow Trump campaign advisers describing a "private conversation" during the trip with deputy prime minister Arkady Dvorkovich, who "expressed strong support for Mr. Trump and a desire to work together toward devising better solutions in response to the vast range of current international problems."³⁷⁹

December 1, 2017: Flynn pleads guilty to lying to FBI about conversations with Sergei Kislyak about Russia sanctions.³⁸⁰

2017 (Calendar year): NSA unmask 9,529 U.S. persons.³⁸¹

January 28, 2018: In anticipation of the Nunes memo being released publicly, Democrats write a response to the Nunes memo. They write that Carter Page was already under investigation when the FBI received the Steele dossier, that the FBI used multiple sources besides the Steele dossier in its FISA application, and that it disclosed the dossier's political bias.³⁸²

January 29, 2018: The House Intelligence Committee votes to publicly release a classified memo overseen by Republican Rep. Devin Nunes, which criticizes the FBI's handling of the FISA warrant on Page on the ground it relied heavily on information in the Steele dossier without disclosing key elements of its history.³⁸³

February 1, 2018: Gates lies to Mueller about what Manafort had told him after a March 19, 2013 meeting about Ukraine with a lobbyist and a member of Congress.³⁸⁴ The next day Mueller charges Gates with conspiracy against the U.S. and lying to federal investigators.³⁸⁵ A few days later he agrees to plead guilty and cooperate in prosecution of Manafort.³⁸⁶

February 8, 2018: Winer releases op-ed claiming Steele and Clinton confidant Sidney Blumenthal approached him with separate dossiers. Winer writes: "In the summer of 2016, Steele told me that he had learned of disturbing information regarding possible ties between Donald Trump, his campaign and senior Russian officials." Also, "While talking about that hacking, Blumenthal and I discussed Steele's reports. He showed me notes gathered by a journalist I did not know ..." ³⁸⁷ This may be an indication of political coordination on Steele dossier.

March 16, 2018: McCabe is fired. Sessions says firing is the result of probe of alleged misconduct, which concluded that he had made "an unauthorized disclosure to the news media and lacked candor – including under oath – on multiple occasions."³⁸⁸

March 17, 2018: Brennan tweets at Trump: "When the full extent of your venality, moral turpitude, and political corruption becomes known, you will take your rightful place as a disgraced demagogue in the dustbin of history. You may scapegoat Andy McCabe, but will not destroy America ... America will triumph over you." ³⁸⁹

March 28, 2018: Department of Justice's Inspector General announces it will review the FBI's and DOJ's application to monitor Page during the election.³⁹⁰

April 9, 2018: FBI seizes Cohen's files.³⁹¹

April 13, 2018: Excerpts from Comey's book become public, and are critical of Trump. In response, Trump tweets that Comey leaked classified information.³⁹²

April 13, 2018: In response to Trump's critical tweet of Comey, Brennan tweets to Trump that his "kakistocracy is collapsing," and that he has "tragically deceived" Americans.³⁹³

May 20, 2018: Justice Department asks its inspector general to assess whether political motivation tainted the FBI investigation into ties between Russia and Trump's campaign.³⁹⁴

May 22, 2018: Clapper releases book saying that Trump campaign and Russia repeated and amplified each other's messaging and that Trump undermined the truth and caused much of the American public to question if facts were even knowable.³⁹⁵

August 21, 2018: Manafort found guilty in Virginia on eight of the 18 felony counts against him, including five counts of filing false tax returns, two counts of bank fraud, and one count of failing to disclose a foreign bank account.³⁹⁶ None of these counts directly involves improper collusion with Russia.

August 21, 2018: Cohen pleads guilty to eight felonies, including fraud, tax evasion and an illegal campaign contribution.³⁹⁷

November 20, 2018: Trump's lawyers say they've submitted written answers to questions from the special counsel.³⁹⁸

November 29, 2018: Cohen pleads guilty to lying to Congress about the length and scope of his work on plans to build a Trump Tower in Moscow.^{399 400}

December 4, 2018: Mueller recommends no jail time for Flynn due to his substantial cooperation.⁴⁰¹

December 12, 2018: Cohen sentenced to three years in prison. In his guilty plea, Cohen claimed then-candidate Donald Trump directed him in 2016 to pay hush money to two women who alleged affairs.⁴⁰²

2018 (Calendar year): NSA unmask 16,721 U.S. persons,⁴⁰³ a sharp rise from previous years, which apparently were due to an increase in the U.S. government unmasking people to warn them of foreign governments hacking or otherwise victimizing them.⁴⁰⁴

2018 (Calendar year): Foreign Intelligence Surveillance Court (FISC) reports it received 1651 warrant requests, denied 30 applications in full and 42 applications in part, modified the orders sought in 261 applications, and granted the orders sought without modifications for 1,318 applications, nine amicus curiae (people to argue for privacy in novel cases) were appointed, and no findings were made under 50 U.S.C. § 1803(i)(2)(A).⁴⁰⁵

January 25, 2019: Roger Stone arrested following indictment in Mueller investigation.⁴⁰⁶

March 22, 2019: New Attorney General Bill Barr receives Mueller report, sends summary to Congress saying: "[T]he investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities." On the question of obstruction of justice, Barr writes that while Mueller's report "does not conclude that the President committed a crime, it also does not exonerate him."⁴⁰⁷

April 10, 2019: Barr acknowledges in congressional testimony that during the latter part of the Obama Administration, the FBI and other intelligence agencies engaged in "spying" on the Trump campaign, which he says "is a big deal."⁴⁰⁸ He also says he plans to have the matter fully investigated, in part to determine whether there was an adequate predicate for the investigation and the FISA warrant applications.⁴⁰⁹

April 24, 2019: NSA recommends that the White House abandon a surveillance program that collects information about U.S. phone calls and text messages, saying the logistical and legal burdens of keeping it outweigh its intelligence benefits.⁴¹⁰

April 25, 2019: Rosenstein criticizes the Obama administration for not publicizing "the full story about Russian computer hackers and social media trolls, and how they relate to a broader strategy to undermine America."⁴¹¹ He also criticizes the FBI for disclosing classified evidence about the Mueller investigation to legislators and their staffers.⁴¹² He criticizes Comey for both announcing that there is a counterintelligence investigation that may result in criminal charges, and for alleging that the president pressured him to close the investigation, which the president denies.⁴¹³

Around early May, 2019: Barr begins to work with CIA Director Gina Haspel, Director of National Intelligence Dan Coats and FBI Director Christopher Wray to review origins of Russia investigation.

May 13, 2019: Barr assigns John H. Durham, the U.S. attorney in Connecticut, to investigate the origins of Russia investigation.⁴¹⁴

May 28, 2020: Barr assigns John Bash, a U.S. attorney in Texas, to investigate the unmasking and possible improper disclosure of Trump campaign and transition members.⁴¹⁵

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- ⁴⁰⁷ <https://cdn.cnn.com/cnn/2019/images/04/18/mueller-report-searchable.pdf>
- ⁴⁰⁸ <https://www.nytimes.com/2019/04/10/us/politics/barr-trump-campaign-spying.html>
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⁴¹⁰ https://www.wsj.com/articles/nsa-recommends-dropping-phone-surveillance-program-11556138247?mod=hp_lead_pos2&mod=djemCapitalJournalDaybreak

⁴¹¹ <https://www.foxnews.com/politics/rosenstein-slams-obama-administration-for-choosing-not-to-publicize-full-story-of-russia-hacking>

⁴¹² <https://www.foxnews.com/politics/rosenstein-slams-obama-administration-for-choosing-not-to-publicize-full-story-of-russia-hacking>

⁴¹³ <https://www.foxnews.com/politics/rosenstein-slams-obama-administration-for-choosing-not-to-publicize-full-story-of-russia-hacking>

⁴¹⁴ <https://www.nytimes.com/2019/05/13/us/politics/russia-investigation-justice-department-review.html>

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APPENDIX B



(U) SEMIANNUAL ASSESSMENT OF COMPLIANCE WITH PROCEDURES AND
GUIDELINES ISSUED PURSUANT TO SECTION 702 OF THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT, SUBMITTED BY THE ATTORNEY GENERAL AND THE
DIRECTOR OF NATIONAL INTELLIGENCE

Reporting Period: December 1, 2016– May 31, 2017

October 2018

**(U) SEMIANNUAL ASSESSMENT OF COMPLIANCE WITH PROCEDURES AND
GUIDELINES ISSUED PURSUANT TO SECTION 702 OF THE FOREIGN
INTELLIGENCE SURVEILLANCE ACT, SUBMITTED BY THE ATTORNEY GENERAL
AND THE DIRECTOR OF NATIONAL INTELLIGENCE**

OCTOBER 2018

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(When this 2-Page Fact Sheet is Separated from this Assessment, this Fact Sheet is Unclassified.)

(U) FACT SHEET

**(U) Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act (FISA)
Joint Assessments**

(U) This Fact Sheet provides an overview of the *Semiannual Assessments of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act*. These assessments are commonly referred to as “Joint Assessments,” and are submitted by the Attorney General and the Director of National Intelligence (DNI). As of October 2018, eighteen Joint Assessments have been submitted.

(U) Joint Assessment Basics:

- (U) *Why is the Joint Assessment required?* The FISA Amendments Act of 2008 (50 U.S.C. § 1881(l)(1)) requires the Attorney General and the DNI to assess compliance with certain procedures and guidelines issued pursuant to FISA Section 702.
- (U) *What period is covered by a Joint Assessment?* Each Joint Assessment covers a six-month period: December 1 – May 31 or June 1 – November 30.
- (U) *Who receives it?* Each Joint Assessment is submitted to the Foreign Intelligence Surveillance Court (FISC) and relevant congressional committees.
- (U) *What is being assessed?* The Attorney General and the DNI jointly assess the Government’s compliance with FISC-approved “targeting” and “minimization” procedures.

(U) Highlights from 18th Joint Assessment:

- (U) *No intentional violations.* Consistent with previous Joint Assessments, no instances of intentional circumvention or violation of those procedures were found during this reporting period.
- (U) *Continued focused efforts to implement Section 702 in a compliant manner.* This Joint Assessment reports that the agencies continued to implement the procedures in a manner that reflects a focused and concerted effort by Intelligence Community (IC) personnel to comply with the requirements of Section 702.
- (U) *Compliance incident rate remains low.* The compliance incident rate remained low, which is consistent with the compliance incident rate reported for other reporting periods. The majority of incidents were caused by a misunderstanding of the procedures, failure to conduct the required checks, technical issues, and inadvertent human errors.

- (U) *What are targeting procedures and minimization procedures?* Section 702 allows for the targeting of (i) non-United States persons (ii) reasonably believed to be located outside the United States (iii) to acquire foreign intelligence information. To ensure that all three requirements are appropriately met, Section 702 requires targeting procedures. Targeting is effectuated by tasking communications facilities (such as telephone numbers and electronic communications accounts) to U.S. electronic communications service providers. Section 702 also requires minimization procedures to minimize and protect any non-public information of United States persons that may be incidentally collected when appropriately targeting non-United States persons abroad for foreign intelligence information.

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- *(U) What compliance and oversight efforts underlie the Joint Assessment?* Agencies employ extensive compliance measures to implement Section 702 in accordance with procedural, statutory, and constitutional requirements. A joint oversight team consisting of experts from the Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) oversee these measures. Each incident of non-compliance (i.e. compliance incident) is documented, reviewed by the joint oversight team, remediated, and reported to the FISC and relevant congressional committees. The Joint Assessment summarizes trends and assesses compliance (including calculating the compliance incident rate for the relevant reporting period) and may include recommendations to help prevent compliance incidents or increase transparency.
- *(U) What government agencies are involved with implementing Section 702?* The National Security Agency (NSA), the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and the National Counterterrorism Center (NCTC). Each Joint Assessment discusses how these agencies implement the authority.
- *(U) Why is the Joint Assessment classified?* The Joint Assessment is classified to allow us to provide the congressional oversight committees a complete assessment of the Section 702 program, while at the same time protecting sources and methods. They are carefully redacted for public release in the interest of transparency.
- *(U) What is the format of the Joint Assessment?* The Joint Assessment generally contains an Executive Summary, five sections, and an Appendix. Beginning with the 16th Joint Assessment, this fact sheet has been included. Sections 1 and 5 provide an introduction and conclusion. Section 2 details internal compliance efforts by the agencies that implement Section 702, interagency oversight, training efforts, and efforts to improve the implementation of Section 702. Section 3 compiles and presents data acquired from compliance reviews of the targeting and minimization procedures. Section 4 describes compliance trends. The Joint Assessment describes the extensive measures undertaken by the Government to ensure compliance with court-approved targeting and minimization procedures; to accurately identify, record, and correct errors; to take responsive actions to remove any erroneously obtained data; and to minimize the chances that mistakes will re-occur.
- *(U) What are the types of compliance incidents discussed?* Generally, the Joint Assessment groups incidents into six or seven categories. Categories 1-4 (tasking incidents, detasking incidents, notification delays, and documentation errors) discuss non-compliance with targeting procedures. Category 5 discusses incidents of non-compliance with minimization procedures, such as erroneous queries of Section 702-acquired information using United States person identifiers. Sometimes a category discussing incidents of overcollection is included. Additionally, the last category is a catch-all category for incidents that do not fall into one of the other categories. The actual number of the compliance incidents is classified; the percentage breakdown of those incidents is unclassified and reported in the Joint Assessment. Additionally, because Section 702 collection occurs with the assistance of U.S. electronic communications service providers who receive a Section 702(h) directive, the Joint Assessment includes a review of any compliance incidents by such service providers.

(When this 2-Page Fact Sheet is Separated from this Assessment, this Fact Sheet is Unclassified.)

(U) Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act, Submitted by the Attorney General and the Director of National Intelligence

October 2018

Reporting Period: December 1, 2016 – May 31, 2017

(U) EXECUTIVE SUMMARY

(U) The FISA Amendments Act of 2008 (hereinafter “FAA”) requires the Attorney General and the Director of National Intelligence (DNI) to assess compliance with certain procedures and guidelines issued pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801 *et seq.*, as amended (hereinafter “FISA” or “the Act”), and to submit such assessments to the Foreign Intelligence Surveillance Court (FISC) and relevant congressional committees at least once every six months. Section 702 authorizes, subject to restrictions imposed by the statute and required targeting and minimization procedures, the targeting of non-United States persons reasonably believed to be located outside the United States in order to acquire foreign intelligence information. The present assessment sets forth the eighteenth joint compliance assessment of the Section 702 program. This assessment covers the period from December 1, 2016 through May 31, 2017 (hereinafter the “reporting period”) and accompanies the Semiannual Report of the Attorney General Concerning Acquisitions under Section 702 of the Foreign Intelligence Surveillance Act as required by Section 707(b)(1) of FISA (hereinafter “the Section 707 Report”). The Department of Justice (DOJ) submitted the Section 707 Report on September 7, 2017; it covers the same reporting period as the Joint Assessment.

(U) This Joint Assessment is based upon the compliance assessment activities that have been jointly conducted by the DOJ’s National Security Division (NSD) and the Office of the Director of National Intelligence (ODNI).

(U) This Joint Assessment finds that the agencies have continued to implement the procedures and follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702. The personnel involved in implementing the authorities are appropriately focused on directing their efforts at non-United States persons reasonably believed to be located outside the United States for the purpose of acquiring foreign intelligence information. Processes are in place to implement these authorities and to impose internal controls for compliance and verification purposes. The compliance incidents that occurred during this reporting period represent a very small percentage (0.37%) of the overall collection activity. This represents a decrease from the last Joint Assessment’s rate of 0.88% and still remains below 1%. Individual incidents, however, can have broader implications, as further discussed herein and in the Section 707 Report. Based upon a review of these compliance incidents, the joint oversight team believes that none of these incidents represents an intentional attempt to circumvent or violate the Act, the targeting or minimization procedures, or the Attorney General’s Acquisition Guidelines.

(U) SECTION 1: INTRODUCTION

(U) The FISA Amendments Act of 2008 (hereinafter, “FAA”)¹ requires the Attorney General and the Director of National Intelligence (DNI) to assess compliance with certain procedures and guidelines issued pursuant to Section 702 of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. § 1801 *et seq.*, as amended (hereinafter, “FISA” or “the Act”), and to submit such assessments to the Foreign Intelligence Surveillance Court (FISC) and relevant congressional committees at least once every six months. As required by the Act, a team of oversight personnel from the Department of Justice’s (DOJ) National Security Division (NSD) and the Office of the Director of National Intelligence (ODNI) have conducted compliance reviews to assess whether the authorities under Section 702 of FISA (hereinafter, “Section 702”) have been implemented in accordance with the applicable procedures and guidelines, discussed herein. This report sets forth NSD and ODNI’s 18th joint compliance assessment under Section 702, covering the period December 1, 2016 through May 31, 2017 (hereinafter, the “reporting period”).²

(U) Section 702 requires that the Attorney General, in consultation with the DNI, adopt targeting and minimization procedures, as well as guidelines. A primary purpose of the guidelines is to ensure compliance with the limitations set forth in subsection (b) of Section 702, which are as follows:

An acquisition authorized under subsection (a)—

- (1) may not intentionally target any person known at the time of acquisition to be located in the United States;
- (2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States;
- (3) may not intentionally target a United States person reasonably believed to be located outside the United States;
- (4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and
- (5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

The Attorney General’s Guidelines for the Acquisition of Foreign Intelligence Information Pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended (hereinafter “the Attorney

¹ (U) On January 18, 2018, Congress reauthorized FAA with the FISA Amendments Reauthorization Act of 2017, with an effective date of December 31, 2017; it codified new requirements concerning Section 702. However, because the Act was signed into law after this current joint assessment’s reporting period, any new requirements and how the government implements those requirements are not discussed in this joint assessment; they will be addressed in subsequent joint assessment(s), as appropriate.

² (U) This report accompanies the Semiannual Report of the Attorney General Concerning Acquisitions under Section 702 of the Foreign Intelligence Surveillance Act, which was previously submitted on September 7, 2017, as required by Section 707(b)(1) of FISA (hereafter Section 707 Report). This 18th Joint Assessment covers the same reporting period as the 18th Attorney General’s Section 707 Report.

General's Acquisition Guidelines") were adopted by the Attorney General, in consultation with the DNI, on August 5, 2008.

(U) During this reporting period, the Government acquired foreign intelligence information under Attorney General and DNI authorized Section 702(g) certifications that targeted non-United States persons reasonably believed to be located outside the United States in order to acquire different types of foreign intelligence information.³ Four agencies are primarily involved in implementing Section 702: the National Security Agency (NSA), the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and National Counterterrorism Center (NCTC).⁴ An overview of how these agencies implement the authority appears in Appendix A of this assessment.

(U) Section Two of this Joint Assessment provides a comprehensive overview of oversight measures the Government employs to ensure compliance with the targeting and minimization procedures, as well as the Attorney General's Acquisition Guidelines. Section Three compiles and presents data acquired from the joint oversight team's compliance reviews in order to provide insight into the overall scope of the Section 702 program, as well as trends in targeting, reporting, and the minimization of United States person information. Section Four describes compliance trends. All of the specific compliance incidents for the reporting period have been previously described in detail in the Section 707 Report. As with the prior Joint Assessments, some of those compliance incidents are analyzed here to determine whether there are patterns or trends that might indicate underlying causes that could be addressed through additional measures, and to assess whether the agency involved has implemented processes to prevent recurrences. Finally, this Joint Assessment contains an Appendix. Appendix A, also contained in previous joint assessments, details how each agency implements Section 702 and includes a general description of the oversight at each agency.

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⁴ (U) During this reporting period, NCTC was authorized by the FISC to receive unminimized Section 702 data. Specifically, in an opinion issued by the FISC on April 26, 2017, the FISC approved new minimization Section 702 procedures for NCTC (2016 NCTC Minimization Procedures). Both the FISC opinion and the 2016 NCTC Minimization Procedures were posted, in redacted form, on ODNI's website *IC on the Record* on May 11, 2017. The 2016 NCTC Minimization Procedures reflect that NCTC may now receive unminimized Section 702 information. Prior to the approval of the 2016 NCTC Minimization Procedures, NCTC was not authorized to receive unminimized Section 702 information pertaining to counterterrorism. However, under both the prior minimization procedures and the current procedures, NCTC ingests data from FBI systems that contain minimized Section 702 information. Because NCTC is not a law enforcement agency, it may not receive disseminations of Section 702 information that contain evidence of a crime, but which have no foreign intelligence value.

(U) In summary, the joint oversight team finds that the agencies have continued to implement the procedures and follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702 during this reporting period. As in the prior Joint Assessments, the joint oversight team has not found the compliance incidents that have been reported or otherwise identified during this reporting period to be an intentional or willful attempt to violate or circumvent the requirements of the Act.⁵ The number of compliance incidents remains small, particularly when compared with the total amount of targeting and collection activity. In its ongoing efforts to reduce the number of future compliance incidents, the Government will continue to focus on measures to improve (a) inter and intra-agency communication, (b) training, and (c) systems used in the handling of Section 702-acquired communications, including those systems needed to ensure that appropriate purge practices are followed and that certain disseminated reports are withdrawn as required. Further, the joint oversight team will also continue to monitor agency practices to ensure appropriate remediation steps are taken to prevent, whenever possible, reoccurrences of the types of compliance incidents discussed herein and in the Section 707 Report. As appropriate, this Joint Assessment provides updates on these on-going efforts.

(U) SECTION 2: OVERSIGHT OF THE IMPLEMENTATION OF SECTION 702

(U) The implementation of Section 702 is a multi-agency effort. As described in detail in Appendix A, NSA and FBI each acquire certain types of data pursuant to their own Section 702 targeting procedures. NSA, FBI, CIA, and NCTC⁶ each handle Section 702-acquired data in accordance with their own minimization procedures.⁷ There are differences in the way each agency implements its procedures resulting from unique provisions in the procedures themselves, differences in how these agencies utilize Section 702-acquired data, and efficiencies from using preexisting systems to implement Section 702 authorities. Because of these differences in practice and procedure, there are corresponding differences in each agency's internal compliance programs and in the external NSD and ODNI oversight programs.

⁵ ~~(S//NF)~~ As reported to Congress in the 19th Semiannual Report of the Attorney General Concerning Acquisitions Under Section 702 of the Foreign Intelligence Surveillance Act, produced on March 5, 2018, NSD identified a compliance incident involving certain queries conducted by an FBI linguist. That Semiannual Report noted that the Government is investigating whether those noncompliant queries were conducted intentionally. The Government has completed its investigation. Although some of the noncompliant queries were conducted during the reporting period of this Joint Assessment, they were discovered by NSD and reported to the Court outside the period of this Joint Assessment. Now that the investigation is complete, NSD is in the process of updating the Court regarding this matter. Because the incident occurred outside the current reporting period and because the Government has yet to provide the Court with an updated report, this incident will be discussed in the next Joint Assessment.

⁶ (U) As discussed herein, CIA and NCTC receive Section 702-acquired data from NSA and FBI.

⁷ (U) Each agency's Section 702 targeting and minimization procedures are approved by the Attorney General and reviewed by the FISC. On May 11, 2017, the DNI released, in redacted form, the current 2016 minimization procedures for NSA, FBI, CIA, and NCTC, as well as the current 2016 targeting procedures, in redacted form, for NSA and FBI. These procedures are posted on ODNI's *IC on the Record* website. Past years' versions of the minimization procedures were previously released and remain on *IC on the Record* as part of the DNI's commitment to the IC's Principles of Transparency.

(U) A joint oversight team was established to conduct compliance assessment activities, consisting of members from NSD, the ODNI Office of Civil Liberties, Privacy, and Transparency (ODNI CLPT), the ODNI Office of General Counsel (ODNI OGC), and the ODNI Office of the Deputy Director for Intelligence Integration/Mission Integration Division (ODNI DD/II/MID). The team members play complementary roles in the review process. The following describes the oversight activities of the joint oversight team, the results of which, in conjunction with the internal oversight conducted by the reviewed agencies, provide the basis for this Joint Assessment.

(U) I. Joint Oversight of NSA

(U) Under the process established by the Attorney General and Director of National Intelligence's certifications, all Section 702 targeting is initiated pursuant to the NSA targeting procedures. Additionally, NSA is responsible for conducting post-tasking checks of all Section 702-tasked communication facilities⁸ (also referred to as selectors) once collection begins. NSA must also minimize its collection in accordance with its minimization procedures. Each of these responsibilities is detailed in Appendix A. Given its central role in the Section 702 process, NSA has devoted substantial oversight and compliance resources to monitoring its implementation of the Section 702 authorities. NSA's internal oversight and compliance mechanisms are further described in Appendix A.

(U) NSD and ODNI's joint oversight of NSA's implementation of Section 702 consists of periodic compliance reviews, which the NSA targeting procedures require,⁹ as well as the investigation and reporting of specific compliance incidents. During this reporting period, NSD and ODNI conducted the following onsite reviews at NSA:

Figure 1: (U) NSA Reviews

Date of Review	Taskings/Minimization Reviewed
February 24, 2017	December 1, 2016 – January 31, 2017
April 28, 2017	February 1, 2017 – March 31, 2017
June 16, 2017	April 1, 2017 – May 31, 2017

(U) Figure 1 is UNCLASSIFIED.

(U) Reports for each of these reviews document the relevant time period of the review, the number and types of communication facilities tasked, and the types of information that NSA relied upon, as well as provide a detailed summary of the findings for that reporting period. These reports

⁸ (U) Section 702 authorizes the targeting of non-United States persons reasonably believed to be located outside the United States. This *targeting* is effectuated by *tasking* communication facilities (i.e. selectors), including but not limited to telephone numbers and electronic communications accounts, to Section 702 electronic communication service providers. The oversight review process, which is described in this joint assessment, applies to the targeting of every communication facility, regardless of the type of facility. A fuller description of the Section 702 targeting process may be found in the Appendix. This assessment uses the terms facilities and selectors interchangeably and is not attempting to make a substantive distinction between the two terms.

⁹ (U) The NSA targeting procedures require that the onsite reviews occur approximately every two months.

have been provided to the congressional committees with the Section 707 Report, as required by Section 707(b)(1)(F) of FISA.

(U) The joint oversight review process for NSA targeting begins well before the onsite review. Prior to each onsite review, NSA electronically sends the tasking record (known as a tasking sheet) for *each* facility tasked during the reporting period to NSD and ODNI. Members of the joint oversight team initially review the tasking sheets, with ODNI team members sending any questions they may have concerning the tasking sheets to NSD, who then prepares a detailed report of the findings, including any questions and requests for additional information. NSD shares this report with the ODNI members of the joint oversight team. During this initial review, the joint oversight team determines whether the tasking sheets meet the documentation standards required by NSA's targeting procedures and provide sufficient information to ascertain the basis for NSA's foreignness determinations. The joint oversight team also reviews whether the tasking was in conformance with the targeting procedures and statutory requirements. For those tasking sheets that, on their face, meet the standards and provide sufficient information, no further supporting documentation is requested. The joint oversight team then identifies the tasking sheets that did not provide sufficient information and requests additional information.

(U) During the onsite review, the joint oversight team examines the cited documentation underlying these identified tasking sheets, together with the NSA Office of Compliance for Operations (formerly known as the NSA's Signals Intelligence Directorate (SID) Office of Oversight and Compliance),¹⁰ NSA attorneys, and other NSA personnel as required. The joint oversight team works with NSA to answer questions, identify issues, clarify ambiguous entries, and provide guidance on areas of potential improvement. Interaction continues following the onsite reviews in the form of electronic and telephonic exchanges to answer questions and clarify issues.

(U) The joint oversight team also reviews NSA's minimization of Section 702-acquired data. NSD currently reviews all of the serialized reports (ODNI reviews a sample) that NSA has disseminated and identified as containing Section 702-acquired United States person information. The team also reviews a sample of serialized reports that NSA has disseminated and identified as containing Section-702 acquired *non*-United States person information. NSD and ODNI also review a sample of NSA disseminations to certain foreign government partners made outside of its serialized reporting process. These disseminations consist of information that NSA has evaluated for foreign intelligence and minimized, but which may not have been translated into English.

(U) NSA's Section 702 minimization procedures provide that any use of United States person identifiers as terms to identify and select communications must first be approved in accordance with NSA procedures,¹¹ which must require a statement of facts establishing that the use of any such identifier as a selection term is reasonably likely to return foreign intelligence information, as defined in FISA. With respect to queries of Section 702-acquired *content* using a

¹⁰ (U) NSA's SID Oversight & Compliance office was replaced by NSA's Office of Compliance for Operations (OCO) on August 31, 2016, as part of NSA's internal reorganization.

¹¹ (U) NSA released these internal procedures in response to a Freedom of Information (FOIA) case filed in the U.S. District Court, Southern District of New York, ACLU v. National Security Agency, et al. (hereafter the ACLU FOIA), and they were posted, in redacted form, on ODNI's *IC on the Record* on April 11, 2017.

United States person identifier, the joint oversight team reviews all approved United States person identifiers to ensure compliance with NSA's minimization procedures.¹² For each approved identifier, NSA also provides information detailing why the proposed use of the United States person identifier would be reasonably likely to return foreign intelligence information, the duration for which the United States person identifier has been authorized to be used as a query term, and any other relevant information. In addition, with respect to queries of Section 702-acquired *metadata* using a United States person identifier, NSA's internal procedures require that NSA analysts document the basis for each metadata query prior to conducting the query. NSD reviews the documentation for 100% of the metadata queries that NSA provides to NSD.¹³

(U) Additionally, the joint oversight team investigates and reports incidents of noncompliance with the NSA targeting and minimization procedures, as well as with the Attorney General Acquisition Guidelines. While some of these incidents may be identified during the reviews, most are identified by NSA analysts or by NSA's internal compliance program. NSA is also required to report certain events that may not be incidents of non-compliance. For example, NSA is required to report *all* instances in which Section 702 acquisition continued while a targeted individual was in the United States, whether or not NSA had any knowledge of the target's travel to the United States.¹⁴ The purpose of such reporting is to allow the joint oversight team to assess whether a compliance incident has occurred and to confirm that any necessary remedial action is taken. Investigations of all of these incidents sometimes result in requests for supplemental information. All compliance incidents identified by these investigations are reported to the congressional committees in the Section 707 Report and to the FISC.

(U) II. Joint Oversight of CIA

(U) As further described in detail in Appendix A, although CIA does not directly engage in targeting or acquisition, it does nominate potential Section 702 targets to NSA. Because CIA nominates potential Section 702 targets to NSA, the joint oversight team conducts onsite visits at CIA, and includes the results of those visits in the bimonthly NSA review reports discussed above.

¹² (U) On May 2, 2017, the DNI publicly released ODNI's fourth annual Transparency Report[s]: *Statistical Transparency Report Regarding Use of National Security Authorities for Calendar Year 2016* (hereafter the *2016 Transparency Report*). Pursuant to reporting requirements proscribed by the USA FREEDOM Act (*see* 50 U.S.C. § 1873(b)(2)(A)), the *2016 Transparency Report* provided the "estimated number of search terms concerning a known United States person used to retrieve the unminimized contents of communications obtained under Section 702" (emphasis added) for the entire calendar year of 2016.

¹³ (U) Also pursuant to reporting requirements proscribed by the USA FREEDOM Act (*see* 50 U.S.C. § 1873(b)(2)(B)), the *2016 Transparency Report* provided the "estimated number of queries concerning a known United States person used to retrieve the unminimized noncontents [(i.e. metadata)] information obtained under Section 702" (emphasis added) for the entire calendar year of 2016.

¹⁴ (U) If NSA had no prior knowledge of the target's travel to the United States and, upon learning of the target's travel, immediately "detasked" (i.e. stopped collection against) the target's facility, as is required by NSA's targeting procedures, the collection while the target was in the United States would not be considered a compliance incident under NSA's targeting procedures, although the collection would generally be subject to purge under the applicable minimization procedures. The joint oversight team carefully considers, and where appropriate, obtains additional facts regarding every reported detasking decision to ensure that NSA's collection and detasking complied with its targeting and minimization procedures.

CIA has established internal compliance mechanisms and procedures to oversee proper implementation of its Section 702 authorities.

(U) The onsite reviews also focus on CIA's application of its Section 702 minimization procedures. For this reporting period, NSD and ODNI conducted the following onsite reviews at CIA:

Figure 2: (U) CIA Reviews

Date of Visits	Minimization Reviewed
March 9 and 10, 2017	December 1, 2016 – January 31, 2017
May 8 and 10, 2017	February 1, 2017 – March 31, 2017
June 28 and 30, 2017	April 1, 2017 – May 31, 2017

(U) Figure 2 is UNCLASSIFIED.

Reports for each of those reviews have previously been provided to the congressional committees with the Section 707 Report, as required by Section 707(b)(1)(F) of FISA.

(U) As a part of the onsite reviews, the joint oversight team examines documents related to CIA's retention, dissemination, and querying of Section 702-acquired data. The team reviews a sample of communications acquired under Section 702 and identified as containing United States person information that have been minimized and retained by CIA. Reviewers ensure that communications have been properly minimized and discuss with CIA personnel issues involving the proper application of CIA's minimization procedures. The team also reviews all disseminations of information acquired under Section 702 that CIA identified as potentially containing United States person information. In addition, NSD and ODNI review CIA's written foreign intelligence justifications for all queries using United States person identifiers of the content of unminimized Section 702-acquired communications to assess whether those queries were compliant with CIA's minimization procedure requirements that such queries are reasonably likely to return foreign intelligence information, as defined by FISA.¹⁵

(S//NF) CIA may receive [REDACTED]¹⁶ unminimized Section 702-acquired communications. Such communications must be minimized pursuant to CIA's minimization procedures. Additionally, and as further described in detail in Appendix A, CIA nominates potential Section 702 targets to NSA. [REDACTED]
[REDACTED] the joint oversight team conducts onsite visits at CIA to review CIA's original source documentation [REDACTED]
[REDACTED] the results of those visits are included in the bimonthly NSA review reports discussed previously. CIA

¹⁵ (S//NF) As of [REDACTED] CIA had [REDACTED], such that NSD and ODNI will be able to review CIA's written foreign intelligence justifications for queries using United States person identifiers of the noncontents of unminimized Section 702-acquired communications. NSD and ODNI's assessments of such queries will be included in future joint assessments, as appropriate.

¹⁶ [REDACTED]

has established internal compliance mechanisms and procedures to oversee proper implementation of its Section 702 authorities. Those processes are further described in Appendix A.

(U) In addition to the bimonthly reviews, the joint oversight team also investigates and reports incidents of noncompliance with CIA's minimization procedures, the Attorney General Acquisition Guidelines, or other agencies' procedures in which CIA is involved.¹⁷ Investigations are coordinated through the CIA FISA Program Office and CIA's Office of General Counsel (CIA OGC), and when necessary, may involve requests for further information, meetings with CIA legal, analytical and/or technical personnel, or the review of source documentation. All compliance incidents identified by those investigations are reported to the congressional committees in the Section 707 Report and to the FISC.

(U) **III. Joint Oversight of FBI**

(U) FBI fulfills various roles in the implementation of Section 702. First, FBI is authorized under the certifications to acquire foreign intelligence information. Those acquisitions must be conducted pursuant to FBI's Section 702 targeting procedures.

(S//NF) Second, FBI also [REDACTED]

[REDACTED] Pursuant to its own authority, FBI is authorized to [REDACTED] from electronic communication service providers by targeting facilities that NSA designates (hereinafter "Designated Accounts"). FBI conveys [REDACTED] from the electronic communications service providers [REDACTED] for processing in accordance with the agencies' FISC-approved minimization procedures.

(S//NF) Third, [REDACTED] FBI may receive [REDACTED] unminimized Section 702-acquired communications. Such communications must be minimized pursuant to FBI's Section 702 minimization procedures. Like CIA, FBI has a process for nominating to NSA new facilities to be targeted pursuant to Section 702.

(U) FBI's internal compliance program and NSD and ODNI's oversight program are designed to ensure FBI's compliance with statutory and procedural requirements for each of those three roles. Each of the roles discussed above, as well as FBI's internal compliance program, are set forth in further detail in Appendix A.

(U) NSD and ODNI generally conduct monthly reviews at FBI headquarters of FBI's compliance with its targeting procedures and bimonthly reviews at FBI headquarters of FBI's compliance with its minimization procedures. Reports for each of those reviews have been provided to the congressional committees with the Section 707 Report, as required by Section

¹⁷ (U) Insofar as CIA nominates facilities for tasking and reviews content that may indicate that a target is located in the United States or is a United States person, some investigations of possible noncompliance with the NSA targeting procedures can also involve CIA.

707(b)(1)(F) of FISA. For this reporting period, onsite reviews at FBI Headquarters were conducted on the following dates:

Figure 3: (U) FBI Reviews

Date of Visit	Targeting and Minimization Reviewed
February 7 and 8, 2017	December 2016 targeting decisions
March 15 and 16, 2017	January 2017 targeting decisions
April 11 and 12, 2017	February 2017 targeting decisions and December 1, 2016 through February 28, 2017, minimization decisions
May 3 and 4, 2017	March 2017 targeting decisions
June 20 and 21, 2017	April 2017 targeting decisions and March 1 through May 31, 2017, minimization decisions
June 27 and 28, 2017	May 2017 targeting decisions

(U) Figure 3 is UNCLASSIFIED.

(U) In conducting the targeting review, the joint oversight team reviews the targeting checklist completed by FBI analysts and supervisory personnel involved in the process, together with supporting documentation.¹⁸ The joint oversight team also reviews a sample of other files to identify any other potential compliance issues. FBI analysts, supervisory personnel, and attorneys from FBI's Office of General Counsel (FBI OGC) are available to answer questions and provide supporting documentation. The joint oversight team provides guidance on areas of potential improvement.

(U) At the FBI reviews, with respect to minimization, the joint oversight team reviews documents related to FBI's application of its Section 702 minimization procedures. The team reviews a sample of communications that FBI has marked in its systems as both meeting the retention standards and containing United States person information. The team also reviews all disseminations by the relevant FBI headquarters unit of information acquired under Section 702 that FBI identified as potentially containing non-publicly available information concerning unconsenting United States person information.

(U) In addition to conducting minimization reviews at FBI headquarters, during this reporting period, NSD continued to conduct minimization reviews at FBI field offices in order to review the retention, query, and dissemination decisions made by FBI field office personnel with respect to Section 702-acquired data. During those field office reviews, NSD reviewed a sample of retention decisions made by FBI personnel in Section 702 cases and a sample of disseminations of information acquired under Section 702 that FBI identified as potentially containing non-publicly available information concerning unconsenting United States persons. NSD also reviewed a sample of queries by FBI personnel in FBI systems that contain raw (unminimized) FISA-acquired information, including Section 702-acquired information. Those reviews ensure that the queries complied with the requirements in FBI's FISA minimization procedures, including its Section 702 minimization procedures. In addition, as a result of a Court-ordered reporting requirement in the

¹⁸ ~~(S//NF)~~ Supporting document includes, among other things, [REDACTED]. The joint oversight team reviews every file identified by FBI [REDACTED]
[REDACTED]

FISC's *November 6, 2015 Memorandum Opinion and Order*¹⁹ for queries conducted after December 4, 2015, NSD reviews those queries to determine if any such queries were conducted solely for the purpose of returning evidence of a crime. If such a query was conducted, NSD would seek additional information as to whether FBI personnel received and reviewed Section 702-acquired information of or concerning a United States person in response to such a query. Pursuant to the FISC's opinion and order, such queries must subsequently be reported to the FISC.

(U) As detailed in the attachments to the Attorney General's Section 707 Report, NSD conducted minimization reviews at 14 FBI field offices during this reporting period and reviewed cases involving Section 702-tasked facilities.²⁰ ODNI joined NSD at a subset of those reviews; ODNI received written summaries regarding all of the reviews from NSD regardless of whether ODNI was in attendance. Those reviews are further discussed in Section IV below.

(S//NF) Separately, in order to evaluate the FBI's [REDACTED] acquisition [REDACTED] and provision of [REDACTED], the joint oversight team conducts an annual process review with FBI's technical personnel to ensure that those activities complied with applicable minimization procedures. The last annual process review occurred in March 2017.

(S//NF) As further described in detail in Appendix A, FBI nominates potential Section 702 targets to NSA. [REDACTED]

[REDACTED] FBI has established internal compliance mechanisms and procedures to oversee proper implementation of its Section 702 authorities. Those processes are further described in Appendix A.

(U) The joint oversight team also investigates potential incidents of noncompliance with the FBI targeting and minimization procedures, the Attorney General's Acquisition Guidelines, or other agencies' procedures in which FBI is involved.²¹ Those investigations are coordinated with FBI OGC and may involve requests for further information; meetings with FBI legal, analytical, and/or technical personnel; or review of source documentation. Compliance incidents identified by those investigations are reported to the congressional committees in the Section 707 Report and to the FISC.

¹⁹ (U) The FISC's November 6, 2015 Opinion and Order approved the 2015 FISA Section 702 Certifications. On April 19, 2016, the DNI, in consultation with the Attorney General, released in redacted form, this *Opinion and Order* on the ODNI public website *IC on the Record*.

(S//NF) The title of the FISC's November 6, 2015 opinion is [REDACTED]

²⁰ (S//NF) During those field office reviews, NSD reviewed [REDACTED] cases involving Section 702-tasked facilities.

²¹ (U) Insofar as FBI nominates facilities for tasking and reviews content that may indicate that a target is located in the United States or is a United States person, some investigations of possible noncompliance with the NSA targeting procedures can also involve FBI.

(U) IV. Joint Oversight of NCTC

(U) As noted above, NCTC previously played a more limited role in implementing Section 702, as reflected in the “Minimization Procedures Used by NCTC in connection with Information Acquired by the FBI pursuant to Section 702 of FISA, as amended.” For the majority of this reporting period, under these limited minimization procedures, NCTC was not authorized to receive unminimized Section 702 data, but NCTC had access to certain FBI systems containing minimized Section 702 information pertaining to counterterrorism. As part of the joint oversight of NCTC to ensure compliance with these procedures, NSD and ODNI conduct reviews of NCTC’s access, receipt, and processing of minimized Section 702 information received from FBI. NSD conducted the most recent review at NCTC for this reporting period in May 2017.

~~(S//NF)~~ As referenced in footnote 4, during this reporting period, NCTC was authorized to receive unminimized Section 702 information pertaining to counterterrorism. NCTC’s processing, retention, and dissemination of such information is subject to its 2016 Minimization Procedures. Unlike ██████████ NCTC does not directly engage in targeting or acquisition, nor does it nominate potential Section 702 targets ██████████ NCTC may receive ██████████ unminimized Section 702-acquired communications. Such communications must be minimized pursuant to NCTC’s minimization procedures. NCTC has established internal compliance mechanisms and procedures to oversee proper implementation of its Section 702 authorities. Because NCTC now acquires unminimized Section 702 information, the joint oversight team conducts onsite visits at NCTC, and the results of those visits are included in bimonthly NCTC review reports. The onsite reviews focus on NCTC’s application of its Section 702 minimization procedures. In July 2017, which is outside this reporting period, NSD and ODNI conducted the first onsite review at NCTC to assess NCTC’s handling of unminimized Section 702-acquired communications pursuant to its 2016 Section 702 minimization procedures. The July 2017 onsite review at NCTC will be discussed in a subsequent joint assessment, as appropriate.

(U) As a part of the onsite review, the joint oversight team examines documents related to NCTC’s retention, dissemination, and querying of Section 702-acquired data. The team reviews all communications acquired under Section 702 that have been minimized and retained by NCTC, irrespective of whether it contains United States person information. Reviewers ensure that communications have been properly minimized and discuss with personnel issues involving the proper application of NCTC’s minimization procedures. The team also reviews all NCTC disseminations of information acquired under Section 702. In addition, NSD and ODNI review NCTC’s written foreign intelligence justifications for all queries of the content of unminimized Section 702-acquired communications.

(U) In addition to the bimonthly reviews, the joint oversight team also investigates and reports incidents of noncompliance with NCTC’s minimization procedures or other agencies’ procedures in which NCTC is involved.²² Investigations are coordinated through the NCTC Compliance and Transparency Group and NCTC Legal, a forward deployment component of the DNI Office of General Counsel (DNI OGC), and when necessary, may involve requests for further

²² (U) Insofar as NCTC reviews content that may indicate that a target is located in the United States or is a United States person, some investigations of possible noncompliance with the NSA targeting procedures can also involve NCTC.

information; meetings with NCTC Legal, analytical, and/or technical personnel; or the review of source documentation. All compliance incidents identified by those investigations are reported to the congressional committees in the Section 707 Report and to the FISC.

(U) V. Interagency/Programmatic Oversight

(U) Because the implementation and oversight of the Government's Section 702 authorities are a multi-agency effort, investigations of particular compliance incidents may involve more than one agency. The resolution of particular compliance incidents can provide lessons learned for all agencies. Robust communication among the agencies is required for each to effectively implement its authorities, gather foreign intelligence, and comply with all legal requirements. For those reasons, NSD and ODNI conduct twice monthly telephone calls and quarterly meetings (in addition to ad hoc calls and meetings on specific topics as needed) with representatives from all agencies implementing Section 702 authorities to discuss and resolve interagency issues affecting compliance with the statute and applicable procedures. Additionally, NSD and ODNI conduct weekly telephone calls with NSA to address outstanding compliance matters and work through the process of understanding those matters and reporting incidents to the FISC.

(U) NSD and ODNI's programmatic oversight also involves efforts to proactively minimize the number of incidents of noncompliance. For example, NSD and ODNI have required agencies to demonstrate to the joint oversight team new or substantially revised systems involved in Section 702 targeting or minimization prior to implementation. NSD and ODNI personnel also continue to work with the agencies to review and, where appropriate, seek modifications of their targeting and minimization procedures in an effort to enhance the Government's collection of foreign intelligence information, civil liberties protections, and compliance.

(U) VI. Training

(U) In addition to specific instructions to personnel directly involved in certain incidents of noncompliance discussed in Section 4, the agencies and the joint oversight team have also continued their training efforts to ensure compliance with the targeting and minimization procedures. NSA continued to administer the compliance training course updated in November 2016.²³ All NSA personnel who require access to Section 702 data are required to complete this course on an annual basis in order to gain and/or maintain that access. Additionally, NSA continued providing training on a more informal and ad hoc basis by issuing training reminders and compliance advisories to analysts concerning new or updated guidance to maintain compliance with the Section 702 procedures. Those training reminders and compliance advisories are e-mailed to individual analysts and targeting adjudicators and maintained on internal agency websites²⁴ where

²³ (U) The transcript associated with this training, dated August 2016, was posted, in redacted form, on *IC on the Record* on August 22, 2017, in response to the aforementioned ACLU FOIA case titled, *OVSC1203: FISA Amendments Act Section 702* (Document 17, NSA's Training on FISA Amendments Act Section 702).

²⁴ (U) These documents were posted, in redacted form, on ODNI's *IC on the Record* on August 23, 2017, in response to the aforementioned ACLU FOIA case: *NSA's 702 Targeting Review Guidance* (Document 10), *NSA's 702 Practical Applications Training* (Document 11), *NSA's 702 Training for NSA Adjudicators* (Document 12), and *NSA's 702 Adjudication Checklist* (Document 13).

personnel can obtain information about specific types of Section 702-related issues and compliance matters.

(U) CIA continues to provide regular FISA training at least twice a year to all of the attorneys it embeds with CIA operational personnel. Additionally, CIA has a required training program for anyone handling raw Section 702-acquired data that provides hands-on experience with handling and minimizing Section 702-acquired data, as well as the Section 702 nomination process; during this reporting period, CIA continued to implement this training, which is required for all personnel who nominate facilities to NSA and/or minimize Section 702-acquired communications. Furthermore, CIA has issued guidance to its personnel about how to properly conduct United States person queries that are reasonably likely to return foreign intelligence information, *see USP Query Guidance for Personnel with Access to Unminimized FISA Section 702 Data*.²⁵

(U) FBI has similarly continued implementing its online training programs regarding Section 702 nominations, minimization, and other related requirements. Completion of those FBI online training programs is required of all FBI personnel who request access to Section 702 information. NSD and FBI have also conducted in-person trainings at multiple FBI field offices. For example, during this current reporting period, NSD and FBI continued to provide additional focused training at FBI field offices on the Section 702 minimization procedures, including training FBI field personnel on the attorney-client privileged communication provisions of FBI's minimization procedures.²⁶ NSD training at FBI field offices also included training on the reporting requirement from the FISC's *November 6, 2015 Memorandum Opinion and Order* regarding the 2015 FISA Section 702 Certifications. As discussed above, this reporting requirement applies to queries conducted after December 4, 2015, that were conducted solely for the purpose of returning evidence of a crime and returned Section 702-acquired information of or concerning a United States person that was reviewed by FBI personnel.

(U) NCTC provides training on the NCTC Section 702 Minimization Procedures to all of its personnel who may have access to raw Section 702-acquired information. NCTC uses a training tracking system through which NCTC can verify that its users have received the appropriate Section 702 training before being given access to raw Section 702-acquired information. In addition, NCTC conducts audits of personnel at NCTC who accessed raw Section 702-acquired information in its system to confirm that those personnel who access raw Section 702-acquired information had received training on the NCTC Section 702 Minimization Procedures.

(U) SECTION 3: TRENDS IN SECTION 702 TARGETING AND MINIMIZATION

(U) In conducting the above-described oversight program, NSD, ODNI, and the agencies have collected a substantial amount of data regarding the implementation of Section 702. In this

²⁵ (U) In response to the aforementioned ACLU FOIA case, CIA's guidance document was posted, in redacted form, on ODNI's *IC on the Record* on April 11, 2017, *see* ACLU April 2017 Production 5, Document 15 "CIA's United States Person Query Guidelines for Personnel."

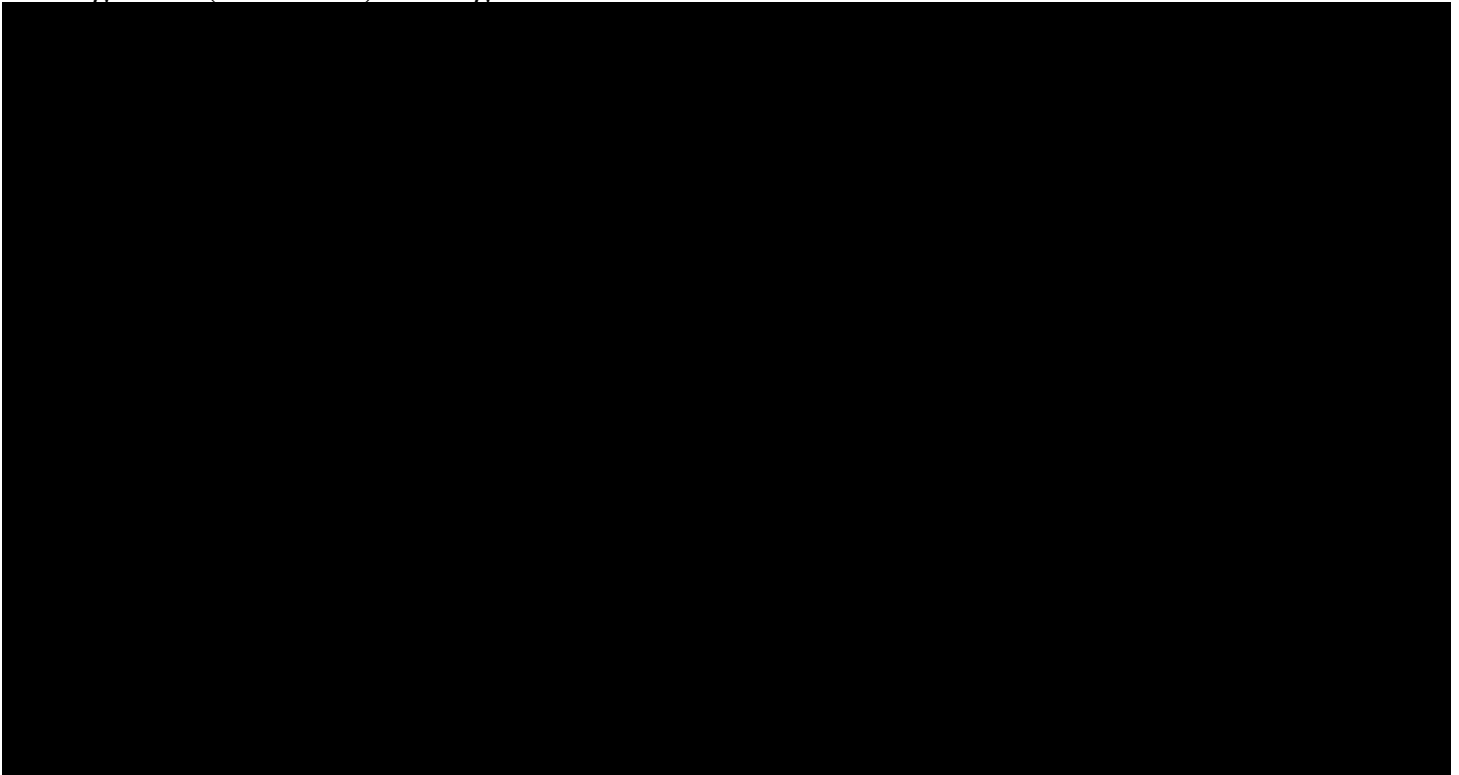
²⁶ (U) This specific training began before and continued after the current reporting period of December 1, 2016 – May 31, 2017.

section, a comprehensive collection of this data has been compiled in order to identify overall trends in the agencies' targeting, minimization, and compliance.

(U) I. Trends in NSA Targeting and Minimization

(U) NSA provides to the joint oversight team the average approximate number of facilities that were under collection on any given day during the reporting period. Because the actual number of facilities tasked remains classified,²⁷ the figure charting the average number of facilities under collection is classified as well. Since the inception of the program, the total number of facilities under collection during each reporting period has steadily increased with the exception of two reporting periods that experienced minor decreases.²⁸

Figure 4: ~~(TS//SI//NF)~~ Average Number of Facilities Under Collection



(U) Figure 4 is classified TOP SECRET//SI//NOFORN

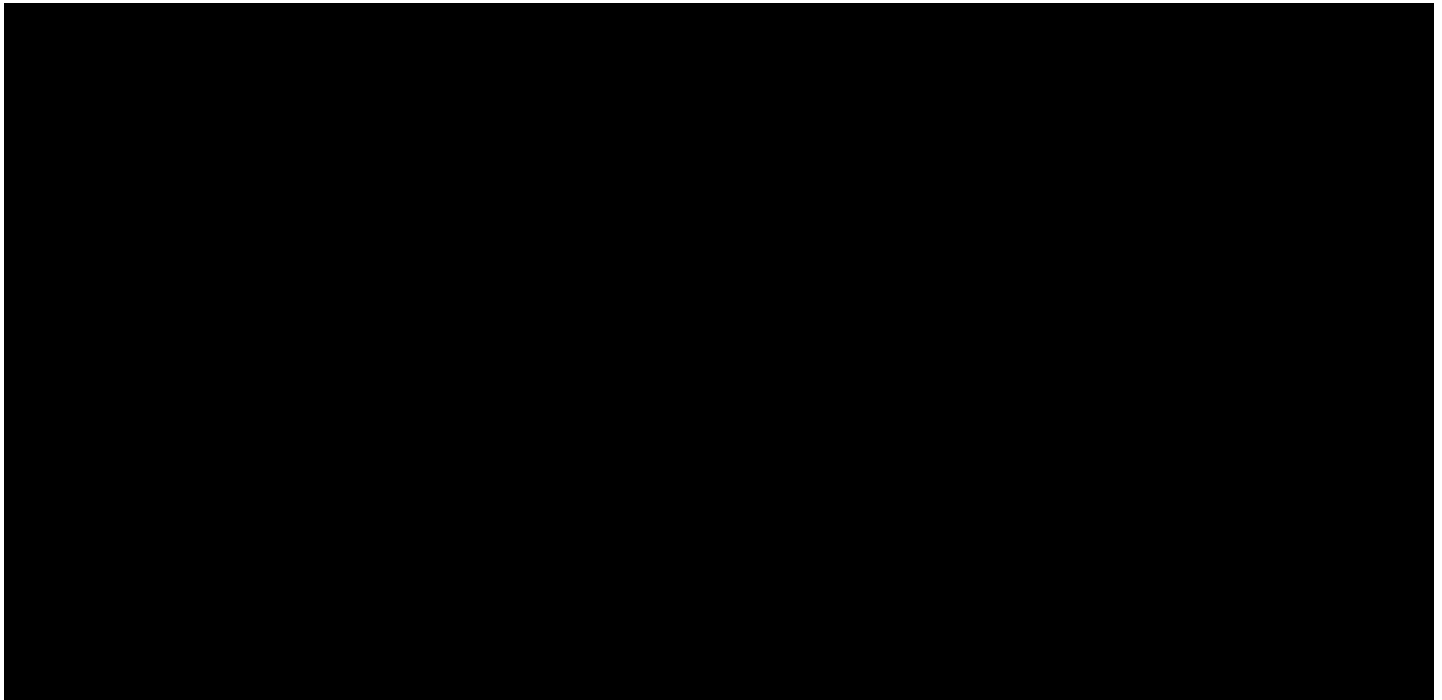
²⁷ (U) The provided number of facilities, on average, subject to acquisition during the reporting period remains classified and is different from the unclassified estimated number of targets affected by Section 702 released by the ODNI most recently in its *2016 Transparency Report*. The classified numbers estimate the number of *facilities* subject to Section 702 acquisition, whereas the unclassified numbers provided in the Transparency Report estimate the number of Section 702 *targets*. As noted in the Transparency Report, the number of 702 'targets' reflects an estimate of the number of known users of particular facilities, subject to intelligence collection under those Certifications. The classified number of facilities account for those facilities subject to Section 702 acquisition *during the current six month reporting period*, whereas the Transparency Report estimates the number of targets affected by Section 702 *during the calendar year*.

²⁸ (U) One of the reporting periods in which the total number of facilities under collection decreased occurred prior to 2010 and is not reflected in Figure 4.

(~~TS//SI//NF~~) More specifically, NSA reports that, on average, approximately [REDACTED] facilities were under collection pursuant to the applicable certifications on any given day during the reporting period.²⁹ This represents a 27.4% increase from the approximately [REDACTED] facilities under collection on any given day in the last reporting period.³⁰ [REDACTED]

(U) The above statistics describe the *average* number of facilities under collection at any given time during the reporting period. The total number of *newly* tasked facilities during the reporting period provides another useful metric.³¹ Classified Figure 5 charts the total monthly numbers of newly tasked facilities since 2010.

Figure 5: (~~TS//SI//NF~~) New Taskings by Month (Yearly Average for 2011 through Nov. 2016)



(U) Figure 5 is classified TOP SECRET//SI//NOFORN.

²⁹ (~~S//NF~~) The applicable certifications for this reporting period were [REDACTED]

³⁰ [REDACTED]

³¹ (U) The term newly tasked facilities refers to any facility that was added to collection under a certification. This term includes any facility added to collection pursuant to the Section 702 targeting procedures; some of these newly tasked facilities are facilities that had been previously tasked for collection, were detasked, and then retasked.

(S//SI//NF) Specifically, NSA provided documentation of [REDACTED] new taskings during the reporting period. This represents a 33.8% increase in new taskings from the previous reporting period. [REDACTED]

(S//SI//NF) NSA tasked an average of [REDACTED] telephony facilities during the first eleven months of 2016. From December 2016 through May 2017, NSA has tasked an average of [REDACTED] telephony facilities. This represents [REDACTED] increase in the average monthly telephony facilities when compared to the first eleven months of 2016.

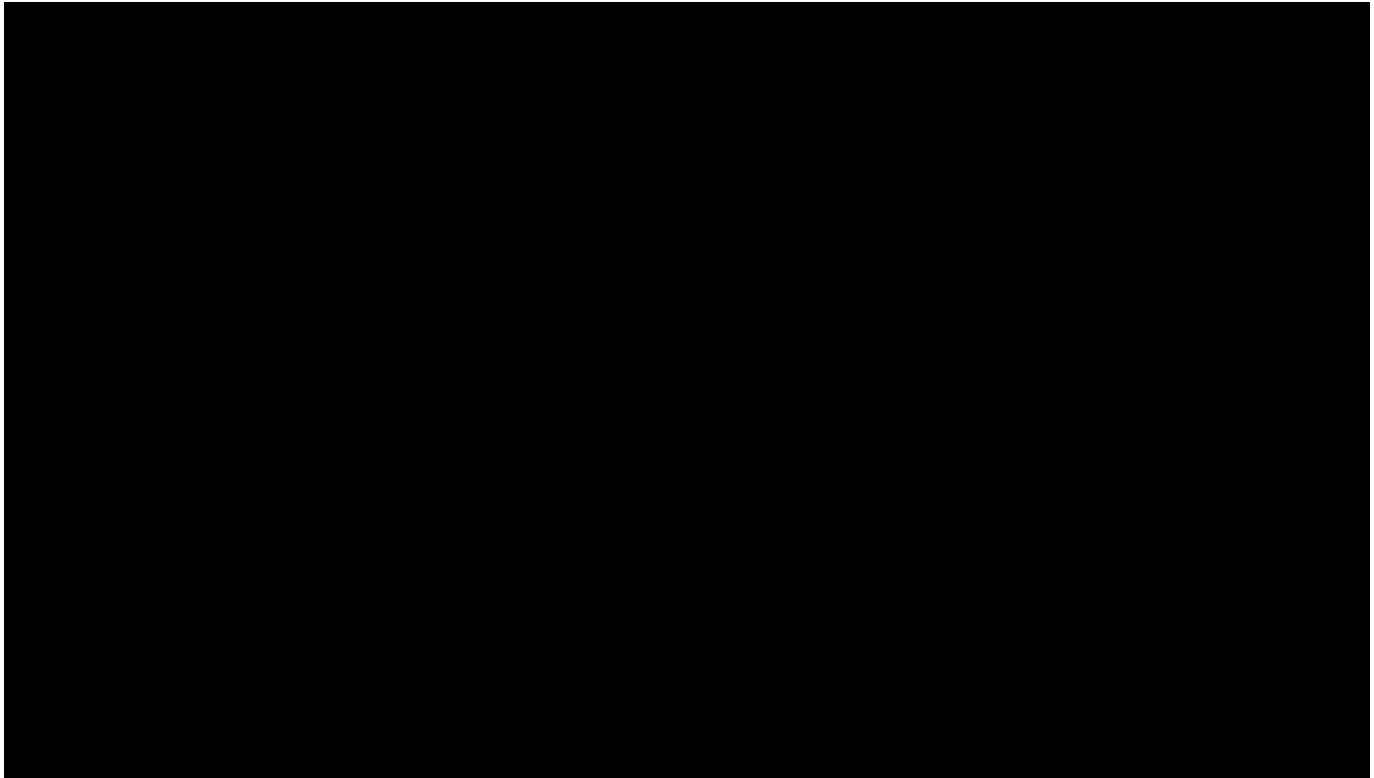
(S//SI//NF) NSA tasked an average of [REDACTED] electronic communications accounts during the first eleven months of 2016. From December 2016 through May 2017, NSA tasked an average of [REDACTED] electronic communication accounts ([REDACTED] increase from the January through November 2016 monthly average).

(U) With respect to minimization, NSA identified to the joint oversight team the number of serialized reports NSA generated based upon minimized Section 702-acquired data, and provided NSD and ODNI access to all reports NSA identified as containing United States person information.³² Figure 6 contains the classified number of serialized reports and reports identified as containing United States person information over the last ten reporting periods. The NSD and ODNI review revealed that the United States person information was at least initially masked in the vast majority of circumstances.³³ The number of serialized reports NSA has identified as containing United States person information increased after slightly decreasing for the prior two reporting periods.

³² (U) Previous joint assessments referred to those reports containing minimized Section 702- or Protect America Act (PAA)-acquired information. However, given that Section 702 of FAA replaced the PAA in 2008, the Government no longer disseminates minimized information that was previously acquired pursuant to PAA. However, Figure 6 provides a trend analysis over a longer period of time and may include reports containing minimized PAA-acquired information in addition to minimized Section 702-acquired information.

³³ (U) NSA generally “masks” United States person information by replacing the name or other identifying information of the United States person with a generic term, such as “United States person #1.” Agencies may request that NSA “unmask” the United States person identity. Prior to such unmasking, NSA must determine that the United States person’s identity meets the applicable standards in NSA’s minimization procedures.

Figure 6: ~~(S//NF)~~ Total Disseminated NSA Serialized Reports Based Upon Section 702- Acquired Data and Number of Such Reports NSA Identified as Containing USP



(U) Figure 6 is classified SECRET//NOFORN.

~~(S//NF)~~ Specifically, in this reporting period NSA identified to NSD and ODNI [REDACTED] serialized reports based upon minimized Section 702-acquired data. This represents a 13.7% increase from the [REDACTED] serialized reports NSA identified in the prior reporting period. NSA attributes this increase, in part, to its expanded use of Section 702 [REDACTED] [REDACTED] which have produced reportable foreign intelligence information. Figure 6 reflects NSA reporting over the last ten reporting periods; this is the first and only decrease for these ten reporting periods.

~~(S//NF)~~ Figure 6 also shows the number of these serialized reports that NSA identified as containing United States person information. During this reporting period, NSA identified [REDACTED] serialized reports as containing United States person information derived from Section 702-acquired data.³⁴ The percentage of reports containing United States person information was slightly higher this reporting period (8.5%) than the 8.4% reported in the previous reporting period and similar to the 8.5% and 9.0% reported in the two prior reporting periods.

³⁴ (U) NSA does not maintain records that allow it to readily determine, in the case of a report that includes information from several sources, from which source a reference to a United States person was derived. Accordingly, the references to United States person identities may have resulted from collection pursuant to Section 702 or from other authorized signals intelligence activity conducted by NSA that was reported in conjunction with information acquired under Section 702. Thus, the number provided above is assessed to likely be over-inclusive. NSA has previously provided this explanation in its Annual Review pursuant to Section 702(l)(3) that is provided to Congress.

(U) **II. Trends in FBI Targeting**

(U) Under Section 702, NSA designates and submits facilities to FBI for acquisition of communications from certain facilities that have been previously approved for Section 702 acquisition under the NSA targeting procedures. FBI applies its own targeting procedures with regard to these designated accounts. FBI reports to the joint oversight team the specific number of facilities designated by NSA and the number of NSA-designated-facilities that FBI approved.³⁵ As detailed below, the number of facilities designated for acquisition has increased from the past reporting period, which is consistent with the general trend in prior reporting periods.³⁶

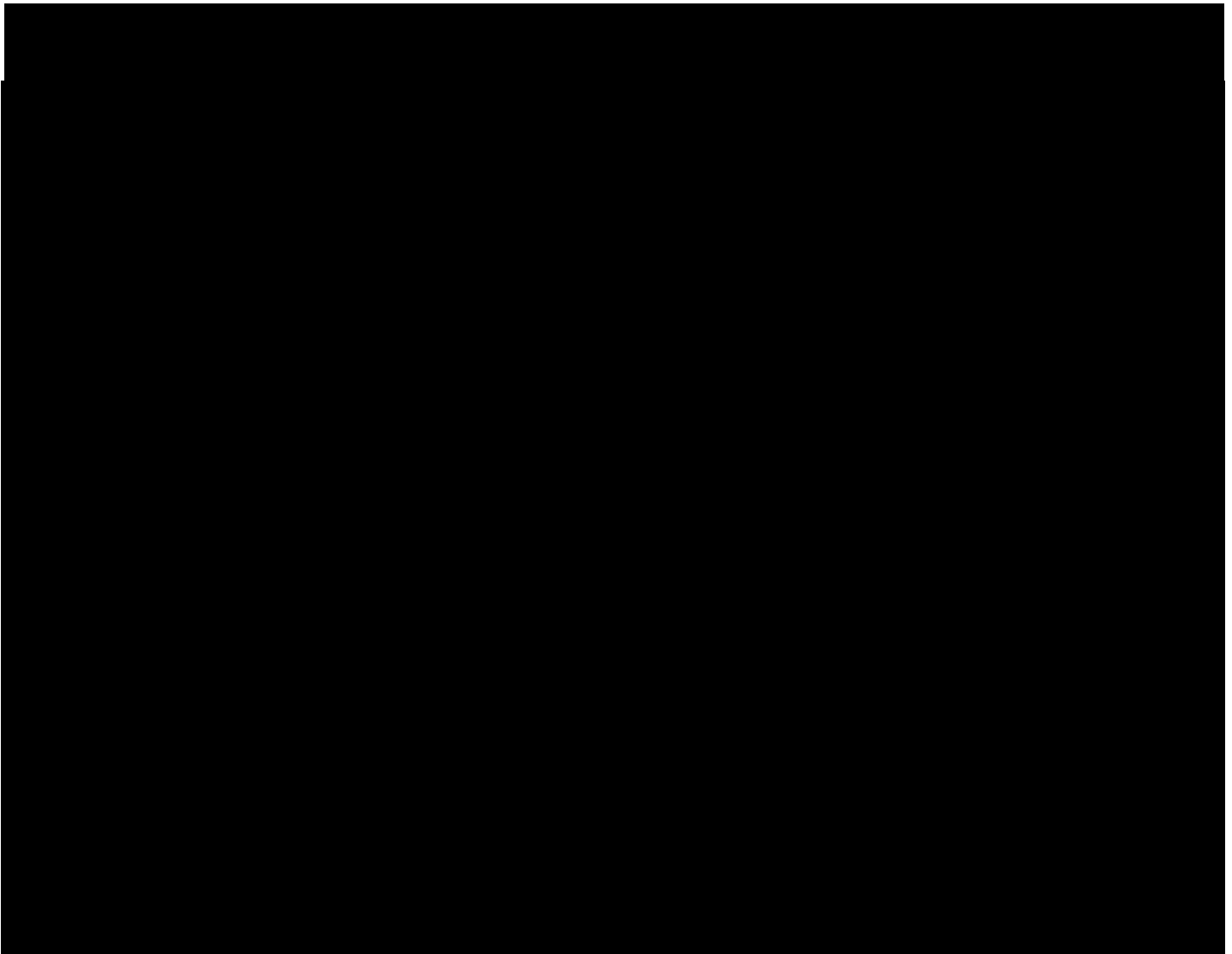
(U) As classified Figure 7 details, FBI approves the vast majority of NSA's designated facilities and this percentage has been consistently high. The high level of approval can be attributed to the fact that the NSA-designated facilities have already been evaluated and found to meet the NSA targeting procedures. FBI may not approve NSA's request for acquisition of a designated facility for several reasons, including withdrawal of the request because the potential data to be acquired is no longer of foreign intelligence interest, or because FBI has uncovered information causing NSA and/or FBI to question whether the user or users of the facility are non-United States persons located outside the United States. Historically, the joint oversight team notes that for those accounts not approved by FBI, only a small portion³⁷ were rejected on the basis that they were ineligible for Section 702 collection.

(U) Between 2011 and December 2013, the yearly average of designated facilities approved by FBI steadily increased. The yearly average of designated facilities approved by FBI in 2014 slightly decreased, and then increased again in 2015 and in the first eleven months of 2016. Between December 2016 and May 2017, the number of designated facilities approved by FBI each month has varied. NSD and ODNI have continued to track the number of facilities approved by FBI in 2017 and will incorporate this information into future Joint Assessments.

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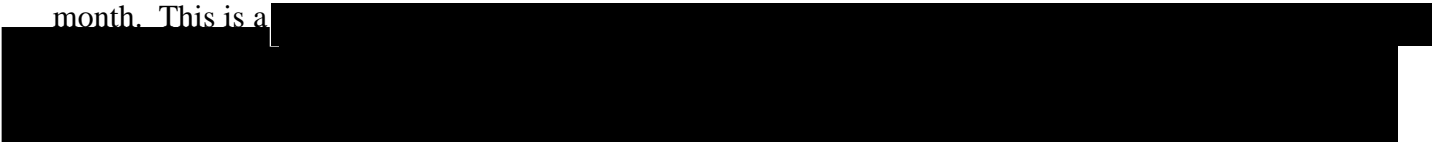
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(U) Figure 7 is classified SECRET//NOFORN.

(S//SI//NF) Specifically, FBI reports that NSA designated [REDACTED] accounts [REDACTED] [REDACTED] during the reporting period – an average of [REDACTED] designated accounts per month. This is a [REDACTED]



(S//NF) FBI approved [REDACTED] requests [REDACTED]



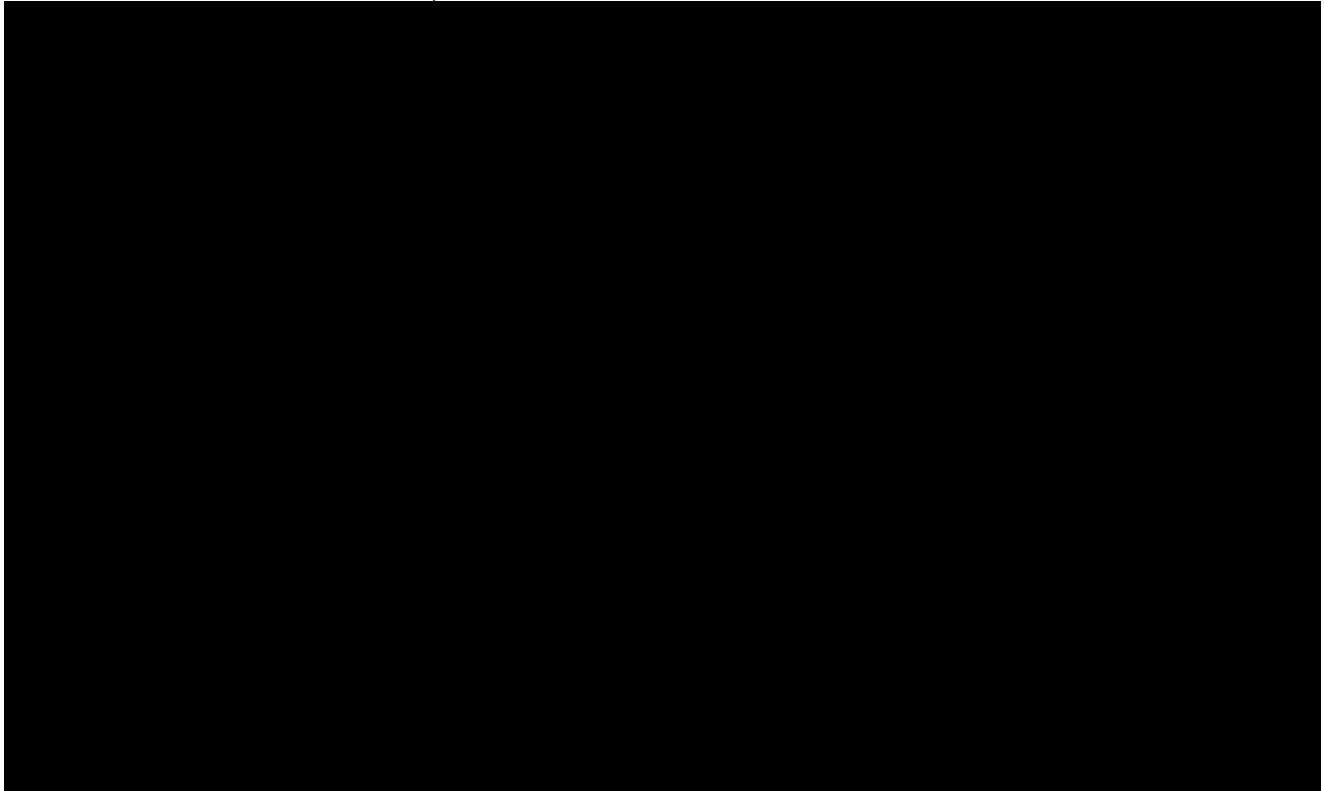
(U) As indicated in prior Joint Assessments, the Government was previously able to provide figures regarding the number of reports FBI had identified as containing minimized Section 702-acquired United States person information. However, in 2013, FBI transitioned much of its

dissemination of Section 702-acquired information from FBI headquarters to FBI field offices. NSD conducts oversight reviews at multiple FBI field offices each year, some of which ODNI attends, and during those reviews, NSD reviews a sample of the Section 702 disseminations issued by the respective field office. Because every field office is not reviewed every six months, NSD no longer has comprehensive numbers on the number of disseminations of Section 702-acquired United States person information made by FBI. FBI does, however, report comparable information on an annual basis to Congress and the FISC pursuant to 50 U.S.C. § 1881a(l)(3)(i).

(U) III. Trends in CIA Minimization

(U) CIA only identifies for NSD and ODNI disseminations of Section 702-acquired United States person information. Classified Figure 8 compiles the number of such disseminations of reports containing United States person information identified in the last ten reporting periods (June 2012 – November 2012 through the current period of December 2016 – May 2017). In the first four reporting periods, the number of CIA-identified disseminations containing United States person information, while always low, decreased. In the fifth reporting period, the number of CIA-identified disseminations containing United States person information, while still low, increased. In the sixth and seventh reporting periods, the number of CIA-identified disseminations containing United States person information again decreased. In the eighth and ninth reporting periods, the number of CIA-identified disseminations containing United States person information increased. In this reporting period, the number of CIA-identified disseminations containing United States person information decreased.

Figure 8: ~~(S//NF)~~ Disseminations Identified by CIA as Containing Minimized Section 702-Acquired United States Person Information (Excluding Certain Disseminations to NCTC)



(U) Figure 8 is classified SECRET//NOFORN.

~~(S//NF)~~ During this reporting period, CIA identified [REDACTED] disseminations of Section 702-acquired data containing minimized United States person information. This is a [REDACTED] decrease from the [REDACTED] such disseminations CIA made in the prior reporting period. [REDACTED]

[REDACTED] and as reported in prior Joint Assessments, CIA also permits some personnel with [REDACTED]

[REDACTED] NSD and ODNI, however, review all [REDACTED] containing Section 702-acquired information that CIA has identified as potentially containing United States person information to ensure compliance with CIA's minimization procedures.

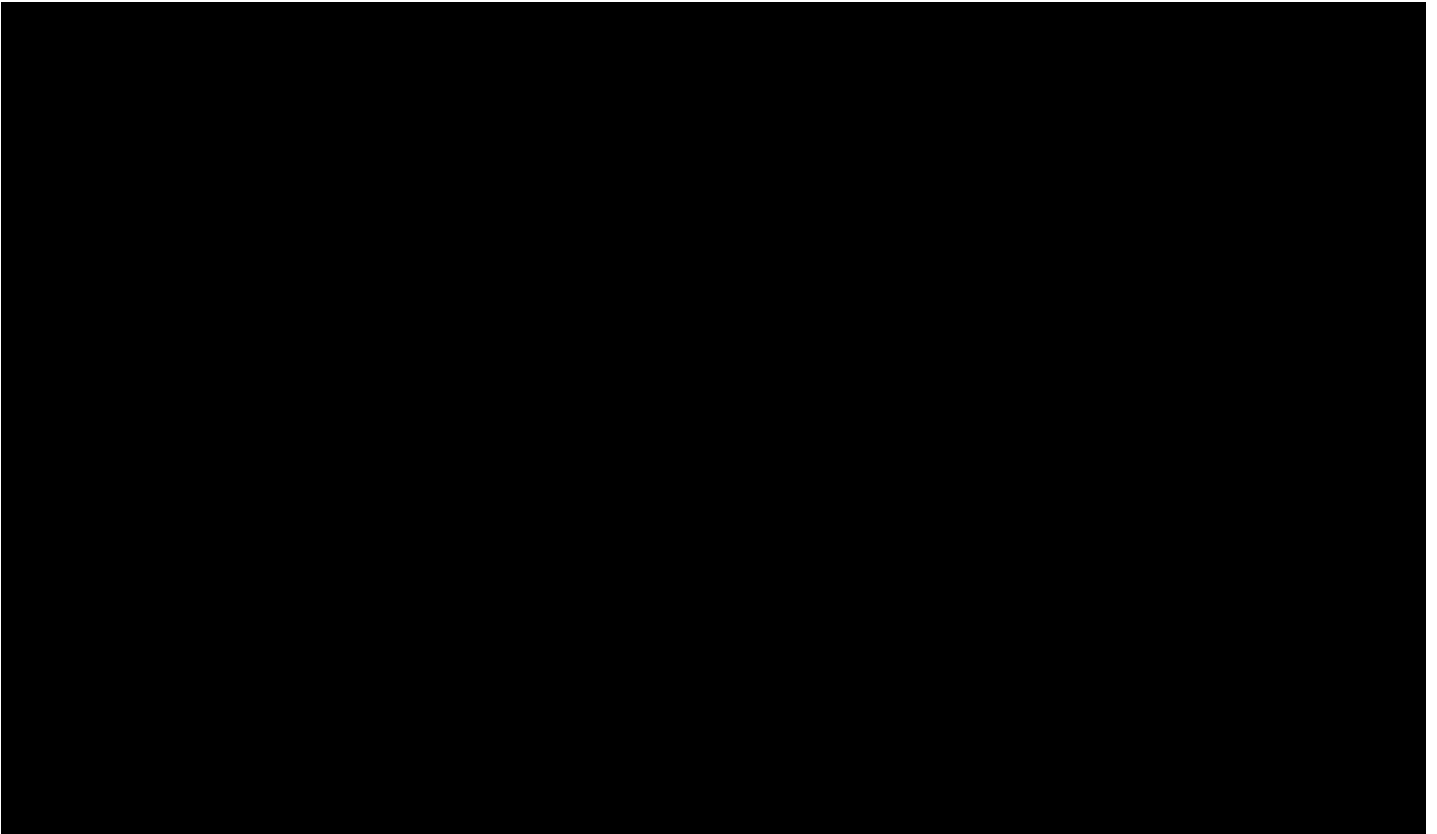
(U) CIA also tracks the number of files its personnel determine are appropriate for broader access and longer-term retention. The CIA minimization procedures must be applied to those files before they are retained or transferred to systems with broader access.³⁸ Classified Figure 9 details the total number of files that were either retained or transferred, as well as the number of those

³⁸ [REDACTED]

[REDACTED] In making those retention decisions, CIA personnel are required to identify any files potentially containing United States person information.

retained or transferred files that contain identified United States person information.³⁹ Beginning in the middle of the reporting period covered by the 13th Joint Assessment (dated September 2015), CIA began reporting the number of files CIA transferred to systems with broader access, instead of the number of files retained in systems of limited access, as the number of transferred files provides a more accurate portrayal of CIA's use of Section 702-acquired information. This current assessment reports the total number of files CIA transferred from December 2016 through May 2017. For reference, however, the number of files retained from prior assessment periods is also displayed in the Figure below.⁴⁰ In all reporting periods, the number of retained or transferred files identified by CIA as potentially containing United States person information has been consistently a very small percentage of the total number of retained or transferred files.

Figure 9: ~~(S//NF)~~ Total CIA Files Retained or Transferred and Total CIA Files that were Retained or Transferred Which Contained Potential United States Person Information



(U) Figure 9 is classified SECRET// NOFORN.

³⁹ (U) As reported in the 11th Joint Assessment (October 2014), CIA determined in September 2014 that characterizations in prior assessments of the number of files having been “transferred” was not the most appropriate term as some files had been retained for long term retention but had not been transferred to systems of broader access. Consequently, the numbers of files for which CIA had made a retention decision were re-characterized as having been “retained.” Because the terms transferred and retained attempt to describe the same authorized actions under CIA's Minimization Procedures, this Joint Assessment just refers to retention decisions.

⁴⁰

[Redacted]

(S//NF) For this reporting period, CIA analysts transferred a total of [REDACTED] of which were identified by CIA as containing a communication with potential United States person information. This is [REDACTED] decrease in the number of files transferred or retained when compared with the previous reporting period when [REDACTED] of which contained potential United States person information.

(U) SECTION 4: COMPLIANCE ASSESSMENT – FINDINGS

(U) The joint oversight team finds that during this reporting period, the agencies have continued to implement the procedures and follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702. The personnel involved in implementing the authorities are appropriately directing their efforts at non-United States persons reasonably believed to be located outside the United States for the purpose of acquiring foreign intelligence information. Processes have been put in place to implement these authorities and to impose internal controls for compliance and verification purposes. The compliance incidents during the reporting period represent a very small percentage of the overall collection activity. Based upon a review of the reported compliance incidents for this period, the joint oversight team does not believe that these incidents represent an intentional attempt to circumvent or violate the procedures required by the Act.

(U) As noted in prior reports, in the cooperative environment the implementing agencies have established, an action by one agency can result in an incident of noncompliance with another agency's procedures. It is also important to note that a single incident can have broader implications.

(U) Each of the compliance incidents for this current reporting period is described in detail in the corresponding Section 707 Report. The Joint Assessment provides NSD and ODNI's analysis of those compliance incidents in an effort to identify existing patterns or trends that might identify the underlying causes of those incidents. The joint oversight team then considers whether and how those underlying causes could be addressed through additional remedial or proactive measures and assesses whether the agency involved has implemented appropriate procedures to prevent recurrences. The joint oversight team continues to assist in the development of such measures, some of which are detailed below, especially as it pertains to investigating whether additional and/or new system automation may assist in preventing compliance incidents.

(U) I. Compliance Incidents – General

(U) A. Statistical Data Relating To Compliance Incidents

(S//NF) As noted in the Section 707 Report, there were a total of [REDACTED] compliance incidents that involved noncompliance with NSA's targeting or minimization procedures and [REDACTED] compliance incidents involving noncompliance with FBI's targeting and minimization procedures, for a total of [REDACTED]

[REDACTED] incidents involving NSA and/or FBI procedures.⁴¹ During this reporting period, there were [REDACTED] identified incidents of noncompliance with CIA's minimization procedures. There were no identified instances of noncompliance by an electronic communication service provider issued a directive pursuant to Section 702(h) of FISA.

(U) Figure 10 puts those compliance incidents in the context of the average number of facilities subject to acquisition on any given day⁴² during the reporting period:

Figure 10: ~~(TS//SI//NF)~~ Compliance Incident Rate

Compliance incidents during reporting period (December 1, 2016 – May 31, 2017)	[REDACTED]
Number of facilities on average subject to acquisition during the reporting period	
Compliance incident rate: number of incidents divided by average facilities subject to acquisition	
	0.37%

(U) Figure 10 is classified TOP SECRET//SI//NOFORN.

(U) The compliance incident rate continues to remain below one percent, with the current rate of 0.37% representing a decrease from the 0.88% compliance incident rate in the prior reporting period.⁴³ The number of notification delays decreased during this reporting period, but remained higher than the number reported for several periods prior to the June 1, 2016 through November 30, 2016 reporting period. If the notification delays incidents are not included in the calculation, the overall compliance incident rate for this reporting period is 0.33%. This information is explained below and detailed in Figure 11.

(U) While the incident rate remains well below one percent, this percentage in and of itself does not provide a full measure of compliance in the program. A single incident, for example, may have broad ramifications and may involve multiple facilities. Other incidents, such as notification

⁴¹ (U) As is discussed in the Section 707 report and herein, some compliance incidents involve more than one element of the IC. Incidents have therefore been grouped not by the agency "at fault," but instead by the set of procedures with which actions have been noncompliant.

⁴² ~~(S//NF)~~ [REDACTED]

The Attorney General's

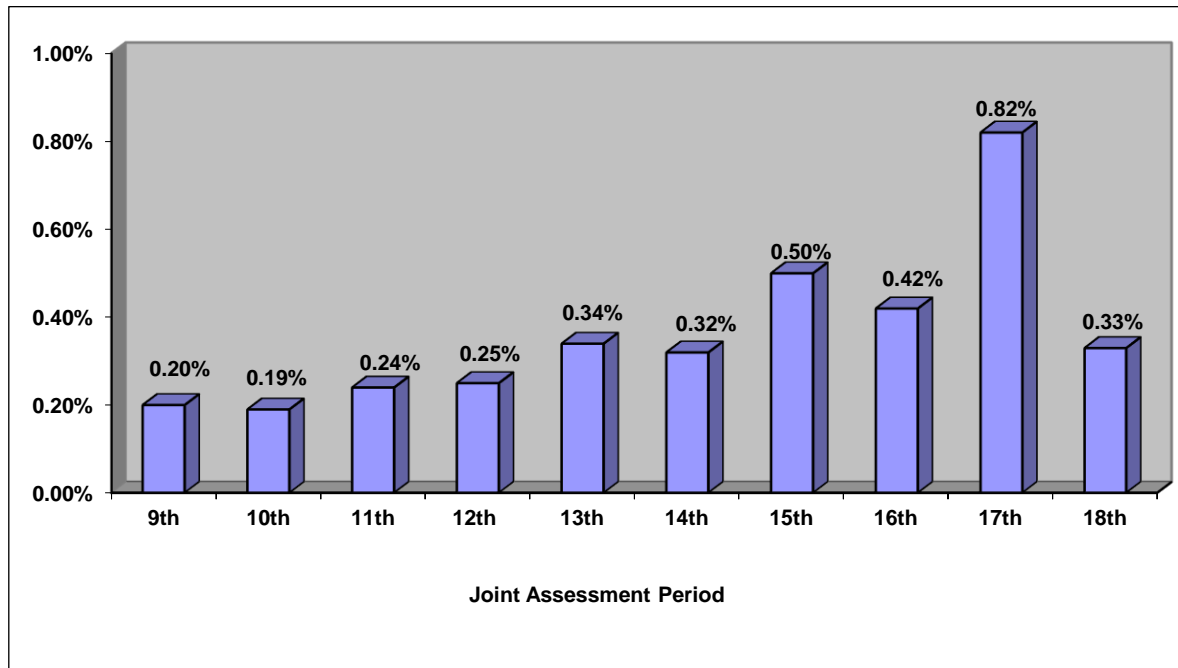
Section 707 report provides further details with respect to any particular incident.

⁴³ (U) As explained in the previous joint assessment, the prior 0.88% compliance incident rate was largely attributed to an increase in two types of incidents. If those two types of incidents had not been included in that reporting period, the previous compliance incident rate would have been 0.40% (as opposed to 0.88%).

delays (described further below) may occur with frequency, but have limited significance with respect to United States person information.⁴⁴

(U) The joint oversight team assesses that another measure of substantive compliance with the applicable targeting and minimization procedures is to compare the compliance incident rate excluding notification delays. Figure 11 shows that adjusted rate:

Figure 11: (U) Compliance Incident Rate (as the number of incidents divided by the number of average facilities tasked), Not including Notification Delays



(U) Figure 11 is UNCLASSIFIED.

(U) As Figure 11 demonstrates, the adjusted compliance incident rate calculated without the notification delays is 0.33%, which is lower than what was reported in the prior reporting period (0.82%), and still below 1%. While the underlying causes of the compliance incident rate are discussed later in this assessment, as the DNI explained on June 7, 2017, during an open hearing in front of the Senate Select Committee on Intelligence, ODNI and DOJ's reviews have revealed an extremely low incident rate. The DNI explained that, while mistakes have occurred, "any system with zero compliance incidents is a broken compliance system because humans make mistakes." The DNI emphasized that when the government finds compliance incidents, those incidents are reported and corrected.

⁴⁴ (U) The Joint Assessment has traditionally compared the number of compliance incidents to the number of average tasked facilities. Using the number of average facilities subject to acquisition as the denominator provides a general proxy for an activity level that is relevant from a compliance perspective. That is, the joint oversight team believes that the number of targeted facilities generally comports with the number of activities that could result in compliance incidents (*e.g.* taskings, detaskings, disseminations, and queries). Tracking this rate over consecutive years allows one to discern general trends as to how the Section 702 program is functioning overall from a compliance standpoint.

(U) The joint oversight team assesses that the consistently low compliance incident rate of less than 1% is a result of training, internal processes designed to identify and remediate potential compliance issues, and a continued focus by internal and external oversight personnel to ensure compliance with the applicable targeting and minimization procedures.

(U) B. Categories of Compliance Incidents

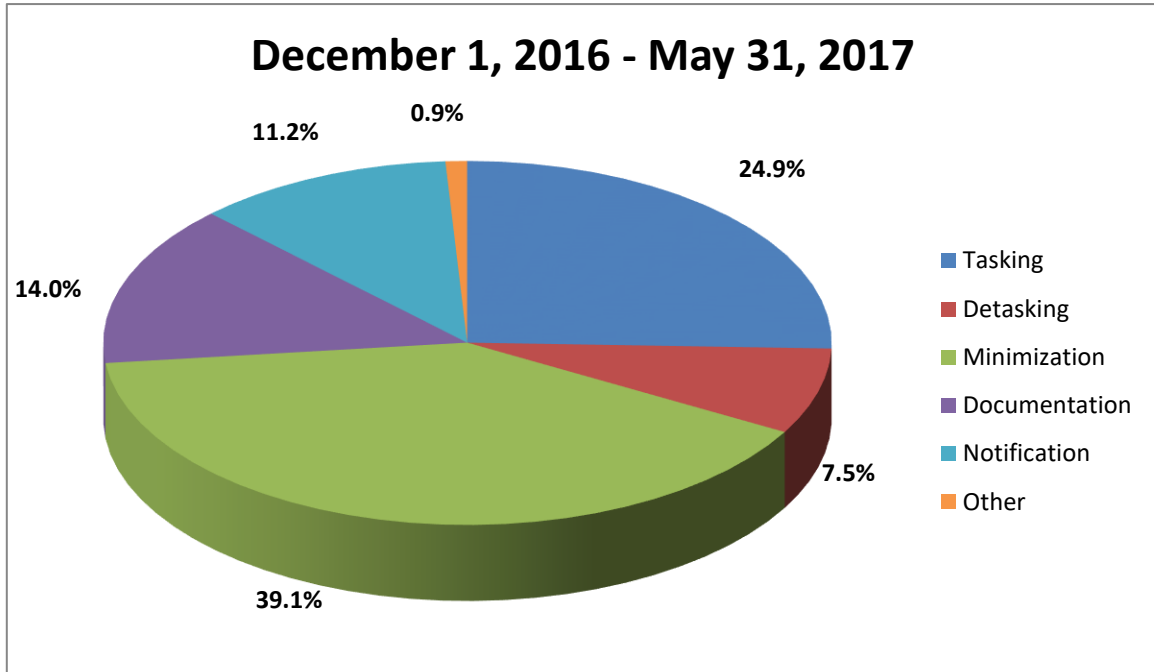
(U) Most of the compliance incidents occurring during the reporting period involved non-compliance with the NSA's targeting or minimization procedures. This largely reflects the centrality of NSA's targeting and minimization efforts in the Government's implementation of the Section 702 authority. The compliance incidents involving NSA's targeting or minimization procedures have generally fallen into the following categories:

- (U) *Tasking Issues*. This category involves incidents where noncompliance with the targeting procedures resulted in an error in the initial tasking of the facility.
- (U) *Detasking Issues*. This category involves incidents in which the facility was properly tasked in accordance with the targeting procedures, but errors in the detasking of the facility caused noncompliance with the targeting procedures.
- (U) *Overcollection*. This category involves incidents in which NSA's collection systems, in the process of attempting to acquire the communications of properly tasked facilities, also acquired data regarding untasked facilities, resulting in "overcollection."
- (U) *Notification Delays*. This category involves incidents in which a facility was properly tasked in accordance with the targeting procedures, but a notification requirement contained in the targeting procedures was not satisfied.
- (U) *Documentation Issues*. This category involves incidents where the determination to target a facility was not properly documented as required by the targeting procedures.
- (U) *Minimization Issues*. This category involves NSA's compliance with its minimization procedures.
- (U) *Other Issues*. This category involves incidents that do not fall into one of the six above categories.

In some instances, an incident may involve more than one category of noncompliance.

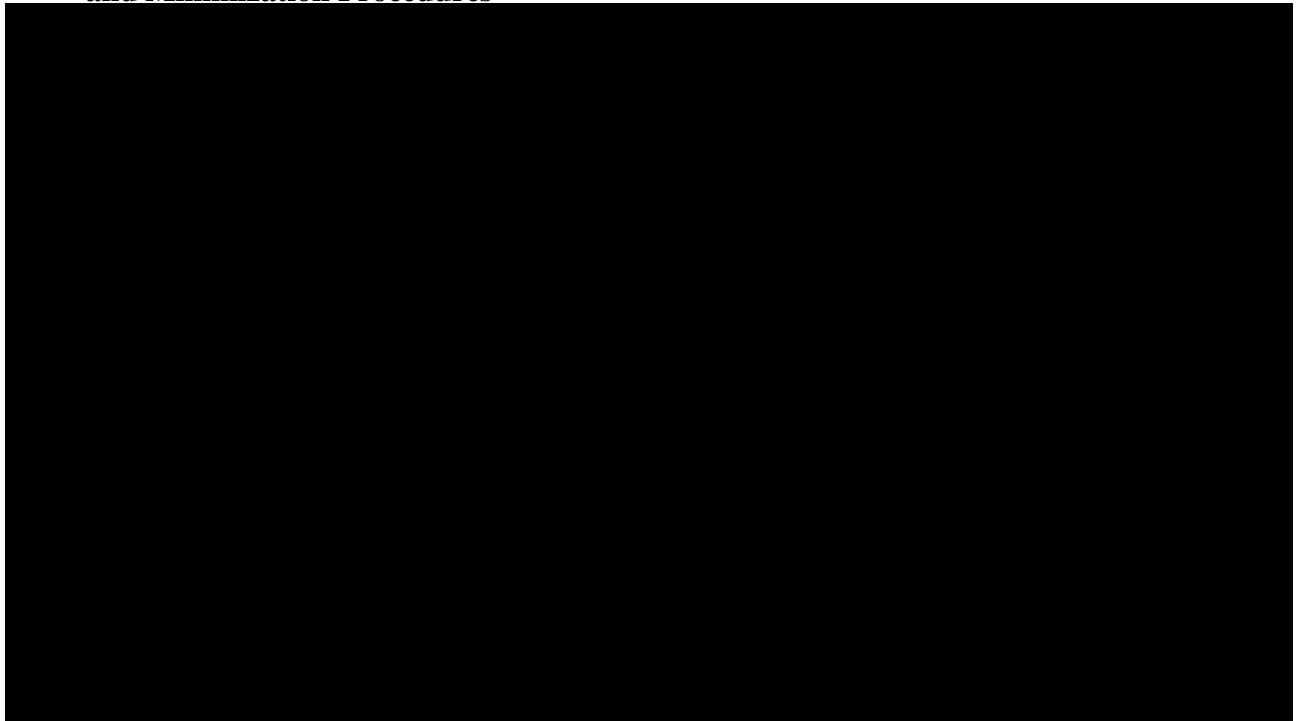
(U) These categories are helpful for purposes of reporting and understanding the compliance incidents. Because the actual number of incidents remains classified, Figure 12A depicts the percentage of compliance incidents in each category that occurred during this reporting period, whereas Figure 12B provides that actual classified number of incidents.

Figure 12A: (U) Percentage Breakdown of Compliance Incidents Involving the NSA Targeting and Minimization Procedures



(U) Figure 12A is UNCLASSIFIED

Figure 12B: ~~(S//NF)~~ Number of Compliance Incidents Involving the NSA Targeting and Minimization Procedures



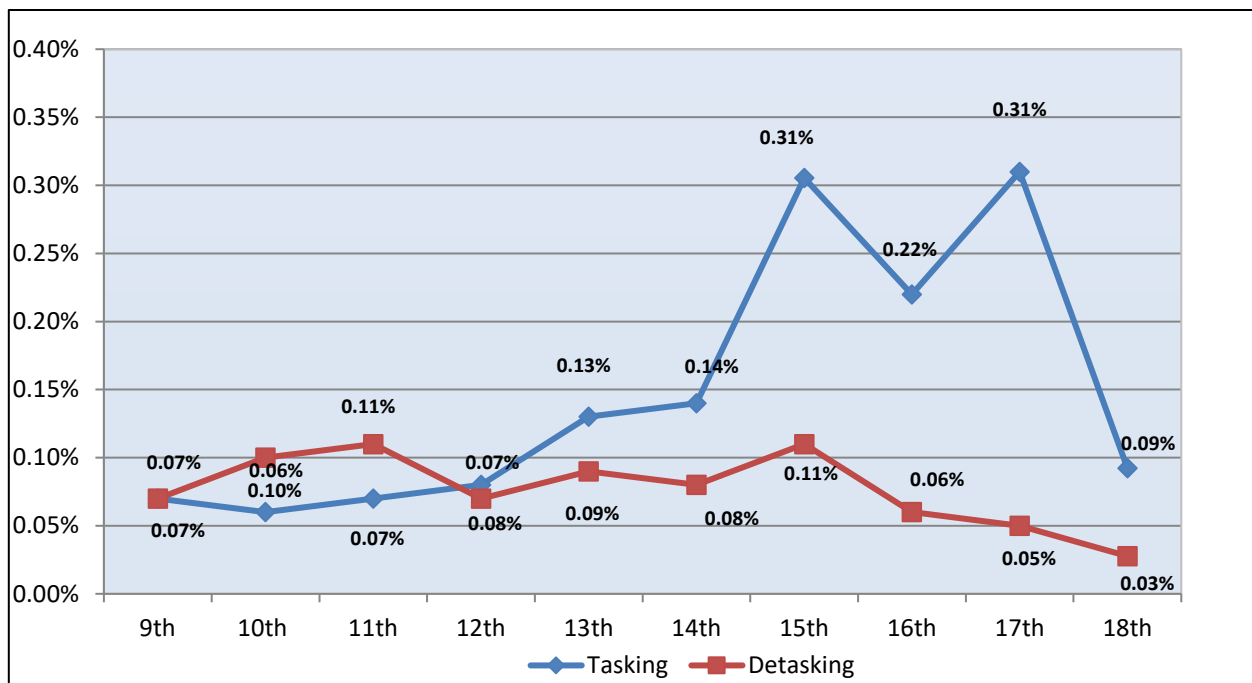
(U) Figure 12B is classified SECRET//NOFORN

(U) As Figures 12A and 12B demonstrate, the proportion of notification delays, which used to constitute the predominant share of incidents, remains low. Tasking and detasking incidents often involve more substantive compliance incidents insofar as they can (but do not always) involve collection involving a facility used by a United States person or an individual located in the United States. Furthermore, incidents of noncompliance with minimization procedures are also a focus of the joint oversight team because these types of incidents may involve information concerning United States persons.

(S//NF) More specifically, the number of tasking incidents decreased from [REDACTED] [REDACTED] detasking incidents decreased [REDACTED] minimization incidents decreased from [REDACTED] documentation incidents slightly increased [REDACTED] and “other” category incidents decreased from [REDACTED]. The number of notification delays decreased [REDACTED]. There were zero overcollection incidents in this period, which is less than the single overcollection incident reported for the prior period.

(U) Figure 13 depicts the compliance incident rates, as compared to the average facilities on task, for tasking and detasking incidents over the previous reporting periods. While these tasking and detasking incidents are grouped in a single chart for a comparison, the tasking and detasking incidents are not relational to each other, i.e. an increase or decrease in the rate of tasking incidents does not result in an increase or decrease in the detasking incident rate.

Figure 13: (U) Tasking and Detasking Incident Compliance Rates



(U) Figure 13 is UNCLASSIFIED.

(U) Over the time periods covered in the above chart, the tasking and detasking incident compliance rate has varied by fractions of a percentage point as compared to the average size of the collection. Tasking errors cover a variety of incidents, ranging from the tasking of an account that

the Government should have known was used by a United States person or an individual located in the United States to typographical errors in the initial tasking of the account that affect no United States persons or persons located in the United States.⁴⁵ The tasking compliance incident rate involving facilities used by United States persons was less than 0.01%, which was substantially lower than the overall tasking incident compliance rate. Detasking errors more often involve a facility used by a United States person or an individual located in the United States, who may or may not have been the targeted user.⁴⁶ The percentage of compliance incidents involving such detasking incidents has remained consistently low.⁴⁷ The detasking compliance incident rate involving facilities used by United States persons was also less than 0.01%.

(U) With respect to FBI's targeting and minimization procedures, the total number of identified targeting and minimization errors also remained low, as consistent with past reporting periods.⁴⁸ Classified Figure 14 shows the classified number of incidents for the last several reporting periods. The joint oversight team assesses that FBI's overall compliance with its targeting and minimization procedures is a result of FBI's training and the processes it has designed to effectuate its procedures.

⁴⁵ (U) As discussed in detail in the 15th Joint Assessment, the significant increase in tasking errors during that reporting period was substantially caused by one particular NSA targeting office's misunderstanding of the requirements of the targeting procedures. As a result, that particular targeting office was required to retake the formal NSA Section 702 online training. *See* the 15th Joint Assessment, pp. 35 – 36. As detailed in the 17th Joint Assessment, the increase in tasking errors was not caused by a single targeting office's misunderstanding of the rules, but a number of the tasking errors consisted of a common fact pattern.

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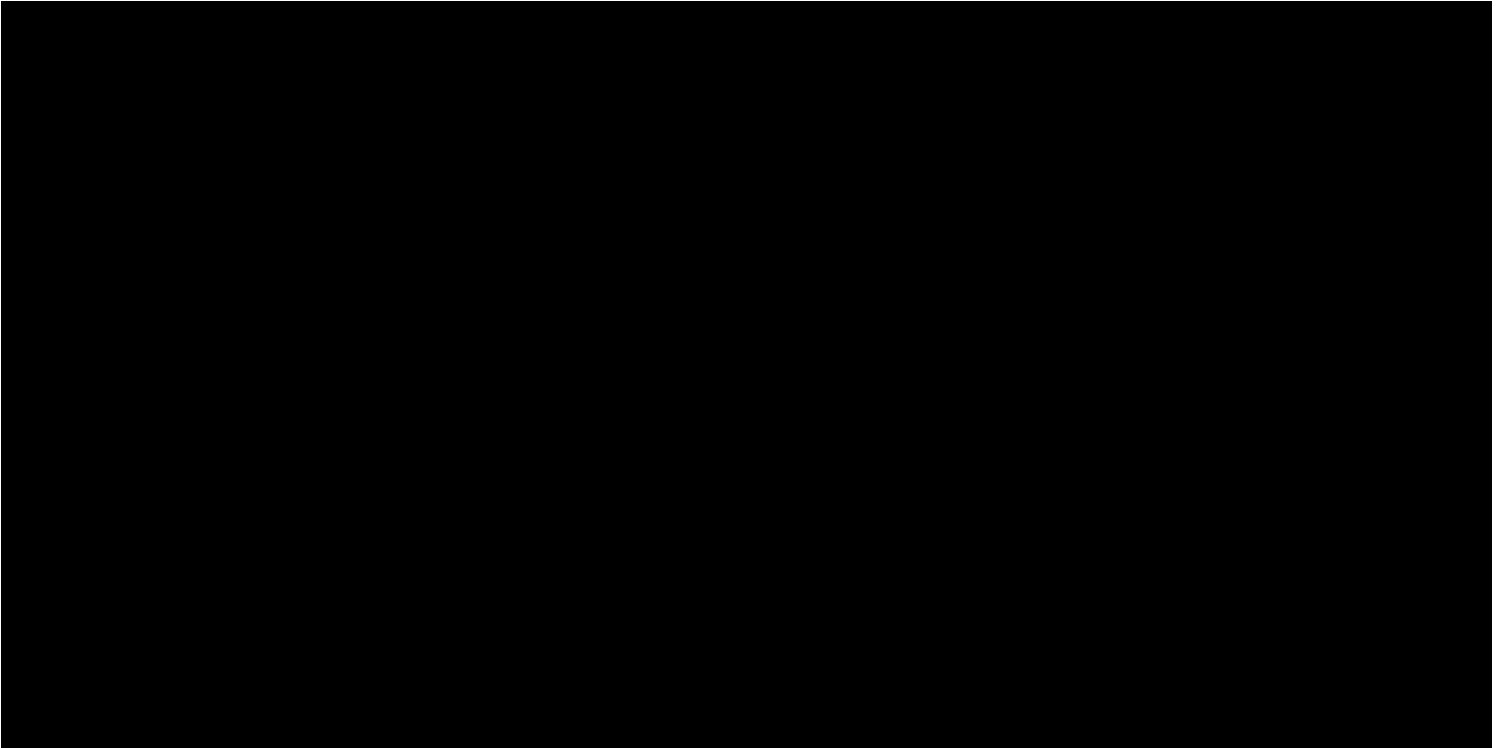


⁴⁷ (U) NSD and ODNI note that the above incident rates fluctuate by hundredths of a percentage point. Any perceived significant fluctuation is due to the scale of the graph (.00% to .25%). If, for example, the chart used a 0% to 1% scale to show fluctuations, the chart would show two virtually flat lines hugging the bottom. NSD and ODNI do not believe that the different incident rates are statistically significant and note that the incident rate is consistently quite low.

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Figure 14: ~~(S//NF)~~ Number of Compliance Incidents Involving the FBI Targeting and Minimization Procedures



(U) Figure 14 is classified SECRET//NOFORN.

~~(S//NF)~~ There were [REDACTED] incidents during this reporting period that involved CIA's minimization procedures; [REDACTED] incidents were also reported in the previous reporting period for CIA. The joint oversight team assesses that CIA's compliance is a result of its training, systems, and processes that were implemented when the Section 702 program was developed to ensure compliance with its minimization procedures and the work of its internal oversight team.

~~(S//NF)~~ Finally, there were zero incidents of non-compliance caused by errors made by a communications service provider in this reporting period, which represents a decrease from the [REDACTED] reported in the prior reporting period. The joint oversight team assesses that the low number of errors by the communications service providers is the result of continuous efforts by the Government and providers to ensure that lawful intercept systems effectively comply with the law while protecting the privacy of the providers' customers.

(U) II. Review of Compliance Incidents – NSA Targeting and Minimization Procedures

(U) As with the prior Joint Assessment, this Joint Assessment takes a broad approach and discusses the trends, patterns, and underlying causes of the compliance incidents reported in the Section 707 Report. The joint oversight team believes that analyzing the trends of those incidents, especially in regard to their causes, helps the agencies focus resources, avoid future incidents, and improve overall compliance. The Joint Assessment primarily focuses on incidents involving NSA's targeting and minimization procedures, the volume and nature of which are better-suited to

detecting such patterns and trends. The following subsections examine incidents of non-compliance involving NSA's targeting and minimization procedures. Most of those incidents did not involve United States persons, and instead involved matters such as typographical or other tasking errors, detasking delays with respect to facilities used by non-United States persons who may have entered the United States, or notification delays. Some incidents during this reporting period did, however, involve United States persons. United States persons were primarily impacted by: (1) tasking errors that led to the tasking of facilities used by United States persons; (2) delays in detasking facilities after NSA determined that the user of the facility was a United States person; and (3) non-compliance with the NSA's minimization procedures involving the unintentional improper dissemination, retention, or querying of Section 702 information.

(U) The NSA compliance incident rate for this reporting period, excluding FBI and CIA compliance incidents, is 0.36%⁴⁹ and represents a substantial decrease from the compliance incident rate of the previous reporting period. In the subsections that follow,⁵⁰ this Joint Assessment examines some of the underlying causes of incidents of non-compliance focusing on incidents that have the greatest potential to impact United States persons' privacy interests, albeit that those incidents represent a minority of the overall incidents. Different types of communication issues, technical and system errors, and human errors are detailed and discussed below. The joint oversight team believes that analyzing the trends of these incidents, especially in regards to their causes, help the agencies focus resources, avoid future incidents, and improve overall compliance.

(U) A. The Impact of Compliance Incidents on United States Persons

(U) A primary concern of the joint assessment team is the impact of certain compliance incidents on United States persons. The Section 707 Report discusses every incident of noncompliance with the targeting and minimization procedures, including any necessary purges resulting from these incidents. Most of these incidents did not involve United States persons, and instead involved matters such as typographical errors in tasking that resulted in no collection, detasking delays with respect to facilities used by non-United States persons who had entered the United States, or notification errors.

(U) Some incidents, however, did involve United States persons during the recent reporting period. As noted above, both the tasking compliance incident rate and detasking compliance incident rate involving facilities used by United States persons was less than 0.01% during this reporting period. For tasking and detasking incidents, United States persons were primarily impacted by (1) tasking errors that led to the tasking of facilities used by United States persons, and (2) delays in detasking facilities after NSA determined that the user of the facility was a United States person. United States persons were also impacted by minimization errors during this reporting period, which are detailed below. While the number of incidents involving United States persons remains low, due to their importance, these incidents are highlighted in this subsection. The Section 707 Report provides further details regarding each individual incident and how any

⁴⁹ (U) The overall compliance incident rate for this reporting period is 0.37%.

⁵⁰ (U) Although ODNI and DOJ strive to maintain consistency in the headings of these subsections, these headings may change with each joint assessment, depending on the incidents that occurred during that reporting period and the respective underlying causes.

erroneously acquired, disseminated, or queried United States person information was handled through various purge, recall, and deletion processes.

(U) (1) *Tasking Errors Impacting United States Persons*

(U) Only 3% of the total number of tasking errors identified during this reporting period involved instances where facilities used by United States persons were tasked pursuant to Section 702.⁵¹ These incidents represent isolated instances of insufficient due diligence and did not involve an intentional effort to target a United States person.

(U) All of the tasking errors in this reporting period impacting United States persons involved the tasking of facilities where the Government knew or should have known that at least one user of the facility was a United States person.⁵² The majority of these tasking errors involved targeting analysts not considering the totality of circumstances known to the Government prior to targeting pursuant to Section 702.⁵³ One tasking error was of a somewhat different nature. In that incident, an NSA analyst tasked a facility pursuant to Section 702 based on an erroneous analysis of data acquired from the intended target's Section 702-task facility.⁵⁴

⁵¹ (U) Note that this is 3% of *all* tasking incidents. As described above, the overall tasking compliance incident rate involving United States persons was less than 0.01%.

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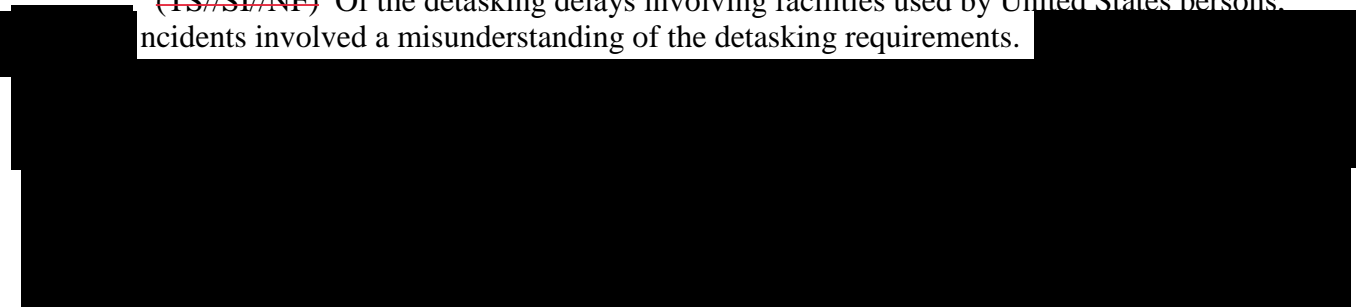
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(U) (2) *Delays in Detasking Impacting United States Persons*

(U) The majority of the detasking incidents involved non-United States persons who either traveled to the United States, appeared to have traveled to the United States, or involved a non-resolvable unexplained indication of an account appearing to be accessed from within the United States. Only 17% of the total number of detasking delays involved facilities used by a United States person.⁵⁵ As discussed in further detail below, the detasking delay incidents impacting United States persons in this reporting period were caused by human errors: miscommunication, misunderstandings of the detasking requirements, and analysts' faulty analysis of information that erroneously led them to continue to assess that the target was a non-United States person located outside the United States.

(~~TS//SI//NF~~) Of the detasking delays involving facilities used by United States persons,⁵⁶ incidents involved a misunderstanding of the detasking requirements.



(~~TS//SI//NF/FISA~~) Other incidents were the result of faulty analysis that led to delays in detasking facilities used by United States persons.⁵⁹



⁵⁵ (U) Note that this is 17% of *all* detasking incidents. As described above, the overall detasking compliance incident rate involving United States persons was less than 0.01%.

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~~(TS//SI//NF)~~ One delayed detasking incident that impacted a United States person was the result of intra-agency and inter-agency miscommunication.

(U) B. Effect of Human Error

(U) (1) Errors That Can Be Addressed Through Training

(U) Unlike in the immediately prior section, which focused exclusively on incidents impacting United States persons, this section addresses incidents that impacted both United States persons and non-United States persons. As reported in previous Joint Assessments, human errors caused some of the identified compliance incidents. Each of the agencies has established processes to both reduce human errors and to identify such errors when they occur. These processes have helped to limit such errors, but some categories of human errors are unlikely to be entirely eliminated. For example, despite multiple pre-tasking checks, instances of typographical errors or similar errors occurred in the targeting process that caused NSA to enter the wrong facility into the collection system. Such typographical errors accounted for approximately 11% of the tasking errors made in this reporting period, which is an increase from the previous reporting period, in which

typographical errors accounted for 6% of the tasking errors.⁶¹ Approximately 27% of the detasking delays from this reporting period were the result of inadvertent errors, such as an NSA analyst detasking some, but not all, of a target's facilities that required detasking⁶² or, as explained above in the examples of detasking delays, were the result of misunderstanding the rules and inadvertent miscommunication, all of which can be and are addressed through remedial training efforts. As with other compliance incidents, any data acquired as a result of such tasking and detasking errors is required to be purged.

(U) Other types of errors can also be addressed and alleviated through training – in particular certain types of tasking errors. Specifically, during this reporting period, a number of incidents involved the failure to conduct necessary foreignness checks prior to the tasking of a facility. Approximately 40% of the tasking errors in this reporting period involved instances in which NSA did not take sufficient pre-tasking steps to try to find information regarding the location of the targeted user or otherwise did not properly establish a sufficient basis to assess that the targeted user was outside the United States. The two most common examples include situations in which the analyst did not conduct a necessary pre-tasking check or there was too long of a delay between the necessary pre-tasking checks and the actual tasking of the account.⁶³ In all of these incidents, NSA advised that there is no indication that these facilities were used by a United States person or by someone in the United States. After discussing these incidents with NSA compliance personnel, NSA advised that they have met in person with target offices to reiterate *NSA's 702 Targeting Review Guidance* regarding foreignness checks.⁶⁴ NSA also held training in 2016 for Section 702 adjudicators who review proposed taskings, and during that training, NSA reminded them of the need to conduct the relevant foreignness checks prior to tasking and to ensure that the checks are done within 7 days of approving a tasking. NSA has also posted guidance on this issue on several NSA internal webpages to reach as wide an audience as possible. The joint oversight team assesses that these types of tasking errors are easily preventable and recommends that NSA continue to reinforce this issue with analysts and adjudicators as part of regular training.

(U) Of all the tasking errors, approximately 9% of those incidents were caused by the incorrect processing of tasking requests. Specifically, errors arose where an analyst requested administrative updates to the tasking record, and the request inappropriately triggered retasking the facility without NSA appropriately applying its targeting procedures.⁶⁵ In order to address these types of incidents, NSA updates its adjudication guidance as needed, including in February 2017 to

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⁶⁴ (U) See NSA's documents posted, in redacted form, on ODNI's *IC on the Record* on August 23, 2017, in response to the ACLU FOIA: *NSA's 702 Targeting Review Guidance* (Document 10), *NSA's 702 Practical Applications Training* (Document 11), *NSA's 702 Training for NSA Adjudicators* (Document 12), and *NSA's 702 Adjudication Checklist* (Document 13).

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all adjudicators to address administrative updates and how to prevent this type of incident from occurring. Specifically, NSA reminded all adjudicators to check the tasking history for each facility to verify that the facility is currently tasked to Section 702 prior to making changes to the tasking, such as reassigning the facility to a different analyst.

(S//NF) Approximately 14% of the total number of NSA compliance incidents was the result of documentation errors.⁶⁶ The NSA targeting procedures require that NSA's documentation concerning each tasked facility contain a citation to the source of information upon which the determination that the user of that facility was reasonably believed to be located outside the United States was made (the "foreignness determination") and identify the foreign power or foreign territory about which NSA expects to obtain foreign intelligence information pursuant to the tasking. The targeting procedures also require NSA to provide a written explanation of the basis for the assessment, at the time of targeting, that the target possesses, is expected to receive, and/or is likely to communicate foreign intelligence information concerning that foreign power or foreign territory. In addition, NSA must document which certification under which the facility is tasked. In all of these incidents, while the actual tasking of each facility was appropriate, the analyst failed to sufficiently document this information on the tasking sheet.

(U) Additionally, during the reporting period, the joint oversight team noted a number of compliance incidents resulting from instances in which NSA neglected to provide the required notice to NSD and ODNI within the specified timeframe required by the targeting procedures. Reporting delays accounted for 11% of all incidents during the reporting period.⁶⁷ NSA advised that the number of compliance incidents resulting from reporting delays was due to reorganization and personnel changes within NSA. NSA's OCO has implemented additional safeguards to ensure that all new analysts are appropriately trained in the Incident Reporting Tool (IRT) and that IRT checks were conducted regularly to ensure that notices were reviewed in a timely manner. NSA also increased its incident reporting staff, began cross-training personnel in different authorities, and revised its standard operating procedures to streamline incident reporting. Reducing the number of reporting delays is a priority for NSD and ODNI, and the joint oversight team continues to discuss additional steps NSA can take to reduce these notification delays.

(U) (2) Minimization Errors That Can Be Addressed Through Training and Technical Improvements

(U) During this reporting period, NSA's minimization procedures included three types of restrictions on querying raw Section 702 collection.

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- 1) NSA's Section 702 minimization procedures require that queries of raw Section 702 collection *must be designed in a manner "reasonably likely to return foreign intelligence information."* For example, if a query is determined to be overly broad under this standard (e.g., typographical or comparable error in the construction of the query term),⁶⁸ it constituted a compliance incident, regardless of whether the query term used a non-United States person identifier or a United States person identifier.
- 2) Although NSA's Section 702 minimization procedures permit queries of raw Section 702 collection using United States person identifiers, such queries *must be approved in accordance with NSA's internal procedures*. If an NSA analyst used a United States person identifier that had not been approved pursuant to NSA's internal procedures to query Section 702-acquired data, it constituted a compliance incident.
- 3) NSA's Section 702 minimization procedures in effect during the majority of this reporting period *prohibited using United States person identifiers to query Internet communications acquired through NSA's upstream collection techniques*. If an NSA analyst used a United States person identifier to query Internet communications acquired through NSA's upstream collection techniques, it constituted a compliance incident.

(U) As with prior Joint Assessments, query incidents remain the cause of most compliance incidents involving NSA's minimization procedures. During this reporting period, out of all of NSA's total minimization errors, approximately 92.4% involved improper queries,⁶⁹ of which:

- approximately 68.9% involved United States person queries (i.e., queries that involved using a United States person identifier without approval as required by NSA's internal procedures or using a United States person identifier to query NSA's upstream collection)⁷⁰ and
- approximately 23.5% involved overly broad queries.⁷¹

As with previous reporting periods, there were no incidents of an NSA analyst intentionally running improper queries.

⁶⁸ (U) For example, an overly broad query can be caused when an analyst mistakenly inserts an "or" instead of an "and" in constructing a Boolean query, and thereby potentially received overly broad results as a result of the query.

⁶⁹ (U) In the previous reporting period, approximately 99% of NSA's minimization procedures errors involved improper queries.

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(U) As a result of its review of NSA's compliance with the procedures approved by the Court in the 2002 Raw Take Order, NSA's Office of the Inspector General (OIG) discovered a number of potentially improper queries conducted by NSA personnel between June 1, 2016, and August 31, 2016, using United States person identifiers in upstream collection.⁷² Because NSA's OIG discovered these potentially improper queries during the current reporting period, they are discussed in this joint assessment; however, the queries were conducted outside the current reporting period. After the OIG notified NSA's Office of Compliance for Operations (OCO) of these queries, which were outside the scope of the OIG review, OCO conducted further analysis and found additional improper queries. At this time, the NSA OIG has completed the investigative portion of the Raw Take Order review and issued its report. NSD is in the process of reviewing this report to determine the scope of the improper queries, which ones had previously been reported by NSA, and the associated root cause(s).

(U) In another incident, a discrete category of information collected pursuant to NSA's Section 702 upstream collection techniques was inadvertently not labeled as upstream collection.⁷³ As a result, it is likely that, even if analysts took the appropriate actions to limit queries to Section 702 downstream collection, queries including United States person identifiers would have run against this limited set of mislabeled communications acquired through NSA's upstream collection techniques. NSA corrected the labeling error in May 2016, but failed to report it to NSA compliance personnel at that time. NSA subsequently reported it to NSD, and it was reported to the FISC.

(U) Additionally, during this reporting period, there was a series of other incidents that involved NSA improperly querying Section 702-acquired data using United States person identifiers in two NSA systems that are used to determine the location of the user of the facilities queried.⁷⁴ NSA uses those systems, for example, as part of the due diligence requirement to ensure that Section 702 targets are non-United States persons located outside the United States. These systems search information acquired pursuant to multiple FISA and non-FISA authorities, including NSA's Section 702 collection (which at the time the queries took place included upstream collection). Consequently, queries using known United States person identifiers should not have been conducted in those particular systems.⁷⁵ Subsequently, the improper queries and results were deleted, and no

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results were included in disseminated reports. NSA advised that the relevant personnel have been reminded to exercise care when performing queries of United States person identifiers and using these two systems. Additionally, as is the case with all identified compliance incidents, those incidents were reported to the FISC, and to Congress in the Section 707 report.

(U) Prior to the above-described incidents, NSA issued a compliance advisory that advised NSA personnel, as part of the due diligence requirement, to check the location of the users of any identifiers proposed for queries. However, the NSA guidance did not differentiate between United States person identifiers and non-United States person identifiers. In early 2017, NSA issued an updated compliance advisory instructing personnel not to use the two particular systems to conduct queries using known United States person identifiers.⁷⁶ As a result of the initial compliance advisory discussed above, the government assesses it is likely that at least one of those two systems, which pre-dates the second one, was regularly used to conduct queries using United States person identifiers. Despite NSA's efforts to ensure all analysts were aware of the updated 2017 compliance advisory, it remains possible for an analyst to inadvertently query United States person identifiers in those particular systems.

(U) C. Inter-Agency and Intra-Agency Communications

(U) Section 702 compliance requires good communication and coordination within and between agencies. In order to ensure targeting decisions are made based on the totality of the circumstances and after the exercise of due diligence, those involved in the targeting decision must communicate the relevant facts to each other. Analysts also must have access to the necessary records that inform such decisions. Good communication among analysts is also needed to ensure that facilities are promptly detasked when it is determined that the Government has lost its reasonable basis for assessing that the facility is used by a non-United States person reasonably believed to be located outside the United States for the purpose of acquiring foreign intelligence information. Furthermore, query rules regarding United States person identifiers and dissemination decisions regarding United States person information require inter- and intra-agency communications regarding who the Government has determined to be a United States person.

(U) In general, the joint oversight team found that better communication and coordination between and among the agencies reduced certain types of errors from occurring during this reporting period. However, the joint oversight team assesses that there remains room for continued improvement: approximately 13% of the detasking delays that occurred were attributable to miscommunications or delays in communicating relevant facts.⁷⁷ Those detasking delays typically

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involved travel or possible travel of non-United States persons to the United States. Only one incident is attributable to a communication issue that resulted in a tasking error and that incident did not involve a United States person.⁷⁸

(U) D. Incidents Resulting from Technical Issues

(U) A number of compliance incidents resulted from technical issues during this reporting period. Technical issues potentially have larger implications than other incidents because technical issues: often involve more than one facility; can remain undetected and uncorrected for a long period of time; and can proliferate dramatically in a short time period, including across numerous interconnected systems. Accordingly, all agencies involved in the Section 702 program devote substantial resources towards the prevention, identification, and remedy of technical issues. Collection equipment and other related systems undergo substantial testing prior to deployment. The agencies also employ a variety of monitoring programs to detect anomalies in order to prevent or limit the effect of technical issues on acquisition. As a result of those efforts, potential issues have been identified, the resolution of which prevented compliance incidents from happening and ensured the continued flow of foreign intelligence information to the agencies. The joint oversight team determined that the historically limited number of overcollection incidents was the result of the efforts of all of the involved agencies. Although technical issues can potentially have larger implications, that potential was largely avoided during this reporting period.

(U) Specifically, the technical issues that resulted in delayed detaskings were caused by system errors and a system processing problem.⁷⁹ In all of the instances involving system errors or system processing problems, the technology and systems failed to function as designed, and, thus, the systems failed, resulting in delayed detasking incidents whereby NSA was unable to timely detask facilities. NSA subsequently corrected those technical issues.

(U) III. Review of Compliance Incidents – CIA Minimization Procedures

(U) During this reporting period, there were [REDACTED] incidents involving noncompliance with the CIA minimization procedures. Those incidents involved inadvertent instances of CIA not completely removing Section 702-acquired information that was supposed to be deleted and failing to properly track certain United States person queries so that those queries could subsequently be reviewed by the joint oversight team.

(S//NF) Specifically, there were [REDACTED] involving noncompliance with the CIA minimization procedures. In [REDACTED], CIA discovered that it inadvertently deleted a portion of a CIA system used [REDACTED] and minimization of FISA-acquired information. To address the system outage and [REDACTED] CIA directed users to [REDACTED]

⁷⁸ [REDACTED]

⁷⁹ [REDACTED]

[REDACTED]

[REDACTED] CIA subsequently corrected these errors. In [REDACTED] CIA's investigation into the incident described above [REDACTED]

[REDACTED] CIA corrected this error and [REDACTED] As a result of this error, because United States person queries [REDACTED] any United States person queries conducted in the [REDACTED] were not available for review by NSD and ODNI. [REDACTED] involved the inadvertent failure to age off a portion of unminimized data acquired pursuant to Section 702 in the [REDACTED] CIA has since identified and resolved the [REDACTED] that led to these compliance incidents and continues to review its FISA [REDACTED] to ensure [REDACTED] for age-off and purge requirements.

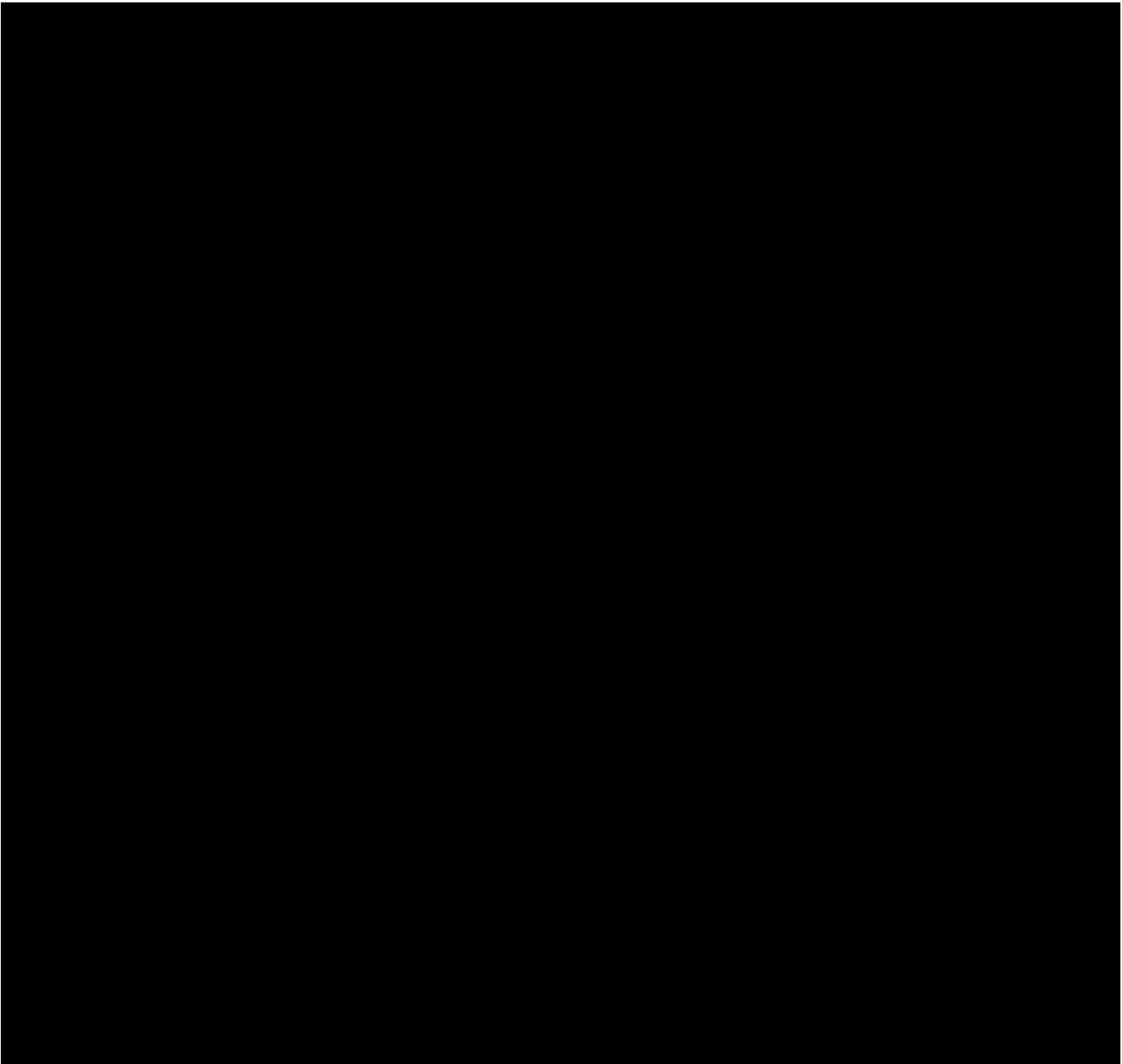
(U) IV. Review of Compliance Incidents – FBI Targeting and Minimization Procedures

(S//NF) During this reporting period, there were no incidents involving non-compliance with FBI's targeting procedures. However, there were [REDACTED] incidents involving noncompliance with the FBI minimization procedures.⁸⁰

(S//NF) Some of FBI's minimization incidents involved improper queries using United States person identifiers, such that the queries were not designed to extract foreign intelligence information or evidence of a crime and thus did not comply with the query standard in the relevant minimization procedures. For example, some of those query incidents involved FBI personnel who conducted queries of FBI personnel names (i.e., for work-related purposes, such as for case load management), but those queries were not designed to extract foreign intelligence information or evidence of a crime. In each of those query incidents, the agents or analysts were reminded of the query restrictions in the FBI minimization procedures.

[REDACTED]

80 [REDACTED]

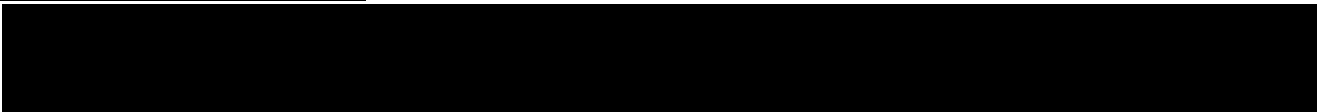


(U) **V. Review of Compliance Incidents – Provider Errors**

(U) During this reporting period, there were no instances of noncompliance by an electronic communication service provider with a Section 702(h) directive. Given that errors by the service providers can result in the acquisition of United States person information, the Government must actively monitor the acquisitions that the providers transmit to the Government. The joint oversight team assessed that the historically low number of compliance incidents caused by service providers

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82



reflected, in part, the service providers' commitment to comply with the law while protecting their customers' interests. However, the low number of those incidents also reflected the continued efforts by the Government and service providers to ensure that lawful intercept systems were effective and compliant with all applicable laws and other requirements. The Government must continue to work with the service providers to prevent future incidents of non-compliance.

(U) SECTION 5: CONCLUSION

(U) During this reporting period, the joint oversight team found that the agencies continued to implement the procedures and follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702. As in previous reporting periods, the joint oversight team found no intentional or willful attempts to violate or circumvent the requirements of the Act in the compliance incidents assessed herein. Although the number of compliance incidents continued to remain small, particularly when compared with the total amount of collection activity, a continued focus is needed to address the underlying causes of the incidents that did occur. The joint oversight team assesses that such focus should emphasize maintaining close monitoring of collection activities and continued personnel training. Additionally, as part of its on-going oversight responsibilities, the joint oversight team and the agencies' internal oversight regimes will continue to monitor the efficacy of measures to address the causes of compliance incidents during the next reporting period.

APPENDIX A

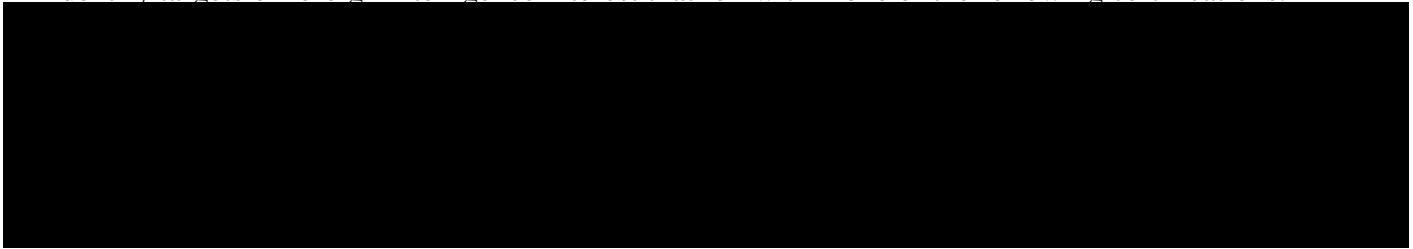
APPENDIX A

(U) IMPLEMENTATION OF SECTION 702 AUTHORITIES - OVERVIEW

(U) I. Overview - NSA

(U) The National Security Agency (NSA) seeks to acquire foreign intelligence information concerning specific targets under each Section 702 certification from or with the assistance of electronic communication service providers, as defined in Section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA).¹ As required by Section 702, those targets must be non-United States persons² reasonably believed to be located outside the United States.

~~(S//NF)~~ During this reporting period, NSA conducted foreign intelligence analysis to identify targets of foreign intelligence interest that fell within one of the following certifications:



¹ (U) Specifically, Section 701(b)(4) provides:

The term ‘electronic communication service provider’ means – (A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); (B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code; (C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code; (D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or (E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

² (U) Section 101(i) of FISA defines “United States person” as follows:

a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act [8 U.S.C. § 1101(a)(20)]), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a)(1), (2), or (3).

³



⁴



(U) As affirmed in affidavits filed with the Foreign Intelligence Surveillance Court (FISC), NSA believes that the non-United States persons reasonably believed to be outside the United States who are targeted under these certifications will either possess foreign intelligence information about the persons, groups, or entities covered by the certifications or are likely to receive or communicate foreign intelligence information concerning these persons, groups, or entities. This requirement is reinforced by the Attorney General's Acquisition Guidelines, which provide that an individual may not be targeted unless a significant purpose of the targeting is to acquire foreign intelligence information that the person possesses, is reasonably expected to receive, and/or is likely to communicate.

(U) Under NSA's FISC-approved targeting procedures, NSA targets a particular non-United States person reasonably believed to be located outside the United States by tasking facilities used by that person who possesses or who is likely to communicate or receive foreign intelligence information. A facility (also known as a "selector") is a specific communications identifier tasked to acquire foreign intelligence information that is to, from, or about a target. A "facility" could be a telephone number or an identifier related to a form of electronic communication, such as an e-mail address.⁵ In order to acquire foreign intelligence information from or with the assistance of an electronic communications service provider, NSA first uses the identification of a facility to acquire the relevant communications. Then, after applying its targeting procedures (further discussed below) and other internal reviews and approvals, NSA "tasks" that facility in the relevant tasking system. The facilities are in turn provided to electronic communication service providers who have been served with the required directives under the certifications.

(U) After information is collected from those tasked facilities, it is subject to FISC-approved minimization procedures. NSA's minimization procedures set forth specific measures NSA must take when it acquires, retains, and/or disseminates non-publicly available information about United States persons. All collection of Section 702 information is routed to NSA. However, the NSA's minimization procedures also permit the provision of unminimized communications to the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) relating to targets identified by these agencies that have been the subject of NSA acquisition under the certifications. The unminimized communications sent to CIA and FBI, in accordance with NSA's targeting and minimization procedures, must in turn be processed by CIA and FBI in accordance with their respective FISC-approved Section 702 minimization procedures.⁶

(U) NSA's targeting procedures address, among other subjects, the manner in which NSA will determine that a person targeted under Section 702 is a non-United States person reasonably believed to be located outside the United States, the post-targeting analysis conducted on the facilities, and the documentation required.

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(U) A. Pre-Tasking Location

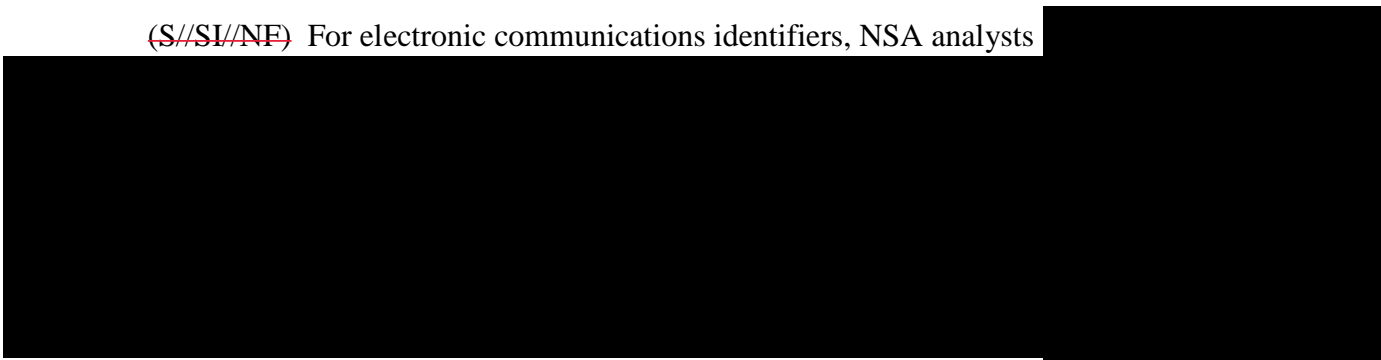
(U) 1. Telephone Numbers

~~(S//SI//NF)~~ For telephone numbers, NSA analysts



(U) 2. Electronic Communications Identifiers

~~(S//SI//NF)~~ For electronic communications identifiers, NSA analysts



7

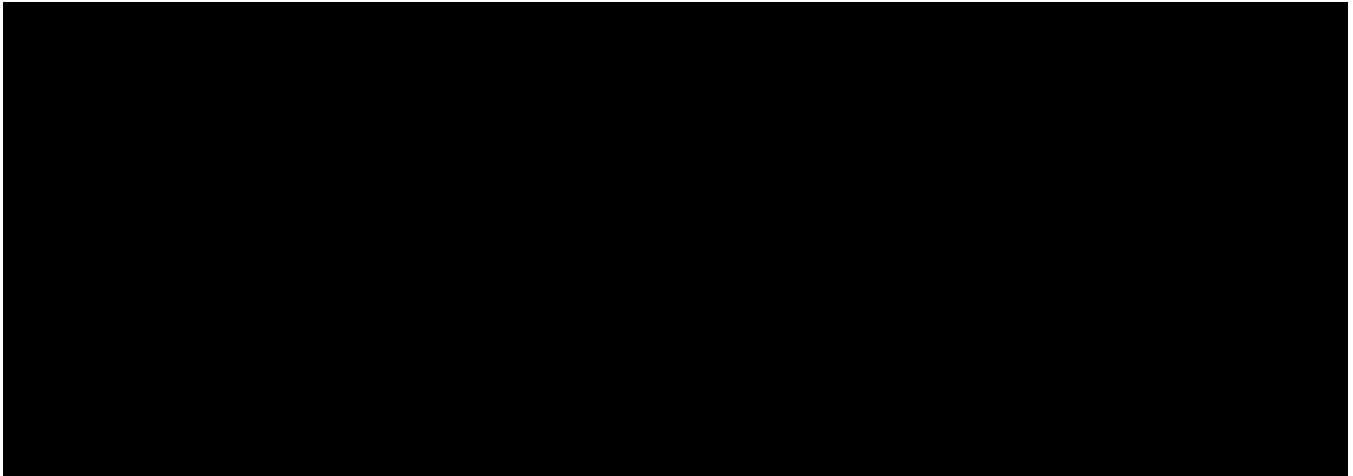


⁸ (U) Analysts also check this system as part of the “post-targeting” analysis described below.

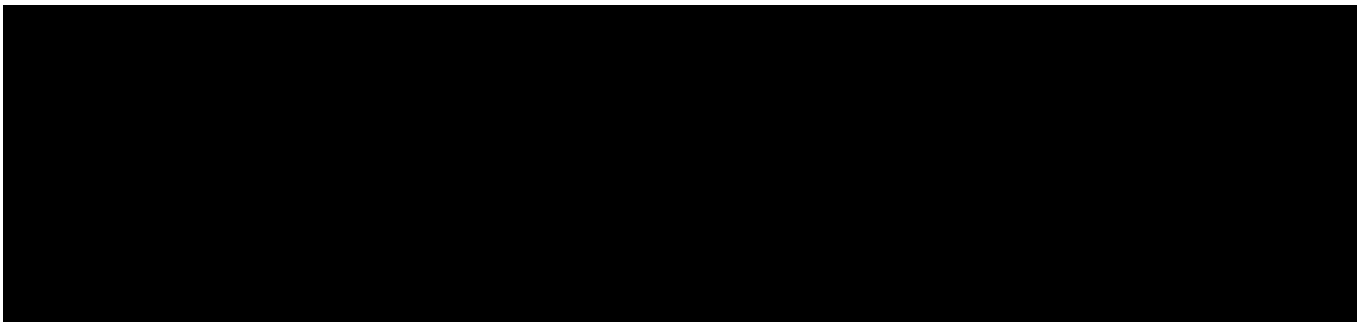
9



(U) B. Pre-Tasking Determination of United States Person Status



(U) C. Post-Tasking Checks



~~(S//REL TO USA, FVEY)~~ NSA also requires that tasking analysts review information collected from the facilities they have tasked. With respect to NSA's review of [REDACTED],¹¹ a notification e-mail is sent to the tasking team upon initial collection for the facility. NSA analysts are expected to review this collection within five business days to confirm that the user of the facility is the intended target, that the target remains appropriate to the certification cited, and that the target remains outside the United States. Analysts are then responsible to review traffic on an on-going basis to ensure that the facility remains appropriate under the authority [REDACTED]

[REDACTED] Should traffic not be viewed in at least once every 30 business days, a notice is sent to the tasking team and their management, who then have the responsibility to follow up.

¹⁰ [REDACTED]

¹¹ ~~(S//NF)~~ NSA's automated notification system to ensure analysts have reviewed collection is currently implemented only for [REDACTED], not [REDACTED]. NSA is attempting to develop a similar system for [REDACTED]

(U) D. Documentation

(S//NF) The procedures provide that analysts will document in the tasking database a citation to the information leading them to reasonably believe that a targeted person is located outside the United States. The citation is a reference that includes the source of the information, [REDACTED] enabling oversight personnel to locate and review the information that led the analyst to his/her reasonable belief. Analysts must also identify the foreign power or foreign territory about which they expect the proposed targeting will obtain foreign intelligence information.

(S//NF) NSA has [REDACTED] an existing database tool, for use by its analysts for Section 702 tasking and documentation purposes. [REDACTED] to assist analysts as they conduct their work. This tool has been modified over time to accommodate the requirements of Section 702, to include, for example, certain fields and features for targeting, documentation, and oversight purposes. Accordingly, the tool allows analysts to document the required citation to NSA records on which NSA relied to form the reasonable belief that the target was located outside the United States. [REDACTED]

[REDACTED] The tool has fields for the certification under which the target falls, and for the foreign power as to which the analyst expects to collect foreign intelligence information. Analysts fill out various fields [REDACTED] each facility, as appropriate, including the citation to the information on which the analyst relied in making the foreignness determination.

(U) NSA's targeting procedures also require analysts to identify the foreign power or foreign territory about which they expect the proposed targeting will obtain foreign intelligence information and provide a written explanation of the basis for their assessment, at the time of targeting, that the target possesses, is expected to receive, and/or is likely to communicate foreign intelligence information concerning that foreign power or foreign territory.

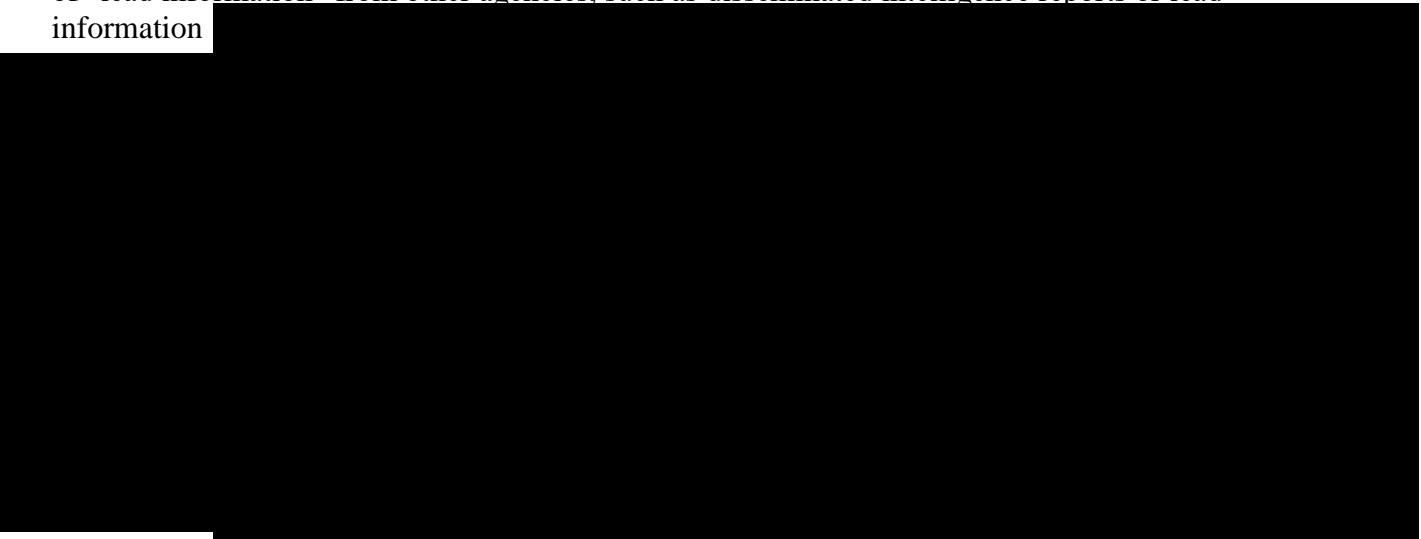
(U) NSA also includes the targeting rationale (TAR) in the tasking record, which requires the targeting analyst to briefly state why targeting for a particular facility was requested. The intent of the TAR is to memorialize why the analyst is requesting targeting, and provides a linkage between the user of the facility and the foreign intelligence purpose covered by the certification under which it is being tasked. The joint oversight team assesses that the TAR has improved the oversight team's ability to understand NSA's foreign intelligence purpose in tasking facilities.

(S//NF) [REDACTED]

[REDACTED] Entries are reviewed before a tasking can be finalized. Records from this tool are maintained and compiled for oversight purposes. For each facility, a record can be compiled and printed showing certain relevant fields, such as: the facility, the certification, the citation to the record or records relied upon by the analyst, [REDACTED] the analyst's foreignness explanation, the targeting rationale, [REDACTED] These records, referred to as "tasking sheets," are reviewed by the Department of Justice's National Security

Division (NSD) and the Office of the Director of National Intelligence (ODNI) as part of the oversight process.

~~(S//NF)~~ The source records cited on these tasking sheets are contained in a variety of NSA data repositories. These records are maintained by NSA and, when requested by the joint team, are produced to verify determinations recorded on the tasking sheets. Other source records may consist of “lead information” from other agencies, such as disseminated intelligence reports or lead information



(U) F. Internal Procedures

(U) NSA has instituted internal training programs, access control procedures, standard operating procedures, compliance incident reporting measures, and similar processes to implement the requirements of the targeting procedures. Only analysts who have received certain types of training and authorizations are provided access to the Section 702 program data. These analysts must complete an NSA OGC and OCO training program; review the targeting and minimization procedures as well as other documents filed with the certifications; and must pass a competency test. The databases NSA analysts use are subject to audit and review by OCO. For guidance, analysts consult standard operating procedures, supervisors, OCO personnel, and NSA OGC attorneys.

(U) The NSA targeting and minimization procedures also require NSA to conduct oversight activities and make any necessary reports, including those relating to incidents of non-compliance, to the NSA Office of the Inspector General (NSA OIG) and NSA OGC. NSA’s OCO reviews all Section 702 taskings and conducts spots checks of disseminations based in whole or in part on Section 702-acquired information. The Directorate of Operations Information and Intelligence Analysis organization also maintains and updates an NSA internal website regarding the implementation of, and compliance with, the Section 702 authorities.

(U) NSA has established standard operating procedures for incident tracking and reporting to NSD and ODNI. Compliance officers work with NSA analysts and CIA and FBI points of contact, as necessary, to compile incident reports that are forwarded to both the NSA OGC and OIG. NSA OGC forwards the incidents to NSD and ODNI.

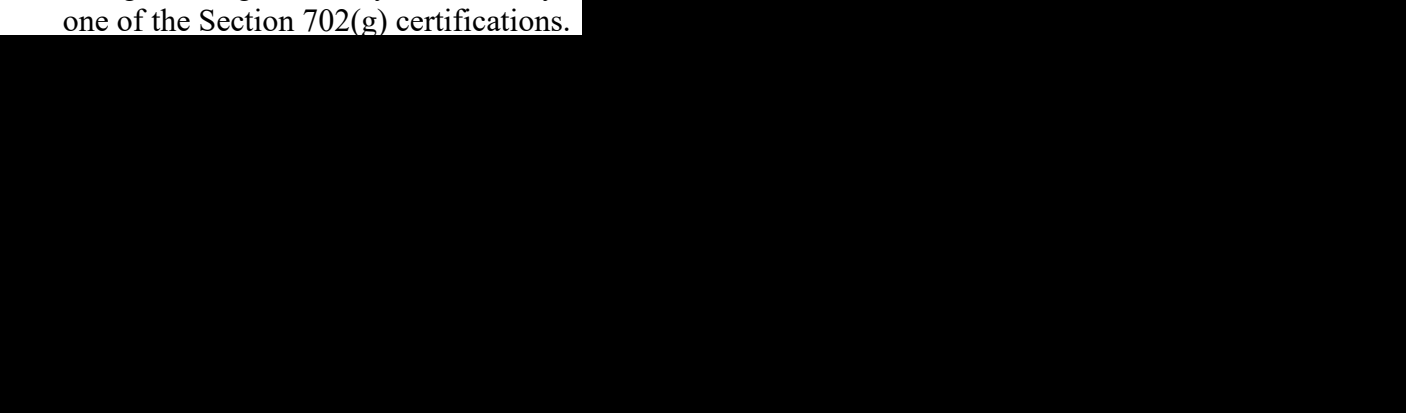
(U) On a more programmatic level, under the guidance and direction of the Compliance Group, NSA has implemented and maintains a Comprehensive Mission Compliance Program (CMCP) designed to effect verifiable conformance with the laws and policies that afford privacy protections during NSA missions. The Compliance Group complements and reinforces the intelligence oversight program of the NSA OIG and oversight responsibilities of NSA OGC.

(U) A key component of the CMCP is an effort to manage, organize, and maintain the authorities, policies, and compliance requirements that govern NSA mission activities. This effort, known as “Rules Management,” focuses on two key components: (1) the processes necessary to better govern, maintain, and understand the authorities granted to NSA and (2) technological solutions to support (and simplify) Rules Management activities. The Authorities Integration Group coordinates NSA’s use of the Verification of Accuracy (VoA) process originally developed for other FISA programs to provide an increased level of confidence that factual representations to the FISC or other external decision makers are accurate and based on an ongoing, shared understanding among operational, technical, legal, policy and compliance officials within NSA. NSA has also developed a Verification of Interpretation (VoI) review to help ensure that NSA and its external overseers have a shared understanding of key terms in Court orders, minimization procedures, and other documents that govern NSA’s FISA activities. The Compliance Group has developed a risk assessment process to assess the potential risk of non-compliance with the rules designed to protect United States person privacy. The assessment is conducted and reported to the NSA Deputy Director and NSA Senior Leadership Team biannually.

(U) **II. Overview - CIA**

(U) **A. CIA’s Role in Targeting**

~~(S//NF)~~ Although CIA does not target or acquire communications pursuant to Section 702, CIA has put in place a process, in consultation with NSA, FBI, NSD, and ODNI, to identify foreign intelligence targets to NSA (hereinafter referred to as the “CIA nomination process”). Based on its foreign intelligence analysis, CIA may “nominate” a facility to NSA for potential acquisition under one of the Section 702(g) certifications.



~~(S//NF)~~

[REDACTED] Nominations are reviewed and approved by a targeting officer's first line manager, a component legal officer, a senior operational manager and the FISA Program Office prior to export to NSA for tasking. [REDACTED]

~~(S//NF)~~ The FISA Program Office was established in December 2010 [REDACTED]

[REDACTED] and is charged with providing strategic direction for the management and oversight of CIA's FISA collection programs, including the retention and dissemination of foreign intelligence information acquired pursuant to Section 702. This group is responsible for overall strategic direction and policy, programmatic external focus, and interaction with counterparts of NSD, ODNI, NSA and FBI. In addition, the office leads the day-to-day FISA compliance efforts [REDACTED]. The primary responsibilities of the FISA Program Office are to provide strategic direction for data handling and management of FISA/702 data, as well as to ensure that all Section 702 collection is properly tasked and that CIA is complying with all compliance and purge requirements.

(U) B. Oversight and Compliance

(U) CIA's FISA compliance program is managed by its FISA Program Office in coordination with CIA OGC. CIA provides small group training to personnel who nominate facilities to NSA and/or minimize Section 702-acquired communications. Access to unminimized Section 702-acquired communications is limited to trained personnel. CIA attorneys embedded with operational elements that have access to unminimized Section 702-acquired information also respond to inquiries regarding nomination and minimization questions. Identified incidents of noncompliance with the CIA minimization procedures are generally reported to NSD and ODNI by CIA OGC.

(U) **III. Overview NCTC**

(S//NF) NCTC does not target or acquire communications pursuant to Section 702. In addition, NCTC does not currently have a process in place to identify or nominate foreign intelligence targets to NSA. However, like CIA and FBI, NCTC may request to be [REDACTED] on unminimized data (pertaining to counterterrorism) from Section 702 facilities already tasked by NSA. NCTC applies its Section 702 minimization procedures to Section 702 [REDACTED] data.

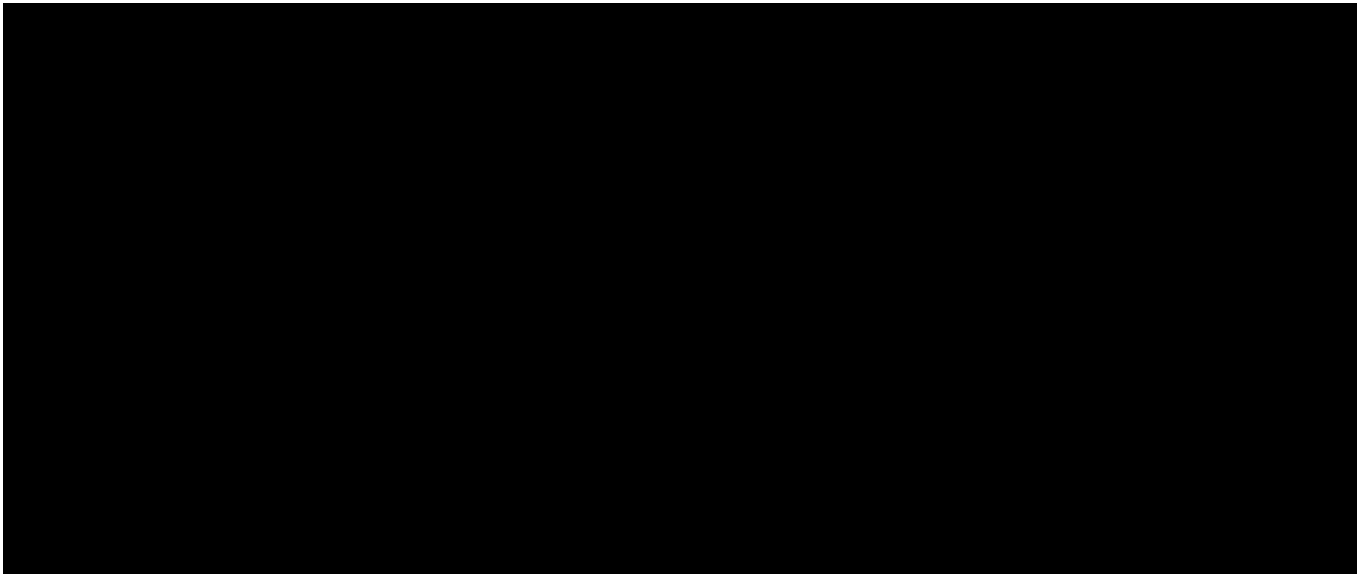
(S//NF) NCTC, in consultation with NSD, developed an electronic and data storage system, known as [REDACTED], to retain and process raw FBI-collected FISA-acquired information in accordance with NCTC's Standard Minimization Procedures for Information Acquired by the Federal Bureau of Investigation Pursuant to Title I, Title III, or Section 704 or 705(b) of the Foreign Intelligence Surveillance Act. In consultation with NSD, ODNI, NSA, and FBI, NCTC modified [REDACTED] to (i) provide additional compliance capabilities in support of [REDACTED] FISA Section 702-acquired counterterrorism data and (ii) monitor compliance with NCTC's Minimization Procedures for Section 702-acquired counterterrorism data (Section 702 minimization procedures). In addition to documenting compliance with the Section 702 minimization procedures requirements, [REDACTED] also documents the requests for [REDACTED] of Section 702-acquired information. This documentation includes the [REDACTED]

(S//NF) [REDACTED] communications from Section 702 tasked facilities are stored within [REDACTED] where only properly trained and authorized analysts are able to query them.

(S//NF) NCTC personnel may disseminate Section 702-acquired information of or concerning an unconsenting United States person if that information meets the standard for dissemination pursuant to Section D of NCTC's Section 702 Minimization Procedures.

(S//NF) [REDACTED]. NCTC's Compliance and Transparency Group (hereafter NCTC Compliance) [REDACTED] conducts periodic reviews of Section 702 [REDACTED] as well as NCTC Section 702 disseminations in order to verify compliance with NCTC's Section 702 Minimization Procedures and identify the need for system modifications, enhancements, or improvements to training materials or analyst work aids.

(S//NF) [REDACTED]



(U) B. Oversight and Compliance

(U) NCTC's FISA compliance program is managed by NCTC Compliance in coordination with NCTC Legal. NCTC provides training to all NCTC personnel who may access raw FISA-acquired information. Access to unminimized Section 702-acquired communications is limited to trained personnel. NCTC compliance personnel and attorneys also respond to inquiries regarding minimization questions. Identified incidents of noncompliance with the NCTC Section 702 Minimization Procedures are reported to NSD and ODNI generally by NCTC Compliance or NCTC Legal personnel.

~~(S//NF)~~ NCTC Compliance was established in the fall of 2014 and is charged with providing strategic direction for the management and oversight of NCTC's access to and use of [REDACTED]

[REDACTED] This includes management and oversight of NCTC's FISA programs, including the retention and dissemination of foreign intelligence information acquired pursuant to Section 702. This group is responsible for overall strategic direction and policy, programmatic external focus, and interaction with counterparts of NSD, ODNI, NSA, FBI, and CIA. In addition, the office leads the day-to-day FISA compliance efforts within NCTC. NCTC Compliance is responsible for providing strategic direction and internal oversight for data handling and management of FISA/Section 702 data, as well as administering and implementing NCTC FISA/Section 702 training, ensuring that all NCTC Section 702 collection is properly [REDACTED] minimized and disseminated, and that NCTC is complying with all minimization procedures requirements.

(U) IV. Overview - FBI

(U) A. FBI's Role in Targeting – Nomination for Acquiring [REDACTED] Communications

~~(S//NF)~~ Like CIA, FBI has developed a formal nomination process to identify foreign intelligence targets to NSA for the acquisition of [REDACTED] communications. [REDACTED]

[REDACTED] including information underlying the basis for the foreignness determination and the foreign intelligence interest. FBI nominations are reviewed by FBI operational and legal personnel prior to export to [REDACTED]

[REDACTED] The FBI targeting procedures require that NSA first apply its own targeting procedures to determine that the user of the Designated Account is a person reasonably believed to be outside the United States and is not a United States person. NSA is also responsible for determining that a significant purpose of the acquisition it requests is to obtain foreign intelligence information. After NSA designates accounts as being appropriate [REDACTED], FBI must then apply its own, additional procedures, which require FBI to review NSA's conclusion of foreignness and [REDACTED]

~~(S//NF)~~ More specifically, after FBI obtains the tasking sheet from NSA, it reviews the information provided by NSA regarding the location of the person and the non-United States person status of the person. [REDACTED]

[REDACTED]

(S//NF) Unless FBI locates information indicating that the user is a United States person or is located inside the United States, [REDACTED]

[REDACTED]

(S//NF) If FBI identifies information indicating that NSA's determination that the target is a non-United States person reasonably believed to be outside the United States may be incorrect, FBI provides this information to NSA and does not approve [REDACTED]

[REDACTED]

(U) C. Documentation

(S//NF) The targeting procedures require that FBI retain the information [REDACTED] in accordance with its records retention policies [REDACTED]

[REDACTED] FBI uses a multi-page checklist for each Designated Account to record the results of its targeting process, as laid out in its standard operating procedures, commencing with [REDACTED] extending through [REDACTED] and culminating in approval or disapproval of the acquisition. In addition, the FBI

standard operating procedures call for [REDACTED] depending on the circumstances, which are maintained by FBI with the applicable checklist. FBI also retains with each checklist any relevant communications [REDACTED] regarding its review of the [REDACTED] information. Additional checklists have been created to capture information on requests withdrawn [REDACTED], or not approved by FBI.

(U) D. Implementation, Oversight, and Compliance

~~(S//NF)~~ FBI's implementation and compliance activities are overseen by FBI OGC, particularly the National Security and Cyber Law Branch (NSCLB), as well as FBI's Exploitation Threat Section (XTS), [REDACTED] and FBI's Inspection Division (INSD). [REDACTED]

[REDACTED] XTS has the lead responsibility in FBI for [REDACTED] requests [REDACTED]. XTS personnel are trained on the FBI targeting procedures and FBI's detailed set of standard operating procedures that govern its processing of requests for [REDACTED]. XTS also has the lead responsibility for facilitating FBI's nominations to NSA [REDACTED] communications. XTS, NSCLB, NSD, and ODNI have all worked on training FBI personnel to ensure that FBI nominations and post-tasking review comply with the NSA targeting procedures. Numerous such trainings were provided during the current reporting period. With respect to minimization, FBI has created a mandatory online training that all FBI agents and analysts must complete prior to gaining access to unminimized Section 702-acquired data in the FBI's [REDACTED]. [REDACTED] In addition, NSD conducts training on the Section 702 minimization procedures at multiple FBI field offices each year.

~~(S//NF)~~ The FBI's targeting procedures require periodic reviews by NSD and ODNI at least once every 60 days. FBI must also report incidents of non-compliance with the FBI targeting procedures to NSD and ODNI within five business days of learning of the incident. XTS and NSLB are the lead FBI elements in ensuring that NSD and ODNI received all appropriate information with regard to these two requirements.

(U) V. Overview - Minimization

(U) After a facility has been tasked for collection, non-publicly available information collected as a result of these taskings that concerns United States persons must be minimized. The FISC-approved minimization procedures require such minimization in the acquisition, retention, and dissemination of foreign intelligence information. As a general matter, minimization procedures under Section 702 are similar in most respects to minimization under other FISA orders. For example, the Section 702 minimization procedures, like those under certain other FISA court orders, allow for sharing of certain unminimized Section 702 information among NSA, FBI, CIA and NCTC. Similarly, the procedures for each agency require special handling of intercepted communications that are between attorneys and clients, as well as foreign intelligence information concerning United States persons that is disseminated to foreign governments.

(U) Section 702 minimization procedures do, however, impose additional obligations or restrictions as compared with the minimization procedures associated with authorities granted under Titles I and III of FISA. For example, the Section 702 minimization procedures require, with limited exceptions, the purge of any communications acquired through the targeting of a person who at the time of targeting was reasonably believed to be a non-United States person located outside the United States, but is in fact located inside the United States at the time the communication is acquired, or was in fact a United States person at the time of targeting.

(U) NSA, CIA, NCTC, and FBI have created systems to track the purging of information from their systems. CIA, NCTC, and FBI receive incident notifications from NSA to document when NSA has identified Section 702 information that NSA is required to purge according to its procedures, so that CIA and FBI can meet their respective obligations.

APPENDIX C

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Press Releases

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Chairman Nunes Comments on Incidental Collection of Trump Associates

Washington, March 22, 2017

Public Remarks on Incidental Collection of Trump Associates

House Permanent Select Committee on Intelligence Chairman Devin Nunes

March 22, 2017

At our open hearing on Monday, I encouraged anyone who has information about relevant topics—including surveillance on President-elect Trump or his transition team—to come forward and speak to the House Intelligence Committee. I also said that, while there was not a physical wiretap of Trump Tower, I was concerned that other surveillance activities were used against President Trump and his associates.

- I recently confirmed that, on numerous occasions, the Intelligence Community incidentally collected information about U.S. citizens involved in the Trump transition.

- Details about U.S. persons associated with the incoming administration—details with little or no apparent foreign intelligence value—were widely disseminated in intelligence community reporting.

- I have confirmed that additional names of Trump transition team members were unmasked.
- To be clear, none of this surveillance was related to Russia or any investigation of Russian activities or of the Trump team.

The House Intelligence Committee will thoroughly investigate this surveillance and its subsequent dissemination to determine:

- Who was aware of it
- Why it was not disclosed to Congress
- Who requested and authorized the additional unmasking
- Whether anyone directed the intelligence community to focus on Trump associates; and
- Whether any laws, regulations, or procedures were violated

I've asked the Directors of the FBI, NSA, and CIA to expeditiously comply with my March 15 letter, and to provide a full account of these surveillance activities. I informed Speaker Ryan this morning of this new information, and I will be going to the White House this afternoon to share what I know with the President.

-

[Majority](#) [Privacy Policy](#)

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