



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

FOIA Case: 109360E  
22 May 2023

AMERICAN OVERSIGHT  
1030 15<sup>th</sup> ST NW, SUITE B255  
WASHINGTON DC 20005

Dear American Oversight:

Enclosed with this letter is a further partial response to your Freedom of Information Act (FOIA) request of 28 February 2020 (1:20-cv-01008). We have completed our review and processing of the enclosed 16 documents (57 pages). Please be advised that the Agency reasonably foresees that disclosure of the withheld information would be harmful to an interest that is protected by the identified exemptions.

Some of the withheld information has been found to be currently and properly classified in accordance with Executive Order 13526, Section 1.4(c), and remains classified as provided in Section 1.2. As such, it is withheld pursuant to 5 U.S.C. 552(b)(1). Additionally, NSA is authorized by various statutes to withhold certain information pursuant to 5 U.S.C. 552(b)(3). The applicable statutes are 18 U.S.C. 798, 50 U.S.C. 3024(i), and Section 6, Public Law 86-36 (50 U.S.C. 3605). Information has also been withheld by our Agency pursuant to 5 U.S.C. 552(b)(5) and 5 U.S.C. 552(b)(6).

Additionally, as reflected in the documents, OSD/JS, ODNI, and CIA have asked that we protect certain information under their authority pursuant to 5 U.S.C. 552(b)(1), (b)(3), and/or (b)(6).

We will continue to produce documents to you on a rolling basis. If you have any questions, your counsel may contact Department of Justice Senior Counsel Stephen Elliott at (202) 598-3810 or [stephen.m.elliott@usdoj.gov](mailto:stephen.m.elliott@usdoj.gov).

Sincerely,

A handwritten signature in cursive script that reads "Paula A. Gill".

PAULA A. GILL  
Chief, FOIA/PA Division  
NSA Initial Denial Authority

Encl(s):  
a/s

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

To: [Redacted]  
From: Nakasone Paul M GEN NSA-D USA USA  
Sent: 2020-01-25T03:39:45Z  
Subject: RE: (U) House Permanent Select Committee on Intelligence (HPSCI) Issue  
Received: 2020-01-25T03:39:45Z

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Thanks.

From: [Redacted]  
Sent: Friday, January 24, 2020 6:59 PM  
To: Nakasone Paul M GEN NSA-D USA USA [Redacted]  
Cc: [Redacted]  
Subject: (U) House Permanent Select Committee on Intelligence (HPSCI) Issue

OSD/JS

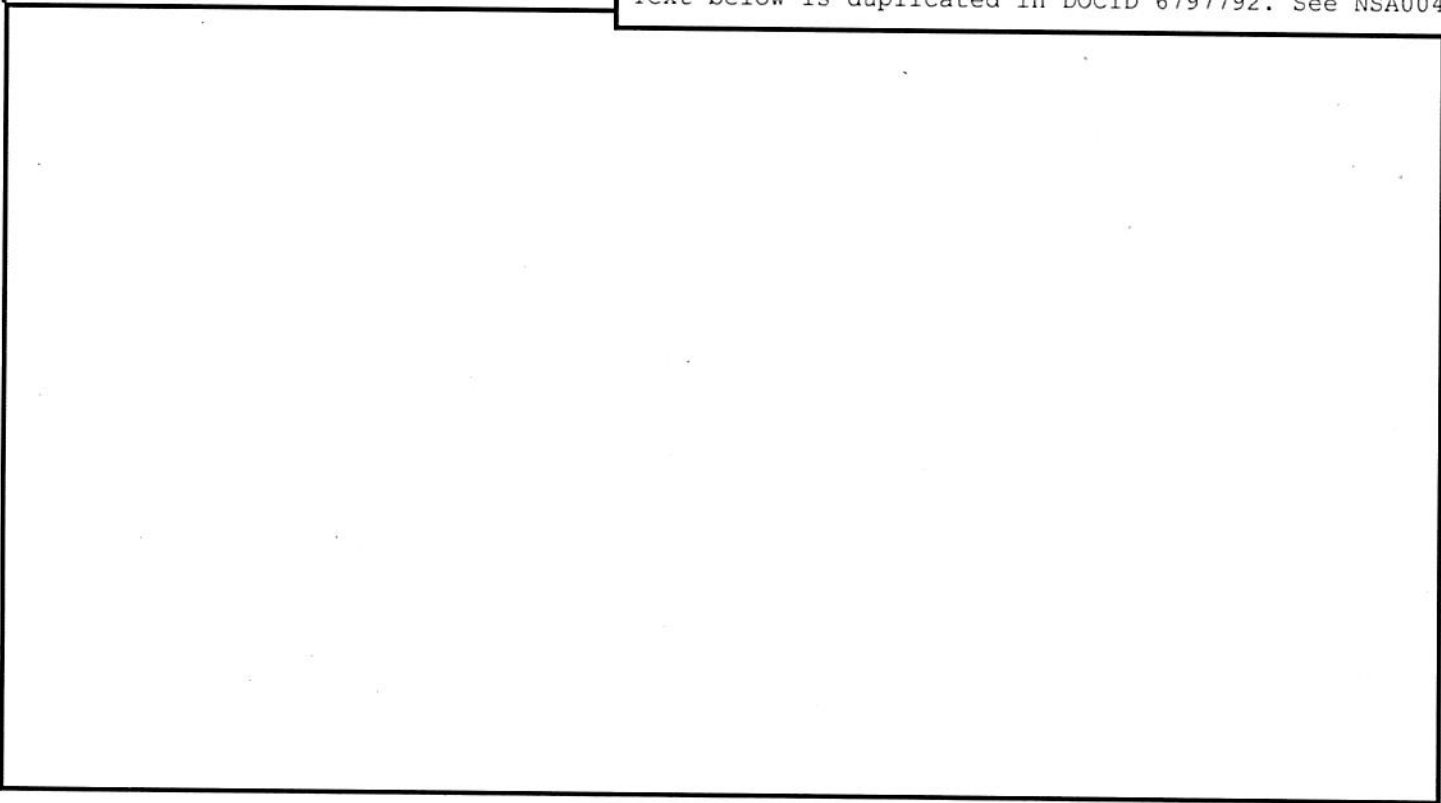
(b) (6)  
OGA

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

From: Nakasone, Paul M GEN USARMY USCYBERCOM (USA)  
Sent: Thursday, January 23, 2020 6:18 PM  
To: 'Fenton, Bryan LTG SD [Redacted]'; 'Joseph Maguire' [Redacted]; Milley, Mark A GEN USARMY JS OCICS (USA) [Redacted]; Kernan, Joseph D HON (USA) [Redacted]; Ney, Paul C Jr HON OSD OGC (USA) [Redacted]; Davidson, Eliana V SES OSD OGC (US) [Redacted]  
Cc: [Redacted]  
Subject: House Permanent Select Committee on Intelligence (HPSCI) Issue

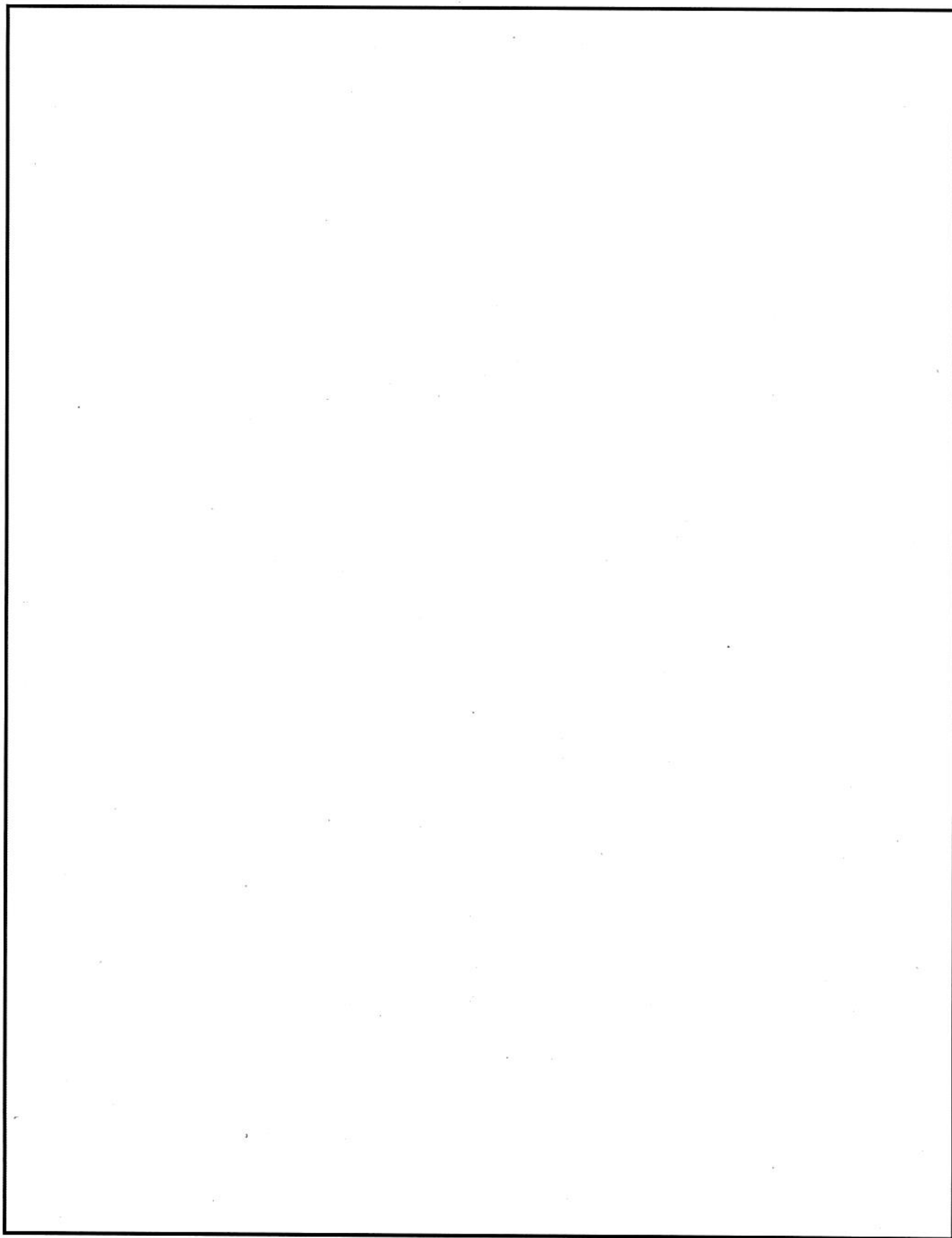
ODNI  
(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

Text below is duplicated in DOCID 6797792. See NSA0045.



Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)

NSA0113





~~SECRET//NOFORN~~

To: Nakasone Paul M GEN NSA D USA USA [redacted]  
From: [redacted]  
Sent: 2020-01-22T18:41:31Z  
Subject: RE: (U) Response to Chairman Schiff  
Received: 2020-01-22T18:41:33Z

~~Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

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

Sir -- received, printed, and will have for you at the [redacted] in a moment.

V/R  
[redacted]

(U//FOUO)  
[redacted]

NSA/CSS Representative to the Department of Defense (NCRDEF)  
Adjunct Instructor - National Intelligence University  
The Pentagon, [redacted]

[redacted]

From: Nakasone Paul M GEN NSA-D USA USA [redacted]  
Sent: Wednesday, January 22, 2020 1:39 PM  
To: [redacted]  
Subject: (U) Response to Chairman Schiff

(b) (1)  
(b) (3) - 18 USC 798  
(b) (3) - 50 USC 3024 (i)  
(b) (3) - P.L. 86-36  
(b) (5)

~~Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

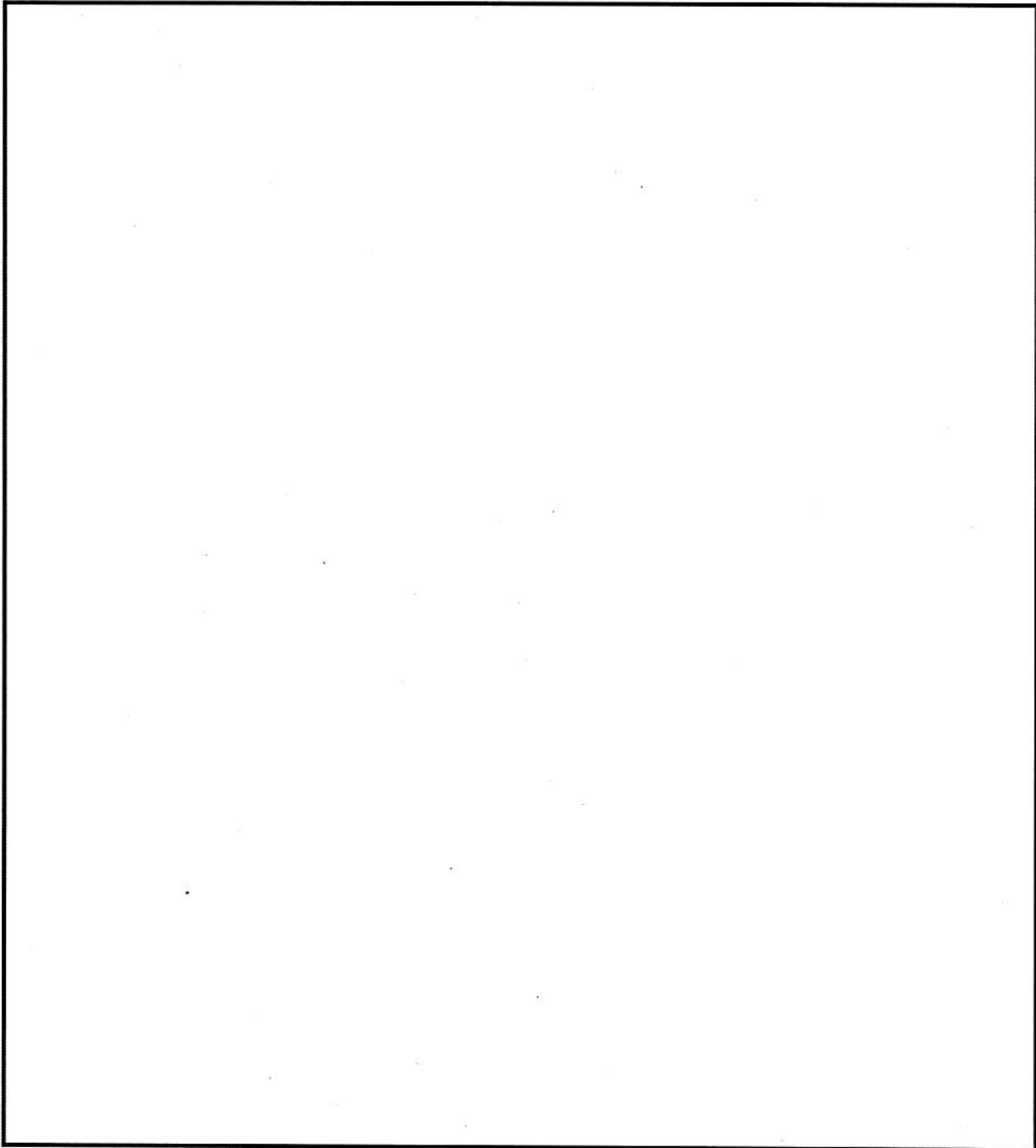
Mr. Secretary: [redacted]  
~~SECRET//NOFORN~~

[redacted]

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~



VR/paul

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(b) (1)  
(b) (3)-18 USC 798  
(b) (3)-50 USC 3024(i)  
(b) (3)-P.L. 86-36  
(b) (5)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

To: Nakasone Paul M GEN NSA D USA USA [redacted]  
From: [redacted]  
Sent: 2020-01-22T18:02:30Z  
Subject: (U) SOFTCOPY: (U) Draft response to Schiff  
Received: 2020-01-22T18:02:31Z

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

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Sir-

EYSA, DDIR has not reviewed yet.

V/R [redacted]  
From: Gerstell Glenn S. NSA-D2 USA CIV [redacted]  
Sent: Wednesday, January 22, 2020 12:48 PM  
To: Barnes George C NSA-D USA CIV [redacted]  
Cc: Noble Wendy NSA-D USA CIV [redacted]  
Subject: (U) Draft response to Schiff

~~SECRET//NOFORN~~

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Here is a first draft of what the Director might send to the Secretary. It may be too much, but I thought it's better to put everything in and then take it out. There are a few strategic options as to what we might say in this letter and I chose this one, but want to discuss the others.

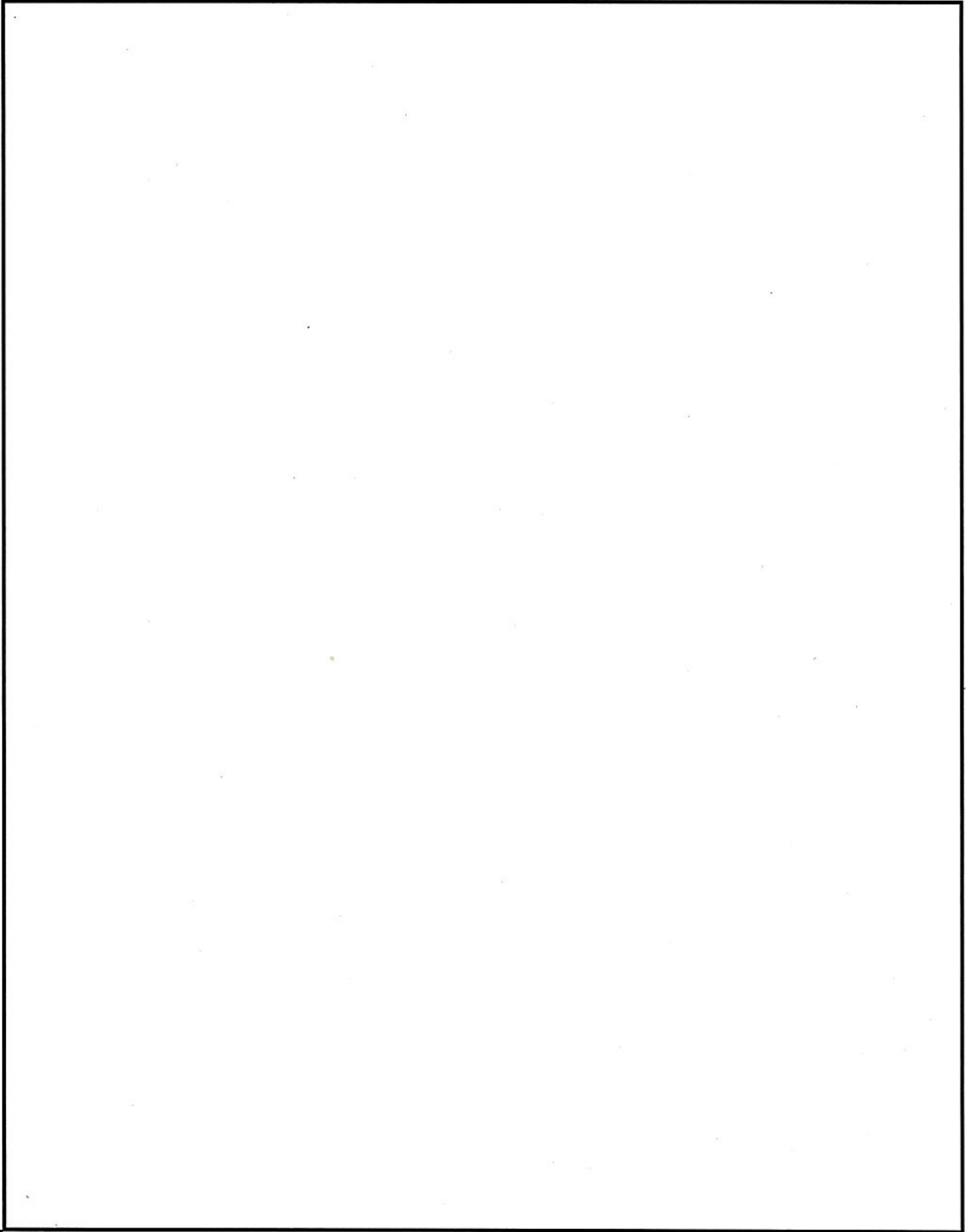
Glenn

(b) (1)  
(b) (3) - 18 USC 798  
(b) (3) - 50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
(b) (3) - P.L. 86-36  
(b) (5)

Mr. Secretary:

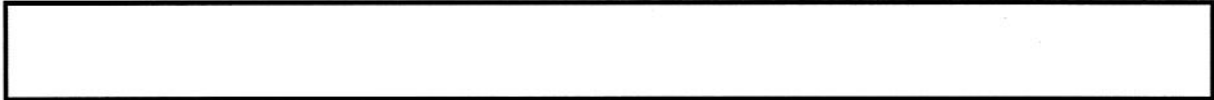
[Large redacted area]

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(b) (1)  
(b) (3)-18 USC 798  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
(b) (3)-P.L. 86-36  
(b) (5)

NSA0119



Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36  
(b) (5)

~~SECRET//NOFORN~~

To: [redacted]  
Cc: Noble Wendy NSA D USA GOV [redacted]; Gerstell Glenn S USA GOV [redacted]; Barnes George C NSA D USA GOV [redacted]  
From: [redacted]  
Sent: 2020-01-22T18:01:19Z  
Subject: RE: (U) Draft response to Schiff  
Received: 2020-01-22T18:01:23Z

**Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~**

Forwarded to DIR Staff per direction.

Thank you,

[redacted]

----- (U//FOUO) -----

Executive Assistant to Mr. George Barnes  
Deputy Director, NSA

[redacted]

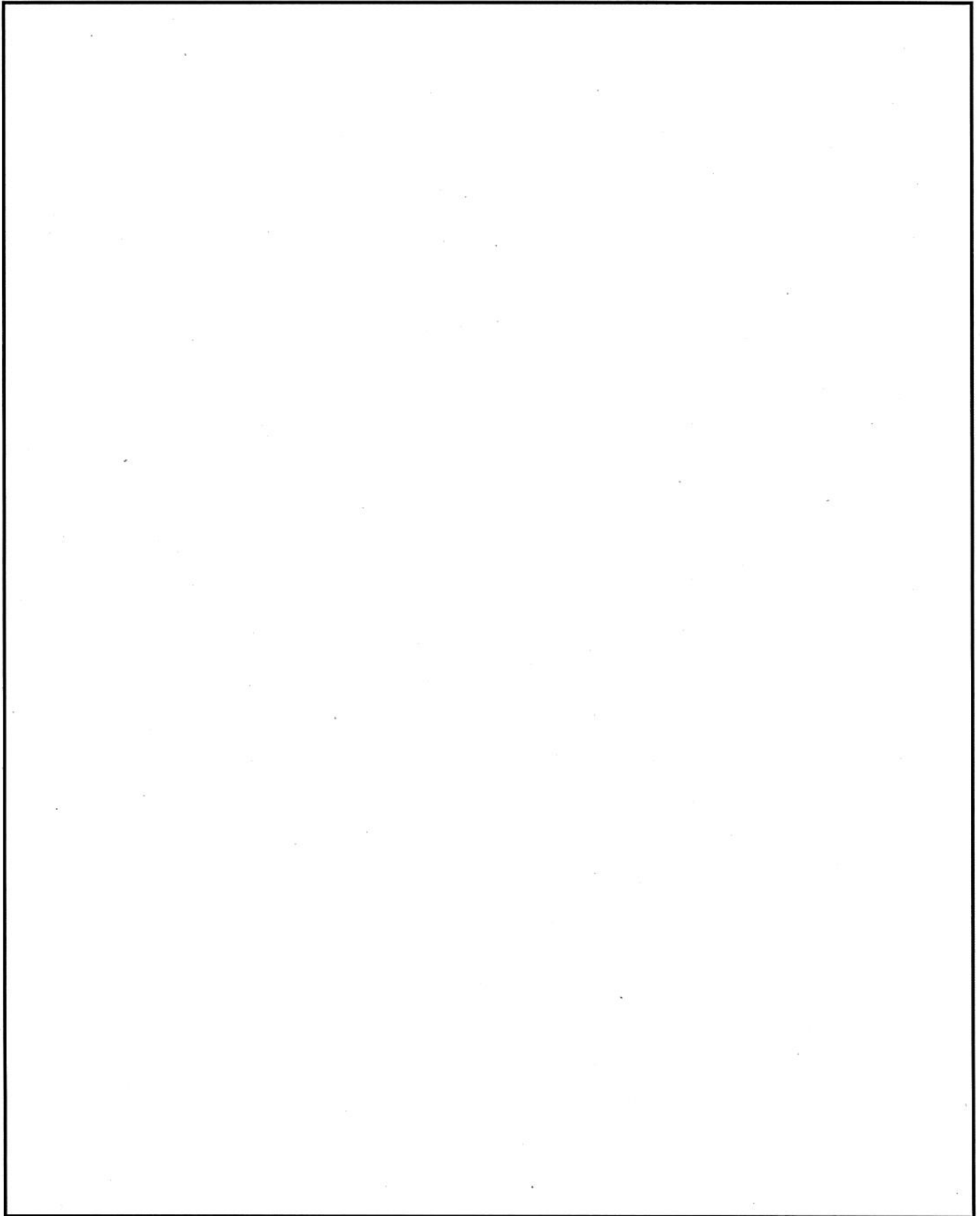
----- (U//FOUO) -----

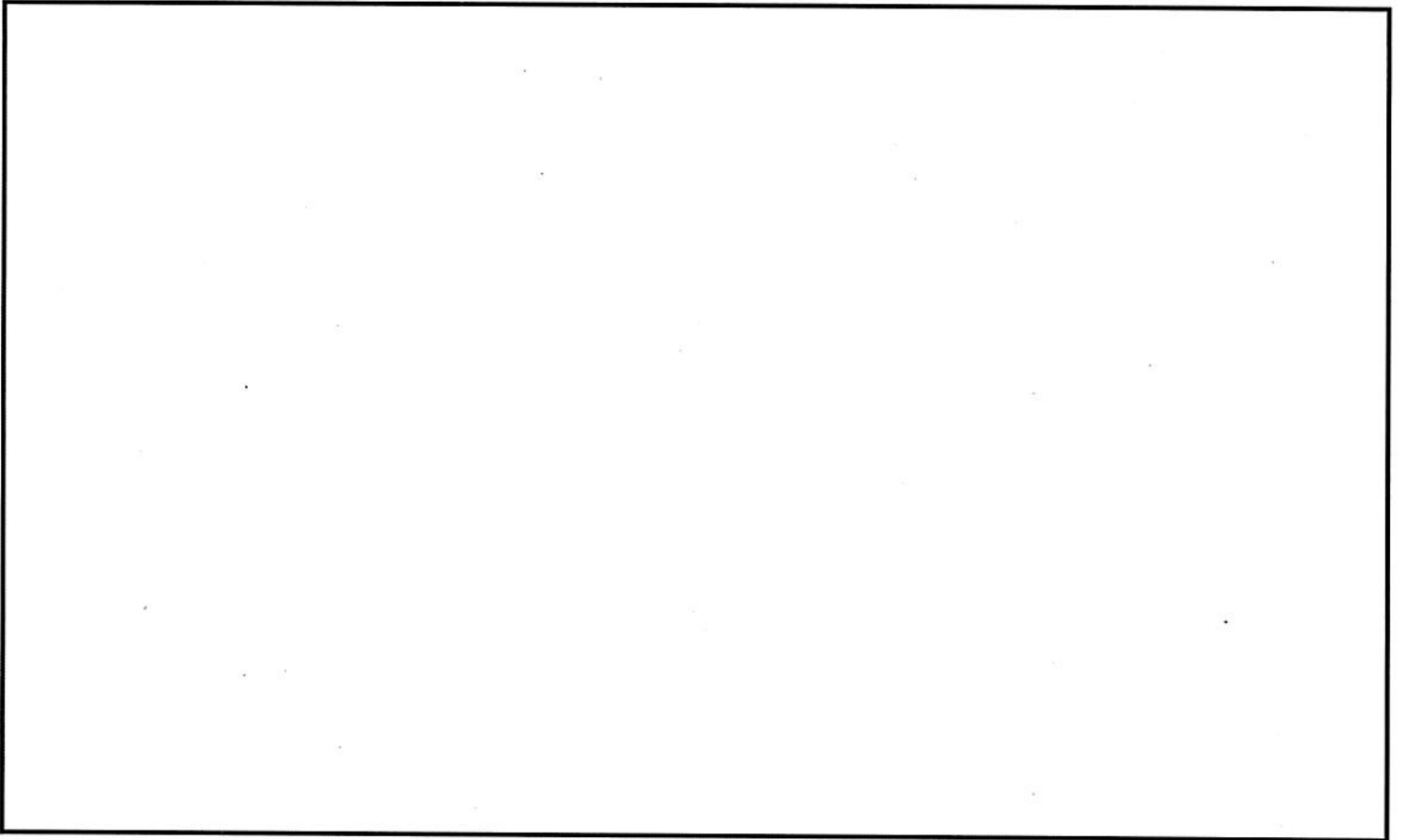
**From:** Gerstell Glenn S NSA-D2 USA CIV  
**Sent:** Wednesday, January 22, 2020 12:48 PM  
**To:** Barnes George C NSA-D USA CIV  
**Cc:** Noble Wendy NSA-D USA CIV  
**Subject:** (U) Draft response to Schiff

Text below is duplicated in DOCID 6813395. See NSA0118.

[Large redacted area]

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)





To: Nakasone Paul M GEN NSA D USA USA [redacted]  
Cc: [redacted]  
From: Noble Wendy NSA-D USA CIV  
Sent: 2020-01-21T17:20:43Z  
Subject: RE: (U) FW [redacted]  
Received: 2020-01-21T17:20:44Z

Classification: ~~CONFIDENTIAL//NOFORN~~

Done.

From: Nakasone Paul M GEN NSA-D-USA USA [redacted]  
Sent: Tuesday, January 21, 2020 12:14 PM  
To: Noble Wendy NSA-D USA CIV [redacted]  
Cc: [redacted]  
Subject: (U) FW [redacted]

Classification: ~~CONFIDENTIAL//NOFORN~~

Please do not forward note ... alert LSLA that there will not be a delivery today.

(b) (1)  
(b) (3)-50 USC 3024 (i)

From: Joseph Maguire-DNI [redacted]  
Sent: Tuesday, January 21, 2020 11:39 AM  
To: Nakasone Paul M GEN NSA-D-USA USA [redacted]; Gina C. Haspel  
Cc: Andrew P. Hallman-DNI [redacted]; Barnes George C NSA-D USA CIV [redacted]; Vaughn F. Bishop [redacted]  
Subject: [redacted]

Classification: ~~CONFIDENTIAL//NOFORN~~

Classified By: Joseph Maguire Acting DNI  
Derived From: [redacted]  
Declassify On: 20451231

=====  
(b) (1)  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
OGA

Gina and Paul, I just concluded a phone call with John Eisenberg and Michael Ellis in which we discussed the reports that [redacted] requested. ([redacted]) I said that to our knowledge, none of these reports are [redacted] and we would like to share them with Congress. I told John and Michael that these reports are normal / routine reports that

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

ODNI

(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

CIA

CIA

we would share [redacted] and that this is not an issue worth fighting over [redacted]

John requested in light of the ongoing trial that we NOT forward the reports today. John asked that we stay in close touch this week and he will connect with Pat Cippilone sometime that week to make sure that he is fully aware and has no objection to the IC providing these reports. (I am not optimistic)

Wish I had better news. I know we would all like to move past this issue and get it out of the news cycle. I have calls scheduled with you within the hour and look forward to discussing this with you.

All the best, joe

=====  
Classification: ~~CONFIDENTIAL//NOFORN~~

Classified By: [redacted]  
Derived From: [redacted]  
Dated: [redacted]  
Declassify On: 20450101

(b) (1)  
(b) (3) -50 USC 3024 (i)

Classification: ~~CONFIDENTIAL//NOFORN~~

Classified By: [redacted]  
Derived From: [redacted]  
Dated: [redacted]  
Declassify On: 20450101

Classification: ~~CONFIDENTIAL//NOFORN~~

(b) (1)  
(b) (3) -50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
OGA

CIA

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

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

~~SECRET//NOFORN~~

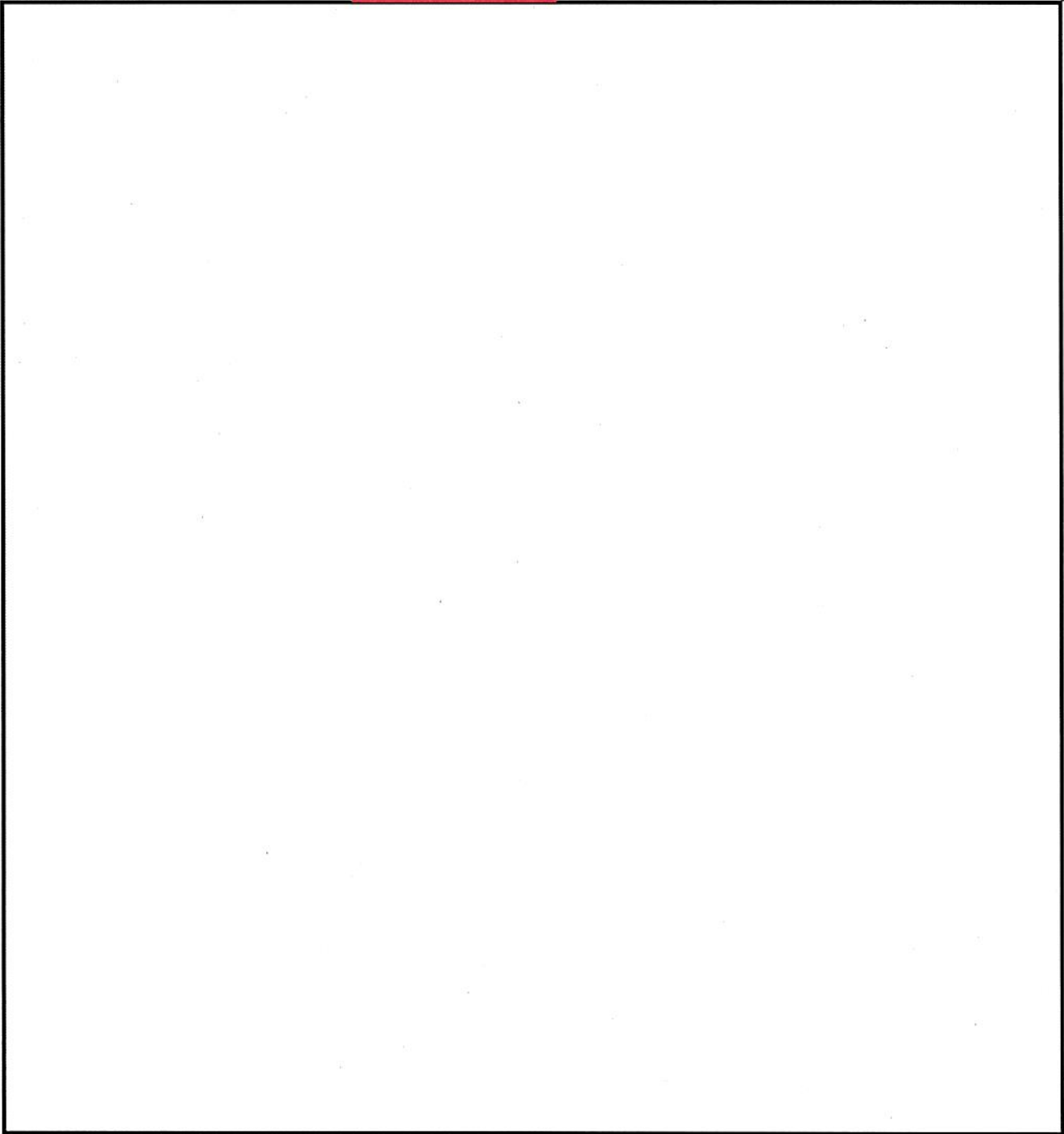
To: Barnes George C NSA-D USA CIV [redacted]  
From: Gerstell Glenn S NSA-D2 USA CIV  
Sent: 2020-01-22T22:13:35Z  
Subject: (U) DRAFT for your review  
Received: 2020-01-22T22:13:36Z

(b) (1)  
(b) (3) - 18 USC 798  
(b) (3) - 50 USC 3024 (i)  
(b) (3) - P.L. 86-36  
(b) (5)

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Mr. Secretary:

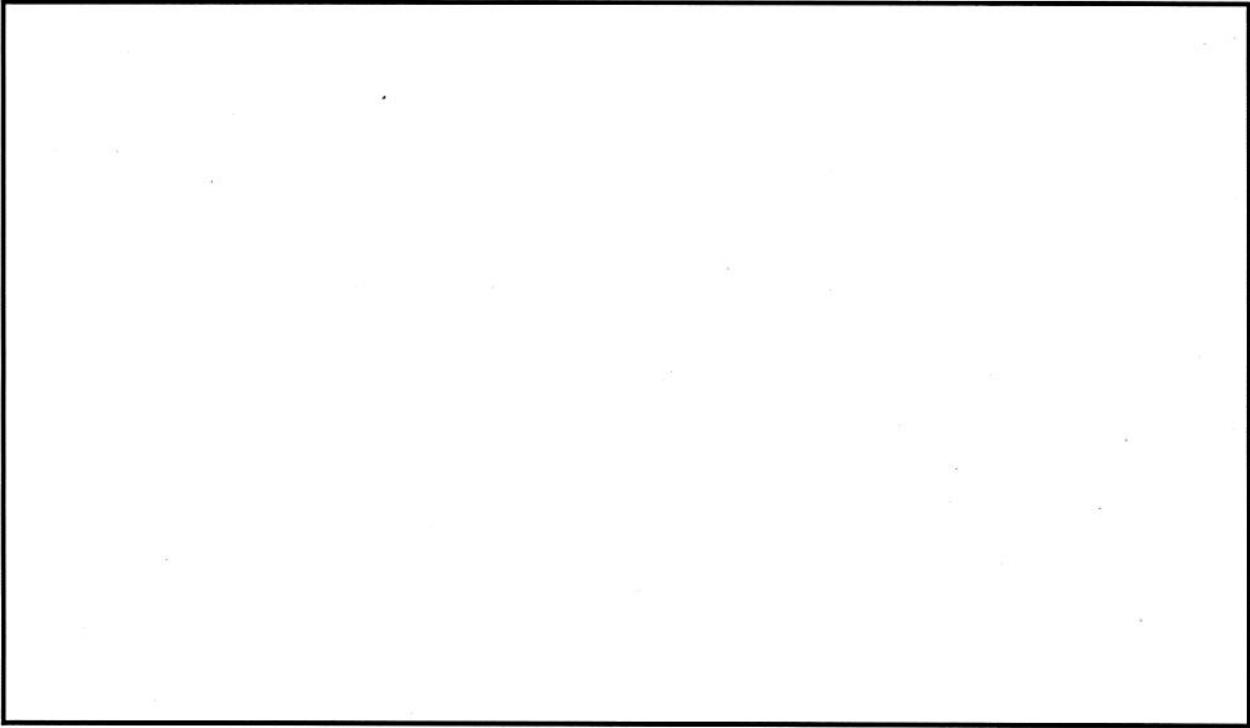
~~SECRET//NOFORN~~



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NSA0126

(b) (1)  
(b) (3)-18 USC 798  
(b) (3)-50 USC 3024(i)  
(b) (3)-P.L. 86-36  
(b) (5)



VR  
Paul

Classification: ~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~SECRET//NOFORN~~

To: Nakasone Paul M GEN NSA D USA USA [redacted] Barnes George C NSA D USA GOV [redacted]  
Cc: Noble Wendy NSA D USA GOV [redacted]; Gerstell Glenn S USA GOV [redacted]  
From: Soule Trumbull D NSA-P3 USA CIV  
Sent: 2019-12-13T16:36:54Z  
Subject: RE: (U) Request for DIR Guidance on Responses to HPSCI  
Received: 2019-12-13T16:36:56Z

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

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

Classification: ~~SECRET//SI//NOFORN~~

Sir,

(U//FOUO) Both ODNI and DoD have approved our letter, and DoD sought and received concurrence from NSC Legal. The final text of the letter to Chairman Schiff is below, and unless you desire otherwise, I intend to sign it out today.

Dear Chairman Schiff,

(S//SI//NF) Thank you for your letter dated October 15, 2019, in which you requested that NSA produce documents pertaining to [redacted]. Specifically, the Committee, through its letter, sought NSA's assistance "[p]ursuant to the House of Representatives' impeachment inquiry and the oversight authorities and jurisdiction of the House Permanent Select Committee on Intelligence . . ." In NSA's response on October 16, 2019, we indicated that the Agency would make foreign intelligence reports available for review in connection with the Committee's oversight function. Accordingly, three tranches of responsive foreign intelligence reports for specific date ranges negotiated with your staff were made available to Congress on an expedited basis. With the provision of the third tranche of reporting, NSA considers the Committee's October 15, 2019 oversight request closed. NSA fully recognizes the importance of the Committee's oversight function, and has at all times sought to fulfil its responsibilities in that regard and to make clear when it is acting in furtherance of those responsibilities.

(U//FOUO) This letter does not foreclose any future response by NSA to additional or alternative Committee requests for the production of documents relating to the Ukraine (or other such requests that implicate impeachment-related topics). More specifically, the Agency understands that the Committee, in consultation with the House Committees on Foreign Affairs and Oversight and Reform, submitted a letter and subpoena to the Department of Defense on October 7, 2019, seeking, among other things, the production of fourteen categories of information. NSA is aware that the Department of Defense has informed the Committee of a number of legal and practical concerns with the subpoena, and that the Department's concerns have not been fully resolved. Accordingly, the Department has thus far been unable to comply with the Committee's October 7, 2019 request. NSA, as a component of the Department of Defense, and acting in a manner consistent with the Department's guidance, has taken steps to identify, preserve, and collect documents that are potentially responsive to the Committee's subpoena. Upon the appropriate resolution of this matter, and consistent with applicable Department guidance, NSA stands ready to work with the Committee.

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V/R  
Trum  
(U)  
Trumbull D. Soule  
Chief, Legislative, State, Local and Academic Engagement  
Engagement and Policy Directorate  
National Security Agency

[Redacted]  
Fort Meade, MD 20755-6282  
[Redacted]

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

**From:** Soule Trumbull D NSA-P3 USA CIV  
**Sent:** Tuesday, December 10, 2019 3:43 PM  
**To:** Nakasone Paul M GEN NSA-D USA USA [Redacted]; Barnes George C NSA-D USA CIV  
**Cc:** Noble Wendy NSA-D USA CIV [Redacted]; Gerstell Glenn S NSA-D2 USA CIV  
**Subject:** RE: (U) Request for DIR Guidance on Responses to HPSCI

**Classification:** ~~SECRET//SI//NOFORN~~

Will seek that ODNI and USD(I) chop now. We wanted your guidance before going out of the building. I'll advise their response before proceeding further.

V/R  
Trum  
(U)  
Trumbull D. Soule  
Chief, Legislative, State, Local and Academic Engagement  
Engagement and Policy Directorate  
National Security Agency

[Redacted]  
Fort Meade, MD 20755-6282  
[Redacted]

**From:** Nakasone Paul M GEN NSA-D USA USA [Redacted]  
**Sent:** Tuesday, December 10, 2019 3:40 PM  
**To:** Barnes George C NSA-D USA CIV [Redacted]; Soule Trumbull D NSA-P3 USA CIV  
**Cc:** Noble Wendy NSA-D USA CIV [Redacted]; Gerstell Glenn S NSA-D2 USA CIV  
**Subject:** RE: (U) Request for DIR Guidance on Responses to HPSCI

**Classification:** ~~SECRET//SI//NOFORN~~

Agree—assume we have a chop from ODNI on this?

**From:** Barnes George C NSA-D USA CIV  
**Sent:** Tuesday, December 10, 2019 12:02 PM  
**To:** Soule Trumbull D NSA-P3 USA CIV [redacted]; Nakasone Paul M GEN NSA-D USA USA  
[redacted]  
**Cc:** Noble Wendy NSA-D USA CIV [redacted]; Gerstell Glenn S NSA-D2 USA CIV  
**Subject:** RE: (U) Request for DIR Guidance on Responses to HPSCI

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

**Classification:** ~~SECRET//SI//NOFORN~~

BLUF for the DIR: we would coordinate this with ODNI

George C. Barnes  
Deputy Director, NSA

[redacted]

**From:** Soule Trumbull D NSA-P3 USA CIV [redacted]  
**Sent:** Tuesday, December 10, 2019 12:00 PM  
**To:** Nakasone Paul M GEN NSA-D USA USA [redacted]  
**Cc:** Barnes George C NSA-D USA CIV [redacted]; Noble Wendy NSA-D USA CIV  
[redacted]; Gerstell Glenn S NSA-D2 USA CIV [redacted]  
**Subject:** (U) Request for DIR Guidance on Responses to HPSCI

(b) (1)  
(b) (3) - 50 USC 3024 (i)  
(b) (5)

**Classification:** ~~SECRET//SI//NOFORN~~

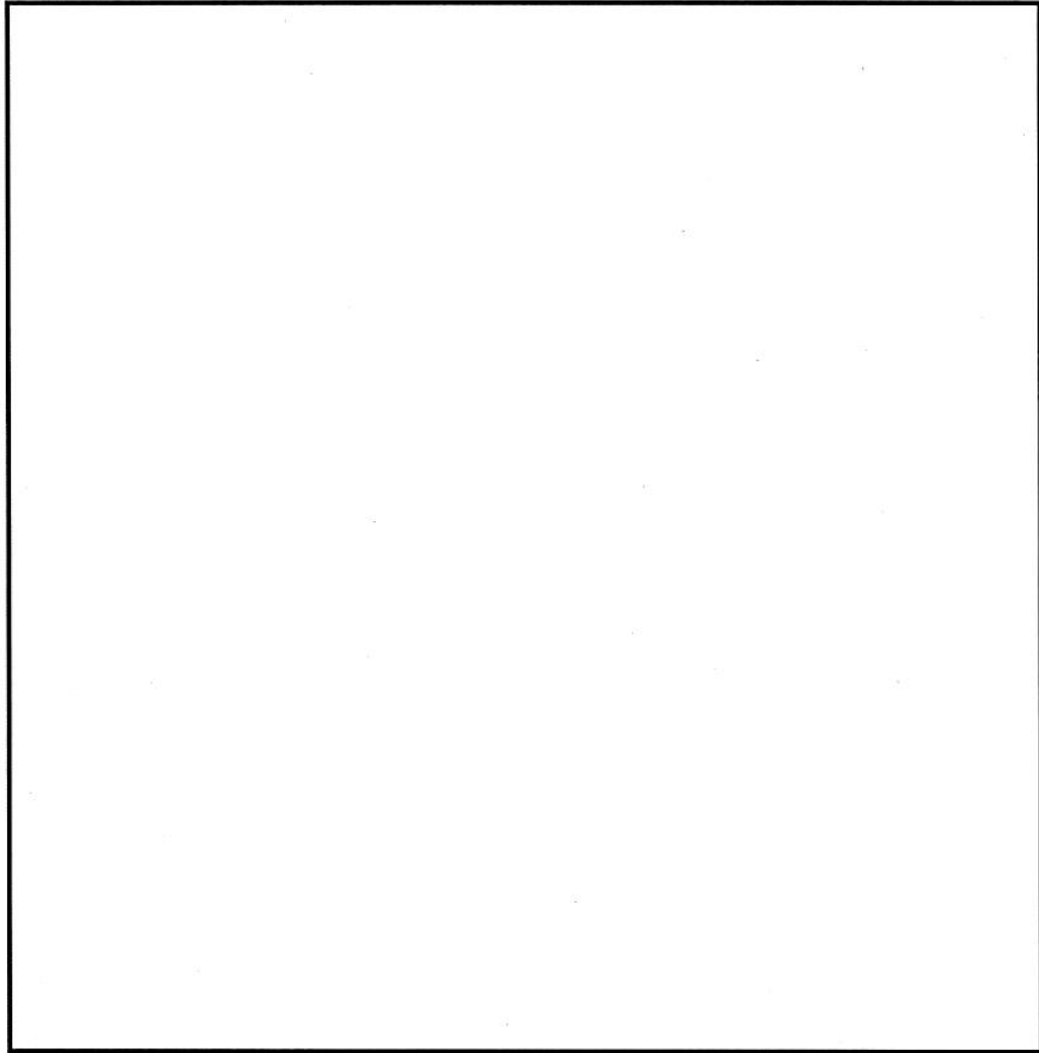
Sir,  
(U//FOUO) BLUF: Request your guidance on [redacted]  
[redacted]

(U//FOUO) DETAILS: [redacted]  
[redacted]

[redacted] We propose the following text, which Glenn personally had a hand in creating:

(b) (5) [redacted]

(b) (3) - P.L. 86-36  
(b) (5)  
NSA0130



(U//~~FOUO~~) May we proceed with this approach? And, if so, unless otherwise directed, we would coordinate this with ODNI and USD(I) and specifically seek their guidance on whether they or we (or neither) need to coordinate with the White House. Per Glenn, we have thus far received no response from the White House Counsel to Glenn's email providing a list of outstanding Congressional requests.

V/R  
Trum

(b) (1)  
(b) (3)-18 USC 798  
(b) (3)-50 USC 3024(i)  
(b) (3)-P.L. 86-36  
(b) (5)

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

(U)  
Trumbull D. Soule  
Chief, Legislative, State, Local and Academic Engagement  
Engagement and Policy Directorate  
National Security Agency



Fort Meade, MD 20755-6282

[Redacted]

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

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

Classification: ~~SECRET//SI//NOFORN~~

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

Classification: ~~SECRET//SI//NOFORN~~

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

Classification: ~~SECRET//SI//NOFORN~~

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

Classification: ~~SECRET//SI//NOFORN~~

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

Classification: ~~SECRET//SI//NOFORN~~

**From:** [redacted]  
**Sent:** Wednesday, January 22, 2020 11:43 AM  
**To:** Gerstell Glenn S USA GOV  
**Subject:** (U) Transfer  
**Attachments:** FW: [redacted]

**Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY**

Glenn,

Please see attached.

Thanks,

[redacted]  
(U//FOUO)

[redacted]  
Office Manager  
Office of the General Counsel (D2)

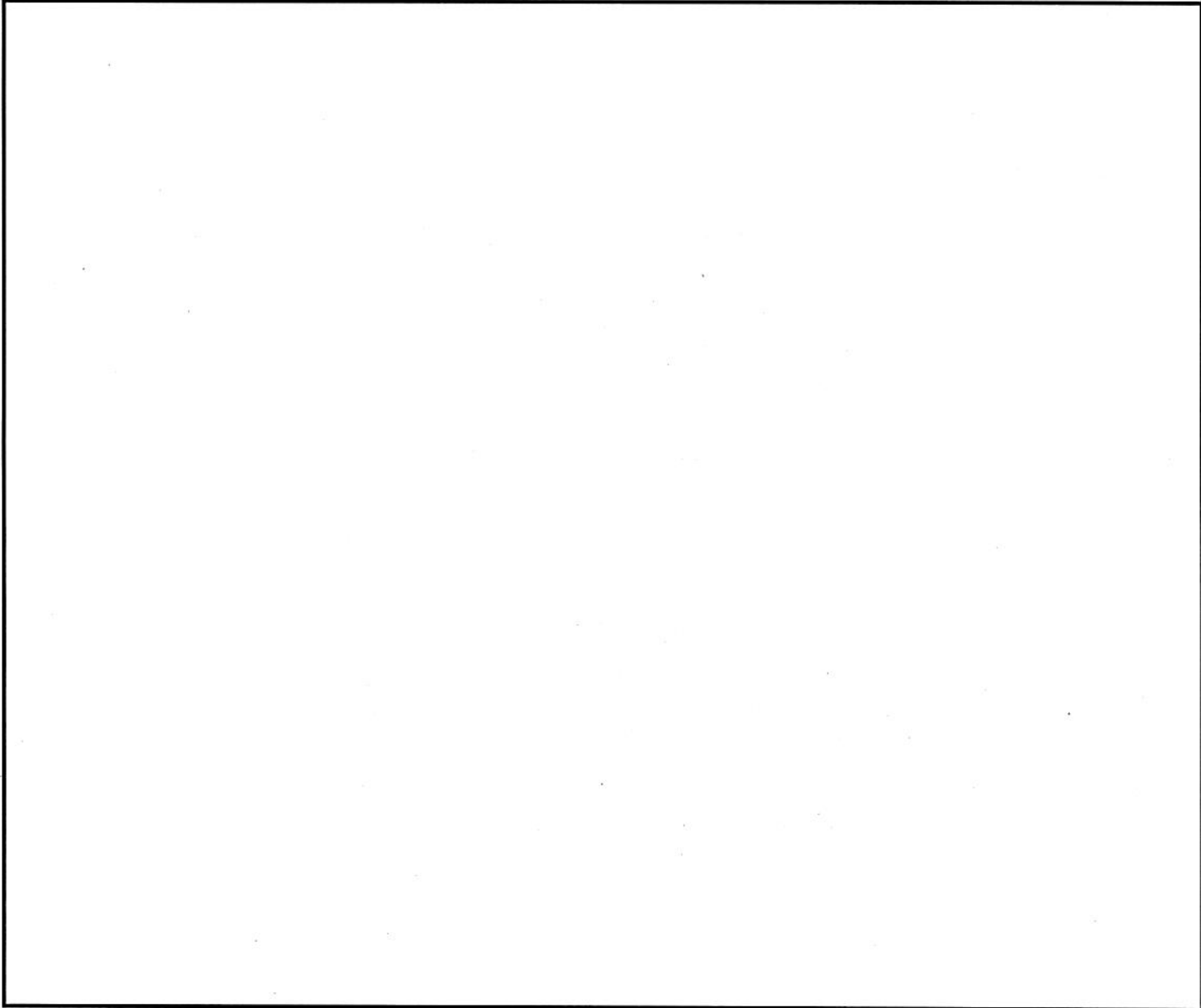
**Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY**

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

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

**From:** Gerstell, Glenn S  
**Sent:** Wednesday, January 22, 2020 11:01 AM  
**To:** [Redacted]  
**Subject:** FW: [Redacted]

(b) (3) -18 USC 798  
(b) (3) -50 USC 3024(i)  
(b) (3) -P.L. 86-36  
(b) (5)



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

**From:** [Redacted]  
**Sent:** Friday, January 24, 2020 8:28 AM  
**To:** [Redacted]  
**Subject:** FW: (U) HPSCI Issue  
**Attachments:** NYT Article 19JAN2020.pdf

OSD/JS

**Classification:** ~~SECRET//NOFORN~~

(b) (6)  
OGA

**From:** Nakasone, Paul M GEN Director, NSA (US)  
**Sent:** Friday, January 24, 2020 8:19 AM  
**To:** Milley, Mark A GEN USARMY JS OCJCS (USA) [Redacted]  
**Cc:** [Redacted] USARMY JS OCJCS (USA) [Redacted]  
**Subject:** (U) HPSCI Issue

(b) (1)  
(b) (3) - P.L. 86-36  
(b) (5)

**Classification:** ~~SECRET//NOFORN~~

Chairman-

Thanks for your assistance and time yesterday on the HPSCI request. Several thoughts as we gather today:

[Large redacted block]

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

VR//pau  
GEN Paul M. Nakasone | Commander, USCYBERCOM and Director, NSA / Chief, CSS [Redacted]

**Classified By:** [Redacted]

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)

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

Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: ~~20450101~~

Classification: ~~SECRET//NOFORN~~

Classified By:

Derived From: NSA/CSSM 1-52  
Dated: 20130930  
Declassify On: ~~20450101~~

Classification: ~~SECRET//NOFORN~~

# Struggle Between N.S.A. and Congress Over Ukraine Records Breaks Into Open

Representative Adam Schiff, the House Intelligence Committee chairman, said the agency was withholding documents from his panel, including some that might be useful in the impeachment trial.



Representative Adam B. Schiff leaving the Democratic cloakroom on Thursday after a group meeting on Capitol Hill. “The intelligence community is beginning to withhold documents from Congress on the issue of Ukraine,” he said on Sunday. Credit...Erin Schaff/The New York Times

By [David E. Sanger](#)

• Jan. 19, 2020

• A long-simmering conflict between the National Security Agency and the House Intelligence Committee broke into the open on Sunday when the committee’s chairman, Representative Adam B. Schiff, accused the agency of withholding critical intelligence from his panel, including some that might be useful in the impeachment trial of President Trump.

Since last fall, the committee has been quietly seeking documents and intercepts that the National Security Agency gathered in Ukraine. But Mr. Schiff, a California Democrat and

former prosecutor who is one of the managers of the impeachment trial, took the fight public, saying that “the intelligence community is beginning to withhold documents from Congress on the issue of Ukraine.”

“The N.S.A. in particular is withholding what are potentially relevant documents to our oversight responsibilities on Ukraine, but also withholding documents potentially relevant that the senators might want to see during the trial,” he said on ABC’s “This Week.” “That is deeply concerning. And there are signs that the C.I.A. may be on the same tragic course.”

Administration officials disputed Mr. Schiff’s accusations, saying the intelligence agencies were nonpartisan and were providing information to their congressional overseers. But a statement they issued avoided mentioning specifics.

“The intelligence community is committed to providing Congress with the information and intelligence it needs to carry out its critical oversight role,” Amanda J. Schoch, the assistant director of national intelligence for strategic communications, said in the statement. It “is working in good faith” with the committee, she continued, to respond “to requests on a broad range of topics and will continue to do so.”

A committee official, who spoke on the condition of anonymity, said Mr. Schiff was angered because the National Security Agency was renegeing on an earlier agreement on what documents would be produced. But administration officials said the document production was simply going slowly, and had not been blocked.

Disputes between intelligence agencies and oversight committees are not unusual. The agencies are frequently reluctant to share direct intercepts of conversations or to allow their individual officers or analysts to provide information directly to the committees. Instead, they prefer to turn over analytical reports that have been reviewed by agency leadership. The committees often press for more raw forms of intelligence.

Mr. Schiff and the agency had appeared to reach an accord several months ago about what kind of intelligence about Ukraine it was prepared to share with the committee. Since then, the committee had kept its struggle to obtain American intelligence on Ukraine largely behind closed doors under the secrecy rules that guide its oversight of what, by some measures, is the largest and most powerful of the nation’s 17 intelligence agencies.

Mr. Schiff did not specify what documents were in dispute. But even before Ukraine became a central battleground with its ground war and cyberwar with Russia, the agency had made Ukraine “one of the central points of focus in superpower competition,” a senior intelligence official said several months ago.

By law, the agency could not intercept Mr. Trump’s conversations with President Volodymyr Zelensky, or his predecessor Petro O. Poroshenko. And it would require special court approval to intercept conversations involving Americans communicating with Ukraine, including the president’s personal lawyer Rudolph W. Giuliani and his key aides.

But the National Security Agency would be free to record Ukrainian officials, including Mr. Zelensky, talking among themselves about those conversations, and those intercepts could reveal how much they knew, and when, about Mr. Trump's demand to withhold aid from Ukraine in its fight against Russian incursions, and the conditions it would have to meet to get it turned back on.

For intelligence officials who have often found themselves on the receiving end of Mr. Trump's wrath, charged with disloyalty or told by Mr. Trump they had to "go back to school" because he did not like their assessments of North Korea and Iran, there is nothing more politically delicate than what they collected in Ukraine.



The director of the National Security Agency, Gen. Paul M. Nakasone, at a hearing in March at the Rayburn House Office Building. Credit...Sarah Silbiger/The New York Times

The director of the National Security Agency, Gen. Paul M. Nakasone, was appointed to his post two years ago by Mr. Trump after a long and storied military career at the forefront of American cyberoperations. Until now, he has largely stayed out of the line of fire — and has never been mentioned on the president's Twitter feed — while he has built an aggressive cyberability, much of it directed at President Vladimir V. Putin's Russia.

Mr. Trump did not interfere as Mr. Nakasone, during the 2018 midterm elections, ordered a shutdown of the Internet Research Agency, the Russian troll factory that conducted much of the social media campaign that aided Mr. Trump in the last presidential election. Nor did the president get in the way of [the implanting of software in the Russian electric power grid.](#)

But the dispute with the committee over Ukraine, and the impeachment proceedings, places General Nakasone, 56, directly in the cross-hairs of the White House.

No matter what his agency's intelligence assessments or raw intercepts may or may not reveal about how Ukrainian officials reacted to Mr. Trump's demands for an investigation into former Vice President Joseph R. Biden Jr., or into a discredited theory that Ukraine was responsible for a cyberattack on the Democratic National Committee, the president could consider any cooperation with Mr. Schiff highly suspect.

The degree of sensitivity was evident this week in reports, first broadcast on CNN, that all of the nation's intelligence chiefs were trying to avoid public testimony about the annual "Worldwide Threat Assessment." Last year the director of national intelligence, Dan Coats, angered Mr. Trump by contradicting his public statements on Iran, North Korea and the Islamic State. He and other intelligence chiefs were summoned to the White House the next day for a public dressing-down.

Intelligence officials say they fear a public hearing this year could be worse: General Nakasone and the director of the C.I.A., Gina Haspel, would undoubtedly be asked for their assessment of whether the cutoff of aid to Ukraine would have benefited Mr. Putin and advantaged Russia as it seeks to undermine the Ukrainian government. (They would most likely also be asked about evidence that North Korea has sped forward with its nuclear and missile programs in the 19 months since Mr. Trump first met Kim Jong-un, the North Korean leader, in Singapore.)

Mr. Schiff confirmed on Sunday that intelligence agencies had sought to avoid a public hearing, preferring instead to simply offer their written assessment of global threats. "The intelligence community is reluctant to have an open hearing," he said, "something that we had done every year prior to the Trump administration, because they're worried about angering the president."

"We are counting on the intelligence community not only to speak truth to power, but to resist pressure from the administration to withhold information from Congress," Mr. Schiff continued, "because the administration fears that they incriminate them."

A version of this article appears in print on Jan. 20, 2020, Section A, Page 15 of the New York edition with the headline: Congress-N.S.A. Tussle Over Ukraine Records Breaks Into the Open. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

**From:** Nakasone Paul M GEN NSA-D USA USA  
**Sent:** Monday, March 2, 2020 3:25 PM  
**To:** Barnes George C NSA-D USA CIV  
**Subject:** (U) HPSCI Request Resolution

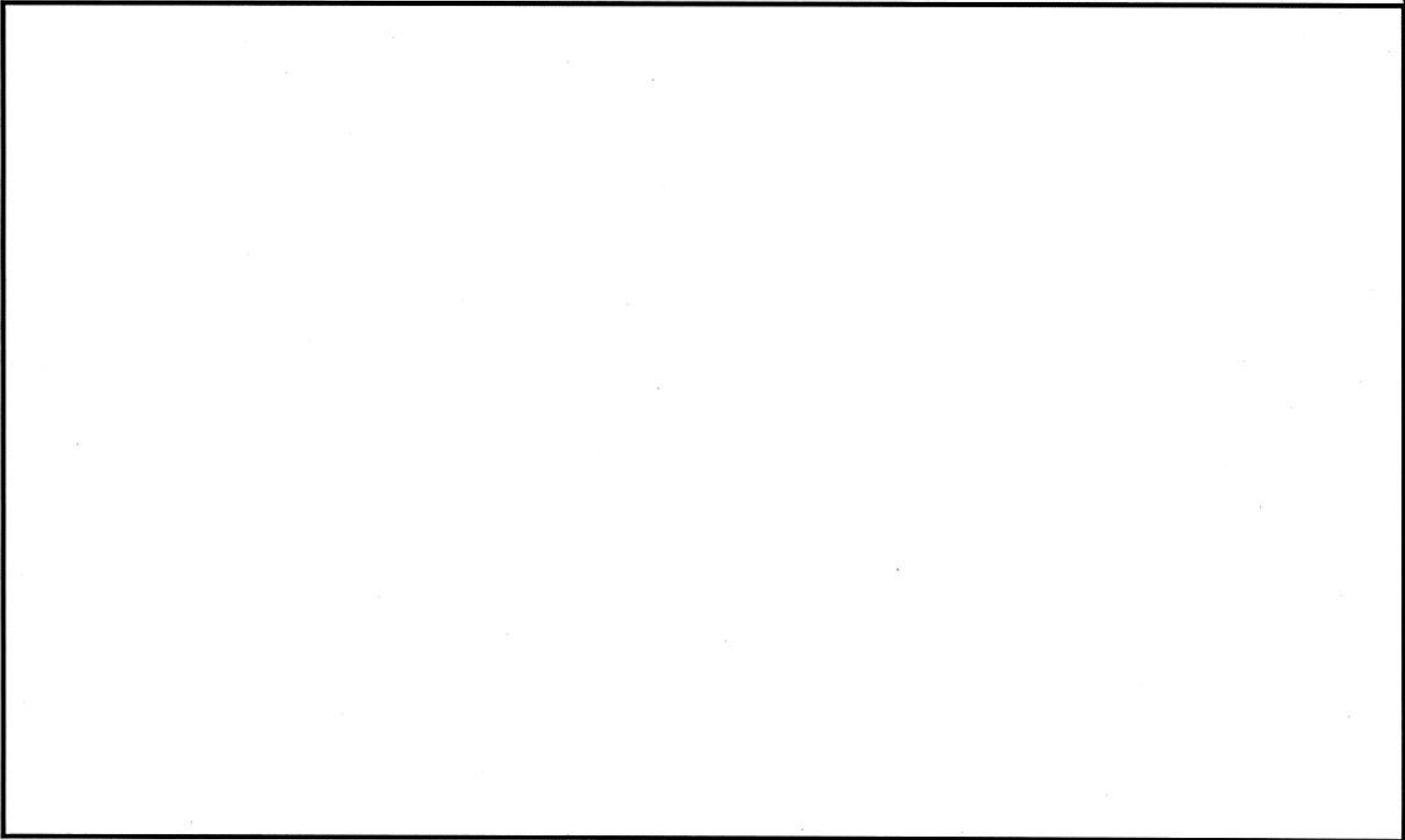
**Classification:** ~~TOP SECRET//SI//NOFORN~~

HAVE NOT SENT THIS YET, BUT THIS IS THE BACKGROUND ...

(b) (1)  
(b) (3) - P.L. 86-36  
(b) (5)

AMB,

(U//FOUO) Welcome. I want to make you aware of an important issue that may require your assistance to resolve.



VR/paul

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

Classified By:   
Derived From: NSA/CSSM 1-52  
Dated: 20180110  
Declassify On: ~~20450201~~

**Classification:** ~~TOP SECRET//SI//NOFORN~~

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)

To: Anthony Teisha M NSA D2 USA GOV [redacted]  
From: Doc ID 4813408 [redacted]  
Sent: 2020-03-05T15:36:30Z  
Subject: (U) FW: Update re: SSCI Letter Request for [redacted]  
Received: 2020-03-05T15:36:31Z  
[smime.p7s](#)

(b) (1)  
(b) (3) - 50 USC 3024 (i)

~~Classification: TOP SECRET//NOFORN~~

Teisha - for your awareness, [redacted]

v/r  
[redacted]

[redacted]  
Associate General Counsel, Legislation  
NSA Office of General Counsel

CIA  
(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

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

ODNI

From: [redacted]  
Sent: Wednesday, March 4, 2020 6:32 PM  
To: Courtney Elwood [redacted] Anthony Teisha M NSA D2 USA GOV [redacted]  
Cc: [redacted] Ryan P. Crumpler-DNI [redacted] Bradley A. Brooker-DNI [redacted]  
Subject: Update re: SSCI Letter Request for [redacted]  
Soule, Trumbull D NSA P3 USA GOV [redacted]

~~Classification: TOP SECRET//NOFORN~~  
LIBERATIVE PROCESS PRIVILEGED DOCUMENT

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

Classified By: [redacted]  
Declassify From: ODNI CG  
Declassify On: 20451231

CIA (b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (6)  
OGA

All, [redacted]  
CIA (b) (1)  
(b) (3) - 50 USC 3024 National Security Act of 1947 Section 102A(i)(1)  
OGA

(U//FOUO) I am combining participants from separate email threads to ensure visibility.

(U//FOUO) ODNI [redacted] the SSCI letters of [redacted]  
October 15, 2019 and January 17, 2020 [redacted] We  
also had a conversation with Sue Bai, with the White House Counsel's Office (WHCO), who has requested that we extend the date  
range for the CIA and NSA searches through January 17, 2020 (the date of second letter).

(TS//NF) To recap, WHCO previously requested that both CIA and NSA search for potentially responsive disseminated intelligence  
reports within the date range of [redacted]

[redacted]

(U//FOUO) Sue has requested that CIA and NSA extend the date range used to identify potentially responsive documents through  
January 17, 2020 (the date of the second letter). For this revised approach, she has also asked to have [redacted]



NSA0142

(U//FOUO) Please let us know if CIA or NSA have concerns with this revised approach. We recognize the SSCI letter request was [redacted] and that we will still need to address materials that may be in the possession of other Intelligence Community agencies, including ODNI. As before, the purpose of this effort is to begin the process of evaluating potentially responsive material. No materials will be provided to the Committee absent further coordination. Nonetheless, WHCO indicated that the goal is still to begin producing materials to SSCI this week.

(U//FOUO) As always, please feel free to reach out if it would be helpful to discuss.

(b) (1)  
(b) (3)-50 USC 3024 (i)

[redacted]  
Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

[redacted] (u)  
[redacted] (c)

CIA

(b) (1)  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i)(1)  
OGA

=====  
Classification: ~~TOP SECRET//NOFORN~~

ODNI (b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

Classified By: [redacted]  
Derived From: NSA/CSSM 1-52  
Dated: 20180110  
Declassify On: 20450301

Classification: ~~TOP SECRET//NOFORN~~

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

To: [Redacted]  
From: [Redacted]  
Doc ID: 6813400  
Sent: 2020-03-05T16:15:01Z  
Subject: (U) RE: Update re: SSCI Letter Request for [Redacted]  
Received: 2020-03-05T16:15:02Z  
[smime.p7s](#)

(b) (1)  
(b) (3) - 50 USC 3024 (i)

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

Classification: ~~TOP SECRET//NOFORN~~

[Redacted] - to keep you in the loop, Sue Bai just called. She requested [Redacted]

[Redacted] CIA (b) (1) (b) (3) - 50 USC 3024 National Security Act of 1947 Section 102A(i) (1) OGA

Associate General Counsel, Legislation  
NSA Office of General Counsel

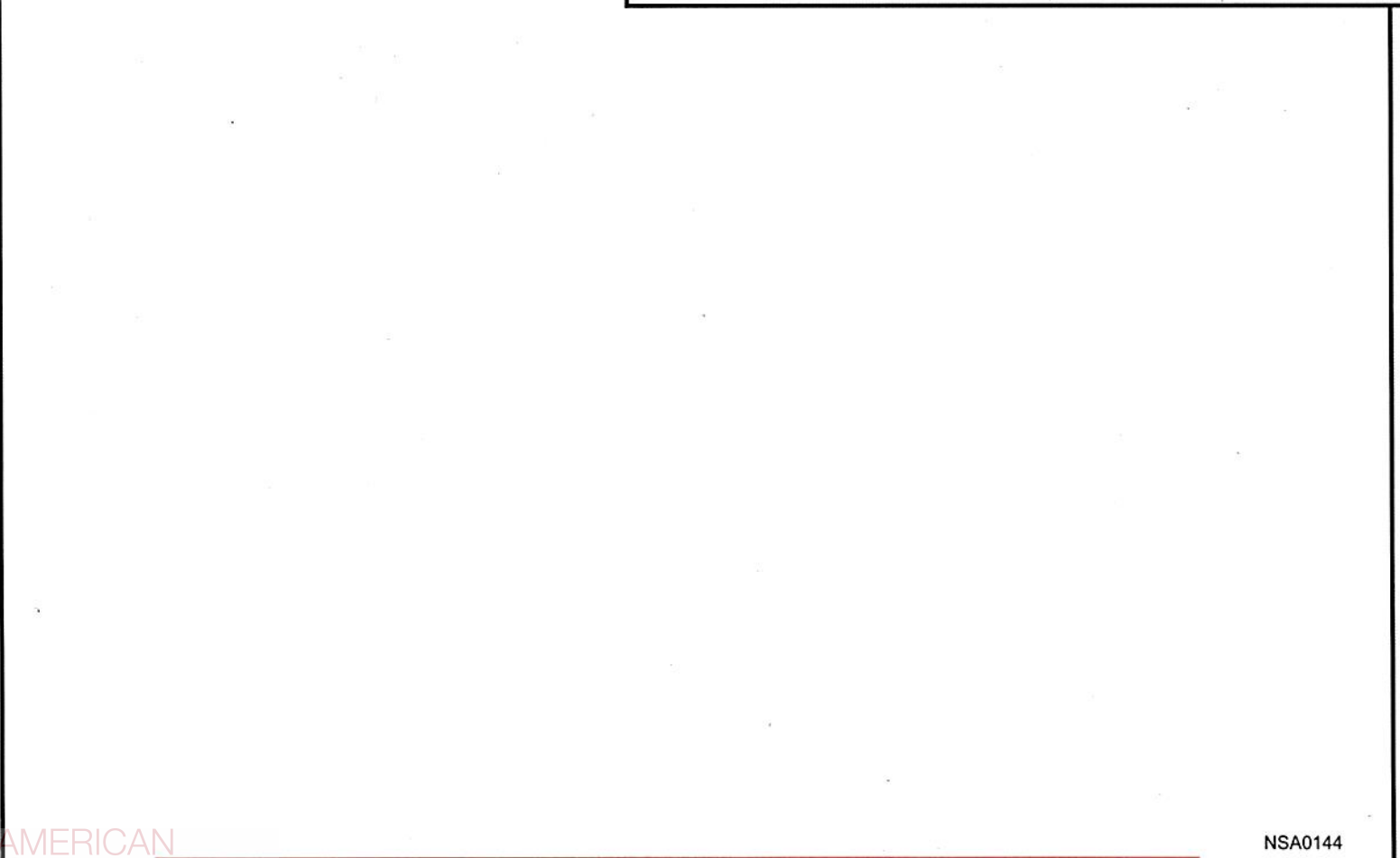
[Redacted] CIA (b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949 OGA

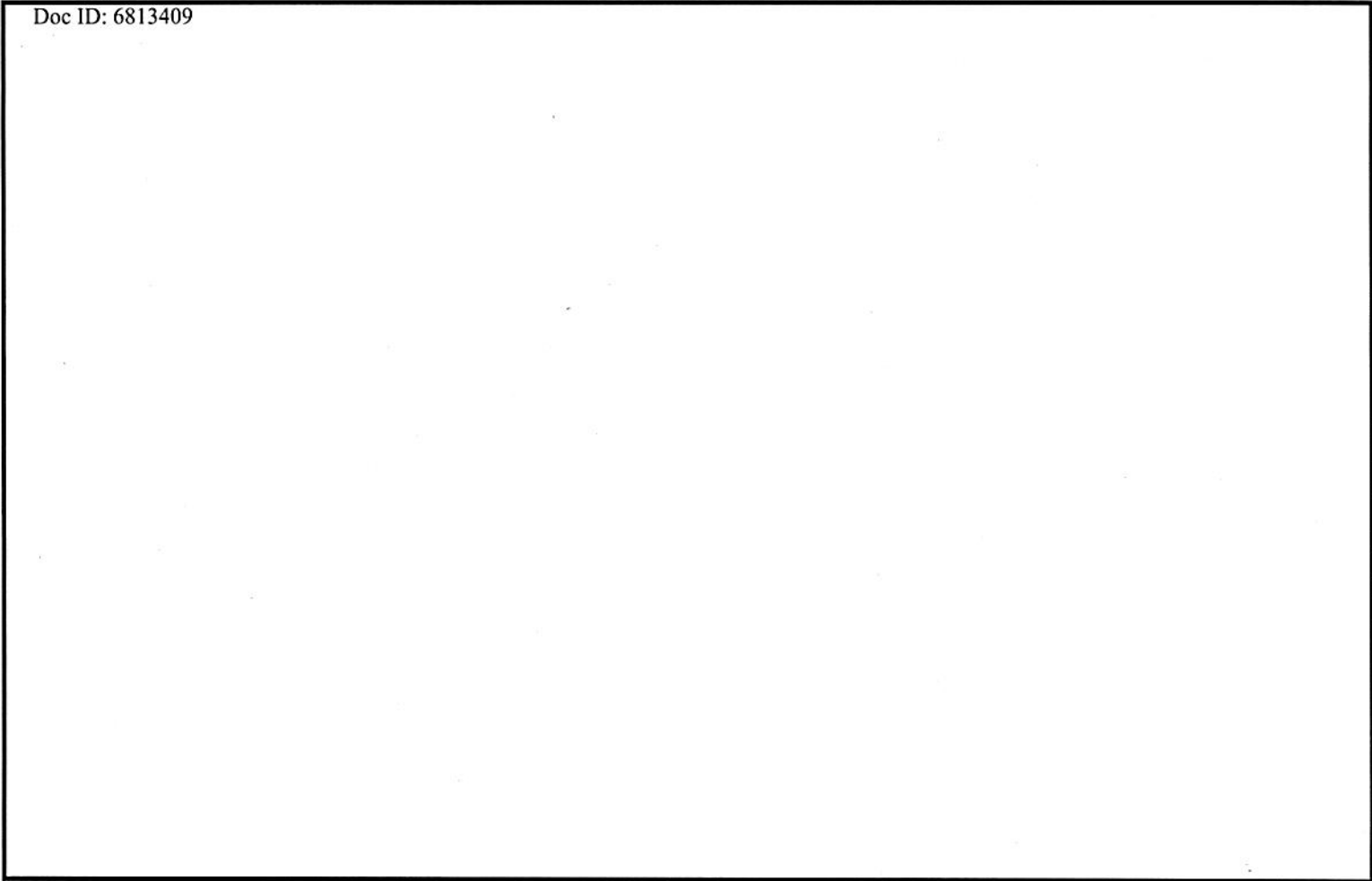
(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

From: [Redacted]  
Sent: Wednesday, March 4, 2020 6:32 PM  
To: Courtney Elwood [Redacted] Anthony Teisha.M NSA D2 USA GOV [Redacted]

Cc: [Redacted] Ryan P. Crumpler-DNI [Redacted] Bradley A. Brooker-DNI- [Redacted] Soule Trumbull D NSA P3 USA GOV [Redacted]

Subject: Update re: SSCI Letter Request for [Redacted]  
Text below is duplicated in DOCID 6813408. See NSA0142.





~~SECRET//NOFORN~~

To: Soule Trumbull D NSA-P3 USA CIV [redacted]  
From: Anthony Teisha M NSA-D2 USA CIV  
Sent: 2020-01-17T19:27:39Z  
Subject: FW: (U) Feedback from WH FW: (U) Update Reporting Requests  
Received: 2020-01-17T19:27:40Z

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Trum,  
As you requested.  
Teisha

Teisha M. Anthony  
Principal Deputy General Counsel  
Office of General Counsel

[redacted]

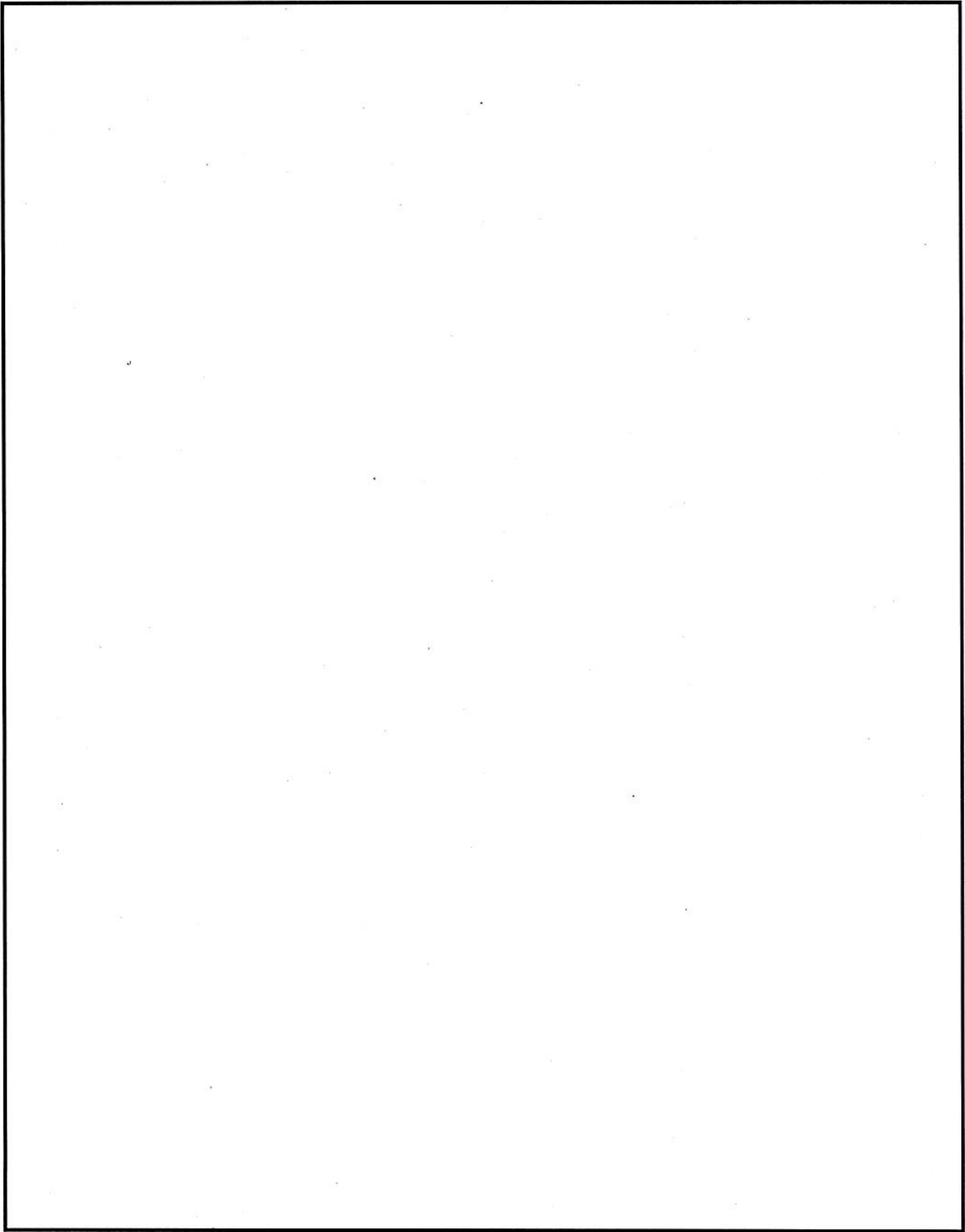
(b) (3) - P.L. 86-36

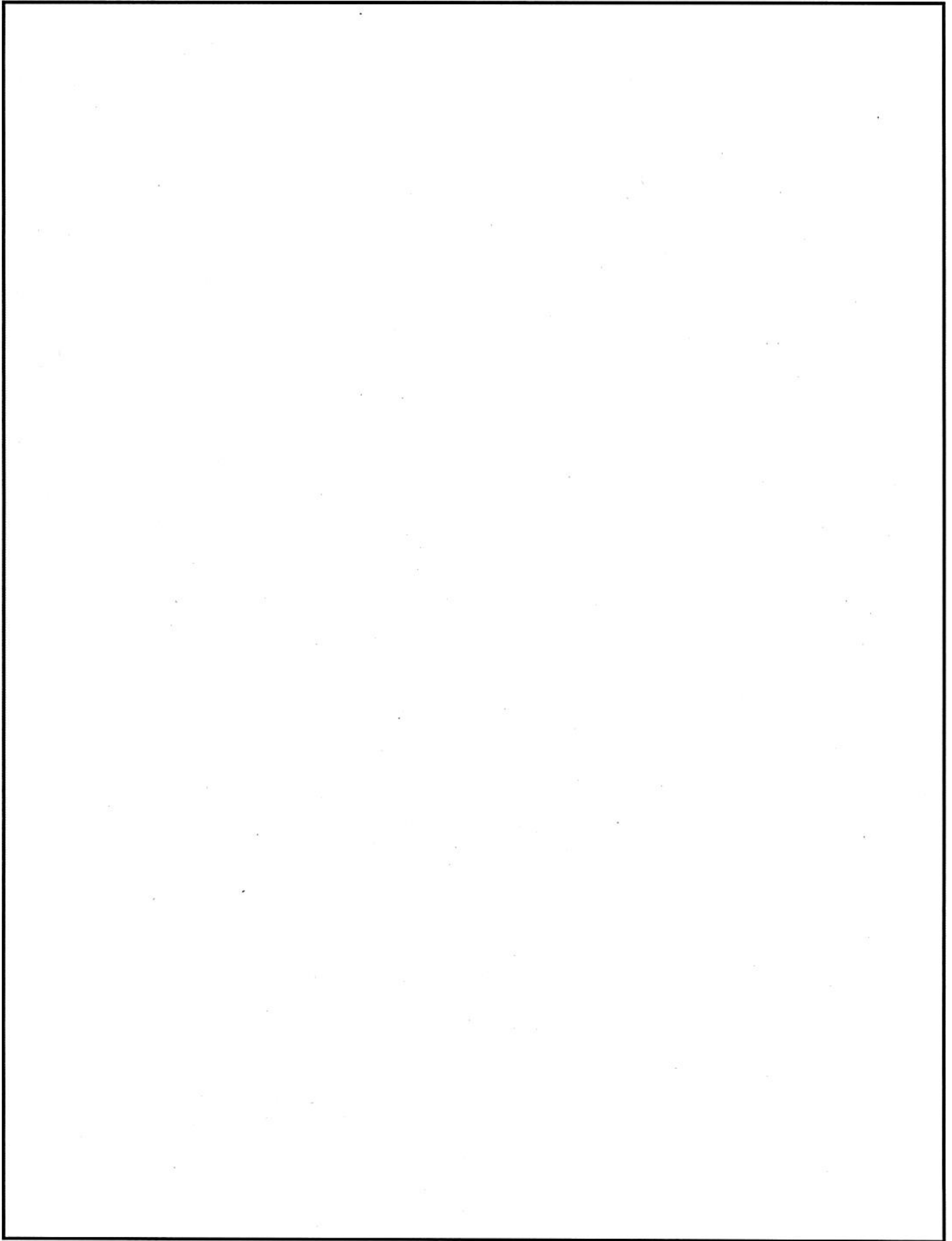
From: Anthony Teisha M NSA-D2 USA CIV  
Sent: Friday, January 17, 2020 2:22 PM  
To: Barnes George C NSA-D USA CIV  
Cc: Gerstell Glenn S NSA-D2 USA CIV ; Soule Trumbull D NSA-P3 USA CIV ; [redacted]  
[redacted] Anthony Teisha M NSA-D2 USA CIV  
Subject: RE: (U) Feedback from WH FW: (U) Update Reporting Requests

Text below is duplicated in DOCID 6797801. See NSA0064.

[Large redacted area]

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)







To: Anthony Teisha M NSA-D2 USA CIV [redacted]  
From: [redacted]  
Sent: 2020-02-25T21:22:30Z  
Subject: FW: (U) RE: Draft Letter to SSCI [redacted]  
Received: 2020-02-25T21:22:34Z

(b) (1)  
(b) (3) -50 USC 3024 (i)

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~

[redacted]

v/r  
[redacted]

[redacted]  
Associate General Counsel, Legislation  
NSA Office of General Counsel  
[redacted]

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

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

From: [redacted]  
Sent: Tuesday, February 25, 2020 4:08 PM  
To: Anthony Teisha M NSA-D2 USA CIV [redacted]  
Cc: Bradley A. Brooker-DNI [redacted], Courtney Elwood [redacted]  
Subject: RE: (U) RE: Draft Letter to SSCI [redacted]

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (6)  
OGA

CIA  
(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~

Classified By: [redacted]  
Derived From: [redacted]  
Declassify On: 25X1, 20701231

CIA

Further to the below, the White House Counsel's Office (WHCO) has requested that, insofar as agencies have identified documents that are potentially responsive to the SSCI letter requests, agencies begin making those documents available to ODNI. The WHCO is making this request as an interim step in order to begin the process of evaluating potentially responsive material. No materials will be provided to the Committee absent further coordination. The WHCO has indicated that they would like agencies to begin making potentially responsive materials available to ODNI tomorrow (Feb. 26), preferably by transmitting those materials to ODNI/OGC. We recognizes agencies may have concerns with the timing or other aspects of this approach. In the event agencies require additional time, or cannot transmit materials to ODNI/OGC, please let us know when and how you may be able to respond to WHCO's request. We are also available to discuss as may be helpful.

ODNI  
(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

Regards,

CIA (b) (1)  
(b) (3) -50 USC 3024 (i)  
OGA

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)

NSA0150

CIA (b) (1)  
(b) (3) -50 USC 3024 (i)  
(b) (5)  
OGA

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

ODNI  
(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

(u)  
(c)

(b) (1)  
(b) (3) -50 USC 3024 (i)  
(b) (5)

CIA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (6)  
OGA

From: [Redacted]  
Sent: Tuesday, February 25, 2020 2:01 PM

To: 'Anthony Teisha M NSA-D2 USA CIV' [Redacted]

Cc: Bradley A. Brooker-DNI- [Redacted] Courtney Elwood [Redacted]

Subject: RE: (U) RE: Draft Letter to SSCI [Redacted]

Classification: ~~TOP SECRET~~ [Redacted] NOFORN

(b) (5)  
OGA

Classified By: [Redacted]  
Derived From: [Redacted]  
Declassify On: 25X1, 20701231

ODNI

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

Thanks Teisha. My understanding is that the [Redacted] expire on Feb. 29<sup>th</sup>. At present, I am not aware of any effort to extend them. I expect that [Redacted] but it may be worth discussing when we have another call.

Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

(u)  
(c)

CIA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

From: Anthony Teisha M NSA-D2 USA CIV [Redacted]

Sent: Monday, February 24, 2020 11:19 AM

To: [Redacted]

Cc: Bradley A. Brooker-DNI- [Redacted] Courtney Elwood [Redacted]

Anthony Teisha M NSA-D2 USA CIV [Redacted]

Subject: RE: (U) RE: Draft Letter to SSCI [Redacted]

Classification: ~~TOP SECRET~~ [Redacted] NOFORN

(b) (1)  
(b) (3) -50 USC 3024 (i)

CIA (b) (3) -50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
OGA

CIA (b) (1)  
(b) (3) -50 USC 3024 (i) NSAC 151  
OGA

(b) (1)  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
(b) (5)  
OGA

CIA

Thanks for the updated draft. Quick question—my understanding is that [redacted]

[redacted] understand that

[redacted] expires at the end of this week. Are we extending

those as well?

Teisha

Teisha M. Anthony  
Acting General Counsel  
Office of General Counsel

(b) (1)  
(b) (3)-50 USC 3024 (i)  
(b) (3)-P.L. 86-36  
(b) (5)

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

From: [redacted]

Sent: Monday, February 24, 2020 10:57 AM.

To: [redacted]

Cc: Bradley A. Brooker-DNI; [redacted] Courtney Elwood

Anthony Teisha M NSA-D2 USA CIV [redacted]

Subject: RE: (U) RE: Draft Letter to SSC [redacted]

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~  
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

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

CIA

Thank you for the comments and feedback. Please find an updated draft attached with two embedded comments/questions.

[redacted]  
Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

(u)

(c)

(b) (1)  
(b) (3)-50 USC 3024 (i)  
OGA

CIA

From: [redacted]

Sent: Friday, February 21, 2020 5:06 PM

To: [redacted]

Cc: Bradley A. Brooker-DNI; [redacted] Courtney Elwood  
Anthony Teisha M NSA-D2 USA CIV

Subject: RE: (U) RE: Draft Letter to SSC [redacted]

(b) (1)  
(b) (3)-50 USC 3024 (i)

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~  
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

CIA (b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
OGA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949

CIA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (6)  
OGA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
OGA

[Redacted]

CIA

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

[Redacted] In the attached re-save of NSA's proposed revision, we propose two edits in addition to those NSA has proposed.

Please let us know if you have questions and if anything further would be helpful. Thanks. [Redacted]

From: [Redacted]

(b) (1)  
(b) (3)-50 USC 3024 (i)

Sent: Friday, February 21, 2020 2:31 PM

To: [Redacted] Courtney

Elwood [Redacted] Anthony Teisha M NSA-D2 USA CIV [Redacted]

Cc: Bradley A. Brooker-DNI [Redacted]

(b) (3)-50 USC 3024 (i)  
(b) (3)-P.L. 86-36  
(b) (5)

Subject: (U) RE: Draft Letter to SSCI [Redacted]

~~Classification: TOP SECRET NOFORN~~

[Redacted] - attached please find NSA's edits, comments, and concerns. As you know, the factual situation with regards to [Redacted] is complicated. If it makes the letter more straightforward [Redacted]

Additionally, as we discussed earlier today, a reminder that the current [Redacted] expire at the end of this month. [Redacted]

v/r [Redacted]

CIA (b) (1)  
(b) (3)-50 USC 3024 National Security Act of 1947 Section 102A(i) (1)  
(b) (5)  
OGA

Associate General Counsel, Legislation  
NSA Office of General Counsel

[Redacted] (b) (1)  
(b) (3)-50 USC 3024 (i)  
(b) (3)-P.L. 86-36  
(b) (5)

From: [Redacted]

Sent: Friday, February 21, 2020 10:58 AM

To: [Redacted] Courtney Elwood [Redacted] Anthony

Teisha M NSA-D2 USA CIV [Redacted]

(b) (1)  
(b) (3)-50 USC 3024 (i)  
OGA

Cc: Bradley A. Brooker-DNI [Redacted]

CIA

(b) (3)-50 USC 3024 (i)  
(b) (5)  
OGA

CIA

CIA

(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

Subject: RE: Draft Letter to SSC [redacted]

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~  
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

(b) (1)  
(b) (3)-50 USC 3024 (i)

Classified By: [redacted]  
Derived From: [redacted]  
Declassify On: 25X1, 20701231

Following up on the below, ODNI would appreciate receiving any comments CIA and NSA have on the draft letter response by COB Monday, Feb. 24. We are also available to discuss as may be helpful.

[redacted]  
Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

[redacted] (u)  
[redacted] (c)  
[redacted]

(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

From: [redacted]  
Sent: Wednesday, February 19, 2020 12:32 PM

To: [redacted] Courtney Elwood [redacted] Anthony Teisha  
M NSA-D2 USA CIV [redacted]

ODNI

Cc: Bradley A. Brooker-DNI [redacted]  
Subject: Draft Letter to SSC [redacted]

Classification: ~~TOP SECRET~~ [redacted] ~~NOFORN~~  
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

(b) (1)  
(b) (3)-50 USC 3024 (i)  
OGA

Classified By: [redacted]  
Derived From: [redacted]  
Declassify On: 25X1, 20701231

CIA

CIA

(U//FOUO) Following up on the call earlier today, please find attached an initial draft of a letter to SSCI that is intended to capture the approach discussed on the call. We would like to get your input before circulating more broadly and we would be happy to discuss as may be helpful.

(U//FOUO) For reference we've also included the two letters the DNI received from the committee.

[redacted]  
Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel

[redacted] (u)  
[redacted] (c)

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

[Redacted]

(b) (1)  
(b) (3)-50 USC 3024(i)  
OGA

CIA

=====  
Classification: ~~TOP SECRET~~

NOFORN

=====  
Classification: ~~TOP SECRET~~

NOFORN

[Redacted]

Classified By: [Redacted]

Derived From: [Redacted]

Dated: [Redacted]

Declassify On: 20450201

=====  
Classification: ~~TOP SECRET~~

NOFORN

=====  
Classification: ~~TOP SECRET~~

NOFORN

=====  
Classification: ~~TOP SECRET~~

NOFORN

[Redacted]

[Redacted]

Classified By: [Redacted]

Derived From: [Redacted]

Dated: [Redacted]

Declassify On: 20450201

=====  
Classification: ~~TOP SECRET~~

NOFORN

=====  
Classification: ~~TOP SECRET~~

NOFORN

=====  
Classification: ~~TOP SECRET~~

NOFORN

[Redacted]

Classified By: [Redacted]

Derived From: [Redacted]

Dated: [Redacted]

Declassify On: 20450201

(b) (1)  
(b) (3)-50 USC 3024(i)

=====  
Classification: ~~TOP SECRET~~

NOFORN

[Redacted]

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

(b) (3) - 50 USC 3024(m)  
(b) (6)  
OGA

ODNI

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

To: Anthony Teisha M NSA-D2 USA CIV [redacted]  
From: [redacted]  
Sent: 2020-02-26T15:08:44Z  
Subject: FW: (U) RE: Draft Letter to SSCI [redacted]  
Received: 2020-02-26T15:08:46Z

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

Classification: TOP SECRET [redacted] NOFORN

Teisha - update. [redacted]

v/t

[redacted]

(b) (1)  
(b) (3) - 50 USC 3024(i)  
OGA

Associate General Counsel, Legislation  
NSA Office of General Counsel

CIA

(b) (1)  
(b) (3) - 50 USC 3024(i)

CIA

CIA

From: [redacted]  
Sent: Tuesday, February 25, 2020 4:08 PM  
To: Anthony Teisha M NSA-D2 USA CIV [redacted]

Cc: Bradley A. Brooker-DNI [redacted] Courtney Elwood [redacted]

Subject: RE: (U) RE: Draft Letter to SSCI [redacted]

Text below is duplicated in DOCID 6813463. See NSA0150.

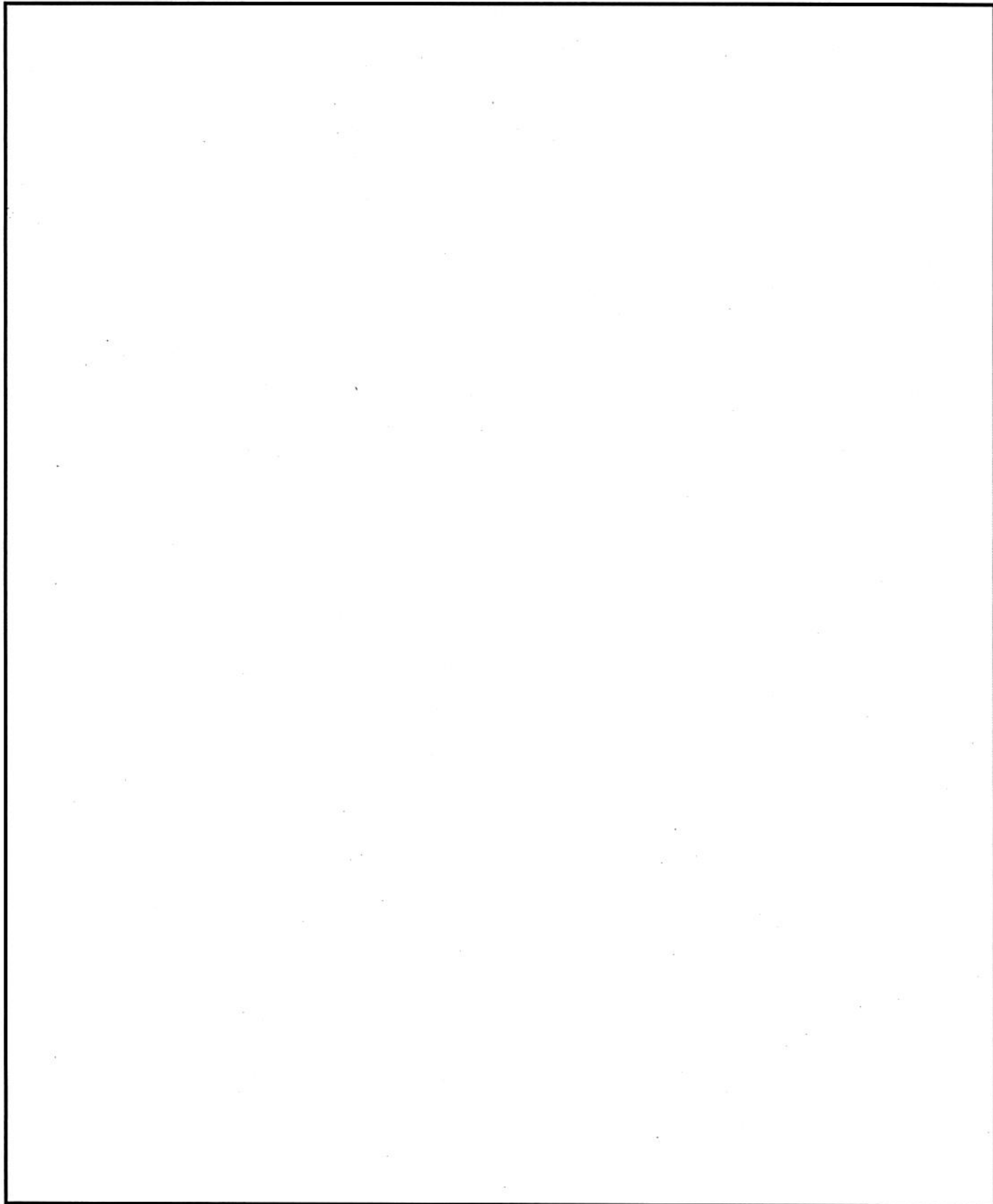
[Large redacted area]

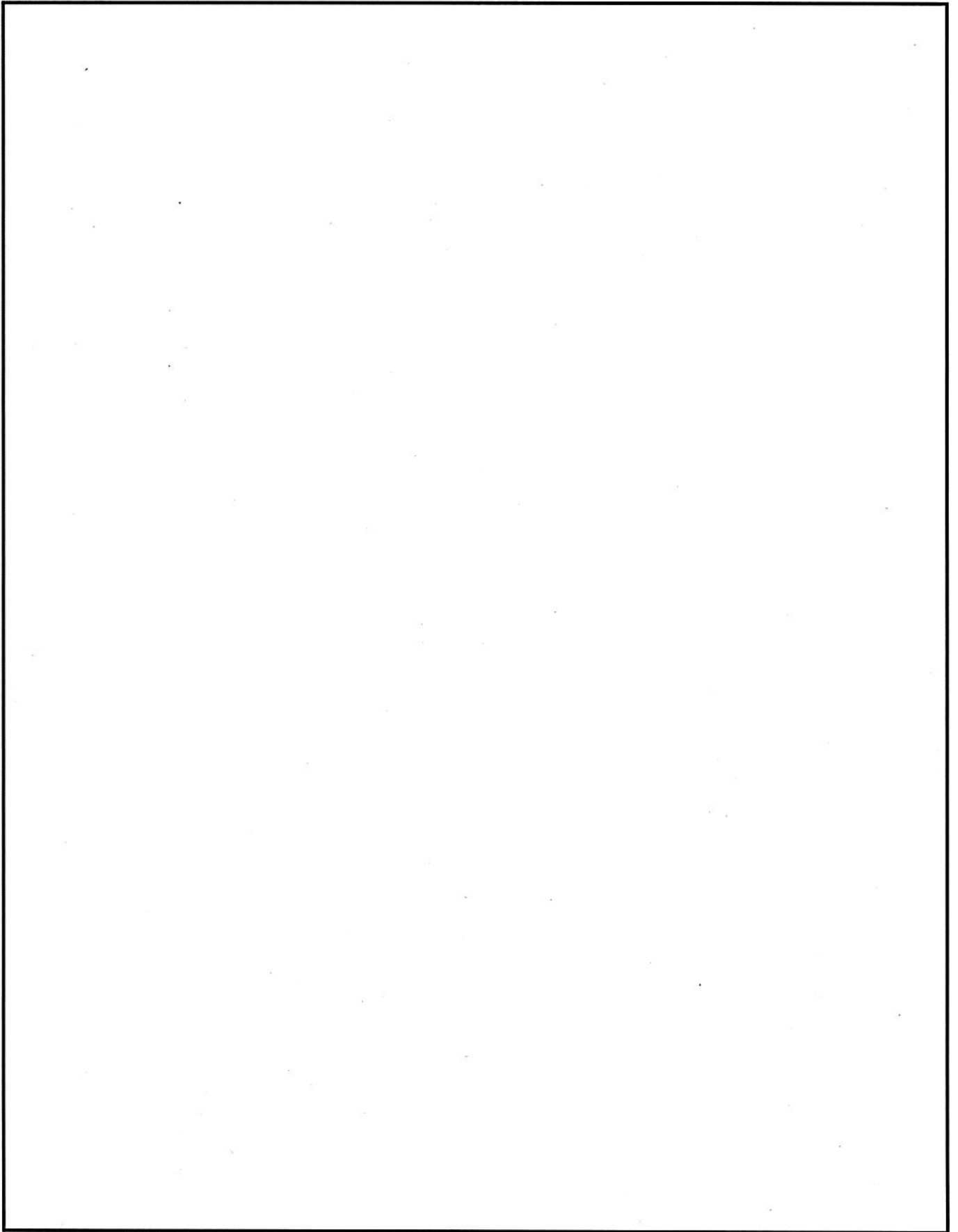
(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
(b) (6)  
OGA

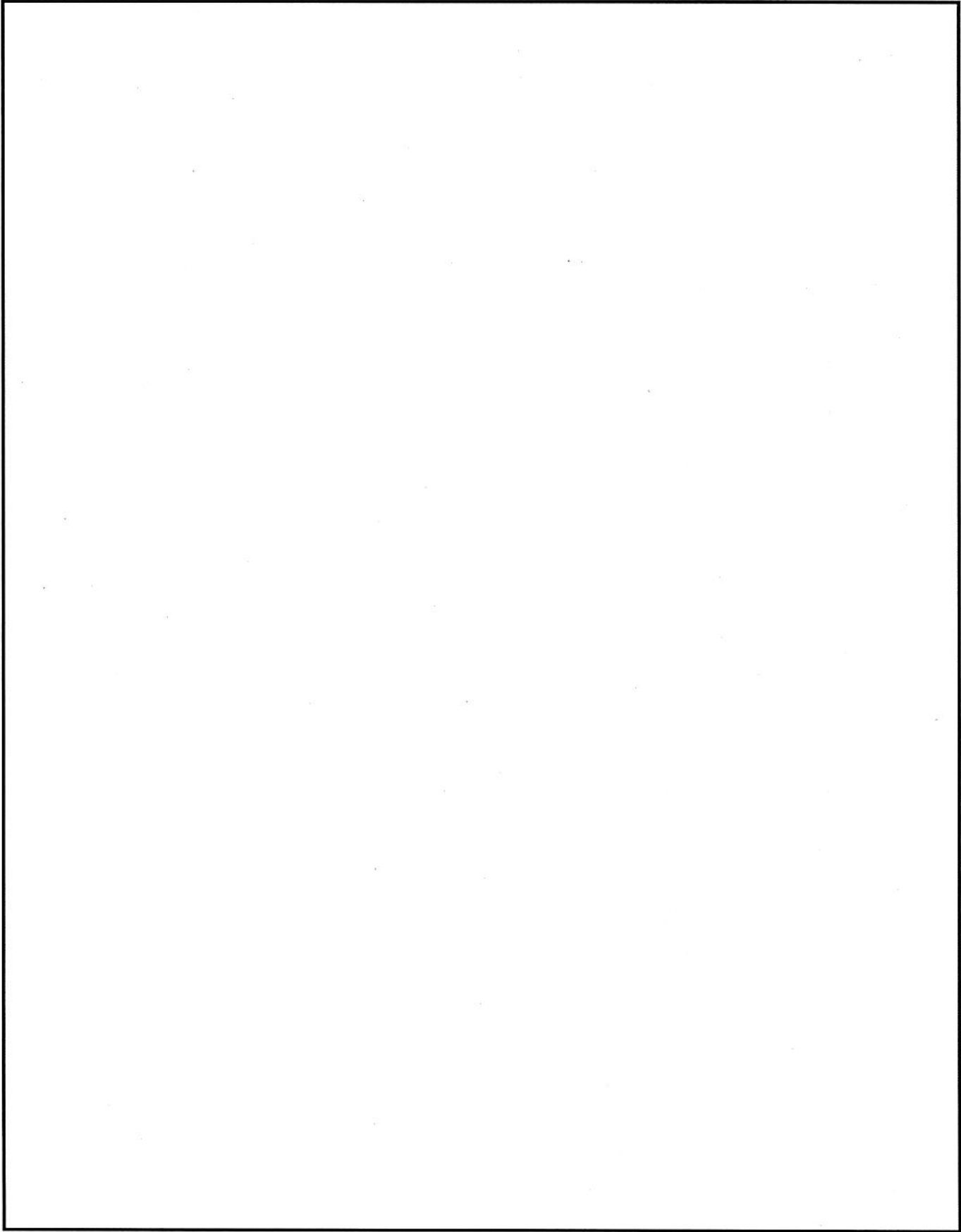
(b) (3) - 50 USC 3507 Section 6 of the CIA Act of 1949  
OGA

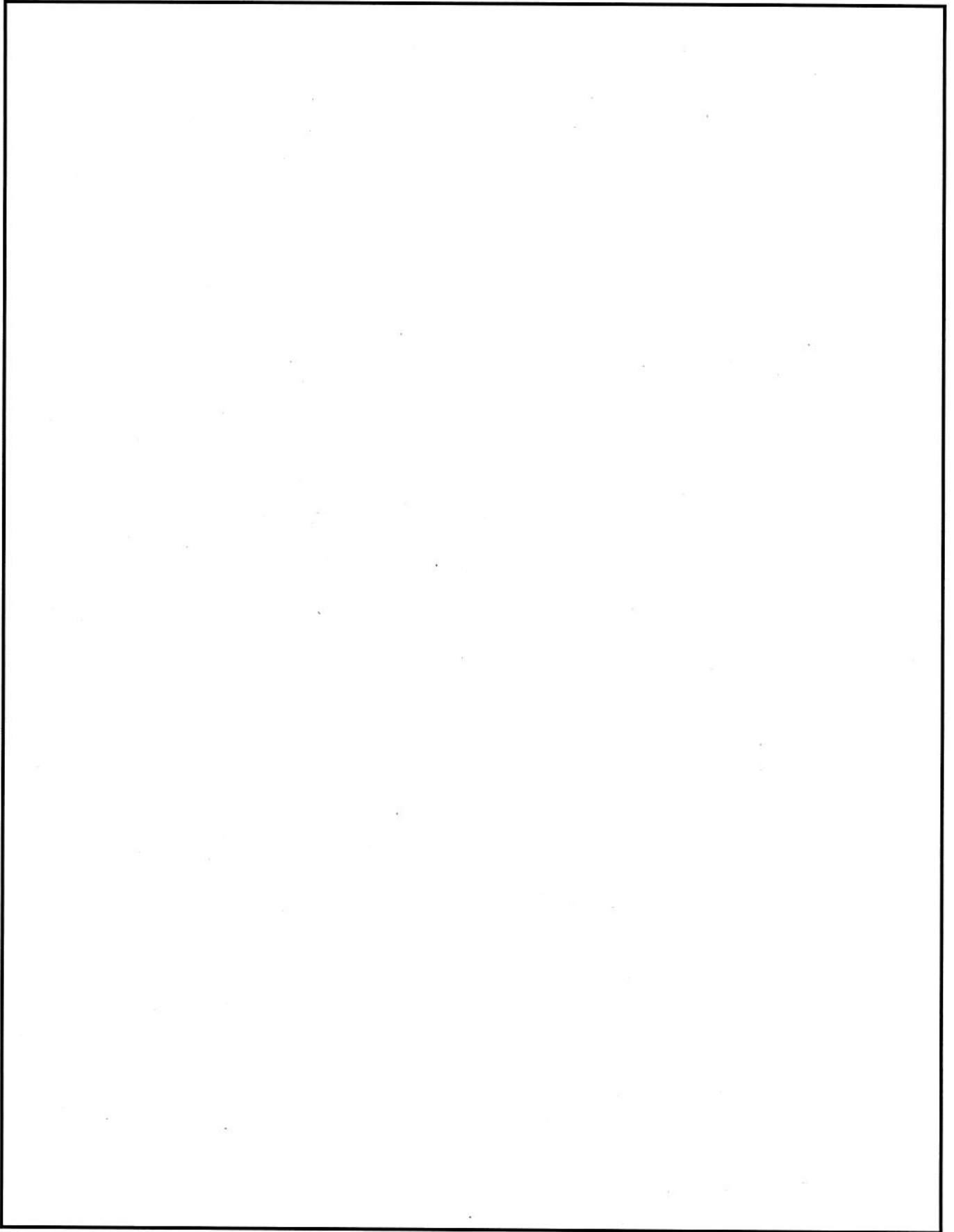
(b) (3) - 50 USC 3024 (m)  
(b) (6)  
OGA

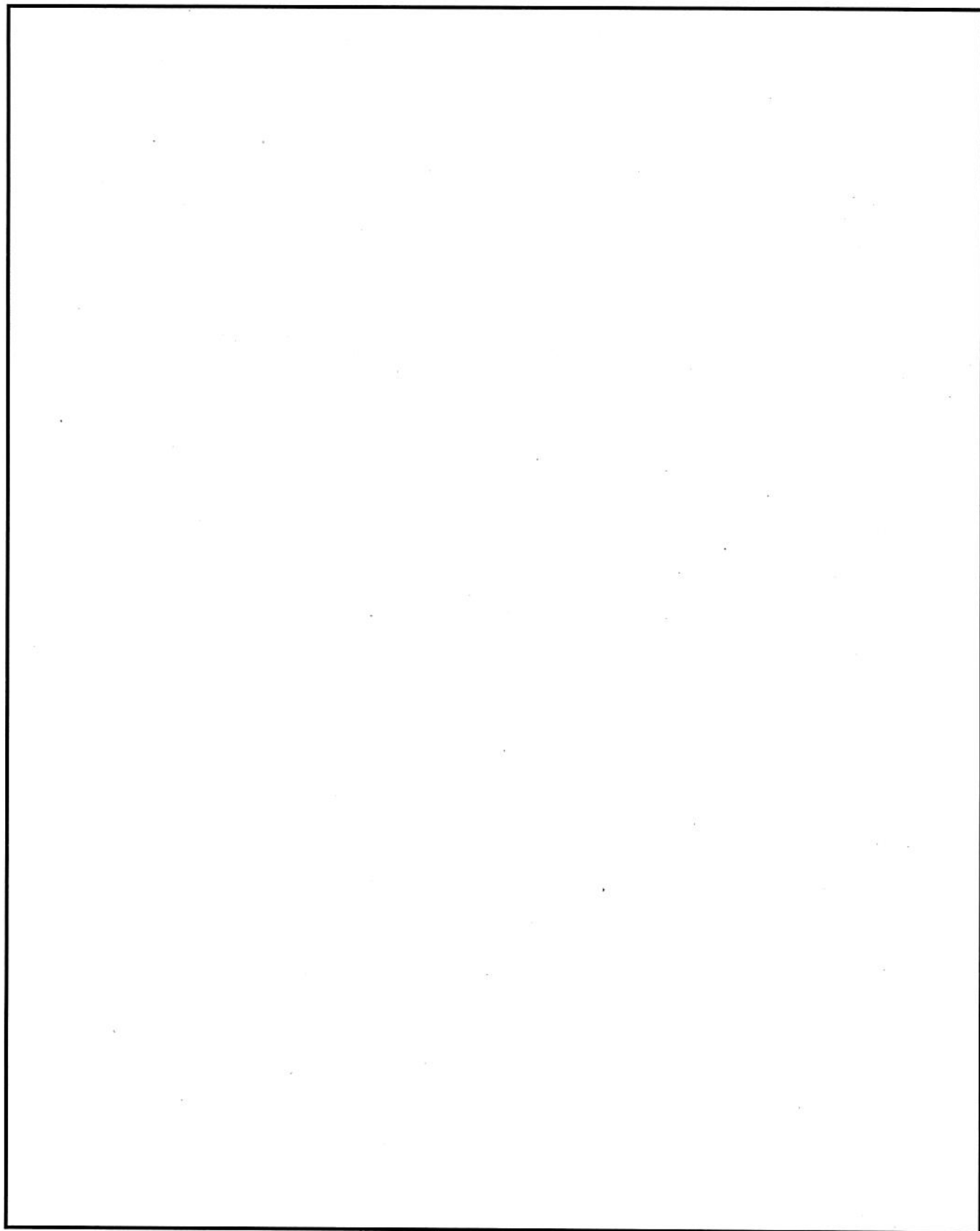
ODNI











To: [Redacted]  
 Cc: [Redacted] Gerstell Glenn S NSA-D2 USA  
 From: [Redacted] NSA-D2 USA CIV  
 Sent: 2019-12-23T18:29:58Z  
 Subject: (U) HSPCI Chair Schiff letter, 19 Dec - response to 13 Dec letter  
 Received: 2019-12-23T18:30:00Z  
[HPSCI Schiff Letter to DIRNSA 19Dec19.pdf](#)  
[LAO Letter to HPSCI 13Dec19.pdf](#)  
[HPSCI Chair Response 23DEC2019.docx](#)

(b) (3) - 50 USC 3024 (m)  
 (b) (6)  
 OGA

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

~~Classification: SECRET//SI//NOFORN~~

Jason,

As we discussed, attached as a word document that General Nakasone intends to send to USD(I) and Acting DNI around 1630 today.

Regards

[Redacted]  
 Deputy General Counsel  
 Litigation and Management  
 NSA Office of General Counsel

[Redacted]

ODNI

~~ATTORNEY WORK PRODUCT//ATTORNEY CLIENT COMMUNICATION~~  
~~PRIVILEGED COMMUNICATION~~  
 Not to be released without OGC approval

Classified By: [Redacted]  
 Derived From: NSA/CSSM 1-52  
 Dated: 20180110  
 Declassify On: ~~20441201~~

~~Classification: SECRET//SI//NOFORN~~

Approved for Release by NSA on 5-22-2023, FOIA Case # 109360 (litigation)



Permanent Select Committee  
on Intelligence  
U.S. House of Representatives

December 19, 2019

The Honorable Paul Nakasone  
Director, National Security Agency  
Commander, U.S. Cyber Command  
4409 Llewellyn Avenue  
Fort Meade, MD 20755

Dear General Nakasone:

I am profoundly concerned by the National Security Agency's ("NSA") December 13 letter informing the House Permanent Select Committee on Intelligence ("Committee") that NSA will no longer cooperate with the Committee's request for NSA signals intelligence reports regarding a list of non-U.S. Person foreign intelligence targets.

Following weeks of discussions and meetings between Committee Staff and NSA, in an October 15 letter, the Committee formally requested this information pursuant to the House of Representatives' impeachment inquiry and the oversight authorities and jurisdiction of the Committee. The next day, NSA began producing responsive documents. The Committee appreciated NSA's cooperation with the Committee's requests for information. Abiding by its legal obligations, NSA produced three tranches of documents to the Committee on a read-and-return basis, most recently on November 13.

NSA's cooperation throughout October and November stood in stark contrast to other executive branch agencies—including the Department of Defense (DoD)—which obeyed President Trump's categorical order to withhold every single document subpoenaed by the Committee in connection with the impeachment inquiry.

After weeks of follow-up regarding the fourth tranche—to which the Committee Staff received only one non-substantive response, confirming the request's receipt—Staff again requested a status update on December 13. NSA then sent a short letter announcing that it would no longer comply with the Committee's request.

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NSA cites two reasons for its decision to cease cooperation, both of which are logically incoherent. These pretextual arguments cannot possibly be the true cause of NSA's decision.

*First*, NSA claims that “[w]ith the provision of the third tranche of reporting, NSA considers the Committee’s October 15, 2019 oversight request closed.”

The Committee has taken no steps to close the request for information. To the contrary, on November 21, after the production of the third tranche, Committee Staff met with the Deputy Director of Legislative, State, and Local Affairs to discuss re-scoping a request for a fourth tranche of documents. The Committee submitted a revised request by email on November 25, then followed up by email or phone call on December 2, December 6, December 9, and December 13 seeking status updates from NSA regarding our request.<sup>1</sup>

Similarly, you and I spoke by phone on November 22. In that conversation, I gave no indication that the Committee was closing the request; indeed, I told you that this request is among the most important that NSA had outstanding from the Committee. You affirmed NSA’s commitment to cooperate. At no time on the call did you say that NSA believed the Committee’s request was closed or that NSA would not comply.

Moreover, in its December 13 letter, NSA claims that it “has at all times sought to fulfil its responsibilities in that regard and to make clear when it is acting in furtherance of those responsibilities.” As you know, NSA is obligated by statute to “furnish” to the Committee “any information or material concerning intelligence activities” within NSA’s “custody or control” when “requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.” *See* 50 U.S.C. § 3092(a)(2). Furthermore, NSA’s statutory obligation to keep the congressional intelligence committees “fully and currently informed of all intelligence activities” requires that NSA cooperate with the Committee’s request. *See* 50 U.S.C. § 3092(a)(1). In light of the gravity of this matter, it is incumbent upon NSA to furnish this information to the Committee in accordance with its legal obligations. The Committee took no step to rescind its request. So, as NSA apparently acknowledges in its letter, that statute requires NSA to continue to produce the requested information.

*Second*, NSA refers to an October 7 subpoena that the Committee issued to DoD. The existence of that subpoena cannot possibly explain NSA’s decision not to cooperate. The DoD subpoena was issued on October 7 and released to the public that same day; DoD unlawfully refused to comply on October 14. Separately, the Committee formally conveyed its request for documents to NSA on October 15, which followed a series of conversations between NSA staff and the Committee in order to ensure NSA would be in a position to fulfill expeditiously the Committee’s request; NSA made its first production on October 16. Every NSA production has been made *after* DoD unlawfully declined to comply with the Committee’s subpoena. Nothing about the subpoena issued to DoD—or about DoD’s response to that subpoena—has changed during the course of NSA’s productions.

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<sup>1</sup> During the November 21 meeting, NSA indicated that if the Committee re-scoped its next tranche in accordance with NSA’s suggestions, NSA would provide responsive information promptly and without additional delays.

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~~SECRET//SI//NOFORN~~

The arguments made in NSA's letter leave the Committee with no explanation other than that NSA has been subjected—and has succumbed—to pressure or direction from DoD, the White House, or both, to shirk its statutory obligations to this Committee in service of President Trump's personal political interest.

As Chairman of the Committee, I am frequently asked whether the President's political machinations have affected the Intelligence Community. Until today, with limited exception, I have been able to say confidently that I have not seen evidence of political interference in NSA's work, NSA's relationship with the Committee, or NSA's willingness to share information with Congress. In light of NSA's decision to halt compliance with the Committee's information request—a step that simply cannot be explained by the reasons proffered in NSA's letter—I will no longer be able to affirm my faith in NSA's independence from political interference.

If NSA does not resume production of responsive documents, I will consider expressing those concerns publicly. I cannot rule out viewing *all* of NSA's requests to the Committee—including reprogramming requests—against the backdrop of NSA's decision to disregard its legal obligations.

By December 26, please confirm that NSA will resume cooperation with the Committee. Please also provide a detailed explanation of the circumstances that led to NSA's December 13 letter, including a description of any directives or guidance that NSA received regarding its cooperation with the Committee.

Sincerely,



Adam B. Schiff

Chairman

~~SECRET//SI//NOFORN~~



~~SECRET//SI//NOFORN~~  
NATIONAL SECURITY AGENCY  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

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

DEC 13 2019

The Honorable Adam Schiff  
Chairman, House Permanent Select Committee on Intelligence  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Schiff:

(~~S//SI//NF~~) Thank you for your letter dated October 15, 2019, in which you requested that NSA produce documents pertaining to [redacted] Specifically, the Committee, through its letter, sought NSA's assistance "[p]ursuant to the House of Representatives' impeachment inquiry and the oversight authorities and jurisdiction of the House Permanent Select Committee on Intelligence . . . ." In NSA's response on October 16, 2019, we indicated that the Agency would make foreign intelligence reports available for review in connection with the Committee's oversight function. Accordingly, three tranches of responsive foreign intelligence reports for specific date ranges negotiated with your staff were made available to Congress on an expedited basis. With the provision of the third tranche of reporting, NSA considers the Committee's October 15, 2019 oversight request closed. NSA fully recognizes the importance of the Committee's oversight function, and has at all times sought to fulfil its responsibilities in that regard and to make clear when it is acting in furtherance of those responsibilities.

(U//~~FOUO~~) This letter does not foreclose any future response by NSA to additional or alternative Committee requests for the production of documents relating to the Ukraine (or other such requests that implicate impeachment-related topics). More specifically, the Agency understands that the Committee, in consultation with the House Committees on Foreign Affairs and Oversight and Reform, submitted a letter and subpoena to the Department of Defense on October 7, 2019, seeking, among other things, the production of fourteen categories of information. NSA is aware that the Department of Defense has informed the Committee of a number of legal and practical concerns with the subpoena, and that the Department's concerns have not been fully resolved. Accordingly, the Department has thus far been unable to comply with the Committee's October 7, 2019 request. NSA, as a component of the Department of Defense, and acting in a manner consistent with the Department's guidance, has taken steps to identify, preserve, and collect documents that are potentially responsive to the Committee's subpoena. Upon the appropriate resolution of this matter, and consistent with applicable Department guidance, NSA stands ready to work with the Committee.

[redacted]

TRUMBULL D. SOULE  
Director, Legislative Affairs

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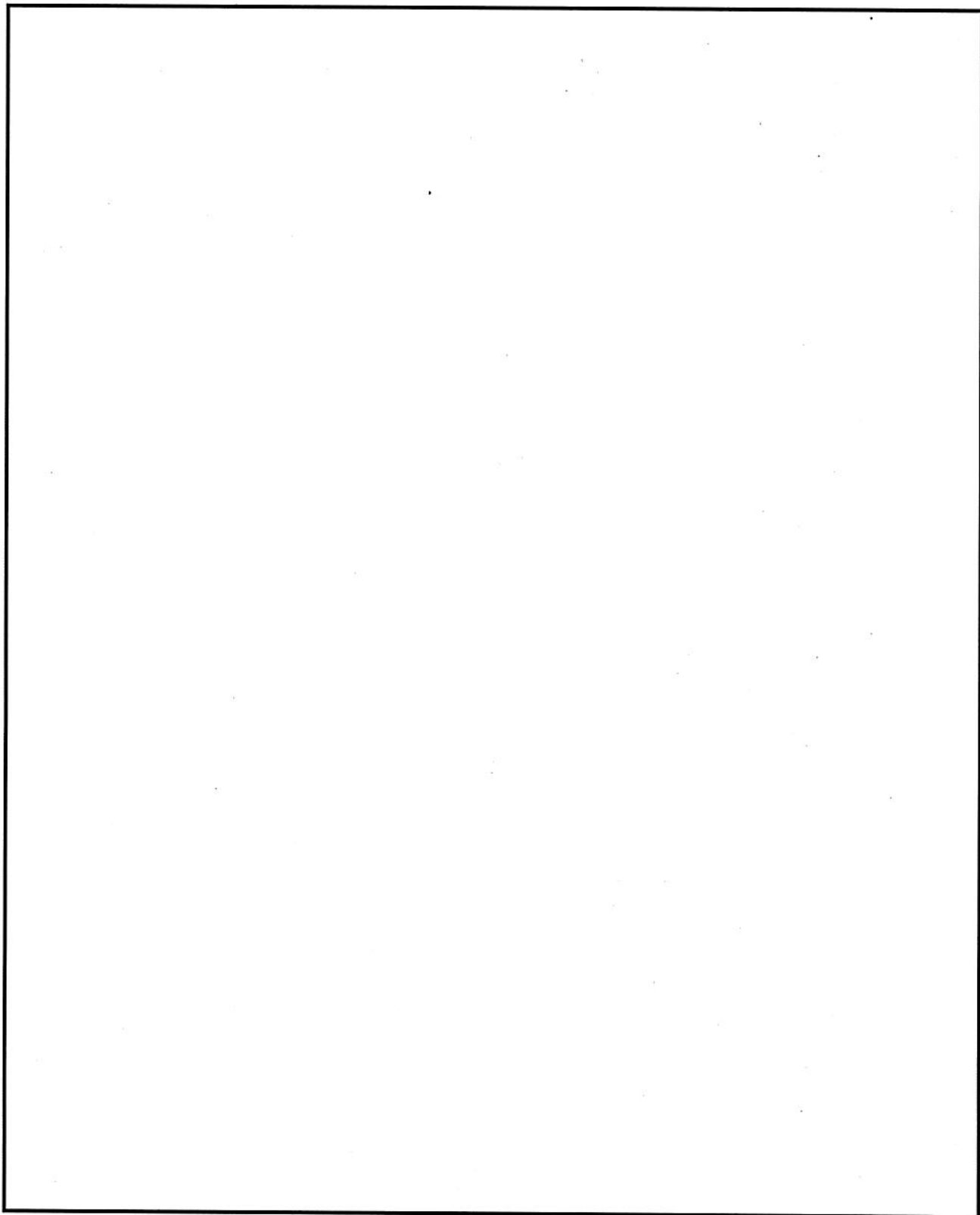
~~SECRET//SI//NOFORN~~

Copy furnished:  
The Honorable Devin Nunes  
Ranking Member, House Permanent Select Committee on Intelligence

~~SECRET//SI//NOFORN~~

(b) (3) - P.L. 86-36  
(b) (5)

Mr. Chairman:



(b) (5)

