



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

FOIA Case: 109360F
21 July 2023

AMERICAN OVERSIGHT
1030 15th 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 17 documents (226 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 and ODNI have asked that we protect certain information under their authority pursuant to 5 U.S.C. 552(b)(3), (b)(5), 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.

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

To: [redacted] Soule Trumbull D NSA P3 USA
 GOV [redacted] Gerstell Glenn S USA GOV [redacted] Anthony Teisha M NSA D2
 USA GOV [redacted]
 From: [redacted]
 Sent: 2019-12-04T20:57:45Z
 Subject: RE: (U) Inquiry [redacted] Discussions with ODNI - Need to Meet
 Received: 2019-12-04T20:57:46Z

Classification: ~~SECRET//NOFORN~~

Teisha

[redacted]

Associate General Counsel, Legislation
NSA Office of General Counsel

[redacted]

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

From [redacted]

Sent: Wednesday, December 4, 2019 11:04 AM

To: [redacted]; Soule Trumbull D NSA-P3 USA CIV ; Gerstell Glenn S NSA-D2 USA CIV

Subject: RE: (U) Inquiry [redacted] Discussions with ODNI - Need to Meet

Classification: ~~SECRET//NOFORN~~

[redacted] thanks. I'll work with [redacted] to get a meeting on the calendar for tomorrow.

[redacted]

Associate General Counsel, Legislation
NSA Office of General Counsel

[redacted]

From [redacted]

Sent: Wednesday, December 4, 2019 10:48 AM

To: Soule Trumbull D NSA-P3 USA CIV [redacted] Gerstell Glenn S NSA-D2 USA CIV

[redacted]

Subject: (U) Inquiry [redacted] Discussions with ODNI - Need to Meet

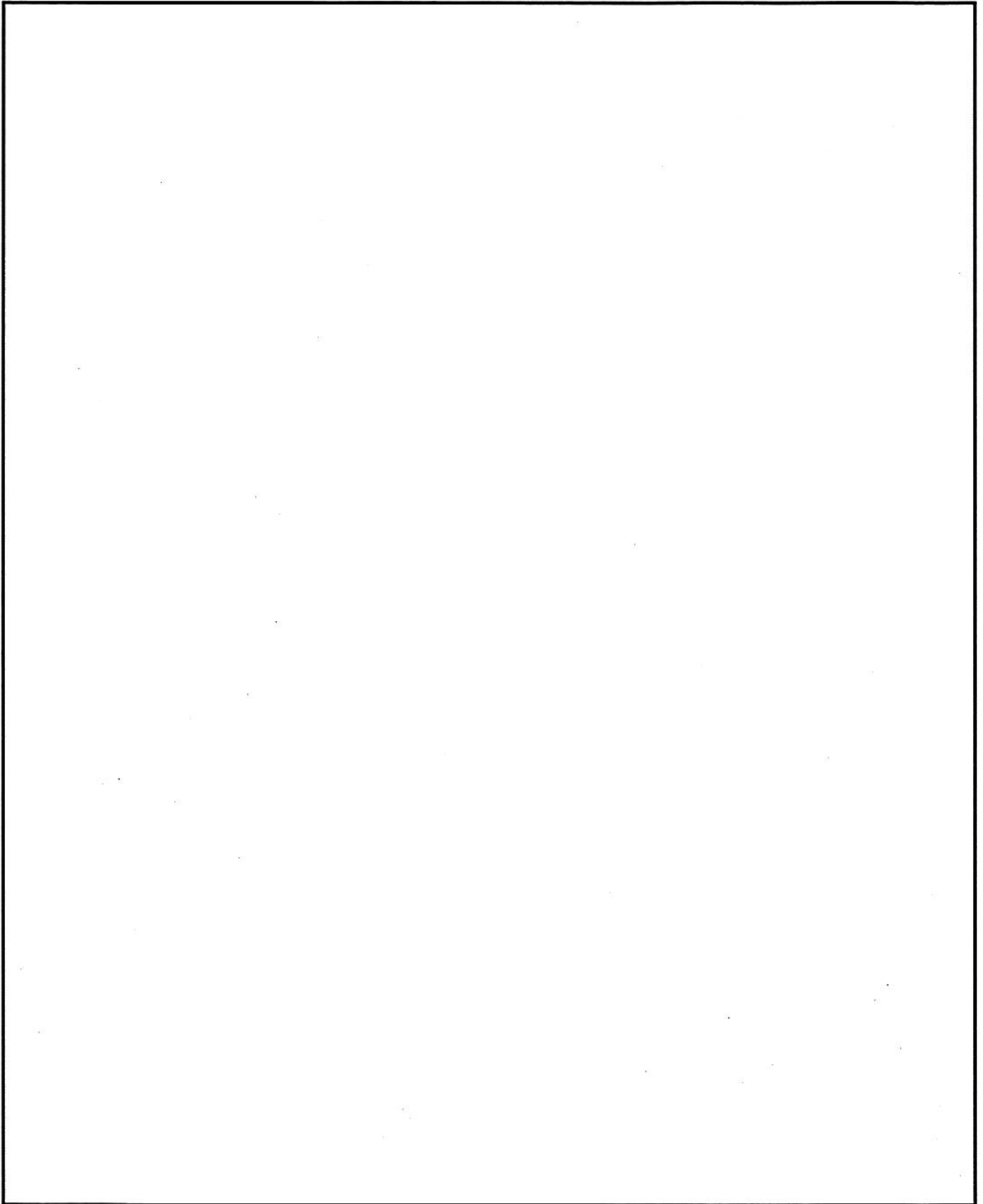
Importance: High

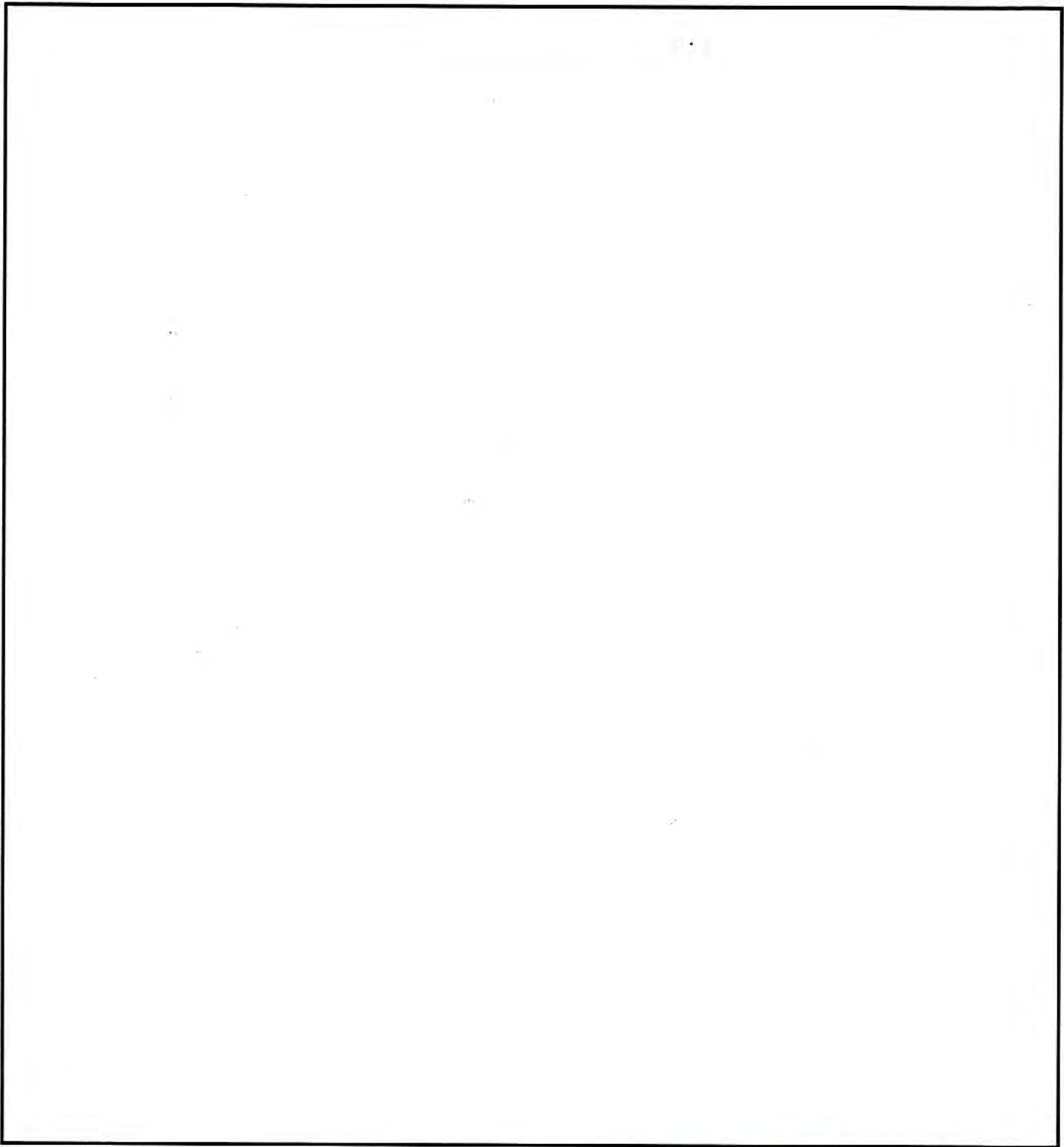
Text below is duplicated in Ref ID A6727142.

[Large redacted block]

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

NSA0170





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

Classified By

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

Classification: ~~SECRET//NOFORN~~

Classified By:

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

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

Classification: ~~SECRET//NOFORN~~

To: [Redacted]
 [Redacted]
 [Redacted]; DL gc_leg (ALIAS)
 Cc: [Redacted]
 From: [Redacted]
 Sent: 2019-12-23T18:59:09Z
 Subject: RE: (U) Fourth HPSCI Search Request - STAND DOWN FOR NOW!
 Received: 2019-12-23T18:59:12Z

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

Thanks [Redacted] Understood.

From: [Redacted]
 Sent: Monday, December 23, 2019 1:40 PM
 To: [Redacted]
 [Redacted]; DL gc_leg (ALIAS) D2
 Cc: [Redacted]
 Subject: RE: (U) Fourth HPSCI Search Request - STAND DOWN FOR NOW!

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

Hi [Redacted]

Thank you, appreciate the update. We're going to continue processing, just in case, I don't want to be scrambling to respond if we get turned back on before the New Year. We're not going to rush things, but we'll provide query results when we get them.

Thanks!
[Redacted]

[Redacted]

Proud Ally

From: [Redacted]
 Sent: Monday, December 23, 2019 12:22 PM
 To: [Redacted]
 [Redacted]; DL gc_leg (ALIAS) D2

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

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

[Redacted]
Cc: [Redacted]
Subject: RE: (U) Fourth HPSCI Search Request - STAND DOWN FOR NOW!
Importance: High

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

All -

Trum just came out of his meeting with DIR. Please stand down on this activity until further direction is given (will not be today).

Sorry for the spin up. Happy Holidays!

Thanks [Redacted]

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

.....
(U//FOUO)
[Redacted]
Legislative Affairs Officer, NSA
Legislative, State and Local Affairs (now P3)

(b) (6)

[Redacted] (U//FOUO)
.....
[Redacted]

From [Redacted]
Sent: Monday, December 23, 2019 10:58 AM
To: [Redacted]
[Redacted]
DL gc leg (ALIAS) D2
Cc: [Redacted]
Subject: RE: (U) Fourth HPSCI Search Request

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

Thanks [Redacted]

[Redacted]

.....
(U//FOUO)
[Redacted]

[Redacted]

Proud Ally

From: [Redacted]
Sent: Monday, December 23, 2019 10:55 AM
To: [Redacted] DL gc_leg (ALIAS) D2
Cc: [Redacted]
Subject: RE: (U) Fourth HPSCI Search Request

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

[Redacted]

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

v/r,
[Redacted]

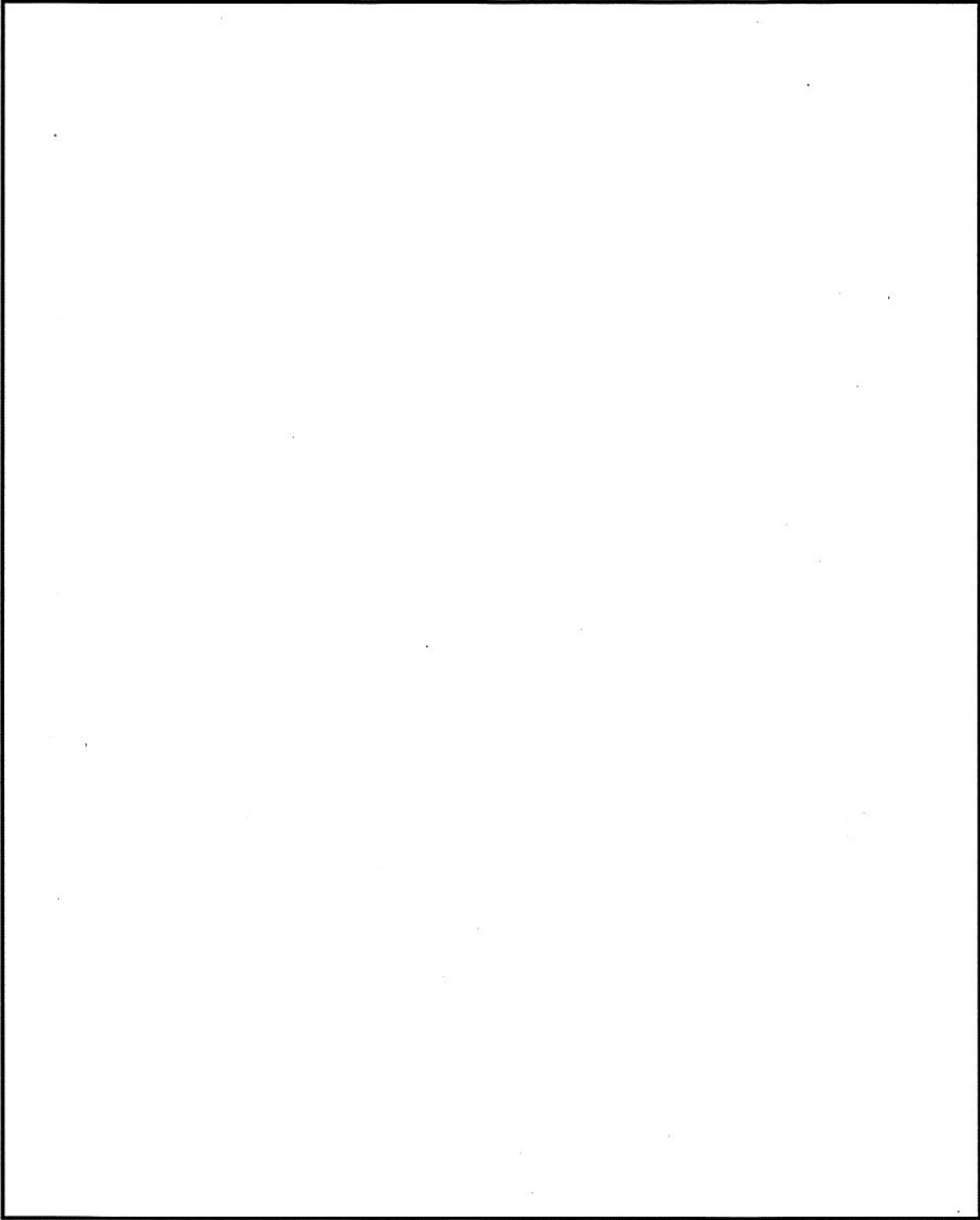
(U//FOUO)
[Redacted]

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

From: [Redacted]
Sent: Monday, December 23, 2019 10:19 AM
To: [Redacted] DL
gc_leg (ALIAS) D2
Cc: [Redacted]
Subject: RE: (U) Fourth HPSCI Search Request

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

All,
For the fourth tranche, HPSCI has requested the # of reports that respond to the terms and date ranges listed below. Also, for [Redacted]



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

Please let me know if you have any questions.

Thanks,

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

[Redacted]
Legislative, State & Local Affairs Office

[Redacted]

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

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

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

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

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

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

Classified By: [Redacted]

Derived From:

Dated:

Declassify On: ~~20441201~~

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

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

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

Classified By: [Redacted]

Derived From:

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

Dated:
Declassify On: ~~20441201~~

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

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

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

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

To: Anthony Teisha M NSA-D2 USA CIV [redacted]
 From: Gerstell Glenn S NSA-D2 USA CIV.
 Sent: 2019-12-04T20:20:49Z
 Subject: FW: (U) Inquiry [redacted] Discussions with ODNI - Need to Meet
 Received: 2019-12-04T20:20:50Z

Classification: ~~SECRET//NOFORN~~

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

FYI
 Glenn

From: [redacted]
 Sent: Wednesday, December 4, 2019 10:48 AM
 To: Soule Trumbull D NSA-P3 USA CIV [redacted] Gerstell Glenn S NSA-D2 USA CIV
 Subject: (U) Inquiry [redacted] - Discussions with ODNI - Need to Meet
 Importance: High

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

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

Classification: ~~SECRET//NOFORN~~

Had a long conversation with Ryan Crumpler, Director of Leg Affairs at ODNI. Lots of atmospheric and thoughts, so difficult to organize - below is what I think the BLUF is, atmospheric, and final thoughts:

BLUF:

- White House needs to be "consulted" [redacted]
- Ryan suggested, and I agree and recommend this consultation process be conducted via GC channels - namely NSA GC to White House GC (who is "quarterbacking this")
- I recommend that if asked [redacted]
- I suggest we should continue [redacted]

Discussion and atmospheric (sorry this doesn't flow particularly well, but it was a conversation that bounced all over, but full of relevant info):

- ODNI Phone Conversation with White House Counsel.
 - Ryan, the ODNI GC, and White House Counsel had a phone conversation last night [redacted]
 - Ryan said the White House [redacted]
 - However, clear outcome in one regard: **IC needs to "consult" with the White House**

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

(b) (5)
 OGA

ODNI

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

[Redacted]

ODNI

(b) (5)
OGA

NSC phone call.

Ryan also was in on a conversation with Mike Ellis, NSC attorney.

(b) (1)
(b) (6)

[Redacted]

Staffer) Request: Much of this recent flurry of activity is due to [Redacted]

- o Ryan spent much of Tuesday trying to navigate between [Redacted]
- o Ryan is still trying to pull together something to satisfy this request.
- o Most importantly, *in the end, Ryan felt compelled to tell [Redacted] that delays in providing the engagement was because ODNI was consulting with the White House.* Of course, this was not received well, with the typical Congressional response along the lines of "you are telling me you are holding back on providing materials for Congressional oversight because the White House is telling you to?" To which Ryan answered that the IC has not been told to withhold, but is "consulting."
- o [Redacted] *summoned" ODNI GC to the Hill today to discuss.*

(b) (6)

[Redacted] It has gone from ODNI to the White House and the WH is holding it up over some concerns over some content. Senator Burr called the ODNI yesterday and expressed his extreme displeasure that the IC was holding something up due to WH involvement. This was another exchange that "did not go well."

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

Thoughts:

- Trum would like a session with Glenn and [Redacted] tomorrow to discuss fully.
- Recommend consideration of this as a COA going forward:

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

[Redacted]

(b) (1)
(b) (3) - P.L. 86-36
(b) (5)
(b) (6)

- We stick to that for now ...

(b) (5)

[Redacted]

(b) (5)

o [Redacted]

v/r

[Redacted]

NSA Deputy Director, Legislative, State and Local Affairs

[Redacted]

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: ~~20441201~~

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

Classification: ~~SECRET//NOFORN~~

Classified By: [Redacted]

Derived From: NSA/CSSM 1-52

Dated: 20180110

Declassify On: ~~20441201~~

Classification: ~~SECRET//NOFORN~~

To: [Redacted]
 Cc: [Redacted]
 From: [Redacted]
 Sent: 2019-11-01T15:00:06Z
 Subject: (U) [Redacted] Available times to Meet with [Redacted] RE: (U) Preservation Notice regarding HPSCI Subpoena
 Received: 2019-11-01T15:00:09Z

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

Here are times that appear to work for [Redacted] (both are on leave today):

- ▼ Monday after 1530hrs
- ▼ Tuesday: between 1000 and 1300hrs, 1400-1500, after 1530

I suspect [Redacted] preference will be for a Tuesday meeting so both her and [Redacted] can review/prep for the meeting to provide you the requested information. Monday will be [Redacted] first day back from leave.

Thoughts?

[Redacted]
 From: [Redacted]
 Sent: Friday, November 1, 2019 10:06 AM
 To: [Redacted]
 Cc: [Redacted]
 Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

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

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

[Redacted] and team-

[Large Redacted Block]

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

[Redacted]

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

Would you have time available early next week (Tuesday, perhaps)?

v/r

[Redacted]

Associate General Counsel
Litigation, D28
Office of the General Counsel

[Redacted]

~~ATTORNEY CONFIDENTIALITY NOTICE: The information contained in this email and any accompanying attachments constitutes attorney work product and/or client advice, which are legally privileged.~~

From: [Redacted]

Sent: Friday, October 18, 2019 10:47 AM

To: [Redacted]

Cc: [Redacted]

Subject: FW: (U) Preservation Notice regarding HPSCI Subpoena

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

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

[Redacted] All,

Attached are the instructions that should be used if anyone has information that is potentially responsive to the Preservation notice below. [Redacted]

[Redacted]

Please direct any questions on to the [Redacted] alias.

Thanks [Redacted]

[Redacted]

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

Be an Ally! "Go ERG"

From: [Redacted]

Sent: Thursday, October 17, 2019 6:57 PM

To: Nakasone Paul M GEN NSA-D USA USA [Redacted]; Barnes George C NSA-D USA CIV [Redacted]; Noble Wendy NSA-D USA CIV [Redacted]; Darby Jonathan L NSA-X USA CIV [Redacted]; Steffens Frederick M NSA-A USA CIV [Redacted] Green Earnest R NSA-DC USA CIV [Redacted]; Lang Natalie N-NSA-P USA CIV [Redacted]; Frincke Deborah A Dr NSA-R USA CIV [Redacted]; Smithberger Gregory L NSA-Y USA CIV [Redacted]; Soule Trumbull D NSA-P3 USA CIV [Redacted]

[Redacted]

Thompson Steven E NSA-P1 USA CIV [Redacted]; Gerstell Glenn S NSA-D2 USA CIV [Redacted]; Anthony Teisha M-NSA-D2 USA CIV [Redacted] Morris Paul F NSA-D2 USA CIV [Redacted]

Richards Rebecca J NSA-D5 USA CIV [Redacted]; DL ddir_staff (ALIAS) [Redacted]; DL EXDIR_STAFF [Redacted]; (ALIAS) D [Redacted]

Bartolowits Stephanie K NSA-P13 USA CIV [Redacted]

[Redacted]

Cc: [Redacted]

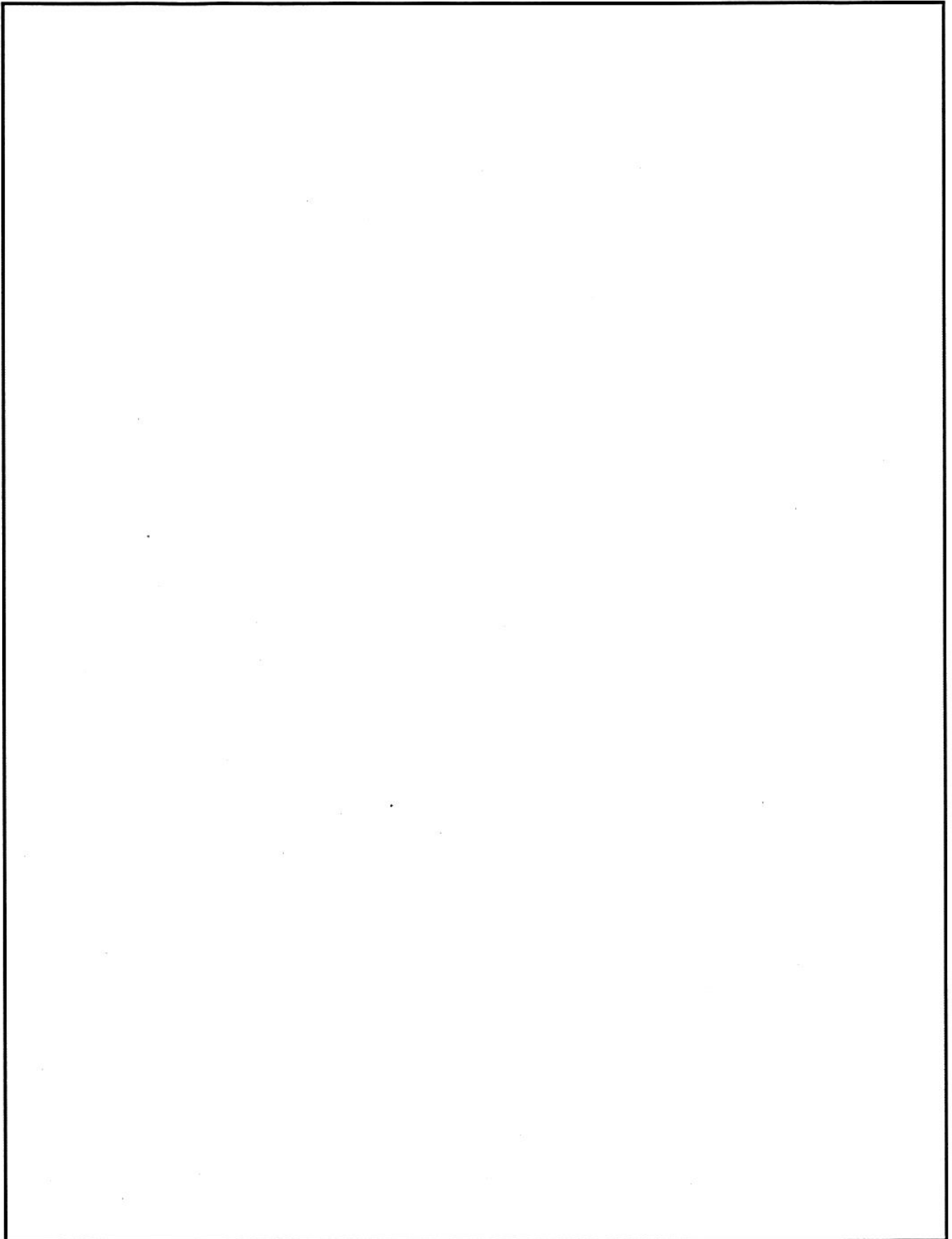
Soule Trumbull D NSA-P3 USA CIV [Redacted]

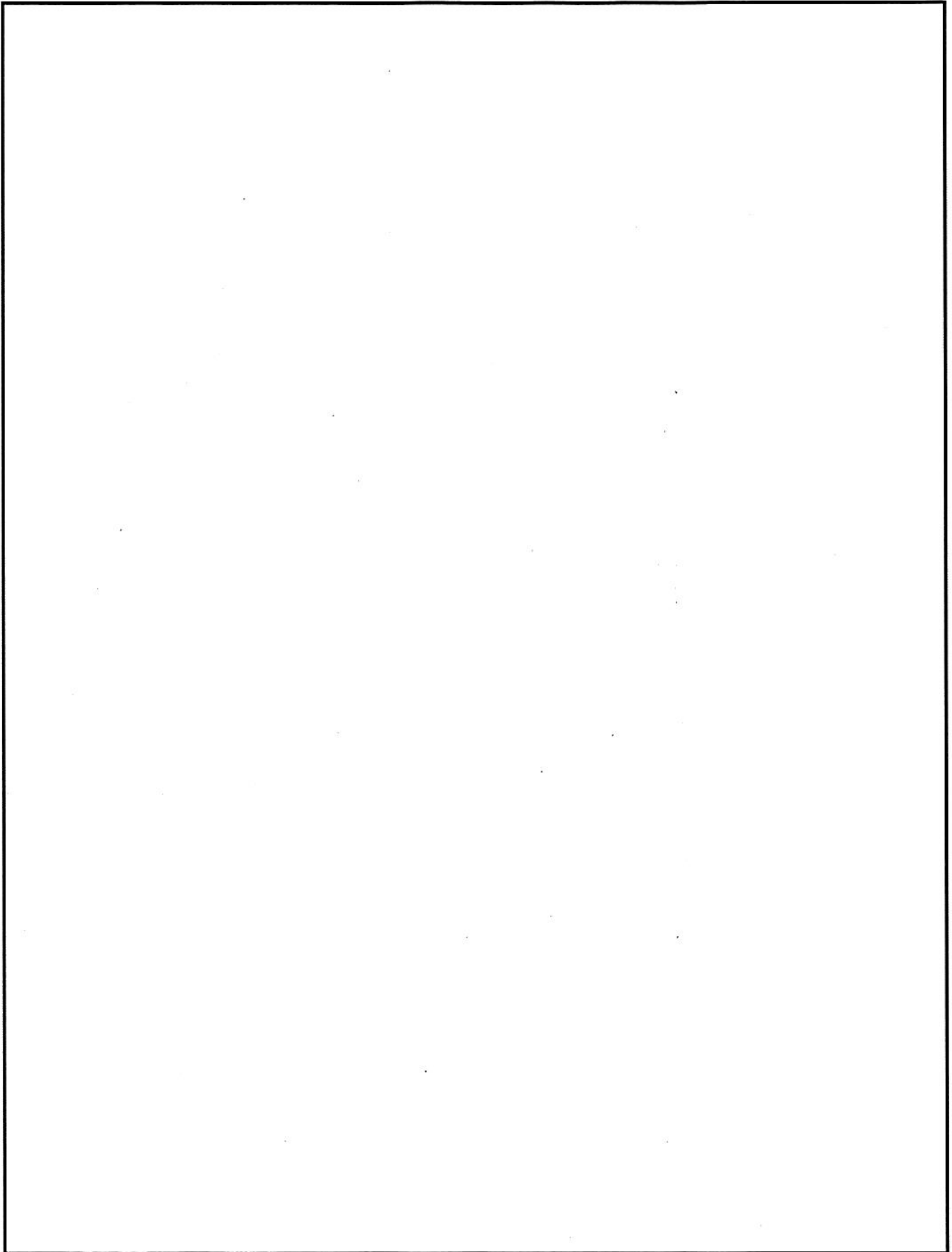
Subject: (U) Preservation Notice regarding HPSCI Subpoena

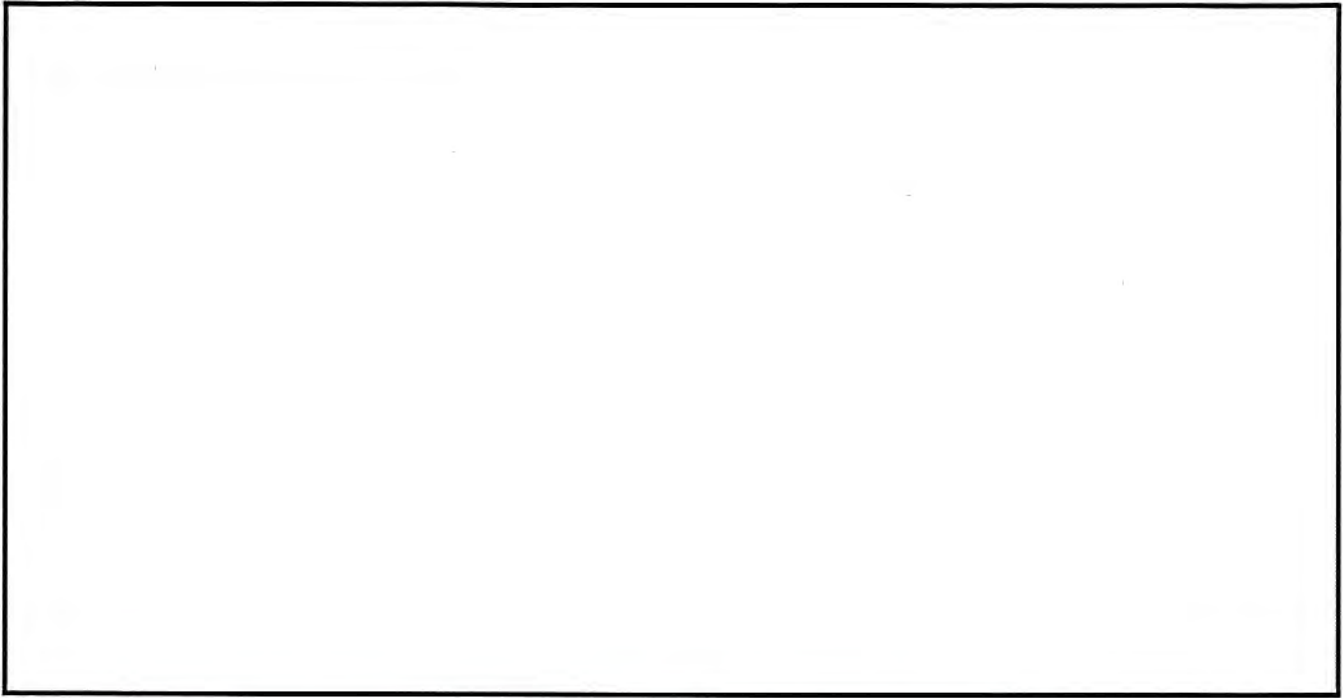
Text below is duplicated in Ref ID A6740598.

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(b) (3) - P, L, B6-36







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

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

[Redacted]

From: [Redacted]
Sent: Tuesday, February 18, 2020 12:42 PM
To: [Redacted]
Subject: FW: (U) Inquiry [Redacted] Documents
Attachments: Inquiry [Redacted] Chronology.docx; [Redacted] Overview.docx

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

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

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

From: [Redacted]
Sent: Friday, January 24, 2020 6:56 PM
To: [Redacted]
Subject: FW: (U) Inquiry [Redacted] Documents

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

[Redacted]
NSA Deputy Chief, Legislative, State, Local and Academic Engagement
Engagement and Policy Directorate

From: [Redacted]
Sent: Friday, January 24, 2020 6:47 PM
To: [Redacted]
Subject: FW: (U) Inquiry [Redacted] Documents

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

[Redacted]
NSA Deputy Chief, Legislative, State, Local and Academic Engagement
Engagement and Policy Directorate

[Redacted]

From: [Redacted]

Sent: Friday, January 24, 2020 6:44 PM

To: Nakasone Paul M GEN NSA-D USA USA [Redacted]

Cc: Soule Trumbull D NSA-P3 USA CIV [Redacted] Gerstell Glenn S NSA-D2 USA CIV [Redacted]

Subject: (U) Inquiry [Redacted] Documents

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

Sir,

As discussed, Chronology and Report Overview of documents attached. I will send the spreadsheet separately.

v/r

[Redacted]

NSA Deputy Chief, Legislative, State, Local and Academic Engagement
Engagement and Policy Directorate

[Redacted]

Classified By: [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: ~~20450101~~

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

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

Classified By: [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: ~~20450101~~

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

Classified By: [Redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: ~~20450101~~

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

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

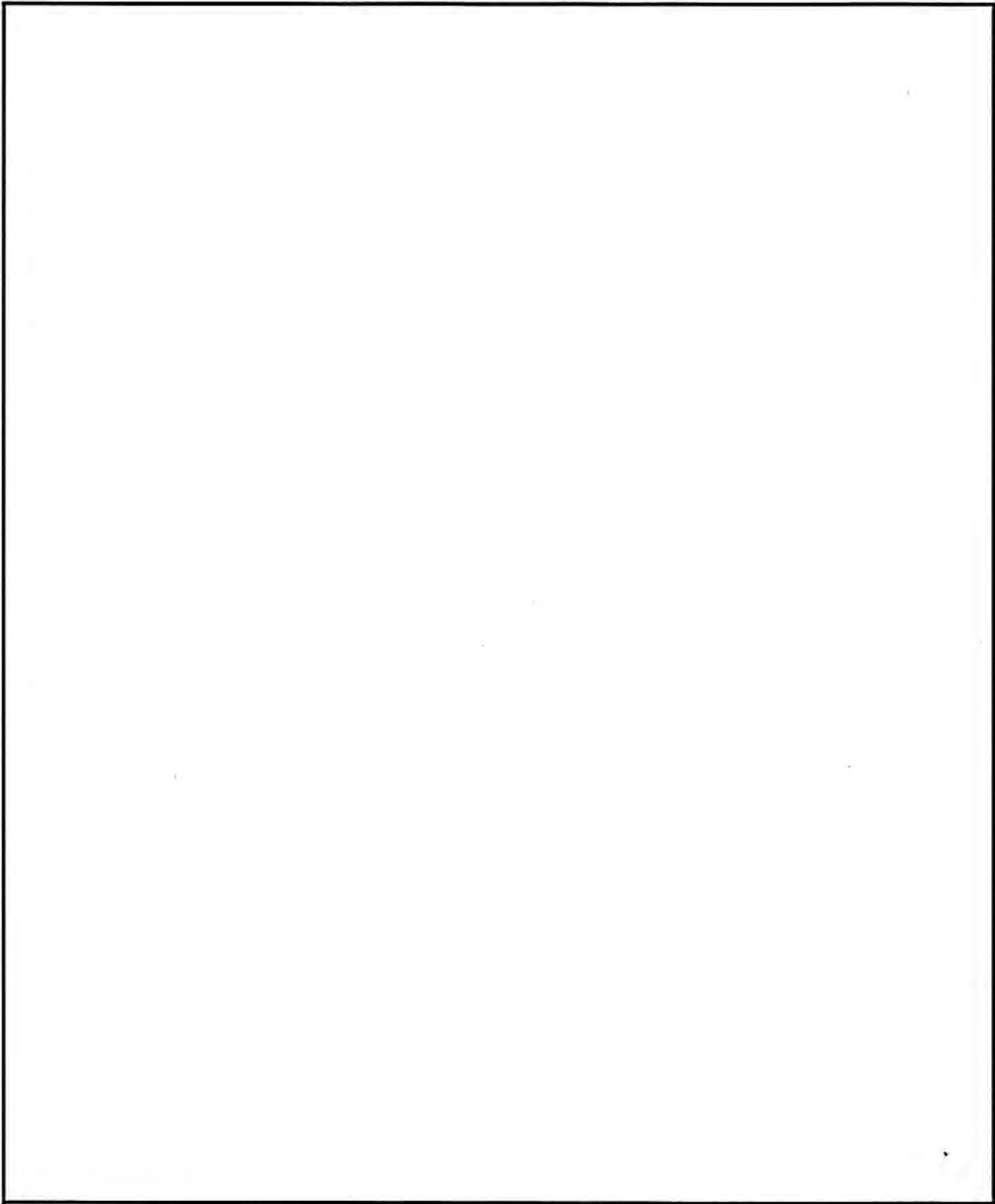
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~~SECRET//NOFORN~~

~~UNCLASSIFIED//FOUO~~

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

..... INQUIRY HPSCI Chronology



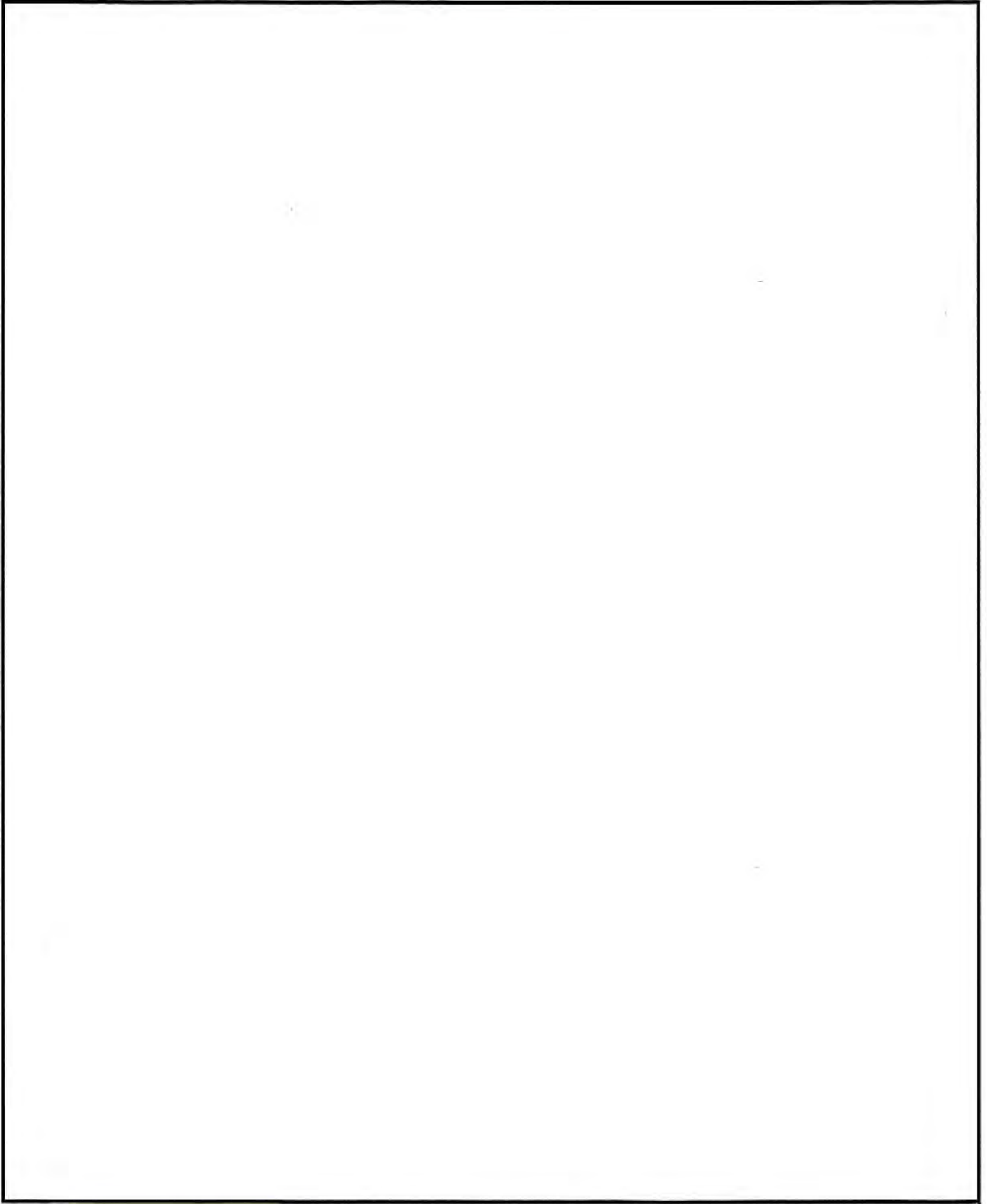
(b) (1)
(b) (3) - 18 USC 798
(b) (3) - 50 USC 3024 (i)
(b) (3) - P.L. 86-36
(b) (5)

~~UNCLASSIFIED//FOUO~~

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~UNCLASSIFIED//FOUO~~

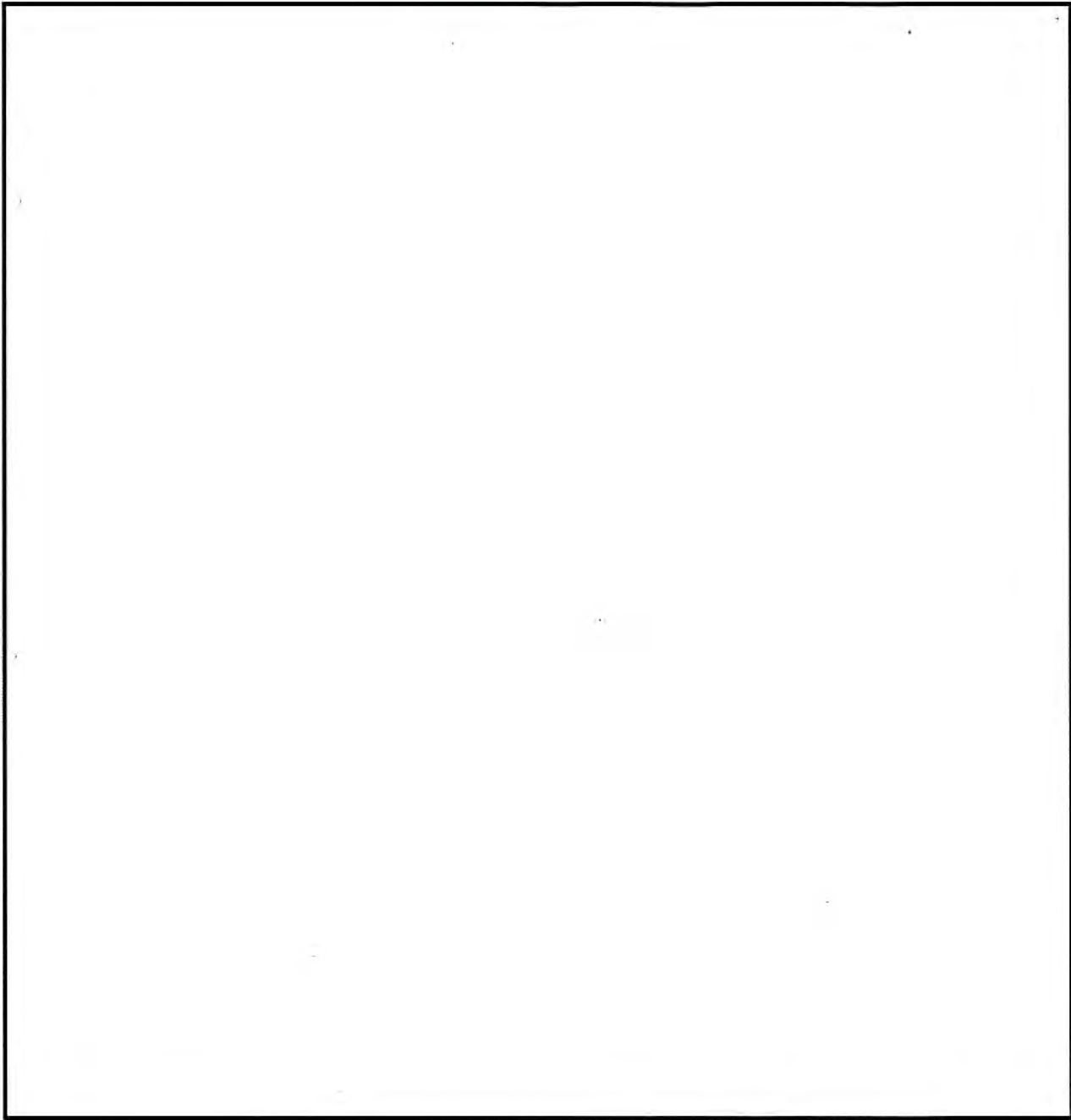


(b) (1)
(b) (3) -50 USC 3024 (i)
(b) (3) -P.L. 86-36
(b) (5)

NSA093

~~UNCLASSIFIED//FOUO~~

~~SECRET//NOFORN~~



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

~~SECRET//NOFORN~~

~~UNCLASSIFIED//FOUO~~



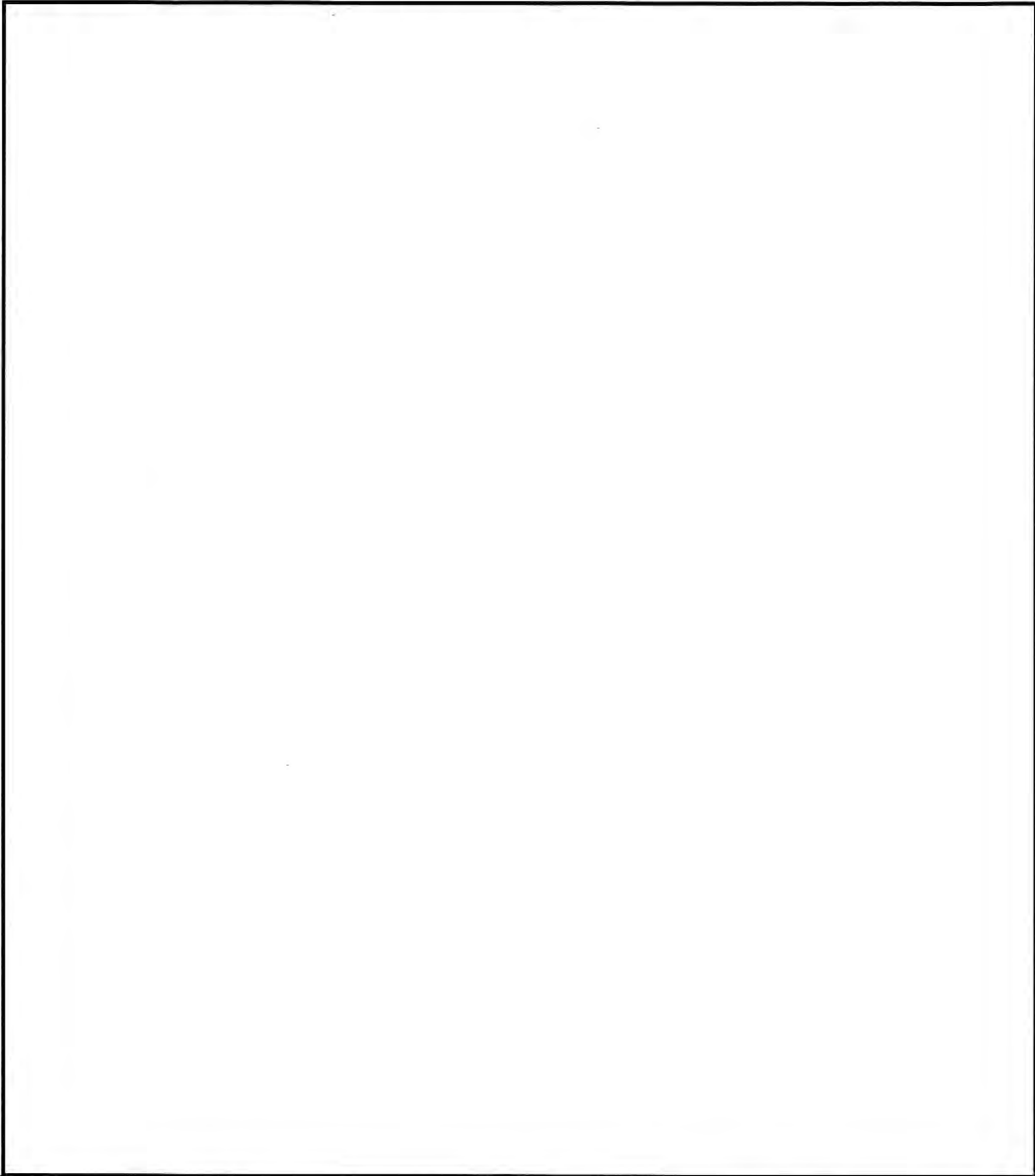
(b) (1)
(b) (3) - P.L. 86-36
(b) (5)

~~UNCLASSIFIED//FOUO~~

~~SECRET//NOFORN~~

~~TOP SECRET//SI//NOFORN~~

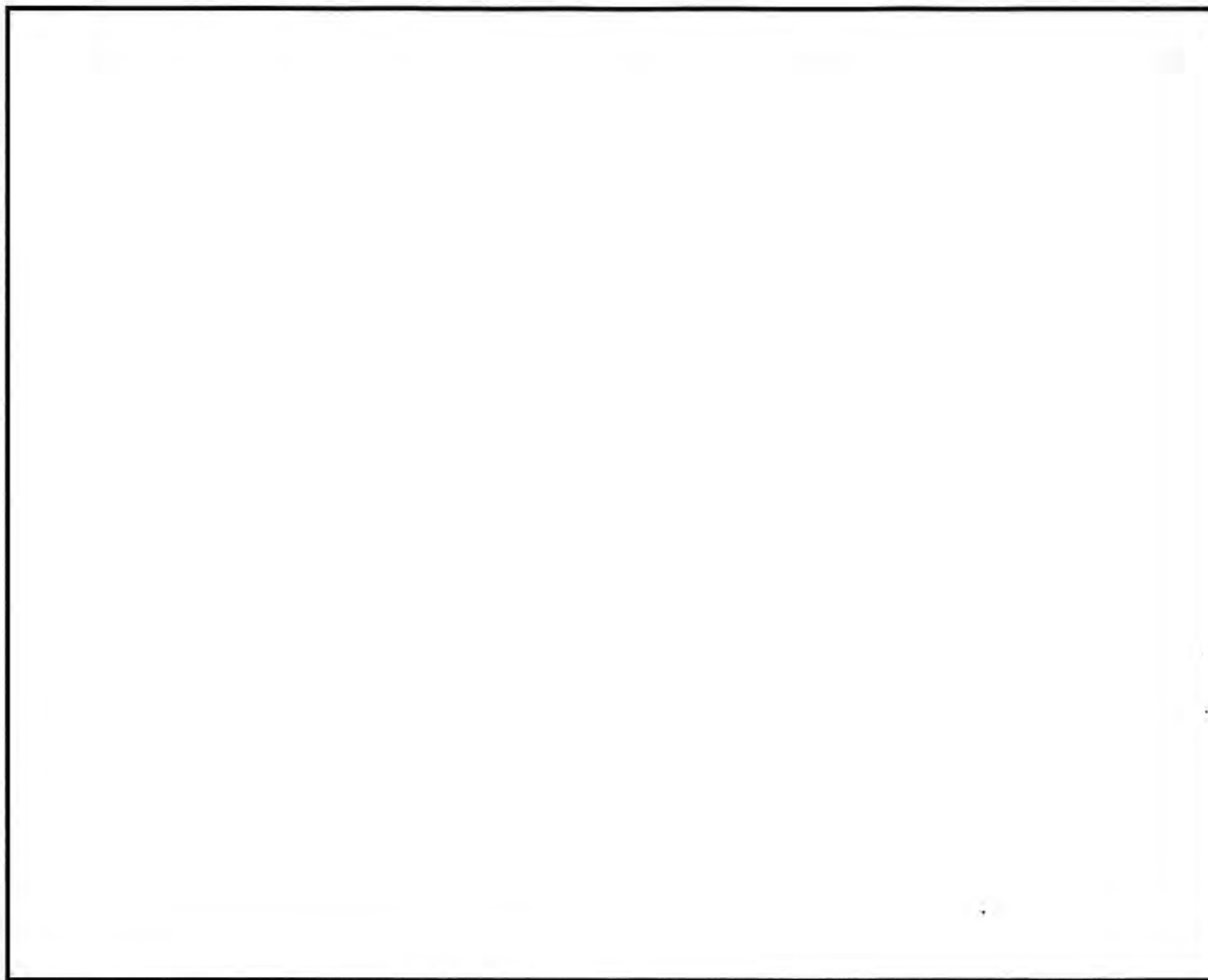
HPSCI Chairman Letter - 15 October 2019



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

~~TOP SECRET//SI//NOFORN~~

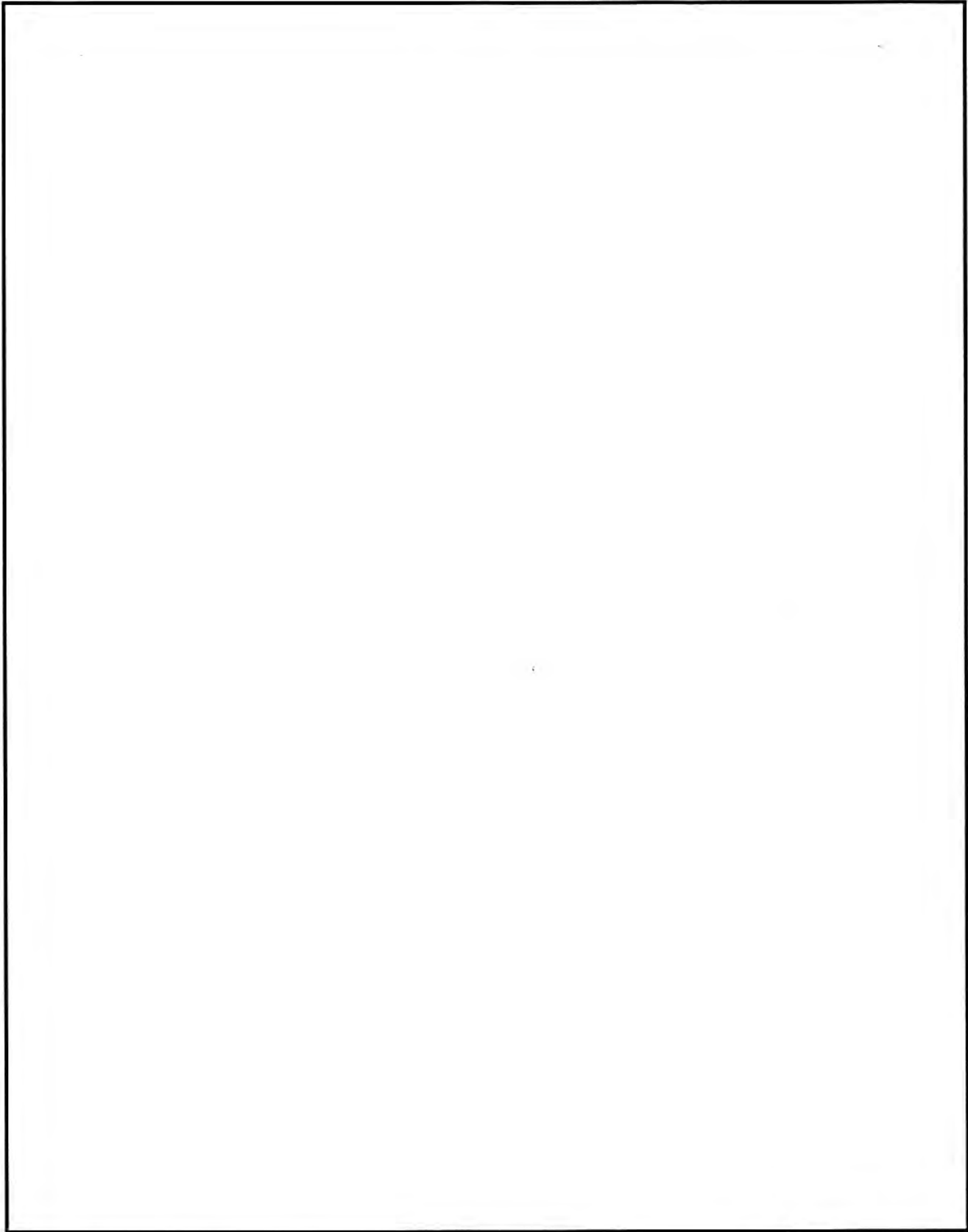
~~TOP SECRET//SI//NOFORN~~



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

~~TOP SECRET//SI//NOFORN~~

~~TOP SECRET//SI//NOFORN~~



~~TOP SECRET//SI//NOFORN~~

(b) (1)
(b) (3)-18 USC 798
(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)
NSA0198

DOD-NSA-20-0351-F-000029

Morris Paul F NSA D2 USA GOV

From: Soule Trumbull D NSA-P3 USA CIV
Sent: Thursday, December 26, 2019 7:45 AM
To: Morris Paul F NSA-D2 USA CIV
Subject: FW: (U) For Awareness and Guidance: DIRNSA Correspondence with HPSCI Chairman
Attachments: HPSCI_Schiff Letter to DIRNSA_19Dec19.pdf; LAO Letter to HPSCI_13Dec19.pdf; HPSCI Chair Response 23DEC2019.docx

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

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

This has Schiff's response to my letter, and our proposed response as of Monday afternoon, but much has changed since then on the response, so see the low side.

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) (6)
 OGA
 OSD/JS

From: Soule Trumbull D NSA-P3 USA CIV
Sent: Monday, December 23, 2019 1:10 PM
To: Kozik David A DoD OUSD USA GOV [Redacted] Ryan P. Crumpler-DNI- [Redacted]

Cc: [Redacted]

Soule Trumbull D NSA-P3 USA CIV [Redacted]
Subject: (U) For Awareness and Guidance: DIRNSA Correspondence with HPSCI Chairman

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

Gentlemen,
 (~~SECRET//SI//NOFORN~~) On Friday (although dated Thursday) we received the attached classified letter from HPSCI Chairman Schiff to GEN Nakasone, DIRNSA. That letter responds to my letter dated 13 December (also attached; you coordinated on that text). HPSCI is requesting a response by COB Thursday, 26 December, but of course we have Christmas Eve and Christmas Day in the meantime. On Friday, GEN Nakasone alerted both Acting DNI and USD(I) that we received the letter, and has promised to provide them with a copy of his response. That response is attached. We seek your guidance. The USD(I) asked that GEN Nakasone provide a copy of the response to SECDEF and CJCS as well, and he will do so. GEN Nakasone intends to send his draft to that group by 1630 today. Dave, would you alert Mr. Hood, as I do not have his email address? Thank you.

DNI
 OGA
 (b) (3) - P.L. 86-36
 (b) (6)
 OGA

(b) (6)

(U//FOUO) Questions? Please call me on the numbers below. I will be in the office until GEN N sends his draft. After 1630 I am best reached on my personal cell [Redacted] or via low side email [Redacted] I had planned to out after today until December 31, but I am reassessing my leave plans in light of this correspondence. I do not intend to be on high side on Christmas Eve or Christmas Day.

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]

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~~

(b) (3) - P.L., B6-36

ADAM B. SCHIFF, CALIFORNIA
CHAIRMAN
ELECTRONIC SURVEILLANCE DIVISION
1222 225-7090
www.intelligence.house.gov



ONE HUNDRED SIXTEENTH CONGRESS
DEVIN NUNES, CALIFORNIA
RANKING MEMBER
ALLEN S. SHERIDAN, MISSOURI
STAFF DIRECTOR

**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.

~~SECRET//SI//NOFORN~~

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.¹

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.

¹ 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.

~~SECRET//SI//NOFORN~~

~~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

DEC 13 2019

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

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

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.

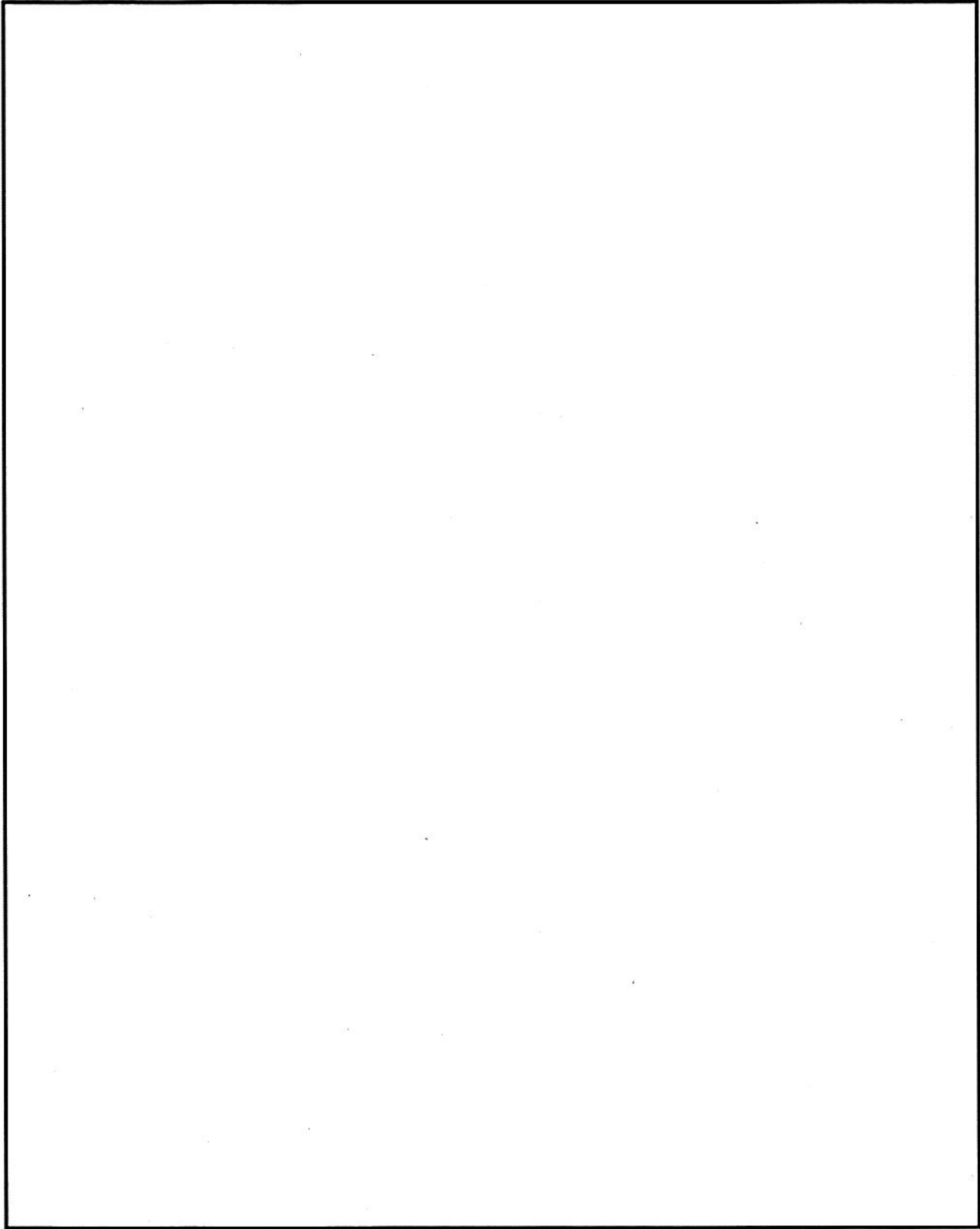
[redacted] . . . [redacted]
TRUMBULL D. SOULE
Director, Legislative Affairs

~~SECRET//SI//NOFORN~~

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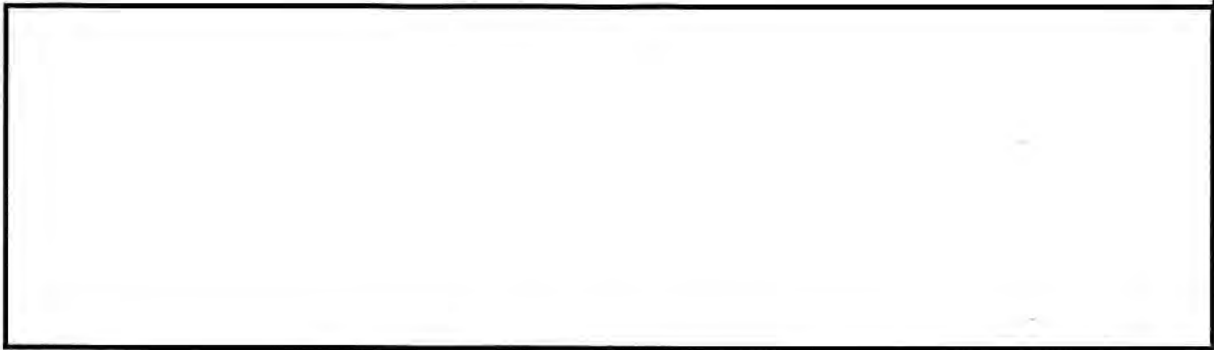
Copy furnished:
The Honorable Devin Nunes
Ranking Member, House Permanent Select Committee on Intelligence

~~SECRET//SI//NOFORN~~



(b) (3) - P.L. 86-36
(b) (5) NSA0206

(b) (5)



To: Anthony Teisha M NSA D2 USA GOV [redacted] Soule Trumbull D NSA P3 USA GOV [redacted]
 From: [redacted]
 Sent: 2020-03-12T12:37:51Z
 Subject: RE: (U) Need a Time-line by Noon
 Received: 2020-03-12T12:37:53Z
 In Reply To: [redacted] Chronology.docx
 [redacted] Overview.docx

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

[redacted] had previously put these together. I don't believe there have been any additional substantive engagements since, but DIR's recent engagements may need to be added.

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

From: Anthony Teisha M NSA D2 USA GOV
 Sent: Thursday, March 12, 2020 8:36 AM
 To: Soule Trumbull D NSA P3 USA GOV ; [redacted]
 Cc: Anthony Teisha M NSA D2 USA GOV
 Subject: (U) Need a Time-line by Noon
 Importance: High

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

Trum,

DIR asked that we provide a time-line of formal interactions with the Hill on the Schiff letter, and include the correspondence. Trum, I think you know of DIR's personal interactions, more than we would. We have a time-line, but I am not sure it includes those.

He asked for it by noon. I will ask [redacted] to send you what we have and then you can add to it. Does that work?

Teisha

Teisha M. Anthony
 Acting General Counsel
 Office of General Counsel

[redacted] (b) (3)-P.L. 86-36

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

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

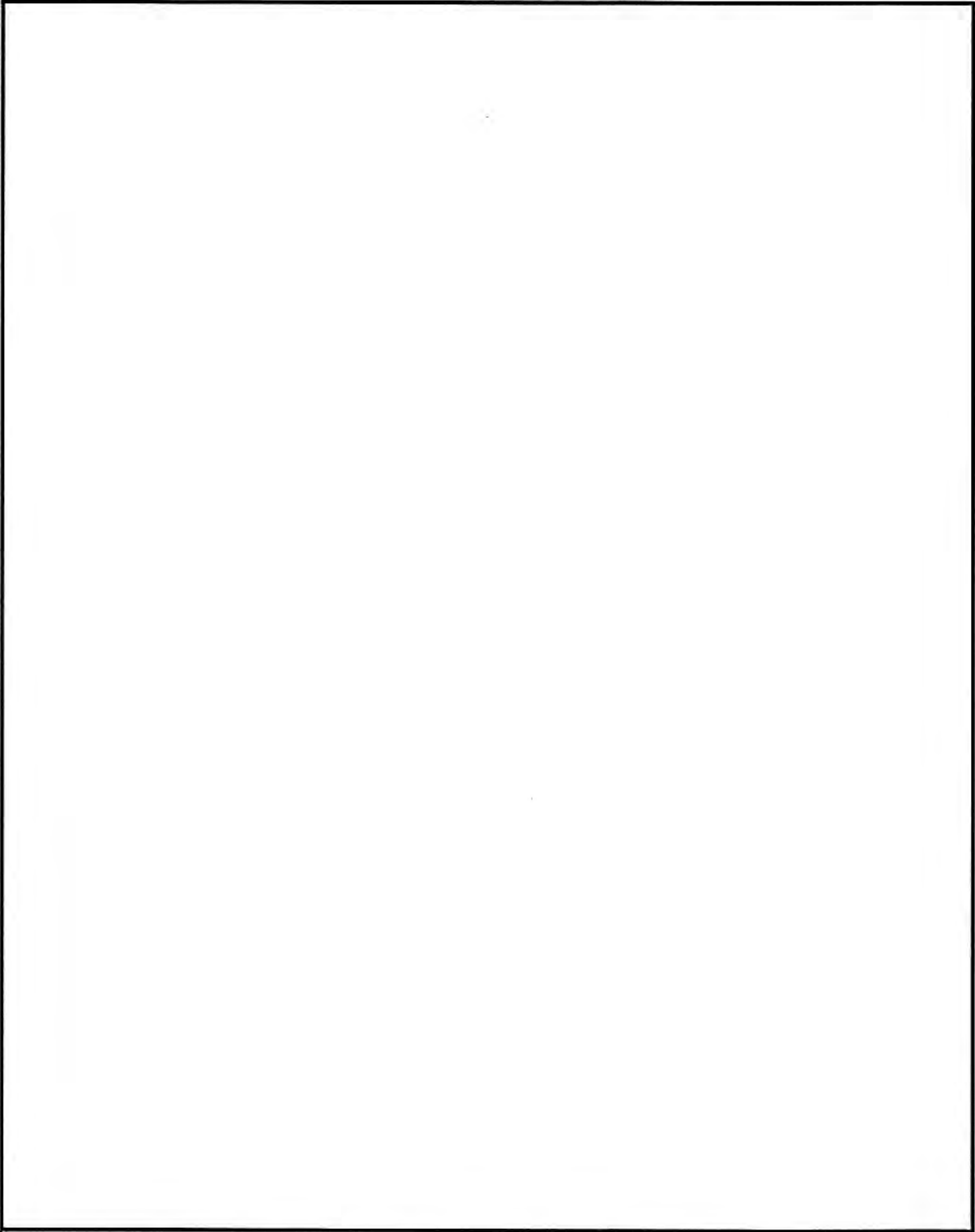
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(b) (3) - P.L. 86-36

..... ~~INQUIRY~~

[Redacted]

HPSCI Chronology

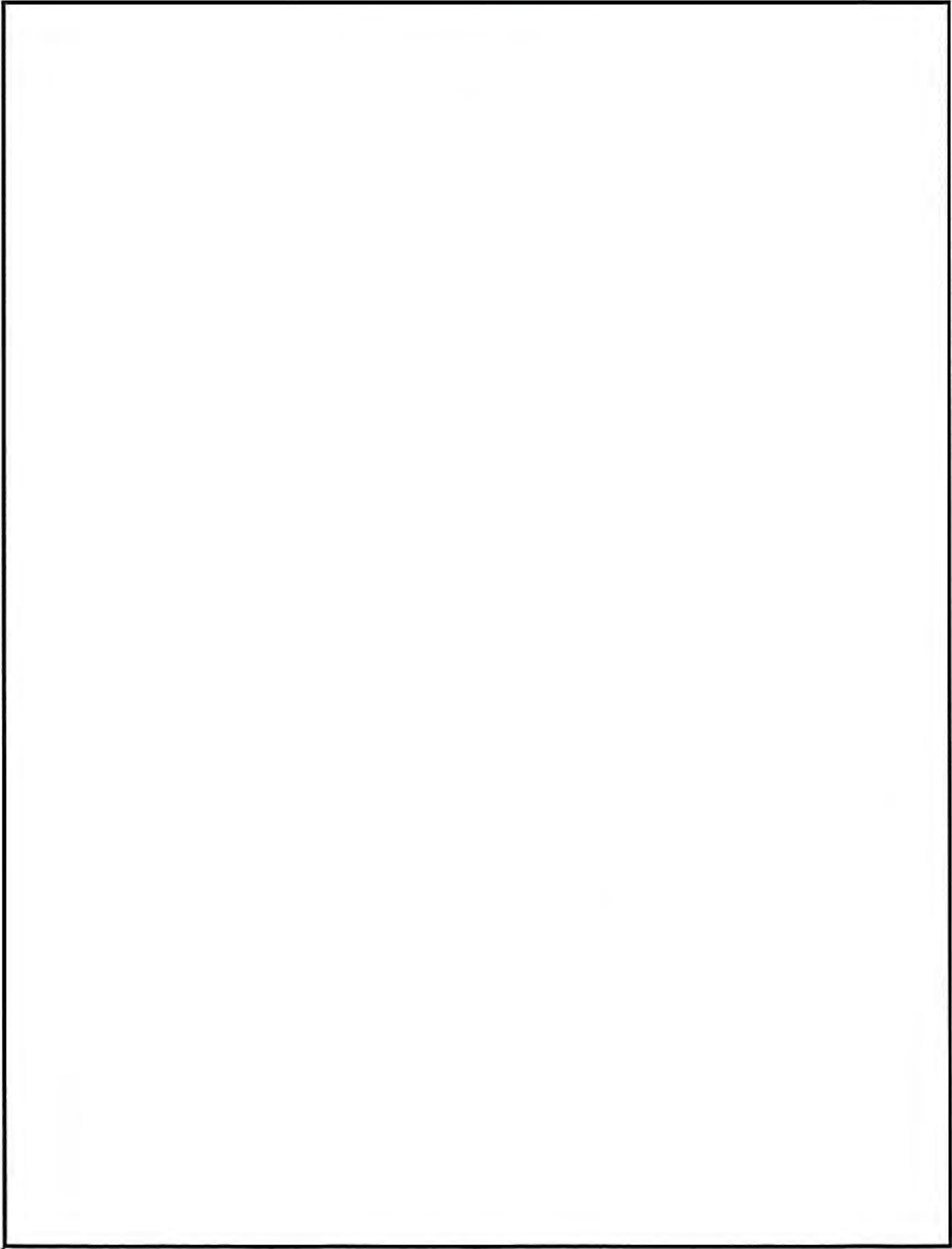


(b) (1)
(b) (3) - 18 USC 798
(b) (3) - 50 USC 3024 (i)
(b) (3) - P.L. 86-36
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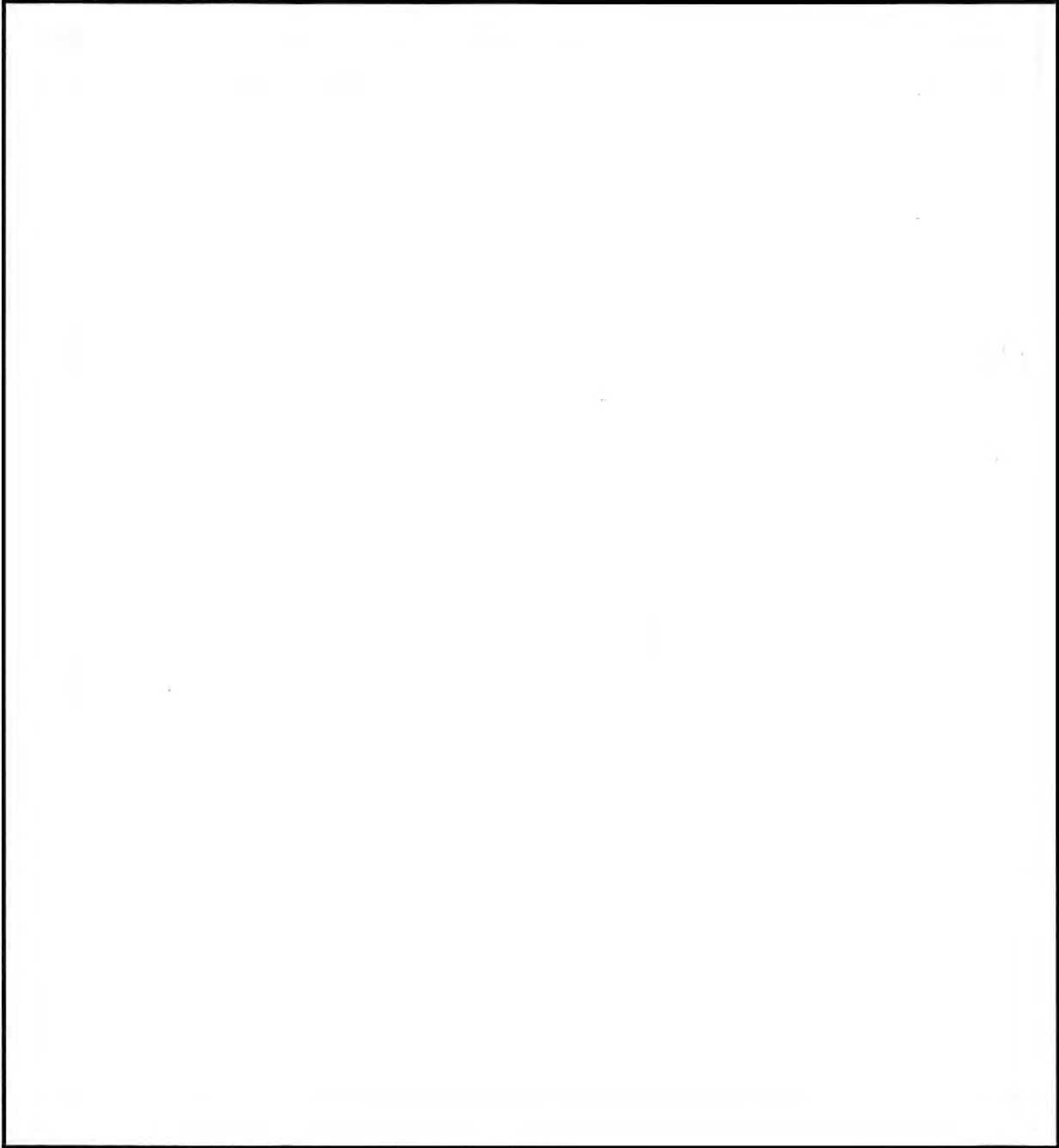


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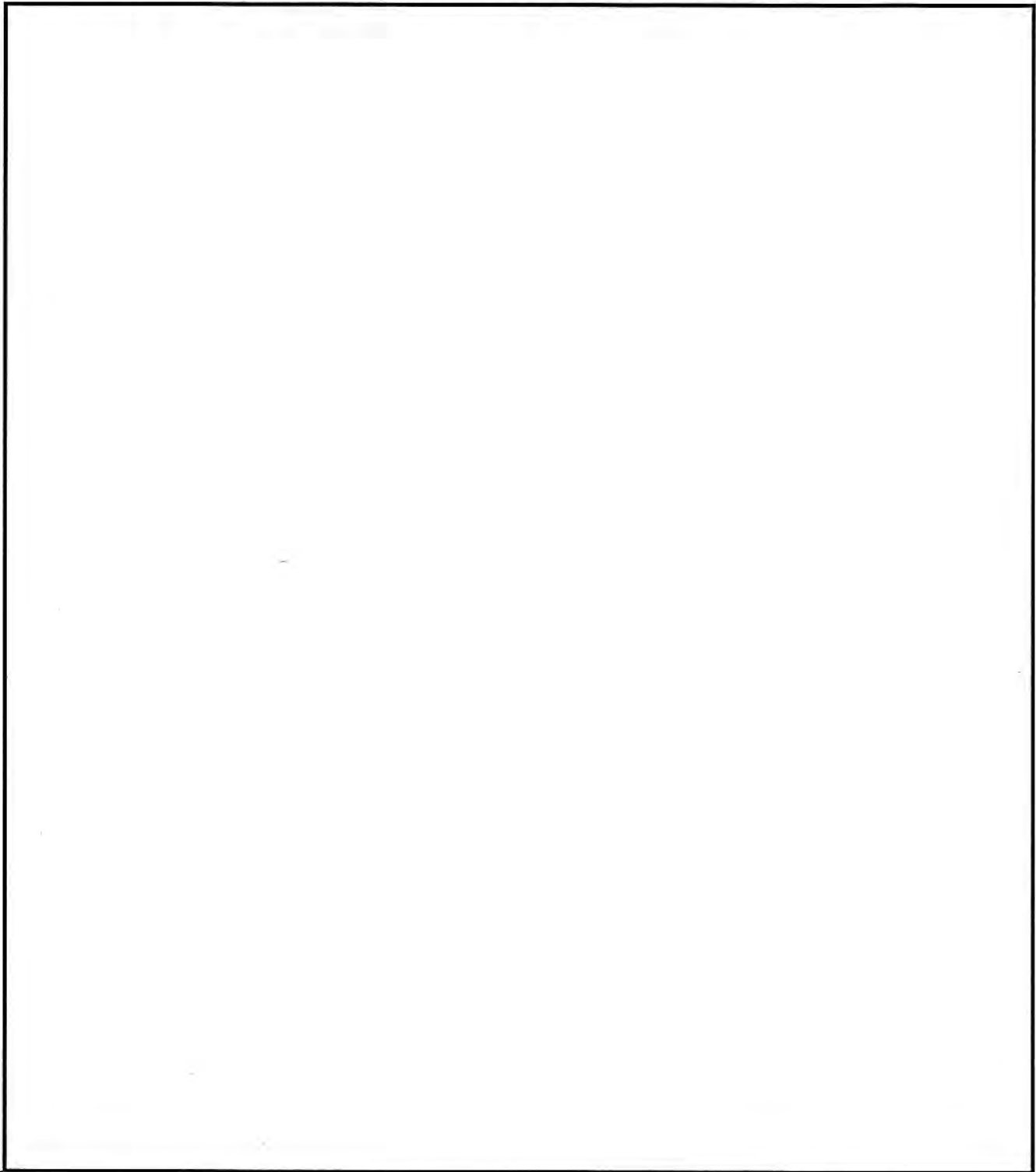


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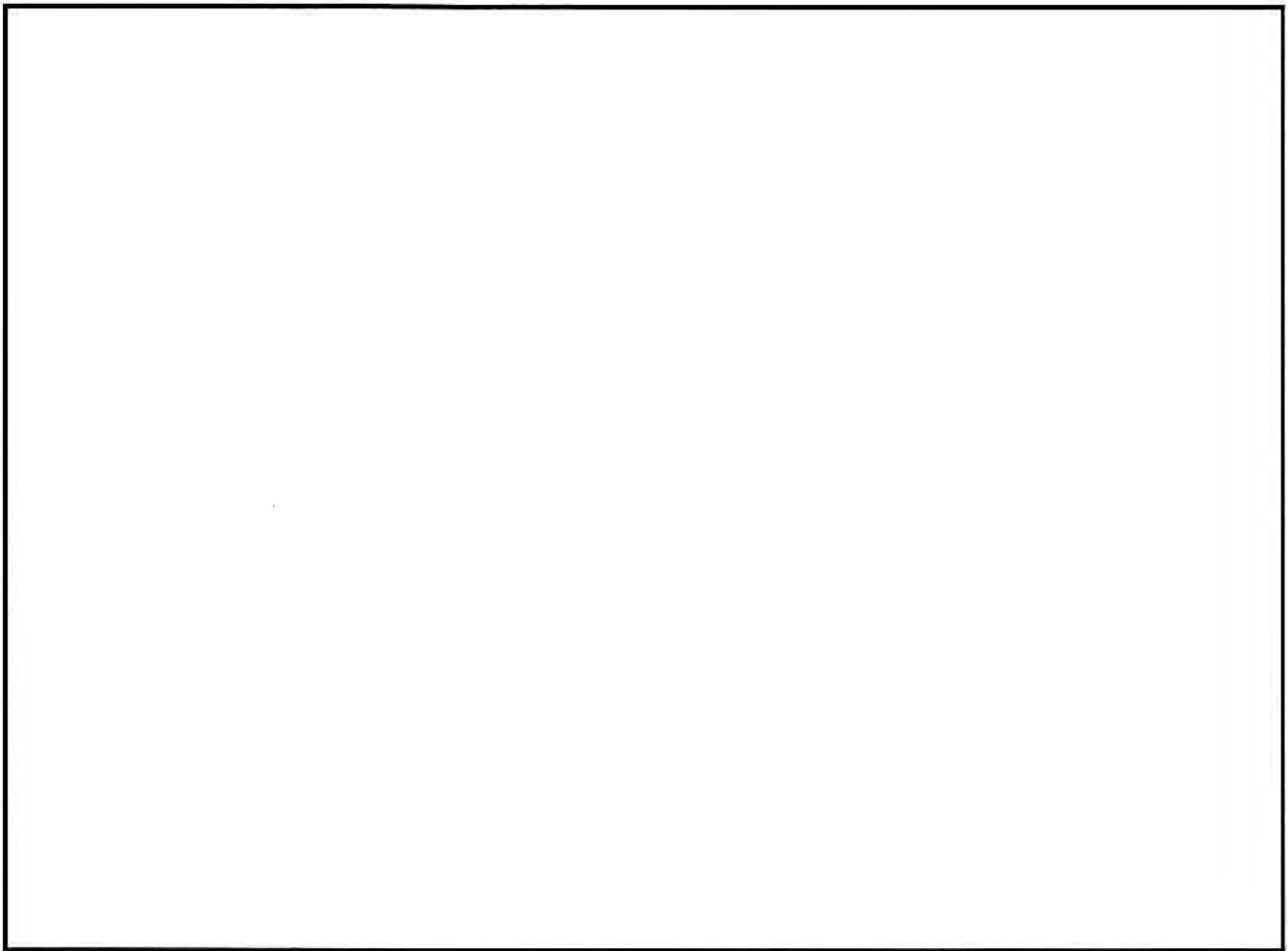
HPSCI Chairman Letter - 15 October 2019



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(b) (3) -18 USC 798
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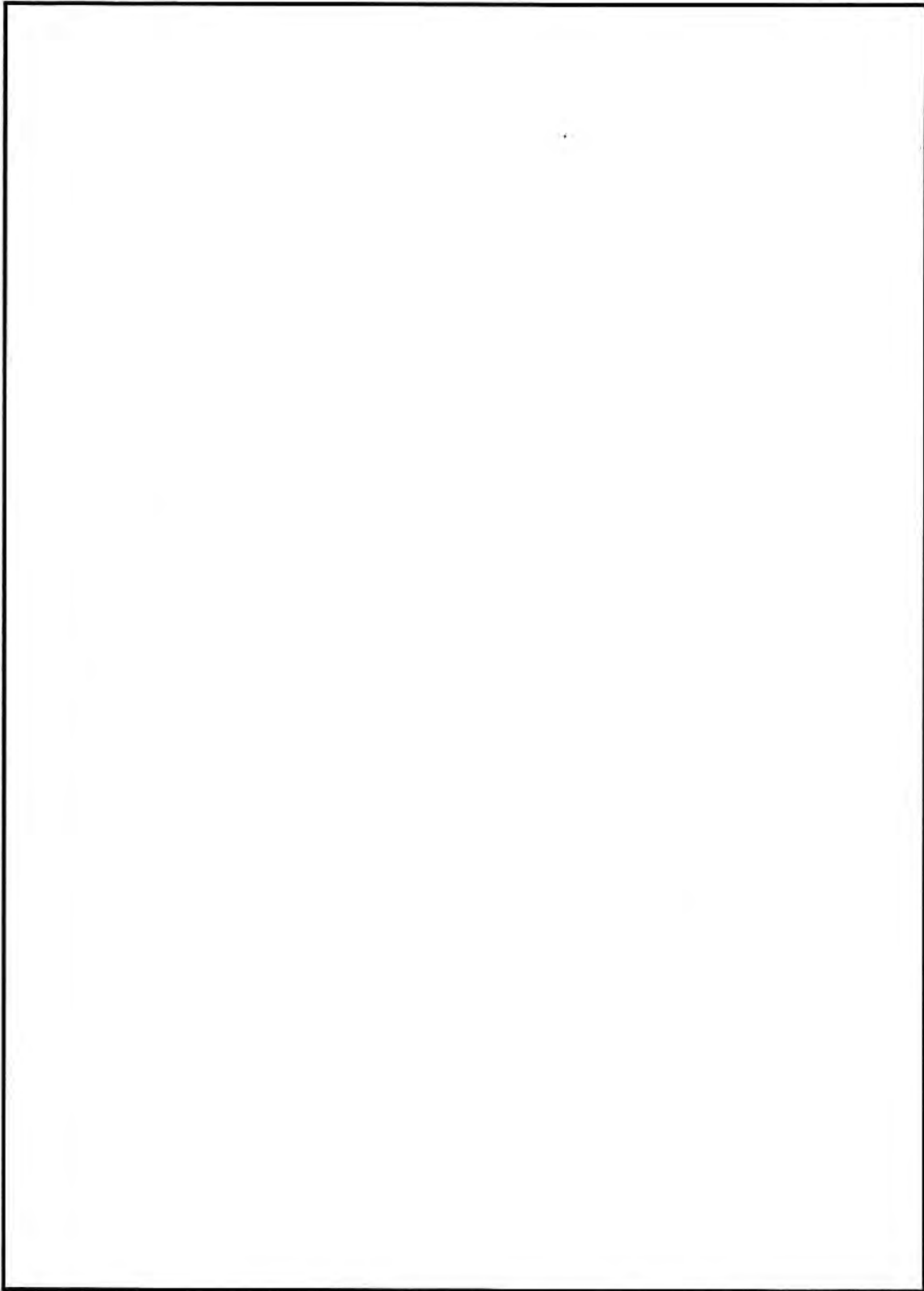


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(b) (1)
(b) (3) -50 USC 3024 (i)
(b) (3) -P.L. 86-36
(b) (5)

~~TOP SECRET//SI//NOFORN~~

From: Kozik, David, A., Mr., OSD USDI [redacted]
Sent: Friday, January 31, 2020 1:43 PM
To: [redacted] Soule Trumbull D NSA-P3 USA CIV
Cc: [redacted]
Subject: RE: (U) RE: USD(I&S) Kernan history call
Attachments: Inquiry [redacted] Chronology.docx

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

Classification: ~~TOP SECRET~~ [redacted]

Classified By: David Kozik, Director, OUSD(I) Congressional Activities
 Derived From: Multiple Sources
 Declassify On: 20451231

[redacted] Trum-

(b) (5)

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

Thanks again for everything here. Just wanted to let you know, I walked through everything with Mr. Kernan on Wednesday night, he was tracking everything, but unsure of when he'll have the opportunity to discuss with the SECDEF. But you definitely saved me on Wednesday!

One question he had, however, that I could only answer from memory of conversations with Trum, but you all may want to provide me with a specific answer. When reviewing the chronology, he didn't understand what triggered the NSA's decision to send the 13 Dec letter to HPSCI "closing" the production, i.e. what made NSA decide then to send that letter?

[Large redacted block]

That said, if there's a specific, "corporate position" you all would like me to share with Mr. Kernan, please let me know, I'd be happy to relay.

Thanks much,
 DK

(b) (6)
 OGA [redacted] OSD/JS

(b) (5)
 OGA [redacted] OSD/JS

David A. Kozik
 Director, OUSD(I&S) Congressional Activities [redacted]
 Phone: [redacted]
 Room: [redacted]

From: [redacted]
Sent: Wednesday, January 29, 2020 3:28 PM
To: Kozik, David, A., Mr., OSD USDI ; Soule Trumbull D NSA-P3 USA CIV

Cc: [redacted]

Subject: (U) RE: USD(I&S) Kernan history call

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

Dave, see other emails concerning your first requests. Concerning this email: I don't know of any HPSCI request to DNI – I don't believe there is one; that said, to be 100% sure, you would have to query Ryan.

Concerning [redacted] I've attached copies.

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

v/r

[redacted]

NSA Deputy Chief, Legislative, State, Local and Academic Engagement
Engagement and Policy Directorate

[redacted]

From: Kozik, David, A., Mr., OSD USD [redacted]

Sent: Wednesday, January 29, 2020 12:36 PM

To: Soule Trumbull D NSA-P3 USA CIV [redacted]

Subject: USD(I&S) Kernan history call

Classification: UNCLASSIFIED//~~FOUO~~

OSD/JS
(b) (6)
OGA

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

Trum—thanks again for the quick turn help.

One other thing to add—I'm happy to reach out to Ryan Crumpler on this, but are you aware of any HPSCI letters to and fro to A/DNI on this particular subject? If yes, and you have copies of those, please pass along as well.

Just looking for a complete set and timeline of everything to help Mr. Kernan engage with the Secretary on the subject.

Thanks,
DK

David A. Kozik
Director, OUSD(I&S) Congressional Activities [redacted]
Phone: [redacted]
Room: [redacted]

UNCLASSIFIED//~~FOUO~~

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: ~~20450101~~

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

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Classification: ~~TOP SECRET~~ [Redacted]

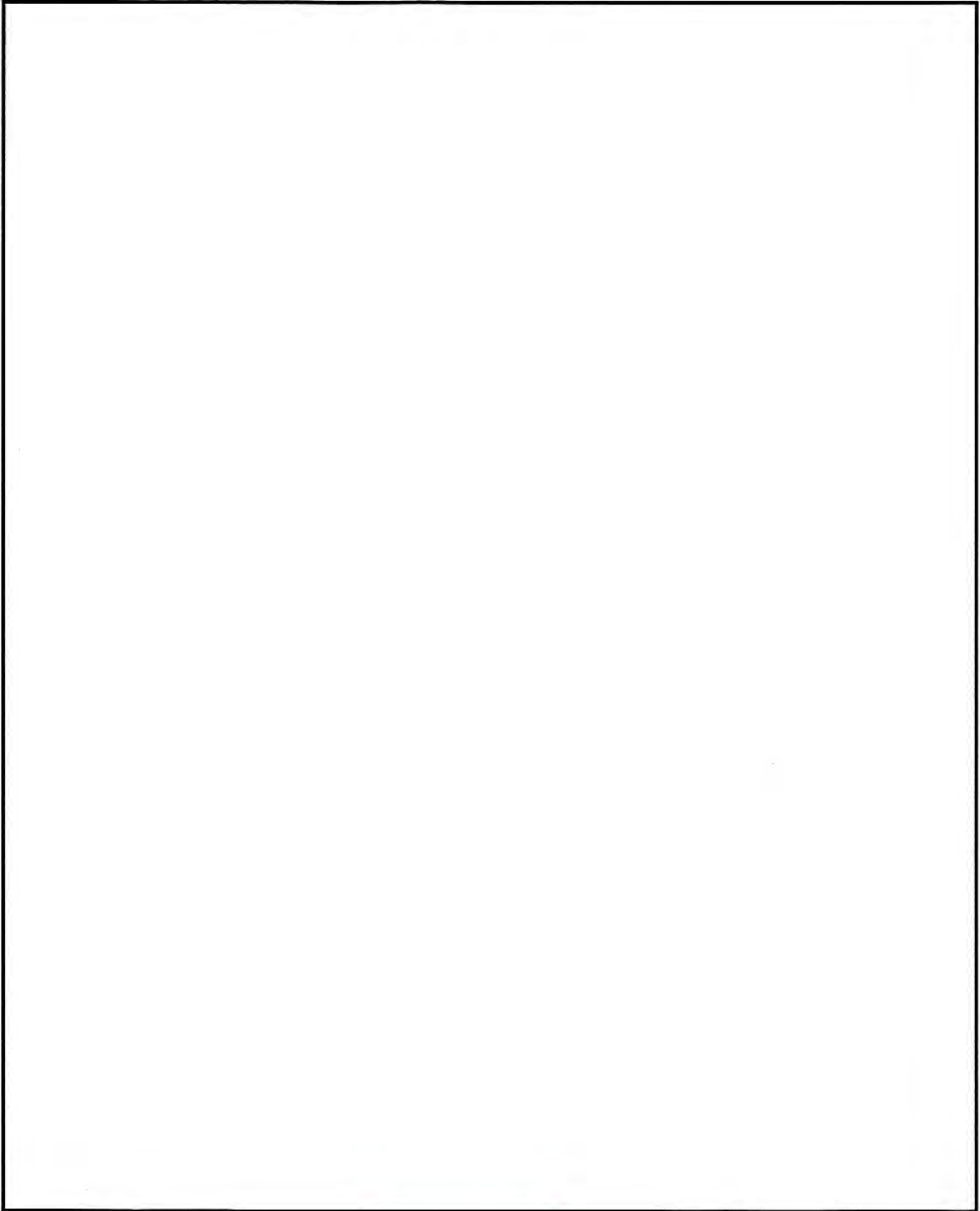
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(b) (3) - P.L. 86-36

INQUIRY - HPSCI Chronology



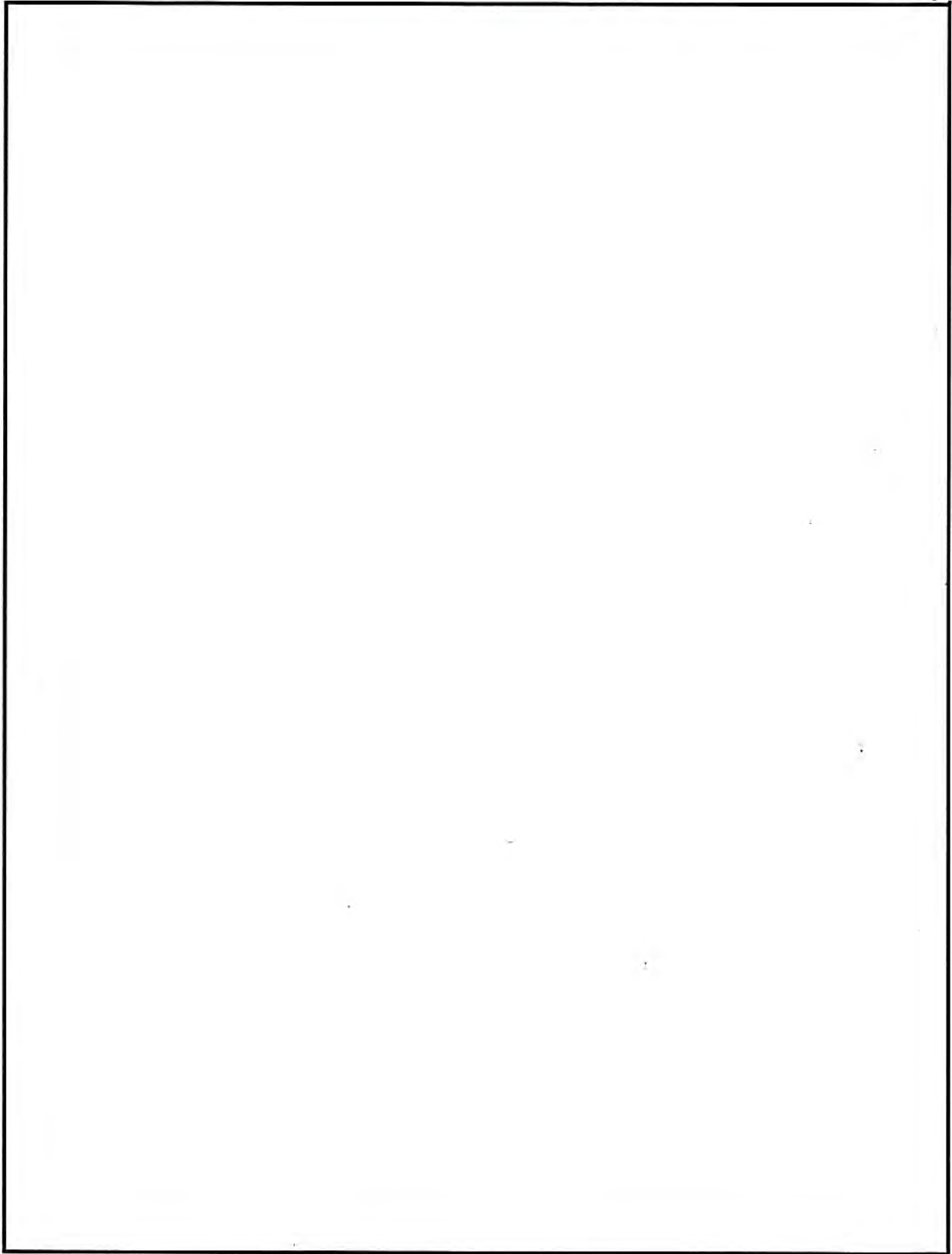
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(b) (3) - 50 USC 3024(i)
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NSA0221

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~~UNCLASSIFIED//FOUO~~

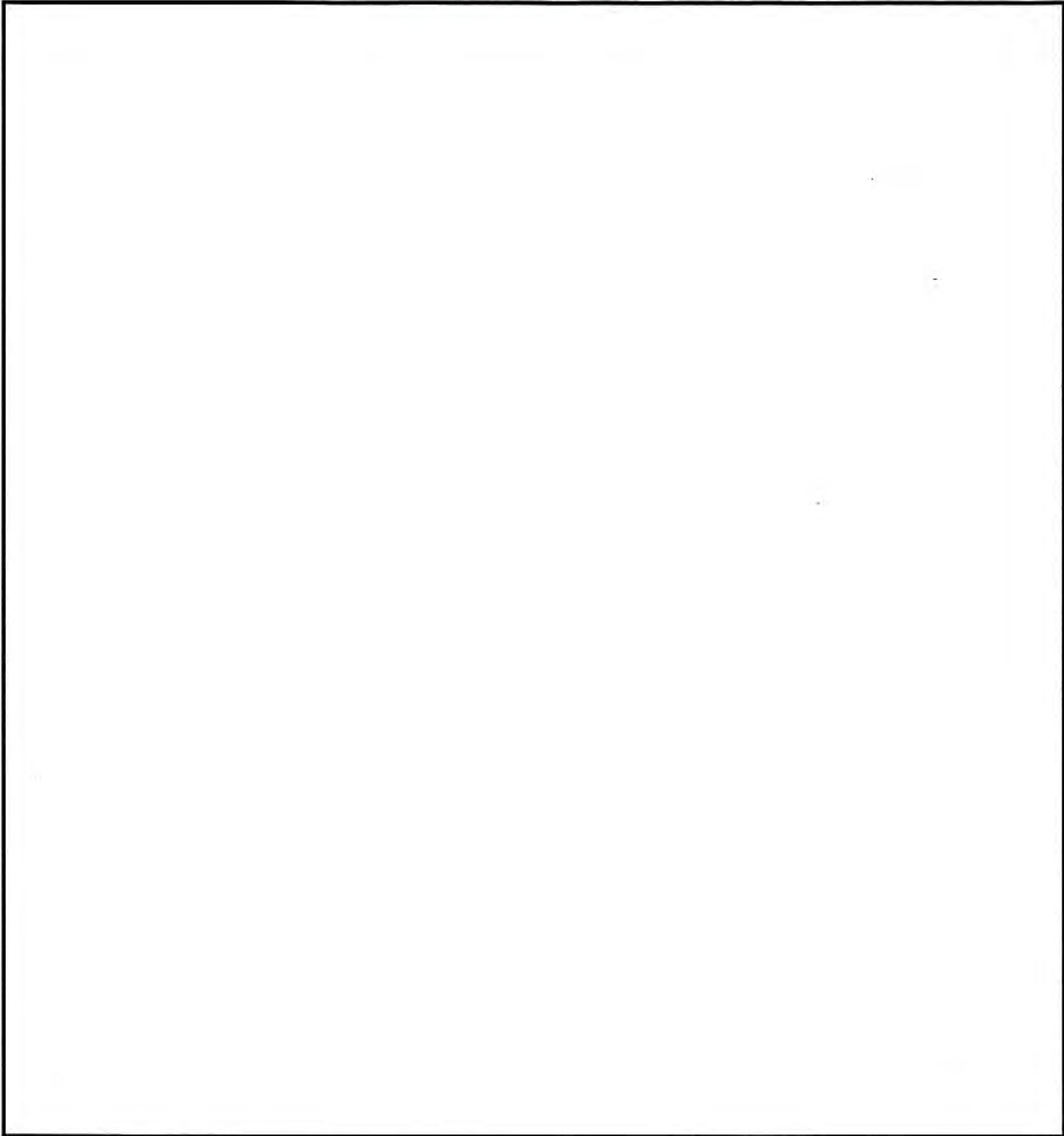
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~~UNCLASSIFIED//FOUO~~



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

~~SECRET//NOFORN~~

~~UNCLASSIFIED//FOUO~~

(b) (6)
OGA
OSD/JS

From: [redacted]
Sent: Wednesday, January 29, 2020 3:06 PM
To: Kozik David A DoD OUSDI USA GOV [redacted]
Cc: Soule Trumbull D NSA-P3 USA CIV [redacted]
Subject: (U) Documents as Requested

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

Dave,

Attached, as requested, are several documents related to the HPSCI request.

First, attached is all correspondence with HPSCI. Those entail:

- 1) HPSCI's request for reports, dated 15 October (HPSCI Letter to NSA_15Oct19)
- 2) NSA's letter conveying the first tranche, dated 16 October (Cover Letter_Tranche1_16Oct19)
- 3) NSA's letter to HSPSCI closing the request, dated 13 December (LAO Letter to HPSCI_13Dec19)
- 4) HSPSCI's letter back to NSA, dated 19 December (HPSCI Schiff Letter to DIRNSA_19Dec19)
- 5) NSA's response to HSPSCI, dated 26 December (this is the letter that the USD(I) helped craft) (DIRNSA Letter to Schiff_26Dec19)

Second, here is the timeline of all interactions (labeled here as Inquiry [redacted] Chronology)

Third, here is the list of all reports provided to HPSCI to date, Tranches 1-2-3 (labeled here as HPSCI Reports_27Nov19)

Fourth, as requested, here is a sample of one report that met HPSCI's criteria (labeled here as [redacted])

Separately, I will send you a list of all reports requested, but as yet not provided, to HPSCI.

v/r

[redacted]
NSA Deputy Chief, Legislative, State, Local and Academic Engagement
Engagement and Policy Directorate
[redacted]

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20130930
Declassify On: 20450101

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

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

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



FROM THE DESK OF ...
TRUMBULL D. SOULE
Director, Legislative Affairs Office
National Security Agency



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

TO: Staff Director and Minority Staff Director
House Permanent Select Committee on Intelligence

OCT 16 2019

SUBJECT: (U) Committee Inquiry

(U) NSA has received your letter of October 15, 2019 seeking production, on a rolling basis, of documents described in Exhibit A.

(U//~~FOUO~~) NSA is making available for reading copies of the first tranche of responsive foreign intelligence reports in connection with the Committee's oversight function.

(b) (6)



TRUMBULL D. SOULE
Director, NSA Legislative Affairs Office



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

October 15, 2019

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

Dear General Nakasone:

Pursuant to the House of Representatives' impeachment inquiry and the oversight authorities and jurisdiction of the House Permanent Select Committee on Intelligence ("Committee"), I write on behalf of the Committee to request the National Security Agency's ("NSA") production on an expedited and rolling basis of documents described below, as well as any further documents the Committee requests pursuant to the inquiry.

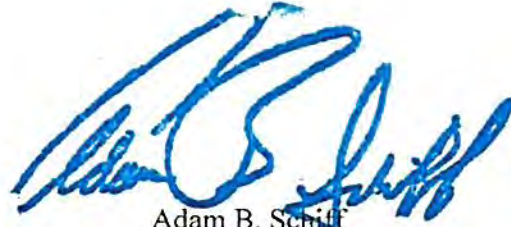
I understand from discussions between our staffs that NSA intends to cooperate with the Committee's requests, as is required by law, and has already identified responsive documents, but has asked for this formal letter to begin producing the material. Pursuant to the extensive staff-level discussions between the Committee and NSA, the Committee requests that NSA conduct its searches and begin production by conducting searches to return reports (if any) that name the non-U.S. Persons listed on Exhibit A. I understand that the first production of documents will be ready in the coming days.

Consistent with the Committee's rules of procedure, the Committee will not share the requested documents outside of the Committee absent consultation with NSA.

The Committee appreciates NSA's cooperation with the Committee—cooperation on matters of this sort that has spanned Congresses regardless of which party holds the majority. Please instruct appropriate NSA officers to contact Committee staff at [redacted] (secure) as soon as that production is ready.

(b) (6)

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam B. Schiff". The signature is fluid and cursive, with the first name "Adam" and last name "Schiff" being the most legible parts.

Adam B. Schiff

Chairman

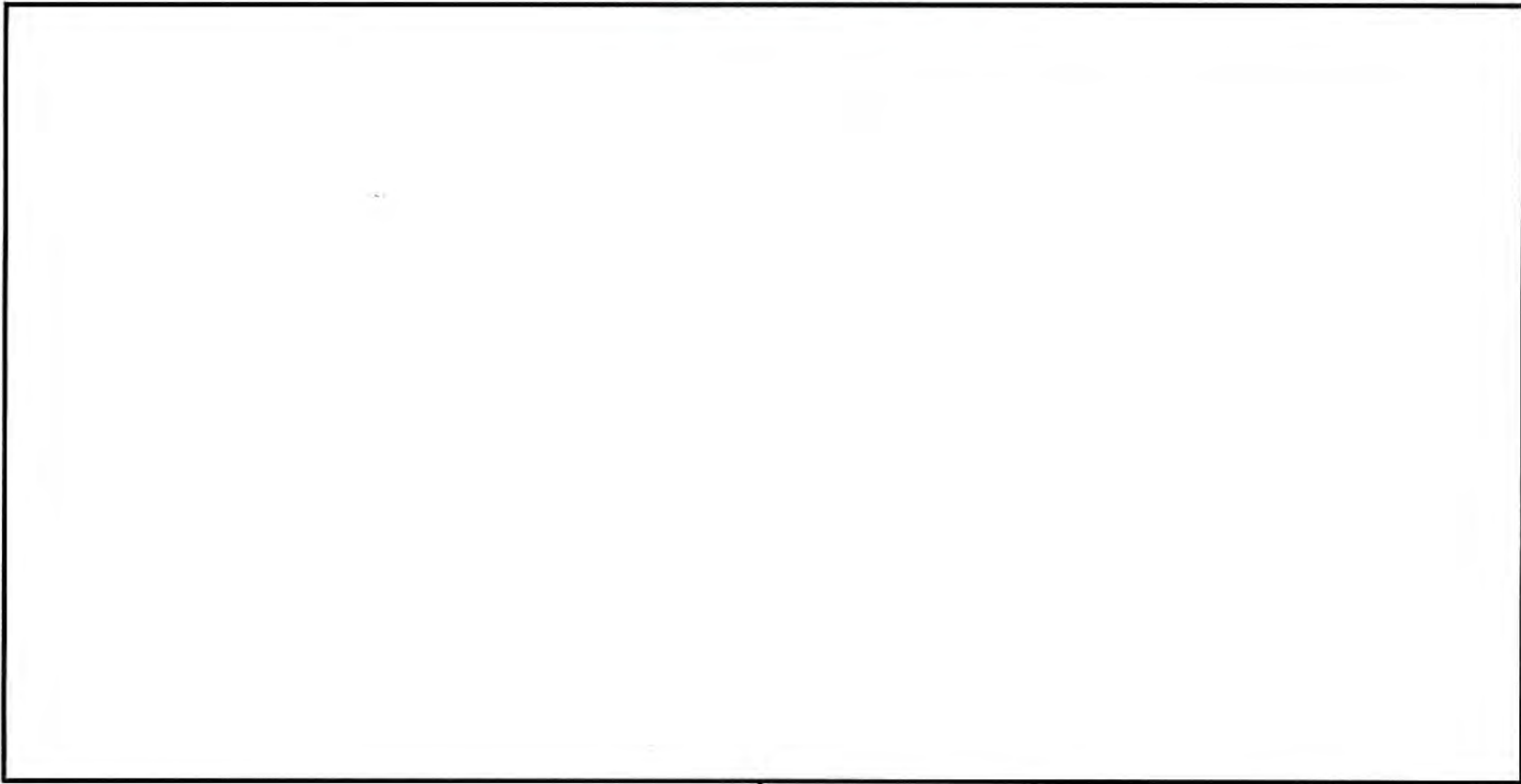
Ex. A

~~TOP SECRET//SI//NOFORN~~

~~UNCLASSIFIED//FOUO~~

HPSCI

9/12/19



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

~~TOP SECRET//SI//NOFORN~~

~~UNCLASSIFIED//FOUO~~

~~SECRET//SI//NOFORN~~

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



DEC 13 2019

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

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

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 signature box]

TRUMBULL D. SOULE
Director, Legislative Affairs

(b) (6)

~~SECRET//SI//NOFORN~~

~~SECRET//SI//NOFORN~~

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

~~SECRET//SI//NOFORN~~



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.

~~SECRET//SI//NOFORN~~

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.¹

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.

¹ 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.

~~SECRET//SI//NOFORN~~

~~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~~



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

26 December 2019

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

Dear Mr. Chairman:

I am writing in response to your letter of December 19, 2019. After reading your letter, I realize our phone conversation of November 22nd, and my Legislative Affairs Director's letter of December 13th, have failed to communicate this Agency's commitment to fulfilling its obligations and to maintaining its longstanding cooperative approach to your Committee's oversight responsibilities. As the Director, I want to use this opportunity to dispel any allegations of partisan influence and seek resolution of our current differences.

The National Security Agency is unwavering in its commitment to executing its authorities and discharging its responsibilities in a completely nonpartisan and professional manner in strict accordance with applicable statutes and the U.S. Constitution. No political motivations have ever influenced the decisions I have made. Most specifically, I have not received any direction from, nor have I otherwise been pressured by, the White House or anyone at the Department of Defense, to thwart the Committee's oversight responsibilities. I strongly believe mutual trust is the foundation for successful relations with your Committee and Congress as a whole.

Mr. Chairman, I hope this addresses your concerns about any political motivations on the part of the Agency. I recognize, however, that the Committee wishes to proceed with requests for information. As I am committed to resolving any differences and continuing our longstanding relationship, I would like to suggest that my staff and I meet with you at your convenience to discuss this further.

A handwritten signature in black ink, appearing to read "Paul M. Nakasone".

PAUL M. NAKASONE
General, U.S. Army
Director, NSA

~~SECRET//NOFORN~~

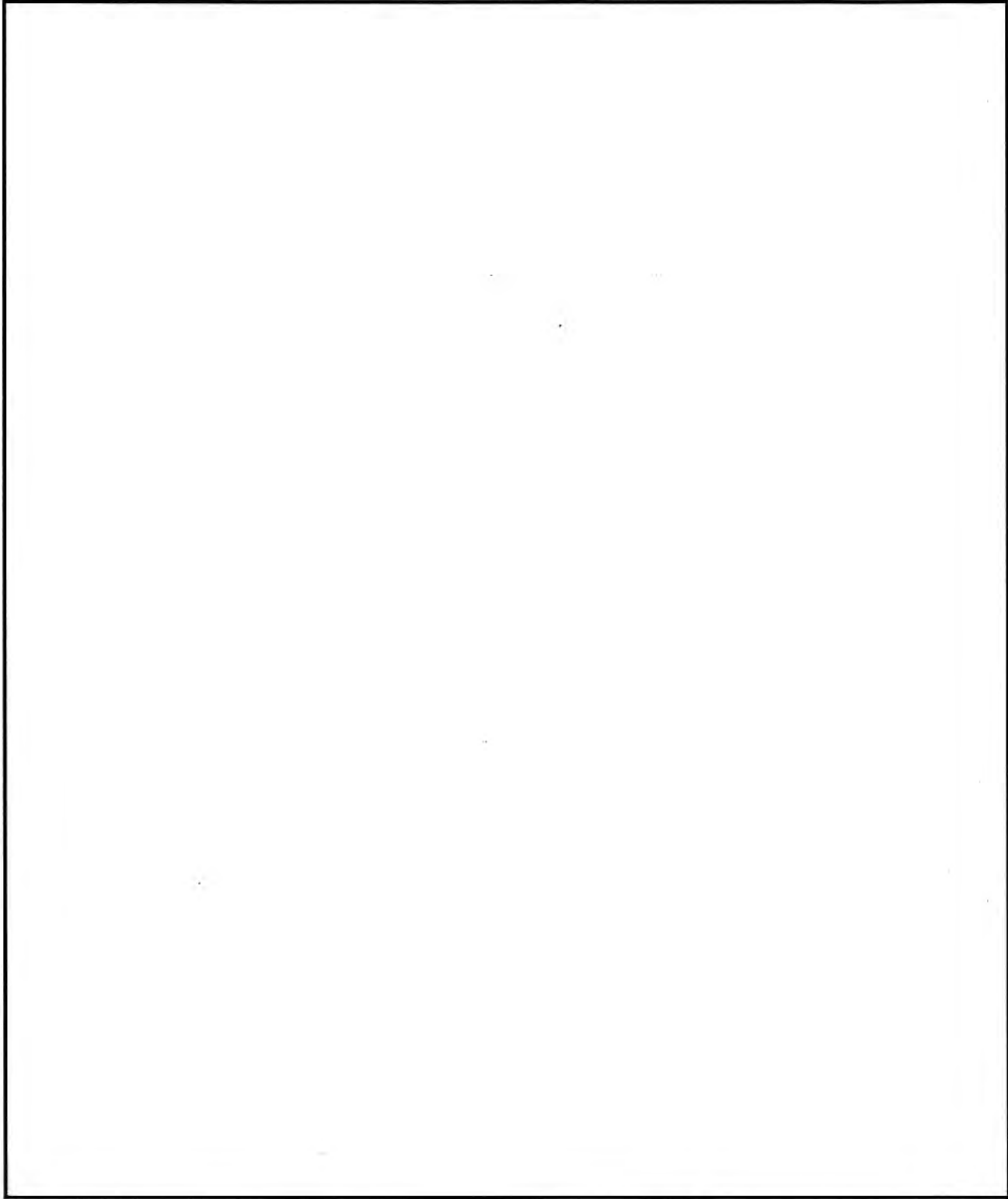
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(b) (3)-P.L. 86-36

INQUIRY

[Redacted]

HPSCI Chronology



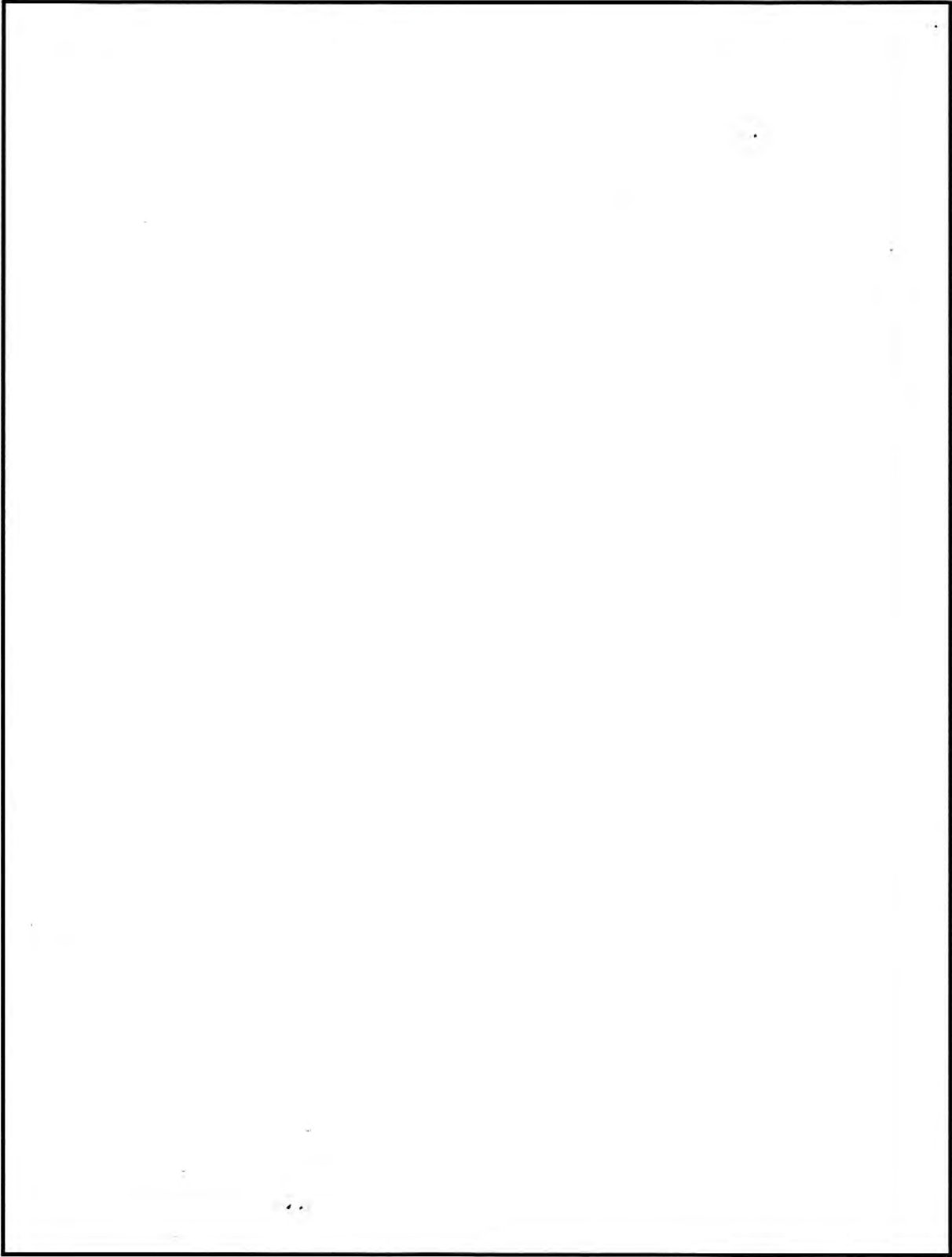
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(b) (3)-50 USC 3024(i)
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(b) (5)

NSA0236

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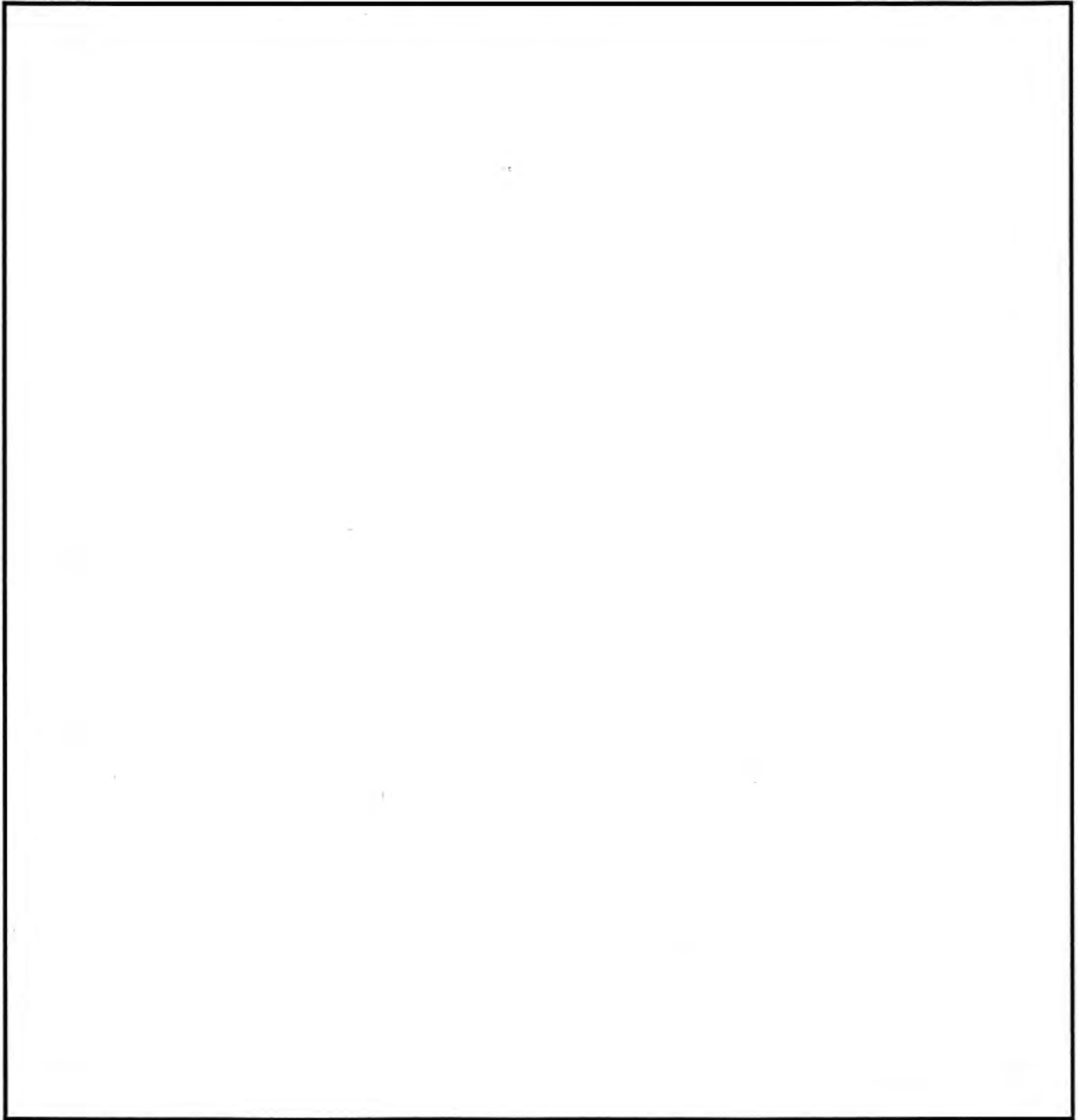


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~~SECRET//NOFORN~~

NSA0237

~~SECRET//NOFORN~~
~~UNCLASSIFIED//FOUO~~



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(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
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~~UNCLASSIFIED//FOUO~~

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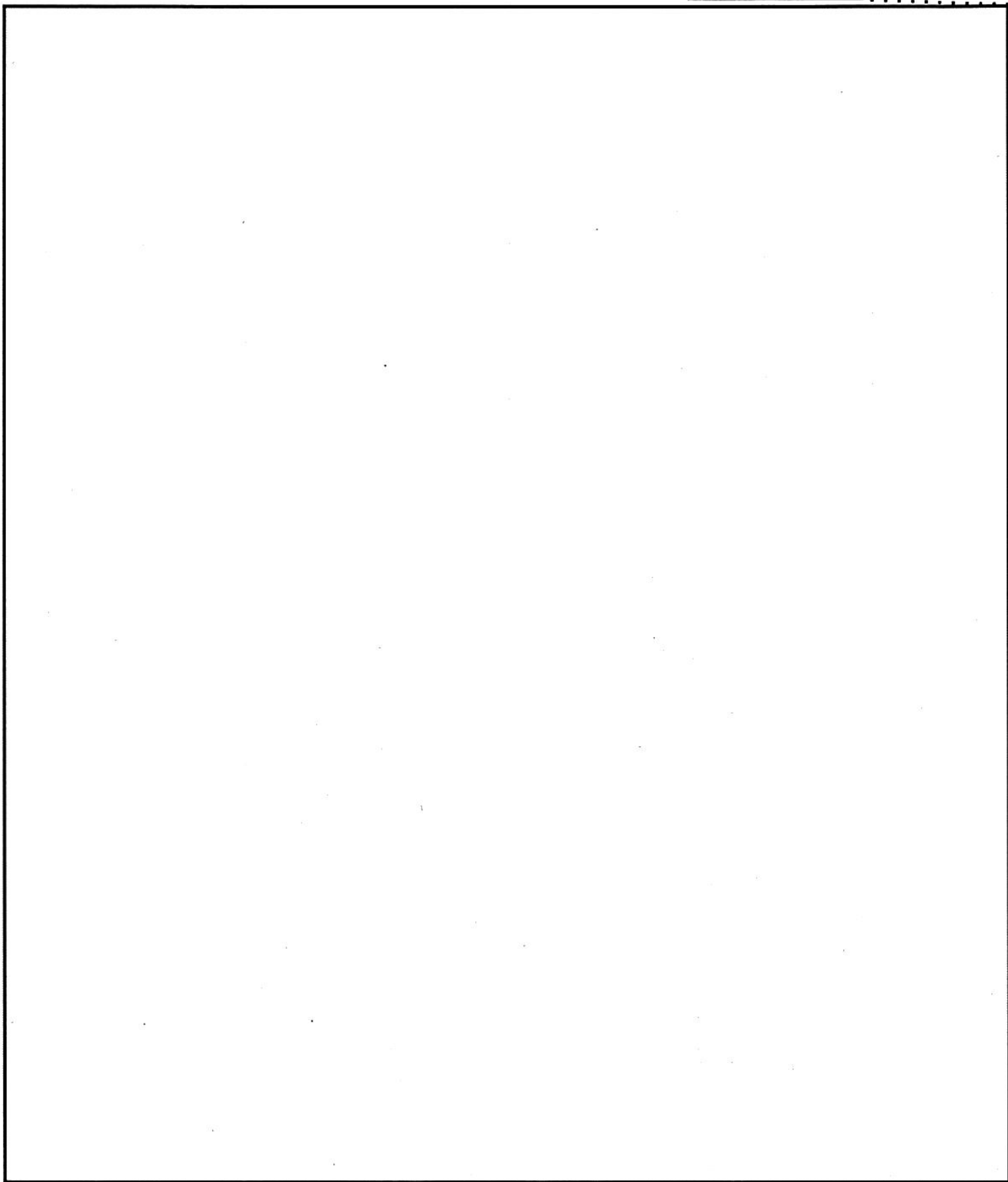
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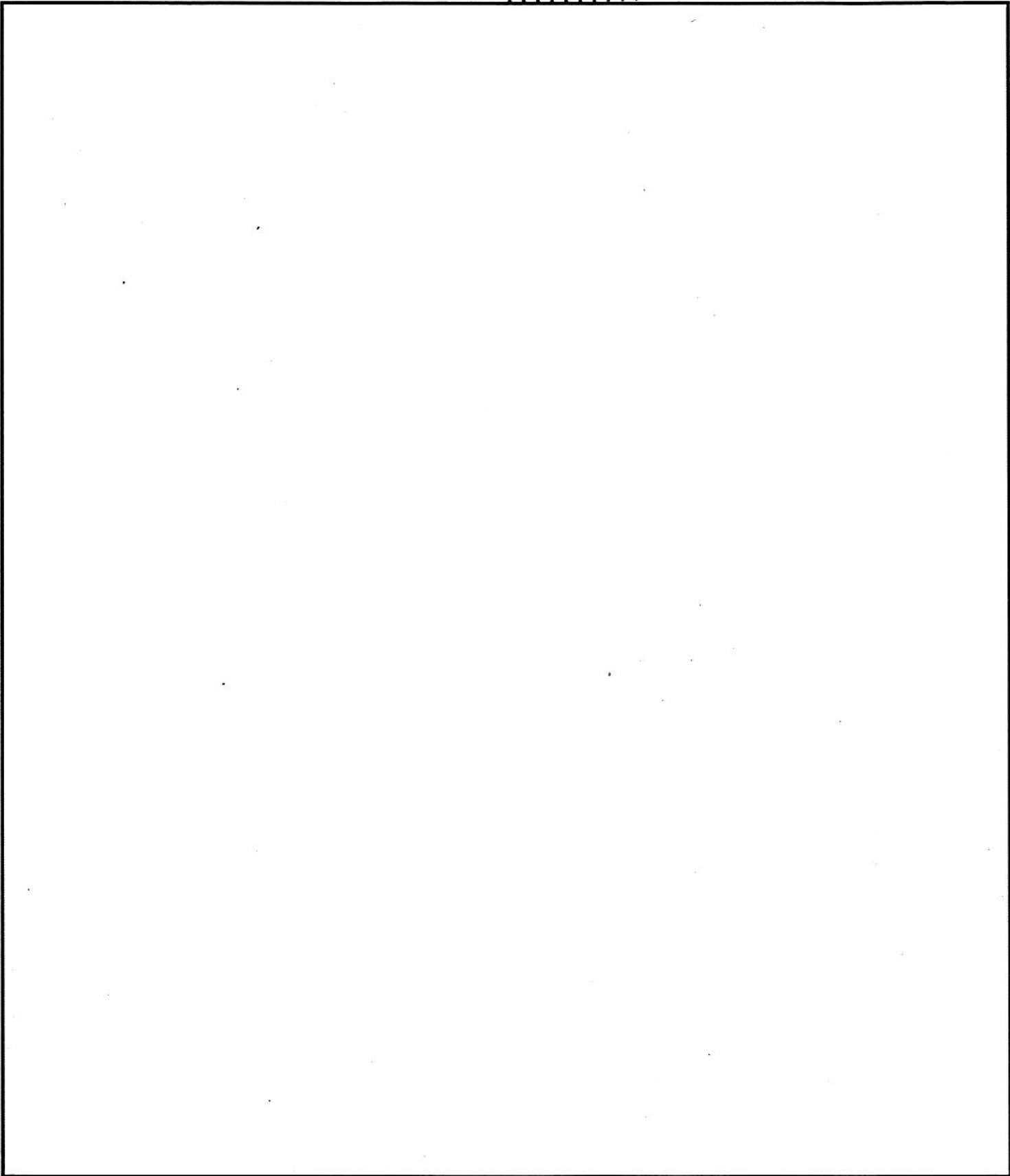
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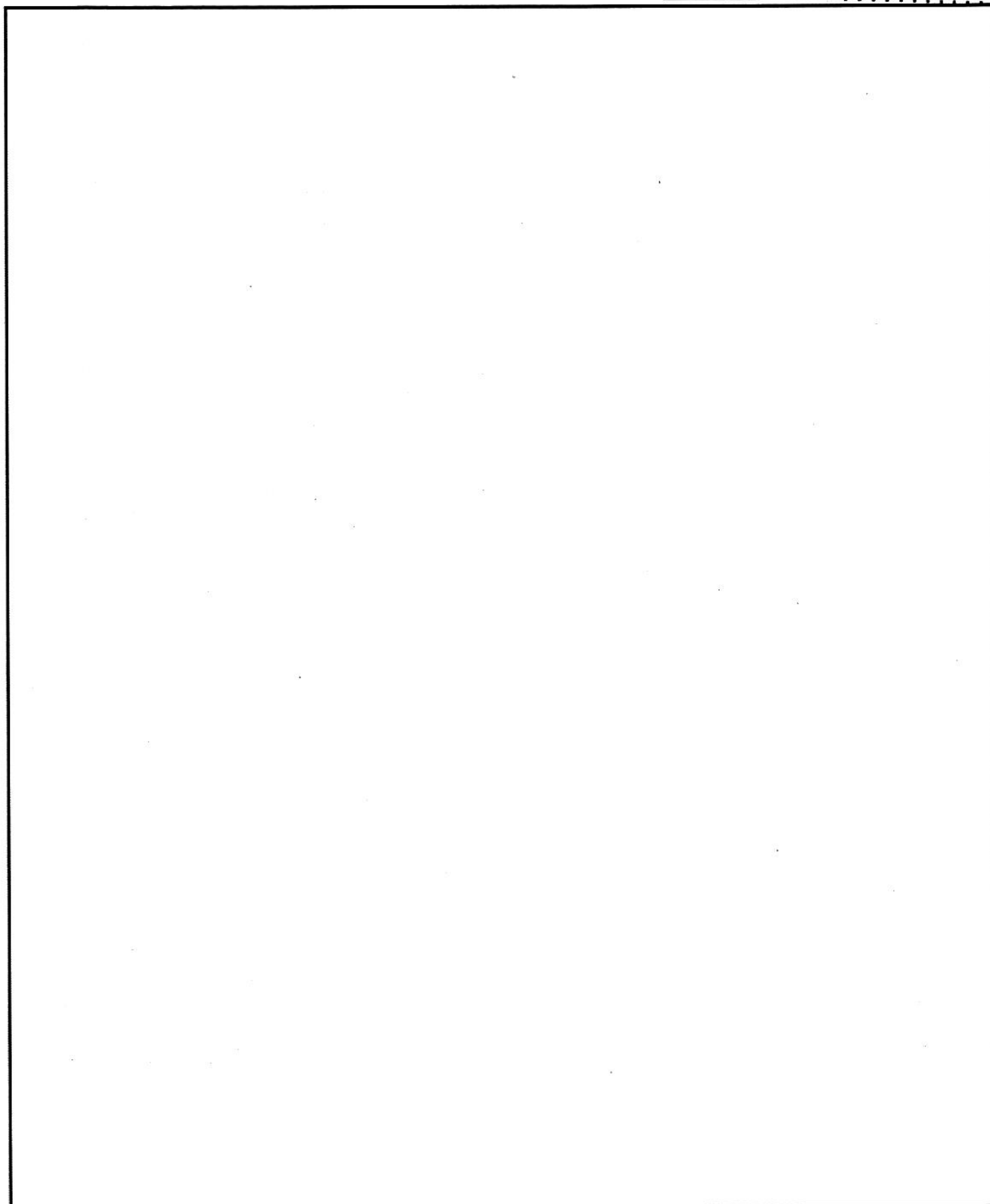
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(b) (3) - 50 USC 3024(i)
(b) (3) - P.L. 86-36



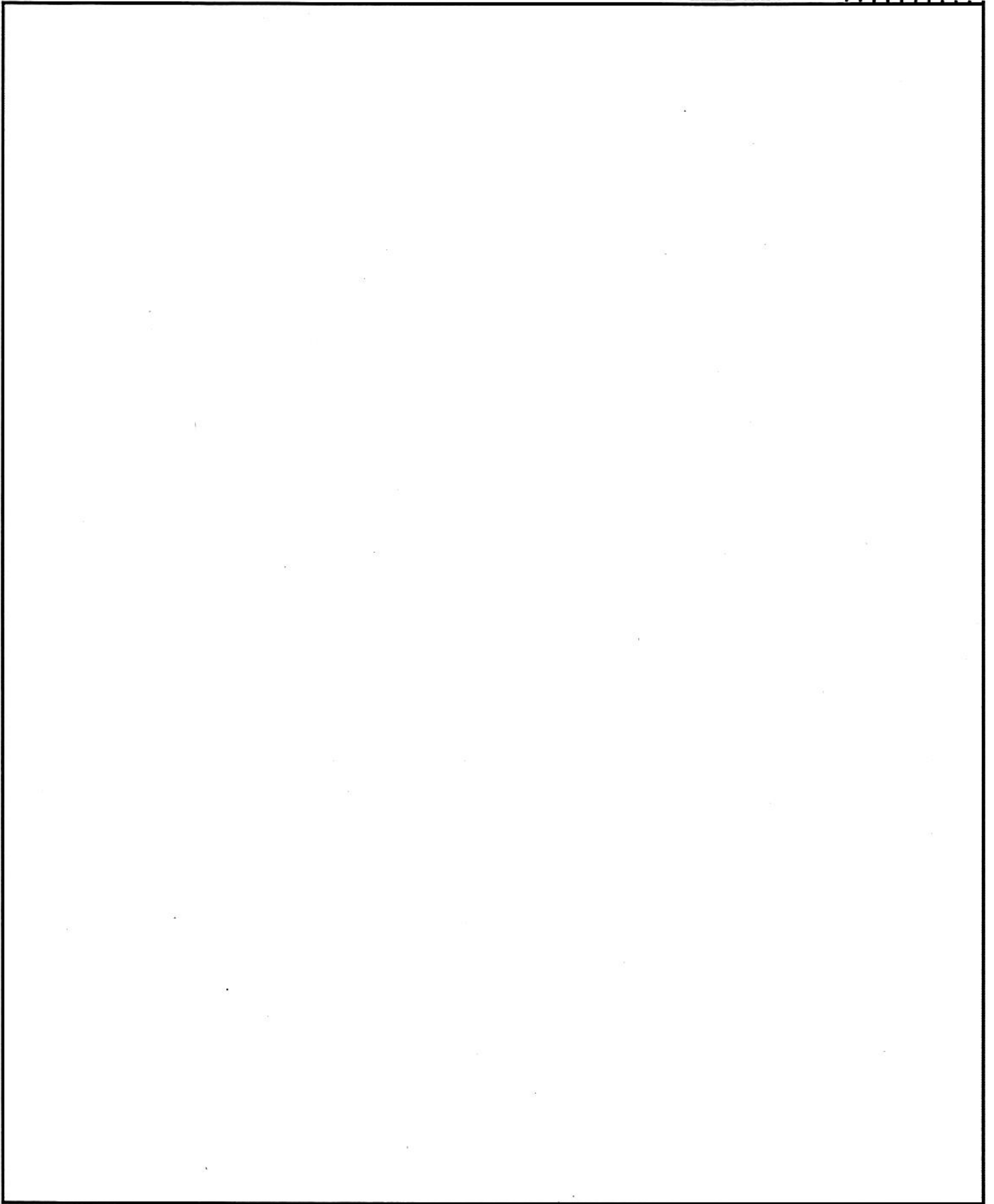
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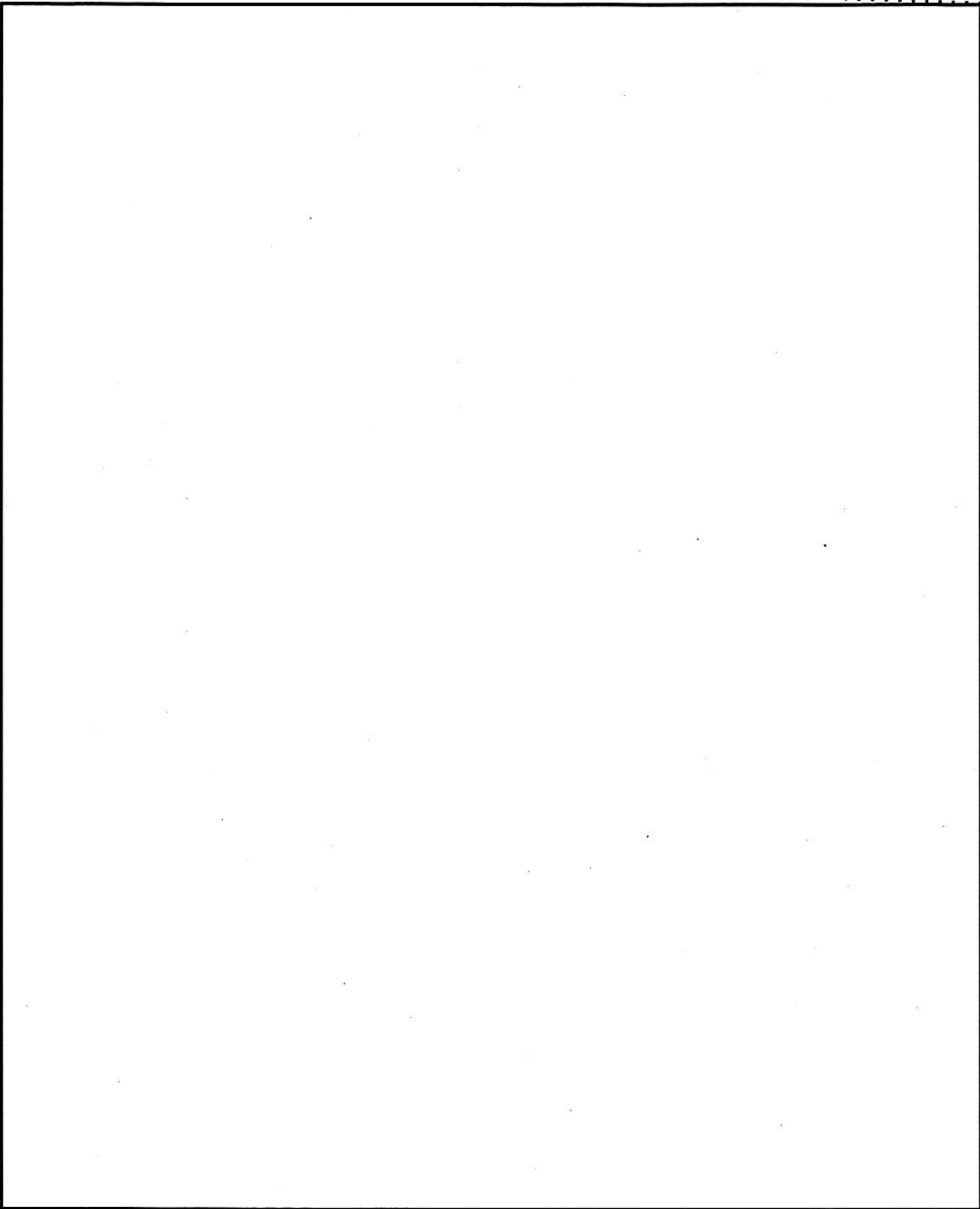
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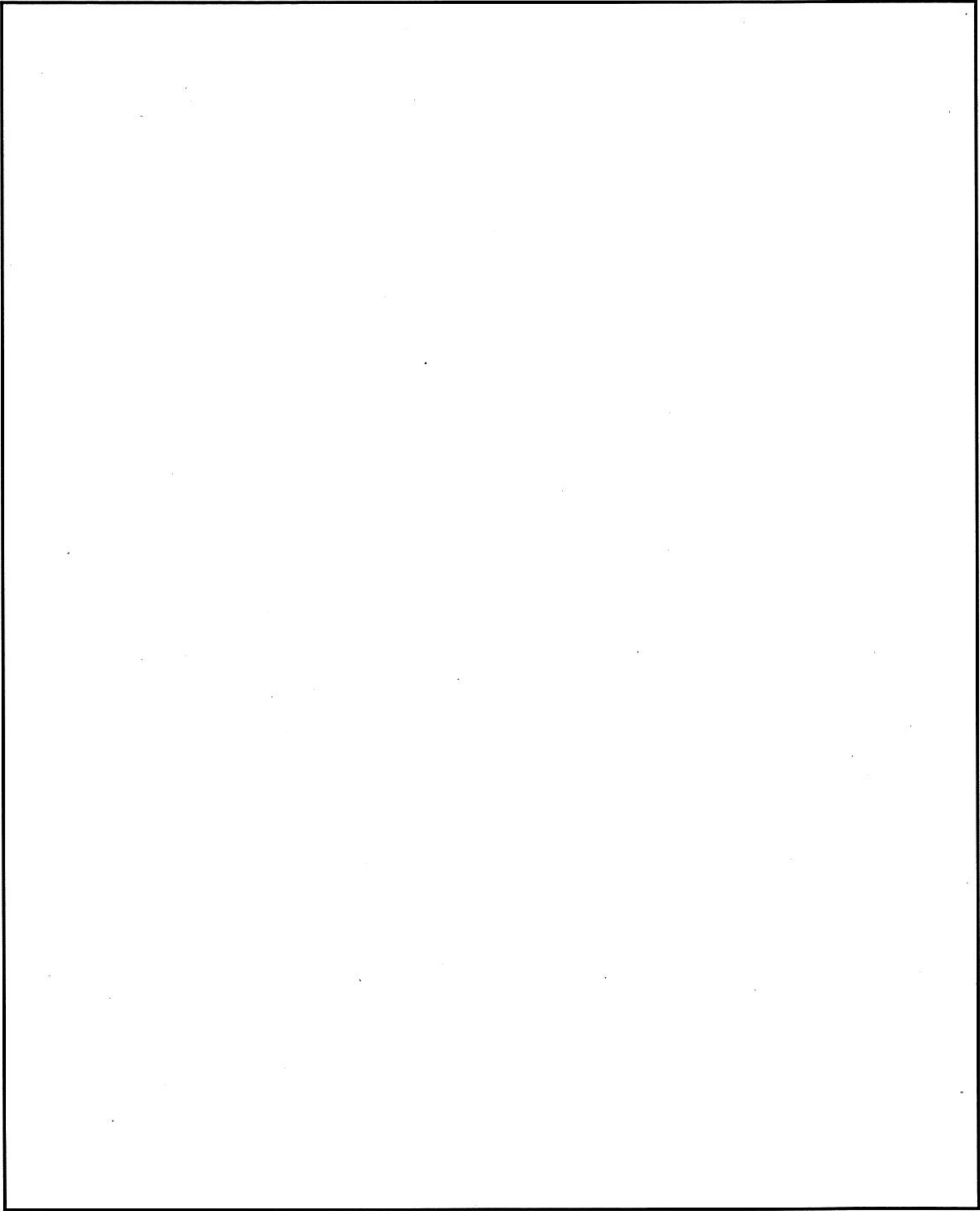
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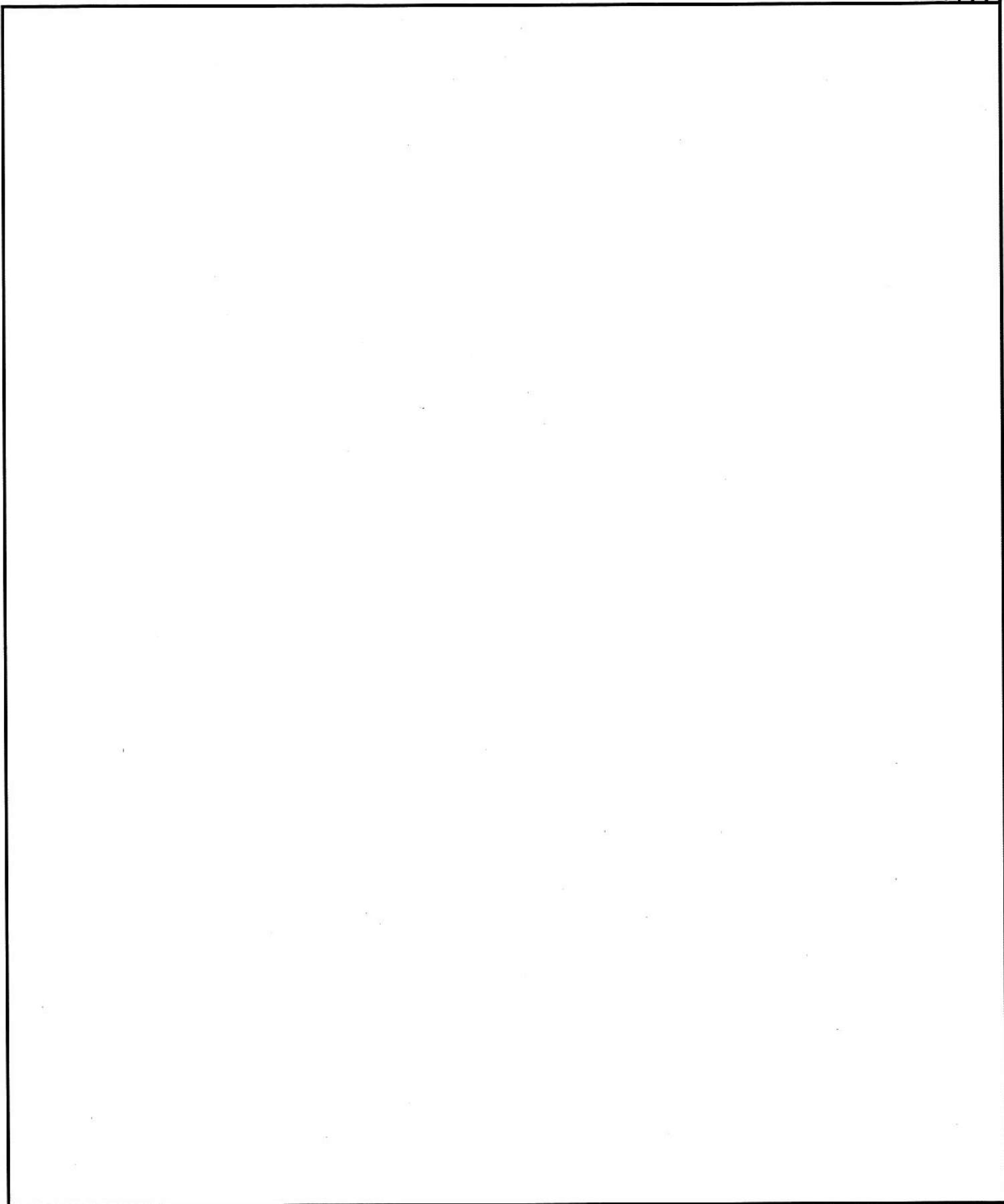
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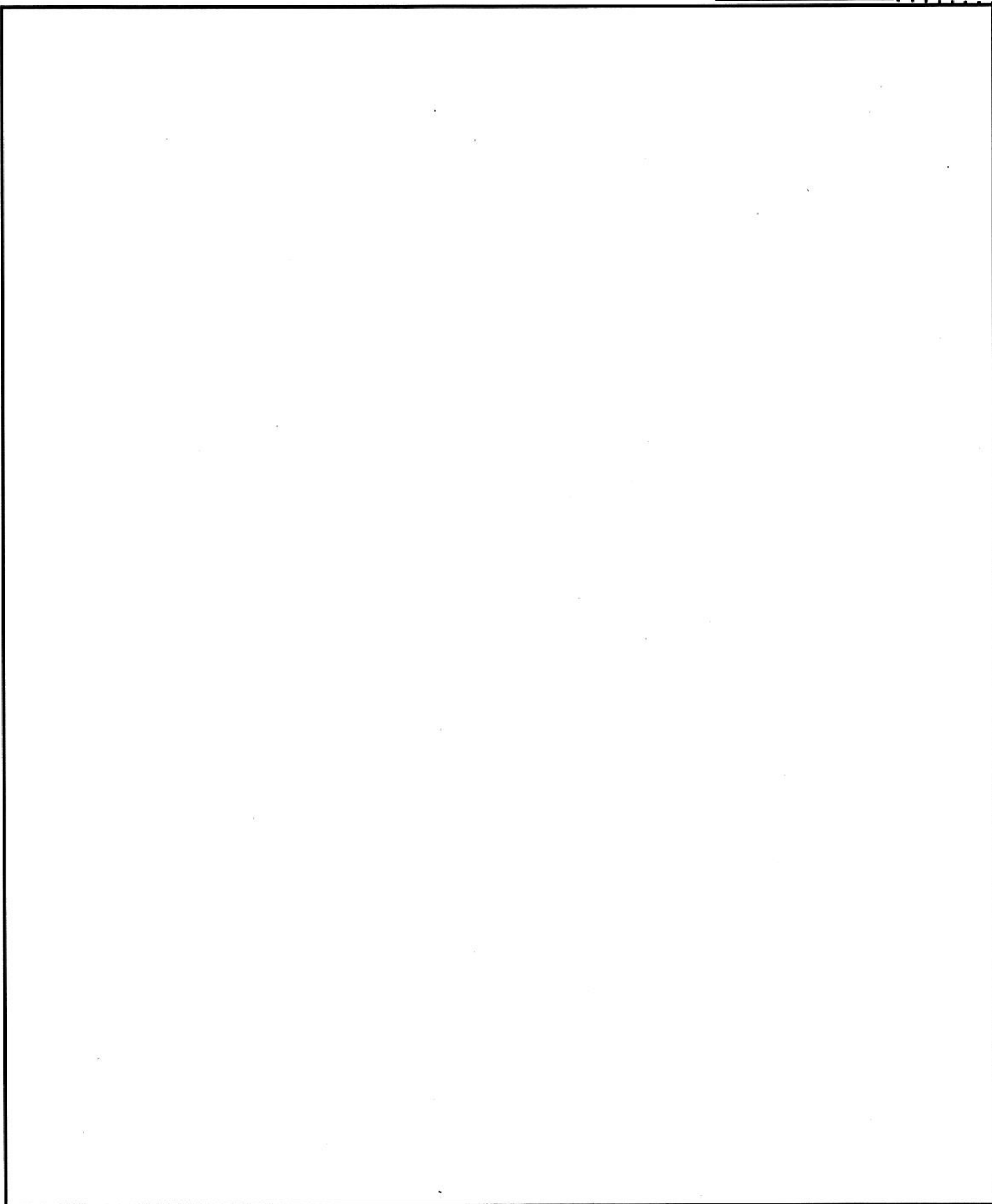
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(b) (3)-P.L. 86-36



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



To: [Redacted]
 Cc: Gerstell Glenn S NSA-D2 USA CIV [Redacted]
 From: [Redacted]
 Sent: 2019-12-23T18:20:46Z
 Subject: (U) HSPCI Chair Schiff letter, 19 Dec - response to 13 Dec letter
 Received: 2019-12-23T18:20:48Z
 HPSCI Schiff Letter to DIRNSA 19Dec19.pdf
 LAO Letter to HPSCI 13Dec19.pdf
 HPSCI Chair Response 23DEC2019.docx

(b) (6)
 OGA
 OSD/JS

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

[Redacted]
 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]

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

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

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

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

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

Approved for Release by NSA on 21 July 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:

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Sincerely,



Adam B. Schiff

Chairman

~~SECRET//SI//NOFORN~~



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

DEC 13 2019

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

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

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.

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[redacted]

(b) (6)

TRUMBULL D. SOULE
Director, Legislative Affairs

~~SECRET//SI//NOFORN~~

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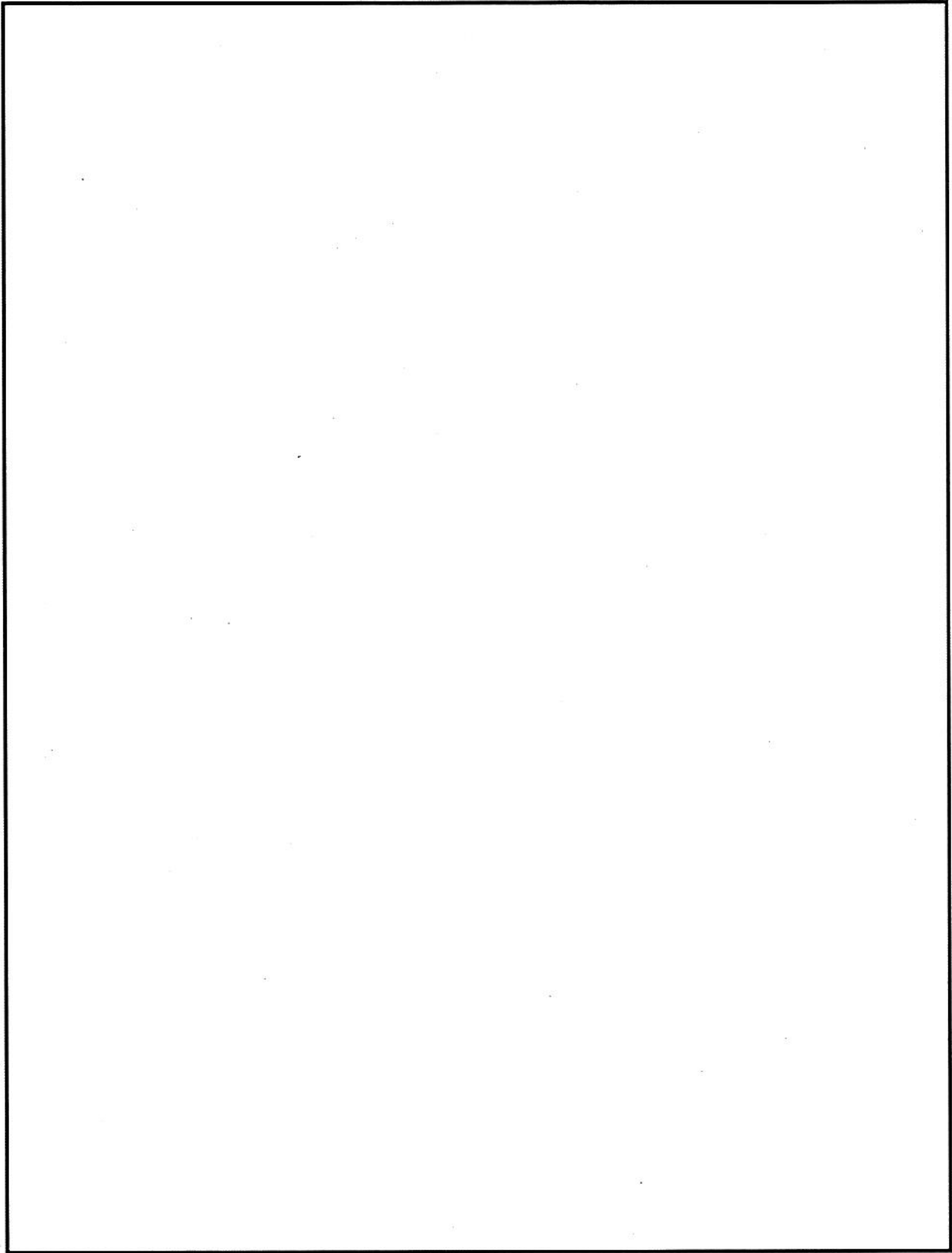
Copy furnished:

The Honorable Devin Nunes

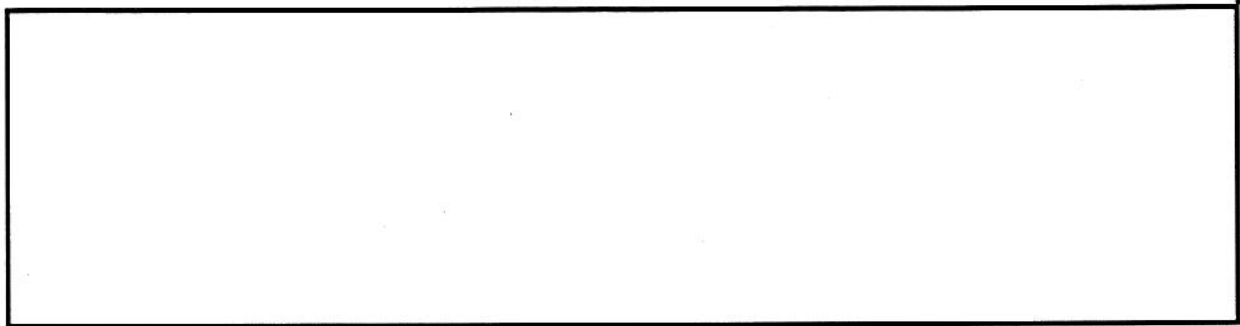
Ranking Member, House Permanent Select Committee on Intelligence

~~SECRET//SI//NOFORN~~

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



(b) (5)



Morris Paul F NSA D2 USA GOV

Record #2

Non - Responsive

From: [Redacted]
 Sent: Monday, December 23, 2019 4:00 PM
 To: Morris Paul F NSA-D2 USA CIV
 Subject: FW: (U) Semi-Final Version for Coordination with DNI/OSD legal & LSLA
 Attachments: HPSCI Chair Response 23DEC2019 Semi-Final.docx; HPSCI_Schiff Letter to DIRNSA_19Dec19.pdf; LAO Letter to HPSCI_13Dec19.pdf; RE: (U) HSPCI Chair Schiff letter, 19 Dec - response to 13 Dec letter; [Redacted]

Importance: High

Non - Responsive

Record #3

Classification: TOP SECRET [Redacted]

Paul

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

(b) (5)

Three items to put on your radar.

OSD/JS

1. Chmn Schiff sent us a letter for which he demanded a response by 26 December. We drafted the attached. I forwarded to [Redacted] and Klitenik. [Redacted]

(b) (6)
OGA

2. [Redacted]

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

3. [Redacted]

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

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

From: [Redacted]
 Sent: Monday, December 23, 2019 3:00 PM
 To: Soule Trumbull D NSA-P3 USA CIV [Redacted]
 Cc: Barnes George C NSA-D USA CIV [Redacted] Noble Wendy NSA-D USA CIV [Redacted]

Subject: (U) Semi-Final Version for Coordination with DNI/OSD legal & LSLA

Importance: High

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

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

From and [redacted]

AFTER you provide feedback from DNI and OSD sides of the house based on your informal coordination, boss will send this ~1630 to DNI and USDI today.

Tomorrow, he will send it to SECDEF via his CoS, as well as CJCS.

26th he will send it to HPSCI Chair.

V/R [redacted]

(U//~~FOUO~~)

[redacted]
Executive Assistant to GEN Paul M. Nakasone, USA.
CDR USCYBERCOM | DIRNSA | CHCSS

[redacted]

(U//~~FOUO~~)

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

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

Classification: ~~TOP SECRET~~ [redacted]

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

ADAM B. SCHIFF, CALIFORNIA
CHAIRMAN
Telephone: 202-225-3841
1200 325-7500
www.intelligence.house.gov



ONE HUNDRED SIXTEENTH CONGRESS
DEVIN NUNES, CALIFORNIA
RANKING MEMBER
Allen S. Silva, Majority Staff Director

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

December 19, 2019

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

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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.

~~SECRET//SI//NOFORN~~

~~SECRET//SI//NOFORN~~

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.¹

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.

¹ 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.

~~SECRET//SI//NOFORN~~

~~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

DEC 13 2019

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

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

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]

(b) (6)

TRUMBULL D. SOULE
Director, Legislative Affairs

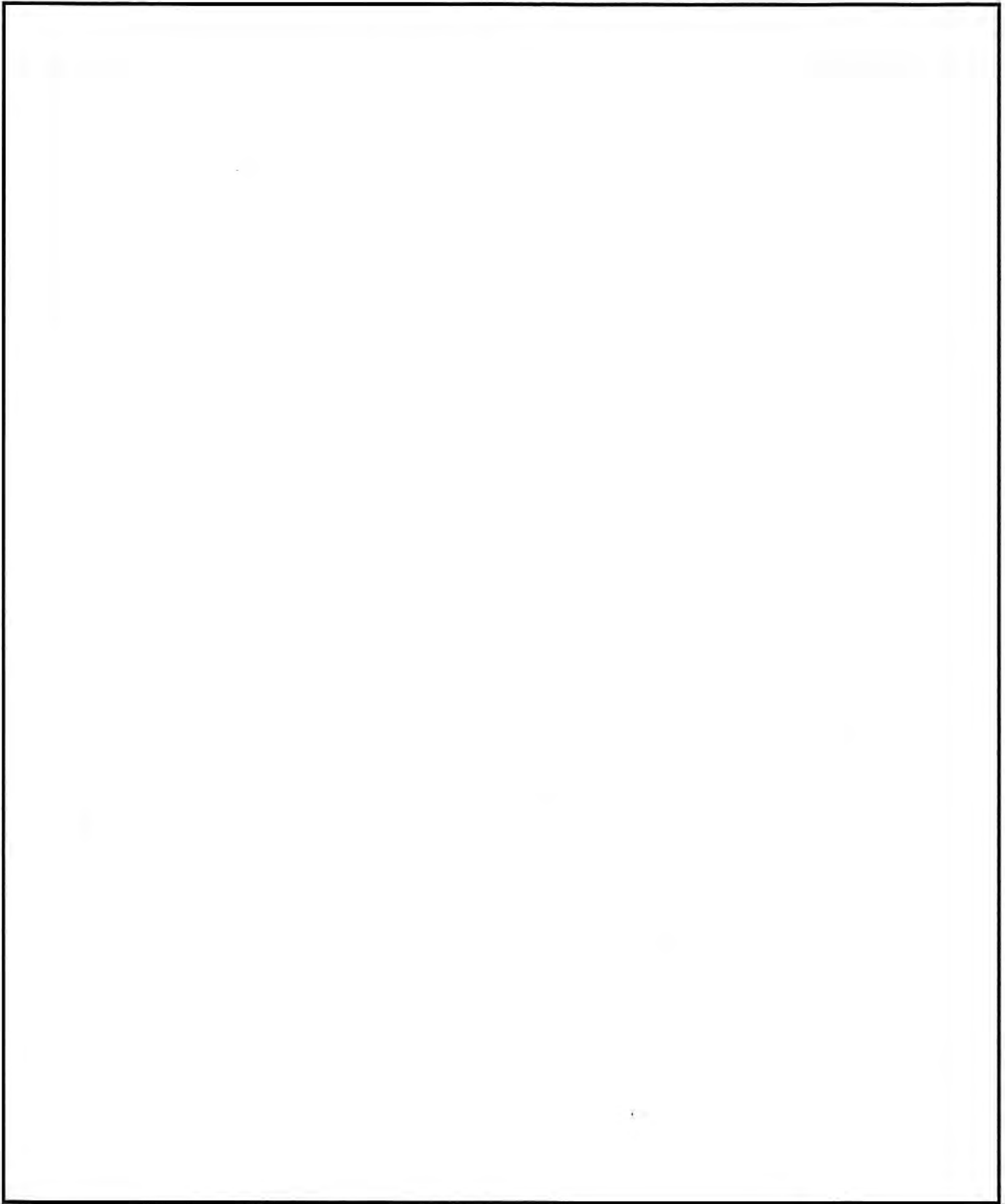
~~SECRET//SI//NOFORN~~

~~SECRET//SI//NOFORN~~

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

~~SECRET//SI//NOFORN~~

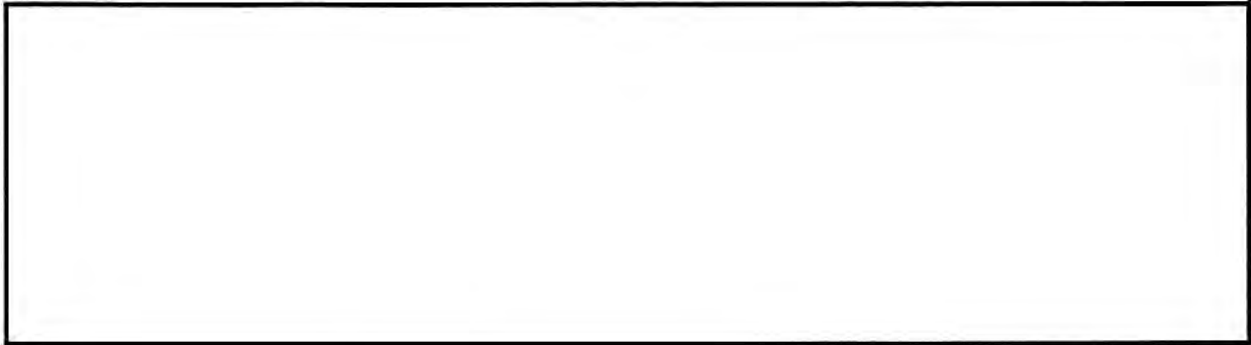
~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36
(b) (5) NSA0265

(b) (5)



Morris Paul F NSA D2 USA GOV

From: [redacted]
Sent: Monday, December 23, 2019 2:08 PM
To: [redacted]
Cc: Gerstell Glenn S NSA-D2 USA CIV
Subject: RE: (U) HSPCI Chair Schiff letter, 19 Dec - response to 13 Dec letter

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

Classified By: [redacted]
Derived From: NSACSSM 1-52
Declassify On: 25X1, 20691231
=====

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

Thanks [redacted]

Dave Kozik, [redacted] are reviewing the letter now.

(b) (6)
OGA
OSD/JS

From: [redacted]
Sent: Monday, December 23, 2019 1:21 PM
To: [redacted]
Cc: Gerstell Glenn S NSA-D2 USA CIV [redacted]
Subject: (U) HSPCI Chair Schiff letter, 19 Dec - response to 13 Dec letter

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

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

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

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

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

Classified By: [redacted]

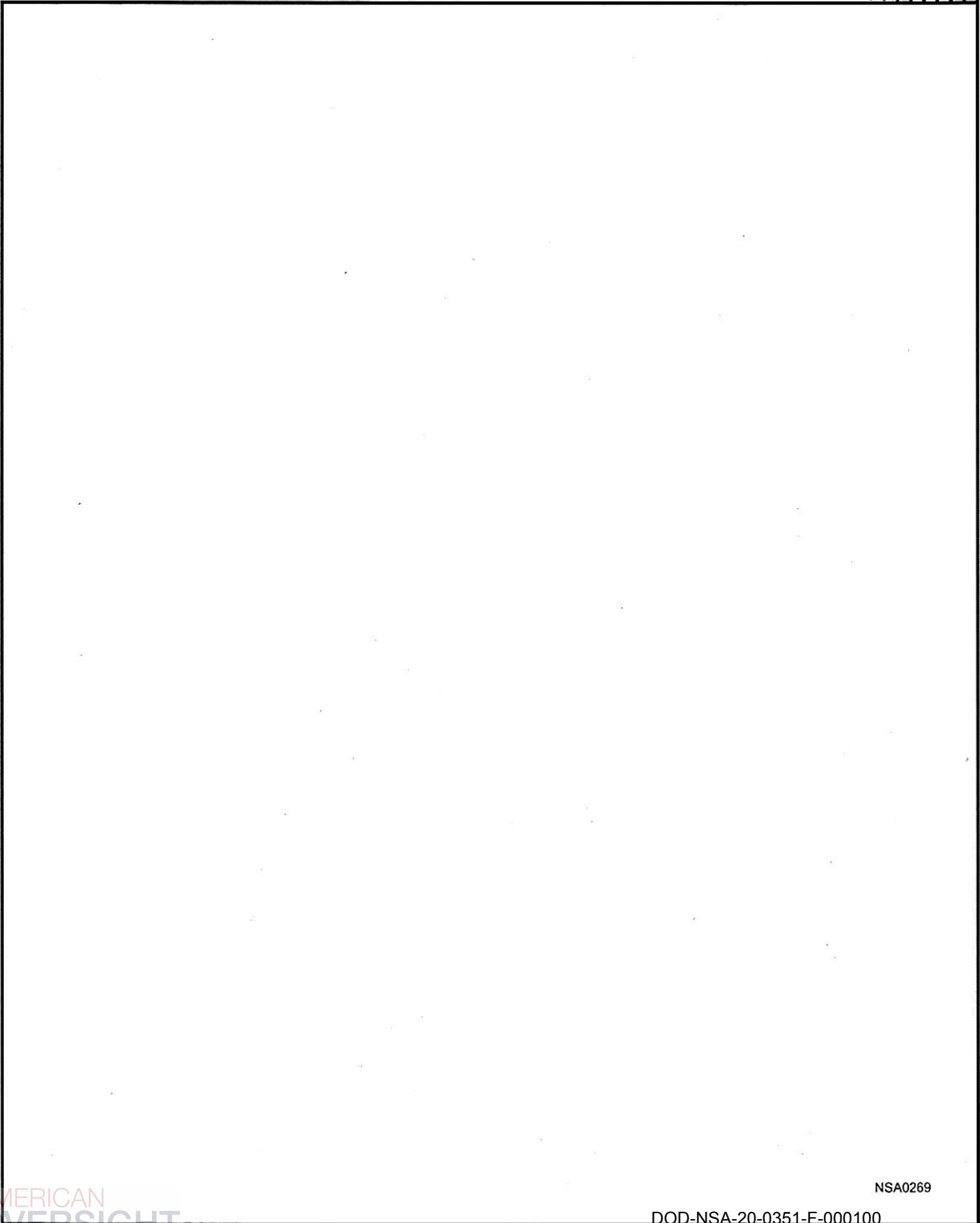
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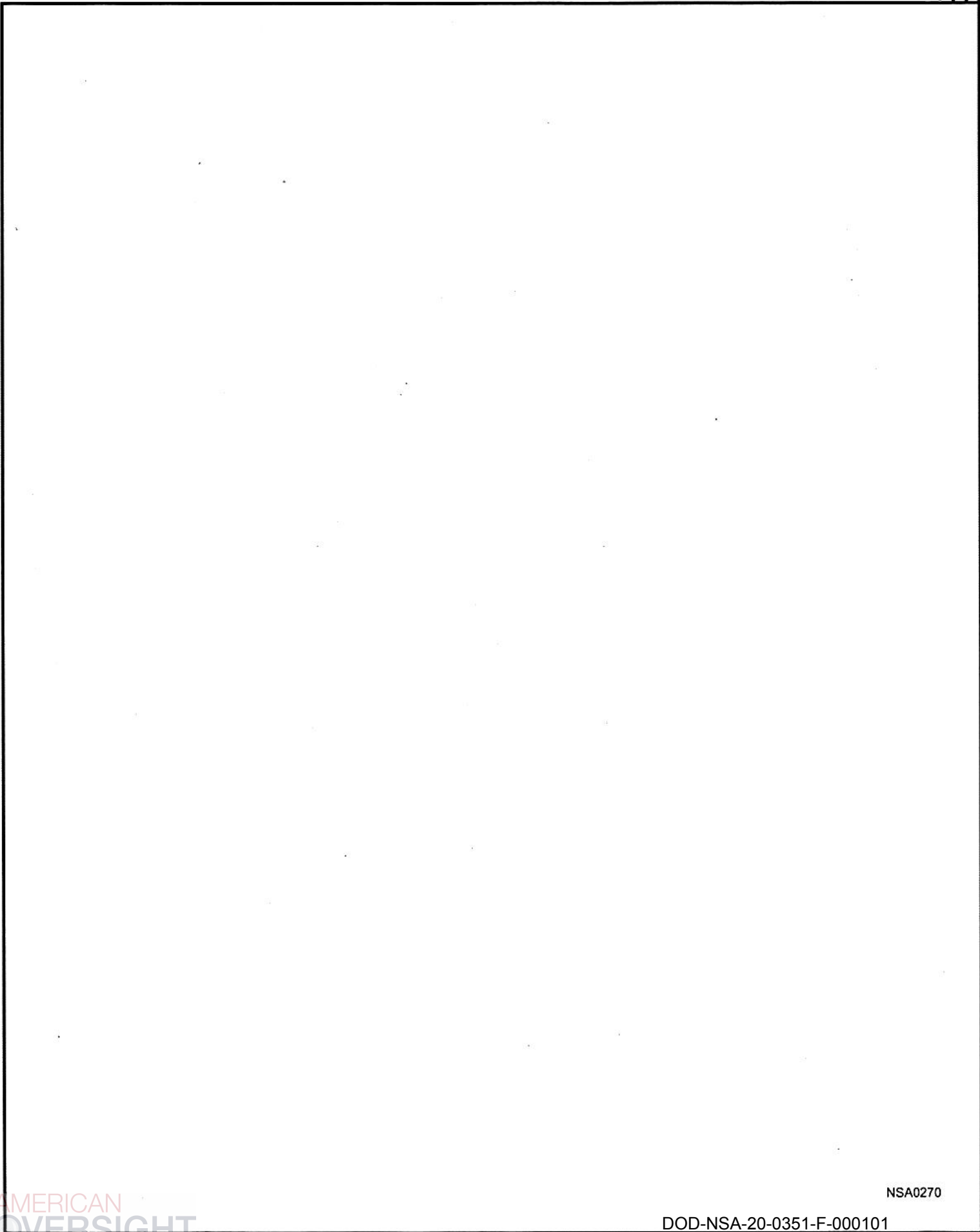
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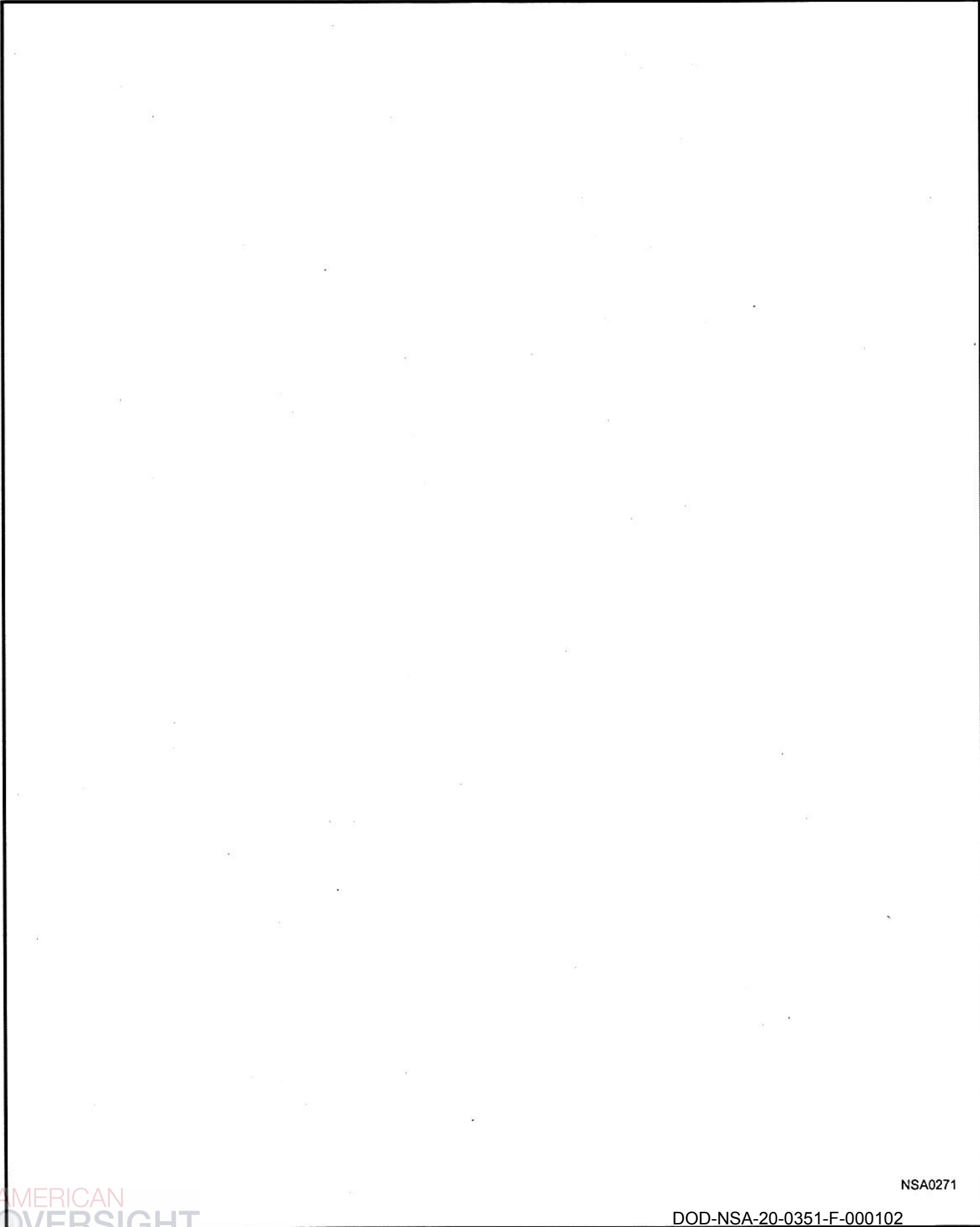
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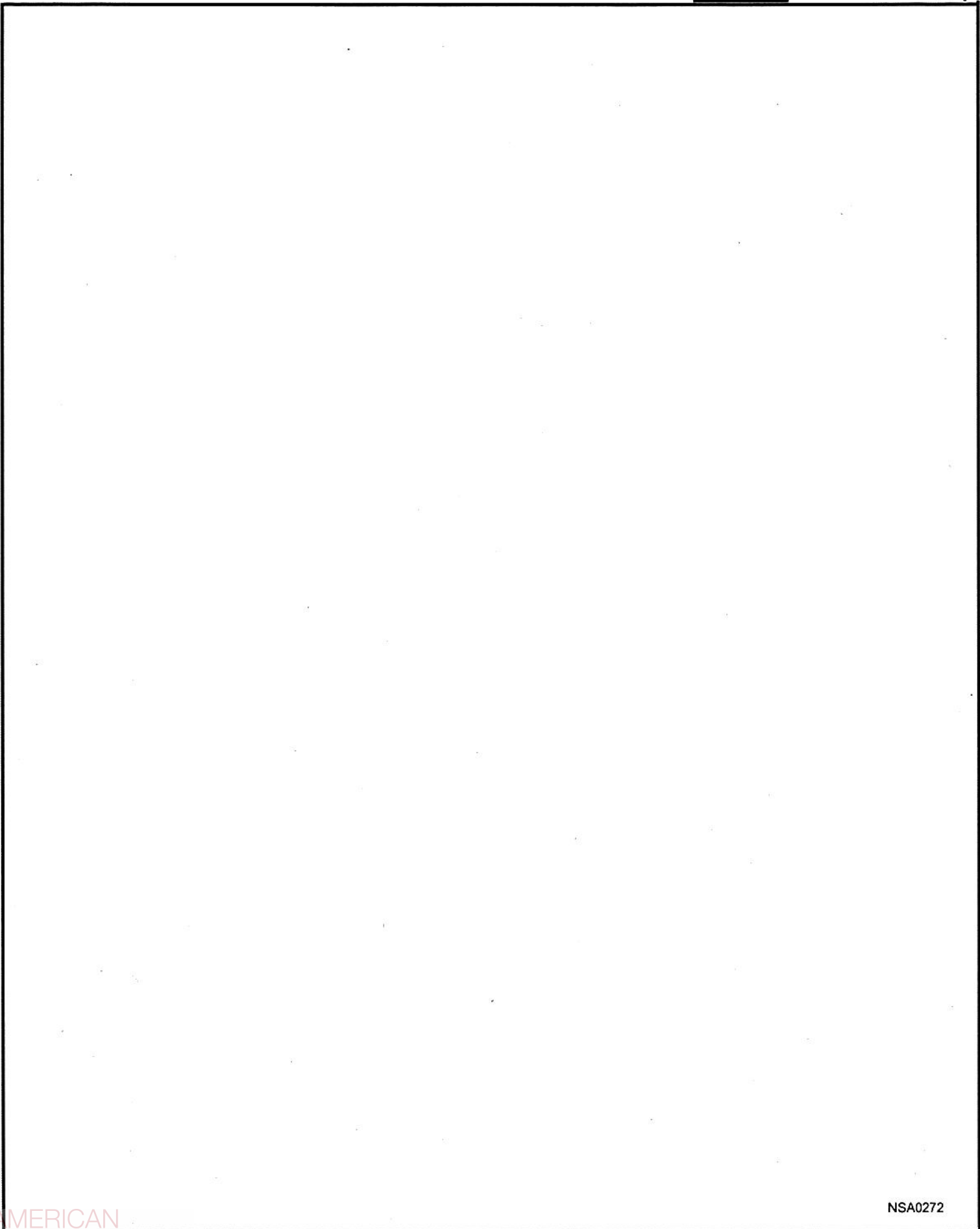
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Classification: ~~SECRET//SI//NOFORN~~

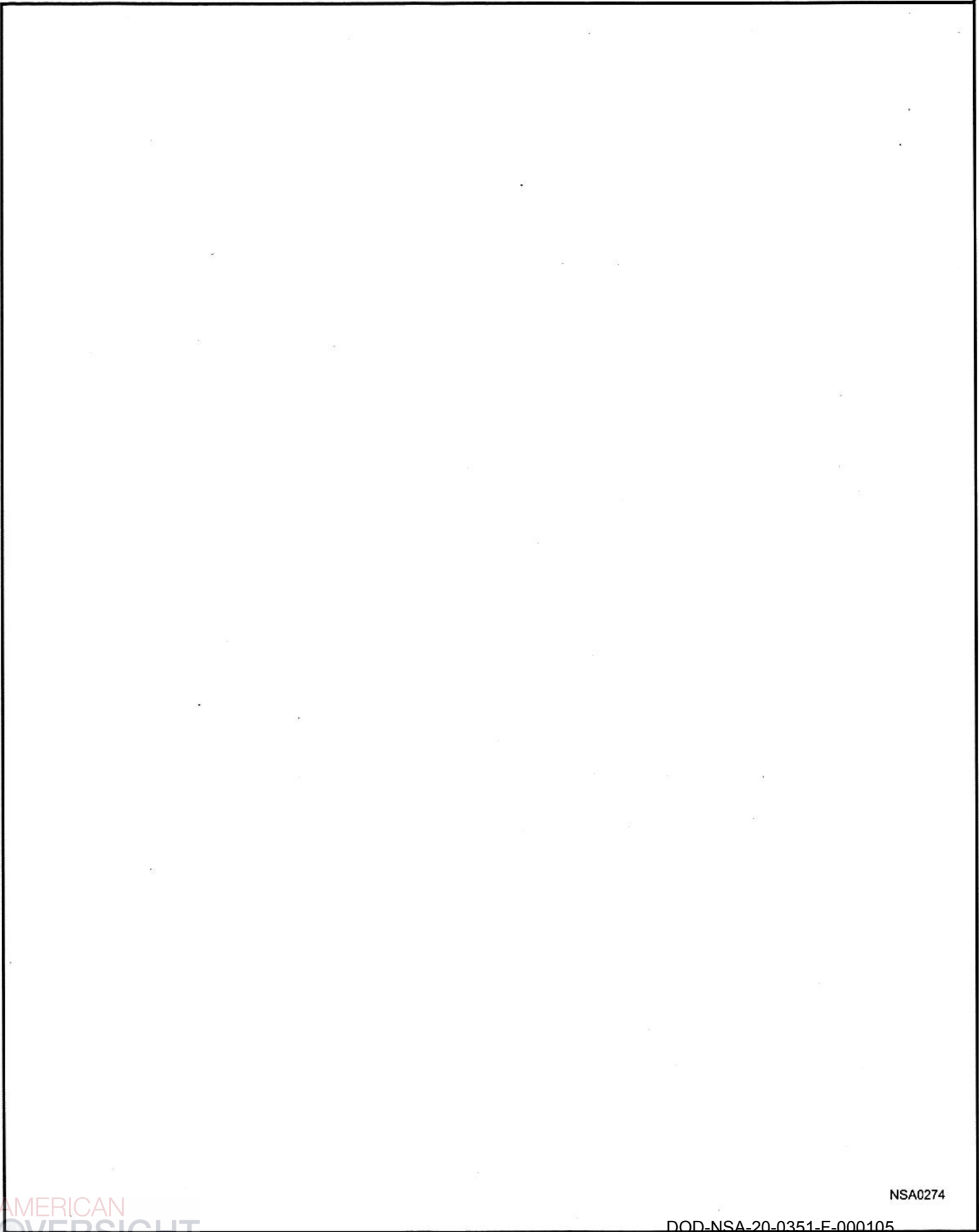








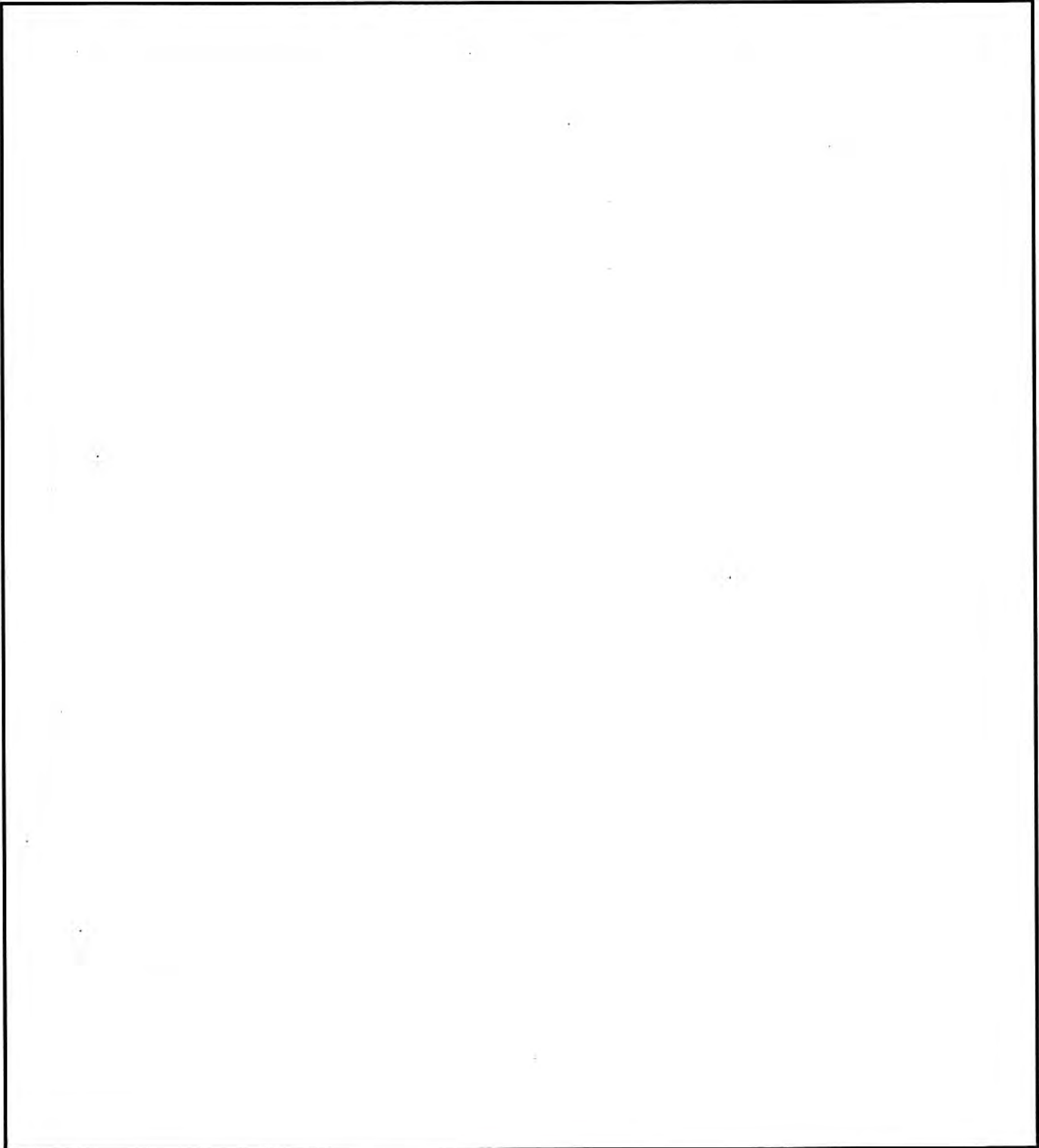




(b) (1)
(b) (3)-18 USC 798
(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

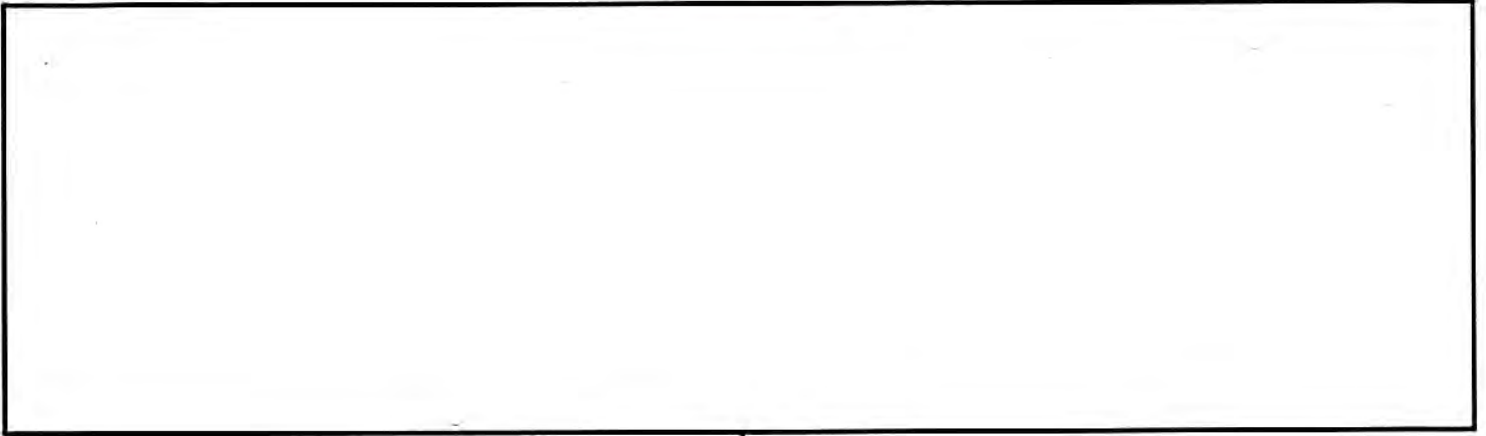
~~SECRET//NOFORN~~

TIMELINE FOR NSA ENGAGEMENTS WITH HPSCI



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~



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

~~SECRET//NOFORN~~

To: [redacted]
From: [redacted]
Sent: 2019-11-06T21:34:45Z
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena
Received: 2019-11-06T21:34:46Z

Classification: ~~TOP SECRET~~ [redacted]

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

Sorry to hear that.

v/r

[redacted]

From: [redacted]
Sent: Wednesday, November 6, 2019 4:24 PM
To: [redacted]
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

Classification: ~~TOP SECRET~~ [redacted]

Unfortunately, not. [redacted] Thanks for your help, I will touch base again on Tuesday.

(b) (6)

(U//FOUO)

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

[redacted]

From: [redacted]
Sent: Wednesday, November 6, 2019 4:21 PM
To: [redacted]
Cc: [redacted]
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

Classification: ~~TOP SECRET~~ [redacted]

That works. Are you going to ABA conference?

v/r

[redacted]

Associate General Counsel
Litigation, D28
Office of the General Counsel

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

[Redacted]

~~ATTORNEY CONFIDENTIALITY NOTICE. The information contained in this email and any accompanying attachments constitutes attorney work product and/or client advice, which are legally privileged.~~

From: [Redacted]
Sent: Wednesday, November 6, 2019 3:48 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

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

Classification: ~~TOP SECRET~~ [Redacted]

Hi [Redacted]

I do not know how to [Redacted] but I can ask around the FO to see if anyone can assist. I am out of the office tomorrow and Friday but will get back to you on Tuesday, if that is okay?

Thank you,
[Redacted]

(U//FOUO)
[Redacted]
Office Manager
Office of the General Counsel (D2)

[Redacted]

From: [Redacted]
Sent: Wednesday, November 6, 2019 2:30 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

Classification: ~~TOP SECRET~~ [Redacted]

[Redacted]

Thanks for forwarding. [Redacted]
[Redacted]

v/r

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

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

[Redacted]

Associate General Counsel
Litigation, D28
Office of the General Counsel

[Redacted]

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

From: [Redacted]

Sent: Monday, November 4, 2019 11:38 AM

To: [Redacted]

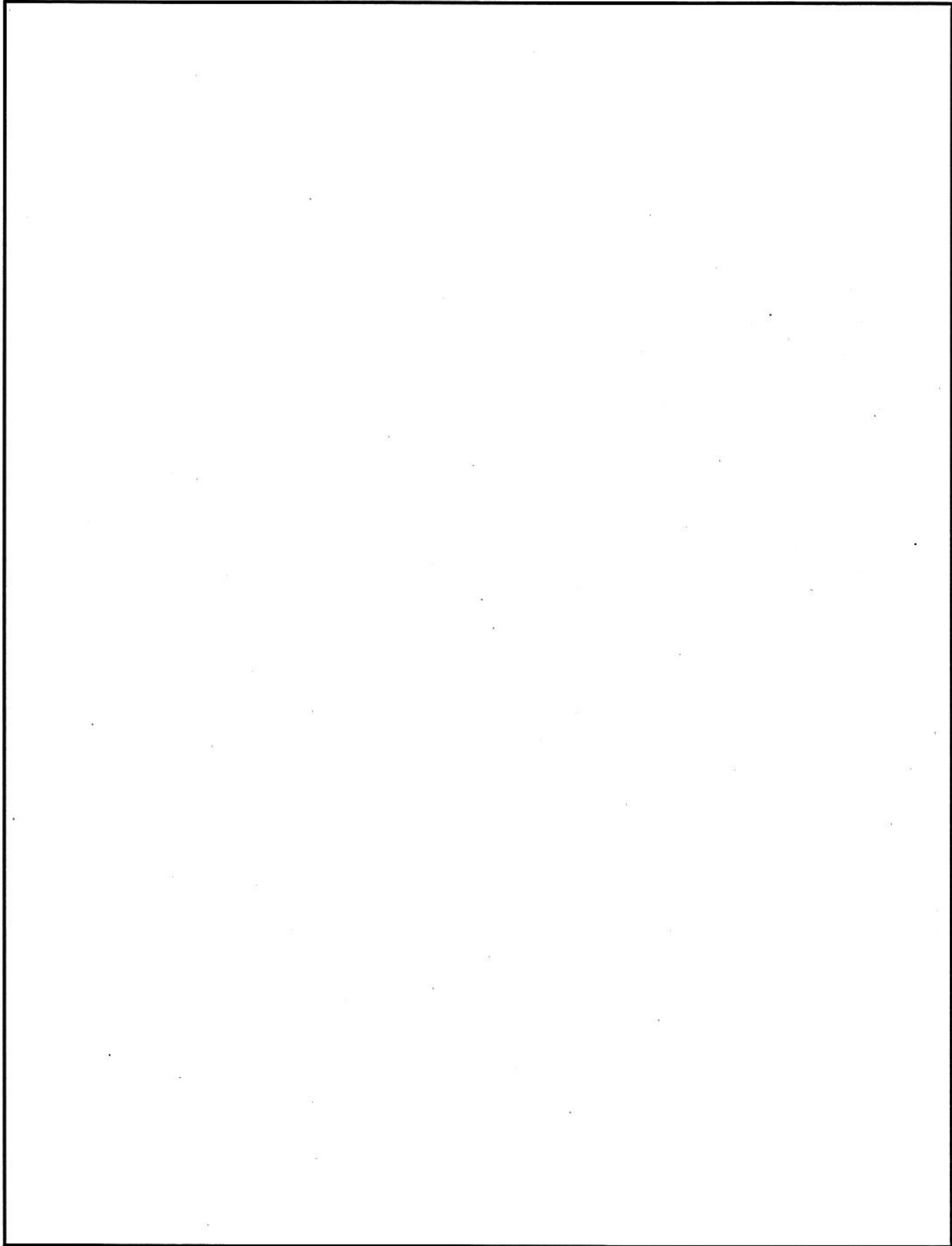
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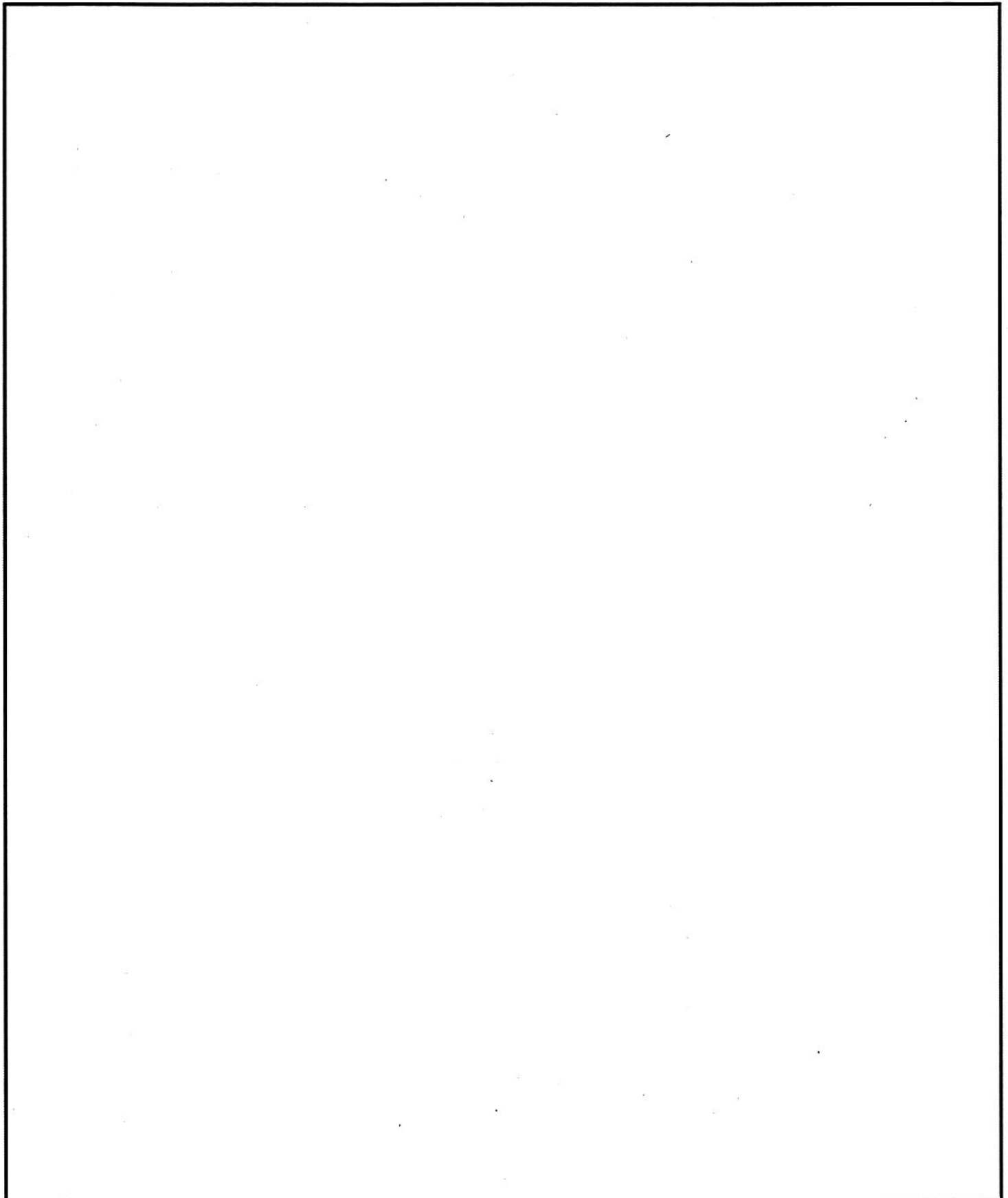
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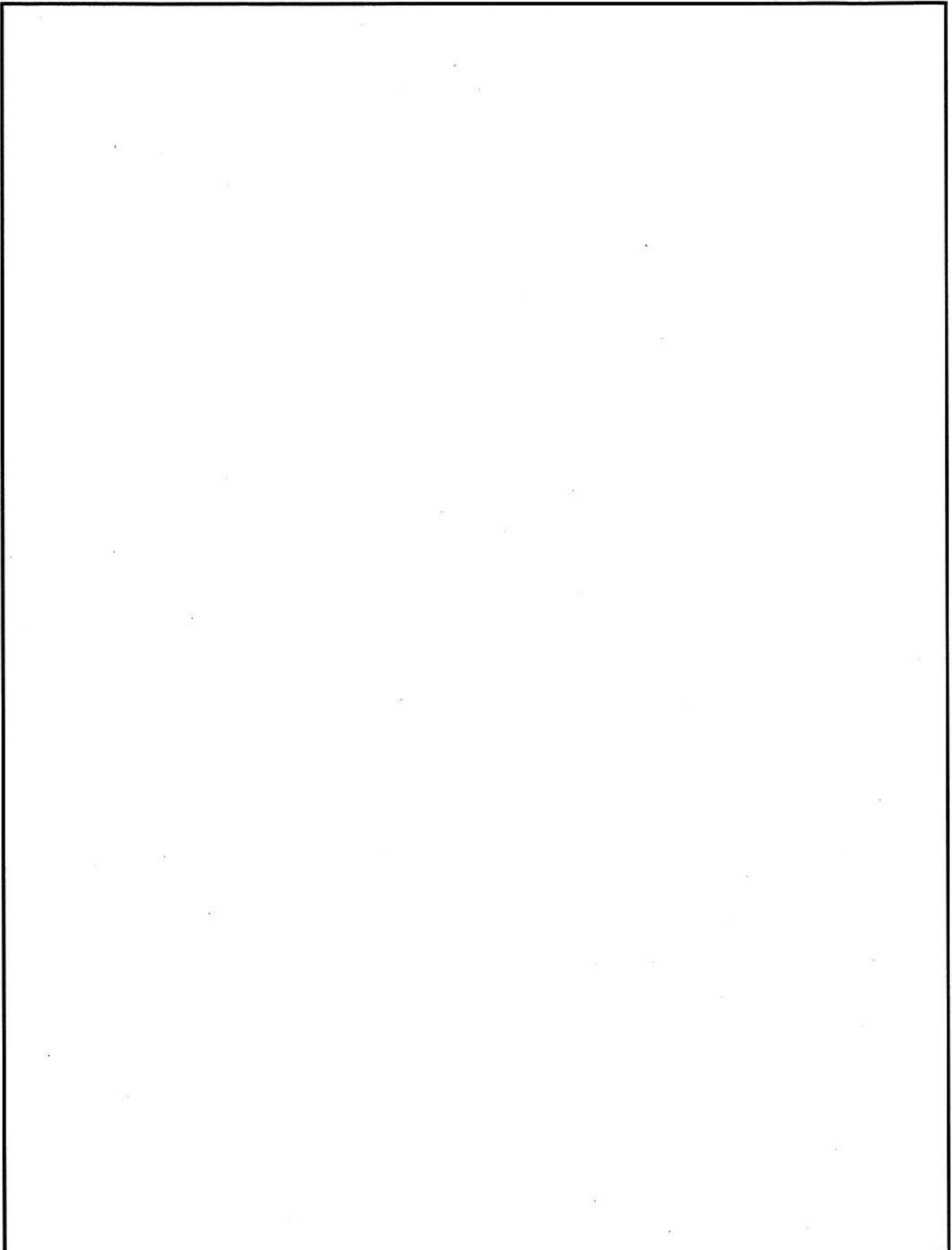
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

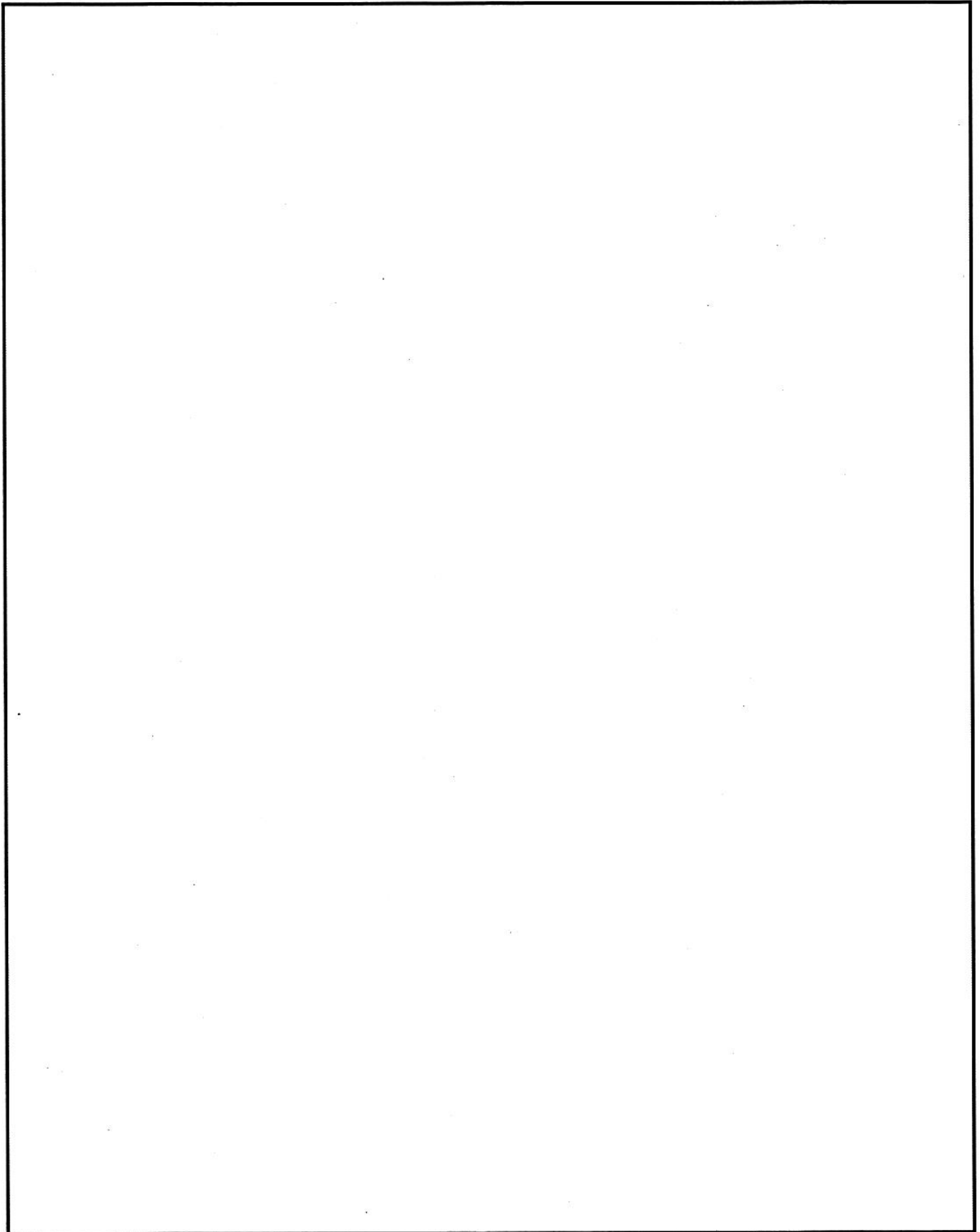
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Derived From: NSA/CSSM 1-52
Dated: 20180110
Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [redacted]

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20180110
Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [redacted]

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20180110
Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [redacted]

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20180110
Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [redacted]

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

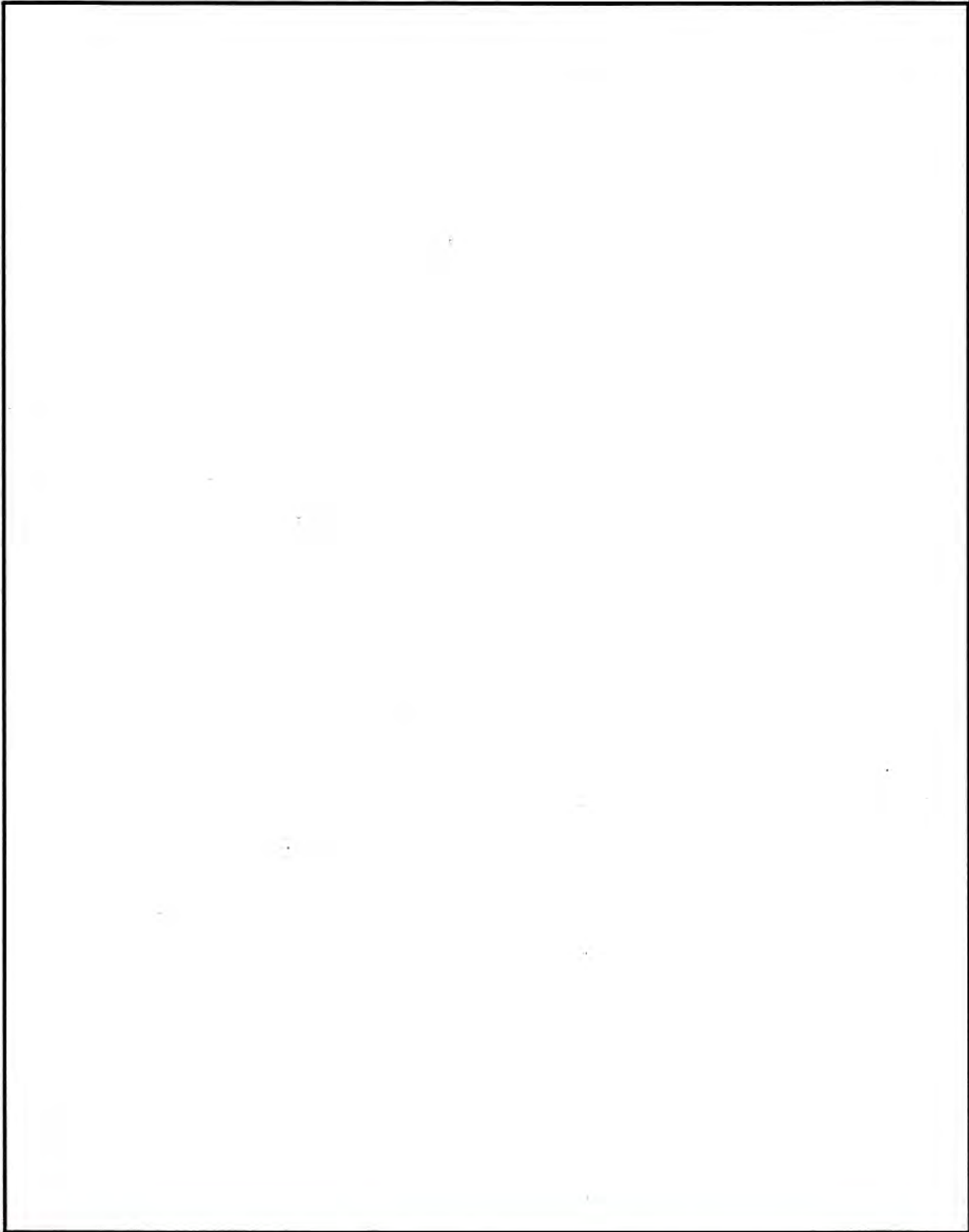
(b) (1)
(b) (3) - P.L. 86-36

~~UNCLASSIFIED//FOUO~~

(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

INQUIRY HPSCI Chronology

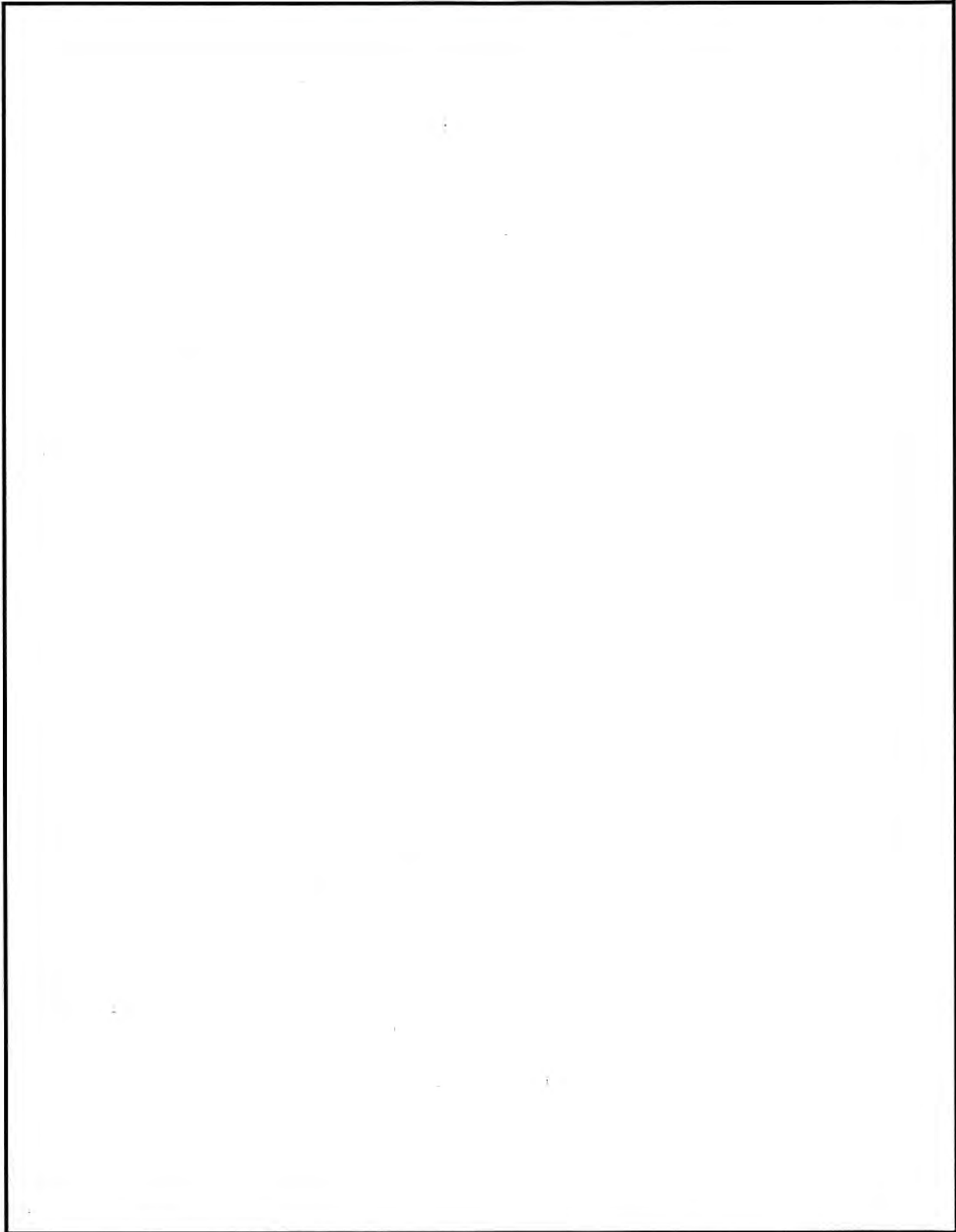


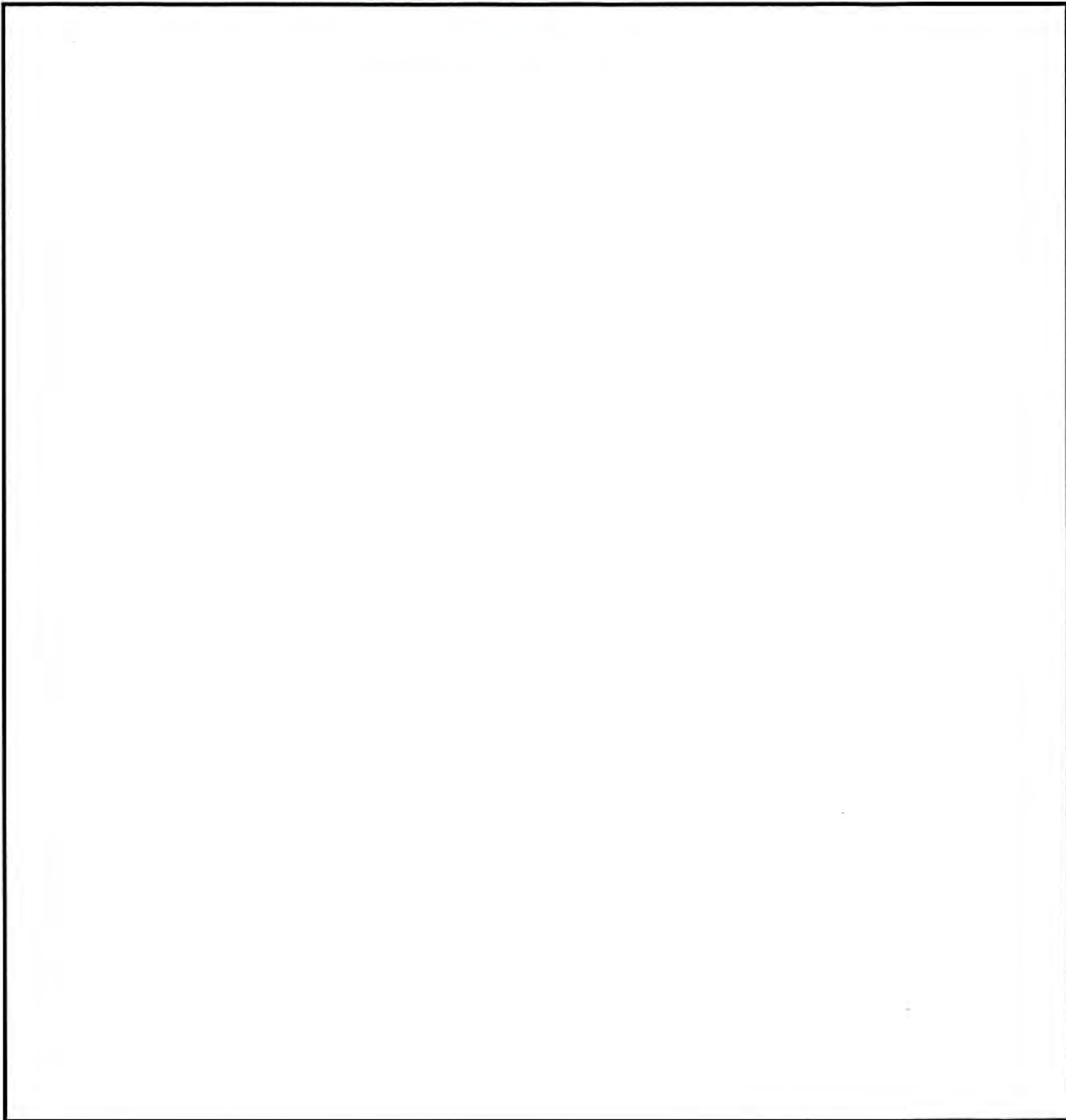
Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

~~UNCLASSIFIED//FOUO~~

~~SECRET//NOFORN~~

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





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

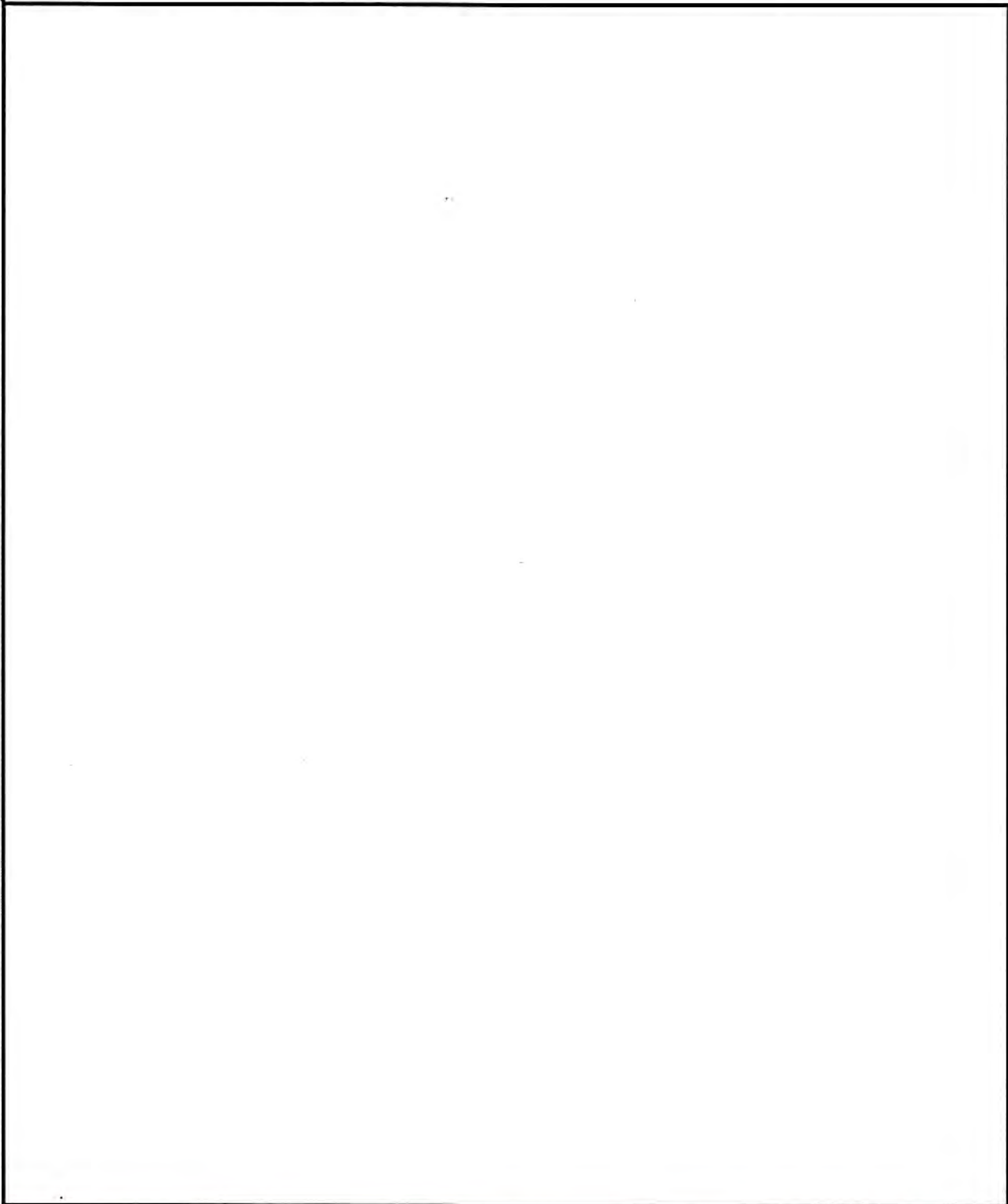
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(b) (5)

INQUIRY HPSCI Chronology

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



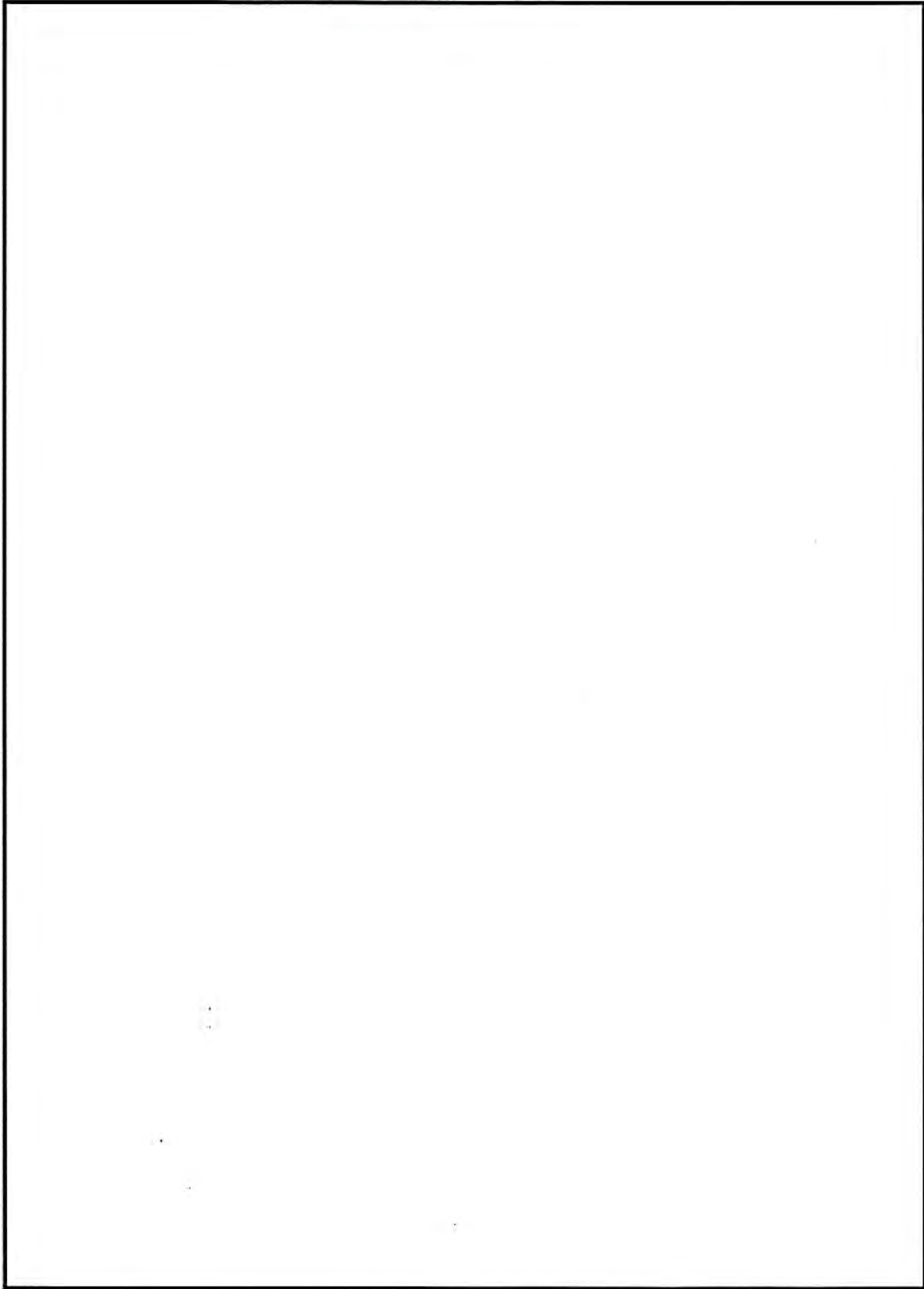
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~~SECRET//NOFORN~~

~~UNCLASSIFIED//FOUO~~



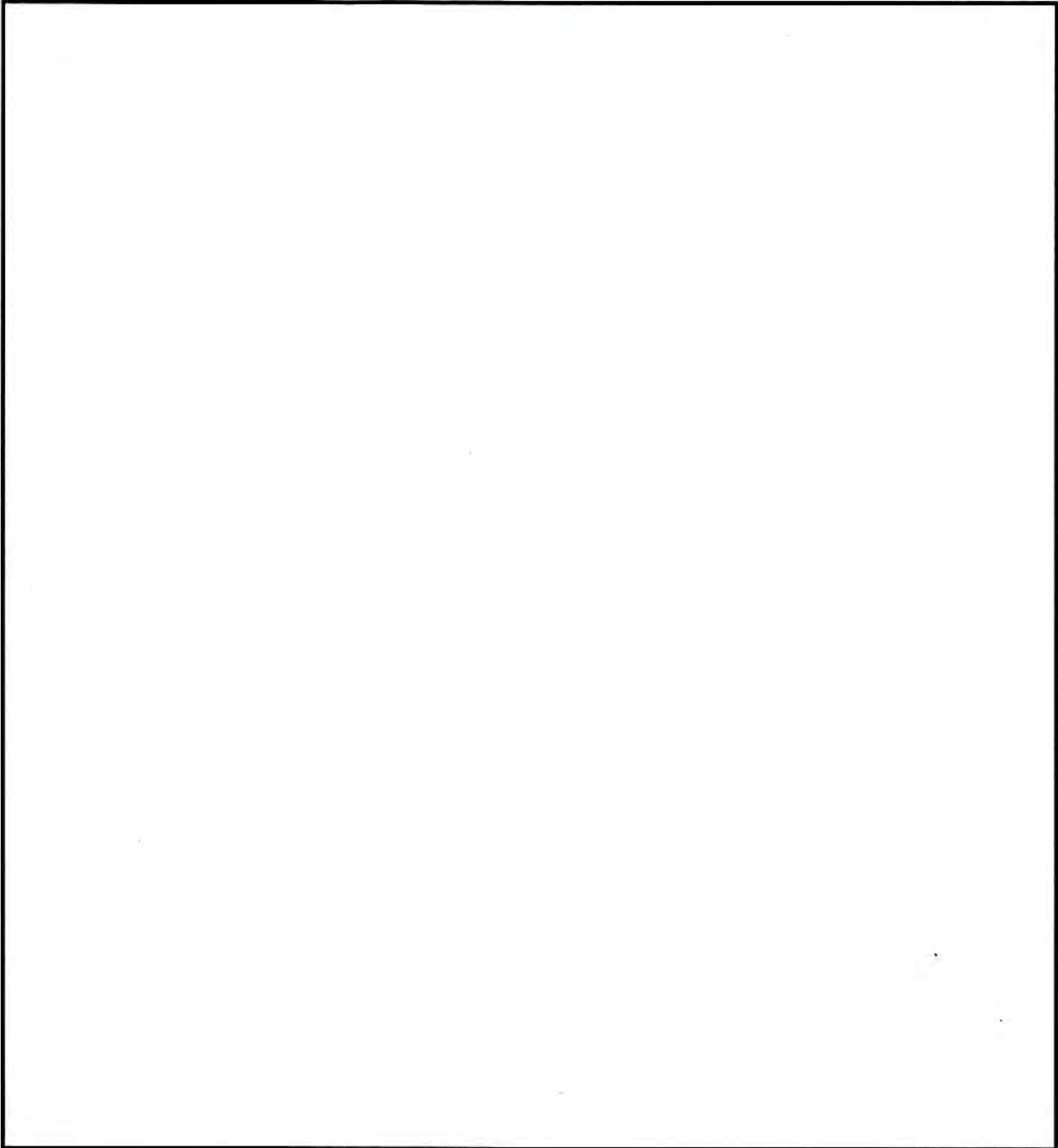
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(b) (5)

NSA0240

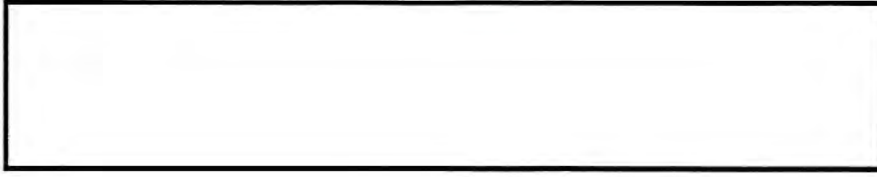
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(b) (1)
(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

~~UNCLASSIFIED//FOUO~~
~~SECRET//NOFORN~~

~~SECRET//NOFORN~~
~~UNCLASSIFIED//FOUO~~



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

~~UNCLASSIFIED//FOUO~~
~~SECRET//NOFORN~~

From: [Redacted]
Sent: Wednesday, November 6, 2019 2:33 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: (U) Preservation Notice regarding HPSCI Subpoena
Attachments: [Redacted]

Classification: TOP SECRET [Redacted]

[Redacted]

[Redacted]

v/r

[Redacted]

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

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

Associate General Counsel
 Litigation, D28
 Office of the General Counsel

[Redacted]

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

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From: [Redacted]
Sent: Monday, November 4, 2019 11:38 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: (U) Preservation Notice regarding HPSCI Subpoena

Classification: TOP SECRET [Redacted]

[Redacted]

Per our discussion, please see attached [Redacted]

Thank you,

[Redacted]

(U//FOUO)
 [Redacted]

Office Manager
 Office of the General Counsel (D2)

[Redacted]

From: [Redacted]

Sent: Monday, November 4, 2019 11:36 AM

To: [Redacted]

Cc: [Redacted]

Subject: FW: (U) Preservation Notice regarding HPSCI Subpoena

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

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

There are two [Redacted] And
the second is the HPSCI subpoena. Both are attached to this email. Thanks!

s/r

[Redacted]
Associate General Counsel
Litigation, D28
Office of the General Counsel

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

~~ATTORNEY CONFIDENTIALITY NOTICE. The information contained in this email and any accompanying attachments constitutes attorney work product and/or client advice, which are legally privileged.~~

From: [Redacted]

Sent: Thursday, October 17, 2019 6:57 PM

To: Nakasone Paul M GEN NSA-D USA CIV; Barnes George C NSA-D USA CIV; Noble Wendy NSA-D USA CIV; Darby Jonathan L NSA-X USA CIV; Steffens Frederick M NSA-A USA CIV; Green Earnest R NSA-DC USA CIV; Laing Natalie N NSA-P USA CIV; Princke Deborah A Dr NSA-R USA CIV; Smithberger Gregory L NSA-Y USA; Soule Trumbull D NSA-P3 USA CIV

[Redacted]
Thompson Steven E NSA-P1 USA CIV
Gerstell Glenn S NSA-D2 USA CIV
Anthony Teisha M NSA-D2 USA CIV
Morris Paul F NSA-D2 USA CIV
Richards Rebecca J NSA-D5 USA CIV

[Redacted]
Bartolowits
Stephanie K NSA-P13 USA CIV

[Redacted]

Cc: [Redacted]

Soule Trumbull D NSA-P3 USA CIV

Subject: (U) Preservation Notice regarding HPSCI Subpoena

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

General Nakasone, Mr. Barnes, EXDIR, Members of the BoD and senior leaders-

(b) (5) OGA OSD/JS

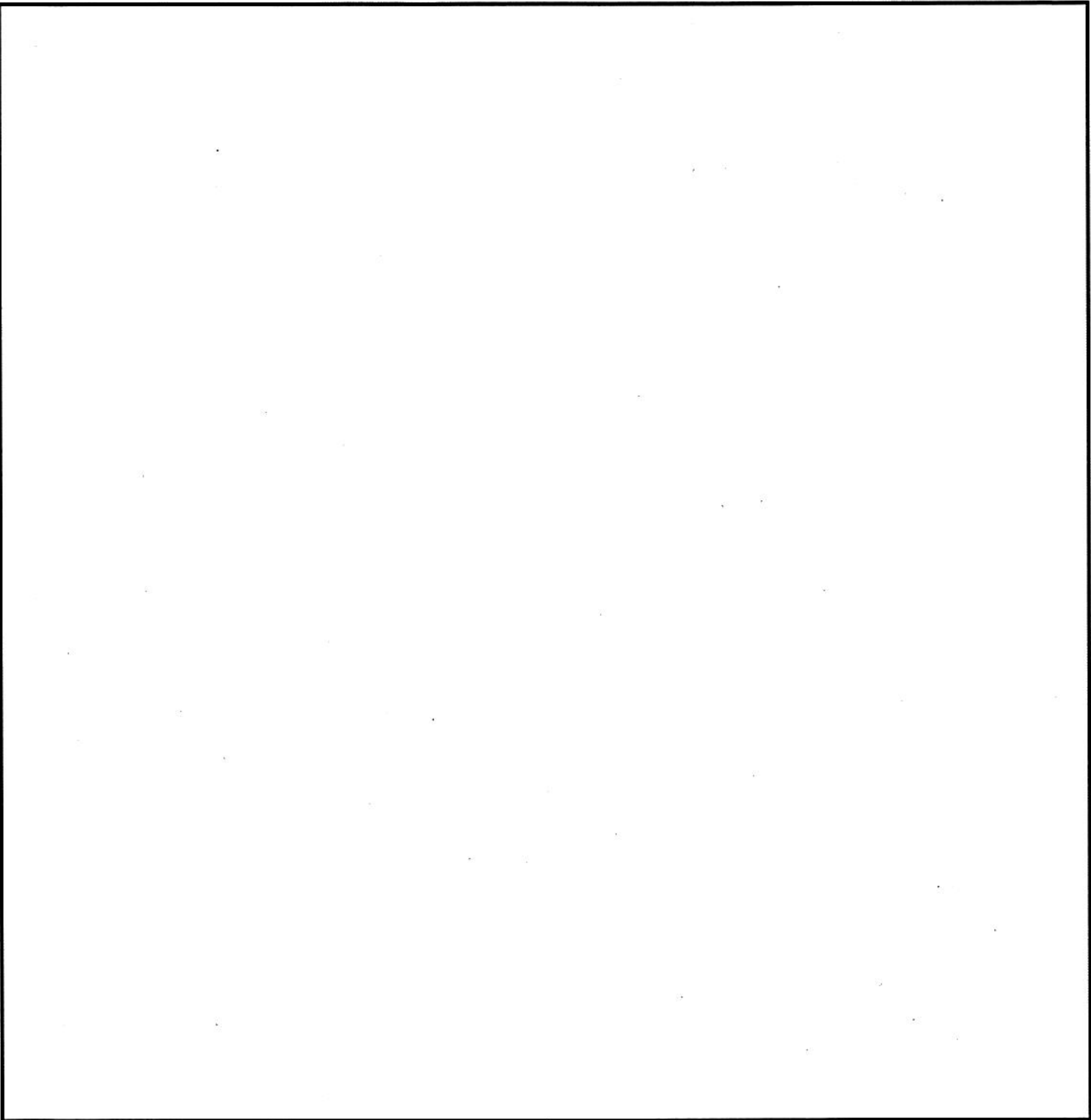
*** PRESERVATION NOTICE ***

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

(U//~~FOUO~~) Through this email, you are being notified that you may be in possession of records that pertain to ongoing Congressional requests for materials. The request here was formalized in a Congressional Subpoena (attached here) and you must search for, identify, and preserve all such materials, with some limited exceptions, which are defined below. If you have questions regarding the content of this notice, please contact the NSA Office of General Counsel (OGC). We are requesting that you acknowledge your receipt of this message through [redacted] (details below).

(U//~~FOUO~~) On 7 October 2019, the House of Representatives' Permanent Select Committee on Intelligence (HPSCI) transmitted a subpoena to the Secretary of Defense. The subpoena seeks numerous categories of records within the custody, possession, or control of the Secretary of Defense. The NSA OGC has consulted with the Department of Defense's Office of General Counsel, [redacted]

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



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

(U//FOUO) Please acknowledge your receipt of this notice by signing an [redacted] even if you do not have potentially responsive data. To access [redacted] and search for the briefing titled, "Preservation of Records: 7 Oct 2019 HPSCI subpoena".

(U//FOUO) If you have any questions, please consult with the OGC Litigation Practice Group at [redacted] or email [redacted]. Thank you, as always, for your attention, patience and diligence in relation to this important matter.

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

v/r

[Redacted]

- Associate General Counsel
- Litigation, D28
- Office of the General Counsel

[Redacted]

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

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

Classified By: [Redacted]
 Derived From: NSA/CSSM 1-52
 Dated: 20180110
 Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [Redacted]

Classified By: [Redacted]
 Derived From: NSA/CSSM 1-52
 Dated: 20180110
 Declassify On: ~~20441101~~

Classification: ~~TOP SECRET~~ [Redacted]

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

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

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Attachment withheld- (b) (1), (b) (3) - P.L. 86-36

To: Anthony Teisha M NSA D2 USA GOV [redacted] Soule Trumbull D NSA P3 USA GOV [redacted]
 Cc: [redacted]
 From: [redacted]
 Sent: 2020-03-12T15:20:03Z
 Subject: RE: (U) Need a Time-line by Noon
 Received: 2020-03-12T15:20:07Z
 Timeline.docx

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

Teisha, Trum – draft timeline attached. We tried to squeeze it onto one page, but short of making the font even smaller, this was what we came up with. Once [redacted] we'll get attachments put together. [redacted]

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

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

From: Anthony, Teisha M NSA D2 USA GOV
 Sent: Thursday, March 12, 2020 8:36 AM
 To: Soule Trumbull D NSA P3 USA GOV ; [redacted]
 Cc: Anthony Teisha M NSA D2 USA GOV
 Subject: (U) Need a Time-line by Noon
 Importance: High

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

Trum,
 DIR asked that we provide a time-line of formal interactions with the Hill on the Schiff letter, and include the correspondence. Trum, I think you know of DIR's personal interactions, more than we would. We have a time-line, but I am not sure it includes those.
 He asked for it by noon. I will ask [redacted] to send you what we have and then you can add to it. Does that work?

Teisha
 Teisha M. Anthony
 Acting General Counsel
 Office of General Counsel
 [redacted]

Approved for Release by NSA on 21 July 2023, FOIA Case # 109360 Litigation

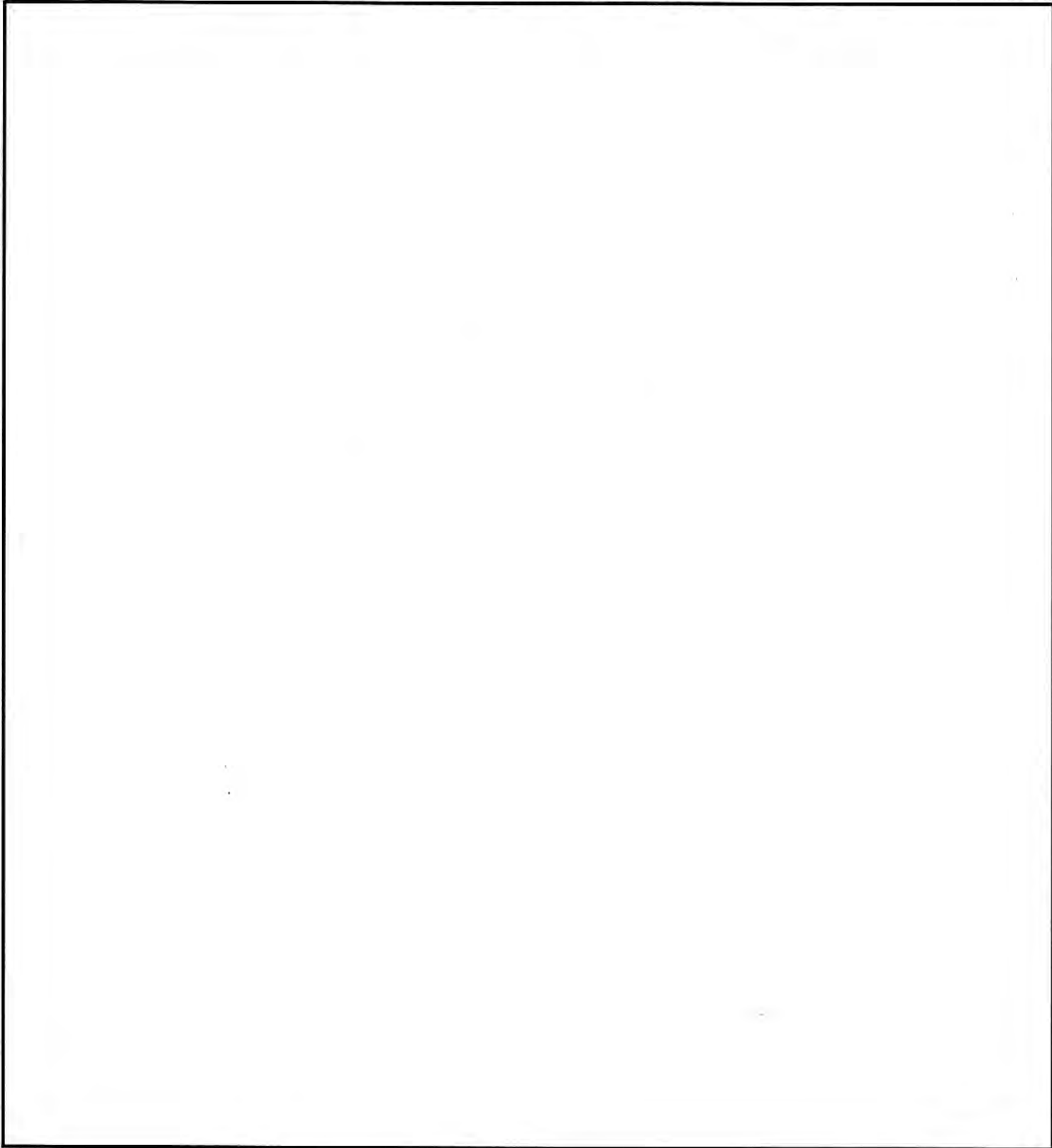
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Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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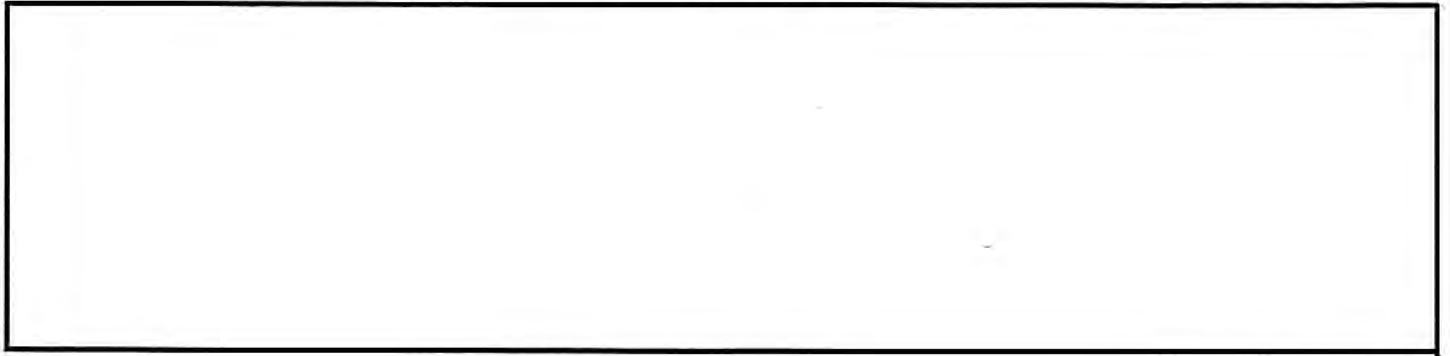
(b) (1)
(b) (3)-18 USC 798
(b) (3)-50 USC 3024(i)
(b) (3)-P.L. 86-36
(b) (5)

TIMELINE FOR NSA ENGAGEMENTS WITH HPSCI



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~



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

~~SECRET//NOFORN~~