

**NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE**

Fort George G. Meade, Maryland -

UNITED STATES

SIGNALS INTELLIGENCE

DIRECTIVE

18

27 July 1993

.....
:See Letter of Promulgation for instructions on reproduction or release of this document.:
.....

OPC: ~~U~~U1

CLASSIFIED BY NSA/CSSM 123-2

DECLASSIFY ON: ORIGINATING AGENCY'S DETERMINATION REQUIRED

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

~~SECRET~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
Fort George G. Meade, Maryland

27 July 1993

UNITED STATES SIGNALS INTELLIGENCE DIRECTIVE

(USSID)

18

LEGAL COMPLIANCE AND
MINIMIZATION PROCEDURES (FOUO)

LETTER OF PROMULGATION

(U) This USSID prescribes policies and procedures and assigns responsibilities to ensure that the missions and functions of the United States SIGINT System (USSS) are conducted in a manner that safeguards the constitutional rights of U.S. persons.

(U) This USSID has been completely rewritten to make it shorter and easier to understand. It constitutes a summary of the laws and regulations directly affecting USSS operations. All USSS personnel who collect, process, retain, or disseminate information to, from, or about U.S. persons or persons in the United States must be familiar with its contents.

~~(FOUO)~~ This USSID supersedes USSID 18 and USSID 18, Annex A (distributed separately to selected recipients), both of which are dated 20 October 1980, and must now be destroyed. Notify DIRNSA/CHCSS (USSID Manager) if this edition of USSID 18 is destroyed because of an emergency action; otherwise, request approval from DIRNSA/CHCSS before destroying this USSID.

~~(FOUO)~~ Release or exposure of this document to contractors and consultants without approval from the USSID Manager is prohibited. Instructions applicable to release or exposure of USSID to contractors and consultants may be found in USSID 19.

~~(FOUO)~~ Questions and comments concerning this USSID should be addressed to the Office of the General Counsel, NSA/CSS (Attention [redacted] NSTS 963-3121 or STU III 688-5015).

J. M. McCONNELL
Vice Admiral, U.S. Navy
Director

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

CLASSIFIED BY NSA/CSSM 123-2
DECLASSIFY ON: ORIGINATING AGENCY'S DETERMINATION REQUIRED

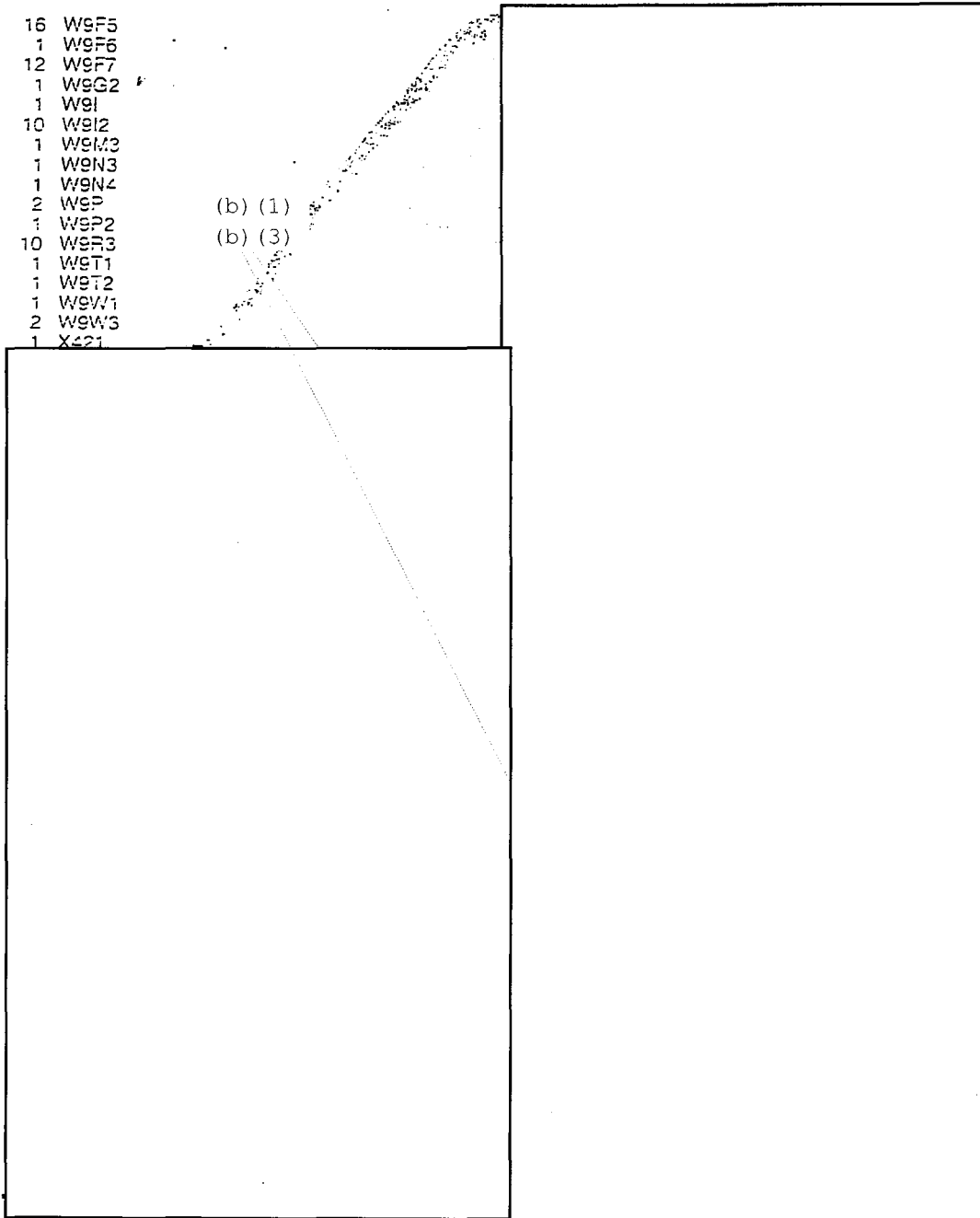
~~HANDLE VIA COMINT CHANNELS ONLY~~

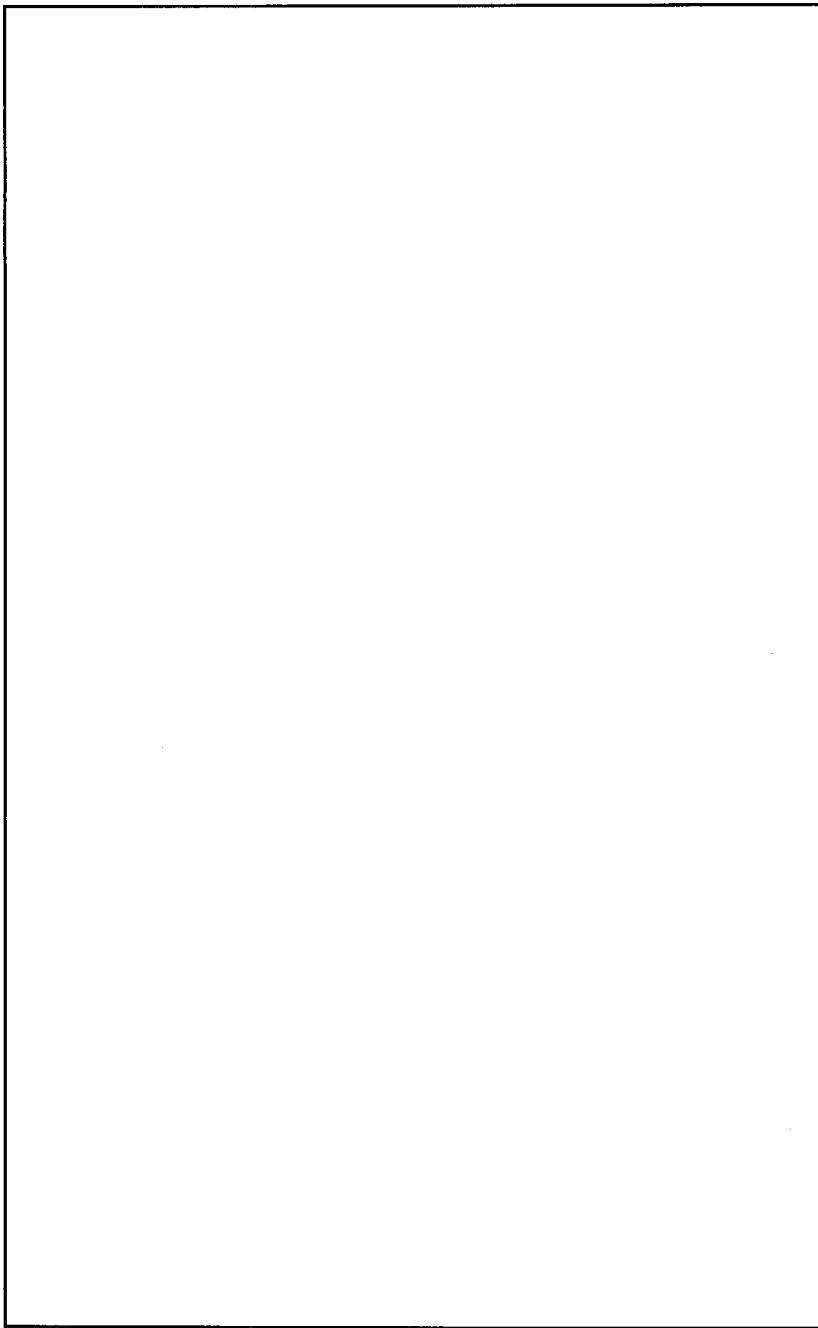
~~SECRET~~

- 16 W9F5
- 1 W9F6
- 12 W9F7
- 1 W9G2
- 1 W9I
- 10 W9I2
- 1 W9M3
- 1 W9N3
- 1 W9N4
- 2 W9P
- 1 W9P2
- 10 W9P3
- 1 W9T1
- 1 W9T2
- 1 W9W1
- 2 W9W3
- 1 X421

(b) (1)

(b) (3)





(b) (1)
(b) (3)

(b) (1)

(b) (3)

USSID 18
27 July 1993

TABLE OF CONTENTS

SECTION 1 - PREFACE 1

SECTION 2 - REFERENCES 1

SECTION 3 - POLICY 2

SECTION 4 - COLLECTION 2

4.1. Communications to, from or About U.S. Persons and [redacted] 2

 [redacted] to the United States

 a. Foreign Intelligence Surveillance Court Approval 2

 b. Attorney General Approval 2

 c. DIRNSA/CHCSS Approval 2

 d. Emergency Situations 3

 e. Annual Reports 4

4.2. [redacted] 4

4.3. Incidental Acquisition of U.S. Person Information 4

4.4. [redacted] 5

4.5. [redacted] 5

4.6. [redacted] 5

4.7. [redacted] 5

4.8. Distress Signals 5

4.9. COMSEC Monitoring and Security Testing of Automated Information Systems 6

SECTION 5 - PROCESSING 6

5.1. [redacted] 6

5.2. [redacted] 6

5.3. Forwarding of Intercepted Material 6

5.4. Nonforeign Communications 7

 a. Communications between Persons in the United States 7

 b. Communications between U.S. Persons 7

 c. Communications Involving an Officer or Employee of the U.S. Government 7

 d. Exceptions 7

5.5. Radio Communications with a Terminal in the United States 7

SECTION 6 - RETENTION 8

6.1. Retention of Communications to, from, or About U.S. Persons 8

 a. Unenciphered Communications; and Communications Necessary to Maintain Technical Data Bases for Cryptanalytic or Traffic Analytic Purposes 8

 b. Communications Which Could be Disseminated Under Section 7 8

6.2. Access 8

SECTION 7 - DISSEMINATION 8

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

7.1. Focus of SIGINT Reports	8
7.2. Dissemination of U.S. Person Identities	9
a. Consent	9
b. Publicly Available Information	9
c. Information Necessary to Understand or Assess	9
7.3. Approval Authorities	10
a. DIRNSA/CHCSS	10
b. Field Units	10
c. DDO and Designees	10
7.4. Privileged Communications and Criminal Activity	10
7.5. Improper Dissemination	10
SECTION 8 - RESPONSIBILITIES	11
8.1. Inspector General	11
8.2. General Counsel	11
8.3. Deputy Director for Operations	12
8.4. All Elements of the USSS	12
SECTION 9 - DEFINITIONS	12
ANNEX A - PROCEDURES IMPLEMENTING THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (U)	A/1
APPENDIX 1 - STANDARIZED MINIMIZATION PROCEDURES FOR NSA SURVEILLANCES ELECTRONIC	A-1/1
ANNEX B - OPERATIONAL ASSISTANCE TO THE FEDERAL BUREAU OF INVESTIGATION (U)	B/1
ANNEX C - SIGNALS INTELLIGENCE SUPPORT TO U.S. AND ALLIED MILITARY EXERCISE COMMAND AUTHORITIES (U)	C/1
ANNEX D - TESTING OF ELECTRONIC EQUIPMENT (U)	D/1
ANNEX E - SEARCH AND DEVELOPMENT OPERATIONS (U)	E/1
ANNEX F - [REDACTED] (S)	F/1
ANNEX G - TRAINING OF PERSONNEL IN THE OPERATION AND USE OF SIGINT COLLECTION AND OTHER SURVEILLANCE EQUIPMENT (U)	G/1
ANNEX H - CONSENT FORMS (U)	H/1
ANNEX I - [REDACTED] (S-CCO)	I/1
ANNEX J - PROCEDURES FOR MONITORING RADIO COMMUNICATIONS OF SUSPECTED INTERNATIONAL NARCOTICS TRAFFICKERS (S-CCO) (Issued separately to selected recipients)	J/1
ANNEX K - [REDACTED] (S-CCO)	K/1

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

(b) (1)
(b) (3)

~~SECRET~~

27 July 1993

USSID 18

LEGAL COMPLIANCE AND
MINIMIZATION PROCEDURES (U)

SECTION 1 - PREFACE

1.1. (U) The Fourth Amendment to the United States Constitution protects all U.S. persons anywhere in the world and all persons within the United States from unreasonable searches and seizures by any person or agency acting on behalf of the U.S. Government. The Supreme Court has ruled that the interception of electronic communications is a search and seizure within the meaning of the Fourth Amendment. It is therefore mandatory that signals intelligence (SIGINT) operations be conducted pursuant to procedures which meet the reasonableness requirements of the Fourth Amendment.

1.2. (U) In determining whether United States SIGINT System (USSS) operations are "reasonable," it is necessary to balance the U.S. Government's need for foreign intelligence information and the privacy interests of persons protected by the Fourth Amendment. Striking that balance has consumed much time and effort by all branches of the United States Government. The results of that effort are reflected in the references listed in Section 2 below. Together, these references require the minimization of U.S. person information collected, processed, retained or disseminated by the USSS. The purpose of this document is to implement these minimization requirements.

1.3. (U) Several themes run throughout this USSID. The most important is that intelligence operations and the protection of constitutional rights are not incompatible. It is not necessary to deny legitimate foreign intelligence collection or suppress legitimate foreign intelligence information to protect the Fourth Amendment rights of U.S. persons.

1.4. (U) Finally, these minimization procedures implement the constitutional principle of "reasonableness" by giving different categories of individuals and entities different levels of protection. These levels range from the stringent protection accorded U.S. citizens and permanent resident aliens in the United States to provisions relating to foreign diplomats in the U.S. These differences reflect yet another main theme of these procedures, that is, that the focus of all foreign intelligence operations is on foreign entities and persons.

SECTION 2 - REFERENCES

2.1. (U) References

a. 50 U.S.C. 1801, et seq., Foreign Intelligence Surveillance Act (FISA) of 1978, Public Law No. 95-511.

b. Executive Order 12333, "United States Intelligence Activities," dated 4 December 1981.

~~HANDLE VIA COMINT CHANNELS ONLY~~~~SECRET~~

c. DoD Directive 5240.1, "Activities of DoD Intelligence Components that Affect U.S. Persons," dated 25 April 1988.

d. NSA/CSS Directive No. 10-30, "Procedures Governing Activities of NSA/CSS that Affect U.S. Persons," dated 20 September 1990.

SECTION 3 - POLICY

3.1. (U) The policy of the USSS is to TARGET or COLLECT only FOREIGN COMMUNICATIONS.* The USSS will not intentionally COLLECT communications to, from or about U.S. PERSONS or persons or entities in the U.S. except as set forth in this USSID. If the USSS inadvertently COLLECTS such communications, it will process, retain and disseminate them only in accordance with this USSID.

SECTION 4 - COLLECTION

(b) (1)

(b) (3)

4.1. ~~(S-CGO)~~ Communications which are known to be to, from or about a U.S. PERSON [redacted]

[redacted] not be intentionally intercepted, [redacted]

a. With the approval of the United States Foreign Intelligence Surveillance Court under the conditions outlined in Annex A of this USSID.

b. With the approval of the Attorney General of the United States, if:

(1) The COLLECTION is directed against the following:

(a) Communications to or from U.S. PERSONS outside the UNITED STATES, or

(b) International communications to, from, [redacted]

(c) Communications which are not to or from but merely about U.S. PERSONS, (wherever located).

(2) The person is an AGENT OF A FOREIGN POWER, and

(3) The purpose of the COLLECTION is to acquire significant FOREIGN INTELLIGENCE information.

c. With the approval of the Director, National Security Agency/Chief, Central Security Service (DIRNSA/CHCSS), so long as the COLLECTION need not be approved by the Foreign Intelligence Surveillance Court or the Attorney General, and

(1) The person has CONSENTED to the COLLECTION by executing one of the CONSENT forms contained in Annex H, or

* Capitalized words in Sections 3 through 9 are defined terms in Section 9.

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

USSID 18
27 July 1993

(b) (3)

(2) The person is reasonably believed to be held captive by a FOREIGN POWER or group engaged in INTERNATIONAL TERRORISM, or

(3) The TARGETED

[Redacted]

(4)

[Redacted]

(5)

[Redacted]

(a) A non-U.S. PERSON located outside the UNITED STATES, or

(b)

[Redacted]

(6) Copies of approvals granted by the DIRNSA/CHCSS under these provisions will be retained in the Office of General Counsel for review by the Attorney General.

d. Emergency Situations.

(1) In emergency situations, DIRNSA/CHCSS may authorize the COLLECTION of information to, from, or about a U.S. PERSON who is outside the UNITED STATES when securing the prior approval of the Attorney General is not practical because:

(a) The time required to obtain such approval would result in the loss of significant FOREIGN INTELLIGENCE and would cause substantial harm to the national security.

(b) A person's life or physical safety is reasonably believed to be in immediate danger.

(c) The physical security of a defense installation or government property is reasonably believed to be in immediate danger.

(2) In those cases where the DIRNSA/CHCSS authorizes emergency COLLECTION, except for actions taken under paragraph d.(1)(b) above, DIRNSA/CHCSS shall find that there is probable cause that the TARGET meets one of the following criteria:

(a) A person who, for or on behalf of a FOREIGN POWER, is engaged in clandestine intelligence activities (including covert activities intended to affect the political or governmental process), sabotage, or INTERNATIONAL TERRORIST activities, or activities in preparation for INTERNATIONAL TERRORIST activities; or who conspires with, or knowingly aids and abets a person engaging in such activities.

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

(b) A person who is an officer or employee of a FOREIGN POWER.

(c) A person unlawfully acting for, or pursuant to the direction of, a FOREIGN POWER. The mere fact that a person's activities may benefit or further the aims of a FOREIGN POWER is not enough to bring that person under this subsection, absent evidence that the person is taking direction from, or acting in knowing concert with, the FOREIGN POWER.

(d) A CORPORATION or other entity that is owned or controlled directly or indirectly by a FOREIGN POWER.

(e) A person in contact with, or acting in collaboration with, an intelligence or security service of a foreign power for the purpose of providing access to information or material classified by the United States to which such person has access.

(3) In all cases where emergency collection is authorized, the following steps shall be taken:

(a) The General Counsel will be notified immediately that the COLLECTION has started.

(b) The General Counsel will initiate immediate efforts to obtain Attorney General approval to continue the collection. If Attorney General approval is not obtained within seventy two hours, the COLLECTION will be terminated. If the Attorney General approves the COLLECTION, it may continue for the period specified in the approval.

e. Annual reports to the Attorney General are required for COLLECTION conducted under paragraphs 4.1.c.(3) and (4). Responsible analytic offices will provide such reports through the Deputy Director for Operations (DDO) and the General Counsel to the DIRNSA/CHCSS for transmittal to the Attorney General by 31 January of each year.

4.2. ~~(S-CCO)~~ [Redacted]

a. [Redacted]

b. [Redacted]

4.3. (U) Incidental Acquisition of U.S. PERSON Information. Information to, from or about U.S. PERSONS acquired incidentally as a result of COLLECTION directed against appropriate FOREIGN INTELLIGENCE TARGETS may be retained and processed in accordance with Section 5 and Section 6 of this USSID.

(b) (1)
(b) (3)

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

4.4. (S-EE0)

[Redacted]

a

[Redacted]

(1)

(2)

[Redacted]

b

[Redacted]

c

[Redacted]

d

[Redacted]

4.5. (S-EE0)

[Redacted]

a

[Redacted]

b

[Redacted]

4.6. (S-EE0)

[Redacted]

4.7. (S-EE0)

[Redacted]

4.8. (U) Distress Signals. Distress signals may be intentionally collected, processed, retained, and disseminated without regard to the restrictions contained in this USSID.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

4.9. (U) COMSEC Monitoring and Security Testing of Automated Information Systems. Monitoring for communications security purposes must be conducted with the consent of the person being monitored and in accordance with the procedures established in National Telecommunications and Information Systems Security Directive 600, Communications Security (COMSEC) Monitoring, dated 10 April 1990. Monitoring for communications security purposes is not governed by this USSID. Intrusive security testing to assess security vulnerabilities in automated information systems likewise is not governed by this USSID.

(b) (1)

(b) (3)

SECTION 5 - PROCESSING

5.1. ~~(S-CCO)~~ [redacted]

[redacted]

a. [redacted]

[redacted]

b. [redacted]

[redacted]

c. [redacted]

[redacted]

5.2. ~~(S-CCO)~~ [redacted]

a. [redacted]

[redacted]

b. [redacted]

[redacted]

c. A copy of the results of the review will be provided to the Inspector General and the General Counsel.

5.3. ~~(S-CCO)~~ Forwarding of Intercepted Material. FOREIGN COMMUNICATIONS collected by the USSS may be forwarded as intercepted to NSA, intermediate processing facilities, and collaborating centers.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

5.4. ~~(S-CCO)~~ Nonforeign Communications.

a. Communications between persons in the UNITED STATES. Private radio communications solely between persons in the UNITED STATES inadvertently intercepted during the COLLECTION of FOREIGN COMMUNICATIONS will be promptly destroyed unless the Attorney General determines that the contents indicate a threat of death or serious bodily harm to any person.

b. Communications between U.S. PERSONS. Communications solely between U.S. PERSONS will be treated as follows:

(1) Communications solely between U.S. PERSONS inadvertently intercepted during the COLLECTION of FOREIGN COMMUNICATIONS will be destroyed upon recognition, if technically possible, except as provided in paragraph 5.4.d. below.

(2) Notwithstanding the preceding provision, cryptologic data (e.g., signal and encipherment information) and technical communications data (e.g., circuit usage) may be extracted and retained from those communications if necessary to:

(a) Establish or maintain intercept, or

(b) (1)

(b) Minimize unwanted intercept, or

(b) (3)

(c) Support cryptologic operations related to FOREIGN COMMUNICATIONS.

c. Communications Involving an Officer or Employee of the U.S. Government. Communications to or from any officer or employee of the U.S. Government, or any state or local government, will not be intentionally intercepted. Inadvertent INTERCEPTIONS of such communications (including those between foreign TARGETS and U.S. officials) will be treated as indicated in paragraphs 5.4.a. and b., above.

d. Exceptions: Notwithstanding the provisions of paragraphs 5.4.b. and c., the DIRNSA/CHCSS may waive the destruction requirement for international communications containing, inter alia, the following types of information:

(1) Significant FOREIGN INTELLIGENCE, or

(2) Evidence of a crime or threat of death or serious bodily harm to any person, or

(3) Anomalies that reveal a potential vulnerability to U.S. communications security. Communications for which the Attorney General or DIRNSA/CHCSS's waiver is sought should be forwarded to NSA/CSS, Attn: P05: P02.

5.5. ~~(S-CCO)~~ Radio Communications with a Terminal in the UNITED STATES.

a. All radio communications that pass over channels with a terminal in the UNITED STATES must be processed [redacted] unless those communications occur over channels used exclusively by a FOREIGN POWER.

b. International common-access radio communications that pass over channels with a terminal in the UNITED STATES, [redacted] may be processed [redacted] if necessary to determine whether a channel contains communications of FOREIGN INTELLIGENCE interest which NSA may wish

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

to collect. Such processing may not exceed two hours without the specific prior written approval of the DDO and, in any event, shall be limited to the minimum amount of time necessary to determine the nature of communications on the channel and the amount of such communications that include FOREIGN INTELLIGENCE. Once it is determined that the channel contains sufficient communications of FOREIGN INTELLIGENCE interest to warrant COLLECTION and exploitation to produce FOREIGN INTELLIGENCE [REDACTED]

c. Copies of all DDO written approvals made pursuant to 5.5.b. must be provided to the General Counsel and the Inspector General.

SECTION 6 - RETENTION

6.1. ~~(S-CCO)~~ Retention of Communications to, from or About U.S. PERSONS.

a. Except as otherwise provided in Annex A, Appendix 1, Section 4, communications to, from or about U.S. PERSONS that are intercepted by the USSS may be retained in their original or transcribed form only as follows:

(1) Unenciphered communications not thought to contain secret meaning may be retained for five years unless the DDO determines in writing that retention for a longer period is required to respond to authorized FOREIGN INTELLIGENCE requirements.

(2) Communications necessary to maintain technical data bases for cryptanalytic or traffic analytic purposes may be retained for a period sufficient to allow a thorough exploitation and to permit access to data that are, or are reasonably believed likely to become, relevant to a current or future FOREIGN INTELLIGENCE requirement. Sufficient duration may vary with the nature of the exploitation and may consist of any period of time during which the technical data base is subject to, or of use in, cryptanalysis. If a U.S. PERSON'S identity is not necessary to maintaining technical data bases, it should be deleted or replaced by a generic term when practicable.

b. Communications which could be disseminated under Section 7, below (i.e., without elimination of references to U.S. PERSONS) may be retained in their original or transcribed form.

6.2. ~~(S-CCO)~~ Access. Access to raw traffic storage systems which contain identities of U.S. PERSONS must be limited to SIGINT production personnel.

SECTION 7 - DISSEMINATION

7.1. ~~(S-CCO)~~ Focus of SIGINT Reports. All SIGINT reports will be written so as to focus solely on the activities of foreign entities and persons and their agents. Except as provided in Section 7.2., FOREIGN INTELLIGENCE information concerning U.S. PERSONS must be disseminated in a manner which does not identify the U.S. PERSON. Generic or general terms or phrases must be substituted for the identity (e.g., "U.S. firm" for the specific name of a U.S. CORPORATION or "U.S. PERSON" for the specific name of a U.S. PERSON). Files containing the identities of U.S. persons deleted from SIGINT reports will be maintained for a maximum period of one year and any requests from SIGINT customers for such identities should be referred to P05. P02.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

USSID 18
27 July 1993

7.2. ~~(C-CCO)~~ Dissemination of U.S. PERSON Identities. SIGINT reports may include the identification of a U.S. PERSON only if one of the following conditions is met and a determination is made by the appropriate approval authority that the recipient has a need for the identity for the performance of his official duties:

a. The U.S. PERSON has CONSENTED to the dissemination of communications of, or about, him or her and has executed the CONSENT form found in Annex H of this USSID, or

b. The information is PUBLICLY AVAILABLE (i.e., the information is derived from unclassified information available to the general public), or

c. The identity of the U.S. PERSON is necessary to understand the FOREIGN INTELLIGENCE information or assess its importance. The following nonexclusive list contains examples of the type of information that meet this standard:

(1) FOREIGN POWER or AGENT OF A FOREIGN POWER. The information indicates that the U.S. PERSON is a FOREIGN POWER or an AGENT OF A FOREIGN POWER.

(2) Unauthorized Disclosure of Classified Information. The information indicates that the U.S. PERSON may be engaged in the unauthorized disclosure of classified information.

(3) International Narcotics Activity. The information indicates that the individual may be engaged in international narcotics trafficking activities. (See Annex J of this USSID for further information concerning individuals involved in international narcotics trafficking).

(4) Criminal Activity. The information is evidence that the individual may be involved in a crime that has been, is being, or is about to be committed, provided that the dissemination is for law enforcement purposes.

(5) Intelligence TARGET. The information indicates that the U.S. PERSON may be the TARGET of hostile intelligence activities of a FOREIGN POWER.

(6) Threat to Safety. The information indicates that the identity of the U.S. PERSON is pertinent to a possible threat to the safety of any person or organization, including those who are TARGETS, victims or hostages of INTERNATIONAL TERRORIST organizations. Reporting units shall identify to P05 any report containing the identity of a U.S. PERSON reported under this subsection (6). Field reporting to P05 should be in the form of a CRITCOMM message (DDI) and include the report date-time-group (DTG), product serial number and the reason for inclusion of the U.S. PERSON'S identity.

(7) Senior Executive Branch Officials. The identity is that of a senior official of the Executive Branch of the U.S. Government. In this case only the official's title will be disseminated. Domestic political or personal information on such individuals will be neither disseminated nor retained.

(b) (1)

(b) (3)

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

~~SECRET~~USSID 18
27 July 1993

7.3. ~~(C-CCO)~~ Approval Authorities. Approval authorities for the release of identities of U.S. persons under Section 7 are as follows:

a. DIRNSA/CHCSS. DIRNSA/CHCSS must approve dissemination of:

(1) The identities of any senator, congressman, officer, or employee of the Legislative Branch of the U.S. Government.

(2) The identity of any person for law enforcement purposes.

b. Field Units and NSA Headquarters Elements. All SIGINT production organizations are authorized to disseminate the identities of U.S. PERSONS when:

(1) The identity is pertinent to the safety of any person or organization.

(2) The identity is that of a senior official of the Executive Branch.

(3) The U.S. PERSON has CONSENTED under paragraph 7.2.a. above.

c. DDO and Designees.

(1) In all other cases, U.S. PERSON identities may be released only with the prior approval of the Deputy Director for Operations, the Assistant Deputy Director for Operations, the Chief, P05, the Deputy Chief, P05, or, in their absence, the Senior Operations Officer of the National SIGINT Operations Center. The DDO or ADDO shall review all U.S. identities released by these designees as soon as practicable after the release is made.

(2) For law enforcement purposes involving narcotics related information, DIRNSA has granted to the DDO authority to disseminate U.S. identities. This authority may not be further delegated.

7.4. (U) Privileged Communications and Criminal Activity. All proposed disseminations of information constituting U.S. PERSON privileged communications (e.g., attorney/client, doctor/patient) and all information concerning criminal activities or criminal or judicial proceedings in the UNITED STATES must be reviewed by the Office of General Counsel prior to dissemination.

7.5. (U) Improper Dissemination. If the name of a U.S. PERSON is improperly disseminated, the incident should be reported to P05 within 24 hours of discovery of the error.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

~~SECRET~~USSID 18
27 July 1993

(b) (1)

(b) (3)

SECTION 8 - RESPONSIBILITIES**8.1. (U) Inspector General. The Inspector General shall:**

- a. Conduct regular inspections and perform general oversight of NSA/CSS activities to ensure compliance with this USSID.
- b. Establish procedures for reporting by Key Component and Field Chiefs of their activities and practices for oversight purposes.
- c. Report to the DIRNSA/CHCSS, annually by 31 October, concerning NSA/CSS compliance with this USSID.
- d. Report quarterly with the DIRNSA/CHCSS and General Counsel to the President's Intelligence Oversight Board through the Assistant to the Secretary of Defense (Intelligence Oversight).

8.2. (U) General Counsel. The General Counsel shall:

- a. Provide legal advice and assistance to all elements of the USSS regarding SIGINT activities. Requests for legal advice on any aspect of these procedures should be sent by CRITICOMM to DD or by NSA/CSS secure telephone 963-3121, or STU III (301) 688-5015.
- b. Prepare and process all applications for Foreign Intelligence Surveillance Court orders and requests for Attorney General approvals required by these procedures.
- c. Advise the Inspector General in inspections and oversight of USSS activities.
- d. Review and assess for legal implications as requested by the DIRNSA/CHCSS, Deputy Director, Inspector General or Key Components Chief, all new major requirements and internally generated USSS activities.
- e. Advise USSS personnel of new legislation and case law that may affect USSS missions, functions, operations, activities, or practices.
- f. Report as required to the Attorney General and the President's Intelligence Oversight Board and provide copies of such reports to the DIRNSA/CHCSS and affected agency elements.
- g. Process requests from any DoD intelligence component for authority to use signals as described in Procedure 5, Part 5, of DoD 5240.1-R, for periods in excess of 90 days in the development, test, or calibration of ELECTRONIC SURVEILLANCE equipment and other equipment that can intercept communications.

~~HANDLE VIA COMINT CHANNELS ONLY~~~~SECRET~~

8.3. (U) Deputy Director for Operations (DDO). The DDO shall:

- a. Ensure that all SIGINT production personnel understand and maintain a high degree of awareness and sensitivity to the requirements of this USSID.
- b. Apply the provisions of this USSID to all SIGINT production activities. The DDO staff focal point for USSID 18 matters is P05 (use CRITICOMM DD# _{P02})
- c. Conduct necessary reviews of SIGINT production activities and practices to ensure consistency with this USSID.
- d. Ensure that all new major requirements levied on the USSS or internally generated activities are considered for review by the General Counsel. All activities that raise questions of law or the proper interpretation of this USSID must be reviewed by the General Counsel prior to acceptance or execution.

8.4. (U) All Elements of the USSS. All elements of the USSS shall:

- a. Implement this directive upon receipt.
- b. Prepare new procedures or amend or supplement existing procedures as required to ensure adherence to this USSID. A copy of such procedures shall be forwarded to NSA/CSS, Attn: P05-_{P02}.
- c. Immediately inform the DDO of any tasking or instructions that appear to require actions at variance with this USSID.
- d. Promptly report to the NSA Inspector General and consult with the NSA General Counsel on all activities that may raise a question of compliance with this USSID:

SECTION 9 - DEFINITIONS

9.1. ~~(S-CCO)~~ AGENT OF A FOREIGN POWER means:

a. Any person, other than a U.S. PERSON, who:

(1) Acts in the UNITED STATES as an officer or employee of a FOREIGN POWER, or as a member of a group engaged in INTERNATIONAL TERRORISM or activities in preparation therefor; or

(2) Acts for, or on behalf of, a FOREIGN POWER that engages in clandestine intelligence activities in the UNITED STATES contrary to the interests of the UNITED STATES, when the circumstances of such person's presence in the UNITED STATES indicate that such person may engage in such activities in the UNITED STATES, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; or

b. Any person, including a U.S. PERSON, who:

(1) Knowingly engages in clandestine intelligence gathering activities for, or on behalf of, a FOREIGN POWER, which activities involve, or may involve, a violation of the criminal statutes of the UNITED STATES; or

~~HANDLE VIA COMINT CHANNELS ONLY~~~~SECRET~~

USSID 18
27 July 1993

(2) Pursuant to the direction of an intelligence service or network of a FOREIGN POWER, knowingly engages in any other clandestine intelligence activities for, or on behalf of, such FOREIGN POWER, which activities involve or are about to involve, a violation of the criminal statutes of the UNITED STATES; or

(3) Knowingly engages in sabotage or INTERNATIONAL TERRORISM, or activities that are in preparation therefor, for or on behalf of a FOREIGN POWER; or

(4) Knowingly aids or abets any person in the conduct of activities described in paragraphs 9.1.b.(1) through (3) or knowingly conspires with any person to engage in those activities.

c. For all purposes other than the conduct of ELECTRONIC SURVEILLANCE as defined by the Foreign Intelligence Surveillance Act (see Annex A), the phrase "AGENT OF A FOREIGN POWER" also means any person, including U.S. PERSONS outside the UNITED STATES, who are officers or employees of a FOREIGN POWER, or who act unlawfully for or pursuant to the direction of a FOREIGN POWER, or who are in contact with or acting in collaboration with an intelligence or security service of a FOREIGN POWER for the purpose of providing access to information or material classified by the UNITED STATES Government and to which the person has or has had access. The mere fact that a person's activities may benefit or further the aims of a FOREIGN POWER is not enough to bring that person under this provision, absent evidence that the person is taking direction from or acting in knowing concert with a FOREIGN POWER.

9.2. ~~(C)~~ COLLECTION means intentional tasking or SELECTION of identified nonpublic communications for subsequent processing aimed at reporting or retention as a file record.

9.3. (U) COMMUNICANT means a sender or intended recipient of a communication.

9.4. (U) COMMUNICATIONS ABOUT A U.S. PERSON are those in which the U.S. PERSON is identified in the communication. A U.S. PERSON is identified when the person's name, unique title, address, or other personal identifier is revealed in the communication in the context of activities conducted by that person or activities conducted by others and related to that person. A mere reference to a product by brand name or manufacturer's name, e.g., "Boeing 707" is not an identification of a U.S. person.

9.5. (U) CONSENT, for SIGINT purposes, means an agreement by a person or organization to permit the USSS to take particular actions that affect the person or organization. An agreement by an organization with the National Security Agency to permit COLLECTION of information shall be deemed valid CONSENT if given on behalf of such organization by an official or governing body determined by the General Counsel, National Security Agency, to have actual or apparent authority to make such an agreement. }

9.6. (U) CORPORATIONS, for purposes of this USSID, are entities legally recognized as separate from the persons who formed, own, or run them. CORPORATIONS have the nationality of the nation state under whose laws they were formed. Thus, CORPORATIONS incorporated under UNITED STATES federal or state law are U.S. PERSONS.

9.7. (U) ELECTRONIC SURVEILLANCE means:

a. In the case of an electronic communication, the acquisition of a nonpublic communication by electronic means without the CONSENT of a person who is a party to the communication.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

USSID 18
27 July 1993

b. In the case of a nonelectronic communication, the acquisition of a nonpublic communication by electronic means without the CONSENT of a person who is visibly present at the place of communication.

c. The term ELECTRONIC SURVEILLANCE does not include the use of radio direction finding equipment solely to determine the location of a transmitter.

9.8. ~~(E)~~ FOREIGN COMMUNICATION means a communication that has at least one COMMUNICANT outside of the UNITED STATES, or that is entirely among FOREIGN POWERS or between a FOREIGN POWER and officials of a FOREIGN POWER, but does not include communications intercepted by ELECTRONIC SURVEILLANCE directed at premises in the UNITED STATES used predominantly for residential purposes.

9.9. (U) FOREIGN INTELLIGENCE means information relating to the capabilities, intentions, and activities of FOREIGN POWERS, organizations, or persons, and for purposes of this USSID includes both positive FOREIGN INTELLIGENCE and counterintelligence.

9.10. (U) FOREIGN POWER means:

a. A foreign government or any component thereof, whether or not recognized by the UNITED STATES,

b. A faction of a foreign nation or nations, not substantially composed of UNITED STATES PERSONS,

c. An entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments,

d. A group engaged in INTERNATIONAL TERRORISM or activities in preparation therefor,

e. A foreign-based political organization, not substantially composed of UNITED STATES PERSONS, or

f. An entity that is directed and controlled by a foreign government or governments.

9.11. (U) INTERCEPTION means the acquisition by the USSS through electronic means of a nonpublic communication to which it is not an intended party, and the processing of the contents of that communication into an intelligible form, but does not include the display of signals on visual display devices intended to permit the examination of the technical characteristics of the signals without reference to the information content carried by the signal.

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

9.12. (U) INTERNATIONAL TERRORISM means activities that:

a. Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the UNITED STATES or of any State, or that would be a criminal violation if committed within the jurisdiction of the UNITED STATES or any State, and

(b) (1)

b. Appear to be intended:

(b) (3)

(1) to intimidate or coerce a civilian population,

(2) to influence the policy of a government by intimidation or coercion, or

(3) to affect the conduct of a government by assassination or kidnapping, and

c. Occur totally outside the UNITED STATES, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

9.13. (U) PUBLICLY AVAILABLE INFORMATION means information that has been published or broadcast for general public consumption, is available on request to a member of the general public, has been seen or heard by a casual observer, or is made available at a meeting open to the general public.

9.14. ~~(S)~~

[Redacted]

9.15. ~~(S)~~

[Redacted]

9.16. (U) TARGET, OR TARGETING: See COLLECTION.

9.17. (U) UNITED STATES, when used geographically, includes the 50 states and the District of Columbia, Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the UNITED STATES exercises sovereignty.

9.18. ~~(S)~~ UNITED STATES PERSON:

a. A citizen of the UNITED STATES,

b. An alien lawfully admitted for permanent residence in the UNITED STATES,

c. Unincorporated groups and associations a substantial number of the members of which constitute a. or b. above, or

d. CORPORATIONS incorporated in the UNITED STATES, including U.S. flag nongovernmental aircraft or vessels, but not including those entities which are openly acknowledged by a foreign government or governments to be directed and controlled by them.

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

USSID 18
27 July 1993

e. The following guidelines apply in determining whether a person is a U.S. PERSON:

(1) A person known to be currently in the United States will be treated as a U.S. PERSON unless that person is reasonably identified as an alien who has not been admitted for permanent residence or if the nature of the person's communications or other indicia in the contents or circumstances of such communications give rise to a reasonable belief that such person is not a U.S. PERSON.

(2) A person known to be currently outside the UNITED STATES, or whose location is not known, will not be treated as a U.S. PERSON unless such person is reasonably identified as such or the nature of the person's communications or other indicia in the contents or circumstances of such communications give rise to a reasonable belief that such person is a U.S. PERSON.

(3) A person known to be an alien admitted for permanent residence may be assumed to have lost status as a U.S. PERSON if the person leaves the UNITED STATES and it is known that the person is not in compliance with the administrative formalities provided by law (8 U.S.C. Section 1203) that enable such persons to reenter the UNITED STATES without regard to the provisions of law that would otherwise restrict an alien's entry into the UNITED STATES. The failure to follow the statutory procedures provides a reasonable basis to conclude that such alien has abandoned any intention of maintaining status as a permanent resident alien.

(4) An unincorporated association whose headquarters are located outside the UNITED STATES may be presumed not to be a U.S. PERSON unless the USSS has information indicating that a substantial number of members are citizens of the UNITED STATES or aliens lawfully admitted for permanent residence.

(5) CORPORATIONS have the nationality of the nation-state in which they are incorporated. CORPORATIONS formed under U.S. federal or state law are thus U.S. persons, even if the corporate stock is foreign-owned. The only exception set forth above is CORPORATIONS which are openly acknowledged to be directed and controlled by foreign governments. Conversely, CORPORATIONS incorporated in foreign countries are not U.S. PERSONS even if that CORPORATION is a subsidiary of a U.S. CORPORATION.

(6) Nongovernmental ships and aircraft are legal entities and have the nationality of the country in which they are registered. Ships and aircraft fly the flag and are subject to the law of their place of registration.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

ANNEX A

PROCEDURES IMPLEMENTING THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT (U)

SECTION 1 - PURPOSE AND APPLICABILITY

1.1. (U) The Foreign Intelligence Surveillance Act (the Act) governs the conduct of certain electronic surveillance activities within the United States to collect foreign intelligence information. A complete copy of the Act is found at Annex B to NSA/CSS Directive 10-30. The Act covers the intentional collection of the communications of a particular, known U.S. person who is in the United States, all wiretaps in the United States, the acquisition of certain radio communications where all parties to that communication are located in the United States, and the monitoring of information in which there is a reasonable expectation of privacy. The Act requires that all such surveillances be directed only at foreign powers and their agents as defined by the Act and that all such surveillances be authorized by the United States Foreign Intelligence Surveillance Court, or in certain limited circumstances, by the Attorney General.

SECTION 2 - GENERAL

2.1. (U) Procedures and standards for securing Court orders or Attorney General certifications to conduct electronic surveillances are set forth in the Act. Requests for such orders or certifications should be forwarded by the appropriate Key Component through the NSA General Counsel to the Director, NSA/Chief, CSS and should be accompanied by a statement of the facts and circumstances justifying a belief that the target is a foreign power or an agent of a foreign power and that each of the facilities or places at which the surveillance will be directed are being used, or are about to be used, by that foreign power or agent. If the proposed surveillance meets the requirements of the Act and the Director approves the proposal, attorneys in the Office of the General Counsel will draw the necessary court application or request for Attorney General certification.

SECTION 3 - MINIMIZATION PROCEDURES

3.1. ~~(S-CCO)~~ Surveillances authorized by the Act are required to be carried out in accordance with the Act and pursuant to the court order or Attorney General certification authorizing that particular surveillance. In some cases, the court orders are tailored to address particular problems, and in those instances the NSA attorney will advise the appropriate NSA offices of the terms of the court's orders. In most cases, however, the court order will incorporate without any changes the standardized minimization procedures set forth in Appendix 1.

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

APPENDIX 1

Standard Minimization Procedures for
NSA Electronic Surveillances

Table of Contents

Section 1 — Applicability and Scope Section	A-1/2
Section 2 — Definitions	A-1/2
a. Acquisition	A-1/2
b. Communications concerning a U.S. Person	A-1/2
c. Communications of a U.S. Person	A-1/2
d. Consent	A-1/2
e. [Redacted]	A-1/2
f. Identification of a U.S. Person	A-1/3
g. [Redacted]	A-1/3
h. Publicly available information	A-1/3
i. Technical data base	A-1/3
j. U.S. person	A-1/3
Section 3 — Acquisition and Processing – General	A-1/3
a. Acquisition	A-1/3
b. Verification	A-1/3
c. Monitoring, Recording, and Processing	A-1/4
d. U.S. Persons Employed by the Foreign Power	A-1/4
e. Destruction of Raw Data	A-1/4
f. Non-Pertinent Communications	A-1/5
g. Change in Target's Location or Status	A-1/5
Section 4 — Acquisition and Processing – Special Procedures	A-1/5
a. Collection Against Residential Premises	A-1/5
b. Attorney-Client Communications	A-1/6
Section 5 — Domestic Communications	A-1/6
a. Dissemination	A-1/6
b. Retention	A-1/6
Section 6 — Foreign Communications of or Concerning U.S. Persons	A-1/7
a. Retention	A-1/7
b. Dissemination	A-1/7
Section 7 — Other Foreign Communications	A-1/8
Section 8 — [Redacted]	A-1/8

(b) (1)
(b) (3)

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, DC

STANDARDIZED MINIMIZATION
PROCEDURES FOR NSA ELECTRONIC SURVEILLANCES

Pursuant to Section 101(h) of the Foreign Intelligence Surveillance Act of 1978 (hereinafter "the Act"), the following procedures have been adopted by the Attorney General and shall be followed by the NSA in implementing this electronic surveillance: (U)

SECTION 1 - APPLICABILITY AND SCOPE (U)

These procedures apply to the acquisition, retention, use, and dissemination of non-publicly available information concerning unconsenting United States persons that is collected in the course of electronic surveillance as ordered by the United States Foreign Intelligence Surveillance Court under Section 102(b) or authorized by Attorney General Certification under Section 102(a) of the Act. These procedures also apply to non-United States persons where specifically indicated. (U)

SECTION 2 - DEFINITIONS (U)

In addition to the definitions in Section 101 of the Act, the following definitions shall apply to these procedures:

(a) Acquisition means the collection by NSA through electronic means [redacted] communication to which it is not an intended party. (U)

(b) Communications concerning a United States person include all communications in which a United States person is discussed or mentioned, except where such communications reveal only publicly available information about the person. (U)

(c) Communications of a United States person include all communications to which a United States person is a party. (U)

(d) Consent is the agreement by a person or organization to permit the NSA to take particular actions that affect the person or organization. To be effective, consent must be given by the affected person or organization with sufficient knowledge to understand the action that may be taken and the possible consequences of that action. Consent by an organization shall be deemed valid if given on behalf of the organization by an official or governing body determined by the General Counsel, NSA, to have actual or apparent authority to make such an agreement. (U)

(e) [redacted]
[redacted]
(1) [redacted] (b) (1)
(2) [redacted] (b) (3)
(3) [redacted]
[redacted] (S-CCC)

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~SECRET~~

(f) Identification of a United States person means the name, unique title, address, or other personal identifier of a United States person in the context of activities conducted by that person or activities conducted by others that are related to that person. A reference to a product by brand name, or manufacturer's name or the use of a name in a descriptive sense, e.g., "Monroe Doctrine," is not an identification of a United States person. ~~(S-CCO)~~

(g) (U)

(h) Publicly available information means information that a member of the public could obtain on request, by research in public sources, or by casual observation. (U)

(i) Technical data base means information retained for cryptanalytic, traffic analytic, or signal exploitation purposes. ~~(S-CCO)~~

(j) United States person means a United States person as defined in the Act. The following guidelines apply in determining whether a person whose status is unknown is a United States person: (U)

(1) A person known to be currently in the United States will be treated as a United States person unless positively identified as an alien who has not been admitted for permanent residence, or unless the nature or circumstances of the person's communications give rise to a reasonable belief that such person is not a United States person. (U)

(2) A person known to be currently outside the United States, or whose location is unknown, will not be treated as a United States person unless such person can be positively identified as such, or the nature or circumstances of the person's communications give rise to a reasonable belief that such person is a United States person. (U)

(3) A person known to be an alien admitted for permanent residence loses status as a United States person if the person leaves the United States and is not in compliance with Title 8, United States Code, Section 1203 enabling re-entry into the United States. Failure to follow the statutory procedures provides a reasonable basis to conclude that the alien has abandoned any intention of maintaining his status as a permanent resident alien. (U)

(4) An unincorporated association whose headquarters or primary office is located outside the United States is presumed not to be a United States person unless there is information indicating that a substantial number of its members are citizens of the United States or aliens lawfully admitted for permanent residence. (U)

SECTION 3 - ACQUISITION AND PROCESSING - GENERAL (U)

(a) Acquisition (U)

The acquisition of information by electronic surveillance shall be made in accordance with the certification of the Attorney General or the court order authorizing such surveillance and conducted in a manner designed, to the greatest extent reasonably feasible, to minimize the acquisition of information not relevant to the authorized purpose of the surveillance. ~~(S-CCO)~~

(b) Verification (U)

At the initiation of the electronic surveillance, the NSA or the Federal Bureau of Investigation, if providing operational support, shall verify that the communication lines or telephone numbers being targeted are the lines or numbers of the target authorized by court order or Attorney General certification. Thereafter, collection personnel will monitor the acquisition of raw data at regular intervals to verify that the surveillance is not avoidably acquiring communications outside the authorized scope of the surveillance or information concerning United States persons not related to the purpose of the surveillance. ~~(S-CCO)~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

