

between the United States and foreign countries that was technically and legally available to the Intelligence Community and the actual use of that surveillance capability].

[This gap was potentially very damaging in the case of Khalid al-Mihdhar during the period in early 2000 when he was in the United States. [_____

_____] His presence in the United States was not determined by the Intelligence Community at the time. [_____
_____].

[NSA and CIA officers often worked closely together in [_____] collection efforts against al-Qa'ida. The two agencies conducted [_____] operations, And these operations often met with some success. However, one type of these operations – [_____] – caused much friction between NSA and CIA. This was especially true at the mid- and upper-management levels where struggles developed regarding which agency was in charge of developing and using such technology when human intelligence and signals intelligence targets overlapped. CIA perceived NSA as wanting to control technology deployment and development, while [page 80] NSA was concerned that CIA was conducting NSA-type operations. The NSA Chief of Data Acquisition noted to the Inquiry that this has been an issue during his entire tour of almost three years. These frictions persisted even after the September 11 attacks. In the first six months of 2002, for example, no less than seven executive-level memoranda (including one from the President) were issued in attempts to delineate CIA and NSA responsibilities and authorities in this collection area].

The Chief of NSA's Signals Intelligence Directorate acknowledged these frictions in a Joint Inquiry interview, but cited the executive memoranda as evidence that the situation is improving. NSA Director Hayden, told the Joint Inquiry that "the old divisions of labor are impractical; the new electronic universe requires more and more