Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

PROCEDURES RELATING TO THE COLLECTION, STORAGE AND DISSEMINATION OF INFORMATION CONCERNING THE ACTIVITIES OF UNITED STATES PERSONS

For the purpose of implementing Section 2-208 of Executive Order 12036, the Director of Central Intelligence (DCI) has established, and the Attorney General has approved, the following procedures relating to the Central Intelligence Agency's (CIA's) collection, storage and dissemination of information which is not publicly available* concerning the activities of United States persons, without the consent of such persons.

CRITERIA

1. CIA will not collect, store or disseminate information that is not available publicly concerning the activities of United States persons without their consent** unless such collection, storage and dissemination is permitted by these procedures and unless such information falls within one or more of the following categories:

a. Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence, including information that (1) identifies such corporations or other commercial organizations as manufacturers of equipment or related nomenclature or (2) if deleted would hamper the correlation of information on the same subject obtained from other sources or impede the effective targeting of intelligence requirements for other sources; an organization that uses the words "Inc.", "Corp.", "Co.", "Ltd." or other common commercial designation in its name may be presumed to be a commercial organization unless information to the contrary is obtained.

---

*Publicly available information concerning the activities of United States persons, and information of this kind that is not publicly available but that has been collected with the consent of the U.S. person concerned, may be collected, stored and disseminated whenever such information is relevant to any authorized function of CIA.

**Consent to collect implies consent to store. Dissemination of information collected pursuant to consent must meet the dissemination criteria of these procedures unless consent is obtained for their dissemination. Any person or organization who solicits business from CIA or who actually engages in the provision of goods or services to CIA consents to the collection of information by CIA concerning financial or business factors which is normally collected without specific authorization by private commercial organizations which are furnished similar goods and services.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

b. Information arising out of a lawful counter-intelligence* or personnel, physical or communications security investigation including information needed to understand or assess such investigations, information indicating that a United States person may be a target of the intelligence activities of a foreign power, and information indicating that a United States person is engaging in the unauthorized disclosure of properly classified national security information.

Counterintelligence investigations will be limited to those cases in which:

(a) facts and circumstances indicate that the person is or may be engaged in clandestine intelligence activities on behalf of a foreign power or international terrorist activity;

(b) collection is conducted to fulfill a lawful function of CIA; and

(c) collection involving use of electronic surveillance, certain surreptitious and continuous electronic or mechanical monitoring, unconsented physical searches and mail surveillance, physical surveillance and undisclosed participation in domestic organizations is conducted only in accordance with the Attorney General approved procedures for those subjects.

Personnel security investigations involve inquiries into the activities of a person granted access to intelligence or a person to be assigned or retained in a position with sensitive duties. These investigations are designed to develop information pertaining to the suitability, eligibility and trustworthiness of the individual with respect to loyalty, character, emotional stability and reliability. These investigations will be limited to collecting information about present or former CIA employees, present or former employees of CIA contractors, or applicants for such employment.

---

*Counterintelligence investigations within the United States can be conducted only in accordance with procedures for Section 1-805 of E.O. 12036.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Physical security investigations involve inquiries into or surveys of the effectiveness of security controls and procedures established to protect equipment, property or classified information. Security controls and procedures include physical controls established around the perimeter of a facility, building or office; controls established with respect to the equipment or other property; procedures governing access by visitors and procedures related to access to intelligence information by persons other than employees; procedures and controls related to the safe storage and transmittal of classified information including cryptographic information, materials and equipment, procedures limiting employee access to classified information on a need-to-know basis; and procedures and controls related to the disposal of classified equipment and wastes. Physical security investigations include inquiries and other actions undertaken against United States persons who are present upon, or are in physical proximity to, an installation or facility of a CIA activity or operation and who are reasonably believed to pose a clear threat to the physical safety of personnel or property. These investigations will be limited to collecting information about persons who are:

(1) discovered in CIA premises or on a CIA installation or facility without authorization;

(2) discovered in a portion of a CIA installation or facility under such circumstances as to cause a reasonable belief that such person is violating or about to violate law or regulation relating to the protection of classified information;

(3) reasonably believed to be engaging in an activity that is directed at or will result in unauthorized entry into, or damage to a CIA installation or facility or to the security thereof, or

(4) reasonably believed to jeopardize a CIA operation or activity because of physical proximity thereto.

Communications security investigations involve inquiries into or surveys of the protective measures taken to deny unauthorized persons information derived from telecommunications.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

c. Information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting, which is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

d. Information needed solely to identify individuals in contact with those persons described in paragraph c immediately above or with someone who is the subject of a lawful foreign intelligence or counterintelligence investigation;

e. Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons;

f. Information constituting foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in conformance with approved procedures or from cooperating sources in the United States; cooperating sources means anyone who volunteers information or anyone who, upon being asked by anyone identifying the request as on behalf of CIA, gives the information voluntarily. "From cooperating sources" does not authorize CIA to request that a source collect information about the domestic activities of a United States person from that person without the source revealing to that person that the source is acting on behalf of CIA.

g. Information about a person who is reasonably believed to be:

(1) acting on behalf of a foreign power;

(2) engaging in international terrorist activities;

(3) engaging in narcotics production or trafficking; or

(4) endangering the safety of a person protected by the United States Secret Service or the Department of State;

h. Information acquired by overhead reconnaissance not directed at specific United States persons;

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

i. Information concerning United States persons abroad that is obtained in response to requests from the Department of State for support of its consular responsibilities relating to the welfare of those persons; or

j. Information concerning persons or activities that pose a clear threat to Intelligence Community facilities or personnel. CIA may store only such information relating to threats to CIA facilities or personnel.

2. CIA will not request or encourage any person or organization to collect, store or disseminate on CIA's behalf any information concerning the activities of United States persons unless it meets the criteria set forth in paragraph 1 immediately above.

3. Where doubt exists as to whether particular information meets the criteria, the question should be referred through the chain of command. All questions which present new or significant legal issues as to whether a particular type of information meets the criteria will be referred to the General Counsel.

AUTHORIZED COLLECTION OF NONPUBLICLY AVAILABLE INFORMATION

4. Scope. These collection procedures deal only with purposeful collection* of information that is not available publicly concerning the activities of a United States person who has not consented to such collection. Purposeful collection occurs when such information is acquired as a result of collection activities intended to acquire information about the particular United States person. Incidental collection occurs when such information is acquired concerning the activities of a United States person who is not the subject of purposeful collection. Incidental collection includes such information being voluntarily imparted to CIA without CIA's solicitation.

---

*Collection by electronic surveillance, as well as storage and dissemination of the information collected by that technique, is exclusively governed by the procedures regulating that subject. Collection by certain surreptitious and continuous electronic or mechanical monitoring, unconsented physical searches and mail surveillance, physical surveillance and undisclosed participation in domestic organizations are governed by procedures regulating those subjects as are certain foreign intelligence and counterintelligence activities within the United States. Those procedures do not authorize collection not permitted here but further restrict collection authority. Collection by examination of tax returns or tax information will be done only to the extent permitted by applicable law.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Information obtained through incidental collection will be treated in accordance with the storage and dissemination procedures herein.

Purposeful Collection

5. Purposeful collection of information that concerns the activities of a United States person and that is not available publicly may be conducted on an unconsented basis if it meets one or more of the criteria of paragraph 1 above and if it is collected within the limitations set forth in paragraph 6 below and in accordance with the approval procedures set forth in paragraph 7 below.

6. Limitations. Such purposeful collection will be subject to the following limitations:

a. No such collection will be clandestinely undertaken in the United States for foreign intelligence purposes provided, however, that clandestine collection in the United States can be undertaken for determining the suitability or credibility of an individual; for lawful counterintelligence, personnel, physical or communications security investigation purposes; involving cooperating sources in the United States; or about a person who is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities or narcotics production or trafficking, or endangering the safety of a person protected by the United States Secret Service or the Department of State. Collection of information in the United States is also governed by procedures under Section 1-805 of E.O. 12036.

b. No such collection will be undertaken unless it is conducted by the least intrusive means possible* that in the judgment of CIA will be effective for such collection.

---

*An intelligence activity shall be considered to use the least intrusive means possible under all the circumstances of the particular case if less intrusive means cannot acquire intelligence of the nature, reliability, and timeliness required. No method involving a greater intrusion shall be requested or approved unless it has been determined that a less intrusive means will not be reasonable in the specific situation. As a general rule electronic surveillance, surreptitious and continuous monitoring and unconsented physical searches shall be regarded as more intrusive techniques than physical surveillance or other means of obtaining information that is not available publicly. Microphonic surveillance shall be considered more intrusive than telephonic surveillance and surveillances of private residential property shall be regarded as more intrusive than similar surveillances of business property.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

c. No such collection will be undertaken in the exercise of police, subpoena or law enforcement powers or internal security functions.

d. Collection of information for the purpose of determining suitability or credibility on security grounds of potential sources or contacts will be limited to lawful records checks. Collection of information relating to the suitability or credibility, on other than security grounds, of a person who is a potential source or contact shall be reasonably limited in scope, intensity and duration to accomplish the sole purpose of determining whether to initiate a security suitability investigation and to seek such person's cooperation. Collection of information for the purpose of establishing or confirming identity or commercial reliability will be limited to lawful records checks and interviews or inquiries in which CIA's interest may not be disclosed.

e. Approvals granted pursuant to paragraph 7 below will be valid for no more than 180 days after which a renewal shall be required for continuation. All such renewals shall be subject to the same criteria as the original approval.

7. Approval procedures. The purposeful collection of nonpublicly available information that concerns the activities of United States persons will be subject to the following approval conditions and procedures:

a. Collection will be approved on a case-by-case basis* by senior officials designated in writing by the DCI or DDCI. For this purpose senior officials are the chiefs of CIA stations, bases and installations outside of CIA Headquarters and employees at CIA Headquarters with, as determined by the DCI or DDCI, equivalent or superior responsibility or authority.

b. All requests for approval will, to the extent known, contain a statement outlining all prior decisions relating to the current request. A designated official will approve such collection only pursuant to his determination that there is positive authority for CIA to undertake such collection, and that there is evidence that the collection will produce the type of information CIA is authorized to collect as specified in paragraph 1 above and will comply with the limitations specified in paragraph 6 above.

---

*Individual approvals on a case-by-case basis are not required for security suitability or credibility investigations that only involve routine checks of the records of other Federal agencies (National Agency Checks), or state or local police authorities.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

c. Requests for approval pursuant to this paragraph will include a statement of the positive authority relied upon for the unconsented collection; a statement of the facts and circumstances indicating that the collection will produce the type of information that CIA is authorized to collect, as specified in paragraph 1 above, that collection is by the least intrusive means possible* that are likely to produce the information sought and that the subject of such collection cannot be advised of CIA's interest because such notification would frustrate the collection or jeopardize or compromise a CIA activity or operation.

d. Requests for approval pursuant to this paragraph will be forwarded through the General Counsel whenever there is a legal question as to whether the requested collection is authorized by these procedures.

e. Requests for approval pursuant to this paragraph, when necessary, may be oral, and the authorization may also be oral, but in these circumstances the request and authorization will be confirmed in writing as soon as possible.

STORAGE OF INFORMATION

Scope

8. These procedures deal with the knowing storage of nonpublicly available information concerning the activities of United States persons, whether purposefully or incidentally collected on an unconsented basis.

Previously Collected Information

9. Other than for dissemination purposes such information collected prior to the date of the Attorney General's approval of these procedures but collected in accordance with Executive Orders 12036 or 11905 or other rules of law applicable at the time of collection, will not have to be reviewed to determine if it meets one or more of the categories specified in paragraph 1 above.

---

*See the relevant footnote associated with paragraph 6.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

New Information (Not Yet Stored)

10. Such information stored by CIA after the date of the Attorney General's approval of these procedures will meet the criteria specified in paragraph 1 above and will be relevant to an authorized function of CIA. Such information that does not meet that criteria and that which is not relevant to an authorized function of CIA will be destroyed, except when one or more of the following conditions apply:

a. The temporary retention of such information for a period not to exceed 180 days, is authorized solely for the purpose of determining whether, either alone or in conjunction with other information, it meets the criteria specified in paragraph 1 above.

b. Such information may be stored in such a manner that it cannot be retrieved by reference to the name or other identifying data of the United States person to whom it relates.

c. Such information that is suspected to be enciphered or to contain a secret meaning may be stored until deciphered or until its true meaning is ascertained and may be stored indefinitely thereafter for technical data base purposes; however once such information is determined not to be enciphered or to contain a secret meaning, it will be destroyed unless it otherwise qualifies within the scope of another category of this paragraph.

11. Notwithstanding paragraph 10, information related to security suitability or credibility of potential sources or contacts may be stored for that purpose. Information about the suitability or credibility may not be stored so that it is retrievable by name if the individual concerned is not contacted for use within one year from the completion of the collection or upon being contacted, refuses or declines to be a source or contact.

DISSEMINATION OF INFORMATION

12. Scope. These procedures deal with the knowing dissemination of nonpublicly available information concerning the activities of United States persons, whether purposefully or incidentally collected on an unconsented basis.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

13. Such information may be disseminated within CIA only to those employees who have a need to know in the course of their official duties. Such information may also be disseminated outside of CIA where it is relevant to authorized functions performed by the persons or entities to whom it is to be disseminated and where it meets one or more of the following conditions:

a. Such information which meets the criteria of paragraph 1 above that is stored by CIA may be disseminated to agencies within the Intelligence Community or to entitites of cooperating foreign governments if such agencies or entities agree to such further restrictions on dissemination as might be required.

b. Such information that indicates involvement in activities that may violate federal, state, local or foreign laws may be disseminated* to appropriate law enforcement agencies having jurisdiction or responsibility for the investigation or prosecution of such activity, provided that no such information will be disseminated to the Law Enforcement Assistance Administration except through the FBI.

c. Information relating to the security suitability or credibility of potential sources or contacts may be disseminated to another United States intelligence entity that has expressed a need or interest in obtaining assistance from such individual or organization.

d. Information relating to the trustworthiness or suitability of any United States person may be disseminated to any department or agency that has granted or is considering whether to grant any such person a security clearance or access to classified information, or to any agency having a responsibility to investigate such a person for the purpose of determining whether such clearance or access should be granted.

e. The dissemination of such information for reasons other than those set forth in a-d immediately above may be conducted if the DCI or DDCI determines, that such dissemination is necessary to a lawful activity of the United States and the Attorney General or his designee determines that such dissemination is lawful.

---

*Information that contains evidence of possible violations of federal criminal law required to be reported to the Attorney General pursuant to section 1-706 of E.O. 12036 and the guidelines pursuant thereto will be disseminated as required thereby.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

14. The identity of the United States person or persons involved in such information may be included where it is necessary to understanding or assessing that information which is to be disseminated. If the identity is not necessary, it will be replaced with a generic term. The identity of the United States person includes the name or other personal identifying data relating to such person.

15. Nothing in these procedures permit dissemination of nonpublicly available information concerning the activities of United States persons collected without their consent if that dissemination is otherwise prohibited by law.

GENERAL EXCEPTIONS

16. Nothing in these procedures shall be construed to prohibit, where a person's life or physical safety is reason ably believed to be in imminent danger, the collection, storage or dissemination of information concerning United States persons that is relevant to such danger or the prevention, reduction, or elimination thereof.

17. Nothing in these procedures shall be construed to prohibit the storage or dissemination of information necessary for the purposes of oversight, accountability or redress, which is relevant to any administrative, civil or criminal proceeding or purpose of which CIA has prior notice or which is required by law to be retained. Dissemination of such information shall be limited to that necessary for such purposes or proceedings. Administrative purposes are those related to contracting, building maintenance, construction, fiscal matters, internal accounting procedures, disciplinary matters, legal matters, public affairs, legislative affairs and other matters not related to intelligence or security.

18. Information as addressed in these procedures does not concern "the activities of United States persons" if it involves only the name, title (if any), address, date and place of birth and/or physical description of a natural person or the name, address, characterization (e.g., industrial firm, fraternal organization, charitable organization) and/or identity of the officers of an organization. When the name of a United States person is included in the brand name, the name of a military or political doctrine or other descriptive figures of speech that do not disclose information about the United States person, the information may be treated in the same manner as if it were replaced with a generic term.

INTERPRETATION

19. All questions as to the coverage and interpretation of these procedures will be resolved by the General Counsel, in consultation where there is a significant new legal question with the Department of Justice. The DCI may modify these procedures upon the express approval of the Attorney General.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

DEFINITIONS

20. For the purposes of these procedures the term:

a. "Acting on behalf of a foreign power" includes but is not limited to all activities of an "agent of a foreign power" when a person is acting in that capacity.

b. "Agencies within the Intelligence Community" refers to the following organizations:

(1) The CIA;

(2) The National Security Agency;

(3) The Defense Intelligence Agency;

(4) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) The Bureau of Intelligence and Research of the Department of State;

(6) The intelligence elements of the military services, the FBI, the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration; and

(7) The staff elements of the Office of the DCI.

c. "Agent of a foreign power" means

(1) a person who, for or on behalf of a foreign power, is engaged in clandestine intelligence activities (including clandestine activities intended to affect the political or governmental process), sabotage, or international terrorist activities, or who conspires with or knowingly aids or abets such a person in engaging in such activities;

(2) a person who is an officer or employee of a foreign power*;

*"Officer or employee of a foreign power" includes foreign nationals in the United States who are acting in an official capacity on behalf of a foreign power, attached to a foreign diplomatic establishment or an establishment under the control of a foreign power, or employed by a public international organization or organization established under an agreement to which the United States is a party.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

(3) a corporation or other entity that is owned or controlled directly or indirectly by a foreign power;

(4) a person acting in collaboration with an intelligence or security service of a foreign power who has, or has had, access to information or material classified by the United States; or

(5) a person unlawfully acting for or pursuant to the direction of a foreign power, provided that the fact that a person's activities may benefit or further the aims of a foreign power, standing alone, is not sufficient to support a finding that a person is acting for or pursuant to the direction of a foreign power.

d. "Attorney General" includes the Acting Attorney General.

e. "Available publicly" refers to information that any member of the public could lawfully obtain by request or casual observation, or information, including public communications, that is lawfully accessible to any member of the public. Nothing herein authorizes a search or surveillance that is otherwise regulated by Attorney General-approved procedures.

f. "Central Intelligence Agency" and "CIA" include the staff elements of the Office of the Director of Central Intelligence.

g. "Clandestine intelligence activity" means an activity conducted for intelligence purposes or for the purpose of affecting political or governmental processes by or on behalf of a foreign power in a manner tending to conceal from the United States Government the nature or fact of such activity or the role of such foreign power, and any knowing activity conducted in support of such activity.

h. "Contact" in the context of "an individual in contact" means a reasonable belief that there has been intentional communication between two persons, either directly or through one or more intermediaries.

i. "Counterintelligence" means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, and international terrorist activities or assassinations conducted for or on behalf of foreign

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3
powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

j. "Deputy Director of Central Intelligence" or "DDCI" includes the Acting Deputy Director of Central Intelligence.

k. "Director of Central Intelligence" or "DCI" includes the Acting Director of Central Intelligence.

l. "Employee" means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

m. "Foreign power" means

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a foreign-based group engaged in international terrorist activity and any other group engaged abroad in any such activity; or

(5) a foreign-based political organization not substantially composed of United States persons.

n. "Foreign intelligence" means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintellligence except for information on international terrorist activities.

o. "Information that is stored" occurs when information is organized in such a way that it may be retrieved by reference to the name or identity of the United States person who is the subject of that information.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

p. "International terrorist activities" means any activity or activities which:

(1) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts;

(2) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(3) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

q. "A potential contact" is a person who is situated by acquaintance, friendship, affiliation, position or other factor so as to be able to have contact with a potential source.

r. "A potential source" is a person who is situated by knowledge, training, experience, position or responsibility so as to have access to or be able to obtain or develop foreign intelligence, counterintelligence or narcotics production or trafficking information.

s. "Public Communications" means communications transmitted within frequency bands devoted to FM, television and other broadcasts; amateur and CB communications; police, fire, ambulance, navigational aid and distress, and other public service transmissions; and aircraft and maritime communications not connected with land-based telephone lines.

t. "United States," when used to describe a place, includes the territories of the United States.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

u. "United States person" means

(1) a citizen of the United States;

(2) an alien lawfully admitted for permanent residence, provided that a person outside the United States may be presumed not to be a United States person until information to the contrary is obtained and provided, further, that an alien known to have been admitted for permanent residence in the United States may be presumed to have lost his status as a United States person if he leaves the United States and it is known that he is not in compliance with the administrative formalities provided by law (8 U.S.C. section 1203) that enable such persons to re-enter the United States without regard to the provisions of law that would otherwise restrict an alien's entry into the United States;

(3) an unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence; provided that unincorporated associations outside the United States may be presumed not to be United States persons until information to the contrary is obtained; or

(4) a corporation incorporated in the United States. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

A person in the United States shall be presumed to be a United States person unless information to the contrary is obtained.

20. Activities undertaken on the basis of "consent" shall only be undertaken if (1) the subject of the activity has specifically consented, in writing if possible or orally, to that activity; (2) (in the case of employees or visitors to government facilities) there is a visible posted notice on government property which clearly states that the place or object where the notice is posted is subject to a particular form of search or surveillance; (3) (in the case of employees) the activity is undertaken in accordance with published rules or regulations which are individually distributed to all such employees or (4) the subject of a lawful investigation has either authorized an agency employee to undertake that activity regardless of the subject's knowledge of the employee's agency affiliation.

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3

21. These procedures shall become effective 30 days from the date they are approved by the Attorney General.

28 July 1979
Date

Director of Central Intelligence

I approve the foregoing procedures in accordance with subsection 2-208 of Executive Order 12036. In my opinion these procedures are lawful and comply with the provisions of Executive Order 12036 and the National Security Act of 1947, as amended.

August 10, 1979
Date

Attorney General

Approved For Release 2006/12/16 : CIA-RDP87B01034R000100090048-3