



(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

AR 2-2E ANNEX E -- (U) Memorandum of Understanding Concerning Overseas and Domestic Activities of the Central Intelligence Agency and the Federal Bureau of Investigation (Formerly HR 7-1ANNE)

OGC - AGENCY REGULATION SERIES 2 (INTELLIGENCE ACTIVITIES) PUBLISHED ON 23 DECEMBER 1987

Revision Summary

~~(U//AIUO)~~ Please be advised that AR 2-2E (U) Procedures Relating to the Conduct of Counterintelligence Activities outside the United States by the Federal Bureau of Investigation (Formerly HR 7-1AnnE) dated 23 December 1987, has been superceded by AR 2-2E (U) Memorandum of Understanding Concerning Overseas and Domestic Activities of the Central Intelligence Agency and the Federal Bureau of Investigation, dated 20 July 2005. The 2005 version is not presented in the usual Agency regulatory format; the version here is formatted to retain the stucture of the issuance as approved.

(U) Users needing further information regarding this issuance are directed to contact



(b)(3) CIAAct

Regulation Summary

(U) The purpose of this Memorandum of Understanding (MOU) is to ensure the full and seamless coordination and cooperation between CIA and FBI in both the overseas and domestic arenas. The section numbering within Provision II (U) Policy is recreated exactly as set forth in the 2005 MOU.

I. (U) Authorities

(U//AIUO) [Authorities are as stated in the regulation].

II. (U) Policy

(U) Purpose

(U) The purpose of this MOU is to ensure the full and seamless coordination and cooperation between CIA and FBI in both the overseas and domestic arenas.

I. (U) Definitions

(U) The term foreign intelligence, as defined in Part 3.4(d) of Executive Order 12333, means information relating to the capabilities, intentions and activities of foreign powers, organizations, or persons, but not including counterintelligence except for information on international terrorist activities.

(U) The term counterintelligence, as defined in Part 3.4(a) of Executive Order 12333, means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities (but not including personnel, physical, document or communications security programs).

(U) The term intelligence includes foreign intelligence and counterintelligence.

(U) The term national intelligence has the meaning set forth in the National Security Act of 1947, as amended.

~~(S//NF)~~ The term coordination means the process of eliciting comments prior to undertaking a proposed action. As used here, the term means that no such action will be taken so long as the party with whom the action in question is raised has unresolved objections. The agency responsible for coordination will advise the other agency of the identity of the individual of interest, the nature of the agency's interest, and the means of collection or access envisioned. The agency whose coordination is required will respond to the initiating agency within five business days indicating whether there is a concern regarding the proposed action, and the nature of that concern. Coordination by the requesting agency must be documented and may occur at the field level.

(U) The term notify means the timely disclosure of an anticipated activity so that the entity notified may provide comments or input. When considerations allow, this should occur five working days ahead of the proposed activity.

(U) The term embassy means any diplomatic establishment.

II. (U) Overseas Intelligence Activities

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(U) Operational Activities Abroad

~~(S//NF)~~ The FBI will obtain Attorney General approval, if required by applicable Attorney General Guidelines,

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(U) Expressions of No Interest

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(b)(3) NatSecAct
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~~(S//NF)~~ Following coordination with CIA, if CIA expresses no interest in particular FBI activities abroad,

Any changes to previously coordinated activity require additional coordination by the FBI with the CIA.

(U) FBI Activities Ordered by the President or Vice President or Under Title 28 of the United States Code, Section 533

(U) FBI LEGAT Contacts Abroad

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~~(S//NF)~~ FBI LEGATS have contact [endnote 5] with foreign intelligence, security and law enforcement services. LEGATS will coordinate these contacts with the Chiefs of Station when

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(U) Tracing

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(b)(3) NatSecAct

(U) Espionage Investigations

(U) As outlined in Section 603 of the Intelligence Authorization Act of 1990, the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad, including foreign service nationals employed at United States diplomatic missions abroad. CIA shall report immediately to the FBI Headquarters any information concerning such a violation. CIA shall provide appropriate assistance to the FBI in the conduct of such investigations.

(U) Reporting

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(b)(3) NatSecAct

(U) CIA Responsibilities Abroad Impacting FBI Equities

~~(S/NF)~~ On cases originating with CIA involving the granting of lawful permanent residence in the interest of national security or in furtherance of the national intelligence mission (so-called

PL 110 cases under Section 7 of the CIA Act of 1949), (b)(1) (b)(3) NatSecAct will notify the appropriate FBI Assistant Director of the identity of the individual or individuals.

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(b)(3) NatSecAct

(S//NF) CIA will assist the FBI in its mission abroad, to the extent authorized by Executive Order 12333 and its implementing procedures and the National Security Act of 1947.

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(b)(3) NatSecAct

III. (U) Domestic Intelligence Activities

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(b)(3) NatSecAct
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(U) CIA Intelligence Activities Within the United States

(S//NF) In accordance with the provisions of Executive Order 12333, the CIA shall coordinate with the FBI the collection of foreign intelligence or counterintelligence within the United States as required by procedures agreed upon by the D/CIA and the Attorney General. It is the intent of the parties that this coordination will result in an effective allocation of FBI and CIA effort to support the nation's foreign intelligence and counterintelligence needs.

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B.

(S//NF) When CIA directs its activity, which shall be in full compliance with all applicable legal restrictions, against a US person target,

inside the United States, the

CIA will coordinate this activity with the

Any changes to the previously coordinated activity require additional coordination by the CIA with the FBI.

C.

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[Redacted]

D.

[Redacted]

E.

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F.

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G.

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H.

~~(S//NF)~~ Senior officials at the CIA and FBI will meet semi-annually to discuss overall collection strategy [Redacted]

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[Redacted] in order to avoid unnecessary duplication or gaps in collection.

~~(S//NF)~~ CIA will conduct overt collection of foreign intelligence from witting and

voluntary United States persons inside the United States related to activities outside the United States, in full compliance with all applicable legal restrictions.

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(U) FBI Passage of Information to CIA

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(U) State, Local and Tribal Officials

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~~(S/NF)~~ Except for contact related to the security of [redacted] CIA [redacted], CIA will coordinate with the [redacted]

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(S//NF) FBI Contact with Foreign Intelligence, Security and Law Enforcement Services in the United States

(S//NF) CIA has overall responsibility for coordinating relationships with foreign intelligence and security services. The FBI has broad authorities to conduct law enforcement and intelligence activities in the United States. The FBI need not coordinate with the CIA before engaging in contact activities with foreign intelligence, security or law enforcement services in the United States. The FBI will, however, notify CIA when

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(b)(3) NatSecAct

IV. (U) General Provisions

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(S//NF) Requests to Refrain from Information Sharing

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(b)(3) NatSecAct

(S//NF) CIA and FBI share the goal that there be seamless coordination and cooperation between CIA and FBI. Accordingly, whenever

a request that the information not be shared will inform

(U) Training

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(b)(3) NatSecAct

(U) No Rights for Third Parties

(U) This MOU is intended only to improve the internal management of the relationship between

the CIA and the FBI and is not intended to, and does not, create any right or benefit enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

V. (U) Dispute Resolution

~~(C//NF)~~ CIA and FBI are committed to close cooperation in these intelligence activities.

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(b)(3) NatSecAct

VI. (U) Legal Authorities

(U) This MOU is not intended to contradict or abrogate any existing legal authorities, except as set forth in Section VIII. All activities carried out in accordance with the MOU shall be in full compliance with the Constitution and all other applicable laws and regulations.

VII. (U) Periodic Review

(U) The Attorney General, the Director of the FBI and the Director of CIA will conduct a review of this MOU every three years.

VIII. (U) Technical Comments

(U) This MOU supersedes the following documents or procedures that were previously in force:

- 1982 "Procedures Relating to the Conduct of Counterintelligence Activities Outside the United States by the Federal Bureau of Investigation" signed by the Attorney General and the Director of Central Intelligence.
- 1982 CIA Procedures adopted by the Attorney General and the Director of Central Intelligence entitled, "Guidance for CIA Activities within the United States."

- 1992 Memorandum of Agreement between the FBI and CIA entitled, "Supplemental Memorandum of Agreement Regarding the Conduct and Coordination of FBI Counterintelligence Activities Abroad."
- 1994 Memorandum of Agreement between the FBI and CIA entitled, "Supplemental Memorandum of Agreement Concerning Coordination with the FBI of CIA Activities within the United States."

APPROVED:

/s/ Robert S. Mueller
Director, Federal Bureau of Investigation 28 June 2005

/s/ Alberto Gonzales
Attorney General 20 July 2005

/s/ Porter Goss
Director, Central Intelligence Agency 21 June 2005

ENDNOTES

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(b)(3) NatSecAct

4 - (U) Under 28 USC 533, the Attorney General may appoint officials to conduct investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General. Pursuant to the Article II of the Constitution, the President can order the FBI to engage in extraterritorial activity.

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(b)(3) NatSecAct

III. (U) Responsibilities

(U) [No Responsibilities section was included in the 2005 MOU].

(b)(3) NatSecAct