

(b)(3) NatSecAct

[REDACTED]

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

AR 2-2G (U) Appendices to Annexes A and B (Formerly HR 7-1APP1)

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

Revision Summary

(U/~~LA/FO~~) Please be advised that AR 2-2G (U) Appendices to Annexes A AND B (Formerly HR 7-1ABH) dated 14 November 1991, has been superceded by AR 2-2G (U) Appendices to Annexes A and B, dated 20 July 2005.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.

Please note that former Appendix H (U) JOINT COUNTERINTELLIGENCE OPERATIONS was rescinded without replacement in the 2005 revision to the Appendices. Additionally, please be advised that Appendix A (U) Definitions was also revised in 2005; to the extent that a definition here below is in conflict with the definition of the same term as set forth in AR 2-2C Annex C (U) Definitions (former HR 7-1ANNC), the definition set forth in the 2005 version of Appendix A will control.

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

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Regulation Summary

APPENDICES TO AR 2-2, ANNEXES A and B

Appendices A through G to Guidance for CIA Activities Outside of and Within the United States

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I. (U) Authorities

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

II. (U) Policy

APPENDIX A: (U) DEFINITIONS

(U) For the purpose of these procedures:

(U) Agencies within the Intelligence Community are: (a) the Office of the Director of National Intelligence; (b) the Central Intelligence Agency; (c) the National Security Agency; (d) the Defense Intelligence Agency; (e) the National Geospatial-Intelligence Agency; (f) the National Reconnaissance Office; (g) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs; (h) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, and the Department of Energy; (i) the Bureau of Intelligence and Research of the Department of state; (j) the Office of Intelligence and Analysis of the Department of the Treasury; (k) the elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard; (l) such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned; as an element of the intelligence community.

(U) Agent of a foreign power means:

- a. (U) 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;
- b. (U) A person who is an officer or employee of a foreign power, including any individual whether in the United States or abroad who acts or is authorized to act in an official capacity on behalf of a foreign power, has been granted diplomatic status by a foreign power, is attached to a foreign diplomatic establishment or an establishment under the control of a

foreign power, or is

[redacted]

[redacted] under an agreement to which the United States is a party;

- c. (U) A corporation or other entity that is owned or controlled directly or indirectly by a foreign power;
- d. (U) 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;
- e. (U) 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; or
- f. (U) A person who, or organization which, acquires access to classified information under facts and circumstances indicating that such person or organization is in contact with a foreign power or powers for purposes of transmitting such information or material in an unauthorized manner.

(U) Central Intelligence Agency and CIA include the staff elements of the Office of the Director, Central Intelligence Agency.

(U) Consent means that: (a) the subject or a participant in the activity has granted permission, in writing if possible or orally, within a specific time frame and context; or (b) 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; or (c) in the case of employees, the activity is undertaken in accordance with published rules or regulations; or (d) the subject of a lawful security investigation has authorized a CIA employee to undertake that investigation regardless of the subject's knowledge of the employee's affiliation. Consent to use special collection techniques must be specific.

(U) 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.

(U) Counterintelligence means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassination 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.

~~(S//NF)~~ Direct activities at a person means, in the context of coordination with the FBI, to initiate activities after a decision is made by CIA to collect information on an individual or group from sources other than exploiting: (a) information already in possession

[redacted]

(b) information that is available publicly, (c) United States Government records, or (d)

(b)(1)

(b)(1)

information already in possession of (b)(1)
(b)(3) NatSecAct

~~(S//NF)~~ Electronic surveillance means acquisition of a non-public communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a non-electronic communication, without the consent of a person who is visibly present at the place of communication. Electronic surveillance encompasses telephone surveillance, microphone (audio) surveillance, and signals intelligence (SIGINT). Electronic surveillance does not include the use of radio direction finding equipment solely to determine the location of a transmitter or the monitoring of public communications such as foreign public broadcasts by FBIS. All electronic surveillance techniques

the retention and dissemination of information obtained by such collection, and related testing and training are governed by these procedures.

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

(U) General Counsel includes the Deputy General Counsel or Acting General Counsel.

(U) Employee means a person employed by, assigned to, or acting for an agency within the Intelligence Community. The term includes contractors (b)(1)
(b)(3) NatSecAct

(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 foreign-based group engaged in international terrorist activities or international narcotics activities and any other group engaged abroad in any such activities; or (e) a foreign-based political organization not substantially composed of United States persons.

(U) Foreign intelligence 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) International terrorist activities means any activity or activities which:
a. (U) Involve killing, causing serious bodily harm, kidnapping, violent destruction of property, or an attempt or credible threat to commit such acts;
b. (U) Appear intended to endanger a protectee of the Secret Service, the Department of State, or other federal department or agency, or to further political, social, or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy

or [sic] a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

c. (U) Occur totally outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the civilian population, government, or international organization they appear intended to coerce to intimidate, or the locale in which their perpetrators operate or seek asylum.

(U) Least intrusive technique feasible means that a certain collection technique may be used only if less intrusive techniques cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule, [redacted] are less

intrusive than [redacted] (b)(1) (b)(1)
(b)(3) NatSecAct (b)(3) NatSecAct

(U) Monitoring means:

a. ~~(S//NF)~~ [redacted]

[redacted] the activities of a particular United States person within the United States or abroad or a particular non-United States person within the United States,

[redacted] (b)(1) (b)(1)
[redacted] or [redacted] (b)(1) (b)(3) NatSecAct
[redacted] (b)(3) NatSecAct

b. ~~(S//NF)~~ [redacted]

a United States person within the United States or abroad or a non-U.S. person within the United States without the consent of the person. Monitoring does not include [redacted] (b)(1)

[redacted] if not directed at a particular person or (b)(1) ons. (b)(1) NatSecAct
(b)(3) NatSecAct (b)(3) NatSecAct

~~(S//NF)~~ Physical surveillance means (a) unconsented and deliberate observation of a person by any means on a continuing basis; or (b) unconsented overhearing of a non-public conversation by a person who is not visibly present at the location of the conversation. Physical surveillance does not include overhead reconnaissance not directed at specific United States persons. Overhead reconnaissance not directed at specific United States persons includes [redacted]

[redacted] (b)(1)
[redacted] (b)(3) NatSecAct

(U) Public communications means communications transmitted within frequency bands devoted to AM/FM radio, television, and other broadcasts and communications intended for subsequent broadcast or public dissemination; 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.

(U) Publicly available means information that any member of the public could lawfully obtain by request or observation (not amounting to physical surveillance), and information, including

public communications, that is lawfully accessible to any member of the public.

(U) Retention means that information is organized in such a manner that it may be retrieved by reference to the name or identity of the person who is the subject of the information.

(U) Special activities means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

~~(S//NF)~~ Unconsented physical search means a search or seizure of a person, or his property or possessions, for purposes other than [redacted]

[redacted] without the consent of the person, or, in the case of property or possessions, of another individual who has authority to consent to such a search. This term includes the opening of any mail sent by or intended to be received by a United States person.

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

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

(U) United States person means:

- a. (U) A United States citizen;
- b. (U) An alien known by CIA to be a permanent resident alien (An alien who procures a visa or other documentation by fraud or willful misrepresentation of a material fact is not a permanent resident alien for purposes of these procedures.);
- c. (U) An unincorporated association substantially composed of United States citizens or permanent resident aliens; or
- d. (U) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. 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.

(U) A person or organization outside the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained. An alien in the United States may be presumed not to be a United States person unless specific indications to the contrary are obtained.

(U) In United States postal channels means:

- a. (U) Mail while in transit within, among, and between the United States (including mail of foreign origin which is passed by a foreign postal administration to the United States Postal Service for forwarding to a foreign postal administration under a postal treaty or convention and mail temporarily in the hands of the United States Customs Service or the Department of Agriculture), its territories and possessions, Army-Air Force (APO) and Navy (FPO) post

offices, and mail for-delivery to the United Nations, N.Y.; and

b. (U) International mail en route to an addressee in the United States or its possessions after passage to United States Postal Service from a foreign postal administration or en route to an addressee abroad before passage to a foreign postal administration.

(b)(3) NatSecAct

~~(S//NF)~~ Visibly present means that a person at a location at which a special collection technique is directed is a person who is (a) a party to a conversation at that location; (b) a person, other than a party, who participates in a conversation at that location; or (c) a person in such close proximity to a conversation at that location so as to be reasonably assumed by the participants to be able to overhear the conversation at that location.

APPENDIX B: (U) SENIOR OFFICIALS WHO MAY APPROVE CERTAIN ACTIVITIES

~~(S//NF)~~ The Deputy Director for Operations (DDO); the ADDO; the ADDO/CI; a chief, deputy chief, or an official third in command of a DO division at Headquarters, and supervisory personnel at Headquarters, stations, bases, and installations within the United States and abroad who are designated by the DDO may approve certain collection activities as specified in these procedures.

~~(S//NF)~~ The Deputy Director for Support (DDS), the Associate DDS for Support Centers (ADD/SC), the Chief, Security Center (C/SC), the Chief of Operations, Security Center (C/OPS/SC), and Chief, Personnel Security Group (C/PSG) may approve certain collection activities as specified in these procedures.

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

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

APPENDIX C: ~~(S//NF)~~ DISSEMINATION OF INFORMATION

~~(S//NF)~~ Information not publicly available concerning the activities of United States persons, whether classified or unclassified, that may be retained under these procedures may be disseminated, [redacted] upon a written determination by CIA Headquarters that:

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

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

(b)(1) Such information that is or may be (b)(1)
(b)(3) NatSecAct (b)(3) NatSecAct

(b)(3) NatSecAct may be disseminated upon approval of the D/CIA or his designee, but only after (b)(1)

(b)(1) weighing the effect dissemination of the information could have on the U.S. persons (b)(3) NatSecAct

(b)(3) NatSecAct An information copy of the approval documentation will be maintained in a manner accessible to the General Counsel.

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

APPENDIX D: ~~(S//NF)~~ RETENTION AND DISSEMINATION OF INFORMATION DERIVED FROM ELECTRONIC SURVEILLANCE

1. ~~(S//NF)~~ Information about a United States person derived from electronic surveillance may be retained and disseminated within CIA and to authorized recipients outside the Agency if the identity of the U.S. person and all personally identifiable information are deleted. A generic term may be substituted which does not identify the U.S. person in the context of the message. If the information cannot be sanitized in such a fashion because the identity is necessary, or it is reasonably believed that it may become necessary, to understand or assess the information, that identity may be retained or disseminated outside CIA along with the information if:

a. ~~(S//NF)~~ The information is foreign intelligence or counterintelligence. Such information includes, but is not limited to, that information falling within the following categories:

(1). ~~(S//NF)~~ The information indicates that the United States person has acted or may be acting as an agent of a foreign power, (b)(1)

(b)(3) NatSecAct

(2). ~~(S//NF)~~ The information indicates that a United States person may be a target of intelligence activities of a foreign power;

(3). ~~(S//NF)~~ The information indicates that a United States person has engaged or may be engaging in the unauthorized disclosure of properly classified national security information;

(4). ~~(S//NF)~~ The information concerns corporations or other commercial organizations the

deletion of which would hamper the correlation of foreign intelligence on the same subject;

b. [redacted] (b)(1)

c. ~~(S//NF)~~ The information is needed to protect the safety of any persons or organizations, including those who are targets, victims, or hostages of international terrorist organizations;

d. ~~(S//NF)~~ The information concerns a United States person who is or may be, on the basis of that communication or other information, an agent of a foreign power;

e. ~~(S//NF)~~ The information involves a United States person who has consented to the retention or dissemination of his communications or information concerning him;

f. ~~(S//NF)~~ The information indicates that a United States person is engaged or may be engaged in international terrorist or narcotics activities;

g. ~~(S//NF)~~ The information is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

h. ~~(S//NF)~~ The information concerns a person who is the subject of collection authorized in accordance with these procedures;

i. ~~(S//NF)~~ The information is needed solely to identify [redacted] (b)(1) (b)(3) NatSecAct

j. ~~(S//NF)~~ The information is needed to determine [redacted]

[redacted] provided such information is retained in accordance with the procedures governing retention of information not derived from [redacted] (b)(1) (b)(1) (b)(3) NatSecAct (b)(3) NatSecAct

k. ~~(S//NF)~~ The information concerns a person or activity that poses a threat to any facility or personnel of any agency within the intelligence Community, or any department containing such an agency;

l. ~~(S//NF)~~ The information contains evidence of possible violations of federal criminal laws required to be reported to the Attorney General;

m. ~~(S//NF)~~ The information concerns a U.S. Government official acting in an official capacity; or

n. ~~(S//NF)~~ The personally identifiable information concerning the United States person is publicly available.

~~(S//NF)~~ A communication or information about a U. S. person which does not qualify for retention or dissemination in accordance with this paragraph must be destroyed.

2. ~~(S//NF)~~ Nothing in this Appendix shall prohibit:

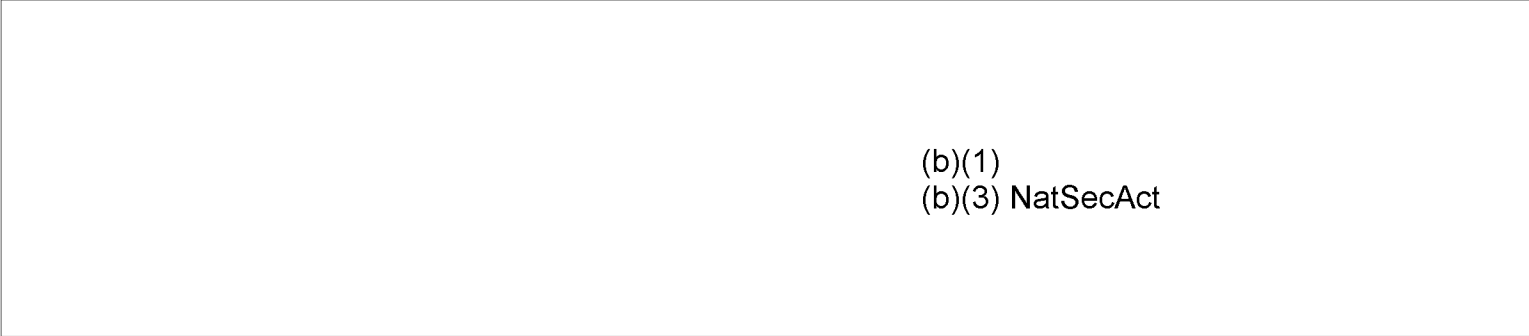
a. ~~(S//NF)~~ The retention or disclosure of information necessary for the purpose of determining whether the requirements of these procedures are satisfied, provided that the recipient under this paragraph does not retain or disclose the identity of a United States person where it is determined that the requirements of this part would not permit dissemination;

b. ~~(S//NF)~~ The retention of a communication necessary for the maintenance of technical data

bases, so long as only collection personnel have access to such data bases;

c. ~~(S//NF)~~ The retention or dissemination of information requested by another department or agency, so long as such request is specifically approved by the Attorney General or the President;

d. ~~(S//NF)~~ The retention or dissemination of information concerning corporations or other commercial organizations which is limited to their identities as manufacturers of equipment and related nomenclature or their locations;



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

g. (U) The retention of information required by law to be retained.

APPENDIX E: (U) TESTING AND TRAINING RELATED TO ELECTRONIC SURVEILLANCE EQUIPMENT

1. ~~(S//NF)~~ Personnel may be trained in the use of electronic communications equipment and such equipment may be tested by CIA or its contractors on behalf of CIA in the United States if the requirements or [sic] any one of paragraphs a, b, c, d, e, or f below are met:

a. ~~(S//NF)~~ Such activities do not result in acquisition of the contents of a communication, and therefore do not amount to electronic surveillance;

b. ~~(S//NF)~~ Such activities are directed solely at [redacted] (b)(1)
[redacted] (b)(3) NatSecAct

c. ~~(S//NF)~~ The activities are undertaken with consent; [redacted] (b)(1)

d. ~~(S//NF)~~ The activities are directed against [redacted] (b)(3) NatSecAct
[redacted]

e. ~~(S//NF)~~ Such activities are undertaken in the course of [redacted] or

f. ~~(S//NF)~~ When such activities are conducted in the United States under all of the following requirements: [redacted] (b)(1)
[redacted] (b)(3) NatSecAct

(1). ~~(S//NF)~~ It is not reasonable to train or test solely as described in paragraphs a-e above;

(2). ~~(S//NF)~~ Such activities are limited in extent and duration to that necessary to train personnel in the use of electronic communications equipment and to determine the capability and performance of equipment;

(3). ~~(S//NF)~~ Communications of a particular person are not intentionally targeted;

(4). ~~(S//NF)~~ It is unreasonable to obtain the consent of persons incidentally subjected to the

surveillance;

(5). ~~(S//NF)~~ Information derived from communications intercepted in the course of such training or testing is not retained or disclosed to any person other than a person directly participating in such activity (such as trainees and their instructors), and any printout or other recording is destroyed before or immediately upon completion of the activity, or, in the case of training, as soon as is reasonably possible;

(6). ~~(S//NF)~~ The training or testing does not exceed 90 calendar days. Training or testing may be renewed, however, if approved pursuant to paragraph (7); and

(7). ~~(S//NF)~~ The training or testing is approved in writing by the Deputy Director for Operations, the Deputy Director for Science and Technology, or the Deputy Director for Support, as may be appropriate, or officials they designate in writing, with the concurrence of the CIA General Counsel, based on their determinations that the particular training or testing program conforms to the requirements of this Appendix and is otherwise lawful. In addition, no testing of electronic communications equipment may exceed 90 days without the prior approval of the Attorney General.

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

APPENDIX F: ~~(S//NF)~~ AUDIO COUNTERMEASURES RELATED TO ELECTRONIC SURVEILLANCE EQUIPMENT

1. ~~(S//NF)~~ The use of countermeasures by CIA, including such testing or training as may be necessary, to determine the existence and capability of electronic surveillance equipment being used unlawfully in the United States is permitted if the requirements of either paragraph a or b are met:

a. ~~(S//NF)~~ The measures do not result in the acquisition of the contents of communications and therefore do not amount to electronic surveillance; or

b. ~~(S//NF)~~ No communications of a particular person are intentionally targeted; it is not reasonable to obtain the consent of persons incidentally subjected to the surveillance; any electronic surveillance is limited in extent and duration to that necessary to determine the existence and capability of such equipment; and any information acquired by such surveillance is used only to protect information from unauthorized surveillance or is disseminated only to appropriate agencies for law enforcement purposes.

2. ~~(S//NF)~~ Countermeasures may be undertaken only with a written finding of the CIA Director of Security, or officials he designates in writing, that the activity is consistent with paragraph 1 and is necessary to assure the protection of intelligence sources and methods or properly classified national security information.

APPENDIX G: ~~(S//NF)~~ FBI REQUESTS FOR CIA COUNTERINTELLIGENCE ASSISTANCE

~~(S//NF)~~ Requests for CIA assistance to the FBI or to the FBI on behalf of another agency in a counterintelligence activity in the United States shall be made in writing by the Director, FBI, or by senior FBI officials designated in writing by him, and should provide the following information:

- a. ~~(S//NF)~~ The target of the activity, including the basis on which such activity is to be directed at that target;
- b. ~~(S//NF)~~ The information or object which is sought to be obtained or accomplished, and the techniques that are expected to be used;
- c. ~~(S//NF)~~ The reasons why the CIA, rather than the FBI, should conduct or participate in the activity;
- d. ~~(S//NF)~~ A statement that the requested participation by CIA is in support of counterintelligence activities, and such counterintelligence activities are consistent with procedures approved by the Attorney General;
- e. ~~(S//NF)~~ The manner in which such CIA activities will be coordinated with the FBI; and
- f. ~~(S//NF)~~ The extent to which further approval and coordination is required.

(b)(3) NatSecAct