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AR 2-2 (U) LAW AND POLICY GOVERNING THE CONDUCT OF INTELLIGENCE ACTIVITIES (Formerly HR 7-1)

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

Regulation Summary

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I. (U) Policy

1. LAW AND POLICY GOVERNING THE CONDUCT OF INTELLIGENCE ACTIVITIES (U)

SYNOPSIS. This regulation and its annexes set forth the provisions of Executive Order 12333 and its implementing procedures governing the conduct of intelligence activities of the Agency, including the Intelligence Community Staff, National Intelligence Emergency Support Office, and other staff elements of the Director of Central Intelligence. Certain provisions of Executive Order 12333, such as those dealing with collection of information on U.S. persons, require implementing procedures established by the Director of Central Intelligence and approved by the Attorney General. These procedures as well as other related materials are contained in the annexes to this regulation. This regulation also includes statutory and policy requirements with respect to the conduct of intelligence activities, including the conduct of security investigations, certain relations with other Governmental entities, and relationships with U.S. persons, U.S. news media, U. S. clergy, the U.S. academic community, and employees of the Congress.

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a. EXECUTIVE ORDER 12333 (U)

- (1) **ORIGIN OF EXECUTIVE ORDER 12333.** Executive Order (E.O.) 12333, entitled "United States Intelligence Activities," governs the intelligence activities of this Agency, as well as other agencies in the Intelligence Community. E.O. 12333 was signed by President Reagan on 4 December 1981. (U)
- (2) **NEED FOR INTELLIGENCE ACTIVITIES.** Accurate and timely information about the capabilities, intentions, and activities of foreign powers, organizations, or persons and their agents is essential to informed decision-making in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative, and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded. (U)
- (3) **PURPOSE.** E.O. 12333 is intended to establish the authority for and to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to applicable laws, are intended to achieve the proper balance between acquisition of essential information and protection of individual interests. (U)
- (4) **AGENCY ACTIVITIES ABROAD (U)**
 - (a) **Scope.** Outside the United States, E.O. 12333 and its implementing procedures primarily apply only to the collection, retention, and dissemination of

information concerning U.S. persons. A "U.S. person" is a U.S. citizen, a permanent resident alien, an unincorporated association substantially composed of U.S. citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government. For a complete definition of "U.S. person" refer to Annex C. (U)

(b) Retention and Dissemination of Information Acquired Abroad Concerning U.S. Persons.

Information concerning U.S. persons may be retained and disseminated to authorized recipients if it amounts to foreign intelligence or counterintelligence or falls into another authorized category specified in Section VI.A. of Annex A. The identity of a U.S. person may be disseminated with the information if the identity is, or if it is reasonably believed that the identity may become, necessary to understand or assess such information. (b)(1)

Information which may be retained about a U.S. (b)(3) NatSecAct person may be disseminated

in accordance with the requirements contained in Appendix C to Annexes A and B. Information about a U.S. person derived from electronic surveillance may be retained and disseminated in accordance with the requirements contained in Appendix D to Annexes A and B. (S)

(c) Collection Abroad of Information Concerning U.S. Persons (U)

(1) Collection of Basic Information. Information concerning U.S. persons may be collected without special approvals if it is incidentally acquired information, publicly available information, consensual information, or

identifying information. See Section V.B. of Annex A concerning use of basic collection techniques. (U)

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(2) [redacted] Information concerning U.S. persons, [redacted]

[redacted]

[redacted] may be collected [redacted]

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[redacted]

[redacted] if the information amounts to foreign intelligence or counterintelligence or falls within another authorized category and such collection outside the United States is approved by a Chief of Station (COS). Overhead reconnaissance may not be directed at U.S. persons unless concurred in by the General Counsel and approved by the Deputy Director of Central Intelligence (DDCI), [redacted]

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[redacted] (S)

(3) [redacted] Information concerning U.S. persons may be collected

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only if the person [redacted]

[redacted] is reasonably believed to be an agent of a foreign power, the information is significant foreign intelligence or counterintelligence, and the information cannot reasonably be acquired

[Redacted]

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[Redacted] requires prior headquarters approval, which includes General Counsel concurrence and the approval of the Director of Central Intelligence (DCI) and the Attorney General. The warrantless opening of mail in U.S. postal channels is prohibited. For further information on [Redacted] see Section V.D. of Annex A. (§)

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(4) **Least Intrusive Technique.** Information on U.S. persons shall be collected by means of the least intrusive technique required to acquire intelligence of the nature, reliability, and timeliness required. (U)

(d) **Coordination of Espionage, Counterintelligence, Intelligence Liaison, and Narcotics Activities Abroad.** CIA is responsible for coordinating the espionage, counterintelligence, and intelligence liaison activities abroad of Department of Defense (DOD) and other U.S. Government agencies [Redacted]

[Redacted] In addition, counterintelligence activities abroad of the Federal Bureau of Investigation (FBI) must be coordinated with CIA in accordance with Annex E. The narcotics activities of the Drug Enforcement Administration (DEA) and CIA must be coordinated in accordance with Annex F. (§)

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(5) AGENCY ACTIVITIES WITHIN THE UNITED STATES (U)

(a) **Scope.** Inside the United States, E.O. 12333 and its implementing procedures govern the collection, retention, and dissemination of information concerning the activities of U.S. persons. They also apply to the activities of non-U.S. persons with

respect to [redacted] coordination with the FBI, and undisclosed participation, which are discussed below. (U)

(b)(3) NatSecAct

(b) Retention and Dissemination of Information Concerning U.S. Persons. See paragraph a(4)(b) above. (U)

(c) Collection of Information Concerning U.S. Persons (U)

(1) [redacted] Information concerning U.S. persons within the United States may be collected without special approvals if it is basic information. See paragraph a(4)(c)(1) above. (U)

(b)(3) NatSecAct

(2) [redacted] Information concerning U.S. persons, unavailable through [redacted] may be collected from [redacted]; [redacted] subject to the limitations discussed in paragraph a(5)(d) below, if the information amounts to foreign intelligence or counterintelligence or falls within another authorized category and such collection is approved by designated officials. See Section V.C. of Annex B. (S)

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(d) Limitations on Collection Within the United States (U)

(1) **Foreign Intelligence.** Within the United States, CIA may collect significant foreign intelligence not otherwise obtainable, provided that the collection is not undertaken for the purpose of acquiring information concerning the domestic activities of U.S. persons. [redacted]

[redacted] may be undertaken only if the Deputy Director

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for Operations (DDO) or his designee determines that (a) the foreign intelligence sought is significant and cannot reasonably be obtained by any other means, [REDACTED]

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[REDACTED]

[REDACTED] and (c) such collection is not undertaken for the purpose of acquiring information concerning the domestic activities of a U.S. person. Such collection must be approved by the Deputy Director of Central Intelligence (DDCI) and may require coordination with the FBI. See Annex B, Section V.C.2.a.(2), for further guidance. (S)

- (2) **Counterintelligence.** CIA may not conduct counterintelligence activities within the United States unless such activities are coordinated with the General Counsel and the FBI and are approved by the appropriate officials as set forth in Section VII.B. of Annex B. CIA may not assume or perform any internal security functions in connection with such activities. (U)
- (3) **Physical Surveillance.** CIA may not engage in physical surveillance of a U.S. person in the United States except for:
- (a) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting.
 - (b) Physical surveillance of a military person employed by a nonintelligence element of a military service. (U)

(4) [redacted] (U)

(a) E.O. 12333 prohibits CIA from engaging in electronic surveillance within the United States, regardless of the nationality of persons involved, except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance in accordance with the procedures set forth in Section V.D.1.b. of Annex B. The monitoring of a telephone call with the consent of one party to the conversation does not constitute electronic surveillance. Such monitoring may not be conducted except for

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[redacted] (S)

(b) CIA may not engage in unconsented physical searches in the United States, except for searches of personal property lawfully in CIA's possession, of non-U.S. persons. Such searches require General Counsel concurrence and may require Attorney General approval. Searches with consent, however, are permissible. (U)

(c) CIA may not open mail or examine covers of mail in U.S. postal channels. CIA, however, may request the FBI to examine such mail covers in accordance with Section V.D.4. of Annex B.

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[redacted] (S)

(d) The DCI may request the FBI or other

authorized intelligence agency to undertake electronic surveillance or a physical search within the United States with General Counsel concurrence and approval of the Attorney General. (S)

(e) Requirements for Coordinating Activities with the FBI (U)

(1) Foreign intelligence collection within the United States directed at a U.S. person (including a dual national) shall be coordinated with the FBI if CIA has reason to believe the U.S. person is a foreign power (if an organization), is acting on behalf of a foreign power, or is or may be of investigative interest to the FBI. Foreign intelligence collection within the United States directed at non-U.S. persons shall be coordinated with the FBI to the extent required by Section VII.A.2. of Annex B. (~~§~~)

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(2) [redacted] are required in certain, limited circumstances to coordinate with the FBI their foreign intelligence collection from [redacted] See Section VII.A.3. of Annex B. (~~§~~)

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

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

(f) Undisclosed Participation in Organizations Within the United States. CIA employees, including contractors and assets, may join or otherwise participate on behalf of CIA in a U.S. or foreign organization within the United States without disclosing CIA affiliation to appropriate officials of the organization only if such participation falls within specific categories and appropriate approvals are obtained in accordance with Section VIII of Annex B. No such participation may be undertaken on behalf of CIA for the purpose of influencing the activities of the organization or its members unless the organization is composed primarily of individuals who are not U.S. persons, the organization is reasonably believed to be acting on behalf of a foreign power, and the DCI or DDCI approves. Use or placement of an employee or an asset in an organization in the United States to spot or assess U.S. citizens is prohibited. All requests to the DCI, DDCI, or DDO for approval of an undisclosed participation shall be forwarded through the General Counsel. See Section VIII of Annex B. (U)

(6) OTHER PROVISIONS OF EXECUTIVE ORDER 12333
(U)

(a) Assistance to Other Entities (U)

(1) Counterintelligence Assistance (U)

(a) Except as provided below, CIA may provide counterintelligence assistance within the United States to the FBI, National Security Agency, or other agencies within the Intelligence Community if the General Counsel determines that such assistance is consistent with applicable law, including the National Security Act of 1947, as amended,

which prohibits CIA from assuming or performing any internal security functions, and appropriate Agency officials approve as required by the procedures specified in Section VII.B.2. of Annex B. (~~S~~)

- (b) Translation assistance may be provided with no special approvals if CIA employees do not participate in the collection or dissemination of raw information. (~~S~~)
- (c) All requests from the FBI or intelligence elements of the military services for CIA counterintelligence assistance shall be made by the Director of the FBI or his designee in accordance with Section VII.B.2.c. of Annex B. (~~S~~)

(U) (2) Assistance to Law Enforcement Authorities

(a) CIA may:

- (i) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property, and facilities of any agency within the Intelligence Community.
- (ii) Unless otherwise precluded by the law enforcement proviso of the National Security Act of 1947 or E.O. 12333, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers or international terrorist or narcotics activities.
- (iii) Provide specialized equipment, technical

knowledge, or assistance of expert personnel, which personnel assistance shall be approved in each case by the General Counsel, for use by any department or agency, or when lives are endangered, to support local law enforcement agencies.

- (iv) Render any other assistance and cooperation to law enforcement authorities not precluded by the law enforcement proviso of the National Security Act of 1947 or other applicable law. (U)

- (b) CIA may provide generalized training of U.S. law enforcement personnel, whether or not undertaken on the premises of Federal, State, or local law enforcement agencies, in consultation with the Office of General Counsel (OGC). (U)

- (c) The General Counsel has determined that translation assistance not involving the collection of raw information may be provided for law enforcement purposes if the CIA translator does not disseminate any of the information gained from such translation assistance. Each Agency employee who provides such translation services shall be briefed by OGC on this dissemination restriction prior to providing the requested translation assistance. See also paragraph a(6)(a)(2)(a)(iii) above concerning required General Counsel case-by-case approvals for other assistance of expert personnel provided to law enforcement authorities. (~~S~~)

(d) CIA may provide assistance to U.S. Government agencies involved in investigations of export control violations, international terrorism, and international narcotics trafficking, including the provision of technical equipment for overseas operations, provided the equipment is not operated by CIA personnel, and the assistance is concurred in by the General Counsel, or his designee, and approved by the appropriate Deputy Director, or his designee. The use of [redacted] [redacted] may be permitted only with the concurrence of the General Counsel in accordance with paragraph a(6)(h) below. CIA may not participate in domestic operations of other agencies in these areas unless such participation is determined by the General Counsel to be consistent with the National Security Act of 1947 and is approved by the DCI or DDCI. See also paragraph a(6)(h) below concerning the conduct and coordination of these activities abroad. (S)

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(3) **Special Rules Regarding Electronic Surveillance Assistance.** Notwithstanding the prohibition on CIA's conduct of electronic surveillance in the United States, CIA personnel may assist the FBI and other agencies in the conduct of such electronic surveillance with the concurrence of the General Counsel. In providing assistance, CIA personnel must not acquire any communications. If communications are to be acquired, CIA personnel must be detailed to the FBI or other agency, must not disseminate

any information derived from the surveillance directly to CIA, and must not accept any CIA tasking while detailed. Such assistance is limited to the circumstances described in Section V.D.1.d. of Annex B, must be approved by the appropriate Deputy Director in accordance with [redacted] and the DCI or DDCI should be informed. CIA personnel to be detailed must be briefed by OGC in advance of their providing such assistance and must sign a statement acknowledging their understanding of the limitations on their activities while detailed. [redacted]

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[redacted] For additional information on the requirements for the detailing of CIA personnel to the FBI or other agencies, see paragraph a(6)(a)(7) below. (S)

- (4) **Assistance to the White House.** Any assistance requested by or extended to the White House must be approved in advance by the DCI, excluding the production and dissemination of foreign intelligence, except that the Foreign Broadcast Information Service (FBIS) may provide the White House information obtained from the monitoring of foreign public media and honor any requests pertaining to the collection of foreign intelligence information from foreign public media. For the purposes of this provision, the White House includes the National Security Council Staff and those positions listed in *The United States Government Manual* under the White House Office. (U)

- (5) **Assistance to the Department of Defense.** CIA may assist DOD intelligence elements and may provide assistance for U.S.-based DOD counterintelligence operations with the approval of an appropriate Deputy Director and the concurrence of OGC. See paragraph a(6)(a)(3) above for special rules regarding electronic surveillance assistance and paragraph a(6)(a)(1)(c) above concerning requests for counterintelligence assistance. (S)
- (6) **Assistance to the Secret Service.** CIA may provide assistance to the U.S. Secret Service in the performance of its protective duties in accordance with Public Law 90-331 (18 U.S.C. Section 3056) which authorizes such assistance from other Government agencies. Such assistance shall be coordinated with OGC. See also Memorandum of Understanding between CIA and Secret Service of 21 January 1987 (available in OGC). (U)
- (7) **Other Assistance (U)**
- (a) The appropriate Deputy Director or Head of Independent Office, or his designee, may approve a request for assistance to or from a non-Agency entity, whether Government or non-Government, if the assistance involves:
- (i) CIA activities explicitly authorized by E.O. 12333, National Security Council Intelligence Directives, Director of Central Intelligence Directives, or other provisions of this regulation.
- (ii) Third agency dissemination.
- (iii) Preparation or dissemination of

information analyses or reports concerning foreign intelligence and foreign personalities.

- (iv) Security clearances and related information including investigative information in accordance with appropriate Executive orders and polygraph-derived information disseminated in accordance with Annex D.

(v) Employment references. (U)

- (b) Requests for assistance that have no precedent, have not previously been determined to be legal and proper, are not of a routine and recurring nature, or have serious policy or resource implications must be concurred in by the General Counsel and approved by the Executive Director, unless OGC recommends a DCI or DDCI decision in the specific case. Assistance involving serious policy or resource implications also requires the concurrence of the Comptroller. Matters involving serious policy or resource implications include:

- (i) Establishing new policies.

- (ii) Items requiring reports to, or approval from, the Office of Management and Budget.

- (iii) Reprogramming or reallocation of funds.

- (iv) Other complex, sensitive, or important matters that should be made known to the DCI or DDCI.

(v) Potential conflicts with agreements with other U.S. Government agencies. (U)

(c) The concurrence of the Director of Finance must be obtained when the assistance involves an Agency financial commitment or the advance, reimbursement, receipt, or expenditure of funds. (U)

(d) [Redacted]
[Redacted] (b)(1)
[Redacted] (b)(3) NatSecAct

(e) [Redacted] (b)(3) NatSecAct

(f) The concurrence of the Director of Logistics must be obtained when the assistance involves contracting support. (U)

(b) Contracting (U)

(1) **In General.** CIA may contract or arrange for the provision of goods and services with private companies or nonacademic institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. (U)

(2) Academic Institutions (U)

(a) **Direct Contracts.** Classified and unclassified contracts or arrangements with academic institutions in the United States may be undertaken only with the consent of an appropriate official of the institution; that is, an official who is authorized to approve such

contracts or arrangements on behalf of the institution. (U)

- (b) **Subcontracts.** Appropriate officials of academic institutions must be advised of CIA involvement in a contract if their institution provides services for the Agency directly or indirectly as a subcontractor, consultant to the contractors, or in some other manner unless:

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- (c) **Organizations.** Classified and unclassified contracts with entities affiliated with academic institutions may be undertaken in accordance with (U)

(b)(3) NatSecAct

- (d) **Individuals** See paragraph b(1)(c) below for information concerning contracts with individuals affiliated with academic institutions. (U)

- (c) **Human Experimentation.** The CIA shall not sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services (HHS). The subject's informed consent shall be documented as required by those guidelines. (U)

- (1) The DCI, through the Agency's Human Subject Research Panel (HSRP), shall evaluate all documentation and certifications pertaining to human research sponsored by, contracted for, or conducted by the CIA (including initial and ongoing reviews conducted by Institutional Review Boards) prepared in compliance with HHS guidelines, codified at 45 C.F.R. Section 46. The HSRP shall be composed of such employees of the CIA and other experts or consultants as the DCI deems appropriate. A representative of OGC shall attend all meetings of the HSRP and shall provide legal guidance to the panel. (U)
- (2) The DCI shall approve, modify, or disapprove all proposals pertaining to human subject research. (U)
- (3) "Research on human subjects" means a formal investigation, designed to develop or contribute to generalizable knowledge, the subjects of which are persons about whom a scientist conducting research obtains data through intervention or interaction with the person or identifiable private information. Intervention includes both physical procedures by which data are gathered and manipulation of the subject or the subject's environment that are performed for research purposes. Interaction includes communication or interpersonal contact between the research scientist and the subject. Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made

public. Private information must be individually identifiable to fall within this definition. Any questions on the applicability of this provision to Agency activities must be submitted to the Agency HSRP for resolution in consultation with OGC. (U)

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- (d) **Prohibition on Assassination.** No person employed by or acting on behalf of the U.S. Government shall engage in, or conspire to engage in, assassination. (U)
- (e) **Indirect Participation.** The CIA shall not participate in, nor request any person to undertake, activities forbidden by E.O. 12333 or Agency regulations. (U)
- (f) **Special Activities.** All special activities, as defined in Section 3.4(h) of E.O. 12333, shall be conducted in compliance with the requirements of E.O. 12333; Section 662 of the Foreign Assistance Act of 1961 (Hughes-Ryan Amendment), as amended (22 U.S.C. Section 2422); and Section 501 of the National Security Act of 1947 (50 U.S.C. Section 413). See paragraph b(8) below for guidance on publication without attribution to CIA or the U.S. Government. (U)
- (g) **Security Investigations (U)**
- (1) **Routine Background Investigations.** CIA is authorized to collect, retain, or disseminate information concerning U.S. persons that is obtained with consent or arises out of lawful personnel, physical, or communications security investigations in accordance with Sections V and VI of Annex B. (See Annex C for definitions of personnel, physical, and communications security

investigations.) Individual approvals on a case-by-case basis are not required for (a) personnel security investigations directed at current CIA employees, employees of CIA contractors, applicants for such employment, and other individuals who have been granted or who are being considered for security clearances or approvals and other persons with similar associations or (b) routine checks of records of other Federal agencies (National Agency Checks) or State or local police authorities done in the course of a security suitability or credibility investigation. Investigations directed at [redacted]

[redacted] must be conducted, if at all feasible, with the consent of the person to be investigated. When it is not feasible to obtain consent, such investigations must be conducted pursuant to paragraph (2) immediately below. (S)

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- (2) **Other Background Investigations.** Related investigations directed at U.S. persons, other than those authorized by paragraph (1) immediately above, must be approved on a case-by-case basis by the Director of Security or the Deputy Director of Security for Personnel Security; must be concurred in by the General Counsel; and must be consistent with the limitations on CIA activities in the United States specified in paragraph a(5) above. (S)

- (3) **Polygraphing.** CIA may conduct polygraph examinations of applicants, employees, individuals being considered for or holding security clearances or approvals, [redacted]

[redacted] Polygraph examinations of U.S. persons not in these categories may be conducted only with their consent and only with the

(b)(3) NatSecAct

prior written approval of the DCI or DDCI. (U)

- (4) **Investigations of Crimes.** When allegations, complaints, or information are received tending to show that certain Federal criminal statutes may have been violated, the Agency may conduct a preliminary inquiry, including interviews with current employees of the Agency or former employees for the purposes of offenses committed during their employment or nonemployees for the sole purpose of determining the truth of a report that such nonemployee has made an allegation against an Agency employee. The Agency may interview nonemployees and examine non-Agency premises only with the prior notification and approval of the Department of Justice. Nothing in this provision shall limit the techniques which the Agency may otherwise be authorized to use or limit the Agency's responsibility to provide for its security functions pursuant to E.O. 12333. Consequently, the Agency may conduct investigations in furtherance of its administrative and security responsibilities, including interviews of persons outside the Agency who may be in possession of relevant information. However, at such time as information is acquired in the course of such an investigation tending to show that an employee of the Agency or a nonemployee may have violated Federal criminal statutes, OGC shall be consulted to ensure that the reporting responsibilities of paragraph d(5) below and Annex D of this regulation are satisfied and that potential prosecutions are not jeopardized. (U)

(h) Terrorism, Narcotics, and Export Control (U)

- (1) CIA may collect, retain, or disseminate information concerning U.S. persons obtained in the course of

an authorized international terrorism or narcotics investigation or to acquire foreign intelligence involving export control matters in accordance with Sections V and VI of Annexes A and B. (U)

(2) Such investigations may be undertaken only if the U.S. person is or may be engaged in international terrorism, international narcotics production and trafficking, or export control matters and may not be undertaken solely for the purpose of acquiring information to be used in a criminal prosecution in the United States of a U.S. person or a foreign national. (U)

(3) Where a significant possibility exists that the use of [redacted] will be implicated in criminal prosecutions in the United States, [redacted] should not be initiated or continued until the appropriate Deputy Director determines, with the concurrence of the General Counsel, that the risks to the sources and methods involved are justified by the anticipated results of the activity. [redacted] may not be directed at a U.S. person in connection with an international narcotics investigation on the basis of his involvement in international narcotics activities unless there is evidence of foreign government involvement. See also paragraphs a(4)(c)(3) and a(5)(d)(4) above. (S)

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(4) DEA is required, under procedures governing narcotics activities abroad, to coordinate with the local COS all matters involving liaison with foreign intelligence or internal security services and [redacted]

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[redacted] See Annex F for other coordination and related requirements. (S)

- (5) CIA may provide assistance to other Government agencies involved in these subjects, including technical equipment for overseas operations, in accordance with paragraph a(6)(a)(2)(d) above. ~~(S)~~

b. SELECTED AGENCY POLICIES (U)

(1) RELATIONS WITH CERTAIN CATEGORIES OF INDIVIDUALS AND ORGANIZATIONS (U)

(a) **Permitted Activities.** Nothing in the Agency policies described below prohibits any U.S. person who wishes to cooperate with the U.S. Government from volunteering information or prohibits CIA from procuring goods and services from private companies or institutions, other than academic institutions, without revealing Agency sponsorship for authorized intelligence purposes. (U)

(b) **Relations with U.S. Persons.** CIA will not request, directly or indirectly, a U.S. person to undertake intelligence activities as defined in Annex C unless that person has knowledge that he is acting on behalf of CIA and the appropriate Deputy Director or his designee has approved. The appropriate Deputy Director may approve use of the person if that person knows he is acting on behalf of the U.S. Government.

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(c) Relations with Academics and Academic Institutions (U)

- (1) No staff or faculty members of U.S. academic institutions will be used in intelligence activities on an unwitting basis either in the United States or abroad. (U)
- (2) Agency employees will not represent themselves falsely as employees of U.S. academic institutions. (U)
- (3) Personal services contracts and other arrangements may be entered into with individual, full-time staff and faculty members of academic institutions. Agency components may enter into such contracts for unclassified or classified research, where university rules permit, where appropriate facilities and circumstances allow and when a genuine need exists. In such circumstances, it is the responsibility of the academic institutions, in the first instance, to set rules regarding the reporting of such relationships to the institution and the responsibility of any scholar or individual who consults or works with CIA to abide fully by those rules. If the research involves significant use of the institution's research facilities or resources, [redacted]

(b)(3) NatSecAct

[redacted]
Agency officials will ensure that the cooperating individuals inform appropriate officials of the institution of the involvement of the Agency. Moreover, CIA should advise [redacted]

[redacted]
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[redacted] of the Agency's sponsoring

role. All relationships with academics in the United States that involve in any way the academic institution, its students, or its facilities must be conducted in accordance with procedures governing undisclosed participation described in paragraph a(5)(f) above. Studies funded in whole or in part by CIA may not be published except in accordance with paragraph b(8) below. (U)

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(5) When academic institutions in the United States use individual faculty or staff members to provide services in support of or in fulfillment of a contractual agreement with CIA, those individuals, as well as those students and others substantially assisting them in the performance of their contracts, normally should be made aware of CIA sponsorship.

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(S)

(6) The Agency will not provide any covert financial assistance or direct or indirect support to U.S. educational or private voluntary organizations. This limitation applies to all foreign as well as domestic activities of such organizations. The term "U.S. private voluntary organization" includes, but is not limited to, educational, cultural, philanthropic, civic, fraternal, veterans, youth, trade/commercial, or professional associations, foundations, or societies, as well as labor unions and political parties, incorporated or organized in the United States on a nonprofit basis. (U)

(7) Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution. See paragraph a(6)(b)(2) above. (U)

(8) See paragraph c(5) below for rules regarding access to student records. (U)

(9) See for additional guidance concerning relations with academic institutions. (U)

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

(10)

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

(d) Relations with Journalists and Staff of U.S. News Media Organizations (U)

(1) No full-time or part-time journalists (including so-called "stringers") accredited by a U.S. news service, newspaper, periodical, radio, or television network or station will be used for the

purpose of conducting any intelligence activities. The term "accredited" means any full-time or part-time employee of U.S. or foreign nationality who is formally authorized by contract or by the issuance of press credentials to represent himself either in the United States or abroad as a correspondent for a U.S. news media organization (including professional and trade journal publications) or who is officially recognized by a foreign government to represent a U.S. news media organization. (U)

- (2) Nonjournalist staff employees of any U.S. news media will not be used for the purpose of conducting intelligence activities without the approval of senior management of the news organization. (U)
- (3) Open relationships with journalists or nonjournalist staff employees (for example, contracts to perform translating services or to lecture at training courses) will continue to be permitted. Open relationships are characterized by a willingness on both sides to acknowledge the fact and nature of the relationship to senior management officials of the organizations involved. (U)

(4)

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

(b)(3) NatSecAct

(5)

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

(6) The name or facilities of any U.S. news media organization shall not be used to provide cover for any Agency employees or activities. (U)

(7) Nothing in this regulation prohibits the Public Affairs Office from maintaining regular liaison with representatives of the news media. (U)

(e) Relations with Clergy and Missionaries (U)

(1) No relationship will be established with any U.S. clergy or missionary, whether or not ordained, who is sent out by a mission or church organization to preach, teach, heal, or proselytize, except as otherwise provided in this regulation. Any CIA use of a U.S. clergy or missionary who is not made aware of CIA sponsorship of the activity, or any use of a person's status as a member of the clergy or a

missionary to provide cover for any CIA activity or assignment, is prohibited. (U)

- (2) Open relationships with clergy (for example, contracts to perform translating services or to lecture at training courses) are permitted. Open relationships are characterized by a willingness on both sides to acknowledge the fact and nature of the relationship to senior management officials of the organizations involved. (U)

(3)

(b)(3) NatSecAct

- (4) American church groups will not be funded or used as funding cutouts for intelligence purposes. (U)

- (f) **Relations with Peace Corps Personnel.** Peace Corps members or trainees may not be employed or used in any capacity.

(b)(3) NatSecAct

(g)

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

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

(h) **Relations with Congressional Staff.** Employees of members of the U.S. Congress and of committees, including subcommittees, of the U.S. Congress shall not be used for intelligence purposes without the approval of the member, in the case of an employee of a member, or the committee or subcommittee chairman, in the case of an employee of a committee or subcommittee. Intelligence purposes include collecting foreign intelligence at the request of CIA or performing operational services but do not include activities associated with ordinary legislative operations. (U)

(2) **PROPRIETARIES (U)**

(a) **Activities.** Proprietaries may be developed and shall conduct activities as necessary to perform authorized functions and duties in accordance with

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

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

(b)

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

(3)

(b)(3) NatSecAct

(4)

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

(5)

(b)(3) NatSecAct

(b)(3) NatSecAct
(b)(3) CIAAct

(6) **PERSONNEL ASSIGNED TO OTHER AGENCIES.** An employee detailed to another agency within the Federal Government shall be responsible to the host agency and shall not report to the parent agency on the affairs of the host agency unless so directed by the host agency. [redacted] CIA personnel assigned to other Government agencies for [redacted] and liaison officers are not considered to be detailed to the other agency involved. [redacted] [redacted] for information concerning requirements for detailing personnel to other agencies. (U)

(b)(3) NatSecAct

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

(7) **COLLECTION FROM FOREIGN MEDIA.** Collection of publicly available information from foreign radio, television, or press concerning statements by, activities of, or references to U.S. persons is permissible when such collection is an incidental aspect of coverage of foreign radio, television, or press or when the collection activity has been coordinated with OGC. (U)

(b)(3) NatSecAct

(8) [redacted] E.O. 12333 prohibits CIA from engaging in special activities to influence U.S. political processes, public opinion, policies, or media. In order to ensure compliance with E.O. 12333, [redacted]

(b)(3) NatSecAct

[redacted]
(b)(3) NatSecAct

(b)(3) NatSecAct

(U)

c. SELECTED STATUTORY PROVISIONS AFFECTING THE CONDUCT OF INTELLIGENCE ACTIVITIES. In addition to E.O. 12333, certain statutory provisions affect the conduct of intelligence activities. The most significant of these are set forth below. Questions of interpretation of these provisions shall be referred to OGC. (U)

(1) NATIONAL SECURITY ACT OF 1947 (U)

(a) The National Security Act of 1947, which provides the basic authority for the intelligence activities of the Agency, prohibits the CIA from exercising police, subpoena, or law enforcement powers or internal security functions (50 U.S.C. Section 403(d) (3)). This prohibition means that CIA may not engage in activities solely for the purpose of supporting or exercising these functions. (U)

(b) The National Security Act of 1947 also requires that the DCI, consistent with applicable constitutional responsibilities and the authority to protect

intelligence sources and methods:

- (1) Keep the congressional intelligence committees fully and currently informed of all intelligence activities including significant anticipated intelligence activities.
- (2) Furnish any information or materials concerning intelligence activities which are requested by either of the committees.
- (3) Report to the congressional intelligence committees any illegal intelligence activities or significant intelligence failures and corrective action taken (50 U.S.C. Section 413/Section 501 of the National Security Act of 1947). (U)

(2) **HUGHES-RYAN AMENDMENT.** The Hughes-Ryan Amendment to the Foreign Assistance Act of 1961 (22 U.S.C. Section 2422) prohibits the expenditure of appropriated funds by or on behalf of CIA for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States. Each such special activity shall be considered a significant anticipated intelligence activity for the purpose of the reporting requirements of Section 501 of the National Security Act of 1947. (U)

(3) **FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.** The Foreign Intelligence Surveillance Act of 1978 (FISA) sets out a special judicial procedure for authorizing electronic surveillance of foreign powers or agents of foreign powers in the United States (50 U.S.C. Sections 1801-11). Audio countermeasures and electronic surveillance testing and training may be conducted in the United States consistent with FISA

with appropriate approval. See also paragraph a(5)(d)(4)(a) above. Although CIA is prohibited from conducting electronic surveillance in the United States, the Agency may request the FBI to conduct electronic surveillance in accordance with FISA. All such requests or proposals must be coordinated with OGC.
(S)

(4) **PRIVACY ACT OF 1974.** The Privacy Act of 1974 prohibits the disclosure outside the Agency of records pertaining to an individual without that individual's consent unless the disclosure is authorized by one or more specific exceptions, including a disclosure that constitutes a routine use for those records (5 U.S.C. Section 552a). The CIA may disclose a record pertaining to an individual without his consent as a routine use whenever the disclosure is necessary and appropriate to enable the CIA to carry out its legitimate functions and responsibilities, including any function authorized by E.O. 12333. Additionally, the Privacy Act requires that a record be kept of disclosures of information concerning a U.S. person outside the Agency, whether the disclosures are written or oral.
(U)

(5) **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**
(U)

(a) The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) controls the disclosure or dissemination of education records of students at schools receiving Federal funds and generally prohibits such disclosure without the student's consent. The law makes no distinction as to the nationality of the student and therefore includes non-U.S. persons. The Act does not prohibit disclosure of certain (1) records of

instructional, supervisory, and administrative personnel; (2) law enforcement records; (3) employment records of nonstudents; (4) medical records used in treating a student; and (5) directory information, provided that the school gives public notice of the categories of information it has designated as directory information. (U)

(b) Directory information is limited to the student's:

(1) Name.

(2) Address.

(3) Telephone listing.

(4) Date and place of birth.

(5) Major field of study.

(6) Participation in officially recognized activities and sports.

(7) Weight and height if a member of an athletic team.

(8) Dates of attendance.

(9) Degrees and awards received.

(10) Most recent previous educational agency or institution attended.

See or OGC for additional information on student records. (U)

(b)(3) NatSecAct

(6) **RIGHT TO FINANCIAL PRIVACY ACT.** The Right to Financial Privacy Act (12 U.S.C. Section 3401, et seq.) provides for privacy of financial records by restricting Government access to those records. The Act by its terms, however, exempts collection by an

agency, such as CIA, that is authorized to conduct foreign intelligence or counterintelligence activities.

(b)(3) NatSecAct

 (U)

(7) ACCESS TO CRIMINAL HISTORY RECORDS. CIA may access, pursuant to 5 U.S.C. Section 9101, State and local criminal history records for the purposes of determining eligibility for (a) access to classified information or (b) assignment to or retention in sensitive national security duties. Access to such information requires the written consent of the individual being investigated, and individuals about whom such information is obtained have a right of access to the information obtained. Information from criminal history records obtained pursuant to this provision may only be disclosed for authorized national security or criminal justice purposes, including disclosure in litigation of personnel security cases. (U)

d. OVERSIGHT OF INTELLIGENCE ACTIVITIES (U)

(1) RESPONSIBILITY TO CONSULT WITH THE OFFICE OF GENERAL COUNSEL (U)

(a) To ensure that all activities are in compliance with the law, Deputy Directors and Heads of Independent Offices shall consult with OGC on all activities that raise questions of legality or consistency with Executive orders or Presidential directives. (U)

(b) The General Counsel shall have access to all

information he deems necessary to perform the duties of that office. The Inspector General is authorized to review all activities and shall have access to all information he deems necessary to perform the duties of that office. (U)

- (2) **EMPLOYEE RESPONSIBILITIES.** Any employee who learns of any CIA activity, instruction, or proposal that he thinks may be unlawful; contrary to Executive order, Presidential directive, or Agency regulation; or otherwise improper shall inform the Inspector General, General Counsel, or DCI immediately. (U)
- (3) **PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD.** Pursuant to E.O. 12333, CIA shall report to the President's Intelligence Oversight Board (IOB) any intelligence activity which CIA has reason to believe may be unlawful or contrary to Executive order or Presidential directive. Under E. O. 12334, CIA is obligated, to the extent permitted by law, to provide the IOB with all information necessary to carry out its responsibilities. The Inspector General and General Counsel shall, to the extent permitted by law, report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive. (U)
- (4) **CONGRESSIONAL OVERSIGHT.** Section 501 of the National Security Act of 1947 provides that the DCI, in accordance with the provisions of that section, shall keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives fully and currently informed of all intelligence activities conducted on behalf of CIA, including any special activity or other significant anticipated intelligence activity; furnish any information or material concerning intelligence activities

which is requested by either of the intelligence committees to carry out its authorized responsibilities; and report in a timely fashion to the intelligence committees any illegal intelligence activity or significant intelligence failure and any corrective action that has been taken or is planned to be taken in connection with such illegal activity or failure. See paragraph d(1) above. (U)

- (5) **CRIMES REPORTING.** All employees shall report to the General Counsel, via their components, facts or circumstances that appear to indicate the commission of a criminal offense.

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

Pursuant to Section 1.7(a) of E.O. 12333, CIA is obligated to report, through its General Counsel, to the Attorney General possible violations of Federal criminal laws by employees and of specified Federal criminal laws by any other person as provided in the crimes reporting procedures in Annex D. (Ø)

e. ADMINISTRATION (U)

- (1) This regulation supercedes all regulations implementing E.O. 11905, E.O. 12036, and related policies. (U)
- (2) This regulation applies to activities of both the Agency and the Office of the DCI whether inside or outside the United States. The activities of other U.S. agencies, including military intelligence agencies, must be coordinated in accordance with paragraph a(4)(d) above. (U)

