



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535

James H. Lesar, Esquire
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

DEC 09 1982

Request Nos. 230,793
230,794

Dear Mr. Lesar:

This is to acknowledge receipt of your letter dated November 11, 1982, wherein you enclosed your check #134 in the amount of \$53.30.

Enclosed are the three manuals which have been previously processed under the provisions of the Freedom of Information Act. Foreign Counterintelligence Manual, Freedom of Information-Privacy Acts Reference Manual, and the Legal Handbook for Special Agents.

For your information, in an effort to deal fairly, each request is handled in chronological order based on the date of receipt. At this time, it is estimated that your request regarding the FBI Headquarters and Field Office forms will be handled in about three weeks.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,

James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosures (4)

**Foreign Counterintelligence
Manual**



SECRET

INTRODUCTION

PURPOSE

The Foreign Counterintelligence Manual (FCIM) is an official FBI publication designed to aid Special Agents (SAs) who are conducting foreign counterintelligence investigations. Rules, agreements, statutes, guidelines and investigative procedures and techniques are contained herein.

FORMAT

FCIM is divided into three parts. Part I contains the most commonly used foreign counterintelligence classifications. Included among the classifications is Section 0, "Foreign Counterintelligence Investigations," which contains common instructions for classifications 105, 199, 200, 201, 202, and 203. This section should be read prior to turning to instructions contained within those classifications.

62 Part II contains instructions on document classification and handling.

Part III contains information about visa identifications, [REDACTED] and the TURK system applicable to FCI investigations.

The Appendix contains various guidelines, agreements, and executive orders germane to foreign counterintelligence investigations.

DISCLOSURE OF CONTENTS

Contents of this Manual must be held in strict confidence and are not to be disseminated outside the FBI.

FCIM is for FBI internal use only. No discretionary disclosure of its contents, in part or whole, shall be made without prior FBIHQ approval. Requests for disclosure under Title 5, United States Code, Section 552 ("Freedom of Information Act") must be forwarded for action to FBIHQ by appropriate communication.

SECURITY AND DISTRIBUTION

This Manual is the property of the United States Government with controlled distribution by the FBI. It is only issued to authorized individuals and must be returned to an appropriate FBI official prior to leaving FBI employment.

When not in use, this Manual must be stored in a "steel filing cabinet having a built-in three-position dial-type combination lock, or a steel filing cabinet equipped with a steel lock bar, provided it is secured by a GSA-approved changeable combination padlock."

INTRODUCTION (Contd)

REVISIONS

Revisions to this Manual will be furnished at regularly scheduled intervals to Manual holders.

Each authorized holder of a copy of this Manual is responsible for inserting all revised pages.

CITING THE MANUAL

Information appearing in this Manual, excepting the appendix pages, should be cited by:

Manual Name
Part
Section
Main Topic
Secondary Topic
Paragraph
Page Number

The following are fictitious examples:

FCIM: Part I, 134-7.3.1, pg. 20
FCIM: Part II, 2-4.4.1, pg. 8

FOREIGN COUNTERINTELLIGENCE MANU.

TABLE OF CONTENTS

PART I

<u>Section</u>		<u>Page</u>
	INTRODUCTION	I u
0	FOREIGN COUNTERINTELLIGENCE (FCI) INVESTIGATIONS	
0-1	General Information	3 u
0-2	[REDACTED]	b2
65	ESPIONAGE	
65-1	Statutes	17
65-2	Departmental Instructions	22
65-3	FBIHQ Policy	23
65-4	Investigative Suggestions	23 (u)
65-5	Investigative Procedures	24
65-6	Complaints	25
65-7	[REDACTED]	25
65-8	Missing Classified Documents and Disclosure of Classified Data	25 b2
65-9	Venue	26
65-10	Character	26
97	REGISTRATION ACT	
97-1	Foreign Government Agents	29
97-2	Foreign Agents Registration Act of 1938, as Amended	30 (u)
97-3	Espionage Training	35
97-4	Character	37

[REDACTED]

[REDACTED] (c)

[REDACTED]

[REDACTED] (c)

b1

FOREIGN COUNTERINTELLIGENCE MANUAL

TABLE OF CONTENTS

PART I

b1

Section Page

[REDACTED]

(c)

199	FCI INVESTIGATIONS - TERRORISM	
199-1	International Terrorism	115
199-2	Objectives and Responsibilities of Terrorist Investigations	115
199-3	Investigative Procedures	115
199-4	Character	116

u

[REDACTED]

(c)

[REDACTED]

(c)

[REDACTED]

(c)

[REDACTED]

(c)

TABLE OF CONTENTS

PART I

Section

Page

[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	

b1

(c)

PART II

1 CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

(S)

1-1	Security Officer	275
1-2	General Classification [Instructions]	275
1-3	[REDACTED]	280
1-4	Access to Classified Information by Individuals Having Official Clearance	283
1-5	Storage of Classified Material	283
1-6	Top Secret and/or Sensitive Compartmented Information - Accountability - FD-501 - FD-502	283
1-7	Transmittal of Classified Material	284
1-8	Executive Order 10501 - Material to be Classified	284
1-9	Atomic Energy Material Markings	285
1-10	[REDACTED]	285
1-11	Special Control Markings for Sensitive Intelligence Sources and Methods and for Foreign Intelligence Material	285
1-12	Unauthorized Disclosure of Classified Information	286

b2

u

PART III

b1

[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	
2-1	[REDACTED]	

(c)

u b2

3 VISAS ISSUED BY STATE DEPARTMENT

3-1	List of Visas	293
-----	-------------------------	-----

u

2

TABLE OF CONTENTS
APPENDIX 3.

<u>Section</u>	<u>Page</u>
V. [REDACTED]	334
VI. [REDACTED]	334

b2
u

APPENDIX 4.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b1
(S)

[APPENDIX 5

ATTORNEY GENERAL GUIDELINES FOR DISSEMINATION OF INFORMATION OBTAINED BY EXTRAORDINARY TECHNIQUES	
I. DISSEMINATION OF INFORMATION FOR FOREIGN INTELLIGENCE PURPOSES	347
II. [REDACTED]	348
III. [REDACTED]	348
IV. [REDACTED]	348
V. [REDACTED]	349

u
b2

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XXXXXX
XXXXXX

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- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
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FCIM, Part I, section 0, pages 1-14.

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X FOR THIS PAGE X
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SECTION 65. ESPIONAGE

CONTENTS

- 65-1 STATUTES
- 65-1.1 Section 792 - Harboring or Concealing Persons
 65-1.2 Section 793 - Gathering, Transmitting or Losing Defense Information
 65-1.3 Section 794 - Gathering or Delivering Defense Information to Aid Foreign Government
 65-1.4 Section 795 - Photographing and Sketching Defense Installations
 65-1.5 Section 796 - Use of Aircraft for Photographing Defense Installations
 65-1.6 Section 797 - Publication and Sale of Photographs of Defense Installations
 65-1.7 Section 798 - Disclosure of Classified Information
 65-1.7.1 Statute of Limitations
 65-1.8 Title 50, USC, § 783 (Internal Security Act of 1950)
- 65-2 DEPARTMENTAL INSTRUCTIONS
- 65-2.1 Photographic Violations - Departmental Policy
- 65-3 FRIHO POLICY
- 65-3.1 Definitions
- 65-4 INVESTIGATIVE SUGGESTIONS
- 65-5 INVESTIGATIVE PROCEDURES
- 65-6 COMPLAINTS
- 65-7 [REDACTED]
- 65-8 MISSING CLASSIFIED DOCUMENTS AND DISCLOSURE OF CLASSIFIED DATA
- 65-8.1 Locating Missing Documents
 65-8.2 [REDACTED]
 [65-8.3 Reporting Requirements]
- 65-9 VF.NUE
- 65-10 CHARACTER

b2

All information in Section 65 is Unclassified with the exception of those paragraphs marked Secret. Individual items were not classified, only subsections or paragraphs thereof, for example, 65-4, 65-6.7.

SECTION 65. ESPIONAGE

65-1 STATUTES (U)

Title 18, USC, Sections 792-798; Title 50, USC, Section 783(1)-(5) (Internal Security Act of 1950).

65-1.1 Section 792 Harboring or Concealing Persons

*Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 793 or 794 is liable to \$10,000 fine or ten years' imprisonment, or both."

65-1.2 Section 793 Gathering, Transmitting, or Losing Defense Information

* (a) Whoever, for purpose of obtaining information respecting national defense with intent or reason to believe it is to be used to injury of U. S. or advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyards, canal, railroad, arsenal, camp, factory, mine, telegraph, telephones, wireless, or signal station, building, office, research laboratory or station, or other place connected with national defense owned or constructed, or in progress of construction by U. S. or under control of U. S., or of any of its officers, departments, or agencies, or within exclusive jurisdiction of U. S., or any place in which any vessel, aircraft, arms, munition, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are subject of research or development, under any contract or agreement with U. S., or any department or agency thereof, or with any person on behalf of U. S., or any prohibited place designated by President by proclamation in time of war or national emergency in which anything for use of Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place President has determined would be prejudicial to national defense; or

* (b) Whoever, for same purpose, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with national defense; or

* (c) Whoever, for same purpose, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing code book, signal book, sketch, photograph, etc., of anything connected with national defense, knowing or having reason to believe, at time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to provision of this chapter; or

* (d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, etc., relating to national defense, or information relating to national defense which possessor has reason to believe could be used to injury of U. S. or advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., same to any person not entitled to receive it, or willfully retains

UNCLASSIFIED

SECTION 65. ESPIONAGE

same and fails to deliver it on demand to officer or employee of U. S. entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, etc., relating to national defense, etc., willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., or cause to be communicated, etc., same to any person not entitled to receive it, or willfully retains same and fails to deliver it to officer or employee of U. S. entitled to receive it; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, etc., relating to national defense, (1) through gross negligence permits same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed and fails to make prompt report of such loss, theft, abstraction or destruction to his superior officer - is liable to \$10,000 fine or imprisonment for not more than ten years, or both.

(g) If two or more persons conspire to violate any of foregoing provisions, and one or more do any act to effect object of conspiracy, each is subject to punishment provided for offense which is object of conspiracy."

65-1.3 Section 794 Gathering or Delivering Defense Information to Aid Foreign Government

(a) Whoever, with intent or reason to believe that it is to be used to injury of U. S. or advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, etc., to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by U. S., or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, etc., relating to national defense, shall be punished by death or by imprisonment for any term of years or life.

(b) Whoever, in time of war, with intent that same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to movement, numbers, description, condition, or disposition of any armed forces, ships, aircraft, or war materials of U. S., or with respect to plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for fortification or defense of any place, or any other information relating to public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or life.

(c) If two or more persons conspire to violate this section, and one or more do any act to effect object of conspiracy, each shall be subject to punishment provided for offense which is object of conspiracy."

Title 18, USC, Section 798 (temporary extension of section 794), provides section 794, in addition to coming into full force of war, remains

UNCLASSIFIED

SECTION 65. ESPIONAGE

in full force until six months after termination of national emergency proclaimed by President on 12-16-50, or such earlier date as may be prescribed by concurrent resolution of Congress, and acts which would give rise to penalties under section 794 when performed during a state of war shall give rise to same penalties when performed during periods above provided for.

65-1.4 Section 795 Photographing and Sketching Defense Installations

*(a) Whenever, in interests of national defense, President defines certain vital military and naval installations or equipment as requiring protection against general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such installations or equipment without first obtaining permission of commanding officer of military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting it to such commanding officer or higher authority for censorship or other action as he may deem necessary.

(b) Whoever violates this section is liable to \$1,000 fine or imprisonment for one year, or both.

65-1.5 Section 796 Use of Aircraft for Photographing Defense Installations

Whoever uses or permits use of aircraft or any contrivance used, or designed for navigation or flight in the air, for purpose of making photograph, sketch, picture, etc., of vital military or naval installations or equipment, in violation of section 795 is liable to \$1,000 fine or imprisonment for one year, or both.

65-1.6 Section 797 Publication and Sale of Photographs of Defense Installations

On and after 30 days from date President defines any vital military or naval installation or equipment as being within category contemplated under section 795, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, etc., of vital military or naval installations or equipment so defined, without first obtaining permission of commanding officer of military or naval post, camp or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, etc., has clearly indicated thereon it has been censored by proper military or naval authority, is liable to \$1,000 fine or imprisonment for one year, or both.

By Executive Order 10114 dated 2-1-50, President defined as vital military and naval installations or equipment requiring protection against general dissemination or information relative thereto:

(1) All military, naval, or air force installations and equipment classified, designated, or marked under authority or at direction of President, Secretary of Defense, Secretary of Army, Secretary of Navy, or Secretary of Air Force as "Top Secret," "Secret," "Confidential," or "Restricted," and located within:

SECTION 65. ESPIONAGE

(a) Any military, naval, or air force reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area

(b) Any defensive sea area established by executive order not subsequently discontinued by executive order, and any defensive sea area established under authority of Title 18, USC, Section 2152

(c) Any airspace reservation established under section 4 of Air Commerce Act of 1926 except airspace reservation established by Executive Order 10092 of 12-17-49

(d) Any naval harbor closed to foreign vessel

(e) Any area required for fleet purposes

(f) Any commercial establishment engaged in development or manufacture of classified military or naval arms, munitions, equipment, designs, ships, aircraft, or vessels for U. S. Army, Navy, or Air Force

(2) All military, naval, or air force aircraft weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in possession of Army, Navy, or Air Force or in course of experimentation, development, manufacture, or delivery for Army, Navy, or Air Force classified, designated, or marked under authority or at direction of President, Secretary of Defense, etc.

(3) All official military, naval, or air force, books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications marked under authority or at direction of President, Secretary of Defense, etc. (Applicability of this executive order should be determined in each instance by contact with representative of armed services having security responsibility for item in question.)

65-1.7 Section 798 Disclosure of Classified Information

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to safety or interest of U. S. or for the benefit of any foreign government to detriment of U. S. any classified information -

(1) Concerning nature, preparation, or use of any code, cipher, or cryptographic system of U. S. or any foreign government; or

(2) Design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by U. S. or any foreign government for cryptographic or communication intelligence purpose; or

(3) Communication intelligence activities of U. S. or any foreign government; or

(4) Obtained by process of communication intelligence from communication of any foreign government, knowing it to have been so

SECTION 65. ESPIONAGE

obtained - Is liable to a fine of \$10,000 or imprisonment for ten years, or both.

(b) For precise definitions of terms used in this subsection, refer to Title 18, USC, Section 798.

(c) Nothing in this section shall prohibit furnishing, upon lawful demand, of information to any regularly constituted committee of U. S. Senate or House of Representatives, or joint committee thereof.

65-1.7.1 Statute of Limitations

Statute of limitations for sections 792 and 793 is ten years; there is no statute of limitations for section 794 as this is a capital offense; statute of limitations for sections 795-798 is five years.

65-1.8 Title 50, USC, Section 783 (Internal Security Act of 1950)

(b) It shall be unlawful for any officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or in major part by U. S. or any department or agency thereof, to communicate in any manner to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any communist organization as defined in section 782 of this title, any information of kind classified by President (or head of any department, agency, or corporation with approval of President) as affecting security of U. S., knowing or having reason to know that it has been so classified, unless specifically authorized by President, or by head of department, agency, or corporation by which this officer or employee is employed, to make such disclosure.

(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any communist organization as defined in section 782 knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of U. S. or of any department, etc., any information of kind which shall have been classified by President (or by head of any such department, agency, or corporation with approval of President) as affecting security of U. S., unless special authorization shall first have been obtained from head of department, agency, or corporation having custody of or control over such information.

(d) Any person who violates any provision of this section is liable to fine of not more than \$10,000, or imprisonment for not more than ten years, or both, and shall be ineligible to hold any office, or place of honor, profit, or trust created by Constitution or laws of U. S.

(e) Any person may be prosecuted, tried, and punished for violation of this section any time within ten years after commission of offense, and if at time of commission of offense person is an officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or major part by U. S. or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section within ten years after such person has ceased to be employed as such officer or employee.

SECTION 65. ESPIONAGE

(f) Neither holding of office nor membership in any communist organization shall constitute per se a violation of subsection (c) or of any other criminal statute.

65-2 DEPARTMENTAL INSTRUCTIONS

(1) The Department has instructed all USAs that, its prior authorization is necessary before instituting prosecutive action in espionage cases, except in emergency situations where the subject is a fugitive or delay may result in damage.

(2) According to the Department, prohibitions in Section 793 (a) (b) are conditioned upon suspect having the purpose of obtaining information respecting national defense with intent or reason to believe that it is to be used to injury of U. S. or advantage of any foreign nation; those in subdivision (c) require same purpose plus suspect's knowledge or reason to believe that it will be used contrary to espionage laws, subdivisions (d) and (e) relate to suspects who already have possession of or access to information relating to national defense, either lawfully or unlawfully, which they have reason to believe could be used to injury of U. S. or to advantage of any foreign nation, and who willfully transmit it to unauthorized persons or retain it after demand made by person authorized to receive it (a demand is only necessary under subdivision (d) where individual has lawful possession - no demand is necessary under subdivision (e) where person has unauthorized possession); subdivision (f) applies to suspects who have lawful possession of national defense information and permit it to be lost or destroyed through gross negligence or fail to report its loss to proper authorities.

(3) [REDACTED]

b2

65-2.1 Photographic Violations - Departmental Policy

[REDACTED]

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SECTION 65. ESPIONAGE

65-3 FBIHQ POLICY

Espionage investigations are sensitive because the diplomatic and inter-governmental ramifications of these investigations are far-reaching. Close FBIHQ supervision is necessary. Prosecutive decisions in espionage investigations are made directly by the Department of Justice not by USAs. Prudent and skilled Special Agents should be assigned. Patient penetrative investigations are essential. The need-to-know principle must be observed.

65-3.1 Definitions

- (1) [REDACTED] b2
- (2) [REDACTED] b2
- (3) [REDACTED] b2
- (4) [REDACTED] b2

65-4 INVESTIGATIVE SUGGESTIONS

- [REDACTED] b1
- [REDACTED] b1
- [REDACTED] b1
- [REDACTED] b2
- [REDACTED] b1
- [REDACTED] b2

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FCIM, Part I, Section 6.5, page 24

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SECTION 65. ESPIONAGE

b2

65-6 COMPLAINTS

[REDACTED]

[REDACTED]

[REDACTED] (Unclassified)

65-7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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65-8 MISSING CLASSIFIED DOCUMENTS AND DISCLOSURE OF CLASSIFIED DATA
(See Atomic Energy Act of 1954. Also see Section 117, MIOG)

Generally, these cases are referred by other government agencies. Do not investigate if referral by other agency has been unreasonably delayed. Advise FBIHQ promptly of facts, specifying reason for delay in referral.

When documents are reported missing, referring agency should state why matter was referred and field office should confirm receipt in writing and state whether or not investigation is being conducted. (Unclassified)

65-8.1 Locating Missing Documents

This is an administrative function of the agency having security responsibility for such material. No search for missing documents should be conducted without FBIHQ approval.

65-8.2

[REDACTED]

(1) [REDACTED]

(2) [REDACTED]

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SECTION () . () SPIONAGE

- (3) [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED]
- (6) [REDACTED]
- (7) [REDACTED] (u)
- (8) [REDACTED] b2
- (9) [REDACTED]
- (10) [REDACTED] (Secret)

[[65-8.3 Reporting Requirements

- (1) [REDACTED]
- (2) [REDACTED] (Unclassified)

65-9 VENUE

Venue lies in judicial district in which alleged offense occurred. (Unclassified)

65-10 CHARACTER - ESPIONAGE (Name of country). Where applicable, add dual character of Internal Security Act of 1950. (Unclassified)

SECTION 97. REGISTRATION ACT

CONTENTS

97-1 FOREIGN GOVERNMENT AGENTS

- 97-1.1 Statute, Title 18, USC, Section-951
- 97-1.2 Departmental Policy

[REDACTED]

97-2 FOREIGN AGENTS REGISTRATION ACT OF 1938

- 97-2.1 Statute, Title 22, Section 611-621
- 97-2.2 Exempted Persons
- 97-2.3 Political Propaganda
- 97-2.4 Books and Records
- 97-2.5 Responsibility of Officers
- 97-2.6 Political Contributions
- 97-2.7 Government Officials Acting as Foreign Agents
- 97-2.8 Enforcement and Penalties
- 97-2.9 FBIHQ Policy

b2

[REDACTED]

- 97-2.11 Statutes of Limitations

97-3 ESPIONAGE TRAINING

- 97-3.1 Statute, Title 50, USC, Section 851-857
- 97-3.2 Exceptions to Registration
- 97-3.3 FBIHQ Policy

[REDACTED]

b2

- 97-3.5 Interviews
- 97-3.6 Registration Statements
- 97-3.7 Penalty
- 97-3.8 Statute of Limitation

97-4 CHARACTER

b2

This section is unclassified except for those topics titled, [REDACTED]

[REDACTED]

SECTION 97. REGISTRATION ACT

97-2 FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Original Foreign Agents Registration Act of 1938, known as McCormack Act, was superseded by Foreign Agents Registration Act of 1938, as amended.

97-2.1 Statute. Title 22, USC, §§ 611-621 provides:

(1) No person shall act as agent of foreign principal unless he has filed with Attorney General a true and complete registration statement and supplements as required by these sections, unless he is exempt from registration. Supplementary statements must be filed every six months. A 30-day grace period is permitted to file these supplements. Material changes in agent's activities or relationships with foreign principal must be reported within ten days.

(2) The term "agent of foreign principal" includes anyone who: Acts as an agent, representative, employee, servant, public-relations counsel, publicity agent, information-service employee, or political consultant for a foreign principal, or for a person any of whose activities are in whole or in major part controlled by foreign principal, and who within U. S.:

- (a) Engages in political activities for interest of foreign principal.
- (b) Solicits, collects, or dispenses anything of value for foreign principal.
- (c) Represents interests of foreign principal before any agency or official of U. S. Government.
- (d) Assumes or purports to act as foreign agent whether or not a contractual relationship exists with foreign principal; or
- (e) Acts in any other capacity at order or direction of foreign principal or of a person any of whose activities are controlled by a foreign principal.

(3) Term "agent of foreign principal" does not include:

(a) Bona fide representatives of news or press services organized in U. S. so long as they are not owned or controlled or their policies determined by any foreign principal or foreign agent required to register under this act.

(b) Bona fide representatives of newspapers, magazines, or periodicals holding second-class mailing permits are not subject to foreign control.

(4) "Foreign principal" includes any entity in a foreign country, government, political party, individual, association, corporation, etc.

97-2.2 Exempted Persons

- (1) Duly accredited diplomatic or consular officials

SECTION 97. REGISTRATION ACT

- (2) Officials of foreign governments
- (3) Members of staff of diplomats, consular officials, or foreign officers other than public-relations, counselors, publicity agents, or information-service employees. Latter are not exempt unless their status is recognized by State Department. They cannot engage in propaganda distribution.
- (4) Persons engaged exclusively in bona fide trade and commerce.
- (5) Persons collecting funds for relief of human suffering and registered pursuant to terms of Neutrality Act.
- (6) Persons engaged in bona fide religious, scholastic, academic, or scientific pursuits or of fine arts.
- (7) Persons qualified to practice law who agree to or engage in legal representation of a disclosed foreign principal before any court or agency of U. S. Government provided that representation does not attempt to influence or persuade U. S. Government officials other than in course of established agency or court proceedings.

97-2.3 Political Propaganda

Agents of foreign principals distributing political propaganda in interstate or foreign commerce or through mails to two or more persons must file two copies with Attorney General within 48 hours with statement regarding time and extent of distribution. Such propaganda must be conspicuously labeled to show:

- (1) Relationship or connection between political propaganda and person responsible for its transmittal
- (2) Distributor is registered agent of foreign principal
- (3) Identity of foreign principal
- (4) Registration statement filed by distributor is available for inspection at Department of Justice.
- (5) Registration by distributor does not imply approval of contents by U. S. Government.

This act requires registration of persons accepting compensation from foreign principal or acting in U. S. on orders, instructions, or request of foreign principal. Thus, agent of foreign principal engaged in sending propaganda from U. S. to foreign countries could be required to register. This interpretation is based on legislative history of statute.

This act also requires labeling of speeches, radio addresses, and other methods employed in disseminating oral propaganda in interstate and foreign commerce by registered agents in strict accordance with regulations prescribed by Attorney General.

A registered agent, in furnishing propaganda to or requesting information or advice from any U. S. Government Agency or official, must

SECTION 97. REGISTRATION ACT

preface propaganda or request by accurate statement to effect he is an agent of such foreign principal in accordance with act. Similarly, when registered agent appears before any committee of Congress to testify in interest of his principal, he must furnish committee with copy of his most recent registration statement as filed with Department of Justice.

97-2.4 Books and Records

Agents of foreign principals are required to keep books and records of activities as prescribed by Attorney General. These must be maintained for three years after agent terminates his relationship with foreign principal. Books and records are to be open for inspection at reasonable times by any official charged with enforcement of act. It is unlawful to, or attempt to, falsify, conceal, or destroy these records.

97-2.5 Responsibility of Officers

When agent of foreign principal is organization, officers, directors, or those performing functions of officers or directors will be responsible for compliance.

97-2.6 Political Contributions

Act prohibits foreign agent, when acting in that capacity, from knowingly making contribution of anything of value in connection with election to any public office or primary election, convention, or caucus held to select candidates for any public office. Prohibitions are also imposed against anyone knowingly soliciting or receiving such contributions from any foreign agent or foreign principal.

97-2.7 Government Officials Acting As Foreign Agents

All officers or employees of U. S. Government are prohibited from being or acting as agents for foreign principal. Exception is provided where head of employing agency certifies to Attorney General that employment of foreign agent is required in national interest.

97-2.8 Enforcement and Penalties

(1) When Attorney General judges a person is engaged in, or has or is about to engage in, activity in violation of act, he may apply to appropriate U. S. district court for order enjoining such acts or enjoining person from continuing to act as foreign agent until he complies with all provisions of registration. Courts must give Attorney General's application preferred action.

(2) If registration statement is deficient, Attorney General must so notify the registrant giving specifics. Ten days after receipt of the notification it will be unlawful for registrant to continue as foreign agent without filing amended statement.

(3) Foreign agents are forbidden to enter into contracts with their foreign principals wherein agents' fees or compensation is contingent upon success of any political activities carried on by agents.

(4) Upon conviction, violators of provisions of act, except as

SECTION 97. REGISTRATION ACT

listed below, may be fined \$10,000 or imprisoned for five years, or both. Aliens convicted are subject to deportation.

(a) U. S. officials acting as foreign agents - \$10,000 and/or two years.

(b) Agents contributing, or persons accepting, receiving or soliciting contributions, to elections or political activities - \$5,000 and/or five years.

(c) Agent operating on contingent fee or continuing to act as foreign agent without filing amended statement as required in (2) above - \$5,000 and/or six months.

(d) Agent omitting or improperly labeling propaganda; failing to provide statement that he is registered agent when furnishing propaganda to or requesting information from U. S. Government official; or failure to provide congressional committee copy of most recent registration statement when testifying before such committee - \$5,000 and/or six months.

(Unclassified)

97-2.9 FBIHQ Policy

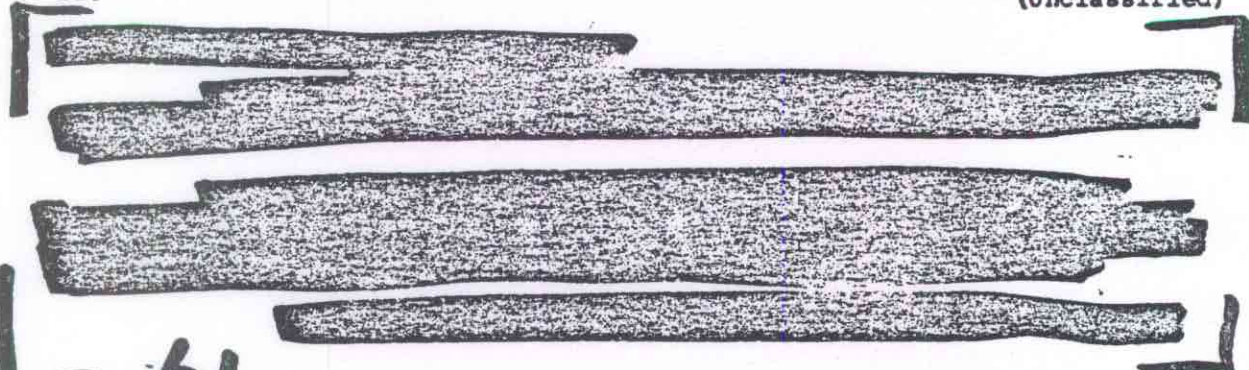
(1) Investigations may be initiated without prior FBIHQ authority.

(2) Cases are not to be presented to USAs or discussed with them nor are copies of reports to be furnished to them without FBIHQ authority.

(3) Although Bureau has been authorized to examine books and records of registered agents, no such examination should be attempted except upon specific FBIHQ authority.

(4) Diplomatic and consular officers are exempt from registration so long as their activities are recognized by Department of State as proper for such official. No investigation of diplomatic or consular officers is to be conducted without prior FBIHQ authority. When activities are noted, which would seem to be outside regular activities of official in question, advise FBIHQ promptly so that inquiry may be made of State Department to determine exactly what official's status and scope of action is.

(Unclassified)



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b2

SECTION 97. REGISTRATION ACT

97-3 ESPIONAGE TRAINING97-3.1 Statute, Title 50, USC, §§ 851-857, provides:

Every person who has knowledge of, or has received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party shall register with Attorney General by filing registration statement.

97-3.2 Exceptions To Registration

Any Person:

(1) Who has obtained knowledge of or received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with U. S. Government, governments of several states, their political subdivisions, District of Columbia, territories, or Canal Zone.

(2) Who has obtained such knowledge solely by reason of academic or personal interest not under supervision of or in preparation for service with government of foreign country or foreign political party.

(3) Who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of U. S. Government having responsibilities in field of intelligence, which disclosure has been made matter of record in files of such agency, and concerning whom a written determination has been made by Attorney General or Director of Central Intelligence that registration would not be in interest of national security.

(4) Whose knowledge of, or receipt of instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party, is matter of record in files of an agency of U. S. Government having responsibilities in field of intelligence and concerning whom a written determination is made by Attorney General or Director of Central Intelligence, based on all information available, that registration would not be in interest of national security.

(5) Who is duly accredited diplomatic or consular officer of foreign government, who is so recognized by Department of State, while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such officer, and any member of his immediate family who resides with him.

(6) Who is an official of a foreign government recognized by U. S., whose name and status and character of whose duties as such official are of record in Department of State, and while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such official, and any member of his immediate family who resides with him.

(7) Who is a member of staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by Department of State, and whose name and status and character of whose duties as such member or employee are a matter of record in Department

SECTION 97. REGISTRATION ACT

of State, while he is engaged exclusively in performance of activities recognized by Department of State as being within scope of functions of such member or employee.

(8) Who is an officially acknowledged and sponsored representative of a foreign government and is in U. S. on an official mission for purpose of conferring or otherwise cooperating with U. S. intelligence or security personnel.

(9) Who is a civilian or one of military personnel of a foreign armed service coming to U. S. pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to U. S. at request of an agency of U. S. Government; or

(10) Who is a person designated by a foreign government to serve as its representative in or to an international organization in which U. S. participates or is an officer or employee of such an organization or who is a member of immediate family of, and resides with such a representative, officer, or employee.

(Unclassified)

97-3.3 FBIHQ Policy

(1) Investigations may be initiated without prior FBIHQ authority.

(2) Cases are not to be presented to USAs or discussed with them nor are reports to be furnished to them without FBIHQ authority.

(3) Act provides exemption from registration for persons cited in 97-3.2 above. When information is received that individual apparently covered by act may be so exempted, immediately furnish information to FBIHQ so that inquiry may be made of appropriate department to determine exact status of individual. This should be resolved prior to investigation.

[REDACTED]

b1

(Confidential)

~~CONFIDENTIAL~~

SECTION 97. REGISTRATION ACT

97-3.5 Interviews

(1) Interviews with subjects should be considered on completion of all logical investigation. Obtain FBIHQ authority.

(2) Where subject is involved in revolutionary group or engaged in other activity where timely interview might produce valuable investigative or intelligence data, expeditiously request authority for interview and indicate why interview proposed prior to completion of investigation.

(3) Where such early interview is authorized, additional interviews with subject may be conducted on SAC authority.

97-3.6 Registration Statements

Registration statements maintained by Attorney General shall be open to public examination, except that Attorney General, having due regard for national security and public interest, may withdraw any registration statement from public examination.

97-3.7 Penalty

Whoever willfully violates any provision of act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. Any alien so convicted is subject to deportation.

97-3.8 Statute of Limitation

(1) Failure to file a registration statement as required by act is a continuing offense, notwithstanding any statute of limitation or other statute to contrary.

(2) Compliance with registration provisions of this act does not relieve any person from compliance with any other applicable registration statute.

97-4 CHARACTER - REGISTRATION ACT - (Name or approved abbreviation of country)

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FCIM, Part I, section 134, pages 91-111

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SECTION 199. FCI INVESTIGATIONS - TERRORISM

CONTENTS

199-1 INTERNATIONAL TERRORISM
 199-1.1 Background of International Terrorism

199-2 OBJECTIVES AND RESPONSIBILITIES OF TERRORIST INVESTIGATIONS

199-3 INVESTIGATIVE PROCEDURES
 [REDACTED]
 199-3.2 Officials on Whom No Investigation is Conducted
 199-3.3 United States Person

199-4 CHARACTER

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All information in Section 199 is
 Unclassified except the paragraph
 titled, [REDACTED]

SECTION 199. FCI INVESTIGATIONS - TERRORISM

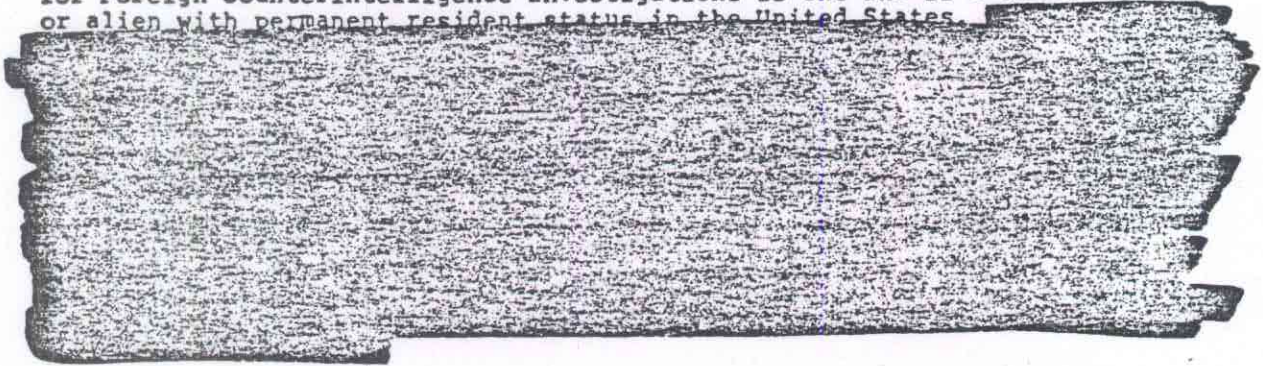
199-3.2 Officials on Whom No Investigation is Conducted

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199-3.3 United States Persons

A U. S. person as referred to in the Attorney General's Guidelines for Foreign Counterintelligence Investigations is one who is a U. S. citizen or alien with permanent resident status in the United States.



199-4 CHARACTER

FCI - (Country/Area) - Terrorism

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SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

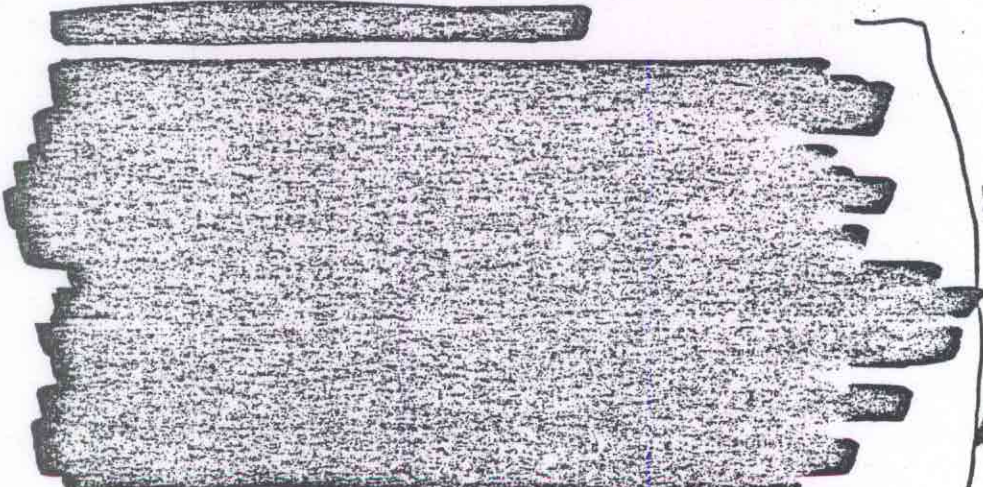
CONTENTS

1-1 SECURITY OFFICER

[1-2 GENERAL CLASSIFICATION[INSTRUCTIONS]

- 1-2.1 Authority to Classify, Declassify, Upgrade, Downgrade and [Extend Classification beyond Six Years]
- 1-2.2 Basis for Classifying Material
- 1-2.3 Categories (Levels) of Classification
- 1-2.4 [Duration of Classification]
- 1-2.4.1 General [Duration]
- 1-2.4.2 [Extension of Classification beyond Six Years]
- 1-2.4.3 [20-Year-Old Material]
- 1-2.4.4 Internal Documents Prior to 1974
- 1-2.5 Classification Markings
- 1-2.5.1 Marking of Separate Documents
- 1-2.5.2 Marking Separate Paragraphs
- 1-2.5.3 Marking Documents and Teletypes

1-3



b2




b2

1-4 ACCESS TO CLASSIFIED INFORMATION BY INDIVIDUALS HAVING OFFICIAL CLEARANCE

1-5 STORAGE OF CLASSIFIED MATERIAL

- [1-5.1 Storage of "Top Secret" Material
- 1-5.2 Storage of "Secret" and "Confidential" Material
- [1-5.3 Removal of Classified Material to Residence]

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION
AND MATERIALCONTENTS (Contd)

- 1-6 TOP SECRET AND/OR COMPARTMENTED INFORMATION -
ACCOUNTABILITY - FD-501 - FD-502
- 1-7 TRANSMITTAL OF CLASSIFIED MATERIAL
- 1-7.1 Within Field Offices
1-7.2 Between Field Offices and/or Resident Agencies,
Outside Agencies and FBIHQ
1-7.3 Armed Forces Courier Service (ARPCOS); FBI Courier
1-7.4 Wrapping Classified Material
- 1-8 EXECUTIVE ORDER 10501 - MATERIAL TO BE CLASSIFIED
- 1-9 ATOMIC ENERGY MATERIAL MARKINGS
- 1-10 
- 1-11 SPECIAL CONTROL MARKINGS FOR SENSITIVE INTELLIGENCE SOURCES
AND METHODS AND FOR FOREIGN INTELLIGENCE MATERIAL
- 1-11.1 
1-11.2 
- 1-12 UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

All information in Section 1, Part II
is Unclassified.

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

1-1 SECURITY OFFICER

Each field office will designate an Agent to serve as Security Officer. He/she will be responsible for all matters which relate to protection of classified material and Sensitive Compartmented Information (SCI) including accountability for "Top Secret" and SCI. An alternate will be designated to serve in his/her absence. These Agents must be thoroughly knowledgeable concerning classification, declassification, and safeguarding requirements and procedures set forth in Executive Order [12065.] The Security Officer should periodically monitor correspondence of a national security nature being prepared and handled in his/her office. FBIHQ should be promptly advised of any problem areas and of changes in the identities of officials and supervisors who have classification authority.

[1-2 GENERAL CLASSIFICATION [INSTRUCTIONS]

[When material is prepared in the FBI which relates to national security and which meets the criteria of Executive Order 12065, it must be classified and marked in accordance with the provisions of that Order as outlined in this section. No material originated on or after December 1, 1978, may be classified after receipt of a request for the document under the Freedom of Information Act or the Mandatory Review provision of Executive Order 12065 unless such classification is consistent with that Order and authorized personally by the Attorney General or Deputy Attorney General. Material originating before December 1, 1978, and subject to such request may be classified by an authorized classification authority.]

[1-2.1 Authority to Classify, Declassify, Upgrade, Downgrade and [Extend Classification Beyond Six Years]

[(1) Authority to classify (or upgrade) material and to extend classification beyond six years is strictly limited to specifically-designated officials and supervisors approved in writing by the Attorney General. Such approval is handled through the Document Classification and Review Section at FBIHQ.

[(2) Agents or support personnel preparing national security material should determine whether there is a basis for classification, the level of classification, and whether classification should be extended beyond six years, but only authorized classifiers may approve such classification and extension, and only their credential numbers may be used as the classifying authority. In the absence of an authorized classifier, an individual not authorized, such as a relief supervisor, acting on authorized classifier's behalf, may classify material utilizing the authorized classifier's credential number.

[(3) Classified material may be downgraded or declassified only by the original classifying authority, by a successor acting in the same capacity, or by a supervisory official of either. The successor or supervisory official need not be a classifying authority to downgrade or declassify.]

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

1-2.2 Basis for Classifying Material

[For material to be considered for classification, it must meet one or more of the following criteria:

- [(1) Foreign government information;
- [(2) Intelligence activities, sources or methods;
- [(3) Foreign relations or foreign activities of the United States;
- [(4) Military plans, weapons or operations;
- [(5) Scientific, technological or economic matters relating to the national security;
- [(6) U.S. Government programs for safeguarding nuclear materials or facilities;
- [(7) Other categories of information related to national security as determined by the Attorney General,

[and, unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security.]

1-2.3 Categories (Levels) of Classification

(1) There are three categories or levels of classification: "Top Secret," "Secret" and "Confidential."

[(a) "Top Secret" is restricted to material, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

[(b) "Secret" may only be applied to material, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

[(c) "Confidential" shall be applied to material, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

[(2) If there is doubt as to which category is to be applied or if the material should be classified at all, the least restrictive category shall be applied or the material should not be classified.]

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

[1-2.4 Duration of Classification[1-2.4.1 General Duration

[At the time of original classification, a date for automatic
[declassification shall be set no more than six years later. This duration
[applies to all categories (levels) of classification.

[1-2.4.2 Extension of Classification Beyond Six Years

[Classification of material may be extended beyond six years by a
[classification authority if, at the time of original classification, the
[authority believes that the original reason for classification will continue
[to exist beyond six years. The authority may then extend classification up to
[20 years from the time of original classification for U.S. information and up
[to 30 years for foreign information, provided the identity of the authority
[extending classification is shown and the reason is stated on the material in
[narrative form or by reference to a regulation which states the reason. In
[order to comply with the above, narrative reasons are set forth below for
[extending classification beyond six years, together with the "reference to a
[regulation" to be used on the material:

[(1) Foreign government information. The foreign government from
[which this information was received did not set a date for its declassifica-
[tion and, therefore, classification is extended for up to 30 years. Declassi-
[fication prior to that time could damage the confidential relationship which
[now exists with this foreign government and result in a decrease in coopera-
[tion and a curtailment of the free exchange of information.

[Reference: FCIM, II, 1-2.4.2 (1).

[(2) Intelligence activities, sources and methods. It is
[anticipated that the activities, sources and methods will continue to warrant
[protection beyond six years and since no specific date is predictable when
[protection will not be warranted, classification is extended up to 20 years.
[Declassification prior to that time could inhibit ongoing collection of
[intelligence information, jeopardize identities of sensitive sources and
[expose valuable methods of gathering intelligence data to the detriment of our
[counterintelligence mission.

[Reference: FCIM, II, 1-2.4.2 (2).

[(3) Foreign relations or foreign activities of the United States.
[The foreign relations and/or foreign activities of the United States are
[expected to continue beyond six years and to continue to require protection
[for an undetermined period of time up to 20 years. Declassification prior to
[that time could adversely affect United States foreign diplomatic policies,
[inhibit necessary diplomatic intercourse and constrain cooperation with
[foreign agencies and individuals relied upon for assistance in these types of
[matters.

[Reference: FCIM, II, 1-2.4.2 (3).]

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

[1-2.4.3 [20-Year-Old Material]

[Within 180 days after December 1, 1978, the Attorney General will issue guidelines concerning the continued classification, declassification or review for declassification of classified information which is more than 20 years old.]

1-2.4.4 Internal Documents Prior to 1974

Prior to 1974, classification markings were not included on classifiable internal FBI documents. All such documents, when subject to disclosure, must be reviewed and appropriately marked for classification.

1-2.5 Classification Markings

[(1) All classifiable material must be marked showing the level of classification assigned ("Top Secret," "Secret" or "Confidential"), the identity of the classifying authority (credential number), date of classification if different from the date of the document, and a date for declassification if within six years of original classification. If classification is extended beyond six years, the material must also be marked with the identity of the classifying authority who extended the classification, if different than the original classifying authority, the reason for extension and the date for declassification (or review) between six and 20 years (30 years for foreign government information).

(a) Example - Less than Six Years:

(Level of Classification)
Classified by (credential number)
Date of Declassification (August 15, 1982)

(b) Example - Between Six and 30 Years for Foreign Government Information:

(Level of Classification)
Classified and Extended by (credential number)
Reason for Extension FCIM, II, 1-2.4.2 (1)
Date of Review for Declassification (December 1, 2008)

(c) Example - Between Six and 20 Years for U.S. Information:

(Level of Classification)
Classified and Extended by (credential number)
Reason for Extension FCIM, II, 1-2.4.2 (2)
Date of Review for Declassification (December 1, 1998)

[(2) When classified material consists of two or more items of information which bear different classification levels or declassification dates, the following guidelines apply:

[(a) Material containing different levels of classified information must be classified at the level of the highest classified component.]

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

(b) Material containing different declassification dates must be marked with the most distant declassification date.]

(3) When material is classified solely because of other agency data, it must be appropriately marked to correspond with the other agency's markings.

(4) When classified material is downgraded, upgraded or declassified, a line will be drawn through the previous level of classification and related markings, and the new level, along with "upgraded," "downgraded" or "declassified," noted adjacent thereto together with the date and credential number of the declassifier or classification authority, whichever is appropriate.

1-2.5.1 Marking of Separate Documents

FBI reports have two parts, the cover pages and the report itself. For classification purposes, each part must be considered separately and appropriately marked. There will be instances where the cover pages are classified but not the report and vice versa. Each part must indicate the level of classification, identity of the classifying officer, [declassification date,]etc. Similarly, a transmittal document such as a cover letter/airtel to an LRM, a form letter or a routing slip must be considered separately and marked accordingly. Transmittal documents must carry a notation as to the highest classification level of information enclosed, e.g.,: "Confidential Material Attached."

1-2.5.2 Marking Separate Paragraphs

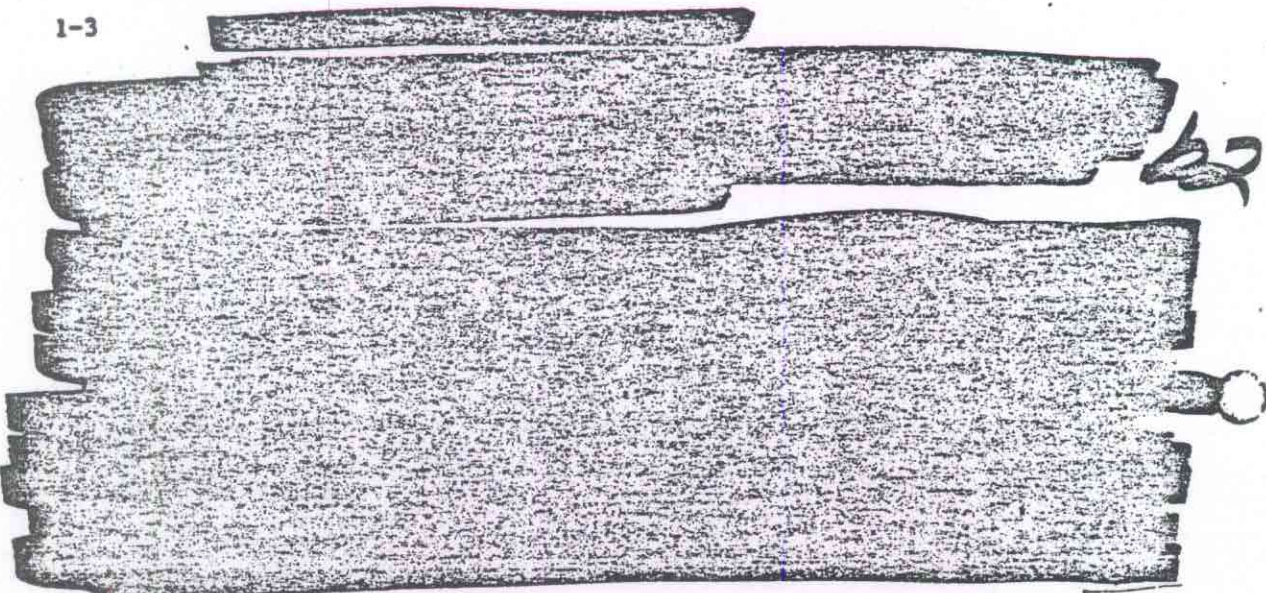
Whenever portions of classified material require different levels of classification, i.e., multiple classifications, or a portion requires no classification, then each paragraph must be marked to show its classification or that it is unclassified. In marking individual paragraphs, the appropriate marking ("Top Secret," "Secret," "Confidential" or "Unclassified") should be typed in parentheses immediately following the paragraph in question. Abbreviations may be used (TS, S, C or U). When a lengthy report or other document contains only one or two paragraphs which differ from the classification of other material in the documents, an introductory statement may be included to the effect that all the information in the document is classified in a particular category except as otherwise shown, or all information in the document is unclassified except as otherwise shown. Thereafter, only those paragraphs which differ from the introductory statement need be individually marked.

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

[1-2.5.3 Marking Documents and Teletypes

All documents must be marked with the classification level at the top and bottom of: the front cover, if any; the title page, if any; the first page; the last page; the reverse side of the last page or cover. In addition, each interior page must be marked at the top and bottom with either the highest level of classification of material on that page or according to the highest overall level of classification of the entire document. Teletypes are an exception and are marked with the classification level ("UNCLAS" or "UNCLAS E F T O," if unclassified) preceding the text on the first page and at the top of each succeeding page. Also, for teletypes, the required classification and extension data as set forth in 1-2.5 may be abbreviated "C & E (Credential #), Reason (1, 2, or 3) DRD (date)."]

1-3



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FCIM, Part II, section 1, pages 281-282

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SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

[REDACTED]

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1-4 ACCESS TO CLASSIFIED INFORMATION BY INDIVIDUALS HAVING OFFICIAL CLEARANCE

b2

[REDACTED]

1-5 STORAGE OF CLASSIFIED MATERIAL

[[1-5.1 Storage of "Top Secret" Material]]

The Code of Federal Regulations requires "Top Secret" material be stored in a safe, safe-type steel container having a built-in three-position dial-type combination lock, a vault or vault-like room.

b2

[REDACTED]

[[1-5.2 Storage of "Secret" and "Confidential" Material]]

Whenever "Secret" and "Confidential" material is not under the direct supervision of authorized persons, whether during or outside regular working hours, it must be stored in specific types of cabinets according to the Code of Federal Regulations.

b2

[REDACTED]

[[1-5.3 Removal of Classified Material to Residence]]

b2

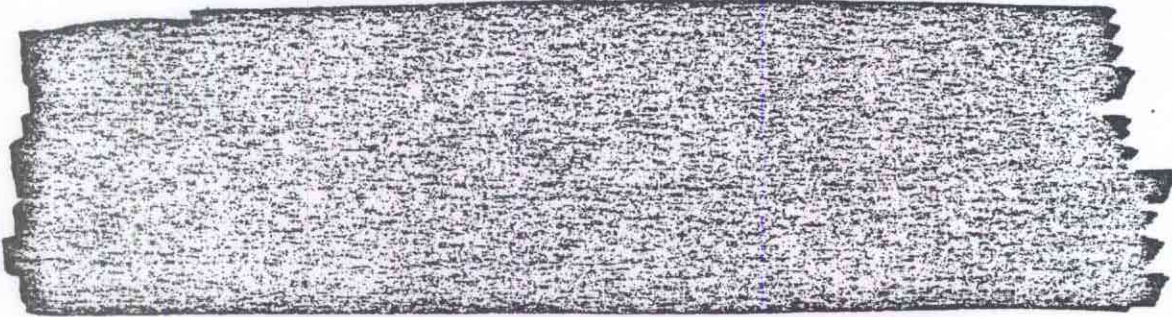
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SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

1-6

TOP SECRET AND/OR SENSITIVE COMPARTMENTED INFORMATION -
ACCOUNTABILITY - FD-501 - FD-502

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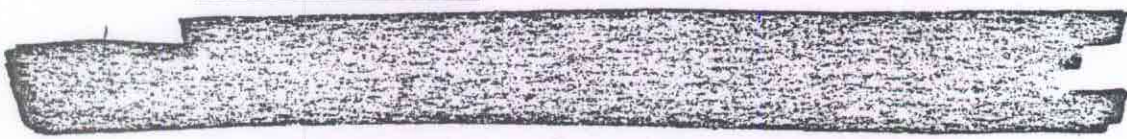


1-7

TRANSMITTAL OF CLASSIFIED MATERIAL

1-7.1

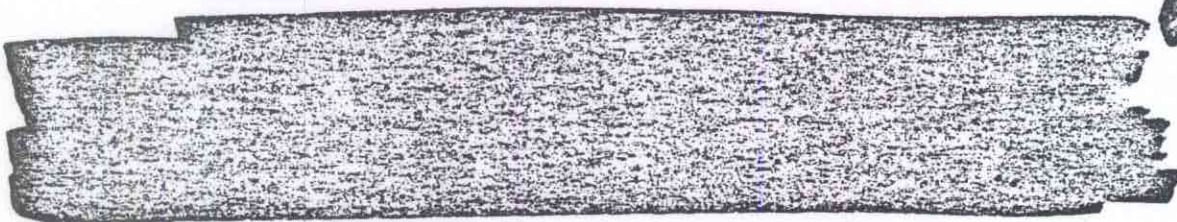
Within Field Offices



b2

1-7.2

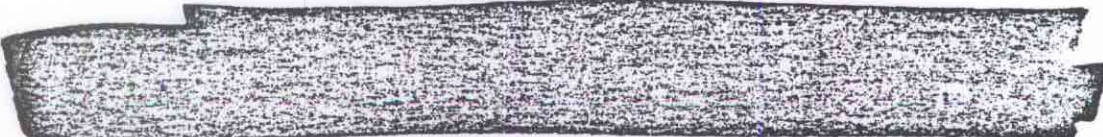
Between Field Offices and/or Resident Agencies, Outside Agencies
and FBIHQ



b2

1-7.3

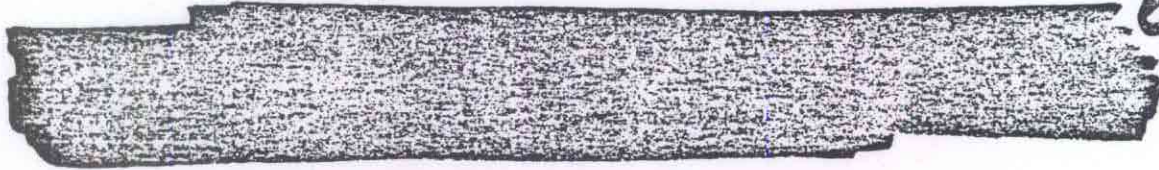
Armed Forces Courier Service (ARFCOS); FBI Courier



b2

1-7.4

Wrapping Classified Material



b2

1-8

EXECUTIVE ORDER 10501—MATERIAL TO BE CLASSIFIED

Information classified under Executive Order 10501 (prior to June, 1972) will ordinarily bear a group category governing its declassification. FBI data classified under Executive Order 10501 carried Group 1 in all instances and, therefore, if such information is being included in a newly-prepared document, it should be exempted from the General Declassification Schedule.

SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

1-9 ATOMIC ENERGY MATERIAL MARKINGS

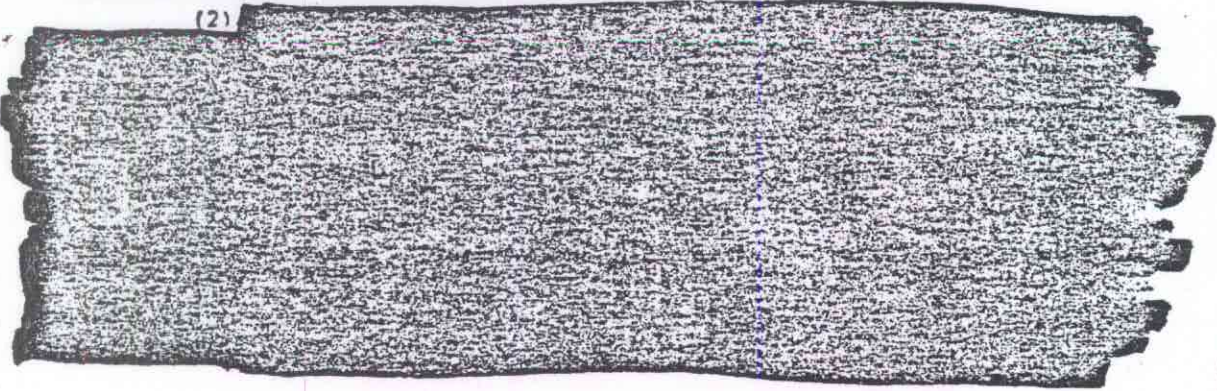
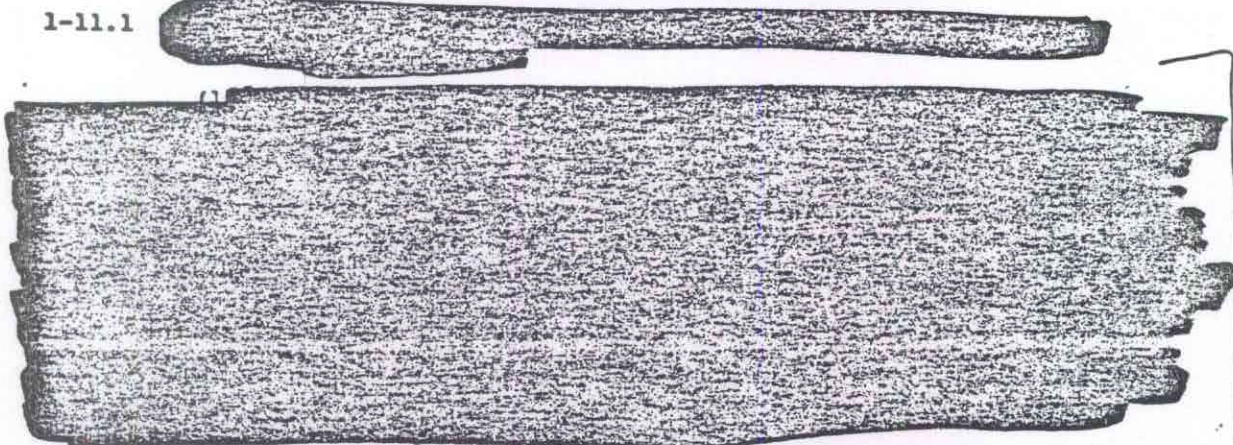
Additional warning markings "Restricted Data" and "Formerly Restricted Data" are used in connection with atomic energy-type material. These markings must be included when such classified material is set forth in FBI-originated documents.

1-10



1-11 SPECIAL CONTROL MARKINGS FOR SENSITIVE INTELLIGENCE SOURCES AND METHODS AND FOR FOREIGN INTELLIGENCE MATERIAL

1-11.1



SECTION 1. CLASSIFIED NATIONAL SECURITY INFORMATION AND MATERIAL

[REDACTED]

1-11.2

[REDACTED]

(1) [REDACTED]

(2) [REDACTED]

(3) [REDACTED]

(4) [REDACTED]

(5) [REDACTED]

1-12 UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

Department of Justice regulations which implement Executive Order 11652 provide for disciplinary action for employees who violate provisions of the Executive Order and stringent administrative action may be taken against any employee determined to have been knowingly responsible for unauthorized disclosure of classified national security material. Whenever a violation of criminal statutes may be involved, prosecution may also be instituted.

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FCIM, Part III, section 1, page 287

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FCIM, Part III, section 2, pages 289-291

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SECTION 3. VISAS ISSUED BY STATE DEPARTMENT

3-1 LIST OF VISAS

Normally, visas issued by the Department of State conform to the outline below:



<u>SYMBOL</u>	<u>CLASS</u>
A-1	Ambassador, public minister, career diplomatic or consular officer, and members of immediate family
A-2	Other foreign government official or employee, and members of immediate family
A-3	Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family
B-1	Temporary visitor for business
B-2	Temporary visitor for pleasure
C-1	Alien in transit
C-2	Alien in transit to United Nations Headquarters District under 11 (3), (4), or (5) of the Headquarters Agreement
C-3	Foreign government official, members of immediate family, attendant, servant, or personal employee, in transit
D	Crewman (seaman or airman)
E-1	Treaty trader, spouse and children
E-2	Treaty investor, spouse and children
F-1	Student
F-2	Spouse or child of student
G-1	Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family
G-2	Other representative of recognized foreign member government to international organization, and members of immediate family
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family

62

SECTION 3. VISAS ISSUED BY STATE DEPARTMENT

<u>SYMBOL</u>	<u>CLASS</u>
G-4	International organization officer or employee, and members of immediate family
G-5	Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes, and members of immediate family
H-1	Temporary worker of distinguished merit and ability
H-2	Temporary worker performing services unavailable in the United States
H-3	Industrial trainee
I	Representative of foreign information media, spouse and children
J-1	Exchange visitor
J-2	Spouse or child of exchange visitor

FOREIGN INTELLIGENCE COLLECTION AND FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS


I. DEFINITIONS

- A. FOREIGN POWER: Includes foreign governments, factions, parties, military forces, or agencies or instrumentalities of such entities, whether of not recognized by the United States, or foreign-based terrorist groups. (Unclassified)
- B. The determination that activities are PURSUANT TO THE DIRECTION OF a foreign power is based on the following factors:
 1. control, leadership or policy direction by a foreign power;
 2. financial or material support by a foreign power;
 3. participation in leadership, assignments, or discipline by a foreign power. (Unclassified)

[REDACTED] 761
[REDACTED] b2
(Secret)

- D. FOREIGN INTELLIGENCE: Information concerning the capabilities, intentions and activities of any foreign power relevant to the national security or to the conduct of foreign affairs of the United States. (Unclassified)
- E. FOREIGN COUNTERINTELLIGENCE: Investigative operations conducted within the United States to protect the national security from activities of foreign intelligence services, or to prevent terrorist activities undertaken pursuant to the direction of a foreign power. (Unclassified)
- F. FOREIGN INTELLIGENCE OFFICER: An individual who is a member of a foreign intelligence service. (Unclassified)
- G. FOREIGN INTELLIGENCE AGENT: An individual, not an officer of an intelligence service, engaged in clandestine intelligence activities pursuant to the direction of a foreign power. (Unclassified)
- H. TARGET: An individual or organization which is, or is likely to become, the object of a recruitment effort by a foreign intelligence service, or by terrorists acting pursuant to the direction of a foreign power; or information, property, or activities in the United States which are or are likely to become the object of intelligence activity by a foreign intelligence service, or the object of activity by terrorists acting pursuant to the direction of a foreign power. (Unclassified)

[REDACTED] 761
[REDACTED] b2
(Secret)

- []
- [(Confidential)]
- [K. FOREIGN VISITORS: Foreign nationals in the United States who are not resident aliens of the United States. (Unclassified)
 - [L. TERRORIST ACTIVITIES: Criminal acts of violence dangerous to human life, intended to intimidate, coerce, demoralize or influence government or civil population. (Unclassified)
 - [M. FOREIGN TERRORIST: One who engages in terrorist activities pursuant to the direction of a foreign power. (Unclassified)

II. FBI RESPONSIBILITIES

In fulfilling its foreign intelligence and foreign counterintelligence responsibilities the FBI is, under standards and procedures authorized in these guidelines, authorized to:

- [A. Detect and prevent espionage, sabotage, and other clandestine intelligence activities, by or pursuant to the direction of foreign powers through such lawful foreign counterintelligence operations within the United States and its territories, including electronic surveillances, as are necessary or useful for such purposes. (Unclassified)
- [B. Conduct within the United States and its territories, when requested by officials of the Intelligence Community designated by the President, those lawful activities, including electronic surveillance, authorized by the President and specifically approved by the Attorney General, to be undertaken in support of foreign intelligence collection requirements of other intelligence agencies. (Unclassified)
- [C. Collect foreign intelligence by lawful means within the United States and its territories, when requested by officials of the Intelligence Community designated by the President to make such requests. (Unclassified)
- [D. Disseminate, as appropriate, foreign intelligence and foreign counterintelligence information which it acquires to appropriate Federal agencies, to State and local law enforcement agencies, and to cooperating foreign governments. (Unclassified)
- [E. Detect and prevent terrorist activities conducted pursuant to the direction of a foreign power. (Unclassified)
- [F. Coordinate all foreign counterintelligence efforts in the United States. (Unclassified)
- [G. Request other agencies of the U.S. Government to conduct, request agencies of foreign governments to conduct, or with the concurrence of the Director of Central Intelligence conduct investigations outside the U.S. in connection with matters within the investigative jurisdiction of the FBI. (Unclassified)

H. Conduct certain investigations within the United States based upon the request of law enforcement, intelligence or security agencies of foreign governments. (Unclassified)

[REDACTED]

[REDACTED]

(~~SECRET~~)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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FCIM, Appendix I, pages 298-300.

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(Unclassified)

[REDACTED]

b1

~~(Secret)~~

[REDACTED]

b2

(Secret)

V. INVESTIGATIONS FOR FOREIGN GOVERNMENTS

A. Requests for FBI investigations within the United States, on behalf of a law enforcement, intelligence or security agency of a foreign government, shall identify the information sought and specify the purposes of the investigation. (Unclassified)

[REDACTED]

b1

b2

~~(Secret)~~

C. Whenever a request from a law enforcement, intelligence or security agency of a foreign government raises a question of the propriety of the FBI providing assistance, the Bureau shall refer the matter to the Department of Justice before undertaking to provide information or assistance. (Unclassified)

D. Foreign counterintelligence investigations undertaken upon request of a law enforcement, intelligence or security agency of a foreign government shall be conducted in accordance with guidelines relating to foreign counterintelligence investigations conducted in the U.S. (Unclassified)

* DOJ approval also required.

[REDACTED]

b1
b2

(Confidential)

VI. FOREIGN INTELLIGENCE

The role of the FBI in collecting foreign intelligence information is limited as follows:

A. Requests for Collection of Information

1. The FBI may collect supplementary information to clarify or complete foreign intelligence information previously disseminated to the intelligence community, and may collect information in response to requirements of topical interest from the [National Foreign Intelligence Board (NFIB),] or its successor, directed to the Intelligence Community.

(Unclassified)

2. Collection of information to clarify or complete foreign intelligence previously furnished, and in response to [NFIB] requirements, shall be conducted only upon a request, made or confirmed in writing, by an appropriate member of the Intelligence Community. Copies of such requests shall be provided to the Department. (Unclassified)

[REDACTED]

b1
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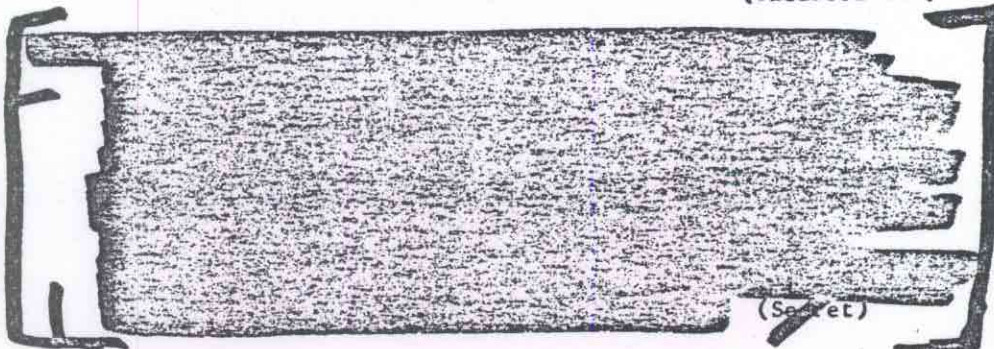
(Confidential)

B. Collecting Foreign Intelligence Information

1. The FBI may collect foreign intelligence information for agencies in the U.S. Intelligence Community. (Unclassified)

2. Foreign intelligence information shall be collected only upon the request, made or confirmed in writing, by an appropriate official of the U.S. Intelligence Community designated by the President. The requesting official shall certify that the information sought is foreign intelligence information relevant to the mission of the requesting agency, and the request shall set forth the reasons why the FBI is being asked to conduct the investigation. (Unclassified)
3. Foreign intelligence information shall be collected only with the express approval of the Attorney General or his designee. (Unclassified)

b1
b2



C. Operational Support

1. The FBI may, upon request, provide operational support to agencies in the Intelligence Community. (Unclassified)
2. Requests for operational support to the authorized mission of U.S. intelligence agencies shall be made or confirmed in writing, by an appropriate official of the U.S. Intelligence Community designated by the President. The requesting official shall describe the support required; the reasons why the FBI is being requested to furnish such assistance; and shall also certify that such assistance is relevant to the mission of the requesting intelligence agency. (Unclassified)
3. Operational support to U.S. intelligence agencies shall be undertaken only with the approval of the Attorney General or his designee. (Unclassified)
4. In collecting, or assisting other agencies to collect, foreign intelligence information by the use of Extraordinary Techniques as defined in these guidelines, the FBI shall follow the standards as provided in these guidelines. (Unclassified)

VII. EXTRAORDINARY TECHNIQUES

[To fulfill its responsibilities as set forth in section II of these guidelines, the FBI may employ the following Extraordinary Techniques when their use is authorized by the President or by statute and approved in accordance with the procedures and standards set forth in this part. (Unclassified)]

[REDACTED]

b1
b2

[REDACTED]

(Secret)

[REDACTED]

[REDACTED]

[REDACTED]

(Secret)

3. Procedures to be followed shall be reasonably designed to minimize the acquisition of information not relating to foreign intelligence or counterintelligence. (Unclassified)

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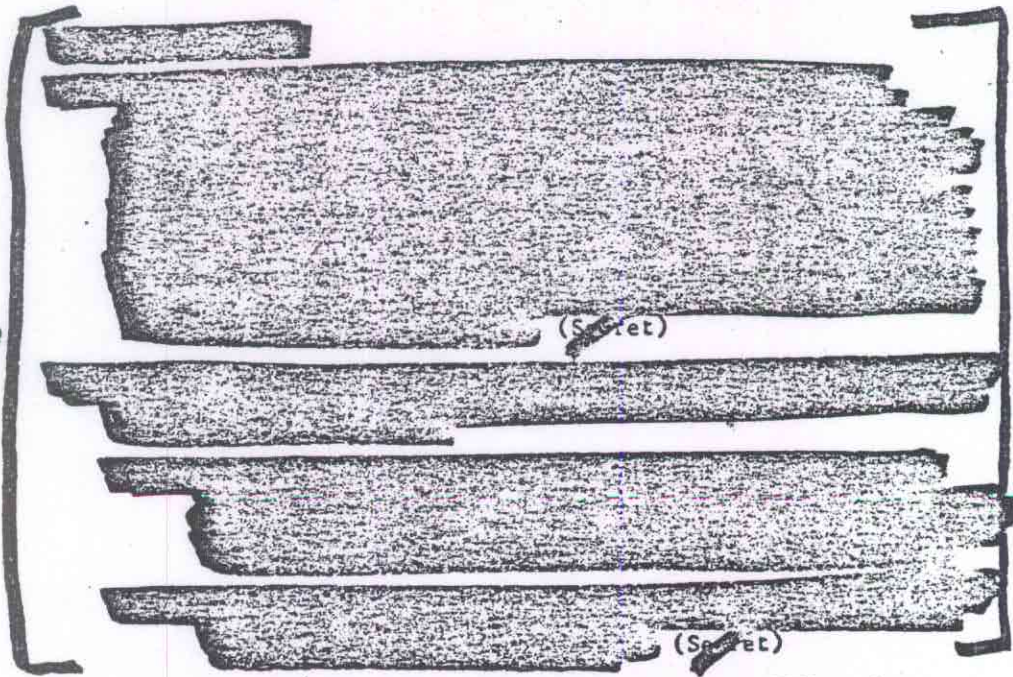
(Secret)

- 5. The request for use of electronic surveillance must be made in writing by a Presidential appointee, and must certify that the information sought cannot feasibly be obtained by other investigative techniques. (Unclassified)
- 6. If physical intrusion is involved in the use of electronic surveillance, the Attorney General must satisfy himself that the minimum physical intrusion necessary to obtain the information sought will be used. (Unclassified)

B. Physical Searches

The following procedures apply to physical searches and seizures of property or premises in connection with the gathering of foreign counterintelligence or foreign intelligence information or information concerning international terrorism. They do not apply to searches for the purpose of placing electronic surveillance devices or conducting surveys in connection therewith; or to the receipt by the FBI of information, property or materials furnished by an individual acting on his own initiative, without direction or request by the FBI, regardless of the manner of acquisition. (Unclassified)

b1
b2



- c. "FBI assets" means those persons, other than FBI employees, who cooperate with the FBI in a confidential relationship in the gathering of foreign intelligence or foreign counterintelligence information or information concerning international terrorism. (Unclassified)

d. "Physical search" means any unconsented physical intrusion into premises or property (including examination of the interior of property by technical means) or any seizure, reproduction or alteration of information, material or property. (Unclassified)

b1
b2

[REDACTED]

(Confidential)

(Secret)

g. "International terrorism" refers to international terrorist activities as defined in Executive Order 12036.

(Unclassified)

b1
b2

[REDACTED]

(Secret)

(Secret)

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(Secret)

[REDACTED]

[REDACTED]

(Secret)

- c. Searches authorized in this section shall be directed solely for the purpose of obtaining significant information relevant to foreign intelligence, foreign counter-intelligence or international terrorism. (Unclassified)

b1
b2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b1
b2

[REDACTED] (Confidential)

[REDACTED] (Unclassified)

b2

7. Emergency Procedures

a. A search or seizure under this part which would otherwise require the prior written approval of the Attorney General may be approved orally by the Attorney General if the circumstances indicate that the opportunity to search or seize would be lost in the time necessary to prepare written approval but the approval shall be reduced to writing as soon as possible and shall set forth the exigent circumstances justifying oral approval.

(Unclassified)

b. A search or seizure under this part which would otherwise require the prior approval of the Attorney General may be undertaken in exigent circumstances without such approval under the following circumstances —

- i. the FBI has determined that all of the conditions necessary to justify the search under this part (other than Attorney General approval) have been met;
- ii. the FBI has determined that the opportunity to acquire the information will be lost in the time necessary to obtain even oral approval of the Attorney General; and
- iii. the FBI reports the information regarding the search or seizure to the Attorney General within 24 hours together with an explanation of the exigent circumstances justifying the search.

(Unclassified)

8. Minimization of Information Concerning United States Persons

FBI assets or employees who undertake searches and seizures in accordance with this part shall direct their activities only at the gathering of information concerning foreign intelligence, foreign counterintelligence or international terrorism. No information relating to U.S. persons which is incidentally acquired in the course of such searches shall be retained or indexed by the FBI unless it relates to the counterintelligence or law enforcement responsibilities of the FBI, concerns employees or assets of the FBI, or constitutes information which may be disseminated pursuant to guidelines governing the dissemination of information acquired by the use of extraordinary techniques.

(Unclassified)

b1
b2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (Confidential)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (Secret)

[REDACTED] (Secret)

- 4. New technical devices, which might intrude on privacy or otherwise violate provisions of these guidelines shall not be used without the express written authorization of the Attorney General. (Unclassified)

[REDACTED]

[REDACTED] (Secret)

[REDACTED]

[REDACTED] (Secret)

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[REDACTED] (Secret)

[REDACTED]

b2

(Unclassified)

b1
b2

[REDACTED] (Secret)

5. Reports on all foreign intelligence information collection and all counterintelligence investigations shall be maintained at FBI Headquarters, and shall be available for review by Department officials specially designated by the Attorney General. (Unclassified)

b2

[REDACTED]

(Unclassified)

7. To insure the security of foreign intelligence collection and counterintelligence investigations, the Department of Justice shall conduct reviews of FBI reports in a physically secure area at FBI Headquarters. (Unclassified)

B. Dissemination

[The following provisions govern dissemination of information obtained during foreign intelligence collection and counterintelligence investigations other than information obtained by the use of extraordinary techniques. (Unclassified)]

Other Federal Authorities

- 1. [REDACTED]
- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED] (Unclassified)

b2

State and Local Government Authorities

- 2. [REDACTED] (Unclassified)

b2

Foreign Governments

- 3. [REDACTED] (Unclassified)
- 4. [REDACTED] (Unclassified)
- 5. [REDACTED] (Unclassified)

b2

[C. Dissemination of Information Obtained by Extraordinary Techniques

The following restrictions are designed to prevent unnecessary dissemination of information acquired by extraordinary techniques, particularly where the information identifies or permits identification of United States persons. */ Certain specific needs to receive information from the FBI are identified in these guidelines. The FBI should ascertain other needs of agencies receiving foreign intelligence or counterintelligence information on a regular basis and should disseminate only that information which appears relevant to the official responsibilities of the agency receiving it. Receiving agencies should be instructed that no dissemination is to be made outside that agency without the consent of the FBI. (Unclassified)

Where dissemination requires approval of the Director of the FBI or his designee, approval may be given only by supervisory officers at FBI Headquarters, designated in writing by the Director. (Unclassified)

These guidelines do not restrict dissemination of information by the FBI, including identifying information, when necessary to the conduct of investigations within its jurisdiction. (Unclassified)

1. Dissemination for foreign intelligence purposes

a.

[REDACTED]

(Unclassified)

b2

b.

[REDACTED]

(Unclassified)

c.

[REDACTED]

(Unclassified)

*/ As used herein, "United States person" means an individual who is a citizen of the United States or an alien admitted for permanent residence.

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FEDERAL BUREAU OF INVESTIGATION
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- Deleted under exemption(s) b2 with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

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FCIM, Appendix I, pages 310.05 - 310.08

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iv.

[REDACTED]

(Unclassified)

8. Protection of Life, Property and Sensitive Information

- a. The FBI may disseminate to another federal agency information relating to activity directed at its personnel, premises or property when the activity may involve injury to persons, substantial damage to premises, property or material, or the loss or compromise of national security or important foreign policy information. The dissemination of such information may identify United States persons when necessary to protect against such activity. (Unclassified)
- b. The FBI may disseminate to a federal, state or local agency information relating to activity directed at officials of the United States, a foreign government or an international organization when the activity may result in injury to persons the receiving agency has an obligation to protect. The dissemination of such information may identify United States persons when necessary to protect against such activity. (Unclassified)
- c. Nothing in these provisions limits the authority of the FBI to inform individuals whose safety or property is directly threatened by planned violence or conduct dangerous to human life, so that they may take appropriate protective safeguards. In so informing such individuals, no identification of United States persons shall be provided unless identification appears necessary to insure safety. (Unclassified)

D. Records for dissemination

The FBI shall maintain records to the extent required by law, of all disseminations made outside the Department of Justice, of information obtained during foreign intelligence collection and counterintelligence investigations. (Unclassified)

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Title 3—The President

Executive Order 12836

January 24, 1978

United States Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States of America including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

TABLE OF CONTENTS

SECTION 1	DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT	FR page
1-1	National Security Council	3675
1-2	NSC Policy Review Committee	3675
1-3	NSC Special Coordination Committee	3675
1-4	National Foreign Intelligence Board	3676
1-5	National Intelligence Tasking Center	3677
1-6	The Director of Central Intelligence	3677
1-7	Senior Officials of the Intelligence Community	3679
1-8	The Central Intelligence Agency	3680
1-9	The Department of State	3681
1-10	The Department of the Treasury	3681
1-11	The Department of Defense	3681
1-12	Intelligence Components Utilized by the Secretary of Defense	3682
1-13	The Department of Energy	3684
1-14	The Federal Bureau of Investigation	3684
1-15	The Drug Enforcement Administration	3684
SECTION 2	RESTRICTIONS ON INTELLIGENCE ACTIVITIES	
2-1	Adherence to Law	3684
2-2	Restrictions on Certain Collection Techniques	3685
2-201	General Provisions	3685
2-202	Electronic Surveillance	3685
2-203	Television Cameras and Other Monitoring	3685
2-204	Physical Searches	3685
2-205	Mail Surveillance	3685
2-206	Physical Surveillance	3685
2-207	Undisclosed Participation in Domestic Organizations	3686
2-208	Collection of Nonpublicly Available Information	3686
2-3	Additional Restrictions and Limitations	3687
2-301	Tax Information	3687
2-302	Restrictions on Experimentation	3687
2-303	Restrictions on Contracting	3687
2-304	Restrictions on Personnel Assigned to Other Agencies	3687
2-305	Prohibition on Assassinations	3687
2-306	Restrictions on Special Activities	3687
2-307	Restrictions on Indirect Participation in Prohibited Activities	3688
2-308	Restrictions on Assistance to Law Enforcement Authorities	3688
2-309	Permissible Assistance to Law Enforcement Authorities	3688
2-310	Permissible Dissemination and Storage of Information	3688
SECTION 3	OVERSIGHT OF INTELLIGENCE ORGANIZATIONS	
3-1	Intelligence Oversight Board	3688
3-2	Inspectors General and General Counsel	3689
3-3	Attorney General	3689
3-4	Congressional Intelligence Committees	3689
SECTION 4	GENERAL PROVISIONS	
4-1	Implementation	3690
4-2	Definitions	3690

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THE PRESIDENT

SECTION I

DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT*

I-1. *National Security Council*

1-101. *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence and counterintelligence activities.

1-102. *Committees.* The NSC Policy Review Committee and Special Coordination Committee, in accordance with procedures established by the Assistant to the President for National Security Affairs, shall assist in carrying out the NSC's responsibilities in the foreign intelligence field.

I-2. *NSC Policy Review Committee*

1-201. *Membership.* The NSC Policy Review Committee (PRC), when carrying out responsibilities assigned in this Order, shall be chaired by the Director of Central Intelligence and composed of the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, or their designees, and other senior officials, as appropriate.

1-202. *Duties.* The PRC shall:

(a) Establish requirements and priorities for national foreign intelligence;
(b) Review the National Foreign Intelligence Program and budget proposals and report to the President as to whether the resource allocations for intelligence capabilities are responsive to the intelligence requirements of the members of the NSC.

(c) Conduct periodic reviews of national foreign intelligence products, evaluate the quality of the intelligence product, develop policy guidance to ensure quality intelligence and to meet changing intelligence requirements; and
(d) Submit an annual report on its activities to the NSC.

1-203. *Appeals.* Recommendations of the PRC on intelligence matters may be appealed to the President or the NSC by any member of PRC.

I-3. *NSC Special Coordination Committee*

1-301. *Membership.* The NSC Special Coordination Committee (SCC) is chaired by the Assistant to the President for National Security Affairs and its membership includes the statutory members of the NSC and other senior officials, as appropriate.

1-302. *Special Activities.* The SCC shall consider and submit to the President a policy recommendation, including all dissents, on each special activity. When meeting for this purpose, the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence.

1-303. *Sensitive Foreign Intelligence Collection Operations.* Under standards established by the President, proposals for sensitive foreign intelligence collection operations shall be reported to the Chairman by the Director of Central Intelligence for appropriate review and approval. When meeting for the purpose of reviewing proposals for sensitive foreign intelligence collection operations,

*Certain technical terms are defined in Section 4-2.

THE PRESIDENT

the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, and such other members designated by the Chairman to ensure proper consideration of these operations.

1-304. *Counterintelligence.* The SCC shall develop policy with respect to the conduct of counterintelligence activities. When meeting for this purpose the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, the Director of Central Intelligence, and the Director of the FBI. The SCC's counterintelligence functions shall include:

- (a) Developing standards and doctrine for the counterintelligence activities of the United States;
- (b) Resolving interagency differences concerning implementation of counterintelligence policy;
- (c) Developing and monitoring guidelines consistent with this Order for the maintenance of central records of counterintelligence information;
- (d) Submitting to the President an overall annual assessment of the relative threat to United States interests from intelligence and security services of foreign powers and from international terrorist activities, including an assessment of the effectiveness of the United States counterintelligence activities; and
- (e) Approving counterintelligence activities which, under such standards as may be established by the President, require SCC approval.

1-305. *Required Membership.* The SCC shall discharge the responsibilities assigned by sections 1-302 through 1-304 only after consideration in a meeting at which all designated members are present or, in unusual circumstances when any such member is unavailable, when a designated representative of the member attends.

1-306. *Additional Duties.* The SCC shall also:

- (a) Conduct an annual review of ongoing special activities and sensitive national foreign intelligence collection operations and report thereon to the NSC; and
- (b) Carry out such other coordination and review activities as the President may direct.

1-307. *Appeals.* Any member of the SCC may appeal any decision to the President or the NSC.

1-4. *National Foreign Intelligence Board.*

1-401. *Establishment and Duties.* There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

- (a) Production, review, and coordination of national foreign intelligence;
- (b) The National Foreign Intelligence Program budget;
- (c) Interagency exchanges of foreign intelligence information;
- (d) Arrangements with foreign governments on intelligence matters;
- (e) The protection of intelligence sources and methods;
- (f) Activities of common concern; and
- (g) Other matters referred to it by the Director of Central Intelligence.

1-402. *Membership.* The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

THE PRESIDENT

1-403. *Restricted Membership and Observers.* When the NFIB meets for the purpose of section 1-401(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

1-5. *National Intelligence Tasking Center.*

1-501. *Establishment.* There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representatives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

1-502. *Responsibilities.* The NITC shall be the central mechanism by which the Director of Central Intelligence:

(a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;

(b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;

(c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

1-503. *Resolution of Conflicts.* The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

1-504. *Transfer of Authority.* All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the President. To maintain readiness for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

1-6. *The Director of Central Intelligence.*

1-601. *Duties.* The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will

THE PRESIDENT

enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

1-602. *National Foreign Intelligence Program Budget.* The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

THE PRESIDENT

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

(h) The Director of Central Intelligence shall monitor National Foreign Intelligence Program implementation and may conduct program and performance audits and evaluations.

1-603. *Responsibility For National Foreign Intelligence.* The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

1-604. *Protection of Sources, Methods and Procedures.* The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

1-605. *Responsibility of Executive Branch Agencies.* The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

1-606. *Access to CIA Intelligence.* The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

1-7. *Senior Officials of the Intelligence Community.* The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

THE PRESIDENT

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against overclassification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspectors General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-8. *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC;

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and personnel by appropriate means, including such investigations of applicants,

THE PRESIDENT

employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-9. *The Department of State.* The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. Coordinate with the Director of Central Intelligence to ensure that national foreign intelligence activities are useful to and consistent with United States foreign policy;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. *The Department of the Treasury.* The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. *The Department of Defense.* The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC;

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

THE PRESIDENT

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-1101 through 1-1112 above.

1-12. *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. *Defense Intelligence Agency*, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Provision of military intelligence for national foreign intelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. *National Security Agency (NSA)*, whose responsibilities shall include:

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

THE PRESIDENT

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. *Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:*

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. *The foreign intelligence and counterintelligence elements of the military services, whose responsibilities shall include:*

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plans and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Sections 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.*

THE PRESIDENT

1-13. *The Department of Energy.* The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. *The Drug Enforcement Administration.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

SECTION 2

RESTRICTIONS ON INTELLIGENCE ACTIVITIES

2-1. *Adherence to Law.*

2-101. *Purpose.* 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. The measures employed to acquire such information should be responsive to legitimate governmental needs and must be conducted in a manner that preserves and respects established concepts of privacy and civil liberties.

2-102. *Principles of Interpretation.* Sections 2-201 through 2-309 set forth limitations which, in addition to other applicable laws, are intended to achieve

THE PRESIDENT

the proper balance between protection of individual rights and acquisition of essential information. Those sections do not authorize any activity not authorized by sections 1-101 through 1-1503 and do not provide any exemption from any other law.

2-2. Restrictions on Certain Collection Techniques.**2-201. General Provisions.**

(a) The activities described in Sections 2-202 through 2-208 shall be undertaken only as permitted by this Order and by procedures established by the head of the agency concerned and approved by the Attorney General. Those procedures shall protect constitutional rights and privacy, ensure that information is gathered by the least intrusive means possible, and limit use of such information to lawful governmental purposes.

(b) Activities described in sections 2-202 through 2-205 for which a warrant would be required if undertaken for law enforcement rather than intelligence purposes shall not be undertaken against a United States person without a judicial warrant, unless the President has authorized the type of activity involved and the Attorney General has both approved the particular activity and determined that there is probable cause to believe that the United States person is an agent of a foreign power.

2-202. Electronic Surveillance. The CIA may not engage in any electronic surveillance within the United States. No agency within the Intelligence Community shall engage in any electronic surveillance directed against a United States person abroad or designed to intercept a communication sent from, or intended for receipt within, the United States except as permitted by the procedures established pursuant to section 2-201. Training of personnel by agencies in the Intelligence Community in the use of electronic communications equipment, testing by such agencies of such equipment, and the use of measures to determine the existence and capability of electronic surveillance equipment being used unlawfully shall not be prohibited and shall also be governed by such procedures. Such activities shall be limited in scope and duration to those necessary to carry out the training, testing or countermeasures purpose. No information derived from communications intercepted in the course of such training, testing or use of countermeasures may be retained or used for any other purpose.

2-203. Television Cameras and Other Monitoring. No agency within the Intelligence Community shall use any electronic or mechanical device surreptitiously and continuously to monitor any person within the United States, or any United States person abroad, except as permitted by the procedures established pursuant to Section 2-201.

2-204. Physical Searches. No agency within the Intelligence Community except the FBI may conduct any unconsented physical searches within the United States. All such searches conducted by the FBI, as well as all such searches conducted by any agency within the Intelligence Community outside the United States and directed against United States persons, shall be undertaken only as permitted by procedures established pursuant to Section 2-201.

2-205. Mail Surveillance. No agency within the Intelligence Community shall open mail or examine envelopes in United States postal channels, except in accordance with applicable statutes and regulations. No agency within the Intelligence Community shall open mail of a United States person abroad except as permitted by procedures established pursuant to Section 2-201.

2-206. Physical Surveillance. The FBI may conduct physical surveillance directed against United States persons or others only in the course of a lawful investigation. Other agencies within the Intelligence Community may not undertake any physical surveillance directed against a United States person unless:

THE PRESIDENT

(a) The surveillance is conducted outside the United States and the person being surveilled is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities, or engaging in narcotics production or trafficking;

(b) The surveillance is conducted solely for the purpose of identifying a person who is in contact with someone who is the subject of a foreign intelligence or counterintelligence investigation; or

(c) That person is being surveilled for the purpose of protecting foreign intelligence and counterintelligence sources and methods from unauthorized disclosure or is the subject of a lawful counterintelligence, personnel, physical or communications security investigation.

(d) No surveillance under paragraph (c) of this section may be conducted within the United States unless the person being surveilled is a present employee, intelligence agency contractor or employee of such a contractor, or is a military person employed by a non-intelligence element of a military service. Outside the United States such surveillance may also be conducted against a former employee, intelligence agency contractor or employee of a contractor or a civilian person employed by a non-intelligence element of an agency within the Intelligence Community. A person who is in contact with such a present or former employee or contractor may also be surveilled, but only to the extent necessary to identify that person.

2-207. *Undisclosed Participation in Domestic Organizations.* No employees may join, or otherwise participate in, any organization within the United States on behalf of any agency within the Intelligence Community without disclosing their intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established pursuant to Section 2-201. Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or a designee approved by the Attorney General finds that non-disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General. Those procedures shall further limit undisclosed participation to cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or

(c) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

2-208. *Collection of Nonpublicly Available Information.* No agency within the Intelligence Community may collect, disseminate or store information concerning the activities of United States persons that is not available publicly, unless it does so with their consent or as permitted by procedures established pursuant to Section 2-201. Those procedures shall limit collection, storage or dissemination to the following types of information:

(a) Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence;

(b) Information arising out of a lawful counterintelligence or personnel, physical or communications security investigation;

(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;

THE PRESIDENT

(d) Information needed solely to identify individuals in contact with those persons described in paragraph (c) of this section 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 compliance with Section 2-202 or from cooperating sources in the United States;

(g) Information 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;

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

(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;

(j) Information collected, received, disseminated or stored by the FBI and necessary to fulfill its lawful investigative responsibilities; or

(k) Information concerning persons or activities that pose a clear threat to any facility or personnel of an agency within the Intelligence Community. Such information may be retained only by the agency that earned and, if appropriate, by the United States Secret Service and the FBI.

2-3. Additional Restrictions and Limitations.

2-301. Tax Information. No agency within the Intelligence Community shall examine tax returns or tax information except as permitted by applicable law.

2-302. Restrictions on Experimentation. No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education and Welfare. The subject's informed consent shall be documented as required by those guidelines.

2-303. Restrictions on Contracting. No agency within the Intelligence Community shall enter into a contract or arrangement for the provision of goods or services with private companies or institutions in the United States unless the agency sponsorship is known to the appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, intelligence agency sponsorship may be concealed where it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for authorized intelligence purposes.

2-304. Restrictions on 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. The head of the host agency, and any successor, shall be informed of the employee's relationship with the parent agency.

2-305. Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2-306. Restrictions on Special Activities. No component of the United States Government except an agency within the Intelligence Community may conduct any special activity. No such agency except the CIA (or the military services in wartime) may conduct any special activity unless the President determines, with

THE PRESIDENT

the SCC's advice, that another agency is more likely to achieve a particular objective.

2-307. *Restrictions on Indirect Participation in Prohibited Activities.* No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by this Order or by applicable law.

2-308. *Restrictions on Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community other than the FBI shall not, except as expressly authorized by law:

(a) Provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (or its successor agencies) or to state or local police organizations of the United States; or

(b) Participate in or fund any law enforcement activity within the United States.

2-309. *Permissible Assistance to Law Enforcement Authorities.* The restrictions in Section 2-308 shall not preclude:

(a) Cooperation with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of any agency within the Intelligence Community;

(b) Participation in law enforcement activities, in accordance with law and this Order, to investigate or prevent clandestine intelligence activities by foreign powers, international narcotics production and trafficking, or international terrorist activities; or

(c) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General.

2-310. *Permissible Dissemination and Storage of Information.* Nothing in Sections 2-201 through 2-309 of this Order shall prohibit:

(a) Dissemination to appropriate law enforcement agencies of information which indicates involvement in activities that may violate federal, state, local or foreign laws;

(b) Storage of information required by law to be retained;

(c) Dissemination of information covered by Section 2-208 (a)-(j) to agencies within the Intelligence Community or entities of cooperating foreign governments; or

(d) Lawful storage or dissemination of information solely for administrative purposes not related to intelligence or security.

SECTION 3

OVERSIGHT OF INTELLIGENCE ORGANIZATIONS

3-1. *Intelligence Oversight Board.*

3-101. *Membership.* The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. *Duties.* The IOB shall:

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence

THE PRESIDENT

activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3-201;

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. *Restriction on Staff.* No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. *Inspectors General and General Counsel.* Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-3. *Attorney General.* The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy, and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

3-4. *Congressional Intelligence Committees.* Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative

THE PRESIDENT

Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.

SECTION 4

GENERAL PROVISIONS

4-1. *Implementation.*

4-101. Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with Section 3-402.

4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are to applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

THE PRESIDENT

4-201. *Communications security* means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-202. *Counterintelligence* means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-203. *Electronic Surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-204. *Employer* means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. *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.

4-206. *Intelligence* means foreign intelligence and counterintelligence.

4-207. *Intelligence Community and agency or agencies within the Intelligence Community* refer to the following organizations:

- (a) The Central Intelligence Agency (CIA);
- (b) The National Security Agency (NSA);
- (c) The Defense Intelligence Agency;

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

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

(f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

- (g) The staff elements of the Office of the Director of Central Intelligence.

4-208. *Intelligence product* means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. *International terrorist activities* means any activity or activities which:

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

(b) 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

(c) 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.

4-210. *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

- (a) The programs of the CIA;
- (b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of

THE PRESIDENT

Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence.

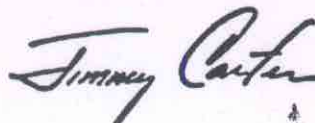
(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. *Physical surveillance* means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. *Special activities* means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and 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 not including diplomatic activity or the collection and production of intelligence or related support functions.

4-213. *United States*, when used to describe a place, includes the territories of the United States.

4-214. *United States person* means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States.



THE WHITE HOUSE,

January 24, 1978.

[FR Doc. 78-2420 Filed 1-25-78, 11:12 am]

EDITORIAL NOTE: The President's statement and remarks of Jan. 24, 1978, on signing Executive Order 12036, are printed in the Weekly Compilation of Presidential Documents (vol. 14, No. 4).

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329
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ECIM, Appendix B, pages 331-341

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FCI 17, Appendix 4, pages 343-345

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[DISSEMINATION OF INFORMATION OBTAINED
[BY EXTRAORDINARY TECHNIQUES

[The FBI is authorized by part IX B of the Foreign Intelligence
[Collection and Foreign Counterintelligence Investigation Guidelines to
[disseminate information obtained in the course of such investigations. This
[addendum to the Guidelines adds additional restrictions on the dissemination
[of information acquired by the use of extraordinary techniques. It supersedes
[paragraphs IX B 2.a. and b., and 4.a. and b. with respect to all information
[acquired by extraordinary techniques after its effective date.

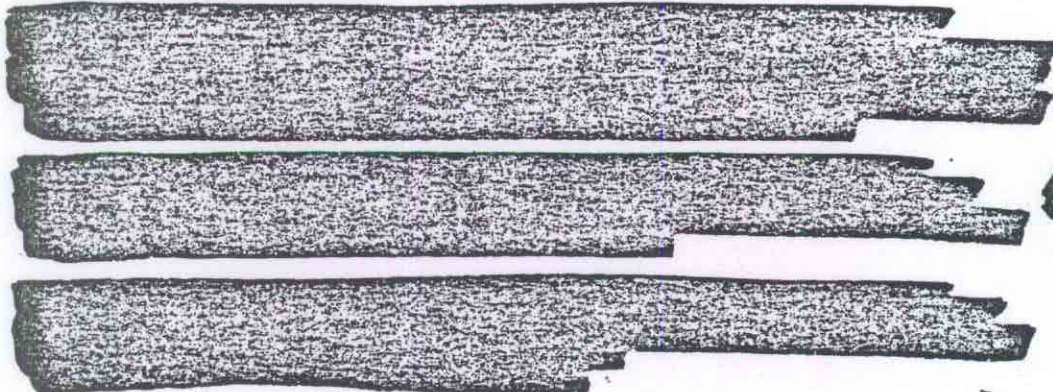
[The following restrictions are designed to prevent unnecessary
[dissemination of information acquired by extraordinary techniques particularly
[where the information identifies or permits identification of United States
[persons.* Certain specific needs to receive information from the FBI are
[identified in these guidelines. The FBI should ascertain other needs of
[agencies receiving foreign intelligence or counterintelligence information on
[a regular basis and should disseminate only that information which appears
[relevant to the official responsibilities of the agency receiving it. Re-
[ceiving agencies should be instructed that no dissemination is to be made
[outside that agency without the consent of the FBI.

[Where dissemination requires approval of the Director of the FBI or
[his designee, approval may be given only by supervisory officers at FBI Head-
[quarters, designated in writing by the Director.

[These guidelines do not restrict dissemination of information by the
[FBI, including identifying information, when necessary to the conduct of
[investigations within its jurisdiction.

[These guidelines apply to all information acquired by extraordinary
[techniques under the foreign intelligence collection and foreign counter-
[intelligence investigation guidelines after the effective date of this
[addendum.

[I. DISSEMINATION OF INFORMATION FOR FOREIGN INTELLIGENCE PURPOSES

[

62

[*As used herein, "United States person" means an individual who is a citizen
[of the United States or an alien admitted for permanent residence.

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FCIM, Appendix 5, pages 348-350

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VIII. PROTECTION OF LIFE, PROPERTY AND SENSITIVE INFORMATION

[REDACTED]

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IX. DISSEMINATION UNDER EXCEPTIONAL CIRCUMSTANCES

Where there are exceptional circumstances which indicate that dissemination of information acquired by extraordinary techniques not otherwise provided for is necessary, the FBI may disseminate the information with the prior approval of the Attorney General, made or confirmed in writing.]

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FOREIGN COUNTERINTELLIGENCE MANUAL

LIST OF EFFECTIVE PAGES

Revision #4
12-22-78# 2563
Mr. Mc Knight

Attached are revised pages for this manual. Pages in this list directly affected by this revision are preceded by an asterisk (*). Revisions appearing on these pages are identified by brackets. The date appearing at the bottom of the pages indicates the date of revision. The new pages should be inserted immediately and the old corresponding pages should be removed and turned over to the SAC who has the responsibility for their proper destruction.

This list of effective pages is to be used to check the page accuracy and completeness of this manual. Listed are all of this manual's effective pages which includes title, blank, deleted, and added pages as well as the pages of this list. Blank pages are listed and counted as if they were printed. Multi-numbered pages are listed and counted as if they were single pages.

After this list is used to check this manual, it is to be positioned immediately after the appendices. This list should be retained until the next consecutively numbered revision is received.

Page	Date	Page	Date	Page	Date
Title page	3-31-78	81	6-22-78	204.02	Blank
I thru IV	3-31-78	82 thru 84	10-23-78	205 thru 207	3-31-78
*V thru VI	12-22-78	85	6-22-78	208	Blank
VII thru VIII	6-22-78	86 thru 89	3-31-78	209 thru 236	3-31-78
1	3-31-78	90	Blank	237 thru 240	10-23-78
2	Blank	91 thru 111	3-31-78	241 thru 243	3-31-78
3	6-22-78	112	Blank	244	Blank
4	3-31-78	113	3-31-78	245 thru 270	3-31-78
5	6-22-78	114	Blank	271 thru 272	10-23-78
6	7-31-78	115 thru 116	3-31-78	*273 thru 280	12-22-78
7 thru 8	6-22-78	117 thru 119	10-23-78	281 thru 282	3-31-78
9 thru 12	3-31-78	120	Blank	*283 thru 284	12-22-78
13 thru 14	6-22-78	121 thru 133	3-31-78	285 thru 287	3-31-78
*15	12-22-78	134 thru 134.03	10-23-78	288	Blank
16	Blank	134.04	Blank	289 thru 291	3-31-78
17 thru 25	3-31-78	135 thru 152	3-31-78	292	Blank
26	10-23-78	153 thru 156	10-23-78	293 thru 294	3-31-78
27	3-31-78	157 thru 163	3-31-78	295 thru 310.10	7-31-78
28	Blank	164	Blank	311 thru 329	3-31-78
29 thru 37	3-31-78	*165 thru 167	12-22-78	330	Blank
38	Blank	168	Blank	331 thru 341	3-31-78
*39 thru 41	12-22-78	169 thru 176	7-31-78	342	Blank
42	Blank	177 thru 178	6-22-78	343 thru 345	3-31-78
43 thru 68	3-31-78	179 thru 181	7-31-78	346	Blank
69 thru 70	6-22-78	182 thru 186	6-22-78	347 thru 351	6-22-78
71 thru 72	3-31-78	187	10-23-78	352	Blank
73 thru 74	6-22-78	188 thru 202	3-31-78	*A	12-22-78
75 thru 80	3-31-78	203 thru 204.01	10-23-78	B	Blank

A
12/22/78

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