



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DEC 17 1986

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

Dear Mr. Lesar:

Reference is made to your pending Freedom of Information Act (FOIA) request number 230,793, concerning the FBI's Foreign Counterintelligence Manual (FCIM).

Enclosed is a copy of appendix 5 from the FCIM which was referred to the Central Intelligence Agency (CIA) for a release determination. Marginal notations reflect where specific deletions were recommended by the CIA and the FOIA subsection cited by them.

This concludes processing of your FOIA request.

Sincerely yours,

Emil P. Moschella

Emil P. Moschella, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosures (2)

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GUIDANCE FOR CIA ACTIVITIES
WITHIN THE UNITED STATES

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GUIDANCE FOR CIA ACTIVITIES
WITHIN THE UNITED STATES

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GUIDANCE FOR CIA ACTIVITIES
WITHIN THE UNITED STATES

I. INTRODUCTION

- A. SCOPE - Executive Order 12333 outlines the duties and responsibilities of CIA as well as limitations upon intelligence activities undertaken by the Agency. The Order reflects the requirements of the National Security Act of 1947, the CIA Act of 1949, and other laws, regulations, and directives, as well as intelligence policies. These revised procedures, which implement Sections 2.3, 2.4 and 2.9 of the new Order, were prepared by CIA, were approved by the Attorney General, and are issued by the Director of Central Intelligence. These procedures supersede all existing procedures addressing the same subject matter. However, employees must also comply with Agency regulations that reflect the requirements of the new Order and Agency policies regulating employee conduct within the United States.
- B. PURPOSES - These procedures are intended to:
1. Permit and encourage legitimate intelligence activities to the maximum extent possible so that an aggressive and effective intelligence effort may be carried out free of unnecessary restrictions;
 2. Provide legal protection to employees who follow the procedures by providing authority for intelligence activities; and
 3. Assure the American public and the intelligence oversight mechanisms that all CIA activities in the United States are lawful and related to legitimate intelligence objectives.

II. RESPONSIBILITIES - CIA is responsible within the United States for:

- A. Collecting, producing, and disseminating foreign intelligence and counterintelligence, including counterintelligence and significant foreign intelligence not otherwise obtainable. (The collection of foreign intelligence not otherwise obtainable shall be coordinated with the FBI as required by these procedures.);
- B. Conducting counterintelligence activities, in coordination with the FBI as required by these procedures;
- C. Collecting, producing, and disseminating intelligence on foreign aspects of narcotics production and trafficking;
- D. Conducting research, development (including testing), and procurement of technical systems and devices relating to authorized functions;

- E. Protecting the security of its installations, activities, information, property, and employees by appropriate means;
- F. Conducting Intelligence Community services of common concern as directed by the NSC;
- G. Conducting special activities in support of national foreign policy objectives abroad approved by the President and consistent with applicable laws; and
- H. Conducting administrative and technical support activities necessary to perform the functions described above.

III. AUTHORITIES - All CIA activities within the United States must be related to the responsibilities identified above and must be authorized as outlined in these procedures.

IV. GENERAL PRINCIPLES -

- A. ACTIVITIES COVERED - These procedures apply to CIA activities within the United States.
- B. INDIVIDUALS TO WHOSE ACTIVITIES THESE PROCEDURES APPLY - These procedures apply to the activities of all CIA employees, including individuals assigned to or acting for CIA, such as contractors and assets.
- C. LEAST INTRUSIVE TECHNIQUE FEASIBLE - A certain collection technique may be used only if a less intrusive technique cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule, basic collection and standard collection techniques are less intrusive than special collection techniques.
- D. FBI COORDINATION - Executive Order 12333 requires that CIA foreign intelligence collection and counterintelligence activities conducted within the United States be coordinated with the FBI as specified in these procedures, in addition to the internal approvals specified in these procedures or even when the internal approvals are not required. See Part VII of these procedures for FBI coordination requirements.

E. [REDACTED] (S)

1. [REDACTED]

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2. [REDACTED]

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F. ADMINISTRATION - Nothing in these procedures shall prohibit collection, retention, or dissemination of information concerning U.S. persons necessary for administrative purposes (including contracting, building maintenance, construction, fiscal matters, internal accounting procedures, disciplinary matters, and investigations of alleged crimes or improprieties by Agency employees) by Agency components authorized to perform such functions.

V. COLLECTION OF INFORMATION IN THE UNITED STATES

A. WHAT IS A U.S. PERSON? - A U.S. person is a U.S. citizen, an alien known by CIA to be a permanent resident alien, an unincorporated association substantially composed of U.S. citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government. An alien in the United States may be presumed not to be a U.S. person unless specific indications to the contrary are obtained. (See Appendix A for complete definition.)

B. BASIC COLLECTION

1. WHAT IS BASIC COLLECTION? - Basic collection is collection of any one or more of the following types of information about a U.S. person:
 - a. INCIDENTALLY ACQUIRED INFORMATION - Information about a U.S. person incidentally obtained in the course of an investigation directed at other authorized subjects (including information voluntarily provided).
 - b. PUBLICLY AVAILABLE INFORMATION - Information any member of the public could lawfully obtain by request or observation (not amounting to physical surveillance), including public communications, and information that is lawfully accessible to any member of the public.
 - c. CONSENSUAL INFORMATION - Consent, in this context, generally means that the subject of the collection has consented to the collection of the information. (See Appendix A for complete definition.)

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d. IDENTIFYING INFORMATION - Information that concerns the identity rather than the activities of a person, such as:

(1) Individuals

- Name
- Title/Occupation
- Address
- Date and place of birth
- Physical description
- Social Security number

(2) Organizations

- Name
- Address
- Date and place of incorporation
- Characterization (e.g., industrial firm, fraternal organizational, charitable organization)
- Identity of officers

(3) Similar identifying information

2. APPROVAL AUTHORITY - Basic collection requires no internal approvals under these procedures, but may require coordination with the FBI. See Part VII of these procedures for coordination requirements.

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1. [REDACTED] (S)

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

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g. [REDACTED] (S)

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h.

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i.

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2. WHEN MAY STANDARD COLLECTION TECHNIQUES BE USED?

a. U.S. PERSONS

(1) Standard collection techniques may be directed at a U.S. person to collect:

- (a) Information needed to determine suitability or credibility of potential sources or contacts;
- (b) Foreign intelligence, including such intelligence concerning corporations or other commercial organizations, and such intelligence which may be obtained in the course of an authorized foreign intelligence investigation directed at activities of foreign powers, organizations, persons, or those acting on their behalf;
- (c) Counterintelligence, including such intelligence concerning corporations or other commercial organizations, and such intelligence which may be obtained in the course of an authorized counterintelligence investigation directed at activities of foreign powers, organizations, or persons, or those acting on their behalf. Such collection may be undertaken under circumstances in which the U.S. person is or may be engaged in intelligence activities on behalf of a foreign power or under circumstances in which he may be the target of the intelligence activities of a foreign power;

- (d) Information which may be obtained in the course of an authorized international terrorist investigation. Such collection may be undertaken under circumstances in which the U.S. person is or may be engaged in international terrorist activities or under circumstances in which he may be the target of such terrorist activities;
- (e) Information needed to protect the safety of any persons or organizations, including those who are the targets, victims or hostages of international terrorist organizations, to the extent collection of such information is consistent with the National Security Act of 1947, as amended;
- (f) 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, that is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;
- (g) Information relevant to an authorized CIA personnel, physical, or communications security investigation; or
- (h) Information obtained in the course of an authorized international narcotics investigation to acquire intelligence on foreign aspects of narcotics production and trafficking. Such investigations may be undertaken under circumstances in which the U.S. person is or may be engaged in such narcotics activities.

(2) APPROVAL AUTHORITY

- (a) Except as provided in (b) below, a Chief of Station, Chief of Installation, Chief of Base, or other senior official specified in Appendix B may approve the use, on a case-by-case basis, of standard collection techniques directed at a U.S. person if the facts and circumstances available to him at the time indicate that one or more of the types of information described in paragraph (1) above may be obtained. The approving official shall take special care to ensure that physical surveillance is not undertaken beyond that period that is justified by the underlying facts and circumstances.

Approving officials may consult with Headquarters prior to authorizing standard collection techniques and should advise Headquarters of any approvals to use such techniques.

- (b) Collection in the United States by other than overt CIA components of foreign intelligence which is not otherwise obtainable may be approved only if the DDO or his designee determines that (i) the foreign intelligence sought is significant (important and material and not merely routine) and cannot reasonably be obtained by any other means, (ii) the subject cannot be advised of CIA's interest because such notification would frustrate the collection or jeopardize or compromise a CIA activity or operation, and (iii) such collection is not undertaken for the purpose of acquiring information concerning the domestic activities of U.S. persons. An overt component is a component, such as DCD, that does not attempt to conceal its relationship to CIA. Domestic activities mean activities that occur within the United States and do not have a significant connection with a foreign power, person, or organization.
- (c) Foreign intelligence and counter-intelligence collection and other counterintelligence activities may require coordination with the FBI. See Part VII of these procedures for coordination requirements.
- (d) Information acquired in the course of authorized collection activities that indicate possible violations of the federal criminal code must be handled in accordance with the crimes reporting procedures in HR 7-1.
- (e) Individual approvals on a case-by-case basis are not required for (i) personnel security investigations directed at current CIA employees, employees of CIA contractors, applicants for such employment, and other individuals who have been granted or who are being considered for security clearances or approvals and other persons with similar associations; or (ii) routine

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checks of records of other federal agencies (National Agency checks), or state or local police authorities, done in the course of a security suitability or credibility investigation.

b. [REDACTED] (S)

D. [REDACTED] (S)

1. [REDACTED] (S)

a. [REDACTED] (S)

b. [REDACTED] (S)

c. [REDACTED] (S)

d. [REDACTED] (S)

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Foreign intelligence collection and counterintelligence activities may require coordination with the FBI. See Part VII of these procedures for coordination requirements.


VI. PROCESSING OF U.S. PERSON INFORMATION

A. RETENTION AND DISSEMINATION OF INFORMATION NOT DERIVED FROM SPECIAL COLLECTION TECHNIQUES

1. RETENTION - Information about a U.S. person that is not derived from special collection techniques may be retained if it relates to the responsibilities listed in Part II above and if it falls within any one of the following criteria:
 - a. The information is publicly available, consensual, or identifying information (see Part V.B.1. above).
 - b. The information is foreign intelligence or counterintelligence; information concerning international terrorist activities; information concerning foreign aspects of international narcotics activities; information needed to protect the safety of persons or organizations; information needed to protect foreign intelligence or counterintelligence sources and methods from unauthorized disclosure; information concerning personnel, physical, or communications security; information acquired by overhead reconnaissance; information that may indicate involvement in activities that may violate federal, state, local, or foreign laws; or information necessary for administrative purposes.
 - c. The information concerns potential sources or contacts. If an individual concerned is not contacted for use within three years of the date collection is initiated, or upon being contacted, refuses or declines to be a source or contact, the information may be retained only if it is limited to a brief summary indicating (1) the person was considered as a potential source or contact, (2) the reasons why he was considered, and (3) the reasons why the individual did not become a source or contact (Information also may be retained, of course, if it qualifies under any of the other categories in this paragraph.)

per CIA ltr 11/19/85
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- d. The information is retained in such a manner that it cannot be retrieved by reference to the person's name or other identifying data.
- e. The information is processed to delete the identity of the U.S. person and all personally identifiable information. In such cases a generic term which does not identify the U.S. person in the context of the information, such as "businessman," may be substituted.
- f. The information is (1) necessary for the purposes of oversight, accountability, or redress, (2) relevant to an administrative, civil, or criminal proceeding or investigation, (3) required by law to be retained, or (4) necessary to be retained for the purpose of determining that the requirements of these procedures are satisfied.
- g. The information is suspected to be enciphered or to contain a secret meaning, or was enciphered or did contain a secret meaning.
- h. Such retention is necessary to a lawful activity of the United States and the General Counsel, in consultation with the Department of Justice, determines that such retention is lawful.
- i. Such retention is necessary for a reasonable period to determine whether the information falls within one or more of the categories above.

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- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]
- h. [REDACTED]
- i. [REDACTED]
- j. [REDACTED]

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3. The identity of a U.S. person may be retained and disseminated along with information concerning him if the information qualifies for retention or dissemination under paragraph 1 or 2 above. Such an identity may be disseminated outside the Intelligence Community only if it is necessary or if it is reasonably believed that it may become necessary to understand or assess such information.

B. [REDACTED]

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d. [REDACTED]

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B. COUNTERINTELLIGENCE ACTIVITIES WITHIN THE UNITED STATES

1. WHAT ARE COUNTERINTELLIGENCE ACTIVITIES? - Counter-intelligence activities are collection and other activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities. Such activities do not include collection and other activities related to personnel, physical, document, or communications security programs.

2. [REDACTED] (S)

a. [REDACTED] (S)

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VIII. UNDISCLOSED PARTICIPATION IN ORGANIZATION WITHIN THE UNITED STATES

A. PERMITTED PARTICIPATION

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1. A staff employee or an asset may join or otherwise participate in any organization in the United States only in the following circumstances:
 - a. If acting in a private capacity for a personal purpose and CIA does not pay dues, membership or entrance fees. APPROVAL AUTHORITY: No special approval required.
 - b. If the participation is attendance at a public meeting, the sponsors of which do not require or expect disclosure of affiliation as a condition of attendance. APPROVAL AUTHORITY: No special approval required.
 - c. If the organization is an official establishment of a foreign government. APPROVAL AUTHORITY: No special approval required.
 - d. To obtain publications of organizations whose membership is open to the general public. APPROVAL AUTHORITY: No special approval required.
 - e. If an "appropriate official," i.e. an official authorized to act on behalf of the organization in relation to the activity in question, is informed and approves. APPROVAL AUTHORITY: Appropriate officials of the organization.
 - f. To use athletic, entertainment, or cultural facilities that are open to members of the general public solely on the condition of payment of membership fee or upon pro forma recommendation of current members for the purpose of maintaining cover to develop sources, provided such participation is limited to using the services or facilities available to the general public. APPROVAL AUTHORITY: Chief, [REDACTED]
 - g. To obtain training or education relevant to employment. APPROVAL AUTHORITY: Chief, [REDACTED] or his designee.

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- h. To maintain cover of CIA personnel. APPROVAL AUTHORITY: Chief, [redacted] or Chief, [redacted]
- i. To develop associations and credentials, as for example, joining an organization to which an employee would ordinarily be expected to belong if his cover employment were his true employment. APPROVAL AUTHORITY: Chief, [redacted] or Chief, [redacted]
- j. To protect the degree of CIA interest in a particular foreign intelligence subject matter, but limited to participation in an organization that permits such participation by government employees in their official capacities. APPROVAL AUTHORITY: Chief, [redacted] or Chief, [redacted]
- k. To utilize individuals on a witting and voluntary basis who are employees or invitees of an organization within the United States for the purpose of collecting important foreign intelligence at fairs, workshops, symposia, and similar types of commercial or professional meetings sponsored by such an organization that are open to those individuals in their overt roles but are not open to the general public. APPROVAL AUTHORITY: Chief, DCD or Chief, [redacted]

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l. [redacted]

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m. [redacted]

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n. To use a witting and voluntary asset who already is a member of an organization to spot and assess persons of foreign nationality as sources or contacts. (Information voluntarily supplied by these assets including information relating to United States persons may be received without any special approval). APPROVAL AUTHORITY: Organization -- DCI or DDCI; Individual -- Chief, [redacted]

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- o. To place a staff employee or an asset in an organization to spot and assess persons of foreign nationality as sources or contacts. (Information voluntarily supplied by an asset including information relating to United States persons may be received without any special approval).
APPROVAL AUTHORITY: Case-by-case by DCI or DDCI.

2. Such joining or participation must be in accordance with Agency policy on outside activities and other Agency regulations or guidelines and must be consistent with applicable requirements for coordination in these procedures outlined in Part VII. above.

B. LIMITATIONS

1. Use or placement of a staff employee or an asset in an organization in the United States to spot or assess U.S. citizens is prohibited.
2. Undisclosed participation on behalf of CIA in an organization in the United States for the purpose of influencing the activities of the organization or its members is prohibited unless it is approved by the DCI or DDCI and the organization concerned is composed primarily of individuals who are not U.S. persons and is reasonably believed to be acting on behalf of a foreign power.
3. Collection within the United States of significant foreign intelligence not otherwise obtainable may not be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons.

C. APPROVAL PROCEDURES FOR PERMITTED ACTIVITIES

1. Before approving an undisclosed participation the approving CIA official must determine that such participation is essential to achieve one or more of the lawful purposes specified in Part VIII.A. above. All determinations made under these procedures shall specify the duration of the participation, not to exceed three years, unless reapproved in accordance with these procedures.
2. All requests to the DCI, DDCI or DDO for approval of an undisclosed participation shall be forwarded through the General Counsel. All other requests will be subject to, but not require, the review of the General Counsel.

IX. ADMINISTRATION AND EFFECTIVE DATE

- A. A person who is officially acting in the absence of an employee may exercise the powers of that employee.
- B. Authority granted to an employee, other than the General Counsel, may be exercised by any person who is senior in the Agency's channel of authority.

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- C. Nothing in these procedures is intended to confer any substantive or procedural right or privilege on any person or organization.
- D. These procedures shall become effective seven days from the date they are approved by both the DCI and the Attorney General.

[APPROVED

[I approve the foregoing procedures in accordance with Executive Order 12333. In my opinion, intelligence activities conducted pursuant to and in and in accordance with these procedures are lawful.

[August 9, 1982
Date

/s/ William French Smith
Attorney General

[I approve and establish the foregoing procedures in accordance with Executive Order 12333.

[September 9, 1982
Date

/s/ William J. Casey
Director of Central Intelligence

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(Only Pertinent Appendixes Are Included)

APPENDIX A

DEFINITIONS

For the purposes of these procedures:

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[REDACTED] u

see CIA 22

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

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d. [REDACTED]

e. [REDACTED]

f. [REDACTED] u

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Foreign power means (a) a foreign government or any component thereof, whether or not recognized by the United States; (b) a faction of a foreign nation or nations, not substantially composed of United States persons; (c) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments; (d) a foreign-based group engaged in international terrorist activities or international narcotics activities and any other group engaged abroad in any such activities; or (e) a foreign-based political organization not substantially composed of United States persons.

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.

International terrorist activities means any activity or activities which:

a. Involve killing, causing serious bodily harm, kidnapping, violent destruction of property, or an attempt or credible threat to commit such acts;

b. Appear intended to endanger a protectee of the Secret Service, the Department of State, or other federal department or agency, or to further political, social, or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

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

Least intrusive technique feasible means that a certain collection technique may be used only if less intrusive techniques cannot acquire intelligence of the nature, reliability, and timeliness required. As a rule, basic collection and standard collection techniques are less intrusive than special collection techniques.

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a. [REDACTED]

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b. [REDACTED]

(S)

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Public communications means communications transmitted within frequency bands devoted to AM/FM radio, television, and other broadcasts and communications intended for subsequent broadcast or public dissemination; amateur and CB communications; police, fire, ambulance, navigational aid and distress, and other public service transmissions; and aircraft and maritime communications not corrected with land-based telephone lines.

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

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

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

Unconsented physical search means a search or seizure of a person, or his property or possessions, for purposes other than emplacing an electronic surveillance or electronic or mechanical monitoring device, without the consent of the person, or, in the case of property or possessions, of another individual who has authority to consent to such a search. This term includes the opening of any mail sent by or intended to be received by a United States person.

United States person means

a. A United States citizen;

b. An alien known by CIA to be a permanent resident alien (An alien who procures a visa or other documentation by fraud or willful misrepresentation of a material fact is not a permanent resident alien for purposes of these procedures.);

c. An unincorporated association substantially composed of United States citizens or permanent resident aliens; or

d. A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

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

In United States postal channels means:

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

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

As a rule, mail shall be considered in such postal channels until the moment it is manually delivered in the United States to the specific addressee named on the envelope or his authorized agent.

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

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FOIPA DELETED PAGE INFORMATION SHEET**

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