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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

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STATUS OF ATTORNEY GENERAL-  
APPROVED U.S. PERSON PROCEDURES  
UNDER EXECUTIVE ORDER 12333

September 2020

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In July 2020, in response to the Congressional Record accompanying the *National Defense Authorization Act for Fiscal Year 2020; Division E – Intelligence Authorizations for Fiscal Years 2018, 2019, and 2020* (P.L. 116-92), the Office of the Director of National Intelligence (ODNI) prepared the following status update on the issuance of final Attorney General-approved procedures by Intelligence Community (IC) elements. *See* Congressional Record, H. 10249 (12 Dec. 2019).

The following summary identifies (1) IC elements with completed procedures; (2) IC elements that have not yet issued final procedures; and (3) with respect to such elements, the status of the procedures' development, and any interim guidance or procedures on which those elements currently rely.

### Approved Procedures

IC Element	Attorney General-Approved Procedures
<b>Central Intelligence Agency</b>	Central Intelligence Agency Intelligence Activities: Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (17 January 2017)
<b>Department of Defense (DoD) Intelligence Components<sup>1</sup></b>	DoD Manual 5240.01, Procedures Governing the Conduct of DoD Intelligence Activities (08 August 2016)  Classified Annex to 5240.01-R Procedures (27 May 1988)  Supplemental Procedures [to DoD 5240.01-R] Governing Communications Metadata Analysis (03 January 2008)
<b>Department of Energy, Office of Intelligence and Counterintelligence</b>	Department of Energy Procedures for Intelligence Activities (17 January 2017)
<b>Department of Homeland Security Office of Intelligence and Analysis (I&amp;A)</b>	Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines (19 January 2017)
<b>Federal Bureau of Investigation (FBI)</b>	The Attorney General Guidelines for Domestic FBI Operations (29 September 2008)
<b>Department of State, Bureau of Intelligence and Research (INR)</b>	Department of State Guidelines for Intelligence Activities (15 August 1989)

<sup>1</sup> DoD Intelligence Components include National Security Agency (NSA), Defense Intelligence Agency (DIA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and the intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps.

**Procedures Still in Development**

<b>IC Element</b>	<b>Current Status</b>	<b>Use of Interim Guidance</b>
<b>Office of the Director of National Intelligence (ODNI)</b>	ODNI completed coordination of its draft procedures with the Privacy and Civil Liberties Oversight Board (PCLOB) and is currently working with the Department of Justice (DOJ) to finalize its procedures.	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>For certain activities, ODNI's National Counterterrorism Center (NCTC) operates under its own AG-approved procedures, dated March 22, 2012. ODNI applies CIA's AG-approved procedures for all other activities not covered by NCTC's AG-approved procedures. Once approved by the Attorney General, the ODNI procedures will supersede the current NCTC procedures.</p>
<b>United States Coast Guard (USCG)-Intelligence and Counter-intelligence elements</b>	USCG completed coordination of its draft procedures with the PCLOB and is currently working with the DOJ and ODNI to finalize its procedures.	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>Commandant Instruction M3820.12, Coast Guard Intelligence Activities (28 August 2003).</p>
<b>Department of Treasury Office of Intelligence and Analysis (OIA)</b>	Treasury received advice and recommendations from the PCLOB and is currently in the process of responding to the PCLOB.	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>EO 12333 and statutory responsibilities of the IC element, as advised by supporting legal counsel.</p>
<b>Drug Enforcement Administration, Office of National Security Intelligence (ONSI)</b>	ONSI is currently coordinating a staff-level version of its draft procedures with ODNI and DOJ.	<p><i>Pending issuance of final procedures, operating pursuant to:</i></p> <p>(1) Attorney General approved "Guidelines for Disclosure of Grand Jury and Electronic, Wire, and Oral Interception Information Identifying United States Persons" (23 September 2002);</p> <p>(2) Attorney General approved "Guidelines Regarding Disclosure to the Director of Central Intelligence and Homeland Security Officials of Foreign Intelligence Acquired in the Course of a Criminal Investigation" (23 September 2002).</p>