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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

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
Central Intelligence Agency	Central Intelligence Agency Intelligence Activities: Procedures Approved by the Attorney General Pursuant to Executive Order 12333 (17 January 2017)
Department of Defense (DoD) Intelligence Components¹	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)
Department of Energy, Office of Intelligence and Counterintelligence	Department of Energy Procedures for Intelligence Activities (17 January 2017)
Department of Homeland Security Office of Intelligence and Analysis (I&A)	Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines (19 January 2017)
Federal Bureau of Investigation (FBI)	The Attorney General Guidelines for Domestic FBI Operations (29 September 2008)
Department of State, Bureau of Intelligence and Research (INR)	Department of State Guidelines for Intelligence Activities (15 August 1989)

¹ 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

IC Element	Current Status	Use of Interim Guidance
Office of the Director of National Intelligence (ODNI)	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>
United States Coast Guard (USCG)-Intelligence and Counter-intelligence elements	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>
Department of Treasury Office of Intelligence and Analysis (OIA)	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>
Drug Enforcement Administration, Office of National Security Intelligence (ONSI)	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>