EXHIBIT H
Class Objective

- To provide an overview of legal restrictions on targeting US persons (USPs):
  - Executive Order 12333, as amended
  - DoD Regulation 5240.1-R

- Rules for Targeting Members of Sensitive Source Categories (USPs or Foreign Nationals (FNs)) inside and outside the US
  - DoD Instruction 5200.42, dated 8 Dec 2009 “Operational Use Restrictions”
Authorities

- EO 12333
  - Authority and Direction from the President for DIA to conduct intelligence activities
  - Also includes restrictions on what type of intelligence we can collect and how we can go about doing it
- DoD 5240.1-R Activities of DoD Intelligence Components that Affect USPs
  - Implements procedures for executing EO 12333
  - Approved by DOJ
DoD 5240.1-R Activities of DoD Intelligence Components that Affect US Persons

Collection Framework:
- Procedure 2 Collection of Information About USPs
  - General Rule = No collection on USPs
  - Defines USP
  - 16 Exceptions to the general rule
- Procedure 3 Retention of Information About USPs
- Procedure 4 Disseminating Information about USPs

Special Procedures (5-12):
- Procedure 10 Undisclosed Participation
- Procedure 11 Contracting for Goods and Services

Dealing with Violations (14,15)
Procedure 2 US Person Definition

- A United States Citizen
- A Permanent Resident Alien
- An unincorporated association substantially composed of U.S. citizens or Permanent Resident Aliens
- A corporation incorporated in the U.S. that is not controlled or directed by a foreign government
- Presumption: A person or organization outside of the U.S. is presumed not to be a U.S. Person unless information to the contrary becomes known.
You may collect on USPs if the information falls into one of 16 categories:

- 1. Information obtained with consent
- 2. Publicly available information
- 3. Persons acting for a foreign power
- 4. Organizations owned or controlled by a foreign power
- 5. Person believed to be involved with terrorist organization or activities
- 6. MIAs, POWs, KIAs, or targets, victims or hostages of international terrorists
- 7. Commercial organizations believed to have some relationship with foreign organizations or persons
- 8. Persons involved in collecting CI for a foreign power or terrorist group
- 9. Potential sources of assistance to intelligence activities
Info That May Be Collected

- 10. Protection of intelligence sources and methods
- 11. Persons believed to threaten the security of DoD personnel or facilities
- 12. Information collected as part of a lawful personnel or communications security investigation
- 13. International narcotics activities
- 14. Information supporting protection and safety of persons thought to be target, victim, or hostage of international terrorists
- 15. Overhead reconnaissance not directed at a specific US Person
- 16. DIA administrative determination
ReCap: Rules for Foreign Nationals Vs. US Persons

Basic Rule for US Persons under Procedure 2 5240.1-R:

- Thou shall not collect on US Persons
- Unless the collection falls under one of 16 exemptions
- Normally rely on Exemption for Potential Source of Information or Assistance to US Intelligence Community
Questions

(b)(3): 10 USC 424