

DOMESTIC INTELLIGENCE PANEL

TALKING POINTS:

- Existing authorities give both intelligence and law enforcement agencies like DHS and the FBI the tools to pursue terrorists operating domestically.
- I&A has distinct statutory authorities that govern its domestic focus and activities.
- I&A could not serve as a unified domestic intelligence agency because we do not have certain key authorities, such as to conduct surveillance or penetration of suspected terrorist cells in the United States.
- The artificial distinction between homeland security and national security was removed (2009 National Intelligence Strategy and 2010 National Security Strategy).
- Domestic intelligence activities entail the absolute imperative to guard civil rights/civil liberties and privacy, especially when U.S. Persons are involved.
- Audits, review and direct oversight by Congress and the Director of National Intelligence have to be part of this process.

BACKGROUND:

Existing authorities give intelligence and law enforcement agencies like DHS and the FBI the tools to pursue terrorists. Congress and the past two administrations had several opportunities to stand-up a centralized domestic intelligence organization and did not. The most prevalent were: Homeland Security Act of 2002, Intelligence Reform and Terrorism Prevention Act of 2004, and Implementing Recommendations of the 9/11 Commission Act of 2007.

I&A's specific authorities to conduct intelligence activities are derived primarily from Title II of the Homeland Security Act of 2002 (HSA, as amended), Executive Order 12333 (as amended), and the National Security Act of 1947 (as amended). These authorized intelligence activities can generally be understood as falling within one of the five areas [as delineated by OGC-Intelligence Law Division]:

1. ***Specific Tasks Related to Terrorist Threats.***¹ This category includes a number of specific activities explicitly authorized by law or presidential directive, such as conducting intelligence analysis, facilitating intelligence and information sharing, and establishing and managing collection priorities. All activities performed in this category relate to terrorist threats to the homeland.

Per the HSA, the term “terrorism” means any activity that—

- (A) involves an act that—
 - (i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and
 - (ii) is a violation of the criminal laws of the United States or of any State or other subdivision of the United States; and
- (B) appears to be intended—
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.

¹ Homeland Security Act of 2002 (as amended), Section 201(d) (1), (3), (4), (7)-(19), and (21).

- DHS has no requirement for a foreign nexus to exercise intelligence authorities pertaining to terrorism – that is the difference between DHS and NCTC.
2. ***General Tasks Related to Priorities for Protective and Support Measure.***² This category includes activities undertaken in furtherance of *identifying priorities for protective and support measures* by the Department, other agencies of the Federal Government, state and local government agencies and authorities, the private sector, and other entities. All activities performed in this category must be related to ***actual or potential threats to homeland security not limited to a terrorism nexus***. Actual or potential threats to homeland security include all threats and hazards, regardless of origin, that relate to: critical infrastructure or key resources; a significant public safety, public health, or environmental impact; political, societal and economic infrastructure; border security; the proliferation or use of weapons of mass destruction; or other potential catastrophic events including man-made and natural disasters.
 3. ***General Tasks Related to Departmental Support.***³ Enables I&A to provide intelligence and information analysis and support to ***other elements of the Department*** that are engaged in an authorized mission. Mission areas from the 2010 Quadrennial Homeland Security Review are:
 - Preventing Terrorism and Enhancing Security
 - Securing and Managing our Borders
 - Enforcing and Administering our Immigration Laws
 - Safeguarding and Securing Cyberspace
 - Ensuring Resilience to Disasters
 4. ***General Tasks Directed by the Secretary.***⁴ Enables I&A to perform ***general tasks as directed by the Secretary*** in furtherance of an authorized mission of the Department. These Departmental missions are derived from statutory, regulatory and executive authorities.
 5. ***Specific Tasks Directed by Statute or Presidential Directive.*** Tasks required by law or Presidential Directive not otherwise covered by one of the four categories above. Examples: information sharing, Chief Intelligence Officer authorities, and Continuity of Operations planning.

(b)(5)

² Homeland Security Act of 2002 (as amended), Section 201(d)(3).

³ Homeland Security Act of 2002 (as amended), Section 201(d)(17).

⁴ Homeland Security Act of 2002 (as amended), Section 201(d)(24).

Appendix B U.S. Person Primer

Introduction:

The term “United States Person” or “U.S. person” has been used by the Intelligence Community (IC) since 1976. However, beyond the basic definition, there is limited formal guidance on what constitutes a U.S. person. This primer provides (1) background on the historical impetus for the creation of intelligence oversight within the Legislative and Executive branches; (2) the definition of a U.S. person; and (3) guidance on what constitutes a U.S. person.

Background:

As a result of the exposure of governmental abuse, including violation of U.S. citizens’ constitutional rights that were revealed during the Watergate hearings, several Congressional committees undertook a review of the intelligence activities of the Executive Branch. In 1975, Senator Frank Church (D-ID) chaired the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, otherwise known as the “Church Committee.” At the same time, Representative Otis G. Pike (D-NY), chaired the House of Representatives Select Committee on Intelligence, also known as the “Pike Committee.” The committees investigated the intelligence gathering methods of the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI), as well as other members of the IC. The committees were especially interested in the methods used to gather intelligence on the political activities of U.S. citizens.

The final report of the Pike Committee was never officially published, due to disagreement within the House. The Church Committee Report was published. Book II of that report outlines recommendations for the appropriateness of collecting First Amendment information on U.S. citizens, the role the Congress has in oversight of these activities, the legal foundations underpinning the recommendations, and the benefits and justifications for maintaining a society that can exercise First Amendment rights without the fear of government retribution. As a result of the recommendations of the Church and Pike Committees, Congress established the Senate Select Committee on Intelligence (SSCI) in 1976 and the House Permanent Select Committee on Intelligence (HPSCI) in 1977 as formal oversight bodies of the IC.

(U) Warning: This product contains U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. The U.S. person information is highlighted with the label USPER and should be protected in accordance with the recipient’s intelligence oversight and/or information handling procedures.

The Church Committee's report prompted President Ford to issue Executive Order (EO) 11905 in 1976. President Carter expanded oversight within the IC through EO 12036 in 1978. This executive order was ultimately replaced with President Reagan's EO 12333 *United States Intelligence Activities*. EO 12333 provides the current framework for the conduct of intelligence activities by the IC. Originally signed in 1981, it has been amended several times, most recently in 2008. Most importantly, EO 12333 continues to ensure that all intelligence activities are conducted in a manner that protects the civil liberties and privacy rights of all Americans.

Additionally, as a result of the Watergate hearings and the Church and Pike Committees, Congress passed the Privacy Act of 1974. Section (e)(7) provides that agencies will "maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity."

It is imperative that all intelligence professionals ensure that their activities are consistent with the requirements of the law and all applicable policies and regulations concerning the protection of civil liberties and privacy. Both the rules for intelligence oversight and the Privacy Act must be followed during the collection, retention, and dissemination phases of intelligence information that contains U.S. person data. These safeguards are designed to ensure that members of the IC will never again engage in the unauthorized surveillance of Americans.

U.S. Person Definition:

Paragraph 3.5(k) of EO 12333 defines a U.S. person as: "...a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien (now known as a lawful permanent resident), an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments."

Put another way, a U.S. person must fall within one or more of the following four categories:

1. U.S. citizen;
2. Lawful Permanent Resident (LPR);
3. An unincorporated association (a.k.a., a group) substantially composed of U.S. citizens and/or LPRs; or
4. A corporation incorporated in the United States, unless directed and controlled by a foreign government.

In accordance with the Interim Intelligence Oversight Procedures for the Office of Intelligence and Analysis, the following presumptions apply in determining whether an individual or entity is a U.S. person:

A person or organization outside the U.S. shall be presumed not to be a U.S. person unless specific information to the contrary is obtained. A person or organization within the U.S. shall be presumed to be a U.S. person unless specific information to the contrary is obtained. However, an alien within the U.S. shall be presumed not to be a U.S. person unless I&A obtains specific information to the contrary.

The intelligence professional is responsible for performing due diligence with regard to U.S. person determinations.

Minimization of U.S. Person Information:

1. Minimization – In accordance with the Interim Intelligence Oversight Procedures for the Office of Intelligence and Analysis, prior to any dissemination of U.S. person information, the information must be reviewed to determine whether inclusion is necessary for the intended recipient to understand, assess or act on the information provided. This review process is called minimization. This process should not be confused with protecting the identity of a source in an intelligence product.

- a. When inclusion is not necessary, replace the name with “a U.S. person,” “a U.S. corporation,” “USPER,” or one of the other suggested minimizations outlined in Appendix C. In addition, the product must contain the appropriate U.S. person warning banner (see below).
- b. When inclusion is necessary, mark the name of the U.S. person using the USPER superscript (i.e. John Doe^{USPER}) or write USPER followed by the individual’s name (i.e., USPER John Doe). Mark the name of the U.S. Business or U.S. Organization using the same format (i.e., Big Business^{USPER} or USPER Big Business). The name only needs to be marked once, preferably the first time it appears in the intelligence product. In addition, the product must contain the appropriate U.S. person warning banner (see below).

2. U.S. Person Warning Banner – Products that contain or may contain U.S. person information must include an advisory that indicates the presence of such information.

- a. If the intelligence product contains un-minimized U.S. person information, include the following warning banner: “This product contains U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. It has been

highlighted in this document with the label USPER and should be handled in accordance with the recipient's intelligence oversight and/or information handling procedures.”

- b. If the intelligence product contains minimized U.S. person information, include the following warning banner: “This product contains U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. It has been highlighted in this document with the label USPER and should be handled in accordance with the recipient's intelligence oversight and/or information handling procedures. Other U.S. person information has been minimized. Should you require the minimized U.S. person information, please contact the I&A Production Branch at IA.PM@hq.dhs.gov, IA.PM@dhs.sgov.gov, or IA.PM@dhs.ic.gov.”
- c. If the intelligence product may contain U.S. person information, as is the case in many Open Source Intelligence Reports (OSIRs), include the following warning banner: “This product may contain U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. It should be handled in accordance with the recipient's intelligence oversight and/or information handling procedures.”

U.S. Person Guidelines:

Individuals

1. A Lawful Permanent Resident (LPR) is someone who has been granted authorization to live and work in the United States on a permanent basis. LPRs are U.S. persons. Neither an individual who is in the United States on a temporary visa nor an individual who is in the United States illegally is considered an LPR.

Example: John Doe is a Romanian citizen who is attending college in the United States on a student visa. John Doe is not a U.S. person.

2. LPRs lose their LPR status when they abandon their permanent residence in the United States, or when they become deportable for committing a serious crime or violation of other immigration laws or regulations. Keep in mind that USCIS has formal procedures for someone to lose or give up their LPR status. These procedures must be completed and LPR status formally withdrawn before the IC no longer considers the individual a U.S. person.

Example: John Doe is a lawful permanent resident and German citizen living in New York City. In July 2012, he returned to Germany, completed a Form I-407, Abandonment of Lawful Permanent Resident Status and submitted the

form to the U.S. Embassy in Berlin. Mr. Doe was interviewed by a Consular Officer at the embassy and signed the form in his presence. The form was then signed by the Consular Officer and his supervisor and submitted to USCIS. Since Mr. Doe has voluntarily given up her LPR status and completed the proscribed procedures, she is no longer considered a U.S. person.

3. Deceased individuals, who were U.S. persons in life, are no longer considered U.S. persons. When an individual dies, the issue of protecting their identity becomes moot. Individuals who are deceased also lose their Federal privacy rights.

Example: John Doe is no longer considered a U.S. person since he died from natural causes on 11 June 2001.

4. U.S. persons who are convicted of a felony are still considered U.S. persons. Convicted felons give up some rights; however, their status as a U.S. person is not one of them. See U.S. Person Guideline # 2 for an exception to this rule.

Example: John Doe is serving a life sentence at San Quentin State Prison in California. John Doe is still considered a U.S. person.

5. Native American Indian Nations are not considered U.S. persons. Native American Indian Nations have a unique relationship with the United States Government and are analogous to other governmental agencies. Native American Indian Nations can establish their own laws governing activities on their reservations, enforce those laws through tribal police and courts, collect taxes, etc. However, individual Native Americans who are U.S. citizens or LPRs are U.S. persons.

Example: An intelligence product written by an I&A analyst states: "A tribal policeman on the Tuscarora Reservation in upper New York State arrested a Canadian citizen named John Doe, when it was discovered Doe had 50 kilos of cocaine hidden in his vehicle." Tuscarora is not considered a U.S. person.

6. Stage names, aliases, nicknames, etc. may be considered U.S. persons dependent upon the facts in each case, such as how long the person has used the name, how well are they known by the name, etc.

Example: John Doe is also known as El Taco. He is a Mexican-American, born and raised in the United States who was arrested near Mexico City in August 2010 on charges related to international narcotics trafficking. U.S. law enforcement agencies, the Intelligence Community, and newspapers frequently referred to Doe as "El Taco." Therefore, if Doe is identified only as "El Taco" in an intelligence product, El Taco would be considered a U.S. person.

Corporations/Organizations

7. A corporation incorporated in the United States that is directed and controlled by a foreign government is not considered a U.S. person. Since the corporation is incorporated somewhere, the unincorporated association rule does not apply. Therefore, whether the corporation is substantially composed of U.S. citizens and/or LPRs is not relevant to the inquiry.

Example: The Big Business is incorporated in the United States and headquartered in Houston, Texas. It is owned by a Venezuelan state-owned petroleum company. Therefore, Big Business is not considered a U.S. person even if a majority of the employees are U.S. citizens and/or LPRs.

Example: Big Business is incorporated in the United States, but is owned by Bigger Business which is incorporated in Italy. Since Bigger Business is not controlled or directed by the Italian government, Big Business is considered a U.S. person.....

8. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the U.S., is not a U.S. person.

Example: Small Shop, a privately owned company incorporated after the fall of the Soviet Union in Romania was acquired by Bigger Business in 1995. Although owned by Bigger Business (a corporation incorporated in the United States), Small Shop is not considered a U.S. person.

9. Public schools and universities are not considered U.S. persons. However, private schools and universities are considered U.S. persons (if they are incorporated in the U.S. as long as they are not directed and controlled by a foreign government).

Example: Public School # 123 is part of a public K-12 public school system. Therefore, Public School #123 is not a U.S. person.

Example: Private College is a private institution that is a Virginia non-profit corporation. Therefore, Private College a U.S. person and should be marked or minimized as USPER or U.S. university.

10. An unincorporated association (a.k.a., a group) substantially composed of U.S. citizens and/or LPRs is a U.S. person. In many instances, it is going to be difficult to determine whether a group is substantially composed of U.S. citizens and/or LPRs. In those instances, additional factors should be considered, including where the group was founded, the location of the headquarters or offices of the group, the location of the leadership of the group, and where the group carries out activities or events.

11. Churches, synagogues, and mosques incorporated in the United States are U.S. persons (unless directed and controlled by a foreign government) as are unincorporated congregations and religious organizations that are substantially composed of U.S. citizens and/or LPRs.

Example: The Non-Denominational Church in Whitefish, Montana is an unincorporated nonprofit organization that is substantially composed of U.S. citizens and/or LPRs. Therefore, the Non-Denominational Church is a U.S. person and should be marked or minimized as USPER or U.S. religious organization.

12. Street gangs, criminal organizations, drug trafficking organizations, prison gangs, etc., that are substantially composed of U.S. citizens and/or LPRs are considered U.S. persons. In many instances, it is difficult to determine the U.S. person status of these groups due to the criminal nature of their activities and their need for secrecy. See U.S. Person Guideline # 10 for additional guidance.

Example: The John Doe Drug Trafficking Organization was established in the 1980s by Salvadorian immigrant in the United States illegally residing in South Los Angeles. According to the FBI, most of the leaders of the John Doe Drug Trafficking Organization have returned to their native El Salvador either voluntarily or were deported and continued their criminal operation in that country. There are approximately 50,000 members of the John Doe Drug Trafficking Organization worldwide. Of that number, only 5,000 are in the United States. Many of those members in the United States are here illegally. There are no identifiable sub-units or chapters in the United States. Therefore, the John Doe Drug Trafficking Organization is not a U.S. person.

Example: The John Doe Motorcycle Club is one of the most prominent Outlaw Motorcycle Gangs in the Mid-Atlantic region. The John Doe Motorcycle Club has an estimated 200 to 250 members among 41 chapters in 11 states. At this time, there is no evidence the John Doe Motorcycle Club has established chapters outside the United States. The John Doe Motorcycle Club is a U.S. person and should be marked or minimized as USPER or U.S. criminal organization.

13. Militias groups, sovereign citizen groups, patriot groups, etc., that are substantially composed of U.S. citizens and/or LPRs are considered U.S. persons.

Example: The John Doe Militia is substantially composed of U.S. citizens and/or LPRs. Therefore, the John Doe Militia is a U.S. person and should be marked or minimized as USPER.

Personally Identifying Information (PII)

14. Addresses, telephone numbers, alien registration numbers, social security numbers, driver's license numbers, etc., are not considered U.S. persons. However, they are considered personally identifiable information (PII) and are therefore protected under the Privacy Act. Consult your agency's Office of General Counsel or Privacy Officer for further guidance regarding the sharing of PII.

Example: A Reports Officer at I&A receives a list of twenty telephone numbers that were obtained from a cell phone belonging to a suspected Al Qaeda terrorist. All the telephone numbers begin with area code 757, which is the area code for the Tidewater area of Virginia. The telephone numbers are not considered U.S. persons.

15. Computer Internet Protocol (IP) addresses such as 172.16.254.1 are not considered U.S. persons. However, they may be PII if associated with the individual to whom the IP address is assigned. Similarly, email addresses and screen names are not considered U.S. persons. However, they may be PII if associated with the U.S. person who uses it. See U.S. Person Guideline # 14 for more information about PII.

Example: John.Doe@gmail.com is the email address of USPER Randle Raines. John.Doe@gmail.com is not a U.S. person.

Example: KrazyKid (screen name) is used by an identified U.S. person. KrazyKid is not a U.S. person.

16. Race, religion, ethnicity, and sex are not considered U.S. persons. These are generic terms that identify characteristics of a person or group rather than an identity.

Example: If someone is identified as an African American in an intelligence product, the term "African American" is not considered a U.S. person.

Example: If someone is identified as a female in an intelligence product, the term "female" is not considered a U.S. person.

Impact of Context on USPER Status

17. The context in which the name of an individual, group, or corporation is used will impact whether it should be considered a U.S. person in that instance. As the examples below illustrate, the names of U.S. persons can be used in a variety of contexts that do not specifically relate to the activities, intentions or vulnerabilities of these U.S. persons. In those instances, the name of an individual, group, or corporation should not be considered a U.S. person.

18. Products or services made or provided by U.S. citizens, LPRs, and corporations are not considered U.S. persons.

Example: An intelligence product written by an analyst from DEA states: "Several senior leaders of The John Doe Drug Trafficking Organization prefer to drive the 2013 Car Company Model 302 to meetings with subordinates and other DTO leaders." The Model 302 is a product manufactured by Car Company. Even though Car Company is incorporated in the United States, in this instance, Car Company is not a U.S. person, because the DEA analyst is describing a product manufactured by Car Company, not discussing the activities of the company.

Example: An intelligence product written by an analyst from DIA states: "Suspected Al Qaeda operative John Doe posted to Famous Online Chat Room that he plans to fly to the U.S. to commit acts of terrorism." The Famous Online Chat Room platform is a service that the Famous Online Chat Room Company provides its users. Even though the Famous Online Chat Room Company is incorporated in the United States, the analyst is only referring to a service that the company provides and is not reporting the activities of the company. The Famous Online Chat Room Company, in this instance, is not a U.S. person.

19. Buildings, stadiums, sporting events, bridges, parks, highways, streets, etc. that are named after individuals or corporations that are U.S. persons, are not in themselves U.S. persons.

Example: The John Doe Act, named after U.S. citizen John Doe is not considered a U.S. person; it is a law.

Example: The John Doe Athletic Association (JDAA) is incorporated in the United States and considered a U.S. person. The JDAA sanctions a number of college pinball games at the end of the regular season. U.S. corporations purchase the naming rights to many of these games. The JDAA Big Business Bowl is an event, not a U.S. person.

Government

20. Federal, State, and local governmental agencies and institutions are not considered U.S. persons. Remember the purpose of intelligence oversight and our U.S. person rules is to protect the public from abuses by the Federal government. We want the Federal government to be able to work with and share information with governmental agencies within and outside of the Federal government.

Example: The U.S. Department of Health and Human Services is not a U.S. person.

Example: The Virginia Department of Transportation is not a U.S. person.

21. Senior officials of the Executive Branch who are operating in an official capacity may be identified by title. Senior officials of the Executive Branch is defined as individuals whose positions are such that they can influence the policy or direction of their organization, or authorize the expenditure of funds. Senior officials of the Executive Branch include the President, Vice President and Cabinet-level officials.

Example: The President of the United States does not receive U.S. person protections when acting in an official capacity.

Example: The Secretary of Homeland Security does not receive U.S. person protections when acting in an official capacity.

22. All other government officials, who are U.S. citizens or LPRs, are considered U.S. persons. Therefore, members of the Executive Branch who are not senior officials and all Judicial Branch officials must be referred to generically, e.g., "U.S. person," "a U.S. government official," "a named U.S. judge." The same is true for state and local officials. See U.S. Person Guideline # 23 for specific information regarding the Legislative Branch.

Example: The Mayor of New York is a U.S. person and would be minimized as U.S. person or a named U.S. mayor.

23. Dissemination of intelligence information that refers to members of the U.S. Congress and their staffs is restricted in accordance with what is known as the Gates Procedures. Members of the U.S. House of Representatives and the U.S. Senate may be referred to only as "named members of the U.S. Congress." Members of Congress, congressional staff, and employees of the Legislative Branch may not be identified without the prior approval of OGC and the ODNI.

Miscellaneous

24. U.S. persons listed in footnotes or endnotes as part of a citation do not have to be marked. However, if the footnote or endnote is being used to expand on a point or issue raised in the body of the intelligence product and the name of a U.S. person is included as part of that discussion, and not just part of the citation, then the U.S. person should be marked.

Appendix C
Table Reference: Identifying U.S. Persons

| Wording in Collection | USPER (Y/N) | Marking/Minimization for Dissemination |
|--|---|--|
| Individuals | | |
| Andy Anderson (U.S. citizen) | Y | USPER1, United States Person, U.S. person |
| Barbara Banjo [Legal Permanent Resident (LPR)/ Canadian Green Card holder] | Y | USPER2, United States Person, U.S. person |
| Carl Callahan (Temporary U.S. visa holder, Mexican Citizen) | N | N/A |
| Donald Dyson (Encountered in U.S., citizenship unknown) | Y | USPER, United States Person, U.S. person |
| Emily Edwards (Residing in France, due diligence provided no citizenship information) | N | N/A |
| Frank Footer (United States Citizen who died in 1982) | N | N/A |
| Corporations/Organizations | | |
| Amtrak (a designated Federal entity) | N | N/A |
| Groundbreaking Corporation (Incorporated in the U.S.) | Y | USPER, United States Business, U.S. business |
| Huawei (Incorporated in the U.S., believed to be controlled by the Chinese Government) | N | N/A |
| Incredible LLC (Incorporated in England, sole employee is a USPER) | N | N/A |
| Facebook, Twitter, YouTube, etc. | Yes, if referring to business practices or vulnerabilities. No, if referring to the internet platform | USPER, United States Business, U.S. business |
| Jesuit Church (in the US) | Y | USPER, United States Organization, U.S. religious organization |
| University of Kansas (a public university) | N | N/A |
| Vanderbilt University Law School (a private University) | Y | USPER1, United States Organization, U.S. university |
| University of Phoenix (a for profit college) | Y | USPER2, United States Organization, U.S. university |
| Republican Party | Y | USPER3, United States Organization |

| Wording in Collection | USPER (Y/N) | Marking/Minimization for Dissemination |
|--|---|--|
| Personal Identifying Information (PII) | | |
| (202) 123-4567 (Phone number with Washington, D.C. area code) | No, but minimization may apply to protect the rights of USPERs | An identified U.S. phone number |
| 123-45-6789 (Social Security Number) | No, but minimization applies to protect sensitive personally identifiable information (SPII) under the Privacy Act. Also, separate handling requirements apply for the dissemination of SPII (e.g. password protect this information) | |
| Products and Services | | |
| 2013 Ford Mustang | N | N/A |
| Facebook.com, Twitter.com, Youtube.com, etc. | N | N/A |
| TWA Flight 844 | N | N/A |
| Media Organization | No, when being cited as a collateral source of information or referred to as a product. Otherwise yes | N/A |
| Entity Named after USPER | | |
| Chrysler Building | N | N/A |
| FedEx Sugar Bowl | N | N/A |
| Major League Baseball World Series | N | N/A |
| The Brady Act | N | N/A |
| Locations | | |
| 456 Montgomery Lane (private residence of USPER in Wyoming) | No, but minimization may apply to protect the rights of USPERs | An identified U.S. address |
| Reagan National Airport | N | N/A |
| " ... staying at the Waldorf Astoria" | No, if used as a locational reference | N/A |
| "meet at the McDonald's on the corner of ... " | No, if used as a locational reference | N/A |
| "The Ritz Carlton Hotel is opening new locations ... " | Yes, if referring to the hotel's business activities | USPER, United States Business, U.S. business |
| The Internet | | |
| Randle.Raines@gmail.com (Randle Raines is a U.S. citizen) | No, but minimization applies to protect the rights of USPERs | U.S. email address |
| KrazyKid (screen name known to be used by a USPER) | N | N/A |

| Wording in Collection | USPER (Y/N) | Marking/Minimization for Dissemination |
|---|---|---|
| Government (Federal) | | |
| <i>Executive Branch</i> | | |
| (Vice) President of the United States Victoria Vale | No, if acting in her official capacity. Otherwise, yes | N/A |
| Secretary of the Department of Homeland Security Samantha Samuels (or other Cabinet-level executive branch officials) | No, if acting in her official capacity. Otherwise, yes | N/A |
| Presidential Candidate Zachary Zimmers | Y | USPER1, United States Person, Presidential candidate |
| Former Secretary of the Department of Homeland Security Trevor Travis | Y | USPER2, United States Person, Former Secretary of the Department of Homeland Security |
| U.S. Border Patrol Agent Quinn Quincy | Y | USPER3, United States Person, U.S. Border Patrol Agent, U.S. Government employee |
| Department of Homeland Security | N | N/A |
| <i>Judicial Branch</i> | | |
| The Chief Justice of the U.S. Lawrence Lullaby | Y | USPER, United States Person, U.S. person, U.S. Judge |
| United States Court of Appeals for the Second Circuit | N | N/A |
| <i>Legislative Branch</i> | | |
| Michael Matthews (a congressional staff member) | Y | USPER1, United States Person, U.S. person, Congressional employee |
| Representative Negative Nancy | Y | USPER2, United States Person, U.S. Person, U.S. Congressman |
| The Senate Foreign Relations Committee | N | N/A |
| Government (State and Local) | | |
| The Mayor of Baltimore Kyle Kirsh | Y | USPER, United States Person, U.S. person, U.S. Mayor |
| Tennessee state legislator Patricia Peterson | Y | USPER, United States Person, U.S. person, State congressman |
| The Los Angeles Department of Agriculture | N | N/A |
| The Nassau County, NY Council | N | N/A |