

EXHIBIT H



DEFENSE INTELLIGENCE AGENCY

DoD HUMINT LEGAL WORKSHOP

V-4

FUNDAMENTALS OF HUMINT TARGETING



(b)(3); 10 USC 424



Assistant General Counsel -



(b)(3); 10 USC 424

This briefing is classified

~~**SECRET//NOFORN//50X1-HUM**~~



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”



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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

(b)(1),(b)(3):10
USC 424,1.4(c)





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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)

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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.

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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



Pages 8-12 are withheld in full and not provided.

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

(b)(3); 10 USC 424,
(b)(5)





Pages 14-17 are withheld in full and not provided.

ReCap: Rules for Foreign Nationals Vs. US Persons

(b)(1),(b)(3): 10 USC
424,(b)(5), 1.4 (c)



- 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

(b)(1),(b)(3): 10
USC 424,(b)
(5),1.4 (c)

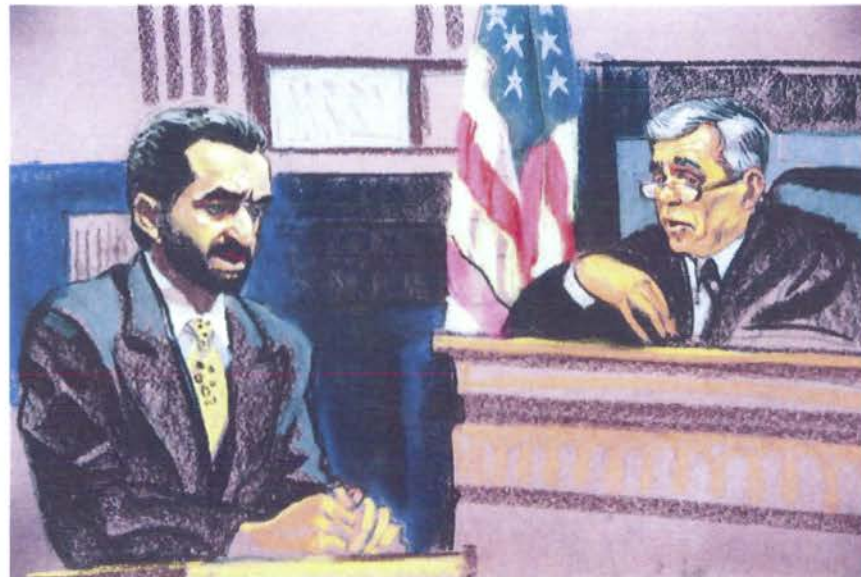




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Application of Knowledge





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Questions

(b)(3): 10 USC 424

