U.S. Intelligence Community Law Sourcebook
(6th Edition, Covering the 115th Congress)
2017
A Compendium of National Security Related Laws and Policy Documents

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TABLE OF CONTENTS

DEDICATION ......................................................................................... xi

FOREWORD ...................................................................................... xiii

By Judge James E. Baker
Chair, ABA Standing Committee on Law and National Security

INTRODUCTION ............................................................................. xvii

ABOUT THE AMERICAN BAR ASSOCIATION’S
STANDING COMMITTEE ON LAW AND NATIONAL SECURITY ........ xix

ACKNOWLEDGMENTS ................................................................. xxi

ABOUT THE EDITORS ................................................................. xxii

Andrew Borene ............................................................................ xxii
Adam Pearlman ............................................................................ xxiii
Harvey Rishikof ........................................................................... xxiv

I. CONTEXT AND COMMENTARY .............................................. 1
This section provides a selection of relevant new commentary on law related to the (U.S.)
Intelligence Community in the form of relevant U.S. Government officials’ publicly avail-
able speeches or remarks. It is designed to provide context of public issues that profession-
als in the field faced during the current publication period.

Statement for the Record, Worldwide Threat Assessment of the U.S.
Intelligence Community ................................................................. 1
by James R. Clapper, Director of National Intelligence.
Senate Select Committee on Intelligence Washington D.C.
February 9, 2016

Oversight of the Federal Bureau of Investigation .......................... 7
by James B. Comey, Jr, Director of the Federal Bureau of Investigation
Senate Judiciary Committee Washington, D.C. December 9, 2015
II. STATUTES, ORDERS, AND POLICY DOCUMENTS

This section provides a selected overview of laws, executive orders, and policy related to the (U.S.) Intelligence Community in the current publication period. It is designed to provide a general picture of the law.

Constitution of the United States of America

Federal Statutes

- National Security Act of 1947\(^1\) (Pub. L. No. 80-235, 61 Stat. 496, 50 U.S.C. ch.15, as amended through Dec. 18, 2015 (as reproduced on the Senate Select Committee on Intelligence website, last visited April 7, 2016))
- Classified Information Procedures Act (CIPA) (Pub. L. No. 96-456, 94 Stat. 2025\(^3\))
- Posse Comitatus Act (18 U.S.C. § 1385)
- Freedom of Information Act (FOIA) (Pub. L. No. 89-554, 80 Stat. 383, as amended\(^4\))
- Department of Defense Title 10 Authorities
  - Under Secretary of Defense for Intelligence (10 U.S.C. § 137)
  - Department of Defense Intelligence Matters (10 U.S.C. §§ 421-437)
- Homeland Security Act of 2002 §§ 101-237 (Titles I and II)\(^5\)

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1. As reproduced on the House Legislative Counsel website, last visited Apr. 7, 2016.
2. As reproduced by the ODNI Intelligence Community Legal Reference Book, 2012.
3. As reproduced on the Senate Select Committee on Intelligence website, last visited Apr. 7, 2016.
4. See footnote 2 supra.
5. For the entire Act, see the 2012 edition of The U.S. Intelligence Community Law Sourcebook.
• Cybersecurity Act of 2015
  o Division N of the Consolidated Appropriations Act of 2016
    (Pub. L. 114–53) ................................................................. 483

Annual Intelligence Authorization Act6 .................................................................
• Intelligence Authorization Act for Fiscal Year 2015, Pub. L. 113-293,
  128 Stat. 3990 (Dec. 19, 2014) .................................................. 529

Executive Orders ................................................................. 549
• Executive Order 12333—United States Intelligence Activities, as amended by
  Executive Orders 13284 (2003), 13355 (2004), and 13470 (2008),
• Executive Order 13475—Further Amendments to Executive Orders 12139
  and 12949 in Light of the Foreign Intelligence Surveillance Act of 1978
  o Executive Order 12139—Exercise of Certain Authority Respecting
  o Executive Order 12949—Foreign Intelligence Physical Searches,
    60 Fed. Reg. 8,169 (Feb. 13, 1995) ........................................ 575
  o Executive Order 13383—Amending Executive Orders 12139 and
    12949 in Light of Establishment of the Office of Director of National
    Intelligence, 70 Fed. Reg. 41,933 (July 15, 2005) ....................... 576
• Executive Order 13516—Amending Executive Order 13462, 74
  Fed. Reg. 56,521 (Nov. 2, 2009) ............................................. 577
  o Executive Order 13462—President’s Intelligence Advisory Board and
    Intelligence Oversight Board, 73 Fed. Reg. 11,805 (Feb. 29, 2008) ... 579
• Executive Order 13526—Classified National Security Information, 75 Fed.
  Reg. 707 (Jan. 5, 2010); correction printed 75 Fed. Reg. 1013 (Jan. 8, 2010) ... 584
• Executive Order 12968 Access to Classified Information, Fed. Reg. 40245
  (Aug. 7, 1995) ................................................................. 614
  o Amended by 13467 Reforming Processes Related to Suitability for
    Government Employment, Fitness for Contractor Employees, and
    Eligibility for Access to Classified National Security Information,
    Fed. Reg. 38103 (June 20, 2008) ........................................ 627
• Executive Order 13549—Classified National Security Information Program
  for State, Local, Tribal, and Private Sector Entities, 75 Fed. Reg. 162
  (Aug. 23, 2010) ................................................................. 634
• Executive Order 13587—Structural Reforms to Improve the Security of
  Classified Networks and the Responsible Sharing and Safeguarding
• Executive Order 13388—Further Strengthening the Sharing of Terrorism
  Information To Protect Americans, Fed. Reg. 62023 (Oct. 27, 2005) ... 647

6. For full coverage of previous years’ intelligence authorization acts, please refer to prior editions of The U.S. Intelligence Community Law Sourcebook.
7. As of May 2016, a new Proposed Rule by the Information Security Oversight Office on Controlled Classified Information was still pending. It can be found at 32 Fed. Reg. 2002.
- Executive Order 13556- Controlled Unclassified Information, 7 Fed. Reg. 26501 (July 7, 2015) .......................................................... 651

Strategy
- National Security Strategy, February 2015 .............................................. 669
- National Intelligence Strategy 2014 ............................................................. 701
- National Counterintelligence Strategy 2016 ................................................. 719

Intelligence Policy Directives and Guidance ........................................ 733
- Key Intelligence Community Directives .................................................... 733
  o Intelligence Community Directive Number 1—Policy Directive for Intelligence Community Leadership (Effective: May 1, 2006) ............ 733
  o Intelligence Community Directive Number 101—Intelligence Community Policy System (Effective: January 16, 2009, Amended: June 12, 2009) .... 754
  o Intelligence Community Directive No. 102—Process for Developing Interpretive Principles and Proposing Amendments to Attorney General Guidelines Governing the Collection, Retention, and Dissemination of Information Regarding U.S. Persons (Effective Date Remains: November 19, 2007) .......................................................... 758
  o Intelligence Community Directive Number 112—Congressional Notification (Effective: November 16, 2011) ........................................... 759
  o Intelligence Community Directive Number 114—Comptroller General Access to Intelligence Community Information (Effective: June 30, 2011) .......................................................... 764
  o Intelligence Community Directive Number 116—Intelligence Planning, Programming, Budgeting, and Evaluation System (Effective: September 14, 2011) .................................................. 768
  o Intelligence Community Directive No. 300—Management, Integration, and Oversight of Intelligence Collection and Covert Action (Effective: October 3, 2006) .................................................. 777
  o Intelligence Community Directive Number 301—National Open Source Enterprise (Effective: July 11, 2006) ........................................ 783
- Department of Justice ................................................................. 791
  o The Attorney General’s Guidelines for Domestic FBI Operations ........ 791
- Information Sharing ................................................................. 823
  o Intelligence Community Policy Guidance 500.2—Attribute-Based Authorization and Access Management (Effective: November 23, 2010) .. 823
o Intelligence Community Directive 501—Discovery and Dissemination or Retrieval of Information Within the Intelligence Community (Effective: January 21, 2009) ......................... 825
o Intelligence Community Policy Guidance 501.1—Exemption of Information From Discovery (Effective: May 26, 2009) ...................... 837
o Intelligence Community Policy Guidance 501.2—Sensitive Review Board and Information Sharing Dispute Resolution Process (Effective: May 26, 2009) ..................................................... 840
o Intelligence Community Policy Guidance 501.3—Subsequent Use of Information (Effective: May 20, 2010) ..................... 846

**Intelligence Oversight Reporting Criteria** ................................. 849
  - Intelligence Oversight Reporting Criteria issued by Office of the Director of National Intelligence and the Intelligence Oversight Board (IOB), pursuant to EO 13462 (July 25, 2008) ................. 849

**Signals Intelligence** .......................................................... 855
  - Presidential Policy Directive 28, Signals Intelligence Activities (Jan. 17, 2014) ................................................................. 855
  - CIA Signals Intelligence Activities (Feb. 3, 2015) ......................... 873
  - NSA PPD-28 Section 4 Procedures (Jan. 12, 2015) ...................... 883