

2011 Statutory and Administrative Law Glossary for

U.S. Intelligence Law

DAVID ALAN JORDAN



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U.S. Intelligence Law

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Preface

This supplement contains statutory and administrative definitions relevant to U.S. intelligence law.

CAVEAT: The statutory definitions contained in this supplement were current as of June 2010, but they may have changed by the time you study them. This glossary is intended to be used only as a learning aid and not for actual legal practice. Be sure to verify the text of these definitions by obtaining the most recent version of the statutes codifying them before using them for any practical purpose.

DAVID ALAN JORDAN

October, 2011

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Statutory and Administrative Law Glossary for

U.S. Intelligence Law

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INTELLIGENCE LAW GLOSSARY

**Statutory and Administrative Definitions Relevant to U.S. Intelligence
Law**

Access

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(a) (1995) (superseded)

“Access” means the ability or opportunity to gain knowledge of classified information.

Accompanying the Armed Forces Outside the United States

Statutory Law

18 U.S.C. § 3267(2) (Title 18—Chapter 212: Military Extraterritorial Jurisdiction)

As used in this chapter [18 U.S.C. §§ 3261 et seq.]:

(2) The term "accompanying the Armed Forces outside the United States" means—

(A) a dependent of—

(i) a member of the Armed Forces;

(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

(C) not a national of or ordinarily resident in the host nation.

Accompanying the Federal Government Outside the United States

Statutory Law

18 U.S.C. § 3272(2) (Title 18—Chapter 212A: Extraterritorial Jurisdiction over Certain Trafficking in Persons Offenses)

As used in this chapter [18 U.S.C. §§ 3721 et seq.]:

(2) The term "accompanying the Federal Government outside the United States" means—

(A) a dependant of—

(i) a civilian employee of the Federal Government; or

(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

- (B) residing with such civilian employee, contractor, or contractor employee outside the United States; and
- (C) not a national of or ordinarily resident in the host nation.

Act of Espionage

Statutory Law

18 U.S.C. § 3077(8) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(8) "act of espionage" means an activity that is a violation of—

(A) section 793, 794, or 798 of this title [18 U.S.C. § 793, 794, or 798]; or

(B) section 4 of the Subversive Activities Control Act of 1950 [50 U.S.C. § 783].

Act of War

Statutory Law

18 U.S.C. § 2331(4) (2010) (Title 18—Chapter 113B: Terrorism)

As used in this chapter [18 U.S.C. §§ 2331 et seq.] —

(4) the term "act of war" means any act occurring in the course of—

(A) declared war;

(B) armed conflict, whether or not war has been declared, between two or more nations; or

(C) armed conflict between military forces of any origin;

Acting within the Scope of his Office or Employment

Statutory Law

28 U.S.C. § 2671 (Title 28—Chapter 171: Tort Claims Procedure)

"Acting within the scope of his office or employment," in the case of a member of the military or naval forces of the United States or a member of the National Guard as defined in section 101(3) of title 32 [32 U.S.C. § 101(3)], means acting in line of duty.

Adjacent Islands

Statutory Law

8 U.S.C. § 1101(b)(5) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(b) As used in titles I and II [8 U.S.C. §§ 1101 et seq., 1151 et seq.]—

(5) The term "adjacent islands" includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

Adjudication

Statutory Law

5 U.S.C. § 551(7) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Adjudication” means agency process for the formulation of an order.

NOTE: “Order” is defined in 5 U.S.C. § 551(6) (2010) (Title 5—Chapter 5: Administrative Procedure) (“‘Order’ means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing.”).

Administrative Purposes

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.1 (Dec. 1982): Administrative Purposes

Information is collected for "administrative purposes" when it is necessary for the administration of the component concerned, but is not collected directly in performance of the intelligence activities assigned such component. Examples include information relating to the past performance of potential contractors; information to enable such components to discharge their public affairs and legislative duties, including the maintenance of correspondence files; the maintenance of employee personnel and training records; and training materials or documents produced at training facilities.

Admission

Statutory Law

8 U.S.C. § 1101(a)(13) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(13) (A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) [8 U.S.C. § 1182(d)(5)] or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2) [8 U.S.C. § 1182(a)(2)], unless since such offense the alien has been granted relief under section 212(h) or 240A(a) [8 U.S.C. § 1182(h) or 1229b(a)], or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

Admitted

Statutory Law

8 U.S.C. § 1101(a)(13) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(13) (A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) [8 U.S.C. § 1182(d)(5)] or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

- (i) has abandoned or relinquished that status,
- (ii) has been absent from the United States for a continuous period in excess of 180 days,
- (iii) has engaged in illegal activity after having departed the United States,
- (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,
- (v) has committed an offense identified in section 212(a)(2) [8 U.S.C. § 1182(a)(2)], unless since such offense the alien has been granted relief under section 212(h) or 240A(a) [8 U.S.C. § 1182(h) or 1229b(a)], or
- (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

Advocate

Statutory Law

8 U.S.C. § 1101(e)(1) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(e) For the purposes of this Act—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

8 U.S.C. § 1101(a)(2) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(2) The term "advocates" includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

Advocating

Statutory Law

8 U.S.C. § 1101(e)(1) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(e) For the purposes of this Act—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

8 U.S.C. § 1101(a)(2) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(2) The term "advocates" includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

Advocating the Economic, International, and Governmental Doctrines of World Communism

Statutory Law

8 U.S.C. § 1101(e)(3) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(e) For the purposes of this Act—

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

Affiliation

Statutory Law

8 U.S.C. § 1101(e)(2) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(e) For the purposes of this Act—

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

Agency

Statutory Law

5 U.S.C. § 551 (1) (Title 5—Chapter 5: Administrative Procedure)

"Agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia; or except as to the requirements of section 552 of this title [5 U.S.C. § 552]—

- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41 [41 U.S.C. §§ 101 et seq.]; subchapter II of chapter 471 of title 49 [49 U.S.C. §§ 47151 et seq.]; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix.

5 U.S.C. § 701(b)(1) (Title 5—Chapter 7: Judicial Review)

For the purpose of this chapter [5 U.S.C. §§ 701 et seq.]—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;
- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41 [41 U.S.C. §§ 101 et seq.]; subchapter II of chapter 471 of title 49 [49 U.S.C. §§ 47151 et seq.]; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix, [...]

5 U.S.C. § 3132(a)(1) (2010) (Title 5—Chapter 31: Authority for Employment)

Definitions and exclusions

(a) For the purpose of this subchapter [5 U.S.C. §§ 3131 et seq.]—

(1) "agency" means an Executive agency, except a Government corporation and the General Accounting Office [Government Accountability Office], but does not include—

- (A) any agency or unit thereof excluded from coverage by the President under subsection (c) of this section; or
- (B) the Federal Bureau of Investigation, the Drug Enforcement Administration, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10, and as determined by the President, an Executive agency, or unit thereof, whose principal function is the conduct of foreign intelligence or counterintelligence activities;

- (C) the Federal Election Commission or the Election Assistance Commission;
- (D) the Office of the Comptroller of the Currency, the Office of Thrift Supervision,[,] the Resolution Trust Corporation, the Farm Credit Administration, the Federal Housing Finance Agency, and the National Credit Union Administration;
- (E) the Securities and Exchange Commission; or
- (F) the Commodity Futures Trading Commission;

5 U.S.C. § 7103(a)(3) (2010) (Title 5—Chapter 71: Labor-Management Relations)

(a) For the purpose of this chapter [5 U.S.C. §§ 7101 et seq.]— [...]

(3) "Agency" means an Executive agency (including a nonappropriated fund instrumentality described in section 2105(c) of this title [5 U.S.C. § 2105(c)] and the Veterans' Canteen Service, Department of Veterans Affairs), the Library of Congress, the Government Printing Office, and the Smithsonian Institution but does not include—

- (A) the General Accounting Office [Government Accountability Office];
- (B) the Federal Bureau of Investigation;
- (C) the Central Intelligence Agency;
- (D) the National Security Agency;
- (E) the Tennessee Valley Authority;
- (F) the Federal Labor Relations Authority;
- (G) the Federal Service Impasses Panel; or
- (H) the United States Secret Service and the United States Secret Service Uniformed Division.

28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions Applicable to Courts and Judges)

As used in this title:

[...]

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

28 U.S.C. § 2671 (Title 28—Chapter 171: Tort Claims Procedure)

As used in this chapter [28 U.S.C. §§ 2671 et seq.] and sections 1346(b) and 2401(b) of this title [28 U.S.C. §§ 1346(b) and 2401(b)], the term "Federal agency" includes the executive departments, the judicial and legislative branches, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

44 U.S.C. § 1501 (2010) (Title 44—Chapter 15: Federal Register and Code of Federal Regulations)

As used in this chapter [44 U.S.C. §§ 1501 et seq.], unless the context otherwise requires—

"Federal agency" or "agency" means the President of the United States, or an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government;

44 U.S.C. § 2901(14) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(14) the term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol);

44 U.S.C. § 3502(1) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(1) the term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

- (A) the General Accounting Office [Government Accountability Office];
- (B) Federal Election Commission;
- (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or
- (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

50 U.S.C. § 435b(a)(1) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

- (1) The term "agency" means—
 - (A) an executive agency (as that term is defined in section 105 of title 5, United States Code [5 U.S.C. § 105]);
 - (B) a military department (as that term is defined in section 102 of title 5, United States Code [5 U.S.C. § 102]); and

(C) an element of the intelligence community.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(b) (1995) (superseded)

“Agency” means any 'Executive agency,' as defined in 5 U.S.C. 105; any 'Military department' as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

Agency Action

Statutory Law

5 U.S.C. § 551(13) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Agency Action” includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

Agency of the United States

Statutory Law

18 U.S.C. § 6001(1) (2010) (Title 18—Chapter 601: Immunity of Witnesses)

As used in this chapter [18 U.S.C. §§ 6001 et seq.]—

(1) "agency of the United States" means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Nuclear Regulatory Commission, the Board of Governors of the Federal Reserve System, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Commodity Futures Trading Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Surface Transportation Board, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

Agency of the United States Government

Statutory Law

22 U.S.C. § 2403(a) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

Agency or Instrumentality of a Foreign State

Statutory Law

28 U.S.C. § 1603(b) (2010) (Title 28—Chapter 97: Jurisdictional Immunities of Foreign States)

For purposes of this chapter [28 U.S.C. §§ 1602 et seq.]—

(b) An "agency or instrumentality of a foreign state" means any entity—

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

(3) which is neither a citizen of a State of the United States as defined in section 1332(c) and (e) of this title [28 U.S.C. § 1332(c) and (e)] nor created under the laws of any third country.

Agency Proceeding

Statutory Law

5 U.S.C. § 551(12) (2010) (Title 5—Chapter 5: Administrative Procedure)

"Agency Proceeding" means an agency process defined as rulemaking, adjudication, or licensing.

18 U.S.C. § 6001(3) (2010) (Title 18—Chapter 601: Immunity of Witnesses)

As used in this chapter [18 U.S.C. §§ 6001 et seq.]—

(3) "proceeding before an agency of the United States" means any proceeding before such an agency with respect to which it is authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath;

Agent of a Foreign Power

Statutory Law

50 U.S.C. § 438(6) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(6) the terms "foreign power" and "agent of a foreign power" have the same meanings as set forth in sections 101 (a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

50 U.S.C. § 1801 (b) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Agent of a foreign power” means—(1) any person other than a United States person, who—(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4); (B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances of such person's presence in the United States indicate that such person may engage in such activities in the United States, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; (C) engages in international terrorism or activities in preparation therefore; (D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or (E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor for or on behalf of a foreign power; or (2) any person who—(A) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States; (B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States; (C) knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power; (D) knowingly enters the United States under a false or fraudulent identity for or on behalf of a foreign power or, while in the United States, knowingly assumes a false or fraudulent identity for or on behalf of a foreign power; or (E) knowingly aids or abets any person in the conduct of activities described in subparagraph (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraph (A), (B), or (C).

Agent of a Foreign Principal

Statutory Law

22 U.S.C. § 611(c) & (d) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(c) Except [Except] as provided in subsection (d) hereof, the term "agent of a foreign principal" means—

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—

(i) engages within the United States in political activities for or in the interests of such foreign principal;

(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and

(2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.

As used in and for the purposes of this Act—

(d) The term "agent of a foreign principal" does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with Section 3611 [3685] of Title 39, United States Code [39 U.S.C. § 3685], published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in section 1(b) hereof [subsec. (b) of the section], or by any agent of a foreign principal required to register under this Act.

Aggravated Felony

Statutory Law

8 U.S.C. § 1101(a)(43) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(43) The term "aggravated felony" means—

(A) murder, rape, or sexual abuse of a minor;

(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. § 802]), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$ 10,000;

(E) an offense described in—

(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

(iii) section 5861 of the Internal Revenue Code of 1986 [26 U.S.C. § 5861] (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment [is] at least one year;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment [is] at least one year;

(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations), or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of one year imprisonment or more may be imposed;

(K) an offense that—

(i) relates to the owning, controlling, managing, or supervising of a prostitution business;

(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

(iii) is described in any of sections 1581-1585 or 1588-1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

(L) an offense described in—

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code;

(ii) section 601 of the National Security Act of 1947 [50 U.S.C. § 421] (relating to protecting the identity of undercover intelligence agents);

(iii) section 601 of the National Security Act of 1947 [50 U.S.C. § 421] (relating to protecting the identity of undercover agents);

(M) an offense that—

(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$ 10,000; or

(ii) is described in section 7201 of the Internal Revenue Code of 1986 [26 U.S.C. § 7201] (relating to tax evasion) in which the revenue loss to the Government exceeds \$ 10,000;

(N) an offense described in paragraph (1)(A) or (2) of section 274(a) [8 U.S.C. § 1324(a)(1)(A) or (2)] (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act[;]

(O) an offense described in section 275(a) or 276 [8 U.S.C. § 1325(a) or 1326] committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;

(P) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment is at least 12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act;

(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more;

(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;

(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;

(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and

(U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph.

Aggrieved Person

Statutory Law

18 U.S.C. § 2510(11) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(11) "aggrieved person" means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed;

50 U.S.C. § 1801 (k) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

"Aggrieved person" means a person who is the target of an electronic surveillance or any other person whose communications or activities were subject to electronic surveillance.

50 U.S.C. § 1821 (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter B: Physical Searches)

(2) "Aggrieved person" means a person whose premises, property, information, or material is the target of physical search or any other person whose premises, property, information, or material was subject to physical search.

50 U.S.C. § 1841(3) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter C: Pen Registers and Trap and Trace Devices for Foreign Intelligence and International Terrorism Investigations)

As used in this title [50 U.S.C. §§ 1841 et seq.]:

(3) The term "aggrieved person" means any person—

(A) whose telephone line was subject to the installation or use of a pen register or trap and trace device authorized by this title [50 U.S.C. §§ 1841 et seq.]; or

(B) whose communication instrument or device was subject to the use of a pen register or trap and trace device authorized by this title [50 U.S.C. §§ 1841 et seq.] to capture incoming electronic or other communications impulses.

Alien

Statutory Law

8 U.S.C. § 1101(a)(3) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(3) The term "alien" means any person not a citizen or national of the United States.

All-Source Analysis

Administrative Law

Department of Defense Directive 5240.01, DoD Intelligence Activities, ¶ E2.1 (Aug. 2007): All-Source Analysis

An intelligence activity involving the integration, evaluation, and interpretation of information from all available data sources and types, to include human intelligence, signals intelligence, geospatial intelligence, measurement and signature intelligence, and open source intelligence.

Ally of Enemy

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "ally of enemy," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

American Republic

Statutory Law

22 U.S.C. § 611(l) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(l) The term "American republic" includes any of the states which were signatory to the Final Act of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, Cuba, July 30, 1940;

Application for Admission

Statutory Law

8 U.S.C. § 1101(a)(4) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(4) The term "application for admission" has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

Archivist

Statutory Law

44 U.S.C. § 2901(12) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(12) the term "Archivist" means the Archivist of the United States;

Armed Forces

Statutory Law

10 U.S.C. § 101(a)(4) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(4) The term "armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

22 U.S.C. § 2403(b) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

50 U.S.C. § 426(8) (2010) (Title 50—Chapter 15: National Security--Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(8) The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

Assistance

Statutory Law

50 U.S.C. § 1885(1) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter G: Protection of Persons Assisting the Government)

Assistance. The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

Associate Nation

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "associate nation" mean any nation at war with any nation with which the United States is at war.

Attorney General

Statutory Law

50 U.S.C. § 1801(g) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

"Attorney General" [for purposes of FISA] means the Attorney General of the United States (or Acting Attorney General), the Deputy Attorney General, or, upon the designation of the Attorney General, the Assistant Attorney General

designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code.

Aural Transfer

Statutory Law

18 U.S.C. § 2510(18) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(18) "aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception;

Authorized

Statutory Law

50 U.S.C. § 426(2) (2010) (Title 50—Chapter 15: National Security--Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(2) The term "authorized", when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of any United States court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

Authorized Adjudicative Agency

Statutory Law

50 U.S.C. § 435b(a)(3) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(3) The term "authorized adjudicative agency" means an agency authorized by law, regulation, or direction of the Director of National Intelligence to determine eligibility for access to classified information in accordance with Executive Order 12968 [50 U.S.C. § 435 note].

50 U.S.C. § 438(1) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(1) the term "authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

Authorized Investigative Agency

Statutory Law

50 U.S.C. § 435b(a)(2) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(2) The term "authorized investigative agency" means an agency designated by the head of the agency selected pursuant to subsection (b) to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

Automated Information System

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(c) (1995) (superseded)

“Automated information system” means an assembly of computer hardware, software, or firmware configured to collect, create, communicate, compute, disseminate, process, store, or control data or information.

Automatic Declassification

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(d) (1995) (superseded)

“Automatic declassification” means the declassification of information based solely upon:

(1) the occurrence of a specific date or event as determined by the original classification authority; or

(2) the expiration of a maximum time frame for duration of classification established under this order.

Available Publicly

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.2 (Dec. 1982): Available Publicly

Information that has been published or broadcast for general public consumption, is available on request to a member of the general public, could lawfully be seen or heard by any casual observer, or is made available at a meeting open to the general public. In this context, the "general public" also means general availability to persons in a military community even though the military community is not open to the civilian general public.

Bank

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

Base Closure Law

Statutory Law

10 U.S.C. § 101(a)(17) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(17) The term "base closure law" means the following:

(A) Section 2687 of this title [10 U.S.C. § 2687].

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

Beginning of the War

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared, or shall declare war or the existence of a state of war.

Bodily Injury

Statutory Law

18 U.S.C. § 1515(a)(5) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(5) the term "bodily injury" means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty;

or

(E) any other injury to the body, no matter how temporary;

Border Crossing Identification Card

Statutory Law

8 U.S.C. § 1101(a)(6) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(6) The term "border crossing identification card" means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

Burden

Statutory Law

44 U.S.C. § 3502(2) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(2) the term "burden" means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

- (A) reviewing instructions;
- (B) acquiring, installing, and utilizing technology and systems;
- (C) adjusting the existing ways to comply with any previously applicable instructions and requirements;
- (D) searching data sources;
- (E) completing and reviewing the collection of information; and
- (F) transmitting, or otherwise disclosing the information;

Chancery

Statutory Law

22 U.S.C. § 4302(a)(2) (2010) (Title 22—Chapter 53: Authorities Relating to the Regulation of Foreign Missions)

(a) For purposes of this title—

(2) "chancery" means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

Child

Statutory Law

8 U.S.C. § 1101(b)(1) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(b) As used in titles I and II [8 U.S.C. §§ 1101 et seq., 1151 et seq.]—

(1) The term "child" means an unmarried person under twenty-one years of age who is—

- (A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E) (i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household: Provided, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years;

(F) (i) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b) [8 U.S.C. § 1151(b)], who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence: Provided, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: Provided further, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except

that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b) [8 U.S.C. § 1151(b)]; or

(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b) [8 U.S.C. § 1151(b)], who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least 25 years of age—

(i) if—

(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

(V) in the case of a child who has not been adopted—

(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

8 U.S.C. § 1101(c)(1) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(c) As used in title III [8 U.S.C. §§ 1401 et seq.]—

(1) The term "child" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 320 and 321 of title III [8 U.S.C. §§ 1431, 1432], a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16

years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

Classification

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(e) (1995) (superseded)

“Classification” means the act or process by which information is determined to be classified information.

Classification Guidance

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(f) (1995) (superseded)

“Classification guidance” means any instruction or source that prescribes the classification of specific information.

Classification Guide

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(g) (1995) (superseded)

“Classification guide” means a documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

Classified Information

Statutory Law

10 U.S.C. § 948a(2) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(2) Classified information. The term "classified information" means the following:

(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

10 U.S.C. § 1513 (7) (2010) (Title 10—Chapter 76: Missing Persons)

In this chapter [10 U.S.C. §§ 1501 et seq.]: (7) The term "classified information" means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security."

18 U.S.C. Appx § 1 (a) (2010) (Title 18—Appendix: Classified Information Procedures Act)

"Classified information", as used in this Act, means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

50 U.S.C. § 426(1) (2010) (Title 50—Chapter 15: National Security--Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(1) The term "classified information" means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

50 U.S.C. § 438(2) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(2) the term "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

50 U.S.C. § 834 (2010) (Title 50—Chapter 23: Internal Security—Personnel security Procedures in National Security Agency)

Definition of "classified information"

For the purposes of this section, the term "classified information" means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

50 U.S.C. § 2471(3) (2010) (Title 50—Chapter 41: National Nuclear Security Administration)

For purposes of this title:

(3) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(h) (1995) (superseded)

“Classified national security information” or “classified information” means information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

Classified National Security Information

Statutory Law

10 U.S.C. § 948a(2) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(2) Classified information. The term "classified information" means the following:

(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

10 U.S.C. § 1513 (7) (2010) (Title 10—Chapter 76: Missing Persons)

In this chapter [10 U.S.C. §§ 1501 et seq.]: (7) The term "classified information" means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.”

18 U.S.C. Appx § 1 (a) (2010) (Title 18—Appendix: Classified Information Procedures Act)

“Classified information”, as used in this Act, means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation, to require protection against unauthorized

disclosure for reasons of national security and any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

50 U.S.C. § 426(1) (2010) (Title 50—Chapter 15: National Security--Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(1) The term "classified information" means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

50 U.S.C. § 438(2) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(2) the term "classified information" means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

50 U.S.C. § 834 (2010) (Title 50—Chapter 23: Internal Security—Personnel security Procedures in National Security Agency)

Definition of "classified information"

For the purposes of this section, the term "classified information" means information which, for reasons of national security, is specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

50 U.S.C. § 2471(3) (2010) (Title 50—Chapter 41: National Nuclear Security Administration)

For purposes of this title:

(3) The term "classified information" means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(h) (1995) (superseded)

“Classified national security information” or “classified information” means information that has been determined pursuant to this order or any predecessor

order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

Coalition Partner

Statutory Law

10 U.S.C. § 948a(3) (2010) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(3) Coalition partner. The term "coalition partner", with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

Coercion

Statutory Law

22 U.S.C. § 7102(2) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(2) Coercion. The term "coercion" means—
(A) threats of serious harm to or physical restraint against any person;
(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
(C) the abuse or threatened abuse of the legal process.

Collected

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C2.2.1 (Dec. 1982): When Information is Considered to be "Collected"

Information shall be considered as "collected" only when it has been received for use by an employee of a DoD intelligence component in the course of his official duties. Thus, information volunteered to a DoD intelligence component by a cooperating source would be "collected" under this procedure when an employee of such component officially accepts, in some manner, such information for use within that component. Data acquired by electronic means is "collected" only when it has been processed into intelligible form.

Collection of Information

Statutory Law

44 U.S.C. § 3502(3) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(3) the term "collection of information"—

(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

(B) shall not include a collection of information described under section 3518(c)(1);

Commercial Activity

Statutory Law

28 U.S.C. § 1603(d) (2010) (Title 28—Chapter 97: Jurisdictional Immunities of Foreign States)

For purposes of this chapter [28 U.S.C. §§ 1602 et seq.]—

(d) A "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

Commercial Activity Carried on in the United States by a Foreign State

Statutory Law

28 U.S.C. § 1603(e) (2010) (Title 28—Chapter 97: Jurisdictional Immunities of Foreign States)

For purposes of this chapter [28 U.S.C. §§ 1602 et seq.]—

(e) A "commercial activity carried on in the United States by a foreign state" means commercial activity carried on by such state and having substantial contact with the United States.

Commercial Sex Act

Statutory Law

22 U.S.C. § 7102(3) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(3) Commercial sex act. The term "commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

Commodity

Statutory Law

22 U.S.C. § 2403(c) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(c) "Commodity" includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

Communication Common Carrier

Statutory Law

18 U.S.C. § 2510(10) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(10) "communication common carrier" has the meaning given that term in section 3 of the Communications Act of 1934 [47 U.S.C. § 153];

Communications Concerning a United States Person

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.3.2.1 (Dec. 1982): "Communications concerning a United States person"

Communications concerning a United States person are those in which the United States person is identified in the communication. A United States person is identified when the person's name, unique title, address or other personal identifier is revealed in the communication in the context of activities conducted

by that person or activities conducted by others and related to that person. A reference to a product by brand name or manufacturer's name or the use of a name in a descriptive sense, as, for example, "Monroe Doctrine," is not an identification of a United States person.

Communications Security

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.3 (Dec. 1982): Communications Security

Protective measures taken to deny unauthorized persons information derived from telecommunications of the U.S. Government related to national security and to ensure the authenticity of such telecommunications.

Computer

Statutory Law

50 U.S.C. § 438(8) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(8) the term "computer" means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.

Computer Trespasser

Statutory Law

18 U.S.C. § 2510(21) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(21) "computer trespasser"—

(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.

Concealed Monitoring

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C6.2.1 (Dec. 1982): “Concealed Monitoring”

Concealed monitoring means targeting by electronic, optical, or mechanical devices a particular person or a group of persons without their consent in a surreptitious and continuous manner. Monitoring is surreptitious when it is targeted in a manner designed to keep the subject of the monitoring unaware of it. Monitoring is continuous if it is conducted without interruption for a substantial period of time.

Concealed Monitoring Where the Subject has a Reasonable Expectation of Privacy

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C6.2.3 (Dec. 1982): Concealed Monitoring where the subject has a reasonable expectation of privacy

Whether concealed monitoring is to occur where the subject has a reasonable expectation of privacy is a determination that depends upon the circumstances of a particular case, and shall be made only after consultation with the legal office responsible for advising the DoD intelligence component concerned. Reasonable expectation of privacy is the extent to which a reasonable person in the particular circumstances involved is entitled to believe his or her actions are not subject to monitoring by electronic, optical, or mechanical devices. For example, there are ordinarily reasonable expectations of privacy in work spaces if a person's actions and papers are not subject to ready observation by others under normal working conditions. Conversely, a person walking out of his or her residence into a public street ordinarily would not have a reasonable expectation that he or she is not being observed or even photographed; however, such a person ordinarily would have an expectation of privacy within his or her residence.

Confidential Source

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(i) (1995) (superseded)

“Confidential source” means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation that the information or relationship, or both, are to be held in confidence.

Congressional Defense Committees

Statutory Law

10 U.S.C. § 101(a)(16) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(16) The term "congressional defense committees" means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

Congressional Intelligence Committees

Statutory Law

50 U.S.C. § 401a(7) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(7) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

50 U.S.C. § 1881(b)(1) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter F: Additional Procedures Regarding Certain Persons Outside the United States)

(b) Additional definitions.

(1) Congressional intelligence committees. The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

50 U.S.C. § 1885(3) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter G: Protection of Persons Assisting the Government)

Congressional intelligence committees. The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

Consensual Monitoring

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (A) (Sept. 29, 2008)

Monitoring of communications for which a court order or warrant is not legally required because of the consent of a party to the communication.

Consent

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.4 (Dec. 1982): Consent

The agreement by a person or organization to permit DoD intelligence components to take particular actions that affect the person or organization. Consent may be oral or written unless a specific form of consent is required by a particular procedure. Consent may be implied if adequate notice is provided that a particular action (such as entering a building) carries with it the presumption of consent to an accompanying action (such as search of briefcases). (Questions regarding what is adequate notice in particular circumstances should be referred to the legal office responsible for advising the DoD intelligence component concerned.)

Consular Officer

Statutory Law

8 U.S.C. § 1101(a)(9) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(9) The term "consular officer" means any consular, diplomatic, or other officer or employee of the United States designated under regulations prescribed under

authority contained in this Act, for the purpose of issuing immigrant or nonimmigrant visas or, when used in title III [8 U.S.C. §§ 1401 et seq.], for the purpose of adjudicating nationality.

Consumer Reporting Agency

Statutory Law

50 U.S.C. § 438(3) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(3) the term "consumer reporting agency" has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

Contents [of a Communication]

Statutory Law

50 U.S.C. § 1801(n) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

"Contents", when used with respect to a communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

18 U.S.C. § 2510(8) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(8) "contents", when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication;

Contingency Operation

Statutory Law

10 U.S.C. § 101(a)(13) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(13) The term "contingency operation" means a military operation that—

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title [10 U.S.C. § 688, 12301(a), 12302, 12304, 12305, or 12406], chapter 15 of this title [10 U.S.C. §§ 331 et seq.], or any other provision of law during a war or during a national emergency declared by the President or Congress.

Conviction

Statutory Law

8 U.S.C. § 1101(a)(48) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(48) (A) The term "conviction" means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.

(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.

Cooperating Sources

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C2.2.2 (Dec. 1982): "Cooperating Sources"

Cooperating sources means persons or organizations that knowingly and voluntarily provide information to DoD intelligence components, or access to information, at the request of such components or on their own initiative. These include Government Agencies, law enforcement authorities, credit agencies, academic institutions, employers, and foreign governments.

Corruptly

Statutory Law

18 U.S.C. § 1515(b) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(b) As used in section 1505 [18 U.S.C. § 1505], the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

Corruptly Persuades

Statutory Law

18 U.S.C. § 1515(a)(6) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(6) the term "corruptly persuades" does not include conduct which would be misleading conduct but for a lack of a state of mind.

Counterintelligence

Statutory Law

50 U.S.C. § 401a(3) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(3) The term "counterintelligence" means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(a) (2010)

Counterintelligence means information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or their agents, or international terrorist organizations or activities.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.5 (Dec. 1982): Counterintelligence

Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

Counterintelligence Investigation

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.6 (Dec. 1982): Counterintelligence Investigation

Includes inquiries and other activities undertaken to determine whether a particular United States person is acting for, or on behalf of, a foreign power for purposes of conducting espionage and other intelligence activities, sabotage, assassinations, international terrorist activities, and actions to neutralize such acts.

Court of Competent Jurisdiction

Statutory Law

18 U.S.C. § 2711(3) (2010) (Title 18—Chapter 121: Stored Wire and Electronic Communications and Transactional Records Access)

As used in this chapter [18 U.S.C. §§ 2701 et seq.]—

(3) the term "court of competent jurisdiction" includes—

(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

(i) has jurisdiction over the offense being investigated;

(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or

(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title [18 U.S.C. § 3512]; or

(B) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants;

18 U.S.C. § 3127(2) (Title 18—Chapter 206: Pen Registers and Trap and Trace Devices)

As used in this chapter [18 U.S.C. §§ 3121 et seq.]—

(2) the term "court of competent jurisdiction" means—

(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

(i) has jurisdiction over the offense being investigated;

(ii) is in or for a district in which the provider of a wire or electronic communication service is located;

(iii) is in or for a district in which a landlord, custodian, or other person subject to subsections [subsection] (a) or (b) of section 3124 of this title [18 U.S.C. § 3124] is located; or

(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title [18 U.S.C. § 3512]; or

(B) a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device;

Court of the United States

Statutory Law

18 U.S.C. § 6001(4) (2010) (Title 18—Chapter 601: Immunity of Witnesses)

As used in this chapter [18 U.S.C. §§ 6001 et seq.]—

(4) "court of the United States" means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code [28 U.S.C. §§ 81 et seq.], a United States bankruptcy court established under chapter 6, title 28, United States Code [28 U.S.C. §§ 151 et seq.], the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Claims Court [United States Court of Federal Claims], the Tax Court of the United States, the Court of International Trade, and the Court of Appeals for the Armed Forces.

28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions Applicable to Courts and Judges)

As used in this title:

The term "court of the United States" includes the Supreme Court of the United States, courts of appeals, district courts constituted by chapter 5 of this title [28 U.S.C. §§ 81 et seq.], including the Court of International Trade and any court created by Act of Congress the judges of which are entitled to hold office during good behavior.

Covered Classified Material

Statutory Law

50 U.S.C. § 435a(f)(2) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information—Limitation on handling, retention, and storage of certain classified materials by the Department of State)

(f) Definitions. In this section:

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

Covered Element of the Department of State

Statutory Law

50 U.S.C. § 435a(f)(3) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information—Limitation on handling, retention, and storage of certain classified materials by the Department of State)

(f) Definitions. In this section:

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

Covert Action

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(b) (2010)

Covert action means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include:

- (1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;
- (2) Traditional diplomatic or military activities or routine support to such activities;
- (3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

- (4) Activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

Covert Agent

Statutory Law

50 U.S.C. § 426(4) (2010) (Title 50—Chapter 15: National Security—Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(4) The term "covert agent" means—

(A) a present or retired officer or employee of an intelligence agency or a present or retired member of the Armed Forces assigned to duty with an intelligence agency—

(i) whose identity as such an officer, employee, or member is classified information, and

(ii) who is serving outside the United States or has within the last five years served outside the United States; or

(B) a United States citizen whose intelligence relationship to the United States is classified information, and—

(i) who resides and acts outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency, or

(ii) who is at the time of the disclosure acting as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.

Critical Component

Statutory Law

50 U.S.C. Appx § 2152(1) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(1) Critical component. The term "critical component" includes such components, subsystems, systems, and related special tooling and test equipment

essential to the production, repair, maintenance, or operation of weapon systems or other items of equipment identified by the President as being essential to the execution of the national security strategy of the United States. Components identified as critical by a National Security Assessment conducted pursuant to section 113(i) of title 10, United States Code, or by a Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 [19 U.S.C. § 1862] shall be designated as critical components for purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], unless the President determines that the designation is unwarranted.

Critical Infrastructure

Statutory Law

50 U.S.C. Appx § 2152(2) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(2) Critical infrastructure. The term "critical infrastructure" means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.

Critical Technology

Statutory Law

50 U.S.C. Appx § 2152(3) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(3) Critical technology. The term "critical technology" includes any technology designated by the President to be essential to the national defense.

Critical Technology Item

Statutory Law

50 U.S.C. Appx § 2152(4) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(4) Critical technology item. The term "critical technology item" means materials directly employing, derived from, or utilizing a critical technology.

Current Investigation File

Statutory Law

50 U.S.C. § 435b(a)(5) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(5) The term "current investigation file" means, with respect to a security clearance, a file on an investigation or adjudication that has been conducted during—

(A) the 5-year period beginning on the date the security clearance was granted, in the case of a Top Secret Clearance, or the date access was granted to a highly sensitive program;

(B) the 10-year period beginning on the date the security clearance was granted in the case of a Secret Clearance; and

(C) the 15-year period beginning on the date the security clearance was granted in the case of a Confidential Clearance.

Damage to the National Security

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(j) (1995) (superseded)

"Damage to the national security" means harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.

Debt Bondage

Statutory Law

22 U.S.C. § 7102(4) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(4) Debt bondage. The term "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Declassification

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(k) (1995) (superseded)

“Declassification” means the authorized change in the status of information from classified information to unclassified information.

Declassification Authority

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(l) (1995) (superseded)

“Declassification authority” means:

- (1) the official who authorized the original classification, if that official is still serving in the same position;
- (2) the originator's current successor in function;
- (3) a supervisory official of either; or
- (4) officials delegated declassification authority in writing by the agency head or the senior agency official.

Declassification Guide

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(m) (1995) (superseded)

“Declassification guide” means written instructions issued by a declassification authority that describes the elements of information regarding a specific subject that may be declassified and the elements that must remain classified.

Defense Agency

Statutory Law

10 U.S.C. § 101(a)(11) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(11) The term "Defense Agency" means an organizational entity of the Department of Defense—

(A) that is established by the Secretary of Defense under section 191 of this title [10 U.S.C. § 191] (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

(B) that is designated by the Secretary of Defense as a Defense Agency.

Defense Article

Statutory Law

22 U.S.C. § 2403(d) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage

of high density or pyrophoric characteristics unrelated to radioactivity) byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

Defense Contractor

Statutory Law

50 U.S.C. Appx § 2152(5) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(5) Defense contractor. The term "defense contractor" means any person who enters into a contract with the United States—

(A) to furnish materials, industrial resources, or a critical technology for the national defense; or

(B) to perform services for the national defense.

Defense Information

Statutory Law

22 U.S.C. § 2403(e) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the Restricted Data category under section 142d of that Act [42 U.S.C. § 2162(d)].

Defense Intelligence Position

Statutory Law

10 U.S.C. § 1614(1) (2010) (Title 10—Chapter 83: Civilian Defense Intelligence Employees—Subchapter I: Defense-Wide Intelligence Personnel Policy)

In this subchapter [10 U.S.C. §§ 1601 et seq.]:

(1) The term "defense intelligence position" means a civilian position as an intelligence officer or intelligence employee of the Department of Defense.

Defense Service

Statutory Law

22 U.S.C. § 2403(f) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(f) "Defense service" includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II [22 U.S.C. §§ 2347 et seq.].

Department

Statutory Law

28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions Applicable to Courts and Judges)

As used in this title:

[...]

The term "department" means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

Department of Defense Field Activity

Statutory Law

10 U.S.C. § 101(a)(12) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(12) The term "Department of Defense Field Activity" means an organizational entity of the Department of Defense—

(A) that is established by the Secretary of Defense under section 191 of this title [10 U.S.C. § 191] (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

Department of the Army

Statutory Law

50 U.S.C. § 409(a) (2010) (Title 50—Chapter 15: National Security--Subchapter B: Miscellaneous and Conforming Provisions)

The term "Department of the Army" as used in this Act shall be construed to mean the Department of the Army at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Army.

Department of the Navy

Statutory Law

50 U.S.C. § 409(b) (2010) (Title 50—Chapter 15: National Security--Subchapter B: Miscellaneous and Conforming Provisions)

The term "Department of the Navy" as used in this Act shall be construed to mean the Department of the Navy at the seat of the government; the headquarters, United States Marine Corps; the entire operating forces of the United States Navy, including naval aviation, and of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law.

Department of the Air Force

Statutory Law

50 U.S.C. § 409(c) (2010) (Title 50—Chapter 15: National Security--Subchapter B: Miscellaneous and Conforming Provisions)

The term "Department of the Air Force" as used in this Act shall be construed to mean the Department of the Air Force at the seat of the government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force.

Derivative Classification

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(n) (1995) (superseded)

“Derivative classification” means the incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

Diplomatic Visa

Statutory Law

8 U.S.C. § 1101(a)(11) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(11) The term "diplomatic visa" means a nonimmigrant visa bearing that title and issued to a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

Disclose

Statutory Law

50 U.S.C. § 426(3) (2010) (Title 50—Chapter 15: National Security—Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(3) The term "disclose" means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

District Court

Statutory Law

28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions Applicable to Courts and Judges)

As used in this title:

[...]

The terms "district court" and "district court of the United States" mean the courts constituted by chapter 5 of this title [28 U.S.C. §§ 81 et seq.].

Doctrine

Statutory Law

8 U.S.C. § 1101(a)(12) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(12) The term "doctrine" includes, but is not limited to, policies, practices, purposes, aims, or procedures.

Document

Statutory Law

44 U.S.C. § 1501 (2010) (Title 44—Chapter 15: Federal Register and Code of Federal Regulations)

As used in this chapter [44 U.S.C. §§ 1501 et seq.], unless the context otherwise requires—

"document" means a Presidential proclamation or Executive order and an order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency;

44 U.S.C. § 2901(1) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(1) the term "records" has the meaning given it by section 3301 of this title;

44 U.S.C. § 3301 (2010) (Title 44—Chapter 33: Disposal of Records)

As used in this chapter [44 U.S.C. §§ 3301 et seq.], "records" includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

44 U.S.C. § 3315(3) (2010) (Title 44—Chapter 33: Disposal of Records)

For purposes of this section and section 3316 through section 3324 of this title [44 U.S.C. §§ 3316-3324]—

(3) the term "records and documents" shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(o) (1995) (superseded)

“Document” means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

Executive Order 12958, Classified National Security Information, ¶ 6.1(dd) (1995) (superseded)

“Records” means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

The Attorney General's Guidelines for Domestic FBI Operations § VII (M) (Sept. 29, 2008)

Any records, databases, files, indices, information systems, or other retained information.

Documentary Material

Statutory Law

18 U.S.C. § 1961(9) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(9) "documentary material" includes any book, paper, document, record, recording, or other material;

DoD Component

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.7 (Dec. 1982): DoD Component

Includes the Office of the Secretary of Defense, each of the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

DoD Intelligence Components

Statutory Law

10 U.S.C. § 1614(2) (2010) (Title 10—Chapter 83: Civilian Defense Intelligence Employees—Subchapter I: Defense-Wide Intelligence Personnel Policy)

In this subchapter [10 U.S.C. §§ 1601 et seq.]:

(2) The term "intelligence component of the Department of Defense" means any of the following:

- (A) The National Security Agency.
- (B) The Defense Intelligence Agency.
- (C) The National Geospatial-Intelligence Agency.

(D) Any other component of the Department of Defense that performs intelligence functions and is designated by the Secretary of Defense as an intelligence component of the Department of Defense.

(E) Any successor to a component specified in, or designated pursuant to, this paragraph.

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.8 (Dec. 1982): DoD Intelligence Components

Include the following organizations:

- DL1.1.8.1. The National Security Agency/Central Security Service.
- DL1.1.8.2. The Defense Intelligence Agency.
- DL1.1.8.3. The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs.
- DL1.1.8.4. The Assistant Chief of Staff for Intelligence, Army General Staff.
- DL1.1.8.5. The Office of Naval Intelligence.
- DL1.1.8.6. The Assistant Chief of Staff, Intelligence, U. S. Air Force.

- DL1.1.8.7. The Army Intelligence and Security Command.
- DL1.1.8.8. The Naval Intelligence Command.
- DL1.1.8.9. The Naval Security Group Command.
- DL1.1.8.10. The Director of Intelligence, U.S. Marine Corps.
- DL1.1.8.11. The Air Force Intelligence Service.
- DL1.1.8.12. The Electronic Security Command, U.S. Air Force.
- DL1.1.8.13. The counterintelligence elements of the Naval Investigative Service.
- DL1.1.8.14. The counterintelligence elements of the Air Force Office of Special Investigations.
- DL1.1.8.15. The 650th Military Intelligence Group, SHAPE.
- DL1.1.8.16. Other organizations, staffs, and offices, when used for foreign intelligence or counterintelligence activities to which part 2 of E.O. 12333 (reference (a)), applies, provided that the heads of such organizations, staffs, and offices shall not be considered as heads of DoD intelligence components for purposes of this Regulation.

Domestic Activities

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C2.2.3 (Dec. 1982): “Domestic Activities”

Domestic activities refers to activities that take place within the United States that do not involve a significant connection with a foreign power, organization, or person.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.1 (Dec. 1982): “Domestic Activities”

Domestic activities refers to activities that take place within the United States that do not involve a significant connection with a foreign power, organization or person.

Domestic Industrial Base

Statutory Law

50 U.S.C. Appx § 2152(6) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(6) Domestic industrial base. The term "domestic industrial base" means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during peacetime, national emergency, or war.

Domestic Source

Statutory Law

50 U.S.C. Appx § 2152(7) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(7) Domestic source. The term "domestic source" means a business concern—

(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such business concern under a contract with the United States relating to a critical component or a critical technology item; and

(B) that procures from business concerns described in subparagraph (A) substantially all of any components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

Domestic Terrorism

Statutory Law

18 U.S.C. § 2331(5) (2010) (Title 18—Chapter 113B: Terrorism)

As used in this chapter [18 U.S.C. §§ 2331 et seq.] —

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear 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; and

(C) occur primarily within the territorial jurisdiction of the United States.

Double Criminality

Statutory Law

18 U.S.C. § 4101(a) (2010) (Title 18—Chapter 306: Transfer to or from Foreign Countries)

As used in this chapter [18 U.S.C. §§ 4100 et seq.] the term—

(a) "double criminality" means that at the time of transfer of an offender the offense for which he has been sentenced is still an offense in the transferring country and is also an offense in the receiving country. With regard to a country which has a federal form of government, an act shall be deemed to be an offense in that country if it is an offense under the federal laws or the laws of any state or province thereof;

Downgrading

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(p) (1995) (superseded)

"Downgrading" means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

Electronic Communication

Statutory Law

18 U.S.C. § 2510(12) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(12) "electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce, but does not include—

(A) any wire or oral communication;

(B) any communication made through a tone-only paging device;

(C) any communication from a tracking device (as defined in section 3117 of this title [18 U.S.C. § 3117]); or

(D) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds;

Electronic Communication Service

Statutory Law

18 U.S.C. § 2510(15) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(15) "electronic communication service" means any service which provides to users thereof the ability to send or receive wire or electronic communications;

Electronic Communication Service Provider

Statutory Law

50 U.S.C. § 1881(b)(4) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter F: Additional Procedures Regarding Certain Persons Outside the United States)

Electronic communication service provider. The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

50 U.S.C. § 1885(6) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter G: Protection of Persons Assisting the Government)

Electronic communication service provider. The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

Electronic Communications System

Statutory Law

18 U.S.C. § 2510(14) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(14) "electronic communications system" means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;

Electronic, Mechanical, or Other Device

Statutory Law

18 U.S.C. § 2510(5) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(5) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than—

(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or (ii) being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

Electronic Storage

Statutory Law

18 U.S.C. § 2510(17) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(17) "electronic storage" means—

(A) any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(B) any storage of such communication by an electronic communication service for purposes of backup protection of such communication;

Electronic Surveillance

Statutory Law

**50 U.S.C. § 1801 (f) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)*

(f) "Electronic surveillance" means—

(1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

(2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States, but does not include the acquisition of those communications of computer trespassers that would be permissible under section 2511(2)(i) of title 18, United States Code;

(3) the intentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States; or

(4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

*NOTE: The Protect America Act of 2007 temporarily removed application of this definition to any surveillance of persons located overseas. This even included electronic surveillance of U.S. persons.

- The Protect America Act, P.L. 110-55 was signed into law on August 5, 2007. Many of the provisions were set to expire in 6-months, and were extended briefly for an additional 15 days before expiring on February 16, 2008. *See* Pub. L. No. 110-182 (extending effectiveness of the Protect America Act for 15 days beyond the original sunset date).
- This statute inserted a clarification into FISA’s definitions redefining “electronic surveillance” so as not to be interpreted as applying to any surveillance conducted on persons reasonably believed to be located abroad. *See* FISA § 105(A), 50 U.S.C. § 1805a (2007) (“Nothing in the definition of electronic surveillance under section 101(f) [50 U.S.C. § 1801(f)] shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.”). This provision sunset on February 16, 2008, subject to saving provisions that validated orders approved during the statute’s short lifespan. The provision was repealed on July 10, 2008 by the FISA Amendments Act of 2008, Pub. L. No. 110-261, 122 Stat. 2436.
- The Protect America Act of 2007 gave the AG and DNI the power to order communications service providers, custodians, or other persons (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications.” *See* FISA § 105(B), 50 U.S.C. § 1805b (2007). This provision sunset on February 16, 2008, subject to saving provisions that validated orders approved during the statute’s short lifespan. The provision was repealed on July 10, 2008 by the FISA Amendments Act of 2008, Pub. L. No. 110-261, 122 Stat. 2436.
- FISA Section 105B, codified at 50 U.S.C. § 1805b (2007), contained the now repealed procedures that were in effect during the 6-month U.S. citizen intelligence collection extravaganza.
- The Protect America Act of 2007’s modifications in FISA § 105B, codified at 50 U.S.C. § 1805b (a) (2007), was repealed by the FISA Amendments Act of 2008, Pub. L. No. 110-261, 122 Stat. 2436.
- For secondary analysis of the Protect America Act of 2007, *see* ELIZABETH B. BAZAN, CONGRESSIONAL RESEARCH SERV., P.L. 110-55, THE PROTECT AMERICA ACT OF 2007: MODIFICATIONS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (2007), *available at* http://www.intelligencelaw.com/library/secondary/crs/pdf/RL34143_8-23-2007.pdf.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(c) (2010)

Electronic surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a non-electronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.9 (Dec. 1982): Electronic Surveillance

Acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter. (Electronic surveillance within the United States is subject to the definitions in the Foreign Intelligence Surveillance Act of 1978 (reference (b)).)

Employed by the Armed Forces Outside the United States

Statutory Law

18 U.S.C. § 3267(1) (Title 18—Chapter 212: Military Extraterritorial Jurisdiction)

As used in this chapter [18 U.S.C. §§ 3261 et seq.]:

(1) The term "employed by the Armed Forces outside the United States" means—

(A) employed as—

(i) a civilian employee of—

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

(ii) a contractor (including a subcontractor at any tier) of—

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

- (iii) an employee of a contractor (or subcontractor at any tier) of—
 - (I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or
 - (II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;
- (B) present or residing outside the United States in connection with such employment; and
- (C) not a national of or ordinarily resident in the host nation.

Employed by the Federal Government Outside the United States

Statutory Law

18 U.S.C. § 3272(1) (Title 18—Chapter 212A: Extraterritorial Jurisdiction over Certain Trafficking in Persons Offenses)

As used in this chapter [18 U.S.C. §§ 3721 et seq.]:

(1) The term "employed by the Federal Government outside the United States" means—

(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

(B) present or residing outside the United States in connection with such employment; and

(C) not a national of or ordinarily resident in the host nation.

Employee

Statutory Law

5 U.S.C. § 7103 (a)(2) (2010) (Title 5—Chapter 71: Labor-Management Relations—Subchapter I: General Provisions)

(a) For the purpose of this chapter [5 U.S.C. §§ 7101 et seq.]— [...]

(2) "employee" means an individual—

(A) employed in an agency; or

(B) whose employment in an agency has ceased because of any unfair labor practice under section 7116 of this title [5 U.S.C. § 7116] and who has not obtained any other regular and substantially equivalent employment, as determined under regulations prescribed by the Federal Labor Relations Authority;

but does not include—

(i) an alien or noncitizen of the United States who occupies a position outside the United States;

(ii) a member of the uniformed services;

- (iii) a supervisor or a management official;
- (iv) an officer or employee in the Foreign Service of the United States employed in the Department of State, the International Communication Agency, the Agency for International Development, the Department of Agriculture, or the Department of Commerce; or
- (v) any person who participates in a strike in violation of section 7311 of this title [5 U.S.C. § 7311];

*5 U.S.C. § 7501(1) (2010) (Title 5—Chapter 75: Adverse Actions—
Subchapter I: Suspension for 14 Days or Less)*

For the purpose of this subchapter [5 U.S.C. §§ 7501 et seq.]—"employee" means an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less;

*5 U.S.C. § 7511(a)(1) (2010) (Title 5—Chapter 75: Adverse Actions—
Subchapter II: Removal, Suspension for More than 14 Days,
Reduction in Grade or Pay, or Furlough for 30 Days or Less)*

(a) For the purpose of this subchapter [5 U.S.C. §§ 7511 et seq.]—

(1) "employee" means—

(A) an individual in the competitive service—

(i) who is not serving a probationary or trial period under an initial appointment; or

(ii) who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

(B) a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions—

(i) in an Executive agency; or

(ii) in the United States Postal Service or Postal Regulatory Commission;
and

(C) an individual in the excepted service (other than a preference eligible)—

(i) who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service; or

(ii) who has completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less;

*5 U.S.C. § 7541 (2010) (Title 5—Chapter 75: Adverse Actions—
Subchapter V: Senior Executive Service)*

For the purpose of this subchapter [5 U.S.C. §§ 7541 et seq.]—

(1) "employee" means a career appointee in the Senior Executive Service who—

(A) has completed the probationary period prescribed under section 3393(d) of this title [5 U.S.C. § 3393(d)]; or

(B) was covered by the provisions of subchapter II of this chapter [5 U.S.C. §§ 7511 et seq.] immediately before appointment to the Senior Executive Service;

50 U.S.C. § 426(7) (2010) (Title 50—Chapter 15: National Security—Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(7) The terms "officer" and "employee" have the meanings given such terms by section 2104 and 2105, respectively, of title 5, United States Code.

50 U.S.C. § 438(4) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(4) the term "employee" includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, except as otherwise determined by the President;

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(d) (2010)

Employee means a person employed by, assigned or detailed to, or acting for an element within the Intelligence Community.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.10 (Dec. 1982): Employee

A person employed by, assigned to, or acting for an agency within the intelligence community, including contractors and persons otherwise acting at the direction of such an agency.

The Attorney General's Guidelines for Domestic FBI Operations § VII (B) (Sept. 29, 2008)

An FBI employee or an employee of another agency working under the direction and control of the FBI.

Employee of the Government

Statutory Law

28 U.S.C. § 2671 (Title 28—Chapter 171: Tort Claims Procedure)

"Employee of the government" includes (1) officers or employees of any federal agency, members of the military or naval forces of the United States, members of

the National Guard while engaged in training or duty under section 115, 316, 502, 503, 504, or 505 of title 32 [32 U.S.C. § 115, 316, 502, 503, 504, or 505], and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18 [18 U.S.C. § 3006A].

End of the War

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act.

Enemy

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include with the term "enemy."

Enterprise

Statutory Law

18 U.S.C. § 1961(4) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

Espionage

Statutory Law

18 U.S.C. § 3077(8) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(8) "act of espionage" means an activity that is a violation of—

(A) section 793, 794, or 798 of this title [18 U.S.C. § 793, 794, or 798]; or

(B) section 4 of the Subversive Activities Control Act of 1950 [50 U.S.C. § 783].

Excess Defense Articles

Statutory Law

22 U.S.C. § 2403(g) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(g) "Excess defense articles" means the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

Executive Agency

Statutory Law

44 U.S.C. § 2901(13) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(13) the term "executive agency" shall have the meaning given such term by section 102 of title 40;

Experimentation

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C13.2 (Dec. 1982): Explanation of Undefined Terms

- C13.2.1. Experimentation in this context means any research or testing activity involving human subjects that may expose such subjects to the possibility of permanent or temporary injury (including physical or psychological damage and damage to the reputation of such persons) beyond the risks of injury to which such subjects are ordinarily exposed in their daily lives.
- C13.2.2. Experimentation is conducted on behalf of a DoD intelligence component if it is conducted under contract to that component or to another DoD Component for the benefit of the intelligence component or at the request of such a component regardless of the existence of a contractual relationship.
- C13.2.3. Human subjects in this context includes any person whether or not such person is a United States person.

Express Consent

Statutory Law

18 U.S.C. § 2725(5) (2010) (Title 18—Chapter 123: Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records)

In this chapter [18 U.S.C. §§ 2721 et seq.]—

(5) "express consent" means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229 [15 U.S.C. § 7006(5)].

Extraordinary Ability

Statutory Law

8 U.S.C. § 1101(a)(46) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(46) The term "extraordinary ability" means, for purposes of section 101(a)(15)(O)(i) [8 U.S.C. § 1101(a)(15)(O)(i)], in the case of the arts, distinction.

Facilities

Statutory Law

50 U.S.C. Appx § 2152(8) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(8) Facilities. The term "facilities" includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

Family

Statutory Law

22 U.S.C. § 254a(2) (2010) (Title 22—Chapter 6: Foreign Diplomatic and Consular Officers)

As used in this Act—

(2) the term "family" means—

(A) the members of the family of a member of a mission described in paragraph (1)(A) who form part of his or her household if they are not nationals of the United States, and

(B) the members of the family of a member of a mission described in paragraph (1)(B) who form part of his or her household if they are not nationals or permanent residents of the United States,

within the meaning of Article 37 of the Vienna Convention;

Federal Agency

Statutory Law

5 U.S.C. § 551 (1) (Title 5—Chapter 5: Administrative Procedure)

“Agency” means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia; or except as to the requirements of section 552 of this title [5 U.S.C. § 552]—
- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41 [41 U.S.C. §§ 101 et seq.]; subchapter II of chapter 471 of title 49 [49 U.S.C. §§ 47151 et seq.]; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix.

5 U.S.C. § 701(b)(1) (Title 5—Chapter 7: Judicial Review)

For the purpose of this chapter [5 U.S.C. §§ 701 et seq.]—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;
- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41 [41 U.S.C. §§ 101 et seq.]; subchapter II of chapter 471 of title 49 [49 U.S.C. §§ 47151 et seq.]; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix, [...]

5 U.S.C. § 3132(a)(1) (2010) (Title 5—Chapter 31: Authority for Employment)

Definitions and exclusions

(a) For the purpose of this subchapter [5 U.S.C. §§ 3131 et seq.]—

(1) "agency" means an Executive agency, except a Government corporation and the General Accounting Office [Government Accountability Office], but does not include—

(A) any agency or unit thereof excluded from coverage by the President under subsection (c) of this section; or

(B) the Federal Bureau of Investigation, the Drug Enforcement Administration, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10, and as determined by the President, an Executive agency, or unit thereof, whose principal function is the conduct of foreign intelligence or counterintelligence activities;

(C) the Federal Election Commission or the Election Assistance Commission;

(D) the Office of the Comptroller of the Currency, the Office of Thrift Supervision[,] the Resolution Trust Corporation, the Farm Credit Administration, the Federal Housing Finance Agency, and the National Credit Union Administration;

(E) the Securities and Exchange Commission; or

(F) the Commodity Futures Trading Commission;

5 U.S.C. § 7103(a)(3) (2010) (Title 5—Chapter 71: Labor-Management Relations)

(a) For the purpose of this chapter [5 U.S.C. §§ 7101 et seq.]— [...]

(3) "Agency" means an Executive agency (including a nonappropriated fund instrumentality described in section 2105(c) of this title [5 U.S.C. § 2105(c)] and the Veterans' Canteen Service, Department of Veterans Affairs), the Library of Congress, the Government Printing Office, and the Smithsonian Institution but does not include—

(A) the General Accounting Office [Government Accountability Office];

(B) the Federal Bureau of Investigation;

(C) the Central Intelligence Agency;

(D) the National Security Agency;

(E) the Tennessee Valley Authority;

(F) the Federal Labor Relations Authority;

(G) the Federal Service Impasses Panel; or

(H) the United States Secret Service and the United States Secret Service Uniformed Division.

28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions Applicable to Courts and Judges)

As used in this title:

[...]

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

28 U.S.C. § 2671 (Title 28—Chapter 171: Tort Claims Procedure)

As used in this chapter [28 U.S.C. §§ 2671 et seq.] and sections 1346(b) and 2401(b) of this title [28 U.S.C. §§ 1346(b) and 2401(b)], the term "Federal agency" includes the executive departments, the judicial and legislative branches, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

44 U.S.C. § 1501 (2010) (Title 44—Chapter 15: Federal Register and Code of Federal Regulations)

As used in this chapter [44 U.S.C. §§ 1501 et seq.], unless the context otherwise requires—

"Federal agency" or "agency" means the President of the United States, or an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government;

44 U.S.C. § 2901(14) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(14) the term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol);

44 U.S.C. § 3502(1) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(1) the term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

- (A) the General Accounting Office [Government Accountability Office];
- (B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

50 U.S.C. § 435b(a)(1) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(1) The term "agency" means—

(A) an executive agency (as that term is defined in section 105 of title 5, United States Code [5 U.S.C. § 105]);

(B) a military department (as that term is defined in section 102 of title 5, United States Code [5 U.S.C. § 102]); and

(C) an element of the intelligence community.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(b) (1995) (superseded)

“Agency” means any 'Executive agency,' as defined in 5 U.S.C. 105; any 'Military department' as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

Federal Electronic Information

Statutory Law

44 U.S.C. § 4104 (2010) (Title 44—Chapter 41: Access to Federal Electronic Information)

As used in this chapter [44 U.S.C. §§ 4101 et seq.], the term "Federal electronic information" means Federal public information stored electronically.

Federal Official

Statutory Law

44 U.S.C. § 3315(1) (2010) (Title 44—Chapter 33: Disposal of Records)

For purposes of this section and section 3316 through section 3324 of this title [44 U.S.C. §§ 3316-3324]—

(1) the term "Federal official" means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

File Series

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(q) (1995) (superseded)

"File series" means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

Financial Agency

Statutory Law

50 U.S.C. § 438(5) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(5) the terms "financial agency" and "financial institution" have the meanings given to such terms in section 5312(a) of title 31, United States Code, and the

term "holding company" has the meaning given to such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

Financial Institution

Statutory Law

50 U.S.C. § 438(5) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(5) the terms "financial agency" and "financial institution" have the meanings given to such terms in section 5312(a) of title 31, United States Code, and the term "holding company" has the meaning given to such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

For Or On Behalf of a Foreign Power

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (C) (Sept. 29, 2008)

The determination that activities are for or on behalf of a foreign power shall be based on consideration of the extent to which the foreign power is involved in:

1. control or policy direction;
2. financial or material support; or
3. leadership, assignments, or discipline.

Foreign Assistance

Statutory Law

22 U.S.C. § 2394(b)(1) (2010) (Title 22—Chapter 32: Foreign Assistance: General and Administrative Provisions)

For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government;

Foreign Computer Intrusion

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (D) (Sept. 29, 2008)

The use or attempted use of any cyber-activity or other means, by, for, or on behalf of a foreign power to scan, probe, or gain unauthorized access into one or more U.S.-based computers.

Foreign Government Information

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(r) (1995) (superseded)

“Foreign government information” means:

(1) information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;

(2) information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or

(3) information received and treated as 'foreign government information' under the terms of a predecessor order.

Foreign Intelligence

Statutory Law

50 U.S.C. § 401a(2) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(2) The term "foreign intelligence" means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(e) (2010)

Foreign intelligence means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.11 (Dec. 1982): Foreign Intelligence

Information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence except for information on international terrorist activities.

The Attorney General's Guidelines for Domestic FBI Operations § VII (E) (Sept. 29, 2008)

Information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorists.

Foreign Intelligence Information

Statutory Law

18 U.S.C. § 2510(19) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(19) "foreign intelligence information", for purposes of section 2517(6) of this title [18 U.S.C. § 2517(6)], means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States;

50 U.S.C. § 1801(e) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Foreign intelligence information” means—(1) information that relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against—(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power; (B) sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or (C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or (2) information with respect to a foreign power or foreign territory that relates to, and if concerning a United States person is necessary to—(A) the national defense or the security of the United States; or (B) the conduct of the foreign affairs of the United States.

Foreign Intelligence Requirements

Administrative Law

The Attorney General’s Guidelines for Domestic FBI Operations § VII (F) (Sept. 29, 2008)

1. national intelligence requirements issued pursuant to authorization by the Director of National Intelligence, including the National Intelligence Priorities Framework and the National HUMINT Collection Directives, or any successor directives thereto;
2. requests to collect foreign intelligence by the President or by Intelligence Community officials designated by the President; and
3. directions to collect foreign intelligence by the Attorney General, the Deputy Attorney General, or an official designated by the Attorney General.

Foreign Mission

Statutory Law

22 U.S.C. § 4302(a)(3) (2010) (Title 22—Chapter 53: Authorities Relating to the Regulation of Foreign Missions)

(a) For purposes of this title—

(3) "foreign mission" means any mission to or agency or entity in the United States which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by—

(A) a foreign government, or

(B) an organization (other than an international organization, as defined in section 209(b) of this title [22 U.S.C. § 4309(b)]) representing a territory or political entity which has been granted diplomatic or other official privileges and

immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of such territory or political entity, including any real property of such a mission and including the personnel of such a mission;"

Foreign Person

Statutory Law

22 U.S.C. § 2797c(a)(7) (2010) (Title 22—Chapter 39: Arms Export Control: Control of Missiles and missile Equipment or Technology)

(a) In general. For purposes of this chapter [22 U.S.C. §§ 2797 et seq.]—

(7) the term "foreign person" means any person other than a United States person;

Foreign Political Party

Statutory Law

22 U.S.C. § 611(f) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(f) The term "foreign political party" includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;

Foreign Power

Statutory Law

50 U.S.C. § 438(6) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(6) the terms "foreign power" and "agent of a foreign power" have the same meanings as set forth in sections 101 (a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

50 U.S.C. § 1801 (a) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Foreign power” means—(1) a foreign government or any component thereof whether or not recognized by the United States; (2) a faction of a foreign nation or nations, not substantially composed of United States persons; (3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments; (4) a group engaged in international terrorism or activities in preparation therefor; (5) a foreign-based political organization, not substantially composed of United States persons; (6) an entity that is directed and controlled by a foreign government or governments; or (7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.

50 U.S.C. § 1821 (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter B: Physical Searches)

As used in this title [50 U.S.C. §§ 1821 et seq.]:

(1) The terms "foreign power", "agent of a foreign power", "international terrorism", "sabotage", "foreign intelligence information", "Attorney General", "United States person", "United States", "person", weapon of mass destruction, and "State" shall have the same meanings as in section 101 of this Act [50 U.S.C. § 1801], except as specifically provided by this title [50 U.S.C. §§ 1821 et seq.].

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.12 (Dec. 1982): Foreign Power

Any foreign government (regardless of whether recognized by the United States), foreign-based political party (or faction thereof), foreign military force, foreign-based terrorist group, or any organization composed, in major part, of any such entity or entities.

The Attorney General’s Guidelines for Domestic FBI Operations § VII (G) (Sept. 29, 2008)

1. a foreign government or any component thereof, whether or not recognized by the United States;
2. a faction of a foreign nation or nations, not substantially composed of United States persons;
3. an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;
4. a group engaged in international terrorism or activities in preparation therefor;

5. a foreign-based political organization, not substantially composed of United States persons; or
6. an entity that is directed or controlled by a foreign government or governments.

Foreign Principal

Statutory Law

22 U.S.C. § 611(b) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(b) The term "foreign principal" includes—

- (1) a government of a foreign country and a foreign political party;
- (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
- (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

Foreign Source

Statutory Law

50 U.S.C. Appx § 2152(9) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

- (9) Foreign source. The term "foreign source" means a business entity other than a "domestic source".

Foreign State

Statutory Law

8 U.S.C. § 1101(a)(14) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(14) The term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

28 U.S.C. § 1603(a) (2010) (Title 28—Chapter 97: Jurisdictional Immunities of Foreign States)

For purposes of this chapter [28 U.S.C. §§ 1602 et seq.]—

(a) A "foreign state", except as used in section 1608 of this title [28 U.S.C. § 1608], includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

Former President

Statutory Law

44 U.S.C. § 2201(5) (2010) (Title 44—Chapter 22: Presidential Records)

As used in this chapter [44 U.S.C. §§ 2201 et seq.]—

(5) The term "former President", when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

Function

Statutory Law

22 U.S.C. § 2403(h) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

Geneva Conventions

Statutory Law

10 U.S.C. § 948a(4) & (5) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(4) Geneva convention relative to the treatment of prisoners of war. The term "Geneva Convention Relative to the Treatment of Prisoners of War" means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

(5) Geneva conventions. The term "Geneva Conventions" means the international conventions signed at Geneva on August 12, 1949.

Geospatial Information

Statutory Law

10 U.S.C. § 467(4) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(4) The term "geospatial information" means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

Geospatial Intelligence

Statutory Law

10 U.S.C. § 467(5) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(5) The term "geospatial intelligence" means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

Governmental Entity

Statutory Law

18 U.S.C. § 2711(4) (2010) (Title 18—Chapter 121: Stored Wire and Electronic Communications and Transactional Records Access)

As used in this chapter [18 U.S.C. §§ 2701 et seq.]—

(4) the term "governmental entity" means a department or agency of the United States or any State or political subdivision thereof.

Government of a Foreign Country

Statutory Law

22 U.S.C. § 611(e) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(e) The term "government of a foreign country" includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

Guaranteeing Agency

Statutory Law

50 U.S.C. Appx § 2152(10) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(10) Guaranteeing agency. The term "guaranteeing agency" means a department or agency of the United States engaged in procurement for the national defense.

Hearability Survey

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.7.2.2 (Dec. 1982): "Hearability Survey"

The term hearability survey refers to monitoring radio communications to determine whether a particular radio signal can be received at one or more locations and, if reception is possible, to determine the hearability of reception over time.

Highly Enriched Uranium

Statutory Law

50 U.S.C. § 2302(3) (2010) (Title 50—Chapter 40: Defense Against Weapons of Mass Destruction)

In this title:

(3) The term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U-235.

Highly Restricted Personal Information

Statutory Law

18 U.S.C. § 2725(4) (2010) (Title 18—Chapter 123: Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records)

In this chapter [18 U.S.C. §§ 2721 et seq.]—

(4) "highly restricted personal information" means an individual's photograph or image, social security number, medical or disability information;

Highly Sensitive Program

Statutory Law

50 U.S.C. § 435b(a)(4) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(4) The term "highly sensitive program" means—

(A) a government program designated as a Special Access Program (as that term is defined in section 4.1(h) of Executive Order 12958 [50 U.S.C. § 435 note] or any successor Executive order); or

(B) a government program that applies restrictions required for—

- (i) restricted data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)); or
- (ii) other information commonly referred to as "sensitive compartmented information".

Homeland Security

Statutory Law

50 U.S.C. Appx § 2152(11) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

- (11) Homeland security. The term "homeland security" includes efforts—
 - (A) to prevent terrorist attacks within the United States;
 - (B) to reduce the vulnerability of the United States to terrorism;
 - (C) to minimize damage from a terrorist attack in the United States; and
 - (D) to recover from a terrorist attack in the United States.

Hostilities

Statutory Law

10 U.S.C. § 948a(9) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

- (9) Hostilities. The term "hostilities" means any conflict subject to the laws of war.

Human Source

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (H) (Sept. 29, 2008)

A Confidential Human Source as defined in the Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources.

Imagery

Statutory Law

10 U.S.C. § 467(2) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(2) (A) The term "imagery" means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

10 U.S.C. § 467(3) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(3) The term "imagery intelligence" means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

Imagery Intelligence

Statutory Law

10 U.S.C. § 467(2) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(2) (A) The term "imagery" means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

10 U.S.C. § 467(3) (2010) (Title 10—Chapter 22: National Geospatial-Intelligence Agency)

In this chapter [10 U.S.C. §§ 441 et seq.]:

(3) The term "imagery intelligence" means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

Immigrant

Statutory Law

8 U.S.C. § 1101(a)(15) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A)

(i) an ambassador, public minister, or career diplomatic or an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758) [22 U.S.C. § 287 note];

(D)

(i) an alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, as defined in section 258(a) [8 U.S.C. § 1288(a)] (other than a fishing vessel having its home port or an operating base in the United States), or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam or the Commonwealth of the Northern Mariana Islands and solely in pursuit of his calling as a crewman and to depart from Guam or the Commonwealth of the Northern Mariana Island with the vessel on which he arrived;

(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him: (i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1) [8 U.S.C. § 1182(t)(1)];

(F) (i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(G) (i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family;

(iv) officers, or employees of such international organizations, and the members of their immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

(H) [Caution: For expiration of amendments made to this subparagraph by Act Nov. 12, 1999, P.L. 106-95, see § 2(e) of such Act, which appears as 8 U.S.C. § 1182 note.] an alien (i)(a) [Deleted] (b) subject to section 212(j)(2) [8 U.S.C. § 1182(j)(2)] who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) [8 U.S.C. § 1184(i)(1)] or as a fashion model, who meets the requirements for the occupation specified in section 214(i)(2) [8 U.S.C. § 1184(i)(2)] or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 212(n)(1) [8 U.S.C. § 1182(n)(1)], or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 214(g)(8)(A) [8 U.S.C. § 1184(g)(8)(A)], who is engaged in a specialty occupation described in section 214(i)(3) [8 U.S.C. § 1184(i)(3)], and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1) [8 U.S.C. § 1182(t)(1)], or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1) [8 U.S.C. § 1182(m)(1)], and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) [8 U.S.C. § 1182(m)(2)] for the facility (as defined in section 212(m)(6)) [8 U.S.C. § 1182(m)(6))] for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1986 [26 U.S.C. § 3121(g)], agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), and the pressing of apples for cider on a farm, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause

shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 212(j) [8 U.S.C. § 1182(j)], and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) subject to subsections (d) and (p) of section 214 [8 U.S.C. § 1184], an alien who—

(i) is the fiancée or fiancé of a citizen of the United States (other than a citizen described in section 204(a)(1)(A)(viii)(I) [8 U.S.C. § 1154(a)(1)(A)(viii)(I)]) and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

(ii) has concluded a valid marriage with a citizen of the United States (other than a citizen described in section 204(a)(1)(A)(viii)(I) [8 U.S.C. § 1154(a)(1)(A)(viii)(I)]) who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) [8 U.S.C. § 1151(b)(2)(A)(i)] that was filed under section 204 [8 U.S.C. § 1154] by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(L) subject to section 214(c)(2) [8 U.S.C. § 1184(c)(2)], an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M) (i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each non-immigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(N) (i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i) (or under analogous authority under paragraph (27)(L)), but only if and while the alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I) (or under analogous authority under paragraph (27)(L));

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability;

(ii) (I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events,

(II) is an integral part of such actual performance,

(III) (a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing longstanding working relationship or, with respect to the specific production, because significant production (including pre- and post-production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or

(iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who—

(i) (a) is described in section 214(c)(4)(A) [8 U.S.C. § 1184(c)(4)(A)] (relating to athletes), or (b) is described in section 214(c)(4)(B) [8 U.S.C. § 1184(c)(4)(B)] (relating to entertainment groups);

(ii) (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;

(iii) (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

(Q) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii);

(S) subject to section 214(k) [8 U.S.C. § 1184(k)], an alien—

(i) who the Attorney General determines—

(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(ii) who the Secretary of State and the Attorney General jointly determine—

(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 36(a) of the State Department Basic Authorities Act of 1956 [22 U.S.C. § 2708(a)],

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(T) (i) subject to section 214(o) [8 U.S.C. § 1184(o)], an alien who the Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security, in consultation with the Attorney General, determines—

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 [22 U.S.C. § 7102];

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking, including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking;

(III) (aa) has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime;

(bb) in consultation with the Attorney General, as appropriate, is unable to cooperate with a request described in item (aa) due to physical or psychological trauma; or

(cc) has not attained 18 years of age; and

(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien;

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; or

(III) any parent or unmarried sibling under 18 years of age of an alien described in subclause (I) or (II) who the Secretary of Homeland Security, in consultation with the law enforcement officer investigating a severe form of trafficking, determines faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

(iii) [Deleted]

(U)

(i) subject to section 214(p) [8 U.S.C. § 1184(p)], an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 214(q) [8 U.S.C. § 1184(q)], an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d) [8 U.S.C. § 1153(d)]) of a petition to accord a status under section 203(a)(2)(A) [8 U.S.C. § 1153(a)(2)(A)] that was filed with the Attorney General under section 204 [8 U.S.C. § 1154] on or before the date of the enactment of the Legal Immigration Family Equity Act [enacted Dec. 21, 2000], if—

(i) such petition has been pending for 3 years or more; or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 203(a)(2)(A) [8 U.S.C. § 1153(a)(2)(A)]; or

(II) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 245 [8 U.S.C. § 1255], pursuant to the approval of such petition, remains pending.

Immigrant Visa

Statutory Law

8 U.S.C. § 1101(a)(16) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(16) The term "immigrant visa" means an immigrant visa required by this Act and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this Act.

Immigration Judge

Statutory Law

8 U.S.C. § 1101(b)(4) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(b) As used in titles I and II [8 U.S.C. §§ 1101 et seq., 1151 et seq.]—

(4) The term "immigration judge" means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 240 [8 U.S.C. § 1229a]. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

Immigration Laws

Statutory Law

8 U.S.C. § 1101(a)(17) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(17) The term "immigration laws" includes this Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.

Immigration Officer

Statutory Law

8 U.S.C. § 1101(a)(18) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(18) The term "immigration officer" means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this Act or any section thereof.

Incite a Riot/To Organize, Promote, Encourage, Participate In, or Carry on a Riot

Statutory Law

18 U.S.C. § 2102(b) (2010) (Title 18—Chapter 102: Riots)

(b) As used in this chapter, the term "to incite a riot", or "to organize, promote, encourage, participate in, or carry on a riot", includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

NOTE: The term "riot," as used in this section, is defined in 18 U.S.C. § 2102(a) (2010) (Title 18—Chapter 102: Riots) ("(a) As used in this chapter, the term "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.").

Independent Regulatory Agency

Statutory Law

44 U.S.C. § 3502(5) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(5) the term "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Agency, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Regulatory Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

Independent States of the Former Soviet Union

Statutory Law

50 U.S.C. § 2302(2) (2010) (Title 50—Chapter 40: Defense Against Weapons of Mass Destruction)

In this title:

(2) The term "independent states of the former Soviet Union" has the meaning given that term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

Industrial Resources

Statutory Law

50 U.S.C. Appx § 2152(12) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(12) Industrial resources. The term "industrial resources" means materials, services, processes, or manufacturing equipment (including the processes,

technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial base.

Ineligible to Citizenship

Statutory Law

8 U.S.C. § 1101(a)(19) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(19) The term "ineligible to citizenship," when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time, permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76) [50 U.S.C. Appx. § 454(a)], or under any section of this Act, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

Informant

Statutory Law

50 U.S.C. § 426(6) (2010) (Title 50—Chapter 15: National Security-Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(6) The term "informant" means any individual who furnishes information to an intelligence agency in the course of a confidential relationship protecting the identity of such individual from public disclosure.

Information

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(s) (1995) (superseded)

“Information” means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government. ‘Control’ means the authority of the agency that originates information, or its successor in function, to regulate access to the information.

Information Resources

Statutory Law

44 U.S.C. § 3502(6) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(6) the term "information resources" means information and related resources, such as personnel, equipment, funds, and information technology;

Information Resources Management

Statutory Law

44 U.S.C. § 3502(7) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(7) the term "information resources management" means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

Information Security

Statutory Law

44 U.S.C. § 3532(b)(1) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter II: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3531 et seq.]—

(1) the term "information security" means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access;

44 U.S.C. § 3542(b)(1) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter III: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3541 et seq.]:

(1) The term "information security" means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

(C) availability, which means ensuring timely and reliable access to and use of information.

Information-Service Employee

Statutory Law

22 U.S.C. § 611(i) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(i) The term "information-service employee" includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

Information System

Statutory Law

44 U.S.C. § 3502(8) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(8) the term "information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

44 U.S.C. § 3532(b)(4) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter II: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3531 et seq.]—

(4) the term "information system" means any equipment or interconnected system or subsystems of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, and includes—

- (A) computers and computer networks;
- (B) ancillary equipment;
- (C) software, firmware, and related procedures;
- (D) services, including support services; and
- (E) related resources.

Information Technology

Statutory Law

44 U.S.C. § 3502(9) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(9) the term "information technology" has the meaning given that term in section 11101 of title 40 but does not include national security systems as defined in section 11103 of title 40;

44 U.S.C. § 3532(b)(3) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter II: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3531 et seq.]—

(3) the term "information technology" has the meaning given that term in section 11101 of title 40;

44 U.S.C. § 3542(b)(3) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter III: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3541 et seq.]:

(3) The term "information technology" has the meaning given that term in section 11101 of title 40.

Infraction

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(t) (1995) (superseded)

"Infraction" means any knowing, willful, or negligent action contrary to the requirements of this order or its implementing directives that does not constitute a 'violation,' as defined below.

Inspection

Statutory Law

44 U.S.C. § 2901(8) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(8) the term "inspection" means reviewing any Federal agency's records or records management practices or programs with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

Integral File Block

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(u) (1995) (superseded)

“Integral file block” means a distinct component of a file series, as defined in this section, that should be maintained as a separate unit in order to ensure the integrity of the records. An integral file block may consist of a set of records covering either a specific topic or a range of time such as presidential administration or a 5-year retirement schedule within a specific file series that is retired from active use as a group.

Integrity

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(v) (1995) (superseded)

“Integrity” means the state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.

Intelligence

Statutory Law

50 U.S.C. § 401a(1) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

- (1) The term "intelligence" includes foreign intelligence and counterintelligence.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(f) (2010)

Intelligence includes foreign intelligence and counterintelligence.

Intelligence Activities

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(g) (2010)

Intelligence activities means all activities that elements of the Intelligence Community are authorized to conduct pursuant to this order.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.13 (Dec. 1982): Intelligence Activities

Refers to all activities that DoD intelligence components are authorized to undertake pursuant to Executive Order 12333 (reference (a)).

The Attorney General's Guidelines for Domestic FBI Operations § VII (I) (Sept. 29, 2008)

Any activity conducted for intelligence purposes or to affect political or governmental processes by, for, or on behalf of a foreign power.

Intelligence Agency

Statutory Law

50 U.S.C. § 426(5) (2010) (Title 50—Chapter 15: National Security—Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(5) The term "intelligence agency" means the Central Intelligence Agency, a foreign intelligence component of the Department of Defense, or the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation.

Intelligence Community

Statutory Law

50 U.S.C. § 401a(4) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

- (4) The term "intelligence community" includes the following:
- (A) The Office of the Director of National Intelligence.
 - (B) The Central Intelligence Agency.
 - (C) The National Security Agency.
 - (D) The Defense Intelligence Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The National Reconnaissance Office.

(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

(J) The Office of Intelligence and Analysis of the Department of the Treasury.

(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

Administrative Law

*Executive Order 12333, United States Intelligence Activities, ¶
3.5(h) (2010)*

Intelligence Community and elements of the Intelligence Community refers to:

- (1) The Office of the Director of National Intelligence;
- (2) The Central Intelligence Agency;
- (3) The National Security Agency;
- (4) The Defense Intelligence Agency;
- (5) The National Geospatial-Intelligence Agency;
- (6) The National Reconnaissance Office;
- (7) The other offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (8) The intelligence and counterintelligence elements of the Army, the Navy, the Air Force, and the Marine Corps;
- (9) The intelligence elements of the Federal Bureau of Investigation;
- (10) The Office of National Security Intelligence of the Drug Enforcement Administration;
- (11) The Office of Intelligence and Counterintelligence of the Department of Energy;
- (12) The Bureau of Intelligence and Research of the Department of State;
- (13) The Office of Intelligence and Analysis of the Department of the Treasury;
- (14) The Office of Intelligence and Analysis of the Department of Homeland Security;

- (15) The intelligence and counterintelligence elements of the Coast Guard; and
- (16) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the Intelligence Community.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.14 (Dec. 1982): Intelligence Community and an Agency of Or Within the Intelligence Community

Refers to the following organizations:

- DL1.1.14.1. The Central Intelligence Agency (CIA).
- DL1.1.14.2. The National Security Agency (NSA).
- DL1.1.14.3. The Defense Intelligence Agency (DIA).
- DL1.1.14.4. The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs.
- DL1.1.14.5. The Bureau of Intelligence and Research of the Department of State.
- DL1.1.14.6. The intelligence elements of the Army, the Navy, the Air Force and the Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy.
- DL1.1.14.7. The staff elements of the Office of the Director of Central Intelligence.

Intelligence Related to National Security

Statutory Law

50 U.S.C. § 401a(5) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(5) The terms "national intelligence" and "intelligence related to national security" refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

(B) that involves—

(i) threats to the United States, its people, property, or interests;

(ii) the development, proliferation, or use of weapons of mass destruction;

or

(iii) any other matter bearing on United States national or homeland security.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(i) (2010)

National Intelligence and Intelligence Related to National Security means all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that pertains, as determined consistent with any guidance issued by the President, or that is determined for the purpose of access to information by the Director in accordance with section 1.3(a)(1) of this order, to pertain to more than one United States Government agency; and that involves threats to the United States, its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on United States national or homeland security.

Intended Spouse

Statutory Law

8 U.S.C. § 1101(a)(50) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(50) The term "intended spouse" means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III) [8 U.S.C. § 1154(a)(1)(A)(iii)(II)(aa)(BB), 1154(a)(1)(B)(ii)(II)(aa)(BB), or 1229b(b)(2)(A)(i)(III)].

Intercept

Statutory Law

18 U.S.C. § 2510(4) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(4) "intercept" means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.[]

Interception

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.3.2.2 (Dec. 1982): "Interception"

Interception means the acquisition by the United States Signals Intelligence system through electronic means of a nonpublic communication to which it is not an intended party, and the processing of the contents of that communication into an intelligible form, but not including the display of signals on visual display devices intended to permit the examination of the technical characteristics of the signals without reference to the information content carried by the signals.

International Narcotics Activities

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.15 (Dec. 1982): International Narcotics Activities

Refers to activities outside the United States to produce, transfer or sell narcotics or other substances controlled in accordance with Sections 811 and 812 of title 21, United States Code.

International Organization

Statutory Law

22 U.S.C. § 288 (Title 22—Chapter 7: International Bureaus, Congresses, Etc.: Privileges and Immunities of International Organizations)

For the purposes of this title, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such

privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

International Terrorism

Statutory Law

18 U.S.C. § 2331(1) (2010) (Title 18—Chapter 113B: Terrorism)

As used in this chapter [18 U.S.C. §§ 2331 et seq.] —

(1) the term "international terrorism" means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear 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; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

50 U.S.C. § 1801(c) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“International terrorism” means activities that—(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; (2) appear to be intended—(A) to intimidate or coerce a civilian population; (B) to influence the policy of a government by intimidation or coercion; or (C) to affect the conduct of a government by assassination or kidnapping; and (3) occur totally outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (J) (Sept. 29, 2008)

Activities that:

1. involve violent acts or acts dangerous to human life that violate federal, state, local, or tribal criminal law or would violate such law if committed within the United States or a state, local, or tribal jurisdiction;
2. appear 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 assassination or kidnapping; and
3. occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear to be intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

International Terrorist Activities

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.16 (Dec. 1982): International Terrorist Activities

Activities undertaken by or in support of terrorists or terrorist organizations that occur totally outside the United States, or that transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum.

Investigative or Law Enforcement Officer

Statutory Law

18 U.S.C. § 2510(7) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(7) "Investigative or law enforcement officer" means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this

chapter [18 U.S.C. §§ 2510 et seq.], and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

Involuntary Servitude

Statutory Law

22 U.S.C. § 7102(5) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(5) Involuntary servitude. The term "involuntary servitude" includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

Items of Proliferation Concern

Statutory Law

50 U.S.C. § 2902(3) (2010) (Title 50—Chapter 43: Preventing Weapons of Mass Destruction Proliferation and Terrorism)

In this title:

(3) The term "items of proliferation concern" means—

(A) equipment, materials, or technology listed in—

(i) the Trigger List of the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group;

(ii) the Annex of the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology of the Nuclear Suppliers Group; or

(iii) any of the Common Control Lists of the Australia Group; and

(B) any other sensitive items.

Judge of Competent Jurisdiction

Statutory Law

18 U.S.C. § 2510(9) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(9) "Judge of competent jurisdiction" means—

(a) a judge of a United States district court or a United States court of appeals;
and

(b) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire, oral, or electronic communications;

Judge of the United States

Statutory Law

*28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions
Applicable to Courts and Judges)*

As used in this title:

[...]

The term "judge of the United States" includes judges of the courts of appeals, district courts, Court of International Trade and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.

Judicial District

Statutory Law

*28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions
Applicable to Courts and Judges)*

As used in this title:

[...]

The terms "district" and "judicial district" mean the districts enumerated in Chapter 5 of this title [28 U.S.C. §§ 81 et seq.].

Justice of the United States

Statutory Law

*28 U.S.C. § 451 (2010) (Title 28—Chapter 21: General Provisions
Applicable to Courts and Judges)*

As used in this title:

[...]

The term "justice of the United States" includes the Chief Justice of the United States and the associate justices of the Supreme Court.

Law Enforcement Officer

Statutory Law

18 U.S.C. § 1515(a)(4) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(4) the term "law enforcement officer" means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant—

(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

(B) serving as a probation or pretrial services officer under this title;

Lawful Investigation

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.17 (Dec. 1982): Lawful Investigation

An investigation qualifies as a lawful investigation if the subject of the investigation is within DoD investigative jurisdiction; if it is conducted by a DoD Component that has authorization to conduct the particular type of investigation concerned (for example, counterintelligence, personnel security, physical security, communications security); and if the investigation is conducted in accordance with applicable law and policy, including E.O. 12333 and this Regulation.

Lawfully Admitted for Permanent Residence

Statutory Law

8 U.S.C. § 1101(a)(20) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

Legal and Law Enforcement Measures

Statutory Law

22 U.S.C. § 2291(e)(1) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(1) the term "legal and law enforcement measures" means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

License

Statutory Law

5 U.S.C. § 551(8) (2010) (Title 5—Chapter 5: Administrative Procedure)

“License” includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission.

Licensing

Statutory Law

5 U.S.C. § 551(9) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Licensing” includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license.

Mail Cover

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C8.2.3 (Dec. 1982): “Mail cover”

Mail cover means the process by which a record is made of any data appearing on the outside cover of any class of mail matter as permitted by law, other than that necessary for the delivery of mail or administration of the Postal Service.

Mail Examination

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C8.2.2 (Dec. 1982): “To examine mail”

To examine mail means to employ a mail cover with respect to such mail.

Mail within United States Postal Channels

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C8.2.1 (Dec. 1982): “Mail within United States Postal Channels”

Mail Within United States Postal Channels includes:

- C8.2.1.1. Mail while in transit within, among, and between the United States, its territories and possessions (including mail of foreign origin that is passed by a foreign postal administration, to the United States Postal Service for forwarding to a foreign postal administration under a postal treaty or convention, and mail temporarily in the hands of the United States Customs Service or the Department of Agriculture), Army-Air Force (APO) and Navy (FPO) post offices, and mail for delivery to the United Nations, NY; and
- C8.2.1.2. International mail enroute to an addressee in the United States or its possessions after passage to United States Postal Service from a foreign postal administration or enroute to an addressee abroad before passage to a foreign postal administration. As a rule, mail shall be considered in such postal channels until the moment it is delivered manually in the United States to the specific addressee named on the envelope, or his authorized agent.

Major Drug-Transit Country

Statutory Law

22 U.S.C. § 2291(e)(5) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(5) the term "major drug-transit country" means a country—

(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or

(B) through which are transported such drugs or substances[;]

Major Illicit Drug Producing Country

Statutory Law

22 U.S.C. § 2291(e)(2) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(2) the term "major illicit drug producing country" means a country in which—

(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;

(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or

(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;

Major Money Laundering Country

Statutory Law

22 U.S.C. § 2291(e)(7) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(7) the term "major money laundering country" means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking;

Major Non-NATO Ally

Statutory Law

22 U.S.C. § 2403(q) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(q) "Major non-NATO ally" means a country which is designated in accordance with section 517 [22 U.S.C. § 2321k] as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

Managerial Capacity

Statutory Law

8 U.S.C. § 1101(a)(44) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(44) (A) The term "managerial capacity" means an assignment within an organization in which the employee primarily—

(i) manages the organization, or a department, subdivision, function, or component of the organization;

(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

(B) The term "executive capacity" means an assignment within an organization in which the employee primarily—

(i) directs the management of the organization or a major component or function of the organization;

(ii) establishes the goals and policies of the organization, component, or function;

(iii) exercises wide latitude in discretionary decision-making; and

(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney General shall take

into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

Mandatory Declassification Review

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(w) (1995) (superseded)

“Mandatory declassification review” means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of this order.

Material

Statutory Law

44 U.S.C. § 2201(1) (2010) (Title 44—Chapter 22: Presidential Records)

As used in this chapter [44 U.S.C. §§ 2201 et seq.]—

(1) The term "documentary material" means all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audiovisual, or other electronic or mechanical recordings.

50 U.S.C. § 435a(f)(4) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information—Limitation on handling, retention, and storage of certain classified materials by the Department of State)

(f) Definitions. In this section:

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

50 U.S.C. Appx § 2152(13) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(13) Materials. The term "materials" includes—

(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

Members of a Mission

Statutory Law

22 U.S.C. § 254a(1) (2010) (Title 22—Chapter 6: Foreign Diplomatic and Consular Officers)

As used in this Act—

(1) the term "members of a mission" means—

(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,

(B) members of the administrative and technical staff of a mission, and

(C) members of the service staff of a mission,

as such terms are defined in Article 1 of the Vienna Convention;

Military Departments

Statutory Law

10 U.S.C. § 101(a)(6-8) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(6) The term "department", when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

(7) The term "executive part of the department" means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

(8) The term "military departments" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

Military Education and Training

Statutory Law

22 U.S.C. § 2403(n) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(n) "Military education and training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

Military Objective

Statutory Law

10 U.S.C. § 950p(a)(1)(2010) (Title 10—Chapter 47A: Military Commissions)

(a) Definitions. In this subchapter [10 U.S.C. §§ 950p et seq.]:

(1) The term "military objective" means combatants and those objects during hostilities which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

Military Tactical Communication

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.3.2.3 (Dec. 1982): "Military tactical communication"

Military tactical communications means United States and allied military exercise communications within the United States and abroad necessary for the production of simulated foreign intelligence and counterintelligence or to permit an analysis of communications security.

Minimization Procedures

Statutory Law

50 U.S.C. § 1801(h) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Minimization procedures,” with respect to electronic surveillance, means—(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purpose and technique of the particular surveillance, to minimize the acquisition and retention, and prohibit the dissemination, of non-publicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information; (2) procedures that require that non-publicly available information, which is not foreign intelligence information, as defined in subsection (e)(1), shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; (3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes; and (4) notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 102(a) [50 U.S.C. § 1802(a)], procedures that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 72 hours unless a court order under section 105 [50 U.S.C. § 1805] is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

50 U.S.C. § 1821 (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter B: Physical Searches)

(4) "Minimization procedures" with respect to physical search, means—

(A) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1) of this Act [50 U.S.C. § 1801(e)(1)], shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand such foreign intelligence information or assess its importance;

(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has

been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes; and

(D) notwithstanding subparagraphs (A), (B), and (C), with respect to any physical search approved pursuant to section 302(a) [50 U.S.C. § 1822(a)], procedures that require that no information, material, or property of a United States person shall be disclosed, disseminated, or used for any purpose or retained for longer than 72 hours unless a court order under section 304 [50 U.S.C. § 1824] is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

Minimum Standards for the Elimination of Trafficking

Statutory Law

22 U.S.C. § 7102(6) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(6) Minimum standards for the elimination of trafficking. The term "minimum standards for the elimination of trafficking" means the standards set forth in section 108 [22 U.S.C. § 7106].

Misleading Conduct

Statutory Law

18 U.S.C. § 1515(a)(3) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(3) the term "misleading conduct" means—

(A) knowingly making a false statement;

(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;

(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

(E) knowingly using a trick, scheme, or device with intent to mislead;

Missile

Statutory Law

22 U.S.C. § 2797c(a)(1) (2010) (Title 22—Chapter 39: Arms Export Control: Control of Missiles and missile Equipment or Technology)

(a) In general. For purposes of this chapter [22 U.S.C. §§ 2797 et seq.]—

(1) the term "missile" means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems;

Missile Technology Control Regime

Statutory Law

22 U.S.C. § 2797c(a)(2) (2010) (Title 22—Chapter 39: Arms Export Control: Control of Missiles and missile Equipment or Technology)

(a) In general. For purposes of this chapter [22 U.S.C. §§ 2797 et seq.]—

(2) the term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto;

Mission

Statutory Law

22 U.S.C. § 254a(3) (2010) (Title 22—Chapter 6: Foreign Diplomatic and Consular Officers)

As used in this Act—

(3) the term "mission" includes missions within the meaning of the Vienna Convention and any missions representing foreign governments, individually or collectively, which are extended the same privileges and immunities, pursuant to law, as are enjoyed by missions under the Vienna Convention;

Monitoring “within the United States”

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C6.2.2 (Dec. 1982): Monitoring “within the United States”

Monitoring is within the United States if the monitoring device, or the target of the monitoring, is located within the United States.

Motor Vehicle Record

Statutory Law

18 U.S.C. § 2725(1) (2010) (Title 18—Chapter 123: Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records)

In this chapter [18 U.S.C. §§ 2721 et seq.]—

(1) "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

Multiple Sources

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(x) (1995) (superseded)

“Multiple sources” means two or more source documents, classification guides, or a combination of both.

Narcotic and Psychotropic Drugs and Other Controlled Substances

Statutory Law

22 U.S.C. § 2291(e)(3) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned;

National

Statutory Law

8 U.S.C. § 1101(a)(21) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(21) The term "national" means a person owing permanent allegiance to a state.

National Archives of the United States

Statutory Law

44 U.S.C. § 2901(11) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(11) the term "National Archives of the United States" means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Archivist for deposit in his custody;

National Defense

Statutory Law

50 U.S.C. Appx § 2152(14) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(14) National defense. The term "national defense" means programs for military and energy production or construction, military or critical infrastructure assistance to any foreign nation, homeland security, stockpiling, space, and any directly related activity. Such term includes emergency preparedness activities

conducted pursuant to title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. §§ 5195 et seq.] and critical infrastructure protection and restoration.

National-Defense Material

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "national-defense material" include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuff, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

National-Defense Premises

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "national-defense premises" include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

National-Defense Utilities

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "national-defense utilities" include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever,

whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which air, water, or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any national-defense premises or to the Armed Forces of the United States.

National Intelligence

Statutory Law

50 U.S.C. § 401a(5) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(5) The terms "national intelligence" and "intelligence related to national security" refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

(B) that involves—

(i) threats to the United States, its people, property, or interests;

(ii) the development, proliferation, or use of weapons of mass destruction;

or

(iii) any other matter bearing on United States national or homeland security.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(i) (2010)

National Intelligence and Intelligence Related to National Security means all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that pertains, as determined consistent with any guidance issued by the President, or that is determined for the purpose of access to information by the Director in accordance with section 1.3(a)(1) of this order, to pertain to more than one United States Government agency; and that involves threats to the United States, its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on United States national or homeland security.

National Intelligence Program

Statutory Law

50 U.S.C. § 401a(6) (2010) (Title 50—Chapter 15: National Security—Subchapter A: Coordination for National Security)

As used in this Act:

(6) The term "National Intelligence Program" refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(j) (2010)

The National Intelligence Program means all programs, projects, and activities of the Intelligence Community, as well as any other programs of the Intelligence Community designated jointly by the Director and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

National of the United States

Statutory Law

8 U.S.C. § 1101(a)(22) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(22) The term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

National Security

Statutory Law

10 U.S.C. § 948a(8) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(8) National security. The term "national security" means the national defense and foreign relations of the United States.

18 U.S.C. Appx § 1(b) (2010) (Title 18—Appendix: Classified Information Procedures Act)

"National security", as used in this Act, means the national defense and foreign relations of the United States.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(y) (1995) (superseded)

"National security" means the national defense or foreign relations of the United States.

National Security Laboratory

Statutory Law

50 U.S.C. § 2471(1) (2010) (Title 50—Chapter 41: National Nuclear Security Administration)

For purposes of this title:

(1) The term "national security laboratory" means any of the following:

(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

National Security System

Statutory Law

44 U.S.C. § 3532(b)(2) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter II: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3531 et seq.]—

(2) the term "national security system" means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, the function, operation, or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves command and control of military forces;

(D) involves equipment that is an integral part of a weapon or weapons system; or

(E) is critical to the direct fulfillment of military or intelligence missions provided that this definition does not apply to a system that is used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications);

44 U.S.C. § 3542(b)(2) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter III: Information Security)

[NOTE: While Subchapter III (44 U.S.C. §§ 3541 et seq.) is in effect Subchapter II [44 U.S.C. §§ 3531 et seq.] shall not apply.]

(b) Additional definitions. As used in this subchapter [44 U.S.C. §§ 3541 et seq.]:

(2) (A) The term "national security system" means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

(i) the function, operation, or use of which—

(I) involves intelligence activities;

(II) involves cryptologic activities related to national security;

(III) involves command and control of military forces;

(IV) involves equipment that is an integral part of a weapon or weapons system; or

(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

Naturalization

Statutory Law

8 U.S.C. § 1101(a)(23) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(23) The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

Need-To-Know

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(z) (1995) (superseded)

“Need-to-know” means a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

Network

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(aa) (1995) (superseded)

“Network” means a system of two or more computers that can exchange data or information.

Noncombatant Service

Statutory Law

8 U.S.C. § 1101(a)(25) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(25) The term "noncombatant service" shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

Nonhumanitarian, Nontrade-Related Foreign Assistance

Statutory Law

22 U.S.C. § 7102(7) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(7) Nonhumanitarian, nontrade-related foreign assistance. The term "nonhumanitarian, non-trade-related foreign assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act [22 U.S.C. §§ 2346 et seq.] in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act [22 U.S.C. §§ 2151 et seq.];

(ii) assistance under chapter 8 of part I of that Act [22 U.S.C. §§ 2291 et seq.];

(iii) any other narcotics-related assistance under part I of that Act [22 U.S.C. §§ 2151 et seq.] or under chapter 4 or 5 [of] part II of that Act [22 U.S.C. §§ 2346 et seq. or 2347 et seq.], but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act [22 U.S.C. § 2394-1];

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act [22 U.S.C. §§ 2292 et seq.];

(v) antiterrorism assistance under chapter 8 of part II of that Act [22 U.S.C. §§ 2349aa et seq.];

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act [22 U.S.C. §§ 2191 et seq.], relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. § 2394-1].

Nonimmigrant Visa

Statutory Law

8 U.S.C. § 1101(a)(26) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(26) The term "nonimmigrant visa" means a visa properly issued to an alien as an eligible non-immigrant by a competent officer as provided in this Act.

Nuclear Weapons Production Facility

Statutory Law

50 U.S.C. § 2471(2) (2010) (Title 50—Chapter 41: National Nuclear Security Administration)

For purposes of this title:

(2) The term "nuclear weapons production facility" means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

Officer

Statutory Law

10 U.S.C. § 101(b)(1-5) (2010) (Title 10—Chapter 1: Definitions)

(b) Personnel generally. The following definitions relating to military personnel apply in this title:

(1) The term "officer" means a commissioned or warrant officer.

(2) The term "commissioned officer" includes a commissioned warrant officer.

(3) The term "warrant officer" means a person who holds a commission or warrant in a warrant officer grade.

(4) The term "general officer" means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

(5) The term "flag officer" means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

50 U.S.C. § 426(7) (2010) (Title 50—Chapter 15: National Security-Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(7) The terms "officer" and "employee" have the meanings given such terms by section 2104 and 2105, respectively, of title 5, United States Code.

Official Proceeding

Statutory Law

18 U.S.C. § 1515(a)(1) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(1) the term "official proceeding" means—

(A) a proceeding before a judge or court of the United States, a United States magistrate [United States magistrate judge], a bankruptcy judge, a judge of the United States Tax Court, a special trial judge of the Tax Court, a judge of the United States Claims Court [United States Court of Federal Claims], or a Federal grand jury;

(B) a proceeding before the Congress;

(C) a proceeding before a Federal Government agency which is authorized by law; or

(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;

Oral Communication

Statutory Law

18 U.S.C. § 2510(2) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(2) "oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

Order

Statutory Law

5 U.S.C. § 551(6) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Order” means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing.

NOTE: “Rule making” is defined in 5 U.S.C. § 551(5) (Title 5—Chapter 5: Administrative Procedure) (“Rule Making’ means agency process for formulating, amending, or repealing a rule.”). “Rule” is defined in 5 U.S.C. § 551(4) (2010) (Title 5—Chapter 5: Administrative Procedure) (“Rule’ means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing.”).

Order of Deportation

Statutory Law

8 U.S.C. § 1101(a)(47) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(47) (A) The term "order of deportation" means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

(B) The order described under subparagraph (A) shall become final upon the earlier of—

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

Organization

Statutory Law

8 U.S.C. § 1101(a)(28) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(28) The term "organization" means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.2 (Dec. 1982): "Organization"

The term organization includes corporations and other commercial organizations, academic institutions, clubs, professional societies, associations, and any other group whose existence is formalized in some manner or otherwise functions on a continuing basis.

Organization within the United States

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.3 (Dec. 1982): "Organization within the United States"

An organization within the United States means all organizations physically located within the geographical boundaries of the United States whether or not they constitute a United States persons. Thus, a branch, subsidiary, or office of an organization within the United States, which is physically located outside the United States, is not considered as an organization within the United States.

Original Classification

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(bb) (1995) (superseded)

"Original classification" means an initial determination that information requires, in the interest of the national security, protection against unauthorized disclosure.

Original Classification Authority

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(cc) (1995) (superseded)

“Original classification authority” means an individual authorized in writing, either by the President, the Vice President in the performance of executive duties, or by agency heads or other officials designated by the President, to classify information in the first instance.

Outlying Possessions of the United States

Statutory Law

8 U.S.C. § 1101(a)(29) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

Overt

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C2.2.4 (Dec. 1982): “Overt”

Overt means refers to methods of collection whereby the source of the information being collected is advised, or is otherwise aware, that he is providing such information to the Department of Defense or a component thereof.

Parent

Statutory Law

8 U.S.C. § 1101(b)(2) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(b) As used in titles I and II [8 U.S.C. §§ 1101 et seq., 1151 et seq.]—

(2) The terms "parent," "father," or "mother" mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in (1) above, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) and paragraph (1)(G)(i) in the case of a child born out of wedlock

described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

Participation

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.4 (Dec. 1982): "Participation"

Participation refers to any action undertaken within the structure or framework of the organization involved. Such actions include serving as a representative or agent of the organization; acquiring membership; attending meetings not open to the public, including social functions for the organization as a whole; carrying out the work or functions of the organization; and contributing funds to the organization other than in payment for goods or services. Actions taken outside the organizational framework, however, do not constitute participation. Thus, attendance at meetings or social gatherings that involve organization members, but are not functions or activities of the organization itself does not constitute participation.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.5 (Dec. 1982): "Participation on behalf of an agency within the intelligence community"

Participation is on behalf of an agency within the intelligence community when an employee is tasked or requested to take action within an organization for the benefit of such agency. Such employee may already be a member of the organization or may be asked to join. Actions undertaken for the benefit of an intelligence agency include collecting information, identifying potential sources or contacts, or establishing and maintaining cover. If a cooperating source furnishes information to an intelligence agency that he or she obtained by participation within an organization, but was not given prior direction or tasking by the intelligence agency to collect such information, then such participation was not on behalf of such agency.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C10.2.6 (Dec. 1982): "Participation solely for personal purposes"

Participation is solely for personal purposes, if undertaken at the initiative and expense of the employee for the employee's benefit.

Passport

Statutory Law

8 U.S.C. § 1101(a)(30) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

Pattern of Activities

Statutory Law

50 U.S.C. § 426(10) (2010) (Title 50—Chapter 15: National Security--Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(10) The term "pattern of activities" requires a series of acts with a common purpose or objective.

Pattern of Racketeering Activity

Statutory Law

18 U.S.C. § 1961(5) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Pen Register

Statutory Law

18 U.S.C. § 3127(3) (Title 18—Chapter 206: Pen Registers and Trap and Trace Devices)

As used in this chapter [18 U.S.C. §§ 3121 et seq.]—

(3) the term "pen register" means a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the

contents of any communication, but such term does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

Penalty

Statutory Law

44 U.S.C. § 3502(14) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(14) the term "penalty" includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit.

Periodic Reinvestigations

Statutory Law

50 U.S.C. § 435b(a)(7) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(7) The term "periodic reinvestigations" means investigations conducted for the purpose of updating a previously completed background investigation—

(A) every 5 years in the case of a top secret clearance or access to a highly sensitive program;

(B) every 10 years in the case of a secret clearance; or

(C) every 15 years in the case of a Confidential Clearance.

Permanent

Statutory Law

8 U.S.C. § 1101(a)(31) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent

even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

Person

Statutory Law

8 U.S.C. § 1101(b)(3) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(b) As used in titles I and II [8 U.S.C. §§ 1101 et seq., 1151 et seq.]—

(3) The term "person" means an individual or an organization.

8 U.S.C. § 1101(c)(2) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(c) As used in title III [8 U.S.C. §§ 1401 et seq.]—

(2) The terms "parent," "father," and "mother" include in the case of a posthumous child a deceased parent, father, and mother.

18 U.S.C. § 1961(3) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property;

18 U.S.C. § 2331(3) (2010) (Title 18—Chapter 113B: Terrorism)

As used in this chapter [18 U.S.C. §§ 2331 et seq.] —

(3) the term "person" means any individual or entity capable of holding a legal or beneficial interest in property;

18 U.S.C. § 2510(6) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(6) "person" means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

22 U.S.C. § 611(a) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals;

22 U.S.C. § 2797c(a)(8) (2010) (Title 22—Chapter 39: Arms Export Control: Control of Missiles and missile Equipment or Technology)

(a) In general. For purposes of this chapter [22 U.S.C. §§ 2797 et seq.]—

(8) (A) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

(B) in the case of countries with non-market economies (excluding former members of the Warsaw Pact), the term "person" means—

(i) all activities of that government relating to the development or production of any missile equipment or technology; and

(ii) all activities of that government affecting the development or production of electronics, space systems or equipment, and military aircraft;

44 U.S.C. § 1501 (2010) (Title 44—Chapter 15: Federal Register and Code of Federal Regulations)

As used in this chapter [44 U.S.C. §§ 1501 et seq.], unless the context otherwise requires—

"person" means an individual, partnership, association, or corporation;

44 U.S.C. § 3502(10) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(10) the term "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

50 U.S.C. Appx § 2152(15) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(15) Person. The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal

successor or representative thereof, or any State or local government or agency thereof.

Personal Information

Statutory Law

18 U.S.C. § 2725(3) (2010) (Title 18—Chapter 123: Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records)

In this chapter [18 U.S.C. §§ 2721 et seq.]—

(3) "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.[];

Personal Records

Statutory Law

44 U.S.C. § 2201(3) (2010) (Title 44—Chapter 22: Presidential Records)

As used in this chapter [44 U.S.C. §§ 2201 et seq.]—

(3) The term "personal records" means all documentary materials, or any reasonably segregable portion thereof [thereof], of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President's own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

Personnel Security

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.18 (Dec. 1982): Personnel Security

Measures designed to insure that persons employed, or being considered for employment, in sensitive positions of trust are suitable for such employment with respect to loyalty, character, emotional stability, and reliability and that such employment is clearly consistent with the interests of the national security. It includes measures designed to ensure that persons granted access to classified information remain suitable for such access and that access is consistent with the interests of national security.

Personnel Security Investigation

Statutory Law

50 U.S.C. § 435b(a)(6) (2010) (Title 50—Chapter 15: National Security--Subchapter F: Access to Classified Information)

(a) Definitions. In this section:

(6) The term "personnel security investigation" means any investigation required for the purpose of determining the eligibility of any military, civilian, or government contractor personnel to access classified information.

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.19 (Dec. 1982): Personnel Security Investigation

- DL1.1.19.1. An inquiry into the activities of a person granted access to intelligence or other classified information; or a person who is being considered for access to intelligence or other classified information, including persons who are granted or may be granted access to facilities of DoD intelligence components; or a person to be assigned or retained in a position with sensitive duties. *emsp* [sic]; The investigation is designed to develop information pertaining to the suitability, eligibility, and trustworthiness of the individual with respect to loyalty, character, emotional stability and reliability.
- DL1.1.19.2. Inquiries and other activities directed against DoD employees or members of a Military Service to determine the facts of possible voluntary or involuntary compromise of classified information by them.

- DL1.1.19.3. The collection of information about or from military personnel in the course of tactical training exercises for security training purposes.

Physical Force

Statutory Law

18 U.S.C. § 1515(a)(2) (2010) (Title 18—Chapter 73: Obstruction of Justice)

(a) As used in sections 1512 and 1513 of this title [18 U.S.C. §§ 1512 and 1513] and in this section—

(2) the term "physical force" means physical action against another, and includes confinement;

Physical Search

Statutory Law

50 U.S.C. § 1821 (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter B: Physical Searches)

(5) "Physical search" means any physical intrusion within the United States into premises or property (including examination of the interior of property by technical means) that is intended to result in a seizure, reproduction, inspection, or alteration of information, material, or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, but does not include (A) "electronic surveillance", as defined in section 101(f) of this Act [50 U.S.C. § 1801(f)], or (B) the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101(f) of this Act [50 U.S.C. § 1801(f)].

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C7.2 (Dec. 1982)

Physical search means any intrusion upon a person or a person's property or possessions to obtain items of property or information. The term does not include examination of areas that are in plain view and visible to the unaided eye if no physical trespass is undertaken, and does not include examinations of abandoned property left in a public place. The term also does not include any

intrusion authorized as necessary to accomplish lawful electronic surveillance conducted pursuant to Parts 1 and 2 of Procedure 5.

Physical Security

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.20 (Dec. 1982): Physical Security

The physical measures taken to prevent unauthorized access to, and prevent the damage or loss of, equipment, facilities, materiel and documents; and measures undertaken to protect DoD personnel from physical threats to their safety.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C9.2 (Dec. 1982)

The term physical surveillance means a systematic and deliberate observation of a person by any means on a continuing basis, or the acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance.

Physical Security Investigation

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.21 (Dec. 1982): Physical Security Investigation

All inquiries, inspections, or surveys of the effectiveness of controls and procedures designed to provide physical security; and all inquiries and other actions undertaken to obtain information pertaining to physical threats to DoD personnel or property.

Political Activities

Statutory Law

22 U.S.C. § 611(o) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(o) The term "political activities" means any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or

official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party;

Political Consultant

Statutory Law

22 U.S.C. § 611(p) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(p) The term "political consultant" means any person who engages in informing or advising any other person with reference to the domestic or foreign policies of the United States or the political or public interest, policies, or relations of a foreign country or of a foreign political party.

Possessions

Statutory Law

10 U.S.C. § 101(a)(3) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(3) The term "possessions" includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Commonwealth.

Practical Utility

Statutory Law

44 U.S.C. § 3502(11) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(11) the term "practical utility" means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

Precursor Chemical

Statutory Law

22 U.S.C. § 2291(e)(6) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(6) the term "precursor chemical" has the same meaning as the term "listed chemical" has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 802(33));

Presidential Records

Statutory Law

44 U.S.C. § 2201(2) (2010) (Title 44—Chapter 22: Presidential Records)

As used in this chapter [44 U.S.C. §§ 2201 et seq.]—

(2) The term "Presidential records" means documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term—

(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e) of title 5, United States Code; (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Statutory Law

50 U.S.C. § 2902(1) (2010) (Title 50—Chapter 43: Preventing Weapons of Mass Destruction Proliferation and Terrorism)

In this title:

(1) The terms "prevention of weapons of mass destruction proliferation and terrorism" and "prevention of WMD proliferation and terrorism" include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2729) [unclassified];

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

Prints

Statutory Law

22 U.S.C. § 611(n) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(n) The term "prints" means newspapers and periodicals, books, pamphlets, sheet music, visiting cards, address cards, printing proofs, engravings, photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter;

Privileged Belligerent

Statutory Law

10 U.S.C. § 948a(6) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(6) Privileged belligerent. The term "privileged belligerent" means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

10 U.S.C. § 948a(7) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(7) Unprivileged enemy belligerent. The term "unprivileged enemy belligerent" means an individual (other than a privileged belligerent) who—

(A) has engaged in hostilities against the United States or its coalition partners;

(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

(C) was a part of al Qaeda at the time of the alleged offense under this chapter [10 U.S.C. §§ 948a et seq.].

Proceeding Before an Agency of the United States

Statutory Law

5 U.S.C. § 551(12) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Agency Proceeding” means an agency process defined as rulemaking, adjudication, or licensing.

18 U.S.C. § 6001(3) (2010) (Title 18—Chapter 601: Immunity of Witnesses)

As used in this chapter [18 U.S.C. §§ 6001 et seq.]—

(3) "proceeding before an agency of the United States" means any proceeding before such an agency with respect to which it is authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath;

Profession

Statutory Law

8 U.S.C. § 1101(a)(32) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(32) The term "profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

Proprietary

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (K) (Sept. 29, 2008)

A sole proprietorship, partnership, corporation, or other business entity operated on a commercial basis, which is owned, controlled, or operated wholly or in part on behalf of the FBI, and whose relationship with the FBI is concealed from third parties.

Protected Person

Statutory Law

10 U.S.C. § 950p(a)(2)(2010) (Title 10—Chapter 47A: Military Commissions)

(a) Definitions. In this subchapter [10 U.S.C. §§ 950p et seq.]:

(2) The term "protected person" means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

Protected Property

Statutory Law

10 U.S.C. § 950p(a)(3)(2010) (Title 10—Chapter 47A: Military Commissions)

(a) Definitions. In this subchapter [10 U.S.C. §§ 950p et seq.]:

(3) The term "protected property" means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

Public Information

Statutory Law

44 U.S.C. § 3502(12) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(12) the term "public information" means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;

Public-Relations Counsel

Statutory Law

22 U.S.C. § 611(g) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(g) The term "public-relations counsel" includes any person who engages directly or indirectly in informing, advising or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal;

Publicly Available

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (L) (Sept. 29, 2008)

Information that has been published or broadcast for public consumption, is available on request to the public, is accessible online or otherwise to the public, is available to the public by subscription or purchase, could be seen or heard by any casual observer, is made available at a meeting open to the public, or is obtained by visiting any place or attending any event that is open to the public.

Publicity Agent

Statutory Law

22 U.S.C. § 611(h) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(h) The term "publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or

pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise;

Questionable Activity

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C15.2.1 (Dec. 1982): "Questionable Activity"

The term "questionable activity," as used herein, refers to any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive order or Presidential directive, including E.O. 12333 (reference (a)), or applicable DoD policy, including this Regulation.

Racketeering Activity

Statutory Law

18 U.S.C. § 1961(1) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act [21 U.S.C. § 802]), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 [18 U.S.C. § 201] (relating to bribery), section 224 [18 U.S.C. § 224] (relating to sports bribery), sections 471, 472, and 473 [18 U.S.C. §§ 471, 472, and 473] (relating to counterfeiting), section 659 [18 U.S.C. § 659] (relating to theft from interstate shipment) if the act indictable under section 659 [18 U.S.C. § 659] is felonious, section 664 [18 U.S.C. § 664] (relating to embezzlement from pension and welfare funds), sections 891-894 [18 U.S.C. §§ 891 through 894] (relating to extortionate credit transactions), section 1028 [18 U.S.C. § 1028] (relating to fraud and related activity in connection with identification documents), section 1029 [18 U.S.C. § 1029] (relating to fraud and related activity in connection with access devices), section 1084 [18 U.S.C. § 1084] (relating to the transmission of gambling information), section 1341 [18 U.S.C. § 1341] (relating to mail fraud), section 1343 [18 U.S.C. § 1343] (relating to wire fraud), section 1344 [18 U.S.C. § 1344] (relating to financial institution fraud), section 1425 [18 U.S.C. § 1425] (relating to the procurement of citizenship or nationalization unlawfully), section 1426 [18 U.S.C. § 1426] (relating to the reproduction of naturalization or citizenship papers), section 1427 [18 U.S.C. §

1427] (relating to the sale of naturalization or citizenship papers), sections 1461-1465 [18 U.S.C. §§ 1461 through 1465] (relating to obscene matter), section 1503 [18 U.S.C. § 1503] (relating to obstruction of justice [influencing or injuring officer or juror generally]), section 1510 [18 U.S.C. § 1510] (relating to obstruction of criminal investigations), section 1511 [18 U.S.C. § 1511] (relating to the obstruction of State or local law enforcement), section 1512 [18 U.S.C. § 1512] (relating to tampering with a witness, victim, or an informant), section 1513 [18 U.S.C. § 1513] (relating to retaliating against a witness, victim, or an informant), section 1542 [18 U.S.C. § 1542] (relating to false statement in application and use of passport), section 1543 [18 U.S.C. § 1543] (relating to forgery or false use of passport), section 1544 [18 U.S.C. § 1544] (relating to misuse of passport), section 1546 [18 U.S.C. § 1546] (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 [18 U.S.C. §§ 1581-1592] (relating to peonage, slavery, and trafficking in persons)[.], section 1951 [18 U.S.C. § 1951] (relating to interference with commerce, robbery, or extortion), section 1952 [18 U.S.C. § 1952] (relating to racketeering), section 1953 [18 U.S.C. § 1953] (relating to interstate transportation of wagering paraphernalia), section 1954 [18 U.S.C. § 1954] (relating to unlawful welfare fund payments), section 1955 [18 U.S.C. § 1955] (relating to the prohibition of illegal gambling businesses), section 1956 [18 U.S.C. § 1956] (relating to the laundering of monetary instruments), section 1957 [18 U.S.C. § 1957] (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 [18 U.S.C. § 1958] (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 [18 U.S.C. § 1960] (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 [18 U.S.C. §§ 2251, 2251A, 2252, and 2260] (relating to sexual exploitation of children), sections 2312 and 2313 [18 U.S.C. §§ 2312 and 2313] (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 [18 U.S.C. §§ 2314 and 2315] (relating to interstate transportation of stolen property), section 2318 [18 U.S.C. § 2318] (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 [18 U.S.C. § 2319] (relating to criminal infringement of a copyright), section 2319A [18 U.S.C. § 2319A] (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 [18 U.S.C. § 2320] (relating to trafficking in goods or services bearing counterfeit marks), section 2321 [18 U.S.C. § 2321] (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 [18 U.S.C. §§ 2431 through 2346] (relating to trafficking in contraband cigarettes), sections 2421-24 [18 U.S.C. §§ 2421 through 24] (relating to white slave traffic), sections 175-178 [18 U.S.C. §§ 175-178] (relating to biological weapons), sections 229-229F [18 U.S.C. §§ 229-229F] (relating to chemical weapons), section 831 [18 U.S.C. § 831] (relating to nuclear materials), (C) an act which is indictable under title 29, United States Code, section 186 [18 U.S.C. § 186] (dealing with restrictions on payments and loans to labor organizations) or section 501(c) [18 U.S.C. § 501(c)] (relating to embezzlement from union funds), (D) any offense involving fraud connected with

a case under title 11 (except a case under section 157 of this title [18 U.S.C. § 157]), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act [21 U.S.C. § 802]), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 [8 U.S.C. § 1324] (relating to bringing in and harboring certain aliens), section 277 [8 U.S.C. § 1327] (relating to aiding or assisting certain aliens to enter the United States), or section 278 [8 U.S.C. § 1328] (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B) [18 U.S.C. § 2332b(g)(5)(B)];

Racketeering Investigation

Statutory Law

18 U.S.C. § 1961(8) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter [18 U.S.C. §§ 1961 et seq.] or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter [18 U.S.C. §§ 1961 et seq.];

Racketeering Investigator

Statutory Law

18 U.S.C. § 1961(7) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter [18 U.S.C. §§ 1961 et seq.];

Readily Accessible to the General Public

Statutory Law

18 U.S.C. § 2510(16) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(16) "readily accessible to the general public" means, with respect to a radio communication, that such communication is not—

(A) scrambled or encrypted;

(B) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;

(C) carried on a subcarrier or other signal subsidiary to a radio transmission;

(D) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or

(E) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;

Reasonable Belief

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.22 (Dec. 1982): Reasonable Belief

A reasonable belief arises when the facts and circumstances are such that a reasonable person would hold the belief. Reasonable belief must rest on facts and circumstances that can be articulated; "hunches" or intuitions are not sufficient. Reasonable belief can be based on experience, training, and knowledge in foreign intelligence or counterintelligence work applied to facts and circumstances at hand, so that a trained and experienced "reasonable person" might hold a reasonable belief sufficient to satisfy this criterion when someone unfamiliar with foreign intelligence or counterintelligence work might not.

Record

Statutory Law

44 U.S.C. § 1501 (2010) (Title 44—Chapter 15: Federal Register and Code of Federal Regulations)

As used in this chapter [44 U.S.C. §§ 1501 et seq.], unless the context otherwise requires—

"document" means a Presidential proclamation or Executive order and an order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency;

44 U.S.C. § 2901(1) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(1) the term "records" has the meaning given it by section 3301 of this title;

44 U.S.C. § 3301 (2010) (Title 44—Chapter 33: Disposal of Records)

As used in this chapter [44 U.S.C. §§ 3301 et seq.], "records" includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

44 U.S.C. § 3315(3) (2010) (Title 44—Chapter 33: Disposal of Records)

For purposes of this section and section 3316 through section 3324 of this title [44 U.S.C. §§ 3316-3324]—

(3) the term "records and documents" shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(o) (1995) (superseded)

“Document” means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

Executive Order 12958, Classified National Security Information, ¶ 6.1(dd) (1995) (superseded)

“Records” means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

The Attorney General's Guidelines for Domestic FBI Operations § VII (M) (Sept. 29, 2008)

Any records, databases, files, indices, information systems, or other retained information.

Recordkeeping Requirement

Statutory Law

44 U.S.C. § 3502(13) (2010) (Title 44—Chapter 35: Coordination of Federal Information Policy—Subchapter I: Federal Information Policy)

As used in this subchapter [44 U.S.C. §§ 3501 et seq.]—

(13) the term "recordkeeping requirement" means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

- (A) retain such records;
- (B) notify third parties, the Federal Government, or the public of the existence of such records;
- (C) disclose such records to third parties, the Federal Government, or the public; or
- (D) report to third parties, the Federal Government, or the public regarding such records;

Records Center

Statutory Law

44 U.S.C. § 2901(6) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(6) the term "records center" means an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

Records Creation

Statutory Law

44 U.S.C. § 2901(3) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(3) the term "records creation" means the production or reproduction of any record;

Records Disposition

Statutory Law

44 U.S.C. § 2901(5) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(5) the term "records disposition" means any activity with respect to—

(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

(B) transfer of records to Federal agency storage facilities or records centers;

(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

Records Having Permanent Historical Value

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(ee) (1995) (superseded)

“Records having permanent historical value” means Presidential papers or Presidential records and the records of an agency that the Archivist has determined should be maintained permanently in accordance with title 44, United States Code.

Records Maintenance and Use

Statutory Law

44 U.S.C. § 2901(4) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

- (4) the term "records maintenance and use" means any activity involving—
- (A) location of records of a Federal agency;
 - (B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;
 - (C) processing of mail by a Federal agency; or
 - (D) selection and utilization of equipment and supplies associated with records and copying;

Records Management

Statutory Law

44 U.S.C. § 2901(2) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

- (2) the term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition

in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations;

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(ff) (1995) (superseded)

“Records management” means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.

Records Management Study

Statutory Law

44 U.S.C. § 2901(7) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(7) the term "records management study" means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

Refugee

Statutory Law

8 U.S.C. § 1101(a)(42) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(42) The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances

as the President after appropriate consultation (as defined in section 207(e) of this Act [8 U.S.C. § 1157(e)]) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

Registration Statement

Statutory Law

22 U.S.C. § 611(k) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(k) The term "registration statement" means the registration statement required to be filed with the Attorney General under section 2(a) hereof [22 U.S.C. § 612(a)], and any supplements thereto required to be filed under section 2(b) hereof [22 U.S.C. § 612(b)], and includes all documents and papers required to be filed therewith or amendatory thereof or supplemental thereto, whether attached thereto or incorporated therein by reference;

Relief

Statutory Law

5 U.S.C. § 551(11) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Relief” includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception;
or

(C) taking of other action on the application or petition of, and beneficial to, a person.

Remote Computing Service

Statutory Law

18 U.S.C. § 2711(2) (2010) (Title 18—Chapter 121: Stored Wire and Electronic Communications and Transactional Records Access)

As used in this chapter [18 U.S.C. §§ 2701 et seq.]—

(2) the term "remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system;

Reserve Components

Statutory Law

10 U.S.C. § 101(c) (2010) (Title 10—Chapter 1: Definitions)

(c) Reserve components. The following definitions relating to the reserve components apply in this title:

(1) The term "National Guard" means the Army National Guard and the Air National Guard.

(2) The term "Army National Guard" means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is a land force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(3) The term "Army National Guard of the United States" means the reserve component of the Army all of whose members are members of the Army National Guard.

(4) The term "Air National Guard" means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(5) The term "Air National Guard of the United States" means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(6) The term "reserve", with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

(7) The term "reserve active-status list" means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title [10 U.S.C. § 14002]) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.

Residence

Statutory Law

8 U.S.C. § 1101(a)(33) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(33) The term "residence" means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

Restricted Data

Statutory Law

50 U.S.C. § 2471(4) (2010) (Title 50—Chapter 41: National Nuclear Security Administration)

For purposes of this title:

(4) The term "Restricted Data" has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Retention

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C3.2 (Dec. 1982)

The term "retention," as used in this procedure, refers only to the maintenance of information about United States persons that can be retrieved by reference to the person's name or other identifying data.

Riot

Statutory Law

18 U.S.C. § 2102(a) (2010) (Title 18—Chapter 102: Riots)

(a) As used in this chapter, the term "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

18 U.S.C. § 2102(b) (2010) (Title 18—Chapter 102: Riots)

(b) As used in this chapter, the term "to incite a riot", or "to organize, promote, encourage, participate in, or carry on a riot", includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

Rule

Statutory Law

5 U.S.C. § 551(4) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Rule” means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

Rulemaking

Statutory Law

5 U.S.C. § 551(5) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Rule Making” means agency process for formulating, amending, or repealing a rule.

NOTE: "Rule" is defined in 5 U.S.C. § 551(4) (2010) (Title 5—Chapter 5: Administrative Procedure) (“Rule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing.”).

Sabotage

Statutory Law

50 U.S.C. § 1801(d) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Sabotage” means activities that involve a violation of chapter 105 of title 18, United States Code [18 U.S.C. §§ 2151 *et seq.*], or that would involve such a violation if committed against the United States.

Safeguarding

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(gg) (1995) (superseded)

“Safeguarding” means measures and controls that are prescribed to protect classified information.

Sanction

Statutory Law

5 U.S.C. § 551(10) (2010) (Title 5—Chapter 5: Administrative Procedure)

“Sanction” includes the whole or a part of an agency—

- (A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;
- (B) withholding of relief;
- (C) imposition of penalty or fine;
- (D) destruction, taking, seizure, or withholding of property;
- (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;
- (F) requirement, revocation, or suspension of a license; or
- (G) taking other compulsory or restrictive action.

Self-Inspection

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(hh) (1995) (superseded)

“Self-inspection” means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under this order and its implementing directives.

Sending State

Statutory Law

22 U.S.C. § 4302(a)(6) (2010) (Title 22—Chapter 53: Authorities Relating to the Regulation of Foreign Missions)

(a) For purposes of this title—

(6) "sending State" means the foreign government, territory, or political entity represented by a foreign mission;

Senior Agency Official

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(ii) (1995) (superseded)

“Senior agency official” means the official designated by the agency head under section 5.4(d) of this order to direct and administer the agency's program under which information is classified, safeguarded, and declassified.

Senior Executive Service Position

Statutory Law

5 U.S.C. § 3132(2) (2010) (Title 5—Chapter 31: Authority for Employment)

(2) "Senior Executive Service position" means any position in an agency which is classified above GS-15 pursuant to section 5108 [5 U.S.C. § 5108] or in level IV or V of the Executive Schedule, or an equivalent position, which is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and in which an employee—

(A) directs the work of an organizational unit;

(B) is held accountable for the success of one or more specific programs or projects;

(C) monitors progress toward organizational goals and periodically evaluated and makes appropriate adjustments to such goals;

(D) supervises the work of employees other than personal assistants; or

(E) otherwise exercises important policy-making, policy-determining, or other executive functions;

but does not include—

(i) any position in the Foreign Service of the United States; or

(ii) an administrative law judge position under section 3105 of this title [5 U.S.C. § 3105];

(iii) [Deleted]

Sensitive Compartmented Information (SCI) Level

Statutory Law

50 U.S.C. § 435a(f)(5) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information—Limitation on handling, retention, and storage of certain classified materials by the Department of State)

(f) Definitions. In this section:

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

Sensitive Investigative Matter

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (N) (Sept. 29, 2008)

An investigative matter involving the activities of a domestic public official or political candidate (involving corruption or a threat to the national security), religious or political organization or individual prominent in such an organization, or news media, or any other matter which, in the judgment of the official authorizing an investigation, should be brought to the attention of FBI Headquarters and other Department of Justice officials.

Sensitive Monitoring Circumstance

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (O) (Sept. 29, 2008)

1. investigation of a member of Congress, a federal judge, a member of the Executive Branch at Executive Level IV or above, or a person who has served in such capacity within the previous two years;
2. investigation of the Governor, Lieutenant Governor, or Attorney General of any state or territory, or a judge or justice of the highest court of any state or territory, concerning an offense involving bribery, conflict of interest, or extortion related to the performance of official duties;
3. a party to the communication is in the custody of the Bureau of Prisons or the United States Marshals Service or is being or has been afforded protection in the Witness Security Program; or
4. the Attorney General, the Deputy Attorney General, or an Assistant Attorney General has requested that the FBI obtain prior approval for the use of consensual monitoring in a specific investigation.

Services

Statutory Law

50 U.S.C. Appx § 2152(16) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(16) Services. The term "services" includes any effort that is needed for or incidental to—

(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item;

(B) the construction of facilities;

(C) the movement of individuals and property by all modes of civil transportation; or

(D) other national defense programs and activities.

Servicing

Statutory Law

44 U.S.C. § 2901(9) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(9) the term "servicing" means making available for use information in records and other materials in the custody of the Archivist, or in a records center—

(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

Severe Forms of Trafficking in Persons

Statutory Law

22 U.S.C. § 7102(8) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(8) Severe forms of trafficking in persons. The term "severe forms of trafficking in persons" means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Severe Mental Pain or Suffering

Statutory Law

18 U.S.C. § 2340(2) (2010) (Title 18—Chapter 113C: Torture)

As used in this chapter [18 U.S.C. §§ 2340 et seq.]—

(2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality;

Sex Trafficking

Statutory Law

22 U.S.C. § 7102(9) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(9) Sex trafficking. The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Signals Intelligence

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.23 (Dec. 1982): Signals Intelligence

A category of intelligence including communications intelligence, electronic intelligence, and foreign instrumentation signals intelligence, either individually or in combination.

Small Business Concern

Statutory Law

50 U.S.C. Appx § 2152(17) (2010) (Title 50—Appendix: Defense Production Act of 1950)

[NOTE: See 50 U.S.C. Appx § 2166(a) for information regarding the termination of this section.]

For purposes of this Act [50 U.S.C. Appx. §§ 2061 et seq.], the following definitions shall apply:

(17) Small business concern. The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act [15 U.S.C. § 632(a)] and the regulations promulgated pursuant to that section, and includes such business concerns owned and controlled by socially and economically disadvantaged individuals or by women.

Source Document

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(jj) (1995) (superseded)

“Source document” means an existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.

Special Access Program

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(kk) (1995) (superseded)

“Special access program” means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

Special Agent in Charge

Administrative Law

The Attorney General’s Guidelines for Domestic FBI Operations § VII (P) (Sept. 29, 2008)

The Special Agent in Charge of an FBI field office (including an Acting Special Agent in Charge), except that the functions authorized for Special Agents in

Charge by these Guidelines may also be exercised by the Assistant Director in Charge or by any Special Agent in Charge designated by the Assistant Director in Charge in an FBI field office headed by an Assistant Director, and by FBI Headquarters officials designated by the Director of the FBI.

Special Events Management

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (Q) (Sept. 29, 2008)

Planning and conduct of public events or activities whose character may make them attractive targets for terrorist attack.

Special Immigrant

Statutory Law

8 U.S.C. § 1101(a)(27) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(27) The term "special immigrant" means—

(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III [8 U.S.C. §§ 1435(a) or 1438], apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant's spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before September 30, 2012, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before September 30, 2012, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. § 501(c)(3)]) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3(a)(1) of the Panama Canal Act of 1979 [22 U.S.C. § 3602(a)(1)]) enters into force, who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I) (i) an immigrant who is the unmarried son or of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the

seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after the date of enactment of the Immigration Technical Corrections Act of 1988 [enacted Oct. 24, 1988], whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after the date of enactment of the Immigration Technical Corrections Act of 1988 [enacted Oct. 24, 1988], whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994 [enacted Oct. 25, 1994], whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;

(J) an immigrant who is present in the United States—

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that—

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant;

(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a non-immigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the "Protocol on the Status of International Military Headquarters" set up pursuant to the North Atlantic Treaty, or as a dependent); and

(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998[; or]

(M) subject to the numerical limitations of section 203(b)(4) [8 U.S.C. § 1153(b)(4)], an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.

Spouse

Statutory Law

8 U.S.C. § 1101(a)(35) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(35) The term [terms] "spouse," "wife," or "husband" do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

State

Statutory Law

8 U.S.C. § 1101(a)(36) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(36) The term "State" includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

18 U.S.C. § 1961(2) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

18 U.S.C. § 2510(3) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(3) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

18 U.S.C. § 3077(5) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(5) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States;

22 U.S.C. § 7102(10) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(10) State. The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

50 U.S.C. § 438(7) (2010) (Title 50—Chapter 15: National Security—Subchapter F: Access to Classified Information)

For purposes of this title [50 U.S.C. §§ 435 et seq.]—

(7) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and any other possession of the United States;

State, Local, or Tribal

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (R) (Sept. 29, 2008)

Any state or territory of the United States or political subdivision thereof, the District of Columbia, or Indian tribe.

Stowaway

Statutory Law

8 U.S.C. § 1101(a)(49) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(49) The term "stowaway" means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.

Substantial

Statutory Law

8 U.S.C. § 1101(a)(45) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(45) The term "substantial" means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

Suspension

Statutory Law

5 U.S.C. § 7501(2) (2010) (Title 5—Chapter 75: Adverse Actions—Subchapter I: Suspension for 14 Days or Less)

“Suspension” means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay.

Systematic Declassification Review

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(l) (1995) (superseded)

“Systematic declassification review” means the review for declassification of classified information contained in records that have been determined by the Archivist to have permanent historical value in accordance with title 44, United States Code.

Task Force

Statutory Law

22 U.S.C. § 7102(11) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(11) Task force. The term "Task Force" means the Interagency Task Force to Monitor and Combat Trafficking established under section 105 [22 U.S.C. § 7103].

Technical Surveillance Countermeasures

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.4.2 (Dec. 1982): Explanation of Undefined Terms

The term technical surveillance countermeasures refers to activities authorized pursuant to DoD Directive 5200.29 (reference (c)), and, as used in this procedure, refers to the use of electronic surveillance equipment, or electronic or mechanical devices, solely for determining the existence and capability of electronic surveillance equipment being used by persons not authorized to conduct electronic surveillance, or for determining the susceptibility of electronic equipment to unlawful electronic surveillance.

Telecommunications

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(mm) (1995) (superseded)

“Telecommunications” means the preparation, transmission, or communication of information by electronic means.

Threat to the National Security

Administrative Law

The Attorney General’s Guidelines for Domestic FBI Operations § VII (S) (Sept. 29, 2008)

1. international terrorism;
2. espionage and other intelligence activities, sabotage, and assassination, conducted by, for, or on behalf of foreign powers, organizations, or persons;
3. foreign computer intrusion; and
4. other matters determined by the Attorney General, consistent with Executive Order 12333 or a successor order.

Torture

Statutory Law

18 U.S.C. § 2340(1) (2010) (Title 18—Chapter 113C: Torture)

As used in this chapter [18 U.S.C. §§ 2340 et seq.]—

(1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

Totalitarian Party

Statutory Law

8 U.S.C. § 1101(a)(37) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(37) The term "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

Trade

Statutory Law

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "to trade," as used herein, shall be deemed to mean—

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

(d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

(e) To have any form of business or commercial communication or intercourse with.

Transfer

Statutory Law

18 U.S.C. § 4101(j) (2010) (Title 18—Chapter 306: Transfer to or from Foreign Countries)

As used in this chapter [18 U.S.C. §§ 4100 et seq.] the term—

(j) "transfer" means a transfer of an individual for the purpose of the execution in one country of a sentence imposed by the courts of another country;

Trap and Trace Device

Statutory Law

18 U.S.C. § 3127(4) (Title 18—Chapter 206: Pen Registers and Trap and Trace Devices)

As used in this chapter [18 U.S.C. §§ 3121 et seq.]—

(4) the term "trap and trace device" means a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;

Unauthenticated Copies

Statutory Law

44 U.S.C. § 2901(10) (2010) (Title 44—Chapter 29: Records Management by the Archivist of the United States and by the Administrator of General Services)

As used in this chapter [44 U.S.C. §§ 2901 et seq.], and chapters 21, 25, 31, and 33 of this title [44 U.S.C. §§ 2101 et seq., 2501 et seq., 3101 et seq., and 3301 et seq.]—

(10) the term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence;

Unauthorized Disclosure

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(nn) (1995) (superseded)

"Unauthorized disclosure" means a communication or physical transfer of classified information to an unauthorized recipient.

Uniformed Services

Statutory Law

10 U.S.C. § 101(a)(5) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(5) The term "uniformed services" means—

(A) the armed forces;

(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

(C) the commissioned corps of the Public Health Service.

United States

Statutory Law

8 U.S.C. § 1101(a)(38) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(38) The term "United States," except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

10 U.S.C. § 101(a)(1) (2010) (Title 10—Chapter 1: Definitions)

(a) In general. The following definitions apply in this title:

(1) The term "United States", in a geographic sense, means the States and the District of Columbia.

18 U.S.C. § 2340(3) (2010) (Title 18—Chapter 113C: Torture)

As used in this chapter [18 U.S.C. §§ 2340 et seq.]—

(3) "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

18 U.S.C. § 3077(4) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(4) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States;

22 U.S.C. § 611(m) (2010) (Title 22—Chapter 11: Foreign Agents and Propaganda: Registration of Foreign Propagandists)

As used in and for the purposes of this Act—

(m) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, [including the Philippine Islands,] and all other places now or hereafter subject to the civil or military jurisdiction of the United States;

22 U.S.C. § 4302(a)(7) (2010) (Title 22—Chapter 53: Authorities Relating to the Regulation of Foreign Missions)

(a) For purposes of this title—

(7) "United States" means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

22 U.S.C. § 7102(12) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(12) United states. The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

28 U.S.C. § 1603(c) (2010) (Title 28—Chapter 97: Jurisdictional Immunities of Foreign States)

For purposes of this chapter [28 U.S.C. §§ 1602 et seq.]—

(c) The "United States" includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

50 U.S.C. § 426(9) (2010) (Title 50—Chapter 15: National Security-Subchapter D: Protection of Certain National Security Information)

For the purposes of this title [50 U.S.C. §§ 421 et seq.]:

(9) The term "United States", when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

50 U.S.C. § 1801(j) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

"United States," when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

50 U.S.C. Appx § 2 (2010) (Title 50—Appendix: Trading with the Enemy Act of 1917)

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.24 (Dec. 1982): United States

When used to describe a place, the term shall include the territories under the sovereignty of the United States.

The Attorney General's Guidelines for Domestic FBI Operations § VII (T) (Sept. 29, 2008)

When used in a geographic sense, means all areas under the territorial sovereignty of the United States.

United States Assistance

Statutory Law

22 U.S.C. § 2291(e)(4) (2010) (Title 22—Chapter 32: Foreign Assistance: International Development: International Narcotics Control)

(e) Definitions. For purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—

(4) the term "United States assistance" means—

(A) any assistance under this Act (including programs under title IV of chapter 2 [22 U.S.C. §§ 2191 et seq.], relating to the Overseas Private Investment Corporation), other than—

(i) assistance under this chapter,

(ii) any other narcotics-related assistance under this part [22 U.S.C. §§ 2151 et seq.] (including chapter 4 of part II [22 U.S.C. §§ 2346 et seq.]), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act [22 U.S.C. § 2394-1],

(iii) disaster relief assistance, including any assistance under chapter 9 of this part [22 U.S.C. §§ 2292 et seq.],

(iv) assistance which involves the provision of food (including monetization of food) or medicine, and

(v) assistance for refugees;

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the provision of agricultural commodities, other than food, under the Food for Peace Act [7 U.S.C. §§ 1691 et seq.]; and

(D) financing under the Export-Import Bank Act of 1945;

United States Person

Statutory Law

18 U.S.C. § 3077(2) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(2) "United States person" means—

(A) a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(B) an alien lawfully admitted for permanent residence in the United States as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(C) any person within the United States;

(D) any employee or contractor of the United States Government, regardless of nationality, who is the victim or intended victim of an act of terrorism by virtue of that employment;

(E) a sole proprietorship, partnership, company, or association composed principally of nationals or permanent resident aliens of the United States; and

(F) a corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States, and a foreign subsidiary of such corporation;

50 U.S.C. § 1801 (i) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

"United States person" means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act [8 U.S.C. § 1101(a)(20)]), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a)(1), (2), or (3).

Administrative Law

Executive Order 12333, United States Intelligence Activities, ¶ 3.5(k) (2010)

United States person means a United States citizen, an alien known by the intelligence element concerned to be a permanent resident alien, 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.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ DL1.1.25 (Dec. 1982): United States Person

DL1.1.25.1. The term "United States person" means:

- DL1.1.25.1.1. A United States citizen;
- DL1.1.25.1.2. An alien known by the DoD intelligence component concerned to be a permanent resident alien;
- DL1.1.25.1.3. An unincorporated association substantially composed of United States citizens or permanent resident aliens;
- DL1.1.25.1.4. A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

DL1.1.25.2. A person or organization outside the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained. An alien in the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained.

DL1.1.25.3. A permanent resident alien is a foreign national lawfully admitted into the United States for permanent residence.

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.3.2.4 (Dec. 1982): SIGINT Guidelines for Determining whether a person is a "United States Person."

For purposes of signals intelligence activities only, the following guidelines will apply in determining whether a person is a United States person:

- C5.3.2.4.1. Person Known to be Currently in the United States
 - A person known to be currently in the United States will be treated as a United States person unless the nature of the person's communications or other available information concerning the person gives rise to a reasonable belief that such person is not a United States citizen or permanent resident alien.
- C5.3.2.4.2. Person Known to be Currently Outside the United States
 - A person known to be currently outside the United States, or whose location is not known, will not be treated as a United States person unless the nature of the person's communications or other available information concerning the person give rise to a reasonable belief that such person is a United States citizen or permanent resident alien.
- C5.3.2.4.3. Circumstances in which a Person Known to be an Alien Admitted for Permanent Residence may be assumed to have lost status as a United States Person

- A person known to be an alien admitted for permanent residence may be assumed to have lost status as a United States person if the person leaves the United States and it is known that the person is not in compliance with the administrative formalities provided by law that enable such persons to reenter the United States without regard to the provisions of law that would otherwise restrict an alien's entry into the United States. The failure to follow the statutory procedures provides a reasonable basis to conclude that such alien has abandoned any intention of maintaining status as a permanent resident alien.
- C5.3.2.4.4. Unincorporated Association whose Headquarters are located outside the United States
 - An unincorporated association whose headquarters are located outside the United States may be presumed not to be a United States person unless the collecting agency has information indicating that a substantial number of members are citizens of the United States or aliens lawfully admitted for permanent residence.

The Attorney General's Guidelines for Domestic FBI Operations § VII (U) (Sept. 29, 2008)

Any of the following, but not including any association or corporation that is a foreign power as defined in Subpart G.1.3.:

1. an individual who is a United States citizen or an alien lawfully admitted for permanent residence;
2. an unincorporated association substantially composed of individuals who are United States persons; or
3. a corporation incorporated in the United States.

In applying paragraph 2., if a group or organization in the United States that is affiliated with a foreign-based international organization operates directly under the control of the international organization and has no independent program or activities in the United States, the membership of the entire international organization shall be considered in determining whether it is substantially composed of United States persons. If, however, the U.S.-based group or organization has programs or activities separate from, or in addition to, those directed by the international organization, only its membership in the United States shall be considered in determining whether it is substantially composed of United States persons. A classified directive provides further guidance concerning the determination of United States person status.

United States Property

Statutory Law

18 U.S.C. § 3077(3) (2010) (Title 18—Chapter 204: Rewards for Information Concerning Terrorist Acts and Espionage)

As used in this chapter [18 U.S.C. §§ 3071 et seq.], the term—

(3) "United States property" means any real or personal property which is within the United States or, if outside the United States, the actual or beneficial ownership of which rests in a United States person or any Federal or State governmental entity of the United States;

United States Signals Intelligence System

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.3.2.5 (Dec. 1982): "United States Signals Intelligence System"

United States Signals Intelligence System means the unified organization for signals intelligence activities under the direction of the Director, National Security Agency/Chief, Central Security Service, comprised of the National Security Agency, the Central Security Service, the components of the Military Services authorized to conduct signals intelligence and such other entities (other than the Federal Bureau of Investigation) as are authorized by the National Security Council or the Secretary of Defense to conduct signals intelligence. FBI activities are governed by procedures promulgated by the Attorney General.

Unlawful Debt

Statutory Law

18 U.S.C. § 1961(6) (2010) (Title 18—Chapter 96: Racketeer Influenced and Corrupt Organizations)

As used in this chapter [18 U.S.C. §§ 1961 et seq.]—

(6) "unlawful debt" means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

Unmarried

Statutory Law

8 U.S.C. § 1101(a)(39) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(39) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

Unprivileged Enemy Belligerent

Statutory Law

10 U.S.C. § 948a(7) (Title 10—Chapter 47A: Military Commissions)

In this chapter [10 U.S.C. §§ 948a et seq.]:

(7) Unprivileged enemy belligerent. The term "unprivileged enemy belligerent" means an individual (other than a privileged belligerent) who—

(A) has engaged in hostilities against the United States or its coalition partners;

(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

(C) was a part of al Qaeda at the time of the alleged offense under this chapter [10 U.S.C. §§ 948a et seq.].

NOTE: Compare with the definition of "privileged belligerent" codified at 10 U.S.C. § 948a(6) (Title 10—Chapter 47A: Military Commissions) ("In this chapter [10 U.S.C. §§ 948a et seq.]: (6) Privileged belligerent. The term "privileged belligerent" means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.").

Use

Administrative Law

The Attorney General's Guidelines for Domestic FBI Operations § VII (V) (Sept. 29, 2008)

When used with respect to human sources, means obtaining information from, tasking, or otherwise operating such sources.

User

Statutory Law

18 U.S.C. § 2510(13) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

- (13) "user" means any person or entity who—
- (A) uses an electronic communication service; and
 - (B) is duly authorized by the provider of such service to engage in such use;

Value

Statutory Law

22 U.S.C. § 2403(m) (2010) (Title 22—Chapter 32: Foreign Assistance: general and Administrative Provisions)

As used in this Act—

(m) "Value" means—

(1) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 632(d) [22 U.S.C. § 2392(d)] such actual value shall not be taken into account;

(2) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

(3) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article;

(4) with respect to a defense service, the cost to the United States Government of such service; and

(5) with respect to military education and training or services provided under chapter 8 of part II of this Act [22 U.S.C. §§ 2349aa et seq.], the additional costs that are incurred by the United States Government in furnishing such assistance.

Victim of a Severe Form of Trafficking

Statutory Law

22 U.S.C. § 7102(13) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(13) Victim of a severe form of trafficking. The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (8).

Victim of Trafficking

Statutory Law

22 U.S.C. § 7102(14) (2010) (Title 22: Foreign Relations and Intercourse—Chapter 78: Trafficking Victims Protection)

In this division:

(14) Victim of trafficking. The term "victim of trafficking" means a person subjected to an act or practice described in paragraph (8) or (9).

Vienna Convention on Diplomatic Relations

Statutory Law

22 U.S.C. § 254a(4) (2010) (Title 22—Chapter 6: Foreign Diplomatic and Consular Officers)

As used in this Act—

(4) the term "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227), entered into force with respect to the United States on December 13, 1972.

Violation

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(00) (1995) (superseded)

"Violation" means:

(1) any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information;

(2) any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of this order or its implementing directives; or

(3) any knowing, willful, or negligent action to create or continue a special access program contrary to the requirements of this order.

Vulnerability Survey

Administrative Law

Department of Defense Regulation 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect U.S. Persons, ¶ C5.7.2.1 (Dec. 1982): "Vulnerability Survey"

The term vulnerability survey refers to the acquisition of radio frequency propagation and its subsequent analysis to determine empirically the vulnerability of the transmission media to interception by foreign intelligence services.

War Material

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "war material" include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

War Premises

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "war premises" include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.

War Utilities

Statutory Law

18 U.S.C. § 2151 (Title 18—Chapter 105: Sabotage)

As used in this chapter [18 U.S.C. §§ 2151 et seq.]:

The words "war utilities" include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf,

pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.

Weapons of Mass Destruction

Statutory Law

50 U.S.C. § 1801(p) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Weapon of mass destruction” means—(1) any explosive, incendiary, or poison gas device that is designed, intended, or has the capability to cause a mass casualty incident; (2) any weapon that is designed, intended, or has the capability to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors; (3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability to cause death, illness, or serious bodily injury to a significant number of persons; or (4) any weapon that is designed, intended, or has the capability to release radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.

50 U.S.C. § 2302(1) (2010) (Title 50—Chapter 40: Defense Against Weapons of Mass Destruction)

In this title:

(1) The term "weapon of mass destruction" means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

- (A) toxic or poisonous chemicals or their precursors;
- (B) a disease organism; or
- (C) radiation or radioactivity.

50 U.S.C. § 2902(2) (2010) (Title 50—Chapter 43: Preventing Weapons of Mass Destruction Proliferation and Terrorism)

In this title:

(2) The terms "weapons of mass destruction" and "WMD" mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials used in the manufacture of such weapons.

Administrative Law

Executive Order 12958, Classified National Security Information, ¶ 6.1(pp) (1995) (superseded)

“Weapons of mass destruction” means chemical, biological, radiological, and nuclear weapons.

Wire Communications

Statutory Law

18 U.S.C. § 2510(1) (Title 18—Chapter 119: Wire and Electronic Communications Interception and Interception of Oral Communications)

As used in this chapter [18 U.S.C. §§ 2510 et seq.]—

(1) "wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce;

50 U.S.C. § 1801(l) (2010) (Title 50—Chapter 36: Foreign Intelligence Surveillance—Subchapter A: Electronic Surveillance)

“Wire communication” means any communication while it is being carried by a wire, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.

World Communism

Statutory Law

8 U.S.C. § 1101(a)(40) (2010) (Title 8—Chapter 12: Immigration and Nationality)

(a) As used in this Act—

(40) The term "world communism" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.