



Procedure 8

Searches of Mail

and the Use of Mail Covers



Agenda

- **Applicability**
- **Definitions**
- **Key changes to Procedure 8**
- **Questions**



Applicability of Procedure 8 Searches of Mail and Use of Mail Covers

This procedure applies to non-consensual searches of the mail, including the opening or other examinations of the content, in the U.S. and abroad, and the use of mail covers by components of the Defense Intelligence Community.



Key Definitions

- **Mail search.**
 - **Non-consensual physical search of the content of all classes of mailed items.**
- **Mail in USPS channels.**
 - **Mail while in transit within, among, and between the United States (including mail of foreign origin), the Military Postal Service Agency, Army or Air Force Post Offices and Fleet Post Offices, and mail for delivery to the United Nations, New York.**
 - **Mail in USPS channels includes international mail in transit to an addressee in the United States or international mail in transit before passage to a foreign postal administration.**
 - **Mail is in transit until it is physically delivered to the specific addressee in the United States who is named on the envelope or his or her authorized agent.**



Key Definitions

- **Mail cover.**
 - The non-consensual recording of any data appearing on the outside cover of any sealed or unsealed mail matter.
 - A mail cover does not include opening or examination of sealed mail.



Changes for Mail Searches

- Previously limited to searching only 2nd, 3rd, or 4th class mail.
- Searches of the mail directed against **active duty military personnel** for FI or CI purposes **require the component to obtain a FISA warrant IAW Proc 7.(c).**
- Searches of the mail directed against U.S. Persons that are not active duty military for FI or CI purposes **require a FISA warrant and must be conducted by the FBI IAW Proc 7.(d).**



Changes for Mail Searches

- **CI elements of the Military Services may search the mail of U.S. Persons or non-U.S. Persons outside the U.S. if –**
 - **For authorized FI or CI purpose**
 - **Appropriate CIA coordination**
 - **FISA warrant**
 - **Comply with host nation law, SOFA, or international agreement.**
- **Authority to request searches- Only SECDEF, DEPSECDEF, the USD (I), the Under Secretary of a MILDEP, DIRNSA/CHCSS, DR/DIA, DR/NGA. DR/NRO may seek approval for a FISA warrant.**



Changes in Mail Covers

- **DICs may request the USPS use a mail cover for FI or CI purposes IAW Section 233.3(e)(2) of Title 39 Code of Federal Regulations.**
- **A mail cover for mail in a foreign postal system must consider foreign law and applicable SOFA.**



Searches of Mail and the Use of Mail Covers

Questions?