



## DOD DIRECTIVE 5148.13

### INTELLIGENCE OVERSIGHT

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<b>Originating Component:</b>	Office of the Deputy Chief Management Officer of the Department of Defense
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<b>Releasability:</b>	Cleared for public release. Available on the DoD Issuances Website at <a href="http://www.dtic.mil/whs/directives">http://www.dtic.mil/whs/directives</a> .
<b>Incorporates and Cancels:</b>	Directive-type Memorandum 08-052, "DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters," June 17, 2009, as amended  Procedures 14-15 of DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons," December 7, 1982, as amended
<b>Approved by:</b>	Robert O. Work, Deputy Secretary of Defense

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**Purpose:** In accordance with the direction in the July 11 and December 23, 2014, Deputy Secretary of Defense Memorandums and consistent with DoD Directives (DoDDs) 5105.82 and 5148.11, this issuance:

- Establishes policies, assigns responsibilities, and provides procedures for employee conduct and identifying, investigating, and reporting questionable intelligence activities (QIAs) and significant or highly sensitive matters (S/HSMs).
- Prescribes the intelligence oversight responsibilities and functions, relationships, and authorities of the DoD Senior Intelligence Oversight Official (SIOO).
- Prescribes the responsibilities and relationships of the Under Secretary of Defense for Intelligence, the General Counsel of the Department of Defense (GC DoD), and the DoD Component heads regarding intelligence oversight.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (referred to collectively in this issuance as the “DoD Components”).

b. Anyone acting on behalf of a DoD Component when conducting intelligence or intelligence-related activities under DoD authorities.

c. Nothing in this issuance will be construed to preclude, supersede, or limit the existing authorities and policies governing reporting of criminal or counterintelligence matters to the Defense Criminal Investigative Organizations and Military Department Counterintelligence Organizations.

### 1.2. POLICY.

a. Based on the sensitivity of intelligence oversight authorities and responsibilities and the commitment of DoD senior leadership to ensuring continuing independent oversight of intelligence and intelligence-related activities, the DoD SIOO has direct access to the Secretary of Defense and the Deputy Secretary of Defense, as circumstances require.

b. Appropriate senior leaders and policymakers within the Executive Branch and congressional defense and intelligence committees must be notified of events that may erode public trust in the conduct of DoD intelligence activities.

c. An activity or conduct that qualifies as either a QIA or S/HSM is reportable under Section 4 without waiting for substantiation, completion of an investigation, formal adjudication, or final resolution of the issue.

d. Intelligence and intelligence-related activities reportable to the DoD SIOO are not limited to those that concern U.S. persons.

e. Nothing in this issuance should be construed as impinging upon the authorities or independence of the Inspector General of the Department of Defense (IG DoD) or of any other statutory inspector general (IG), as provided by Title 5, U.S.C. Appendix, as amended, also known as and referred to in this issuance as “the Inspector General Act of 1978.” This issuance tasks DoD Component IGs with conducting intelligence oversight investigations and inspections. Statutory IGs may voluntarily undertake these activities, but they are not required to do so.

f. This issuance has precedence in those cases where it may conflict with DoDD 5148.11.

**1.3. INFORMATION COLLECTIONS.** The Quarterly Intelligence Oversight Report, referred to throughout this issuance, does not require licensing with a report control symbol in accordance with Paragraphs 1.b.(3) and 1.b.(8) of Enclosure 3 of Volume 1 of DoD Manual 8910.01.

## SECTION 2: RESPONSIBILITIES

**2.1. DOD SIOO.** Under the authority, direction, and control of the Deputy Chief Management Officer of the Department of Defense, the DoD SIOO:

a. Conducts independent oversight of all DoD intelligence and intelligence-related activities. In this capacity, the DoD SIOO inspects all intelligence and intelligence-related activities conducted by the DoD Components to ensure that these activities comply with federal law, Executive Orders (E.O.s), Presidential directives, Intelligence Community Directives, and DoD issuances.

b. Develops intelligence oversight policy and, in coordination with the GC DoD, issues guidance to the DoD Components implementing intelligence oversight aspects of E.O. 12333 and E.O. 13462.

c. Reviews, in consultation with the GC DoD, any allegation questioning the legality or propriety of DoD intelligence and intelligence-related activities, or where a reasonable person would believe that the intelligence or intelligence-related activity may be contrary to federal law, E.O.s, Presidential directives, Intelligence Community Directives, or DoD issuances.

d. Monitors administrative investigations and inspections conducted by the DoD Components related to intelligence and intelligence-related activities; evaluates the findings; and, if appropriate, recommends corrective action to the Secretary of Defense, the Deputy Secretary of Defense, and the DoD Component head concerned.

e. May conduct independent administrative investigations of alleged violations of law, orders, regulations, or directives as they relate to intelligence or intelligence-related activities. The DoD SIOO will coordinate with the appropriate Defense Criminal Investigative Organization or Military Counterintelligence Investigative Organization when conducting any administrative investigation that either:

- (1) Initially involves an allegation of potential criminal misconduct; or
- (2) Is ongoing and subsequently uncovers evidence of potential criminal misconduct.

f. Receives, reviews, and assesses intelligence oversight reports from the DoD Components conducting intelligence or intelligence-related activities, and determines what action is required, including the fulfillment of reporting requirements.

g. Serves as the lead DoD official for all matters associated with the Intelligence Oversight Board (IOB) of the President's Intelligence Advisory Board, including DoD reporting to the IOB, and for addressing IOB inquiries received by DoD. The DoD SIOO, in coordination with the GC DoD, will report to the Secretary of Defense, the Deputy Secretary of Defense, the IOB, and the DNI:

(1) On an immediate basis, any S/HSMs involving a DoD Component. The DoD SIOO will not delay reporting any S/HSM pending completion of an investigation, command inquiry, congressional reporting, or legal proceeding.

(2) On a quarterly basis, any QIA, S/HSM, or intelligence oversight issue reported within the quarter, including those reported previously that have not been resolved.

h. Assesses and evaluates the effectiveness of DoD intelligence and intelligence-related activities at the request of DoD senior leadership. Conducts staff assistance visits at the request of DoD Components. Provides reports on areas of special interest to the requesting official, the DoD Component head inspected, the Secretary of Defense, and the Deputy Secretary of Defense.

i. Serves as an advisory member on Defense Intelligence Community councils and boards of directors, and attends the Senior Military Intelligence Officers Conference.

j. Reviews intelligence commercial activity administrative plans and the annual financial audit of all funds generated by DoD intelligence commercial activities in accordance with DoD Instruction S-3300.06.

k. Periodically reviews DoD sensitive support provided to the DoD Components and other U.S. Government departments and agencies, pursuant to DoDD S-5210.36, to ensure compliance with DoD intelligence oversight policy.

l. Coordinates with the Under Secretary of Defense for Intelligence on matters relating to intelligence oversight.

m. Coordinates with the IG DoD on matters relating to IG DoD areas of responsibility, pursuant to DoDD 5106.01.

n. Provides feedback to the DoD Components regarding intelligence oversight trends and common concerns.

o. Provides intelligence oversight training to Combatant Command IG personnel as part of the Joint IG Course sponsored by the Office of the IG DoD and, upon request, to other DoD Components.

p. Informs the Director for Oversight and Compliance in the Office of the Deputy Chief Management Officer and the DoD Component head concerned when, in the course of carrying out the responsibilities in this issuance, privacy or civil liberties issues are identified, in accordance with DoDD 5400.11 and DoD Instruction 1000.29.

**2.2. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.** The Under Secretary of Defense for Intelligence:

a. Promptly informs the DoD SIOO of potential areas requiring DoD SIOO attention, pursuant to the responsibilities and functions prescribed in this issuance.

b. Provides subject-matter expertise, as required, to support DoD SIOO reporting, inspection, and investigative activities.

### **2.3. GC DoD.** The GC DoD:

a. Provides advice to the DoD SIOO on reports, investigations, and corrective actions related to QIAs and S/HSMs.

b. Reviews quarterly intelligence oversight reports before they are submitted to the IOB.

c. Coordinates with the DoD SIOO on the issuance of guidance to the DoD Components implementing intelligence oversight aspects of E.O. 12333 and E.O. 13462.

d. Consults with the DoD SIOO regarding any allegation questioning the legality or propriety of DoD intelligence and intelligence-related activities, or where a reasonable person would believe that the intelligence or intelligence-related activity may be contrary to federal law, E.O.s, Presidential directives, Intelligence Community Directives, and DoD issuances.

e. Coordinates with the DoD SIOO on QIA and S/HSM reports to the Secretary and Deputy Secretary of Defense, the IOB, and the DNI.

f. Provides advice regarding the resolution of disagreement between DoD Components pertaining to investigative authority or jurisdiction for intelligence oversight investigations.

g. Reviews the results of all QIA and S/HSM investigations before the incident is closed in the DoD quarterly intelligence oversight report.

### **2.4. DOD COMPONENT HEADS CONDUCTING INTELLIGENCE OR INTELLIGENCE-RELATED ACTIVITIES.** The DoD Component heads conducting intelligence or intelligence-related activities:

a. Develop intelligence oversight implementing guidance.

b. Periodically review component-produced intelligence products for compliance with applicable standards.

c. Administer an intelligence oversight training program that is tailored to mission requirements and provides initial and annual refresher intelligence oversight training to all employees. At a minimum, intelligence oversight training will include:

(1) Familiarity with the authorities and restrictions established in DoDD 5240.01, DoD Manual 5240.01, and other applicable Intelligence Community Directives and DoD issuances governing applicable intelligence activities.

(2) Responsibilities of DoD personnel and DoD contractor personnel for reporting QIAs and S/HSMs in accordance with Paragraph 4.1.a.

d. In accordance with the procedures in Section 4, conduct periodic comprehensive reviews of all intelligence and intelligence-related activities under their authority, direction, and control to verify compliance with federal law, E.O.s, Presidential directives, Intelligence Community Directives, and DoD issuances; report significant findings to the DoD SIOO.

e. Report and investigate QIAs and S/HSMs in accordance with the procedures in Section 4. Reporting will not be delayed or postponed pending an investigation, command inquiry, or legal proceeding.

f. In accordance with Presidential Policy Directive 19, take no adverse action against any DoD personnel because they intend to report, report, or reported what they reasonably believe is a QIA or S/HSM. Similarly, take no adverse action against DoD contractor personnel because they intend to report, report, or reported what they reasonably believe is a QIA or S/HSM.

g. Provide the DoD Component legal counsel, GC DoD, DoD SIOO, and any IG of competent jurisdiction with access to any employee and with all information necessary to perform their oversight responsibilities, including information protected by special access programs, alternative compensatory control measures, or other security compartmentalization.

h. Appoint an intelligence oversight officer who is of appropriate grade and intelligence experience commensurate with their oversight responsibilities who has access to all component intelligence and intelligence-related activities (including those protected by special access programs, alternative compensatory control measures, and other security compartments) and who has direct access to the DoD Component head to report on intelligence oversight compliance. The intelligence oversight officer assists the DoD Component head in the administration of intelligence oversight by monitoring the accomplishment of the responsibilities in this section.



### SECTION 3: AUTHORITIES AND RELATIONSHIPS

The DoD SIOO:

a. Has complete and unrestricted access to all information concerning DoD intelligence and intelligence-related activities regardless of classification or compartmentalization, including intelligence special access programs, from all DoD Components and personnel, in carrying out assigned responsibilities and functions. Access to information in IG files must be in accordance with the Inspector General Act of 1978. Access to classified information must be in accordance with the requirements of applicable security policy. This specifically includes the authority to:

(1) Require responsible investigative officials of a DoD Component to report QIAs; S/HSMs; allegations of improprieties or illegalities of intelligence and intelligence-related activities by, or within, a DoD Component; or allegations regarding an intelligence or intelligence-related activity that a reasonable person would believe may be contrary to a federal law, E.O., Presidential directive, Intelligence Community Directive, or DoD issuance.

(2) Obtain information on the status, proceedings, and findings of DoD Component investigations of intelligence and intelligence-related activities.

b. Communicates immediately and directly with the Secretary of Defense or Deputy Secretary of Defense, as circumstances require. Communicates directly with the DoD Component heads, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance.

(1) Must communicate with the Military Departments through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances.

(2) Must communicate with the Combatant Commanders in accordance with Paragraph 4.b.(3) of DoDD 5100.01, except as provided for in memorandums of agreement concerning personnel support.

c. Communicates directly with the IOB, the DNI, and other Executive Branch and Legislative Branch officials and representatives in carrying out assigned responsibilities and functions. Communications with representatives of the Legislative Branch must be conducted through the Assistant Secretary of Defense for Legislative Affairs and be consistent with the DoD Legislative Program and DoDD 5142.01.

## SECTION 4: PROCEDURES

This section provides the procedures by which the DoD Components identify, investigate, and report QIAs and S/HSMs.

### 4.1. IDENTIFICATION.

a. DoD personnel must identify any QIA or S/HSM to their chain of command or supervision immediately. If it is not practical to report a QIA or S/HSM to the chain of command or supervision, reports may be made to the DoD Component legal counsel or IG; the GC DoD; the DoD SIOO; the Joint Staff IG or intelligence oversight officer; the Legal Counsel to the CJCS; the IG DoD; or the Intelligence Community IG.

b. Non-statutory DoD Component IGs will inspect their respective Components to determine whether such components are involved in any QIA or S/HSM. Pursuant to the Inspector General Act of 1978, as amended, statutory DoD Component IGs have the authority to inspect their respective components to determine whether such components are involved in any QIA or S/HSM, but exercise of this authority is discretionary. If a statutory DoD Component IG chooses not to conduct intelligence oversight inspections, the DoD Component head will designate another component official to conduct the inspections. If an inspection discovers a QIA or S/HSM, the matter will be reported and investigated in accordance with Paragraphs 4.2. through 4.5.

c. Non-statutory DoD Component IGs will inspect their respective Components to determine whether any element within their respective jurisdictions is conducting intelligence or counterintelligence activities without an assigned mission to do so. Statutory DoD Component IGs may choose to inspect their respective components to determine whether any element within their jurisdictions is conducting intelligence or counterintelligence activities without an assigned mission to do so; if a statutory DoD Component IG chooses not to conduct intelligence oversight inspections, the DoD Component head will designate another component official to conduct the inspections. If the inspections identify an element within the DoD Component that is conducting intelligence or counterintelligence activities without an assigned mission to do so, the matter will be reported and investigated in accordance with Paragraphs 4.2. through 4.5.

d. Non-statutory DoD Component IGs will inspect their respective components to verify that procedures exist for reporting QIAs and S/HSMs and that employees are effectively trained on and consistently comply with their intelligence oversight responsibilities. Statutory DoD Component IGs may choose to inspect their respective components to verify that procedures exist for reporting QIAs and S/HSMs and that employees are effectively trained on and consistently comply with their intelligence oversight responsibilities; if a statutory DoD Component IG chooses not to conduct intelligence oversight inspections, the DoD Component head will designate another component official to conduct the inspections.

e. DoD personnel responsible for drafting the performance requirements (statement of work) for any contract under which contractor personnel will be conducting intelligence or intelligence-related activities or supporting those efforts under DoD authorities shall ensure that the contact

requires contractor personnel to report any QIA or S/HSM to appropriate Government officials identified in the contract. Officials to whom any such report is made should proceed in accordance with Paragraph 4.1.a.

#### **4.2. INVESTIGATION.**

a. Each report of a QIA or S/HSM will be investigated to the extent necessary to determine the facts and to assess whether the activity is legal and consistent with applicable policies. Investigations will be conducted in accordance with procedures established by the investigating DoD Component or the investigating DoD Component IG, as applicable. At a minimum, investigations will require a written report that includes a description of the incident and a determination of whether the allegation was substantiated. If the allegation is substantiated, the report will include findings of fact, an assessment of the cause, and recommended remedial action to prevent recurrence.

b. All QIAs and S/HSMs will be referred to the corresponding DoD Component IG for further investigation or other action under an appropriate authority as determined by the DoD Component head. All QIAs and S/HSMs referred to a DoD Component IG will be reviewed by the corresponding DoD Component legal counsel to determine whether the activity is legal and consistent with applicable policy. If the DoD Component IG or legal counsel determines that the activity may constitute a crime or indicate a person may be acting for or on behalf of a foreign intelligence entity, they must also report the activity to a supporting Defense Criminal Investigative Organization or Military Department Counterintelligence Organization in accordance with DoD policy.

c. Investigations will be conducted expeditiously, consistent with Component requirements for thoroughness and accuracy and the protection of the rights of any subject of the investigation. Officials responsible for these investigations may obtain assistance from within the DoD Component concerned or from other DoD Components to complete such investigations in a timely manner. Any disagreement between DoD Components concerning investigative authority or jurisdiction will be raised immediately to the DoD SIOO or GC DoD for resolution.

d. Before closing the incident in the DoD quarterly intelligence oversight report, the DoD SIOO and GC DoD will review the results of all QIA and S/HSM investigations to assess independently the effectiveness of the investigation in identifying the cause and recommending action to prevent recurrence. Based on this review, the DoD SIOO and GC DoD may require that the investigating authority consider additional factors or provide additional information. The DoD SIOO may also initiate an independent investigation.

#### **4.3. REPORTING PARAMETERS.**

a. The DoD Components will report the following matters to the DoD SIOO:

- (1) QIAs.
- (2) S/HSMs.

(3) Any intelligence or intelligence-related activity that has been or will be reported to the U.S. Attorney General, or that must be reported to the U.S. Attorney General as required by law or other directive, including crimes required by E.O. 12333 to be reported to the U.S. Attorney General.

b. The DoD Components will notify the DoD SIOO before providing briefings to any congressional committee, member of Congress, or congressional staff concerning intelligence or intelligence-related matters that meet the reporting criteria for QIAs, S/HSMs, or crimes reported to the U.S. Attorney General, unless extenuating circumstances exist. Should extenuating circumstances prevent advance notification to the DoD SIOO, then he or she will be updated on the briefing's outcome as soon as possible.

c. The DoD Components may also establish internal intelligence oversight reporting policies consistent with this issuance and other applicable DoD policies.

#### **4.4. REPORTING TIMELINES.** The DoD Components will report:

a. All S/HSMs immediately to the DoD SIOO. Such reports may be made by any secure means. Oral reports will be documented with a written report as soon as possible thereafter. Initial reports will be supplemented as additional information becomes available. Supplemental reports will be identified in such a manner that they can be accurately related to the relevant initial reports.

b. QIAs quarterly to the DoD SIOO. Quarterly reporting periods are based on the calendar year. The first report for each calendar year will cover January 1 through March 31. Succeeding reports will follow at 3-month intervals. Quarterly reports are due by the 15th day of the month following the end of the quarter, unless other arrangements have been approved by the DoD SIOO. Quarterly reports will describe all QIAs, S/HSMs, and crimes required by E.O. 12333 to be reported to the U.S. Attorney General that were identified during the quarter. Quarterly reports are required even if no QIA or S/HSM occurred during the reporting period.

#### **4.5. REPORTING FORMAT.**

a. The DoD Components will submit quarterly reports to the DoD SIOO using the format in Figure 1, or a format approved by the DoD SIOO. The body of the report will be in an editable Word format.

b. The DoD Components will assign a sequential case number for each QIA and S/HSM that identifies the DoD Component and calendar year; add a suffix (either "Q" or "S" to indicate a QIA or S/HSM). For example: "DIA 2009 - 04 - Q" would indicate the fourth incident reported by Defense Intelligence Agency in calendar year 2009 that is also a QIA. Use this number each time the incident is mentioned in initial reports and in updates and close-out reports.

c. The DoD Components will organize each quarterly report under the major headings of "New Incidents," "Previously Reported Incidents," "Crimes Reported," "Trend Analysis," and "Significant Inspection Findings/Intelligence Oversight Program Developments."

(1) The section under “New Incidents” will list all QIAs and S/HSMs reported during the quarter, including:

- (a) A narrative describing the incident.
- (b) A statement describing when the incident occurred, when it was initially reported within the DoD Component, and when it was reported to the DoD SIOO; if applicable, explain any delay in reporting.
- (c) An explanation of why the incident is considered a QIA or S/HSM, if so reported. For each QIA, identify the specific law, E.O., Presidential directive, Intelligence Community Directive, or applicable DoD policy that was violated. For each S/HSM, explain why the incident could impugn the reputation of the Intelligence Community or otherwise call into question the propriety of intelligence activities.
- (d) An analysis of how or why the incident occurred, identifying the root cause.
- (e) An assessment of the anticipated impact of the reported incident on national security or international relations, as well as any mitigation efforts, including success and failures of such efforts. If there has been no impact or if no impact is anticipated, the report should state this.
- (f) An assessment of any impact the reported incident may have on civil liberties or privacy rights.
- (g) The remedial action taken or planned to prevent recurrence of the incident. Include a description of actions taken if the incident concerns information (including U.S. person information) improperly acquired, handled, used, disseminated, or destroyed.
- (h) Any additional information required to provide complete and accurate reports to the Secretary of Defense, the Deputy Secretary of Defense, the IOB, and the DNI, or to provide context about the incident.
- (i) An indication of whether the incident is open or closed. If open, provide the status of the ongoing investigation. If closed, indicate whether any allegations were substantiated or not substantiated.

(2) The section under “Previously Reported Incidents” will list QIAs and S/HSMs still under investigation as well as those resolved and closed during the quarter, with the same information in Paragraphs 4.5.c.(1)(a) through (i).

(3) The section under “Crimes Reported” will list alleged crimes reported to the U.S. Attorney General during the quarter in accordance with Paragraph 4.3.a.(3).

(4) The section under “Trend Analysis” will include metrics and identify and explain common causal factors. Include data over a timeframe appropriate for the type of activity reported.

(5) The section under “Significant Inspection Findings/Intelligence Oversight Program Developments” will include a description of any significant internal inspection findings or intelligence oversight program developments.

## Figure 1. Sample Memorandum for Quarterly Intelligence Oversight Report

### [DoD Component] 1<sup>st</sup> QUARTER CY17 INTELLIGENCE OVERSIGHT REPORT

#### 1. New Incidents

##### a. File Number (e.g., DIA 2017-01-Q)

- (1) Incident Description:
  - (2) Timeline: (Indicate when the incident occurred, when it was initially reported within the DoD Component, and when it was reported to the DoD SIOO; if applicable, explain any delay in reporting.)
  - (3) Reason for Report: (For a QIA, identify the specific law or policy violated. For an S/HSM, identify the rationale for reporting as such.)
  - (4) Cause: (Indicate how or why the incident occurred.)
  - (5) Impact on National Security or International Relations:
  - (6) Impact on Civil Liberties or Privacy:
  - (7) Remedial Action:
  - (8) Additional Information: (Provide any additional information required to fully inform the Secretary of Defense, the Deputy Secretary of Defense, the IOB, and the DNI, or provide context about the incident.)
  - (9) Status: (Indicate whether the incident is open or closed. If open, provide the status of the ongoing investigation. If closed, include a notation indicating whether any allegations were substantiated or not substantiated.)
2. Previously Reported Incidents: (Use the same format as Section 1 for previously reported incidents still under investigation as well as those resolved and closed during the quarter.)
3. Crimes Reported: (Provide a narrative summary of any intelligence or intelligence-related activity that has been or will be reported to the U.S. Attorney General, or that must be reported to the U.S. Attorney General as required by law or other directive, including crimes required by E.O. 12333 to be reported to the U.S. Attorney General.)
4. Trend Analysis: (Include metrics and identify and explain common causal factors; include data over a timeframe appropriate for the type of activities reported.)
5. Significant Inspection Findings/Intelligence Oversight Program Developments: (Provide a description of any significant internal inspection findings or intelligence oversight program developments.)

## GLOSSARY

### G.1. ACRONYMS.

DNI	Director of National Intelligence
E.O.	Executive order
GC DoD	General Counsel of the Department of Defense
IG	inspector general
IG DoD	Inspector General of the Department of Defense
IOB	Intelligence Oversight Board
QIA	questionable intelligence activity
SIOO	Senior Intelligence Oversight Official
S/HSM	significant or highly sensitive matter

**G.2. DEFINITIONS.** These terms and their definitions are for the purpose of this issuance.

**DoD personnel.** DoD employees or military members who conduct intelligence or intelligence-related activities while employed by, assigned or detailed to, or acting on behalf of a DoD Component, except that this term does not include a human source.

**DoD contractor personnel.** DoD contractors who conduct intelligence or intelligence-related activities while acting in support of a DoD Component, except that this term does not include either a human source or DoD contractors who are unwitting to the intelligence function they support.

**intelligence.** Includes foreign intelligence and counterintelligence.

**intelligence activities.** All activities that the DoD Components conduct pursuant to E.O. 12333.

**intelligence-related activities.** Defined in the DoD Dictionary of Military and Associated Terms.

**QIA.** Any intelligence or intelligence-related activity when there is reason to believe such activity may be unlawful or contrary to an E.O., Presidential directive, Intelligence Community Directive, or applicable DoD policy governing that activity.

**S/HSM.** An intelligence or intelligence-related activity (regardless of whether the intelligence or intelligence-related activity is unlawful or contrary to an E.O., Presidential directive, Intelligence Community Directive, or DoD policy), or serious criminal activity by intelligence personnel, that could impugn the reputation or integrity of the Intelligence Community, or otherwise call into question the propriety of intelligence activities. Such matters might involve actual or potential:



Congressional inquiries or investigations.

Adverse media coverage.

Impact on foreign relations or foreign partners.

Systemic compromise, loss, or unauthorized disclosure of protected information.

**staff assistance visit.** Visits conducted by the DoD SIOO to the DoD Components to enhance their awareness and understanding of intelligence oversight concepts and procedures, advise on how to create and implement a meaningful intelligence oversight program tailored to the mission of the DoD Component visited, and provide specific advice and guidance on intelligence oversight questions and concerns.

## REFERENCES

- Deputy Secretary of Defense Memorandum, “Notification of the Re-alignment of the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)) as the Department of Defense Senior Intelligence Oversight Official (DoD SIOO),” December 23, 2014
- Deputy Secretary of Defense Memorandum, “Reorganization of the Office of the Deputy Chief Management Officer,” July 11, 2014
- DoD Directive 5100.01, “Functions of the Department of Defense and Its Major Components,” December 21, 2010
- DoD Directive 5105.82, “Deputy Chief Management Officer (DCMO) of the Department of Defense,” October 17, 2008
- DoD Directive 5106.01, “Inspector General of the Department of Defense,” April 20, 2012, as amended
- DoD Directive 5142.01, “Assistant Secretary of Defense for Legislative Affairs (ASD (LA)),” September 15, 2006
- DoD Directive 5148.11, “Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)),” April 24, 2013
- DoD Directive S-5210.36, “Provision of DoD Sensitive Support to DoD Components and Other Departments and Agencies of the U.S. Government (U),” November 6, 2008, as amended<sup>1</sup>
- DoD Directive 5240.01, “DoD Intelligence Activities,” August 27, 2007, as amended
- DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- DoD Instruction 1000.29, “DoD Civil Liberties Program,” May 17, 2012, as amended
- DoD Instruction S-3300.06, “Intelligence Commercial Activities,” January 17, 2017<sup>2</sup>
- DoD Manual 5240.01, “Procedures Governing the Conduct of DoD Intelligence Activities,” August 8, 2016
- DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- Executive Order 12333, “United States Intelligence Activities,” December 4, 1981, as amended
- Executive Order 13462, “President’s Intelligence Advisory Board and Intelligence Oversight Board,” February 29, 2008, as amended
- Office of the Chairman of the Joint Chiefs of Staff, “DoD Dictionary of Military and Associated Terms,” current edition
- Presidential Policy Directive 19, “Protecting Whistleblowers with Access to Classified Information, October 10, 2012
- United States Code, Title 5

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<sup>1</sup> Available on the SECRET Internet Protocol Router Network DoD Issuances Website at <https://www.dtic.smil.mil/whs/directives>.

<sup>2</sup> Available on the SECRET Internet Protocol Router Network DoD Issuances Website at <https://www.dtic.smil.mil/whs/directives>.