

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, DC 20301-7400

Regulation No. 60-4
3 December 1997

OPR: GC

Policy

Procedures Governing DIA Intelligence Activities That Affect U.S. Persons

Summary

The Defense Intelligence Agency (DIA) and its employees conduct intelligence operations in accordance with applicable law and regulations. This regulation mandates training of all employees within the DIA on the proper authorities and procedures in conducting intelligence activities that may affect US Persons, to include identifying and reporting questionable activities. It identifies those staff elements within the agency responsible to oversee this training and establishes an oversight mechanism to ensure the proper execution of intelligence activities.

1. Purpose:

To implement DoD Directive 5240.1, reference a. and to disseminate DoD 5240.1-R, reference b. (enclosure 1) regarding restrictions on the collection, retention, and dissemination of information concerning U.S. persons.

2. References:

- a. DoD Directive 5240.1, "Activities of DoD Intelligence Components that Affect U.S. Persons," April 25, 1988.

b. DoD Directive 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 7, 1982 (referred to as procedures).

c. Executive Order 12333, "United States Intelligence Activities," December 4, 1981.

3. Applicability:

This regulation applies to all DIA elements.

4. Supersession:

This regulation supersedes DIAR 60-4, "Procedures Governing DIA Intelligence Activities that Affect U.S. Persons", 16 December 1988. Because changes are extensive, they are not so indicated.

5. Definitions:

a. Employee: A civilian or military person employed by or assigned to the DIA, including a contractor, consultant, or other person acting at the direction of the DIA.

b. Procedures. The 15 procedures governing activities of DoD intelligence components that affect U.S. persons, set forth in enclosure 1.

c. Questionable Activity. Any conduct relating to an intelligence activity that may violate applicable laws, executive orders, DoD regulations, or policies.

6. Policy:

a. All DIA employees will conduct intelligence activities only pursuant to, and in accordance with, references a., b., and c., and will not exceed the authorities granted by these references or by applicable laws, executive orders, DoD regulations, or policies.

b. All proposals for, or questions about, intelligence activities that may be contrary to applicable laws, executive orders, DoD regulations, or policies will be referred to the General Counsel (GC) for resolution.

c. Each DIA employee will report any questionable activity to the GC or Inspector General (IG). No disciplinary or adverse action will be taken against any employee who reports a questionable activity.

7. Responsibilities:

a. The GC will:

(1) Interpret the procedures or, when appropriate, refer questions of interpretation to the General Counsel for the Department of Defense for resolution.

- (2) Coordinate requests to Assistant Secretary of Defense (Command, Control Communications and Intelligence) (ASD C3I) for exceptions to or amendments of the procedures, and coordinate requests to non-DIA agencies or officials regarding the various special approvals required under the procedures.
- (3) Determine, as part of his oversight responsibilities, if any DIA element or employee is involved in any questionable activity.
- (4) Refer reports of questionable activity to the IG for investigation.
- (5) Determine if any questionable activity is legal and consistent with applicable executive orders, DoD regulations, or policies.
- (6) Report questionable activities of a serious nature immediately to the General Counsel for the Department of Defense.
- (7) Submit separately, or jointly with the IG, a quarterly report to the Assistant to the Secretary of Defense (Intelligence Oversight), describing those activities which came to attention during the quarter and were reasonably believed to be illegal or contrary to directive or policy; actions taken with respect to such activities; significant oversight activities undertaken during the quarter; and any suggestions for improvements in the oversight system.

b. The IG will:

- (1) Ensure, as part of their inspection responsibilities, that effective procedures exist within the DIA for familiarizing DIA employees with references a., b., and c.
- (2) Ensure, as part of their inspection responsibilities, that effective procedures exist within the DIA for the reporting of questionable activities directly to the IG or GC and that DIA employees are aware of their responsibility to report such activities.
- (3) Determine, as part of their inspection responsibilities, if any DIA element or employee is involved in any questionable activity.
- (4) Investigate expeditiously each report of a questionable activity to the extent necessary to determine the facts, and, in coordination with the GC, assess whether the activity is legal and consistent with applicable executive orders, DoD regulations or policies.
- (5) Report questionable activities of a serious nature immediately to the assistant to the Secretary of Defense (Intelligence Oversight).
- (6) Submit separately, or jointly with the GC, a quarterly report to the Assistant to the Secretary of Defense (Intelligence Oversight), describing those activities

which came to attention during the quarter and were reasonably to be illegal contrary to directive or policy; actions taken with respect to such activities; significant oversight activities undertaken during the quarter; and any suggestions for improvements in the oversight system.

c. The Chief, Office for Human Resources (DAH) will ensure, in accordance with procedure 14, reference b, that each new DIA employee, at or reasonably soon after the commencement of his/her employment, is:

- (1) Informed of the existence and importance of references a., b., c., and this regulation;
- (2) Given a personal copy of reference a. and procedures 1 through 4 and the appendix of reference b;
- (3) Advised to review the other procedures that may be applicable to their particular offices and activities;
- (4) Informed of their responsibility under procedure 15 to report any questionable activity to the GC or IG.

d. The Chief, Office for Procurement (DAP), will ensure that contractors acting for, or at the direction of, the DIA are informed of and comply with applicable laws, executive orders, DoD regulations or policies, when their performance under contract may involve activities subject to the procedures. To ensure that appropriate provisions are included in the solicitations and contracts, DIA elements submitting procurement packages to DAP will identify those procurement packages which may reasonably involve activities subject to the procedures.

e. The Joint Military Intelligence Training Center (DAJ) will be responsible for developing training materials and conducting training as required, in coordination with IG and GC. This training program will be reviewed and updated periodically and where appropriate.

f. All Deputy Directors, Special Office Chiefs, Defense Attaches, DIA Liaison Offices, and Chiefs of Defense HUMINT Field Operating Bases will ensure:

- (1) In accordance with procedure 14, that their subordinate supervisors and personnel are familiar with reference a., b., and c., and this regulation, with special emphasis on the restrictions that apply to their particular operations and activities; and that their subordinate personnel receive annual training.
- (2) Appoint an Intelligence Oversight Officer (IOO) as an additional duty and provide a copy of the letter of appointment to the IG. IOOs must be carefully selected. Only experienced and responsible individuals should be selected as IOOs since they are responsible for overseeing the unit intelligence oversight

program. Individuals selected for additional duty as an IOO will meet the following criteria:

- (a) Be a civilian employee in grade GG-11 or above, a military officer in grade O-4 or above, and be available to hold the position for at least one (1) year.
- (b) Have experience working with classified material.
- (c) Have access eligibility for the highest level of classified information held in the element.

(3) Duties of the IOO. The IOO administers implementation of IO policies and procedures within the element and will, as a minimum:

- (a) Be familiar with references in paragraph 2.
- (b) Act as a point of contact with IG and GC to coordinate on IO matters, to include providing element inputs to the DIA Quarterly Intelligence Oversight Report, in accordance with tasking, and any other tasked reporting.
- (c) Refer questions regarding IO policy and procedures to the IG and GC.
- (d) Assist individuals in forwarding reports to the IG and GC of possible IO violations.
- (e) Conduct annual IO training. The IOO may, under the direction of the appointing authority, establish a more frequent periodic refresher training program.
- (f) Ensure new employees receive materials from DAH and JFSC in accordance with paragraph 7.c.(1).
- (g) The IOO will not conduct any internal IO investigations or inquiries unless specifically tasked by the IG or GC.

8. Intelligence Oversight Coordinating Committee (IOCC).

a. *Responsibilities:* The IOCC is a permanent consultative committee responsible to the Chief of Staff for the purpose of reviewing and coordinating significant intelligence oversight issues pertaining to the DIA and to assist the IG and GC in exercising their joint responsibilities established by this regulation. The IOCC is not empowered to conduct independent investigations or inquiries, but may also develop recommendations for action by the appropriate DIA element having cognizance over a subject area, or for

appropriate action by one or more of the IOCC members. The IOCC will meet quarterly, but may be convened at the request of any member to address a high priority issue.

b. *Membership.* The IOCC members will be at civilian GG-14/15 level or military grade 0-5/0-6. The IOCC will be permanently chaired by the Special Assistant for Intelligence Oversight, IG, and composed by representatives from the following organizations:

- (1) Assistant Inspector General for Investigations (IGI)
- (2) Assistant Inspector General for Audits (IGA)
- (3) Assistant Inspector General for Inspections (IGH)
- (4) General Counsel (GC)
- (5) Deputy Comptroller for Financial Policy and Accounting (OC-4)
- (6) Chief, Counterintelligence Division (DAC-1)
- (7) Chief, Security Division (DAC-2)
- (8) Central Clearance Facility Division (DAC-3)



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1 Enclosure