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CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

DOM/IG
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CJCSI 3317.01A
22 April 2022

INTELLIGENCE OVERSIGHT RESPONSIBILITIES, PROCEDURES, AND OVERSIGHT FUNCTIONS

References:

See Enclosure D

1. Purpose. This instruction establishes policy, assigns responsibilities, delegates authorities, and prescribes procedures for complying with Intelligence Oversight (IO) responsibilities while conducting intelligence and intelligence-related activities, in accordance with references a through x and other relevant Department of Defense (DoD) intelligence policies and regulations listed in Enclosure D.

2. Superseded/Cancellation. CJCSI 3317.01, Intelligence Oversight Responsibilities, Procedures, and Oversight Functions,” 6 January 2020, is superseded.

3. Applicability. In accordance with reference g, this instruction applies to all Active Duty, Reserve, DoD civilian, DoD contractor, and other personnel (hereinafter referred to as “personnel”) assigned or attached to, or otherwise performing duties within or on behalf of, the Joint Staff when conducting intelligence or intelligence-related activities.

4. Policy

a. All Joint Staff elements are subject to review to determine the extent Joint Staff elements conduct intelligence or intelligence-related activities.

(1) Joint Staff elements authorized to conduct intelligence activities include the Directorate for Intelligence, J-2 pursuant to references g and h; Chairman’s Controlled Activity (CCA) Joint Personnel Recovery Agency Intelligence Division pursuant to reference i; CCA Joint Information Operations

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Warfare Center Intelligence Branch pursuant to reference j; and Directorate of Management (DOM) Joint Staff Security Office (JSSO) Technical Counterintelligence Branch pursuant to reference g.

(2) The Defense Intelligence Agency (DIA) is the primary intelligence oversight authority for Joint Staff J-2. In accordance with references g and h, all Joint Staff J-2 assigned civilian employees, Military Service members, and contractors are DIA personnel. Enclosure A to Appendix A details the intelligence oversight responsibilities for the Joint Staff J-2 and DIA Office of Oversight and Compliance. The Joint Staff J-2 shall report any Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSM) involving DIA personnel or activities to DIA Office of Corporate Communications who in turn will report such incidents to the DoD Senior Intelligence Oversight Official (DoD SIOO). The Joint Staff J-2 will provide information copies of QIAs and S/HSM to the Joint Staff Intelligence Oversight Officer (IOO).

(3) Joint Staff elements outside the consolidated defense intelligence program conduct intelligence-related activities by responding to operational commander's tasking for time-sensitive information on foreign entities; communicating intelligence requirements to the Joint Staff J-2; incorporating intelligence into planning and decision making processes; responding to Intelligence Community (IC) tasking of systems whose primary mission is supporting operating forces; training personnel for intelligence duties; or researching and developing intelligence or related capabilities (specifically excluded are programs that are so closely integrated with a weapon system that their primary function is to provide immediate-use targeting data).

b. Joint Staff elements conduct foreign intelligence (FI) and counterintelligence (CI) activities in compliance with the U.S. Constitution and all applicable authorities, laws, regulations, policies, and procedures. Joint Staff components collect U.S. person information (USPI) for an intelligence purpose only when necessary to perform a mission or function assigned to the Joint Staff and only in a manner that protects the rights, privacy, and civil liberties of U.S. persons.

c. IO applies to any intelligence or intelligence-related activity conducted by the Joint Staff. When the Joint Staff conducts FI or CI activities, information concerning U.S. persons may only be collected, retained, or disseminated in accordance with (IAW) reference f.

d. Documents and media collected, retained, and/or disseminated by Joint Staff elements that contain USPI will be stored in segregated shared repositories

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on each Joint Staff network, and will be marked appropriately and handled IAW reference f.

(1) The Joint Staff may host or participate in a shared repository containing USPI only IAW reference f and applicable laws and policy.

(2) Joint Staff elements hosting shared repositories may perform system functions or data-related tasks (e.g., tagging, processing, or marking information). Access to USPI solely for these purposes does not constitute collection, retention, or dissemination pursuant to reference f. Joint Staff elements acting as a host must enable audit of access to USPI in a shared repository to the extent practicable. Each participant in a shared repository must inform, in writing, all DoD components and other U.S. Government (USG) agencies that participation complies with all laws, policies, and procedures applicable to the protection of USPI.

(3) Joint Staff elements acting as a participant in a shared repository must ensure access and use of the repository complies with law, policies, and procedures applicable to the protection of USPI (including reference f) and must identify to the host any access and use limitations applicable to USPI. A participating component providing USPI to a shared repository or permitting access to or use of USPI by other participants has conducted dissemination, and may do so only in accordance with Procedure 4 of reference f and other applicable U.S. Attorney General (USAG)-approved guidelines. This does not include access to or use of USPI by a host for another element of the IC for system support functions or data-related tasks.

e. All Joint Staff personnel assigned, attached, or otherwise conducting intelligence and intelligence-related activities will receive initial and annual training. Each career field/career specialty may have additional IO training requirements.

(1) Training will be in accordance with:

(a) Procedures 1 through 10 of reference f and procedures 11 through 13 of reference d.

(b) Procedures in reference f that pertain to collection techniques authorized by their respective duty section.

(c) Procedures in reference f that pertain to intelligence information routinely received, stored, or processed by their respective duty section.

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(2) Training will cover:

(a) Rights and responsibilities in accordance with IO directives and applicable whistleblower laws and directives.

(b) Responsibilities, and the processes, to report any QIA or S/HSM pursuant to reference c.

(3) Records of IO training will be maintained for 3 years IAW reference o.

f. Joint Staff elements conducting technical surveillance countermeasures shall comply with procedures in reference l in addition to responsibilities detailed in paragraph 4.c. of this issuance.

5. Responsibilities. See Enclosure A.

6. Summary of Changes. CJCSI 3317.01 has been updated with administrative edits and two substantive changes:

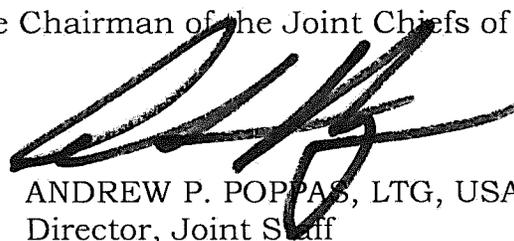
a. The verbiage expands intelligence-related functions.

b. The required minimum rank for IO officers has been lowered from military O-5 to O-4 or civilian General Grade/General Schedule (GG/GS)-14 to GG/GS-13.

7. Releasability. UNRESTRICTED. This directive is approved for public release; distribution is unlimited on the Non-classified Internet Protocol Router Network (NIPRNET). DoD components, other federal agencies, and the public, may obtain copies of this directive through the Chairman of the Joint Chiefs of Staff Directives Electronic Library, <<http://www.jcs.mil/library>>. Joint Staff activities may also obtain access via the Secret Internet Protocol Router Network (SIPRNET) directives electronic library websites.

8. Effective Date. This INSTRUCTION is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff



ANDREW P. POPPAS, LTG, USA
Director, Joint Staff

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Enclosures:

- A – Responsibilities
- B – Joint Staff Intelligence Oversight Procedures
- C – Sample Memorandum
- D – References
- GL – Glossary

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ENCLOSURE A

RESPONSIBILITIES

1. Joint Staff Intelligence Oversight Officer

a. Must be a military officer with a minimum pay grade of O-4 or a civilian with a minimum pay grade of GG/GS-13, and approved by the Director, Joint Staff (DJS). The Joint Staff IOO serves as the principal Joint Staff intelligence oversight authority and has overall responsibility for establishing and implementing the Joint Staff IO Program to ensure that Joint Staff elements conduct authorized intelligence and intelligence-related activities in accordance with applicable U.S. laws, Executive Orders (E.O.s), Presidential Directives (PDs), DoD issuances, and IO authorities, and in a manner that protects U.S. persons' constitutional rights, privacy, and civil liberties.

b. Has complete and unrestricted access to all available information concerning Joint Staff intelligence and intelligence-related activities regardless of classification or compartmentalization.

(1) Access shall include Special Access Programs (SAPs), Controlled Access Programs (CAPs), and other intelligence protected by similar restricted-access measures, as well as Alternative Compensatory Control Measures (ACCMs), from all Joint Staff elements to the extent necessary to carry out assigned responsibilities and functions.

(2) Access to classified information must be IAW the requirements of applicable security policy.

c. Responsible for the management and execution of the Joint Staff IO program IAW this instruction and other applicable guidance.

d. Maintains a list of all Intelligence Oversight Representatives (IORs) from the Joint Staff elements. IORs are required to report QIAs and S/HSMs, allegations of improprieties or illegalities of intelligence and intelligence-related activities, or allegations regarding an intelligence or intelligence-related activity that a reasonable person would believe may be contrary to federal law, E.O., PD, IC Directive (ICD), or DoD issuance.

e. Obtains information on the status, proceedings, and findings of the Joint Staff's investigations of intelligence and intelligence-related activities.

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f. Periodically reviews sensitive support provided to the Joint Staff, CCAs, and other USG departments and agencies IAW reference m to ensure compliance with DoD intelligence oversight policy.

g. Reviews the results of all QIA and S/HSM investigations, in conjunction with the Joint Staff Inspector General (IG) and Office of the Chairman of the Joint Chiefs of Staff Legal Counsel (OCJCS/LC) before sending the report to the Secretary of Defense (SecDef) and Chairman of the Joint Chiefs of Staff (CJCS) via DoD SIOO.

h. Signs the quarterly report that is sent to the SecDef and CJCS via DoD SIOO.

i. Coordinates all official requests for mail covers, searches, and seizures with JSSO per reference n.

j. Chairs the IO Board (IOB), which shall meet or convene the last week of every quarter to discuss all IO matters.

k. Communicates immediately and directly with the DJS and DoD SIOO as circumstances require, and communicates directly with the Directors of the Joint Staff Directorates, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance.

l. Develops IO implementing guidance.

m. Administers an IO training program IAW references c and f and other applicable ICDs and DoD guidance, that is tailored to mission requirements, and provides initial and annual refresher IO training to all employees.

(1) All newly assigned personnel, upon in-processing, will read an IO briefing prepared by Joint Staff IOO and will sign a statement of reporting responsibility. This written briefing will constitute the initial training required by paragraph 8.a.

(2) Annual refresher training will be accomplished on the Joint Knowledge Online training site located on the Joint Staff SIPRNET. The training database will constitute records of training. Records will be maintained for 3 years IAW reference o.

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n. Periodically reviews and deconflicts J-3 Information Operations Division Military Information Support Operations information gathering activities with DoD intelligence activities to ensure compliance with references f and p.

o. Conducts comprehensive review every 3 years of all intelligence and intelligence-related activities under their authority, direction, and control to verify compliance with federal law, E.O.s, PDs, ICDs, and DoD issuances, and report significant findings to the DoD SIOO IAW with reference c. The Joint Staff comprehensive reviews shall be completed 3 months prior to the DoD SIOO's 3-year inspection cycle.

p. Supports the Joint Staff IG as a subject matter expert on inspections of IO programs as deemed appropriate.

q. Conducts periodic IO spot checks of each Joint Staff element.

(1) Spot checks will consist of a random review of files (to include electronic media files) and repositories within the Joint Staff Directorates (J-Dirs) and CCAs to ensure no information has been collected or retained in violation of established IO policies and procedures.

(2) Joint Staff IOO and the J-Dirs and CCAs will maintain written results of the spot checks for 1 year.

(3) Provide checklist guidance to directorate IORs.

(4) Review and approve directorate-built checklists used to prepare for annual inspections.

r. Periodically reviews intelligence products produced by the Joint Staff, under the cognizance of the Joint Staff IG.

s. Conducts internal self-assessments as appropriate. Upon request, provide technical assistance to directorate IO programs. Self-assessments may be performed virtually.

t. Administers an IO reporting program IAW reference c.

u. Reports and investigates QIAs and S/HSMs IAW reference c.

v. Monitors the status of ongoing investigations of QIAs and S/HSMs.

w. Prepares a quarterly report addressing the instances of QIAs and

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S/HSMs within the J-Dirs and CCAs IAW with reference c.

(1) The report will be referred no later than 10 working days following the end of each quarter to Joint Staff IG for review.

(2) Specific written guidance on the quarterly report is in reference c.

x. Takes no adverse action against any employee because the employee reports a QIA or S/HSM.

y. Provides the Joint Staff IOO, OCJCS/LC, and Joint Staff IG, as well as the Office of the General Counsel (OGC) of the DoD and the DoD SIOO, with access to all information necessary to perform their oversight responsibilities, to include information protected by SAPs, CAPs, ACCMs, and other security controls.

2. Joint Staff IG

a. Inspects the Joint Staff IO Program to determine compliance with published policy and regulations IAW with references q and r.

(1) Inspections will be announced at least 30 working days in advance and will consist of a program review to ensure compliance with this regulation and a random review of files (to include electronic media files) and repositories to ensure no information has been collected or retained in violation of established IO policies and procedures.

(2) Joint Staff IG, the inspected J-Dirs and CCAs will maintain written results of the inspection until completion of the next comparable inspection.

b. Ensures the Joint Staff IO program incorporates all appropriate elements conducting intelligence or intelligence-related activities on behalf of the Joint Staff.

c. Verifies that procedures exist for reporting QIAs and S/HSMs, and that personnel are trained and are aware of intelligence oversight requirements.

d. Notifies Joint Staff IOO when QIAs and S/HSMs are reported and establishes the IG case file.

e. Reviews, in conjunction with the Joint Staff IOO and OCJCS/LC, the results of all QIA and S/HSM investigations before sending the report to the SecDef/CJCS and DoD SIOO.

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f. Reviews the Joint Staff Quarterly Intelligence Oversight Report for compliance with reference c, and forwards the completed memorandum to DoD SIOO.

g. Maintains the IO case files as Joint Staff IG records IAW references q and r.

h. Fulfills oversight duties specified in references q and r.

3. OCJCS/Legal Counsel

a. Advises on questions of regulatory and legal interpretation of IO policies and procedures, and consults with DIA General Counsel and DoD OGC as appropriate.

b. Determines whether reported questionable activities are legal and consistent with applicable IO authorities, laws, regulations, policies, and procedures.

c. Provides legal advice and assistance to the Joint Staff IOO regarding activities covered by this instruction.

d. Resolves disagreements between Joint Staff elements concerning investigative authority or jurisdiction, in conjunction with the Joint Staff IOO.

e. Reviews the results of all QIA and S/HSM investigations, in conjunction with the Joint Staff IOO and Joint Staff IG, before sending the report to the SecDef/CJCS and DoD SIOO.

f. Provides an inspector to augment Joint Staff IG during annual inspections.

4. Joint Staff Directorates

a. Provide Joint Staff IOO quarterly, updated rosters of all personnel with intelligence occupational specificities and contractor labor categories.

b. Ensure all personnel selected for temporary assignment to any intelligence organization or staff within the Joint Staff area of responsibility, to include any CCA, are trained on IO policies and procedures prior to departure from their home station. If the component cannot directly fill a personnel

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request and a fill is obtained from the component's Service, IO training prior to departure is mandatory.

5. Joint Staff Deputy Directorates, Division, Branches, and Offices

a. Have a specific, non-delegable responsibility for oversight and implementation of an effective IO program to ensure all intelligence and intelligence-related activities under their supervision are conducted in compliance with this regulation and cited references.

b. Appoint in writing primary IORs in the grade of GG/GS-13 or above or a military officer in grade O-4 or above, and alternate IORs in the pay grade of E-6 or above (or civilian equivalent). A copy of appointment letter will be forwarded to Joint Staff IOO. IOR refresher training will be provided quarterly or as needed.

c. Review and sign all IO correspondence (e.g., quarterly reports, spot checks, etc.).

d. Consult with OCJCS/LC when the subject of an intelligence or intelligence-related activity is a U.S. Person to ensure full compliance with the cited references.

6. Intelligence Oversight Representatives

a. Are appointed to Joint Staff elements as appropriate.

b. Have a minimum of 1 year remaining prior to scheduled departure at the time of appointment.

c. Complete available Intelligence Oversight Officer/Supervisor training and specialized, mission-specific IO training.

d. Have access to all SAPs, CAPs, ACCMs, and other security controls utilized within their Joint Staff Elements.

e. Serve as the central point of contact and tasking for IO matters within Joint Staff element.

f. Appoint, train, and mentor such assistants as they deem appropriate to administer the Joint Staff element's IO program.

g. Represent, inform, and advise their Joint Staff element on all IO issues.

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h. Have direct, routine, and ready access to the Director of their Joint Staff element for reporting directly on IO matters.

i. Perform all functions and maintain all files to ensure compliance with and implementation of this instruction and applicable regulations.

j. Report any QIAs or S/HSMs, allegations of improprieties or illegalities of intelligence and intelligence-related activities, or allegations regarding an intelligence or intelligence-related activity that a reasonable person would believe may be contrary to federal law, E.O., PD, ICD, or DoD issuance.

k. Refer questions to Joint Staff IOO, Joint Staff IG, and/or other personnel involved in the IO program as appropriate.

l. Conduct and document, at least quarterly, an unannounced IO spot check of their Joint Staff element.

(1) Spot checks will consist of a random review of files (to include electronic media files) and repositories to ensure no information has been collected or retained in violation of established IO policies and procedures, as well as a review of changes to their entity's authorities and governing directives to ensure compliance. The head of the Joint Staff element, or appointed designee, will endorse the written results.

(2) Spot check reports will be maintained on file with both the IOR and the Joint Staff element for 1 year. These will be annotated on the Joint Staff element file plan IAW reference o.

m. Prepare a quarterly report addressing any QIAs and S/HSMs and providing suggestions for improvements to the Joint Staff or DoD IO Program.

(1) The Joint Staff element head, or appointed designee, will endorse the report.

(2) The quarterly report will be submitted to Joint Staff IOO no later than 5 working days following the end of each quarter.

n. Identify and maintain a listing of:

(1) Procedures in reference f that pertain to collection techniques authorized to be employed by their respective Joint Staff element.

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(2) Procedures in reference f that pertain to intelligence information routinely received, stored, or processed by their respective Joint Staff element.

o. Develop, document, and present periodic IO refresher training to all personnel assigned or attached to, or otherwise performing duties within, their Joint Staff element. Training records will be maintained for 3 years IAW reference o.

7. Supervisors of all personnel assigned or attached to, or otherwise performing intelligence or intelligence-related activities within, the J-Dirs and CCAs

a. Ensure all personnel under their supervision complete IO training within 30 days of arriving to their respective duty, and complete annual IO refresher training.

b. Ensure personnel are aware of their individual responsibilities and how to report QIA and S/HSM and/or possible violations, IAW reference c.

c. Supervise intelligence activities and personnel in a manner that facilitates and encourages the identification and reporting of QIAs and S/HSMs.

d. Notify element IOR of new procedures as well as changes to existing policies and procedures which may impact the IO mission.

e. Refer questions to IOR and/or other personnel involved in the IO program as appropriate.

8. All personnel assigned or attached to, or otherwise performing intelligence duties within, the Joint Staff elements

a. Complete initial IO training within 30 days and annual IO refresher training within designated timelines.

b. Ensure all authorized intelligence functions and activities are carried out in a manner that protects the constitutional rights, privacy, and civil liberties of U.S. persons, IAW reference f.

c. Report any QIA or S/HSM determined to violate federal law, E.O., PD, ICD, DoD issuance, or regulation immediately and directly to Joint Staff IG via NIPRNET, SIPRNET, and JWICS portal pages.

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d. Refer questions to IORs, supervisors, and/or other personnel involved in the IO program as appropriate.

9. Directorate of Management

a. Provides guidance and assistance as needed to ensure the J-Dirs and CCAs comply with all laws, policies, and procedures applicable to record retention of USPI.

b. Assists Joint Staff IOO with developing records management programs and an electronic records management application for USPI on network(s) identified by Joint Staff to promote and manage USPI records.

c. Issues Joint Staff record holds on USPI reports in order to enforce and comply with all Department of Justice or OGC record holds.

d. Coordinates all Defense Intelligence component requests for mail covers, searches, and seizures with the appropriate Service component Command Postal Manager prior to executing any records collection when there is reasonable suspicion, based on articulated facts, that the mail cover is necessary to protect national security.

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Enclosure A

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APPENDIX A TO ENCLOSURE A

INTELLIGENCE OVERSIGHT RESPONSIBILITIES FOR JOINT STAFF,
DIRECTORATE FOR INTELLIGENCE



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



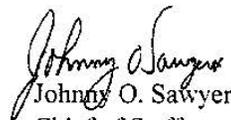
U-19-1273/CE

SEP 23 2019

To: Directorate for Intelligence, J2
Office of Oversight and Compliance

Subject: Intelligence Oversight Responsibilities for Joint Staff, Directorate for Intelligence

1. Pending clarification of the responsibilities of the Defense Intelligence Agency (DIA) for the Joint Staff, Directorate for Intelligence (J2), in the upcoming revision to Department of Defense Directive 5105.21 (the DIA Charter), I have directed the Office of Oversight & Compliance (OOC) to provide intelligence oversight support to the J2.
2. I understand that the responsibilities of the J2 and OOC for this undertaking have been agreed to as set forth in "DIA/J2 Responsibilities" (Enclosure).
3. The DIA point of contact for this action is Mr. James Schmidli, Office of the Chief of Staff, (202) 231-6895.


Johnny O. Sawyer
Chief of Staff

Enclosure: a/s

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Appendix A
Enclosure A

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ENCLOSURE RESPONSIBILITIES

The J2 will:

1. In accordance with DIA Directive 5148.100, appoint an Intelligence Oversight Officer (IOO) of appropriate grade and experience that has access to all J2 intelligence and intelligence related activities.
2. Ensure completion by all assigned personnel (military (active and reserve), civilian, and contractors) of annual on-line intelligence oversight training in AGILE.
3. Develop and conduct tailored mission specific intelligence oversight training for all J2 assigned personnel (military (active and reserve), civilian, contractors).
4. Investigate and report all Questionable Intelligence Activities (QIA) and Significant or Highly Sensitive Matters (S/HSM) to the Office of Oversight and Compliance (OOC) in accordance with the standards set forth in DIA Directive 5240.100 and OOC implementing guidance.
5. Conduct, on a quarterly basis, a comprehensive review of an intelligence activity of the J2 and provide a written report of all findings and observations to OOC.
6. Provide OOC with access to any employee or information regardless of classification or program access requirements needed to fulfill its assigned intelligence oversight responsibilities.
7. Respond to all internal DIA OOC intelligence oversight mission taskings.

OOC will:

1. Make available on-line comprehensive intelligence oversight training in AGILE.
2. Train the appointed J2 IOO on his/her intelligence oversight responsibilities via the IOO Foundational Training and the IO Inquiry Course led by OOC.
3. Report J2 affiliated QIAs or S/HSMs to the DoD Senior Intelligence Oversight Officer (SIOO) in accordance with DIA and DoD policy.
4. Provide advice and assistance to the J2 and appointed IOO on all intelligence oversight matters.
5. Provide the J2 with strategic communications and publications relative to intelligence oversight and compliance as disseminated to the DIA workforce.

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ENCLOSURE B

JOINT STAFF INTELLIGENCE OVERSIGHT PROCEDURES

1. Identification

a. Personnel must identify any QIAs or S/HSMs to their chain of command immediately.

(1) If it is not practical to report a QIA or S/HSM to the chain of command, reports may be made to OCJCS/LC or Joint Staff IG, Joint Staff IOO, the DoD, the DoD SIOO, or DoD IG.

(2) If the activity may constitute a crime, employees must also report the activity IAW applicable procedures established by the Joint Staff elements.

b. Joint Staff IG will inspect the Joint Staff elements to determine if any component is involved in any QIAs or S/HSMs. If such activities have been or are being undertaken, the matter will be reported and investigated IAW Paragraphs 4.2 through 4.5 of reference c.

c. Joint Staff IG will inspect the Joint Staff to determine if any element within the Joint Staff is conducting FI or CI functions without an assigned mission to do so. If they are, Joint Staff IGs will:

(1) Report and investigate the element in question with the appropriate subject matter experts, IAW paragraphs 4.2–4.5 of reference c.

(2) Recommend appropriate action to bring the activities of the element into compliance with this instruction and other applicable DoD policies.

d. Joint Staff IG will inspect the Joint Staff to verify employees are effectively trained on and consistently comply with their IO responsibilities.

2. Investigation

a. All QIA and S/HSM reports will be investigated by the appropriate authorities as determined by the DJS.

b. Investigations will be conducted expeditiously, consistent with the Joint Staff's requirements for thoroughness and accuracy and the protection of the rights of any subject of the investigation.

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(1) Officials responsible for these investigations may obtain assistance from within the Joint Staff elements to complete such investigations in a timely manner.

(2) Any disagreement between Joint Staff elements concerning investigative authority or jurisdiction will be raised immediately to the Joint Staff IOO or OCJCS/LC for resolution.

c. The Joint Staff IOO, OCJCS/LC, and Joint Staff IG will review the results of all QIA and S/HSM investigations before sending the report to the SecDef, CJCS and DoD SIOO.

3. Reporting Parameters

a. J-Dirs and CCAs will report the following matters to the Joint Staff IOO:

(1) QIAs.

(2) S/HSMs.

(3) Any intelligence or intelligence-related activity that has been or will be reported to the USAG, or that must be reported to the USAG as required by law or other directive, including crimes reported to the USAG as required by reference a.

b. Unless extenuating circumstances exist, the J-Dirs and CCAs will notify the Joint Staff IOO before providing briefings to any congressional committee or member of Congress concerning intelligence matters that meet the reporting criteria for QIAs, S/HSMs, or crimes reported to the USAG. Should extenuating circumstances prevent advance notification to the Joint Staff IOO, the Joint Staff IOO will be updated on the briefing's outcome as soon as possible.

c. Joint Staff elements may also establish internal IO reporting policies.

4. Reporting Timelines. Joint Staff elements that conduct intelligence or intelligence-related activities report:

a. All S/HSMs immediately to the Joint Staff IOO.

(1) Reports may be made by any secure means.

(2) Oral reports will be documented with a written report as soon as possible thereafter.

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(3) Initial reports will be supplemented as additional information becomes available. Supplemental reports are identified in such a manner that they can be accurately related to the relevant initial reports.

b. QIAs quarterly to the Joint Staff IOO.

(1) Quarterly reports will describe all QIAs, S/HSMs, and crimes reportable to the USAG as required by reference a that were identified during the quarter.

(2) Quarterly reports are required even if no QIA or S/HSM occurred during the reporting period.

(3) Quarterly reporting periods are based on the calendar year. The first report for each calendar year will cover 1 January through 31 March. Succeeding reports will follow at 3-month intervals.

(4) Quarterly reports are due to the Joint Staff IOO by the 5th day of the month following the end of the quarter, unless other arrangements have been approved by the DoD SIOO.

5. Reporting Format

a. The DOM and the J-Dirs submit quarterly reports in soft copy to the Joint Staff IOO each quarter using the format in Enclosure C, IAW reference c. The body of the report will be in an editable Microsoft Word format.

b. Assign a sequential case number for each QIA and S/HSM that identifies the Defense component and calendar year. Add a suffix, either “Q” or “S,” to indicate a QIA or S/HSM. For example: “DIA 2019 – 04 - Q” would indicate the fourth incident reported by Defense Intelligence Agency in calendar year 2019 that is also a QIA. Use this number each time the incident is mentioned in initial reports and in update and close-out reports.

c. For each QIA or S/HSM reported, include the following information as it becomes available:

(1) A narrative describing the incident. Include a notation indicating whether any allegations are substantiated, not substantiated, or under investigation.

(2) A statement describing when the incident occurred, when it was

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discovered and initially reported within the component, and, if applicable, an explanation for any delay in reporting.

(3) An explanation of why the incident is considered a QIA or S/HSM, if so reported.

(4) An analysis of how or why the incident occurred.

(5) 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 no impact is anticipated, the report should so state.

(6) An assessment of any impact the reported incident may have on civil liberties or protected privacy rights.

(7) Remedial action taken or planned to prevent recurrence of the incident.

(8) A description of actions taken if the incident concerns information (including USPI) improperly acquired, handled, used, disseminated, or destroyed.

(9) Any additional information considered relevant for purposes of fully informing the SecDef, Deputy Secretary of Defense (DepSecDef), IOB, and the Director of National Intelligence (DNI) and providing context about the incident.

d. Organize each quarterly report under the major headings of “New Incidents” and “Updates on Previously Reported Incidents.” The latter heading will include QIAs and S/HSMs still under investigation as well as those resolved and closed during the quarter.

e. Each quarterly report will include a summary analysis of the QIAs and S/HSMs reported during that quarter, identifying trends and causal factors.

f. The quarterly report will include significant findings from intelligence oversight inspections of the J-Dir, CCA, or Service component command conducted during that period.

g. Reporting will not be delayed or postponed pending an investigation, command inquiry, or legal proceeding.

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ENCLOSURE C

SAMPLE MEMORANDUM FOR JOINT STAFF SENIOR INTELLIGENCE OVERSIGHT OFFICIAL

(Date)

MEMORANDUM FOR [THE JOINT STAFF-SENIOR INTELLIGENCE OVERSIGHT
OFFICIAL]

SUBJECT: Quarterly Intelligence Oversight Report – XX Quarter, 20XX

1. Introductory content, if desired by the reporting component.

2. New Incidents

a. Case Number

(1) A narrative describing the incident reported. Include a notation indicating whether any allegations are substantiated, not substantiated, or under investigation.

(2) A statement describing when the incident occurred, when it was discovered and initially reported within the component, and, if applicable, an explanation for any delay in reporting.

(3) An explanation of why the incident is considered a QIA or S/HSM, if so reported.

(4) An analysis of how or why the incident occurred.

(5) 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 no impact is anticipated, the report should so state.

(6) An assessment of any impact the reported incident may have on civil liberties or protected privacy rights.

(7) Remedial action taken or planned to prevent recurrence of the incident.

(8) A description of actions taken if the incident concerns information improperly acquired, handled, used, or destroyed.

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(9) Any additional information considered relevant for purposes of fully informing the SecDef, DepSecDef, IOB, and DNI, and providing context about the incident.

3. Updates on Previously Reported Incidents. The format for this paragraph will follow that indicated for paragraph 2 and will address incidents still under inquiry as well as those resolved and closed during the quarter.

4. This paragraph will provide a narrative summary of any intelligence or intelligence-related activity has been or will be reported to the USAG, or that must be reported to the USAG as required by law or other directive, including crimes required by reference a to be reported to the USAG.

5. This paragraph will contain a summary analysis of the QIAs and S/HSMs reported during that quarter, identifying trends and causal factors.

6. This paragraph will include a description of any significant inspection findings or intelligence oversight program developments. Do not include training reports or inspection schedules in the quarterly report.

[Signature]

Attachments:
As stated

Controlled by: Joint Staff Directorate/Div
Controlled by: JSIG
CUI Category(ies): PRIIG
Limited Dissemination Control: FEDCON
POC:

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ENCLOSURE D

REFERENCES

- a. E.O. 12333, "United States Intelligence Activities," 8 December 1981, as amended by E.O.13284 (2003), 13355 (2004), and 13470 (2008)
- b. E.O. 13462, "President's Intelligence Advisory Board and Intelligence Oversight Board," 29 February 2008, as amended by E.O. 13516 (2009)
- c. DoDD 5148.13, "Intelligence Oversight," 26 April 2017
- d. DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," 1 December 1982, Incorporating Change 2, Effective 26 April 2017
- e. DoDD 5240.01, "DoD Intelligence Activities," 27 August 2007, Incorporating Change 3, Effective 9 November 2020
- f. DoDM 5240.01, "Procedures Governing the Conduct of DoD Intelligence Activities," 8 August 2016
- g. JSM 5100.01 Series, "Organization and Functions of the Joint Staff"
- h. DoDD 5105.21, "Defense Intelligence Agency," 18 March 2008
- i. DepSecDef memorandum, "Realignment of the Joint Personnel Recovery Agency (JPRA) Under the Department of the Air Force," 25 November 2011
- j. CJCSI 5125.01, Charter of the Information Operations Warfare Center, 1 September 2011
- k. Command and Control of the Information Environment (C2IE) Sub-Working Group Charter, 1 November 2016
- l. DoDM S-5240.05, "The Conduct of Technical Surveillance Countermeasures (TSCM)," 23 April 2015
- m. DoDD S-5210.36, "Provision of DoD Sensitive Support to DoD Components and Other Departments and Agencies of the U.S. Government," 6 November 2008, Incorporating Change 2, Effective 2 November 2018

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- n. DoD 4525.6-M, "Department of Defense Postal Manual," 15 August 2002, Incorporating Change 1, Effective 31 August 2018
- o. CJCSM 5760.01 Series, Vol. II, "Joint Staff and Combatant Command Records Management Manual: Volume II – Disposition Schedule"
- p. DoDI 3607.02, "Military Information Support Operations (MISO)," 13 June 2016
- q. CJCSI 5901.01 Series, "Joint Staff Inspector General Responsibilities, Procedures, and Oversight Functions"
- r. DoDD 5106.04, "Defense Inspectors General," 22 May 2014, Incorporating Change 1, Effective 14 May 2020
- s. DoDD 3600.01, "Information Operations (IO)," 2 May 2013, Incorporating Change 1, 4 May 2017
- t. DoDD 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), " 24 April 2013
- u. DoDI 5400.11, "DoD Privacy and Civil Liberties Programs," 29 January 2019, Incorporating Change 1, Effective 8 December 2020
- v. DoDI 3115.17, "Management and Oversight of DoD All-Source Analysis," 16 November 2016, Incorporating Change 1, Effective 21 September 2020
- w. CJCSI 5760.01 Series, "Records Management Policy for the Joint Staff and Combatant Commands"
- x. ICD 107, "Civil Liberties, Privacy, and Transparency," 28 February 2018

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GLOSSARY

ABBREVIATIONS AND ACRONYMS

ACCM	Alternative Compensatory Control Measure
CAP	Controlled Access Program
CCA	Chairman Controlled Activity
CCMD	Combatant Command
CJCS	Chairman of the Joint Chiefs of Staff
CJCSI	Chairman of the Joint Chiefs of Staff Instruction
CI	Counterintelligence
DepSecDef	Deputy Secretary of Defense
DIA	Defense Intelligence Agency
DoD	Department of Defense
DoDI	Department of Defense Instruction
DoDM	Department of Defense Manual
E.O.	Executive Order
FI	Foreign Intelligence
IAW	In Accordance With
IG	Inspector General
IO	Intelligence Oversight
IOB	Intelligence Oversight Board
IOO	Intelligence Oversight Officer
IOR	Intelligence Oversight Representative
ISR	Intelligence, Surveillance and Reconnaissance
JDAT	Joint Deployable Analysis Team
JPRA	Joint Personnel Recovery Agency
JSM	Joint Staff Manual
JSSO	Joint Staff Security Office
JWICS	Joint Worldwide Intelligence Communications System
NIPRNET	Non-classified Internet Router Protocol Network
OCJCS/LC	Office of the Chairman of the Joint Chiefs of Staff Legal Counsel
QIA	Questionable Intelligence Activity

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SAP	Special Access Program
SAV	Sight Assisted Visit
SecDef	Secretary of Defense
S/HSM	Significant or Highly Sensitive Matter
SIOO	Senior Intelligence Oversight Official (DoD)
SIPRNET	Secret Internet Protocol Router Network
USAG	United States Attorney General
USPI	United States Person Information