



# Department of Defense

## DIRECTIVE

**NUMBER 5148.11**  
**September 20, 2010**

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DA&M

**SUBJECT:** Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))

**References:** See Enclosure

1. **PURPOSE.** This Directive:

a. Reissues DoD Directive (DoDD) 5148.11 (Reference (a)) to update the responsibilities and functions, relationships, and authorities of the ATSD(IO) under the authority vested in the Secretary of Defense by title 10 and title 50, United States Code (References (b) and (c)).

b. Authorizes the ATSD(IO), as a Principal Staff Assistant (PSA) reporting directly to the Secretary of Defense, to promulgate DoD policy in DoD Instructions (DoDIs) within the responsibilities, functions, and authorities assigned herein.

2. **APPLICABILITY.** This Directive 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 (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. **DEFINITIONS.** See Glossary.

4. **RESPONSIBILITIES AND FUNCTIONS.** The ATSD(IO) is the PSA and advisor to the Secretary and Deputy Secretary of Defense for Intelligence Oversight – the independent oversight of all intelligence, counterintelligence, and intelligence-related activities (hereafter referred to collectively as "intelligence activities") – in the Department of Defense. In this capacity, the ATSD(IO) shall inspect to ensure that all intelligence activities conducted by any of the DoD Components comply with Federal law, Executive orders (E.O.s), Presidential directives, Intelligence Community directives, and DoD issuances. In the exercise of assigned responsibilities, the ATSD(IO) shall:

a. Develop Intelligence Oversight policy and, in coordination with the General Counsel of the Department of Defense (GC, DoD), issue Intelligence Oversight guidance to the DoD Components, including regulatory guidance implementing Intelligence Oversight aspects of E.O. 12333 (Reference (d)) and E.O. 13462 (Reference (e)).

b. Review, in consultation with the GC, DoD, any allegation questioning the legality or propriety of DoD intelligence activities, or where a reasonable person would believe that the intelligence activity may be unlawful or contrary to E.O. or Presidential directive, and recommend and/or monitor a DoD Component-led investigation or directly investigate such allegations, when appropriate.

c. Receive, review, and assess both urgent and quarterly Intelligence Oversight reports from the Defense Intelligence Components or from any DoD Component involved in intelligence-related activities, and determine what action is required, including the fulfillment of reporting and the treatment of significant or highly sensitive (S/HS) matters as described in paragraph 4.d. of this section.

d. Serve as the DoD lead for all matters associated with the Intelligence Oversight Board (IOB) of the President's Intelligence Advisory Board (PIAB), established under Reference (e), including DoD reporting to the IOB and for addressing IOB inquiries received by the Department of Defense. Also, the ATSD(IO) shall report the following to the Secretary and Deputy Secretary of Defense, the IOB, and the Director of National Intelligence in coordination with the GC, DoD:

(1) On an immediate basis, any Defense intelligence activities of a questionable, significant, and/or highly sensitive nature as they pertain to Intelligence Oversight under Reference (d). Reporting on any questionable intelligence activity (QIA) and S/HS matter shall not be delayed or postponed pending an investigation, command inquiry, congressional reporting, or legal proceeding.

(2) On a quarterly basis, any Intelligence Oversight issues reported previously that have not been resolved or remain active, particularly those reported within the quarter. This quarterly report will include new issues described in paragraph 4.b. of this section that arose during the period but were not in the category described in subparagraph 4.d.(1). It shall include a description of any inspection finding or Intelligence Oversight program developments that are significant. The report can address any other appropriate Intelligence Oversight matter.

(3) On an annual basis, a report to Congress, for signature by the Secretary of Defense, regarding Intelligence Oversight activities of the Department of Defense during the previous calendar year, in accordance with section 427 of Reference (b).

e. Conduct staff assistance visits as well as vigorous and independent inspections of the DoD Components that engage in intelligence activities to verify that personnel are familiar and in compliance with References (d) and (e) and their DoD implementing documents.

- f. Assess and evaluate the performance of DoD intelligence activities as part of inspections and staff assistance visits, as well as at the request of senior leadership of the Department of Defense or when necessary. Reports on areas of special interest will be provided to the requesting official, the Head of the DoD Component inspected or visited, as applicable, as well as to the Secretary and Deputy Secretary of Defense and, as appropriate, to the IOB and the Director of National Intelligence for information.
- g. Monitor investigations and inspections conducted by the DoD Components related to intelligence activities; evaluate the findings; and, if appropriate, recommend corrective action to the Secretary and Deputy Secretary of Defense, the IOB, and the Director of National Intelligence. Conduct inspections to assess the quality and thoroughness of Intelligence Oversight inspection procedures.
- h. Serve as an advisory member of the Defense Counterintelligence and Human Intelligence Center Board of Directors.
- i. Review and conduct an annual financial audit of all funds generated by DoD intelligence commercial activities, and report the results to the Under Secretary of Defense for Intelligence (USD(I)), pursuant to DoDD 5240.12 (Reference (f)).
- j. Coordinate, as appropriate, with the USD(I) on matters relating to USD(I) areas of responsibility in accordance with DoDD S-5200.37 (Reference (g)), DoDD O-5240.02 (Reference (h)), and DoD 5240.1-R (Reference (i)). Review DoD clandestine intelligence activities to ensure compliance with Federal law, E.O.s, Presidential directives, Intelligence Community directives, and DoD issuances as they pertain to Intelligence Oversight.
- k. Maintain liaison with agencies of the Intelligence Community, and Federal, State, local and tribal law enforcement organizations, as required, to ensure DoD intelligence activities and DoD intelligence support to law enforcement agencies are conducted in accordance with law, DoD Intelligence Oversight policy, and regulations.
- l. Periodically review DoD sensitive support provided to the DoD Components and other U.S. Government departments and agencies, pursuant to DoDD S-5210.36 (Reference (j)), to ensure compliance with DoD Intelligence Oversight policy.
- m. Coordinate with the IG DoD on matters relating to Inspector General (IG) areas of responsibility, pursuant to DoDD 5106.01 (Reference (k)).
- n. Develop and implement outreach programs in Intelligence Oversight with international organizations, educational institutions, and other organizations, as appropriate, to include international conferences and symposiums, in coordination with the Under Secretary of Defense for Policy.
- o. Monitor, from an Intelligence Oversight perspective, the provision of Departmental intelligence support and involvement in DoD programs regarding information operations, critical infrastructure protection, DoD information assurance, homeland defense, enduring constitutional government, continuity of government operations, and continuity of operations.

p. Provide Intelligence Oversight training and supplemental training materials to Combatant Command IG personnel as part of the joint IG course sponsored by the Office of the IG DoD.

q. Inform the DoD Civil Liberties Officer and/or the Head of the DoD Component concerned, as appropriate, when, in the course of carrying out responsibilities herein, civil liberties issues are identified.

r. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

## 5. RELATIONSHIPS

a. ATSD(IO). In performing assigned responsibilities and functions, the ATSD(IO) shall:

(1) Report directly to the Secretary and Deputy Secretary of Defense.

(2) Coordinate and exchange information with other OSD officials, the Heads of the DoD Components, and other Federal officials having collateral or related responsibilities and functions.

(3) Use existing systems, facilities, and services of the Department of Defense and other Federal agencies, when possible, to avoid duplication and to achieve maximum efficiency and economy.

b. The USD(I) shall promptly inform the ATSD(IO) of potential areas requiring ATSD(IO) attention, pursuant to the responsibilities and functions prescribed herein.

c. Other OSD PSAs and the Heads of the DoD Components shall coordinate with the ATSD(IO) on all matters under their purview related to the responsibilities and functions assigned in this Directive.

d. The Director, Washington Headquarters Services, under the authority, direction, and control of the Director of Administration and Management, shall provide support services to the Office of the ATSD(IO), including human resources management, contracting support, and other general support services, as requested.

e. The Director, Defense Intelligence Agency, under the authority, direction, and control of the USD(I), will provide auditing support to the ATSD(IO) within available resources and when requested by the ATSD(IO).

6. AUTHORITIES. The ATSD(IO) is hereby delegated the authority to:

a. Issue, in DoDIs, DoD policy within the responsibilities, functions, and authorities assigned herein, including the authority to identify collateral responsibilities of OSD officials

and the Heads of the DoD Components. Such DoDIs shall be fully coordinated in accordance with DoDI 5025.01 (Reference (l)). This authority may not be redelegated. In areas of assigned responsibilities and functions, the ATSD(IO) is authorized to issue other DoDIs, DoD Manuals, and one-time Directive-type Memorandums (DTMs), consistent with Reference (l), that implement policy approved by the Secretary of Defense. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments or their designees. Instructions to the Combatant Commands shall normally be communicated through the Chairman of the Joint Chiefs of Staff.

b. Obtain reports and information, in accordance with DoDI 8910.01 (Reference (m)), as necessary, in carrying out assigned responsibilities and functions. DoD Component reporting and quarterly reports to the ATSD(IO) are exempt from the procedures for reviewing and licensing DoD internal information requirements, pursuant to Reference (m) and in accordance with DoD 8910.1-M (Reference (n)).

c. Communicate directly with the Heads of the DoD Components, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Military Departments shall be 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. Communications to the Commanders of the Combatant Commands, except as provided for in memorandums of agreement concerning personnel support, shall normally be transmitted through the Chairman of the Joint Chiefs of Staff.

d. Request temporary assistance from the DoD Components, in accordance with established procedures and as required, for the conduct of inspections, staff assistance visits, audits, or investigations, to include personnel, facilities, and other services.

e. Communicate directly with the IOB of the PIAB, the Office of the Director of National Intelligence, other Executive Branch officials, representatives of the Legislative Branch, members of the public, representatives of foreign governments, and international organizations, as appropriate, in carrying out assigned responsibilities and functions, including implementation of DTM 08-052 (Reference (o)). Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs or the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense, as appropriate, and be consistent with the DoD Legislative Program.

f. Have complete and unrestricted access to all available intelligence information, regardless of classification or compartmentalization, including intelligence special access programs, from all DoD Components and personnel, as required, in carrying out assigned responsibilities and functions. This includes specifically the authority to:

(1) Require an IG or other cognizant investigative official of a DoD Component to report allegations of improprieties or illegalities of intelligence activities by, or within, a DoD Component, or allegations regarding an intelligence activity that a reasonable person would believe may be unlawful or contrary to E.O. or Presidential directive.

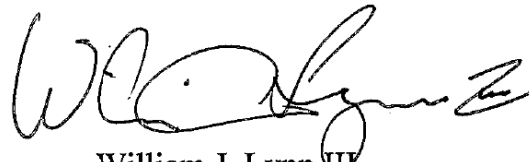
(2) Obtain information on the status, proceedings, and findings or to obtain copies of reports of investigations or inspections of such allegations.

g. Communicate directly with the head of the element inspected or investigated, conduct interviews, take depositions, and examine records incident to an inspection or investigation of any DoD Component, as required, in carrying out assigned functions.

h. Monitor and conduct investigations of violations of law, orders, regulations, directives, or policy and other QIAs, as required, as they relate to Intelligence Oversight.

7. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Directive is effective upon its publication to the DoD Issuances Website.



William J. Lynn III  
Deputy Secretary of Defense

Enclosure  
References  
Glossary

ENCLOSURE

REFERENCES

- (a) DoD Directive 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), May 21, 2004 (hereby cancelled)
- (b) Title 10, United States Code
- (c) Title 50, United States Code
- (d) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended
- (e) Executive Order 13462, "President's Intelligence Advisory Board and Intelligence Oversight Board," February 29, 2008, as amended
- (f) DoDI S-5240.12, "Intelligence Commercial Activities (ICAs) (U)," April 21, 2010.
- (g) DoD Directive S-5200.37, "Management and Execution of Defense Human Intelligence (HUMINT) (U)," February 9, 2009<sup>1</sup>
- (h) DoD Directive O-5240.02, "Counterintelligence," December 20, 2007<sup>2</sup>
- (i) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 7, 1982
- (j) 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<sup>1</sup>
- (k) DoD Directive 5106.01, "Inspector General of the Department of Defense," April 13, 2006
- (l) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007
- (m) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007
- (n) DoD 8910.1-M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998
- (o) Directive-Type Memorandum 08-052, "DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters," June 17, 2009

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<sup>1</sup> This classified document is available on the SECRET Internet Protocol Router Network (SIPRNET) DoD Issuances Website at <http://www.dtic.smil.mil/whs/directives>.

<sup>2</sup> This For Official Use Only document is available on the SIPRNET DoD Issuances Website at <http://www.dtic.smil.mil/whs/directives>.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ATSD(IO)	Assistant to the Secretary of Defense for Intelligence Oversight
DoDD	DoD Directive
DoDI	DoD Instruction
DTM	Directive-type Memorandum
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
PIAB	President's Intelligence Advisory Board
PSA	Principal Staff Assistant
QIA	questionable intelligence activity
SIPRNET	SECRET Internet Protocol Router Network
S/HS	significant or highly sensitive
USD(I)	Under Secretary of Defense for Intelligence

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Directive.

inspection. An evaluation that measures performance against a standard and that should identify the cause of any deviation. All inspections start with compliance against a standard. The ATSD(IO) and the Heads of the DoD Components may tailor inspections to their needs.

Intelligence Oversight. The process of independently ensuring all DoD intelligence, counterintelligence, and intelligence-related activities are conducted in accordance with applicable U.S. law, E.O.s, Presidential directives, and DoD issuances designed to balance the requirement for acquisition of essential information by the Intelligence Community, and the protection of Constitutional and statutory rights of U.S. persons. Intelligence Oversight also includes the identification, investigation, and reporting of questionable intelligence activities and S/HS matters involving intelligence activities.



Intelligence Oversight staff assistance visit. Visits conducted by the ATSD(IO) and staff 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, as needed.

propriety. The standards for intelligence activities promulgated in E.O.s, Presidential directives, Intelligence Community directives, and DoD issuances. It also pertains to the conduct of intelligence activities in an appropriate and proper manner consistent with good judgment and sound business practices based on the facts and circumstances at the time.

S/HS matter. A development or circumstance involving an intelligence activity or intelligence personnel that may or may not be unlawful or contrary to E.O. or Presidential directive that could impugn the reputation or integrity of the Defense Intelligence Components or otherwise call into question the propriety of an intelligence activity. Such matters might be manifested in or by an activity that involves congressional inquiries or investigations; may result in adverse media coverage; may impact on foreign relations or foreign partners; or is related to the unauthorized disclosure of classified or protected information, such as information identifying a sensitive source and method. Reporting under this paragraph does not include reporting of routine security violations.