

1 NOVEMBER 1993



Intelligence

CONDUCT OF INTELLIGENCE ACTIVITIES

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the SAF/AAD WWW site at: <http://afpubs.hq.af.mil>. If you lack access, contact your Publishing Distribution Office (PDO).

OPR: HQ AFDC/DOOH
(Mr Brian Howard)

Certified by: HQ USAF/INXX
(Col Thomas A. Stevenson)

Supersedes AFR 200-19, 31 October 1983.

Pages: 5
Distribution: F

This instruction gives the directive requirements for the conduct of United States (US) Air Force intelligence activities that affect US persons. It describes mandatory training requirements of intelligence and counterintelligence components organizations conducting intelligence activities. It also details how to identify, investigate, and report procedures in the event of violations. This instruction implements Executive Order (EO) 12333 (part 2), *United States Intelligence Activities*; Department of Defense (DoD) Directive 5240.1, *DoD Intelligence Activities (C³I)*; DoD Regulation 5240.1-R, *Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons (C³I)*; and AFPD 14-1, *Intelligence Management*.

See **Attachment 1** for a glossary of references, abbreviations, acronyms, and terms.

SUMMARY OF REVISIONS

This is the initial publication of AFI 14-104, substantially revising AFR 200-19.

Section A—Intelligence Oversight

1. Purpose of Intelligence Oversight. Intelligence oversight encompasses two fundamental concerns: obtaining the intelligence information required to protect national security and protecting individual rights guaranteed by the Constitution and the laws of the United States. The primary objective of the Intelligence Oversight Program is to ensure that units and staff organizations legally conducting intelligence activities do not infringe on or violate the rights of US persons.

2. Conduct of Intelligence Activities. Information concerning capabilities, intentions, and activities of foreign governments is essential in decisionmaking for national defense and foreign relations. The measures used to acquire such information must be responsive to the legitimate needs of the US Government, and must be conducted in a manner that abides by the legal and constitutional rights of US persons.

2.1. This instruction directs all Air Force personnel, regardless of specialty or job function, working with data collected on US persons to be knowledgeable of, and adhere to, the restrictions and procedures in DoD Regulation 5240.1-R.

2.2. This instruction neither authorizes any activity not previously authorized nor exempts anyone from any restrictions in DoD Regulation 5240.1-R.

3. Scope of the Intelligence Oversight Program. The Intelligence Oversight Program pertains to all intelligence units and staff organizations that could collect, analyze, process, retain, or disseminate intelligence information on US persons.

3.1. This program also applies to personnel doing intelligence work as an additional duty, even if those people are not assigned to an intelligence unit or staff.. The major command (MAJCOM), field operating agency (FOA), US Air Force Reserve (USAFR), or Air National Guard (ANG) Senior Intelligence Officer determines how the program applies to non-intelligence units or staff organizations that receive and retain intelligence information

Section B—Responsibilities

4. HQ USAF/IN:

4.1. Formulates Air Force intelligence oversight policy.

4.2. Coordinates with the Assistant to the Secretary of Defense (Intelligence Oversight), the Air Force Inspector General, and the Air Force General Counsel on Intelligence Oversight matters.

4.3. Attends Intelligence Oversight Panel meetings as the Air Force Inspector General requires.

5. MAJCOMs, Office of Air Force Reserve, Director of the ANG, and Those FOAs and Direct Reporting Units (DRU) That Perform Intelligence Activities as Defined in Paragraph 3:

5.1. Establish and maintain Intelligence Oversight Programs to ensure all personnel assigned to their intelligence components receive training according to section C.

5.2. Provide to HQ USAF/IN, at its request, a list of intelligence components, specifying designation, location, subordination, and approximate number of assigned personnel.

Section C—Training Personnel

6. Initial Training. Provide initial intelligence oversight training to all Air Force intelligence personnel as part of their technical training. Provide intelligence oversight training to all personnel performing duties defined in paragraph 3. and paragraph 3.1. as part of their unit indoctrination.

7. Annual Refresher Training. Provide annual refresher training to all Air Force personnel who are assigned to Air Force intelligence components and who perform intelligence activities as defined in paragraph 3. and paragraph 3.1. This training will ensure that they remain familiar with Intelligence Oversight matters, such as the explanations in DoD Regulation 5240. 1-R of the circumstances under which organizations can collect, retain, and disseminate intelligence on US persons. Units should keep records of personnel training.

Section D—Identification and Investigation

8. Intelligence Reporting and Investigating. Report any activity that appears to be in violation of law, policy, intelligence oversight directives, or regulations as paragraph 9. directs. Investigate all reports as DoD Regulation 5240.1-R directs. Conduct all investigations as quickly as possible. Officials responsible for investigations may obtain additional assistance from within the component concerned or from other DoD components, when necessary, to complete investigations in a timely manner. The Air Force General Counsel and HQ AFIA inspectors must have all relevant information necessary to complete an investigation, regardless of classification or compartmentation.

Section E—Reporting Procedures

9. Questionable Activities. Air Force agencies, units, and personnel must report activities that are contrary to DoD Regulation 5240.1-R or this instruction to their respective Inspector General, HQ AFIA/FI, or to the Air Force General Counsel, who must immediately report questionable activities of a serious nature to the General Counsel, DoD, or ATSD(IO). These reporting requirements are exempt from licensing according to AFI 37-124, *Management and Control of Information Report Requirements*. Initial reporting should be to the immediate supervisor, or the unit or staff organization intelligence oversight monitor, but it can, if necessary, start at higher levels.

10. Quarterly Reports. Each MAJCOM, FOA, or DRU Inspector General responsible for an Air Force organization subject to this instruction as a DoD intelligence component must prepare quarterly inputs to SAF/IGI. Inputs are due at SAF/IGI 5 calendar days before the end of each quarter. SAF/IGI will consolidate all inputs into a quarterly report to ATSD(IO). Inputs must include:

- 10.1. Activities believed to be illegal or contrary to EO 12333 or DoD policy.
- 10.2. Actions taken regarding such activities.
- 10.3. Significant oversight activities; e.g., IO evaluations or inspections (provide results, unit, location, and inspection date). Include results of inspections conducted by any outside agency, such as ATSD(IO) (include unit, locations, and inspection date), and planned next-quarter IO inspections (provide unit, location, and estimated inspection date).
- 10.4. Suggestions for improving the oversight system.

ERVIN J. ROKKE, Maj General, USAF
Assistant Chief of Staff for Intelligence

Attachment 1

GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

References

NOTE:

The user of this instruction is responsible for verifying the currency of the cited documents.

DoD Regulation 5240.1-R *Procedures Governing the Activities of DoD Intelligence*

Components That Affect United States Persons (C³I), December 1982

DoD Directive 5240.1, *DoD Intelligence Activities (C³I)*, April 25, 1988

Executive Order No. 12333 *United States Intelligence Activities*, December 4, 1981.

Abbreviations and Acronyms

ANG— Air National Guard

ATSD(IO)— Assistant to the Secretary of Defense, Intelligence Oversight

DoD— Department of Defense

DRU— Direct Reporting Unit

EO— Executive Order

FOA— Field Operating Agency

HQ AFIA— Headquarters Air Force Inspection Agency

HQ USAF/IN— Headquarters United States Air Force Intelligence, Assistant Chief of Staff, Intelligence

MAJCOM— Major Command

US— United States

USAFR— United States Air Force Reserves

Terms

NOTE:

The purpose of this glossary is to help the reader understand the terms used in this publication. It is not intended to encompass all pertinent terms. Joint Publication 102, *Department of Defense Dictionary of Military and Associated Terms*, 1 December 1989, and AFM 111, *Air Force Glossary of Standard Terms*, contain standardized terms and definitions for Department of Defense and Air Force use.

Air Force Intelligence Component.—All personnel and activities of the organization of the Assistant Chief of Staff, Intelligence, counterintelligence units of the Air Force Office of Special Investigations, Air Force Intelligence Command, and other organizations, staffs, and offices when used for foreign intelligence or counterintelligence activities to which EO 12333 (part 2) applies.

A United States Person is:

- A US citizen.
- An alien known by the DoD intelligence component concerned to be a permanent resident alien.
- An unincorporated association substantially composed of US citizens or permanent resident aliens.
- A corporation incorporated in the United States unless it is directed and controlled by a foreign government or governments.

A Non-United States Person is a:

- Corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.
- Person or organization outside the United States is presumed not to be a US person unless specific information to the contrary is obtained. An alien in the United States is presumed not to be a US person unless specific information to the contrary is obtained.