

13 procedures governing the activities of DoD Intelligence that affect U.S. Persons:

1. General Provisions
2. Collections of Info About U.S. Persons
3. Retention of Info About U.S. Persons
4. Dissemination of Info About U.S. Persons
5. Electronic Surveillance
6. Concealed Monitoring
7. Physical Searches
8. Searches of Mail
9. Physical Surveillance
10. Undisclosed Participation in Organizations
11. Contracting for Goods and Services
12. Assistance to Law Enforcement Authorities
13. Experimentation on Human Subjects

13 categories with Appropriate Approval

Air Force Intelligence personnel SHALL NOT collect (e.g. concealed monitoring, mail/physical search, electronic/physical surveillance or undisclosed participation), retain or disseminate information about U.S. persons unless done IAW the procedures contained in DoD 5240.1-R and only if they fall within one of more of the following

13 categories:

- Publicly Available
- Consent
- Foreign Intelligence
- Counterintelligence
- Threats to Safety
- Protection of Intel Sources, Methods & Activities
- Current, Former or Potential Source Assist to Intel
- Persons in Contact w/Sources or Potential Sources
- Personnel
- Physical Security
- Communications Security Investigation
- Overhead & Airborne Reconnaissance
- Administrative Purposes

Commander's Responsibilities (IAW AFI 14-404)

- Ensure compliance with all intelligence oversight (IO) rules when conducting intelligence or intelligence-related activities. (2.9.1)
- Appoint primary and alternate IO monitors. (2.9.2)
- Identify and report all questionable intelligence activities (QIA) through chain of command, IG, legal council, or intelligence oversight managers to AF/A2/6. (2.9.3)
- Ensure that no adverse action is taken against DoD personnel or contractors that report QIA and/or significant/highly sensitive matters. (2.9.4)
- Ensure that queries are conducted on unevaluated information that would reveal USPI, and that the unit has established documentation on procedures in retaining data with USPI (2.9.5)
- Ensure an IO training program is tailored to mission requirements and it given to those who conduct intelligence activities. (2.9.6)
- Ensure program is reviewed annually using MICT and Self-Assessment Communicator (2.9.7)
- Investigate any QIA using procedures for commander-directed investigations IAW AFI 90-301. (3.1)
- Ensure that Defense Intelligence Component Head approval before conducting activities specified in AFI 14-404-Attachement 2. (4.2)
- Ensure that guidance for responding to requests for identities of US persons is disseminated intel reports are followed. (Attachment 3)
- Ensure all outside agency request for identities of US persons is staffed through their respective chain of command, IG, legal counsel, or IO managers. (Attachment 3)

19th Airlift Wing



Intelligence Oversight Activities

Primary POC
19 OSS/IN

Phone
DSN 731-3801/8783

Purpose

IO involves a balancing of two fundamental interests:

1. Obtaining the intel info required to protect national security
2. While protecting individual rights guaranteed by the Constitution and outlined within the laws of the United States.

Primary objective is to mitigate infringement upon the rights of U.S. persons by ensuring intel personnel at all levels understand IO responsibilities

19 AW Specific IO Training

- 19 AW Mission: “Undaunted Tactical Airlift- Anytime, Anywhere!”
- 19 AW Vision: “Read for the next challenge”
- **19 AW does not have an intelligence collection mission.**
- **Special Circumstances that allow for authorized collection of domestic imagery:**
 - **National Disasters**
 - **Counterintelligence/Force Protection**
 - **Exercise/Training/Navigation**
 - **Imagery on U.S. military trng ranges**
- **Do not partake in any intelligence gathering on any US persons.**
 - **If asked to do so, report it!**

Scope

Applies to all military intel units, staff orgs, civilian-contracted orgs and non-intel orgs that perform intel-related activities that could collect, analyze, process, retain, or disseminate info on U.S. persons.

U.S. Person

U.S. person is a U.S. citizen; a known permanent resident alien; or, a corporation (if incorporated in the U.S., and not directed and controlled by a foreign government). Any person or organization located outside of the U.S. is presumed not to be a U.S. person UNLESS there is specific information to the contrary.

Individual Responsibilities

Complete: Initial IO training within 60 days (180 days for AFRC/ANG) of assignment/employment; annual refresher training; as well as any unit specific training.

Policy & Guidance Documents

AFI 14-404: Implements EO 12333, DoD 5240.1-R, and DoDM 5240.1. Document gives directive to USAF intelligence activities. To ensure units and staff organization conducting Intel ops do not infringe on or violate the rights of U.S. persons.

EO 12333: Established the Oversight Program, clarified authority and responsibilities of U.S. intelligence agencies and serves as the basis for other oversight directives.

DoDM 5240.01: Establishes procedures to enable DoD to conduct authorized intel activities that protects constitutional, legal rights & privacy of U.S. persons. Authorizes DoD Intel components to collect, retain, & disseminate info concerning U.S. persons in compliance w/applicable laws, EOs, policies & regs.

DoD 5240.1-R: Sets forth procedures governing activities of DoD Intel components that affect U.S. persons. Implements DoDM 5240.1; also contains the reporting structure for possible violations.

DoDD 5148.13: Establishes policies, assigns responsibilities, and provides procedures for employee conduct and identifying, investigating, and reporting questionable intel activities and significant or highly sensitive matters.

Collection

Information is considered “collected” when it has been received by a Defense Intelligence Component, whether or not it is retained by the Component for intelligence or other purposes.

Collected information includes information obtained or acquired by any means, including information that is volunteered to the Component.

REPORTING

Questionable Activities: AF agencies, units, and personnel are required to report any Questionable Intelligence Activities (QA) and/or Significant or Highly Sensitive Matters (S/HSM), and crimes to IO Monitor, Chain of command (preferred method; encouraged when feasible), Unit JAG, Unit IG, SAF/GC, SAF/IG, DoD General Counsel or DoD Senior Intelligence Oversight Official. QA is any intelligence activity, as defined in EO 12333 that may be unlawful or contrary to EO, Presidential directive, or applicable DoD policy governing that activity. S/HSM is a development or circumstance involving an intelligence activity or intelligence personnel that could impugn the reputation or integrity of the DoD Intelligence Community or otherwise call into questions the propriety of an intelligence activity.

Cooperation with law enforcement is subject to limitation detailed in DoD 5240.1-R:

- Investigate or prevent clandestine intel activities by foreign powers, international narcotic, or terrorist activities.
- Protecting DoD employees, information, property & facilities

Request for electronic surveillance on U.S. person abroad for foreign intel purposes must be forwarded to AF/A2 for approval.

