



## DoD DIRECTIVE 5240.01

# DoD INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES AND DEFENSE INTELLIGENCE COMPONENT ASSISTANCE TO LAW ENFORCEMENT AGENCIES AND OTHER CIVIL AUTHORITIES

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| <b>Originating Component:</b>    | Office of the Under Secretary of Defense for Intelligence and Security  |
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| <b>Reissues and Cancels:</b>     | DoD Directive 5240.01, "DoD Intelligence Activities," August 27, 2007, as amended   |
| <b>Incorporates and Cancels:</b> | DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 7, 1982, as amended  |
| <b>Approved by:</b>              | Kathleen H. Hicks, Deputy Secretary of Defense  |

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**Purpose:** This issuance:

- Implements Executive Orders (E.O.s) 12333 and 13388, and Title 50, United States Code (U.S.C.).
- Establishes policy and provides direction for DoD intelligence and intelligence-related activities.
- Assigns responsibilities and provides guidelines for Defense Intelligence Component intelligence assistance to law enforcement agencies and other civil authorities.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance 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 Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. Any DoD Component, when conducting the training of personnel to perform intelligence duties or activities; any use of tradecraft as defined in this issuance; the conduct of research, development, testing and evaluation for the purpose of developing intelligence capabilities; and any intelligence-related and sensitive activities and related matters subject to the Under Secretary of Defense for Intelligence and Security (USD(I&S)) exercise of the Secretary of Defense’s delegated authority, direction, and control within DoD Directive (DoDD) 5143.01 are subject to this issuance and Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency oversight.

c. This issuance implements Paragraph 2.6 of E.O. 12333, as amended. Except as otherwise specified in this issuance, this issuance applies to all Defense Intelligence Components when providing intelligence assistance to law enforcement agencies or other civil authorities.

d. This issuance does not apply to:

(1) Activities conducted by the National Geospatial-Intelligence Agency pursuant to Section 442 of Title 10, U.S.C., or Section 3045 of Title 50, U.S.C., for:

(a) Humanitarian assistance.

(b) Disaster readiness, response, and recovery.

(c) Maritime and aeronautical safety of navigation.

(d) Environmental and security vulnerability studies.

(e) Mapping, charting, and geodetic missions.

(f) Other similar activities not constituting foreign intelligence or counterintelligence (CI).

(2) Support of civil authorities or civilian law enforcement agencies conducted in accordance with DoDD 3025.18, DoD Instruction (DoDI) 3025.20, or DoDI 3025.21, including when such support is provided by Defense Intelligence Components, units, personnel, or assets.

(3) The use of animals in DoD-conducted and supported research, development, test, and evaluation (including experimentation), or training conducted in accordance with DoDI 3216.01.

## **1.2. POLICY.**

a. DoD intelligence and intelligence-related activities will be conducted in accordance with this issuance; applicable laws; E.O.s, including E.O. 12333, as amended; Presidential Directives; DoDD 5148.13; Secretary of Defense memoranda and other DoD policies; and DoD Manual (DoDM) 5240.01. Special emphasis will be given to the protection of the constitutional rights and privacy of U.S. persons.

b. The conduct of intelligence and intelligence-related activities, even if conducted by a DoD organization or element that is not an intelligence unit or intelligence-funded, must be conducted consistent with the authorities and policies cited in Paragraph 1.2.a.

c. Defense Intelligence and CI will be the all-source intelligence collection, analysis, sharing, and dissemination capability derived from intelligence and CI activities, operations, and campaign plans, provided to U.S. Government and DoD decision makers and warfighters for military planning and operations.

d. Intelligence activities will only be conducted by Defense Intelligence Components or by other DoD Components when specifically authorized by the Secretary of Defense, the USD(I&S), or a Defense Intelligence Component head.

e. Defense Intelligence Component intelligence assistance to any Federal department or agency, including a Federal law enforcement agency, or to a State or local law enforcement agency when lives are in danger, will be conducted in accordance with Section 3.

f. DoD intelligence and intelligence-related activities that use tradecraft must follow DoD and Intelligence Community (IC) policies, procedures, and methods.

g. Defense Intelligence Components may enter into contracts or arrangements for the provision of goods and services with commercial organizations, non-academic institutions, private institutions, or private individuals within the United States without revealing the sponsorship of the Defense Intelligence Component if:

(1) The contract or arrangement is for routine goods or services necessary for the support of approved activities (e.g., credit cards, car rentals, travel, lodging, meals, rental of office space or commercial communications or information technology, and other items incident to approved activities); or

(2) There is a written determination or approval of a cover plan, annex, or amendment by the Defense Intelligence Component head, or delegee, the Secretary or Under Secretary of a Military Department, or the USD(I&S) that the sponsorship of a Defense Intelligence Component must be concealed to protect the activities of the Defense Intelligence Component concerned.

h. Contracts or other agreements for goods or services with academic institutions in the United States may only be entered into after disclosing any affiliation with a Defense Intelligence Component and obtaining the consent of the appropriate officials of that academic

institution. The disclosure requirement does not apply to enrollment of individual students in academic institutions if accomplished in accordance with DoDM 5240.01.

i. Research involving human subjects must be done in accordance with DoDI 3216.02; Part 219 of Title 32, Code of Federal Regulations; and applicable DoD Component regulations. Human subject research involving prisoners of war or detainees is prohibited in accordance with DoDD 2310.01E and DoDI 3216.02.

j. Questionable intelligence activities and significant or highly sensitive matters must be reported in accordance with DoDD 5148.13. DoD contracting officers must ensure each contract under which contractor personnel will be conducting intelligence or intelligence-related activities or supporting those efforts requires that contractor personnel report any questionable intelligence activities or significant or highly sensitive matters to appropriate government officials identified in the contract. Officials to whom any such report is made should proceed in accordance with Paragraph 4.1.a. of DoDD 5148.13.

k. The Defense Intelligence Components will only conduct, or provide support for the conduct of, covert activities:

(1) In times of war declared by Congress;

(2) During a period covered by a report from the President to Congress in accordance with Public Law 93-148; or

(3) When such actions have been approved by the President and directed by the Secretary of Defense.

l. No DoD civilian employee or member of the Armed Forces will engage in, or conspire to engage in, assassination.

m. Defense Intelligence Component activities conducted under support agreements with other DoD Components or non-DoD Federal departments and agencies in accordance with DoDI 4000.19 will comply with this issuance unless an exception is granted by law, E.O., Presidential directive, DoD policy, or Secretary of Defense, Deputy Secretary of Defense, or USD(I&S) memorandum.

n. No Defense Intelligence or CI Component will request any person or entity to undertake intelligence activities that do not follow the procedures described in DoDM 5240.01 and DoDD 5148.13 or unauthorized activities on behalf of the Defense Intelligence or CI Component. The collection techniques described in DoDM 5240.01 and DoDD 5148.13 will be employed only to perform intelligence or CI functions assigned to the Defense Intelligence Component concerned. Use of such techniques to collect information about U.S. persons must:

(1) Be limited to the least intrusive means feasible.

(2) Protect fully the legal rights of all U.S. persons, including civil liberties, and privacy rights guaranteed by Federal law.

(3) Not violate law, E.O., Presidential guidance, or DoD or Director of National Intelligence policy.

o. Consistent with the need to protect intelligence sources, methods, or activities, in accordance with the provisions of IC Directive 501, the Defense Intelligence and CI Components have an affirmative responsibility to share collected and stored information, data, and resulting analysis with other Defense Intelligence and CI Components, all other IC elements, other relevant Federal departments and agencies, and civilian law enforcement officials, as appropriate. This also applies to the exchange and sharing of terrorism-related information pursuant to E.O. 13388. Information sharing will adhere to the requirements and restrictions imposed by Federal law, E.O., and DoD and Director of National Intelligence policies.

## SECTION 2: RESPONSIBILITIES

### 2.1. USD(I&S).

The USD(I&S):

a. Provides guidance for the conduct of DoD intelligence and intelligence-related activities and serves as the DoD lead for DoD participation in such activities.

b. Serves as the point of contact for the Secretary of Defense and Defense Intelligence Components regarding DoD intelligence and intelligence-related activities with:

(1) U.S. Government entities and agencies, including:

(a) The National Security Council.

(b) The Office of the Director for National Intelligence.

(c) The Homeland Security Council.

(d) The Departments of the Treasury, State, Justice, and Homeland Security.

(e) The IC.

(f) Congress.

(2) Foreign governments, international organizations, and non-governmental organizations.

(3) State, tribal, and local agencies. When working with National Guard entities whose personnel are in State active duty or Title 32, U.S.C., duty status, the USD(I&S) will act in conjunction with the Chief, National Guard Bureau, in accordance with DoDD 5105.77.

c. Promotes coordination, cooperation, information sharing, and cross-Service management of DoD intelligence and intelligence-related activities within the DoD and between the DoD and other Federal departments and agencies.

d. Facilitates consultation on DoD policy regarding Defense Intelligence Component intelligence assistance to law enforcement agencies and other civil authorities with:

(1) Appropriate Federal departments and agencies.

(2) State, local, and tribal agencies.

(3) All DoD Components.

e. Approves requests for Defense Intelligence Component intelligence assistance to law enforcement agencies and other civil authorities in accordance with Paragraph 3.3.

- f. Serves as the Principal Staff Assistant for tradecraft.

## **2.2. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC DoD).**

The GC DoD:

- a. Serves as the point for contact with, and reporting to, the U.S. Attorney General regarding legal matters arising under this issuance.
- b. Reviews and provides legal guidance regarding this issuance and on requests for assistance by Defense Intelligence Components to law enforcement agencies and other civil authorities, as appropriate.
- c. As the Chief Legal Officer of the Department of Defense, consistent with Section 140 of Title 10, U.S.C., provides the determinative opinion on all legal guidance regarding this issuance and on requests for Defense Intelligence Component assistance to law enforcement agencies and other civil authorities. The legal office responsible for advising a DoD Component will seek counsel from the Office of the GC DoD for any novel, contested, or significant questions of law or matters of first impression related to this issuance.

## **2.3. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.**

The Assistant Secretary of Defense for Legislative Affairs:

- a. Serves as the USD(I&S) point of contact with Congress in accordance with Paragraph 2.1.b.(1)(f).
- b. Facilitates DoD Components' reports to Congress regarding intelligence and intelligence-related activities, including those in support of approved requests for intelligence assistance to law enforcement agencies and other civil authorities as outlined in Section 3 of this issuance, in accordance with DoDD 5142.01, DoDI O-5100.94, and DoDI 5400.04.

## **2.4. ASSISTANT TO THE SECRETARY OF DEFENSE FOR PRIVACY, CIVIL LIBERTIES, AND TRANSPARENCY.**

In accordance with DoDD 5148.11, DoDD 5148.13, and the September 1, 2021 Deputy Secretary of Defense Memorandum, the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency coordinates with the USD(I&S); the GC DoD; the Inspector General of the Department of Defense; and the Inspectors General of the National Security Agency, National Reconnaissance Office, National Geospatial-Intelligence Agency, and Defense Intelligence Agency on matters relating to intelligence oversight, as well as support requirements for intelligence oversight reporting, inspecting, and investigative activities.



## **2.5. DOD COMPONENT HEADS.**

The DoD Component heads:

- a. Conduct authorized DoD intelligence activities and intelligence-related activities in accordance with the authorities in Paragraph 1.2. The legal office responsible for advising the DoD Component will determine, subject to Paragraph 2.2.c., whether the proposed activity is undertaken for a purpose that falls within the definition of “intelligence-related activities.”
- b. Provide Defense Intelligence Component intelligence assistance to law enforcement and other civil authorities in accordance with Paragraph 2.7.a. The Defense Intelligence Component head may approve requests for Defense Intelligence Component intelligence assistance to law enforcement agencies and other civil authorities in accordance with Paragraph 3.3.
- c. When needed (e.g., when there is not a Defense Intelligence Component head in the chain of command for an organization engaging in intelligence-related activities), request that the USD(I&S) appoint a senior official to serve the same type of functions (e.g., approval of intelligence-related activities) that are handled by Defense Intelligence Component heads for Defense Intelligence Components.

## **2.6. SECRETARIES OF THE MILITARY DEPARTMENTS.**

In addition to the responsibilities in Paragraph 2.5., the Secretaries of the Military Departments:

- a. Supervise and control the intelligence activities of their respective Military Departments, and organize, staff, train, and equip the intelligence elements of the Military Departments to support operational forces, U.S. Government policymakers, and the acquisition community with timely, tailored, intelligence tasking, collection, processing and exploitation, analysis and production, and dissemination and integration.
- b. Develop intelligence capabilities, including interoperable and compatible systems, databases, and procedures for joint operational forces that interface with the Joint Information Environment, the IC Information Enterprise, and the Defense Intelligence Information Enterprise, as appropriate.

## **2.7. DEFENSE INTELLIGENCE COMPONENT HEADS.**

The Defense Intelligence Component heads:

- a. Provide intelligence assistance to law enforcement agencies and other civil authorities as outlined in Section 3 of this issuance, and in accordance with DoDM 5240.01; E.O.s 12333, 13526, and 13549; applicable memorandums of agreement or understanding between the DoD and the Department of Justice or other Federal Government agencies; Sections 271, 275 (as implemented by DoDI 3025.21), and 8750 of Title 10, U.S.C.; and Sections 3039 and 3045 of Title 50, U.S.C.

b. When performing an authorized mission or function not covered under the provisions of this issuance, comply with DoD policy applicable to DoD non-intelligence organizations and any specific operational parameters specified by DoD policy for that mission or function. Administrative activities involving security, logistics, talent management, and non-intelligence-specific training that are funded with National Intelligence Program or Military Intelligence Program funds are not intelligence-related activities and are not presumed to be intelligence-related activities.

## **SECTION 3: DEFENSE INTELLIGENCE COMPONENT ASSISTANCE TO LAW ENFORCEMENT AGENCIES AND OTHER CIVIL AUTHORITIES**

### **3.1. GENERAL PRINCIPLES.**

a. Defense Intelligence Components may provide intelligence and nonintelligence assistance to other DoD Components, including DoD law enforcement, on the same terms under which all other DoD Components assist each other. Defense Intelligence Components must consider command relationships; Section 1535 of Title 31, U.S.C. (also known and referred to in this issuance as the “Economy Act”) support agreements; Section 1385 of Title 18, U.S.C. (also known as the “Posse Comitatus Act”); and any other applicable law and policies. When performing missions or functions other than foreign intelligence or CI, Defense Intelligence Components will comply with DoD policy applicable to DoD non-intelligence organizations and any specific operational parameters specified by DoD policy for that mission or function.

b. A Defense Intelligence Component may undertake intelligence activities for the primary purpose of furthering its mission or function, or to assist the intelligence mission or functions of another element of the IC within a Federal law enforcement agency. When there is a question as to whether such assistance is undertaken for the primary purpose of furthering the Defense Intelligence mission or function, the Defense Intelligence Component head or a delegatee will resolve the matter after consultation with the servicing legal office.

c. This section does not apply to:

(1) DoD Intelligence Component assistance provided in accordance with DoDD 3025.18, DoDI 3025.20, or DoDI 3025.21, as a provision of such assistance is not an intelligence activity.

(2) Defense Intelligence Component assistance to DoD law enforcement, except as provided in Paragraph 3.1.a.

(3) Defense Intelligence Component assistance concerning the protection of the President, Vice President, and other designated dignitaries pursuant to Public Law 94-524, also known as the “Presidential Protection Assistance Act,” which will be approved in accordance with Enclosure 3 of DoDI 3025.21 and DoDI 3025.19.

(4) Defense Intelligence Component assistance to foreign law enforcement.

(5) Sensitive support activities, which are governed by DoDD S-5210.36.

(6) Disseminations in accordance with Paragraph 3.4. of DoDM 5240.01.

(7) DoD Component assistance provided in accordance with DoDI 3000.14.

### **3.2. PERMISSIBLE ASSISTANCE.**

a. In accordance with Section 2.6 of E.O. 12333, as amended, unless otherwise precluded by such E.O. or applicable law, Presidential directive, other E.O., or policy, and except as indicated in Paragraphs 1.1.b. and 3.1. of this issuance, the following Defense Intelligence Component intelligence assistance to any Federal department or agency, including a Federal law enforcement agency, or to a State or local law enforcement agency when lives are in danger, are authorized:

(1) Cooperating with appropriate law enforcement agencies to protect the IC's employees, information, property, and facilities of any element.

(2) Unless otherwise precluded by law or E.O. 12333, participating in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers or their agents, international terrorist activities, or international narcotics activities.

(3) Providing specialized equipment, technical knowledge, or assistance of expert personnel for use by any Federal department or agency, or when lives are endangered, to support State and local law enforcement agencies. The Defense Intelligence Component's legal office, subject to Paragraph 2.2.c., will approve assistance from expert personnel in each case.

(4) When lives are in danger, rendering any other lawful assistance to law enforcement agencies or other civil authorities provided such assistance is consistent with, and has been approved by an official pursuant to Section 2 of this issuance. Such official will ensure that the legal office of the providing DoD Component concurs in such assistance.

(5) Dissemination of intelligence information where such information may be relevant to a violation of any Federal or State law within the recipient's jurisdiction, in accordance with Section 271 of Title 10, U.S.C.

(6) Disseminating lawfully collected information reasonably believed to indicate a violation of Federal, State, local, or foreign laws, in accordance with the August 22, 1995 Memorandum of Understanding between the DoD and the Department of Justice, or other applicable memorandums of understanding.

b. Assistance described in Paragraph 3.1.a.

c. Defense Intelligence Component personnel providing intelligence assistance to law enforcement agencies or other civil authorities will conduct such assistance in accordance with this issuance. Such personnel are prohibited from collecting, retaining, or disseminating U.S. persons' information during such assistance except when pursuant to DoDM 5240.01. Any incidentally acquired U.S. persons' information reasonably believed to indicate a violation of Federal law must be provided to civilian law enforcement officials in accordance with E.O. 12333, as amended, and DoDM 5240.01.

### **3.3. LEVELS OF AUTHORITY.**

Subject to Paragraph 3.1., Defense Intelligence Components may provide personnel to assist a Federal department or agency, including a Federal law enforcement agency, or a State or local law enforcement agency when lives are in danger, in response to a request for such assistance, in accordance with the following approval authorities:

#### **a. Secretary of Defense Approval.**

(1) The Secretary of Defense may approve any type of requested permissible assistance described in Paragraph 3.2.

(2) The decision to approve requests for these types of permissible assistance described in Paragraph 3.2. to law enforcement agencies and other civil authorities are reserved to the Secretary of Defense:

(a) Provision of personnel to support response efforts for civil disturbances, which may also require Presidential authorization.

(b) DoD response to chemical, biological, radiological, nuclear, and high-yield explosive incidents.

(c) Assistance in responding with assets with potential for lethality, or any situation in which it is reasonably foreseeable that providing the requested assistance may involve the use of force that is likely to result in lethal force, including death or serious bodily injury. It also includes all support to civilian law enforcement officials in situations where a confrontation between civilian law enforcement and civilian individuals or groups is reasonably anticipated. Such use of force must be in accordance with DoDD 5210.56, potentially as further restricted based on the specifics of the requested support.

(d) Provision or use of DoD unmanned systems in the United States except as delegated by the Secretary of Defense pursuant to the October 31, 2023 Secretary of Defense Memorandum.

#### **b. USD(I&S) Approval.**

For matters not reserved to the Secretary of Defense in Paragraph 3.3.a.(2), the decision to approve requests for the types of permissible assistance described in Paragraph 3.2. to law enforcement agencies and other civil authorities is reserved to the USD(I&S). Coordination with the Under Secretary of Defense for Policy is required if:

(1) The number of requested personnel exceeds 20 people.

(2) The duration of the requested assistance exceeds 30 days.

**c. Defense Intelligence Component Head Approval.**

For matters not reserved to the Secretary of Defense in Paragraph 3.3.a. or to the USD(I&S) in Paragraph 3.3.b., and subject to Paragraphs 3.3.a., 3.3.b., and 3.3.d., a Defense Intelligence Component head, or delegee, may approve any type of requested permissible assistance described in Paragraph 3.2., after consultation with the servicing legal office. The Defense Intelligence Component head will notify the USD(I&S) when approving such requests.

**d. General Counsel Approval.**

In addition to the approvals required by Paragraph 3.3.a., Paragraph 3.3.b., or Paragraph 3.3.c., as applicable, the provision of assistance by expert personnel pursuant to Paragraph 3.2.c. must be coordinated with and approved by:

(1) The legal office of the providing Defense Intelligence Component.

(2) The GC DoD when the approval is to be provided by the Secretary of Defense or the USD(I&S); when the Defense Intelligence Component providing the assistance is an intelligence element of a Combatant Command; or where otherwise appropriate in accordance with Paragraph 2.2.

**3.4. APPROVAL CONSIDERATIONS.**

a. Approval of requests for permissible assistance described in Paragraph 3.2. may be provided on a case-by-case basis, or may be provided for a particular type of assistance or operation that must be conducted in accordance with DoDM 5240.01.

b. The legal office responsible, subject to Paragraph 2.2.c., for advising the approval authority must determine the assistance may be provided lawfully.

c. The approval authority will consider these factors:

**(1) Lethality.**

The extent to which the assistance to be provided involves the potential use of lethal force.

**(2) Risk.**

The threat that providing the assistance will pose to the safety of both the general public and the Defense Intelligence Components' workforce, including any personnel providing the assistance and the potential compromise of critical information or sources and methods, as identified through the application of the operations security cycle outlined in National Security Presidential Memorandum 28, and as implemented in DoDD 5205.02E.

(3) Cost.

The source of the funding, mechanisms for reimbursement, and the effect of the provision of assistance on the Defense Intelligence Component's budget. Such assistance may be provided on a non-reimbursable basis only if authorized by law and, if required, approved in accordance with this issuance. All requests for permissible assistance as described in Paragraph 3.2. will include a commitment to reimburse the DoD in accordance with the Economy Act or, in the case of a major disaster or emergency, Section 5121 of Title 42, U.S.C., also known as the "Stafford Act," with three exceptions:

(a) In accordance with Section 277 of Title 10, U.S.C., the Secretary of Defense may waive reimbursement for permissible assistance as described in Paragraph 3.2. that is provided to law enforcement authorities if such assistance is provided under Chapter 15 of Title 10, U.S.C., and:

1. Is provided in the normal course of military training or operations; or
2. Results in a benefit to the Defense Intelligence Component providing the assistance that is substantially equivalent to that which would otherwise be obtained from military operations or training.

(b) The President may direct the Secretary of Defense to use DoD authorities and resources, without reimbursement, to have Defense Intelligence Components support a response to a major disaster or emergency pursuant to Sections 5170a and 5192 of Title 42, U.S.C.

(c) Where non-reimbursable support may otherwise be provided lawfully.

(4) Appropriateness.

The extent to which the assistance is within the Defense Intelligence Component's competencies and capabilities.

(5) Readiness.

The extent to which providing the requested assistance may adversely impact the Defense Intelligence Component's ability to perform its assigned missions and functions.

(6) Scope.

The number of people needed to carry out the assistance and the length of time the assistance will be required.

### 3.5. EXIGENT CIRCUMSTANCES.

When a person's life or physical safety is reasonably believed to be in imminent danger and time does not permit a Defense Intelligence Component head to obtain approval from the USD(I&S) or the Secretary of Defense in accordance with Paragraph 3.3., the Defense Intelligence

Component head is authorized to provide the requested intelligence assistance described in Paragraph 3.2. subject to these restrictions:

a. The Defense Intelligence Component will immediately report the details of the assistance to the USD(I&S) or to the Secretary of Defense, as appropriate. Defense intelligence assistance may not continue for longer than 72 hours without the approval of the USD(I&S) or the Secretary of Defense, as appropriate, consistent with the approval levels described in Paragraph 3.3.a. or Paragraph 3.3.b.

b. Defense Intelligence Component assistance will not be delayed or denied based solely on the requestor's inability or unwillingness to commit to reimbursing the Defense Intelligence Component. However, before the assistance is provided, the Defense Intelligence Component head will indicate to the requestor that reimbursement, if required, is not being waived.



## GLOSSARY

### G.1. ACRONYMS.

| ACRONYM  | MEANING  |
|----------|--|
| CI       | counterintelligence                                      |
| DoDD     | DoD directive  |
| DoDI     | DoD instruction  |
| DoDM     | DoD manual   |
| E.O.     | Executive order  |
| GC DoD   | General Counsel of the Department of Defense             |
| IC       | Intelligence Community                                   |
| U.S.C.   | United States Code                                       |
| USD(I&S) | Under Secretary of Defense for Intelligence and Security |

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

| TERM                                     | DEFINITION  |
|--|---|
| <b>all-source analysis</b>               | An intelligence activity involving the integration, evaluation, and interpretation of information from all available data sources and types, including human intelligence, signals intelligence, geospatial intelligence, measurement and signature intelligence, and open-source intelligence. |
| <b>CI</b>                                | Defined in E.O. 12333.  |
| <b>civil authorities</b>                 | Elected and appointed officers and employees who constitute the Federal Government and the governments of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, insular areas, and political subdivisions thereof.                  |
| <b>civilian law enforcement official</b> | Defined in DoDI 3025.21.  |

| <b>TERM</b>                                 | <b>DEFINITION</b>            |
|---|------------------------------|
| <b>clandestine</b>                          | Defined in IC Directive 304. |
| <b>Defense Intelligence</b>                 | Defined in DoDD 5143.01.     |
| <b>Defense Intelligence Component heads</b> | Defined in DoDM 5240.01.     |
| <b>Defense Intelligence Components</b>      | Defined in DoDM 5240.01.     |
| <b>employee</b>                             | Defined in E.O. 12333.       |
| <b>foreign intelligence</b>                 | Defined in E.O. 12333.       |
| <b>IC</b>                                   | Defined in E.O. 12333.       |
| <b>intelligence</b>                         | Defined in E.O. 12333.       |
| <b>intelligence activities</b>              | Defined in E.O. 12333.       |

**TERM**

**DEFINITION**

**intelligence-related activities**

Those activities that are not conducted pursuant to E.O. 12333, but use intelligence funding (e.g., Military Intelligence Program or National Intelligence Program) are rebuttably presumed to be intelligence-related activities. The use of procedures or technology similar to intelligence activities to conduct activities that have separate authorities but are not intelligence activities under E.O. 12333 does not necessarily convert those separate activities into intelligence-related activities.

Examples of non-intelligence-related activities include, but not limited to, operations security activities such as own-force monitoring; force protection; cyberspace surveillance and reconnaissance operations; activities involving sensor systems that are so closely integrated with a weapons system that their primary function is to provide immediate-use targeting data; maintenance of technologies or systems; and the types of activities listed in Paragraph 3.1.a.(3) of DoDM 5240.01 as well as research, development, testing, and evaluation activities and training conducted in support of those activities.

The term intelligence-related activity also includes those activities that are not conducted pursuant to E.O. 12333, but involve the collection, retention, or analysis of information, and the activities' primary purpose is to:

Train personnel to perform intelligence duties or activities;

Conduct research, development, testing, and evaluation for the purpose of developing intelligence-specific capabilities; or

Conduct intelligence-related sensitive activities, as referred to in DoDD 5143.01.

**law enforcement agency**

Any of a number of agencies outside the DoD chartered and empowered to enforce U.S. laws in a State or territory (or political subdivision) of the United States, a Federally recognized Native American tribe or Alaskan Native village, or within a host nation's borders.

| <b>TERM</b>                                   | <b>DEFINITION</b>   |
|---|---|
| <b>operations security</b>                    | Defined in DoDD 5205.02E.   |
| <b>sensitive activities</b>                   | Defined in DoDD 5143.01.  |
| <b>significant or highly sensitive matter</b> | Defined in DoDD 5148.13.  |
| <b>tradecraft</b>                             | Specialized techniques, methods, and equipment used in the organization and activity of intelligence organizations. |
| <b>U.S. person</b>                            | Defined in DoDM 5240.01.  |

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- DoD Directive 5105.77, “National Guard Bureau (NGB),” October 30, 2015, as amended
- DoD Directive 5142.01, “Assistant Secretary of Defense for Legislative Affairs (ASD(LA)),” September 15, 2006
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- DoD Instruction 5400.04, “Provision of Information to Congress,” March 17, 2009
- DoD Manual 5240.01, “Procedures Governing the Conduct of DoD Intelligence Activities,” August 8, 2016
- Executive Order 12333, “United States Intelligence Activities,” December 4, 1981, as amended

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National Security Presidential Memorandum 28, “National Operations Security Program,” January 13, 2021

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Public Law 94-524, “Presidential Protection Assistance Act of 1976,” October 17, 1976

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United States Code, Title 18, Section 1385 (also known as the “Posse Comitatus Act”)

United States Code, Title 31, Section 1535 (also known as the “Economy Act”)

United States Code, Title 32

United States Code, Title 42

United States Code, Title 50