



Department of Defense DIRECTIVE

NUMBER 5148.11

May 21, 2004

DA&M

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

- References:
- (a) Section 113 of title 10, United States Code
 - (b) DoD Directive 5148.11, "Assistant to the Secretary of Defense (Intelligence Oversight)," July 1, 1994 (hereby canceled)
 - (c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
 - (d) [DoD Directive 5240.1](#), "DoD Intelligence Activities," April 25, 1988
 - (e) through (l), see enclosure 1

1. REISSUANCE AND PURPOSE

Under the authority vested in the Secretary of Defense by Section 113 of reference (a), this Directive reissues reference (b) to update the responsibilities, functions, relationships, and authorities of the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), as prescribed herein.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS

3.1. Propriety. The standards for intelligence activities promulgated in Executive orders, Presidential directives, and DoD issuances. It also pertains to the conduct of intelligence activities in an appropriate and proper manner consistent with the exercise of good judgment and sound-business practices based on the facts and circumstances at the time.

3.2. 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.

3.3. Other Terms. Other terms used herein are defined in E.O. 12333, DoD Directive 5240.1, and DoD 5240.1-R (references (c), (d), and (e)).

4. RESPONSIBILITIES AND FUNCTIONS

The Assistant to the Secretary of Defense for Intelligence Oversight shall serve as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for 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 ensure that all intelligence activities performed by any of the DoD Components are conducted in compliance with Federal law, Executive orders, Presidential directives, and DoD Directives System issuances. In the exercise of assigned responsibilities, the ATSD(IO) shall:

4.1. 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 reference (c).

4.2. Review, in consultation with the GC, DoD, all allegations that raise questions of the legality or propriety of intelligence activities in the Department of Defense and investigate those allegations when appropriate.

4.3. Conduct staff assistance visits as well as vigorous and independent inspections of the DoD Components that engage in intelligence activities for the purpose of

verifying that personnel are familiar and in compliance with reference (c) and its DoD implementing documents.

4.4. Assess and evaluate the performance of DoD intelligence activities as part of scheduled inspections and staff assistance visits and/or when requested by the senior leadership of the Department or when necessary and practicable. Reports on areas of special interest shall be provided to the requesting official and the Head of the DoD Component inspected or visited, as applicable, as well as to the Secretary and Deputy Secretary of Defense for information.

4.5. Monitor investigations and inspections conducted by the DoD Components related to intelligence activities, evaluate the findings, and, if appropriate, submit recommendations for corrective action to the Secretary and Deputy Secretary of Defense.

4.6. Report the following to the Secretary and Deputy Secretary of Defense, and the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board, established under E.O. 12863 (reference (f)), at least quarterly, in coordination with the GC, DoD:

4.6.1. Significant oversight activities undertaken.

4.6.2. Significant DoD intelligence activities of questionable legality or propriety, the investigative action on them, and the current status until the matter is resolved.

4.6.3. Matters of concern or substance arising out of inspections and investigations conducted by the ATSD(IO); the DoD GC's accounting of applications to the Foreign Intelligence Surveillance Court; and, significant items from the intelligence oversight reports submitted to the ATSD(IO) by the DoD Components.

4.7. Participate as a member of the Defense Counterintelligence Board in accordance with DoD Directive 5240.2 (reference (g)).

4.8. Pursuant to DoD Directive 5240.12 (reference (h)), 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.

4.9. Review DoD clandestine intelligence activities to ensure compliance with special constraints and controls.

4.10. Maintain liaison with agencies of the Intelligence Community and Federal law enforcement organizations at both the national level and at field locations, as required, to ensure DoD intelligence activities and DoD intelligence support to law enforcement agencies are being conducted in accordance with DoD policy and regulations.

4.11. Review DoD sensitive support provided to the DoD Components and other Federal Agencies pursuant to DoD Directive S-5210.36 (reference (i)) to ensure compliance with DoD policy.

4.12. Coordinate, as appropriate, with the DoD Inspector General (DoD IG) on matters relating to the DoD IG's area of responsibility in accordance with DoD Directive 5106.1 (reference (j)).

4.13. Develop and implement outreach programs in intelligence oversight with representatives of foreign governments, international organizations, educational institutions, and others as appropriate, to include international conferences and symposiums, in coordination with the Under Secretary of Defense for Policy.

4.14. Monitor, from an intelligence oversight perspective, the provision of intelligence support and involvement in DoD programs regarding Information Operations, Critical Infrastructure Protection, DoD Information Assurance, Homeland Defense, Enduring Constitutional Government, and Continuity of Government Operations.

4.15. Perform such other functions as the Secretary and Deputy Secretary of Defense may prescribe.

5. RELATIONSHIPS

5.1. In the performance of assigned responsibilities and functions, the ATSD(IO) shall serve under the authority, direction, and control of the Secretary of Defense, and shall:

5.1.1. Report directly to the Secretary and Deputy Secretary of Defense.

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

5.1.3. Use existing facilities and services of the Department of Defense and other Federal Agencies, when practicable, to avoid duplication and to achieve maximum efficiency and economy.

5.2. The Under Secretary of Defense for Intelligence or his designee shall promptly inform the ATSD(IO) of potential areas that require ATSD(IO) attention pursuant to the responsibilities and functions prescribed herein.

5.3. Other OSD Principal Staff Assistants and the Heads of the DoD Components shall coordinate with the ATSD(IO) on all matters related to the responsibilities and functions cited in this Directive.

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

6. AUTHORITIES

The ATSD(IO) is hereby delegated authority to:

6.1. Issue DoD Instructions, DoD Publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (k)), which implement policy approved by the Secretary of Defense in the areas of assigned responsibilities and functions. Instructions to the Military Departments shall be issued through the Secretaries of the Departments, or their designees. Instructions to the Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

6.2. Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1 (reference (l)), as necessary, in carrying out assigned functions.

6.3. Communicate directly with the Heads of the DoD Components, as necessary to carry out assigned functions, including the transmission of requests for advice and assistance. Communications to the Military Departments shall be transmitted through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or as directed by the Secretary of Defense in other DoD issuances. Communications to the Commanders of the Combatant Commands, except in unusual circumstances, shall be transmitted through the Chairman of the Joint Chiefs of Staff.

6.4. Request such temporary assistance from the DoD Components as may be required for the conduct of inspections, staff assistance visits, audits, or investigations, to include personnel, facilities, and other services. Requests for needed support shall be made in accordance with established procedures.

6.5. Communicate directly with the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board, the Director of Central Intelligence, other Federal officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments and international organizations, as appropriate, in carrying out assigned functions.

6.6. Have complete and unrestricted access to all available intelligence information, regardless of classification or compartmentation, 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:

6.6.1. Require an Inspector General 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; and

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

6.7. 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.

7. EFFECTIVE DATE

This Directive is effective immediately.



Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) [DoD 5240.1-R](#), "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
- (f) Executive Order 12863, "President's Foreign Intelligence Advisory Board," September 13, 1993
- (g) [DoD Directive 5240.2](#), "Department of Defense Counterintelligence," May 22, 1997
- (h) [DoD Directive 5240.12](#), "Department of Defense Intelligence Commercial Activities," December 2, 1992
- (i) DoD Directive S-5210.36, "Provision of DoD Sensitive Support to DoD Components and Other Departments and Agencies of the U. S. Government (U)," June 10, 1986
- (j) [DoD Directive 5106.1](#), "Inspector General of the Department of Defense," January 4, 2001
- (k) [DoD 5025.1-M](#), "DoD Directives System Procedures," March 5, 2003
- (l) [DoD Directive 8910.1](#), "Management and Control of Information Requirements," June 11, 1993