



DCMA Instruction 3302

Intelligence Oversight

Office of Primary Responsibility

Agency Mission Assurance Capability

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Approved by:

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Purpose: This issuance, in accordance with the authority in DoD Directive 5105.64, "Defense Contract Management Agency," establishes policy and assigns responsibility for implementation of the DoD Intelligence Oversight Program within DCMA in accordance with DoD Directive 5148.13, "Intelligence Oversight."

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to all DCMA activities and personnel or anyone acting on behalf of DCMA when conducting authorized intelligence or intelligence-related activities under applicable DoD authorities unless higher-level regulations, policy, guidance, or agreements take precedence.

1.2. POLICY. It is DCMA policy that:

a. DCMA will only conduct intelligence and intelligence-related activities specifically authorized in applicable DoD policy. When such activities are authorized, DCMA personnel will be specifically designated and trained to conduct such activity.

b. Intelligence and intelligence-related activities conducted in DCMA will comply with DoD Manual (DoDM) 5240.01, "Procedures Governing The Conduct of DoD Intelligence Activities," and DoD 5240.1-R, "Procedures Governing The Activities of DoD Intelligence Components That Affect United States Persons," in order to ensure the civil liberties and privacy protections afforded by the U.S. Constitution and DoD policy.

c. DCMA will routinely review authorized intelligence-related activities to ensure compliance with DoD Directive (DoDD) 5148.13, DoDM 5240.01, and DoD 5240.1-R.

d. All activities or conduct which qualify as either a questionable intelligence activity (QIA) or significant or highly sensitive matter (S/HSM), as those terms are defined herein, will be investigated and reported in accordance with (IAW) the guidance contained in DoDD 5148.13 and this Instruction.

e. Management officials shall not take any adverse action against any DCMA person who, in good faith, reports or attempts to report information which that person reasonably believes constitutes a QIA or S/HSM.

f. Execute this Instruction in a safe, efficient, effective, and ethical manner.

SECTION 2: RESPONSIBILITIES

2.1. DIRECTOR, DCMA. The Director, DCMA will:

- a. Institute an Intelligence Oversight (IO) Program that is tailored to the unique DCMA mission and complies with DoDD 5148.13 and other applicable authorities.
- b. Appoint in writing an IO Officer of appropriate grade and intelligence experience who possesses direct report authority to establish, construct, and oversee the implementation of the DCMA IO Program.

2.2. Component Heads and Contract Management Office Commanders/Directors. The Component Heads and Contract Management Office Commanders/Directors will:

- a. Refrain from conducting intelligence or intelligence-related activities within their organizations unless specifically authorized by DoD policy, this Instruction, or in writing by the Director, DCMA.
- b. Ensure personnel performing intelligence or intelligence-related activities meet training requirements established by DoD and DCMA policies.
- c. Promptly report suspected activities or conduct meeting the definition of a QIA or S/HSM IAW this Instruction.
- d. Provide personnel performing IO responsibilities appropriate and adequate access to employees and information necessary to perform their oversight duties, consistent with DoDI 5400.11-R, "DoD Privacy and Civil Liberties Programs," and other governing DoD issuances.

2.3. DCMA Intelligence Oversight Officer. The DCMA IO Officer will:

- a. Maintain familiarity and ensure compliance with the requirements established in DoDD 5148.13, DoD 5240.01-R and DoDM 5240.01.
- b. Advise the DCMA Director on all aspects of the DCMA IO Program.
- c. Refer questions regarding IO policy, requirements, and procedures that cannot be resolved internal to the IO Program to the DCMA General Counsel (GC), Inspector General (IG), or the DoD Senior Intelligence Oversight Official (SIOO).
- d. Ensure reports of actual or potential QIAs or S/HSMs are thoroughly investigated and reported to the DoD SIOO IAW DoDD 5148.13 and this Instruction.
- e. Accomplish the reporting requirements established in DoDD 5148.13 and this Instruction.

2.4. General Counsel. The GC will:

- a. Provide legal guidance and support in the implementation of the DCMA IO Program.
- b. Review the results of QIA and S/HSM investigations for legal sufficiency before case closure.

2.5. Director, Office of Internal Audit and Inspector General. The Director, Internal Audit and IG will:

- a. At least biennially, conduct comprehensive reviews of all intelligence-related activities under the cognizance of DCMA IAW DoDD 5148.13, and report results to the Director, DCMA and the DCMA IO Officer.
- b. Investigate and report to the DCMA IO Officer QIAs and S/HSMs IAW DoDD 5148.13 and this Instruction.

2.6. Director of Security and Counterintelligence. The Director of Security and Counterintelligence (CI) will:

- a. Provide advice and guidance to the DCMA IO Officer.
- b. Establish and maintain Agency specific IO policy and training.
- c. Schedule, conduct and document completion of IO training for those personnel authorized to conduct intelligence-related activities. Retain training materials and completion records IAW the DCMA Records Retention Schedule, File 110.02a.
- d. Maintain IO information and references accessible to the workforce, consistent with DoD policy and DCMA guidance.
- e. Periodically review intelligence-related products produced by the Security Division for compliance with DoDM 5240.01 and DoD 5240.1-R. Report any QIA or S/HSM identified during such reviews IAW this Instruction.
- f. Integrate IO Program information into the overarching security awareness program.

2.7. Personnel Performing Intelligence Related-Activities. Personnel performing intelligence related activities will:

- a. Ensure strict compliance with the provisions of DoDM 5240.01 and DoD 5240 1-R when conducting intelligence-related activities.
- b. Ensure thorough coordination with the DCMA GC when conducting intelligence-related activities.
- c. Complete all training and any reporting requirements as directed by the DCMA Director of Security and CI and this Instruction.

2.8. DCMA Personnel. DCMA personnel will:

- a. Not participate in or request any person or entity undertake intelligence or intelligence-related activities not specifically authorized by DoD and/or DCMA policy or the Director, DCMA.
- b. Promptly report to management, the DCMA IO Officer, the DCMA IG or to the DCMA GC activities that are reasonably believed to constitute a QIA or S/HSM.

SECTION 3: PROCEDURES

3.1. GENERAL.

a. The DoD IO Program, as established in DoDD 5148.13, is designed to ensure that DoD intelligence and intelligence-related activities performed by the DoD Components, to include Counterintelligence activities, are conducted pursuant to the authorities of the U.S. Constitution, applicable law, and other higher level policies, to include DoDD 5240.01, “DoD Intelligence Activities.”

b. As DCMA is not a DoD intelligence component as defined in DoDD 5143.01, “Under Secretary of Defense for Intelligence (USD(I)),” the conduct of traditional intelligence activities (Human Intelligence, Signals Intelligence, etc.) is not authorized. DCMA’s authority to conduct intelligence-related activities is primarily limited to authorized counterintelligence functional services activities outlined in DoD Instruction (DoDI) O-5240.10, “Counterintelligence (CI) in the DoD Components,” and DoDI 5240.16, “Counterintelligence Functional Services (CIFS).” Within DCMA, the conduct of CIFS-related activities is limited to specifically designated and trained personnel assigned to the DCMA Headquarters Security Division under the direction and control of the DCMA Director of Security and CI.

c. The IO Program seeks to identify, investigate, and report on intelligence and intelligence-related activities and conduct that potentially constitute a QIA or S/HSM. Incidents of DoD Components or personnel conducting such activities without specific authorities and missions also constitute a QIA or S/HSM.

3.2. IDENTIFICATION.

a. Any DCMA employee (DoD civilian, military or contractor) identifying activities or conduct that are reasonably believed to constitute a QIA or S/HSM must promptly report the suspected activity/conduct to their management or the DCMA IO Officer, IG, GC, or any of the other offices identified in DoDD 5148.13. Contact information and reporting procedures are located on the resource page of this Instruction.

(1) A QIA is an intelligence or intelligence-related activity that is contrary to law, Executive Order, of other higher level policies or directives. Examples of QIAs can be obtained from the resource page of this Instruction.

(2) A S/HSM is any intelligence or intelligence related activity or serious criminal activity by intelligence personnel that could impugn the reputation of the intelligence community or challenge propriety of an intelligence activity. Examples of S/SHM can be obtained from the resource page of this Instruction.

b. The DCMA IG will, at least biennially, inspect applicable organizational elements to determine:

(1) Whether or not personnel are involved in any QIA or S/HSM.

(2) Whether organizations and/or personnel are conducting intelligence or intelligence-related activities without an authorized mission.

(3) Compliance with QIA and S/HSM reporting processes.

(4) Personnel performing intelligence-related activities are effectively trained in their intelligence oversight responsibilities IAW DoDD 5148.13.

c. Any contract issued by DCMA for which contractor personnel will perform intelligence-related activities or supporting such efforts will ensure the contract requires contractor personnel to report any QIA or S/HSMs IAW this Instruction.

3.3. INVESTIGATION.

a. All reports of a QIA or S/HSM received through any source will be promptly and thoroughly investigated, to the extent necessary, to establish the facts and determine if the questionable activity is legal and consistent with applicable policies. Additionally, all such investigations will ensure the constitutional rights of any potential subject(s).

(1) The DCMA IG will investigate reported questionable QIA or S/HSM activity involving potential violation of laws, significant violations of the procedures established in DoDM 5240.01 and DoD 5240.1-R, or other S/HSM activity. If reported activity constitutes a crime, the DCMA IG will ensure the matter is reported to the supporting Defense Criminal Investigative Organization IAW applicable policy.

(2) QIA or S/HSM reports indicating a person conducting intelligence or intelligence-related activity is potentially acting for or on behalf of a foreign intelligence entity will be referred to U.S. Army CI (DCMA's CI Lead Agency) for investigation.

(3) Reports involving policy non-compliance and other non-S/HSM may be investigated through command directed investigations or other appropriate channels as deemed appropriate by the DCMA IO Officer.

(4) The DoD SIOO may also conduct investigations into QIA or S/HSM activity.

b. All QIA or S/HSM investigations conducted will result in a written report that is coordinated with the DCMA GC for legal sufficiency and a determination as to whether the questionable activity is legal and consistent with applicable policy. At a minimum, reports will include a description of the QIA or S/HSM reported and whether the allegation was substantiated. If substantiated, the report will include a finding of fact, an assessment of the cause, and a recommendation for actions to prevent recurrence.

c. In cases where QIA and S/HSM investigations cross the jurisdiction and/or authority of DoD Components, conflicts between the applicable components will be resolved as outlined in DoDD 5148.13.

3.4. REPORTING OUTSIDE OF DCMA.

- a. The DCMA IO Officer will ensure accomplishment of reporting requirements IAW the guidance, timelines and format established in DoDD 5148.13.
- b. To facilitate requisite reporting requirements, the DCMA IG will report to the DCMA IO Officer QIAs, S/HSMs, and any intelligence or intelligence-related activity that has been or will be reported to the U.S. Attorney General IAW DoDD 5148.13.
- c. IAW DoDD 5148.13, the DCMA IO Officer will notify the DoD SIOO prior to providing briefings to any congressional committee, member of Congress, or congressional staff concerning intelligence or intelligence-related matters that meet the reporting criteria for QIAs, S/HSMs, or crimes reported to the U.S. Attorney General unless extenuating circumstances exist. When such extenuating circumstances exist, the SIOO will be updated on the outcome of the reporting activity as soon as possible.

GLOSSARY

G.1. DEFINITIONS.

Intelligence Activities. The collection, analysis, production, and dissemination of foreign intelligence and CI pursuant to DoD Directive 5143.01, “Under Secretary of Defense for Intelligence.”

Intelligence-Related Activities. Activities related to but not involving the collection, analysis, production, and dissemination of foreign intelligence or CI. Within DCMA, intelligence-related activities are limited to authorized CI Functional Services as outlined in DoDI O-5240-10 and DoDI 5240.16.

Questionable Intelligence Activities. Any intelligence or intelligence related activity when there is reason to believe such activity may be unlawful or contrary to an Executive Order, Presidential Directive, Intelligence Community Directive, or applicable DoD policy governing that activity.

Significant/Highly Sensitive Matter. Any activity that can impugn the reputation of the DoD intelligence community and/or challenge the propriety of an intelligence activity. Significant/Highly Sensitive Matters could potentially include serious criminal activity by intelligence personnel, but does not necessarily have to be contrary to an Executive Order, Presidential Directive, Intelligence Community Directive, or DoD policy.

GLOSSARY

G.2. ACRONYMS.

CI	Counterintelligence
CIFS	Counter Intelligence Functional Services
DoDD	DoD Directive
DoDI	DoD Instruction
DoDM	DoD Manual
GC	General Counsel
IAW	in accordance with
IG	Inspector General
IO	Intelligence Oversight
QIA	questionable intelligence activity
S/HSM	Significant/Highly Sensitive Matter
SIOO	Senior Intelligence Oversight Official

REFERENCES

- DoD 5240.1-R, "Procedures Governing The Activities of DoD Intelligence Components That Affect United States Persons," December 1982, as amended
- DoD Directive 5105.64, "Defense Contract Management Agency," January 10, 2013
- DoD Directive 5143.01, "Under Secretary of Defense For Intelligence (USD(I)),",
October 24, 2014, as amended
- DoD Directive 5148.13, "Intelligence Oversight," April 26, 2017
- DoD Directive 5240.01, "DoD Intelligence Activities," August 27, 2007, as amended
- DoD Instruction O-5240.10, "Counterintelligence (CI) in the DoD Components," April 27, 2020
- DoD Instruction 5240.16, "Counterintelligence Functional Services (CIFS)," August 27, 2012, as amended
- DoD Instruction 5400.11, "DoD Privacy and Civil Liberties Programs," January 29, 2019
- DoD Manual 5240.01, "Procedures Governing The Conduct of DoD Intelligence Activities,"
August 8, 2016
- Executive Order 12333, "United States Intelligence Activities," August 8, 2016