



Department of Defense INSTRUCTION

NUMBER 5240.10

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USD(I)

SUBJECT: Counterintelligence Support to the Combatant Commands and the Defense Agencies

- References:** (a) DoD Instruction 5240.10, DoD Counterintelligence Support to Unified and Specified Commands, May 18, 1990 (hereby canceled)
(b) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
(c) DoD Directive 5240.2, "DoD Counterintelligence," May 22, 1997
(d) DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988
(e) through (g), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a), and under references (b) and (c) implements policies, assigns responsibilities, and prescribes procedures to ensure the counterintelligence (CI) requirements of the Combatant Commands and the Defense Agencies are met under the parameters established by law, Executive order, and DoD Directives.

1.2. Provides general principles for the command relationships and support requirements between the CI organizations of the Military Departments, the Combatant Commands, and the Defense Agencies during peacetime, exercises, contingencies, and through the spectrum of armed conflict.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of 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 in the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in references (b), (c), and enclosure 2.

4. POLICY

It is DoD policy that CI organizations operating in the Combatant Command areas of responsibility keep the respective Combatant Commands apprised of their current and planned activities. To do this, they shall frequently coordinate with the Combatant Command's Counterintelligence Staff Officer (CISO) and brief the Combatant Commands on at least a semiannual basis. The briefings shall include a thorough overview of investigations, operations, collection activities, and production matters relevant to the Combatant Command or occurring within the command's area of responsibility. Additionally, the same type of coordination and briefings shall be provided to the appropriate Directors of Defense Agencies and other DoD Components.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Intelligence (USD(I)) shall act as the final decision authority on CI issues that the Combatant Commands, the Defense Agencies, and supporting Military Department CI organizations cannot resolve.

5.2. The Deputy Under Secretary of Defense for Counterintelligence and Security (DUSD(CI&S)) shall designate CI Lead Agency assignments for the DoD Components.

5.2.1. Ensure the Director, Counterintelligence shall:

5.2.1.1. Provide policy guidance and oversight for DoD CI support to the Combatant Commands, the Defense Agencies, and other DoD Components as this Instruction and reference (c) delegate.

5.2.1.2: Provide oversight to the DoD CI Program.

5.2.1.3. Participate in DoD and national-level forums concerning CI support to the Combatant Commands and the Defense Agencies.

5.2.1.4. Serve as the staff point of contact within the Office of the Secretary of Defense for issues related to CI support to the Combatant Commands and the Defense Agencies.

5.2.2. Ensure the Director, Counterintelligence Field Activity (CIFA) shall:

5.2.2.1. Ensure that force protection and critical asset protection horizontal risk assessments are conducted and products provided in a timely manner to principals in the office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Military Departments, the Combatant Commands, the Defense Agencies, and other DoD Components, as required.

5.2.2.2. Prepare and submit, as the DoD Foreign CI Program manager, the funding and resource materials necessary to support the requirements of the DoD Components.

5.2.2.3. Ensure the development and submission of Defense Joint CI Program requirements.

5.2.2.4. Oversee and manage activities of the DoD CI Force Protection Response Group.

5.2.2.5. Oversee and manage activities of the DoD Joint CI Training Academy.

5.2.2.6. Oversee and manage activities of the DoD Polygraph Institute.

5.2.2.7. Oversee and manage activities of the Defense Counterintelligence Information System.

5.3. The Heads of the DoD Components (other than the Military Departments) shall:

5.3.1. Establish and conduct an organic CI Program that protects the DoD Component, Department of Defense, and national security interests. This program shall emphasize protecting critical technologies and capabilities. As appropriate, such programs shall be developed and executed with investigative and operational support from the Military Service CI Lead Agencies (see enclosure 4) or Memoranda of Agreement (MOA).

5.3.2. Ensure that effective measures exist to compartmentalize and protect sensitive CI investigative information and techniques.

5.4. The Director, Defense Intelligence Agency (DIA) shall:

5.4.1. Ensure that CI analysis is conducted and products are provided in a timely manner on the threat from foreign intelligence and terrorist activity to the Chairman of the Joint Chiefs of Staff, the Military Departments, the Combatant Commanders, and the Heads of other DoD Components, as applicable.

5.4.2. Maintain an information repository on the threat from foreign intelligence and terrorist activity that can support the analysis and production to respond to the requirements of the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Military Departments, the Combatant Commands, as well as the other DoD Components.

5.4.3. Serve as the DoD collection requirements manager. Conduct analysis and production on foreign intelligence and international or transnational terrorist threats to meet customer needs of the DoD Components. Coordinate the CI collection and production programs of the Military Departments.

5.4.4. Staff the CI Division of the Directorate for Intelligence (J2), Joint Chiefs of Staff, to provide CI Staff support to the Chairman of the Joint Chiefs of Staff and the Combatant Commanders. The J2 CI Division shall:

5.4.4.1. Focus and coordinate national-level CI resources to meet Combatant Command, and Joint Task Force requirements.

5.4.4.2. Develop global CI strategic guidance for the Chairman of the Joint Chiefs of Staff and the Combatant Commands.

5.4.4.3. Validate and serve as the focal point for all joint operational requests.

5.4.4.4. Promulgate joint doctrine to implement this Instruction.

5.5. The Secretaries of the Military Departments shall:

5.5.1. Provide CI support to the Combatant Commands and Defense Agencies, as specified in enclosures 4 and 5.

5.5.2. Ensure that funding and resources are adequate to support the CI requirements of the Combatant Commands and the Defense Agencies, for which they are the Lead Agency.

5.5.3. Direct and control the activities of all Departmental CI organizations. When operational control of specified CI assets is formally transferred to the Combatant Commands during joint exercises, or Presidential or Secretary of Defense-directed execution of an approved plan or order, support theater CI requirements as tasked by the Combatant Commander.

5.5.4. Retain administrative control for CI assets attached, assigned, or under the operational control of the Combatant Commands.

5.5.5. Keep the Combatant Commands, the Defense Agencies, and other DoD Components informed on all Departmental CI activities taking place within a command's area of responsibility (AOR) or affecting a DoD Component's interests.

5.5.6. Provide fully qualified and experienced CI officers to serve as CISOs to each Combatant Command pursuant to subparagraph 5.5.3., below.

5.5.7. Direct respective CI organizations to provide support to the DoD Components, according to the Lead Agency assignments in enclosure 4, or through MOA. The Military Departments shall fund costs associated with Lead Agency responsibilities. In its capacity as Lead Agency, the Military Department CI organization shall, as appropriate:

5.5.7.1. Promulgate an MOA or Memorandum of Understanding (MOU) with the Defense Agency or other DoD Component, specifying the tailored CI support it shall provide.

5.5.7.2. Designate a special agent(s) to support a Defense Agency or other Heads of the DoD Components or his or her designee.

5.5.7.3. Develop CI operations with the support of the Defense Agency or other DoD Components.,

5.5.7.4. Investigate matters of CI interest and jurisdiction within the Defense Agencies or other DoD Components.

5.5.7.5. Present CI awareness briefings to Defense Agency or other DoD Component personnel.

5.5.7.6. Provide threat analysis to the Defense Agency or other DoD Component personnel.

5.5.7.7. Act as a focal point ensuring supported Defense Agency's or other DoD Component's CI analysis and production requirements coordination with the Director, DIA.

5.5.7.8. Provide assistance in referring CI matters to other DoD CI organizations or the Federal Bureau of Investigation, and function as the Defense Agency's or other DoD Component's liaison for coordinating CI matters with other U.S. CI organizations.

5.5.7.9. Periodically provide a report on current CI trends and threats, emphasizing foreign intelligence service recruitment techniques, to the USD(I), with copies to the other Military Department CI organizations, the Defense Agencies, and other DoD Components.

5.5.8. Direct CI organizations to provide general CI support to the headquarters of the Combatant Commands according to Lead Agency assignments in enclosure 5. The Combatant Commanders shall be notified of CI support and activities in their area of responsibility. In this context, CI support includes providing security education and/or awareness assistance, initial investigation of CI-related incidents within the headquarters, arranging for technical surveillance countermeasures services, polygraph support, and local force protection and/or antiterrorism threat assessments. The Military Department CI organization shall promulgate a MOA or MOU, with the Combatant Command, specifying the general CI support it shall provide.

5.6. The Commanders of the Combatant Commands shall:

5.6.1. Develop and implement a comprehensive CI program and provide general guidance on the CI objectives within their command. Each Combatant

Command shall develop CI Campaign Plans to implement its portion of the Chairman of the Joint Chiefs of Staff CI strategy.

5.6.2. Exercise operational control of designated CI units when the President or Secretary of Defense directs execution of an approved military plan or order.

5.6.3. Select a Service CI organization to provide a CISO. The Combatant Commander shall determine the status and position of the CISO within the Headquarters (e.g., special staff officer, special assistant, etc.). Individuals selected to be CISOs shall meet the criteria outlined in paragraph E2.1.1., enclosure 2. The CISO shall serve as the authoritative point of contact for the command on CI issues and activities, and assist in exercising the command's CI activities.

5.6.3.1. Provide for command management and deconfliction of CI collection, production, investigations, operations, and functional services capabilities within their theater or AOR.

5.6.3.2. Ensure all command plans and operations include CI planning, requirements, and tasking when appropriate.

5.6.3.3. Establish Combatant Command CI Priority Intelligence Requirements. In addition, coordinate with all U.S. CI organizations, as necessary, to support the command's CI requirements. Coordinate CI activities with Human Source Intelligence, Signals Intelligence, or other intelligence disciplines.

5.6.3.4. Ensure requirements levied under Counterintelligence Operational Tasking Authority are issued through the supporting Military Service Component CI organization and require appropriate feedback to the Combatant Command.

5.6.4. Ensure supporting Joint Intelligence Centers or Joint Analysis Centers conduct all-source analysis and/or production and all-source collection management to support command CI requirements. To that end, all command CI assets shall be focused on foreign intelligence and international and transnational terrorist activity, whether within the Continental United States or overseas, targeted against the Combatant Command, its components, and other U.S. Theater or national equities.

5.6.5. Ensure that effective measures exist to compartmentalize and protect sensitive CI investigative or operations information and techniques that are in support of Combatant Command requirements.

6. PROCEDURES

All DoD CI activities shall comply with the procedures contained in E.O. 12333, DoD Directive 5240.1, and DoD 5240.1-R (references (b), (d), and (e)) and this Instruction (see enclosure 3).

7. EFFECTIVE DATE

This Instruction is effective immediately.



Stephen A. Cambone
Under Secretary of Defense for Intelligence

Enclosures - 5

- E1. References, continued.
- E2. Definitions
- E3. Procedural Guidance For DoD CI Support to the Combatant Commands and the Defense Agencies
- E4. List of CI Lead Agencies for Defense Agencies and Office of the Secretary of Defense
- E5. List of CI Lead Agencies for Providing General CI Support to the Headquarters of the Combatant Commands

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons," December 7, 1982
- (f) Director of Central Intelligence Directive 5/1, December 19, 1984¹
- (g) Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation, April 5, 1979 and supplement June 20, 1996, Coordination of Counterintelligence Matters between FBI and DoD

¹ Available through counterintelligence operating elements on request of competent authority.

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Counterintelligence-Staff Officer (CISO). An experienced senior CI officer (military grade O-5 or above, or civilian grade GS/GM/GG-14 or above) assigned or attached to a Combatant Command or JTF J2 or Special Staff as the senior authoritative command representative for CI. The CISO develops and implements the command's CI strategy and plans, serves as the focal point for all CI issues impacting on the command, identifies and tasks command CI requirements and coordinates CI support to the command.

E2.1.2. Counterintelligence Operational Tasking Authority (CIOTA). The levying of CI requirements specific to joint military operations and activities. CIOTA is exercised through supporting Components.

E2.1.3. Counterintelligence Functional Services. CI activities countering foreign intelligence service and terrorist threats to personnel, facilities, operations, research, critical technology, and critical infrastructure. These may include CI staff support to operational planning, military exercises, treaty-mandated inspections; Red Team activities; CI awareness briefing and/or debriefing programs; and physical and electronic surveillances and/or countersurveillances.

E2.1.4. Lead Agency. For the purposes of this issuance, the Head of a DoD Component or designee who is responsible for providing CI support for another DoD Component or group of DoD Components.

E3. ENCLOSURE 3

PROCEDURAL GUIDANCE FOR DoD CI SUPPORT TO THE COMBATANT
COMMANDS AND THE DEFENSE AGENCIES

E3.1.1. The DoD CI mission is to provide the DoD Components with the necessary CI support to gather information and conduct activities protecting against espionage and other intelligence activities, sabotage, international terrorist activities, or assassinations conducted for, or on behalf of, foreign powers, organizations, or persons in the following ways:

E3.1.1.1. CI support for protecting DoD personnel, facilities, operations, research, critical technology, and critical infrastructure against foreign intelligence service, terrorist, or other overt, covert, or clandestine threats shall be provided on a worldwide basis utilizing the CI functions of investigations, operations, collection, analysis, production, and services.

E3.1.1.2. Centralized direction and control of the CI organizations of the Military Departments and their worldwide activities are necessary to ensure compliance with U.S. Attorney General procedures, with national coordination requirements of the Director of Central Intelligence, and other U.S. Governmental Departments and/or Agencies, and with Executive Branch and congressional oversight requirements.

E3.1.1.3. The priorities for, and activities required to provide, CI support may vary according to the area of operation, absence or level of hostilities, nature of the military mission, composition of forces, tactics, and techniques employed.

E3.1.1.4. The warning of threats to DoD personnel, facilities, critical technology, infrastructure, operations and research is CI collection's highest priority. CI collection responds to requirements of the supported commander and national interests. Many of those requirements are derived from analysis of CI collections.

E3.1.1.5. CI operations, as defined in Director of Central Intelligence Directive 5/1 and the classified annex of the "Agreement Governing the Conduct of Defense Department CI Activities in Conjunction with the Federal Bureau of Investigation" (references (f) and (g)), are coordinated at the Military Department and national levels. The Military Departments centrally direct and control these operations.

E3.1.1.6. The Military Departments shall direct and control CI investigations, as defined in reference (c), for their respective Military Service(s), the Combatant

Commands, and the Defense Agencies when assigned Lead Agency responsibilities. Commanders at all levels and the Directors of the Defense Agencies shall ensure compartmenting and protecting investigative information and techniques associated with those investigative activities.

E3.1.2. Defense Agencies shall receive counterintelligence support from the CI organization of the Service that has been designated as the Lead Agency for that organization (see enclosure 4). Combatant Command general CI support Lead Agencies are listed in enclosure 5. Other DoD Components not listed in enclosures 4 and 5 shall receive general CI support through a MOA with one of the Military Department CI organizations.

E3.1.2.1. Except when there is a Presidential or Secretary of Defense-directed execution of a military plan or operation order that specifies that operational control of Military Department CI elements is assumed by the Combatant Commander, each Military Department shall determine the command and control requirements for their CI assets consistent with Military Department mission requirements. Under all circumstances, law enforcement and CI investigations and attendant matters remain part of the Military Department's responsibilities. Likewise, in all circumstances, the Combatant Commands shall exercise coordinating authority over supporting CI elements.

E3.1.2.2. Supporting CI organizations, through the CISO, shall ensure that Combatant Commands are expeditiously informed of any force protection threats including foreign intelligence and terrorist activities that may adversely impact joint military plans, operations, personnel or facilities or may jeopardize life or property, involve foreign policy, embarrass the U.S. Government, or have other significant consequences.

E3.1.2.3. CI activities within a Combatant Command's area of interest shall be conducted according to the Combatant Command's priorities. These activities shall be coordinated through the Combatant Command's assigned CISO.

E3.1.3. Upon a Presidential or Secretary of Defense-directed execution of a military plan or order, CI organizations designated in the order to support the Joint Force Commander shall come under the operational control of the Joint Force Commander through the respective component commander or as otherwise stipulated in the order. The Secretaries of the Military Departments shall retain responsibility for law enforcement, CI investigations, and attendant matters. Assigned CI units shall continue to support their Military Department as part of the Combatant Command's force structure. That structure shall provide the Combatant Commands with a complete component package containing its own specialized CI support elements. Also, those CI

units shall provide, as required, support to the JTF or the Combatant Command's headquarters.

E3.1.4. A Combatant Command shall operationally control CI units that participate in role-playing exercises during joint exercises within their AOR. CI units providing non-exercise real world collection, operations, and investigative coverage shall retain normal peacetime command relationships. The requirements of subparagraph E3.1.2.2., above, apply in all circumstances.

E3.1.5. Regardless of command and control arrangements, supporting Military Department CI organizations shall satisfy the CI requirements of the Combatant Commands and the Defense Agencies. In instances where the Combatant Commands and Military Department CI organizations, or two or more Combatant Commands cannot resolve disagreements over requirements they shall refer the issue through the Joint CI Office, (J2 CI), to the J2, Chairman of the Joint Chiefs of Staff, to coordinate and deconflict. The Defense Agencies shall coordinate disagreements over priorities and requirements through CIFA. The USD(I) is the final authority for resolving disagreements.

E4. ENCLOSURE 4

LIST OF CI LEAD AGENCIES FOR DEFENSE AGENCIES AND OFFICE OF THE SECRETARY OF DEFENSE²

| <u>Defense Components</u> | <u>Lead Agency</u> |
|---|---|
| Missile Defense Agency | Air Force Office of Special Investigations |
| Defense Advanced Research Projects Agency | Naval Criminal Investigative Service Army Counterintelligence |
| Defense Commissary Agency | Army Counterintelligence |
| Defense Contract Audit Agency | Army Counterintelligence |
| Defense Contract Management Agency | Army Counterintelligence |
| Defense Finance and Accounting Service | Naval Criminal Investigative Service |
| Defense Information Systems Agency | Naval Criminal Investigative Service |
| Defense Legal Services Agency | Air Force Office of Special Investigations |
| Defense Logistics Agency | Army Counterintelligence |
| Defense Security Cooperation Agency | Air Force Office of Special Investigations |
| Office of the Secretary of Defense | Air Force Office of Special Investigations |

² The Defense Intelligence Agency, Defense Security Service, National Geospatial-Intelligence Agency, National Reconnaissance Office, National Security Agency, and Defense Threat Reduction Agency have organic CI support and/or limited CI responsibilities.

E5. ENCLOSURE 5

LIST OF CI LEAD AGENCIES FOR PROVIDING GENERAL CI SUPPORT TO THE
HEADQUARTERS OF THE COMBATANT COMMANDS

| <u>Combatant Command</u> | <u>Lead Agency</u> |
|----------------------------|--|
| Central Command | Air Force Office of Special Investigations |
| European Command | Army Counterintelligence |
| Joint Forces Command | Naval Criminal Investigative Service |
| Northern Command | Air Force Office of Special Investigations |
| Pacific Command | Naval Criminal Investigative Service |
| Southern Command | Army Counterintelligence |
| Space Command | Air Force Office of Special Investigations |
| Special Operations Command | Air Force Office of Special Investigations |
| Strategic Command | Air Force Office of Special Investigations |