



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J2
DISTRIBUTION: A

CNGBI 2000.01D
18 January 2022

[Incorporating Change 1, Effective 15 June 2023](#)

THE CONDUCT AND OVERSIGHT OF NATIONAL GUARD INTELLIGENCE ACTIVITIES

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities National Guard (NG) intelligence and intelligence-related activities in accordance with (IAW) references a through d.
2. Cancellation. This instruction cancels and replaces Chief of the National Guard Bureau (CNGB) Instruction 2000.01C, 14 August 2018, "National Guard Intelligence Activities."
3. Applicability. This instruction applies to the NG intelligence component as defined in the glossary. This manual does not apply to criminal investigations, nor does it authorize any intelligence activity not otherwise authorized by law.
4. Policy. It is National Guard Bureau (NGB) policy that NG intelligence personnel in a Title 32 (T32) status, though not technically members of the intelligence community, must comply with all DoD policy and Federal laws applicable to the Department of Defense (DoD) intelligence component, including all intelligence oversight (IO) rules IAW references b through d.
 - a. Federal intelligence (~~FI~~) and intelligence, surveillance, and reconnaissance (ISR) equipment will not be used for activities other than authorized [foreign intelligence \(FI\)](#) or counterintelligence (CI) activities and associated training unless approved by the Secretary of Defense or his or her designee IAW references a through d.
 - b. In addition to references b, c, and d, Army National Guard (ARNG) and Air National Guard (ANG) Service members serving in a Title 10 (T10) status must comply with Service-specific policy IAW references e and f, respectively.
 - c. FI and CI are a Federal matter. T32 Guardsmen are under the command and control of the Governor with no inherent authority to conduct intelligence activities.

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d. In addition to references b, c, and d, T32 Guardsmen carrying out approved activity, such as the Federated Intelligence Program or ~~counterdrug~~ Federal [counterdrug](#) intelligence analysis support, in support of a combatant command, agency, or Service, must comply with the IO policy of the supported combatant command, agency, or Service. For example, Guardsmen conducting approved counterdrug intelligence activities in support of the National Security Agency must comply with National Security Agency IO policy and ANG intelligence personnel conducting pre-mission intelligence briefings and post-mission de-briefings will comply with Air Force IO policy.

e. NG intelligence personnel in a State active duty (SAD) status are not members of the DoD or NG intelligence component and are prohibited from engaging in DoD foreign intelligence and CI activities. NG personnel in SAD status are also prohibited from using DoD intelligence and ISR equipment, such as the Joint Worldwide Intelligence Communications System or National or DoD CI and human intelligence (HUMINT) tools, such as the Counterintelligence and Human Intelligence Automated Reporting and Collection System, or resources intended for CI and HUMINT activities, unless the Secretary of Defense or his or her designee authorizes that use IAW references a through d.

f. NG personnel in SAD status are subject to the provisions of State and Federal law, including privacy laws. Certain information may be controlled IAW reference g. In most States, the collection, use, maintenance, and dissemination of United States person information (USPI) is strictly regulated; therefore, unless command guidance is available, NG members in a SAD status should, through their chain of command, seek competent legal advice on applicable State laws before collecting information concerning United States persons.

g. States may reassign intelligence personnel to a non-intelligence mission while in a SAD status. Guardsmen in a SAD status may not use or attempt to access intelligence or ISR systems, resources, or equipment, nor may they use or attempt to access national, DoD CI, or HUMINT tools unless the Secretary of Defense or his or her designee authorizes that use IAW references a through d.

h. NG intelligence organizations, units, and staff organizations and non-intelligence organizations that perform intelligence or intelligence-related activities (such as cyberspace intelligence, cyberspace ISR activities, and non-traditional intelligence, surveillance, and reconnaissance activities) must establish IO programs IAW reference h.

i. Organizations and units operating aircraft with sensors that are used for intelligence or intelligence-related purposes must receive IO training IAW reference h.

j. NG information operation units, sections, and staffs must receive IO training annually to de-conflict intelligence and information operations IAW reference i.

k. All ARNG 18F-series, Special Forces Assistant Operations and Intelligence Sergeant, Military Occupational Specialty (MOS) Soldiers and all other personnel trained and authorized to conduct Advanced Special Operations IAW reference j are subject to IO policy IAW reference j. Soldiers who are 18F-series MOS or Advanced Special Operations trained but are not attached or assigned to a section that conducts intelligence or intelligence-related activities are not subject to IO policy.

l. Senior Intelligence Official authority is delegated to the Directors of ARNG Intelligence and Security Directorate (ARNG-G2) and the ANG [Intelligence & Cyber Effects](#) Operations Directorate ([NGB/A2/6](#) ~~ANG/A2/3/6/10~~) for management of ARNG and ANG sensitive compartmented information programs, respectively.

m. The NGB Joint Intelligence Directorate (NGB-J2) will send copies of Special Security Officer appointment memoranda to the Defense Intelligence Agency and Under Secretary of Defense for Intelligence, and will also maintain copies locally for reference.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. This [change is administrative and updates the title, office symbols, acronyms, and references](#). ~~instruction has been revised to clarify that appointment of unit IO monitors cannot be delegated below commanders or directors. It changes IO records retention from five years to three years and updates the references.~~

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil>>.

9. Effective Date. This instruction is effective upon publication and must be revised, reissued, cancelled, or certified as current every ~~five~~ [ten](#) years.

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Enclosures:

A -- Responsibilities
B -- References
GL -- Glossary

ENCLOSURE A
RESPONSIBILITIES

1. Director of the ARNG (DARNG). The DARNG will:

- a. Appoint the ARNG-G2, in writing, as the Senior Intelligence Official to exercise staff responsibility for sensitive compartmented information and security programs and for overall readiness of ARNG intelligence elements.
- b. Oversee formation of policy, unit budgeting, and staff management for ARNG intelligence activities.
- c. Correspond with the Department of the Army Intelligence regarding the oversight of ARNG intelligence activities.
- d. Ensure that all personnel within the ARNG staff who require IO training are trained and know IO statutory and regulatory requirements, including reporting responsibilities and restrictions.
- e. Ensure that all personnel assigned or attached to the ARNG staff who access or use USPI are trained annually on the civil liberties and privacy protections that apply to such information.
- f. Submit ARNG-G2 data for a Quarterly IO Report to NGB-J2 IAW reference p. ARNG units must provide quarterly IO reporting to [the](#) NGB Inspector General Intelligence Oversight Office (NGB-IG-[I](#)O) through their NG JFHQs-State.
- g. Serve as a voting member of the NGB IO Panel.
- h. Take reasonable steps to audit access to information systems containing USPI and to periodically audit queries or other search terms to assess compliance with reference c.
- i. Ensure that Procurement Requirements Packages include the appropriate IO training and reporting of any questionable intelligence activity (QIA), S/HSM, and certain Federal crimes IAW procedures defined in reference h.
- j. Take reasonable steps to ensure effective auditing and reporting as required by reference b when developing and deploying information systems used for intelligence involving USPI.

2. Director of the ANG (DANG). The DANG will:

- a. Appoint the [NGB/A2/6](#) ~~ANG/A2/3/6/10~~, in writing, as Senior Intelligence Official for the ANG to exercise staff responsibility for sensitive compartmented information and security programs and for overall readiness of ANG intelligence elements.
- b. Oversee formation of policy, unit budgeting, and staff management for ANG intelligence activities.
- c. Correspond with the Air Force Deputy Chief of Staff for ISR regarding the oversight of ANG intelligence activities.
- d. Ensure that all personnel within the ANG staff who require IO training are trained and know IO statutory and regulatory requirements, including reporting responsibilities and restrictions.
- e. Ensure that all intelligence component personnel assigned or attached to the ANG staff who access or use USPI are trained annually on the civil liberties and privacy protections that apply to such information.
- f. Submit a Quarterly IO Report to NGB-J2 IAW reference p. ANG units must provide quarterly IO reporting to the Office of the NGB-~~IG-IO~~ ~~Inspector General (NGB-IG)~~ through their NG JFHQs-State and gaining major command.
- g. Serve as a voting member of the NGB IO Panel.
- h. Take reasonable steps to audit access to information systems containing USPI and to periodically audit queries or other search terms to assess compliance with reference c.
- i. In developing and deploying information systems used for intelligence involving USPI, take reasonable steps to ensure effective auditing and reporting as required by reference c.
- j. Ensure that Procurement Requirements Packages include the appropriate IO training and reporting of any QIA, [S/HSM](#) ~~matters/HSM~~, and certain Federal crimes IAW procedures defined in reference h.

3. Director of the NGB-J2. The Director of NGB-J2 will:

- a. Oversee formation of policy, unit budgeting, and staff management for NG joint intelligence and intelligence-related activities and development of IO implementing guidance.
- b. Serve as the Senior Intelligence Officer for NGB.

c. Serve as the Senior Intelligence Official for the NG responsible for protection and management of NG Joint sensitive compartmented information programs in coordination with ANG and ARNG Senior Intelligence Officials IAW references k through o.

d. Appoint, in writing, a Component Special Security Officer to oversee and administer physical, industrial, personnel and information security programs related to sensitive compartmented information management for NG joint activities including T10 NG joint activities as well as joint T32 activities over which the Office of the Undersecretary of Defense for Intelligence and Security (OUSD(I&S)) may grant oversight responsibilities to NGB-J2, NGB Joint Staff, and the joint activities of T32 personnel and organizations.

e. Sponsor sensitive compartmented information facilities for NG joint activities, IAW OUSD(I&S) policy, to ensure oversight and accountability for sensitive compartmented information facilities established under NGB-J2 sponsorship for joint tasks and missions.

f. Maintain situational awareness of the missions, plans, and capabilities of all NG intelligence and intelligence-related organizations, units, and staffs.

g. Review all joint proposals for intelligence and intelligence-related activities and refer any proposals that may be unlawful or contrary to applicable Executive Branch or DoD policies to the Office of the NGB General Counsel (NGB-GC) for review.

h. Establish and maintain an IO program to ensure the legality and propriety of all NGB-J2 intelligence and intelligence-related activities.

i. Appoint an NGB IO Official (IOO) who is of appropriate grade, has intelligence experience commensurate with his or her oversight responsibilities, has access to all component intelligence activities (including those protected by special access programs, alternative compensatory control measures, and other security compartments), and has direct access to the CNGBI to report on NG IO compliance. The NGB IOO must complete formal IOO training, such as the IOO Training provided by the Defense Intelligence Agency or ~~for~~ the National Security Agency.

j. Appoint, in writing, experienced intelligence professionals to serve as primary and alternate NGB-J2 IO Monitors, post copies of the appointment memorandum in the NGB-J2 workspaces, and maintain copies on file in the IO Continuity Binder.

k. Ensure that all personnel assigned or attached to NGB-J2 and any other NGB personnel who conduct intelligence or intelligence-related activities receive required IO training and maintain working knowledge of IO statutory and regulatory requirements, including reporting responsibilities and restrictions.

l. Ensure that all personnel assigned or attached to NGB-J2 who access or use USPI are trained annually in the civil liberties and privacy protections that apply to such information.

m. Review and approve all T32 proper use memorandums and domestic imagery legal reviews, and SAD unmanned aircraft system proper use memorandums and domestic imagery legal reviews from NG Joint Force Headquarters-State (NG JFHQs-State) Intelligence Directorates (J2s) in consultation with NGB-GC.

n. Review all NGB-J2 electronic and hardcopy files at least once each calendar year IAW reference h to ensure that no unauthorized USPI has been retained and maintain a Memorandum for Record (MFR) on file in the IO Continuity Binder for three calendar years certifying that the review was accomplished.

o. Take reasonable steps to audit access to information systems containing USPI and to periodically audit queries or other search terms to assess compliance with reference c.

p. Certify the proper use of all domestic commercial or publicly available imagery, such as U.S. Geological Survey imagery, Google Earth imagery, and Falcon View imagery, through an internal MFR and keep the certifications on file in the IO Continuity Binder IAW reference h.

q. Submit a quarterly IO Report to NGB-IG-IO for NGB-J2, ARNG-G2, and [NGB/A2/6](#) ~~ANG/A2/3/6/10~~ activity IAW reference p.

r. Be familiar with the requirement to report QIA, significant or highly sensitive matters (S/HSM), and certain Federal crimes IAW reference h; ensure that they are reported; and ensure that no retribution or adverse action is taken against any NGB-J2 personnel for reporting these matters.

s. Provide the NGB-GC, NGB-IG-IO, DoD General Counsel, [DoD Senior Intelligence Oversight Official \(SIOO\)](#) ~~Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))~~, and any IG of competent jurisdiction with access to any employee and with all information necessary to perform their oversight responsibilities, including information protected by special-access programs, alternative compensatory control measures, or other security compartmentalization.

t. Ensure that Procurement Requirements Packages include the appropriate IO training and reporting of any QIA, S/HSM, or Federal crime IAW procedures defined in reference h.

4. NGB IO Panel. The NGB IO Panel will meet quarterly to discuss the legality and propriety of NG intelligence and intelligence-related activities, review NGB IO policy to ensure it is consistent with Federal government and DoD guidance, review staff assistance visit and inspection findings, and analyze trends for quarterly reporting to the

[DoD SIOO ATSD\(10\)](#). Reference q defines purpose, appointing authority, membership, roles and responsibilities of the IO Panel.

5. NGB IOO. The NGB IOO will:

- a. Assist the CNGB and NGB-J2 in administering NGB and T32 NG IO.
- b. Coordinate with DoD and the Intelligence Community on behalf of the CNGB and NGB-J2 on all matters concerning oversight of intelligence and intelligence-related activities.
- c. Advise the CNGB, NGB-J2, and other senior staff on all matters regarding the oversight of intelligence and intelligence-related activities, with particular emphasis on domestic applications. The NGB IOO has direct access to the CNGB on intelligence oversight matters.
- d. Administer an IO training program tailored to mission requirements and provide initial and annual refresher IO training, including familiarity with the authorities and restrictions established in references a through d and other applicable intelligence policy.
- e. Conduct IO Staff Assistance Visits to NG JFHQs-State J2s, as required or requested.
- f. Conduct periodic comprehensive reviews of all NGB and T32 NG intelligence and intelligence-related activities to verify compliance with Federal law, executive orders, Presidential directives, Intelligence Community Directives, and DoD Issuances and report significant findings to the [DoD SIOO ATSD\(10\)](#).
- g. Periodically review component-produced intelligence products for compliance with applicable standards.
- h. Coordinate with NGB-GC and NGB-IG on IO matters, as required or requested.
- i. Serve as the Chairperson and a voting member of the NGB IO Panel.
- j. Serve as approving official for NG intelligence oversight reports submitted to the [DoD SIOO Assistant to the Secretary of Defense for Intelligence Oversight](#).

6. Director of Command, Control, Communications, and Computer Systems and Chief Information Officer (NGB-J6). The Director of NGB-J6 will take reasonable steps to ensure effective auditing and reporting as required by reference c in developing and deploying information systems that are used for intelligence involving USPI.

7. NGB Office of Acquisitions. The NGB Office of Acquisitions will incorporate the customer-provided IO training and reporting of QIA, S/HSM, and certain Federal crimes

IAW procedures established in the procurement requirements package and resulting contract actions.

8. NGB-IG-IO. NGB-IG-IO will:

- a. Perform IO responsibilities, to include inspection and reporting IAW references b and p.
- b. Serve as a voting member of the NGB IO Panel.
- c. Receive initial and annual IO training and maintain a working knowledge of IO statutory and requirements, including reporting responsibilities and restrictions.
- d. Perform other duties specified in reference p.

9. NGB-GC. The NGB-GC will:

- a. Be familiar with the missions, plans, and capabilities of NGB-J2 and State intelligence and intelligence-related organizations and units, and all laws, Executive Orders, policies, regulations, and instructions that apply to their activities, including restrictions on the collection, retention, and dissemination of USPI and information on QIA, S/HSM, and certain Federal crimes.
- b. Ensure that NGB-GC personnel with IO responsibilities receive IO training.
- c. Provide legal counsel for NGB IO issues.
- d. Provide interpretations of applicable executive orders, directives, regulations, and instructions and Federal, State, and tribal laws as they relate to intelligence and intelligence-related activities within NGB and NG JFHQs-State.
- e. Provide legal opinions and advice to NGB-J2 on the legality and propriety of intelligence and intelligence-related activities. Provide assistance, when appropriate and requested, to NG JFHQs-State Judge Advocates (JAs).
- f. Review T32 proper use memorandums and domestic imagery legal reviews for legal sufficiency.
- g. Know the jurisdictional relationship between NG intelligence, intelligence-related, and CI activities, as well as the parallel jurisdictions of antiterrorism and force protection, and law enforcement activities.
- h. Review NGB intelligence plans, proposals, and concepts for legality and propriety, as required.

i. Advise NGB staff members engaged in intelligence and intelligence-related activities on all executive orders, laws, policies, treaties, and agreements that apply to their activities.

j. Serve as a voting member of the NGB IO Panel.

k. Ensure that Procurement Requirements Packages include the appropriate IO training and reporting of any QIA, S/HSM, or certain Federal crimes IAW procedures defined in reference h.

10. The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG). TAGs and the CG, under the authority, direction, and control of their Governors, should:

a. Be knowledgeable of all State intelligence and intelligence-related activities.

b. Appoint, in writing, experienced intelligence professionals to serve as NG JFHQs-State primary and alternate IO Monitors.

c. Develop and publish State IO policy and procedures that include:

(1) Identifying all NG JFHQs-State, ARNG, and ANG staffs, organizations, and units in the State to which IO policy applies and which must maintain IO programs (for example, NG JFHQs-State J2; NG JFHQs-State IG and JA personnel responsible for intelligence staffs, units, or organizations; and any ARNG and ANG intelligence staffs, units, or organizations conducting intelligence or intelligence-related activity).

(2) State-specific training requirements.

(3) State QIA, S/HSM, and Federal crime reporting procedures.

(4) Self-inspection requirements.

(5) Procedures for filing proper use memorandums, domestic imagery legal reviews, and an annual MFR certifying proper use of domestic commercial or publicly available imagery.

(6) State-specific procedures for requesting approval to use intelligence capabilities and assets (for example, procedures for requesting Secretary of Defense approval to use an MQ-9 remotely piloted aircraft for incident awareness and assessment).

(7) Internal procedures for determining whether any USPI may be retained, recording the reasons for retaining USPI and the authority for approving retention of USPI IAW reference h.

(8) Internal procedures for purging or redacting information that may not be retained.

(9) Internal procedures for marking all files containing USPI IAW reference h.

(10) Internal procedures for conducting a yearly intelligence file review and certification to ensure that no unauthorized USPI has been retained.

d. Receive initial and annual IO training.

e. Be familiar with IO procedures and assign tasks and missions IAW IO policy and guidance.

11. NG JFHQs-State J2. The NG JFHQs-State J2s, including the State G2 or State ANG Director of Intelligence **intelligence** if tasked to fill the requirement for a J2 as defined in reference r, must possess a military intelligence MOS or Air Force Specialty Code and will:

a. Be knowledgeable of all State intelligence and intelligence-related activities.

b. Serve as the NG JFHQs-State Senior Intelligence Officer as defined in the glossary.

c. Appoint, in writing, an NG JFHQs-State Special Security Officer to manage the NG JFHQs-State sensitive compartmented information facility for TAG, IAW reference l.

d. Ensure that an effective IO program for all personnel assigned or attached to NG JFHQs-State J2s is established and maintained.

e. Post copies of the IO Monitor appointments in the NG JFHQs-State J2 workspaces and file them in the IO Continuity Binder.

f. Ensure that required IO training is given to all NG JFHQs-State intelligence component personnel, personnel conducting intelligence or intelligence-related activities, and JA and IG personnel with IO responsibilities; and be familiar with IO statutory and regulatory requirements, including reporting responsibilities and restrictions.

g. Ensure that all personnel assigned or attached to the NG JFHQs-State J2 who access or use USPI are trained annually on the civil liberties and privacy protections that apply to such information.

h. Identify intelligence staffs, units, and personnel performing intelligence and intelligence-related functions within the State, and verify compliance with appropriate directives.

i. Advise TAG or the CG and staff on matters related to the oversight of intelligence and intelligence-related activities and correspond with TAG or the CG regarding the State IO Program.

j. Coordinate with the State JA and IG on IO matters.

k. In consultation with the NG JFHQs-State IG, JA, and Directors of Operations , review any planned or ongoing NG information-collection activities. Submit any required documentation.

l. After consultation with the NG JFHQs-State JA, submit a proper use memorandum or domestic imagery legal review to NGB-J2 for any domestic imagery training, exercise, or real-world mission flown in a T32 status and for any use of DoD unmanned aircraft system in SAD IAW reference h.

m. Ensure that all NG JFHQs-State J2 electronic and hardcopy files are reviewed at least once each calendar year IAW reference h to ensure that no unauthorized USPI has been retained. Ensure that an MFR is maintained on file in the IO Continuity Binder certifying that the review was completed.

n. Certify the proper use of all domestic commercial or publicly available imagery, such as U.S. Geological Survey imagery, Google Earth imagery, and Falcon View imagery, through an internal MFR IAW reference h at least once each calendar year and maintain the MFR on file in the IO Continuity Binder.

o. Consolidate Quarterly IO Reports from all intelligence organizations, units, and staff organizations, and non-intelligence organizations that perform intelligence or intelligence-related activities and submit a consolidated Quarterly IO Report to the NG JFHQs-State IG IAW reference p.

p. Ensure that Procurement Requirements Packages include the appropriate IO training and reporting of any QIA, S/HSM, or certain Federal crimes IAW procedures defined in reference h.

12. NG JFHQs-State IGs. The NG JFHQs-State IGs with responsibilities for intelligence and intelligence-related staffs, units, organizations, personnel or activities will:

a. Perform IO responsibilities, to include inspections and reporting IAW reference b and reference p.

b. Receive initial and annual IO training and maintain a working knowledge of IO statutory and regulatory requirements, including reporting responsibilities and restrictions.

13. NG JFHQs-State JA. NG JFHQs-State JAs, with responsibilities for intelligence and intelligence-related staffs, units, organizations, personnel, or activities, will:

- a. Be knowledgeable of the missions, plans, and capabilities of State intelligence and intelligence-related entities and the Federal and State laws, policies, and treaties that apply to their activities, including the restrictions on collection, retention, and dissemination of USPI and the requirement to report QIA, S/HSM, and certain Federal crimes.
- b. Be knowledgeable of the jurisdictional relationship between NG intelligence and CI activities, as well as the parallel jurisdictions of antiterrorism and force protection and law enforcement activities.
- c. Receive IO training IAW reference h.
- d. Advise TAG or the CG and NG JFHQs-State J2s on intelligence law and IO matters within their purview.
- e. Review intelligence and intelligence-related plans, proposals, and concepts for legality and propriety.
- f. Review all State T32 proper use memorandums and domestic imagery legal reviews for legal sufficiency.
- g. Advise members of organizations engaged in intelligence and intelligence-related activities on all laws, policies, treaties, and agreements that apply to their activities, as required.

14. Commanders and Directors of Intelligence or Intelligence-Related Organizations. Commanders and Directors of intelligence or intelligence-related organizations, as well as other commanders and directors with intelligence or intelligence-related capabilities, will:

- a. Receive IO training IAW reference h.
- b. Be knowledgeable of the missions, plans, and capabilities of assigned and subordinate intelligence and intelligence-related capabilities and levy tasks and missions IAW IO policy and guidance.
- c. Establish and maintain an effective IO program for personnel assigned or attached to the organization.
- d. Appoint, in writing, experienced intelligence professionals to serve as primary and alternate IO Monitors, post copies of the appointments in the organization workspaces, and file copies in the IO Continuity Binder.
- e. Ensure that all required personnel assigned or attached to the organization receive IO training and are familiar with IO statutory and regulatory requirements, including the reporting responsibilities and restrictions.

f. Ensure that all personnel assigned or attached to the organization who access or use USPI are trained annually on the civil liberties and privacy protections that apply to such information.

g. Forward proposals for intelligence activities that may be questionable or contrary to policy to the organization's servicing JA and NG JFHQs-State JA for review and submission to NGB-GC if required.

h. Protect all personnel who report QIA allegations from reprisal or retaliation and report any threats of retaliation to the NGB-IG.

i. Impose appropriate sanctions upon any employee who violates the provisions of this instruction or other applicable policies.

j. Ensure that all electronic and hardcopy intelligence files are reviewed at least once each calendar year IAW reference h to ensure that no unauthorized USPI has been retained and maintain an MFR certifying that the review has been completed on file in the IO Continuity Binder for three calendar years.

k. Certify the proper use of all domestic commercial or publicly available imagery, such as U.S. Geological Survey imagery, Google Earth imagery, and Falcon View imagery, through an internal MFR IAW reference h at least once each calendar year and maintain the certifications in the IO Continuity Binder.

l. Submit a Quarterly IO Report to the State J2 IAW reference p.

15. IO Monitors. IO Monitors will:

a. Receive IO Monitor Training IAW reference h.

b. Implement an IO program to educate and train intelligence personnel on applicable IO regulations and directives, as well as individual reporting responsibilities, and confirm that personnel can identify, at a minimum, the purpose of the IO Program; the regulations and instructions governing IO; IO rules impacting their mission; reporting procedures for QIA, S/HSM, and certain Federal crimes; and the identity of the IO Monitors.

c. Conduct IO training for all personnel within the staff, unit, or organization who require it, including intelligence personnel, other personnel conducting intelligence or intelligence-related activities, and maintain records of this training for three calendar years, including the dates on which personnel received training.

d. Maintain an IO Continuity Binder IAW Enclosure I of reference h.

e. Maintain copies of State IO policy and applicable references so they are available to the organization. References may be in hardcopy or electronic format.

f. Conduct periodic comprehensive reviews of all intelligence and intelligence-related activities in their unit to verify compliance with Federal law, executive orders, Presidential directives, Intelligence Community Directives and DoD issuances; report significant findings to the NGB IOO.

g. Perform a self-inspection in the final quarter of the calendar year if the organization was not evaluated that year by an IG.

h. Assist in making determinations on collectability of USPI as detailed in Procedure 2 of reference h and seek assistance from the unit, State JA, NGB-IG, or NGB-J2.

i. Ensure staff, unit, or organization review all electronic and paper files at least once each calendar year to ensure that any USPI is retained IAW Procedure 4 of reference h and certify that all files have been reviewed through an MFR, which will be kept on file in the IO Continuity Book for three calendar years.

j. Immediately route reports of QIA incidents or S/HSM as specified in Enclosure B of reference h.

k. Submit a quarterly IO report through the chain of command to the JFHQs-State J2.

16. NG Intelligence Component Personnel. Intelligence component personnel will:

a. Understand the authorized mission and authorities of the organization to which they are assigned.

b. Be familiar with the policies contained in this instruction and Procedures 1 through 4 and 12, standards for employee conduct, and guidelines for reporting QIA, S/HSM, and certain Federal crimes IAW references b, c, d, and h, any other procedures applicable to the assigned unit's mission or discipline, and any organization-specific regulation, instruction, or standard operating procedures concerning the intelligence mission or discipline ~~and for employee conduct and identifying and reporting QIA, S/HSM, and certain Federal crimes listed in references b, c, d, and h, this instruction, and any organization-specific regulation, instruction, or standard operating procedures concerning the intelligence mission or discipline.~~

c. Conduct intelligence activities IAW applicable law and policy, including references b, c, d, and h; this instruction; and the policy of the appropriate intelligence discipline and not exceed the authorities granted by them.

d. Complete the organization's IO training within 90 days of the assignment or employment, as well as annual refresher training and pre-deployment training. Pre-deployment training is required if training will expire during the duration of the deployment.

e. Report any intelligence activity that may violate guiding laws or policies as a QIA or S/HSM. All Federal crimes must be reported immediately upon discovery IAW reference h and in coordination with the NG JFHQs-State JA.

f. Identify the organization's IO Monitor and know how to establish contact with that individual.

17. Other IGs. Other IGs responsible for organizations or units that perform intelligence or intelligence-related activities other than NG JFHQs-State IGs, such as an ARNG Division IG or ANG Wing IG, will:

a. Perform IO inspection and reporting responsibilities IAW references b and o.

b. Receive IO training IAW reference h.

18. Organization or Unit JAs and Legal Advisors. State JAs and Legal Advisors responsible for organizations or units that perform intelligence or intelligence-related activities will:

a. Know which intelligence and non-intelligence units that perform intelligence or intelligence-related activities come under State JA jurisdiction and understand the mission of each of these units and which laws and procedures in reference h apply.

b. Understand the State JA responsibilities in reference h.

c. Review unit intelligence plans, proposals, and concepts, including proper use memorandums and domestic imagery legal reviews, for legality and propriety.

d. Receive IO training IAW reference h.

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. Executive Order No. 12333, 04 December 1981, "United States Intelligence Activities," as amended by Executive Order No. 13284, 23 January 2003, "Amendment of Executive Orders, and Other Actions, in Connection With the Establishment of the Department of Homeland Security"
- b. Department of Defense (DoD) Directive 5148.13, 26 April 2017, "Intelligence Oversight"
- c. DoD Manual 5240.01, 08 August 2016, "Procedures Governing the Conduct of DoD Intelligence Activities"
- d. DoD 5240.1-R, 07 December 1982, "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons," Incorporating Change 2, 26 April 2017
- e. Army Regulation 381-10, ~~03 May 2007~~ [27 February 2023](#), "[The Conduct and Oversight of](#) U.S. Army Intelligence Activities"
- f. Air Force Instruction 14-404, 03 September 2019, "Intelligence Oversight"
- g. Title 5 United States Code, Section 552a (1974), "Privacy Act," as amended
- h. Chief of the National Guard Bureau (CNGB) Manual 2000.01 ~~BA~~, ~~11 April 2019~~ [24 August 2022](#), "National Guard Intelligence Activities"
- i. DoD Directive 3600.01, 02 May 2013, "Information Operations (IO)," Incorporating Change 1, 04 May 2017
- j. United States Army Special Operations Command Memo, 05 March 2019, "Intelligence Oversight"
- k. DoD Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- l. DoD Manual 5200.01, Volume 1, 24 February 2012, "DoD Information Security Program: Overview, Classification, and Declassification," Incorporating Change 2, 28 July 2020

- m. DoD Manual 5105.21, Volume 1, 19 October 2012, "Sensitive Compartmented Information (SCI) Administrative Security Manual: Administration of Information and Information Systems Security," Incorporating Change ~~12~~, ~~16 May 2018~~ 06 October 2020
- n. DoD Manual 5105.21 Volume 2, 19 October 2012, "Sensitive Compartmented Information (SCI) Administrative Security Manual: Administration of Physical Security, Visitor Control, and Technical Security," Incorporating Change 2, 02 November 2020 ~~4~~, ~~05 April 2018~~
- o. DoD Manual 5200.01, Volume 3, 24 February 2012, "DoD Information Security Program: Protection of Classified Information," Incorporating Change 3, 28 July 2020
- p. CNGB Instruction 0700.01A, 21 December 2018, "Inspector General Intelligence Oversight"
- q. National Guard Charter, 14 August 2018, "National Guard Bureau Intelligence Oversight Panel"
- r. CNGB Instruction 1001.01, 29 June 2016, "National Guard Joint Force Headquarters-State"
- s. DoD Instruction 5200.01, 21 April 2016, "DoD Information Security Program and Protection of Sensitive Compartmented Information (SCI)," Incorporating Change 2, Effective 01 October 2020

PART II. RELATED

- u. DoD Directive 5200.27, 07 January 1980, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense"
- v. CNGB Instruction 2400.00A Change ~~1-4~~, 07 November 2013, "Acquisition and Storage of Information Concerning Persons and Organizations not Affiliated with the Department of Defense," 07 November 2018, Validity extended, 01 March 2021

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ANG/A2/6 A2/3/6/10	Air National Guard Intelligence & Cyber Effects Operations Directorate
ARNG	Army National Guard
ARNG-G2	Army National Guard Deputy Chief of Staff for Intelligence and Security Programs
ARNG-G6	Director of the Army National Guard Chief Information Office
ATSD(IO)	Assistant to the Secretary of Defense for Intelligence Oversight
CG	Commanding General of the District of Columbia
CI	Counterintelligence
CNGB	Chief of the National Guard Bureau
DANG	Director of the Air National Guard
DARNG	Director of the Army National Guard
DoD	Department of Defense
<u>DoD SIOO</u>	<u>Department of Defense Senior Intelligence Oversight Official</u>
<u>FI</u>	<u>Foreign Intelligence</u>
G2	Intelligence (Army and Army National Guard)
HUMINT	Human intelligence
IAW	In accordance with
IG	Inspector General
IO	Intelligence oversight
IOO	Intelligence Oversight Official
ISR	Intelligence, surveillance, and reconnaissance
J2	Intelligence Directorate (Joint Force Headquarters-State)
JA	Judge Advocate
MFR	Memorandum for Record
MOS	Military Occupational Specialty
NG	National Guard
NGB	National Guard Bureau
<u>NGB/A2/6 A2/3/6/10</u>	Air National Guard <u>Intelligence & Cyber Effects</u> Operations Directorate
NGB-IG	Office of the Inspector General
NGB-IG- <u>IO</u>	National Guard Bureau Inspector General Intelligence Oversight
NGB-GC	Office of the General Counsel
NGB-J2	Joint Intelligence Directorate
NGB-J3/4/7	Operations Directorate
NGB-J6	C4 Systems and Chief Information Officer Directorate
NG JFHQs-State	National Guard Joint Force Headquarters–State

OUUSD(I&S)	Office of the Undersecretary of Defense for Intelligence and Security
QIA	Questionable intelligence activity
SAD	State active duty
S/HSM	Significant or Highly Sensitive Matters
T10	Title 10
T32	Title 32
TAG	The Adjutant General
USPI	United States person information

PART II. DEFINITIONS

Counterintelligence -- Information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities.

Crimes Reported to the Attorney General -- Any criminal activity that has been or will be reported to the Attorney General, or that must be reported to the Attorney General as required by law or other directive, including crimes reported to the Attorney General as required by reference a.

Department of Defense Intelligence Components -- All Department of Defense organizations that perform foreign intelligence or counterintelligence missions or functions, including the National Security Agency/Central Security Service, the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. The foreign intelligence and counterintelligence elements of the Active and Reserve Components of the Military Departments, including the United States Coast Guard when operating as a service in the Department of the Navy. The offices and staff of the Senior Intelligence Officers of the Combatant Command Headquarters. Other organizations, staffs, and offices, when used for foreign intelligence or Counterintelligence activities to which Part 2 of reference a applies; however, the heads of such organizations, staffs, and offices are not considered Defense Intelligence Component heads for purposes of this issuance. When necessary, Department of Defense policy will establish which official will serve as the Defense Intelligence Component head for these organizations, staffs, or offices.

Foreign Intelligence -- Information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.

Intelligence Activity -- All activities that Department of Defense intelligence components are authorized to undertake pursuant to reference c, including activities conducted by non-intelligence organizations.

Intelligence Oversight Monitor -- An individual assigned to establish and implement intelligence oversight procedures, and training; evaluate staff and unit personnel intelligence oversight knowledge; and resolve collectability determinations in consultation with his or her servicing Inspector General and legal advisor.

Intelligence-Related Activity -- An activity outside the consolidated Defense intelligence program that responds to operational commanders' tasking for time-sensitive information on foreign entities; responds to National Intelligence Community tasking of systems with the primary mission of supporting operating forces; trains personnel for intelligence duties; provides an intelligence reserve; or is devoted to research and development of intelligence or related capabilities. Specifically excluded are programs so closely integrated with a weapon system that their primary function is to provide immediate-use targeting data.

Intelligence, Surveillance, and Reconnaissance -- An integrated operations and intelligence activity that synchronizes and integrates the planning and operation of sensors, assets, and processing, exploitation, and dissemination systems in direct support of current and future operations.

National Guard Intelligence Component -- National Guard Bureau, Title 32, National Guard Joint Force Headquarters--State, Title 32 National Guard intelligence units and staff organizations, and Title 32 non-intelligence organizations that perform intelligence or intelligence-related activities. The National Guard Intelligence Component in Title 32 duty status under the command and control of the Governor has no inherent authority to conduct intelligence activity, which is a Federal matter.

Questionable Intelligence Activity -- 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 Department of Defense policy governing that activity. (See reference b.)

Senior Intelligence Officer -- The highest-ranking military or civilian officer within an intelligence staff, unit, organization or element.

Senior Intelligence Official -- In accordance with reference [s t](#), the highest ranking military or civilian official charged with direct foreign intelligence missions, functions, or responsibilities within a department, agency, component, or element of an Intelligence Community organization.

Significant or Highly Sensitive Matter -- An intelligence or intelligence-related activity (regardless of whether it is unlawful or contrary to an executive order, Presidential directive, Intelligence Community Directive, or Department of Defense policy) or serious criminal activity by intelligence personnel that could impugn the reputation or integrity of the Intelligence Community, or otherwise call into question the propriety of intelligence activities. Such matters might involve actual or potential Congressional inquiries or investigations, adverse media coverage, impact on foreign relations or foreign partners,

or systemic compromise, loss, or unauthorized disclosure of protected information.
(See reference b.)

United States Person -- A United States citizen; an alien known by the Defense Intelligence Component concerned to be a permanent resident alien; an unincorporated association substantially composed of United States citizens or permanent resident aliens; or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person. A person or organization in the United States is presumed to be a United States person, unless specific information to the contrary is obtained. Conversely, a person or organization outside the United States, or whose location is not known to be in the United States, is presumed to be a non-United States person, unless specific information to the contrary is obtained.