



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-IG
DISTRIBUTION: A

CNGBI 0700.01A
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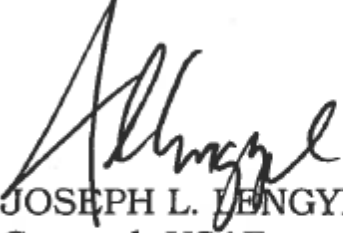
INSPECTOR GENERAL INTELLIGENCE OVERSIGHT

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for National Guard (NG) Inspectors General (IGs) intelligence oversight (IO) in accordance with (IAW) the references.
2. Cancellation. This instruction supersedes its previous version, Chief of the National Guard Bureau (CNGB) Instruction 0700.01, 09 June 2013, "Inspector General Intelligence Oversight."
3. Applicability. This instruction applies to National Guard Bureau (NGB) IGs and Title 10 and Title 32 NG Joint Force Headquarters–State (NG JFHQs-State) IGs who are responsible for oversight of NG intelligence and intelligence-related activities.
4. Policy. It is NGB policy that NG IGs will coordinate across the IG enterprise to realize efficiencies and reduce IO inspection redundancy. NG JFHQs-State IGs will communicate IO matters through the NGB Office of the IG (NGB-IG) for coordination with Service IGs and the Department of Defense (DoD) Senior Intelligence Oversight Official (SIOO).
5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This instruction has been substantially revised.
8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdcc.ngb.army.mil>>.

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9. Effective Date. This instruction is effective upon signature and must be reissued, canceled, or certified as current within five years from the date signed.



JOSEPH L. JENGYEL
General, USAF
Chief, National Guard Bureau

Enclosures:

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

ENCLOSURE A

RESPONSIBILITIES

1. The NGB Inspector General. The NGB IG will:
 - a. Oversee policy, budgeting, and staff management for NG IG IO activities.
 - b. Issue IO inspection directives.
 - c. Establish release criteria for NG IG IO inspection reports.
 - d. Publish CNGB Manuals to supplement this Instruction.
 - e. Execute signature authority for memorandums of understanding with other Service IGs, as well as subsequent CNGB Manuals for NGB-IG IO requirements.
2. NGB-IG. NGB-IG will:
 - a. Oversee all intelligence and intelligence-related activities. This includes foreign intelligence, counterintelligence, incident awareness and assessment support to NG civil support, counterdrug Federal intelligence support, and information operations within the NGB and the 54 States, Territories, and District of Columbia.
 - b. Determine whether any unit, organization, staff, or office not already identified is being used for an intelligence or intelligence-related purpose. If so, ensure those activities comply with references d, e, g, and h.
 - c. Inspect NGB and NG JFHQs-States to:
 - (1) Ensure that all elements conducting intelligence or intelligence-related activities within their respective jurisdictions have the assigned mission and authority to do so.
 - (2) Verify that procedures exist for reporting Questionable Intelligence Activity (QIA) and Significant or Highly Sensitive Matters (S/HSM), and that required personnel are effectively trained on and comply with their IO responsibilities.
 - (3) Determine whether such components are involved in any QIA or S/HSM.
 - d. Ensure all inspections address mission-specific DoD, Service, and NGB IO requirements for intelligence capabilities and assets.

- e. Inspect a sampling of Army NG and Air NG units through combined or unilateral inspections to determine compliance with IO requirements.
 - f. Report all QIAs, S/HSMs, and Federal crimes IAW references c and g. Reporting will not be delayed or postponed pending an investigation, command inquiry, or legal proceeding.
 - g. Investigate QIAs and S/HSMs IAW NGB-established procedures to the extent necessary to determine the facts and to assess whether the activity is legal and consistent with applicable policies.
 - h. Determine whether any adverse action was taken against any personnel, including contractor personnel, who intended to report, or reported, what they reasonably believed was a QIA or S/HSM as prescribed by reference c. If it is determined that adverse action was taken, handle it IAW applicable law and policy within the appropriate agency.
 - i. Coordinate with the NGB IO Official (IOO) and Office of the NGB Chief Counsel (NGB-JA) for interpretation of Federal and State law and applicable directives as they relate to intelligence and intelligence-related activities.
 - j. Maintain liaison with the DoD SIOO, the Secretary of the Army IG IO Division, the Office of the Secretary of the Air Force IG, and other agencies to ensure compliance with DoD and Service requirements.
 - k. Notify the DoD SIOO, in coordination with the NGB IOO and NGB-JA, before 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 Federal crimes IAW references c and i.
 - l. Assist NG JFHQs-State IGs in executing IO responsibilities IAW references b and c.
 - m. In coordination with the NGB IOO and NGB-JA, submit consolidated quarterly IO reports to the DoD SIOO IAW reference c or in a format approved by the DoD SIOO.
 - n. Review and provide action officer coordination on DoD, Army, Air Force, and NGB intelligence and intelligence-related policies.
2. NG JFHQs-State IG. NG JFHQs-State IGs will:
- a. Oversee all intelligence and intelligence-related activities. This includes foreign intelligence, counterintelligence, incident awareness and assessment support to NG civil support, intelligence support to Federal counterdrug

operations, and information operations under the direction of The Adjutants General and the Commanding General of the District of Columbia.

b. Determine whether any unit, organization, staff, or office not already identified by the State Senior Intelligence Officer (SIO) is being used for an intelligence or intelligence-related purpose. If so, ensure those activities comply with references d, e, g, and h.

c. Inspect all elements conducting intelligence or intelligence-related activities to:

(1) Ensure that all elements within the jurisdiction of The Adjutant General or Commanding General of the District of Columbia conducting intelligence or intelligence-related activities have the assigned mission and authority to do so.

(2) Verify that procedures exist for reporting QIA and S/HSM and that required personnel are effectively trained on and comply with their IO responsibilities.

(3) Determine whether such elements are involved in any QIAs or S/HSMs.

d. Ensure all inspections address mission-specific DoD, Service, and NGB IO requirements for intelligence capabilities and assets.

e. Ensure each element's IO inspections occur IAW the Service frequency requirement. Commanders' inspection programs may require more frequent IO inspections.

f. Ensure that IO inspections are included in Service-specific inspection programs as required and that IO program deficiencies are adequately addressed in a follow-up inspection.

g. Report all QIAs and S/HSMs immediately IAW NGB-IG and DoD guidance. Investigations, command inquiries, or legal proceedings will not delay or postpone this reporting requirement.

h. Investigate QIAs and S/HSMs within State established procedures to the extent necessary to determine the facts and to assess whether the activity is legal and consistent with applicable policies. At a minimum, investigation results will require a written report in a format prescribed by NGB-IG.

i. Determine whether any adverse action was taken against any personnel, including contractor personnel, who intended to report, or reported, what they reasonably believe is a QIA or S/HSM as prescribed by reference c. If it is determined that they did, handle it IAW applicable law and policy.

j. Consolidate quarterly IO reports into a single State quarterly report and send it to NGB-IG by the fifth day of the month following the end of the quarter in a format approved by NGB-IG.

k. Coordinate with the State Staff Judge Advocate and State SIO for interpretation of Federal and State laws and applicable directives as they relate to intelligence and intelligence-related activities.

ENCLOSURE B

REFERENCES

- a. Air Force (AF) Instruction 90-201, 23 March 2012, “The Air Force Inspection System”
- b. Army Regulation (AR) 20-1, 29 November 2010, “Inspector General Activities and Procedures”
- c. DoD Directive 5148.13, 26 April 2017, “Intelligence Oversight”
- d. AF Instruction 14-104, 23 April 2012, “Conduct of Intelligence Activities”
- e. AR 381-10, 03 May 2007, “U.S. Army Intelligence Activities”
- f. CNGB Instruction 2000.01C, 14 August 2018, “National Guard Intelligence Activities”
- g. CNGB Manual 2000.01, 26 November 2012, “National Guard Intelligence Activities”
- h. DoD Manual 5240.01, 08 August 2016, “Procedures Governing the Conduct of Intelligence Activities”
- i. DoD 5240.1-R, December 1982, “Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons,” Incorporating Change 2, 26 April 2017

GLOSSARY

PART I. ACRONYMS

CNGB	Chief of the National Guard Bureau
CNGBI	Chief of the National Guard Bureau Instruction
DoD	Department of Defense
IAW	In accordance with
IG	Inspector General
IO	Intelligence Oversight
IOO	Intelligence Oversight Official
NG	National Guard
NGB	National Guard Bureau
NGB-IG	Office of the National Guard Bureau Inspector General
NGB-JA	Office of the National Guard Bureau Chief Counsel
NG JFHQs-State	Joint Force Headquarters–State
QIA	Questionable Intelligence Activity
S/HSM	Significant or Highly Sensitive Matters
SIO	Senior Intelligence Officer
SIOO	Senior Intelligence Oversight Official

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.

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

Incident Awareness and Assessment -- Use of Department of Defense intelligence, surveillance, reconnaissance, and other intelligence capabilities, approved by the Secretary of Defense, for domestic non-intelligence support for defense support of civil authorities.

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

Intelligence-Related Activity – As defined by DoD Directive 5148.13.

National Guard Civil Support -- Support provided by National Guard forces (when the Secretary of Defense, in coordination with the Governors of the affected States, elects and requests to use those forces in Title 32 United States Code status) in response to requests for assistance from civil authorities for domestic emergencies, law enforcement support, and other domestic activities, or from qualifying entities for special events.

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 Department of Defense policy governing that activity.

Significant or Highly Sensitive Matter -- An intelligence or intelligence-related activity (regardless of whether the intelligence or intelligence-related activity 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.