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Department of Defense
INSTRUCTION

70. Endy

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23 March 1984

NUMBER S-3315.1

USD(P) *✓*

SUBJECT: Coordination and Reporting of Foreign Intelligence and Intelligence-Related Contacts and Arrangements (U)

References: (U) There are 11 U.S. interagency and DoD Directives that are directly relevant and particularly important to understanding and implementing this Instruction. These references, with clarification of their relevance, are listed at enclosure 1.

A. PURPOSE

(U) In furtherance of references (a) through (m), this Instruction elaborates and clarifies DoD policy guidance on requirements for coordination and reporting of contacts, liaison, and intelligence exchanges by DoD Components with elements of foreign governments and international organizations (hereafter "foreign organizations"), other than international military organizations in which DoD Components participate. The requirements and clarification in this Instruction are consistent with Director of Central Intelligence (DCI) policies concerning foreign intelligence and counterintelligence arrangements with foreign governments.

B. APPLICABILITY AND SCOPE

1. (U) This Instruction applies to field activities of the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

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2. (U) DoD policy guidance on coordination with the DCI of intelligence contacts and arrangements with cooperating foreign organizations by DoD dedicated intelligence elements on matters within well-defined intelligence functional areas appears to be well understood and competently interpreted and applied by DoD Components. Coordination between DoD Components and DCI representatives on foreign contacts and arrangements in these well-defined intelligence functional areas is considered to be effective, both by the Department of Defense and the CIA.

3. (U) Contacts and arrangements as used above do not include those that are entered into with foreign military organizations relating solely to conventional applications of military tactics and operations. Protocol and courtesy contacts, social contacts, and other personal, unofficial, and nonbusiness contacts are not within the scope of this Instruction.

4. (U) This Instruction requires no change in current coordination and reporting of contacts and arrangements by DoD Components concerning intelligence activities to which DCID 5/1, DCID 5/2, and NDP-1 (references (c), (d), and (f)) are applicable. National directives do not require prior coordination on contacts and arrangements concerning counterterrorist matters not involving intelligence, intelligence-related, or internal security activities (such as counterterrorist tactics, operations, training, doctrine, personnel, and logistics topics). However, DoD personnel contemplating such contacts are encouraged to consider whether or not their mission would be aided by prior consultation with a DCI representative.

6. (U) DoD Components shall furnish the Director, DIA, the information required by DIA Regulation 60-28 (reference (1)). DoD Components, including field commands and agencies, should note that subsections D.1. and D.2., above, clarify the scope of activities covered under reference (1).

9. (U) A comprehensive retroactive review of existing intelligence arrangements or contacts is not required by this Instruction. However, DoD Components identifying any existing arrangements or contacts within the scope defined in subsections D.1. and D.2., above, not previously coordinated shall report them to the Director, DIA, for evaluation against the requirements of this Instruction. Already approved Defense Attache contacts in host countries do not require additional coordination.

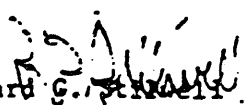
E. RESPONSIBILITIES

1. (U) The Deputy Under Secretary of Defense for Policy is responsible for DoD supervision and coordination of matters covered by this Instruction.

2. (U) Heads of DoD Components shall comply with this Instruction.

F. EFFECTIVE DATE AND IMPLEMENTATION

(U) This Instruction is effective immediately. Forward one copy of implementing documents to the Deputy Under Secretary of Defense for Policy within 90 days.


Richard G. Stuenkel
General, USA (Ret.)
Deputy Under Secretary of Defense for Policy

Enclosure - 1
References

REFERENCES

- (a) (U) Section 1.5(e), Executive Order 12333, "United States Intelligence Activities," December 4, 1981, assigns the DCI responsibility to formulate U.S. policies "concerning foreign intelligence and counterintelligence arrangements with foreign governments" and to coordinate "foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments." Section 1.11(i), Executive Order 12333, states that the Secretary of Defense shall "establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence."

- (g) (U) DoD Directive 5105.21, "Defense Intelligence Agency," May 19, 1977, at subsections C.17. and C.21. assigns to the DIA responsibilities for internal DoD guidance on release of Defense intelligence to foreign governments, international organizations, and the public and designates the DIA the DoD focal point for relationships with foreign intelligence services.
- (h) (U) DoD Directive 3310.1, "International Intelligence Agreements," October 22, 1982, provides procedures for obtaining approval to negotiate and conclude international agreements for non-SIGINT and intelligence contacts.
- (i) (U) DIA Regulation 60-28, "International Intelligence Agreements," June 10, 1983, sets forth DIA requirements for coordination and reporting to enable it to fulfill its responsibilities under DoD Directives 5105.21 and 3310.1.
- (k) (U) DoD Directive ~~5100.20~~ 5100.20, "The National Security Agency and the Central Security Service (U)," December 23, 1971, defines the foreign contacts and arrangements responsibilities of the NSA/CSS in the SIGINT field.
- (l) Public Law 87-195, ¹¹ Foreign Assistance Act of 1961, as amended
- (m) Public Law 90-629, ⁵ Arms Export Control Act, as amended

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