



Department of Defense **INSTRUCTION**

NUMBER 3305.12
October 14, 2016

USD (I)

SUBJECT: Intelligence and Counterintelligence (I&CI) Training of Non-U.S. Persons

References: See Enclosure 1.

1. **PURPOSE.** In accordance with the authority in DoD Directive (DoDD) 5143.01 (Reference (a)), this instruction reissues DoD Instruction (DoDI) 3305.12 (Reference (b)) to establish policy and assign responsibilities pursuant to DoDD 5132.03 and DoDI 3115.11 (References (c) and (d)) for I&CI training of non-U.S. persons.

2. **APPLICABILITY.** This instruction applies to OSD, the Military Departments (including the U.S. Coast Guard (USCG) at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

3. **POLICY.** It is DoD policy that:

a. I&CI training of non-U.S. persons will:

(1) Support U.S. national security and foreign policy objectives and provide a benefit to the United States.

(2) Be provided through established programs and, as applicable, consistent with U.S. laws applicable to security cooperation Reference (e)), the DoD security cooperation policy and criteria contained in Reference (c), Defense Security Cooperation Agency Manual 5105.38-M (Reference (f)), and Secretary of Defense Memorandums (References (g) and (h)).

(3) Focus on the development of I&CI knowledge, skills, and abilities required to plan, direct, and conduct military intelligence operations and activities or to support interoperability with the United States in coalition operations.

b. The foreign disclosure or release to non-U.S. persons during I&CI training of:

(1) Classified military information or controlled unclassified information will be approved by the cognizant foreign disclosure officer in accordance with National Disclosure Policy-1, DoDD 5230.11, DoDD 5400.11, and DoD 5400.11-R (References (i), (j), (k), and (l)). Such transfers must also be consistent with DoD policy and procedures for international transfers in DoDI 2040.02 (Reference (m)).

(2) CI materials or handouts will be reviewed and deconflicted in accordance with DoDD 5240.02 (Reference (n)).

(3) Human intelligence (HUMINT) tradecraft-related curriculum, materials, or handouts will be reviewed and coordinated in accordance with Annex B of National HUMINT Manager Directive 007.08 (Reference (o)).

(4) Defense Cover Program information or materials must be reviewed and approved in accordance with DoD S-5105.63-M (Reference (p)).

4. RESPONSIBILITIES. See Enclosure 2.

5. INFORMATION COLLECTION REQUIREMENTS. The Annual Report of Intelligence and Security Training, Education, and Certification, referred to in paragraph 8.d. of Enclosure 2 of this instruction, has been assigned report control symbol DD-INT(A,SA) 2252 and is prescribed in DoD Manual 3115.11 (Reference (q)).

6. RELEASABILITY. **Cleared for public release**. This instruction is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This instruction is effective October 14, 2016.



Marcel Lettre
Under Secretary of Defense
for Intelligence

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5143.01, “Under Secretary of Defense for Intelligence (USD(I)),” October 24, 2014, as amended
- (b) DoD Instruction 3305.12, “Intelligence and Counterintelligence (I&CI) Training of Non-U.S. Persons,” October 25, 2007, as amended (hereby cancelled)
- (c) DoD Directive 5132.03, “DoD Policy and Responsibilities Relating to Security Cooperation,” October 24, 2008
- (d) DoD Instruction 3115.11, “DoD Intelligence Human Capital Management Operations,” January 22, 2009, as amended
- (e) Title 10, U.S. Code
- (f) Defense Security Cooperation Agency 5105.38-M, “Security Assistance Management Manual,” April, 2012 as amended¹
- (g) Secretary of Defense Memorandum, “Implementation of Section 8057, DoD Appropriations Act, 2014 (division C of Public Law 113-76) (“the DoD Leahy law”),” August 18, 2014
- (h) Secretary of Defense Memorandum, “Additional Guidance on Implementation of Section 8057(b), DoD Appropriations Act, 2014 (Division C of Public Law 113-76) (“the DoD Leahy law”) and New or Fundamentally Different Units,” February 10, 2015
- (i) National Disclosure Policy-1, “National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations,” October 2, 2000²
- (j) DoD Directive 5230.11, “Disclosure of Classified Military Information to Foreign Governments and International Organizations,” June 16, 1992
- (k) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- (l) DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- (m) DoD Instruction 2040.02, “International Transfers of Technology, Articles and Services,” March 27, 2014
- (n) DoD Directive 5240.02, “Counterintelligence (CI),” March 17, 2015
- (o) National HUMINT Manager Directive 007.08, Annex B, “National HUMINT Manager Tradecraft Training for Foreign Bilateral and Liaison Partners,” November 4, 2008
- (p) DoD S-5105.63-M, “DoD Cover and Cover Support Security Classification Guide (SCG) (U),” May 13, 2011, as amended
- (q) DoD Manual 3115.11, “Intelligence and Security Training Standards,” March 24, 2015
- (r) DoD Instruction 3305.02, “DoD General Intelligence Training and Certification,” August 12, 2015
- (s) DoD Instruction 3305.11, “DoD Counterintelligence (CI) Training and Certification,” August 13, 2015

¹ Available only on the web at www.samm.dcsa.mil/

² Provided to designated disclosure authorities on a need-to-know basis from the Office of the Director for International Security Programs, Office of the Deputy Under Secretary of Defense for Security Policy, Office of the Under Secretary of Defense for Policy.

- (t) DoD Instruction 3305.15, "DoD Human Intelligence (HUMINT) Training and Certification," August 13, 2015
- (u) DoD Instruction 3305.16, "DoD Measurement and Signature Intelligence (MASINT) Training and Certification," August 13, 2015
- (v) DoD Instruction 3305.10, "Geospatial Intelligence (GEOINT) Training," July 3, 2013
- (w) DoD Instruction 3305.09, "DoD Cryptologic Training," June 13, 2013
- (x) Deputy Secretary of Defense Memorandum, "Training in International Security and Foreign Disclosure Support to International Programs," October 22, 1999
- (y) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),
December 8, 1999

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). In accordance with References (a), (c), and (h), the USD(I):

- a. Establishes policy and provides direction for I&CI training of non-U.S. persons in coordination with the USD(P).
- b. Provides oversight and additional guidance, as appropriate, for I&CI training of non-U.S. persons.
- c. Provides functional expertise in intelligence and counterintelligence partnerships, as required, when evaluating units for resumption of assistance in accordance with Reference (h).
- d. Prepares the Annual Report of Intelligence and Security Training, Education, and Certification in accordance with Reference (q).

2. DIRECTOR, DEFENSE INTELLIGENCE AGENCY (DIA). Under the authority, direction, and control of the USD(I) and in addition to the responsibilities in section 8 of this enclosure, the Director DIA, as the functional lead for general intelligence, CI, HUMINT, open source intelligence, and measurement and signature intelligence training in accordance with DoDIs 3305.02, 3305.11, 3305.15 and 3305.16 (References (r), (s), (t), and (u)):

- a. Coordinates with the other DoD Components on I&CI training programs for non-U.S. persons that include subject matter in their respective functional areas.
- b. Reviews, as appropriate, associated programs of instruction (POIs) and training materials for adherence to training standards and suitability for foreign disclosure or release.

3. DIRECTOR, NATIONAL GEOSPATIAL INTELLIGENCE AGENCY (NGA). Under the authority, direction, and control of the USD(I) and in addition to the responsibilities in section 8 of this enclosure, the Director, NGA, as the DoD functional lead for geospatial intelligence (GEOINT) training in accordance with DoDI 3305.10 (Reference (v)):

- a. Coordinates with the other DoD Components on I&CI training programs for non-U.S. persons that include GEOINT subject matter.
- b. Reviews, as appropriate, associated POIs and training materials for adherence to training standards and suitability for foreign disclosure or release.

4. DIRECTOR, NATIONAL RECONNAISSANCE OFFICE (NRO). Under the authority, direction, and control of the USD(I) and in addition to the responsibilities in section 8 of this enclosure, the Director, NRO:

a. Coordinates with the other DoD Components on I&CI training programs for non-U.S. persons that include overhead collection architecture and applicable collection systems and applications subject matter.

b. Reviews, as appropriate, associated POIs and training materials for adherence to training standards and suitability for foreign disclosure or release.

5. DIRECTOR, NATIONAL SECURITY AGENCY/CHIEF, CENTRAL SECURITY SERVICE (DIRNSA/CHCSS). Under the authority, direction, and control of the USD(I) and in addition to the responsibilities in section 8 of this enclosure, the DIRNSA/CHCSS, as the DoD functional lead for DoD cryptologic training in accordance with DoDI 3305.09 (Reference (w)):

a. Coordinates with the other DoD Components on I&CI training programs for non-U.S. persons that include cryptologic subject matter.

b. Reviews, as appropriate, POIs and training materials for adherence to training standards and suitability for foreign disclosure or release.

6. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P):

a. Coordinates with the USD(I) in developing policy for I&CI training of non-U.S. persons in accordance with References (c), (e), and (f).

b. Oversees security training and foreign disclosure support to international programs pursuant to Deputy Secretary of Defense Memorandum (Reference (x)).

c. Provides oversight and guidance to DoD Components on the implementation of the DoD Leahy Law in accordance with DoDD 5111.1 (Reference (y)) and Reference (g).

d. Leads the review process for requests for waivers and exceptions to the DoD Leahy law in accordance with References (g) and (h).

7. DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY (DSCA). Under the authority, direction, and control of the USD(P), the Director DSCA provides guidance and feedback, as appropriate, to the USD(I) and the other DoD Components on the implementation of I&CI training of non-U.S. persons conducted by the DoD Components.

8. DoD COMPONENT HEADS AND COMMANDANT OF THE USCG. The DoD Component heads and the Commandant of the USCG:

- a. Implement the policy and procedures in this instruction and provide additional procedural guidance, as required, to subordinate organizations on how to plan, execute, and report I&CI training of non-U.S. persons.
- b. Coordinate I&CI training programs, POIs, and training materials with appropriate DoD functional training leads for adherence to training standards and suitability for foreign disclosure or release in accordance with References (i) and (j).
- c. Process and document I&CI training of non-U.S. persons in accordance with reference (e) and the DoD security cooperation procedures in References (c) and (f).
- d. Provide input to the USD(I) for inclusion in the Annual Report of Intelligence and Security Training, Education, and Certification each December in accordance with Reference (q).
- e. Require the organization that will conduct the training to submit to the official responsible for approving the training the following information sufficiently in advance of the training to permit the required coordinations, approvals, and vettings:
 - (1) A description of the training requirement;
 - (2) Copies of the POI and all training materials that will be disclosed or released to the participating non-U.S. persons, including English-language translations of all foreign language materials; and
 - (3) A list of the participating non-U.S. persons and their access and clearance levels.
- f. Coordinate, as appropriate, with the USD(P) and the Department of State to vet properly the foreign security force units and members that are to receive I&CI training for gross violations of human rights in accordance with References (g), and (h).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DIA	Defense Intelligence Agency
DIRNSA/CHCSS	Director, National Security Agency/Chief, Central Security Service
DoDD	DoD Directive
DoDI	DoD Instruction
DSCA	Defense Security Cooperation Agency
GEOINT	geospatial intelligence
HUMINT	human intelligence
I&CI	intelligence and counterintelligence
NGA	National Geospatial Intelligence Agency
NRO	National Reconnaissance Office
POI	program of instruction
USCG	United States Coast Guard
USD(I)	Under Secretary of Defense for Intelligence
USD(P)	Under Secretary of Defense for Policy

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this instruction.

CI training. Instructions and applied exercises offered through various media and methods for the acquisition, retention, and enhancement of skills, knowledge, and abilities required to counter or neutralize 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.

disclosure. Displaying or revealing classified intelligence, whether orally, in writing, or in any other medium, to an authorized foreign recipient without providing the foreign recipient a copy of such information for retention.

intelligence training. Instruction and applied exercises offered through various media and methods for the acquisition, retention, and enhancement of skills, knowledge, and abilities required to collect, process, integrate, analyze, evaluate, and interpret information concerning foreign countries or activities for the purposes of producing intelligence or using intelligence.

military intelligence. Intelligence on any foreign military or military-related situation or activity that is significant to military policymaking, or the planning and conduct of military operations and activities. It includes both classified military intelligence and unclassified material.

non-U.S. person. Any person, association or corporation who is **not**:

A U.S. citizen;

An alien known by the intelligence agency considered to be a permanent resident alien;

An unincorporated association substantially composed of U.S. 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.

POI. Documentation that describes in specific detail the training provided in a given course.

release. The provision of classified intelligence in writing or in any other medium to authorized foreign recipients for retention.

training materials. Instructional information in the form of lesson plans, handouts, audio or video recordings, manuals, pamphlets, or digital media that are used for the express purpose of conducting I&CI training.

training of non-U.S. persons. Includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions), or by correspondence courses, through distance learning media (including video training, computer-derived and web-based instruction) or other technical, educational, or informational publications or media of all kinds, training aid orientation, training exercise, or military advice to foreign military units and forces.