INTELLIGENCE COMMUNITY DIRECTIVE NUMBER 304

HUMAN INTELLIGENCE
(EFFECTIVE: 6 MARCH 2008)

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order 12333, as amended; National Security Council Directive 5, U.S. Espionage and Counterintelligence Activities Abroad, 17 February 1972; and other applicable provisions of law.

B. PURPOSE:

1. This Intelligence Community Directive (ICD) addresses clandestine and overt human intelligence (HUMINT) collection obtained both inside and outside the United States and establishes the Director of National Intelligence (DNI) policy to integrate, prioritize,and maximize the Intelligence Community's (IC) HUMINT capabilities; to ensure coordination and deconfliction of HUMINT and counterintelligence operations and activities across the U.S. Government (USG); to promote the use of core common standards for those who engage in HUMINT activities; and to enable greater collaboration across the USG to share services of common concern whenever feasible.

2. This ICD delineates the roles and responsibilities of DNI, the National HUMINT Manager (NHM), and those principal agencies or departments that conduct HUMINT activities.

3. This ICD rescinds portions of Director of Central Intelligence Directive (DCID) 5/1[1], Espionage and Counterintelligence Activities Abroad, 19 December 1984; and rescinds DCID 3/2, Coordination of Overt Collection Abroad, 26 November 2001.

[1] Provisions relating to foreign intelligence liaison and counterintelligence remain in effect until superseded by a DNI directive.

C. APPLICABILITY:

1. This directive applies to the Intelligence Community, as defined by the National Security Act of 1947, as amended, and other departments or agencies that may be designated by the President, or designated jointly by the DNI and the head of the department or agency concerned, as an element of the IC; and to activities funded by the National Intelligence Program.

2. This directive also applies to other elements of the USG engaged in the collection of intelligence through: HUMINT activities, counterintelligence activities[2], or activities that involve the use of clandestine methods, to the extent permitted by and in accordance with applicable provisions of statute or executive order.

3. This ICD does not apply to purely law enforcement investigations or activities. When law enforcement investigations or activities also involve national intelligence or intelligence related to national security, this ICD shall apply if it is not otherwise inconsistent with any applicable Attorney General Guidelines, headquarters-level federal law enforcement policy, or written interagency agreements.

D. POLICY:

The DNI is committed to ensuring that HUMINT activities are executed in a prioritized, coordinated, integrated, and professional manner; that USG elements engaged in the collection of intelligence through HUMINT activities, counterintelligence activities, or activities that involve the use of clandestine methods are coordinated and deconflicted with IC HUMINT activities; that HUMINT practitioners use core common standards; and that there is transparency into HUMINT support capabilities to allow all IC elements to benefit from technical or other advances. The overall policy goal is to create a HUMINT enterprise that is efficient, interoperable, provides necessary operational transparency, adequately protects sources and methods from compromise, and has a workforce with common skills and coordinated objectives so that it can respond to a greater number of requirements.

1. National HUMINT collection conducted by the IC shall be conducted in accordance with Presidential priorities described in the National Intelligence Priorities Framework (NIPF) and DNI policy directives or guidance.

2. The IC's HUMINT collection capability shall be integrated into the National Intelligence Coordination Center structure to allow for the strategic management of collection capabilities across the intelligence, defense, foreign, and domestic realms.

3. HUMINT operations and activities shall be guided by core common standards and guidelines issued by the NHM, in collaboration with the heads of IC elements and other USG entities, as appropriate.

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[2] For the purposes of this ICD, "counterintelligence activities" means, specifically, counterintelligence activities involving human sources.

4. HUMINT operations and activities conducted by a member of the IC or funded under the National Intelligence Program shall be coordinated and deconflicted under written procedures developed by the NHM, in coordination with IC members.

5. Operations and activities conducted by other USG entities engaged in activities that involve the use of clandestine methods or engaged in the collection of intelligence through HUMINT or counterintelligence activities, should be coordinated and deconflicted pursuant to written procedures agreed upon by the NHM and the heads of departments, as appropriate, containing USG entities engaged in such activities. Agreements at the cabinet level shall be approved by the DNI. The NHM shall keep the DNI fully and currently informed of all other such agreements. Existing interagency coordination and deconfliction agreements are hereby approved by the DNI and remain in effect until superseded.[3]

6. Coordination and deconfliction of activities referenced in sections D.4 and D.5 shall be comprehensive and continuing and shall be handled at the lowest practicable level by the affected departments and agencies.

7. Coordination procedures developed under sections D.4 through D.6 shall be in accordance with EO 12333, as amended, or successor executive orders.

8. Intelligence obtained from IC HUMINT operations or activities shall be disseminated, pursuant to DNI policy, to the maximum extent possible, with due regard for the protection of sources and methods.

9. IC elements shall conduct services of common concern for HUMINT operations and activities on behalf of the IC as designated by the NHM, in coordination with affected IC elements.

E. ROLES AND RESPONSIBILITIES:

1. Office of the Director of National Intelligence. The Deputy Director of National Intelligence for Collection (DDNI/C) is delegated all authorities and responsibilities of the DNI with respect to establishing objectives, priorities and guidance for national HUMINT activities; resolves conflicts in collection requirements; evaluates the effectiveness of the national HUMINT enterprise; jointly with the NHM selects the Chair of the HUMINT Committee; provides direction to the HUMINT Committee; supports HUMINT policy development; and in coordination with the DNI/Chief Financial Officer advises the DNI on HUMINT resource allocations within the National Intelligence Program and the Military Intelligence Program.

2. National HUMINT Manager. The Director, Central Intelligence Agency is the NHM with the responsibility to:

a. Manage the national HUMINT collection capability in accordance with Presidential priorities and DNI guidance.

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[3]Memorandum of Understanding Concerning Overseas and Domestic Activities of the Central Intelligence Agency and the Federal Bureau of Investigation, June 2005; Memorandum of Agreement Between the Department of Defense and Central Intelligence Agency (concerning) Operational Activities, July 2005, and current Annexes.

b. Issue annually an integrated national HUMINT plan with associated goals and performance objectives.

c. Ensure integration of national HUMINT collection capabilities into the National Intelligence Coordination Center.

d. Ensure the most effective use is made of resources and appropriate account is taken of the risks to the U.S. and to those involved in HUMINT collection operations and activities.

e. Develop, promulgate, and oversee implementation of core common standards for clandestine and overt HUMINT, including human source validation, training, intelligence collection requirements, evaluation, intelligence reporting, source description lexicon, cover support, and other HUMINT tradecraft practices.

f. Designate IC components, in coordination with affected IC elements, to manage services of common concern, including an interagency source registry, interagency technology registry, interagency cover registry (foreign and domestic), and a lessons learned compilation.

g. Develop, promulgate, and oversee implementation of procedures to coordinate and deconflict HUMINT operations and activities conducted by IC elements or funded by the National Intelligence Program, in accordance with the policy stated in section D.

h. Negotiate written agreements with other USG entities engaged in collection activities that involve the use of clandestine methods, or that collect intelligence through HUMINT or counterintelligence activities to ensure these operations and activities are coordinated and deconflicted with HUMINT operations and activities conducted by IC elements. Agreements at the cabinet level shall be approved by the DNI. The NHM shall keep the DNI fully and currently informed of all other such agreements.

i. Coordinate with the Federal Bureau of Investigation and Central Intelligence Agency to ensure counterintelligence operations or activities conducted inside and outside the U.S. are aligned.

j. Establish such committees, boards or other mechanisms to facilitate HUMINT collaboration and integration as the NHM determines necessary.

3. The National HUMINT Committee. The Committee assists the DNI and National HUMINT Manager in fulfilling their HUMINT roles and responsibilities. The HUMINT Committee Chair is nominated by the NHM, and approved by the DNI or his designee. The HUMINT Committee Chair reports to both the NHM and the DDNI/C. The Committee is comprised of representatives from each IC element that conducts HUMINT operations and activities, the Undersecretary of Defense for Intelligence, and other USG departments and organizations as authorized by the HUMINT Committee charter.

4. Central Intelligence Agency.

a. Collects, analyzes, produces, and disseminates foreign intelligence and counterintelligence, including information obtained through clandestine means.

b. Conducts HUMINT services of common concern on behalf of the IC in accordance with section E.2.f.

5. Federal Bureau of Investigation.

a. Collects, analyzes, produces, and disseminates foreign intelligence and counterintelligence information, including information obtained through clandestine means.

b. Conducts HUMINT services of common concern on behalf of the IC in accordance with section E.2.f.

6. Department of Defense.

a. Collects, analyzes, produces, and disseminates foreign intelligence and counterintelligence information, including information obtained through clandestine means.

b. Conducts HUMINT services of common concern on behalf of the IC in accordance with section E.2.f.

7. Other IC Elements with Authority to Execute National HUMINT Activities. These IC elements shall:

a. Be responsible for executing their HUMINT activities in accordance with this ICD, and other applicable DNI and NHM directives, policies, and guidance.

b. Conduct HUMINT services of common concern on behalf of the IC in accordance with section E.2.f.

F. EFFECTIVE DATE: This ICD becomes effective on the date of signature.

J M McConnell

Director of National Intelligence

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Date

ANNEX A--DEFINITIONS

1. Clandestine. Any HUMINT or other activity or operation sponsored or conducted by governmental departments or agencies with the intent to assure secrecy or concealment.

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

3. Foreign Intelligence. Information relating to the capabilities, intentions, and activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities. (NSA § 3(2))

4. Human Intelligence (HUMINT). A category of intelligence derived from information collected and provided by human sources. (ICD 1)

5. Intelligence Community. Includes the following: the Office of the DNI; the Central Intelligence Agency; the National Security Agency; the Defense Intelligence Agency; the National Geospatial-Intelligence Agency; the National Reconnaissance Office; other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs; the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy; the Bureau of Intelligence and Research of the Department of State; the Office of Intelligence and Analysis of the Department of the Treasury; elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard; such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the Intelligence Community. (NSA § 3 (4))

6. National Intelligence and Intelligence Related to National Security. Refers to all intelligence, regardless of the source from which derived and including information gathered within or outside the U.S., that pertains, as determined consistent with any guidance issued by the President, to more than one U.S. Government agency; and that involves threats to the U.S., its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on U.S. national or homeland security. (NSA § 3(5))

7. National Intelligence Program (NIP). All programs, projects and activities of the IC, as well as any other programs of the IC designated jointly by the DNI and the head of a U.S. department or agency or by the President. It does not include programs, projects or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by U.S. armed forces. (NSA § 3(6))

8. Overt. Activities that are openly acknowledged by or are readily attributable to the U.S. Government, and include activities designed to acquire information through legal and open means without concealment. Information may be collected by observation, elicitation, or from knowledgeable human sources.