



DEPARTMENT OF THE NAVY
COMMANDER NAVY RESERVE FORCE
1915 FORRESTAL DRIVE
NORFOLK VA 23551-4615

COMNAVRESFORINST 5041.9A
N2
5 Jan 2024

COMNAVRESFOR INSTRUCTION 5041.9A

From: Commander, Navy Reserve Force

Subj: OVERSIGHT OF INTELLIGENCE ACTIVITIES

Ref: (a) SECNAVINST 3820.3F
(b) E.O. 12333
(c) DoD Directive 5148.13
(d) DoD Directive 5240.01
(e) OPNAVINST 5400.45

Encl: (1) Commander, Navy Reserve Force Claimancy List
(2) Quarterly Intelligence Oversight Report Format Template

1. Purpose

a. This instruction provides policy and defines specific responsibilities for Intelligence Oversight (IO) at Commander, Navy Reserve Force (COMNAVRESFOR), per references (a) through (e).

b. Reference (a) is the governing instruction for oversight of intelligence activities within the Department of the Navy (DON). This instruction is an inspectable item for all components that perform intelligence or intelligence-related activities.

c. IO ensures all intelligence, counterintelligence, and intelligence-related activities occur per federal law, executive orders, Department of Defense (DOD) directives, regulations, and policies.

d. The requirements set forth in references (a) through (d) govern collection, retention, and dissemination of information concerning United States (U.S.) personnel and conduct of intelligence activities by DON components.

e. IO often involves complex legal and policy issues requiring careful review and national-level coordination and approval. The U.S. has constitutional safeguards, laws, and legal procedures to set boundaries and establish precedence for military activity in the information environment. Consultation with knowledgeable legal counsel should occur to ensure compliance with applicable legal oversight regulations, policies, and respective national guidelines.

f. COMNAVRESFOR and subordinate components will carry out authorized missions, functions, and tasks according to established policies and procedures, and in a manner protecting constitutional rights and privacy of U.S. persons. No person or entity will undertake unauthorized or unlawful activities. Commands will limit collection techniques to only those necessary to perform functions assigned to the element concerned. COMNAVRESFOR and subordinate components must have proper authorization before conducting or supporting activities governed by IO regulations and will comply with all applicable reporting requirements.

g. All personnel will immediately report intelligence activities, facts, and circumstances that appear to violate IO policy. Report all questionable activity to any IO official using the Chain of Command (CoC) and/or command Inspector General (IG). Contact numbers for reporting IO concerns are: COMNAVRESFOR IO officer at (757) 322-5746; COMNAVRESFOR Judge Advocate General's Office at (571) 256-8587/(757) 322-5613; COMNAVRESFOR Inspector General at (757) 322-5655; and Office of the Naval Inspector General (NAVINSGEN) at (800) 522-3451.

2. Cancellation. COMNAVRESFORINST 5041.9.

3. Scope and Applicability

a. This instruction applies to COMNAVRESFOR, all subordinate components identified in enclosure (1), and all intelligence or intelligence-related activities undertaken by personnel assigned to those components.

b. It applies to non-intelligence personnel engaged in any intelligence or intelligence-related activity (e.g., collection, research, analysis, production, retention, and dissemination).

c. It applies to members of COMNAVRESFOR and subordinate commands that maintain Top Secret (TS) Sensitive Compartmented Information (SCI) (or Q coded) billets and specifically to members currently indoctrinated at the TS/SCI level of access in the performance of their duties.

d. It applies to the following COMNAVRESFOR and subordinate command leadership/executive positions as applicable: Commanding Officer/Officer in Charge (or equivalent), Deputy Commander/Executive Officer (or equivalent), Chief of Staff (or equivalent), Chief Staff Officer (CSO), Command Master Chief or Senior Enlisted Leader, Command Inspector General, Judge Advocate General/General Counsel/Legal Officer, Activity Security Manager/Command Security Manager, and Information Technology Officer. Leadership at every command should be cognizant of IO and understand reporting requirements for IO violations; to include Questionable Intelligence Activities (QIA) or Significant or Highly Sensitive Matters (S/HSM).

e. Commands that conduct intelligence or intelligence-related activities and/or have TS/SCI or Q-Coded personnel assigned are required to have an IO program. These commands are required to conduct initial and annual IO training per paragraph 4, and submit quarterly reports per paragraph 5.

f. Commands that do not conduct intelligence or intelligence-related activities and/or have no TS/SCI or Q-Coded personnel assigned do not require a full IO program. These commands are required to conduct initial and annual IO training per paragraph 4, but are not required to submit quarterly reports per paragraph 5. Commanding Officers are still required to report any QIA or S/HSM to the COMNAVRESFOR IO Officer.

4. Responsibility. Per reference (a), COMNAVRESFOR Senior Intelligence Officer (N2) is the IO official for COMNAVRESFOR intelligence components.

a. The heads of COMNAVRESFOR organizations, Commanding Officers or appropriate Officers in Charge, are responsible for IO program monitoring to ensure respective components conduct only lawful activities. Organizations which require an IO program are responsible for the following:

(1) Appointing an IO Officer who is of appropriate grade and experience commensurate with their oversight responsibilities, who has the necessary clearance and is eligible for access to all organization intelligence and intelligence-related activities.

(2) Establishing processes and procedures for the periodic comprehensive review of all intelligence and intelligence-related activities under the organization's authority, direction, and control to verify compliance with federal law, Executive Orders (E.O.), Presidential Directives, Intelligence Community Directives, and DOD and SECNAV issuances. Reviews of inspection reports generated by the cognizant IG meet this requirement.

(3) Ensuring that a legal review is conducted prior to commencing activity whenever a reasonable person would believe that the intelligence or intelligence-related activity may be contrary to federal law, E.O.s, Presidential Directives, Intelligence Community Directives, and DOD issuances.

(4) Administering an IO training program that is tailored to mission requirements.

(5) Periodically reviewing command produced intelligence and intelligence-related products for compliance with references (b) through (d).

(6) Submitting a Significant or Highly Sensitive Matter (S/HSM) report immediately when required, submitting Quarterly IO reports, and submitting any Questionable Intelligence Activity (QIA) report as a part of the Quarterly IO report to the COMNAVRESFOR IO Officer using the format in enclosure (2).

Organizations may consolidate report inputs from subordinate commands and provide a single Quarterly IO Report to COMNAVRESFOR IO Officer for incorporation into subsequent reporting to COMNAVRESFOR IG and DON IO officials.

(7) Complying with COMNAVRESFOR IG during inspections of all elements of the organization involved in intelligence and intelligence-related activities. Inspections are required at an interval of no greater than once every 36 months, with appropriate follow-up or assistance between inspections as deemed necessary. Ensure that when completed, the 36 month cycle results in a comprehensive review of all intelligence and intelligence-related activities under the organization's authority, direction, and control to verify compliance with all applicable federal law, E.O.s, presidential Directives, Intelligence Community directives, DOD Issuances, and DON Issuances. Ensure that these inspections include a review of intelligence products produced by the organization for compliance with applicable standards. Use the NAVINSGEN IO Checklist

(<https://portal.secnav.navy.mil/orgs/IG/N3/External/SitePages/CI%20and%20AA%20Checklists.aspx>) as the baseline checklist during IO inspections.

(8) Ensuring the cognizant command IG investigates each QIA or S/HSM to the extent necessary to determine the facts and to assess whether the activity is consistent with applicable policies per reference (c).

(9) Reporting to NCIS any possible violation of federal criminal law by an employee or a possible violation of specified federal criminal laws by any other person.

(10) Providing access to all intelligence and intelligence-related activities to the appropriately cleared IG and legal representative conducting IO responsibilities. Ensure employees of their organizations cooperate fully with such officials.

(11) Ensuring that all subordinate components, units, and elements in or under their command comply with the requirements of reference (a) and this instruction. This includes, ensuring any known IO violations (to include S/HSM and/or QIA reports) committed by selected reserve units and personnel are expeditiously reported.

(12) Verifying that all contracts involving intelligence or intelligence-related activities or supporting those efforts under DOD authorities requires personnel to report any QIA or S/HSM to appropriate government officials identified in the contract, a per reference (c).

b. COMNAVRESFOR Senior Intelligence Officer is responsible for formulating and enforcing IO policy for all COMNAVRESFOR components.

c. COMNAVRESFOR IG is responsible for inspecting COMNAVRESFOR component elements to ensure compliance with reference (a) and investigating reported QIAs or S/HSMs to

the extent necessary to determine the facts and to assess whether the activity is consistent with applicable policies per reference (c).

5. IO Training. All personnel in leadership/executive positions as identified in paragraph 2.d., staff intelligence professionals, subordinate command personnel involved in intelligence or intelligence-related activities, and personnel indoctrinated at the TS/SCI level of access within commands requiring an IO program will receive IO training upon check-in (or indoctrination) and on an annual basis. Personnel in leadership positions identified in paragraph 2.d. in commands that do not require a full IO program will also receive IO training upon check-in (or indoctrination) and on an annual basis.

a. Annual IO training is available in TWMS under the course title “CNRF Intelligence Oversight” [TWMS-716932].

b. The command’s designated IO officer is responsible for conducting and/or coordinating IO training. In commands that do not require an IO program, IO training will be assigned to the Activity Security Manager or Training Officer. Training records may be requested by an Immediate Superior in Command (ISIC) for review. Recommend maintaining training records for a minimum of three years in case they are requested from your ISIC in support of a command assessment.

c. At a minimum, initial and annual refresher training will familiarize personnel with provisions of references (a) through (d). The training will also include responsibilities to report suspected or confirmed questionable intelligence activities identified within reference (a).

d. Address questions regarding IO training applicability via the COC.

6. Calendar Quarterly Reporting. Each applicable organization, as described in paragraph 2.e. above, is responsible for submitting quarterly IO reports to their ISIC. The ISIC will provide quarterly IO reports to their echelon 3 command. The echelon 3 command will provide reports directly to the COMNAVRESFOR IO officer. The reports will document completion of any inspections, annual training, and any potential violations occurring during the reporting period. All entities listed in enclosure (1) will submit quarterly reports via the current Navy tracking system (i.e. DON Tracker, ETMS2, etc.) or email if the tracking system is unavailable, with echelon 3 command consolidated submission no later than the last day of each quarter (30 September, 31 December, 31 March, and 30 June).

a. ISICs will monitor quarterly reports from subordinates and proactively engage applicable organizations to ensure compliance with IO policy. Commands will ensure receipt of quarterly reports from all subordinate commands before submitting reports to ISICs.

b. ISICs may submit quarterly reports on behalf of a subordinate command if a unit’s operational schedule does not permit reporting.

c. In accordance with reference (a), COMNAVRESFOR IO officer will provide a consolidated Quarterly IO report to the DON IO Official, five calendar days after the end of each quarter.

7. IO Inspections. COMNAVRESFOR IG officer manages appropriate IO inspections on all COMNAVRESFOR components, activities, units, and elements that conduct or support intelligence or intelligence-related activities. The COMNAVRESFOR IO officer will ensure compliance by all COMNAVRESFOR components for reporting, training and inspection requirements.

a. The echelon 3's Senior Intelligence Officer, or designated personnel, ensures conduct of IO inspections for their respective ashore subordinate commands as required by this instruction.

b. IO inspections must occur at least every 36 months. When feasible, IO inspections will be conducted by an ISIC coincident to regularly scheduled command inspections. While the ISIC retains responsibility for ensuring the inspection is conducted and reporting results, use of a qualified individual from a command in geographical proximity to the inspected command is encouraged.

c. The NAVINSGEN IO Checklist (<https://portal.secnav.navy.mil/orgs/IG/N3/External/SitePages/CI%20and%20AA%20Checklists.aspx>) will be used for all IO inspections. Inspected commands will retain completed inspection reports until receiving a subsequent inspection report. Commands must forward, via the COC, a copy of completed inspection reports to COMNAVRESFOR IO Officer for retention. COMNAVRESFOR IO officer will retain reports until receiving a subsequent inspection report.

d. If notified of an impending inspection by the DOD Senior Intelligence Oversight Official (DOD SIOO), promptly notify the COC up to COMNAVRESFOR. Report inspection results to COMNAVRESFOR IO Officer via the COC.

e. COMNAVRESFOR IO officer is responsible for inspecting commands listed in enclosure (1) and any echelon 4 commands that are not listed in enclosure (1).

f. No later than 1 September of each year, all COMNAVRESFOR echelon 3 commands will provide COMNAVRESFOR IO officer a consolidated listing of all intelligence and intelligence-related components, activities, units, and elements. The list should include the following:

- (1) An up-to-date name, phone number, and email address for the command's IO officer.
- (2) An accurate mailing address.
- (3) The last completed inspection.

(4) The next inspection due date and reason for any delay in a scheduled inspection.

g. All COMNAVRESFOR subordinate commands will provide COMNAVRESFOR IO officer updated contact information when they conduct turnover.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of September 2019.

9. Review and Effective Date. Per OPNAVINST 5215.17A, COMNAVRESFOR N2 will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.



M. J. STEFFEN
Deputy Commander

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via COMNAVRESFOR Web site at <https://www.navyreserve.navy.mil/Resources/Official-RESFOR-Guidance/Instructions/>