

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 14-110

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Intelligence

**CONGRESSIONAL NOTIFICATION
PROCEDURES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Air Force Policy Directive (AFPD) 14-1, *Intelligence, Surveillance, and Reconnaissance (ISR) Planning, Resources, and Operations*. It establishes procedures and guidelines and defines responsibility within the Air Force for notifying the appropriate Congressional committees on intelligence matters having significant operational or acquisition consequences for the United States Air Force (USAF). It complies with the direction contained in the National Security Act of 1947, as amended, (50 U.S.C. 413 et seq, subchapter III, Accountability for Intelligence Activities), implementing the guidance and procedures detailed in the Intelligence Community Directive (ICD) 112 for activities relating to the Department of Defense Directive (DoDD) 5205.12, *Military Intelligence Program*. This publication applies to Active Duty (AD), Air Force Reserve (AFR), Air National Guard (ANG), and Department of the Air Force (DAF) Civilians. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFIRIMS). Submit change recommendations using an AF Form 847, *Recommendation for Change of Publication* to the Office of Primary Responsibility (OPR). This publication may not be supplemented.

SUMMARY OF CHANGES

This revision incorporates changes to references and office symbols primarily generated by the creation of the Director of National Intelligence (DNI) and the Under Secretary of Defense for Intelligence (USD[I]) and corrects office symbols to align with the creation of the Deputy Chief of Staff, Intelligence, Surveillance, and Reconnaissance (ISR) (AF/A2). The change designates a new publication OPR. This revision includes the most recent guidance on reporting intelligence

activity to Congress as stated in ICD 112, *Congressional Notification* and Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004.

1. OVERVIEW. This publication is intended to ensure efficient notification of Congress concerning intelligence matters that have significant operational or acquisition consequences for the USAF or the Department of Defense (DoD). The information contained within does not supersede or modify Secretary of the Air Force Office of Legislative Liaison (SAF/LL) publications and does not countermand or modify intelligence oversight laws, and reporting requirements nor does it supersede or modify governing documentation that deals with Air Force (AF) Intelligence functions and responsibilities. Information involving Special Access Programs (SAPs) must follow DoDD 5205.07, *Special Access Program (SAP) Policy*, DoD Instruction (DoDI) 5205.11, *Management, Administration, and Oversight of DoD Special Access Programs (SAPS)* and Air Force Instruction (AFI) 16-701, *Special Access Programs*, guidance which identifies the DoD Director, Special Access Program Central Office, as the person who will approve anyone notifying Congress regarding SAPs. AF/A2 is the waiver authority for non-compliance items; these requests must be submitted through the chain-of-command to the publication OPR.

2. ROLES AND RESPONSIBILITIES.

2.1. Deputy Chief of Staff, Intelligence, Surveillance, and Reconnaissance (AF/A2). AF/A2 provides recommendations to the Secretary of the Air Force for Congressional notification on significant intelligence matters.

2.1.1. When the AF/A2 becomes aware of an intelligence matter that requires congressional notification, AF/A2 shall, in coordination with SAF/LL, determine which relevant committees, in addition to the HPSCI and SSCI, should be informed of the intelligence matter and when the committees should be informed. If appropriate, the Secretary of the Air Force for Financial Management and Comptroller (SAF/FM) shall participate in this determination. In the event that the AF/A2 assesses that some other disposition would be more appropriate, AF/A2 will forward this recommendation to the Air Force Chief of Staff (CSAF) and the Secretary of the Air Force (SECAF) for a final determination.

2.1.2. If SECAF determines that notification of Congress is warranted, AF/A2 will ensure coordination with, or notification of, all appropriate Department of Defense and Intelligence Community (IC) departments and agencies prior to notifying Congress. These may include, but are not limited to, the following:

- 2.1.2.1. Under Secretary of Defense for Intelligence (USD(I)).
- 2.1.2.2. Director of National Intelligence (DNI), Office of Legislative Affairs.
- 2.1.2.3. Director, Defense Intelligence Agency (DIA).
- 2.1.2.4. Director, National Security Agency (NSA).
- 2.1.2.5. Director, National Geospatial Intelligence Agency (NGA).
- 2.1.2.6. Director, National Reconnaissance Office (NRO).

2.2. Directorate for Intelligence, Surveillance and Reconnaissance Resources (AF/A2R). AF/A2R is responsible for maintaining all documentation generated by this publication, including written notification documents and copies of coordination documents.

2.3. Director of Legislative Liaison (SAF/LL). Once SECAF determines that Congressional notification is appropriate, SAF/LL implements notification of Congress on significant intelligence matters. Upon making the determination that Congressional notification would be appropriate, SAF/LL will coordinate with the OUSD(I), to ensure that the Secretary of Defense is appropriately informed.

2.4. Assistant Secretary of the Air Force Financial Management and Comptroller (SAF/FM). In matters that concern budgetary, financial, cost and economic issues, SAF/FM shall participate with AF/A2 and SAF/LL in making the determination about which relevant committees should be informed and when they should be informed.

2.5. Director of Public Affairs (SAF/PA). SAF/PA will be notified of all items reported to congressional committees. This notification will allow SAF/PA to prepare for follow-on media inquiries related to the same subject.

3. REPORTING DETERMINATION.

3.1. As required by the National Security Act, Congress must receive written notification of significant anticipated intelligence activities and significant intelligence failures. General guidelines for determining the types of activities that warrant notification follow:

3.1.1. Significant anticipated intelligence activities include:

3.1.1.1. Intelligence activities that entail, with reasonable foreseeability, significant risk of exposure, compromise, and loss of human life.

3.1.1.2. Intelligence activities that are expected to have a major impact on important foreign policy or national security interests.

3.1.1.3. An IC element's transfer, to a recipient outside of that IC element, of defense articles, personnel services, or "controlled equipment" valued in excess of \$1 million, as provided in Section 505 of the National Security Act.

3.1.1.4. Extensive organizational changes in an IC element.

3.1.1.5. Deployment of new collection techniques that represent a significant departure from previous operations or activities or that result from evidence of significant foreign developments.

3.1.1.6. Significant activities undertaken pursuant to specific direction of the President or the National Security Council (this is not applicable to covert action, which is covered by Section 503 of the National Security Act).

3.1.1.7. Significant acquisition, reprogramming, or non-routine budgetary actions that are of Congressional concern and that are not otherwise reportable under the National Intelligence Program Procedures for Reprogramming and Transfers.

3.1.2. Significant intelligence failures are failures that are extensive in scope, continuing in nature, or likely to have a serious impact on United States (US) national security interests and include:

- 3.1.2.1. The loss or compromise of classified information on such a scale or over such an extended period as to indicate a systemic loss or compromise of classified intelligence information that may pose a substantial risk to US national security interests.
 - 3.1.2.2. A significant unauthorized disclosure of classified intelligence information that may pose a substantial risk to US national security interests.
 - 3.1.2.3. A potentially pervasive failure, interruption, or compromise of a collection capability or collection system.
 - 3.1.2.4. A conclusion that an intelligence product is the result of foreign deception or denial activity, or otherwise contains major errors in analysis, with a significant impact on US national security policies, programs, or activities.
- 3.2. As a matter of policy, IC elements shall provide Congress written notification of other significant intelligence activities and illegal activities. General guidelines for determining these types of intelligence activities warranting notification follow:
- 3.2.1. Significant intelligence activities include:
 - 3.2.1.1. Substantial changes in the capabilities or known vulnerabilities of US intelligence operations or intelligence resources.
 - 3.2.1.2. Programmatic developments likely to be of Congressional interest, such as major cost overruns, a major modification of, or the termination of, a significant contract.
 - 3.2.1.3. Developments that affect intelligence programs, projects or activities that are likely to be of Congressional concern because of their substantial impact on national security or foreign policy.
 - 3.2.1.4. The loss of life in the performance of an intelligence activity.
 - 3.2.1.5. Significant development in, or the resolution of, matters previously reported under these procedures.
 - 3.2.2. Illegal activities include:
 - 3.2.2.1. An intelligence activity believed to be a violation of US law, including any corrective action taken or planned in connection with such activity.
 - 3.2.2.2. Significant misconduct by an employee of an IC element or asset that is likely to seriously affect intelligence activities or otherwise be of Congressional concern, including human rights violations.
 - 3.2.2.3. Other serious violations of US criminal law by an employee of an IC element or asset, which, in the discretion of the head of an IC element, warrant Congressional notification.

4. EFFICIENT NOTIFICATION OF CONGRESS. Once the determination has been made that Congress must be notified, the appropriate committees must be contacted. The terms "congressional committees" or "committees" include, but are not limited to, all intelligence oversight committees, the Chairman and Ranking Minority Members of the committees, members of the committees, Staff Directors and Minority Staff Directors, and their designated

and appropriately cleared staff. Congressional reporting beyond the intelligence oversight committees will be at the discretion of the reporting organization.

ROBERT P. OTTO, Lt Gen, USAF
Deputy Chief of Staff, Intelligence,
Surveillance, and Reconnaissance

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 14-1, *Intelligence, Surveillance, and Reconnaissance (ISR) Planning, Resources, and Operations*, 2 April 2004

AFI 16-701, *Special Access Programs*, 1 November 1995

AFMAN 33-363, *Management of Records*, 1 March 2008

DoDD 5205.07, *Special Access Program (SAP) Policy*, July 1, 2010

DoDD 5205.12, *Military Intelligence Program*, November 14, 2008

DoDI 5205.11, *Management, Administration, and Oversight of DoD Special Access Programs (SAPS)*, February 6, 2013

ICD 112, *Congressional Notification*, 16 November 2011

Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004

National Security Act of 1947

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*, 22 September 2009

Abbreviations and Acronyms

AD—Air Duty

AF—Air Force

AF/A2—Deputy Chief of Staff, Intelligence, Surveillance, and Reconnaissance

AF/A2R—Director of ISR Resources

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

AFR—Air Force Reserve

ANG—Air National Guard

CSAF—Chief of Staff, Air Force

DAF—Department of the Air Force

DIA—Defense Intelligence Agency

DNI—Director of National Intelligence

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

HAC—House Appropriations Committee

HASC—House Armed Services Committee

HPSCI—House Permanent Select Committee on Intelligence

IAW—In Accordance With

IC—Intelligence Community

ICD—Intelligence Community Directive

IRTPA—Intelligence Reform and Terrorism Prevention Act

ISR—Intelligence, Surveillance, and Reconnaissance

NGA—National Geospatial Intelligence Agency

NRO—National Reconnaissance Office

NSA—National Security Agency

OPR—Office of Primary Responsibility

SAC—Senate Appropriations Committee

SAF/FM—Secretary of the Air Force for Financial Management and Comptroller

SAF/LL—Director of Legislative Liaison

SAF/PA—Director of Public Affairs

SAP—Special Access Program

SASC—Senate Armed Services Committee

SECAF—Secretary of the Air Force

SSCI—Senate Select Committee on Intelligence

US—United States

USAF—United States Air Force

USD(I)—Under Secretary of Defense for Intelligence