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COAST GUARD INTELLIGENCE PROCEDURES FOR CONDUCTING INTELLIGENCE ACTIVITIES

Assistant Commandant for Coast Guard Intelligence Promulgates Procedures for Conducting Intelligence Activities

February 3, 2021

Rear Admiral Andrew Sugimoto, the Coast Guard Assistant Commandant for Intelligence, announced today, that the Coast Guard has promulgated new Intelligence Procedures for the Coast Guard's National Intelligence Element, which is part of the Intelligence Community.

Often referred to as Attorney General Guidelines, the Intelligence Procedures govern how the Coast Guard exercises certain intelligence authorities pursuant to Executive Order 12333 and various statutory authorities governing the Intelligence Community. In consultation with the Director of National Intelligence, the Attorney General approved the new procedures, as required by Executive Order 12333.

Modeled after the Department of Defense's Procedures Governing the Conduct of Department of Defense Intelligence Activities, the Coast Guard procedures will facilitate interoperability between Coast Guard Intelligence and the other Armed Forces in safeguarding the United States.

"These procedures are the culmination of the work by many people, and they will facilitate the Coast Guard's continued lawful conduct of intelligence activities to safeguard the nation in the digital landscape of the twenty-first century," Rear Admiral Sugimoto said. "Our Commandant, Admiral Karl Schultz, and I thank the Secretary of the Department of Homeland

Security, the Director of National Intelligence, and the Attorney General for helping ensure these new procedures could be approved. These procedures will help Coast Guard Intelligence operate successfully in the digital age, while ensuring compliance with the civil liberties and privacy interests of our fellow citizens.”

The Intelligence Procedures are published as Coast Guard National Intelligence Activities Instruction Manual, Commandant Instruction Manual M3820.12A

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the Guidelines are unclassified and posted at Intel.gov

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and USCG.mil [↗](#) (https://www.uscg.mil/Resources/Library/).

Coast Guard Intelligence Procedures: Frequently Asked Questions (FAQs)

Why does the Coast Guard have intelligence procedures? Is the Coast Guard part of the Intelligence Community?

Like the intelligence and counterintelligence elements of the Armed Forces of the Department of Defense, the intelligence and counterintelligence element of the Coast Guard is one of the 18 elements of the Intelligence Community. In particular, the Coast Guard National Intelligence Element is that portion of the Coast Guard that conducts foreign intelligence and

counterintelligence activities pursuant to its designated duties and responsibilities in Executive Order 12333.

Why is the Coast Guard part of the Intelligence Community?

From its founding more than two centuries ago, the Coast Guard has long relied on intelligence information to execute its missions. Credited as founding the Coast Guard, Alexander Hamilton evaluated the extent of maritime smuggling in the young country in recommending the creation of the Coast Guard's predecessor service, the Revenue Marine. Alexander Hamilton had handled intelligence duties as George Washington's aide-de-camp, and his evaluation of smuggling in guiding decisions about the Revenue Marine is an early example of using intelligence to guide decision-making. Coast Guard Intelligence has its formal roots in the 1915 assignment of a Chief Intelligence Officer at Coast Guard Headquarters. This office grew extensively between 1924 and 1932, during the prohibition era, and included development of code-breaking efforts. Elizebeth and William Friedman, both renowned cryptologists and pioneers in early U.S. efforts in this field, were critical contributors. As a civilian member of the Coast Guard, Elizebeth Friedman decrypted over 12,000 rum-runner messages in a three-year span to assist law enforcement efforts. As part of CG Unit 387, Mrs. Friedman would later make significant contributions to decrypting thousands of encrypted messages from German clandestine circuits during World War Two. Although Coast Guard Intelligence contracted and expanded at various times in the succeeding decades, with the increasing threat of international terrorism and other transnational criminal activity, Coast Guard Intelligence became a formal member of the Intelligence Community in 2001. Today, the Coast Guard uses intelligence to provide decision-advantage in combatting terrorism and other transnational criminal activity, in addition to using it to assist in humanitarian assistance, environmental protection, and disaster response.

Why did the Coast Guard issue new intelligence procedures?

The new procedures were promulgated in accordance with Executive Order 12333, which requires that Intelligence Community elements promulgate procedures approved by the Attorney General governing the collection, retention, and dissemination of information about U.S. persons. The Coast Guard had been operating under legacy procedures, which were approved in 2003 by the Commandant upon entry of Coast Guard Intelligence into the Intelligence Community.

These procedures look very similar to the Department of Defense procedures. Why is that?

While located in the Department of Homeland Security, the Coast Guard is at all times an Armed Force, and the Coast Guard's authorities and responsibilities under Executive Order 12333 are similar to those of the other Armed Forces. The Coast Guard deliberately modeled its procedures after the Department of Defense guidelines, "Procedures Governing the Conduct of Department of Defense Intelligence Activities, DoD Manual 5240.01," because they facilitate joint interoperability between the Coast Guard and the other Armed Forces.

Interoperability is important because by statute the Coast Guard can be transferred to operate as part of the Department of the Defense, for example in times of war. When the Coast Guard operates as part of the Department of Defense, Coast Guard Intelligence operates pursuant to DoD Manual 5240.01.

How do Coast Guard procedures differ from Department of Defense Procedures?

Many of the differences reflect differences in the Coast Guard's size and organizational structure. Others are updates or clarifications. The Coast Guard procedures limit the collection of U.S. Persons Information, even when collecting publicly available information, to collecting no more information than is reasonably necessary. Also, because the Coast Guard does not currently conduct "special circumstances" collections, as defined in the procedures, the procedures permit, but do not require, the development of additional guidance for such collection.

Are Procedures 5-10 used for both foreign intelligence and counterintelligence collection?

Procedures 5-10 are procedures that govern the use of specific techniques such as physical searches and concealed monitoring. While Procedures 5-10, with appropriate restrictions as articulated in the procedures, are applicable to both foreign intelligence and counterintelligence activities, those procedures are principally used for counterintelligence activities.

The procedures authorize the Coast Guard to conduct clandestine activities such as electronic surveillance under the Foreign Intelligence Surveillance Act (FISA). Is this new?

FISA has been part of the Coast Guard's collection authority since Coast Guard Intelligence became part of the Intelligence Community, as reflected in its legacy intelligence activities procedures. The Coast Guard, however, does not presently exercise its authority to use FISA, and does not anticipate doing so in the future. Any decision to exercise authorities under FISA would be made by senior Coast Guard officials, after legal review, and only in coordination with and approval by the Attorney General and the FISA Court. Any such decision would be subject to all the traditional restrictions and oversight that FISA imposes.

The new procedures discuss FISA section 702. Does the Coast Guard use Section 702?

The Coast Guard procedures do address the use of Section 702 as part of the section on FISA. The Coast Guard, however, does not currently engage in Section 702 collection and does not anticipate doing so in the future. Any decision to exercise Section 702 authority would be subject to strict oversight within the Coast Guard and other parts of the Government and would require a joint certification by the Director of National Intelligence and the Attorney General, which is reviewed by the FISA Court.

Special circumstances collection presents a special concern to the privacy advocacy community and the public. What steps has the Coast Guard taken to govern such collection in the procedures?

While the procedures contemplate the possibility of special circumstances collection—based on the volume, proportion, and sensitivity of the U.S. Persons information likely to be acquired and the intrusiveness of the collection technique — the Coast Guard does not currently engage in any such collection. In order to ensure appropriate protections in such circumstances where the Coast Guard is considering collection opportunities that raise special circumstances, the procedures require the Assistant Commandant to specifically consult with the Coast Guard Judge Advocate General, appropriate officials responsible for the protection of civil liberties and privacy, the Office of the Director of National Intelligence, and the Department of Justice National Security Division.

Coast Guard Intelligence Procedures

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