

EO 12333: UNITED STATES INTELLIGENCE ACTIVITIES

BACKGROUND

Originally issued by President Reagan in 1981, and amended twice previously by this Administration, Executive Order 12333 is a foundational document that sets strategic goals for the intelligence agencies, defines roles and responsibilities of the leaders and organizations of the Intelligence Community, and affirms the commitment to protect Americans' privacy rights and civil liberties.

Executive Order 12333 needed to be updated to reflect changes directed in the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and to issue guidance to ensure the Director of National Intelligence (DNI) effectively executes his responsibilities. After more than 3 years of experience with IRTPA structures, it is apparent where clarification and guidance are needed. This Executive Order constitutes the President's guidance.

In creating an effective, durable framework for the Nation's intelligence activities and building a more closely integrated and capable Intelligence Community under the leadership of the DNI, the President relied heavily upon the insight and knowledge of an exceptional group of advisors who offer many decades of Intelligence Community leadership experience: Mike McConnell; Bob Gates; Mike Hayden; and Jim Clapper.

PROVISIONS

A number of important provisions from the original Executive Order remain unchanged. Intelligence agencies will still be asked to use all "reasonable and lawful" means to ensure our government receives the best possible intelligence. Protections for Americans' privacy rights and civil liberties are maintained and emphasized. Longstanding restrictions on experiments involving humans and on the undisclosed participation of intelligence officers in organizations within the United States, as well as the prohibition on assassination, remain.

The revisions are designed to create a more unified Intelligence Community that shares information, effectively coordinates actions, and collaborates closely. This community is headed by the DNI who provides strategic

leadership but does not execute operational missions. The DNI will set goals and issue guidelines that govern collection, analysis and intelligence sharing, as well as formulate policies to guide our intelligence relationships with foreign countries. The DNI will have the flexibility to create national intelligence centers and designate Intelligence Community mission and functional managers.

The Order assigns a priority to detecting and disrupting terror attacks, preventing the spread of weapons of mass destruction, and countering espionage, as well as improving information sharing and encouraging intelligence analysis that reflects diverse viewpoints or provides alternative explanations. The Order, like the IRPTA, respects the military chain of command and reflects a commitment to ensuring our warfighters receive the highest quality intelligence support.

The DNI has a strengthened voice in recommending the selection of and, where appropriate, the removal of senior intelligence officials, including the heads of intelligence community elements within other executive departments and agencies. The new Order does not insert the DNI into the military chain of command or impact the authorities of the Secretary of Defense or the head of any other executive department. If a situation arises in which a department head believes that a DNI directive infringes upon a statutory authority, the Order provides a mechanism to quickly identify and resolve that situation in a manner that respects and does not abrogate the department head's authorities.

The DNI was provided strong budgetary authorities in the 2004 intelligence reform law. This Order does not diminish those authorities, and the Executive branch departments and agencies retain their budgetary controls and authorities.

The Order reinforces CIA's central role in human intelligence collection and designates the CIA Director as the Functional Manager for Human Intelligence. The revised Order retains CIA's responsibility to conduct covert action activities approved by the President, while affirming that these activities may not be designed to influence political processes, public opinion, policies, or media in the United States. The Order also lays out CIA's roles coordinating intelligence collection and foreign liaison relationships abroad.

The Order designates the Director of the National Security Agency as the Functional Manager for signals intelligence and the Director of the National Geospatial-Intelligence Agency as the Functional Manager for geospatial intelligence.

The revised Order affirms that all intelligence activities must be conducted in a manner that protects Americans' freedoms, civil liberties, and privacy rights. The longstanding, durable and well-understood safeguards in Part 2 of the original Order regarding handling of information on U.S. Persons have not changed. All collection, retention, and dissemination of information regarding U.S. Persons must be in accordance with procedures approved by the Attorney General.

The revised Order affirms the mandate of the Attorney General as the Nation's top law enforcement officer, and does not insert the DNI into law enforcement activities. The Order does, however, clarify the important role the FBI must play as an element of the Intelligence Community in collecting, disseminating, and analyzing intelligence information, and describes the FBI's role in coordinating intelligence activities inside the United States.

Intelligence officials continue to be obligated to report possible violations of federal law to the Attorney General, as well as the DNI and the President's Intelligence Oversight Board. The Order ensures that inspectors general, general counsels, and privacy and civil liberties officers have access to information needed to perform their duties. The Order also instructs intelligence officials to continue cooperating with the Congress in its exercise of its intelligence oversight responsibilities.