

18. Ronald Reagan, Executive Order 12333, *United States Intelligence Activities*, 4 December 1981

E.O. 12333

Title 3—The President

Executive Order 12333 of December 4, 1981

United States Intelligence Activities

Table of Contents

	[CFR Page]
<i>Preamble</i>	[200]
Part 1. Goals, Direction, Duties, and Responsibilities With Respect to the National Intelligence Effort	
1.1 Goals	[201]
1.2 The National Security Council	[201]
1.3 National Foreign Intelligence Advisory Groups	[201]
1.4 The Intelligence Community	[202]
1.5 Director of Central Intelligence	[202]
1.6 Duties and Responsibilities of the Heads of Executive Branch Depart- ments and Agencies	[204]
1.7 Senior Officials of the Intelligence Community	[204]
1.8 The Central Intelligence Agency	[205]
1.9 The Department of State	[206]
1.10 The Department of the Treasury	[206]
1.11 The Department of Defense	[207]
1.12 Intelligence Components Utilized by the Secretary of Defense	[207]
1.13 The Department of Energy	[209]
1.14 The Federal Bureau of Investigation	[210]
Part 2. Conduct of Intelligence Activities	
2.1 Need	[210]
2.2 Purpose	[210]
2.3 Collection of Information	[211]
2.4 Collection Techniques	[212]
2.5 Attorney General Approval	[212]
2.6 Assistance to Law Enforcement Authorities	[212]
2.7 Contracting	[213]
2.8 Consistency With Other Laws	[213]
2.9 Undisclosed Participation in Organizations Within the United States	[213]
2.10 Human Experimentation	[213]
2.11 Prohibition on Assassination	[213]
2.12 Indirect Participation	[214]
Part 3. General Provisions	
3.1 Congressional Oversight	[214]
3.2 Implementation	[214]
3.3 Procedures	[214]
3.4 Definitions	[214]
3.5 Purpose and Effect	[216]
3.6 Revocation	[216]

Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effec-

Executive Orders

E.O. 12333

tive conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

Part 1

Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort

1.1 *Goals.* The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 *The National Security Council.*

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissents, on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 *National Foreign Intelligence Advisory Groups.*

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

(1) Production, review and coordination of national foreign intelligence;

E.O. 12333

Title 3—The President

- (2) Priorities for the National Foreign Intelligence Program budget;
- (3) Interagency exchanges of foreign intelligence information;
- (4) Arrangements with foreign governments on intelligence matters;
- (5) Protection of intelligence sources and methods;
- (6) Activities of common concern; and
- (7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 *The Intelligence Community.* The agencies within the Intelligence Community shall, in accordance with applicable United States law and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

- (a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;
- (b) Production and dissemination of intelligence;
- (c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;
- (d) Special activities;
- (e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and
- (f) Such other intelligence activities as the President may direct from time to time.

1.5 *Director of Central Intelligence.* In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

- (a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

Executive Orders

E.O. 12333

(b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;

(d) Ensure implementation of special activities;

(e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;

(f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;

(h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

(i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;

(k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;

(m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

E.O. 12333

Title 3—The President

(n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;

(r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies; and

(s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.

1.6 *Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.*

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 *Senior Officials of the Intelligence Community.* The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and

Executive Orders

E.O. 12333

the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures:

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

E.O. 12333

Title 3—The President

- (d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;
- (e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855))* may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;
- (f) Conduct services of common concern for the Intelligence Community as directed by the NSC;
- (g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;
- (h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and
- (i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 The Department of State. The Secretary of State shall:

- (a) Overtly collect information relevant to United States foreign policy concerns;
- (b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;
- (c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;
- (d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and
- (e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 The Department of the Treasury. The Secretary of the Treasury shall:

- (a) Overtly collect foreign financial and monetary information;
- (b) Participate with the Department of State in the overt collection of general foreign economic information;
- (c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and
- (d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information

*The correct citation is (87 Stat. 555).

Executive Orders

E.O. 12333

shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General:

1.11 *The Department of Defense.* The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;

(e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;

(j) Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and

(k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

(a) *Defense Intelligence Agency*, whose responsibilities shall include:

(1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the

E.O. 12333

Title 3—The President

Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attache system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) *National Security Agency*, whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection, processing and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the NSA as are necessary;

Executive Orders

E.O. 12333

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;

(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and

(13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.

(c) *Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:*

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps, whose responsibilities shall include:*

(1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.* If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 *The Department of Energy.* The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

E.O. 12333

Title 3—The President

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

Part 2

Conduct of Intelligence Activities

2.1 *Need.* Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 *Purpose.* This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or

Executive Orders

E.O. 12333

interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 *Collection of Information.* Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

E.O. 12333

Title 3—The President

2.4 *Collection Techniques.* Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 *Attorney General Approval.* The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 *Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community are authorized to:

Executive Orders

E.O. 12333

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2.8 Consistency With Other Laws. Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 Undisclosed Participation in Organizations Within the United States. No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 Human Experimentation. No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented, as required by those guidelines.

2.11 Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

E.O. 12333

Title 3—The President

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

Part 3

General Provisions

3.1 *Congressional Oversight.* The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 *Implementation.* The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 *Procedures.* Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

3.4 *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

(a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.

(b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.

Executive Orders

E.O. 12333

(d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.

(f) *Intelligence Community and agencies within the Intelligence Community* refer to the following agencies or organizations:

- (1) The Central Intelligence Agency (CIA);
- (2) The National Security Agency (NSA);
- (3) The Defense Intelligence Agency (DIA);
- (4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) The Bureau of Intelligence and Research of the Department of State;
- (6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and
- (7) The staff elements of the Director of Central Intelligence.

(g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:

- (1) The programs of the CIA;
- (2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;
- (3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;
- (4) Activities of the staff elements of the Director of Central Intelligence;
- (5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an un-

E.O. 12334

Title 3—The President

incorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

RONALD REAGAN

THE WHITE HOUSE,
December 4, 1981.

Editorial Note: The President's statement of Dec. 4, 1981, on United States intelligence activities is printed in the *Weekly Compilation of Presidential Documents* (vol. 17, p. 1335).

**19. George J. Tenet, Director of Central Intelligence Directive 1/1,
The Authorities and Responsibilities of the Director of Central Intelligence
as Head of the US Intelligence Community, 19 November 1998**

UNCLASSIFIED

**DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/1
THE AUTHORITIES AND RESPONSIBILITIES OF THE DIRECTOR OF
CENTRAL
INTELLIGENCE AS HEAD OF THE U.S. INTELLIGENCE COMMUNITY**

(Effective 19 November 1998)

This directive is promulgated pursuant to Sections 102 and 103(c) of the National Security Act of 1947, as amended (NSA), and Executive Order 12333.

A. Purpose

This directive establishes a system of DCI Directives (DCIDs) and subsidiary issuances, provides a summary of DCI authorities and responsibilities, assigns responsibility for the execution of certain DCI authorities and responsibilities and provides for a process for the creation and coordination of DCI directives and subsidiary issuances. The goal of this system of directives is to enable the Director of Central Intelligence to provide timely, coordinated and clear guidance and direction to the Intelligence Community. The process established is based on the authorities and responsibilities of the DCI as head of the US Intelligence Community, as assigned by the National Security Act of 1947, as amended, Executive Orders 12333, 12951, 12958, and other statutes, Presidential directives, and National Security Council Intelligence Directives (NSCIDs).

B. The Authorities and Responsibilities of the Director of Central Intelligence Related to the U.S. Intelligence Community

The list of authorities and responsibilities of the DCI in this DCID is intended to be illustrative. Readers are directed to the citations for controlling language. In all cases, the language in the original citation is controlling. This DCID is not intended to act in derogation or arrogation of the authorities and responsibilities of the DCI or the head of any other agency, department or organization contained in statute, Executive Order, Presidential directive or NSCID. Furthermore this DCID is not intended to act in derogation or arrogation of any authorities and responsibilities of the DCI or the head of any other agency, department or organization which may not be listed herein. By way of example, this DCID does not derogate or arrogate any of the authorities of the Secretary of Defense found in

UNCLASSIFIED

UNCLASSIFIED

§105 of the National Security Act; 50 United States Code
(hereafter USC) section 403-5.

2
UNCLASSIFIED

UNCLASSIFIED

1. Management

a. General.

(1) The Director of Central Intelligence serves as head of the United States Intelligence Community; acts as the principal advisor to the President for intelligence matters related to the national security; and serves as the head of the Central Intelligence Agency. (NSA §102(a); 50 USC 403(a); see also, E.O. 12333, §1.5(a).)

(2) To the extent recommended by the National Security Council and approved by the President, the DCI shall have access to all intelligence related to the national security which is collected by any department, agency or other entity of the United States. (NSA §104(a); 50 USC 403-4(a).)

(3) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General, give the DCI access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to requests from the Director for appropriate support for Intelligence Community activities. (E.O. 12333, §1.6(a).)

(4) The DCI is responsible for developing such objectives and guidance for the Intelligence Community as will enhance the capabilities for responding to expected future needs for national foreign intelligence. (E.O. 12333, §1.5(b).)

(5) In the performance of his duties under the National Security Act, and subject to the direction of the President, the DCI may attend and participate in meetings of the National Security Council. (NSA §101(j); 50 USC 402(j).)

(6) The DCI is a member of the Committee on Foreign Intelligence of the National Security Council. (NSA §101(h)(2)(A); 50 USC 402(h)(2)(A).)

(7) The DCI is a member of the Committee on Transnational Threats of the National Security Council. (NSA § 101(i)(2)(A); 50 USC 402(i)(2)(A).)

b. Appointment and Evaluation of Officials Responsible for Intelligence Related Activities

UNCLASSIFIED

(1) In the event of a vacancy in the position of the Director, National Security Agency (NSA); the Director, National Reconnaissance Office (NRO); or the Director, National Imagery and Mapping Agency (NIMA), the Secretary of Defense shall obtain the concurrence of the DCI before recommending to the President an individual for appointment to the position. If the DCI does not concur in the recommendation, the Secretary of Defense may make the recommendation to the President without the DCI's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation. (NSA §106(a); 50 USC 403-6(a).)

(2) In the event of a vacancy in the position of the Director, DIA; the Assistant Secretary of State for Intelligence and Research; or the Director of the Office of Nonproliferation and National Security [now, Office of Intelligence], DOE; the head of the department or agency having jurisdiction over the position shall consult with the DCI before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. (NSA §106(b); 50 USC 403-6(b).)

(3) In the event of a vacancy in the position of the Assistant Director, National Security Division of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation shall provide timely notice to the DCI of the recommendation of the Director of the Federal Bureau of Investigation of an individual to fill the position in order that the DCI may consult with the Director, FBI, before the Attorney General appoints an individual to fill the vacancy. (NSA §106(b)(3); 50 USC 403-6(b)(3).)

(4) The DCI, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is required to submit each year to the Committee on Foreign Intelligence of the NSC and to the appropriate congressional committees¹ an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office and the National Imagery and Mapping Agency in meeting their national missions. (NSA §105(d); 50 USC 403-5(d).)

¹ The "appropriate congressional committees" for this purpose are defined in section 109 of the National Security Act to be: the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate; and, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives. (NSA § 109(c); 50 USC 404d(c)).

UNCLASSIFIED

c. Staffs, Committees and Advisory Groups

The DCI is authorized to appoint advisory committees and to employ part-time advisory personnel as the Director deems necessary in the execution of the Director's functions, consistent with the terms set forth in section 303 of the National Security Act. (NSA §303; 50 USC 405; see also, E.O. 12333, §1.5(j), "[The DCI shall] establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities.")

d. Congressional Reporting Requirements

(1) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall keep the intelligence committees fully and currently informed of all intelligence activities, other than a covert action, which are the responsibility of, are engaged by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure. (NSA §502(1); 50 USC 413a(1).)

(2) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within his custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized functions. (NSA §502(2); 50 USC 413a(2).)

(3) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United

UNCLASSIFIED

States Government involved in a covert action shall keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and shall furnish to the intelligence committees any information or material concerning covert actions which is in the possession, custody or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. (NSA §503(b); 50 USC 413b(b).)

e. Providing and Promoting Services of Common Concern

As head of the Central Intelligence Agency, the DCI is charged with performing such additional services of common concern to elements of the intelligence community, which services the Director determines can be more efficiently accomplished centrally. (NSA §103(d)(4); 50 USC 403-3(d)(4); see also, E.O. 12333, §1.5(c), "[The DCI is responsible for] promot[ing] the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community....")

f. Promoting Common Administrative Practices

The DCI is charged with instituting policies and programs, in coordination with the heads of departments and agencies with elements in the Intelligence Community:

(1) to provide for the rotation of personnel among elements of the Intelligence Community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions, and

(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the Intelligence Community. (NSA §104(f); 50 USC 403-4(f).)

g. Intelligence Related Space Activities

The DCI has been assigned authorities and responsibilities under the National Space Policy, Presidential Decision Directive/NSC-49, 14 September

UNCLASSIFIED

1996. These include, but are not limited to, the following:

(1) The DCI and the Secretary of Defense oversee those space activities necessary for national security, consistent with their respective responsibilities as set forth in the National Security Act of 1947, as amended, other applicable law and Executive Order 12333. (Presidential Decision Directive 49 (PDD-49), III (1), 14 September 1996².)

(2) The Secretary of Defense and the DCI are responsible for ensuring that defense and intelligence space activities are closely coordinated; that intelligence space architectures are integrated to the maximum extent feasible; and will continue to modernize and improve their respective activities to collect against, and respond to, changing threats, environments and adversaries. (PDD-49, III (2).)

(3) The DCI is responsible for ensuring that the intelligence space sector provides timely information and data to support foreign, defense, and economic policies; military operations; diplomatic activities; indications and warning; crisis management; and treaty verification and that the sector performs research and development related to these functions. (PDD-49, III(9) (a).)

(4) The DCI is charged to work closely with the Secretary of Defense to improve the intelligence space sector's ability to support military operations worldwide. (PDD-49, III (9) (c).)

2. Analysis and Production

a. Analysis and Production of National Intelligence

(1) The DCI has full responsibility for the production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the

² These excerpts discuss only the unclassified provisions of PDD-49. Readers are directed to the PDD for a complete listing of authorities and responsibilities. PDD-49, III also sets out authorities and responsibilities of the Secretary of Defense, the Department of Energy and ACDA with respect to National Security space activities.

UNCLASSIFIED

Intelligence Community are brought to the attention of national policymakers. (E.O. 12333, §1.5(k).)

(2) Under the direction of the National Security Council, the DCI is responsible for providing national intelligence to the President; to the heads of the departments and agencies of the Executive Branch; to the Chairman of the Joint Chiefs of Staff and senior military commanders; and, where appropriate, to the Senate and the House of Representatives and the committees thereof. Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the Intelligence Community. (NSA §103(a); 50 USC 403-3(a).)

(3) In accordance with law and relevant procedures approved by the Attorney General, the DCI is responsible for giving heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies. (E.O. 12333, §1.5(r).)

(4) The DCI is responsible for facilitating the use of national foreign intelligence products by Congress in a secure manner. (E.O. 12333, §1.5(s).)

(5) The DCI is charged with promoting and evaluating the utility of national intelligence to consumers within the US Government. (NSA §103(c)(4); 50 USC 403-3(c)(4).)

(6) The DCI is responsible for the development and implementation of such programs and policies as the DCI and the Secretary of Defense jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions, including support to the all-source analysis and production process. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. (NSA §110(c); 50 USC 404e(c).)

(7) The DCI is responsible for establishing uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advising the Secretary of Defense concerning the communications requirements of

UNCLASSIFIED

the Intelligence Community for the transmission of such intelligence. (E.O. 12333, §1.5(i).)

b. Reserved

3. Collection

a. Collection of National Intelligence

(1) The DCI, in his capacity as head of the Intelligence Community, establishes the requirements and priorities to govern the collection of national intelligence by elements of the Intelligence Community. (NSA §103(c)(2); 50 USC 403-3(c)(2).)

(2) The DCI, in his capacity as head of the Intelligence Community, approves collection requirements, determines collection priorities, and resolves conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President. (NSA §103(c)(3); 50 USC 403-3(c)(3); NSA §111; 50 USC 404f; see also, E.O. 12333 §1.5(m).)

(3) The DCI ensures the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensures the resulting intelligence is disseminated immediately to appropriate government entities and military commands. (E.O. 12333, §1.5(l).)

(4) The DCI establishes mechanisms which translate national foreign intelligence objectives and priorities approved by the National Security Council into specific guidance for the Intelligence Community. (E.O. 12333, §1.5(m).)

(5) As Head of the Central Intelligence Agency, the DCI is responsible for providing overall direction for the collection of national intelligence through human sources by elements of the Intelligence Community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized. (NSA §103(d)(2); 50 USC 403-3(d)(2).)

(6) The DCI is responsible for providing for the development of plans and arrangements for transfer of

UNCLASSIFIED

required collection tasking authority to the Secretary of Defense when directed by the President. (E.O. 12333, §1.5(m); see also, PDD-49, III(8)(f).)

b. Reserved

4. Program and Budget

a. Budget Preparation, Reprogramming and Transfers, Monitoring NFIP Implementation

(1) The Director of Central Intelligence facilitates the development of an annual budget for the intelligence and intelligence-related activities of the United States by --

(A) developing, with the advice of the program managers and departments and agencies concerned, and presenting to the President, the consolidated National Foreign Intelligence Program (NFIP) budget; (NSA §103(c)(1)(A); 50 USC 403-3(c)(1)(A); see also, E.O. 12333 §1.5(n).); and,

(B) participating, in his capacity as head of the Intelligence Community, in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). (NSA §103(c)(1)(B); 50 USC 403-3(c)(1)(B).)

(2) The DCI provides guidance to the elements of the Intelligence Community for the preparation of their annual budgets and approves such budgets before their incorporation in the National Foreign Intelligence Program. (NSA §104(b); 50 USC 403-4(b).)

(3) No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the Intelligence Community without the prior approval of the DCI except in accordance with procedures issued by the DCI. (NSA §104(c); 50 USC 403-4(c). See also, E.O. 12333 §1.5(o), "[The DCI is responsible for reviewing and approving] all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget.")

(4) The Secretary of Defense shall consult with the DCI before reprogramming funds made available under

19. (continued)

UNCLASSIFIED

the Joint Military Intelligence Program. (NSA §104(c); 50 USC 403-4(c).)

(5) The DCI, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program. A transfer of funds under this authority may be made only if:

- (A) the funds are being transferred to an activity that is a higher priority intelligence activity;
- (B) the need for funds for such activity is based on unforeseen requirements;
- (C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;
- (D) the transfer does not involve a transfer of funds from the Federal Bureau of Investigation; and
- (E) the Secretary or head of the department which contain the affected element or elements of the Intelligence Community does not object to such transfer. (NSA §104(d); 50 USC 403-4(d).)

(6) The DCI, in accordance with procedures developed by the DCI and the heads of affected departments and agencies, may transfer personnel authorized for an element of the Intelligence Community to another such element for periods up to one year. A transfer of personnel under this authority may be made only if:

- (A) the personnel are being transferred to an activity that is a higher priority intelligence activity;
- (B) the need for personnel for such activity is based on unforeseen requirements;
- (C) the transfer does not involve a transfer of personnel from the Federal Bureau of Investigation; and
- (D) the Secretary or head of the department which contain the affected element or elements of the Intelligence Community does not object to such transfer. (NSA §104(d); 50 USC 403-4(d).)

(7) The DCI monitors the implementation of the National Foreign Intelligence Program and, as necessary, conducts program audits and evaluations. (E.O. 12333, §1.5(p).)

b. Eliminating Waste and Unnecessary Duplication.

11
UNCLASSIFIED

UNCLASSIFIED

The DCI, in his capacity as head of the Intelligence Community, is charged with eliminating waste and unnecessary duplication within the Intelligence Community. (NSA §103(c)(5); 50 USC 403-3(c)(5).)

c. Overlap Between National Foreign Intelligence Programs and Department of Defense Intelligence Programs.

The DCI, together with the Secretary of Defense, is responsible for ensuring that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and for providing to and obtaining from the Secretary of Defense all information necessary for this purpose. (E.O. 12333, §1.5(q).)

d. Narcotics Intelligence Activities Abroad.

The DCI participates in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs. (E.O. 12333, §1.5(f).)

5. Relationships

a. Coordination of Foreign Intelligence Relationships

(1) Under the direction of the National Security Council, and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 USC 3927), the DCI shall coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means. (NSA §104(e); 50 USC 403-4(e).)

(2) The DCI is responsible for formulating policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinating foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establishing procedures governing the conduct of

UNCLASSIFIED

liaison by any department or agency with such services on narcotics activities. (E.O. 12333, §1.5(e))

(3) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress³ that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. (NSA §112(a)(1); 50 USC 404g(a)(1), (The statute also provides a waiver provision at NSA §404g(a)(2); 50 USC 404g(a)(2).))

b. Reserved

6. Security

a. Protection of Intelligence Sources and Methods

(1) The DCI shall protect intelligence sources and methods from unauthorized disclosure. (NSA §103(c)(6); 50 USC 403-3(c)(6).)

(2) The DCI is charged with ensuring the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products. (E.O. 12333, §1.5(g).)

(3) The DCI is to ensure that programs are developed to protect intelligence sources, methods, and analytical procedures. (E.O. 12333, §1.5(h).)

(4) Unless otherwise authorized by the President, only the Secretaries of State, Defense and Energy and the Director of Central Intelligence, or the principal deputy of each, may create a special access program.⁴ For special access programs pertaining to intelligence

³ As used in this section, the term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Relations and the Permanent Select Committee on Intelligence of the House of Representatives. (NSA §112(e); 50 USC 404g(e)).

⁴ A "special access program" is a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

UNCLASSIFIED

activities (including special activities, but not including military operational, strategic and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence. (E.O. 12958, §4.1 and §4.4.)

b. Classification of Imagery

(1) The DCI is responsible for determining whether imagery acquired by a space-based national intelligence reconnaissance system shall no longer be kept secret in the interests of national security and foreign policy. (E.O. 12951, §2.)

(2) In consultation with the Secretaries of State and Defense, the DCI shall establish a comprehensive review of imagery from systems other than the Corona, Argon, and Lanyard missions, with the objective of making available to the public as much imagery as possible consistent with the interests of national defense and foreign policy. (E.O. 12951, §2.)

7. Other

a. Special Activities

The DCI is responsible for ensuring the implementation of special activities. (E.O. 12333, §1.5(d).)

b. Counterterrorism

The DCI has been assigned specific responsibilities in Presidential Decision Directive/NSC-39, 21 June 1995 and Presidential Decision Directive/NSC-62, 22 May 1998.

c. Other Authorities and Responsibilities

The DCI, in his capacity as head of the Intelligence Community, may be directed to perform other functions by the President or the National Security Council. (NSA §103(c)(7); 50 USC 403-3(c)(7).)

C. Assignment of Responsibility for the Execution of the DCI's Responsibilities as Head of the Intelligence Community.

UNCLASSIFIED

1. **The Deputy Director of Central Intelligence for Community Management (DDCI/CM).** The DDCI/CM shall, subject to the direction of the DCI, be principally responsible for executing the responsibilities of the Director set forth in subparagraphs B.1.e., B.1.f., B.2., B.3. and B.4., above.

2. **DCI Discretionary Authority.** Notwithstanding the assignment of responsibilities set forth above, the Director may assign responsibility, in whole or in part, to such other subordinate officials as he or she may choose.

3. **Implementation.** The officials who are assigned responsibility pursuant to this paragraph are authorized to create such mechanisms or make use of existing mechanisms within the Intelligence Community, as may be appropriate, for the execution of their respective responsibilities.

D. System of DCI Directives (DCIDs).

1. **DCIDs.** There is hereby established a system of DCI Directives and subsidiary issuances, which shall serve as the principal means by which the Director of Central Intelligence provides guidance, policy and direction to the Intelligence Community pursuant to the authorities cited in paragraph A. All current DCIDs shall remain in force until canceled or an update is published.

2. **DDCI/CM Responsibilities.** The DDCI/CM shall have overall responsibility for developing such directives and subsidiary issuances, for coordinating them with elements of the Intelligence Community, for promulgating and disseminating them, and for updating them as may be required. In carrying out these functions, the DDCI/CM may make use of such mechanisms within the Intelligence Community as may be appropriate. The DDCI/CM shall issue implementing procedures for the creation and coordination of DCI Directives and subsidiary issuances.

3. **DCI Approval.** The DCI, or in his absence the Acting DCI, shall approve all DCIDs.

4. **Additional References to DCI Authorities and Responsibilities.** The DDCI/CM may amend this DCID to include references to other authorities and responsibilities of the Director contained in statute, Executive Order or Presidential directive.

15
UNCLASSIFIED

