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PRESIDENT
GEORGE W. BUSH



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Background Briefing by Senior Administration Officials on the Revision of Executive Order 12333

Via Conference Call

[Executive Order: Further Amendments to Executive Order 12333, United States Intelligence Activities](#)

 [White House News](#)

10:08 A.M. EDT

SENIOR ADMINISTRATION OFFICIAL: Good morning. As all of you know at this point, the President approved yesterday afternoon revisions to Executive Order 12333. I'd like to give you a brief road map of what we'll do while we're chatting with you this morning before we turn to your questions.

I'd like to say a word about the background to this executive order. Some of you will be familiar with it; others may not. Highlight a few significant points or points that we believe are significant about the actions taken by the President, summarize the process that led to these specific revisions, because there's been some interest in that, and then I'll talk very briefly about some of the structural changes that you'll find when you have an opportunity to review the order in its Part 1.

Now, some of you will be familiar with the structure of this executive order, but it contains three parts. Part 1 is where a number of the intelligence community structures are described; the relationships and roles and responsibilities of various senior officials in the intelligence community. In Part 2, this is where you'll find the longstanding and extremely significant protections for Americans' civil liberties. And then in Part 3, you'll find a series of definitions that largely track the statute.

I would say at the outset that this is an exceptionally complex executive order. I'm not sure -- depending on how you print it, it's either 26 or 28 pages, single-spaced. It's a foundational document for the intelligence community. So it may be that some of your questions we're not able to address completely here today, but we'll take those back and get you responses after we've had a chance to look further. We may also refer you to the Office for the Director of National Intelligence or the Justice Department for more detailed explanations in areas where they're going to be expert in how the order will be implemented.

The background, I think, most of you will know by now. This is a 1981 executive order signed by President Reagan. It's been amended two times during this administration, I would say to make technical adjustments, principally. So this is the first significant adjustment in the executive order in several decades.

With the passage by the Congress and signature by the President in the fall of 2004, the Intelligence Reform and Terrorist Prevention Act -- significant provisions in this executive order became out of date. And so one of the things we'll stress, that it was absolutely necessary to revise and update -- modernize this order. And that's of course one of the reasons we undertook it.

The objectives of the order are fairly simply stated in the text itself, but as I said, it is a foundational document. It has a daily and significant impact on the activities of the intelligence community and the relationships in that important community. At the highest level, of course, the aim here is to create a more effective intelligence community, where these 16 agencies can be better integrated, work more collaboratively with one another, and also share more information freely. And these are themes you'll recognize from the reports of the 9/11 and WMD commissions, and also themes that the Director of National Intelligence Mike McConnell has stressed repeatedly in public remarks and appearances before the congressional oversight committees.

At the end of the day, though, we don't want to lose sight of the fact that the goal of all of our nation's intelligence activities is to provide the President with information that's accurate, timely, and presented to him in a useful form that allows him to make better national security decisions.

So the question that's arisen that we'll take on up front is, why do this now? There are a number of reasons -- I think all combined they make a compelling case, but we'll be happy to take your questions on it.

The first, as I mentioned, is the order was simply out of date. It needed to be updated to conform to the new intelligence structures, to the intelligence reform law passed in 2004, reflect the roles and responsibilities of the Director of National Intelligence, and also provide implementing guidelines for a number of the recommendations from the 9/11 and the WMD commissions.

Another reason why it's taking place at this point is frankly we have three years of experience under our belts with the new structures under the IRTPA, so we've had an opportunity -- with, of course, the advice of Director McConnell, to judge where we've made progress, where we've been slow in making progress, and to make adjustments and clarifications that can help push these important reforms forward.

Another not insignificant point I'd mention to you is we have a fairly unique set of advisors at senior levels of the national security establishment right now with many decades of intelligence experience. Obviously, Mike McConnell is a superbly qualified director with decades of experience, leadership experience in the intelligence community. He's worked closely throughout this process with Secretary Gates, with a distinguished -- obviously a distinguished intelligence community background. The Under Secretary of Defense Jim Clapper, who's led a number of agencies in the intelligence community, and General Mike Hayden, who's, of course, doing a superb job leading the CIA.

So these four advisors really played a key role in developing these revisions to the executive order. And their presence on the President's national security team made this all the more important to do now.

Finally, I'd remind you that the IRTPA itself in section 1018 directed the President to issue guidelines concerning how the Director of National Intelligence would implement his authorities -- in particular, to ensure that nothing he did in that regard would abrogate the authorities of other department heads. So, in our view, these guidelines satisfy that requirement and constitute those guidelines.

Maybe the most important thing I can say is that, of course, the President is anxious to institutionalize a number of important tools that he and his successors are going to need to fight and win the war on terrorism. Recently passed the new FISA legislation, which was an important milestone, and ensuring that our intelligence community is organized correctly and as effective as it can be is another significant step in that direction.

With respect to the process, I think it would be unfair to say that this process either started this summer or was rushed to completion this summer. Rather, this all started early last fall with a project within the intelligence community in the Office of Director of National Intelligence, where they consulted with their intelligence community colleagues and developed a set of recommendations that they brought forward to the National Security Council.

It's been an extensive interagency process over many months with all of the relevant agencies participating fully. We've had good discussions, as you would expect; lively discussions as well. The principals, including those individuals I named earlier in the call, have been extensively involved in all of this, solving some of the hard problems, and literally met, discussed, and played a role in resolving issues at every stage of this process.

Finally, the President, of course, authorized these revisions, authorized the process, and was involved in every stage leading up to his approval yesterday afternoon of the final revisions.

Another point I would highlight to you is that because this is such a complex area, these relationships are complicated, the work they do is important, these revisions have truly been in the hands of intelligence professionals almost from the start, right up through the principals where you had these very extremely experienced individuals providing the President advice. So, for all of those reasons, we felt it was necessary to take this opportunity to revise, update and modernize the order this summer.

The last several weeks, I would just note we've been engaged in conversations with the relevant committees on Capitol Hill, a series of calls, staff-level briefings. I believe Director McConnell is appearing today before the House and Senate intelligence oversight committees to answer some of their questions in this area.

Although there's been a -- frankly a flurry of discussion and conversation with the Congress over the last several weeks, I would highlight to you that we've literally been in a conversation with the Congress and with the American people about the functioning of the intelligence community since the fall of 2004. I would direct you to a February session that Director McConnell had with the Senate committee, specifically on his authorities, the progress being made towards implementing these intelligence reforms. The issue was also raised at Secretary Gates's confirmation.

And today we've received relatively positive, favorable reviews from our engagements with the Congress. They think we're doing the right thing, and we believe we are as well.

I want to say a couple of words about some of the pieces of Part 1 before I turn it over to a colleague who will address the provisions that you'll find in Part 2 of this order. First I would ask you not to overlook the preamble. There's some very significant activity in the preamble of this executive order; some of it consistent with the original executive order, certain parts of it new.

But most importantly I'd say the President is charging his intelligence community to use all reasonable and lawful means to gather the information that we need to protect the nation. And also we've highlighted in the preamble the fact that all of the intelligence activities authorized by this order are to be undertaken in a manner that protects the constitutional rights of Americans. That's extremely important to us.

The second piece I'd draw your attention to -- and I apologize if you don't have a copy of the order in front of you; you will shortly -- in the goals section, you'll note there's a specific reference to the intelligence needs of state, local and tribal elements. This is an example of something that's changed, an important reform and recommendation coming out of the 9/11 and WMD commission, the work of the WMD and 9/11 commissions. And so it specifically called out that the work of the intelligence community is to take account of their needs.

And next I'd direct you to section 1.3 of the executive order. That's where you'll find a delineation of the authorities for the Director of National Intelligence. There are 24, in some cases detailed, provisions under that section. In each case, the Director of National Intelligence is either told he "shall" or he "may," depending on the topic, undertake certain activities.

Now, you'll want to spend some time looking at these, because they are complicated and it's very much the core of the executive order. I'll highlight just a few to you here today before we move on to Part 1.

The first is, in 1.3(a)(1), you'll find that the Director of National Intelligence is authorized to play a role in defining the term "national intelligence," what constitutes national intelligence. This was a new term coined in the intelligence reform law in 2004, and it allows the Director to issue guidelines that will tell the rest of the government when information pertains to more than one agency, which is the statutory definition.

The Director is also authorized to issue guidelines for the intelligence community obtaining access to that information, whether it resides in an intelligence community agency or outside of the intelligence community. And with respect to intelligence community access to information that doesn't reside in the intelligence community, other agencies in government that might be useful for intelligence analysts to have, the Attorney General will be approving those guidelines because it might pertain to U.S. persons or other protected information.

Second area I'd direct your attention to is in 1.3(b)(12); the Director is given the flexibility to appoint functional and mission managers. This is an important management tool within the intelligence

community. And while the Director may exercise his discretion to appoint these functional mission managers, the President acted in this order to actually name three of them.

The CIA Director is named as the functional manager for human intelligence, HUMINT. The NSA Director, of course, as he has been, is the functional manager for signals intelligence, or SIGINT. And the Director for the NGA is appointed the functional manager for geospatial intelligence.

Next, I'd turn your attention to 1.3(b), sections 20 and 21. These are important provisions regarding the coordination of intelligence activities. The first thing I'd highlight to you is that the overall responsibility for ensuring that intelligence activities, whether they are undertaken in the United States or overseas, are de-conflicted, coordinated and integrated, rests with the Director of National Intelligence; core responsibility essential for the efficient functioning of our community.

Underneath that overall responsibility, you'll find specific roles assigned to the FBI and the CIA in human and human-enabled collection of intelligence in the United States, in the case of the FBI, and a parallel responsibility for the CIA overseas. And you'll note that's consistent with the section regarding the CIA Director's responsibilities in the IRTPA.

In section 21, the Director of National Intelligence is directed to work with other department and agency heads to ensure that the activities of our intelligence community, overseas and domestically, are de-conflicted, coordinated and integrated with the activities, related activities of non-intelligence community entities. And this will be one of many areas where the DNI will be directing his attention in the coming months to develop and issue guidelines that respond to this direction.

The next section I'd turn to -- and we're almost finished with the fast sweep through Part 1 -- is in 1.3 (c). That's the issue that addresses issues in the IRTPA section 1018 concerning the fact that the DNI, in exercising his authorities, is obligated to respect and not abrogate the authorities, statutory authorities, of the department heads.

And what we've done here is repeated a statutory restriction in that regard, and then created a procedure by which the Director can go forward with important guidelines that he feels it's important to issue, new procedures he needs to put in place to better integrate the intelligence community, and then allow a department head, if he feels that some action, some guideline, some procedure by the Director impairs his statutory authorities, to raise that with the Director, the National Security Council, and ultimately the President. And we think this construction will allow the Director to move out relatively expeditiously with some of the important reforms that need to take place for the community to go about its business more collaboratively in a more closely integrated manner.

Finally, an area that's gotten some attention I know in the press that we saw this morning, and that concerns the Director's authorities with respect to appointments and removals of senior intelligence community officials. You'll recall the IRTPA assigned the Director a certain role in the selection of certain intelligence community senior officials. Those are by and large replicated in this section. You'll want to read it very closely. It was an area where we spent a good bit of time and it's somewhat complicated, so work your way through it slowly, and if you have questions we'll probably refer you to the Office of the DNI for more detail.

But what you'll notice is different about this over and above what you'll find in the intelligence reform law is that the Director is also given a voice in the removal, when that proves to be necessary, of senior intelligence officials. This provision also addresses the position of the Under Secretary of Defense for Intelligence, which was not referred to in the IRTPA.

And then the last thought I'll leave you with on the appointments and removals provision, and what required a lot of the very complicated construction that you'll see in the text is that most of these appointments actually -- and the removals -- actually reside with the President. So the Director of National Intelligence is really making recommendations to department heads and toward the President with respect to who's selected to occupy these positions and whether they should remain in their posts. And so I draw your attention to that when you have a chance to look at the text.

I have a colleague with me today who would like to go through some of the key points of Part 2 of the order.

SENIOR ADMINISTRATION OFFICIAL: As mentioned in the introductory part of the call, Part 2 of the order is the portion that sets forth direction for the conduct of intelligence activities, and there specifically provides direction regarding the protection of rights of U.S. persons.

When you take a look at the order and compare it to the 1981 original 12333, I think you'll find that there were very, very few changes to Part 2 of the order. The revised order, as with the original order, affirms that all U.S. intelligence activities must be conducted in a manner that protects American civil liberties and privacy rights. The longstanding protections and safeguards, in other words, that are in place or that were in place and have been in place in the original executive order remained unchanged in this revised order.

The order, you'll note, on a more specific level, requires the Attorney General to approve all procedures regarding the collection of information on U.S. persons. That's not only in Part 2 of the order, but you also see very similar provisions broadly worded up front in the executive order, section 1.3(a), as well as in the Part 3 of the order -- 3.2, I believe, in particular.

Part 2 of the executive order also maintains the existing ban on assassinations, as well as preserving existing limits on human experimentation.

Finally I'd say that Part 2 also makes clear, as did the original order, that all statutes have to be complied with when the intelligence community is undertaking activities governed by specific statutes. So, for example, if the intelligence community is undertaking activity governed by the recent amendments to the Foreign Intelligence Surveillance Act, the intelligence community is obligated to comply in full with all of those statutory requirements and the procedures contained therein.

Part 3 of the executive order is the final part, and that, like its predecessor, or the original 12333, sets forth definitions and general provisions. A lot of the definitions have simply been updated to reflect what was enacted into law in the 2004 Intelligence Reform Act, and otherwise, with respect to Part 3, there have been no significant changes over the 1981 order.

So just to step back, I think if you were to set the two orders side by side, you would note that the overwhelming majority of the work done in this executive order has been done to Part 1, as was outlined. Part 2 remains essentially as it was issued in 1981. All of the procedures and protections that were in place remain in place, regarding privacy and civil liberties. And Part 3 is a general section updated to reflect Congress's 2004 statute.

MS. BERGMAN: Operator, that concludes our opening remarks. We're now ready to take questions.

Q Hi, can you first start off by telling us why this isn't on the record?

MS. BERGMAN: These two senior administration officials have gratefully agreed to speak to you on matters of intelligence, on the new executive order. If you would like to follow up with Gordon Johndroe after this call to discuss it further, he's more than willing to talk to you about that. But for the purposes of this call, we'd like to at least continue it for the rest of the reporters on this on this call, so please proceed with your question.

Q All right. On the matter of civil liberties, I think one of the concerns that you're going to hear is the terrorist surveillance program or the warrantless wiretapping program went on despite the civil liberties protection. So what do you have to say to folks that say, essentially, it's nice that you have this stuff in the executive order, but it doesn't necessarily mean anything when a President gets it into his mind that he needs or wants to do something that some people would find outside of those bounds?

SENIOR ADMINISTRATION OFFICIAL: I think what we would say to that is that the executive order reaffirms the nation's longstanding commitment to protecting civil liberties. It maintains all of the protections that are in place to do so. It requires that all procedures have to be approved by the Attorney General.

With respect to the terrorist surveillance program, I'm really not going to speak in any detail to that. The administration has spoken to it previously. I'd observe that -- and I'm going to leave it at that on that question.

Q Can you speak to reports about the role the National Security Council is going to play in covert action? Specifically The Wall Street Journal reported that the revised order says covert action will be run by the NSC at the White House.

SENIOR ADMINISTRATION OFFICIAL: Yes, I'd be happy to -- if you'll give me a second here I'm flipping through my well-thumbed copy of the executive order text. I think you're going to find on examination that there's no basis for that report. I did see it this morning and I will quote to you from section 1.2 of the revised executive order approved yesterday; it states that "the NSC shall perform such other functions related to covert action as the President may direct, but shall not undertake the conduct of covert actions." I think that's about as clearly as we can state it.

In the covert action area, you'll find it addressed in three sections. The section I referred to where the National Security Council's role and the President's role are elaborated, the conduct of covert action

activities as in the law, as in the previous executive order and as in practice over many decades, is assigned to the Central Intelligence Agency; and finally, a role for the DNI in providing advice to the President regarding covert actions, and also in the oversight of the conduct of covert actions is included in section 1.3(b).

So I would encourage you to take a very close look at the text of the order. There is no change contemplated to the role of the National Security Council in regard to covert action.

Q Can I just ask one follow-up on that?

SENIOR ADMINISTRATION OFFICIAL: Certainly.

Q I don't think the report says -- the report says that "covert action will be carried out by the CIA," and I just want to clarify I don't think the report is suggesting that the NSC staff will be conducting operations. But in the past, including in the Reagan administration, of course, as you know the NSC did have a role in approving covert activities, or bringing them to the President. Does the EO change that at all?

SENIOR ADMINISTRATION OFFICIAL: No. The National Security Council continues to play an important role in overseeing covert action activities, in reviewing new proposals for covert action activities, making necessary modifications to existing covert action activities -- all in the manner of providing advice to the President, who retains this authority ultimately.

Q I have a question about the provision saying all the undertakings have to be governed by statute, where there is a statute. Is that a step back from previous assertions that -- that the authorization of use of military force gave a more broad authority to the President?

SENIOR ADMINISTRATION OFFICIAL: No, I don't think so. The point that -- I don't believe so at all. I think the point that we're trying to make there is when there is a specific statute that governs a particular activity -- for example, the collection of certain business records or financial records or the conduct of electronic surveillance -- the Congress, as many of you know, has put in place various statutes, some of them quite elaborate, to govern the conduct of those activities. And the intelligence community, when engaged in such activities, has to fully comply with those statutes. I don't believe there's any change at all on that front.

Q Thank you.

Q Oh, hi. Thanks very much for doing this. I thought the CIA Director was -- I had a couple of questions -- I thought the CIA Director was already the head of -- with the setting up of the National Clandestine Service, I thought that the Director of the CIA was already in charge of human intelligence throughout the community. Am I -- was I wrong about that? Am I misremembering?

SENIOR ADMINISTRATION OFFICIAL: No, I think you're right. But I can provide, I hope, a useful clarification.

Q Please.

SENIOR ADMINISTRATION OFFICIAL: There is no question that as the agency that includes the National Clandestine Service, and within internal intelligence community directives and guidelines, the Director of the CIA plays that role with respect to human intelligence.

What we're doing here in this executive order is the President is affirming that role, that the CIA Director will be the functional manager for human intelligence. And one of the requirements going forward for the Director of National Intelligence is -- through guidelines and directives -- is to flesh out what it means to be a functional manager, what it means to be a mission manager. But these were three important intelligence disciplines where we had clear leaders identified, and the President took the action to identify them as functional managers in this order.

So you're right. In practice, perhaps not much of an immediate change, since he's played that role within the intelligence community for some time. But this is being affirmed in an executive order signed by the President.

Q The other two questions I had was, what -- does this make any changes to the definition of U.S. persons, or to the protections that that designation provides?

SENIOR ADMINISTRATION OFFICIAL: Not at all. I'd really encourage you to take a look at Part 2 of this order, and literally, to compare it.

Q But we don't have the -- I mean --

SENIOR ADMINISTRATION OFFICIAL: You will, in short -- you will in short order.

Q Okay. This conference call would have been much more useful if we'd had that -- if we'd had this in advance.

SENIOR ADMINISTRATION OFFICIAL: I feel confident telling you, though, when you do have that opportunity and set them side by side, that you will see that all of the protections that were in the original order remain in the order signed by the President yesterday. I also think that you'll see the importance placed on protecting privacy and civil liberties underscored up front in the order, in Part 1, and a provision that's been added to Part 3 to underscore the importance of the Attorney General approving procedures for the conduct of all the intelligence activities. That, of course -- that mechanism, of course, is one precisely designed to protect the privacy and civil liberties of U.S. persons.

SENIOR ADMINISTRATION OFFICIAL: I may add one point here simply because I realize we neglected to mention it earlier in our -- when we were making opening remarks. Many people associate this executive order with the assassination ban and also the ban on human experimentation, and if we didn't mention it you should know that those provisions are unchanged, carried over from the existing executive order, and they appear prominently in Part 2 of this order. So there's no change in that area.

Q Just one final question, if I may. Could either of you sort of try and sum up in a handy sound bite or phrase the impact that this has on the authority of the DNI?

SENIOR ADMINISTRATION OFFICIAL: I would say we think this executive order clarifies the authorities granted to the DNI in the 2004 intelligence reform law in areas where he thought clarifications were necessary for him to further integrate the intelligence community. I don't think there's much benefit to be had by trying to evaluate whether they were strengthened, and if so by how much; rather, this has been a tremendously constructive and collaborative process where policy agencies came together to provide the Director with a clear statement of the authorities they think he needs to lead a better integrated intelligence community, and he's fully satisfied with it. So they've certainly served his needs.

Q Thank you very much.

Q Thank you. Can you say how you worked out the issue of the DNI rep in overseas missions? Will the CIA chief of station continue to be the senior intelligence officer in each overseas mission, or will the DNI have the authority to select a non-CIA official as his representative overseas in each mission?

SENIOR ADMINISTRATION OFFICIAL: I appreciate the question; I'd seen some earlier media attention to that issue. Frankly, it's not discussed in the executive order. It came up only indirectly in our interagency discussions, and specifically in the area of coordination of overseas intelligence activities.

And so, as I outlined for you, the Director of National Intelligence has the overall responsibility for ensuring that we have a network of relationships, guidelines, procedures in place that all of our intelligence activities overseas and at home get coordinated, get de-conflicted, and get integrated. And then the CIA, through its representative overseas, is assigned a specific role relating to human-source activities and collection of information through human means. And the FBI has that responsibility here in the States.

So, no, there's nothing in the order that you'll find that addresses who oversees, for example, is that the DNI's representative or who is the CIA Director's representative. And I'd refer you to either the Director of National Intelligence or the CIA, if you want to talk more about that. But it's not addressed in this order.

Q Well, it's not addressed explicitly. But do the authorities given to the DNI in that regard that you just mentioned give him the authorization to select someone as the personal representative overseas, above and beyond the CIA chief of station?

SENIOR ADMINISTRATION OFFICIAL: That's an interesting question. I will refer you again to the Director of National Intelligence for the facts. But as far as I know, the Director has in fact appointed in several instances representatives overseas to serve as his representative. In specific, people assigned to the various military commands overseas serve as the DNI's representative. In, I think -- and check my facts on this -- 100 percent of other cases the DNI's representative in a foreign capital is the same

person as the Director of Central Intelligence Agency's representative, we know is the chief of station.

Q Okay. Thank you.

Q Hi. One housekeeping issue, I just wanted to join Pam Hess's protest that it's being done in background. It seems contrary to the whole purpose of it, to put it in the background. And I would like to request, even though it is on background, the names and jobs titles of the briefers for our own, just so we know who we're being talked to by.

I also wanted to follow up on the question just posed, just so that it's perfectly clear, because that last bit I wasn't quite clear on. The suggestion was that the CIA's representative, i.e., the station chief in a country, is the DNI's representative. And I know that's what Director Negroponte had said. But is that true across the board? Is it -- isn't it the case that in some countries the DNI's rep is, for example, an NSA officer, a National Security Agency officer, as opposed to a CIA officer?

SENIOR ADMINISTRATION OFFICIAL: To my understanding that's not the case. You should check this with the Director of National Intelligence. These are people that he appoints to various positions. But as I understand it, there are in fact some non-CIA personnel assigned as the DNI's representatives to military commands.

But there are no instances where the past or the current DNI has appointed as his senior representative in the field somebody other than the CIA chief of station.

Q I got you. And so when you say "the military commands," that is not -- we are not referring, for example, to an NSA rep or something like that? There would not be a country where the NSA rep is the DNI's personal representative; it's always the station chief?

SENIOR ADMINISTRATION OFFICIAL: Not that I'm aware of.

Q And can you give us the names please, of the briefers?

MS. BERGMAN: Please follow up -- and this goes for anyone on the call -- please follow up with Gordon Johndroe after this call on that matter. Thank you.

Q Oh, yes, just following up on your earlier point about Congress's role and the public's role in this, Silvestre Reyes, the Chairman of the House Intelligence Committee, just released a statement saying he was "deeply disappointed that the President did not seek congressional or public input into this document. We were only shown the document after it was complete and on its way to the President for his signature." Can you respond to that, please?

SENIOR ADMINISTRATION OFFICIAL: I've not seen Chairman Reyes's statement, so I think we'll not respond on this call. Give us chance to read it, and if you want to get back in touch with Cynthia and her folks later today, we may comment on that. But I haven't seen it, so I'm not going to speak to it.

Q I just wanted to sort of follow up on James's question, because in speaking with some people yesterday, I mean, there did seem to be some sentiment on the Hill that the White House didn't consult with them, that they did just present the executive order as a fait accompli. And I was just wondering if you could respond to that broader concern.

SENIOR ADMINISTRATION OFFICIAL: Well, only to repeat what I said earlier. We have spent specifically on the provisions in the draft executive order the better part of the last two or two and a half weeks dealing with multiple committees on the Hill -- at the staff level, at the member level, making experts available to provide briefings.

So we've dealt with, for example, the intelligence oversight committees, the armed service committees, the international relations and foreign affairs committees, the homeland security and government affairs committees. We've addressed these issues to the leadership. There have been countless, countless hours by dozens and dozens of people who've been involved with this process -- discussing, reviewing, and walking through the provisions of the order -- various staffers, rooms full of staffers.

Q Right, but I think that what they're saying is that they weren't consulted; it was just presented to them as this is what's going on. And they even said that those were sort of bare-bones briefings; that they only are really learning about it today, many of them.

SENIOR ADMINISTRATION OFFICIAL: Well, I won't speak to that. I know we made a concerted effort to reach out to folks on the Hill because of the fact that they have a keen interest in this, and should, and because in the fall of 2004 when we were discussing the then-drafts in conference of the Intelligence Reform and Terrorism Prevention Act, we committed to doing that, specifically with respect to the guidelines under section 1018. And we feel that we've met that obligation.

MS. BERGMAN: Operator, we have time for two more questions.

Q I see that the Director of National Intelligence is given responsibility for foreign intelligence liaison, and I was wondering if that is new and whether that excludes other agencies like the CIA having their own liaison relationships?

SENIOR ADMINISTRATION OFFICIAL: I think this is -- thank you for asking the question. I think this is an area where there has been some misunderstanding, and I would refer you to a careful review of the text of this executive order, as well as the law itself. In the law and in the executive order -- and I don't have that page in front of me right now -- the Director of National Intelligence is assigned responsibility to provide strategic management, oversight, direction -- you'll have to check the words -- in the conduct of U.S. government relationships with foreign intelligence and security services.

And consistent with those -- that strategic guidance and those -- that strategic framework, the Central Intelligence Agency in the law and this order is assigned the specific responsibility for the conduct of those foreign liaison relationships, and also the coordination of engagement between other intelligence community elements and those foreign security services.

So look very closely at the structure. It's the same in this executive order as it is in the law -- a role

defined at the strategic level in managing such relationships for the Director of National Intelligence -- but the actual conduct of these relationships and the coordination of dealings with foreign security services is charged with the CIA.

Q So no practical change then?

SENIOR ADMINISTRATION OFFICIAL: None.

SENIOR ADMINISTRATION OFFICIAL: If you take a look -- I can add to that -- if you take a look at the 2004 reform act, you'll find it -- you'll find this particular provision that my colleague was referring to in section (k) of the section that delineates the authorities of the DNI. So it's 102(A)(k).

Q I just wanted to double-check, is there anything in this executive order that specifically addresses the FBI in terms of its domestic intelligence activities, in terms of any changes? It is mentioned in there what its role is, but are there any changes in this executive order for the FBI?

SENIOR ADMINISTRATION OFFICIAL: No, there are none that I would direct you to. I mean, of course, it's critically important in the current arrangements under the IRTPA to have the FBI playing a significant role in the collection, dissemination and analysis of intelligence, and that's outlined in the executive order as a responsibility for the Director of the FBI. And then similarly, as I mentioned earlier, a role in coordinating intelligence activities in the United States that involves human sources or human-enabled means, is also set forth in section 1.3(b).

But, no, I don't think you'll find in the executive order any specific new authority or responsibility with respect to intelligence assigned to the FBI.

Q Okay, and I just wanted to double-check one more thing. You said -- you talked about the need for modernizing the executive order from 1981, but why wasn't this done with the law in 2004 when you created the Office of National Intelligence?

SENIOR ADMINISTRATION OFFICIAL: I think we tried to address that a little bit at the outset.

Q Well, you talked about now that you've had three years under your belt what -- well, what needs were identified since then, but considering that the original executive order didn't address the Office of DNI since it didn't exist, why wasn't it changed then, in 2004?

SENIOR ADMINISTRATION OFFICIAL: Yes, I would just circle back to what we said earlier, that we collected some experience under the statute. The DNI stood up now -- the initial DNI has a successor, and we took full advantage of both that experience that was accumulated over that year -- over those few years, as well as the insight that is provided by the collective experience of the leaders of the intelligence community right now.

SENIOR ADMINISTRATION OFFICIAL: I would just say one addition to that. I frankly think that we're in a much better position to draft an executive order that will actually respond to the DNI's needs and

the needs of the community, and stand a better chance of being -- providing a more durable framework for the community this summer than we would have immediately after the law was passed with virtually no experience under the new structures.

Having been closely involved for the better part of nine months in this process, I can tell you a number of the insights, a number of the areas where we focused on would not have been obvious to us immediately after the law was passed. And so I think we've been able to do a better job last year and this year than we would have in the spring of 2005 while the Office of the Director of National Intelligence was just standing up.

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