

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
DIRECTOR OF THE INTELLIGENCE STAFF

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

FEB 25 2010

Reference: DF-2008-00009
DF-2009-00083

Dear Mr. Cardozo:

Enclosed please find documents that are responsive to your 25 February 2008 and 19 June 2009 Freedom of Information Act (FOIA) requests to the Office of the Director of National Intelligence (ODNI) wherein you requested copies of all reports submitted by the ODNI to the IOB pursuant to Executive Order 12863 since April 2005, and copies of all records concerning the DNI's activities under Executive Order 13462 from February 2008 to the present.

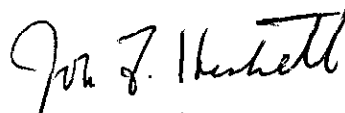
Your requests were processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. ODNI conducted a search for records and located approximately 3000 pages of responsive documents. Of those, 47 documents totaling approximately 500 pages have been referred to other agencies for their review and direct response to you.

Of the remaining 2500 pages, approximately 1750 pages, consisting of email between ODNI, other executive branch agencies, and the IOB, have been withheld in full pursuant to FOIA Exemptions 2, 3, 5, and 6, 5 U.S.C. § 552(b)(2), (3), (5), and (6). Approximately 500 pages of those emails are also withheld pursuant to FOIA Exemption 1, 5 U.S.C. § 552(b)(1). An additional 500 pages, consisting of draft documents, are withheld in full pursuant to FOIA Exemptions 1, 2, 3, 5, and 6, 5 U.S.C. § 552(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6). The remaining 216 pages are released with redactions. The redacted material is withheld pursuant to FOIA Exemptions 1, 2, 3, 5, and 6, 5 U.S.C. § 552(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6). Exemption 1 protects information that is currently and properly classified. Exemption 2 pertains to purely internal rules and practices of an agency. Exemption 3 pertains to matters specifically exempted from disclosure by statute. In this instance, the applicable Exemption 3 statutes are 50 U.S.C. 403-1(i)(1) and Section 6 of the National Security Act of 1959 Pub. L. 86-36, codified at 50 U.S.C. § 402 note. Exemption 5 pertains to inter- or intra-agency communications protected by the deliberative process and presidential communications privileges. Lastly, Exemption 6 protects information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Finally, DOJ referred four documents, totaling six pages, to ODNI for our review and direct response to you. Of those, two documents were released to you with redactions by ODNI letter dated 14 December 2009. One document was referred to DOD IG and was released to you with redactions by DOD IG letter dated 2 December 2009. The remaining document is enclosed here with no redactions.

Although I am aware that your request is the subject of litigation, I am required to advise you of your right to file an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Hackett". The signature is written in a cursive style with a large initial "J".

John F. Hackett
Director, Information Management Office

PATRICK J. LEAHY, VERMONT, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERB KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
BENJAMIN L. CARDIN, MARYLAND
SHELDON WHITEHOUSE, RHODE ISLAND

ARLEN SPECTER, PENNSYLVANIA
ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

BRUCE A. COHEN, Chief Counsel and Staff Director
STEPHANIE A. MIDDLETON, Republican Staff Director
NICHOLAS A. ROSS, Republican Chief Counsel

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

October 10, 2008

The Honorable J. Michael McConnell
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Lt. Gen. Keith B. Alexander
Director
National Security Agency
Fort George G. Meade, MD 20755

Dear Director McConnell and General Alexander:

As the Chairman and Ranking Member of the Senate Committee on the Judiciary we are very concerned about claims from an Army reservist, Adrienne Kinne, and a Navy linguist, David Murfee Faulk, who allege they were ordered to intercept and transcribe international communications between U.S. persons in the Middle East, including U.S. Servicemembers, and their spouses and significant others here in the United States. Such interceptions, and orders to continue transcribing them when minimization should have resulted, appear to violate Executive Order 12333 and NSA guidelines in effect prior to adoption of the FISA Amendments Act of 2008, Pub. L. No. 110-261.

During the 109th Congress, Senator Specter chaired a hearing at which General Alexander testified that "at all times, NSA applies procedures approved by the U.S. Attorney General to all aspects of its activities, seeking through these procedures to minimize the acquisition, retention and dissemination of information concerning U.S. persons." At the same hearing, in response to questions from Senators Leahy and Cornyn, government witnesses denied that the personal communications of U.S. soldiers in Iraq were being targeted for collection. Similarly, during the 110th Congress, Senator Leahy chaired a hearing at which Director McConnell reassured Judiciary Committee members that "the minimization procedures that Intelligence Community agencies follow are Attorney General approved guidelines issued pursuant to Executive Order 12333. These minimization procedures apply to the acquisition, retention and dissemination of U.S. person information."

The FISA Amendments Act of 2008 included new protections for U.S. persons abroad—including a requirement for FISA court approval of surveillance, based on a showing of probable cause—but such provisions are for naught if they are not followed.

The Honorable J. Michael McConnell and Lt. Gen. Keith B. Alexander
October 10, 2008
Page 2 of 2

Over a year ago, Senator Leahy referred Ms. Kinne's allegations to the Department of Defense Inspector General, who then referred the matter to the National Security Agency's Inspector General. In light of Mr. Faulk's reinforcement of Ms. Kinne's charges, we specifically request the following from each of you: (1) a vigorous investigation of Ms. Kinne's and Mr. Faulk's allegations; (2) a delineation of what steps, if any, you have taken to detect, deter and punish any violations of law or regulation that are found to have occurred; (3) written assurances that any ill-gotten collection is being destroyed and purged from government databases; and (4) an agreement to provide the Senate Judiciary Committee with any audits or reports resulting from these revelations, with appropriate safeguards for classified content.

As the Senate Committee principally charged with protecting Americans' constitutional liberties and ensuring the privacy of U.S. persons' communications, we believe the foregoing requests are sound and reasonable, and we look forward to your timely reply.

Sincerely,



PATRICK LEAHY
Chairman



ARLEN SPECTER
Ranking Member

cc: The Honorable Michael Mukasey, Attorney General
The Honorable Michael V. Hayden, Director, CIA

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

2008 OCT 17 2008

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

Thank you for your letter of October 10, 2008 concerning allegations made by Adrienne Kinne and David Faulk. I appreciate and share your deep concern about these allegations and welcome the opportunity to respond to your requests. I know that the Secretary of Defense is apprised of these matters and our staffs will work to ensure that the appropriate offices respond to your and other related congressional inquiries. Your letter makes four specific requests and we will make every effort to address each of those requests. My staff will work with the Department of Defense (DoD) to make appropriate relevant personnel available to meet with your cleared staff at their earliest convenience to discuss these matters.

First, you request a vigorous investigation of the allegations. DoD has indicated that Ms. Kinne's allegations, as set forth in her April 2007 letter, are the subject of two Inspectors General (IG) reviews, one by the National Security Agency (NSA) IG and one by the U.S. Army Intelligence and Security Command (INSCOM) IG. The NSA IG performed an inquiry into one of the allegations, did not find a violation of laws or procedures related to that particular allegation, and the report has been provided to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. DoD indicates that the initial INSCOM review of allegations set forth in Ms. Kinne's April 2007 letter did not substantiate her allegations. Additional inquiries are under way by both NSA and INSCOM.

With respect to allegations made by Mr. Faulk, based on what DoD has been able to ascertain so far, there is no indication of Mr. Faulk having reported his allegations to relevant offices prior to recent press reporting. The NSA IG has opened an inquiry into his allegations.

Second, you request notification of steps taken to detect, deter and punish violations of laws or regulations that are found to have occurred. Secretary Gates, Lieutenant General

Alexander, and I take allegations that intelligence personnel acted contrary to law or regulations extremely seriously. NSA has an extensive oversight, training, and compliance program to ensure that personnel properly handle information related to U.S. persons. NSA also tracks and reports violations of its Attorney General approved procedures. Individuals involved in inappropriate handling of such information are subject to a variety of disciplinary sanctions depending on the circumstances, including termination and referral for additional measures as appropriate. If allegations lead to the identification of deficiencies in carrying out our mission, it is vital that such deficiencies be corrected. If personnel have disregarded these rules, we will hold them accountable or urge that the relevant organization take appropriate actions, and we will inform you and congressional oversight committees of any action taken in this regard.

Third, you ask for assurance that inappropriate collection found by these inquiries is destroyed and purged from government databases. If inquiries disclose inappropriate collection, the Office of the Director of National Intelligence (ODNI) will work with DoD to ensure that such material is isolated and appropriate action is taken, including destruction if appropriate. Destruction and purging of such material may be appropriate in some circumstances, but we would not take such action without first ensuring that there are no pending inquiries requiring preservation and that such action is consistent with law. We will inform you of the disposition of such material if any is found.

Fourth, we will provide the Committee with any audits or reports under DNI purview resulting from these allegations, with appropriate safeguards for classified content. To the extent the material is not under DNI purview, we will urge in the strongest terms that the Committee be provided access to such material.

I understand that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are also reviewing the allegations discussed in your letter. My staff will work with DoD staff to ensure that those Committees receive the information outlined above plus any particularly sensitive classified material requiring special handling as appropriate.

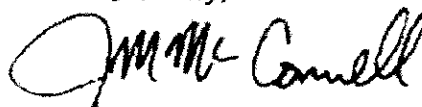
We believe it is important that we demonstrate the emphasis placed by NSA on the handling of U.S. person information, while also carrying out NSA's vital mission – a mission that is critical to the security of our Nation. In addition to the efforts outlined above to respond to your specific requests, we renew our invitation to you, members of your Committee, and appropriately cleared staff to visit NSA and see how U.S. person information is protected, how compliance is monitored, and how personnel are trained.

In addition, I feel compelled to respond to some of the inaccurate information that has been reported on this issue even though such material is not contained in your letter. In particular, some reports state that these allegations relate to a surveillance program to prevent and detect terrorist attacks authorized by the President after the attacks of September 11, 2001. To date, I have seen no indication that their alleged activities were done under the President's authorization of 2001 or any renewal of such authorization. Indeed, I am not aware that these individuals would have had knowledge of such authorizations relating to a compartmented activity with severely restricted access.

Proper handling of information concerning U.S. persons is critical to protecting the privacy of our citizens and allegations of improper handling must be reviewed and identified deficiencies promptly remedied to ensure all laws and regulations are properly implemented. In addition to the steps above, I have asked the Civil Liberties Protection Officer of the ODNI to review the investigations of these allegations, look more broadly at any issues with the oversight, training, and compliance system for handling U.S. person information that may be raised by these investigations, and advise us of any necessary improvements. He will also be available to your Committee to discuss his work and findings.

Please contact me if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. McConnell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J.M. McConnell

cc: The Honorable John D. Rockefeller, IV
The Honorable Christopher S. Bond
The Honorable Silvestre Reyes
The Honorable Peter Hoekstra
The Honorable John Conyers, Jr.
The Honorable Lamar S. Smith
The Honorable Robert M. Gates, Secretary of Defense
The Honorable Michael Mukasey, Attorney General
The Honorable Michael Hayden, Director, Central Intelligence Agency
Lieutenant General Keith B. Alexander, Director, National Security Agency

THE WHITE HOUSE
WASHINGTON

President's
Foreign Intelligence
Advisory Board

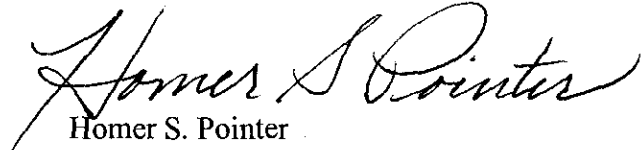
February 28, 2008

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: (U) Intelligence Oversight Board Report

(U//~~FOUO~~) In accordance with Executive Order 12863 of September 13, 1993, as amended, attached is a report provided to the Intelligence Oversight Board (IOB) by the Office of the Director of National Intelligence. The IOB received the report on February 27, 2008.

(U) Please contact me at 202-456-2352 if you have any questions.


Homer S. Pointer
General Counsel

Attachment
As stated

UNCLASSIFIED

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00474

MEMORANDUM FOR: Distribution

SUBJECT: Designation of Reporting Office(s)

REFERENCE: Executive Order 13462: President's Intelligence Advisory Board and Intelligence Oversight Board

On February 29, 2008, the President signed Executive Order (EO) 13462: President's Intelligence Advisory Board and Intelligence Oversight Board (Enclosure). EO 13462 replaces EO 12863 and establishes a role for the Director of National Intelligence (DNI) in the Intelligence Oversight Board (IOB) process for reporting intelligence activities that may be unlawful or contrary to executive order or presidential directive. In accordance with Sec. 8(b)(ii) of EO 13462, the head of each executive department with an element of the Intelligence Community (IC) is required to designate the office, or offices, within the department that shall submit reports to the IOB with copies to the DNI. EO 13462 also requires the heads of departments concerned to inform the IOB and the DNI of the designation(s).

The April 17, 2007 memorandum issued by the Assistant to the President for National Security Affairs describes the quarterly reporting requirements and schedule for IC elements to report to the IOB and the DNI. Request you continue to report pursuant to the schedule outlined in the April 17, 2007 guidance until we issue new reporting guidance on the formatting and scheduling of IOB reports pursuant to EO 13462 section 7(a) (ii).

Request you send your formal designations, to include the designee's name, title, secure and unclassified e-mail, facsimile, phone information, mailing and courier addresses to the DNI's IOB Team at [REDACTED] not later than May 9, 2008. For questions concerning this request, contact [REDACTED] or [REDACTED]. For instructions on sending your designation information to the IOB, you are requested to call the IOB's main number at 202-456-2352.

b2
b6


J. M. McConnell

28 APR 08
Date

Enclosure - EO 13462

UNCLASSIFIED

UNCLASSIFIED

SUBJECT: Designation of Reporting Office(s)

External Distribution:

Secretary of State
Secretary of the Treasury
Secretary of Defense
The Attorney General
Secretary of Energy
Secretary of Homeland Security
Director, Central Intelligence Agency
Director, Federal Bureau of Investigation

cc:

Chairman, Intelligence Oversight Board
Director, National Security Agency
Director, National Reconnaissance Office
Director, National Geospatial-Intelligence Agency
Assistant to the Secretary of Defense, Intelligence Oversight
Director, Defense Intelligence Agency
Deputy Chief of Staff, G2, US Army
Deputy Chief of Staff, ISR, US Air Force
Director of Naval Intelligence, N2, US Navy
Director of Intelligence, US Marine Corps
Assistant Commandant for Intelligence, US Coast Guard

UNCLASSIFIED

JUL 17 2008

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
DIRECTOR, CENTRAL INTELLIGENCE AGENCY

SUBJECT: Intelligence Oversight Reporting Criteria

Executive Order (EO) 13462 tasks the Intelligence Oversight Board (IOB) with issuing criteria on the thresholds for reporting intelligence oversight matters to the IOB and to the Director of National Intelligence (DNI). It also tasks the DNI with issuing instructions relating to the format and scheduling of such reporting. The attached guidance provides those criteria and instructions.

EO 13462 and these criteria acknowledge the establishment of the DNI and seek to infuse a fresh awareness of the importance of intelligence oversight reporting. The criteria also provide guidance on what information the President and the DNI need to execute their respective duties to see that the laws are faithfully executed and that intelligence activities comply with the Constitution and laws of the United States.

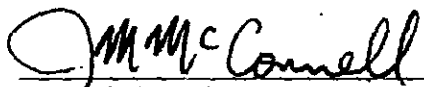
To implement EO 13462, the DNI will execute day-to-day intelligence oversight responsibilities. Among other things, this will include reviewing the guidelines by which Intelligence Community (IC) components report intelligence activities to ensure they are consistent with Part 1.7(d) of EO 12333 and with EO 13462, reviewing reports submitted to the IOB, and providing the IOB with a quarterly assessment of the content, quality, and timeliness of reporting by the IC.

The IOB continues to act as an independent entity appointed by the President to ensure that the Constitution and laws of the United States are respected and to report to the President in accordance with the functions assigned to the IOB by EO 13462. The IOB will audit, review, and assess the adequacy of the respective processes by which the DNI performs his oversight and review functions and the IC components perform their reporting functions under EO 13462. As necessary, the IOB may conduct its own investigations of intelligence activities. The IOB also will continue to receive and review reports of all matters that may be unlawful or contrary to executive order or presidential directive and to report to the President and the Attorney General concerning those matters.


In addition, a key element of intelligence oversight is the explicit direction that "significant or highly sensitive matters" must be reported immediately. "Significant or highly sensitive matters" are intelligence activities that may or may not be unlawful or contrary to executive order or presidential directive, that could impugn the reputation or integrity of the IC, or that could otherwise call into question the propriety of U.S. intelligence activities. These types of matters, initially articulated by Assistant to the President for National Security Affairs Stephen Hadley in his memorandum of April 17, 2007, are also captured in the accompanying criteria for reporting.

As a reminder, section 8(b)(ii) of EO 13462 provides that the heads of departments with organizations in the IC shall designate offices within their respective organizations that shall submit to the IOB the reports required by executive order and inform the IOB and the DNI of such designations.

Each component of the IC is responsible for reviewing its internal processes, guidelines, and training for reporting intelligence oversight matters to the IOB and DNI and updating them in accordance with EO 13462 and the criteria and instructions set forth in this memorandum. Please provide the IOB and the DNI with a progress report on your review by July 30, 2008.



J. M. McConnell
Director of National Intelligence



Stephen Friedman
Chairman, Intelligence Oversight Board

Attachment
Tab A Reporting Criteria

**CRITERIA ON THRESHOLDS FOR REPORTING
INTELLIGENCE OVERSIGHT MATTERS
AND
INSTRUCTIONS RELATING TO FORMATTING AND SCHEDULING**

Intelligence oversight reporting serves as an early warning of intelligence activities of which the President should be informed, through either his Intelligence Oversight Board (IOB) or the Director of National Intelligence (DNI), or both, and provides a means by which the Executive Branch may timely identify and correct any deficiencies in the conduct of its intelligence activities. The following criteria on thresholds for reporting intelligence oversight matters to the Intelligence Oversight Board, and instructions on formatting and scheduling of reports, are issued under the authority of Executive Order 13462.

I. Criteria on Thresholds for Reporting. The heads of departments with organizations in the Intelligence Community (IC), or the heads of such organizations, or their designees, shall:

A. Report to the IOB, with copies to the DNI, any intelligence activity with respect to which there is reason to believe may be unlawful or contrary to executive order (EO) or presidential directive (PD). The following guidance applies to determining whether a particular matter should be reported:

1. "Intelligence activities" are defined in Part 3.4(e) of EO 12333 and, for purposes of these criteria, include, but are not limited to, the acquisition, collection, retention, analysis, and dissemination of intelligence information.
2. Intelligence activities are reportable if a reasonable person would believe they may be unlawful or contrary to EO or PD without waiting for substantiation, investigation, formal adjudication, or resolution of the issue of whether a particular matter is unlawful or contrary to EO or PD.
3. Intelligence activities to be reported under EOs 13462 and 12333 are not limited to those that concern "United States persons," as defined in Part 3.4(i) of EO 12333 or in any successor EO.
4. "Executive order or presidential directive" means, for purposes of implementing these criteria, a document signed by the President of the United States that has the force of law for the Executive Branch or constitutes the exercise by the President of his Executive authority. Reports may include violations of procedures and guidelines that heads of departments or IC components have established to implement EO 12333, or a successor order, provided, however, that such matters are of potential presidential interest or deemed appropriate for the IOB's review, *e.g.*, because they involve the apparent violation of substantive rights of individuals.

5. Reportable events include the initiation of, and significant developments in, investigations or other inquiries relating to the legality or propriety of intelligence activities.
6. Initial reports made on the basis of incomplete or inaccurate reporting are to be updated as additional information becomes available. Subsequent or updated reports should be identified in such a manner that they can be accurately related to the relevant initial reports.
7. Intelligence activities are reportable to the IOB if such activities are required to be reported or have been reported to the Attorney General as required by law or other directive, including the Memorandum of Understanding on Reporting of Information Concerning Federal Crimes (1995).
8. Any intelligence activity that is to be reported to any congressional committee or member of Congress because it is or may be unlawful or contrary to executive order or otherwise "significant or highly sensitive" (see paragraph B, below) shall also be reported to the IOB and DNI generally before such a congressional report is made. Any report concerning intelligence activities that is submitted to any committee or member of Congress shall also be submitted to the IOB and DNI if the commencement of the investigation or other inquiry regarding such activities was also reportable under these criteria.

B. Report to the DNI, and the IOB as appropriate, significant or highly sensitive matters, whether or not unlawful or contrary to EO or PD.

1. "Significant or highly sensitive matters" are developments or circumstances involving intelligence activities that could impugn the reputation or integrity of the IC, or otherwise call into question the propriety of intelligence activities.
2. Such matters might be manifested in or by:
 - a. congressional inquiries or investigations;
 - b. adverse media coverage;
 - c. impact on foreign relations or foreign partners; or
 - d. unauthorized disclosure of protected information.

II. Content of Reports. Intelligence oversight reports should include (to the extent practicable without compromising the timeliness of reporting) the following:

- A. A narrative describing each intelligence activity in question.
- B. Why the matter is being reported. i.e., it is:

1. a potential violation of law (cite the relevant law, if a judgment has been made);
2. potentially contrary to EO or PD (cite the relevant section or part of the EO or PD);
3. a potential violation of agency procedures implementing EO 12333 (cite the specific rule or procedure, if a judgment has been made);
4. "'significant' because . . ."; or
5. "'highly sensitive' because . . ."

C. An explanation and analysis of how or why the incident occurred.

D. An assessment of any impact of the incident on national security or international relations, as well as any mitigation efforts, including success and failures of such efforts.

E. Any remedial action the IC element has taken or is taking to prevent recurrence of the incident being reported.

F. An assessment of any impact the reported intelligence activity may have on civil liberties or protected privacy rights.

G. How the IC element concerned is addressing any information improperly acquired, handled, used, destroyed, etc., as a consequence of the matter being reported.

H. A summary of the gravity, frequency, trends, and patterns of matters reported for the quarter.

I. Any additional information that the reporting official considers relevant for purposes of fully and completely informing the IOB and the DNI on intelligence oversight matters.

III. Formatting of Reports. Reports may be formatted in accordance with departmental or agency policies, provided all the substantive information described above is included in each report.

IV. Schedule for Reporting.

- A. Significant or highly sensitive matters must be reported immediately.

1. Significant or highly sensitive matters may be reported orally, if necessary, and followed up with a written report as soon as possible thereafter. The preference is for written reports.
2. Significant or highly sensitive matters that may be unlawful or contrary to EO or PD shall be reported to the DNI and IOB.
3. Significant or highly sensitive matters that are NOT unlawful or contrary to EO or PD shall be reported to the DNI.

B. Routine reports shall be submitted on a quarterly basis. The first report for the calendar year shall cover 1 January through 31 March, and so on for each quarter of the year.

C. Quarterly reports are due the last day of the month following the end of the quarter. For example, a report for the first quarter of the calendar year is due 30 April.

D. All IC elements must submit reports at least quarterly, even if a component has not been made aware of any reportable matter during the reporting period.

Questions concerning the implementation of EO 13462, or intelligence oversight reporting in general, may be submitted to the IOB's General Counsel by calling [REDACTED], or to the ODNI IOB Team by calling [REDACTED] (ODNI/OIG) or [REDACTED] (ODNI/OGC).



Federal Register

Tuesday,
March 4, 2008

Part IV

The President

Executive Order 13462—President's
Intelligence Advisory Board and
Intelligence Oversight Board

Presidential Documents

Title 3—

Executive Order 13462 of February 29, 2008

The President

President's Intelligence Advisory Board and Intelligence Oversight Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the United States to ensure that the President and other officers of the United States with responsibility for the security of the Nation and the advancement of its interests have access to accurate, insightful, objective, and timely information concerning the capabilities, intentions, and activities of foreign powers.

Sec. 2. Definitions. As used in this order:

(a) "department concerned" means an executive department listed in section 101 of title 5, United States Code, that contains an organization listed in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a(4));

(b) "intelligence activities" has the meaning specified in section 3.4 of Executive Order 12333 of December 4, 1981, as amended; and

(c) "intelligence community" means the organizations listed in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended.

Sec. 3. Establishment of the President's Intelligence Advisory Board. (a) There is hereby established, within the Executive Office of the President and exclusively to advise and assist the President as set forth in this order, the President's Intelligence Advisory Board (PIAB).

(b) The PIAB shall consist of not more than 16 members appointed by the President from among individuals who are not employed by the Federal Government.

(c) The President shall designate a Chair from among the members of the PIAB, who shall convene and preside at meetings of the PIAB, determine its agenda, and direct its work.

(d) Members of the PIAB and the Intelligence Oversight Board (IOB) established in section 5 of this order:

(i) shall serve without any compensation for their work on the PIAB or the IOB; and

(ii) while engaged in the work of the PIAB or the IOB, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701-5707).

(e) The PIAB shall utilize such full-time professional and administrative staff as authorized by the Chair and approved by the President or the President's designee. Such staff shall be supervised by an Executive Director of the PIAB, appointed by the President, whom the President may designate to serve also as the Executive Director of the IOB.

Sec. 4. Functions of the PIAB. Consistent with the policy set forth in section 1 of this order, the PIAB shall have the authority to, as the PIAB determines appropriate, or shall, when directed by the President:

(a) assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, and of counterintelligence and other intelligence activities, assess the adequacy of management, personnel and organization in the intelligence community, and review the performance of all agencies of the Federal Government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy and report the results of such assessments or reviews:

(i) to the President, as necessary but not less than twice each year; and

(ii) to the Director of National Intelligence (DNI) and the heads of departments concerned when the PIAB determines appropriate; and

(b) consider and make appropriate recommendations to the President, the DNI, or the head of the department concerned with respect to matters identified to the PIAB by the DNI or the head of a department concerned.

Sec. 5. Establishment of Intelligence Oversight Board.

(a) There is hereby established a committee of the PIAB to be known as the Intelligence Oversight Board.

(b) The IOB shall consist of not more than five members of the PIAB who are designated by the President from among members of the PIAB to serve on the IOB. The IOB shall utilize such full-time professional and administrative staff as authorized by the Chair and approved by the President or the President's designee. Such staff shall be supervised by an Executive Director of the IOB, appointed by the President, whom the President may designate to serve also as the Executive Director of the PIAB.

(c) The President shall designate a Chair from among the members of the IOB, who shall convene and preside at meetings of the IOB, determine its agenda, and direct its work.

Sec. 6. Functions of the IOB. Consistent with the policy set forth in section 1 of this order, the IOB shall:

(a) issue criteria on the thresholds for reporting matters to the IOB, to the extent consistent with section 1.7(d) of Executive Order 12333 or the corresponding provision of any successor order;

(b) inform the President of intelligence activities that the IOB believes:

(i)(A) may be unlawful or contrary to Executive Order or presidential directive; and

(B) are not being adequately addressed by the Attorney General, the DNI, or the head of the department concerned; or

(ii) should be immediately reported to the President.

(c) review and assess the effectiveness, efficiency, and sufficiency of the processes by which the DNI and the heads of departments concerned perform their respective functions under this order and report thereon as necessary, together with any recommendations, to the President and, as appropriate, the DNI and the head of the department concerned;

(d) receive and review information submitted by the DNI under subsection 7(c) of this order and make recommendations thereon, including for any needed corrective action, with respect to such information, and the intelligence activities to which the information relates, as necessary, but not less than twice each year, to the President, the DNI, and the head of the department concerned; and

(e) conduct, or request that the DNI or the head of the department concerned, as appropriate, carry out and report to the IOB the results of, investigations of intelligence activities that the IOB determines are necessary to enable the IOB to carry out its functions under this order.

Sec. 7. Functions of the Director of National Intelligence. Consistent with the policy set forth in section 1 of this order, the DNI shall:

(a) with respect to guidelines applicable to organizations within the intelligence community that concern reporting of intelligence activities described in subsection 6(b)(i)(A) of this order:

(i) review and ensure that such guidelines are consistent with section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order, and this order; and

(ii) issue for incorporation in such guidelines instructions relating to the format and schedule of such reporting as necessary to implement this order;

(b) with respect to intelligence activities described in subsection 6(b)(i)(A) of this order:

(i) receive reports submitted to the IOB pursuant to section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order;

(ii) forward to the Attorney General information in such reports relating to such intelligence activities to the extent that such activities involve possible violations of Federal criminal laws or implicate the authority of the Attorney General unless the DNI or the head of the department concerned has previously provided such information to the Attorney General; and

(iii) monitor the intelligence community to ensure that the head of the department concerned has directed needed corrective actions and that such actions have been taken and report to the IOB and the head of the department concerned, and as appropriate the President, when such actions have not been timely taken; and

(c) submit to the IOB as necessary and no less than twice each year:

(i) an analysis of the reports received under subsection (b)(i) of this section, including an assessment of the gravity, frequency, trends, and patterns of occurrences of intelligence activities described in subsection 6(b)(i)(A) of this order;

(ii) a *summary* of direction under subsection (b)(iii) of this section and any related recommendations; and

(iii) an assessment of the effectiveness of corrective action taken by the DNI or the head of the department concerned with respect to intelligence activities described in subsection 6(b)(i)(A) of this order.

Sec. 8. *Functions of Heads of Departments Concerned and Additional Functions of the Director of National Intelligence.*

(a) To the extent permitted by law, the DNI and the heads of departments concerned shall provide such information and assistance as the PIAB and the IOB may need to perform functions under this order.

(b) The heads of departments concerned shall:

(i) ensure that the DNI receives:

(A) copies of reports submitted to the IOB pursuant to section 1.7(d) of Executive Order 12333, or a corresponding provision of any successor order; and

(B) such information and assistance as the DNI may need to perform functions under this order; and

(ii) designate the offices within their respective organizations that shall submit reports to the IOB required by Executive Order and inform the DNI and the IOB of such designations; and

(iii) ensure that departments concerned comply with instructions issued by the DNI under subsection 7(a)(ii) of this order.

(c) The head of a department concerned who does not implement a recommendation to that head of department from the PIAB under subsection 4(b) of this order or from the IOB under subsections 6(c) or 6(d) of this order shall promptly report through the DNI to the Board that made the recommendation, or to the President, the reasons for not implementing the recommendation.

(d) The DNI shall ensure that the Director of the Central Intelligence Agency performs the functions with respect to the Central Intelligence Agency under this order that a head of a department concerned performs with respect to organizations within the intelligence community that are part of that department.

Sec. 9. *References and Transition.* (a) References in Executive Orders other than this order, or in any other presidential guidance, to the "President's Foreign Intelligence Advisory Board" shall be deemed to be references to the President's Intelligence Advisory Board established by this order.

(b) Individuals who are members of the President's Foreign Intelligence Advisory Board under Executive Order 12863 of September 13, 1993, as amended, immediately prior to the signing of this order shall be members of the President's Intelligence Advisory Board immediately upon the signing of this order, to serve as such consistent with this order until the date that is 15 months following the date of this order.

(c) Individuals who are members of the Intelligence Oversight Board under Executive Order 12863 immediately prior to the signing of this order shall be members of the Intelligence Oversight Board under this order, to serve as such consistent with this order until the date that is 15 months following the date of this order.

(d) The individual serving as Executive Director of the President's Foreign Intelligence Advisory Board immediately prior to the signing of this order shall serve as the Executive Director of the PIAB until such person resigns, dies, or is removed, or upon appointment of a successor under this order and shall serve as the Executive Director of the IOB until an Executive Director of the IOB is appointed or designated under this order.

Sec. 10. *Revocation.* Executive Order 12863 is revoked.

Sec. 11. *General Provisions.*

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) Any person who is a member of the PIAB or IOB, or who is granted access to classified national security information in relation to the activities of the PIAB or the IOB, as a condition of access to such information, shall sign and comply with the agreements to protect such information from unauthorized disclosure. This order shall be implemented in a manner consistent with Executive Order 12958 of April 17, 1995, as amended, and Executive Order 12968 of August 2, 1995, as amended.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 29, 2008.

[FR Doc. 08-070
Filed 3-3-08; 11:35 am]
Billing code 3195-01-P



Federal Register

Monday,
August 4, 2008

Part IV

The President

Executive Order 13470—Further
Amendments to Executive Order 12333,
United States Intelligence Activities

Presidential Documents

Title 3—

Executive Order 13470 of July 30, 2008

The President

Further Amendments to Executive Order 12333, United States Intelligence Activities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), and in order to update and clarify Executive Order 13355 of August 27, 2004, Executive Order 12333 of December 4, 1981, as amended, is hereby further amended as follows:

Section 1. The Preamble to Executive Order 12333, as amended, is further amended by:

(a) Striking “and” and inserting in lieu thereof a comma before the word “accurate”, and inserting “, and insightful” after the word “accurate” in the first sentence;

(b) Striking “statutes” and inserting in lieu thereof “the laws” before “of the United States of America” in the third sentence; and

(c) Striking “the” before “United States intelligence activities” in the third sentence.

Sec. 2. Executive Order 12333, as amended, is further amended by striking Part 1 in its entirety and inserting in lieu thereof the following new part:

PART 1 Goals, Directions, Duties, and Responsibilities with Respect to United States Intelligence Efforts

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

(a) All means, consistent with applicable Federal law and this order, and with full consideration of the rights of United States persons, shall be used to obtain reliable intelligence information to protect the United States and its interests.

(b) The United States Government has a solemn obligation, and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.

(c) Intelligence collection under this order should be guided by the need for information to respond to intelligence priorities set by the President.

(d) Special emphasis should be given to detecting and countering:

(1) Espionage and other threats and activities directed by foreign powers or their intelligence services against the United States and its interests;

(2) Threats to the United States and its interests from terrorism; and

(3) Threats to the United States and its interests from the development, possession, proliferation, or use of weapons of mass destruction.

(e) Special emphasis shall be given to the production of timely, accurate, and insightful reports, responsive to decisionmakers in the executive branch, that draw on all appropriate sources of information, including open source

information, meet rigorous analytic standards, consider diverse analytic viewpoints, and accurately represent appropriate alternative views.

(f) State, local, and tribal governments are critical partners in securing and defending the United States from terrorism and other threats to the United States and its interests. Our national intelligence effort should take into account the responsibilities and requirements of State, local, and tribal governments and, as appropriate, private sector entities, when undertaking the collection and dissemination of information and intelligence to protect the United States.

(g) All departments and agencies have a responsibility to prepare and to provide intelligence in a manner that allows the full and free exchange of information, consistent with applicable law and presidential guidance.

1.2 *The National Security Council.*

(a) *Purpose.* The National Security Council (NSC) shall act as the highest ranking executive branch entity that provides support to the President for review of, guidance for, and direction to the conduct of all foreign intelligence, counterintelligence, and covert action, and attendant policies and programs.

(b) *Covert Action and Other Sensitive Intelligence Operations.* The NSC shall consider and submit to the President a policy recommendation, including all dissents, on each proposed covert action and conduct a periodic review of ongoing covert action activities, including an evaluation of the effectiveness and consistency with current national policy of such activities and consistency with applicable legal requirements. 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. The NSC shall also review proposals for other sensitive intelligence operations.

1.3 *Director of National Intelligence.* Subject to the authority, direction, and control of the President, the Director of National Intelligence (Director) shall serve as the head of the Intelligence Community, act as the principal adviser to the President, to the NSC, and to the Homeland Security Council for intelligence matters related to national security, and shall oversee and direct the implementation of the National Intelligence Program and execution of the National Intelligence Program budget. The Director will lead a unified, coordinated, and effective intelligence effort. In addition, the Director shall, in carrying out the duties and responsibilities under this section, take into account the views of the heads of departments containing an element of the Intelligence Community and of the Director of the Central Intelligence Agency.

(a) Except as otherwise directed by the President or prohibited by law, the Director shall have access to all information and intelligence described in section 1.5(a) of this order. For the purpose of access to and sharing of information and intelligence, the Director:

(1) Is hereby assigned the function under section 3(5) of the Act, to determine that intelligence, regardless of the source from which derived and including information gathered within or outside the United States, pertains to more than one United States Government agency; and

(2) Shall develop guidelines for how information or intelligence is provided to or accessed by the Intelligence Community in accordance with section 1.5(a) of this order, and for how the information or intelligence may be used and shared by the Intelligence Community. All guidelines developed in accordance with this section shall be approved by the Attorney General and, where applicable, shall be consistent with guidelines issued pursuant to section 1016 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458) (IRTPA).

(b) In addition to fulfilling the obligations and responsibilities prescribed by the Act, the Director:

(1) Shall establish objectives, priorities, and guidance for the Intelligence Community to ensure timely and effective collection, processing, analysis,

and dissemination of intelligence, of whatever nature and from whatever source derived;

(2) May designate, in consultation with affected heads of departments or Intelligence Community elements, one or more Intelligence Community elements to develop and to maintain services of common concern on behalf of the Intelligence Community if the Director determines such services can be more efficiently or effectively accomplished in a consolidated manner;

(3) Shall oversee and provide advice to the President and the NSC with respect to all ongoing and proposed covert action programs;

(4) In regard to the establishment and conduct of intelligence arrangements and agreements with foreign governments and international organizations:

(A) May enter into intelligence and counterintelligence arrangements and agreements with foreign governments and international organizations;

(B) Shall formulate policies concerning intelligence and counterintelligence arrangements and agreements with foreign governments and international organizations; and

(C) Shall align and synchronize intelligence and counterintelligence foreign relationships among the elements of the Intelligence Community to further United States national security, policy, and intelligence objectives;

(5) Shall participate in the development of procedures approved by the Attorney General governing criminal drug intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(6) Shall establish common security and access standards for managing and handling intelligence systems, information, and products, with special emphasis on facilitating:

(A) The fullest and most prompt access to and dissemination of information and intelligence practicable, assigning the highest priority to detecting, preventing, preempting, and disrupting terrorist threats and activities against the United States, its interests, and allies; and

(B) The establishment of standards for an interoperable information sharing enterprise that facilitates the sharing of intelligence information among elements of the Intelligence Community;

(7) Shall ensure that appropriate departments and agencies have access to intelligence and receive the support needed to perform independent analysis;

(8) Shall protect, and ensure that programs are developed to protect, intelligence sources, methods, and activities from unauthorized disclosure;

(9) Shall, after consultation with the heads of affected departments and agencies, establish guidelines for Intelligence Community elements for:

(A) Classification and declassification of all intelligence and intelligence-related information classified under the authority of the Director or the authority of the head of a department or Intelligence Community element; and

(B) Access to and dissemination of all intelligence and intelligence-related information, both in its final form and in the form when initially gathered, to include intelligence originally classified by the head of a department or Intelligence Community element, except that access to and dissemination of information concerning United States persons shall be governed by procedures developed in accordance with Part 2 of this order;

(10) May, only with respect to Intelligence Community elements, and after consultation with the head of the originating Intelligence Community element or the head of the originating department, declassify, or direct the declassification of, information or intelligence relating to intelligence

sources, methods, and activities. The Director may only delegate this authority to the Principal Deputy Director of National Intelligence;

(11) May establish, operate, and direct one or more national intelligence centers to address intelligence priorities;

(12) May establish Functional Managers and Mission Managers, and designate officers or employees of the United States to serve in these positions.

(A) Functional Managers shall report to the Director concerning the execution of their duties as Functional Managers, and may be charged with developing and implementing strategic guidance, policies, and procedures for activities related to a specific intelligence discipline or set of intelligence activities; set training and tradecraft standards; and ensure coordination within and across intelligence disciplines and Intelligence Community elements and with related non-intelligence activities. Functional Managers may also advise the Director on: the management of resources; policies and procedures; collection capabilities and gaps; processing and dissemination of intelligence; technical architectures; and other issues or activities determined by the Director.

(i) The Director of the National Security Agency is designated the Functional Manager for signals intelligence;

(ii) The Director of the Central Intelligence Agency is designated the Functional Manager for human intelligence; and

(iii) The Director of the National Geospatial-Intelligence Agency is designated the Functional Manager for geospatial intelligence.

(B) Mission Managers shall serve as principal substantive advisors on all or specified aspects of intelligence related to designated countries, regions, topics, or functional issues;

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

(14) Shall have ultimate responsibility for production and dissemination of intelligence produced by the Intelligence Community and authority to levy analytic tasks on intelligence production organizations within the Intelligence Community, in consultation with the heads of the Intelligence Community elements concerned;

(15) May establish advisory groups for the purpose of obtaining advice from within the Intelligence Community to carry out the Director's responsibilities, to include Intelligence Community executive management committees composed of senior Intelligence Community leaders. Advisory groups shall consist of representatives from elements of the Intelligence Community, as designated by the Director, or other executive branch departments, agencies, and offices, as appropriate;

(16) Shall ensure the timely exploitation and dissemination of data gathered by national intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government elements, including military commands;

(17) Shall determine requirements and priorities for, and manage and direct the tasking, collection, analysis, production, and dissemination of, national intelligence by elements of the Intelligence Community, including approving requirements for collection and analysis and resolving conflicts in collection requirements and in the tasking of national collection assets of Intelligence Community elements (except when otherwise directed by the President or when the Secretary of Defense exercises collection tasking authority under plans and arrangements approved by the Secretary of Defense and the Director);

(18) May provide advisory tasking concerning collection and analysis of information or intelligence relevant to national intelligence or national security to departments, agencies, and establishments of the United States

Government that are not elements of the Intelligence Community; and shall establish procedures, in consultation with affected heads of departments or agencies and subject to approval by the Attorney General, to implement this authority and to monitor or evaluate the responsiveness of United States Government departments, agencies, and other establishments;

(19) Shall fulfill the responsibilities in section 1.3(b)(17) and (18) of this order, consistent with applicable law and with full consideration of the rights of United States persons, whether information is to be collected inside or outside the United States;

(20) Shall ensure, through appropriate policies and procedures, the deconfliction, coordination, and integration of all intelligence activities conducted by an Intelligence Community element or funded by the National Intelligence Program. In accordance with these policies and procedures:

(A) The Director of the Federal Bureau of Investigation shall coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means and counterintelligence activities inside the United States;

(B) The Director of the Central Intelligence Agency shall coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means and counterintelligence activities outside the United States;

(C) All policies and procedures for the coordination of counterintelligence activities and the clandestine collection of foreign intelligence inside the United States shall be subject to the approval of the Attorney General; and

(D) All policies and procedures developed under this section shall be coordinated with the heads of affected departments and Intelligence Community elements;

(21) Shall, with the concurrence of the heads of affected departments and agencies, establish joint procedures to deconflict, coordinate, and synchronize intelligence activities conducted by an Intelligence Community element or funded by the National Intelligence Program, with intelligence activities, activities that involve foreign intelligence and security services, or activities that involve the use of clandestine methods, conducted by other United States Government departments, agencies, and establishments;

(22) Shall, in coordination with the heads of departments containing elements of the Intelligence Community, develop procedures to govern major system acquisitions funded in whole or in majority part by the National Intelligence Program;

(23) Shall seek advice from the Secretary of State to ensure that the foreign policy implications of proposed intelligence activities are considered, and shall ensure, through appropriate policies and procedures, that intelligence activities are conducted in a manner consistent with the responsibilities pursuant to law and presidential direction of Chiefs of United States Missions; and

(24) Shall facilitate the use of Intelligence Community products by the Congress in a secure manner.

(c) The Director's exercise of authorities in the Act and this order shall not abrogate the statutory or other responsibilities of the heads of departments of the United States Government or the Director of the Central Intelligence Agency. Directives issued and actions taken by the Director in the exercise of the Director's authorities and responsibilities to integrate, coordinate, and make the Intelligence Community more effective in providing intelligence related to national security shall be implemented by the elements of the Intelligence Community, provided that any department head whose department contains an element of the Intelligence Community and who believes that a directive or action of the Director violates the requirements of section 1018 of the IRTPA or this subsection shall bring the issue to the attention

of the Director, the NSC, or the President for resolution in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments.

(d) Appointments to certain positions.

(1) The relevant department or bureau head shall provide recommendations and obtain the concurrence of the Director for the selection of: the Director of the National Security Agency, the Director of the National Reconnaissance Office, the Director of the National Geospatial-Intelligence Agency, the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, the Assistant Secretary for Intelligence and Analysis of the Department of the Treasury, and the Executive Assistant Director for the National Security Branch of the Federal Bureau of Investigation. If the Director does not concur in the recommendation, the department head may not fill the vacancy or make the recommendation to the President, as the case may be. If the department head and the Director do not reach an agreement on the selection or recommendation, the Director and the department head concerned may advise the President directly of the Director's intention to withhold concurrence.

(2) The relevant department head shall consult with the Director before appointing an individual to fill a vacancy or recommending to the President an individual be nominated to fill a vacancy in any of the following positions: the Under Secretary of Defense for Intelligence; the Director of the Defense Intelligence Agency; uniformed heads of the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps above the rank of Major General or Rear Admiral; the Assistant Commandant of the Coast Guard for Intelligence; and the Assistant Attorney General for National Security.

(e) Removal from certain positions.

(1) Except for the Director of the Central Intelligence Agency, whose removal the Director may recommend to the President, the Director and the relevant department head shall consult on the removal, or recommendation to the President for removal, as the case may be, of: the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, the Director of the Defense Intelligence Agency, the Under Secretary of Homeland Security for Intelligence and Analysis, the Assistant Secretary of State for Intelligence and Research, and the Assistant Secretary for Intelligence and Analysis of the Department of the Treasury. If the Director and the department head do not agree on removal, or recommendation for removal, either may make a recommendation to the President for the removal of the individual.

(2) The Director and the relevant department or bureau head shall consult on the removal of: the Executive Assistant Director for the National Security Branch of the Federal Bureau of Investigation, the Director of the Office of Intelligence and Counterintelligence of the Department of Energy, the Director of the National Reconnaissance Office, the Assistant Commandant of the Coast Guard for Intelligence, and the Under Secretary of Defense for Intelligence. With respect to an individual appointed by a department head, the department head may remove the individual upon the request of the Director; if the department head chooses not to remove the individual, either the Director or the department head may advise the President of the department head's intention to retain the individual. In the case of the Under Secretary of Defense for Intelligence, the Secretary of Defense may recommend to the President either the removal or the retention of the individual. For uniformed heads of the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps, the Director may make a recommendation for removal to the Secretary of Defense.

(3) Nothing in this subsection shall be construed to limit or otherwise affect the authority of the President to nominate, appoint, assign, or terminate the appointment or assignment of any individual, with or without a consultation, recommendation, or concurrence.

1.4 *The Intelligence Community.* Consistent with applicable Federal law and with the other provisions of this order, and under the leadership of the Director, as specified in such law and this order, the Intelligence Community shall:

(a) Collect and provide information needed by the President and, in the performance of executive functions, the Vice President, the NSC, the Homeland Security Council, the Chairman of the Joint Chiefs of Staff, senior military commanders, and other executive branch officials and, as appropriate, the Congress of the United States;

(b) In accordance with priorities set by the President, collect information concerning, and conduct activities to protect against, international terrorism, proliferation of weapons of mass destruction, intelligence activities directed against the United States, international criminal drug activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(c) Analyze, produce, and disseminate intelligence;

(d) Conduct administrative, technical, and other support activities within the United States and abroad necessary for the performance of authorized activities, to include providing services of common concern for the Intelligence Community as designated by the Director in accordance with this order;

(e) Conduct research, development, and procurement of technical systems and devices relating to authorized functions and missions or the provision of services of common concern for the Intelligence Community;

(f) Protect the security of intelligence related activities, information, installations, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Intelligence Community elements as are necessary;

(g) Take into account State, local, and tribal governments' and, as appropriate, private sector entities' information needs relating to national and homeland security;

(h) Deconflict, coordinate, and integrate all intelligence activities and other information gathering in accordance with section 1.3(b)(20) of this order; and

(i) Perform such other functions and duties related to intelligence activities as the President may direct.

1.5 *Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.* The heads of all departments and agencies shall:

(a) Provide the Director access to all information and intelligence relevant to the national security or that otherwise is required for the performance of the Director's duties, to include administrative and other appropriate management information, except such information excluded by law, by the President, or by the Attorney General acting under this order at the direction of the President;

(b) Provide all programmatic and budgetary information necessary to support the Director in developing the National Intelligence Program;

(c) Coordinate development and implementation of intelligence systems and architectures and, as appropriate, operational systems and architectures of their departments, agencies, and other elements with the Director to respond to national intelligence requirements and all applicable information sharing and security guidelines, information privacy, and other legal requirements;

(d) Provide, to the maximum extent permitted by law, subject to the availability of appropriations and not inconsistent with the mission of the department or agency, such further support to the Director as the Director may request, after consultation with the head of the department or agency, for the performance of the Director's functions;

(e) Respond to advisory tasking from the Director under section 1.3(b)(18) of this order to the greatest extent possible, in accordance with applicable policies established by the head of the responding department or agency;

(f) Ensure that all elements within the department or agency comply with the provisions of Part 2 of this order, regardless of Intelligence Community affiliation, when performing foreign intelligence and counterintelligence functions;

(g) Deconflict, coordinate, and integrate all intelligence activities in accordance with section 1.3(b)(20), and intelligence and other activities in accordance with section 1.3(b)(21) of this order;

(h) Inform the Attorney General, either directly or through the Federal Bureau of Investigation, and the Director of clandestine collection of foreign intelligence and counterintelligence activities inside the United States not coordinated with the Federal Bureau of Investigation;

(i) Pursuant to arrangements developed by the head of the department or agency and the Director of the Central Intelligence Agency and approved by the Director, inform the Director and the Director of the Central Intelligence Agency, either directly or through his designee serving outside the United States, as appropriate, of clandestine collection of foreign intelligence collected through human sources or through human-enabled means outside the United States that has not been coordinated with the Central Intelligence Agency; and

(j) Inform the Secretary of Defense, either directly or through his designee, as appropriate, of clandestine collection of foreign intelligence outside the United States in a region of combat or contingency military operations designated by the Secretary of Defense, for purposes of this paragraph, after consultation with the Director of National Intelligence.

1.6 Heads of Elements of the Intelligence Community. The heads of elements of the Intelligence Community shall:

(a) Provide the Director access to all information and intelligence relevant to the national security or that otherwise is required for the performance of the Director's duties, to include administrative and other appropriate management information, except such information excluded by law, by the President, or by the Attorney General acting under this order at the direction of the President;

(b) 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 the head of the department, agency, or establishment concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(c) Report to the Intelligence Oversight Board, consistent with Executive Order 13462 of February 29, 2008, and provide copies of all such reports to the Director, concerning any intelligence activities of their elements that they have reason to believe may be unlawful or contrary to executive order or presidential directive;

(d) Protect intelligence and intelligence sources, methods, and activities from unauthorized disclosure in accordance with guidance from the Director;

(e) Facilitate, as appropriate, the sharing of information or intelligence, as directed by law or the President, to State, local, tribal, and private sector entities;

(f) Disseminate information or intelligence to foreign governments and international organizations under intelligence or counterintelligence arrangements or agreements established in accordance with section 1.3(b)(4) of this order;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of information or intelligence resulting from criminal drug intelligence activities abroad if they have intelligence responsibilities for foreign or domestic criminal drug production and trafficking; and

(h) Ensure that the inspectors general, general counsels, and agency officials responsible for privacy or civil liberties protection for their respective organizations have access to any information or intelligence necessary to perform their official duties.

1.7 Intelligence Community Elements. Each element of the Intelligence Community shall have the duties and responsibilities specified below, in addition to those specified by law or elsewhere in this order. Intelligence Community elements within executive departments shall serve the information and intelligence needs of their respective heads of departments and also shall operate as part of an integrated Intelligence Community, as provided in law or this order.

(a) THE CENTRAL INTELLIGENCE AGENCY. The Director of the Central Intelligence Agency shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence;

(2) Conduct counterintelligence activities without assuming or performing any internal security functions within the United States;

(3) Conduct administrative and technical support activities within and outside the United States as necessary for cover and proprietary arrangements;

(4) Conduct covert action activities approved by the President. No agency except the Central Intelligence Agency (or the Armed Forces of the United States in time of war declared by the Congress or during any period covered by a report from the President to the Congress consistent with the War Powers Resolution, Public Law 93-148) may conduct any covert action activity unless the President determines that another agency is more likely to achieve a particular objective;

(5) Conduct foreign intelligence liaison relationships with intelligence or security services of foreign governments or international organizations consistent with section 1.3(b)(4) of this order;

(6) Under the direction and guidance of the Director, and in accordance with section 1.3(b)(4) of this order, coordinate the implementation of intelligence and counterintelligence relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments or international organizations; and

(7) Perform such other functions and duties related to intelligence as the Director may direct.

(b) THE DEFENSE INTELLIGENCE AGENCY. The Director of the Defense Intelligence Agency shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence to support national and departmental missions;

(2) Collect, analyze, produce, or, through tasking and coordination, provide defense and defense-related intelligence for the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, combatant commanders, other Defense components, and non-Defense agencies;

(3) Conduct counterintelligence activities;

(4) Conduct administrative and technical support activities within and outside the United States as necessary for cover and proprietary arrangements;

(5) Conduct foreign defense intelligence liaison relationships and defense intelligence exchange programs with foreign defense establishments, intelligence or security services of foreign governments, and international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order;

(6) Manage and coordinate all matters related to the Defense Attaché system; and

(7) Provide foreign intelligence and counterintelligence staff support as directed by the Secretary of Defense.

(c) THE NATIONAL SECURITY AGENCY. The Director of the National Security Agency shall:

(1) Collect (including through clandestine means), process, analyze, produce, and disseminate signals intelligence information and data for foreign intelligence and counterintelligence purposes to support national and departmental missions;

(2) Establish and operate 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, after coordination with the Director;

(3) Control 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;

(4) Conduct administrative and technical support activities within and outside the United States as necessary for cover arrangements;

(5) Provide signals intelligence support for national and departmental requirements and for the conduct of military operations;

(6) Act as the National Manager for National Security Systems as established in law and policy, and in this capacity be responsible to the Secretary of Defense and to the Director;

(7) Prescribe, consistent with section 102A(g) of the Act, 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 National Security Agency, and exercise the necessary supervisory control to ensure compliance with the regulations; and

(8) Conduct foreign cryptologic liaison relationships in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(d) THE NATIONAL RECONNAISSANCE OFFICE. The Director of the National Reconnaissance Office shall:

(1) Be responsible for research and development, acquisition, launch, deployment, and operation of overhead systems and related data processing facilities to collect intelligence and information to support national and departmental missions and other United States Government needs; and

(2) Conduct foreign liaison relationships relating to the above missions, in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(e) THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY. The Director of the National Geospatial-Intelligence Agency shall:

(1) Collect, process, analyze, produce, and disseminate geospatial intelligence information and data for foreign intelligence and counterintelligence purposes to support national and departmental missions;

(2) Provide geospatial intelligence support for national and departmental requirements and for the conduct of military operations;

(3) Conduct administrative and technical support activities within and outside the United States as necessary for cover arrangements; and

(4) Conduct foreign geospatial intelligence liaison relationships, in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(f) THE INTELLIGENCE AND COUNTERINTELLIGENCE ELEMENTS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS. The Commanders and heads of the intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps shall:

(1) Collect (including through clandestine means), produce, analyze, and disseminate defense and defense-related intelligence and counterintelligence to support departmental requirements, and, as appropriate, national requirements;

(2) Conduct counterintelligence activities;

(3) Monitor the development, procurement, and management of tactical intelligence systems and equipment and conduct related research, development, and test and evaluation activities; and

(4) Conduct military intelligence liaison relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and 1.10(i) of this order.

(g) INTELLIGENCE ELEMENTS OF THE FEDERAL BUREAU OF INVESTIGATION. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the intelligence elements of the Federal Bureau of Investigation shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence to support national and departmental missions, in accordance with procedural guidelines approved by the Attorney General, after consultation with the Director;

(2) Conduct counterintelligence activities; and

(3) Conduct foreign intelligence and counterintelligence liaison relationships with intelligence, security, and law enforcement services of foreign governments or international organizations in accordance with sections 1.3(b)(4) and 1.7(a)(6) of this order.

(h) THE INTELLIGENCE AND COUNTERINTELLIGENCE ELEMENTS OF THE COAST GUARD. The Commandant of the Coast Guard shall:

(1) Collect (including through clandestine means), analyze, produce, and disseminate foreign intelligence and counterintelligence including defense and defense-related information and intelligence to support national and departmental missions;

(2) Conduct counterintelligence activities;

(3) Monitor the development, procurement, and management of tactical intelligence systems and equipment and conduct related research, development, and test and evaluation activities; and

(4) Conduct foreign intelligence liaison relationships and intelligence exchange programs with foreign intelligence services, security services or international organizations in accordance with sections 1.3(b)(4), 1.7(a)(6), and, when operating as part of the Department of Defense, 1.10(i) of this order.

(i) THE BUREAU OF INTELLIGENCE AND RESEARCH, DEPARTMENT OF STATE; THE OFFICE OF INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY; THE OFFICE OF NATIONAL SECURITY INTELLIGENCE, DRUG ENFORCEMENT ADMINISTRATION; THE OFFICE OF INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY; AND THE OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE, DEPARTMENT OF ENERGY. The heads of the Bureau of Intelligence and

Research, Department of State; the Office of Intelligence and Analysis, Department of the Treasury; the Office of National Security Intelligence, Drug Enforcement Administration; the Office of Intelligence and Analysis, Department of Homeland Security; and the Office of Intelligence and Counterintelligence, Department of Energy shall:

(1) Collect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support national and departmental missions; and

(2) Conduct and participate in analytic or information exchanges with foreign partners and international organizations in accordance with sections 1.3(b)(4) and 1.7(a)(6) of this order.

(j) **THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.** The Director shall collect (overtly or through publicly available sources), analyze, produce, and disseminate information, intelligence, and counterintelligence to support the missions of the Office of the Director of National Intelligence, including the National Counterterrorism Center, and to support other national missions.

1.8 The Department of State. In addition to the authorities exercised by the Bureau of Intelligence and Research under sections 1.4 and 1.7(i) of this order, the Secretary of State shall:

(a) Collect (overtly or through publicly available sources) information relevant to United States foreign policy and national security concerns;

(b) Disseminate, to the maximum extent possible, reports received from United States diplomatic and consular posts;

(c) Transmit reporting requirements and advisory taskings of the Intelligence Community to the Chiefs of United States Missions abroad; and

(d) Support Chiefs of United States Missions in discharging their responsibilities pursuant to law and presidential direction.

1.9 The Department of the Treasury. In addition to the authorities exercised by the Office of Intelligence and Analysis of the Department of the Treasury under sections 1.4 and 1.7(i) of this order the Secretary of the Treasury shall collect (overtly or through publicly available sources) foreign financial information and, in consultation with the Department of State, foreign economic information.

1.10 The Department of Defense. The Secretary of Defense shall:

(a) Collect (including through clandestine means), analyze, produce, and disseminate information and intelligence and be responsive to collection tasking and advisory tasking by the Director;

(b) Collect (including through clandestine means), analyze, produce, and disseminate defense and defense-related intelligence and counterintelligence, as required for execution of the Secretary's responsibilities;

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

(d) Conduct counterintelligence activities in support of Department of Defense components and coordinate counterintelligence activities in accordance with section 1.3(b)(20) and (21) of this order;

(e) Act, in coordination with the Director, as the executive agent of the United States Government for signals intelligence activities;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director, 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, information, property, 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 defense intelligence relationships and defense intelligence exchange programs with selected cooperative foreign defense establishments, intelligence or security services of foreign governments, and international organizations, and ensure that such relationships and programs are in accordance with sections 1.3(b)(4), 1.3(b)(21) and 1.7(a)(6) of this order;

(j) Conduct such administrative and technical support activities within and outside the United States as are necessary to provide for cover and proprietary arrangements, to perform the functions described in sections (a) through (i) above, and to support the Intelligence Community elements of the Department of Defense; and

(k) Use the Intelligence Community elements within the Department of Defense identified in section 1.7(b) through (f) and, when the Coast Guard is operating as part of the Department of Defense, (h) above to carry out the Secretary of Defense's responsibilities assigned in this section or other departments, agencies, or offices within the Department of Defense, as appropriate, to conduct the intelligence missions and responsibilities assigned to the Secretary of Defense.

1.11 *The Department of Homeland Security.* In addition to the authorities exercised by the Office of Intelligence and Analysis of the Department of Homeland Security under sections 1.4 and 1.7(i) of this order, the Secretary of Homeland Security shall conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President or the Vice President of the United States, the Executive Office of the President, and, as authorized by the Secretary of Homeland Security or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against use of such surveillance equipment, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of Homeland Security and the Attorney General.

1.12 *The Department of Energy.* In addition to the authorities exercised by the Office of Intelligence and Counterintelligence of the Department of Energy under sections 1.4 and 1.7(i) of this order, the Secretary of Energy shall:

(a) Provide expert scientific, technical, analytic, and research capabilities to other agencies within the Intelligence Community, as appropriate;

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

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

1.13 *The Federal Bureau of Investigation.* In addition to the authorities exercised by the intelligence elements of the Federal Bureau of Investigation of the Department of Justice under sections 1.4 and 1.7(g) of this order and under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the Federal Bureau of Investigation shall provide technical assistance, within or outside the United States, to foreign intelligence and law enforcement services, consistent with section 1.3(b)(20) and (21) of this order, as may be necessary to support national or departmental missions.

Sec. 3. Part 2 of Executive Order 12333, as amended, is further amended by:

(a) In section 2.1, striking the first sentence and inserting in lieu thereof: "Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to informed decisionmaking in the areas of national security, national defense, and foreign relations.";

(b) In section 2.1, inserting a comma after "innovative";

- (c) In section 2.2, inserting “, the spread of weapons of mass destruction,” after “international terrorist activities” in the first sentence;
- (d) In the first sentence of section 2.3, striking “Agencies within the” and inserting in lieu thereof “Elements of the”, inserting a comma after “retain”, striking “agency” and inserting in lieu thereof “Intelligence Community element”, and inserting “or by the head of a department containing such element” after “concerned”;
- (e) In section 2.3, inserting “, after consultation with the Director” preceding the period at the end of the first sentence;
- (f) In section 2.3, inserting a comma after “retention” in the second sentence;
- (g) In section 2.3(b), striking “FBI” and inserting in lieu thereof “Federal Bureau of Investigation (FBI)”;
- (h) In section 2.3(b), striking “agencies” and inserting in lieu thereof “elements” each time it appears;
- (i) In section 2.3(c), striking “narcotics” and inserting in lieu thereof “drug”;
- (j) In section 2.3(d), inserting a comma after “victims”;
- (k) In section 2.3(e), striking “sources or methods” and inserting in lieu thereof “sources, methods, and activities”;
- (l) In section 2.3(e), striking “agencies” and inserting in lieu thereof “elements” and striking “agency” and inserting in lieu thereof “element”;
- (m) In section 2.3(g), inserting a comma after “physical”;
- (n) In section 2.3(h), striking “and”;
- (o) In section 2.3(i), striking “federal” and inserting in lieu thereof “Federal” and inserting a comma after “local”;
- (p) In the last sentence of section 2.3, striking “agencies within” and inserting in lieu thereof “elements of”, striking “, other than information derived from signals intelligence,”, striking “agency” and inserting in lieu thereof “element” in both instances and inserting immediately before the period: “, except that information derived from signals intelligence may only be disseminated or made available to Intelligence Community elements in accordance with procedures established by the Director in coordination with the Secretary of Defense and approved by the Attorney General”;
- (q) In the first three sentences of section 2.4, striking “Agencies within” and inserting in lieu thereof “Elements of”; striking “Agencies” and inserting in lieu thereof “Elements of the Intelligence Community”; and striking “agency” and inserting in lieu thereof “Intelligence Community element concerned or the head of a department containing such element”;
- (r) In the second sentence of section 2.4, inserting “, after consultation with the Director” after “Attorney General”;
- (s) In section 2.4(a), striking “CIA” and inserting in lieu thereof “Central Intelligence Agency (CIA)”;
- (t) In section 2.4(b) and (c), striking “agencies” and inserting in lieu thereof “elements of the Intelligence Community”.
- (u) In section 2.4(b)(2), striking the period and inserting in lieu thereof a semicolon;
- (v) In section 2.4(c)(1), striking “agency” and inserting in lieu thereof “element”;
- (w) In section 2.4(c)(2), striking the period and inserting in lieu thereof “; and”;
- (x) In section 2.4(d) striking “than” and inserting in lieu thereof “that”;
- (y) In section 2.5, striking the final sentence and inserting in lieu thereof “The authority delegated pursuant to this paragraph, including the authority

to approve the use of electronic surveillance as defined in the Foreign Intelligence Surveillance Act of 1978, as amended, shall be exercised in accordance with that Act.”;

(z) In section 2.6, inserting “and other Civil” before “Authorities” in the caption and striking “Agencies within” and inserting in lieu thereof “Elements of”;

(aa) In section 2.6(a), inserting a comma after “property” and striking “agency” and inserting in lieu thereof “element”;

(bb) In section 2.6(c), striking “General Counsel” and inserting in lieu thereof “general counsel”, and striking “agency” and inserting in lieu thereof “element or department” in the second sentence;

(cc) In section 2.6(d), inserting “or other civil” before “authorities”;

(dd) In section 2.7, striking “Agencies within” and inserting in lieu thereof “Elements of”;

(ee) In section 2.9, striking “agencies within” and inserting in lieu thereof “elements of”, and striking “agency within” and inserting in lieu thereof “element of” the first time it appears and “Intelligence Community element” the second and third times it appears;

(ff) In section 2.9, striking “his” and inserting in lieu thereof “such person’s”;

(gg) In section 2.9, inserting “or the head of a department containing such element” before “and approved by the Attorney General”, and inserting “, after consultation with the Director” after “the Attorney General”;

(hh) In section 2.10, striking “agency within” and inserting in lieu thereof “element of”, and inserting a comma after “contract for”;

(ii) In section 2.12, striking “agency” and inserting in lieu thereof “element”; and

(jj) At the end of Part 2, inserting a new section 2.13 as follows: “2.13 Limitation on Covert Action. No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.”.

Sec. 4. Part 3 of Executive Order 12333, as amended, is further amended by:

(a) In section 3.1, striking “of Central Intelligence”; inserting “elements,” after “agencies,”; and striking “special” and inserting in lieu thereof “covert action”;

(b) Striking section 3.2 and inserting in lieu thereof: “3.2 *Implementation*. The President, supported by the NSC, and the Director shall issue such appropriate directives, procedures, and guidance as are necessary to implement this order. Heads of elements within the Intelligence Community shall issue appropriate procedures and supplementary directives consistent with this order. No procedures to implement Part 2 of this order shall be issued without the Attorney General’s approval, after consultation with the Director. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an element in the Intelligence Community (or the head of the department containing such element) other than the FBI. In instances where the element head or department head and the Attorney General are unable to reach agreements on other than constitutional or other legal grounds, the Attorney General, the head of department concerned, or the Director shall refer the matter to the NSC.”;

(c) Striking section 3.3 and inserting in lieu thereof: “3.3 *Procedures*. The activities herein authorized that require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order 12333. New procedures, as required by Executive Order 12333, as further amended, shall be established as expeditiously as possible. All new procedures promulgated pursuant to Executive Order 12333, as amended, shall be made available to the Select Committee on Intelligence

of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”;

(d) Inserting after section 3.3 the following new section: “ *3.4 References and Transition.* References to “Senior Officials of the Intelligence Community” or “SOICs” in executive orders or other Presidential guidance, shall be deemed references to the heads of elements in the Intelligence Community, unless the President otherwise directs; references in Intelligence Community or Intelligence Community element policies or guidance, shall be deemed to be references to the heads of elements of the Intelligence Community, unless the President or the Director otherwise directs.”;

(e) Striking “3.4 Definitions” and inserting in lieu thereof “3.5 Definitions”;

(f) Amending the definition of “ *Counterintelligence*” in section 3.5(a), as renumbered, by inserting “identify, deceive, exploit, disrupt, or” before “protect against espionage”, inserting “or their agents,” after “persons,”, inserting “organizations or activities” after terrorist, and striking “activities, but not including personnel, physical, document or communications security programs”;

(g) Striking section 3.5(b)-(h), as renumbered, and inserting in lieu thereof:

“(b) *Covert action* means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include:

(1) Activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of United States Government programs, or administrative activities;

(2) Traditional diplomatic or military activities or routine support to such activities;

(3) Traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

(4) Activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

(c) *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.

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

(e) *Foreign intelligence* means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.

(f) *Intelligence* includes foreign intelligence and counterintelligence.

(g) *Intelligence activities* means all activities that elements of the Intelligence Community are authorized to conduct pursuant to this order.

(h) *Intelligence Community* and *elements of the Intelligence Community* refers to:

(1) The Office of the Director of National Intelligence;

(2) The Central Intelligence Agency;

(3) The National Security Agency;

(4) The Defense Intelligence Agency;

(5) The National Geospatial-Intelligence Agency;

(6) The National Reconnaissance Office;

(7) The other offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

- (8) The intelligence and counterintelligence elements of the Army, the Navy, the Air Force, and the Marine Corps;
- (9) The intelligence elements of the Federal Bureau of Investigation;
- (10) The Office of National Security Intelligence of the Drug Enforcement Administration;
- (11) The Office of Intelligence and Counterintelligence of the Department of Energy;
- (12) The Bureau of Intelligence and Research of the Department of State;
- (13) The Office of Intelligence and Analysis of the Department of the Treasury;
- (14) The Office of Intelligence and Analysis of the Department of Homeland Security;
- (15) The intelligence and counterintelligence elements of the Coast Guard; and
- (16) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the Intelligence Community.

(i) *National Intelligence and Intelligence Related to National Security* means all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that pertains, as determined consistent with any guidance issued by the President, or that is determined for the purpose of access to information by the Director in accordance with section 1.3(a)(1) of this order, to pertain to more than one United States Government agency; and that involves threats to the United States, its people, property, or interests; the development, proliferation, or use of weapons of mass destruction; or any other matter bearing on United States national or homeland security.

(j) *The National Intelligence Program* means all programs, projects, and activities of the Intelligence Community, as well as any other programs of the Intelligence Community designated jointly by the Director and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces."

(h) Redesignating the definition of " *United States Person*" as section 3.5(k) and therein striking "agency" and inserting in lieu thereof "element";

(i) Striking section 3.5;

(j) In section 3.6, striking "Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is" and inserting in lieu thereof "Orders 13354 and 13355 of August 27, 2004, are", and inserting before the period "; and paragraphs 1.3(b)(9) and (10) of Part 1 supersede provisions within Executive Order 12958, as amended, to the extent such provisions in Executive Order 12958, as amended, are inconsistent with this Order"; and

(k) Inserting the following new section 3.7 to read as follows:

"3.7 *General Provisions.*

(a) Consistent with section 1.3(c) of this order, nothing in this order shall be construed to impair or otherwise affect:

(1) Authority granted by law to a department or agency, or the head thereof; or

(2) Functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any

right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies or entities, its officers, employees, or agents, or any other person.”

Sec. 5. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by any party at law or in equity against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
July 30, 2008

[FR Doc. E8-17940
Filed 8-1-08; 8:45 am]
Billing code 3195-01-P

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 28, 2009

EXECUTIVE ORDER

- - - - -

AMENDING EXECUTIVE ORDER 13462

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Executive Order 13462 of February 29, 2008, is amended as follows:

(a) by striking subsection (b) of section 2 and inserting in lieu thereof the following:

"(b) "intelligence activities" has the meaning specified in section 3.5 of Executive Order 12333 of December 4, 1981, as amended; and"

(b) by striking subsection (b) of section 3 and inserting in lieu thereof the following:

"(b) The PIAB shall consist of not more than 16 members appointed by the President from among individuals who are not full-time employees of the Federal Government."

(c) by striking subsection (c) of section 3 and inserting in lieu thereof the following:

"(c) The President shall designate a Chair or Co-Chairs from among the members of the PIAB, who shall convene and preside at meetings of the PIAB, determine its agenda, and direct its work."

(d) by inserting after subsection (b) of section 6 the following new subsection:

"(c) forward to the Attorney General information concerning intelligence activities that involve possible violations of Federal criminal laws or otherwise implicate the authority of the Attorney General;"; and renumbering the subsequent subsections of section 6 accordingly.

(e) by striking subsection (a) of section 8 and inserting in lieu thereof:

"To the extent permitted by law, the DNI and the heads of departments concerned shall provide such information and assistance as the PIAB and the IOB determine is needed to perform their functions under this order."

more

(OVER)

(f) by substituting "section 1.6(c) of Executive Order 12333, as amended" for "section 1.7(d) of Executive Order 12333" each time it appears in the order.

(g) by striking subsection (b) of section 11 and inserting in lieu thereof:

"(b) Any person who is a member of the PIAB or the IOB, or who is granted access to classified national security information in relation to the activities of the PIAB or the IOB, as a condition of access to such information, shall sign and comply with appropriate agreements to protect such information from unauthorized disclosure. This order shall be implemented in a manner consistent with Executive Order 12958 of April 17, 1995, as amended, and Executive Order 12968 of August 2, 1995, as amended."

Sec. 2. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
October 28, 2009.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

July 31, 2008

MEMORANDUM FOR: President's Intelligence Advisory Board,
Intelligence Oversight Board

SUBJECT: Review of Intelligence Oversight Board Reporting For
Second Quarter, Calendar Year 2007

1. (U//FOUO) Pursuant to its authority under Executive Order (E.O.) 13462, the President's Intelligence Advisory Board's (PIAB) Intelligence Oversight Board (IOB) has requested that the Office of the Director of National Intelligence (ODNI) review and analyze for trends the Intelligence Community (IC) IOB quarterly reports. Following are the results of the ODNI staff's review for the second quarter CY 2007.¹
2. (U//FOUO) Reporting Guidance. On April 17, 2007, the Assistant to the President for National Security Affairs (APNSA) issued a memorandum which set forth revised requirements for reporting to the IOB. On June 14, 2007, the DNI and IOB Chair issued a joint memo to the IC Inspectors General (IGs) and General Counsels (GCs) emphasizing the procedural and reporting criteria reflected in the April 17 APNSA memorandum and its immediate application to all responsible offices having IOB reporting obligations.²
3. (U) IOB Activities. During this reporting period, the IOB requested comments to its recommended revision of E.O. 12863. The IC submitted comments through the Office of Management and Budget, and the ODNI continued to work with the IOB on E.O. 13462 until its promulgation on February 29, 2008.
4. (U//FOUO) ODNI Activities. During this period, ODNI staff assessed all reporting offices in an effort to ensure compliance with reporting standards and format. This reporting period is the first reporting period since the DNI commenced day-to-day management of IC Intelligence Oversight for which the ODNI received at least one report from every IC element. The ODNI will continue its outreach to IC reporting offices to discuss the revised IOB reporting process.

¹ During the drafting of this quarterly review, E.O. 12863 was in effect. In February 2008, the President signed E.O. 13462, which, among other things, renamed the PFIAB to the PIAB, incorporates recognition of the DNI and its enhanced role in executive branch intelligence oversight, and supersedes E.O. 12863.

² Although the President's issuance of E.O. 13462 was subsequent to the issuance of the APNSA memo in April, 2007, reporting requirements under E.O. 12863 remained in place until the issuance of joint IOB and DNI criteria for reporting thresholds, scheduling, and formatting on July 17, 2008.

~~CLASSIFIED BY: [REDACTED]
CLASSIFICATION REASON: 1.4 (C), (G)
DECLASSIFYING OFFICER: MR
DATE: [REDACTED]~~
DRY FROM: COL T-06

5. (U) Second Quarter Agency Analyses. The ODNI staff has reviewed second quarter 2007 reports from all agencies. The ODNI analysis follows:

a) (U//FOUO)

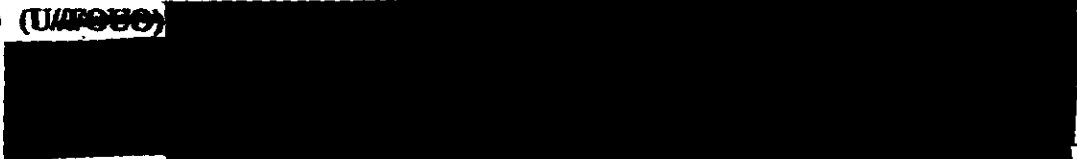


b5

b) (U//FOUO)-ODNI: The ODNI GC and IG both submitted reports to the IOB. Neither the GC nor the IG had any matters to report.

c) (U//FOUO) Department of Treasury: The Treasury GC and IG submitted a combined report. Neither office had any matters to report

d) (U//FOUO)



e) (U//FOUO)

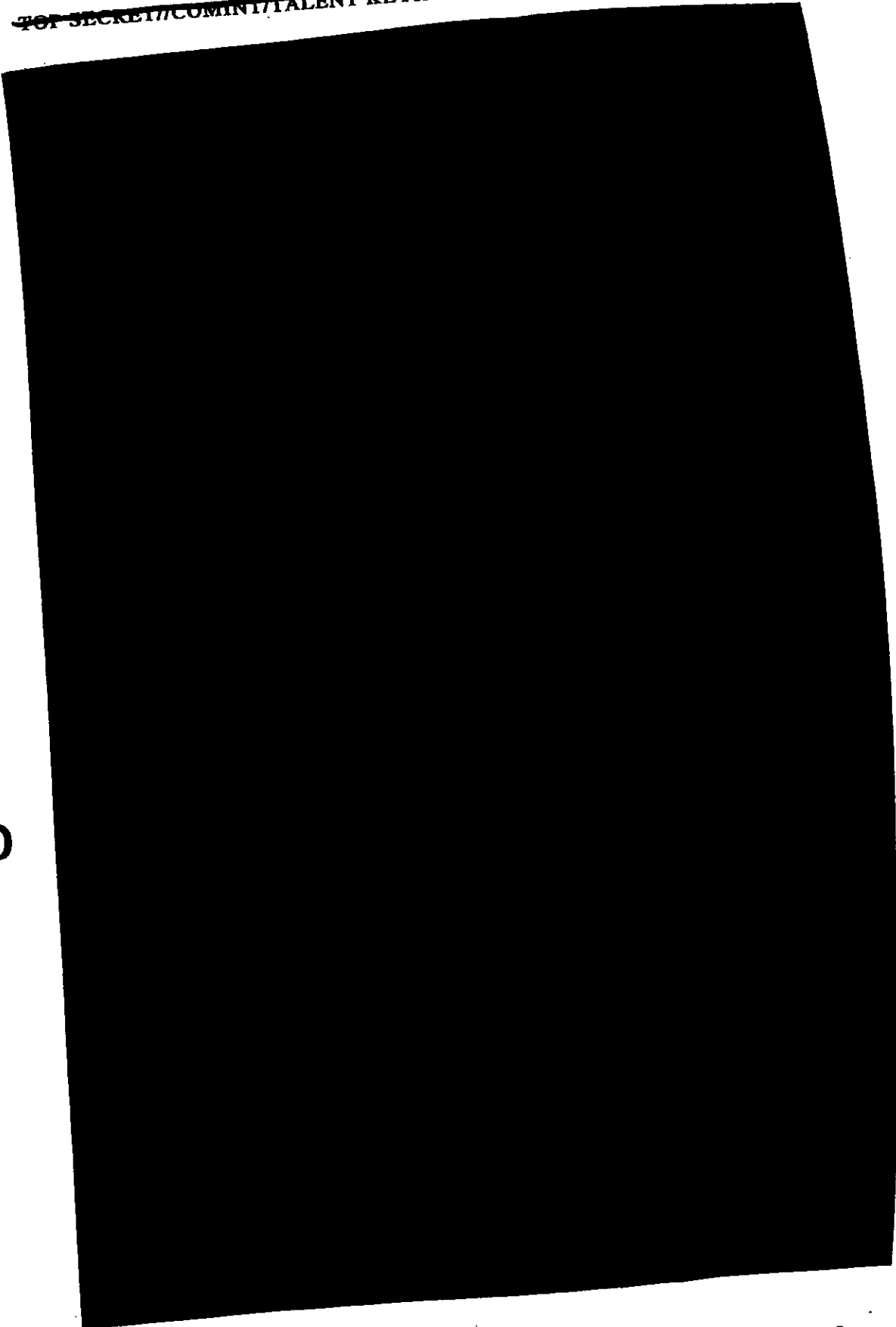


b1

1) (S//NF//SI//NF)

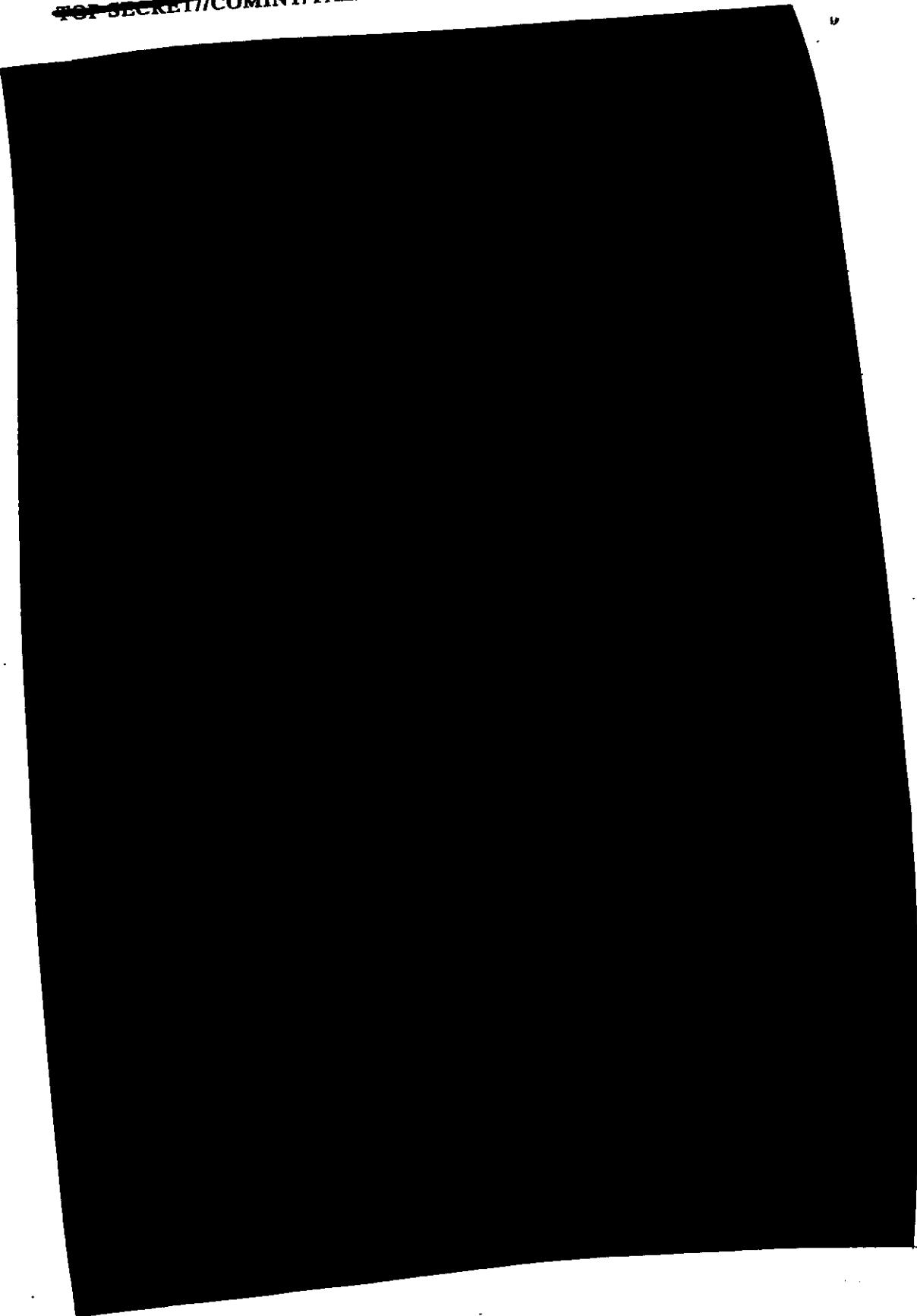


b5

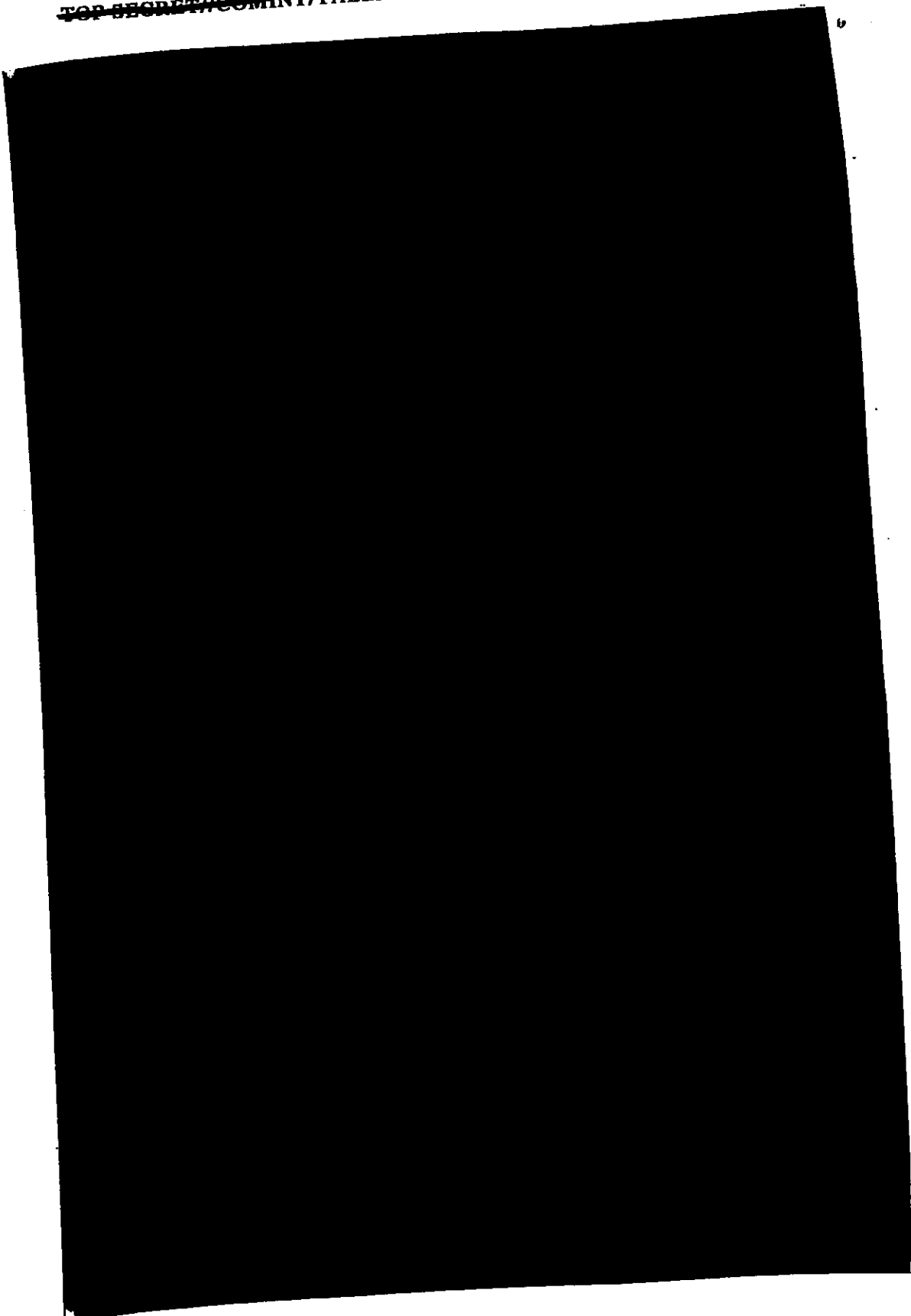


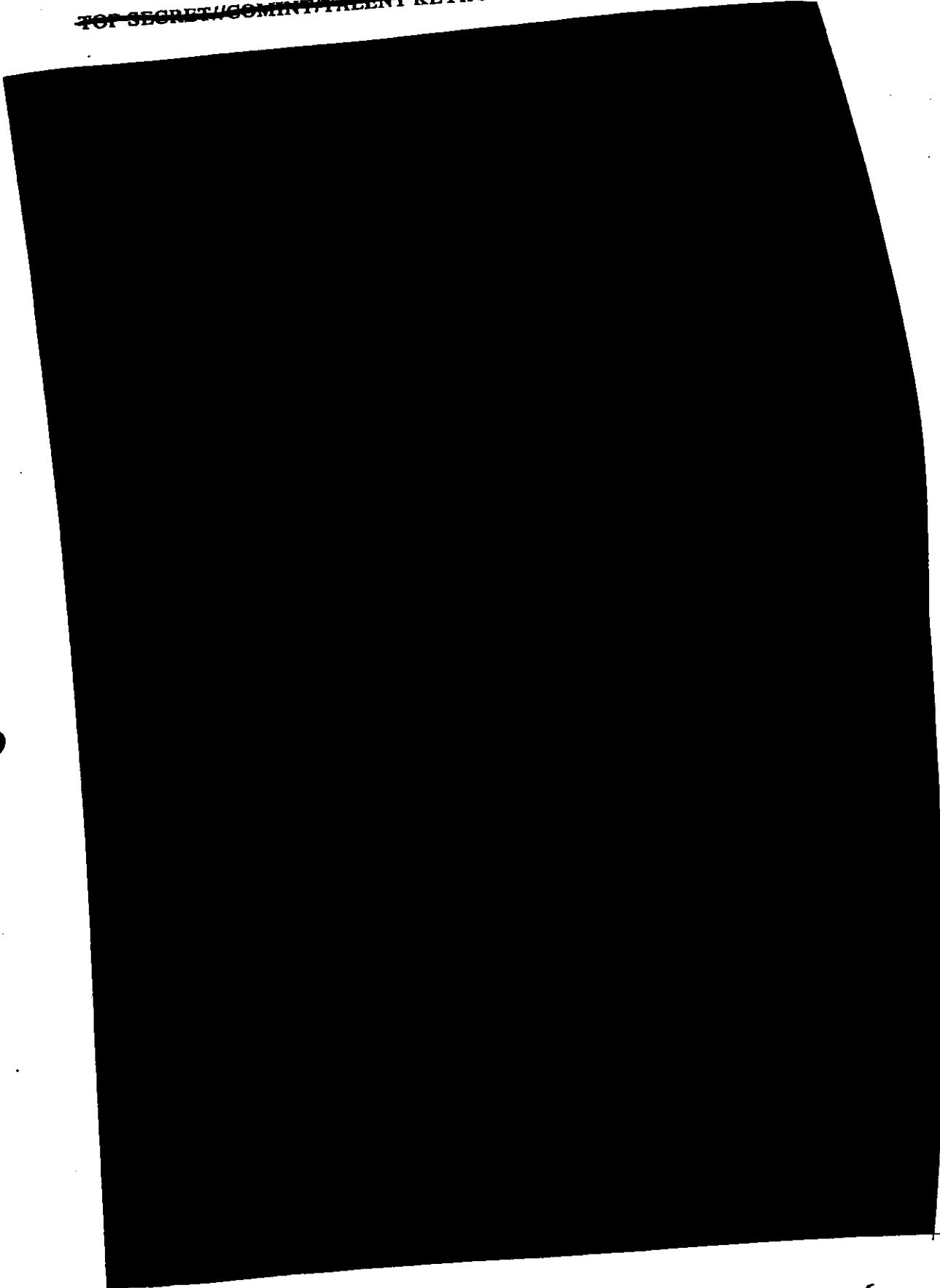
65 61
19 59

19
65



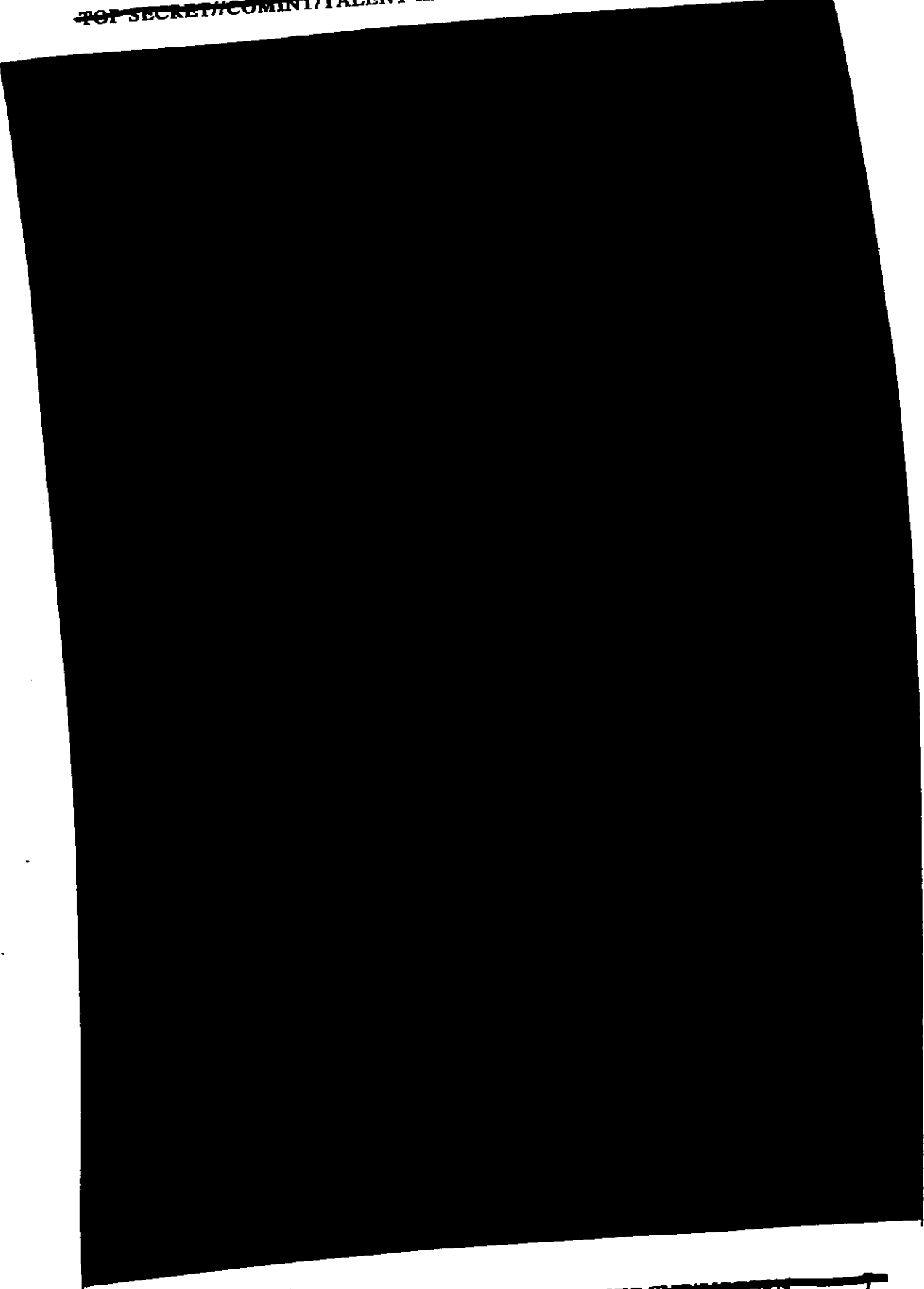
b1
b5





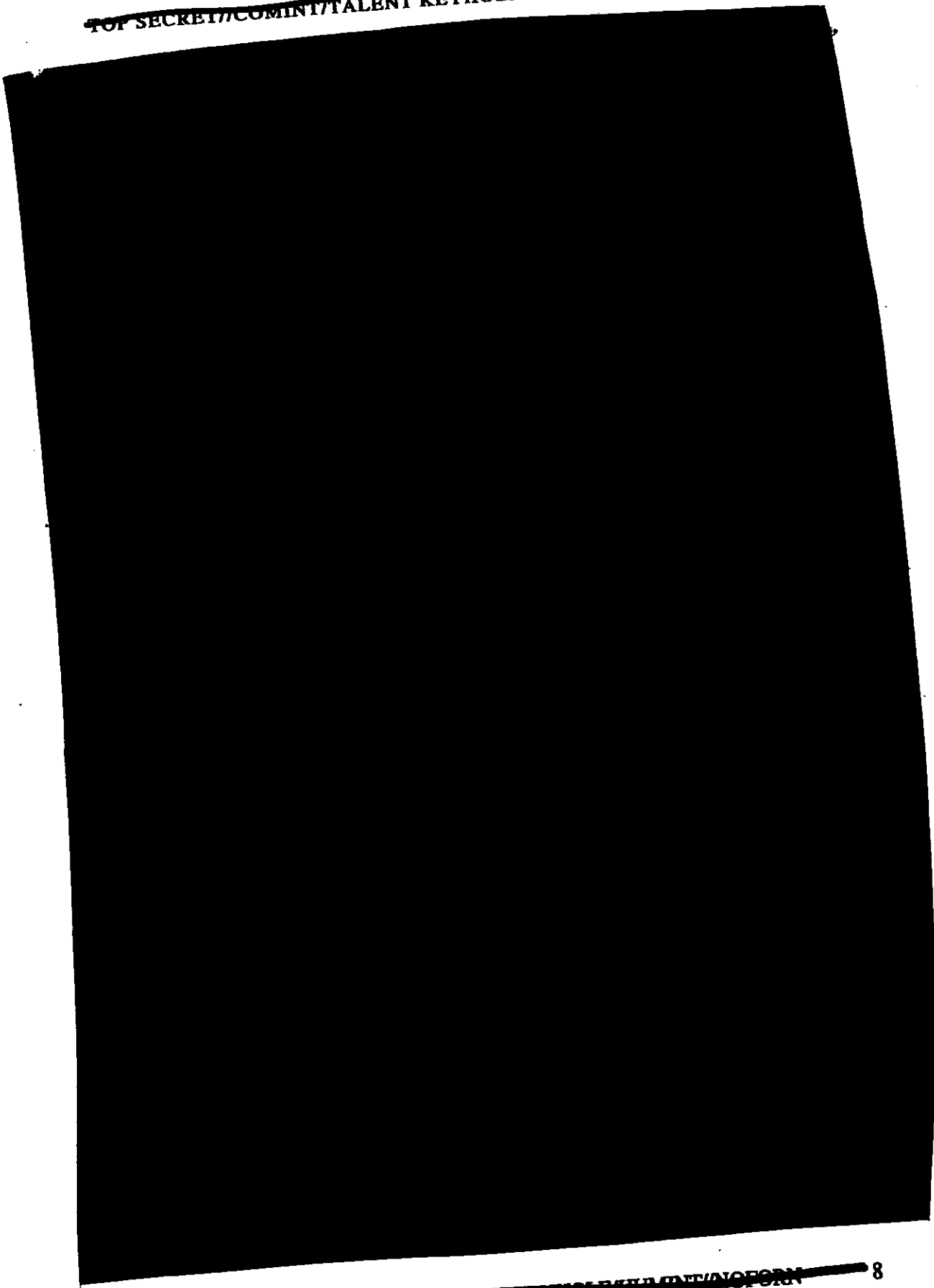
b1
b3

~~TOP SECRET//COMINT//TALENT KEYHOLE//HUMINT//NOFORN~~



b1
b5

~~TOP SECRET//COMINT//TALENT KEYHOLE//HUMINT//NOFORN~~

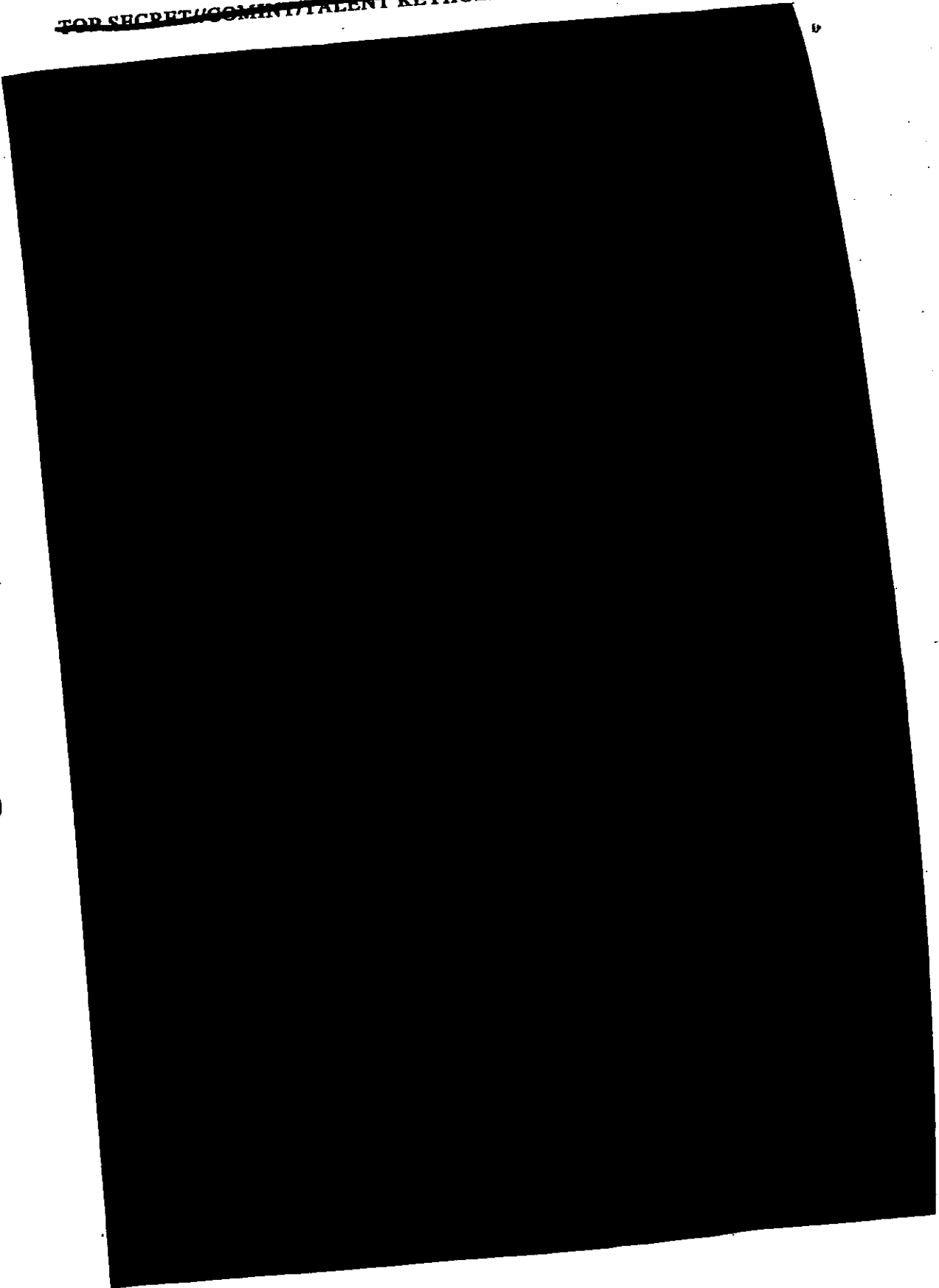


55

bs

bl

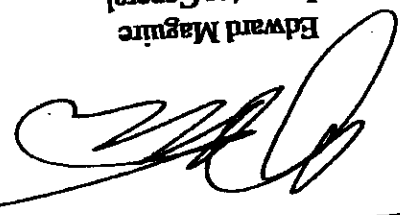




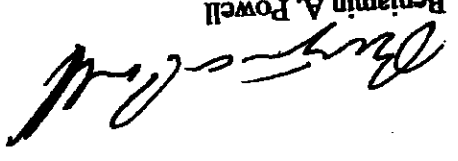
65
61

cc: J.M. McConnell, Director of National Intelligence

Edward Maguire
Inspector General



Benjamin A. Powell
General Counsel



7. (U//FOUO) Please contact [redacted] or [redacted] if you have any questions regarding this report.

b2
b6



b5
b1

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

April 15, 2009

MEMORANDUM FOR: President's Intelligence Advisory Board, Intelligence Oversight Board

SUBJECT: Review of Intelligence Community Reporting to the Intelligence Oversight Board for the Second Quarter, Calendar Year 2008

1. (U) Reporting Authority. Reports were submitted to the Intelligence Oversight Board (IOB) during this reporting period (March – June 2008) pursuant to Executive Order (E.O.) 13462, signed by the President on 29 February 2008. This EO superseded EO 12863.

2. (U) IOB and ODNI Staff Activities. During this period, the IOB and ODNI staffs met on a regular basis in preparation for IOB meetings. In addition, pursuant to §§6(a) and 7(a) of E.O. 13462, the staffs completed drafting the criteria on thresholds for reporting matters to the IOB, and established the schedule and format (content) of the reports.

(U) Upon the signing of E.O. 13462, Heads of Departments concerned were directed to designate the offices within their respective organizations responsible for reporting to the IOB and to inform the IOB and DNI of their designations. During this quarter, the ODNI staff expended substantial time seeking the names of the offices and points of contact responsible for submitting reports to the IOB from the Departments and the Central Intelligence Agency.

[REDACTED]

3. (U) [REDACTED]

b5

¹ As of October 2008, all designations were received.

² Quarterly reports are due from the IC to the IOB and the DNI 30 days following the close of each quarter. Reports received following a quarter may include matters that occurred during that quarter, as well as

~~CL BY: [REDACTED]
CL REASON: 1.4(C), (G)
DECL: MR
DRV FROM: COL S-06,
HCS 1-4~~

Department of Energy, and Department of Treasury.

b5

4. (U) [Redacted]

5. (U//~~FOUO~~) **Analysis of Second Quarter 2008 Reports.** Pursuant to section 7(c) of E.O. 13462, the Office of the Director of National Intelligence (ODNI) reviewed and analyzed the Intelligence Community's (IC) second quarter CY 2008 reports submitted to the IOB. All of these reports were also submitted to the IOB through its legal counsel. Accordingly, this report does not summarize the contents of those reports. Rather, this report offers the ODNI's analysis of the reports, highlighting content of the reports only when necessary to the analysis or when additional facts were obtain that were not included in the original report.

b1

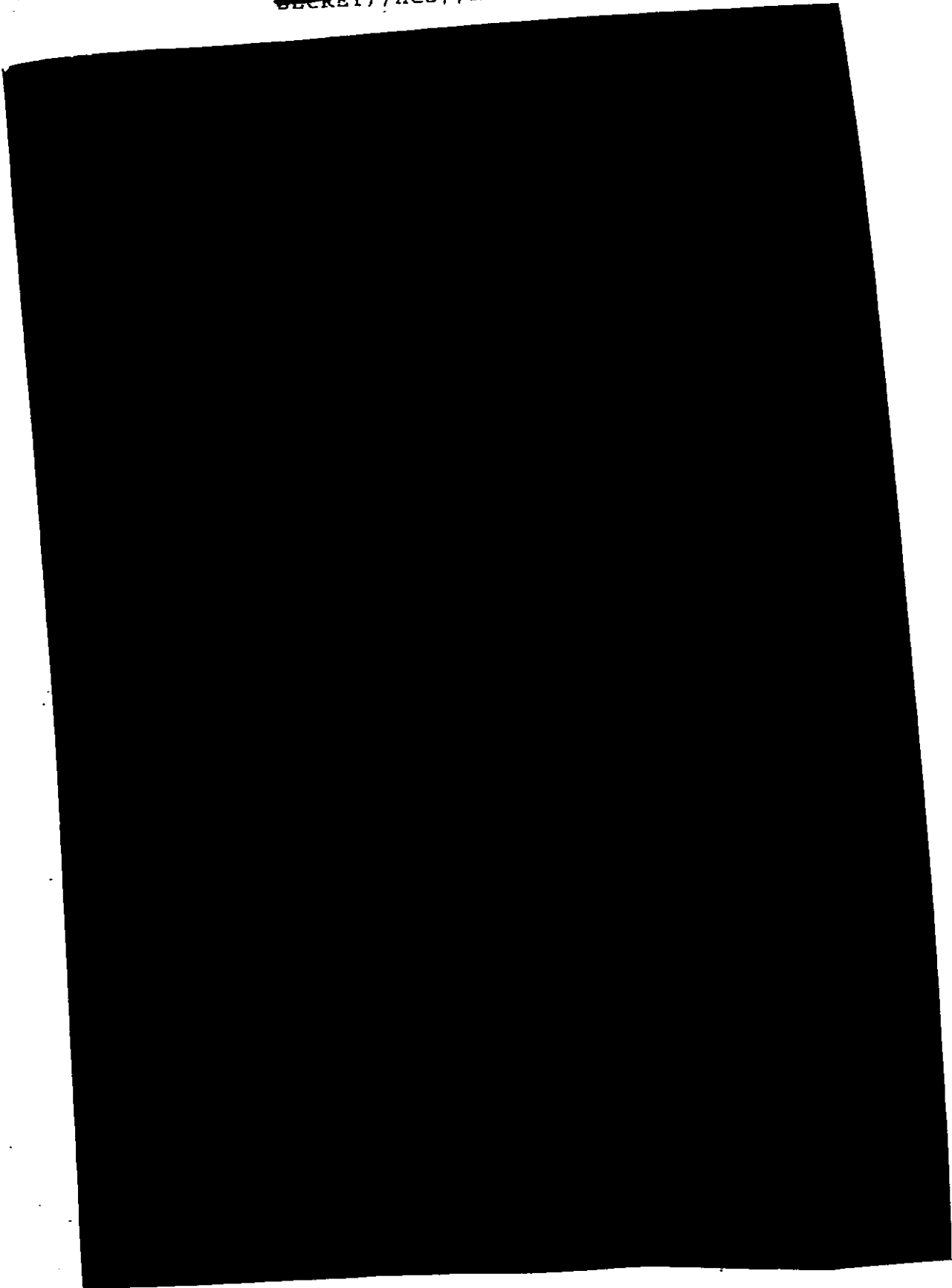
a) (U//~~FOUO~~) [Redacted]

matters that came to the organization's attention during that quarter, but occurred at some earlier time. Untimely reports will be assessed in the quarter they are received.

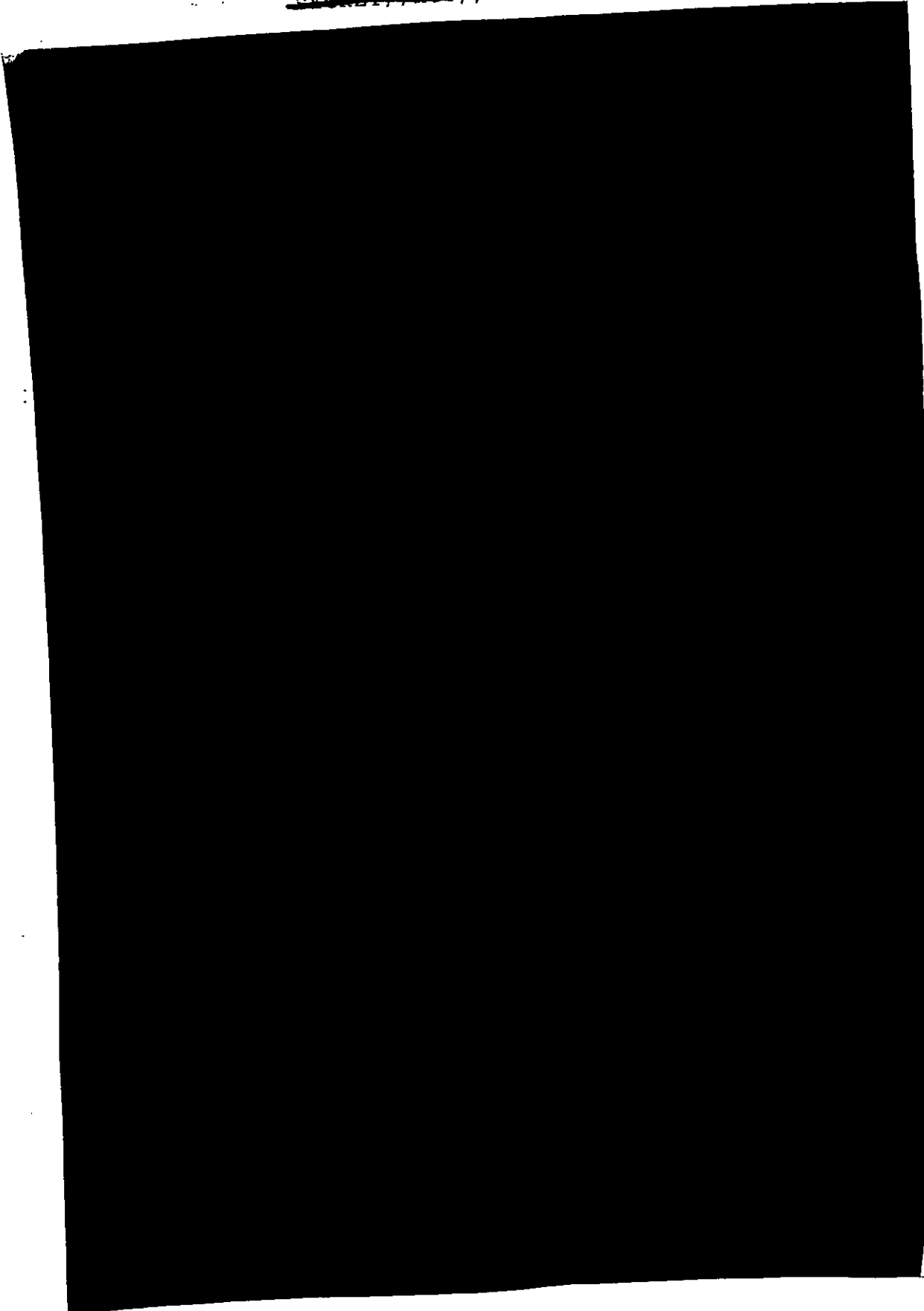
³ While the IC elements listed did not timely provide their quarterly reports to the IOB and the DNI (30 days following the close of the quarter), in most cases, the reports were eventually provided and will be analyzed by the ODNI in its future quarterly reports to the IOB.

b1

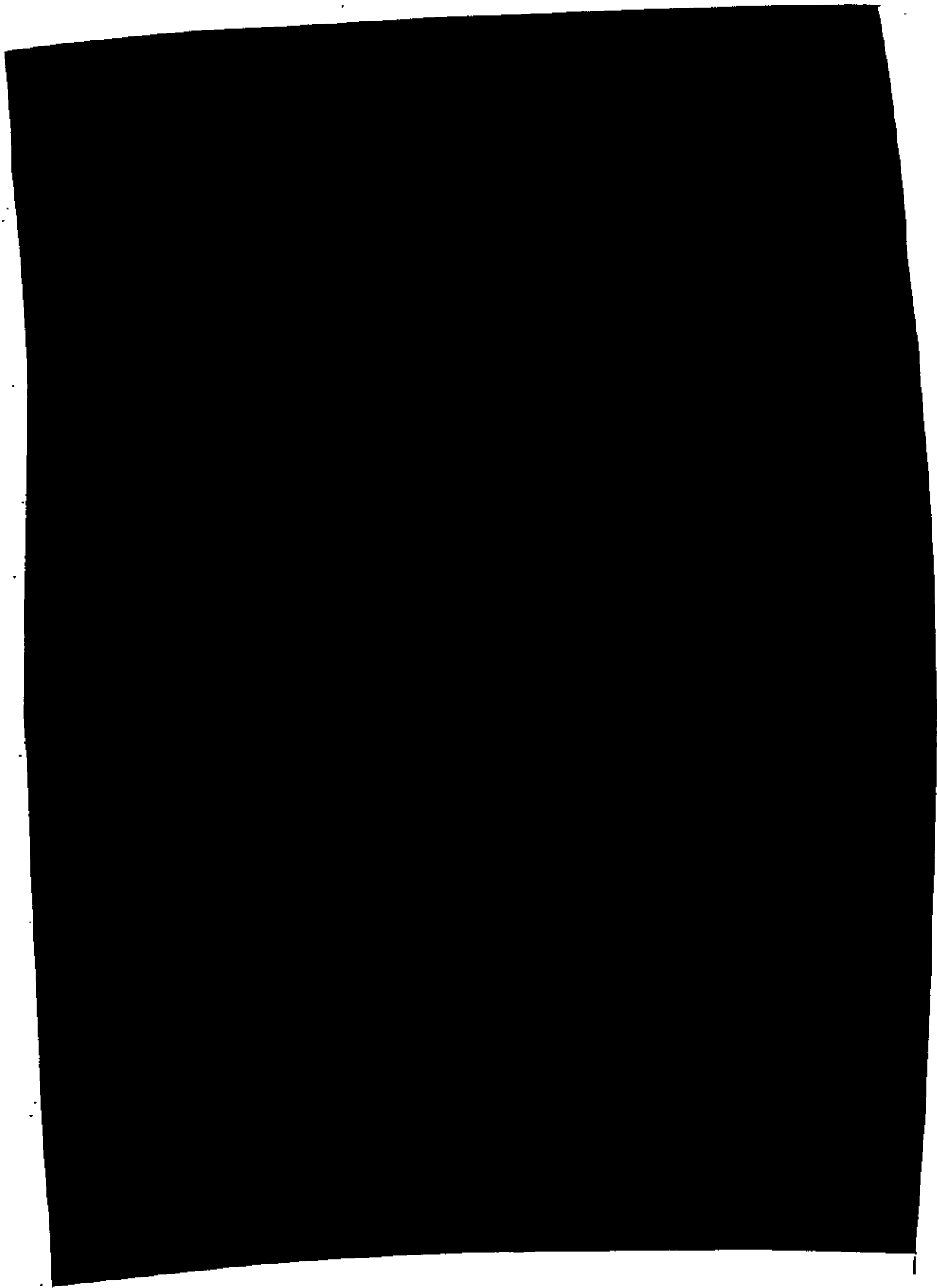
[Redacted]



b1
b5



b1
b5



65

~~SECRET~~

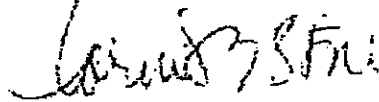
d. U.S. Office of the Director of National Intelligence: During this quarter, the ODNI reported three matters to the IOB. Due to the small number of reports currently reported to the IOB out of the ODNI, no clear trend or pattern has emerged. Two of the three matters reported this quarter originated out of the National Counterterrorism Center.

6. If ~~XXXXXX~~ Please contact the ODNI IOB Team at ~~XXXXXX~~ if you have any questions regarding this report.

b2



Scott Dahl
Acting Inspector General



Corin Stone
Acting General Counsel

~~SECRET~~

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
MEMORANDUM FOR THE PRESIDENT

August 12, 2009

MEMORANDUM FOR: President's Intelligence Advisory Board, Intelligence Oversight Board

SUBJECT: Review of Intelligence Community Reporting to the Intelligence Oversight Board for the Third Quarter, Calendar Year (CY) 2008

1. (U) Reporting Authority. Intelligence Community (IC) elements' reports were submitted to the Intelligence Oversight Board (IOB) during the third quarter of 2008 (July 1, 2008 - September 30, 2008) pursuant to Executive Order (EO) 13462.

2. (U) IOB and ODNI Activities. During this period, the IOB and Office of the Director of National Intelligence (ODNI) staffs met on a regular basis in preparation for IOB meetings. In addition, pursuant to §§ 6(a) and 7(a)(ii) of EO 13462, the IOB Chair and the DNI jointly issued a memorandum setting forth the criteria on thresholds for reporting matters to the IOB. The memorandum also provided guidance to the IC on the expected contents of the reports. The memorandum was issued to heads of departments containing IC elements and to the Director of CIA. The IOB and ODNI staffs began preparing for and conducting outreach to executive branch intelligence oversight offices on the newly released criteria. The outreach began with the DoD IC elements and included combat support agencies and the services. The goals of the outreach were to familiarize personnel with the new reporting criteria, answer questions about the reporting criteria, establish expectations, and provide networking opportunities for intelligence oversight professionals.

3. (U)



b5

(U) Quarterly reports are due from the IC to the IOB and the DNI 30 days following the close of each quarter. For this quarter, the reports were due 30 October 2008. Reports received after the deadline will be included in the ODNI report for the quarter in which they are received. Reports may include matters that occurred during the quarter and matters which came to the organization's attention during the reporting quarter.

~~Classified By: [redacted]
Reason: 1.4(c)
Declassify on: 20340616
Derived From: Multiple Sources~~

b2

4. (U)



b5

5. (U//~~FOUO~~) **Analysis of Reports Received During the Third Quarter 2008.**
Pursuant to § 7(c) of E.O. 13462, the ODNI staff reviewed and analyzed the IC's third quarter CY 2008 IOB reports submitted by the agencies. All of these reports were submitted to the IOB through its legal counsel. This report does not summarize the contents of those reports. Rather, this report offers the ODNI's analysis of the reports, highlighting content of the reports only when necessary to the analysis or when additional facts were obtained as part of follow-up activities.

(U//~~FOUO~~) Section 7(h)(ii) of E.O. 13462 requires the DNI to provide information to the Attorney General regarding intelligence activities that involve possible violations of Federal criminal law or implicate the authority of the Attorney General, if not already provided by the department concerned. The reporting this quarter did not suggest the need for the DNI to make any such referral. We will continue to monitor this E.O. requirement as we review the quarterly IOB reports submitted by the IC.

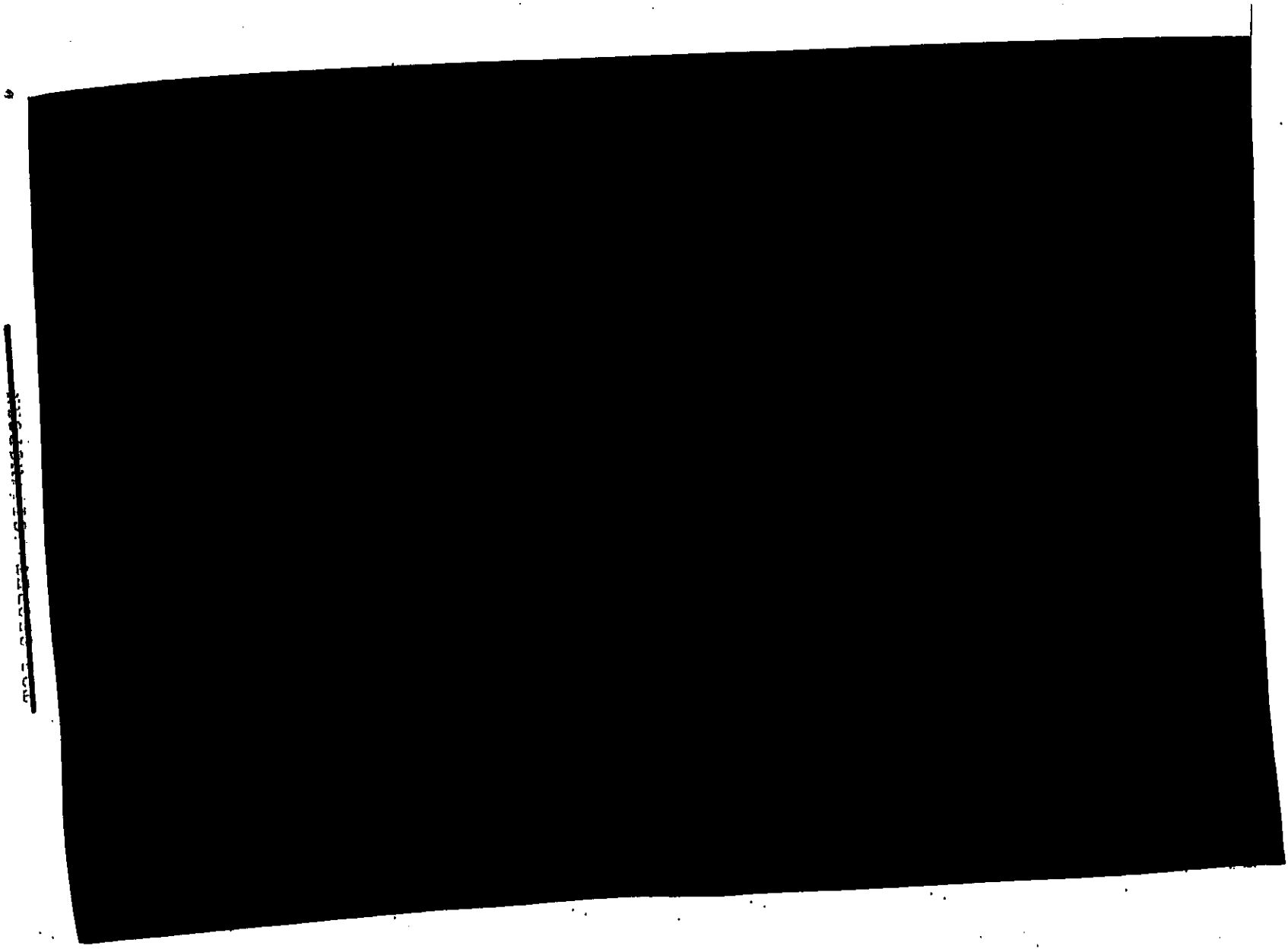
a) (U//~~FOUO~~)



b1

b5

(1) See footnote 1, above.

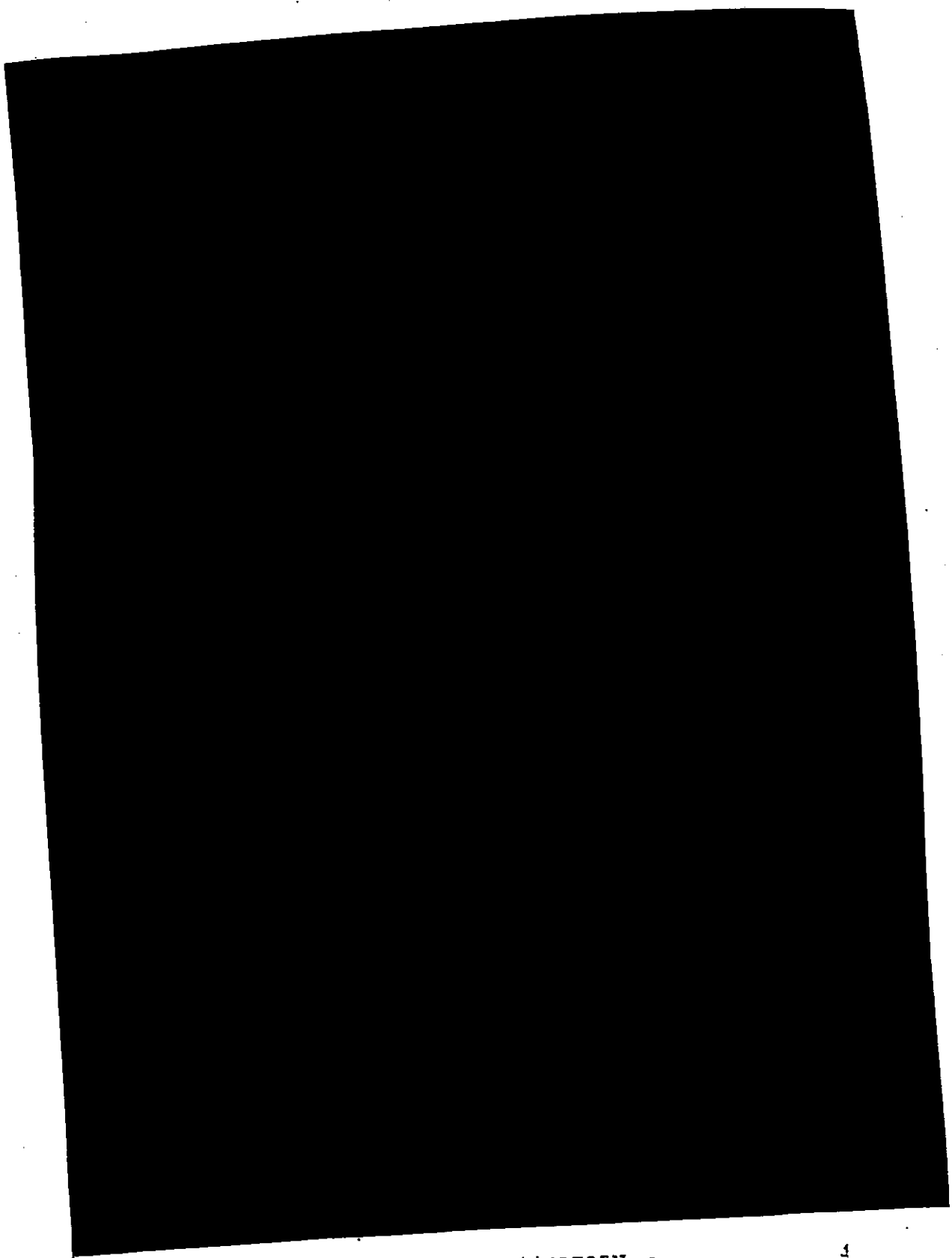


~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

61 59

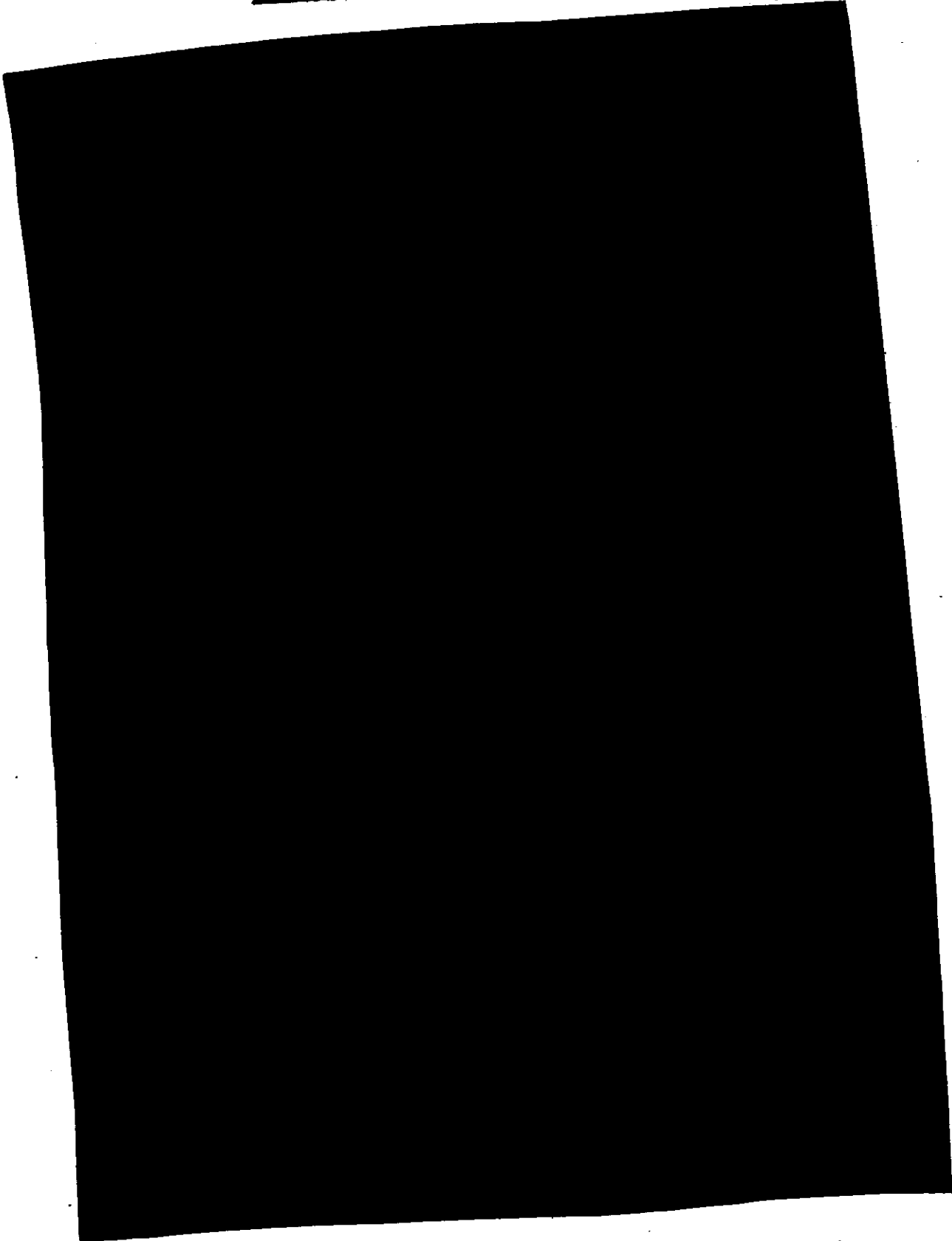
~~TOP SECRET//SI//NF~~



61

65

~~TOP SECRET//SI//NF~~

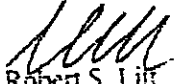


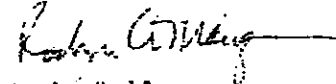
61
65



6. ~~CONFIDENTIAL~~ Please contact the ODNI-IOB Team at ~~██████████~~ if you have any questions regarding this report.

62


Robert S. Liff
General Counsel


Roslyn A. Mazer
Inspector General

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

February 10, 2009

MEMORANDUM FOR: President's Intelligence Advisory Board, Intelligence Oversight Board

SUBJECT: Review of Intelligence Community Reporting to the Intelligence Oversight Board for the First Quarter, Calendar Year 2008

1. ~~(U//FOUO)~~ Reporting Authority. Reports were submitted to the Intelligence Oversight Board (IOB) during this reporting period (January - March 2008) pursuant to Executive Orders (E.O.) 12863 and 13462, as well as the April 17, 2007 memo issued by the Assistant to the President for National Security Affairs (APNSA).

2. ~~(U//FOUO)~~ IOB and ODNI Staff Activities. During this quarter, the revision of E.O. 12863 was concluded. The President issued the revision on February 29, 2008 as E.O. 13462. The IOB and ODNI staffs continued meeting on a regular basis in preparation for IOB meeting presentations. In addition, as required by E.O. 13462 §6a, the staffs began drafting criteria on threshold for reporting matters to the IOB for promulgation to the reporting community.

~~(U//FOUO)~~


b1

b5

3. (U)



¹ Quarterly reports are due from the IC to the IOB and the DNI 30 days following the close of each quarter. Reports received following a quarter may include matters that occurred during that quarter, as well as matters that came to the organization's attention during that quarter, but occurred at some earlier time.

~~CLASSIFIED BY: [redacted]
CLASSIFICATION REASON: 1.4(C), (G)
DECLASSIFY ON: 20340187
DERIVED FROM: ODNI COL S-08~~


b2

4. (U)



b3

5. (U//FOUO) Analysis of First Quarter 2008 Reports. Pursuant to section 7(c) of E.O. 13462, the Office of the Director of National Intelligence (ODNI) reviewed and analyzed the Intelligence Community's (IC) first quarter CY 2008 reports submitted to the IOB. All of these reports were received by the IOB through the IOB's legal counsel. This report does not summarize the contents of the reports received. Rather, this report provides the ODNI's analysis of the reports, highlighting content of the reports only when necessary to the analysis.

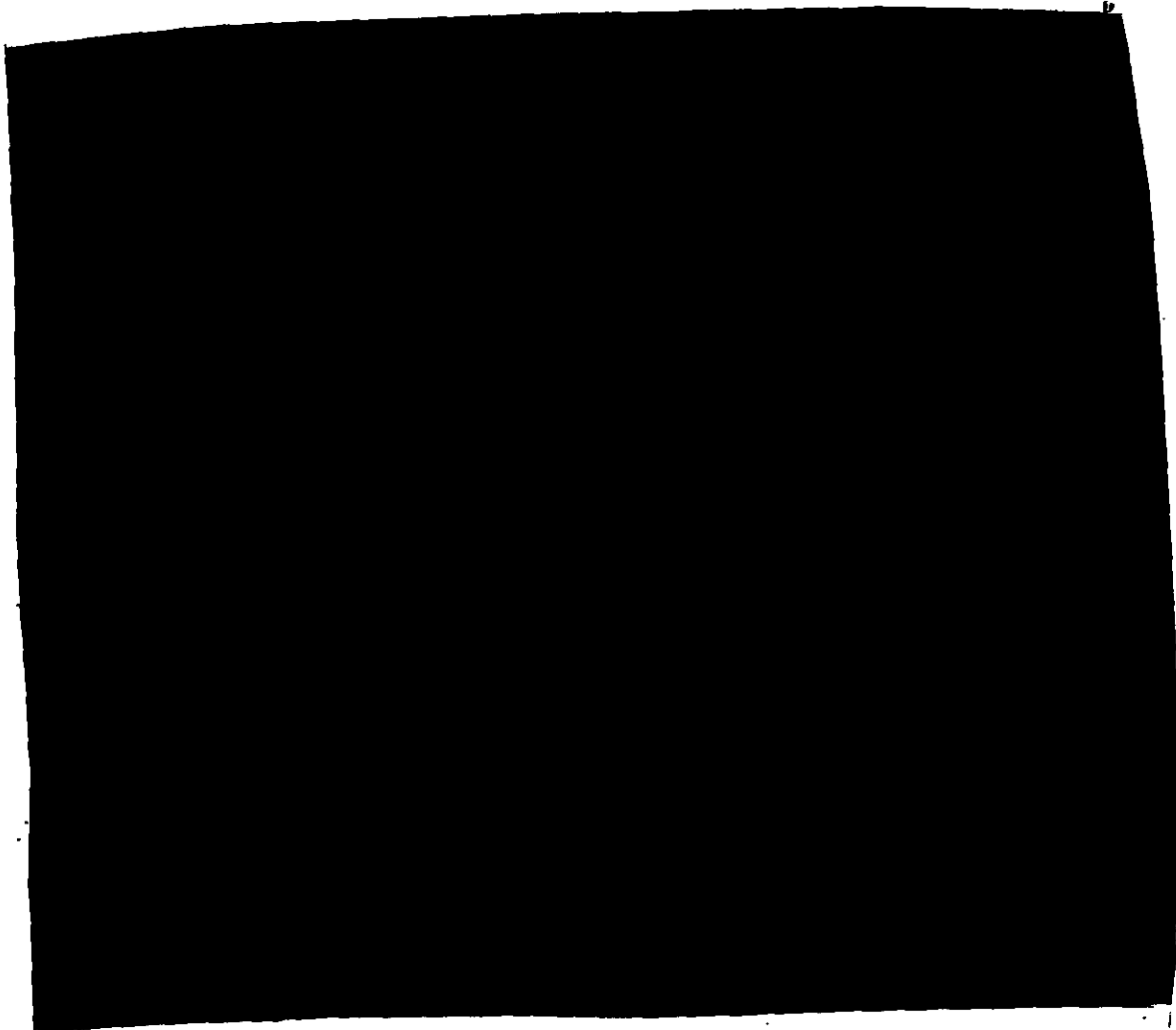


a) (S)



b1

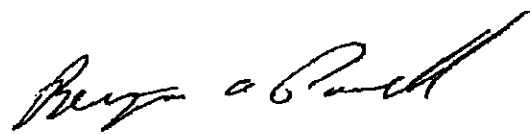
b5



6. (~~U//FOUO~~) Please contact the ODNI-IOB-Team at [redacted] if you have any questions regarding this report.

b2


Ned Maguire
Inspector General


Benjamin A. Powell
General Counsel

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

August 8, 2008

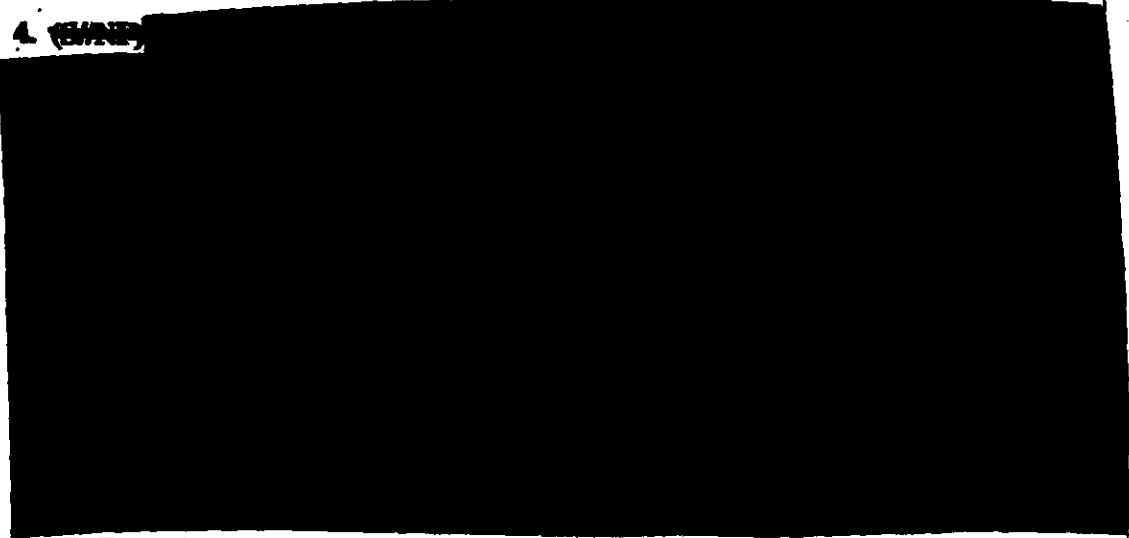
MEMORANDUM FOR: President's Intelligence Advisory Board,
Intelligence Oversight Board

SUBJECT: Review of Intelligence Oversight Board Reporting For
Fourth Quarter, Calendar Year 2007

1. ~~(U//FOUO)~~ Pursuant to section 7(c) of Executive Order (E.O.) 13462 the Office of the Director of National Intelligence (ODNI) has reviewed and analyzed the Intelligence Community (IC) Intelligence Oversight Board (IOB) quarterly reports for the fourth quarter of CY 2007. Following are the results of that review.

2. ~~(U//FOUO)~~ IOB Reporting Guidelines. Reports were submitted to the IOB during this reporting period pursuant to E.O. 12863¹ and the April 17, 2007 memo issued by the Assistant to the President for National Security Affairs (APNSA).

3. ~~(U//FOUO)~~ IOB Activities. The IOB coordinated requests for comment for revision of E.O. 12863 with the ODNI, IC, and the executive branch. The IOB and ODNI staffs continue to meet regularly, giving them greater opportunity to coordinate IOB presentations and discussions in furtherance of improving intelligence oversight reporting in the IC.

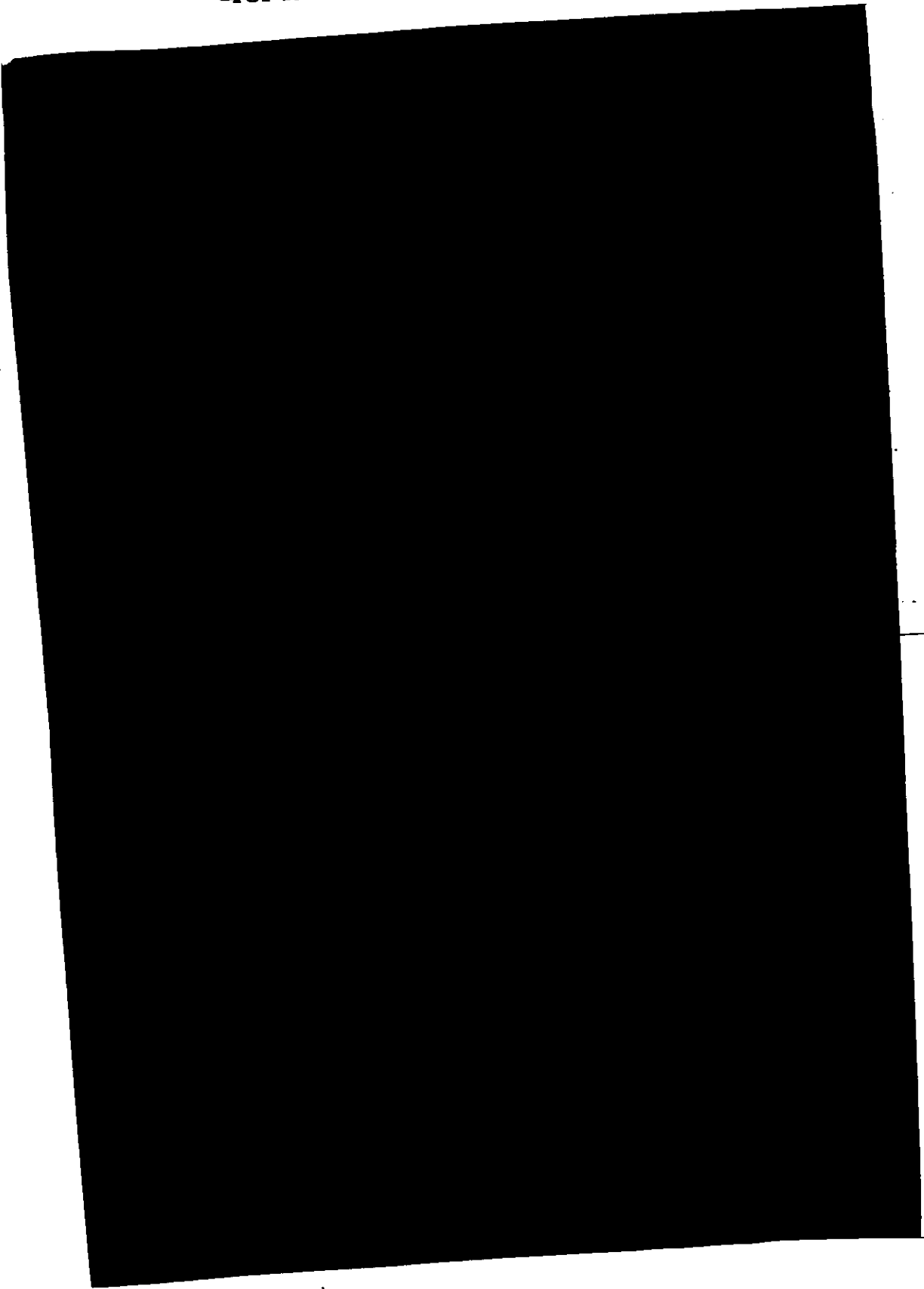
4. ~~(S//NF)~~ 

b1
b5

¹ During this reporting period, E.O. 12863 was in effect. On February 29, 2008, the President signed E.O. 13462, which, among other things, renamed the PFIAB to the PIAB and recognized the existence of the DNI and his statutory role in the executive branch intelligence oversight.

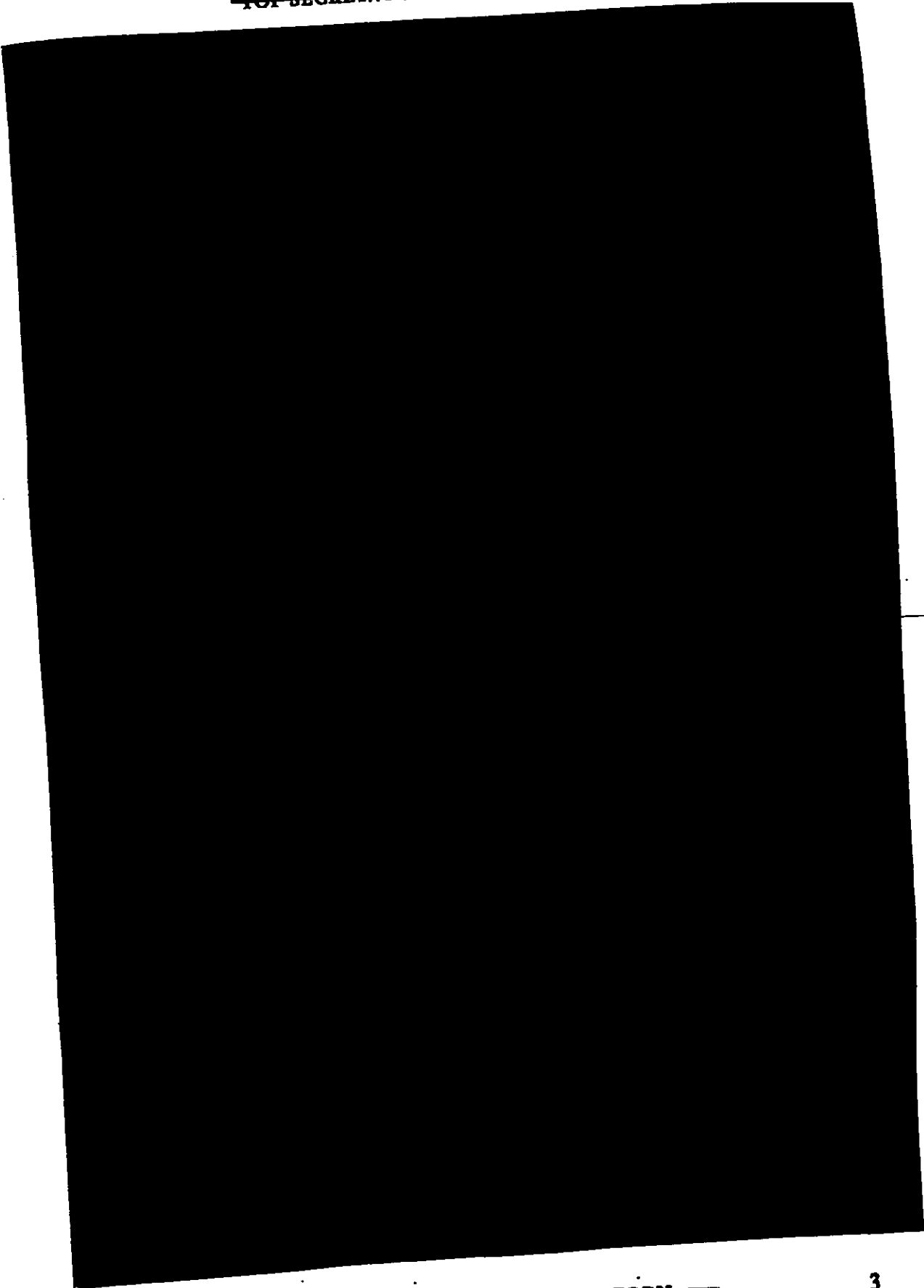
~~CLASSIFIED BY:
CLASSIFICATION REASON: 1.4(G), (G)
DECLASSIFY ON: MF
DERIVED FROM: COL S-06~~

b2



b1

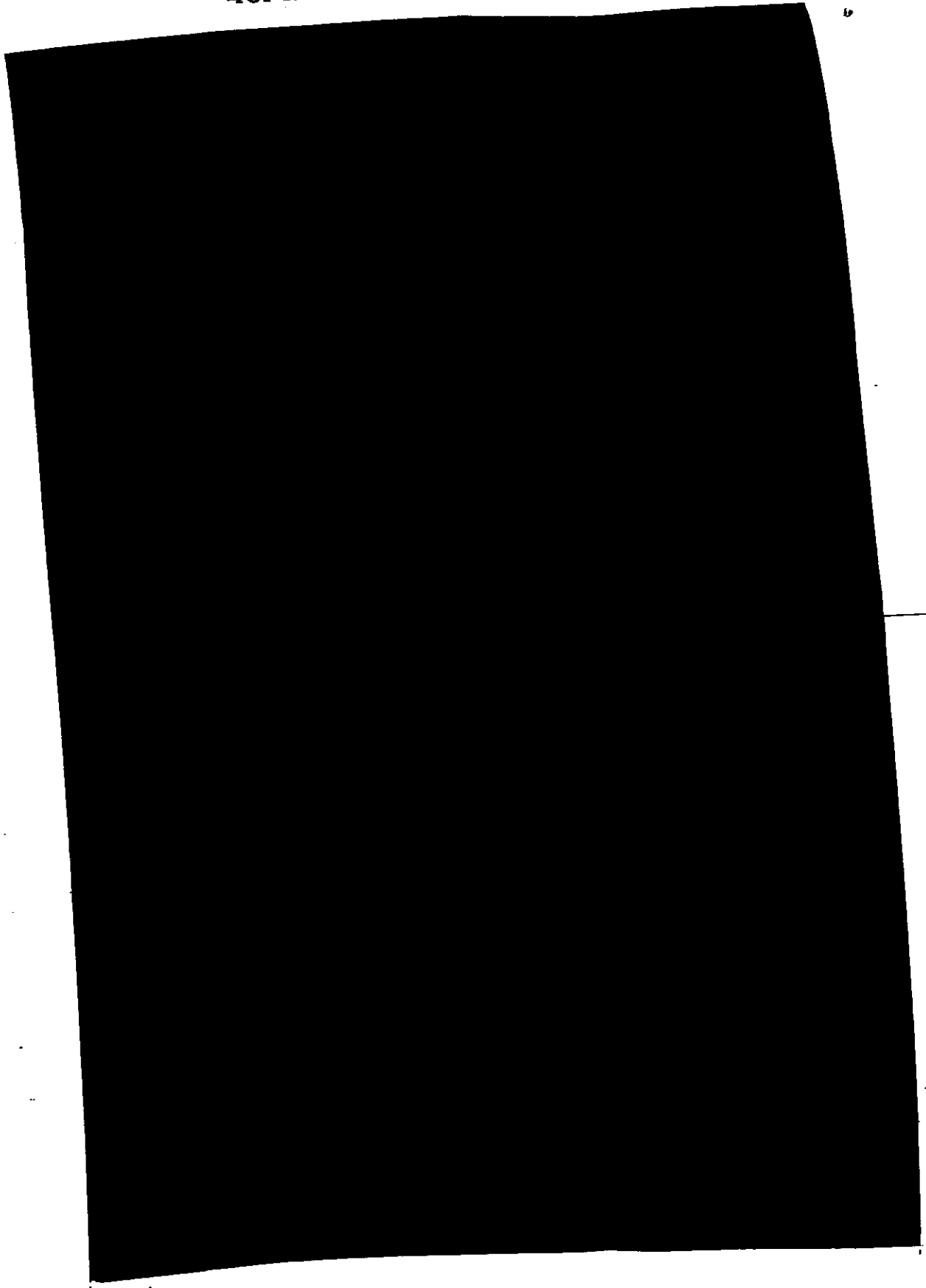
b5



b1
b5

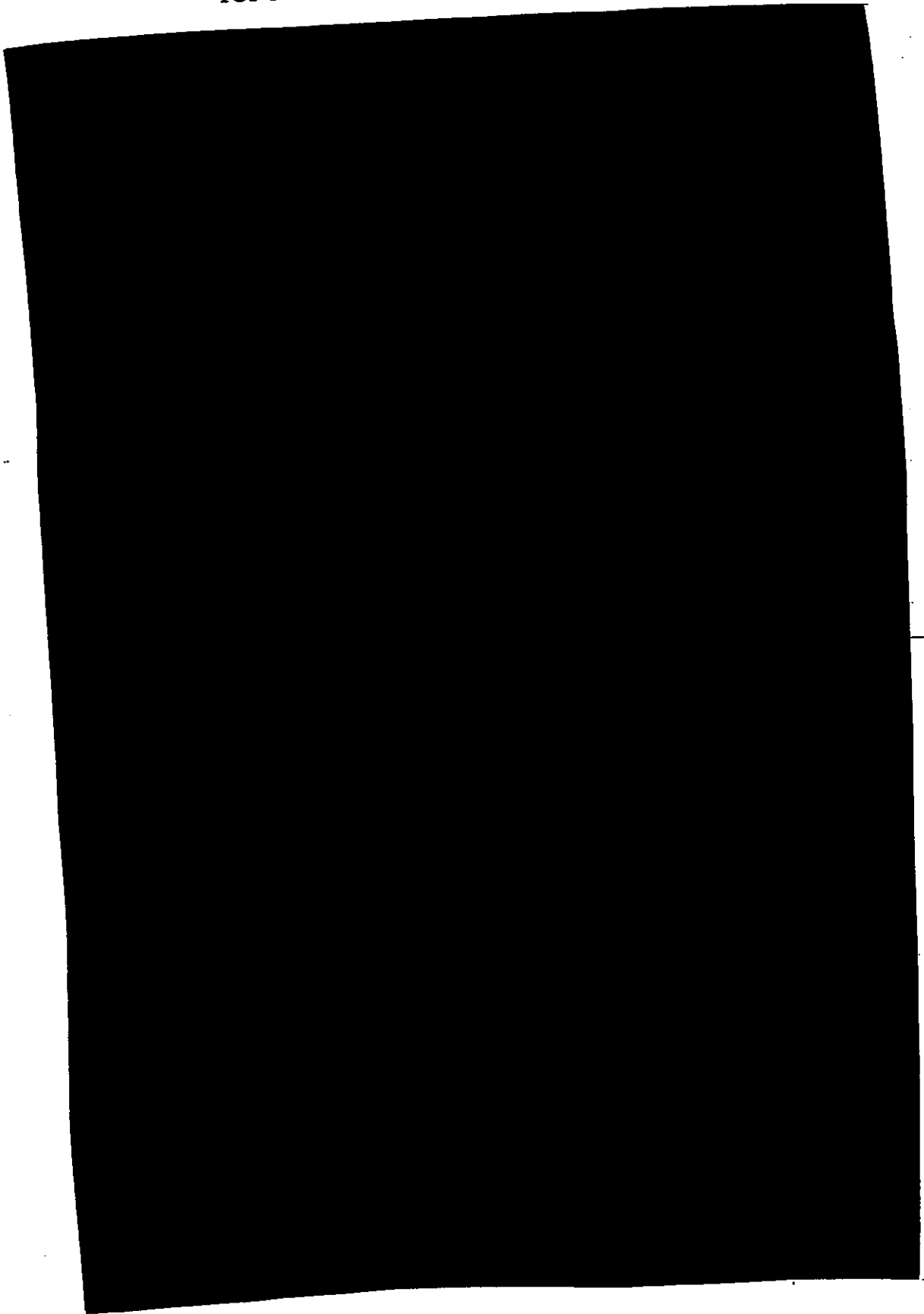
b1

b5



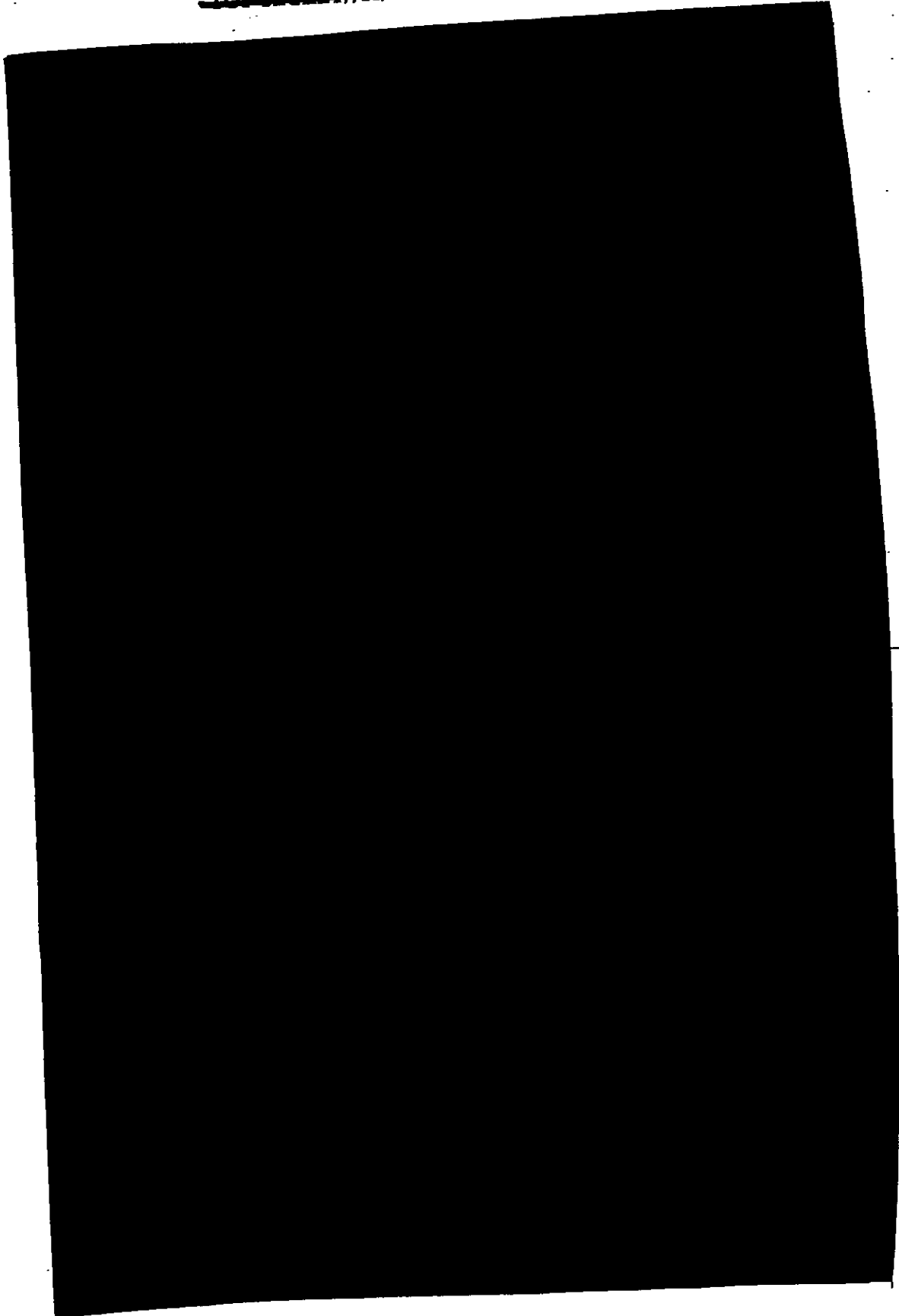
b1

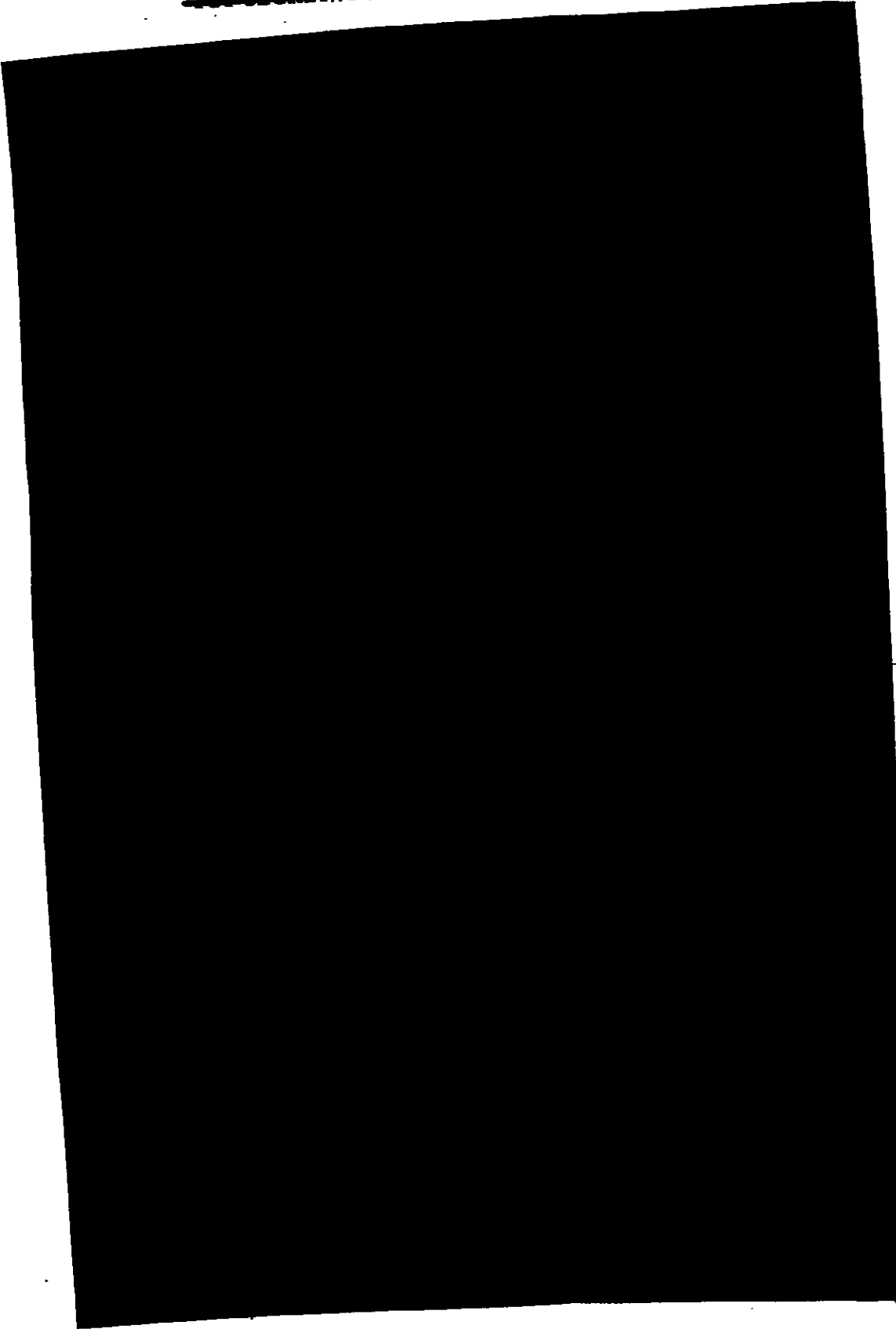
b5



b1

b5



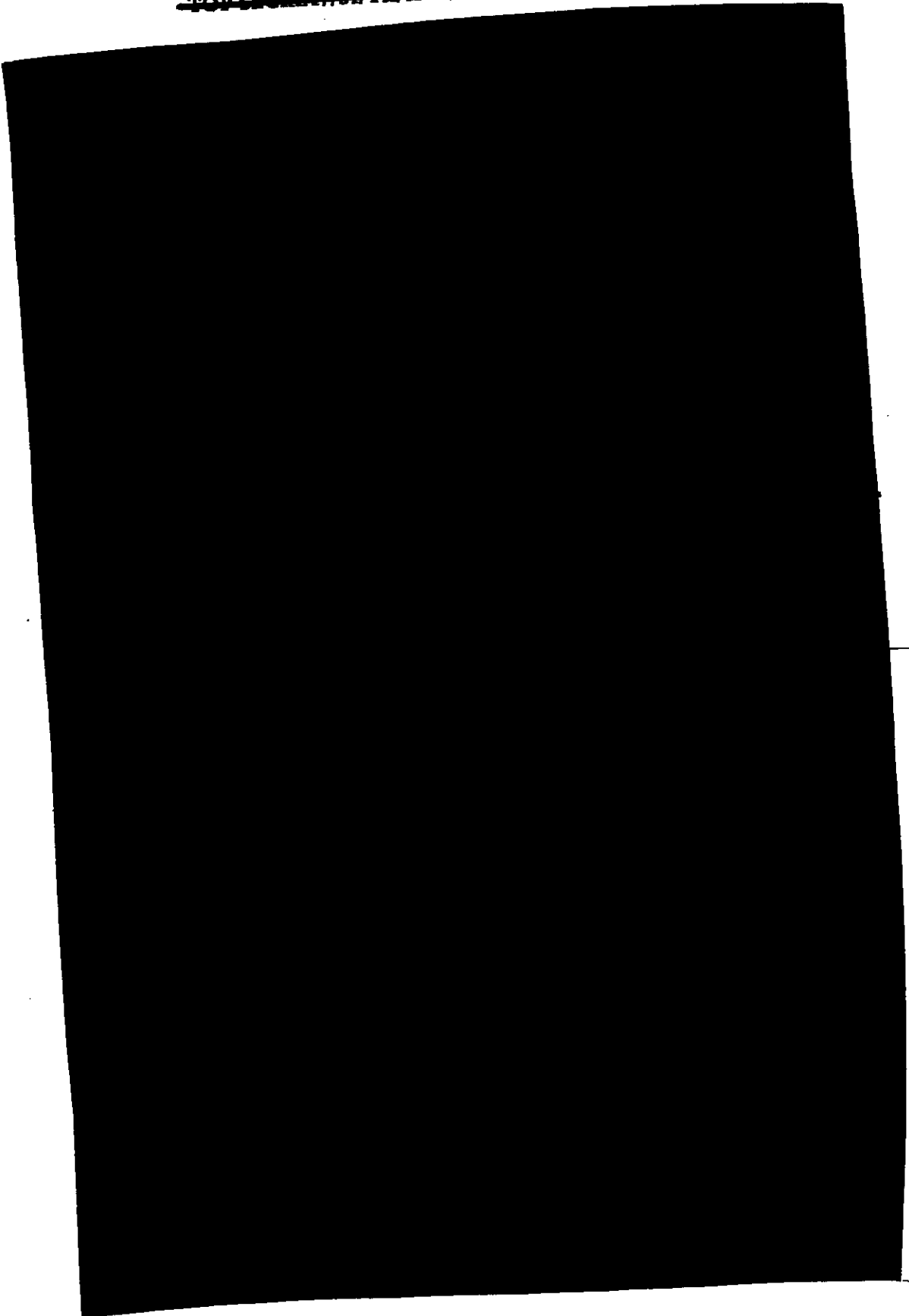


b1

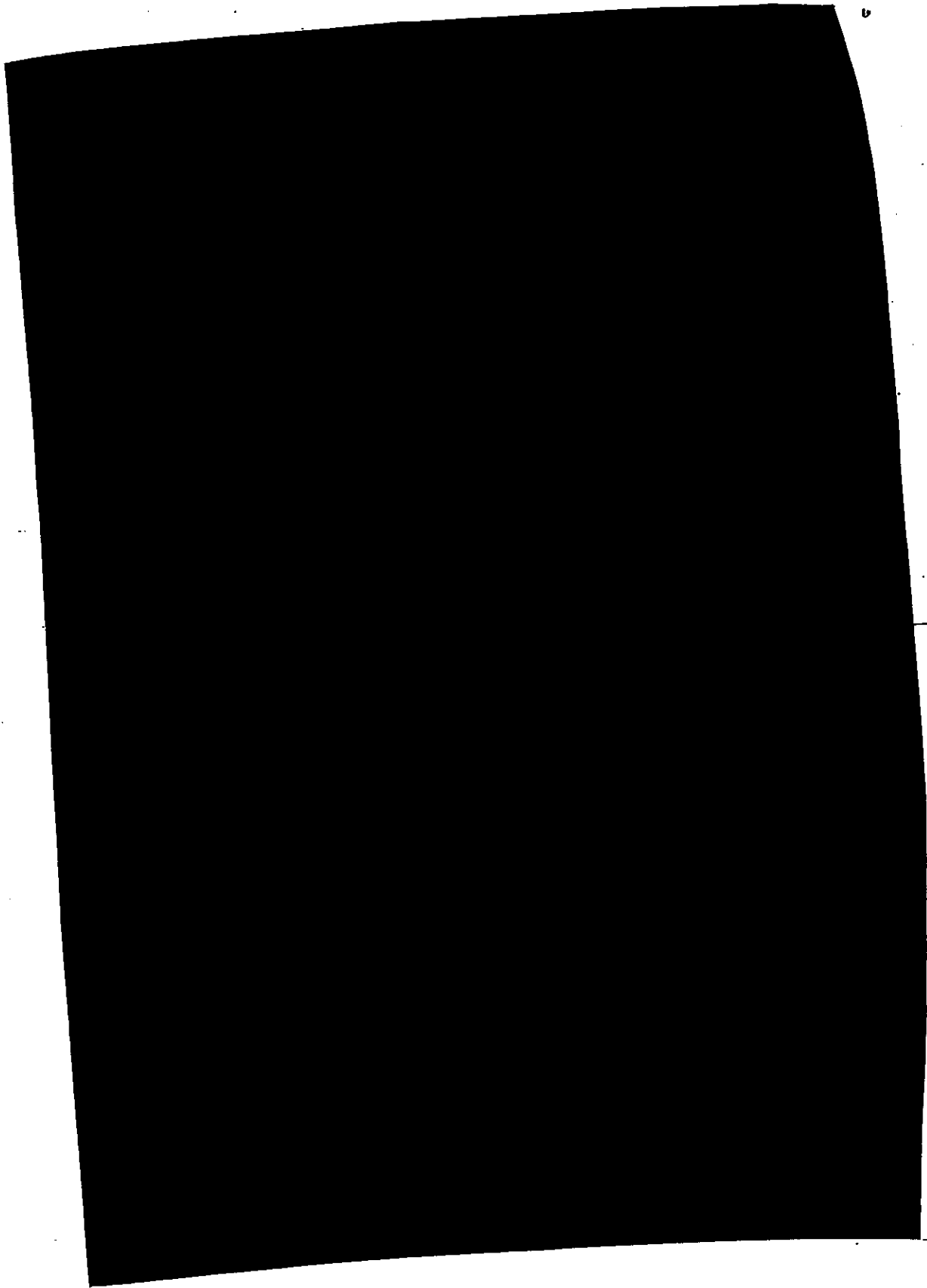
b5

b1

b5



b5



7. (U//FOUO) Other IOB matters. Beginning with the 1st quarter 2008, ODNI will be applying a critical analysis review of reports based on the new E.O. 13462. As of the beginning of 2008, the ODNI has established POCs and relationships with each reporting office. Most have been very responsive to changes in the IO program at the IC level as well as recommendations made to the reporting offices. However, there are some reporting officers where significant improvement is warranted.



65

62

8. (U//FOUO) Please contact [redacted] or [redacted] if you have any questions regarding this report.

66

Ned Maguire
Inspector General

Benjamin A. Powell
General Counsel

cc: J.M. McConnell, Director of National Intelligence

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

August 1, 2008

MEMORANDUM FOR: President's Intelligence Advisory Board,
Intelligence Oversight Board

SUBJECT: Review of Intelligence Oversight Board Reporting For
Third Quarter, Calendar Year 2007

1. (U//FOUO) Pursuant to its authority under Executive Order (EO) 13462, the President's Intelligence Advisory Board's (PIAB) Intelligence Oversight Board (IOB) has requested that the Office of the Director of National Intelligence (ODNI) review and analyze for trends the Intelligence Community (IC) IOB quarterly reports. Following are the results of the ODNI staff's review for the third quarter CY 2007.¹

2. (U//FOUO) Reporting Guidance. The third quarter of 2007 is the second reporting period since the issuance of the April 17, 2007 memo from the Assistant to the President for National Security Affairs (APNSA), which enhanced IOB reporting procedures. During this quarter, the ODNI staff generally notes improved timeliness and responsiveness in the IC's IOB reporting as compared to last quarter.

3. (U//FOUO) IOB Activities. Coordination of what is now EO 13462 continued during this period. The ODNI and IOB staffs discussed several iterations and recommendations provided by the IC. Also during this period, the IOB began meeting on a monthly basis, thereby affording the ODNI and IOB staffs the opportunity to regularly present and discuss significant items with the IOB.

4. (U//FOUO) ODNI Activities. During this period, the ODNI staff developed working relationships with various departments and agencies.

[Redacted]

5. (U//FOUO)

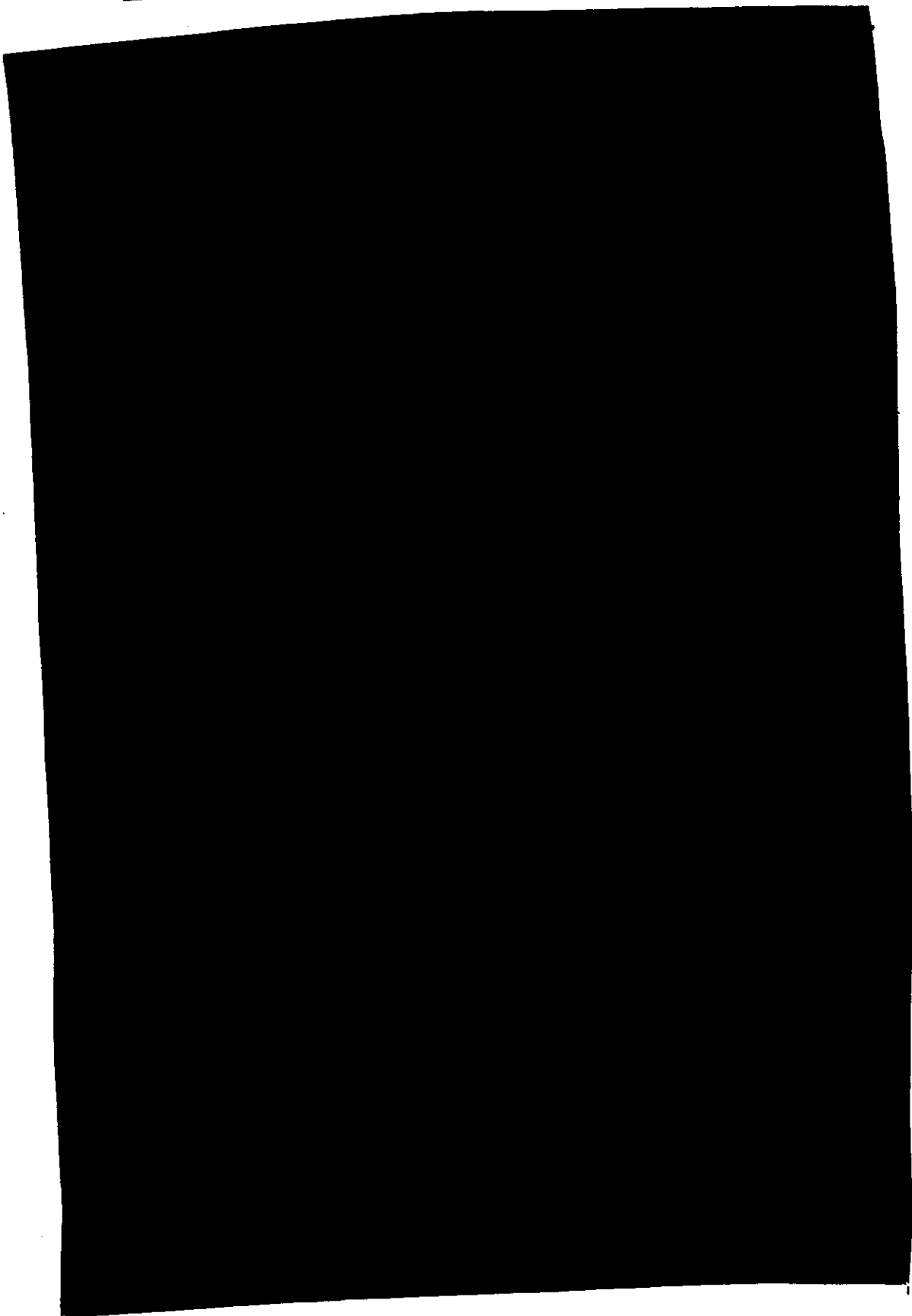
[Redacted]

¹ During the drafting of this quarterly review, EO 12863 was in effect. On February 29, 2008, the President signed EO 13462, which, among other things, renamed the PFIAB to the PIAB and recognized the existence of the DNI and his statutory role in executive branch intelligence oversight.

~~CLASSIFIED BY: [Redacted]
CLASSIFICATION: 1.4 (E), (G)
DECL ON: [Redacted]
REV FROM: MIS 1-06~~

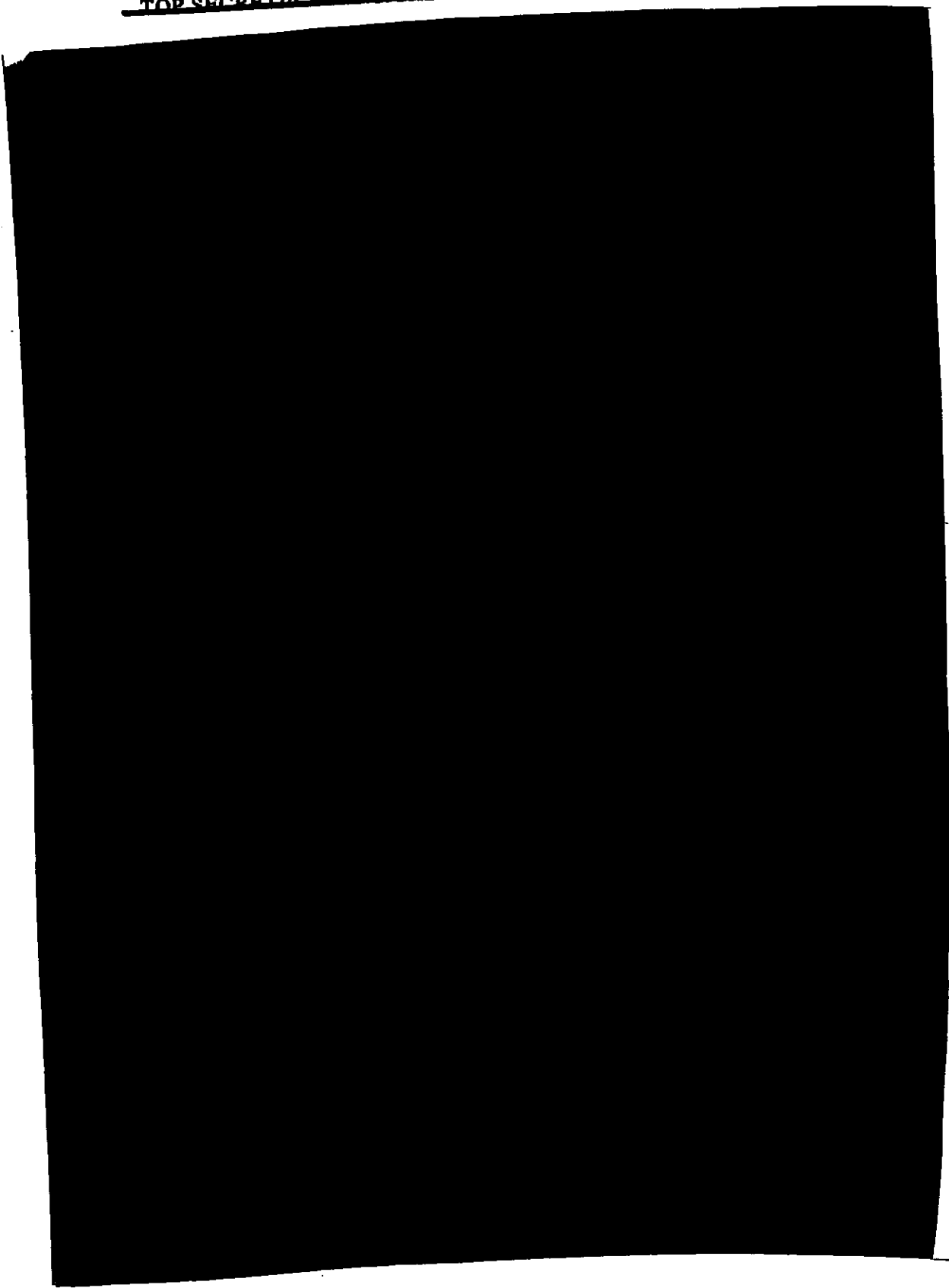
b2

b1
b3



b1

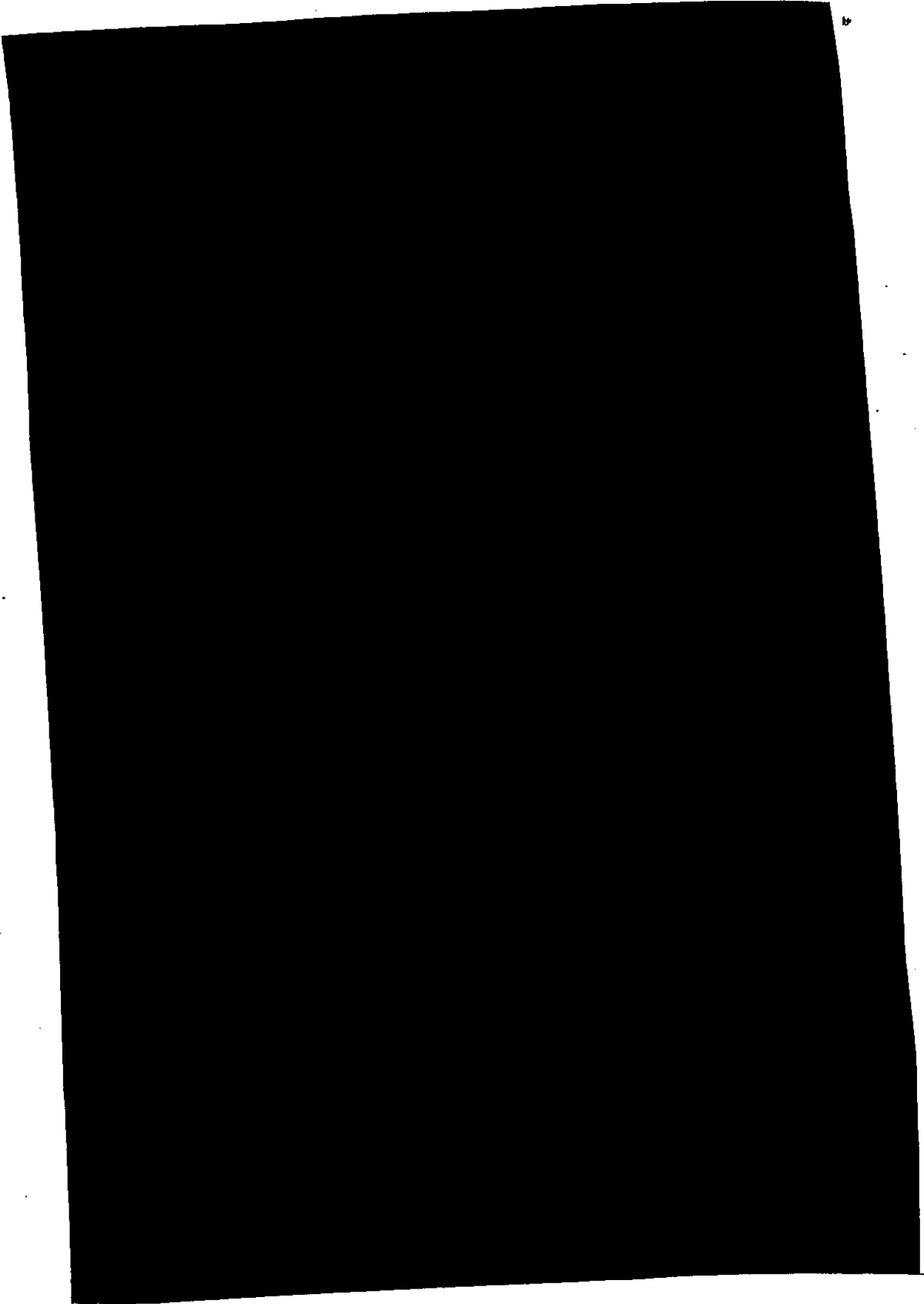
b5

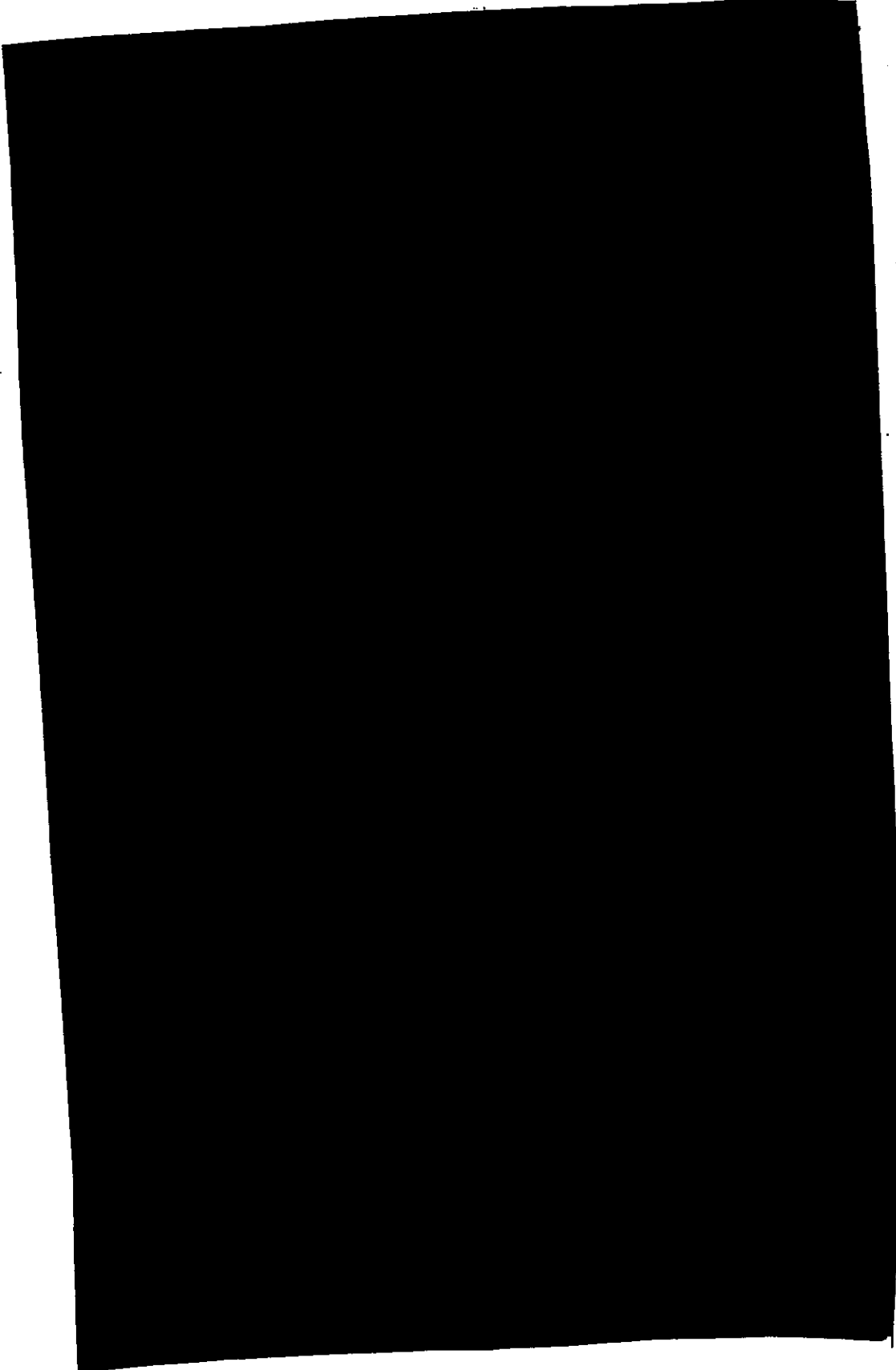


b1
b5

b1

b5



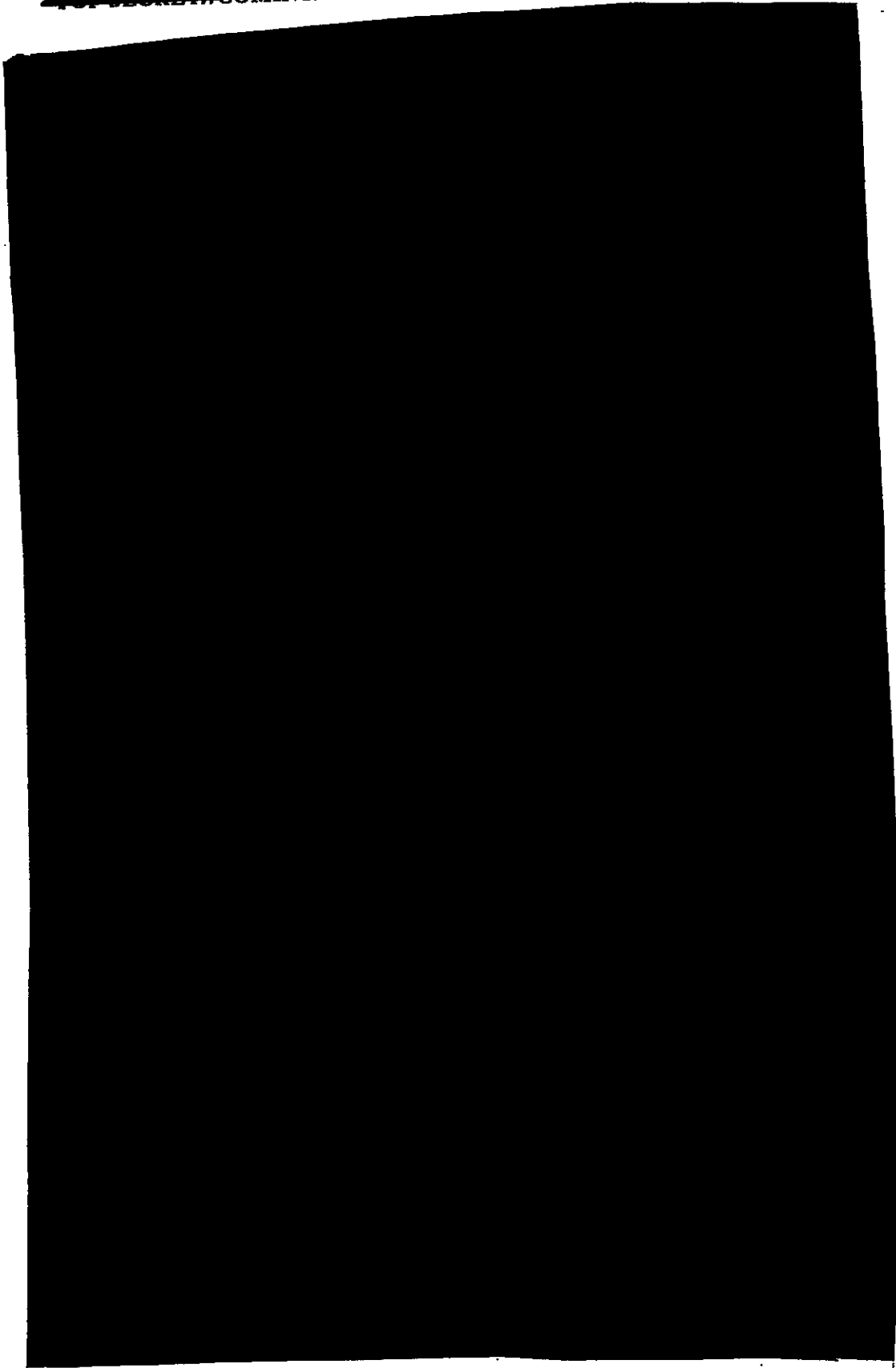


b1

b5

b1

b5





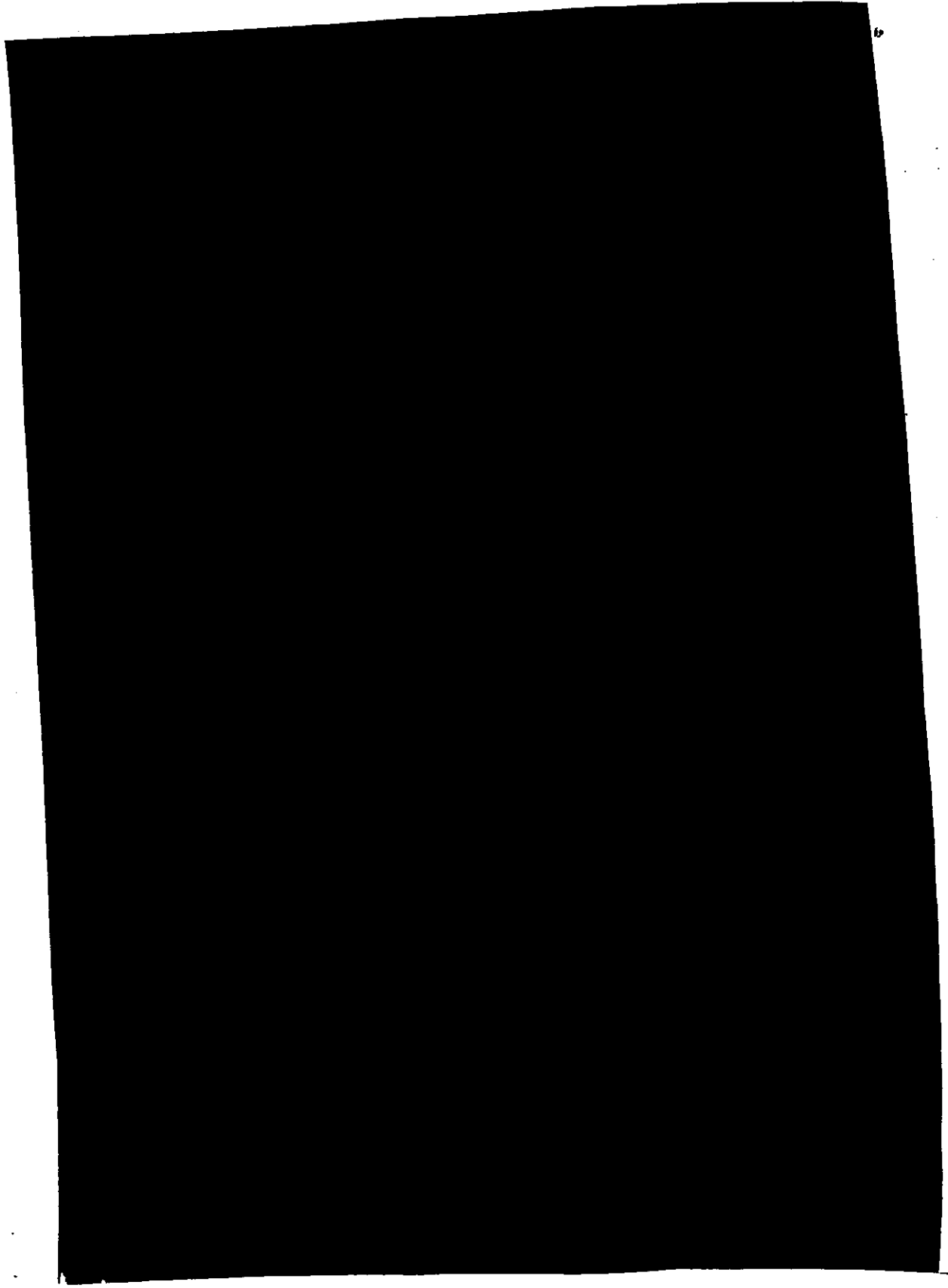
b1

b5

7. (U) Reporting Trends Analyses. The ODNI's assessment regarding the quality and timeliness of the IC's quarterly IOB reporting, including any recommendations for improvement, follows:

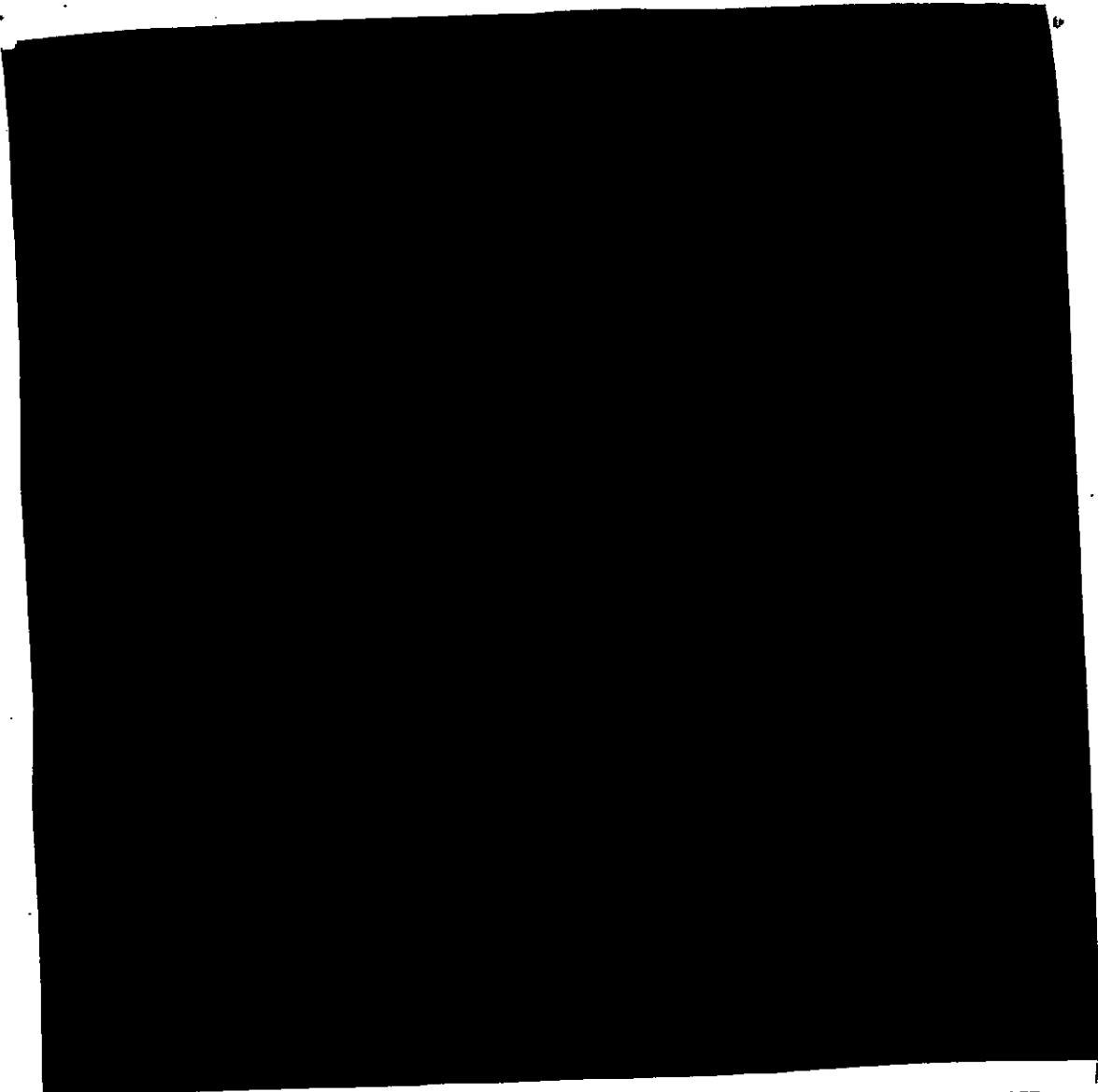


b5



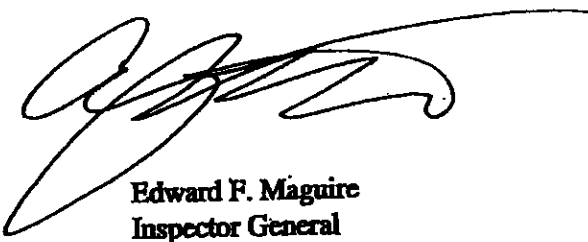
b1
b5

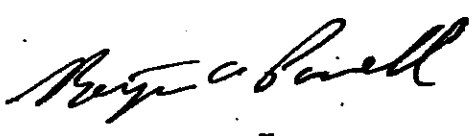
b1
b5



8. (U//FOUO) Please contact [redacted] or [redacted] if you have any questions regarding this report.

b2
b6


Edward F. Maguire
Inspector General


Benjamin A. Powell
General Counsel

cc: J.M. McConnell, Director of National Intelligence

[REDACTED]
From: [REDACTED]
Sent: Monday, December 01, 2008 10:44 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IO Program

b2
b6

[REDACTED],
Since [REDACTED] is already scheduled to meet with [REDACTED] at 2:00, it would probably be easier for us to meet with him at the ODNI. I will work on getting a conference room.

[REDACTED]
----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Friday, November 28, 2008 9:49:06 AM GMT -05:00
US/Canada Eastern
Subject: Re: IO Program

Ok - what location?

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, November 26, 2008 10:01:39 AM GMT -05:00 US/Canada Eastern
Subject: Re: IO Program

I am available Dec 16 and welcome the opportunity to meet with you. I also will see how many members of the team will be available Dec 16 around 1:00.

Regards,
[REDACTED]

Senior Associate General Counsel
Office of General Counsel
Office of the Director of National Intelligence

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 25, 2008 12:26:32 PM GMT -05:00
US/Canada Eastern
Subject: RE: IO Program

I plan to be at ODNI on December 16 for a meeting with [REDACTED] at 2:00. Would it possible to briefly meet with you and/or some of your IOB team prior to the 2:00 meeting with [REDACTED]?

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, November 12, 2008 11:25 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IO Program

b2
b6

[REDACTED]
I will get back to you with possible dates after I confer with the rest of my IOB team colleagues.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of General Counsel
Office of the Director of National Intelligence

----- Original Message -----

From: [REDACTED]
To: [REDACTED]

Cc: [REDACTED]
Sent: Wednesday, November 12, 2008 11:08:18 AM GMT
-05:00 US/Canada Eastern
Subject: IO Program

Please advise of a date/time it would be convenient to meet with you to discuss best practices from the IC regarding IO.

[REDACTED]

Thanks.

[REDACTED]
Associate/Global Security
J.D., LL.M
Booz Allen Hamilton
Bethesda Office - [REDACTED]
Mobile - [REDACTED]

b2
b6
b5

~~UNCLASSIFIED~~



[REDACTED]
Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

To Hpointer@piab.eop.ic.gov
cc [REDACTED]
bcc
Subject Fw: [REDACTED] is out of the office.

[REDACTED]
08/28/2009 09:32 AM

~~CLASSIFICATION: UNCLASSIFIED~~

b2
b4

Homer,

For purposes of planning a meeting with the IOB team per your earlier email, please see below.
[REDACTED] will be out until 14 Sept.

[REDACTED]

— Forwarded by [REDACTED] on 08/28/2009 09:22 AM —



[REDACTED]
AIG for Oversight & Policy
ODNI Office of Inspector
General

To [REDACTED]
cc
Subject [REDACTED] is out of the office.

[REDACTED]
08/28/2009 09:11 AM

~~CLASSIFICATION: UNCLASSIFIED//FOUO~~

I will be out of the office starting 08/27/2009 and will not return until 09/14/2009.

Please contact [REDACTED] for assistance.

UNCLASSIFIED

[REDACTED]
From: [REDACTED]
Sent: Tuesday, June 10, 2008 12:33 PM
To: [REDACTED]
Cc: [REDACTED] Pointer, Homer S.;
Subject: RE: IOB Meeting on 18 June 2008

[REDACTED]
LTG Burgess will attend this meeting
[REDACTED]

b2
b4

[REDACTED] wrote: [REDACTED]

To: [REDACTED]
From: [REDACTED]
Date: 06/10/2008 07:59AM
cc: [REDACTED] Pointer,
Homer S. <Homer_S_Pointer@plab.eop.gov>
Subject: RE: IOB Meeting on 18 June 2008

Thanks!

From: [REDACTED]
Sent: Monday, June 09, 2008 8:47 PM
To: [REDACTED]
Cc: [REDACTED] Pointer, Homer S.
Subject: Re: IOB Meeting on 18 June 2008

b6

[REDACTED]
DNI not available, we are seeing if LTG Burgess can attend.
[REDACTED]

----- Original Message -----

From: [REDACTED]

Sent: 06/09/2008 09:59 AM AST

To: [REDACTED]

Cc: [REDACTED]

"Pointer, Homer S." <Homer_S.

Pointer@pfab.eop.gov>

Subject: IOB Meeting on 18 June 2008

bd
bl

The next IOB meeting is scheduled Wednesday, 18 June at 1245 in room 5020 NEOB. Please confirm attendees.
Thanks, [REDACTED]

[REDACTED]
From: [REDACTED]
Sent: Thursday, July 24, 2008 11:30 AM
To: Homer S. Pointer
Cc: [REDACTED]
Subject: Re: FRI MEETING

b2

Homer & [REDACTED],

See you tomorrow at NEOB at 11:30.

b6

[REDACTED]
THIS MESSAGE MAY CONTAIN CONTROLLED UNCLASSIFIED INFORMATION (CUI) - PRE-DECISIONAL DELIBERATIVE INFORMATION

This email system is approved for unclassified correspondence only. Classified discussions of the material contained within this message must be conducted via a classified email system.

The information contained within this electronic mail message is privileged and confidential information intended only for the use of the individual or entity named. If you have received this communication in error, please immediately notify the sender and delete this message.

----- Original Message -----

From: "Homer S. Pointer" <Homer_S._Pointer@pfiab.eop.gov>
To: [REDACTED]
Sent: Wednesday, July 23, 2008 4:57:23 PM GMT -05:00
US/Canada Eastern
Subject: RE: FRI MEETING

I suppose so.

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, July 23, 2008 4:34 PM
To: Pointer, Homer S.; [REDACTED]
Subject: Re: FRI MEETING

Homer & [REDACTED]

b2

I can attend on Friday at 11:30. Should we schedule until 1:00?

b4

[REDACTED]
Senior Associate General Counsel
Office of the General Counsel
Office of the Director of National Intelligence Phone -
[REDACTED]

THIS MESSAGE MAY CONTAIN CONTROLLED UNCLASSIFIED INFORMATION (CUI) - PRE-DECISIONAL DELIBERATIVE INFORMATION

This email system is approved for unclassified correspondence only. Classified discussions of the material contained within this message must be conducted via a classified email system.

The information contained within this electronic mail message is privileged and confidential information intended only for the use of the individual or entity named. If you have received this communication in error, please immediately notify the sender and delete this message.

----- Original Message -----
From: "Homer S. Pointer" <Homer_S._Pointer@pfiab.eop.gov>
To: [REDACTED]

Sent: Wednesday, July 23, 2008 3:03:59 PM GMT -05:00
US/Canada Eastern
Subject: RE: FRI MEETING

It will for me.

b2
b6

From: [REDACTED]
Sent: Wednesday, July 23, 2008 3:03 PM
To: Pointer, Homer S.; [REDACTED]
Subject: RE: FRI MEETING

Will 11:30 a.m. on Friday work?

From: Pointer, Homer S. [mailto:Homer_S._Pointer@pfiab.eop.gov]
Sent: Wednesday, July 23, 2008 3:01 PM
To: [REDACTED]
Subject: FRI MEETING

[REDACTED]:

Stefanie is out tomorrow so she's set our staff meeting

for 1330-1500 Friday. As a result, I could meet tomorrow morning or Friday morning.
Could you?

Homer S. Pointer

General Counsel

President's Intelligence Advisory Board/

Intelligence Oversight Board

202-456-2352

hpointer@pfiab.eop.gov

[REDACTED]

From: [REDACTED]
Sent: Friday, September 26, 2008 7:48 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: IOB Meeting on 22 October 2008

Thank you!

b2
b6

-----Original Message-----

From: [REDACTED]
Sent: Friday, September 26, 2008 7:42 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IOB Meeting on 22 October 2008

Thank you [REDACTED] I've noted the time change and copied other IOB folks above. Have a super weekend!

Cheers!

[REDACTED]
ODNI-OGC
[REDACTED]

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Thursday, September 25, 2008 12:47:49 PM GMT
-05:00 US/Canada Eastern
Subject: IOB Meeting on 22 October 2008

FYI: We need to move the start time of the 22 October Board meeting to 1330 . The Board Members are scheduled to have lunch with the President on Wednesday, 22

October from 12:00-1:00 p.m., so they will not be back
in the office until 1330. Thanks, [REDACTED]

b6

[REDACTED]

From: Pointer, Homer S. [Homer_S._Pointer@pfab.eop.gov]
Sent: Thursday, October 23, 2008 1:08 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Meeting Next Week

That would work for me.

Recap -- and possibly a draft or two -- to follow.

Thanks,

Homer

b2

bl

From: [REDACTED]
Sent: Thursday, October 23, 2008 11:28 AM
To: Pointer, Homer S.
Cc: [REDACTED]
Subject: Meeting Next Week

Homer,

As promised, we are following up on scheduling a meeting with you next week. Wednesday from 1 - 2:30 is the first time all 3 of us from OGC can meet with you next week.

Please advise if this works for you. Also, could you recap what you would like to cover? I'm not sure if [REDACTED] and [REDACTED] heard you propose a meeting next week.

[REDACTED] and [REDACTED] will the above date time work for one or both of you?

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, November 12, 2008 5:58 PM
To: 'Pointer, Homer S.'; [REDACTED]
Subject: RE: IOB MTG

b2

Homer,

Are you available to discuss the agenda with [REDACTED] and myself tomorrow afternoon? If so, what time?

b6

From: Pointer, Homer S. [mailto:Homer_S_Pointer@pfab.eop.gov]
Sent: Wednesday, November 12, 2008 4:33 PM
To: [REDACTED]
Subject: IOB MTG

FYI, here's the agenda for the 19 NOV IOB meeting.

Lauren A Miller

From: Pointer, Homer S. [Homer_S._Pointer@pfia.eop.gov]
Sent: Wednesday, November 12, 2008 4:33 PM
To: [REDACTED]
Subject: IOB MTG

Attachments: 081110-Agenda NOV Meeting.doc



081110-Agenda
NOV Meeting.doc ...

FYI, here's the agenda for the 19 NOV IOB meeting.

b2
b6

[REDACTED]
From: [REDACTED]
Sent: Wednesday, December 03, 2008 3:33 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IO Program

I am available the 16th as well.

Regards,
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wed Dec 03 15:17:50 2008
Subject: RE: IO Program

b2
b6

[REDACTED]
I am available on the 16th at 1:00.
[REDACTED]

----- Original Message -----
From: [REDACTED]
Sent: Wednesday, November 26, 2008 10:02 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IO Program

I am available Dec 16 and welcome the opportunity to meet with you. I also will see how many members of the team will be available Dec 16 around 1:00.

Regards,
[REDACTED]
Senior Associate General Counsel
Office of General Counsel
Office of the Director of National Intelligence

----- Original Message -----
From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 25, 2008 12:26:32 PM GMT -05:00 US/Canada Eastern
Subject: RE: IO Program

I plan to be at ODNI on December 16 for a meeting with [REDACTED] at 2:00. Would it possible to briefly meet with you and/or some of your IOB team prior to the 2:00 meeting with [REDACTED]?

----- Original Message -----
From: [REDACTED]
Sent: Wednesday, November 12, 2008 11:25 AM
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: IO Program

[REDACTED]

I will get back to you with possible dates after I confer with the rest of my IOB team colleagues.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of General Counsel
Office of the Director of National Intelligence

b2
b6

— Original Message —

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, November 12, 2008 11:08:18 AM GMT -05:00 US/Canada Eastern
Subject: IO Program

Please advise of a date/time it would be convenient to meet with you to discuss best practices from the IC regarding IO.

[REDACTED]

Thanks.

[REDACTED]
Associate/Global Security
J.D., LL.M.
Booz Allen Hamilton
Bethesda Office - [REDACTED]
Mobile - [REDACTED]

b5

[REDACTED]
From: [REDACTED]
Sent: Friday, November 21, 2008 4:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: IO Program

12/4 morning or anytime 12/05

----- Original Message -----

From: [REDACTED]
To: [REDACTED]

Sent: Thursday, November 20, 2008 5:01:49 PM GMT -05:00
US/Canada Eastern
Subject: RE: IO Program

b2
b6

[REDACTED]
Tuesday or Wed will work for me next week, [REDACTED]
[REDACTED]

The individual requesting the meeting is assisting OGC and appears to be a contractor. I think it is imperative that a government employee also participate in the meeting whenever we do hold it, since contractors come and go so often.

[REDACTED]
From: [REDACTED]
Sent: Thursday, November 20, 2008 4:46 PM
To: [REDACTED]

[REDACTED]
Subject: RE: IO Program

Next Monday and Tuesday don't work for me. Wednesday probably isn't the best day to meet either b/c of Thanksgiving.

The following week is good so far except Tuesday (am). I need to leave on time on 12/1 and 12/4. Or you can just meet without me, I'll understand.

b2
b6

[REDACTED]
-----Original Message-----

From: [REDACTED]
Sent: Thursday, November 20, 2008 4:38 PM
To: [REDACTED]
Subject: Fwd: IO Program

Team, when should we meet with [REDACTED]?

[REDACTED]
----- Forwarded Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, November 12, 2008 11:25:09 AM GMT
-05:00 US/Canada Eastern
Subject: Re: IO Program

[REDACTED]
I will get back to you with possible dates after I confer with the rest of my IOB team colleagues.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of General Counsel
Office of the Director of National Intelligence

----- Original Message -----

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Sent: Wednesday, November 12, 2008 11:08:18 AM GMT
-05:00 US/Canada Eastern

Subject: IO Program

Please advise of a date/time it would be convenient to
meet with you to discuss best practices from the IC
regarding IO. [REDACTED]

Thanks.

[REDACTED]
Associate/Global Security
J.D., LL.M
Booz Allen Hamilton
Bethesda Office - [REDACTED]
Mobile - [REDACTED]

[REDACTED]

From: Pointer, Homer S. [Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, May 07, 2009 10:58 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Tomorrow's Meeting

While I don't think an hour is really sufficient, it's better than nothing.

Need [REDACTED]'s name as it appears on his photo ID, SSN and DOB for entry.

b2

-----Original Message-----

From: [REDACTED]
Sent: Thursday, May 07, 2009 9:57 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Tomorrow's Meeting

If it's easier for everyone, I can try to find a 90 minute block next week when we can meet.

b6

----- Original Message -----

From: [REDACTED]
To: "Homer S.' 'Pointer" <Homer S._Pointer@pfiab.eop.gov>, [REDACTED]
Cc: [REDACTED]
Sent: Thursday, May 7, 2009 9:51:22 AM GMT -05:00
US/Canada Eastern
Subject: RE: Tomorrow's Meeting

Hello Homer,

Should we reschedule then?

[REDACTED]

From: Pointer, Homer S. [mailto:Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, May 07, 2009 9:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Tomorrow's Meeting

b2

We have not met in a long time, and I doubt 1000-1100 would be sufficient.

b6

From: [REDACTED]
Sent: Thursday, May '07, 2009 9:16 AM
To: Pointer, Homer S.; [REDACTED]
Cc: [REDACTED]
Subject: Tomorrow's Meeting

Homer & [REDACTED]

It turns out I have to be back here for another meeting at 11:30, so OGC staff will have to leave at 11:00 tomorrow. Hopefully we will be able to cover what we need to in an hour.

Sorry about this, but it can't be avoided.

[REDACTED]

[REDACTED]
From: [REDACTED]
Sent: Thursday, May 07, 2009 10:58 AM
To: [REDACTED]
Cc: [REDACTED]; Homer S.' Pointer; [REDACTED]
Subject: Re: Tomorrow's Meeting

My schedule is pretty open next week baring Tuesday when I'm at NSA all day and the 13th from 10-12am.

Kind Regards,

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED] "Homer S.' 'Pointer"
<Homer_S._Pointer@pfiab.eop.gov>, [REDACTED]

Sent: Thursday, May 7, 2009 9:56:40 AM GMT -05:00
US/Canada Eastern
Subject: Re: Tomorrow's Meeting

If it's easier for everyone, I can try to find a 90 minute block next week when we can meet.

[REDACTED] b2
----- Original Message -----
From: [REDACTED]
To: "Homer S.' 'Pointer" <Homer S.
_Pointer@pfiab.eop.gov>, [REDACTED] b6

Sent: Thursday, May 7, 2009 9:51:22 AM GMT -05:00
US/Canada Eastern
Subject: RE: Tomorrow's Meeting

Hello Homer,

Should we reschedule then?

[REDACTED]

From: Pointer, Homer S. [mailto:Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, May 07, 2009 9:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Tomorrow's Meeting

We have not met in a long time, and I doubt 1000-1100 would be sufficient.

b2

From: [REDACTED]
Sent: Thursday, May 07, 2009 9:16 AM
To: Pointer, Homer S.; [REDACTED]
Cc: [REDACTED]
Subject: Tomorrow's Meeting

b4

Homer & [REDACTED],

It turns out I have to be back here for another meeting at 11:30, so OGC staff will have to leave at 11:00 tomorrow. Hopefully we will be able to cover what we need to in an hour.

Sorry about this, but it can't be avoided.

[REDACTED]

--

[Redacted]

b2

Civil Liberties and Privacy Office
Office of the Director of National Intelligence

[Redacted]

b6

From: Vaden, Elizabeth [Elizabeth.Vaden@in.doe.gov]
Sent: Tuesday, October 07, 2008 8:32 AM
To: homer_s_pointer@pfiab.eop.gov; [REDACTED]
Cc: Gurney, John (HQ); White, Glenn (HQ)
Subject: FW: IOB Letter

Attachments: IOB POC Designation Letter.pdf



IOB POC
esignation Letter.pdf

Attached is the Secretary of Energy's reiteration of the Department of Energy's designation as POC for IOB matters. If you have any further questions, please don't hesitate to contact me.

Elizabeth K. Vaden
Chief of Staff to the Director
DOE Office of Intelligence and Counterintelligence
(202) 586-8756

b2
b6

From: Johnson, Sandra
Sent: Tuesday, October 07, 2008 8:19 AM
To: Vaden, Elizabeth
Cc: Harris, Shandra
Subject: IOB Letter

<<IOB POC Designation Letter.pdf>>

[Redacted]
08/12/2008 11:38 AM

To "Vaden, Elizabeth K. (HQ)"
<dovadek@doe.ic.gov>@MACKINAW
cc [Redacted]
bcc [Redacted]

Subject Re: Letter Designating Dept. of Energy Point of Contact for IOB Matters

CLASSIFICATION: UNCLASSIFIED//FOUO

Great, Thanks Elizabeth. We look forward to continuing to work with you.

[Redacted]
ODNI/OIG/Oversight and Policy
[Redacted]

b2
b6

"Vaden, Elizabeth K. (HQ)" <dovadek@doe.ic.gov>



"Vaden, Elizabeth K. (HQ)"
<dovadek@doe.ic.gov>

08/12/2008 11:15 AM

To [Redacted]
cc [Redacted]

Subject Letter Designating Dept. of Energy Point of Contact for IOB Matters

CLASSIFICATION: UNCLASSIFIED

Dear [Redacted]

Attached is a copy of DOE's designation letter. A copy of the same letter has been sent separately to Stephen Friedman, care of Homer Pointer, on the PIAB staff, per that office's direction. This formalizes the designation made to your office in July,

If you have any questions, please feel free to contact me on 202-586-8756

Elizabeth K. Vaden
Chief of Staff to the Director
Office of Intelligence and Counterintelligence



<<Delegation of IOB POC Memo for DOE.pdf>> Delegation of IOB POC Memo for DDE.pdf

[Redacted]

10/24/2008 02:50 PM

To [Redacted]

cc [Redacted] Edward F. Maguire Benjamin A. Powell [Redacted]

bcc

Subject Designation of DOE Office of Intelligence and Counterintelligence to submit reports to the President's Intelligence Oversight Board [Redacted]

Good afternoon [Redacted] et. al,

Per your below guidance please find attached document for your information.

OP

2008-10-24 DOE Designation of POC For FIOB.pdf

Thank you!

[Redacted]

[Redacted]

[Redacted]

Office of the Director of National Intelligence

[Redacted]

Office of the General Counsel

[Redacted]

10/17/2008 03:14 PM

b2
b6

To [Redacted]

cc [Redacted]

Subject Re: INFORMATION: SECDHS to DNI & CIOB re: Designation of IOB Representatives [Redacted]

Good Afternoon Exec Sec:

I just wanted to let you know that for your convenience in sending items to the action officers for IOB matters, you can use the group email address for the team, which is cc'd above. Also, we are making efforts to keep that address up to date (with reliance on Close Support of course) so when staff come and go you should have the most up to date staff to send these items to.

Please note that the group address does not include Edward Maguire, Benjamin Powell or [Redacted]. Therefore, if you use the group address, those individuals will still need to be separately listed if you intend to send items to them.

Regards,

[Redacted]

Office of the General Counsel

[Redacted]

[REDACTED]

From: Duval, Rose [Rose.Duval@in.doe.gov]
Sent: Tuesday, November 03, 2009 8:18 AM
To: [REDACTED]
Cc: [REDACTED] 'Pointer, Homer S.'
Subject: RE: POC Information for DoE IN & CI

Not a problem.
Rose

From: [REDACTED]
Sent: Tuesday, November 03, 2009 8:08 AM
To: Duval, Rose
Cc: [REDACTED] 'Pointer, Homer S.'
Subject: RE: POC Information for DoE IN & CI

b2
b6

Rose,

Thank you for your contact information and the explanation that you are only temporarily filling in as POC. When it is time for you to move on, could you please ask the new person to send their contact information to us?

Regards,

[REDACTED]
Office of the General Counsel
Office of the Director of National Intelligence
[REDACTED]

THIS MESSAGE MAY CONTAIN CONTROLLED UNCLASSIFIED INFORMATION (CUI)- PRE-DECISIONAL DELIBERATIVE INFORMATION

This email system is approved for unclassified correspondence only. Classified discussions of the material contained within this message must be conducted via a classified email system.

The information contained within this electronic e-mail privileged and confidential information intended only for the use of the individual or entity named. If you have received this communication in error, please immediately notify the sender and delete this message.

From: Duval, Rose [mailto:Rose.Duval@in.doe.gov]
Sent: Monday, November 02, 2009 4:36 PM

To: [REDACTED]
Cc: [REDACTED] 'Pointer, Homer S.'
Subject: RE: POC Information for DoE IN & CI

[REDACTED]

Good talking to you also. Here is my contact information. I will be holding this position until we have our permanent Director named and onboard. At which time I hope to revert back to my permanent position as Associate Deputy Director, Management Directorate.

Rose I. Duval
Acting, Chief of Staff
Office of Intelligence and Counterintelligence
Department of Energy

b2

Classified(NSTS): 361-6102
Unclassified: Direct - 202-586-4900
General - 202-5876-2610

b6

Fax Classified: 202-586-9759
Fax Unclassified: 202-287-5999
Unclassified Email: rose.duval@in.doe.gov
Classified Email: dodufri@doe.ic.gov

From: [REDACTED]
Sent: Monday, November 02, 2009 3:50 PM
To: Duval, Rose
Cc: [REDACTED] 'Pointer, Homer S.'
Subject: POC Information for DoE IN & CI

Good Afternoon Rose,

Thank you for taking the time to speak with me this afternoon. Since you are replacing Elizabeth Vaden as the POC for IOB reporting at DoE's Office of Intelligence & Counterintelligence, I wanted to ask that you provide the following POC information:

- Your Title
- Phone Numbers - classified and unclassified
- Fax Numbers - classified and unclassified
- Classified email address - TS if you have one

I have cc'd the ODNI IOB Team, which includes staff from the ODNI's Office of General Counsel, Office of the Inspector General, and Civil Liberties and Privacy Office. I have also cc'd Homer Pointer, counsel to the IOB. That way, you have our email addresses.

Please let us know if you have any questions or require any assistance.

Regards,


Office of the General Counsel
Office of the Director of National Intelligence


b2
b6

THIS MESSAGE MAY CONTAIN CONTROLLED UNCLASSIFIED INFORMATION (CUI)- PRE-DECISIONAL DELIBERATIVE INFORMATION

This email system is approved for unclassified correspondence only. Classified discussions of the material contained within this message must be conducted via a classified email system.

The information contained within this electronic e-mail privileged and confidential information intended only for the use of the individual or entity named. If you have received this communication in error, please immediately notify the sender and delete this message.

[REDACTED]

From: Ronald L Burgess [REDACTED]
Sent: Tuesday, October 07, 2008 3:21 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: IOB Letter

One small step for mankind-----
----- Original Message -----

From: [REDACTED]
To: [REDACTED]
'Ronald L Burgess'

Cc: [REDACTED]

Sent: Tue, 7 Oct 2008 18:51:06 +0000 (GMT+00:00)
Subject: RE: IOB Letter

Wonderful!

Thank you LTG B!

b2
b6

[REDACTED]

From: [REDACTED]
Sent: Tuesday, October 07, 2008 8:54 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: IOB Letter

[REDACTED]

DOE has provided their formal designation. This is the last formal designation we were waiting to receive. LTG Burgess' calls have paid off.

From: Vaden, Elizabeth
[mailto:Elizabeth.Vaden@in.doe.gov]
Sent: Tuesday, October 07, 2008 8:32 AM
To: homer_s_pointer@pfiab.eop.gov; [REDACTED]
[REDACTED]
Cc: Gurney, John (HQ); White, Glenn (HQ)
Subject: FW: IOB Letter

b2

Attached is the Secretary of Energy's reiteration of the Department of Energy's designation as POC for IOB matters. If you have any further questions, please don't hesitate to contact me.

b6

Elizabeth K. Vaden
Chief of Staff to the Director
DOE Office of Intelligence and Counterintelligence
(202) 586-8756

From: Johnson, Sandra
Sent: Tuesday, October 07, 2008 8:19 AM
To: Vaden, Elizabeth
Cc: Harris, Shandra
Subject: IOB Letter

<<IOB POC Designation Letter.pdf>>

[REDACTED]

From: Vaden, Elizabeth [Elizabeth.Vaden@in.doe.gov]
Sent: Friday, January 16, 2009 12:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Finalized FAQs from Outreach & IOB Reporting Assessment

Thanks, [REDACTED]

Elizabeth K. Vaden
Chief of Staff to the Director
DOE Office of Intelligence and Counterintelligence
(202) 586-8756

b2
b6

From: [REDACTED]
Sent: Wednesday, January 14, 2009 1:32 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Finalized FAQs from Outreach & IOB Reporting Assessment

Elizabeth,

Since [REDACTED] is the lead POC for Energy from this office, she will respond to your question.

Regards,

[REDACTED]

From: Vaden, Elizabeth [mailto:Elizabeth.Vaden@in.doe.gov]
Sent: Monday, January 12, 2009 3:46 PM
To: [REDACTED]
Subject: RE: Finalized FAQs from Outreach & IOB Reporting Assessment

Thanks, [REDACTED] I'm sure the FAQs will come in handy. My reading of the performance matrix is that DOE has done fine over this period of time, from the Board's perspective; is that a fair reading?

Elizabeth K. Vaden
Chief of Staff to the Director
DOE Office of Intelligence and Counterintelligence
(202) 586-8756

From: [REDACTED]

Sent: Monday, January 12, 2009 3:33 PM
To: Vaden, Elizabeth
Cc: [REDACTED] 'Pointer, Homer S.'
Subject: Finalized FAQs from Outreach & IOB Reporting Assessment

b2

Good Afternoon Elizabeth,

As DOE's designee under EO 13462, the IOB Counsel and ODNI IOB Team are providing you with the finalized Frequently Asked Questions generated from our intelligence oversight outreach sessions held in September and October of 2008. Also attached is an assessment of the DOE's IOB reporting to the IOB.

The attached assessment covers 6 quarters, beginning in April 07, which coincides with the release of the Hadley Memo on IOB reporting, through the third quarter of 2008. These assessments will be provided to your organization's principal at a future Executive Committee (EXCOM) meeting hosted by the DNI. The EXCOM meeting when the assessments will most likely make the agenda is 26 January 09.

Please feel free to contact [REDACTED] or Homer Pointer if you have any questions regarding the assessment.

<<...>>

<<...>>

Regards,

ble

[REDACTED]
Office of the General Counsel
Office of the Director of National Intelligence
[REDACTED]

THIS MESSAGE MAY CONTAIN CONTROLLED UNCLASSIFIED INFORMATION (CUI)- PRE-DECISIONAL DELIBERATIVE INFORMATION

This email system is approved for unclassified correspondence only. Classified discussions of the material contained within this message must be conducted via a classified email system.

The information contained within this electronic e-mail privileged and confidential information intended only for the use of the individual or entity named. If you have received this communication in error, please immediately notify the sender and delete this message.

[REDACTED]

From: [REDACTED]
Sent: Friday, November 14, 2008 4:03 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Agenda for 19 Nov IOB Meeting
Attachments: 081110-Agenda NOV Meeting.doc

b2
b6



081110-Agenda
NOV Meeting.doc ...

Good Afternoon [REDACTED]

Attached is the agenda for the above referenced IOB meeting. Please note that the start time of the meeting is still in flux. We will alert you if we receive any changes. No other read-ahead material is available.

<<...>>

Regards,
[REDACTED]

From: Pointer, Homer S. [Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, September 11, 2008 9:59 AM
To: [REDACTED]
Cc: Osburn, Stefania R.
Subject: SEP IOB MEETING

Attachments: 080908-Agenda SEPT Meeting.doc



080908-Agenda
SEPT Meeting.doc...

Thanks for a productive discussion yesterday. Attached FYI is the agenda for the meeting next Wednesday.

Regards,

Homer S. Pointer

General Counsel

President's Intelligence Advisory Board/

Intelligence Oversight Board

202-456-2352

hpointer@pfiab.eop.gov

b2
b6

~~Classified By: [redacted]
Derived From: ODNI COM C-08
Reason: 1.4(c)
Declassify On: 20340810~~



[redacted]

To [redacted]
cc [redacted]
bcc [redacted]

"Pointer, Homer S."

08/10/2009 11:01 AM

Subject Re: NSA IO Briefing on 13 August 2009 - 1030-1200

CLASSIFICATION: CONFIDENTIAL

Thanks - I have an earlier meeting that morning at NSA and will join you in progress.

[redacted]
Office of Inspector General
Office of the Director of National Intelligence

[redacted]

b2
b6

~~Classified By: [redacted]
Derived From: ODNI COM C-08
Reason: 1.4(c)
Declassify On: 20340810~~

[REDACTED]

From: Pointer, Homer S. [Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, October 02, 2008 5:57 PM
To: [REDACTED]
Subject: Today's Meeting

b2
b6

Thank you all for what I thought was a very successful meeting this afternoon.

Homer S. Pointer

General Counsel

President's Intelligence Advisory Board/

Intelligence Oversight Board

202-456-2352

hpointer@pfiab.eop.gov

[REDACTED]

From: [REDACTED]
Sent: Monday, December 01, 2008 5:25 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: IOB criteria

Attachments: Criteria & Transmittal Letter-080715.pdf



Criteria &
Transmittal Letter...

Hello [REDACTED]

Please find the IOB criteria attached.

Regards,

[REDACTED]
Office of the Director of National Intelligence Office
of General Counsel
[REDACTED]

b2
b6

Upon removal of attachment(s), this document is UNCLASSIFIED



[Redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[Redacted]

09/28/2009 11:59 AM

To hpointer@piab.eop.ic.gov

cc [Redacted]

bcc

Subject Fw: UPDATED EO 13462 Designee/POC List

b2
b6

CLASSIFICATION: UNCLASSIFIED//FOUO

Homer,

I meant to cc: you on this POC list I sent out last Thursday. Also, I already made an update for Treasury, and we should be getting more info on Mike Decker in the next couple of days. He is the new ATSDIO.



090928_IntelOversight_POCList.xls

[Redacted]

— Forwarded by [Redacted] on 09/28/2009 11:56 AM —



[Redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[Redacted]

09/24/2009 10:10 AM

To [Redacted]

cc [Redacted]

Subject UPDATED EO 13462 Designee/POC List

Team,

Attached is an updated version of the referenced document.





090924_IntelOversight_POCList.xls

I called over to the ATSD(IO)'s office this morning and confirmed that Mike Decker will be the new ATSD(IO). He will begin processing in on Monday next week and they expect he will report for actual duty

by Wednesday. I don't yet have his email information. That is TBD.

If you know of any other updates or corrections that need to be made to this list, please make them and send the updated list back to the team. As always, it is saved in the share drive.

Regards,


Senior Associate General Counsel
Office of the General Counsel


b2
b6

Upon removal of attachment(s), this document is UNCLASSIFIED

[Redacted]

08/28/2008 03:39 PM

To [Redacted] pointerh@pfiab.wh.ic.gov

cc

bcc

Subject Updated EO 13462 Designee Spreadsheet

CLASSIFICATION: UNCLASSIFIED//~~FOUO~~

Team

Please find attached as referenced. Updated as of today's date.



080828_IntelOversight_POCList(1).xls

b2
b6

Regards,

[Redacted]
Senior Associate General Counsel
Office of the General Counsel

[Redacted]

Upon removal of attachment(s), this document is UNCLASSIFIED

[Redacted]

To [Redacted]

cc

bcc

02/06/2009 04:40 PM

Subject: Updated EO 13462 Designees

Team,

Attached please find the above referenced POC list.



090206_IntelOversight_POCList.xls

Regards,

[Redacted]

Senior Associate General Counsel
Office of the General Counsel

[Redacted]

b2
b6

[REDACTED]

From: [REDACTED]
Sent: Wednesday, September 17, 2008 10:03 AM
To: [REDACTED]
Subject: RE: Department of State

Wonderfull

From: [REDACTED]
Sent: Wednesday, September 17, 2008 8:17 AM
To: [REDACTED]
Subject: FW: Department of State

b2
b6

[REDACTED]
I just wanted to send this your way. We received the attached from [REDACTED] yesterday evening.
[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 16, 2008 5:49 PM
To: [REDACTED]
Subject: Department of State

Upon removal of attachment(s), this document is UNCLASSIFIED

~~Classified By: [redacted]
Derived From: ODNI COL S-08
Reason: 1.4(C)
Declassify On: 20340806~~



[redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[redacted]

08/06/2009 01:29 PM

To hpointer@plab.eop.ic.gov [redacted]

cc [redacted]

bcc

Subject ODNI 2nd Quarter 2009 Report to the IOB

b2

~~CLASSIFICATION: SECRET//NOFORN~~

Homer & [redacted]

Attached please find the above referenced report.

b6



090805 ODNI IOB 2nd Qtr 2009.pdf

Regards,

[redacted]

Senior Associate General Counsel
Office of the General Counsel

[redacted]

~~Classified By: [redacted]
Derived From: ODNI COL S-08
Reason: 1.4(C)
Declassify On: 20340806~~

Upon removal of attachment(s), this document is UNCLASSIFIED

UNCLASSIFIED



[Redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[Redacted]

10/20/2009 01:16 PM

To hpointer@plab.eop.ic.gov, [Redacted]

cc [Redacted]

bcc

Subject ODNI's 3rd Quarter 2009 Report to the IOB

CLASSIFICATION: UNCLASSIFIED

Homer & [Redacted]

Attached please find the above referenced report.

b2

b6



091020 ODNI 3rd Qtr 2009 Rpt to IOB.pdf

Regards,

[Redacted]

Senior Associate General Counsel
Office of the General Counsel

[Redacted]

UNCLASSIFIED

[REDACTED]
11/03/2008 02:21 PM

To [REDACTED]
cc [REDACTED]
bcc [REDACTED]

Subject IOB Report

Team,

The quarterly IOB report was signed by Ben and faxed to the IOB today. Once it is scanned with both signatures, we will get a copy to our OIG teammates.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of the General Counsel
[REDACTED]

b2
b6

[REDACTED]
11/04/2008 10:12 AM

To [REDACTED]
cc [REDACTED]
bcc [REDACTED]
Subject Fw: IOB Friedman Letter scanned and attached

[REDACTED]
Below please find the ODNI's 3rd Quarter Report to the IOB for your records.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of the General Counsel
[REDACTED]

b2
b6

— Forwarded by [REDACTED] on 11/04/2008 10:09 AM —

[REDACTED]
DNI-OGC
Office of the Director of
National Intelligence
[REDACTED]

To [REDACTED]
cc [REDACTED]
Subject IOB Friedman Letter scanned and attached

11/04/2008 10:06 AM

Greetings!

Attached is the signed letter from Ben for the 3rd quarter of 2008. Thanks.

Cheers!
[REDACTED]

OP

Powell_Friedman_IOB_10-31-08.pdf

[REDACTED]
02/03/2009 03:00 PM

To hpointer@piab.eop.ic.gov, [REDACTED]

cc [REDACTED]

bcc [REDACTED]

Subject ODNI's 4th Quarter Report to the IOB

CLASSIFICATION: UNCLASSIFIED

Homer,

Attached please find the ODNI's 4th Quarter 2008 report to the IOB.



4th Qtr 2008 ODNI Rpt to IOB.pdf

Please advise if you also require this document to be mailed by US post.

Thank you.

Regards,

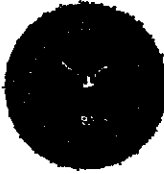
[REDACTED]
Senior Associate General Counsel
Office of the General Counsel

[REDACTED]

b2
b6

Upon removal of attachment(s), this document is UNCLASSIFIED

~~Classified By: [redacted]
Derived From: HCS 1-04, ODNI COL S-08
Reason: 1.4(c)
Declassify On: 25X1-human~~



[redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

To "Pointer, Homer S."
<HPointer@PIABLEOP.IC.GOV>@MACKINAW

cc [redacted]

bcc

Subject ODNI Quarterly Assessment to the IOB - 2nd Quarter 2008

[redacted]

04/21/2009 09:15 AM

CLASSIFICATION: ~~SECRET//HCS//NOFORN~~

Homer,

Attached please find the above referenced document.



FINAL IOB Report_2008_2_Qtr.pdf

[redacted]

Regards,

[redacted]

Senior Associate General Counsel
Office of the General Counsel

[redacted]

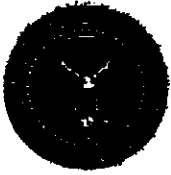
b2
b6

~~Classified By: [redacted]
Derived From: HCS 1-04, ODNI COL S-08
Reason: 1.4(c)
Declassify On: 25X1-human~~

Upon removal of attachment(s), this document is UNCLASSIFIED

Upon removal of attachment(s), this document is UNCLASSIFIED

~~Classified By: [redacted]
Derived From: Multiple Sources
Reason: 1.4(c)
Declassify On: 20340812~~



[redacted]
Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[redacted]

08/12/2009 03:39 PM

To hpointer@piab.eop.ic.gov

cc [redacted]

bcc [redacted]

Subject 3rd Quarter CY 2008 Review of IC Reporting to the IOB

~~CLASSIFICATION: TOP SECRET//SI//NOFORN~~

Homer,

Attached please find the above referenced report.



FINAL IOB Report 2008 3rd Qtr.pdf

b2
b6

Regards,

[redacted]
Senior Associate General Counsel
Office of the General Counsel

[redacted]

~~Classified By: [redacted]
Derived From: Multiple Sources
Reason: 1.4(c)
Declassify On: 20340812~~

Upon removal of attachment(s), this document is UNCLASSIFIED

Upon removal of attachment(s), this document is UNCLASSIFIED

~~Classified By: [REDACTED]
Derived From: ODN COL S-08
Reason: 1.4(c)
Declassify On: 20340220~~



[REDACTED]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[REDACTED]

02/20/2009 08:59 AM

To hpointer@piab.eop.ic.gov

cc [REDACTED]

bcc [REDACTED]

Subject ODN Quarterly Assessment to the IOB - 1st Quarter 2008

~~CLASSIFICATION: SECRET//NOFORN~~

Homer,

Please find attached the above referenced document. As always, please let us know if you have any questions.



FINAL IOB_Report_2008_1stQtr.pdf

We are hoping to have the 2nd quarter 2008 out soon.

Regards,

[REDACTED]
Senior Associate General Counsel
Office of the General Counsel

[REDACTED]

b2
b6

~~Classified By: [REDACTED]
Derived From: ODN COL S-08
Reason: 1.4(c)
Declassify On: 20340220~~

Upon removal of attachment(s), this document is UNCLASSIFIED

[REDACTED]
09/15/2008 10:47 AM

To [REDACTED]

cc [REDACTED]

bcc [REDACTED]

Subject Re: DEA Designation [REDACTED]

Excellent News. Cross that one off!!

[REDACTED]

[REDACTED]

[REDACTED]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

[REDACTED]

09/12/2008 04:27 PM

To [REDACTED]

cc [REDACTED]

Subject DEA Designation

b2
b6

[REDACTED]

I am in receipt of the AG's EO 13462 designation for the DEA. We received it via fax about 25 minutes ago from Rosemary Hart who is Special Counsel in DoJ's Office of Legal Counsel.

[REDACTED]

[REDACTED]
01/05/2009 08:46 AM

To [REDACTED]
cc
bcc

Subject Re: (U) Quarterly Intelligence Oversight Reporting

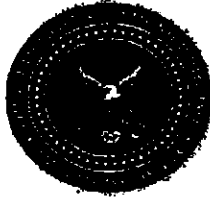
No reply.

Regards,

[REDACTED]

— Forwarded by [REDACTED] on 01/05/2009 10:35 AM —

b2
b6



Office of the Director of National Intelligence
Washington, D.C. 20511

January 5, 2009

Dear Colleagues:

In accordance with Executive Orders, the Inspector General and General Counsel are required to notify the Intelligence Oversight Board (IOB), at least quarterly, of any intelligence activities they believe may be unlawful or contrary to Executive Order or Presidential Directive.

All members of the ODNI, including staff, assignees, detailees, and contractors, who have information regarding a reportable intelligence activity are required to report this information to the Inspector General or General Counsel. The deadline for this reporting period is January 23, 2009.

If you have information regarding a reportable matter, you may submit your report to the Inspector General and General Counsel (up to the TS//HCS//SI-G//TK//NOFORN level) by using our internal Lotus Notes address: [REDACTED]. If you have reportable information related to a Special Access Program (SAP), you should send an e-mail to our Lotus Notes address - [REDACTED] - which provides your contact information and states that you have reportable information regarding a SAP matter. A member of the IOB team will contact you to provide further instructions regarding the reporting procedures for a SAP matter.

This quarterly notice serves as a reminder of your responsibility to report certain matters. However, you may report a matter that you believe to be unlawful or contrary to Executive Order or Presidential Directive at any time by submitting a report to our internal Lotus Notes address: [REDACTED].

No reply to this notice is required if you do not have reportable information. Thank you for complying with this important intelligence oversight obligation.



- data33880343.pdf

52

Thank You,
Edward Maguire
Inspector General

[Redacted]
01/27/2009 08:20 PM

To [Redacted]
cc
bcc

Subject Fw: (U) Quarterly Intelligence Oversight Reporting

Just realized that I may not have responded to this yet. Nothing to report.

b2

[Redacted]

— Forwarded by [Redacted] on 01/27/2009 08:20 PM —

Senior Associate General
Counsel
Office of General Counsel,
[Redacted]

To [Redacted]
cc

b6

01/07/2009 03:58 PM

Subject Fw: (U) Quarterly Intelligence Oversight Reporting

Colleagues,

Executive Order 13462 requires heads of departments and agencies of the Intelligence Community to report to the Intelligence Oversight Board (IOB) intelligence activities that "may be unlawful or contrary to Executive Order or Presidential directive" or that are significant and highly sensitive and "should be immediately reported to the President." OGC and OIG are the designated POCs for IOB matters in the ODNI. In the past, OGC has used an internal IOB database to receive IOB submissions. The IOB team (OGC, OIG, and CLPO) is now using a group address to receive submissions. We anticipate that the old database will be retained for archival purposes. Please submit any reportable matters you may have to [Redacted] by January 23, 2009. For your convenience, the IOB reporting criteria has been attached below. Please contact me or [Redacted] if you have any questions regarding the IOB process.



20090717Criteria4ReportingIO matters.pdf

Regards,

[Redacted]
Senior Associate General Counsel
[Redacted]

ATTORNEY WORK PRODUCT/

[Redacted]

10/27/2008 11:56 AM

To

[Redacted]

cc

bcc

Subject Breakout of OGC's IOB Accounts

[Redacted]

Per your request, following is the ODNI OGC IOB Team breakout by accounts. The named person is the "lead" on the respective accounts. If one or the other is out, we will assist you if we can, but we may not have the kind of detail about the particular matter you call about as we do for the accounts for which we are lead.

- [Redacted] - DoD
- [Redacted] DoJ
- [Redacted] All others

b2
b6

Regards,

[Redacted]

Senior Associate General Counsel
Office of the General Counsel

[Redacted]

From: Pointer, Homer S. [Homer_S._Pointer@pfiab.eop.gov]
Sent: Thursday, October 29, 2009 10:22 AM
To: [REDACTED]; Martinsson, Charlotte K.; [REDACTED]; Walker, Janice M.
Cc: Osburn, Stefanie R.
Subject: EO AMENDING 13462

Attachments: EO XXXXX-Amending 13462-091028.pdf



EO
Amending 13462-09

Attached FYI is the EO the President signed yesterday amending EO 13462.

Homer S. Pointer

General Counsel

President's Intelligence Advisory Board/ Intelligence Oversight Board

202-456-2352

b2
b6

[REDACTED]
07/11/2008 10:31 AM

To: [REDACTED]
cc pointerh@pfab.wh.ic.gov
bcc
Subject Updated Designee List

~~CLASSIFICATION: UNCLASSIFIED//FOUO~~

Team,

Based upon the contact info I received from DoJ, I have updated the designee list. It is attached here for you convenience. It is also saved in the share drive indicated in the footer of the document.



080711_IntelOversight_POCList(1).xls



b2
b6

08/13/2008 01:23 PM

To
cc
bcc

Subject 2007 IOB Reports Submitted to the Intelligence Oversight Board (for the DNI's situational awareness)

Below are the 2007 IOB reports that OGC and OIG recently submitted to the President's Intelligence Oversight Board (IOB). The DNI has attended the monthly IOB meetings in the past, but for the last several months, LTG Burgess has been attending the meetings on the DNI's behalf. The below reports are for the DNI's situational awareness. No action is required.

Regards,

Senior Associate General Counsel

b2
b6

ATTORNEY WORK PRODUCT/
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION/
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

— Forwarded by [redacted] on 08/13/2008 01:21 PM —

Senior Associate General Counsel
Office of General Counsel,

08/13/2008 01:23 PM

To
cc

Subject 2007 IOB Reports Submitted to the IOB

LTG Burgess,

We are pleased to inform you that the OGC/OIG team has submitted the 2nd, 3rd, and 4th quarter 2007 IOB reports to the IOB staff. Please find the reports attached below for your situational awareness. The OGC/OIG team stands ready to provide additional information should you have follow-up questions on any of the reported matters.



ReviewIOB_2ndQuarter_2007.pdf



Report_3rd_Quarter_CaYear2007.pdf



IOB_4thQt_2007Review.pdf

Regards,


Senior Associate General Counsel


ATTORNEY WORK PRODUCT/
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION/
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

b2
b6

[Redacted]

08/04/2008 11:49 AM

To [Redacted]

cc [Redacted]

bcc [Redacted]

Subject Re: Fw: 3 IOB docs [Redacted]

Thanks [Redacted]

I saved these into our IOB share drive.

[Redacted]

Regards,

[Redacted]

Senior Associate General Counsel
Office of the General Counsel

[Redacted]

[Redacted]

[Redacted]

Senior Associate General
Counsel
Office of General Counsel,

[Redacted]

To [Redacted]

cc [Redacted]

Subject Fw: 3 IOB docs

08/04/2008 11:40 AM

All, please find the signed IOB reports below. They have not been saved in the share folder yet. Bill, I will give you the hard copies when we meet later this week.

Regards,

[Redacted]

Senior Associate General Counsel

[Redacted]

ATTORNEY WORK PRODUCT/
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION/
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

— Forwarded by [Redacted] on 08/04/2008 11:22 AM —



[Redacted]

b2

b6



cc
Subject 3 IOB docs

b2

08/04/2008 11:13 AM

~~CLASSIFICATION: TOP SECRET//COMINT//TALENT KEY//OLE//HUMINT//NOFORN~~

Here you go! Please confirm you received this, thanks! :-)

<<ReviewIOB_2ndQuarter_2007.pdf>> <<ODNI_2_IOB 2008Report.pdf>>
<<Report_3rd_Quarter_CalYear2007.pdf>>

~~Classified By: [redacted]
Derived From: HCS 1-04 ODNI COL S-08
Reason: 1.4(c)
Declassify On: 25X1-humans~~



[redacted]

To [redacted]
cc [redacted]
bcc [redacted]

Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

Subject Re: ODNI Quarterly Assessment to the IOB - 2nd Quarter
2008 [redacted]

[redacted]

04/22/2009 10:48 AM

b2
b6

This office has not received any reporting either from within the ODNI for the 1st Quarter of 09 (except the one you note below that Homer said is not necessary to report to the IOB).

OGC will prepare the ODNI 1st Qtr 09 IOB letter for signatures. We will be sure to change the signatories to reflect [redacted]

We'll be sending it your way in the next few days.

Regards,

Senior Associate General Counsel
Office of the General Counsel

[redacted signature block]

[redacted]



[redacted]

To [redacted]
cc [redacted]

04/21/2009 05:25 PM

Subject Re: ODNI Quarterly Assessment to the IOB - 2nd Quarter
2008 [redacted]

[redacted] - will your office prepare the Quarterly ODNI letter to the IOB. I am not aware of any ODNI IOB matters. While we alerted the IOB to the [redacted] matter - Homer advised that we need not report as an

IOB matter. Also - the letter should list Scott Dahl as the Acting IG.

[redacted]
Office of Inspector General
Office of the Director of National Intelligence

b2
b6



[redacted]
Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

To "Pointer, Homer S."
<HPointer@PIAB.EOP.IC.GOV>@MACKINAW
cc [redacted]
Subject ODNI Quarterly Assessment to the IOB - 2nd Quarter 2008

04/21/2009 09:15 AM

~~CLASSIFICATION: SECRET//HCS//NOFORN~~

Homer,

Attached please find the above referenced document.

[attachment "FINAL IOB Report_2008_2_Qtr.pdf"

deleted by [redacted]

Regards,

[redacted]
Senior Associate General Counsel
Office of the General Counsel

[redacted]

~~Classified by: [redacted]
Derived From: HCS 1-04, ODNI COL S-08
Reason: 1.4(c)
Declassify On: 25X1-human~~

Upon removal of attachment(s), this document is UNCLASSIFIED



[Redacted]
Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

To [Redacted]
cc [Redacted]
bcc [Redacted]

Subject ODNI 1st Quarter 2009 Report to IOB for Scott's Signature

[Redacted]
04/24/2009 01:49 PM

[Redacted]

Attached below is the above referenced document. [Redacted] already signed it, so if you could have [Redacted] sign and then ask [Redacted] to scan it back to us, that would be great. The only change [Redacted] requested was to put both signature blocks on the same line, which I did.

Thanks. Also, I tried to cc: your new COS, [Redacted] but her name would not validate.

Regards,

[Redacted]
Senior Associate General Counsel
Office of the General Counsel
[Redacted]

b2
b6

— Forwarded by [Redacted] on 04/24/2009 01:45 PM —



[Redacted]
DNI-OGC
Office of the Director of
National Intelligence
[Redacted]
04/24/2009 01:43 PM

To [Redacted]
cc [Redacted]
Subject here you are...



Cheers!

[Redacted]

UNCLASSIFIED



[Redacted]
Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel

To Hpointer@piab.aop.ic.gov

cc [Redacted]

bcc [Redacted]

Subject ODNI's 1st Quarter 2009 Report to IOB

[Redacted]

04/24/2009 02:38 PM

b2
b6

CLASSIFICATION: UNCLASSIFIED

Good Afternoon Homer,

Attached please find the above referenced report.



090424 ODNI 1st Quarter 09 Report to IOB.pdf

Regards,

[Redacted]
Senior Associate General Counsel
Office of the General Counsel
[Redacted]

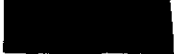
UNCLASSIFIED

Upon removal of attachment(s), this document is ENCLASSIFIED

Classified By: [REDACTED]
Derived From: ODNI COL'S-08
Reason: 1.4(c)
Declassify On: 20340805



DNI-OGC
Office of the Director of
National Intelligence



08/06/2009 01:14 PM

To [REDACTED]
cc [REDACTED]

bcc

Subject Re: CIA OIG's 2nd Quarter 09 ODNI IOB Report (complete package)

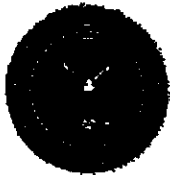
Attached are both the fax and signed letter with Bob Litt's signature. I also sent this to files I have as well as a hard copy in outgoing, thank you.



IOB 2009 Report Fax.pdf IOB2ndQtr2009signed.pdf

b2
b6

Cheers!



Office of the Director of
National Intelligence
Senior Associate General
Counsel
Office of the General Counsel



08/06/2009 01:06 PM

To [REDACTED]
cc [REDACTED]

Subject CIA OIG's 2nd Quarter 09 ODNI IOB Report

Colleagues,

Attached below in [REDACTED] email is the above referenced report that we received via fax and she scanned in for us. As usual, I saved it in the ODNI-IOB-Team's share folder.

Thank you [REDACTED]



Regards,