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(U//~~FOUO~~) Authorities of the SIGINT Functional Manager
4 February 2013

~~(S//NF)~~ The President, through Section 1.10(e) of Executive Order 12333, as amended,¹ directed the Secretary of Defense (SECDEF) to act as the executive agent of the United States Government for signals intelligence activities, in coordination with the Director of National Intelligence (DNI). The President, through Section 1.7(c) of EO 12333, also directly assigned to the Director of the National Security Agency (DIRNSA) the responsibility for execution of the SIGINT mission, to include responsibility for collecting (including through clandestine means), processing, analyzing, producing, and disseminating signals intelligence information and data for foreign intelligence and counterintelligence purposes to support national, departmental, and military missions. Furthermore, the President directed DIRNSA to “[e]stablish and operate an effective unified organization for signals intelligence activities, except for 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 from the Secretary of Defense, after coordination with the Director [of National Intelligence].”²

(U//~~FOUO~~) These SIGINT responsibilities of the SECDEF and DIRNSA existed in the prior version of EO 12333³ but, in the 2008 amendments to the order, the President also expressly designated DIRNSA to serve as the Intelligence Community’s Functional Manager (FM) for Signals Intelligence.⁴ *See, specifically*, Section 1.3(b)(12)(A)(i) of Executive Order 12333, “United States Intelligence Activities,” as amended by Executive Orders 13284 (2003), 13355 (2004), and 13470 (2008). EO 12333 also authorizes the DNI to create FMs for other intelligence disciplines or sets of intelligence activities. According to the EO, each FM “shall report to the Director [of National Intelligence] 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.” Furthermore, Section 1.3 of the Executive Order also states that the DNI may also charge FMs with setting

¹ (U) President Bush amended EO 12333 substantially in 2008.

² (U) In DoD Directive 5100.20, the SECDEF has authorized DIRNSA to exercise the SECDEF’s authority to delegate SIGINT authority to other departments and agencies. Of course, the President may also authorize other IC elements to conduct signals intelligence activities.

³ (U) For example, Section 1.12(b) of the previous version of EO 12333 also stated that no other federal department or agency was authorized to engage in SIGINT activities unless they had been expressly delegated authority to do so. Also, in Section 403-5(b) of Title 50 of the United States Code, Congress has directed the Secretary of Defense to “ensure ... through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure the product is disseminated in a timely manner to authorized recipients.”

⁴ (U) The amended version of EO 12333 also designates the Director of the Central Intelligence Agency to serve as the Functional Manager for Human Intelligence and the Director of the National Geospatial-Intelligence Agency to serve as the Functional Manager for Geospatial Intelligence.

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“training and tradecraft standards” and ensuring coordination “within and across intelligence disciplines and Intelligence Community elements and with related non-intelligence activities.”⁵

(U//~~FOUO~~) Pursuant to his authority to assign additional duties to the IC’s Functional Managers, on 19 May 2009 the DNI issued Intelligence Community Directive Number 113 (ICD 113), “Functional Managers.” ICD 113 provides further duties, roles, responsibilities, obligations, and authorities of FMs. In accordance with ICD 113, paragraph D1, FMs shall ensure “a unified, coordinated, and integrated IC” and “improve effectiveness and efficiency within and across functions.” Each FM is responsible for a “function,” which is defined by paragraph D1 as an “enterprise-wide intelligence activity or set of intelligence activities characterized by specific skill sets, data sources, tasking, collection, processing, exploitation, analysis, and dissemination processes requiring specialized training, equipment, or unique applications of training or skills.”

(U//~~FOUO~~) ICD 113 instructs FMs to “serve as the cognizant authorities with respect to the overall performance of their functions within and across IC elements and activities.” The ICD lists an FM’s specific obligations which include: maintaining knowledge of the totality of activities and resources pertaining to the function across the IC, advising on resource allocation, and evaluating the performance and measuring the overall effectiveness of the function against the National Intelligence Priorities Framework. FMs are also vested with authorities to meet the obligations related to their duties. FMs are explicitly authorized to prescribe “training, tradecraft, reporting, and function-specific technical architecture standards in compliance with DNI policies and guidance, where applicable.”

(S//~~NF~~) ICD 113 does not elaborate on the specific functions or intelligence disciplines for which FMs are responsible but National Security Council Intelligence Directive No. 6 (NSCID 6), “Signals Intelligence,” 17 February 1972, defines SIGINT activities as comprising Communication Intelligence (COMINT) and Electronics Intelligence (ELINT). NSCID 6 further defines COMINT activities as those activities that produce COMINT by the collection and processing of foreign communications passed by radio, wire or other electronic means [with limited exceptions not relevant here] and by the processing of foreign encrypted communications, however transmitted.

(S//~~NF~~) NSCID 6 assigns the US Government’s SIGINT mission to DIRNSA but paragraph 5b of NSCID 6 states, “Nothing in this directive shall be construed to encroach upon or interfere with the unique requirements for clandestine operations covered under NSCID No. 5. Those SIGINT collection and processing activities (other than cryptanalysis) that are specifically designated by the Director of Central Intelligence to be essential and integral to the operation of clandestine espionage and counterintelligence activities abroad, including arrangements with foreign clandestine services, shall be conducted under the provisions of that directive.”

⁵ (U) The prior version of EO 12333 that was issued by President Reagan in 1981 did not provide for Functional Managers. It appears clear that the decision to create Functional Managers with broad responsibilities was intended to ensure unity of effort across the Intelligence Community in areas where FMs have been designated.

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~~(S//NF)~~ NSCID 6 also includes a SIGINT exception for the Federal Bureau of Investigation [Redacted]

[Redacted] The FBI's SIGINT exception is contained in paragraph 6 of NSCID 6, which states that NSCID 6 shall not "be construed to encroach upon or interfere with the unique responsibilities of the Federal Bureau of Investigation in the field of internal security, including such intercept and processing activities as may be undertaken by the Federal Bureau of Investigation in connection with its functions." [Redacted] (b)(1)

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[Redacted]

~~(S//NF)~~ Unlike his NSCID 6 authority over NSA and the Central Security Service, DIRNSA's authorities as the SIGINT FM flow from the more recently issued amendments to EO 12333 and from ICD 113. [Redacted]

[Redacted]

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