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THE WHITE HOUSE

WASHINGTON

September 13, 2004

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE **SECRETARY** OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
ASSISTANT TO THE PRESIDENT AND COUNSEL TO THE
PRESIDENT
ASSISTANT TO THE PRESIDENT **FOR** HOMELAND SECURITY
ACTING DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
DIRECTOR, FEDERAL **BUREAU** OF INVESTIGATION

SUBJECT: Draft Intelligence Reform Legislation

On August 2, 2004, the President endorsed most of the 9/11 Commission's 41 recommendations, while noting that prior to the release of the Commission report, his Administration had already taken many of the actions suggested by the Commission. The Commission made 13 "black letter" recommendations for intelligence reform. The President specifically expressed support for the creation of a National Intelligence Director (NID) position. He subsequently determined that an effective NID would require full budget authority over the National Foreign Intelligence Program (NFIP). To ensure no disruption to the execution of operations in the war on terrorism, however, the President resolved that the current "chain-of-command" will be preserved, with the exception of the Central Intelligence Agency. The President has directed that we **work** with the Congress to produce the best legislation possible to further strengthen our intelligence capabilities.

Over this past weekend, the President gave some additional guidance. The President determined that the NID should have full authority in developing a consolidated NFIP budget, developing it in consultation with the heads of Departments and Agencies. The President also determined that the NFIP funding, once appropriated by Congress, would be allotted by the NID to the Intelligence Community agencies/organizations. Finally, the President determined that the Director of the Central Intelligence Agency (D/CIA) will report to him through the NID. The President's decision on declassifying the NFIP's "top line"



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is still pending. The procedures described in the attached text are premised on declassification of the "top line".

Attached at Tab A is draft intelligence reform legislation revised following receipt of comments from many of you on September 11. The attached text reflects an effort to implement the President's guidance while reconciling, to the extent possible, numerous comments on several earlier drafts received from Departments and Agencies. In certain instances, it was not possible to reconcile competing views expressed by participants in this process. The most significant issues encountered during this final round of coordination, and their resolution in the draft text, are highlighted below.

- Role of Department Heads in allotting funds appropriated to the NID. Some Cabinet Secretaries expressed concern that granting the NID authority to allot or allocate funds directly to agencies or organizations within the Intelligence Community might limit a Secretary's ability to execute missions for which the President holds him accountable. To address this concern without diluting the full budget authority vested in the NID, the attached text requires the NID to provide the appropriate Department Head with both "prior notice" of allotments and "supporting information" to explain his allotments and allocations.
- Responsibility to ensure adequacy of budgets for DOD Intelligence Community agencies to meet intelligence needs of warfighter. The text was amended to require the NID, in exercising his budget authorities, to ensure adequate NFIP funds are allotted or allocated to these agencies to satisfy military requirements. At the same time, the existing statutory requirement for the Secretary of Defense to ensure these agencies operate in a manner that addresses the needs of DOD, JCS, and the unified combatant commands, as well as other consumers, has been retained, modified to reflect the NID's budgetary role.
- Exercise of transfer and reprogramming authority over NFIP funds. The comments received proposed various restrictions on the NID's authority to transfer and/or reprogram NFIP funds to prevent inappropriate NID involvement in the execution of essential departmental missions. The revised text requires the NID to "consult" with the relevant Department Head (or D/CIA) and gain the approval of Director/OMB in all NFIP transfers or reprogrammings. A Department head may also initiate an NFIP transfer or reprogramming, for review by the NID. Finally, the functions of the Joint Intelligence Community Council (JICC) have been expanded to include advice



on procedures governing NFIP transfers and reprogrammings. These provisions should protect the interests of Department Heads.

- Role of the JICC. Several proposals were submitted that sought to expand the functions of the JICC or more precisely define its operating procedures. In the attached text, the JICC functions have been expanded to include, as noted above, advice on the procedures governing transfer and reprogramming of funds, and **also** a role in developing the NFIP budget. Rules governing the operation of the JICC - including mechanisms to initiate a meeting - should be established by Executive Order and not statute.
- NID not serve simultaneously as D/CIA. The attached text clarifies that the NID shall not **also** serve as the Director of the CIA. This provision was removed from a previous draft of the legislation to avoid limiting the prerogatives of a future president over appointments. The restriction has been restored to reflect the President's agreement with the 9/11 Commission's recommendation that the DCI and D/CIA functions should be separated.
- NID role in Foreign Intelligence Surveillance Act (FISA) collection. A question was raised as to what role the NID should play in establishing FISA requirements and priorities and managing FISA collection. To bridge the divide between foreign and domestic intelligence, and more closely integrate the IC, the NID's collection authorities should generally extend to FISA activities. The NID will not, however, play any role in executing FISA collection or interrupt the current disciplined application of court-approved procedures governing this sensitive collection method. I do not believe a specific statutory exception is necessary, however. Executive Order language can address the implementation aspects of this issue.
- National Security Council Membership. Some Departments and Agencies submitted comments on the appropriate composition of the NSC. As a legal and policy matter, I suspect we all believe that Congress should not legislate the membership of bodies whose principal **purpose** is to provide advice to the President. The composition of the NSC can be addressed, however, in a review of existing NSPDs. The NSPDs will be updated as appropriate.
- Establishment of centers in addition to National Counterterrorism Center (NCTC). The attached draft deletes the provision governing establishment of additional national intelligence centers by the President. Such Presidential



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authority does not require specific statutory authorization. The provision establishing NCTC has been expanded to include more language from the President's August 27, 2004, Executive Order.

I appreciate the effort by each of you and your offices to respond and provide comments on an expedited basis. The present plan is to provide the **President with draft** legislation for **his** review on Wednesday, September 15. I will make known to the President the issues where differences of views remain. Since you may have additional comments to the attached draft legislation, please submit them to the President.



Condoleezza Rice

Assistant to the President for
National Security Affairs

Attachment

Tab A Draft Legislation on Intelligence Reform



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A BILL

To strengthen the intelligence capabilities of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE

This Act may be cited as the “National Security and Intelligence Act of 2004”.

SEC. 2. AMENDMENTS TO DEFINITIONS IN NATIONAL SECURITY ACT

(a) Section 3(4)(L) of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read:

“(L) such other agencies or organizations as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the affected department, as defined in (c)(11) of this section (or the Director of the Central Intelligence Agency to the extent the Central Intelligence Agency is affected).

(b) Section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(5) The terms ‘national intelligence’ and ‘intelligence related to the national security’ refer to all intelligence that pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency that involves: (A) threats to the United States, its people, property, or interests, (B) the development, proliferation, or use of weapons of mass destruction, or (C) any other matters bearing on U.S. national or homeland security, regardless of the source from which derived, including information gathered within or outside the United States.”.

(c) Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by adding at the end thereof the following:

“(8) The term ‘Joint Military Intelligence Program,’ or ‘JMIP,’ includes programs within a military service or department, or a defense-wide activity, that predominantly provides intelligence and support to multiple Department of Defense components for their planning purposes or the conduct of military operations. The intelligence generated by such activities or operations may be of interest to the Intelligence Community.

“(9) The term ‘Tactical Intelligence and Related Activities,’ or ‘TIARA,’ comprises many separate intelligence and intelligence-related capabilities that are essential for



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tactical operations conducted by the forces of a single **U.S.** military service, **and that are** designed, built, and/or operated exclusively by the military services.

“(10) The term ‘agencies and organizations within **the** Intelligence Community’ means the elements set forth in section 3(4)(B) through (L) of the Act.

“(11) The term ‘departments containing agencies or organizations within the Intelligence Community’ **means** the Department of State, the Department of the Treasury, the Department of Defense, the Department of Justice, the Department of Energy, the Department of Homeland **Security**, and any other executive department that the President may designate for purposes of this subsection.”

SEC. 3. AMENDMENTS RELATING TO THE NATIONAL SECURITY COUNCIL

Section 101 of the National **Security** Act of 1947, **as** amended (**50 U.S.C.402**), is amended **to** read **as** follows:

“NATIONAL SECURITY COUNCIL

“SEC. 101. (a) **ESTABLISHMENT.--There** is hereby established the National **Security** Council, which shall be subject to the authority, direction, **and** control of the President.

“(b) **COMPOSITION.--(1)** The Council shall consist of the President, the Vice President, the Secretary of State, the Secretary of Defense, **and** such other **officers** of the United States **as** the President may **from** time to time designate.

“(2) The Chairman **of** the Joint Chiefs of Staff may, in **the** Chairman’s role **as** principal military adviser to the National **Security** Council under section 151(b)(1) of title 10, United States Code, and subject to the direction of the President, attend **and** participate in **meetings** **of** the National **Security** Council.

“(3) The National Intelligence Director may, in the Director’s role **as** principal intelligence adviser to the National **Security** Council under section 102(b)(2) of the National Security Act of **1947**, **and** subject **to** the direction of the President, attend **and** participate in meetings of the National Security Council.

“(4) The Director of the Office of National Drug Control Policy, in the Director’s role **as** principal adviser **on** national **drug** control policy to **the** National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.

“(5) Other personnel within the Executive Branch shall provide **advice** to, attend, **and** participate in **meetings** of the National Security Council **as** directed **by** the President.

“(c) **FUNCTIONS.--The** functions of the Council shall be--



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“(1) to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national **security so as** to enable the agencies of the Government to cooperate more effectively in matters involving national security;

“(2) to **assess**, appraise, and make recommendations to the President with respect to the objectives, commitments, and **risks** of the United States in relation to actual and potential military power of the United States, in the interest of national security;

“(3) to consider **and make** recommendations to the President with respect to policies on matters of common interest to the agencies of the Government concerned with national **security**;

“(4) to perform such other functions **as** the President may direct, for the purpose of more effectively coordinating the policies and functions of the agencies of the Government relating to national **security**; and

“(5) to make, **from** time to time, such recommendations and reports to the President **as** the Council deems appropriate or **as** the President may direct.

“(d) **STAFF.--(1)** The Council shall have a staff, which shall be subject **to** the direction of **the** President.

“(2) The staff **of** the Council shall consist of--

“(A) a civilian executive secretary who shall be appointed by the President and head the staff;

“(B) other personnel appointed by the President; and

“(C) personnel assigned or detailed **from an** agency.

“(3) The President may, without regard to any **other** law, **fix** compensation of the **staff** and direct assignments or details to the **staff with** or without reimbursement.”.

**SEC. 4. AMENDMENTS RELATING TO THE NATIONAL INTELLIGENCE
DIRECTOR AND THE OFFICE OF THE NATIONAL INTELLIGENCE
DIRECTOR**

(a) Section 102 of the National Security Act of **1947 (50 U.S.C403)** is amended to read **as follows**:

“OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR

“SEC. 102. (a) **APPOINTMENT OF NATIONAL INTELLIGENCE DIRECTOR AND
DEPUTY NATIONAL INTELLIGENCE DIRECTOR.--(1)** **There** is a National Intelligence
Director who shall be appointed by the President, **by** and with the advice and consent of the
Senate.



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“(2) There is a Deputy National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall perform the duties and exercise the powers of the Director during the Director’s absence or disability or during a vacancy in the position of the National Intelligence Director.

“(3)(A) An individual serving as the National Intelligence Director shall not simultaneously serve as the Director of the Central Intelligence Agency. Not more than one of the individuals serving in the offices specified in paragraphs (1) and (2) may be a commissioned officer of the Armed Forces, whether in active or retired status.

“(B) A commissioned officer of the Armed Forces, while serving in a position specified in subsection (a)(1) or (a)(2)--

“(i) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

“(ii) shall not exercise, by reason of the officer’s status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and .

“(iii) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

“(4) Except as provided in paragraphs (3)(B)(i) and (3)(B)(ii), the appointment of an officer of the Armed Forces to a position specified in subsection (a)(1) or (a)(2) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

“(5) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in subsection (a)(1) or (a)(2), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from appropriations available to the National Intelligence Director.

“(b) FUNCTIONS OF THE NATIONAL INTELLIGENCE DIRECTOR.--Subject to the direction of the President, the National Intelligence Director shall--

“(1) serve as the head of the United States Intelligence Community; and

“(2) act as the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters relating to the national security.



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“(c) **AUTHORITIES OF THE NATIONAL INTELLIGENCE DIRECTOR.**--In the performance of the functions set forth in subsection (b) and subject to the direction of the President, the National Intelligence Director shall--

“(1) provide all relevant intelligence related to the national security to the President, the Vice President in the performance of executive functions, the heads of departments and agencies, the Chairman of the Joint Chiefs of Staff, **and** others **as** appropriate; and such intelligence should be timely, objective, independent of political considerations, **and** based upon all sources available to the Intelligence Community;

“(2) in accordance **with** national intelligence objectives **and** priorities approved **by** the President--

“(A) develop objectives **and** guidance for the Intelligence Community necessary, **in** the Director’s judgment, to ensure timely and effective collection, processing, analysis, and dissemination, including access by users to collected data and analytic products generated by or within the Intelligence **Community**, of national intelligence;

“(B) determine **and** establish requirements and priorities for, and manage and issue tasking for the collection of national intelligence by, the agencies and organizations within the Intelligence **Community** (including collection under the Foreign Intelligence Surveillance Act of **1978** (50 U.S.C. 1801 et ~~se~~));

“(C) resolve conflicts in collection requirements and the **tasking** of national collection assets of agencies **and** organizations within the Intelligence **Community**, except when otherwise directed **by** the President, or when the Secretary **of** Defense exercises collection tasking authority under plans and arrangements agreed to by both the Secretary of Defense and the National Intelligence Director;

“(D) provide advisory tasking concerning collection and analysis of national intelligence to elements of the United States Government that have information collection **and** analytic capabilities **and are** not within the Intelligence Community; and

“(E) determine and establish requirements and priorities for, and manage and direct the **tasking of**, analysis, production, and dissemination of national intelligence by agencies and organizations within the Intelligence Community, and resolve any conflicts regarding such matters, except when **otherwise** directed **by** the President, or **when** the Secretary of Defense exercises production tasking authority under plans **and** arrangements agreed **to** by **both** the Secretary of Defense and the National Intelligence Director;

“(3) with respect to budget requests and appropriations for the National Foreign Intelligence **Program**--

“(A)(i) based on intelligence priorities set by the President, provide **to** the heads of departments containing agencies or organizations within the Intelligence Community, and to



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the heads of such agencies and organizations, guidance for building the NFIP budget pertaining to such agencies and organizations;

“(ii) based on budget proposals provided to the National Intelligence Director by the heads of agencies or organizations within the Intelligence Community and the heads of their respective departments, and, **as** appropriate, upon the advice of the Joint Intelligence **Community** Council, develop and determine **an** annual consolidated NFIP budget; and

“(iii) present such consolidated NFIP budget, together with any comments from the heads of departments containing agencies or organizations within the Intelligence **Community**, to the President for approval; and

“(B) receive finds from appropriations for the NFIP and, with prior notice including the provision of appropriate supporting information to the heads of any departments containing agencies or organizations within the Intelligence **Community** and to the **Director** of the Central Intelligence Agency, allot or allocate those funds pursuant to subsection (e) of this section to the agencies and organizations within the Intelligence **Community** for programs and activities that **are** part of the NFIP;

“(C) have the authority to transfer or **reprogram** NFIP funds, **as** necessary, with the approval of the Director of the Office of Management and Budget, and after consultation with the heads of departments containing agencies or organizations within the Intelligence Community to the extent their subordinate agencies or organizations are affected, **and** with the Director of the Central Intelligence Agency to the extent the **Central Intelligence Agency** is affected. Funds transferred or **reprogrammed** under **this** subsection shall remain available for the same period **as** the appropriations account to which **transferred** or within which **reprogrammed**;

“(D) review, **and** approve or disapprove, any proposal to **transfer** or reprogram funds--

“(i) within **an** NFIP appropriation;

“(ii) **from** appropriations that are not for the NFIP to appropriations for **the** NFIP;
and

“(iii) **from** appropriations for the NFIP to appropriations that are not for the NFIP.

“(E) in consultation with the heads of departments containing agencies or organizations within **the** Intelligence **Community** and with the Director of the Central Intelligence Agency, monitor implementation and execution of the NFIP, including, **as** necessary, by conducting program and performance audits and evaluations;

“(4) with respect to budget requests and appropriations for the Joint Military Intelligence Program (**JMIP**) and for Tactical Intelligence and Related Activities (**TIARA**)--



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“(A) participate in the development by the Secretary of Defense for the approval of the President of budget requests for the **JMIP and TIARA**; and

“(B) monitor **and** consult with the **Secretary** of Defense on implementation of, and reprogramming or **transfers** of funds Within, into, or out of appropriations for the **JMIP and TIARA**;

“(5) establish **common** security and access **standards** for managing and handling intelligence systems, information, **and** products, including access to collected data **and** analytic products generated by or **within** the Intelligence Community, focusing particularly on **facilitating** among the agencies **and** organizations within the Intelligence Community and networks available **across** the other Federal agencies involved **in** national security **and** homeland security activities, State **and** local governments, **and, as** appropriate, other entities--

“(A) the fullest **and** most prompt sharing of **and** access to information **and** products practicable, including access to collected data and analytic products, with special emphasis on detecting, preventing, preempting, and disrupting terrorist threats **and** attacks against the United States, its people, property, and interests; and

“(B) establishment of interface standards for **an** interoperable information-sharing enterprise that facilitates automated access to national intelligence by agencies and organizations within the Intelligence Community;

“(6) prescribe, **after** consultation with the **heads** of **departments** containing agencies or organizations within the Intelligence Community **and** with the Director of the Central Intelligence Agency--

“(A) standards, policies, and programs within **the** Intelligence Community--

“(i) to provide for **common** personnel clearance policies and processes;

“(ii) to provide, where appropriate, for the rotation of personnel **among** agencies and organizations within **the** Intelligence Community, in consultation with the heads of departments containing agencies or organizations **within** the Intelligence Community to the extent their subordinate agencies or organizations **are** affected (**and with** the Director of the Central Intelligence Agency to the extent **the** Central Intelligence Agency is affected), **and** to make such rotational assignments a requirement **to** be considered for promotion **to** senior positions;

“(iii) to **establish** personnel, administrative, **and** security programs to increase the efficiency of, and promote the creation of joint activities within, the Intelligence Community; **and**

“(iv) to ensure that persons engaged in the performance of intelligence activities within the Intelligence **Community** possess the qualifications necessary for the effective conduct of **such** activities; **and**



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“(B) measurable standards within the Intelligence Community for--

“(i) education, training, career development, and language capability of personnel;
and

“(ii) qualifications of personnel for employment by, or assignment or detail to, the National Counterterrorism Center;

“(7) have authority, direction, **and** control **over** the National Counterterrorism Center **and** supervise the Director of that Center;

“(8) obtain from, and provide to, agencies and organizations within **the** Intelligence **Community** both personnel **and** services, with or without reimbursement, without regard to any other law, after consultation with the heads of departments containing affected agencies or organizations within **the** Intelligence Community and with the Director of the Central Intelligence Agency to the extent the Central Intelligence Agency is affected;

“(9) protect intelligence sources **and** methods **from unauthorized** disclosure;

“(10) evaluate the utility of national intelligence to the President, the Vice President in the performance of executive functions, **and** other officials of the United States Government; and establish, review, **and** monitor performance objectives, goals, and **measures** for the Intelligence Community;

“(11) correlate, evaluate, analyze, **and** disseminate national intelligence, including production of **reports** based on such intelligence;

“(12) **ensure** that appropriate agencies and organizations within the Intelligence Community have access to and receive all-source intelligence support needed to **perform** independent, alternative analysis;

“(13) **after** consultation with **the** heads of **departments** containing agencies or organizations within the Intelligence Community **and** the Director of **the** Central Intelligence Agency, without regard to **any** other law, assign agencies and organizations **within** the Intelligence Community **and** **the** Central Intelligence Agency the duty, **using** appropriations for the National Foreign Intelligence **Program**, to execute **and** fund programs, activities, or services of common concern to such agencies and organizations, which programs, activities, or services the National Intelligence Director **determines** can be more efficiently accomplished centrally;

“(14) establish policies and procedures to govern the establishment **and** maintenance of intelligence arrangements, including operational and information-sharing arrangements, with foreign governments **and** international organizations on all matters involving intelligence related to **the** national security, or involving intelligence acquired by clandestine means, to ensure consistency **and** coordination between and among (A) agencies and organizations



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within **the** Intelligence Community, (B) the intelligence or security services of foreign governments, **and** (C) **as** appropriate and consistent with applicable law, international organizations;

“(15) establish, in the implementation of paragraph (c)(3) of **this** section, capital and investment policies **and** processes in consultation with the departments containing agencies or organizations **within** the Intelligence Community and with the Director of the Central Intelligence Agency;

“(16) exercise such authorities and **perform** such duties relating **to** counterintelligence as **the** President may direct; **and**

“(17) perform such **other** duties **as** the President may direct.

“(d) NATIONAL ~~INTELLIGENCE~~ DIRECTOR NFIP ACCOUNT. There is hereby authorized to be established on the books of the Treasury **an** account, administered by the National Intelligence Director, for carrying out the National Foreign Intelligence Program.

“(e) **ESTABLISHMENT , CONTROL , AND** MANAGEMENT OF FUND ACCOUNTS.--(1) The Secretary of the Treasury **shall** establish **fund** accounts for the use of **the** National Intelligence Director for the purpose of carrying **out** the functions **and** **authorities set** forth in **this** section, or **other** applicable law, **as** they relate to the National Foreign Intelligence **Program**.

“(2) The National Intelligence Director shall, without regard to any **other** provision of law, control **and** manage accounts established **under** paragraph (e)(1), and shall **with the** concurrence of the Director of the Office of Management and Budget, establish procedures governing **the use** (including transfers and **reprogrammings**) of **funds** in those accounts, Without regard **to** any **other** provision of law, a certifying official shall follow these procedures with **regard** to each fund account. Disbursements **from any** fund account must be against a valid obligation of **the** fund account.

“(3) The term ‘certifying official’ means **an** employee of **an** agency or organization within the Intelligence **Community** who **has** responsibilities specified in subsection 3528(a) of title 31, United States Code.

“(4) Fund accounts established in this subsection shall be subject **to** Chapters **13** and **15** of Title **31**, United States Code, except **sections 1503** and **1556** of title 31.

“(5) Nothing in this subsection shall **be** construed to impair or otherwise affect the authority granted by sections **5** and **8** of the Central Intelligence Agency Act of **1949** (**50** U.S.C. 403f and 403j) and subsection (f)(3) of **this** section.”

“(f) **ESTABLISHMENT OF THE OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR**.--(1) There is hereby established **an** Office of the National Intelligence Director, located in the Executive Branch, **under** the authority, direction, and control of the



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National Intelligence Director, to assist the National Intelligence Director in the performance of the Director's functions specified by law or by the President.

“(2) The Office of the National Intelligence Director includes the Director and Deputy National Intelligence Director and such ~~officers~~ and other persons as the National Intelligence Director may designate. The Director shall ~~serve as~~ the head of the Office of the National Intelligence Director.

“(3)(A) In the performance of the functions vested in the National Intelligence Director or the Office of the National Intelligence Director, the National Intelligence Director may exercise with respect to the Office of the National Intelligence Director any authority that the Director of the **Central** Intelligence Agency, or **the** Central Intelligence Agency, may exercise with respect to the Central Intelligence Agency under the ~~Central~~ Intelligence Agency Act of **1949** (except sections 17, 20, and 21 thereof, and sections therein relating to retirement benefits of any person) and section 102A(d)(2) of the National Security Act of 1947.

“(B) The National Intelligence Director may delegate **any** of the Director's functions or duties to such officers, employees, or organizations of the Office of the National Intelligence Director ~~as~~ the Director may designate.

“(C) Any authority, power, or function vested by law in any officer, employee, or part of the Office of the National Intelligence Director is vested in, and may be exercised by, **the** National Intelligence Director.

“(4) Exemptions, exceptions, and exclusions for **the Central** Intelligence Agency or for personnel, resources, or activities ~~thereof from~~ otherwise applicable laws, other than the exception contained **in** section 102A(b)(1) of the National Security Act of **1947**, shall apply in the same ~~manner~~ to the Office of the National Intelligence Director and the personnel, resources, and activities thereof.

“(g) **NATIONAL INTELLIGENCE COUNCIL.-- (1)** There is hereby established within the Office of the National Intelligence Director a National Intelligence Council.

“(2) The Council shall—

“(A) produce national intelligence estimates, including, whenever appropriate, alternative views held by agencies or organizations within the Intelligence **Community;**

“(B) evaluate Intelligence **Community-wide** collection and production of national intelligence and the requirements and resources of **such** collection and production; and

“(C) perform such advisory functions **as** the National Intelligence Director may require.

“(3) The heads **of** agencies or organizations within the Intelligence Community shall, as appropriate, ~~furnish~~ such ~~support to the~~ National Intelligence Council, including the preparation of intelligence analyses, **as** may be **required** by the National Intelligence Director.



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“(h) JOINT INTELLIGENCE COMMUNITY COUNCIL.-- (1) There is hereby established a Joint Intelligence Community Council.

“(2)(A) The Joint Intelligence **Community** Council shall advise the National Intelligence Director on--

“(i) ensuring implementation of a joint, unified national intelligence effort to protect the national **security**;

“(ii) setting requirements, developing budgets, procedures governing reprogrammings and transfers, financial management, and monitoring and evaluating the performance of the Intelligence Community; **and**

“(iii) such other matters **as** the National Intelligence Director may request.

“(B) The National Intelligence Director shall consult **with** the Joint Intelligence Community Council in developing guidance for the development of the annual consolidated NFIP budget.

“(3) The Joint Intelligence Community Council shall consist exclusively of—

“(A) the National Intelligence Director, who shall chair the Council;

“(B) the Secretary of **State**;

“(C) the Secretary of the Treasury;

“(D) **the** Secretary of Defense;

“(E) the Attorney General;

“(F) the Secretary of Energy;

“(G) the Secretary of Homeland **Security**; and

“(H) such other officials of the Executive Branch **as** the President may designate from time to time.

“(4) The Council shall meet at the request of the National Intelligence Director.

“(i) NATIONAL COUNTERTERRORISM CENTER.--(1) There is hereby established a National Counterterrorism Center.

“(2) The Director of the Center shall be appointed by the President.

“(3) The Center shall—



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“(A) serve **as** the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by **the** United States Government pertaining to terrorism and counterterrorism, except exclusively domestic counterterrorism information. Unless specifically precluded by statute, the Center may receive, **retain, and** disseminate information **from any** Federal, State, or local government, or other source **necessary** to fulfill its responsibilities; **and** agencies authorized to conduct counterterrorism activities may **query** Center data for any **information** to **assist** in their respective responsibilities;

“(B) conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, **and** law enforcement activities within and among agencies;

“(C) assign operational responsibilities to lead agencies for counterterrorism activities that are consistent with applicable law **and** that support strategic plans to counter terrorism. The Center shall ensure that agencies and organizations **within** the Intelligence **Community** have access to and receive intelligence needed to accomplish their assigned activities. The Center shall not direct the execution of operations. Agencies shall **inform** the National **Security** Council and the Homeland Security Council of any objections to designations and **assignments** made by **the** Center in the **planning** and coordination of counterterrorism activities;

“(D) serve **as the** central and **shared** knowledge **bank** on **known and** suspected terrorists and international terror groups, **as well as** their **goals**, strategies, capabilities, **and** networks of contacts and support; **and**

“(E) ensure that agencies, **as** appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.

“(j) **ADDITIONAL AUTHORITIES.--** In the performance of the **functions** vested in the National Intelligence Director or the Office of the National Intelligence Director, the National Intelligence Director may, with respect to the **Office** of the National Intelligence Director, in addition to **any** other authority provided to the Director or the Office by **law**, including subsection (f) of **this** section, or by delegation **from** the President--

“(1) prescribe or issue directives, regulations, and guidance to implement any function, responsibility, or authority provided to the National Intelligence Director in **this** Act;

“(2) enter into and perform contracts, leases, grants, cooperative agreements, and other transactions to implement **this** Act, on such **terms** and conditions **as** the Director deems appropriate, with **any** Federal, State, local, tribal or foreign governmental entity or international organization, commercial, nonprofit, educational or other organization, or **any other** entity or person, without regard to subsections 3324(a) **and** (b) and chapter 63 of title 31, United States Code;



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“(3) accept **from** any source, hold, administer, invest, dispose of and utilize **gifts**, bequests, or devises of services, money, securities or property (whether real, personal, intellectual or of any other kind) or any interest therein, and the income **therefrom** or the proceeds upon disposition thereof, without regard to section 1342 of title 31, United States Code, and such money, income or proceeds shall be available to the Director for obligation and expenditure to carry out the functions of the Office under **this** Act;

“(4) use, **with** consent and with or without reimbursement, the services, equipment, personnel, and facilities of **any** Federal, State, local, tribal, or foreign governmental entity or international organization, commercial, nonprofit, educational or other organization, or any other entity or person;

“(5) acquire (by purchase, lease, condemnation, or otherwise), invest, sell, dispose of or convey services, money, **securities**, or property (whether real, personal, intellectual, or of any other kind) or interest therein;

“(6) construct, improve, repair, operate, maintain, **and** dispose of real or personal property, including, without limitation, buildings, facilities, and land, without regard to provisions of law governing acquisition or construction of federal buildings, facilities, or land;

“(7) purchase or hire passenger motor vehicles;

“(8) procure the services of experts or consultants (or of organizations of experts or consultants) **as** described **in and** in accordance **with** the first **two** sentences of section 3109(b) of title 5, and, when determined necessary by the Director, Without regard **to** the time limitation in the first sentence of section 3109(b), at respective daily rates of pay for individuals which are not more than the daily equivalent of **the** rate of basic pay then **currently** paid for level III of the Executive Schedule of section 5313 of title 5, and pay in connection with such services travel expenses of individuals, including transportation **and** per diem in lieu of subsistence while such individuals are traveling **from** their homes or places of business to official duty stations **and** return **as** may be authorized by law;

“(9) accept voluntary services without regard to section 1342 of title 31, United States Code;

“(10) install, repair, and maintain telephones and telephone wiring and pay telephone service tolls or other charges **with** respect to residences owned or leased by the United States Government and, to the extent necessary to implement **this** Act, other private residences, without regard to section 1348 of title 31, United States **Code**;

“(11) provide that interagency financing may be used, without regard to any other law, to support the National Counterterrorism **Center** or **any** other organization established by the Director pursuant to law;



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“(12) expend appropriations for official receptions and representations; **and**

“(13) establish, appoint the members **of**, and utilize, without regard to the Federal Advisory Committee Act, advisory committees, including the National Intelligence Council, **as** the Director deems necessary in carrying out the functions of the Director or the Office of the National Intelligence Director.

“(k) **DUTY TO PROVIDE ACCESS TO INFORMATION.**--~~The~~ heads of departments containing agencies or organizations ~~within~~ the Intelligence Community, **as well as** the Director of the Central Intelligence Agency, shall give the National Intelligence Director access to all information that constitutes national intelligence or otherwise is required for the performance of the Director’s duties, unless prohibited by law or by the President, or ~~the~~ Attorney General pursuant to guidelines agreed to between the Attorney General and the Director.

“(1) **DISCRETION OF THE DIRECTOR.**--~~All~~ functions, powers, duties, **and** actions vested by law in the National Intelligence Director, or the Office of the National Intelligence Director, are vested in the Director’s discretion.

“(m) **LEGISLATIVE AGENCIES.**--No agency within the legislative branch shall exercise authority granted to it by law, by rule or resolution of the Senate, ~~or~~ by rule of the House of Representatives, with respect to intelligence and intelligence-related activities.”.

(b)(1) Section 102 of the National Security Act of 1947 is **amended by** adding **at the end** thereof the following section:

“(n) **RESPONSIBILITY OF NATIONAL INTELLIGENCE DIRECTOR REGARDING NFIP BUDGET CONCERNING DEPARTMENT OF DEFENSE.** Subject to the direction of the President, the National Intelligence Director shall, in consultation With the Secretary of Defense, ensure that the **NFIP** budgets for the agencies **and** organizations within the Intelligence Community that fall under the Department of Defense are adequate to satisfy the national intelligence needs **of** the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and ~~the~~ commanders of the unified and specified commands and, wherever such agencies or organizations ~~within~~ the Intelligence Community are performing Government-wide functions, **the** needs of other departments **and** agencies.”

(2) Section 105(a)(1) of the National Security Act of 1947 is amended to **read as follows:**
“(a) **IN GENERAL**--The Secretary of Defense, **in** consultation with the National Intelligence Director, shall--(1) ensure that the agencies and organizations of the Intelligence Community **within** the Department **of** Defense adequately satisfy the overall intelligence **needs** of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of **the** unified and **specified commands and**, wherever such agencies and organizations are performing Government-wide functions, **the** needs of other departments and agencies;”

(1) Title 5, United States Code, is amended--



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(A) in section 5312, by adding at the end thereof ‘Wational Intelligence Director’*; and

(B) in section **5313**, by adding at the end thereof “Deputy National Intelligence Director.”.

(2) Section 1344(b)(6) of title 31, United States Code, is amended by **inserting** ‘Wational Intelligence Director,’ after “Director of **the Central Intelligence Agency**,”.

(d)(1) Section **106** of the National Security Act of 1947 (**50 U.S.C. 403-6**) is amended to read as follows:

“APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

“SEC. 106. (a) REQUIREMENT FOR NATIONAL INTELLIGENCE DIRECTOR CONCURRENCE WITH RESPECT TO CERTAIN APPOINTMENTS.--With respect to **any** position that **heads** an **agency** or organization within the Intelligence **Community--**

“(1) if the appointment to such position is made by the President, any recommendation to the President to nominate or appoint **an** individual to that position shall be accompanied by the recommendation of the National Intelligence Director with respect to the proposed nomination or appointment; **and**

“(2) if the appointment to such position is made by the head of **a department** containing **an agency** or organization within the Intelligence **Community**, or by the **Director** of the **Central Intelligence Agency**, or a subordinate official of such department head or Director, **no** individual shall be appointed to such position without the concurrence of the National Intelligence Director.

“(b) PRESIDENTIAL AUTHORITY.--This section shall apply to the **fullest** extent consistent with the **constitutional** authority of the President relating to nomination **and** appointment and supervision of the **unitary** executive branch.”.

(2) Section 201 of title **10**, United States **Code**, is amended by—

(A) repealing subsection **(a)** and renumbering subsection “@” to “(a)” and subsection “(c)” to “(b),” respectively;

(B) striking “the Director of Central Intelligence” and inserting in lieu thereof in each place “the National Intelligence **Director**”;

(C) striking “seek” **and** inserting in lieu thereof “obtain”;

(D) striking the second sentence of subsection (a)(1); and

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(E) inserting “the Director of the Defense Intelligence Agency” in subsections (a)(2)(D) and (b)(2)(D), respectively.

(e) Title V of the National Security Act of 1947 is amended by--

(1)(A) striking “Director of Central Intelligence” each place it appears and inserting in lieu thereof each place “National Intelligence Director,”;

(B) striking “Director of Central Intelligence” in paragraphs 504(a)(2), 504(a)(3)(C), and 504(d)(2), and inserting in lieu thereof “Director of the Central Intelligence Agency”; and

(2) adding at the end thereof the following new section:

“CONSISTENCY WITH CONSTITUTIONAL AUTHORITY OF THE PRESIDENT

“SEC. 508. This title shall apply to the extent consistent with the constitutional authority of the President to--

“(a) conduct the foreign affairs of the United States;

“(b) withhold information the disclosure of which could impair the foreign relations, the national security, deliberative processes of the Executive, or the performance of the Executive’s constitutional duties;

“(c) recommend for congressional consideration such measures as the President may judge necessary or expedient; and

“(d) supervise the unitary executive branch.”.

(f) Title VII of the National Security Act of 1947 is amended by adding at the end thereof the following new section:

“EXEMPT FILES OF OFFICE OF NATIONAL INTELLIGENCE DIRECTOR

“SEC. 705. (a) EXEMPTION OF FILES.--The National Intelligence Director may exempt operational files of the Office of the National Intelligence Director from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

“(b) DEFINITION.--(1) As used in this section, and subject to paragraph (2), the term operational files means--

“(A) files consisting of information--

“(i) obtained by the Office of the National Intelligence Director from the Central Intelligence Agency, the National Security Agency, the National



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Reconnaissance Office, the National Geospatial-Intelligence Agency, or the Defense Intelligence Agency, **and**

“(i) contained in or otherwise a part of a file exempted pursuant to sections 701 **through 704** of this Act at the time it **was** obtained by the Office of the National Intelligence Director; and

“(B) files consisting of operational information used by the Office of the National Intelligence Director **to** perform the functions of that Office.

“(2) Files which are the sole repository of disseminated intelligence are not operational files for purposes of this section.

“(c) **ADDITIONAL MATTERS.--Subsections 701(c), (d), (f) and (g)** of this Act (**50 U.S.C. 431(c), (d), (f), and (g)**) shall apply with respect to the Office of the National Intelligence Director, except that references **therein** to the Director of Central Intelligence and the Central Intelligence Agency shall be deemed for **purposes** of carrying out this section to be references to the National Intelligence Director **and** the Office of the National Intelligence Director, respectively.

“(d) **RULES OF CONSTRUCTION.**—No provision of law enacted **after** the date of enactment of **this** section shall be construed to amend, supersede or repeal **this** section unless the provision specifically cites this section and specifically amends, supersedes or repeals it.”.

SEC. 5. AMENDMENTS RELATING TO THE CENTRAL INTELLIGENCE AGENCY AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

(a) Section 102A of the National Security Act of **1947 (50U.S.C 403-1)** is amended to read **as follows**:

“CENTRAL INTELLIGENCE AGENCY

“SEC. 102A. ESTABLISHMENT; APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF AGENCY.-- (a) (1) There is established a Central Intelligence Agency, headed by a Director of the Central Intelligence Agency who shall be appointed by the President, by **and** with the advice and consent of the Senate. The Director of **the Central Intelligence Agency** shall be under the authority, direction, and control of the National Intelligence Director, except as otherwise determined **by** the President.

“(2) There is a Deputy Director of the **Central Intelligence Agency** **who** shall be appointed by the President, by **and with** the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe **and** shall perform the duties of the Director during the Director’s absence or disability or during a vacancy in the position of the Director of the Central Intelligence Agency.



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“(3) Section 102(a)(3), (4), and (5) of this Act shall apply to the Director and the Deputy Director of the Central Intelligence Agency in the same manner as they apply to the National Intelligence Director and the Deputy National Intelligence Director.

“(b) AGENCY FUNCTIONS.--Under the authority, direction and control of the Director of the Central Intelligence Agency, the Central Intelligence Agency shall--

“(1) collect intelligence through human sources and by other appropriate means, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

“(2) correlate, evaluate, and analyze national intelligence and provide appropriate dissemination of and access to such intelligence;

“(3) provide overall direction for and coordinate the collection of national intelligence outside the United States through human sources by agencies or organizations within the Intelligence Community authorized to undertake such collection and, in coordination with such other agencies or organizations of the Government authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection;

“(4) perform such services as are of common concern to agencies or organizations within the Intelligence Community, which services the National Intelligence Director determines can be more efficiently accomplished centrally; and

“(5) perform such other functions and duties related to national intelligence as the President may direct.

“(c) ADDITIONAL FUNCTIONS.--(1) The Director of the Central Intelligence Agency shall, subject to the direction of the President, and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), and the guidance of the National Intelligence Director, coordinate intelligence relationships between and among agencies or organizations within the Intelligence Community and the intelligence or security services of foreign governments, or international organizations, on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

“(2)(A) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director shall deem such termination necessary or advisable in the interests of the United States.

“(B) Any such termination shall not affect any right of the officer or employee terminated to seek or accept employment in any other agency of the Government if declared eligible for such employment by the Director of the Office of Personnel Management.

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“(3) Consistent with any direction issued by the President or the National Intelligence Director, the Director of the Central Intelligence Agency shall protect intelligence sources **and** methods **from** unauthorized disclosure.

“(d) **EXERCISE OF AUTHORITIES.**--(1) Unless specifically prohibited by law, the Director of the Central Intelligence Agency may, without being relieved of the Director’s responsibility, perform **any** of the Director’s functions or duties, or exercise any of the Director’s powers **through**, or with the aid of, such persons in, or organizations of, the Central Intelligence Agency **as** the Director may designate.

“(2) Any authority, power or function vested by law in any officer, employee or part of the Central Intelligence Agency is vested in, and may be exercised by, the Director of the Central Intelligence Agency.

“(e) **DISCRETION OF THE DIRECTOR.**--All functions, power, duties, and actions vested by law in the Director of the Central Intelligence Agency, or the Central Intelligence Agency, are vested in the Director’s discretion.”

(b) Title 5, United States Code, is amended--

(1) in section 5313, by **striking** “Director of Central Intelligence.” **and** inserting in lieu thereof “Director of the Central Intelligence Agency”; **and**

(2) in section 5314, by striking “Deputy Directors of Central Intelligence (2).” and inserting in lieu thereof “Deputy Director of **the** Central Intelligence Agency.”

SEC. 6. PRESERVATION OF AUTHORITY AND ACCOUNTABILITY

Nothing in **this** Act **or** amendments made by **this** Act shall be construed to impair or otherwise affect the authority **of**: (i) the Director of the Office of Management and Budget, or (ii) the principal officers of the executive departments **as** heads of their respective departments, including, but not limited to, under section 199 of the **Revised** Statutes (22 U.S.C. 2651), Title II of the Department of Energy Organization Act (**42 U.S.C. 7131**), the State Department Basic Authorities Act of **1956**, **as** amended, section 102(a) of **the** Homeland **Security** Act of 2002 (**6 U.S.C. 112(a)**), and **sections** 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, **and** 301(b) of title 31, United States Code.

SEC. 7. CONFORMING AMENDMENTS AND TRANSITION

(a) **CONFORMING AMENDMENTS TO CERTAIN STATUTES --**

(1) Section 3(4)(A) of the National security Act of **1947** (**50 U.S.C. 401a(4)(A)**) is amended to read “**(A)** the Office of the National Intelligence Director, including the National Intelligence Council for which subsection 102(g) of this Act provides, **and** such other offices **as** the Director may designate;”

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(2) Sections 103 and 104 of the National **Security** Act of 1947 (**50 U.S.C. 403-3 and 403-4**) are repealed.

(3) Section 105 of the National Security Act of 1947 (**50 U.S.C. 403-5**) is amended by striking "Director of Central Intelligence" each place it appears and inserting in lieu **thereof** in each place "National Intelligence Director".

(4) Sections 105B, 110, 111, 114, 702, 703, and 704 of the National Security Act of 1947 (**50 U.S.C. 403-5b, 404h, 432, 432a, 432b, 404e, 404f, and 404i**) are amended by striking "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "National Intelligence Director".

(5) Sections 113, 114A, 115 and 117 of the National **Security** Act of 1947 (**50 U.S.C. 404h, 404i-1, 404j, and 404l**) are amended by striking "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "Director of the Central Intelligence Agency".

(6) Section 112 of the National **Security** Act of 1947 (**50 U.S.C. 404g**) is amended by--

(A) striking "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "Director of the Central Intelligence Agency"; and

(B) striking "pursuant to section 103(c)(6) of this Act".

(7) Section 116 of the National Security Act of 1947 (**50 U.S.C. 404k**) is amended by--

(A) striking "**(a) IN GENERAL**".--;

(B) striking "Director of Central Intelligence" the first time it appears and inserting in lieu **thereof** "National Intelligence Director"; and

(C) striking subsection (b).

(8) Section 303 of the National Security Act of 1947 (**50 U.S.C. 405**) is amended by--

(A) striking "the Director of Central Intelligence, and the National Security Council" and inserting in lieu thereof "the Director of **the** Central Intelligence **Agency**, the National Intelligence Director, and the National Security Council"; and

(B) striking "the Director of Central Intelligence who" and inserting in lieu thereof "**the** National Intelligence Director or the Director of the Central Intelligence Agency **who**".

(9) Section 902 of **the** Counterintelligence Enhancement Act of 2002 (**50 U.S.C. 402b**) is amended by--

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(A) striking "President" each place it appears in **subsection (a)** and paragraph (c)(4) and inserting in lieu ~~thereof~~ each place "National Intelligence Director"; and

(B) striking "Director of Central Intelligence" each place it appears.

(10) Section 904 of the Counterintelligence Enhancement Act of 2002 (**50 U.S.C. 402c**) is amended by--

(A) striking "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "National Intelligence Director"; and

(B) inserting "the Director of the Central Intelligence Agency" after "the Attorney General," in subsection **(m)**.

(11) The Classified Information Procedures Act (18 U.S.C. Appendix 3) is **amended** by **striking** "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "National Intelligence Director".

(12) The Central Intelligence Agency Act of 1949, **as** amended (**50 U.S.C. 403a** et seq.), is amended by striking "Director of Central Intelligence" each place it appears and inserting in lieu thereof each place "Director of the **Central** Intelligence Agency".

(13) The Central Intelligence Agency Retirement Act, **as** amended (**50 U.S.C. 2001** note), is amended--

(A) by striking "Director of Central Intelligence" each place it appears **and** inserting in lieu thereof each place "Director **of** the Central Intelligence Agency"; and

(B) by striking "DCP" each place it appears and **inserting** in lieu thereof each place "DCIA".

(14) The Foreign Intelligence Surveillance Act of **1978**, **as** amended (50 U.S.C. 1801 et seq.), is amended by striking "Director of Central Intelligence" each place it appears and inserting in lieu ~~thereof~~ each place "Director of the Central Intelligence **Agency**," except that in sections 104(e)(1)(A) and 303(d)(1)(A) (**50 U.S.C. 1804(e)(1)(A)** and 1823(d)(1)(A)) strike "Director of Central Intelligence" and insert in lieu thereof "National Intelligence Director, or the Director of the Central Intelligence **Agency**"; and

(15) The table of contents of the National Security Act of **1947** is amended **as** follows--

(A) by amending the entry for section 102 to read "Sec. 102. Office of the National Intelligence Director.";

(B) by striking the entry related to section 103 and inserting in lieu thereof "Sec. 103. Reserved.";

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(C) by **striking** the entry related to section 104 and inserting in **lieu** thereof "Sec. 104. **Reserved.**";

(D) by adding after the entry for section **507** "**Sec. 508.** Consistency **With** Constitutional Authority of the President"; and

(E) by **adding after** the **entry** for section **704** "Sec. **705.** Exempt Files of Office of National Intelligence Director.".

(b) TRANSITION.--(1)(A) Any function of the Director of Central Intelligence provided by a law in effect on the date of enactment of this Act, other than a law listed in subsection (b)(1)(B), shall be performed by--

(i) the Director of the Central Intelligence Agency with respect to the Central Intelligence Agency, unless otherwise directed by **the** President;

(ii) the National Intelligence Director with respect to the **Office of** the National Intelligence Director, unless otherwise directed by the President; and

(iii) by such **officer** of the United States **as** the President may designate with respect to any other department, agency, or activity of the United States.

(B) The laws to which subsection (b)(1)(A) refers are--

(i) the National Security Act of 1947;

(ii) the Central Intelligence Agency Act of **1949**;

(iii) the Central Intelligence Agency Retirement Act;

(iv) the Foreign Intelligence **Surveillance** Act of 1978;

(v) the Classified Information Procedures Act; and

(vi) sections 902 and 904 of the Counterintelligence Enhancement Act of **2002**.

(2) Direction or designation by the President under subsection (b)(1)(A) shall be in Writing and shall be **published** in **the Federal** Register.

(3)(A) The President may, without regard to **any other** provision of law, provide for the orderly transition of personnel, resources, and functions of the Office of the Director of **Central Intelligence**, **as** in existence immediately prior to the effective date of this subsection, **to the** Office of the National Intelligence Director or to the Central Intelligence Agency, **as** the President determines appropriate and consistent with this Act and amendments made by **this** Act.

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(B) The authority granted to the President by paragraph (3)(A) is in addition to authority granted by section 1531 of title 31, United States Code.

SEC. 8. SEVERABILITY

If **any** provision of **this** Act or an amendment made by this Act, or the application of such provision **to any** person or circumstances, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other **than** those **as** to which it **is** held invalid, shall not be affected **thereby**.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS

There are specifically authorized to be appropriated for any fiscal year such **sums as** may be necessary to carry **out** the National **Security** Act of **1947**, **as** amended, **and** the National Security and Intelligence Act of 2004.

SEC. 10. GENERAL REFERENCES

(a) **Any** reference to the Director of Central Intelligence in the Director's capacity **as** the head of the Intelligence **Community** in **any** law, order, regulation, document, **paper**, or other record **of the** United States shall, unless otherwise directed by the President, be deemed to be a reference to the National Intelligence Director,

(b) Any **reference** to the Director of Central Intelligence in the Director's capacity **as** the head of the Central Intelligence Agency in **any** law, **order**, regulation, document, paper, or other record of the United States shall, unless otherwise directed by **the** President, be deemed to be a reference **to the** Director of the Central Intelligence Agency.

(c) Any reference to the **Deputy** Director of Central Intelligence in **the** Deputy Director's capacity **as** deputy to the head of the Intelligence Community or any reference to the Deputy Director of Central Intelligence for Community Management in any law, regulation, document, paper, or other record of the United States shall, unless **otherwise** directed **by** the President, be deemed to be a reference to the Deputy National Intelligence Director.

(d) **Any** reference to the Deputy Director of Central Intelligence in the **Deputy** Director's capacity **as** deputy to the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the **United** States shall, **unless** otherwise directed by the President, be deemed to be a reference to the Deputy Director of the **Central** Intelligence Agency.



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