

108TH CONGRESS  
1ST SESSION

# S. 190

To establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intelligence Commu-  
5 nity Leadership Act of 2003”.

1 **SEC. 2. REORGANIZATION AND IMPROVEMENT OF MANAGE-**  
2 **MENT OF INTELLIGENCE COMMUNITY.**

3 (a) IN GENERAL.—Title I of the National Security  
4 Act of 1947 (50 U.S.C. 402 et seq.) is amended by strik-  
5 ing sections 102 through 104 and inserting the following  
6 new sections:

7 “OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

8 “SEC. 102. (a) OFFICE OF DIRECTOR OF NATIONAL  
9 INTELLIGENCE.—(1) There is an Office of the Director  
10 of National Intelligence. The function of the Office is to  
11 assist the Director of National Intelligence in carrying out  
12 the duties and responsibilities of the Director under this  
13 Act and to carry out such other duties as may be pre-  
14 scribed by law.

15 “(2) The Office of the Director of National Intel-  
16 ligence is composed of the following:

17 “(A) The Director of National Intelligence.

18 “(B) The Deputy Director of National Intel-  
19 ligence.

20 “(C) The Deputy Director of National Intel-  
21 ligence for Community Management.

22 “(D) The National Intelligence Council.

23 “(E) The Assistant Director of National Intel-  
24 ligence for Collection.

25 “(F) The Assistant Director of National Intel-  
26 ligence for Analysis and Production.

1           “(G) The Assistant Director of National Intel-  
2           ligence for Administration.

3           “(H) The General Counsel to the Director of  
4           National Intelligence.

5           “(I) The Inspector General of the Intelligence  
6           Community.

7           “(J) The Office of the National Counterintel-  
8           ligence Executive.

9           “(K) Such other offices and officials as may be  
10          established by law or the Director of National Intel-  
11          ligence may establish or designate in the Office.

12          “(3) To assist the Director in fulfilling the respon-  
13          sibilities of the Director as head of the intelligence commu-  
14          nity, the Director shall employ and utilize in the Office  
15          of the Director of National Intelligence a professional staff  
16          having an expertise in matters relating to such responsibil-  
17          ities, and may establish permanent positions and appro-  
18          priate rates of pay with respect to that staff.

19          “(b) DIRECTOR OF NATIONAL INTELLIGENCE.—(1)  
20          There is a Director of National Intelligence who shall be  
21          appointed by the President, by and with the advice and  
22          consent of the Senate.

23          “(2) Any individual nominated for appointment as  
24          Director of National Intelligence shall have extensive na-  
25          tional security expertise.

1 “(3) The Director of National Intelligence shall—

2 “(A) serve as head of the United States intel-  
3 lligence community; and

4 “(B) act as the principal adviser to the Presi-  
5 dent for intelligence matters related to the national  
6 security.

7 “(c) DEPUTY DIRECTOR OF NATIONAL INTEL-  
8 LIGENCE.—(1) There is a Deputy Director of National In-  
9 telligence who shall be appointed by the President, by and  
10 with the advice and consent of the Senate.

11 “(2) Any individual nominated for appointment as  
12 Deputy Director of National Intelligence shall have exten-  
13 sive national security expertise.

14 “(3) The Deputy Director of National Intelligence  
15 shall assist the Director of National Intelligence in car-  
16 rying out the Director’s responsibilities under this Act.

17 “(4) The Deputy Director of National Intelligence  
18 shall act for, and exercise the powers of, the Director of  
19 National Intelligence during the Director’s absence or dis-  
20 ability or during a vacancy in the position of the Director  
21 of National Intelligence.

22 “(5) The Deputy Director of National Intelligence  
23 takes precedence in the Office of the Director of National  
24 Intelligence immediately after the Director of National In-  
25 telligence.

1       “(d) DEPUTY DIRECTOR OF NATIONAL INTEL-  
2       LIGENCE FOR COMMUNITY MANAGEMENT.—(1) There is  
3       a Deputy Director of National Intelligence for Community  
4       Management who shall be appointed by the President, by  
5       and with the advice and consent of the Senate.

6       “(2) Any individual nominated for appointment as  
7       Deputy Director of National Intelligence for Community  
8       Management shall have extensive national security exper-  
9       tise.

10       “(3) The Deputy Director of National Intelligence for  
11       Community Management shall, subject to the direction of  
12       the Director of National Intelligence, be responsible for  
13       the following:

14               “(A) Directing the operations of the Commu-  
15       nity Management Staff.

16               “(B) Through the Assistant Director of Na-  
17       tional Intelligence for Collection, ensuring the effi-  
18       cient and effective collection of national intelligence  
19       using technical means and human sources.

20               “(C) Through the Assistant Director of Na-  
21       tional Intelligence for Analysis and Production, con-  
22       ducting oversight of the analysis and production of  
23       intelligence by elements of the intelligence commu-  
24       nity.

1           “(D) Through the Assistant Director of Na-  
2           tional Intelligence for Administration, performing  
3           community-wide management functions of the intel-  
4           ligence community, including the management of  
5           personnel and resources.

6           “(4) The Deputy Director of National Intelligence for  
7           Community Management takes precedence in the Office  
8           of the Director of National Intelligence immediately after  
9           the Deputy Director of National Intelligence.

10          “(e) MILITARY STATUS OF DIRECTOR AND DEPUTY  
11          DIRECTORS.—(1) Not more than one of the individuals  
12          serving in the positions specified in paragraph (2) may  
13          be a commissioned officer of the Armed Forces, whether  
14          in active or retired status.

15          “(2) The positions referred to in this paragraph are  
16          the following:

17                 “(A) The Director of National Intelligence.

18                 “(B) The Deputy Director of National Intel-  
19                 ligence.

20                 “(C) The Deputy Director of National Intel-  
21                 ligence for Community Management.

22          “(3) It is the sense of Congress that, under ordinary  
23          circumstances, it is desirable that one of the individuals  
24          serving in the positions specified in paragraph (2)—

1           “(A) be a commissioned officer of the Armed  
2 Forces, whether in active or retired status; or

3           “(B) have, by training or experience, an appre-  
4 ciation of military intelligence activities and require-  
5 ments.

6           “(4) A commissioned officer of the Armed Forces,  
7 while serving in a position specified in paragraph (2)—

8           “(A) shall not be subject to supervision or con-  
9 trol by the Secretary of Defense or by any officer or  
10 employee of the Department of Defense;

11           “(B) shall not exercise, by reason of the offi-  
12 cer’s status as a commissioned officer, any super-  
13 vision or control with respect to any of the military  
14 or civilian personnel of the Department of Defense  
15 except as otherwise authorized by law; and

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

20           “(5) Except as provided in subparagraph (A) or (B)  
21 of paragraph (4), the appointment of an officer of the  
22 Armed Forces to a position specified in paragraph (2)  
23 shall not affect the status, position, rank, or grade of such  
24 officer in the Armed Forces, or any emolument, perquisite,

1 right, privilege, or benefit incident to or arising out of such  
2 status, position, rank, or grade.

3       “(6) A commissioned officer of the Armed Forces on  
4 active duty who is appointed to a position specified in  
5 paragraph (2), while serving in such position and while  
6 remaining on active duty, shall continue to receive military  
7 pay and allowances and shall not receive the pay pre-  
8 scribed for such position. Funds from which such pay and  
9 allowances are paid shall be reimbursed from funds avail-  
10 able to the Director of National Intelligence.

11       “(f) NATIONAL INTELLIGENCE COUNCIL.—(1) There  
12 is a National Intelligence Council.

13       “(2)(A) The Council shall be composed of senior ana-  
14 lysts within the intelligence community and substantive  
15 experts from the public and private sector, who shall be  
16 appointed by, report to, and serve at the pleasure of the  
17 Director of National Intelligence.

18       “(B) The Director shall prescribe appropriate secu-  
19 rity requirements for personnel appointed from the private  
20 sector as a condition of service on the Council, or as con-  
21 tractors of the Council or employees of such contractors,  
22 to ensure the protection of intelligence sources and meth-  
23 ods while avoiding, wherever possible, unduly intrusive re-  
24 quirements which the Director considers to be unnecessary  
25 for this purpose.

1 “(3) The Council shall—

2 “(A) produce national intelligence estimates for  
3 the Government, including, whenever the Council  
4 considers appropriate, alternative views held by ele-  
5 ments of the intelligence community;

6 “(B) evaluate community-wide collection and  
7 production of intelligence by the intelligence commu-  
8 nity and the requirements and resources of such col-  
9 lection and production; and

10 “(C) otherwise assist the Director in carrying  
11 out the responsibilities described in section 103(a).

12 “(4) Within their respective areas of expertise and  
13 under the direction of the Director, the members of the  
14 Council shall constitute the senior intelligence advisers of  
15 the intelligence community for purposes of representing  
16 the views of the intelligence community within the Govern-  
17 ment.

18 “(5) Subject to the direction and control of the Direc-  
19 tor, the Council may carry out its responsibilities under  
20 this subsection by contract, including contracts for sub-  
21 stantive experts necessary to assist the Council with par-  
22 ticular assessments under this subsection.

23 “(6) The Director shall make available to the Council  
24 such staff as may be necessary to permit the Council to  
25 carry out its responsibilities under this subsection, and

1 shall take appropriate measures to ensure that the Council  
2 and its staff satisfy the needs of policymaking officials and  
3 other consumers of intelligence.

4 “(7) The Council shall be readily accessible to policy-  
5 making officials and other appropriate individuals not oth-  
6 erwise associated with the intelligence community.

7 “(8) The heads of elements within the intelligence  
8 community shall, as appropriate, furnish such support to  
9 the Council, including the preparation of intelligence anal-  
10 yses, as may be required by the Director.

11 “(g) ASSISTANT DIRECTOR OF NATIONAL INTEL-  
12 LIGENCE FOR COLLECTION.—(1) There is an Assistant  
13 Director of National Intelligence for Collection who shall  
14 be appointed by the President, by and with the advice and  
15 consent of the Senate.

16 “(2) The Assistant Director for Collection shall assist  
17 the Director of National Intelligence in carrying out the  
18 Director’s collection responsibilities in order to ensure the  
19 efficient and effective collection of national intelligence.

20 “(h) ASSISTANT DIRECTOR OF NATIONAL INTEL-  
21 LIGENCE FOR ANALYSIS AND PRODUCTION.—(1) There is  
22 an Assistant Director of National Intelligence for Analysis  
23 and Production who shall be appointed by the President,  
24 by and with the advice and consent of the Senate.

1       “(2) The Assistant Director for Analysis and Produc-  
2 tion shall—

3               “(A) oversee the analysis and production of in-  
4 telligence by the elements of the intelligence commu-  
5 nity;

6               “(B) establish standards and priorities relating  
7 to the analysis and production of intelligence by  
8 such elements;

9               “(C) monitor the allocation of resources for the  
10 analysis and production of intelligence in order to  
11 identify unnecessary duplication in the analysis and  
12 production of intelligence;

13              “(D) direct competitive analysis of analytical  
14 products having National importance;

15              “(E) identify intelligence to be collected for  
16 purposes of the Assistant Director of National Intel-  
17 ligence for Collection; and

18              “(F) provide such additional analysis and pro-  
19 duction of intelligence as the President and the Na-  
20 tional Security Council may require.

21       “(i) ASSISTANT DIRECTOR OF NATIONAL INTEL-  
22 LIGENCE FOR ADMINISTRATION.—(1) There is an Assist-  
23 ant Director of National Intelligence for Administration  
24 who shall be appointed by the President, by and with the  
25 advice and consent of the Senate.

1       “(2) The Assistant Director for Administration shall  
2 manage such activities relating to the administration of  
3 the intelligence community as the Director of National In-  
4 telligence shall require.

5       “(j) GENERAL COUNSEL TO DIRECTOR OF NATIONAL  
6 INTELLIGENCE.—(1) There is a General Counsel to the  
7 Director of National Intelligence who shall be appointed  
8 from civilian life by the President, by and with the advice  
9 and consent of the Senate.

10       “(2) The individual serving in the position of General  
11 Counsel to the Director of National Intelligence may not,  
12 while so serving, also serve as the General Counsel of the  
13 Central Intelligence Agency.

14       “(3) The General Counsel to the Director of National  
15 Intelligence is the chief legal officer for the Director of  
16 National Intelligence.

17       “(4) The General Counsel to the Director of National  
18 Intelligence shall perform such functions as the Director  
19 of National Intelligence may prescribe.

20       “(k) INSPECTOR GENERAL OF INTELLIGENCE COM-  
21 MUNITY.—(1) There shall be an Inspector General of the  
22 Intelligence Community who is appointed as provided in  
23 section 3 of the Inspector General Act of 1978 (5 U.S.C.  
24 App. 3).

1       “(2) The Inspector General of the Intelligence Com-  
2 munity shall report to and be under the general super-  
3 vision of the Director of National Intelligence.

4       “(3) The Inspector General of the Intelligence Com-  
5 munity shall, with respect to the intelligence community  
6 as a whole and each element of the intelligence commu-  
7 nity, perform such duties, have such responsibilities, and  
8 exercise such powers specified in the Inspector General  
9 Act of 1978 as the Director of National Intelligence shall  
10 prescribe.

11       “(4) Each inspector general of an element of the in-  
12 telligence community shall cooperate fully with the Inspec-  
13 tor General of the Intelligence Community in the perform-  
14 ance of any duty or function by the Inspector General of  
15 the Intelligence Community under this subsection regard-  
16 ing such element.

17       “(5) The performance by the Inspector General of the  
18 Intelligence Community of any duty or function regarding  
19 an element of the intelligence community may not be con-  
20 strued to modify or affect the responsibility of any other  
21 inspector general having responsibilities regarding the ele-  
22 ment of the intelligence community.

23       “RESPONSIBILITIES OF DIRECTOR OF NATIONAL  
24 INTELLIGENCE

25       “SEC. 103. (a) PROVISION OF INTELLIGENCE.—(1)  
26 Under the direction of the National Security Council, the

1 Director of National Intelligence shall be responsible for  
2 providing national intelligence—

3 “(A) to the President;

4 “(B) to the heads of departments and agencies  
5 of the executive branch;

6 “(C) to the Chairman of the Joint Chiefs of  
7 Staff and senior military commanders; and

8 “(D) where appropriate, to the Senate and  
9 House of Representatives and the committees there-  
10 of.

11 “(2) Such national intelligence should be timely, ob-  
12 jective, independent of political considerations, and based  
13 upon all sources available to the intelligence community.

14 “(b) RESPONSIBILITIES OF DIRECTOR OF NATIONAL  
15 INTELLIGENCE.—The Director of National Intelligence  
16 shall—

17 “(1) develop an annual budget for intelligence  
18 and intelligence-related activities of the United  
19 States by—

20 “(A) developing and presenting to the  
21 President an annual budget for the National  
22 Foreign Intelligence Program, including review,  
23 approval, and modification of the execution of  
24 intelligence community budgets, and personnel

1 and resource allocation in furtherance of such  
2 annual budget;

3 “(B) participating in the development by  
4 the Secretary of Defense of the annual budgets  
5 for the Joint Military Intelligence Program and  
6 the Tactical Intelligence and Related Activities  
7 Program; and

8 “(C) managing and overseeing the execu-  
9 tion and, if necessary, the modification of the  
10 annual budget for the National Foreign Intel-  
11 ligence Program, including directing the trans-  
12 fer of funds or personnel between elements of  
13 the intelligence community;

14 “(D) setting, monitoring, and enforcing  
15 consistent policy for the intelligence community;

16 “(E) reviewing, approving, modifying, and  
17 exercising primary management and oversight  
18 of the research and development efforts of the  
19 intelligence community;

20 “(F) reviewing, approving, and coordi-  
21 nating relationships between elements of the in-  
22 telligence community and foreign intelligence,  
23 law enforcement, and security services;

24 “(G) insuring that the elements of the in-  
25 telligence community comply fully with policies,

1 guidance, and authorities applicable to the in-  
2 telligence community on management, adminis-  
3 tration, and law;

4 “(2) establish the requirements and priorities to  
5 govern the collection of national intelligence by ele-  
6 ments of the intelligence community;

7 “(3) approve, establish, and enforce collection  
8 processing, and dissemination requirements, deter-  
9 mine collection priorities, and resolve conflicts in col-  
10 lection priorities levied on national collection assets,  
11 except as otherwise agreed with the Secretary of De-  
12 fense pursuant to the direction of the President;

13 “(4) promote and evaluate the utility of na-  
14 tional intelligence to consumers within the Govern-  
15 ment;

16 “(5) eliminate waste and unnecessary duplica-  
17 tion within the intelligence community;

18 “(6) establish requirements and priorities for  
19 foreign intelligence information to be collected under  
20 the Foreign Intelligence Surveillance Act of 1978  
21 (50 U.S.C. 1801 et seq.), and provide assistance to  
22 the Attorney General to ensure that information de-  
23 rived from electronic surveillance or physical  
24 searches under that Act is disseminated so it may be  
25 used efficiently and effectively for foreign intel-

1 intelligence purposes, except that the Director shall have  
2 no authority to direct, manage, or undertake elec-  
3 tronic surveillance or physical search operations pur-  
4 suant to that Act unless otherwise authorized by  
5 statute or Executive order;

6 “(7) protect intelligence sources and methods  
7 from unauthorized disclosure; and

8 “(8) perform such other functions as the Presi-  
9 dent or the National Security Council may direct.

10 “AUTHORITIES OF DIRECTOR OF NATIONAL  
11 INTELLIGENCE

12 “SEC. 103A. (a) ACCESS TO INTELLIGENCE.—To the  
13 extent recommended by the National Security Council and  
14 approved by the President, the Director of National Intel-  
15 ligence shall have access to all intelligence related to the  
16 national security which is collected by any department,  
17 agency, or other entity of the United States.

18 “(b) APPROVAL OF BUDGETS.—The Director of Na-  
19 tional Intelligence shall supervise the elements of the intel-  
20 ligence community in the preparation of their annual  
21 budgets, and shall approve such budgets before their in-  
22 corporation in the National Foreign Intelligence Program.

23 “(c) REPROGRAMMING.—(1) No funds made avail-  
24 able under the National Foreign Intelligence Program  
25 may be reprogrammed by any element of the intelligence  
26 community without the prior approval of the Director of

1 National Intelligence except in accordance with procedures  
2 issued by the Director.

3 “(2) The Secretary of Defense shall consult with the  
4 Director before reprogramming funds made available  
5 under the Joint Military Intelligence Program.

6 “(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN  
7 NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1)(A)  
8 In addition to any other authorities available under law  
9 for such purposes, the Director of National Intelligence  
10 may, with the approval of the Director of the Office of  
11 Management and Budget, transfer funds appropriated for  
12 a program within the National Foreign Intelligence Pro-  
13 gram to another such program and, in accordance with  
14 procedures to be developed by the Director, may transfer  
15 personnel authorized for an element of the intelligence  
16 community to another such element for periods up to a  
17 year.

18 “(B) The Director may only delegate a duty or au-  
19 thority given the Director under this subsection to the  
20 Deputy Director of National Intelligence for Community  
21 Management.

22 “(2) A transfer of funds or personnel may be made  
23 under this subsection only if—

1           “(A) the funds or personnel are being trans-  
2           ferred to an activity that is a higher priority intel-  
3           ligence activity;

4           “(B) the need for funds or personnel for such  
5           activity is based on unforeseen requirements; and

6           “(C) the transfer does not involve a transfer of  
7           funds to the Reserve for Contingencies of the Cen-  
8           tral Intelligence Agency.

9           “(3) Funds transferred under this subsection shall  
10          remain available for the same period as the appropriations  
11          account to which transferred.

12          “(4)(A) Any transfer of funds under this subsection  
13          shall be carried out in accordance with existing procedures  
14          applicable to reprogramming notifications for the appro-  
15          priate congressional committees.

16          “(B) Any proposed transfer for which notice is given  
17          to the appropriate congressional committees shall be ac-  
18          companied by a report explaining the nature of the pro-  
19          posed transfer and how it satisfies the requirements of this  
20          subsection. In addition, the congressional intelligence com-  
21          mittees shall be promptly notified of any transfer of funds  
22          made pursuant to this subsection in any case in which the  
23          transfer would not have otherwise required reprogram-  
24          ming notification under procedures in effect as of October  
25          24, 1992.

1       “(5) The Director shall promptly submit to the con-  
2 gressional intelligence committees and, in the case of the  
3 transfer of personnel to or from the Department of De-  
4 fense, the Committee on Armed Services of the Senate and  
5 the Committee on Armed Services of the House of Rep-  
6 resentatives, a report on any transfer of personnel made  
7 pursuant to this subsection. The Director shall include in  
8 any such report an explanation of the nature of the trans-  
9 fer and how it satisfies the requirements of this sub-  
10 section.

11       “(e) COORDINATION WITH FOREIGN GOVERN-  
12 MENTS.—Under the direction of the National Security  
13 Council and in a manner consistent with section 207 of  
14 the Foreign Service Act of 1980 (22 U.S.C. 3927), the  
15 Director of National Intelligence shall coordinate the rela-  
16 tionships between elements of the intelligence community  
17 and the intelligence or security services of foreign govern-  
18 ments on all matters involving intelligence related to the  
19 national security or involving intelligence acquired through  
20 clandestine means.

21       “(f) USE OF PERSONNEL.—The Director of National  
22 Intelligence shall, in coordination with the heads of de-  
23 partments and agencies with elements in the intelligence  
24 community, institute policies and programs within the in-  
25 telligence community—

1           “(1) to provide for the rotation of personnel be-  
2           tween the elements of the intelligence community,  
3           where appropriate, and to make such rotated service  
4           a factor to be considered for promotion to senior po-  
5           sitions; and

6           “(2) to consolidate, wherever possible, per-  
7           sonnel, administrative, and security programs to re-  
8           duce the overall costs of these activities within the  
9           intelligence community.

10          “(g) STANDARDS AND QUALIFICATIONS FOR PER-  
11          FORMANCE OF INTELLIGENCE ACTIVITIES.—The Director  
12          of National Intelligence shall, in consultation with the  
13          heads of effected agencies, develop standards and quali-  
14          fications for persons engaged in the performance of intel-  
15          ligence activities within the intelligence community.

16                           “CENTRAL INTELLIGENCE AGENCY

17          “SEC. 104. (a) IN GENERAL.—There is a Central In-  
18          telligence Agency.

19          “(b) FUNCTION.—The function of the Agency shall  
20          be to assist the Director of the Central Intelligence Agency  
21          in carrying out the responsibilities of the Director under  
22          section 104A(d).

23                           “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

24          “SEC. 104A. (a) DIRECTOR OF CENTRAL INTEL-  
25          LIGENCE AGENCY.—There is a Director of the Central In-

1 telligence Agency who shall be appointed by the President,  
2 by and with the advice and consent of the Senate.

3 “(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—

4 The Director of the Central Intelligence Agency shall be  
5 the head of the Central Intelligence Agency.

6 “(c) PROHIBITION ON SIMULTANEOUS SERVICE AS

7 DIRECTOR OF NATIONAL INTELLIGENCE.—The individual  
8 serving in the position of Director of the Central Intel-  
9 ligence Agency shall not, while so serving, also serve as  
10 the Director of National Intelligence.

11 “(d) GENERAL RESPONSIBILITIES.—As head of the

12 Central Intelligence Agency, the Director of the Central  
13 Intelligence Agency shall—

14 “(1) collect intelligence through human sources  
15 and by other appropriate means, except that the  
16 Agency shall have no police, subpoena, or law en-  
17 forcement powers or internal security functions;

18 “(2) provide overall direction for the collection  
19 of national intelligence through human sources by  
20 elements of the intelligence community authorized to  
21 undertake such collection and, in coordination with  
22 other agencies of the Government which are author-  
23 ized to undertake such collection, ensure that the  
24 most effective use is made of resources and that the

1 risks to the United States and those involved in such  
2 collection are minimized;

3 “(3) correlate and evaluate intelligence related  
4 to the national security and provide appropriate dis-  
5 semination of such intelligence;

6 “(4) perform such additional services as are of  
7 common concern to the elements of the intelligence  
8 community, which services the Director of National  
9 Intelligence determines can be more efficiently ac-  
10 complished centrally; and

11 “(5) perform such other functions and duties  
12 related to intelligence affecting the national security  
13 as the President or the National Security Council  
14 may direct.

15 “(e) TERMINATION OF EMPLOYMENT OF CIA EM-  
16 PLOYEES.—(1) Notwithstanding any other provision of  
17 law, the Director of the Central Intelligence Agency may,  
18 in the Director’s discretion, terminate the employment of  
19 any officer or employee of the Central Intelligence Agency  
20 whenever the Director considers such termination nec-  
21 essary or advisable in the interests of the United States.

22 “(2) Termination under paragraph (1) shall not af-  
23 fect the right of the officer or employee terminated to seek  
24 or accept employment in any other department or agency

1 of the Government if declared eligible for such employ-  
2 ment by the Office of Personnel Management.”.

3 (b) SENSE OF CONGRESS ON CABINET-LEVEL STA-  
4 TUS OF DIRECTOR OF NATIONAL INTELLIGENCE.—It is  
5 the sense of Congress that the Director of National Intel-  
6 ligence should be a cabinet-level officer of the United  
7 States Government.

8 (c) GENERAL REFERENCES.—(1) Any reference to  
9 the Director of Central Intelligence in the Director’s ca-  
10 pacity as the head of the intelligence community in any  
11 law, regulation, document, paper, or other record of the  
12 United States shall be deemed to be a reference to the  
13 Director of National Intelligence.

14 (2) Any reference to the Director of Central Intel-  
15 ligence in the Director’s capacity as the head of the Cen-  
16 tral Intelligence Agency in any law, regulation, document,  
17 paper, or other record of the United States shall be  
18 deemed to be a reference to the Director of the Central  
19 Intelligence Agency.

20 (3) Any reference to the Deputy Director of Central  
21 Intelligence in the Deputy Director’s capacity as deputy  
22 to the head of the intelligence community in any law, regu-  
23 lation, document, paper, or other record of the United  
24 States shall be deemed to be a reference to the Deputy  
25 Director of National Intelligence.

1           (4) Any reference to the Deputy Director of Central  
2 Intelligence for Community Management in any law, regu-  
3 lation, document, paper, or other record of the United  
4 States shall be deemed to be a reference to the Deputy  
5 Director of National Intelligence for Community Manage-  
6 ment.

7           (5) Any reference to the Assistant Director of Central  
8 Intelligence for Collection in any law, regulation, docu-  
9 ment, paper, or other record of the United States shall  
10 be deemed to be a reference to the Assistant Director of  
11 National Intelligence for Collection.

12           (6) Any reference to the Assistant Director of Central  
13 Intelligence for Analysis and Production in any law, regu-  
14 lation, document, paper, or other record of the United  
15 States shall be deemed to be a reference to the Assistant  
16 Director of National Intelligence for Analysis and Produc-  
17 tion.

18           (7) Any reference to the Assistant Director of Central  
19 Intelligence for Administration in any law, regulation, docu-  
20 ment, paper, or other record of the United States shall  
21 be deemed to be a reference to the Assistant Director of  
22 National Intelligence for Administration.

23 **SEC. 3. EXECUTIVE SCHEDULE MATTERS.**

24           (a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313  
25 of title 5, United States Code, is amended by striking the

1 item relating to the Director of Central Intelligence and  
2 inserting the following new items:

3 “Director of National Intelligence.

4 “Director of the Central Intelligence Agency.”.

5 (b) EXECUTIVE SCHEDULE LEVEL III.—Section  
6 5314 of title 5, United States Code, is amended by strik-  
7 ing the item relating to the Deputy Directors of Central  
8 Intelligence and inserting the following new item:

9 “Deputy Directors of National Intelligence  
10 (2).”.

11 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section  
12 5315 of title 5, United States Code, is amended—

13 (1) by striking the item relating to the Assist-  
14 ant Directors of Central Intelligence and inserting  
15 the following new item:

16 “Assistant Directors of National Intelligence  
17 (3).”;

18 (2) by striking the item relating to the Inspec-  
19 tor General of the Central Intelligence Agency and  
20 inserting the following new items:

21 “Inspector General, Central Intelligence Agen-  
22 cy.

23 “Inspector General, Intelligence Community.”;

24 and

1           (3) by inserting after the item relating to the  
2           General Counsel of the Central Intelligence Agency  
3           the following new item:

4           “General Counsel to the Director of National  
5           Intelligence.”.

6   **SEC. 4. CONFORMING AND CLERICAL AMENDMENTS.**

7           (a) NATIONAL SECURITY ACT OF 1947.—(1) The  
8           National Security Act of 1947 (50 U.S.C. 401 et seq.)  
9           is amended by striking “Director of Central Intelligence”  
10          and inserting “Director of National Intelligence” each  
11          place it appears in the following provisions:

12           (A) Section 3(4)(A) (50 U.S.C. 401a(4)(A)),  
13          both places it appears.

14           (B) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

15           (C) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

16           (D) Section 3(6) (50 U.S.C. 401a(6)).

17           (E) Section 101(h)(2)(A) (50 U.S.C.  
18          402(h)(2)(A)).

19           (F) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

20           (G) Section 101(i)(2)(A) (50 U.S.C.  
21          402(i)(2)(A)).

22           (H) Section 101(j) (50 U.S.C. 402(j)), both  
23          places it appears.

24           (I) Section 105(a) (50 U.S.C. 403–5(a)).

25           (J) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

1           (K) Section 105(b)(6)(A) (50 U.S.C. 403–  
2           5(b)(6)(A)).

3           (L) Section 105B(a)(1) (50 U.S.C. 403–  
4           5b(a)(1)).

5           (M) Section 105B(a)(2) (50 U.S.C. 403–  
6           5b(a)(2)).

7           (N) Section 105B(b) (50 U.S.C. 403–5b(b)),  
8           both places it appears.

9           (O) Section 105C(a)(6)(B)(viii) (50 U.S.C.  
10          403–5c(a)(6)(B)(viii)).

11          (P) Section 105C(b) (50 U.S.C. 403–5c(b)),  
12          both places it appears.

13          (Q) Section 105D(b), as added by section 502  
14          of the Intelligence Authorization Act for Fiscal Year  
15          2003 (Public Law 107–306), both places it appears.

16          (R) Section 106(a)(1) (50 U.S.C. 403–6(a)(1)).

17          (S) Section 106(b)(1) (50 U.S.C. 403–6(b)(1)).

18          (T) Section 106(b)(3) (50 U.S.C. 403–6(b)(3)).

19          (U) Section 110(b) (50 U.S.C. 404e(b)).

20          (V) Section 110(c) (50 U.S.C. 404e(c)).

21          (W) Section 111 (50 U.S.C. 404f).

22          (X) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

23          (Y) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

24          (Z) Section 113(b)(2)(A) (50 U.S.C.  
25          404h(b)(2)(A)).

- 1 (AA) Section 113(c) (50 U.S.C. 404h(c)).
- 2 (BB) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
- 3 (CC) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
- 4 (DD) Section 114(c)(1), as amended by section  
5 324 of the Intelligence Authorization Act for Fiscal  
6 Year 2003.
- 7 (EE) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
- 8 (FF) Section 115(b) (50 U.S.C. 404j(b)).
- 9 (GG) Section 115(c)(1)(B) (50 U.S.C.  
10 404j(c)(1)(B)).
- 11 (HH) Section 116(a) (50 U.S.C. 404k(a)).
- 12 (II) Section 116(b) (50 U.S.C. 404k(b)).
- 13 (JJ) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
- 14 (KK) Section 303(a) (50 U.S.C. 405(a)), both  
15 places it appears.
- 16 (LL) Section 501(d) (50 U.S.C. 413(d)).
- 17 (MM) Section 502(a) (50 U.S.C. 413a(a)).
- 18 (NN) Section 502(c) (50 U.S.C. 413a(c)).
- 19 (OO) Section 503(b) (50 U.S.C. 413b(b)).
- 20 (PP) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
- 21 (QQ) Section 506(b), as added by section 311  
22 of the Intelligence Authorization Act for Fiscal Year  
23 2003.
- 24 (RR) Section 603(a) (50 U.S.C. 423(a)).

1 (SS) Section 1001(a), as amended by section  
2 331 of the Intelligence Authorization Act for Fiscal  
3 Year 2003.

4 (2) The National Security Act of 1947 is further  
5 amended by striking “Director of Central Intelligence”  
6 and inserting “Director of the Central Intelligence Agen-  
7 cy” each place it appears in the following provisions:

8 (A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).

9 (B) Section 504(a)(3)(C) (50 U.S.C.  
10 414(a)(3)(C)).

11 (C) Section 701(a) (50 U.S.C. 431(a)).

12 (D) Section 702(a) (50 U.S.C. 432(a)).

13 (3) Section 3(4)(A) of that Act (50 U.S.C.  
14 401a(4)(A)) is further amended—

15 (A) by striking “as provided in section  
16 105(b)(3)” and inserting “as provided in section  
17 102(f)”; and

18 (B) by striking “the Director may” and insert-  
19 ing “the Director of National Intelligence may”.

20 (4) Section 105(b) of that Act (50 U.S.C. 403–5(b))  
21 is further amended by striking “sections 103 and 104”  
22 and inserting “sections 103, 103A, and 104A”.

23 (5) Section 112(d) of that Act (50 U.S.C. 404g(d))  
24 is further amended—

1 (A) in paragraph (1), by striking “section  
2 103(c)(6) of this Act” and inserting “section  
3 103(b)(7)”; and

4 (B) in paragraph (2), by striking “of this Act”.

5 (6) Section 701(c)(3) of that Act (50 U.S.C.  
6 431(c)(3)) is amended by striking “or the Office of the  
7 Director of Central Intelligence” and inserting “the Office  
8 of the Director of National Intelligence, or the Office of  
9 the Director of the Central Intelligence Agency”.

10 (7) Section 1001(b) of that Act, as amended by sec-  
11 tion 331 of the Intelligence Authorization Act for Fiscal  
12 Year 2003, is further amended by striking “Assistant Di-  
13 rector of Central Intelligence for Administration” and in-  
14 serting “Assistant Director of National Intelligence for  
15 Administration”.

16 (8) The subsection caption of section 105(d) of that  
17 Act (50 U.S.C. 403–5(d)) is amended by striking “THE  
18 DIRECTOR OF CENTRAL INTELLIGENCE” and inserting  
19 “DIRECTOR OF NATIONAL INTELLIGENCE”.

20 (9) Section 106 of that Act (50 U.S.C. 403–6) is fur-  
21 ther amended—

22 (A) in the subsection caption for subsection (a),  
23 by striking “DCI” and inserting “DNI”; and

24 (B) in the subsection caption for subsection (b),  
25 by striking “DCI” and inserting “DNI”.

1 (10) The heading for section 114 of that Act (50  
2 U.S.C. 404i) is amended to read as follows:

3 “ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF  
4 NATIONAL INTELLIGENCE”.

5 (11) The table of sections for that Act is amended—

6 (A) by striking the items relating to sections  
7 102 through 104 and inserting the following new  
8 items:

“Sec. 102. Office of the Director of Central Intelligence.

“Sec. 103. Responsibilities of Director of National Intelligence.

“Sec. 103A. Authorities of Director of National Intelligence.

“Sec. 104. Central Intelligence Agency.

“Sec. 104A. Director of the Central Intelligence Agency.”; and

9 (B) by striking the item relating to section 114  
10 and inserting the following new item:

“Sec. 114. Additional annual reports from the Director of National Intel-  
ligence.”.

11 (b) CENTRAL INTELLIGENCE AGENCY ACT OF  
12 1949.—(1) Section 1 of the Central Intelligence Agency  
13 Act of 1949 (50 U.S.C. 403a) is amended—

14 (A) by redesignating paragraphs (a) and (c) as  
15 paragraphs (1) and (3), respectively; and

16 (B) by striking paragraph (b) and inserting the  
17 following new paragraph (2):

18 “(2) ‘Director’ means the Director of the Cen-  
19 tral Intelligence Agency; and”.

20 (2) Section 6 of that Act (50 U.S.C. 403g) is amend-  
21 ed—

1 (A) by striking “Director of Central Intel-  
2 ligence” and inserting “Director of National Intel-  
3 ligence”; and

4 (B) by striking “section 103(e)(6) of the Na-  
5 tional Security Act of 1947 (50 U.S.C. 403-  
6 3(e)(6))” and inserting “section 103(b)(7) of the  
7 National Security Act of 1947”.

8 (3) That Act is further amended by striking “Direc-  
9 tor of Central Intelligence” each place it appears in the  
10 following provisions and inserting “Director of the Central  
11 Intelligence Agency”:

12 (A) Section 14(b) (50 U.S.C. 403n(b)).

13 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

14 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)),  
15 both places it appears.

16 (D) Section 20(g)(3)(B) (50 U.S.C.  
17 403u(g)(3)(B)).

18 (E) Section 20(h)(1) (50 U.S.C. 403u(h)(1)).

19 (F) Section 20(h)(2) (50 U.S.C. 403u(h)(2)).

20 (4) That Act is further amended by striking “of Cen-  
21 tral Intelligence” in each of the following provisions:

22 (A) Section 16(c)(1)(B) (50 U.S.C.  
23 403p(c)(1)(B)).

24 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

1 (C) Section 17(f) (50 U.S.C. 403q(f)), both  
2 places it appears.

3 (D) Section 20(e) (50 U.S.C. 403t(e)).

4 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT  
5 ACT.—(1) Section 101 of the Central Intelligence Agency  
6 Retirement Act (50 U.S.C. 2001) is amended by striking  
7 paragraph (2) and inserting the following new paragraph  
8 (2):

9 “(2) DIRECTOR.—The term ‘Director’ means  
10 the Director of the Central Intelligence Agency.”.

11 (2) Section 201(c) of that Act (50 U.S.C. 2011) is  
12 amended by striking “paragraph (6) of section 103(e) of  
13 the National Security Act of 1947 (50 U.S.C. 403–3(e))  
14 that the Director of Central Intelligence” and inserting  
15 “section 103(b)(7) of the National Security Act of 1947  
16 that the Director of the National Intelligence”.

17 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Sub-  
18 section (a)(1) of section 2 of the Central Intelligence  
19 Agency Voluntary Separation Pay Act (50 U.S.C. 2001  
20 note) is amended to read as follows:

21 “(1) the term ‘Director’ means the Director of  
22 the Central Intelligence Agency;”.

23 (e) INSPECTOR GENERAL ACT OF 1978.—Section  
24 8H(a)(1)(C) of the Inspector General Act of 1978 (5  
25 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before

1 the period at the end the following: “or to the Inspector  
2 General of the Intelligence Community”.

3 (f) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF  
4 1978.—The Foreign Intelligence Surveillance Act of 1978  
5 (50 U.S.C. 1801 et seq.) is amended by striking “Director  
6 of Central Intelligence” each place it appears and insert-  
7 ing “Director of National Intelligence”.

8 (g) CLASSIFIED INFORMATION PROCEDURES ACT.—  
9 Section 9(a) of the Classified Information Procedures Act  
10 (5 U.S.C. App.) is amended by striking “Director of Cen-  
11 tral Intelligence” and inserting “Director of National In-  
12 telligence”.

13 (h) INTELLIGENCE AUTHORIZATION ACTS.—

14 (1) PUBLIC LAW 103–359.—Section 811(c)(6)(C)  
15 of the Counterintelligence and Security Enhance-  
16 ments Act of 1994 (title VIII of Public Law 103–  
17 359) is amended by striking “Director of Central In-  
18 telligence” and inserting “Director of National Intel-  
19 ligence”.

20 (2) PUBLIC LAW 107–306.—(A) Section 313(a)  
21 of the Intelligence Authorization Act for Fiscal Year  
22 2003 (Public Law 107–306) is amended by striking  
23 “Director of Central Intelligence, acting as the head  
24 of the intelligence community,” and inserting “Di-  
25 rector of National Intelligence”.

1           (B) Section 341 of that Act is amended by  
2 striking “Director of Central Intelligence, acting as  
3 the head of the intelligence community, shall estab-  
4 lish in the Central Intelligence Agency” and insert-  
5 ing “Director of National Intelligence shall establish  
6 within the intelligence community”.

7           (C) Section 343 of that Act is amended—

8                 (i) in subsection (a)(1), by striking “Direc-  
9 tor of Central Intelligence, acting as the head  
10 of the Intelligence Community,” and inserting  
11 “Director of National Intelligence”;

12                 (ii) in subsection (c), by striking “section  
13 103(c)(6) of the National Security Act of 1947  
14 (50 U.S.C. 403–3(c)(6))” and inserting “sec-  
15 tion 103(b)(7) of the National Security Act of  
16 1947”; and

17                 (iii) in subsection (e)(2), by striking “sec-  
18 tion 103(c)(6)” and inserting “section  
19 103(b)(7)”.

20           (D) Section 352(b) of that Act is amended by  
21 inserting “of National Intelligence” after “The Di-  
22 rector”.

23           (E) That Act is further amended by striking  
24 “Director of Central Intelligence” each place it ap-

1        appears in the following provisions and inserting “Di-  
2        rector of National Intelligence”:

3                (i) Section 902(a)(2).

4                (ii) Section 904(e)(4).

5                (iii) Section 904(e)(5).

6                (iv) Section 904(h)(1).

7                (F) That Act is further amended by striking  
8        “Office of the Director of Central Intelligence” each  
9        place it appears in the following provisions and in-  
10        sserting “Office of the Director of National Intel-  
11        ligence”:

12                (i) Section 904(c).

13                (ii) Section 904(l).

14                (G) Section 904(m) of that Act is amended by  
15        inserting “the Director of National Intelligence,” be-  
16        fore “the Director of Central Intelligence”.

17        (i) USA PATRIOT ACT OF 2001.—The USA PA-  
18        TRIOT Act of 2001 (Public Law 107–56) is amended by  
19        striking “Director of Central Intelligence” and inserting  
20        “Director of National Intelligence” each place it appears  
21        in the following provisions:

22                (1) Section 203(d)(1) (50 U.S.C. 403–  
23        5d(d)(1)), as amended by section 897(a) of the  
24        Homeland Security Act of 2002 (Public Law 107–  
25        296), both places it appears.

1           (2) Section 908(a) (115 Stat. 391).

2           (3) Section 1006(b) (115 Stat. 394).

3           (j) HOMELAND SECURITY ACT OF 2002.—The  
4 Homeland Security Act of 2002 (Public Law 107–296)  
5 is amended by striking “Director of Central Intelligence”  
6 and inserting “Director of National Intelligence” each  
7 place it appears in the following provisions:

8           (1) Section 201(d)(10).

9           (2) Section 201(d)(12)(B).

10          (3) Section 202(c).

11          (4) Section 202(d)(2).

12          (5) Section 601(c)(6).

13          (6) Section 601(e).

14          (7) Section 601(f).

15          (8) Section 892(b)(7).

16          (9) Section 1001(c)(1)(A).

17          (k) TITLE 18, UNITED STATES CODE.—(1) Section  
18 2517(8) of title 18, United States Code, as amended by  
19 section 896 of the Homeland Security Act of 2002 (Public  
20 Law 107–296), is further amended by striking “Director  
21 of Central Intelligence” and inserting “Director of Na-  
22 tional Intelligence”.

23          (2) Subsections (d)(7)(B)(iv) and (i)(5)(B)(iv) of  
24 such title, as amended by section 1123 of such Act, are  
25 further amended by striking “Director of Central Intel-

1 ligen­ce” and inserting “Director of National Intelligence,  
2 or the head of another element of the intelligence commu-  
3 nity”.

4 (l) TITLE 44, UNITED STATES CODE.—Section  
5 3535(g)(3) of title 44, United States Code, as added by  
6 section 1001 of the Federal Information Security Manage-  
7 ment Act of 2002 (title X of Public Law 107–296), is fur-  
8 ther amended by striking “Director of Central Intel-  
9 ligen­ce” and inserting “Director of National Intelligence”.

10 (m) FEDERAL RULES OF CRIMINAL PROCEDURE.—  
11 Paragraphs (2) and (3) of section 6(e) of the Federal  
12 Rules of Criminal Procedure, as amended by section 895  
13 of the Homeland Security Act of 2002 (Public Law 107–  
14 296), are further amended by striking “Director of Cen-  
15 tral Intelligence” and inserting “Director of National In-  
16 telligen­ce”.

○