

108TH CONGRESS
2D SESSION

H. R. 5050

To establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

A BILL

To establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Director of National Intelligence Act of 2004”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ESTABLISHMENT OF DIRECTOR OF NATIONAL
INTELLIGENCE

Sec. 101. Establishment of the Director of National Intelligence.

Sec. 102. Duties of the Director of National Intelligence.

Sec. 103. Management of the national intelligence program.

TITLE II—AUTHORITIES OF THE DIRECTOR OF NATIONAL
INTELLIGENCE

Sec. 201. Authority of the Director of National Intelligence over matters relating to budget.

Sec. 202. Authority of the Director of National Intelligence over matters relating to personnel.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Resolution of agency priority differences.

Sec. 302. Duty of heads of national intelligence centers to report to the Director of National Intelligence.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) NATIONAL INTELLIGENCE PROGRAM.—The
4 term “national intelligence program” means a pro-
5 gram of foreign, military, and domestic intelligence
6 related to the national security under the oversight
7 of the Director of National Intelligence.

8 (2) NATIONAL INTELLIGENCE CENTER.—The
9 term “national intelligence center” means a center
10 established by the Director of National Intelligence
11 to provide all-source analysis and plan intelligence
12 operations for the Federal Government on specific
13 subjects of interest, such as counterterrorism,
14 counterproliferation, counternarcotics, and counter-
15 intelligence.

1 (3) NATIONAL INTELLIGENCE AGENCY.—The
2 term “national intelligence agency” means an agen-
3 cy of the United States that contributes to the na-
4 tional intelligence program, including the elements of
5 the intelligence community.

6 (4) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given
8 such term in section 3(4) of the National Security
9 Act of 1947 (50 U.S.C. 401a(4)).

10 **TITLE I—ESTABLISHMENT OF DI-**
11 **RECTOR OF NATIONAL INTEL-**
12 **LIGENCE**

13 **SEC. 101. ESTABLISHMENT OF THE DIRECTOR OF NA-**
14 **TIONAL INTELLIGENCE.**

15 (a) ESTABLISHMENT.—There is in the Executive Of-
16 fice of the President a Director of National Intelligence.

17 (b) OVERSIGHT OF NATIONAL INTELLIGENCE PRO-
18 GRAM.—The Director of National Intelligence shall act as
19 the principal adviser to the President for intelligence mat-
20 ters related to the national security and shall oversee
21 budget, operations, and personnel of the national intel-
22 ligence program.

23 (c) APPOINTMENT.—The Director of National Intel-
24 ligence shall be appointed by the President, by and with
25 the advice and consent of the Senate.

1 (d) EXECUTIVE SCHEDULE I COMPENSATION
2 RATE.—The Director of National Intelligence shall be
3 compensated at the rate of pay applicable under section
4 5312 of title 5, United States Code.

5 (e) PROHIBITION ON POLICYMAKING.—The Director
6 of National Intelligence shall not serve as a policymaker.

7 **SEC. 102. DUTIES OF THE DIRECTOR OF NATIONAL INTEL-**
8 **LIGENCE.**

9 The Director of National Intelligence shall carry out
10 the following duties:

11 (1) Manage the national intelligence program,
12 including oversight of the budget, operations, and
13 personnel of the intelligence community.

14 (2) Reorganize the intelligence services around
15 specific threats, such as terrorism, weapons of mass
16 destruction, and hostile countries.

17 (3) Oversee national intelligence centers.

18 (4) Oversee the national intelligence agencies.

19 (5) Advise the President regarding the most rel-
20 evant and reliable intelligence information.

21 (6) Identify national security threats and deter-
22 mining which secrets are most important to protect.

23 (7) Advise the President regarding the coordi-
24 nate efforts of the Department of Homeland Secu-
25 rity.

1 (8) Work closely with the Director of the Fed-
2 eral Bureau of Investigation and the Director of
3 Central Intelligence.

4 (9) Support the President, and the heads of de-
5 partments and agencies of the executive branch, the
6 Chairman of the Joint Chiefs of Staff, and senior
7 military commanders.

8 (10) Establish information sharing and infor-
9 mation technology policies to maximize data sharing,
10 as well as policies to protect the security of informa-
11 tion.

12 (11) Perform such other duties as the President
13 may prescribe.

14 **SEC. 103. MANAGEMENT OF THE NATIONAL INTELLIGENCE**
15 **PROGRAM.**

16 (a) IN GENERAL.—The following officials shall assist
17 the Director of National Intelligence in carrying out the
18 duty to manage the national intelligence program:

19 (1) The Director of Central Intelligence, who
20 shall also serve as the Deputy Director of National
21 Intelligence for Foreign Intelligence, shall carry out
22 duties with respect to foreign intelligence.

23 (2) The Under Secretary of Defense for Intel-
24 ligence, who shall also serve as the Deputy Director
25 of National Intelligence for Military Intelligence,

1 shall carry out duties with respect to military intel-
2 ligence.

3 (3) The Under Secretary of Homeland Security
4 for Information Analysis and Infrastructure Protec-
5 tion, who shall also serve as the Deputy Director of
6 National Intelligence for Domestic Intelligence, shall
7 carry out duties with respect to domestic intel-
8 ligence.

9 (b) DUTIES WITH RESPECT TO NATIONAL INTEL-
10 LIGENCE CENTER OPERATIONS.—Each official specified
11 in subsection (a), within the respective area of intelligence,
12 shall acquire systems and train personnel to execute the
13 operations assigned to the official by a director of a na-
14 tional intelligence center.

15 (c) COORDINATION OF AGENCIES OF THE INTEL-
16 LIGENCE COMMUNITY.—The head of each national intel-
17 ligence agency shall coordinate functions of that agency
18 with the appropriate area of intelligence specified in sub-
19 section (a).

20 (d) CONSTRUCTION.—Nothing in this Act shall be
21 construed as modifying the authority or duty of the Sec-
22 retary of Defense to carry out the Joint Military Intel-
23 ligence Program and the Tactical Intelligence and Related
24 Activities Program.

1 **TITLE II—AUTHORITIES OF THE**
2 **DIRECTOR OF NATIONAL IN-**
3 **TELLIGENCE**

4 **SEC. 201. AUTHORITY OF THE DIRECTOR OF NATIONAL IN-**
5 **TELLIGENCE OVER MATTERS RELATING TO**
6 **BUDGET.**

7 The Director of National Intelligence shall have the
8 following duties and authorities over matters relating to
9 the budget of the national intelligence program:

10 (1) DEVELOPMENT OF UNIFIED BUDGET.—The
11 Director of National Intelligence shall prepare an-
12 nual unified budgets for the national intelligence
13 program for inclusion in the budget submission of
14 the President under title 31, United States Code,
15 that reflect—

16 (A) priorities of the National Security
17 Council, and

18 (B) an appropriate balance among the va-
19 rieties of technical and human intelligence col-
20 lection methods and analysis.

21 (2) APPROPRIATIONS.—Amounts appropriated
22 for the national intelligence program for a year shall
23 be made to the Director of National Intelligence.
24 The Director of National Intelligence shall allocate

1 such appropriations among the national intelligence
2 agencies.

3 (3) REPROGRAMMING.—The Director of Na-
4 tional Intelligence may reprogram funds appro-
5 priated for the national intelligence program to meet
6 any unforeseen priority.

7 **SEC. 202. AUTHORITY OF THE DIRECTOR OF NATIONAL IN-**
8 **TELLIGENCE OVER MATTERS RELATING TO**
9 **PERSONNEL.**

10 The Director of National Intelligence shall have the
11 following duties and authorities over matters relating to
12 the personnel of national intelligence agencies.

13 (1) PERSONNEL POLICIES.—The Director of
14 National Intelligence shall put into effect personnel
15 policies to establish standards for education and
16 training of officers and employees of national intel-
17 ligence agencies and to facilitate assignments of
18 those officers and employees at national intelligence
19 centers and across national intelligence agencies.

20 (2) EMPLOYMENT AND TERMINATION AUTHOR-
21 ITY.—The Director of National Intelligence may em-
22 ploy such individuals in positions within the national
23 intelligence program as the Director determines to
24 be appropriate. The Director of National Intelligence
25 may terminate the employment of any officer or em-

1 ployee of a national intelligence agency whenever the
2 Director deems such termination necessary or advis-
3 able in the interests of the United States.

4 (3) APPOINTMENT OF OFFICIALS RESPONSIBLE
5 FOR INTELLIGENCE-RELATED ACTIVITIES.—(A) In
6 the event of a vacancy in a position referred to in
7 subparagraph (B), the head of the department or
8 agency involved shall obtain the concurrence of the
9 Director of National Intelligence before recom-
10 mending to the President an individual for appoint-
11 ment to the position.

12 (B) Subparagraph (A) applies to the following
13 positions:

14 (i) The Director of Central Intelligence.

15 (ii) The Director of the Defense Intel-
16 ligence Agency.

17 (iii) The Director of the National Security
18 Agency.

19 (iv) The Director of the National Recon-
20 naissance Office.

21 (v) The Director of the National
22 Geospatial-Intelligence Agency.

23 (vi) The Under Secretary for Information
24 Analysis and Infrastructure Protection of the
25 Department of Homeland Security.

1 (vii) The Executive Assistant Director for
2 Intelligence of the Federal Bureau of Investiga-
3 tion.

4 (viii) The Assistant Secretary of State for
5 Intelligence and Research.

6 (ix) The Director of the Office of Intel-
7 ligence of the Department of Energy.

8 (x) The Director of the Office of Counter-
9 intelligence of the Department of Energy.

10 (xi) The Assistant Secretary for Intel-
11 ligence and Analysis of the Department of the
12 Treasury.

13 (xii) The head of any other agency with
14 national intelligence functions.

15 **TITLE III—ADDITIONAL**
16 **PROVISIONS**

17 **SEC. 301. RESOLUTION OF AGENCY PRIORITY DIF-**
18 **FERENCES.**

19 (a) ESTABLISHMENT OF NSC EXECUTIVE COM-
20 MITTEE.—There is established in the National Security
21 Council an executive committee for the resolution of dif-
22 ferences in priorities among national intelligence agencies.
23 Insofar as the executive committee is unable to resolve a
24 priority difference, the President shall resolve the priority
25 difference.

1 (b) INCLUSION OF THE DIRECTOR OF NATIONAL IN-
2 TELLIGENCE.—The Director of National Intelligence shall
3 be a member of the executive committee established under
4 subsection (a).

5 **SEC. 302. DUTY OF HEADS OF NATIONAL INTELLIGENCE**
6 **CENTERS TO REPORT TO THE DIRECTOR OF**
7 **NATIONAL INTELLIGENCE.**

8 Directors of national intelligence centers shall report
9 directly to the Director of National Intelligence.

