

109TH CONGRESS  
1ST SESSION

# S. 640

To amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16, 2005

Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, 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 “Military Intelligence  
5       Reorganization Act of 2005”.

1 **SEC. 2. UNIFIED COMBATANT COMMAND FOR MILITARY IN-**  
2 **TELLIGENCE.**

3 (a) IN GENERAL.—Chapter 6 of title 10, United  
4 States Code, is amended by inserting after section 167a  
5 the following new section:

6 **“§ 167b. Unified combatant command for military in-**  
7 **telligence**

8 “(a) ESTABLISHMENT.—(1) With the advice and as-  
9 sistance of the Chairman of the Joint Chiefs of Staff, the  
10 President, through the Secretary of Defense, shall estab-  
11 lish under section 161 of this title a unified combatant  
12 command for military intelligence (hereinafter in this sec-  
13 tion referred to as the ‘military intelligence command’).

14 “(2) The principle functions of the military intel-  
15 ligence command are—

16 “(A) to coordinate the military intelligence ac-  
17 tivities that support the Director of National Intel-  
18 ligence;

19 “(B) to represent the Department of Defense  
20 within the intelligence community under the Director  
21 of National Intelligence;

22 “(C) to ensure that intelligence collection re-  
23 quirements for the armed forces are communicated  
24 to, and the fulfillment of such requirements are co-  
25 ordinated with, the Director of National Intelligence;

1           “(D) to coordinate all military intelligence ac-  
2           tivities; and

3           “(E) to develop new military intelligence collec-  
4           tion capabilities.

5           “(b) ASSIGNMENT OF FORCES AND CIVILIAN PER-  
6           SONNEL.—(1) Unless otherwise directed by the Secretary  
7           of Defense, all active and reserve military intelligence  
8           forces of the armed forces within the elements of the De-  
9           partment of Defense referred to in subsection (i)(2) shall  
10          be assigned to the military intelligence command.

11          “(2) Unless otherwise directed by the Secretary of  
12          Defense, the civilian personnel of the elements of the De-  
13          partment of Defense referred to in subsection (i)(2) shall  
14          be under the military intelligence command.

15          “(c) GRADE OF COMMANDER.—(1) The commander  
16          of the military intelligence command shall hold the grade  
17          of general or, in the case of an officer of the Navy, admiral  
18          while serving in that position, without vacating that offi-  
19          cer’s permanent grade. The commander of such command  
20          shall be appointed by the President, by and with the con-  
21          sent of the Senate, for service in that position.

22          “(2) The officer appointed as commander of the mili-  
23          tary intelligence command shall not, while serving in that  
24          position, be counted against the numbers and percentages

1 of officers of the grade of that officer authorized for the  
2 armed force of that officer.

3 “(d) DUTIES OF COMMANDER.—Unless otherwise di-  
4 rected by the President or the Secretary of Defense, the  
5 commander of the military intelligence command shall—

6 “(1) carry out intelligence collection and anal-  
7 ysis activities in response to requests from the Di-  
8 rector of National Intelligence;

9 “(2) serve as the principle advisor to the Sec-  
10 retary of Defense, the Chairman of the Joint Chiefs  
11 of Staff, and the Director of National Intelligence on  
12 all matters relating to military intelligence; and

13 “(3) discharge any responsibilities assigned to  
14 the commander under section 427(b) of this title.

15 “(e) AUTHORITY OF COMMANDER.—(1) In addition  
16 to the authority prescribed in section 164(c) of this title,  
17 the commander of the military intelligence command shall  
18 be responsible for, and shall have the authority to conduct,  
19 all affairs of the command relating to military intelligence  
20 activities.

21 “(2) The commander of the military intelligence com-  
22 mand shall be responsible for, and shall have the authority  
23 to conduct, the following functions relating to military in-  
24 telligence activities:

25 “(A) Developing strategy, doctrine, and tactics.

1           “(B) Establishing priorities for military intel-  
2           ligence in harmony with national priorities estab-  
3           lished by the Director of National Intelligence and  
4           approved by the President.

5           “(C) Ensuring the interoperability of intel-  
6           ligence sharing within the Department of Defense  
7           and between the Department of Defense and the in-  
8           telligence community as a whole, as directed by the  
9           Director of National Intelligence.

10          “(D) Serving as the program manager for the  
11          Joint Military Intelligence Program (JMIP) and the  
12          Tactical Intelligence and Related Activities (TIARA)  
13          program.

14          “(E) Preparing and submitting to the Secretary  
15          of Defense and the Director of National Intelligence  
16          recommendations and budget proposals for military  
17          intelligence forces and activities.

18          “(F) Exercising authority, direction, and con-  
19          trol over the expenditure of funds for personnel and  
20          activities assigned to the command.

21          “(G) Training military and civilian personnel  
22          assigned to or under the command.

23          “(H) Conducting specialized courses of instruc-  
24          tion for military and civilian personnel assigned to  
25          or under the command.

1           “(I) Validating requirements for military intel-  
2           ligence activities.

3           “(J) Formulating and submitting requirements  
4           to other commanders of the unified combatant com-  
5           mands to support military intelligence activities.

6           “(3) The commander of the military intelligence com-  
7           mand shall be responsible for—

8           “(A) ensuring that the military intelligence re-  
9           quirements of the other unified combatant com-  
10          manders are satisfied; and

11          “(B) responding to intelligence requirements  
12          levied by the Director of National Intelligence.

13          “(4)(A) The commander of the military intelligence  
14          command shall be responsible for, and shall have the au-  
15          thority to conduct the development and acquisition of spe-  
16          cialized technical intelligence capabilities.

17          “(B) Subject to the authority, direction, and control  
18          of the Secretary of Defense, the commander of the com-  
19          mand, in carrying out the function under subparagraph  
20          (A), shall have authority to exercise the functions of the  
21          head of an agency under chapter 137 of this title.

22          “(f) INSPECTOR GENERAL.—The staff of the com-  
23          mander of the military intelligence command shall include  
24          an inspector general who shall conduct internal audits and  
25          inspections of purchasing and contracting actions through

1 the command and such other inspector general functions  
2 as may be assigned.

3 “(g) BUDGET.—In addition to the activities of a com-  
4 batant commander for which funding may be requested  
5 under section 166(b) of this title, the budget proposal for  
6 the military intelligence command shall include requests  
7 for funding for—

8 “(1) development and acquisition of military in-  
9 telligence collection systems; and

10 “(2) acquisition of other material, supplies, or  
11 services that are peculiar to military intelligence ac-  
12 tivities.

13 “(h) REGULATIONS.—The Secretary of Defense shall  
14 prescribe regulations for the activities of the military intel-  
15 ligence command. The regulations shall include authoriza-  
16 tion for the commander of the command to provide for  
17 operational security of military intelligence forces, civilian  
18 personnel, and activities.

19 “(i) IDENTIFICATION OF MILITARY INTELLIGENCE  
20 FORCES.—(1) For purposes of this section, military intel-  
21 ligence forces are the following:

22 “(A) The forces of the elements of the Depart-  
23 ment of Defense referred to in paragraph (2) that  
24 carry out military intelligence activities.

1           “(B) Any other forces of the armed forces that  
2           are designated as military intelligence forces by the  
3           Secretary of Defense.

4           “(2) The elements of the Department of Defense re-  
5           ferred to in this paragraph are as follows:

6           “(A) The Defense Intelligence Agency.

7           “(B) Any intelligence activities or units of the  
8           military departments designated by the Secretary of  
9           Defense for purposes of this section.

10          “(j) MILITARY INTELLIGENCE ACTIVITIES.—For  
11          purposes of this section, military intelligence activities in-  
12          clude each of the following insofar as it relates to military  
13          intelligence:

14               “(1) Intelligence collection.

15               “(2) Intelligence analysis.

16               “(3) Intelligence information management.

17               “(4) Intelligence workforce planning.

18               “(5) Such other activities as may be specified  
19          by the President or the Secretary of Defense.

20          “(k) INTELLIGENCE COMMUNITY DEFINED.—In this  
21          section, the term ‘intelligence community’ means the ele-  
22          ments of the intelligence community listed or designated  
23          under section 3(4) of the National Security Act of 1947  
24          (50 U.S.C. 401a(4)).”.



1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 167a the following new  
 4 item:

“167b. Unified combatant command for military intelligence.”.

5 **SEC. 3. DIRECTION AND OVERSIGHT OF DEPARTMENT OF**  
 6 **DEFENSE NATIONAL INTELLIGENCE AGEN-**  
 7 **CIES.**

8 (a) IN GENERAL.—Subchapter I of chapter 21 of title  
 9 10, United States Code, is amended by adding at the end  
 10 the following new section:

11 **“§ 427. Department of Defense national intelligence**  
 12 **agencies: direction and oversight**

13 “(a) IN GENERAL.—Unless otherwise directed by the  
 14 President, the Secretary of Defense shall direct, supervise,  
 15 and oversee the head of each Department of Defense na-  
 16 tional intelligence agency in such official’s exercise of the  
 17 functions as head of such agency.

18 “(b) DISCHARGE THROUGH COMMANDER OF MILI-  
 19 TARY INTELLIGENCE COMMAND.—(1) The Secretary of  
 20 Defense may direct that communications between the Sec-  
 21 retary and the head of a Department of Defense national  
 22 intelligence agency be transmitted through the commander  
 23 of the military intelligence command under section 167b  
 24 of this title.

1 “(2) The Secretary of Defense may assign to the  
 2 commander of the military intelligence command responsi-  
 3 bility for directing, supervising, and overseeing the activi-  
 4 ties of any Department of Defense national intelligence  
 5 agency.

6 “(c) DEPARTMENT OF DEFENSE NATIONAL INTEL-  
 7 LIGENCE AGENCY DEFINED.—In this section, the term  
 8 ‘Department of Defense national intelligence agency’  
 9 means each of the following:

10 “(1) The National Security Agency.

11 “(2) The National Geospatial-Intelligence Agen-  
 12 cy.

13 “(3) The National Reconnaissance Office.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of such subchapter is amended by adding  
 16 at the end the following new item:

“427. Department of Defense national intelligence agencies: direction and over-  
 sight.”.

17 **SEC. 4. MODIFICATION OF ELEMENTS OF THE INTEL-**  
 18 **LIGENCE COMMUNITY.**

19 Section 3(4) of the National Security Act of 1947 (50  
 20 U.S.C. 401a(4)), as amended by section 1073 of the Na-  
 21 tional Security Intelligence Reform Act of 2004 (title I  
 22 of Public Law 108–458), is further amended—

23 (1) by striking subparagraph (D) and inserting  
 24 the following new subparagraph (D):

- 1 “(D) The military intelligence command.”;  
2 (2) by striking subparagraphs (G) and (H); and  
3 (3) by redesignating subparagraphs (I), (J),  
4 (K), and (L) as subparagraphs (G), (H), (I), and  
5 (J), respectively.

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