

EXPLANATORY STATEMENT

INTELLIGENCE REORGANIZATION ACT OF 1992

RATIONALE FOR THE BILL, GENERALLY

The primary purpose of the Intelligence Reorganization Act of 1992 is to strengthen the management of the Intelligence Community at all levels. A strengthened management structure, in turn, should result in a more focused and effective use of personnel and resources, in better integration of civilian and military intelligence activities, in less waste and duplication, and with better service to the Government consumer.

The U.S. Intelligence Community had its beginnings in the National Security Act of 1947, which established this country's security arrangements in the aftermath of the Second World War. That statute provided for an intelligence structure that was in many ways unique, a management structure that cut across department and agency lines, to marshal the resources of the entire Government for the achievement of a common objective. Placed at the head of this structure was a Director of Central Intelligence, but his statutory responsibilities was left purposely vague and his authorities over the Intelligence Community left very limited.

It was clear, however, that the DCI was created to provide the President with assessments based upon all intelligence available to the Government and that he would be independent of the policy process within a particular Administration. Yet the statute did not itself institutionalize the relationship between the DCI and the President. How this relationship was to work was essentially left to be worked out between a particular President and a particular DCI. Historically, this has varied, with some DCIs being closely involved with the particular President they were serving, and others less so.

The Intelligence Community itself has changed enormously since 1947, far exceeding the size and capabilities that the drafters of the National Security Act could have imagined at the time. New agencies have been created by department or agency directives; new technologies, introduced. Organizational relationships have changed and changed again, occasionally in response to an overall scheme, but more often in response to a situation or circumstance. None of these organizational arrangements are reflected in the law itself. Similarly, the role of the DCI itself has evolved, but has never been enunciated in law beyond the vague prescriptions of the 1947 statute.

The extent to which the DCI has historically attempted to exert his management prerogatives over the Intelligence Community has varied from DCI to DCI, with some taking more interest than others. Usually, this has meant working with the heads of departments and agencies within the Intelligence Community to persuade them to adopt a particular course, because the DCI, for the most part, lacked the legal authority to direct or manage elements within the Community himself. Even the DCI's role in the development of the National Foreign Intelligence Program budget, which evolved in the mid-1970s, has rarely been used to bring about significant management changes.

A similar situation has existed within the Department of Defense, where most of the collection and analytical resources of the Intelligence Community are located. For the most part, the Office of the Secretary of Defense has taken a relatively minor role in terms of coordinating or managing the intelligence elements of DoD. Whether this was due to the role the DCI was ostensibly playing with respect to the DoD elements of the Intelligence Community, or whether it was a matter of leaving tactical intelligence to the military departments, the result has historically been relatively weak management of the DoD intelligence elements that are part of the National Foreign Intelligence Program, and relatively little DoD-level management of tactical intelligence, either to ensure compatibility within DoD itself or with elements of the National Foreign Intelligence Program.

In any case, far from the centralized management structure suggested by the term "Intelligence Community," in reality, effective management control has rested largely in the hands of the various agency heads (or "program managers") within this "Community" rather than with the DCI or, for the Defense elements of the "Community," the Secretary of Defense. Moreover, even within this decentralized structure, roles and missions have evolved incrementally, usually in response to new requirements levied by their parent organization or to new technical developments, as opposed to an overall organizational scheme.

Arguably, this decentralized structure has served the country well over the last forty years. Despite the absence of a centralized management structure, there was a common target which was well understood by all elements of the Community whatever their mission and capability: the Soviet Union and its Warsaw Pact allies. The lion's share of U.S. intelligence activities were focused upon the threat posed to U.S. interests by the activities of these countries. In the meantime, resources were relatively plentiful. Funds were made available as necessary to keep track of this predominant threat to U.S. security interests.

Those times are now behind. The Soviet empire has now

disintegrated, and no longer poses a significant security threat to the United States and its allies. While the U.S. must prepare to meet different challenges and circumstances around the world, its attention is no longer focused upon a single predominant threat to its interests. At the same time, faced with huge budget deficits, funding for intelligence activities is certain to decrease significantly during the next decade. It is clear intelligence agencies will have considerably fewer resources available to carry out their missions. There can be less tolerance of waste and duplication; and, conversely, must be more attention to focus and effectiveness.

The proposed bill attempts to deal with these changed circumstances by establishing clear lines of authority and assigning clear responsibilities within the Intelligence Community. It creates a new Director of National Intelligence and gives him new authorities to manage the Intelligence Community. At the same time, the bill provides new roles to the Secretary of Defense in terms of managing DoD intelligence activities at both the national and tactical levels. It also clarifies the responsibilities of agencies within the Intelligence Community, and in some cases, creates new organizational entities to bring together functions that are now being performed in disparate areas of the Community.

The objective is to strengthen the framework for the management of intelligence activities, and thereby, ensure consistency of policy and emphasis, avoid waste and duplication, get the most from available resources, and provide a quality product to the Government consumer.

EXPLANATORY STATEMENT REGARDING THE PROVISIONS OF THE BILL

Section 1 of the bill contains the short title of the bill and a table of contents.

Section 2 contains the findings of the Congress which form the basis for the legislation, as well as a statement of its purposes.

Section 3 contains definitions of terms which are used in titles I, II, and III of the bill, each of which amends portions of the National Security Act of 1947.

TITLE I -- THE NATIONAL SECURITY COUNCIL

The National Security Council was created by the National Security Act of 1947 to advise the President with respect to national security matters. Named as members were the President, Vice President, Secretary of State, and Secretary of Defense. The statute was subsequently amended to provide, for example, that the Chairman of the Joint

Chiefs of Staff and the Director for National Drug Control Policy may participate in meetings of the National Security Council when matters pertaining to their areas of responsibility were concerned. These provisions do not mention the Director of Central Intelligence.

To some extent, this omission is a reflection of the drafters' intent that the Director of Central Intelligence remain an advisor, and should not be an advocate of a particular policy position.

Section 101 of the bill provides that the Director of National Intelligence (DNI), created by the bill, may participate in meetings of the National Security Council but shall not be entitled to vote on policy matters coming before the Council. It is intended to ensure that the head of the U.S. Intelligence Community is part of the policy process, though not an advocate for policy.

Section 102 of the bill provides for the establishment of a Committee on Foreign Intelligence of the National Security Council to establish overall requirements and priorities for the U.S. Intelligence Community. It also provides that this Committee will regularly assess for the President the performance of the Intelligence Community in satisfying these requirements and priorities. From time to time, there have been similar bodies created on an ad hoc basis within the NSC structure. The form and effectiveness of these bodies has fluctuated, however, from Administration to Administration.

This provision provides for a permanent structure, composed of the senior policy-making officials within the principal consumer agencies of the Government, to set the course for U.S. intelligence activities from year to year. Indeed, the purpose of this provision is to make the senior policymakers whom the Intelligence Community was primarily created to serve expressly responsible for providing such direction and to make them responsible for assessing, for the President, how well the Intelligence Community has responded to their needs. For example, the Committee might define what it sees as the most likely scenarios where the United States could be involved in crisis or war, and ask the Intelligence Community to develop collection or analytical strategies to provide appropriate intelligence support. In addition, the Committee might address itself to what proportion of the overall budget should be devoted to intelligence, what areas should receive priority, or what means of collection or analysis should be emphasized.

The bill provides that the Committee be chaired by the Assistant to the President for National Security Affairs. In addition to the DNI and representatives of the NSC principals, the bill also provides that the Secretary of

Commerce, or his representative, should be a member of the Committee on Foreign Intelligence, in order to involve a policy-making official who can integrate the needs of the Government for economic intelligence into this process.

TITLE II--THE DIRECTOR OF NATIONAL INTELLIGENCE

SECTION 201

Section 201 of the bill amends section 102 of the National Security Act of 1947 which created the Central Intelligence Agency and the office of Director of Central Intelligence (DCI). This section, indeed, has remained virtually unchanged since its enactment in 1947.

Reflecting the trifurcated role of the DCI which has evolved over time, Section 201 provides for the appointment of a Director of National Intelligence (DNI) and two Deputy Directors, and provides that the DNI will exercise operational control of the Central Intelligence Agency. (Section 202 of the bill provides for the appointment of a separate Director for the Central Intelligence Agency.) Each of the deputies would assist the DNI in carrying out his principal coordinating roles assigned by the bill: as principal intelligence adviser to the President and as head of the Intelligence Community. The DNI, both deputies, and the Director of the Central Intelligence Agency would be appointed by the President and confirmed by the Senate.

This structure is intended to enhance the ability of the DNI to manage effectively each of his functional areas of responsibility. It is also intended that certain of the DNI's responsibilities, which, under present arrangements, are carried out by CIA, are more appropriately placed under the DNI directly. Thus, it is contemplated that the new Deputy Director for Estimates and Analysis will be responsible for national estimates and other national-level analysis (including current intelligence products) that will be produced by a staff of Community (as opposed to CIA) analysts.

It is intended that the new Deputy DNI for the Intelligence Community would supersede the position of Director, Intelligence Community Staff under existing law. Indeed, the bill repeals section 102a of the National Security Act of 1947 which created the position of Director, Intelligence Community Staff. It is intended that the staff positions which currently support the Director, Intelligence Community Staff, would be transferred to the new Deputy Director of National Intelligence for the Intelligence Community. It is further intended that the positions currently filled by persons on rotational assignments from elements of the Intelligence Community be filled on a permanent basis by persons selected by the Deputy Director of

National Intelligence from elements within the Intelligence Community.

The bill provides that either the position of DNI or the position of Deputy DNI for the Intelligence Community will be filled by a military officer in the rank of four-star general. This is to ensure a tie at the senior management level to the military components of the Intelligence Community, which, indeed, compose a large part of the Community's overall capability.

Section 201 also provides that the Director of National Intelligence shall be at level I of the Executive Schedule, the same level as Cabinet officials. The duties of the Director merit the same status as the heads of many departments and agencies included at Executive level I. It is also important that the DNI be at a level that is comparable to the heads of agencies within the Intelligence Community with whom he must often interact. The level of the two Deputies and the Director of the CIA is set at Executive level III, where the current Deputy Director of Central Intelligence is now positioned.

Section 201 also provides that the offices of the two Deputy Directors shall form a "National Intelligence Center" physically located with the offices of the DNI. This is believed necessary inasmuch as the existing physical separation between the DCI and the existing Intelligence Community Staff is viewed as having been a practical hindrance to this relationship.

SECTION 202

Section 202 would amend the National Security Act of 1947 to elaborate, for the first time in statute, the areas of the DNI's responsibilities mentioned above: as provider of substantive intelligence; as head of the Intelligence Community; and as exercising control of the CIA itself.

Subsection 202(a) amends the National Security Act of 1947 by adding three new sections, 103 through 105, to that Act.

Subsection 103(a) charges the DNI with providing timely, objective intelligence, free of bias, based upon all sources available to the U.S. Intelligence Community, public and non-public, to the President personally and the Executive Office of the President, and, where appropriate, to the heads of departments and agencies, to the Joint Chiefs of Staff and military commanders in the field, and to the Congress. This charge is more specific than exists in current law, and, for the most part, encapsulates the DNI's responsibility to provide intelligence to all Government consumers.

Subsection 103(b) creates two specific mechanisms to assist the DNI in performing this function. It is contemplated that both of these mechanisms would be under the Deputy DNI for Estimates and Analysis, created under section 201.

The first is the creation of a National Intelligence Council, composed of the senior analysts of the Intelligence Community appointed by the DNI, which will be solely responsible for producing national estimates, and whose members are recognized as the senior substantive experts of the Intelligence Community within their respective areas of expertise. It is intended that this mechanism will serve as the primary substantive "voice" of the Intelligence Community in terms of advising policymakers within the Government. In short, by creating this Council by statute and providing for the appointment of its members, it is intended to give permanence to this structure and increase its stature government-wide.

The DNI is expressly directed to provide an adequate, full-time staff to the Council to assist in the execution of its responsibilities. The absence of such staff support appears to have considerably hampered the existing council in fulfilling its objectives.

The second mechanism created under subsection (b) is the Office of Intelligence Analysis headed by a director appointed by the DNI. This office is made responsible for the current intelligence production (e.g. the President's Daily Brief, the National Intelligence Daily) as well as other forms of national-level analysis (other than national estimates which are prepared by the National Intelligence Council). The bill expressly provides that this Office shall be staffed with analysts assigned to various elements of the Intelligence Community. These would include CIA, the Departments of State and Defense. Indeed, it is contemplated that while some residual analytical capability would remain within CIA to support its collection operations, most of the analysts currently assigned to the CIA Directorate of Intelligence would be shifted under this construct to the staff of the Deputy DCI for Estimates and Analysis. Such a realignment is intended, in part, to provide the analytical side greater organizational independence from the clandestine service of CIA, which has in the past prevented experts on the outside from contributing their talents or sharing their expertise with the Directorate of Intelligence.

By structuring this office with senior analysts from the Intelligence Community, it is also intended that national-level analysis will be more representative of a "community" view and at the same time become sharper and more focused (rather than being merely a compendium of what every agency thinks). Such a structure should also alleviate the

need for repetitive and duplicative analytical structures within the Intelligence Community itself, leading to down-sizing and streamlining intelligence production capabilities generally. While it is clear that some analytical capabilities serving purely departmental interests must be retained, the manpower devoted to such activities could be significantly reduced.

Subsection 103(c) sets forth six general responsibilities of the Director of National Intelligence as head of the Intelligence Community.

Subsection (c)(1) provides that the DNI will have responsibility for developing an annual budget for the National Foreign Intelligence Program, and for presenting this budget to the President and to the Congress. This is akin to the responsibility the DNI currently has pursuant to Executive order. It is the intent of this provision, however, to give the DNI an effective tool to manage the Intelligence Community, not merely to establish him as a conduit for apportioning budget allocations among departments and agencies within the Intelligence Community.

Subsection (c)(2) makes the DNI responsible for managing the collection capabilities of the Intelligence Community to ensure the satisfaction of national requirements. This subsection contemplates that the DNI will not only establish policies and procedures to identify standing and recurring intelligence requirements, but also will institute policies and procedures to satisfy short-term, contingency requirements of the Government. Taken in conjunction with section 104, below, it is intended that the DNI will have the ability to direct certain types of collection, as needed to satisfy priority intelligence requirements.

Subsection (c)(3) makes the DNI responsible for promoting and evaluating the utility of national intelligence for consumers within the Government. This subsection contemplates that the DNI will be responsible for evaluating the adequacy of the links between the Intelligence Community and consumers, and for evaluating the quality and timeliness of intelligence analysis provided such consumers. Various efforts by past DCIs to carry out such responsibilities have largely failed due to the objections or lack of cooperation from elements of the Intelligence Community, yet the functions remain crucial ones.

Subsection (c)(4) gives the DNI authority to eliminate waste and unnecessary duplication within the Intelligence Community. To a degree, this responsibility may be carried out within the context of the annual budget process to develop the National Foreign Intelligence Program, but this provision is also intended to give the DNI authority to terminate or require the consolidation of redundant programs

and activities within the Intelligence Community on an ad hoc basis.

Subsection (c)(5) charges with DNI with providing guidance, direction and approval for the procurement and operation of overhead reconnaissance systems pursuant to sections 208 and 209 of the Act to ensure the compatibility and integration of such systems. Sections 208 and 209 of the bill make the Director of the National Security Agency and the Director of the National Imagery Agency (a new agency created by the bill) responsible for the procurement and operation of overhead reconnaissance systems to satisfy signals intelligence requirements and imagery requirements, respectively, subject to the authorities of the DCI. Subsection (c)(5) expressly makes the DNI responsible for approving such procurement decisions. While the bill is intended to alter existing arrangements for the performance of the procurement function by placing such responsibility directly with the collection agencies, it recognizes that such systems are typically costly, requiring tradeoffs and long-term financing within the National Foreign Intelligence Program, and may, indeed, serve multiple purposes. Accordingly, the bill gives the DNI responsibility for approving such procurement decisions.

Finally, the DNI is made responsible by subsection (c)(6), as the DCI is under existing law, for the protection of intelligence sources and methods from unauthorized disclosure. Under this authority, the DNI is expected to issue uniform policies for the Intelligence Community to provide for the protection of information which reveals intelligence sources and methods, as well as take appropriate measures on an ad hoc basis for the protection of such information.

It is contemplated that the Deputy Director of National Intelligence for the Intelligence Community would have principal responsibility for executing these functions on behalf of the DNI.

Indeed, subsection (d) provides for the establishment of two separate mechanisms under the Deputy Director for the Intelligence Community to carry out the functions set forth in subsection (c).

The first is the establishment of an Office for Warning and Crisis Support to be staffed with senior representatives of the Intelligence Community selected by the DNI. This office is given specific responsibility for identifying potential threats to the United States, or areas where U.S. involvement or intervention may be called for, and providing possible options for U.S. actions to the President and other senior officials. This office also is charged with maintaining a permanent capability to provide intelligence

support in times of crisis, in terms of arranging for collection and/or analytical support to policymakers. The absence of such a permanent mechanism in the past appears to have hampered the performance of the Intelligence Community in past crises.

The second mechanism established by subsection (d) is an independent board, composed of experienced current or former senior officials of the Government (not necessarily the Intelligence Community itself), appointed by the DNI, to provide a full-time capability to evaluate the performance of the Intelligence Community. It is the intent of this subsection that this board look at intelligence support both in terms of specific cases or support to specific decisions made by the Government, and in terms of satisfying standing and recurring intelligence requirements. It is anticipated that reports prepared by this board would go directly to the DNI for appropriate action without prior coordination with affected agencies of the Intelligence Community.

Similar mechanisms established by previous DCIs have been largely unsuccessful. As a consequence, there is at present no mechanism to provide independent, objective assessments of the Intelligence Community's performance to the DCI. By providing for such a mechanism in law, the bill provides an authoritative mandate for the performance of this critical function.

Section 104 provides for the appointment by the President of a separate Director for the Central Intelligence Agency, subject to Senate confirmation, and provides that he will carry out his responsibilities under the supervision and operational control of the DNI. These responsibilities are set forth in subsection (a).

Subsection (a)(1) makes the Director of CIA responsible for the collection of intelligence through human sources and through other appropriate means. This latter reference refers to various types of technical sources which might be appropriately employed by the CIA. This subsection also incorporates the provision in existing law that the CIA shall have no police, subpoena, law-enforcement powers, or internal security functions. This limitation has been an important restraint upon CIA's activities within the United States, including its role in domestic counterintelligence activities, and thus is retained in this reformulation of its responsibilities.

Subsection (a)(2) makes the Director of CIA responsible for providing overall direction for the collection of intelligence through human sources by elements of the Intelligence Community. While CIA under existing law coordinates the human source collection activities abroad of other agencies in the Intelligence Community, it does not

provide "direction" to these activities. Indeed, there is no element in the Intelligence Community which effectively performs this role under the existing structure.

It is the intent of this subsection that CIA have responsibility for ensuring that the human source collection capabilities of the Government as a whole, both overt and covert, are effectively utilized to satisfy the intelligence requirements of the Government as a whole, as well as to minimize the risks to those involved in such collection activities. This would entail examining U.S. requirements at particular locations abroad, and determining how such requirements might best be satisfied, given the capabilities of the Intelligence Community as well as departments and agencies outside the Intelligence Community. Subsection (a)(2) makes clear, however, that it is not the intent of this subsection that CIA supplant the human source collection activities of other agencies which may currently perform such functions. Rather, this provision anticipates CIA will analyze such activities in terms of how they might best be employed to meet the requirements of the Government as a whole for such collection.

Subsection (a)(3) also incorporates a provision of existing law, making the Director of the CIA responsible for providing additional services of common concern to the Intelligence Community as the DNI determines can be more efficiently accomplished centrally. This has been a useful provision in existing law, permitting the CIA to perform a variety of services for the Intelligence Community as a whole, and is therefore retained in this section.

Subsection (a)(4) is also akin to current law, authorizing the Director of the CIA to perform such other functions and duties as may be directed by the President or the National Security Council. Specifically identified is the conduct of covert actions authorized by the President under the intelligence oversight provisions of title V of the National Security Act of 1947. Under existing law, the authority for CIA to carry out covert actions has been implied in the general provision authorizing CIA to carry out functions at the direction of the NSC. This subsection makes explicit such authority.

Subsection 104(b) addresses a particular aspect of the CIA's responsibilities: the provision of intelligence support to the military. This subsection provides for the appointment of an Assistant Deputy Director for Operations (Military Support) within the CIA Directorate of Operations. The incumbent would be a general or flag officer of 2-star rank, selected by the Director, CIA, after consultation with the Chairman of the Joint Chiefs of Staff, and would serve as the principal liaison between CIA and the Department of Defense to facilitate CIA intelligence support to military

plans and operations. The establishment of this office is intended to address a long-standing weakness in the existing structure.

Section 105 sets forth the authorities of the Director of National Intelligence, which are specified in ten separate subsections.

Subsection (a) provides that all departments and agencies within the Intelligence Community shall provide the DNI access to national intelligence collected by their respective department or agency. This provision is similar to existing law, and is needed to ensure that the DNI has access to intelligence from all sources available to the Government. It is the intent of this provision that departments and agencies who have intelligence which bears upon national intelligence requirements (and not solely those of a particular department or agency), such intelligence shall be made available to the DNI in an appropriate fashion.

Subsection (b) provides that the DNI shall be responsible for allocating and disbursing funds within the National Foreign Intelligence Program (NFIP) budget to elements within the Intelligence Community. This provision should be read together with Section 203 of the bill, which requires a separate budget for the National Foreign Intelligence Program (NFIP), appropriated to the DNI, beginning with fiscal year 1994. Subsection (b) makes the DNI responsible for the allocation and disbursement of NFIP funds.

Under the existing structure, the National Foreign Intelligence Program is not a separate line item in the President's budget. Instead, most of it, including the budget of the CIA, is "buried" in various line items of the DoD budget. Accordingly, the amount devoted to the NFIP within the DoD budget has in the past been determined by the agreement of the DCI and the Secretary of Defense. The funds authorized and appropriated for most of the NFIP are appropriated to the Secretary of Defense, who disburses such funds to DoD elements within the NFIP and to the CIA.

Subsection (b), together with Section 203, below, would change this structure. The NFIP would no longer be a part of the DoD budget, but rather would be a separate line item in the President's budget. This means that while the NFIP would no longer be tied to fluctuations in Defense spending, it would have to compete against other funding priorities within the President's budget, something it does not do under the existing arrangement.

Funds appropriated for the NFIP would be appropriated to the DNI, who would make the appropriate allocations and disbursements to departments and agencies within the

Intelligence Community, including the intelligence elements of the Department of Defense.

Subsection (c) provides that no funds appropriated for the National Foreign Intelligence Program may be reprogrammed for any other purpose by a department or agency which receives such funds without the prior approval of the DNI. This is intended to prevent departments and agencies from using funds appropriated for the NFIP for other purposes unless the DNI is consulted in advance and approves the use of such funds for the purposes identified. Although the DCI has had authority by Executive order to review and approve requests for reprogramming of NFIP funds, this has not been cast in terms of a prohibition binding upon heads of departments and agencies. From time to time, in fact, department and agency heads have reprogrammed NFIP funds without the prior approval of the DCI despite the Executive order language giving the DCI the authority to approve such requests.

Subsection (d) provides that the DNI, upon his own initiative, may reprogram funds within the NFIP in accordance with established reprogramming procedures (which include prior notice and/or approval to appropriate congressional committees) in order to satisfy national requirements of a higher priority, so long as prior notice is given to the head of the department or agency concerned and a reasonable opportunity is provided for an appeal of the DNI's proposed reprogramming to the President. The DCI does not now have such authority apart from the ability to reprogram funds appropriated for CIA activities. It is the intent of this provision to permit the DNI to reprogram funds across NFIP accounts to satisfy significant national requirements which have a higher priority so long as the department or agency head concerned has an opportunity to seek appeal of the DNI's proposed decision should he choose to do so.

Subsection (e) provides additional flexibility for the DNI by authorizing him to shift funds to satisfy contingency requirements by allowing the DNI to obligate or expend funds from the CIA Reserve for Contingencies for other intelligence and intelligence-related activities. While section 502 of the National Security Act of 1947 appears to allow for such transfers, as a practical matter, DCIs have not used the CIA Reserve for Contingencies to fund other than CIA activities. Subsection (e) would clarify that the DNI may use the CIA Reserve to fund the intelligence activities of other departments and agencies should he choose to do so, so long as the provisions of section 502 are adhered to.

Subsection (f) authorizes the DNI to temporarily reassign personnel assigned to one NFIP program to another NFIP program, for periods not to exceed an aggregate of 180 days in a given year, in order to meet national requirements

of a higher priority, provided the DNI gives prior notice to the head of the department or agency concerned and permits a reasonable time for such agency head to appeal such action to the President, and provides prior notice to the two congressional intelligence committees. The DCI does not have such authority under existing law. The bill provides such authority in order to give the DNI an ability to deal effectively and quickly with emergency situations facing the Intelligence Community.

Subsection (g) authorizes the DNI, under the direction of the National Security Council, to direct the use of any collection capability within the Intelligence Community to satisfy a priority collection requirement of the United States. The DCI does not currently have such authority, either under law or Executive order. He is given authority under Executive order to establish mechanisms to provide guidance on collection as well as to resolve conflicts in priority. But he lacks formal authority to task collection assets owned by other departments and agencies within the Intelligence Community to satisfy national requirements of a higher priority. By providing that the DNI shall exercise this authority under the direction of the National Security Council, it is intended that department or agency heads affected by the decision of the DNI will have a forum in which to raise possible objections to the DNI's actions.

Subsection (h) authorizes the DNI to coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments. The DCI is currently given similar authority by Executive order, but it has not been well adhered to by other elements of the Intelligence Community. By making this authority a matter of law, the intent is to strengthen it. It is not intended that the DNI shall be responsible for making all liaison contacts with foreign governments, but rather that the DNI, or his representative, will be given prior notice of such arrangements in order to avoid duplication or creating confusion in such relationships by having various elements of the Intelligence Community establish separate liaison arrangements oblivious to other actions on the part of the United States.

Subsection (i) provides that the DNI may direct any element or elements of the Intelligence Community to prepare intelligence analyses after consultation with the head of the department or agency concerned. The DCI currently does not have this authority today, either by statute or Executive order. He may request such assistance, but he may not direct it. It is intended that this authority be used, as necessary, to carry out the responsibilities of the DNI as a provider of intelligence to the Government as a whole. While the DNI must take into account the capabilities and departmental requirements of analytical elements within the

Intelligence Community in levying such tasking, he should be in a position to require such assistance to meet high priority national needs.

Subsection (j) directs the DNI to institute policies and programs within the Intelligence Community to provide for the rotation of personnel between departments and agencies, and to consolidate where possible administrative programs to reduce the overall costs of these activities within the Intelligence Community.

With respect to the rotation of personnel within the Intelligence Community, it is intended that the DNI will take actions to eliminate barriers which currently exist to such rotation, and will, in conjunction with other departments and agencies in the Intelligence Community, establish programs which will encourage and facilitate rotational assignments among Intelligence Community agencies, either by providing monetary or career incentives. Greater use of rotational assignments should improve the understanding and cooperation which now exists between elements of the Intelligence Community, and ultimately lead to more effective mission accomplishment.

With respect to the consolidation of personnel, administrative, or security costs within the Intelligence Community, it is intended that the DNI will take actions to assess where costs savings in these areas may be achieved by consolidating activities within the Intelligence Community, and will institute appropriate actions to achieve such savings. For example, in the area of security for contractors who have contracts with several elements of the Intelligence Community, the DNI should consolidate security administration for such contractors, so they will not be subject to repeated inspections by various elements of the Intelligence Community. Another area for examination is training, where the DNI should explore the consolidation of training programs for personnel in the Intelligence Community who are performing comparable functions. A third possible area is communications, where the DNI should explore the feasibility of Intelligence Community elements sharing available communications systems, rather than each having its own. In short, this authority is intended to provide the DNI, in his role as head of the Intelligence Community, with the authority to institute changes that will result in costs savings within the Intelligence Community as a whole.

SECTION 203

Section 203 provides that beginning with the budget submission for fiscal year 1994 and for each fiscal year thereafter, the President will submit as a separate line item an aggregate amount for the National Foreign Intelligence Program. This section further provides that any amounts

authorized and appropriated for this program will be appropriated to the Director of National Intelligence who will disburse such funds to the elements of the Intelligence Community.

The effect of this section would be to remove the National Foreign Intelligence Program budget from the Defense Department budget, and have it considered as a separate program budget. This would mean that the NFIP would compete (as other programs) for a slice of the overall Administration budget request, rather than being established by an informal agreement between the Secretary of Defense and Director of Central Intelligence as has been the practice. It would also mean the NFIP would no longer be tied to the fluctuations in the Defense budget but would be treated on its own terms.

By providing that the NFIP will be appropriated to the DNI rather than to other department or agency heads as is now the case (even with the budget for CIA), it is intended that the DNI, as head of the Intelligence Community, be placed in a position of ostensible control of these funds. While clearly the DNI would be legally obliged to disburse appropriated funds to Intelligence Community agencies in accordance with congressional enactments, this enhanced administrative role is nonetheless viewed as consistent with his overall responsibility.

TITLE III-- THE INTELLIGENCE ACTIVITIES OF THE DEPARTMENT OF DEFENSE

SUBTITLE 1. THE OFFICE OF THE SECRETARY OF DEFENSE

SECTION 301

Under existing law (10 U.S.C. 136), the Secretary of Defense is authorized to establish among his Assistant Secretaries an Assistant Secretary of Defense for Intelligence, but to date he has chosen not to exercise this authority. Responsibility for intelligence has been lodged with the Assistant Secretary of Defense responsible for Command, Control, Communications--the Assistant Secretary of Defense (C3I). Section 301 would, in fact, require shifting the staff responsibility for intelligence from the Assistant Secretary of Defense (C3I) to a new Assistant Secretary of Defense (Intelligence), who would have sole responsibility on the staff of the Secretary of Defense for all intelligence and intelligence-related matters.

Under the present organizational arrangement, the Assistant Secretary (C3I) is expected to cover two large substantive areas (C3 and I), which are, for the most part, unrelated. Each area is so broad that it is physically impossible for one Assistant Secretary to do justice to both. Under previous Administrations, the incumbents, for the most

part have had little experience with, or interest in managing, Defense intelligence activities. Effective control was left largely in the hands of intelligence program managers in DoD Components, with the Office of the Secretary of Defense itself playing a relatively small role.

Exacerbating the management difficulties within the OSD staff, there are at least three offices in addition to the ASD (C3I) which report to the Secretary directly on intelligence or intelligence-related matters: the Under Secretary for Policy, which has cognizance of international security policy and special access programs, and staffs the Secretary on certain types of intelligence activities; the Assistant to the Secretary for Intelligence Policy; and the Assistant to the Secretary for Intelligence Oversight. It is intended that a new Assistant Secretary for Intelligence would subsume all of these functions, resulting in fewer officials (not more) reporting directly to the Secretary on intelligence matters. This section is also intended to establish clearer accountability for intelligence activities at the DoD level, both from the standpoint of the Congress and others outside DoD.

Finally, the provisions of the bill itself provide an enhanced role for the Office of the Secretary of Defense in managing intelligence activities of both a national and tactical nature. Only the Secretary of Defense can set policy for all elements of the Department of Defense; only the Secretary of Defense can assess the resources needed for intelligence in terms of the broader DoD interest; and only the Secretary of Defense can effectively integrate national and tactical intelligence activities. Without the designation of an Assistant Secretary dedicated solely to intelligence, none of these critical functions will be performed as well as it might be.

SECTION 302

Section 302 sets forth the responsibilities of the Secretary of Defense as they pertain to the National Foreign Intelligence Program (NFIP). These responsibilities are the subject of neither statutory nor regulatory enactment, and the lack of an authoritative statement of the Secretary's role vis-a-vis the NFIP has in the past led to considerable confusion. To illustrate, the Office of the Secretary of Defense is not part of the Intelligence Community, yet a number of DoD Components are part of the Intelligence Community. To what extent, then, is the Secretary of Defense bound by the decisions of the DCI? On the other hand, who represents the interests of DoD intelligence components to the DNI? the Secretary of Defense? Or is this left to individual program managers within DoD Components?

Subsection 302 (1) provides that the Secretary of

Defense shall be responsible for implementation of the DNI's policy and resource decisions by DoD elements within the NFIP. The Office of the Secretary of Defense has historically performed this function, but without a specific charge to do so.

Subsection 302(2) charges the Secretary of Defense with ensuring that the tactical intelligence activities of DoD are compatible with and complement the intelligence activities funded within the NFIP. This subsection should be read in conjunction with section 303, below, which requires the creation of a new budget program for tactical intelligence activities, and program management by OSD.

SECTION 303

Section 303 institutes a procedure leading to the establishment of a new DoD Tactical Intelligence Program, to be managed by the Secretary of Defense. Subsection (a) provides that beginning with the annual budget submission for fiscal year 1994, the Secretary of Defense, in consultation with the Director of National Intelligence, shall identify those intelligence activities currently found in the list of Tactical Intelligence and Related Activities (TIARA) which constitute true "intelligence" activities which serve the interests of DoD generally. Subsection (b), in turn, requires that with the submission of the budget for fiscal year 1995, the intelligence activities identified the preceding year shall be funded as elements of a new Tactical Intelligence Program, to be managed as a separate program by the Secretary of Defense.

Several problems which plague the existing system would be addressed by Section 303. First, activities currently identified by the Department of Defense as part of TIARA are, in fact, not intelligence activities at all and should not be part of the management structure for intelligence, either within DoD or within the Congress. Second, activities identified within the TIARA category are not themselves managed as "program" at all, in the sense of being a discrete group of activities under the control of a single manager, but rather are managed on a decentralized basis within Defense Components as "non-intelligence", operational activities. Thus, as currently structured, TIARA is not susceptible of overall program management by an intelligence manager. This situation has significantly hampered the effective integration of national and tactical intelligence activities either by the Office of the Secretary of Defense or by the DCI. Section 303 attempts to address this requiring true tactical intelligence activities to be grouped together to form a single program under a single DoD manager. It is also contemplated that within the military departments, those activities identified as elements of the DoD Tactical Intelligence Program would be managed by the intelligence

elements of the departmental staffs rather than by the operations staffs as is now the case with TIARA.

SUBTITLE B--THE NATIONAL SECURITY AGENCY

Section 311 of the bill would amend the National Security Act of 1947 to provide for the establishment of the National Security Agency (NSA) within the Department of Defense. NSA, while subsequently recognized in several statutory enactments, was created by presidential directive on October 24, 1952. While NSA has since carried out signals intelligence activities and communications security activities on behalf of the Government as a whole, it has remained a creature of Executive directive, with its principal missions and functions set forth only in such issuances. Section 311 would provide a statutory basis for its existence as well as for its principal missions. In recognition of the national role it has played and continues to play, NSA would be established under the National Security Act of 1947.

Under the existing framework, the Director of NSA has historically been a general or flag officer at the three-star level appointed by the Secretary of Defense, who serves at the pleasure of the Secretary. While length of actual service has varied, a "normal" tour as Director has heretofore been considered three years. This position has not been exempt from the statutory ceilings on general or flag officer positions within DoD, occasionally causing the military services to decline to nominate for the position, or leading them to nominate officers with little or no intelligence experience for the position.

Subsection (a) of the new section 208 of the National Security Act (as set forth in section 311 of the bill) would make several significant changes to this framework. While the Director would continue to be selected by the Secretary of Defense, the bill would require prior consultation with the DNI, reflecting the critical role which NSA plays in the Intelligence Community. Under the bill, the Director would be subject to a fixed term of four years, providing greater stability both to the Director and to the programs which he administers than which currently exists. Finally, while the bill would retain a requirement that the Director be a military officer (recognizing the necessity of a close and continuing relationship between NSA and the military services), it would exempt the position of Director from the statutory ceilings set for general and flag officers. This is intended to achieve several objectives: (1) to encourage each of the military departments to nominate for this position; (2) to encourage the military departments to groom qualified senior officers for this assignment; and (3) more generally, to create a senior officer position that military intelligence officers (as opposed to officers in

non-intelligence branches of service) can aspire to.

Subsection (b) sets forth the principal responsibilities of NSA.

Subsection (b)(1) provides that NSA will operate an effective unified organization for the conduct of signals intelligence activities, which, in fact, has been its basic mission since its creation in 1952.

Subsection (b)(2) sets forth a responsibility that NSA does not have under current organizational arrangements. It makes NSA the sole agent within the Intelligence Community, subject to the authorities of the DNI, for the procurement and operation of overhead reconnaissance systems as may be needed to satisfy U.S. signals intelligence requirements. This places responsibility for the procurement of such systems in the purview of the agency charged with carrying out the signals intelligence mission rather than having such decisions made elsewhere. This responsibility is predicated on the assumption that the director of NSA is at the outset in the best position to assess resource decisions concerning overhead systems within the context of the expenditures for his particular collection discipline. However, in view of the paramount need to ensure that such systems (which are normally quite costly) are needed, affordable, and provide maximum value for all collection disciplines, ultimate approval authority for these procurement decisions is placed by the bill in the hands of the DNI.

Subsection (b)(3) charges NSA with providing for the communications security needs of the Government as a whole. This, too, has been a long-standing part of NSA's mission, but has not heretofore been recognized in statute.

SUBTITLE C-- THE NATIONAL IMAGERY AGENCY

Section 321 of the bill would also amend the National Security Act of 1947 to create a new intelligence agency with national responsibilities, which is not already in existence: the National Imagery Agency.

The bill gives the new agency responsibility for operating an effective unified organization for the tasking of imagery collectors (i.e. satellites and airborne platforms), for the exploitation and analysis of imagery collection, and for the dissemination of imagery production within the Government as a whole. Under the existing framework, these functions are performed by a number of disparate elements of the Intelligence Community, located within CIA, the Intelligence Community staff, DIA, and other intelligence elements of the Department of Defense. This decentralized framework had resulted in a lack of uniform governmental standards to govern exploitation, analysis and

dissemination; considerable waste and duplication of effort; and a failure to integrate effectively U.S. capabilities.

The bill attempts to address this situation by placing these functions under a single manager (similar to the role which the Director NSA plays in coordinating U.S. signals intelligence activities). In recognition of its role as the largest consumer of imagery within the Government, the bill would place this new organization within the Department of Defense (similar to the National Security Agency). It is intended, however, that the new Agency will establish and operate an imagery system to support all of the Government's requirements for this type of collection, not simply those of the Department of Defense.

In addition, the bill makes the National Imagery Agency the sole agent within the Intelligence Community, subject to the authorities of the DNI, for the procurement and operation of overhead reconnaissance systems as may be needed to satisfy U.S. imagery requirements. As with NSA, this places responsibility for the procurement of such systems within the purview of the agency charged with carrying out the imagery intelligence mission rather than having such decisions made elsewhere. This responsibility is also predicated on the assumption that the director of the agency is at the outset in the best position to assess resource decisions concerning overhead systems within the context of the expenditures for his particular discipline. However, in view of the paramount need to ensure that such systems (which are normally quite costly) are needed, affordable, and provide maximum value for all collection disciplines, ultimate approval authority for these procurement decisions is placed by the bill in the hands of the DNI.

The bill also provides that the Director of the new agency be appointed by the Secretary of Defense, after consultation with the DNI. This is a reflection of the essential role this agency will play within the Intelligence Community. Subsection (a) leaves the Secretary with discretion to appoint either a military officer or civilian as Director in recognition that the Agency's responsibilities are broader than satisfying only military requirements.

Section 501 of the bill, which generally addresses the various transfers of functions made by the bill, provides that the new National Imagery Agency will be composed of those elements of the Intelligence Community currently performing the functions described in section 209, as jointly determined by the Director of National Intelligence and the Secretary of Defense.

SUBTITLE D--THE DEFENSE INTELLIGENCE AGENCY

Section 331 of the bill provides for the establishment

of the Defense Intelligence Agency (DIA) within the Department of Defense. DIA was created by order of the Secretary of Defense on October 1, 1961, to consolidate analytical and production activities at the DoD level. While its existence has been recognized in several previous statutory enactments, it has until recently remained a creature of DoD directive with its principal functions and authorities set forth only in DoD regulations. Indeed, the lack of clear missions and authorities, established in an authoritative manner, has historically hampered DIA in the performance of these functions.

In section 921 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, responsibilities for DIA were set forth for the first time in law, but, under the terms of the law, this provision expires on January 1, 1993.

Sections 331 through 333 would provide a permanent statutory basis for DIA's existence as well as for its principal missions and authorities.

SECTION 331

Under the existing framework, the Director of DIA has historically been a general or flag officer at the three-star level appointed by the Secretary of Defense, who serves at the pleasure of the Secretary. While length of actual service has varied, a "normal" tour as Director has heretofore been considered three years. In addition, this position has not been exempt from the statutory ceilings on general or flag officer positions within DoD, occasionally causing the military services to decline to nominate for the position, or leading them to nominate officers with little or no intelligence experience for the position.

Subsection (b) would make several changes to this framework. First, while it would left appointment of the Director with the Secretary of Defense, it would require prior consultation with the DNI, in recognition of the critical contribution made by DIA to the Intelligence Community. Under the bill, the Director would be subject to a fixed term of four years, providing greater stability both to the Director and to the programs which he administers than which currently exists. Finally, while the bill would retain a requirement that the Director be a military officer (recognizing the necessity of a close and continuing relationship between DIA and the military services), it would exempt the position of Director from the statutory ceilings set for general and flag officers. This is intended to achieve several objectives: (1) to encourage each of the military departments to nominate for this position; (2) to encourage the military departments to groom qualified senior officers for this assignment; and (3) more generally, to create a senior officer position that military intelligence

officers (as opposed to officers in non-intelligence branches of service) can aspire to.

SECTION 332

Section 332 sets forth the responsibilities of DIA, each of which is made subject to the direction of the Secretary of Defense. In general terms, these relate to the production of intelligence and to providing services of common concern to other intelligence elements of the Department of Defense. While these functions do not differ markedly from those currently assigned DIA under departmental regulation, it is intended that placing them in the law will provide a more authoritative base for DIA's exercise of these responsibilities.

Subsection 332(1) provides that DIA shall produce timely and objective military and military-related intelligence, based upon all sources available to the Intelligence Community, and disseminate such intelligence to the Secretary of Defense, Joint Chiefs of Staff and senior military commanders, as appropriate; other elements of the Department of Defense, as appropriate; and to other agencies and elements of the federal government, as appropriate. This is currently DIA's principal mission, assigned by DoD directive.

Subsection 332(2) provides that DIA will coordinate the production of military and military-related intelligence by other intelligence elements of the Department of Defense to ensure the adequacy and objectivity of intelligence support and to avoid unwarranted duplication. DIA has a similar function under DoD directive but its coordination role is limited primarily to avoiding duplication by DoD production elements.

Subsection 332(3) charges DIA with management of the Defense Attache System, a function DIA performs under its existing regulatory charter. Recognition of this function in statute is intended to strengthen DIA's ability to obtain qualified military officers to serve as military attaches.

Subsection 332(4) charges DIA, as principal producer of intelligence within DoD, with validating the intelligence collection requirements imposed on other DoD intelligence elements. It is intended that DIA will review such requirements to determine if they have been, or are being, satisfied by other U.S. intelligence collectors, prior to assigning such requirements to collectors within the Department of Defense.

Subsection 332(5) provides that DIA will perform such additional services of common concern to DoD intelligence elements as the Secretary of Defense might determine can be accomplished more efficiently in a central location. For

example, it might be more efficient for DIA to provide certain administrative or personnel services to all career personnel in intelligence positions within DoD rather than having separate programs in each intelligence component; or it may be more efficient for DIA to provide communications system design services to all DoD intelligence components to ensure compatibility and lower procurement costs.

SECTION 333

To carry out the responsibilities set forth in section 332, section 333 provides the Director of DIA with certain authorities. These generally exceed the authorities which DIA currently has under departmental regulation. Indeed, it is the intent of this section to enhance such authorities to improve DIA's capability to perform its basic mission.

Subsection 333(1) provides that the Director, DIA shall have access to all intelligence collected by any intelligence element of the Department of Defense, or any component of the Intelligence Community (outside the Department of Defense), which bears upon a matter within his area of responsibility. This exceeds the existing authority of the DIA Director, insofar as it addresses access to intelligence beyond DoD. It also permits the DIA Director to obtain access to intelligence held in special compartmented channels among DoD components which bears upon his production responsibilities, an area where DIA has previously experienced difficulty in obtaining access.

Subsection 333(2) provides that the Director, DIA may evaluate intelligence on military and military-related topics produced by any DoD intelligence component for use outside such component, in order to assess its accuracy, completeness, objectivity, or timeliness. This is an authority the Director, DIA does not have under existing regulation. It is intended to give the Director DIA the ability to effectuate his role as coordinator of intelligence production within the Department of Defense.

Subsection 333(3) provides the Director, DIA with complementary authority to evaluate intelligence production within intelligence components of the Department of Defense, and to direct the consolidation or elimination of existing capabilities, or direct that the requirements of a particular component for production be satisfied by alternative means. This is authority that the Director, DIA does not now possess under currently DoD regulations. It is intended to permit the Director of DIA to satisfy his responsibilities as coordinator of intelligence production within DoD, providing authority to deal effectively with unnecessary duplication in the production area. The subsection also makes clear, however, that each of the military departments shall maintain separate, independent production capabilities to support the

departmental functions set for in section 341 of the bill.

Section 333(4) provides the Director of DIA with authority to require the military departments to assign qualified active duty officers to the Defense Attache System. It is intended that the Director, DIA shall establish uniform standards governing the qualifications of such officers, and that the military departments will institute programs to develop and train officers capable of filling such positions.

SUBTITLE E-- THE MILITARY DEPARTMENTS

Section 341 of the bill would amend Chapter 21 of title 10, United States Code, by adding a new section 425, imposing a requirement upon the Secretaries of the military departments to maintain sufficient capabilities to collect and produce intelligence in satisfaction of national, DoD, and service requirements.

This provision is included to ensure that with the drawdown in defense resources, sufficient intelligence capabilities will be maintained by the military departments, to serve both national purposes and their own service needs. It is also intended to acknowledge that even as the management arrangements for the conduct of U.S. intelligence activities are centralized and strengthened at higher levels, it is imperative to the continued vitality and effectiveness of U.S. intelligence activities, that the military departments continue to provide adequate personnel and logistical support to these efforts.

TITLE IV--CONGRESSIONAL OVERSIGHT

Section 401 of the bill amends Senate Resolution 400 (94th Congress), which established the Senate Select Committee on Intelligence (SSCI), to bring within its jurisdiction tactical intelligence activities. When the SSCI was established in 1976, the resolution establishing the Committee expressly excluded "tactical foreign military intelligence serving no national policy-making function." It was believed at the time that such activities more properly belonged in the jurisdiction of the Committee on Armed Services.

When the House counterpart to the SSCI was established in 1977, however, the same limitation upon its jurisdiction was not included in the resolution establishing the Committee. Moreover, the House Permanent Select Committee on Intelligence (HPSCI) was expressly given jurisdiction over "intelligence-related" activities, which, over time, has come to include various DoD programs and activities whose relationship to intelligence was, arguably, minimal.

Section 401 would adopt a "middle of the road" approach.

It would eliminate the limitation in the Senate resolution which excludes "tactical intelligence" from "intelligence activities" under the jurisdiction of the SSCI, but it would not give the SSCI jurisdiction over "intelligence-related activities."

There are several reasons for this approach.

First, it is consistent with the changes proposed by section 303 of the bill which mandate the development of a DoD "Tactical Intelligence Program," eliminating those elements of the existing TIARA which do not qualify as "intelligence" activities, i.e. are "intelligence-related."

Second, experience has made clear that congressional oversight of national and tactical intelligence programs cannot be effectively performed separately or in a vacuum. Programmatic decisions made in the tactical area can have a direct bearing upon programmatic decisions made in the national area, and vice-versa. Support to military commanders and military planners necessarily involves national and tactical elements. To separate intelligence into two major segments for purposes of congressional oversight, and for the authorization of appropriations, establishes an arbitrary and artificial distinction that does not exist in reality.

Indeed, the SSCI has found it necessary as a practical matter --even though it is expressly excluded from jurisdiction over tactical intelligence activities-- to establish a capability to monitor and oversee developments in the tactical intelligence arena. It cannot perform its functions vis-a-vis national programs without making this analysis. Typically, the Committee's recommendations in the tactical area are conveyed to the Committee on Armed Services which has previously accorded them substantial weight in arriving at its annual authorizations for tactical intelligence programs.

Because the House intelligence committee has jurisdiction over tactical intelligence programs, and the Senate intelligence committee does not, the annual authorizations for these activities are agreed upon in conference between the Senate Armed Services Committee and the House Permanent Select Committee on Intelligence within the context of the action on the DoD authorization, rather than the intelligence authorization, and the SSCI has played only an informal, advisory role in this process.

The purpose of section 401 would be to make the Senate's jurisdiction consistent with that of its House counterpart committee, and to ensure that all intelligence issues are dealt within the context of congressional action on the annual intelligence authorization bill. It would not alter

the provisions of S.Res. 400 which give the Committee on Armed Services the right to ask for and receive sequential referral of the annual intelligence authorization bill. Accordingly, its right to review and recommend changes to the annual authorization for tactical intelligence activities would be preserved by this proposal. Similarly, when read in conjunction with the proposed section 303, this would leave DoD "intelligence-related" activities with arguably little direct relationship with intelligence outside the scope of SSCI or HPSCI jurisdiction altogether.

TITLE V--TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sections 501 through 514 contains provisions which apply to the transfers of functions mandated by title III of the bill, namely, the transfer of functions to the newly-created the National Imagery Agency, as well as the transfer of functions from the National Security Agency and Defense Intelligence Agency, both of which exist pursuant to Executive branch regulations, to the succeeding statutory agencies.

The effect of these provisions is basically to provide, as a matter of law, for the effective transition of functions, legal authorities, appropriations, personnel and equipment, obligations, and liabilities from the previously-established organizational entities to the newly-created ones.

TITLE VI--EFFECTIVE DATE

Section 601 provides that the effective date of the Act shall be 180 days from the date of its enactment, except for the amendment to Senate Resolution 400 which takes effect upon enactment. The 180-day delay in the effective date is intended to provide sufficient time for the actions called for by the bill to be implemented.