



Memorandum

August 11, 2004

SUBJECT: Side-by-Side Comparison of Intelligence Community Reforms Proposed by 9/11 Commission, the Bush Administration, Senators Feinstein, Graham and Daschle, and Representatives Harman and Goss; and Current Statute

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Attached is a side-by-side comparison of Intelligence Community reforms proposed by the 9/11 Commission, the Bush Administration, Senators Feinstein, Graham and Daschle, and Representatives Harman and Goss; and current statute.

Side-by-Side Comparison of Intelligence Community Reforms Proposed by 9/11 Commission, the Bush Administration, Senators Feinstein, Graham and Daschle, and Representatives Harman and Goss; and Current Statute

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>NATIONAL INTELLIGENCE DIRECTOR (NID)</p> <p>Replace current position of Director of Central Intelligence with a Presidentially - appointed, Senate-confirmed NID. The NID located in the Executive Office of the President. A separate Director would head the Central Intelligence Agency (CIA).</p> <p><u>Cabinet Member</u></p> <p>NID should not be cabinet member.</p>	<p>Comparable proposal, except NID would lead a free-standing agency, <u>not</u> located in the Executive Office of the President.</p> <p>No official proposal, but oppose concept on the record.</p>	<p>Comparable provision, except NID would be named Director of National Intelligence (DNI). <u>Not</u> located in the Executive Office of the President.</p> <p>No provision.</p>	<p>Comparable provision, except NID would be named Director of National Intelligence (DNI). <u>Not</u> located in the Executive Office of the President. [S. 6, unlike S. 190 and S. 1520, establishes a ten-year terms for the DNI.]</p> <p>Sense of congress that DNI should be cabinet-level officer.</p>	<p>Establishes presidentially-appointed, Senate-confirmed position <u>Director of Central Intelligence (DCI)</u> who would also head CIA.</p> <p>No provision.</p>	<p>Stipulates that there is a <u>Director of Central Intelligence</u> who also heads CIA.</p> <p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>General Responsibilities</u></p> <p>– Oversee national intelligence centers, on specific subjects of interest, including the proposed National Counterterrorism Center (NCTC). – Oversee the Intelligence Community (IC).</p> <p>– President’s principal intelligence advisor.</p>	<p>– President’s principal intelligence advisor.</p> <p>– Head Intelligence Community (IC).</p> <p>– Oversee the NCTC.</p>	<p>– Head IC.</p> <p>– President’s principal intelligence advisor.</p>	<p>– Head IC.</p> <p>– President’s principal intelligence advisor.</p>	<p>– Head CIA.</p> <p>– Head IC.</p> <p>– President’s principal intelligence advisor.</p>	<p>– Head IC.</p> <p>– President’s principal intelligence advisor.</p> <p>– Head CIA.</p>

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911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Internal Security Responsibilities</u></p> <p>NID should directly oversee intelligence collection inside the U.S.</p>	<p>No proposal.</p>	<p>Retains current statutory prohibition preventing CIA director from exercising internal security functions.</p>	<p>Retains current statutory provision preventing CIA director from exercising internal security functions.</p>	<p>Repeals prohibition preventing DCI as CIA head from exercising internal security functions.</p>	<p>Prohibits the DCI as CIA head from exercising internal security functions.</p>
<p>BUDGET RESPONSIBILITIES</p> <p><u>Budget Submission</u></p> <p>NID should <u>submit</u> a unified budget for national intelligence.</p>	<p>NID would have <u>significant input</u> into the development of an intelligence budget</p>	<p>DNI would <u>develop</u> an annual intelligence budget.</p>	<p>DNI would <u>develop</u> an annual intelligence budget.</p>	<p>DCI would <u>determine</u> the annual intelligence budget.</p>	<p>DCI facilitates the <u>development</u> of an annual intelligence budget.</p>

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911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Budget Development</u></p> <p>No recommendation.</p>	<p>No specific proposal, but Administration is reviewing budget authorities.</p>	<p>No provision.</p>	<p>The DNI's budget development would include review, approval, and modification of the execution of IC budgets, and personnel and resource allocation.</p>	<p>No provision.</p>	<p>No provision.</p>

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<p><u>Budget Execution</u> <u>“Responsibilities”</u></p> <p>No recommendation.</p>	<p>No specific proposal, but Administration is reviewing budget authorities.</p>	<p>No provision.</p>	<p>DNI’s budget development includes managing and overseeing the execution and, if necessary, the modification of the annual National Foreign Intelligence Program (NFIP), including directing the transfer of funds or personnel within the IC.</p>	<p>No provision.</p>	<p>No provision.</p>

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<p>BUDGET AUTHORITIES</p> <p><u>Budget Approval</u></p> <p>NID should approve all IC budgets.</p>	<p>No specific proposal, but Administration is reviewing budget authorities.</p>	<p>Adheres to current statute – DNI approves budgets of all IC elements before incorporation into NFIP</p>	<p>Adheres to current statute – DNI approves budgets of all IC elements before incorporation into NFIP</p>	<p>DCI approves budgets of all IC elements before provided to President for transmission to Congress.</p>	<p>DCI approves budgets of all IC elements before incorporation into NFIP.</p>
<p><u>Budget Reprogramming</u></p> <p>NID should have reprogramming authority.</p>	<p>No specific proposal, but Administration is reviewing budget authorities.</p>	<p>Adheres to current statute – No NFIP funds may be reprogrammed without DNI prior approval, <u>except in accordance with DCI-issued procedures.</u></p>	<p>Adheres to current statute – No NFIP funds may be reprogrammed without DNI prior approval, <u>except in accordance with DCI-issued procedures.</u></p>	<p>Adheres to current statute, except eliminates: “<u>except in accordance with DCI-issued procedures.</u>”</p>	<p>No NFIP funds may be reprogrammed without DNI prior approval, <u>except in accordance with DCI-issued procedures.</u></p>

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<p>DIRECT APPROPRIATION</p> <p><u>NID Receives Direct Appropriation</u></p> <p>NID should receive direct appropriation. Currently the Sec Def receives the appropriation and disburses to CIA and national intelligence agencies.</p> <p>BUDGET DISCLOSURE</p> <p>Overall national intelligence budget and budgets of component agencies should be publicly disclosed.</p>	<p>No specific proposal, but Administration is reviewing budget authorities.</p>	<p>NDI <u>would not</u> receive direct appropriation.</p>	<p>NDI <u>would not</u> receive direct appropriation.</p>	<p>DCI <u>receives</u> direct appropriation.</p>	<p>DCI does not receive direct appropriation.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>HIRE AND FIRE AUTHORITY</p> <p>NID should have hire/fire...authority to <u>approve</u> and submit nominations to the President for CIA, Defense Intelligence Agency (DIA), FBI Intelligence Office, National Security Agency (NSA), National Reconnaissance Office (NRO), and Homeland Security IAIP.</p>	<p>NID would play a <u>coordinating role</u> and NID concurrence would be required in recommending IC appointments, but Administration is reviewing hiring and firing authorities.</p>	<p>No direct NDI hire/fire authority; However, provision does strengthen NDI's personnel selection authorities.</p> <p><i>Joint Recommendations</i> NDI/SecDef <u>joint recommendation</u> to the President on heads of NSA, NRO and NGA.</p> <p><i>Concurrence</i></p> <p>DNI/agency head <u>concurrence</u> on other IC appointments, but agency head can override DNI.</p>	<p>No NDI hiring/firing authority... would maintain current statute authorities.</p>	<p>No NDI hire/fire authority; However, provision would strengthen personnel authority by maintaining current statute requirement for DCI/secretary concurrence, but adding several agency head positions to which this would apply. Secretaries in affected agencies could still over-ride DNI non-concurrence.</p>	<p>No DCI hire/fire authority; However, provision calls concurrence and consultation on personnel selections.</p> <p><i>Concurrence</i></p> <p>DCI/SecDef concurrence on heads of NSA, NRO and NGA, but SecDef can override.</p> <p><i>Consultation</i></p> <p>Dept. Heads consult with DCI on directors of DIA INR, and DOE intelligence units, but agency head decides.</p>

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		<p><i>Mandatory Concurrence on FBI Appointments</i></p> <p>DNI/FBI Director mandatory concurrence on FBI intelligence appointments.</p>		<p><i>FBI Discretionary Consultation</i></p> <p>DNI/FBI Director make joint recommendation on FBI intelligence appointments. AG determines.</p>	<p><i>FBI Timely Notice</i></p> <p>FBI director gives DCI timely notice of FBI intelligence appointments.</p>
<p><u>Personnel Policy</u></p> <p>NID should set IC-wide personnel education and training standards and facilitate assignments across agency lines and at national intelligence centers.</p>	<p>No proposal, although NID unlikely to have authority to set standards.</p>	<p>NDI would set IC-wide personnel education and training standards and require for senior promotion service in more than two positions outside home element.</p>	<p>Maintains current statute requiring NDI to consult agency heads in developing personnel standards and qualifications.</p>	<p>DCI not required to consult agency heads in developing IC standards and qualifications</p>	<p>DCI required to consult agency heads in developing IC personnel standards and qualifications. Where appropriate, DCI should consider rotated service in IC elements a factor to consider in senior promotions.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Information Sharing Technology Policies</u></p> <p>NID should establish information technology standards to maximize info sharing and info security.</p>	<p>No proposal.</p>	<p>DNI/Secretary of Defense develop integrated communications network and maximize state/local information sharing.</p>	<p>No provision.</p>	<p>Newly created Assoc. Dir. for info management would recommend to DCI info and technology standards to maximize info sharing.</p>	<p>The National Security Council shall develop procedures for effective information sharing.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>IC STRUCTURE</p> <p><u>National Counterterrorism Center (NTCT)</u></p> <p>Should establish NTCT, housed in the Executive Office of the President, and overseen by the NID. Build on existing Terrorist Threat Integration Center (TTIC). <u>Center for joint operational planning and joint intelligence, staffed by personnel from various agencies.</u></p>	<p>Establish NCTC, but located outside of President’s executive office. Builds on existing TTIC. House outside President’s Executive Office.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><i>Intelligence Aspects</i></p> <p>Pool all-source analysis; perform strategic analysis and net assessment.</p> <p><i>Operations Aspects</i></p> <p>Perform joint planning; assign operations to lead agencies (State, CIA, FBI, Defense). Track plan implementation.</p>					

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>National Intelligence Centers</u></p> <p>Should establish centers on Weapons of Mass Destruction (WMD), int'l crime and narcotics, China/East Asia, Middle East, Russia/Eurasia. To be overseen by NID.</p>	<p>No proposal.</p>	<p>Establishes WMD center. To be overseen by NDI.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>
<p><u>Director of CIA</u></p> <p>CIA director should focus on rebuilding Agency's analytic and human intelligence collection capabilities.</p>	<p>CIA director heads CIA.</p>	<p>CIA director heads CIA. <u>Ten-year term.</u></p> <p>Simultaneous service as DNI prohibited.</p>	<p>CIA director heads CIA. Simultaneous service as DNI prohibited.</p>	<p>DCI heads the CIA, and acting through the CIA, head the IC.</p>	<p>DCI heads the IC and CIA.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Paramilitary Operations</u></p> <p>DOD should assume from the CIA responsibility for directing and executing paramilitary operations, clandestine or covert.</p>	No proposal.	No provision.	No provision.	No provision.	No provision.
<p>Information Sharing</p> <p>Establish incentives for sharing; restore better balance between security and shared knowledge.</p>	No proposal.	No provision, per se, but DNI/Sec Def to develop integrated communications network and maximize state/local info sharing.	No provision.	No provision, per se, but newly created Assoc. Dir. for info management would recommend to DCI info and technology standards to maximize info sharing.	No provision, per se, but the National Security Council shall develop procedures for effective information sharing.

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>Information Revolution</p> <p>President should lead effort to bring national security institutions into information revolution.</p>	No proposal.	No provision.	No provision.	No provision.	No provision.

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911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>Congressional Oversight</p> <p>Congress should consider joint intelligence committee, or single committee in each house, combining authorizing and appropriating.</p>	<p>Congress should adopt unspecified oversight reforms.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision. Senate Resolution 400 – still in effect today – created the Senate Select Committee on Intelligence. House Resolution 658 – still in effect today -- created the House Permanent Select Committee on Intelligence.</p>

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<p><i>Homeland Security</i></p> <p>Congress should create a single, principal point of oversight for homeland security. Should be permanent standing committee with bipartisan staff.</p>	No proposal.	No provision.	No provision.	No provision.	No provision.
<p>FBI</p> <p>The FBI should create a specialized and integrated national security workforce consisting of agents, analysts, linguists, and surveillance specialists with a deep expertise in intelligence and national security.</p>	No proposal.	No provision.	No provision.	No provision.	No provision.

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911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>Homeland Defense</p> <p><i>DoD Aspects</i></p> <p>DoD and its oversight committees should regularly assess adequacy of Northern Command strategies and planning to defend the U.S. against military threats.</p>	<p>No proposal.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><i>Dept. of Homeland Security Aspects</i></p> <p>The Dept. of Homeland Security and its oversight committees should regularly assess types of threats to U.S. and determine adequacy of protection plans and response readiness.</p>	<p>No proposal.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p>IC MANAGEMENT STRUCTURE</p> <p><i>NID Deputies</i></p> <p>The NID should have three deputies – foreign intelligence (CIA head); defense intelligence (under secretary of defense for intelligence);and homeland intelligence (FBI’s exec. asst. dir. or under secr. of homeland security for info. analysis and infrastructure protection)</p>	<p>No proposal.</p>	<p>Establishes Presidentially-nominated, Senate-confirmed Deputy DNI, <u>who also would serve as Undersecretary of Defense for Intelligence.</u></p>	<p>Establishes Presidentially-nominated, Senate-confirmed Deputy DNI.</p>	<p>Establishes Presidentially-nominated, Senate-confirmed Deputy DCI.</p>	<p>Establishes Presidentially-nominated, Senate-confirmed Deputy DCI.</p>

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911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><i>Deputy Director of Central Intelligence For Community Management</i></p> <p>Recommends eliminating the position.</p>	<p>No proposal.</p>	<p>Eliminates position.</p>	<p>Renames this position Deputy Director of <u>National Intelligence For Community Management</u>.</p>	<p>Eliminates position.</p>	<p>There is the position for Deputy Director of <u>Central Intelligence For Community Management</u>.</p>
<p><i>Deputy DNI for Operations & Resources</i></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>Establishes deputy DNIs for Operations and for Resources</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><i>Associate Directors of Central Intelligence</i></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>Would establish eight associate directors for operations; analysis; information management; language and education; military support; space; science and technology; resources.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><i>Assistant Directors of <u>Central Intelligence</u></i></p> <p>No recommendation</p>	<p>No proposal.</p>	<p>No proposal.</p>	<p>No proposal.</p>	<p>Would establish five assistant directors for central intelligence for: counterterrorism; counterintelligence; couterproliferation; counternarcotics; foreign intelligence.</p>	
<p><i>Assistant Directors of <u>National Intelligence</u></i></p> <p>No recommendation</p>	<p>No proposal.</p>	<p>No provision.</p>	<p>Would establish assistant directors for <u>national intelligence</u> for collection; analysis and production; administration.</p>	<p>No provision.</p>	<p>There are assistant directors of <u>central intelligence</u> for collection; analysis and production; administration.</p>

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<p><i>Senior Advisor to the DNI for Homeland Security</i></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>Establishes a senior advisor to the DNI for Homeland Security.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>
<p><i>General Counsel and Inspector General</i></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>Establishes General Counsel to the DNI; and Inspector General of the IC.</p>	<p>Establishes General Counsel to the DNI; and Inspector General of the IC.</p>	<p>Establishes General Counsel and Inspector General of the IC.</p>	<p>There is an a General Counsel and Inspector General <u>for the CIA.</u></p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>National Intelligence Council for Alternative Analysis</u></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>Establishes a National Intelligence Council Alternative Analysis Unit to review each national intelligence estimate produced by the National Intelligence Council.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Joint Tasking Organization</u></p> <p>No recommendation</p>	<p>No proposal.</p>	<p>Establishes a joint tasking organization within the DNI's office which would task IC collection. The DNI would appoint tasking directors from CIA, NSA, and NGA.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<p><u>Joint Intelligence Comptroller</u></p> <p>No recommendation.</p>	<p>No proposal.</p>	<p>Would establish joint intelligence comptroller appointed jointly by DNI and Sec. Def. Comptroller would report directly to the Undersecretary of Defense and provide both the Sec. Def. and the DNI NFIP financial information insofar as that information would relate to elements of the IC under the jurisdiction of DoD.</p>	<p>No provision.</p>	<p>No provision.</p>	<p>No provision.</p>

911 Commission	Bush Administration	Harman (H.R. 4104)	Feinstein (S. 190), Graham (S. 1520), Daschle (S. 6)	Goss (H.R. 4584)	Current Law
<u>Joint Acquisition Office</u> No recommendation.	No proposal.	Would establish a joint IC acquisition office headed by a director jointly appointed by the DNI and Sec. Def.	No provision.	No provision.	No provision.