

THE NATIONAL SECURITY ACT OF 1992

by Robert David Steele



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As we pass through the mazes of bureaucracy, we have in hand two bills (proposed laws), one from Senator David Boren, Chairman of the Senate Select Committee on Intelligence (SSCI), the other from Congressman Dave McCurdy, Chairman of the House Permanent Select Committee on Intelligence (HPSCI). Both bills, S.2198 and H.R.4165, are intent on reorganizing the United States Intelligence Community.

Both bills are widely perceived primarily as a means of airing the need for specific changes without necessarily requiring passage of the bills as now offered. The bills reflect legitimate concerns about the effectiveness of our existing structure, and we have no alternative but to respond with thoughtful documented views on why or why we do not need to modify the way we do business.

On that note, what follows is a brief examination of major elements in the two bills, together with a commentary which includes proposed modifications or additional elements.

One comment that can be made in relation to DNI authorities (figure 1) is that Executive Order 12333 already authorizes the DCI to review and approve National Foreign Intelligence Program (NFIP) reprogramming requests, and to levy tasks and develop guidance. There is something to be said for divorcing the DNI from the Central Intelligence Agency (CIA), if a truly "joint" civilian-military inter-agency staff can be established. A career at CIA, or service as DCI, should not be considered essential qualifications for the role of DNI, nor should a change in the DNI's authority to undermine the role of the Secretary of Defense in training, organizing, and equipping military intelligence forces be allowed to occur.

An obvious question that occurs to one contemplating the changing definition of national security and the

- Director of National Intelligence (DNI)**
 S: Creates separate position from that of Director, Central Intelligence Agency
 H: Same
- DNI and the National Security**
 S: Makes DNI a non-voting member
 H: Same
- DNI and Military Representation**
 S: Either DNI or Deputy DNI must be active or retired military officers (four star)
 H: DNI may not be an active duty officer
- DNI Authority**
 S: Provides DNI with authority over collection priorities, funds, and personnel throughout the intelligence community
 H: Similar, more pointedly stated

Figure 1. Director of National Intelligence