

OPTIONS FOR CREATING TWO DEPUTIES

I. Options Requiring Amendment of National Security Act

TAB A

Create a Deputy for CIA and a Deputy for IC. Give DCI broad delegation powers. Remain silent on order of succession and division of responsibilities in DCI's absence.

TAB B

Create a Deputy for CIA and a Deputy for IC. Give DCI broad delegation powers. Provide that the Deputy for CIA shall act for the DCI in his absence, except in certain IC matters otherwise delegated.

II. Options Not Requiring Legislation

TAB C

Retain existing DDCI position. Appoint a non-statutory "Deputy to the Director for the CIA" who would be the Agency counterpart of the existing "Deputy to the Director for the IC." In the DCI's absence, the DDCI acts as Director, the Deputy for CIA continues to manage the Agency, and the Deputy for IC would continue his functions under E.O. 11905. Only a very slight modification of E.O. 11905 would be required.

Approved For Release 2004/11/04 : CIA-RDP91M00696R000800120003-3

A

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To amend the National Security Act of 1947, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 102(a) of the National Security Act of 1947 (50 U.S.C.A. 403(a)) is amended to read as follows:

"(a) There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof. There shall be two Deputy Directors of Central Intelligence: a Deputy Director of Central Intelligence for the Central Intelligence Agency (Deputy Director, Agency) and a Deputy Director of Central Intelligence for the Intelligence Community (Deputy Director, Community). The Director may, to the extent he deems appropriate and without being relieved of his responsibility, delegate to each of the Deputy Directors any of those authorities vested in him by virtue of his position as Director of Central Intelligence and as head of the Central Intelligence Agency and may perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Central Intelligence Agency as he may designate. The Director and the Deputy Directors shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals in civilian life or from among the commissioned officers of the armed services whether in active or retired status: Provided, however, that at no time shall more than one of the three positions of Director, Deputy Director, Agency, or Deputy Director, Community, be occupied simultaneously by a commissioned officer of the armed services, whether in an active or retired status."

SECTION 2. (a) Section 102(b)(3) of the National Security Act of 1947 (50 U.S.C.A. 403(b)(3)) is amended by striking the words "of Central Intelligence" wherever they appear in that subsection.

(b) Section 3(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C.A. 403c(b)) is amended to read as follows:

"(b) In the exercise of the authorities granted in subsection (a) of this section, the term "Agency head" shall mean the Director of Central Intelligence, or the Deputy Director of Central Intelligence for the Central Intelligence Agency."

(c) Section 5314(36) of title 5, United States Code, is amended by striking the word "Director" and inserting in lieu thereof the word "Directors."

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Amendment to Executive Order 11905

Section 3(d)(3) of Executive Order 11905, which now reads:

"To assist the Director of Central Intelligence in the supervision and direction of the Central Intelligence Agency, the Director of Central Intelligence shall, to the extent consistent with his statutory responsibilities, delegate the day-to-day operations of the Central Intelligence Agency to the Deputy Director of Central Intelligence [50 U.S.C. 403(a)].

would be amended to read:

"To assist the Director of Central Intelligence in the supervision and direction of the Central Intelligence Agency, the position of Deputy to the Director of Central Intelligence for the Central Intelligence Agency is hereby established."



30 March 1976

MEMORANDUM FOR: The Director

SUBJECT : Statutory Second Deputy

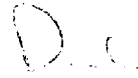
1. It is my understanding that you want the Deputy for the Community to be your principal Deputy, and to act for you in your absence. In routine matters, of course, he would act for you in your role as the President's senior intelligence advisor; the Deputy for the Agency would act for you as head of the Agency.

2. I have discussed this with Admiral Murphy and with Rogovin, Cary and Morrison. Everyone understands what it is you want to do. There is a serious problem, however.

3. The Act of 1947 places the responsibilities to advise the NSC on intelligence activities, to make recommendations to the NSC for coordination of intelligence activities, and to correlate and evaluate intelligence, on the CIA, under "a Director of Central Intelligence who shall be the head thereof," and not directly on the DCI. (Congress did not address the existence of a Community to be coordinated.) To transfer any of these responsibilities out of the Agency and vest them in a new Deputy would require major revision of the Act. Unless that is done, there is no way that the Agency Deputy can be kept from acting for you in your absence, but there is considerable doubt that Congress would be willing to accept such a change or even to address it this year.

4. Rogovin believes the bill should simply create a second Deputy and remain silent on which does what and which is the senior. This may be an out. If it could be done, you could, with the powers you now have, simply designate which will be senior. This would enable you to do what you want now and preserve for yourself or a successor maximum flexibility for the future, should circumstances change.

5. I have asked the troops to work up some options and analyze difficulties inherent in each, for a discussion with you later in the week. These will include Mitch's suggestion.



RICHARD LEHMAN

DRAFT BILLS TO CREATE A SECOND  
DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

TAB A

Creates a Deputy for CIA and a Deputy for IC. Permits DCI to delegate various responsibilities, and provides that the Deputy for CIA shall act for the DCI in his absence.

TAB B

Creates a Deputy for CIA and a Deputy for IC. Permits DCI to delegate various responsibilities, and provides that the Deputy Director for CIA shall act for DCI in his absence, except in certain IC matters otherwise delegated.

TAB C

Creates a Deputy for CIA and a Deputy for IC. Gives DCI broad delegation powers.

TAB D

Retains existing DCI and DDCI positions. Creates five "Assistant Directors," to be appointed by the Director. One of the Assistant Directors would be for the IC.

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"(2) There shall be five Assistant Directors, appointed by the Director of Central Intelligence, who shall perform such duties and exercise such powers as the Director of Central Intelligence may prescribe. One of the Assistant Directors shall be the Assistant Director for the Intelligence Community. He shall have as his principal duty assisting the Director of Central Intelligence in his responsibilities with respect to the Intelligence Community, as defined in Executive order. The Director may, to the extent he deems appropriate and without being relieved of his responsibility, delegate to each of the Deputy Directors any of those authorities vested in him by virtue of his position as Director of Central Intelligence and as head of the Central Intelligence Agency and may perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Central Intelligence Agency as he may designate.