



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

JUN 21 2002

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The Department of Defense proposes the enclosed legislation to strengthen the management structure of the Office of the Secretary of Defense. These proposals are part of the departmental legislative program for the Second Session of the 107th Congress, and we urge their enactment.

These proposals would establish the position of Under Secretary of Defense for Intelligence, retitle the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as the Assistant Secretary of Defense for Homeland Defense Policy, and establish overall supervision of special operations and low intensity conflict activities of the Department as one of this Assistant Secretary's primary duties. These changes provide the Secretary of Defense with the flexibility he requires to respond to the heightened demands on the Department of Defense to support the President's efforts to prevent and respond to acts of terrorism against the United States.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these initiatives for the consideration of the Congress.

Sincerely,

William J. Haynes II, Principal Deputy
for William J. Haynes II

Enclosure
As Stated





GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

JUN 21 2002

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The Department of Defense proposes the enclosed legislation to strengthen the management structure of the Office of the Secretary of Defense. These proposals are part of the departmental legislative program for the Second Session of the 107th Congress, and we urge their enactment.

These proposals would establish the position of Under Secretary of Defense for Intelligence, retitle the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as the Assistant Secretary of Defense for Homeland Defense Policy, and establish overall supervision of special operations and low intensity conflict activities of the Department as one of this Assistant Secretary's primary duties. These changes provide the Secretary of Defense with the flexibility he requires to respond to the heightened demands on the Department of Defense to support the President's efforts to prevent and respond to acts of terrorism against the United States.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these initiatives for the consideration of the Congress.

Sincerely,

David J. Dell'Anno, Principal Deputy
for William J. Haynes II

Enclosure
As Stated



SEC. ____ . UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 137 through 143 as sections 138 through 144, respectively; and

(2) by inserting after section 136 the following new section:

"§ 137. Under Secretary of Defense for Intelligence

"(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

"(c) The Under Secretary of Defense for Intelligence takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness."

(b) CONFORMING CHANGES.—(1) Section 131(b) of such title is amended—

(A) by striking paragraphs (2) through (5);

(B) by redesignating paragraphs (6) through (11) as paragraphs (3) through (8), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Under Secretaries of Defense."

(2) The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.

"131. Office of the Secretary of Defense.

"132. Deputy Secretary of Defense.

"133. Under Secretary of Defense for Acquisition, Technology, and Logistics.

- "133a. Deputy Under Secretary of Defense for Acquisition and Technology.
- "133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.
- "134. Under Secretary of Defense for Policy.
- "134a. Deputy Under Secretary of Defense for Policy.
- "134b. Deputy Under Secretary of Defense for Technology Security Policy.
- "135. Under Secretary of Defense (Comptroller).
- "136. Under Secretary of Defense for Personnel and Readiness.
- "137. Under Secretary of Defense for Intelligence.
- "138. Director of Defense Research and Engineering.
- "139. Assistant Secretaries of Defense.
- "140. Director of Operational Test and Evaluation.
- "141. General Counsel.
- "142. Inspector General.
- "143. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
- "144. Office of the Secretary of Defense personnel: limitation."

1 (c) EXECUTIVE SCHEDULE PAY.—Section 5314 of title 5, United States Code, is amended
2 by striking the entries for the Under Secretary of Defense for Policy, Under Secretary of Defense
3 (Comptroller), and Under Secretary of Defense for Personnel and Readiness and inserting "Under
4 Secretaries of Defense (4)".

Section-by-Section Analysis

This provision would establish the position of Under Secretary of Defense for Intelligence, who would exercise oversight, on behalf of the Secretary of Defense, over the intelligence, counterintelligence, and related personnel security functions performed within the Department of Defense. Recent events have shown that success in achieving our national security objectives depends, in part, on good intelligence and counterintelligence. Establishing an Under Secretary of Defense for Intelligence acknowledges the importance of intelligence and counterintelligence superiority in the twenty-first century.

This new Under Secretary position, when coupled with other organizational changes being made within the Department, will provide the Secretary of Defense with the flexibility he requires to respond to heightened demands on the Department of Defense to support the President's efforts to prevent and respond to acts of terrorism against the United States.

**SEC. ____ . ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE
POLICY.**

1 (a) IN GENERAL.—The position of Assistant Secretary of Defense for Special Operations
2 and Low Intensity Conflict is hereby redesignated as the Assistant Secretary of Defense for
3 Homeland Defense Policy. Any reference in any law of the United States to the Assistant
4 Secretary of Defense for Special Operations and Low Intensity Conflict shall be treated as
5 referring to the Assistant Secretary of Defense for Homeland Defense Policy.

6 (b) CONFORMING AMENDMENTS.—Section 138(b)(4) of title 10, United States Code, is
7 amended—

8 (1) by striking "Assistant Secretary of Defense for Special Operations and Low
9 Intensity Conflict" and inserting "Assistant Secretary of Defense for Homeland Defense
10 Policy"; and

11 (2) by striking "his principal duty" in the second sentence and inserting "a
12 principal duty".

Section-by-Section Analysis

This provision would retitle the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as the Assistant Secretary of Defense for Homeland Defense Policy and would establish overall supervision of special operations and low intensity conflict activities of the Department as one of this Assistant Secretary's primary duties.

These changes would allow the Secretary of Defense to consolidate the Department's homeland defense and special operations and low intensity conflict missions under one Assistant Secretary. It would provide the Secretary of Defense with the flexibility he requires to respond to heightened demands on the Department of Defense to support the President's efforts to prevent and respond to acts of terrorism against the United States.