

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. THORNBERRY OF TEXAS**

At the end of subtitle B of title IX, add the following new section:

1 SEC. 9 ____ . REFORM OF NATIONAL SECURITY COUNCIL.

2 (a) FINDINGS.—Congress finds the following:

3 (1) The National Security Council has increas-
4 ingly micromanaged military operations and central-
5 ized decisionmaking within the staff of the National
6 Security Council. The size of the staff has contrib-
7 uted this problem.

8 (2) As stated by former Secretary of Defense
9 Robert M. Gates, “It was the operational micro-
10 management that drove me nuts of White House
11 and [National Security Council] staffers calling sen-
12 ior commanders out in the field and asking them
13 questions, second guessing commanders”, and by an-
14 other former Secretary of Defense Leon Panetta,
15 “[B]ecause of that centralization of that authority at
16 the White House, there are too few voices being
17 heard in terms of the ability to make decisions and
18 that includes members of the cabinet.”.

1 (3) Gates stated, “You have 25 people working
2 on a single military problem... They are going to be
3 doing things they shouldn’t be doing,” and Panetta
4 noted, “The National Security Council has grown
5 enormously, which means you have a lot more staff
6 people running around at the White House on these
7 foreign policy issues.”.

8 (4) Press reports indicate that National Secu-
9 rity Council micromanagement has included select-
10 ing targets in ongoing military operations, specifying
11 detailed parameters and limitations on military oper-
12 ations, and managing military planning and the exe-
13 cution of plans.

14 (5) As stated in section 101(a) of the National
15 Security Act of 1947 (50 U.S.C. 3021(a)), the
16 “function of the Council shall be to advise the Presi-
17 dent with respect to the integration of domestic, for-
18 eign, and military policies relating to the national se-
19 curity so as to enable the military services and the
20 other departments and agencies of the Government
21 to cooperate more effectively in matters involving the
22 national security”.

23 (6) As stated in the November 1961 staff re-
24 ports and recommendations on “Organizing for Na-
25 tional Security” submitted to the Committee on Gov-

1 ernment Operations of the Senate by the Sub-
2 committee on National Policy Machinery, “The
3 Council is an interagency committee: It can inform,
4 debate, review, adjust, and validate... The Council is
5 not a decisionmaking body; it does not itself make
6 policy. It serves only in an advisory capacity to the
7 President, helping him arrive at decisions which he
8 alone can make.”.

9 (7) As noted in the 1987 Report of the Presi-
10 dent’s Special Review Board (commonly known as
11 the “Tower Commission Report”), “As a general
12 matter, the [National Security Council] staff should
13 not engage in the implementation of policy or the
14 conduct of operations. This compromises their over-
15 sight role and usurps the responsibilities of the de-
16 partments and agencies.”.

17 (8) As noted in the “Addendum on Structure
18 and Process Analyses: Volume II – Executive Office
19 of the President,” accompanying the February 2001
20 U.S. Commission on National Security/21st Century
21 (commonly known as the “Hart-Rudman Commis-
22 sion”), “[T]he degree to which the [National Secu-
23 rity Council] gets involved in operational issues
24 raises a question of congressional oversight. Today
25 there is limited congressional oversight of the [Na-

1 tional Security Council]... Assigning the [National
2 Security Council] greater operational responsibility
3 would likely result in calls for more congressional
4 oversight and legislative control...”.

5 (9) According to analysis from the Brookings
6 Institution’s National Security Council Project, the
7 size of the National Security Council staff from the
8 early 1960s to the mid-1990s remained consistently
9 under 60 personnel. Since then, it has grown signifi-
10 cantly in size.

11 (10) As former National Security Advisor,
12 Zbigniew Brzezinski, wrote in “The NSC’s Midlife
13 Crisis” in Foreign Policy, Winter 1987–1988,
14 “There is no magic number, but it would appear
15 that for successful strategic planning and policy co-
16 ordination 30-40 senior staff members are probably
17 adequate. However, to ensure effective supervision
18 over policy implementation as well, the size of the
19 staff should be somewhat larger. An optimal figure
20 for the senior staff probably would be about 50 sen-
21 ior staff members.”.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the function of the National Security Coun-
25 cil, consistent with the National Security Act of

1 1947 (50 U.S.C. 3001 et seq.), is to advise the
2 President as an independent honest broker on na-
3 tional security matters, to coordinate national secu-
4 rity activities across departments and agencies, and
5 to make recommendations to the President regard-
6 ing national security objectives and policy, and the
7 size of the staff of the National Security Council
8 should be appropriately aligned to this function;

9 (2) the President is entitled to privacy in the
10 Office of the President and to a confidential rela-
11 tionship with the National Security Advisor and the
12 National Security Council; and

13 (3) however, a National Security Council, en-
14 abled by a large staff, that assumes a central policy-
15 making or operational role is no longer advisory and
16 should be publicly accountable to the American peo-
17 ple through Senate confirmation of its leadership
18 and the activities of the Council subject to direct
19 oversight by Congress.

20 (c) AMENDMENTS TO NATIONAL SECURITY ACT OF
21 1947.—Section 101 of the National Security Act of 1947
22 (50 U.S.C. 3021), is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (5), by striking “and”;

1 (B) in paragraph (6), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding after paragraph (6) the fol-
4 lowing new paragraph:

5 “(7) the Assistant to the President for National
6 Security Affairs.”;

7 (2) in subsection (c), by striking “shall receive
8 compensation at the rate of \$10,000 a year.” and
9 inserting “shall report to, and be under the general
10 supervision of, the Assistant to the President for
11 National Security Affairs.”;

12 (3) by redesignating subsections (d) through (l)
13 as subsections (e) through (m), respectively; and

14 (4) by inserting after subsection (c) the fol-
15 lowing new subsection:

16 “(d)(1)(A) Except as provided by subparagraph (B),
17 the Assistant to the President for National Security Af-
18 fairs shall be appointed by the President.

19 “(B) If the staff of the Council exceeds 100 covered
20 employees at any point during a term of the President,
21 and for the duration of such term (without regard to any
22 changes to the number of such covered employees), the
23 Assistant to the President for National Security Affairs
24 shall be appointed by the President, by and with the advice
25 and consent of the Senate.

1 “(2)(A) Beginning on the date on which the staff of
2 the Council exceeds 100 covered employees, the person ap-
3 pointed as the Assistant under paragraph (1)(A), the per-
4 son nominated by the President to be appointed the As-
5 sistant under paragraph (1)(B), or any other person des-
6 ignated by the President to serve as the Assistant in an
7 acting capacity, may serve in an acting capacity for no
8 longer than 210 days.

9 “(B) If the person nominated by the President to be
10 appointed the Assistant under paragraph (1)(B) is re-
11 jected by the Senate, withdrawn, or returned to the Presi-
12 dent by the Senate, the President shall nominate another
13 person and the person serving as the acting Assistant may
14 continue to serve—

15 “(i) until the second nomination is confirmed;

16 or

17 “(ii) for no more than 210 days after the sec-
18 ond nomination is rejected, withdrawn, or returned.

19 “(3) The President shall notify Congress in writing
20 not more than seven days after the date on which the staff
21 of the Council exceeds 100 covered employees.

22 “(4) In this subsection, the term ‘covered employees’
23 means each of the following officers and employees (count-
24 ed without regard to full-time equivalent basis):

1 “(A) Officers and employees occupying a posi-
2 tion funded by the Executive Office of the President
3 performing a function of the Council.

4 “(B) Officers, employees, and members of the
5 Armed Forces from any department, agency, or
6 independent establishment of the executive branch of
7 the Government that are on detail to the Council
8 performing a function of the Council.”.

9 (d) CONFORMING AMENDMENT.—Section 3(12) of
10 the International Religious Freedom Act of 1998 (22
11 U.S.C. 6402(12)) is amended by striking “section 101(i)”
12 and inserting “section 101(l)”.

