

119TH CONGRESS
2D SESSION

S. _____

To improve handling of vacancies of the Director of National Intelligence,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNER introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To improve handling of vacancies of the Director of National
Intelligence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Do Not Interfere in
5 our Intelligence Act of 2026” or the “DNII Act of 2026”.

6 **SEC. 2. VACANCIES IN POSITION OF DIRECTOR OF NA-**
7 **TIONAL INTELLIGENCE.**

8 (a) VACANCIES FILLED BY PRINCIPAL DEPUTY DI-
9 RECTOR.—Notwithstanding sections 3345 through 3349d
10 of title 5, United States Code (commonly referred to as

1 the “Federal Vacancies Reform Act of 1998”), or any
2 other provision of law, the Principal Deputy Director of
3 National Intelligence, if appointed by the President, by
4 and with the advice and consent of the Senate, in accord-
5 ance with section 103A(a)(1) of the National Security Act
6 of 1947 (50 U.S.C. 3026(a)(1)), shall act for, and exercise
7 the powers of, the Director of National Intelligence during
8 the absence or disability of the Director of National Intel-
9 ligence or during a vacancy in the position of Director of
10 National Intelligence in accordance with section
11 103A(a)(6) of the National Security Act of 1947.

12 (b) CONTINGENCY DURING VACANCY OF BOTH THE
13 DIRECTOR OF NATIONAL INTELLIGENCE AND THE PRIN-
14 CIPAL DEPUTY DIRECTOR OF NATIONAL INTEL-
15 LIGENCE.—Notwithstanding the Federal Vacancies Re-
16 form Act of 1998, or any other provision of law, if, and
17 only if, the Principal Deputy Director of National Intel-
18 ligence appointed by the President, by and with the advice
19 and consent of the Senate, in accordance with section
20 103A(a)(1) of the National Security Act of 1947 (50
21 U.S.C. 3026(a)(1)) dies, resigns, or is otherwise unable
22 to perform the functions and duties of the office during
23 a vacancy in the position of the Director of National Intel-
24 ligence, the President shall direct to perform the functions

1 and duties of the Director of National Intelligence tempo-
2 rarily in an acting capacity an individual who—

3 (1) serves in an office within the Office of the
4 Director of National Intelligence for which appoint-
5 ment is required to be made by the President, by
6 and with the advice and consent of the Senate; and

7 (2) is appointed to such office by the President,
8 by and with the advice and consent of the Senate.

9 (c) CONTINGENCY DURING A VACANCY OF ALL SEN-
10 ATE CONFIRMED OFFICES WITHIN THE OFFICE OF THE
11 DIRECTOR OF NATIONAL INTELLIGENCE.—Notwith-
12 standing the Federal Vacancies Reform Act of 1998, or
13 any other provision of law, if, and only if, all offices within
14 the Office of the Director of National Intelligence for
15 which appointment is required to be made by the Presi-
16 dent, by and with the advice and consent of the Senate,
17 are vacant, the President shall direct to perform the func-
18 tions and duties of the Director of National Intelligence
19 temporarily in an acting capacity an individual who—

20 (1) serves in an office of any element of the in-
21 telligence community for which appointment is re-
22 quired to be made by the President, by and with the
23 advice and consent of the Senate; and

24 (2) is appointed to such office by the President,
25 by and with the advice and consent of the Senate.

1 (d) EXCLUSIVITY.—If, and only if, no other indi-
2 vidual meets the requirements of subsections (a), (b), or
3 (c), the President, in accordance with the Federal Vacan-
4 cies Reform Act of 1998, may direct an individual to per-
5 form the functions and duties of the Director of National
6 Intelligence temporarily in an acting capacity.