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OLC 78-1630

3 MAY 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM: STAT [redacted] Acting Legislative Counsel

SUBJECT: State Department-Sponsored Amendment to the Foreign Relations Authorization Act, FY 1979

1. Action Required: No action is required; this memorandum is provided for your background only.

2. Background: The House International Relations Committee is now considering the Foreign Relations Authorization Act of 1979. Included in their consideration is an amendment sponsored and being pushed by the State Department that relates to coordination of science and technology initiatives, activities, and agreements conducted by Federal agencies and departments. Although this idea goes back at least a couple of years, this latest push by the State Department apparently has not been coordinated with any agency outside of State. The amendment is of concern to us for the following reasons:

--The underlying terms "science and technology" as used throughout the amendment to describe the arrangements, initiatives, and activities is nowhere defined.

--The Secretary of State would play a key role in coordinating and overseeing science and technology activities.

--The Secretary also would play a role in agency funding, administration, and personnel matters relating to the agency's science and technology activities.

--The Secretary of State would report to the Congress annually on these matters.

--Finally, the Secretary would have a prior approval responsibility for science or technology initiatives.

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3. We are concerned because, absent clarification, the broad terms of this amendment could reasonably be construed to require that almost any activity in which we engage which even peripherally involves science or technology or a science or technology matter, would be subject to State Department review, coordination and oversight.

4. We have discussed this matter with the House International Relations Committee. The staff assures us it is neither intended to cover intelligence activities or arrangements nor would it be construed to do so. With this in mind, the Committee has agreed to take the following two steps:

--Include in the amendment itself a provision protecting intelligence sources and methods and other information from public disclosure (similar to the amendment we obtained in the Arms Control Act last year).

--Include legislative history to the effect that nothing in the amendment is intended to cover or affect intelligence arrangements or activities.

We are also considering other remedies.

5. Neither NSA nor DOD have been aware of this legislation; OMB has not played a role in coordinating State Department's initiative. Our Legislation Staff uncovered the issue and we have alerted NSA and DOD. DOD is extremely concerned and may very well raise the issue with State at a high level.

6. We will be working closely with the House International Relations Committee to insure that the matter is addressed and resolved. We will keep you apprised so that you have the necessary background if State or DOD raises the issue. We have coordinated our efforts with OGC and DDS&T, who concurred therewith.

/S/

STAT

cc: OGC
DDS&T

Distribution:
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