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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 18, 1978

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

SUBJECT: Submission of Proposed Legislative Programs

In my letters to you setting forth Presidential policy guidance for preparation of your fiscal year 1980 budget, I called to your attention, where appropriate, the need to submit your proposed legislative program concurrently with your budget submission to OMB.

I want to reiterate the importance of that requirement, which is set forth in detail in OMB Circular No. A-19.

In addition, legislative proposals involving budget authority and outlays must be reflected in your budget submission as separate decision packages. In view of the President's stringent budget policy for 1980 and because it is vitally important that the President's Budget present a comprehensive program for the Government, you should be aware that legislative proposals that are not submitted with your budget recommendations and are not included in the President's Budget will have little chance of being approved for submission to the Congress next year.

Jim McIntyre

James T. McIntyre, Jr.
Director

MORI/CDF

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INTELLIGENCE COMMUNITY

PROPOSED LEGISLATIVE PROGRAM

FOR THE FIRST SESSION OF THE

96TH CONGRESS

96-1. Fiscal Year 1980 Intelligence Authorization Bill:
The Government's first Intelligence Authorization bill was passed by the Congress and signed into law by the President in 1978. The Director of Central Intelligence intends to submit to OMB a proposed fiscal year 1980 Intelligence Authorization bill for submission to the Congress early in the first session of the 96th Congress. The language and terms of such a propsoed authorization bill are currently being studied by the Director and components of the Intelligence Community. It is anticipated that the bill to be proposed will, among other things, address the problems and potential problems which developed during the process of enacting the FY 1979 authorization bill and which may develop as a result of the implementation of that legislation. Such matters include, for example, language in the legislation incorporating classified annexes by reference; some ambiguity over specific functions performed by certain components of the Intelligence Community and whether these are intelligence matters; and whether it is possible in the legislation to define "intelligence related activities."

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CENTRAL INTELLIGENCE AGENCY

PROPOSED LEGISLATIVE PROGRAM FOR THE

FIRST SESSION OF THE 96TH CONGRESS

96-1. Legislation to Amend the Freedom of Information Act so as to Exempt from the Provisions thereof Intelligence Information: The fiscal year 1980 budgetsubmission of the Director of Central Intelligence contained, as an integral provision thereof related to budgetary cuts, proposed legislative relief from the Freedom of Information Act (FOIA). The Director of Central Intelligence intends to propose, during the first session of the 96th Congress, legislation which would exclude from the provisions of the FOIA all CIA information systems consisting of intelligence information that is collected clandestinely and which is in a raw unevaluated form. This would consist largely of field intelligence reports, operational reporting, and various other highly classified material collected overseas through various clandestine means.

This legislation is a major concern for the CIA for several reasons. In the first place, the amount of information of this type which is releasable to the public is extremely small in comparison to both the tremendous number of man-hours required to review it and to the actual quantity of information which must be reviewed pursuant to the terms of the FOIA as currently drafted. In the final analysis, the Agency is unable to release all but a very small portion of this vast quantity of material that must be reviewed. The manpower required by this task necessarily must be drawn from areas in which it would normally be utilized to further the intelligence mission of the CIA. Furthermore, an expanded exemption would clearly demonstrate to those individuals and agencies abroad with which the CIA deals that the information which is provided to us will not be released in any form, a condition without which the information would simply not be provided to us.

The Agency currently is studying the form such an exemption would take. It could, for example, be formulated along the lines of exempting from the Act itself, and thereby from the review requirements of the Act, unevaluated intelligence information collected through clandestine means. In an effort to assure that information related to those types of information covered by the Privacy Act would still be reviewed and releasable pursuant to the terms of that Act, the exemption for the Agency from the FOIA could be coupled with an amendment to the Privacy Act removing the Agency's present discretionary exemption from the Privacy Act. The specific language reflecting such an exemption from FOIA as described above will be provided shortly after the convening of the 96th Congress in January 1979.

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This legislation would result in significant savings to the public and to the Agency, since an exemption of particular record systems from the review requirements of the FOIA would greatly reduce the currently enormous time necessary to process and review such requests.

96-2. Legislation to Protect Against the Unauthorized Disclosure of Intelligence Sources and Methods, Including Information Revealing the Identities of Certain Intelligence Personnel: Recent publication of information purporting to identify the covert operations, contacts and identities of U.S. Government intelligence officers serving at home and abroad serves to underline the importance of securing legislation which would provide criminal penalties for the unauthorized disclosure of such information, most importantly relating to the disclosure of identities of present and former intelligence personnel who are or have been under cover. Toward this goal, the Director of Central Intelligence in conjunction with the Attorney General and other appropriate agencies and departments, is considering legislative proposals to protect against the unauthorized disclosure of intelligence sources and methods. This review is taking place in the context of the present statutory authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure (paragraph 102(d)(3) of the National Security Act of 1947, as amended), the pending intelligence charter legislation (S.2525/H.R. 11245), and separate legislation introduced by various members of Congress during the 95th Congress.

Action by the 96th Congress to protect against the unauthorized disclosure of intelligence information is essential in order to prevent, to a much greater degree than is possible under current law, serious damage to our foreign intelligence effort resulting from the unauthorized disclosure of information relating to intelligence sources and methods.

96-3. Authority of the Director of Central Intelligence to Authorize Personnel of the Central Intelligence Agency to Carry Firearms Under Certain Circumstances. The Director of Central Intelligence submitted through OMB to the Congress during the second session of the 95th Congress, legislation that would amend those provisions of the Central Intelligence Act of 1949, as amended which relate to the carrying of firearms by CIA personnel. This legislation was referred to the Intelligence Oversight Committee in each House but no further action was taken by the 95th Congress. Although this matter is addressed in provisions of the Intelligence Charter legislation (S.2525/H.R. 11245), the Director of Central Intelligence continues to believe that legislative clarification of the authority for CIA personnel to carry firearms is of sufficient importance and urgency to warrant separate prompt action by the Congress. The Director, therefore, intends to resubmit such legislation early in the first session of the 96th Congress. The terms of, and explanation for, this legislative proposal are contained in the Director's proposed legislative program for the second session of the 95th Congress and in the separate legislative proposal submitted in 1978 pursuant to that program.

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96-4. Legislation to Allow Annual Educational Travel for Dependents of Employees of the Central Intelligence Agency Serving Overseas, and to Allow for the Payment of a Death Gratuity to Surviving Dependents of Employees of the Central Intelligence Agency who Die as a Result of Injury Sustained in the Line of Duty: P.L. 93-475, approved 26 October 1974 granted authority for two new benefits for employees of the Department of State, AID and USIA (now ICA) serving overseas. The benefits provide for (1) one round-trip per year to and from overseas posts for student-dependents who attend high school or college in the United States; and, (2) payment of a death gratuity to the surviving dependent(s) of an employee who dies as a result of injuries sustained in the line of duty which is in addition to any other benefit(s). Although a portion of CIA officers serving overseas receive the travel benefit, others do not. Currently no Agency officers serving overseas receive the death gratuity.

As Agency officers serve in circumstances similar to employees of State, USIA and ICA, it is inequitable that they do not receive the same statutory benefits as do their counterparts. The Director of Central Intelligence, therefore, intends to submit legislation in the first session of the 96th Congress to correct this inequity, so that benefits available to CIA personnel serving overseas are comparable to those received by employees of other Executive Branch agencies in similar circumstances.

It is estimated that, in light of past experience and numbers of employees that would be eligible for the two benefits, the cost to the United States Government would be in the neighborhood of $200,00.00 per year

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Approved For Release 2006/10/31 : CIA-RDP81M00980R001900030091-9

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