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23 March 1978

IIC - 78 - 1254

MEMORANDUM FOR: Executive Officer, Directorate for Administration

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FROM : [redacted]
Office of General Counsel

SUBJECT : Agency Training for Senate Select Committee Staffer

1. By memorandum of 17 March 1978, you asked whether the Agency may accept Mr. Stanley Taylor, a staff member of the Senate Select Committee for Intelligence, for enrollment in an Agency Office of Training course, Statistical Concepts for Analysts and Managers. It is the opinion of this Office that enrollment may be permitted, for the reasons set forth below.

2. In the past this Office has approved several requests for training of non-Agency personnel, including employees of the Drug Enforcement Administration and the Library of Congress. The authority for such assistance arises from the Government Employees Training Act, which is found at Chapter 41 of Title 5. The Civil Service Commission's regulations implementing that legislation provide:

> (a) An agency shall extend training programs developed for its own employees to employees of other agencies...when this would result in better training, improved service, or savings to the Government. 5 CFR §410.401.

Executive agencies clearly benefit from this legislation. On its face, however, this language does not seem to provide authority for training personnel from the legislative branch. Since 5 U.S.C.A. §4101 provides that for purposes of Chapter 41 "agency" includes the Library of Congress, this Office has concluded previously that an employee of the Library of Congress, an element of the legislative branch, may enroll in a CIA training course.

3. Authorization for enrollment of a congressional staffer in a CIA course is not so clear, since a committee of Congress is not deemed an "agency." Furthermore, it may be argued that Congress in enacting the Training Act specifically addressed the applicability to the Library of Congress and could have included congressional staffers if it had intended. Nevertheless, it is the opinion of this Office that approval for training may be granted in this

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instance, particularly since no additional Agency expenditures will be required to meet Mr. Taylor's needs. Practicality and a desire for effective operation of the Government weigh against a conclusion to the contrary. However, the Agency must be assured that an appropriate official from the Select Committee or its staff has approved Mr. Taylor's request for training. If the needs of the committee are such that Mr. Taylor's enrollment in this course would be useful in the conduct of committee business, I can see no reason for differentiating between access to this course and, for example, access to Agency files. Each is permissible as necessary and proper for Agency functions. I find no authority, however, for permitting enrollment of Mr. Taylor in his own capacity.

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4. I have spoken with [redacted] OLC, who said that he understands that Mr. Taylor will not attempt to enroll without the committee's approval. He also believes that this may have to be brought to the attention of the Director or Deputy Director if Mr. Taylor actually enrolls. This may be advisable from a policy standpoint in view of the novelty of the situation.

5. In conclusion, it is the opinion of this Office that this Agency may permit the congressional staffer to enroll in the specified Office of Training course, assuming it is approved as fulfilling a committee function, and assuming that space is available. While the Government Training Act does not provide the authority for this training, assistance in response to a request from an oversight committee is entirely consistent with the normal conduct of Agency business.

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