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OLL85-3175
18 October 1985

MEMORANDUM FOR THE RECORD

FROM: [redacted]
Legislation Division
Office of Legislative Liaison

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SUBJECT: Meeting with Podesta on Electronic Communications
Privacy Act of 1985

1. On 18 October 1985, [redacted] OGC, and the undersigned met with John Podesta, Minority Counsel to the Subcommittee on Security and Terrorism of the Senate Judiciary Committee, to discuss S. 1667, the "Electronic Communications Privacy Act of 1985". I had initiated the meeting with Mr. Podesta to raise certain concerns we had with how the bill could impact on Agency operations.

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2. I began the meeting by explaining to Mr. Podesta that enactment of the bill in its present form could prohibit certain intelligence operations that the Agency may want to undertake in the future. [redacted]

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[redacted] I pointed out that the scope of the bill was broad enough to prohibit this activity and that the exception in the bill for activities covered by FISA would not help us since the Department of Justice (DoJ) concluded [redacted] [redacted] was not covered by FISA.

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3. Mr. Podesta indicated that we had a legitimate concern that was not addressed in the bill. [redacted]

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[redacted] We then provided Mr. Podesta with draft language that would exempt lawfully authorized intelligence activities from the scope of the bill. Mr. Podesta stated that he was not in a position to commit Senator Leahy, who introduced the bill, to our draft language but that our concerns would definitely be taken care of before the bill was reported out of committee.

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4. With respect to prospects for the legislation, Mr. Podesta stated that Senator Leahy intended to hold hearings on 13 November and that Justice would be invited to testify. He also indicated that a markup of the bill in subcommittee would not occur until late January. He was not sure whether a clean bill would be introduced or the original bill amended. He also indicated that there was substantial overlap between Leahy/Kastenmeier bill and the Hughes computer fraud bill. To avoid duplication, Mr. Podesta indicated that the Electronic Communication Privacy Act may have to be narrowed so as to not cover certain forms of computer accessing.



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Central Intelligence Agency



Washington, D.C. 20505

OLL85-1999/7

19 SEP 1985

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to your request for the views of the Central Intelligence Agency on H.R. 2889, a bill introduced by Congressman Glickman to provide for a computer security research program and training of federal employees who are involved in the management, operation, and use of computers. Mr. Casey has asked me to respond on his behalf.

There is little doubt that the Federal Government needs to improve the security of its computers. Computers now store a very large amount of highly classified data and sensitive information and have become a target for hostile foreign powers engaged in espionage. Should a foreign power gain access to this Agency's computers or those of agencies of the Intelligence Community, the harm to national security would be extraordinary. In addition to the threat from hostile intelligence services, the Agency must also be mindful of the threat posed by the so-called "hackers" who illegally break into government computers.

The Agency has a very active program underway to safeguard its computers from unauthorized access. This program includes the procuring of both hardware and software designed to ensure the highest degree of security. There is also a research program underway designed to create new systems capable of defeating the most determined and sophisticated means of accessing our computers without authorization. Finally, we conduct a very rigorous program to educate our employees on computer security awareness and good security practice. We believe this program has been highly successful in safeguarding our information.

We believe that the Agency has adequate authority to protect the security of its computers. However, should the Government Operations Committee decide to go forward with government-wide legislation, we believe that the bill should be amended to preserve the authority of the DCI to safeguard Agency computers against unauthorized access. Specifically, we suggest that the following language be inserted into the Bill:

Nothing in this bill alters the existing authorities of the Director of Central Intelligence, including his responsibility for the protection of intelligence sources and methods.

Adding this language to the bill will ensure that the Agency will be able to continue its own very strict mandatory training of personnel in computer security in accordance with established guidelines tailored to meet the security requirements of the Agency. This mandatory computer security program is more stringent than most other agencies that do not regularly deal in classified information. A single set of regulations to cover all federal agencies that does not accommodate the particular security needs of individual agencies is not the most effective means to provide the necessary protection needed for computers containing our nation's most sensitive secrets.

We appreciate the opportunity to comment on this legislation. If you or your staff have any questions on our comments on this bill, please do not hesitate to contact me or David Pearline of my staff at 351-6126.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

[Redacted Signature]

Charles A. Briggs
Director, Office of Legislative Liaison

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