

Registry  
72-36711

6 July 1972

## OGC HAS REVIEWED.

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Reply to OMB Concerning Revised OMB  
Circular A-63

1. This memorandum suggests action on the part of the Executive Director-Comptroller. Such requested action is contained in paragraph 5.

2. At Tab A is a memorandum of 22 June to many agencies, including CIA, requesting comments by 7 July on a proposed revision of Circular A-63, "Committee Management." The revised Circular A-63 by its terms would implement Executive Order 11671, "Committee Management," of 5 June 1972.

3. At Tab B is the proposed Agency reply to the Assistant Director, OMB, for the signature of the Executive Director. The proposed reply takes the position that the disclosure provisions of E.O. 11671 are inapplicable to CIA, the thought being that it would be well to go on record with OMB in this regard in timely fashion. The position derives from the Agency views concerning the then pending executive order (now E.O. 11671) and certain legislation concerning committee management, as set out in the Legislative Counsel memorandum of 8 June, which was approved by the Director on 29 June (Tab C). As indicated in the proposed letter to Senator McClellan attached to the OLC memorandum of 8 June, the disclosure provisions of what is now E.O. 11671 would be inapplicable


FOIAb5

FOIAb5

4. The proposed reply also takes the position that CIA participation in USIB and the various USIB subcommittees is not subject to the

Executive Order and the revised Circular. It is our view that the definitions of "advisory committee," "industry committee" and "interagency committee" contained in the Executive Order would not include USIB and its subcommittees. USIB subcommittees would not be "advisory committees" because they are composed wholly of government officials. Obviously, they are not "industry committees." And they are not "interagency committees" because they are established by the Director of Central Intelligence, in his capacity as Chairman of USIB and under the authority of a National Security Council Intelligence Directive, and not "by a department or agency." See subsections 1(6), (7) and (8) of the Executive Order, which is attached to the OMB memorandum of 22 June (Tab A). While we believe this is the correct legal interpretation of the Order, it very well may be that OMB, in drafting the Order, did not mean to exclude the USIB committees. (In this regard, the Agency was not asked to comment on the draft Executive Order and in fact did not do so.) There is also the difficulty that the Agency has reported to OMB under the existing Circular A-63 and the then current Executive Order (to which E. O. 11671 is the successor) for the years 1966 through 1971 and the definitions of the two Orders are not significantly different in these regards.

5. OPPB advises that the Agency has very satisfactory relations with the International Division of OMB and that we would be willing to furnish that Division any information it desires concerning CIA participation in USIB and other committees, with or without the existence of an Executive Order requiring us to do so. It of course is important to continue to maintain a good relationship with OMB, particularly the International Division, but it is important also to make clear the Director's position and powers as head of Central Intelligence. It is our recommendation, therefore, that the draft reply at Tab B to the Assistant Director of OMB be signed and dispatched and that OPPB advise the International Division of our reply to the Assistant Director and assure that Division that the Agency will furnish it whatever information on committee activities which the Division may request. STATINTL

  
LAWRENCE R. HOUSTON  
General Counsel

Attachments

SUBJECT: Reply to OMB Concerning Revised OMB Circular A-63

CONCURRENCE:

STATINTL

  
OPPBB

6 July 72  
Date

Distribution:

OGC:RHL:sin

Original - OGC w/background

1 - ExDir

1 - ER

1 - OPPB

1 - OLC ✓

TRANSMITTAL SLIP		DATE
TO: OLC <i>JM</i>		
ROOM NO.	BUILDING	
REMARKS: <i>LLM - A</i> <i>PLC - PAT-NOTE explanation</i> <i>PP4, interagency/NSIB.</i> <i>Do you agree?</i> <i>From <u>File</u> argument seems</i> <i>this unless</i> <i>definition is that</i> <i>regid.</i> <i>Jr</i>		
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241  
1 FEB 55

REPLACES FORM 36-8  
WHICH MAY BE USED.

(47)