

19 July 1974

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MEMORANDUM FOR:  OLC

SUBJECT : Proposed CIA Comments on H.R. 14135

1. I have some doubts that the bill would have any impact on CIA but it does ~~not~~ seem possible that it might, In particular, information concerning natural resources of other countries might be in our possession which would fall within the purview of the bill. In order to protect Agency interests it would be useful to request an exemption. Suggested language is attached, modeled, you will note, on subsection 201(c) of the CIA Retirement Act.

2. With reference to the earlier suggested amendment to H.R. 14135, I think we need make no reference to Title VII, Section 702 of the Act. That provision, as drafted, is in my judgment unnecessary and of no legal effect ~~because~~ The Freedom of Information Act at present does not "prevent any agency from making available" information in its possession. All ~~of~~ the exemptions of the Freedom of Information Act ~~that~~ now do ~~are~~ to permit agencies to withhold information.

3. If language such as the attached suggestion is included, I think Title VI of the Act would not be harmful and we therefore need not request exemption.

4. Title III of the Act is directed to an inventory of mineral reserves in the public lands of the United States. I think we have no reason to request an exemption from that title.

5. Again, assuming language such as the attached is incorporated into the bill, I would see no reason to request exemption from Sections 207 and 208. Indeed it would appear contrary to the Director's announced desire to make information available as much as possible.

Acting Deputy General Counsel

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Attachment

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RHL: cav  
19 July 74

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C. 403(d)(3)), that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, nothing in this Act shall require the Central Intelligence Agency to provide information when in the sole discretion of the Director of Central Intelligence such provision would disclose information relating to intelligence sources and methods which, in the judgment of the Director of Central Intelligence, should not be disclosed.

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To: GLC

For your final review.

The attached has been coordinated with all Directorates and OGC, except for the suggested amendment, which was coordinated only with OGC. See  memo of 19 July (attached hereto). I concur in his language.



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