

OGC HAS REVIEWED.

Approved For Release 2000/08/30 : CIA-RDP81-00314R000600010014-5

STATINTL MEMORANDUM FOR: [REDACTED]
Office of General Counsel

STATINTL FROM : [REDACTED]
Acting Director of Personnel

SUBJECT : Senator Huddleston's Letter of 16 September 1977

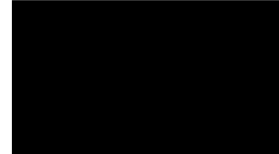
Bill:

This is in reference to your request for comments on Senator Huddleston's letter asking for the Director's views on the need for retention of certain provisions in the Agency's current legislation. Subparagraph (c) and the last paragraph are the only items of direct Office of Personnel concern.

The provisions of subparagraph (c) which deal with reimbursement of other government agencies for personnel assigned to work with CIA provide no particular advantage or authority not otherwise available. All government agencies have the authority to arrange for the detail of personnel to or from other agencies. The matter of reimbursement is subject to negotiation between the participating agencies and is normally determined on the basis for the detail. Services in the interest of the parent agency are usually not reimbursed; services performed directly on behalf of the receiving agency are reimbursed. We do not believe this provision in the law is essential to the administration of detailed personnel either to or from the Agency.

With reference to the last paragraph of the letter, we find the two references cited as part of 50 U.S.C. 403g (section 654 and section 947 of Title 5) have been repealed and have not been replaced elsewhere in the Code. It is our understanding that the reporting requirements formerly contained in these two sections were eliminated for all government agencies. We would recommend, however, that a provision similar to this one be included in any revised charter legislation. The Agency should remain exempt from any requirements to report personnel data which would conflict with the Director's statutory responsibility for the protection of intelligence sources and methods. A specific

exemption, if it can be provided, would avoid having to make special arrangements and/or offering detailed explanations each time making such information available becomes a matter of security concern.



STATINTL

Att.

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NATIONAL SECURITY

Tit. 50, § 403h

(2) Nothing in this section shall limit or affect the appointment of and payment of compensation to retired officers of warrant officers not presently or hereafter prohibited by law. June 20, 1949, c. 227, § 6, 63 Stat. 211; June 26, 1951, c. 151, 65 Stat. 89.

Historical Note

References in Text. The Act of June 20, 1932, as amended, referred to in the text of subsection (e) of this section is the Legislative Branch Appropriation Act, 1933, Act June 30, 1932, c. 314, 47 Stat. 382, and is classified to sections 278a and 303b of Title 40, Public Buildings, Property, and Works.

1947 part of which comprises this chapter.

1951 Amendment. Subsec. (f) added by Act June 26, 1951, cited to text.

Legislative History: For legislative history and purpose of Act June 26, 1951, cited to text, see 1951 U.S. Code Cong. Service, p. —.

Codification. Section was not enacted as a part of the National Security Act of

§ 403g. Same; protection of nature of Agency's functions

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 403(d) (3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 947(b) of Title 5. June 20, 1949, c. 227, § 7, 63 Stat. 211.

Historical Note

References in Text. Section 947 of Title 5, referred to in text, was repealed by Act Sept. 12, 1950, c. 946, Title III, § 301(85), 64 Stat. 843.

Codification. Section was not enacted as a part of the National Security Act of 1947, part of which comprises this chapter.

§ 403h. Same; admission of essential aliens; limitation on number

Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed

*Proposed change April 1951
referred to 1951 USC*

by the Director shall as practicable, to the and rates contained in ns of the Secretary of

of Central Intelligence ch further regulations necessary to effectuate his order.

shall be effective as of

Intelligence Agen-

ment agencies such Budget, for the per- thORIZED under sec- vernment agency is ncy such sums with- prohibiting transfers e Agency in accord- ie purposes and un- ile without regard ansferred;

543 of Title 31; services of person- overnment agencies law to the contrary, duty with the Agen-

by the Director to f confidential docu- ise and security;

rs on premises rent- egard to limitations 1932, as amended: rtify that exception sful performance of activities.

5, or any other law issioned or warrant uthorized to employ teen retired officers performing service ired officer or war- ompensation of his hever he may elect.

NATIONAL SECURITY

Tit. 50, § 403

403 (d)(3)

(b. 15

of any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which \$16,000 exceeds the amount of his annual military pay and allowances.

Termination of employment of officers and employees; effect on right of subsequent employment

(c) Notwithstanding the provisions of section 652 of Title 5, or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

Powers and duties

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council on the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agen-

Tit. 50, § 403 WAR AND NATIONAL DEFENSE

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cies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

Inspection of intelligence of other departments

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

Termination of National Intelligence Authority; transfer of personnel, property, records, and unexpended funds

(f) Effective when the Director first appointed under subsection (a) of this section has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency. July 26, 1947, c. 343, Title I, § 102, 61 Stat. 497; Oct. 15, 1949, c. 695, § 4, 63 Stat. 880.

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1949 Amendment. Sub by Act Oct. 15, 1949, etc. raise Director's compensation to \$16,000 per annum

Effective Date of 1 The increased compensation by Act Oct. 15, 1949, in effect on the first day period which began after the provisions of section Oct. 15, 1949, which is under section 3 of Title

§ 403a. Same; de

When used in section (a) "Agency" means (b) "Director" means (c) "Government mission, council, in partly owned by the the United States, authority; administrative branch of the Government (d) "Continental district of Columbia.

Codification. Section as a part of the National of 1947 part of which chapter.

Short Title. Congress sections 403a-403j of this section 12 of Act June said sections should be as the "Central Intelligence of 1949".

Separability Clause. June 20, 1949, cited to "if any provision of t

§ 403b. Same; see

The Director of to be made for the the President shall of. June 20, 1949,

Codification. Section of 1947 part of which co

TRANSMITTAL SLIP		DATE	7 OCT 1977
TO: OP/Review Staff			
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REMARKS: COMEBACK COPY (Attachments withheld) <i>File</i> <i>Pending</i> <i>Register</i> <hr/> <i>Shaw</i>			
FROM:			
ROOM NO.	BUILDING	EXTENSION	
FORM NO. 241 1 FEB 55		REPLACES FORM 36-8 WHICH MAY BE USED.	

(47)