OLC 78-1517/2 — Guidelines
31 August 1978

MEMORANDUM FOR: Deputy Legislative Counsel

FROM : [redacted] 25X1
Assistant Legislative Counsel

SUBJECT : Releasing National Estimates to Congress

1. Background: Agency policy on this subject has varied over the years and has not until very recently been clearly articulated. The general trend, however, has been toward greater availability of NIEs as far as the Congress is concerned. Former DCI Bush decided that the newly organized SSCI would be given access to all Estimates with the exception of those which discussed sensitive policy options in connection with ongoing policy deliberations. Bush (30 January 1976-20 January 1977) also gave other committees with an oversight role vis a vis the Agency access to Estimates on subject matters related directly to the committees' mandates. Thus, the annual Estimate on Soviet strategic forces (NIE 11-3/8) for 1976 was made available to the Senate Armed Services Committee. OLC journals indicate that in July 1977 Volume I of NIE 11-3/8-76 was also made available to Committee staffers Rhett Dawson and Larry Smith upon DCI approval of a request made by Committee Staff Director Frank Sullivan. The SSCI has a copy of the current Estimate on Soviet strategic forces (NIE 11-3/8-77, issued 21 February 1978) on loan. NIE 11-3/8-78 is scheduled for publication later this year.

2. Current Guidelines: Guidelines drafted by NFAC/CSS were approved by the DCI on 17 June 1978. With respect to the SSCI and HPSCI the Guidelines provide that NIEs will be released by authority of D/NFAC "when the requested material bears upon committee evaluation of our intelligence product." The Guidelines also specify that D/NFAC will consult with the DCI in the event that either of the select committees requests an Estimate "dealing with sensitive on-going policy options or negotiations." It should be clear that NIE 11-3/8 does not fall into this latter category, despite its relationship to SALT negotiations. The category is meant to encompass Estimates that deal, for example, with potential foreign reactions to possible U.S. policy initiatives; not with basic evaluations of military force structures.

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The Guidelines further provide that any other committees requesting access to an NIE will be offered a briefing. Requests for access to the actual document are to be made by the committee chairman to the DCI.

The Guidelines also contain provisions regarding Inter-Agency Intelligence Memoranda (these are produced under the aegis of the DCI but do not have top-level inter-agency approval; they are less formal documents than NIEs). A copy of the Guidelines is attached.

3. <u>The Uniqueness of Estimates</u>: A rationale apparently once used for denying NIEs to Congress was that they were prepared by the DCI for the exclusive use of the President and his senior policy advisors, and hence were in the realm of documents covered by Executive Privilege. While it is possible that a few Special Estimates (SNIEs) commenting on sensitive live policy options might in the future fall into this category it is certain that the rationale cannot be applied to the bulk of Estimates produced in the past or being produced today. I have attached for your information the summary section of a paper on National Estimates done by the Center for the Study of Intelligence. It is worth reading. (I have, incidentally, brought this document to Ed Sherman's attention in connection with the House Appropriations Committee's desire to look into the Estimative process).

4. <u>The Immediate Problem</u>: As I understand it, the immediate problem involves Senator Jackson's desire to have NIE 11-3/8-77 made available for review by Richard Perle and/or Dorothy Fosdick. Because NIE 11-3/8 is a codeword document, the problem must be considered in two interrelated contexts: provision of Estimates to the Congress, and guidelines for the issuance of compartmented clearances to the Legislative Branch.

Perle and Fosdick are both in possession of compartmented clearances in their capacity as regular staff members (i.e., P.L. 95-94 Section 111(b)(2) type) of Jackson's Governmental Affairs Permanent Subcommittee on Investigations. But Perle also supports Jackson in his capacity as Chairman of the Armed Services Arms Control Subcommittee. Perle's affiliation with the Armed Services Committee, if any, assumedly is in the nature of a P.L. 95-94 Section 111(c) designee (i.e., a classic "S. Res. 4" type staffer). The question is whether the Guidelines and Procedures for the issuance of compartmented clearances should operate to prevent a Section 111(b)(2) staffer with compartmented clearances issued in connection with his assignment to one committee from using those clearances in support of his principal's work on another committee. I do not believe the Guidelines and Procedures can be read so broadly, because they pertain only to the issuance of compartmented access approvals. Similarly, the rationale I have previously constructed for differentiating between Section 111(b)(2) and 111(c) staffers (excerpt from the statute attached) is practical only in so far as the issuance of clearances is concerned. There is, I believe, a limit on the extent to which we can attempt to influence how individual Senators utilize their staffs. How a Section 111(b)(2) staffer functions is a matter to be worked out between a Senator and the appropriate committee chairman. I do not think we can complain if Perle does not put in a full day's work for the Government Operations Committee. I do recognize that he is not subject to the rules and discipline of the Armed Services Committee, and that his support of Senator Jackson's work on this Committee may be offensive to the Committee Staff Chief, but I think that the most we can do is to insist that a staffer have a regular affiliation with some committee in order to get compartmented clearances. Politically and practically speaking, we cannot be in the business of monitoring the activities of Section 111(b)(2) type staffers to ensure that they work and use their access approvals only in connection with the committee staff to which they are assigned. It is, in short, a loophole in the compartmented clearances scheme that we will just have to live with.

This brings us back to the Guidelines for access to NIEs. Section 1c says that with regard to committees other than SSCI and HPSCI, requests for NIEs should come from the "committee chairman." This provision could reasonably be interpreted to mean "committee or subcommittee chairman." The alternative would be to insist that Senator Jackson (or any subcommittee chairman) get the chairman of the full committee to make the request. I would recommend the broader interpretation of this provision.

It should be noted that the Guidelines on access to Estimates do not distinguish between members and staff. Neither is there any mention of the use of the SSCI as an intermediary in providing NIEs to others (we already know that Jackson objects to this procedure). The Guidelines on access to NIEs, in other words, leave such matters as access to 11-3/8 on the part of Jackson and/or Perle-Fosdick to the ad hoc determination of the DCI. Thus, there appears to be no firm basis in either set of Guidelines for denying 11-3/8 to Jackson and/or Perle-Fosdick out of hand.

An additional piece of background to bear in mind in this case is that there is no indication that anyone on the Armed Services Committee staff has actually reviewed the current version of 11-3/8. Should we decide to supply the document to Perle, therefore, we may want to offer it to Sullivan first.

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Assistant Legislative Counsel

Attachments:

A. Guidelines for Congressional Access to National Intelligence Estimates and Inter-Agency Intelligence Memorandums

B. Summary Section of National Estimates: An Assessment of the Product and the Process

C. Excerpt from P.L. 95-94

Ken –

This is old
but you may want
to file it.

Hal

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13 OCT 1978

FPH:

One outcome of Jackson/Perle meeting is an obligation felt by DCI on NIE's available to Congressional staff, etc., Anticipating this problem earlier in the summer, I asked [redacted] to think through this issue anew ~~and come up~~ woth a thoughtful piece of paper, which he did (att'd). We could do two things: STAT

1) We could send it forward to DCI with a short covering note from you boiling down the essence, which would be we should provide the NIE's unless they contain policy options, etc., which raises the Executive privilege type of issue, impinges upon the Executive process, or whatever other phraseology we wish to invent, in which case release would not be solely within our province and should be bucked upwards.

2) The other option is to ask [redacted] to boil down his paper coming up with the above recommendation. STAT

In either event, I think it would be well if we seize the initiative and get something to the DCI that he can chew on and decide. Whatever we send forward we should send via NFAC as a courtesy.

LLM

STAT

25X1

TO : [redacted]	DATE OF REQUEST 31 August 1978
FROM : [redacted]	SUSPENSE DATE

SUBJECT: Releas~~e~~ing National Estimates to Congress

NOTES

Memorandum you requested.

COORDINATED WITH *(list names as well as offices)*

NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE
NAME	OFFICE	DATE

ACTION REQUIRED BY GLC

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26 April 1978

GUIDELINES FOR CONGRESSIONAL ACCESS TO NATIONAL INTELLIGENCE ESTIMATES AND INTERAGENCY INTELLIGENCE MEMORANDUMS

1. The following guidelines will apply to providing Congress access to National Intelligence Estimates (NIEs) and Interagency Intelligence Memorandums (IIMs)

a. In the case of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, NIEs will be released by authority of Director, National Foreign Assessments Center (NFAC) when the requested material bears upon Committee evaluation of our intelligence product. In the event that a Select Committee requests an NIE dealing with sensitive on-going policy options or negotiations, the Director, NFAC, will consult with the Director of Central Intelligence prior to release.

b. Interagency Intelligence Memorandums may be released to the Select Committees upon their request. If, in the opinion of the Chief, Congressional Support

Staff, an IIM deals with sensitive current policy issues, he will advise D/NFAC and obtain his concurrence before releasing the document.

c. Other Committees requesting access to NIEs will be offered a briefing on the estimate. If they insist on access to the estimate itself, they will be requested to have the Committee chairman contact the DCI.

d. Other Committees may be allowed access to IIMs under the same rules as pertain to the Select Committees.

2. NIEs and IIMs will be handled in accordance with their sensitivity. When approved storage facilities are not available, material will be delivered to and picked up from the reader the same day. Where proper storage facilities are available (the two Select Committees), readers will be asked to return NIEs and IIMs as soon as they are finished with them. Codeword material will normally be read at Headquarters.

3. Requests for NIEs and IIMs will be made to the Office of Legislative Counsel which will forward the requests to the NFAC Congressional Support Staff for appropriate action.

B

INTELLIGENCE MONOGRAPH

NATIONAL ESTIMATES:

AN ASSESSMENT OF THE PRODUCT AND THE PROCESS

CENTER FOR THE STUDY OF INTELLIGENCE

CENTRAL INTELLIGENCE AGENCY

APRIL 1977

TR/IM 77-03

SUMMARY

I. SETTING THE STAGE (pp. 19-22)

National Intelligence Estimates (NIEs) have changed over the years from short, narrowly focused papers dealing with near-term problems to include more comprehensive, analytical studies of longer-range issues. This change resulted from:

--greater analytical capabilities;

--an enlarged data base; and,

--changing requirements, as readers grew more numerous, more sophisticated, and more demanding.

The role and importance of estimates in policy making has varied with Administrations, particularly in response to:

--the structure of the policy making machinery and the place accorded estimates;

--the attitude of top policy makers toward intelligence; and,

--the quality and relevance of estimates as perceived by the principal users.

Reaching their zenith in the early 1960's, estimates subsequently declined in prestige and drew increasingly sharp criticism. The criticism contributed to the decision of the Director of Central Intelligence (DCI) in 1973 to abolish the Board and Office of National Estimates (ONE) and entrust the preparation of estimates to a group of National Intelligence Officers (NIOs).

II. ESTIMATES AS AN INSTRUMENT OF POLICY SUPPORT (pp. 23-50)

The criticism of estimates has continued since the change, however, and this chapter sets forth the views of policy makers and other consumers on the present quality and utility of estimates and comments on how and for whom they should be written.

The Traditional Doctrine (pp. 23-24)

National estimates were intended at their outset to be the most authoritative appraisals available to the top levels of government on foreign developments of national security concern. Issued by the DCI, they were to be forward looking and predictive, rather than historical and descriptive, of high quality and objectivity, and national products with respect to subject matter, audience, and process of production. The interviews for this study were conducted with this doctrine in mind and the results were measured against it.

How Estimates Fared (pp. 25-34)

Against the traditional standard, estimates did not fare well. Although highly praised by some users, and found useful in one way or another by most others, they were judged in the aggregate to fall well short of the traditional ideal. They clearly have not played the important role envisioned for them in the national security decision process.

The Negative Side (pp. 25-28). Estimates seldom reach the top levels of their intended audience--the President and members of the National Security Council (NSC). Such of their content as does is usually included in memoranda or briefings prepared at lower levels, where estimates are widely received, and read to varying degrees. The complaints about estimates focused on quality and relevance; estimates were criticized for being:

--irrelevant to, or oblivious of, the specific policy problems of the readers;

--insufficiently analytical and overly descriptive;

--conservative and imprecise in their judgments about the future;

--inadequate in explaining judgments and conclusions, and in discussing the alternatives considered and discarded; and,

--unable to contribute much that is unique or not already known to the policy maker, particularly on political subjects.

<u>The Positive Side</u> (pp. 28-30). Some respondents were high in their praise of estimates and others were on the whole well satisfied with them; almost all found them useful in one way or another. For example:

--those with strongly positive views, including two former cabinet members, tended to be less concerned about the relevance of estimates to immediate policy issues, and valued them for their presentation of a disinterested view;

--others with a positive view expected less of estimates, and were not troubled by the deficiencies perceived by the more critical;

--most users valued estimates for their balance and professionalism, because they pulled together all that was known about a subject, and because they helped assure the reader that he had considered all the factors bearing on a problem.

Other Findings (pp. 30-34). Estimates got good marks for objectivity--some users considered this one of their principal virtues. Most users who said they had observed bias, considered it a comparatively minor problem, easily discerned and adjusted to, and the consequence of human imperfection rather than of deliberate intent.

It proved difficult to get the views of users on differences in the quality and utility of estimates since the 1973 change in the production system, because of the turnover of officers in policy positions. There was, however, a fair degree of consensus between users and producers on two points:

--the NIO system has produced a modest improvement in the relevance of estimates and somewhat greater improvement in the responsiveness of the system; but,

--estimates are more uneven in quality than those produced before 1973, because of the new drafting procedures.

The interviews revealed different reactions to different kinds of estimates:

--those on military, scientific, technical and economic subjects were better received than those on political subjects, not because of differences in quality, but because most users were less able to handle the complex data, perform their own analysis, and reach their own conclusions.

We found little or no support for criticism heard in recent years concerning:

--the proliferation of intelligence publications containing estimates;

--the issuance of departmental as well as national estimates; or,

--the absence of an explicit scale of probabilities in estimates.

Why the Gap? (pp. 34-40)

The substantial disparity between traditional expectations and what users said is attributable in large part to deficiencies in the product:

--the failure to be fully responsive to the policy question;

--the failure to be sufficiently venturesome; and,

--inadequacies in drawing implications for U.S. policy.

Some Unrealized Assumptions (pp. 35-38). There are other reasons for the disparity, which individually and collectively are of considerable importance. A basic one is that the traditional doctrine puts an unrealistic burden on the DCI and the intelligence community. It rests on some unstated and unrealized assumptions.

One is that estimates would have a major influence on the formulation of national security policy:

--in fact, estimates have played only a modest role, partly because

--security policy is not directly driven by facts, analyses and resulting judgments; it is the complex product of an often lengthy and untidy process, in which many other considerations come into play.

A second assumption is that policy makers would seek and welcome the contributions of estimative intelligence, even when they cast doubt on current policy:

--in fact, policy makers often believe that they can estimate as well as the intelligence specialist, if not better; also,

--estimates may say unwelcome things and cast those who produce them in the role of troublemakers.

A third assumption is that the relationship between policy and intelligence would be close, and communication free and complete:

--this relationship has usually not existed; it has been very weak in recent years; moreover,

--there is an absence of structure for systematically insuring that estimates are part of the policy process.

Other Reasons (pp. 38-40). Two other circumstances have contributed to the failure of estimates to play their prescribed role. One is that the foreign policy establishment tends to be highly operational, and to focus on the short term and highly specific matters immediately before it. However:

--estimates were originally intended not merely to support day-to-day operations, but as contributions to the formulation of basic, long-term national security policy;

--from this perspective, the difficulty may be with the way policy is formulated. Government institutions, such as State's Policy Planning Staff, which were designed to assist with long range policy, usually focus instead on short term issues.

Secondly there has been suspicion and distrust of estimates at the top, and this has had serious effects on their use.

--Unless estimates are welcomed and read at the top, they are not likely to be taken seriously elsewhere.

The Market for Estimates (pp. 40-50)

Even the most critical users believe that estimates have a role to play in the policy process.

What Should Estimates Do? (pp. 42-46). Users believe that estimates should:

--identify policy problems not yet in the forefront, and pose questions about them;

--sort out the facts in complicated situations where such facts are elusive, apparently contradictory or fast changing;

--identify and evaluate the forces at work and their interplay, and discuss how their continuation or manipulation could affect the final outcome;

--judge the consequences of ongoing developments for U.S. policy; and,

--judge foreign reactions to U.S. policies, present or contemplated.

There was a relative lack of interest in specific predictions of future events such as coups, elections, or changes of government.

Most striking about these comments is their reaffirmation of the traditional doctrine, with its emphasis on the analysis of forces, trends and their implications for the U.S. in a context analytical and forward looking, rather than descriptive and current.

For Whom Should Estimates Be Written? (pp. 46-48). The nature of the audience is important, for it affects the way

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estimates are organized, their level of detail and how they present facts, analyses and conclusions.

Some of those interviewed thought that estimates should be written with readers at the very top in mind--the President, the NSC, and other cabinet members--not because estimates would regularly be read there, but because so aimed, they would catch other readers along the way.

--But the perspectives and needs of those at the top are not necessarily the same as those of the individuals who support them.

--Some estimates will be read at the top, particularly those that the DCI believes should be read there, and which he urges upon the senior policy makers.

Most respondents believed that estimates should be aimed at the Assistant Secretary of State, White House Staff or comparable level, and we agree.

--These are the officials who set the terms for the policy debate by formulating the options and alternatives, who enjoy the confidence of policy makers at the highest levels, and who constitute the highest level combining expertise and the power to act on many problems.

<u>How Should Estimates Be Written?</u> (pp. 48-50). Such readers are able and knowledgeable, have access to the same material as estimators, and feel competent to reach judgments on the basis of their own analysis. If estimates are to appeal to this audience they must:

--emphasize analysis rather than description, show the relationships among data, analysis and conclusions, and describe the thought process by which the estimators came to their judgments;

--explain what issues were contentious and what was disgarded and why, and set forth any differences of opinion;

--describe continuity and change as compared with previous estimates, and identify earlier material now judged incorrect; and,

--clearly state the implications of their analysis and conclusions for U.S. policy.

III. IMPORTANT ELEMENTS IN THE PRODUCTION PROCESS FOR NATIONAL ESTIMATES (pp. 51-79)

This chapter discusses the views of producers, some users, and the study team on aspects of the process by which estimates are produced.

Self-Initiated Estimates (pp. 51-52)

About half of all national estimates are initiated by the intelligence community and most producers and users who commented on the subject found this satisfactory. A very few felt strongly that, to avoid irrelevant papers, estimates should be produced only on request, but the majority and the study team believe that producers have a duty to initiate an estimate when they perceive a development of significance for U.S. policy.

Terms of Reference (pp. 52-54)

The degree to which users participate in preparing the terms of reference is likely to determine the real relevance of an estimate to the needs and interests of its main recipients. A formalized procedure providing for such consultation should be instituted. The risk of predetermining the outcome by a conscious or unconscious "loading" of the questions appears minimal and manageable.

Multidisciplinary Work (pp. 54-57)

Users and producers alike agreed on the need for more cross-disciplinary or analytically-integrated estimates, and on the difficulty of doing them. A common complaint was that readers were left to synthesize separate sections on political, economic, military and other subjects. Bureaucratic separation and increasing specialization among analysts were cited as the causes for this situation. There is, however, little agreement on how best to accomplish good multidisciplinary synthesis. At a minimum, it probably requires bringing various analysts together under an effective project leader for wide-ranging "synthesizing discussion" before drafting begins.

New Analytical Methodologies (pp. 57-59)

Although some critics fault the estimative process for not incorporating more quantitative, mathematical, and systems-oriented methodologies, we found little support for this charge. There was a great deal of skepticism about the use of computers and other new tools, and producers saw some risks in the use of new methodologies. Nonetheless, it is important to keep up with the state of the art, and some new techniques appear to have at least limited applicability.

Competing Analysis (pp. 59-63)

Another concept that has received attention recently is the creation of "competing centers of analysis." The only extensive effort to provide an alternative analytical approach was the widely-publicized and controversial "B-team" experiment. Undertaken last year during the preparation of the annual estimate on Soviet strategic forces, it involved a team of experts from outside the intelligence community. There are many practical problems in such an effort, however, and the best insurance of proper analytic competition probably lies in the skill, perception, objectivity, and intellectual rigor of the estimative manager rather than in any organizational technique.

Net Assessments (pp. 63-66)

Net assessments involving the U.S. require access to data on U.S. forces, weapons and capabilities. Those interviewed agreed fully that the intelligence community should neither conduct them nor include them in estimates, because of the inordinate risk of transforming estimators into advocates or opponents of particular U.S. weapons systems or policies. Net assessments comparing the capabilities of two or more foreign countries are an acceptable and at times essential part of national estimates, and there is need for more of them.

Coordination (pp. 66-70)

This process brings together experts from the various agencies to debate and revise the text of a draft estimate. Coordination is central to the concept of national intelligence, allowing the DCI as the nation's chief intelligence officer to set forth his views while requiring other participants either to agree or to express and explain their disagreements. Substantively, coordination brings the talents of the entire intelligence community to bear, makes coverage of the pertinent issues more likely, and, at its best, helps to define and sharpen issues.

The best way to avoid the pitfalls of coordination, such as masking divisions and fuzzing conclusions, is to select a chairman for coordination meetings who is tough-minded, independent, judicious and skilled in running a meeting, and to remember that consensus is often not what users want or need.

Dissent, Summaries and Classification (pp. 70-74)

Consumers welcome the presentation of conflicting views on controversial and complex matters, and they are sufficiently sophisticated to distinguish between dissents reflecting substantive differences and those taken primarily to support bureaucratic positions. The present trend of incorporating dissents in the text of estimates, rather than in footnotes, is clearly favored by users, some of whom want also to see an elaboration of the rationale behind a dissent.

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Consumers emphasized that a tightly written and accurate summation of the key conclusions is the best possible device for ensuring high-level attention to the message of an estimate. Many did not object to lengthy estimates so long as they led off with a crisp, well-written summary. The importance of a good summary can hardly be overemphasized.

Policy makers strongly favored the lowest possible security classification for estimates as a means of widening their audience and enhancing their utility. Where possible, highly classified material seems best handled in separate, more restrictively distributed annexes, so that a lower classification can be given to the basic estimate.

Presentation, "Post-Mortems" and Updates (pp. 74-79)

While recognizing that both written papers and oral briefings have certain advantages, almost all consumers commenting on the two methods clearly preferred to get most if not all estimative material in written form. The bulk of any effort to improve presentational formats ought therefore to go into making written estimates as succinct, readable, and responsive to different levels of need as possible.

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Post-mortems can be useful if done sparingly, and if they include feedback from consumers.

There was almost no support from consumers for a regularly scheduled revision and update of estimates, except for the annual Soviet strategic estimate, NIE 11-3/8. In our view, estimates should be updated only when significant changes have occurred.

IV. ORGANIZATION FOR THE PRODUCTION OF ESTIMATES (pp. 80-91)

The current system for producing estimates gives each NIO a larger amount of authority and responsibility than any one individual had under the previous system, and it encourages and requires a close working relationship between the NIO and the main producers and users in his area.

Both of these results were highly valued by most of the users who commented on the subject. Some of those interviewed, however, felt that the present system places too heavy a burden on the NIO, and that it suffers by lack of provision for collegial review, as once supplied by the Board of National Estimates.

One benefit of the present system, in the eyes of some producers, is that it puts the drafting responsibility on analysts who deal with a subject on a day-to-day basis. Others believed, however, that the analysts' lack of experience in estimative writing and the conflicting demands on their time from other tasks often resulted in a lower quality estimative product.

<u>Changes in Current Practices</u> (pp. 89-91)

Efforts have been made to respond to some of the criticisms, including the authorization of a panel of outside consultants to review estimative drafts. Without offering a detailed blueprint, the study team believes that additional steps should be taken. These are:

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--to establish a body of generalists to serve as an internal collegial review group;

--to establish a small group of analysts to do the initial drafting of estimates as a full time task; and,

--to activate the authorized panel of outside consultants.

These steps would help insure high quality and the thorough and complete treatment of a subject. They would provide an additional means of getting objective and disinterested national estimates, and would highlight the primacy of the DCI. They should not be allowed to impinge on a strong virtue of the present system: its improved ability to maintain contact with the consumer and to insure the pertinence and responsiveness of the estimative product to the consumer's needs.

V. THE USER'S ROLE IN ESTIMATES (pp. 92-102)

If estimates are to be useful and relevant, producers must clearly understand the needs of users. Such understanding can best be acquired by direct communication on matters of scope, timing and the issues to be addressed. An effective dialogue between producers and users would seem to require:

--clear evidence of interest by the President and senior policy makers in the use of estimates;

--a recognized procedure for fitting estimates into the national security decision process; and,

--active participation by senior policy and intelligence officials.

To date, these conditions have been met only partially and sporadically. The National Security Council Intelligence Committee (NSCIC) was set up in 1971 to provide guidance by users on their needs and to evaluate intelligence products, but proved ineffective. Since it was abolished in 1976, there has been no formal mechanism for user-producer exchange. Despite what the NIOs have done to bridge the gap, intelligence production and collection are still determined more by what the producers think is needed than by direct requests or by guidance from users.

Some believe that intelligence analysts should maintain a certain remoteness from decision makers to keep intelligence untainted by policy pressures. But most users and producers took a different view, considering a close relationship mandatory--its primary benefit being a clearer, more realistic appreciation by each of the other's capabilities, limitations and needs.

<u>Providing for Closer Contacts</u> (pp. 97-102)

The major obstacles to closer user-producer relations are lack of time, physical separation, and a view among some policy makers that the producers of intelligence are well enough informed and sufficiently competent to determine on their own what users want and need. Most users agreed, however, that efforts to improve communication are desirable.

--One solution sometimes suggested is the creation of a forum such as the NSCIC, but without its liabilities. This course is worth trying, but not a great deal should be expected of it.

It is quite clear that the improvement of communication will depend mostly on the efforts of individuals, and that the main burden will remain on the producer.

--Several policy makers stressed the importance of developing personal relationships of mutual confidence with intelligence producers;

--Users should do all they can to insure that the producer is aware of trends in policy and to understand what estimates can and cannot do; producers must help them acquire this understanding and absorb what is readily knowable about policy concerns;

--More tours for selected intelligence officers in policy offices would be helpful.

VI. THE FUTURE ROLE OF ESTIMATES (pp. 103-107)

As its power and self-sufficiency become more circumscribed, the U.S. will be increasingly dependent on accurate estimates of the possible plans and actions of its adversaries and friends. Thus, estimates will have a highly useful role for the foreseeable future and should get high priority in the overall intelligence effort.

Estimates will be more difficult to prepare in the future. With the growing complexity and interrelatedness of the world's military, technological, economic, political and social affairs, it will be harder to understand and to foresee crucial developments, to be clear and precise, and to phrase estimative judgments in simple declarative sentences. The likely shrinking of intelligence resources will be coupled with a requirement for estimates on a wider variety of subjects aimed at more and different consumers, including Congress and perhaps even the public.

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Ante, p. 82. 2 USC 61h-6. SEC. 110. (a) Section 101 of the Supplemental Appropriations Act, 1977, is amended—

(1) by striking out "Majority Leader of the Senate and the Minority Leader of the Senate" in the first sentence and inserting in lieu thereof "Majority Leader, Minority Leader, and Secretary of the Senate"; and

(2) by striking out "Majority Leader and the Minority Leader" in the last sentence and inserting in lieu thereof "Majority Leader, Minority Leader, and Secretary of the Senate".

Effective date. 2 USC 61h-6 note. (b) The amendments made by subsection (a) shall take effect on August 1, 1977.

2 USC 61-1 note. SEC. 111. (a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)), is increased by an amount equal to three times the amount referred to in section 105(e)(1) of such Act, as amended and modified.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph.

2 USC 72a-1e. (c)(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this subsection shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being

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(1) by insertin
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(2) by striking
The amendments made
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of 1970.
(e)(1) Section 106 o
(other than subsection (
(2) As an exercise o
705 of Senate Resoluti
thereof) is repealed.
(f) This section, and
the repeals made by sub
SEC. 112. (a) Section
Act, 1973 (2 U.S.C. 58(
(1) by striking
of the following:
"(1) official tele
related services;"
(2) by striking
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of travel expenses
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handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977. *Infra.*

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

(d) The second sentence of section 105(d)(2) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended— 2 USC 61-1.

(1) by inserting after "(i)" the following: "the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (e)(1), (ii)"; and

(2) by striking out "(ii)" and inserting in lieu thereof "(iii)".

The amendments made by this subsection shall have no effect on section 6(c) of the Order of the President pro tempore issued on October 8, 1976, under section 4 of the Federal Pay Comparability Act of 1970. 2 USC 61-1 note. 2 USC 60a-1.

(e)(1) Section 106 of the Supplemental Appropriations Act, 1977 (other than subsection (f) thereof) is repealed. Repeal. 2 USC 72a-1d and notes.

(2) As an exercise of the rulemaking power of the Senate, section 705 of Senate Resolution 4, 95th Congress (other than subsection (h) thereof) is repealed.

(f) This section, and the amendments made by subsection (d) and the repeals made by subsection (e), shall take effect on October 1, 1977. Effective date. 2 USC 72a-1e note.

SEC. 112. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) official telegrams and long-distance telephone calls and related services;"

(2) by striking out "and" at the end of paragraph (7) and by striking out paragraph (8) and inserting in lieu thereof the following:

"(8) subject to the provisions of subsection (e), reimbursement of travel expenses incurred by the Senator and employees in his office; and

"(9) reimbursement to each Senator for such other official expenses as the Senator determines are necessary (not including official office expenses incurred in his State, but including actual transportation expenses incurred by the Senator and employees in his office in the performance of official business in the metropolitan area of Washington, District of Columbia, or, in the case of employees assigned to an office of the Senator in his home State, incurred by such employees in the performance of official business in the general vicinity of the office to which assigned), but only to the extent such expenses do not exceed for any calendar year ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section for such calendar year."; and

(3) by striking out the last sentence thereof and inserting in lieu thereof the following: "Reimbursement to a Senator and his employees under this section shall be made only upon presentation