

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON COMMERCE,
CONSUMER, AND MONETARY AFFAIRS

1. The Director of Central Intelligence (DCI) and the Chairman of the House Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs are prepared to cooperate fully in the inquiries, and any investigation resulting therefrom, being conducted by the Subcommittee regarding OPEC investments.

Access to CIA Information and Personnel

2. The DCI will, when requested, provide access to that classified information originated by the Central Intelligence Agency (CIA) which is relevant to the Subcommittee's mandate. In order to fulfill the DCI's responsibility to protect intelligence sources and methods, such information will be appropriately sanitized, including excising as may be necessary, to assure protection of intelligence sources and methods. The Subcommittee will be notified of any relevant material in the possession of, but not originated by, CIA and provided with the name of the proper authority to contact to obtain access to the material.

3. Access by Subcommittee personnel to any material or information which has been designated for protection from unauthorized disclosure by the Director of Central Intelligence will be limited to one professional staffer and will be granted only on the basis of the standards set out in Director of Central Intelligence Directive (DCID) 1/14. Prior to being granted such access, the designated Subcommittee employee will execute a Secrecy Agreement which is acceptable to the Chairman and the DCI, a copy of which will be provided to the DCI.

4. CIA material at the Secret, non-SCI level may be stored at a location designated by the Subcommittee, provided the storage facility and the access and control procedures are approved by the DCI.

5. CIA material at the Top Secret, SCI level will normally be made available only on CIA premises, where properly cleared staff persons will be provided access on a controlled basis. Notes taken by staff persons in the course of their review of this material will also remain on CIA premises. Copies of the notes, reviewed by CIA for proper classification and sanitization, may be forwarded to the Subcommittee, provided the Subcommittee storage facility meets the higher security standards for this material.

6. Requests for the removal and storage of material classified at the Top Secret, SCI level, other than copies of notes, will be considered by the DCI on a case-by-case basis. Classified material which is removed will not be reproduced.

7. Subcommittee procedures for access, control or storage of any classified CIA material or copies of sanitized notes which Subcommittee personnel may remove from CIA premises, or classified Subcommittee materials generated from them, will be in accordance with security standards established by the DCI. The Subcommittee accepts full responsibility for the proper protection and control of all such material and all discussions based on such materials, in accordance with security standards established by the DCI, while such materials are in the custody of the Subcommittee.

8. At the close of the inquiry or any subsequent investigation resulting therefrom, all CIA material, copies of classified notes, and other classified material generated by the Subcommittee from information furnished by CIA will be transferred to the custody of CIA.

Public Disclosure of CIA Information

9. If at any time the Subcommittee determines that it wishes to make public any information furnished by the DCI pursuant to this Memorandum of Understanding, the Chairman will notify the DCI of this fact in writing. If the DCI does not make a written response within ten working days, the Subcommittee may proceed with such disclosure. The foregoing would not, however, preclude a more rapid response from the DCI in a time urgent situation. If the DCI responds in writing within ten working days, indicating he objects to such public disclosure, the DCI and the Subcommittee will each appoint one representative to meet and attempt to resolve these differences. If these representatives are unable to resolve all points at issue, those remaining points will be taken up by the Chairman and the DCI for resolution. If issues still remain following the discussion between the Chairman and the DCI, the Chairman shall notify the President of the information which the Subcommittee wishes to publicly disclose. The Subcommittee may disclose publicly such information after the expiration of a period of ten working days following the notification to the President unless, prior to the expiration of such ten-day period, the President, personally, in writing, notifies the Subcommittee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the disclosure would be likely to cause a grave injury to national defense or foreign relations, or would compromise sources and methods of intelligence gathering, and that such injury outweighs any public interest served by the disclosure. The Subcommittee may, by majority vote, refer the question of the disclosure of such information with a recommendation thereon to the House of Representatives for consideration. The Subcommittee shall not publicly disclose such information without leave of the House.

10. If at any time Subcommittee personnel submit to the Chairman, pursuant to the terms of his Secrecy Agreement, material which is intended for publication, the Chairman will consult the DCI for a recommendation concerning the release of information which constitutes or is based upon data to which the DCI has granted access.

11. If at any time the cleared Subcommittee staffer is called upon by Judicial or Legislative authorities to testify about or provide information which he has agreed not to disclose pursuant to his Secrecy Agreement, the Chairman will so notify the DCI or his representative.

Condition for Suspension of Access

12. Any disclosure of information in violation of this Memorandum of Understanding may result in the suspension of further access to CIA documentary information or current CIA employees by Subcommittee personnel.

Director of Central Intelligence

Date



Chairman, House Government
Operations Subcommittee on
Commerce, Consumer, and
Monetary Affairs

7/12/79

Date