

CALL FILE Legislation
Recpt # Chrono

OLL 85-3571/2
6 December 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with OGC on Home-to-Work transportation
bill (H.F. 3614)

1. On October 29, 1985, the House Government Operations Committee approved the above described bill, which restricts the use of government vehicles for home-to-work transportation. Some of these restrictions would impair the Agency's mission and therefore have an adverse impact on national security. Accordingly, a meeting was held at OGC on Dec. 2 to determine the precise impact of the bill and to prepare an intervention strategy. Attending the meeting were

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[redacted] and me. [redacted]

2. Congressional interest in this bill is sparked by a desire to cut costs and, more importantly, to stop the abuses in the current law which was enacted in 1946. The General Accounting Office conducted a study of home-to-work use of government vehicles and found that more than 60% of the officials using such transportation were doing so unlawfully. [redacted]

3. Briefly, the bill imposes strict limitations on use of government vehicles for commuting. But the most troublesome aspect of the bill is the provision which strikes a portion of Section 8 of the CIA Act concerning the use of "automotive equipment between domiciles and places of employment." [redacted]

4. It was agreed by all at the meeting that a direct amendment to the CIA Act by a Committee other than one of the Intelligence Committees should be cause for concern. Other committees may not have an appreciation of the impact of legislation which directly amends the CIA Act. In this instance we believe that the House Government Operations Committee was not aware nor did it intend to affect the operations [redacted]

[redacted] Divisions as well as Security. Alerting the House Intelligence Committee to these problems is imperative. Furthermore, Committees not having an intelligence mandate should be discouraged from amending the CIA Act - this was one of the major reasons for the establishment of select intelligence committees. [redacted]

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25X1 5. Besides this Intelligence Committee jurisdictional problem, there are several specific technical concerns in H.R. 3614. Initially, the bill states that government vehicles can be used for "official purposes" only. Official purpose does not include transportation from residence to place of employment, (Section (a)(1)). However, "field work" is an excepted activity and persons engaged in field work may use government vehicles for residence to place of employment transportation, (Section (2)). We are unable to determine whether the field work exception would apply to CIA operational activity - i.e. [redacted]

25X1 6. Another technical concern is a procedural one. Authorization for any person, other than a top official, to use a vehicle for home-to-work transportation can be obtained for only the most compelling circumstances - clear and present danger for example, (Section (b)(7)). In addition, this authorization for compelling circumstances is only temporary. Written approval must be obtained from the head of the Agency and it shall be effective for no longer than 15 days. If the emergency continues, then the 15 day intervals may be continued up to a maximum of 90 days. This periodic written approval requirement by the head of the Agency may not be delegated, (Section (d)(1-3)). [redacted]

25X1 7. Beyond this procedural red tape, all temporary authorizations must be reported promptly and in detail to the House and Senate Government Committees, (Section (d)(4)). Reporting provisions such as this inevitably raise disclosure problems. [redacted]

25X1 8. Use of government vehicles in connection with the operation of Agency [redacted] may also be affected because of the very broad definition of "executive agency" in Section (e). These restrictions would apply to "any independent regulatory agency or any non-appropriated fund instrumentality." [redacted]

25X1 9. While the bill was voted out of the House Government Operations Committee, the report on H.R. 3614 has yet to be written. This may afford an early intervention opportunity, rather than waiting until this legislation gets to the Senate. [redacted]

25X1 10. It is recommended as an initial strategy that we ask
for the deletion from the bill of the provision amending
Section 8 of the CIA Act. Failing this, we should then
determine the wisdom of seeking an opinion from the Committee
staff as to whether [redacted] Security operations may be
considered "field work" and thus exempt from the bill. Of
course we can assume that field work does include such activity
and not have that used as a trade-off to get our support for
the bill. [redacted]

25X1 11. In any event we should inform HPSCI of the serious
problems we have with this bill and await their advice. [redacted]

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[redacted]
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