

OTM

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Guidelines for Contact with Congress

FROM:

EXA/DDA
7D24 Hqs

EXTENSION

NO.

OCA 87-6153

DATE

04 January 1988

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

D/OC

2.

D/OF
1212 Key Bldg.

3.

D/OIT

4.

D/OL

5.

D/OMS
1D4061 Hqs Bldg.

6.

D/OP

7.

D/OS

8.

D/OTE
1026 CofC Bldg.

9.

C/MS/DA

10.

11.

14.

15.

Bill Donnelly wants each of you to have a copy of these Guidelines for Contact with Congress.

M/B/D -
① Keep copy for reference phase
② DOL
③ PE
EO
cc to all Div / staff
chips for further
analysis to all or
personnel.

Band
Please file

FORM
1-79

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USE PREVIOUS
EDITIONS

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23 December 1987



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NOTE FOR: See Distribution

FROM: David D. Grier
Director of Congressional Affairs

SUBJECT: Guidelines for Contact with Congress

As you are aware, the Office of Congressional Affairs has produced a paper entitled "Guidelines for Contact with Congress." Your office last saw the Guidelines in October when they were sent around for coordination. The Director has officially approved the Guidelines and sent copies to the Senate and House Intelligence Committees. He has asked me to distribute the Guidelines to you. Please note that the Guidelines, though unclassified, are marked Official Use Only.

Attachment

Distribution:

- 1 - DDCI
- 1 - EXDIR
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- 1 - DDI
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- 1 - D/ICS
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- 1 - D/PAO
- 1 - Special Assistant to DCI

FOR OFFICIAL USE ONLYGUIDELINES FOR CONTACTS WITH CONGRESS

As a CIA official in contact with the Congress, you will be called upon to ensure that our obligation is met to present information which is both candid and complete. In meeting this obligation, you are fulfilling our compact with the Congress to provide needed information, while ensuring that the responsibility of the Director of Central Intelligence to protect intelligence sources and methods is met and that Agency guidelines are respected. The Agency by law is obliged to keep the intelligence oversight committees fully and currently informed of all intelligence activities, including any significant anticipated intelligence activities.

Speaking before the Eighth Circuit Judicial Conference in Colorado Springs on 18 July 1987, the Director of Central Intelligence commented on relations with Congress as follows:

In our relationship with the Congress, I believe it is important for us to recognize that it must be one of truth and not of deception. There is so much confusion about deniability and deception coming over the television tubes that I think that it's important to make one legitimate distinction. In covert activity there is often deception to conceal the source of the activity in order to influence through means that we believe to be appropriate but which must necessarily be covert. But in dealing with the Congress there is absolutely no excuse for deception. There will be occasions, I believe--and I told the Congress this in my testimony--when I did not believe that I was in a position to respond to a particular question, particularly if it were one in open session. But I believe it is possible to tell the Members of Congress--and I have done so on occasion--that I am not at liberty to answer the question, that I have an answer but I cannot give it. That is a lot different than trying to answer the question narrowly when I know what the Congress wants to hear from me, and pretending that they have failed to ask the question accurately enough.

The gist of the Agency's approach to Congressional testimony and briefings can be summed up in the four C's: Candor, Correction, Completeness and Consistency. Each of them is important and should be kept in mind when appearing before Congress.

--Candor. Both during and after formal testimony, briefings, or other contacts with Congress, it remains the responsibility of the Agency official to ensure that the information presented to Congress is to the best of our knowledge true and accurate. If there is uncertainty as to the correct facts in a particular case, the official should so state candidly with a pledge to report the full and correct facts as soon as possible.

--Corrections. If the official has supplied incorrect information or omitted needed information, he or she is obligated to correct the record. There are a number of methods available for correcting the record including submission of supplementary information either orally or in writing, or in cases where official testimony has been given, correction of the official transcript or requests to testify again on the same subject.

--Completeness. It is not enough that testimony be accurate; it must also be complete. Agency officials should not respond to a question with the narrowest possible answer. Instead, keeping in mind the protection of sources and methods and other issues identified in these guidelines, Agency officials should be forthcoming in responding to a question and should attempt to answer it with an informative, complete answer. The Agency's collective credibility suffers if the Congress believes that it "will not get the right answer if it does not ask the right question."

--Consistency. Established principles or guidelines, not ad hoc arrangements, should govern the Agency's response to Congress. When questions from Members or staff raise potential issues under these established guidelines, the Agency official should identify rather than obscure the points in dispute. The Director expects that all Agency officials will respond to questions from Congress in a manner consistent with the guidelines given below.

A final note on the four C's. They apply to all communications with the Congress. Whether the setting is a formal hearing or an informal briefing with the staff, the four C's should guide your responses. They cover opening statements and written correspondence. And, finally, they apply whether or not the official is placed under oath. They are an important part of maintaining the Agency's primary asset with the Congress--its credibility.

The following set of guidelines has been prepared to assist Agency officials in contacts with the Congress. Like the four C's, the guidelines apply to formal testimony before a specific committee, briefings for individual Members or staff, requests for written responses and more casual contact. This guidance is not intended to anticipate every possible situation that might arise. Officers from the Office of Congressional Affairs, who accompany Agency officials during most contacts with Congress, will provide additional guidance as needed. The terms "intelligence oversight committees" and "oversight committees" used in these guidelines refer to the House and Senate Intelligence Committees and the House and Senate Appropriations Defense Subcommittees.

OBLIGATIONS OF SUPPORTING BRIEFERS

Each Agency official has the primary responsibility for ensuring that his or her testimony or briefing is truthful and accurate. Although not actually speaking, supporting officials should assist the principal spokesman in avoiding misstatements, mistakes and gaps. Such assistance may be provided by passing messages in an unobtrusive fashion to the principal spokesman or privately conferring during breaks in the proceedings or after the proceedings. Supporting officials should respond to questions that are either posed directly to them or referred by the principal spokesman in accordance with these guidelines.

ANALYTICAL VERSUS OPERATIONAL INFORMATION

There is a clear distinction between analytical information provided by analysts and operational information provided by operations officers. While analytical information is generally provided to any committee or Member of the Congress with a legitimate reason for requesting information, operational information

STAT is provided only to oversight committees.

If analysts are pressed for operational information during a briefing before non-oversight committees, they should point out that such discussions are handled under guidelines established for dealings with the oversight committees. If necessary, an Office of Congressional Affairs representative will intervene to ensure that these ground rules are observed.

For their part, operations officers should avoid portraying their views as representing the Agency's analytical judgments. When asked for such assessments, operations officers should indicate that the Office of Congressional Affairs will be happy to set up an appropriate briefing on the analytical questions being asked.

POLICY ANALYSIS VERSUS POLICY PRESCRIPTION

Agency officials should not comment directly on the merits of U.S. foreign policy and should attempt to avoid, where possible, offering personal opinions on whether such policy will work. They may discuss variables to consider in maximizing

policy outcomes. They may outline possible policy alternatives and assess factors affecting the likelihood of achieving policy goals. They may also discuss how foreign governments might react to various U.S. actions.

MULTIPLE AGENCY APPEARANCES

Policy agencies enunciate policy; intelligence agencies provide analysis. We make every effort to avoid scheduling intelligence briefings jointly with policy briefings. Normally an Agency--or Intelligence Community--briefing will precede committee discussions with State or Defense policy officials and the intelligence briefers will depart, if possible, before the policy briefing begins. The Office of Congressional Affairs has the responsibility for ensuring that, where possible, Agency briefers are not pitted against policy briefers. Differences of views among intelligence briefers, however, should be clearly explained. Note: Covert action briefings before oversight committees are an exception. In this case, officials from policy agencies are normally present to discuss the reasons for the covert action while the Agency briefers discuss implementation of the policy.

THIRD AGENCY RULE

Agency officials should not provide documents from other agencies or discuss the analytical products of other agencies unless: (a) such documents and products are already published and available to the Congress; or (b) the originating agency has given prior approval.

BRIEFINGS ON PARTISAN OR CONTROVERSIAL ISSUES

Officials should exercise caution in giving classified briefings on subjects that are a current matter of partisan dispute, especially when a vote is about to take place in the Congress or the Member being briefed has scheduled a press appearance on the issue. It remains the responsibility of the Office of Congressional Affairs to apprise briefers when such factors exist.

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PERSONAL STAFF VERSUS COMMITTEE STAFF

The Agency does not ordinarily provide briefings or publications of a classification higher than Top Secret to personal staff. Such material may be provided only to Congressmen or committee staff members who possess appropriate clearances.

DIRECT CONTACTS WITH CONGRESS

Per Agency regulation, all Agency contacts with the Congress are handled in coordination with the Office of Congressional Affairs. Requests for further contact or servicing of specific requirements arising from sanctioned meetings, except those on resource-related matters, should be directed to the Office of Congressional Affairs. The Office of the Comptroller is responsible for Congressional requirements on Agency resource matters. Any attempts by Congressional staffers to contact Agency officers directly on official business should be politely referred to the Office of Congressional Affairs. The reason for this regulation is to ensure that Congressional contacts are coordinated. Also, it ensures that staffers have appropriate clearances and that information is provided under appropriate security conditions.