

CIA-RDP66B00403R000300340009-4 R APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS

		ACTION	
1. TO Mr. John Warner Legislative Counsel, CIA	INITIALS	CIRCULATE	
	DATE	COORDINATION	
2		FILE	
		INFORMATION	
3		NOTE AND RETURN	
		PER CON- VERSATION	
4		SEE ME	
		SIGNATURE	

REMARKS

Inclosure forwarded pursuant to our tele-
phone conversation this afternoon.

STAT		DATE	18 Feb
STAT	Legal Advisor, NSA	PHONE	

GENERAL SERVICES ADMINISTRATION

Washington 25, D. C.



Honorable Percival F. Brundage
 Director
 Bureau of the Budget
 Washington 25, D. C.

Dear Mr. Brundage:

We are strongly opposed to Section 7 of the Draft Bill "To provide for a National Security Agency and for other purposes" referred to GSA by your letter of July 25. The remaining sections of the Draft Bill have no relationship to the functions of GSA, and on them we have no comment.

We are opposed to Section 7 for the following reasons:

1. This section would invest broad powers in the Secretary of Defense to dispose of communications intelligence and communications security records without reference to any rules and regulations or other standards prescribed by the Congress, as contemplated by Article VI, Section 3, of the Constitution.
2. It erroneously assumes that Congressional control over the disposal of records and the control exercised by the Administrator under the Records Disposal Act of 1943, as amended, and the Federal Records Act of 1950 necessitate the disclosure of information of the most sensitive kind. The lists and schedules of records submitted by agencies of the Government to the National Archives and Records Service for its review and to Congress for disposal authorization need not and should not disclose any classified or sensitive information contained in the records but need only describe the records by categories. Meaningful yet non-revelatory descriptions of the categories recommended for disposal can be easily developed by the agencies concerned in collaboration with the National Archives. Disposal lists and schedules prepared in such terms are regularly submitted by the Central Intelligence Agency, the Federal Bureau of Investigation, and the Atomic Energy Commission.

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Honorable Percival S. Brundage

3. It is not limited to the records of the National Security Agency but extends to a broad class of records, named but in no way defined, wherever they may be found in any department or agency of the Government.
4. None of the provisions of the Federal Records Act of 1950 relating to the disposal of records (Section 505(b), (c), (f); 506(a), (b), (e), (f); and 508(a)) in any way require the revelation of classified or sensitive information. On the contrary, Section 505(c) of that Act expressly provides that "records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency."

Sincerely yours

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