

DCI/IG-72-0633

4 August 1972

MEMORANDUM FOR: Assistant Deputy to the DCI for the
Intelligence Community

SUBJECT : Possible Regulatory Limitations on
Interdepartmental Committees

1. This is a recap of our two telephone conversations regarding concern communicated to me by Donovan G. Fischer, Chief of the Technical Division, Office of Security, Department of State. Don is also Chairman of the Audio Countermeasures Subcommittee of the TSCC. In the past week he has had his attention directed to a recent Executive Order and the 1973 Appropriations Act by management personnel at State in the manner which suggests there may be problems for the TSCC (and possibly other interagency committees).

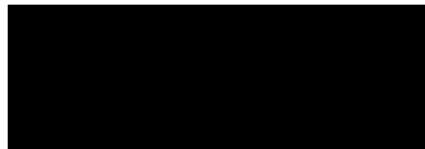
2. Executive Order 11671, 5 June 1972, apparently deals with the subject of executive management and seems to prohibit establishment or participation in interagency committees, boards, etc., which are not authorized by statute or Presidential directive. In their annual review of State Department's participation in such interdepartmental groups, State management office (not otherwise identified) asked Don for the charter which required his membership on our Subcommittee. He intends to use DCID 1/12 and hopes to get by with it although I pointed out to him that this does not cover his specific assignment to the Subcommittee and that the question of chairmanship of this body was a subject of correspondence between the DCI (McCone) and the Acting Secretary of State (Ball).

3. The second questionable regulation apparently is Section 609 of Public Law 92-351, approved 13 July 1972, titled "Treasury, Postal Service and General Government Appropriations Act, 1973." It says in part that "No part of any appropriation

contained in this or any other act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under Section 214 of the Independent Offices Appropriations Act, 1946, which do not have prior specific congressional approval of such method of financial support. " The inquiry regarding the application of these provisions to the TSCC apparently came from "FRM/BP" at State which I cannot identify but apparently is a budget/planning/management group of some kind.

4. I feel quite sure that there is no real problem but it might be useful to get a quick reading from General Counsel's office as to whether there is any merit in Fischer's concern that these two recent enactments might cause some problems for Committee operation.

STATINTL



Executive Secretary, TSCC

Per diem rates of allowance.
56 Stat. 359.
37 U. S. C., Supp. IV, §§ 101-120.
Post, pp. 541, 542, 587.

SEC. 212. The funds appropriated in the appropriation Acts for the fiscal year 1946 of the services mentioned in the title of the Act of June 16, 1942 (Public Law 607, Seventy-seventh Congress), shall be available for, and the heads of the executive departments concerned are authorized to prescribe, per diem rates of allowance, at rates not to exceed \$7 per day, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty, and to members of the services concerned (including officers, warrant officers, contract surgeons, enlisted personnel, aviation cadets, and members of the Nurse Corps) when traveling by air under competent orders and on duty without troops; and for the payment in advance, or otherwise, of money allowances in lieu of transportation, at the rate of 3 cents per mile to enlisted men, regardless of the mode of travel.

U. S. Code Annotated; Lifetime Federal Digest.

SEC. 213. No part of any appropriation contained in this or any other Act shall be used to pay in excess of \$2 per volume for the current and future volumes of the United States Code Annotated or in excess of \$3.25 per volume for the current or future volumes of the Lifetime Federal Digest.

Expenses of inter-agency groups.

SEC. 214. Hereafter appropriations of the executive departments and independent establishments of the Government shall be available for the expenses of committees, boards, or other interagency groups engaged in authorized activities of common interest to such departments and establishments and composed in whole or in part of representatives thereof who receive no additional compensation by virtue of such membership: *Provided*, That employees of such departments and establishments rendering service for such committees, boards, or other groups, other than as representatives, shall receive no additional compensation by virtue of such service.

Veterans' priorities respecting building materials.

SEC. 215. In order to enable persons who have served ninety days or more in the land or naval forces during the present war, and who have satisfactorily completed their period of active military or naval service, to obtain materials required for the construction, alteration, or repair of dwelling houses to be occupied by them, any department or agency of the Government, in allocating or granting priorities with respect to any materials, shall give to such persons a preference over all other users of such materials (except to the extent such materials are needed by such other users to meet actual military needs), without requiring any showing of hardship or other necessity for the construction, alteration, or repair of such dwelling houses.

Short title.

SEC. 216. This Act may be cited as the "Independent Offices Appropriation Act, 1946".

Approved May 3, 1945.

[CHAPTER 107]

JOINT RESOLUTION

May 3, 1945
[H. J. Res. 18]
[Public Law 50]

Providing for the celebration in 1945 of the one-hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Maryland.

U. S. Naval Academy Centennial Commission. Establishment and purpose.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for the commemoration of the one-hundredth anniversary of the founding of the United States Naval Academy there is hereby established a commission to be known as the United States Naval Academy Centennial Commission (hereafter referred to as the "Commission"), to be composed of three Senators to be appointed by the President of the Senate, three Members of the House of Representatives to be

UNCLASSIFIED INTERNAL USE ONLY CONFIDENTIAL SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

STATINTL

FROM: [Redacted] Office of Legislative Counsel 7D35	EXTENSION	NO.
	6136	STATINTL
		DATE
		14 August 1972

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		

1. AD/DCI/IC 7E-22				<p>Please excuse the delay in getting back to you on Mr. [Redacted] concern over the impact of the new Executive Order and the appropriation statute proviso concerning committees, but I just returned from a week's leave and saw your note this morning. STATINTL</p> <p>I understand [Redacted] has talked with you but he is not in today, and I do believe that the final word should come from OGC and will refer the matter to [Redacted] STATINTL</p> <p>It's my view that there is little cause for concern since: (1) the Executive Order, by its own terms, is not to conflict with statutory authorities and we have taken the position that its full implementation with respect to the intelligence community would constitute such a conflict, and (2) the statutory proviso applies only in those cases where Section 214 of the 1946 Independent Offices Appropriation Act is used as the authority for bearing the expense of committees. The Agency has its own authority, the 1949 Act, and does not need to rely upon Section 214. Moreover, it would appear that the 1947 National Security Act establishing the Central Intelligence Agency could be cited as constituting the type of "prior specific congressional approval" to which Section 609 of</p>
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15.			STATINTL	

FORM 610 USE PREVIOUS EDITIONS SECRET CONFIDENTIAL INTERNAL USE ONLY UNCLASSIFIED

ROUTING AND RECORD SHEET

SUBJECT: (Optional) STATINTL			
FROM: ExecSec/TSCC 3E-30	EXTENSION [REDACTED]	NO. DATE 4 August 1972 25X1A	
TO: (Officer designation, room number, and building)	DATE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. AD/DCI/IC 7E-22	RECEIVED	FORWARDED	<p style="text-align: center; font-weight: bold;">STATINTL</p> <p>What guidance can you give us to set Mr. [REDACTED] mind at rest?</p> <p>On the question raised in paragraph 2, I think we agreed that NSCIDs are Presidential directives and I suppose by derivation the DCIDs could be so interpreted. (As you can gather, DCID 1/12 is the charter for the TSCC.)</p> <p>The point raised in paragraph 3 is either new to me or I have forgotten about it. What do we say about that?</p> <p style="text-align: center; font-weight: bold;">STATINTL</p>
2. Legislative Counsel Attn: Mr. [REDACTED]		8/4	
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