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CENTRAL INTELLIGENCE AGENCY ^W

Office of Legislative Counsel
Washington, D. C. 20505

Telephone: [REDACTED]

10 December 1974

STAT

TO: Mr. Thomas Korologos
White House

Tom:

[REDACTED] tells me that no one there knew of the agreement reached by Bill Colby and Secretary Kissinger with the leadership of the Armed Services and Foreign Affairs Committees until I mentioned it at the LIG meeting. Attached is an extract from the Congressional Record of 8 October in which this was mentioned and it was also reported in the press.

[REDACTED]
George M. Cary
Legislative Counsel

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PREVIOUS EDITIONS

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October 8, 1974

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at long last it is pretty well established now.

Mr. Chairman, I hope very much this amendment will be acted on favorably.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, the gentleman's amendment simply incorporates the language which the House adopted on July 22, 1974, and which was included in none of these resolutions, because the base resolution (H. Res. 988) was reported in March before the House acted in July. So the amendment does exactly what the gentleman says, and we have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment in the nature of a substitute offered by the gentleman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

Mr. Chairman, may I propound a parliamentary inquiry before the reading of the amendment?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ZABLOCKI. Mr. Chairman, I have an identical amendment which I wish to offer to each of the resolutions, House Resolution 1248 and House Resolution 1321.

It is my understanding that as a result of the action yesterday, with the limitation of 5 hours of debate, an identical amendment would be in order to be considered to both of the substitute amendments pending before the committee.

The CHAIRMAN. The Chair will inform the gentleman that the gentleman's amendment would not be in order at this time to the Martin substitute because there is an amendment already pending to the substitute.

Mr. ZABLOCKI. Then, Mr. Chairman, I wish to offer the amendment which is at the Chairman's desk to House Resolution 1248, the amendment in the nature of a substitute offered by the gentleman from Washington (Mrs. HANSEN).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 5, line 6, after "administration," insert the following: "intelligence activities relating to foreign policy."

Page 63, line 10, after "administration," insert the following: "intelligence activities relating to foreign policy."

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Chairman, my amendment amends both section 101 dealing with special intelligence activities

jurisdiction of the Committee on Foreign Affairs.

The purpose of the amendment is to provide the Committee on Foreign Affairs with the special oversight function of reviewing and studying on a continuing basis—and I quote—"intelligence activities relating to foreign policy."

At this point, I wish to provide some background in order to put this amendment in perspective.

The select committee recommendations which are also pending before the House provide that the Committee on Foreign Affairs shall have special oversight functions with regard to—and I quote—"foreign and military intelligence."

In its report the committee states that it took this action because of the growing importance of economic and political information in supplementing military information as a factor in foreign policy and national security.

The select committee report makes clear that this oversight responsibility is not to interfere in any way with the legislative jurisdiction over foreign and military intelligence which currently is within the purview of the Armed Services Committee.

It points out, however, that the arrangement is a mirror image of the overview of arms control and disarmament extended to the Armed Services Committee, leaving exclusive legislative authority in that field to the Committee on Foreign Affairs.

Unfortunately, the Hansen substitute as it now stands eliminates that mirror image.

Under the Hansen proposal the Armed Services Committee would be given special oversight responsibilities in the field of arms control and disarmament, but the Committee on Foreign Affairs would be denied similar jurisdiction over intelligence activities.

My amendment would remedy that serious omission in the Hansen substitute.

It should be noted, however, that the language which I am proposing is somewhat more carefully defined than the phrasing in the select committee proposal.

That proposal speaks of oversight jurisdiction of "foreign and military intelligence." My amendment would add the words "intelligence activities relating to foreign policy."

There are two reasons for this change in terminology:

First, because the oversight function is limited to those intelligence activities related to foreign policy it is made clear that the committee's jurisdiction does not include some aspects of intelligence activities or information—for example, general capabilities of foreign weapon systems or force structures of potential adversaries.

Instead, the intelligence activities covered by the amendment are defined as those related to foreign policy, which is a clear area of jurisdiction for the Committee on Foreign Affairs.

Second, the words which I propose adhere closely to the understanding

Affairs with the leadership of the House and of other appropriate House committees, to improve the committee's access to intelligence information.

The public announcement of this agreement was made by the distinguished chairman of the committee, Dr. MORGAN, on October 1.

In his announcement, Chairman MORGAN said, and I quote:

There is agreement that the Committee on Foreign Affairs must have access to information about overseas activities which affect our foreign policy and United States relations with other countries—including covert activities.

My amendment would formalize this arrangement in the Hansen substitute by adding in two appropriate places the words "foreign intelligence relating to foreign policy."

Mr. Chairman, it is clear that the Committee on Foreign Affairs cannot adequately fulfill its responsibilities unless it has greater access to information than it currently has.

First, foreign intelligence is an integral part of the foreign policy process. No foreign policy can succeed unless it is based on timely and accurate information. The task of intelligence is to provide that information.

To assess foreign policy without access to the information on which it is based is similar to estimating the condition of a house without checking the foundation.

Second, the task of gathering intelligence, or of conducting intelligence activities abroad, can sometimes be an important foreign policy factor in and of itself. All of us are aware of international incidents which have resulted from past U.S. intelligence operations. Let me name just a few of them:

United States support of unsuccessful rebels soured relations with Indonesia in 1958.

The shooting down of the U-2 spy plane in 1960 caused the failure of the U.S.-U.S.S.R. summit conference of that year.

The failure of the CIA-supported invasion of Cuba in 1962 resulted in serious problems for the United States in the hemisphere.

A forged letter sent to top Thai officials by a CIA agent last year led to anti-Americanism and demands for U.S. military withdrawal.

A third reason for giving this responsibility to the House Committee on Foreign Affairs is that agreement among nations for the exchange of information or intelligence is an important category of relationships which two or more nations can carry on. Such exchanges can have great significance for the foreign relations of the countries involved.

The Committee on Foreign Affairs cannot do a fully adequate and effective job of meeting its foreign affairs responsibilities without having some jurisdiction in the area of intelligence relating to foreign policy.

I, therefore, urge my colleagues to support this amendment.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman.

October 8, 1974

CONGRESSIONAL RECORD—HOUSE

H 10100

Mrs. HANSEN of Washington. Mr. Chairman, may I say that I understand that we have discussed this with the subcommittee chairman of the Committee on Armed Services, and they have no objection, and certainly I have no objection.

Mr. ZABLOCKI. I thank the gentleman.

Mr. MARTIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Chairman, I have no objection to the amendment. I think it is a good amendment.

Mr. ZABLOCKI. I thank the gentleman.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, I would like to confirm what the gentleman said. We have discussed this matter. It is my opinion that the amendment conforms to the agreement worked out between Mr. Colby and Dr. Kissinger, and the chairman of the Committee on Armed Services, and the chairman of the Committee on Foreign Affairs. We certainly think it is absolutely essential that the Committee on Foreign Affairs have this kind of oversight function.

Mr. ZABLOCKI. I thank the gentleman.

Mr. Chairman, when the appropriate time arrives I intend to offer an identical amendment to the Martin substitute, and subsequently I intend to offer an identical amendment in order to deal with the same problem in the Bolling proposal, House Resolution 988.

Mr. HARRINGTON. Mr. Chairman, I move to strike the last word.

(Mr. HARRINGTON asked and was given permission to revise and extend his remarks.)

Mr. HARRINGTON. Mr. Chairman, I would in general like to endorse the amendment recently offered, and obviously agreed to by way of the consensus developed between the members of the effective committees. However, I have one broad caveat—one broad exception—which evidently is still lost in the caves of ambiguity as to how this would be implemented. I think that the preceding 20 years of inability of the Committees on Foreign Affairs of the House and the Senate to establish what I consider to be a fundamental right, if they are going to conduct those committees and listen to what the intention was provides some indication of the problem that exists, when it is suggested that we have solved the whole issue of oversight if we only add the Committee on Foreign Affairs to it without an examination of the Committee on Foreign Affairs record to date.

I am bothered that by attempting to suggest that this course will deal with all of these problems, we leave as many questions unanswered as there were prior to the effort this afternoon, which appears to be on the way to adoption.

Perhaps I can address my questions

concern (Mr. ZABLOCKI). If I could ask either Mr. ZABLOCKI or Mr. Nedzi a couple of questions with regard to the specifics as to implementation of oversight, I think it might be helpful both in improving my understanding and certainly in avoiding any vagueness attendant to the Chairman's statement last week indicating the work done on oversight.

I think it was the Committee on Foreign Affairs in conjunction with the Nedzi subcommittee and the existing House leadership that viewed the procedure to include the Committee on Foreign Affairs in the oversight function as to membership and as to access to material. Is that specifically worked out yet? I will ask the gentleman from Wisconsin.

Mr. ZABLOCKI. If the gentleman will yield, that has not yet been specifically worked out. I am sure it will be worked out to the satisfaction of every Member of this House.

Mr. HARRINGTON. Could I ask a second question? Is there any thought being given—rather than having it, as I have put it in a letter to the chairman, in the linkage of the senior membership of the Committee on Foreign Affairs with essentially the senior membership of the Committee on Armed Services—to either rotating or having a caucus of the Committee on Foreign Affairs to determine membership on the oversight question?

Mr. ZABLOCKI. If the gentleman will yield further, of course, I cannot speak for the chairman of the Committee on Foreign Affairs, but I do know this matter is under serious consideration by the senior members of the Committee on Foreign Affairs.

Mr. HARRINGTON. But as yet, there has been no specific plan worked out as to how we would either determine membership or procedures to be followed in engaging in oversight?

Mr. ZABLOCKI. If the gentleman will yield, there is no specific plan worked out, but as soon as there is one, the gentleman from Massachusetts will be one of the first to hear about it.

Mr. HARRINGTON. I should appreciate that. With that information, it is nice to hear it without reading about it in the papers. I thank the gentleman for the additional information on that.

Let me just conclude by suggesting that I think, with obvious appreciation for the differing views of the gentleman from Michigan, at least in one narrow instance as far as it affects our knowledge of what went on in Chile, that general knowledge acquired either in present sense or while in the formation stage has been virtually nonexistent for the ordained oversight committees of the Congress. And any effort made to suggest, whether it be by agreement or otherwise, that because we suddenly have to decide that after a very, very prolonged absence in the field, the Committee on Foreign Affairs added presence to the existing Oversight Committee on Armed Services presence will suffice for real oversight, I think, is contributing to the illusion that has gone on altogether too long in this Chamber. I hope whatever is done, and evidently endorsed, is done with an appreciation for the fact that oversight is not something that can be done by a committee that is not in the field.

membership. If they do anything at all, they should begin to get the Congress into something more than simply reactive leadership alone.

Having this agreed to, there will be a start in that direction, I hope. But I at least wanted to voice my sentiment today.

Mr. Chairman, I yield back the remainder of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I am opposed to this amendment for a very simple reason. I believe that the more Members of this House, or more members of any organization, that we bring into the question of foreign activities, in CIA activities, or intelligence gathering, or whatever it might be, we are just creating that many more possibilities of leaks of information that should not be made available to a potential enemy.

If we want to change the jurisdiction relative to the CIA or foreign information gathering to the Committee on Foreign Affairs, we can do that.

If we want to leave it in Armed Services, we should do that, but let us not spread it out and give every committee in the House a piece of the action. Let us not give to more people the opportunity to leak information that should not be leaked.

I believe the amendment is a bad amendment and I think it will seriously hamper our activities in gathering foreign intelligence information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to the amendment in the nature of a substitute offered by the gentleman from Washington (Mrs. HANSEN).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BADILLO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. HANSEN OF WASHINGTON

Mr. BADILLO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BADILLO to the amendment in the nature of a substitute offered by Mrs. HANSEN of Washington: Page 76, after line 5, insert the following new section (and redesignate the succeeding sections accordingly):

"Sec. 322. Rule X of the Rules of the House of Representatives, as amended by the previous sections, is further amended by adding at the end thereof the following:

"(1) Committee on Urban Affairs.

"(2) Public and private housing.

"(3) Urban development.

"(4) Urban mass transportation.

"(5) Relocation assistance.

"(6) Regional planning for urban affairs, including environmental protection, economic development, residential patterns, and other matters which have a related or simultaneous impact on a large metropolitan center and adjoining suburbs or nearby cities and towns.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight functions under clause 2(h)(1)), the committee shall exercise the special oversight functions provided in clause 2(h)(2) with respect to urban planning and development.

D 1344

CONGRESSIONAL RECORD—DAILY DIGEST

December 10, 1974

ENERGY CONSERVATION

Committee on Commerce: Committee resumed hearings on proposals relative to energy conservation, receiving testimony on auto fuel economy and industrial efficiency from Alan G. Loofbourrow, accompanied by Victor C. Tomlinson, and Harold L. Welch, all of Chrysler Corp., Detroit; Fred Secrest, accompanied by Herbert L. Misch, both of Ford Motor Co., Dearborn; and Henry L. Duncombe, Jr., accompanied by Ernest Starkman, both of General Motors Corp., Detroit.

Hearings continue tomorrow.

GENEVA PROTOCOL AND BIOLOGICAL WARFARE CONVENTION

Committee on Foreign Relations: Committee concluded hearings on Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases (Ex. J, 91st Cong., 2d sess.); Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction (Ex. Q, 92d Cong., 2d sess.); and S. Res. 48, calling for the ratification of the Geneva Protocol of 1925, without restrictive understanding or reservations. Testimony was received from Dr. Fred C. Ikle, Director, Arms Control and Disarmament Agency, Department of State; Clement J. Zablocki, Committee on Foreign Affairs; Dr. Charles C. Price, Professor of Chemistry, University of Pennsylvania, Philadelphia; and Richard R. Baxter, representing the American Society of International Law.

COMMITTEE BUSINESS

Committee on Government Operations: On Monday, December 9, committee, in executive session, ordered favorably reported the following bills:

H.R. 1355, donating certain surplus railroad equipment to the Hawaii chapter of the National Railway Historical Society, Inc.;

H.R. 7072, to allow the Federal Government to make advance subscription payments for audio-visual as well as printed materials;

H.R. 8958, authorizing the General Services Administration to transfer to the Department of the Interior certain property situated within Indian reservations to be held in trust for the benefit of the Indian tribes occupying the reservations;

H.R. 15818, redesignating the National Historical Publications Commission as the National Historical Publications and Records Commission, and proposing an increase in the membership and authorization of funds for such commission;

H.R. 16424, to establish a Commission on Federal Paperwork;

H.R. 14718, proposing discontinuation or modification of certain reports submitted to Congress by the executive branch (amended);

S. 4004, providing for the continuation of the Federal Savings and Loan Advisory Council;

S. 3013, to revise and restate certain functions and duties of the Comptroller General of the United States; and

S. 704, to restore the independence of certain regulatory agencies of the Federal Government.

INTELLIGENCE AGENCIES

Committee on Government Operations: Subcommittee on Intergovernmental Relations concluded hearings on proposals to strengthen congressional oversight of the Nation's intelligence agencies (S. 1547, 2738, 4019, and S. Res. 419), after receiving testimony from Senator Weicker; Dr. Ray S. Cline, Center for Strategic and International Studies, Georgetown University, Washington, D.C.; Dr. Harold P. Ford, Institute for the Study of Ethics and International Affairs, Washington, D.C.; and Prof. Harry Howe Ransom, Vanderbilt University, Nashville, Tenn.

FEDERAL LANDS

Committee on Interior and Insular Affairs: Committee held oversight hearings on the status of Federal lands in Alaska, receiving testimony from Royston C. Hughes, Assistant Secretary for Program, Management and Budget, Department of the Interior.

Hearings were recessed subject to call.

NEIGHBORHOOD SCHOOLS

Committee on Labor and Public Welfare: Subcommittee on Education held hearings on S. 503, to protect the concept of neighborhood schools and to provide financial assistance to local educational agencies in each State, receiving testimony from Senator Chiles; Woodrow H. Darden, Division of Elementary and Secondary Education, Florida Department of Education, Tallahassee; Dr. Gene M. Pillot, Superintendent of Schools, Sarasota County, Fla.; Jerald Strickland, Booker-Bay Haven School, Sarasota; and John Henry Rivers, Sarasota Chapter—NAACP.

Hearings were recessed subject to call.

COMMITTEE BUSINESS

Committee on Public Works: Committee, in executive session, ordered favorably reported the following business items:

S. 3807, naming the Federal building in Brunswick, Ga., the Frank M. Scarlett Federal Building;

S. 4006, naming the Federal office building in Chicago, the Paul Douglas Federal Building;

S.J. Res. 212, authorizing the erection in the Washington, D.C., area of a children's gift bell memorial tower (amended); and

Public building prospectuses as follows:

(a) Construction of Beltsville, Md., Law Enforcement Training Center and Federal Office Building, Norfolk, Va.;

December 10, 1974 CONGRESSIONAL RECORD—DAILY DIGEST**D 1343**

enforce title VI of the 1964 Civil Rights Act and title IX of the Education Amendments of 1972; and

Page S 20969

(2) Scott of Pennsylvania-Mansfield amendment designed to assure that HEW retains its present authority to enforce these acts.

Page S 20968

The yeas and nays have been ordered on both of these amendments.

Page S 20968

Senate reached unanimous consent agreement concerning further consideration and disposition tomorrow of these and other amendments and motions in connection with this matter.

Page S 21022

Pages S 20965-S 20975, S 20999-S 21000

Fisheries Jurisdiction: Senate considered S. 1988, to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and by unanimous consent agreement, will resume its consideration at the conclusion of morning business tomorrow, with time for debate thereon to be limited to 1 hour, with 1 hour on amendments, and 30 minutes on amendments in the second degree.

Pages S 20955-S 20959, S 21022

Economic Opportunity Programs: Senate resumed consideration of H.R. 14449, to establish a Community Action Administration in the Department of HEW, and by unanimous consent agreement, will resume its consideration tomorrow, with time limitation for debate thereon of 1 hour, with 30 minutes on amendments.

Senate vitiated its order of Thursday, December 5, calling for vote on Wednesday, December 11, on motion to close further debate on this bill.

Pages S 20965, S 21022, S 21023

Energy Emergency Authority: Senate considered S. 3267, providing standby emergency authority to assure that the essential energy needs of the United States are met.

Pages S 21000-S 21008, S 21010-S 21022

Veterans' Benefits: Senate agreed to the House amendment to S. 4040, to increase pension rates and annual income limitations for eligible veterans and their survivors, thus clearing the measure for the White House.

Pages S 20993-S 20998

Senate Authorizations: Several committees and subcommittees were authorized to meet tomorrow and later in the week during sessions of the Senate.

Also, during the adjournment of the Senate until Wednesday, December 11, the Secretary of the Senate is authorized to receive messages from the House of Representatives, and the President pro tempore and Acting President pro tempore are authorized to sign duly enrolled bills and joint resolutions.

Pages S 21010, S 21023

Legislative Program: Leadership discussed Senate's legislative program ahead.

Page S 21023

Confirmation: By 90 yeas to 7 nays, and one voting present, Senate confirmed the nomination of Nelson A.

Rockefeller, of New York, to be Vice President of the United States.

Pages S 20975-S 20993, S 21024

Conant Nomination: By unanimous consent, it was agreed that at the conclusion of morning business on Saturday, December 14, Senate will take up the nomination of Melvin A. Conant, of New York, to be an Assistant Administrator of the Federal Energy Administration, with time for debate thereon to be limited to 1 hour.

Page S 21023

Record Vote: One record vote was taken today. (Total—498.)

Page S 20993

Program for Wednesday: Senate met at 9:45 a.m. and adjourned at 5:58 p.m. until 9 a.m. on Wednesday, December 11, when it will resume consideration of S. 1988, fisheries jurisdiction (1 hour time limitation—no record votes to be taken in connection therewith prior to 3:30 p.m.) At the conclusion of debate of S. 1988, Senate will resume consideration of H.R. 14449, economic opportunity programs (1 hour time limitation—vote on question of final passage to occur at 10:30 a.m. on Friday, December 13. At not later than 1:30 p.m., Senate will resume (under time limitation agreement) consideration of amendments to House amendment to Senate amendment No. 17 to H.R. 16900, supplemental appropriations, and will proceed to consider and vote on several amendments and motions in connection therewith.

Pages S 21022-S 21024

Committee Meetings

(Committees not listed did not meet)

FOOD AND FOREIGN AID

Committee on Agriculture and Forestry: Subcommittees on Agricultural Production, Marketing, and Stabilization of Prices, and Foreign Agricultural Policy began joint hearings on U.S. food supplies and foreign commercial and food aid demands, receiving testimony from Senators McGovern and Clark; Hurd D. Willett, Massachusetts Institute of Technology, Cambridge; William C. Helming, Livestock Business Advisory Services, Inc., Kansas City, Mo.; Charles L. Fraser, National Farmers Organization, Washington, D.C.; Robert G. Lewis, National Farmers Union, Washington, D.C.; Russell Arndt, National Corn Growers Association, Washington, D.C.; Ray Davis, National Wheat Growers Association, Washington, D.C.; and Ralph P. Jackson, American Soybean Association, Hudson, Iowa.

Hearings continue on Thursday, December 12.

COMMITTEE BUSINESS

Committee on the Budget: Committee resumed executive consideration of matters concerning staff appointments, but made no announcements and recessed subject to call.