

DDA 77-5927

8 NOV 1977

MEMORANDUM FOR: Acting Deputy Director of Central Intelligence

FROM : Michael J. Malanick
Acting Deputy Director for Administration

SUBJECT : Comments on Draft of Title I - National Intelligence
Reorganization and Reform Act of 1978

REFERENCE : Multiple addressee memorandum from [REDACTED]
dated 4 November 1977, subject: Title I - National
Reorganization and Reform Act of 1978 (ER 77-9570/1)

STATINTL

As requested, we have reviewed the draft of Title I which was transmitted to us by referenced memorandum and have the following comments:

a. Under DEFINITIONS we note the absence of a definition for intelligence sources and methods but assume that the requirement for such a definition will be covered by Title VIII (conforming amendments) where reference would be made to other legislation relating to sources and methods.

b. Still in the DEFINITIONS section, we believe there is a typographical error in paragraph (11) and that the word "Central" should be inserted between the words "of" and "Intelligence."

c. In the section dealing with the OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE, we find paragraph (a) of Section 105 to be confusing. We believe this paragraph requires clarification so that a more clear distinction between the "office of the Director of Central Intelligence" and the "Office of the Director of Central Intelligence" is made. A possible aid in this regard would be more elaboration on the types of activities that would be included under the "Office of the Director of Central Intelligence."

d. In that section dealing with SPECIAL ACTIVITIES AND SENSITIVE COLLECTION ACTIVITIES, we find the language of paragraphs (c) and (d) of Section 109 to be presumptive.

While Congress clearly has the authority to restrict the President in certain activities, this authority should be reflected in more appropriate language.

e. Section 110 of the portion of the draft dealing with REPORTING ON VIOLATIONS; INTELLIGENCE OVERSIGHT BOARD, it is made clear that the heads of departments and agencies and their Inspectors General and General Counsels are responsible for reporting to the Intelligence Oversight Board. However, we note the absence of any language which provides for the direct reporting to the Intelligence Oversight Board by any employee who feels he is compelled to step out of the normal command channels in order to bring a questionable activity to the attention of the Board. We believe consideration should be given to the addition of language to the draft which would clearly provide some statutory protection for an individual exercising this prerogative.

/s/ Michael J. Malanick

Michael J. Malanick

STATINTL AI/DDA [REDACTED] ydc (8 November 1977)

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STATINTL

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77-9570/1

4 November 1977

MEMORANDUM FOR: Deputy Director for Operations
Deputy Director for Science & Technology
Acting Deputy Director for Administration
Director for National Foreign Assessment Center
General Counsel
Inspector General
Comptroller

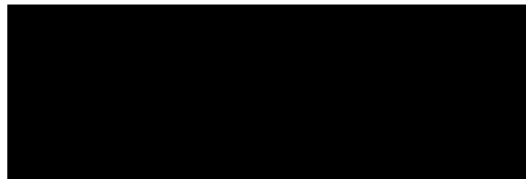
SUBJECT: Title I - National Intelligence Reorganization and Reform Act of 1978

1. As you know, the Senate Select Committee on Intelligence has provided us with drafts of some portions of its proposed legislative charter for the Intelligence Community. As soon as we have the final language of the new Executive Order, it will be necessary for us to put forward an Agency position on the proposed charter.

2. At Mr. Blake's request, OLC has prepared a draft of Title I - Foreign Intelligence Activities. Its language draws on the definitions, authorities and duties contained in the draft Executive Order. However, you will find that, except for the definitions, there is less specificity and detail. It is believed that broader delegations of authorities and responsibilities are appropriate in statutory language - that we should avoid rigidities and excessive detail.

3. Mr. Blake would like to have any comments or suggestions on Title I by COB, Tuesday, November 8.

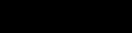
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Attachment:
As stated

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TITLE I -- Foreign Intelligence Activities

- Sec. 101. Short Title
- Sec. 102. Statement of Purposes
- Sec. 103. Definitions
- Sec. 104. Director and Deputy Directors of Central Intelligence
- Sec. 105. Office of the Director of Central Intelligence
- Sec. 106. General Authorities
- Sec. 107. Authorities and Duties of the Director of Central Intelligence
- Sec. 108. Requirements Relating to Appropriations for Intelligence Activities
- Sec. 109. Special Activities and Sensitive Collection Operations
- Sec. 110. Reporting on Violations; Intelligence Oversight Board
- Sec. 111. Reporting to the Congress

NATIONAL INTELLIGENCE REORGANIZATION AND
REFORM ACT OF 1978

- TITLE I Foreign Intelligence Activities
- TITLE II Counterintelligence Activities
- TITLE III Central Intelligence Agency
- TITLE IV National Security Agency
- TITLE V Federal Bureau of Investigations
- TITLE VI National Reconnaissance Activities
- TITLE VII Restrictions on Intelligence Activities
- TITLE VIII Conforming Amendments*

*E. g., Repeal of §102 of the National Security Act of 1947, as amended; sources and methods legislation (Title 18 U. S. C.); repeal of §662 of the Foreign Assistance Act of 1961, as amended; amendments to House and Senate rules; necessary amendments to the Central Intelligence Agency Act of 1949, as amended; and retention in Title I of this Act, of the alien-admission authority in section 7 of the CIA Act.

TITLE I -- FOREIGN INTELLIGENCE ACTIVITIES

SHORT TITLE

Sec. 101. This Title may be cited as the "Foreign Intelligence Act of 1978."

STATEMENT OF PURPOSES

Sec. 102. It is the purpose of this Act --

(a) to authorize the necessary foreign intelligence activities and responsibilities of the United States;

(b) to insure that foreign intelligence activities of the United States are properly and effectively directed, regulated, coordinated, administered and executed;

(c) to provide for the effective oversight of foreign intelligence activities of the United States, and to insure that the intelligence activities of the United States do not infringe or violate rights protected by the Constitution and laws of the United States;

(d) to provide for the appointment of a Director and Deputy Directors of Central Intelligence, and to assign and delineate the duties of the Director, and to confer on the Director the authorities necessary to fulfill those duties;

(e) to provide that the Director of Central Intelligence, and the other officials of the Intelligence Community responsible for intelligence activities of the United States, shall be accountable to the President, the Congress and the people of the United States; and

(f) to provide the basis for insuring that the Government shall have the intelligence information and analysis necessary to make sound and informed decisions regarding the security and important national interests of the United States.

DEFINITIONS

Sec. 103. As used in this Act --

(a) The term "intelligence" includes:

(1) "foreign intelligence," which means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including foreign counterintelligence except for information on international terrorist activities; and

(2) "foreign counterintelligence," which means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, and activities conducted abroad to protect national security information and its means of collection from detection by or disclosure to foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

(b) The term "intelligence activity" is a generic term used to describe all activities undertaken by any agency within the Intelligence Community relating to the collection, processing, analysis, production, coordination or dissemination of intelligence, and any activity in support thereof.

(c) The term "Intelligence Community" or "agency" or "agencies within the Intelligence Community" means:

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;
- (4) Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) Bureau of Intelligence and Research of the Department of State;
- (6) Intelligence elements of the military services;

(7) Intelligence elements of the Federal Bureau of Investigation;

(8) Intelligence elements of the Department of the Treasury;

(9) Intelligence elements of the Department of Energy;

(10) Intelligence elements of the Drug Enforcement Administration;

(11) The Office of the Director of ^{CENTRAL} Intelligence; and

(12) Such other entities as may be engaged in intelligence activities and as designated by the President in Executive Order.

(c) The term "intelligence-related activity" means any activity by any entity of the Government which:

(1) responds to tasking from operational commanders for tactical intelligence;

(2) is involved in the training of personnel for intelligence activities;

(3) supports intelligence activities or responds to tasking based on national intelligence requirements and priorities;

(4) provides an intelligence reserve for mobilization if required; or

(5) is engaged in research or development on or of intelligence systems or methodologies;

but which is not an agency within the Intelligence Community and is not funded within the budget of an intelligence program.

(d) The term "international terrorist activity" shall have such meaning as provided in Executive Order.

(e) The term "national foreign intelligence" means that foreign intelligence produced under the aegis of the Director of Central Intelligence and intended primarily to be responsive to the needs of the President, the National Security Council, and other Executive Branch officials engaged in the formulation and execution of national security and foreign relations policies of the United States.

(f) The term "National Foreign Intelligence Program" includes the activities and resources of all agencies within the Intelligence Community as designated by the President and included in a consolidated budget so designated, but does not include activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces.

(g) The term "national security information" means official information or material designated pursuant to statute or Executive Order as requiring protection against unauthorized disclosure in the interest of the national security or foreign relations of the United States.

(h) The term "sensitive foreign intelligence collection operation" means any significant clandestine intelligence activity relating to the collection of foreign intelligence which, because of the circumstances surrounding its execution, if revealed, would be likely to cause serious harm to the national security or foreign relations of the United States.

(i) The term "special activity in support of national foreign policy objectives" means any activity conducted outside the United States which is designed to further official United States programs and policies abroad and which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity, but not including the collection and production of intelligence or related support functions.

(j) The term "United States person" means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States, but not including an unincorporated association or corporation directed or controlled by a foreign power or persons.

DIRECTOR AND DEPUTY DIRECTORS OF
CENTRAL INTELLIGENCE

Sec. 104. (a) There shall be a Director of Central Intelligence (hereinafter in this title referred to as the "Director") and five Deputy Directors of Central Intelligence (hereinafter referred to in this title as "Deputy Directors"). The Director and the Deputy Directors shall be appointed by the President, by and with the advice and consent of the Senate; Provided, that no person may serve as Director or as a Deputy Director for a period of more than six years unless such person is reappointed by the President, by and with the consent of the Senate; and Provided further, that no person who has served as Director or as a Deputy Director by such appointment may be appointed to such position for more than one additional six-year term.

(b) The Deputy Directors shall assist the Director in furtherance of his authorities and duties under this Act, by performing such functions as the Director may from time to time assign or delegate; Provided, however, that the Director shall designate one Deputy Director as primarily responsible for the management of the Central Intelligence Agency; and Provided further, that the Director shall designate one Deputy Director who shall act for, and exercise the powers of the Director from time to time in his absence, and shall establish the order in which the Deputy Directors shall act for, and exercise the powers of, the Director in the event of a vacancy in the position of the Director.

(c) The Director and Deputy Directors shall be appointed from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life; Provided, however, that not more than three of the positions of the Director and the Deputy Directors shall be occupied simultaneously by commissioned officers of the armed services; and Provided further, that at no time shall the positions of the Director and that Deputy Director designated as primarily responsible for the management of the Central Intelligence Agency, or that Deputy Director designated as first in order of succession to act for, and exercise the powers of, the Director in the event of a vacancy in the position of the Director, be occupied simultaneously by commissioned officers of the armed services.

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Sources & methods somewhere

(d) If a commissioned officer of the armed forces is appointed as Director or a Deputy Director, then --

(1) In the performance of duties as Director or a Deputy Director:

(i) Such officer shall be subject to no supervision, control, restriction or prohibition (military or otherwise) other than would be applicable if the officer were a civilian in no way connected with the Department of Defense, a military department, or the armed forces of the United States or any component thereof; and

(ii) Such officer shall not possess or exercise any supervision, control, powers or functions (other than such is possessed, or authorized or directed to exercise, as Director or a Deputy Director) with respect to the Department of Defense, a military department, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director or a Deputy Director, of a commissioned officer of the armed forces, and his acceptance of and service in such an office, shall in no way affect any status, office, rank or grade he may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege or benefit incident to or arising out of any such status, office, rank or grade. Any such commissioned officer shall, while serving in the office of Director or a Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and shall be compensated, from funds appropriated to the Director, at the rate established for such position.

(3) The rank or grade of any such commissioned officer shall, during any period such officer occupies the office of Director or a Deputy Director, be in addition to the numbers and percentages authorized and appropriated for the military department of which such officer is a member.

(4) The Director shall be entitled to the same compensation prescribed by Section 5312 of Title 5, United States Code, for positions at level II of the Executive Schedule. If a commissioned officer of the armed forces is serving as the Director, he shall be entitled to the difference, if any, between his regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5312 of Title 5, United States Code, for positions at level II of the Executive Schedule.

(5) A Deputy Director shall be entitled to the same compensation prescribed by Section 5313 of Title 5, United States Code, for positions at level III of the Executive Schedule. If a commissioned officer of the armed forces is serving as a Deputy Director, he shall be entitled to the difference, if any, between his regular military compensation (as defined in Section 101(25) of Title 37, United States Code) and the compensation prescribed by Section 5313 of Title 5, United States Code, for positions at level III of the Executive Schedule.

OFFICE OF THE DIRECTOR
OF CENTRAL INTELLIGENCE

Sec. 105. (a) There is established under, and within the office of, the Director of Central Intelligence an Office of the Director of Central Intelligence (hereinafter referred to in this Title as the "Office of the Director") to assist the Director in furtherance of his authorities and duties under this Act.

(b) The Office of the Director shall be staffed by civilian and military personnel, whether in a commissioned or retired status, as designated by the Director, and the Director is authorized to employ such persons as necessary for the Office of the Director to fulfill the duties assigned to it by the Director.

GENERAL AUTHORITIES

Sec. 106. (a) Subject to the provisions of this Act, and only as provided by this Act, the agencies within the Intelligence Community are authorized to engage in intelligence activities, under the direction of the National Security Council.

(b) Participation in and support to national intelligence activities shall be the priority mission of all agencies within the Intelligence Community, but subject to the provisions of applicable titles of this Act, agencies within the Intelligence Community that are integral entities of Federal departments are authorized to engage in departmental intelligence activities and intelligence-related activities, and intelligence organizations within the Department of Defense are authorized to engage in tactical intelligence activities.

(c) Appropriate senior officials of agencies within the Intelligence Community, in discharging their responsibilities, shall insure that all activities for which they are responsible are carried out in accordance with this Act, other laws of the United States, and the Constitution of the United States; and Provided, that such officials shall report on possible violations of law by employees or officers within their agencies or departments, in accordance with section 110 of this Title.

AUTHORITIES AND DUTIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Sec. 107. (a) The Director of Central Intelligence, under the direction of the National Security Council, shall be the principal intelligence officer of the United States and shall be the principal adviser to the President and to the National Security Council on foreign intelligence matters; and the Director, in appropriate consultation with agencies in the Intelligence Community, shall be the principal spokesman to the Congress for the Intelligence Community and on national intelligence matters.

(b) In carrying out his duties under this Act the Director shall, under the direction of the National Security Council, have primary authority within the Government for foreign intelligence matters, as defined in this Act, and shall be responsible for the guidance and coordination of national foreign intelligence activities of the Government.

(c) The Director shall head the Central Intelligence Agency, as established and provided for under Title III of this Act.

(d) It shall be the duty of the Director to collect, produce, analyze, coordinate and disseminate, within the Government, foreign intelligence; Provided, that the Central Intelligence Agency shall support the Director in carrying out these duties; and Provided further, that in carrying out these duties, the Director shall:

(1) have authority to levy analytical tasks on departmental intelligence production organizations, in appropriate consultation with agencies within the Intelligence Community, and in so doing, the Director shall insure that national foreign intelligence products are accurate, timely and relevant;

(2) establish, direct, operate and control a national tasking organization, pursuant to Executive Order;

(3) promote the development and maintenance of services of common concern by foreign intelligence organizations on behalf of the Intelligence Community;

(4) formulate policies with respect to intelligence arrangements with foreign governments, and coordinate intelligence relationships between the various agencies of the Intelligence Community and foreign intelligence or internal security services of foreign governments;

(5) develop, consistent with the requirements and priorities established by the National Security Council, such goals, objectives and other guidance for the Intelligence Community as will enhance capabilities to respond to national foreign intelligence needs;

(6) provide, as appropriate, intelligence to departments and agencies not within the Intelligence Community; and

(7) establish, as appropriate, such committees or other advisory groups to assist in the execution of the foregoing responsibilities.

(e) The Director shall, under the provisions of this Act, insure appropriate implementation of special activities and sensitive collection operations.

(f) Notwithstanding the provisions of any other law, the Director may, in his discretion, terminate the employment of any officer or employee of the Central Intelligence Agency or of the Office of the Director, whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of any such officer or employee to seek or accept employment in any other department if declared eligible for such employment by the United States Civil Service Commission.

(g) The Director shall have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President through the Office of Management and Budget and, after approval by the President, the Director shall present and justify the budget to the Congress; Provided, that this authority shall be carried out pursuant to procedures established by Executive Order.

(h) The Director shall be responsible for protecting intelligence sources and methods against unauthorized disclosure, and shall insure the development and coordination of programs which properly protect intelligence sources and methods consistent with relevant Executive Orders and this Act.

(i) The Director shall conduct a program to protect against over-classification of foreign intelligence information, and to downgrade and declassify foreign intelligence information as appropriate and consistent with relevant Executive Orders and with due regard to protection of intelligence sources and methods.

(j) The Director shall, on a continuing basis, review and evaluate all ongoing and proposed national intelligence activities in order to insure that such activities are carried out in accordance with this Act, other laws of the United States, and the Constitution of the United States.

(k) The Director shall be responsible for reporting to the Congress pursuant to section 109(e) and section 111 of this Title.

(l) The Director, in appropriate consultation with the agencies within the Intelligence Community, shall act as the principal spokesman for the Intelligence Community to the news media and the public on matters concerning national foreign intelligence and provide information to the media and the public consistent with national security considerations.

(m) Participate with the Attorney General and the legal officers of the agencies within the Intelligence Community in the development of procedures required to be approved by the Attorney General governing the conduct of national foreign intelligence and foreign counterintelligence activities, and concerning the requirements of section 110 of this Title.

(n) To assist the Director in the fulfillment of responsibilities assigned in this section, the heads of all Executive Branch departments and agencies, in accordance with law, relevant Attorney General procedures and relevant Executive Orders, shall give the Director access to all information relevant to the national foreign intelligence needs of the United States; Provided, that the Director shall take appropriate steps to maintain the confidentiality of such information.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR INTELLIGENCE ACTIVITIES

Sec. 108. (a) No funds may be appropriated for any fiscal year beginning after September 30, 1978, for the purpose of carrying out any national intelligence activity unless such funds have been previously authorized for such activity by legislation enacted during the same fiscal year or the two fiscal years immediately preceding that for which they are appropriated, except that the foregoing limitation shall not apply to funds appropriated by any continuing resolution.

(b) The Director shall establish guidelines under which proposed reprogramming of funds for the national intelligence activities of the United States shall require his prior approval. Following the appropriation of funds for such activities, the heads of each entity of the Intelligence Community shall advise the Director of any proposed transfer of funds to or from such entity required by the guidelines established by the Director. The Director shall review each proposal and his approval shall be required for any such transfer or reprogramming.

(c) The Director is authorized to establish a fund to be known as the Reserve for Contingencies (hereinafter referred to in this section as the "Reserve") and to credit to such fund only such newly appropriated monies as are specifically appropriated to the Director for such fund. The Director is authorized to expend funds from the Reserve in any fiscal year for the payment of emergency and extraordinary expenses incurred in connection with any national intelligence activity only if --

(1) the expenditure has been previously approved by the Office of Management and Budget; and

(2) the appropriate committees of the Congress* are kept fully and currently informed of all significant expenditures; Provided, that the foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the implementation of any such activity.

(d) Any monies in the Reserve approved for expenditure under the provisions of paragraph (c) of the section but not actually expended for the specific purpose for which approved shall remain in or revert to the Reserve; and, any activity funded from the Reserve which continues after the end of the fiscal year in which such activity was initiated shall be funded thereafter through the regular budgetary process at the earliest practicable time.

(e) The Director may expend funds appropriated to him for objects of a confidential, extraordinary or emergency nature, not including expenditures from the Reserve pursuant to paragraph (c) of this section, and such expenditures shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

*The appropriate committees of the Congress for purposes of this Act shall be the Appropriations Committees of the House and the Senate, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

SPECIAL ACTIVITIES AND SENSITIVE COLLECTION
ACTIVITIES

Sec. 109. (a) The President shall establish a committee within the National Security Council to review and make recommendations to him concerning each special activity in support of national foreign policy objectives (hereinafter in this Title referred to as "special activity") and each sensitive foreign intelligence collection operation (hereinafter in this Title referred to as "sensitive collection operation"), and he shall designate the membership and chairman of the committee; Provided, that the Director shall serve on such committee.

(b) The committee established pursuant to paragraph (a) of this section shall consider, develop and submit to the President written recommendations on each special activity and sensitive collection operation, and on each significant proposed change thereto; and, further, the committee, after approval by the President, shall direct the implementation of such special activity or sensitive collection operation in accordance with this Act.

presumptive (c) No proposed special activity, or significant change thereto, may be approved by the President unless he shall make a written finding that such proposed activity, or significant change thereto, is important to the national security of the United States and is consistent with the foreign policy goals of the United States. *Conf. Reporting?*

11 (d) No proposed sensitive collection operation, or significant change thereto, may be approved by the President unless he shall make a written finding that such proposed operation, or significant change thereto, is intended to obtain information important to the national security or foreign policy interests of the United States, and that overt or a less sensitive collection operation would be unlikely to accomplish the objective.

(e) The committee established pursuant to paragraph (a) of this section shall review annually each special activity or sensitive operation conducted by any agency within the Intelligence Community, to determine the necessity for continuing such activity or operation and for advising the President thereon; and the Director shall report to the appropriate committees of Congress the results of such review.

REPORTING ON VIOLATIONS; INTELLIGENCE
OVERSIGHT BOARD

Sec. 110. (a) The heads of departments and agencies within the Intelligence Community and their Inspectors General and General Counsels shall be responsible for reporting in a timely manner to the Attorney General and to the Intelligence Oversight Board established by this section, concerning any foreign intelligence or foreign counterintelligence activity that comes to their attention which may constitute a violation of any law of the United States, or of any right guaranteed or protected by the Constitution of the United States, or of any Presidential Directive; Provided, that the Attorney General and the Intelligence Oversight Board shall advise the President and each other of any such activity which, in their view, constitutes a violation of any law of the United States or of any right guaranteed or protected by the Constitution of the United States; and Provided further, that the Attorney General shall report periodically to the Committees on Intelligence of the Congress concerning activities which, in the view of the Attorney General constitute violations of any law of the United States or of any rights guaranteed or protected by the Constitution of the United States.

(b) The heads of departments and agencies within the Intelligence Community shall formulate and implement, in consultation with the Attorney General and the Intelligence Oversight Board, procedures to discover and report on activities that may constitute violations of any law of the United States, or of any right guaranteed or protected by the Constitution of the United States, or of any Presidential Directive.

(c) There shall be, under the direction of the President, an Intelligence Oversight Board (hereinafter in this section referred to as the "Board"), consisting of three members appointed by the President from outside the Government; Provided, that no member of the Board shall have any financial or contractual relationships with any agency within the Intelligence Community; and Provided further, that one member shall be designated by the President as chairman.

(d) The Board shall receive and consider all reports by the Attorney General, the heads of any agency within the Intelligence Community, and the Inspectors General or General Counsels of any agency within the Intelligence Community submitted pursuant to paragraph (a) of this section; Provided, that the Board also shall receive and consider notifications, by the Inspectors General and General Counsels of agencies within the Intelligence Community, of any occasion when such official is directed by the head of the agency involved not to report any activity pursuant to paragraph (a) of this section.

(e) The Board is authorized to employ such personnel as may be necessary to carry out its functions under this section; Provided, that no such person shall have any financial or contractual relationship with any agency within the Intelligence Community.

(f) The Board shall, upon the request of any member, be granted access to all information relevant to any activity covered by this section in order to carry out its duties under this Act.

REPORTING TO THE CONGRESS

Sec. III. (a) The Director and the heads of agencies within the Intelligence Community shall cooperate with the Intelligence Committees of the Congress on matters within the jurisdiction of those Committees, with due regard for the statutory responsibility of the Director for the protection of intelligence sources and methods and for all other relevant legal duties and responsibilities; and Provided, that the Director and the heads of agencies within the Intelligence Community shall:

(1) keep the Committees currently informed with respect to intelligence activities including significant anticipated activities; Provided, however, that this does not constitute a condition precedent to the implementation of any such activity;

(2) furnish to the Committees such information within the custody or control of the agencies within the Intelligence Community relating to intelligence activities as may be requested by the Committees; and

(3) report to the Committee information relating to intelligence activities that may be illegal or improper and corrective actions that are taken or planned.