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THE WHITE HOUSE

WASHINGTON

Executive Registry
75-8320/6

October 16, 1975

MEMORANDUM FOR:

PHIL BUCHEN
✓ BILL COLBY
HENRY KISSINGER
ED LEVI
JIM LYNN
DON RUMSFELD
JIM SCHLESINGER

FROM:

JACK MARSH *JM*

SUBJECT:

Revised Executive Order on the
President's Advisory Board on the
Foreign Intelligence Community

Transmitted herewith for your comments is the last draft of the proposed executive order on PFIAB, tentatively renamed the President's Advisory Board on the Foreign Intelligence Community. Please let me have your comments as soon as possible, but in no event later than COB Monday, October 20.

Thank you.

Attachment

PRESIDENT'S ADVISORY BOARD ON THE FOREIGN
INTELLIGENCE COMMUNITY

There is a need for improved review of the foreign intelligence community and advice to the President on the quality of the community's activities and its compliance with law. This order establishes the President's Advisory Board on the Foreign Intelligence Community to perform these tasks.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

Section I. There is hereby established the President's Advisory Board on the Foreign Intelligence Community, hereinafter referred to as "the Board." It shall:

(a) review and advise the President concerning foreign intelligence and counterintelligence activities of the United States Government. The Board's areas of concern shall include quality of foreign intelligence collection and estimates, organization and management of the foreign intelligence community, and compliance of the foreign intelligence community with applicable provisions of the Constitution and laws of the United States, executive orders, and directives of the National Security Council;

(b) receive, consider, and make recommendations with respect to matters identified to the Board by the Director of Central Intelligence, or by officials of the Central Intelligence Agency, the Department of Defense, the Federal Bureau of Investigation, and other Government departments, agencies, and organizations of the foreign intelligence community;

(c) report and make recommendations to the President concerning the Board's findings and appraisals;

(d) where appropriate, be utilized by the Director of Central Intelligence and the Attorney General; and

(e) submit interim and annual reports to the President on its findings and recommendations.

Section 2. The Board may receive, investigate, consider, and make appropriate recommendations with respect to allegations of improprieties involving agencies within the foreign intelligence community made by employees of such agencies. In this connection, the Director of Central Intelligence, the Director of FBI, and the heads of other departments, agencies and organizations comprising the foreign intelligence community, and the Inspectors General thereof, on appeal from their organization heads, may seek the advice of the Board with respect to activities or categories of

activities which in the light of the statutory authority of any such agency, or any restrictions imposed by law or Executive Order, may have been or, if implemented, might be, improper or appear to be improper. As appropriate, the Chairman of the Board may designate a special panel of the Board to receive and make recommendations to the Board on such allegations.

Section 3. As used in this order, the term "foreign intelligence community" means those organizations (or subdivisions thereof) which collect, disseminate or evaluate foreign intelligence or counter-intelligence.

Section 4. (a) In order to facilitate performance of the Board's functions, the Director of Central Intelligence; the Director of the FBI, the heads of all other departments, agencies, and organizations comprising the foreign intelligence community, and the Inspectors General thereof, shall regularly:

(1) make available to the Board all information with respect to foreign intelligence, counterintelligence, and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order;

(2) notify the Board of major issues in the foreign intelligence community;

(3) identify to the Board specific operational issues or matters in which there is a potential for official or public concern;

(b) Each Inspector General (or other official with equivalent duties) of the foreign intelligence community shall have the authority to report directly to the Board, after notifying the head of his organization, to appeal his decisions.

(c) The head of each organization in the foreign intelligence community shall designate in writing to the Board the name of an individual and office to serve as the primary point of contact in support of Board functions. In addition, the Board is authorized to call upon persons at all levels within the foreign intelligence community.

Section 5. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of ability, knowledge, diversity of background and experience, and with a view toward achieving continuity. The members shall receive compensation and allowances consonant with law.

Section 6. The President shall designate from among the Board members a Chairman who shall devote substantial time to his duties with the Board.

Section 7. The Board shall employ a staff headed by an Executive Secretary, who shall be appointed by the President.

(a) If the Executive Secretary or any member of the staff of the Board is appointed from an agency or department within the foreign intelligence community, then during his tenure with the Board, he shall be subject to no supervision, control, restriction or prohibition (military or otherwise) from such agency or department, and shall neither possess nor exercise any supervision, control, powers or functions (other than as a member of the staff of the Board) with respect to such agency or department.

(b) The Executive Secretary shall be authorized, subject to the approval of the Board and in a manner consonant with law, to hire and fix the compensation of such additional personnel as may be necessary for performance of the Board's duties.

Section 8. Compensation and allowances of the Board, the Executive Secretary, and other members of the staff, together with other expenses arising in connection with the work of the Board, shall be paid from the Executive Office Appropriation Act or from corresponding appropriations made in future years. Such payments shall be made without regard to the provisions of Section 3681 of the Revised Statutes and Section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 672 and 673).

Section 9. The Board shall succeed to the records held by the President's Foreign Intelligence Advisory Board, established by Executive Order No. 11460 of March 20, 1969.

Section 10. Executive Order No. 11460 of March 20, 1969, is hereby revoked.

UNCLASSIFIED	CONFIDENTIAL	SECRET
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EXECUTIVE SECRETARIAT
Routing Slip

TO:	ACTION	INFO	DATE	INITIAL
1	DCI			
2	DDCI			
3	S/MC			
4	DDS&T	X		
5	DDI	X		
6	DDA	X		
7	DDO	X		
8	D/DCI/IC			
9	D/DCI/NIO	X		
10	GC	X		
11	LC	X		
12	IG	X		
13	Compt	X		
14	D/Pers			
15	D/S			
16	DTR			
17	Asst/DCI			
18	AO/DCI			
19				
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22				

SUSPENSE _____
Date

Remarks: Per Mr. Nelson's suggestion at this morning's staff meeting.

Executive Secretary
3 October 1975
Date

STAT

TRANSMITTAL SLIP		
TO: Executive Registry		
ROOM NO. 7E12	BUILDING Hqs.	
REMARKS:		
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

Executive Registry
75-8320/5A

10/6/75

3 OCT 1975

STAT

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500



Dear Jack:

Reference is your memorandum of 30 September regarding the revised Executive Order for PFIAB.

I have enclosed my proposed changes to Section I of the draft Executive Order. The changes which I recommend are intended to emphasize the advisory role of the PFIAB and to clarify what I consider are meant to be the actual functions of the Board. Another way to accomplish this would be to use the staff draft rather than the Board's draft and bring these points out in the course of its simpler presentation.

I am somewhat concerned, however, at the advisability of issuing an Executive Order dealing with the PFIAB before decision has been made as to the role which it is intended the NSCIC is to have.

The draft Executive Orders which were submitted to me for review on 31 August included one on the NSCIC as well as the predecessor to the now-proposed PFIAB Executive Order. In my view, the two should be prepared in tandem so there is no possibility of conflict.

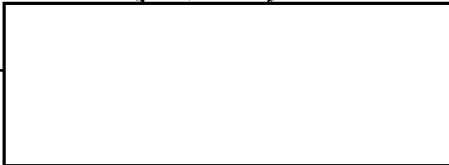
Sincerely,

/s/ W. E. Colby

W. E. Colby

Enclosure:
as stated

(EXECUTIVE REGISTRY FILE



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T-23 ✓

Distribution:

Orig. - Adsee., w/enc.

1 - DCI, w/enc.

1 - DDCI, w/o enc.

~~1~~ - ER, w/enc.

1 - PFIAB File (VDM), w/enc.

1 - CS Chrono, w/enc.

1 - IC Registry, w/enc.

STAT

DCI/ICS/CS

(1 Oct 75)

2 October 1975

PROPOSED CHANGES IN SECTION I OF THE 30 SEPTEMBER DRAFT
OF THE EXECUTIVE ORDER ON THE PRESIDENT'S FOREIGN INTELLIGENCE
ADVISORY BOARD

(NOTE: New or amended language is underlined, deletions are
lined through.)

By virtue of the authority vested in me as President of
the United States, it is hereby ordered:

SECTION I.

A. The President's Foreign Intelligence Advisory Board,
hereinafter referred to as "the Board," shall be responsible
for provision of advice to the President and the Director of
Central Intelligence concerning the functioning of the U.S.
Foreign Intelligence Community. To this end, it shall perform
the following functions with-respect-to:

1. Management Review of activities of the U.S.
Foreign Intelligence Community.

a. Solicit the views of senior Government
officials in Washington and abroad regarding their current and
prospective foreign intelligence needs and their perception of
the adequacy with which these needs are being met; ~~ensure that~~
~~such views and the Board's evaluation thereof are conveyed to~~
~~and are understood by responsible officials in the foreign~~
~~intelligence community.~~

b. Solicit the views of senior foreign intelli-
gence community personnel in Washington and abroad regarding
their need for policy guidance; ~~ensure that such views and the~~
~~Board's evaluation thereof are conveyed to and are understood~~
~~by the principal users of intelligence.~~

c. Encourage Review the extent to which
principals in the foreign intelligence community are improving
~~to improve~~ collection, processing and reporting systems through
a continuing examination of goals, methods and organization,
and through the application of new technologies and concepts.

d. Encourage and maintain a continuing dialogue with leaders in the scientific, academic and business communities for the purpose of promoting the development and application of innovative methods and concepts to the production of improved foreign intelligence.

e. Evaluate the relationships between components of the foreign intelligence community in order to encourage and promote cooperation, reduce unnecessary duplication, and maximize efficiency minimize inefficiencies.

f. Encourage and maintain a continuing dialogue with principals in the foreign intelligence community as to their agency's current activities and issues of present and future concern.

2. Assessment of the Product of the Foreign Intelligence Community.

a. Review the Assure-adequate production of foreign intelligence in selected geographic and functional areas, and assess the responsiveness of such production to user needs, based on perception of need and/or the existence of significant intelligence gaps.

b. Evaluate selected reports of the foreign intelligence community and assess the adequacy thereof with regard to the needs of policy-makers.

c. Evaluate the performance of the foreign intelligence community in its efforts to anticipate crises and to support senior Government officials during such events.

3. Oversight of the Foreign Intelligence Community.

a. Solicit and review Require the views of Inspectors General (or other official with equivalent duties) in the various foreign intelligence community entities regarding their agency's compliance with legal authority, and with the propriety of its activities. With respect to allegations of illegality, or impropriety or the appearance thereof, ensure that investigations are conducted by proper authority and that finds and recommendations are reported to the President as appropriate.

b. Encourage and maintain a continuing dialogue with appropriate elements of the Justice Department, the Office of Management and Budget, and the General Accounting Office regarding foreign intelligence community matters.

c. Evaluate the effectiveness of means used by
~~Ensure that~~ heads of the various foreign intelligence agencies
to make personnel under their supervision aware of an individual's
right to report to the Board evidence of impropriety or illegality.
With respect to any such allegations, ensure that investigations
are conducted by proper authority, and that findings and recommenda-
tions are reported to the President as appropriate.

B. The Board shall report to the President regularly
regarding the functions enumerated herein, and shall provide an
annual unclassified report to the President for his approval and
public release, evaluating the performance of the U.S. foreign
intelligence community. This unclassified report shall be
supported by such classified annexes as the Board considers
necessary.

Add at *:

Another way to accomplish this would be to ~~use~~
use the staff draft rather than the Board's draft
and bring these points out in the course of its
simpler presentation.

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D. C. 20500

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W. E. Colby

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