

Washington, D. C. 20505

OLC 79-3173/a

Honorable James T. McIntyre, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. McIntyre:

In accordance with Office of Management and Budget Circular No. A-19, revised, I am submitting proposed legislation for your advice as to whether it is in accord with the program of the President. Enclosed are ten copies of a draft "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1981." Also enclosed are draft letters of transmittal to the President of the Senate and the Speaker of the House of Representatives.

The Fiscal Year 1981 Intelligence Authorization Bill was identified as proposal number 96/2 - 3 in the proposed Central Intelligence Agency and Intelligence Community Legislative Program, which was forwarded to your office on 15 November 1979 as part of the consolidated National Foreign Intelligence Program budget. The draft Bill has been prepared in consultation with the Intelligence Community.

The draft Fiscal Year 1981 Intelligence Authorization Bill is substantively similar to the Fiscal Year 1980 Act (P.L. 96-100). Consistent with Section 7e of Circular No. A-19, the draft Bill contains a provision relating to compliance with Section 607 of P.L. 93-344, the Congressional Budget Act of 1974. The draft Bill also contains a self-explanatory technical provision which would authorize the Central Intelligence Agency to accept gifts and bequests.

I would be most appreciative of your assistance in securing prompt Administration clearance of this proposed

legislation, and in ensuring that resource allocations for fiscal year 1981 reflect the President's expressed determination to enhance the nation's intelligence capability.

Yours sincerely,

STANSFIELD TURNER

Enclosures

A BILL

To authorize appropriations for fiscal year 1981 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1981".

TITLE I - INTELLIGENCE ACTIVITIES

Sec. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1981 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

(b) The amounts authorized to be appropriated under this Act, and the authorized personnel ceilings as of September 30, 1981, for the conduct of the intelligence and intelligence-related activities of the agencies listed in subsection (a) are those listed in the classified Schedule of Authorizations prepared by the committee of conference to accompany the conference report on the bill 96th Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution or laws of the United States.

TITLE II - INTELLIGENCE COMMUNITY STAFF

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Sec. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1981 the sum of [REDACTED].

(b)(1) The Intelligence Community Staff is authorized [REDACTED] full-time personnel as of September 30, 1981. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(2) During fiscal year 1981, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(3) During fiscal year 1981, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(c) During fiscal year 1981, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III - CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1981 the sum of [REDACTED].

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TITLE IV - TECHNICAL PROVISIONS

Sec. 501. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Sec. 502. There are authorized to be appropriated for fiscal year 1982 such sums as may be necessary for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System.

Sec. 503. Section 3 of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403c, is amended by adding at the end thereof the following new subsection: "(e) The Director is authorized to accept, hold, administer, and utilize for artistic or general employee or dependent welfare, educational, recreational or like purposes, gifts, bequests or devises of money, securities or other property of whatsoever character whenever the Director determines that it would be in the interest of the Agency to do so. Unless otherwise restricted by the terms of the gift, bequest or devise, the Director may sell or exchange, and invest or reinvest such property in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For purposes of Federal income, estate and gift taxes, gifts, bequests and devises accepted by the Director shall be deemed to be to or for the use of the United States. The Title of Section 3 of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403c, is amended by adding after "PROCUREMENT" the following: ";AUTHORITY TO ACCEPT GIFTS, BEQUESTS AND DEVISES."