

CONTROL NO. 82-0144

CROSS REF: _____

PRIOR PAPERS ON THIS SUBJECT: NO YES

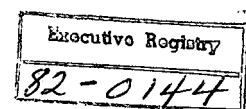
PRIOR CORRES SENT TO: _____

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EXECUTIVE REGISTRY FILE NO:
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OGC 82-00275
15 January 1982

MEMORANDUM FOR: Director of Central Intelligence

FROM: Stanley Sporkin
General Counsel

SUBJECT: Fiscal Year 1983 Intelligence Authorization
Bill

1. Titles I through IV of the draft Bill are, for the most part, routine. Section 103 reflects the compromise reached on the issue of congressional notification of expenditures in excess of program authorizations in the Fiscal Year 1982 Act. Section 403 deals with the issue of automatic data processing procurement. A detailed discussion of this issue appears below, and we request your concurrence in our recommendation to proceed with pursuit of a legislative provision designed to extract the Agency from the confines of the so-called "Brooks Act."

2. We recommend including in the FY 1983 Intelligence Authorization Bill a provision to exclude CIA automatic data processing (ADP) equipment and services procurement from the scope of the Brooks Act, P.L. 89-306 (40 U.S.C. 759) (Section 111 of the Federal Property and Administrative Services Act). As the discussion which appears below indicates, there are differences of view on this issue among various Agency components.

a. The Brooks Act authorizes and directs the Administrator of General Services to coordinate and provide for effective, economic procurement of ADP equipment and services for federal agencies. In addition, the Act, and presidential delegations of authority to implement it, give the Secretary of Commerce authority to establish uniform federal ADP standards. In exercising their authorities under the Brooks Act, the Administrator of General Services and the Secretary of Commerce are subject to the direction of the President and the fiscal and policy control of the Office of Management and Budget. The Brooks Act applies with full force to all federal agencies (including CIA) except for the Defense Department, which recently secured an exemption for military and intelligence-related activities through inclusion of a provision in the FY 1982 Defense Authorization Act.