

6 July 1984

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Gary:

This will confirm our earlier conversation concerning the provision in the 1985 Intelligence Authorization Bill authorizing the Agency to provide effective physical security at CIA installations within the United States.

As I mentioned during our earlier conversation, the Agency prefers the House draft of this provision. While both the House and the Senate provisions provide this protective authority directly to the Agency, the House version does not contain the present limitation contained in the Senate draft prohibiting the DCI from prescribing any rules or regulations pursuant to this authority without the approval of the Attorney General. The House report in addressing this provision instead provides that the DCI is authorized to issue rules and regulations with respect to CIA property and that designated CIA security personnel will be responsible for enforcing such rules and regulations. In this report, HPSCI simply notes that the DCI is expected to "adopt regulations which are as similar as possible to those promulgated by the Administration of GSA with respect to other federal installations, consistent with the functions and requirements of CIA installations." We think that similar guidance from the SSCI concerning their intent as to how this rulemaking authority will be utilized is much preferable to inserting the Attorney General into this process. Such initial guidance when coupled with the SSCI's ongoing review of the implementation of these authorities should provide sufficient safeguards against their potential misuse, without unnecessarily fettering the DCI's flexibility and discretion in adopting rules and regulations suitable to the Agency's particular needs.

For the above reasons, we would like to see the House version adopted in Conference or, at a minimum, the provision requiring Department of Justice approval of any Agency rules or regulations deleted from the Senate draft.



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