

DD/A Registry

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Redraft of H. R. 4681, the Federal Polygraph Limitation and Anti-Censorship Act of 1984

FROM: [Redacted]
Director of Security

EXTENSION NO.

DATE 13 MAR 1984

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED FORWARDED

1. DDA
7D-24, Hdqs.

15 MAR 1984

[Handwritten initials]

2.

3. C/LD/OLL
7B-24 Hqts.

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STAT 4.

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5. *c/LEG/OLL*

your return

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84-0466/4

MEMORANDUM FOR: Chief, Legislation Division
Office of Legislative Liaison

VIA: Deputy Director for Administration

STAT FROM:
Director of Security

SUBJECT: Redraft of H. R. 4681, the Federal Polygraph
Limitation and Anti-Censorship Act of 1984

REFERENCE: Memorandum from OLL to D/OS, dated 8 March 1984,
same subject (OLL 84-1004)

1. In response to your request contained in reference, the Office of Security offers the following comments regarding the redraft of H. R. 4681.

2. Although Section 7365 of the redrafted Bill exempts "any individual employed by, or detailed to, the Central Intelligence Agency, or any individual applying for a position . . .," the current language does not include employees of industrial contractors with whom this Agency maintains classified contracts, and thus would effectively invalidate our Industrial Polygraph Program (IPP). Given the several categories of personnel who are affiliated with this Agency, it is requested that the Office of Legislative Liaison seek language to include the following groups of employees in the current draft of H. R. 4681:

- ° Staff Employees
- ° Military and U. S. Government Civilian Personnel Detailed or Assigned to CIA
- ° Contract Employees (Type Internal and External)
- ° Independent Contractors (Including Consultants and Panelists)
- ° Industrial Contractors' Employees.

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It should be emphasized that although each group listed above has varying degrees of affiliation with the CIA, they share the common trait of having access to highly sensitive classified information and/or official CIA facilities. The Office of Security believes that it is mandatory to specifically include the groups of people listed above in order to preclude any possible litigation subsequent to the enactment of H. R. 4681 in its present form.

3. As you mentioned in paragraph 4 of reference, there are two distinct problems associated with those sections of the redrafted Bill regarding prepublication review clauses. First, Section 7365(b) would appear to effectively invalidate CIA's present Secrecy Agreement (which contains a prepublication review clause) after enactment of the Bill. This is entirely unacceptable since our inability to legally preview publications of current and former employees could result in wholesale, undiscovered release of classified information, including sources and methods, to the public. Secondly, the redrafted Bill would exacerbate the above-mentioned security vulnerability throughout the Intelligence Community (IC) since all IC agencies which received and/or produced Sensitive Compartmented Information would similarly lack the ability to protect sources and methods without an SCI Secrecy Agreement containing a prepublication review clause.

4. The sponsors of H. R. 4681 should recognize that there is no distinction between CIA and other IC agencies with respect to responsibility for protection of intelligence sources or methods. In effect, to enact a bill which gives prepublication review authorization to only two members of the IC would render such legislation almost meaningless. It is imperative that CIA retain authorization for a prepublication review clause after enactment of H. R. 4681. It is equally important for the Bill to include exemptions for all agencies which routinely produce and/or receive Sensitive Compartmented Information. This is simply a logical, necessary extension of the statutory responsibility of the Director of Central Intelligence to protect sources and methods.

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