

# OFFICE OF THE EXECUTIVE DIRECTOR

19 April 1995

NOTE FOR: Deputy Director, Congressional Affairs  
FROM:   
Executive Assistant, EXDIR  
SUBJECT: Congress and DCI Area Responsibilities

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1. Most of the offices in the DCI Area report that they either have no contact with Congress or contact only through requests from OCA. The following are specific responses provided by three offices to the questions that were tasked at the task force meeting last week.

What policies do you now have in place that outline the kind of information you expect your staff to alert you to?

ACIS management has a variety of formal and informal in-house mechanisms for staff to alert them to substantive information in the following two broad categories which are of interest both to Congress and to the interagency working groups focusing on arms control-related issues:

- Foreign non-compliance with existing arms control treaties or agreements;
- U.S. ability to monitor existing or prospective arms control treaties.

ACIS produces periodic monitoring reports assessing foreign activities associated with compliance with agreements with which the U.S. is a participant. These reports serve to inform senior management and the policy community, and provide the basis for the President's annual compliance report to Congress.

The Public Affairs Staff guidance specifically states that a role of the staff is to "Alert and consult with Agency management on breaking news stories concerning the CIA." This includes the Director of Congressional Affairs. All staff members whether they deal with the general public or the media are alert to issues which should be reported to Agency senior officials. Our experience has been that the media is often the first to alert the Agency -- sometimes well in advance of a story appearing in the press -- which

has significant and broad impact for the Agency. The White House, Congress, and other Intelligence Community agencies are also frequently impacted by such stories. They are alerted either directly, or in the case of Congress, through the Office of Congressional Affairs (OCA). There are also periodic Agency meetings which are designed for reporting such information--

[redacted] Each of these is frequently used to alert management to breaking stories or new developments in on-going stories.

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The Equal Employment Opportunity Office holds twice-weekly meetings with the EEO complaints investigation staff are used to identify potential problem cases which need to be raised with senior Agency management and which may result in adverse publicity/Congressional attention.

Besides statutory, regulatory, or financial reporting requirements to Congress, are there any types of issues or information you deal with that require a judgment call on notification?

ACIS handles Intelligence Community support to the annual arms control treaty compliance report that the President submits to Congress. They prepare the DCI's testimony to Congress on the U.S.'s ability to monitor arms control treaties. They coordinate and produce the interagency intelligence and counterintelligence assessments of the various arms control treaties and international agreements that are presented to Congress and to the NSC on a periodic or ad hoc basis. All of the above involve judgment calls by the interagency arms control community where ACIS plays a central role.

Public Affairs notes that almost all of the items with which the office deals fall into the "judgment call" category. The members of the Media Relations Branch, in particular, are attuned to the types of issues which require alerting OCA and the front office. Generally these include [redacted], but they may include accusations of illegal activity, or CIA managerial issues such as the recent class action suit, the Aldrich Ames case and others.

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Judgment calls on notification for EEO are required when complaints involve allegations of misfeasance, malfeasance, nonfeasance or wrongdoing, or in cases where complainants, inform us that they have approached members of Congress.

**What committees do you notify or report to?**

ACIS reports primarily and routinely to the Senate Select Committee on Intelligence, which has ongoing oversight responsibilities. They report less often to the Senate Foreign Relations Committee, which handles arms control treaty ratification in the Senate. They report occasionally to the Senate Armed Services Committee. ACIS has some contact with the House Permanent Select Committee on Intelligence over budgetary matters. Very rarely, the office has contact with the House Appropriations Committee.

**What mechanisms do you use to notify Congress (formal, informal, direct, through OCA)?**

Any contact with Congress by one of the Independent Offices is made through OCA, the Comptroller, or the Community Management Staff. ACIS reports that they have tried to establish good working relationships with key members of Senate committee staffs, whom they brief informally on key issues to be covered later in formal testimony. They are always accompanied by an OCA representative on these occasions. They also backbench policy testimony on request.

**How do you define timeliness of notification?**

The Independent Offices reported that timely notification is measured from minutes or hours (in the case of Public Affairs), to days, or by designated response dates.

**What mechanisms do you have to ensure others in the Community are notified?**

C/ACIS chairs the interagency Arms Control Coordinating Group which meets every two weeks and which includes senior representatives from the Intelligence Community, the On-Site Inspection Agency, and the Arms Control and Disarmament Agency.

[REDACTED] ACIS Group Chiefs and working-level personnel maintain a regular ad hoc dialogue with their counterparts throughout the intelligence and policy communities. In addition, ACIS coordinates periodic reports on arms control-related topics regularly throughout the Intelligence Community, including the President's annual arms control treaty compliance report to Congress as mentioned above.

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Public Affairs has initiated an on-going IC Public Affairs Working Group composed of Public Affairs officers from each of the IC Agencies. The group meets periodically. A primary purpose of that group is to create reporting links among the Community PA organizations. We are in frequent contact by phone and fax with these individuals covering current breaking stories.

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2 I will be late for the meeting tomorrow. Either [redacted] will attend for me.

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Executive Assistant, EXDIR

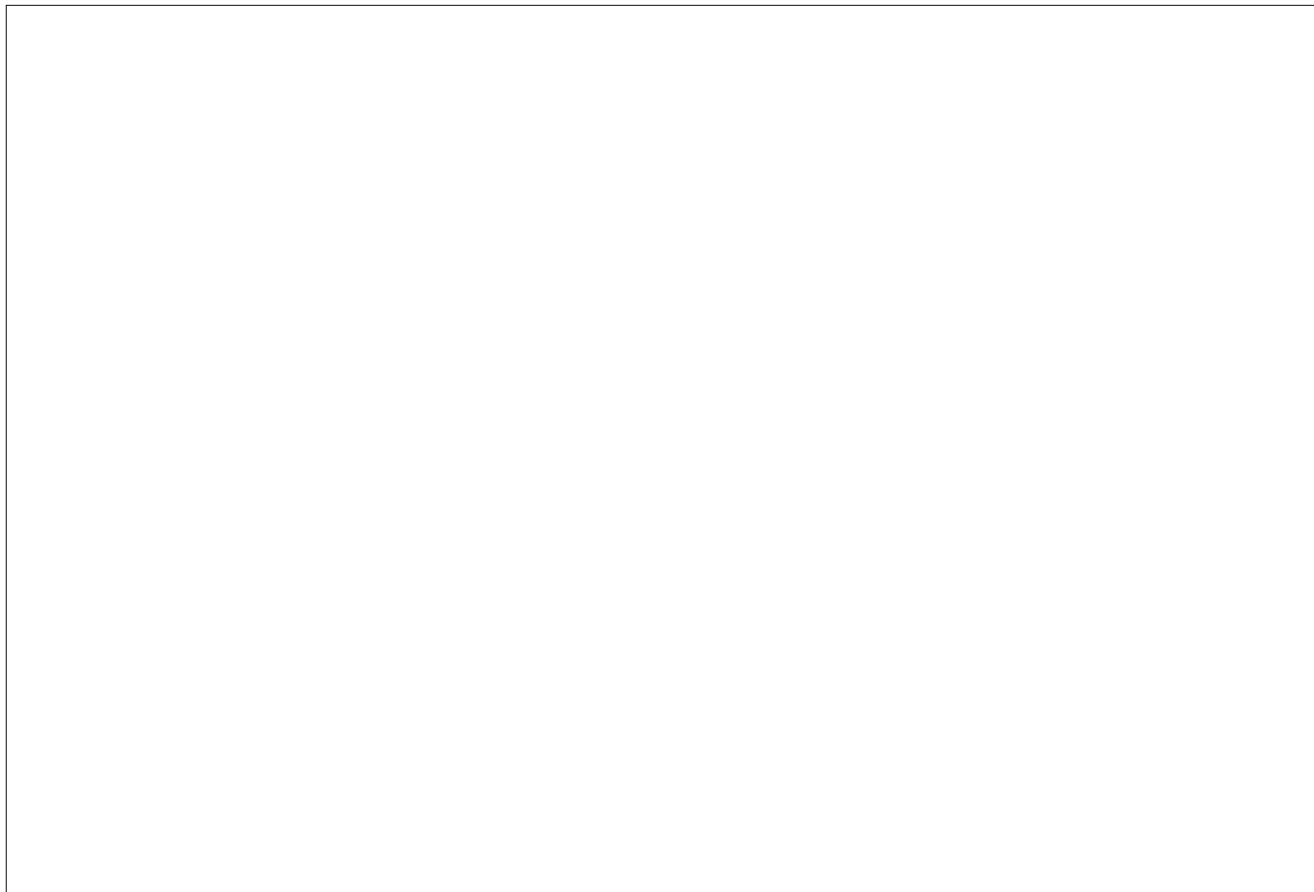
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OFFICE OF COMPTROLLER PROCEDURES AND PRACTICES FOR  
KEEPING CONGRESS INFORMED

Presentations at Hearings, Responses to Questions for the Record,  
Briefings, and Answers to Oral Questions

Each year, the members and staffs of the HPSCI, SSCI,  
National Security Subcommittee of the HAC, and Defense  
Subcommittee of the SAC seek additional information on the CIA  
budget submission for the next fiscal year.



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Responses to "Congressionally Directed Actions" (CDAs)

- The unclassified and classified committee (including conference committee) reports and annexes accompanying each year's intelligence authorization and appropriations bills and acts invariably direct CIA to prepare and submit special studies or reports (such as strategic plans), take certain actions, and/or comply with certain restrictions (for example, "fence" certain funds until a strategic plan is presented). Such CDAs may call for a one-time report or action or may establish "permanent" standing requirements

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for periodic reports or ad hoc notifications. OCOMPT also handles as CDAs certain resource-related directives in the intelligence authorization and appropriations acts themselves.



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### Congressional Reporting

- A. Semiannual Reports to DCI 1 Jan - 30 June;  
1 Jul - 31 Dec
  - 1. IG to DCI within 31 days  
DCI to Committees within 30 days
  - 2. Covers 6 areas
    - a. significant problems
    - b. recommendations for significant problems
    - c. status of action on past significant recommendations
    - d. full and direct access
    - e. failure to get information for lack of subpoena authority
    - f. recommendations for legislation
- B. Immediate Reports to DCI
  - 1. particularly serious or flagrant problems, abuses or deficiencies relating to programs/operations
  - 2. DCI provides to Committees within 7 days
- C. Immediate Reports to Intelligence Committees
  - 1. IG unable to resolve differences with DCI
  - 2. investigation focusing on DCI
  - 3. unable to obtain significant documentary information
- D. IG Reports Requested by Intelligence Committees
  - 1. Requested by Chairman or Ranking Minority Member
  - 2. DCI obligation to provide
  - 3. Now includes "findings or recommendations" in addition to "reports"

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Matters Reported to Congress by OGC

1. Section 4(b) of the CIA Act requires notification to the intelligence committees of regulations establishing allowances or benefits for operational or cover reasons.

Form: This notification is made in written form.  
Timing: 30 days prior to effective date of regulation.  
Agency (internal) process:

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3. Annual reports and briefings to HPSCI and SSCI on use of certain intelligence collection techniques and on counterintelligence cases involving U.S. persons. Required by EO 12333. Prepared by DO with OGC [Redacted] coordinating.

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4. Additional ad hoc notifications or briefings not specifically required by statute, exec order or regulation.

We brief oversight staffers on litigation matters frequently involving personnel matters and/or media interest.

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We brief members of Congress who have expressed areas of concern or interest of matters in which we believe they would be interested.

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5. Where Congress has imposed certain country specific limitations on US action/policy, we brief on planned or proposed agency operations that may relate to those country specific limitations.

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### CONGRESSIONAL REPORTING REQUIREMENTS WITHIN THE DIRECTORATE OF ADMINISTRATION

1. The Deputy Directorate of Administration (DA) has no directorate-initiated reporting requirements to Congress. All current reporting is mandated by regulation or statute. These requirements are described in the first subsection (below), "Statutory/Regulatory Reporting Requirements to Congress."

2. Within the DA, event-driven issues may that necessitate reporting to Congress and the Intelligence Community. In other cases, a reporting requirement may be driven by the language of an appropriations committee report. Reporting mechanisms for both cases are described under "Ad Hoc Reporting to Congress" subsection. Regardless of the genesis of the requirement (i.e., by statute, event, or appropriations language), the DA works directly with Office of Congressional (OCA)—and at times, with the Office of the Comptroller—in all reporting to Congress.

3. A third category of requirements involves reporting to other agencies. Examples of these requirements are provided under the subsection entitled "Special-Issue Reporting to the Intelligence Community and Federal Agencies." This subsection is not intended to be exhaustive, but provides insight into the broad range of reporting requirements within the DA. Questions on this document should be directed to [redacted]

[redacted] DA/Management Staff, [redacted]

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#### *Statutory/Regulatory Reporting Requirements to Congress*

4. As the following bullets indicate, for most statutory/regulatory issues, the DA primarily reports to the two intelligence committees, the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI):

- *CIARDS Annual Analysis of Designation of Participants.* In accordance with Section 203 of the CIA Retirement Act, the Office of Personnel (OP) must file a written report annually with the HPSCI on CIARDS participants. Proposed regulations or changes to CIARDS law must be submitted to the intelligence committees not less than 14 days before they take effect.
- *CIA Voluntary Separation Pay Act.* OP must submit a written report to the HPSCI and the SSCI 30 days in advance of offering employees voluntary separation pay.
- *Obligation of Prior-Year Funds in Excess of \$25 Million.* Title 31 U.S.C, Section 1553, limits the use of prior-year funds. In accordance with this statute, intent to obligate expired funds must be provided in writing to the appropriate authorizing committees of Congress and to the House and Senate Appropriations Committees.

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The notice must provide a description of the legal basis and the policy reasons for the proposed obligation. The Office of Logistics works with OCA to submit this report. The Agency is required to notify Congress in advance of the obligation, and there is a 30-day waiting period after Congressional notification.

- *Metric Usage in Federal Government Programs.* Executive Order 12770 (dated July 1991); Pub.L. 100-418, Section 205j-1 requires federal agencies to report to Congress on actions taken during the previous fiscal year, as well as actions planned for the current fiscal year, to implement fully the metric system of measurement. The Office of Logistics works with the Office of the Comptroller to include this information in the Agency's annual budget submission to Congress.
- *Federal Use of Alternative Fueled Vehicles.* Executive Order 12844 (dated 21 April 1993) requires the head of each agency to report annually on actions and progress toward procuring alternative fueled vehicles. Reports are to be submitted to the Secretary of Energy, who prepares a consolidated annual report to the President and Congress. The Supply Group of the Office of Logistics works with the Office of the Comptroller and OCA to forward the Agency's report.
- *Anti-Deficiency Violations.* 31 U.S.C., Sections 1351, 1517(b) requires agency heads to report to the President and to Congress all relevant facts and statements of action taken concerning anti-deficiency violations. Immediately upon notification that a violation has occurred, the Office of Logistics informs the Office of the Comptroller, which prepares letters of notification for the DCI's signature. These letters are sent to the Chairman, HPSCI; Chairman, SSCI; Chairman of the National Security Subcommittee of the House Appropriations Committee; and Chairman of the Defense Subcommittee of the Senate Appropriations Committee. The President is notified by the Office of Management and Budget (OMB). Notice is also provided to the Department of Justice when administrative discipline is imposed.
- *Construction and Improvement Projects.* Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103-359, signed on 14 October 1994), sets forth reporting requirements for:
  - Construction Exceeding \$750,000.* Such construction must be reported in the annual *Congressional Budget Justification* (CBJ) and the funds must be authorized and appropriate. There are two exceptions: projects involving national security or projects involving the protection of health, safety, or the quality of environment. Both exceptions require a determination by the DCI and/or the Secretary of Defense. Notification should be made in time for inclusion in the annual CBJ. If the project is identified after the CBJ has been published, written notification from the Office of the Comptroller must be sent to Congress as soon as the project scope has been defined. There is a 21-day waiting period after Congressional notification.

*-Construction Ranging from \$500,000 to \$750,000.* The DCI must submit written notification to the intelligence committees (and other appropriate committees) specifically identifying any project or improvement that will exceed \$500,000. Notification must be made at least 21 days prior to project commencement.

*-Proposed Lease with Expected Annual Full-Service Costs Greater than \$500,000 and/or the Proposed Leasing of More than 20,000 Square Feet of Building Space.* Written notification through the Comptroller to the intelligence committees for leasing under delegated or one-year authorities is required two weeks prior to signing any lease or contract; follow-on briefings to Congressional committees are provided if requested.

*-Lease-to-Purchase Agreements.* Written notification through the Comptroller to the intelligence committees is required two weeks prior to the signing of a lease or contract. Prior coordination is required between the Office of Logistics and the Office of the Comptroller due to OMB and/or Congressional restrictions.

*-Purchase of Real Property in Excess of \$500,000 Per Year.* Written notice and approval from the intelligence committees is required two weeks prior to the signing of a lease or contract. Follow-on briefings to Congressional committees are provided if requested. Unclassified notice is also provided to the Public Works Committee via the Office of the Comptroller.

*-Use of Agency Special Authorities to Waive Prospectus Notification Requirements for Lease of Real Property with a Project Annual Cost, Including Amortized Alternation costs, of \$1,670,000 per Fiscal Year; or, Renovations Greater Than \$850,000 per Fiscal Year.* Written notification and justification through the Office of the Comptroller to the intelligence committees is required 30 days in advance. Follow-on briefings to Congressional committees are provided if requested. The General Services Administration (GSA) is advised of all lease acquisitions using delegated or Section 8 authorities.

- *Conduct and Discipline.* Per [redacted] the General Counsel serves as the DCI's designee to the Office of Personnel Management and to Congress on all conflict-of-interest matters. The Office of Personnel Security (OPS) provides reporting, i.e., SF450 disclosure forms, to OGC via the DA's Center for Support Coordination. (b)(3)
- *The Right to Financial Privacy Act (12 U.S.C.).* In April of each year, the Office of Financial Management (OFM) provides an annual report to the intelligence committees identifying all requests (known as National Security Letters) for financial records of any customer of commercial banking institutions. OPS retains the authority to

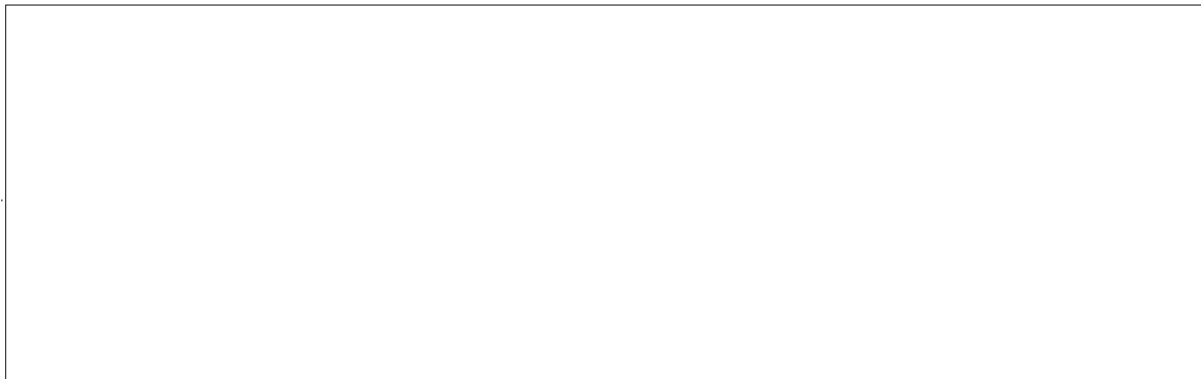
conduct NSLs, but the responsibility has been transferred to the Counterintelligence Center of the DO.

- *Annual Freedom of Information Act (FOIA) Report to Congress.* By March of each year, the Office of Information Technology (OIT) files a written report with the Vice President of the United States (in his role as President of the Senate) and the Speaker of the House of Representatives detailing CIA accomplishments in processing FOIA, Privacy Act, and mandatory declassification review requests submitted under the provisions of 5 U.S.C., Section 552(d) and Executive Order 12356. The report, signed by the Deputy Director for Administration, provides detail on the total numbers of requests and appeals; the names and titles of CIA officers responsible for denial of requests; and costs of administering this program.
- *The Establishment of a New Security Protective Service (SPS) Post.* The Office of Security Operations (OSO) submits to OCA a written report for the SSCI and HPSCI 30 days in advance of the establishment of a new SPS post.

*Ad Hoc Reporting to Congress*

5. The following issues, while not mandated by statute or regulation, also involve Congressional notification:

- *Overseas Construction Security.* The DCI has delegated to the Center for Security Evaluation (CSE)/DA, the task of advising the Secretary of State on overseas security issues, particularly related to construction. The Construction Security Working Group, chaired by the CSE, forms the Intelligence Community position on such construction projects, and the Secretary of State, after consulting with the DCI, is required to report to Congress. In practice, however, the CSE frequently receives requests to brief individual Members of Congress on overseas security when a Member plans foreign travel. The most frequent requests are for briefings on the "Hard Hat" construction project, the partial tear down and reconstruction of the Moscow chancery. Briefing requests are funneled to CSE through the DA representative to OCA, who accompanies the CSE briefer.



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*Special-Issue Reporting to the Intelligence Community and Federal Agencies*

6. The DA notifies other agencies on the following types of issues:

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- *Death of Employee.* The Office of Medical Services (OMS) must report the deaths of all employees from on-the-job accidents or injuries to the Department of Labor within 24 hours of the time of death. Notification is accomplished by telephone.
- *Employee Emergencies, Unforeseen Absences, and Deaths (Outside CONUS).* Per [Redacted] in the event of the death of an employee or an employee's dependent outside CONUS, OPS will coordinate with the Department of State (via telephone and in person) to prepare for the shipment of remains and personal effects in accordance with law, Agency regulations, an Department of State guidance.
- *Attempted Exploitation of Government and Contractor Employees.* Presidential Decision Directive, National Security Council 12 (dated 5 August 1993), requires

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agencies to report promptly to the FBI any contact with a foreign national in which illegal or unauthorized access is sought to classified or sensitive information, or if an employee or contractor may be the target of actual or attempted exploitation. Government employees must report to Contracting Officer Security Representatives (COSRs), who refer the case to the CIA's Director of Personnel Security. Contract employees are required to report incidents to their contract managers who, in turn, must report immediately to the FBI, then to the CIA. If such an approach is made at overseas installations, employees must report to the Department of State, who will in turn report the information to the FBI. No format is specified for the notification.

- *Prompt Payments.* In accordance with the Prompt Pay Act, OMB Circular A-125, by 30 November each year OFM provides a written report to OMB (via the Comptroller) on the amount of interest penalties paid and why the penalties were incurred.
- *Report on Financial Position.* By 15 November each year, OFM compiles a report for the Treasury Department on assets, liabilities, and equities against the Community Management Staff (CMS) appropriation. The report is sent electronically.
- *Report on Operations.* By 15 November each year, OFM compiles a report for the Treasury Department on revenue and expenses against the CMS appropriation. The report is sent electronically.
- *Report on Cash Flow.* By 15 November each year, OFM reconciles with Treasury Department the beginning and ending fund balance and cash against the CMS appropriation. The report is sent electronically.
- *Statement of Transactions on CIARDS Investments.* OFM compiles for the Treasury Department monthly reports and an annual reconciliation, due each 30 September, on CIARDS investments. The report is sent electronically.
- *Report on Obligations Against CIARDS Appropriation.* OFM prepares a monthly written report, via the Office of the Comptroller, for OMB.
- *Report on Unexpended Balances of CMS and CIARDS Appropriations and Funds.* By 15 November each year, OFM compiles a report for the Treasury Department that is sent via the Comptroller. The report is sent electronically.
- *Hazardous waste spills.* OMS must report all spills within two hours of their occurrence to the Environmental Protection Agency officers at the county and state level (as appropriate) and the US Coast Guard. Notification is accomplished by telephone.
- *Environmental Reporting.* The Office of Medical Services answers any Congressional questions for the record on environmental issues. These responses are coordinated

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through OCA and the Office of the Comptroller, and may include input from other CIA offices (such as the Office of Logistics).

- *Mandatory HIV Training.* The Office of Medical Services (OMS) also provides written quarterly reports to the Office of National Aids Policy on CIA compliance with this initiative.
- *Defeat of Safes and Locks.* The Office of Security Operations is responsible for reporting to GSA and to other Intelligence Community agencies any developments on techniques to defeat safes and locks, if the technique falls within GSA specifications.

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## Congressional Notification Procedures in the DI

### Notification Responsibilities

The Directorate of Intelligence, in addition to a general requirement to keep Congress fully informed, also must notify Congress of significant anticipated intelligence activities and significant intelligence failures. There is also a requirement to report certain criminal activity, normally handled via OGC to the Department of Justice. A new area of notification responsibility concerns analytic support [redacted] and responsibilities here are not clearly defined.

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### Notification Policy/Procedures

The Directorate has relied traditionally on using the National Intelligence Daily (NID) as the vehicle for keeping Congress fully informed on substantive issues. The NID is sent to the HPSCI, House International Relations Committee (HIRC), House Appropriations Committee (HAC), House National Security Committee (HNSC), the SSCI, Senate Foreign Relations Committee (SFRC), Senate Armed Services Committee (SASC), and the Senate Appropriations Committee (SAC). More recently the Directorate has sent the Daily Economic Intelligence Brief (DEIB) to the HPSCI, SSCI, and HIRC, and weekly sends the *DI Selected Intelligence Products* document to HPSCI, HAC, SSCI, and SAC. The *Proliferation Digest* and the *International Energy Statistical Quarterly* are other items that traditionally go to Congress.

DI policy on notification has shifted in response to the growing importance of tactical intelligence products that are not routinely captured in the NID. In 1992, the ADDI authorized the delivery of all DI products to the HPSCI and SSCI. The SSCI declined the offer requesting to continue to receive a list of publication titles. The HPSCI staff declined to continue the program after receiving DI products for 18 months.

At present, the Executive Assistant to the DDI monitors all DI intelligence products and alerts the DDI or ADDI whenever he senses the product contains an issue that is important to Congress or there is a significant intelligence failure of an analytic nature. The DDI/ADDI will make a decision as to whether to brief or inform Congress on the substantive conclusions but not without first notifying the Administration and alerting the DCI and OCA.

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These programs are briefed to Congress on a routine quarterly update or as needed.

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#### Timing and Handling of Notification

The timing of Congressional notification varies depending on the impact of the intelligence on policy and the degree to which the Administration presses for a delay in notification. In general, DI notification takes the form of written products (NID, DEIB) but occasionally is presented orally through a briefing. The DI conducts about 40 percent of all CIA briefings to Congress and the overwhelming majority of these are requested by members. The DDI has also recently begun a program of quarterly substantive briefings for senior staffers on the oversight committees.

#### Issues and Concerns

Congress is a customer of DI products as well as an overseer. Because Congress requests so much information on their own, it is difficult to establish a threshold or standard for notification. The problem is compounded by our relationship with the Executive Branch and its role with Congress. Any guidelines on notification that the DI does develop will need to be approved by the Executive Branch.

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SUBJECT: Current Directorate of Operations Notification Procedures

1. Congressional notification<sup>1</sup> in the Directorate of Operations (DO) currently is governed by the statutory requirement to "keep the intelligence committees fully and currently informed of all intelligence activities...including any significant anticipated intelligence activity and any significant intelligence failure." With many issues, however, precise legal definitions of the terms "anticipated intelligence activity" and "significant intelligence failures"--and thus the reporting requirements associated with them--are lacking. The absence of a clearly defined threshold--on either the DO or the Congressional side--means the DO's judgement regarding the threshold will not always accord with that of the oversight committees. Likewise, the absence--until recently--of a formal mechanism for reviewing issues that might require notification compounded the likelihood that some would be overlooked. This is particularly troublesome for the DO, given the high-risk nature of its business and the consequent level of Congressional interest.

2. The following outlines current practices:



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**Recipients of Notifications.** The range of recipients includes Congressional oversight committees, the National Security Council, and other executive branch agencies, with a different threshold for notification for each entity. Recipients of notifications are determined on a case-by-case basis depending on the nature of the information being considered for notification. In some cases, the nature of the information may preclude Congressional notification, particularly if it pertains to policy- or law enforcement-related issues. For example, DoJ might bar notification to Congress of an issue related to an ongoing prosecution, or the NSC might bar or delay Congressional notification for a range of reasons.

<sup>1</sup> For the purposes of this paper, the scope of the term "notification" covers only those ill-defined areas that fall under the terms "significant anticipated intelligence activity and any significant intelligence failure," and not those areas clearly defined by statute, Congressionally Directed Actions, CIA policy, or other directives.

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**Vehicles for Providing Notification.** Many notifications are done orally via telephone; others are provided orally via briefings, especially in cases involving very sensitive information whose dissemination needs to be strictly controlled. More recently, the fax has become the tool of choice for providing relatively timely notifications to oversight committees, while maintaining a precise record of information passed. The CIR may be used to communicate with other executive branch agencies. Regarding Congressional notifications, while written ones are passed almost exclusively through OCA, oral ones may be provided by a range of persons, including the substantive DO expert on an issue, the DDO, ADDO, DDCI, DCI, or an OCA officer. The sensitivity and importance of the issue generally determine who briefs it.

**Timeliness of Notifications.** Notifications can be made very quickly, if time is of the essence. This assumes, however, an issue has been identified as one requiring notification. Given the lack of a mechanism--until recently--to keep the DO focused continually on the need for notification, it should be understood that there may be issues and activities that should have been notified in the past and were not, thus creating the potential for future flaps.

**Procedures for Surfacing Issues that Merit Notification.** As of 17 April 1994, a new procedure for surfacing issues for Congressional notification was implemented. ORMS/CAG, the DO Executive Staff, and the Office of the DDO are now coordinating closely with components to ensure potential notifications are surfaced on a weekly basis. Those issues determined to require notification are forwarded by CAG to OCA for action. Sensitive items may be handled by the DDO/ADDO directly, in coordination with OCA.

Until this procedure was implemented, procedures were largely ad hoc, taking place at more senior levels of the Directorate. Notifications usually resulted from DO component interaction with the DDO's office. In some cases components knew they had an issue requiring notification and brought it to the attention of the DDO's office; in others, components flagged a troublesome issue for the DDO's information, with only the latter office determining it was an issue requiring notification. On occasion, some components raised issues directly with ORMS/CAG.

Notifications to the NSC or other executive branch agencies may be carried out by the DDO's office or the relevant component.

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19 April 1995

## DS&T Current Congressional Reporting Practices (Input for DCI TF Phase I Report)

### 1. What type of information/activity is reported or requires notification?

Information with respect to DS&T activities may be reported to Congress. Clearly, the Congress is notified regarding all activities covered by statute, regulation or a specific request or other requirement of either a standing or *ad hoc* (e.g. one time) nature.

The types of activities which DS&T will report to the Congress (either directly or as part of an Agency report) for which there are standing "legal" requirements include:

- Sensitive collection/covert operations
- Major cost overruns
- Renovations over limit
- Waste/fraud/abuse

Most of the reporting, however, takes place on a continuing basis and involves the sharing of information related to routine DS&T activities. This type of information includes such topics as:

- Budget information/issues
- Relationship of DS&T programs to national needs/intelligence issues
- DS&T program descriptions/status/accomplishments
- Relationship of DS&T programs to Community architectures
- Critical technologies/industries
- Dual-use technologies
- New technologies which threaten/enhance intelligence collection
- *Ad hoc* (non-traditional) customers (e.g. disaster/humanitarian relief)
- Downsizing reduction efforts
- etc.

In order to provide for a closer working relationship, the DS&T established, last fall, a proactive program to involve Congress as a partner in the accomplishment of the DS&T mission. To facilitate this new effort, a schedule of briefings and activities for Members was put in place on DS&T themes and capabilities of interest to Congress, the Agency and the DS&T.

In addition to the various standing requirements for information, the DS&T responds to Congressional requests which may take the following form:

- Congressionally-Directed Actions (CDAs)
- Questions for the Record
- Budget-related items (required to receive funding), such as
  - Budget justifications
  - Budget hearings
  - Appeals
- Congressional (Ad Hoc) Requests (e.g. requests (from Committees, staff,

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individual Members for briefings on programs, including justification, status, and issues)

**2. To whom is it reported?**

Information is routinely reported to the Oversight/Authorization Committees (HPSCI and SSCI) as well as the cognizant Appropriations Committee Sub-committees. Responses to requests from these Committees, as well as from DOD's Authorization Committees, are also fairly routine.

Other than Congress, the DS&T is involved in routine and regular briefings and the reporting of its activities to involved elements of the Executive Branch. Substantive briefings, of an informational nature, are frequently provided by NPIC and FBIS, to consumers in the Congress, the foreign policy/defense/intelligence communities, and, on occasion, to international agencies [redacted]

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**3. How is reporting/notification accomplished?**

Congress is informed of DS&T activities in various ways, including:

- Hearings
- Letters
- Reports
- Briefings
- etc.

The most common method by which information is conveyed is through briefings which are focussed to the needs of the particular customer. [redacted]

(b)(3)

**4. What, if any, reporting/notification takes place to other than the DDS&T and/or Congress?**

In addition to 2. above, the DS&T is involved in many joint efforts with other Community elements, all of which are based on a "peer review" principle. These activities involve: [redacted]

(b)(3)

(b)(1)

**5. What is the timeliness criteria (and/or periodicity) of existing reporting/notification matters?**

The timeliness criteria is usually contained in the requirement. Some, such as for special operations, are in statute/regulation. The budget cycle has a well-known set of built-in requirements. The preparation of written testimony takes longer and is geared to the Hearing schedule, while audits have deadlines particular to the individual audit (as do QFRs). Ad hoc briefing requirements vary by the subject and requestor.

**6. What internal mechanism(s) exist for identifying/raising issues that might require reporting/notification?**

The DS&T is familiar with reporting requirements. Standing requirements are met by established Agency procedures. Ad hoc requests are managed, in coordination with

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OCA/OCompt as appropriate, [redacted]

(b)(3)

The DS&T approach, derived from its experience in dealing with major programs and diverse external customers, has proven effective in providing the kind of management controls which ensure both internal adherence to guidance and an effective partnership/peer review process with external interfaces. It is based on the configuration control process used in the DS&T for major program management; programmatic "control gates" are put in place which ensure positive actions are taken [redacted] at key junctures in the activity. This has proven a most effective way of dealing with issues which may involve reporting/notification.

(b)(3)

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