

10 July 1964

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Delegation of Authority

1. This memorandum is for information only.
2. Attached is a detailed memorandum on what can be delegated by you to the Executive Director-Comptroller. In short, we believe the Director cannot delegate the authority to terminate employees or his authority to serve on the Atomic Awards Board (which has never been invoked). We believe the Deputy Director cannot delegate the authority to certify expenditures of a confidential, extraordinary, or emergency nature under section 8(b) of the Central Intelligence Agency Act. The authority to provide, with concurrence of the Attorney General and the Commissioner of Immigration and Naturalization, for entry of up to 100 aliens a year into the United States should not be delegated without the concurrence of the Attorney General. The authority of the Director to make joint recommendations with the Atomic Energy Commission for the removal of information from the Restricted Data category is probably not delegable below the Deputy Director and in any case would require the concurrence of the Atomic Energy Commission and possibly the Attorney General. The authority to exempt from registration persons instructed or assigned in the espionage or sabotage service of a foreign country is not delegable without the approval of the Attorney General. All the other authorities, primarily those administrative authorities in sections 4, 5, and 8 of the CIA Act, are delegable to the Executive Director-Comptroller and some could be delegated further down. Under HR 230-1 and three memoranda from you in late 1963, control of the budgetary processes and project approval are basically retained in the DDCI. Delegation to Deputy Directors of \$100,000 in the case of the DD/P and \$150,000 in the case of R&D activities was made, but it had been the policy for a number of years to require projects in excess of \$100,000 to come to the DCI or DDCI for approval. I suggest this policy is a prudent one in answer to congressional and other charges of inadequate funds

control. Also, I should think you might want to have control in this manner of expenditures which you may later have to certify to under section 8 of the CIA Act.

A handwritten signature in black ink, appearing to read "Lawrence R. Houston". The signature is written in a cursive style with a large, sweeping initial "L".

LAWRENCE R. HOUSTON  
General Counsel

Attachment

cc: Executive Director - Comptroller

Executive Registry

64-49731

OGC 64-3036

10 JUL 1964

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Delegations of Authority to Executive  
Director-Comptroller

1. You have requested our advice as to the authority for delegating to the Executive Director-Comptroller authorities now exercised only by the DCI and DDCI.

2. As you know, in early 1962 considerable work was done by this Office, in consultation with other Government agencies concerned, looking to the delegation by the DCI to the DDCI of the greatest possible range of authority. As a result of that study, the DCI, by memorandum of 2 April 1962, delegated to the DDCI "all authorities vested in me by law or by virtue of my position as Director of Central Intelligence and head of the Central Intelligence Agency, including, but not limited to, the certification authority set forth in Section 8(b) of the Central Intelligence Agency Act of 1949, as amended, except for any authorities the delegation of which is prohibited by law." This Office has taken the position that the only "authorities the delegation of which" by the DCI is prohibited, are:

(a) The authority under Section 102c of the National Security Act of 1947 to terminate employees of the CIA when the DCI shall deem such termination necessary or advisable in the interest of the United States; and

(b) Authority under the Atomic Weapons Rewards Act of 1955 for the DCI to serve on the Atomic Awards Board, empowered to render awards for information concerning certain activities regarding atomic energy. (There has been no use of this authority since its enactment.)

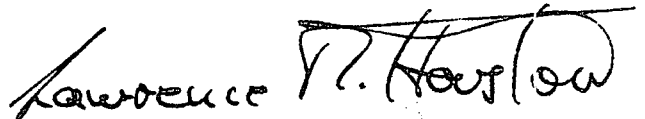
3. All other authorities of the DCI are considered delegated by the April 2 memorandum. These included specifically the authority to certify expenditures of a confidential, extraordinary, or emergency nature under Section 8(b) of the Central Intelligence Act of 1949; the power to provide, with the concurrence of the Attorney General and the Commissioner of Immigration and Naturalization, for the entry into the United States for permanent residence of up to 100 persons a year without regard to their inadmissibility under any other law; the authority of the DCI to make joint determinations with the Atomic Energy Commission for the removal from the restricted data category of the information regarding the Atomic Energy Commission programs of other nations provided for in Section 142(e) of the Atomic Energy Commission Act of 1954; the authority in Section 2 of the Internal Security Act of 1950 to exempt from registration persons who have been instructed or assigned in the espionage, counter-espionage or sabotage service of a foreign country or political party; and the administrative authorities in Sections 4, 5 and 8 of the CIA Act of 1949.

4. The delegation to the DDCI of authority to certify expenditures of a confidential, extraordinary, emergency nature under Section 8(b) of the CIA Act represented a change in the practice theretofore followed. In working out this change with the Comptroller General, the latter based his ruling on the fact that the position of the DDCI was established by legislation and the incumbent was intended to substitute for and assist the DCI. In approving the delegation of authority concerning the admission of 100 persons, the Attorney General in the same manner relied on the statutory basis of the position of the DDCI and its inherent functions. Thus, further delegation of these functions to the Executive Director-Comptroller would seem inappropriate to the philosophy of the rulings by the Comptroller General and the Attorney General. It would follow that redelegation of all the other authorities delegated by the DCI memorandum of April 1962 (paragraph 3 above), except the administrative authorities of Sections 4, 5, and 8 of the CIA Act, would be barred by the reasoning above.

5. We believe there is no legal bar to the delegation of these administrative authorities, which concern travel, health and medical

services, and expenditures for the purposes specified in Section 8(a) of the CIA Act (copy attached), to the Executive Director-Comptroller or to the DD/S, or to subordinate officials. Many functions under these sections in fact have been so delegated by regulation or otherwise. It might be in order, however, to study the desirability of further delegations thereunder, and we would be glad to submit suggestions in that area.

6. Under HR 230-1 and three DDCI memoranda of late 1963 to Deputy Directors, effective control of the budgetary process and the system of project approval is retained in the DDCI. Certain projects and activities may be approved by Deputy Directors, namely those involving expenditures of not more than \$100,000, in the case of the DD/P, or not more than \$150,000, in the case of R&D activities (including those within the responsibility of the DD/P), and any which would involve a significant new policy consideration or for any other reason suggests the desirability of prior consideration at head-of-Agency level. While the standards for projects which require DDCI approval could be different from those we have adopted, we believe the existence of the confidential funds authority and the Comptroller General's view that it be exercised at least by the DDCI argue that the standards established are prudent ones. Also, I believe the \$100,000 level has been the standard followed for a number of years.



LAWRENCE R. HOUSTON  
General Counsel

cc: Executive Director-Comptroller

MEMORANDUM FOR: THE DEPUTY DIRECTOR

Attached are our conclusions on the delegation problem. If you tell us what you wish we will be glad to draft the necessary delegation paper.



LAWRENCE R. HOUSTON  
General Counsel

10 July 1964  
(DATE)

FORM NO. 101 REPLACES FORM 10-101  
1 AUG 54 WHICH MAY BE USED.

(47)

62-1982

2 APR 1962

**DELEGATION OF AUTHORITY**

I hereby delegate to the Deputy Director of Central Intelligence all authorities vested in me by law or by virtue of my position as Director of Central Intelligence and head of the Central Intelligence Agency, including, but not limited to, the certification authority set forth in section 8(b) of the Central Intelligence Agency Act of 1949, as amended, except for any authorities the delegation of which is prohibited by law.

All other delegations of authority currently in force remain valid to the extent they are not inconsistent with this delegation.

(Signed) JOHN A. McCONE

**JOHN A. McCONE**  
Director of Central Intelligence

- OGC:LRH:jeb
- Distribution
- O&I-DD/S
- 1-DCI
- 1-DDCI
- ✓ 1-ER
- 1-DD/I
- 1-DD/P
- 1-DD/R
- 1-General Counsel
- 1-IG

*[Handwritten signature and stamp]*  
DDCI