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Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

MEMORANDUM

19 December 1975

From: Otis Pike
To: Members of the Committee
Re: Possible recommendations developed by Committee staff

Attached is a brief presentation of various proposals developed by our staff which we may wish to endorse as recommendations in our final report.

Please give these proposals your careful consideration and advise the staff as soon as possible if you approve of each of them.

Your comments and your suggestions for additional or alternative recommendations will assist us in preparing a report which will accurately reflect the concerns of the Committee.

The attached presentation does not include proposals on all the issues which the Committee has been considering. You will receive supplemental materials as soon as they can be prepared.

Mr. L. Friedlander Files: Subject series, b. 10, f. 1: "CIA Investigations (3)."
Photocopy from Gerald R. Ford Library

Fiscal Procedures

The following proposals are submitted for the Committee's consideration:

1. Total figures for intelligence spending should be made public.

The format of the President's annual budget should include single totals for each intelligence agency and for the intelligence activities of intelligence units in other departments and agencies.

Consequently, the Congress would vote annually on single line item appropriations for CIA, NSA, DIA, and others, and for the intelligence activities of FBI and IRS.

2. A consolidated intelligence budget should be prepared.

The Director of Central Intelligence should be required to prepare an independent and consolidated intelligence community budget with a view toward eliminating unnecessary duplication and suggesting budgetary priorities for intelligence spending.

The DCI's proposed budget would provide the President with an assessment of intelligence spending proposals which would be independent of the individual intelligence agencies.

The DCI's proposed budget should also be made available to the Congress to assist it in its authorization and appropriations process.

3. Funds for intelligence should be specifically authorized by Congress.

All funds for intelligence purposes should first be specifically authorized, annually or periodically, for such use.

The current authority of the CIA to receive all its funds as transfers from the accounts of other agencies should be rescinded. Instead, the amount that the CIA could receive by transfer should be strictly limited, unless a larger transfer is specifically approved by both the President and the Appropriations Committees.

4. The GAO should be authorized to review and audit intelligence spending.

At the direction of an appropriate Congressional committee, the GAO should be empowered to examine all records of intelligence spending, whether vouchered or unvouchered.

The intelligence agencies may retain physical custody of their records without infringing on GAO's authority to examine them. When an agency head believes that some of its expenditure records should be kept from the GAO, the decision shall be left to the Congressional committee at whose request the GAO is acting.

Comment: Collectively, these proposals would have the effect of bringing the intelligence agencies--and especially the CIA--under much the same kind of fiscal controls which apply to all other departments and agencies of the government. Members of the Congress would learn--in gross terms--how much money they are appropriating each year for each intelligence agency. The public would learn how intelligence spending fits into the President's budget and his priorities. The CIA would be compelled to justify its programs and its budget before authorizations and appropriations committees in the same manner as other agencies. CIA and other intelligence spending would also be subject to review by the GAO at Congressional direction and under appropriate security safeguards. The ability of the Congress to exercise effective oversight would be significantly enhanced.

Congressional Oversight

The proposals concerning fiscal procedures would increase the information available to Congress and, consequently, its ability to exercise effective oversight. In addition, the following two proposals are submitted for the Committee's consideration.

1. A standing House Committee on Foreign Intelligence should be created.

The House should create a permanent standing Committee on Foreign Intelligence.

The committee should have exclusive legislative jurisdiction and shared oversight jurisdiction over CIA, NSA, DIA, USIB, PFIAB, military intelligence, and the foreign intelligence activities of all other agencies and departments, including but not limited to the NSC, the Department of State, the Department of Defense, FBI, DEA, and ERDA.

The head of each such department or agency should be obligated to keep the committee fully and currently informed about its programs and activities relating to foreign intelligence and covert foreign operations, and to provide the committee with whatever specific information and records it requires.

All proposed legislation--including legislation authorizing appropriations--concerning foreign intelligence activities should be within the jurisdiction of the committee.

All proposed legislation affecting, but not directed solely to, foreign intelligence activities should be referred to this committee for appropriate consideration and action after having been considered by any other House committee with appropriate jurisdiction.

The committee should include some members with prior or current service on other related standing committees, but this should be the primary committee assignment for most of its members.

No member should be allowed to serve on the committee for more than three consecutive terms.

The question of giving the committee jurisdiction over domestic intelligence programs and agencies should be deferred until the 95th Congress convenes.

If and when the Senate acts to establish its own committee with comparable authority and jurisdiction, the House should then consider whether its committee should become the House delegation to a joint committee on foreign intelligence.

2. The Congress should be fully informed before covert actions begin.

The Hughes-Ryan amendment to the 1974 Foreign Assistance Act should be amended in three respects:

First, the phrase "in a timely fashion" should be eliminated--thereby making clear that the appropriate committees of Congress are to receive prior notification of all CIA covert operations which the President has approved.

Second, the DCI should be required to report to the appropriate Congressional committees, at their request, the full range and scope of the intelligence community's clandestine activities--to gather intelligence or influence events--in specific countries.

Third, the President should be required to keep these committees fully and promptly informed of all decisions to begin new programs of intelligence activities which could reasonably be expected to influence the conduct of foreign officials and governments.

Comment: These proposals would encourage the House to continue this Committee's work. A permanent, standing committee of the House would be established to concentrate solely on intelligence matters. It would have legislative authority and--therefore--clout. Requiring rotation of its members would ensure that the committee's approach remains fresh. Requirements would be imposed on the DCI and the President to make sure that the committee learns everything that it needs to know. The possibility of creating a joint committee would be left open, depending on whatever action the Senate takes.

Limiting Secrecy

Previous proposals would increase the Congress' role in intelligence matters. The following proposals concerning management of sensitive information are submitted for the Committee's consideration.

1. Procedures should be established for the Congress to release classified information.

Each committee with national security jurisdiction should establish procedures and criteria, incorporated into its published rules, by which it identifies material in its possession which it determines must be kept secret.

Other members of the House may have access to such information only upon majority vote of the committee, except that if access is denied, a member may appeal the committee's decision to the House as a matter of personal privilege.

Each such committee should be authorized to recommend that specific classified facts and documents be made public, but only after soliciting and giving careful consideration to the judgment of the executive branch, including the President.

If an individual member of the House obtains sensitive information from a committee's files which he believes should be made public, he should first seek the consent of the committee.

If a member obtains classified or other sensitive information from a source outside of the Congress which he believes should be made public, he should first seek the advice of the committee with appropriate legislative jurisdiction.

In all cases, before acting, the committee should solicit and give careful consideration to the judgment of the executive branch.

After the committee acts, the matter should then be submitted, together with the committee's decision or recommendation, to the Speaker, the Majority Leader, and the Minority Leader.

If two of the three elected leaders of the House conclude that public disclosure of the information would jeopardize the nation's security, the information should not be released.

The rules of the House should be amended to provide that a member who releases sensitive information in a manner which violates or ignores these procedures shall be subject to censure, expulsion, or whatever other disciplinary action the House deems appropriate.

2. An independent body should be established to de-classify information.

A Security Information Review Commission should be established by law.

It should be composed of eleven private citizens, fewer than half of whom may have been employed previously by the national security agencies and departments of the government. These commissioners should be nominated by the President and confirmed by the Senate for staggered terms of ten years each.

Any document now classified should be reviewable by the Commission upon request by any individual or group. The document may be declassified by majority vote of the Commission, except that the President may reverse a Commission decision only if he certifies in writing that disclosure of a particular document would do grave and immediate danger to the defense of the United States.

Documents classified in the future should become declassified automatically after a period of five years unless the Commission, by majority vote, determines that they should remain classified for an additional five year period.

Comment: These proposals would provide a procedure by which the Congress could release information on the basis of its own judgment--whether the information comes from a committee's files or elsewhere, and whether the initiative comes from a committee or from an individual member. They would leave the final decision to the three elected leaders of the House, acting as a surrogate for all the members. Members would be warned of the responsibility they assume when they obtain sensitive information from a committee, and of the fact that they would be subject to disciplinary action if they violate or ignore the proposed procedures. A body would be established--independent of the agencies which classify documents--to decide if documents can be declassified. The presumption would be firmly established that all documents would be made public after five years unless the Commission could be convinced otherwise.

US Congress House Select Committee on Intel
Memo by Otis Pike (Chairman HSC) to
Members
Draft Recommendations Pike Committee
1975/12/19
Source: front



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