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#89-1539

April 20, 1989

The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs
The White House
Old Executive Office Building
Washington, D.C. 20506

Dear Brent:

At our last meeting, I mentioned the need to reach a mutual understanding on the matter of reporting covert actions to the Congress.

Let me make clear that I am willing to forego an absolute statutory requirement of notice to the intelligence committees within 48-hours of the president's approval, which was the issue in last year's bill, and accept the existing statutory language contained in section 501(b) of the National Security Act of 1947 as the legal basis for the reporting obligation. This would be contingent, however, upon the Administration's agreement to return to the original, mutually-shared interpretation of that provision, namely, that such notice would be provided "within a few days."

If the Administration is willing to accept this statutory interpretation, and will modify or withdraw those documents or opinions issued by the previous Administration which are inconsistent with this interpretation, (i.e., the "unfettered discretion" opinion of the Department of Justice and section II.E. 4 of NSDD 286), I believe we will have the basis for a compromise.

If such a compromise cannot be worked out, I see no institutional alternative for Congress but to prohibit use of the Reserve for Contingencies at CIA as a source of funding for covert actions. This would mean that no appropriated funds could be used for covert actions without obtaining the prior approval of the intelligence committees and appropriations committees. I realize this could reduce the flexibility which CIA currently has in implementing such

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actions expeditiously. Given the interpretations of the existing oversight statute referred to above, however, I see no other way to ensure that the congressional committees are able to carry out their institutional responsibilities in this critical area.

I am sincere when I say that I hope we can resolve this matter soon, as the authorization bill will be coming before the Committee in the next several weeks.

With best personal regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'W. S. Cohen', written in a cursive style.

William S. Cohen
Vice Chairman

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