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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
31542	TRANSCRIPT	SEPTEMBER 27, 1985 MEETING SPONSORED BY SENATE SELECT COMMITTEE ON INTELLIGENCE	93 43	9/27/1985	B1 B3

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, D.C. 20510

25 October 1985

Vince,

This is the version that will
be sent to the DCI for submission.

K!



Gary Chase

intel
oversight file

Vince

REVIEW OF
PROCEDURES GOVERNING REPORTING TO THE
SENATE SELECT COMMITTEE ON INTELLIGENCE
ON COVERT ACTION

1. In accordance with Paragraph 10 of the Procedures Governing Reporting to the SSCI on Covert Action, executed on June 6, 1984, the SSCI and the DCI have jointly reviewed the Procedures in order to assess their effectiveness and their impact on the ability of the Committee and the DCI to fulfill their respective responsibilities under section 501 of the National Security Act of 1947.

2. The Committee and the DCI agree that the Procedures generally have worked well during their first year of operation, and that they have aided the Committee and the DCI in the fulfillment of their respective responsibilities. The Committee and the DCI also agree that the utility of the Procedures would be enhanced by the further understandings set forth below:

- In accordance with the covert action approval and coordination mechanisms set forth in NSDD 159, the "advisory" format will be used to convey to the SSCI the substance of Presidential findings, scope papers, and memoranda of notification.

- Advisories will specifically take note of any instances in which substantial non-routine support for a covert action operation is to be provided by an agency or element of the U.S. Government other than the agency tasked with carrying out the operation, or by a foreign government or element thereof. It is further agreed that advisories will describe the nature and scope of such support.
- In any case in which the limited prior notice provisions of section 501(a)(1)(B) of the National Security Act are invoked, the advisory or oral notification will affirm that the President has determined that it is essential to limit prior notice. It is further agreed that in any section 501(a)(1)(B) situation, substantive notification will be provided to the Chairman and Vice Chairman of the SSCI at the earliest practicable moment, and that the Chairman and Vice Chairman will assist to the best of their abilities in facilitating secure notification of the Majority and Minority leaders of the Senate if they have not already been notified.

It is understood that responsibility for accomplishment of the required notification rests ultimately with the Executive Branch.

- It is reaffirmed that, pursuant to paragraphs 4 and 6 of the Procedures, the SSCI will be apprised of developments in ongoing covert action operations that raise significant policy or oversight issues.
- It is agreed that in any instance in which the Committee is to be notified of a Presidential finding or other covert action development that takes place just prior to a period of Congressional recess or adjournment, every effort will be made to ensure that notification is made to the Committee while the Senate remains in session.

3. In accordance with paragraph 4 of the Procedures, the DCI recognizes that significant transfers of military equipment and the involvement of U.S. military or civilian staff, contractor or agent personnel in military or paramilitary activities are matters of special interest and concern to the Committee. It is agreed, therefore, that notification of the Committee prior to implementation will be accomplished when such transfers or involvement take place in any ongoing military or paramilitary covert action operation,

even if there is no requirement for separate higher authority or Presidential approval or notification, in the following situations:

- Significant military equipment actually is to be supplied for the first time in an ongoing operation, or there is a significant change in the quantity or quality of equipment provided;
- A planned transfer of military equipment would result in any substantial change in the objective, scope, or risk of the operation;
- Lethal materiel is initially supplied, or there is a significant change in the quantity or quality of weapons provided;
- Equipment of identifiable U.S. Government origin is initially made available in addition to or in lieu of nonattributable equipment;
- There is any significant quantitative or qualitative change involving the participation of U.S. military or civilian staff, contractor or agent personnel in military or paramilitary activities.

4. The DCI understands that when a covert action operation includes the provision of materiel assistance or training to a foreign government, element, or entity that simultaneously is receiving the same kind of U.S. materiel assistance or training overtly, the Committee wishes to be provided with information on the nature and extent of such overt U.S. assistance and/or training. The DCI will explain the rationale for the covert component.

5. The DCI understands that the Committee wishes to be informed of significant Executive Branch decisions regarding the scope of any statutory or Executive Order provision applicable to the conduct of covert action operations.

6. The DCI understands that the Committee wishes to be informed if circumstances arise in which covert action activities to be undertaken pursuant to a Presidential Finding, Memorandum of Notification, or other Executive Branch decision could raise serious questions under specific treaty obligations of the United States.

7. The Committee and the DCI reaffirm their mutual commitment to secure, cooperative, and effective Congressional oversight of our nation's intelligence activities.

8. The Committee and the DCI recognize that the understandings and undertakings set forth in this document are subject to the possible exceptional circumstances contemplated in section 501 of the National Security Act.

Chairman, SSCI

DCI

Date

Date

Vice Chairman, SSCI

Date

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510

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ERIC D. NEWSOM, MINORITY STAFF DIRECTOR

*Kathy: file
Intel Oversight*

MEMORANDUM

TO: PARTICIPANTS IN THE SEPTEMBER 27, 1985 SSCI-
SPONSORED MEETING ON INTELLIGENCE OVERSIGHT
AND WAR POWERS ISSUES

FROM: GARY M. CHASE, CHIEF COUNSEL
DANIEL FINN, MINORITY COUNSEL

DATE: DECEMBER 5, 1985

As promised, we have enclosed a copy of the transcript of the session held on September 27, 1985. We apologize for the delay in getting this to you, but we think you will agree that Fred Ward did an outstanding job in capturing the essence of the meeting. For your convenience, we have enclosed another copy of the scenarios that we discussed at the meeting. Senator Durenberger has studied the transcript and drawn certain conclusions from it, which are reflected in the draft article that is also enclosed for your information.

We would like to convene another meeting shortly after the Christmas break to discuss whether it is feasible to attempt to establish a new system for handling Congressional notification and involvement in decisions to employ U.S. special military operations forces in hostage rescue situations or in preemptive or retaliatory counterterrorist operations. We will be in touch with you soon concerning a time and location for this meeting.

Enclosures

STAFF MEETING
SSCI-SPONSORED MEETING ON
INTELLIGENCE OVERSIGHT AND WAR POWERS ISSUES

Friday, September 27, 1985

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