

Post

A22 FRIDAY, AUGUST 16, 1991

Restrictions Approved on Covert Action

Bush Signs Revision Of CIA Oversight

By George Lardner Jr.
Washington Post Staff Writer

President Bush yesterday approved the first major revision of Congress's intelligence oversight machinery in more than a decade, laying down new restrictions on covert action that are intended to prevent a repetition of the Iran-contra scandal.

But in announcing that he had signed the legislation, Bush issued a statement expressing strong distaste for various, unidentified provisions and criticizing as "unnecessary" the bill's central attempt to define "covert action."

The statement, issued in Kennebunkport, Maine, where Bush is vacationing, produced some puzzlement on Capitol Hill. One senior congressional staff aide called it "bizarre" and said "it sounds like the president is saying, 'I'm signing this, but I'm doing it under duress.'"

The measure, a substitute for one Bush vetoed last November, requires written presidential approval of covert action undertaken by any component of the U.S. government.

The bill then defines covert action as any "activity or activities of the United States government to influence political, economic or military conditions abroad, where it is intended that the role of the United States government will not be acknowledged or apparent."

The definition, however, exempts "traditional counterintelligence activities," "traditional dip-

lomatic or military activities," "traditional law enforcement activities" and "activities the primary purpose of which is to acquire intelligence."

Spokesmen for the Senate and House intelligence committees have described the definition, with all its exemptions, as an attempt to codify existing practice. Bush, in calling it unnecessary, indicated that his dissatisfaction stemmed from uncertainty over whether some "particular military activities" might be considered covert actions and thus subjected to written findings and disclosure to Congress.

The bill expressly states that the new definition is not meant to "relax or go beyond present under-

standings." Hostage rescue missions conducted by the military, for instance, are not considered covert actions. But a senior administration official said the president's concern stemmed from lingering uncertainty at the Pentagon.

"People were pretty comfortable" with the practices developed under the old law, this official said. That law, enacted in 1974 and known as the Hughes-Ryan amendment, applied only to covert actions undertaken by the CIA and was never strictly applied.

Bush said he was pleased that the new law resolved the "most serious" objections he had in vetoing last year's version, in particular by making clear that U.S. government "requests" to third countries or private citizens for help in covert actions need not be reported to Congress. Under the new law, the president would have to notify Congress when third countries or private citizens are to be used to finance or take part in covert activity "in any significant way," but overtures are not covered.

The senior official said a number of Bush's objections dealt with requirements in the classified section of the bill calling on the administration to spend only so much of an authorized amount and then requiring it to go back to the intelligence committees for permission to spend the rest. Bush said he regarded these provisions as "unconstitutional" and "without effect."

The law requires that Congress be notified "in a timely fashion" of any presidential "finding" approving a covert action. In most instances, Bush has said that he will provide prior notice and that most delays will last no more than "a few days." But he made clear yesterday that he will continue to assert the right to delay for as long as he thinks necessary.

House intelligence committee Chairman Dave McCurdy (D-Okla.) said the reforms in the bill "represent real progress" in the intelligence oversight system. Senate committee Chairman David L. Boren (D-Okla.) said he was pleased that Bush and the Congress were able "to find common ground" despite lingering technical differences.