

LEGAL AUTHORITIES FOR THE NRO

Basic Documents

- By memorandum of 1 September 1960, the National Security Council, in the name of the President, directed that certain components of the Air Force satellite reconnaissance program be assembled into a program of high priority with a direct line of command from the Secretary of the Air Force to an Air Force General Officer. (TAB A)

- By memorandum of 15 September 1960, Acting Secretary of Defense Douglas directed that the Secretary of the Air Force assume responsibility for the reconnaissance satellite program and report for review and approval on the program directly to the Deputy Secretary of Defense. (TAB B)

- The preceding direction was reaffirmed by Secretary of Defense Gates on 10 October 1960. (TAB C)

- On 6 September 1961, Secretary of Defense McNamara designated the Under Secretary of the Air Force as his Assistant for Reconnaissance with full authority for the management of the National Reconnaissance Program. This memorandum relayed an agreement made between the Secretary of Defense and the Director of Central Intelligence regarding a single national reconnaissance program co-managed by the Department of Defense and the Central Intelligence Agency. (TAB D)

- On 26 January 1962, Secretary of the Air Force Zuckert, by Air Force Order, established the Office of Space Systems as an office of the Secretary of the Air Force. (TAB E)

- On 2 May 1962, the Department of Defense and the Central Intelligence Agency established new policy for the responsibility of the National Reconnaissance Office and designated a single Director, National Reconnaissance Office, proposing that the Under Secretary of the Air Force be named as the Director.

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- On 14 June 1962, DOD Directive 5105.23 established the National Reconnaissance Office pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947 as Amended. This regulation was superseded on 22 March 1964 by a similarly numbered directive. The directive is itself classified TOP SECRET and not listed with all DOD regulations or directives. (TAB G)

- A second formal agreement between the Secretary of Defense and the Director of Central Intelligence was signed on 13 March 1963. This agreement established the Secretary of Defense as the Executive Agent for the program and agreed to establish the National Reconnaissance Office as a separate operating agency of the Department of Defense. (TAB H)

- The third agreement between the Director of Central Intelligence and the Deputy Secretary of Defense was signed on 11 August 1965 and is the current agreement. (TAB I)

- The DNRO formally is designated by the Secretary of Defense and is given further authority by the Secretary of the Air Force. (TAB J)

Authorities

The NRO is constituted in accordance with the authority vested in the Secretary of Defense by the National Security Act of 1947 as Amended. Furthermore, the agreements between the Department of Defense and the Central Intelligence Agency are authorized also by the authorities vested in the Director of Central Intelligence by the National Security Act as Amended. By TOP SECRET Regulation 5105.23, the National Reconnaissance Office is established as a separate operating agency of the Department of Defense. By various letters and directives, the Office of the Secretary of the Air Force has the responsibility for the overall management of the National Reconnaissance Office reporting to the Secretary of Defense as Executive Agent. In tradition, the Under Secretary of the Air Force normally is assigned the additional duty as Director of the covert National Reconnaissance Office.

Financial Activities

Since the outset of the National Reconnaissance Program and the establishment of the National Reconnaissance Office, the programs and budgets have been processed through the Office of the Secretary of Defense to the Congress. Chairmen of the Appropriations and Armed Services Committees have been fully apprised of the program and each year have approved the programs and budget for the conduct of the National Reconnaissance Program. The programming and budgeting activities are carried out apart from the normal Department of Defense submissions to the Congress. The monies for the National Reconnaissance Program are budgeted within the Air Force budget but are outside the responsibility and discretionary control of the Chief of Staff, United States Air Force and his Comptroller. Monies are transferred to the CIA for expenditure within Program B of the National Reconnaissance Office under the authority of the Economy Act (31 U.S.G. 686). Certification for proper expenditure of monies appropriated in the Defense Department budget is the responsibility of the Comptroller of the NRO.

Procurement

All procurements, within the NRO, are made within the regulatory bounds of the ASPRs. A redelegation of procurement authority is granted annually by the Under Secretary of the Air Force (DNRO) to NRO Program A. Procurement authority of the CIA is contained in Public Law. Program C operates with the redelegation authority granted to Director, NRO Program and does not have its own procurement authority for NRO projects.

Audits

The NRO is audited on a full-time basis by a special ~~detachment of the Defense Contract Audit Agency.~~ The audit team maintains full-time personnel at various contractor facilities. Audit reports are received regularly by the Director, Defense Audit Agency. Supplemental audits are conducted at the request of the Program Directors by the Air Force Auditor General or the CIA Inspector General as appropriate. Audit deficiencies are reported immediately to the Director, NRO. Adjudications of discrepancies are normally made within the regular audit function.

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