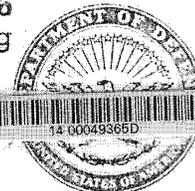


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DEPARTMENT OF THE AIR FORCE BY 10, 1 pg
OFFICE OF SPECIAL PROJECTS (OSAF)
PO BOX 92960, WORLDWAY POSTAL CENTER
LOS ANGELES, CALIFORNIA 90009

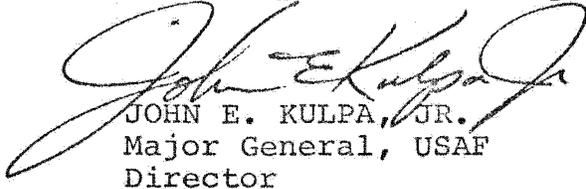


29 November 1976

MEMORANDUM FOR: Brig Gen Shields

SUBJECT: Program A Responsibilities Under Executive Order 11905

1. In February of 1976, the President signed into law Executive Order 11905 which outlines significant changes for the foreign intelligence community of the United States government. Included in those changes were some very important restrictions on domestic surveillance activities. The purpose of this letter is to announce the publication of a plan for controlling our satellite reconnaissance activities with respect to those restrictions.
2. The Executive Order contains a restriction on testing of electronic or photo equipment within the United States or collecting data against U.S. citizens at home or abroad. We have conducted a very thorough study of each known Program A test or collection activity, including a detailed assessment of our domestic photographic operations for R&D and ground truth comparisons. By the nature of our tasking and the manner in which we conduct our activities we feel there should be no violations of individual privacy by our operations. However, if any addressee is aware of a Program A activity which violates the provisions of the attached plan, reports or questions should be handled as outlined in Section IX, page 6 of the plan. Instructions for periodic reporting required by the Executive Order will be provided in the near future by the NRO staff.
3. Activities required to submit Standard Operating Procedures to SAFSP for review and approval should do so within 30 days after receipt of this plan.


JOHN E. KULPA, JR.
Major General, USAF
Director

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Program A Plan for Control
of Satellite Reconnaissance
Activities Under Executive
Order 11905 and USSID 18
w/1 Atch, Pertinent E.O.
Provisions

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Cy 10, 6 pgsPROGRAM A PLAN FOR CONTROL OF SATELLITE RECONNAISSANCE
ACTIVITIES UNDER EXECUTIVE ORDER 11905 AND USSID 18I. PURPOSE

To establish policy and procedures for controlling the calibration and research and development testing of Reconnaissance Systems by Program A in compliance with Executive Order 11905 and United States Signals Intelligence Directive 18.

II. GENERAL

Executive Order 11905 on Foreign Intelligence contains restrictions on the use of electronic surveillance equipment against citizens within the United States or against U.S. persons overseas. It permits the testing of equipment under procedures approved by the Attorney General and as outlined in USSID 18. The portions of Executive Order 11905 relevant to this directive are contained in attachment #1.

III. SCOPE

The procedures herein are applicable to Program A projects, personnel and supporting elements and contractors.

IV. DOMESTIC REQUIREMENTSA. Programmed Collection

1. Program A conducts routine domestic photographic collection in response to approved intelligence community and civilian requirements as directed by the DCI. Program A will respond to these approved requirements as directed and will deliver all of the photographic data collected to authorized recipients through approved channels for their use and final disposition. As Program A does not initiate any of these requirements or retain any data, programmed collection will not be further addressed in this plan.

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2. All SIGINT collection is performed based on national tasking as approved by the DCI. If, in the opinion of an individual responsible for implementing the tasking, it appears to require actions at variance with the Executive Order, that individual will bring the tasking in question to the attention of the senior NRO representative on station for resolution. Any tasking which apparently violates the provisions of E.O. 11905 will not be followed until the issue is resolved by the senior NRO representative.

B. Tests and Calibration

Program A conducts photographic and SIGINT tests within the United States for research and development, system engineering, and in support of calibration and military training exercises. All domestic SIGINT tests are conducted within the exemption provisions of USSID 18, Annex D, para 1.3. In the process of conducting mission essential tests and calibrations, incidental photographic and electronic data on other than testing, training or calibration targets may be collected. Information inadvertently collected is not to be exploited or used in any way. The procedures outlined herein are established to assure that the testing or calibration is under absolute control, incidental data are not used and the test and calibration material is disposed of as soon as it is no longer needed. Additionally, incidental data collected in a domestic environment will be minimized by limiting Research and Development and System Engineering test activities to those which clearly cannot be met realistically by any other means. Each such test conducted under the auspices of Program A will be approved by the Director of Program A.

V. TEST APPROVALS AND DISPOSITION

A. PHOTINT Tests

1. Research, Development, and Systems Engineering: Photographic tests are required for engineering analysis of the photo system as well as to design improved space vehicles. These tests may include simulations acquired by cameras on airborne platforms. Typical targets are medium to large urban areas since the methods of analysis require relatively large

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sections of repetitive detail covering the same specific area. Domestic coverage is required so that time over foreign targets can be used to maximum intelligence potential and to obtain ground truth. CORN targets, which are high contrast ground designs used to test system effectiveness, are displayed at selected sites throughout the United States. These targets are mobile and are placed on military reservations, industrial sites under contract, and private property with permission of the owners. Where possible all requirements will be met simultaneously by taking ground truth with nearby cultural detail and placing CORN targets close to the ground truth targets. This is to minimize the domestic photographic requirements needed for research and development and systems engineering.

2. Use of Photographic Test Data: The acquired domestic test imagery is used solely for engineering purposes. At present, identification of individual persons is beyond the capability of our systems. Even though identification of an individual is not possible, surveillance by inference is potentially possible through collateral information or a continuum of observations. This would include such things as keeping track of cars, parking spaces, etc. Such operations would require continuous system tasking or obtaining collateral information for analysis. Neither action will ever be initiated by Program A. If such requirements are ever received they will be referred to the DNRO under Section X of this plan.

3. Records Control and Destruction Procedures: Persons who may be inadvertently included in PHOTINT test data are not recognizable without programming additional intelligence collection actions to establish identity. Because there are no recognizable or identified persons in the data and SAFSP will never initiate, authorize or accept additional intelligence actions to establish identity, implementation of special records control and destruction procedures is not warranted. Even though there is no information about private persons in the PHOTINT test data, domestic test imagery will continue to be stored within vaulted areas and destruction will be accomplished as soon as the imagery is of no engineering or test value. If the systems ever achieve a capability for identification of people, additional records control and destruction procedures will be implemented.

B. SIGINT Calibration and Tests

SIGINT data collected, tested and calibrated by Program A fall into two categories, ELINT and COMINT.

1. ELINT: ELINT identifies emissions of energy; voice communications are not included. As such, ELINT signals collected during domestic calibration testing are not a threat to U.S. citizens. Therefore, data gathered in conjunction with Program A ELINT testing and calibration efforts do not warrant control under Executive Order 11905 or USSID 18.

2. COMINT:

a. Calibration. Program A contractors and [] perform routine calibrations to verify system performance. All known COMINT tests and calibration within the U.S. are conducted with synthesized signals from controlled laboratory - like sources (calibration vans) and therefore excluded from control in accordance with USSID 18. Para 1.3.c., Annex D, USSID 18, 26 May 1976, exempts test and calibration activity "employing laboratory - synthesized signals or live or recorded foreign targets signals (i.e., those emanating solely from or between terminals located outside the United States and under the control of non-U.S. persons)." Program A will assure that compliance with E.O. 11905 and USSID 18 is maintained by imposing strict controls and by assuring that testing is conducted within the exemption categories specified above. At each testing location, procedures for calibrating COMINT systems will be combined into a single SOP to be approved by the Director, Program A. Specific approval will be requested for any unusual calibration requirements not exempted by para 1.3, Annex D, USSID 18.

b. SOP's will be developed for review and disposal of communications which may be incidentally collected during system calibrations. They will specify that calibration within the U.S. will be conducted using laboratory-synthesized signals. Thorough record keeping will be required and all data will be destroyed when no longer required for engineering analysis. Approval of

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the ground station SOP by the Director, Program A will constitute approval of routine calibration activities. All changes to approved SOP's will be approved by the Director, Program A or his designated representative.

VI. TEST APPROVALS AND DISPOSITION FOR SPECIAL MILITARY TRAINING EXERCISES

Request for domestic PHOTINT, SIGINT, or other Program A satellite collection support of military training exercises will be forwarded to the DNRO for evaluation and approval. Each such request will:

A. Identify the organization(s) requesting support of Program A.

B. Identify the satellite system(s) to be used in the test.

C. Identify the specific training or test objectives and targets.

D. Identify and estimate the type of incidental information which may be collected.

E. Describe the test controls to assure proper handling of the incidental information.

F. Provide a data distribution records control and final disposition schedule.

VII. ON ORBIT COMINT OPERATIONS

During COMINT operations against some countries there could be occasions when communications under the purview of Executive Order 11905 are collected. In these cases procedures developed in accordance with USSID 18 will be followed. All [redacted] will develop procedures for control, protection, and destruction of protected COMINT in accordance with USSID 18.

VIII. CONTRACTOR ADHERENCES

Contractors will be made party to the constraints of Executive Order 11905 and the provisions of USSID 18

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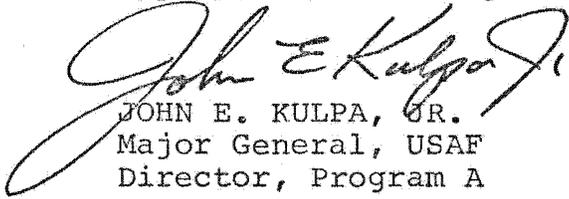
controls established herein. If necessary, contracts will be amended to assure compliance. Compliance will be included in contractor security reviews.

IX. REPORTING REQUIREMENTS

All reporting required under the provisions of E.O. 11905 will be addressed to the Deputy Director of Policy and Security for Program A (SAFSP-3). Other reporting, as necessary, will be handled through Program A and the NRO staff.

X. COMPLIANCE

This plan is effective upon receipt by a Program A activity. Collection, test, and calibration requirements which may deviate from the provisions set forth herein will be forwarded to the DNRO for evaluation and appropriate action prior to initiation.


JOHN E. KULPA, JR.
Major General, USAF
Director, Program A

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Pertinent EO Provisions

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PROVISIONS OF EXECUTIVE ORDER 11905
PERTINENT TO
ELECTRONIC SURVEILLANCE
WITHIN THE
UNITED STATES

1. White House Fact Sheet, dated Feb 18, 1976,
Page 5 (3), Items Two and Ten

(3) Restrictions on Intelligence Activities

- o Physical or electronic surveillance
or physical searches of United States
persons.
- o Testing of electronic surveillance
equipment within the United States.

2. Executive Order, Pages 24, 25, Section 5, (a)
(3) and (a) (8)

(a) Definitions. As used in this section of
this Order, the following terms shall have the meanings
ascribed to them below:

(3) "Electronic surveillance" means
acquisition of a non-public communication by electronic
means, without the consent of a person who is a party
to, or, in the case of a non-electronic communication,
visibly present at, the communication.

(8) "Physical surveillance" means
continuing visual observation by any means; or acquisition
of a non-public communication by a person not a party
thereto or visibly present thereat through any means
which does not involve electronic surveillance.

3. Executive Order, Page 27, Section 5, (b) (2)

(b) Restrictions on Collection. Foreign intelligence agencies shall not engage in any of the following activities:

(2) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law.

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