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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

BYE-111226/76
Copy 1 of 8
17 March 1976

Intelligence Community Staff

MEMORANDUM FOR: Deputy Director, National Reconnaissance Office
Deputy Director for Science and Technology, CIA

FROM :
Chairman, CFI Task Group

(b)(3)

SUBJECT : Revision of NRP Charter

1. Attached is a copy of the proposed Committee on Foreign Intelligence Directive, "National Reconnaissance Activities" which would replace the 1965 agreement between the Secretary of Defense and the Director of Central Intelligence. The attached draft resulted from a 16 March meeting of a task group established at request of the Committee on Foreign Intelligence. The task group addressed drafts developed from a proposed NRP charter which the Deputy Secretary of Defense tabled at the CFI meeting of 11 March.

2. Since the CFI proposes to issue the charter as a CFI Directive the title, "National Reconnaissance Activities," is used so it could be included in an unclassified listing of the titles of CFI Directives, should the CFI elect to issue such.

3. At close of the 16 March task group session some question remained as to whether there might exist a blanket directive covering Defense Department/CIA relationships in time of war (and not merely in theaters of war). Recheck has indicated no such directive exists, so it is proposed that paragraph 3.c. include provision that in time of war the Secretary of Defense shall be responsible for establishment of collection requirements and target priorities.

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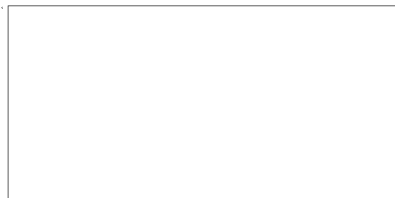
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4. The only matter on which agreement was not reached within the task group is at paragraph 3.g., where differing NRO and Intelligence Community Staff views are presented concerning the staffing of the Committee on Foreign Intelligence. The NRO position is based primarily on its view of security requirements and a desire to continue procedures used in providing information to the EXCOM, which the CFI has replaced. The ICS view is based on the charge in Executive Order 11905 (Section 3 (b) (3)) that "the CFI shall be supported by the Intelligence Community Staff."

5. It is requested that the addressees coordinate the attached draft within the Department of Defense and the CIA and advise me as to suitability of the draft for submission to the Committee on Foreign Intelligence for its approval.



(b)(3)

cc:
Chairman, COMIREX
Chairman, SIGINT Committee

Attachment
As stated

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COMMITTEE ON FOREIGN INTELLIGENCE

DIRECTIVE NO.

NATIONAL RECONNAISSANCE ACTIVITIES

1. There is hereby created a National Reconnaissance Program (NRP) for the collection of foreign intelligence by satellites or such other overhead means as may be assigned. The NRP shall combine activities of the Department of Defense and the Central Intelligence Agency to assure that potentialities of U.S. technology and all operational resources and facilities are aggressively and imaginatively exploited to develop and operate systems for the collection of foreign intelligence which are fully responsive to the Government's foreign intelligence needs and objectives. As a function of national importance, the NRP is assigned the highest priority for DoD and industrial support.

2. The Program will be managed by a National Reconnaissance Office (NRO), a special office within the Department of Defense for the collection of specialized intelligence information through reconnaissance programs. This charter sets forth the responsibilities of the NRO, which will be conducted in accordance with the provisions of Executive Order 11905, "United States Foreign Intelligence Activities," 18 February 1976, and its implementing directives.

3. Responsibilities

a. The Secretary of Defense, Committee on Foreign Intelligence (CFI), and the Director of Central Intelligence shall exercise such authority over the NRP as is provided by Executive Order 11905 and by National Security Council Directives.

* This Directive supersedes the "Agreement for Reorganization of the National Reconnaissance Program," signed by the Deputy Secretary of Defense and the Director of Central Intelligence, dated 11 August 1965.

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b. The Secretary of Defense shall direct, fund and operate the NRP. With the concurrence of the Director of Central Intelligence, he shall appoint a senior Department of Defense statutory official to be the Director of the NRO (DNRO). The Deputy Director of the NRO will be selected by the DNRO with the concurrence of the Director of Central Intelligence. The Secretary of Defense and the Director of Central Intelligence shall provide the necessary support to execute the Program.

c. The DNRO shall satisfy, through conduct of the NRP, foreign intelligence collection requirements and priorities as established for the NRP by the Director of Central Intelligence. When U.S. forces are engaged in active theaters of war, or when the President so directs, establishment of collection requirements and target priorities will be a responsibility of the Secretary of Defense.

d. The DNRO shall establish a joint staff including representation from organizations involved in the NRP to support the Program. Program offices responsible to the DNRO shall be established in appropriate agencies of the Department of Defense, the military services, and the Central Intelligence Agency for the implementation of the NRP. The DNRO shall have the authority to assign responsibilities to the various program offices and departments and agencies of the Government, according to their capabilities and consistent with program guidance from the Committee on Foreign Intelligence.

e. The DNRO shall direct and manage the NRP. Planning and programming for satellite systems or other designated overhead collectors, as approved by the Committee on Foreign Intelligence for the collection of national intelligence information, are the sole responsibility of the DNRO. He shall be responsible for directing the activities conducted by the program offices in research, development, procurement, operation and control of satellite or other designated overhead collectors of foreign intelligence information. The NRO will not produce finished intelligence.

f. The DNRO shall submit to the Operations Advisory Group requests for approval to conduct foreign intelligence collection activities under such arrangements as may be directed by the Operations Advisory Group.

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g. (NOTE: There is a split view on this program.)

NRO View

The DNRO shall provide staff support to the Committee on Foreign Intelligence for the NRP. The Intelligence Community Staff (ICS) will be furnished system-level performance and cost data required to perform value assessments as directed by the Committee on Foreign Intelligence.

Intelligence Community Staff Proposal

The DNRO shall provide to the Committee on Foreign Intelligence, and to the Intelligence Community Staff for its staff support to the Committee on Foreign Intelligence, such information as is needed for execution of the Committee's responsibilities, including system-level performance and cost data required by the ICS to perform value assessments as directed by the Committee on Foreign Intelligence.

h. Only those program offices participating in the NRP shall engage in reconnaissance intelligence collection using satellites or conduct studies or advanced technology development related thereto.

i. The DNRO shall establish direct lines of control and communication to all elements of the NRO and supporting organizations for development, operations, and logistics activities. The NRO shall not be subject to DoD or CIA procurement or administrative instructions or directives except as their application may be beneficial to the management of the NRP, as determined by the DNRO.

j. The DNRO shall establish a fiscal control, accounting, and reporting procedure to ensure that all funds obligated and expended in support of the NRP are fully accounted for and appropriately utilized.

k. The DoD Inspector General and General Counsel will be responsible for oversight of the NRO, in compliance with Sections 5 and 6 of the Executive Order 11905.

l. Contract audit functions will be performed by the Defense Contract Audit Agency, in accordance with covert security procedures.

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m. The DNRO shall prepare the budget and program recommendations for the NRP and submit them under procedures established by the CFI for approval and inclusion in the overall intelligence budget. The DNRO shall defend the NRP through briefings to the Congress or elsewhere under procedures approved by the CFI.

n. The DNRO shall have reprogramming authority within the approved NRP, subject to rules governing and reprogramming of funds adopted by the CFI.

o. The DNRO is designated as the Head of a Procuring Agency and may redelegate to the extent of his legal authority. He shall also have the authority to approve the lease or procurement of automated data processing equipment integral to NRP systems.

p. The DNRO shall establish the manning requirements for the NRO and request manpower support from the appropriate agencies and departments.

q. The NRP shall be considered a covert activity of the U.S. Government and will not, as a matter of policy, be publicly acknowledged without the approval of the DCI. The DNRO is responsible for recommending to the DCI the security measures necessary for the protection of the NRP for implementation of security procedures.

Director of Central
Intelligence

Deputy Secretary
of Defense

Deputy Assistant for
National Security Affairs

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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Intelligence Community Staff

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9 JUN 1976

MEMORANDUM FOR: Director, National Reconnaissance Office
Deputy Director for Science and Technology, CIA

FROM : Admiral Daniel J. Murphy, USN
Deputy to the DCI for the Intelligence Community

SUBJECT : New Charter for the NRP

1. Attached is a redraft of a proposed new charter for the NRP, replacing the 1965 agreement signed by the DCI Raborn and Deputy Secretary of Defense Vance.

2. This redraft has been adapted from the proposed Committee on Foreign Intelligence Directive which was on the CFI agenda for the 14 May meeting but was withdrawn in the light of questions raised as to the legal authority of the CFI to direct certain activities covered by the proposed CFID.

3. In the view of the CIA Office of General Counsel, the CFI has the authority to establish governing principles for the control of the reconnaissance program but is on very questionable ground with respect to provisions of the charter which waive departmental procurement regulations (para. 6i. of the attached draft), designate a DoD office director as head of a Procuring Activity (para. 6o.) and delegate Secretary of Defense authority under the statute which controls the purchase and lease of automated data processing equipment (para. 6p.).

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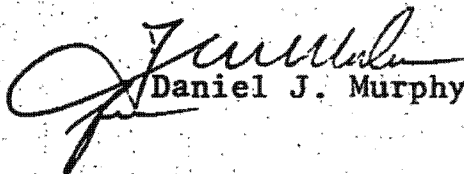
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4. Accordingly, it is proposed that a new charter for the NRP be provided through an agreement to be signed by Deputy Secretary of Defense Ellsworth and the DCI upon approval of the CFI.

5. Your comments on the attached draft are requested. If you consider it necessary, our representatives can meet to discuss any proposed changes. I hope to move the proposed agreement forward to the CFI as soon as possible, so would appreciate an early response.


Daniel J. Murphy

Attachment
As stated

cc: Chairman, DCI COMIREX Committee
Chairman, DCI SIGINT Committee

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**AGREEMENT FOR ORGANIZATION AND FUNCTIONING
OF THE NATIONAL RECONNAISSANCE PROGRAM (NRP)**

1. Pursuant to Executive Order 11905 and National Security Council Intelligence Directives, the Secretary of Defense and the Director of Central Intelligence hereby provide for the organization and functioning of a National Reconnaissance Program (NRP) for the collection of foreign intelligence by satellites or such other overhead means as may be assigned to the NRP.

2. The NRP shall combine activities of the Department of Defense and the Central Intelligence Agency to assure that the potentialities of U.S. technology and all operational resources and facilities are aggressively and imaginatively exploited to develop and operate systems for the collection of foreign intelligence which are fully responsive to the Government's foreign intelligence needs and objectives.

3. Policy guidance for conduct of the NRP shall be provided by the Committee on Foreign Intelligence.

4. As an intelligence function of national importance, the NRP will be accorded the highest priority for Department of Defense and industrial support.

5. The NRP will be managed by a National Reconnaissance Office (NRO), a special office within the Department of Defense for the collection of specialized intelligence information through reconnaissance programs. This agreement sets forth the responsibilities of the NRO, which will be conducted in accordance with the provisions of Executive Order 11905 and its implementing directives.

6. Responsibilities

a. The Secretary of Defense, Committee on Foreign Intelligence (CFI), and the Director of Central Intelligence shall exercise such authority over the NRP as is provided by Executive Order 11905 and by National Security Council Directives.

* This Directive supersedes the "Agreement for Reorganization of the National Reconnaissance Program," signed by the Deputy Secretary of Defense and the Director of Central Intelligence, dated 11 August 1965.

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b. The Secretary of Defense shall direct, fund and operate the NRP. With the concurrence of the Director of Central Intelligence, he shall appoint a senior Department of Defense statutory official to be the Director of the NRO (DNRO). The Deputy Director of the NRO will be selected by the DNRO with the concurrence of the Director of Central Intelligence. The Secretary of Defense and the Director of Central Intelligence shall provide the necessary support to execute the Program.

c. The DNRO shall satisfy, through conduct of the NRP, the foreign intelligence collection requirements and priorities as established for the NRP by the Director of Central Intelligence.

d. The DNRO shall establish a joint staff including representation from organizations involved in the NRP to support the Program. Program offices responsible to the DNRO shall be established in appropriate agencies of the Department of Defense, the military services, and the Central Intelligence Agency for the implementation of the NRP. The DNRO shall have the authority to assign responsibilities to the various program offices and departments and agencies of the Government, according to their capabilities and consistent with program guidance from the Committee on Foreign Intelligence.

e. The DNRO shall direct and manage the NRP. Planning and programming for satellite systems or other designated overhead collectors, as approved by the Committee on Foreign Intelligence for the collection of national intelligence information, are the sole responsibility of the DNRO. He shall be responsible for directing the activities conducted by the program offices in research, development, procurement, operation and control of satellite or other designated overhead collectors of foreign intelligence information. The NRO will not produce finished intelligence.

f. The DNRO shall submit to the Operations Advisory Group requests for approval to conduct foreign intelligence collection activities under such arrangements as may be directed by the Operations Advisory Group.

g. Staff support to the Committee on Foreign Intelligence on matters relating to the NRP shall be provided by the Intelligence Community Staff (ICS) on value assessments and cross-program issues, and by the DNRO on system-level and technical issues. The DNRO shall provide his report and recommended program to the Secretary of Defense and the Committee on Foreign Intelligence.

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h. Only those program offices participating in the NRP shall engage in reconnaissance intelligence collection using satellites or conduct studies or advanced technology development related thereto.

i. The DNRO shall establish direct lines of control and communication to all elements of the NRO and supporting organizations for development, operations, and logistics activities, and ensure their funding. The NRO shall not be subject to Defense Department or CIA procurement or administrative instructions or directives except as their application may be beneficial to the management of the NRP, as determined by the DNRO.

j. The DNRO shall establish a fiscal control, accounting, and reporting procedure to ensure that all funds obligated and expended in support of the NRP are fully accounted for and appropriately utilized.

k. The Defense Department Inspector General and General Counsel will be responsible for oversight of the NRO and Defense Department elements of the NRP, in compliance with Sections 5 and 6 of Executive Order 11905. Comparable oversight of Central Intelligence Agency elements participating in the NRP will be exercised by the CIA Inspector General and General Counsel.

l. Contract audit functions will be performed by the Defense Contract Audit Agency, in accordance with covert security procedures.

m. The DNRO shall prepare the budget and program recommendations for the NRP and submit them jointly to the Secretary of Defense and to the Committee on Foreign Intelligence. The DNRO shall defend the NRP budget, as approved by the Secretary of Defense and the Committee on Foreign Intelligence, through briefings to the Congress and elsewhere.

n. The DNRO shall have reprogramming authority within the approved NRP, subject to rules governing the reprogramming of funds that are adopted by the Committee on Foreign Intelligence.

o. By virtue of the authority of the Secretary of Defense under the Armed Services Procurement Act, the NRO is designated a Department of Defense Procuring Activity in accordance with ASPR 1-201.14. The DNRO, as head of a Department of Defense Procuring Activity, may redelegate to NRO program offices procurement authority consistent with Defense Department policy.

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p. By virtue of the authority which the General Services Administration has delegated to the Secretary of Defense, the DNRO shall have the authority to approve the lease or procurement of automated data processing equipment for the NRP consistent with Department of Defense policy and authority.

q. The DNRO shall establish the manning requirements for the NRO, request manpower support from the appropriate departments and agencies, and ensure the necessary funding.

r. The Director of Central Intelligence shall provide security policy guidance and security support to maintain a uniform policy within the NRP. The NRP shall be considered a covert activity of the U.S. Government and will not, as a matter of policy, be publicly acknowledged without the approval of the Director of Central Intelligence. The DNRO is responsible for recommending to the Director of Central Intelligence the security measures considered necessary for the protection of the NRP and for implementation of security procedures.

Robert F. Ellsworth
Deputy Secretary of Defense

George Bush
Director of Central Intelligence