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(S) NATIONAL RECONNAISSANCE OFFICE

WASHINGTON, D.C.

OFFICE OF THE DIRECTOR

4 May 1978

MEMORANDUM FOR THE DEPUTY UNDER SECRETARY OF DEFENSE (POLICY)

SUBJECT: Intelligence Charter Legislation - Title VI

I understand that Title VI of S 2525 is scheduled to be reviewed by the Special Coordination Committee of the NSC on 12 May. I think it is very important that prior to that formal review the issue of the wording of Section 613, para 5, be resolved.

On 3 April, representatives of my Staff met with personnel from your office, NSA, JCS, DIA and the Services to resolve differences and reach an agreement on this issue. NSA continues to assert that the wording is sufficiently broad to permit the Director, NSA to delegate operational control of NRP SIGINT satellites to the Director of the National Reconnaissance Office. This interpretation would be correct if Title VI is permitted to stand as written. However, the proposed legislation would give the Director, NSA this authority for the first time. The source of the delegation of operational control for reconnaissance satellites to the DNRO is and always has been the Secretary of Defense and not the Director, NSA.

I believe that the present wording which gives the Director, NSA control over "all signals intelligence collection" not only is inconsistent with the Executive Order 12036, but also fails to acknowledge the existing and long standing NRO role in controlling and operating NRP SIGINT satellites.

I recommend that either qualifying phraseology, such as that found in Section 1-1202 of E.O. 12036, be inserted, or that a sentence be added to clearly indicate that the Secretary of Defense may delegate responsibility for operational control of SIGINT activities to other entities. I believe that Title VI, as written, does not explicitly acknowledge Secretary of Defense authority to reassign responsibilities for the conduct of SIGINT activities.

Attached for your consideration are two proposed changes which would alleviate our concerns. I am anxious to discuss this matter with you at your earliest convenience.



Hans Mark

1 Attachment
Proposed Changes

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CLASSIFIED BY [REDACTED] DATE [REDACTED]
GENERAL DECLASSIFICATION AUTHORITY OF
EXECUTIVE ORDER 11652 AND OTHER LAWS
CONTROL BY [REDACTED]

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PROPOSED CHANGES

TO

TITLE VI - INTELLIGENCE CHARTER LEGISLATION

Proposal No. 1

(5) Control all signal intelligence collection, *excepting the delegation of operational control over certain operations that are conducted through other members of the Intelligence Community*, processing, reporting and dissemination activities of the United States in accordance with intelligence policies, needs and priorities established by the National Security Council and intelligence objectives and targets promulgated by the Director, National Intelligence. *No department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense.*

Proposal No. 2

(5) Control ~~all~~ signal intelligence collection, processing, reporting and dissemination activities of the United States in accordance with intelligence policies, needs and priorities established by the National Security Council and intelligence objectives and targets promulgated by the Director, National Intelligence. *The Secretary of Defense may delegate operational control over SIGINT collection to other agencies or departments.*

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