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(Downgrade to unclassified when existence of NRO is declassified)

[Letters of identical text to Speaker of the House and President of the Senate]

[Not yet cleared by OMB]

The Honorable Thomas S. Foley
 Speaker
 House of Representatives
 Washington, D.C. 20510

Dear Mr. Speaker:

I have the honor to transmit for the consideration of the Congress the enclosed National Reconnaissance Office Security Act. The Secretary of Defense and the Director of Central Intelligence recently determined that the existence of the National Reconnaissance Office (NRO) and a very limited amount of information concerning the NRO no longer will be classified. To protect intelligence sources and methods, however, most information concerning the NRO remains classified and remains subject to special access controls, pursuant to Executive Order 12356. The proposed bill consists of a section enacting the bill's short title and three sections designed to ensure the protection of information relating to the NRO.

Section 1 of the bill enacts its short title, the "National Reconnaissance Office Security Act."

Section 2 of the bill exempts the NRO from laws requiring the disclosure of the the organization or any function of the National Reconnaissance Office, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of persons employed by, or assigned or detailed to, such office. This section protects NRO information from disclosure under myriad Federal laws providing for the publication or other disclosure of organizational and functional information relating to Federal agencies. Similar statutory exemptions exist for the National Security Agency (Section 6 of the National Security Agency Act of 1959), the Defense Intelligence Agency (10 U.S.C. 424), and the Central Intelligence Agency (Section 6 of the Central Intelligence Agency Act of 1949).

Section 3 of the bill exempts from search, review, publication or disclosure NRO files which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems in the same manner and to the same extent as the operational files of the Central Intelligence Agency are exempt under Section 701 and 702 of the National Security Act of 1947 (50 U.S.C. 431 and 432). Since NRO files which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems by their definition contain only sensitive information concerning scientific and technical intelligence sources and methods, searches of such files in response to requests under the Freedom of Information Act (FOIA)(5 U.S.C. 552) would not produce releasable documents of any significant informational value. Requiring NRO to devote personnel resources to searches of these files for records that cannot be released would absorb scarce resources for no purpose. Other NRO files would remain subject to search for FOIA requests, and all NRO files would remain subject to

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search in connection with requests by Americans for records pertaining to themselves under the Privacy Act (5 U.S.C. 552a).

Section 4 of the bill exempts the NRO from the Federal Advisory Committee Act (5 U.S.C. App. 2). The Federal Advisory Committee Act establishes procedures, including public notice of meetings and the holding of meetings in public, for committees established to advise Government agencies that include non-government employees. Because of the sensitive nature of the NRO's work, its advisory committees would, as a practical matter, always need to take advantage of the cumbersome procedures through which advisory committees may withhold notice of their meetings and may proceed in private. To eliminate the unnecessary procedural burdens and to ensure protection of sensitive NRO information, the legislation exempts NRO advisory committees from the requirements of the Federal Advisory Committee Act. The Federal Advisory Committee Act (Section 4) contains a similar exemption for the Central Intelligence Agency.

To ensure the protection of sensitive information concerning the National Reconnaissance Office, and thereby to ensure its continued effective performance of its mission, we urge enactment of the enclosed legislation. The Office of Management and Budget advises that enactment of the legislation is in accord with the President's program.

Sincerely,

David S. Addington

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