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17 October 1966

COMMENTS ON JOINT DOD-NASA AGREEMENT FOR COORDINATION OF THE EARTH RESOURCES SURVEY PROGRAM

The DOD-NASA paper sets up "a special NASA-DOD coordinating and monitoring mechanism" to facilitate the conduct of the NASA Earth Resources Survey Program (NERSP) while at the same time avoiding placing the U.S. space reconnaissance program in jeopardy. The mechanism consists of three levels: (a) a joint NASA-DOD project level committee designated the Survey Applications Coordinating Committee (SACC), (b) the joint NASA-DOD Manned Space Flight Policy Committee (MSFPC)*, and (c) the Secretary of Defense and Administrator of NASA for matters which cannot be resolved at the MSFPC level. The paper also sets forth "agreed" (by whom is not specified) guidelines and ground rules for the conduct of the NERSP.

The DOD-NASA paper might be looked upon as an implementing document for the policy guidelines laid down in the NSAM 156 Committee report of July 11, 1966. However, it was not submitted formally to the Committee for either concurrence or information. Furthermore, it fails in several fundamental respects to be fully responsive to the policy which was formulated and approved in the Committee report. The DOD-NASA paper is also deficient in two other areas: (a) it does not take account of the DCI responsibility both for the protection of intelligence sources and methods and as a member of the NRP ExCom, and (b) it assigns responsibility for screening the NRP intelligence product by a body which lacks both the competence and jurisdiction to execute this responsibility. Detailed comments are as follows:

*The MSFPC presently consists of Foster, Fink and Flax for Defense and Seamans, Mueller and Newell for NASA.

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NSAM 156 Committee Policy on Space Reconnaissance:

a. Recommendation 1 of the NSAM 156 Committee report states that "the classified national reconnaissance program should be protected by continuing to consider carefully the political and security effects of proposed unclassified earth-sensing activities prior to their authorization." The DOD-NASA paper provides only that the NSAM 156 Committee "will remain available for consultation concerning possible political or security issues which might arise." Political and security issues of proposed NASA programs would thus receive consideration within the intent of the policy established by the NSAM 156 Committee only if such issues were identified by the DOD-NASA coordination mechanism and subsequent positive action were then taken to bring them before the NSAM 156 Committee. We believe any coordination mechanism for clearance of NASA proposed programs should provide for formal consideration of political and security effects either by the NSAM 156 Committee or by a subordinate review authority upon which representatives of the Department of State and the DCI are included.

b. Recommendation 3 of the NSAM 156 Committee report establishes a threshold--roughly equivalent to 20 meters ground resolution--within which limitation "there was no objection to NASA proceeding with its tentatively planned experimental programs." Implicit in this recommendation is the requirement for specific review by the NSAM 156 Committee of any proposals which go beyond this threshold. The authority established in the DOD-NASA paper for approving NASA activities beyond this threshold is not clear. On the one hand the MSFPC is charged to "review the limiting criteria governing the use of sensors in the WERSP and, if appropriate, make suitable recommendations to move the prescribed threshold of performance toward more precise ground resolution;" it is not specified, however, to whom these recommendations should be made. On the other hand, it appears that the MSFPC is given authority to approve NASA programs beyond the established threshold provided that NASA accepts security requirements imposed by the NRO. In either case, no provision is made for submission of NASA proposals which exceed the threshold to the NSAM 156 Committee.

c. Recommendation 5 of the NSAM 156 Committee report states that "NASA and other appropriate agencies should consider carefully the relative merits and costs of aerial and

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other possible alternatives to various space-borne earth-sensing programs in terms of practical political interests as well as cost effectiveness." No provision is made in the DOD-NASA paper for the coordination mechanism established therein to comply with the intent of this recommendation. While it might be argued that NASA would have considered aerial and other alternatives prior to proposing a space-borne program, we believe that any coordination mechanism should be made responsible for assuring that adequate consideration of non-space-borne alternatives had been carried out.

d. Recommendation 7 of the NSAM 156 Committee report states that "The Director of Central Intelligence, in consultation with the Director, National Reconnaissance Office, should review and establish appropriate security restrictions on cameras and other sensing apparatus and equipment" which can be made available for NASA's programs. The DOD-NASA paper, however, provides that proposed NASA programs using reconnaissance-like sensors will be submitted to the NRO to determine "the security limitations which must be imposed upon the use of the sensor in the program." No provision is made for review and approval by the DCI of such security limitations as the NRO might deem adequate.

Role of the DCI:

The role of the DCI has not been adequately taken into account in the DOD-NASA paper in two important respects: (a) in his statutory responsibility for the protection of intelligence sources and methods, and (b) in his responsibility as a member of the NRP ExCom.

In his responsibility for the protection of intelligence sources and methods, the DCI is concerned specifically with the security of our classified reconnaissance program. We believe that the NSAM 156 Committee report sets forth policy guidelines which permit forward movement in the NASA unclassified program while at the same time establishing adequate safeguards for the classified reconnaissance program. However, as we have noted above, the DOD-NASA paper has failed to adhere to the recommendations of this report in areas which could have a vital effect on the security of the classified reconnaissance program. We believe that careful implementation

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of the NSAM 156 Committee report would allow for the proper discharge of the DCI's responsibilities in this connection.

The DOD-NASA paper was apparently drafted without due recognition of the changes in the administration of the NRP brought on by the NRO Agreement of 13 August 1985. The DOD-NASA paper designates the DOD as the "executive agency for the NRP." This was, in fact, correct under the previous NRO Agreement of 13 March 1983; however, although under the new Agreement the NRO is established as an agency of the DOD and is responsible ultimately to the Secretary of Defense, it is inaccurate to designate the DOD as the executive agency for the NRP. The NRP is executed by the DNRD under the guidance of an Executive Committee of which the DCI is a member. Likewise, the Air Force and CIA participate in the execution of the NRP while other agencies serve in lesser capacities, chiefly in staff functions. By accepting the DOD as executive agency for the NRP, the paper has created a false rationale for setting up a coordination mechanism in which responsibility for vital decisions affecting the NRP is assumed by DOD elements to the exclusion of other interested parties in the NRO, particularly the DCI as a member of the ExCom. Symptomatic of the degree to which DOD elements extraneous to the NRO have been inserted is the fact that the paper, which makes potentially far-reaching commitments affecting the NRP, is signed by the DDR&E who is not in the line of command for execution of the NRP.

Exploitation of NRP Intelligence Product:

The DOD-NASA paper states that one of the functions of the SACC is to "formulate detailed procedures for the utilization of data made available from DOD programs and for the processing and use of such data in NERSP." The DOD programs referred to are, in fact, exclusively programs of the NRP and the data from them are, in fact, national intelligence for which NPIC is the repository. We do not question the need for making the NRP product available to NASA for planning purposes; however, we do not believe that the SACC, which apparently is to be made up solely from DOD and NASA elements, has the necessary competence or jurisdiction to establish

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procedures for the utilization by NASA of national intelligence. We believe the same principle applies to a "regular review of NRP product.....by representatives of SACC for the purpose of determining if detailed analyses should be made by cleared NASA personnel as a guide for NERSP planning." In point of fact, appropriate procedures for making the NRP product available to NASA have already been established through USIB channels and such procedures should be incorporated as part of any coordination mechanism for NERSP.

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ECOD-NASA Coordination of the Earth Resources Survey Program

1. General Objective

The general objective of the NASA Earth Resources Survey Program (ECOD) is to exploit the potential for economic, scientific, and political benefits through the use of remote sensing devices installed in earth-orbiting spacecraft. (See report of NSAM 156 Ad Hoc Committee dated 1 July, 1966 — Top Secret)

2. Scope

The NASA program may be divided into two phases:

a. Research, Development, and Feasibility Phase Conducted by NASA

(1) Determine those natural and cultural resource data and existing conditions on earth and in the surrounding atmosphere which can be acquired or observed from spacecraft.

(2) Test and develop the best combination of observational procedures, instruments, subsystems, and interpretative techniques for the acquisition or observation and study of terrestrial natural and cultural resource data and conditions from spacecraft, both for practical applications on earth and in preparation for similar surveys on the moon and the nearest planets.

(3) Determine how the increased frequency and synoptic coverage uniquely afforded by spacecraft observations can aid the study of time-variable and relatively unchanging phenomena on the surface of the earth and in the surrounding atmosphere.

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(4) Develop improved methods of displaying and disseminating space-acquired natural and cultural resource data on a global basis suitable for utilization by scientific and technical activities, both government and non-government.

(5) Determine which natural and cultural resource data can be most effectively and economically obtained and changing earth conditions observed by manned spacecraft, unmanned satellites, interrogation of surface sensors, or the means currently being used.

Operational Phase Conducted by the User Activities

Gather natural and cultural resource data and observe changing earth conditions with spaceborne instruments in an operational repetitive manner for use by scientific and technical activities, both government and non-government.

3. Control Measures

NASA recognizes the necessity of conducting this program in such a manner as to continue to avoid open challenges to satellite observation activity; specifically, to avoid placing the U. S. space reconnaissance program in jeopardy. To this end, NASA proposes that the program go forward under a special NASA-DOD coordinating and monitoring mechanism, governed by a set of guidelines and ground rules acceptable to the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence, the Director of the Office of Science and Technology, and the Administrator of NASA.

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Any matters which cannot be resolved at the Manned Space Flight Policy Committee (MSFPC) level will be referred to the Secretary of Defense and the Administrator of NASA for further action. (The NSAM 156 Ad Hoc Committee will remain available for consultation concerning possible political or security issues which might arise.)

NASA-DOD Coordination Organization

Matters of common interest and the interactions between NASA and the DOD (as executive agency for the NRP) in connection with the NASA Earth Resources Survey Program (NERSP) will be dealt with on three levels:

(1) The joint NASA-DOD Manned Space Flight Policy Committee (MSFPC), now in existence.

(2) A joint NASA-DOD project level committee, with three members from each Agency, to be established and to be designated the Survey Applications Coordinating Committee (SACC); this Committee will be co-chaired by designated NASA and DOD members; an Executive Secretary will be furnished by NASA.

(3) Normal bi-lateral staff contacts between properly cleared individuals of NASA and the NRO (including individual members of SACC).

5. Actions of the MSFPC Related to NERSP

a. Monitor the program to insure that it is conducted within the agreed guidelines and ground rules, and is in accord with the intent of the July 11, 1966, Report of the NSAM 156 Ad Hoc Committee.

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2. When the requirement for improved sensor capabilities in the NERSP has been established by a user agency, and as the known state-of-the-art advances and sensors of improved performances become operational in the NERSP, review the limiting criteria governing the use of sensors in the NERSP and, if appropriate, make suitable recommendations to move the prescribed threshold of performance toward more precise ground resolution.

a. Resolve any differences which cannot be resolved at a lower level.

b. Identify and, if necessary, refer to higher authority for guidance any proposed space observation activities by NASA which could be politically sensitive or otherwise cause problems involving the NERSP.

3. Functions of the SACC

a. Monitor the program on the project and technical level to insure observance of guidelines and ground rules.

b. Review all studies, experiment plans, work statements, project contracts, etc., for security considerations, overloading of available industrial capacity in the area of advanced state-of-the-art in remote sensors, avoidance of unnecessary duplication in hardware development and production and data acquisition, and responsiveness to the requirements and interests of user agencies and activities of the government.

c. Formulate detailed procedures for the utilization of data made available from DOD programs and for the processing and use of such data in NERSP.

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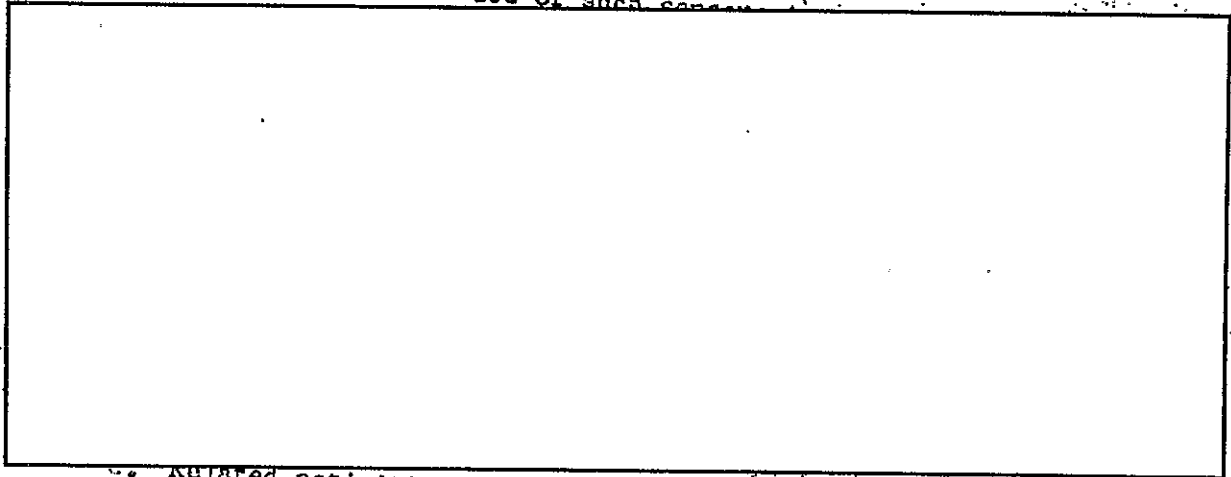
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Keep the Deputy Administrator, NASA, and the Director, NRO, informed of reconnaissance-related activities of NASA that fall within the currently established threshold of sensitive sensor performance.

Specific Guidelines, Criteria, and Ground Rules for the Conduct of NERSP

a. Activities of interest to NRO

An activity is defined as the expenditure of NASA research and development money with a university or industry, or the transfer of money to another organization to be used in this way. The activities to be brought to the attention of the MSFPC/SACC are those involving the study, design, development, fabrication, or test of reconnaissance-like sensors (as defined below), or significant components thereof, for use in orbital systems, and studies of the use of such sensors.



b. Related activities of interest to NRO

(1) RFP's, requests for program recommendations, and plans for symposia or conferences where the subject matter is or could evolve into an activity of interest as defined in 7.a. and 7.b. above, will be coordinated

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with the MSFPC/SACC prior to finalization and issuance. However, in the case of working meetings or conferences for on-going program coordination, it will be sufficient to inform these coordinating agencies prior to the event.

(2) Any plans for missions involving reconnaissance-like sensors in polar or near polar orbits will be coordinated with the MSFPC/SACC early in the conceptual phase. It is understood that in the early stages of work, NASA will be flying low inclination orbits to observe test sites in the United States, but later will require polar orbits.

(3) Regardless of application, the MSFPC/SACC will be kept informed (including the furnishing of copies of Work Statements, 1122's, when appropriate) concerning any NASA activities involving the development of pointing, tracking, and stabilizing techniques or systems in which the pointing accuracy is better than 20 microradians or the unstabilized rate is less than 20 microradians per second. MSFPC/SACC will also be kept informed regarding the development or test of recording media for use with reconnaissance-like sensors.

d. Any development and/or procurement of reconnaissance-like sensors by NASA will be carried out through the NRO, as provided in the DOD/CIA-NASA Agreement on NASA Reconnaissance Programs, dated August 28, 1963.

e. The initiation of new NASA programs which essentially duplicate equipment capabilities or operations of the NRO, or vice versa, will not be allowed to occur unless, after a thorough consideration of each specific

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program by the MSFPC/SACC, it is determined that some overriding consideration in the national interest warrants such duplication. To this end, proposed NASA programs involving reconnaissance-like sensors will be coordinated with the MSFPC/SACC to determine whether:

(1) They involve development of systems, sensors, techniques, or related equipment closely duplicating those already developed or being developed by the NRO;

(2) They involve development of systems, sensors, techniques, or related equipment to collect data which can be collected by NRO systems already operational or in development, and made available to NASA in a form usable in the NERSP;

(3) They involve development of systems, sensors, techniques, or related equipment to collect data (such as mapping and charting data) which have already been collected, in whole or part, by the NRO and which can be made available to NASA in a form usable in the NERSP.

* Regular review of NRP product will be made by representatives of SACC for the purpose of determining if detailed analyses should be made by cleared NASA personnel as a guide for NERSP planning. Should a detailed NASA review indicate that broader dissemination would be desirable, it will be the responsibility of NASA to request action by the Director of Central Intelligence to permit the use of information and/or photography at a lower classification level by NASA personnel not possessing special security clearances. The SACC will keep the MSFPC apprised of all such requests.

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V 7. A. The SACC shall be responsible for bringing to the attention of the MSFPC, prior to initiation, all programs which are either specifically activities of interest (as defined in a. above) or are potentially activities of interest because of the latitude which will be allowed to contractors, or other government agencies. Programs which are of potential interest to the NRO for any of the reasons enumerated under c. above will also be brought before the MSFPC.

X 7. B. The DOD members of the SACC, with the assistance of the NRO Staff, will be responsible for keeping the NASA SACC members informed, by means of formal briefings, informal discussions, and pertinent reports and documents, of NRP activities related to satellite reconnaissance which are pertinent to the SACC and MSFPC functions.

7. C. When a NASA activity involving reconnaissance-like sensors or related equipment is brought before the SACC, an attempt will be made to determine whether the objectives of the proposed program can be met by a limitation to sensors which fall outside the definition of reconnaissance-like sensors. If it is determined that such sensors can be substituted, NASA will undertake to modify its program accordingly. However, in all cases the SACC will review the program for the factors listed in 7.c. above and report any significant findings to the MSFPC.

7. D. If an activity of interest has been reviewed as in 7.1. above, and it has been determined that the objectives of the program cannot be met except with reconnaissance-like sensors, the program will be submitted via

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... members of the SACC to the NRO to determine: (1) whether an existing system, sensor, or related equipment will meet the needs of the program or whether a new development is needed, and (2) the security conditions which must be imposed upon the use of the sensor in the program. These determinations will be reported to the SACC for appropriate action or for reference to the MSFPC together with the recommendations of the SACC.

a. Where a new development of a reconnaissance-like sensor is needed, and if NASA accepts the security requirements as feasible, a written agreement between NASA and the NRO will be drawn up to be signed by the Deputy Administrator, NASA, and the Director, NRO, covering studies, analysis, development, and/or acquisition of the sensor in accordance with the DOD/CIA-NASA Agreement of August 28, 1963.

... the event that NASA considers the security levels recommended by the NRO under 7.i. above to be such as would seriously inhibit its ability to conduct a useful program and, further, that NASA considers it in the national interest to conduct the program, the SACC will prepare and forward a brief of the pertinent facts for consideration by the MSFPC.

... in the event that a proposal by NASA does not require the use of reconnaissance-like sensors but is of possible concern to the NRO because of any of the factors listed under 7.c. above, the SACC will review and analyze the program, and report its findings and recommendations to the MSFPC.

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Coordination of the Earth Resources Survey Program

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John S. Foster, Jr.
John S. Foster, Jr.
Director of Defense Research
and Engineering
Department of Defense

Date 26 SEP 1966

Robert C. Seamans, Jr.
Robert C. Seamans, Jr.
Deputy Administrator
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