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7 April 1988

25X1 MEMORANDUM FOR: [redacted]  
Legislative Division  
Office of Congressional Affairs

25X1 FROM: [redacted]  
Special Assistant for Imagery  
Collection Requirements and Evaluation Staff, DI

25X1 SUBJECT: International Security and Satellite Monitoring  
Act of 1988, H.R. 4036 [redacted]

25X1 1. We had received a copy of this bill earlier from the  
25X1 COMIREX staff for review and comments. [redacted] of that  
25X1 staff had included his comments from his review which I am  
attaching to this memo for your information. [redacted]

2. Following are comments which we were preparing from the  
perspective of the Talent Control Officer/CIA.

25X1 -- We regard this as a dangerous bill from a security  
standpoint. By calling for complete access to our  
classified systems, it provides the opportunity for members  
of Congress, the Commission, and staffers to go on a fishing  
expedition into our uses of earlier, current, and future  
satellite systems. Either intentionally or unintentionally,  
information on our classified systems could spill over into  
the unclassified arena and be exposed to public scrutiny.  
[redacted]

25X1 -- The Commission would provide an excellent forum for  
those members of Congress (and others) who have been urging  
the declassification of satellite imagery--a situation  
that we have so far successfully avoided. The wide area  
photographic coverage provided by our obsolete search  
systems would be particularly at risk since the product from  
those systems would be particularly applicable to many of  
the objectives of the bill. Declassification of these  
products would erode the DCI's role in the protection of  
intelligence sources and methods and lead to increased  
pressure to declassify the products from current systems as  
well. [redacted]

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SUBJECT: International Security and Satellite Monitoring  
Act of 1988; H.R. 4036 [redacted]

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-- In view of the increasing interest by the news media in the use of satellite photography for news reporting, it can be anticipated that the work of the Commission would be followed closely by certain members of the press. This would increase the risk of having classified information exposed to the media--either intentionally or unintentionally--by Commission members or staffers inexperienced in the handling of classified data. [redacted]

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-- Expedited security investigations on members of the Commission and staff is no guarantee that security will be preserved. It is not the investigation itself but the results of the investigation which permits or bars access to classified information. On the premise that all members and staffers would require access to classified information, all should be subjected to an investigation beforehand. [redacted]

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-- If this Agency were to be required to provide all requested classified data on photosatellite systems, it could call for a significant cost in terms of manpower to respond. [redacted]

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3. If you have any question regarding these comments, please call me [redacted] I would appreciate receiving a copy of your response to the HPS(1). [redacted]

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Attachment:  
IC Staff comments on H.R. 4036

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SUBJECT: International Security and Satellite Monitoring  
Act of 1988; H.R. 4036 [redacted]

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DI/CRES/[redacted] (7 Apr 88)

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COMMENTS ON HOUSE BILL H.R.4036  
(International Security and Satellite Monitoring Act of 1988)

The enactment of this Bill (attached is a summary of its provisions and a copy of its full text) would have a major impact on U.S. foreign relations and the Intelligence Community in general, and on the COMIREX community in particular. Because of the extremely broad range of issues the Bill raises, national policymakers will probably find it difficult to assess the merits of the actions proposed for study. However, the associated negative aspects with reference to the potential for erosion of U.S. intelligence capabilities are easier to identify. Therefore, senior Administration officials need to be aware of its provisions and its status and progress in Congress needs to be carefully and continuously monitored.

The Bill raises important questions and issues generated by the proliferation of satellite remote sensing programs in contrast to a situation where only the U.S. and the USSR had the only effective satellite remote sensing capabilities. Similar proposals have been surfaced before by the French, and most recently as the Canadian Paksat concept.

While the text of this proposed Bill is couched in terms of a study, it is clear that the objective is to address and move toward the concept of a multinational or international remote sensing program. The implementation of such a concept would directly impact intelligence sources and methods, for which the DCI is statutorily responsible. These direct impacts could include transfer of sensitive technology on remote sensors, control and processing operations, and the methodology used in exploiting derived data.

The power to examine and report on these extremely sensitive matters is placed in the hands of an independent commission, with the principal federal officials responsible for such matters relegated to only advisory positions. Past experience is that the potential for leaks and exposure of sensitive intelligence data and information under such circumstances is high.

To reduce the possibility of such adverse effects on the national security, one Administration option would be to attempt to restructure the study effort so that it is executed by or under the aegis of the responsible officials of the Federal Government -- namely, the Secretary of Defense, the Secretary of State, and the DCI.

Another Administration option would be to oppose the passage of this Bill on the grounds that it is contrary to the national interest, e.g., it would weaken national security and would undercut U.S. private sector development by further stimulating foreign activities in satellite remote sensing.

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If the Administration chooses not to oppose or redirect the execution of this Bill, then at a minimum the following comments on the current provisions should be transmitted for appropriate corrective action:

- o Page 6, lines 6-8. Subparagraph (10) requires rephrasing or further clarification. It would be fully comprehensible if the subparagraph were restricted to lines 6 and 7, and line 8 were deleted.
- o Page 6, lines 16-18. The definition in Subparagraph (2) of a "common security system" as "a system that addresses the linkage between military, environmental, and economic concerns" does not track very well. Either the defined term or the definition should be changed so as to achieve a better correlation -- one that is more understandable.
- o Pages 8-9. Line 20 on page 8 indicates a total of 15 advisory members, however, the following text actually lists a total of 17 advisory members. Obviously, this inconsistency needs to be corrected.

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### SUMMARY OF PROVISIONS OF H.R.4036

The objectives cited in this proposed Bill, which has been referred to the House Committees on Science, Space, and Technology and Foreign Affairs, include the following points:

- o A revitalization of President Eisenhower's "Open Skies" concept.
- o An assessment of current and proposed satellite monitoring capabilities, U.S. and foreign, to identify areas for the development of mutually advantageous international satellite monitoring capabilities.
- o Having the U.S. lead in articulating and advocating new policies for revolutionizing the international gathering and dissemination of information.

To carry out these objectives, the Bill outlines a wide range of study areas where remote sensing satellites might be cooperatively employed, including such aspects as the following:

- o Economic factors, namely the study and protection of the Earth's resources.
- o Scientific studies of the interaction of the Earth's environmental phenomena.
- o Disaster management and relief.
- o Facilitating control of international terrorism and drug trafficking activities.
- o Facilitating arms control treaties.
- o Facilitating crisis control and conflict reduction efforts.
- o Formation of an "open skies" agency.
- o Identifying steps to promote worldwide acceptance of remotely sensed information.
- o Analyzing the potential for multinational or international satellite monitoring arrangements.

The study areas are to be executed with consideration of an extremely broad range of factors, including impacts of multinational satellite monitoring arrangements on:

- o The security of the U.S. and other countries
- o U.S. intelligence gathering operations.
- o Established United Nations programs.
- o Required transfers of technology and data processing capabilities for commercial programs.
- o Methods for joint use of military and civilian programs.
- o Interactions between U.S. and any international programs.
- o Costs of implementing international monitoring programs.
- o Extent of markets for satellite imagery with better than 5 meters resolution.
- o Relationships of commercial organizations to the development of value-added markets.

The structure of the Commission responsible for carrying out this study is to consist of:

- o 15 voting members, of which 5 each are to be appointed by the President, the Speaker of the House, and the President pro tempore of the Senate. Officers and employees of the Federal Government are excluded from being voting members. The President designates the Chairperson and Vice Chairperson from the list of voting members.
- o 15-17 advisory members. The President is to appoint 1 representative from each of 13 federal organizations, the House Speaker is to appoint 2 House Members, and the Senate President pro tempore is to appoint 2 Senators. The DCI, the Secretary of Defense, and the Secretary of State will each have only one representative, who can neither vote nor participate in the formulation of the findings and recommendations of the Commission.
- o Executive Director and Staff. The Executive Director, who is appointed by the Chairperson, appoints the members of the Staff. Upon Commission request, and with department/agency head approval, federal employees may be detailed to the Staff.

The Commission is empowered to obtain information necessary to carry out its duties. Department/agency heads are to expedite security investigations to permit Commission members to gain access to classified national security information.

The Commission is to report to the President and to each House of Congress within 18 months from the enactment of this Bill.