



# National Reconnaissance Office

24 July 1998  
NROD 24-1  
Liaison

---

**SUBJECT: Congressional Notification Procedures**

---

**A. SYNOPSIS.** This Congressional Notification Procedure defines the reasons for congressional notification, guidelines as to what qualifies for congressional notification, and the process or sequence to report a notification to Congress. The Director of Central Intelligence (DCI) and Directors from the Intelligence Community (IC) are responsible for keeping the intelligence committees fully and currently informed of all intelligence activities. This directive implements DCI Regulation [REDACTED] and establishes National Reconnaissance Office (NRO) policy and procedures for ensuring that significant intelligence activities are reported in a timely manner to the Congressional committees. The NRO may also provide notification of intelligence matters, as appropriate, to the appropriations committees, the Senate Armed Service Committee (SASC), and the House National Security Committee (HNSC).

**B. AUTHORITY.** Title V of the National Security Act of 1947, as amended, 50 U.S.C. §401 note, requires that the Director, NRO (DNRO), as head of an agency involved in intelligence activities, keep the IC fully and currently informed of all intelligence activities. The DCI chartered an interagency task force to conduct an exhaustive review of the IC's congressional reporting procedures to ensure that the IC notification procedures were current, legally sufficient, and in accordance with executive and legislative branch expectations. The DCI has approved [REDACTED] Reporting of Intelligence Activities to Congress, which is aimed at standardizing and improving IC congressional notification procedures. In addition to the above mentioned National Security Act of 1947 and [REDACTED], Executive Order 12333, United States Intelligence Activities, 4 December 1981, should be used as a reference.

**C. DEFINITIONS.**

1. Congressional Notification: Verbal or written communication to Congress ensuring that significant intelligence activities are reported in a timely manner to the Congressional committees.

2. Intelligence Community: The organizations that conduct and/or manage planning and direction, collection, processing, production, and/or dissemination of intelligence in support of the National Command Authorities, the National Security Council, and the senior civilian and/or military policymakers in the United States (U.S.) Government. This includes the DCI and the rest of the community management structure; the major national-level civilian and military intelligence agencies; and intelligence and cryptologic components of the military services, Department of Defense (DoD), and other federal departments. The NRO is an organization within the IC.

3. Committees and Sub-Committees with NRO Oversight Responsibility:

a. Authorization: The four Congressional committees with oversight responsibilities over the NRO are the Senate Select Committee on Intelligence (SSCI), the House Permanent Select Committee on Intelligence (HPSCI), the SASC, and the HNSC.

b. Appropriations: The two Congressional committees that appropriate funds for use by the NRO are the Senate Appropriations Committee through its Defense Subcommittee (SAC/DEF) and the House Appropriations Committee through its National Security Subcommittee (HAC/NSS).

**D. PURPOSE.** The purpose of this guidance is to:

1. Ensure that the DCI is aware of congressional notification issues initiated by the NRO;

2. Enhance the DCI's and DNRO's ability to focus management attention where appropriate; and

3. Contribute to the development of a coordinated approach among the various agencies (that includes the IC, DoD elements, and other executive branch elements, as appropriate) to provide Congress with a comprehensive assessment of specific notification activities.

**E. REASONS FOR CONGRESSIONAL NOTIFICATION.** Statutory and regulatory guidance as noted in the authority section exists for keeping the intelligence committees fully and currently informed of significant intelligence activities. In addition, the IC has guidance for responding to congressional authorization and appropriation language, budgetary reprogramming and reallocation actions, and intelligence oversight issues. Guidance related to other intelligence issues or information, however, is not always specific and is subject to a significant degree of interpretation and discretion. The DNRO, in consultation with the Deputy Director (DD) NRO, Director of Legislative Liaison (D/LL), and the General Counsel (GC), will be the final decision authority as to whether an incident or event is reportable. The following categories of information should be considered by senior NRO management as meeting the threshold for congressional notification:

1. Matters deemed to be a "significant anticipated intelligence activity" are statutorily required to be notified to the intelligence committees. An example is the deployment of a new collection satellite;

2. Significant failures of satellite systems or components; satellite launches (to include upcoming launches, successful launches, and major launch problems or failures that reduce capability or lessen redundancy); and satellite deorbits (to include imminent deorbits and completion results);

3. Issues involving significant intelligence resources to include important programmatic developments (funds reallocation and reprogramming, significant program cost overruns, major system acquisitions, termination of contracts, results of key acquisition milestones for major systems, etc.);

4. Significant NRO organizational changes;

5. Proposed leases of facilities to be used by the NRO;

6. Compliance with congressional language (to include Congressionally-Directed Actions and any congressionally-requested notifications);

7. Significant program schedule and capability changes and program name changes;

8. Matters likely to be diplomatically damaging or embarrassing to the NRO or IC, or publicly controversial;

9. Allegations of significant misconduct by an NRO individual, including human rights violations or criminal acts (including espionage);

10. Issues likely to be reported in the press (U.S. or foreign); and

11. Issues that cut across IC organizations.

**F. RESPONSIBILITIES FOR NOTIFYING CONGRESS.** The responsibilities are as follows:

1. **Directorate and Office Chiefs** (or a duly appointed representative):

a. Identify information that may be reportable in accordance with the aforementioned criteria;

b. Notify the DNRO;

c. Notify the D/LL; and

d. Maintain thorough documentation of activities related to notification matters to include records of congressional interaction and written documentation (e.g., memorandum for the record).

2. **The DNRO:**

a. Determines the significance of the intelligence incident, issue, or event; and

b. Notifies verbally, if appropriate, committee chairmen and ranking members, contingent upon the nature of the activity.

3. **The D/LL** determines if an intelligence incident, issue, or event is reportable and if so, initiates the following congressional notification procedures:

a. Notifies the Director, Office of Congressional Affairs, Central Intelligence Agency (CIA/OCA) immediately, who will serve as the focal points for IC coordination and will ensure that the DCI is fully apprised of the nature of the notification;

b. Notifies the Community Management Staff (CMS) immediately for guidance on potential IC impacts;

c. Notifies the DoD focal point for coordination, Office of the Secretary of Defense/Legislative Affairs (OSD/LA) immediately, to ensure that the Secretary of Defense is appropriately apprised;

d. Notifies the committee and minority staff directors verbally as soon as appropriate;

e. Delivers written notification to the committees via staff directors and minority staff directors within five business days of verbal notification;

f. Provides written and verbal updates to the appropriate committees with the latest developments as events warrant; and

g. Maintains thorough records to include: copies of congressional notification letters, a brief synopsis of the NRO response, and a list of Congressional members and staff who were notified. This full and complete audit trail will provide a written record of the NRO's compliance efforts and will help eliminate notification uncertainty and omissions.

4. **The GC's Office** will review notifications for legal concerns.

5. **Employees of the NRO:** The above specific notification guidelines will facilitate effective NRO congressional reporting procedures. There will always be some instances, however, that will require deliberation and judgment prior to a decision to notify Congress. The effectiveness of notification procedures

~~FOR OFFICIAL USE ONLY~~

NROD 24-1  
Liaison

depends on the informed judgment of individual employees in identifying and reporting significant issues. Whenever there is an ambiguous situation, an employee should notify his directorate or office chief. If there is any further doubt concerning the need to notify, the matter should be brought to the D/LL's attention for resolution.

**G. THE CONGRESSIONAL REPORTING SEQUENCE.**

1. A significant intelligence activity occurs:
  - a. Significant change in operational capability;
  - b. Major intelligence failure;
  - c. Major budgetary action;
  - d. Operational issues;
  - e. Congressionally-Directed Actions/reports;
  - f. Other intelligence issues/information;
  - g. Fraud, waste, abuse; or
  - h. Significant changes in the cost, schedule, or performance expectations associated with major development efforts.
2. The Directorate or Office Chief determines the significance of the activity and maintains all documentation associated with the activity.
3. The Directorate or Office Chief notifies the DNRO.
4. The Directorate or Office Chief notifies the D/LL.
5. The D/LL determines if an incident or event is reportable. The D/LL consults with the DNRO, the GC, the CIA/OCA, and others (as appropriate). The LL office is responsible for effecting all congressional notifications with the exception of those performed by DNRO.

~~FOR OFFICIAL USE ONLY~~

~~FOR OFFICIAL USE ONLY~~

NROD 24-1  
Liaison

6. The D/LL immediately notifies CIA/OCA and CMS.
7. The D/LL notifies OSD/LA to ensure DoD coordination.
8. The D/LL notifies the HPSCI, the SSCI, and other committees as appropriate (e.g., HAC/NSS, SAC/DEF, HNCS, and SASC).
9. The D/LL provides written documentation to the Congressional committees within five days of the verbal notification. The LL office maintains documentation of the notification.
10. The Directorate or Office Chief provides follow-up information to the D/LL.
11. The D/LL accomplishes follow-up notification as warranted.

**H. REVIEW POLICY.** Finally, because congressional reporting is an evolving process, LL, in consultation with the GC, will conduct an annual review of notification practices. These reviews will serve to ensure that the NRO's congressional notification procedures are kept current, are legally sound, and are in accordance with the IC, executive, and legislative Branch expectations.

/s/  
Keith R. Hall  
Director

OPR: ROM

~~FOR OFFICIAL USE ONLY~~