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USCIB: 14.1/36

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7 March 1955

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MEMORANDUM FOR THE MEMBERS OF USCIB:

Subject: Revision of the UKUSA Agreement.

1. On 10 March 1954 there was distributed to USCIB for vote sheet approval a proposal by the Director, NSA for re-documenting the arrangements for UKUSA COMINT collaboration in an accurate and up-to-date form (USCIB 14.1/16). This proposal suggested action along the following lines:

"a. USCIB and LSIB should agree upon a re-statement of the broad principles of COMINT collaboration.

b. USCIB and LSIB should agree that the detailed methods of collaboration shall be arranged, according to these principles, in technical agreements to be established and kept current by the Directors, NSA and GCHQ.

c. USCIB and LSIB should agree that the arrangements to be agreed upon by the Directors, NSA and GCHQ, while subject to supervisory controls by either Board, do not require agreement between the Boards.

d. USCIBEC should be instructed to prepare a paper to serve as a basis for USCIB - LSIB agreement on the three points outlined above."

2. Vote sheet consideration by USCIB resulted in this item being placed on the USCIBEC Agenda. USCIBEC considered the proposal at its 13th meeting on 26 March 1954, recommended approval in principle and that the NSA member and the Executive Secretary collaborate in the preparation of specific papers designed to implement the proposal (USCIB 14.1/19 of 29 March 1954; notice of approval by the Board issued in USCIB 14.1/21 of 8 April 1954).

3. Specific papers drafted by the NSA member in collaboration with the Executive Secretary were circulated to the members of USCIB for vote sheet approval on 15 September 1954 (USCIB 14.1/24). These papers recommended that the Executive Secretary be directed to arrange with the Secretary, LSIB for USCIB-LSIB agreement on a note as follows to be added to the INTRODUCTION to the Appendices to the UKUSA Agreement:

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"On \_\_\_\_\_ USCIB and LSIB agreed that a general revision of the Appendices was required. They further agreed that as a first step toward such revision USCIB would furnish LSIB, for comment, detailed proposals which are being prepared by USCIB. Pending agreement by both parties on a general revision of the Appendices, the Directors, NSA and GCHQ, will:

- (a) determine jointly any changes which may be required in Appendices C, D, E, F, K, L, and M and
- (b) implement any such changes which they agree to be necessary.

Although this interim authorization enables the Directors, NSA and GCHQ, to change or interpret specified Appendices by mutual agreement, it does not require USCIB or LSIB to approve such changes or interpretations provided these are within the spirit and intent of current UKUSA policy."

4. Vote sheet action by the members of USCIB approved the proposals on Appendices C, D, E, L, and M but agreement on the inclusion of Appendices F and K was not obtained. The result was referral back to USCIBEC for further consideration. This action was notified to the members on 5 October 1954 (USCIB 14.1/26).

5. On 22 October 1954 USCIBEC considered the matter in the light of the comments by the members of the Board and submitted the following recommendation to USCIB (USCIB 14.1/28 of 27 October 1954) which was approved by USCIB as of 5 November 1954 (USCIB 14.1/30 of 15 November 1954):

"(a) That appendices C, D, E, L, and M be considered technical appendices, with the understanding that all members of USCIB will be informed in writing through the Executive Secretary, USCIB, of every change in these appendices that may be agreed between NSA and GCHQ.

(b) That appendices F and K tentatively be considered policy appendices subject to further consideration at the next meeting of USCIBEC."

6. On 6 December 1954 an NSA paper setting forth a strong recommendation for inclusion of Appendices F and K in the technical category was circulated for vote sheet action by the members of USCIBEC (USCIB 14.1/31). The Navy, Air Force, and State Department members of USCIBEC were unable to

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agree to NSA's recommendation (see USCIB 14.1/32 of 21 December 1954) and the matter was considered by USCIBEC at its 24th meeting on 28 January 1955 with the following result:

"DECISION: (28 January 1955) USCIBEC agreed that each member concerned with policy or consumer-interest exceptions to Appendices 'F' and 'K' UKUSA, would notify the NSA member of those portions of the Appendices upon which he will require advance notification in the event of contemplated amendment, it being understood that the Appendices will otherwise be considered 'technical'. It was further agreed that such exceptions will be reviewed by the NSA member and the Executive Secretary with a view to preparing a recommendation on the subject which will be acceptable to USCIB."

7. Subsequent to the above quoted decision and in an effort to assist in arriving at a solution, the Executive Secretary submitted to the NSA member of USCIBEC the following proposal:

"Subject: Status of UKUSA Appendices 'F' and 'K'.

"1. I have examined the various statements made by the members with regard to the consumer interest in subject appendices and conclude that in essence they boil down to a desire to be consulted in advance with regard to changes affecting the following three aspects of so-called 'technical' arrangements that may be concluded between NSA and GCHQ:

- a. Format.
- b. Division of Collection and Processing Tasks between NSA and GCHQ.
- c. Information flow channels between U.S. and U.K. consumers.

"2. I believe that if NSA would state that it will inform USCIB of contemplated changes in technical arrangements that affect any of those three aspects in time for any objections the consumers may have to be considered in advance of the same proposal being made to GCHQ, the consumer members' positions would be satisfied.

"3. A simple procedure to accomplish the above could be a notification to this office of the contemplated change, such notice to be issued to the members of the Board on a 7-day-no-objection interregnum. If

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objections are received, this office would place the matter before USCIBEC for consideration unless directed by a member to place the matter on the Board's agenda. If no objections are received this office would issue the usual notice of Board approval.

"4. It seems to me that if the above can be agreed the main purpose of changing the status of the appendices (elimination of delay due to the formalities of Board to Board interchanges) will have been served and the interests of the consumer members of the Board adequately provided for."

8. The NSA member of USCIBEC expressed the following views of the Director, National Security Agency with regard to the above quoted suggestion by the Executive Secretary:

"The proposals which I made regarding the task of revising the UKUSA Agreement and its Appendices have been approved in principle by USCIB, as indicated by USCIB 14.1/21.

"My proposals regarding the methods of revising UKUSA Appendices C, D, E, F, K, L, and M were contained in USCIB 14.1/24. Those proposals, insofar as they concern Appendices C, D, E, L, and M have been approved by USCIB, as indicated by USCIB 14.1/30, but they have not yet been referred to LSIB (as proposed) because USCIB has not yet decided whether changes to Appendices F and K should be handled in the same manner as changes to the other Appendices specified above. USCIB's decision on this matter has been held in abeyance pending receipt of recommendations by USCIBEC.

"I have followed USCIBEC's actions on this problem with interest. I do not believe USCIBEC is approaching a solution to the problem, and I consider it possible and necessary for USCIB to reach a decision on it without delay..

"My position, as stated in USCIB 14.1/26 remains unchanged. I note that the positions maintained by the several other USCIB member organizations within USCIBEC are in agreement with the NSA position, except for certain views which have been expressed by representatives of State, Navy, and Air Force. As I interpret those views, I believe there are no objections to the proposals contained in USCIB 14.1/24 if provisions are made for intra-U.S. coordination, whenever necessary, prior to NSA-GCHQ agreement on changes to Appendices F and K. I am convinced that suitable provisions are already contained in existing statements of policy governing (a) the organization and conduct of the U.S. COMINT effort and (b) COMINT collaboration between the U.S. and the U.K.

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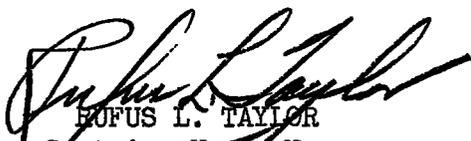
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"I recommend final USCIB approval of the proposals contained in USCIB 14.1/24, with the understanding that there will be consultation with the interested USCIB members (or their representatives) prior to agreement with GCHQ when, in my opinion, a modification to UKUSA Appendices C, D, E, F, K, L, or M might reasonably be expected to impinge on the spirit or intent of current policy."

9. During the course of the above described events the Directors, NSA and GCHQ concluded a revision of Appendix E (see USCIB 14.1/35 of 17 February 1954) which was circulated to the holders of the UKUSA Agreement on 21 February 1955 with the following notation:

"The existing Appendix 'E', dated 1 June 1951, is replaced by this new version; however it should not be destroyed pending formal USCIB-LSIB agreement on the revision."

10. In order to wind this matter up, and, in view of the fact that the Directors, NSA and GCHQ have now been separately authorized by their respective Boards to conclude revisions of arrangements previously concluded between the two Boards themselves, action should be taken soon to complete the formalities of USCIB-LSIB agreement to the procedures those two bodies have each separately authorized thus far, LSIB having gone farther than USCIB. The only bar to such action on the part of USCIB is agreement on the inclusion of Appendices F and K within the scope of the procedures. It is therefore recommended that USCIB approve the action described in paragraph 3 above noting the arrangements already agreed on Appendices C, D, E, L, and M (as quoted in paragraph 5 above) and noting further the comments quoted in paragraph 8 above together with such other understandings as may be reached through discussion by the Board.

  
RUFUS L. TAYLOR  
Captain, U. S. Navy  
Executive Secretary, USCIB

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