DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100

INFO MEMO

U-09-2660/CE

NOV 13 2009

FOR: DIRECTOR, SPECIAL PROGRAMS, OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE

FROM: Letitia A. Long, Deputy Director, Defense Intelligence Agency

SUBJECT: (U) Review of Special Access Program Request

(U//~~FOUO~~) This info memo responds to your request for the Defense Intelligence Agency (DIA) Defense Warning Office (DWO) to evaluate a request from Senator Harry Reid (enclosure 1) to establish a restricted special access program (SAP) for the Advanced Aerospace Weapon System Application Program Contract, referred to in Senator Reid's letter as the Advanced Aerospace Threat and Identification Program (AAITP). In reviewing the deliverables to date and looking ahead to planned production in fiscal year (FY) 2010, DIA cannot find adequate justification to establish a restricted SAP.

(U//~~FOUO~~) All program documents delivered to DWO during FY 2009 (the first year of the program) were unclassified because the contractor had not established a secure facility, and program employees were being vetted for clearances. In FY 2010, most research products will remain at the unclassified level. However, four to six of the original technical reports will be expanded to included classified data. These reports will focus on foreign research in a particular technology area and will likely be derivatively classified at the secret level. Based on classification levels of current and projected program deliverables, there are insufficient grounds to classify this open program, invoke alternative or compensatory control measures (ACCM), or establish a restricted SAP.

- (U//~~FOUO~~) Classifying the overall program by derivative means is impractical given Department of Defense Regulation, DoD 5200.1-R Information Security Program guidance: No reports produced thus far have extracted, paraphrased, or restated information obtained from previously classified material (para C3.1.1). Future reports that contain classified information will be marked and protected according to the original classification authority (para C3.1.2.1.1).

- (U//~~FOUO~~) Classifying the overall program by original means is inadvisable: Information contained in the reports is not owned by, produced by or for, or under control of the U.S. government (para C2.3.1.1). DIA cannot identify any damage that

could result from unauthorized disclosure (para C2.3.1.3) of publically available information. Although the information can loosely be tied to one of the eligibility criteria for classification (scientific, technological, or economic matters relating to the national security (para C2.3.2.5)), DIA is prohibited from classifying basic scientific research, and its result, unless it clearly relates to national security (para C2.4.3.2). This requirement has not been met.

- (U//~~FOUO~~) In the second paragraph of his letter, Senator Reid cites "the identification of several highly sensitive, unconventional aerospace-related findings" that will "require extraordinary protection." Although most of the unclassified reports discuss unconventional aerospace technologies, DIA is unaware of any report containing information sufficiently sensitive and vulnerable to require extra protection associated with either ACCM or a restricted SAP (paras C6.8.1.2 and C8.1.1.3). DIA assumes these statements are in reference to future phases of this program and highlight security and counterintelligence concerns that appear to be the main focus of Senator Reid's letter.

(U//~~FOUO~~) Pursuant to a request from the Office of the Under Secretary of Defense for Intelligence, Special Programs staff, AAP Person 1 DWO contract officer for the Advanced Aerospace Weapon System Application Program Contract, has forwarded draft copies of technical reports from the first year, which will be published in the coming months. If you have questions about the contents of these reports, please contact 1843(a)(3) the Defense Warning Office. He will arrange to have AAP Person 1 review the reports with your staff. 1843(a)(3)

(U) Prepared by: 1843(a)(3) Defense Warning Office, 1843(a)(3)

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SUBJECT: Review of Special Ac		
Date Received: 4 Nov 09	Or	
Date Logged-In: 5-Nov-09 09:26		
TO	**INITIAL**	**DATE**
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DEFENSE INTELLIGENCE AGENCY
Washington, D.C. 20340-0001

TO: DD___

Subject: Review of Special Access Request

Ms. Long:

Attached please revised subject info memo to OUSD(I) for your review and approval. This version incorporates CP comments.

Very Respectfully,

1843(a)(3)
CS-1

Need DAC & CP to review ASAP.

1843(a)(3)

11.13.09

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