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National Reconnaissance Office

12 July 1999

NROD 22-2

Office of Inspector General

SUBJECT: Employee Reports of Urgent Concerns to Congress

A. SYNOPSIS. This Directive sets forth responsibilities and procedures for reporting urgent concerns to Congress pursuant to the Intelligence Community (IC) Whistleblower Protection Act of 1998.

B. AUTHORITY. 5 U.S.C. App. 8H.

C. APPLICATION. This directive applies to all National Reconnaissance Office (NRO) personnel and contractors.

D. BACKGROUND. The Inspector General (IG) Act of 1978, as amended by the IC Whistleblower Protection Act of 1998, provides employees and contractors of the IC with a mechanism to report to Congress "urgent concerns" relating to alleged wrongdoing within IC agencies and programs. The law is designed to encourage such reporting by minimizing the risk of reprisal that may be perceived by employees and contractors of the IC for reporting serious or flagrant problems to Congress and to establish procedures for safeguarding any classified information involved in such reporting.

E. DEFINITION. "Urgent concerns" reportable under the IC Whistleblower Protection Act are defined as follows:

1. A serious or flagrant problem, abuse, violation of law or Executive Order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinion concerning public policy matters;

2. a false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the

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funding, administration, or operation of an intelligence activity;

3. an action constituting reprisal or threat of reprisal in response to an employee's reporting an urgent concern to Congress pursuant to this directive.

F. PROCEDURES. To report an urgent concern to Congress in accordance with the IC Whistleblower Protection Act, NRO personnel and contractors should contact and provide one of the following officials with a written statement describing the urgent concern they intend to communicate to Congress: the NRO IG, NRO Associate IG, or the NRO IG for Investigations.

G. TIME REQUIREMENTS. A determination as to whether the complaint or information relating to an urgent concern may be credible shall be made within 14 calendar days beginning on the date of receipt of the complaint or information. Any complaint or information determined to have apparent credibility shall, within this 14-day period be transmitted to the Director, NRO (DNRO). No later than seven calendar days after receipt of this transmittal, the DNRO shall forward the transmittal to the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI), together with any comments the DNRO considers appropriate. The reporting employee or contractor shall be notified of each action taken with respect to the complaint or information within three days after such action is taken.

H. TIME REQUIREMENTS. If the complaint or information relating to the urgent concern is not transmitted to the intelligence committees because a determination has been made by the NRO IG that the complaint or information does not appear to be credible, or the employee or contractor believes a transmittal of the complaint or information by the NRO IG was not accurate, an employee or contractor wishing to submit the complaint or information to the HPSCI and/or SSCI directly shall comply with the following procedures:

1. Before making such contact, furnishes the DNRO, through the NRO IG, a written statement of the complaint or information to be submitted and notice of their intent to contact the intelligence committees directly; and

2. obtains and follows from the DNRO, through the NRO IG, direction on how to contact the intelligence committees in accordance with appropriate security practices.

I. CLASSIFIED INFORMATION. If the information related to the urgent concern is determined by the IG, in consultation with other appropriate NRO officials, to be classified (or if the employee making the report is in a covert status) the employee or contractor may report the information only to the HPSCI or the SSCI. The report shall be made in accordance with security procedures as communicated to the employee or contractor by the NRO IG. Reporting of classified information pursuant to such procedures does not authorize or constitute public disclosure or declassification of that information in any way.

J. UNCLASSIFIED INFORMATION. If the information related to the urgent concern is determined by the NRO IG, in consultation with other appropriate NRO officials, to be unclassified and the employee is overt, the information may be reported to the HPSCI, SSCI, or to any other member or committee of Congress.

K. PROTECTION FROM REPRISAL. No punishment, reprisal, or threat of reprisal may be directed toward employees or contractors who follow these procedures for reporting urgent concerns to Congress. The NRO management may not take or threaten to take adverse action, or withhold a favorable action, as a result of an employee or contractor making or preparing to make a disclosure of an urgent concern to Congress in accordance with these procedures unless the report of the urgent concern involves an intentional false statement by the employee or contractor concerned.

/Signed/

Keith R. Hall
Director

OPR: Office of Inspector General