

ROAD MAP FOR NATIONAL SECURITY

ADDENDUM ON
STRUCTURE AND
PROCESS ANALYSES



Volume VII - Executive
Branch Activities

**United States Commission
on
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PREFACE

EXECUTIVE BRANCH ACTIVITIES

The chapters in this volume provide information concerning organizations in the Executive Branch, including the Bureau of Export Administration, the Economic Development Administration, the International Trade Administration, the National Telecommunication and Information Administration, and the Technological Administration under the Department of Commerce; the Department of Energy and the Nuclear Energy, Science and Technology Program; the Centers for Disease Control and Prevention under the Department of Health and Human Services; the Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency, the Immigration and Naturalization Service, and the U.S. Marshals Service; the U.S. Coast Guard under the Department of Transportation; and the Bureau of Alcohol Tobacco and Firearms, the U.S. Customs Service, the Financial Crimes Enforcement Network, and the U.S. Secret Service under the Department of Treasury.

Each chapter is designed to serve as a stand-alone reference for a specific organization and its role in national security processes. Chapters are presented in standard format to permit comparisons and facilitate research. That format is:

- An executive summary that provides an organizational overview and observations.
- Section 1 identifies the legal basis for the organization and significant organization and interagency directives.
- Section 2 notes the major responsibilities of the organization, identifies subordinate organizations, and delineates the organization's major products.
- Sections 3 and 4 deal with the vision, strategy, values, culture, leadership, staff attributes, and structure of the organization.
- Section 5 discusses the organization's formal role seven key processes.
- Section 6 provides information on the organization's roles in informal processes.
- Section 7 outlines the responsible Congressional committees, the budget, and the personnel strength of the organization.
- Section 8 provides observations on ways in which the organization contributes to national security.

Descriptions of organizations deemed most significant in terms of the current national security apparatus include matrices that relate products and roles to processes. Process maps have been added as appendices for these organizations. Where it may be helpful for readers to consult other chapters to gain a more complete understanding of particular concepts or issues, the appropriate references are included in the text or in footnotes. An acronym glossary is included at the end of Volume VII.

The entire series consists of seven volumes:

- Volume I contains descriptions of the overarching interagency and inter branch processes as well as key observations on organizations and processes;
- Volume II contains chapters on the Executive Office of the President.
- Volume III contains chapters on key Congressional Committees.
- Volume IV provides descriptions of key Department of State Organizations.
- Volume V discusses Department of Defense organizations.
- Volume VI covers intelligence community organizations and activities.
- Volumes VIIa and VIIb describe Executive Branch organizations not covered elsewhere.

These volumes are based on comprehensive searches of available literature, laws, and directives and extensive interviews with current and former practitioners. Research included both formal and informal processes. There is sufficient information on each organization to fill several volumes, thus the synthesis of this information focuses on national security processes as defined by the U.S. Commission on National Security/21st Century.

Volume VII – Executive Branch Activities

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- Chapter 2** Economic Development Administration (EDA)
- Chapter 3** International Trade Administration (ITA)
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Department of Energy

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Glossary

ORGANIZATIONAL DESCRIPTION

THE BUREAU OF EXPORT ADMINISTRATION (BXA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Bureau of Export Administration

Overview.

According to the National Security Strategy (NSS), the proliferation of weapons of mass destruction (WMD) threatens U.S. interests and should be deterred through export controls and non-proliferation initiatives.¹ The Bureau of Export Administration (BXA), an agency of the U.S. Department of Commerce, works to counter WMD threats in conjunction with Departments of State (DoS), Defense (DoD), and Energy (DoE) by administering an export licensing system that safeguards U.S. non-proliferation interests and also supports U.S. industry.

BXA's core competencies are formulating, administering, and enforcing export controls. Key BXA values include decentralization, technical competence, objectivity, analysis, community outreach, and consensus building.²

Organization.

The Under Secretary for Export Administration heads BXA, and, along with the Deputy Under Secretary, oversees BXA's two principal operating units, Export Administration (EA) and Export Enforcement (EE), as well as the Office of Administration, and the Office of Congressional and Public Affairs. EA and EE are each headed by Assistant Secretaries who report to the Under Secretary's Office. EA is made up of five offices that deal with a range of WMD related export controls. EE is made up of three offices that investigate export control violations and work to enforce the anti-boycott provisions of the Export Administration Act.³ BXA is authorized an end strength of 464 people with a Fiscal Year 99 budget of \$52.6 million.⁴

Role in Formal and Informal National Security Process.

BXA works with DoS, DoD, and DoE to formulate and administer regulations governing exports of sensitive technologies that may harm national security. BXA administers these regulations by informing exporters of their rights and obligations, overseeing the export licensing process, and enforcing a variety of sanctions. In addition, BXA chairs the interagency processes for multilateral non-proliferation and export control regimes, which form the basis for America's export controls. In all of these roles BXA seeks to balance its mission of facilitating the

¹ The White House. A National Security Strategy for a New Century, May 1997, p.6.

² Bureau of Export Administration Fiscal Year 1998 Annual Report. www.bxa.gov.

³ "The anti-boycott provisions of the Export Administration Act and Regulations apply to foreign boycotts fostered or imposed against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation. The anti-boycott provisions prohibit United States individuals and companies from furnishing, or agreeing to furnish, information about any person's business relationships with or in a boycotted country, or with individuals and companies believed to be restricted from doing business with or in one or more countries that participate in the Arab boycott of Israel. U.S. companies and individuals are also required to report to the Department each boycott-related request they receive." <http://www.bxa.doc.gov/press/96/Pump.htm>

⁴ Fiscal Year 1998 Annual Report. www.bxa.gov

competitiveness of U.S. industry with its mission of ensuring that U.S. non-proliferation interests are safeguarded.⁵

Conclusions and Observations.

BXA implements the Administration's commercial encryption policy, ensures U.S. industry compliance with the Chemical Weapons Convention (CWC), and funds the Critical Infrastructure Assurance Office (CIAO). BXA also works with other countries to develop effective export control systems. The 1985 Export Administration Act (EAA) established BXA; however, it has expired and BXA is currently operating under EO 12924.

BXA also works with DoS, DoD, and DoE to prevent the export of technologies that may harm national security and to develop U.S. policy positions for multilateral non-proliferation regimes.⁶ BXA chairs the interagency dispute resolution process for export licenses and implements the resulting decisions.

A recent report by the General Accounting Office (GAO) investigated how well the interagency export license process worked in regard to satellite exports. GAO investigated satellite exports that were launched on Chinese, Russian, and Ukrainian launch vehicles between 1989 and February of 1999. According to GAO, BXA approved eight satellite launch campaigns before 1997 that omitted conditions requiring DoD monitors, the preparation of a technology control plan, and explicit compliance with the government-to-government technology safeguard agreements. GAO noted that DoD and DoS did not require these license conditions when they reviewed the applications, and that the lack of such safeguards may have allowed the transfer of sensitive technology or information. Since 1997, Commerce has applied these license conditions to all launch campaigns, and in March of 1999 Congress placed the satellite licenses under the authority of the State Department. GAO concluded that the interagency licensing process was not effectively implemented.⁷

One impediment to the timely and effective implementation of the interagency licensing process and interagency coordination is the lack of a secure paperless system for exchanging information. The current process relies on a mixture of electronic and paper information. BXA indicated that moving to a secure paperless system would facilitate better interagency interaction and improve the turnaround time for decisions on both policy and licenses. Finally, BXA indicated that resolving some "big picture" policy issues would improve interagency coordination and planning.⁸

⁵ Testimony of Roger Majak, Assistant Secretary for Export Administration, before the Subcommittee on International Trade and Finance Senate Banking, Housing, and Urban Affairs Committee, 3/16/99. www.bxa.doc.gov/press/99/NonProliferationRegimes.html

⁶ BXA works specifically with the Office of the Under Secretary of State for Arms Control and International Security, the Office of the Under Secretary of Energy (National Nuclear Security Administration), and the Office of the Under Secretary of Defense for Policy to prevent the export of technologies that may harm national security and to develop U.S. policy positions for multilateral non proliferation regimes.

⁷ Government Accounting Office. Export Controls Better Interagency Coordination Needed on Satellite Exports. Washington D.C." Government Printing Office, September 1999 (Report Number GAO/GGD 99-182)

⁸ BXA Survey Response. February 14, 2000

ORGANIZATIONAL DESCRIPTION

BUREAU OF EXPORT ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: The Bureau of Export Administration was established by the Export Administration Act (EAA) of 1985. The Act transferred the export licensing and export enforcement functions of the Commerce Department from the International Trade Commission to the Export Administration. The EAA has not been re-authorized and currently BXA operates under Executive Order 12924.⁹

B. Department/Agency Directives: None.

C. Interagency Directives:

(1) Executive Order 12981 took effect in February 1996 and outlines the interagency review process for export licenses. EO 12981 gives the Departments of Commerce (DoC), Defense (DoD), State (DoS), and Energy (DoE) a direct and equal role in export licensing decision-making. Each department may review any and all license applications, and appeal any decision with which it disagrees, through a series of escalating interagency levels, ultimately to the President. The intelligence community receives license applications at the same time and participates as a non-voting advisor throughout the process.

EO 12981 establishes three dispute resolution bodies. The first is the Operating Committee (OC) at the senior civil service level, next is the Advisory Committee on Export Policy at the Assistant Secretary level (ACEP), and third is the Export Administration Review Board (EARB) at the cabinet level. A Commerce Department representative chairs each of these bodies. A senior Commerce civil servant chairs the OC, while the ACEP is chaired by the Commerce Assistant Secretary for Export Administration, and the EARB by the Secretary of Commerce. DoC, DoD, DoS, and DoE, are members of each dispute resolution body. Decisions are made on a consensus basis.

(2) PDD 63 established the interagency Critical Infrastructure Program (CIP) to protect the nation's critical infrastructures from cyber and physical attack.¹⁰ BXA's sole function under PDD-63 is to fund the Critical Infrastructure Assurance Office (CIAO), which supports the National Director of the CIP.

2. Missions/Functions/Purposes.

A. Major Responsibilities: BXA promotes U.S. national security and foreign policy interests by managing and enforcing the Commerce department's security-related trade and

⁹ Bureau of Export Administration Foreign Policy Export Controls Report. www.bxa.gov

¹⁰ Critical Infrastructures are those physical entities and cyber based systems that are essential to the minimum operations of the economy and government. These include telecommunications, energy, banking, and finance, transportation, water systems, and emergency services. PDD-63 calls for the creation of a National Infrastructure Assurance Plan (NIAP) over the next three years to raise defenses against physical and cyber attacks. The NIAP is developed by the National Coordinator of the CIP. The Critical Infrastructure Assurance Office (CIAO) was created to support the National Coordinator of CIP, who is a member of the NSC staff. The Department of Commerce Budget in Brief Fiscal Year00. www.doc.gov

competitiveness programs. BXA plays a key role in issues involving national security and non-proliferation, export growth, and technology.

B. Subordinate Activities and Agencies: ¹¹

(1) Nonproliferation and Export Control Cooperation Team (NEC): NEC coordinates the Commerce department's efforts to help Russia and other countries develop and strengthen export controls and stop the proliferation of sensitive technology and goods to rogue states and terrorists.

(2) Office of Chief Counsel for Export Administration: The attorneys in this unit provide legal counsel and services for all BXA programs. The office also represents the BXA in administrative enforcement proceedings.

3. Vision and Core Competencies:

A. Vision: BXA's Vision Statement:

"We will be the leading innovator in transforming U.S. strategic trade policy and programs to adapt to the changing world."¹²

B. Core Competencies: ¹³

(1) Formulating and administering export controls, and

(2) Enforcing export controls.

4. Organizational Culture.

A. Values: BXA's values are decentralization, technical competence, objectivity, analysis, community outreach, and consensus building.¹⁴

B. Leadership Traditions: The Under Secretary of Export Administration is nominated by the President and approved by the Senate. The Deputy Under Secretary is a career civil servant. The Assistant Secretary for Export Enforcement and the Assistant Secretary for Export Administration are both nominated by the President and approved by the Senate. The President appoints the Director of Congressional and Public Affairs. The Directors of the five sub-offices of the Export Administration branch and the three sub-offices of the Export Enforcement branch are career civil servants.¹⁵

C. Staff Attributes: Individuals with both technical and economic expertise staff the BXA. The role played by the agency as a technology controller requires its staff to be proficient

¹¹ Fiscal Year 1998 Annual Report. www.bxa.gov.

¹² Vision Statement www.bxa.gov.

¹³ Fiscal Year 1998 Annual Report. www.bxa.gov.

¹⁴ BXA does not list its organizational values but the annual report mentions these values as it talks about BXA's accomplishments and plans for the future. www.bxa.gov.

¹⁵ Phone interview with BXA's Office of Congressional and Public Affairs 10/18/99.

in technological innovation and economic issues, while understanding the broader national security risks and goals of the United States.¹⁶

D. Strategy: BXA's strategy has been to foster a healthy commercial technology sector while protecting sensitive technology that would impact national security. This strategy has focused on clear communication among BXA and the Departments of State, Energy, and Defense, while fostering technical and economic expertise within BXA, and working with the Departments of State, Defense, and Energy to administer a constructive interagency process.

E. Organization:¹⁷

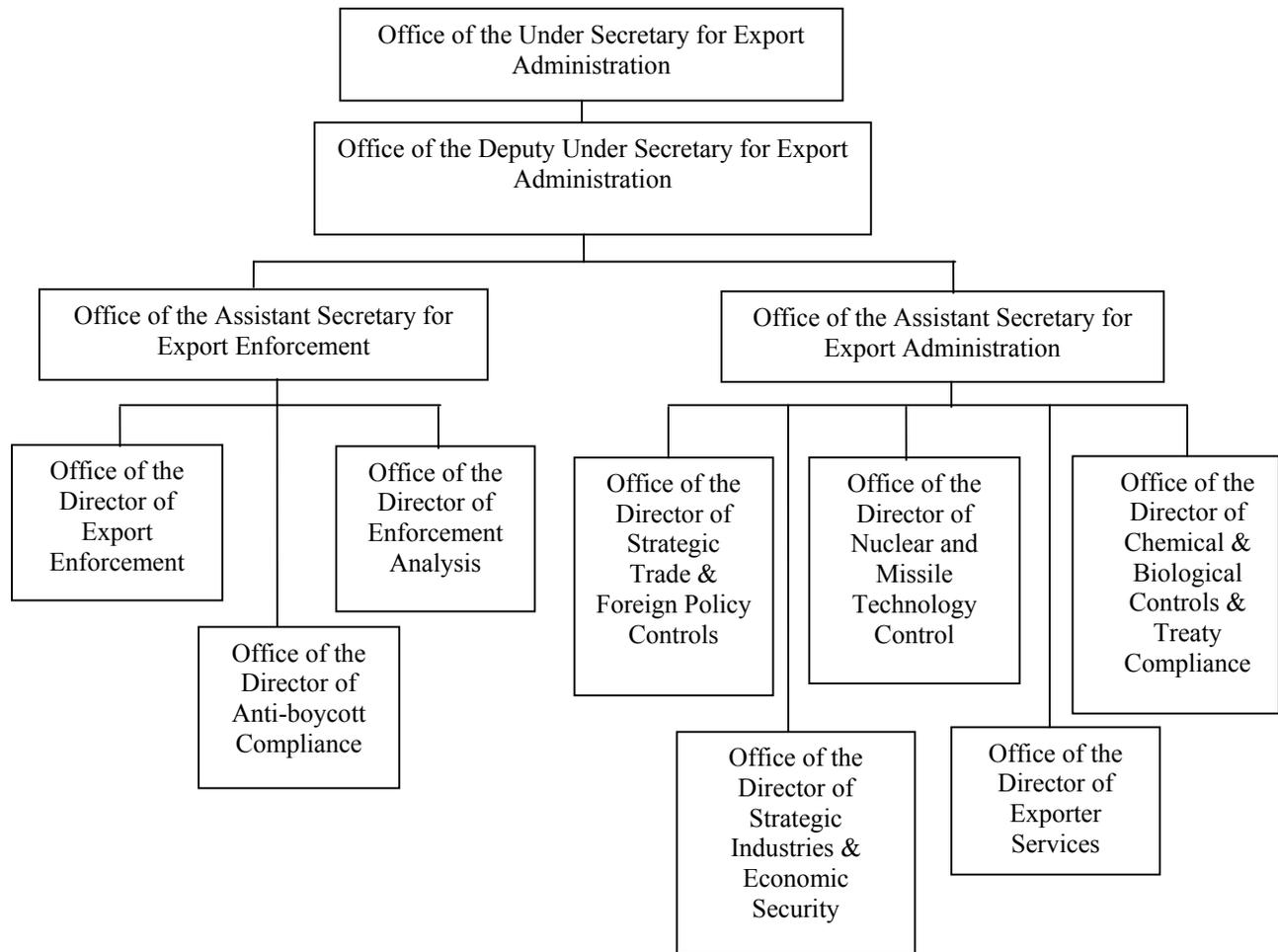


Figure 1: Organization of the Bureau of Export Administration

(1) The Under Secretary of BXA along with the Deputy Under Secretary oversees BXA's two principal operating units, Export Administration and Export Enforcement, as well as the Office of Administration, and the Office of Congressional and Public Affairs. BXA includes the Under Secretary for Export Administration, the Deputy Under Secretary for Export Administration, the Assistant Secretary for Export Administration, the Assistant

¹⁶ Testimony of Roger Majak, Assistant Secretary for Export Administration, Department of Commerce. Before the Subcommittee on International Trade and Finance, Committee on Banking, Housing and Urban Affairs, United States Senate. April 14, 1999. www.bxa.doc.gov/press/99/majakdualusetech.html

¹⁷ www.bxa.doc.gov and Carroll's Federal Charts Volume2 Spring 1999.

Secretary for Export Enforcement, the Director of Administration, and the Director of Congressional and Public Affairs. Both the Office of Administration and the Office of Congressional and Public Affairs are housed within the Office of the Under Secretary. Both offices provide support to the Office of the Under Secretary and BXA's Export Enforcement and Export Administration branches.

(2) The Office of the Assistant Secretary for Export Enforcement heads BXA's Export Enforcement (EE) branch, which is comprised of three offices.

(a) Office of the Director of Export Enforcement (OEE) works to prevent the illegal export of dual-use items, which are controlled for national security and other reasons, and investigates alleged transactions involving illegal export. OEE's Intelligence and Field Support Division receives and disseminates information to special agents in the field.

(b) Office of the Director of Enforcement Analysis (OEA) assists the OEE field offices and BXA's export licensing offices by receiving and disseminating export control information on problem end-users and end-uses. The office also makes licensing recommendations to BXA licensing officers based on intelligence information and input received from special agents in the field.

(c) Office of the Director of Anti-boycott Compliance (OAC) is responsible for implementing the anti-boycott provisions of the Export Administration Regulations.¹⁸ This office performs three main functions: enforcing the regulations; assisting the public in anti-boycott compliance; and compiling and analyzing information regarding international boycotts.¹⁹

(3) The Office of the Assistant Secretary for Export Administration heads BXA's Export Administration (EA) branch, which is comprised of five offices.

(a) The Office of the Director of Strategic Trade and Foreign Policy Controls (STFPC) implements multilateral export controls under the Wassenaar Arrangement.²⁰ The office also licenses exports of encryption software and high performance computers. STFPC is the lead agency for policy issues involving countries like China and India for unilateral and UN sanctions, and for export controls related to antiterrorism, regional stability, and crime control.

(b) The Office of the Director of Nuclear and Missile Technology Controls (NMT) administers both the multilateral and unilateral export controls on dual-use

¹⁸ "The anti-boycott provisions of the Export Administration Act and Regulations apply to foreign boycotts fostered or imposed against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation. The anti-boycott provisions prohibit United States individuals and companies from furnishing, or agreeing to furnish, information about any person's business relationships with or in a boycotted country, or with individuals and companies believed to be restricted from doing business with or in one or more countries that participate in the Arab boycott of Israel. U.S. companies and individuals are also required to report to the Department each boycott-related request they receive." <http://www.bxa.doc.gov/press/96/Pump.htm>

¹⁹ Fiscal Year 1998 Annual Report. www.bxa.gov

²⁰ The Wassenaar Agreement deals with conventional arms and related dual-use goods and technology. Wassenaar controls conventional weapons and related technologies such as computers, satellites, and machine tools. Member nations agree to cooperate on certain technologies via export controls. BXA works with DoS, DoD, and DoE to develop U.S. objectives and positions for Wassenaar and other non-proliferation regimes in which the United States participates. BXA then implements the agreed upon export controls. www.bxa.doc.gov/press/99/NonProliferationRegimes.html.

nuclear and missile goods and technology to prevent the spread of weapons of mass destruction. NMT is also responsible for all export control policy issues relating to the Nuclear Suppliers Group (NSG)²¹ and Missile Technology Control Regime (MTCR).²² NMT represents the Commerce department in international negotiations related to the export controls of these regimes. NMT also has the responsibility for reviewing proposed exports of items subject to license requirements under the Enhanced Proliferation Control Initiative (EPCI).²³

(c) The Office of the Director of Chemical and Biological Controls and Treaty Compliance has overall responsibility for administering export controls and policy development relating to the Australia Group (AG).²⁴ This office has a major role in overseeing compliance by U.S. industries with the requirements of the Chemical Weapons Convention, the Biological Weapons Convention, and other relevant treaties. The office also carries out the provisions governing "deemed exports".²⁵

(d) The Office of the Director of Strategic Industries and Economic Security (SIES) is the focal point within the Commerce Department for issues relating to the competitiveness of the U.S. defense industrial base. As such, SIES plays a leadership role in a wide range of issues that relate to both the national and economic security of the United States.²⁶

(e) The Office of the Director of Exporter Services (OEXS) is responsible for counseling exporters, conducting export control seminars, and developing, drafting, and publishing changes to the Export Administration Regulations (EAR). It develops brochures and other written guidance to educate and train exporters and to ensure compliance with the EAR. It is also responsible for compliance actions relating to the special comprehensive license; for administering the processing of license applications, commodity classifications, and advisory opinions; and for implementing End-User Verification.

5. Formal National Security Process Involvement. As the agency within the Executive Branch responsible for export controls, BXA oversees the formulation and implementation of the activities and policies called for in the *National Security Strategy*. This includes refining export controls to reduce burdensome licensing requirements, while ensuring that non-proliferation goals are being met.

²¹ The Nuclear Suppliers Group (NSG) focuses on two areas of export controls. The first is nuclear material and technology. The second is dual use nuclear items that have nuclear and non-nuclear commercial applications. www.bxa.doc.gov/press/99/NonProliferationRegimes.html.

²² The MTCR was created in 1987 by the U.S. and six other countries to limit the proliferation of missiles capable of delivering weapons of mass destruction. www.bxa.doc.gov/press/99/NonProliferationRegimes.html.

²³ The Enhanced Proliferation Control Initiative (EPCI) began in 1991 to stem the spread of missile technology as well as nuclear, chemical and biological weapons. Under EPCI, BXA has the authority to inform exporters that a license is required for exports and re-exports of normally uncontrolled goods and technology to an organization or company on the Entity List, when there is an unacceptable risk of use in or diversion to activities related to nuclear, chemical or biological weapons or missile proliferation by those organizations or companies. BXA Annual Report 1998. www.bxa.gov.

²⁴ The AG is a group of countries that cooperate in curbing the proliferation of chemical and biological weapons through export control coordination and information sharing. www.bxa.doc.gov/press/99/NonProliferationRegimes.html.

²⁵ The "deemed export" rule requires U.S. companies to obtain prior approval from BXA before foreign nationals from certain countries are allowed to work on U.S. projects involving controlled technology.

²⁶ SIES's efforts include assisting American companies to diversify from defense to commercial production and markets, promoting the sale of U.S. weapons systems to allies, analyzing the impact of export controls on key industrial sectors, and conducting primary research and analysis on critical technologies and defense-related sectors.

A. Strategy Development: BXA helped develop the export control aspects of the 1999 National Security Strategy, which call for "reforming the export licensing system...to support U.S. exporters' efforts to compete on a level playing field with their foreign competition by removing unnecessarily burdensome licensing requirements left over from the Cold War...while ensuring that our non proliferation interests are safeguarded."²⁷

B. Policy, Guidance, and Regulation: BXA provides regulatory guidance on export licenses to industry, and chairs the interagency dispute resolution process that ensures sensitive technologies are adequately controlled. This control extends to the multilateral non-proliferation and export control regimes in which BXA participates. The four regimes are the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group for Chemical and Biological Weapons, and the Wassenaar Arrangement for conventional arms and related dual use technologies. BXA works with the Departments of State, Defense, and Energy to develop U.S. objectives and goals for these regimes.

C. Planning: No involvement.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: BXA sets licensing requirements for technology exports and, as noted above, also chairs the interagency dispute resolution process. BXA enforces decisions of the interagency dispute resolution process by denying license applications, keeping track of denials, and ensuring treaty compliance, (in particular ensuring that U.S. industry complies with the Chemical Weapons Convention).

F. Preparation: No involvement.

G. Resourcing: BXA plays a role in the resourcing of its programs and also provides funding for the Critical Infrastructure Assurance Office.

6. Informal National Security Process Involvement. No evidence of BXA's role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House Committee on Commerce; the Senate Committee on Commerce, Science, and Transportation; the House and Senate Armed Services Committees; the House International Relations Committee; the Senate Foreign Affairs Committee; and the House and Senate Judiciary Committees. The Senate Appropriations Committee and House Appropriations Committee have jurisdiction over BXA budgets.²⁸

B. Funding Sources: BXA is funded as an agency within the Commerce Department.

C. Budget: The Fiscal Year 99 Budget for BXA was \$52.6 M.

²⁷ 1997 National Security Strategy. p. 8.

²⁸ <http://thomas.loc.gov>.

D. Personnel: BXA has 464 positions for Fiscal Year 99, and is slated to have 491 positions for Fiscal Year 00.

8. Conclusions and Observations. BXA, an agency of the U.S. Department of Commerce, is responsible for formulating and enforcing the export control policies of the U.S. government. BXA prevents the export of technologies controlled by the United States or multilateral regimes that may harm national security by working with the Departments of State, Defense, and Energy to ensure that export licenses for dual use and sensitive technologies are adequately reviewed.

BXA chairs the interagency dispute resolution process for dual use export licenses, and also works with the Departments of Defense, State, and Energy to develop U.S. policy objectives and positions for multilateral non-proliferation regimes. BXA also ensures U.S. industry compliance with the Chemical Weapons Convention (CWC) and funds the Critical Infrastructure Assurance Office (CIAO). Finally, BXA works with Russia and other newly emerging countries to develop effective export control systems. Through these regulatory and enforcement efforts, BXA works to fulfill the goals and objectives called for in the National Security Strategy: shaping the international environment through non-proliferation initiatives and reforming the export licensing system to support U.S. exporters, while ensuring that U.S. non-proliferation interests are safeguarded.

BXA's core competencies are formulating, administering, and enforcing export controls. BXA values include decentralization, technical competence, objectivity, analysis, community outreach, and consensus building. BXA's budget is part of the Department of Commerce budget and is \$52.6 million for Fiscal Year 99.

BXA's export licensing process hinges upon interagency coordination. A recent report by the General Accounting Office (GAO) investigated how well the interagency license process worked in regard to satellite exports. GAO investigated satellite exports that were launched on Chinese, Russian, and Ukrainian launch vehicles between 1989 and February of 1999. According to GAO, BXA approved eight satellite launch campaigns before 1997 that omitted conditions requiring DoD monitors, the preparation of a technology control plan, and explicit compliance with the government-to-government technology safeguard agreements. GAO noted that DoD and DoS did not require these license conditions when they reviewed the applications, and that the lack of such safeguards may have allowed the transfer of sensitive technology or information. Since 1997 Commerce has applied these license conditions to all launch campaigns, and in March of 1999 Congress placed the satellite licenses under the authority of the State Department. GAO concluded that the interagency licensing process was not effectively implemented.²⁹

One impediment to the timely and effective implementation of the interagency licensing process and interagency coordination is the lack of a secure paperless system for exchanging information. The current process relies on a mixture of electronic and paper information. BXA indicated that moving to a secure paperless system would facilitate better interagency interaction and improve the turnaround time for decisions on both policy and licenses. Finally, BXA indicated that resolving some "big picture" policy issues would improve interagency coordination and planning.³⁰

²⁹ GAO/GDD 99-182 September 1999.

³⁰ BXA Survey Response. February 14, 2000

ORGANIZATIONAL DESCRIPTION

THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Economic Development Administration

Overview.

The Public Works and Economic Development Act of 1965, enacted to facilitate economic development and recovery in distressed areas and communities, established the Economic Development Administration (EDA), an agency of the Department of Commerce. EDA provides grants and loans to aid:

- State and local governments;
- Regional economic development districts;
- Non-profit organizations; and
- Indian Tribes in economic development planning.

EDA also helps directly spur development through loans and grants for economic rebuilding in areas suffering from:

- Natural disasters;
- Military base closures;
- Changing trade patterns; and
- Natural resource depletion.

EDA's core competencies are administering and evaluating the success of economic development loan and grant programs. Key EDA values include decentralization, efficiency, and customer-focus.¹

Organization.

The Assistant Secretary of the EDA, with assistance from the Deputy Assistant Secretary of EDA, oversees all three of EDA's operating units. EDA's three principal operating units are Program Operations (PO), Finance and Administration (FA), and the Congressional Liaison and Program Research and Evaluation (CLPRE) office. Both PO and CLPRE are headed by their respective Deputy Assistant Secretaries. A Chief Financial Officer heads FA. PO administers the bulk of EDA's customer programs, while CLPRE and FA serve as support agencies. CLPRE regularly evaluates programs for their success and impact on revitalization and development. FA provides accounting and administrative support for programs. EDA is authorized an end strength of 261 people with a FY99 budget of \$413 million.²

¹ EDA Factsheet 99. www.doc.gov/eda.

² U.S. Department of Commerce Fiscal Year 2000 Budget in Brief. www.doc.gov.

Role in Formal and Informal National Security Process.³

EDA has a formal supporting role in the national security process. EDA's numerous assistance programs support the National Security Strategy's (NSS) objective of helping promote America's domestic prosperity.⁴ By creating jobs, and helping distressed areas recover from economic challenges, EDA aids the American economy. EDA does not play an informal role in the national security process.

Conclusions and Observations.

EDA administers a variety of grant and loan programs aimed at helping communities improve their economic development planning, and also to recover from severe economic dislocations such as military base closures and natural disasters. Through these efforts EDA supports American prosperity, a major goal of the National Security Strategy (NSS).

³ EDA Factsheet 99. www.doc.gov/eda.

⁴ The White House. A National Security Strategy for a New Century, May 1997, p.14.

ORGANIZATIONAL DESCRIPTION

ECONOMIC DEVELOPMENT ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: EDA was created by Congress pursuant to the Public Works and Economic Development Act of 1965, as amended by the Economic Development Administration Reform Act of 1998. Public Law 105-393, signed on November 13, 1998, authorizes EDA for five years.⁵

B. Department/Agency Directives: None available.

2. Missions/Functions/Purposes.

A. Major Responsibilities: According to EDA's Mission Statement, EDA was established to: "Generate jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas of the United States. EDA assistance is available to rural and urban areas of the Nation experiencing high unemployment, low income, or other severe economic distress."⁶

EDA's major program responsibilities include:⁷

(1) The Planning Program for Economic Development Districts, Indian Tribes and Eligible Areas works with 320 Economic Development Districts (EDD) and 65 Indian Tribes to help distressed communities formulate and implement economic development programs.⁸ These programs create full time jobs and increase the income for the unemployed and underemployed in an area.

(2) The Planning Program for States and Urban Areas helps plan and implement new economic development in economically distressed states, regions, and urban areas.

(3) The Local Technical Assistance Program awards grants for proposals that help determine the feasibility of proposed economic development investments in local areas.

(4) University Centers are given grants to fund proposals that utilize university and outside resources for activities that aid a state's economic development. EDA supports 69 university centers, which use their own and outside resources to promote private job creation and economic development statewide.⁹

⁵ EDA Mission Statement. www.doc.gov/eda.

⁶ EDA Mission Statement.

⁷ Programs of the Economic Development Administration. www.doc.gov/eda.

⁸ EDD organizations also help coordinate various Federal and state programs.

⁹ While EDA prefers program proposals that are explicitly targeted at development across an entire state, consideration is given to proposals that benefit the majority of a state's population or geographic area. Programs of the Economic Development Administration. www.doc.gov/eda.

(5) The Public Works Program funds locally developed public works infrastructure projects that allow communities to establish and support private sector businesses.

(6) The Economic Adjustment Program provides grants to states and local areas that help them design and/or implement strategies to diversify the economic base and create quality jobs. A key component of the economic adjustment program is Defense Adjustment. Through Defense Adjustment, EDA provides grants to communities affected by base closures to help modernize base infrastructures to attract private investment.

(7) The National Technical Assistance Research and Evaluation Program provides grants that increase knowledge about emerging economic development issues, measure program performance, and meet the information and education needs of local, state, and national economic development practitioners and organizations.

(8) The Trade Adjustment Assistance Program helps firms that have been injured by increased imports. EDA supports a nationwide network of 12 Trade Adjustment Centers that offer cost-shared professional assistance to trade-injured firms. This assistance helps U.S. manufacturing firms injured by imports develop strategies for competing in the global market place.

(9) The Post-Disaster Economic Recovery Program provides post-disaster assistance to areas affected by Presidentially declared natural disasters. The assistance helps to rebuild infrastructure through loans and grants.

(10) The Revolving Loan Funds enhance local capacity to invest in community-identified commercial development that creates jobs. Upon repayment, principal and interest stay in the community for re-lending and further economic development activity.

(11) The Economic Development Information Clearinghouse (EDIC) is a free service that provides information about economic development at the federal, state, and local levels. The database contains a compendium of government programs, and a variety of other materials and contacts designed to assist economic development professionals, businesses, and communities in alleviating or preventing economic distress.

B. Subordinate Activities and Agencies: None.

3. Vision and Core Competencies:

A. Vision: EDA does not have a published vision statement.

B. Core Competencies:¹⁰

(1) Administering economic development loan and grant programs.

(2) Evaluating programs for their impact on economic development.

¹⁰ EDA does not list its core competencies. These core competencies are based upon a review of EDA's mission statement and other literature. www.doc.gov/eda.

4. Organizational Culture.

A. Values: EDA is customer-focused, efficiency-driven, and decentralized.¹¹

B. Leadership Traditions: An Assistant Secretary who is nominated by the President and approved by the Senate heads the EDA. A Deputy Assistant Secretary appointed by the President assists the Assistant Secretary. Two Deputy Assistant Secretaries appointed by the President head EDA's sub-offices, PO and CLPRE. EDA's third sub-office, FA is run by a Chief Financial Officer, who is a career civil servant. EDA's leadership supports its customer service focus by endorsing decentralization. The result has been reduced staffing levels and a shifting of personnel resources from headquarters to field operations to improve customer service.¹²

C. Staff Attributes: Economic development professionals staff EDA.

D. Strategy: EDA's strategy is to provide expert advice, guidance, and program support in a way that meets the needs of its diverse clientele. The resulting strategy is one that delegates decision-making authority to the field offices and encourages both flexibility and accountability.¹³

E. Organization:

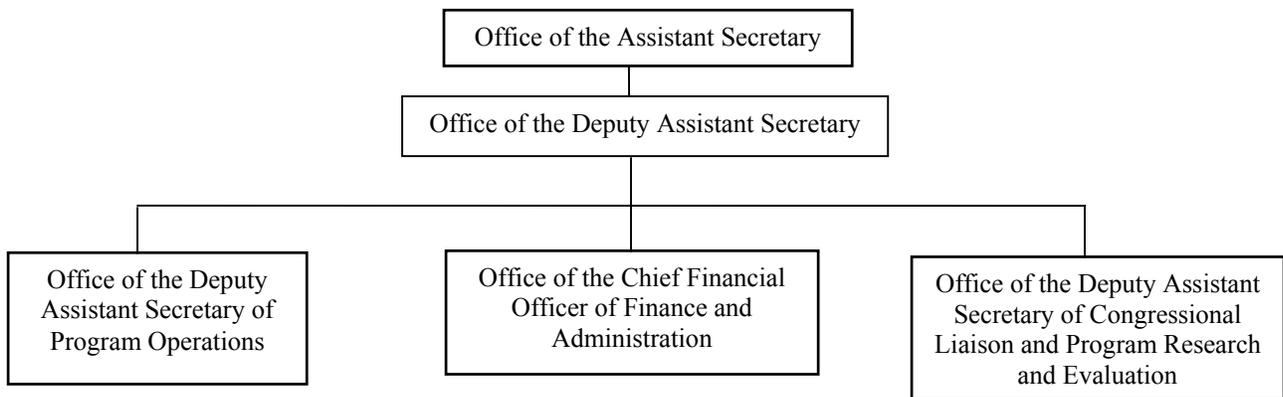


Figure 1: Organization of Economic Development Administration

(1) The Assistant Secretary of the EDA, with assistance from the Deputy Assistant Secretary of EDA, oversees all three of EDA's operating units. EDA's three principal operating units are Program Operations (PO), Finance and Administration (FA), and the Congressional Liaison and Program Research and Evaluation (CLPRE) office.

(1) The Office of the Deputy Assistant Secretary of Program Operations administers the bulk of EDA's customer programs. EDA's 10 grant and loan programs help distressed communities plan and implement economic development initiatives.¹⁴

¹¹ EDA Factsheet 99. www.doc.gov/eda.

¹² Interview with EDA Public Affairs. 10/19/99.

¹³ EDA Factsheet 99. www.doc.gov/eda.

¹⁴ See paragraph 2a for a detailed account of EDA's customer programs. EDA Factsheet Fiscal Year1999. www.doc.gov/eda.

(2) The Office of the Chief Financial Officer of Finance and Administration provides accounting, budgeting, and administrative support for programs. FA is also responsible for ensuring that EDA funds are dispersed in an accurate and timely fashion.

(3) The Office of the Deputy Assistant Secretary of Congressional Liaison and Program Research and Evaluation evaluates the success and impact of EDA's economic development grants and loans on revitalization and development. Funds for programs administered by PO are renewed based on CLPRE's verification that a program is having a successful impact on development. CLPRE also reports on EDA's programs to Congress.¹⁵

5. Formal National Security Process Involvement. EDA supports the National Security Strategy's objective of promoting America's domestic prosperity through numerous assistance programs.¹⁶ By creating jobs and helping distressed areas recover from economic challenges, EDA aids the American economy.

A. Strategy Development: No involvement.¹⁷

B. Policy Guidance and Regulation: No involvement.

C. Planning: No involvement.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: No involvement.

F. Preparation: No involvement.

G. Resourcing: EDA administers and funds 11 economic development programs that help communities create jobs and recover from economic challenges. These programs support the NSS's objective of aiding American prosperity at home.

6. Informal National Security Process Involvement. There is no evidence of EDA's participation in informal national security processes.

7. Funding and Personnel:

A. Authorization and Appropriations: The relevant authorizing committees are the House Committee on Commerce; the Senate Committee on Commerce, Science, and Transportation; the House Resources Committee; the House Transportation and Infrastructure Committee; the House Agriculture Committee; the House Banking and Finance Committee; the Senate Finance Committee; the Senate Environment and Public Works Committee; and the Senate Indian Affairs Committee. The Senate Appropriations Committee; the House

¹⁵ Programs of the Economic Development Administration.

¹⁶ 1997 National Security Strategy, p.14.

¹⁷ Though the NSS indicates that domestic prosperity is important to National Security, officials at EDA indicated that their agency did not help develop the economic development aspects of the NSS. Interview with EDA Communications Office, 10/19/99.

Appropriations Committee; the House Committee on Commerce; and the House Subcommittee on Commerce, Justice, State, and Judiciary have jurisdiction over EDA budgets.¹⁸

B. Funding Sources: EDA funding comes out of the Department of Commerce budget.

C. Budget: The fiscal year 1999 budget for EDA was \$413 million.¹⁹

D. Personnel: EDA has 261 positions for fiscal year 1999, and is slated to have 265 positions for fiscal year 2000.²⁰

8. Conclusions and Observations. The Economic Development Administration is a supporting player in the national security process. EDA's administration and implementation of economic development programs contributes to American prosperity, a major goal of the National Security Strategy.

¹⁸ www.loc.thomas.gov.

¹⁹ Budget in Brief. www.doc.gov.

²⁰ Budget in Brief. www.doc.gov.

ORGANIZATIONAL DESCRIPTION

THE INTERNATIONAL TRADE ADMINISTRATION (ITA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

International Trade Administration

Overview.

The International Trade Administration (ITA), a Commerce Department agency, was established by title 19 U.S.C., Section 2171.¹ ITA focuses on:

- Promoting U.S. exports and representing commercial interests abroad;
- Providing industry information and analysis to U.S. exporters, policymakers, and trade negotiators;
- Administering countervailing duty and antidumping laws in conjunction with the International Trade Commission; and
- Monitoring market access and compliance of U.S. international trade agreements.

Organization.

ITA is headed by the Under Secretary for International Trade, supported by the Deputy Under Secretary, and oversees ITA's four units:

- The U.S. and Foreign Commercial Service;
- Market Access and Compliance (MAC);
- Import Administration (IA); and
- Trade Development (TD).

Each of ITA's four units is headed by an Assistant Secretary. ITA's Under Secretary, Deputy Under Secretary and four Assistant Secretaries are all nominated by the President and confirmed by the Senate. The U.S. and Foreign Commercial Service helps small and medium businesses export by providing market information, trade leads, and overseas business contacts through its 100 domestic offices and 140 overseas posts. The Commercial Service also administers a number of domestic Export Assistance Centers that bring together the resources and staffs of ITA's Commercial Service, the Small Business Administration, and the Export-Import Bank.

MAC monitors, investigates, and evaluates foreign compliance with more than 200 recent trade agreements, and its country experts provide market analysis to U.S. businesses. IA investigates complaints of unfair imports. If IA determines that an importer is violating antidumping laws or is receiving unfair subsidies for their product, and the International Trade Commission agrees, then antidumping duties and/or countervailing duties may be imposed. TD provides industry specific analysis and advice on trade and investment issues to the U.S. business

¹ www.thomas.loc.gov.

community. TD also participates in the negotiation and monitoring of bilateral and multilateral trade agreements.² ITA is authorized an end strength of 2,548 positions with a FY 99 budget of \$285 million.³

Role in Formal and Informal National Security Processes.

As the lead unit for trade within the Department of Commerce, ITA supports the National Security Strategy's objectives of enhancing American competitiveness abroad and access to foreign markets.⁴ ITA's export promotion programs provide U.S. industry, policymakers, and negotiators with country and industry analysis and also provide U.S. exporters with contacts and trade assistance. ITA also ensures that foreign markets and competitors adhere to bilateral and multilateral trade agreements. Through monitoring, investigations, the application of antidumping and countervailing duties, and policy promotion, ITA works to ensure that U.S. exporters are able to secure greater foreign market access and that foreign firms are not given an unfair advantage due to dumping or subsidies.

Conclusions and Observations.

ITA serves as the lead Commerce Department agency for trade. ITA's four divisions work to ensure that U.S. firms are granted equal market access under existing trade agreements; protected from unfairly traded imports; and aided in promoting their exports through Export Assistance Centers and other ITA programs. These activities support the National Security Strategy's objective of enhancing American competitiveness and access to foreign markets. A recent report by the Government Accounting Office (GAO) investigated the efficacy of the Export Assistance Centers, (which bring together the staff and expertise of ITA, the Import-Export Bank, and the Small Business Administration). GAO recommended that Export Assistance Centers develop more integrated performance measures, establish a customer tracking system that provides information on clients and what services the centers can provide them, and revamp their accounting system to better reflect the costs of creating and operating the network of Export Assistance Centers.⁵

² Interview with ITA Office of Public Affairs.

³ Department of Commerce Budget in Brief Fiscal Year 2000. www.doc.gov.

⁴ The White House. A National Security Strategy for New Century, May 1997, p.14.

⁵ U.S. Export Assistance Centers: Customer Service Enhanced, But Potential to Improve Operations Exists (GAO Testimony, 07/25/96).

ORGANIZATIONAL DESCRIPTION

INTERNATIONAL TRADE ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive:⁶

(1) **Reorganization Plan No. 3 of 1979**, which was codified under title 19 U.S.C., section 2171, established the International Trade Administration (ITA) within the Department of Commerce. The reorganization plan established the Office of the Under Secretary of ITA and charged ITA with the "general operational responsibility" for major nonagricultural international trade functions of the United States government, including export development, commercial representation abroad, the administration of the antidumping and countervailing duty laws, trade adjustment assistance to firms, and monitoring compliance with international trade agreements to which the United States is a party.⁷

(2) **The Export Administration Amendments Act of 1985 (Public Law 102-429)** authorized for the first time congressional appropriations for ITA's export promotion programs. Monies for export promotion activities had previously been subject to the general ITA appropriation.

(3) **The Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418)** was enacted on August 23, 1988 and established the United States Commercial and Foreign Service within ITA. The Commercial Service focuses primarily on the promotion of exports and goods from the United States, and the protection of United States business interests abroad.

(4) **The Export Enhancement Act of 1992 (Public Law 102-429)** established the Trade Promotion Coordinating Committee (TPCC), which the Department of Commerce chairs. The TPCC, which includes representatives from 19 federal agencies, is charged with providing a unifying framework to coordinate the export promotion and export financing activities of the United States government, and with developing a government-wide strategic plan for carrying out Federal Export Promotion and export financing programs.

B. Department/Agency Directives: None available.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The International Trade Administration is the lead unit for trade in the Department of Commerce. ITA promotes U.S. exports of manufactured goods, nonagricultural commodities, and services. ITA also participates in formulating U.S. foreign trade and economic policies via the Trade Promotion Coordinating Committee. In addition, ITA monitors market access and compliance of U.S. international trade agreements.

⁶ ITA Interview.

⁷ ITA Interview.

B. Subordinate Activities and Agencies:

(1) The United States International Trade Commission (USITC) is an independent, nonpartisan, quasi-judicial federal agency. Established by Congress in 1916 as the U.S. Tariff Commission (the Trade Act of 1974 changed its name to the U.S. International Trade Commission), the agency has broad investigative powers on matters of trade. The USITC reviews antidumping and countervailing duties cases that ITA's Import Administration has investigated.⁸ If the USITC agrees with the Import Administration that antidumping law has been violated and the violation will harm U.S. firms, then the Import Administration levies antidumping duties. The USITC also reviews cases related to countervailing duties. Once again, if the USITC determines that imports have benefited from subsidies and have or will materially harm U.S. industry, then the Import Administration imposes countervailing duties on the import. In addition to its interaction with the Import Administration, the USITC also serves as the government's think tank on international trade, conducting objective studies on many international trade matters, including nearly every commodity imported into or exported from the United States as well as any topic requested by the President, the Senate Committee on Finance, or the House Committee on Ways and Means. The USITC has an extensive library of international trade resources called the National Library of International Trade, which is open to the public during agency hours.⁹

(2) The Trade Promotion Coordinating Committee (TPCC) provides a unifying framework to coordinate the export promotion and export financing activities of the United States government, and also develops a government-wide strategic plan for carrying out Federal Export Promotion and export financing programs. TPCC members include 19 federal agencies: the Departments of Commerce (as chair); Agriculture; Defense; Energy; Interior; Labor; State; Transportation; and Treasury; the Agency for International Development; the Council of Economic Advisers; the Environmental Protection Agency; the Export-Import Bank; the Office of Management and Budget; the Overseas Private Investment Corporation; the Small Business Administration; the Trade and Development Agency; the U.S. Information Agency; and the U.S. Trade Representative. The TPCC formed working groups to aid in coordinating trade promotion programs. Thirteen working groups were operating at the end of 1992:

- (a)** Trade Finance;
- (b)** Food Production, Machinery, and Processing;
- (c)** Energy, Environment, and Infrastructure;
- (d)** Technology and Aerospace;
- (e)** Services;

⁸ The Antidumping law addresses the unfair practice of selling goods below cost or fair value. If the "dumping" of such goods causes material harm to U.S. firms then duties may be levied on the imported goods to bring the final price in line with the fair market price. The Countervailing Duties Law provides for the imposition of countervailing duties on imported goods that have benefited from subsidies provided by their home governments. These subsidies may have been in the form of grants, tax credits, or the provision of preferential terms on loans, equity, or goods.

⁹ ITA Interview.

- (f) Enterprise for the Americas;
- (g) Eastern Europe;
- (h) Asia and Pacific;
- (i) State and Local;
- (j) Minority Business;
- (k) U.S. Asia Environmental Partnership;
- (l) Russia, Ukraine, and the Newly Independent States; and
- (m) Small Business.

3. Vision and Core Competencies.

A. Vision: None published.

B. Core Competencies:¹⁰

(1) Promoting U.S. Exports.

(2) Implementing major trade agreements to ensure U.S. firms have equal market access.

(3) Enforcing antidumping and countervailing duty laws and agreements.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: The Under Secretary for International Trade is nominated by the President and approved by the Senate. The Deputy Under Secretary of ITA and ITA's four Assistant Secretaries are also nominated by the President and approved by the Senate.

C. Staff Attributes: Country, industry, and trade policy experts staff the ITA.¹¹

D. Strategy: ITA believes that it must focus on:

(1) Leveraging its country and industry trade experts to promote exports and help U.S. exporters through U.S. Export Assistance Centers;

¹⁰ ITA does not list its core competencies. These core competencies are based upon a review of ITA's mission statement and interviews with ITA staff. www.doc.gov/ita.

¹¹ Interview with ITA staff.

(2) Utilizing its trade policy expertise to ensure that U.S. firms have equal access to foreign markets and to implement major trade agreements such as the General Agreements on Tariffs and Trade (GATT) and the North America Free Trade Agreement (NAFTA); and

(3) Enabling U.S. businesses to compete against unfairly traded imports by enforcing antidumping and countervailing duty laws.

E. Organization Chart:

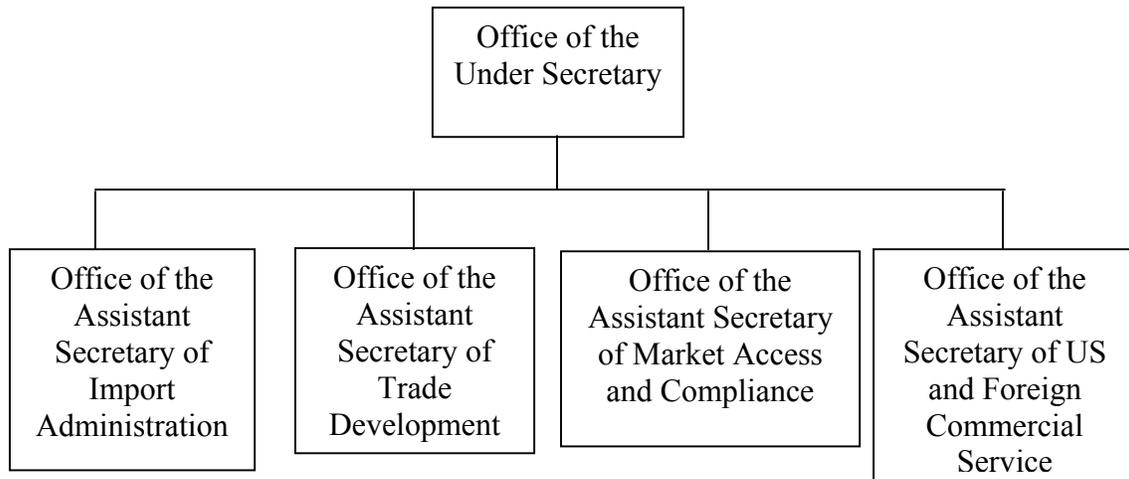


Figure 1: Organization of the International Trade Administration

(1) **The Under Secretary of ITA**, with assistance from the Deputy Under Secretary of ITA, oversees all four of ITA's operating units. In addition to ITA's four operating units, there are a number of offices that provide support functions. These include the Office of Legislative and Intergovernmental Affairs; the Office of Public Affairs; the Office of Financial Management; the Office of Information Resources Management; and the Office of Organization and Management Support. These offices provide information, financial accounting, and administrative support to the Office of the Under Secretary and ITA's four operating units. ITA's four operating units are the Import Administration, Trade Development, Market Access and Compliance, and the Foreign and Commercial Service.

(2) **The Import Administration (IA)** investigates dumping complaints to determine whether foreign goods are being sold in the United States at less than fair value and investigates countervailing duty complaints to determine whether foreign governments are subsidizing their exports to the United States. IA's subsidies Enforcement Office is responsible for determining whether foreign governments are subsidizing their exports to the disadvantage of U.S. exporters selling in third country markets. Once the Import Administration has completed its investigation, the USITC conducts its own investigation. If the USITC concurs with IA's findings and determines that the dumped or subsidized import has or may cause material injury to U.S. firms, then IA levies either antidumping or countervailing duties on the import.

(3) **Trade Development (TD)** provides industry-specific analysis and advice on trade and investment issues to the U.S. business community and participates in negotiation and monitoring of bilateral and multilateral trade agreements. Organized along industry and cross-sectoral lines, TD staff counsel U.S. exporters and service providers about marketing their products abroad, and conduct sector-specific trade missions, literature centers and marketing

seminars. TD staffers also identify market barriers and provide advocacy to help U.S. industry achieve fair and open access to international markets. TD seeks to ensure the diverse interests of U.S. industry, especially small and medium-sized companies, are advanced in U.S. trade policy, promoting strength and growth of the U.S. economy. TD's industry experts are often called upon by the Office of the United States Trade Representative (USTR) for their analytic support in preparation for and during international trade negotiations.

(4) Market Access and Compliance (MAC) is the U.S. Government's focal point for securing greater foreign market access for U.S. companies, especially small and medium-sized businesses, through elimination of barriers to U.S. exports overseas and by ensuring compliance with more than 200 trade agreements concluded by the United States. MAC consists of six regional groups: Africa; the Near East and South Asia; Europe; the Western Hemisphere; Asia and the Pacific; and Japan. In addition, an Agreements Compliance unit supports trade policy negotiations. The Agreements Compliance Unit also includes a Trade Compliance Center. The center monitors, investigates, and evaluates foreign compliance with international trade agreements and standards of conduct.

(5) The U.S. and Foreign Commercial Service (US&FCS) operates a network of 100 Export Assistance Centers nationwide and 142 posts abroad. US&FCS administers a package of 15 export promotion services to help U.S. exporters expand into new and existing markets. Center trade specialists help companies enter into new markets; give advice on distribution channels, pricing, and relevant trade shows and missions; and assist with trade finance programs available through federal, state, and local entities. Commercial officers abroad promote U.S. exports and interests of American companies in project bidding and trade disputes.

5. Formal National Security Process Involvement. As the lead unit for trade within the Department of Commerce, ITA supports the National Security Strategy's objectives of enhancing American competitiveness abroad and access to foreign markets.¹² ITA's export promotion programs provide U.S. industry, policymakers, and negotiators with country and industry analysis and also provide U.S. exporters with contacts and trade assistance. ITA also ensures that foreign markets and competitors adhere to bilateral and multilateral trade agreements. Through monitoring, investigations, the application of antidumping and countervailing duties, and policy promotion, ITA works to ensure that U.S. exporters are able to secure greater foreign market access and that foreign firms are not given an unfair advantage due to dumping or subsidies.

A. Strategy Development: ITA helped develop the Foreign Market Access aspects of the 1997 National Security Strategy, which calls for "trading partners ... to expand export opportunities for U.S. workers, farmers, and companies."¹³

B. Policy, Guidance, and Regulation: ITA administers antidumping and countervailing duties against unfairly priced imports.

C. Planning: ITA participates in the TPCC and helps develop and implement the National Export Strategy, which is the government-wide strategic plan for Federal Export Promotion.

¹² 1997 National Security Strategy, p.14.

¹³ 1997 National Security Strategy p.15.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: ITA monitors market access aspects of major trade agreements, such as the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.

F. Preparation: No involvement.

G. Resourcing: ITA plays a role in the resourcing of its own programs, which often provide U.S. firms with guidance on financing resources.

6. Informal National Security Process Involvement. No evidence of ITA's role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House International Relations Committee; the House Ways and Means Committee; the Senate Finance Committee; and the Senate Banking Committee. The House and Senate Appropriations Committees have jurisdiction over ITA budgets.¹⁴

B. Funding Sources: ITA is funded as an agency within the Commerce Department.

C. Budget: The Fiscal Year 99 budget for ITA was \$285 million.

D. Personnel: ITA has 2,548 positions for Fiscal Year 99, and is slated to have 2,684 positions for Fiscal Year 00.

8. Conclusions and Observations. As the lead unit for trade within the Department of Commerce, ITA supports the National Security Strategy's objectives of enhancing American competitiveness abroad and access to foreign markets.¹⁵ ITA's four divisions work to ensure that U.S. firms are: granted equal market access under existing trade agreements; protected from unfairly traded imports; and aided in promoting their exports through Export Assistance Centers and other ITA programs.

A recent report by the Government Accounting Office (GAO) investigated the efficacy of the Export Assistance Centers, which bring together the staff and expertise of ITA, the Import-Export Bank, and the Small Business Administration. GAO found that while integrating the services and staff from these three organizations did benefit U.S. Exporters, there was some confusion regarding interagency coordination of information. GAO recommended that Export Assistance Centers develop more integrated performance measures, establish a customer tracking system that provides information on clients and what services the centers can provide them, and lastly, GAO recommended that the centers revamp their accounting system to better reflect the costs of creating and operating the network of Export Assistance Centers.¹⁶

¹⁴ ITA Interview.

¹⁵ 1997 National Security Strategy, p.14.

¹⁶ GAO Testimony, 07/25/96.

ORGANIZATIONAL DESCRIPTION

THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

National Telecommunications and Information Administration

Overview.

The National Telecommunications and Information Administration (NTIA), an agency of the U.S. Department of Commerce, was established in 1978 in response to Executive Order 12046.¹ NTIA serves through the Secretary of Commerce as the principal advisor to the President on domestic and international communications policy. NTIA's primary responsibilities include:

- Developing policies that promote communications competition for presentation to Congress and the Federal Communications Commission (FCC);
- Managing use of the radio spectrum;
- Conducting telecommunications research in partnership with business and other Federal agencies; and
- Awarding grants through the Public Telecommunications Facilities Program and the National Information Infrastructure initiative.

Organization.

The Assistant Secretary of Commerce carries out NTIA's mission for Communications and Information, who administers five major program offices. They are the Institute for Telecommunications Sciences; International Affairs; Policy Analysis and Development; Spectrum Management; and the Telecommunications & Information Applications Office. The Office of the Chief Counsel, Office of Congressional Affairs, and the Office of Public Affairs support the five program offices. NTIA has 290 full-time equivalents employees and a Fiscal Year 99 budget of \$73 million.²

Role in Formal and Informal National Security Processes.

NTIA supports the National Security Strategy's goals of promoting America's domestic prosperity, enhancing U.S. competitiveness in and access to foreign markets, protecting the nations' critical information infrastructure, and planning for emergency preparedness. NTIA supports these four goals through a variety of research, grant, and policy activities, and also by serving as the lead agency for information and telecommunications issues within the Critical Infrastructure Protection Program (CIP).³ NTIA also manages and allocates the federal radio spectrum, a key resource for U.S. armed forces.

¹ EO 12046 merged the Commerce Department's office of Telecommunications and the Office of Telecommunications Policy of the Executive Office of the President. <http://204.193.246.62/public.nsf/docs/legislative-history>.

² Department of Commerce Fiscal Year 00 Budget in Brief. www.doc.gov

³ PDD-63 established the Critical Infrastructure Protection Program (CIP). The CIP is tasked to create a National Infrastructure Assurance Plan that will defend critical infrastructures from physical and cyber attack. Fiscal Year 00 Budget in Brief. www.doc.gov

Conclusions and Observations.

NTIA is the Executive Branch agency responsible for domestic and international telecommunications and information policy issues. In this role NTIA supports the National Security Strategy goals. NTIA supports these goals through its telecommunications research and development efforts; policy advocacy and participation in international negotiations; serving as the lead agency for information and telecommunications for the CIP; and by managing the federal radio spectrum and making plans for spectrum use during peacetime and wartime.

The use of the federal radio spectrum is an important National Security issue. As telecommunications and information technology advances, the demands for spectrum will increase. Currently, the U.S. military's spectrum needs are not fully being met. These needs will increase as U.S. operations increasingly utilize advanced telecommunications technology. NTIA plays an important supporting role in the National Security Process as the manager of the federal radio spectrum.

ORGANIZATIONAL DESCRIPTION

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive:

(1) **Executive Order 12046**, signed March 27, 1978, established the National Telecommunications and Information Administration (NTIA). EO 12046 merged the Department of Commerce's Office of Telecommunications and the Office of Telecommunications Policy of the Executive Office of the President.⁴

(2) **Federal Technology Transfer Act of 1986** provides NTIA the authority to enter into cooperative research agreements with other federal agencies, state and local governments, and the private sector. These agreements help commercialize advanced technologies and aid U.S. firms. As a result, NTIA is able to promote availability and use of advanced telecommunications technology.

B. Department/Agency Directives: None available.

C. **Interagency Directives:** PDD 63 established the interagency Critical Infrastructure Protection Program (CIP).⁵ NTIA is the lead agency for the information and communications sector for the CIP and furthers CIP's objectives through telecommunications research and policy recommendations.

2. Missions/Functions/Purposes

A. Major Responsibilities: EO 12046 outlines the following responsibilities for NTIA.⁶

(1) Assign frequencies to radio stations owned and operated by the United States.

(2) Perform analysis, engineering, and administrative functions, including the maintenance of necessary files and databases, as necessary in the performance of assigned responsibilities for the management of electromagnetic spectrum.

(3) Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

⁴ Executive Order 12046. <http://www.nara.gov/fedreg/eos/e12046.html>.

⁵ A National Coordinator who is a member of the NSC staff heads the CIP. The National Coordinator, with support from other agencies, is responsible for the creation of a National Infrastructure Assurance Plan (NIAP) over the next three years. The NIAP's goal is to help defend critical infrastructure against physical and cyber attacks. Critical Infrastructures are those physical entities and cyber based systems that are essential to the minimum operations of the economy and government. They include telecommunications, energy, banking, and finance, transportation, water systems and emergency services. See the Department of Commerce Budget in Brief Fiscal Year00. www.doc.gov.

⁶ Executive Order 12046. <http://www.nara.gov/fedreg/eos/e12046.html>.

(4) Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

(5) Serve as the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulations of the telecommunications industry.

(6) Aid in the planning and development of the commercial communications satellite system and aid in the execution of a national program for the operation of such a system. Conduct a continuous review of all phases of the development and operation of such a system.⁷

(7) Coordinate, in consultation with the Secretary of State, the activities of governmental agencies with responsibilities in the field of telecommunications.

(8) Make recommendations to the President and others as appropriate, with respect to all steps necessary to insure the availability and appropriate utilization of the communications satellite system for general government purposes.

(9) Help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities, both in the United States and abroad.

(11) Conduct studies and evaluations concerning telecommunications research and development, and concerning the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems. Advise appropriate agencies, including the Office of Management and Budget, of the recommendations that result from such studies and evaluations.

(12) Develop and set forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations. The Department of Commerce shall coordinate economic, technical, operational and related preparations for U.S. participation in international telecommunications conferences and negotiations. The Secretary of Commerce with the assistance of NTIA shall provide advice and assistance to the Secretary of State on international telecommunications policies to strengthen the position and serve the best interests of the United States, in support of the Secretary of State's responsibility for the conduct of foreign affairs.

(13) Coordinate the telecommunications activities of the Executive Branch, and assist in the formulation of policies and standards for those activities, including but not limited to considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

⁷

NTIA has been working with the Departments of State and the FCC to privatize the two international governmental satellite communications entities Intelsat and Inmarsat (the ISOs). The move to privatize these two international governmental entities is based on the belief that U.S. satellite service providers are currently at a disadvantage against foreign competitors. Privatization should level the playing field and enable U.S. satellite providers to better secure market access. NTIA Annual Report Fiscal Year 1998.

(14) Develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

(15) Ensure that the Executive Branch views on telecommunications matters are effectively presented to the Federal Communications Commission and, in coordination with the Director of the Office of Management and Budget, to the Congress.

(16) Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources.

(17) Conduct studies and make recommendations concerning the impact of the convergence of computer and communications technology.

(18) Conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

(19) Continue the Interdepartmental Radio Advisory Committee, which shall serve in an advisory capacity to the Assistant Secretary.

B. Subordinate Activities and Agencies:

(1) The Interdepartmental Radio Advisory Committee (IRAC) works with the Assistant Secretary and the Office of Spectrum management to help assign frequencies to U.S. Government radio stations. IRAC also aids the Assistant Secretary and the Office of Spectrum Management in developing and executing policies and programs relating to the allocation, management, and use of the federal radio spectrum.

There are 22 U.S. agencies and/or departments represented at IRAC. They are NTIA (which serves as both Chair and Executive Secretary), the National Science Foundation, NASA, the Interior Department, the Justice Department, the Treasury Department, the Air Force, the Coast Guard, the Federal Aviation Administration, the Health and Human Services, the FCC, the Navy, the Agriculture Department, the Army, the Energy Department, the State Department, the Federal Emergency Management Agency (FEMA), the General Services Administration, the U.S. Postal Service, the United States Information Agency, the Commerce Department, and the Veterans Administration.

IRAC consists of a main committee and four subcommittees. In addition to these committees, there is the International Notification Group (ING), which notifies the International Telecommunication Union (ITU) about frequency assignments. [The ITU is a civil international organization established to promote standardized telecommunications on a worldwide basis. ITU is recognized by the United Nations as a specialized telecommunications agency.] IRAC also has 12 ad hoc working groups that consider various aspects of spectrum management policy.⁸

⁸ <http://www.its.bldrdoc.gov>

3. Vision and Core Competencies:

A. **Vision:** NTIA's Vision Statement:

"NTIA envisions a world where telecommunications and information technologies are used to protect and improve the global quality of life."⁹

B. **Core Competencies:**¹⁰

- (1) Policy advocacy;
- (2) Radio spectrum management;
- (3) Telecommunications and Information Technology research; and
- (4) Development and protection of Critical Information Infrastructure.

4. Organizational Culture.

A. **Values:** None published.

B. Leadership Traditions: The Assistant Secretary of NTIA is nominated by the President and confirmed by the Senate. The Deputy Assistant Secretary, who is appointed by the President, aids the Assistant Secretary. (Currently the Office of the Deputy Assistant Secretary of NTIA is vacant.) NTIA's eight sub-offices are each headed by a Director. The Directorships are traditionally a mixture of political appointments and civil service positions. Currently all eight NTIA sub-office Directors are career civil servant.¹¹

C. **Staff Attributes:** NTIA is staffed by individuals with technical expertise.¹²

D. Strategy: According to NTIA's mission statement, NTIA was established to: "Promote the efficient and effective use of telecommunications and information resources in a manner that creates job opportunities, enhances U.S. competitiveness, and raises the standard of living."¹³ NTIA identifies four major goals in support of its mission.

- (1) Promote open markets and encourage competition;
- (2) Ensure that the radio spectrum provides the greatest benefit to all people;
- (3) Advance the public interest in telecommunications, mass media, and information; and

⁹ NTIA Annual Report. www.ntia.doc.gov

¹⁰ NTIA does not list its core competencies, but its annual report focuses on these four functions. www.ntia.doc.gov

¹¹ Interview with NTIA's Office of Public Affairs, 10/19/99.

¹² NTIA Annual Report. www.ntia.doc.gov.

¹³ NTIA mission statement. www.ntia.gov.

(4) Promote the availability and sources of advanced telecommunications and information services.

E. Organization:¹⁴

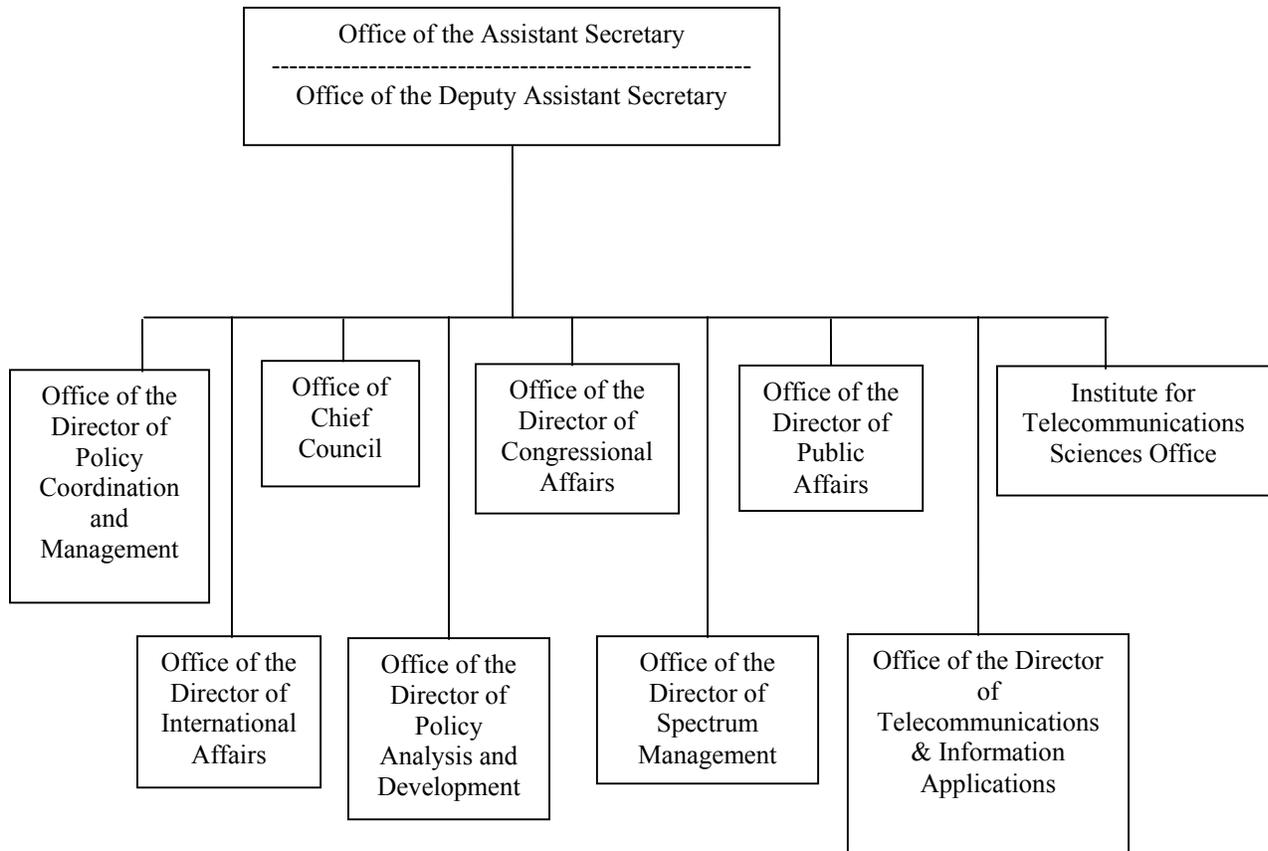


Figure 1: Organization of National Telecommunications and Information Administration

(1) **The Office of the Assistant Secretary**, along with the Deputy Assistant Secretary, oversees NTIA's five program offices. The Office of the Chief Counsel, Office of Congressional Affairs, and the Office of Public Affairs support program activities.

(2) **The Office of the Director of Policy Coordination and Management (OPCM)** works with the Assistant Secretary and Deputy Assistant Secretary to manage NTIA's strategic planning process. NTIA's strategic plan brings the Directors of each office together with the Assistant Secretary and Deputy Assistant Secretary every week in an Executive Committee. The Executive Committee works to ensure that NTIA's macro level policies are being pursued, and provides strategic guidance to the program offices. OPCM also coordinates weekly meetings with other senior staff and is responsible for ensuring that policy positions and program decisions are in synchronization with one another. Program offices implement decisions made at the Executive Committee.

¹⁴ National Telecommunications and Information Administration Strategic Plan. www.doc.gov

(3) The Office of the Chief Counsel (OCC) provides legal advice to all components of NTIA with regard to the powers, duties, and responsibilities of NTIA and its relationship with other government agencies (particularly, the Federal Communications Commission), Congress, business, industry, and private organizations; and the development and administration of NTIA policies and programs. OCC prepares and/or reviews NTIA's legislative proposals and Congressional testimony. OCC also prepares and/or reviews NTIA's proposals and comments to regulatory agencies such as the Federal Communications Commission (FCC). These activities are carried out subject to the overall authority of the Department's General Counsel.

(4) The Office of the Director of Congressional Affairs (OCA) is responsible for communicating NTIA's position on pending legislation to Congressional committees and regulatory agencies in conjunction with the Office of the Chief Counsel. OCA supports NTIA's five program offices.

(5) The Office of the Director of Public Affairs (OPA) supports NTIA's five program offices by publicizing policy positions to consumers, other government agencies, and industry.

(6) The Institute for Telecommunication Sciences (ITS) is the chief research and engineering arm of NTIA, and supports the promotion of advanced telecommunications and information infrastructure development in the United States, enhancement of domestic competitiveness, improvement of foreign trade opportunities for U.S. telecommunications firms, and facilitation of more efficient and effective use of the radio spectrum. ITS also serves as a principal Federal resource for solving the telecommunications concerns of other Federal agencies, state and local Governments, private corporations and associations, and international organizations. ITS has also entered into a number of cooperative research agreements with industry and other agencies (based upon the Federal Technology Transfer Act of 1986) to help commercialize new products and services.

(7) The Office of the Director of International Affairs (OIA) acts as an advocate of U.S. commercial interests overseas. OIA advocates Executive Branch policy perspectives in bilateral and multilateral consultations with foreign governments, in international regulatory conferences, and in other forums dealing with Global Information Infrastructure issues. OIA advocates telecommunications and information standards; regulations governing the international use of the radio frequency spectrum; regulatory policies pertaining to the provision of information and telecommunications services both within and between U.S. and foreign markets; and the deployment of new technologies in foreign markets. OIA also helps NTIA champion greater foreign market access, by advocating competition and liberalization of telecommunications and information technology policies around the world; participating in international government-to-government negotiations to open markets for U.S. companies; and negotiating with foreign governments to ensure that there is adequate radio spectrum for national defense, public safety, and U.S. business needs. OIA also provides information to the general public on a wide variety of telecommunications and information policy subjects.

(8) The Office of the Director of Policy Analysis and Development supports NTIA's role as principal adviser to the President on telecommunications and information policies. Its goal is to enhance the public interest by generating, articulating, and advocating

policies and programs in the telecommunications and information sectors that enhance service, competition, consumer welfare, and economic and social opportunities.

(9) The Office of the Director of Spectrum Management (OSM) is responsible for managing the Federal Government's use of the radio frequency spectrum. In doing so, it receives assistance and advice from IRAC. OSM carries out this responsibility by establishing policy regarding the allocation and regulation of the Federal spectrum; developing plans for peacetime and wartime use of the spectrum; preparing for and participating in international radio conferences, and implementing the results; assigning frequencies; maintaining spectrum use databases; reviewing Federal agencies' new telecommunications systems and certifying that spectrum will be available for them; providing the technical engineering expertise and the automated computer capabilities needed to perform spectrum resources assessments; participating in all aspects of the Federal Government's communications emergency readiness activities; and participating in Federal Government telecommunications and automated information systems security activities.

(10) Office of the Director of Telecommunications and Information Applications (OTIA) assists state and local governments, education and health care entities, libraries, and public service agencies in effectively using telecommunications and information technologies. This is accomplished through the administration of the Public Telecommunications Facilities Program (PTFP) and the Telecommunications and Information Infrastructure Assistance Program (TIIAP).

PTFP provides matching grants to public (non-commercial) broadcast stations, educational and cultural non-profit organizations, and State and local governments for equipment that disseminates educational and cultural programs to the American public. PTFP extends the delivery of public radio and television to unserved areas of the United States. Its funds are also allocated to support the Pan-Pacific Educational and Cultural Experiments by Satellite (PEACESAT) project, which provides satellite-delivered education, medical, and environmental emergency telecommunications to many small-island nations and territories in the Pacific Ocean.

TIIAP promotes the widespread use of advanced telecommunications and information technologies in the public and non-profit sectors. The program provides matching grants to state and local governments, health care providers, school districts, libraries, social service organizations, public safety services, and other non-profit entities to help them develop information infrastructures and services that are accessible to all citizens, in rural as well as urban areas. The program was specifically created to support the development of the National Information Infrastructure.

5. Formal National Security Process Involvement. As the agency within the Executive Branch responsible for information and telecommunications policy, NTIA oversees the formulation and implementation of the activities and policies called for in the *National Security Strategy*. This includes enhancing American competitiveness abroad through the advocacy of open foreign markets for information and telecommunications; managing the electromagnetic spectrum so that national defense and emergency preparedness needs are met, along with those of industry and consumers; promoting America's domestic prosperity through cooperative research agreements with industry and advocating pro-competitive policies; and serving as the lead agency for information and telecommunications issues for the CIP.

A. Strategy Development: NTIA is the lead agency for telecommunications and information technology for the CIP and assists the National Director of the CIP in creating the National Infrastructure Assurance Plan for critical infrastructure protection. NTIA also supports Emergency Preparedness Planning through its wartime plans for use of the federal radio spectrum.

B. Policy, Guidance, and Regulation: NTIA coordinates Federal Government use of the radio spectrum with IRAC and coordinates Federal Government policies regarding spectrum use with the FCC. NTIA coordinates policies regarding planning, emergency operations, and international coordination of government satellite systems. NTIA also manages the Federal radio spectrum for national defense, public safety, air traffic control, and other critical government functions.

C. Planning: NTIA produces plans for the wartime use of the Federal radio spectrum and also works to ensure that adequate spectrum is allocated for national defense purposes.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: NTIA has oversight responsibilities with regard to managing the federal radio spectrum.

F. Preparation: No involvement.

G. Resourcing: NTIA is responsible for resourcing its own programs and also provides funding for national information infrastructure development through the TIIAP program. NTIA also provides research grants that support the commercialization of emerging telecommunications technology.

6. Informal National Security Process Involvement. There is no evidence of NTIA's role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House Judiciary Committee; the House Commerce Subcommittee on Telecom and Finance; the House Budget Committee; House Commerce Subcommittee on Commerce, Justice, State, and the Judiciary; the Senate Committee on Commerce, Science, and Transportation; the Senate Government Affairs Committee; the Senate Budget Committee; and the Senate Finance Committee. The Senate Appropriations Committee, and House Appropriations Committee have jurisdiction over NTIA budgets.¹⁵

B. Funding Sources: NTIA is funded as an agency of the Department of Commerce.

C. Budget: The Fiscal Year 99 Budget for NTIA was \$73 million.¹⁶

D. Personnel: NTIA has 290 full-time equivalents employees.¹⁷

¹⁵ <http://thomas.loc.gov>

¹⁶ Department of Commerce Budget in Brief. www.doc.gov

8. Conclusions and Observations. NTIA is the Executive Branch agency responsible for domestic and international telecommunications and information policy issues. In this role NTIA supports four goals outlined in the National Security Strategy. They are: promoting America's domestic prosperity, enhancing American competitiveness in and access to foreign markets, protecting critical national information infrastructure, and enhancing National Security Emergency Preparedness. NTIA supports these goals through its telecommunications research and development efforts; policy advocacy and participation in international negotiations; serving as the lead agency for information and telecommunications for the CIP; and by managing the federal radio spectrum and making plans for spectrum use during peacetime and wartime.

The key issue facing IRAC, NTIA and the Federal Communications Commission (FCC) is scarcity of spectrum. As technology has advanced, the need for bandwidth has increased. As a result, there is a growing conflict between allocating spectrum for national defense and allocating spectrum for commercial needs. Federal agencies involved in National Security, such as the armed services, are unable to obtain the amount of spectrum they need without adversely affecting the amount of spectrum available for commercial interests. NTIA, with the advice of IRAC is the agency in charge of allocating and managing the federal radio spectrum.¹⁸

¹⁷ Department of Commerce Budget in Brief. www.doc.gov

¹⁸ NTIA Annual Report. www.ntia.doc.gov

ORGANIZATIONAL DESCRIPTION
THE TECHNOLOGY ADMINISTRATION (TA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Technology Administration

Overview.

Congress established the Technology Administration (TA), an agency of the Department of Commerce, in 1988 in accordance with title 15 U.S.C., Section 3704, to promote the Nation's economic competitiveness.¹ TA's programs, policies, and research focus on:

- Developing advanced technologies in partnership with the private sector;
- Rapidly deploying and commercializing new technology;
- Building a technology infrastructure for the 21st century; and
- Leading government and industry initiatives aimed at improving U.S. technological competitiveness.

Organization.

The acting Under Secretary for Technology, supported by the Deputy Undersecretary for Technology, oversees TA's three agencies:

- The Office of Technology Policy (OTP);
- The National Institute of Standards and Technology (NIST); and
- The National Technical Information Service (NTIS).

OTP focuses on coordinating a national technology policy that promotes innovation and industrial competitiveness. It works directly for the Deputy Under Secretary. NIST is headed by a director and works with industry to promote U.S. economic growth by developing and applying technology, measurements, and standards. NTIS is also headed by a director and is the U.S. government repository for research and development results.

TA is authorized an end strength of 3,671 people for fiscal year 1999, with a fiscal year 1999 budget of \$672.64 million.²

Role in Formal and Informal National Security Process.

The TA supports the economic competitiveness goals and objectives of the National Security Strategy. Through its policy advocacy, research and development grants, and work with industry, the TA encourages the "development, commercialization and use of civilian technology," which enhances America's competitiveness.³ TA's policies and programs also

¹ Department of Commerce Fiscal Year2000 Budget in Brief. www.doc.gov

² Department of Commerce Budget in Brief. www.doc.gov

³ The White House. A National Security Strategy for a New Century, May 1997, p.15.

focus on building a technology infrastructure for the 21st Century, another goal outlined in the National Security Strategy.

Conclusions and Observations.

The Technology Administration serves as the lead agency for civilian technology, and works closely with U.S. industry to promote the nation's economic competitiveness. In this role, TA supports the National Security Strategy's goals of enhancing U.S. competitiveness and helping build an infrastructure for the 21st Century. TA supports these goals through: annual industry benchmarking and assessment studies; advocacy of government-industry partnerships; development and advocacy of pro-technology policy; support of international technology commercialization initiatives with Israel, Egypt, Russia, and South Africa; research and development partnerships with industry; and the maintenance of an extensive technical, engineering, and business information database.

ORGANIZATIONAL DESCRIPTION

TECHNOLOGY ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: Title 15, Sec. 3704 of the U.S.C. established the Technology Administration within the Department of Commerce to promote the Nation's economic competitiveness.⁴

B. Department/Agency Directives: None available.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The TA is the "primary agency within the Federal Government that works in partnership with the private sector to improve U.S. industrial competitiveness and to exercise leadership as the private sector's advocate."⁵

(1) In support of this mission TA has identified the following four goals:⁶

(a) Develop advanced technologies in partnership with the private sector.

(b) Partner with industry to rapidly commercialize and deploy new technologies.

(c) Help build a technology infrastructure for the 21st century.

(d) Advocate and lead government and private initiatives aimed at improving the U.S. technological competitiveness.

(2) The Office of the Under Secretary for TA also:

(a) Works to accelerate the direct participation of all U.S. businesses in electronic commerce.

(b) Leads the Federal government's participation with U.S. automobile manufacturers in the Partnership for a New Generation of Vehicles (PNGV). This partnership is a ten-year technical collaboration aimed at achieving improvements in emissions, fuel-efficiency, and safety.

(c) Promotes policies that foster the growth and international competitiveness of U.S. commercial space sector through the Office of Space Commercialization (OSC). OSC also promotes the commercial use of space by U.S. private industry.⁷

⁴ Legislative History. www.doc.gov.

⁵ Department of Commerce Fiscal Year 00 Budget. www.doc.gov.

⁶ Department of Commerce Overview of DOC Bureaus www.doc.gov.

⁷ The OSC is part of the Office of the Under Secretary of Technology Administration.

(d) Chairs an interagency state-federal working group, whose efforts include working to remove regulatory barriers to new technology and developing an Experimental Program to Stimulate Competitive Technology (EPSCoT) in rural areas and states that traditionally receive less Federal research funding.

(e) Serves on the Executive Board of the Committee on Technology, part of the President's National Science and Technology Council (NSTC). NSTC links industry's needs and government technology efforts in electronics, manufacturing, materials, environmental technologies, and building and construction. The Under Secretary is also a principal on the NSTC Committee on National Security.

(f) Co-chairs the Advisory Panel to the U.S.-Israel Science and Technology Commission (USISTC). The Commission promotes cooperation between the high tech sectors in the United States and Israel to create jobs and stimulate economic growth in both countries through the awarding of grants.

(g) Leads the technology initiative with the U.S.-Egypt Partnership for Economic Growth. The U.S.-Egypt Partnership promotes the privatization of technological research and development in Egypt. The Partnership's efforts thus far have focused on conducting workshops in both Egypt and the United States aimed at facilitating cooperation between the members of both governments, academia, and private sector firms engaged in science and technology. The workshops have focused on environmentally friendly manufacturing, standards, and biotechnology.⁸

(h) Leads the U.S.-Northern Ireland technology cooperation initiative. The initiative works to bring job opportunities and economic growth to Northern Ireland in an effort to ensure a lasting peace. The TA informs U.S. firms of the joint venture opportunities available in Ireland.

(i) Participates in the technology initiative with the U.S.-South Africa Binational Commission. The initiative fosters the growth of new technologies within South Africa's commercial sector and also works to help South Africa build its overall commercial infrastructure. The initiative focuses on joint venture projects between U.S. and South African firms and encouraging the exchange of commercial technology and scientists.⁹

(j) Leads the U.S.-Russian Joint Commission on Economic and Technological Cooperation. The Joint Commission is working with U.S. firms to better commercialize Russian technologies. The TA and the White House Office of Science and Technology have been leading efforts to better understand the opportunities and impediments facing U.S. firms interested in commercializing Russian technology. TA issued a report in September 1996 that identified impediments facing U.S. firms. This report was followed by a White Paper in February of 1997 that identifies options for improving the opportunities available to U.S. firms. TA's research and recommendations are based on consultations with U.S. business people and scientists who have been working to commercialize Russian technology and more limited consultations with Russian scientists, government officials, and business people.¹⁰

⁸ <http://www.ta.doc.gov/egypt/sta.htm>.

⁹ <http://www.usia.gov/regional/bnc/usafrica/st.htm>.

¹⁰ <http://www.ta.doc.gov/nis/gccpage.htm>

(k) Oversees the Commerce, Science, and Technology Fellowship (ComSci) Program, which provides senior-level executive branch employees (G-12, G-13, G-14, SES) with an opportunity to study national and international issues relating to the development, application, and management of science and technology.

B. Subordinate Activities and Agencies: None.

3. Vision and Core Competencies:

A. Vision: None published.

B. Core Competencies:¹¹

- (1) Development of advanced technology;
- (2) Policy analysis and private sector advocacy; and
- (3) Technological research and development grants.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: TA is headed by an Under Secretary, who is nominated by the President and confirmed by the Senate. The Under Secretary is assisted by a Deputy Under Secretary, who is appointed by the President. The National Institute of Standards and Technology (NIST) and the National Technical Information Service (NTIS) are headed by Directors who are career civil servants. The Office of Technology Policy (OTP) is headed by an Assistant Secretary who is nominated by the President and confirmed by the Senate.¹²

C. Staff Attributes: TA staff have both policy and technical expertise.¹³

D. Strategy: TA's strategy for improving U.S. industrial competitiveness focuses on advocating and developing partnerships with the private sector. TA's approach has been to treat the private sector as both a partner and a client. The resulting strategy is one that fosters a close relationship between industry and the Technology Administration. This leading role is evidenced by the Under Secretary's extensive leadership role in various technology partnerships with other nations.¹⁴ For example, since 1996 the Office of the Under Secretary has worked with the Office of Science and Technology Policy in the White House to identify opportunities for U.S. firms to commercialize Russian technology. These efforts are a result of the U.S.-Russian Joint Commission on Economic and Technological Cooperation. These initiatives have identified opportunities for U.S. firms and also outlined potential impediments. The Under

¹¹ TA does not list its core competencies, but an extensive literature review suggests that the three listed core competencies are accurate. www.ta.doc.gov

¹² Interview with TA Public Affairs. 10/19/99

¹³ TA does not explicitly list the qualification for its staff, but an extensive literature review indicated that both policy and technical expertise were valued.

¹⁴ www.ta.doc.gov.

Secretary's Office has consulted with a wide range of agencies and firms in this and other technology initiatives in an effort to aid U.S. industry.¹⁵

E. Organization:¹⁶

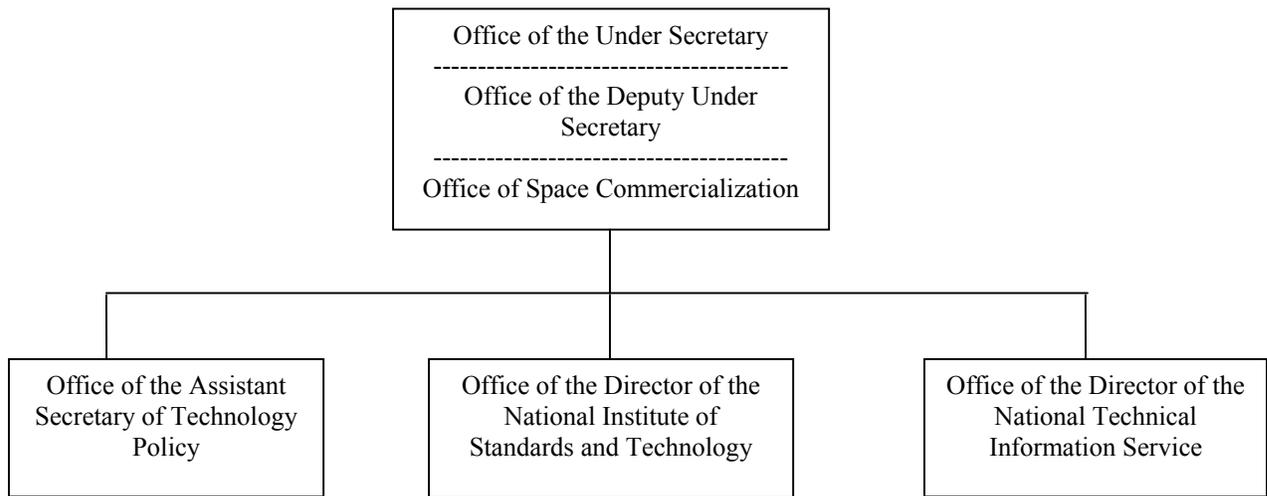


Figure 1: Organization of Technology Administration

(1) The Acting Under Secretary for Technology supported by the Deputy Undersecretary for Technology manages the Office of Space Commercialization and the Technology Administration's (TA) three agencies: The Office of Technology Policy (OTP), The National Institute of Standards and Technology (NIST), and The National Technical Information Service (NTIS).¹⁷

(2) The Office of the Director of Space Commercialization (OSC) represents the Department of Commerce at inter-agency space policy meetings and international space policy negotiations. OSC gathers and integrates input from other Commerce agencies, such as the International Trade Administration and the Bureau of Export Administration for presentation at these meetings and negotiations. The primary agencies with which OSC interacts are the Departments of Defense, State, NASA, the National Reconnaissance Office, and the Federal Aviation Administration. There are six main issues that OSC deals with in inter-agency meetings and international negotiations. They are satellite remote sensing, geographic information systems, global positioning systems, space transportation, space based communications, and space based manufacturing. OSC serves as an advocate for U.S. industry on all of the above six issues.¹⁸

(3) The Office of the Assistant Secretary of Technology Policy (OTP) works with industry to promote industry competitiveness and advocates integrated policies that maximize technology's contribution to U.S. economic growth. To achieve these goals OTP:

¹⁵ The U.S.-Russian Joint Commission on Economic and Technological Cooperation is one of five technology initiatives in which the TA participates. The initiatives are identified in section 2a. www.ta.doc.gov.

¹⁶ www.ta.doc.gov.

¹⁷ OSC's duties are identified in paragraph 2a.

¹⁸ Interview with OSC Office of Public Affairs. 10/20/99.

(a) Publishes the "Meeting the Challenge Report," which provides Congress and industry strategic assessments of the U.S. manufacturing base.¹⁹ These reports inform Congress and industry how well U.S. industry is competing against foreign firms. The report also benchmarks the progress of certain industries over time. The industries that are studied in the report vary from year to year. Recent reports have focused on the U.S. steel industry, the U.S. biotechnology industry, and the U.S. automobile industry. OTP's goal is to shape a regulatory environment that promotes the rapid application of advanced technologies.²⁰

(b) Through government-industry partnerships OTP serves as an advocate for U.S. industry and technology.²¹ OTP's role is often one of information gathering and facilitation. For example, recently a number of U.S. firms informed OPT that they were having trouble finding qualified technology workers. OTP gathered more information from these firms and then formed a direct partnership with Women in Film, a non-profit group. The result was a public information campaign aimed at getting more young people interested in technology by focusing on how vital technology is to movies.

(c) OTP administers the Asia Pacific Technology Programs that facilitate access to foreign science and technology developments. OTP also advocates pro-industry positions (through these programs) in the development of international science and technology policies, in international negotiations, and in other science and technology forums.

(4) The Office of the Director of the National Institute of Standards and Technology (NIST) promotes economic growth by working with industry to develop and apply technology, measurements, and standards. NIST has four core programs that it administers in support of its mission. They are:

(a) **The Measurement and Standards Laboratories** that provide technical leadership for components of the nation's technology infrastructure needed by U.S. industry. The labs work on improving measurements and standards that improve the safety, longevity, or utility of certain technologies. NIST laboratories specialize in electronics and electrical engineering, manufacturing engineering, chemical science and technology, physics, materials science and engineering, building and fire research and information technology.

(b) **The Advanced Technology Program (ATP)**, which provides cost-shared funding to industry to mitigate the risk associated with some research and development projects. Projects must have the potential to spark broad-based economic benefits for the United States. ATP funding accelerates, and in some cases enables, important R&D projects that industry otherwise would not undertake because of the technical risks involved.

(c) **The Manufacturing Extension Centers (MEC)** offer technical assistance and the latest business practices to help the nation's smaller manufacturers improve their competitiveness. There are more than 400 manufacturing extension centers, and field offices located in all 50 states and Puerto Rico offer services ranging from process improvements

¹⁹ The timetable for the reports vary, but OTP indicated that they published one to two "Meeting the Challenge Reports" a year. Interview with OTP's Office of Public Affairs. 10/19/99.

²⁰ OTP Office of Public Affairs.

²¹ OTP Office of Public Affairs.

and worker training to business practices and applications of information technology. Each MEP is locally managed.

(d) The National Quality Program manages the Malcolm Baldrige National Quality Award.²²

(5) The Office of the Director of the National Technical Information Service (NTIS) is the federal government's central source for the sale of unclassified scientific, engineering, technical, and related business information produced by or for the U.S. government and complementary material from international sources. NTIS gathers this information from:

- (a)** Government agencies;
- (b)** Individuals;
- (c)** International organizations in Japan, Canada, the former Soviet Union, and Eastern Europe; and
- (d)** The private sector.

All of the information gathered by NTIS is publicly available, but NTIS is the only central source. NTIS' collection of nearly 3 million titles includes:

- (a)** Business and management studies;
- (b)** International marketing reports;
- (c)** Materials and chemical science data;
- (d)** Technology innovations; and
- (e)** Training tools.

Recent NTIS products include: a book on the state of nuclear waste management in the former Soviet Union; a CD-ROM that outlines manufacturing market conditions and opportunities for U.S. firms in the EU and Eastern Europe; and a web site with reports on school and workplace violence and prevention strategies. NTIS' resources are used by U.S. industry, government, and non-profit organizations to enhance their competitiveness and increase their information base. NTIS has also developed an on-line information system known as Fed World. Fed World can be accessed at <http://www.fedworld.gov/>. All costs associated with operating NTIS are paid for with the revenue generated by its products.²³

5. Formal National Security Process Involvement. TA helps to support and implement the strategies and goals called for in the National Security Strategy. Through its policy advocacy, research and development of partnerships and its work on developing a technological

²² According to TA, the award was first presented in 1988 and has become "the nation's premier award for business performance excellence and quality achievement." www.ta.doc.gov.

²³ Interview with TA Public Affairs, 10/19/99 and www.fedworld.gov.

infrastructure for the 21st Century, the Technology Administration enhances American competitiveness and prosperity.

A. Strategy Development: TA helped develop the commercial technology aspects of the 1999 National Security Strategy, which calls for encouraging the "development, commercialization and use of civilian technology."²⁴

B. Policy, Guidance and Regulation: No involvement.

C. Planning: No involvement.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: While TA does not have any explicit oversight authority, its "Meeting the Challenge" reports provide detailed assessments of key industrial sectors to both Congress and the private sector.

F. Preparation: No involvement

G. Resourcing: TA is responsible for resourcing its own programs, and it also provides funding for the Advanced Technology Program, which makes cost-shared research opportunities available to industry.

6. Informal National Security Process Involvement. There is no evidence of TA's informal national security processes.

7. Funding and Personnel:

A. Authorization and Appropriations: The relevant authorizing committees are the House Commerce Committee; House Commerce Subcommittee on Telecom, Trade and Consumer Protection; House Commerce Subcommittee on Commerce, Justice, State, and the Judiciary; the House Science Committee; the House Subcommittee on Technology; and the Senate Committee on Commerce, Science, and Transportation. The Senate Appropriations Committee and House Appropriations Committee have jurisdiction over TA budgets.²⁵

B. Funding Sources: TA is funded as an agency of the Department of Commerce.²⁶

C. Budget: The fiscal year 1999 Budget for Technology Administration was \$672.64 million.²⁷

D. Personnel: Technology Administration has 3,671 positions for fiscal year 1999, and is slated to have 3,598 positions for fiscal year 2000.²⁸

²⁴ 1997 National Security Strategy, p.15.

²⁵ <http://thomas.loc.gov>

²⁶ Fiscal Year2000 Budget in Brief.

²⁷ Fiscal Year2000 Budget in Brief.

²⁸ Fiscal Year2000 Budget in Brief.

8. Conclusions and Observations. The Technology Administration is the executive branch agency responsible for facilitating commercial technology development, and as such works closely with industry to promote the Nation's economic competitiveness. In this role TA supports the National Security Strategy's goals of enhancing U.S. competitiveness and helping build an infrastructure for the 21st century. TA supports these goals through: industry benchmarking and assessment studies; advocacy of government-industry partnerships; development and advocacy of pro-technology policy; support of international technology commercialization initiatives with Israel, Egypt, Russia, and South Africa; research and development partnerships with industry; and the maintenance of an extensive database of technical, engineering, and business reports.

ORGANIZATIONAL DESCRIPTION

DEPARTMENT OF ENERGY (DoE)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Department of Energy (DoE)

Overview.

The Department of Energy's (DoE) overall mission is to foster a secure, reliable, and environmentally sustainable energy system; to act as the steward of the nation's nuclear weapons; to clean up the nation's nuclear power and waste facilities; and to support continued U.S. leadership in science and technology. DoE responsibilities encompass four major areas: National Security; Science & Technology; Energy Security; and Environmental Quality. The Department's national security duties include:

- Maintaining the safety, security and reliability of the U.S. nuclear weapons stockpile through the Stockpile Stewardship Program (SSP);
- Providing policy and technical assistance to prevent global proliferation of weapons of mass destruction (WMD), emphasizing U.S. nonproliferation, arms control, and nuclear safety objectives in Russia and the Newly Independent States (NIS), as well as worldwide;
- Managing specialized laboratories, including the three nuclear weapons research labs at Los Alamos, Sandia, and Lawrence Livermore, in support of the Department's mission and maintaining American leadership in science and technology; and
- Maintaining the Strategic Petroleum Reserve (SPR).

DoE was established by the Energy Reorganization Act (42 U.S.C. 7131) in October 1977. The Department combined the functions and responsibilities of the Energy Research and Development Administration, the Federal Energy Administration, the Federal Power Commission, and the Power Marketing Administrations under one cabinet-level agency.

Organization.

DoE is organized under the four areas of National Security; Science & Technology; Energy Security; and Environmental Quality, and also includes departmental staff and support offices. In the area of National Security, three major program offices exist: Defense Programs, Nonproliferation and National Security, and Fissile Materials Disposition. However, as of March 2000, these offices will be reorganized under the auspices of the newly formed National Nuclear Security Administration (NNSA). The NNSA will include the current Offices of Defense Programs, Nonproliferation and National Security, and Naval Reactors. Each of these offices will be headed by a Deputy Administrator. In addition, the Office of Fissile Materials Disposition will be incorporated into the new Office of Defense Nuclear Nonproliferation and will be headed by the Assistant Deputy Administrator.

The Secretary of Energy is the principal adviser to the President on energy policies, plans, and programs. A Cabinet-level position, the Secretary provides overall direction, programmatic leadership, management, and administration of the Department. The Secretary is appointed by the President and is confirmed by the Senate.

DoE employs over 11,000 personnel and another 100,000 (30,000 of which are scientists, engineers, and technical staff) contract employees at over 50 major installations in 35 states. The Department's FY99 budget was \$18B. Approximately \$6B of that total is allocated to Defense and Nonproliferation/National Security programs.

Role in Formal and Informal National Security Processes.

The following matrix depicts the relationship of DoE products, specifically in the area of national security, and roles to the seven key national security processes:

		Strategy Development	Policy, Guidance, and Regulation	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input to the National Security Strategy	✓						
	Participation in the NPAC TWG	✓						
	Development of the Stockpile Stewardship Plan			✓				
	Implementation of the Stockpile Stewardship Program (SSP)		✓		✓			
	Arms Control & Nonproliferation Programs and Assistance		✓		✓	✓		✓
	Regulation and Maintenance of the Strategic Petroleum Reserve (SPR)		✓		✓		✓	
	NNSA Implementation Plan			✓				
	Maintenance and Enhancement of DoE National Security Infrastructure						✓	✓

DoE plays an active role in the formal national security process through: Stewardship of the U.S. nuclear weapons stockpile and infrastructure through the Stockpile Stewardship Program (SSP); oversight of nuclear and non-nuclear weapons research and development (R&D) at Department-operated laboratories; arms control and non-proliferation efforts through various Department initiatives; and energy security, mainly through maintenance of the SPR.

Many of the Department's programs and efforts have either direct or indirect bearing on U.S. national security and range from developing and ensuring the safety and reliability of U.S. Navy nuclear reactor plants to research into alternative fuels and sources.

Strategy Development. Involvement in this process consists of the Secretary's participation in National Security Council (NSC), Principals (PC) and Deputies Committee (DC) levels (the latter via an assistant) at the behest of the President; and input into the development of the National Security Strategy (NSS). The 1999 NSS has requirements for arms control and non-proliferation, maintenance of a credible nuclear deterrent, and energy security—all areas where DoE is a major actor. DoE also participates at the NSC Interagency Working Group (IWG)-level on both permanent and ad hoc committees. An example of an ad hoc committee is the Nonproliferation and Arms Control Technology Working Group (NPAC TWG) established by Presidential Decision Directive (PDD) 27.

Policy, Guidance, and Regulation. DoE manages the Stockpile Stewardship Program (SSP), and the annual process of certifying the safety and reliability of the U.S. nuclear weapons stockpile to the President. DoE also provides WMD non-proliferation and arms control policy and technical assistance through such programs as Cooperative Threat Reduction (CTR). It has overall responsibility for administering programs and initiatives ranging from nuclear reactor safety to the protection and accounting of nuclear material. It is also involved in the effort to reduce the global nuclear danger associated with inventories of surplus weapons-usable fissile materials. The Department also maintains the SPR under the Energy Policy and Conservation Act (EPCA) of 1975.

Planning. The Stockpile Stewardship Plan is the basis for implementation of the SSP and describes DoE's nuclear weapons responsibilities. It focuses on manufacturing, maintaining, refurbishing, surveilling, and dismantling the nuclear weapons stockpile; research, design, development, simulation, modeling, and non-nuclear testing of nuclear weapons; and planning, assessment, and certification of safety and reliability. The Stewardship Plan includes five integrated program elements: surveillance; assessment and certification; design and manufacturing; simulation and modeling; and restoring production of tritium.

Mission Execution. Includes stockpile stewardship as mandated by the Stockpile Stewardship Plan, implementation of functions related to maintenance of the SPR, and implementation of departmental and interagency nonproliferation programs and initiatives. DoE's highest priority with regard to the SSP is to ensure the operational readiness of the U.S. nuclear weapons stockpile. DoE is also responsible for implementation of drawdowns from the SPR and the subsequent sale of the released oil.

Observation, Orientation, and Oversight. DoE involvement consists of policy and technical support to interagency arms control and nonproliferation activities, such as CTR, in conjunction with federal agencies like DoD and international organizations like the International Atomic Energy Agency (IAEA).

Preparation. DoE is in charge of maintaining and enhancing the material and knowledge base of its national security complex and maintaining the SPR infrastructure through the 1994 Life Extension Program (LEP). Maintenance involves both physical infrastructure improvement, mainly through programs mandated in the Stockpile Stewardship Plan, and personnel enhancement, achieved via a combination of partnerships with academic institutions (e.g., management of Los Alamos National Lab by the University of California), and internal DoE training and development programs.

Resourcing. Externally, DoE receives funding for further research and development that directly benefit DoE's national security complex through programs such as Laboratory-Directed Research and Development (LDRD). Internally, DoE funds science training and education through grants, internships, and other activities through its Office of Science Education.

Conclusions and Observations.

The Department of Energy undertakes activities across a wide spectrum of fields—from research into alternative sources of energy to maintaining the nation's nuclear weapons stockpile. Established as an organization to address the problematic energy issues of the late 1970s, the Department has made significant advances in many areas. Unfortunately, DoE has also

encountered significant difficulties over its 22-year history, troubles stemming from organizational structure and management to security breaches in the Department-run nuclear weapons apparatus.

The following specific observations can be made about DoE:

- **DoE appears not to have formulated a credible organizational strategy to address post-Cold War issues and missions.** In 1995, the General Accounting Office (GAO) issued a report entitled "Department of Energy: A Framework for Restructuring DoE and Its Missions" that cited the institutional problems present at the Department—several years before the alleged espionage incidents. The report criticized DoE for its lack of reinvention initiative and the fact that strategy was based on the assumption that "... existing [DoE] missions are still valid government responsibilities and are still best implemented by the Department." In effect, DoE's reforms did not address the fundamental issue of core missions.
- **Organizational and structural issues seem to be hindering the Department.**
 - **DoE's scope of responsibility may be too broad.** DoE was originally created from an amalgamation of several different agencies, each with a unique set of responsibilities. The Department's problems over the years, culminating in the accusations of security lapses, give rise to the question of whether a single entity can effectively manage the wide set of tasks assigned to it. The GAO report stated, based on consultations with experts that included former Secretaries of DoE, that most: "... favored streamlining missions and some suggested major realignments to other agencies or to new public-private entities."
 - **DoE needs to enhance the working environment at its weapons labs in order to foster a better civilian/military relationship with respect to issues research and security.** The objective here should be to strike a favorable balance between the need to maintain effective contact on unclassified scientific research with other DoE labs and the broader scientific community and the requirement for preserving viable security measures on classified military and related R&D.
 - **The fluid nature of the post-Cold War environment has created the need to refocus missions and resources to address different challenges in different ways.** As GAO has suggested, DoE is still experiencing problems "reinventing" itself. In addition, methodologies have also changed, with stockpile stewardship a poignant example of this. Given the responsibility of maintaining a credible nuclear deterrent in a zero-testing environment, DoE must develop new and cost effective ways of carrying out its functions. Given this, the SSP seems to be a step in the right direction for the Department.
 - **DoE should address overarching organizational problems on a proactive basis, not specific issues on a reactionary one.** The NNSA was created to manage matters related to nuclear weapons security on the recommendations of both a 1999 Congressional panel and by a President's Foreign Intelligence Advisory Board (PFIAB) report. The NNSA will serve to centralize weapons security issues and policy in a more focused atmosphere. The agency was established as a result of a specific issue: security lapses, not a forward-thinking reorganization scheme. Essentially, DoE should focus on change in the long-term "macro" sense, not in the short-term "micro", and certainly not as "window dressing" to appease critics.

- **DoE should not transfer control of its military portfolio to DoD.** Despite the recent charges of foreign espionage, DoE should continue to control its portion of the nuclear weapons apparatus and not transfer control of the military aspect of its work to DoD. Creation of the NNSA should, if effectively managed, alleviate some of the management problems the Department has experienced with regard to national security. Both the PFIAB Special Investigative Panel and Congressional panel recommended that DoE retain these functions, especially control of the weapons labs. The PFIAB report stated, rather emphatically, that: "...the labs should never be subordinated to the Department of Defense." The labs have mainly military applications, but also contain and cultivate a vibrant civilian R&D component—something that could get "squeezed out" if transferred to DoD.

- **External oversight of DoE, particularly by Congress, should become more centralized.** Oversight of DoE's national security programs should reside only in those Congressional subcommittees with direct control and interest in national security issues. The Congressional panel itself criticized this lack of centralization and questioned the oversight of the nuclear weapons program by congressional subcommittees: "...that do not have national security as their chief mission."

ORGANIZATIONAL DESCRIPTION

DEPARTMENT OF ENERGY (DoE)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Statute: The Department of Energy (DoE) was established by the Energy Reorganization Act (42 U.S.C. 7131) in October 1977. The Department combined the functions and responsibilities of the Energy Research and Development Administration, the Federal Energy Administration, the Federal Power Commission, and the Power Marketing Administrations under one cabinet-level agency.¹

B. Department Directives: DoE National Nuclear Security Administration (NNSA) Implementation Plan-January 7, 2000. This plan establishes a new semi-autonomous agency, the National Nuclear Security Administration (NNSA) within DoE beginning in March 2000. The NNSA will be responsible for: enhancing U.S. national security through the military application of nuclear energy; maintaining the safety, reliability, and performance of the U.S. nuclear weapons stockpile; providing the Navy with safe, militarily effective propulsion plants; promoting international nuclear safety and nonproliferation; reducing global danger from weapons of mass destruction; and supporting U.S. leadership in science and technology. The plan details the program offices and national security functions which will be part of the agency, clarifies those departmental functions which are not functions of the new agency, and discusses how the Office of the Administrator will be staffed and organized.

Specifically, the NNSA will include the current Offices of Defense Programs, Nonproliferation and National Security, and Naval Reactors. Each of these offices: Defense Programs, Defense Nuclear Nonproliferation, and Naval Reactors, will be headed by a deputy administrator. In addition, the current Office of Fissile Materials Disposition will be incorporated into the new Office of Defense Nuclear Nonproliferation and will be headed by the Assistant Deputy Administrator, who will also serve as the Special Secretarial Negotiator for Plutonium Disposition. The Albuquerque and Nevada Field Operations Offices also will be transferred to the NNSA. The employees of these field operations offices, with the exception of those that are accountable to non-NNSA program offices, will become employees of the NNSA. At other department field operations offices with responsibility for NNSA activities, those employees who directly oversee these activities will become employees of the NNSA. The plan also provides for support functions within the NNSA encompassing legal, security, counter-intelligence, legislative affairs, public affairs, intergovernmental liaison, budget and procurement.²

C. Interagency Directives:

(1) Presidential Decision Directive (PDD) 11 (“Moratorium on Nuclear Testing”-July 3, 1993). PDD 11 established U.S. policy on nuclear testing. It enacts a “no first test” policy for the U.S., even though the rule is dependent on a number of external factors,

¹ The Department of Energy (DoE) website (<http://www.doe.gov>). The Reorganization Act was carried out pursuant to Executive Order 12009 (September 1977), which provided for its effectuation.

² DoE Press Release: “Energy Department Proceeds With Implementation Of National Nuclear Security Administration”; (1/7/00).

including the status of Comprehensive Test Ban Treaty (CTBT) negotiations and reciprocity on the part of other nations.³ PDD 11 allows the President to direct DoE to prepare for the conducting of new nuclear tests if the moratorium is violated by another country. Consequently, DoE is required to maintain a capability to resume testing if needed. Additionally, the Directive tasked DoE to refocus the nation's nuclear laboratories on technologies to aid nonproliferation efforts and verify arms control treaties.⁴

(2) PDD 15 (“Stockpile Stewardship”-October 5, 1993). Along with the National Defense Authorization Act of 1994 (Public Law 103-160), PDD 15 directed DoE "to establish a stewardship program to ensure the preservation of the core intellectual and technical competence of the U.S. in nuclear weapons". The Stockpile Stewardship and Management Program is a single, highly integrated technical program for maintaining the safety and reliability of the U.S. nuclear stockpile in an era without nuclear testing and without new weapons development and production.

The Directive established that DoE’s Stockpile Stewardship Program (SSP) will use past nuclear test data along with future non-nuclear test data, computational modeling and simulations, and experimental facilities to advance understanding of nuclear weapons.⁵ It will include stockpile surveillance; experimental research, development and engineering programs; and a small-scale production capability to support stockpile requirements. This integrated national program requires continued use of current facilities and programs along with new experimental facilities and computational enhancements to support these programs. PDD 15 also required DoE to maintain the readiness and capability to conduct nuclear tests within two to three years if directed by the President. This directive means that Defense Program efforts would continue to maintain the required infrastructure and critical personnel necessary to meet this requirement.⁶

(3) PDD 27 (“Nonproliferation Science and Technology Strategy”-August 1994). PDD 27 established the Nonproliferation and Arms Control Technology Working Group (NPAC TWG). The NPAC TWG is the mechanism for the coordination of arms control and nonproliferation research and development (R&D). Its purpose is to ensure effective coordination of R&D in the areas of arms control and nonproliferation as well as guarding against redundant arms control and nonproliferation-related R&D and technology programs within and among departments and agencies.

The NPAC TWG serves as an integral part of the interagency process and reports to the relevant National Security Council (NSC) policy Interagency Working Groups (IWGs) and the Committee on National Security (CNS) within the National Science and Technology Council (NSTC) structure. The NPAC TWG exchanges information and coordinates arms control and nonproliferation R&D; advises agencies on nonproliferation and arms control R&D priorities; facilitates the conduct of cooperative interagency programs; reviews nonproliferation and arms control R&D programs and identifies overlaps and gaps; frames interagency issues and

³ The CTBT was rejected by the U.S. Senate in 1999. However, the U.S. continues to follow PDD 11-mandated policies and maintains a unilateral moratorium on nuclear testing.

⁴ Federation of American Scientists (FAS) Fact Sheet on PDD 11.

⁵ The acronym "SSP" will henceforth be used to refer to the "Stockpile Stewardship Program". The "Stockpile Stewardship Plan" will be spelled out for clarification.

⁶ FAS Fact Sheet on PDD 15.

differences for decisions by adjudicating bodies; advises policy IWGs on R&D capabilities and limitations; and makes recommendations to the CNS on coordination of all nonproliferation and arms control R&D programs in the President's budget submission to Congress. The Department of State (DoS) (specifically the Office of the Undersecretary for Arms Control and International Security(T)), DoE and the Department of Defense (DoD) serve as the co-chairing agencies for the NPAC TWG.⁷

(4) PDD 41 (“Further Reducing the Nuclear Threat”-April 1994). PDD 41 designated DoE as the government agency with primary responsibility for nuclear materials protection, control, and accounting (MPC&A) efforts in Russia, the Newly Independent States (NIS), and Baltics. It initiated a program of cooperation in MPC&A between DoE and its laboratories and nuclear institutes and enterprises of the Russian Federation. One purpose of the program is to accelerate progress towards reducing the risk of nuclear weapons proliferation by strengthening MPC&A systems. U.S. cooperation with Russia is carried out under the DoE MPC&A program and the Nunn-Lugar funded Cooperative Threat Reduction (CTR) program for Russia and conducted in coordination with the Nuclear Regulatory Commission (NRC) for the development of a strong, independent national regulatory agency in Russia.⁸

(5) PDD 61 (“Energy Department Counterintelligence”-February 1998). PDD 61 tasked the DoE to establish a stronger counterintelligence program in response to the reports of leaks of sensitive information from U.S. nuclear weapons labs. DoE set up an independent Office of Counterintelligence, which began an intensive review of the counterintelligence program and has implemented the following PDD 61 requirements: hiring counterintelligence professionals to be based at the weapons labs; doubling the budget for counterintelligence; changing the screening and the approval process for foreign scientists seeking access to DoE labs; making the lab directors directly accountable for foreign visits; and instituting more extensive security reviews—including the use of polygraphs—for DoE scientists working in sensitive programs.⁹

(6) The Nuclear Weapons Stockpile Plan (NWSP). The NWSP is issued annually by the President and is prepared by the Nuclear Weapons Council (NWC) and forwarded through the Secretaries of Defense and Energy for approval. This sets the requirement to maintain a safe and reliable nuclear weapon stockpile, and specifies for Congress the number of warheads, by type, in the stockpile. Under the current NWSP (issued in 1998), DoE is required to support the stockpile at the Strategic Arms Reduction Treaty (START I) level. Should START II enter into force, DoE must continue to maintain the capability to return to START I levels under the “lead and hedge” strategy defined in the Nuclear Posture Review (NPR) and the Quadrennial Defense Review (QDR).¹⁰

⁷ FAS Fact Sheet on PDD/NSC 27 (August 1994). The Arms Control and Disarmament Agency (ACDA) previously served as one of the co-chairs of this body. However, the agency and its functions were absorbed into the Office of the Undersecretary of State for Arms Control and International Security (T).

⁸ FAS Fact Sheet on PDD 41 (April 1994).

⁹ FAS Fact Sheet on PDD 61 (February 1998). The text of PDD 61 has not been released and there is no White House Fact sheet summarizing its provisions.

¹⁰ U.S. Department of Energy Stockpile Stewardship Program: 30-Day Review; November 23, 1999. The Nuclear Weapons Council (NWC) is made up of senior officials representing both the DoE and DoD. The NWC is responsible for coordination and resolution of nuclear weapons issues that arise between DoE and DoD concerning development of stockpile options, programming and budget matters, new weapon design/performance/cost tradeoff proposals, production, retirement, surety, and maintenance, as well as for providing broad guidance regarding priorities for nuclear weapons system research. Organizationally, the NWC has one committee and one working group providing assistance in issue resolution,

(7) The Nuclear Posture Review (NPR). Conducted in 1994 by DoD, the NPR, which was revalidated by the 1997 QDR, assumes no nuclear testing or fissile material production in the future. The NPR states that DoE is to maintain the capability to design, fabricate, and certify new warheads; develop a stockpile surveillance engineering base; demonstrate a capability to re-fabricate and certify weapon types in the enduring stockpile; maintain a nuclear weapons science and technology base; and ensure tritium availability.¹¹

2. Missions/Functions/Purposes.

A. Major Responsibilities: Overall, DoE's mission is to foster a secure, reliable, and environmentally sustainable energy system; to act as the steward of the nation's nuclear weapons; to clean up the nation's nuclear power and waste facilities; and to support continued U.S. leadership in science and technology.¹² DoE responsibilities in the national security arena include:¹³

(1) Maintaining the safety, security and reliability of the U.S. nuclear weapons stockpile through the Stockpile Stewardship Program [Key National Security Process Relationship: Policy, Guidance, and Regulation; Planning; Mission Execution; Preparation];

(2) Managing and safely dismantling excess nuclear weapons, disposing of surplus fissile nuclear materials, and ensuring the security of nuclear assets [Key National Security Process Relationship: Mission Execution];

(3) Providing policy and technical assistance to prevent global proliferation of weapons of mass destruction (WMD), emphasizing U.S. non proliferation, arms control, and nuclear safety objectives in Russia and the Newly Independent States (NIS), as well as worldwide [Key National Security Process Relationship: Mission Execution; Observation, Orientation, and Oversight];

(5) Managing specialized laboratories, including the three nuclear weapons research labs at Los Alamos, Sandia, and Lawrence Livermore, in support of the Department's mission and maintaining American leadership in science and technology [Key National Security Process Relationship: Preparation; Resourcing];

(6) Maintaining the Strategic Petroleum Reserve (SPR) and operating five power marketing administrations [Key National Security Process Relationship: Policy, Guidance, and Regulation; Mission Execution; Preparation];

the Nuclear Weapons Standing and Safety Committee (NWCSSC) and the Nuclear Weapons Requirements Working Group (NWRWG). The NWCSSC is a joint DoE-DoD committee of senior officials that examines and staffs major issues and provides the NWC with recommendations for resolution. The NWRWG enhances the deliberative decision-making process by creating a forum to provide additional senior-level attention to nuclear weapons issues. The NWRWG reviews, prioritizes, and where appropriate, more precisely defines high-level DoD nuclear weapons requirements for a number of key planning documents, including the annual Nuclear Weapons Special Memoranda (NWSM), DoD's Long Range Planning Assessment, and the SSP.

¹¹ SSP 30-Day Review.

¹² DoE Strategic Plan (September 1997).

¹³ "National Security" responsibilities consist of DoE's stated duties in the area and other functions with national security implications. For the purpose of this analysis, only Department functions and responsibilities related to overall U.S. national security will be examined in detail. The three other areas of DoE responsibility are: Science & Technology; Energy Security; and Environmental Quality.

B. Subordinate Agencies: The Federal Energy Regulatory Commission (FERC) is an independent five-member regulatory agency within DoE created in October 1977 to replace the Federal Power Commission. Its responsibilities include:¹⁴

- (1) Regulating the transmission and sale for resale of natural gas in interstate commerce;
- (2) Regulating the transmission of oil by pipeline in interstate commerce;
- (3) Regulating the transmission and wholesale sales of electricity in interstate commerce;
- (4) Licensing and inspecting private, municipal and state hydroelectric projects and overseeing related environmental matters; and
- (5) Administering accounting and financial reporting regulations.

C. Major Products: These include:

- (1) Input to the National Security Strategy;
- (2) Participation on the NPAC TWG;
- (3) Development of the Stockpile Stewardship Plan;
- (4) Implementation of the Stockpile Stewardship Program (SSP);
- (5) Arms control and nonproliferation programs and assistance;
- (6) Regulation and maintenance of the SPR;
- (7) The NNSA Implementation Plan; and
- (8) Maintenance and enhancement of the DoE national security infrastructure

3. Vision and Core Competencies.

A. Vision: "DoE, through its leadership in science and technology, will continue to advance U.S. energy, environmental, economic, and national security by being:

- (1) A key contributor to ensure that the U.S. has a flexible, clean, efficient, and equitable system of energy supply and end-use with minimal vulnerability to disruption;
- (2) A vital contributor to reducing the global nuclear danger through its national security, nuclear safety, and nonproliferation activities;

¹⁴ Federal Energy Regulatory Commission (FERC) website (<http://www.ferc.fed.us/>).

(3) A world leader in environmental restoration, nuclear materials stabilization, waste management, facilities decommissioning, and pollution prevention;

(4) A major partner in world class science and technology through its National Laboratories, research centers, university research, and its educational and information dissemination programs; and

(5) A safe and rewarding workplace that is recognized for business excellence, nurtures creativity, is trusted, and delivers results."¹⁵

B. Core Competencies: None published.

4. Organizational Culture.

A. Values: DoE lists eight values to guide employees in the achievement of their goals:

(1) "We are customer-oriented;

(2) We value public safety and respect the environment;

(3) We believe people are our most important resource;

(4) We value creativity and innovation;

(5) We are committed to excellence;

(6) We work as a team and advocate teamwork;

(7) We recognize that leadership, empowerment, and accountability are essential;

(8) We pursue the highest standards of ethical behavior."¹⁶

B. Leadership Traditions: The Secretary of Energy is the principal adviser to the President on energy policies, plans, and programs. A Cabinet-level position, the Secretary provides overall direction, programmatic leadership, management, and administration of the Department. In this respect, the Secretary:

(1) Decides major energy policy; and

(2) Ensures effective communication and working relationships with state, local, and tribal governments, the President, Congress, other federal agencies and departments, the private sector, and the public.¹⁷

¹⁵ DoE Strategic Plan.

¹⁶ DoE Strategic Plan.

¹⁷ The Government Manual Online via GPO Access: Department of Energy (wais.access.gpo.gov).

The Secretary of Energy is appointed by the President and is confirmed by the Senate.

C. Staff Attributes: The majority of DoE personnel have educational backgrounds in the sciences with expertise specific to their area(s) of work. Employees at the DoE labs typically hold advanced degrees in nuclear science, engineering, and other related fields. At Los Alamos, for example, one-third of the Lab's technical staff are physicists, one-fourth engineers, one-sixth chemists and material scientists, and the remainder in such fields as mathematics and computational sciences, biological sciences, and geosciences.¹⁸

D. Strategy: DoE's 1997 Strategic Plan outlines the Department's four "business areas" that: "... most effectively utilize and integrate our unique scientific and technological assets, engineering expertise, and facilities to achieve our mission and to benefit the Nation."¹⁹ These four areas are: Energy Resources, National Security, Environmental Quality, and Science and Technology.

In the area of National Security, the objectives are:

- (1) "Maintain confidence in the safety, reliability, and performance of the nuclear weapons stockpile without nuclear testing;
- (2) Replace nuclear testing with a science-based Stockpile Stewardship and Management Program;
- (3) Ensure the vitality of DoE's national security enterprise;
- (4) Reduce nuclear weapons and materials stockpiles worldwide and dispose of excess weapons-usable fissile materials;
- (5) Continue leadership in policy support and technology development for international arms control and non-proliferation efforts;
- (6) Meet national security requirements for naval nuclear propulsion and for other advanced nuclear power systems;
- (7) Improve international nuclear safety."²⁰

¹⁸ DoE-Los Alamos National Laboratory website (<http://www.lanl.gov>).

¹⁹ DoE Strategic Plan.

²⁰ DoE Strategic Plan. A sub-strategy to Objective 1 under Energy Resources is to: "Maintain an effective Strategic Petroleum Reserve (SPR) to deter and respond to oil supply disruptions, and act cooperatively with member nations of the International Energy Agency."

E. Department Organizational Structure:²¹

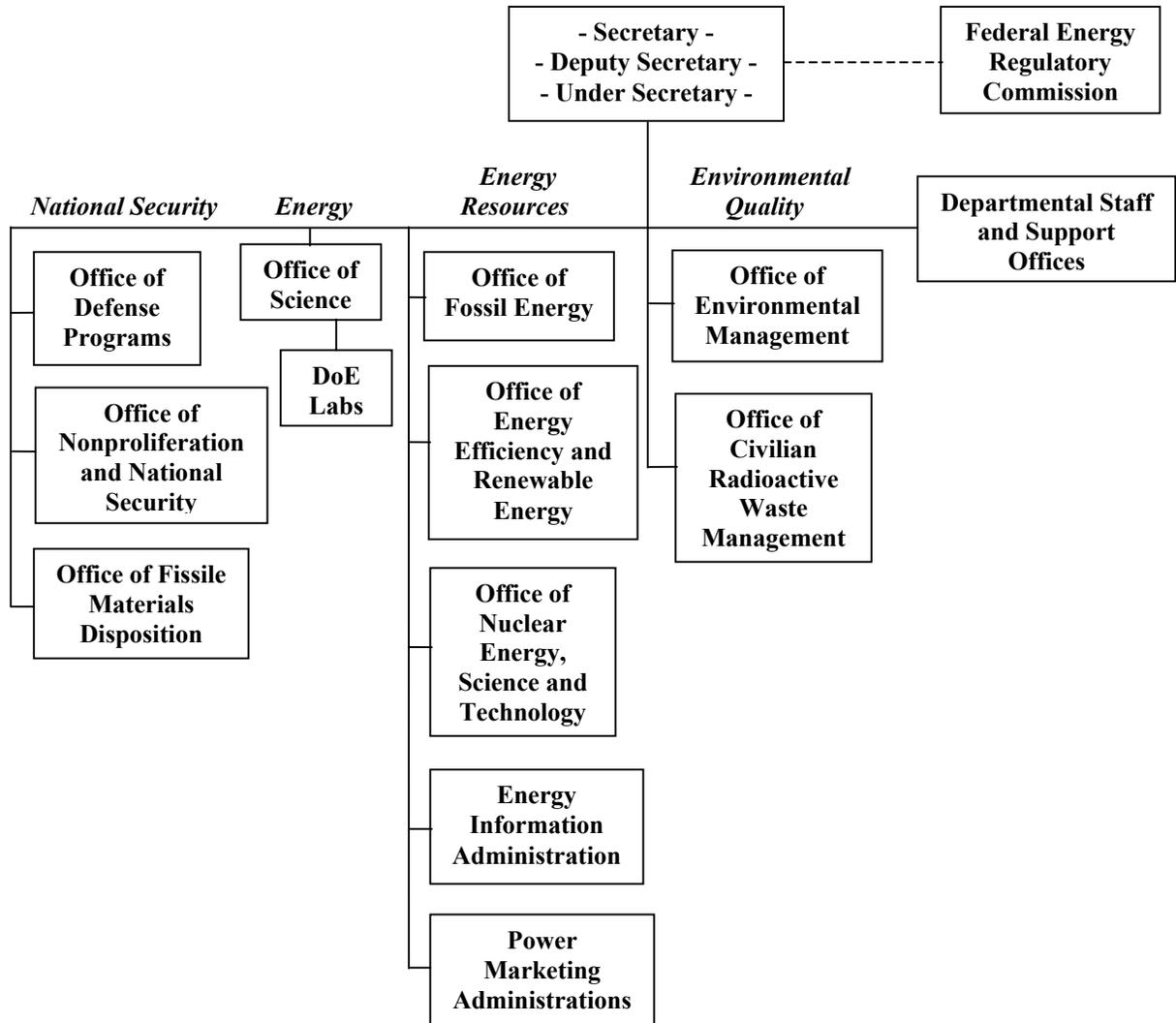


Figure 1: DoE Organizational Structure

(1) Deputy Secretary of Energy: Assists the Secretary in deciding major energy policy and planning issues and in representing DoE before Congress and the public. Along with the Under Secretary, the Deputy Secretary provides daily management guidance and decision-making and coordinates the efforts of energy, weapons/waste cleanup, and science and technology programs to achieve the Department's goals.

The Deputy Secretary also serves as the Department's Chief Operating Officer. In this role, he/she retains broad oversight for policy development and program implementation across all four of the Department's major lines of business: Defense, Science, Energy, and Environment. Also responsible for the corporate offices, such as Policy, International Affairs, the Chief Financial Officer (CFO), procurement, and personnel.

²¹ DoE website.

(2) Under Secretary of Energy: Advises the Secretary and oversees the Department's research and development portfolio, including energy and environmental technologies, national security, and fundamental science. Oversees the national laboratory system and national security programs, including stockpile stewardship and nonproliferation.

(3) Office of Defense Programs: Directs the country's nuclear weapons research, development, testing, production, and surveillance program, as well as the production of special materials used by the weapons program within DoE. It also ensures the technology base for the surety, reliability, military effectiveness, and credibility of the nuclear weapons stockpile.

(4) Office of Nonproliferation and National Security (NN): Directs the development of DoE's policy, plans, procedures, and research and development activities relating to arms control, non-proliferation, export controls, and international nuclear safety and safeguard activities. Secures classified information and protects departmental and contractor facilities and installations. NN administers several programs and initiatives ranging from nuclear reactor safety to the protection and accounting of nuclear material. NN is composed of several sub-offices:

(a) The Office of International Nuclear Safety and Cooperation (NN-30) manages activities in several areas:²²

- (i)** International Nuclear Safety;
- (ii)** Highly Enriched Uranium Transparency Implementation;
- (iii)** Plutonium Production Reactor Core Conversion;
- (iv)** International Nuclear Safety Centers; and
- (v)** International Cooperation

(b) The Office of Arms Control and Nonproliferation (NN-40) conducts the following programs and activities:²³

(i) Control Nuclear Exports: Includes conducting statutory licensing review activities, including export of dual-use technologies; fulfilling bilateral and multilateral arrangements derived from Executive Directives; undertaking technology security programs based on DoE regulations; and managing the "Second Line of Defense Program" with Russian Customs to prevent trafficking of nuclear and nuclear-related material across Russia's borders.

(ii) Strengthen International Safeguards: Includes supporting international nuclear nonproliferation regimes and, in particular, the International Atomic Energy Agency (IAEA), in detecting clandestine nuclear activities worldwide and safeguarding declared nuclear material; providing technical experts, equipment, and training; assisting the IAEA to

²² DoE-Office of International Nuclear Safety and Cooperation (NN-30) website (<http://www.nn.DoE.gov/nn30hm.htm>).

²³ DoE-Office of Arms Control and Nonproliferation (NN-40) website (<http://www.nn.DoE.gov/nn40hm.htm>).

develop and deploy an improved safeguards system to detect nuclear activities; developing new methods for verification of excess fissile material and to increase the amount of excess material available for IAEA inspection; ensuring that nuclear materials originating in the U.S. and that are provided to other nations have sufficient physical protection and are used for peaceful and commercial purposes only; encouraging peaceful use of atomic energy through cooperative technical activities in support of the IAEA and through bilateral agreements with other countries; and providing technical assistance to countries, under bilateral agreements, to prevent nuclear smuggling; and

(iii) Control Nuclear Weapons-Related Expertise.

(c) The Office of International Materials Protection and Emergency Cooperation (NN-50) implements two main programs: Material Protection, Control, and Accounting (MPC&A)—mandated by PDD 41—and International Emergency Cooperation. The mission of the MPC&A Program is to reduce the threat to U.S. national security posed by unsecured Russian weapons-usable nuclear material by:²⁴

(i) Consolidating material into fewer buildings and at fewer sites and converting excess highly-enriched uranium (HEU) to low-enriched uranium (LEU) to reduce the number of theft targets, and

(ii) Installing sustainable physical security and accountancy upgrades appropriate for the level of material attractiveness and the threat of theft.

The MPC&A Program is currently focused solely on Russia.

(5) Office of Fissile Materials Disposition: Responsible for all activities of the Department relating to the management, storage, and disposition of fissile materials from weapons and weapons systems that are excess to national security needs.

It is also involved in the effort to reduce the global nuclear danger associated with inventories of surplus weapons-usable fissile materials (HEU and plutonium). The Office works to provide a Department-wide storage configuration that is secure, environmentally sound, inspectable, cost effective, and eliminates surplus weapons-usable fissile materials in a manner that encourages reciprocal action abroad. The Office's work is divided into three major areas of concentration:

- (a) Long-term storage;**
- (b) Fissile material disposition; and**
- (c) Cooperation with Russia**

It is important to note that disposition of fissile material also encompasses storage and disposition of material in the U.S. itself. In the aftermath of the Cold War, the President declared significant quantities of HEU and plutonium surplus to national defense needs. The Office of

²⁴ DoE-Office of International Materials Protection and Emergency Cooperation (NN-50) website (<http://www.nn.DoE.gov/mpca.htm#mpca>).

Fissile Materials Disposition is implementing a program to make this surplus HEU and plutonium inaccessible and unattractive for weapons use through a series of programs aimed at transferring surplus material to commercial reactor for civilian use, and storage or disposal of the material. These efforts are meant to provide the basis and flexibility for the U.S. to initiate disposition efforts, either multilaterally or bilaterally through negotiations with other nations, or unilaterally as an example to Russia and other nations. Disposition of the surplus plutonium serves as a nonproliferation and disarmament example and is aimed at encouraging similar actions by Russia and other nations, and fostering multilateral or bilateral disposition efforts and agreements.²⁵

(6) Office of Science: Funds basic research to advance the scientific knowledge needed to provide new and improved energy technologies; to understand the health and environmental implications of energy production and use; and to maintain U.S. leadership in discovering the fundamental nature of energy and matter. It also plans, constructs, and operates major scientific user facilities to serve researchers at universities, national laboratories, and industrial laboratories. The Office sponsors thousands of research projects at hundreds of scientific institutions across the United States, including investments in graduate research and education to ensure the next generation of highly capable scientists and engineers.

Within the Office of Science, the Office of Laboratory Policy is responsible for the overall maintenance and management of the DoE labs, both as individual institutions and as a collective science and technology resource for carrying out departmental programs and national needs. The Office is responsible for the Department's institutional planning, policy and processes and for contracts for its multi-program laboratories.

(7) The DoE Labs: Consist of nine multi-program labs, nine program dedicated labs, and eight specific mission labs. For the purposes of this paper, only the three nuclear weapons labs at Lawrence Livermore, Los Alamos, and Sandia will be discussed in further detail.²⁶

(a) Lawrence Livermore National Laboratory (LLNL) is an applied-science national security laboratory. Its primary mission is to ensure the safety, security, and reliability of the nation's nuclear weapons, and to prevent the spread and use of nuclear weapons worldwide. Programs include stockpile stewardship and management; nonproliferation, arms control, and international security; lasers and electro-optics; energy and environmental research; and bioscience and biotechnology. LLNL identifies the following as its areas of competency:

(i) Nuclear science and technology;

²⁵ DoE-Office of Fissile Materials Disposition website (<http://twilight.saic.com/md/mdmain.asp>).

²⁶ DoE website. The other labs are: Argonne National Laboratory; Brookhaven National Laboratory; Idaho National Engineering Laboratory; Lawrence Berkeley National Laboratory; Oak Ridge National Laboratory; Pacific Northwest National Laboratory; Ames Laboratory; Thomas Jefferson National Accelerator Facility; Fermi National Accelerator Laboratory; Oak Ridge Institute for Science and Education; National Renewable Energy Laboratory; New Brunswick Laboratory; Princeton Plasma Physics Laboratory; Environmental Measurements Laboratory; Stanford Linear Accelerator Center; Savannah River Technology Center; Federal Energy Technology Center; Bettis Atomic Power Laboratory; Knolls Atomic Power Laboratory; and Radiological and Environmental Sciences Laboratory.

- (ii) Lasers and electro-optics;
- (iii) Advanced sensors and instrumentation;
- (iv) Computer simulation of complex systems;
- (v) Advanced process and manufacturing materials science; and
- (vi) Biotechnology technology engineering technologies and systems integration.

(b) Los Alamos National Laboratory's (LANL) central mission is “Reducing the Nuclear Danger”. This is divided into five areas: stockpile stewardship, which ensures that the U.S. has safe, secure, and reliable nuclear weapons; stockpile management, which provides capabilities ranging from dismantling to remanufacturing of the enduring stockpile; nuclear materials management, which ensures the availability and safe disposition of plutonium, highly enriched uranium, and tritium; nonproliferation and counterproliferation which help to deter, detect, and respond to the proliferation of weapons of mass destruction; and environmental stewardship, which provides for the remediation and reduction of wastes from the nuclear weapons. LANL’s eight core competencies are:

- (i) Theory, modeling and high-performance computing;
- (ii) Complex experimentation and measurements;
- (iii) Analysis and assessment;
- (iv) Nuclear and advanced materials;
- (v) Nuclear weapons science and technology;
- (vi) Earth and environmental systems;
- (vii) Bioscience and biotechnology; and
- (viii) Nuclear science, plasmas and beams

(c) Sandia National Laboratories (SNL) primary mission is to implement U.S. nuclear weapon policies through research, development, and testing related to nuclear weapons. This includes maintaining the reliability and surety of nuclear weapon systems, performing research and development in arms control and nonproliferation technologies, and contributing solutions to the problem of hazardous wastes resulting from the nuclear weapons program. Other DoE functions include research and development in energy and environmental programs, as well as the surety of critical national infrastructures. SNL’s core competencies are:

- (i) Engineered processes and materials;
- (ii) Computational and information sciences; and

(iii) Microelectronics and photonics engineering sciences.

(8) Office of Fossil Energy: Responsible for research and development programs involving fossil fuels. These programs are intended to provide the general technology and knowledge base for use by the private sector for development and commercialization of advanced processes and energy systems.

The office also manages the Strategic Petroleum Reserve (SPR). The SPR serves as an emergency source of crude oil in the event of an interruption in petroleum supplies. The SPR was established by the Energy Policy and Conservation Act (EPCA) in December 1975 in the aftermath of the oil crises of the early 1970s. The legislation declared it to be U.S. policy to establish a reserve of up to one billion barrels of petroleum. The petroleum is stored in underground salt caverns along the Gulf of Mexico coastline at storage sites in Texas and Louisiana.

(9) Office of Energy Efficiency and Renewable Energy: Develops and deploys efficient and clean energy technologies that meet the nation's energy needs, enhance the environment, and strengthen national competitiveness.

(10) Office of Nuclear Energy, Science and Technology: Manages DoE's research and development programs associated with fission and fusion energy. This includes programs relating to nuclear reactor development, nuclear fuel cycle, and space nuclear applications.

(11) Energy Information Administration: Serves as the statistical agency of DoE, and provides policy-independent data, forecasts, and analyses to promote sound policy-making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment

(12) Power Marketing Administrations: Consists of five federal utilities or "power marketing agencies" (PMAs). Comprised of the Alaska Power Administration, Bonneville Power Administration (BPA), Southeastern Power Administration (SEPA), Southwestern Power Administration (SWPA), and Western Area Power Administration (WAPA). These PMAs serve as wholesalers of electric power produced at federal dams and reservoir projects to publicly held entities such as rural electric cooperatives, municipal utilities, and military installations.

(13) Office of Environmental Management: Provides program policy guidance and manages the assessment and cleanup of inactive waste sites and facilities. Also directs a program in safe and effective waste management operations, and develops and implements an applied waste research and development program to provide technologies that yield permanent disposal solutions at reduced costs.

(14) Office of Civilian Radioactive Waste Management: Develops and manages a federal system for disposing of all spent nuclear fuel from commercial nuclear reactors and high-level radioactive waste resulting from atomic energy defense activities.

F. NNSA Organizational Structure:

The National Nuclear Security Administration (NNSA) Implementation Plan (see section on Legal Specifications, Authorizations, and Responsibilities-Department Directives for further detail) was developed with regard to the establishment of the National Nuclear Security Administration (NNSA) on March 1, 2000, as provided by Title 32 of the National Defense Authorization Act for FY 2000, Public Law 106-65 (also referred to as the "NNSA Act"). After a review of the issues associated with this action, the Department developed a set of "Principles for Implementation". They are:²⁷

(1) "Implement the statutory requirements" set forth by the NNSA Act regarding the structure, mission, functions and operations of the NNSA.

(2) "Accomplish the national security and other missions of the Department." The NNSA Act consolidates within the NNSA the major program offices that perform the national security missions of DoE, and establishes statutory requirements regarding the relationship between these programs and those that are primarily responsible for the science, energy, environmental management and other missions of the Department. The Plan will establish a structure and procedures that will enable DoE to accomplish all of its important missions;

(3) "Ensure accountability and responsibility." The NNSA must be accountable to the Secretary of Energy, who in turn is accountable to the Congress and the President. The Implementation Plan will establish these lines of accountability and responsibility by preserving the Secretary's authority to manage and direct the Department on an overall basis.

(4) "Preserve the Secretary of Energy's overarching authority to establish policy for the Department." The NNSA Act recognizes the Secretary's responsibility to set policy for the Department, including the NNSA. The Implementation Plan seeks to preserve the Secretary's ability to use all resources that exist in the Department in the development of policies.

(5) "Build upon the management reforms that have proven successful in improving oversight and coordination of field office operations and strengthening project management."

(6) "Ensure that the national security defense laboratories continue to perform scientific research for non-Defense DoE programs and others." The national labs that report to the NNSA all perform research for the non-defense DoE programs and for other federal agencies and non-federal organizations. The Implementation Plan is structured to allow the labs to continue to perform such research and to allow non-defense DoE programs and others to continue to utilize these facilities for such research. It also provides that the non-NNSA laboratories will continue to conduct research for program offices within the NNSA.

(7) "Protect the environment and the health and safety of workers and the public." Expertise on worker health and safety and environmental protection resides in DoE offices that

²⁷ DoE-National Nuclear Security Administration (NNSA) Implementation Plan; January 2000.

are not within the NNSA. The Plan assures that this expertise, and the capability to provide independent oversight and reviews, will still be available with regard to NNSA programs.

(8) "Provide field managers with adequate authority to oversee and manage the operations at their sites." The DoE management structure relies upon the field operations offices, and field managers in particular, to oversee and manage operations at the national labs and production/test facilities. The Implementation Plan assures that field managers have authority commensurate with their responsibility, in some instances by establishing and assigning the field manager to dual positions within DoE.

The NNSA Implementation Plan was developed by a Task Force established by the Secretary of Energy on October 6, 1999. The Secretary formed the Task Force to oversee and coordinate the establishment of the new administration. The Task Force was directed to examine the range of issues related to establishing the NNSA, including administrative actions, personnel operations, procurement procedures, budgeting issues, procedures at all DoE laboratories and the roles and responsibilities of the DoE field operations offices. The Plan is based upon extensive consultation and discussions with the senior management of the Department, both from the Headquarters and the field. The Task Force conducted a review and series of consultations to determine the concerns, issues, obstacles and alternative approaches to managing the new Administration. In many cases, there were follow-up meetings to discuss options for resolving obstacles and to be certain to avoid unintended consequences. The Implementation Plan has been reviewed by the affected Program Secretarial Officers, Staff Offices and by OMB.²⁸ The newly created NNSA will take the following form:²⁹

²⁸ NNSA Implementation Plan.

²⁹ NNSA Implementation Plan.

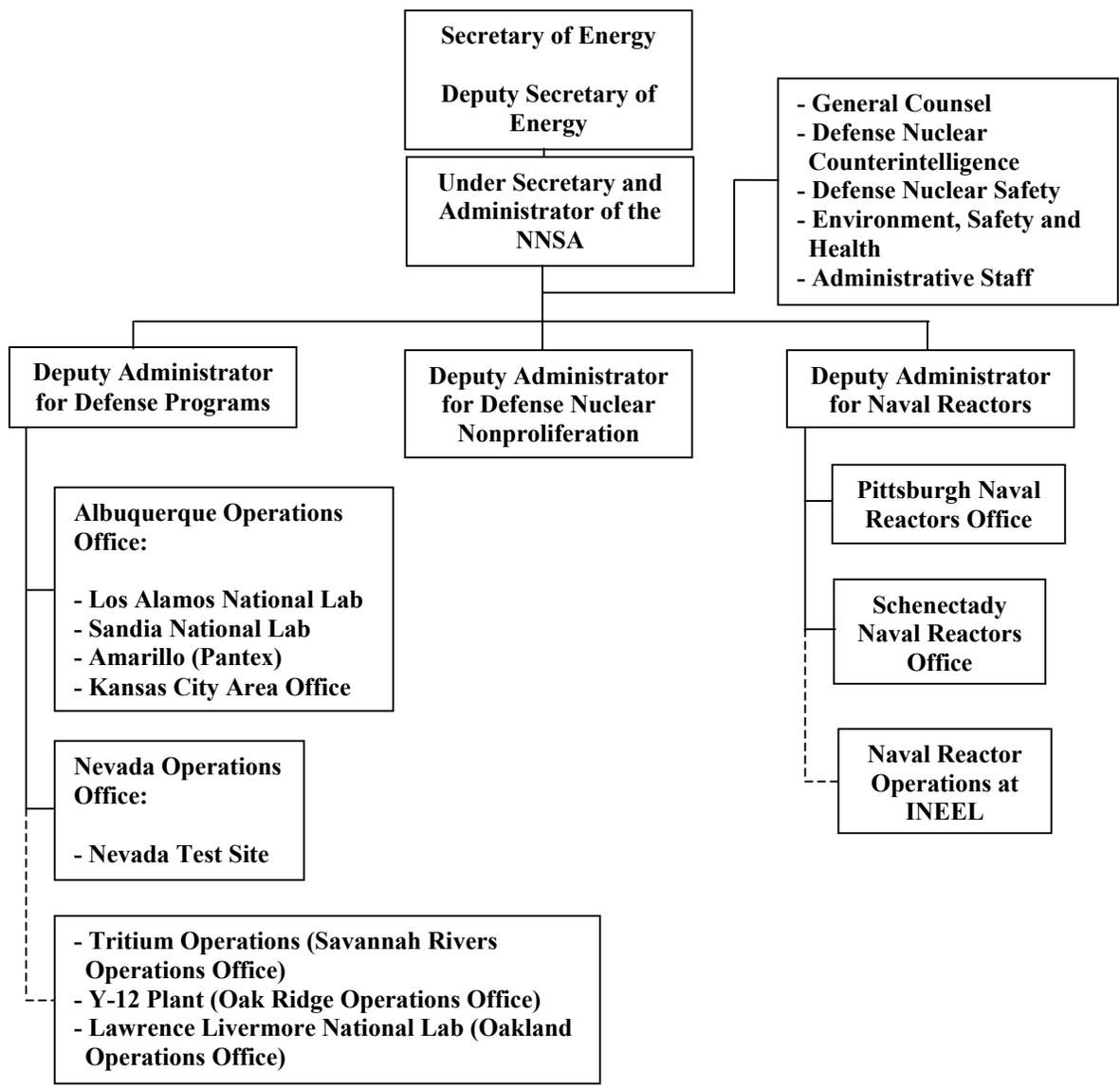


Figure 2: NNSA Organizational Structure

5. Formal National Security Process Involvement.

A. General. DoE's role in the formal national security process consists of four overarching areas of responsibility:

- (1) Stewardship of the U.S. nuclear weapons stockpile and infrastructure through the Stockpile Stewardship Program (SSP);
- (2) Maintenance of the Department's national security apparatus, particularly the three main nuclear weapons labs;
- (3) International arms control and non-proliferation efforts through various Department and interagency initiatives; and

(4) Energy security, mainly through maintenance of the SPR.

DoE's role in the national security realm is by no means limited to the aforementioned areas. While many of the Department's programs and efforts have either direct or indirect bearing on U.S. national security and range from developing and ensuring the safety and reliability of U.S. Navy nuclear reactor plants to research into alternative fuels and sources, for the purposes of this analysis, involvement will be limited to the above four points. The following matrix depicts the relationship of DoE products, specifically in the area of national security, and roles to the seven key national security processes:

		Strategy Development	Policy, Guidance, and Regulation	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input to the National Security Strategy	✓						
	Participation in the NPAC TWG	✓						
	Development of the Stockpile Stewardship Plan			✓				
	Implementation of the Stockpile Stewardship Program (SSP)		✓		✓			
	Arms Control & Nonproliferation Programs and Assistance		✓		✓	✓		✓
	Regulation and Maintenance of the Strategic Petroleum Reserve (SPR)		✓		✓		✓	
	NNSA Implementation Plan			✓				
	Maintenance and Enhancement of DoE National Security Infrastructure						✓	✓

B. Strategy Development:

(1) Major Activities:

(a) The Secretary of Energy's participation in NSC meetings and at both the Principals (PC) and Deputies Committee (DC) levels (the latter via an assistant) at the behest of the President, if and when DoE involvement is necessary;

(b) Input into the development of the National Security Strategy (NSS). The 1999 NSS outlines the significance of arms control and non-proliferation, maintenance of a credible nuclear deterrent, and energy security—all areas where DoE is a major actor.

(2) Stakeholders: DoE, NSC, NSC/PC and NSC/DC. In the case of the NPAC TWG: DoS (T), White House Office of Science and Technology (OSTP), and the Office of Management and Budget (OMB).

(3) Key Organizational Processes: DoE participates at the NSC IWG-level on both permanent and, when needed, ad hoc committees. An example of an ad hoc committee is the Nonproliferation and Arms Control Technology Working Group (NPAC TWG) established by PDD 27. As stated, the purpose of the NPAC TWG is to ensure effective coordination of

R&D in the areas of arms control and nonproliferation as well as guarding against redundant arms control and nonproliferation-related R&D and technology programs within and among departments and agencies (see previous section on PDD 27 for further detail on functions).

DoS (Under Secretary for Arms Control and International Security (T)), DoE, and DoD act as the co-chairing agencies for the NPAC TWG. These agencies appoint their co-chair representatives at the R&D Program Manager level or above. In addition to its role as Co-chair, DoS (T) serves as the Executive Secretary for the NPAC TWG. Additional staff and assistance, consistent with the terms of the charter, are the responsibility of the Co-chairs. The Co-chairs convene no fewer than four meetings of the NPAC TWG per year. The agenda for these meetings is coordinated among the Co-chairs, and responsibility for chairing these meetings rotates among the Co-chairs. Represented departments or agencies, the CNS (part of OSTP) or relevant NSC IWGs may request additional meetings of the NPAC TWG through the Co-chairs. The NPAC TWG Co-chairs, consistent with TWG recommendations, recommends action on major activities to the Chairperson of the CNS and the appropriate NSC IWGs.

The analytical work of the NPAC TWG is carried out by 13 Focus Groups and one Subcommittee.³⁰ Each Focus Group reviews R&D issues with members of the NPAC TWG and other members of the nonproliferation and arms control community. Emphasis is placed on technology needs that drive future R&D and current R&D programs now underway for nonproliferation and arms control. Over 25 departments and agencies, and more than 80 organizations have contributed and/or continue to contribute to the NPAC TWG's work.³¹

(4) Associated Higher-level Processes: Participation in NSC meetings and the Principals and Deputies Committees meetings.

(5) Associated Lower-level Processes: Input into the NSS through the IWG process and involvement in and input through the NPAC TWG.

C. Policy, Guidance, Regulation:

(1) Major Activities:

(a) Management of the Stockpile Stewardship Program (SSP) and specifically the annual process of certifying the safety and reliability of the U.S. nuclear weapons stockpile to the President by the Secretaries of Energy and Defense. The Annual Certification Process for U.S. nuclear weapons was mandated in 1995 in order to provide an independent

³⁰ The Subcommittee is the Technology Needs Group. The Focus Groups are: Active Electro-Optical Focus Group; Chemical Weapons Detection Focus Group; Fieldable Nuclear Detectors Focus Group; Spectral Sensing Focus Group; Underground Facilities Focus Group; R&D Database Implementation Focus Group; Proliferation Modeling Focus Group; Biological Weapons Detection Focus Group; Unattended Remote Sensors Focus Group; Missile Monitoring Focus Group (Formerly START Monitoring Focus Group); Nuclear Test Monitoring Focus Group; Fissile Material Detection and Characterization Focus Group; and Landmine Detection and Monitoring Focus Group.

³¹ These agencies and organizations include: the Central Intelligence Agency (CIA); Departments of Commerce, State, Justice, Interior; Federal Bureau of Investigation (FBI); Joint Chiefs of Staff (JCS); National Aeronautics and Space Administration (NASA); National Security Agency (NSA); U.S. Customs Service; Arms Control Intelligence Staff; Central Imagery Office; Community Management Staff; Central MASINT Office/Technology Coordination Office; Committee on National Security- Office of Science and Technology Policy (OSTP); Office of Management and Budget (OMB); National Reconnaissance Office (NRO), National Science and Technology Council (NSTC); Nonproliferation Center; and U.S. Geological Survey.

review of the ability of the weapons complex to sustain confidence without returning to testing. The President is apprised annually on the safety and reliability of the stockpile, and on whether any problem has arisen that requires testing during the next year. The process draws on technical assessments performed by the National Labs, which are reviewed by the Services, U.S. Strategic Command (USSTRATCOM), and the headquarters of DoE and DoD.³²

The reporting chain to the President established in Safeguard F of the Comprehensive Test Ban Treaty (CTBT) provides the framework used for the Annual Certification Process.³³ (The process is shown in the diagram in Appendix 1).

The certification process consists of three steps: technical assessment and reporting, review, and final certification. The laboratories (Sandia and either Los Alamos or Lawrence Livermore) draft a Technical Certification Report (TCR) for each weapon type in the stockpile. A weapon's technical report includes already compiled historical information and incorporates new information derived from stockpile maintenance activities, experiments, and other sources. The TCRs are compilations of information generated from ongoing SSP activities and contain information from lab and flight tests conducted as part of the stockpile surveillance program, as well as data from computer simulations, hydrodynamic and subcritical experiments, and other aspects of SSP. Each TCR also contains information about open Significant Finding Investigations (SFIs), which are initiated when a deviation or anomaly is discovered through routine surveillance or maintenance. They also identify areas where age-related degradation or other issues may eventually be cause for concern.

The TCRs are reviewed in the preparatory phase by DoE Program Managers, critiqued by personnel from the other nuclear weapons design labs, and are extensively reviewed by laboratory management before their formal release. Each report includes a section with statistics and a statement of the status of the weapon with respect to safety, reliability, surveillance activities, and associated investigations of findings, yield, and current configuration status, and planned changes or life-extension initiatives. The assessed safety and reliability statistics are compared against the official requirements, known as Military Characteristics (MC). The reports provide information on the status of each individual weapon type and discuss issues of concern. In addition to these data and assessments, each report provides a "Safeguard F Declaration."

The review phase of the Annual Certification Process builds on the information provided in the TCRs and augments them with additional issues, information, and each reviewer's personal experience in assessing the status of the stockpile. The reviewers include weapons experts, technical representatives of the military user communities, and other senior government officials. Three parallel reviews are formally undertaken. The first of these is performed by the lab directors. After reviewing the TCRs and discussions with individuals directly involved in assessing the weapons, each lab director submits a letter to the Secretary of Energy and the Secretary of Defense. The directors' letters assess overall safety and reliability of the stockpile and highlight overarching concerns or trends.

³² FY 1999 Report of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile.

³³ Safeguard F states: "The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DoE)--advised by the Nuclear Weapons Council, the Directors of the DoE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command--that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required."

USSTRATCOM conducts a second review with the assistance of a Stockpile Assessment Team (SAT).³⁴ The SAT prepares a report and briefs the Commander-in-Chief of USSTRATCOM (CINCSTRATCOM) and his staff on its findings. CINCSTRATCOM subsequently draws on this work in preparing his letter on the stockpile to the Secretary of Defense.

The NWC performs the third review, with staff support from its Standing and Safety Committee. It reviews the Labs' TCRs, and also incorporates the findings from the Project Officer Groups (POG). The Nuclear Weapons Council Report on Stockpile Certification covers these technical and operational issues from an interagency perspective and prepares the Certification Letter to the President for signature by the Secretaries of Defense and Energy.

In the final step, the Secretaries of Defense and Energy transmit a memorandum to the President informing him of their assessment of the safety and reliability of the nuclear weapons stockpile. The memorandum to the President also declares whether there is a need to return to underground nuclear testing to resolve a safety or reliability issue. The Lab TCRs and POG reports are appended to the NWC Report on Stockpile Certification and forwarded to the President as background information. To date, the Nuclear Stockpile Certification Memorandum to the President has stated that the nuclear stockpile has no safety or reliability concerns that require underground testing at this time. It is customary, although not required, for the President to send Congress a letter stating that there are no safety or reliability concerns in the stockpile that necessitate a resumption of underground nuclear testing.³⁵

(b) Providing WMD non-proliferation and arms control policy and technical assistance through various Department programs and initiatives and via cooperation with other federal agencies like DoD in such programs as CTR.³⁶

Within the Office of Nonproliferation and National Security (NN), the Office of Arms Control and Nonproliferation (NN-40) administers the "Initiatives for Proliferation Prevention (IPP)" and the "Nuclear Cities Initiative (NCI)" programs that are designed to deter the spread of nuclear weapons expertise by creating long-term commercial partnerships between U.S. industry and weapons institutes and engineers in Russia and the Newly Independent States (NIS). The "Initiative for Proliferation Prevention (IPP)" began in mid-1994 as part of a broad effort by DoE to minimize the risk of proliferation of weapons of mass destruction, particularly nuclear weapons, and has worked mainly with the NIS. The objectives of the program are to identify and evaluate the commercial potential of research and development at NIS institutes; establish approved partnerships between these institutes and U.S. industry with cost-sharing by U.S. industry; and, finally, create a commercial relationship between the entities. The "Nuclear Cities Initiative" is a cooperative, nonproliferation program designed to assist the Russian Federation with economic diversification of their ten nuclear cities.

³⁴ The SAT is a subgroup of CINCSTRATCOM's senior advisors, primarily selected from the Strategic Advisory Group (SAG). The SAT is comprised of independent experts with laboratory, industry, and military backgrounds. This Team receives briefings on the Technical Certification Reports from the laboratories, and on Service activities by the Project Officer Groups with day-to-day responsibility for each weapon system. The Project Officer's Groups consider the Laboratories' Technical Certification Reports and also look at operational issues and issues relating to delivery system hardware.

³⁵ FY 1999 Report of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile.

³⁶ In conjunction with the Defense Threat Reduction Agency (DTRA).

These programs accomplish the following:

(i) Helps nuclear weapons scientists and engineers from Russia and the NIS to refocus their day-to-day activities from weapons development to commercial enterprises;

(ii) Encourages these commercial enterprises to develop market skills and become self-sustaining; and

(iii) Facilitates continued access to Russian and NIS facilities through cooperative technical engagements between U.S. and Russian/NIS scientists and engineers.

The Office of International Materials Protection and Emergency Cooperation's (NN-50) International Emergency Cooperation (IEC) Program is to ensure that foreign governments, international organizations and U.S. Embassies have adequate and effective emergency assistance. This assistance is designed to address policy, planning, and operational aspects of emergency preparedness, and includes programs that address nuclear materials smuggling, emergency policy and planning, development of emergency operations facilities and emergency procedures, and technical training.

The IEC Program interacts directly with a variety of offices, agencies, and organizations inside and outside of DoE. This includes the DoE offices of Defense Programs, Nuclear Energy, Science, and Materials Disposition, as well as the Departments of State, Transportation, Justice, Commerce, and Defense.

The activities of the IEC Program can be divided into several major categories:³⁷

(i) Nuclear Assessment Program: Tracks, identifies and analyzes reports of trafficking in nuclear materials world-wide;

(ii) Emergency Policy and Planning Assistance: Provides policy advice and guidance to international organizations such as the IAEA, United Nations (U.N.), and the Nuclear Energy Agency (NEA). It also offers planning assistance to foreign governments;

(iii) Assistance in Developing Emergency Procedures: Provides assistance to foreign governments and international organizations in developing emergency procedures;

(iv) Support and Assistance in Development of Emergency Operations Centers: Helps to ensure early warning and notification of nuclear/radiological concerns. The center facilitates the direct exchange of information through video and data links; and

³⁷ DoE-NN-50 website.

(vi) Technical Assistance: Provides the basic skills needed to help foreign governments and organizations to develop and maintain their own programs in this area.

DoE also provides expertise and assistance to other federal government initiatives, most notably DoD's Cooperative Threat Reduction (CTR) program. Authorized by the Soviet Nuclear Threat Reduction Act of 1991 and renamed the Cooperative Threat Reduction program in 1993, this effort is managed by the Defense Threat Reduction Agency (DTRA) and is under the auspices of the Under Secretary of Defense for Acquisition and Technology (USD(A&T)).³⁸ DTRA's staff includes senior officials from DoE (including the Deputy Director of the agency) as well as DoS and the FBI.

The objectives of the CTR program are:³⁹

(i) Assist Ukraine, Kazakhstan and Belarus to become non-nuclear weapon states, and eliminate START limited systems and weapons of mass destruction infrastructure;

(ii) Assist Russia in accelerating strategic arms reductions to START levels;

(iii) Enhance safety, security, control, accounting and centralization of nuclear weapons and fissile material in the former Soviet Union to prevent their proliferation and encourage their reduction;

(iv) Assist the former Soviet states in eliminating and preventing proliferation of chemical and biological weapons capabilities; and

(v) Encourage military reductions and reforms and reduce proliferation threats in the former Soviet Union.

DoD executes the CTR Program in concert with policies and objectives established by an NSC IWG, which reviews CTR activities. The NSC's Senior Director for Russian, Ukrainian and Eurasian Affairs and Senior Director for Non-Proliferation co-chair a group consisting of representatives from the Office of the Secretary of Defense (OSD), DoE, DoS; the Intelligence Community; the JCS; and the Nuclear Regulatory Commission (NRC).⁴⁰

(c) Maintenance of the SPR under the Energy Policy and Conservation Act of 1975. The legislation declared it to be U.S. policy to establish a reserve of up to one billion barrels of petroleum for emergency situations.

(2) Stakeholders: DoE; DoD, DoS, the Services, USSTRATCOM, NWC, Department of Justice (DoJ), Department of Commerce (DoC), and Department of Transportation (DoT).

³⁸ Defense Threat Reduction Agency (DTRA) website (<http://www.dtra.mil/index.html>). The Act is also referred to as the Nunn-Lugar Act of 1991.

³⁹ Cooperative Threat Reduction (CTR) Program website (<http://www.ctr.osd.mil/>).

⁴⁰ CTR website.

(3) Key Organizational Processes: Development of the Nuclear Stockpile Certification Memorandum for the President.

(4) Associated Higher-level Processes: Interagency cooperation on arms control and nonproliferation initiatives such as CTR with DoD.

(5) Associated Lower-level Processes: Formulation and execution of Departmental arms control and nonproliferation programs and statutory maintenance of the SPR.

D. Planning:

(1) Major Activities: Development of the Stockpile Stewardship Plan. The Stockpile Stewardship Plan is a corporate-level, multi-year program plan begun back in 1995 that describes the Stockpile Stewardship Program (SSP) strategy to ensure high confidence in the safety and reliability of the nuclear weapons stockpile. The SSP is driven by requirements of the Presidentially approved NWSP, the annual requirement to certify the safety and reliability of the U.S. nuclear weapons stockpile, other PDDs, and DoD's 1994 NPR (which was revalidated in the 1997 QDR).

"Stockpile Stewardship" describes how DoE meets its nuclear weapons responsibilities. It includes operations associated with manufacturing, maintaining, refurbishing, surveilling, and dismantling the nuclear weapons stockpile; the activities associated with the research, design, development, simulation, modeling, and non-nuclear testing; and the planning, assessment, and certification of safety and reliability.

The overall goal of the SSP is to have in place by 2010 all of the following capabilities that are necessary to provide continuing high confidence in the annual certification of the stockpile without resorting to nuclear testing:⁴¹

(a) A reliable tritium production source of sufficient capacity to support the nuclear stockpile;

(b) A reliable pit manufacturing capacity sufficient to meet stockpile requirements;

(c) Enhanced surveillance and experimentally validated computational capabilities sufficient to predict the effects of aging on nuclear weapons safety and reliability;

(d) Improved understanding of experimentally validated, model-based weapons science;

(e) Experimental capabilities sufficient to fully validate computational modeling for stockpile assessment and simulation;

(f) Improved understanding of nuclear weapons response to normal and abnormal environments during the Stockpile-to-Target Sequence (STS);

⁴¹"FY 2000 Stockpile Stewardship Plan: Executive Overview," DoE (Office of Defense Programs); March 1999.

(g) Scientific, engineering, technical, computing, and simulation expertise required for stockpile assessment;

(h) Smaller, more efficient infrastructure capable of meeting all requirements at a cost of no more than \$4.5B per year;

(i) Assured replication or replacement options for weapon components in the enduring stockpile;

(j) An integrated, agile, rapid, and expandable design and production system to implement stockpile refurbishment in a timely manner; and

(k) The ability to respond to contingencies, such as a decision to resume nuclear testing or design new weapons.

In the development of the Stockpile Stewardship Plan, DoE engages in extensive consultation with the Stockpile Stewardship Program Executive Review Group (ERG)—established to provide expert analysis and assistance on the adequacy of the Plan. The ERG is chaired by the Under Secretary of Energy and includes senior officials of the NSC staff, OSTP, OMB, DoD, other federal agencies, and "nuclear community" experts. Under the National Defense Authorization Act for FY98 (P.L. 105-85), the Plan and subsequent updates are due to Congress by March 15th of each year in order to influence the coming fiscal year's budget deliberations.⁴²

The requirements of SSP reflect changes brought about by the end of the Cold War and will continue to be shaped by the fluid nature of the international security environment. Aspects of this "new environment" include:⁴³

(a) No nuclear testing;

(b) The need for a new source of tritium production;

(c) An aging nuclear weapons stockpile;

(d) An aging core of stockpile "stewards" and weapons experts;

(e) A smaller, less assorted stockpile;

(f) No requirements for new warhead designs; and

(g) A consolidated R&D and manufacturing complex

The strategy espoused in the Stockpile Stewardship Plan is carried out by five integrated program elements designed to highlight the areas of surveillance, assessment, certification,

⁴² SSP Overview.

⁴³ SSP Overview.

design, and the manufacturing process. They are: Surveillance; Assessment and Certification; Design and Manufacturing; Simulation and Modeling; and Tritium production.⁴⁴

In the area of Surveillance, the goal of the DoE's Enhanced Surveillance Program (ESP) is to develop the capabilities to predict or detect the signs and onset of aging-related defects before they jeopardize warhead safety or reliability. Predictive modeling and simulation are central to this activity. Given adequate lead time, the necessary redesigns, refurbishments, and recertifications can be made efficiently and effectively within the capabilities and capacity of the "rightsized" manufacturing complex.⁴⁵ The ESP is developing the technologies and methods, as well as the fundamental understanding of materials properties and weapons science, to significantly improve detection and predictive capabilities. The major activities being pursued include:⁴⁶

- (a)** Testing and researching the aging-related behavior of existing stockpile materials, components, and systems, including those from retired warheads;
- (b)** Developing improved computational models of materials aging and materials performance;
- (c)** Developing and conducting nonnuclear flight tests of models that more closely simulate stockpile warheads and that use enhanced data acquisition systems. These tests provide data to examine the behavior of nearly all actual warhead components in realistic environments; and
- (d)** Developing techniques for advanced analysis of existing surveillance data (as well as archived data), including complex numerical models and simulation.

An important goal with regard to Assessment and Certification is to develop a program using the best mechanisms available to "baseline" or map the existing stockpile while a number of experienced designers with nuclear test expertise remain who can interact with new designers. The objectives of the assessment and certification process are to:⁴⁷

- (a)** Develop an ability to predict and understand the effect of age-related changes that occur in every warhead component;
- (b)** Identify and understand significant changes, variables, and processes in terms of warhead safety and reliability;
- (c)** Validate new manufacturing processes and materials to ensure that rebuilt components and warheads are equivalent to the originals; and
- (d)** Mentor the next generation of weapons scientists and engineers.

⁴⁴ SSP Overview.

⁴⁵ "Rightsized manufacturing complex" refers to the reconfiguration and consolidation of the U.S. nuclear weapons manufacturing sector in the post-Cold War environment.

⁴⁶ SSP Overview.

⁴⁷ SSP Overview.

In the area of Design and Manufacturing, the SSP relies on two main programs: the Stockpile Life Extension Program (SLEP) and the 6.X Process.

SLEP provides the framework for research and development activities and production planning. In order to retain confidence in warhead safety and reliability, the SLEP risk management strategy addresses three categories of potential refurbishment actions: "musts"—correct known degradations; "shoulds"—prevent foreseeable degradations; and "coulds"—enhance safety and/or reliability. A number of specific life extension options are being defined for each warhead type, allowing the DoE and DoD and the labs and plants to anticipate and plan for future maintenance and refurbishment requirements. (The program is illustrated in a diagram in Appendix 2).

SLEP allows DoE and DoD to establish guidelines for stockpile-related research and development. At the labs, this includes designing and certifying replacement components and validating new materials. At the plants, this includes developing and certifying new manufacturing processes.

The Phase 6.X process is the modified version of a 1953 memorandum of agreement with DoD that established a formal, phased acquisition process to authorize the design, development, and production of new weapons. The phases in the process establish program management milestones and form the basis of the weapon life cycle acquisition process. These phases are:

- (a)** Phase 1 – Concept Development.
- (b)** Phase 2 – Program Feasibility Study.
- (c)** Phase 2a – Design Definition and Cost Study.
- (d)** Phase 3 – Development Engineering.
- (e)** Phase 4 – Production Engineering.
- (f)** Phase 5 – First Production.
- (g)** Phase 6 – Quantity Production and Stockpile.
- (h)** Phase 7 – Retirement/Storage.

Phase 6 activities are those normal on-going activities that occur on all stockpile systems and include: routine maintenance; stockpile evaluation or “surveillance”; annual reliability and safety certification; baselining of weapon system in order document configuration for future reference. All current U.S. weapons are in Phase 6, which provides a framework for and management of weapon refurbishment.⁴⁸ The Phase 6.X process provides DoE with a framework for the management and modernization of the U.S. nuclear weapons arsenal. It replicates the structure and practices of the original acquisition process and applies it to the current paradigm of the refurbishment of existing weapons (diagramed in Appendix 3). Each

⁴⁸ SSP Overview. A work plan for the Phase 6.X process is still under development by DoE, with input and coordination from DoD. It must be presented to and approved by the NWC.

phase concludes with a major project decision to continue to the next phase, remain in the current one, or return to the previous one, including a return to Phase 6.0, which would mean a decision not to modify the weapon in question.

The Office of Defense Programs evaluates all Product Change Proposals (PCPs) for applicability to the Phase 6.X process and forward them to the NWC for approval. Examples of issues requiring NWC approval include: all modifications and alterations; changes to STS that require an alteration of the weapon; and MC changes.

A new approach to manufacturing is currently being implemented to complement the capacity of the current manufacturing complex and to make full use of its capabilities. Under the Advanced Design and Production Technologies (ADAPT) Initiative, the labs and manufacturing facilities work together to:⁴⁹

(a) Integrate product and process design through the synchronized design and development of replacement components with low initial defects used in their manufacture;

(b) Develop and qualify new manufacturing processes that produce high production yields; higher efficiency; and meet modern environmental, safety, and health requirements;

(c) Develop improved materials that are functionally equivalent to the originals;

(d) Develop manufacturing technologies that allow the production complex to organize rapidly to produce different weapon components; and

(e) Identify, certify, and maximize the use of commercial parts and processes.

In the area of Simulation and Modeling, Strategic Computing and Simulation is focused on achieving capabilities necessary to implement the SSP in accordance with the provisions of the CTBT. Presently, there are five main areas:⁵⁰

(a) The Accelerated Strategic Computing Initiative (ASCI) provides the simulation capabilities needed to meet weapon assessment and certification requirements in the absence of nuclear testing. To meet these requirements, ASCI integrates the resources of the national laboratories, computer manufacturers, and academia. The national labs provide the application codes and related science needed to address weapon safety and reliability, while computer manufacturers develop the technology and systems that are capable of operating at increased speeds. The academic community, through the use of these higher-capacity systems, conducts experiments in such unclassified areas as turbulence and shock physics, astrophysical thermonuclear flashes, and numerical simulation of accidental explosions.⁵¹

⁴⁹ SSP Overview.

⁵⁰ SSP Overview.

⁵¹ SSP Overview. These systems are made available to researching universities through the Academic Strategic Alliances Initiative.

(b) Stockpile Computing provides weapon designers and analysts with computer center operations, model development, and code maintenance services necessary to support current SSP activities. In particular, Stockpile Computing supports surveillance, maintenance, refurbishment, assessment, and certification of the existing nuclear weapons stockpile by incremental upgrades to models and computing systems and the infusion of ASCI-proven technologies into routine SSP operations.

(c) The Distance Computing and Distributed Computing for Weapon Simulation (DisCom2) develops and provides the technology needed to permit the weapons laboratories and manufacturing plants to access computing capabilities.

(d) Numeric Environment for Weapon Simulations (NEWS) provides a local computational environment for large numbers of designers and analysts to use high-end simulation capabilities to simultaneously address time-urgent stockpile issues.

(e) Validation and Verification (V&V) provides the tools, methodologies, and data to ensure that the high-end simulation capabilities accurately model physical phenomena.

In the area of tritium production, DoE designated Tennessee Valley Authority (TVA) light water reactors as the Nation's primary tritium production source in 1998.⁵² Although the amount of new tritium needed varies slightly from year to year, for purposes of planning and the comparison of options, DoE has assumed that the annual demand will be approximately 2.5 kilograms of new tritium each year to replace tritium that will have decayed in the inventory. The new tritium source will also have a surge capacity of 3 kilograms per year beginning in 2005.⁵³

(2) Stakeholders: DoE, NSC, DoD, OMB, OSTP, and the "nuclear weapons community."

(3) Key Organizational Processes: Described above.

(4) Associated Higher-level Processes: Coordination and joint evaluation with DoD (the Office of Program Analysis and Evaluation (PA&E), action officers from the Services, and offices within OSD), on issues related to the SSP, including scope and pace of pit manufacturing, a new source of tritium production, the National Ignition Facility (NIF), and the ASCI. Cooperation with the Stockpile Stewardship Program ERG in the development of the SSP.

(5) Associated Lower-level Processes: Coordination within DoE itself, spearheaded by the Office of Defense Programs and in conjunction with the National Labs in the development, and subsequent implementation, of the SSP.

⁵² SSP Overview. TVA is a government corporation with a defense mission as part of its charter.

⁵³ Ratification of START II by Russia and future arms control agreements may reduce the demand for new tritium and delay the date when new tritium will be needed.

E. Mission Execution:

(1) Major Activities: Nuclear stockpile stewardship as mandated by the SSP. DoE's highest priority with regard to the SSP is to ensure the operational readiness of the U.S. nuclear weapons stockpile. Hence, in terms of mission execution, three focus areas exist: Directed Stockpile Work (DSW); Campaigns; and Infrastructure.⁵⁴

The DSW Program addresses activities that directly support the readiness of the nuclear weapons stockpile for as long into the future as is required. It focuses on nuclear stockpile life-cycle management, maintains the nuclear deterrent as specified in the NWSP, and includes stockpile-related workload, policy guidance, coordination, and oversight of all activities that directly support stockpile requirements. DSW policy is implemented by the Office of Defense Programs, the national labs, and the production plants that together comprise the nuclear weapons complex. The program encompasses a broad range of activities that focus on the reliability, surety, and performance of nuclear weapons. These activities include research, development, and production associated with weapon maintenance; surveillance; life extension; assessment and certification; baselining; dismantlements; design assessments; engineering; and production readiness across the nuclear weapons complex.

DSW carries out the following tasks:⁵⁵

(a) Maintains the readiness of the deployed stockpile: Executes the Limited Life Component Exchange (LLCE) program; confirms the safety, reliability, and performance of deployed weapon systems; and conducts authorized weapon alterations, modifications and repairs.

(b) Supports nuclear deterrent into the future: Refurbishes the current stockpile to achieve life extension; and provides the capability to modernize weapons.

(c) Disposes of retired weapons and associated components: Dismantles retired weapons; and provides for materials and component disposition.

DSW stockpile maintenance activities are accomplished through several Defense Programs: the Phase 6.X process, SLEP, and the Production and Planning Directive (P&PD). Each of these contributes to the formulation and implementation of weapon Life Extension Programs (LEPs). This is illustrated by the following:

⁵⁴ SSP 30-Day Review.

⁵⁵ SSP 30-Day Review.

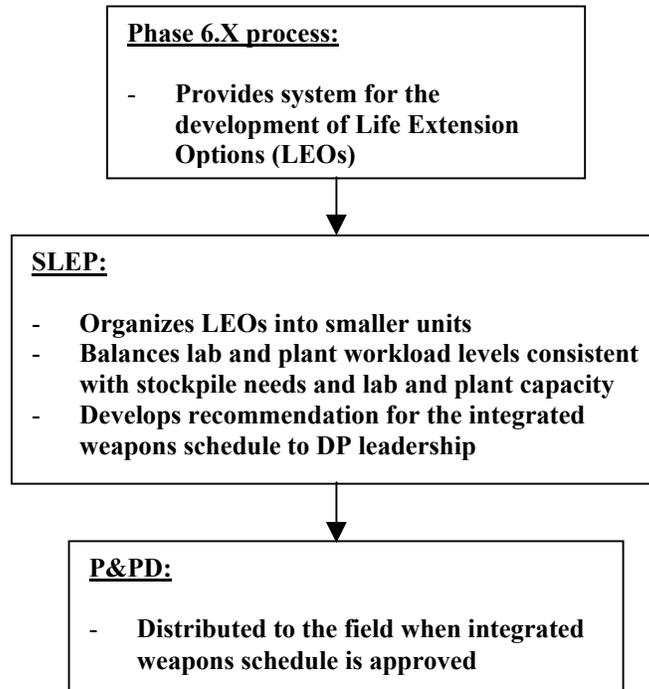


Figure 3: Office of Defense Programs Activities and Roles in the DSW Program

The annual, DoE-issued P&PD provides the authority necessary to implement the Office of Defense Program’s responsibilities in support of the SSP, the NWSP, and the Requirements and Planning Document. Furthermore, the P&PD provides direction and guidance for all major stockpile requirements for FY 2000-2005, and also supplies planning information for FY 2006-2025.⁵⁶

Campaigns are multi-year, multi-functional efforts conducted by a combination of the national labs, production plants, and the Nevada Test Site (NTS). They are designed to develop and maintain specific critical capabilities necessary for sustaining a viable nuclear deterrent. The goal of the Campaigns is to provide the capabilities needed to address current and future stockpile issues by employing highly educated and experienced scientists and engineers, and by providing the most advanced scientific and engineering infrastructure.

The SSP currently consists of 18 Campaigns with milestones and specific end-dates designed to focus efforts in science and computing, applied science and engineering, and production readiness on deliverables related to the stockpile (many of these Campaigns will also be discussed in the section on Preparation). Eight of these deal primarily with providing the scientific understanding necessary to certify the stockpile in the absence of nuclear testing and to support the stockpile modernization needed for weapon life extensions. One example is the Primary Certification Campaign. It includes experimental activities that will develop and implement the ability to certify rebuilt and aged primaries to within a stated yield level without nuclear testing. Capabilities developed under this Campaign directly support DSW, including

⁵⁶ SSP 30-Day Review.

the B61, W80, and W76 life extensions, and certification of the newly fabricated W88 pit. The objective of this Campaign is to develop the tools required to certify the performance and safety of any newly fabricated replacement or aged primary based on hydrodynamics and generalized materials descriptions.⁵⁷

Three engineering Campaigns focus on providing the tools, capabilities, and components necessary to support the maintenance, modernization, refurbishment and continued certification of specific weapons systems. An example of these Campaigns is the Enhanced Surety Campaign. It develops improved indemnity options, including modern levels of use-denial capabilities that may be considered for incorporation in scheduled stockpile refurbishment. It will also develop enhanced surety options for the B61, W80, and W76 weapon systems in time to support refurbishment schedules. The aim is to meet modern nuclear safety standards and upgrade use-denial capabilities in time for scheduled weapon refurbishment.⁵⁸

Seven readiness Campaigns focus on sustaining the manufacturing base within the nuclear weapons complex. These campaigns are driven by the current work required to maintain the stockpile as characterized by the SLEP schedule, and the fact that weapons must remain reliable for some time beyond the original deployment period. The Pit Readiness Campaign will reconstitute pit manufacturing within the DoE nuclear weapons complex, including the reestablishment of the technical capability to manufacture all war reserve pits for the enduring stockpile at a capacity of 20 pits per year.⁵⁹ The intention is to develop an automated, expandable, robust manufacturing capability to produce stockpiled and new-design pits, without underground testing, within 19 months of the establishment of a need for a new pit.⁶⁰

In the area of Infrastructure, the Readiness in Technical Base and Facilities (RTBF) program seeks to ensure that the necessary infrastructure is in place and available to conduct the scientific, engineering, and manufacturing activities of the SSP. RTBF also encompasses the activities needed to ensure that the infrastructure—utilities, facilities, equipment—are operationally safe, secure, and environmentally compliant within a defined level of readiness. The program also addresses safeguards and security needs, particularly cyber-security, at each of the sites. RTBF activities are directed by DoE personnel in Washington, DC.⁶¹

In order to maintain an appropriate infrastructure, RTBF work focuses on three main areas:

⁵⁷ SSP 30-Day Review. The B-61 is a non-strategic nuclear bomb. The W-76, -80, and -88 are nuclear warheads for air- and submarine-launched cruise missiles.

⁵⁸ SSP 30-Day Review.

⁵⁹ "Pit manufacturing" refers to the process of preparing the nuclear portion of a weapon, including the processing of the weapon's nuclear material to weapons-grade level.

⁶⁰ SSP 30-Day Review.

⁶¹ RTBF operations are also supported by the Albuquerque, Nevada, Oakland, and Oak Ridge Operations Offices for contract management, and implemented by contractor personnel at the Lawrence Livermore National Laboratory, Livermore, California; the Los Alamos National Laboratory, Los Alamos, New Mexico; the Sandia National Laboratories, Albuquerque, New Mexico, Livermore, California, and Tonopah, Nevada; the Nevada Test Site, Las Vegas, Nevada; the Pantex Plant, Amarillo, Texas; the Kansas City Plant, Kansas City, Missouri; the Y-12 Plant, Oak Ridge, Tennessee; and the Savannah River Site, Aiken, South Carolina.

(i) Facilities and infrastructure includes operation of existing scientific facilities, planning for major new scientific facilities, and planning and construction of smaller facilities necessary to provide a modern, evolving infrastructure;

(ii) Maintaining test readiness activities are conducted at the NTS to preserve the skills and facilities required to resume testing within 24 to 36 months if so directed by the President; and

(iii) Simulation and computing infrastructure provides the infrastructure necessary at each of the sites for ASCI.

(b) Implementation of functions related to maintenance of the SPR. The “United States Statement of Policy on the Strategic Petroleum Reserve” states that: “This Reserve should be used solely for responding to the types of severe oil supply interruptions presently contemplated in the EPCA. The United States also reaffirms its policy for responding to severe oil supply disruptions: to rely on market forces to allocate supply and to supplement supply through an early drawdown of the SPR in large volumes and in coordination with our allies in the International Energy Agency.”⁶² During a severe oil supply disruption, the U.S. will normally supplement supply by the early drawdown of the SPR in large volumes in coordination with other IEA members and rely on market forces to distribute supply. During the only emergency use of the SPR, the 1991 Persian Gulf War, the U.S. implemented a drawdown of 33.75 million barrels of oil (later reduced to 17.3 million barrels) and sold the petroleum to 13 companies.⁶³

Given the unpredictable conditions that characterize energy supply disruptions, there is no preset "trigger" for the use of the SPR. The EPCA stipulates that the SPR can be used when the President determines that it is "required by a severe energy supply interruption or by obligations of the United States" under the International Energy Agency (IEA).⁶⁴

The EPCA defines a "severe energy supply interruption" as one which:

(i) "Is, or is likely to be, of significant scope and duration, and of an emergency nature;

(ii) may cause major adverse impact on national safety or the national economy; and

(iii) results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God."

When Congress renewed EPCA in 1990, it added additional authorities for a limited drawdown (up to 30 million barrels) during certain shortage situations that are expected to be

⁶² “United States Statement of Policy on the Strategic Petroleum Reserve”; May 13, 1998. The U.S. is one of the founding members of the International Energy Agency (IEA). The Agreement on an International Energy Program, the charter of the IEA, commits its members (consisting of 23 other nations) to maintain the equivalent of 90 days of net oil imports as emergency reserves and to take cooperative action in the event of a supply disruption.

⁶³ U.S. Statement of Policy on the SPR.

⁶⁴ U.S. Department of Energy Strategic Petroleum Reserve Brochure.

less than "severe" and to use the SPR in response to shortages of domestic oil as well as foreign oil. The legislation also permitted test sales of up to five million barrels each. In 1992, new conditions for an SPR drawdown involving a significant supply reduction coupled with a severe oil price increase likely to cause a major adverse impact on the economy were added.⁶⁵

If the President decides to order an emergency drawdown of the SPR, the principal method for distributing the oil would be by competitive sale to the highest bidders. The sales process involves four primary steps that can be completed within 15 days. They are:⁶⁶

(i) Day 1-Issuance of a "Notice of Sale": Within 24 hours of a Presidential decision, DoE would issue a public notice specifying the amount, characteristics and location of the oil to be sold, and the approximate delivery dates and procedures for submitting offers. Bidders would be given up to seven days to prepare offers;

(ii) Day 8-Receipt of Bids: Anyone who meets certain financial and other qualification criteria may bid. All offerors must accept the government's sale terms unconditionally and include an offer guarantee of up to \$10M (or five percent of the bid price-whichever is less). Offerors bid against one or more "master line items" (a specific quantity and quality of crude oil offered from a specific SPR site) and indicate their proposed delivery methods;

(iii) Day 11-12-Selection of Bidders: After evaluating the bids, DoE selects "apparently successful offerors." The selected offerors must then provide a letter of credit or cash deposit for 110 percent of the contract value, typically within five business days. When these payments are received, the Department can begin awarding contracts;

(iv) Day 16-30-Delivery of Oil: The first SPR crude oil can be delivered as soon as purchasers arrange transport (by pipeline, barge or tanker). This could take place as quickly as the day after a contract is awarded. Typically, however, commercial oil shipments are scheduled on calendar month cycles to allow time for reserving space in pipelines or for arranging delivery through commercial shipping terminals. Consequently, most SPR oil would likely be moved to market during the month following the actual sale. Final payments are made following receipt of the crude oil based on a price indexing system.

If the supply interruption persists, the SPR sales cycle could be repeated every 30 days. Program performance criteria require the SPR to maintain the capability to transition from operational readiness to a sustainable oil drawdown of about 4.1 million barrels/day.

(c) Implementation of departmental and interagency nonproliferation programs and initiatives. (See previous section on Policy, Guidance, and Regulation for a more detailed description of these activities.)

(2) Stakeholders: DoE , DoD, NSC, DoS, OMB, OSTP, and EOP

(3) Key Organizational Processes: Described above.

⁶⁵ U.S. Department of Energy Strategic Petroleum Reserve Brochure. "Drawdown" refers to the process of removing a pre-designated quantity of stockpiled oil from the Reserve and making it available for sale on the open market.

⁶⁶ SPR Brochure.

(4) Associated Higher-level Processes: Coordination and cooperation with authorized agencies (e.g., DoD) on implementation of SSP activities and programs; coordination and implementation of drawdown and distribution policies as related to the SPR.

(5) Associated Lower-level Processes: Departmental implementation of SSP, SPR, and nonproliferation activities.

F. Observation, Orientation, Oversight:

(1) Major Activities: Provide policy and technical support of interagency arms control and nonproliferation efforts.

(2) Stakeholders: DoE , NSC, DoD, DoS, OMB, and OSTP

(3) Key Organizational Processes: (See sections on Policy, Guidance, and Regulation for description.)

(4) Associated Higher-level Processes: (See sections on Policy, Guidance, and Regulation for description.)

(5) Associated Lower-level Processes: (See sections on Policy, Guidance, and Regulation for description.)

G. Preparation:

(1) Major Activities:

(a) Maintaining and enhancing the material and knowledge base of the DoE national security infrastructure.

All preparation and maintenance programs and initiatives called for are founded on the premise of maintaining and enhancing an nuclear weapons infrastructure and personnel base in an environment where the U.S. is still expected to maintain a viable nuclear deterrent, thus ensuring a continuation of the same set of performance standards for infrastructure and the personnel base. However, this must take place in a setting where no nuclear testing is taking place and production of new weapons has stopped, essentially forcing infrastructure and personnel to modify and/or change "the way they do business".

(i) Material base: The SSP's five integrated program elements, Surveillance; Assessment and Certification; Design and Manufacturing; Simulation and Modeling; and Tritium production, serve not only as a basis for planning stockpile stewardship, but also a guide for the preparatory activities necessary to implement the objectives in the SSP. In this capacity, each program element contains measures intended to further prepare the U.S. nuclear weapons material infrastructure for a future where "business as usual" no longer applies. The Campaigns provide the basis for these preparatory activities under each program element. As stated, they are designed to develop and cultivate the capabilities, both material and expertise, necessary to the maintenance of a credible nuclear deterrent.

In the area of Surveillance, the impetus is on materials. Of particular importance is the development of advanced capabilities—experimental, theoretical and computational—to predict physical properties of matter under the extremely broad range of dynamic conditions found in nuclear explosions. These include materials, radiative, and nuclear properties. These efforts are primarily supported by the Enhanced Surveillance Campaign (see section on Planning, paragraph (1)(a) for description), the Dynamic Materials Properties Campaign, and the Defense Applications and Modeling Campaign.⁶⁷

(aa) The Dynamic Materials Properties Campaign includes efforts to develop physics-based, experimentally-validated data and models of all stockpile material at accuracy levels proportionate to required for primary and secondary certification; and

(bb) The Defense Applications and Modeling Campaign uses ASCI-based tools to provide simulation software necessary for engineering, safety, and performance analyses of stockpiled weapons.

In the Assessment and Certification arena, there is a need for new and different experiments and tools (i.e., assets and facilities) for obtaining warhead performance data to supplant "nuclear testing-era" ones. These efforts are supported by the Primary Certification Campaign (see section on Planning, paragraph (1)(a)), the Secondary Certification and Nuclear-Systems Margins Campaign, the Certification in Hostile Environments Campaign, the Weapon System Engineering Certification Campaign, the Advanced Radiography Campaign, and the Inertial Confinement Fusion (ICF) Ignition & High Yield Campaign.⁶⁸

(aa) The Secondary Certification and Nuclear-Systems Margins Campaign includes experimental and computational activities designed to determine the minimum primary yield needed to produce a militarily effective weapon;

(bb) The Certification in Hostile Environments Campaign will validate computational tools for certification, reevaluate nuclear-weapon hostile environments, develop radiation-hardened technologies, and demonstrate certification technologies on the W76 life extension program;

(cc) The Weapon System Engineering Certification Campaign establishes science-based engineering methods to increase confidence in weapons systems through validated simulation models and high fidelity experimental tests;

(dd) The Advanced Radiography Campaign develops technologies for 3-D imaging of imploding surrogate-material primaries, with sufficient resolution to resolve uncertainties in primary performance; and

(ee) The Inertial Confinement Fusion (ICF) Ignition & High Yield Campaign conducts experimental activities at the National Ignition Facility (NIF) and other facilities that will enhance experimental capabilities for stewardship.

⁶⁷ SSP 30-Day Review.

⁶⁸ SSP 30-Day Review.

With regard to Design and Manufacturing, efforts focus on replacing or fixing components through systematic modernization before aging-related changes jeopardize warhead safety or reliability, and exchanging outdated and unpractical manufacturing processes with newer ones. SLEP is a major initiative in this field. In addition, the six production readiness Campaigns—Pit Readiness (see section on Planning, paragraph (1)(a) for description); Secondary Readiness; HE/Assembly Readiness; Nonnuclear Readiness; Tritium Readiness and Material Readiness—and the ADAPT and Enhanced Surety Campaigns (see section on Planning, paragraph 1(a) for description) are required to sustain the manufacturing base within the nuclear weapons complex.⁶⁹

(aa) Secondary Readiness develops, implements, and maintains the appropriate capability and capacity to accomplish DSW, and responds to surge production scenarios to manufacture/remanufacture replacement components for all weapon systems in the active stockpile;

(bb) HE/Assembly Readiness focuses on ensuring future manufacturing capabilities for high-explosive fabrication and weapon assembly;

(cc) Non-nuclear Readiness focuses on ensuring that future manufacturing capabilities for non-nuclear components will be available;

(dd) Tritium Readiness will provide a source of tritium commensurate with the 1998 DoE decision to establish a new source for the material; and

(ee) Material Readiness includes activities to support the construction of a new HEU storage facility at Y-12.

In the field of Simulation and Modeling, ASCI provides the high-end simulation capabilities needed to meet weapon assessment and certification requirements without nuclear testing. To accomplish this, ASCI integrates the resources of the national laboratories, computer manufacturers, and academia. A noteworthy accomplishment in this area has been the "University Partnerships-University Alliances and Institutes" program. ASCI has established partnerships with universities under the Alliances program that involves over 400 university researchers who provide valuable expertise in algorithms development and potential access to future program personnel.

(ii) Knowledge base: The other component of these preparatory activities consists of maintaining and further developing the national security knowledge base within DoE. This is especially critical at the three nuclear weapons labs: Los Alamos, Lawrence Livermore, and Sandia. In accordance with the responsibilities laid out for these institutions, it is imperative for them, and the other DoE facilities, to continue to maintain and cultivate a high standard of excellence. In the case of the weapons labs, training is achieved through a two-prong approach: strategic partnerships with academic institutions and "in-house" training programs and initiatives.

⁶⁹ SSP 30-Day Review.

An example is Los Alamos National Lab. The lab has been managed by the University of California (UC) since its founding in 1943, and has maintained a strong relationship between the lab and UC's nine campuses.⁷⁰ UC management has proven to be a significant factor in ensuring the quality of the scientific and technical personnel and research capabilities that are essential for Los Alamos to remain competitive in the changing research marketplace. Some of the ways that UC strengthens the lab are through maintaining and providing:⁷¹

(aa) World-class standards of excellence for scientific research in the international community and the highest-quality independent peer review;

(bb) Technical resources, institutions, and scientific centers that are used to meet the objectives of the Lab and DoE;

(cc) Collaborative research involving students and post-doctoral research appointees that provides a recruiting pool of outstanding new scientists for the Lab;

(dd) Educational and administrative services for Lab employees and their families that act as a magnet for retaining and attracting the highest-quality scientists and engineers; and

(ee) Standards of openness and integrity for scientific inquiry and reporting for Lab scientists in an atmosphere free of political pressure and influences from proprietary or profit-making motives.

The "in-house" training that DoE itself provides combines technical and professional enhancement with technology-based learning tools. At Los Alamos, many training functions are moving to the Web or to distance-learning delivery modes. For example, to assist workers in identifying learning and education opportunities being offered for development and job requirement purposes, the Lab's Virtual Training Center offers a cross-indexed listing of available learning opportunities, on-line registration, course descriptions, voting for courses, and Web training options.

Satellite-based distance learning and video conferencing, available at an increasing number of locations at the Lab, provide time-sensitive information and data through virtual face-to-face communication. These resources allow facilities throughout the DoE complex, remote training vendors, and distant universities to provide learning opportunities for Lab employees.

In addition, the training staff provided by the Lab's Human Resources Division serve line organizations in their need to design and develop training. Training professionals are available for short- or long-term assignments to develop specific training products such as classroom training or Web courses, to conduct tabletop analyses of job content, to share performance improvement expertise, and to assist with training documentation.⁷²

⁷⁰ The University of California also manages Lawrence Livermore and Sandia National Labs.

⁷¹ Los Alamos National Laboratory Institutional Plan: FY 2000-FY 2005.

⁷² Los Alamos Institutional Plan.

(b) Maintaining the SPR infrastructure through the Life Extension Program (LEP). DoE implemented a Life Extension Program (LEP) in 1994 that will maintain the high reliability and availability of the SPR and extend its life through 2025. The LEP will also result in a streamlining of site configurations and standardization of equipment across the SPR. Standardization of equipment will result in reduced parts inventory and less maintenance, both contribute to lower costs.

Since the mission of the SPR requires that each site and terminal be capable of transitioning from operational readiness to full drawdown within 15 days, spare parts are maintained for all critical equipment to ensure continuous drawdown ability. In addition, tests of the equipment and procedures are a routine aspect of maintaining the SPR. Finally, each site is comprehensively tested every five years at its maximum drawdown rate for 24 hours.

In addition to system tests, the SPR conducts regular training exercises simulating the sales and distribution process to ensure that personnel gain experience with the procedures associated with an emergency drawdown.

(2) Stakeholders: DoE, academic institutions, and industry.

(3) Key Organizational Processes: Described above.

(4) Associated Higher-level Processes: Partnerships and liaisons with academia through strategic joint ventures (e.g., "University Partnerships-University Alliances and Institutes") and/or operational management (UC-Los Alamos relationship).

(5) Associated Lower-level Processes: Providing and enhancing training and professional development opportunities, especially for critical staff in the nuclear weapons complexes through such efforts as technology-based learning.

H. Resourcing:

(1) Major Activities:

(a) Externally, funding for further research and development that directly benefits DoE's national security complex through programs such as Laboratory-Directed Research and Development (LDRD). Congress authorizes the LDRD program as a means for the Labs to maintain their scientific and technological vitality. Through this program, the National Labs invest in innovative R&D projects commensurate with their missions, the objective of extending their science, and technology capabilities. Three ways in which LDRD enhances science and technology capabilities at the Labs are:

(i) Exploring new ways of tackling mission problems, thereby identifying opportunities to execute mission objectives in a cheaper, faster, or better way;

(ii) Developing new capabilities in areas of expertise needed to fulfill the mission, perhaps adding multidisciplinary approaches that provide new insight; and

(iii) Broadening the fundamental science and technology base in areas that underpin the Laboratory's ability to execute its mission.

The LDRD budget consists of both operating and capital equipment funds that are generated through the application of a uniform assessment to direct-funded programs at the Labs. LDRD annual funding is limited by Congress to a maximum of six percent of the individual Lab's operating budget. The LDRD program is subject to Congressional authorization, DoE regulations and orders, and, in the case of three nuclear weapons facilities, the prime contract between the University of California and DoE.

For FY99 and future years, the LDRD program consists of two components with distinct institutional objectives: exploratory research (ER) and directed research (DR). The ER component of LDRD typically funds smaller projects that are up to 36 months in duration and employ one to a few scientists and engineers. One-third of the overall LDRD budget is typically allocated to this component. Project support is available in eleven disciplinary categories: atomic, molecular, optical, and plasma physics; fluids, and beams; biosciences; chemistry; science and software engineering; engineering sciences; geosciences, space sciences, and astrophysics; instrumentation and diagnostics; materials sciences; mathematics, simulation, and modeling; and nuclear and particle physics.

DR is the component intended to address longer-term Lab strategies and is most influenced by a Lab's scientific management. The projects in this component—"strategic scientific thrusts"—are meant to be conscious and deliberate investments that will achieve defined institutional objectives. These projects, like ER, are up to 36 months in duration. Their objectives may be to develop new capabilities or competencies, or to support programs. The strategic thrusts will generally be somewhat larger coherent investments than those in the ER component, and with a single and unifying strategic goal. However, the thrust may comprise a number of distinct and complementary tasks. This component of the LDRD program is funded at a level equal to about two-thirds of the total program.

All LDRD projects are selected through competitive processes involving scientific review by managers and/or peers. The lab director leads the LDRD program through a formal process to impose accountability in the selection, execution, and documentation of projects. All projects are selected through competitive review by peers and/or scientific managers. Innovation and scientific excellence are key selection criteria. All projects must address science and technology areas that support the Labs missions, and decisions on project funding are ultimately made by the director of that lab.⁷³

(b) Internally, funding for science training through grants, internships, and other activities. From an internal standpoint, the DoE Office of Science Education sponsors and funds programs aimed at general science education with a goal of training the next generation of scientists and engineers. These efforts are most certainly to the benefit of DoE's national security work in that these programs and initiatives can have a direct impact on the quality and quantity of tomorrow's "pool" of recruitable talent.

These programs cover a wide array of activities such as:

⁷³ Los Alamos Institutional Plan.

(i) Internships provide opportunities such as the Energy Research Undergraduate Laboratory Fellowships (ERULF) are designed to expose students to work in a scientific environment. The purpose of this program is to develop the technical skills and scientific knowledge needed by students to contribute to our nation's science and technology enterprise.

(ii) National Science Bowl is designed for science education and securing a scientific workforce for the new millennium, the DoE-developed program strives to encourage students to excel in science and math and pursue careers in those fields.

(iii) The Albert Einstein Distinguished Educator Fellowship Program allows Fellows the opportunity to provide their educational expertise, years of experience and personal insights to various governmental offices. The Department administers the program for elementary and secondary school mathematics and science teachers. Selected teachers spend up to one year in a Congressional Office, DoE, NSF, NASA, NIH, the Department of Education, or OSTP.

(iv) The Energy-Related Laboratory Equipment (ERLE) Grant Program was established by DoE to grant available used equipment to institutions of higher education for energy-related research.

(v) The Faculty Travel Grants program provides opportunities for full time college and university faculty to make short-term visits to DoE labs for the purpose of exploring collaborative relationships with laboratory staff and developing mechanisms for using laboratory resources in educational programs at their home institutions.

(vi) "ScholarSearch", a free financial aid search database from DoE, enables students to investigate financial aid opportunities offered by universities, colleges, research institutions, corporations and other organizations. Currently, the database contains several hundred thousand educational opportunities at the pre-college to the post-doctoral/professional level. These opportunities include scholarships, grants, internships, fellowships, assistantships, and loans.

(2) Stakeholders: DoE, Congress, and the academic community.

(3) Key Organizational Processes: Described above.

(4) Associated Higher-level Processes: Coordination between the Department, the DoE Labs, and Congress on budgeting issues and LDRD project authorizations. Cooperation with academic institutions, including pre-college, on educational programs and funding.

(5) Associated Lower-level Processes: Internal DoE budgetary coordination for implementation of Department-sponsored educational and professional development initiatives.

6. Informal National Security Process Involvement. No "institutionalized" informal processes like with DoS or DoD, but in the same mold as other major Departments and Agencies. Informal process interaction, involving the Secretary of Energy and the Department as a whole, will depend on variety of factors, including issue(s) in question, and the professional

and personal relationships between the President and his/her Cabinet and between Cabinet members themselves.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees for DoE national security activities are: Senate Appropriations Committee (Energy and Water Development Subcommittee); House Appropriations Committee (Energy and Water Development Subcommittee); Senate Armed Services Committee (Strategic Forces Subcommittee); and the House National Security Committee (Military Procurement Subcommittee).

B. Funding Sources: The Department is funded through the Department of Energy appropriation, the Defense Appropriations bill, and the intelligence appropriation.

C. Budget: DoE's FY99 budget was \$18B. Approximately \$6B of that total was allocated to Defense and Nonproliferation/National Security programs.⁷⁴

The FY99 budget for DoE Defense Programs was approximately \$4.4B. The two key elements of the SSP, stewardship and management, accounted for about 49 percent and 48 percent of this total, respectively (\$2.12B and \$2.1B).⁷⁵ The FY00 appropriation was approximately \$4.43B, a seven-percent increase over the previous year.⁷⁶ This is consistent with the Administration's ongoing efforts to commit approximately \$4.5B that it deems necessary to support the SSP.

SPR funding totaled about \$160M in FY99 and \$158.4M in FY00. The 1994 LEP, scheduled to be completed in FY00, represents a \$328M investment to extend the life of the Reserve's physical systems through 2025.⁷⁷

Resourcing for DoE's arms control and nonproliferation activities, carried out through Office of Nonproliferation and National Security and the Office of Fissile Materials Disposition totaled approximately \$916M for FY99 and \$870M for FY00, respectively. Interestingly, funding for disposition of Russian plutonium and uranium in FY00 was either drastically decreased (FY00 appropriation for plutonium disposition was (-)\$49M) or eliminated altogether (as uranium disposition was). Furthermore, both activities were seemingly eliminated from DoE's FY01 budget request to Congress.⁷⁸

It is worth noting DoE's recent emphasis on environmental issues and concerns—exemplified in the shifting budget priority for this area. This trend is a product of the end of the Cold War and reflects a shift in DoE's vision of its responsibility and mission in the post-Cold War world. Between 1980-95, the budget allocation for "Environmental Programs, Safety, and Health" jumped from approximately 2 percent of DoE's total budget to around 40 percent, a

⁷⁴ DoE Field Factbook, May 1998.

⁷⁵ FY 2000 Congressional Budget: Weapons Activities/Executive Budget Summary.

⁷⁶ FY 2001 Congressional Budget: Weapons Activities/Executive Budget Summary.

⁷⁷ FY 2001 DoE Budget Request to Congress-SPR.

⁷⁸ FY 2001 Congressional Budget: Weapons Activities/Executive Budget Summary.

1,900 percent increase. By contrast, the 1995 allocation for "National Defense", save for sharp increases during the 1980s, remained almost identical to its 1980 figure of 20 percent.⁷⁹

D. Manpower: DoE employs over 11,000 personnel and another 100,000 (30,000 of which are scientists, engineers and technical staff) contract employees at over 50 major installations in 35 states.

8. Conclusion and Observations.

As one of the federal government's main agencies for scientific research and development, the Department of Energy undertakes activities across a wide spectrum—from research into alternative sources of energy to maintaining the nation's nuclear weapons stockpile. Established as an organization to address the problematic energy issues of the late 1970s, the Department has made significant advances in many areas—the SPR is one example of this success with the 1991 Gulf War exemplifying the utility of such a reserve. Unfortunately, DoE has also encountered significant difficulties over its 22-year history, troubles stemming from organizational structure and management to security breaches in the Department-run nuclear weapons apparatus.

A. DoE appears not to have formulated a credible organizational strategy to address post-Cold War issues and missions. In 1995, a General Accounting Office (GAO) report (entitled "Department of Energy: A Framework for Restructuring DoE and Its Missions") cited the institutional problems present at the Department—several years before the alleged espionage incidents. The report criticized DoE for its reinvention efforts and the fact that their strategy was being based on the assumption that "...the existing [DoE] missions are still valid government responsibilities and are still best implemented by the Department."⁸⁰ In effect, DoE's reforms did not address the fundamental issue of core missions.

B. Organizational and structural issues seem to be hindering the Department:

(1) DoE's scope of responsibility may be too broad. DoE was originally created from an amalgamation of several different agencies, each with a unique set of responsibilities. The Department's problems over the years, culminating in the accusations of security lapses, give rise to the question of whether a single entity can effectively manage the wide set of tasks asked of it. The GAO report stated, based on consultations with experts that included former Secretaries of DoE, that most: "...favored streamlining missions and some suggested major realignments to other agencies or to new public-private entities."⁸¹

(2) DoE needs to enhance the working environment at its weapons labs in order to foster a better civilian/military relationship with respect to issues ranging from research to security. The objective here should be to strike a favorable balance between the need to maintain effective contact on unclassified scientific research with other DoE labs and the

⁷⁹ "Department of Energy: A Framework for Restructuring DoE and Its Missions," United States Government Accounting Office (GAO), August 1995.

⁸⁰ United States General Accounting Office (GAO) Report to Congress: "Department of Energy: A Framework for Restructuring DoE and Its Missions," August 1995.

⁸¹ GAO Report.

broader scientific community and the requirement for preserving viable security measures on classified military and related R&D.

(3) The fluid nature of the post-Cold War environment has created the need to refocus missions and resources to address different challenges in different ways. The end of the Cold War has forced all Agencies and Departments with active roles in the national security policy process, including DoE, to reevaluate their mission statements and roles in the policy wheel. However, as the GAO report suggested, DoE is still experiencing problems "reinventing" itself. In addition, methodologies have also changed with stockpile stewardship a poignant example of this. Given the continued responsibility of assisting in the maintenance of a credible nuclear deterrent, DoE must undertake reinvention against a backdrop of zero nuclear testing, forcing it to develop new, and at the same time cost effective, ways of carrying out its functions. Given this, the SSP seems to be a step in the right direction for the Department. However, only time can judge the viability of this and other "reinvention" schemes.

C. DoE should address overarching organizational problems on a proactive basis, not specific issues on a reactionary basis. The NNSA was created to manage matters related to nuclear weapons security on the recommendations of both a 1999 Congressional panel and by the President's Foreign Intelligence Advisory Board (PFIAB) report. This semi-autonomous agency will serve to centralize weapons security issues and policy in a more focused atmosphere devoid of non-military related worries. Nonetheless, the agency was established as a result of a specific issue: security lapses, not as a part of a forward-thinking reorganization scheme. Essentially, DoE should focus on change in the long-term "macro" sense, not in the short-term "micro," and certainly not as "window dressing" to appease critics.

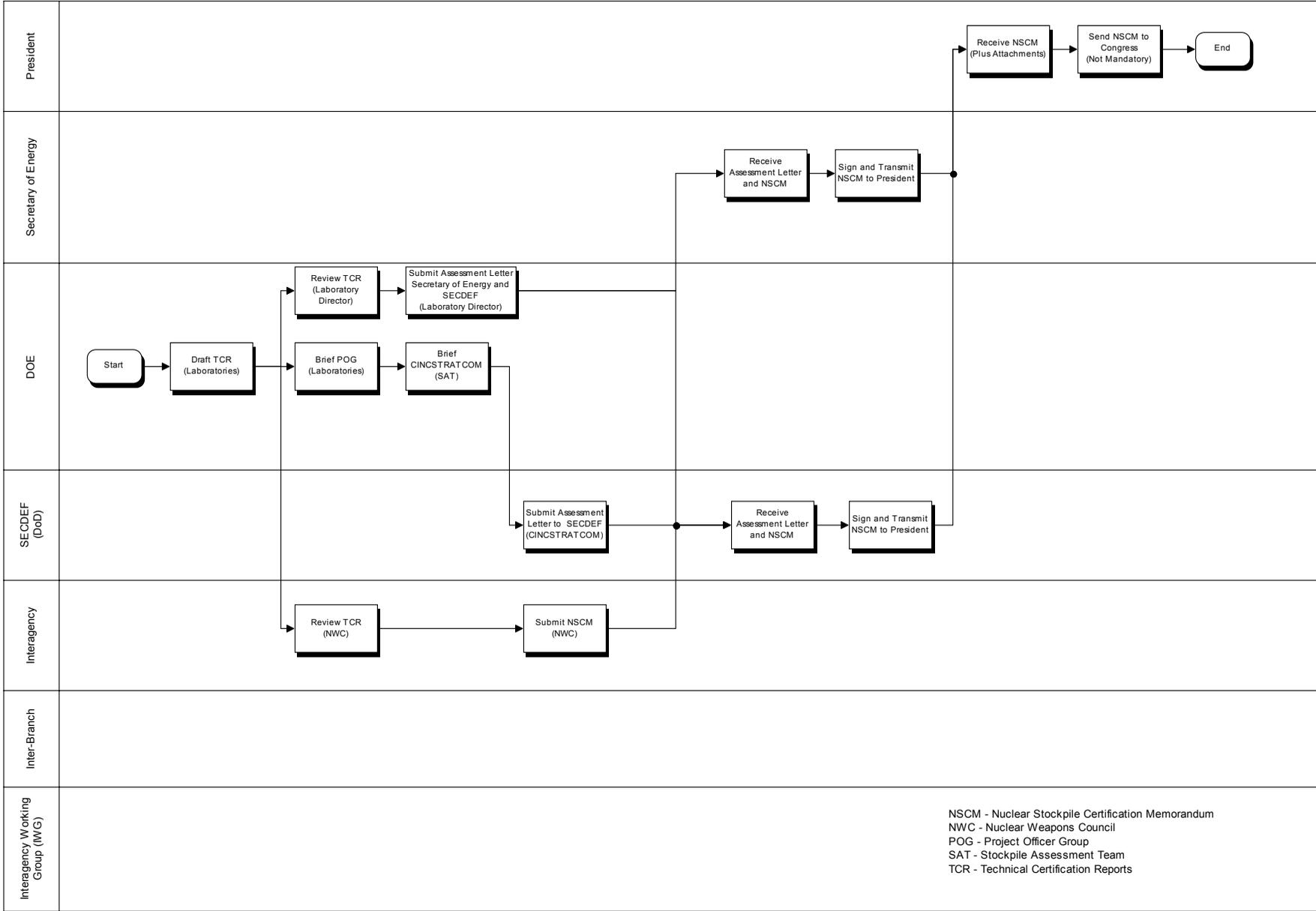
D. DoE should not transfer control of its military portfolio to DoD. Despite the recent charges of foreign espionage, DoE should continue to control its portion of the nuclear weapons apparatus and not transfer control of the military aspect of its work to DoD. Creation of the NNSA should, if effectively managed, alleviate some of the problems with regard to its national security apparatus. Both the PFIAB Special Investigative Panel and Congressional panel recommended that DoE retain these functions, especially control of the weapons labs. The PFIAB report stated, rather emphatically, that: "...the labs should never be subordinated to the Department of Defense."⁸² The labs have mainly military applications, but also contain and cultivate a vibrant civilian R&D component—something that could get "squeezed out" if transferred to DoD.

E. External oversight of DoE, particularly by Congress, should become more centralized. Oversight of DoE's national security programs should reside only in those Congressional subcommittees with direct control and interest in national security issues. The Congressional panel itself criticized this lack of centralization and questioned the oversight of the nuclear weapons program by congressional subcommittees: "... that do not have national security as their chief mission."

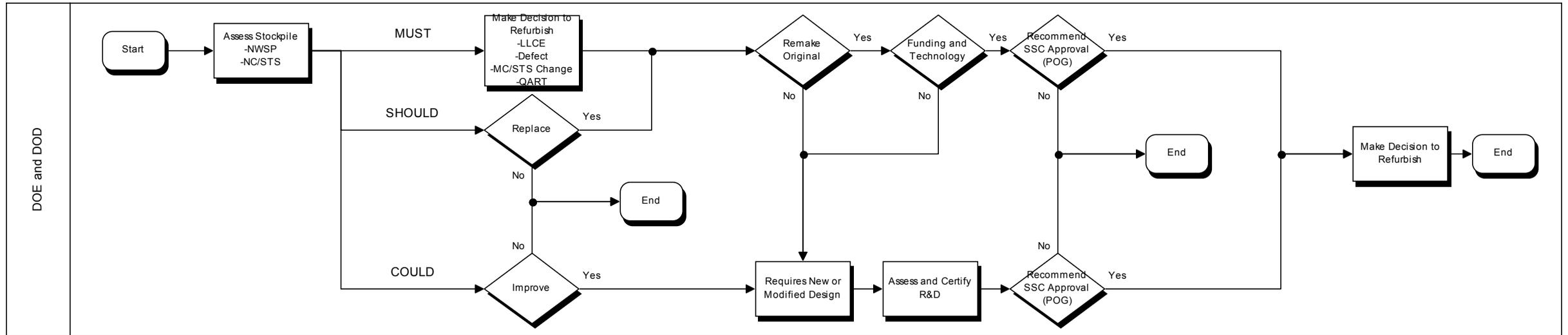
⁸² "Science At Its Best; Security At Its Worst: A Report on Security Problems at the U.S. Department of Energy," President's Foreign Intelligence Advisory Board (PFIAB); June 1999.

APPENDICES

DoE - Key Process - (Formal) - Policy, Guidance & Regulation - Annual Certification Process

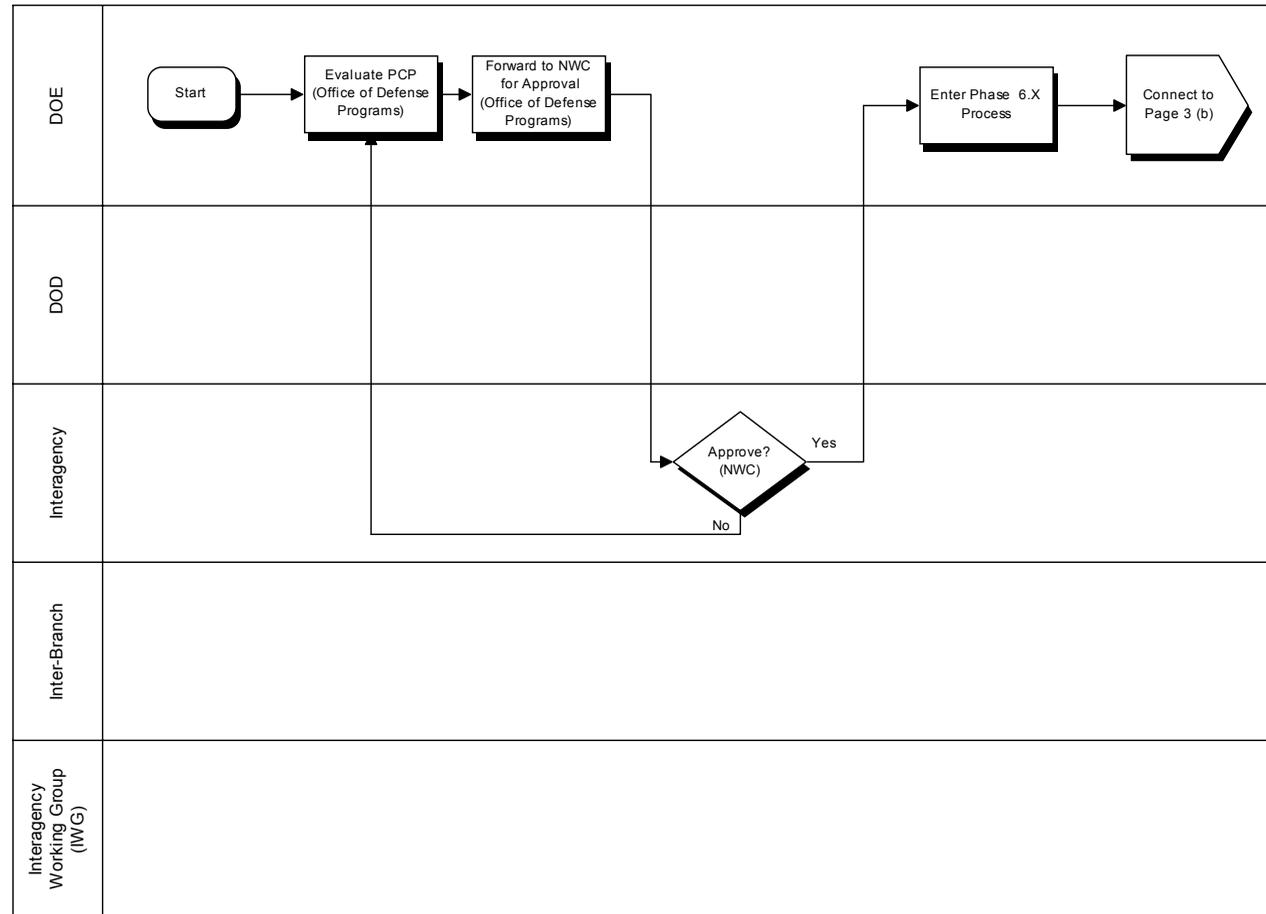


DoE - Key Process - (Formal) - Planning - Stockpile Life Extension Program



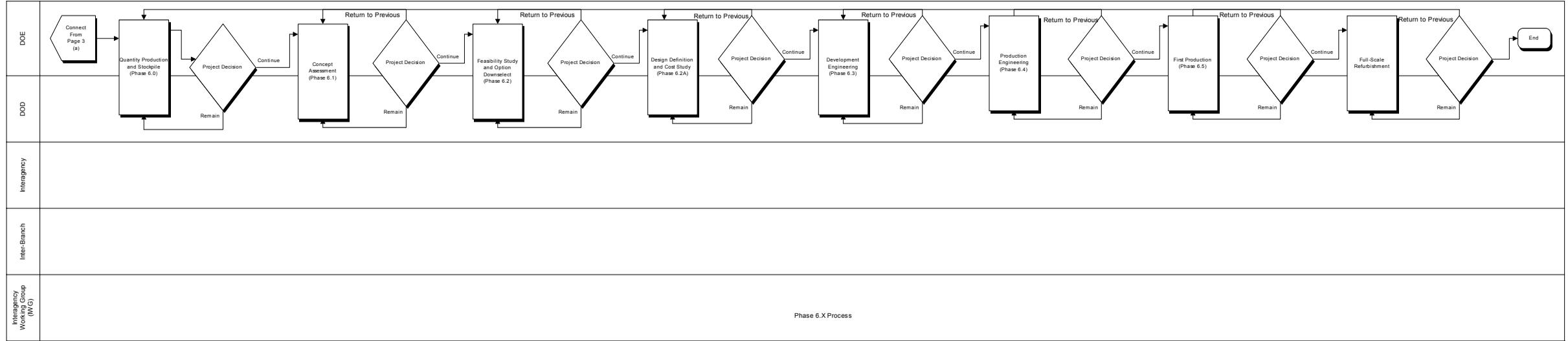
LLCE - Limited Life Component Exchange
 MC/STS - Military Characteristics/Stockpile-to-Target Sequence
 NWSP - Nuclear Weapons Stockpile Plan
 POG - Program Officer Group
 QART - Quality Assurance Reliability Testing
 R&D - Research & Development
 SSC - Structures, Systems, & Components

DoE - Key Process - (Formal) - Planning - Phase 6.X Process



NWC - Nuclear Weapons Council
 PCP - Product Change Proposals

DoE - Key Process - (Formal) - Planning - Phase 6.X Process (continued)



NWC - Nuclear Weapons Council
PCP - Product Change Proposals

ORGANIZATIONAL DESCRIPTION

OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY (NE)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Office of Nuclear Energy, Science and Technology

Overview.

The Office of Nuclear Energy, Science and Technology (NE), a Department of Energy (DoE) agency, was established by title 42 U.S.C., Section 7131.¹ NE focuses on:

- Providing for energy diversity and security through research and development programs that advance nuclear technology;
- Developing DoE mission critical technologies, such as radioactive isotopes for medical research, and radioisotope power systems for deep space exploration;
- Maintaining nuclear research facilities and supporting nuclear education programs at colleges and universities across the United States; and
- Safely storing and disposing of spent nuclear fuel and other nuclear byproducts.

Organization.

The Director of NE, supported by the Principal Deputy Director, oversees NE's seven offices:

- The Office of Naval Reactors;
- The Office of Management, Planning, and Analysis;
- The Office of Technology;
- The Office of Depleted Uranium Hexafluoride Management;
- The Office of Nuclear Facilities Management;
- The Office of Space and Defense Power Systems; and
- The Office of Isotope Programs.

The Office of Naval Reactors is the only NE Office headed by a director, and is responsible for the research, development, maintenance, and disposal of nuclear propulsion systems for the United States Navy. NE's remaining six offices are headed by Associate Directors. The Office of Management, Planning, and Analysis performs a variety of support functions including budget preparation, congressional liaison, strategic planning, and program evaluation. The Office of Technology administers seven grant assistance programs to universities that are aimed at increasing the number of students engaged in nuclear energy study

¹ Interview with DoE Office of Public Affairs.

and improving research opportunities. The Office of Technology also encourages technology partnerships between the private sector and academic researchers. These partnerships focus on developing commercial, non-uranium enrichment applications from DoE's technologies. The Office of Depleted Uranium Hexafluoride (DUF6) Management is responsible for storing, disposing, or converting the 704,000 metric tons of DUF6, which is the byproduct of producing enriched uranium (used for national defense purposes) over the last 40 years. The Office of Nuclear Facilities Management works to ensure that DoE facilities operate cost effectively and meet environmental standards of safe operation. The Office is also responsible for shutting down excess facilities and ensuring that the necessary physical and technical infrastructure needed by DoE is maintained. The Office of Space and Defense Power Systems provides radioisotope power systems to the National Aeronautics and Space Administration (NASA) for deep space exploration.² The Office of Isotope Programs conducts stable and radioactive isotopes research and provides isotope products for sale to the medical industry. The Office is currently trying to privatize its commercial isotope supply function.³ NE is authorized an end strength of 295 people for Fiscal Year 99, with a Fiscal Year 99 budget of \$934 million.⁴

Role in Formal and Informal National Security Processes.

NE plays a formal role in National Security Processes through its research and development of advanced nuclear propulsion units for the United States Navy, technology partnerships with industry to produce reactors that are more efficient and proliferation resistant, and the production of radioisotope power systems for space exploration. These activities support the National Security Strategy's objectives of ensuring U.S. military preparedness, deterring proliferation of nuclear material, and fostering U.S. capability to explore space.

Conclusions and Observations.

The Office of Nuclear Energy, Science and Technology is responsible for providing the U.S. Navy with nuclear propulsion reactors, maintaining and managing nuclear research facilities, engaging in research and development programs that advance nuclear technology, developing radioactive isotopes for medical research, and radioisotope power systems for deep space exploration, supporting nuclear education programs at universities across the United States, and safely storing and disposing of spent nuclear fuel and other nuclear byproducts.

² Radioisotope power generators (RTG) convert the heat generated from the decay of radioisotopes into electricity. RTG's have powered the Viking, Galileo, Voyager, and Ulysses spacecraft. www.ne.doe.gov

³ The Office's isotope research focuses on the medical and industrial applications of developing stable isotopes. Examples of isotope products include Americium 241, which is used in smoke detectors. www.ne.doe.gov

⁴ DoE Interview.

ORGANIZATIONAL DESCRIPTION

OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY (NE)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: The Office of Nuclear Energy, Science and Technology (NE), a Department of Energy (DoE) agency, was established by title 42 U.S.C., Section 7131.⁵

B. Department/Agency Directives: None available.

2. Missions/Functions/Purposes.

A. Major Responsibilities: NE represents the core of the U.S. Government's expertise in nuclear engineering and technology. NE is charged with helping to maintain U.S. access to advanced nuclear technology and energy, by advancing U.S. economic and technological competitiveness through nuclear energy research. NE operates seven offices that focus on nuclear power research and development, nuclear propulsion reactors for the U.S. Navy, space power systems, isotope production and distribution, nuclear facilities management and maintenance, and science education.⁶

B. Subordinate Activities and Agencies: The Nuclear Energy Research Advisory Committee (NERAC) was established on October 1, 1998, by the Secretary of Energy to provide independent advice to the Department of Energy (DoE) and Office of Nuclear Energy, Science and Technology on complex science and technical issues regarding the planning, managing, and implementation of DoE's nuclear energy program. NERAC periodically reviews NE's program elements, and based on these reviews, provides advice and recommendations on long-range plans, priorities, and strategies to effectively address the scientific and engineering aspects of the research and development efforts. In addition, the committee provides advice on national policy and scientific aspects on nuclear energy research issues as requested by the Secretary of Energy or the Director, NE. The committee includes representatives from universities, industry, and national laboratories.⁷

3. Vision and Core Competencies.

A. Vision: None published.

B. Core Competencies:⁸

(1) Providing advanced nuclear propulsion to the U.S. Navy;

(2) Researching and developing advanced nuclear technologies;

⁵ Interview with DoE Office of Public Affairs.

⁶ DoE Interview.

⁷ www.ne.doe.gov

⁸ NE does not list its core competencies. The listed core competencies are based upon a review of NE's congressional testimony, publications, and mission statement. www.ne.doe.gov.

- (3) Maintaining and managing nuclear facilities and the resulting byproducts; and
- (4) Supporting Nuclear Education Programs.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: The Director and Principal Deputy Director of NE are appointed by the President. The Director of the Office of Naval Reactors and the Associate Directors of NE's remaining six offices are career civil servants.

C. Staff Attributes: NE is staffed by nuclear energy and technology experts.

D. Strategy: NE's strategic framework is drawn from the National Security Strategy and focuses on ensuring that the United States retains its leadership position in nuclear energy so that it can shape the international landscape and advance U.S. interests.

E. Organization Chart:

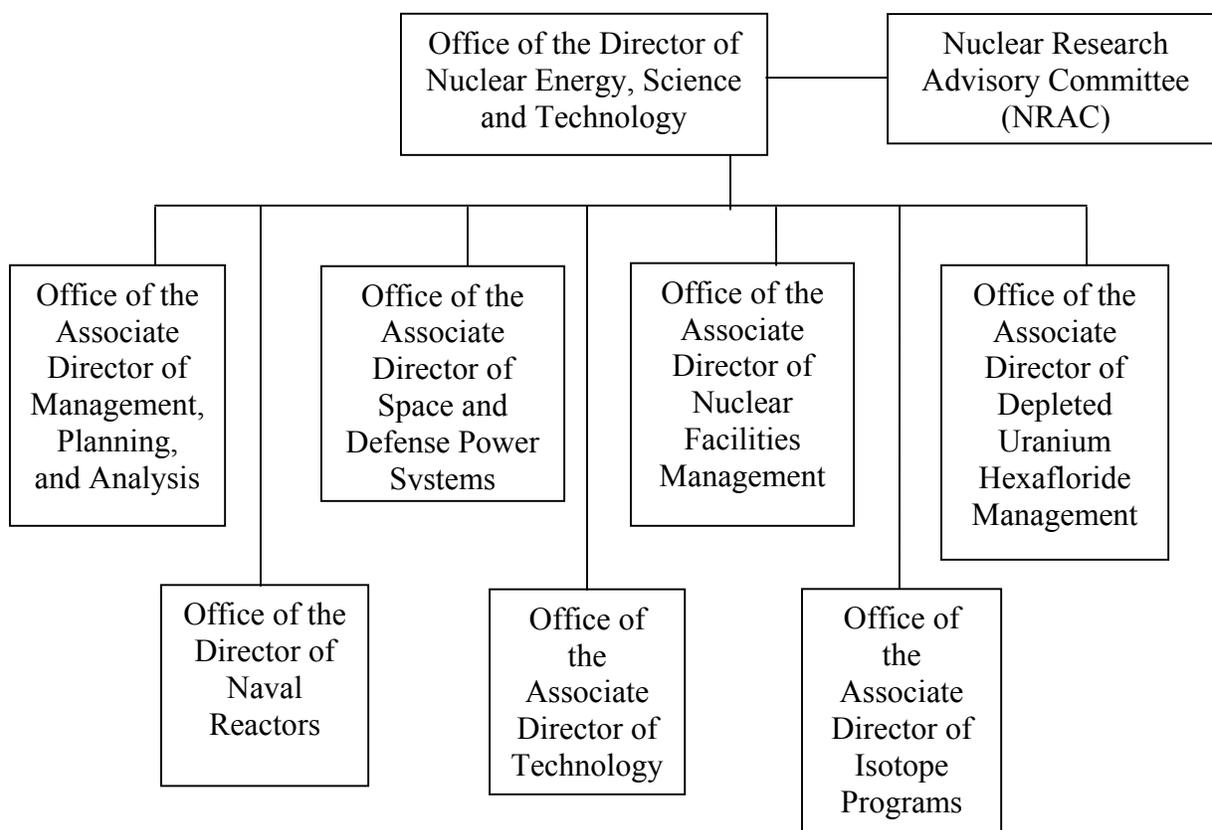


Figure 1: Organization of the Office of Nuclear Energy, Science, and Technology.

(1) The Director of NE, with assistance from the Principal Deputy Director of NE, oversees NE's seven offices. The Director and Deputy Director rely on NRAC to provide

advice on the planning, managing, and implementation of NE's nuclear energy program with regard to long-term goals.

(2) The Nuclear Research Advisory Committee is tasked by the Office of Nuclear Energy, Science, and Technology to develop a long-term nuclear energy research and development (R&D) plan. This long-term R&D plan will provide a vision and/or mission for DoE's nuclear energy R&D over the next 20 years and identify the R&D focus and activities for the next 10-15 years.⁹

(3) The Office of the Associate Director of Management, Planning and Analysis provides a number of administrative support services to the Director and Principal Deputy Director and NE's program offices. The Office deals with personnel issues as well as measuring program cost and performance. The Office also prepares NE's budget requests and provides program analysis for congressional testimony.

(4) The Office of the Associate Director of Space and Defense Power Systems provides support for radioisotope power source development, demonstration, testing, and delivery. Radioisotope power sources are the enabling technology for space applications requiring power supplies capable of producing up to several kilowatts of power and operating under severe environmental conditions for many years. Radioisotope power generators convert the heat (thermal energy) generated from the decay of radioisotopes into electricity. Previous space missions that have used radioisotope power sources include the Apollo lunar surface scientific packages and Pioneer, Viking, Voyager, Galileo, and Ulysses spacecrafts.

The Office is developing new, power supplies required to support National Aeronautics and Space Administration (NASA) space missions. The Office of Space and Defense Power Systems is the only organization with the capability to produce radioisotope power systems. NASA relies on radioisotope power sources for all of its deep space spacecraft. NASA provides funds to DoE to pay for mission-specific development and hardware fabrication costs.

(5) The Office of the Associate Director of Nuclear Facilities Management works to ensure the cost-effective, environmentally compliant operation of sites and facilities managed by the Office of Nuclear Energy, Science and Technology in support of Departmental missions. The Office of Nuclear Facilities Management also works to place excess facilities into an industrially and radiologically safe shutdown condition and maintains the physical and technical infrastructure necessary to achieve the Department of Energy's mission.

(6) The Office of the Associate Director of Depleted Hexafluoride Management is responsible for storing, disposing, or converting the 704,000 metric tons of depleted hexafluoride (DUF6) which is the byproduct of producing enriched uranium (used for national defense purposes) over the last 40 years. Since 1990, DoE has conducted a program of cylinder inspections, recoatings, and relocations to assure that DUF6 is safely stored pending its ultimate disposition. The program has so far been largely focused on the ongoing surveillance and maintenance of the cylinders containing DUF6. The Office of Depleted Hexafluoride Management is considering converting the DUF6 inventory, as soon as possible, either to uranium oxide, uranium metal, or a combination of both, while allowing for future use of as

⁹ See section 2b for a more detailed description of NERAC.

much of this inventory as possible.¹⁰ The first step for either future use or disposal is to convert the material by removing the fluorine component and transforming the material into a safer, more stable form. Conversion of the DUF6 inventory will take place in plants on each of the Paducah and Portsmouth gaseous diffusion plant sites. The Office of Depleted Hexafluoride Management's program encompasses the following elements: cylinder surveillance and maintenance; conversion services that include the design, construction, operation, and decontamination and decommissioning of conversion facilities; storage of uranium conversion products pending use or disposal to include design, construction, operation, and decontamination and decommissioning of storage facilities as needed; use of conversion products; and disposal of products not used.

(7) The Office of the Director of Naval Reactors maintains a "cradle to grave" responsibility for Naval nuclear propulsion work.¹¹ The goal of the Naval Reactors program is to "facilitate U.S. national security by providing and ensuring the safe and reliable operation of Naval nuclear reactor plants."¹² The Office is responsible for developing propulsion technology, implementing and maintaining the final propulsion systems, and finally disposing of reactor plants at the end of their life cycles.

(8) The Office of the Director of Technology works to encourage technology partnerships between industry and academic researchers through the Technology Partnerships Program. The Technology Partnerships Program works to create private/public partnerships that will stimulate the national economy and promote the technology competitiveness of U.S. industry in the world market. The program is based on linking academic and industrial researchers interested in developing commercial, non-uranium enrichment applications. Through collaborative agreements, private industry and academics are able to conduct unique research that can lead to the development of commercial applications. The Technology Partnerships Program also offers specialized Departmental knowledge and skills and unique testing facilities for proof of concept through prototyping and demonstration. The Office of the Director is also responsible for administering seven grant assistance programs aimed at training personnel in nuclear sciences and technology.

(a) The Nuclear Engineering Education Research Grants Program is a competitive, peer-reviewed program that provides grants to fund research in nuclear engineering and related areas. This program allows faculty and students in all universities offering a nuclear engineering degree to conduct research on nuclear engineering proposals through peer-reviewed and competitively awarded projects. The awards run from one to three years and are granted in eight separate technical areas related to nuclear engineering.

(b) The DoE/Industry Matching Grants Program funds fellowships and scholarships, improves nuclear engineering and science curricula, and modernizes experimental and instructional facilities at participating universities. This program is focused on the graduate and undergraduate student population of nuclear engineering departments. Presently, DoE and participating companies provide matching funds, up to \$50,000 each. The endeavor is a 50/50 cost-shared agreement that supports 17 universities. Currently, 16 utilities and private companies provide funds equal to DoE.

¹⁰ DUF6 cannot be used to create nuclear weapons, but may have some use in industry after conversion. www.ne.doe.gov

¹¹ www.ne.doe.gov

¹² Department of Energy FY99 Congressional Budget Request. www.ne.doe.gov

(c) The University Research Reactor Upgrades Program provides assistance to universities to modernize the operational and experimental capabilities of their research reactors. Grants are provided to the universities to purchase equipment and services necessary to upgrade reactor facilities.

(d) The Science Education At Minority Institutions Program was created in the 1980s and sponsors fellowships, cooperative education programs, and research support at minority institutions (Historically Black Colleges and Universities), Hispanic Serving Institutions (HSI), and the American Indian Science and Engineering Society (AISES) throughout the United States.

(e) The Reactor Fuel Assistance Program provides fresh fuel to, and takes back spent fuel from, university research reactors. DoE supplies approximately a dozen universities with fresh fuel and shipments of spent fuel as needed. DoE also funds the conversion of university reactors that use highly enriched uranium (HEU) fuel to the use of low enriched uranium (LEU) to help meet the Nation's nonproliferation goals. Ten reactors have been converted from HEU to LEU, another one will have conversion completed in 1999, while conversion begins on another.

(f) The Reactor Sharing Program was created in the 1970s and enables universities with reactors to share these reactors with students and faculty at other universities and junior colleges that would not otherwise have access to reactor capabilities. The reactors are made available for research projects, sample irradiation, neutron activation analysis, experiments, training, and for facility tours and other educational activities. Twenty-eight universities participate in this program.

(g) The Nuclear Engineering/Health Physics Fellowships and Scholarships Program provides tuition and stipends to outstanding graduate students studying nuclear engineering and health physics. Beginning in Fiscal Year 1997, this program began offering tuition assistance to encourage undergraduate students to pursue nuclear engineering undergraduate majors. To qualify for these grants, each candidate must undergo a very competitive review. The review committee consists of university professors/department chairmen in nuclear engineering and health physics disciplines.

(9) The Office of the Associate Director of Isotope Programs conducts stable and radioactive isotopes research and provides isotope products for sale to industry. The Office is looking to privatize its research programs, in an effort to encourage the private sector to play a greater role in commercial isotope supply and decrease the Government's cost and involvement. Currently the office only sells isotopes when there is no private U.S. sector capability, or when other sources do not have the capacity to meet U.S. needs. Isotopes have a number of applications. For example Aluminum (A1-26) is used to research Alzheimer's disease and deal with acid rain.

5. Formal National Security Process Involvement. NE plays a role in formal National Security Processes through its research and development of advanced nuclear propulsion units for the United States Navy, technology partnerships with industry to produce reactors that are more efficient and proliferation resistant, and the production of radioisotope power systems for space exploration. These activities support the National Security Strategy's objectives of

ensuring U.S. military preparedness, deterring proliferation of nuclear material, and fostering U.S. capability to explore space.

A. Strategy Development: No involvement.

B. Policy, Guidance, and Regulation: No involvement.

C. Planning: NERAC is responsible for providing a long-term nuclear energy and technology research and development plan. This long term plan will determine which technologies NE will pursue and develop over the next 20 years.

D. Mission Execution: No involvement.

E. Observation, Orientation, and Oversight: No involvement.

F. Preparation: The Office of Naval Reactors is responsible for producing nuclear Propulsion reactors for the U.S. Navy. The production, maintenance, and disposal of nuclear propulsion units are vital to the U.S. Navy's mission.

G. Resourcing: NE plays a role in resourcing its own programs and through its seven grant assistance programs it also provides resources that support undergraduate and graduate training and education in nuclear technology and energy.

6. Informal Formal National Security Process Involvement. No evidence of NE's role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House Science Committee; the House Commerce Committee; the House Commerce Subcommittee on Energy and Power; the House Armed Services Committee; the Senate Armed Services Committee; the Senate Commerce, Science, and Transportation Committee; and the Senate Energy and Natural Resources Committee. The House and Senate Appropriations Committees have jurisdiction over NE budgets.¹³

B. Funding Sources: NE is funded as an agency of the Department of Energy.¹⁴

C. Budget: NE's FY 99 budget is \$934 million.¹⁵

D. Personnel: NE is authorized an end strength of 295 people for Fiscal Year 99.¹⁶

8. Conclusions and Observations. The Office of Nuclear Energy, Science and Technology is responsible for providing the U.S. Navy with nuclear propulsion reactors, maintaining and managing nuclear research facilities, engaging in research and development programs that

¹³ www.loc.thomas.gov

¹⁴ DoE Interview.

¹⁵ DoE Interview.

¹⁶ DoE Interview.

advance nuclear technology, developing radioactive isotopes for medical research and radioisotope power systems for deep space exploration, supporting nuclear education programs at colleges and universities across the United States, and safely storing and disposing of spent nuclear fuel and other nuclear byproducts. NE's nuclear propulsion program, radioisotope programs, and advanced nuclear technology research programs support the National Security Strategy's objectives of ensuring U.S. military preparedness, deterring proliferation of nuclear material, and fostering U.S. capability to explore space.

ORGANIZATIONAL DESCRIPTION

CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Centers for Disease Control and Prevention (CDC)

Overview.

The Centers for Disease Control and Prevention (CDC) serve as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and health education activities designed to improve the health of the people of the United States. Its responsibilities include:

- Identifying and defining preventable health problems and maintaining active surveillance of diseases through epidemiological and laboratory investigations and data collection, analysis, and distribution;
- Serving as the U.S. Public Health Service (PHS) lead agency in developing and implementing operational programs relating to environmental health problems, and conducting operational research aimed at developing and testing effective disease prevention, control, and health promotion programs; and
- Controlling the introduction and spread of infectious diseases, and providing consultation and assistance to other nations and international agencies to assist in improving their disease prevention and control, environmental health, and health promotion activities.

The CDC is a subordinate agency of the Department of Health & Human Services (HHS) and is headquartered in Atlanta, Georgia. It was founded in 1946 as the "Communicable Disease Center." As part of the PHS, the Center was originally tasked to work with state and local health officials in the fight against malaria, typhus, and other communicable diseases. It was renamed the Centers for Disease Control and Prevention in 1970 to reflect a broader mission in preventive health (i.e., to promote the health and quality of life by preventing and controlling disease, injury, and disability).

Organization.

The CDC is organized into 20 Centers, Institutes, and Offices: Office of the Director; CDC-Washington Office; Office of Global Health; Office of Program Planning and Evaluation; Office of Women's Health; Office of Communications; Office of Health and Safety; Office of Program Support; Office of Equal Employment Opportunity; National Vaccine Program Office; Public Health Practice Program Office; Epidemiology Program Office; National Immunization Program; National Center for Chronic Disease Prevention and Health Promotion; National Center for Health Statistics; National Center for Injury Prevention and Control; National Institute for Occupational Safety and Health; National Center for Environmental Health; National Center for Infectious Diseases; and the National Center for Human Immunodeficiency Virus (HIV), Sexually-Transmitted Diseases (STD), and Tuberculosis (TB) Prevention.

The Director of CDC is a medical doctor and typically also holds an advanced degree in the field of public health. The Director also acts as the Chairman of the National Science and Technology Council's (White House Office of Science and Technology Policy (OSTP)) Interagency Working Group on Emerging and Re-emerging Infectious Diseases. In addition, the

Director co-chairs (along with OSTP) the Emerging Infectious Diseases Task Force, a body established to provide strategic planning and further coordination on issues pertaining to emerging infectious diseases.

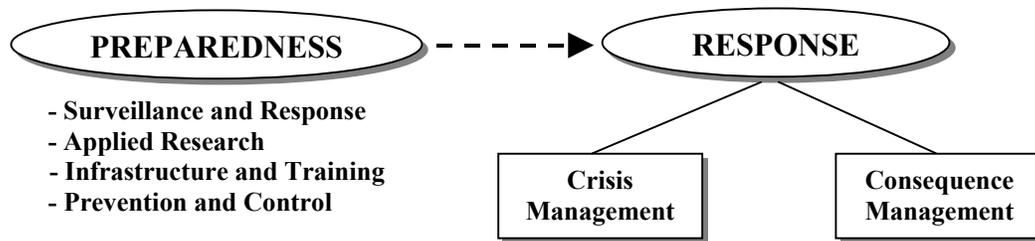
The CDC employs a total of 7,800 people at facilities in Anchorage, AK; Atlanta, GA; Cincinnati, OH; Fort Collins, CO; Morgantown, WV; Pittsburgh, PA; Research Triangle Park, NC; San Juan, PR; Spokane, WA; and the Washington, DC area. CDC personnel also work in foreign countries, quarantine offices, and state and local health agencies. Approximately 1,648 of these personnel are based at CDC Headquarters in Atlanta. The CDC operated a \$2.6B budget in FY1999.

Role in Formal and Informal National Security Processes.

The following matrix depicts the relationship of CDC products and roles to the seven key national security processes:

		Strategy Development	Policy, Guidance, and Regulation	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Identifies and defines preventable health problems				✓			
	Maintains active surveillance of diseases				✓			
	Develops and tests disease prevention, control and health promotion programs		✓					
	Develops occupational safety and health standards		✓					
	Controls intro and spread of infectious diseases			✓	✓		✓	
	Provides assistance grants to state and local health agencies							✓
	Produced "Preventing Emerging Infectious Diseases"			✓				
	Develops CDC Prevention Guidelines		✓					
	Develops fact sheets on bio agents and protocol procedures for bio attacks		✓					
	Maintains oversight over transfer and shipment of certain bio agents and organisms					✓		
	Enhances response capacity of state and local health agencies						✓	
	Produces the BMBL					✓		
	Establishes MMSTs						✓	
	Establishes the National Pharmaceutical Stockpile						✓	
Maintains medical/health cooperative agreements with state and local health agencies (e.g., EIPs and ELCs)						✓		
Roles	Works under the authority of HHS/OEP in medical emergency responses				✓			
	CDC Director	Chairs OSTP IWG on Emerging and Reemerging Infectious Diseases		✓				
		Co-Chairs Task Force on Emerging Infectious Diseases		✓				

The CDC plays a supporting role in the "formal" national security process. This distinction reflects the CDC's "on-paper" national security process involvement and is made because the processes described below differ in some ways from how the CDC participates in the national security process "in-reality" or in an "informal" fashion. This "formal" role consists of involvement in these areas:



The Preparedness phase forms the basis of CDC's core responsibilities, that is, prevention and control through preparation. Consequently, CDC performs these tasks independently and on a daily basis regardless of specific national security implications, even though the above four goals also have direct relevance to CDC's new role in bioterrorism preparedness. In the Response phase, CDC is part of the structured hierarchy of disaster planning and management put forth in Emergency Support Function #8 (ESF) of the Federal Response Plan (FRP). In this capacity, it is subordinate to HHS's Office of Emergency Preparedness (OEP), which is tasked as the lead agency within HHS responsible for medical/health services in an emergency.

Strategy Development. The CDC is not involved in strategy development.

Policy, Guidance, and Regulation. The CDC develops "Prevention Guidelines," rules and recommendations for the prevention and control of such public health threats as AIDS, cholera, disaster response, dengue fever, suicide, vaccine-preventable diseases, lung cancer, sexually transmitted diseases, birth defects, and malaria. In addition to information on specific diseases and situations, the CDC Prevention Guidelines Database (PGDB) includes all of the Advisory Committee on Immunization Practices' (ACIP) immunization recommendations, CDC's sexually transmitted diseases treatment guidelines, and health information for international travel. The database was developed to allow state and local health officials and other public health practitioners to quickly access current CDC prevention guidelines.

Planning. The CDC produces *Preventing Emerging Infectious Diseases: A Strategy for the 21st Century*. The four overarching goals: Surveillance and Response; Applied Research; Infrastructure and Training; and Prevention and Control remain the focal points of this strategy (from *Addressing Emerging Infectious Diseases*) with the objective of continuing the process of strengthening the U.S. public health system through specific tasks related to each of the four goals. The goals are meant to target infectious disease issues in nine specific areas (See section on "Planning").

The CDC also participates in a medical/health response under the *Department of Health and Human Services Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological (C/B) Terrorism*. This plan is essentially an addendum to ESF #8 of the FRP, and deals exclusively with acts of terrorism. The most important aspect of this plan is the crisis versus consequence management phases of actual or potential C/B terrorist incidents. No use will lead to termination of the response activities, while use will cause an immediate transition to a consequence management response.

Mission Execution. Under the HHS Health and Medical Services Support Plan, the CDC plays a subordinate role to HHS/OEP and provides support and expertise as stated in the

plan and as required by OEP. In a crisis management response, the FBI will notify the health and medical services action agent (HHS/OEP). HHS/OEP will, in coordination with the FBI, make appropriate notifications to health and medical services agencies.

Under a consequence management response, HHS may be notified directly, or Federal Emergency Management Agency (FEMA) Headquarters may notify the health and medical services action agent (OEP). OEP will notify the Assistant Secretary of Health (ASH) and request activation of the HHS response plan for the Federal response to acts of C/B terrorism. OEP will then concurrently notify the appropriate Regional Health Administrator(s). Upon notification, HHS health and medical services emergency response members (including CDC) will notify their parent agencies and report to the appropriate location as directed.

Observation, Orientation, and Oversight. The CDC maintains oversight over the transfer and shipment of certain biological agents and organisms under 42 CFR Part 72, *Additional Requirements for Facilities Transferring or Receiving Select Agents*. The regulation was enacted as a rule implementing Section 511 of Public Law 104-132, "The Antiterrorism and Effective Death Penalty Act of 1996," which requires the Secretary of HHS to regulate the transfer of select agents. This rule places additional shipping and handling requirements on facilities that transfer or receive select agents listed in the rule that are capable of causing substantial harm to human health.

In addition, the CDC produces, along with the National Institutes of Health (NIH), the *Biosafety in Microbiological and Biomedical Laboratories (BMBL)*. The BMBL serves as the only nationally and internationally recognized source for biosafety requirements for laboratories, and hence, is incorporated in *Additional Requirements for Facilities*. The BMBL provides the minimum requirements for Bio-Level-2, 3, and 4 laboratories and animal facilities, and is readily applicable to a facility registration and inspection process.

Preparation. The CDC preparatory activities include: enhancing the ability of state and local public health authorities, especially first-responders, to respond to and mitigate medical emergencies and disasters through a comprehensive system of training and cooperation with state and local health agencies; strengthening the country's surveillance and response network through cooperative agreements with various state and local health agencies (especially in large metropolitan areas); establishment of the Metropolitan Medical Response Systems (MMRS) for the purposes of immediate site-specific response capability by enhancing existing capabilities, developing overall systems plans, raising awareness of Weapons of Mass Destruction (WMD) agents, developing enhanced capability to operate in contaminated environments, and developing specialized treatment protocols for WMD victims; establishment of a National Pharmaceutical Stockpile to ensure the ready availability of drugs, vaccines, prophylactic medicines, chemical antidotes, medical supplies, and equipment that might be needed in a medical response to a biological or chemical terrorist incident; and working with public health partners such the Association of Public Health Laboratories to implement a network of laboratories that will be used to provide the most immediate diagnosis of biological and chemical agents in the event of a suspected terrorist attack.

Resourcing. The CDC institutes a grants program aimed at enhancing capabilities in planning, chemical/biological preparedness, surveillance support, and communications and learning at the state and local level. These grants are distributed through the various cooperative agreements mentioned previously. In FY99, the CDC has provided \$121M to state and local

health offices to enhance preparedness and response to a terrorist attack involving a chemical or biological agent.

Informally, although the FRP shows the CDC as subordinate to HHS/OEP in the medical/health response facet, in fact it is an extremely proactive agency that undertakes an almost self-initiated response, with most of its interaction taking place with affected local and state health agencies. The general process for the CDC can be described as follows:

- State or local health authorities confirm medical emergency using surveillance systems in place;
- CDC is notified for assistance in diagnosis and, if necessary, treatment;
- CDC responds immediately and begins the process of identifying the cause of emergency;
- Collects and analyzes data (e.g., agent identification and epidemiological investigation);
- Alerts other state and local health agencies and organizations on outbreak and symptoms using information-sharing tools (e.g., web-based resources);
- Provides periodic updates and status reports on an outbreak to all state and local governments and, if necessary, the federal government; and
- Coordinates containment and treatment activities as required, enlisting assistance from other agencies and organizations as deemed necessary, including federal assets.

Conclusions and Observations.

As the name of the organizations suggests, disease control and prevention has been and will continue to remain the CDC's principal responsibility. All expertise, resources, processes, and methodologies at CDC are focused on achieving this goal, now institutionalized in the Center's strategy to combat new and emerging diseases going into the next century.

The emergence in the past decade of the specter of biological terrorism on U.S. territory has translated into added responsibility for the CDC: managing and attending to the consequences of terrorist attack(s) using potentially lethal biological agents and toxins. Although CDC core strategy and tactics in handling outbreaks remains the same regardless of cause, the addition of the agency to the list of government agencies that are stakeholders in the terrorism and WMD arenas raises issues that must be addressed in coming years.

Based on the information collected for this paper, both through research and via an interview with a senior official at CDC, come the following observations:

- **Questions on the scope of bioterrorism exist.** The official from the CDC made the point during the interview that bioterrorism should be considered in its own context, not in the broader category of WMD. This is due to the fact that once it is categorized under WMD, it becomes the "property" of numerous stakeholders in the WMD arena that consequently deprive

this issue of much needed specialized attention and resources. This suggests that given the scientific and medical issues associated with the use of biological agents, "bioterrorism" should perhaps be looked upon as more of a "medical" matter as opposed to a "political-military" issue.

- **The effectiveness of the national response plan to acts of bioterrorism is subject to debate.** Although no situation has occurred to warrant activation of the national response plan, the nature and structure of the FRP and its medical/health annexes raise several questions. Is the process too bureaucratic and political? The CDC official suggested that this might be the case, given the superfluous number of steps (on paper) that would have to be taken before CDC would become involved in a crisis.

A similar question is whether this process (described under "Formal National Security Process Involvement") is responsive enough in a crisis where a timely medical response is absolutely vital. The CDC official doubted this, making the point that in a scenario where success is measured by responding to an outbreak within hours, the structure of the FRP does not provide enough flexibility for medical authorities (i.e., CDC) to respond to what may be a life and death situation.

- **A disconnect on the nature of the bio-threat seems to exist.** The official from CDC believed that the CDC was more concerned with the emergence of new diseases and the re-emergence of deadlier versions of older ones than terrorist attacks using biological agents. The official added that the United States should focus more on enhancing its medical/health infrastructure to handle mass outbreaks. This raises the issue of whether there is any agreement on the nature of the bio-threat, especially among the various organizations that work in this arena.

- **CDC's role in bioterrorism is still evolving.** CDC is a relative newcomer to the arena of biological terrorism, and its role will continue to evolve as the nature of the issues described above suggest. An important factor to gauge will be the Center's ability to work in inter-agency structures and under the direction of a higher authority (HHS/OEP, Federal Bureau of Investigation (FBI), etc.), and whether this enhances or erodes its capabilities in the field of prevention and control.

ORGANIZATIONAL DESCRIPTION

CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Statutes: None. The Centers for Disease Control and Prevention (CDC) was founded in 1946 as the "Communicable Disease Center." As part of the U.S. Public Health Service (PHS), the Center was originally tasked to work with state and local health officials in the fight against malaria, typhus, and other communicable diseases.

The CDC was renamed the Centers for Disease Control and Prevention in 1970 to reflect a broader mission in preventive health, that is, to promote the health and quality of life by preventing and controlling disease, injury, and disability.¹ The CDC is a subordinate agency of the Department of Health and Human Services (HHS) and is headquartered in Atlanta, Georgia.

B. Department Directives:

(1) The Anti-Bioterrorism Initiative (Department of Health and Human Services) (1998) is the Department's response to Presidential Decision Directive (PDD) 62 and serves to institutionalize its efforts and activities in the field. The initiative focuses on four major areas: improving the nation's public health surveillance network in order to quickly detect whether a biologic agent has been released; strengthening the capacities for medical response, especially at the local level; creating and maintaining a stockpile of drugs for use if mass treatment is necessary; and expanding research into various disease agents, rapid diagnosis methods, and improved treatments and vaccines.² CDC would serve as the lead agency in this effort and would work in conjunction with the Department, as well as other federal, and state and local agencies, when a situation arises.

C. Interagency Directives:

(1) Presidential Decision Directive (PDD) 39 ("U.S. Policy on Counterterrorism," June 21, 1995) established policy to reduce the nation's vulnerability to terrorism, deter and respond to terrorism, and strengthen capabilities to detect, prevent, defeat, and manage the consequences of terrorist use of Weapons of Mass Destruction (WMD). PDD 39 states "...that the United States will have the ability to respond rapidly and decisively to terrorism directed against Americans wherever it occurs, arrest or defeat the perpetrators using all appropriate instruments against the sponsoring organizations and governments, and provide recovery relief to victims, as permitted by law."³ In addition, it designates the Federal Emergency Management Agency (FEMA) as the lead agency for consequence management in the United States and authorizes it to ensure agency compliance with the Federal Response Plan (FRP). HHS (and consequently CDC), as a signatory to the FRP, participates in the inter-agency response process and is responsible for the medical aspect of the effort.

¹ Centers for Disease Control & Prevention (CDC) website:History (<http://www.cdc.gov/od/oc/media/timeline.htm>).

² HHS Fact Sheet: "HHS Initiative Prepares For Possible Bioterrorism Threat;" (February 9, 1999).

³ Presidential Decision Directive (PDD) 39.

(2) PDD 62 ("Protection Against Unconventional Threats to the Homeland and Americans Overseas," May 22, 1998) reinforced the mission of the agencies charged with roles in combating terrorism. It also codifies and clarifies their activities in the wide range of counterterrorism programs, from apprehension and prosecution of terrorists to increasing transportation security, to enhancing response capabilities and protecting computer-based systems. PDD 62 also establishes the Office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism. The National Coordinator will oversee the broad variety of relevant policies and programs, including such areas as counterterrorism, protection of critical infrastructure, and preparedness and consequence management for (WMD).⁴ Mitigation of the effects of a WMD attack is where HHS and CDC would become active, especially if an attack(s) involved lethal biological agents.

(3) The Federal Response Plan (FRP) (Federal Emergency Management Agency) is an annual document developed and produced by FEMA and signed by 27 federal agencies, including HHS. The document provides the mechanism for coordinating delivery of federal assistance and resources (including the role and functions of federal agencies that are signatories to the plan) to augment efforts of State and local governments overwhelmed by a major disaster or emergency. Emergency Support Function (ESF) #8 (Health and Medical Services Annex) of the FRP directs HHS (through the Office of Assistant Secretary for Health) to lead the health and medical facet of the disaster response cycle.⁵ (See chapter in this volume entitled Federal Emergency Management Agency).

2. Missions/Functions/Purposes.

A. Major Responsibilities: CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and health education activities designed to improve the health of the people of the United States. To accomplish its mission, CDC:⁶

(1) Identifies and defines preventable health problems and maintains active surveillance of diseases through epidemiologic and laboratory investigations and data collection, analysis, and distribution [Key National Security Process Relationship: Mission Execution].

(2) Serves as the PHS lead agency in developing and implementing operational programs relating to environmental health problems, and conducts operational research aimed at developing and testing effective disease prevention, control, and health promotion programs [Key National Security Process Relationship: Policy, Guidance, and Regulation].

(3) Administers a national program to develop recommended occupational safety and health standards and to conduct research, training, and technical assistance to assure safe and healthful working conditions for every working person [Key National Security Process Relationship: Policy, Guidance, and Regulation and Preparation].

⁴ PDD 62. PDD 62 led to the creation of the National Domestic Preparedness Office (NDPO). Under the auspices of the Department of Justice and FBI, the NDPO coordinates all federal efforts, including those of DoD, FEMA, HHS, DoE, and the EPA, to assist state and local first responders with planning, training, equipment, and exercise necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) incident.

⁵ Federal Response Plan (FRP): Emergency Support Function (ESF) #8: Health and Medical Services Annex.

⁶ CDC website: Functional Mission Statement (<http://www.cdc.gov/od/funcmiss.htm>).

(4) Develops and implements a program to sustain a strong national workforce in disease prevention and control [Key National Security Process Relationship: Preparation].

(5) Conducts a national program for improving the performance of clinical laboratories [Key National Security Process Relationship: Preparation].

(6) Controls the introduction and spread of infectious diseases, and provides consultation and assistance to other nations and international agencies to assist in improving their disease prevention and control, environmental health, and health promotion activities [Key National Security Process Relationship: Mission Execution and Preparation].

(7) Administers the Preventive Health and Health Services Block Grant and specific preventive health categorical grant programs while providing program expertise and assistance in responding to federal, state, local, and private organizations on matters related to disease prevention and control activities [Key National Security Process Relationship: Resourcing].

B. Subordinate Activities and Agencies: None. However, CDC performs many of the tasks of the Agency for Toxic Substances and Disease Registry (ATSDR), its sister agency within HHS. The CDC Director also acts as Administrator of ATSDR.

The ATSDR seeks to prevent exposure and adverse health effects associated with exposure to hazardous substances from waste sites. The agency conducts public health assessments, health studies, surveillance activities, and health education training in communities around waste sites. ATSDR also develops toxicological profiles of hazardous chemicals found at these sites.

C. Major Products: None. However, the National Center for Infectious Diseases (NCID), a division of CDC, produced *Preventing Emerging Infectious Diseases: A Strategy for the 21st Century*, which lays the foundation for CDC's campaign to control and combat emerging diseases, including those resulting from a terrorist attack (See section on "Strategy" for a more detailed description).

3. Vision and Core Competencies.

A. Vision: CDC's vision is as follows:⁷

- (1) "To be a diligent steward of the funds entrusted to it;
- (2) To provide an environment for intellectual and personal growth and integrity;
- (3) To base all public health decisions on the highest quality scientific data, openly and objectively derived;
- (4) To place the benefits to society above the benefits to the institution; and

⁷ CDC website: CDC Pledge (<http://www.cdc.gov/od/pledge.htm>).

(5) To treat all persons with dignity, honesty, and respect."

B. Core Competencies: None published.

4. Organizational Culture.

A. Values: CDC's three core values are:⁸

(1) **Accountability:** "As diligent stewards of public trust and public funds, we act decisively and compassionately in service to the people's health. We ensure that our research and our services are based on sound science and meet real public needs to achieve our public health goals."

(2) **Respect:** "We respect and understand our interdependence with all people both inside the agency and throughout the world, treating them and their contributions with dignity and valuing individual and cultural diversity. We are committed to achieving a diverse workforce at all levels of the organization."

(3) **Integrity:** "We are honest and ethical in all we do. We will do what we say. We prize scientific integrity and professional excellence."

B. Leadership Traditions: The Directors of CDC are medical doctors and typically also hold advanced degrees in the field of public health (as does the current director). The CDC Director also acts as the Chairman of the National Science and Technology Council's-(Office of Science and Technology Policy (OSTP) Interagency Working Group on Emerging and Re-emerging Infectious Diseases. In addition, the Director also co-chairs the Emerging Infectious Diseases Task Force, a body established to provide strategic planning and further coordination on issues pertaining to emerging infectious diseases.⁹

C. Staff Attributes: Over 170 fields and professions are represented at CDC, including microbiology, chemistry, computer science, health education, economics, graphic design, and medical doctors. More specialized characteristics in the bioterrorism arena include extensive experience in epidemic response and control.

D. Strategy: CDC is currently in the process of developing a strategic plan that specifically addresses the activities required to ensure preparedness and timely response to a threat or actual act of bioterrorism.¹⁰ A driving force behind development of such a plan could be the *National Security Strategy's* (NSS) emphasis and position on the threat of biological agents and their use.¹¹

⁸ CDC website: CDC Core Values (<http://www.cdc.gov/od/core.htm>)

⁹ "Preventing Emerging Infectious Diseases: A Strategy for the 21st Century;" National Center for Infectious Diseases, CDC (October 1998). The Task Force also includes: National Institutes for Health (NIH), Food and Drug Administration (FDA), U.S. Agency for International Development (USAID), Department of Defense (DoD), Department of Agriculture (DoA), Department of State (DoS), National Oceanic and Atmospheric Administration (Department of Commerce), and the National Aeronautics and Space Administration (NASA).

¹⁰ Based on the September 22, 1999 testimony of Dr. Scott Lillibridge, NCID, before the Subcommittee on National Security, Veterans Affairs, and International Relations of the House Committee on Government Reform on enhancing national public health capacity to respond to bioterrorism.

¹¹"A National Security Strategy for a New Century".

"The threat of biological weapons is particularly troubling. In his May 1998 commencement speech at Annapolis, the President announced a comprehensive strategy to protect our civilian population from the scourge of biological weapons. There are four critical areas of focus:

First, if a hostile nation or terrorists release bacteria or viruses to harm Americans, we must be able to identify the pathogens with speed and certainty. We will upgrade our public health and medical surveillance systems. These improvements will benefit not only our preparedness for a biological weapons attack—they will enhance our ability to respond quickly and effectively to outbreaks of emerging infectious diseases.

Second, our emergency response personnel must have the training and equipment to do their jobs right. We will help ensure that federal, state and local authorities have the resources and knowledge they need to deal with a crisis.

Third, we must have the medicines and vaccines needed to treat those who fall sick or prevent those at risk from falling ill because of a biological weapons attack. The President will propose the creation of a civilian stockpile of medicines and vaccines to counter the pathogens most likely to be in the hands of terrorists or hostile powers.

Fourth, the revolution in biotechnology offers enormous possibilities for combating biological weapons. We will coordinate research and development efforts to use the advances in genetic engineering and biotechnology to create the next generation of medicines, vaccines and diagnostic tools for use against these weapons. At the same time, we must continue our efforts to prevent biotechnology innovations from being applied to development of ever more difficult to counter biological weapons."

In 1998, NCID issued *Preventing Emerging Infectious Diseases: A Strategy for the 21st Century*, its plan for responding to and preventing the emergence and spread of infectious diseases. This document is the sequel to the 1994 *Addressing Emerging Infectious Diseases: A Prevention Strategy for the United States*, and represents the next step in CDC's effort to combat today's emerging diseases and preventing those of tomorrow.

Addressing Emerging Infectious Diseases was developed in response to a 1992 report by the Institute of Medicine entitled *Emerging Infections: Microbial Threats to Health in the United States*. The report emphasized the intimate links between U.S. health and international health and described the major factors that contribute to disease emergence, including societal changes and the ability of microbes to evolve and adapt. It concluded that emerging infectious diseases are a major threat to U.S. health, and it challenged the U.S. government to take action.

The four goals outlined in *"Preventing Emerging Infectious Diseases..."* have a bearing on CDC's, and in the larger context, HHS's, plans for combating bioterrorism. These four goals are:

(1) Surveillance and Response: Detect, investigate, and monitor emerging pathogens, the diseases they cause, and the factors influencing their emergence, and respond to problems as they are identified. The objectives in this area are:

- (a) Strengthen infectious disease surveillance and response;
- (b) Improve methods for gathering and evaluating surveillance data;
- (c) Assure the use of surveillance data to improve public health practice and medical treatment; and
- (d) Strengthen global capacity to monitor and respond to emerging infectious diseases.

(2) Applied Research: Integrate laboratory science and epidemiology to optimize public health practice. Objectives are:

- (a) Develop, evaluate, and disseminate tools for identifying and understanding emerging infectious diseases;
- (b) Identify the behaviors, environments, and host factors that put people at increased risk for infectious diseases and their sequelae; and
- (c) Conduct research to develop and evaluate prevention and control strategies in the nine target areas.

(3) Infrastructure and Training: Strengthen public health infrastructures to support surveillance and research and to implement prevention and control programs. Objectives are:

- (a) Enhance epidemiologic and laboratory capacity;
- (b) Improve CDC's ability to communicate electronically with state and local health departments, U.S. quarantine stations, health care professionals, and others;
- (c) Enhance the nation's capacity to respond to complex infectious disease threats in the United States and internationally, including outbreaks that may result from bioterrorism; and
- (d) Provide training opportunities in infectious disease epidemiology and diagnosis in the United States and throughout the world.

(4) Prevention and Control: Ensure prompt implementation of prevention strategies and enhance communication of public health information about emerging diseases. The objectives in this area are:

- (a) Implement, support, and evaluate programs for the prevention and control of emerging infectious diseases;
- (b) Develop, evaluate, and promote strategies to help health care providers and other individuals change behaviors that facilitate disease transmission; and
- (c) Support and promote disease control and prevention internationally.

E. Organizational Structure: The CDC is organized as follows:

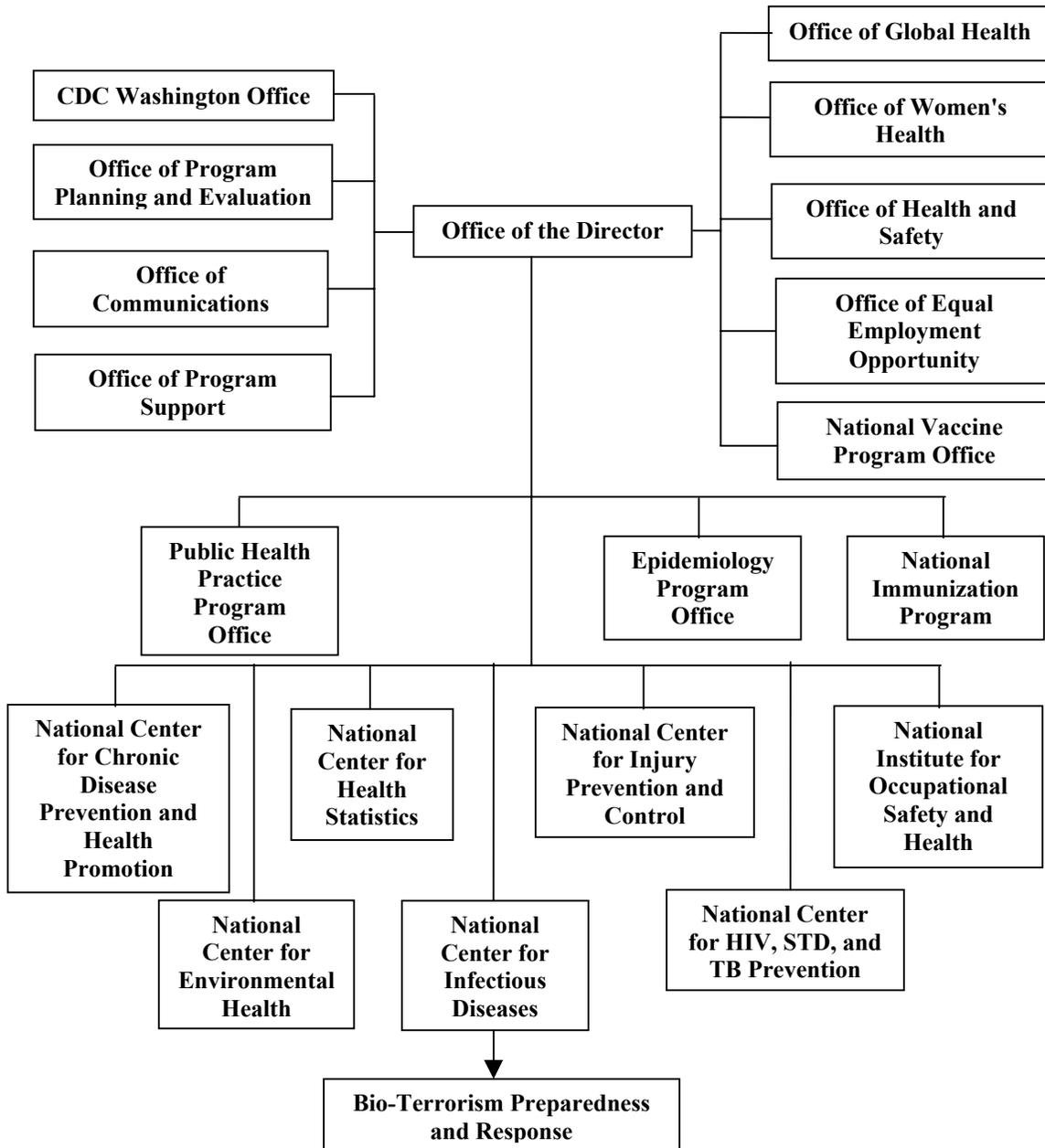


Figure 1. CDC Organizational Structure

(1) Office of the Director: Accomplishes the following:

(a) Manages and directs the activities of the Centers for Disease Control and Prevention;

(b) Provides leadership for the implementation of CDC's responsibilities related to disease prevention and control;

(c) Advises the Assistant Secretary for Health and Surgeon General on policy matters concerning CDC activities;

(d) Participates in the development of CDC goals and objectives;

(e) Provides overall direction and coordination to the epidemiologic activities of the Centers for Disease Control and Prevention;

(f) Coordinates the CDC response to health emergencies;

(g) Provides liaison with other governmental agencies, international organizations including the World Health Organization and the U.S. Agency for International Development, learning institutions, and other outside groups;

(h) Coordinates, in collaboration with the PHS Office of International Health, international health activities relating to disease prevention and control;

(i) Provides or obtains (in cooperation with the PHS Regional Offices) technical assistance for State and local health departments and private and official agencies as needed;

(j) Provides overall direction to, and coordination of, the scientific/medical programs of CDC;

(k) Plans, promotes, and coordinates an ongoing program to assure equal employment opportunities in CDC;

(l) Provides leadership, coordination, and assessment of administrative management activities;

(m) Coordinates or assures coordination with the appropriate PHS staff offices on administrative and program matters; and

(n) Coordinates the consumer affairs activities for CDC.

(2) CDC-Washington Office (CDC/W): Provides up-to-date, science-based information for public health policy and legislation. The office serves as a resource on CDC for Congressional staff and other Washington-based organizations. CDC/W provides information about public health and CDC programs, links Hill staff with CDC experts, arranges briefings with CDC officials, and provides background on a broad range of public health issues. The office also ensures that the CDC staff receives information, advice, and guidance regarding Congressional activities that affect CDC.

Some of the information that CDC provides to Congressional offices are health statistics, including vital statistics, morbidity and mortality data, disease rates and trends; State Health Profile booklets that include highlights of health status, prevention efforts, and CDC funding for each State; *Health, United States*, an annual report on the health of the country that includes state-specific data; *MMWR (Morbidity and Mortality Weekly Report)* for news on selected health

issues and cases of selected diseases; Fact Sheets on current and emerging health and safety issues; Subject-Matter Experts for briefings and special or local events; and international travel information, such as health precautions and vaccination requirements.

(3) Office of Global Health (OGH): Works to improve health worldwide by providing leadership, coordination, and support for CDC's global health activities in collaboration with CDC's global health partners. OGH accomplishes this mission by:¹²

(a) "Providing leadership in the development of cross-cutting policy, plans, and programs related to CDC's global health interests;

(b) Assisting Centers/Institutes/Offices (CIOs), other federal agencies, countries, and non-governmental agencies in the implementation of appropriate policy, plans, and programs for which they have responsibilities;

(c) Enhancing global health partnerships by serving as the entry point for external organizations with an interest in CDC's global health activities;

(d) Supporting CDC staff in their international travel through passports, visas, and country clearance cables;

(e) Coordinating interactions between CIOs, the Office of International and Refugee Health, and other key governmental entities on global health issues;

(f) Assessing evolving global health issues and, in cooperation with Ministries of Health and other appropriate institutions, identifies and develops activities to which CDC's technical expertise would be of maximum benefit;

(g) Managing overseas and domestic staff whose service is primarily of a cross-cutting nature in global health initiatives; and

(h) Accomplishing its tasks through policy coordination, advocacy, mobilizing resources, and building partnerships."

(4) Office of Program Planning & Evaluation (OPPE): Is the main policy-developing body with CDC and leads the strategic planning effort for the Center as a whole. OPPE is also responsible for evaluation of all programs at CDC and for developing the Center's annual budget.

(5) Office of Women's Health: Works to improve women's health through research and prevention in the areas of violence and injury, Sexually Transmitted Diseases (STDs), HIV/AIDS, tobacco use, reproductive health, breast and cervical cancer, and health in later years.

(6) Office of Communications: Composed of four divisions: Health Communication, Media Relations, Global Health Odyssey, and the Freedom of Information Act (FOIA) Office. Health Communication is responsible for dissemination of health information to the public through publication of health statistics and factsheets on various health topics. Media

¹² CDC website: Office of Global Health (<http://www.cdc.gov/ogh/aboutus.htm>).

Relations is responsible for production and distribution of CDC material and information to the media via on-line publications, press kits, and press releases and summaries. The Global Health Odyssey is an interactive educational facility where people can learn about CDC and public health and about the benefits of prevention in daily life. The FOIA Office is in charge of providing information and material on the CDC requested under the Freedom of Information Act.

(7) Office of Health and Safety: Promotes and assists in the achievement of a safe and healthful work environment for CDC employees, contractors, and visitors.

(8) Office of Program Support: Develops, provides, and supports products and services for CDC's infrastructure that facilitate the collection, management, analysis and dissemination of data and information for public health, management of resources, transaction of business functions, and protection of information assets. Also performs a variety of duties related to the administration of federal procurements and grants.

(9) Office of Equal Employment and Opportunity: Responsible for ensuring compliance with the Equal Employment Opportunity Act and other civil rights issues.

(10) National Vaccine Program Office (NVPO): Coordinates and integrates activities of all federal agencies involved in immunization efforts; ensures that these agencies collaborate, so that immunization activities are carried out in an efficient, consistent, and timely manner; develops and implements strategies for achieving the highest possible level of prevention of human diseases through immunization and the highest possible level of prevention of adverse reactions to vaccines; and ensures that no gaps occur in federal planning of vaccine and immunization activities. The National Vaccine Program was created by Congress (P.L. 99-660), with the National Vaccine Program Office designated to provide leadership, oversight, and coordination among federal agencies, as they work together to carry out the goals of the National Vaccine Plan.

(11) Public Health Practice Program Office (PHPPO): Works to strengthen the public health system through workforce development, information system development, laboratory improvement, and system research and development. The Office is divided into five divisions: Sustainable Management Development Program (SMDP), Public Health Training Network (PHTN), Division of Laboratory Systems (DLS), Division of Public Health Systems (DPHS), and Information Network for Public Health Officials (INPHO).

SMDP assists developing countries in strengthening in-country management training capacity for public health. PHTN is a distance learning system that uses a variety of instructional media, ranging from print-based to videotape and multimedia, to meet the training needs of the public health workforce nationwide. DLS works to improve the quality of laboratory practices by providing global leadership and fostering partnerships and collaborations, conducts research and surveillance, disseminates information, provides training and education, develops and promotes standards and guidelines, and assesses technologies and their applications in support of the continuous improvement of the public's health.

DPHS is responsible for collaborating with partners to establish leadership programs for national, state, and regional leadership development, and supporting the National Public Health Leadership Development Network. In addition, it fosters partnerships with national and state-

based public health organizations to develop and use performance measures through development of national performance indicators for public health organizations, and initiation of a comprehensive public health organizational capacity and performance surveillance system. Furthermore, DPHS conducts field-testing; disseminates and evaluates the Guide to Community Preventive Services; and updates and packages CDC's Prevention Guideline Database. INPHO utilizes telecommunications and computer networks to give state and community public health practitioners improved access to information resources by linking local clinics, state and federal health agencies, hospitals, managed care organizations, and other providers.

(12) Epidemiology Program Office (EPO): Strengthens the public health system by coordinating public health surveillance at CDC and providing domestic and international support through scientific communications, statistical and epidemiologic consultation, and training of experts in surveillance, epidemiology, applied public health, and prevention effectiveness.

(13) National Immunization Program (NIP): Provides leadership for the planning, coordination, and conduct of immunization activities nationwide. In doing this, the NIP:

(a) Provides consultation, training, statistical, promotional, educational, epidemiological, and technical services to assist health departments in planning, developing, and implementing immunization programs;

(b) Supports the establishment of vaccine supply contacts for vaccine distribution to state and local immunization programs;

(c) Assists health departments in developing vaccine information management systems to facilitate identification of children who need vaccinations; helps parents and providers ensure that all children are immunized at the appropriate age; assesses vaccination levels in state and local areas; monitors the safety and efficacy of vaccines by linking vaccine administration information with adverse event reporting and disease outbreak patterns;

(d) Administers research and operational programs for the prevention and control of vaccine-preventable diseases;

(e) Supports a nationwide framework for effective surveillance of designated diseases for which effective immunizing agents are available; and

(f) Supervises state and local assignees working on immunization activities.

(14) National Center for Chronic Diseases Prevention and Health Promotion: Works to prevent death and disability from chronic diseases; promotes maternal, infant, and adolescent health; and promotes healthy personal behaviors. The Center strives to accomplish these goals in partnership with health and education agencies, major voluntary associations, the private sector, and other federal agencies.

(15) National Center for Environmental Health (NCEH): Provides national leadership, through science and service, that promotes health and quality of life by preventing or

controlling those diseases, birth defects, disabilities, or deaths that result from interactions between people and their environment.

(16) National Center for Health Statistics (NCHS): Responsible for the collection, analyses, and dissemination of health statistics, including surveys and data collection systems, publications and information products, and news releases and factsheets.

(17) National Center for Infectious Diseases (NCID): Works to prevent illness, disability, and death caused by infectious diseases in the United States and around the world. NCID staff work in partnership with local and state public health officials, other federal agencies, medical and public health professional associations, infectious disease experts from academic and clinical practice, and international and public service organizations. NCID accomplishes its mission by conducting surveillance, epidemic investigations, epidemiologic and laboratory research, training, and public education programs to develop, evaluate, and promote prevention and control strategies for infectious diseases.

NCID is also home to the Office of Bioterrorism Preparedness and Response. This office acts as CDC's focal point for combating bioterrorism and also acts as a clearinghouse for information and resources on preparing for and responding to incidents of bioterrorism. This includes information on incident protocol, background information on various biological agents, and guidelines and procedures on response and management of an outbreak.

(18) National Center for Injury Prevention and Control (NCIPC): Works to reduce morbidity, disability, mortality, and costs associated with injuries.

(19) National Center for HIV, STD, and TB Prevention (NCHSTP): Organized into an Office of the Director and four divisions: HIV/AIDS Prevention-Surveillance and Epidemiology (DHAP-SE), HIV/AIDS Prevention-Intervention Research and Support (DHAP-IRS), TB Elimination (DTBE), and STD Prevention (DSTDP).

DHAP-SE conducts surveillance and epidemiologic and behavioral research to monitor trends and risk behaviors and provide a basis for targeting prevention resources. DHAP-IRS conducts behavioral intervention and operations research and evaluation and provides financial and technical assistance for HIV prevention programs conducted by state, local, and territorial health departments; national minority organizations; community-based organizations; business; labor; religious organizations; and training agencies.

DTBE conducts surveillance and epidemiologic, behavioral, and operations research, both in the United States and in developing countries, and provides information and education to health care providers, persons at high risk, and the general population. It also supports state and local health department efforts in preventing and controlling TB through directly observed therapy to ensure treatment completion by patients; in following up for persons with TB, suspected of having TB, or exposed to TB; in strengthening of laboratory activities; and in TB screening among persons at high risk and preventive therapy for persons found with infection.

DSTDP does the following:

(a) Conducts surveillance; epidemiologic, behavioral, and operations research; and program evaluation related to STDs, including syphilis, gonorrhea, chlamydia, human papillomavirus, genital herpes, and hepatitis B;

(b) Assists states and selected localities in reaching those at risk for infection with STDs;

(c) Works to prevent infertility and pelvic inflammatory disease and its complications, which can include ectopic pregnancy, cancer, and fetal or infant death;

(d) Collaborates with other agencies and groups, particularly community-based organizations, to enhance STD prevention awareness; and

(e) Supports programs in developing countries for surveillance, research, and prevention.

(20) National Institute for Occupational Safety and Health (NIOSH):

Responsible for conducting research and making recommendations for the prevention of work-related illnesses and injuries. The Institute's responsibilities include:

(a) Investigating potentially hazardous working conditions as requested by employers or employees;

(b) Evaluating hazards in the workplace, ranging from chemicals to machinery;

(c) Creating and disseminating methods for preventing disease, injury, and disability;

(d) Conducting research and providing scientifically valid recommendations for protecting workers; and

(e) Providing education and training to individuals preparing for or actively working in the field of occupational safety and health.

5. Formal National Security Process Involvement. It is important to note that the following sections describe the CDC’s “on-paper” national security process involvement. This distinction is necessary because the processes described below differ in some ways from how the CDC participates in the national security process “in-reality,” based on an interview with an official at the Center.¹³ The following table illustrates the CDC's major products and roles in the seven key national security processes:

		Strategy Development	Policy, Guidance, and Regulation	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Identifies and defines preventable health problems				✓			
	Maintains active surveillance of diseases				✓			
	Develops and tests disease prevention, control and health promotion programs		✓					
	Develops occupational safety and health standards		✓					
	Controls intro and spread of infectious diseases			✓	✓		✓	
	Provides assistance grants to state and local health agencies							✓
	Produced "Preventing Emerging Infectious Diseases"			✓				
	Develops CDC Prevention Guidelines		✓					
	Develops fact sheets on bio agents and protocol procedures for bio attacks		✓					
	Maintains oversight over transfer and shipment of certain bio agents and organisms					✓		
	Enhances response capacity of state and local health agencies						✓	
	Produces the BMBL					✓		
	Establishes MMSTs						✓	
	Establishes the National Pharmaceutical Stockpile						✓	
Maintains medical/health cooperative agreements with state and local health agencies (e.g., EIPs and ELCs)						✓		
Roles	Works under the authority of HHS/OEP in medical emergency responses				✓			
	CDC Director	Chairs OSTP IWG on Emerging and Reemerging Infectious Diseases		✓				
		Co-Chairs Task Force on Emerging Infectious Diseases		✓				

¹³ Described in the section on “Informal National Security Process Involvement”.

In light of this, the CDC plays a supporting role in the formal national security process. This role consists of involvement in the following areas:

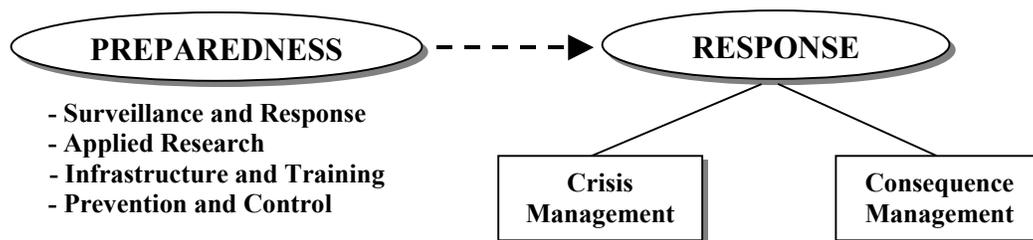


Figure 2. CDC Role in Formal National Security Process

The Preparedness phase forms the basis of CDC's core responsibilities, that is, prevention and control through preparation. Consequently, CDC performs the related tasks independently and on a daily basis regardless of specific national security implications, even though these four goals also have direct relevance to CDC's new role in bioterrorism preparedness.

In the Response phase, CDC is part of the structured hierarchy of disaster planning and management put forth in ESF #8 of the FRP. In this capacity, it is subordinate to HHS's Office of Emergency Preparedness (OEP), which is tasked as the lead agency within HHS responsible for medical/health services in an emergency.¹⁴

A. Strategy Development: CDC is not involved in strategy development.

B. Policy, Guidance, and Regulation: This process is illustrated in Appendix 1.

(1) Major Activities:

(a) Develops "Prevention Guidelines," rules and recommendations for the prevention and control of such public health threats as AIDS, cholera, disaster response, dengue fever, suicide, vaccine-preventable diseases, lung cancer, sexually transmitted diseases, birth defects, and malaria.

In addition to information on specific diseases and situations, the CDC Prevention Guidelines Database (PGDB) includes all of the Advisory Committee on Immunization Practices' (ACIP) immunization recommendations, CDC's sexually transmitted diseases treatment guidelines, and health information for international travel. The database was developed to allow state and local health officials and other public health practitioners to quickly access current CDC prevention guidelines.¹⁵ Essentially, these guidelines constitute "medical information and advice," meaning they are provided as a resource for interested and/or affected parties.

(b) The Office of Bioterrorism Preparedness and Response provides further information as it relates to bioterrorism, including factsheets on various biological agents

¹⁴ FRP: ESF #8.

¹⁵ CDC website: CDC Prevention Guidelines.

and guidelines for implementation of procedures in case(s) of bioterrorist attack (See Appendix 1).

(2) Major Stakeholders: CDC, state and local health agencies, and public health practitioners (e.g., HMOs).

(3) Key Organizational Processes: A CDC Steering Committee selects entries for the prevention guidelines database through recommendations of the Associate Directors for Science and PGDB liaisons at CDC's centers, institutes, and offices. This committee includes representatives from CDC's Public Health Practice Program Office, Information Resources Management Office, and Epidemiology Program Office.¹⁶

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: None.

C. Planning:

(1) Major Activities:

(a) Produces *Preventing Emerging Infectious Diseases: A Strategy for the 21st Century*. The four overarching goals: Surveillance and Response; Applied Research; Infrastructure and Training; and Prevention and Control remain the focal points of this strategy (from *Addressing Emerging Infectious Diseases*) with the objective of continuing the process of strengthening the U.S. public health system through specific tasks related to each of the four goals. The goals are meant to target infectious disease issues in nine specific areas. They are: Antimicrobial Resistance; Foodborne and Waterborne Diseases; Vectorborne and Zoonotic Diseases; Diseases Transmitted Through Blood Transfusions or Blood Products; Chronic Diseases Caused by Infectious Agents; Vaccine Development and Use; Diseases of People with Impaired Host Defenses; Diseases of Pregnant Women and Newborns; and Diseases of Travelers, Immigrants, and Refugees.¹⁷

By enhancing the U.S. public health system's effectiveness in the aforementioned four goals and its capacity to deal with issues arising from the above targets, "*Preventing Emerging Infectious Diseases...*" intends to produce the following outcomes in the next five years:¹⁸

(i) "A nationwide network for surveillance and response will ensure the prompt identification of emerging infectious diseases. State and local health departments will have the equipment and trained personnel needed to serve as the front line public health response to infectious disease threats;

(ii) Intensive population-based surveillance and research programs in at least 10 areas of the United States will generate data to identify new threats to public health and help guide responses to emerging infectious diseases;

¹⁶ CDC website: "CDC Prevention Guidelines".

¹⁷ "Preventing Emerging Infectious Diseases".

¹⁸ "Preventing Emerging Infectious Diseases".

(iii) Health departments will rapidly detect and investigate outbreaks of foodborne illnesses using sophisticated epidemiologic and laboratory techniques. Early detection will facilitate rapid implementation of control measures and the prevention of illness and death;

(iv) Countries in all regions of the world will participate in a global system for surveillance and response that includes surveillance for infectious agents that are resistant to antimicrobial drugs. This effort will be undertaken in partnership with the World Health Organization and other organizations and agencies around the world;

(v) Enhancement of the public health infrastructure will help prepare the United States to respond to bioterrorist incidents;

(vi) Improved diagnostic testing methods will be developed for new, reemerging, and drug-resistant pathogens;

(vii) A better understanding of risk factors for the development of infection and disease will provide new opportunities for disease prevention;

(viii) A better understanding of relationships between infectious agents and some chronic diseases will lead to new strategies for preventing and treating chronic diseases;

(ix) New strategies will be designed to reduce insect vector populations and control animal populations that serve as reservoirs for human diseases;

(x) Diagnostic and reference reagents will be available for use by public health laboratories. CDC will have enhanced capacity to serve as the national reference center for diagnosis of infectious diseases and for drug-resistance testing;

(xi) The next generation of epidemiologists and laboratory professional will be trained and prepared to respond to emerging infectious disease threats;

(xii) Implementation of prevention guidelines will result in decreased death and disability due to nosocomial infections, opportunistic infections, antimicrobial resistance, and infections in newborns;

(xiii) Cooperative efforts among managed care organizations, health care facilities, state and local health departments, and CDC will improve treatment and prevention of infectious diseases;

(xiv) Deaths from vaccine-preventable diseases will be significantly reduced in the United States and abroad; and

(xv) Community-based demonstration programs will help identify cost-effective approaches to addressing emerging infectious disease problems."

(b) Participates in a medical/health response under the *Department of Health and Human Services Health and Medical Services Support Plan for the Federal Response*

to Acts of Chemical/Biological (C/B) Terrorism. This plan is essentially an addendum to ESF #8 of the FRP, and deals exclusively with acts of terrorism.

The most important aspect of this plan is the crisis versus consequence management phases of actual or potential C/B terrorist incidents. The crisis management response process is shown in the C/B terrorism response decision tree below for a scenario proceeding from a threat to either no use or use of a C/B terrorist weapon. No use will lead to termination of the response activities, while use will cause an immediate transition to a consequence management response:¹⁹

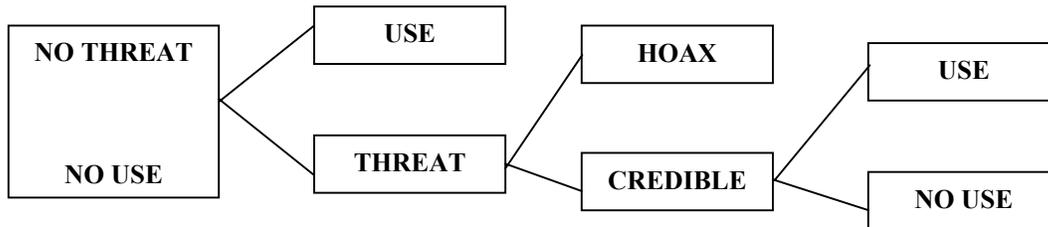


Figure 3. C/B Terrorism Response Decision Tree

The crisis management phase is carried out under the authority of the FBI. The FBI C/B Incident Contingency Plan sets the basis for acquiring the necessary federal technical, scientific, and medical operational support to bolster its investigative and crisis management abilities and to augment local and state resources in addressing the threat inherent in a C/B incident. Operational support, both in the form of advisory technical support and the operational deployment of resources and personnel to the scene of a C/B incident, is available from several federal agencies pursuant to the FBI plan. These specialized resources are drawn primarily from HHS, DoD, the Department of Energy (DoE), and the Environmental Protection Agency (EPA). These agencies maintain specialized expertise necessary in managing a C/B-related crisis. For example, HHS may provide advanced scientific monitoring, testing, and analysis of the threat, along with pre-positioned resources, in responding to the consequences of a C/B incident.

The FBI's C/B Incident Contingency Plan incorporates a graduated response mechanism to a C/B terrorist incident: assessment of the threat, provision of technical advice to the incident manager, deployment of technical personnel and resources, and marshaling of consequence management resources. The national-level crisis management response will be coordinated by the FBI at the FBI Strategic Information Operations Center (SIOC).

Upon notification of a C/B terrorist crisis management requirement by the FBI, HHS will activate an Emergency Operations Center (HHS/EOC) under the direction of the Assistant Secretary of Health (ASH).²⁰ For each portion of the FBI C/B Incident Contingency Plan, HHS, supported by DoD, DoE, Department of Transportation (DOT), and the EPA, will support the FBI in threat assessment, identification of contaminants, sample collection and analysis, on-site safety and prevention activities, identification of C/B subject matter experts, and enhanced consultation and deployment capability. The goal is to support crisis management and assist in the preparation for response to a potential agent release.²¹

¹⁹ "Department of Health and Human Services Health and Medical..."

²⁰ The ASH oversees HHS/OEP.

²¹ "Department of Health and Human Services Health and Medical..."

In the consequence management phase, HHS is the Lead Federal Agency (LFA) for health and medical services support within a federal consequence management response to a C/B terrorist act. The HHS Health and Medical Services Support Plan identifies 20 specific, highly specialized, and time-critical health and medical services functions in response to acts of C/B terrorism.²² The 20 functions are in addition to the requirements for health and medical services support in a consequence management response identified in the FRP, ESF #8. These tasks are undertaken either by a single agency or entity or several bodies with cross-cutting interests and expertise. CDC is assigned the lead agency role for three of the aforementioned tasks:

(i) “Agent Identification: CDC will coordinate the agent identification process and actions;

(ii) Epidemiological Investigation: CDC will coordinate the inquiry into the incidence, distribution, and control of a suspected disease or pathogen; and

(iii) Worker Health and Safety: CDC will coordinate requirements to ensure health and safety measures for response workers.”²³

The major differences between health and medical services support provided in response to a C/B terrorist act and those provided in response to a natural or man-made disaster, are the need for specialized health and medical services support, the critical, time-sensitive response requirements, and the need to gather evidence to support criminal investigations associated with a consequence management response to a C/B terrorist incident. The 20 health and medical services support functions for C/B consequence management are focused on being implemented in the first few hours following a C/B terrorist act. A health and medical services consequence management response to a C/B terrorist act is performed as a time-sensitive precursor to a full response under the structure of the FRP, ESF #8.

(2) Major Stakeholders: CDC, HHS (specifically OEP), FBI, FEMA, DoD, DoE, DOT, EPA, state and local health agencies, and public health practitioners.

(3) Key Organizational Processes: CDC will implement “*Preventing Emerging Infectious Diseases*” through partnerships with other federal agencies and state and local health agencies and organizations (e.g., HMOs).²⁴ As it carries out this plan, it will coordinate with state and local health departments (i.e., on surveillance of infectious diseases), academic centers and other federal agencies (i.e., on research agendas), health care providers and health care networks (i.e., on development and dissemination of guidelines), international organizations (i.e., on outbreak responses over-seas), and other partners. The strategy was developed and prepared under the leadership of NCID, with significant input from other major CDC programs and centers involved in addressing emerging infectious disease issues. These include NCHSTP and the NIP. Other parts of CDC that support infectious disease prevention and control include CDC’s Office of Global Health, Epidemiology Program Office, Public Health Practice Program Office, and the National Institute for Occupational Safety and Health.²⁵

²² See section on “Mission Execution” for functions.

²³ “Department of Health and Human Services Health and Medical...”.

²⁴ Refer to Footnote #9 for list of federal agencies.

²⁵ “Preventing Emerging Infectious Diseases”.

The "*Department of Health and Human Services Health and Medical Services Support Plan*" is developed and produced by HHS/OEP and can be implemented by HHS prior to formal implementation of the FRP. The plan retains the same structure and scope as ESF #8: operational definitions, concept of operations (i.e., crisis response versus consequence management), chain of command authority, and participating agencies and their responsibilities.²⁶

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: Both plans described above are developed and implemented at the department (HHS) and agency (CDC) level. The *Department of Health and Human Services Health and Medical Services Support Plan* was developed to work in conjunction with ESF #8 of the FRP (See chapter in this volume entitled Federal Emergency Management Agency for details on the development of the FRP.)

D. Mission Execution: It is important to note that under the HHS Health and Medical Services Support Plan, CDC plays a subordinate role to HHS/OEP and provides support and expertise as stated in the plan and as required by OEP. This relationship is shown in the following diagram:

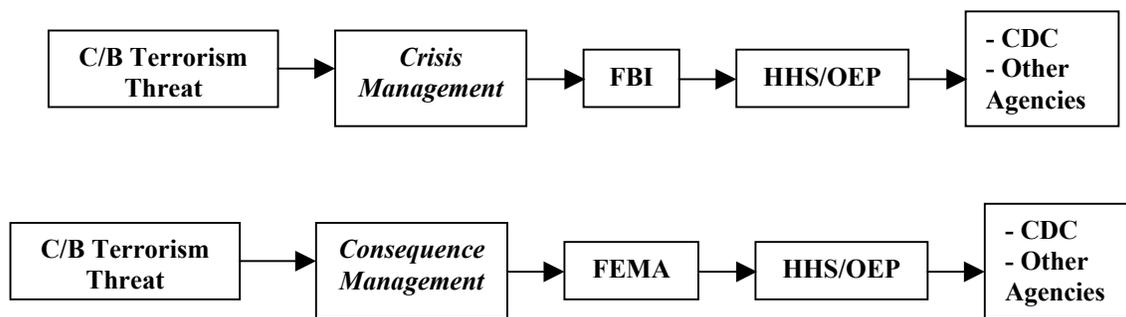


Figure 4. Crisis vs. Consequence Management Notification Chain

(1) Major Activities:

(a) Under a crisis management response, the FBI will notify the health and medical services action agent (HHS/OEP). HHS/OEP will, in coordination with the FBI, make appropriate notifications to health and medical services agencies.

(b) Under a consequence management response, HHS may be notified directly, or FEMA Headquarters may notify the health and medical services action agent (OEP). OEP will notify the ASH and request activation of the HHS response plan for the Federal response to acts of C/B terrorism. OEP will then concurrently notify the appropriate Regional Health Administrator(s). Upon notification, HHS health and medical services emergency response members (including CDC) will notify their parent agencies and report to the appropriate location as directed.

²⁶ "Department of Health and Human Services Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological (C/B) Terrorism" (June 1996).

(2) Major Stakeholders: HHS (through OEP and subsequently involving CDC and other departmental agencies), FEMA, FBI, DoD, and other executive branch departments and agencies as required, affected state and local public health agencies, and public health practitioners and providers.

(3) Key Organizational Processes: After notification, HHS participation in both crisis and consequence management response takes on the following structure:²⁷

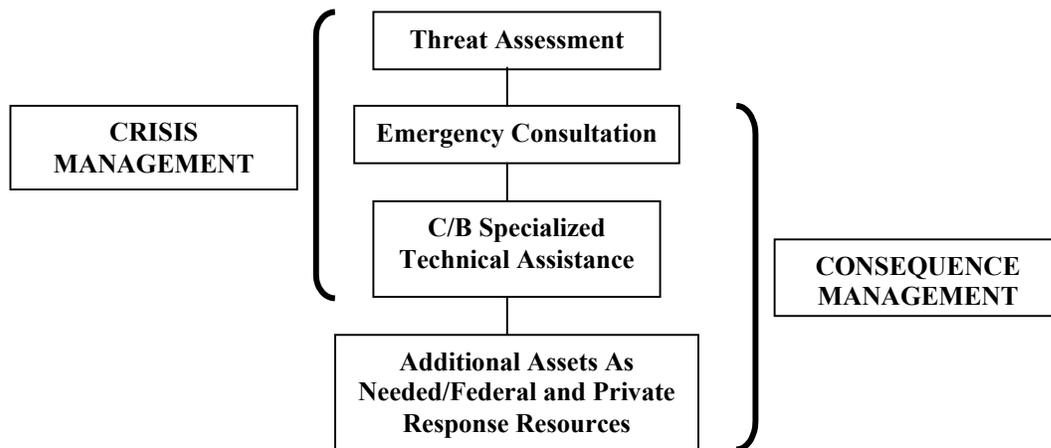


Figure 5. HHS Participation in Crisis and Consequence Management Response

A health and medical services support response to C/B terrorist acts will be activated and directed by the ASH. Under the direction of the FBI in support of a crisis management response, the HHS/EOC will become operational with a core staff of pre-designated HHS crisis management specialists. HHS will concurrently make available a HHS/EOC representative to the FBI SIOC where the national-level crisis management response will be coordinated. The FBI SIOC is usually staffed with the following officials or their representatives: Attorney General, Department of Justice (DOJ); Director of FBI; Assistant Director of the National Security Division, FBI; Domestic Terrorism Section Chief, FBI; FEMA Representative; HHS Representative; and a DoD Representative.

Within a crisis management response, HHS will coordinate the acquisition of national medical technical resources and medical expertise for the purpose of providing technical assistance, emergency consultation, and threat assessment support to the FBI. In coordination with the FBI, HHS will also form and deploy a Chemical/Biological Rapid Deployment Team (CBRDT) and other health and medical services support resources from different locations in the nation as deemed necessary (e.g., CDC and ATSDR in Atlanta; Food and Drug Administration (FDA) Regional Offices; EPA Regional Offices).²⁸ HHS will provide on-scene technical

²⁷ “Department of Health and Human Services Health and Medical...”.

²⁸ The CBRDT is a key element in the HHS C/B terrorism response at the national level. The Washington, DC area-based CBRDT is a highly specialized, federal, multi-agency, C/B terrorist incident response, medical and health care, technical assistance support team. HHS assembles the technical advisory team to provide health and medical services support to the On-Scene Manager (OSM) for both a crisis management and consequence management response. HHS leads the CBRDT and controls team deployment and operational team actions. The interagency team of approximately 23 technical specialists is staffed by four federal departments and agencies. HHS provides five team members: two medical doctors (MDs), three Operations Technicians, and a component from CDC and ATSDR. The DoD contingent includes one MD/Epidemiological Assessment/Bio-warfare Expert, and one Scientist, Medical Diagnostics/Medical Samples from U.S. Army Medical Research Institute for Infectious Diseases (USAMRIID); one MD/one Scientist, Chemical Warfare Experts or two MDs from the U.S.

assistance in support of the FBI, and other on-scene responders, and will coordinate health and medical resources in preparation for mobilization. As needed, special advisory groups of health/medical subject matter experts will be assembled and consulted by the National Health and Medical Services Support Coordination Office (HHS/OEP).

In support of a consequence management response, the HHS/EOC will become operational. Upon activation of the National Disaster Medical System (NDMS), the NDMS/Operations Support Center (OSC) will also become operational and those centers will collocate at the HHS OASH/OEP facility.²⁹ The HHS/EOC and NDMS/OSC will consist of a core of federal agencies that will be supplemented by other national-level organizations, governmental and private, as the situation dictates. During the initial activation, the principal core staff will consist of a pre-designated HHS Crisis Action Team (CAT) and the following officials or their representatives: ASH (Chair); Assistant Secretary of Defense (Health Affairs), DoD; Under Secretary for Health, VA; Director, FEMA or designee; and EPA Administrator or designee.

ESF #8 will concurrently make available an ESF #8 representative to the FEMA Emergency Support Team (EST) where the national-level consequence management response will be coordinated. Additional agencies and organizations will be alerted and will provide a representative to the HHS/EOC and NDMS/OSC or be immediately available via telecommunication to provide support. HHS will also dispatch, as requested, the CBRDT, emergency response coordinators, and the national health and medical services representatives on the Emergency Response Team (ERT) to the terrorist incident area to provide technical assistance in the area of health and medical services support and to support the lead Regional Health Administrator (RHA) having responsibility for regional health and medical services.

Responding to notification of C/B terrorism, the HHS/EOC will become operational on an urgent basis and will be appropriately staffed upon notification. After notification of a response requirement in either a crisis management or consequence management situation, HHS/OEP will initiate action to provide technical assistance or to provide health and medical services response actions in the previously mentioned 20 assigned functional tasks. These functions and the responsible agency(s) are:

(a) “Threat assessment (OEP): An assessment team will be assembled and will provide technical assistance to the FBI at the SIOC. The assessment team composition will be determined by the OEP in coordination with the FBI;

Army Medical Research Institute for Chemical Defense (USAMRICD); eight staff (Hazardous Environment Operators/Explosive Disposal) from the U.S. Army Technical Escort Unit (TEU); two members (Biological Identification) from the Naval Medical Research Institute; two members (one Chemical Scientist, C/B Terrorism Team and/or Technician) from the Edgewood Research, Development, and Engineering Center (ERDEC). The EPA and DoE provide one staff member each on environmental and radiological monitoring, respectively.

²⁹ The National Disaster Medical System (NDMS) is a cooperative asset-sharing program among federal government agencies, state and local governments, and the private businesses and civilian volunteers to ensure resources are available to provide medical services following a disaster that overwhelms the local health care resources. The NDMS is a federally coordinated system that augments the Nation's emergency medical response capability. The overall purpose of the NDMS is to establish a single, integrated national medical response capability for assisting state and local authorities in dealing with the medical and health effects of major peacetime disasters and providing support to the military and Veterans Health Administration medical systems in caring for casualties evacuated back to the United States from overseas armed conflicts.

(b) C/B consultation with affected jurisdictions (OEP): Emergency consultation will be performed with and State jurisdictions;

(c) Public affairs (OEP): OEP will coordinate development of prescript advisory releases and public health and disease information that can be transmitted to members of the general public who are located in or near the affected areas;

(d) C/B Rapid Deployment Team (OEP): OEP will take action to notify, assemble, and deploy the CBRDT and CDC to render technical assistance in a crisis management situation and, upon activation by FEMA, to assist in coordinating health and medical services support in a consequence management situation;

(e) Agent identification (CDC);

(f) Epidemiological investigation (CDC);

(g) Expedient hazard detection (EPA): EPA will coordinate actions and processes to determine the overall health hazard threatening the general population;

(h) Expedient hazard reduction (EPA): EPA will coordinate actions to reduce or eliminate the hazard;

(i) Environmental decontamination (EPA): EPA will coordinate environmental decontamination;

(j) Clinical medical support, health professionals, laboratory support, patient evacuation, in-hospital care (OEP/NDMS): OEP/NDMS will coordinate clinical medical support utilizing Chemical/Biological Rapid Deployment Teams (CBRDTs), Metropolitan Medical Response System (MMRS), and Disaster Medical Assistance Teams (DMATs);

(k) Pharmaceutical support (FDA): FDA will coordinate pharmaceutical support for the overall health and medical services response effort;

(l) Human toxic effects registry (ATSDR): ATSDR will coordinate the documentation and registration of personnel in the general population and response community who have been exposed to the toxic effects of a C/B terrorist act;

(m) Supplies and equipment (OEP/NDMS): OEP/NDMS will provide health and medical equipment and supplies in support of health and medical services response operations and will coordinate restocking of equipment and supplies in the affected area;

(n) Victim identification and mortuary services (OEP/NDMS): OEP/NDMS will assist in providing victim identification and mortuary services, including NDMS Disaster Mortuary Teams) and temporary morgue facilities;

(o) Worker health and safety (CDC);

(p) Mental health (Substance Abuse and Mental Health Services Administration (SAMHSA)): SAMHSA will coordinate mental health requirements;

(q) Communications (National Communications System (NCS)): NCS will establish communications necessary to effectively coordinate health and medical services support assistance;

(r) Transportation (OEP): OEP will coordinate transportation requirements, primarily with DoT and DoD;

(s) Security (OEP): OEP will coordinate actions to respond to security requirements associated with the health and medical services support response to a C/B terrorist incident; and

(t) "Pathological services (OEP/NDMS): OEP/NDMS will assist in providing pathological services."

Additional continuing actions, such as situation assessment, activation of health/medical response teams, coordination of medical transport requests, coordination of medical facilities requests, coordination of patient evacuation, coordination of requests for reimbursement, and intrastate health/medical services support issues will be handled by HHS/OEP as needed and based on the circumstances of specific incidents.

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: None.

E. Observation, Orientation, and Oversight:

(1) Major Activities:

(a) Maintains oversight over the transfer and shipment of certain biological agents and organisms under 42 CFR Part 72, *Additional Requirements for Facilities Transferring or Receiving Select Agents*. The regulation was enacted as a rule implementing Section 511 of Public Law 104-132, "The Antiterrorism and Effective Death Penalty Act of 1996," which requires the Secretary of HHS to regulate the transfer of select agents.³⁰ This rule places additional shipping and handling requirements on facilities that transfer or receive select agents listed in the rule that are capable of causing substantial harm to human health.

(b) Produces, along with the National Institutes of Health (NIH), the *Biosafety in Microbiological and Biomedical Laboratories (BMBL)*. The BMBL serves as the only nationally and internationally recognized source for biosafety requirements for laboratories, and hence, is incorporated in the *Additional Requirements for Facilities*. The BMBL provides the minimum requirements for Bio-Level-2, 3, and 4 laboratories and animal facilities and is readily applicable to a facility registration and inspection process.

(2) Major Stakeholders: HHS (CDC and NIH), all relevant facilities and laboratories that possess, handle, and operate sanctioned biological agents and material.

³⁰ Federal Register: October 24, 1996 (Volume 61, Number 207).

(3) Key Organizational Processes: “*Additional Requirements for Facilities Transferring or Receiving Select Agents*” establishes the following guidelines:

- (a) A system of safeguards to be followed when specific agents are transported;
- (b) Collecting and providing information concerning the location where certain potentially-hazardous agents are transferred;
- (c) Tracking the acquisition and transfer of these specific agents; and
- (d) Establishing a process for alerting appropriate authorities if an unauthorized attempt is made to acquire these agents.

The rule also includes the following fundamental components: a comprehensive list of select agents; a registration of facilities transferring these agents; transfer requirements; verification procedures including audit, quality control, and accountability mechanisms; agent disposal requirements; and research and clinical exemptions.³¹ The rule incorporates various aspects of the regulatory plans of other federal agencies (e.g., the Nuclear Regulatory Commission) in that it includes guidelines for on-site inspections, registration (user) fees, and registration and transfer requirements.

An example of the regulatory process is the registration and transfer requirements. CDC will provide application forms to be completed by facilities seeking registration. The application will require information regarding laboratory practices, equipment, and other pertinent information. Facilities will submit the completed application to CDC for approval of registration. A facility inspection may or may not be required prior to registration, depending on documentation supplied by the applicant. If CDC approves the registration, a unique registration number will be issued. Those facilities not pre-inspected will be inspected following registration. All registered facilities will be inspected subsequently on a periodic basis.

In terms of transferring materials that are subject to regulation, the rule requires that, prior to transferring one of these select agents, both the shipping and receiving parties complete required sections of the official transfer form, EA-101. This form must list the restricted agents and require information about both parties, the requesting and transferring facilities, the registration numbers of the transferring and receiving facilities, the name of restricted agent requested, and the proposed use of the agent. The form must accompany the request or purchase order for obtaining these restricted agents, a copy must be maintained by both the requesting and transferring facility, and a copy must be sent to a designated central repository, which is available to federal and authorized local law enforcement authorities and other officials authorized by the Secretary of HHS. The form could later be used for tracking purposes in cases of illegitimate access to these agents. In addition, the rule requires requestors to specify on form EA-101 the number of containers and amount per container of the agent(s) being shipped. Violations of this rule are subject to federal criminal penalties in terms of providing false,

³¹ Federal Register: October 24, 1996 (Volume 61, Number 207). The virus agent list includes Crimean-Congo hemorrhagic fever virus, Eastern Equine Encephalitis virus, Ebola viruses, Equine Morbillivirus, Lassa fever virus, Marburg virus, Rift Valley fever virus, South American Hemorrhagic fever viruses (Junin, Machupo, Sabia, Flexal, Guanarito), Tick-borne encephalitis complex viruses, Variola major virus (Smallpox virus), Venezuelan Equine Encephalitis virus, Viruses causing hantavirus pulmonary syndrome, and Yellow fever virus.

fictitious, or fraudulent statements or representation on the forms required in the regulation for registration of facilities or for transfers of select agents.³²

The BMBL requires that an operating facility and its laboratory operations meet the biosafety level 2, 3, and/or 4 requirements for working with agents when registering as an approved facility. Inspection of the facility seeking registration may be required to determine whether the applicant facility meets the appropriate biosafety level requirements. Facilities, if approved, are issued a unique registration number indicating that the facility is registered to work with these select agents at the prescribed biosafety level. The registration number also is used to help validate all requests for transfer of these agents.³³

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: None.

F. Preparation:

(1) Major Activities:

(a) Enhancing the ability of state and local public health authorities, especially first-responders, to respond to and mitigate medical emergencies and disasters. This is achieved through a comprehensive system of training and cooperation with state and local health agencies, highlighted in *Preventing Emerging Infectious Diseases*. Goal Three of this plan states the need for improving the effectiveness of the nation's infrastructure and training in responding to medical/health emergencies.

(b) Strengthening the country's surveillance and response network through cooperative agreements with various state and local health agencies (especially in large metropolitan areas).

(c) Establishment of the Metropolitan Medical Response Systems (MMRS). Originally created as the Metropolitan Medical Strike Team (MMST) in the Washington metropolitan area in 1995, the MMST provided initial, on-site, emergency health and medical services following a terrorist incident involving a weapon of mass destruction (chemical, biological, radiological and/or nuclear). The team can provide emergency medical services, decontamination of victims, mental health services, plans for the disposition of non-survivors and plans for the forward movement of patients to regional health care facilities, as appropriate, via NDMS. The Defense Against Weapons of Mass Destruction Act of 1996 (more commonly known as Nunn-Lugar-Domenici) authorized HHS to develop 26 additional MMSTs (subsequently renamed MMRS to reflect HHS's continuing effort to bring together not only the fire, Emergency Medical Services (EMS) and Hazardous Materials (HAZMAT) communities, but also the public, private and mental health communities).³⁴

³² Federal Register: October 24, 1996 (Volume 61, Number 207).

³³ Federal Register: October 24, 1996 (Volume 61, Number 207).

³⁴ Department of Health and Human Services (HHS), Office of Emergency Preparedness (OEP) website: Metropolitan Medical Response Systems.

The MMRS is designed to focus on immediate site-specific response capability by enhancing existing capabilities, developing overall systems plans, raising awareness of WMD agents, developing enhanced capability to operate in contaminated environments, and developing specialized treatment protocols for WMD victims. At present, 27 systems exist in the United States, with another 20 planned for 1999. Ultimately, 120 of these systems are to be created throughout the country.³⁵

(d) Establishment of a National Pharmaceutical Stockpile to ensure the ready availability of drugs, vaccines, prophylactic medicines, chemical antidotes, medical supplies, and equipment that might be needed in a medical response to a biological or chemical terrorist incident. CDC received \$51M in FY99 to establish this stockpile and has requested another \$52M for FY00 to continue the process.³⁶

(e) Works with public health partners such the Association of Public Health Laboratories, to implement a network of laboratories that will be used to provide the most immediate diagnosis of biological and chemical agents in the event of a suspected terrorist attack. This network will ultimately include hospital laboratories, commercial reference laboratories, state, and local health laboratories, and highly specialized federal facilities. It will not only enhance public health capacity to address bioterrorism, but also contribute to the overall public health capacity to address naturally occurring infectious diseases.³⁷

(2) Major Stakeholders: CDC and local and state public health and medical emergency agencies and organizations.

(3) Key Organizational Processes: With regard to training and infrastructure enhancement, CDC undertakes the following:³⁸

(a) Continued training of epidemiologists in problems related to emerging infectious diseases. An example is a program such as CDC's Epidemic Intelligence Service (EIS), which assists state and local health departments. Based at CDC headquarters in Atlanta, the EIS is a two-year, post-graduate program of service and on-the-job training for health professionals interested in the practice of epidemiology. EIS Officers conduct epidemiological investigations, research, and public health surveillance, serve the epidemiological needs of state health departments, present epidemiologic papers at scientific and medical conferences; publish their work in the scientific literature, and disseminate vital public health information to the media and the public.

(b) Training laboratory scientists in infectious diseases through the Emerging Infectious Diseases (EID) Laboratory Fellowship Program. The EID Laboratory Fellowship Program trains microbiologists in public health approaches to diagnosis and

³⁵ Department of Health and Human Services (HHS), Office of Emergency Preparedness (OEP) website: Metropolitan Medical Response Systems. The 26 other MMRS cities are: Boston, New York, Baltimore, Philadelphia, Atlanta, Miami, Memphis, Jacksonville, Detroit, Chicago, Milwaukee, Indianapolis, Columbus, San Antonio, Houston, Dallas, Kansas City, Denver, Phoenix, San Jose, Honolulu, Los Angeles, San Diego, San Francisco, Anchorage, and Seattle.

³⁶ U.S. General Accounting Office (GAO): Combating Terrorism: Chemical and Biological Medical Supplies Are Poorly Managed;" October 1999.

³⁷ Lillibridge testimony, September 22, 1999.

³⁸ "Preventing Emerging Infectious Diseases".

molecular epidemiology. The goal is to train laboratory scientists to become leaders in public health laboratories, especially at the state and local levels.

(c) Maintaining and expanding other CDC training programs in emerging infectious diseases and develop new programs as needed. These include the CDC Summer Fellows Program for infectious diseases, which provides opportunities to minority students in historically black colleges and universities (HBCU), Hispanic-serving health professions schools (HSHPS), and American Indian and Alaska Native medical students. Other CDC programs include the Public Health Summer Fellows and Project Impact, which provide additional opportunities for HBCU and HSHPS students.

CDC also provides research training through postdoctoral fellowships awarded by the American Society for Microbiology. In addition, CDC provides distance-learning opportunities to infectious disease specialists and public health practitioners through the Public Health Training Network and the National Laboratory Training Network. CDC will provide additional opportunities for professional training through preventive medicine residencies, prevention effectiveness internships, public health informatics fellowships, genetics fellowships, public health prevention specialist fellowships, and programs in such disciplines as behavioral sciences and health education.

(d) Helping medical and public health professionals keep up to date with new tools, techniques, and issues. This includes educating and training clinical laboratorians in the diagnosis of emerging pathogens; working with U.S. schools of public health, nursing, medicine, and veterinary sciences to update curricula to include courses on the prevention and control of emerging infectious diseases; helping to ensure coverage of emerging infectious diseases in continuing medical education efforts and other training for professionals; and incorporating training for local and state health department personnel into CDC-supported programs, such as the Emerging Infections Programs.

In terms of strengthening the country's surveillance and response network, the CDC sponsors the following:

(e) The Epidemiology and Laboratory Capacity (ELC) program. The goal of the ELC program is to help large health departments develop the core capacity to meet the infectious disease threats of the future. ELC support provides health departments with the technical tools, training, and financial resources to maintain surveillance for infectious diseases of public health importance, provide laboratory services, and investigate outbreaks. Since 1995, the CDC has entered into ELC agreements with 30 states and localities, and by 2002, it plans to involve all 50 state health departments, as well as many territorial and large local health agencies.³⁹ Specific activities undertaken through the ELC program include developing innovative systems for early detection and investigation of outbreaks, tracking anti-microbial resistance, and ensuring electronic reporting of surveillance data.

(f) The Emerging Infections Programs (EIPs). The EIPs conduct population-based surveillance and research that go beyond the routine functions of local health

³⁹ The ELC states and localities include: Colorado, Florida, Georgia, Kansas, Massachusetts, New Jersey, New York, Washington, West Virginia, Hawaii, Louisiana, Maine, Pennsylvania, Illinois, Michigan, Ohio, Tennessee, Utah, Vermont, Wisconsin, Los Angeles County, and New York City.

departments to address important issues in infectious diseases and public health. These programs involve partnerships among state health departments, academic centers, and CDC. In addition to conducting surveillance, the EIP network participates in emergency outbreak responses and addresses new problems whenever they arise. Furthermore, the EIPs have established surveillance for unexplained deaths and severe illnesses in previously healthy people less than 50 years old in an attempt to determine which known infectious diseases are not being recognized and to identify new infectious agents that can cause severe diseases or death.

(g) Physician-based sentinel networks to monitor syndromes and diseases to study conditions that are not covered by health department surveillance and that are likely to be seen by specific kinds of health providers. The three networks are:

(i) Emergency Department Sentinel Network for Emerging Infections (EMERGENCY ID NET) is a network of academically affiliated emergency medicine centers that operate emergency departments at 11 hospitals in large U.S. cities. The network monitors a number of syndromes, illnesses that follow exposure to animals, illness in immigrants and travelers, hemolytic uremic syndrome following infection with *Escherichia coli*, and first-time seizures that are not associated with head trauma or cancer (a possible indication of neurocysticercosis).

(ii) Infectious Diseases Society of America Emerging Infections Network (IDSA EIN) is a network of over 500 infectious disease practitioners. The network surveys its members regularly on topical issues in clinical infectious diseases. It also enhances communications and health education among its members, collaborates in research projects, and provides assistance in case-finding during outbreak investigations. Its membership represents a ready source of infectious disease expertise for CDC and state health departments to draw on during outbreaks or when unusual illnesses occur.

(iii) Sentinel Network of Travel Medicine Clinics (GeoSentinel) is composed of 22 travel medicine clinics located in the United States and other countries. The network monitors temporal and geographic trends of infectious diseases among travelers, immigrants, and refugees seen in these clinics. The data is analyzed by CDC and can be used to develop travel advisories and recommendations for health care providers.⁴⁰

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: None.

G. Resourcing:

(1) Major Activities:

(a) Providing a grants program aimed at enhancing capabilities in planning, chemical/biological preparedness, surveillance support, and communications and learning at the state and local level. These grants are distributed through the various cooperative agreements mentioned previously. For example, in 1996 and 1997, funds were provided to 13 states through ELC agreements to improve diagnostic capacities at state and major metropolitan

⁴⁰ "Preventing Emerging Infectious Diseases".

area health departments.⁴¹ All told, in FY99, the CDC has provided \$121M to state and local health offices to enhance preparedness and response to a terrorist attack involving a chemical or biological agent.⁴²

(2) Major Stakeholders: CDC, HHS, state and local public health agencies and organizations, all federal departments and agencies with stakes in the WMD arena, and Congress.

(3) Key Organizational Processes: With regard to internal resourcing, the relatively new status of CDC's bioterrorism role (the Office of Bioterrorism Preparedness and Response is only eight months old) translates into an evolving budget requirement for this activity. As a result of PDD 62, \$144M in special funding was given to HHS for FY99, subsequently increasing the department's total spending on bioterrorism to \$158M for the year. An additional \$72M has been earmarked for FY00, bringing the total to \$230M, an increase of over 1500% in two years for preparedness and response.⁴³

Although an increasing amount of resources are being devoted to this activity, budget preparation and implementation remains a tentative process, according to an interview with a senior official at CDC. This official stated that given the fact that bioterrorism is included in the much broader category of preparing for and responding to domestic WMD attacks, the "grab" for resources is joined by additional agencies and entities with stakes in the WMD arena, thus making it difficult to properly allocate resources to bioterrorism. Furthermore, this official believed that the issue of bioterrorism is not being given the attention it necessarily deserves in the Administration (especially in the last year of an outgoing one) and in Congress, again making it difficult to secure the resources needed to address the issue.⁴⁴

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: None.

6. Informal National Security Process Involvement. This process is illustrated in Appendix 2. This section will encompass the insights and observations taken from an interview with a senior official at CDC. Placement of these observations under this heading does not suggest that the processes described here are "informal" activities, but rather what "actually" happens in cases of bio-emergencies as depicted by this official.

The most important point taken from the interview is that the CDC's stated role in national security process differs from how the agency operates in reality. Although planning documents such as the "*HHS Health and Medical Services Support Plan*" show the CDC as subordinate to HHS/OEP in the medical/health response facet, in fact it is an extremely proactive agency that carries out "99 percent" of disaster preparedness and response activities by itself.⁴⁵

⁴¹ "Preventing Emerging Infectious Diseases".

⁴² Based on interview with CDC official (11/19/99).

⁴³ HHS Fact Sheet: "HHS Initiative Prepares For Possible Bioterrorism Threat", February 9, 1999.

⁴⁴ Based on interview with CDC official (11/19/99).

⁴⁵ Based on interview with CDC official (11/19/99).

The most vivid example of this difference in process can be seen in the mission execution phase. As previously described, CDC acts as a supporting agency under a structured chain of authority and with specific tasks in the crisis and consequence management stages. According to the CDC official, the Center undertakes an almost self-contained response, with most of its interaction-taking place with affected local and state health agencies. The difference can be seen in the following chain of notification diagram:

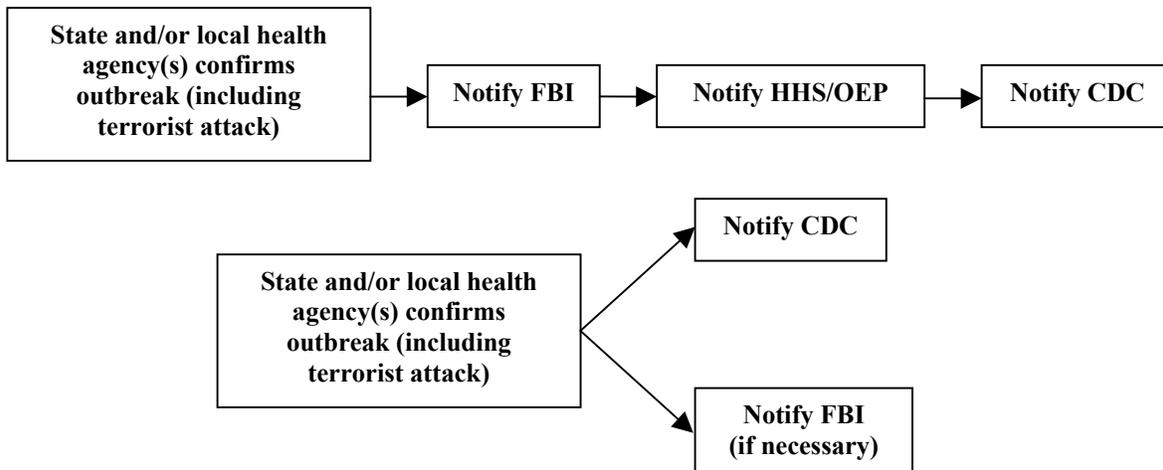


Figure 6. Formal vs. Informal Notification Chains

A. The general process for the CDC can be described as follows:⁴⁶

- (1) State or local health authorities confirm medical emergency using surveillance systems and assets already in place;
- (2) CDC is notified for assistance in diagnosis and, if necessary, treatment;
- (3) CDC responds immediately and begins process of identifying cause of emergency;
- (4) Collects and analyzes data (i.e., agent identification and epidemiological investigation);
- (5) Alerts other state and local health agencies and organizations on outbreak and symptoms using information-sharing tools (e.g., web-based resources);
- (6) Provides periodic updates and status reports on outbreak to all state and local governments and, if necessary, the federal government; and
- (7) Coordinates containment and treatment activities as required, enlisting assistance from other agencies and organizations, including federal assets.

⁴⁶ Based on interview with CDC official (11/19/99).

Given this process, several important points must be made. First, according to this official, the CDC makes no distinction between “natural” or “man-made” (i.e. terrorist attacks) emergencies and approaches each with the same methodology and protocol. Consequently, as it takes the lead role in combating natural outbreaks, the CDC would also lead the effort to respond to a biological emergency caused as a result of a terrorist attack.

Second, this official did state that a reason why the CDC does not operate according to the aforementioned plan(s) is because it simply has not had to respond to an emergency that has required activation of the FRP. Consequently, the CDC will continue to do “business as usual,” that is, preventing and controlling the outbreak of disease .

7. Funding and Personnel.

A. Authorization and Appropriations: CDC is appropriated under the Department of Health & Human Services by the House and Senate Committees on Appropriations (Subcommittee on Labor, Health and Human Services, Education).

CDC programs are authorized by the Senate Health, Education, Labor and Pensions Committee (Subcommittee on Public Health) and by the House Commerce (Subcommittee on Health and Environment) and Veterans’ Affairs Committees.

B. Funding Sources: CDC is funded through HHS.

C. Budget: The FY99 budget for CDC was \$2.6B (approximately 0.6% of the total HHS budget).⁴⁷

D. Manpower: CDC employs a total of 7,800 people at facilities in Anchorage, AK; Atlanta, GA; Cincinnati, OH; Fort Collins, CO; Morgantown, WV; Pittsburgh, PA; Research Triangle Park, NC; San Juan, PR; Spokane, WA; and the Washington, DC area. CDC personnel also work in foreign countries, quarantine offices, and state and local health agencies. Approximately 1,648 of these personnel are based at CDC Headquarters in Atlanta.⁴⁸ The Office of Bioterrorism Preparedness and Response has a staff of 80 to 90 personnel.⁴⁹

8. Conclusions and Observations. As the name of the organization suggests, disease control and prevention has and will continue to remain the CDC’s principal responsibility. All expertise, resources, processes, and methodologies at CDC are focused on achieving this goal, now institutionalized in the Center’s strategy to combat new and emerging diseases going into the next century.

The emergence in the past decade of the specter of biological terrorism on U.S. territory has translated into added responsibility for the CDC: managing and attending to the consequences of terrorist attack(s) using potentially lethal biological agents and toxins. Although CDC's core strategy and tactics in handling outbreaks remains the same regardless of cause, the addition of the agency to the list of government agencies that are stakeholders in the terrorism and WMD arenas raises issues that must be addressed in coming years.

⁴⁷ Budget of the United States Government (FY1999).

⁴⁸ CDC website: About CDC (<http://www.cdc.gov/aboutcdc.htm#cios>).

⁴⁹ Based on interview with CDC official (11/19/99).

Based on the information collected for this paper, both through research and via interview, come the following observations:

A. Questions on the scope of bioterrorism exist. A CDC official made the point that bioterrorism should be considered in its own context, not in the broader category of WMD. This is due to the fact that once it is categorized under WMD, it becomes the "property" of numerous stakeholders in the WMD arena that consequently deprive this issue of much needed specialized attention and resources. This suggests that given the scientific and medical issues associated with the use of biological agents, "bioterrorism" should perhaps be looked upon as more of a "medical" matter as opposed to a "political-military" issue.

B. The effectiveness of the national response plan to acts of bioterrorism is subject to debate. Although no situation has occurred to warrant activation of the national response plan, the nature and structure of the FRP and its medical/health annexes raises several questions. Is the process too bureaucratic and political? The CDC official suggested that this might be the case, given the superfluous number of steps (on paper) that would have to be taken before CDC would become involved in a crisis.

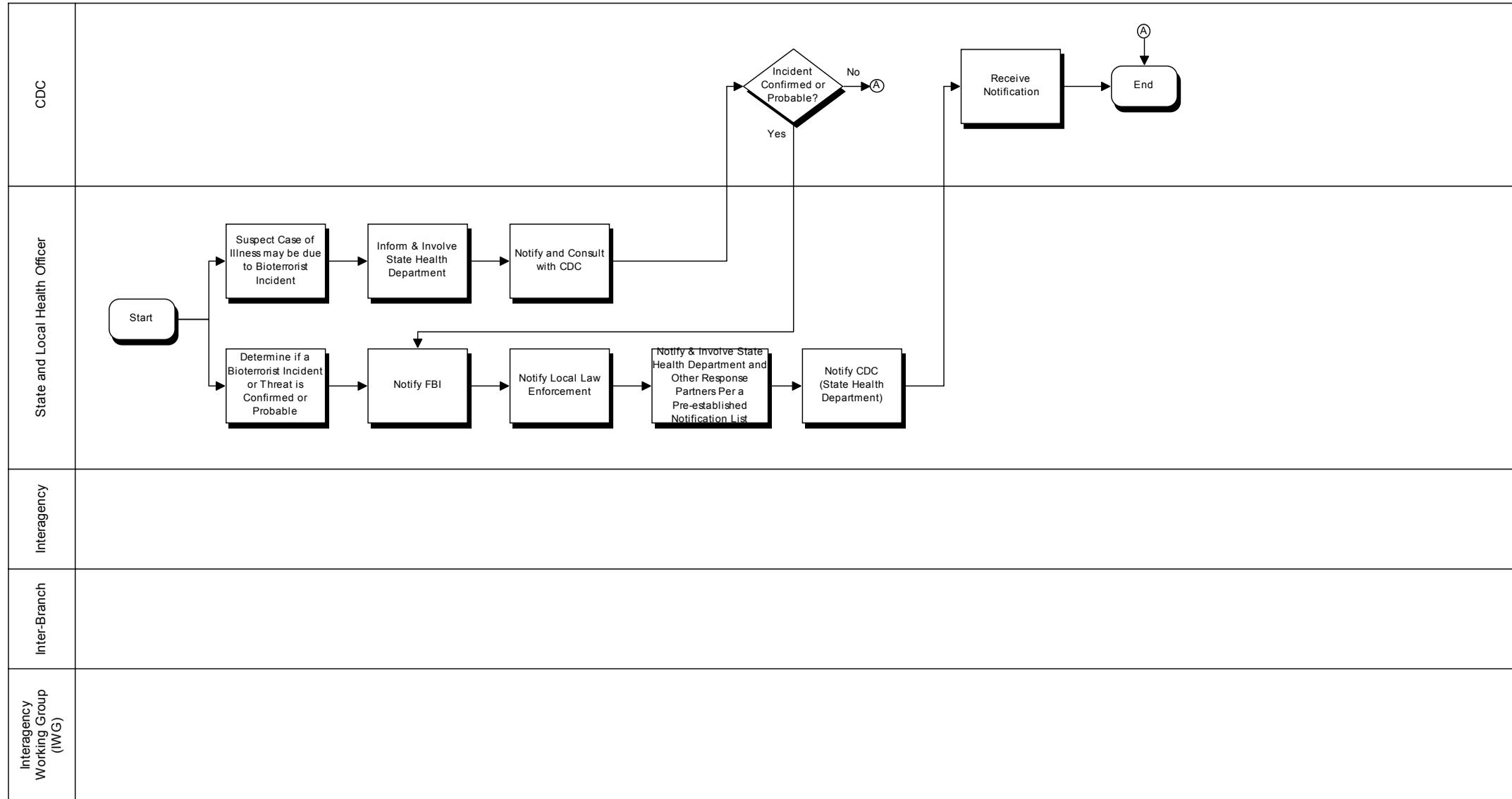
A similar question is whether this process (described under "Formal National Security Process Involvement") is responsive enough in a crisis where a timely medical response is absolutely vital. The CDC official doubted this, making the point that in a scenario where success is measured by responding to an outbreak within hours, the structure of the FRP does not provide enough flexibility for medical authorities (i.e., CDC) to respond to what may be a life and death situation.

C. A disconnect on the nature of the bio-threat seems to exist. The official from CDC believed that the CDC was more concerned with the emergence of new diseases and the re-emergence of deadlier versions of older ones than terrorist attacks using biological agents. The official added that the United States should focus more on enhancing its medical/health infrastructure to handle mass outbreaks. This raises the issue of whether there is any agreement on the nature of the bio-threat, especially among the various organizations that work in this arena.

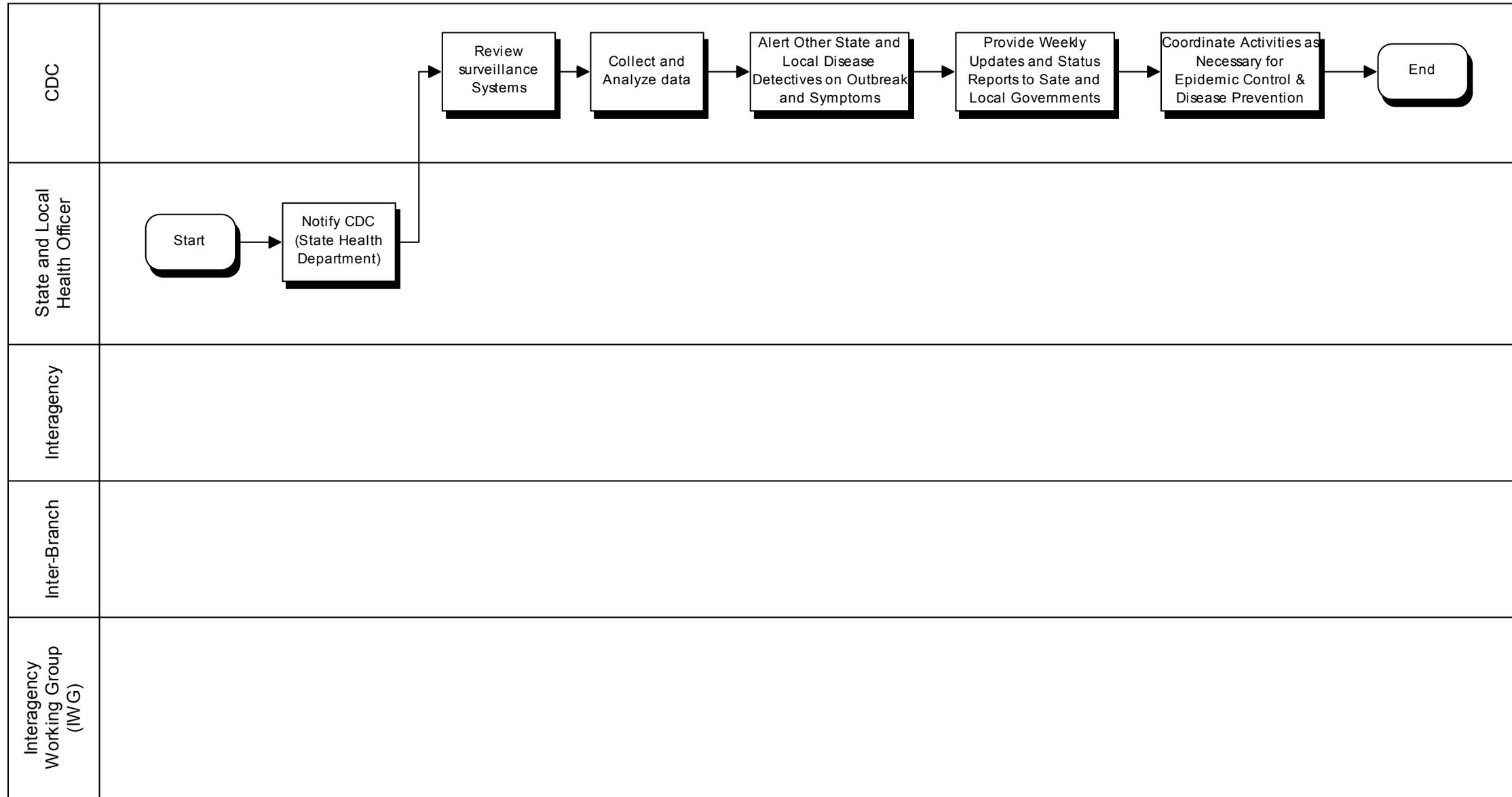
D. CDC's role in bioterrorism is still evolving. As stated, CDC is a relative newcomer to the arena of biological terrorism, and its role will continue to evolve as the nature of the issues described above suggest. An important factor to gauge will be the Center's ability to work in inter-agency structure and under the direction of a higher authority (HHS/OEP, FBI, etc.) and whether this enhances or erodes its capabilities in the field of prevention and control.

APPENDICES

CDC - Key Process - (Formal) - Policy, Guidance, and Regulation - Bioterrorism Preparedness and Response



CDC - Key Process - (Formal) - Mission Execution



ORGANIZATIONAL DESCRIPTION

DEPARTMENT OF JUSTICE (DoJ)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

The Department of Justice

Overview.

The Department of Justice (DoJ) investigates and prosecutes federal crimes, represents the United States in court, manages federal prisons, and enforces immigration laws. Although the Department is considered a "domestic" organization, DoJ has a long history of involvement in the national security arena, primarily in the area of counterintelligence. In recent years the Department's role in national security has increased significantly, with emphasis on drug trafficking, organized crime, and terrorism. Although not a member of the National Security Council (NSC), the Attorney General is invited to attend meetings pertaining to the Department of Justice's jurisdiction. The Deputy Attorney General and senior members of the Office of the Attorney General are active participants in the NSC committee process (See Volume II, Chapter 2, The National Security Council).

Organization.

DoJ's responsibilities are executed through the Department's subordinate organizations:

- Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) investigate federal crimes (See Volume VII: Chapter 11, The Federal Bureau of Investigation, and Chapter 12, The Drug Enforcement Administration);
- The United States Marshals Service (USMS) protects the federal judiciary, apprehends fugitives, detains prisoners and supports the federal courts; (See Volume VII: Chapter 12, The U.S. Marshals Service);
- The United States Attorneys and the litigating divisions prosecute offenders and represent the United States of America in federal court;
- The Immigration and Naturalization Service (INS) controls the border and carries out the Nation's immigration statutes (See Volume VII: Chapter 13, The Immigration and Naturalization Service); and
- The Federal Bureau of Prisons (BOP) incarcerates sentenced offenders.

The Office of the Attorney General oversees the operations of the Department and develops DoJ strategy and policy. Several organizations have key national security responsibilities within the Office of the Attorney General, including:

- The Office of Intelligence Policy and Review (OIPR), which advises and assists the Attorney General on all matters relating to national security. Staff attorneys participate in development, implementation, and review of U.S. national security and intelligence policies, including procedures for the conduct of intelligence and counterintelligence activities.
- The Executive Office for National Security (EONS), within the Office of the Deputy Attorney General, which coordinates DoJ activities involving national security issues, and acts as a Departmental forum for developing national security strategy and policy.
- The Criminal Division, which develops, enforces, and supervises the application of all federal criminal laws except those specifically assigned to other divisions. The Division has the

responsibility for overseeing criminal matters under the more than 900 statutes, including enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition, as well as certain civil litigation.

Role in Formal and Informal National Security Processes.

The following matrix depicts the relationship of DoJ products and roles to the seven key national security processes.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy, Counterterrorism Strategy)	✓						
	Input to various interagency plans (e.g., Federal Response Plan, Chem/Bio Incident Contingency Plan)			✓				
	Input to various interagency policies and guidance (e.g., the International Guidelines and the Domestic Guidelines)		✓					
	DoJ specific strategies (e.g., Department of Justice Strategic Plan and the Attorney General's Strategy to Deter Illegal Entry Into the United States Along the Southwest Border)	✓						
	Legal opinions and advice	✓	✓	✓	✓	✓	✓	✓
	Legal documents (e.g., briefs, advisory letters, consent decrees, guidelines, and regulations)	✓	✓	✓	✓	✓	✓	✓
	Enforcement of Federal laws				✓			
	DoJ Budget							✓
	Internal guidance (e.g., including the U.S. Attorneys' Manual, U.S. Attorneys' Bulletin, Department of Justice Organization and Functions Manual, Attorney General's Guidelines, and the Department of Justice Legal Activities Book)		✓					
	Various Reports (e.g., Attorney General Annual Accountability Report, Office of the Inspector General Audit Reports; Annual Foreign Intelligence Surveillance Act Report to Congress; Foreign Agents Registration Act Semiannual Report to Congress)						✓	
	Sourcebook of Criminal Justice Statistics					✓		
Roles	Attorney General	Attendee (NSC and NSC/PC)	✓	✓	✓	✓	✓	✓
		Chief law enforcement officer of the federal government	✓	✓	✓	✓	✓	✓
		Congressional Testimony	✓	✓	✓	✓	✓	✓

Strategy Development. DoJ provides input and coordination on the National Security Strategy (NSS). Sections of NSS that would be of interest to DoJ are international law enforcement cooperation, terrorism, international crime, drug trafficking, and protection of critical infrastructures. The Department also participates in the development of other strategies, including the International Crime Control Strategy (ICCS) (with the Departments of State and Treasury) and the National Drug Control Strategy. In addition, the Department has developed a DoJ Strategic Plan.

Policy, Guidance, and Regulations. The Department of Justice participates in national policy making through the NSC committee process. In addition, the Attorney General provides centralized direction through the Attorney General's Guidelines, which pertain to all agencies of the Department of Justice engaged in the detection, investigation, and prosecution of federal crimes. Several DoJ organizations assist the Attorney General in policy development including the DoJ Office of Intelligence Policy and Review, the Security Policy Board, the National Counterintelligence Policy Board, and the Office of Investigative Agency Policies.

Planning. DoJ develops internal and interagency plans. For example, DoJ developed the interagency plan on counterterrorism and technology crime. This classified five-year plan was completed in December 1998. To complete the plan, DoJ consulted with the Departments of Defense, State, Treasury, the Central Intelligence Agency (CIA), private sector representatives and local law enforcement officers, and the FBI. The Department also participates in the development of interagency plans (e.g., Federal Response Plan and its Terrorism Incident Annex, National Infrastructure Assurance Plan).

Mission Execution. DoJ has broad mission execution responsibilities in the areas of counterintelligence, counterdrug, counterterrorism, and organized crime. For example, DoJ is the lead federal agency for crisis management in the event of a domestic terrorist incident. In the area of counterintelligence, the Attorney General approves physical searches, without a court order, to acquire foreign intelligence information. The Attorney General also approves or disapproves state government applications for federal law enforcement assistance in the event that a state experiences a law enforcement emergency to which it cannot provide an adequate response. In the event that state and local police forces (including the National Guard operating under state control) are unable to adequately respond to a civil disturbance, a Governor may request, through the Attorney General, federal military assistance under Chapter 15 of Title 10 of the U.S. Code. The President makes the ultimate determination whether to use the Armed Forces to respond to an emergency.

Observation, Orientation, and Oversight. The Attorney General is responsible for overseeing and reporting on the activities of all of the Department of Justice's subordinate agencies. DoJ's Office of Intelligence Policy and Review oversees both internal DoJ and external executive agencies' intelligence activities. The Department also monitors and reports on a broad spectrum of criminal justice data.

Preparation. DoJ organizations train federal legal and law enforcement personnel as well as state, local, and foreign law enforcement officials. For example, the Department provides training to police, fire, hazardous materials, and medical and emergency management responders in the 120 largest urban jurisdictions. Training focuses on explosives, incendiary, biological, and chemical response. The Department also evaluates new law enforcement programs and participates in the development of new law enforcement technologies. A Memorandum of

Understanding (MOU) between the National Institute of Justice and the Department of Defense (DoD) covers the sharing and joint development of technology systems that can be used for both defense and criminal justice purposes.

Resourcing. The Office of the Attorney General develops the Department of Justice budget, which includes the funding requirements for DoJ subordinate organizations. The Attorney General has directed component heads to explicitly relate their budget requests and performance plans to the Department's long range strategic goals. The Department also provides grants to state and local law enforcement organizations and coordinates with the Department of State to negotiate multilateral legal assistance treaties.

Observations

The Department of Justice, which is perceived by many inside and outside the Department as a domestic legal and law enforcement organization, has become increasingly involved in the national security arena due to the emerging threats from terrorism, infrastructure protection, narcotics, economic espionage, and transnational organized crime. In fact, combating terrorism is the first priority mentioned in DoJ's FY99 Summary Performance Plan.

A significant number of Executive Orders (E.O.s) and Presidential Decision Directives (PDDs) specifically address the activities of DoJ and its subordinate organizations (e.g., FBI, DEA, INS, etc.). Although PDD 2 includes the Attorney General as an invitee to National Security Council meetings when topics pertaining to the Department of Justice's jurisdiction are discussed, the evolving national security landscape appears to justify a permanent, formal seat for the Attorney General on the NSC.

Although the Executive Office for National Security was established in the office of the Deputy Attorney General to coordinate DoJ activities involving national security issues, and act as a Departmental forum for developing national security strategy and policy, the organizational structure of the Department does not appear to reflect DoJ's increased role in the national security arena. For example, there is no Division, which would be led by an Assistant Attorney General, charged with national security responsibilities. Within the Criminal Division, responsibility for national security functions (e.g., terrorism, espionage, sabotage, organized crime, and narcotics) is dispersed across several Deputy Assistant Attorney Generals.

ORGANIZATIONAL DESCRIPTION

DEPARTMENT OF JUSTICE

1. Legal Specifications, Authorizations and Responsibilities.

A. Authorizing Statute: Title 28, U.S.C., Chapter 31 authorizes the Department of Justice (DoJ). The law specifies that the Attorney General serves as the head of the Department of Justice and as chief law enforcement officer of the federal government. The Attorney General is appointed by the President with the advice and consent of the Senate.^{1, 2}

B. Department Directives:

(1) The United States Attorneys' Manual describes the functions of the various offices of the Department of Justice. It also contains general policies and procedures relevant to the work of the United States Attorneys' offices and to their relations with the legal divisions, investigative agencies, and other components within DoJ.

(2) The United States Attorneys' Bulletin provides internal guidance to the United States Attorneys' offices and other organizational units of the Department concerned with litigation.

(3) The Attorney General's Guidelines provide internal guidance to all agencies of the Department of Justice on the detection, investigation, and prosecution of federal crimes, such as general criminal investigations, domestic security and terrorism, racketeering, foreign counterintelligence, and victim and witness assistance.

C. Interagency Directives:

(1) Executive Order 12333 (E.O.): The Federal Bureau of Investigation (FBI) "under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish" conducts foreign intelligence and counterintelligence investigations under the authority of Executive Order 12333. E.O.12333 also delegated to the Attorney General "the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is a probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power."³

(2) E.O. 12919: This order requires the Attorney General to work with the Secretary of the Treasury, the Director of Central Intelligence (DCI), and the Departments of Commerce, State, Energy, Defense, and Agriculture to furnish reports to the President and to Congress concerning foreign efforts to acquire United States companies involved in research,

¹ Title 28, United States Code, Section 503.

² The Judiciary Act of 1789, Chapter. 20, Sec. 35, 1 Stat. 73, 92-93 (1789) created the Office of the Attorney General. Originally the Office of the Attorney General was a one-person, part-time position, however the workload quickly became too great. In 1870, Congress passed the Act to Establish the Department of Justice (Ch. 150, 16 Stat. 162 (1870)). - Office of the Attorney General Selected Bibliography, Introduction, <http://www.usDoJ.gov/jmd/lis/agbib97txt.htm>.

³ Executive Order 12333, December 4, 1981.

development, or production of critical technologies and industrial espionage activities directed by foreign governments against private U.S. companies.⁴

(3) E.O. 12949: This order authorizes the Attorney General, pursuant to the Foreign Intelligence Surveillance Act (Section 1801 of Title 50 of the U.S. Code), to approve physical searches, without a court order, to acquire foreign intelligence information for periods of up to one year if the Attorney General makes the required certifications. The Attorney General is also authorized to approve applications to the Foreign Intelligence Surveillance Court to obtain orders for physical searches for the purpose of collecting foreign intelligence information.⁵

(4) E.O. 12992: This order created the President's Council on Counter-Narcotics. The Council, with the Attorney General as a member, advises and assists the President in: (1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and (2) ensuring coordination among departments and agencies concerning implementation of the President's national drug control strategy.⁶

(5) E.O. 13010: This order created the President's Commission on Critical Infrastructure Protection, with a Department of Justice official as a member, to make recommendations to the President. The Attorney General was also made a member of the Principals Committee, which reviewed recommendations prior to their submission to the President. It also established an Infrastructure Protection Task Force (IPTF) within the Department of Justice, chaired by the Federal Bureau of Investigation. The IPTF coordinated the Infrastructure Protection mission while the Commission conducted its analysis and the President considered and acted on its recommendations.⁷

(6) E.O. 13110: This order created the Nazi War Criminal Working Group, with the Attorney General as a member. The Working Group's mission is to locate, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration all classified Nazi war criminal records of the United States, subject to certain designated exceptions.⁸

(7) E.O. 13133: This order created an Interagency Working Group on Unlawful Conduct on the Internet. The Working Group is chaired by the Attorney General, and charged, among other responsibilities, to prepare a report and recommendations concerning the extent to which existing federal laws provide a sufficient basis for effective investigation and prosecution of unlawful conduct that involves the use of the Internet, such as the illegal sale of guns, explosives, and controlled substances.⁹

(8) Presidential Decision Directive 2 (PDD 2): PDD 2 lays out the Clinton Administration's organization for national security. In addition to its statutory members, PDD 2 adds the following members to the NSC: Secretary of the Treasury, the U.S. Representative to the

⁴ Executive Order 12919, June 6, 1994.

⁵ Executive Order 12949, February 9, 1995.

⁶ Executive Order 12992, March 15, 1996.

⁷ Executive Order 13010, July 15, 1996.

⁸ Executive Order 13110, January 11, 1999.

⁹ Executive Order 13133, August 9, 1999.

United Nations, the Assistant to the President for National Security Affairs,¹⁰ the Assistant to the President for Economic Policy, and the Chief of Staff to the President. Although not a member, the Attorney General is invited to attend meetings pertaining to the Department of Justice's jurisdiction.

(9) PDD 9: This Directive states that the U.S. government will take the necessary measures to preempt, interdict and deter alien smuggling into the United States. It makes the Department of Justice and the Immigration and Naturalization Service (INS) responsible for criminal enforcement and all U.S. prosecutions and for conducting law enforcement operations and investigations outside the United States under existing interagency arrangements. It directs Justice to review criminal and civil authorities and penalties for alien smuggling and recommend alternative prosecution strategies or penalty increases if appropriate. It also directs Justice and INS to review and recommend appropriate action on the use of the Immigration Emergency Fund for funding international repatriation, domestic detention and processing illegal migrants.¹¹

(10) PDD 14: This Directive provides a policy framework for U.S. international drug control. It directs all federal agencies to change the emphasis in U.S. international drug programs from the past concentration on stopping narcotics shipments to a more evenly distributed effort across three programs: assisting source countries in addressing the root causes of narcotics production and trafficking, combating international narco-trafficking organizations, and emphasizing more selective and flexible interdiction programs near the U.S. border, in the transit zone, and in source countries.¹²

(11) PDD 24: This Directive created specific initiatives to improve effectiveness of U.S. counterintelligence efforts. It did not amend or change any of the responsibilities laid out in Executive Order 12333. It created a National Counterintelligence Policy Board (Policy Board) that includes a senior representative from the Department of Justice. It also established a National Counterintelligence Operations Board (Operations Board) under the Policy Board also with representation from DoJ.¹³

(12) PDD 27: This Directive created the Nonproliferation and Arms Control Technology Working Group (NPAC TWG). The purpose of the NPAC TWG is to ensure coordination of Research and Development (R&D) in the areas of arms control and nonproliferation and guarding against redundant arms control and nonproliferation R&D programs. DoJ is represented on the NPAC TWG at the R&D Program Manager level or above.¹⁴

(13) PDD 35: This Directive defines U.S. intelligence requirements. It gives high priority (after support of U.S. troops and intelligence on countries hostile to the United States) to intelligence support of activities addressing counterproliferation, international terrorism, organized crime and drugs.¹⁵

¹⁰ The Assistant to the President for National Security Affairs is commonly known as the National Security Advisor and will be referred to as such throughout this paper.

¹¹ Presidential Decision Directive 9, June 18, 1993.

¹² The White House, Office of the Press Secretary, Statement by the Press Secretary, November 3, 1993.

¹³ White House Fact Sheet on U.S. Counterintelligence Effectiveness, May 3, 1994.

¹⁴ Federation of American Scientists Fact Sheet on PDD-27, <http://www.fas.org/irp/offdocs/pdd27.htm>.

¹⁵ Federation of American Scientists, Fact Sheet on PDD-35, <http://209.207.236.112/irp/offdocs/pdd35.htm>.

(14) PDD 39: This Directive makes the Department of Justice, through the FBI, the Lead Federal Agency (LFA) for crisis management in the event of a domestic terrorist incident. It also directs the Attorney General in his/her role as the chief law enforcement officer, to chair a Cabinet Committee “to review the vulnerability to terrorism of government facilities in the United States and critical national infrastructure and make recommendations to the appropriate cabinet member or Agency head.” PDD 39 also confers upon the Attorney General (with the Secretary State) the responsibility to “use all legal means available to exclude from the United States persons who pose a terrorist threat and deport or otherwise remove from the United States any such aliens.” When terrorists are at large outside of the United States, PDD 39 makes their return for prosecution a matter of the highest priority. The Departments of Justice and State are charged with vigorously applying extraterritorial statutes, and when there are not adequate arrangements, with working to resolve the problem through negotiation and conclusion of new extradition treaties.¹⁶

(15) PDD 42: This Directive recognized that international organized crime threatens U.S. national security. PDD 42 ordered all agencies of the executive branch to increase the priority and resources devoted to fighting international crime, to improve internal coordination, to work more closely with foreign governments to develop a response to the threat, and to use all legal means available to combat international crime.¹⁷

(16) PDD 44: This Directive on Heroin Control Policy makes heroin control a major foreign policy objective. It calls for implementing coordinated international law enforcement efforts to disrupt and destroy heroin trafficking organizations. It also directs agencies to address the underground banking systems that finance trafficker operations.¹⁸

(17) PDD 56: This Directive outlines the Clinton Administration's Policy for managing complex contingency operations. The intent is to achieve unity of effort among U.S. agencies and international organizations engaged in complex contingency operations.

(18) PDD 62: This Directive made fighting terrorism a top priority. PDD 62 reinforced the mission of U.S. agencies charged with roles in counterterrorism. It also codified roles in counterterrorism programs, such as apprehension and prosecution of terrorists and enhancing response capabilities.¹⁹

(19) PDD 63: This Directive on critical infrastructure protection designated the Department of Justice, through the FBI, as the lead agency for sector liaison with the emergency law enforcement services and the lead agency for the special function of law enforcement and internal security.^{20, 21} PDD 63 also created the National Infrastructure Protection Center (NIPC), which is housed in the FBI, to assess threats to critical national infrastructure and provide

¹⁶ Presidential Decision Directive 39, June 21, 1995.

¹⁷ As described in "Introduction and Overview", International Crime Control Strategy, June 1998.

¹⁸ Federation of American Scientists, Fact Sheet on PDD-44, <http://209.207.236.112/irp/offdocs/pdd44.htm>.

¹⁹ White House Fact Sheet on Presidential Decision Directive 62, May 22, 1998.

²⁰ White Paper: "The Clinton Administration's Policy on Critical Infrastructure Protection: Presidential Decision Directive 63," May 1998.

²¹ Many of the steps taken by PDD-63 were a result of the recommendations of the President's Commission on Critical Infrastructure Protection, which was created by Executive Order 13010.

warnings to all government agencies and to the private sector.²² DoJ was also authorized to establish the National Domestic Preparedness Office (NDPO), staffed by officials from a variety of federal agencies. This office, housed within the FBI, has overall responsibility for coordinating the government's efforts to prepare America's communities for terrorist incidents involving weapons of mass destruction.²³

(20) Presidential Memorandum of April 27, 1999: This memorandum directed the Attorney General (with the Secretaries of Transportation and the Treasury, and other agency heads as appropriate) to establish the Interagency Commission on Crime and Security in U.S. Seaports.²⁴

2. Missions, Functions, Purposes. The mission of the Department of Justice is "to enforce the law and defend the interests of the United States according to the law, provide federal leadership in preventing and controlling crime, seek just punishment for those guilty of unlawful behavior, administer and enforce the Nation's immigration laws fairly and effectively and ensure fair and impartial administration of justice for all Americans."²⁵

A. Major Responsibilities:

(1) Title 28, U.S.C. prescribes several responsibilities for the Attorney General, including:²⁶

(a) Section 511: The Attorney General shall give his advice and opinion on questions of law when required by the President [Key National Security Process Relationship: All];

(b) Section 512: The head of an executive department may require the opinion of the Attorney General on questions of law arising in the administration of his department [Key National Security Process Relationship: All];

(c) Section 513: When a question of law arises in the administration of the Department of the Army, the Department of the Navy, or the Department of the Air Force, the cognizance of which is not given by statute to some other officer from whom the Secretary of the military department concerned may require advice, the Secretary of the military department shall send it to the Attorney General for disposition [Key National Security Process Relationship: All]; and

(d) Section 516: Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefore, is reserved to officers of the Department of Justice, under the direction of the Attorney General [Key National Security Process Relationship: All].

²² Freeh, Louis J., Ensuring Public Safety And National Security Under The Rule Of Law: A Report To The American People On The Work Of The FBI 1993-1998, 1998.

²³ For more information on the NIPC and NDPO see Section titled "The Federal Bureau of Investigation."

²⁴ The White House, Office of the Press Secretary, "Presidential Memorandum on Establishment of the Interagency Commission on Crime and Security in U.S. Seaports," April 27, 1999, from the Federation of American Scientists web site, <http://209.207.236.112/irp/offdocs/990427-wh-d.htm>.

²⁵ Department of Justice, FY 1999 Summary Performance Plan, February 1998.

²⁶ Title 28, U.S.C., Chapter 31.

(2) The Code of Federal Regulations outlines additional responsibilities for the Attorney General, including:²⁷

(a) Supervise and direct the administration and operation of the Department of Justice, including the offices of U.S. Attorneys and U.S. Marshals, which are within the Department of Justice [Key National Security Process Relationship: All];

(b) Represent the United States in legal matters generally [Key National Security Process Relationship: All];

(c) Furnish advice and opinions, formal and informal, on legal matters to the President and the Cabinet and to the heads of the executive departments and agencies of the Government, as provided by law [Key National Security Process Relationship: All]; and

(d) Appear in person to represent the Government in the Supreme Court of the United States, or in any other court, in which he may deem it appropriate [Key National Security Process Relationship: All].

DOJ has absorbed new responsibilities that are not yet documented or reflected in the mission statement or the Code of Federal Regulations. Examples of these new responsibilities include deterring and preventing terrorism and training major urban centers to respond to incidents involving weapons of mass destruction.

(3) The Code of Federal Regulations also describes the responsibilities of the Deputy Attorney General. These responsibilities include:²⁸

(a) Coordinating DoJ liaison with White House Staff and the Executive Office of the President [Key National Security Process Relationship: All]; and

(b) Coordinating and controlling the DoJ's reaction to civil disturbances and terrorism [Key National Security Process Relationship: All].

B. Subordinate Agencies and Activities: In her/his role as the chief law enforcement of the United States, the Attorney General is responsible for the following organizations:²⁹

(1) Federal Bureau of Investigation;

(2) Drug Enforcement Administration (DEA);

(3) Immigration and Naturalization Service;

²⁷ Code of Federal Regulations, Title 28, Chapter I, Part 0, Section 0.5.

²⁸ Code of Federal Regulations, Title 28, Chapter I, Part 0, Section 0.15.

²⁹ Although the Department is headquartered in Washington, D.C., most of its work takes place outside of Washington and most of its employees are located in one of more than 2,000 field locations. These locations range from small one- or two-person border stations to major correctional facilities. Within each of the 94 judicial districts, the Department is represented by a United States Attorney who prosecutes criminal offenses and represents the United States in civil actions, and by a United States Marshal who protects the Federal judiciary, detains and transports persons awaiting trial or sentencing, and executes warrants and court orders. - <http://www.usdoj.gov/jmd/mps/plan.htm#IV>.

- (4) United States Marshals Service;
- (5) United States Attorneys;
- (6) Federal Bureau of Prisons;
- (7) Community Relations Service (CRS);
- (8) U.S. Parole Commission;
- (9) National Drug Intelligence Center;
- (10) Board of Immigration Appeals;
- (11) Foreign Claims Settlement Commission;
- (12) International Criminal Police Organization-United States National Central Bureau (INTERPOL-USNCB);
- (13) Bureau of Justice Assistance;
- (14) Bureau of Justice Statistics; and
- (15) National Institute of Justice (NIJ).

C. Major Products:

- (1) Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy, Counterterrorism Strategy);
- (2) Input to various interagency plans (e.g., Federal Response Plan, Chem/Bio Incident Contingency Plan);
- (3) Input to various interagency policies and guidance (e.g., the Coordinating Subgroup Guidelines for the Mobilization, Deployment, and Employment of U.S. Governmental Elements in Response to an Overseas Crisis (International Guidelines) and Guidelines for the Mobilization, Deployment, and Employment of U.S. Government Agencies in Response to a Domestic Terrorist Threat or Incidence in Accordance with Presidential Decision Directive 39 (Domestic Guidelines));
- (4) DoJ specific strategies (e.g., Department of Justice Strategic Plan and the Attorney General's Strategy to Deter Illegal Entry into the United States along the Southwest Border);
- (5) Legal opinions and advice;
- (6) Legal documents (e.g., briefs, advisory letters, consent decrees, guidelines, and regulations);
- (7) Enforcement of federal laws;

(8) Department of Justice Budget;

(9) Internal guidance (e.g., including the U.S. Attorneys' Manual, U.S. Attorneys' Bulletin, Department of Justice Organization and Functions Manual, Attorney General's Guidelines, and the Department of Justice Legal Activities Book);

(10) Various Reports (e.g., Attorney General Annual Accountability Report, Office of the Inspector General Audit Reports;³⁰ Annual Foreign Intelligence Surveillance Act Report to Congress; Foreign Agents Registration Act Semiannual Report to Congress; and Reports to the President and to Congress concerning foreign efforts to acquire U.S. companies involved in research, development, or production of critical technologies and industrial espionage activities directed by foreign governments against private U.S. companies; and the Sourcebook of Criminal Justice Statistics).

3. Vision and Core Competencies.

A. Vision: Although DoJ does not have a published vision, the Attorney General presented a vision-like statement, as follows:

(1) Continue the trend of decreases in violent crime;

(2) Keep pace with cyber criminals and protect the National infrastructure from the growing threat of terrorism;

(3) Build three new federal prisons, and activate several other facilities;

(4) Thwart drug traffickers and curb drug abuse; and

(5) Enhance civil rights enforcement efforts.³¹

B. Core Competencies: Although DoJ does not have published core competencies, the Department defines its core functions as follows:

(1) Investigation and prosecution of criminal offenses;

(2) Assistance to state and local governments;

(3) Legal representation,

(4) Enforcement of federal laws, and defense of U.S. interests;

(5) Immigration;

³⁰ Recent reports include the USDOJ/OIG Special Report: The FBI Laboratory One Year Later: A Follow-Up to the Inspector General's April 1997 Report on FBI Laboratory Practices and Alleged Misconduct in Explosives-Related and Other Cases (June, 1998), USDOJ/OIG Special Report: Bombs in Brooklyn: How the Two Illegal Aliens Arrested for Plotting to Bomb the New York Subway Entered and Remained in the United States (March, 1998), and USDOJ/OIG Special Report: A Review of the FBI's Performance in Uncovering the Espionage Activities of Aldrich Hazen Ames - Unclassified Executive Summary (April, 1997).

³¹ Janet Reno, Attorney General of the United States, United States Department of Justice Press Conference on the Budget, February 1, 1999.

- (6) Detention and incarceration;
- (7) Protection of the federal judiciary and improvement of the justice system; and
- (8) Management.³²

4. Organizational Culture.

A. Values: The Attorney General has articulated core values for the entire Department of Justice. They are meant not only to guide actions, but also to guide the establishment of long-range goals and strategies. These core values are:

- (1) Equal justice under the law;
- (2) Access to justice;
- (3) Honesty and integrity;
- (4) Pursuit of excellence;
- (5) Accountability to the taxpayer;
- (6) Cooperation and partnership;
- (7) Importance of the individual; and
- (8) Openness in government.³³

B. Leadership Traditions:

(1) The President appoints the Attorney General with the advice and consent of the Senate. The Attorney General is a lawyer and most commonly has extensive experience as both a prosecutor and in private practice. Within the Department of Justice there is a traditional rotation of highly qualified lawyers between DoJ leadership positions and private law practices.

(2) Interviews revealed that the primary focus within DoJ is on domestic issues. DoJ sees itself as the "nation's law firm." The amount of attention national security issues receive within DoJ is heavily dependent on the leadership. Within DOJ's culture, successful prosecutions appear to be the thing most recognized and rewarded. Interviewees stated that the last two Deputy Attorney Generals were interested and highly engaged in national security issues.

C. Staff Attributes:

(1) The Office of the Attorney General is composed of attorneys, investigators, correctional personnel, and individuals from several other disciplines. Attorneys hold most of the leadership positions. The Department of Justice hires attorneys through two programs: the Attorney General's Honor Program and the Experienced Attorney Program. The Honor Program,

³² Department of Justice, FY 1999 Summary Performance Plan, February 1998.

³³ U.S. Department of Justice: Strategic Plan 1997-2002, Mission, <http://www.usDoJ.gov/jmd/mps/plan.htm>.

which is highly competitive, serves as the Department's recruitment program (for all Department organizations except the U.S. Attorneys' Offices) for outstanding third-year law students; full-time graduate law students; and Judicial Law Clerks. Applicants for the experienced attorney program must have had their J.D. degree for at least one year. Department of Justice attorneys must be duly licensed and authorized to practice as an attorney under the laws of a state, territory or the District of Columbia. Attorneys hired through the Experienced Attorney Program, except those in the U.S. Attorneys Offices, are normally hired in the GS-11 to GS-15 range depending on the number of years of legal experience. The beginning salary for an Honor Program attorney is normally GS-11. Appointments of non-U.S. citizens to attorney and law clerk positions are infrequent.³⁴

(2) In general, law enforcement organizations tend to be reactive in nature—the mission is to "catch the criminal." This attribute is reflected in the following quote from the DoJ Strategic Plan:

"Justice law enforcement agents and prosecutors inevitably must respond to the ebb and flow of crime. Catastrophic events such as the bombing of the Alfred P. Murrah building or the Exxon-Valdez oil spill demand a rapid and major shift in priorities and resources, thereby detracting from other activities. Recent experience suggests that the unexpected will occur whether a sudden influx of persons seeking political asylum, a prison disturbance, a hostage standoff, a particularly complex and sensitive case, or some other crisis that strains our time, attention and resources."³⁵

D. Strategy:

(1) **The DoJ Strategic Plan** is organized around the seven functional areas (listed above as Core Competencies) through which the Department carries out its mission. Within each functional area, the Plan provides an overview of priorities, a description of long range goals, strategies for achieving those goals, and performance indicators. For example, within the functional area Investigation and Prosecution of Criminal Offenses, one of the five goals is "Reduce espionage and terrorism (sponsored by foreign or domestic groups in the United States and abroad when directed at U.S. citizens or institutions)." The strategies listed are: ³⁶

(a) Prevent, to the extent possible, acts of terrorism and espionage. Investigate, prosecute, and convict violators of U.S. law who are charged with espionage or acts of terrorism whether they occur here or abroad³⁷;

(b) Gather and analyze counterintelligence information to identify new investigative leads;

(c) Improve liaison with foreign and domestic counterparts to facilitate investigations wherever they may occur; and

³⁴ <http://www.usdoj.gov/careers/oapm/lab/ae.html>.

³⁵ Department of Justice, DoJ Strategic Plan 1997-2002, September 1997.

³⁶ U.S. Department of Justice, Strategic Plan 1997-2002, Introduction, <http://www.usDoJ.gov/jmd/mps/plan.htm>.

³⁷ Many of the new roles and responsibilities in counterterrorism and national infrastructure protection not yet found in DOJ's mission statement or in the Code of Federal Regulations are prominently mentioned in DOJ's Strategic Plan.

(d) Coordinate training with international, federal, state, and local law enforcement organizations to apprise these agencies of emerging trends and concerns in these areas.

(2) The Department of Justice's Fiscal Year (FY) 1999 Summary Performance Plan lists the Attorney General's priorities. The priorities include:

- (a) Combating terrorism;
- (b) Reducing the availability of illegal drugs;
- (c) Reducing violent crime, including organized crime, drug and gang-related violence and domestic violence;
- (d) Reducing white collar crime, including public corruption, health care fraud and cybercrime; and
- (e) Administering and enforcing immigration laws fairly and effectively.³⁸

E. Organizational Structure: The following figure shows the Department of Justice organizational structure.³⁹

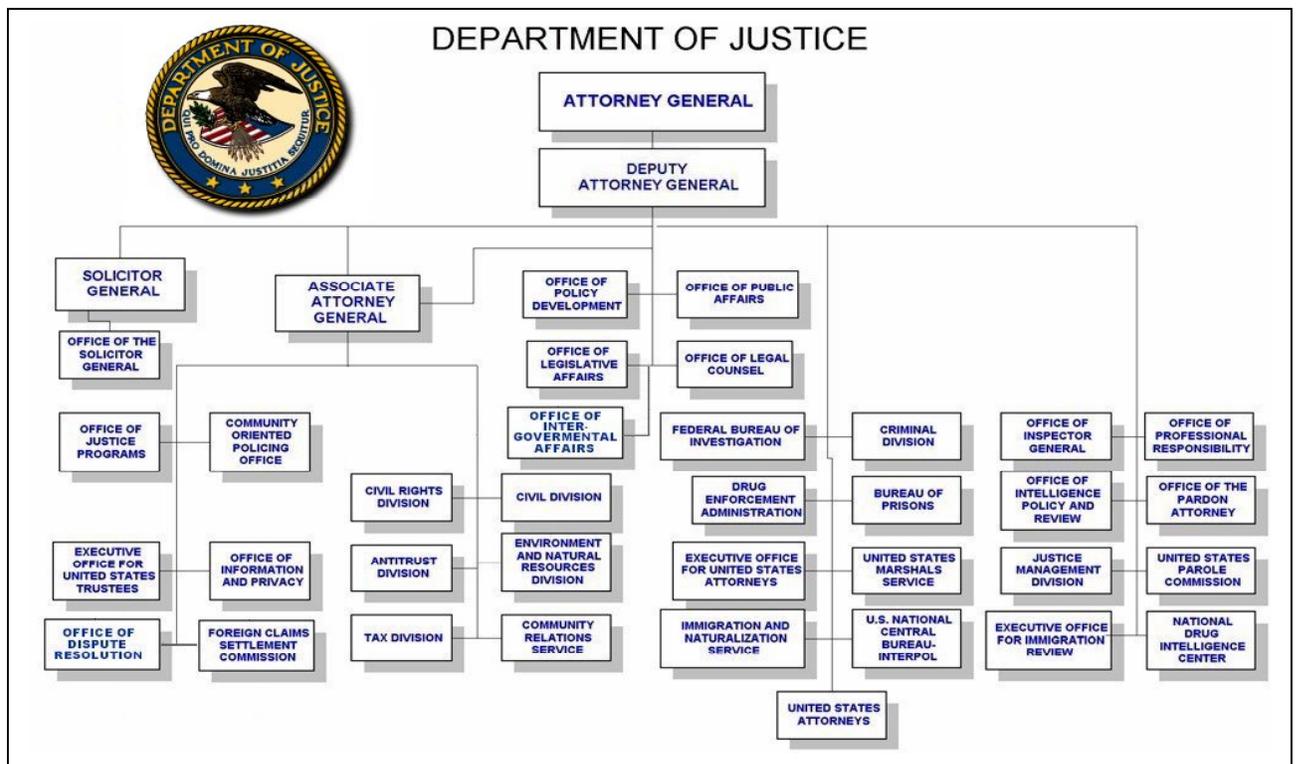


Figure 1: Organizational Structure

³⁸ Department of Justice, FY 1999 Summary Performance Plan.

³⁹ Source: <http://www.usDoJ.gov/DoJorg.htm>.

Notes on Organizational Chart:⁴⁰

(1) The Attorney General serves as head of the Department of Justice and as chief law enforcement officer of the federal government.

(2) The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General, unless any such power or authority is required by law to be exercised by the Attorney General personally. The Deputy Attorney General advises and assists the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department of Justice.

(3) The Associate Attorney General is the third-ranking official at the Department of Justice. The Associate Attorney General is a principal member of the Attorney General's senior management team, and advises and assists the Attorney General and Deputy Attorney General on the formulation and implementation of Department of Justice policies and programs.

(4) Office of the Solicitor General represents the federal government before the Supreme Court. Another major function of the office is to determine, in all cases where the United States loses in the trial courts, whether the government should appeal to the intermediate appellate courts.

(5) Office of the Inspector General conducts investigations of employee misconduct and performs audits and inspections of Department programs and operations. It also investigates allegations of fraud by contractors, grantees, and recipients of Department benefits, and third parties improperly seeking to influence the Department or its employees.

(6) Office of Intelligence Policy and Review (OIPR) advises and assists the Attorney General on all matters relating to national security. Staff attorneys participate in development, implementation, and review of U.S. national security and intelligence policies, including procedures for the conduct of intelligence and counterintelligence activities.

(7) Office of Information and Privacy manages Departmental responsibilities related to the Freedom of Information Act (FOIA) and the Privacy Act. These responsibilities include coordinating and implementing policy development and compliance government-wide for the FOIA, and by the Department for the Privacy Act, and deciding all appeals from denials by any Department component of access to information under those Acts.

(8) Office of Legal Counsel prepares the formal opinions of the Attorney General, rendering opinions and legal advice to the various governmental agencies, and assisting the Attorney General in the performance of his/her functions as legal adviser to the President and as a member of the Cabinet; prepares or makes necessary revisions of Executive Orders and proclamations and advising the President with respect to their form and legality; performing the same functions with respect to regulations and similar matters that require the approval of the

⁴⁰ Notes on the Organizational chart are taken from the United States Attorneys Manual, Title 1 with the exception of those on the Civil, Environmental and Natural Resources, Tax, Antitrust, Civil Rights, and Criminal Divisions which are derived from the United States Attorneys Manual, Titles 4, 5, 6, 7, 8, and 9 respectively.

President or the Attorney General; and coordinates the work of the Department in connection with United States participation in the United Nations and related international organizations.

(9) Office of Legislative Affairs advises appropriate components of the Department on the Congressional positions and preferences in the development of the Department's official policies with respect to legislation initiated inside the Department, by other parts of the Executive Branch, or by Members of Congress and to explain and advocate those policies with maximum effectiveness with the Congress. The Office also serves as the Attorney General's focal point for dealing with nominees, Congressional oversight, Congressional correspondence and congressional requests for documents and access to Department employees.

(10) Office of the Pardon Attorney assists the President in the exercise of his power under Article II, Section 2, Clause 1 of the Constitution (the pardon clause). All requests for executive clemency are directed to the Pardon Attorney for investigation and review. The Pardon Attorney prepares the Department's recommendation to the President for final disposition of each application.

(11) Office of Professional Responsibility is responsible for overseeing investigations of allegations of criminal and ethical misconduct by the Department's attorneys and criminal investigators. It is also responsible for overseeing on behalf of the Attorney General the operations of the Offices of Professional Responsibility in the FBI and DEA.

(12) Office of Policy Development is responsible for planning, developing, and coordinating the implementation of major policy initiatives of the Attorney General and the Administration. It also serves as liaison to the Office of Management and Budget (OMB) and other agencies on regulatory matters.

(13) Office of Public Affairs is the principal point of contact for the Department of Justice with the public and the news media.

(14) Office of Community Oriented Policing Service (COPS) implements the Administration initiative to hire 100,000 additional police officers and other policing programs.

(15) Executive Office for United States Attorneys provides general executive assistance and supervision to the 94 Offices of the United States Attorneys. It facilitates coordination between the Offices of the U.S. Attorneys and the components of the Department of Justice. It evaluates the performance of Offices of U.S. Attorneys, and makes reports and takes corrective action when necessary. It publishes the United States Attorneys' Manual and the United States Attorneys' Bulletin. It also supervises the Office of Legal Education (OLE).

(16) Executive Office for United States Trustees/United States Trustee Program supervises the administration of bankruptcy cases, leaving traditional judicial functions as the sole concern of bankruptcy judges. It oversees administrative functions, monitors parties' conduct, and acts to ensure compliance with applicable laws and procedures. It also identifies and helps investigate bankruptcy fraud and abuse in conjunction with United States Attorneys, the Federal Bureau of Investigation, and other law enforcement agencies.

(17) Office of Intergovernmental Affairs serves as the Attorney General's representative to state and local governments and the advocacy groups that represent them. The

Office also plays a key role in policymaking, as it provides guidance to the Attorney General and other Department officials on issues that impact state and local communities.

(18) Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers and other federal employees in general civil litigation in both trial and appellate courts. Its litigation reflects the diversity of government activities, involving, for example, the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking insurance, patents, fraud, and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws.

(19) Environment and Natural Resources Division represents the United States, its agencies and officials in matters relating to environmental quality, public lands and natural resources, Indian lands and native claims, and wildlife and fishery resources. The Division's responsibilities are varied and include both enforcement and defensive work, in both criminal and civil cases.

(20) Civil Rights Division is responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, handicap, religion, and national origin.

(21) Antitrust Division promotes and protects the competitive process. It is responsible for coordinating the Department's antitrust enforcement and public policy advocacy efforts and has jurisdiction for the antitrust statutes.

(22) Tax Division serves as a general-purpose law firm for its principal client, the Internal Revenue Service (IRS). On behalf of the IRS, the Division handles virtually all civil litigation arising under the internal revenue laws except for those cases that are docketed in the U.S. Tax Court, and enforces the criminal tax laws by supervising or directly handling all criminal tax prosecutions.

(23) Criminal Division develops, enforces, and supervises the application of all federal criminal laws except those specifically assigned to other divisions. The Division, and the 93 U.S. Attorneys have the responsibility for overseeing criminal matters under the more than 900 statutes, including enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition, as well as certain civil litigation.

(24) Justice Management Division is the principal organizational unit responsible for management and administrative support in the Department of Justice. It provides Department-wide policy guidance for management, administration and organizational matters, such as evaluation, budget and financial management, records management, and procurement. It also provides direct administrative services to the Department's offices, boards, divisions, and, to a limited extent, its bureaus, such as personnel, accounting, and payroll.

(25) Office of Justice Programs provides federal leadership in developing the nation's capacity to prevent and control crime and delinquency, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims.

(26) Executive Office for Immigration Review is charged with the administration and enforcement of the Immigration and Nationality Act, and all other laws

relating to the immigration and naturalization of aliens. It administers and interprets federal immigration laws and regulations through the conduct of immigration court proceedings, appellate reviews, and administrative hearings in individual cases.

(27) Office of Dispute Resolution coordinates the use of Alternative Dispute Resolution (ADR) for the Department of Justice. The office is responsible for ADR policy matters, ADR training, assisting lawyers in selecting the right cases for dispute resolution, and finding appropriate neutrals to serve as mediators, arbitrators, and neutral evaluators.

5. Formal National Security Process Involvement. The following table indicates DoJ's major products and roles in the seven key national security processes.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy, Counterterrorism Strategy)	✓						
	Input to various interagency plans (e.g., Federal Response Plan, Chem/Bio Incident Contingency Plan)			✓				
	Input to various interagency policies and guidance (e.g., the International Guidelines and the Domestic Guidelines)		✓					
	DoJ specific strategies (e.g., Department of Justice Strategic Plan and the Attorney General's Strategy to Deter Illegal Entry Into the United States Along the Southwest Border)	✓						
	Legal opinions and advice	✓	✓	✓	✓	✓	✓	✓
	Legal documents (e.g., briefs, advisory letters, consent decrees, guidelines, and regulations)	✓	✓	✓	✓	✓	✓	✓
	Enforcement of Federal laws				✓			
	DoJ Budget							✓
	Internal guidance (e.g., including the U.S. Attorneys' Manual, U.S. Attorneys' Bulletin, Department of Justice Organization and Functions Manual, Attorney General's Guidelines, and the Department of Justice Legal Activities Book)		✓					
	Various Reports (e.g., Attorney General Annual Accountability Report, Office of the Inspector General Audit Reports; Annual Foreign Intelligence Surveillance Act Report to Congress; Foreign Agents Registration Act Semiannual Report to Congress)						✓	
Sourcebook of Criminal Justice Statistics					✓			
Roles	Attorney General	Attendee (NSC and NSC/PC)	✓	✓	✓	✓	✓	✓
		Chief law enforcement officer of the federal government	✓	✓	✓	✓	✓	✓
		Congressional Testimony	✓	✓	✓	✓	✓	✓

A. Strategy Development:

(1) Major Activities:

(a) Input and coordination on the National Security Strategy (NSS). Sections of NSS that would be of interest to DoJ are international law enforcement cooperation, terrorism, international crime, drug trafficking, and protection of critical infrastructures.

(b) Development of the International Crime Control Strategy (ICCS). The NSC directed Justice, State, and the Treasury to develop the ICCS to further the objectives outlined in PDD 42. The ICCS articulates eight broad goals and thirty related objectives as a blueprint for an effective, long-term approach to combating international crime.⁴¹

(c) Development of the Alien Smuggling Strategy (interagency strategy that outlines Justice and INS roles (along with the Department of State and Transportation, and the Coast Guard) in combating and deterring alien smuggling;

(d) The Attorney General and INS Commissioner developed a comprehensive five-part strategy to strengthen enforcement of the nation's immigration laws, known as the Attorney General's Strategy to Deter Illegal Entry Into the United States Along the Southwest Border.⁴²

(e) The Attorney General, as a member of the President's Council on Counter-Narcotics, contributes to the development of the National Drug Control Strategy.⁴³

(f) As directed by PDD 9, Justice reviews criminal and civil authorities and penalties for alien smuggling and recommends alternative prosecution strategies or penalty increases if appropriate.⁴⁴

(g) Development of the DoJ Strategic Plan.

(2) Major Stakeholders: NSC, Office of National Drug Control Policy (ONDCP), DoJ subordinate organizations.

(3) Key Organizational Processes:

(a) **DoJ Inputs to National Strategies:** The Executive Office for National Security (EONS), within the Office of the Deputy Attorney General, coordinates DoJ activities involving national security issues, and acts as a Departmental forum for developing national security strategy and policy.

(b) **DoJ Strategic Plan:** DoJ began the planning process by asking its organizations to develop mission and goal statements as part of their budget requests. Based on these component-level mission and goal statements and, in a few cases, component level strategic

⁴¹ "Introduction and Overview", International Crime Control Strategy, June 1998.

⁴² General Accounting Office, Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed, Washington D.C.: U.S. Government Printing Office, December 1997 (Report Number GAO/GGD-98-21).

⁴³ Executive Order 12992, March 15, 1996.

⁴⁴ Presidential Decision Directive 9, June 18, 1993.

plans, it developed a draft department-wide plan. This draft was the subject of extensive review and comment by the Attorney General and the Department's senior managers, including the Attorney General's Advisory Committee of U. S. Attorneys and a newly constituted department-wide long-range planning committee. This internal review process was highly iterative. DoJ embarked on a series of consultations with members of Congress to obtain their views on the draft plan. Overall DoJ met with Senate and House representatives on ten separate occasions and made additional changes to the draft based on the comments provided. DoJ has revised its internal processes to make the Strategic Plan the foundation for the development of annual budgets and performance plans. The Strategic Plan is revised and updated as needed.⁴⁵⁻⁴⁶

(4) Associated Higher-Level Processes: Development of the NSS, ICCS, and National Drug Control Strategy (See Volume II: Chapter 2, the National Security Council, and Chapter 5, Office of National Drug Control Policy).

(5) Associated Lower-Level Processes: Development of strategies and strategic plans by DoJ subordinate organizations (See Volume VII: Chapter 11, The Federal Bureau of Investigation, Chapter 12, The Drug Enforcement Administration, Chapter 13, The Immigration and Naturalization Service, and Chapter 14, The U.S. Marshals Service).

B. Policy, Guidance, and Regulations:

(1) Major Activities:

(a) The Attorney General's Guidelines provide centralized direction, which allows for greater uniformity and control of national and international law enforcement efforts. The Attorney General's Guidelines pertain to all agencies of the Department of Justice engaged in the detection, investigation, and prosecution of federal crimes. The following table lists the areas for which Attorney General's Guidelines have been developed.⁴⁷

Attorney General's Guidelines	
The Freedom of Information Act Using Statistics to Assess Performance Support of National Guard and Reserve Members Fraud Prevention Initiative Procedures for Lawful, Warrantless Monitoring of Verbal Communications Ensuring Racial Neutrality in Prosecution Practices; Implementation of Hate Crimes Initiative Violence Against Providers of Reproductive Health Services Drug-Induced Violent Crime Prosecutions Health Care Systemic Reports Renewing Our Commitment to Victims of Crime Prosecutive Guidelines and Procedures for the Child Support Recovery Act of 1992 Violence Against Women Act Prosecutions The Crime Victims Fund Victim and Witness Assistance	Vietnamese refugee status determinations FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations Deportation of Criminal Aliens Procedures Concerning Allegations of Misconduct by DoJ Employees Environmental Crime Enforcement of the Indian Gaming Regulatory Act General Crimes, Racketeering Enterprise and Domestic Security / Terrorism Investigations Fair Housing Litigation Department Fine Collection Efforts Disclosure of Information to Bank Regulatory Agencies Regarding Safety and Soundness of Financial Institutions FBI Undercover Operations Seized and Forfeited Property FBI Use of Informants and Confidential Sources

⁴⁵ U.S. Department of Justice, Strategic Plan 1997-2002, Introduction, <http://www.usDoJ.gov/jmd/mps/plan.htm>.

⁴⁶ U.S. Department of Justice, Strategic Plan 1997-2002, <http://www.usDoJ.gov/jmd/mps/plan.htm>.

⁴⁷ http://www.usDoJ.gov/ag/readingroom/ag_foia1.htm.

(b) The United States Attorneys' Bulletin provides internal guidance to the United States Attorneys' offices and other organizational units of the Department concerned with litigation. Each issue of the Bulletin addresses a specific issue relevant to the U.S. Attorneys, such as money laundering, tax prosecutions, international legal issues, international extradition, and electronic investigative techniques.⁴⁸

(c) The Department of Justice participates in national policy making through the NSC committee process.

(d) Although not a member of the NSC or NSC Principals Committee (NSC/PC), the Attorney General is invited to attend meetings pertaining to the Department of Justice's jurisdiction.

(e) Similarly, the Deputy Attorney General often attends the NSC Deputies Committee (NSC/DC).

(f) The Executive Office of National Security is the senior office that engages in the interagency process for the Attorney General. The director of EONS is included in NSC Executive Committees (ExComms) when required.

(g) PDD 42 established the Special Coordination Group (SCG) to ensure sustained and focused attention to international crime. It is an interagency team chaired by a senior member of the NSC staff and includes a high-level DoJ official.⁴⁹

(2) Major Stakeholders: NSC, Intelligence community, DoJ subordinate organizations.

(3) Key Organizational Processes:

(a) The DoJ Office of Intelligence Policy and Review advises and assists the Attorney General on all matters relating to national security and in carrying out his/her responsibilities under Executive Order 12333. As the Attorney General's representative on interdepartmental boards, committees and other groups dealing with intelligence and counterintelligence activities, staff attorneys participate in development, implementation, and review of U.S. national security and intelligence policies, including the procedures for the conduct of intelligence and counterintelligence activities.⁵⁰ It also represents the Attorney General on a variety of interagency committees and task forces regarding issues such as nonproliferation, scientific exchange programs, export administration, information and personnel security, overflights of U.S. territory by aircraft from foreign countries, and development of national intelligence topics.⁵¹

(b) The Security Policy Board: The Deputy Attorney General is a member of the Security Policy Board. The Security Policy Board considers, coordinates, and

⁴⁸ <http://www.usdoj.gov/usao/eousa/foia/foiamanuals.html>.

⁴⁹ "Optimizing the Full Range of U.S. Efforts," International Crime Control Strategy, June 1998.

⁵⁰ U.S. Attorneys' Manual, Section 1-2.106, "Office of Intelligence Policy and Review."

⁵¹ United States Department of Justice, Legal Activities Book 1999, "Office of Intelligence Policy and Review," http://www.usDoJ.gov/careers/oapm/lab/legal_policy/oipr.html.

recommends for implementation to the President, through the Assistant to the President for National Security Affairs, policy directives for U.S. security policies, procedures, and practices. It is the principal mechanism for reviewing and proposing to the NSC legislative initiatives and executive orders pertaining to U.S. security policy, procedures and practices that do not fall under the statutory jurisdiction of the Secretary of State.⁵²

(c) The National Counterintelligence Policy Board (on which a senior DoJ official holds membership) considers, develops, and recommends for implementation to the Assistant to the President for National Security Affairs policy and planning directives for U.S. counterintelligence. The Policy Board is the principal mechanism for reviewing and proposing to the NSC staff legislative initiatives and executive orders pertaining to U.S. counterintelligence. The Policy Board also coordinates the development of interagency agreements and resolves conflicts that may arise over the implementation of those agreements.⁵³

(d) The Office of Investigative Agency Policies (OIAP) was established in November 1993, to improve coordination among its law enforcement agencies, reduce duplication, and better utilize investigative resources. OIAP is headed by a Director—currently the Director of the Federal Bureau of Investigation—appointed by the Attorney General from among the heads of the affected investigative agencies—FBI, Drug Enforcement Administration, U.S. Marshals Service, and Immigration and Naturalization Service—and Justice's Criminal Division. OIAP is responsible for resolving operational issues among the Justice's investigative agencies where there is overlapping jurisdiction and for advising the Attorney General regarding administrative, budgetary, and personnel matters involving these agencies. Among other things, OIAP has issued resolutions and begun taking actions to improve the use and sharing of federal drug intelligence; the coordination of violent crime activities; the coordination of the budget requests of the various investigative agencies; and the location and use of Justice field offices and resources. OIAP resolutions have created a uniform shooting incident policy and a uniform deadly force policy.⁵⁴

(4) Associated Higher-Level Processes: Development of national law enforcement, counterterrorism, counterdrug, and counterintelligence policies (See Volume II, Section 2, The National Security Council)

(5) Associated Lower-Level Processes: Development of policies, guidance, and regulations by DoJ subordinate organizations (See Volume VII: Chapter 11, The Federal Bureau of Investigation, Chapter 12, The Drug Enforcement Administration, Chapter 13, The Immigration and Naturalization Service, and Chapter 14, The U.S. Marshal's Service).

⁵² The White House, Office of the Press Secretary, Statement by the Press Secretary, September 27, 1994.

⁵³ "White House Fact Sheet on U.S. Counterintelligence Effectiveness," May 3, 1994.

⁵⁴ General Accounting Office, Management Reform: Implementation of the National Performance Review's Recommendations (Letter Report, 12/05/94, GAO/OCG-95-1).

C. Planning:

(1) Major Activities:

(a) Develop internal and interagency plans. For example, DoJ developed the interagency plan on counterterrorism and technology crime. This classified five-year plan was completed in December 1998.

(b) Participate in the development of interagency plans (e.g., Federal Response Plan and its Terrorism Incident Annex, National Infrastructure Assurance Plan).

(2) Major Stakeholders: NSC, Intelligence community, the Federal Emergency Management Agency (FEMA), DoJ subordinate organizations.

(3) Key Organizational Processes: DoJ does not have a single formal planning process equivalent to Department of Defense's (DoD's) deliberate and crisis action planning processes. The Department tends to modify its planning process based on the topic or situation. Where appropriate, the responsible functional manager within the Office of the Attorney General staff will consolidate input from DoJ subordinate organizations (e.g., FBI, DEA, etc.) and external organizations. For example, to complete the interagency plan on counterterrorism and technology crime, DoJ consulted with the Departments of Defense, State, Treasury, the Central Intelligence Agency, private sector representatives and local law enforcement officers, and the FBI.^{55, 56}

(4) Associated Higher-Level Processes: Development of interagency plans (e.g., The Federal Response Plan and the Interagency Domestic Terrorism Concept of Operations Plan) (See Volume VII: Chapter 11, The Federal Bureau of Investigation, and Chapter 20, The Federal Emergency Management Agency).

(5) Associated Lower-Level Processes: Development of plans by FBI subordinate agencies and state and local law enforcement organizations.

D. Mission Execution:

(1) Major Activities:

(a) DoJ subordinate organizations (e.g., FBI, DEA, INS, etc.) have the major mission execution responsibilities.

⁵⁵ General Accounting Office, "Combating Terrorism: Observations on Growth in Federal Programs," Statement of Mark E. Gebicke, Director, National Security Preparedness Issues, National Security and International Affairs Division Before the Subcommittee on Oversight, Investigations, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives, GAO/T-NSIAD-99-181, June 9, 1999.

⁵⁶ Another example of DoJ planning is referenced in the Federal Response Plan: In 1998, at the request of the Congress, the Attorney General prepared a 5-year plan outlining the Justice Department's strategy for improving the federal, state, and local response to terrorism. As part of this overall framework, in June 1998, the Office for State and Local Domestic Preparedness Support (OSLDPS) and its national training center, the Center for Domestic Preparedness (CDP), were created within OJP.

(b) The Department of Justice is the lead federal agency (LFA) for crisis management in the event of a domestic terrorist incident. DoJ delegates this overall LFA role to the FBI for operational response.⁵⁷

(c) The Attorney General coordinates FBI requirements for assistance from other federal agencies in crisis management situations. The Attorney General notifies the President and NSC groups as warranted that federal crisis response is required and whether the FBI requires assistance from other agencies, and consults on policy matters concerning the overall response.⁵⁸

(d) The Attorney General, or his/her representative, is a member of the FBI's Strategic Information Operations Center (SIOC), which coordinates national-level response in the event of a domestic terrorist incident.⁵⁹

(e) When response moves from crisis management to the consequence management phase the Attorney General transfers the LFA role from the FBI to FEMA.^{60, 61}

(f) The Criminal Division of DoJ is responsible for enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, and administration and enforcement of the Foreign Agents Registration Act (Title 50 of the United States Code, Sections 851-857).⁶²

(g) The Attorney General works with the Department of State to deny visas to a broad range of international criminals and their families and prevent them from entering the United States.⁶³

(h) The Department of Justice is designated as a support agency in information and planning, health and medical services, urban search and rescue, and the hazardous materials emergency support functions of the Federal Response Plan.⁶⁴

(i) The Attorney General, as a member of the President's Council on Counter-Narcotics, ensures coordination among departments and agencies concerning implementation of the President's national drug control strategy.⁶⁵

(j) At U.S. embassies and missions around the world, the Chief of Mission (usually the Ambassador) has the authority and responsibility for the direction, coordination and supervision of the various activities of all in-country official U.S. Executive Branch personnel,

⁵⁷ Federal Response Plan, April 1999.

⁵⁸ Federal Response Plan, April 1999.

⁵⁹ Department of Health and Human Services, Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism, June 21, 1996.

⁶⁰ Federal Response Plan, April 1999.

⁶¹ The Federal Response Plan defines consequence management as "measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism."

⁶² Code of Federal Regulations, Title 28, Part 0, Section 0.61.

⁶³ "Optimizing the Full Range of U.S. Efforts," International Crime Control Strategy, June 1998.

⁶⁴ Federal Response Plan, April 1999.

⁶⁵ Executive Order 12992, March 15, 1996.

except military personnel under the command of a U.S. area military commander. The Chief of Mission also has the duty to keep fully informed with respect to all activities and operations of the U.S. Government within that country. To facilitate that process, the Treasury, State and Justice Departments have signed a memorandum of understanding, dated November 14, 1996, clarifying the authority the Chief of Mission exercises over many individuals from a multitude of departments and agencies. The memorandum articulates clearly defined responsibilities with respect to the coordination, by the relevant Chiefs of Mission, of law enforcement activities abroad, including agreed principles to enhance coordination between each law enforcement entity's senior representative at post and the Chief of Mission or Deputy Chief of Mission.

(2) Major Stakeholders: NSC, ONDCP, other Departments within the Executive Branch, DoJ subordinate organizations.

(3) Key Organizational Processes:

(a) Investigations by FBI subordinate organizations are conducted within the Attorney General's Guidelines. Some sensitive investigative methods, such as undercover activities and electronic surveillance, are subject to specific review and approval procedures. Individual investigative cases in a particular program may receive extensive investigative attention because of their size, potential impact, or sensitivity.

(b) The Attorney General, pursuant to the Foreign Intelligence Surveillance Act (Section 1801 of Title 50 of the U.S. Code) and by authority of Executive Order 12949, may approve physical searches, without a court order, to acquire foreign intelligence information for periods of up to one year, if the Attorney General makes the required certifications. The Attorney General is also authorized to approve applications to the Foreign Intelligence Surveillance Court to obtain orders for physical searches for the purpose of collecting foreign intelligence information.⁶⁶ The DoJ's Office of Intelligence Policy and Review processes applications to the Foreign Intelligence Surveillance Court.

(c) OIPR may work with the applying agency to draft several versions of the application and help it meet probable cause requirements. Once approved by the OIPR they are forwarded to the Attorney General for final approval before being presented to the Court. If applications are not approved by OIPR, the agency submitting the application can request another review. In this instance, the Attorney General refers the application to the Executive Office for National Security in the Deputy Attorney General's Office. If EONS concurs with OIPR and the agency submitting the application still is not satisfied, then the Attorney General may review the application with the director of the agency submitting the application.⁶⁷

(d) OIPR also supervises the preparation of certifications and applications for orders under the Foreign Intelligence Surveillance Act and the representation of the United States before the United States Foreign Intelligence Surveillance Court. It also recommends action by the DoJ with regard to applications for foreign intelligence and counterintelligence

⁶⁶ Executive Order 12949, February 9, 1995.

⁶⁷ Weekly Press Briefing with Attorney General Janet Reno, May 27, 1999.

electronic surveillance, as well as for other investigative activities by Executive Branch agencies.⁶⁸

(e) The Attorney General approves or disapproves of state government applications for federal law enforcement assistance in the event that a state experiences a law enforcement emergency to which it cannot provide an adequate response under the Justice Administration Act of 1984 (Sections 10501-10513 of Title 42 of the U.S. Code). If the application is approved, federal law enforcement assistance may be provided to include equipment, training, intelligence, and personnel.⁶⁹ "In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider:

(i) The nature and extent of such emergency throughout a state or in any part of a state;

(ii) The situation or extraordinary circumstances which produced such emergency;

(iii) The availability of state and local criminal justice resources to resolve the problem;

(iv) The cost associated with the increased federal presence;

(v) The need to avoid unnecessary federal involvement and intervention in matters primarily of state and local concern; and

(vi) Any assistance which the state or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.)."⁷⁰

(f) Each of the U.S. Attorney's Offices has a designated Computer and Telecommunications Coordinator (CTC) who serves as the expert in that district on high technology crime and intellectual property protection. The CTC acts as liaison between the individual U.S. Attorney's Office and other federal, state, and local investigative agencies, the private sector and headquarters at the Justice Department.⁷¹

(g) In the event that State and local police forces (including the National Guard operating under State control) are unable to adequately respond to a civil disturbance, a Governor may request, through the Attorney General, federal military assistance under Chapter 15 of Title 10 of the U.S. Code. The President makes the ultimate determination whether to use the Armed Forces to respond to an emergency.⁷²

(4) Associated Higher-Level Processes: Interagency law enforcement, counter-drug, counterterrorism, and counterintelligence operations (See Volume II: Chapter 2, the

⁶⁸ Code of Federal Regulations, Title 28, Part 0, Section 0.33b.

⁶⁹ Sections 10501-10513 of Title 42 of the U.S. Code.

⁷⁰ Section 10501 of Title 42 of the U.S. Code.

⁷¹ "Responding to Emerging International Crime Threats," International Crime Control Strategy, June 1998.

⁷² Chapter 15 of Title 10 of the U.S. Code, and the Federal Response Plan, April 1999.

National Security Council, and Chapter 5, The Office of National Drug Control Policy, Volume VI, The Intelligence Community, and Volume VII, Chapter 15, The U.S. Coast Guard).

(5) Associated Lower-Level Processes: Law Enforcement operations by DoJ subordinate organizations (See Volume VII: Chapter 11, The Federal Bureau of Investigation, Chapter 12, The Drug Enforcement Administration, Chapter 13, The Immigration and Naturalization Service, and Chapter 14, The U.S. Marshal's Service).

E. Observation, Orientation, and Oversight:

(1) Major Activities:

(a) The Attorney General is responsible for overseeing and reporting on the activities of all of the Department of Justice's subordinate agencies.

(b) DoJ's Office of Intelligence Policy and Review oversees both internal DoJ and external executive agencies' intelligence activities.

(c) Monitor and report on a broad spectrum of criminal justice data.

(2) Major Stakeholders: The NSC, the intelligence community, DoJ subordinate organizations, state and local law enforcement organizations.

(3) Key Organizational Processes:

(a) The Attorney General uses the Annual Accountability to summarize the Department of Justice's performance and major accomplishments of the past fiscal year. The report examines the ways each of the Department's components has made progress towards achieving the goals set out for it by, and using the performance indicators defined in, the Department of Justice Strategic Plan.⁷³

(b) DoJ publishes the Sourcebook of Criminal Justice Statistics annually. It presents a broad spectrum of criminal justice data from more than 100 sources in 6 sections: characteristics of the criminal justice systems, public attitudes toward crime and criminal justice topics, the nature and distribution of known offenses, characteristics and distribution of persons arrested, judicial processing of defendants, persons under correctional supervision.⁷⁴

(c) DoJ's Office of Intelligence Policy and Review evaluates Departmental activities and existing and proposed domestic and foreign intelligence and counterintelligence activities to determine their consistency with United States intelligence policies and law. OIPR also monitors intelligence and counterintelligence activities by executive branch agencies to insure conformity with DoJ objectives."⁷⁵

(d) OIPR produces periodic and special intelligence reports describing and evaluating domestic and foreign intelligence and counterintelligence activities and assessing

⁷³ Department of Justice, Fiscal Year 1998 Attorney General's Annual Accountability Report.

⁷⁴ Department of Justice, Sourcebook of Criminal Justice Statistics, October 1999.

⁷⁵ Code of Federal Regulations, Title 28, Part 0, Section 0.33b.

trends or changes in these activities. It also provides a quality control review for all outgoing intelligence and counterintelligence reports.⁷⁶

(e) The Attorney General delivers the Annual Foreign Intelligence Surveillance Act Report to Congress. The report indicates the number of applications for orders or extensions of orders for electronic surveillance or physical searches presented to the Foreign Intelligence Surveillance Court. It also specifies the number of applications approved by the court, and the number of orders entered, which were modified or denied the requested authority.⁷⁷

(f) The Attorney General submits to Congress a Semiannual Foreign Agents Registration Act Report. The report lists, according to geographical area or nationality field, all agents who were registered at any time during the reporting period. It includes the identities of the agents and their foreign principal(s), a description of the agent's activities, a total figure for monies received, a description of any informational materials disseminated, and a listing of all individual agents.⁷⁸

(g) The Office of the Inspector General conducts audits on all DoJ internal organizations (such as FBI, DEA, and INS), and of external organizations that receive grants from DoJ.⁷⁹

(h) The Office of Professional Responsibility presents an Annual Report for the Fiscal Year. This report presents a statistical summary of investigations into professional misconduct handled by the Office and summarizes major policy changes and developments. The report also presents numerous examples of the cases closed by the Office. It also contains separate sections that provide statistics and examples of investigations into the conduct of FBI and DEA employees.⁸⁰

(i) The Attorney General works with the Secretary of the Treasury, the Director of Central Intelligence, and the Departments of Commerce, State, Energy, Defense, and Agriculture to furnish reports to the President and to Congress concerning foreign efforts to acquire United States companies involved in research, development, or production of critical technologies and industrial espionage activities directed by foreign governments against private U.S. companies.⁸¹

(j) DoJ reviews and makes recommendations regarding administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum.⁸²

(k) The National Counterintelligence Operations Board (on which a senior DoJ official is a member) oversees all coordinating subgroups, resolves specific conflicts

⁷⁶ Code of Federal Regulations, Title 28, Part 0, Section 0.33b.

⁷⁷ Department of Justice, Annual Foreign Intelligence Surveillance Act Report to Congress, 1997.

⁷⁸ Department of Justice, Foreign Agents Registration Act: Report to Congress for Six Months Ended June 30, 1997.

⁷⁹ <http://www.usDoJ.gov/oig/igaudit1.htm>.

⁸⁰ Department of Justice, Office of Professional Responsibility Annual Report for Fiscal Year 1997.

⁸¹ Executive Order 12919, June 6, 1994.

⁸² Presidential Decision Directive 9, June 18, 1993.

concerning counterintelligence operations, and identifies potential policy conflicts for referral to the Policy Board.⁸³

(I) The Justice Management Division conducts, directs, reviews, and evaluates management studies and surveys of the DoJ's organizational structure, functions, and programs, operating procedures, and supporting systems, and management practices throughout the Department and makes recommendations to reduce costs and improve productivity.⁸⁴

(4) Associated Higher-Level Processes: None.

(5) Associated Lower-Level Processes: FBI development of the National Security Threat List (NSTL) and Uniform Crime Reports (See Volume VII, Chapter 11, The Federal Bureau of Investigation).

F. Preparation:

(1) Major Activities:

- (a) Train federal legal personnel through the Office of Legal Education;
- (b) Train state, local, and federal law enforcement officials;
- (c) Evaluate new law enforcement programs; and
- (d) Participate in the development of new law enforcement technologies.

(2) Major Stakeholders: Federal, state, local and foreign legal and law enforcement officials.

(3) Key Organizational Processes:

(a) The Office of Legal Education in the Executive Office for U.S. Attorneys develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice and other departments and agencies of the Executive Branch. OLE offers training in civil discovery and trial techniques; negotiation techniques; and administrative law areas such as bankruptcy, FOIA, ethics, environmental law, federal employment, regulatory processes, government contracts, legal research and writing for attorneys, and computer law. Most of OLE's courses are given at the National Advocacy Center (NAC) where more than 10,000 people are expected to train annually.⁸⁵

(b) DoJ's Computer Crime and Intellectual Property Section (CCIPS) organized and chairs the Infotech Training Working Group (ITWG). ITWG's mission is to

⁸³ "White House Fact Sheet on U.S. Counterintelligence Effectiveness", May 3, 1994.

⁸⁴ Code of Federal Regulations, Title 28, Part 0, Section 0.75.

⁸⁵ The National Advocacy Center is a joint venture by the National District Attorneys Association and the Department of Justice. The Center provides training for U.S. prosecutors at all levels, including federal, state, and local. - <http://www.usDoJ.gov/usao/eousa/ole/olefacts.html>.

develop, identify and coordinate training on computer, network and other high-technology crimes at the federal, state and local levels.⁸⁶

(c) The Department of Justice provides training to police, fire, hazardous materials, and medical and emergency management responders in the 120 largest urban jurisdictions. Training focuses on explosives, incendiary, biological and chemical response (but not radiological or nuclear response).⁸⁷

(d) The Municipal Fire and Emergency Medical Services Training and Technical Assistance Program provides no-cost assistance and training to municipal fire and emergency services personnel in state and local jurisdictions. This program provides state and local fire and emergency medical service personnel with basic training in WMD awareness and incident response and command procedures.⁸⁸

(e) DoJ's Bureau of Justice Assistance (BJA) State and Local Anti-Terrorism Training Program provides state and local law enforcement and prosecutors with a better awareness and understanding of the domestic terrorism problem and the organizations and individuals who commit domestic terrorism acts. The program is developed in cooperation with the FBI and includes presentation of executive-level, three-day comprehensive classes for law enforcement agency executives and senior commanders; presentation of regional intelligence training sessions for intelligence collection, analysis, and exchange, including participation by representatives from the BJA Regional Information Sharing Systems (RISS) program; development of a training curriculum for state and local law enforcement agencies and one for prosecutors; and implementation of a "train-the-trainers" program.⁸⁹

(f) The Department of Justice trains foreign police officers in technical skills and provides assistance in developing policies and procedures through the International Criminal Investigative Training Assistance Program (ICITAP). ICITAP enables police organizations to deliver effective police services, maintain public order, and address the growing threat from international crime.⁹⁰

(g) The Training and Technical Assistance Division, within the Community Oriented Policing Services (COPS) funds the Community Policing Consortium. It brings together the expertise of five national law enforcement associations to deliver community policing training primarily to COPS grantees. The Training and Technical Assistance Division funds regional training conferences focused on topics that support the efforts of grantees. Additionally, the Regional Community Policing Institutes create partnerships with law

⁸⁶ "Responding to Emerging International Crime Threats." International Crime Control Strategy, June 1998.

⁸⁷ General Accounting Office, "Combating Terrorism: Observations on Growth in Federal Programs," Statement of Mark E. Gebicke, Director, National Security Preparedness Issues, National Security and International Affairs Division Before the Subcommittee on Oversight, Investigations, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives, GAO/T-NSIAD-99-181, June 9, 1999.

⁸⁸ Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

⁸⁹ Department of Justice, Fiscal Year 1999 Office of Justice Programs At-A-Glance.

⁹⁰ Criminal Division, U.S. Department of Justice, International Criminal Investigative Training Assistance Program (ICITAP) brochure.

enforcement, educational institutions and community partners to provide a broad spectrum of innovative and specialized training both to grantees and non-grantees.⁹¹

(h) DoJ's Overseas Prosecutorial Development, Assistance, and Training (OPDAT) office provides training for prosecutors and judges with investigative responsibilities.⁹²

(i) DoJ's Office of Justice Programs administers a terrorism-related consequence management training program for firefighters and emergency medical personnel. The program was developed in conjunction with the Federal Emergency Management Agency.⁹³

(j) The Office of International Programs in the Office of the Deputy Attorney General coordinates all proposals for, and reviewing and administering ongoing efforts for, DoJ to provide foreign countries with training or technical assistance in the fields of law enforcement, administration of justice, legislation, and economic reform and democratic institution-building initiatives. It assists in the coordination of ICITAP activities and acts as liaison with the State Department and other appropriate federal, state, local and non-governmental institutions regarding training and technical assistance for foreign countries.⁹⁴

(k) The Attorney General has established an Information Technology (IT) Investment Board chaired by the Deputy Attorney General and composed of the senior leadership of the Department. The Board reviews and approves major IT investments and monitors compliance with cost, schedule and performance targets. The Department's Chief Information Officer (CIO) provides support to the Board and advises the Attorney General on IT policy. DoJ is developing a department-wide information technology architecture framework.

(l) The Office of Justice Programs Information Technology Executive Council coordinates OJP's efforts in the area of information technology and to determine how the federal government can most effectively assist state and local communities meet their information technology needs. The Executive Council staff meets with state and local policymakers, criminal justice practitioners, and technology experts across the country to explore what progress has already been made at the state and local levels in designing integrated justice system projects, what state and local needs are, and how OJP and state and local jurisdictions could work together to ensure that information technology resources are being applied effectively, efficiently, and equitably.⁹⁵

(m) A Memorandum of Understanding (MOU) between the National Institute of Justice and the Department of Defense covers the sharing and joint development of technology systems that can be used for both defense and criminal justice purposes. These efforts are supported by NIJ's National Law Enforcement and Corrections Technology Center (NLECTC) system, which is composed of the national center, four regional centers, and special

⁹¹ <http://www.usDoJ.gov/cops/gpa/default.htm>.

⁹² <http://www.usDoJ.gov/criminal/opdat.html>.

⁹³ General Accounting Office, "Combating Terrorism: Observations on Growth in Federal Programs," Statement of Mark E. Gebicke, Director, National Security Preparedness Issues, National Security and International Affairs Division before the Subcommittee on Oversight, Investigations, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives, GAO/T-NSIAD-99-181, June 9, 1999.

⁹⁴ Code of Federal Regulations, Title 28, Part 0, Section 0.26.

⁹⁵ Department of Justice, Office of Justice Programs FY 99 Program Plan, Chapter 8, "Enhancing Technology's Use in Addressing Crime," <http://www.ojp.usdoj.gov/99progplan>.

offices. NLECTC develops, tests, and disseminates information about criminal justice technology.^{96, 97}

(n) The National Institute of Justice (NIJ) is the principal federal agency for research on criminal justice issues, testing of new law enforcement and criminal justice programs, and publication of reports for federal, state and local justice agencies. As the research and development arm of the Department of Justice, NIJ tests and evaluates programs to improve and strengthen the criminal justice system. It is charged with investing public funds to develop knowledge that will reduce crime, enhance public safety, and improve the administration of justice. It conducts and sponsors basic and applied research into the causes and prevention of crime and tests and evaluates new approaches, techniques and technologies.

(o) Office of Law Enforcement Standards (OLES) applies science and technology to the needs of the criminal justice community, including law enforcement, corrections, forensic science, and the fire service. NIJ supports the development of methods to test equipment performance and examine evidentiary materials, develop standards for equipment and operating procedures, develop standard reference materials, and perform other scientific and engineering tasks required by NIJ.

(4) Associated Higher-Level Processes: Interagency law enforcement and disaster preparedness training and exercises (See Volume VII: Chapter 11, The Federal Bureau of Investigation, Chapter 15, The United States Coast Guard, and Chapter 20, The Federal Emergency Management Agency).

(5) Associated Lower-Level Processes: Training and equipment procurement by DoJ subordinate organizations and state and local law enforcement organizations.

G. Resourcing:

(1) Major Activities:

- (a)** Develop the Department of Justice budget;
- (b)** As directed in PDD 9, the Department of Justice and INS review and recommend appropriate action on the use of the Immigration Emergency Fund for funding international repatriation, domestic detention and processing illegal migrants;⁹⁸
- (c)** Provide grants to state and local law enforcement organizations; and
- (d)** Coordinate with the Department of State to negotiate multilateral legal assistance treaties.⁹⁹

⁹⁶ Office of Justice Programs FY 99 Program Plan, Chapter 8.

⁹⁷ This MOU has led, for example, to the development of non-lethal weapons that subdue suspects, and to a variety of technologies for detecting concealed weapons and other contraband. In other projects with DoD agencies, encouraged by the establishment of the MOU, NIJ has worked to transfer computer enhanced training developed for the military to a variety of law enforcement applications.

⁹⁸ Presidential Decision Directive 9, June 18, 1993.

(2) Major Stakeholders: OMB, DoJ subordinate organizations, DoJ grant recipients.

(3) Key Organizational Processes:

(a) All of the Department of Justice agencies must submit budget requests through the Department of Justice. The Attorney General has directed component heads to explicitly relate their budget requests and performance plans to the Department's long-range strategic goals.¹⁰⁰ The Justice Management Division supervises, directs, and reviews the preparation, justification, and execution of the Department of Justice Budget, including the coordination and control of the programming and reprogramming of funds.¹⁰¹

(b) Through the State and Local Domestic Preparedness Equipment Support Program, DoJ provides funds to states and selected metropolitan jurisdictions to procure personal protective, chemical/biological detection, decontamination, and communications equipment. This equipment enables fire departments, law enforcement agencies, emergency medical services, and hazardous materials response units to enhance their response capabilities in state and local jurisdictions to incidents of domestic terrorism.¹⁰²

(c) Through the Fire and Emergency Services Equipment Support Grant Program, DoJ provides funds to local fire departments, hazardous materials response teams, and emergency medical services agencies to purchase personal protective, decontamination, detection, and communications equipment to enhance their capabilities to respond to terrorist attacks involving weapons of mass destruction, including nuclear, biological, and chemical agents.¹⁰³

(d) Through the Fire and Emergency Response Communications Equipment Support Program, assistance is provided to local jurisdictions to address the issue of interoperable radio communications equipment for local emergency response agencies to improve interagency and inter-jurisdictional radio communications.¹⁰⁴

(e) Through the State and Local Domestic Preparedness Technical Assistance Program, DoJ provides grant funds to state and local jurisdictions, including first responder agencies, to enable these jurisdictions and emergency response agencies to better respond to WMD incidents.¹⁰⁵

(f) DoJ provides funding for the National Domestic Preparedness Consortium, which supports the cost-effective delivery of training, including situational exercises, to the nation's state and local emergency response community. Training enhances the capabilities

⁹⁹ U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, 1996, March 1997.

¹⁰⁰ U.S. Department of Justice, Strategic Plan 1997-2002, Introduction, <http://www.usDoJ.gov/jmd/mps/plan.htm>

¹⁰¹ Code of Federal Regulations, Title 28, Part 0, Section 0.75.

¹⁰² Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

¹⁰³ Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

¹⁰⁴ Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

¹⁰⁵ Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

of these jurisdictions and individual agencies to better respond to incidents of domestic terrorism involving chemical and biological agents and radiological and explosive devices.¹⁰⁶

(g) DoJ provides a variety of grants and awards through its Community Oriented Policing Services program. The COPS helps law enforcement agencies hire community policing officers and provides funds to acquire new technologies and equipment, and hire civilians for administrative tasks. The COPS Office also provides grants to promote innovative approaches to solving crime.¹⁰⁷

(h) DoJ's Bureau of Justice Assistance provides funding for six Regional Information Sharing System projects. The RISS Program aims to enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries. It provides information sharing, analysis and communications services. RISS projects focus primarily on narcotics-related crime.¹⁰⁸

(i) BJA awards two types of grants through its Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

(j) BJA is authorized to make formula grants to states and territories. The states and territories, in turn, make subgrant awards to local units of government within 26 legislatively authorized purpose areas to improve the functioning of the criminal justice system, with emphasis on drug-related crime, violent crime, and serious offenders. BJA makes these awards following approval of a required state strategic plan encompassing the use of all criminal justice resources. These subgrants may provide personnel, equipment, training, technical assistance, innovative programs, and information systems for more widespread apprehension, prosecution and rehabilitation of criminals, and may provide assistance (other than compensation) to victims of crime.¹⁰⁹

(k) The Discretionary Grant Program Division provides federal financial assistance to grantees for the following activities directly related to crime and violence prevention and control: educational and training programs for criminal justice personnel; technical assistance to State and local units of government; projects that are national or multi-jurisdictional in scope; and financial assistance for demonstration programs that, in view of previous research or experience, are likely to be successful in more than one jurisdiction.¹¹⁰

(4) Associated Higher-Level Processes: Development of the President's Budget (See Volume II, Chapter 3, The Office of Management and Budget).

(5) Associated Lower-Level Processes: Development of budgets by DoJ subordinate organizations, applications for DoJ grants by the law enforcement community.

¹⁰⁶ Department of Justice, Office of Justice Programs Fiscal Year 1999 Program Plan.

¹⁰⁷ <http://www.usDoJ.gov/cops/gpa/default.htm>.

¹⁰⁸ General Accounting Office, Drug Control: An Overview of U.S. Counterdrug Intelligence Activities, GAO/NSIAD-98-142, June 1998.

¹⁰⁹ <http://www.ojp.usDoJ.gov/BJA/html/byrned.htm>.

¹¹⁰ <http://www.ojp.usDoJ.gov/BJA/html/byrned.htm>.

6. Informal National Security Process Involvement.

A. DoJ frequently interacts with various echelons of the law enforcement community. For example, DoJ's Office for State and Local Domestic Preparedness Support (OSLDPS) convened a Stakeholders' Forum in August 1998. The session was intended as a "listening conference" for federal officials to learn how federal agencies could best assist state and local jurisdictions in their planning for and response to incidents of domestic terrorism involving chemical and biological agents and nuclear and explosive devices. Participants of the forum included representatives from state and local law enforcement, fire and emergency medical service personnel, public works, emergency response agencies, and state and local government.

B. To assist the Attorney General in the performance of her/his duties, the Attorney General established the Attorney General's Advisory Committee of the United States Attorneys, which consists of 15 United States Attorneys representing the geographic areas of the nation.¹¹¹

C. The Attorney General holds regular meetings with the directors of DoJ subordinate organizations. For example, the Attorney General holds bi-weekly meetings with the FBI.¹¹²

D. The Director of the Executive Office for National Security chairs regular meetings of an Executive Committee whose membership includes representatives of each of the DoJ components with significant national security involvement. These meetings identify and recommend action on national security issues of immediate and long-term concern to DoJ, and serve as a focal point for information exchange.¹¹³

E. DoJ officials and senior leaders from DoJ subordinate organizations frequently hold informal discussions in a number of different venues to discuss substantive issues. Sometimes these discussions occur during cooperative investigations. Sometimes they occur as staff personnel try to build consensus for Departmental or interagency proposals or recommendations. Sometimes they occur as sidebars at conferences, meetings, or seminars. Most DoJ personnel are networked to a broader functional legal and law enforcement communities. An example of a relevant informal forum is the American Bar Association's Standing Committee on Law and National Security, which sponsors several conferences each year designed to provide a forum for discussion of topical law and national security issues. These networks are an important lubricant for the national security process at large.

7. Funding and Personnel.

A. Authorizations and Appropriations: As a Department within the executive branch, the Department of Justice is authorized and appropriated its own funding. Funds for its subordinate organizations (e.g., FBI, DEA, U.S. Marshals Service, etc.) are included in the overall DoJ authorization and appropriation.

¹¹¹ U.S. Attorneys' Manual, Section 1-2.101 Office of the Attorney General.

¹¹² Weekly Press Briefing with Attorney General Janet Reno, May 27, 1999.

¹¹³ Department of Justice, "New Executive Office for National Security Announced", Press Release 94-564, October 3, 1994.

B. Budget:

Department of Justice Budget¹¹⁴

Fiscal Year	Total Appropriations (in \$ thousands)
FY 1998	19,983,118
FY 1999	20,809,003
FY 2000	21,093,043

In addition to the DoJ budget, funding for DoJ's International Criminal Investigation Training Assistance Program is provided to DoJ by the State Department and the Agency for International Development (AID). Historically, this funding has been \$20-30 million.¹¹⁵

C. Manpower: The Department of Justice employs approximately 126,000 people, including attorneys, investigators, correctional personnel and other employees.¹¹⁶

8. Observations.

A. The Department of Justice, which is perceived by many inside and outside the Department as domestic legal and law enforcement organization, has become increasingly involved in the national security arena due to the emerging threats from terrorism, infrastructure protection, narcotics, economic espionage, and transnational organized crime. In fact, the first priority mentioned in DoJ's FY99 Summary Performance Plan is combating terrorism. DOJ has a distinct culture that may hinder its ability to fulfill many of their new roles. The Department's centralized bureaucracy, number of layers and lawyers, and prosecutorial focus work against its effectiveness in dealing with local governments.

B. A significant number of Executive Orders and Presidential Decision Directives specifically address the activities of DoJ and its subordinate organizations (e.g., FBI, DEA, INS, etc.). Although PDD 2 includes the Attorney General as an invitee to National Security Council meetings when topics pertaining to the Department of Justice's jurisdiction are discussed, the evolving national security landscape appears to justify a permanent, formal seat for the Attorney General on the NSC.

C. Although the Executive Office for National Security (EONS) was established in the office of the Deputy Attorney General to coordinate DoJ activities involving national security issues, and act as a Departmental forum for developing national security strategy and policy, the organizational structure of the Department does not appear to reflect DoJ's increased role in the national security arena. For example, there is no Division—which would be led by an Assistant Attorney General—charged with national security responsibilities. Within the Criminal Division, responsibility for national security functions (e.g., terrorism, espionage, sabotage, organized crime, and narcotics) is dispersed across several Deputy Assistant Attorney Generals.

¹¹⁴ Source: FY 99 and FY 00 President's Budget.

¹¹⁵ Department of Justice Paper, "The Experience of ICITAP in Assisting the Institutional Development of Foreign Police Forces," March 10, 1998.

¹¹⁶ United States Department of Justice Legal Activities Handbook 1999, <http://www.usdoj.gov/careers/oapm/intro.html>.

ORGANIZATIONAL DESCRIPTION

FEDERAL BUREAU OF INVESTIGATION (FBI)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

The Federal Bureau of Investigation

Overview.

The Federal Bureau of Investigation (FBI), under the Department of Justice (DoJ), has stayed close to its traditional role as a fact-finding and reporting agency. The results of FBI investigations are furnished without recommendation or conclusion to the United States Attorney's Office or the Department for appropriate action. The FBI's investigative authority is the broadest of all federal law enforcement agencies. The FBI has investigative jurisdiction over violations of more than 200 categories of federal crimes, which the bureau manages according to seven investigative programs: Applicant Matters, Civil Rights, Counterterrorism, Foreign Counterintelligence, Organized Crime/Drugs, Violent Crimes and Major Offenders, and Financial Crime.¹ Notwithstanding its traditional roles, the Bureau has undertaken a transformation in the areas of preventing terrorist acts and of training personnel to deal with consequence management.

The FBI has always played a significant role in the U.S. national security apparatus, but its responsibilities have grown in recent years. For example, Congress increased the FBI's authority by passing the Economic Espionage Act, which gives the FBI the authority to combat a major threat to national and economic security. In another national security area, Presidential Decision Directive (PDD) 63, which addresses critical infrastructure protection, designates the Department of Justice, through the FBI, as the lead agency for sector liaison with the emergency law enforcement services, and as the lead agency for the special function of law enforcement and internal security. It also created the National Infrastructure Protection Center (NIPC), which is housed in the FBI, to assess threats to critical national infrastructure and provide warnings to all government agencies and to the private sector.² Similarly, the NDPO, an interagency organization under direction of the FBI, provides state and local agencies across the nation a single point-of-contact to coordinate training and readiness.

Additional resources accompanied these increases in responsibility. The FBI's counterterrorism budget more than tripled from Fiscal Year 1996 to 1999. In the same period, the FBI annual budget has increased from \$2.1 billion to \$3.0 billion. The authorized personnel levels have grown nearly 16 percent from 1994 to 1999, including the addition of more than 1,300 new Special Agents.

Organization.

The FBI is a field-oriented organization in which nine divisions and three offices at FBI headquarters (FBIHQ) in Washington, D.C., provide program direction and support services to 56 field offices, approximately 400 satellite offices known as resident agencies, four specialized field installations, and 34 foreign liaison posts. The foreign liaison offices, each of which is headed by a

¹ Department of Justice, Department of Justice Organization and Functions Manual, U.S. Attorneys' Manual Title 1 Resource Manual, June 3, 1998.

² Freeh, Louis J., Ensuring Public Safety And National Security Under The Rule Of Law: A Report To The American People On The Work Of The FBI 1993-1998, 1998.

Legal Attache or Legal Liaison Officer, work abroad with American and local authorities on criminal matters within FBI jurisdiction. The FBI has approximately 10,100 Special Agents and 13,700 other employees who perform professional, administrative, technical, clerical, craft, trade, or maintenance operations. Approximately 7,300 employees are assigned to FBIHQ; approximately 16,000 are assigned to field installations.³

Role in Formal and Informal National Security Processes.

The following matrix depicts the relationship of FBI products and roles to the seven key national security processes.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing	
Products	Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy)	✓							
	Input for various DOJ strategies and policies (e.g., DoJ Strategic Plan, Attorney General Guidelines)	✓	✓						
	FBI Strategic Plan	✓							
	Internal Policies and Guidance		✓						
	Input to various interagency plans (e.g., Federal Response Plan, Chem/Bio Incident Contingency Plan)			✓					
	Various reports (e.g., Uniform Crime Report, Report on Terrorism in the United States)					✓			
	Interagency Guidelines (e.g., Domestic Guidelines, Handbook of Forensic Services)		✓						
	Inputs to the National Security Threat List					✓			
	Threat Assessments					✓			
	Investigative information for federal prosecutors)				✓				
	Various operational and response groups (e.g., Joint Terrorism Task Forces, Critical Incident Response Group)				✓				
	Forensic Examinations				✓				
	Expert Testimony				✓				
	Various information clearinghouses (e.g., fingerprints, National Crime Information Center)				✓	✓			
	Individual and Organizational Profiles				✓	✓			
	Training for federal, state, local, and foreign law enforcement officers						✓		
	FBI Budget							✓	
Roles	Lead Federal agency for domestic terrorist incident response		✓	✓	✓		✓		
	Member, National Counterintelligence Policy Board		✓						
	Member of multiple Interagency Working Groups (e.g., Interagency Intelligence Committee on Terrorism, Special Coordination Group on International Crime)	✓	✓	✓					
	Host for the National Infrastructure Protection Center				✓				
	Participant in the National Counter Drug Intelligence Center				✓				
	FBI Director	Director of DoJ's Office of Investigative Policy Board	✓	✓	✓	✓	✓	✓	✓
		Congressional Testimony							✓

³Department of Justice Organization and Functions Manual, U.S. Attorneys' Manual Title 1 Resource Manual.

Strategy Development. The FBI provides input to the National Security Council (NSC) for the development of the National Security Strategy (NSS). The NSS contains sections on international law enforcement cooperation, terrorism, international crime, drug trafficking, managing the consequences of Weapons of Mass Destruction (WMD) incidents, and protection of critical infrastructures. The Bureau also provides input for the development of the International Crime Control Strategy (ICCS), the National Drug Control Strategy, and the DoJ Strategic Plan. The FBI has also developed an internal Strategic Plan.

Policy, Guidance, and Regulation. The FBI develops internal and interagency policies. For example, as lead federal agency for domestic terrorist crisis response, the FBI drafted "Guidelines for the Mobilization, Deployment, and Employment of U.S. Government Agencies in Response to a Domestic Terrorist Threat or Incidence in Accordance with Presidential Decision Directive 39." The Bureau also participates in the development of policy recommendations through membership in various formal interagency groups, including the National Counter Intelligence Policy Board, the Special Coordination Group (SCG) on International Crime, the Interagency Intelligence Committee on Terrorism, and the Nonproliferation and Arms Control Technology Working Group. The director of the FBI also serves as the Director of DoJ's Office of Investigative Agency Policies (OIAP), which was established to improve coordination among law enforcement agencies, reduce duplication, and better utilize investigative resources.

Planning. The FBI has developed several plans, including the "Interagency Domestic Terrorism Concept of Operations Plan" (CONPLAN), the FBI Nuclear Incident Contingency Plan, and the FBI Chemical/Biological Incident Contingency Plan. In addition, the Bureau provided input to the development of several interagency and Departmental plans, including the Federal Response Plan (FRP), the National Infrastructure Assurance Plan, and the Interagency Plan on Counterterrorism and Technology Crime.

Mission Execution. The FBI conducts investigations regarding violation of federal law as authorized. The Bureau acts as the lead agency for all terrorism investigations for acts committed domestically and overseas. It also investigates the activities of countries that relate to any of the issue threats developed in the National Security Threat List (NSTL). The FBI operates the NIPC, an interagency body housed at the FBI, that is the focal point for gathering information on threats to the national infrastructures. The Bureau also supports criminal, counterterrorism and espionage field investigations for the FBI and other agencies through FBI laboratory services. Forensic disciplines include chemistry, DNA, trace evidence, photography, document examinations, firearms, and latent fingerprints.

Observation, Orientation, and Oversight. The FBI provides threat assessments to government and private organizations. It develops the NSTL, which includes an Issues Threat List and a classified Country Threat List. The Bureau produces individual or organizational intelligence profiles and investigative intelligence reports. The FBI maintains information on critical facilities throughout the United States to assist in contingency planning should these facilities become terrorist targets through the Infrastructure Vulnerability/ Key Asset Protection Program. In addition, the Bureau provides Uniform Crime Reports and a variety of other publications. The FBI performs objective, formal evaluations of FBI investigative, administrative and service programs, support systems, procedures and policies in order to provide executive management with recommendations designed to improve FBI operations.

Preparation. The FBI provides initial and recurring training for FBI personnel, operates the FBI National Academy to train selected state, county, and local police officers, and conducts training for state, county, and local police officers at the local level. The Bureau also operates the National Domestic Preparedness Office (NDPO) and coordinates the establishment of training curriculum and standards for first responder training in the event of a WMD attack. The FBI participates in interagency crisis management and disaster preparedness training exercises and co-chairs with the State Department the Interagency Exercise Subgroup established by the NSC. The Exercise Subgroup is meant to promote interagency discussions of exercises and improve preparedness for terrorist incidents. Also in the area of preparation, the FBI conducts research and development for critical law enforcement technologies and capabilities.

Resourcing. The FBI develops its budget for inclusion in the DoJ budget through a strategic management system and has integrated these elements into the budget process. The FBI Strategic Plan provides the roadmap for justifying and prioritizing future budget enhancements. Individual program plans establish the specific goals, strategies, critical success factors, resources, and performance measures necessary to conduct proactive program management in line with the overall FBI Strategic Plan. Field Office plans establish the regional component of this strategic management system, with Special Agents in Charge (SACs) prioritizing their efforts and committing to performance targets. In addition, as director of OIAP, the Director of the FBI provides advice to the Attorney General and the Deputy Attorney General on the budgetary and resource requests of the criminal investigative agencies of the Department.

Observations.

As the U.S. government continues to adjust to emerging national security threats, including terrorism, narcotics, and organized crime, significant responsibility is being consolidated within the FBI. The extent of the FBI's "leading role" is evidenced by the following:

- Increased formal responsibilities (e.g., lead federal agency for domestic terrorist incident response, host organization for the National Infrastructure Protection Center);
- Increased resources (e.g., Since Fiscal Year 1994, authorized personnel levels have grown by nearly 16 percent and the FBI budget has increased by \$900 million);
- Internal reorganization (e.g., Creation of two new offices within FBI Headquarters: the Counterterrorism Division and the Investigative Services Division); and
- Increased priority for national security issues within the FBI (e.g., national and economic security given highest priority in FBI Strategic Plan).

In response to its new responsibilities, the FBI appears to be reshaping its organizational culture. For example, the Bureau has initiated efforts to delegate authority to lower levels of the organization. The FBI Director is also committed to stronger, more open relationships with law enforcement agencies at the local, state, and federal levels, as well as cooperation with law enforcement agencies in other countries. In many cases the FBI is using a task force approach with a variety of law enforcement agencies—both in the United States and abroad.

In addition to the stronger emphasis on national security issues, the FBI is no longer serving merely as a crime solving organization. It has broadened its mission to also become a clearinghouse for information for other law enforcement and national security agencies. Some agents in the FBI's field offices may be resistant to the recent change in mission because of the perception that it will create an excessive workload when placed atop of the Bureau's traditional mission.⁴

⁴ An article in the Legal Times, found on the FBI's web site, questions whether field offices properly staffed and equipped to handle the new responsibilities. - "Skolnik, Sam, "A New Mission for G-Men," Legal Times, November 9, 1998 (<http://www.fbi.gov/nipc/legaltimes.htm>).

ORGANIZATIONAL DESCRIPTION

THE FEDERAL BUREAU OF INVESTIGATION

1. Legal Specifications, Authorizations and Responsibilities.

A. Authorizing Statute:

(1) **Title 28, U.S.C.**, Section 531 establishes the Federal Bureau of Investigation (FBI) under the Department of Justice (DoJ).⁵ Title 28, U.S.C., Section 533, authorizes the Attorney General to appoint officials to detect and prosecute crimes against the United States.

(2) **Title 18, U.S.C.**, Section 3052, specifically authorizes Special Agents and officials of the FBI to make arrests, carry firearms, and serve warrants. Title 18, U.S.C., Section 3107, empowers Special Agents and officials to make seizures under warrant for violation of federal statutes.⁶

(3) The FBI's authority to investigate specific criminal violations is conferred by numerous other congressional statutes.

(4) **Title 28, Code of Federal Regulations, Section 0.85**, outlines the investigative and other responsibilities of the FBI.⁷

B. Department Directives:

(1) **The United States Attorneys' Manual⁸ and the Department of Justice Organization and Functions Manual** describe the FBI's law enforcement roles.

(2) **Attorney General Guidelines:** These Guidelines afford centralized direction for specific categories of investigations, such as domestic security and terrorism, racketeering, and undercover operations. The Guidelines promote greater uniformity and control of national and international law enforcement efforts.

C. Interagency Directives:

(1) **Executive Order 12333:** The FBI conducts foreign intelligence and counterintelligence investigations under the authority of Executive Order 12333.⁹

(2) **Executive Order 12949:** By Executive Order 12949, the Director of the FBI is designated as an official who can make certifications required by the Foreign Intelligence

⁵ Title 28, United States Code, Sections 531-533.

⁶ Title 18, United States Code, Sections 3052 and 3107.

⁷ Title 28, Code of Federal Regulations (CFR), Section 0.85.

⁸ The U.S. Attorney's Manual contains general policies and some procedures relevant to the work of the United States Attorneys' offices and to their relations with the legal divisions, investigative agencies, and other components within DoJ. The document is intended to be a comprehensive collection of DoJ policies. When the contents of this Manual conflicts with earlier Department statements, except for Attorney General's statements, the Manual will control. – U.S. Attorneys' Manual, Title 1.

⁹ Executive Order 12333, December 4, 1981.

Surveillance Act (Section 1801 of Title 50 of the U.S. Code) in support of applications to conduct physical searches for the purpose of collecting foreign intelligence information.¹⁰

(3) Executive Order 10450: The FBI conducts investigations of civilian employees and applicants in the Executive Branch of government under the authority of Executive Order 10450, which prescribes the procedures for the federal employees security program.¹¹

(4) Executive Order 13010: Executive Order 13010 created the President's Commission on Critical Infrastructure Protection, of which an FBI official was a member, to make recommendations to the President. It also established an Infrastructure Protection Task Force (IPTF) within the Department of Justice, chaired by the Federal Bureau of Investigation.¹²

(5) Executive Order 13110: Executive Order 13110 created the Nazi War Criminal Working Group, on which the FBI Director is a member. The Working Group's mission is to locate, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration all classified Nazi war criminal records of the United States, subject to certain designated exceptions.¹³

(6) Presidential Decision Directive (PDD) 14: PDD 14 provides a policy framework for U.S. international drug control. It directs all federal agencies to change the emphasis in U.S. international drug programs from the past concentration on stopping narcotics shipments to a more evenly distributed effort across three programs: assisting source countries in addressing the root causes of narcotics production and trafficking, combating international narco-trafficking organizations, and emphasizing more selective and flexible interdiction programs near the U.S. border, in the transit zone, and in source countries.¹⁴

(7) PDD 24: PDD 24 on U.S. Counterintelligence Effectiveness created specific initiatives to improve effectiveness. It did not amend or change any of the responsibilities laid out in Executive Order 12333. It created a National Counterintelligence Policy Board (Policy Board), which includes a senior representative from the FBI. The position of chairman is rotated between the FBI, Central Intelligence Agency (CIA), and Department of Defense (DoD). It established a National Counterintelligence Operations Board (Operations Board) under the Policy Board also with representation and rotating chairmanship including the FBI. It also established a National Counterintelligence Center and requires the exchange of senior managers between the FBI and CIA.¹⁵

(8) PDD 27: PDD 27 on Nonproliferation Science and Technology Strategy created the Nonproliferation and Arms Control Technology Working Group (NPAC TWG). The purpose of the NPAC TWG is to ensure coordination of Research and Development (R&D) in the areas of arms control and nonproliferation and guarding against redundant arms control

¹⁰ Executive Order 12949, February 9, 1995.

¹¹ Executive Order 10450, May 28, 1953.

¹² Executive Order 13010, July 15, 1996.

¹³ Executive Order 13110, January 11, 1999.

¹⁴ The White House, Office of the Press Secretary, Statement by the Press Secretary, November 3, 1993.

¹⁵ White House Fact Sheet on U.S. Counterintelligence Effectiveness, May 3, 1994.

and nonproliferation R&D programs. The FBI is represented on the NPAC TWG at the R&D Program Manager level or above.¹⁶

(9) PDD 35: PDD 35 defines U.S. intelligence requirements. It gives high priority (after support of U.S. troops and intelligence on countries hostile to the U.S.) to intelligence support to activities addressing counterproliferation, international terrorism, organized crime and drugs.¹⁷

(10) PDD 39: PDD 39 on counterterrorism policy reaffirms the FBI's role as lead agency for crisis response and confers upon it responsibility for reducing vulnerability to terrorism through an expanded counterterrorism program. PDD 39 also makes the FBI responsible for the Domestic Emergency Support Team (DEST) in the event of domestic terrorist incidents. The FBI, acting for the Department of Justice, is also charged by PDD 39 with establishing and maintaining procedures, in coordination with the Departments of State, Defense, and Transportation, "to ensure the efficient resolution of terrorist hijackings."¹⁸

(11) PDD 42: PDD 42 ordered all agencies of the executive branch to increase the priority and resources devoted to fighting international crime, to improve internal coordination, to work more closely with foreign governments to develop a response to the threat, and to use aggressively all legal means available in combating international crime.¹⁹

(12) PDD 44: PDD 44 on Heroin Control Policy makes heroin control a major foreign policy objective. It calls for implementing coordinated international law enforcement efforts to disrupt and destroy heroin trafficking organizations. It also directs agencies to address the underground banking systems that finance trafficker operations.²⁰

(13) PDD 62: PDD 62 made fighting terrorism a top priority. PDD 62 reinforced the mission of U.S. agencies charged with roles in counterterrorism. It also codified roles in counterterrorism programs such as apprehension and prosecution of terrorists and enhancing response capabilities.²¹

(14) PDD 63: PDD 63 on critical infrastructure protection designated the Department of Justice, through the FBI, as the lead agency for sector liaison with the emergency law enforcement services and the lead agency for the special function of law enforcement and internal security. It also created the National Infrastructure Protection Center (NIPC), which is housed in the FBI, to assess threats to critical national infrastructure and provide warnings to all government agencies and to the private sector.^{22, 23}

¹⁶ Federation of American Scientists Fact Sheet on PDD 27, <http://www.fas.org/irp/offdocs/pdd27.htm>

¹⁷ Federation of American Scientists, Fact Sheet on PDD 35, <http://209.207.236.112/irp/offdocs/pdd35.htm>

¹⁸ Presidential Decision Directive-39, June 21, 1995.

¹⁹ As described in International Crime Control Strategy, "Introduction and Overview", June 1998.

²⁰ Federation of American Scientists, Fact Sheet on PDD 44, <http://209.207.236.112/irp/offdocs/pdd44.htm>

²¹ White House Fact Sheet on Presidential Decision Directive-62, May 22, 1998.

²² White Paper: The Clinton Administration's Policy on Critical Infrastructure Protection: Presidential Decision Directive 63, May 1998.

²³ The creation of NIPC was largely a result of the recommendations of the Commission on Critical Infrastructure Protection established by Executive Order 13010.

2. Missions, Functions, Purposes. "The Mission of the FBI is to uphold the law through the investigation of violations of federal criminal law; to protect the United States from foreign intelligence and terrorist activities; to provide leadership and law enforcement assistance to federal, state, local, and international agencies; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States."²⁴

A. Major Responsibilities: Title 28, Code of Federal Regulations, Section 0.85 describes the FBI's responsibilities as follows:²⁵ ²⁶

(1) Investigate violations of the laws, including the criminal drug laws, of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency [Key National Security Process Relationship: Mission Execution].²⁷

(2) Conduct the acquisition, collection, exchange, classification and preservation of fingerprint cards and identification records from criminal justice and other governmental agencies, including fingerprint cards voluntarily submitted by individuals for personal identification purposes; provide expert testimony in federal, state and local courts as to fingerprint examinations; and provide fingerprint training and provide identification assistance in disasters and for other humanitarian purposes [Key National Security Process Relationship: Observation, Orientation, and Oversight; Preparation].

(3) Conduct personnel investigations requisite to the work of the Department of Justice and whenever required by statute [Key National Security Process Relationship: Mission Execution; Preparation].

(4) Take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters. [Key National Security Process Relationship: Mission Execution].

(5) Establish and conduct law enforcement training programs to provide training for state and local law enforcement personnel; operate the Federal Bureau of Investigation National Academy; develop new approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and assist in conducting state and local training programs [Key National Security Process Relationship: Preparation].

(6) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center [Key National Security Process Relationship: Observation, Orientation, and Oversight].

²⁴ FBI Mission Statement, <http://www.fbi.gov/yourfbi/facts/fbimission>.

²⁵ Title 28, Code of Federal Regulations (CFR), Section 0.85.

²⁶ New roles and responsibilities in counterterrorism and national infrastructure protection, including responsibility for the NIPC and NDPO are not yet listed in the Code of Federal Regulations."

²⁷ The Director's authority to investigate violations of and collect evidence in cases involving the criminal drug laws of the United States is concurrent with such authority of the Administrator of the Drug Enforcement Administration.

(7) Operate the Federal Bureau of Investigation Laboratory to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other federal agencies, which may desire to avail themselves of the service. The Federal Bureau of Investigation Laboratory may also be made available to foreign law enforcement agencies and courts [Key National Security Process Relationship: Mission Execution].

(8) Investigate alleged fraudulent conduct in connection with operations of the Department of Housing and Urban Development and other alleged violations of the criminal provisions of the National Housing Act [Key National Security Process Relationship: None].

(9) Exercise the power and authority vested in the Attorney General to approve and conduct exchanges of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions [Key National Security Process Relationship: Mission Execution].

(10) Exercise Lead Agency responsibility in investigating all crimes for which it has primary or concurrent jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the statutory jurisdiction of the United States. Within the United States, this would include the collection, coordination, analysis, management and dissemination of intelligence and criminal information as appropriate [Key National Security Process Relationship: Mission Execution].²⁸

(11) Carry out DoJ's responsibilities under the Hate Crime Statistics Act [Key National Security Process Relationship: Mission Execution].

(12) Exercise the authority vested in the Attorney General to accept from federal departments and agencies the services of law enforcement personnel to assist the Department of Justice in the investigation and prosecution of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, and to coordinate the activities of such law enforcement personnel in the conduct of such investigations and prosecutions [Key National Security Process Relationship: Mission Execution].

(13) Carry out the responsibilities conferred upon the Attorney General under the Communications Assistance for Law Enforcement Act [Key National Security Process Relationship: Mission Execution].

²⁸ If another federal agency identifies an individual who is engaged in terrorist activities or in acts in preparation of terrorist activities, that agency is requested to promptly notify the FBI. Terrorism includes the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

The following table illustrates the range of federal matters investigated by the FBI.

Category	Examples ²⁹		
General Crimes	<ul style="list-style-type: none"> • Antiracketeering • Antitrust • Assassination, Kidnapping, or Assaulting the President, Vice-President, Presidential Staff Member, or Vice-Presidential Staff Member • Assassination, Kidnapping, or Assaulting a Member of Congress • Assassination, Kidnapping, or Assaulting an Executive Department Head or Director, CIA • Assassination, Kidnapping, or Assaulting a Supreme Court Justice • Assaulting or Killing a Federal Officer • Bank Burglary • Bank Fraud and Embezzlement • Bank Larceny • Bank Robbery • Bombing Matters • Bond Default • Bribery • Civil Rights • Congressional Assassination Statute • Conspiracy (in matters under FBI jurisdiction) • Conspiracy to Impede or Injure an Officer • Contempt of Court • Copyright Matters • Credit and/or Debt Card Fraud • Crime Aboard Aircraft • Crimes on Government Reservations • Crimes on Indian Reservations • Crimes within the Maritime Jurisdiction • Destruction of Aircraft or Motor Vehicles Used in Interstate or Foreign Commerce • Domestic Security • Election Laws 	<ul style="list-style-type: none"> • Employee Retirement Income Security Act • Escaped Federal Prisoners, Escape and Rescue • Espionage • Ethics in Government Act of 1978 • Extortion • Extortionate Credit Transactions • Falsely Claiming Citizenship • False Entries in Records of Interstate Carriers • Federal Aviation Act • Federal Housing Administration Matters • Federal Regulation of Lobbying Act • Federal Tort Claims Act • Federal Train Wreck Statute • Foreign Agents Registration Act • Fraud Against the Government • Fraud by Wire • Fraudulent Practices Concerning Certain Military and Naval Documents and Seals of Department or Agencies of the United States • Government Property - Theft, Robbery, Embezzlement, Illegal Possession, and Destruction • Harboring • Hobbs Act • Illegal Gambling Business • Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia • Illegal Use of Government Transportation Requests • Illegal Wearing of the Uniform and Related Statutes • Impersonation • Interception of Communications • Interference with Discrimination in Housing, Civil Rights Act of 1964, and federally protected activities • Interstate Gambling Activities • Interstate Obscene or Harassing Telephone Calls 	<ul style="list-style-type: none"> • Interstate Transportation in Aid of Racketeering • Interstate Transportation of Gambling Devices • Interstate Transportation of Lottery Tickets • Interstate Transportation of Obscene Matter • Interstate Transportation of Prison-made Goods • Interstate Transportation of Stolen Cattle • Interstate Transportation of Stolen Motor Vehicle or Aircraft • Interstate Transportation of Stolen Property • Interstate Transmission of Wagering Information • Interstate Transportation of Wagering Paraphernalia • Involuntary Servitude and Slavery • Irregularities in Federal Penal Institutions • Kickback Racket Act • Kidnapping • Labor Management Relations Act, 1974 • Mann Act • Migratory Bird Act • Narcotics Violations • National Bankruptcy Act • Obstruction of Justice • Perjury • Protection of Foreign Officials • Racketeer Influenced and Corrupt Organizations • Railway Labor Act • Sabotage • Security Matters • Selective Service Matters • Sexual Exploitation of Children • Sports Bribery • Theft from Interstate Shipment • Unlawful Flight to Avoid Prosecution, Custody, Confinement, and Giving testimony • Veterans Administration Matters

²⁹ Department of Justice Organization and Functions Manual, U.S. Attorneys' Manual Title 1 Resource Manual.

Accounting Matters and Civil Cases	<ul style="list-style-type: none"> • Admiralty Matters • Alien Property Custodian Matters • Ascertaining Financial Ability to Pay Claims, Fines, and Judgments 	<ul style="list-style-type: none"> • Civil Rights Act of 1964, public accommodations, public education, public facilities, employment (involving only governmental agencies, state, county, municipal, and in the private sector only where the employee is under contract to the United States), discrimination in housing 	<ul style="list-style-type: none"> • Contract Settlement Act • Federal Reserve Act • Federal Tort Claims Act • Mail Fraud (accounting phases) • National Bankruptcy Act • Real Estate Settlement Procedures Act of 1974 • False Claims (civil)
Applicant Investigations	<ul style="list-style-type: none"> • Application for Executive Clemency (Only those cases where originally convicted of an offense within jurisdiction of FBI) 	<ul style="list-style-type: none"> • Application for pardon after completion of sentence 	<ul style="list-style-type: none"> • Departmental applicants • FBI applicants

B. Subordinate Agencies and Activities:³⁰

(1) **FBI Field Offices** are located in 56 major cities (55 in the United States and one in Puerto Rico). Each Field Office has responsibility for the FBI activities in its region. Each FBI field office is overseen by a Special Agent in Charge (SAC), except for those located in Los Angeles, New York City, and Washington, D. C. Due to their large size, each of those offices are managed by an Assistant Director in Charge (ADIC). The ADICs are assisted by SACs responsible for specific programs.

(2) **FBI Resident Agencies** are satellite offices of the FBI Field Offices. There are approximately 400 resident agencies. The Resident Agencies report to the Field Office that covers its area. The number of resident agencies reporting to each Field Office varies according to the size of the region.

(3) **FBI Legal Attaches** establish and maintain liaison with principal law enforcement and intelligence/security services in foreign countries. There are currently thirty-four Legal Attache Offices, located in U.S. embassies in the countries to which they are accredited, around the world.³¹

(4) **Information Technology Centers (ITCs)** provide information services to support field investigative and administrative operations. The four ITCs are located in Pocatello, Idaho; Fort Monmouth, New Jersey; Butte, Montana; and Savannah, Georgia.

C. Major Products:

³⁰ <http://www.fbi.gov/yourfbi/facts/fbimission.htm#structure>.

³¹ Legal Attaché Offices are located in Athens, Greece; Bern, Switzerland; Berlin, Germany; Brussels, Belgium; Cairo, Egypt; Kiev, Ukraine; London, England; Madrid, Spain; Moscow, Russia; Paris, France; Pretoria, South Africa; Riyadh, Saudi Arabia; Rome, Italy; Tallinn, Estonia; Tel Aviv, Israel; Vienna, Austria; Warsaw, Poland; Bangkok, Thailand; Bogota, Colombia; Bridgetown, Barbados; Buenos Aires, Argentina; Canberra, Australia; Caracas, Venezuela; Hong Kong, Peoples Republic of China; Islamabad, Pakistan; Manila, Philippines; Mexico City, Mexico; Montevideo, Uruguay; Ottawa, Canada; Panama City, Panama; Santiago, Chile; and Tokyo, Japan. In November 1998, the Congress approved creation of five additional Legal Attache offices, in Almaty, Kazakhstan; Ankara, Turkey; Copenhagen, Denmark; Brasilia, Brazil, and Singapore.

(1) Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy);

(2) Input for various DoJ strategies and policies (e.g., DoJ Strategic Plan, Attorney General Guidelines);

(3) FBI Strategic Plan;

(4) Internal Policies and Guidance;

(5) Input to various interagency plans (e.g., Federal Response Plan, Chemical/Biological Incident Contingency Plan);

(6) Various reports (e.g., Uniform Crime Report, Report on Terrorism in the United States);

(7) Interagency Guidelines (e.g., Domestic Guidelines, Handbook of Forensic Services);

(8) Inputs to the National Security Threat List;

(9) Threat Assessments;

(10) Investigative information for federal prosecutors;

(11) Various operational and response groups (e.g., Joint Terrorism Task Forces, Critical Incident Response Group);

(12) Forensic Examinations;

(13) Expert Testimony;

(14) Various information clearinghouses (e.g., fingerprints, National Crime Information Center);

(15) Individual and Organizational Profiles;

(16) Training for federal, state, local, and foreign law enforcement officers;

(17) FBI Budget.

3. Vision and Core Competencies.

A. Vision: The FBI does not have a published vision. However, the following statement by the current Director, Louis J. Freeh, can be construed as his vision for the organization.

"My continuing commitment for the FBI as we enter the new millennium is the same as when I took office. First, that the FBI maintain its Core Values . . . Ninety years of changes in technology, jurisdiction and mission have only reinforced the critical requirement that FBI employees always tell the truth, promote justice, and act with fairness and compassion to protect the people and uphold the Constitution. Second, that the FBI maintains the resources and

jurisdiction to ensure its competence. Third, that the FBI develop to the highest potential its cooperation and assistance with its federal, state, local and foreign law enforcement and national security counterparts. Our greatest successes will flow from the willingness to "share our toys" with our partners and avoid the dysfunctional turf-fighting that detracts from our mission. Finally, that the FBI remain free from inappropriate political interference and all attempts to politicize its work."^{32, 33}

B. Core Competencies: The FBI's core competencies are not published. However, the Bureau is widely recognized for its investigative capabilities. The FBI is a fact-finding and reporting agency only. The results of FBI investigations are furnished to the United States Attorney's Office or to DoJ for the determination of appropriate action.³⁴ Director Freeh has described "what the FBI does best" in congressional testimony: "catch criminals, drug traffickers, terrorists, and spies; provide training, investigative assistance, and forensic and identification services to our law enforcement partners; and develop new crime-fighting technologies and techniques."³⁵

4. Organizational Culture.

A. Values: The stated FBI values include:

- (1) Rigorous obedience to the Constitution of the United States;
- (2) Respect for the dignity of the people it protects;
- (3) Compassion;
- (4) Fairness; and
- (5) Uncompromising personal and institutional integrity.³⁶

B. Leadership Traditions:

(1) Section 203 of Public Law 94-503, enacted on October 15, 1976 provides for the appointment of the FBI Director by the President with the advice and consent of the Senate. The term of the Director is limited to ten years. There have been five directors of the FBI, not including people who served as interim directors or people who served as head of the office of investigation while it was still inside DoJ. They are J. Edgar Hoover, Clarence Kelley, William H. Webster, William Steele Sessions, and Louis J. Freeh. Hoover worked for DoJ in several capacities before becoming assistant director of the Bureau (while it was still an office in DoJ). Hoover, Webster, Sessions, and Freeh all held law degrees. Webster, Sessions and Freeh had served as judges, and Sessions and Freeh also served as U.S. Attorneys. Freeh was also an FBI

³² Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

³³ Although the FBI has made cooperation with other law enforcement organizations a priority, the Bureau has been perceived in the past as an organization that closely guards its information and methods.

³⁴ Department of Justice, U.S. Attorneys' Manual, Washington, DC: U.S. Government Printing Office, September 1997, Title 1.

³⁵ Freeh, Louis J., Director, Federal Bureau of Investigation, Testimony before the Senate Committee on Appropriations, Subcommittee for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, March 24, 1999.

³⁶ FBI Core Values, <http://www.fbi.gov/values.htm>.

agent for six years. Kelley was the Chief of Police in Kansas City before being appointed Director and had been an FBI agent for approximately 20 years.

(2) The FBI is a hierarchical organization, and the various subordinate levels have defined "chains-of-command" that run from the individual agents, through the Special Agents in Charge, to the headquarters Sections and Assistant Directors, to the Director. The FBI has initiated efforts to delegate authority to lower levels of the organization. Project Forge, initiated in February 1992, was a comprehensive internal evaluation designed to review the FBI's organizational structure and design; the role, responsibilities, and authority of FBI Headquarters (FBIHQ) managers; communication networks; and the management ties between FBIHQ and field offices. Changes that resulted, in part from Project Forge, include: reconfiguring several FBIHQ divisions along functional lines, thereby reducing the number of management layers; consolidating or removing redundant FBIHQ administrative/operational functions; and delegating additional operating authority to field offices.³⁷

C. Staff Attributes:

(1) The FBI is a career service; its employees are selected without regard to political affiliation and political considerations. Special Agents come from a broad range of educational disciplines and professions. The FBI Professional Support Staff also comprise a wide variety of disciplines, including crime scene specialists, laboratory technicians, fingerprint experts, and language specialists. FBI agents and support staff must be U.S. citizens.

(2) There are four entry programs for special agents: Law, Accounting, Language, and Diversified. Law Program applicants must have a Doctor of Jurisprudence (JD) degree from a resident law school. Accounting Program applicants must have a Bachelor of Science (BS) degree with a major in accounting or a related discipline, and be eligible to take the Certified Public Accountant (CPA) examination. Language Program applicants must have a BS or Bachelor of Arts (BA) degree in any discipline and be proficient in a language that meets the needs of the FBI. Diversified Program applicants must have a BS or BA degree in any discipline, plus three years of full-time work experience, or an advanced degree accompanied by two years of full-time work experience.³⁸

(3) Special Agents enter service as GS 10 employees on the government pay scale. Newly appointed Special Agents are assigned to one of the FBI's field offices. Agents can generally expect to remain in their first office of assignment for a minimum of four years. Agents can advance to the GS 13 grade level in field non-supervisory assignments. Promotions to supervisory, management, and executive positions are available in grades GS 14 and GS 15 as well as in the Senior Executive Service.³⁹

(4) Within the FBI culture, success in the apprehension of criminals appears to be the most recognized and rewarded accomplishment.

D. Strategy: The FBI Strategic Plan 1998-2003 identifies three major functional areas that determine the FBI's priorities: national and economic security; criminal enterprises and

³⁷ FBI Organizational Initiatives, <http://www.fbi.gov/yourfbi/history/orginits.htm>.

³⁸ <http://www.fbi.gov/employment/agent2.htm>.

³⁹ <http://www.fbi.gov/employment/agent1.htm>.

public integrity; and individuals and property. Within each functional area, the FBI has set strategic goals emphasizing the need to "position itself to prevent crimes and counterintelligence activities, rather than just reacting to such acts after they occur."⁴⁰

(1) National and economic security is given the highest priority among the three. The strategic goals in national and economic security are:

(a) Identify, prevent, and defeat intelligence operations conducted by any foreign power within the United States, or against U.S. interests abroad, that constitute a threat to U.S. national security;

(b) Prevent, disrupt, and defeat terrorist operations before they occur;

(c) Create an effective and ongoing deterrent to prevent criminal conspiracies from defrauding major U.S. industries and the U.S. government; and

(d) Deter the unlawful exploitation of emerging technologies by foreign powers, terrorists, and criminal elements.⁴¹

(2) The second FBI priority—criminal and public integrity—also contains a national security aspect. Goals in this area include:

(a) Identify, disrupt, and dismantle existing and emerging organized crime enterprises whose activities affect the United States; and

(b) Identify, disrupt, and dismantle targeted international and national drug-trafficking organizations.⁴²

(3) To achieve its strategic goals, the FBI has developed five operational support strategies:

(a) Intelligence;

(b) Information technology;

(c) Applied science and engineering;

(d) Management; and

(e) Assistance to state, local, and international law enforcement partners.⁴³

(4) The roots of the FBI strategic plan can be found in the Department of Justice Strategic Plan 1997-2002. The DoJ Strategic Plan not only outlines goals and strategies, but also lists performance indicators for each goal. One of the DoJ goals is to "Reduce espionage

⁴⁰ Freeh Testimony of March 24, 1999.

⁴¹ Freeh Testimony of March 24, 1999.

⁴² Freeh Testimony of March 24, 1999.

⁴³ Freeh Testimony of March 24, 1999.

and terrorism (sponsored by foreign or domestic groups) in the United States and abroad when directed at U.S. citizens or institutions."⁴⁴ The performance indicators in this area are:

- (a) Estimate of terrorist incidents prevented in the United States.
- (b) Neutralization of foreign intelligence activities (through maintaining diverse offensive counterintelligence techniques).
- (c) Indictments and convictions in highest priority cases.
- (d) Production of quality analysis and assessments on foreign intelligence and terrorist activities for law enforcement and counterintelligence purposes.
- (e) Increased exchange of personnel collaboration between the FBI and other agencies, which support or assist the FBI's investigative efforts in espionage and terrorism matters.⁴⁵

E. Organizational Structure: The following figure shows the FBI Headquarters structure.⁴⁶

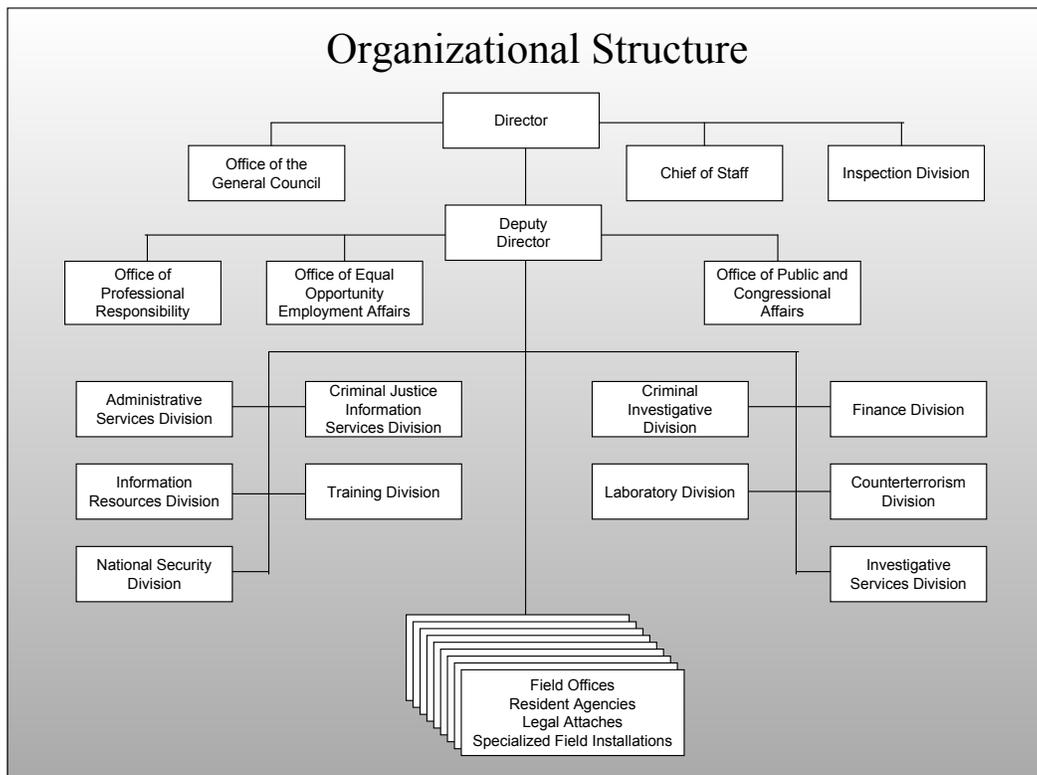


Figure 1: FBI Organizational Structure

⁴⁴ Department of Justice, U.S. Department of Justice: Strategic Plan 1997-2002, "Department of Justice Goals and Strategies," October 1997 (<http://www.usdoj.gov/jmd/mps/plan.htm>).

⁴⁵ Department of Justice, U.S. Department of Justice: Strategic Plan 1997-2002.

⁴⁶ Source: <http://www.fbi.gov/yourfbi/history/hqorg.htm>.

(1) Notes on Organizational Chart:

(a) The Director, supported by a Deputy Director and a Chief of Staff, heads the FBI. The FBI Director reports to the Attorney General of the United States. An Assistant Director heads each of the Headquarters divisions, the Office of Public and Congressional Affairs, and the Office of Professional Responsibility. The FBI's General Counsel heads the Office of the General Counsel, and the Office of Equal Employment Opportunity Affairs is administered by the Equal Employment Manager. FBIHQ divisions and offices usually are arranged along broad functional lines into sections, and then into smaller, more specialized work groups known as units.

(b) The FBI is a field-oriented office in which divisions and offices at FBIHQ in Washington, D.C. provide program direction and support to fifty six field offices, approximately four hundred satellite offices (known as resident agencies), four specialized field installations, and thirty four foreign liaison posts (known as Legal Attaches). These divisions and offices are:⁴⁸

(i) Office of the General Counsel provides legal advice to the Director and other FBI officials. It also researches legal questions surrounding law enforcement and national security matters, and coordinates the defense of civil litigation and administrative claims involving the FBI.

(ii) Inspection Division is responsible for conducting examinations of the FBI's investigative and administrative operations at FBIHQ and field offices to ensure compliance with regulations and make recommendations for improved organizational effectiveness and efficiency.

(iii) Office of Professional Responsibility is responsible for the investigation of, and the supervision of the investigation of, allegations of criminal conduct and serious misconduct by FBI employees, and for the adjudication of discipline. It also maintains liaison with the Department of Justice's Offices of Professional Responsibility and of the Inspector General.

(iv) Office of Equal Employment Opportunity Affairs ensures equality of opportunity for all employees/applicants. It handles complaint processing, training and monitoring of employment practices.

(v) Office of Public and Congressional Affairs communicates information on FBI investigations, services, programs, policy, and accomplishments to the public, Congress, and the media.

(vi) Administrative Services Division manages and provides executive direction in all aspects of FBI personnel and recruitment matters, and is responsible for the management and security of all FBI facilities.

⁴⁸ FBI Divisions and Offices, <http://www.fbi.gov/employment/division2.htm>.

(vii) Information Resources Division provides centralized management and planning for information resources within the FBI. It develops and maintains architectures that specify how information is to be collected, managed, and used.

(viii) National Security Division coordinates investigative matters concerning foreign counterintelligence and counterespionage.

(ix) Criminal Justice Information Services Division serves as the focal point and central repository for criminal justice information services in the FBI. It provides identification and information services to state, local, federal, and international criminal justice communities.

(x) Training Division manages the FBI Academy in Quantico, Virginia and trains FBI special agents and professional support staff, as well as local, state, federal, and international law enforcement personnel.

(xi) Criminal Investigative Division coordinates the FBI's efforts to fulfill its broad investigative mandate.

(xii) Laboratory Division provides leadership and service in scientific solution and prosecution of crimes throughout the United States. Its activities include crime scene searches, special surveillance photography, latent fingerprint examinations, forensic examinations of evidence, court testimony, and other scientific and technical services. FBI offers these services, free of charge, to all law enforcement agencies in the United States.

(xiii) Finance Division manages the FBI budget and accounting matters, the procurement process, and Chief Financial Officers Act requirements.

(xiv) Counterterrorism Division oversees the NIPC, the National Domestic Preparedness Office (NDPO), and all other counterterrorism initiatives.⁴⁹

(xv) Investigative Services Division coordinates the FBI's international activities, integrates its analytical capacities, and oversees crisis management functions.⁵⁰

5. Formal National Security Process Involvement. The table on the following page indicates the FBI's major products and roles in the seven key national security processes.

⁴⁹ The establishment of this division was announced on November 11, 1999. The National Security Division previously oversaw counterterrorism. - FBI National Press Office, "FBI Announces a Major Restructuring of FBI Headquarters," November 11, 1999, (<http://www.fbi.gov/pressrm/pressrel/restruct.htm>).

⁵⁰ The establishment of this division was announced on November 11, 1999. In the past, these tasks were the responsibility of the Criminal Investigative Division. The Investigative Services Division will house a new Information, Analysis and Assessments Branch. - FBI National Press Office, "FBI Announces a Major Restructuring of FBI Headquarters", November 11, 1999, (<http://www.fbi.gov/pressrm/pressrel/restruct.htm>).

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing	
Products	Input for various National Strategies (e.g., National Security Strategy, International Crime Control Strategy)	✓							
	Input for various DoJ strategies and policies (e.g., DoJ Strategic Plan, Attorney General Guidelines)	✓	✓						
	FBI Strategic Plan	✓							
	Internal Policies and Guidance		✓						
	Input to various interagency plans (e.g., Federal Response Plan, Chem/Bio Incident Contingency Plan)			✓					
	Various reports (e.g., Uniform Crime Report, Report on Terrorism in the United States)					✓			
	Interagency Guidelines (e.g., Domestic Guidelines, Handbook of Forensic Services)		✓						
	Inputs to the National Security Threat List					✓			
	Threat Assessments					✓			
	Investigative information for federal prosecutors)				✓				
	Various operational and response groups (e.g., Joint Terrorism Task Forces, Critical Incident Response Group)				✓				
	Forensic Examinations				✓				
	Expert Testimony				✓				
	Various information clearinghouses (e.g., fingerprints, National Crime Information Center)				✓	✓			
	Individual and Organizational Profiles				✓	✓			
	Training for federal, state, local, and foreign law enforcement officers						✓		
FBI Budget							✓		
Roles	Lead Federal agency for domestic terrorist incident response		✓	✓	✓		✓		
	Member, National Counterintelligence Policy Board		✓						
	Member of multiple Interagency Working Groups (e.g., Interagency Intelligence Committee on Terrorism, Special Coordination Group on International Crime)	✓	✓	✓					
	Host for the National Infrastructure Protection Center				✓				
	Participant in the National Counter Drug Intelligence Center				✓				
	FBI Director	Director of DoJ's Office of Investigative Policy Board	✓	✓	✓	✓	✓	✓	✓
		Congressional Testimony							✓

A. Strategy Development:

(1) Major Activities:

(a) Provide input to the National Security Council (NSC) for the development of the National Security Strategy (NSS). The NSS contains sections on international law enforcement cooperation, terrorism, international crime, drug trafficking, managing the consequences of WMD incidents, and protection of critical infrastructures.

(b) Provide input for the development of the International Crime Control Strategy (ICCS). To further the objectives outlined in PDD 42, the NSC directed the Departments of Justice, State, and the Treasury to develop and implement a comprehensive national strategy to attack international crime. The resulting ICCS articulates eight broad goals and thirty related objectives as a blueprint for an effective, long term approach to combating international crime.⁵¹

(c) Provide input to the Office of National Drug Control Policy (ONDCP) for the Development of the National Drug Control Strategy.

(d) Provide input for the development of the DoJ Strategic Plan.

(e) Develop the FBI Strategic Plan.

(2) Major Stakeholders: NSC, DoJ, and ONDCP.

(3) **Key Organizational Processes:** The FBI Strategic Plan was developed by a task force headed Deputy Director Robert M. Bryant. The task force conducted strategy sessions with every FBI investigative program, and met with FBI Special Agents in Charge and other field office representatives. The task force not only identified the national priorities for the FBI, but also performed a self-assessment of FBI capabilities.⁵²

(4) **Associated Higher-Level Processes:** Development of the NSS, ICCS, National Drug Control Strategy, and DoJ Strategic Plan [See sections on the National Security Council, the Office of National Drug Control Policy, and the Office of the Attorney General].

(5) **Associated Lower-Level Processes:** Development of individual formal or informal strategies by FBI subordinate organizations (e.g., field offices, resident agencies, legal attaches).

⁵¹ International Crime Control Strategy, "Introduction and Overview", June 1998.

⁵² Freeh Testimony of March 24, 1999.

B. Policy, Guidance, and Regulation:

(1) Major Activities:

(a) The FBI, as lead federal agency for domestic terrorist crisis response, drafted "Guidelines for the Mobilization, Deployment, and Employment of U.S. Government Agencies in Response to a Domestic Terrorist Threat or Incidence in Accordance with Presidential Decision Directive 39." The document is also known as the Domestic Guidelines.

(b) Participate in policy development as a member of the National Counter Intelligence Policy Board.

(c) Provide input to a broad range of departmental policies, such as the State Department's "Coordinating Subgroup Guidelines for the Mobilization, Deployment, and Employment of U.S. Government Elements in Response to an Overseas Crisis." This document is also known as the International Guidelines.⁵³

(d) Participate in the development of policy recommendations through membership in various formal interagency groups. For example:

(i) PDD 42 established the Special Coordination Group (SCG) to ensure sustained and focused attention to international crime. It is an interagency team chaired by a senior member of the NSC staff and includes a high-level FBI official.⁵⁴

(ii) The FBI is also a member of the Interagency Intelligence Committee on Terrorism. This committee is designed to enhance the sharing and analyzing of information by the more than 40 agencies on the committee.⁵⁵

(iii) As a member of the Nonproliferation and Arms Control NPAC TWG, the FBI participates in: exchanges information and coordinates arms control and nonproliferation research and development (R&D); advises agencies on nonproliferation and arms control R&D priorities; facilitates the conduct of cooperative interagency programs; reviews nonproliferation and arms control R&D programs and identifies overlaps and gaps; frames interagency issues and differences for decisions by adjudicating bodies; advises policy Interagency Working Groups on R&D capabilities and limitations; and makes recommendations to the NSC on coordination of all nonproliferation and arms control R&D programs in the President's budget submission to Congress.⁵⁶

(iv) As director of DoJ's Office of Investigative Agency Policies (OIAP), the FBI Director provides advice to the Attorney General and the Deputy Attorney

⁵³ General Accounting Office, Combating Terrorism: Issues to Be Resolved to Improve Counterterrorism Operations, Washington DC: U.S. Government Printing Office, May 1999 (Report Number GAO/NSIAD-99-135).

⁵⁴ International Crime Control Strategy, "Optimizing the Full Range of U.S. Efforts," June 1998.

⁵⁵ General Accounting Office, Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy, Washington DC: U.S. Government Printing Office, September 1997 (Report Number GAO/NSIAD-97-254).

⁵⁶ Federation of American Scientists Fact Sheet on PDD 27, <http://209.207.236.112/irp/offdocs/pdd27.htm>.

General on all investigative policies, procedures and activities that warrant uniform treatment or coordination among the criminal investigative agencies of the Department.⁵⁷

(2) Major Stakeholders: NSC, DoJ, Federal Emergency Management Agency (FEMA), DoD, Health and Human Services (HHS), Environmental Protection Agency (EPA), and CIA.

(3) Key Organizational Processes:

(a) The Domestic Guidelines describe the specific procedures and responsibilities of deploying the interagency DEST, particularly in Weapons of Mass Destruction (WMD) incidents.⁵⁸ The FBI coordinated drafts of the Domestic Guidelines with FEMA, DoD, HHS, and the EPA.⁵⁹

(b) The National Counterintelligence Policy Board (on which a senior FBI official holds membership) considers, develops, and recommends for implementation to the Assistant to the President for National Security Affairs policy and planning directives for U.S. counterintelligence. The Policy Board is the principal mechanism for reviewing and proposing to the NSC staff legislative initiatives and executive orders pertaining to U.S. counterintelligence. The Policy Board also coordinates the development of interagency agreements and resolves conflicts that may arise over the implementation of those agreements.⁶⁰ The National Counterintelligence Operations Board (on which a senior FBI official is a member) oversees all coordinating subgroups, resolves specific conflicts concerning counterintelligence operations, and identifies potential policy conflicts for referral to the Policy Board.⁶¹

(c) The Office of Investigative Agency Policies was established in November 1993, to improve coordination among its law enforcement agencies, reduce duplication, and better utilize investigative resources. OIAP is headed by a Director—currently the Director of the FBI—appointed by the Attorney General from among the heads of the affected investigative agencies—FBI, Drug Enforcement Administration (DEA), U.S. Marshals Service, and Immigration and Naturalization Service (INS)—and Justice's Criminal Division. OIAP is responsible for resolving operational issues among the Justice's investigative agencies where there is overlapping jurisdiction and for advising the Attorney General regarding administrative, budgetary, and personnel matters involving these agencies. Among other things, OIAP has issued resolutions and begun taking actions to improve the use and sharing of federal drug intelligence; the coordination of violent crime activities; the coordination of the budget requests of the various investigative agencies; and the location and use of Justice field offices and resources. OIAP resolutions have created a uniform shooting incident policy and a uniform deadly force policy.⁶²

⁵⁷ Title 28, CFR, Sec. 0.17. Office of Investigative Agency Policies.

⁵⁸ GAO/NSIAD-99-135.

⁵⁹ GAO/NSIAD-99-135.

⁶⁰ White House Fact Sheet on U.S. Counterintelligence Effectiveness, May 3, 1994.

⁶¹ White House Fact Sheet on U.S. Counterintelligence Effectiveness, May 3, 1994.

⁶² General Accounting Office, Management Reform: Implementation of the National Performance Review's Recommendation, Washington, DC: U.S. Government Printing Office, December 4, 1994 (Letter Report, GAO/OCG-95-1).

(4) Associated Higher-Level Processes: Development of policy recommendations by the NSC committee system [See section on the National Security Council].

(5) Associated Lower-Level Processes: Development of local policies by FBI subordinate organizations.

C. Planning:

(1) Major Activities:

(a) The FBI has developed several plans, including:

(i) The Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN). The CONPLAN provides overall guidance to federal, state, and local officials on how the federal government is structured to respond to a terrorist threat or incident in the U.S.⁶³

(ii) The FBI Nuclear Incident Contingency Plan.

(iii) The FBI Chemical/Biological Incident Contingency Plan.⁶⁴

(b) The FBI provided input to the development of several interagency and Departmental plans, including:

(i) The Federal Response Plan (FRP). Both DoJ and the FBI are signatories to the Terrorism Incident Annex of the FRP.

(ii) The National Infrastructure Assurance Plan as required by PDD 63.

(iii) The Interagency Plan on Counterterrorism and Technology Crime, a classified five-year plan completed in December 1998.⁶⁵

(c) The National Domestic Preparedness Office (NDPO), within the FBI Counterterrorism Division, coordinates all federal efforts, including those of the Department of Defense, Federal Emergency Management Agency, Department of Health and Human Services, Department of Energy, and the Environmental Protection Agency, to assist state and local first responders with planning, training, equipment, and exercise necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) incident.

(2) Major Stakeholders: NSC, DoJ, federal, state, and local law enforcement officials.

⁶³ GAO/NSIAD-99-135.

⁶⁴ GAO/NSIAD-97-254.

⁶⁵ Gebicke, Mark E., Director, National Security Preparedness Issues, National Security and International Affairs Division, General Accounting Office, Combating Terrorism: Observations on Growth in Federal Programs, Statement Before the Subcommittee on Oversight, Investigations, and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives, June 9, 1999 (Report Number GAO/T-NSIAD-99-181).

(3) Key Organizational Processes: The FBI does not have a single formal planning process equivalent to DoD's deliberate and crisis action planning processes. The Bureau tends to modify its planning process based on the topic or situation. Where appropriate, FBI headquarters will consolidate information from field organizations and external agencies. For example, the FBI coordinated drafts of the Interagency Domestic Terrorism CONPLAN with FEMA, DoD, HHS, and the EPA.⁶⁶

(4) Associated Higher-Level Processes: Development of Interagency plans through the NSC committee system and development of DoD plans [See sections on the National Security Council and the Office of the Attorney General].

(5) Associated Lower-Level Processes: Development of local plans by FBI subordinate organizations.

D. Mission Execution:

(1) Major Activities:

(a) Conduct investigations regarding violation of federal law as authorized. The FBI is charged with gathering and reporting facts, locating witnesses, and compiling evidence in cases involving federal jurisdiction. FBI investigations are categorized in the following areas: Applicant Matters; Civil Rights; Counterterrorism; Foreign Counterintelligence; Organized Crime/Drugs; Violent Crimes and Major Offenders; and Financial Crime.

(b) Investigate the activities of countries that relate to any of the issue threats developed in the National Security Threat List (NSTL). These issue threats are terrorism, espionage, proliferation, economic espionage, targeting the national information infrastructure, targeting the U.S. Government, perception management, and foreign intelligence.⁶⁷

(c) Act as the lead agency for all terrorism investigations – for acts committed domestically and overseas.⁶⁹

(d) Investigate threats involving the misuse of a nuclear weapon, special nuclear material, or dangerous radioactive material.⁷⁰ The FBI is also responsible for all search and recovery operations involving nuclear weapons conducted in the United States, District of Columbia, Commonwealth of Puerto Rico, and U.S. possessions and territories, including those conducted on military installations.⁷¹

(e) Operate the NIPC, an interagency body housed at the FBI, that is the focal point for gathering information on threats to the national infrastructures.

⁶⁶ GAO/NSIAD-99-135.

⁶⁷ FBI-ANSIR Program, <http://www.fbi.gov/programs/ansir/ansir.htm>.

⁶⁸ Joint Publication 3-07.2, Joint Tactics, Techniques, and Procedures for Antiterrorism, March 17, 1998.

⁶⁹ GAO/NSIAD-97-254.

⁷⁰ Joint Publication 3-07.2, Joint Tactics, Techniques, and Procedures for Antiterrorism, March 17, 1998.

⁷¹ Joint Publication 3-07.2.

(f) Support criminal, counterterrorism and espionage field investigations for the FBI and other agencies through FBI laboratory services.⁷² Forensic disciplines include chemistry, DNA, trace evidence, photography, document examinations, firearms, and latent fingerprints. Its Disaster Squad identifies the remains of victims at major disaster scenes and prepares evidence to enhance court testimony for law enforcement.⁷³

(2) **Major Stakeholders:** NSC, DoJ, federal, state, and local law enforcement officials.

(3) **Key Organizational Processes:**

(a) **Investigations (General):** Investigations are conducted within the Attorney General's Guidelines. These guidelines pertain to a wide variety of subjects, including racketeering enterprises, general criminal investigations, undercover operations, criminal information matters, extraterritorial investigations, and domestic security/terrorism matters. Some sensitive investigative methods, such as undercover activities and electronic surveillance, are subject to specific review and approval procedures. Individual investigative cases in a particular program may receive extensive investigative attention because of their size, potential impact, or sensitivity. The FBI's investigative philosophy emphasizes close relations and information sharing with other federal, state, local and international law enforcement and intelligence agencies. A significant number of FBI investigations are conducted in concert with other law enforcement agencies or as part of joint task forces. For example, in the investigation of a threat involving the misuse of a nuclear weapon, special nuclear material, or dangerous radioactive material the FBI cooperates with the Departments of Energy and Defense, the Nuclear Regulatory Commission, and the Environmental Protection Agency as well as several states that have established nuclear threat emergency response plans.⁷⁴

(b) **Investigations (Outside the United States):** FBI Legal Attaches work with their foreign counterparts to investigate crimes committed against U.S. citizens and businesses outside the United States. They locate, apprehend, and return to the United States the perpetrators of such crimes through extradition, expulsion or other lawful means. They also facilitate the arrest and extradition of international fugitives located in the United States who are wanted abroad.⁷⁵

(c) **Domestic Terrorist Incident Response:** (See Appendix 1 for process map). The FBI works to combat terrorism on the domestic front through participation in Joint Terrorism Task Forces (JTTFs). JTTFs are composed of FBI special agents, U.S. Marshals, and members of the Department of State, the U.S. Customs Service, the Immigration and Naturalization Service, the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and state and local law enforcement agencies. Although supervision is shared by the involved agencies, the FBI maintains overall responsibility for the operation of JTTFs.⁷⁶ FBI has

⁷² The Laboratory has established partnerships with the Department of Energy, Department of Defense, other government agencies, national laboratories, and other Federal, State, and local laboratories and industry. - Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

⁷³ FBI Cooperative Law Enforcement Services, <http://www.fbi.gov/yourfbi/history/services.htm>.

⁷⁴ Joint Publication 3-07.2.

⁷⁵ International Crime Control Strategy, "Extending the First Line of Defense", June 1998.

⁷⁶ Federal Bureau of Investigation, Terrorism in the United States, 1996.

numerous assets in its Critical Incident Response Group (CIRG) that it can employ in the event of a terrorist incident. They are hostage negotiators, behaviorists, surveillance assets and agents, Hostage Rescue Team, and Special Weapons and Tactics (SWAT) teams.⁷⁷ The FBI's Hazardous Materials Response Unit provides direct technical assistance to FBI investigators and coordinates the various federal scientific, technical, and medical assets responding to chemical/biological/ nuclear terrorism.⁷⁸ The FBI process for responding to a domestic terrorist incident is outlined below:

(i) The FBI is the lead agency for crisis management⁷⁹ in the event of a domestic terrorist incident, an incident that takes place in a U.S. territory, or an incident in international waters and that does not involve the flag vessel of a foreign country.⁸⁰

(ii) The FBI notifies FEMA and other federal agencies providing direct support to the FBI of a credible threat of terrorism. FBI initiates a threat assessment process involving close coordination with federal agencies with technical expertise, in order to determine the viability of the threat.⁸¹

(iii) The FBI provides initial notification to law enforcement authorities within the affected State(s) of a threat or occurrence that the FBI confirms as an act of terrorism.⁸²

(iv) If warranted, the FBI implements an FBI response and simultaneously notifies the Attorney General, who notifies the President and NSC groups as appropriate, that a Federal crisis management response is required. If authorized, the FBI can activate a multi-agency crisis management structure.⁸³ No higher level approvals or coordination (e.g., from the NSC Deputies Committee) is required unless the FBI's capabilities are insufficient to handle the crisis.⁸⁴

(v) In the event of a crisis, FBI creates a Strategic Information Operations Center (SIOC) at its headquarters. SIOC coordinates national-level crisis management response. Federal agencies requested by the FBI deploy a representative(s) to the FBI HQ SIOC. The SIOC is commonly staffed by the following officials or their representatives: Attorney General; Director of the FBI; Assistant Director of the National Security Division, FBI; Domestic Terrorism Chief, FBI; a FEMA representative; a HHS representative; and a DoD representative.⁸⁵

⁷⁷ GAO/NSIAD-97-254.

⁷⁸ General Accounting Office, Combating Terrorism: FBI's Use of Federal Funds for Counterterrorism-Related Activities (FYs 95-98), Washington DC: U.S. Government Printing Office, November 1998 (Report Number GAO-GGD-99-7).

⁷⁹ According to the Federal Response Plan, "'Crisis management' refers to measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism."

⁸⁰ Presidential Decision Directive 39, June 21, 1995, and Federal Response Plan, April 1999.

⁸¹ Federal Response Plan.

⁸² Federal Response Plan.

⁸³ Federal Response Plan.

⁸⁴ GAO/NSIAD-97-254.

⁸⁵ Department of Health and Human Services, Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism, June 21, 1996.

(vi) The FBI Field Office performs regional and local coordination.

(vii) On-scene coordination is the responsibility of the FBI Command Post, which is commanded by an FBI Special Agent in Charge, known as the On-Scene Commander (OSC).⁸⁶ The OSC is generally the SAC from the FBI field office nearest the incident and is under the supervision of the FBI director.⁸⁷ The OSC convenes meetings with operational decision makers to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.⁸⁸

(viii) Based upon the preliminary threat assessment, the FBI Director, through the Attorney General, can create an interagency DEST. Upon the Attorney General's approval, each agency's representatives to the DEST are expected to deploy quickly. The FBI determines the composition of the DEST with coordination by the Attorney General.⁸⁹ The Attorney General advises the President and NSC groups as warranted.⁹⁰

(ix) The FBI incorporates the DEST into its existing crisis management structure. The DEST Team Leader (who is from the FBI) advises the OSC of other federal agencies' capabilities and makes recommendations to OSC. The DEST Team Leader then assigns tasks to DEST members based on the OSC's specified courses of action. The FBI Command Post becomes a Joint Operations Center (JOC).⁹¹

(x) The FBI establishes a Joint Information Center (JIC) under the operational control of a Public Information Officer. Before the JIC is activated, public affairs offices of the responding agencies coordinate release of information through the FBI SIOC.⁹²

(xi) Military force may be used only with the approval of the President. Upon notification of such approval, the Attorney General will advise the FBI director, who in turn notifies the OSC. The Attorney General also notifies the Secretary of Defense, who will advise the military commander.⁹³

(xii) The military commander and the OSC will coordinate the transfer of operational control to the military commander. Responsibility for the tactical phase of the operation is transferred to military authority when the OSC relinquishes command and control of the operation and the on-site military commander accepts it. However, the OSC may revoke the military force commitment at any time before the assault phase if the OSC determines that military intervention is no longer required and the military commander agrees that a withdrawal can be accomplished without seriously endangering the safety of military personnel or others involved in the operation. When the military commander determines that

⁸⁶ GAO/NSIAD-97-254.

⁸⁷ Joint Publication 3-07.2.

⁸⁸ Federal Response Plan.

⁸⁹ GAO/NSIAD-97-254.

⁹⁰ Federal Response Plan.

⁹¹ GAO/NSIAD-97-254.

⁹² Federal Response Plan.

⁹³ Joint Publication 3-07.2.

the operation is complete and military personnel are no longer in danger, command and control will be promptly returned to the OSC.⁹⁴

(xiii) When military force is used, the FBI maintains responsibility for coordinating: the activities of all federal agencies assisting in the resolution of the incident and in the administration of justice in the affected area; and these activities with those state and local agencies similarly engaged.⁹⁵

(xiv) In consequence management⁹⁶ of terrorist incidents the FBI also performs the following functions: provides the HHS Office of Emergency Preparedness (HHS/OEP) with relevant intelligence information of any credible threat or other situation that could threaten public health; in coordination with HHS/OEP makes appropriate notifications to health and medical services agencies; assists federal health and medical response operations in victim identification; provides state and local governments legal advice concerning the identification of the dead; designates an incident on-scene manager; and provides support for logistics and physical security at the incident scene.⁹⁷

(xv) An FBI representative serves as liaison between the JOC Consequence Management Group and the FBI OSC.⁹⁸

(xvi) Rapid Deployment Teams: The FBI instituted the Rapid Deployment Team (RDT) concept to more effectively deploy large numbers of personnel to crime scenes in nations that are receptive to ongoing joint investigations. The teams are located in FBI field offices in Los Angeles, Miami, New York, and the Washington Field Office, which has two teams. A Special Agent in Charge leads each of the five Rapid Deployment Teams. As RDTs are designed to be fully deployed in response to bombings of United States interests, a cadre of Special Agent Bomb Technicians augments them. Evidence Response Teams and security specialists also join the deploying RDT from the host field office or from other available divisions. Communicators and logisticians are encompassed in the RDT concept, as are language specialists, as needed, and expert forensics personnel from the FBI Laboratory. Future major deployments of the FBI to foreign locations are expected to consist of three distinct tiers.

The initial responders to the crime scene will include the assigned Legal Attache from a post abroad who will have the ability to communicate initial reports upon which the main body deployment team will rely for appropriate staffing and equipment.

Within four hours of notification of an incident predicated RDT response, an Advance Team will depart from the Washington, D.C., area in a fast jet aircraft. The Advance Team will include a command element, an investigative component, logistics personnel, communicators,

⁹⁴ Joint Publication 3-07.2.

⁹⁵ Joint Publication 3-07.2.

⁹⁶ The Federal Response Plan defines consequence management as "measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism."

⁹⁷ Health and Medical Services Support Plan for the Federal Response to Acts of Chemical/Biological Terrorism.

⁹⁸ Federal Response Plan.

⁹⁹ Federal Response Plan.

personnel from the Critical Incident Response Group who will be able to assist in the structuring of a forward command post, and physical security specialists who will report on the perceived continuing threat to responding FBI personnel and the need for additional physical security at the crime scene and housing for FBI personnel.

The third tier of the FBI response potentially involves a full RDT, which consists of approximately 160 members. As the needs of the scene dictate and with the concurrence of the host nation, the FBI will dispatch additional personnel to accomplish evidence gathering and investigative missions.¹⁰⁰

(d) Counterdrug:

(i) The FBI is a participating agency in the National Drug Intelligence Center (NDIC). The goal of the NDIC is to provide a strategic picture of drug distribution organizations.¹⁰¹

(ii) FBI supports joint counterdrug intelligence projects. It works with the Drug Enforcement Administration to identify organizational drug trafficking trends.¹⁰² It also coordinates with the DEA and the U.S. Customs Service in an effort to prevent illegal drugs from entering the United States.¹⁰³

(iii) FBI cooperates with the Defense Intelligence Agency on the Dominant Chronicle Project, which supports U.S. counterdrug initiatives through the multi-agency sharing of comprehensive analytical reports derived from documents seized by foreign law enforcement agencies.¹⁰⁴

(iv) The FBI's Organized Crime and Drug Branch was created to implement the National Drug Control Strategy by increasing its ability to coordinate with other agencies; authorize, direct, and review its own sensitive multistage drug investigations; and represent the FBI in a unified manner with the drug law enforcement community.¹⁰⁵

(v) The FBI maintains liaison with the Joint Interagency Task Forces (JIATFs), which conduct counterdrug detection and monitoring under the supervision of DoD, to expedite coordination. The FBI also receives support from the JIATFs on pertinent counterdrug cases and provides information to the JIATFs involving specific operations. JIATF counterdrug efforts are coordinated through the DoD's Joint Drug Intelligence Group.¹⁰⁶

(e) The NIPC provides threat warnings and assessments of dangers to critical infrastructure to other government agencies and to the private sector. NIPC also will

¹⁰⁰ Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹⁰¹ FBI Organizational Initiatives, <http://www.fbi.gov/yourfbi/history/orginits.htm>

¹⁰² Joint Publication 3-07.4, Joint Counterdrug Operations, February 17, 1998.

¹⁰³ International Crime Control Strategy, "Responding to Emerging International Crime Threats", June 1998.

¹⁰⁴ General Accounting Office, Drug Control: An Overview of U.S. Counterdrug Intelligence Activities, Washington, DC: U.S. Government Printing Office, June 1998 (Report Number GAO/NSIAD-98-142).

¹⁰⁵ Joint Publication 3-07.4.

¹⁰⁶ Joint Publication 3-07.4.

coordinate the government's response in the event of an incident.¹⁰⁷ Representatives from the Departments of Defense, State, Commerce, Transportation, Treasury, and Energy, the Central Intelligence Agency, the National Security Agency, the U.S. Secret Service, the Environmental Protection Agency, and the U.S. Postal Service also serve on the NIPC. The FBI was chosen to house the NIPC because of its existing programs to investigate acts of espionage and terrorism, and due to the difficulty of determining the identity, location, objective, and scope of cyber attacks.¹⁰⁸

(f) Criminal Justice Information Services (CJIS): The FBI maintains a CJIS, which is a national clearinghouse of information based on fingerprints of arrested persons. The fingerprint cards on file in this Division include the fingerprints of arrested persons, as well as prints submitted by the Office of Personnel Management, the Military Services, and others. When the fingerprints of an arrested person are received from a law enforcement agency, they are searched through the criminal files and the contributing agency is advised of any previous arrest record in these fingerprint files. If there is no previous record, the contributing agency likewise is advised of this fact. Whenever arrests are made in cases investigated by the FBI, the arrest record is included in the reports of the special agents. The CJIS Division of the Bureau also receives and records wanted notices, and renders many other services wherein fingerprint identification is vital such as in disasters.

(g) National Crime Information Center (NCIC): The FBI manages and operates the NCIC system. NCIC is a nationwide computerized information system, which serves all levels of the criminal justice community – federal, state, and local. Its purpose is to improve the administration of criminal justice through the more efficient exchange of documented criminal justice information. Participants in the NCIC system are linked to the FBI's computer at Washington, D.C., through a nationwide telecommunications network, which allows them to enter and access records in a matter of seconds. The NCIC database contains records on wanted persons, stolen property (vehicles, license plates, guns, securities, boats, and other serially numbered articles), and missing persons who meet certain criteria. NCIC also contains criminal history records on persons arrested and fingerprinted for serious or significant offenses.

(h) Information Resources Division (Engineering): Services of the FBI Engineering Section that are made available to local, county, state, and foreign law enforcement agencies and courts are generally in the area of expert testimony related to forensic examinations of magnetic tape recordings. Examples of examinations include audio enhancements and tests for tape authenticity and copyrights. Additionally, the Engineering Section provides testimony related to and conducts examinations of electronic devices such as illegal interception of communication devices.

(4) Associated Higher-Level Processes: Interagency operations focused on counterterrorism, counterintelligence, counterdrug, and other federal crimes.¹⁰⁹

¹⁰⁷ The White House, A National Security Strategy for a New Century, October 1998.

¹⁰⁸ Vatis, Michael A., Director, National Infrastructure Protection Center, Federal Bureau of Investigation, Statement before the Senate Armed Services Committee, Subcommittee on Emerging Threats and Capabilities, March 16, 1999.

¹⁰⁹ For example, the FBI is actively engaged in WMD exercises at all levels. Recently, the FBI and the Department of Defense hosted an interagency, national-level WMD field training exercise (FTX) during which the FBI established an interagency

(5) Associated Lower-Level Processes: Specific operations by FBI field organizations, often in concert with local law enforcement officials.

E. Observation, Orientation, and Oversight:

(1) Major Activities:

(a) Develop the NSTL, which includes an Issues Threat List and a classified Country Threat List. The Issues Threat List details foreign intelligence activities directed against U.S. critical technologies and the collection of corporate proprietary economic information and technology. The NSTL provides a basis for prioritizing counterintelligence targets, and is now widely used throughout the counterintelligence community.¹¹⁰

(b) Produce threat assessments; individual or organizational intelligence profiles (includes information on an organization's members, businesses, operations, finances, and communications); and investigative intelligence reports, such as telephone toll analyses or post-seizure analyses of documents or other evidence seized during investigations.¹¹¹

(c) Maintain information on critical facilities throughout the United States to assist in contingency planning should these facilities become terrorist targets through the Infrastructure Vulnerability/Key Asset Protection Program.¹¹²

(d) Provide Uniform Crime Reports and a variety of other publications, such as CyberNotes, which is published by the NIPC every two weeks. CyberNotes supports security and information system professionals with timely information on cyber vulnerabilities, hacker exploit scripts, hacker trends, virus information, and other critical infrastructure-related best practices.

(e) The FBI performs objective, formal evaluations of FBI investigative, administrative and service programs, support systems, procedures and policies in order to provide executive management with recommendations designed to improve FBI operations. All investigative programs are evaluated on a three-year cycle with approximately eight evaluations conducted each year.¹¹³

(2) Major Stakeholders: NSC, DoJ, Intelligence Community, subordinate FBI organizations, U.S. businesses, federal, state, and local law enforcement officials.

Joint Operations Center (JOC) and Joint Information Center (JIC). Other examples include six interagency regional training seminars hosted by the FBI Milwaukee Field Division that focused on tracking potential terrorists and understanding WMD statutes. The Oklahoma City Field Division hosted a domestic preparedness conference attended by the governors and city officials from four states as well as representatives from DOD and FEMA. - Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹¹⁰ FBI-ANSIR Program, <http://www.fbi.gov/programs/ansir/ansir.htm>.

¹¹¹ GAO/NSIAD-98-142.

¹¹² GAO-GGD-99-7.

¹¹³ Department of Justice Strategic Plan 1997-2002.

(3) Key Organizational Processes:

(a) Automated Systems:

(i) National Threat Warning System: The FBI provides terrorism-related information to law enforcement agencies through the Terrorist Threat Warning System.¹¹⁴ The system reaches across the law enforcement and intelligence communities and is designed to help prioritize issues and countries at which to direct national efforts. Currently, more than 45 federal agencies involved in the U.S. Government's counterterrorism effort receive information via secure teletype through this system. The messages also are transmitted to all FBI Field Offices and Foreign Liaison Posts.¹¹⁵

(ii) Awareness of National Security Issues and Response (ANSIR) Program: The FBI transmits unclassified information to businesses through its ANSIR Program. Information is disseminated via ANSIR-email and ANSIR-fax. ANSIR-FAX is a facsimile transmission system for the dissemination of unclassified counterintelligence and terrorism threat warning information to approximately 25,000 corporate directors. ANSIR-FAX is used to provide corporate America with updates on economic espionage. Briefings have been provided to American corporations overseas. Corporate security directors and other personnel in Australia, Ireland, New Zealand, Panama, South Korea, and the United Kingdom have received briefings on economic espionage. Local and national government officials in the Czech Republic, Austria, the Slovak Republic, and Hungary were also briefed. ANSIR focuses on the techniques of espionage when relating information to industry. In this manner tangible information is provided that allows executives to discover their own vulnerabilities. In each of the FBI's 56 field offices, there is a Special Agent assigned as the ANSIR coordinator who deals directly with the corporate security directors in their region.^{116, 117}

(iii) National Law Enforcement Telecommunications System (NLETS): If threat information requires nationwide unclassified dissemination to all federal, state, and local law enforcement agencies, the FBI transmits messages via the National Law Enforcement Telecommunications System. NLETS is a sophisticated message-switching network that links all law enforcement and criminal justice agencies in the United States; Puerto Rico; and, through a computerized link, to the International Police Organization (INTERPOL) Canada. Agencies include state and local law enforcement agencies, motor vehicle and licensing departments, and a wide variety of federal enforcement agencies. The latter includes Customs, FBI, DoJ, Secret Service, Naval Criminal Investigative Service, Air Force Office of Special Investigations, Department of State, Department of the Army, and Department of the Interior.^{118, 119}

¹¹⁴ GAO-GGD-99-7.

¹¹⁵ Freeh, Louis J., Director, Federal Bureau of Investigation, "U.S. Government's Response to International Terrorism," Testimony Before the Senate Judiciary Committee, September 3, 1998.

¹¹⁶ Freeh, Louis J., Director, Federal Bureau of Investigation, "Threats to U.S. National Security," Statement Before the Senate Select Committee on Intelligence, January 28, 1998.

¹¹⁷ FBI-ANSIR Program, <http://www.fbi.gov/programs/ansir/ansir.htm>.

¹¹⁸ Freeh Testimony of September 3, 1998.

¹¹⁹ http://www.gao.gov/special.pubs/soi/soi_ch4.htm#PAGE150.

(iv) Law Enforcement On-Line (LEO): LEO provides a communications mechanism to link all levels of law enforcement throughout the United States, supporting broad, immediate dissemination of information concerning the best technologies and practices in law enforcement. Although the national networks such as the NCIC and the NLETS allow access to local, state, and federal databases, there had been no system that served the needs of the individual officer or law enforcement manager. Although in its early stages, LEO currently provides law enforcement officers with the ability to communicate in a secure mode with members of other law enforcement agencies throughout the United States and to share information on topics of mutual concern. As of March 1, 1999, LEO had over 12,000 registered users and was projected to grow to 18,000 users by the end of Fiscal Year (FY) 1999 and 30,000 users by the end of FY 2000.¹²⁰

(b) Joint Threat and Vulnerability Assessments: The Bureau conducts Joint Threat and Vulnerability Assessments with the Federal Aviation Administration (FAA) at every airport determined to be "high risk" at least every three years under the Federal Aviation Reauthorization Act of 1996 (P.L. 104-264). The FBI provides threat data that the FAA uses to develop assessments specific to each high-risk airport or the metropolitan area in which it is located. FBI officials are also among the teams completing questionnaires to assess, quantify, and rank airport vulnerabilities.¹²¹

(c) The Computer Investigations and Infrastructure Threat Assessment Center (CITAC): The CITAC manages computer investigations and infrastructure threat assessment matters. The CITAC Watch Office monitors threats to the U.S. Critical Infrastructures and provides front-end analysis of threats.

(d) The Domestic Counterterrorism Center: Eighteen federal agencies maintain a regular presence in this FBI Center and participate in its daily operations. These agencies include the CIA, the Defense Intelligence Agency, and the United States Secret Service, among others. This multi-agency arrangement is designed to facilitate information-sharing and real-time intelligence analysis among the various components of the American intelligence community.

(e) Uniform Crime Reporting: Law enforcement agencies throughout the United States at city, county, and state levels submit to the FBI information on crime within their jurisdiction. From this information, the FBI annually publishes a book entitled "Crime in the United States - Uniform Crime Reports," which contains a nationwide view of crime, including the extent of crimes known to the police, crime trend tables, arrest statistics, and other related crime data. In addition to the annual publication, the FBI publishes preliminary releases concerning crime and crime trends on a semiannual basis. Also, the FBI publishes on a periodic basis information concerning the number of law enforcement officers killed, assaults on federal officers, and nationwide bombing information.

(4) Associated Higher-Level Processes: Development of the National Security Threat List.

¹²⁰ Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹²¹ General Accounting Office, Combating Terrorism: Threat and Risk Assessments Can Help Prioritize and Target Program Investments, Washington, DC: U.S. Government Printing Office, April 1998 (Report Number GAO/NSIAD-98-74).

(5) Associated Lower-Level Processes: Response to threat assessments and crime reports by both government and private organizations.

F. Preparation:

(1) Major Activities:

- (a)** Provide initial and recurring training for FBI personnel.
- (b)** Operate the FBI National Academy to train selected state, county, and local police officers.
- (c)** Conduct training for state, county, and local police officers at the local level.
- (d)** Operate the NDPO and coordinate the establishment of training curriculum and standards for first responder training in the event of a WMD attack.
- (e)** Participate in crisis management and disaster preparedness training exercises.¹²²
- (f)** Co-chair with the State Department the Interagency Exercise Subgroup established by the NSC. The Exercise Subgroup is meant to promote interagency discussions of exercises and improve preparedness for terrorist incidents. The FBI chairs for domestic exercises. Department of State chairs for international exercises.¹²³
- (g)** Conduct research and development for critical law enforcement technologies and capabilities.

(2) Major Stakeholders: FBI personnel, local domestic and foreign law enforcement officials.

(3) Key Processes that Support Preparation:

- (a)** The FBI trains its own personnel at the FBI Academy, Quantico, Virginia.
- (b)** The FBI operates the FBI National Academy to train selected local police officers. Annually, up to 1,000 local police officers attend the National Academy for advanced training in law enforcement topics. The FBI Academy also holds special police schools, seminars, and symposia covering a broad spectrum of timely matters for police officers and other members of the criminal justice community. Additionally, instruction in forensic science is provided to state and local investigative and crime laboratory personnel at the FBI Academy's Forensic Science Research and Training Center.

¹²² GAO-GGD-99-7.

¹²³ GAO/NSIAD-99-135.

(c) The FBI's Hazardous Devices School trains state and local bomb technicians how to locate, identify, render safe, and dispose of improvised explosive devices, including devices containing materials classified as weapons of mass destruction.¹²⁴

(d) The FBI participates in the State Department-funded International Law Enforcement Academy in Budapest, Hungary. Training programs are geared towards improving the investigative capabilities of foreign law enforcement agencies.¹²⁵

(e) The FBI, with the DoD, trains and equips foreign law enforcement officials, judges, and prosecutors from the former Soviet Union and Eastern Europe to counter nuclear material smuggling and trafficking, and chemical and biological weapons proliferation.^{126,127}

(f) The FBI supports international drug law enforcement training by either conducting or facilitating courses in drug-related topics.¹²⁸

(g) The FBI's Technical Support Center is responsible for keeping law enforcement officials up to date on the rapid changes in encryption and communication technology.¹²⁹

(h) The NDPO was established to facilitate and coordinate the efforts of the federal government to provide the responder community with the detection, protection, analysis, and decontamination equipment necessary to prepare for, and respond to, an incident involving WMD. The NDPO coordinates the establishment of training curriculum and standards for first responder training. It seeks to develop consistency based upon training objectives and tailors training opportunities to meet the needs of the responder community. The NDPO exercise program is designed to provide state and local governments with the resources and expertise necessary to design, conduct, and evaluate exercise scenarios involving WMD.¹³⁰

(i) The National Infrastructure Protection Center, under the FBI Counterterrorism Division, is responsible for detecting, deterring, assessing, warning, and responding to, and investigating intrusions and illegal acts that target or involve our critical infrastructures, whatever the source. The NIPC has established an Outreach Program designed to establish and build strong relationships with the public and private owners and operators of the critical infrastructures, as well as with federal, state, and local government agencies. In addition, the Center augments the physical presence of these representatives by establishing

¹²⁴ Freeh Testimony of March 24, 1999.

¹²⁵ GAO/NSIAD-97-254.

¹²⁶ GAO/NSIAD-97-254.

¹²⁷ In the summer of 1994, the FBI Director led a delegation of high-level diplomatic and federal law enforcement officials to meet with senior officials of 11 European nations on international crime issues. At the outset, Richard Holbrooke, U.S. Ambassador to Germany, declared, "This is the evolving American foreign policy. Law Enforcement is at the forefront of our national interest in this part of the world." Meetings were held with officials of Russia, Germany, the Czech Republic, the Slovak Republic, Hungary, Poland, the Ukraine, Austria, Lithuania, Latvia, and Estonia. - <http://www.fbi.gov/yourfbi/history/hist.htm>.

¹²⁸ GAO/NSIAD-97-75.

¹²⁹ FBI Programs, Support & Law Enforcement Services, <http://www.fbi.gov/yourfbi/facts/fbiprograms.htm>.

¹³⁰ NDPO, Our Services, <http://www.fbi.gov/programs/ndpo/services.htm>.

electronic connectivity to the many different entities in government and the Private sector who might have - - or need -- information about threats to national infrastructures.

(j) The FBI participates in Nunn-Lugar-Domenici Domestic Preparedness Program training events (run by DoD), designed to improve federal, state, and local responders' capability to deal with incidents involving weapons of mass destruction.¹³¹

(k) Research and Development: During 1998, the FBI Laboratory received \$5 million through the Attorney General's Counterterrorism Fund to pursue several major Research and Development efforts. In support of these R&D projects, the FBI used two primary acquisition vehicles. First, the FBI awarded 11 R&D projects through a Broad Agency Announcement. Second, a Memorandum of Understanding between the FBI and the Department of Energy was established and funding was provided for 18 major R&D projects. The following highlights the critical technology initiatives for targeted R&D efforts: Explosives Detection Technology; Forensic Evidence Analysis and Crime Scene Technology; Information Infrastructure Technology; Victim/Terrorist Identification; and Specialized Training. The Laboratory has also initiated relationships with several universities, industry partners, and national laboratories to further develop the Laboratory's extramural R&D program. In addition, the Laboratory has increased support/membership in relevant working groups, domestic and international, to achieve synergistic collaboration for current and future R&D efforts.¹³²

(4) Associated Higher-Level Processes: Departmental and interagency training events and exercises.

(5) Associated Lower-Level Processes: FBI subordinate organization training events and exercises.

G. Resourcing:

(1) Major Activities:

(a) Develop the FBI budget.

(b) As director of OIAP, the Director of the FBI provides advice to the Attorney General and the Deputy Attorney General on the budgetary and resource requests of the criminal investigative agencies of the Department.¹³³

(2) Major Stakeholders: DoJ and FBI subordinate organizations.

(3) Key Organizational Processes.

(a) The FBI has implemented the major elements of a strategic management system and has integrated these elements into the budget process. The FBI Strategic Plan brings results-oriented program management to resource allocation; the three-tiered structure of its operational strategic goals is the roadmap for justifying and prioritizing all

¹³¹ GAO-GGD-99-7.

¹³² Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹³³ Title 28, CFR, Sec. 0.17. Office of Investigative Agency Policies.

future budget enhancements. Individual program plans establish the specific goals, strategies, critical success factors, resources, and performance measures necessary to conduct proactive program management in line with the overall FBI Strategic Plan. Field Office plans establish the regional component of this strategic management system, with SACs prioritizing their efforts and committing to performance targets. For the Fiscal Year 2000 budget, FBI program managers used the Strategic Plan, 1998-2003, and the five operational support strategies as guides for developing their resource requirements.¹³⁴

(b) The FBI budget is submitted to Congress as part of the DoJ budget. Within DoJ, the Office of Budget and Management Services (OBMS) manages a wide variety of budget execution, formulation, and presentation activities.

(4) **Associated Higher-Level Processes:** Development of DoJ's budget.

(5) **Associated Lower-Level Processes:** Development of FBI subordinate agency budget requests.

6. Informal National Security Process Involvement.

(a) The FBI relies on personnel exchanges and liaison officers to conduct its mission for example:

(i) An FBI official serves as the deputy director of the Counterterrorist Center at the Central Intelligence Agency, and a CIA official serves as the deputy chief of the International Terrorism Section at the FBI.¹³⁸

(ii) The FBI has placed agents in several DEA offices overseas.¹³⁹

(iii) The FBI sends liaison officers to the Department of State regularly to help coordinate investigative and training assistance.¹⁴⁰

(b) The FBI has close ties to nationally recognized law enforcement organizations, including the International Association of Chiefs of Police, the National Sheriffs' Association, and the Major City Chiefs. The FBI cooperates closely with the organization representing the police chiefs of major U.S. cities. It has built strong ties to federal prosecutors, colleagues in the Department of Justice, and the National District Attorneys Association and the National Association of Attorneys General.¹⁴¹

(c) FBI special agents and senior leaders frequently hold informal discussions in a number of different venues to discuss substantive issues. Sometimes these

¹³⁴ Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹³⁵ International Crime Control Strategy, "Optimizing the Full Range of U.S. Efforts", June 1998.

¹³⁶ GAO/NSIAD-97-75.

¹³⁷ International Crime Control Strategy, "Optimizing the Full Range of U.S. Efforts", June 1998.

¹³⁸ International Crime Control Strategy, "Optimizing the Full Range of U.S. Efforts", June 1998.

¹³⁹ GAO/NSIAD-97-75.

¹⁴⁰ International Crime Control Strategy, "Optimizing the Full Range of U.S. Efforts", June 1998.

¹⁴¹ Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

discussions occur during cooperative investigations. Sometimes they occur as staff personnel try to build consensus for interagency proposals or recommendations. Sometimes they occur as sidebars at conferences, meetings, or seminars. Most members of the FBI are networked to a broader functional law enforcement community. These networks are an important lubricant for the national security process at large. In addition to these networks, the FBI director and his deputies are in frequent contact with other senior government leaders from the Department of Justice and NSC.

B. The Attorney General holds biweekly meetings with FBI leadership.¹⁴²

7. Funding and Personnel.¹⁴³

A. Authorizations and Appropriations: Funds for the FBI are appropriated under the Department of Justice budget.

B. Budget:¹⁴⁴

FY	Total (\$ Thousands)	Salaries & Expenses	Health Care Fraud and Abuse Control Account	Construction
1998	3,037,612	2,937,106	56,000	44,506
1999	3,059,128	2,991,841	66,000	1,287
2000	3,369,664	3,283,377	76,000	10,287

C. Manpower: The FBI has approximately 11,500 Special Agents and 16,300 other employees who perform professional, administrative, technical, clerical, craft, trade or maintenance operations. Approximately 8,700 employees are assigned to FBIHQ; approximately 19,100 are assigned to field installations.

8. Observations.

A. As the U.S. government continues to adjust to emerging national security threats, including terrorism, narcotics, and organized crime, significant responsibility is being consolidated within the FBI. The extent of the FBI's "leading role" is evidenced by the following:

(1) Increased formal responsibilities (e.g., Lead federal agency for domestic terrorist incident response, host organization for the National Infrastructure Protection Center).

¹⁴² Department of Justice, Weekly Press Briefing with Attorney General Janet Reno, May 27, 1999.

¹⁴³ Since Fiscal Year 1994, authorized personnel levels have grown by nearly 16 percent, including the addition of more than 1,300 new Special Agent positions and almost 2,600 new professional support positions. In terms of dollars, the FBI's budget has increased from \$2.1 billion in Fiscal Year 1994 to \$3.0 billion in Fiscal Year 1999. Factors that led Congress to increase the FBI's budgets include the major problems and threats of terrorism, organized crime, drug trafficking, new crime threats from abroad, health care fraud and other white collar crime, and crimes against children. - Freeh, Ensuring Public Safety And National Security Under The Rule Of Law.

¹⁴⁴ <http://www.usdoj.gov/jmd/2k-summary/2k-pg4.htm>.

(2) Increased resources (e.g., Since Fiscal Year 1994, authorized personnel levels have grown by nearly 16 percent and the FBI budget has increased by \$900 million).

(3) Internal reorganization (e.g., Creation of two new offices within FBI Headquarters: the Counterterrorism Division and the Investigative Services Division).

(4) Increased priority for national security issues within the FBI (e.g., national and economic security given highest priority in FBI Strategic Plan).

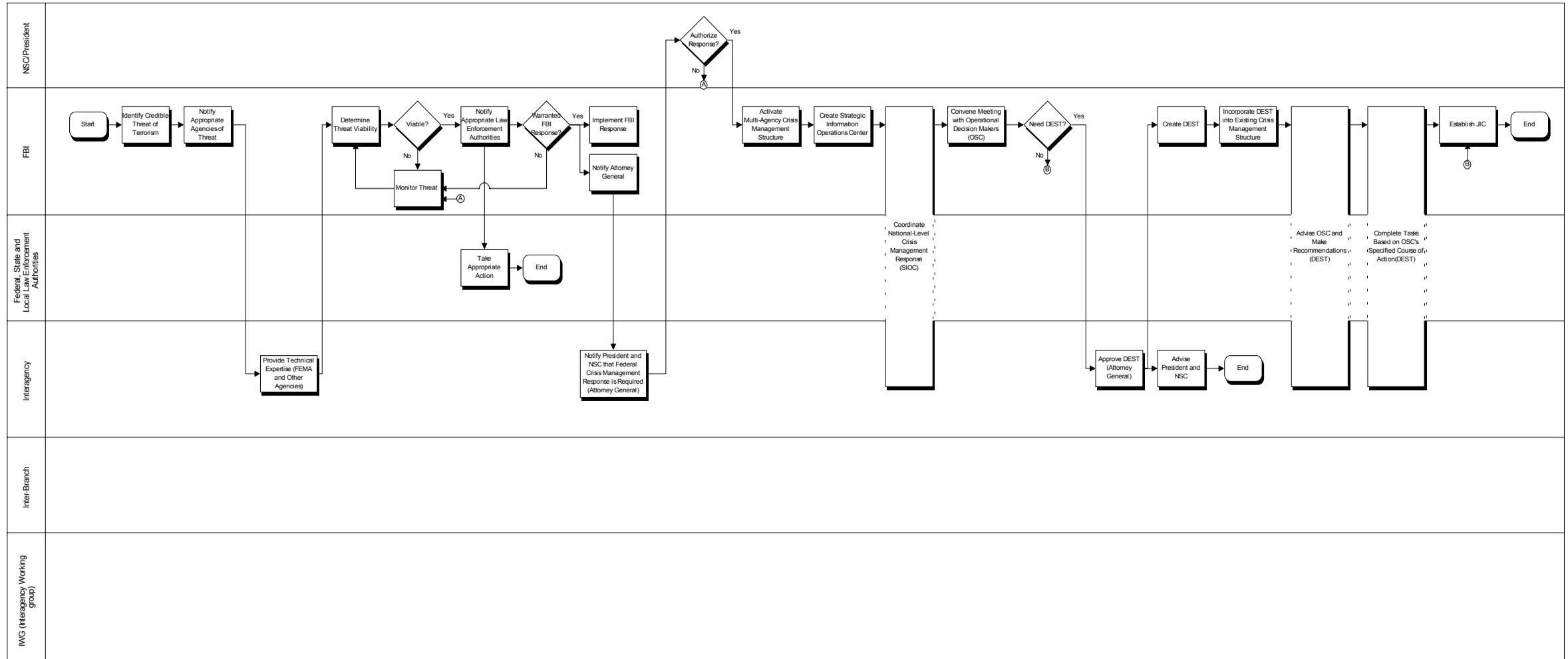
B. In response to its new responsibilities, the FBI appears to be reshaping the organizational culture. For example, the Bureau has initiated efforts to delegate authority to lower levels of the organization. The FBI Director is also committed to stronger, more open relationships with law enforcement agencies at the local, state, and federal levels, as well as cooperation with law enforcement agencies in other countries. In many cases the FBI is using a task force approach with a variety of law enforcement agencies—both in the United States and abroad. However, the FBI effort to effect these changes will be an uphill battle, and the FBI culture may hinder its ability to fulfill many of their new roles. The Bureau's centralized bureaucracy, number of layers and lawyers, and criminal apprehension focus work against its effectiveness in dealing with local governments.

C. In addition to the stronger emphasis on national security issues, the FBI is no longer serving merely as a crime solving organization. It has broadened its mission to also become a clearinghouse for information for other law enforcement and national security agencies. Some agents in the FBI's field offices may be resistant to the recent change in mission because of the perception that it will create an excessive workload when placed atop of the Bureau's traditional mission.¹⁴⁵

¹⁴⁵An article in the Legal Times, found on the FBI's web site, questions whether field offices properly staffed and equipped to handle the new responsibilities. - " Skolnik, Sam, "A New Mission for G-Men," Legal Times, November 9, 1998 (<http://www.fbi.gov/nipc/legaltimes.htm>).

APPENDICES

FBI - Key Process – (Formal) – Mission Execution – Domestic Terrorist Incident Response



DEST - Domestic Emergency Support Team
 JIC - Joint Information Center
 OSC - On-Scene Commander
 SIOC - Strategic Information Operations Center

ORGANIZATIONAL DESCRIPTION

DRUG ENFORCEMENT ADMINISTRATION (DEA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Drug Enforcement Administration

Overview.

The Drug Enforcement Administration (DEA), an agency of the Department of Justice, was established by Executive Order 11727 on July 6, 1973. DEA's priority mission is to:

- Enforce the drug laws and regulations of the United States and bring drug traffickers to justice; and
- Recommend and support non-enforcement programs aimed at reducing the availability of illegal drugs in domestic and international markets.

DEA is also the lead federal agency for coordinating and pursuing drug investigations in foreign countries. DEA's core competencies are enforcing U.S. drug laws and regulations and collecting and analyzing drug information and intelligence.¹

Organization.

The DEA Administrator, supported by the Deputy Administrator, oversees DEA's six divisions:

- Human Resources;
- Operational Support;
- Operations;
- Intelligence;
- Inspection; and
- Financial Management.

The Human Resources Division is headed by an Assistant Administrator and provides administrative support and services to DEA. An Assistant Administrator who oversees DEA's forensic labs and provides information technology expertise and support heads the Operational Support division. The Chief of Operations, who oversees the bulk of DEA's enforcement programs both abroad and domestically, heads the Operations Division. The Intelligence Division is headed by the Chief of Intelligence and manages the El Paso Intelligence Center and provides intelligence for DEA's domestic and international programs. The Inspection Division is headed by the Chief Inspector and serves as the Inspector General of DEA, ensuring that DEA's various divisions are functioning efficiently and following regulations. The Financial

¹ DEA Survey Response. Request for information for the U.S. Commission on National Security/21st Century.

Management division is headed by a Chief Financial Officer and provides accounting, acquisition, and resource management services.

Role in Formal and Informal National Security Processes.

DEA's programs formally support the following two principal objectives of the National Drug Control Strategy:

- Combat drug related violence, disrupt criminal organization, and arrest the leaders of illegal drug syndicates; and
- Disrupt and dismantle major international drug trafficking organizations and arrest, prosecute, and incarcerate their leaders.

DEA also serves as the lead agency for the development of overall federal drug enforcement strategy, programs, planning, and evaluation.

Conclusions and Observations.

The Drug Enforcement Administration, an agency of the Department of Justice, is the lead federal agency in enforcing narcotics and controlled substances laws and regulations. It enforces the provisions of the controlled substances act and chemical diversion and trafficking laws and regulations of the United States, and operates on a worldwide basis. In addition, DEA creates, manages, and supports programs – domestically and internationally – aimed at reducing the availability of and demand for controlled substances. Through these activities, DEA supports the National Drug Control Strategies goals of dismantling and disrupting drug trafficking organizations.

A recent Government Accounting Office (GAO) report examined how well DEA strategies and operations worked to reduce the supply and demand of drugs. GAO's study concluded that while DEA has initiated and maintained a number of successful programs, the agency needs to develop clear metrics to better link its goals and outcomes.² DEA staff concurred with GAO's recommendations and indicated that the increasing importance of the war on drugs warrants the creation of metrics. DEA staff also indicated that there needs to be a more formal liaison between DEA and the National Security Council. Currently, DEA's numerous interagency efforts to combat drug trafficking develop independently of one another.³

² Government Accounting Office. Drug Control DEA's Strategies and Operations in the 1990s. Washington, D.C.: Government Printing Office, July 1999 (Report Number GAO/GDD-99-108)

³ Interview with DEA staff.

ORGANIZATIONAL DESCRIPTION

DRUG ENFORCEMENT ADMINISTRATION

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive:

(1) **Reorganization Plan No. 2 of 1973**, merged four separate drug law enforcement agencies, and created the Drug Enforcement Administration (DEA) within the Department of Justice.

(2) **Executive Order 11727**, issued on July 6, 1973, implemented Reorganization Plan No. 2 of 1973 and ordered the Attorney General to transfer responsibility for the enforcement of drug laws and regulations to the newly created DEA.

(3) **The Controlled Substance Act (title 21 U.S.C. Chapter 13)**, as amended, outlines which substances are controlled. DEA is responsible for enforcing the provisions of the Act.

(4) **Presidential Decision Directive 14 (PDD 14)** instructs Federal agencies to more evenly emphasize their international drug programs across the following three areas:⁴

(a) Assisting source countries address the root causes of narcotics production through assistance for sustainable development, strengthening democratic institutions, and cooperative programs to target and counter money laundering by drug traffickers.

(b) Combating international narcotics trafficking organizations.

(c) Emphasizing more flexible interdiction programs near the U.S. border, within the transit zone, and in source countries.

Since the signing of PDD 14, DEA has implemented and expanded interdiction and demand reduction programs, both with other Federal agencies and law enforcement agencies abroad.

(5) **PDD 42** declares that international crime is a threat to U.S. national security and orders the Departments of Justice, Treasury, and State, the Coast Guard, National Security Council, Intelligence Community, and other federal agencies to step up and integrate their efforts against international crime syndicates and money laundering. Since the signing of PDD-42, DEA has and continues to participate in a number of interagency operations targeting money laundering operations.⁵

⁴ PDD-14 is classified. Information on PDD-14 provisions is taken from Statements of the White House Press Secretary on November 3, 1993. www.fas.org

⁵ PDD-42 is classified so details of interagency coordination are not publicly available. www.fas.org/irp/offdocs/pdd42.htm.

(6) PDD 44 outlines the Clinton Administration's Heroin Control Policy. PDD-44 calls for boosting international awareness and cooperation on dealing with Heroin traffickers and their organizations. The policy also calls for greater law enforcement coordination abroad, aimed at disrupting and destroying heroin trafficking organizations. DEA interdiction, money laundering, intelligence, and interagency programs reflect the policy prescribed by PDD-44.⁶

B. Department/Agency Directives: None available.⁷

2. Missions/Functions/Purposes.

A. Major Responsibilities: According to DEA's mission statement, DEA was established to "enforce the controlled substances laws and regulations of the United States and to bring to the criminal and civil justice system of the United States or any other competent jurisdiction, those organizations, and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets."⁸ In carrying out its mission, DEA is the lead agency responsible for the development of overall Federal drug enforcement strategy, programs, planning, and evaluation. DEA's primary responsibilities include:

(1) Investigation and preparation for prosecution of major interstate and international violators of controlled substances laws;

(2) Management of a national drug intelligence system in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information;

(3) Seizure and forfeiture of assets derived from or traceable to illicit drug trafficking;

(4) Enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances;

(5) Coordination and cooperation with federal, state and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources;

(6) Coordination and cooperation with other federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit drugs on the

⁶ PDD-44 is classified, so the actual text of the document is not publicly available. A general description of its provisions was provided through an examination of testimony and discussion before the Senate Caucus on International Narcotics Control. www.fas.org

⁷ Requests for agency directives were made to both DEA and the Department of Justice. Both organization were unable to provide any directives.

⁸ DEA Mission Statement. <http://www.usdoj.gov/dea/agency/mission.htm>.

United States market through nonenforcement methods such as crop eradication, crop substitution, and training of foreign officials;

(7) Responsibility, under the policy guidance of the Secretary of State and U.S. Ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries; and

(8) Liaison with the United Nations, INTERPOL, and other organizations on matters relating to international drug control programs.

B. Major Programs: DEA executes its responsibilities through 14 major programs.

(1) **The Asset Forfeiture Program** enforces the federal law, which provides that the profits and proceeds of designated crimes, as well as property used to facilitate drug trafficking crimes, are subject to forfeiture to the government. DEA seizes property when it determines that the property is a tool for, or the proceeds of, drug trafficking, organized crime, or money laundering.

(2) **The Aviation Operations Program** provides sophisticated electronic, air-based intelligence, and assistance to federal, state, and local law enforcement agencies. The program consists of 95 aircraft and 117 special agents who are pilots.

(3) **The Demand Reduction Program** was created in 1983 and places a Demand Reduction Coordinator (DRC) in each of DEA's 22 field divisions throughout the United States. DRC's are experts who work with local agencies and organizations to develop drug prevention and education programs.

(4) **The Diversion Control Program** is responsible for enforcing the laws that prohibit the diversion of controlled substances of licit origin, and the diversion of controlled chemicals into the illegal drug trade.

(5) **The Intelligence Program** is responsible for the collection, analysis, and dissemination of drug-related intelligence in coordination with other federal, state, local, and foreign law enforcement organizations.

(6) **Laboratories Program** consists of eight labs that provide forensic support to the law enforcement community. Labs provide analysis of drugs, field assistance at clandestine lab seizures, and crime scene investigations by forensic chemists. Specialists also evaluate digital evidence, and develop, monitor, and process hazardous waste cleanups. Scientists also provide expert testimony for the prosecution of drug traffickers. DEA's labs are located in New York City, Chicago, Miami, Dallas, National City (CA), McLean (VA), San Francisco, and Washington D.C.

(7) **The Organized Crime Drug Enforcement Task Forces (OCDETF) Program** was initiated in 1982 to combine federal, state, and local law enforcement efforts into a comprehensive attack against organized crime and drug traffickers. OCDETF is a nationwide structure of 9 regional task forces which utilize the combined resources of its member agencies

in cooperation with state and local prosecutors to identify, investigate, and prosecute members of high level drug trafficking and related enterprises.⁹

(8) The State and Local Task Forces Program carries out one of the DEA's priority initiatives—addressing the problem of drug-related violent crime with state and local counterparts. The program provides a federal presence in sparsely populated areas where the DEA would not otherwise be represented. DEA funds a total of 188 state and local task forces.

(9) The Mobile Enforcement Team (MET's) Program is a cooperative program with state and local law enforcement that seeks to address the problem of drug-related violent crime in towns and cities across the nation. Mobile Enforcement Teams deploy to jurisdictions that request their assistance. MET teams work with local and state law enforcement to target drug traffickers and their organizations. Afterwards, MET teams meet with the requesting agency to evaluate the success of the deployment. There have been 173 deployments as of January 1999.

(10) The Foreign Cooperation Program maintains 79 offices in 56 countries. These offices support DEA domestic investigations through foreign liaison, training for host country officials, bilateral investigations, and intelligence gathering. The program promotes international cooperation through its liaison activities, and trains host country police agencies at DEA facilities in Quantico, Virginia. DEA agents also provide intelligence to host country authorities, and if requested, play an active role in investigations. Finally, DEA agents help host nation forces build strong law enforcement institutions that promote anti-drug laws.

(11) The Office of National Drug Control Policy administers the High Intensity Drug Trafficking Areas (HIDTA) Program. Its mission is to reduce drug trafficking throughout the country by coordinating federal, state, and local law enforcement efforts. There were 5 HIDTAs in 1990; there were 20 HIDTAs in 1998.

(12) The National Drug Pointer Index Program is a national database system that alerts law enforcement agencies if they are focused on the same drug target, thus enhancing coordination in investigations.

(13) The Domestic Cannabis Eradication and Suppression Program funds eradication programs in all 50 states.

(14) The DEA Training Program provides training to DEA basic agents and support personnel, as well as state and local police, international law enforcement officials, and other law enforcement employees in a variety of areas. These include forensic chemistry, diversion investigation, money laundering investigations, conspiracy law, and drug intelligence. DEA's numerous training programs are tailored for the intended audience, but each program provides a fundamental overview of drug trafficking issues.

B. Subordinate Activities and Agencies: The El Paso Intelligence Center (EPIC) was created in 1974 to increase border security and to serve as a strategic drug and border enforcement facility. It coordinates enforcement intelligence with state, local, and other federal

⁹ www.whitehousedrugpolicy.gov/policy/budget98

law enforcement agencies. EPIC also serves as the training center and real-time information outlet for Operation Pipeline, a national highway interdiction program.

3. Vision and Core Competencies.

A. Vision: DEA does not have a published vision statement.

B. Core Competencies:¹⁰

(1) Enforcing U.S. drug laws and regulations.

(2) Collecting and analyzing drug information and intelligence.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: The Administrator of DEA and the Deputy Administrator of DEA are both nominated by the President and approved by the Senate. The heads of the DEA's six divisions are career civil servants.

C. Staff Attributes: The DEA staff possesses a combination of area specific knowledge and specialized skills. Staff involved in drug investigations and operations possess a detailed knowledge of field operations and a broad understanding of the global drug trade and trafficking routes and methods.¹¹

D. Strategy: DEA's strategy is to utilize its expertise and partnerships (domestically and internationally) to target the supply of drugs, the organizations that coordinate that supply, and the demand for drugs by educating communities and helping build strong law enforcement and community institutions.

10. DEA Survey Response.

11. DEA Survey Response.

E. Organization Chart:

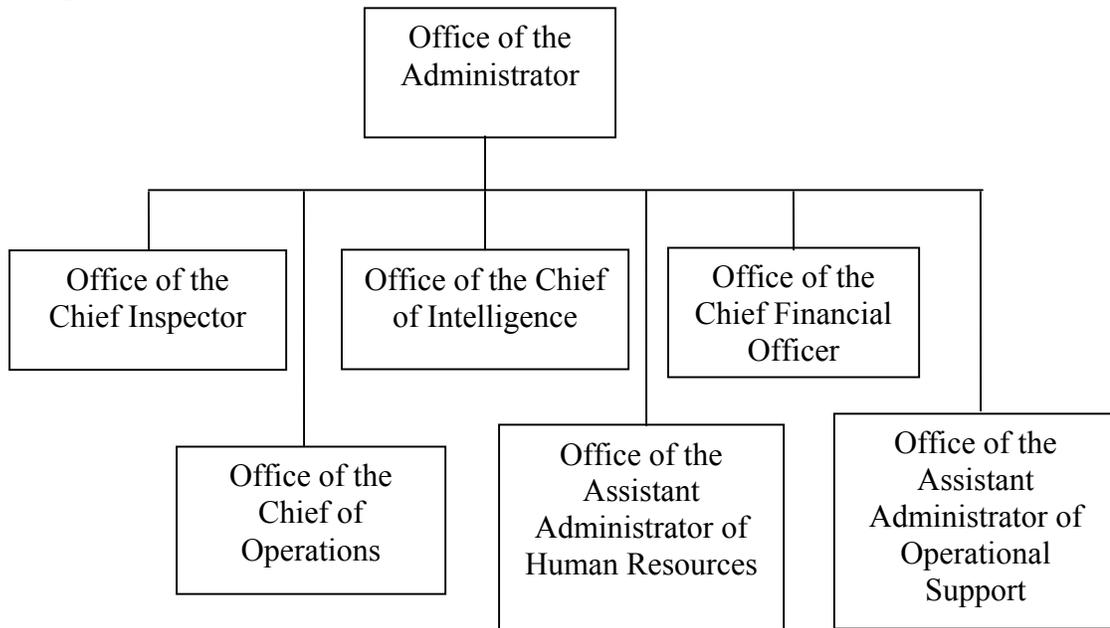


Figure 1: Organization of the Drug Enforcement Agency (DEA)

(1) DEA's Administrator, with assistance from the Deputy Administrator, oversees DEA's six divisions. The Office of the Administrator also oversees the Office of Congressional and Public Affairs and the Office of the Chief Counsel. These two offices report to the Administrator of DEA and work to support the Administrator and DEA's programs.

The Office of Congressional and Public Affairs is headed by a Director and is responsible for establishing and maintaining effective liaison with Congress, Department of Justice, and other agencies and the public. The Office of the Chief Counsel provides legal advice to the Administrator, the Deputy Administrator, and staff.

(2) The Office of the Chief Inspector serves as the Inspector General of DEA. The Office works to ensure that DEA is functioning efficiently and that the DEA staff adheres to DEA's rules and regulations.

(3) The Office of the Chief of Intelligence manages the El Paso Intelligence Center and provides intelligence for DEA's domestic and international programs.¹² DEA's intelligence programs collect, analyze, and disseminate drug-related intelligence in coordination with other federal, state, local, and foreign law enforcement organizations. DEA intelligence plays a key supporting role in both domestic and oversees investigations and operations.

(4) The Office of the Chief Financial Officer provides accounting, acquisition, and resource management services to DEA.

(5) The Office of the Chief of Operations oversees the majority of DEA's programs (all except intelligence and forensic labs) both abroad and domestically.¹³

(6) The Office of the Assistant Administrator for Human Resources provides administrative support and personnel services to DEA.

(7) The Office of the Assistant Administrator of Operational Support oversees DEA's forensic labs and provides information technology expertise and support. DEA's forensic experts provide support for field operations and investigations, while information technology experts work to recover data from computers used by drug traffickers and their organizations.

5. Formal National Security Process Involvement: DEA's programs formally support two principal objectives of the National Drug Control Strategy. The first objective is to combat drug related violence, disrupt criminal organization, and arrest the leaders of illegal drug syndicates; and the second objective is to disrupt and dismantle major international drug trafficking organizations and arrest prosecute, and incarcerate their leaders. DEA also serves as the lead agency for the development of overall Federal drug enforcement strategy, programs, planning, and evaluation.

A. Strategy Development: DEA helped develop aspects of the 1999 National Drug Control Strategy, which focuses on combating drug related violence domestically, disrupting criminal organizations, and arresting the leaders of illegal drug syndicates; and disrupting and dismantling major international drug trafficking organizations and arresting, prosecuting, and incarcerating their leaders.¹⁴

B. Policy, Guidance, and Regulation: DEA is responsible for regulating the transportation and use of controlled substances under the Controlled Substance Act of 1970, as amended.

C. Planning: DEA engages in a number of drug interdiction and supply reduction planning initiatives with local, state, and international law enforcement authorities.

D. Mission Execution: DEA is the lead agency for drug enforcement programs.

E. Observation, Orientation, and Oversight: No involvement.

F. Preparation: DEA provides extensive training in forensic science, investigative techniques, intelligence, and drug law to its own agents as well as local, state, and international law enforcement.

G. Resourcing: DEA plays a role in the resourcing of its own programs and also provides resources for state and local authorities that participate in its State and Local Task Force program. DEA funds 188 State and Local Task Forces.

¹³ See paragraph 2a for a description of DEA's major programs.

¹⁴ Interview with DEA Official.

6. Informal Formal National Security Process Involvement: No evidence of DEA's role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committee are the House Committee on Commerce; the House Commerce subcommittee on Commerce, Justice, State, and the Judiciary; the House Judiciary Committee; the House Judiciary Subcommittee on Crime; the Senate Judiciary Committee; the Senate Intelligence Committee; and the Senate Governmental Affairs Committee. The Senate Appropriations Committee and the House Appropriations Committee have jurisdiction over DEA budgets.¹⁵

B. Funding Sources: DEA is funded as an agency within the Department of Justice.

C. Budget: The Fiscal Year 99 budget for DEA was \$1.52 billion.¹⁶

D. Personnel: DEA has 9,046 positions for Fiscal Year 99.¹⁷

8. Conclusions and Observations: The Drug Enforcement Administration, an agency of the Department of Justice, is the lead federal agency in enforcing narcotics and controlled substances laws and regulations. It enforces the provisions of the controlled substances act and chemical diversion and trafficking laws and regulations of the United States, and operates on a worldwide basis. In addition, DEA creates, manages, and supports enforcement-related programs—domestically and internationally—aimed at reducing the availability of and demand for controlled substances. Through these activities DEA supports the National Drug Control Strategy's goals of dismantling and disrupting drug trafficking organizations.

A recent Government Accounting Office (GAO) report examined how well DEA strategies and operations worked to reduce the supply and demand of drugs. GAO's study concluded that while DEA has initiated and maintained a number of successful programs, the agency needs to develop clear metrics to better link its goals and outcomes.¹⁸ DEA staff concurred with GAO's recommendations and indicated that the increasing importance of the war on drugs warrants the creation of metrics. DEA staff also indicated that there needed to be a more formal liaison between DEA and the National Security Council. Currently, DEA's numerous interagency efforts to combat drug trafficking develop independently of one another. DEA believes that the organization's lead role in drug control warrants a more direct liaison with the National Security Council staff.¹⁹

15 www.thomas.loc.gov and Interview with DEA Official.

16 DEA Survey Response.

17 DEA Survey Response.

18 GAO/GDD-99-108.

19 Interview with DEA staff.

ORGANIZATIONAL DESCRIPTION

IMMIGRATION AND NATURALIZATION SERVICE (INS)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Immigration and Naturalization Service

Overview.

The Immigration and Naturalization Service (INS), an agency of the Department of Justice, was established by the Immigration and Nationality Act (INA) of 1952 as amended under title 8 U.S.C., Section 1101.¹ INS focuses on:

- Facilitating the legal entry of visitors and/or immigrants to the United States;
- Granting benefits under the Immigration and Nationality Act, as amended, including providing assistance to individuals seeking permanent resident status or naturalization;
- Preventing the unlawful entry, employment, or receipt of benefits by those who are not entitled to them; and
- Apprehending and/or removing illegal aliens.

Organization.

The Commissioner of INS, supported by the Deputy Commissioner, oversees INS' four divisions:

- The Office of Field Operations;
- The Office of Management;
- The Office of Policy and Planning; and
- The Office of Programs.

An Executive Associate Commissioner (EAC) heads each of INS' four divisions. The Office of Field Operations (OFO) oversees 33 districts and 21 Border Patrol sectors through its three regional offices in the Eastern, Central, and Western United States. INS' field offices provide direct services to applicants for benefits under the INA and also carry out regional enforcement responsibilities. The Office of Management provides technical and administrative support for INS operations. The Office of Policy and Planning supports INS leadership in policy development, strategic planning, and statistical analysis. The Office of Programs oversees seven of INS' eight primary programs that enforce the requirements of immigration law and administer benefits.²

¹ Interview with INS Public Affairs Office. 11/1/99

² Interview with INS Public Affairs Office. 11/1/99

INS is authorized an end strength of 30,800 people for Fiscal Year 99, with a Fiscal Year 99 budget of \$3.876 billion.³

Role in Formal and Informal National Security Processes.

INS' programs support the counterterrorism and drug interdiction goals and objectives of the National Security Strategy (NSS). INS' Inspectors and Investigators work with the Central Intelligence Agency (CIA) as well as the Departments of Justice, State, and Treasury, to identify, track, and take into custody aliens suspected of terrorist involvement. INS' border patrol agents and inspectors also work with Customs and other law enforcement agencies, such as the Drug Enforcement Agency (DEA) and the Coast Guard, in apprehending drugs and other illegal goods at border crossing and other points of entry.

Conclusions and Observations.

INS has a dual mission of providing immigration information and services to the general public, while also enforcing immigration laws and apprehending and removing illegal aliens. In performing its enforcement mission, INS works with the Federal Bureau of Investigation (FBI), U.S. Customs, DEA, and the Coast Guard. INS also shares information and cooperates with the Departments of State, CIA, and Department of Defense. INS' enforcement activities support the interdiction objectives of the National Drug Control Strategy and the counter terrorism provisions of the National Security Strategy.

INS was reorganized into four divisions in 1994, and the restructuring was supposed to streamline the operations of the agency and improve its service to the public and also improve the effectiveness of its enforcement programs. A recent GAO report revealed that while INS has made some improvements, the restructuring has not solved many of the underlying financial management and communications issues that have hampered INS' performance in the past. These management challenges continue to hinder some of INS' key programs. Surveys distributed to INS confirmed many of GAO's findings. Staff indicated that changes to the Immigration and Nationality Act resulted in an increased demand for certain services. For example changes to the INA resulted in many more applications for Naturalization and also called upon INS' Investigators to take on a greater role in counter terrorism operations. Both of these changes require additional funding and better allocation of resources within INS. The GAO report indicated that while INS' reorganization and reforms have made a difference, management must continue to work closely with field offices to implement the new changes.⁴

³ <http://www.usdoj.gov/jmd/2k-summary/2k-pg101-2.htm>

⁴ Government Accounting Office. Immigration and Naturalization Service: Overview of Management and Program Challenges. Washington D.C.: Government Printing Office, 7/29/99

ORGANIZATIONAL DESCRIPTION

IMMIGRATION AND NATURALIZATION SERVICE

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: The Immigration and Nationality Act (INA) of 1952 as amended under title 8 U.S.C., Section 1101 established the INS.⁵

B. Department/Agency Directives: None available.⁶

2. Missions/Functions/Purposes.

A. Major Responsibilities: The INS is responsible for "enforcing the laws regulating the admission of foreign born persons (i.e. aliens) to the United States and for administering various immigration benefits, including the naturalization of resident aliens."⁷ INS also works with the Department of State, the Department of Health and Human Services, and the United Nations in the admission and resettlement of refugees through its three regional offices in Bangkok, Mexico City, and Rome, as well as its agents located in U.S. embassies abroad.

INS' major responsibilities include:⁸

(1) The Border Patrol (BP) is responsible for maintaining control of U.S. borders by preventing the illegal crossings by aliens between ports of entry. The Border Patrol also serves as the primary force for drug interdiction between ports of entry. BP assists other Federal and local law enforcement agencies in preventing illegal drugs from reaching U.S. markets. The Border Patrol is a uniformed force that patrols 8,000 miles of international boundaries in vehicles, aircraft, boats, as well as on horseback or on foot. BP works closely with the Drug Enforcement Agency, U.S. Customs, the FBI, and the Department of Defense.⁹ Active and reserve component military components have helped the Border Patrol by building border fencing and access roads to those fences. Military units also provide the BP with transportation and reconnaissance support.

(2) The Investigations Program enforces immigration laws within the interior of the United States through a force of plainclothes special agents. Agents participate in multi-agency task forces against narcotics trafficking, violent crime, document fraud, and organized crime. Agents also work to detect, apprehend, and prosecute alien smuggling operations.

These activities are often coordinated with other agencies through the Organized Crime Drug Enforcement Task Force (OCDETF). OCDETF is a nationwide structure of 9 regional task forces which utilizes the combined resources of its member agencies in cooperation with state and local prosecutors to identify, investigate, and prosecute members of high level drug

⁵ Interview with INS Public Affairs Office. 11/1/99

⁶ Requests for agency directives were made to both INS and the Department of Justice (DoJ). Both organizations were unable to provide any directives.

⁷ www.ins.usdoj.gov

⁸ Interview with INS Public Affairs Office 11/1/99

⁹ Statement of Doris M. Meissner Commissioner Immigration and Naturalization Service before the Senate Caucus on International Narcotics Control. May 14, 1997.

trafficking and related enterprises. INS, along with the U.S. Marshals Service, the Federal Bureau of Investigation, and the Drug Enforcement Agency receives funding for OCDETF activities through the Interagency Crime and Drug Enforcement Appropriation.¹⁰

Agents also participate in anti-terrorist operations through the Joint Terrorism Task Forces. Participation in JTTF's varies by case, but INS' agents have been able to help the FBI and other agencies by prosecuting terrorists for immigration violations, which are often easier to prove than charges of terrorist intent. As a result INS agents are often able to prosecute and disrupt terrorist organizations. Agents also maintain a liaison presence with the FBI Headquarters International Terrorism Operations Section, and the CIA's Counterterrorism Center.

(3) The Intelligence Program collects, evaluates, analyzes and disseminates information relating to all INS missions.

(4) The Detention and Deportation Program (DDP) takes criminals and illegal aliens into custody pending proceedings to determine either their status or their removal from the United States. DDP operates nine detention facilities that are known as Service Processing Centers (SPC), and when necessary, places detainees in approved contract facilities or State and local jails.

(5) The Inspections Program is responsible for screening all travelers arriving in the United States by air, land, or sea through over 250 ports of entry. Inspectors examine and verify the authenticity of travel documents for every alien seeking entry into the United States. Inspectors are tasked with preventing the entry of known or suspected terrorists, drug traffickers, criminals, and other individuals that may subvert the national interest. Inspectors work with the U.S. Customs Service and the United States Coast Guard in fulfilling their counter-drug and counterterrorism missions. Inspectors also interact with the Department of State, the Federal Bureau of Investigation (FBI), and the Central Intelligence Agency (CIA) in the course of the above mission. The Department of State provides inspectors with information regarding aliens who they do and do not want admitted. The FBI informs Inspectors of wanted criminals, and asks Inspectors to assist the entry of witnesses, track the movement of individuals of interest, identify and take custody of suspected terrorists and/or intelligence agents. The CIA shares information and intelligence with Inspectors, and requests that Inspectors help identify and track suspected terrorists and/or intelligence agents.¹¹

(6) The Adjudications and Nationality Program receives and examines a variety of applications for immigration benefits, including petitions for citizenship.

(7) Service Center Operations oversee the work of Immigration Examiners and processing systems in four Service Centers in St. Albans, Vermont; Lincoln, Nebraska; Dallas, Texas; and Laguna Niguel, California. The majority of applications and petitions for immigrations benefits are adjudicated at these centers.

(8) The Administrative Appeals Program handles petitions from unsuccessful applicants who wish to be reconsidered.

¹⁰ www.whitehousedrugpolicy.gov/policy/budget98

¹¹ U.S. Commission on National Security/21st Century Survey INS Inspections/OPS.

B. Subordinate Activities and Agencies: None

3. Vision and Core Competencies.

A. Vision: None published.

B. Core Competencies: None published.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: A Commissioner who is nominated by the President and confirmed by the Senate heads the INS. The Commissioner reports to the Attorney General. The Commissioner with the assistance of the Deputy Commissioner, who is appointed by the President, oversees INS' four divisions. An Executive Associate Commissioner (EAC) heads each of INS' four divisions. EAC's are career civil servants.

C. Staff Attributes: INS' staff is made up of both law enforcement and policy professionals.

D. Strategy: INS initiated a strategic planning process in the spring of 1993 that brought together program representatives and managers to look at how INS was going to meet future immigration challenges. INS' resulting strategic plan, *Toward INS 2000*, focuses on eight areas that the organization believes will enable it to better provide immigration benefits and services, while concurrently enforcing immigration laws.¹² INS believes that it must focus on:

- (1) Facilitating compliance with immigration laws;
- (2) Deterring unlawful immigration;
- (3) Reinventing INS work processes;
- (4) Building partnerships with other agencies across government to manage the immigration system;
- (5) Promoting professionalism within INS' workforce;
- (6) Improving INS' immigration record databases;
- (7) Allocating resources based on risk assessments; and
- (8) Measuring results rather than levels of activity.

¹² INS Strategic Plan: *Toward INS 2000 Accepting the Challenge*. www.usdoj.ins.gov

E. Organization Chart:¹³

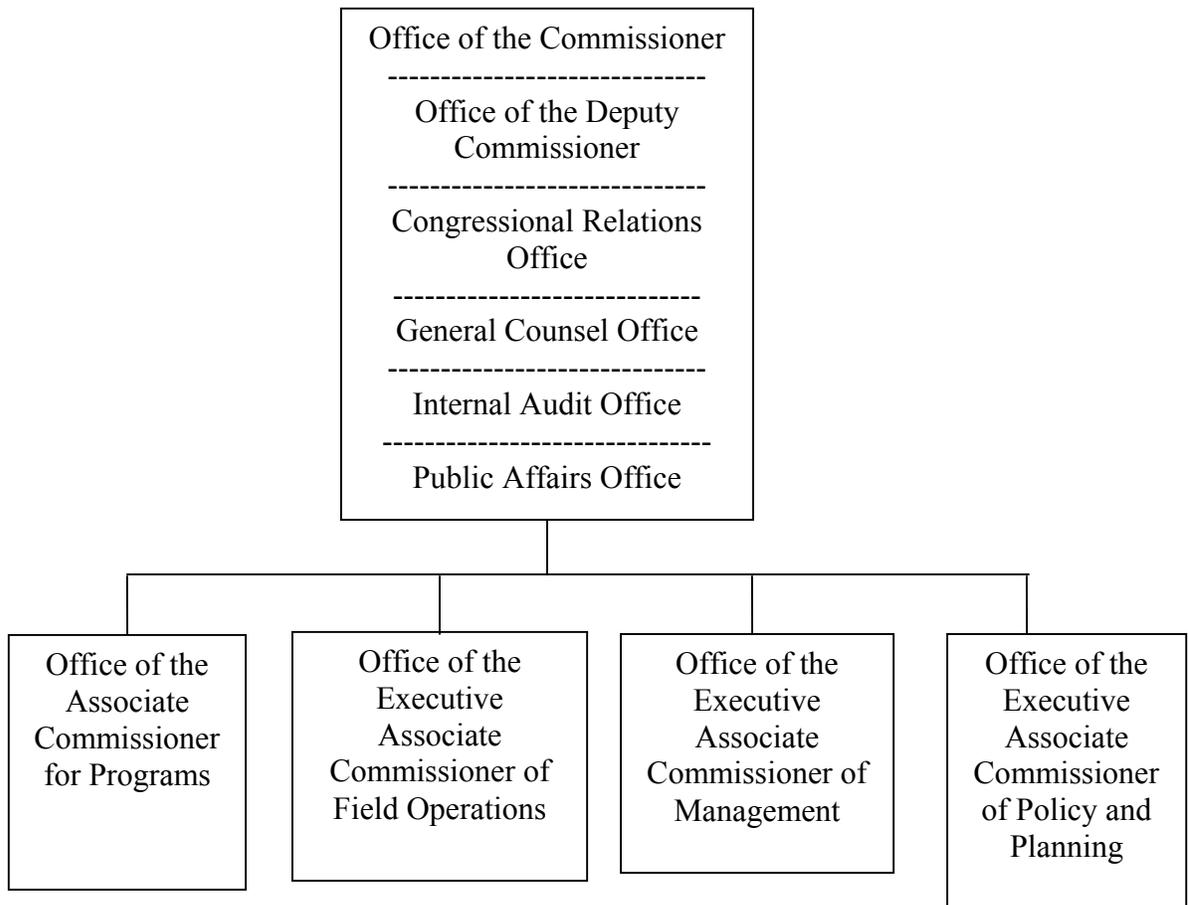


Figure 1: Organization of the Immigration and Naturalization Service

(1) The Commissioner of INS, with assistance from the Deputy Commissioner of INS, oversees INS' four divisions. INS' four divisions are Field Operations, Management, Policy and Planning, and Programs. The Office of the Commissioner also includes and oversees the Office of Congressional Relations, Office of the General Counsel, Office of Public Affairs, and the Office of Internal Audit. These four offices report to the Commissioner and work to support the Commissioner and INS' program offices.

The Office of Congressional Relations is headed by a Director and is responsible for establishing and maintaining effective liaison with the Congress, Department of Justice, and other agencies on such matters as bills, mark-ups, hearings, and Congressional inquiries. The Office of the General Counsel provides legal advice to the Commissioner, the Deputy Commissioner, and staff; prepares legislative reports; assists in litigation; prepares briefs and other legal memoranda when necessary; oversees the professional activities of all Service attorneys assigned to field offices; and makes recommendations on all personnel matters involving Service attorneys. The Office of Public Affairs is headed by a Director, and is responsible for establishing and maintaining public affairs policy, serving as liaison with the public and news organizations to communicate INS initiatives, such as naturalization and

employer education. The Office of Internal Audit is headed by a Director, and promotes efficiency and effectiveness within INS by managing the INS' systems for resolving alleged mismanagement and misconduct by Service employees; reviewing and evaluating the efficiency and effectiveness of Service operations and programs; collecting and analyzing data to identify patterns of deficiencies or other weaknesses warranting investigative follow-up; making recommendations on INS' disciplinary policies and procedures; overseeing INS' systems to eliminate fraud, waste, and abuse in the workplace; and acting as INS' liaison with outside audit/inspection agencies. These duties are executed in coordination with other components of INS and other Department of Justice components.

(2) The Office of the Executive Associate Commissioner for Programs is responsible for policy development and review as well as integration of INS' enforcement and examinations programs. This office has primary responsibility for the planning, oversight, and advancement of programs engaged in interpretation of the immigration and nationality laws and the development of regulations to assist in activities, including:

- (a) The granting of benefits and privileges to those qualified to receive them;
- (b) Withholding of benefits from those ineligible;
- (c) Control of the borders and prevention of illegal entry into the United States;
- (d) Detection, apprehension, detention, and removal of illegal aliens; and
- (e) Enforcement of employer sanctions and other provisions of immigration-related law.

In addition to overseeing enforcement and examination policy matters, the Office of Programs is responsible for maintaining a database of immigration records. The Executive Associate Commissioner for Programs promulgates policy, provides direction and supervises the activities of seven of INS' eight Enforcement and Examination programs.¹⁴

(3) The Office of the Executive Associate Commissioner of Field Operations directs the activities of INS' 33 districts and 21 Border Patrol sectors throughout the United States and INS' three district offices in Bangkok, Rome, and Mexico City and 39 area offices outside the United States.¹⁵

(4) The Office of the Executive Associate Commissioner for Management promulgates INS' administrative policies and coordinates all financial, human resource, administrative, and information resources management functions. The latter includes maintaining both an automated and a manual system for immigrations records and providing service to the public through a toll free information line.

¹⁴ See section 2a for a detailed account of INS' Enforcement and Examination programs.

¹⁵ See section 2a for a detailed account of the Border Patrol.

(5) The Office of the Executive Associate Commissioner for Policy and Planning directly supports the INS leadership in policy development, strategic planning, program evaluation, and statistical analysis and reporting. The Office also serves as the central clearinghouse for disseminating information about immigration policy in coordination with policy leaders within INS and the White House, Department of Justice, and other government agencies. The Office also serves as a liaison between non-governmental organizations that have a stake in national immigration policy.

5. Formal National Security Process Involvement: INS supports the National Security Strategy's objectives for countering terrorism and drug trafficking. INS works with the Departments of State, Defense, Treasury, and other Department of Justice agencies to "prevent, disrupt, and defeat terrorist operations before they occur."¹⁶ INS also supports the U.S. National Drug Control Strategy's interdiction goals by stopping the flow of drugs at and between ports of entry. These interdiction efforts are undertaken in cooperation with the U.S. Coast Guard, Customs, FBI, and DEA.

A. Strategy Development: No involvement.

B. Policy, Guidance, and Regulation: No involvement.

C. Planning: No involvement.

D. Mission Execution: INS works with other law enforcement agencies and the Departments of State, Defense, and the CIA to interdict the flow of drugs at and between ports of entry and also to investigate, capture, and prosecute aliens involved in terrorist activities. INS' Border Patrol, Inspectors, and Investigative Special Agents execute these missions.

E. Observation, Orientation, and Oversight: No involvement.

F. Preparation: INS conducts a 14 1/2 week training course for its Border Patrol agents and Investigators and Inspectors. Agents are trained in immigration law, law enforcement techniques, detection of fraudulent documents, firearms use, computer skills, and how to work with other national security agencies.

G. Resourcing: INS plays a role in resourcing its own programs and also receives additional funding through the Interagency Crime and Drug Enforcement appropriation for its participation in the Organized Crime Drug Enforcement Task Force.

6. Informal National Security Process Involvement: No evidence of INS' role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House Commerce Committee; the House Judiciary Committee; the House Subcommittee on Immigration and Claims; the House Committee on Ways and Means; the Senate Committee on Governmental Affairs; the Senate Judiciary Committee; and the Senate Subcommittee on

¹⁶ The White House. A National Security Strategy for a New Century, May 1997, p. 10

Immigration. The Senate Appropriations Committee and House Appropriations Committee have jurisdiction over INS' budget.

B. Funding Sources: INS is funded as an agency of the Department of Justice and also receives funds through the Interagency Crime and Drug Enforcement appropriation.

C. Budget: INS' Fiscal Year 99 budget is \$3.876 billion.¹⁷

D. Personnel: INS is authorized an end strength of 30,800 people for Fiscal Year 99.¹⁸

8. Conclusions and Observations: INS has a dual mission of providing immigration information and services to the general public, while also enforcing immigration laws and apprehending and removing illegal aliens. In performing its enforcement mission, INS works with the Federal Bureau of Investigation (FBI), U.S. Customs, DEA, and the Coast Guard. INS also shares information and cooperates with the Department of State, CIA, and Department of Defense. INS' enforcement activities support the interdiction objectives of the National Drug Control Strategy and the counter terrorism provisions of the National Security Strategy. INS' Fiscal Year 99 budget is \$3.876 billion and it is authorized an end strength of 30,800 people for Fiscal Year 99.

INS was reorganized into four divisions in 1994, and the restructuring was supposed to streamline the operations of the agency, improve its service to the public, and also improve the effectiveness of its enforcement programs. A recent GAO report revealed that while INS has made some improvements, the restructuring has not solved many of the underlying financial management and communications issues that have hampered INS' performance in the past. These management challenges continue to hinder some of INS' key programs. Surveys distributed to INS confirmed many of GAO's findings. Staff indicated that changes to the Immigration and Nationality Act resulted in an increased demand for certain services. For example changes to the INA resulted in many more applications for Naturalization and also called upon INS' Investigators to take on a greater role in counter terrorism operations. Both of these changes require additional funding and better allocation of resources within INS. The GAO report indicated that while INS' reorganization and reforms have made a difference, management must continue to work closely with field offices to implement the new changes.¹⁹

¹⁷ <http://www.usdoj.gov/jmd/2k-summary/2k-pg101-2.htm>

¹⁸ <http://www.usdoj.gov/jmd/2k-summary/2k-pg101-2.htm>

¹⁹ GAO Report 7/29/99

ORGANIZATIONAL DESCRIPTION

UNITED STATES MARSHALS SERVICE (USMS)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

U.S. Marshals Service

Overview.

The United States Marshals Service (USMS), an agency of the Department of Justice, was established by title 28 U.S.C. section 561.¹ USMS focuses on:

- Protecting judges and providing security for federal court facilities;
 - Executing court orders, and the seizure, maintenance, and disposal of assets;
 - Providing for the secure transportation and production of federal pre-trial detainees;
- and
- Ensuring the safety of protected government witnesses.

Organization.

The Director of the U.S. Marshals, supported by the Deputy Director of the U.S. Marshals, oversees USMS' four program divisions:

- Judicial Security Division (JSD);
- Investigative Services Division (ISD);
- Prisoner Services Division (PSD); and
- Business Services Division (BSD).

An Assistant Director, who is a career civil servant, heads each of USMS' four program divisions. The Judicial Security Division works to ensure the safe conduct of judicial proceedings, and to ensure the safety of judges, jurors, and members of the judiciary. The Investigative Services Division oversees programs that conduct investigations involving escaped federal prisoners; probation, parole, bond default violators; and fugitives who are wanted on drug warrants. ISD also oversees the Witness Security program, which ensures that federally protected witnesses are protected both before and after providing their testimony. The Prisoner Services Division assumes custody of individuals arrested by all federal agencies. PSD houses prisoners awaiting trial in federal, state, and local jails and also transports prisoners to trial and back to jail if convicted. The Business Services Division oversees the asset forfeiture program. All criminal assets seized by Department of Justice agencies are disposed of via USMS' Business Services Division.

USMS' Director and Deputy Director are both nominated by the President and confirmed by the Senate. The Director of USMS along with the Deputy Director also oversee 95 district

¹ www.thomas.loc.gov.

offices, which implement USMS' programs throughout the United States and its territories. A U.S. Marshal, who is appointed by the President, heads each district office.

The Deputy Director of USMS coordinates assignments for the Special Operations Group (SOG). The SOG is a group of highly trained Deputy Marshals who provide rapid response to a variety of emergency situations. The SOG also provides "security and law enforcement assistance to the U.S. Air Force when Minuteman and cruise missiles are moved between military facilities."² USMS is authorized an end strength of 4,486 positions with a Fiscal Year 99 budget of \$502.6 million.³

Role in Formal and Informal National Security Processes.

The United States Marshals Service does not have a direct (formal or informal) role in National Security Processes. Instead, USMS' programs support the efforts of other law enforcement agencies. USMS' investigations programs, SOG, and Witness Security program support agencies such as the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the Department of State, and the U.S. Air Force. USMS' investigations programs work with other federal, state, and local agencies to help arrest federal fugitives, many of whom are wanted by DEA on drug trafficking charges. USMS' SOG provides rapid response assistance for a variety of emergency situations, including natural disasters, terrorist attacks, and other federal emergencies. The Witness Security program ensures the safety of government witnesses and their immediate dependents whose lives are in danger as a result of their testimony against organized crime, drug traffickers, terrorists, and other major criminals. The activities undertaken by USMS support the drug enforcement, National Emergency Preparedness, and organized crime objectives outlined in the National Security Strategy.

Conclusions and Observations.

The USMS is responsible for apprehending fugitives, transporting prisoners, seizing and disposing of criminal assets, protecting the judiciary, and protecting federal witnesses. USMS also engages in a number of special operations that support other law enforcement agencies in emergency situations. The USMS national security role is one of support. USMS' programs support the National Security Strategy's drug interdiction, organized crime, and National Emergency Preparedness objectives. USMS' survey response indicated that while the organization plays a supporting role in a number of national security missions (drug fugitive apprehension, witness protection, and national emergency response), there is little interagency coordination regarding those missions. Any move to increase such coordination will require both increased funding and manpower.

² <http://www.usdoj.gov/marshals/factsheets/general.html>

³ USMS Survey Response.

ORGANIZATIONAL DESCRIPTION

U.S. MARSHALS SERVICE

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive:

(1) **Title 28 U.S.C. section 561** established the United States Marshals Service (USMS) within the Department of Justice.⁴

(2) **The Organized Crime Control Act of 1970 (Public Law 91-452)** established the Witness Security Program within the U.S. Marshals Service.

(3) **The Comprehensive Crime Control Act of 1984** created the Department of Justice Assets Forfeiture Fund. The USMS oversees the Assets Forfeiture Fund and ensures that the proceeds from the sale of forfeited cars, real estate, jewelry and other property, as well as tainted cash, are reinvested into law enforcement activities.⁵

B. Department/Agency Directives: None available.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The mission of the United States Marshals Service is to "protect the federal courts and ensure the effective operation of the judicial system." The USMS accomplishes this mission through "protecting judges and other participants in the judicial process; providing for the security of federal court facilities; executing court orders, including certain arrest warrants and the seizure, maintenance, and disposal of assets; providing for the secure confinement, transportation and production of federal pre—trial detainees; and ensuring the long term safety of government witnesses."⁶

B. Subordinate Activities and Agencies: None.

3. Vision and Core Competencies.

A. Vision: None published.

B. Core Competencies:⁷

(1) Finding and arresting fugitives;

(2) Administering the Witness Security Program; and

⁴ www.thomas.loc.gov.

⁵ <http://www.usdoj.gov/marshals/factsheets/bus-svcs.html>

⁶ USMS Survey.

⁷ USMS Survey.

(3) Rapid response to civil disturbances, natural disasters, and other crisis situations.

4. Organizational Culture.

A. Values: None published.

B. Leadership Traditions: The Director and Deputy Director are each nominated by the President and confirmed by the Senate. The 95 U.S. Marshals, who supervise district operations, are Presidential appointees. The Assistant Directors of the Marshal's four program divisions are career civil servants.⁸

C. Staff Attributes: USMS staff possesses specialized skills including the ability to respond quickly to emergency situations and defuse potentially volatile situations.⁹

D. Strategy: USMS believes that it must improve its internal accounting system and increase its formal interagency coordination, while maintaining its focus on the following key missions:

- (1) Fugitive Investigations;
- (2) Protecting the Courts;
- (3) Prisoner Custody and Transportation;
- (4) Witness Security;
- (5) Asset Seizure; and
- (6) Special Operations.

⁸ USMS Survey.

⁹ USMS Survey.

E. Organization Chart:

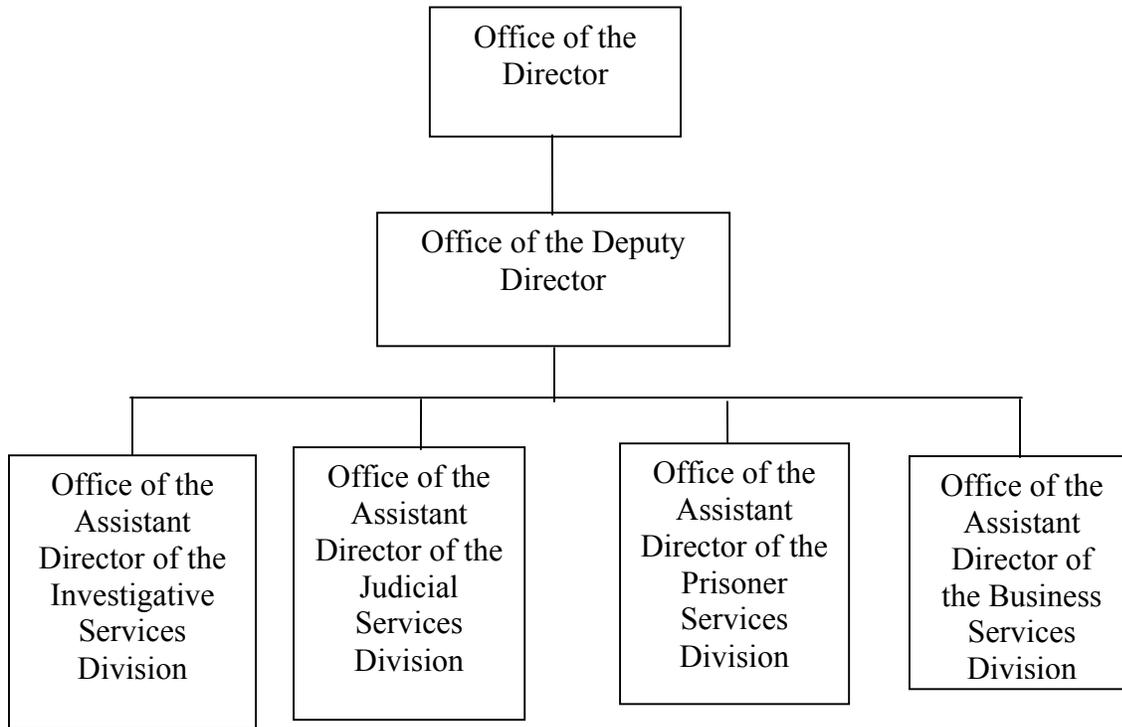


Figure 1: Organization of the United States Marshals Service

(1) The Office of the Director of the USMS, with the assistance of the Deputy Director of USMS, oversees the USMS' four program divisions. In addition to the four program divisions, the Office of the Director also oversees the Office of General Counsel, the Executive Services Division, the Management and Budget Division, and the Human Resources Division. These four offices report to the Director and work to support the Director and USMS' program offices.

The Office of the General Counsel provides legal advice to the Director, the Deputy Director, and staff, prepares briefs and other legal memoranda when necessary, and deals with Freedom of Information Act requests by the public. The Human Resources division is headed by an Assistant Director and provides career and organization development support to USMS staff as well as training. Human Resources also handles support functions such as pay and benefits and oversees hiring. The Management and Budget division is headed by an Assistant Director and is responsible for preparing USMS' budget request, reviewing programs, and allocating information technology resources throughout the USMS. The Executive Services division is headed by an Assistant Director and provides public affairs and congressional liaison services to USMS.

(2) The Office of the Deputy Director oversees and coordinates the activities of the Special Operations Group (SOG), the Missile Escort Program, and the Judgement Enforcement Teams.

(a) The Special Operations Group (SOG) is a specially trained tactical unit that responds to emergencies anywhere in the United States or its territories. Members of SOG are Deputy Marshals who have volunteered. SOG members remain on call 24 hours a day

for SOG missions. SOG also maintains a small, full-time operational cadre stationed at the Marshals Service Tactical Operations Center at Camp Beauregard, LA., where all SOG deputies undergo training in tactics and weaponry. The group's missions include: fugitive apprehension, dignitary protection, court security, transporting high profile and dangerous prisoners, witness security, and asset seizures.

(b) The Missile Escort Program provides specially trained Deputy Marshals to provide security and law enforcement assistance to the Department of Defense and the U.S. Air Force during the movement of selected missiles and nuclear warheads between military facilities.

(c) The Judgment Enforcement Teams (JET) consist of specially trained Deputy Marshals that provide an enforcement capability to the Financial Litigation Units of selected U.S. Attorney Offices. These Deputy Marshals investigate cases where individuals have reneged on debts owed to the government, such as for criminal fines, financial fraud, and medical training. The Deputies identify debtor assets, facilitate pre-judgment and post-judgment remedy planning, and enforce other judgment requirements.

(3) The Office of the Assistant Director of the Investigative Services Division provides analytical and electronic surveillance support to the 95 U.S. Marshals district offices while coordinating the investigations and Witness Security programs.¹⁰

(a) The Investigations Program is responsible for conducting and investigating fugitive matters involving escaped federal prisoners, probation, parole, and bond default violators, and warrants generated by DEA investigations and other related felony cases. The Marshals Service also sponsors 65 multiagency fugitive task forces comprised of federal, state, and local agencies, concentrating their investigative efforts on fugitives wanted for crimes of violence and drug trafficking. The Marshals Service representatives also help monitor domestic, drug-related crimes at the National Drug Intelligence Center in Johnstown, PA, and the El Paso Intelligence Center (EPIC) in El Paso, TX. The Marshals Service is also the primary American agency responsible for returning fugitives wanted in the United States from foreign countries. The Service also apprehends fugitives in the U.S. who are wanted abroad. The Office also oversees the extradition of fugitives captured by U.S. Marshals.

(b) The Witness Security Program (WITSEC) provides for the security, health, and safety of government witnesses and their immediate dependents, whose lives are in danger as a result of their testimony against organized crime, drug traffickers, terrorists, and other major criminals. This program serves as a tool in the government's war against major criminal conspiracies and organized crime.

The Attorney General makes final determination that a witness qualifies for WITSEC protection. The decision is based on recommendations by U.S. Attorneys assigned to major federal cases throughout the nation. In a state court case, the determination is based on a request from a State Attorney General through the appropriate U.S. Attorney's office. After the witness receives a pre-admittance briefing by Marshals Service personnel and agrees to enter the program, the witness and his or her family are immediately removed from the danger area and relocated to a secure area selected by the Marshals Service. Witnesses are given new names and

¹⁰ <http://www.usdoj.gov/marshals/factsheets/inve-svcs.html>

new identities with authentic documentation for the witness and family. Among the types of assistance provided to the witness are: housing, medical care, job training, and employment. Subsistence funding to cover basic living expenses also is provided to the witness until the program participants become self-sufficient.

The Marshals Service provides 24-hour protection to all witnesses while they are in a "threat" environment and upon their return to a danger area for pre-trial conferences, testimony at trials, or other court appearances.

(4) The Office of the Assistant Director of the Judicial Services Division oversees the USMS' Judicial Security programs.¹¹ They are:

(a) The Court Security Program provides personal protection to federal judges, court officials, witnesses, and jurors and is a principal mission of the U.S. Marshals Service. The U.S. Marshals provide such protection in 95 districts ensuring security and maintaining decorum within the courtroom itself, as well as providing personal protection for judicial officers, witnesses, and jurors away from court facilities.

(b) The Court Security Officer (CSO) Program provides 3,000 Court Security Officers who secure building entrances at 450 court facilities in the United States and its territories. CSOs are contractors hired by the USMS. The CSO program is responsible for administering the contracts for CSOs. Many CSOs have extensive law enforcement experience with state and local police departments.

(c) The Judicial Security Systems Program provides primary security services to the federal judiciary. These services consist of providing electronic protection for court proceedings, court officials, and court chambers, as well as security for support areas.

(d) The Central Courthouse Management Program provides planning and design assistance when federal courthouses are being built or space is being allocated. The Marshals service provides a security perspective to decision makers, ensuring that federal facilities are built and organized in such a way that personnel, the judiciary, and the general public are safe. These include court security, CSO contracts, and Courthouse construction and design.

(5) The Office of the Assistant Director of the Prisoner Services Division is responsible for the housing and transportation of prisoners from the time they are brought into federal custody until they are either acquitted or incarcerated. Individuals who are arrested or detained for violation of a federal statute must be brought before a magistrate or judge for an initial hearing. After the hearing, prisoners may be released or remanded into the custody of the Marshals Service to stand trial. If convicted, it is the Marshals Service's responsibility to deliver the prisoner to an institution to serve the imposed sentence. In order to house all these prisoners, the Marshals Service contracts with approximately 1,200 state and local governments to rent space, on a space available basis, for federal prisoners. Nearly two-thirds of the prisoners in Marshals Service custody are detained in state and local facilities. In locations where detention space is scarce, the Marshals Service provides selected state and local governments with

¹¹ <http://www.usdoj.gov/marshals/factsheets/jud-svcs.html>

Cooperative Agreement Program (CAP) funds to improve local jail facilities and to expand jail capacities.¹²

(6) The Office of the Assistant Secretary of the Business Services Division oversees and advertises USMS' asset forfeiture program. The Asset Forfeiture Program manages and disposes of properties seized and forfeited by all federal law enforcement agencies and U.S. Attorneys nationwide. Most property in the Marshals Service's custody comes from drug trafficking, money laundering, organized crime, and fraud cases. Monies from the Asset Forfeiture Fund are available to the Marshals Service to pay for costs incurred while maintaining these properties. Ninety-four Marshals Service district offices administer seized assets. The Marshals secure custody, inventory, appraise, store, and maintain property until the final court order is entered. Much of the work in this program is contracted out to professional companies. The Marshals Service provides property services to the Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, U.S. Postal Inspection Service, and the Food and Drug Administration. At the conclusion of forfeiture cases, participating state and local agencies can apply for a share of the proceeds. The Office also maintains the property and vehicles that the USMS and other federal law enforcement agencies seize.¹³

5. Formal National Security Process Involvement. The United States Marshals Service's programs support the drug interdiction, organized crime, and National Emergency Preparedness objectives of the National Security Strategy. This is achieved through the investigation and apprehension of drug traffickers and other wanted criminals; the protection of federal witnesses who have agreed to testify against organized crime, drug traffickers, and terrorists; and the deployment of the Special Operations Group during national emergencies, disasters, and other domestic disturbances.

A. Strategy Development: No involvement.

B. Policy, Guidance, and Regulation: No involvement.

C. Planning: No involvement.

D. Mission Execution: The USMS is responsible for apprehending fugitives wanted on DEA warrants as well as ensuring the safety of federal witnesses testifying against organized crime and drug trafficking organizations.

E. Observation, Orientation, and Oversight: No involvement.

F. Preparation: USMS' staffs are provided specialized training that focuses on protecting the judiciary, carrying out investigations, transporting prisoners, and protecting government witnesses.

G. Resourcing: The USMS plays a role in resourcing its own programs.

¹² <http://www.usdoj.gov/marshals/factsheets/pris-svcs.html>

¹³ <http://www.usdoj.gov/marshals/factsheets/bus-svcs.html>

6. Informal Formal National Security Process Involvement. No evidence of USMS' role in informal national security processes.

7. Funding and Personnel.

A. Authorization and Appropriations: The relevant authorizing committees are the House Judiciary Committee, the House Judiciary Subcommittee on Crime, and the Senate Judiciary Committee. The Senate Appropriations Committee and the House Appropriations Committee have jurisdiction over USMS' budget.¹⁴

B. Funding Sources: USMS is funded as an agency within the Justice Department.

C. Budget: The FY 99 budget for USMS was \$502.6 million.

D. Personnel: USMS has 4,486 employees for FY 99.

8. Conclusions and Observations. The USMS is responsible for apprehending fugitives, transporting prisoners, seizing and disposing of criminal assets, protecting the judiciary, and protecting federal witnesses. USMS also engages in a number of special operations that support other law enforcement agencies in emergency situations. The USMS national security role is one of support. USMS' programs support the National Security Strategy's drug interdiction, organized crime, and National Emergency Preparedness objectives.

USMS' survey response indicated that while the organization plays a supporting role in a number of national security missions (drug fugitive apprehension, witness protection, and national emergency response) there is little interagency coordination regarding those missions. Any move to increase such coordination will require both increased funding and manpower.

¹⁴ www.loc.thomas.gov

ORGANIZATIONAL DESCRIPTION

UNITED STATES COAST GUARD



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

The United States Coast Guard

Overview.

The Coast Guard is a military service within the Department of Transportation with four distinct roles:

- Law enforcement;
- Environmental protection;
- Safety; and
- National defense.

The Coast Guard is the nation's principal maritime law enforcement agency, and it is the only Federal agency with jurisdiction on the high seas as well as in U.S. territorial waters. The Coast Guard is unique among the Armed Forces in that it has statutory law enforcement authority and is not subject to the limits of the Posse Comitatus Act. When directed by the President or upon a formal declaration of war by Congress, the Coast Guard becomes a Service in the Department of the Navy. The President may transfer as much or as little of the Coast Guard as is required by the contingency. The Coast Guard also may assist the Navy, without transferring forces, by placing units under the operational control of a naval commander.^{1, 2}

In addition to its military capabilities for coastal warfare defense, the Coast Guard has assets and capabilities that can be brought to bear on a wide range of emerging national security threats, including destabilizing arms traffic, the smuggling of drugs, aliens, technologies, and untaxed cargoes, depletion of fish and other resources in the U.S. Exclusive Economic Zone, violation and circumvention of environmental protection laws, challenges to the nation's critical infrastructure base, attempts to violate economic sanctions, piracy and terrorism, and uncontrolled mass migration.³

In carrying out its day-to-day missions, the Coast Guard interacts with many federal, state, and local government entities, including the Departments of Transportation, Defense, Justice, State, Interior, and Energy; the Drug Enforcement Administration (DEA); the Federal Emergency Management Agency (FEMA); the Federal Bureau of Investigation (FBI); the Immigration and Naturalization Service (INS); the Office of National Drug Control Policy (ONDCP); the U.S. Marshals Service; the Bureau of Alcohol, Tobacco & Firearms; the U.S. Customs Service; the National Marine Fisheries Service; the Environmental Protection Agency (EPA); and state police, natural resource departments, park rangers, criminal investigation bureaus and state prosecutors.

¹ Joint Publication 3-07.4, Joint Counterdrug Operations, February 17, 1998.

² Loy, James M., Admiral, USCG, Shaping America's Joint Maritime Forces: The Coast Guard in the 21st Century.

³ United States Coast Guard Annual Report, 1998, p. 26.

Organization.

The basic Coast Guard organizational structure reflects a military command and control network. The Commandant of the Coast Guard, a four-star admiral, reports directly to the Secretary of Transportation. Primary organizational elements include USCG Headquarters; two Area Commands; nine District Commands; two Maintenance and Logistics commands; various Activity, Section, Support Center and Group commands; and individual field and headquarters units. The USCG work force includes 38,000 active duty members (about 30,000 enlisted personnel), 8,000 reservists, 36,000 auxiliaries, and 6,000 civilian employees. Equipment includes over 200 cutters (vessels 65 feet in length or more) and boats (watercraft less than 65 feet in length), plus 68 fixed-wing and 166 rotary-wing aircraft.⁴

Role in Formal and Informal National Security Processes.

The following chart shows the relationship between Coast Guard products and roles and the seven key national security processes.

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input to National Security Strategy, National Military Strategy, and National Drug Control Strategy	✓						
	Input to DOT Strategic Plan	✓						
	USCG Strategic Plan, Vision Document, and the Commandant's Direction	✓						
	Commandant's Instructions		✓					
	Federal Regulations		✓					
	Input to DoD Deliberate and Crisis Planning Systems			✓				
	Input to Civil/Disaster Preparedness Planning			✓				
	Forces designed for law enforcement, maritime safety, marine environmental protection, and DoD operations and exercises				✓		✓	
	SORTS Reports					✓		
	Coast Guard Lessons Learned System (CGULLS) Reports and Inputs to the Navy Lessons Learned System					✓		
	Coast Guard Acquisition Documents						✓	
	Coast Guard Budget							✓
	Coast Guard Performance Plan and Annual Report					✓		
	Coast Guard Business Plans						✓	✓
	Coast Guard Regional Strategic Assessments	✓						
Roles	Commandant	Head of a military Service under the Department of the Transportation	✓	✓	✓	✓	✓	✓
		Head of a military Service under the Department of the Navy when directed by the President	✓	✓	✓	✓	✓	✓
		Head of a Federal law enforcement organization	✓	✓	✓	✓	✓	✓
	Area Commanders	Subordinate Operational Commanders to the Commandant	✓	✓	✓	✓	✓	✓
		Maritime Defense Zone Commanders and Subordinate Commanders to CINCLANTFLT and CINCPACFLT		✓	✓	✓	✓	✓

⁴ <http://www.uscg.mil/hq/g%2Dci/sect%2Diold.htm>.

Strategy Development. The Coast Guard provides input to the National Security Council (NSC) during the development of the National Security Strategy (NSS), provides input to the National Military Strategy (NMS) through the Joint Staff, and participates in the Joint Staff's Joint Strategy Review. It also participates in the development of the National Drug Control Strategy and the DoT Strategic Plan. Internally, the Coast Guard develops the Coast Guard vision document—*Coast Guard 2020*, the Coast Guard Strategic Plan, and the *Commandant's Direction*, which establishes the Commandant's personal priorities and areas of emphasis. Coast Guard strategy development is grounded in the framework of the Government Performance Review Act (GPRA).

Policy, Guidance, and Regulations. The Commandant issues regulations and directives that relate to the organization, internal administration, and personnel of the Coast Guard. The Commandant also issues maritime regulatory documents for commercial enterprises and the public. The Commandant, an Assistant Commandant, or the Secretary of Transportation sign Regulations, work plans, and Federal Regulatory Notices, depending on their level of importance.

Planning. The Coast Guard is tied into the military deliberate and crisis planning processes in a manner similar to the other military Services. Coast Guard participation in DoD deliberate and crisis action planning is accomplished primarily at the headquarters of the two Area Commands (Atlantic and Pacific). The Area Command staffs also plan for contingency requirements for severe weather response operations, low water response operations, flood response operations, marine disaster response operations, terrorism response operations, civil disturbance response operations, Marine Environmental Response, Alien Migrant Interdiction Operations (AMIO), and earthquake response operations. The Coast Guard participates in planning with a multitude of other federal, state, and local government agencies. An example is the Coast Guard's role in the development of the National Search and Rescue Plan, an interagency plan developed with the participation of the Departments of Transportation (USCG), Defense, Commerce, the FCC, and NASA. The Coast Guard also develops internal plans including the performance plans, specialized plans, business plans, and campaign plans such as STEEL WEB, the Coast Guard's multiyear campaign plan to position the requisite interdiction forces where they best counter the evolving narco-trafficking threats.

Mission Execution. Coast Guard forces operate continuously in support of the four major Coast Guard areas of responsibility (i.e., Law Enforcement, Maritime Safety, Marine Environmental Protection, and National Security). The Coast Guard conducts law enforcement operations in conjunction with many federal and state agencies. While Coast Guard law enforcement responsibilities encompass all federal laws and regulations applicable in the maritime realm, Coast Guard activities focus primarily on protecting fisheries and other marine resources, combating illicit drug trafficking, interdicting illegal migrants at sea, ensuring compliance with recreational and other vessel safety laws, enforcing of environmental protection statutes and responding to vessel incidents involving violent acts or other criminal activity. The Coast Guard also conducts several non-law enforcement domestic operations in the areas of aids to navigation, waterways management, polar and domestic icebreaking, and search and rescue. The Coast Guard's national defense role is to provide non-redundant, complementary assets that support the National Military Strategy. The Coast Guard provides capabilities over a range of naval warfare duties, including: battle group operations; military sealift and commercial shipping escort; search and rescue; surveillance and interdiction; visit,

board, search and seize teams; aids to navigation; and force protection of military shipping at U.S. seaports of embarkation and overseas ports of debarkation.⁵

Observation, Orientation, and Oversight. The Coast Guard provides and assesses information on Coast Guard units through DoD's Status of Resources and Training System (SORTS) and provides and assesses lessons learned regarding Coast Guard activities through the Coast Guard Lessons Learned System (CGULLS).

Preparation. As a subordinate entity of the Department of Transportation, the Coast Guard follows the acquisition procedures contained in the Transportation Acquisition Manual (TAM). Two councils—the Coast Guard Acquisition Review Council (CGARC) and the Department of Transportation Systems Acquisition Review Council (TSARC), review Coast Guard acquisition decisions. Also in the area of preparation, the Coast Guard determines the requirements, plans, and provides resources for the Coast Guard training program. The Coast Guard conducts and participates in contingency preparedness exercises to test Coast Guard plans, policies and procedures in response to a wide variety of possible scenarios, including man-made and natural disasters, maritime terrorism, transportation infrastructure casualties, national defense emergencies, maritime spills of oil and hazardous substances, and civil disturbances. Preparedness exercises provide opportunities to test the interoperability between the Coast Guard and DoD and between the Coast Guard and civilian agencies.

Resourcing. Coast Guard resourcing processes and decisions are integrated through the Coast Guard "Family of Plans" which is GPRA based. Programs are derived from outcomes. They account for both potential threats and anticipated demand. Each regional commander is responsible for conducting an annual Regional Strategic Assessment. The Coast Guard programs for resources a year ahead and updates quarterly through a quarterly asset allocation process. Within the Coast Guard, budget formulation is essentially a continuous effort, with a gradual change in focus from broad program to specific line item requests. The Coast Guard budget request is processed through the Department of Transportation. Most of the Coast Guard's funding comes from the Department of the Treasury's General Fund. Since FY82, Congress has annually authorized about \$300M in DoD funds to be transferred to the Coast Guard to help fund national security functions in support of DoD. In addition to this funding, the Navy also provides logistical support to the Coast Guard for Navy equipment on USCG ships and aircraft.

Observations.

The Coast Guard has enthusiastically embraced GPRA and uses its framework as the foundation for strategy development, planning, preparation, and resourcing processes. The refinement of these processes is still ongoing, but the Coast Guard is beginning to develop consistency among its various business areas through a GPRA approach. Among national security organizations, it appears to be a good "study case" for the effectiveness of GPRA.

The Coast Guard is an organization that has great experience operating in the interagency environment. It interfaces on a daily basis with DoT, DoD, DoJ, and DoS for its law enforcement, national security, safety, and environmental missions. Because of its high

⁵ United States Coast Guard, Deepwater Project Team (G-ADW) Modeling and Simulation Master Plan, Washington, DC: United States Coast Guard, September 21, 1998, Ph. 1 V1.0.

level of interagency connections, Coast Guard effectiveness depends on a network of liaison officers and a host of interagency Memoranda of Understanding and Agreement (MOUs and MOAs). This may be a "fact of life" for an organization that works closely with so many other agencies. However, it also may reflect an "ad hoc" approach to interagency operations due to the lack of robust processes within the current interagency structure.

Due to its extensive interagency operational expertise, the Coast Guard may prove to be the model for future interagency operations and may merit a more in-depth assessment for additional "lessons learned."

ORGANIZATIONAL DESCRIPTION

THE UNITED STATES COAST GUARD

1. Legal Specifications, Authorizations and Responsibilities

A. Authorizing Statute: The United States Coast Guard (USCG) was established in January 1915 (14 U.S.C. 1) and became a component of the Department of Transportation in April 1967 pursuant to the Department of Transportation Act (49 U.S.C., Sec. 108).

(1) Title 49 defines the Coast Guard as a part of the Department of Transportation, and specifies that the Commandant of the Coast Guard reports directly to the Secretary of Transportation.⁶

(2) Title 14 contains the principal legal authority for the Coast Guard. It defines the Coast Guard as a military Service and a branch of the U.S. Armed Forces. Title 14 also establishes the Coast Guard as a Service in the Department of Transportation, except when the President directs that it operate as a Service in the Navy.⁷

(3) The Code of Federal Regulations, Title 33 delegates various authorities to Coast Guard officers and specifies Coast Guard jurisdiction.⁸

B. Department Directives:

(1) Department of Transportation (DoT): The primary DoT direction to the Coast Guard, including Secretary of Transportation delegation of powers and duties to the Commandant, is contained in the Code of Federal Regulations, Title 49. This document specifies Coast Guard responsibilities and delegates broad legal authority to the Commandant. This authority to carry out all the activities of the Coast Guard, includes, but is not limited to, law enforcement; safety of life and property at sea; aids to navigation; search and rescue; icebreaking; oceanographic research; and military readiness functions.⁹

(2) Department of Defense (DoD):

(a) DoD Directive (DODD) 5100.1, which describes the functions of the major DoD components states that during peacetime, the Department of Transportation is responsible for maintaining the United States Coast Guard in a state of readiness so that it may function as a specialized Service in the Navy in time of war or when the President directs. The Coast Guard may also perform its military functions in times of limited war or defense contingency, in support of Naval Component Commanders, without transfer to the Department of the Navy.¹⁰

(b) U.S. Navy Regulations, Chapter 6, titled "The United States Coast Guard (when Operating as a Service in the Navy)," outlines relationships between the Navy and

⁶ Title 49 United States Code, Section 108.

⁷ Title 14 United States Code, Section. 1.

⁸ Code of Federal Regulations (CFR), Title 33, Sec. 1.01-1 – Sec. Sec. 2.05-1.

⁹ Code of Federal Regulations (CFR), Title 49, Subtitle A, Sec 1.4 and Subpart C, Sec. 1.46.

¹⁰ DODD 5100.1, Functions of the Department of Defense and Its Major Components, September 25, 1987.

the Coast Guard as well as Coast Guard duties and responsibilities when operating as a Service of the Department of the Navy.¹¹

C. Interagency Directives:

(1) The 1995 Memorandum of Agreement between the Secretaries of Defense and Transportation for Use of Coast Guard Resources in Support of the National Military Strategy requires the Coast Guard to more closely align its capabilities with increasingly demanding national defense requirements. This includes:

(a) Deployed Port Operations, Security and Defense (DPOSD) to keep ports and harbor areas free of hostile threats, terrorist actions and safety deficiencies that could delay critical logistics;

(b) Maritime Interception Operations to enforce the seaward portion of certain sanctions against another nation or group of nations;

(c) Environmental Defense Operations to mitigate the effects of massive marine pollution incidents or environmental disasters that could disrupt defense operations; and

(d) Peacetime Military Engagement activities to train and work with other nations' navies/coast guards.¹²

(2) Presidential Decision Directive (PDD) 27, Interagency Coordination for Non-military Incidents: This PDD requires coordination within the Executive Branch for all non-military incidents, which could have an adverse affect on the conduct of U.S. foreign relations, such as boardings of foreign or stateless vehicles in international waters or entry by Coast Guard personnel into the waters of a foreign state.¹³

(3) National Drug Control Strategy: The National Drug Control Strategy, developed by the Office of National Drug Control Policy (ONDCP), contains a classified annex that assigns specific missions to the Coast Guard regarding shielding air, land, and sea frontiers from drug threats and breaking foreign and domestic drug sources of supply.¹⁴

(4) PDD 9: Coast Guard migrant interdiction operations are directed by national security goals under Executive Order 12807 (E.O. 12807) and PDD 9. President Bush issued E.O. 12807 in 1992, directing the Secretary of Transportation to issue appropriate instructions to the Coast Guard to enforce the suspension of the entry of undocumented aliens into the U.S. by sea and to interdict the vessels carrying them. President Clinton issued PDD 9 in June 1993, directing the Coast Guard and other Federal law enforcement agencies to cooperate in the

¹¹ The Coast Guard has a unique relationship with the U.S. Navy. By statute, the entire Coast Guard may become a specialized Service in the Department of the Navy when directed by the President or upon a formal declaration of war by Congress. The President may transfer as much or as little of the Coast Guard as is required by the contingency. The Coast Guard also may assist the Navy, without transferring forces, by placing units under the operational control of a naval commander. – Commandant Instruction M3061.1, USCG Manpower Mobilization and Support Plan (MMSP), Section A.

¹² <http://www.uscg.mil/lantarea/psu/307/intro.htm>.

¹³ Presidential Directive 27, "Procedures for Dealing with Non-Military Incidents," January 18, 1978.

¹⁴ Presidential Directive 27.

suppression of alien smuggling. This includes interdicting illegal migrants at sea and responding to new illegal migration threats.¹⁵

(5) National Search and Rescue Committee Agreement: This Agreement provides for a federal-level committee to coordinate civil search and rescue (SAR) matters of interagency interest within the United States. The National Search and Rescue Committee membership includes the Departments of Transportation, Commerce, and Defense; the Federal Communications Commission; and the National Aeronautics and Space Administration.¹⁶

(6) Federal Response Plan (FRP): This document implements the provisions of the Stafford Act (Public Law (P.L.) 93-288, as amended by P.L. 100-707). The Stafford Act provides authority for the Federal Government to respond to disasters and emergencies in order to provide assistance to save lives and protect health, safety and property. A Presidential declaration of a major disaster or emergency activates the Federal Response Plan. Coast Guard assets are often tasked under this plan (See Volume VI, Chapter 20, The Federal Emergency Management Agency).¹⁷

(7) National Oil and Hazardous Substances Pollution Contingency Plan (NCP): This plan provides the organizational structure and procedures for bringing together federal and state government agencies to prepare for and respond to discharges of oil and releases of hazardous substances, pollutants, and contaminants.¹⁸

(8) Memorandum of Understanding (MOU) Concerning Civil Disturbance between the Department of the Army and the U. S. Coast Guard: This document defines and limits the Coast Guard's role in civil disturbances outside regular statutory responsibilities.

(9) Basic Agreement Between the United States Navy and the United States Coast Guard for Interservice Logistics Support: This document covers the broad policy and procedural aspects of interservice support between the Navy and the Coast Guard.¹⁹

(10) Because its mission requires the Coast Guard to interface with many federal, state, and local government agencies, several other MOUs exist between the Coast Guard and these entities to govern specific operations.

2. Missions, Functions, Purposes.²⁰ The following mission statements pertain to the main components of the Coast Guard:

¹⁵ Tangeman, Anthony, S., Captain, United States Coast Guard, Testimony on "Coast Guard Migrant Interdiction Operations" before the Subcommittee on Immigration and Claims, Committee on the Judiciary, U. S. House of Representatives, May 18, 1999.

¹⁶ United States National Search and Rescue Plan, 1999.

¹⁷ Commandant Instruction 16451.1, Disaster Related Pollution Response Activities Under The Federal Response Plan (FRP) and Cost Reimbursement from the Stafford Act, December 19, 1996.

¹⁸ Title 40, CFR Sec 300.1.

¹⁹ "Basic Agreement Between the United States Navy and the United States Coast Guard for Interservice Logistics Support," April 21, 1987.

²⁰ An Interagency Task Force on Coast Guard Roles and Missions, which will report directly to the President through the Secretary of Transportation, was convened in 1999. The task force will seek to identify and distinguish which Coast Guard role, missions, and functions may be added or enhanced, maintained at current levels of performance, reduced or eliminated. It also will consider whether these roles, missions, or functions may be better performed by private organizations, public authorities, local or state governments, or other federal agencies - US DoT News, April 16, 1999.

United States Coast Guard: "The United States Coast Guard is a multi-missioned maritime service and one of the Nation's five Armed Forces. Its mission is to protect the public, the environment, and U.S. economic interests—in the Nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security."

Coast Guard Reserve: The Coast Guard Reserve is a military organization that is organized, trained, administered, and supplied under the direction of the Commandant of the United States Coast Guard. The purpose of the Coast Guard Reserve is to provide trained and qualified personnel available for active duty in time of war or national emergency and at such other times as the national security requires.

Coast Guard Auxiliary: The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.²¹ Current Coast Guard Auxiliary Missions include: Courtesy Marine Examinations, Commercial Fishing Vessel Examinations, Public Education, Recreational Boating Safety, Marine Environmental Protection, Search & Rescue, Air Operations, Aids to Navigation/Chart Updating, State Liaison Programs, Recruiting, Public Affairs, Bridge Administration, Merchant Mariner Exam Administration, and Training.²²

A. Major Responsibilities:

(1) Title 14 prescribes the following duties for the Coast Guard:²³

(a) Enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States [Key National Security Process Relation: Mission Execution];

(b) Engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States [Key National Security Process Relation: Mission Execution];

(c) Administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department [Key National Security Process Relation: Mission Execution];

(d) Develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States [Key National Security Process Relation: Mission Execution];

(e) Pursuant to international agreements, develop, establish, maintain, and operate ice-breaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States [Key National Security Process Relation: Mission Execution];

²¹ Title 14 United States Code, Section 822.

²² <http://www.cgaux.org/cgauxweb/public/pubframe.htm>.

²³ Title 14 United States Code, Section 2.

(f) Engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States [Key National Security Process Relation: Preparation];

(g) Maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities [Key National Security Process Relation: Preparation, Mission Execution].

(2) The Coast Guard responsibilities can be categorized in four mission areas:

(a) Law Enforcement:²⁴ The Coast Guard is the lead federal agency for maritime drug interdiction and shares lead responsibility for air interdiction with the U.S. Customs Service. The Coast Guard conducts Law Enforcement operations in conjunction with many federal and state agencies. These include: Department of State, Department of Justice (through local U.S. Attorneys), Department of the Treasury, Department of Defense, Drug Enforcement Administration, Federal Bureau of Investigation, Immigration & Naturalization Service, U.S. Marshals Service, Bureau of Alcohol, Tobacco & Firearms, U.S. Customs Service (INS), National Marine Fisheries Service, Internal Revenue Service, U.S. Secret Service, the Office of National Drug Control Policy, and state agencies. State agencies might include the state police, natural resource departments, park rangers, criminal investigation bureaus and state prosecutors.^{25, 26}

(b) Maritime Safety: Enforcement of Maritime Safety Regulations is designed to assure that ships are equipped and operated in accordance with U.S. law. Coast Guard personnel inspect ships and cite offenders for safety violations. The Coast Guard is responsible for several non-law enforcement domestic responsibilities, including marine safety, boating safety, aids to navigation, waterways management, polar and domestic icebreaking, and search and rescue.²⁷

(c) Marine Environmental Protection: Protection of Living Marine Resources is the new term for the traditional mission of fisheries protection and is designed to secure marine life habitats and enforce adherence to relevant international treaties and domestic laws and regulations.²⁸

²⁴ As a statutory law enforcement agency, the Coast Guard has four principle missions: Interdiction of Contraband is the major law enforcement mission and was the reason for the original formation of the predecessor agencies to the Coast Guard. The Coast Guard works with the Customs Service and other agencies to intercept, search, and seize contraband to prevent its entry in the United States or to assure that proper duties are paid. The largest program in this mission area is drug interdiction. Interdiction of Alien Migrants is designed to prevent illegal entry into the United States by ship or boat. In recent years, this mission has involved operations to intercept and turn back or detain Cubans and Haitians trying to travel by sea to the United States. The Coast Guard also patrols the Pacific Coast to intercept illegal immigrants from Asia. - <http://www.uscg.mil/reserve/pubs/ida/idachp2/idachap2.htm>.

²⁵ United States Coast Guard, Deepwater Project Team (G-ADW) Modeling and Simulation Master Plan - Ph. 1 V1.0.

²⁶ Title 10 United States Code., Section. 379 authorizes assignment of Coast Guard personnel to naval vessels for law enforcement purposes. It states "The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board every appropriate surface naval vessel at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

²⁷ <http://www.uscg.mil/reserve/pubs/ida/idachp2/idachap2.htm>.

²⁸ <http://www.uscg.mil/reserve/pubs/ida/idachp2/idachap2.htm>.

(d) National Security:²⁹ The Coast Guard's national defense role is to provide non-redundant, complementary assets that support the National Military Strategy. Through General Defense Operations (GDO), the Coast Guard forces, using expertise obtained from fulfilling their peacetime functions, can provide capabilities over a range of naval warfare duties, including: battle group operations; military sealift and commercial shipping escort; search and rescue; surveillance and interdiction; visit, board, search and seize teams; aids to navigation; and force protection of military shipping at U.S. seaports of embarkation and overseas ports of debarkation. GDO also includes domestic port security, providing part of the overall capability for the defense of the U.S. homeland. The Maritime Defense Zone (MDZ) commanders are responsible for providing force protection for the maritime infrastructure and Military Sealift Command ships embarking equipment in U.S. strategic seaports. The Coast Guard ensures that shipping channels are open and marked and that transport ships are provided safe passage from the harbor to the Sea Line of Communications (SLOC).^{30, 31}

B. Subordinate Agencies and Activities:

(1) Active and Reserve Components: The United States Coast Guard has integrated its Active and Reserve Components into a unified organization called Team Coast Guard. Coast Guard personnel of several different kinds – regulars, reserve program administrators, selected reservists, and civilian employees – work together on the full range of Coast Guard missions, share a common administrative system, and, with the exception of three reserve port security units (PSUs), are assigned to the same units.^{32, 33}

(2) Related Activities:

(a) Joint Interagency Task Forces (JIATFs) East and West: U.S. Southern Command (SOUTHCOM) and U.S. Pacific Command (PACOM) oversee regional JIATFs that conduct counterdrug detection and monitoring within their respective areas of responsibility (AORs). Their missions are to bring DoD resources to support U.S. and foreign nations' law enforcement agencies and U.S. embassies in their efforts to disrupt international

²⁹ The Coast Guard's national security mission is to augment the United States Navy with its armed vessels and aircraft and with certain special capabilities, such as port security. The Coast Guard is a statutory Armed Force, and in time of a National Emergency or War, the President may transfer the Coast Guard to the Department of the Navy, as was done during World Wars I and II. Although the Coast Guard was not transferred to the Department of the Navy during the Korean War, Vietnam War, Persian Gulf War, or lesser military operations of the 1980s, Coast Guard ships, aircraft, and personnel did augment the Navy in these operations and stand ready to do so again in future conflicts. - <http://www.uscg.mil/reserve/pubs/ida/idachp2/idachap2.htm>

³⁰ DODD 5100.1 describes the specific wartime functions of the Coast Guard are as follows:

- To provide an integrated port security and coastal defense force, in coordination with the other Military Services, for the United States.
- To provide specialized Coast Guard units, including designated ships and aircraft, for overseas deployment required by naval component commanders.
- To organize and equip, in coordination with the other Military Services, and provide forces for maritime search and rescue, icebreaking, and servicing of maritime aids to navigation.

³¹ United States Coast Guard, Deepwater Project Team (G-ADW) Modeling and Simulation Master Plan - Ph. 1 V1.0.

³² <http://www.uscg.mil/reserve/pubs/ida/idachp2/idachap2.htm>.

³³ PSUs are an important part of DPOSD force that supports military operations worldwide. They provide waterborne and limited land-based protection for shipping and critical port facilities at the end points of United States' SLOCs. PSUs conduct operations in conjunction with Harbor Defense Commands, Mobile Inshore Undersea Warfare Units, Explosive Ordnance Disposal detachments and other U.S. or coalition rear area forces. PSUs are deployable 117-person units organized for sustained operations. They can deploy within 96 hours and must be prepared to establish limited operations within 24 hours of arrival in theater. PSUs are equipped for an initial 30 days of sustained operations. There are 6 PSUs in the Coast Guard. - <http://www.uscg.mil/lantarea/psu/307/intro.htm>.

drug trafficking. Coast Guard flag officers have traditionally served as the directors of these JIATFs.

(i) The National Response Center (NRC).³⁴ The Coast Guard operates the National Response Center in association with its own Operations Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. In addition to gathering and distributing spill data for Federal On-Scene Coordinators and serving as the communications and operations center for the National Response Team (NRT), the NRC maintains agreements with a variety of federal entities to make additional notifications regarding incidents meeting established trigger criteria. On behalf of other Federal Agencies, the NRC provides the following services to enhance the Federal Response System. These agencies include Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), the Nuclear Regulator Commission (NRC) the Department of Energy (DoE), the Department of Interior (DoI), the Department of Defense, the Department of Justice (DoJ), the Department of Health and Human Services, and the Federal Railroad Administration. Additionally, the NRC is the contact point for activation of the National Response Team and provides facilities for the NRT to use in coordinating a national response action when required.

C. Major Products:

(1) Input to the National Security Strategy (NSS), the National Military Strategy (NMS), and the National Drug Control Strategy;

(2) Input to the DoT Strategic Plan;

(3) The Coast Guard Strategic Plan, Vision Document, and the Commandant's Direction;

(4) Commandant's Instructions;

(5) Federal Regulations;

(6) Input to DoD Deliberate and Crisis Planning Systems;

(7) Input to Civil/Disaster Preparedness Planning;

(8) Forces designed for law enforcement, maritime safety, marine environmental protection, and DoD operations and exercises;

(9) Status of Resources and Training System (SORTS) Reports;

(10) Coast Guard Lessons Learned System (CGULLS) Reports and Inputs to the Navy Lessons Learned System;

(11) Coast Guard Acquisition Documents;

³⁴ <http://www.nrc.uscg.mil/index.html>.

- (12) Coast Guard Budget;
- (13) Coast Guard Performance Plan and Annual Report;
- (14) Coast Guard Business Plans; and
- (15) Coast Guard Regional Strategic Assessments.

3. Vision and Core Competencies.

A. Vision:

(1) The Coast Guard vision statement is: "The World's Best Coast Guard. . . Ready Today. . . Preparing for Tomorrow."

(2) In addition, the Coast Guard's vision document, *Coast Guard 2020*, contains the following vision statements:

(a) "The Coast Guard will remain America's Lifesaver and Guardian of the Sea.

(b) The Coast Guard will guarantee that America has safe and reliable gateways to the world.

(c) The Coast Guard will be an unfailing Steward of the Marine Environment.

(d) The Coast Guard will remain America's Maritime Law Enforcer.

(e) The Coast Guard will remain always ready as a member of the U.S. Armed Forces."³⁵

The current Commandant, Admiral James M. Loy, wrote the following words, which further describe the Coast Guard's vision as it relates to national security:

"For the Coast Guard three core objectives of national security policy are critical to politico-military plans, programs, and operations: bolstering economic prosperity, promoting democracy abroad, and enhancing security by effective diplomacy and with forces that are ready to fight and win. These compelling and enduring objectives will continue to shape the Coast Guard's vision. They indicate how the multi-mission Coast Guard—as the Nation's premier maritime agency—will respond to needs at home and abroad even as it prepares for unknown future requirements that will inevitably be thrust upon it. Challenges to our security today and tomorrow—especially maritime security—will no longer be strictly military threats from other countries. A variety of transnational threats and challenges have much broader effects that envelop the environmental,

³⁵ Loy, James M., Admiral. Coast Guard 2020, Ready Today. . . Preparing for Tomorrow, Washington DC: United States Coast Guard.

economic, and social well-being of our citizenry and are thus a critical focus for the Coast Guard of tomorrow."³⁶

B. Core Competencies: *Coast Guard 2020* describes the following Coast Guard core competencies:

- (1) Well-grounded in maritime competencies, with the skills to operate safely in all climates and conditions;
- (2) Adaptable, flexible, and always ready to perform any assigned role;
- (3) Discipline that contributes to efficient and effective accomplishment of all missions; and
- (4) A spirit of cooperation and collaboration.³⁷

4. Organizational Culture. The Coast Guard values highly its multi-mission responsibilities and also its distinctiveness from the U.S. Navy as an instrument of national security.³⁸ The Coast Guard is rightfully proud of its contributions to the defense of the nation. The following quote by the Master Chief Petty Officer of the Coast Guard reflects this attitude.

"Our service has actively participated in every major war and conflict in our almost 209 years of existence, where literally thousands have died in battle. Our service was an active participant in World War II, especially during the attack on Pearl Harbor. Ask any Marine who fought in World War II at the battle of Guadalcanal, and I'm sure you would hear an earful about the Coast Guard's active participation in helping the Marines secure their victory. It was the U. S. Coast Guard Cutter TANEY, which under fire from enemy attack was able to get out of the harbor and mount a counterattack. It was the Coast Guard's active participation in Vietnam along the Mekong Delta and rivers, searching Vietcong junks for weapons and contraband. It was the Coast Guard's proactive and proud involvement enforcing the security harbors of the Persian Gulf during OPERATION DESERT STORM. Even today, we are still actively involved as part of the U. S. Peacekeeping missions in the Persian Gulf by enforcing the UN Embargo Act against Iraq with Coast Guard boarding teams inspecting cargo in that region from aboard U. S. Navy vessels. We also have a U. S. Coast Guard cutter involved in military operations off Kosovo. Although we're viewed mostly in the public's eye as a humanitarian service that is responsible and dedicated to the protecting and saving lives and property at sea, other missions including marine environmental protection, maritime safety, and law enforcement in our nation's waterways are indeed major contributions. Above all, we are proud of

³⁶ Loy, James M., Admiral. Shaping America's Joint Maritime Forces: The Coast Guard in the 21st Century (<http://www.uscg.mil>).

³⁷ Loy, Coast Guard 2020, Ready Today... Preparing for Tomorrow.

³⁸ Loy, James M., Admiral USCG, "A Unique Instrument of National Security," speech at the Naval War College, Providence, RI, December 14, 1998.

the fact of our multi-missioned peacetime responsibilities as well as our obligation to serve in combat when needed."³⁹

A. Values: The Coast Guard Core Values are Honor, Respect, and Devotion to Duty.⁴⁰

B. Leadership Traditions: There is an exceptionally strong military self-concept among Coast Guard officers. Each Coast Guard flag officer goes through Capstone, the DoD Joint Flag Officer Orientation Course. Coast Guard officers also participate in DoD Professional Military Education. The Coast Guard has about 7,500 officers at ranks O-5 and below. All start their careers as general line officers. Some later specialize in fields such as law and naval engineering. The Coast Guard gives vast responsibility to junior people. Coast Guard O-3s, in command of ships, operate independently and have tremendous authority and autonomy.

C. Staff Attributes: The Coast Guard staff members associate themselves with two camps: the regulatory specialists (e.g., environmental, safety, certification) and the operators (e.g., ship drivers, aviators). Coast Guard headquarters staff officers in both camps have demonstrated a high degree of field expertise. As a Service that must deal with numerous federal, state, and local agencies, the Coast Guard is known for its ability to compromise. One strength of the organization is its ability to bring disparate groups together. Often, if there are no "manuals to follow" when dealing with non-military missions, the Coast Guard staff officers can leverage their experience with DoD processes.

D. Strategy: The Coast Guard's strategy is focused on the following five strategic goals. To measure progress in moving toward its strategic goals, the Coast Guard has developed a set of performance goals and annual performance targets for these goals.⁴¹

(1) Safety: Eliminate deaths, injuries, and property damage associated with maritime transportation, fishing, and recreational boating.

(2) Protection of Natural Resources: Eliminate environmental damage and natural resource degradation associated with maritime transportation, fishing, and recreational boating.

(3) Mobility: Facilitate maritime commerce and eliminate interruptions and impediments to the economical movement of goods and people, while maximizing recreational access to and enjoyment of the water.

(4) Maritime Security: Protect the nation's maritime borders from all intrusions by halting the flow of illegal drugs, aliens, and contraband into this country through maritime routes; preventing illegal fishing; and suppressing violations of federal law in the maritime region.

³⁹ Patton, Vincent W. III. The Master Chief Petty Officer of the Coast Guard quoted at <http://www.uscg.mil/hq/mcpocg/1faq/uscgmil.htm>.

⁴⁰ Patton, Vincent W. III.

⁴¹ United States Coast Guard Annual Report, p. 8, 1998.

(5) National Defense: Defend the nation as one of the five U.S. Armed Services. Enhance regional stability in support of the National Security Strategy, through unique and relevant maritime capabilities.

E. Organizational Structure: The following figure shows the USCG organizational structure.

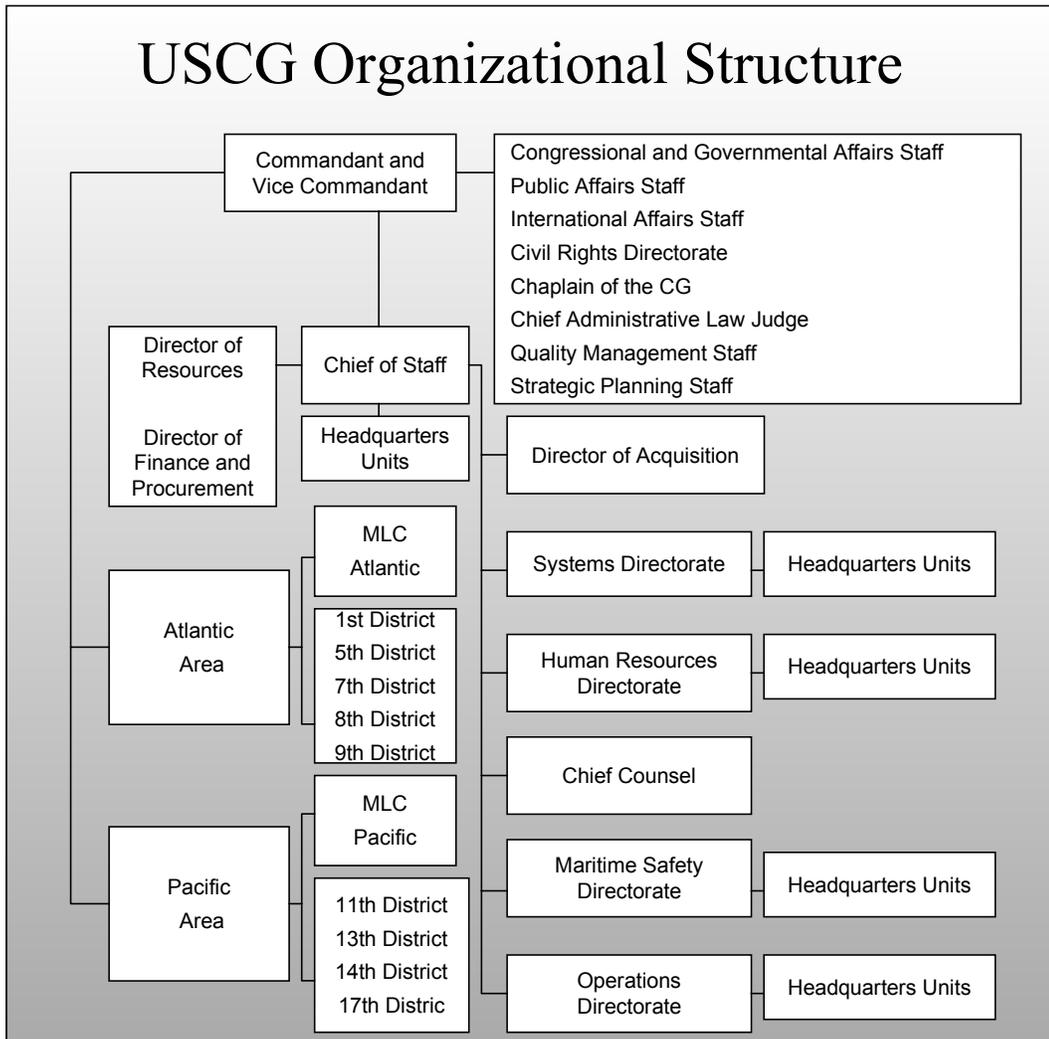


Figure 1: Coast Guard Organization Chart

Notes on Organizational Chart ⁴²

(1) The Commandant, a four-star admiral, is the head of the Coast Guard. The Commandant is selected by the President and approved by the Senate. Assisted by the headquarters staff, the Commandant plans, supervises and coordinates overall Coast Guard activities.

⁴² This information was derived from the various organizational descriptions found at <http://www.uscg.mil>.

(2) Several organizations within the headquarters staff report directly to the Commandant, including the Congressional and Governmental Affairs Staff, the Public Affairs Staff, the International Affairs Staff, the Civil Rights Directorate, the Chaplain of the Coast Guard, the Chief Administrative Law Judge, the Quality Management Staff, and the Strategic Planning Staff. Each of these organizations advises, informs, and assists the Commandant in their respective functional areas. For example, the International Affairs Staff advises, informs, and assists the Commandant on strategies, foreign policy matters, and the general impact of Coast Guard programs and operations on international affairs. The staff works with the Office of the Secretary of Transportation, the Department of State, and the Department of Defense to coordinate all aspects of Coast Guard international affairs, including negotiating agreements, participating in international organizations, training foreign personnel, arranging visits by foreign officials, providing technical assistance to foreign governments, and monitoring travel of Coast Guard personnel abroad.

(3) **The Chief of Staff** oversees several functional areas within the Headquarters, including the Directors of Resources, Finance and Procurement, Acquisition, Systems, Human Resources, Maritime Safety, Operations, and the Chief Counsel. These organizations develop Coast Guard-wide policy and advise the Commandant in their respective functional areas.

(4) **Headquarters units** operate under the direct control of the Commandant and are independent of the district in which they are located. These units service the entire Coast Guard. For instance, the Coast Guard Yard at Curtis Bay, Md., is the sole major industrial establishment of the Coast Guard. It is responsible for major ship repairs to Coast Guard vessels. Other Headquarters units include the Coast Guard Academy, the Pay and Personnel Center, the Coast Guard Institute and the training centers.

(5) There are two **Coast Guard Areas: Atlantic and Pacific**. Each area is under the command of a three-star admiral. Area Commanders act as an intermediate level of command between the Commandant and the district commanders. As senior operational commanders, they control designated area units. Area Commanders oversee operations in their areas and schedule major resources, such as high-endurance and medium-endurance cutters. The day-to-day operations are typically handled at the level of district commander or below. When an Area Commander determines that a particular operation requires a highly coordinated effort or forces in addition to those available to a district commander, the Area Commander is authorized to exercise operational control and to effect the full use of any forces under his/her jurisdiction. In this event, the district commander is under the operational control of the Area Commander. For example, if a hurricane devastates coastal regions in the First, Fifth and Seventh Districts, the Atlantic Area Commander might decide to coordinate the response at an Area level in order to assure maximum effectiveness.

(6) There are nine **Coast Guard Districts**. Each district is under the command of a district commander, a one- or two-star admiral. District Commanders provide for the administrative and general direction of district units. They are responsible for carrying out the functions and duties of the Coast Guard and for assuring that these duties are performed efficiently, safely, and economically.

(7) **The Maintenance and Logistics Commands (MLCs)** are responsible for providing support to district commanders. They also provide maintenance support for all

Headquarters units in their geographic area. As the overseers of all support, MLCs play a key role in the allocation of support resources. MLC commanders have approval for ships and shore installations for which they are type managers. The MLCs are intended for internal support of Coast Guard units and do not deliver services directly to the public.⁴³

		Strategy Development	Policy, Guidance, and Regulations	Planning	Mission Execution	Observation, Orientation, and Oversight	Preparation	Resourcing
Products	Input to National Security Strategy, National Military Strategy, and National Drug Control Strategy	✓						
	Input to DOT Strategic Plan	✓						
	USCG Strategic Plan, Vision Document, and the Commandant's Direction	✓						
	Commandant's Instructions		✓					
	Federal Regulations		✓					
	Input to DoD Deliberate and Crisis Planning Systems			✓				
	Input to Civil/Disaster Preparedness Planning			✓				
	Forces designed for law enforcement, maritime safety, marine environmental protection, and DoD operations and exercises				✓		✓	
	SORTS Reports					✓		
	Coast Guard Lessons Learned System (CGULLS) Reports and Inputs to the Navy Lessons Learned System					✓		
	Coast Guard Acquisition Documents						✓	
	Coast Guard Budget							✓
	Coast Guard Performance Plan and Annual Report					✓		
	Coast Guard Business Plans						✓	✓
Coast Guard Regional Strategic Assessments	✓							
Roles	Commandant	Head of a military Service under the Department of the Transportation	✓	✓	✓	✓	✓	✓
		Head of a military Service under the Department of the Navy when directed by the President	✓	✓	✓	✓	✓	✓
		Head of a Federal law enforcement organization	✓	✓	✓	✓	✓	✓
	Area Commanders	Subordinate Operational Commanders to the Commandant	✓	✓	✓	✓	✓	✓
		Maritime Defense Zone Commanders and Subordinate Commanders to CINCLANTFLT and CINCPACFLT		✓	✓	✓	✓	✓

5. Formal National Security Process Involvement. The USCG interacts with all seven of the key national security processes. The following figure summarizes the participation of the USCG with these processes.

⁴³ Other organizational entities include **Section commands**, which are located outside the continental United States. Under the direction of the district commander, the section commander exercises operational and administrative control of all units – floating, shore and aircraft—within the geographic limits of the section. There are three section commands: Greater Antilles, Far East, and Marianas. **Coast Guard Activities, Europe**, was established as a special command to control all Coast Guard activities in Europe and adjacent territories. The European Commander serves as the principal agent and representative of the Commandant. The European Command consists of staff offices and individual units such as Loran stations.

A. Strategy Development:

(1) Major Activities:

(a) Provide input to the National Security Council (NSC) during the development of the National Security Strategy;

(b) Participate in the Joint Staff's Joint Strategy Review and provide input to the National Military Strategy;

(c) Participate in the development of the National Drug Control Strategy;

(d) Participate in the development of the DoT Strategic Plan; and

(e) Develop the Coast Guard strategic direction and publish the Coast Guard vision document—*Coast Guard 2020*, the Coast Guard Strategic Plan, and the *Commandant's Direction*, which establishes the Commandant's personal priorities and areas of emphasis.

(2) Major Stakeholders: DoD, DoT, and DoJ.

(3) Key Organizational Processes:

(a) Coast Guard input to the NSS, NMS, and National Drug Control Strategy: The Coast Guard makes inputs to the NSS in three ways. First, the Commandant's Office of Strategic Analysis has an informal relationship with the NSC Staff. This office receives a copy of the draft NSS framework and replies with comments directly to NSC. The Coast Guard also participates through the formal document coordination process, and coordinates on the final NSS through both DoT and the Joint Staff. The Coast Guard maintains two liaison officers on the Joint Staff. These officers coordinate Coast Guard participation and input to Joint Strategic Planning System (JSPS) and the development of the NSS. The Coast Guard is heavily involved with the development of the National Drug Control Strategy through the Office of National Drug Control Policy. The Coast Guard works directly with, ONDCP as well as through DoT, which integrates Federal Aviation Administration (FAA) and Coast Guard inputs to the National Drug Control Strategy.

(b) Internal Coast Guard Strategy Development Processes: The Coast Guard uses the Government Performance Review Act (GPRA) as the framework for its strategy development, planning, and resourcing processes.

(i) The Coast Guard internal strategy development process is the basis for its "Family of Plans." The components of the "Family of Plans" that pertain to strategy development are the Coast Guard vision document—*Coast Guard 2020*, the Coast Guard Strategic Plan, and the Commandant's Direction.

(ii) The Coast Guard Leadership Council (CGLC) is the Coast Guard's most senior leadership forum responsible for developing strategic guidance for the

organization.⁴⁴ The CGLC meets periodically, usually three times per year. The CGLC develops the Commandant's Direction and develops linkages and promotes alignment between Coast Guard strategic planning and the DoT Strategic Plan. The Commandant's Strategic Planning Staff presents and facilitates strategic issues for the CGLC agenda.⁴⁵

(4) Associated Higher-Level Processes: NSC development of the National Security Strategy; ONDCP development of the National Drug Control Strategy; DoT development of the DoT Strategic Plan.

(5) Associated Lower-Level Processes: Headquarters USCG development of the USCG Performance Plan and Business Plan; Area and District Commander development of Regional Strategic Assessments.

B. Policy, Guidance, and Regulation:

(1) Major Activities:

(a) Development of Commandant's Instructions and Commandant's Instruction Manuals; and

(b) Development of federal regulations pertaining to commercial vessel safety; port safety and security; marine safety; and environmental protection.

(2) Major Stakeholders: USCG organizational entities (e.g., Area, District, and Maintenance and Logistics Commands), commercial maritime transportation industry, government and private organizations controlling U.S. ports, and recreational boaters.

(3) Key Organizational Processes:

(a) The Commandant issues rules, orders, and instructions, consistent with law, that relate to the organization, internal administration, and personnel of the Coast Guard. The following documents are issued through the process described in Commandant's Instruction Manual 5000.3B.⁴⁶

(i) U.S. Coast Guard Regulations that contain the principal rules for the organization, internal administration, and personnel of the Coast Guard. They also include procedures and rules that are relatively permanent in nature.

(ii) Directives, including instructions and notices, that support and supplement the material in U.S. Coast Guard Regulations, but are not permanent.

(b) The Commandant also issues maritime regulatory documents for commercial enterprises and the public in accordance with process outlined in Presidential Executive Order 12866, titled "Regulatory Planning and Review," and Volume 44, Number 9 of the Federal Register, which establishes and outlines federal policy for rulemaking. The DoT

⁴⁴ CGLC members include the Commandant, the Vice Commandant, the Commanders of the Atlantic and Pacific Areas, the Chief of Staff, and the Master Chief Petty Officer of the Coast Guard.

⁴⁵ Commandant Instruction 5420.40, The Coast Guard Leadership Council (CGLC), July 8 1998.

⁴⁶ See Commandant's Instruction Manual 5000.3B, United States Coast Guard Regulations, September 22, 1992 and Commandant's Instruction Manual 5215.6C, The Coast Guard Directives System, July 9, 1998.

policy for rulemaking is contained in DoT Regulatory Policies and Procedures, Federal Register, Vol. 44, No. 39. Through forums such as the Marine Safety Council, the Coast Guard develops regulations, work plans, and Federal Regulatory Notices. Some are signed by the Commandant, some by an Assistant Commandant, and some by the Secretary of Transportation, depending on their level of importance.

(4) Associated Higher-Level Processes:

(a) The Navy Coast Guard (NAVGARD) Board was established in 1980 by the Chief of Naval Operations (CNO) and the Commandant of the Coast Guard to provide high-level coordination and recommendations on major policy issues of mutual interest. The functions of the Board include:

(i) Advising and making recommendations to the CNO and Commandant on policies, concepts, and issues which require high-level Navy-Coast Guard coordination;

(ii) Considering and recommending Navy-Coast Guard positions on DoD initiatives and DoT initiatives which mutually affect their Services;

(iii) Considering and making recommendations on naval warfare capabilities, doctrines, objectives, and related requirements in support of national strategy;

(iv) Evaluating CINC requirements for Coast Guard national defense capabilities.⁴⁷

(5) Associated Lower-Level Processes: Implementation by those organizations and individuals governed by USCG regulations and directives.

C. Planning:

(1) Major Activities:

(a) Participate in the development of the Unified Commander's Operational Plans (OPLANS), Concept Plans (CONPLANS), Theater Engagement Plans (TEPs), and functional plans as part of the DoD deliberate planning process across the full range of Coast Guard capabilities.⁴⁸

(b) Participate in DoD crisis action planning.

⁴⁷ Commandant Instruction 5420.23D, Navy and Coast Guard (NAVGARD) Board, November 25, 1997.

⁴⁸ For example, By Memorandum of Agreement (MOA) between the DoD and DoT, the Navy and Coast Guard agree that it is appropriate and desirable that the Coast Guard participates with the Navy in military environmental defense operations (EDO) and pollution response activities. Specifically, the Coast Guard will actively participate in the joint operational planning process, including anticipation of environmental response during hostilities and the development of related intelligence to facilitate response and minimize operational interference and environmental damage. These operations have wide scope and include such issues as environmental response, eco-terrorism, prevention or mitigation and recovery from intentional or accidental environmental disasters that impact military operations. The U.S. Coast Guard maintains responsibility for CONUS military environmental response operations. Coast Guard Captain of the Ports (COTPs), as the HDC, directly manage military environmental response operations within their assigned geographic areas – Deepwater Project Team (G-ADW) Modeling and Simulation Master Plan - Ph. 1 V1.0.

(c) Participate in planning with a multitude of other federal, state, and local government agencies, including DoJ, FBI, DEA, Immigration and Naturalization Service (INS), the Federal Emergency Management Agency, the Environmental Protection Agency, and the U.S. Customs Service. An example is the Coast Guard's role in the development of the National Search and Rescue Plan, an interagency plan developed with the participation of the Departments of Transportation, Defense, Commerce, the Federal Communications Commission (FCC), and the National Aeronautics and Space Administration (NASA).

(d) Develop internal plans including the Coast Guard Performance Plan, specialized plans, business plans, and campaign plans such as STEEL WEB, the Coast Guard's multiyear campaign plan to position the requisite interdiction forces where they best counter the evolving narco-trafficking threats.^{49, 50} The Coast Guard also participates in the development of the DoT Performance Plan.

(2) Major Stakeholders: DoD, DoJ, DoS, INS, U.S. Customs Service, DEA, FBI, EPA, and FEMA.

(3) Key Organizational Processes:

(a) The Coast Guard is tied into the military deliberate and crisis planning processes like the other Services. However, the Coast Guard does not participate in the supporting DoD processes, such as Unified Command Integrated Priority Lists (IPLs), Defense Planning Guidance (DPG), or DoD's Planning, Programming, and Budgeting System (PPBS). Coast Guard participation in DoD deliberate and crisis action planning is primarily accomplished at the headquarters of the two Area Commands (Atlantic and Pacific). For example, the commander of the U.S. Maritime Defense Zone, Atlantic (COMUSMARDEZLANT) is responsible to Commander in Chief, U.S. Atlantic Fleet, a component command of U.S. Joint Forces Command (USJFCOM, formerly USACOM). COMUSMARDEZLANT is CINCLANTFLT's designated operational commander for Naval Coastal Warfare and for coordinating for Naval Coastal Warfare expeditionary forces. The Atlantic Area headquarters staff is responsible for developing and reviewing OPLANS, CONPLANS and Functional Plans for the employment of Naval Coastal Warfare (NCW) forces in support of USJFCOM, U.S. Southern Command, U.S. European Command (EUCOM), and NATO.

(b) The Area Command staffs are also responsible for contingency planning efforts, including civil/disaster preparedness and military operational planning. For example, the Atlantic Area Command headquarters develops the LANTAREA OPLAN 9700 to meet Coast Guard contingency requirements for severe weather response operations, low water response operations, flood response operations, marine disaster response operations, terrorism response operations, civil disturbance response operations, Marine Environmental Response, Alien Migrant Interdiction Operations (AMIO), and earthquake response operations. Those interviewed related that there is no deliberate planning for the work the Coast Guard does with

⁴⁹ USCG specialized plans are comprehensive plans for the Coast Guards major capital assets, including workforce, systems, and information. USCG Business Plans are the means by which each headquarters directorate documents the strategies, measures, and objectives it will use, and the resources required, to implement the Coast Guard's mission, vision, and strategic goals. An explanation of the Coast Guard's "Family of Plans" can be found in Appendix B of the USCG Strategic Plan.

⁵⁰ Riutta, Ernest R., Rear Admiral, USCG, Testimony on "Coast Guard Drug Interdiction" Before the House of Representatives Subcommittee on Coast Guard and Maritime Transportation, June 10, 1998.

DoJ and very little deliberate planning in the customs arena. There is planning involved with the Immigration and Naturalization Service; however, there does not appear to be a standardized planning process.

(c) Coast Guard District Commanders also develop plans for their districts, which are reviewed by the Area Command staffs. For example, the Atlantic Area Command staff reviews Coast Guard District 5 Port Plans for Baltimore, MD; Hampton Roads, VA; Wilmington, NC; and Philadelphia, PA. The infrastructure protection planning issues are complex, because many seaports are privately owned or controlled by a variety of local governmental organizations.

(d) The Area Command Staffs are also responsible for providing Coast Guard representation to the applicable FEMA regions. The Coast Guard is actively engaged with FEMA in the development of the National Response Plan.

(4) Associated Higher-Level Processes: Unified Command development of OPLANS, CONPLANS, Functional Plans, TEPS. Development of a multitude of plans by other government agencies (e.g., National Response Plan, National Contingency Plan).

(5) Associated Lower-Level Processes: Development of Coast Guard Area OPLANS and Coast Guard District Plans.

D. Mission Execution:

(1) Major Activities:

(a) Coast Guard forces operate continuously in support of the four major Coast Guard areas of responsibility (i.e., Law Enforcement, Maritime Safety, Marine Environmental Protection, and National Security).⁵¹ For example:

(i) The Coast Guard is responsible for the 200-mile Maritime Defense Zones (MDZ). The Atlantic and Pacific Area Commanders are responsible for coastal warfare, defense planning, and exercises within their respective zones. In war, or when an MDZ is activated, Coast Guard Area Commanders become the MDZ commanders and conduct port security and U.S. coastal defense operations. The MDZ commands integrate Coast Guard and Navy forces, both active and reserve.⁵²

(ii) The Coast Guard deploys major cutters to the Baltic, the Mediterranean, the Persian Gulf, the Black Sea, and other spots throughout the globe in response to CINCPAC requests for support of their engagement plans.^{53, 54}

⁵¹ While Coast Guard law enforcement responsibilities encompass all federal laws and regulations applicable in the maritime realm, Coast Guard activities primarily focus on protecting fisheries and other marine resources, combating illicit drug trafficking, interdicting illegal migrants at sea, ensuring compliance with recreational and other vessel safety laws, enforcing environmental protection statutes and responding to vessel incidents involving violent acts or other criminal activity.

⁵² <http://www.uscg.mil/lantarea/bjc/military.htm>.

⁵³ Loy, "A Unique Instrument of National Security."

⁵⁴ International Deployed Operations are generally performed outside the normal command and control and logistics support infrastructure of the Coast Guard. Operations can take place anywhere in the world and are generally outside the other defined regions. This creates the requirement for Coast Guard assets to integrate into the command and control and logistic environment of Navy and Joint Operations - Deepwater Project Team (G-ADW), Modeling and Simulation Master Plan - Ph. 1 V1.0.

(iii) Coast Guard Deployed Port Operations, Security, and Defense (DPOSD) forces ensure that port and harbor areas are maintained free of threats and to support re-supply of other deployed forces. The primary focus of DPOSD operations is expeditionary in nature. Expeditionary DPOSD operations are those that take place *outside* the Continental United States (CONUS) and U.S. overseas possessions or protectorates. DPOSD operations are conducted in support of the Naval Component Commander (NCC)/Naval Coastal Warfare Commander (NCWC), Joint Force Maritime Component Commander (JFMCC), Joint Rear Area Coordinator (JRAC), and the Harbor Defense Commander (HDC), and have a major goal of maintaining unimpeded access for friendly shipping to required ports and harbors.⁵⁵

(iv) The Coast Guard conducts patrols and coordinates with other federal agencies and foreign countries to interdict undocumented migrants at sea, denying them entry via maritime routes to the United States, its territories and possessions.⁵⁶

(v) The U.S. Navy Fleet Commanders and the USCG Atlantic and Pacific Area Commanders have drafted memoranda of agreement (MOAs) to govern Law Enforcement Detachment (LEDET) procedures. Under these MOAs, the Navy fleet commanders, and occasionally the USCG commanders, provide ships and cutters to operate under JIATF tactical control for the counterdrug detection and monitoring mission. The USCG deploys LEDETs aboard U.S. Navy combatants to perform law enforcement activities.

(vi) U.S. Domestic Fisheries support a \$24 billion dollar industry. Fisheries Management Plans (FMPs) are developed by regional management councils, each of which have a non-voting Coast Guard member. The Coast Guard is responsible for enforcing these FMPs at sea, in conjunction with National Marine Fisheries Service enforcement ashore. In addition to FMP enforcement, Coast Guard forces enforce laws to protect marine mammals and endangered species. The Coast Guard also works closely with the Department of State to develop and enforce international fisheries agreements. For example, the Coast Guard enforces the United Nations High Seas Driftnet Moratorium in the North Pacific.⁵⁷

(vii) The Coast Guard operates a Command Center that serves as the primary notification and information flow management body for Coast Guard Headquarters. The center serves as the National Response Center, the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.⁵⁸ The Command Center also serves as the DoT Command Center for all non-aviation transportation incidents.⁵⁹

(2) Major Stakeholders: DoT, DoD, DoJ, DoS, INS, Customs, DEA, FBI, EPA, FEMA, and several other federal, state, and local government agencies.

⁵⁵ United States Coast Guard, Deepwater Project Team (G-ADW) Modeling and Simulation Master Plan - Ph. 1 V1.0.

⁵⁶ <http://www.uscg.mil/hq/g-o/g-opl/mle/AMIO.htm>.

⁵⁷ <http://www.uscg.mil/hq/g-o/g-opl/mle/LMR.htm>.

⁵⁸ <http://www.nrc.uscg.mil/nrcback.htm>.

⁵⁹ <http://www.uscg.mil/hq/commandcenter/oc.htm>.

(3) Key Organizational Processes:

(a) If a Unified CINC wants to use a Coast Guard asset, he/she makes a request through JCS, which forwards the request to DoT and the Coast Guard. Once approved, the Coast Guard asset would come under the operational control of the CINC. If a foreign government wants to use a Coast Guard asset, it makes a request through the local U.S. embassy, which forwards the request through DoS to DoT and the Coast Guard.

(b) **Activation of the Maritime Defense Zone Commands:** The U.S. Navy Commanders-in-Chief of the Atlantic and Pacific fleets have the option, when needed, of timely activation of MDZ commands to provide for the safeguard of strategic lift during contingencies. The Coast Guard MDZ commanders will, after activation, require the operational assignment of units from both the Coast Guard and the Navy to conduct assigned missions.

The unique status of the Coast Guard as an armed force within the Department of Transportation requires two executive orders to make MDZ commands true operational entities. At the request of USCINCLANT, USCINCPAC or the Chief of Naval Operations (CNO), the JCS will consider the activation of MDZ commands. Coast Guard Area Commanders can recommend MDZ activation to the fleet commander-in-chief.⁶⁰ MDZ command activation will be accompanied by assignment of Coast Guard forces as agreed upon by Commandant and CNO. A JCS fact sheet with necessary memoranda and two prepared executive orders, one to activate the MDZ commands and one to transfer appropriate Coast Guard operational forces to the Navy is on file in the Joint Staff should MDZ activation be requested.

(c) **Law Enforcement Operations:** Coast Guard law enforcement operations are primarily conducted at the District level or below. The two Area Commanders coordinate taskings across their Districts. For example, the Eleventh Coast Guard District enforces federal drug laws on navigable waters in or near the states of California, Nevada, Arizona, and Utah, and exercises tactical oversight of maritime interdiction in the Eastern Pacific Ocean. This region includes international waters near Central and South America. The Eleventh Coast Guard District works closely with the Joint Interagency Task Forces (East and West) in order to conduct effective drug law enforcement and interdiction efforts. Through this cooperation the Coast Guard is able to detect, monitor, interdict and apprehend drug smugglers before they and their illegal cargo reach U.S. soil. In an effort to deny drug trafficking organizations access to maritime smuggling routes near Northern Baja California, Mexico, the Eleventh Coast Guard District initiated Operation Border Shield. The initiative, launched in April 1997, focuses on stemming the illegal flow of marijuana into Southern California and relies on inter-agency cooperation within the Maritime Task Force in San Diego. This task force includes the U.S. Coast Guard, the U.S. Customs Service, the U.S. Border Patrol, the San Diego District Attorney's Office, the Chula Vista Police Department, the Coronado Police Department, the Drug Enforcement Administration, and the California Bureau of Narcotic Enforcement.⁶¹

⁶⁰ Commandant Instruction 3010.17, Activation of Maritime Defense Zone (MDZ) Commands, March 18, 1988.

⁶¹ <http://www.uscg.mil/D11/ops/drug.htm>.

(d) JIATF Counterdrug Operations: The JIATFs hold periodic scheduling conferences to match counterdrug detection and monitoring requirements, Navy ships, and USCG Law Enforcement Detachments (LEDETs). While under JIATF TACON, any surface vessel with a LEDET aboard will coordinate to shift tactical control to either a USCG area or district commander when it detects a target deemed suitable for interception and boarding. Boardings are conducted in accordance with USCG law enforcement procedures and policy. U.S. Navy ships carrying LEDETs must display the USCG ensign. These U.S. Navy ships are categorized as either "specially designated ships" or "ships of opportunity." Specially designated ships are ships being used in direct support of a Coast Guard operation and under Coast Guard tactical control. Ships of opportunity are ships transiting through areas of potential drug trafficking and under exclusive Coast Guard mission tasking. The U.S. Navy Commanders-in-Chief of the Atlantic and Pacific fleets offer Navy ships for these missions to Coast Guard Area Commanders. Normally, a U.S. Coast Guard boarding team is deployed whenever a U.S. Navy ship offered for LEDET deployment operates in or transits through possible drug trafficking areas.⁶²

(e) Activation of the Federal Response Plan (FRP): FEMA FRP activities and Coast Guard cost reimbursement procedures for disaster relief services are governed by the following procedures.

(i) Upon occurrence of an event, which may result in a Presidential declaration of a major disaster or emergency, FEMA may direct the Coast Guard to operate under the Stafford Act. The Act provides for FEMA to coordinate employment of Federal agencies and resources in support of state and local governments' disaster relief efforts.

(ii) The FRP uses a functional approach to group the types of Federal assistance most likely to be needed under twelve Emergency Support Functions (ESFs). Under the FRP, departments/agencies are assigned primary and secondary responsibilities for supporting an ESF. For example, ESF-10 is hazardous material response, which includes both oil spills and hazardous material releases and their associated response. The U.S. Environmental Protection Agency is designated as the primary agency for this support function.

(iii) Departments/agencies assigned ESF primary agency responsibilities are authorized to task other Federal agencies to assist with relief efforts. For example, the EPA as the primary agency assigned for ESF-10, often tasks Coast Guard units to assist with incidents involving hazardous materials or oil spills in the marine environment. However, FEMA may also task the Coast Guard directly, in which case the primary agency should be notified. The Stafford Act provides for reimbursements of agency funds expended in support of FEMA disaster relief efforts when support is provided under a valid Mission Assignment (MA). The Mission Assignment is a work order issued by FEMA directing an agency to complete a specified task. A Coast Guard unit may receive tasking from several different ESF primary agencies, which have received separate MAs from FEMA during one or more disasters. Because of the large number of agencies involved in disaster relief operations, requests for Coast Guard assistance may come from a wide variety of sources.⁶³

⁶² Commandant Instruction 16240.1, Law Enforcement Detachment (LEDET) Administration and Operating Guidelines, RCS-G-OIEe-2134, May 17, 1988.

⁶³ Commandant Instruction 16451.1, Disaster Related Pollution Response Activities Under the Federal Response Plan (FRP) and Cost Reimbursement from the Stafford Act, December 19, 1996.

(f) Support Under the National Contingency Plan (NCP): The National Contingency Plan (NCP) requires On-Scene Coordinators (OSCs) to direct response efforts and coordinate all other actions at the scene of a spill or release of oil and hazardous substances. The NCP describes the basic format for the response management system—a structure that brings together federal and state governments, and the responsible party, to achieve an effective and efficient response, where the OSC retains ultimate authority. This structure is commonly referred to as a Unified Command (UC, not to be confused with a military Unified Command as described in Title 10 U.S.C.). Whenever possible and practical, the Coast Guard incorporates a Unified Command structure. The Unified Command includes the pre-designated Federal On-Scene Coordinator (FOSC), the pre-designated State Incident Commander representing state and local response agencies, and the Responsible Party. The Unified Command is responsible for the overall management of the incident with the FOSC retaining ultimate authority. Some incidents will call for other organizations to be represented in the UC. For example, the local fire department when an incident includes both pollution and fire, or other law enforcement organizations in a pollution incident associated with sabotage.⁶⁴

(g) Support during Civil Disturbances: The Department of the Army Civil Disturbance Plan (GARDEN PLOT) is the governing publication for planning, deployment, employment, and redeployment of federal military resources involved in countering domestic civil disturbances. Coast Guard units may be placed within a DoD task force under operational control of the designated task force commander in GARDEN PLOT operations. The secretary of the Army is the Executive Agent for DoD in matters pertaining to civil disturbances. The U. S. Army Director of Military Support (DOMS) is the action agent and the DoD point of contact in all such matters. The Coast Guard, as well as the other Services, is required to maintain support plans. Military assistance to civil authorities is a peacetime matter, not to be confused with military support of civil defense (MSCD), which is a wartime function.

(i) The Coast Guard's role in civil disturbances outside regular statutory responsibilities is defined and limited by a Memorandum of Understanding between the U. S. Army and the U. S. Coast Guard. In the event of civil unrest upon the high seas and waters subject to the jurisdiction of the United States, where in the Coast Guard has standing statutory responsibility, Coast Guard units will in all likelihood be legitimately involved in law enforcement operations well before any Presidential invocation of civil disturbance plans. The Coast Guard character for law enforcement and cooperation with civil authorities is much broader than that of DoD Services. DoD Services are subject to law enforcement restrictions that are not applicable to the Coast Guard. For policy reasons (i.e., to ensure unity of command and control), there may be instances when these restrictions are imposed upon Coast Guard personnel under a DoD task force commander's operational control.

(ii) Coast Guard area and district commanders are responsible for developing procedures for the employment of Coast Guard forces in support GARDEN PLOT. The Commandant and USCG headquarters staff maintain liaison with Department of the Army, Director of Military Support (DOMS) and Commander, U. S. Army Forces Command (FORSCOM) for planning, coordinating and executing GARDEN PLOT operations. USCG Area Commanders establish and maintain liaison with the commanding generals of the applicable numbered continental U. S. Armies, and the Navy components of appropriate

⁶⁴ Commandant Instruction 16471.1, Incident Command System, February 9, 1996.

Unified Commands and provide available resources as required to assist DoD elements in GARDEN PLOT operations.⁶⁵

E. Observation, Orientation, and Oversight:

(1) Major Activities:

(a) Provide and assess information on Coast Guard units through DoD's Status of Resources and Training System.

(b) Provide and assess lessons learned regarding Coast Guard activities through the Coast Guard Lessons Learned System.

(2) Major Stakeholders: Unified Commands, Joint Chiefs of Staff, Coast Guard subordinate headquarters and units.

(3) Key Organizational Processes:

(a) SORTS: Coast Guard operational units are required to report in SORTS. However, those interviewed related that although SORTS works adequately for DoD processes, it is not adequate for the full range of Coast Guard military and non-military tasks. The Coast Guard is currently initiating a major study on how to best measure Coast Guard readiness.

(b) Lessons Learned: The Coast Guard Lessons Learned System (CGULLS) is designed to continually compile, review and address USCG-wide lessons learned from application of plans, policies, operations and tactics, in order to improve program initiatives.⁶⁶ When Coast Guard personnel are involved in exercises or real world operations outside the Coast Guard chain of command, lessons learned are submitted into the Navy Lessons Learned System (NLLS). Lessons learned are an important part of the feedback cycle for exercise and contingency planning. Lessons learned are periodically disseminated to Coast Guard commanders and planners, providing them with access to a library of knowledge and experience gained through contingency exercises and real world operations.⁶⁷

(4) Associated Higher-Level Processes: JCS Readiness assessment and reporting. Navy Lessons Learned System. Joint After Action and Reporting System (JAARS).

F. Preparation:

(1) Major Activities:

(a) Acquisition: Determine requirements and acquire equipment and material to support the Coast Guard mission.

(b) Training: Determine the requirements, plan, and provide resources for the Coast Guard training program.

⁶⁵ Commandant Instruction M3010.14, Civil Disturbances Support Plan, Coast Guard (COGARD GARDEN PLOT), May 27, 1986.

⁶⁶ Commandant Instruction M3010.19, Coast Guard Universal Lessons Learned System (CGULLS), August 23, 1991.

⁶⁷ Commandant Instruction Manual 3010.13A, Contingency Preparedness Planning Model, Volume III, May 26, 1994.

(2) Major Stakeholders: U.S. Coast Guard subordinate units, DoT, DoD Unified Commanders, multiple government agencies that benefit from Coast Guard assets.

(3) Key Organizational Processes:

(a) Acquisition: As a subordinate entity of the Department of Transportation, the Coast Guard follows the acquisition procedures contained in the Transportation Acquisition Manual (TAM). The TAM is written and maintained under the direction of the Department of Transportation Director of the Office of Acquisition and Grant Management. For major acquisition projects, the process is guided by Office of Management and Budget (OMB) Circular A-109, which is the principal guidance for acquiring major systems for the federal government. OMB Circular A-109 specifies five major phases: (1) determine mission needs, (2) identify and explore alternative design concepts, (3) demonstrate alternative design concepts, (4) undertake full-scale development and limited production, and (5) commit to full production. The Coast Guard is in the process of revising its internal acquisition process to bring it closer in line with the procedures outlined in OMB Circular A-11, Part III: Planning, Budgeting, and Acquisition of Capital Assets.^{68,69}

(i) Coast Guard acquisition decisions are reviewed by two councils—the Coast Guard Acquisition Review Council (CGARC) and the Transportation Systems Acquisition Review Council (TSARC). The TSARC is an advisory body for the Department of Transportation Acquisition Executive (TAE) on major acquisitions. The TSARC consists of the Deputy Secretary of Transportation (Chairperson); the Assistant Secretary for Administration; the Assistant Secretary for Budget and Programs; the Assistant Secretary for Policy and International Affairs; the General Counsel; and the head of the Operating Administration requesting the action, which is the Commandant in the case of the U.S. Coast Guard.⁷⁰

(ii) Coast Guard Major Acquisition projects are designated as DoT Level I, Level II, Level IIIA, or Level IIIB projects. This designation is made by the DoT Transportation Acquisition Executive (TAE). Level I acquisitions are defined as Large Scale Projects for New or Replacement Items or Systems in the general cost range of over \$250M.⁷¹

(iii) DoT Level I acquisitions begin with Key Decision Point 1 (KDP 1) approval and designation of a major acquisition level by the TAE. In making the designation of a level, the TAE will consider the complexity of the project, the risks involved, the Total Acquisition Cost, and the need for continuing direct oversight of the acquisition executive.

⁶⁸ The Coast Guard is currently developing a framework for force planning to ensure that future platforms and personnel are appropriate in number and functional capability to meet objectives in the future. This framework is planned to integrate several ongoing initiatives, including the Coast Guard's scenario-based strategic planning process, the Deepwater Project Modeling and Simulation Master Plan (MSMP), and the efforts of the Coast Guard Research and Development Center regarding its Model Requirements Study – CRM 00-75, "Suggested Coast Guard Force Planning Framework," Center for Naval Analysis, September 1999.

⁶⁹ The Coast Guard is also pursuing a "National Fleet" concept with the Navy. National Fleet is a process for closer cooperation to synchronize planning, training and procurement to provide the highest level of maritime capabilities for the nation's investment. It is a way for both services to support national security objectives and our stewardship responsibilities. It is a way to ensure inter-operability and to avoid redundancy. - Loy, "A Unique Instrument of National Security."

⁷⁰ Transportation Acquisition Manual, Chapter 1234, Appendix A. Major Acquisition Policies and Procedures (MAPPS).

⁷¹ Commandant Instruction Manual 4150.2E, Systems Acquisition Manual, December 11, 1997.

(iv) Before a major acquisition formally begins, the project must be initiated and its requirements defined. The Project Initiation/Requirements Definition Phases culminate in the development of a Mission Need Statement (MNS). For Level I acquisitions, after a project's mission need is approved by the TAE, four acquisition phases may be applicable to the project: Concept Exploration; Demonstration and Validation; Full Scale Development; and Production and Deployment. To minimize acquisition cost and time, these phases may be tailored to each project's specific requirements and circumstances consistent with the mission need and the degree of risk inherent in developing the system. A KDP follows each specific phase of the acquisition process. Approval authority for all Level I acquisition KDPs is retained by the TAE. Level I acquisition projects are reviewed at each KDP by the CGARC and then by the TSARC. At each KDP review, the project must demonstrate successful progress and a readiness to enter the next acquisition phase.⁷²

(b) Training: The Coast Guard Training System is developed and maintained at USCG Headquarters. The Headquarters Performance Systems Division and Reserve Training Division define training needs, and ensure that any requirements for people, dollars, buildings, training aids, quotas, operating procedures, and policy are met. Training Managers consult with program and force managers to design, develop, implement, and evaluate the instructional materials and training.

(c) Contingency Preparedness Exercises: Contingency preparedness exercises test Coast Guard plans, policies, and procedures in response to a wide variety of possible scenarios, including man-made and natural disasters, maritime terrorism, transportation infrastructure casualties, national defense emergencies, maritime spills of oil and hazardous substances, and civil disturbances. The chief function of these exercises is to test, assess, and improve the Coast Guard's ability to conduct effective contingency operations. Also, preparedness exercises provide opportunities to test the interoperability between the Coast Guard and DoD and between the Coast Guard and civilian agencies. There are two broad categories of contingency preparedness exercises: defense and non-defense. For both categories, each echelon of command—Commandant, Area Commanders, district commanders, port-level commanders, unit commanding officers and officers-in-charge—plays a distinct role regarding the tasking, scheduling, funding, and reporting of contingency preparedness exercises.

(i) Generally, tasking flows down the chain of command. However, requests for exercise support may be received at any level of command. All requests for exercise support are considered in light of the overall contingency preparedness program to avoid inefficient tasking of scarce resources. The Commandant provides overall planning and budgeting guidance for contingency preparedness exercises. Area Commanders have tasking authority over district commanders, maintenance and logistics commands, and area-controlled assets. Tasking of all Coast Guard forces (regardless of origin) must flow through the Coast Guard chain of command unless and until tasking from other sources is authorized or operational control is transferred. District commanders have broad responsibilities for all aspects of contingency preparedness and may task subordinate commands to conduct and participate in preparedness exercises. While various memoranda of understanding may exist with military and non-military requesting agencies, the actual level of support given these exercises is determined in proportion to the gain in improved Coast Guard contingency

⁷² Commandant Instruction Manual 4150.2E, Systems Acquisition Manual, December 11, 1997.

preparedness. An operational commander may choose to fully participate as an exercise player, provide only that operational support which is minimally necessary, or decline to participate.

(ii) Funding for costs related to the planning, management, execution, and evaluation of an exercise are requested from the appropriate program manager through the normal budgetary process. The Commandant provides Service-wide oversight and coordination of funding in support of the Contingency Preparedness Support and the Reserve Training programs. The headquarters staff reviews requirements specified in the exercise proposals submitted by Area Commanders and develops necessary documentation in support of future exercise participation via the budgetary process. Area Commanders allocate funding to maintenance and logistics commands and district commanders for all exercises in which Coast Guard forces in their area of responsibility are expected to participate.

(iii) Post-Exercise Reports are used to validate budgetary support for future exercise participation. In addition, operational commanders and Headquarters program managers use results from exercises and real-world operations to evaluate the Service's ability to carry out its missions and statutory responsibilities. Lessons learned identify strengths or weaknesses in plans, policies, doctrine, tactics, force structure, and support infrastructure. They are used to resolve USCG-wide deficiencies and share corporate experience. Lessons from Coast Guard exercises and operations are submitted through CGULLS and NLLS.⁷³

(4) Associated Higher-Level Processes: DoT Acquisition Process. The DoD Joint Exercise program.

(5) Associated Lower-Level Processes. Development of subordinate unit training plans.

G. Resourcing:

(1) Major Activities:

(a) Development of the Coast Guard "Family of Plans" including formulation of the Coast Guard Budget.

(2) Major Stakeholders: DoT, Coast Guard subordinate units and headquarters, and agencies that rely on Coast Guard capabilities.

(3) Key Organizational Processes:

(a) The Coast Guard Family of Plans: Coast Guard resourcing processes and decisions are integrated through the "Family of Plans" as discussed in the preceding section on strategy development.

(b) Programming: Coast Guard programming is GPRA based. Programs are derived from outcomes. They account for both potential threats and anticipated demand. Each regional commander is responsible for conducting an annual Regional Strategic Assessment. Within this process, each district will identify its top four to five problems and

⁷³ Commandant Instruction Manual 3010.13A, Contingency Preparedness Planning Model, Volume III, May 26, 1994.

request capabilities. The Coast Guard programs for resources a year ahead and updates through a quarterly asset allocation process.

(c) The Coast Guard Budget Process: Within the Coast Guard, budget formulation is essentially a continuous effort, with a gradual change in focus from broad program to specific line item requests. There are, however, discrete actions, which serve to divide the process into five phases or "stages."

(i) The "Forecast Stage" is a six-month period that commences approximately 15 to 21 months in advance of the Budget Year. Coast Guard commanders at each level forecast their requirements for the upcoming budget cycle.

(ii) The "OST Stage" involves the preparation and presentation of the Coast Guard's initial submission of its detailed budget requirements to the Office of the Secretary of Transportation (OST). The OST Stage budget reflects the impact of program guidance prescribed by the OST during the April-May time period. OST does not normally establish specific resource ceilings or limitations for the submission during this process. Through an annual re-issuance of OMB Circular A-11, the President prescribes instructions for the preparation and submission of the annual budget estimates. While these instructions are directed primarily toward the OMB and Congressional Stage submissions, OST requires the implementation of most of the OMB instructions in preparing the OST Stage budget. An internal Coast Guard preparation, review, and prioritized ranking process usually culminates in mid-to-late June with the submission of a budget, reflecting the Commandant's decisions on resource requirements, to OST by early to mid-July. Headquarters managers are involved in the Coast Guard budget formulation process. Requests are developed by Headquarters Program Managers, reviewed, ranked, and consolidated by the Programs Division within the Office of the Chief of Staff at Headquarters. The formats for submission of the OST and OMB stages do not normally vary from year to year. The presentations may be incremental or zero-based, depending upon the nature of the appropriation being addressed. By mid-to-late August, the Secretary of Transportation provides the "mark" or allowance on the Coast Guard's budget request, an appropriation by appropriation ceiling on budget authority, program (obligation) level, outlays, military and civilian positions, full time equivalent (FTE) levels of employment, and end-of-year employment. The Commandant normally has a short period of time in which to appeal any of these allowances to the Secretary.

(iii) The "Office of Management and Budget Stage" involves the preparation, presentation, and defense of a formal and detailed budget document to OMB, leading eventually to the receipt of Presidential allowances (called the "OMB pass back") in late November-early December, some 10 months prior to the start of the Budget Year. In order to meet OMB's 1 September submission deadline, the Coast Guard Headquarters staff begin revising the budget immediately after the Commandant receives the final "marks" from the Secretary of Transportation. OMB's review of the Coast Guard budget normally lasts until late November or early December and involves a formal hearing with top Coast Guard management, usually the Commandant, Vice Commandant, Chief of Staff, Director of Resources, and selected office chiefs. The mark and appeal process is much the same as that for the OST Stage with most major decisions being made by the Director of OMB. However, some major issues with broader implications may be resolved by the President (See Volume II, Chapter 3, The Office of Management and Budget).

(iv) The "Congressional Stage" involves preparation and presentation of the final budget request to Congress in early January. This document normally contains much more detailed exhibits and tabular presentations than the two previous stages. The Coast Guard prepares the Congressional Stage submission using an incremental basis for its "annual" or "one-year" appropriation, i.e., the narrative justification is geared toward explaining changes to the previous year's level. For its "multi-year" and "no-year" appropriations, the format shifts to a "zero-based" presentation, i.e., the narrative justification is geared toward explaining all proposed budget-year project requirements. After receiving OMB's final mark, Coast Guard Headquarters begins to make appropriate revisions to the resource levels contained in the technical budget schedules that comprise the Coast Guard's input to the Federal Budget. OST and OMB review copies of this document prior to it being transmitted, by the Coast Guard, to the Transportation Subcommittees of the House and Senate Appropriations Committees. The President submits this document to the Congress on or before the first Monday in February following the annual State of the Union address in January. The subsequent congressional hearings, reviews, and allowance process is usually completed in the July-September time frame with enactment of authorization and appropriation statutes. Coast Guard Headquarters will annually publish a summary of congressional guidance and action items with the final operating stage budget (See Volume III; Chapter 1, House of Representatives Committee on Appropriations, and Chapter 7, Senate Committee on Appropriations).

(v) The "Operating Stage" refers to the entire budget execution phase, from the time the appropriation is enacted through September of the following year. The Operating Stage budget provides more detailed information as to how appropriations will be used.⁷⁴

(4) Associated Higher-Level Processes: Development of the President's Budget.

(5) Associated Lower-Level Processes: Development of USCG subordinate unit budget requests.

6. Informal National Security Process Involvement.

A. Because it must interface with a wide variety of Federal agencies, the Coast Guard relies heavily on full time liaison officers assigned to the various agencies. There are Coast Guard liaison officers at many organizations, including the Joint Staff, DoS and DoJ. Those interviewed related that liaison officers are vital to Coast Guard effectiveness. Funding for some of the liaison positions are reimbursed by the host agency, but the Coast Guard funds others.

B. Similarly, because the Coast Guard has a wide variety of governmental interfaces, it relies heavily on Memoranda of Understanding and Agreement.

C. Although the CNO formerly represents the Commandant of the Coast Guard on the Joint Chiefs of Staff, the Commandant is invited to JCS meetings when Coast Guard items of interest are on the agenda.

⁷⁴ Commandant Instruction Manual 7100.3A, Financial Resource Management Manual, January 29, 1999.

D. The Coast Guard has an informal partnership with industry regarding issues such as security on board cruise industry vessels. The Coast Guard also works with the International Maritime Organization on international maritime standards and then works with industry to implement the standards in a non-regulatory way.

7. Funding and Personnel.

A. Authorizations and Appropriations: Coast Guard activities are principally funded through DoT. Since FY82, Congress has annually authorized DoD funds to be transferred to the Coast Guard to help fund national security functions in support of DoD.⁷⁵

B. Budget: The Coast Guard budget includes funds authorized under DoT plus the funds transferred from DoD as described above. Operating expenses account for nearly three-fourths of this amount; the remainder is mainly for military retirement pay and capital purchases (see the following figure for a further breakout of operating expenses).⁷⁶

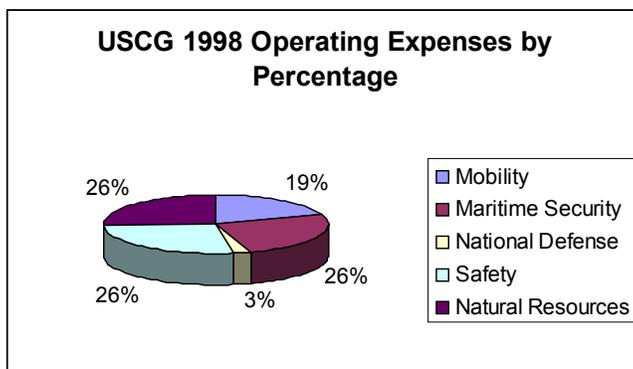


Figure 2: USCG Operating Expenses

Most of the Coast Guard's funding comes from the Department of the Treasury's General Fund. The agency also receives moneys from the Oil Spill Liability Trust Fund (for the prevention and cleanup of oil spills) and from the Boat Safety Account of the Aquatic Resources Trust Fund (for a national recreational boating safety program). In addition to the funding it receives from the DoD for national security activities, the Navy also provides support to the Coast Guard for Navy Equipment on USCG ships and aircraft. This is equipment that is Navy bought and Navy owned. It is installed by the Coast Guard but maintained by the Navy. The Coast Guard may also receive emergency funding. For example, in fiscal year 1999, the Coast Guard initially received \$3.9 billion in appropriated funds to carry out its missions. It received another \$377 million in emergency funding to pay for additional equipment and operations, most of which was for expanding its anti-drug efforts.^{77, 78} The following table shows the Coast Guard budget for FY 97– FY 99.

⁷⁵ General Accounting Office, U.S. Coast Guard – Use of DoD Funds for National Security Functions, Washington, DC: U.S. Government Printing Office, April 1998 (Report Number GAO/NSIAD-98-110).

⁷⁶ The Annual Report of the U.S. Coast Guard, 1998, p. 30.

⁷⁷ Anderson, John H. Jr., Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office, Testimony on Coast Guard: Key Budget Issues for Fiscal Years 1999 and 2000, before the Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC: U.S. Government Printing Office, February 11, 1999 (Report Number GAO/T-RCED-99-83).

⁷⁸ GAO/NSIAD-98-110.

USCG Budget (in \$ millions)⁷⁹

Fiscal Year	As an organization under DoT	Transferred from DoD
FY 1997	\$3,854	\$300
FY 1998 (est)	\$3,997	
FY 1999 (est)	\$4085	

C. Manpower: The Coast Guard consists of 38,000 active-duty men and women, 8,000 Reservists, and 35,000 Auxiliaries.

D. Equipment: The Coast Guard operates over 200 cutters (vessels 65 feet in length or more) and boats (watercraft less than 65 feet in length), plus 68 fixed-wing and 166 rotary-wing aircraft.⁸⁰

8. Observations

A. The Coast Guard has enthusiastically embraced GPRA and uses its framework as the foundation for strategy development, planning, preparation, and resourcing processes. The refinement of these processes is still ongoing, but the Coast Guard is beginning to develop consistency among its various business areas through a GPRA approach. Among national security organizations, it appears to be a good "study case" for the effectiveness of GPRA.

B. The Coast Guard is an organization that has great experience operating in the interagency environment. It interfaces on a daily basis with DoT, DoD, DoJ, and DoS for its law enforcement, national security, safety, and environmental missions. Because of its high level of interagency connections, Coast Guard effectiveness depends on a network of liaison officers and a host of interagency MOUs and MOAs. This may be a "fact of life" for an organization that works closely with so many other agencies. However, it also may reflect an "ad hoc" approach to interagency operations due to the lack of robust processes within the current interagency structure.

C. Due to its extensive interagency operational expertise, the Coast Guard may prove to be the model for future interagency operations and may merit a more in-depth assessment for additional "lessons learned."

⁷⁹ Source: FY 99 President's Budget.

⁸⁰ <http://www.uscg.mil/hq/g%2Dci/sect%2Diold.htm>.

ORGANIZATIONAL DESCRIPTION

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Bureau of Alcohol, Tobacco, and Firearms

Overview.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is an enforcement and regulatory bureau within the Department of the Treasury. There is no one piece of legislation establishing the ATF; rather the Bureau evolved as laws were developed to manage revenue collection on imported and domestic distilled spirits and tobacco products.

The ATF can trace its roots back to the implementation of the first taxes on imported alcohol products in 1789 and taxes on domestic production in 1791. However, it is the newest of the tax-collecting agencies. It became a stand-alone bureau in 1972 by means of Treasury Department Order No. 120-1 (formerly No. 221), in which the ATF's jurisdiction was separated from the Internal Revenue Service.

The ATF enforces the federal laws and regulations relating to alcohol, tobacco, firearms, explosives and arson by working directly and in cooperation with others to:

- Suppress and prevent crime and violence through enforcement, regulation, and community outreach;
- Ensure fair and proper revenue collection;
- Provide fair and effective industry regulation;
- Support and assist federal, state, local, and international law enforcement; and
- Provide innovative training programs in support of criminal and regulatory enforcement functions.

Organization.

The ATF originated as a revenue collecting agency with a specific mandate focused on the alcohol and tobacco industries. Through the Bureau's evolution, it now plays a dual role in enforcement and regulation of the alcohol, tobacco, firearms, and explosives industries. A Director, who is appointed by the Secretary of the Treasury, and is traditionally a member of the Senior Executive Service, heads the Bureau. In Treasury's organization, ATF falls under the Office of the Under Secretary for Enforcement and is broken down into the following divisions, each headed by an Assistant Director:

- Liaison and Public Information;
- Science and Technology;
- Management;

- Alcohol and Tobacco;
- Firearms, Explosives, and Arson;
- Field Operations;
- Training and Professional Development; and
- Inspection.

Role in Formal and Informal National Security Processes.

Traditionally, the U.S. national security community has focused its efforts on limiting the proliferation of weapons of mass destruction and more recently, biological and chemical weapons. However, it is the proliferation of small arms within the United States that has made weapons easily available to both American and foreign criminals and terrorists. Similarly, alcohol diversion is a major source of revenue for organized crime. These examples demonstrate threats to U.S. national security interests and are issues in which the ATF has expertise and jurisdiction.

Observations.

The ATF potentially could contribute more in preparing to meet the new threats to national security and in carrying out the U.S. national security mission. However, as the intelligence community and the military traditionally lead in the national security process, the expertise that the ATF and law enforcement agencies can contribute to national security activities is often overlooked. Involving law enforcement at the strategic level—in planning, coordination, and the budget process—may result in fewer redundancies and gaps in managing national security issues.

Additionally, expanding the ATF's international training activities could provide foreign governments, law enforcement agencies, and militaries better skills and knowledge for assisting the United States in tackling transnational criminal and terrorist activities that threaten U.S. national security.

ORGANIZATIONAL DESCRIPTION

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

1. Legal Specifications, Authorizations, and Responsibilities.

A. Congressional Statutes: There is no one piece of legislation establishing the Bureau of Alcohol, Tobacco, and Firearms (ATF); rather the Bureau evolved as laws were developed to manage revenue collection on imported and domestic distilled spirits and tobacco products. The scope of ATF's jurisdiction expanded as Treasury's Office of Internal Revenue was passed responsibility for revenue collection and enforcement on firearms and explosives.

The ATF can trace its roots back to the implementation of the first taxes on imported alcohol products in 1789 and taxes on domestic production in 1791. However, it is the newest of the tax-collecting agencies. It became a stand-alone bureau in 1972 by means of Treasury Department Order No. 120-1 (formerly No. 221), in which the ATF's jurisdiction was separated from the Internal Revenue Service. Other legislation important in defining the jurisdiction and responsibility of the ATF include:

(1) The Act of 1 July, 1862 established the Office of Internal Revenue, which was charged with the collection of taxes on distilled spirits and tobacco products. The following year, Congress authorized under this act "the hiring ... of three detectives to aid in the prevention, detection and punishment of tax evaders.' These laws are the trunk of a family tree that includes both ATF and the Internal Revenue Service."¹

(2) The Federal Alcohol Administration Act (U.S.C. Title 27, Chapter 8, Subchapter I) was enacted in August 1935, assigning the Treasury Department the role of regulating the alcohol industry and is considered "one foundation of ATF's enabling legislation."²

(3) Title XI of the Organized Crime Control Act of 1970 incorporated explosives as a branch of ATF's expertise.

B. Department/Agency Directives: In 1952, the Bureau of Internal Revenue was reorganized to become the Internal Revenue Service, and its firearms and tobacco tax responsibilities were then shifted to the newly named Alcohol, Tobacco and Firearms Division. In 1972, Treasury Department Order No. 120-1 (formerly No. 221) established the ATF as a stand-alone bureau under Treasury's Office of the Under Secretary for Enforcement, separating its jurisdiction from that of the Internal Revenue Service.

2. Missions/Functions/Purposes. The Bureau of Alcohol, Tobacco, and Firearms has a "combination of responsibilities dedicated to reducing violent crime, collecting revenue, and protecting the public."³

¹ "A Brief History of ATF from Oxford University Press, Inc. 1789-1998." Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department. (<http://www.atf.treas.gov/about/hist/hist.htm>.)

² "A Brief History of ATF from Oxford University Press, Inc. 1789-1998.

³ ATF Mission statement. "Strategic Plan for the Bureau of Alcohol, Tobacco and Firearms." Department of the Treasury. Revised August 1997.

A. Functions: ATF enforces the federal laws and regulations relating to alcohol, tobacco, firearms, explosives and arson by working directly and in cooperation with others to:

- (1) Suppress and prevent crime and violence through enforcement, regulation, and community outreach;
- (2) Ensure fair and proper revenue collection;
- (3) Provide fair and effective industry regulation;
- (4) Support and assist federal, state, local, and international law enforcement; and
- (5) Provide innovative training programs in support of criminal and regulatory enforcement functions.

B. Major Responsibilities: The major responsibilities of the ATF include:

- (1) Using its jurisdiction, skills, and assets to assist federal, state, and local law enforcement in the fight against crime and violence through enforcement of the federal firearms, explosives, and arson laws; education; and prevention efforts;
- (2) Collecting taxes on alcohol, tobacco, firearms, and ammunition with the least amount of burden to the taxpayer; and
- (3) Overseeing the production and distribution of alcohol, firearms, ammunition, and explosives and ensuring compliance through education, inspection, and investigation.

C. Subordinate Activities and Agencies: The ATF has no subordinate agencies or activities.

3. Vision and Core Competencies.

A. Vision: The vision of the ATF states that "The Bureau of Alcohol, Tobacco and Firearms (ATF) must respond to the public outcry against crime, violence, and other threats to public safety. We must also continue to do our part to maintain the economic stability of the country. Our vision will help us chart the course to change the way we serve the public and achieve new levels of effectiveness and teamwork."⁴

B. Core Competencies: In an effort to become more efficient, the ATF has designed its operations similar to that of a business and has highlighted the following as "critical business tools" to effectively accomplish its task:⁵

- (1) Collect, consolidate, analyze, and exchange information that enhances ATF's contribution toward protecting America from crime, violence, and other threats to public safety;

⁴ Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms web site, <http://www.atf.treas.gov/about/plan/vision.htm>.

⁵ "Strategic Plan for the Bureau of Alcohol, Tobacco and Firearms." Department of the Treasury. Revised August 1997.

(2) Invest in science and technology to develop and improve methods of analysis, enabling the ATF to use its resources more efficiently and better anticipate and respond to employee and customer needs;

(3) Partner and cooperate with other government agencies, industry, academia, and others to remove barriers and develop better solutions in addressing key issues and problems in conducting investigations and in regulatory matters; and

(4) Provide training to ATF employees and other federal, state, local, and foreign enforcement organizations to achieve mutual goals.

4. Organizational Culture. The Bureau of Alcohol, Tobacco and Firearms is an enforcement and regulatory bureau within the Department of the Treasury. The ATF originated as a revenue collecting agency with a specific mandate focused on the alcohol and tobacco industries. In the Bureau's evolution it now plays a dual role in enforcement and regulation of the alcohol, tobacco, firearms and explosives industries.

A. Values: ATF values state that "We value each other and those we serve. We will set and uphold the highest standards of excellence and integrity; provide quality service and promote strong external partnerships; and develop a diverse, innovative, and well-trained work force in order to collectively achieve our goals."⁶

B. Leadership Traditions: The Director of the ATF is appointed by the Secretary of the Treasury and is traditionally a member of the Senior Executive Service. The Director reports to the Under Secretary for Enforcement. Currently, the Director of the ATF is a career law enforcement officer.

Due to the law enforcement mission of the ATF, the leadership is flexible in its management style and interacts closely with employees. The varied responsibilities of the ATF require it to adapt to change in response to fulfilling its role in law enforcement and regulatory matters. As ATF staff act in many risky environments, the leadership takes on an important responsibility to control the degree of risk in certain situations. Consequently, the leadership encourages creativity and innovation to find the optimal of many possible solutions that exist for any given challenge.

C. Staff Attributes: ATF employees have specific knowledge, skills, and abilities to fulfill their roles as law enforcement officers, investigators, or regulatory inspectors. For example, ATF staff needs skills and knowledge to conduct investigations of firearms trafficking, bombing and arson scenes, and/or an understanding of explosive device construction. Some of these experts include auditors, forensic chemists, fire protection engineers, explosives enforcement officers, explosive detection canines, explosive and bomb disposal experts, and experts in fire origin and cause.

In addition, the ATF provides training to its respective special agents, regulatory inspectors, and various specialists upon entering the Bureau. This one-year, on-the-job training program is required to provide a sound experiential learning environment for those who

⁶ "Strategic Plan for the Bureau of Alcohol, Tobacco and Firearms." Department of the Treasury. Revised August 1997.

successfully complete the program. Subsequent in-service training is mandated for further specialization within each particular field.

D. Strategy: The strategic goals of the ATF include:⁷

(1) Effectively contributing to a safer America by reducing the future number and cost of violent crimes;

(2) Maintaining a sound revenue management and regulatory system that continues reducing payer burden, improving service, collecting the revenue due, and preventing illegal diversion; and

(3) Protecting the public and preventing consumer deception in ATF's regulated commodities.

E. Organization Chart:

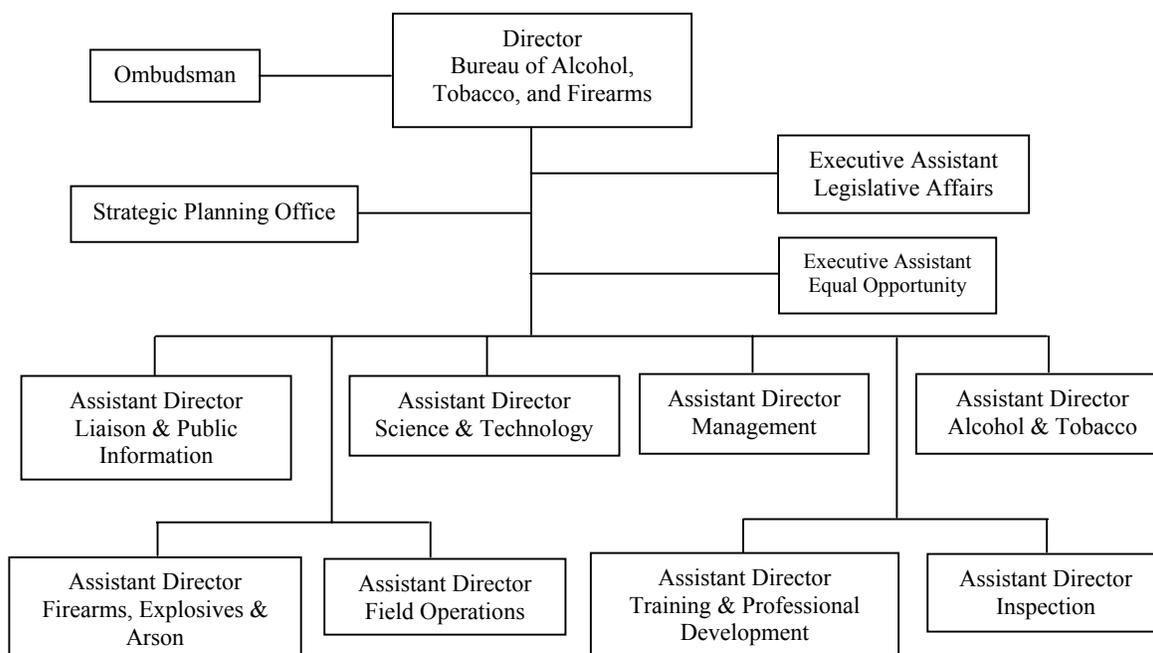


Figure 1: Organization of the Bureau of Alcohol, Tobacco, and Firearms

The Ombudsman, Strategic Planning Office, Executive Assistant for Legislative Affairs, and the Executive Assistant for Equal Opportunity are standard overhead functions and provide administrative support to the Director.

(1) **The Liaison and Public Information division** consists of media affairs, liaison, disclosure, the ATF library, and the representative to the Treasury Department. The Assistant Director of Liaison and Public Information travels with the Director and is responsible for meeting logistics. Media affairs manages issues with regard to the press. The liaison manages communications with foreign embassies and is responsible for arranging meetings with

⁷ "Strategic Plan for the Bureau of Alcohol, Tobacco and Firearms." Department of the Treasury. Revised August 1997.

foreign dignitaries. Disclosure determines what information can be made available to the press and research groups. The library is for internal use only and contains all publications produced by the ATF. The representative to the Treasury relays major issues to the Department, whether they are enforcement or regulatory issues.

(2) The Science and Technology division oversees the ATF's three major laboratories, their operations, and all computer-based initiatives and programs. The ATF laboratories are forensic labs as well as testing labs to test the content of all imported alcohol products.

(3) The Management division handles all budget and monetary issues including the distribution of resources among the ATF and provides cost-benefit analyses.

(4) The Alcohol and Tobacco division is responsible for all aspects of enforcement and regulation regarding the alcohol and tobacco industries. This includes interdiction efforts and monitoring manufacturing operations.

(5) The Firearms, Explosives, and Arson division often works closely with the Field Operations division. The Division is responsible for investigations and industry regulation. This includes ensuring that manufacturers are abiding by the laws regarding excise taxes, standards, and product storage. Additionally, this Division manages many program initiatives.

(6) The Field Operations division oversees the field offices, all agents and work accomplished in the field, and ensures that the field offices and agents are following the required protocol.

(7) The Training and Professional Development division oversees all ATF training programs in each field division and in ATF headquarters. The Training division manages the ATF National Academy in Glynco, Georgia, and other state, local, and international training programs, which includes specialized and standard training programs. The Professional Development initiatives are for supervisors and inspectors.

(8) The Inspection division oversees internal operations of the ATF and is broken down into two oversight categories: integrity and reconciliation. Integrity refers to the actions of ATF agents and the Inspection division investigates complaints against ATF agents. Reconciliation ensures that each field office is operating as prescribed by ATF rules and protocol. Through periodic inspections, the Inspection division determines that each field office is managing its budget, manpower, evidence storage, etc., properly.

5. Formal National Security Process Involvement. Traditionally, the U.S. national security community has focused its efforts on limiting the proliferation of weapons of mass destruction and more recently, biological and chemical weapons. However, it is the proliferation of small arms within the United States that has made weapons easily available to both American and foreign criminals and terrorists. Similarly, alcohol diversion is a major source of revenue for organized crime. These examples demonstrate threats to U.S. national security interests and are issues in which the ATF has expertise and jurisdiction. Violations of laws that regulate the alcohol, tobacco, firearms, and explosives industries threaten U.S. national security by providing criminals, criminal organizations, and terrorists the resources and means to further their criminal activity against Americans, U.S. property and personnel overseas, and the United States in

general. The ATF acts independently and in cooperation with other U.S. government agencies and foreign law enforcement organizations in interdicting illegal weapons trafficking, alcohol and tobacco diversion, and identifying and seizing criminal and terrorists assets.

(The Bureau of Alcohol, Tobacco, and Firearms, Intelligence Division provided the following information, in response to a survey prepared by the U.S. Commission on National Security/21st Century.)

As U.S. national security concerns are shared by foreign governments, the ATF finds its jurisdiction crosses international boundaries. Therefore, the ATF has increased its cooperation with foreign law enforcement agencies and international organizations to address these transnational criminal activities and participates in international groups and forums that address illegal international firearms trafficking. The ATF also coordinates with the U.S. Customs Service (part of the Treasury Department) and the Department of State in assessing and evaluating the illegal international firearms trafficking problems of foreign countries.

A. Strategy Development: The Bureau of Alcohol, Tobacco, and Firearms has no direct role in strategy development.

B. Policy Guidance and Regulation: The ATF is responsible for the regulation of those industries that fall under its jurisdiction: alcohol, tobacco, firearms, and explosives (including fireworks manufacturers). The ATF monitors and regulates these industries to ensure that laws and regulations are upheld by industry manufacturers, distributors, and retailers, in order to prevent any tax diversion schemes, and ensure these sensitive products do not get into the hands of criminals, criminal organizations, or terrorists. For example, the ATF ensure alcohol industry compliance with regulatory labeling requirements, and enforces requirements that explosives manufacturers add "detection agents" in plastic explosives.

As there are only about 700 inspectors to oversee the regulation of a large volume of manufacturers, the ATF has worked to developed partnerships with these industries encouraging manufacturers to be self-regulating. Additionally, this partnering relationship with industry manufacturers assists the ATF in remaining abreast of new products and capabilities that may be available both to legitimate consumers and criminals. The ATF's revenue collection service center has developed a system of automated payments for the manufacturers in order to minimize the burden on taxpayers.

C. Planning: The Bureau of Alcohol, Tobacco, and Firearms has no direct role in planning.

D. Mission Execution: The ATF's formal involvement in the national security process includes participating in Interagency Working Groups and crisis action teams. Additionally, the ATF often cooperates and partners with other U.S. government agencies to share information and resources for tactical activities. The ATF is involved in mission execution through implementing the laws and policies designed to protect U.S. national security interests specifically concerning the flow of illegal weapons, eliminating diversion of tobacco and alcohol products, and identifying and seizing criminal and terrorist assets. Below are examples of ATF's participation at the interagency level as well as other programs established to carry out the ATF's mission and minimize threats to national security:

(1) The ATF participates in projects established and coordinated by the Technical Support Working Group (TSWG) of the National Security Council in which the ATF works alongside staff from Army Corps of Engineers (part of the Department of the Army) and the Defense Special Weapons Agency. These projects are aimed at allowing more effective deployment of investigative resources and quicker analysis of recovered evidence after events such as the bombings of the World Trade Center, the Alfred Murrah Federal building, and the U.S. Embassies in Kenya and Tanzania.

(2) The ATF participates in 22 Joint Terrorism Task Forces sponsored by the Federal Bureau of Investigation (FBI).

(3) The ATF has formed a partnership with the intelligence community to advance the investigations of transnational groups who use firearms and explosives to further their criminal enterprises.

(4) The ATF maintains close coordination with the Defense Intelligence Agency (DIA) and five major Pentagon Commands (EUCOM, PACOM, CENTCOM, SOCOM and ACOM) regarding international weapons trafficking investigations of mutual interest that have national security ramifications.

(5) The ATF's National Response Teams (NRT) provide expertise in investigations of major explosive and fire-related incidents. These NRT's are specially equipped and available to any law enforcement agency and fire department in the country. The ATF provides a similar, but more limited, service to foreign governments with its International Response Teams (IRT), which respond when requested by the State Department, Office of Diplomatic Security.

(6) The ATF's National Firearms Tracing Center (NTC) traces crime guns taken into police custody in the United States as well as thousands of U.S.-source firearms recovered in foreign countries and is an effort to curb the flow of illegal firearms.

(7) The ATF implemented a ballistic imaging system capable of matching fired projectiles and shell casings from disparate crime scenes to each other and to the firearm used to fire them. The technology developed for this system allows firearms examiners to quickly compare evidence from crime scenes anywhere in the country to a constantly growing database of information to determine if the same firearm was used to commit more than one crime. This technology may be used in foreign countries as well.

(8) ATF maintains the Congressionally mandated Arson and Explosives National Repository that allows ATF to trace stolen explosives, compare recovered explosive device components from different incidents, and compare the motives of potential suspects.

In order to better cooperate in tactical operations, the ATF assigns liaison representatives to the Federal Bureau of Investigation, the Central Intelligence Agency (CIA), the National Drug Intelligence Center (NDIC), the El Paso Intelligence Center (EPIC), the Financial Crimes Enforcement Center (FinCen), and the International Criminal Police Organization (INTERPOL). The National Security Agency (NSA) assigned a representative to the ATF, and ATF recently entered into a cooperation agreement with the National Reconnaissance Office (NRO).

E. Observation, Orientation, and Oversight: The Bureau of Alcohol, Tobacco, and Firearms has no direct role in observation, orientation, and oversight.

F. Preparation: In the national security preparation process, the ATF provides support to other agencies through training, education, supplying technical equipment, and technical expertise. The ATF's investment in technological advancements and modernization has positioned the Bureau to offer its expertise to federal, state, local and foreign agencies to better prepare them in responding to national security threats and ensuring these agencies are ready to accomplish their goals. Similarly, the ATF maintains a close working relationship with the National Security Agency and the Defense Intelligence Agency, which offer ATF staff training opportunities as well. Some training programs the ATF has initiated and other efforts to prepare federal, state, and local law enforcement agencies include:

(1) ATF special agents trained as Certified Explosives Specialist lead a program to assist federal, state, local, and foreign law enforcement and fire service agencies in the conduct of explosives investigations and prevention techniques.

(2) ATF special agents are trained as Certified Fire Investigators to develop their skills in determining the cause and origin of fires, which reduces the costs of arson to the insurance industry and the American public.

(3) The ATF makes available its explosive and accelerant detection canines to federal, state and local agencies to improve their effectiveness at preventing bombing incidents and investigating suspected arson fires. Currently the CIA, FBI, the Internal Revenue Service (IRS), and numerous state and local departments use ATF detection canines.

(4) An Explosives Study Group (ESG) was established to study the feasibility of tagging explosives for identification; reviewing state and local regulations pertaining to explosives; and the study of precursor chemicals used to manufacture explosives.

Currently, most of the ATF's international training programs are focused in Latin America, the Caribbean, and former communist countries. Training programs are planned for countries in Africa and Asia. These international training programs are designed to reduce the flow of illegal firearms and explosives abroad. Foreign law enforcement and military officials are trained to recognize, describe, and initiate firearms tracing actions designed to identify the sources of illegal firearms. Other international training courses focus on explosives identification, arson and explosives investigations, and tax diversion training.

In its education campaign, the ATF has initiated the "Be Aware for America" program in partnership with the explosives and fertilizer industries to report suspicious attempts to acquire explosive materials.

G. Resourcing: The Bureau of Alcohol, Tobacco, and Firearms has no direct role in resourcing.

6. Informal Formal National Security Process Involvement. The ATF participates in informal consultations with other government agencies on issues of mutual interest and jurisdiction. Because of the ATF's focused jurisdiction, it is often called upon to participate and

coordinate in prevention and training exercises, and provide input and support on investigations with national security aspects.

Managers and special agents develop personal relationships with staff from the other government agencies with whom the ATF cooperates. These informal, personal relationships may be used in sharing information, coordinating activities between agencies, or instigating new initiatives.

7. Funding and Personnel.

A. Authorization and Appropriations: The primary authorizing committees for the Bureau of Alcohol, Tobacco & Firearms include: the Senate Judiciary Committee; the Senate Finance Committee; the House Judiciary Committee; and the House Ways and Means Committee.

The appropriations committees with oversight of ATF include the Treasury, Postal Service and General Government Subcommittee of the House Appropriations Committee and the Treasury and General Government Subcommittee of the Senate Appropriations Committee.

B. Funding Sources: ATF receives its funding by means of the Treasury Department's appropriations.

C. Budget: The fiscal year 1999 budget request for ATF was \$636.3 million, a net 3.9 percent increase from fiscal year 1998, which was \$614.2 million. Approximately 11 percent (or \$70 million) of ATF's budget was allocated to national security activities in fiscal year 1999.

D. Personnel: In fiscal year 1998, there were 4,073 full time-employees authorized for the ATF, which increased to 4,141 in fiscal year 1999. It is undetermined how many full-time employees are dedicated to national security activities.

8. Observations. Traditionally, law enforcement agencies and efforts were reserved to manage domestic criminal activities. However, with the changing national security environment, law enforcement agencies play an important role, especially regarding trafficking and terrorist activities. But law enforcement agencies are often overlooked by the intelligence community when addressing national security concerns. While the ATF does maintain working relationships with the intelligence community, an established coordinating group at the principals' levels would serve to better organize the flow of information and integrate law enforcement agencies with the intelligence community at the strategic level, instead of just at the operational level.

Additionally, expanding the ATF's international training activities could provide foreign governments, law enforcement agencies, and militaries better skills and knowledge for assisting the United States in tackling transnational criminal and terrorist activities that threaten U.S. national security. However, an increase in international training activities may require additional funding and/or resources.

ORGANIZATIONAL DESCRIPTION

U.S. CUSTOMS SERVICE



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

U.S. Customs Service

Overview.

Shortly after the United States declared its independence, it established a revenue collection regime in order to fund the newly created federal government. The field organization of collection districts established to collect tariffs and excise taxes created the foundation of the Customs Service. Through its evolution, the Customs Service now is responsible for enforcing many provisions outlined in over 130 other laws as well as many international conventions, agreements, and treaties.

Organization.

The Customs Commissioner "establishes policy and supervises all activities" within the Customs Service.¹ The Commissioner is traditionally a political appointee and was previously appointed by the Secretary of the Treasury. This has changed and the Commissioner now is appointed by the President and confirmed by the Senate. The functional offices include:

- The Office of Planning.
- The Office of Investigations.
- The Office of International Affairs.
- The Office of Regulations and Rulings.
- The Office of Strategic Trade.
- The Office of Field Operations.
- The Office of Information and Technology.
- The Office of Internal Affairs.

Role in Formal and Informal National Security Process.

The Customs Service was "founded as the premier law enforcement agency" due to its role as the "collector and protector of the revenue."² Customs maintains responsibility for collecting tariffs and excise taxes, but now supports other U.S. law enforcement and government agencies in combating threats to U.S. national security, such as narcotics trafficking, money laundering, and domestic and foreign terrorist actions.

¹ "U.S. Customs History." U.S. Customs web page: <http://www.customs.treas.gov/about/about.htm>

² "U.S. Customs History."

Customs plays a critical role in the regulation and oversight of over 300 ports of entry for the United States and enforces or implements hundreds of provisions in a variety of laws designed to "protect citizens from dangerous drugs, hazardous materials, unsafe products, [and] environmental degradation . . ." ³ In this respect, Customs is critical in ensuring trade compliance so that damaging products are not imported into the United States and sensitive products and technologies are not exported.

Conclusions.

While some consider the military to be the protector of America's borders, the U.S. Customs Service is the principal border control agency.

The U.S. Customs Service has emerged as a key player in the implementation and enforcement of counter-narcotics efforts, anti-money laundering activities, counterterrorism, and export controls. A number of government agencies and federal programs rely on the support from the Customs Service to fulfill mission strategies. As criminal activities expand and are increasingly transnational, it is essential to include the Customs Service in the interagency coordination process. With close participation with law enforcement and the intelligence community, Customs can increasingly support initiatives to combat transnational criminal activities and protect and prevent the export of sensitive dual use defense items and technologies.

³ "1997 U.S. Customs Service Strategic Plan." U.S. Customs, Plans & Reports. (<http://www.customs.treas.gov/about/about.htm>).

ORGANIZATIONAL STRUCTURE

U.S. CUSTOMS SERVICE

1. Legal Specifications, Authorizations, and Responsibilities. Shortly after the United States declared its independence, it established a revenue collection regime in order to fund the newly created federal government. The Tariff Act of 1789, the second act of the first Congress, determined which items to tax and the amount of tax. Consequently, the fifth act of Congress created collection districts and ports of entry to implement this revenue collection system. The field organization of collection districts was designated under the jurisdiction of the Treasury Department, and was responsible for the collection of tariffs. The field organization of collection districts created the foundation of the Customs Service.

A. Congressional Statutes: Title 19 (Customs Duties) and Title 18 (Crimes and Criminal Procedure) of the U.S.C. provide the statutory authority for the Customs Service. Additionally, the Customs Service is responsible for enforcing many provisions outlined in over 130 other laws as well as many international conventions, agreements, and treaties. Sample legislation that directs Customs Service activities with regard to national security includes:⁴

(1) The National Defense Stockpile Amendments of 1987 (50 U.S.C., Section 98h-4) requires that "the importation of materials determined to be strategic and critical under the Act may not be prohibited or regulated."

(2) The International Emergency Economic Powers Act (50 U.S.C. Section 1701-1706) determines that "when the President declares a national emergency with respect to a threat to the national security, foreign policy, or economy of the United States, Customs enforces any import or export provisions and economic sanctions imposed."

(3) The Trading with the Enemy Act (50 U.S.C. Section 1-5(b)) requires that "Customs aids in the enforcement of this Act which prohibits the unauthorized importation into the United States of certain articles by any enemy as defined by the Act."

(4) The Export Administration Act of 1969 (50 U.S.C. Section 2401-2420) requires that "Customs enforces the export controls and declaration regulations established under the Act."

B. Department/Agency Directives: In 1927 under Treasury Decision 42102, the Customs Service changed from the Division of Customs to the Bureau of Customs. Then, in 1973, it became a stand-alone service under the Treasury Department by Treasury Order 165-23 and its name again was changed to its current form, the U.S. Customs Service.

C. Interagency Directives: Executive Order No. 12880 (1993) and Executive Orders No. 12992 and No. 13023 (1996) assign the Office of National Drug Control Policy (ONDCP) responsibility within the executive branch for leading drug-control policy and developing an outcome-measurement system. The Customs Service is responsible for adhering to ONDCP's drug control strategy. Customs develops its narcotics control strategy to reflect the

⁴ "Rules & Regulations." U.S. Customs Compendium of Laws. Title 50 – War and National Defense. U.S. Customs web page (http://www.customs.treas.gov/imp-exp2/pubform/compend/title_50.htm).

Administration's priorities outlined in the National Drug Control Strategy. (For a more detailed description of the National Drug Control Strategy, see section entitled The Office of National Drug Control Policy.)

2. Missions/Functions/Purposes. "The mission of the United States Customs Service is to ensure that all goods and persons entering and exiting the United States do so in accordance with all United States laws and regulations."⁵

A. Major Responsibilities: The Customs Service major responsibility is ensuring that all imports and exports comply with U.S. laws and regulations. This includes:⁶

(1) Protecting the general welfare and security of the United States by enforcing import and export restrictions and prohibitions (including the export of critical technology used to develop weapons of mass destruction and money laundering);

(2) Assessing and collecting Customs duties, excise taxes, fees, and penalties due on imported merchandise;

(3) Interdicting and seizing contraband, including narcotics and illegal drugs;

(4) Processing persons, baggage, cargo and mail, and administering certain navigation laws;

(5) Detecting and apprehending persons engaged in fraudulent practices designed to circumvent Customs and related laws;

(6) Protecting American business, labor, and intellectual property rights by enforcing U.S. laws intended to prevent illegal trade practices (including quotas and the marking of imported merchandise; the Anti-Dumping Act; and by providing Customs recordations for copyrights, patents, and trademarks); and

(7) Collecting accurate import and export data for compilation of international trade statistics.

B. Subordinate Activities and Agencies: The U.S. Customs Service has no subordinate activities or agencies.

3. Vision and Core Competencies.

A. Vision: The U.S. Customs Service vision statement provides a focus for Customs' employees in accomplishing its mission: "To protect the public against violations which threaten the national economy and health and safety through targeted enforcement and informed compliance and to be the national resource for information on goods and people crossing our borders."⁷

⁵ "About U.S. Customs." Mission Statement and Organizational Chart. U.S. Customs web page (<http://www.customs.treas.gov/about/about.htm>).

⁶ "U.S. Customs History."

⁷ "1997 U.S. Customs Service Strategic Plan."

B. Core Competencies: While the Customs Service has no stated core competencies, its 1997 Strategic Plan identifies the following ongoing responsibilities to be administered by Customs:⁸

- (1) Revenue collection;
- (2) Accurate collection and reporting of import and export statistics; and
- (3) Protection of domestic industry and jobs from illegal and unfairly subsidized imports.

4. Organizational Culture.

A. Values: The U.S. Customs Service has no published values statement.

B. Leadership Traditions: The Customs Commissioner "establishes policy and supervises all activities" within the Customs Service.⁹ The Commissioner is traditionally a political appointee and was previously appointed by the Secretary of the Treasury. More recently, this has changed as the Commissioner now is appointed by the President and confirmed by the Senate.

C. Staff Attributes: Most U.S. Customs Service staff are career civil service employees and typically maintain a degree of specialization. For example, Customs' staff consist of customs inspectors, canine enforcement officers, marine enforcement officers, aviation enforcement officers, investigators, chemists, pilots, intelligence research specialists, import specialists, financial technicians, and computer specialists.

D. Strategy: The 1997 U.S. Customs Service Strategic Plan outlines the following strategic goals:¹⁰

- (1) Facilitate international trade while achieving the highest degree of compliance with United States export laws, national security, economic interests, and the health and safety of the American people;
- (2) Prevent the smuggling of narcotics into the United States, by creating an effective narcotics interdiction, intelligence, and investigative capability that disrupts and dismantles smuggling organizations;
- (3) Identify, disrupt, and dismantle the systems and criminal organizations that launder the proceeds generated by smuggling, trade fraud, and export violations;
- (4) Maximize trade compliance through a balanced program of informed compliance, targeted enforcement actions, and the facilitation of complying cargo;

⁸ "1997 U.S. Customs Service Strategic Plan."

⁹ "U.S. Customs History."

¹⁰ "1997 U.S. Customs Service Strategic Plan."

(2) The Office of Investigations has oversight of the foreign and domestic investigative offices and the air and marine interdiction programs. The office coordinates with other Customs offices involved in law enforcement activities, and manages and controls operational programs regarding investigations, tactical interdiction, intelligence, and enforcement support. Additionally, the office cooperates with Treasury's Financial Crimes Enforcement Network (FinCEN), the Department of Justice's Organized Crime and Drug Enforcement Task Force (OCDETF) and High Intensity Drug Trafficking Area (HIDTA) programs. (See also the section entitled Financial Crimes Enforcement Network.)

(3) The Office of International Affairs oversees the implementation of all international agreements, manages international activities and programs, and directs bilateral and multilateral relations with foreign countries.

(4) The Office of Regulations and Rulings develops, implements, and evaluates Customs programs, policies, and procedures regarding regulations affecting the Customs Service. The office provides compliance information to the business and trade community and defines the application of Customs and other laws, regulations, and procedures administered by the Customs Service.

(5) The Office of Strategic Trade identifies and addresses major trade issues facing the United States. It publishes Customs compliance data and assesses the level of trade compliance. The office also coordinates with other U.S. government agencies involved in trade and with the business/trade community.

(6) The Office of Field Operations manages the operations at the ports of entry relating to the processing of carriers, goods, and people entering and leaving the U.S. This includes collecting duties, detecting and intercepting contraband, ensuring imports meet the requirements for legal entry, properly classifying goods, and verifying import statistics. This office also coordinates with the international trade and travel communities on implementing trade programs, passenger initiatives, and export requirements.

(7) The Office of Information and Technology implements and supports information technology, research and development functions, and automation and technological strategies designed to meet mission-related needs.

(8) The Office of Internal Affairs ensures compliance with all Customs' programs and policies regarding security activities. The office oversees internal security, integrity, and management inspections programs.

5. Formal National Security Process Involvement. The Customs Service was "founded as the premier law enforcement agency" due to its role as the "collector and protector of the revenue."¹² Customs maintains responsibility for collecting tariffs and excise taxes but now supports other U.S. law enforcement and government agencies in combating threats to U.S. national security, such as narcotics trafficking, money laundering, and domestic and foreign terrorist actions.

Because it plays a critical role in the regulation and oversight of over 300 ports of entry for the United States, the Customs Service is responsible for enforcing or implementing hundreds

¹² "U.S. Customs History."

of provisions in over 130 laws designed to "protect citizens from dangerous drugs, hazardous materials, unsafe products, [and] environmental degradation . . ." ¹³ The Customs Service participates in a number of interagency working groups to address issues of concern.

The burgeoning global market has created an unprecedented flow of trade for the United States. The Customs Service is critical in ensuring trade compliance so that damaging products are not imported into the United States and sensitive products and technologies are not exported. In addition to its responsibilities concerning trade compliance, the Customs Service has identified and developed strategies to "further disrupt and dismantle smuggling organizations." ¹⁴ As the Customs Service is the lead government agency in seizing illegal narcotics, as well as a sizable amount of currency, it cooperates and coordinates its efforts against money laundering activities and narcotics trafficking with other law enforcement and government agencies.

A. Strategy Development: The U.S. Customs Service has no direct role in strategy development.

B. Policy, Guidance, and Regulation: The U.S. Customs Service regulates imports, exports, people, and currency passing through America's borders by monitoring all ports of entry. In doing so, Customs ensures imported and exported goods comply with U.S. trade laws and international agreements; collects tariffs and excise taxes, which are a significant revenue source for the government; and enforces export controls.

Additionally, Customs provides guidance to importers as trade laws become more complex and the number of international trade agreements (such as the North American Free Trade Agreement and the Uruguay Round) require increased reporting from importers.

C. Planning: The U.S. Customs Service has no direct role in planning.

D. Mission Execution: The Customs Service implements U.S. trade laws and international agreements, and enforces U.S. policy concerning smuggling (including arms, explosives, people, etc.), export controls, and money laundering. Customs implements the Administration's policies outlined in its narcotics control strategy. In doing so, Customs coordinates its efforts with a number of other government agencies such as the Department of Justice (the Drug Enforcement Agency, the Federal Bureau of Investigation, and the Immigration and Naturalization Service), the Department of Commerce, and other Treasury offices and bureaus (Financial Crimes Enforcement Network; Bureau of Alcohol, Tobacco, and Firearms) in order to fulfill its mission with regard to drug interdiction, money laundering, and export controls. Additionally, Customs coordinates with commercial air carriers and shippers to identify high-risk passengers and cargo.

E. Observation, Orientation, and Oversight: The U.S. Customs Service is responsible for overseeing and regulating ports of entry to United States. This includes collecting customs duties and excise taxes and collecting import and export statistics. This trade data is provided to the Department of Commerce (Bureau of the Census) for analysis and assists domestic industries in market evaluation.

¹³ "1997 U.S. Customs Service Strategic Plan.

¹⁴ "U.S. Customs Service – Operations." (<http://www.fas.org/irp/agency/ustreas/customs/ops.htm>).

F. Preparation: The U.S. Customs Service has no direct role in preparation.

G. Resourcing: The U.S. Customs Service has no direct role in resourcing.

6. Informal National Security Process Involvement. The U.S. Customs Service partners with a number of federal agencies, state and local law enforcement, airport and port authorities, and air and sea carriers in an effort to identify threats of trafficking, terrorism, and smuggling.

Customs investigators and intelligence analysts provide critical tactical information not only to other Customs divisions, but also to federal, state, and local law enforcement agencies in an effort to coordinate interdiction efforts. In an effort to foster interagency cooperation, Customs encourages joint participation in a "cross functional" component comprised of a number of Customs specialists created to "target commercial shipments for examination and follow-up."¹⁵ Additionally, there are ongoing efforts to cultivate partnerships with the Departments of State, Defense, Justice, and state and local agencies.

Other partnership activities include Customs' participation in a number of internal and external groups that address export control issues. Agencies that Customs partners with to solve export issues include the Departments of Commerce, State, Defense, Energy, the Federal Bureau of Investigation, and the Central Intelligence Agency.¹⁶

7. Funding and Personnel.

A. Authorization and Appropriations: The primary authorization committees in Congress with oversight of the Customs Service include the Senate Finance Committee, the House Ways and Means Committee, the Senate Judiciary Committee, and the House Judiciary Committee.

The appropriations committees with oversight of Customs include the Treasury, Postal Service and General Government Subcommittee of the House Appropriations Committee and the Treasury, and General Government Subcommittee of the Senate Appropriations Committee.

B. Funding Sources: The Customs Service receives its primary funding by means of the Treasury Department's appropriations. Customs' training programs devoted to international narcotics interdiction, money laundering, and counterterrorism efforts are funded by the Department of State through the international affairs budget (Function 150).

C. Budget: The President's fiscal year 1999 budget request for the Customs Service was \$1.8 billion, an increase of \$123.4 million (or 7.3 percent) from the enacted fiscal year 1998 budget.

D. Personnel: There are approximately 19,000 employees of the U.S. Customs Service. It is undetermined how many have a direct role in the national security process.

8. Conclusions. While many consider the military as the protector of America's borders, the U.S. Customs Service is the principal border control agency.

¹⁵ "U.S. Customs Service – Operations" (<http://www.fas.org/irp/agency/ustreas/customs/ops.htm>).

¹⁶ "U.S. Customs Service – Operations"

The U.S. Customs Service has emerged as a key player in the implementation and enforcement of counter-narcotics efforts, anti-money laundering activities, counterterrorism, and export controls. A number of government agencies and federal programs rely on the support from the Customs service to fulfill mission strategies designed to address newly identified national security threats. As criminal activities expand and are increasingly transnational, it is essential to include the Customs Service in the interagency coordination process. With close participation with law enforcement and the intelligence community, Customs can increasingly support initiatives to combat transnational criminal activities and protect and prevent the export of sensitive dual use or defense items and technologies.

ORGANIZATIONAL DESCRIPTION

FINANCIAL CRIMES ENFORCEMENT NETWORK (FinCEN)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Financial Crimes Enforcement Network (FinCEN)

Overview.

The Financial Crimes Enforcement Network (FinCEN) was established by the Secretary of the Treasury in 1990 by Treasury Order 105-08 to administer the regulatory and enforcement authorities of the following legislation:

- The Bank Secrecy Act of 1970;
- The Money Laundering Control Act of 1986;
- The Annunzio-Wylie Money Laundering Act of 1992; and
- The Money Laundering Suppression Act of 1994.

FinCEN supports federal, state, local, and international law enforcement agencies in anti-money laundering efforts by linking them to the financial community through providing information and analysis of financial transactions.

Organization.

The Director of FinCEN is appointed by the Secretary of the Treasury and reports to the Under Secretary for Enforcement. Traditionally, the Director is a career law enforcement officer. FinCEN is composed of functional offices under the Director's oversight with the Legal Counsel, Security, and Program Development within the Office of the Director. The functional offices include:

- Office of Management;
- Office of Information Technology;
- Office of Communications;
- Office of International Program;
- Office of Compliance and Regulatory Enforcement;
- Office of Research and Analysis;
- Office of Investigative Support; and
- Office of Data Systems Support.

Role in Formal and Informal National Security Processes.

The Financial Crimes Enforcement Network's primary focus is on anti-money laundering efforts and the regulation of financial institutions to detect suspicious or fraudulent financial activity. For national security purposes, it is necessary to maintain a sound financial industry and structure. Fraudulent activities in the financial industry cause instability in financial markets resulting in consequences that reverberate throughout the economy. FinCEN administers those laws that regulate financial institutions in order to combat fraudulent financial transactions and financial crimes.

Observations.

While FinCEN is a small organization, it provides essential services that supplement investigations and support those agencies critical in the national security process. FinCEN's strong focus on money laundering activities is designed to assist law enforcement agencies in targeting narcotics traffickers, arms smugglers, and other criminal operations that pose a threat to U.S. national security.

FinCEN structures its services to best accommodate its users and customers—those in the law enforcement community. However, its services could be expanded to assist the intelligence community as well by providing valuable information regarding the financial activities of suspected terrorists and anti-U.S. organizations.

ORGANIZATIONAL DESCRIPTION

FINANCIAL CRIMES ENFORCEMENT NETWORK (FINCEN)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Congressional Statutes: The Financial Crimes Enforcement Network (FinCEN) was not established through a Congressionally legislated mandate; rather the Secretary of the Treasury created it in 1990 by Treasury Order 105-08. However, the following statutes outline the regulatory and enforcement authorities FinCEN administers:

(1) The Bank Secrecy Act of 1970 (BSA) (Public Law 91-508, Titles I and II) provides the backdrop to the establishment of FinCEN. This law requires banks and financial institutions to retain records of financial transactions and financial institutions report certain types of financial transactions.

(2) The Money Laundering Control Act of 1986 (Public Law 99-570) supplemented the BSA by stiffening compliance with the reporting requirements established in the BSA and it "made money laundering a crime in its own right . . ."¹

(3) In 1992, the BSA was amended by the **Annunzio-Wylie Money Laundering Act**, which required financial institutions "to report any suspicious transaction relevant to a possible violation of law or regulation."² This act also allowed the Secretary of the Treasury to require financial institutions to establish anti-money laundering programs, and created the BSA Advisory Committee. The Advisory Committee is a public-private partnership between representatives from the financial community and federal and state regulatory and law enforcement agencies.

(4) The Money Laundering Suppression Act of 1994 (MLSA) further amended the BSA by easing some regulatory requirements of the financial institutions but, more importantly, it directed Treasury to designate one agency to act as a clearinghouse for all reports of suspicious financial transactions. This act also required that all organizations involved in financial transactions register with the Treasury Department.

B. Department/Agency Directives: The Financial Crimes Enforcement Network was created by the Secretary of the Treasury on April 25, 1990 (Treasury Order 105-08). The organization was initially established to focus on the detection of financial crimes by providing analytical support to law enforcement investigations. However, in 1994, FinCEN's role in anti-money laundering activities was expanded as it merged with the Office of Financial Enforcement. Hence, FinCEN acquired responsibility for administering the BSA. In combining these offices, Treasury "created a single anti-money laundering agency, that could combine regulatory, intelligence, and enforcement missions."³

2. Missions/Functions/Purposes. "The mission of the Financial Crimes Enforcement Network is to support and strengthen domestic and international anti-money laundering efforts and to

¹ "Banks and Beyond Timeline." FinCEN web page (<http://www.treas.gov/fincen/helpfin.html>).

² "Banks and Beyond Timeline."

³ "Banks and Beyond Timeline."

foster interagency and global cooperation to that end through information collection, analysis and sharing, technological assistance, and innovative and cost-effective implementation of Treasury authorities."⁴

A. Major Responsibilities: The major responsibilities of FinCEN include:

- (1) Providing a link between the law enforcement, the financial, and regulatory communities to combat money laundering;
- (2) Encouraging and assisting international efforts to build effective counter-money laundering policies and cooperation around the world;
- (3) Administering the Bank Secrecy Act; and
- (4) Improving the understanding and application of state-of-the-art technologies on counter-money laundering efforts.

B. Subordinate Activities and Agencies: FinCEN has no subordinate activities or agencies.

3. Vision and Core Competencies.

A. Vision: FinCEN has no stated vision but its goal is: "[p]roviding law enforcement through information analysis and the creation of new information resources for the prevention, detection, and prosecution of money laundering."⁵

B. Core Competencies: While FinCEN has no identified core competencies, it is designated as "one of Treasury's primary agencies to establish, oversee and implement policies to prevent and detect money laundering."⁶ This is accomplished by:

- (1) Using counter-money laundering laws to require reporting and record keeping by banks and other financial institutions; and
- (2) Providing intelligence and analytical support to law enforcement.

4. Organizational Culture.

A. Values: FinCEN is a service-based organization that provides financial information, analysis, and support to its customers who include federal, state, local and international law enforcement agencies.

B. Leadership Traditions: The Director of FinCEN is appointed by the Secretary of the Treasury and reports to the Under Secretary for Enforcement. The FinCEN Director does not

⁴ U.S. Treasury Department, Financial Crimes Enforcement Network mission statement. (<http://www.treas.gov/fincen/>).

⁵ "Strategic Plan 1997-2002." U.S. Department of the Treasury, Financial Crimes Enforcement Network. (<http://www.treas.gov/fincen/strtpl97.pdf>).

⁶ "FinCEN – Operations." (<http://www.fas.org/irp/agency/ustreas/fincen/ops.htm>).

require Senate confirmation. Traditionally, the Director is a member of the Senior Executive Service and the current Director, James F. Sloan, is a career law enforcement officer.

C. Staff Attributes: FinCEN staff consist of professionals with specializations in intelligence, the financial industry, and computers.

D. Strategy: FinCEN's strategy states that "the Financial Crimes Enforcement Network (FinCEN) works to make the prevention, detection, and prosecution of money laundering more effective by adding to the knowledge and resources that law enforcement and regulatory agencies can use to fight financial crime. FinCEN's 'support toolbox' or strategies includes:

- (1) A broad-based network for information sharing;
- (2) Application of technology to analyze and share information;
- (3) The information collection and anti-money laundering authorities of the Bank Secrecy Act;
- (4) Concentrated and sophisticated intelligence analysis about trends and patterns in money laundering; and
- (5) Activities to foster international cooperation to deter and detect money laundering."⁷

E. Organization Chart:

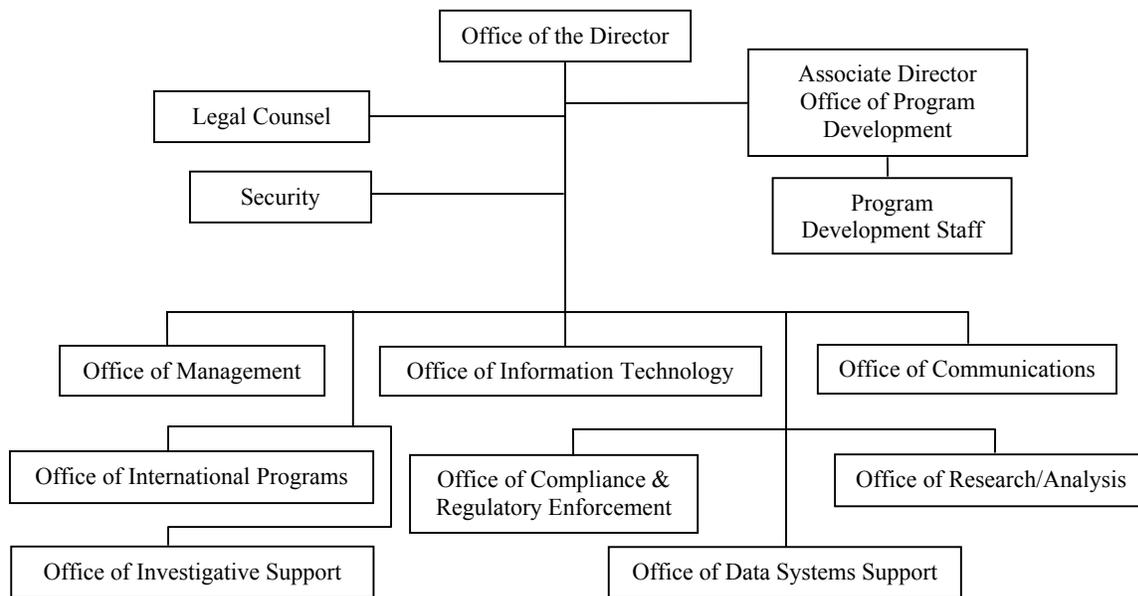


Figure 1: Organization of the Financial Crimes Enforcement Network

⁷ "Strategic Plan 1997-2002." p. 3.

The Legal Counsel, Security, Office of Management, and Office of Communications are standard overhead functions that provide administrative support to the Director. The Office of Management has responsibility for personnel, training, logistics, and budget issues. The Office of Communications is responsible for congressional and public affairs.

(1) The Office of Program Development directs policy and compliance programs with regard to the Bank Secrecy Act, including coordinating federal and state programs concerning the administration and enforcement of the BSA.

(2) The Office of Information Technology works to enhance domestic and international anti-money laundering efforts through technological innovations. By implementing technology advancements, this office improves information collection, analysis, and sharing efforts in a cost-effective manner.

(3) The Office of International Programs develops, coordinates, and promotes bilateral and multilateral anti-money laundering standards, policies, and programs. This office is involved in and supports international efforts to combat financial crimes, advises foreign governments on anti-money laundering countermeasures and participates in or advises the Treasury representative to international forums on financial crimes issues.

(4) The Office of Compliance and Regulatory Enforcement serves as FinCEN's liaison to federal, state, and local financial regulatory and law enforcement agencies to ensure cooperation in implementing and enforcing BSA requirements, and implementing anti-money laundering programs.

(5) The Office of Research and Analysis identifies trends, patterns, and issues associated with money laundering and other financial crimes then distributes the information to aid in the prevention, detection and enforcement of financial crimes.

(6) The Office of Investigative Support assists federal, state, local and international law enforcement and regulatory agencies in financial crimes investigations and prosecution actions concerning violations of insurance, securities, and banking laws, money laundering, and other financial crimes.

(7) The Office of Data Systems Support is responsible for the development, operation, and administration of on-line intelligence research capabilities and information sources for use by FinCEN and other federal, state, and local law enforcement agencies.

5. Formal National Security Process Involvement. The Financial Crimes Enforcement Network's primary focus is on anti-money laundering efforts and the regulation of financial institutions to detect suspicious or fraudulent financial activity. For national security purposes, it is necessary to maintain a sound financial industry and structure. Fraudulent activities in the financial industry can have consequences that reverberate throughout the U.S. economy and threaten U.S. security. FinCEN administers those laws that regulate financial institutions⁸ in order to combat fraudulent financial transactions and financial crimes. FinCEN's Strategic Plan

⁸ Financial institutions include banks, other depository institutions, brokers and dealers of securities, state-licensed and Indian tribal casinos, check cashers, money transmitters, currency exchangers, and businesses involved in the sale and issuance of money orders, travelers checks, and stored value products.

notes that "[i]f unchecked, money laundering has the ability to destabilize democratic systems and undermine economic and financial markets around the world."⁹

FinCEN is a support organization that provides information and resources to the law enforcement community to counter-money laundering activities; therefore, it is involved in many interagency activities. FinCEN chairs an Interagency Working Group and leads the U.S. delegation of the multilateral Financial Action Task Force (FATF), which was established by the G-7 Economic Summit in 1989. FinCEN is involved in other international efforts to develop a "cooperative plan to counter the growing economic and legal problems of money laundering"¹⁰ (such as the Caribbean Financial Action Task Force (CFATF) and the Asia/Pacific Group on Money Laundering (APG)).

As money laundering activities are directly linked to drug trafficking, arms smuggling, and other illegal/criminal operations, FinCEN supports those agencies involved in combating these national security threats. For example, FinCEN provides country assessment reports on financial crimes and other input for the interagency process of preparing the annual International Narcotics Control Strategy Reports released by the Bureau of International Narcotics and Law Enforcement, Department of State.

A. Strategy Development: The Financial Crimes Enforcement Network plays no direct role in strategy development.

B. Policy Guidance and Regulation: The Financial Crimes Enforcement Network issues regulations to direct banks and non-bank financial institutions to keep and maintain records, file reports, establish programs to guard against financial crime, and report suspicious transactions to the government. Additionally, FinCEN provides formal and informal guidance to federal and state financial regulators and financial services organizations concerning the applicability of BSA regulatory requirements to their specific operations.¹¹

FinCEN also provides advice and guidance at the interagency level to promote bilateral and multilateral activities to combat financial crimes, implement anti-money laundering standards, and frame policy issues concerning financial crimes.

C. Planning: The Financial Crimes Enforcement Network plays no direct role in planning.

D. Mission Execution: The Financial Crimes Enforcement Network participates in mission execution by supporting and coordinating with federal, state, and local criminal investigators in their efforts to identify and prosecute narcotics and arms smuggling and other criminal activities that may involve financial institutions. FinCEN provides case support to federal, state, and local investigators by collecting and analyzing financial data that adds value and links financial information to what is already known by investigators.

As specialized experts on financial crimes issues, FinCEN advises the Interagency Coordination Group (ICG) established as a forum for sharing narcotics money laundering

⁹ "Strategic Plan 1997-2002." p. 5.

¹⁰ "FinCEN – Operations." (<http://www.fas.org/irp/agency/ustreas/fincen/ops.htm>).

¹¹ "Associate Director, Office of Program Development (OPD)" Factsheet provided by the Office of Communications, FinCEN.

information. The ICG was created in 1996 in order to promote multi-agency money laundering investigations and is made up of representatives from the Internal Revenue Service (Criminal Investigation), U.S. Customs Service, Drug Enforcement Administration, Federal Bureau of Investigation, and the U.S. Postal Inspectors.¹²

E. Observation, Orientation, and Oversight: The Financial Crimes Enforcement Network is responsible for oversight of the banking and financial services industries and cooperates with these industries to detect suspicious financial transactions and activities. FinCEN also has oversight of federal and state programs established to administer and enforce the BSA. This includes oversight of federal bank regulators and the Examination Division of the Internal Revenue Service. Additionally, FinCEN oversees the activities of the Detroit Computing Center (DCC) of the Internal Revenue Service. The DCC is responsible for collecting forms filed by financial institutions as required by the BSA.¹³

F. Preparation: The Financial Crimes Enforcement Network plays no direct role in preparation.

G. Resourcing: The Financial Crimes Enforcement Network plays no direct role in resourcing.

6. Informal Formal National Security Process Involvement. As The Financial Crimes Enforcement Network is a service organization that supplements and supports the activities and investigations of federal, state, and local law enforcement agencies, its role in the national security process often is an informal one and it acts as advisor in providing specialized expertise on financial crimes. FinCEN also participates informally in the national security process by coordinating outreach efforts and initiatives with the Departments of State, Justice, and Treasury.

FinCEN advises and supports the U.S. position on financial crime in international forums such as the Organization of American States (OAS), Council of Europe, Offshore Group of Banking Supervisors, International Criminal Police Organization (INTERPOL), Summit of the Americas, the United Nations, and EUROPOL. Additionally, FinCEN advises Treasury's representative to the G-7 and G-8 on issues involving money laundering and financial crimes.

7. Funding and Personnel.

A. Authorization and Appropriations: The primary authorization committees in the House and Senate for FinCEN include: the House Committee on Banking and Financial Services and the Senate Committee on Banking, Housing and Urban Affairs.

The appropriations committees with oversight of FinCEN include the Treasury, Postal Service and General Government Subcommittee of the House Appropriations Committee and the Treasury and General Government Subcommittee of the Senate Appropriations Committee.

B. Funding Sources: FinCEN receives its funding by means of the Treasury Department's appropriations.

¹² "FinCEN – Operations."

¹³ "Associate Director, Office of Program Development (OPD.)"

C. Budget: The President's fiscal year 1999 budget request for FinCEN was \$25 million, an increase of \$1.2 million (or five percent) from the enacted fiscal year 1998 budget.

D. Personnel: There are fewer than 200 full time employees at FinCEN, including approximately 40 professionals from other regulatory and law enforcement agencies assigned to FinCEN on a long-term basis.

8. Observations. While FinCEN is a small organization, it provides essential services that supplement investigations and support those agencies critical in the national security process. FinCEN's strong focus on money laundering activities is designed to assist law enforcement agencies in targeting narcotics traffickers, arms smugglers, and other criminal operations that pose a threat to U.S. national security.

FinCEN structures its services to best accommodate its users and customers—those in the law enforcement community. However, its services could be expanded to assist the intelligence community as well by providing valuable information regarding the financial activities of suspected terrorists and anti-U.S. organizations.

ORGANIZATIONAL DESCRIPTION

U.S. SECRET SERVICE



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

U.S. Secret Service

Overview.

Originally formed to combat the proliferation of counterfeiting, the Secret Service was the first general federal law enforcement agency and its capabilities expanded over time to investigate many cases unrelated to counterfeiting. However, once other federal law enforcement agencies were created, the Secret Service's investigative jurisdiction was limited to Treasury-related crimes. Its powers, authorities, and duties are outlined in Title 18 of the United States Code, Section 3056. The Secret Service's primary responsibilities consist of sustaining a secure physical environment for permanent protectees and visiting foreign heads-of-state/government, and suppressing counterfeiting and financial crimes against the obligations and securities of the United States.

Organization.

In order to maintain an apolitical organization, the Director of the Secret Service is a career Secret Service agent appointed from the ranks of the Service and reports to the Under Secretary for Enforcement.¹ The Secretary of the Treasury appoints the Director. The Director's position does not require Senate confirmation.

The Secret Service is composed of functional offices under the Director's oversight, each managed by an Assistant Director. The functional offices include:

- The Office of Inspection;
- The Office of Protective Operations;
- The Office of Administration;
- The Office of Protective Research;
- The Office of Government Liaison and Public Affairs;
- The Office of Training; and
- The Office of Investigations.

Role in Formal and Informal National Security Process.

The U.S. Secret Service contributes to national security by maintaining the stability of the United States government leadership through offering security and protection for U.S. leaders.

¹ Information provided by U.S. Secret Service Congressional Affairs Office.

Additionally, the Secret Service preserves the integrity of the U.S. financial system by combating counterfeiting operations and financial fraud. For national security purposes, it is necessary to maintain a sound financial system. Fraudulent activity in the financial and monetary system causes instability that reverberates throughout the U.S. economy, which then threatens U.S. security.

Observations.

The U.S. Secret Service has a limited role in the national security process. While its responsibilities with regard to upholding the integrity of the U.S. financial and monetary system are important, other federal, state, and local law enforcement agencies have the capabilities to conduct such investigations. Combining efforts of other law enforcement organizations with the capabilities and support of the Financial Crimes Enforcement Network (FinCEN), the jurisdiction of the Secret Service regarding financial fraud could be replaced, and may already overlap with efforts by the Department of Justice or other Treasury offices.

ORGANIZATIONAL DESCRIPTION

U.S. SECRET SERVICE

1. Legal Specifications, Authorizations, and Responsibilities. The U.S. Secret Service evolved without a formal legislative mandate but came about under the Act of June 23, 1860 (12 U.S. Statutes at Large 102), which called for a means to combat counterfeiting. It was not until 1882 that Congress formally recognized the Secret Service as a distinct office within the Treasury Department (22 U.S. Statutes at Large 230). However, it was not until the passage of Public Law 82-79 on 16 July, 1951, that the Secret Service was officially recognized as a permanent agency of the government.²

A. Congressional Statutes: The powers, authorities, and duties of the U.S. Secret Service are outlined in Title 18 U.S.C., Part II, Chapter 203, Section 3056. The Uniformed Division of the Secret Service was established under Title 3 U.S.C., Chapter 3, Section 202.

B. Interagency Directives: Presidential Decision Directive (PDD)-62 applies to the U.S. Secret Service by designating it as the lead agency for coordinating National Special Security Events. PDD-62 was created to coordinate activities between the many U.S. agencies involved in counterterrorism measures and programs.

2. Missions/Functions/Purposes.

A. Major Responsibilities: Originally formed to combat the proliferation of counterfeiting, the Secret Service's law enforcement capabilities expanded over time to investigate many cases unrelated to counterfeiting. However, once other federal law enforcement agencies emerged, the Secret Service's investigative jurisdiction was limited to Treasury-related crimes. Currently, the U.S. Secret Service's primary mission is enforcing those laws that prohibit threats against protectees of the Service and the physical protection and security of:

(1) The President and the Vice President of the United States and their immediate families;

(2) The President-elect and Vice President-elect and their immediate families;

(3) Former Presidents and their wives;

(4) The widows of former Presidents until death or remarriage;

(5) Minor children of a former President until they reach 16 years of age;

(6) At the direction of the President, official representatives of the United States performing special missions abroad;

(7) Foreign heads of state and government or others as designated by law or Executive Order; and

² Information provided by United States Secret Service, Office of Congressional Affairs.

(8) The White House complex, the Vice President's residence, various foreign consular and diplomatic missions, and other specific locations and facilities.

And the Secret Service is responsible for upholding the integrity of the nation's financial systems through the enforcement of those laws that prohibit:

- (1) Counterfeiting of the currency and securities of the United States and foreign governments;
- (2) Theft and forgery of U.S. Treasury checks, bonds, and other obligations;
- (3) Access device fraud related to credit and debit cards and telecommunications;
- (4) False identification fraud;
- (5) Electronic funds transfer fraud;
- (6) Computer fraud;
- (7) Fraud against federally insured financial institutions to include savings and loan institutions; and
- (8) Food coupon fraud.

B. Subordinate Activities and Agencies: The U.S. Secret Service has no subordinate activities or agencies.

3. Vision and Core Competencies.

A. Vision: The U.S. Secret Service vision states: "Built on a tradition of excellence and meeting the challenges of the future, the United States Secret Service moves as one to protect our nation's leaders, visiting world leaders, and the integrity of the nation's financial systems."

B. Core Competencies: Although the U.S. Secret Service has no stated core competencies, its expertise and primary role is:

- (1) Sustaining a secure physical environment for permanent protectees and visiting foreign heads-of-state/government; and
- (2) Suppressing counterfeiting and financial crimes against the obligations and securities of the United States.

4. Organizational Culture.

A. Values: The Secret Service does not maintain a values statement.

B. Leadership Traditions: In order to maintain an apolitical organization, the Director of the Secret Service is a career Secret Service agent appointed from the ranks of the Service and

reports to the Under Secretary for Enforcement.³ The Secretary of the Treasury appoints the Director but the Senate does not confirm him. There are seven Assistant Directors who report directly to the Director.

C. Staff Attributes: Secret Service agents are rotated between investigative and protective duties. Secret Service officers in the Uniformed Division are responsible for the security of the White House, the Vice President's residence, all buildings where Presidential staff are located, the U.S. Treasury Building and annexes, foreign diplomatic missions in the Washington, D.C. region, and foreign diplomatic establishments in other parts of the United States as the President may direct. Secret Service agents are qualified specialists in a variety of professions and are involved in financial fraud investigations and protection activities. They include security specialists, electronics engineers, communications technicians, research psychologists, computer experts, armorers, intelligence analysts, polygraph examiners, forensic experts, scientists, document and handwriting analysts, and specialists in other fields.⁴

D. Strategy: The Secret Service does not maintain an organizational strategy.

E. Organization Chart:

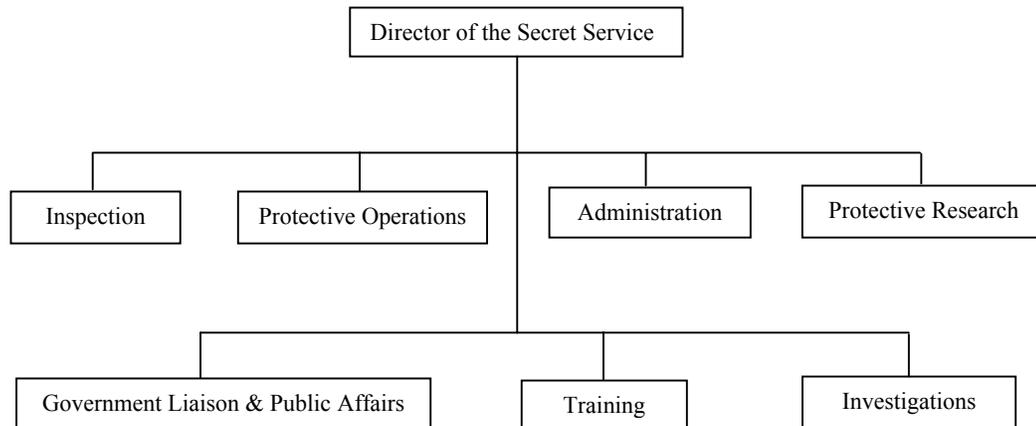


Figure 1: Organization of the United States Secret Service

(1) The Office of Inspection is concerned with the internal affairs of the Secret Service. This includes investigating any allegations of misconduct, executing any disciplinary action, and inspecting each operational division every three years.⁵

(2) The Office of Protective Operations oversees protective planning activities and the details of special agents assigned to permanent and temporary protectees. Additionally, this office coordinates with military, federal, state, county, and local law enforcement agencies in preparation for a protectee's visit. Advance team surveys establish security operations prior to a protectee's visit.

³ Information provided by U.S. Secret Service Congressional Affairs Office.

⁴ "Budget and Personnel." (<http://www.fas.org/irp/agency/ustreas/usss/staff.htm>).

⁵ U.S. Secret Service Public Affairs Office.

(3) The Office of Administration oversees standard overhead functions for the Secret Service such as financial management, procurement, and personnel.

(4) The Office of Protective Research manages activities associated with follow-up review of a protectee's visit to analyze the protective operation and suggest improvements. Agents and specialists involved in protective research often rely on information provided by local law enforcement and intelligence agencies regarding "individuals or groups who may pose a threat to protectees."⁶

(5) The Office of Government Liaison and Public Affairs manages inquiries from the media as well as complaints and questions from the press and the public. Additionally, this office acts as liaison with foreign country officials, coordinates with foreign security services concerning visits of foreign heads of state, and cooperates with foreign intelligence and law enforcement agencies.⁷

(6) The Office of Training coordinates standard and specialized training courses and activities for Secret Service personnel. This office provides training for other government agencies and federal, state, and local law enforcement agencies on a case-by-case basis.⁸

(7) The Office of Investigations consists of the Counterfeit Division, the Financial Crimes Division, and the Forensic Services Division. This office oversees efforts to combat counterfeiting of currency and securities of the United States and foreign governments and investigating cases involving financial fraud, forgery, or "criminal violations against federally insured financial institutions."⁹ Additionally, the Forensic Services Division offers forensic expertise to other law enforcement agencies in the areas of polygraph exams, document examinations, fingerprint identification, and graphic arts support.¹⁰

5. Formal National Security Process Involvement. The U.S. Secret Service contributes to national security by maintaining the stability of the United States government leadership through providing security and protection for U.S. leaders.

Additionally, the Secret Service preserves the integrity of the U.S. financial system by combating counterfeiting operations and financial fraud. For national security purposes, it is necessary to maintain a sound financial system. Fraudulent activity in the financial and monetary system causes instability that reverberates throughout the U.S. economy, which then threatens U.S. economic security.

The Secret Service is formally involved in the national security process through its participation in the National Security Council/Deputies Committee, Counterterrorism Security Group (CSG). The Secret Service also participates in Interagency Working Groups (IWG) led

⁶ "Protective Research." Operations of the Secret Service. (<http://www.treas.gov/usss>).

⁷ U.S. Secret Service Public Affairs Office.

⁸ U.S. Secret Service Public Affairs Office.

⁹ "The Investigative Mission." Organization and Functions. (<http://www.fas.org/irp/agency/ustreas/usss/org.htm>).

¹⁰ "Forensic Services Division." United States Secret Service, Investigations. (<http://www.treas.gov/usss/forensics.htm>).

by National Security Council staff and those led by a department or agency, and in crisis action teams.¹¹

A. Strategy Development: The U.S. Secret Service has no direct role in strategy development.

B. Policy, Guidance, and Regulation: The U.S. Secret Service has no direct role in policy, guidance, or regulation.

C. Planning: The U.S. Secret Service has no direct role in planning.

D. Mission Execution: The U.S. Secret Service investigates financial crimes that could damage the integrity of the U.S. financial system and corrupt other critical infrastructures such as the communications system. The Secret Service has sole responsibility for investigating counterfeiting of U.S. obligations and securities, including U.S. currency and coins, U.S. Treasury checks, Department of Agriculture food coupons, and U.S. postage stamps.¹²

The Secret Service also "plans, reviews, and coordinates criminal investigations involving financial systems crimes," including bank fraud; access device fraud; telecommunications and computer crimes; fraudulent identification; fraudulent government and commercial securities; and electronic funds transfer fraud.¹³ The Secret Service coordinates its investigative operations with a number of other federal, state and local agencies and provides support programs and resources that assist other agencies with forensics and computer crime investigative support. Samples of these support programs and resources include:¹⁴

(1) The Electronic Crime Special Agent Program provides specialized training to select Secret Service Agents in the area of preservation and analysis of all forms of electronic evidence;

(2) The Automated Fingerprint Identification System is the largest network compiling fingerprint records for over 25 million people nationwide;

(3) The False Identification and Financial Document Classified System correlates investigative and forensic evidence on false identity documents; and

(4) The Forensic Information System for Handwriting is a means to associate and identify handwriting. Other agencies with access to link to the database include the Department of State, the U.S. Capitol Police, the Federal Bureau of Investigation (FBI), and the Naval Criminal Investigative Service.

The Secret Service participates in a number of Task Forces established to coordinate federal, state, and local law enforcement agencies' efforts in targeting domestic and international

¹¹ This information was provided by the U.S. Secret Service in response to a survey prepared by the U.S. Commission on National Security/21st Century (hereafter, U.S. Secret Service survey response).

¹² "Counterfeit Division." United States Secret Service, Investigations. (<http://www.treas.gov/usss/counterfeit.htm>).

¹³ "Financial Crimes Division." United States Secret Service, Investigations. (http://www.treas.gov/usss/financial_crimes.htm)

¹⁴ U.S. Secret Service survey response.

criminal organizations. Samples of such task forces designed to address threats to national security include:

(1) The Financial Crimes Task Force created to assess the destabilizing effects of financial criminal activity on the nation's security and economic and financial infrastructure;

(2) The High Intensity Drug Trafficking Areas (HIDTA) are joint efforts of local, state, and federal law enforcement agencies that assess regional drug threats, design strategies to combat the threats, and develop initiatives to implement the strategies;¹⁵

(3) The International Criminal Police Organization (INTERPOL) promotes international cooperation among police authorities in fighting crime;

(4) The Interagency Bank Fraud Working Group addresses problems of combating financial institution crime by sharing criminal referral information particularly in the area of background checks and the coordination of particular significant matters of mutual interest; and

(5) The Joint Terrorism Task Force is lead by the FBI and supports counterterrorism efforts.

E. Observation, Orientation, and Oversight: The Secret Service oversees the physical security and protection of the President, Vice President, foreign diplomats, and distinguished visitors to the United States, among others. The Secret Service Uniformed Division oversees the security and protection of the White House grounds and other Presidential offices, the Vice President's residence, foreign consular and diplomatic missions, and the U.S. Treasury building and its annex.

F. Preparation: The U.S. Secret Service coordinates with the intelligence community, the Departments of State, Defense, Justice, Energy, Treasury, the National Security Agency, the National Security Council, and other federal, state, and local law enforcement agencies in intelligence dissemination and sharing.¹⁶

G. Resourcing: The U.S. Secret Service has no direct role in resourcing.

6. Informal National Security Process Involvement. The Secret Service is dependent upon the support and assistance of many federal, state, and local law enforcement agencies and the intelligence community to fulfill its missions of protection and investigations. Therefore, the Secret Service "places a high priority on establishing and maintaining excellent working relationships with outside organizations."¹⁷

¹⁵ "High Intensity Drug Trafficking Areas (HIDTAs): An Overview." Office of National Drug Control Policy (<http://www.whitehousedrugpolicy.gov/enforce/hidta/overview.html>).

¹⁶ U.S. Secret Service survey response.

¹⁷ U.S. Secret Service survey response.

7. Funding and Personnel.

A. Authorization and Appropriations: The primary authorization committees in Congress with oversight of the Secret Service include the Senate Judiciary Committee and the House Judiciary Committee.

The appropriations committees with oversight of the Secret Service include the Treasury, Postal Service, and General Government Subcommittee of the House Appropriations Committee, and the Treasury and General Government Subcommittee of the Senate Appropriations Committee.

B. Funding Sources: The U.S. Secret Service receives its funding by means of the Treasury Department's appropriations.

C. Budget: The Secret Service's fiscal year 1999 budget was \$729 million, an increase from the fiscal year 1998 budget.¹⁸

D. Personnel: The U.S. Secret Service was authorized 5,194 employees for fiscal year 1999. The Secret Service considers both its core missions—protection and investigations—to be national security activities; therefore, 100 percent of its employees play a direct or indirect role in the national security process.¹⁹

8. Observations. The U.S. Secret Service has a limited role in the national security process. While its responsibilities with regard to upholding the integrity of the U.S. financial and monetary system are important, other federal, state, and local law enforcement agencies have the capabilities to conduct such investigations. Combining efforts of other law enforcement organizations with the capabilities and support of the Financial Crimes Enforcement Network (FinCEN), the jurisdiction of the Secret Service regarding financial fraud could be replaced, and may already overlap with efforts by the Department of Justice or other Treasury offices.

¹⁸ U.S. Secret Service survey response.

¹⁹ U.S. Secret Service survey response.

ORGANIZATIONAL DESCRIPTION

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

Federal Emergency Management Agency (FEMA)

Overview.

The Federal Emergency Management Agency's (FEMA) principal goal is: "...to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response and recovery." FEMA's responsibilities include:

- Building preparedness by ensuring adequate plans are in place for the continuation of essential government functions during any emergency; and
- Promoting effective land-use planning, building codes and other means to minimize the effects of disasters such as floods, hurricanes, and earthquakes.

FEMA was established as an independent federal agency in June 1978 by Reorganization Plan No. 3 (43 F.R. 41943, 92 Stat. 3788).

Organization.

FEMA is organized into functional (e.g. Mitigation Directorate) and issue (e.g. National Security Affairs) offices as well as the U.S. Fire Administration and Federal Insurance Administration. The Director of FEMA is appointed by the President and approved by the Senate and is a member of the President's Cabinet. The Director coordinates federal disaster relief on behalf of the President, including the response and recovery activities of 27 federal agencies and departments, the American Red Cross, and other voluntary agencies. The agency is made up of more than 2,600 full-time employees and another 7,000 standby disaster assistance employees. It executes a \$1.4B budget (1999).

Role in Formal and Informal National Security Processes.

FEMA's role in the formal national security process differs depending on the situation. In peacetime, FEMA is responsible for developing, coordinating, and maintaining a viable and coherent national emergency preparedness system and submitting an annual report to the President and Congress that assesses the state of Federal civil defense and emergency functions and capabilities.

In the case of a "national security emergency", FEMA, in conjunction with the President and the National Security Council (NSC), will establish and coordinate national security emergency preparedness policy. This entails a variety of activities, including reassignment of functions and resources to the FEMA Director.

Conclusions and Observations.

As overseer of the nation's disaster response and management system, FEMA is in charge of developing and directing national emergency preparedness policies in peacetime and in crises, in conjunction with all Federal agencies in various interagency processes and under the guidance

and supervision of the NSC and the President. All of these activities are aimed at maintaining a viable and coherent system of national governance and continuity of the day-to-day functions performed by the federal government.

ORGANIZATIONAL DESCRIPTION

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Statute: The Federal Emergency Management Agency (FEMA) was established by Reorganization Plan No. 3 (43 F.R. 41943, 92 Stat. 3788) in June 1978 as an independent agency within the Executive Branch.¹ The agency's principal goal is: "...to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response and recovery."²

B. Other Directives: The following have bearing on FEMA:

(1) Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (PL 93-288; as amended by PL 100-707) provides Federal assistance to state and local government so they can alleviate suffering and damage from disasters. This act broadens existing relief programs to encourage disaster preparedness plans and programs, coordination and responsiveness, insurance coverage, and hazard mitigation measures.³ These activities are codified in the Federal Response Plan (FRP). FEMA, as a signatory to the plan, may directly intervene in a disaster situation only if the President determines that assistance under existing federal programs is inadequate to meet a crisis, and therefore subject to aid under Stafford Act authorities.⁴

(2) Executive Order 12148 ("Federal Emergency Management"-July 20, 1979) authorizes the transfer of emergency functions of various federal agencies to FEMA, including the transfer and reassignment of functions and resources and other general provisions.⁵ These provisions include directing FEMA to establish Federal policies and coordinate all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies.⁶

(3) Executive Order 12472 ("Assignment of National Security and Emergency Preparedness Telecommunications Functions"-April 3, 1984) established the National Communications System (NCS) and seeks to ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of FEMA.⁷

¹ United States Code website (<http://www4.law.cornell.edu/uscode/5x/appx108.text.html>).

² Federal Emergency Management Agency (FEMA) website (<http://www.fema.gov/>).

³ Public Law 93-288.

⁴ Federal Response Plan (FRP): Terrorism Incident Annex (April 1992).

⁵ Stated as: "All functions vested in the President that have been delegated or assigned to the [various agencies] are transferred or reassigned to the Director of the Federal Emergency Management Agency." These agencies include the Defense Civil Preparedness Agency (DoD); the Federal Disaster Assistance Administration (HUD); and the Federal Preparedness Agency (GSA). In addition: "All functions vested in the President by the Earthquake Hazards Reduction Act of 1977, including those functions performed by the Office of Science and Technology Policy, are delegated, transferred, or reassigned to the Director of the Federal Emergency Management Agency."

⁶ EO 12148.

⁷ EO 12472.

(4) Executive Order 12656 ("Assignment of Emergency Preparedness Responsibilities"-November 18, 1988) states that the: "...Director of the Federal Emergency Management Agency shall serve as an advisor to the National Security Council (NSC) on issues of national security emergency preparedness, including mobilization preparedness, civil defense, continuity of government, technological disasters, and other issues, as appropriate."⁸ The FEMA Director shall also assist in the implementation of national security emergency preparedness policy by coordinating with the other Federal departments and agencies and with State and local governments. The Director is also responsible for providing periodic reports to the NSC on implementation of national security emergency preparedness policy.⁹

(5) Presidential Decision Directive (PDD) 39 ("U.S. Policy on Counterterrorism"-June 21, 1995) established policy to reduce the nation's vulnerability to terrorism, deter and respond to terrorism, and strengthen capabilities to detect, prevent, defeat, and manage the consequences of terrorist use of WMD. PDD 39 states: "...that the United States will have the ability to respond rapidly and decisively to terrorism directed against Americans wherever it occurs, arrest or defeat the perpetrators using all appropriate instruments against the sponsoring organizations and governments, and provide recovery relief to victims, as permitted by law."¹⁰ In addition, it designates FEMA as the lead agency for consequence management in the United States and gives it the authority and responsibility to act in this capacity throughout the Federal response phase of a disaster. It also directs FEMA to support the Department of Justice until the Attorney General transfers the LFA (Lead Federal Agency) role to FEMA.¹¹

(6) PDD 62 ("Protection Against Unconventional Threats to the Homeland and Americans Overseas"-May 22, 1998) reinforced the mission of the agencies charged with roles in combating terrorism. It also codifies and clarifies their activities in the wide range of counter-terrorism programs, from apprehension and prosecution of terrorists to increasing transportation security, to enhancing response capabilities and protecting computer-based systems. PDD 62 also establishes the Office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism. The National Coordinator will oversee the broad variety of relevant policies and programs, including such areas as counter-terrorism, protection of critical infrastructure, and preparedness and consequence management for weapons of mass destruction (where FEMA would become involved through the FRP).¹²

(7) PDD 63 ("Critical Infrastructure Protection (CIP)"-May 22, 1998) Set a goal of a reliable, interconnected, and secure information system infrastructure by the year 2003, and significantly increased security to government systems by the year 2000, by:

(a) Immediately establishing a national center to warn of and respond to attacks;

⁸ Presidential Decision Directive (PDD) 2 ("Organization of the National Security Council"; January 20, 1993) makes this possible by stating: "The heads of other Executive departments and agencies, the special statutory advisers to the NSC; and other senior officials shall be invited to attend meetings of the NSC where appropriate."

⁹ Executive Order (EO) 12656.

¹⁰ PDD 39.

¹¹ PDD 39.

¹² Presidential Decision Directive (PDD) 62: "Protection Against Unconventional Threats to the Homeland and Americans Overseas".

(b) Addressing the cyber and physical infrastructure vulnerabilities of the Federal government by requiring each department and agency to reduce its exposure to new threats;

(c) Requiring the Federal government to serve as a model to the rest of the country for how infrastructure protection is to be attained;

(d) Seeking the voluntary participation of private industry to meet common goals for protecting our critical systems through public-private partnerships;

(e) Protecting privacy rights and utilizing market forces to strengthen and protect the nation's economic power; and

(f) Seeking full participation and input from the Congress.

PDD 63 establishes a National Coordinator whose responsibilities include not only critical infrastructures, but also foreign terrorism and threats of domestic mass destruction (including biological weapons).¹³ As in PDD 62, FEMA's role under this Directive is comprised of assistance in the preparedness and consequence management arenas.

(8) PDD 67 ("Enduring Constitutional Government and Continuity of Government Operations"-October 21, 1998) established FEMA as the Executive Agent for Federal Executive Branch Continuity of Operations (COOP).

2. Missions/Functions/Purposes.

A. Major Responsibilities: FEMA's job is to lead the country in developing and maintaining a national emergency management system that helps people protect themselves, their families, homes, and businesses from all hazards. More specifically, FEMA:¹⁴

(1) Builds preparedness by ensuring adequate plans are in place for the continuation of essential government functions during any emergency. A serious disruption of government services could severely hinder emergency management assistance to the American people.

(2) Promotes effective land-use planning, building codes, and other means to minimize the effects of disasters such as floods, hurricanes, and earthquakes. FEMA provides technical assistance, nationwide flood-hazard mapping, training, and grants directed at reducing the impact of disasters to government agencies throughout the country.

(3) Coordinates the Federal response to disasters that exceed the capabilities of State and local governments, and assists communities to recover.

(4) Operates the U.S. Fire Administration, which supports the Nation's fire service and emergency medical services communities. The Fire Administration conducts training, public education, and research programs in subjects related to fire protection technologies and

¹³ PDD 63: "Critical Infrastructure Protection (CIP)".

¹⁴ FEMA website.

emergency response procedures. The Fire Administration's National Fire Data Center coordinates the Federal, State, and local partnership in fire incident data-collection and analysis, through the National Fire Incident Reporting System.

(5) Operates the Federal Insurance Administration, which makes flood insurance available to residents of communities that agree to adopt and enforce sound floodplain management practices.

In all of its activities, FEMA works in close consultation with partners in State and local governments, business and industry, the American Red Cross, and other volunteer and non-profit organizations.

B. Subordinate Activities and Agencies:

(1) **U.S. Fire Administration (USFA)**

(2) **Federal Insurance Administration (FIA)**

3. Vision and Core Competencies.

A. Vision: The vision for FEMA is expressed in the agency's strategic plan, *Partnership for A Safer Future*: "The Nation's emergency management system is built on a partnership of local, State, and Federal governments, voluntary agencies, business and industry, and individual citizens focused on saving lives and property and reducing the effects of disasters regardless of their cause." The vision of an effective "Partnership for a Safer Future" for America is:¹⁵

(1) "An informed public protecting their families, homes, workplaces, communities, and livelihoods from the impact of disasters;

(2) "Communities built to withstand the natural hazards which threaten them;

(3) "Governmental and private organizations with plans, resources, and rigorous training and exercising for disaster response; and

(4) "Community plans, prepared in advance, for recovery and reconstruction after a disaster."

B. Core Competencies: None published.

4. Organizational Culture.

A. Values: FEMA's eight core values are:¹⁶

(1) **Quality Work:** "We are dedicated to doing the best job possible."

¹⁵ FEMA website.

¹⁶ FEMA website.

(2) Customer Service: "We value our internal and external customers, and strive to meet their needs."

(3) Creativity and Innovation: "New ideas and creativity are fundamental to continued growth, continuous improvement, and problem solving."

(4) Teamwork: "Each employee has something of value to contribute. By working cooperatively together, we can better achieve the agency's mission and goals."

(5) Continuous Improvement: "Sustained development of personal/professional skills and program delivery is key to better serving our customers."

(6) Public Stewardship: "We are committed to prudent management of the taxpayers' money and dedication to providing the public with the highest quality service."

(7) Diversity: "FEMA's employees are its most valuable resource. The diversity of their backgrounds, experiences, and skills enhances their value."

(8) Partnership: "Reaching out and engaging FEMA's partners collaboratively is essential to our success and enriches our products."

B. Leadership Traditions: The Director of FEMA is appointed by the President and approved by the Senate and is a member of the President's Cabinet.¹⁷ The Director coordinates federal disaster relief on behalf of the President, including the response and recovery activities of 27 federal agencies and departments, the American Red Cross and other voluntary agencies.¹⁸ He/she also oversees the National Flood Insurance Program, the U.S. Fire Administration and other pro-active mitigation activities that reduce loss of life and property from all types of hazards.¹⁹

C. Staff Attributes: None specific to FEMA.

D. Strategy: FEMA's strategy is outlined in the *Strategic Plan: Partnership for a Safer Future*. It includes three overarching goals, with each containing several operational objectives. These goals are:²⁰

(1) Protect lives and prevent the loss of property from all hazards;

(2) Reduce human suffering and enhance the recovery of communities after disaster strikes; and

(3) Ensure that the public is served in a timely and efficient manner;

¹⁷ FEMA website (position elevated to Cabinet status in February of 1996—a first for a FEMA Director).

¹⁸ These agencies include the Departments of Agriculture, Commerce, Defense, Education, Energy, Health & Human Services, Housing & Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs, Environmental Protection Agency, Federal Communications Commission, General Services Administration, National Aeronautics & Space Administration, National Communications System, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, Tennessee Valley Authority, and the U.S. Postal Service.

¹⁹ FEMA website.

²⁰ "Strategic Plan: Partnership for a Safer Future".

FEMA's Mitigation, Response & Recovery and Preparedness Directorates are primarily responsible for ensuring that these goals are met.

E. Organization Chart: FEMA is organized as follows:²¹

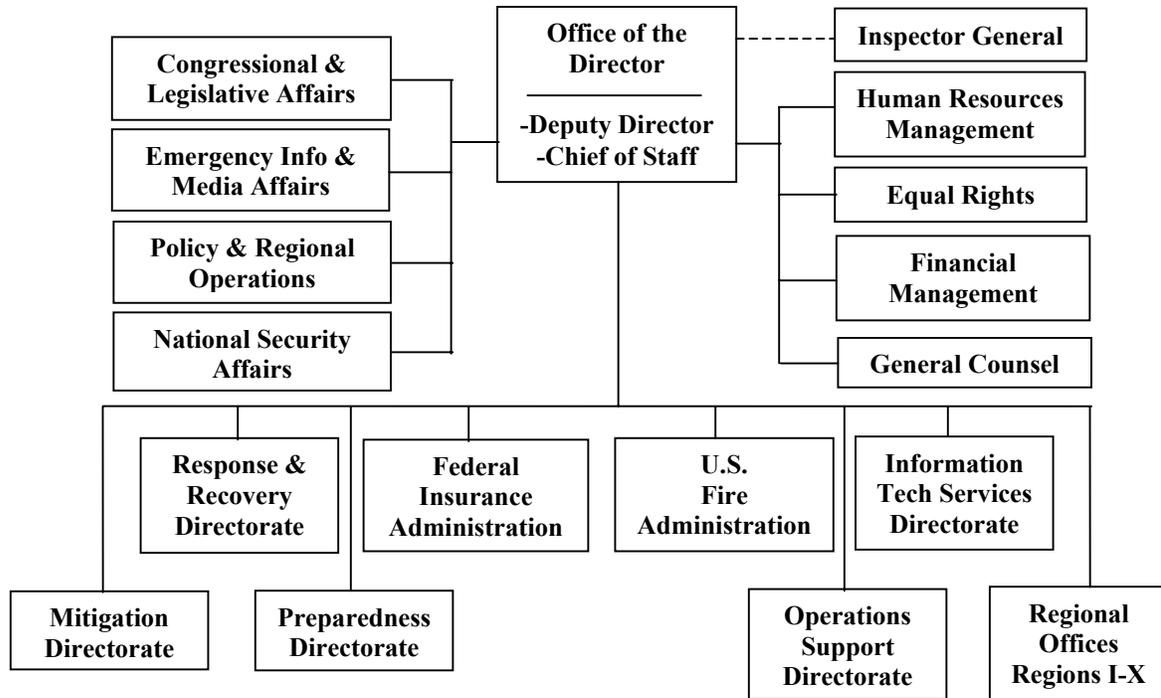


Figure 1: Organization of the Federal Emergency Management Agency (FEMA)

(1) **Inspector General** serves as an independent and objective audit, investigative, and inspection unit relating to FEMA programs and operations for the purpose of promoting economy, effectiveness, and efficiency, or preventing and detecting fraud, waste, and abuse in FEMA programs and operations.

(2) **Congressional and Legislative Affairs:** Maintains liaison with Congress, including:

(a) Updating Members on various programs and activities at FEMA;

(b) In the case of disasters, informing Members on programs and assistance available to their constituents;

(c) Coordinating pertinent legislation, including appropriations and bills affecting relief and emergency capabilities.

(3) **Human Resources Management:** Responsible for hiring of full-time, permanent employees and supervision of employee insurance and payroll issues.

²¹ FEMA website.

(4) Emergency Information and Media Affairs: Responsible for dissemination of information in emergency situations. FEMA carries out this process through a variety of tools, including:

(a) The Recovery Channel, which provides television coverage of briefings and interviews with experts in multiple languages;

(b) The Recovery Times, which combines the latest desktop publishing technology with electronic transmission of stories and images to one printing contractor for all disasters;

(c) FEMA FAX/Spectrafax, a computerized facsimile system, which uses comprehensive databases and 48 telephone lines to allow rapid targeted information distribution;

(d) The FEMA Radio Network (FRN), which records sound bites and public service announcements with disaster officials and scientific experts;

(e) The Recovery Radio Network, which distributes live broadcasts of emergency public information;

(f) The FEMA Internet World Wide Web site, a virtual electronic encyclopedia of disaster information; and

(g) The FEMA Automatic Internet Emergency News and Situation Report Distribution Service, which sends subscribers news releases and disaster situation reports via E-mail.

(5) Equal Rights: Responsible for ensuring FEMA compliance with the Equal Employment Opportunity Act and other civil rights issues.

(6) Policy and Regional Operations: Responsible for initiating agency policy, coordinating the agency's performance plan, coordinating activities with all regional offices, and overseeing intergovernmental affairs, tribal liaison, and environmental assessment activities.

(7) Financial Management: Responsible for planning, programming, budgeting, controlling, reporting, and auditing FEMA operations, and establishing and maintaining an integrated accounting and financial management system, including financial reporting and internal controls.

(8) National Security Affairs: Coordinates activities in support of FEMA's roles and responsibilities in terrorism preparedness, planning, exercises and response (particularly those involving coordination among multiple program offices within FEMA), and with other departments and agencies. It is also responsible for establishing guidelines and regulations related to planning for Continuity of Government (COG), Continuity of Operations (COOP), and Critical Infrastructure Protection (CIP).

An example of these regulations is *Federal Preparedness Circular (FPC) 65* ("Federal Executive Branch Continuity of Operations (COOP)-July 26, 1999). *FPC 65* is a FEMA document that provides guidance to Federal departments and agencies for use in developing viable and executable contingency plans for the continuity of operations (COOP). COOP

planning facilitates the performance of essential functions during an emergency situation. COOP planning is meant to assure that the capabilities exist to continue essential functions during emergency and/or crises situations. The objectives of COOP planning are:²²

- (a) "Ensuring the continuous performance of an agency's functions/operations during an emergency;
- (b) "Protecting essential facilities, equipment, records, and other assets;
- (c) "Reducing or mitigating disruptions to operations;
- (d) "Reducing loss of life, minimizing damage and losses; and
- (e) "Achieving a timely and orderly recovery from an emergency and resumption of full service to customers."

(9) General Counsel: Provides legal services to all of FEMA's program and support offices and represent the agency in litigation.

(10) Mitigation: Is defined as "sustained action that reduces or eliminates long-term risk to people and property from natural hazards and their effects." It describes the ongoing effort at the Federal, State, local, and individual levels to lessen the impact of disasters upon families, homes, communities, and the economy.

An example of this effort is FEMA's *Project Impact*. This nationwide initiative is intended to help protect communities from the effects of natural disasters by taking actions that dramatically reduce disruption and loss. *Project Impact* operates on three principles: preventive actions must be decided at the local level; private sector participation is vital; and long-term efforts and investments in prevention measures are essential. FEMA offers expertise and technical assistance at the national and regional level and seeks the aid of other federal agencies and states in this effort.²³

(11) Response and Recovery: Conducts emergency operations to save lives and property by positioning emergency equipment and supplies, evacuating potential victims, providing food, water, shelter, and medical care to those in need, and restoring critical public services; rebuilds communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards.

(12) Preparedness: Builds the emergency management profession to effectively prepare for, mitigate against, respond to, and recover from any hazard by planning, training, and exercising.

(13) Operations Support: Provides logistics, security, health and safety, and other mission support services essential to the accomplishment of the Agency's missions.

²² Federal Preparedness Circular (FPC) 65.

²³ FEMA website.

(14) Information Technology Services: Provides agency-wide IT services and systems for routine operations and emergency disaster situations. In concert with other federal agencies and state and local governments, it provides leadership and direction for integrating IT resources, automated data processing, communications, and information services necessary to expedite all aspects of emergency management.

(15) Regional Offices (Regions I-X): Each region serves several states, and regional staff work directly with the states to help plan for disasters, develop mitigation programs, and meet needs when major disasters occur.

(a) Region I serves the federal emergency management needs of the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts;

(b) Region II serves the States of New York, New Jersey, the Commonwealth of Puerto Rico, and the Territory of the U.S. Virgin Islands;

(c) Region III serves the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia;

(d) Region IV serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee;

(e) Region V serves Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin;

(f) Region VI serves Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

(g) Region VII includes Iowa, Kansas, Missouri, and Nebraska;

(h) Region VIII encompasses Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming;

(i) Region IX includes States of Arizona, California, Hawaii and Nevada; and the Territory of American Samoa, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(j) Region X serves Alaska, Idaho, Oregon, and Washington.

In addition, FEMA maintains area offices in Puerto Rico and Hawaii, and several facilities, such as the National Emergency Training Center in Emmitsburg, MD, and the Mt. Weather Emergency Assistance Center in Round Hill, VA.

5. Formal National Security Process Involvement. FEMA's role in the formal national security process differs depending on the given situation. In peacetime, FEMA is responsible for coordinating and maintaining a viable and coherent national emergency preparedness system through its work with federal, state, and local government agencies. The following "disaster

cycle" entails developing and maintaining capabilities in the following functional areas in order to prepare for and respond to a disaster(s):²⁴

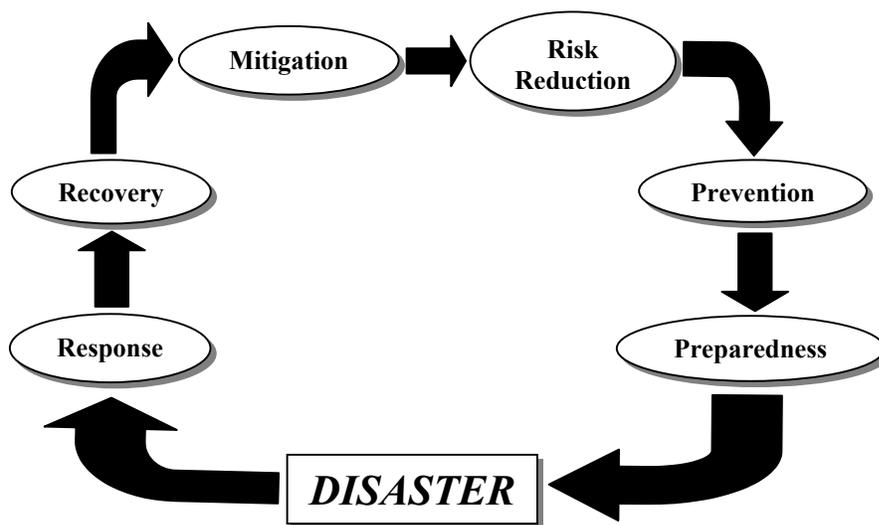


Figure 2: Disaster Cycle

This process is undertaken in conjunction with all federal agencies and organizations at the state and local levels. In addition, FEMA is required to submit an annual report to the President and Congress that assesses "the current overall state of effectiveness of Federal civil defense and civil emergency functions, organizations, resources, and systems and recommend[s] measures to be taken to improve planning, management, assistance, and relief by all levels of government, the private sector, and volunteer organizations."²⁵

In the case of a "national security emergency" (any occurrence, including natural disaster, military attack, technological emergency, which seriously degrades or seriously threatens national security) FEMA will advise the President and the National Security Council (NSC) on the establishment and implementation of national security emergency preparedness policy.²⁶ This consists of identification of needed functions, development of plans to execute these functions, and development of capabilities to execute the plans.

A. Strategy Development: No direct involvement. The *National Security Strategy* states: "We [U.S.] will do all we can to prevent destructive forces such as terrorism, WMD use, sabotage of our information systems and natural disasters from endangering our citizens. But if an emergency occurs, we must also be prepared to respond effectively to protect lives and property and ensure the survival of our institutions and national infrastructure. National security emergency preparedness is imperative, and comprehensive, all-hazard emergency planning by Federal departments and agencies continues to be a crucial national security requirement." In this regard, FEMA is responsible for the development of policy and guidelines governing the preparedness and response activities called for in the *National Security Strategy*. It is also

²⁴ FEMA website.

²⁵ EO 12148. A copy of the annual report could not be acquired for further study.

²⁶ During such crises, the NSC is the principal forum for consideration and resolution of national security resource preparedness policy.

responsible for ensuring Federal agency compliance and implementation through planning and preparation assistance and oversight (e.g. establishment of COOP and CIP guidelines) through tools such as *FPC 65*.

B. Policy, Guidance, and Regulation: *EO 12148* authorizes FEMA and its Director to ". . . establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies."²⁷ As a result of this authority, *FPC 65* ". . . provides guidance to Federal Executive Branch departments and agencies for use in developing viable and executable contingency plans for COOP [for their individual agencies]. COOP planning facilitates the performance of department/agency essential functions during any emergency or situation that may disrupt normal operations."²⁸

C. Planning: *EO 12656* requires FEMA to: "Coordinate the development and implementation of plans for the operation and continuity of essential domestic emergency functions of the Federal Government during national security emergencies."²⁹ In this case, the Director of FEMA, in conjunction with the President and the NSC, will assist in planning emergency policy, including mobilization preparedness, civil defense, continuity of government, and technological disasters. More specifically, FEMA will assist individual agencies in developing plans pertinent to their scope and functions. An example of this is DoD working with FEMA to develop plans and capabilities for identifying, analyzing, mitigating, and responding to hazards posed by nuclear weapons, material, and other devices.³⁰

In more specific terms, development and coordination of the FRP is a major planning activity for FEMA. Given its primary responsibility of ". . . coordinating Federal emergency preparedness, planning, management, and disaster assistance functions," FEMA (through the Response and Recovery Directorate) develops and produces the FRP.³¹ The document provides the mechanism for coordinating delivery of Federal assistance and resources (including the role and functions of federal agencies that are signatories to the plan) to augment efforts of State and local governments overwhelmed by a major disaster or emergency.

Once developed, the FRP is submitted to the 27 agencies involved in crisis and disaster management for final approval.³² Any signatory agency may propose and develop a change to the FRP. The agency proposing the change has the responsibility to coordinate it among the primary and support agencies of the affected function(s) and any associated agency program areas as required. The change is then approved by senior official(s) in the affected agency and forwarded to FEMA for review and inclusion in the FRP. After receipt of the necessary signed approvals (from the affected agency) supporting the changes, FEMA will issue an official Notice of Change signed by the FEMA Associate Director (Response and Recovery) to all signatory agencies. Once issued, the changes will be considered part of the FRP for operational purposes pending a formal revision and re-issuance of the entire document.³³

²⁷ EO 12148.

²⁸ FPC 65

²⁹ EO 12656.

³⁰ EO 12156.

³¹ FRP.

³² Refer to Footnote #18 for list of signatory agencies.

³³ FRP.

In crises with national security implications, specifically incidents of terrorism, the FRP, under the auspices of *PDD 39*, instructs FEMA to:³⁴

(1) "Determine when consequences are "imminent" for the purposes of the Stafford Act," [that is, conditions under which FEMA, by Presidential direction, may intervene in an incident under the authority of the Act];

(2) "Consult with the Governor's office and the White House to determine if a Federal consequence management response is required and if FEMA is directed to use Stafford Act authorities. This process will involve appropriate notification and coordination with the FBI, as the overall LFA [Lead Federal Agency];

(3) "Work with the FBI to establish and operate a JIC [Joint Information Center] in the field as the focal point for information to the public and the media concerning the Federal response to the emergency;

(4) "Establish the primary Federal operations centers for consequence management in the field and Washington, DC;

(5) "Appoint a ROC [Regional Operations Center] Director or FCO [Federal Coordinating Officer] to manage and coordinate the Federal consequence management response in support of State and local governments. In coordination with the FBI, the ROC Director or FCO will convene meetings with decision makers of Federal, State, and local emergency management and technical support agencies, as appropriate, to formulate incident action plans, define priorities, review status, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources;

(6) "Issue and track the status of consequence management actions assigned by FEMA; and

(7) "Designate appropriate liaison and advisory personnel to support the FBI."

D. Mission Execution: In an overall sense, FEMA will assist in the implementation of emergency preparedness policy by coordinating and assisting individual agencies when they implement their specific plans. For example, FEMA will work with Federal agencies to develop and maintain the ability to assess actual damage from attacks and recovery capabilities from such incidents.

Specifically, in the case of a terrorist incident, FEMA is charged by the FRP with heading the Consequence Management component of the FBI-led Joint Operations Center (JOC) that would be established in the field. A FEMA representative coordinates the actions of the JOC Consequence Management Group, expedites activation of a Federal consequence management response should it become necessary, and works with an FBI representative who serves as the liaison between the Consequence Management Group and the FBI On-Scene Commander (OSC). The JOC Consequence Management Group monitors the crisis management response in order to advise on decisions that may have implications for consequence management (e.g. if

³⁴ FRP.

intervention is applicable under the Stafford Act), and to provide continuity should a Federal consequence management response become necessary.

E. Observation, Orientation, and Oversight: Under *EO 12148*, the Director of FEMA, by virtue of serving as an advisor to the NSC in times of crisis, retains oversight authority over the entire federal emergency management system. Furthermore, *EO 12148* gives FEMA additional oversight authority by reassigning and/or transferring functions to the Director.

F. Preparation: FEMA will assist and coordinate with Federal agencies as they prepare their individual emergency preparedness plans. In addition, FEMA, through *FPC 65*, will work to ensure that these agencies comply with the requirements in the document.

G. Resourcing: FEMA, through emergency reassignment of functions and responsibilities authorized by *EO 12148*, can supervise the flow of resources to various agencies and activities. *EO 12656* tasks FEMA to: "Provide guidance to the heads of Federal departments and agencies on the appropriate use of defense production authorities, including resource claimancy, in order to improve the capability of industry and infrastructure systems to meet national security emergency needs."³⁵ In addition, *EO 12148* states: "The records, property, personnel and positions, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Director of the Federal Emergency Management Agency."³⁶

If the President directs FEMA to intervene in an incident, such as a terrorist attack, under the Stafford Act authorities, the agency can oversee resourcing through issuance of mission assignments through the FRP to support consequence management. The FRP states that: ". . . Mission assignments are reimbursable work orders, issued to Federal agencies, directing completion of specific tasks. Although the Stafford Act states that "Federal agencies may be reimbursed for expenditures under the Act" from the Disaster Relief Fund, it is FEMA policy to reimburse Federal agencies for eligible work performed under mission assignments."³⁷

6. Informal National Security Process Involvement. No specific involvement. All substantive issues and tasks are carried out through formal channels and processes.

7. Funding and Personnel.

A. Authorization and Appropriations: FEMA programs are authorized by a variety of congressional committees. The following are examples of various initiatives and the sponsoring House and/or Senate committee(s):³⁸

(1) The House Banking and Financial Services, and Science Committees sponsoring a bill to provide for a Federal program of insurance [established by FEMA] against the risk of catastrophic earthquakes, volcanic eruptions, and hurricanes, and for other purposes.³⁹

³⁵ FRP.

³⁶ EO 12148.

³⁷ FRP.

³⁸ THOMAS: Legislative Information on the Internet (<http://thomas.loc.gov/>). Bills are from the 106th Congress.

³⁹ H.R. 481.

(2) The House Science, Resources, and the Senate Commerce, Science, and Transportation sponsoring a bill to authorize appropriations [to FEMA] for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes.⁴⁰

(3) The Senate Environment and Public Works and House Transportation and Infrastructure Committees sponsoring bills to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for pre-disaster mitigation, streamline the administration of disaster relief, and control the Federal costs of disaster assistance.⁴¹

(4) The Senate Armed Services Committee sponsoring a bill to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes. The bill requires the Director of FEMA to administer a program to provide off-post emergency preparedness required to protect the public around U.S. installations where lethal chemical agents and munitions are stored. It also requires the Director to assist States in responding to emergencies associated with the storage and destruction of such agents and munitions. Additionally, it authorizes FEMA to establish an incentive program to encourage State and local governments to achieve early, efficient, and cost-effective attainment of the required level of emergency preparedness.⁴²

The House and Senate Appropriations Committees (Subcommittee on VA-HUD and Independent Agencies) appropriate FEMA as an independent federal agency.

B. Funding Sources: FEMA is funded as an independent federal agency.

C. Budget: The 1999 budget for FEMA was \$1.4B.⁴³

D. Personnel: FEMA is made up of more than 2,600 full-time employees and another nearly 4,000 standby disaster assistance employees who are available to assist after disasters.⁴⁴

8. Conclusions and Observations. As overseer of the nation's disaster response and management system, FEMA is in charge of developing and directing national emergency preparedness policies in peacetime and in crises, in conjunction with all Federal agencies, and under the guidance and supervision of the NSC and the President. All of these activities are aimed at maintaining a viable and coherent system of national governance and continuity of the day-to-day functions performed by the federal government.

⁴⁰ H.R. 1184.

⁴¹ S. 583 & H.R. 1711.

⁴² S. 974.

⁴³ Budget of the United States Government (1999).

⁴⁴ FEMA website.

ORGANIZATIONAL DESCRIPTION

U.S. NUCLEAR REGULATORY COMMISSION (NRC)



Prepared for the U.S. Commission on National Security/21st Century

EXECUTIVE SUMMARY

U.S. Nuclear Regulatory Commission (NRC)

Overview.

The U.S. Nuclear Regulatory Commission (NRC) is responsible for:

- Ensuring the protection of the public health and safety;
- The common defense and security; and
- The environment in the use of nuclear materials in the United States.

The NRC's scope of responsibility includes regulation of:

- Commercial nuclear power reactors;
- Non-power research, test, and training reactors;
- Fuel cycle facilities;
- Medical, academic, and industrial uses of nuclear materials; and
- The transport, storage, and disposal of nuclear materials and waste.

The Energy Reorganization Act of 1974, which abolished the Atomic Energy Commission (AEC) and moved the AEC's regulatory function to NRC, established the NRC as an independent agency. This act, along with the Atomic Energy Act of 1954, as amended, provides the foundation for regulation of the nation's commercial nuclear power industry.

Organization.

The NRC is composed of five members, appointed by the President and confirmed by the Senate, one of whom the President designates as Chairman.

The Chairman is the principal executive officer of and the official spokesman for the NRC and is responsible for conducting the administrative, organizational, long-range planning, budgetary, and certain personnel functions of the agency.

He/she has ultimate authority for all NRC functions pertaining to an emergency involving a NRC license. His/her actions are governed by the general policies of the Commission. The NRC has 18 component offices, some with several subordinate functional offices, and has a staff of 2,977 full-time employees. The NRC's 1999 budget was approximately \$470M.

Role in Formal and Informal National Security Processes.

The NRC plays a role in the national security process by supporting implementation of nonproliferation initiatives and policies through export-import licensing for nuclear materials and equipment, treaty implementation, international information exchanges, and international safety and safeguards assistance. The NRC achieves this by means of its authority to regulate the procurement, use, and flow of nuclear material through licensing and inspection regimes.

Conclusions and Observations.

As the regulator of the U.S. nuclear network, the NRC is responsible for the safe operation of all nuclear plants and facilities and the safeguarding of all nuclear material in the country. As a result, it also supports international nonproliferation efforts through its ability to control and supervise the possession and flow of nuclear material and equipment. Furthermore, the NRC also provides assistance for the enforcement of various international agreements and regimes designed to prevent or curb the illicit flow and transfer of nuclear material.

ORGANIZATIONAL DESCRIPTION

U.S. NUCLEAR REGULATORY COMMISSION (NRC)

1. Legal Specifications, Authorizations, and Responsibilities.

A. Authorizing Directive: The U.S. Nuclear Regulatory Commission (NRC) was established as an independent federal agency by the Energy Reorganization Act of 1974, which abolished the Atomic Energy Commission (AEC) and moved the AEC's regulatory function to NRC. This act, along with the Atomic Energy Act of 1954 (as amended) provides the foundation for regulation of the nation's commercial nuclear power industry.¹

B. Department/Agency Directives: The following acts have bearing on the NRC:²

- (1) Atomic Energy Act of 1954, as amended;
- (2) Energy Reorganization Act of 1974, as amended;
- (3) Uranium Mill Tailings Radiation Control Act of 1978, as amended;
- (4) Nuclear Non-Proliferation Act of 1978;
- (5) Low-Level Radioactive Waste Policy Act of 1980;
- (6) West Valley Demonstration Project Act of 1980;
- (7) Nuclear Waste Policy Act of 1982;
- (8) Low-Level Radioactive Waste Policy Amendments Act of 1985;
- (9) Diplomatic Security and Anti-Terrorism Act of 1986;
- (10) Nuclear Waste Policy Amendments Act of 1987;
- (11) Solar, Wind, Waste and Geothermal Power Production Incentives Act of 1990; and
- (12) Energy Policy Act of 1992.

2. Missions/Functions/Purposes.

A. Major Responsibilities: The NRC's mission is to ensure protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. The NRC's scope of responsibility includes regulation of commercial nuclear power reactors; non-power research, test, and training reactors; fuel cycle

¹ Nuclear Regulatory Commission (NRC) website (<http://www.nrc.gov/nrc.html>).

² NRC website.

facilities; medical, academic, and industrial uses of nuclear materials; and the transport, storage, and disposal of nuclear materials and waste.³

The NRC fulfills its responsibilities through a system of licensing and regulatory activities that include:⁴

(1) Licensing the construction and operation of nuclear reactors and other nuclear facilities, such as nuclear fuel cycle facilities and non-power test and research reactors, and overseeing their decommissioning;

(2) Licensing the possession, use, processing, handling, and export of nuclear material;

(3) Licensing the siting, design, construction, operation, and closure of low-level radioactive waste disposal sites under NRC jurisdiction; and the construction, operation, and closure of the geologic repository for high-level radioactive waste;

(4) Licensing the operators of nuclear power and non-power test and research reactors;

(5) Inspecting licensed facilities and activities;

(6) Conducting the principal U.S. Government research program on light-water reactor safety;

(7) Conducting research to provide independent expertise and information for making timely regulatory judgments and for anticipating problems of potential safety significance;

(8) Developing and implementing rules and regulations that govern licensed nuclear activities;

(9) Investigating nuclear incidents and allegations concerning any matter regulated by the NRC;

(10) Enforcing NRC regulations and the conditions of NRC licenses;

(11) Conducting public hearings on matters of nuclear and radiological safety, environmental concern, common defense and security, and antitrust matters;

(12) Developing effective working relationships with the States regarding reactor operations and the regulation of nuclear material;

(13) Maintaining the NRC Incident Response Program, including the NRC Operations Center; and

³ NRC website.

⁴ NRC website.

(14) Collecting, analyzing, and disseminating information about the operational safety of commercial nuclear power reactors and certain nonreactor activities.

B. Subordinate Activities and Agencies: None.

3. Vision and Core Competencies.

A. Vision: In implementing its mission, NRC actions enable the nation to safely and efficiently use nuclear materials. NRC's actions should be such that the public, those it regulates, and other stakeholders in the national and international nuclear community have the utmost respect for and confidence in the NRC.⁵

B. Core Competencies: NRC's core competencies with regard to its national security functions are as follows:⁶

(1) Prevention of loss or theft of "special nuclear material" (SNM);⁷

(2) Assessment of the implications of the export of nuclear equipment and materials; and

(3) Safety, security, and environmental assessment of certain aspects of nuclear technology used at facilities possessing formula quantities of weapons usable material.

4. Organizational Culture.

A. Values: The NRC adheres to the following "Principles of Good Regulation."⁸

(1) **Independence:** "Nothing but the highest possible standards of ethical performance and professionalism should influence regulation. However, independence does not imply isolation. All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information, and must be documented with reasons explicitly stated."

(2) **Openness:** "Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community."

(3) **Efficiency:** "The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities. The highest technical and managerial competence is required, and must be a constant agency goal. NRC must establish means to evaluate and continually upgrade its regulatory capabilities."

⁵ NRC Strategic Plan (FY1998).

⁶ NSSG Survey: NRC.

⁷ Defined as weapons-grade material.

⁸ NRC website.

Regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option that minimizes the use of resources should be adopted. Regulatory decisions should be made without undue delay."

(4) Clarity: "Regulations should be coherent, logical, and practical. There should be a clear nexus between regulations and agency goals and objectives, whether explicitly or implicitly stated. Agency positions should be readily understood and easily applied."

(5) Reliability: "Regulations should be based on the best available knowledge from research and operational experience. Systems interactions, technological uncertainties, and the diversity of licensees and regulatory activities must all be taken into account so that risks are maintained at an acceptably low level. Once established, regulation should be perceived to be reliable and not unjustifiably in a state of transition. Regulatory actions should always be fully consistent with written regulations and should be promptly, fairly, and decisively administered so as to lend stability to the nuclear operational and planning processes."

B. Leadership Traditions: The Chairman is the principal executive officer of and the official spokesman for the NRC, as mandated by the Reorganization Plan No. 1 of 1980, and is designated by the President and approved by the Senate for a five-year term. As principal executive officer, the Chairman is responsible for conducting the administrative, organizational, long-range planning, budgetary, and certain personnel functions of the agency.

He/she has ultimate authority for all NRC functions pertaining to an emergency involving a NRC license. His/her actions are governed by the general policies of the Commission.⁹

C. Staff Attributes: Knowledge in the discipline of nuclear technology.

D. Strategy: In order to achieve its mission, the NRC has organized its strategy into seven areas with overarching objectives for each.¹⁰

(1) Nuclear Reactor Safety:

(a) Assure that licensees operate their facilities safely.

(b) Incrementally implement risk-informed, performance-based regulatory approaches for power reactors.

(c) Maintain NRC's role in the licensing of future reactors and renewal of existing licenses. This includes encouraging applicants, vendors, and others to inform the NRC at the earliest opportunity of planned future reactor activities, and giving priority to reviewing applications for license renewals, standard and advanced reactor designs, early site approvals, and new reactor licenses.

(d) Ensure NRC involvement in licensing activities associated with reactor decommissioning, and maintaining a research capability to provide timely and independent technical bases for NRC regulatory decisions. This consists of providing NRC guidance to

⁹ NRC website.

¹⁰ NRC Strategic Plan.

decommissioning facilities, assuring that licensees have adequate resources for decommissioning by establishing additional financial requirements, and adjusting oversight of decommissioning facilities to be in line with safety requirements.

(e) Improve nuclear power plant performance measures to identify plants that warrant heightened attention.

(2) Nuclear Materials Safety:

(a) Assure that licensees use materials safely.

(b) Regulate material uses consistent with the appropriate level of risk, by decreasing oversight of those materials that pose the lowest radiological risk to the public, and continuing emphasis on high-risk activities.

(c) Work with the Agreement States to assure consistent protection of public health and safety nationwide.¹¹

(d) Sustain NRC's ability to perform regulatory oversight for certain Department of Energy (DoE) nuclear facilities. This entails identifying and resolving legal, procedural, and technical issues before accepting oversight responsibilities of DoE nuclear facilities, and requesting that funding for oversight of DoE facilities not be included as part of the NRC fee base currently paid by non-DoE licensees.

(e) Maintain the research capability to provide timely and independent technical assessments for NRC regulatory decisions.

(3) Nuclear Waste Safety:

(a) Advise DoE and prepare to license a high-level waste repository at a pace consistent with the national program.

(b) Perform legislatively required low-level waste activities. This consists of maintaining the core technical disciplines needed to assess low-level waste disposal issues by relying on technical skills in other programs, and providing guidance and assistance to Agreement States about licensing low-level waste facilities.

(4) Common Defense and Security and International Involvement:

(a) Provide leadership to strengthen nuclear safety and safeguards worldwide.

(b) Assure that licensees control, account for, and protect nuclear materials from being misplaced.

¹¹ NRC website. An "Agreement State" is defined as a U.S. State that has signed an agreement with the NRC allowing the state to regulate the use of radioactive material within its borders. These states are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

(c) Assist in curbing the proliferation of the capability to produce nuclear explosives.

(5) Protecting the Environment:

(a) Improve the process by which licensees successfully complete decommissioning of non-reactor sites.

(b) Assure that licensees protect the environment during operations.

(6) Public Confidence:

(a) Objectively demonstrate that NRC's efforts enable the nation to use nuclear materials safely.

(b) Identify regulatory decisions or issues that are likely to generate substantial public interest or concern at an early stage, and employ appropriate methods to inform and involve the public.

(c) Reexamine existing modes and explore new modes of communication to make information dissemination and public interaction more effective and efficient.

(7) Excellence:

(a) Make regulatory excellence the basis for all strategies and activities.

E. Organization Chart: The NRC is organized as follows:¹²

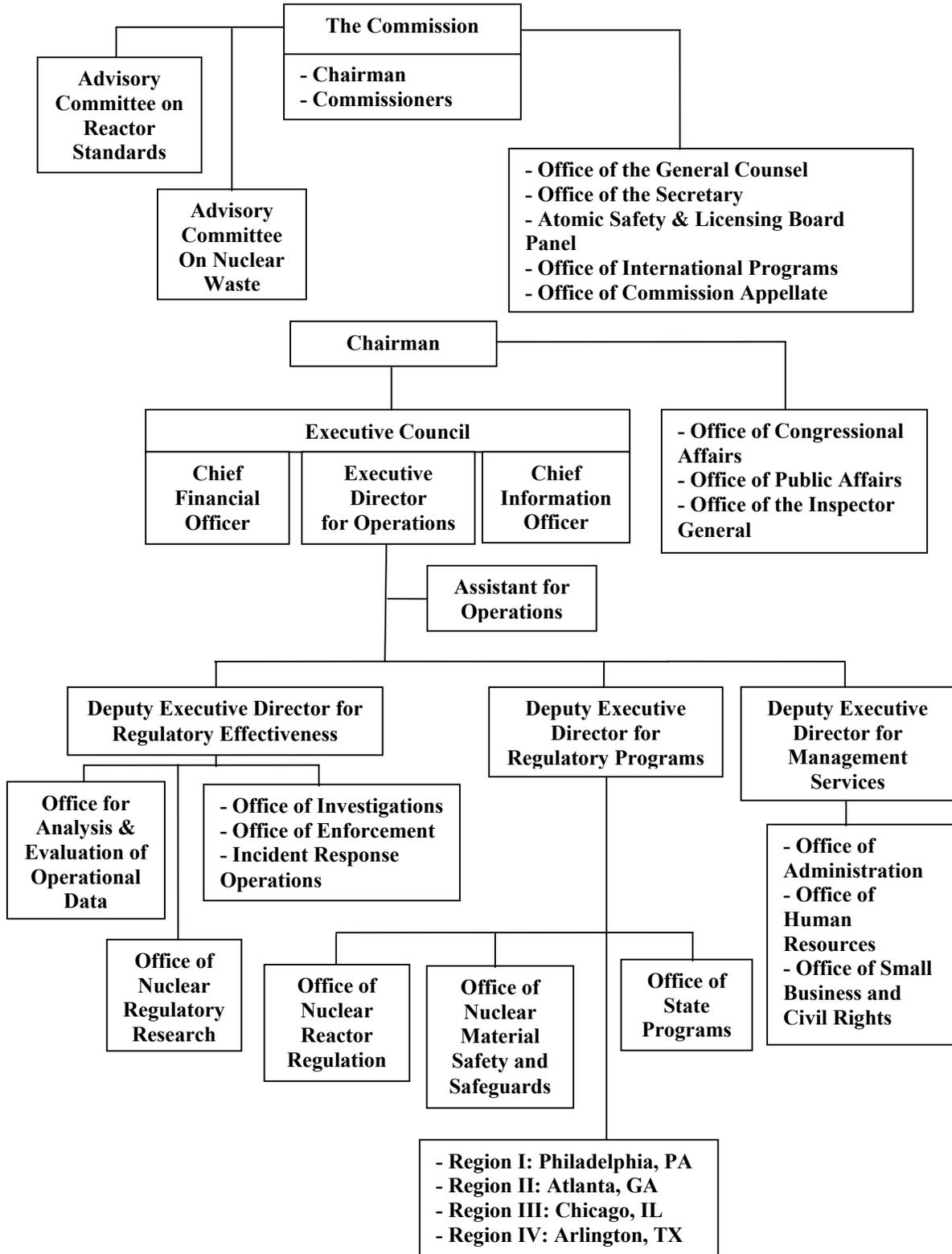


Figure 1: Organization of the Nuclear Regulatory Commission

¹² NRC website.

(1) The Commission is composed of five members, appointed by the President and confirmed by the Senate, one of whom the President designates as Chairman.

(2) The Advisory Committee on Nuclear Waste reports to and advises the Commission on all aspects of nuclear waste disposal facilities within the purview of NRC responsibilities. It examines and reports on specific areas of concern identified by the Commission and undertakes other studies and activities as directed by the Commission.

(3) The Advisory Committee on Reactor Safeguards reviews and advises the Commission with regard to the licensing and operation of production and utilization facilities and related safety issues; the adequacy of proposed reactor safety standards; technical and policy issues related to the licensing of evolutionary and passive plant designs; and other matters referred to it by the Commission. Upon request, it reviews and advises with regard to the hazards of the DoE nuclear activities and facilities and provides technical advice to the DoE Nuclear Facilities Safety Board. On its own initiative, the Committee may conduct reviews of specific safety-related items. The Committee submits an annual report to the U.S. Congress commenting on the NRC Safety Research Program.

(4) The Office of the General Counsel directs matters of law and legal policy, provides opinions, advice, and assistance to the agency with respect to all of its activities.

(5) The Office of the Secretary provides executive management services to support the Commission and to implement Commission decisions, and manages the Commission Decision Tracking System. The Assistant Secretary performs functions of the Federal Advisory Committee Management Officer and maintains liaison with certain boards and advisory committees.

(6) The Atomic Safety and Licensing Board Panel conducts licensing and adjudicatory hearings for the Commission and performs such other regulatory functions as the Commission authorizes.

(7) The Office of International Programs (OIP) provides assistance and recommendations to the Chairman, the Commission, and NRC staff on international issues. It also provides overall coordination for NRC's international activities, including nuclear exports and imports, international safeguards, international physical security, nonproliferation matters, and international cooperation and assistance in nuclear safety and radiation protection.

The OIP plans, develops, and implements programs, in concert with other NRC offices, to carry out policies established in these areas. It plans, develops, and manages international nuclear safety information exchange programs, and coordinates international research agreements. The OIP manages NRC's foreign intelligence responsibilities. It also establishes and maintains working relationships with individual countries and international nuclear organizations, as well as other involved U.S. Government agencies.

OIP assures that all international activities carried out by the Commission and its staff are well coordinated internally and government-wide and are consistent with NRC and U.S. policies.

(8) The Office of Commission Appellate Adjudication is responsible for monitoring cases pending before presiding officers, and for providing the Commission with an

analysis of any adjudicatory matter requiring a Commission decision (e.g., petitions for review of initial licensing board decisions, certified questions, interlocutory referrals, stay requests).

(9) The Chief Financial Officer (CFO) is responsible for the NRC's Planning and Budgeting, and Performance Management Process and for all of the NRC's financial management activities. The CFO is one of three members of the NRC's Executive Council. The CFO establishes planning, budgeting, and financial management policy for the agency and provides advice to the Chairman and the Commission on these matters.

(10) The Office of the Executive Director for Operations (EDO) is the chief operational and administrative officer of the Commission, and is authorized and directed to discharge such licensing, regulatory, and administrative functions of the NRC and to take actions as are necessary for day-to-day operations of the agency.

(11) The Chief Information Officer (CIO) plans, directs, and oversees the delivery of centralized information technology (IT) infrastructure, applications, and information management (IM) services, and the development and implementation of IT and IM plans, architecture, and policies to support the mission, goals, and priorities of the agency.

(12) The Office of Congressional Affairs provides advice and assistance to the Chairman, Commission, and NRC staff on all NRC relations with Congress and views of Congress toward NRC policies, plans, and activities; maintains liaison with congressional committees and members of Congress on matters of interest to the NRC; serves as primary contact point for all NRC communications with Congress; coordinates NRC internal activities with Congress; plans and develops the NRC's legislative program; and monitors legislative proposals, bills, and hearings.

(13) The Office of Public Affairs develops policies, programs, and procedures for informing the public of NRC activities, subject to the Chairman's approval.

(14) The Office of the Inspector General provides policy direction for and conducts, supervises, and coordinates audits and investigations relating to all NRC programs and operations; reviews existing and proposed legislation and regulations, and makes recommendations concerning their impact on the economy and efficiency of NRC programs and operations and on the prevention and detection of fraud and abuse.

(15) The Deputy Executive Director for Regulatory Effectiveness, Program Oversight, Investigations, & Enforcement is composed of the following offices.

(a) Office of Nuclear Regulatory Research plans, recommends, and implements nuclear regulatory research programs. These programs include:

(i) Independently proposing regulatory outcomes in the form of improvements to NRC's regulatory programs and processes to achieve enhanced safety, efficiency, or effectiveness;

(ii) Coordinating research activities with the program offices, as appropriate;

(iii) Coordinating the development of consensus and voluntary standards for agency use, including appointment of staff to committees;

(iv) Based on research results and experience gained, resolving safety issues for nuclear power plants and other facilities regulated by the NRC, including those issues designated as Generic Safety Issues;

(v) Assessing the effectiveness of selected NRC programs, including the regulations and guidance, with regard to risk reduction potential, burden reduction potential and the degree to which margins exist in design and operation of licensed facilities;

(vi) Conducts research to reduce uncertainties in areas of potentially high risk or safety significance;

(vii) Leading agency initiative for cooperative research with DoE, the nuclear industry, universities, and international partners;

(viii) Coordinating research activities outside the agency, including appointment of staff to committees and conferences;

(ix) Maintaining technical capability to develop information for resolution of nuclear safety issues and provides technical support and consultation to the program offices in the specialized disciplines involved;

(x) Providing independent analysis of operational data and assessment of operational experience through the review, analysis, and evaluation of the safety performance of facilities licensed by the NRC;

(xi) Collecting, analyzes, and disseminates operational data; assesses trends in performance from this data; evaluates operating experience to provide insights into and improve the understanding of the risk factors significance of events; and produces periodic performance indicator and Accident Sequence Precursor Reports; and

(xii) Providing administrative and technical support for the Committee to Review Generic Requirements (CRGR).

(b) Incident Response Operations develops and directs the NRC program for investigation of operational incidents. It develops and directs the NRC program for response to incidents, and is the agency incident response interface with the Federal Emergency Management Agency (FEMA) and other Federal agencies. These activities include:

(i) Exercising oversight of the regional response programs;

(ii) Managing the NRC Operations Center; and

(iii) Receiving, screening, and promptly re-communicating operational event information reported to the Operations Center in support of Nuclear Reactor Regulation (NRR), Nuclear Material Safety and Safeguards (NMSS), and the regions, as appropriate, to provide for timely feedback to and action by the cognizant offices.

(c) Office of Investigations develops policy, procedures, and quality control standards for investigations of licensees, applicants, their contractors or vendors, including the investigations of all allegations of wrongdoing by other than NRC employees and contractors. Specifically, the Office of Investigations:

(i) Plans, coordinates, directs, and executes administrative affairs of the office, including the development and maintenance of a management information system;

(ii) Maintains current awareness of inquiries and formal investigations;

(iii) Keeps Commission principals currently informed of matters under investigation as they affect public health and safety matters; and

(iv) Coordinates liaison with other agencies and organizations to ensure the timely exchange of information of mutual interest.

(d) Office of Enforcement oversees, manages, and directs the development of policies and programs for enforcement of NRC requirements.

(16) The Deputy Executive Director for Regulatory Programs contains the following offices.

(a) Office of Nuclear Reactor Regulation is responsible for ensuring the public health and safety through licensing and inspection activities at all nuclear power reactor facilities in the United States. It is responsible for:

(i) Oversight of all aspects of licensing and inspection of manufacturing, production, and utilization facilities (except for facilities reprocessing fuel and performing isotopic fuel enrichment), and receipt, possession, and ownership of source, byproduct, and special nuclear material used or produced at facilities licensed under 10 CFR Part 50;

(ii) Development of policy and inspection guidance for programs assigned to the regional offices and assesses the effectiveness and uniformity of the region's implementation of those programs;

(iii) Identifying and taking action on, in coordination with the regional offices, conditions and licensee performance at such facilities that may adversely affect public health and safety, the environment, or the safeguarding of nuclear facilities; and assesses and recommends or takes action in response to incidents or accidents;

(iv) Issues for licensing and regulatory policy concerning reactor operators, including the initial licensing examination and re-qualification examinations; emergency preparedness, including participation in emergency drills with federal, state, and local agencies; radiation protection; security and safeguards at such facilities, including fitness for duty; and the inspection of nuclear component supplier facilities; and

(v) The technical review, certification, and licensing of advanced nuclear reactor facilities and the renewal of current power reactor operating licenses.

(b) Office of Nuclear Material Safety and Safeguards is responsible for ensuring the public health and safety through licensing, inspection, and environmental reviews of all activities regulated by the NRC, except operating power and all non-power reactors, and for the technical review of all licensing activities, including export/import of special nuclear material, excluding reactors. It also:

(i) Develops and implements NRC policy for the regulation of activities involving the use and handling of radioactive materials, such as: uranium recovery activities; fuel fabrication and development; medical, industrial, academic, and commercial uses of radioactive materials; safeguards activities; transportation of nuclear materials, including certification of transport containers, and reactor spent fuel storage; safe management and disposal of low-level and high-level radioactive waste; and management of related decommissioning;

(ii) Safeguards responsibilities include developing overall agency policy, monitoring and assessing the threat to the environment, including liaison with intelligence agencies as appropriate; and those licensing and review activities appropriate to deter and protect against threats of radiological sabotage and threats of theft or diversion of special nuclear material at fuel facilities and during transport; and

(iii) Identifies and controls safety and safeguards issues for activities under its responsibility, including consulting and coordinating with international, federal, state, and local agencies, as appropriate.

(c) Office of State Programs is responsible for establishing and maintaining effective communications and working relationships between the NRC, states, local governments, other federal agencies, and Indian tribe organizations. It is responsible for:

(i) Serves as primary contact for policy matters between NRC and these external groups. Keeps the agency apprised of these groups' activities as they may affect NRC and conveys to NRC management these groups' views toward NRC policies, plans, and activities;

(ii) Administers the Agreement States Program, provides training and technical assistance to Agreement States, and conducts Agreement State Program reviews; and

(iii) Coordinates liaison with other federal agencies through the Federal Liaison Program.

(d) Regional Offices are divided into four regions. These offices execute established NRC policies and assigned programs relating to inspection, licensing, incident response, governmental liaison, resource management, human resources, and emergency response within regional boundaries

(17) **The Deputy Executive Director for Management Services** is comprised of the following:

(a) **Office of Administration** provides centralized administrative services;

(b) **Office of Human Resources** provides overall leadership and management of human resources (HR) policy and program development and human resources services delivery; and

(c) **Office of Small Business and Civil Rights** is responsible for the development, implementation and management of three major programs: Affirmative Action, which includes affirmative employment initiatives and a managing diversity process; Civil Rights; and the Small Business Procurement Preference Program.

5. Formal National Security Process Involvement. The NRC plays a supporting role in the formal national security process through its work in the international and domestic arenas. Its international activities include export-import licensing for nuclear materials and equipment, treaty implementation, international information exchanges, and international safety and safeguards assistance. In the domestic arena, NRC responsibility involves the control of and accounting for nuclear materials, the protection of nuclear materials to prevent theft or diversion, and contingency plans for responding to threatening situations.

A. Strategy Development: No current involvement. The *National Security Strategy* states: "We must continue to reduce the threat posed by existing arsenals of such weaponry as well as work to stop the proliferation of advanced technologies that place these destructive capabilities in the hands of parties hostile to U.S. and global security interests." The NRC supports the implementation of this strategy through its involvement in non-proliferation initiatives such as nuclear material theft prevention and security.

B. Policy, Guidance, and Regulation: The NRC, by its very nature, is responsible for the regulation and inspection of the U.S. nuclear system. Through its licensing authority, the NRC inspects and completes license reviews to ensure that licensees prevent the theft or diversion of nuclear materials, requires that licensees be prepared to respond to threatening situations involving theft or sabotage of nuclear materials, and strengthens domestic and international programs to ensure no improper control or disposal of radioactive material. In addition, the NRC can license the export and import of nuclear materials to ensure that U.S. non-proliferation interests are protected as contemplated by the Nuclear Nonproliferation Act; support international safeguards and physical security by working to strengthen the International Atomic Energy Agency's (IAEA) safeguards systems; and participating in bilateral exchanges on physical security approaches and practices. In terms of inspections, the NRC will periodically inspect facilities and plants to ensure compliance with license agreements and regulations.

C. Planning: No current involvement.

D. Mission Execution: No current involvement.

E. Observation, Orientation, and Oversight: No current involvement.

F. Preparation: No current involvement.

G. Resourcing: No current involvement.

6. Informal National Security Process Involvement. None.

7. Funding and Personnel.

A. Authorization and Appropriations: The NRC is appropriated as an independent agency by the House and Senate Committees on Appropriations (Subcommittee on Energy and Water Development).

B. Funding Sources: The NRC is funded as an independent federal agency.

C. Budget: The 1999 budget for the NRC was approximately \$470M.

D. Personnel: The NRC has 2,977 full-time employees (2,114 at HQ, 179 resident inspectors, and 684 in the regional offices).¹³

8. Conclusions and Observations. As the regulator of the U.S. nuclear network, the NRC is responsible for the safe operation of all nuclear plants and facilities and the safeguarding of all nuclear material in the country. As a result, it also supports international non-proliferation efforts through its ability to control and supervise the possession and flow of nuclear material and equipment. Furthermore, the NRC also provides assistance for the enforcement of various international agreements and regimes designed to prevent or curb the illicit flow and transfer of nuclear material.¹⁴

¹³ NRC Office of Public Affairs 9/30/99 (301-415-8200).

¹⁴ This assistance consists of technical support and training to treaty-/regime-enforcement agencies such as the Departments of Energy and State. In turn, these agencies (along with other entities like the Bureau of Export Administration) are responsible for the implementation and enforcement of various international agreements such as the Nuclear Suppliers Group (NSG).

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**ROAD MAP FOR NATIONAL SECURITY:
ADDENDUM ON STRUCTURE AND PROCESS ANALYSES**

GLOSSARY OF ABBREVIATIONS

A

AAR	After Action Review
ABC	Albright-Berger-Cohen
ABM	Anti-Ballistic Missile
ACAT	Acquisition Category
ACC	Air Combat Command
ACDA	Arms Control and Disarmament Agency
ACEP	Advisory Committee on Export Policy
ACIP	Advisory Committee on Immunization Practices
ACJCS	Assistant to the Chairman of the Joint Chiefs of Staff
ACOM	United States Atlantic Command
ACTD	Advanced Concept Technology Demonstration
ADAPT	Advanced Design and Production Initiative
ADB	Asian Development Bank
ADCI	Assistant Director of Central Intelligence
ADCI/AP	Assistant Director of Central Intelligence for Analysis and Production
ADIC	Assistant Director in Charge
ADM	Acquisition Decision Memorandum
ADP	Automated Data Processing
ADR	Alternative Dispute Resolution
AEC	Atomic Energy Commission
AEF	Aerospace Expeditionary Force
AETC	Air Education and Training Command
AFC	Air Force Council
AFDB	African Development Bank
AFG	Air Force Group
AFI	Air Force Instruction
AFMC	Air Force Materiel Command
AFMIC	Armed Forces Medical Intelligence Center
AFPD	Air Force Policy Directive
AFRC	Air Force Reserve Command
AFSOC	Air Force Special Operations Command
AFSPC	Air Force Space Command
AG	Australia Group
AISES	American Indian Science and Engineering Society
AMC	Air Mobility Command
AMIO	Alien Migrant Interdiction Operations
ANSIR	Awareness of National Security Issues and Response
AOAs	Analyses of Alternatives
AOO	Area of Operations
AOR	Area of Responsibility

APG	Asia/Pacific Group on Money Laundering
APNSA	Assistant to the President for National Security Affairs
ASCI	Accelerated Strategic Computing Initiative
ASD	Assistant Secretary of Defense
ASD(C3I)	Assistant Secretary of Defense for Command, Control, Communications, and Intelligence
ASD(ISP)	Assistant Secretary of Defense for International Security Policy
ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ASD(PA)	Assistant Secretary of Defense for Public Affairs
ASD(S&TR)	Assistant Secretary of Defense for Strategy and Threat Reduction
ASD(SOHA)	Assistant Secretary of Defense for Special Operations and Humanitarian Assistance
ASEAN	Association of South East Asian Nations
ASH	Assistant Secretary of Health
ATACMS	Army Tactical Missile System
ATF	Bureau of Alcohol, Tobacco, and Firearms
ATG	Advanced Technology Group
ATP	Advanced Technology Program
ATSD(IO)	Assistant to the Secretary of Defense for Intelligence Oversight
ATSD(NCB)	Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs
ATSDR	Agency for Toxic Substances and Disease Registry
AWACS	Airborne Warning and Control System

B

BA	Budget Authority
BBS	Bureau Budget Submission
BEA	Bureau of Export Administration
BES	Budget Estimate Submission
BJA	Bureau of Justice Assistance
BJS	Bureau of Justice Statistics
BMBL	Biosafety in Microbiological and Biomedical Laboratories
BMDO	Ballistic Missile Defense Organization
BOB	Bureau of the Budget
BOP	Federal Bureau of Prisons
BPA	Bonneville Power Administration
BPP	Bureau Performance Plan
BPS	Budget Preparation System
BRAC	Base Realignment and Closure
BRD	Budget Review Division
BSA	Bank Secrecy Act of 1970
BSD	Business Services Division
BXA	Bureau of Export Administration

C

C&SA	Counterintelligence and Security Activity
C/B	Chemical/Biological
C4	Command, Control, Communications, and Computers
C4I	Command, Control, Communications, Computers, and Intelligence
C4ISR	Command, Control, Communications, Computers, Intelligence, Surveillance, and

	Reconnaissance
CAG	Cost Analysis Group
CAIG	Cost Analysis Improvement Group
CAP	Cooperative Agreement Program
CAP	Crisis Action Planning
CARD	Cost Analysis Requirements Description
CBJB	Congressional Budget Justification Book
CBO	Congressional Budget Office
CBRDT	Chemical/Biological Rapid Deployment Team
CBS	Cheney-Baker-Scowcroft
CCIPS	Computer Crime and Intellectual Property Section
CCP	Consolidated Cryptologic Program
CDA	Congressionally-Directed Action
CDC	Centers for Disease Control and Prevention
CDC/W	Centers for Disease Control and Prevention/Washington Office
CDP	Center for Domestic Preparedness
CEA	Council of Economic Advisors
CEB	Chief of Naval Operations Executive Board
CENR	Committee on Environment and Natural Resources
CENTCOM	United States Central Command
CEQ	Council on Environmental Quality
CFA	CINC Field Assessments
CFATF	Caribbean Financial Action Task Force
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CGARC	Coast Guard Acquisition Review Council
CGLC	Coast Guard Leadership Council
CGULLS	Coast Guard Universal Lessons Learned System
CHAMPUS	Civilian Health and Medical Program of the Uniformed Services
CIA	Central Intelligence Agency
CIAO	Critical Infrastructure Assurance Office
CIAP	Central Intelligence Agency Program
CICG	Critical Infrastructure Coordination Group
CINC	Commander-in-Chief
CINC	Commander-in-Chief, U.S. Strategic Command
STRATCOM	Commander-in-Chief, U.S. Strategic Command
CINCLANTFLT	Commander-in-Chief, Atlantic Fleet
CIO	Chief Information Officer
CIP	Critical Infrastructure Protection
CIRG	Critical Incident Response Group
CISA	C4I Integration Activity
CISSET	Committee on International Science, Engineering, and Technology
CITAC	Computer Investigations and Infrastructure Threat Assessment Center
CJCS	Chairman, Joint Chiefs of Staff
CJCSIs	Chairman, Joint Chiefs of Staff Instructions
CJIS	Criminal Justice Information Services
CLPRE	Congressional Liaison and Program Research and Evaluation
CMA	Community Management Account

CMC	Commandant of the Marine Corps
CMO	Central MASINT Office
CMS	Community Management Staff
CNAD	Conference of National Armaments Directors
CNO	Chief of Naval Operations
CNS	Committee on National Security
COA	Course of Action
COG	Continuity of Government
ComSci	Commerce, Science, and Technology Fellowship Program
COMSEC	Communications Security
COMUSMARD	Commander of the U.S. Maritime Defense Zone, Atlantic
EZLANT	
CONOPS	Concept of Operations
CONPLAN	Concept Plan
CONUS	Continental United States
COOP	Continuity of Operations
COPS	Community Oriented Policing Services
CPA	Chairman's Program Assessment
CPBS	Capabilities Programming and Budgeting System
CPG	Contingency Planning Guidance
CPR	Chairman's Program Recommendation
CR	Continuing Resolution
CRD	Capstone Requirements Document
CRES	Collection Requirements and Evaluation Staff
CRGR	Committee to Review Generic Requirements
CRITIC	Critical Information
CRS	Community Relations Service
CRS	Congressional Research Service
CRS	Current Readiness System
CS	Combat Support
CS	Committee on Science
CSA	Chief of Staff of the Army
CSA	Combat Support Agency
CSG	Counterterrorism Security Group
CSO	Court Security Officer
CSP	Country Strategic Plan
CSS	Central Security Service
CSS	Combat Service Support
CTAC	Counter-Drug Technology Assessment Center
CTBT	Comprehensive Test Ban Treaty
CTC	Computer and Telecommunications Coordinator
CTR	Cooperative Threat Reduction Program
CTS	Cryptologic Training System
CWC	Chemical Weapons Convention

D

D	Deputy Secretary of State
DA	Directorate of Administration
DA GARDEN	Department of the Army Civil Disturbance Plan

PLOT	
DA&M	Director of Administration and Management
DAB	Defense Acquisition Board
DAD	Deputy Associate Directors
DAE	Defense Acquisition Executive
DAES	Defense Acquisition Executive Summary
DAO	Defense Attaché Office
DAPNSA	Deputy Assistant to the President for National Security Affairs
DARPA	Defense Advanced Research Projects Agency
DASD	Deputy Assistant Secretary of Defense
DC	Deputies Committee of the National Security Council
DC/CM	Deputies Committee/Crisis Management
DCAA	Defense Contract Audit Agency
DCC	Detroit Computing Center
DCI	Director of Central Intelligence
DCID	Director of Central Intelligence Directive
DCMC	Defense Contract Management Command
DDC	Defense Distribution Center
DDCI	Deputy Director of Central Intelligence
DDCI/CM	Deputy Director of Central Intelligence/Community Management
DDI	Deputy Director for Intelligence
DDP	Detention and Deportation Program
DDR&E	Director of Defense Research and Engineering
DDS&T	Deputy Director of Science and Technology
DEA	Drug Enforcement Administration
DeCA	Defense Commissary Agency
DEPOPDEPS	Deputy Operations Deputies
DEPSECDEF	Deputy Secretary of Defense
DEST	Domestic Emergency Support Team
DFAS	Defense Finance and Accounting Service
DGIAP	Defense General Intelligence and Applications Program
DHAP-IRS	Division of HIV/AIDS Prevention-Intervention, Research, and Support
DHAP-SE	Division of HIV/AIDS Prevention-Surveillance and Epidemiology
DHL	Bureau of Democracy, Human Rights, and Labor
DI	Directorate for Intelligence Production
DI	Directorate of Intelligence
DIA	Defense Intelligence Agency
DIO	Defense Intelligence Officer
DISA	Defense Information Systems Agency
DisCom2	Distance Computing and Distributed Computing for Weapon Simulation
DJ-8	Director for Force Structure, Resources, and Assessments
DJS	Director, Joint Staff
DLA	Defense Logistics Agency
DLS	Division of Laboratory Systems
DLSA	Defense Legal Services Agency
DLSC	Defense Logistics Support Command
DMAT	Disaster Medical Assistance Team

DNSC	Defense National Stockpile Center
DO	Directorate of Operations
DoC	Department of Commerce
DoD	Department of Defense
DoDD	Department of Defense Directive
DoE	Department of Energy
DoI	Department of the Interior
DoJ	Department of Justice
DOMS	Directorate of Military Support
DoN	Department of the Navy
DoS	Department of State
DoT	Department of Transportation
DOTMLP	Doctrine, Organizations, Training, Materiel, Leadership, and People
DP	Directorate for Policy Support
DPAG	Defense Planning Advisory Group
DPG	Defense Planning Guidance
DPHS	Division of Public Health Systems
DPOSD	Deployed Port Operations, Security and Defense
DPP	Defense Program Projection
DPSB	Department of the Navy Program Strategy Board
DR	Directed Research
DRB	Defense Resources Board
DRI	Defense Reform Initiative
DRM	DAB Review Meeting
DRMS	Defense Reutilization and Marketing Service
DRU	Direct Reporting Unit
DS&T	Directorate of Science and Technology
DSAA	Defense Security Assistance Agency
DSB	Defense Science Board
DSCA	Defense Security Cooperation Agency
DSS	Defense Security Service
DSTDTP	Division of Sexually Transmitted Diseases Prevention
DSW	Directed Stockpile Work
DTB	Defense Technology Board
DTBE	Division of Tuberculosis (TB) Elimination
DTRA	Defense Threat Reduction Agency
DUF6	Depleted Uranium Hexafluoride
DUSD	Deputy Under Secretary of Defense
DWCF	Defense Working Capital Fund

E

E	Under Secretary of State for Economic, Business, and Agricultural Affairs
E/DRB	Expanded Defense Resources Board
EAA	Export Administration Act
EAC	Executive Associate Commissioner
EAF	Expeditionary Aerospace Force
EARB	Export Administration Review Board
EB	Economics and Business Bureau
EBRD	European Bank for Reconstruction and Development

EDA	Economic Development Administration
EDD	Economic Development Districts
EDIC	Economic Development Information Clearinghouse
EDO	Executive Director for Operations
EE	Export Enforcement
EEIB	Economic Executives' Intelligence Brief
EEO	Equal Employment Opportunity
EIAP	Economic Intelligence Advisory Panel
EID	Emerging Infectious Diseases
EIP	Emerging Infections Program
EIS	Epidemic Intelligence Service
ELC	Epidemiology and Laboratory Capacity
EMS	Emergency Medical Services
EO	Executive Order
EOC	Emergency Operations Center
EONS	Executive Office for National Security
EOP	Executive Office of the President
EPA	Environmental Protection Agency
EPCA	Energy Policy and Conservation Act (1975)
EPCI	Enhanced Proliferation Control Initiative
EPIC	El Paso Intelligence Center
EPO	Epidemiology Program Office
EPSCoT	Experimental Program to Stimulate Competitive Technology
ER	Exploratory Research
ERG	Executive Review Group (SSP)
ERLE	Energy-Related Laboratory Equipment
ERT	Emergency Response Team
ERULF	Energy Research Undergraduate Laboratory Fellowship
ESF	Emergency Support Function
ESG	Explosives Study Group
ESP	Enhanced Surveillance Program
EU	European Union
EUCOM	United States European Command
EXCOM	Executive Committee
ExComm	Executive Committee (in the context of Presidential Decision Directive 56)
EXDIR	Executive Director
ExDir/ICA	Executive Director/Intelligence Community Affairs

F

FA	Finance and Administration
FAA	Federal Aviation Administration
FACA	Federal Advisory Committee Act
FAM	Foreign Affairs Manual
FATF	Financial Action Task Force
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FCC	Federal Communications Commission
FCIP	Foreign Counterintelligence Program
FCO	Federal Coordinating Officer

FDA	Food and Drug Administration
FDDC	Foreign Denial and Deception Committee
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FG	Fiscal Guidance
FIA	Federal Insurance Administration
FinCEN	Financial Crimes Enforcement Network
FMP	Bureau of Finance and Management
FMP	Fisheries Management Plan
FMRO	Foreign Military Rights Office
FOA	Field Operating Agency
FOA	Forward Operating Agency
FOIA	Freedom of Information Act
FORSCOM	U.S. Army Forces Command
FOSC	Federal On-Scene Coordinator
FPC	Federal Preparedness Circular
FRN	FEMA Radio Network
FRP	Federal Response Plan
FSO	Foreign Service Officer
FTE	Full Time Equivalent
FY	Fiscal Year
FYDP	Future Years Defense Plan

G

G	Under Secretary of State for Global Affairs
GAO	General Accounting Office
GATT	General Agreement on Tariffs and Trade
GC	General Counsel
GDIP	General Defense Intelligence Program
GDO	General Defense Operations
GER	Global Expertise Reserve
GPRA	Government Performance Review Act
GSA	General Services Administration

H

HASC	House Armed Services Committee
HAZMAT	Hazardous Materials
HDC	Harbor Defense Commander
HEU	Highly enriched uranium
HEU	Highly-Enriched Uranium
HHS	Department of Health and Human Services
HHS/OEP	Health and Human Services/Office of Emergency Preparedness
HIDTA	High Intensity Drug Trafficking Area
HMO	Health Management Organization
HNSC	House National Security Committee
HPSCI	House Permanent Select Committee on Intelligence
HQDA	Headquarters, Department of the Army
HRM	Human Resource Management
HSI	Hispanic Serving Institutions

HUD Department of Housing and Urban Development
HUMINT Human Intelligence

I

IA Import Administration
IAEA International Atomic Energy Agency
IASP International Affairs Strategic Plan
IBES Intelligence Budget Estimate Submission
IBRD International Bank for Reconstruction and Development
IC Intelligence Community
IC/CIO Intelligence Community/Chief Information Officer
IC/DC Intelligence Community Deputies Committee
IC/EXCOM Intelligence Community Executive Committee
IC/PC Intelligence Community Principals Committee
IC21 Intelligence Community in the 21st Century
ICAs Intelligence Community Assessments
ICB Intelligence Community Brief
ICBM Intercontinental Ballistic Missile
ICCS International Crime Control Strategy
ICF Inertial Confinement Fusion
ICITAP International Criminal Investigative Training Assistance Program
IDB Inter-American Development Bank
IDCA International Development Cooperation Agency
IEA International Energy Agency
IEC International Emergency Cooperation Program (DoE)
IG Inspector General
ILF International Litigation Fund
IM Information Management
IM Intelligence Memorandum
IMINT Imagery Intelligence
INA Immigration and Nationality Act
INF Intermediate-Range Nuclear Forces
INFOSEC Information Systems Security
ING International Notification Group
INL Bureau for International Narcotics and Law Enforcement
INPHO Information Network for Public Health Officials
INS Immigration and Naturalization Service
INTERPOL International Criminal Police Organization
INTERPOL-
USNCB International Criminal Police Organization-United States National Central Bureau
IO Intelligence Operations
IOB Intelligence Oversight Board
IOTC Information Operations Technology Center
IPBD Intelligence Program Budget Decision
IPDM Intelligence Program Decision Memorandum
IPL Integrated Priority List
IPOM Intelligence Program Objective Memorandum
IPP Initiatives for Proliferation Prevention
IPRG Intelligence Program Review Group

IPT	Integrated Process Team (also Integrated Product Team)
IPTF	Infrastructure Protection Task Force
IR	Intelligence Report
IRAC	The Interdepartmental Radio Advisory Committee
IRS	Internal Revenue Service
ISA	International Security Affairs
ISD	Investigative Services Division
ISR	Intelligence, Surveillance, and Reconnaissance
IT	Information Technology
IT	Inland Transportation
ITA	International Trade Administration
ITC	Information Technology Center
ITS	Institute for Telecommunication Sciences
ITU	International Telecommunication Union
ITWG	Infotech Training Working Group
IWG	Interagency Working Group

J

JAAR	Joint After Action Report
JAARS	Joint After Action Reporting System
JAEIC	Joint Atomic Energy Intelligence Committee
JCLL	Joint Center for Lessons Learned
JCS	Joint Chiefs of Staff
JCS Pubs	Joint Chiefs of Staff Publications
JET	Judgement Enforcement Teams
JFCOM	United States Joint Forces Command
JFMCC	Joint Force Maritime Component Commander
JIATF	Joint Interagency Task Force
JIC	Joint Information Center
JITC	Joint Intelligence Training Center
JMET	Joint Mission Essential Task
JMETL	Joint Mission Essential Task List
JMIC	Joint Military Intelligence College
JMIP	Joint Military Intelligence Program
JMITC	Joint Military Intelligence Training Center
JMRR	Joint Monthly Readiness Review
JNA	Joint Net Assessment
JOA	Joint Operational Architecture
JOC	Joint Operations Center
JOPEs	Joint Operational Planning and Execution System
JPD	Joint Planning Document
JPG	Joint Planning Guidance
JRAC	Joint Rear Area Commander
JRB	Joint Requirements Board
JROC	Joint Requirements Oversight Council
JRS	Joint Reporting System
JSCP	Joint Strategic Capabilities Plan
JSD	Judicial Security Division
JSPS	Joint Strategic Planning System

JSR	Joint Strategy Review
JTASC	Joint Training, Analysis, and Simulation Center
JTF	Joint Task Force
JTP	Joint Training Plan
JTS	Joint Training System
JTTF	Joint Terrorism Task Force
JTTPS	Joint Tactics, Techniques, and Procedures
JWC4SI	Joint Warfare C4 Systems Integrator
JWCA	Joint Warfighting Capability Assessment
JWFC	Joint Warfighting Center

K

KDP	Key Decision Point
KPP	Key Performance Parameters

L

LANL	Los Alamos National Laboratory
LANTAREA	Atlantic Area
LDRD	Laboratory-Directed Research and Development
LEDET	Law Enforcement Detachment
LEO	Law Enforcement On-line
LEO	Life Extension Option
LEP	Life Extension Program
LEU	Low enriched uranium
LEU	Low-Enriched Uranium
LFA	Lead Federal Agency
LLCE	Limited Liability Component Exchange
LLNL	Lawrence Livermore National Laboratory

M

MA	Mission Assignment
MAA	Mission Area Assessment
MAC	Market Access and Compliance
MACOM	Major Command (Army)
MAJCOM	Major Command (Air Force)
MARFOLANT	Marine Corps Forces Atlantic
MARFOPAC	Marine Corps Forces Pacific
MASINT	Measurement and Signature Intelligence
MBB	Mission-Based Budgeting
MBI	Major Budget Issue
MC	Military Characteristics
MDAP	Major Defense Acquisition Programs
MDEP	Management Decision Package
MDZ	Maritime Defense Zone
MEC	Manufacturing Extension Centers
MET	Mobile Enforcement Team
METL	Mission Essential Task List
MFA	Major Focus Area
MIB	Military Intelligence Board
MLC	Maintenance and Logistics Command
MLSA	Money Laundering Suppression Act of 1994

MMRS	Metropolitan Medical Response System
MMST	Metropolitan Medical Strike Team
MMWR	Morbidity and Mortality Weekly Report
MNS	Mission Needs Statement
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPC&A	Materials Protection, Control & Accounting
MPP	Mission Performance Plan
MSCD	Military Support of Civil Defense
MSIC	Missile and Space Intelligence Center
MTCR	Missile Technology Control Regime
N	
NAFTA	North America Free Trade Agreement
NASA	National Aeronautics and Space Administration
NATO	North Atlantic Treaty Organization
NAVGARD	Navy-Coast Guard
NCA	National Command Authority
NCC	Naval Component Commander
NCEH	National Center for Environmental Health
NCHS	National Center for Health Statistics
NCHSTP	National Center for HIV, Sexually Transmitted Diseases (STD) and Tuberculosis (TB) Prevention
NCI	Nuclear Cities Initiative
NCIC	National Crime Information Center
NCID	National Center for Infectious Diseases
NCIPC	National Center for Injury Prevention and Control
NCJRS	National Criminal Justice Reference Service
NCP	National Contingency Plan
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCS	National Communications System
NCS	National Cryptologic School
NCW	Naval Coastal Warfare
NCWC	Naval Coastal Warfare Commander
NDIC	National Drug Intelligence Center
NDMS	National Disaster Medical System
NDPO	National Domestic Preparedness Office
NDU	National Defense University
NE	Office of Nuclear Energy, Science, and Technology
NEA	Nuclear Energy Agency
NEC	National Economic Council
NEC	Nonproliferation and Export Control Cooperation Team
NERAC	Nuclear Energy Research Advisory Committee
NEWS	Numeric Environment for Weapon Simulations
NFIB	National Foreign Intelligence Board
NFIP	National Foreign Intelligence Program
NGB	National Guard Bureau
NGO	Nongovernmental organization
NIC	National Intelligence Council
NICB	National Intelligence Collection Board

NID	National Intelligence Daily
NIE	National Intelligence Estimates
NIF	National Ignition Facility
NIH	National Institutes of Health
NIJ	National Institute of Justice
NIMA	National Imagery and Mapping Agency
NIMAP	National Imagery and Mapping Agency Program
NIO	National Intelligence Officer
NIOSH	National Institute for Occupational Safety and Health
NIP	National Immunization Program
NIPB	National Intelligence Production Board
NIPC	National Infrastructure Protection Center
NIS	Newly Independent States
NIST	National Institute of Standards and Technology
NLECTC	National Law Enforcement and Corrections Technology Center
NLETS	National Law Enforcement Telecommunications System
NLLS	Navy Lessons Learned System
NMCC	National Military Command Center
NMCS	National Military Command System
NMJIC	National Military Joint Intelligence Center
NMS	National Military Strategy
NMSS	Nuclear Material Safety and Safeguards
NMT	Office of Nuclear and Missile Technology Controls
NN	Office of Nonproliferation and National Security (DoE)
NN-30	Office of International Nuclear Safety and Cooperation (DoE)
NN-40	Office of Arms Control and Nonproliferation (DoE)
NN-50	Office of International Materials Protection and Emergency Cooperation (DoE)
NNSA	National Nuclear Security Administration
NPAC TWG	Nonproliferation and Arms Control Technology Working Group
NPR	Nuclear Posture Review
NRC	National Response Center
NRC	Nuclear Regulatory Commission
NRO	National Reconnaissance Office
NRP	National Reconnaissance Program
NRR	Nuclear Reactor Regulation
NRT	National Response Team
NSA	National Security Agency
NSAP	National Security Advisory Panel
NSC	National Security Council
NSC/DC	National Security Council/Deputies Committee
NSC/PC	National Security Council/Principals Committee
NSCS	National Security Council Staff
NSG	Nuclear Suppliers Group
NSOC	National Security Operations Center
NSR	National Security Review
NSRL	National SIGINT Requirements List
NSRS	National SIGINT Requirements System
NSS	National Security Strategy
NSTC	National Science and Technology Council

NSTL	National Security Threat List
NTC	National Firearms Tracing Center
NTIA	National Telecommunications and Information Administration
NTIS	National Technical Information Service
NTS	Nevada Test Site
NVPO	National Vaccine Program Office
NWC	Nuclear Weapons Council
NWSP	Nuclear Weapons Stockpile Plan

O

O&M	Operations and Maintenance
OAC	Office of Antiboycott Compliance
OAS	Organization of American States
OASH	Office of the Assistant Secretary of Health
OBMS	Office of Budget and Management Services
OC	Operating Committee
OCA	Office of Congressional Affairs
OCC	Office of the Chief Counsel
OCDETF	Organized Crime Drug Enforcement Task Force
ODCI	Office of the Director of Central Intelligence
OEA	Office of Export Administration
OEE	Office of Export Enforcement
OEP	Office of Emergency Preparedness
OES	Bureau for Oceans, Environment, and Science
OEXS	Office of Exporter Services
OFAC	Office of Foreign Assets Control
OFO	Office of Field Operations
OGH	Office of Global Health
OIA	Office of International Affairs
OIAP	Office of Investigative Agency Policies
OICC	Operational Intelligence Crisis Center
OIG	Office of the Inspector General
OIPR	Office of Intelligence Policy and Review
OIPT	Overarching Integrated Product Teams
OJP	Office of Justice Programs
OLE	Office of Legal Education
OLES	Office of Law Enforcement Standards
OMB	Office of Management and Budget
ONDCP	Office of National Drug Control Policy
OPA	Office of Public Affairs
OPBRE	Office of Programs, Budget, Research, and Evaluation
OPCM	Office of Policy Coordination and Management
OPDAT	Overseas Prosecutorial Development, Assistance, and Training
OPDEPS	Operations Deputies
OPIC	Overseas Private Investment Corporation
OPLAN	Operations Plan
OPORD	Operations Order
OPPE	Office of Program Planning and Evaluation
OPR	Office of Primary Responsibility

OPS	Office of Policy Support
OPSDEP	Operations Deputy
OPTEMPO	Operating Tempo
ORD	Operational Requirements Document
OSC	Office of Space Commercialization
OSC	On-Scene Commander
OSC	Operations Support Center
OSCE	Organization for Security and Cooperation in Europe
OSD	Office of the Secretary of Defense
OSD/PA&E	Office of the Secretary of Defense/Program Analysis & Evaluation
OSLDPS	Office for State and Local Domestic Preparedness Support
OSM	Office of Spectrum Management
OST	Office of the Secretary of Transportation
OSTP	Office of Science and Technology Policy
OT&E	Operational Test and Evaluation
OTI	Office of Transnational Issues
OTIA	Office of Telecommunications and Information Applications
OTP	Office of Technology Policy

P

P	Under Secretary of State for Political Affairs
P&PD	Production & Planning Directive
P.L.	Public Law
PA&E	Program Analysis and Evaluation
PA&EO	Program Assessment and Evaluation Office
PACAF	Pacific Air Forces
PACOM	United States Pacific Command
PAD	Program Associate Director
PASS	President's Analytic Support Staff
PB	President's Budget
PBC	Program and Budget Committee
PBD	Presidential Budget Decision
PC	Principals Committee of the National Security Council (see also NSC/PC)
PCAST	President's Committee of Advisors on Science and Technology
PCG	Peacekeeping Core Group
PCP	Product Change Proposals
PDB	President's Daily Brief
PDD	Presidential Decision Directive
PDM	Program Decision Memorandum
PDRC	Program Development Review Committee
PDUSD(A&T)	Principal Deputy Under Secretary for Acquisition and Technology
PE	Program Element
PEM	Program Element Monitors
PEO	Program Executive Officer
PFIAB	President's Foreign Intelligence Advisory Board
PGDB	Prevention Guidelines Database
PH	Port Handling
PHPPO	Public Health Practice Program Office
PHS	Public Health Service

PHTN	Public Health Training Network
PM	Bureau of Political-Military Affairs
PM	Program Manager
PMA	Power Marketing Administration
PME	Performance Measures of Effectiveness
PNGV	Partnership for a New Generation of Vehicles
PO	Program Operations
POG	Program Officer Group
POLAD	Political Advisor
Pol-Mil	Political-Military
POM	Program Objective Memoranda
PP&O	Plans, Programs, and Operations
PPBS	Planning, Programming and Budgeting System
PRA	Primary Review Authority
PRC	Program Review Committee
PRD	Presidential Review Directive
PRG	Program Review Group
PRM	Bureau of Population, Refugees, and Migration
PSD	Prisoner Services Division
PSG	Prioritization Steering Group
PSU	Port Security Unit
PVO	Private voluntary organization
PWG	POM Working Group

Q

QART	Quality Assurance Reliability Testing
QDR	Quadrennial Defense Review
QFR	Questions for the Record
QRRC	Quarterly Readiness Report to Congress

R

R&D	Research & Development
R4	Results Report and Resource Request
RC	Reserve Components
RDT	Rapid Deployment Team
RDT&E	Research and Development and Test and Evaluation
RHA	Regional Health Administrator
RISS	Regional Information Sharing Systems
RMA	Revolution in Military Affairs
RMO	Resource Management Office
ROC	Regional Operations Center
RPPO	Requirements, Plans, and Policy Office
RRF	Ready Reserve Force
RSOC	Regional Security Operations Centers
RTBF	Readiness in Technical Base and Facilities

S

S	Secretary of State
S&T	Science & Technology
S&TR	Strategy and Threat Reduction
S/P	Office of Policy Planning

S/RPP	Office of Resources, Plans, and Policy
S/S-EX	Executive Office, Office of the Secretary of State
S/S-O	Operations Center, Office of the Secretary of State
S/S-S	Secretariat, Office of the Secretary of State
SAC	Special Agent in Charge
SACEUR	Supreme Allied Commander Europe
SACLANT	Supreme Allied Commander Atlantic
SAE	Service Acquisition Executive
SAMHSA	Substance Abuse and Mental Health Services Administration
SAP	Statement of Administration Policy
SAR	Search and Rescue
SASC	Senate Armed Services Committee
SAT	Stockpile Assessment Team
SCC	Service Cost Center
SCE	Service Cryptologic Elements
SCG	Special Coordination Group
SCM	Security Counter Measures
SECDEF	Secretary of Defense
SEIB	Senior Executive Intelligence Brief
SELCOM	Select Committee
SEPA	Southeastern Power Administration
SES	Senior Executive Service
SFI	Significant Finding Investigation
SIES	Office of Strategic Industries and Economic Security
SIGINT	Signal Intelligence
SIOC	Strategic Information Operations Center
SIOP	Single Integrated Operational Plan
SIR	Special Intelligence Report
SLEP	Stockpile Life Extension Program
SLOC	Sea Line of Communications
SMDP	Sustainable Management Development Program
SNL	Sandia National Laboratories
SNM	Special Nuclear Material
SO/LIC	Special Operations and Low Intensity Conflict
SOAL	Special Operations/Acquisition and Logistics
SOCM	Sense of the Community Memorandum
SOCOM	United States Special Operations Command
SOCS	Special Operations/Command Support
SOG	Special Operations Group
SOIO	Special Operations/Intelligence and Information Operations
SOOP	Special Operations/Operations, Plans, and Policy
SORR	Special Operations/Requirements and Resources
SORTS	Status of Resources and Training System
SOUTHCOM	United States Southern Command
SPACECOM	United States Space Command
SPC	Strategy and Planning Committee
SPIN	Strategic Planning Information Network
SPR	Strategic Petroleum Reserve

SROC	Senior Readiness Oversight Council
SSBN	Ballistic Missile Submarine
SSC	Structures, Systems, & Components
SSCI	Senate Select Committee on Intelligence
SSP	Stockpile Stewardship Program
START	Strategic Arms Reduction Treaty
START	Strategic Arms Reduction Treaty
STFPC	Office of Strategic Trade and Foreign Policy Controls
STIC	Scientific and Technical Intelligence Committee
USSTRATCOM	United States Strategic Command
STS	Stockpile-to-Target Sequence
SWARF	Senior Warfighting Forum
SWAT	Special Weapons and Tactics
SWPA	Southwestern Power Administration

T

T	Under Secretary of State for Arms Control and International Security
TA	Technology Administration
TACON	Tactical Control
TAE	Transportation Acquisition Executive
TAM	Transportation Acquisition Manual
TCR	Technical Certification Report
TD	Trade Development
TEP	Theater Engagement Plan
TIARA	Tactical Intelligence and Related Activities
TLAM	Tomahawk Land Attack Missile
TOA	Total Obligation Authority
TPCC	Trade Promotion Coordinating Committee
TPFDD	Time-Phased Force and Deployment Data
TRADOC	U.S. Army Training and Doctrine Command
TRANSCOM	United States Transportation Command
TRO	Training and Readiness Oversight
TSARC	Transportation Review Council
TSARC	Transportation Systems Acquisition Review Council
TSWG	Technical Support Working Group
TVA	Tennessee Valley Authority

U

UAV	Unmanned Aerial Vehicle
UC	University of California
UCP	Unified Command Plan
UJTL	Universal Joint Task List
UN	United Nations
UNAAF	Unified Action Armed Forces
US&FCS	U.S. and Foreign Commercial Service
USACOM	U.S. Atlantic Command [now U.S. Joint Forces Command (USJFCOM)]
USAFE	U.S. Air Forces in Europe
USAID	U.S. Agency for International Development
USASC	U.S. Army Safety Center
USC	United States Code

USCG	United States Coast Guard
USCINCLANT	U.S. Commander-in-Chief, Atlantic
USCINCPAC	U.S. Commander-in-Chief, Pacific
USD(A&T)	Under Secretary of Defense for Acquisitions & Technology
USD(C)	Under Secretary of Defense (Comptroller)
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USD(P)	Under Secretary of Defense for Policy
USFA	United States Fire Administration
USIA	United States Information Agency
USJFCOM	United States Joint Forces Command
USISTC	U.S.-Israel Science and Technology Commission
USITC	United States International Trade Commission
USMS	United States Marshals Service
USSOCOM	U.S. Special Operations Command
USSPACECOM	United States Space Command
USSTRATCOM	United States Strategic Command
USTR	U.S. Trade Representative
USTRANSCOM	United States Transportation Command

V

V&V	Validation and Verification
VCJS	Vice Chairman, Joint Chiefs of Staff
VCSA	Vice Chief of Staff of the Army
VDJS	Vice Director, Joint Staff

W

WAPA	Western Power Administration
WCF	Working Capital Fund
WITSEC	Witness Security Program
WMD	Weapons of Mass Destruction
WMDPG	Weapons of Mass Destruction Preparedness Group
WSSIC	Weapons and Space Systems Intelligence Committee