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POLICY FUNCTIONS/OPERATIONAL ROLES OF FEDERAL AGENCIES IN COUNTERING THE DOMESTIC CHEMICAL/BIOLOGICAL THREAT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT DESCRIBING THE RESPECTIVE POLICY FUNCTIONS AND OPERATIONAL ROLES OF FEDERAL AGENCIES IN COUNTERING THE THREAT POSED BY THE USE OR POTENTIAL USE OF BIOLOGICAL AND CHEMICAL WEAPONS OF MASS DESTRUCTION (WMD) WITHIN THE UNITED STATES, PURSUANT TO PUB. L. 104–201, SEC. 1416(e)(1) (110 STAT. 2724)

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To the Congress of the United States:

As required by section 1416 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), I transmit herewith a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction (WMD) within the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 21, 1997.*

Policy Functions/Operational Roles of Federal Agencies in Countering the Domestic Chemical/Biological Threat

This report is submitted pursuant to Section 1416 of Public Law 104-201.

The purpose of this report is to describe the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction (WMD) within the United States.

The Federal government's response to the threat posed by chemical and biological weapons within the United States falls broadly into two categories: Crisis Management and Consequence Management.

1.0 Crisis and Consequence Management Programs

In the event of a domestic terrorist incident involving the use of chemical or biological weapons (CBW), the Federal Bureau of Investigation (FBI) has lead responsibility for crisis management and the Federal Emergency Management Agency (FEMA) is the lead agency for consequence management.

1.1 Crisis Management

The FBI is the lead agency for crisis management of a terrorist attack involving chemical or biological weapons. Its lead agency responsibility encompasses resolving the hostile situation, investigating the incident, and preparing a criminal case for prosecution.

In response to a credible threat involving CBW, the FBI will assess, in coordination with relevant Federal agencies, the technical sophistication of the threat, the tactical challenges it poses, and the behavioral profile of the potential attacker.

If the threat warning derives from a source (or sources) outside the targeted area, the FBI notifies law enforcement authorities within the affected State of the threat. Contact does not end with this notification; rather, it evolves into close coordination with local law enforcement authorities until the incident has been resolved. Until then, the FBI on-scene commander (OSC) provides leadership and direction to the overall Federal crisis management response. This means intensive coordination with FEMA, the Federal agencies involved in

technical operations (including the Public Health Service (PHS), Department of Energy (DOE), and the Environmental Protection Agency (EPA)), and the State (as appropriate). As the lead agency, the Bureau's aim will be to formulate incident action plans, define priorities, review the status of actions being taken, resolve conflicts between agencies, identify issues that require decisions by senior policy makers in Washington, and evaluate the need for additional resources.

If a weapon of mass destruction is discovered during the investigation of the threat, or captured during the resolution of an incident, the FBI would direct implementation of interagency guidelines for weapon retrieval, disablement (or rendering safe), transportation, and disposal. In doing so, the FBI would use existing expertise within the Department of Defense (DOD) and the DOE on WMD technical matters. The Bureau's lead role in this situation stems from the fact that Federal agencies that possess specific technical expertise and equipment to respond to a CBW incident have neither the law enforcement authority nor expertise to collect and preserve evidence at a crime scene for subsequent court proceedings.

1.2 Consequence Management

FEMA is the lead agency in managing the consequences of a terrorist incident within the United States. Although affected State and local governments have primary jurisdiction for emergencies, a terrorist attack with weapons of mass destruction could create havoc beyond the capabilities of State and municipal authorities to manage. In such an instance, FEMA would coordinate Federal measures in support of State and local governments to protect public health and safety, restore essential government services, and provide emergency relief to affected governments, businesses, and individuals.

If chemical or biological weapons are used, FEMA will implement the Federal Response Plan (FRP), cooperating with local and State emergency response agencies. Relevant Federal agencies such as the Department of Health and Human Services (DHHS) as well as the Defense Department (DOD) and EPA will assist.

In the event of an incident, FEMA would establish primary Federal operations centers for consequence management in the field and in Washington, D.C. FEMA would designate appropriate liaison and advisory personnel to support the FBI. Further, FEMA would consult with the White House and the Governor's office of the affected State to determine if a Federal consequence management response is required and whether the President should direct the use of Stafford Act authorities (i.e., 42 U.S.C. 5195). FEMA would also establish the primary Federal centers for information

on the consequence management response for the media, members of Congress, and foreign governments.

2.0 Policy Coordination

Policy coordination of these agencies' overall programmatic activity rests with an NSC chaired senior interagency group that reports directly to the Deputies' Committee.

The function of the interagency group is to oversee the work of the core agencies in developing and implementing policies to counter the threat posed by terrorism and weapons of mass destruction. This group holds both regular and *ad hoc* meetings to coordinate activities, monitor progress, and ensure results.

3.0 Interagency Working Groups

In addition, interagency working groups have been formed to deal with specific details regarding implementation of counterterrorism and crisis/consequence management of weapons of mass destruction. Among these working groups is the Federal Response Plan Core Group, which is chaired by the Federal Emergency Management Agency (FEMA) and includes agencies and organizations such as the Environmental Protection Agency (EPA), Department of Defense (DOD), Department of State (DOS), Federal Bureau of Investigation (FBI), Veterans' Administration (VA), and Public Health Service (PHS). This working group handles issues such as crisis/consequence response and personnel training.

To ensure a coordinated training approach, FEMA convened a Senior Interagency Coordination Group (SICG) on Terrorism drawn from relevant Federal departments and agencies to provide policy level guidance for development of a Government-wide terrorism training strategy. In support of the SICG, an Interagency Training Task Group (TTG) was established to identify first responders in need of training and their performance requirements, suggest training design, and set priorities.

4.0 Research and Development Programs

The Technical Support Working Group (TSWG), a subgroup of the Interagency Working Group on Counter Terrorism (IWG/CT), was established to identify requirements and prioritize, coordinate, and manage research and development to meet counterterrorism needs. The TSWG oversees the development of technologies to detect and to render safe biological and chemical weapons. Agencies involved in development of technologies include the DOD and DOE, among others.

The DOE Chemical and Biological Weapon Nonproliferation Program was initiated in October 1996 in response to The Energy and Water Development Appropriations Act of 1997. The DOE program emphasizes mid- to long-term research programs. The goal of this program is to make DOE's expertise in chemical and biological nonproliferation technologies and capabilities available to the United States Government through the formation of strategic partnerships with agencies that play lead roles in CBW nonproliferation.

The focus of the program is to integrate and leverage unique capabilities resident in nine of the DOE laboratories to address high priority shortfalls in the Nation's ability to counter the proliferation of chemical and biological weapons and related technology. Continuing coordination and interagency review are accomplished through the DOD, DOE, and the Intelligence Community Counterproliferation Review Committee, as well as the TSWG mentioned earlier.

5.0 President's Commission on Critical Infrastructure Protection

The President established the Critical Infrastructure Commission on July 15, 1996, to identify vulnerabilities in the U.S. physical and cyber infrastructure and propose options for reducing these vulnerabilities. The Commission will examine the threat of a chemical or biological terrorist attack where such attacks are judged to have a regional or national impact on critical infrastructure.

6.0 Federal Agencies Supporting Technical Operations

Although FBI and FEMA are the lead agencies in crisis and consequence management, other Federal agencies support the former in providing expertise and technical assistance to handle the threat and use of chemical or biological agents.

6.1 Department of Defense

The Department of Defense will activate technical operations capabilities to support the Federal response to threats or acts of chemical or biological weapons terrorism. DOD provides supplemental support to civil authorities in response to terrorist incidents. DOD supports the Federal response to a terrorist crisis through a standing Joint Special Operations Task Force (JSOTF) and the establishment of joint task forces to assist in both crisis and consequence management. DOD will provide technical, weapon disposal, security, and other support to Federal, State, and local authorities.

All DOD assistance will be personally managed by the Secretary of Defense and assisted by the Chairman of the Joint Chiefs of Staff and the Secretary of the Army.

6.2 Department of Health and Human Services

The Department of Health and Human Services (HHS)coordinates the Health and Medical Services Support Plan for the Federal response to acts of Chemical/Biological (C/B) Terrorism. Response to health and medical needs required in the aftermath of a CBW incident are directed by HHS through the Assistant Secretary for Health. The Office of Emergency Preparedness is assigned responsibility within HHS for implementation and coordination of health and medical assistance actions.

In the event of a CBW crisis management situation, HHS assists the FBI in threat assessment; provides technical advice and assistance to Federal, State, and local governments; pre-positions resources, coordinates development of health-related public information, and medical resources in preparation for mobilization; and prepares medical services support to respond to a credible CBW terrorist threat. HHS is also the primary agency for directing, coordinating, and integrating the overall Federal effort to provide health and medical services support within a consequence management response.

6.3 Environmental Protection Agency

The Environmental Protection Agency (EPA) is responsible for coordinating with individual agencies of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to use structures and capabilities developed to support NCP operations. The National Oil and Hazardous Substances Response System is described in the NCP and is the Federal government's mechanism for emergency response to discharges of oil into navigable waters of the United States and releases of chemicals into the environment. The system provides a framework for coordination among Federal, State, and local responders and responsible parties.

Created by the NCP, the National Response Center (NRC) is charged with receiving reports of all chemical, radiological, etiological, and biological releases regulated by the Federal Water Pollution Control Act (FWPCA), the Outer Continental Shelf Lands Act, the Magnuson Fisheries Conservation and Management Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NRC immediately relays reports of incidents to a predesignated On-Scene Coordinator.

In the crisis management phase (pre-incident) the EPA cooperates with the FBI in order to determine what sort of hazardous materials are threatened to be released and what is the nature of such substances. In the consequence management phase, in accordance with the NCP, the EPA on-scene coordinator will cooperate with FEMA. The NCP response will include environmental monitoring, decontamination, and long-term site restoration (environmental clean-up) operations.

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