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THE WHITE HOUSE

WASHINGTON

May 22, 1998

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MEMORANDUM FOR THE VICE PRESIDENT  
THE SECRETARY OF STATE  
THE SECRETARY OF THE TREASURY  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE SECRETARY OF TRANSPORTATION  
THE SECRETARY OF ENERGY  
THE SECRETARY OF VETERANS AFFAIRS  
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY  
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET  
DIRECTOR OF CENTRAL INTELLIGENCE  
DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY  
ASSISTANT TO THE PRESIDENT FOR  
NATIONAL SECURITY AFFAIRS  
ASSISTANT TO THE PRESIDENT FOR  
SCIENCE AND TECHNOLOGY  
DIRECTOR, UNITED STATES INFORMATION AGENCY  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION  
DIRECTOR, UNITED STATES SECRET SERVICE

SUBJECT: Protection Against Unconventional Threats to the  
Homeland and Americans Overseas (U)

In 1995, I reaffirmed and elaborated United States counter-  
terrorism policy in PDD-39. That policy directive remains  
valid. (U)

Because of our military superiority, potential enemies, be they  
nations, terrorist groups, or criminal organizations, are  
increasingly likely to attack us in unconventional ways.  
Adversaries will be tempted to exploit vulnerabilities in our  
critical infrastructure, impede continuity of government  
operations, use weapons of mass destruction against civilians in  
our cities, disrupt our transportation systems, attack us when  
we gather as a community at special events, and prey on our  
citizens overseas. (U)

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As this cluster of threats matures in the coming century, I am determined that we will be prepared to deter them, prevent them, or, if necessary, limit the damage they can inflict. Success requires that we recognize the common nature of these threats, the need for an integrated response, and, in the case of critical infrastructure protection, the importance of a public-private partnership. (U)

#### Successes and Remaining Challenges (U)

Current policy has led to substantial success:

- an increased rate of renditions, apprehensions and convictions of terrorists;
- a significant expansion of counterterrorism legislative authorities;
- a large increase in counterterrorism funding with consequent improvement in capabilities at FAA, FBI, and CIA;
- important progress in counterterrorism planning, particularly in the areas of consequence management (FEMA, EPA and PHS) and WMD preparedness;
- elevating the place of terrorism as an important item on the diplomatic agenda, especially as it affects other countries' relations with Iran, Libya, and Sudan;
- improved anti-terrorism force protection within DOD;
- expansion of assistance to, and cooperation with, other democracies threatened by terrorism, including Israel; and
- routinizing the management of counterterrorism through PDD-39 and the creation of a professional, trained and coordinated interagency cadre. (U)

Yet the threats posed by potential adversaries in the twenty-first century are changing, in nature and scope:

- States and state-sponsored groups, knowing that they cannot defeat us in a conventional military confrontation, may seek to engage in asymmetrical assaults on our vulnerabilities at home and abroad through terrorism, use of weapons of mass destruction and cyber warfare.

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-- The attack on the Tokyo subway demonstrated that terrorists seek and have used weapons of mass destruction (chemical, biological, or radiological devices) to increase the destructiveness of their acts.

-- Civil defense and continuity of government programs developed during the Cold War have been largely dismantled or downsized. Few American cities are prepared to deal with an incident involving weapons of mass destruction, or even large-scale conventional attacks such as the World Trade Center or Oklahoma City bombings.

-- Advances in encryption technology threaten the ability of law enforcement agencies to detect and prevent terrorist acts.

-- Our critical infrastructure is becoming more reliant upon information and computer-based technologies that are vulnerable to covert attack by terrorists or other hostile groups. (U)

Meanwhile, the bombings of U.S. military facilities in Saudi Arabia and the murders in Karachi remind us that Americans remain the target of capable terrorists, and signal the urgent need to reduce our vulnerabilities to such "traditional" threats. (U)

#### **Program Objectives and Responsibilities (U)**

To address these changes in the continuing danger from unconventional threats, I hereby direct an integrated program to increase our effectiveness in countering these threats and to prepare to manage the consequences of attacks against U.S. citizens or infrastructure. All of these programs will be carried out in full compliance with applicable law and existing procedures governing the activities of the agencies involved. (U)

Lead Agencies responsible for programs supporting our security and counter-terrorism policy should designate a Senior Program Coordinator who will be responsible for coordinating these programs within the U.S. Government, and identifying goals and milestones. (U)

1. Apprehension, Extradition, Rendition and Prosecution:  
Foreign terrorists who violate U.S. laws will be apprehended and tried, no matter where they hide and no matter how long it

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takes. The Justice Department is the lead agency for this program. In pursuing extradition and rendition, the Justice Department will act in coordination with the State Department. (U)

-- Other departments will make assistance to these Justice Department efforts a top priority and will budget and structure priorities accordingly. The Intelligence Community will maintain collection and capabilities to support apprehensions. The Defense Department will, if requested, provide nonreimbursable transportation in support of renditions to the extent permitted by law. The State Department will ensure that at the top of our bilateral agenda with other governments, especially those that harbor terrorists, is action against those that threaten or have attacked U.S. interests and cooperation on apprehension, prosecution, extradition, or rendition. ~~(S)~~

-- The Justice Department will identify the highest priority pending foreign terrorist apprehensions, and the FBI, in coordination with CIA and the State Department will develop plans for their rendition. ~~(S)~~

2. Disruption: Foreign terrorists who pose a credible threat to the United States and its citizens will be subject to preemption and disruption abroad, consistent with U.S. laws. CIA is the lead agency for this program. ~~(S)~~

-- Disruption program plans and specific actions will be developed and coordinated for interagency approval in accordance with existing procedures. ~~(S)~~

-- Other departments with relevant capabilities (such as Treasury on financing) will contribute expertise and assets to this program. ~~(S)~~

3. International Cooperation: The goal of zero tolerance for international terrorism will guide bilateral and multilateral efforts to eliminate sanctuaries, penalize states that sponsor terrorism, and assist friendly states victimized by terrorism. The State Department is the lead agency for this program, which will combine the following elements:

-- Support for efforts to obtain the extradition or other rendition of indicted terrorists. All programs and activities conducted abroad will be implemented in full compliance with existing Chief of Mission authorities.

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-- Adoption and implementation of the eleven major international conventions on terrorism will be a major foreign policy priority. ~~(S)~~

The State Department shall be responsible for coordinating with relevant agencies all assistance related to international terrorism. The State Department shall also maintain, in coordination with the Interagency Intelligence Committee on Terrorism (IICT) and the Office of Science and Technology Policy through the National Science and Technology Council, a robust international research, development, and procurement effort for counter-terrorism technologies. ~~(S)~~

4. Preventing Terrorist Acquisition of Weapons of Mass Destruction: To reflect the importance of efforts to prevent terrorists from acquiring weapons of mass destruction (WMD), I reiterate PDDs 39 and 41, which require:

-- The U.S. Government will work through interagency efforts with other nations to reduce or eliminate WMD; to safeguard such weapons, their components, and precursors; to prevent further WMD proliferation and to ensure that such weapons, their components and key precursors, do not come into the possession of terrorists. We will maintain a robust capability to respond to crisis situations involving the threat or use of WMD by terrorists. With NSC coordination, State, DOD, DOE, Treasury, Commerce, HHS, FBI, and CIA will continue to direct components of this overall effort and to provide the necessary programmatic support. I reiterate the importance of ensuring support to HHS and DOJ and other agencies, to implement and enforce safeguards and procedures to assure that select infectious agents and toxins are acquired, stored, transferred, or used only for legitimate scientific purposes and not for other non-approved purposes nor by terrorists as WMD. ~~(S)~~

5. Consequence Management for Terrorist Incidents: If, despite our efforts, a terrorist incident occurs in the United States, the Federal Government will respond rapidly, working with state and local governments, to restore order and deliver emergency assistance. The Department of Justice, acting through the FBI, will be the lead agency for operational response to a weapon of mass destruction incident. FEMA is responsible for preparing for or responding to the consequences of a WMD incident, with participation by PHS (health/medical), EPA (hazmat/environmental) and DOE (radiological), as necessary. When the Attorney General, acting on the advice of the Director, FBI, and

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in coordination with the Director, FEMA, determines that the incident or threat of an incident has subsided, lead agency responsibility may be transferred to FEMA. (U)

For consequence management of terrorist incidents outside of the United States, initial U.S. efforts will be coordinated through the Foreign Emergency Support Team (FEST) led by the State Department, and with its Consequence Management Response Team (CMRT). (U)

Our domestic goal is to build a capability in 120 major cities for first responders to be able to deal with incidents involving weapons of mass destruction by 2002. Toward that end, several departments will participate in a coordinated program in conjunction with local and state response authorities. ~~(S)~~

-- DOD, in coordination with the DOJ/FBI, FEMA, PHS, DOE, and EPA, will provide training to metropolitan emergency responders and will maintain military units (active and reserve components) to serve as augmentation forces for weapons of mass destruction consequence management and to help maintain proficiency of local emergency responders through training. ~~(S)~~

-- DOE will plan for and provide emergency responder training for nuclear, radiological incidents; EPA will plan for and provide emergency responder training for hazardous materials and environmental incidents. ~~(S)~~

-- HHS (PHS) will be the lead agency to plan and to prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. HHS, with the support of other Federal agencies, will provide enhanced local response capabilities through the development of Metropolitan Medical Strike Teams systems; will develop and maintain the National Disaster Medical System (NDMS), including the National Medical Response Teams; will work with DOD to ensure deployability of NDMS response teams, supplies and equipment; and, working with the Department of Veterans Affairs, ensure adequate stockpiles of antidote and other necessary pharmaceuticals nationwide and the training of medical personnel in NDMS hospitals. (U)

-- DOJ, in coordination with DOD, FEMA, EPA, and DOE, will provide personal protective equipment, detection and diagnostic instruments, on a selective basis, to State and local law enforcement agencies. ~~(S)~~

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Coordination of this overall effort will be effected through an interagency WMD Protection Group. (U)

6. Transportation Security: I accepted and expect the full implementation of the recommendations of the White House Commission on Aviation Safety and Security. The Department of Transportation is the lead agency for this program. (U)

-- Funding for the timely implementation of the White House Commission on Aviation Safety and Security recommendations will be reflected in Administration budget requests. (U)

-- As technology advances and the threat evolves, DOT will ensure that our technologies and procedures keep pace. Toward that end, the DOT will coordinate, in cooperation with NSTC, an interagency research and development program on transportation security. With respect to aviation security, DOT will periodically review whether additional measures beyond those in the Commission Report are required. As a first step, the FAA will develop and implement a more rigorous system for air cargo inspection, to include use of private verification and inspection firms. Parallel measures will be researched, developed, and deployed to improve the security of ground and maritime transportation. ~~TS~~

-- In addition, the Department of Transportation is responsible for dissemination of aviation security information, in coordination with State, as appropriate. (U)

7. Protection of Critical Infrastructure and Cyber Systems: We will minimize the risk from attacks on our critical infrastructure and cyber systems, whether the attackers are nations, groups, or individuals. We will also be prepared to deal with the consequences of such attacks. (U)

Therefore, having reviewed the recommendations of the presidential Commission on Critical Infrastructure Protection, I am issuing a complementary directive on our policy toward protection of our critical infrastructure. (U)

8. Continuity of Government Operations: Attacks by nations or groups will not be permitted to disrupt the functioning of either the constitutionally mandated functions of the Federal Government, nor the operation of its critical components. ~~TS~~

-- As outlined in Executive Order 12656, every department and agency will be able to rapidly and effectively transition

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from routine operation to emergency operations of vital functions following an attack that incapacitates its headquarters, key facilities, or leadership. (U)

-- In particular, agencies will ensure that key counter-terrorism staff can operate in low to mid-level WMD contingencies by providing protective equipment and transportation to a rapidly accessible relocation site. ~~(S)~~

-- The National Security Advisor will submit for my review and approval a draft of an updated and comprehensive Presidential Decision Directive on Enduring Constitutional Government that takes into account the terrorist and unconventional threats, and requires continuity of operations capabilities by all departments and agencies as a foundation for continuity of government for the future. ~~(S)~~

9. Countering the Foreign Terrorist Threat in the U.S.:  
Foreign terrorists will not be allowed to enter the United States and the full force of legal authorities will be used to remove foreign terrorists from the U.S. and to prevent fundraising within the U.S. to support foreign terrorists. The Justice Department will be the lead agency for this program. ~~(S)~~

-- Visa applicants that pose a terrorist threat will be identified and denied entry into the United States. The State Department, Justice Department (FBI and INS), and CIA will ensure that information about such persons, including their aliases, is collected and disseminated in a timely manner to deny them entry into the United States. ~~(S)~~

-- The State Department will work closely with other governments to adopt and implement standards for travel documentation. Such documents should be computer readable, tamper resistant, and difficult to counterfeit. ~~(S)~~

-- Justice (INS and FBI) and State will develop a strategy, to be implemented by DOJ (INS and FBI), to limit the duration of stay of students from terrorism list countries; to track them while they are in the U.S. and to know when they depart. In addition, State and DOJ, together with the Commerce Department and Defense Department, will determine how best to prevent foreign students whose studies are sponsored by terrorism list countries from acquiring WMD-related knowledge in the United States. ~~(S)~~

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-- Justice will ensure that, in accordance with PDD-9, alien smuggling rings are disrupted and disbanded, and will, in particular, thwart attempts to smuggle potential terrorists into the United States. ~~(S)~~

-- Justice, using removal procedures, including the Alien Terrorist Removal Court, will seek to swiftly remove alien terrorists from the United States and will detain them awaiting removal proceedings. The Administration will again seek legislation clarifying the definition of "engaging in terrorist activity" to better facilitate exclusion and removal of alien terrorists under the immigration laws. ~~(S)~~

-- The Secretary of State, in consultation with the Attorney General and Secretary of the Treasury, will designate foreign terrorist organizations that are prohibited by law from raising funds in the United States. In addition, Justice and Treasury will work to prevent such activities. E.O. 13526, 1.4(c)

E.O. 13526, 1.4(c)

-- The DCI will work to support the Secretary of the Treasury in developing usable information for the designation by Treasury, in consultation with the Attorney General and Secretary of State, of entities and individuals of foreign terrorist organizations that are located in foreign jurisdictions, particularly in those countries that are not state sponsors of terrorism. (U)

10. Protection of Americans Overseas: The first duty of government is the protection of its citizens. That duty extends to Americans abroad, whether they are traveling in an official or private capacity. (U)

-- The State Department, through its chiefs of mission, will be responsible for ensuring the security of personnel associated with diplomatic and consular posts abroad, including DOD personnel subject to the force protection responsibilities of the chiefs of mission pursuant to the DOD/State Universal MOU, and for programs to preserve the safety of private U.S. citizens abroad. U.S. citizens should be adequately warned of the danger of terrorist attack, advised regarding precautionary measures and afforded appropriate assistance and protection. (U)

-- The Secretary of Defense, through geographic CINCs, will be responsible for force protection of CINC-assigned forces and those DOD personnel for whom the Secretary of State has

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delegated force protection responsibility to DOD under the Memorandum of Understanding between the Departments of State and Defense on Security of DOD Elements and Personnel in Foreign Areas (the Universal MOU). (U)

#### ADDITIONAL CAPABILITIES

In addition to the programs described above, the national counter-terrorism effort requires the following elaboration to the guidance in PDD-39. (U)

1. National Special Security Events: Scores of special events receive Federal protection annually. Some of these, such as Presidential nominating conventions, Presidential Inaugurations, Presidential Summits, State of the Union addresses and Olympic games have a national significance and could attract unconventional attacks. ~~(S)~~

The interagency Counter-Terrorism and Security Group (CSG) shall notify the Attorney General and Secretary of the Treasury of events when it believes they should designate a "National Special Security Event." The Attorney General and Secretary of the Treasury are required to agree on the designation. ~~(S)~~

I have decided that for such National Special Security Events, the full protective and consequence management capabilities of the Federal Government shall be available as necessary, including those of both the FBI and the Secret Service. ~~(S)~~

Lead Agency responsibilities shall be as follows:

FBI. The FBI will be the lead agency for intelligence, crisis management, hostage rescue, counter-terrorism (except as noted below regarding Secret Service protective anti-terrorism measures and counter-terrorism assets) and its statutory Federal criminal investigations. The FBI will identify and coordinate appropriate anti-terrorism measures and FBI counter-terrorism assets (including, when necessary, DoD assets) that will be needed to perform its lead agency responsibilities. The USSS will coordinate its activities regarding security design/planning and implementation with the FBI. The FBI will also identify and coordinate its measures and assets to effect consequence management planning, coordination, and transition from the crisis management phase to consequence management by FEMA. ~~(S)~~

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FEMA. FEMA shall be the lead agency for consequence management planning and coordination. Transition from the crisis management phase to the consequence management phase shall be as agreed by the Attorney General, the FBI Director and the FEMA Director, or their designees. ~~(S)~~

The U.S. Secret Service. The Secret Service shall be the lead agency for security design/planning and implementation, and will identify and coordinate the appropriate Secret Service anti-terrorism measures and counterterrorism assets (and, if necessary, the assets of other agencies in mutual agreement with those agencies) that will be needed to effect the overall security requirements (including

E.O. 13526, 1.4(g)

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E.O. 13526, 1.4(g) and other activities required by their statutory Federal criminal investigations.) ~~(S)~~

The FEMA Director, U.S. Secret Service Director, and FBI Director shall ensure that their respective lead agency responsibilities are fully coordinated and effectively implemented. Unless mutually agreed upon between the Directors or their designees, the Secret Service and the FBI will maintain full command and control of their respective agency assets in all circumstances and incidents.

Defense, State, Energy, HHS, Transportation and EPA shall, consistent with their authorities and appropriations, make available specialized units in support of security operations, crisis management, and consequence management. ~~(S)~~

The Attorney General and Secretary of the Treasury, in cooperation with other concerned Principals including the Director/OMB, should within 120 days submit for my approval a plan to implement this decision. The plan should, inter alia, cover: ~~(S)~~

-- Command/control arrangements of the FBI, Secret Service, FEMA, DOD and other relevant agencies; ~~(S)~~

-- how to achieve quickly an air space security capability centered on the enforcement arms of the Treasury (U.S. Secret Service and U.S. Customs Service); ~~(S)~~

-- any required changes in funding and/or legislative authorities. (U)

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2. National Capital Area Rapid Response Capability for a WMD Terrorist Incident: The most inviting domestic target for a terrorist employing WMD is downtown Washington and the national security headquarters nearby in Virginia. Yet there is no specialized explosive ordnance disposal team in the Washington area trained or equipped to deal with WMD; or any detection and alerting system to identify when WMD move into the metropolitan area on main approach routes. Accordingly, we must be able to detect and safely deal with any WMD within or approaching Washington, DC. ~~(S)~~

-- The Secretary of Defense, in coordination with the Secretary of Energy, shall ensure that there is a robust capability to render safe a nuclear, biological, or chemical device in the National Capital area and that such a capability be deployable in the shortest time possible. ~~(S)~~

-- DOE will lead a technology research and demonstration project to examine the feasibility of installing covert WMD detection systems on approaches to the metropolitan area. ~~(S)~~

E.O. 13526, 1.4(g)

4. Statutory Authority and Funding for Combating Terrorism Operations: The burden for finding the statutory authority to

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use resources during combating terrorism operations is unfairly left to each agency. Therefore, the Secretary of Defense and the Attorney General, in coordination with the OMB Director, will develop comprehensive proposals for statutory authority for funding to combat terrorism operations. These proposals shall be submitted to the APNSA within 120 days. (U)

5. Exercises: There shall be at least one annual exercise involving the participation of Agency Principals to validate policies, procedures, and capabilities for the resolution of unconventional attacks against the U.S. and its citizens. ~~(S)~~

#### Implementation

National Coordinator for Security, Infrastructure Protection, and Counter-Terrorism: Program coordination in support of this Directive will be under the auspices of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism. While not directing the activities of agencies, the National Coordinator will integrate the Government's policies and programs on unconventional threats to the homeland and Americans abroad: attacks on our infrastructure, cyber systems, and government operations, terrorism, and defenses against covert delivery of weapons of mass destruction. Reporting to the APNSA shall be an NSC staff Senior Director for Infrastructure Protection and a Senior Director for Counter-Terrorism. In the context of the established annual budget process the National Coordinator will provide advice regarding the budgets for counter-terrorism. (U)

For these purposes, the National Coordinator will chair assistant secretary/flag rank groups, reporting to the Deputies Committee (or, at the call of its chair, the Principals Committee) including:

-- The Counter-Terrorism Security Group (CSG) to coordinate counter-terrorism issues and review ongoing crisis operations/activities concerning foreign terrorism and domestic terrorism with significant foreign involvement; ~~(S)~~

-- Critical Infrastructure Coordination Group (CICG) to coordinate the implementation of the Presidential Decision Directive on Critical Infrastructure; ~~(S)~~

-- The Weapons of Mass Destruction Preparedness (WMDP), Consequence Management and Protection Group to coordinate policies and programs relating to Weapons of Mass Destruction (WMD) emergency preparedness, training, equipping and organizing

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WMD consequence managers, interdiction of WMD and associated components being introduced into the United States and security of WMD-related facilities in the United States. ~~(S)~~

The National Coordinator will also be responsible for ensuring program coordination between these three groups (CSG, CICG and WMDP) and the existing interagency working group on Enduring Constitutional Government (IWG/ECG, chaired by the Counselor to the APNSA)), which coordinate development and implementation of policy and programs related to government-wide continuity of operations and continuity of government. ~~(S)~~

The National Coordinator may call these groups to meet jointly or form joint sub-groups to address inter-disciplinary issues. The Counter-terrorism Security Group and the National Coordinator will conduct their reviews of intelligence programs and activities consistent with existing procedures and authorities and in coordination with the DCI and/or the Chair of the Intelligence IWG, as appropriate. ~~(S)~~

The National Coordinator shall report regularly to the Principals and annually to me in a Security Preparedness Report (this report supercedes the PDD-39 reporting requirements). The National Coordinator will also participate as a full member of Deputies or Principals Committee meetings when they meet to consider counter-terrorism, security, WMD defense, or infrastructure issues. In addition, while not directing the actions of agencies, the National Coordinator shall coordinate the development of interagency agreed guidelines for crisis management and the procedures for authorizing deployment and employment of specialized crisis assets. ~~(S)~~

*Bill Clinton*

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