

Department of Homeland Security
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COMPLIANCE WITH, AND IMPLEMENTATION OF, ARMS CONTROL AGREEMENTS

SUBJECT: Compliance With, and Implementation Of, Arms Control Agreements

Reference: (a) Title 5, United States Code

I. ISSUANCE AND PURPOSE

- A. This is the initial issue of this Directive.
- B. Consistent with Title 5, United States Code (reference (a)), this Directive provides policy and responsibilities for Department of Homeland Security (DHS) implementation of arms control agreements of the United States Government and compliance with them.

II. APPLICABILITY

- A. This Directive applies to all organizational entities within the Department of Homeland Security (hereafter referred to collectively as "Department Subcomponents and Agencies"). It further applies to those United States Government National Laboratories, universities, and private contractors directly engaged in work to support the Department at the federal level.
- B. For the purposes of this Directive, the term "arms control agreements" applies to all legally and politically binding arms control measures to which the United States is a Party or a signatory. Such agreements may be characterized, for example, as a treaty, an agreement, a protocol, a declaration, a memorandum of agreement/understanding, a presidential initiative or a confidence building measure.

III. POLICY

It is DHS policy that:

- A. All Department Subcomponents and Agencies and their activities shall comply with and implement the arms control agreements of the United States.

B. Compliance with, and implementation of, arms control agreements shall be carried out so as to avoid the compromise of national security information.

C. All relevant research, development, and acquisition projects shall be assessed for arms control compliance at inception, prior to funding approval, whenever there is significant project change, and whenever in the course of project execution an issue potentially raises a compliance concern.

IV. RESPONSIBILITIES

A. The **Deputy Secretary** shall:

1. Establish an arms control Compliance Review Group (CRG) and serve as, or designate, its Chairperson.
2. Review and approve compliance determinations of the CRG on behalf of the Secretary.
3. Appoints an arms control Compliance Assurance Program Manager to lead the Department's ongoing arms control compliance review and implementation efforts.

B. The **Under Secretary for Policy** shall:

1. Ensure that DHS is effectively represented on arms control matters in interagency and international arms control meetings.
2. Oversee development and coordination of Department policies and positions for international negotiations and discussions on arms control issues.

C. The **Under Secretary for Science and Technology** shall:

1. Serve as Executive Secretary to the DHS CRG.
 - a. Ensure that any issue that reasonably raises a compliance concern is brought to the CRG for a compliance determination.
 - b. Provide technical and administrative support to the CRG, and facilitate its activities.
2. Provide technical expertise to the DHS representatives in interagency and international arms control meetings and during the development of Departmental policies and positions for international negotiations and discussions on arms control issues.

3. Establish and maintain a compliance assurance program office, lead by the Compliance Assurance Program Manager, that will review and provide compliance recommendations on all relevant research, development, and acquisition projects of the Department. Such projects will be systematically evaluated to ensure compliance with all arms control agreements and obligations of the United States. These project reviews will be undertaken at inception, prior to funding approval, whenever there is significant project change, whenever in the course of project execution an issue potentially raises a compliance concern, and when otherwise directed. Written summaries of findings will be prepared, reviewed, approved, and archived in a database.
4. Establish and maintain a training and outreach program to enhance awareness of the Department's arms control responsibilities and policies.
5. Designate, as required, a Treaty Manager for overseeing DHS compliance for each arms control agreement.

D. The **CRG** shall:

1. Monitor compliance of all DHS activities and provide Departmental guidance on issues arising from questions of implementation and compliance. Should the CRG be unable to resolve a compliance issue, the CRG Chairperson shall recommend to the Secretary a treaty compliance determination, including any dissenting views of CRG members, or of Department subcomponents and agencies that have equities in the matter. The Secretary will provide guidance or compliance determinations on such issues.
2. In addition to the Chairperson, CRG membership will include the General Counsel, the Under Secretary for Policy, the Under Secretary for Science and Technology, and others as appropriate.

E. The **General Counsel** shall:

1. Be responsible, within the Department, for legal interpretation of arms control agreements.
2. Provide review and coordination on the arms control agreement compliance assessments.
3. As appropriate, provide a legal review of specified programs.
4. As appropriate, coordinate legal interpretations with other government agencies.

5. Serve as a member of the DHS CRG.

F. The **Heads of the Department Subcomponents and Agencies** shall:

1. Ensure compliance within their respective Subcomponent or Agency with arms control agreements according to general procedures and guidance issued by the Department.

2. Coordinate with the Executive Secretary of the CRG, on a timely basis, before taking any action, including but not limited to research, tests, development, exercises, and operations, that could reasonably raise an issue of DHS compliance with an arms control agreement. When there is doubt whether clearance or resolution is necessary, it shall be sought.

3. Upon request, designate in writing to the Executive Secretary of the CRG compliance and implementation coordination official.

4. Serve or designate a representative to serve as a member of the CRG when an activity under its purview is being considered. Its responsibility will be to convey the technical and scientific aspects of the project being considered.

5. Provide advice and assistance, as appropriate, about the impact of arms control provisions on its respective Subcomponent or Agency.

6. Ensure that arms control agreements are implemented in a manner to avoid the unauthorized disclosure of classified information under their cognizance.

7. Provide quarterly reports on all activities that have been the subject of a Departmental certification. Reports will also be provided upon request by the CRG Chairperson and when proposed changes to the activity or the results raise new questions on compliance.

V. EFFECTIVE DATE

This Directive is effective immediately.


Michael Chertoff
Secretary
Department of Homeland Security

AUG 26 2005

Date