

Government Operations 21 OCT 98

ENDURING CONSTITUTIONAL GOVERNMENT AND
CONTINUITY OF GOVERNMENT OPERATIONS

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Unclassified Extracts from PDD-67

SECURITY

Eligibility for access to this Directive shall be on a strictly need-to-know basis as determined by the single points of contact for ECG, COG and/or COOP matters in each department or agency. A current TOP SECRET clearance based on a single scope background investigation (SSBI) is a prerequisite for access to the classified portions of this document.

POLICY STATEMENT

There is no more important imperative for our nation and our government than our own national survival -- the preservation of our democracy, our freedom, our constitutional order, our institutions and way of life.

Therefore, in the face of current and future dangers, it remains the policy of the United States to have in place a comprehensive and effective program to ensure survival of our constitutional form of government and continuity of essential Federal functions under all circumstances.

This program will continue to require a dedicated effort -- as a top national security priority into the twenty first century -- to ensure all three Branches of Government, individually and collectively, continues to preserve the capability to govern; to continue leadership; to perform essential functions and services required to meet essential defense and civilian needs; and, if necessary, to reconstitute themselves against the entire range of evolving post-Cold War threats.

Together with the security, critical infrastructure protection and counter-terrorism programs established in Presidential Decision Directives (PDD) 62 and 63 this program remains an important hedge against current and future uncertainties; a counter to the widening range of possible threats (including terrorism) in a new era of proliferating technologies and materials related to weapons of mass destruction and disruption; and a critical component of deterrence.

This triad of interrelated policies and programs will enhance the credibility of our overall national security posture for the future. But if prevention and deterrence should fail, this program helps assure the survival of an effective governmental framework to allow the President and the entire national government to stabilize the crisis, continue essential functions, and promote national recovery.

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THREATS AND WARNING

Threats to our governmental structure and functions are evolving , and could derive from military or terrorist attack, technological emergency, natural disaster and accidents, or civil disturbance.

PROGRAM STRUCTURE

The comprehensive program designed to ensure survival of our constitutional form of government and continuity of essential Federal functions shall be centered around three fundamental policy concepts: Enduring Constitutional Government, Continuity of Government, and Continuity of Operations. These concepts are described below.

Enduring Constitutional Government (ECG) is a cooperative effort among the Executive, Legislative and Judicial Branches of Government, coordinated by the President, to preserve the capability to execute constitutional responsibilities in a catastrophic emergency. ECG is the overarching goal; its objective is the preservation of the constitutional framework under which the nation is governed. ECG requires orderly succession, appropriate transition of leadership, and the performance of essential functions by all three branches of government. ECG is dependent on effective Branch Continuity of Government and continuity of operations plans and capabilities.

Continuity of Government (COG) is a coordinated effort within each branch to ensure the capability to continue its minimum essential responsibilities in a catastrophic emergency. COG activities involve ensuring the continuity of minimum essential Branch functions through plans and procedures governing succession to office and the emergency delegation of authority (where permissible), and in accordance with applicable law; the safekeeping of vital resources, facilities and records; the improvisation or emergency acquisition of vital resources necessary for the performance of minimum essential functions; and the capability to relocate essential personnel and functions to alternate work sites, and reasonably sustain the performance of minimum essential functions at the alternate work site until normal operations can be resumed. COG is dependent on effective continuity of operations plans and capabilities.

Continuity of Operations (COOP) is an internal effort within individual components of the executive, Legislative and Judicial Branches of Government to assure the capability exists to continue essential components across a wide range of potential emergencies, including localized acts of nature, accidents, and technological and/or attack-related emergencies. Involving plans and capabilities covering the same functional objectives of COG, COOP in this sense is not only an integral part of ECG and COG, but is more simply a “good business practice” – part of the fundamental mission of Federal departments and agencies as responsible and reliable public institutions.

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PROGRAM EVOLUTION

At a minimum, prior to the annual submission of the President's Budget, the NSC-chaired Interagency Working Group on Enduring Constitutional Government will meet to assess the adequacy and appropriateness of this program and its supporting systems in terms of threat and policy, and to provide for adaptation to new structures and concepts as required by evolving operational and technological environments.

Supporting systems will be designed with open architectures so that maximum advantage can be made of technological advances and commercially available capabilities. Technological and operational flexibility shall be designed into these programs and systems to permit rapid, cost-effective adjustments based on changes in threat, mission and operational environments.

Additionally, before submission of the President's FY 2000 budget the IWG/ECG will meet to assess the adequacy of government-wide preparations for the Y2K problem as related to the continued performance of essential government functions and operations.

EXECUTIVE BRANCH REQUIREMENTS

Executive branch requirements supporting ECG shall consist of national level COG systems and supporting COOP infrastructures, described below. As an integral part of these requirements, all Executive branch departments and agencies shall support the objectives of Executive Order 12656 (Assignment of National Security Emergency Preparedness Responsibilities, November 18, 1988, Executive Order 12472 (Assignment of National Security and Emergency Preparedness telecommunications Functions, April 3, 1984) and Executive Order 12148 (Federal Emergency management, July 20, 1979, as amended), (United States Policy on Counter-Terrorism), PDD-62 (Protection Against Unconventional Threats to the Homeland and Americans Overseas) and PDD-63 (Critical Infrastructure Protection). PDD 89

Continuity of Operations (COOP)

As a baseline of preparedness and a foundation for COG, all Federal departments and agencies, including the Executive Office of the President, shall have in place viable COOP capability.

This capability shall provide a continuity infrastructure which, through pre-planned devolution of authorities, responsibilities and essential functions, ensures the emergency delegation of authority (where permissible, and in accordance with applicable law); the safekeeping of vital resources, facilities and records; the improvisation of emergency acquisition of the resources necessary for business resumption; and the capability to perform work at alternate work sites until normal operations can be resumed.

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Taking maximum advantage of existing department and agency regional infrastructures, this COOP capability must be maintained at a high level of readiness, and be capable of implementation both with and without warning. COOP capabilities shall also have the capability to be operational no later than 12 hours after activation, and to maintain sustained operations of up to 30 days in duration.

Department and agency COOP capabilities shall be sufficient to cover those threats which could disrupt the performance of minimum essential functions as outlined in E.O. 12656 from localized acts of nature and accidental incidents, technological emergencies and criminal acts, to attack-related emergencies up to and including terrorist attacks using weapons of mass destruction centered in Washington, DC.

In situations such as terrorist attacks using weapons of mass destruction, where many if not all department and agency COOP capabilities have been activated, the National Emergency Management Team (NEMT) shall be deployed. With representation from all executive branch departments and agencies, the NEMT shall monitor overall status of department and agency COOP deployment and operations, facilitate and coordinate interagency efforts and connectivities to support the national leadership in management of domestic affairs, and function as the central point of contact and clearinghouse for information related to the overall performance of department and agency minimum essential functions at least until individual department and agency COOP operations are fully on-line. Further details on the NEMT are described later in this Directive.

To the extent that department and agency minimum essential functions include consequence management and response/recovery activities outlined in the Federal Response Plan, as well as activities supporting counter-terrorism and survival of critical infrastructures pursuant to Presidential Decision directives 39, 62 and 63, such capabilities shall also be included in departments and agency COOP plans.

Alternate Facilities

All departments and agencies of the Executive branch shall designate alternate operating facilities as part of their respective COOP plans. These facilities may be identified from existing department and agency regional infrastructures, or be identified/acquired separately. In either case, these facilities shall be capable of supporting operations in a threat-free environment, as determined by geographical location of the facility and/or the collective protection characteristics of the facility.

In acquiring and equipping such facilities, departments and agencies are encouraged to consider cooperative interagency agreements and promote the sharing of identified alternate facilities. As a prime example, the FEMA Mount Weather Emergency Assistance Center remains available in support of department and agency COOP requirements.

Contingency Communications

The success of Executive branch programs designed to ensure survival of our Constitutional form of government and continuity of essential Federal functions, and the related activities of the Legislative and Judicial branches, is absolutely dependent upon the availability of communications to provide inter-branch and interdepartmental connectivity.

COORDINATION WITH THE LEGISLATIVE AND JUDICIAL BRANCHES

The Legislative and Judicial branches shall be encouraged to develop and maintain complementary, interoperable COG/COOP capabilities in support of ECG.

To this end, and in recognition of the Constitutional requirement for separation of powers, each branch will be responsible for its continuity and will decide on its own course of action in these matters. But the intent of this policy is to promote close coordination among all three branches, facilitate interoperability and allocate national assets, and as described in Annexes A and C, provide additional day-to-day support.

COORDINATION WITH STATE AND LOCAL GOVERNMENTS

The Federal government's ability to provide for the essential defense and civilian needs of the Nation - - especially in widespread, catastrophic emergencies - - is reliant on coordination of plans and capabilities between and among Federal, State and local governments.

To provide requisite emergency management and response against the entire range of emergency situations, ECG, COG and COOP plans and operations shall be integrated with other Federal, State and local emergency plans, infrastructures and capabilities to promote interoperability and to preclude redundancies or conflicting lines of authority.

OVERSIGHT AND MANAGEMENT

Two primary coordinating bodies shall provide leadership, management, and oversight of the implementation of national security policy on ECG, COG and COOP.

Second, an Interagency Advisory Group (IAG) shall provide coordination, oversight, and management for E.O. 12656, COG, COOP and related activities of the Executive branch civil departments and agencies. This group shall be chaired by FEMA and shall have as its principal member department and agency emergency coordinators, designated with the authority to represent and commit their departments and agencies in matters relating to COG, COOP and emergency preparedness. As coordinator of the IAG, FEMA shall represent the interests of the Federal civil departments and agencies at the IWG/ECG.

In addition to these forums, the White House Military Office (WHMO) shall be designated with lead agency responsibilities for the coordinated implementation of operational elements of the COP program and the national contingency systems. In this capacity, the WHMO shall develop common goals for interoperability among elements, and shall ensure demonstrated viability of these elements through integrated training and exercises. Agencies shall cooperate fully with WHMO in these efforts. Implementation issues related to operational elements of the COP program and the national contingency systems that cannot be resolved between WHMO and any agency will be addressed by the coordinating subgroup of the IWG/ECG, as appropriate.

CRISIS-ACTION DECISION MAKING

With warning, the National Security Council process shall be used to reach deliberate decisions regarding the alerting or activation of government-wide COOP and COG plans and capabilities.

RESPONSIBILITIES

The Secretaries and Directors of all federal Departments and Agencies shall:

- ensure appropriate intra-departmental coordination on policies, plans and activities related to this Directive and PDDs 62 and 63;
- support fully the objectives and responsibilities outlined in EO 12656
- ensure the development of a continuity of operations (COOP) capability, including plans and procedures, contingency staffs, alternate facilities, and alternate communications capable of accomplishing minimum essential department and agency functions in an emergency. COOP plans and procedures shall be completed and approved by respective Department and Agency Heads no later than one year from the date of this Directive;

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- plan and conduct tests and training to ensure timely and reliable implementation of this COOP plan;
- appoint an Emergency Coordinator to serve as the department or agency point of contact and program manager for COOP and COG, and represent the department/agency at interagency forums;
- plan, program and budget to operate and maintain capabilities in compliance with department and agency requirements supporting COOP and COG (including the continuity of the Presidency program and national contingency systems as required);
- provide information to the Director, Federal Emergency management Agency, as required, to assist with periodic assessment of Executive branch COOP and COG capabilities.

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THE WHITE HOUSE

WASHINGTON

February 26, 1999

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MEMORANDUM FOR THE HONORABLE WILLIAM S. COHEN
SECRETARY OF DEFENSE

FROM: JOHN D. PODESTA *JDP*
CHIEF OF STAFF TO THE PRESIDENT

SUBJECT: Coordinated Implementation of Operational
Requirements Under PDD-67 (U)

*pls
cc
Bob...
Paul G
Judy
1/11*

(U) On October 21, 1998, President Clinton issued Presidential Decision Directive 67 (PDD-67) which updated our national policy on government continuity programs. This policy complements previously issued directives on Terrorism (PDD-62) and Critical Infrastructure Protection (PDD-63).

*Tx
-P
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(U) Due to the sensitive nature of many government continuity plans and programs, PDD-67 is highly classified and its distribution limited. We should not mistake this for a lack of importance or emphasis--to the contrary, PDD-67 strongly reinforces the notion that one of our fundamental missions in government is to ensure essential functions continue, no matter what the threat.

(S) To this end, PDD-67 designates an NSC-chaired interagency working group on Enduring Constitutional Government (IWG/ECG) as the principal forum for policy development and overall ECG program oversight. As a member of the IWG/ECG, the White House Military Office is responsible for coordinating operations between the Continuity of the Presidency program, and the National Contingency System, which consists of elements from the White House, State Department, Department of Defense, Central Intelligence, and the Federal Emergency Management Agency.

(U) The Military Office, in concert with your representatives, has identified the appropriate interagency groups and process to achieve this operational coordination, and developed an initial plan of action to accomplish our goals.

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(S) Our goal is to fully exercise and validate the capabilities of the National Contingency System over the next two years. I seek your help improving senior-level awareness, understanding, and support for PDD-67 requirements, and for the level of effort necessary to meet our objectives. The vital role you play will define our success.

(U) Mr. Jake Simmons, Deputy Assistant to the President and Director of the Military Office, and Mr. Paul Jackson, Director, Presidential Contingency Programs, are working closely with your staff and are available to brief you on the details of our plan.

(U) I thank you in advance for your continuing support and personal commitment to this important policy. I welcome your comments and recommendations as we work together on this most important endeavor.

SECRET