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Description of document: Department of Defense (DoD) Office of Inspector General

(DODIG) DODIG-2023-004, <u>Evaluation of the DoD</u>

<u>Processes and Procedures to Alert DoD Officials in the</u>

<u>Event the Presidential Emergency Satchel is Lost, Stolen,</u>

or Compromised 2022

Requested date: 31-May-2023

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Source of document: FOIA Request

Department of Defense Office of Inspector General ATTN: FOIA Requester Service Center, Suite 10B24

4800 Mark Center Drive Alexandria, VA 22350-1500 Fax: (571) 372-7498

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OFFICE OF INSPECTOR GENERAL

DEPARTMENT OF DEFENSE 4800 MARK CENTER DRIVE ALEXANDRIA, VIRGINIA 22350-1500

> May 3, 2024 Ref: DODOIG-2023-000969

SENT VIA EMAIL

This responds to your Freedom of Information Act (FOIA) request for DODIG-2023-004, Evaluation of the DoD Processes and Procedures to Alert DoD Officials in the Event the Presidential Emergency Satchel is Lost, Stolen, or Compromised. We received your request on May 31, 2023, and assigned it case number DODOIG-2023-000969.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The Evaluations Component conducted a search and located the report responsive to your request. In coordination with the Office of the Secretary of Defense and Joint Staff, we determined that the enclosed report, totaling 38 pages, is appropriate for release in part pursuant to the following FOIA (5 U.S.C. § 552) exemptions:

- (b)(1), which pertains to information that is currently and properly classified pursuant to Executive Order 13526, sections:
 - o 1.4(a), military plans, weapon systems, or operations; and
 - 1.7(e), compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that: (1) meets the standards for classification under this order; and (2) is not otherwise revealed in the individual items of information.
- (b)(5), which pertains to certain inter-and intra-agency communications protected by the deliberative process privilege. The purpose for withholding such recommendations is to encourage the free and candid exchange of opinions and advice during the decision-making process. In applying the foreseeable harm standard, we determined that disclosure of this information is likely to diminish the candor of agency deliberations in the future.

• (b)(6), which pertains to information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

Our review included consideration of the foreseeable harm standard, as stated in DoDM 5400.07. Under this standard, the content of a particular record should be reviewed and a determination made as to whether the DoD Component reasonably foresees that disclosing it, given its age, content, and character, would harm an interest protected by an applicable exemption.

If you consider this an adverse determination, you may submit an appeal. Your appeal, if any, must be postmarked within 90 days of the date of this letter, clearly identify the determination that you would like to appeal, and reference to the FOIA case number above. Send your appeal via mail to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 10B24, 4800 Mark Center Drive, Alexandria, VA 22350-1500, via email to foiaappeals@dodig.mil, or via facsimile to 571-372-7498. However, please note that FOIA appeals can only examine adverse determinations concerning the FOIA process. For more information on appellate matters and administrative appeal procedures, please refer to 32 C.F.R. Sec. 286.9(e) and 286.11(a).

You may contact our FOIA Public Liaison at FOIAPublicLiaison@dodig.mil, or by calling 703-604-9785, for any further assistance with your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. However, OGIS does not have the authority to mediate requests made under the Privacy Act of 1974 (request to access one's own records).

If you have any questions regarding this matter, please contact Mr. Joseph Kasper at 703-604-9775 or via email at foiarequests@dodig.mil.

Sincerely,

Searle Slutzkin Division Chief

FOIA, Privacy and Civil Liberties Office

Enclosure(s): As stated



INSPECTOR GENERAL

U.S. Department of Defense

OCTOBER 14, 2022

(U) Evaluation of the DoD Processes and Procedures to Alert DoD Officials in the Event the Presidential Emergency Satchel Is Lost, Stolen, or Compromised

(U) We are issuing this final report for your information and use. The final report will not have the "Controlled Unclassified Information" markings unless required by DoD Instruction 5200.18 "Controlled Unclassified Information (CUI)."

(U) Safeguard this report and do not show or release its contents for other than official review and comments. Do not disclose its contents outside your DoD Component.

"Released by the DoD OIG FOIA Office under FOIA request DODOIG-2023-000102 on May 3, 2024.".

INTEGRITY * INDEPENDENCE * EXCELLENCE





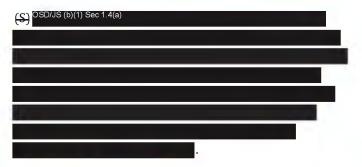
(U) Results in Brief

(U) Evaluation of the DoD Processes and Procedures to Alert DoD Stolen, or Compromised

(U) October 14, 2022

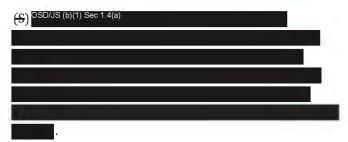
(U) Objective

(U) The objective of this evaluation was to determine the extent that DoD processes and procedures are in place and sufficient to alert DoD officials in the event that the Presidential Emergency Satchel is lost, stolen, or compromised. Additionally, we determined the actions DoD officials may take to mitigate any lost, stolen, or compromised DoD materials contained in the Presidential Emergency Satchel.



(U) Background

(U) Members of Congress requested that the DoD Office of Inspector General conduct a review of security procedures relating to the Presidential Emergency Satchel as part of Congress's ongoing review of the DoD's "roles, responsibilities, and actions to prepare for, and respond to, the planned protest and its aftermath at the U.S. Capitol campus on January 6, 2021."

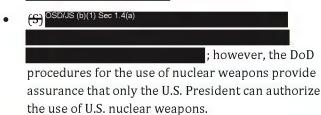


(S) OSD/JS (b)(1) Sec 1.4(a)	

(U) Finding

•	(CUI) ^{OSD/JS (b)(1) Sec 1.7(e)}	





(U) Recommendations

(U) We do not make any recommendations in this report.



(U) Results in Brief

Stolen, or Compromised

(U) Management Comments

(U) The Vice Director of the Joint Staff, responding on behalf of the Joint Staff and the U.S. Strategic Command, agreed with the finding. The Vice Director provided a comment matrix that included updates to the information we collected during our fieldwork, which we incorporated as appropriate.



OSD/JS (b)(1) Sec 1.4(a)



INSPECTOR GENERAL

DEPARTMENT OF DEFENSE

4800 MARK CENTER DRIVE ALEXANDRIA, VIRGINIA 22350-1500

(U) October 14, 2022

(S) MEMORANDUM FOR DIRECTOR, JOINT STAFF DIRECTOR, OSD/JS (b)(1) Sec 1.4(a)

- (U) SUBJECT: Evaluation of the DoD Processes and Procedures to Alert DoD Officials in the Event the Presidential Emergency Satchel Is Lost, Stolen, or Compromised (Report No. DODIG-2023-004)
- (\$) This final report provides the results of the DoD Office of Inspector General's evaluation. We are providing this report for your information and use. This report does not contain recommendations. We coordinated a draft of this report with officials from the Joint Staff and . The Joint Staff concurred with our did not provide a response. Therefore, we are publishing this report in final form.
- (U) We appreciate the cooperation and assistance received during the evaluation. If you have any questions, please contact poddig (b)(6) (DSN DODOIG (b)(6)

Randolph R. Stone

Assistant Inspector General for Evaluations Space, Intelligence, Engineering and Oversight

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(U) Introduction

(U) Objective

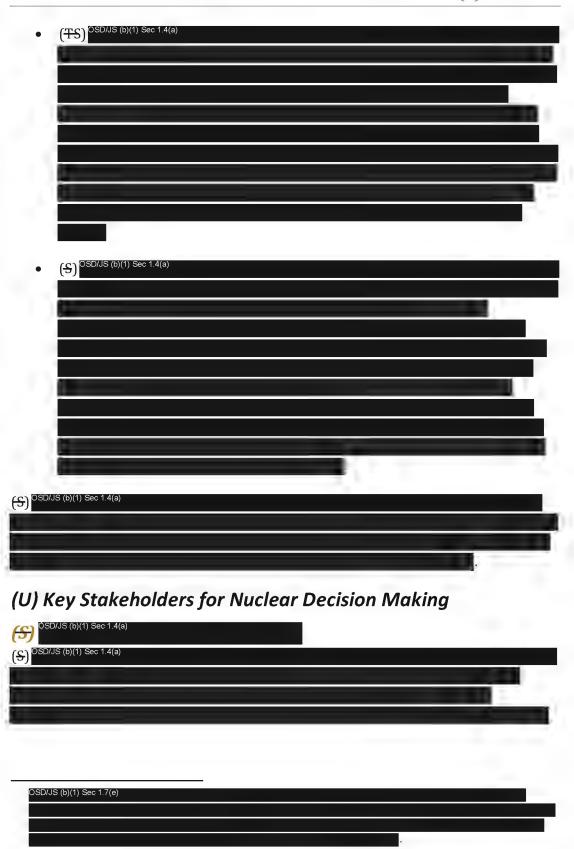
(U) The objective of this evaluation was to determine the extent that DoD processes and procedures are in place and sufficient to alert DoD officials in the event the Presidential Emergency Satchel (PES) is lost, stolen, or compromised. Additionally, we determined the actions DoD officials may take to mitigate any lost, stolen, or compromised DoD materials contained in the PES.

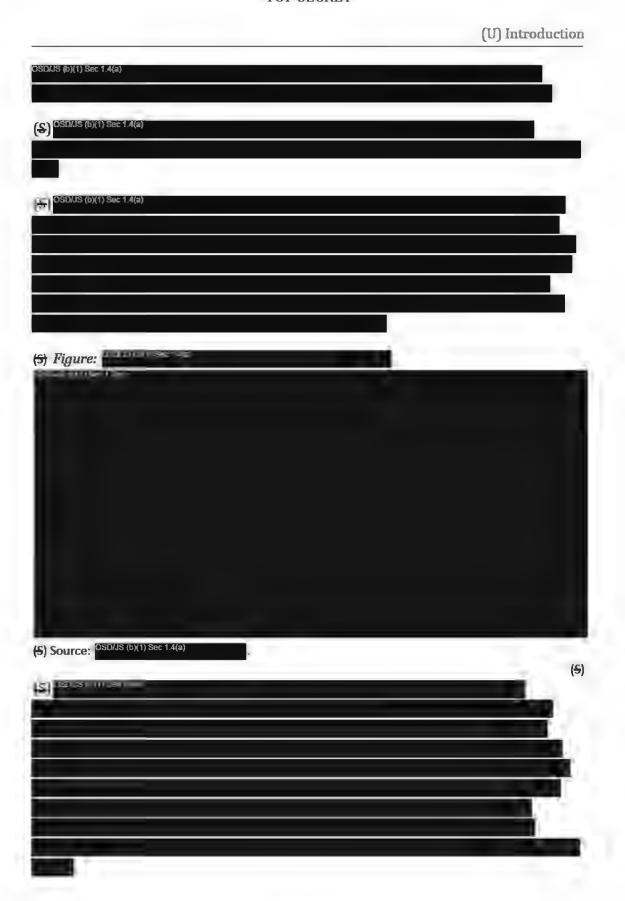


(U) Background

(U) In a March 16, 2021 letter, the Chairman of the House of Representatives Subcommittee on National Security, Committee on Oversight and Reform, and the House of Representatives Chairman of the Subcommittee on Strategic Forces, Committee on Armed Services, requested that the DoD OIG conduct a review of security procedures relating to the PES. The request was part of Congress's ongoing review of the DoD's "roles, responsibilities, and actions to prepare for, and respond to, the planned protest and its aftermath at the U.S. Capitol campus on January 6, 2021." We announced this evaluation on July 19, 2021.

(U) The Presidential Emergency Satchel





(S) OSD/JS (b)(1) Sec 1.4(a)
20
(S) OSD/JS (b)(1) Sec 1.4(a)
(U) The Joint Staff
(S) The Chairman of the Joint Chiefs of Staff (CJCS) is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. The CJCS is also responsible for disseminating decisions from the President and Secretary of Defense to U.S. military forces. OSD/US (b)(1) Sec 1.4(a)
(U) OSD/JS (b)(1) Sec 1.7(e)
(U) The Joint Staff National Military Command Center (S) OSD/JS (b)(1) Sec 1.4(a)
2
(U) DoD Policies and Procedures (S) OSD/JS (b)(1) Sec 1.4(a)
² (S) OSD/JS (b)(1) Sec 1.4(a)

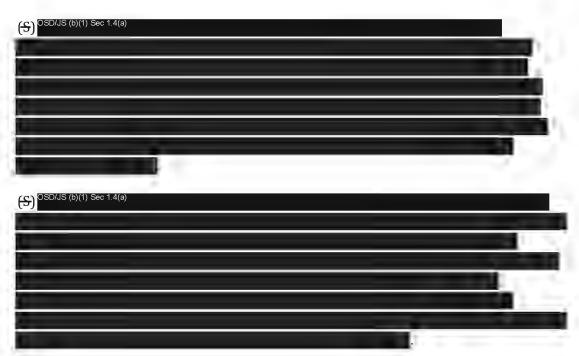
(S) OSD/JS (b)(1) Sec 1.4(a)
(S) OSD/JS (b)(1) Sec 1.4(a)
(S) OSD/JS (b)(1) Sec 1.4(a)
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(S) OSD/JS (b)(1) Sec 1.4(a)
(£) OSDUS (B)(11 Sec 1 4(a)
(U) OSD/JS (b)(1) Sec 1.7(e)
3 (U) CJCSI 3260.01F, "Joint Policy Governing Positive Control Material and Coded Control Devices," November 22, 2019. 4 (a) IOSDIUS (b)(1) Sec 1.4(a)
(S) (S) (S)(1) Sec 1.4(a)

⁶ (U) OSD/JS (b)(1) Sec 1.7(e)

(U) Definition of Lost, Stolen, or Compromised



- (U) OSD/JS (b)(1) Sec 1.7(e) ; OI,
- (U) a violation of security, intentional or unintentional, in which the modification, destruction, or loss of NC2-ESI materials has occurred or the occurrence cannot be positively ruled out.



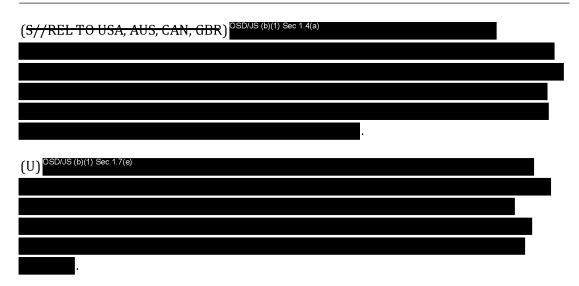


(U) The Joint Staff Maintains Sufficient Processes and Procedures to Alert DoD Officials if NC2-ESI Materials Are Compromised

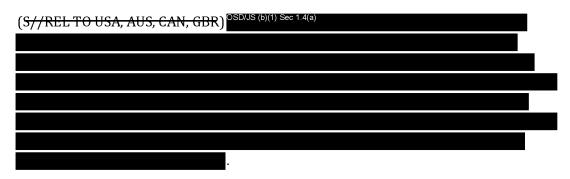
(CUI) The Joint Staff developed and followed CJCSIs and EAP-CJCS regarding the handling and use of NC2-ESI materials. The instructions and procedures contain information for notifying DoD officials, through conferencing and other means, as well as subsequent actions pertaining to NC2-ESI materials. Additionally, the NMCC conducts regular exercises which demonstrate that Joint Staff personnel are aware of their roles and responsibilities and are ready to alert the appropriate DoD officials in the event of compromised DoD materials.

OSD/JS (b)(1) Sec 1.4(a)		
	3	
OSD/JS (b)(1) Sec 1.4(a)		
() Subsequent Actions	. When NC2 ESI Materials Are	
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ompromised osdus (b)(1) Sec 1.4(a)		
OSD/JS (b)(1) Sec 1.4(a)		
Subsequent Actions ompromised OSD/JS (b)(1) Sec 1.4(a) (C) OSD/JS (b)(1) Sec 1.7(e) (U) OSD/JS (b)(1) Sec 1.7(e)		





- (U) Conference management combines the physical actions required to connect conferees as well as managing the flow of information to meet senior leader requirements. The NMCC, as the conference manager, convenes conferences once the primary briefer and desired principal conferees are added to the conference line. Conferences are not delayed for any of the other conferees.
- (U) Conference participants are broken out into two levels of participation.
 - (U) Level 1 conferees are the minimum essential individuals, agencies, or organizations required to directly support the principal conferee or the conference manager.
 - (U) Level 2 conferees are individuals, agencies, or organizations required to directly support a Level 1 conferee. Level 2 conferees will usually be connected to the conference by the Level 1 conferees they support rather than the conference manager who established the conference.



(U) Conferences can involve OSD/JS (b)(1) Sec 1.7(e) located worldwide. Therefore, recurring equipment checks are vital to ensure that all connected equipment configurations are correct. The Joint Staff performs monthly checks to confirm

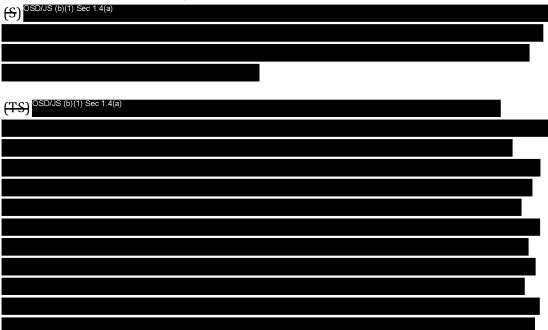
(U) successful connection rates and maintains support in electronic files. The Joint Staff maintains records of monthly checks in the form of a consolidated spreadsheet to document monthly success and failure connection rates by conference type. The evaluation team received and reviewed the records from the Joint Staff NOD.

(S) OSD/JS (b)(1) Sec 1.4(a)	
OSD/JS (b)(1) Sec 1.4(a)	
(5) OSD/JS (b)(1) Sec 1.4(a)	
5)	
• (TS) OSD/JS (b)(1) Sec 1.4(a)	
• (TS) OSD/JS (D)(1) Sec 1.4(a)	
• (TS) OSD/JS (5)(1) Sec 1.4(a)	
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• (TS) OSD/JS (b)(1) Sec 1.4(a)	
ASD/IS (N/I) Sec 1 Ma)	
OSD/JS (b)(1) Sec 1.4(a)	
10 (TS) OSD/JS (b)(1) Sec 1.4(a)	
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(U) Finding OSD/JS (b)(1) Sec 1.4(a) (5) (S) OSDVJS (b)(1) Sec 1.4(a) (U) OSD/JS (b)(1) Sec 1.7(e) (U) The DoD Has Procedures to Ensure Only the U.S. **President Can Authorize the Use of Nuclear Weapons**

- as well as the deployment and basing of nuclear weapons outside the United States and the transfer for use of U.S. nuclear weapons by allies. The CJCS subsequently emphasized this fact in his phone conversation with the Speaker of the House on January 8, 2021, which the CJCS then documented in a memorandum for record as follows:
 - (U) The President is the sole authority for the employment of U.S. nuclear weapons. U.S. nuclear forces operate under strict civilian control. Only the President of the United States can authorize the use of U.S. nuclear weapons, and the President's ability to exercise that authority and direction is ensured by people, procedures, facilities, equipment, and communications capabilities that comprise the Nuclear Command and Control System. This system is designed to enable the authorized use of nuclear weapons while also preventing their unauthorized, accidental, or inadvertent use. Operations and activities involving U.S. nuclear weapons are surrounded by layers of safeguards.
- (U) The memorandum for record also reflected that the CICS met with the Vice CICS, NMCC watch officer, Joint Staff Director of Intelligence, Joint Staff Director of Operations, and Director of the Joint Staff to confirm that the procedures over NC2-ESI materials are practiced daily.

(U) Compromised NC2-ESI Materials Cannot Be Used to Launch Nuclear Weapons





(U) In his memorandum for record, the CJCS assured the Speaker of the House that a very specific and deliberate process governs a nuclear launch. The CJCS repeatedly stated that the DoD has processes, protocols, and procedures in place such that there is no chance of an illegal, unauthorized, or accidental launch.

(U) Appendix

(U) Scope and Methodology

(U) We conducted this evaluation from July 2021 through August 2022 in accordance with the "Quality Standards for Inspection and Evaluation," published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we sufficiently plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain the finding and conclusions.



- (U) To identify DoD processes and procedures in place to alert DoD officials of a compromise of NC2-ESI materials, we interviewed the following senior officials of the Joint Staff.
 - (U) Deputy Director for Homeland Defense and Nuclear Operations (J-36)
 - (U) Deputy Director for Operations, Joint Staff NMCC
 - (U) Chief of the Nuclear Operations Division, Joint Staff NOD
 - (U) Chief of the Operational Training and Standards Division, Joint Staff NOD
 - (U) Senior Nuclear Advisor, Joint Staff NOD
 - (U) Program Manager Nuclear Operation Division, Joint Staff NOD



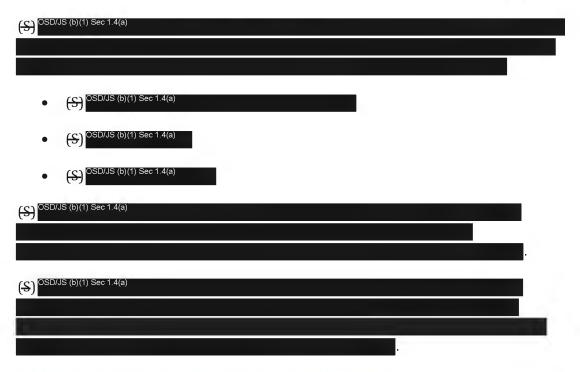
(U) We obtained and reviewed the following CJCSIs and EAP-CJCS to support actions taken by the Joint Staff NOD and NMCC in the case of NC2-ESI compromise.



(U) CJCSI 3260.01F, "Joint Policy Governing Positive Control Material and Coded Control Devices," November 22, 2019



(U) We analyzed the sufficiency of the policies and procedures through the review of the documentation as well as the observation of the execution of the procedures during an NMCC exercise. We used the analysis of the documentation and exercise to support the findings and conclusions related to the evaluation objective. We used professional judgment on methods to analyze and interpret evidence to assess its sufficiency.



(U) Use of Computer-Processed Data

(U) We did not use computer-processed data to perform this evaluation.

(U) Prior Coverage

(U) No prior coverage has been conducted on the PES during the last 5 years.

(U) Sources

- (U//FOUO) CJCSI 3231.01C, "Safeguarding Nuclear Command and Control Extremely Sensitive Information," 20 February 2019.
- (U) CJCSI 3260.01F, "Joint Policy Governing Positive Control Material and Coded Control Devices," 22 November 2019.
- (U) CJCSI 6810.04G, "Nuclear Command, Control, and Communications Personnel Performance Objectives and Assessment Criteria, 22 October 2019.

(S) OSD/JS (b)(1) Sec 1.4(a)		
(S) OSD/JS (b)(1) Sec 1.4(a)		
(S) OSD/JS (b)(1) Sec 1.4(a)		

(U) Vice Director, Joint Staff

TOP SECRET



THE JOINT STAFF

WASHINGTON, DC

DJSM 0155-22 16 September 2022

Reply Zip Code: 20318-0300

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

SUBJECT: (U) Joint Staff Review of "Evaluation of the DoD Processes and Procedures to Alert DoD Officials in the Event the Presidential Emergency Satchel is Lost, Stolen or Compromised"

1. (U) The Joint Staff, in coordination with U.S. Strategic Command, conducted a review of the August 4, 2022 draft of the subject report. We assessed the report for technical accuracy as well as classification.

2. (U) OSD/JS (b)(5) OSD/JS (b)(5)

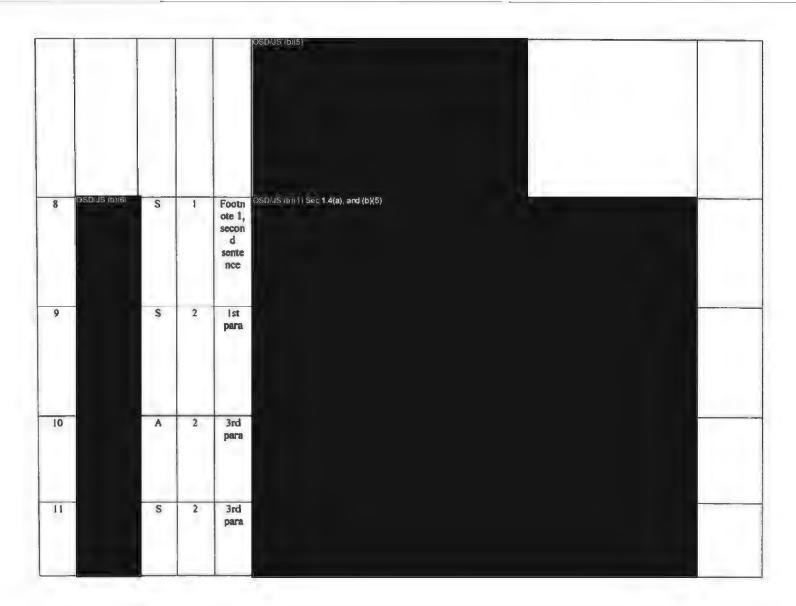
OSD/JS (b)(6)

GEORGE M. WIKOFF, RADM, USN Vice Director, Joint Staff

Attachments: As stated

> UNCLASSIFIED When Separated From Attachments FOR SECRET

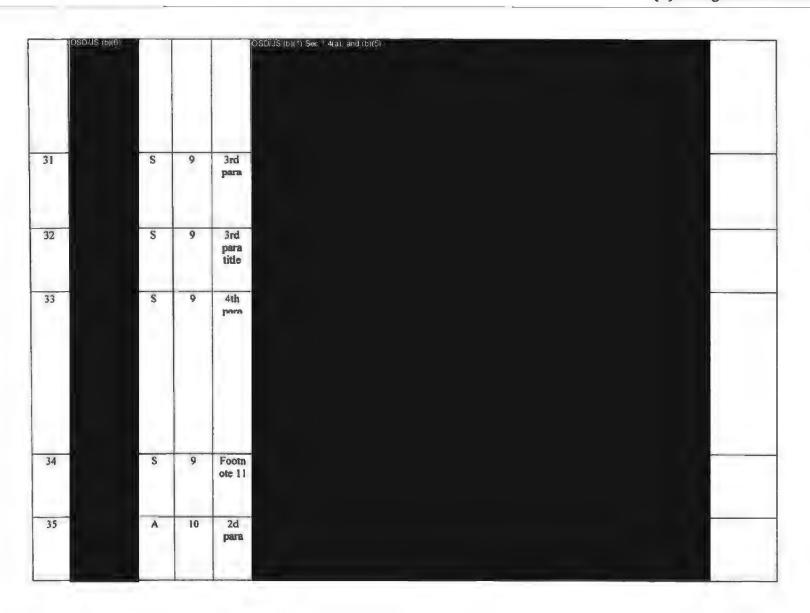
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2		A	i	4th para	OSD/JS (b)(1) Sec 1.7(e), and (b)(5)
3		A	i	6th para	
4		Α	1	3rd para	
5		S	1	4th para	OSD/JS (b)(1) Sec 1.4(a), and (b)(5)
6		S	3	5th para	
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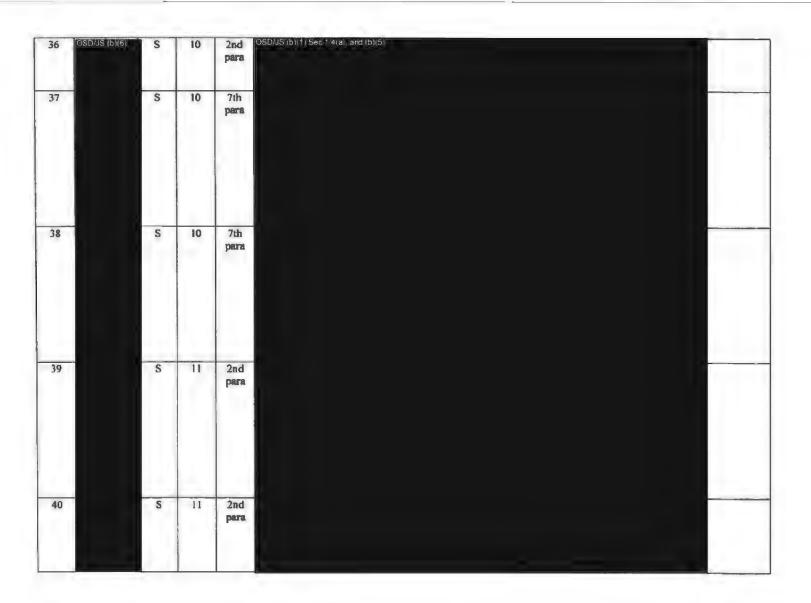


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	A	3	2nd para		
	A	3	3rd para		
	S	3	4th para	OSD/JS (b)(4) Sec 1.4(a), and (b)(5)	
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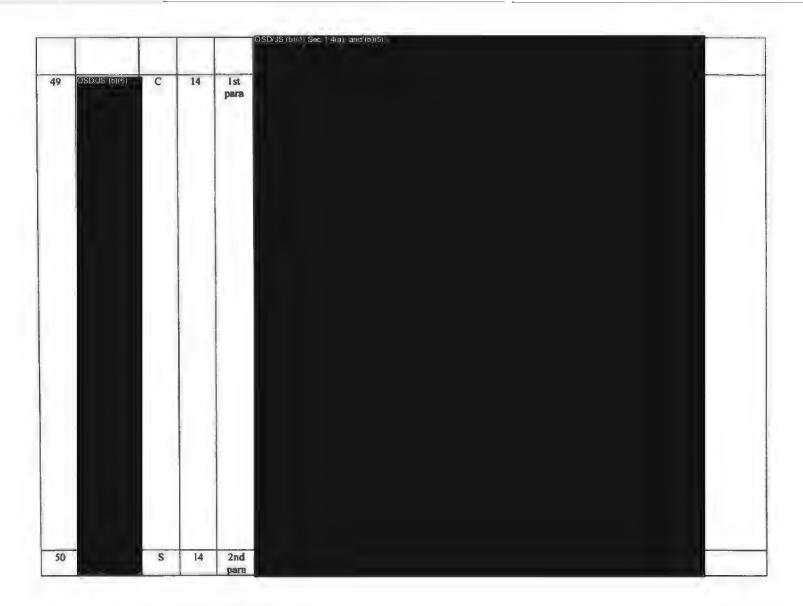
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30		S	9	2nd para		





41				
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42		S	11	3rd para, 4th bullet
43		S	11	3rd para last bullet
44	+	s	11	4th para
45	-	S	12	lst para
46	-	A	12	Paras 2-5
47		S	13	l st para
48		S	13	4th



OSDUS (B)(6)	S	14	2nd para, first	us (bitt) sec 1.4(a), and (bi(5)	
52	S	14	bullet 2nd para, secon d bullet		
53	S	14	2nd para, third bullet		
54	S	14	3rd para		
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STANDARDIZED COMMENT MATRIX PRIMER

The matrix below is a Word document table to be used as a template for submitting comments. Except as noted below, an entry is required in each of the columns. To facilitate consolidating matrixes from various sources, do not adjust the column widths.

Column I - ITEM

Numeric order of comments. Accomplish when all comments from all sources are entered and sorted. To number the matrix rows, highlight this column only and then select the numbering ICON on the formatting tool bar.

Column 2 -

Used to track comments by source. Manually enter numbers from the first comment to the last comment. These numbers will stay with the comment and will not change when consolidated with other comments.

Column 3 - SOURCE

Source of Comment. Please include office, name and number of person providing the comment so that the Report Editor can discuss comment and, where necessary, work out a resolution that accommodates both parties.

Column 4 - TYPE

C - Critical (Contentious issue requires resolution)

M - Major (Incorrect material that impacts conclusions)

S - Substantive (Factually incorrect material that does not impact a conclusion)

A - Administrative (grammar, punctuation, style, etc.)

Column 5 - PAGE

Self Explanatory. For Annexes to main report, use Annex and letter (e.g., Annex B) and Annex page number (e.g. Annex B, page B-1).

Column 6 - PARA

Paragraph number that pertains to the comment expressed. (i.e. 4a, 6g, etc.)

Column 7 - LINE

Line numbers on the designated page that pertains to the comment.

Column 8 - COMMENT

Provide comments using line-in-line-out format. To facilitate adjudication of comments, copy and insert complete sentences into the matrix. This makes it unnecessary to refer back to the publication to understand the rationale for the change. Do not use Tools, Track Changes mode to edit the comments in the matrix. Include deleted material in the comment in the strike through mode. Add material in the comment with underlining. Do not combine separate comments into one long comment in the matrix, (i.e. 5 comments rolled up into one).

Column 9 - RATIONALE

Provide concise, objective explanation of the rationale for the comment.

Column 10 - DECISION

A - Accept

R - Reject (Rationale required for rejection.)

M - Accept with modification (Rationale required for modification.)

(U) Acronyms and Abbreviations

(U) CJCS Chairman of the Joint Chiefs of Staff (U) CJCSI Chairman of the Joint Chiefs of Staff Instruction (U) EAP Emergency Action Procedures (U) NC2-ESI Nuclear Command and Control-Extremely Sensitive Information (U) NDHB Nuclear Decision Handbook (U) NMCC National Military Command Center (U) NOD Nuclear Operations Division (U) PES Presidential Emergency Satchel

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