



## APPENDIX

# Select Entities Within the National Security Infrastructure

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which remain in place until formally revoked.<sup>2</sup> Their names and abbreviations vary by Administration. See Table 1 below.

**Table 1**

<b>Administration</b>	<b>Decision Directive</b>	<b>Review Directive</b>	<b>Dates</b>
<b>Trump</b> <sup>3</sup>	National Security Presidential Memorandum (NSPM)	[Same]	2025-present
<b>Biden</b> <sup>4</sup>	National Security Memorandum (NSM)	National Security Study Memoranda (NSSM)	2021-2025
<b>Trump</b> <sup>5</sup>	National Security Presidential Memorandum (NSPM)	[Same]	2017-2021
<b>Obama</b> <sup>6</sup>	Presidential Policy Directive (PPD)	Presidential Study Directive (PSD)	2009-2017
<b>G. W. Bush</b> <sup>7</sup>	National Security Presidential Directive (NSPD)	[Same]	2001-2009

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2. See U.S. GEN. ACCT. OFF., GAO/NSIAD-89-31, NATIONAL SECURITY: THE USE OF PRESIDENTIAL DIRECTIVES TO MAKE AND IMPLEMENT U.S. POLICY, REPORT TO THE CHAIRMAN, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES 3 (1988) [hereinafter GAO PD REPORT]; see also Memorandum from Stephen J. Hadley, Assistant to the President for Nat'l Sec. Affs. 1 (Jan. 24, 2007), <https://perma.cc/KX6P-XSUD> (rescinding PDD-39 of June 21, 1995, PDD-62 of May 22, 1998, and NSPD-9 of Oct. 27, 2001); *infra* tbl. 2 (providing a discussion of each type of directive by Administration).
  3. See Steven Aftergood, *National Security Presidential Memoranda [NSPMs] Donald J. Trump Administration (2025-)*, FED'N AM. SCIENTISTS: INTEL. RES. PROGRAM, <https://perma.cc/TE8G-GAU2> (archived Apr. 8, 2026).
  4. See Steven Aftergood, *National Security Memoranda [NSMs] Joseph R. Biden Jr. Administration*, FED'N AM. SCIENTISTS: INTEL. RES. PROGRAM (updated Oct. 24, 2024), <https://perma.cc/UT7L-NCCA>.
  5. See Steven Aftergood, *National Security Presidential Memoranda [NSPMs] Donald J. Trump Administration (2017-2021)*, FED'N AM. SCIENTISTS: INTEL. RES. PROGRAM (updated Mar. 7, 2022), <https://perma.cc/DKV8-6BFH>.
  6. See Steven Aftergood, *Presidential Policy Directives [PPDs] Barack Obama Administration*, FED'N AM. SCIENTISTS: INTEL. RES. PROGRAM (updated Aug. 29, 2021), <https://perma.cc/N9EY-7NE9>.
  7. See George W. Bush Presidential Libr. & Museum, Inventory for FOIA Request 2014-0390-F: Final Copies of Unclassified HSPDs and NSPDs 1-4, <https://perma.cc/S5Q9-8SMA> (archived Apr. 8, 2026); see also Steven Aftergood, *National Security Presidential Directives [NSPD] George W. Bush Administration*, FED'N AM. SCIENTISTS: INTEL. RES. PROGRAM (updated Dec. 17, 2019), <https://perma.cc/9LZL-BD7G> (providing a complete list of the publicly available NSPDs).

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<b>Clinton</b> <sup>8</sup>	Presidential Decision Directive (PDD)	Presidential Review Directive (PRD)	1993-2001
<b>G.H.W. Bush</b> <sup>9</sup>	National Security Directive (NSD)	National Security Review (NSR)	1989-1993
<b>Reagan</b> <sup>10</sup>	National Security Decision Directive (NSDD)	National Security Study Directive (NSSD)	1981-1989
<b>Carter</b> <sup>11</sup>	Presidential Directive (PD)	Presidential Review Memorandum (PRM)	1977-1981
<b>Nixon/Ford</b> <sup>12</sup>	National Security Decision Memorandum (NSDM)	National Security Study Memorandum (NSSM)	1969-1977
<b>Kennedy/Johnson</b> <sup>13</sup>	National Security Action Memorandum (NSAM)	[Same]	1961-1969
<b>Truman-Ford</b> <sup>14</sup>	National Security Council Intelligence Directive (NSCID)	[Same]	1947-1977

On at least three occasions, presidents have created additional regulatory instruments focused on discrete areas of national security, each of which carries a different abbreviation. George W. Bush issued Homeland Security Presidential Directives (HSPDs).<sup>15</sup> Barack Obama released a Presidential Policy Guidance

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8. See *Presidential Directives*, NAT'L ARCHIVES: WILLIAM J. CLINTON PRESIDENTIAL LIBR. & MUSEUM, <https://perma.cc/R76B-TDHZ> (archived Apr. 8, 2026).

9. See *Textual Archives*, NAT'L ARCHIVES: GEORGE H.W. BUSH PRESIDENTIAL LIBR. & MUSEUM, <https://perma.cc/L7LZ-FH48> (archived Apr. 8, 2026).

10. See GAO PD REPORT, *supra* note 2, at 4-5.

11. See *id.* at 4.

12. See *id.*; *National Security Decision Memoranda (NSDM)*, NAT'L ARCHIVES: RICHARD NIXON PRESIDENTIAL LIBR. & MUSEUM, <https://perma.cc/N4Y6-7W3J> (archived Apr. 8, 2026).

13. See GAO PD REPORT, *supra* note 2, at 4.

14. See *National Security Council Intelligence Directives, 1947-1950*, U.S. DEP'T STATE: OFF. HISTORIAN, <https://perma.cc/S8CU-LTNR> (archived Apr. 8, 2026).

15. See, e.g., Homeland Security Presidential Directive-1: Directive on Organization and Operation of the Homeland Security Council, 2 PUB. PAPERS 1320 (Oct. 29, 2001) (creating a Homeland Security Council in advance of legislation establishing the Department of Homeland Security); Homeland Security Presidential Directive-2: Combating Terrorism Through Immigration Policies, 2 PUB. PAPERS 1322 (Oct. 29, 2001) (creating a Foreign Terrorist Tracking Task Force); see also Steven Aftergood, *supra* note 6 (providing a complete list of the publicly available HSPDs).

(PPG),<sup>16</sup> and Donald J. Trump issued Space Policy Directives (SPDs).<sup>17</sup> Like the NSC documents, these instruments are folded into the NSAS. HSPD-12, for instance, set a government-wide standard for secure and reliable forms of identification issued by the federal government.<sup>18</sup> The Office of Management and Budget (OMB) went on to issue a memorandum requiring federal agencies to post metrics to convey their progress toward meeting HSPD-12 requirements.<sup>19</sup>

- **Office of Management and Budget (OMB)**: The OMB,<sup>20</sup> the largest component of the Executive Office of the President, assists the President in meeting policy, budgetary, management, and regulatory objectives and plays a central role in shaping executive branch policy.<sup>21</sup> Every significant executive proposal flows through the OMB. While its most visible responsibility is developing the President's annual budget proposal to Congress, the OMB's influence extends far beyond budgeting: It reviews major agency regulations, approves materials sent to Congress, drafts executive orders and memoranda, and develops and executes government-wide management plans. Through its oversight of the federal budget, the OMB also shapes funding relevant to artificial intelligence and biosecurity across the Intelligence Community, the Department of Defense, the Department of Health and Human Services, and other key agencies.<sup>22</sup>
- **Office of Science & Technology (OSTP)**: In 1976, Congress established the OSTP to serve as the primary advisor to the President on matters relating to science, technology, and innovation; to coordinate federal science and technology initiatives; and to develop

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16. See PROCEDURES FOR APPROVING DIRECT ACTION AGAINST TERRORIST TARGETS LOCATED OUTSIDE THE UNITED STATES AND AREAS OF ACTIVE HOSTILITIES (2013), <https://perma.cc/DTA7-FXRZ>.

17. See, e.g., Reinventing America's Human Space Exploration Program, 82 Fed. Reg. 59501 (Dec. 11, 2017) (forming the Artemis program).

18. See Homeland Security Presidential Directive/HSPD-12: Policy for a Common Identification Standard for Federal Employees and Contractors, 2 PUB. PAPERS 1765 (Aug. 27, 2004).

19. See Memorandum from Karen S. Evans, Adm'r E-Gov't & Info. Tech., Off. Mgmt. & Budget to Chief Info. Officers, Exec. Off. of the President (Jan. 11, 2007), <https://perma.cc/GZQ9-C7QA>; see also U.S. MERIT SYS. PROT. BD., HSPD-12 STATUS (2011), <https://perma.cc/VWG2-NTP4> (providing the current status of meeting HSPD-12's objectives).

20. 31 U.S.C. § 501.

21. See 31 U.S.C. § 502; *Office of Management and Budget*, WHITE HOUSE, <https://perma.cc/FGE6-9L89> (archived Apr. 8, 2026).

22. See *Office of Management and Budget (OMB)*, HORIZON INST. FOR PUB. SERV.: EMERGING TECH. POL'Y CAREERS, <https://perma.cc/JU7X-LBSZ> (last updated Nov. 29, 2024).

national policy.<sup>23</sup> The office also plays a critical national security role in helping to develop policies for emerging technologies such as artificial intelligence and quantum mechanics to counter threats (for example, cyber or WMD), protecting federally-funded research (NSPM-33),<sup>24</sup> and coordinating across agencies to ensure the country can meet its defense and intelligence needs.

- **National Economic Council (NEC)**: In 1993, President George H.W. Bush established the NEC via executive order, integrating it into the President's advisory structure within the EOP.<sup>25</sup> Chaired by the President, its members included the Secretaries of State, Treasury, Agriculture, Commerce, Labor, Housing and Urban Development, Transportation, and Energy, as well as the National Security Adviser and others.<sup>26</sup> Its principal functions are to coordinate U.S. domestic and international economic policy and to implement the President's economic agenda.<sup>27</sup> With economic strength central to U.S. national security, many of the NEC's emphases, such as trade, technology, energy policy, and economic statecraft (for example, export controls and sanctions) go directly to national security concerns.
- **Domestic Policy Council (DPC)**: The DPC stems from a 1993 executive order which established the entity to coordinate domestic policy.<sup>28</sup> Like the NEC, the DPC has supported the evolution of major AI and biosecurity initiatives.<sup>29</sup>
- **White House Counsel (WHC)**: The WHC monitors matters related to ethics, negotiates with Congress and others on the president's behalf, recommends actions to the President, and translates and interprets the law.<sup>30</sup> Since 9/11, the WHC has had a range of new responsibilities that implicate national security, such as developing and implementing drone strike policies.<sup>31</sup> To accommodate these new demands, Counsels

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23. National Science and Technology Policy, Organization, and Priorities Act of 1976, Pub. L. No. 94-282, §§ 201-204, 90 Stat. 459, 463-64 (codified as amended at 42 U.S.C. §§ 6001 note, 6611-6613).

24. *See, e.g.*, Presidential Memorandum on United States Government-Supported Research and Development National Security Policy (Jan. 14, 2021), <https://perma.cc/F4US-6TQ4> (protecting federally funded research from foreign interference and exploitation).

25. *See* Exec. Order No. 12835, 3 C.F.R. 586, 587 (1994).

26. *Id.* at 586-87.

27. *Id.* at 587-88.

28. *See* Exec. Order No. 12859, 3 C.F.R. 628, 629 (1994).

29. *Executive Office of the President (EOP)*, HORIZON INST. FOR PUB. SERV.: EMERGING TECH. POL'Y CAREERS, <https://perma.cc/RXR4-29HF> (last updated Jan. 28, 2025),.

30. THE WHITE HOUSE TRANSITION PROJECT 1997-2021, REPORT 2021-28, THE WHITE HOUSE COUNSEL, at v (2020), <https://perma.cc/5EZ7-7N6L>.

31. *Id.* at x, 3.

have appointed a Deputy and Associate Counsel who specialize in discreet areas of national security.<sup>32</sup>

## **II. Office of the Vice President (OVP)**

As a statutory member of the NSC, the Vice President plays a central role in coordinating U.S. national security policy.<sup>33</sup> The OVP incorporates individuals appointed to head up discreet areas vital to national defense. In 2019, for instance, in the first Trump Administration, it included a Military Aide as well as a Special Advisor for Homeland Security, Counterterrorism, and Africa.<sup>34</sup>

## **III. Uniformed Services**

In addition to the U.S. Army, Navy, Marine Corps, Air Force, and Space Force, which are located in the Department of Defense; and the Coast Guard, which is part of the Department of Homeland Security, the eight uniformed services of the United States also includes the Department of Health and Human Services' Public Health Service Commissioned Corps, along with the Department of Commerce's National Oceanic and Atmospheric Administration Commissioned Officer Corps.<sup>35</sup> For ease of reference, they are included in Figure 1 in one group.

## **IV. Intelligence Community (IC)**

The U.S. Intelligence Community is made up of eighteen different entities, almost all of which are housed in cabinet-level departments.<sup>36</sup> It includes two independent agencies (the Office of the Director of National Intelligence (ODNI) and the Central Intelligence Agency (CIA)); nine elements within the Department of Defense (DOD); and seven entities drawn from other departments and agencies.<sup>37</sup>

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32. *Id.* at x, 4. The Bush Administration was the first to have the Legal Adviser to the National Security Assistant report also to White House Counsel. *Id.* at 10.

33. 50 U.S.C. § 3021(a)(c)(1).

34. *131 Vice President Charts*, WHITE HOUSE TRANSITION PROJECT: OFFICE BRIEFS (2022), <https://perma.cc/6Z5L-S6WA>.

35. *See* U.S. DEP'T HEALTH & HUM. SERVS.: COMMISSIONED CORPS U.S. PUB. HEALTH SERV., <https://perma.cc/AUN8-KVM3> (archived May 8, 2026); *NOAA Commissioned Officer Corps*, U.S. DEP'T COM.: OFF. MARINE & AVIATION OPERATIONS, <https://perma.cc/FQA6-W6H5> (archived Apr. 8, 2026).

36. *See Members of the IC*, U.S. OFF. DIR. NAT'L INTEL., <https://perma.cc/UE86-VPCZ> (archived Apr. 8, 2026).

37. *See infra* notes 75-130 and accompanying text (noting as the nine DOD elements as the Defense Intelligence Agency (DIA), National Security Agency (NSA), National  
*footnote continued on next page*

## V. Cabinet-Level Departments and Their Agencies

- **U.S. Department of Agriculture (USDA)**.<sup>38</sup> The Secretary of Agriculture is responsible for certain matters related to national security, amongst which are food security<sup>39</sup> and “strategies and technologies for dealing with intentional outbreaks of plant and animal disease arising from acts of terrorism.”<sup>40</sup> The Secretary maintains a list biological agents and toxins considered a severe threat to animal or plant health, registers anyone in contact with such materials, and regulates their possession or transfer.<sup>41</sup> Related regulations are subject

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Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), U.S. Army Intelligence and Security Command (INSCOM), U.S. Air Force Surveillance, and Reconnaissance (USAF ISR), U.S. Space Force National Space Intelligence Center (NSIC); U.S. Office of Naval Intelligence (ONI), and U.S. Marine Corps Intelligence (MCIA)); *infra* notes 135-136 and accompanying text (discussing the Department of Energy’s Office of Intelligence and Counter-Intelligence (DOE-IN)); *infra* notes 167, 174 and accompanying text (discussing the U.S. Coast Guard Intelligence (CG-2) and DHS Office of Intelligence and Analysis (I&A)); *infra* notes 190-192 and accompanying text (discussing the Federal Bureau of Investigation (FBI)); *infra* note 220 and accompanying text (discussing the Department of State’s Bureau of Intelligence and Research (INR)); *infra* notes 255-257 and accompanying text (discussing Treasury’s Office of Intelligence and Analysis (OIA)); *infra* notes 261-270 and accompanying text (discussing the CIA); *infra* notes 286-302 and accompanying text (discussing the ODNI).

38. Throughout Part IV, cabinet-level agencies are bolded and underlined. All other agencies are underlined.
39. The National Farm Security Action Plan is a multi-pronged initiative linking U.S. agriculture to national security, focusing on securing American farmland from foreign ownership (especially by adversaries like China), strengthening supply chains, defending research, protecting plant/animal health, preventing nutrition program fraud, safeguarding critical infrastructure, and ensuring “America First” in all USDA programs. See U.S. DEP’T OF AGRIC., FARM SECURITY IS NATIONAL SECURITY (2025), <https://perma.cc/9VV6-PPRB>. Key actions include stopping foreign adversaries from buying U.S. farmland, reclaiming already-purchased land, increasing scrutiny on foreign investments, and boosting domestic agricultural resilience. See *id.* The National Farm Security Action Plan is guided by National Security Memoranda (NSM)-16 and NSM-22, which formally establish national policy for the protection of the nation’s food and agriculture systems against terrorist threats, major disasters, and other emergencies. See *id.*; National Security Memorandum No. 16 (Nov. 10, 2022), <https://perma.cc/6MUB-ZZE5>; National Security Memorandum No. 22 (Apr. 30, 2024), <https://perma.cc/Q9MJ-ZLAN>.
40. 7 U.S.C. § 8320 (“The Secretary of Agriculture (referred to in this section as the ‘Secretary’) may utilize existing authorities to give high priority to enhancing and expanding the capacity of the Animal and Plant Health Inspection Service to conduct activities to— (1) increase the inspection capacity of the Service at international points of origin; (2) improve surveillance at ports of entry and customs; (3) enhance methods of protecting against the introduction of plant and animal disease organisms by terrorists; (4) develop new and improve existing strategies and technologies for dealing with intentional outbreaks of plant and animal disease arising from acts of terrorism or from unintentional introduction . . .”).

41. See *id.* § 8401.

to administrative review.<sup>42</sup> The Secretary also must use appropriated funds to carry out agricultural research and education related to reducing the vulnerability of the U.S. food and agricultural system to biological or chemical attack.<sup>43</sup> The broader department shares responsibility for biosecurity with the Animal and Plant Health Inspection Service (APHIS), the Environmental Protection Agency (EPA), and the Food Safety and Inspection Service (FSIS), all of which are components of the USDA, and the Food and Drug Administration (FDA) (the latter of which is located within the Department of Health and Human Services (HHS)).<sup>44</sup> The USDA's primary instruments for these purposes are directives, typically contained in Title 7 of the Code of Federal Regulations.<sup>45</sup>

- Animal and Plant Health Inspection Service (APHIS): The 2002 Public Health and Bioterrorism Act expanded APHIS's role to include increasing its inspection capacity at international points of origin, improving surveillance at ports of entry and customs, enhancing "methods of protecting against the introduction of plant and animal disease organisms by terrorists" and developing strategies and technologies to deal "with intentional outbreaks of plant and animal disease arising from acts of terrorism."<sup>46</sup> APHIS regulations are primarily implemented through 7 C.F.R. Part 331 and 9 C.F.R. Part 121—Possession, Use, and Transfer of Select Agents and Toxins.<sup>47</sup>
- Environmental Protection Agency (EPA): The Administrator of the EPA is a member of the Working Group on Bioterrorism, chaired by the Secretary of HHS.<sup>48</sup> Within the EPA, the Office of National Security & Operations Coordination (ONS) serves as one of seven offices within the

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42. *See id.* § 8401(e)(7).

43. *See id.* § 3351(b).

44. *See* Coordinated Framework for the Regulation of Biotechnology, 51 Fed. Reg. 23302, 23304 (June 26, 1986).

45. *See, e.g.*, 7 C.F.R. § 789.18(a)(2)(vi) (2024) (prohibiting the use of rated orders to obtain "[a]ny items related to the development of chemical or biological warfare capabilities or the production of chemical or biological weapons, unless such development or production has been authorized by the President or the Secretary of Defense").

46. Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. No. 107-188, § 331(a)(3)-(4), 116 Stat. 594, 678 (codified at 7 U.S.C. § 8320).

47. *See* Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Replication of the Select Agent and Toxin List, 89 Fed. Reg. 101837, 101845-46 (Dec. 17, 2024) (to be codified at 7 C.F.R. pt. 331; 9 C.F.R. pt. 121).

48. *See* § 108, 116 Stat. at 609 (codified as amended at 42 U.S.C. § 247d-6).

EPA's Office of the Administrator.<sup>49</sup> This office focuses on protecting public health and the environment during large-scale emergencies, addressing emergency response (for example, in relation to CBNRW incidents), water and wastewater security, contamination assessment, and managing hazardous waste and decontamination for disasters, terrorism, or critical infrastructure attacks to ensure continuity of services.<sup>50</sup> The ONS serves as the EPA's primary national security and intelligence advisor and liaison with the NSC, the DHS, and other federal agencies.<sup>51</sup> The office oversees the Operations and Continuity Division and the Intelligence and Threat Mitigation Division.<sup>52</sup> The ONS does not issue standalone, broad regulations but instead establishes guidance and policies for the department, particularly in relation to broader IC standards.

- Food Safety and Inspection Service (FSIS): The FSIS is responsible for protecting public health by ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and properly labeled. The FSIS fulfills this mission through mandatory inspections, science-based testing, and enforcement of federal laws, including the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act. Like APHIS, the 2002 Public Health and Bioterrorism Act expanded the FSIS's role in national security. The Act gives authority to the Secretary of agriculture to expand the capacity of the Service to protect against the threat of bioterrorism.<sup>53</sup>
- Public Health Service Commissioned Corps (PHSCC): The HHS oversees one of the eight uniformed services in the USG.<sup>54</sup> The Corps is led by the Assistant Secretary for Health, with the Surgeon General also overseeing daily operations and public health leadership.<sup>55</sup>

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49. See U.S. EPA, EPA CONSOLIDATIONS, REORGANIZATIONS, REALIGNMENTS, OR OTHER TRANSFER OF RESOURCES (2025), <https://perma.cc/2L2P-B7J5>.

50. See *About the Office of National Security and Operations Coordination*, U.S. EPA (Oct. 20, 2025), <https://perma.cc/XAT5-MKZU>.

51. *Id.*

52. *Id.*

53. See § 332(a)(4), 166 Stat. at 679 (codified at 7 U.S.C. § 8320).

54. See U.S. DEP'T HEALTH & HUM. SERVS.: COMMISSIONED CORPS U.S. PUB. HEALTH SERV., *supra* note 35.

55. See *Leadership*, U.S. DEP'T HEALTH & HUM. SERVS.: COMMISSIONED CORPS U.S. PUB. HEALTH SERV., <https://perma.cc/XF8B-WPDG> (archived Apr. 8, 2026).

- **U.S. Department of Commerce (DOC):** The DOC contains two principal national security entities: the Bureau of Industry and Security and the International Trade Administration. Each has its own regulations within Title 15 of the Code of Federal Regulations. In addition, the Bureau of Economic Analysis undertakes surveys tracking Foreign Direct Investment in the United States and U.S. investment abroad, with BE-10 focused on the latter and BE-13 centered on new foreign investments in the United States. Their legal authority stems from the International Investment and Trade in Services Survey Act, codified at 22 U.S.C. §§ 3101-3108.
  - o **Bureau of Industry and Security (BIS):** The BIS manages export controls for sensitive technologies, assesses importation of specific goods which may impact national security, and secures supply chains for critical goods and infrastructure.<sup>56</sup> Within BIS, the Office of National Security Controls (ONSC) implements and enforces multilateral controls aligned with the Wassenaar Arrangement (WA), which focuses on regulating dual-use items, as well as export control policies related to encryption.<sup>57</sup> The BIS's Office of Nonproliferation and Foreign Policy Controls (NFPC), in turn, ensures that U.S. multilateral export control responsibilities are met consistent with the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Australia Group.<sup>58</sup> The BIS administers the Export Administration Regulations (EAR) for trade, located in 15 C.F.R.
  - o **International Trade Administration (ITA):** Under the leadership of the ITA Assistant Secretary for Industry and Analysis, the Office of Investment Security (OIS) coordinates the DOC's participation in the Committee on Foreign Investment in the United States (CFIUS).<sup>59</sup> It reviews all filed transactions, analyzes industry, and reviews cases, as well as monitors investment flows impacting U.S. national security.<sup>60</sup> The Treasury, however, as chair of CFIUS, issues the associated

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56. See 19 U.S.C. § 1862(a); U.S. DEP'T COM.: BUREAU INDUS. & SEC., <https://perma.cc/7ATT-BRAX> (archived Apr. 8, 2026).

57. See *Office of National Security Controls (ONSC)*, U.S. DEP'T COM.: BUREAU INDUS. & SEC., <https://perma.cc/MHF3-CDTW> (archived Apr. 8, 2026).

58. See *BIS Leadership and Offices*, U.S. DEP'T COM.: BUREAU INDUS. & SEC., <https://perma.cc/G4KE-X4CN> (archived Apr. 8, 2026).

59. See *Office of Investment Security*, U.S. DEP'T COM.: INT'L TRADE ADMIN., <https://perma.cc/ZG9C-UNXP> (archived Apr. 8, 2026).

60. *Id.*

regulations.<sup>61</sup> Its primary issuances include regulations related to antidumping (AD) and subsidized foreign goods (i.e., countervailing duties (CVD)), and Administrative Protective Orders (APOs) (to allow access to confidential business information).

- National Institute of Standards and Technology (NIST): The NIST operates under the NIST Act, which amended the Organic Act of 1901 that created its forerunner, the National Bureau of Standards (NBS).<sup>62</sup> Congress renamed the NBS as the NIST in 1988.<sup>63</sup> The NIST develops technical standards, measurements, and guidelines to promote innovation, cybersecurity, and national security.<sup>64</sup> It supports the protection of federal systems, critical infrastructure, and defense supply chains by providing widely adopted frameworks and standards, such as the Cybersecurity Framework and Special Publication (SP) 800-171,<sup>65</sup> that help safeguard sensitive government information and ensure the reliability of technologies vital to national defense and economic stability. Its work also addresses emerging threats, including those posed by quantum computing, while strengthening the security and resilience of the federal supply chain. For government agencies and contractors, compliance with NIST standards, such as SP 800-59,<sup>66</sup> or the Clinger Cohen Act<sup>67</sup> is mandatory, making adherence essential for protecting data and maintaining eligibility for government contracts.

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61. See generally 50 U.S.C. § 4565 (establishing the Secretary of the Treasury as the chairperson of CFIUS and laying out its authorities).

62. See 15 U.S.C. § 271; Act of Mar. 3, 1901, ch. 872, 31 Stat. 1449 (codified as amended in scattered sections of 15 U.S.C.).

63. See Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, § 5115(c), 102 Stat. 1107, 1433 (codified in scattered sections of the U.S. Code).

64. See *About NIST*, U.S. DEP'T COM.: NAT'L INST. STANDARDS & TECH. (updated Jan. 11, 2022), <https://perma.cc/MBP4-Z34Z>.

65. RON ROSS, VICTORIA PILLITTERI, KELLEY DEMPSEY, MARK RIDDLE & GARY GUISSANIE, NAT'L INST. OF STANDARDS & TECH., U.S. DEP'T OF COM., SPECIAL PUBLICATION 800-171 REVISION 2, PROTECTING CONTROLLED UNCLASSIFIED INFORMATION IN NONFEDERAL SYSTEMS AND ORGANIZATIONS (2021), <https://perma.cc/U6VD-TGVU>.

66. WILLIAM C. BARKER, NAT'L INST. OF STANDARDS & TECH., U.S. DEP'T OF COM., NIST SPECIAL PUBLICATION 800-59, GUIDELINE FOR IDENTIFYING AN INFORMATION SYSTEM AS A NATIONAL SECURITY SYSTEM (2003), <https://perma.cc/8VLX-HC8B> (establishing a guideline for identifying an information system as a national security system, applicable to the entire U.S. government).

67. See Clinger-Cohen Act of 1996, Pub. L. No. 104-106, div. E, 110 Stat. 186, 679-703 (codified as amended in scattered sections of the U.S. Code). The NIST provides technical

*footnote continued on next page*

- National Oceanic and Atmospheric Administration (NOAA): NOAA plays a critical leadership role in shaping international ocean, fishery, climate, space, and weather policies while advancing global scientific cooperation.<sup>68</sup> It has six core line offices: the National Weather Service (NWS), National Marine Fisheries Service (NMFS), National Ocean Service (NOS), National Environmental Satellite, Data, and Information Service (NESDIS), Office of Oceanic and Atmospheric Research (OAR), and Office of Marine and Aviation Operations (OMAO).<sup>69</sup> NOAA is also vital to national security, providing essential environmental and space weather intelligence that supports Department of Defense and Department of Homeland Security planning, military readiness, maritime security, and the protection of critical infrastructure, communications, and power grids.<sup>70</sup>
  - NOAA Commissioned Officer Corps (NOAA Corps): NOAA also maintains one of the eight commissioned officer corps in the United States.<sup>71</sup>
  - Office of Marine and Aviation Operations (OMAO): The OMAO manages and operates NOAA's fleet of ships and data-collection aircraft as well as, inter alia, the NOAA Uncrewed Systems Operations Center.<sup>72</sup>
- **U.S. Department of Defense (DOD)**: In 1947, Congress created the National Military Establishment, within two years renaming it the U.S. Department of Defense.<sup>73</sup> The DOD issues department-wide Directives (DODDs), Instructions (DODIs), Manuals (DODMs), Administrative

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standards and risk management guidance to meet Clinger-Cohen requirements. *See NIST Risk Management Framework*, U.S. DEP'T COM.: COMPUT. SEC. RES. CTR. (updated Feb. 10, 2026), <https://perma.cc/5WQE-B9XW>.

68. *About Our Agency*, U.S. DEP'T COM.: NAT'L OCEANIC & ATMOSPHERIC ADMIN., <https://perma.cc/62WA-9F44> (last updated Mar. 5, 2025).

69. *NOAA Organization Chart*, U.S. DEP'T COM.: NAT'L OCEANIC & ATMOSPHERIC ADMIN., <https://perma.cc/T7SX-CDX8> (last updated Mar. 27, 2026).

70. Noah Fritzhand, *NOAA's Critical Contributions to US National Security*, COUNCIL ON STRATEGIC RISKS (Mar. 5, 2025), <https://perma.cc/96E8-FVUS>.

71. *See NOAA Commissioned Officer Corps*, *supra* note 35.

72. *See About OMAO*, U.S. DEP'T COM.: OFF. MARINE & AVIATION OPERATION, <https://perma.cc/R7TL-CLES> (archived Apr. 8, 2026).

73. *See National Security Act of 1947*, Pub. L. No. 80-253, § 201, 61 Stat. 495, 499 (codified as amended at 50 U.S.C. § 3002) (creating the National Military Establishment (NME)); *National Security Act Amendments of 1949*, Pub. L. No. 81-216, § 2, 63 Stat. 578, 579 (codified as amended at 50 U.S.C. § 3002) (renaming the NME to the Department of Defense).

Issuances (AIs), and Directive-type Memoranda (DTM).<sup>74</sup> While the entire department is part of the NSAS, some components (highlighted below) maintain their own regulatory instruments. As a structural matter, the Office of the Secretary of Defense contains Defense Agencies (DAs) and Defense Field Activities (FAs). The Departments of the Army, Navy, and Air Force also report directly to the Secretary of Defense, as do the eleven Combatant Commands and the Joint Chiefs of Staff. The intelligence elements of the DOD which are included in the IC are listed below:

- Defense Intelligence Agency (DIA): In 1961, DODD 5105.21, issued under the authority of the 1947 National Security Act, created the DIA.<sup>75</sup> The Agency collects, analyzes, produces, and disseminates military intelligence to the Secretary of Defense, Chair of the Joint Chiefs of Staff, Joint Staff, Combatant commanders, and the Director of National Intelligence (DNI).<sup>76</sup> Its intelligence-related activities are conducted consistent with DODD 5240.01; DODD 5148.13, DODM 5240.01, DOD 5240.1-R, and DOD 5400.11-R. The DIA issues Directives (DIADs), which establish high-level policy, assign responsibilities, and delegate authority,<sup>77</sup> and Instructions (DIAs), which implement or revise policies found in directives and detail what steps must be taken to accomplish a task.<sup>78</sup>
- National Security Agency/Central Security Service (NSA/CSS): In 1952, President Truman established the NSA as the lead agency for communications intelligence (COMINT).<sup>79</sup> In 1972, a presidential directive created the Central Security

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74. See U.S. DEP'T OF DEF., INSTRUCTION 5025.01, DOD ISSUANCES PROGRAM 13 (rev. ed. 2023).

75. See U.S. DEP'T OF DEF., DIRECTIVE 5101.21, DEFENSE INTELLIGENCE AGENCY (1961); U.S. DEP'T OF DEF., DIRECTIVE 5101.21, DEFENSE INTELLIGENCE AGENCY (rev. ed. 2023) [hereinafter 2023 Directive 5101.21].

76. See U.S. DEP'T OF DEF., INSTRUCTION 5105.21, DEFENSE INTELLIGENCE AGENCY 1 (2023).

77. See *id.* The DIA does not have any formal document that defines DIADs versus non-directives. For DIA authorities, see U.S. DEP'T OF DEFENSE, DIRECTIVE 5105.21, DEFENSE INTELLIGENCE AGENCY 18 (rev. ed. 2023). For list of DIADs, see U.S. DEF. INTEL. AGENCY, LISTING OF DIA DIRECTIVES INSTRUCTIONS MANUALS, <https://perma.cc/DB2Q-D6CQ> (archived Apr. 8, 2026).

78. 2023 Directive 5101.21, *supra* note 75; see also U.S. DEP'T OF DEF., *supra* note 76, at 18 (establishing internal publications system for the promulgation of regulations, instructions, and reference documents and changes thereto). All DIA Manuals and Regulations have been replaced by DIADs and DIAs. See U.S. DEF. INTEL. AGENCY, *supra* note 77, at 1.

79. See Memorandum to the Sec'y of State and the Sec'y of Defense (Oct. 4, 1952), <https://perma.cc/8VFS-TKCQ>.

Service as a partnership between the NSA and the cryptologic elements of the U.S. Armed Forces, dual-hatting the Director of NSA as also the Chief of the CSS.<sup>80</sup> The NSA/CSS currently has the lead for signals intelligence (SIGINT), Information Assurance (IA), and cryptology.<sup>81</sup> Its issuances include: United States Signals Intelligence Directives (USSIDs) (policy document issued to provide guidance on SIGINT and information assurance);<sup>82</sup> Policy Instructions<sup>83</sup> (i.e., official documents that establish policies, procedures, and standards for agency operations);<sup>84</sup> and Policy Manuals (i.e., sets of directives governing operations, personnel, and information security).<sup>85</sup>

- National Geospatial-Intelligence Agency (NGA): In 2004, Congress redesignated the National Imagery and Mapping Agency as the NGA.<sup>86</sup> The Agency provides geospatial intelligence (GEOINT) to the DOD, IC, and other USG departments and agencies and designs, develops, operates, and maintains systems related to the processing and dissemination of GEOINT.<sup>87</sup> The NGA issues Directives (NGADs), which, like those of the DIA, establish high-level policy, assign

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80. See NAT'L SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 6 § 4(d), <https://perma.cc/J6YM-JWED>.

81. See U.S. DEP'T OF DEF., DIRECTIVE 5100.20, NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE (NSA/CSS) 1-2 (2010).

82. U.S. NAT'L SEC. AGENCY, USSID 1, SIGINT OPERATING POLICY (1994), <https://perma.cc/Z8H7-K5T7> ("United [S]tates SIGINT activities are controlled by the USSID system. All elements of the United States SIGINT System (USSS) must operate within the spirit and the letter of the principles and procedures promulgated by USSID. USSID 1 is the foundation of this system."); see also *id.* § 7.1 (DIRNSA/CHCSS uses the U.S. Signals Intelligence Directive (USSID) System to control the operations of the USSS."); *id.* § 7.2 ("Only USSID, or vehicles authorized in USSID, are used to direct SIGINT operations of the USSS.").

83. The distinction between NSA Policy and NSA Policy Instruction appears to be determined by internal hierarchy and naming conventions. Policies state the rules; policy instructions explain how to comply with them.

84. See U.S. DEP'T OF DEF., *supra* note 81, at 19; e.g., U.S. DEP'T OF DEF., NSA/CSS POLICY INSTRUCTION 12-0001, PROCESSING PRIVACY ACT REQUESTS (Feb. 25, 2022), <https://perma.cc/JHP4-XSMB>.

85. See, e.g., U.S. NAT'L SEC. AGENCY, NSA/CSS POLICY MANUAL 9-12, STORAGE DEVICE SANITATION AND DESTRUCTION MANUAL (Dec. 4, 2020), <https://perma.cc/A5U7-AZ6D>.

86. See National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108-136, § 921, 117 Stat. 1392 (2003) (codified as amended in scattered sections of the U.S. Code).

87. See U.S. DEP'T OF DEF., INSTRUCTION 5105.60, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY 1 (2009).

responsibilities, and delegate authority<sup>88</sup>; Instructions (NGAI/NIs), which implement or revise policies found in a directives and detail steps for accomplishing tasks<sup>89</sup>; and Policy Directives (NGA PDs), which are internal documents outlining and establishing the agency's policies and procedures.<sup>90</sup>

- National Reconnaissance Office (NRO): Four top secret directives and memoranda in the early 1960s constitute the NRO's charter.<sup>91</sup> The organization focuses on the development, acquisition, launch, deployment, and operation of overhead reconnaissance systems as well as related data processing facilities.<sup>92</sup> The NRO issues Directives (NRODs), which, like the other intelligence elements, establish high-level policy, assign responsibilities, and delegate authority<sup>93</sup>; Instructions (NROIs), which implement or revises policies found in directives and detail what steps are necessary to accomplish tasks<sup>94</sup>; and Office of the Director Policy Notes (ODPNs), which are formal directives detailing the internal rules and procedures that will be used to implement presidential instruments (for example, executive orders or

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88. *See id.* at 17; e.g., U.S. NAT'L GEOSPATIAL-INTEL. AGENCY, DIRECTIVE NO. 8231, CYBER DEFENSE OPERATIONS (May 19, 2015), <https://perma.cc/42AU-SK9G>.

89. *See* U.S. DEP'T OF DEF., *supra* note 87, at 17. For a list of NGA Instructions as of 2016, see *List of National Geospatial-Intelligence Agency (NGA) Instructions, 2016*, GOVERNMENTATTIC.ORG (July 16, 2016), <https://perma.cc/W9UV-RSEM>.

90. *Id.*

91. *See* Letter from Roswell L. Gilpatric, Deputy Sec'y of Def., to Allen W. Dulles, Dir. of Cent. Intel. (Sept. 6, 1961), <https://perma.cc/25PQ-SYR6> (first agreement); Memorandum from Sec'y of Def. to Sec'y of the Army et al. (June 14, 1962), <https://perma.cc/V5EX-2KDN> (discussing the second agreement, dated May 2, 1962); U.S. DEP'T OF DEF., DIRECTIVE NO. TS 5105.23 (June 14, 1962), <https://perma.cc/L92E-7JUM> (implementing the second agreement); Agreement Between the Secretary of Defense and the Director of Central Intelligence on Management of the National Reconnaissance Program (Mar. 13, 1963), <https://perma.cc/ZAA3-LTZX> (third agreement); Memorandum from John L. McLucas, Nat'l Reconnaissance Off., to Dr. Schlesinger (n.d.), <https://perma.cc/XKY3-EV4J> (describing the fourth agreement); Agreement for Reorganization of the National Reconnaissance Program (Aug. 11, 1965), <https://perma.cc/5MMX-N2XL> (fourth agreement); National Reconnaissance Program (n.d.), <https://perma.cc/R5B6-6YCP> (summarizing the second agreement).

92. *See* U.S. DEP'T OF DEF., INSTRUCTION 5105.23, NATIONAL RECONNAISSANCE OFFICE 1-2 (rev. ed. 2015), <https://perma.cc/E882-AVA5>.

93. NRO's authority for issuing directives comes from the U.S. Department of Defense. *See id.* at 19 (listing NRODs); *NRO Directives and Instructions*, FED'N AM. SCIENTISTS (Jan. 8, 2003), <https://perma.cc/59TJ-RZXS>.

94. *NRO Directives and Instructions*, *supra* note 93.

PPDs) for intelligence and to ensure the NRO complies with law and policy.<sup>95</sup>

- U.S. Air Force Intelligence, Surveillance, and Reconnaissance (USAF ISR) Enterprise: Some DOD components, such as the USAF ISR Enterprise, operate under service-specific regulations.<sup>96</sup> The USAF ISR Enterprise analyzes information obtained from airborne, space, and cyberspace sensors.<sup>97</sup> As of October 28, 2023, all existing USAF Policy Directives (PDs) were deemed Department of the Air Force PDs (DAFPDs) and made applicable to both U.S. Air Force and U.S. Space Force, unless one Service was specifically excluded.<sup>98</sup> PDs unique to the U.S. Air Force are referred to as AFPDs and PDs specific to U.S. Space Force are referred to as SPFPDs.<sup>99</sup> Department of the Air Force Instructions (DAFIs) are similarly applicable to the U.S. Air Force and Space Force, while Air Force Instructions (AFIs) and Space Force Instructions (SPFIs) are applicable only to those entities. Both AFI's and SPFI's are legally binding.<sup>100</sup> Department of the Air Force Manuals (DAFMANS), Air Force Manuals (AFMANs), and Space Force Manuals (SPFMANS): manuals provide further guidance or direction on specific topics, implement Instructions, or directly implement PDs and follow a similar structure to the above documents.<sup>101</sup> Various other instruments apply. Department of the Air Force Doctrine Publications (AFDPs), for instance, define current and emerging best practices in airpower and are organized into basic, operational, and tactical doctrine, codified in Tactics, Techniques, and Procedures publications.<sup>102</sup> Air Force Policy Memoranda (AFPMs) and Space Force Policy Memoranda

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95. See, e.g., C.J. SCOLESE, NAT'L RECONNAISSANCE OFF., OFF. OF THE DIR. POL'Y NOTE NO. 2023-04, EXECUTIVE ORDER 14086—ENHANCING SAFEGUARDS FOR UNITED STATES SIGNALS INTELLIGENCE ACTIVITIES (2023), <https://perma.cc/R8KP-JUNV> (implementing Executive Order 14,086).

96. See U.S. DEP'T OF THE AIR FORCE, AFPD 14-4, MANAGEMENT OF THE AIR FORCE INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE AND CYBER EFFECTS OPERATIONS ENTERPRISE 1 (2019).

97. *Members of the IC*, *supra* note 36.

98. U.S. DEP'T OF THE AIR FORCE, DAFMAN 90-161, PUBLISHING PROCESSES AND PROCEDURES ¶ 1.1.1.2 (rev. ed. 2025), <https://perma.cc/5695-B5D9>.

99. See *id.*

100. See *id.* ¶¶ 1.1.1, 4.5.4.3.3.

101. See *id.* ¶ 1.1.3.6.2.3.

102. U.S. AIR FORCE, AIR FORCE DOCTRINE PUBL'N 1, *Preface* to THE AIR FORCE (2021), <https://perma.cc/H3PV-ADDC>.

(SPFPMs), and Air Force Guidance Memoranda (AFGMs) and Space Force Guidance Memoranda (SPFGMs), are used to issue or change policy (instructions) or guidance (manuals) when there is insufficient time to follow the usual procedure.<sup>103</sup> Owing to the short-circuiting of the ordinary approval process, they are strictly limited to circumstances in which immediate release is required owing to a risk to life, safety, property, or mission, with only one GM at any level allowed to be active at a time for a publication.<sup>104</sup> Additional guidance for mission directives and operating instructions can be found in Headquarters Air Force Mission Directives (HAFMDs) (establishing the responsibilities, authorities, and relationship of offices within headquarters) and Headquarters Air Force Operating Instructions (HOIs).<sup>105</sup>

- U.S. Space Force National Space Intelligence Center (NSIC): The NSIC provides foundational intelligence on foreign space capabilities and foreign threats to space operations, and regional intelligence on foreign military and commercial space programs.<sup>106</sup>
- U.S. Army Intelligence and Security Command (INSCOM): The Army G-2 (Deputy Chief of Staff for Intelligence) is the Army's top intelligence authority, serving as the principal advisor to the Secretary of the Army and the Chief of staff on HUMINT, SIGINT, CI, IMINT, MASINT, overseeing the intelligence programs, and ensuring Army has the information necessary for Mission Command.<sup>107</sup> The U.S. Army issues a range of regulatory instruments. Army Regulations (ARs) are permanent instruments setting forth the Army's missions, responsibilities, and policies, delegating authority, and setting objectives to ensure uniform compliance with policies.<sup>108</sup> ARs

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103. See U.S. DEP'T OF THE AIR FORCE, *supra* note 98, ¶ 7.9.1.

104. See *id.*

105. See *id.* ¶ 1.1.1; U.S. DEP'T OF THE AIR FORCE, HOI 90-2, HEADQUARTERS AIR FORCE OPERATING INSTRUCTION (HOI) PROGRAM 1 (2022), <https://perma.cc/AUU9-W9WH>; U.S. DEP'T OF THE AIR FORCE, AFI 38-101, MANPOWER AND ORGANIZATION (rev. ed. 2025), <https://perma.cc/64RV-8NL4> (detailing Air Force Mission Directives AFMDs and Space Force Mission Directives (SPFMDs)).

106. *National Space Intelligence Center*, U.S. SPACE FORCE (July 2025), <https://perma.cc/RT3C-CCBS>. For Space Force regulatory issuances, see notes 96-106 above and accompanying text.

107. *Members of the IC*, *supra* note 36.

108. See U.S. DEP'T OF THE ARMY, ARMY REG. 25-30, ARMY PUBLISHING PROGRAM 12-16 (2021) [hereinafter AR 25-30], <https://perma.cc/JFD7-5SXS>; see also *Army Regulations*, U.S. DEP'T ARMY, <https://perma.cc/798P-6PJ7> (archived Apr. 8, 2026) (listing the ARs).

implement public law, policy guidance, and instructions from higher level headquarters entities or other agencies (for example, the DOD, JCP, or OMB).<sup>109</sup> Department of the Army Pamphlets (DA PAMs) provide a “how-to” guide for implementing ARs.<sup>110</sup> Army Field Manuals (FMs) provide more comprehensive information than the previous ones, tied to a specific AR or DA PAM.<sup>111</sup> Army Directives (ADs) act as temporary directives issued by the Secretary of the Army to change policy or guidance.<sup>112</sup> Army Doctrine Publications (ADPs) serve as permanent publications containing big think or fundamental principles for how the Army operates.<sup>113</sup>

- U.S. Office of Naval Intelligence (ONI): The ONI provides maritime intelligence to Naval and joint warfighting forces, as well as policymakers and the broader IC.<sup>114</sup> As in other parts of the military, a robust regulatory structure exists. Secretary of the Navy Instruction (SECNAVINSTs) serve as a type of directive prepared in naval letter format establishing policy or ordering that a particular action be taken, remaining in effect until canceled.<sup>115</sup> Secretary of the Navy Manuals (SECNAV-Ms) carry the same authority as a letter-type instruction, but are used when the size and content are better suited for a format consisting of parts, chapters, sections.<sup>116</sup> They implement policies established in SECNAVINSTs.<sup>117</sup> Secretary of the Navy Notices have the same force and effect as an Instruction but are one-time or brief in nature, with automatic on the year anniversary date unless specified to be operable for

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109. AR 25-30, *supra* note 108, at 13.

110. *See id.* at 12-16; *see also Publications*, U.S. ARMY RSRV., <https://perma.cc/WL43-RSZY> (archived Apr. 8, 2026) (listing the Army Reserve PAMs).

111. *See* AR 25-30, *supra* note 108, at 12-16; *see also Field Manuals*, U.S. DEP'T ARMY: ARMY PUBL'G DIRECTORATE, <https://perma.cc/QZ9E-QVZW> (archived Apr. 8, 2026) (listing the FMs).

112. *See* AR 25-30, *supra* note 108, at 12.

113. *See id.* at 14; *see also Army Doctrine Publications*, U.S. DEP'T ARMY: ARMY PUBL'G DIRECTORATE, <https://perma.cc/BME7-DZHY> (archived Apr. 8, 2026) (listing the ADPs).

114. *Id.*

115. *See* U.S. DEP'T OF THE NAVY, SECNAV M-5215.1, DIRECTIVES MANAGEMENT MANUAL 3-1 (2020), <https://perma.cc/5WYB-ZMMX> [hereinafter SECNAV M-5215.1]; *see also SECNAV Instructions*, U.S. DEP'T NAVY, <https://perma.cc/AMT4-CBRZ> (archived Apr. 8, 2026) (listing SECNAVINSTs).

116. *See* SECNAV M-5215.1, *supra* note 115, at 4-1; *see also SECNAV Manuals*, <https://perma.cc/YU2L-Z7XJ> (archived Apr. 8, 2026) (listing SECNAV-Ms).

117. SECNAV M-5215.1, *supra* note 115, at 4-1.

a shorter period.<sup>118</sup> Change Transmittals are used to alter instructions, manuals, or, in some circumstances, notices,<sup>119</sup> All-Navy Notices (ALNAV)s create or alters SECNAV policy for time-sensitive actions when time constraints prevent publishing new directive or change to an existing one and are only good for 180 days.<sup>120</sup> Under Secretary of the Navy Memoranda<sup>121</sup> establish policy, assign responsibilities, and provide guidance with the same authority as a letter-type instruction.<sup>122</sup> OPNAV Instructions<sup>123</sup> are orders issued by the Chief of Naval Operations to establish policy, procedures, and requirements for the Department of the Navy.<sup>124</sup> Naval Intelligence Activities Instructions (NIAINST)<sup>125</sup> provide official policy and are issued by the Director of Naval Intelligence Activity for guidance.<sup>126</sup>

- U.S. Marine Corps Intelligence Activity (MCIA): The MCIA produces tactical and operational intelligence for use on the battlefield.<sup>127</sup> The service issues Marine Corps Manuals (MCMs), which establish policies, regulations, procedures, and doctrinal guidance for Marine commanders, staff, and personnel.<sup>128</sup> It also issues Marine Corps Orders (MCOs), which are directives of continuing authority or information

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118. *See id.* at 5-1.

119. *See id.* at 7-1.

120. *See id.* at 6-1.

121. *See* 10 U.S.C. § 8015; OFF. OF THE SEC'Y, U.S. DEP'T OF THE NAVY, SECNAVINST 5430.7U, ASSIGNMENT OF RESPONSIBILITIES AND AUTHORITIES IN THE OFFICE OF THE SECRETARY OF THE NAVY, enclosure at 1 (2025) (explaining that UNSECNAV's legal authority exists only to the extent it is delegated or assigned by SECNAV).

122. *See, e.g., Policy Memoranda*, U.S. DEP'T NAVY: ASSISTANT SEC'Y NAVY FOR RDA, <https://perma.cc/P4XQ-7LNE> (archived Apr. 6, 2026) (listing UNSECNAV Memoranda).

123. *See* 10 U.S.C. § 8033(d) (stating that the Chief of Naval Operations derives legal authority by statute and is subject to the authority, direction, and control of the Secretary of the Navy).

124. *See, e.g., OPNAV Instructions*, U.S. DEP'T NAVY, <https://perma.cc/F9PG-92DR> (archived Apr. 8, 2026) (listing OPNAVINSTs).

125. The DNI derives the authority to issue guidance and directives from provisions of Title 10 U.S.C. and Title 50 U.S.C. *See* 10 U.S.C. § 441; 50 U.S.C. § 3024.

126. *See Naval Intelligence Activity*, U.S. DEP'T NAVY, <https://perma.cc/9WR6-863D> (archived Apr. 8, 2026) (listing NIAINSTs).

127. *Marine Corps Intelligence Activity*, MARINES, <https://perma.cc/CMG5-YWDJ> (archived May 2, 2026).

128. *See* U.S. DEP'T OF THE NAVY, MARINE CORPS MANUAL, at v (rev. ed. 1996), <https://perma.cc/G6RN-E5UL>.

designed to be a permanent reference and requiring continuing action.<sup>129</sup> Marine Corps Bulletins (MCBULs) serve as a one-time or brief term directive with the same force and effect as an order.<sup>130</sup>

- **U.S. Department of Energy (DOE)**: The DOE's national security components focus on nuclear deterrence, nonproliferation, and energy infrastructure protection, primarily via the National Nuclear Security Administration (NNSA) for the nuclear stockpile and the Office of Intelligence and Counter-Intelligence for threat analysis.<sup>131</sup> Directives constitute the primary way in which the DOE establishes policies and requirements and the responsibilities held by departmental entities and contractors, while Guidance constitutes acceptable, although not mandatory, ways in which entities can comply with requirements outlined in the directives.<sup>132</sup>
  - o **National Laboratories**: The DOE maintains seventeen National Laboratories which operate under various DOE offices and specialize in different aspects of science and technology related to the national security infrastructure.<sup>133</sup>
  - o **National Nuclear Security Administration (NNSA)**: The NNSA, a semi-autonomous entity, focuses on U.S. nuclear stockpile, nonproliferation, counterproliferation, and emergency response, as well as leveraging nuclear scientific knowledge to address emerging challenges.<sup>134</sup>
  - o **Office of Intelligence and Counter-Intelligence (DOE-IN)**: The DOE-IN leads threat analysis for the DOE in relation to national security, energy security, and the DOE's critical scientific assets, with a particular emphasis on scientific/technical intelligence, nuclear threats, and

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129. See U.S. DEP'T OF THE NAVY, MCO 5215.1K W/ADMIN CH-3, MARINE CORPS DIRECTIVES MANAGEMENT PROGRAM, enclosure at 1-4 (2025), <https://perma.cc/6MHN-2V63>; see also *id.* (providing MCOs).

130. See *id.*, enclosure at 1-4.

131. See 50 U.S.C. § 2521 (establishing the Stockpile Stewardship Program).

132. *DOE Directives, Guidance, and Delegations*, U.S. DEP'T ENERGY: DIRECTIVES PROGRAM, <https://perma.cc/AR2J-NRMT> (archived Apr. 8, 2026).

133. See *The DOE Laboratory System*, U.S. DEP'T ENERGY: OFF. SCI. NAT'L LAB'YS, <https://perma.cc/MZA8-VR8D> (archived Apr. 8, 2026).

134. See *National Nuclear Security Administration*, U.S. DEP'T ENERGY, <https://perma.cc/C9MJ-V5JZ> (archived Apr. 8, 2026).

- cyber/insider threats.<sup>135</sup> It also provides counterintelligence and cyber threat analysis for the DOE and the energy sector.<sup>136</sup>
- Office of Cybersecurity, Energy Security, and Emergency Response (CESER): The CESER focuses on protecting the U.S. energy infrastructure from threats and hazards, fulfilling the DOE's statutory role as the energy sector's Sector Risk Management Agency.<sup>137</sup>
  - Federal Energy Regulatory Commission (FERC): FERC is an independent government agency regulating the transfer and sale of energy resources and licensing hydropower, natural gas pipelines and Liquid Natural Gas (LNG) terminals, and managing energy markets.<sup>138</sup> Although it operates within DOE, it is independent in its decisionmaking.
  - Advanced Research Projects Agency-Energy (ARPA-E): Modeled after DARPA, this entity focuses on decreasing U.S. dependence on foreign energy, improving grid reliability, and advancing innovation in the energy sector.<sup>139</sup>
- **U.S. Department of Health and Human Services (HHS)**
- Administration for Strategic Preparedness and Response (ASPR): In 2002, Congress introduced measures directing the Secretary of HHS to develop and implement a strategy to carry out health-related activities to counter bioterrorism.<sup>140</sup> The legislature directed the Secretary of HHS, in coordination with the Secretary of Agriculture, the Attorney General, the Director of Central Intelligence, the Secretary of Defense, the Secretary of Energy, the Administrator of the EPA, the Director of FEMA, the Secretary of Labor, the Secretary of Veterans Affairs, and other officials, to form a working group to prevent, prepare for, and respond to bioterrorism.<sup>141</sup> Two decades later, the ASPR became an Operating Division within

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135. *About the Office of Intelligence and Counter-Intelligence*, U.S. DEP'T ENERGY, <https://perma.cc/NL8N-H96N> (archived Apr. 8, 2026).

136. *Id.*

137. *Office of Cybersecurity, Energy Security, and Emergency Response*, U.S. DEP'T ENERGY, <https://perma.cc/SS7Z-JJYB> (archived Apr. 8, 2026).

138. *Federal Energy Regulatory Commission*, FED. REG., <https://perma.cc/TVU2-ADFA> (archived Apr. 8, 2026).

139. *See Advanced Research Projects Agency-Energy (ARPA-E)*, U.S. DEP'T ENERGY, <https://perma.cc/L4HD-VSA8> (archived Apr. 9, 2026).

140. *See Public Health Security and Bioterrorism Preparedness and Response Act of 2002*, Pub. L. No. 107-188, § 101, 116 Stat. 594, 596 (codified as amended at 42 U.S.C. §§ 247d-6 note, 300hh).

141. *See id.* § 108(a)(1) (codified as amended at 42 U.S.C. § 247d-6).

the HHS.<sup>142</sup> It issues Declarations of a Public Health Emergency, an authority which ultimately rests with the HHS Secretary under the Public Health Service Act.<sup>143</sup>

- Food and Drug Administration (FDA): Many FDA regulations focus on preventing the intentional contamination of the food supply and ensuring readiness for public health emergencies, primarily through the Bioterrorism Act and the FDA Food Safety Modernization Act's Food Defense Rule (requiring facilities to develop written plans, vulnerability assessments, and mitigation strategies to stop insider threats).<sup>144</sup> They incorporate preparing and regulating Medical Countermeasures (MCMs)—such as drugs, vaccines, and devices—to respond to the chemical, biological, nuclear, and radiological weapons.<sup>145</sup> USDA regulations are primarily found in Title 7 of the C.F.R. Its primary issuances include Rules and Regulations,<sup>146</sup> and Compliance Policy Guides (CPGs).<sup>147</sup>
  - Office of Regulatory and Emerging Science (ORES): The ORES leads the FDA's regulatory science and preparedness research to enhance the agency's ability to protect and promote public health.<sup>148</sup>

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142. *ASPR Program Office*, ADMIN. STRATEGIC PREPAREDNESS & RESPONSE, U.S. DEP'T HEALTH & HUM. SERVS., <https://perma.cc/9HMM-LSTC> (archived Apr. 8, 2026); 42 U.S.C. § 247d.

143. *See* 42 U.S.C. § 247d.

144. *See* 42 U.S.C. § 300hh; Mitigation Strategies to Protect Food Against Intentional Adulteration, 81 Fed. Reg. 34166, 34201 (May 27, 2016) (to be codified at 21 C.F.R. pts. 11, 21) (requiring facilities to develop written plans, vulnerability assessments, and mitigation strategies to stop insider threats).

145. *See, e.g.*, 21 U.S.C. § 360bbb-3 (providing for Emergency Use Authorizations for MCMs); 21st Century Cures Act, Pub. L. No. 114-255, § 3086, 130 Stat. 1033, 1144-45 (2016) (codified at 21 U.S.C. § 360bbb-4a) (providing for the Material Threat MCM Priority Review Voucher program, giving sponsors swifter review for products addressing critical threats); Act of Dec. 12, 2017, Pub. L. No. 115-92, § 1(a), 131 Stat. 2023, 2023 (codified at 21 U.S.C. § 360bbb-3) (expanding emergency use beyond traditional chemical, biological, radiological, and nuclear threats to include agents posing a risk to U.S. military forces); *id.* § 1(b) (codified at 21 U.S.C. § 360bbb-3c) (allowing the Secretary of Defense to request, and the FDA to take, actions to expedite development of medical products reasonably likely to diagnose, prevent, treat, or mitigate life-threatening risks to the U.S. military).

146. *See generally* 21 C.F.R. (serving as the primary source of its rules and regulations).

147. *See, e.g.*, *Manual of Compliance Policy Guides*, U.S. FDA, <https://perma.cc/DM6V-9VVM> (archived May 8, 2026).

148. *See Office of Regulatory and Emerging Science*, U.S. FDA (Dec. 3, 2024), <https://perma.cc/GVL2-ZR5H>.

- **U.S. Department of Homeland Security (DHS)**: In 2002, Congress created the DHS.<sup>149</sup> All or part of twenty-two different federal departments and agencies were combined into this single cabinet-level department.<sup>150</sup> Its issuances include Rules and Guidance.<sup>151</sup> Numerous entities within the DHS relate to national security. A few are highlighted below.
  - **Countering Weapons of Mass Destruction Office (CWMD)**: The CWMD focuses on preventing adversarial use of WMD against the United States.<sup>152</sup>
  - **Cybersecurity and Infrastructure Security Agency (CISA)**: The CISA focuses on identifying and managing risks to the cyber and physical infrastructure.<sup>153</sup> The agency issues directives (Binding Operational Directives and Emergency Directives),<sup>154</sup> Publications, and Fact Sheets.<sup>155</sup>
  - **Federal Emergency Management Agency (FEMA)**: FEMA coordinates with federal agencies to prepare for and respond to disasters.<sup>156</sup> It issues Regulations and Guidance Documents.<sup>157</sup> Some of the sub-entities directly implicated in national security include:
    - **International Affairs Division (IAD)**: The IAD focuses on FEMA's international partnerships.<sup>158</sup>
    - **Defense Production Act Division (DPAD)**: The DPAD's mission is to strengthen the U.S. industrial

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149. See Homeland Security Act of 2002, Pub. L. No. 107-296, § 101, 116 Stat. 2135, 2142 (codified as amended at 6 U.S.C. § 111).

150. *Creation of the Department of Homeland Security*, U.S. DEP'T HOMELAND SEC. (May 8, 2023), <https://perma.cc/NX8P-L9TD>.

151. See *Laws & Regulations*, U.S. DEP'T HOMELAND SEC. (Apr. 26, 2022), <https://perma.cc/W7EB-SD6M>; 6 U.S.C. § 112(e) (setting forth DHS's enabling act).

152. *Countering Weapons of Mass Destruction Office*, U.S. DEP'T HOMELAND SEC. (Dec. 22, 2025), <https://perma.cc/3RTG-UR7A>.

153. See *About CISA*, U.S. CYBERSECURITY & INFRASTRUCTURE SEC. AGENCY, <https://perma.cc/VP9P-EYFR> (archived Apr. 29, 2026); see also 6 U.S.C. § 652 (establishing the CISA).

154. *Cybersecurity Directives*, U.S. CYBERSECURITY & INFRASTRUCTURE SEC. AGENCY, <https://perma.cc/BKF8-5S48> (archived Apr. 8, 2026).

155. *All Resources & Tools*, U.S. CYBERSECURITY & INFRASTRUCTURE SEC. AGENCY, <https://perma.cc/RGL2-LE7Y> (archived Apr. 8, 2026).

156. *About Us*, U.S. FED. EMERGENCY MGMT. AGENCY, <https://perma.cc/KCB7-VMZT> (archived Apr. 8, 2026).

157. *Regulations and Guidance*, U.S. FED. EMERGENCY MGMT. AGENCY, <https://perma.cc/F2NZ-HHK5> (last updated May 20, 2025).

158. *International Affairs Division*, U.S. FED. EMERGENCY MGMT. AGENCY, <https://perma.cc/9C3K-2YE2> (last updated Mar. 3, 2025).

base and to avoid leadership on the use of the Defense Production Act.<sup>159</sup>

- Office of National Continuity Programs (ONCP): The ONCP works with federal, state, local, tribal and territorial governments to ensure that essential functions and critical services continue in the midst of emergencies, including both man-made incidents, such as terrorism, and naturally occurring disasters.<sup>160</sup>
- Transportation Security Administration (TSA): The TSA's mission is to protect the transportation infrastructure.<sup>161</sup> It issues Rules (codified in 49 C.F.R. chapter XII), Security Directives, and Emergency Amendments.<sup>162</sup>
- U.S. Coast Guard (USCG): The USCG controls U.S. borders and maritime approaches, protects America's ports and waterways, and conducts military operations to defend the nation.<sup>163</sup> Its issuances include Rules,<sup>164</sup> Directives,<sup>165</sup> and General Messages.<sup>166</sup>
  - Coast Guard Intelligence (CG-2): CG-2 collects, analyzes, and disseminates maritime intelligence to enable mission support, and inform Coast Guard and DHS decision making.<sup>167</sup>
- U.S. Customs and Border Protection (CBP): The CBP is charged with facilitating lawful international travel and trade while protecting against the importation of weapons, illegal

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159. *Defense Production Act Division*, U.S. FED. EMERGENCY MGMT. AGENCY, <https://perma.cc/4C3D-JBTH> (last updated Nov. 19, 2024).

160. *Office of National Continuity Programs*, U.S. FED. EMERGENCY MGMT. AGENCY (Nov. 27, 2024), <https://perma.cc/A7DD-FRKS>.

161. *See Mission*, U.S. TRANSP. SEC. ADMIN., <https://perma.cc/UBT9-95XS> (archived Apr. 8, 2026); 49 U.S.C. § 114.

162. *See, e.g.*, 49 C.F.R. §§ 1542.303, 1548.19, 1570.115 (2024); *Security Directives and Emergency Amendments*, U.S. TRANSP. SEC. ADMIN., <https://perma.cc/2EN8-LWVZ> (archived Apr. 8, 2026).

163. *What We Do*, U.S. COAST GUARD, <https://perma.cc/VG8E-YCPM> (archived Apr. 8, 2026).

164. 33 C.F.R. ch. I (2025); 46 C.F.R. ch. I (2024); 49 C.F.R. pts. 400-453.

165. *See, e.g.*, 33 C.F.R. § 101.405 (2025); *Office of Information Management (CG-61)*, U.S. COAST GUARD, <https://perma.cc/QS7P-N2GL> (archived Apr. 8, 2026).

166. *See USCG General Messages*, U.S. COAST GUARD, <https://perma.cc/27BH-LTVE> (archived Apr. 8, 2026).

167. *U.S. Coast Guard Intelligence*, U.S. COAST GUARD, <https://perma.cc/LFA5-FGZZ> (archived Apr. 8, 2026).

materials, and terrorist or other threats to the United States.<sup>168</sup> Its regulatory provisions include Rules (published in 19 C.F.R.) and Directives.<sup>169</sup>

- U.S. Immigration and Customs Enforcement (ICE): ICE has the lead for immigration with the aim of ensuring public safety and U.S. national security.<sup>170</sup> Its issuances include Rules<sup>171</sup> as well as Policies, Procedures, and Manuals.<sup>172</sup>
- U.S. Secret Service (USSS): 18 U.S.C. § 3056 authorizes the USSS to protect the President, Vice President, former Presidents, their families, and certain foreign dignitaries. It also authorizes the USSS to detect and arrest violators of laws related to electronic funds transfers, coinage, U.S. securities and obligations, false identification documents, etc. It primarily issues Rules.<sup>173</sup>
- Office of Intelligence and Analysis (I&A): The I&A is a unique member of the IC, as it is the only element statutorily tasked with delivering intelligence to State, Local, Tribal, and Territorial partners as well as the private sector, and integrating intelligence from these partners for the Department and the broader IC. Led by the Under Secretary, the I&A focuses on providing operators and decisionmakers with actionable intelligence to identify and mitigate threats to the homeland. Its work balances tactical-level integration with strategic threat analysis, aligning intelligence resources across the Intelligence Enterprise.<sup>174</sup>
- **U.S. Department of the Interior (DOI)**: The DOI describes its mission as protecting and managing U.S. natural resources and cultural heritage; providing scientific and scholarly information; and exercising

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168. *About CBP*, U.S. CUSTOMS & BORDER PROT., <https://perma.cc/SWP3-5V3X> (last updated Jan. 28, 2026).

169. *See Directives and Handbooks*, U.S. CUSTOMS & BORDER PROT., <https://perma.cc/G9U5-YX6U> (last updated Jan. 26, 2026).

170. *ICE's Mission*, U.S. IMMIGR. & CUSTOMS ENF'T (updated Mar. 7, 2025), <https://perma.cc/YU8U-VVHL>.

171. ICE Rules are located primarily in 8 C.F.R. *See, e.g.*, 8 C.F.R. § 287.5(c) (2025) (describing the power and authority of immigration officers to arrest); *see also Federal Register Notices and Regulations*, U.S. IMMIGR. & CUSTOMS ENF'T (updated May 16, 2025), <https://perma.cc/BC3U-KV62>.

172. *See Policies, Procedures and Manuals*, U.S. IMMIGR. & CUSTOMS ENF'T, <https://perma.cc/XT24-3FWJ> (archived Apr. 8, 2026).

173. *See* 31 C.F.R. pts. 401-413 (2025).

174. *Office of Intelligence and Analysis*, U.S. DEP'T HOMELAND SEC., <https://perma.cc/NZ9E-CPWE> (last updated Aug. 6, 2025); 6 U.S.C. § 121.

special commitments to Native Americans and island territories under U.S. administration.<sup>175</sup> Originally framed as a “home department,” it has evolved to become a land management agency.<sup>176</sup> It issues Policies and Policy Bulletins.<sup>177</sup>

- Office of Law Enforcement and Security (OLES): The mission of the OLES is to support the DOI’s law enforcement, national security, and intelligence activities by encouraging innovation, providing technical assistance, and prioritizing efforts that strengthen the U.S. workforce.<sup>178</sup> It contains two divisions particularly relevant for the NSAS.
  - National Security Division (NSD): The NSD is responsible for the implementation of the DOI’s national security information program. It oversees and administers the Industrial Security Program, ensures “compliance with applicable acquisition and security policy, regulations, and instructions for the safeguarding of classified or” controlled unclassified information, and oversees contractor security.<sup>179</sup>
  - Intelligence Division: This entity establishes and disseminates the DOI’s intelligence priorities and coordinates departmental programs related to intelligence collection and information sharing.<sup>180</sup> In 2011, Executive Order 13,587 required structural reforms to improve classified networks across the government, which yielded the creation of the Intelligence Division’s Counterintelligence/Insider Threat Program.<sup>181</sup>
- **U.S. Department of Justice (DOJ)**: The DOJ’s mission focuses on upholding the rule of law, keeping the United States safe, and

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175. U.S. DEP’T OF THE INTERIOR, 2020-2021 ANNUAL PERFORMANCE PLAN AND 2019 REPORT (APP&R) 2 (2021).

176. MARK K. DESANTIS, CONG. RSCH. SERV., R45480, U.S. DEPARTMENT OF THE INTERIOR: AN OVERVIEW 1 (2021).

177. *See Law Enforcement Policies & Policy Bulletins*, U.S. DEP’T INTERIOR, <https://perma.cc/D93M-N2SC> (archived Apr. 8, 2026).

178. *Office of Law Enforcement and Security*, U.S. DEP’T INTERIOR, <https://perma.cc/Y9HK-78WB> (archived Apr. 8, 2026).

179. *National Security Division (NSD)*, U.S. DEP’T INTERIOR, <https://perma.cc/R7NT-JKUA> (archived Apr. 8, 2026).

180. *Intelligence Division*, U.S. DEP’T INTERIOR, <https://perma.cc/68QY-B8H6> (archived Apr. 8, 2026).

181. *Id.*

protecting civil rights, considered co-equal priorities.<sup>182</sup> As such, there is significant overlap within the DOJ with the NSAS, elements of which are highlighted below.

- Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF): The ATF makes regulations related to the importation of arms, munitions, and implements of war, 27 C.F.R. Part 447, regulations related to commerce in firearms and ammunition, 27 C.F.R. Part 478, and regulations related to commerce in explosives, 27 C.F.R. Part 555.<sup>183</sup> The ATF issues Rules and Rulings.<sup>184</sup>
- Drug Enforcement Administration (DEA): The DEA has primary responsibility for enforcing controlled substances laws and regulations and to prosecute organizations and individuals involved in the growing, manufacture, or distribution of controlled substances.<sup>185</sup> The DEA undertakes investigations and helps to prosecute individuals engaged in drug trafficking, liaising with other U.S. entities as well as foreign counterparts.<sup>186</sup>
  - Office of National Security Intelligence (ONSI): The DEA houses the ONSI, which in 2016 became a formal member of the IC.<sup>187</sup> Its primary mission is to ensure coordination between the DEA and other members of the IC and homeland security entities to reduce illicit drugs, protect U.S. national security, and protect against terrorist threats.<sup>188</sup> It initiates and assists with counter-narcotics operations at the investigatory and prosecutorial stages and provides policy makers with information about illegal trafficking which can be used to determine the best course forward.<sup>189</sup>

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182. *See Our Work*, U.S. DEP'T JUST., <https://perma.cc/C934-92TX> (archived Apr. 8, 2026).

183. *ATF eRegulations*, U.S. BUREAU ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://perma.cc/EZD3-G9GQ> (archived Apr. 8, 2026).

184. *See Rules and Regulations Library*, U.S. BUREAU ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://perma.cc/X5SE-U4PT> (archived Apr. 8, 2026); *Rulings*, U.S. BUREAU ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (Sept. 23, 2022), <https://perma.cc/Z967-Q7QE>.

185. *Mission*, U.S. DEA, <https://perma.cc/7MW6-QPM6> (archived Apr. 8, 2026).

186. *Id.*

187. *Members of the IC*, *supra* note 36.

188. DEA, U.S. DEP'T OF JUST. DRUG ENFORCEMENT ADMINISTRATION, OFFICE OF NATIONAL SECURITY INTELLIGENCE, PRESIDENTIAL POLICY DIRECTIVE 28—POLICIES AND PROCEDURES 1, <https://perma.cc/U63Z-D3AY> (archived Apr. 8, 2026).

189. *Intelligence*, U.S. DEA, <https://perma.cc/X9F3-JZ34> (archived Apr. 8, 2026).

- Federal Bureau of Investigation (FBI): In 1935, Congress renamed the DOJ's existing Division of Investigation (previously the Bureau of Investigation) as the FBI.<sup>190</sup> It acts as the lead domestic federal entity for counterintelligence as well as counterterrorism, and investigations and intelligence related to cybercrime and weapons of mass destruction.<sup>191</sup> Its issuances include Policy Statements, Administrative Staff Manuals, and Instructions.<sup>192</sup>
  - National Security Branch (NSB): The NSB was created in September 2005 following a presidential directive and the Weapons of Mass Destruction Commission recommendation to establish a "National Security Service" which incorporated FBI counterterrorism, counterintelligence, and intelligence elements.<sup>193</sup> The following year, the NSB created the WMD Directorate.<sup>194</sup> It now includes the Counterintelligence and Espionage Division, the Counterterrorism Division, a Directorate of Intelligence, and the Threat Screening Center, which maintains the Terrorist watchlist.<sup>195</sup>
  - Criminal Cyber Branch (CCB): The CCB includes the Criminal Division, Cyber Division, International Operations Division, and Victim Services Division.<sup>196</sup>
- National Security Division (NSD): In March 2006, Congress created the NSD to consolidate the DOJ's national security operations under one umbrella.<sup>197</sup> The NSD's issuances include

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190. See Act of Mar. 22, 1935, ch. 39, tit. II, 49 Stat. 67, 77 (codified as amended at 18 U.S.C. § 3052).

191. *What We Investigate*, FBI, <https://perma.cc/5F5Y-H6FB> (archived Apr. 8, 2026).

192. See *Administrative Policy/Procedures*, FBI RECS.: VAULT, <https://perma.cc/2GZQ-8ZWV> (archived May 2, 2026) (containing policies, manuals, and instructions).

193. FBI, U.S. DEP'T OF JUST., FEDERAL BUREAU OF INVESTIGATION: NATIONAL SECURITY BRANCH (2d ed.), <https://perma.cc/Z5J8-GJNA>.

194. *Id.*

195. See *Leadership and Structure*, FBI, <https://perma.cc/ZN7P-NP7R> (archived Apr. 8, 2026); *Threat Screening Center*, FBI, <https://perma.cc/9W\WL-WZ4R> (archived Apr. 8, 2026); LISA N. SACCO, CONG. RSCH. SERV., IF12669, THE TERRORIST WATCHLIST 1 (2024).

196. See *Leadership and Structure*, *supra* note 195.

197. See USA PATRIOT Reauthorization and Improvement Act of 2005, Pub. L. No. 109-177, § 506(b)(1), 120 Stat. 192, 249 (2006) (codified at 28 U.S.C. § 509A).

FISA Reports,<sup>198</sup> FARA Advisory Opinions, and FARA Letters of Determination.<sup>199</sup> Selected sections of the NSD include:

- Counterintelligence and Export Control Section (CES): The CES oversees “the investigation and prosecution of cases affecting national security, foreign relations, and the export of military and strategic commodities and technology.”<sup>200</sup>
- Counterterrorism Section (CTS): The CTS oversees law enforcement, legislative initiatives, and policies related to countering international and domestic terrorism.<sup>201</sup>
- Foreign Agents Registration (FARA) Unit: In 1938, Congress enacted the Foreign Agents Registration Act (FARA) to expose foreign involvement in domestic politics.<sup>202</sup> The statute requires that certain agents of foreign principals publicly disclose their relationship with the foreign principal and what activities they have undertaken on their behalf.<sup>203</sup>
- Foreign Investment Review Section (FIRS): The FIRS focuses on the DOJ’s participation in CFIUS, Team Telecom (an informal interagency work group focused on foreign efforts to obtain licenses from the Federal Communications Commission), and compliance with any agreements or orders related to CFIUS and Team Telecom cases.<sup>204</sup>

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198. See *Foreign Intelligence Surveillance Act (FISA)*, U.S. DEP’T JUST.: NAT’L SEC. DIV., <https://perma.cc/H7T3-JL25> (archived Apr. 8, 2026).

199. See *Foreign Agents Registration Act*, U.S. DEP’T JUST., <https://perma.cc/ZHZ2-6TMT> (archived Apr. 8, 2026); *Letters of Determination*, U.S. DEP’T JUST.: FOREIGN AGENTS REGISTRATION ACT (updated Oct. 4, 2023), <https://perma.cc/DGW2-VHTC>; *Advisory Opinions*, U.S. DEP’T JUST.: FOREIGN AGENTS REGISTRATION ACT (updated Aug. 12, 2022), <https://perma.cc/E2B7-V998>; see also 28 C.F.R. § 5.2 (2024) (authorizing DOJ to issue advisory FARA opinions).

200. *NSD Organization Chart*, U.S. DEP’T JUST.: NAT’L SEC. DIV., <https://perma.cc/F7KF-7BQ7> (archived Apr. 8, 2026).

201. *Id.*

202. See Foreign Agents Registration Act of 1938, Pub. L. No. 75-583, ch. 327, 52 Stat. 631 (codified at 22 U.S.C. §§ 611-621); JACOB R. STRAUS, CONG. RSCH. SERV., R46435, FOREIGN AGENTS REGISTRATION ACT (FARA): BACKGROUND AND ISSUES FOR CONGRESS 1 (2020).

203. *Foreign Agents Registration Act*, U.S. DEP’T JUST., <https://perma.cc/D6VM-J77F> (archived Apr. 8, 2026).

204. *NSD Organization Chart*, U.S. DEP’T JUST.: NAT’L SEC. DIV., <https://perma.cc/7LLY-KG9A> (archived Apr. 8, 2026).

- National Security Cyber Section (NatSec Cyber): NatSec Cyber focuses on investigating, deterring, disrupting, and prosecuting cyber threats driven by countries and their proxies as well as non-state actors.<sup>205</sup>
- Office of Intelligence (OI): The NSD's OI (the successor to the Office of Intelligence Policy and Review (OIPR)) focuses on ensuring that the IC has the legal authorities necessary to undertake intelligence collection, particularly in regard to the Foreign Intelligence Surveillance Act (FISA).<sup>206</sup>
- Office of Justice for Victims of Overseas Terrorism (DOJ/OVT): The DOJ/OVT provides assistance to U.S. persons harmed in international terrorism.<sup>207</sup>
- Office of Legal Counsel (OLC): The OLC provides written legal opinions and other advice to the President and other executive agencies.<sup>208</sup> It drafts formal Attorney General legal opinions and analyzes the constitutionality of draft legislation.<sup>209</sup> It also considers all presidential instruments for their form and legality, as well as all proposed Attorney General orders and regulations requiring the Attorney General's approval,<sup>210</sup> all of which necessarily implicate national security.
- Criminal Division (Crim Div): The Crim Div focuses on federal criminal laws which have not been assigned to other DOJ components.<sup>211</sup> It also develops and implements criminal enforcement policy and provides advice to departmental leadership, prosecutors, and federal law enforcement agencies.<sup>212</sup> Selected sections include:
  - Computer Crime and Intellectual Property Section (CCIPS): The CCIPS focuses on disrupting computer and intellectual property crime as well as on advising investigators and prosecutors how best to collect

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205. *Id.*

206. *Id.*

207. *Office of Justice for Victims of Overseas Terrorism*, U.S. DEP'T JUST., <https://perma.cc/532P-LAM3> (archived Apr. 8, 2026).

208. *Office of Legal Counsel*, U.S. DEP'T JUST., <https://perma.cc/9Q3Q-Z94R> (archived Apr. 8, 2026).

209. *Id.*

210. *Id.*

211. *Criminal Division*, U.S. DEP'T JUST., <https://perma.cc/HS27-VJQP> (archived Apr. 8, 2026).

212. *Id.*

electronic evidence.<sup>213</sup> The CCIPS's issuances include Guides, Manuals, Policies, Reports, and White Papers.<sup>214</sup>

- **U.S. Department of State (DOS)**: The DOS has purview over diplomacy and international relationships.<sup>215</sup> Notable issuances include formal Rules,<sup>216</sup> the *Foreign Affairs Manual and Handbook*,<sup>217</sup> and Country Reports on Terrorism.<sup>218</sup> NSAS-related components include, inter alia:
  - **Bureau of Diplomatic Security (DSS)**: The DSS acts as the DOS's law enforcement arm, securing diplomatic structures and protecting the integrity of U.S. travel documents.<sup>219</sup>
  - **Bureau of Intelligence and Research (INR)**: One of the eighteen members of the IC, the INR's "primary responsibility is to provide intelligence to inform diplomacy and support U.S. diplomats."<sup>220</sup>
  - **Under Secretary for Arms Control and International Security (ACIS)**: The ACIS is responsible for interagency processes related to nonproliferation, "arms control, regional security and defense relations, and arms transfers and security assistance."<sup>221</sup> Selected bureaus include:
    - **Bureau of Arms Control and Nonproliferation (ACN)**: The ACN focuses on preventing the proliferation of WMD and their delivery systems, as well as advanced conventional weapons and related technologies.<sup>222</sup> It

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213. *Computer Crime and Intellectual Property Section (CCIPS)*, U.S. DEP'T JUST.: CRIM. DIV., <https://perma.cc/UPC9-4EKZ> (archived Apr. 8, 2026).

214. *See CCIPS Documents and Reports*, U.S. DEP'T JUST.: CRIM. DIV. (updated Oct. 3, 2024), <https://perma.cc/ED8Z-BBPZ>.

215. *About the U.S. Department of State*, U.S. DEP'T STATE, <https://perma.cc/LVR9-DSPW> (archived Apr. 8, 2026).

216. *See generally* 22 C.F.R. pts. 1-199 (2025) (containing Department of State regulations related to foreign service, personnel, visas, international traffic in arms, and claims).

217. *See* U.S. DEP'T STATE: FOREIGN AFFS. MANUAL, <https://perma.cc/R53A-RXKV> (archived Apr. 8, 2026).

218. *See Country Reports on Terrorism*, U.S. DEP'T STATE, <https://perma.cc/6C4D-D5DA> (archived Apr. 8, 2026).

219. *What We Do—Bureau of Diplomatic Security*, U.S. DEP'T STATE, <https://perma.cc/TTK6-AK9P> (archived Apr. 8, 2026).

220. *About Us—Bureau of Intelligence and Research*, U.S. DEP'T STATE, <https://perma.cc/5HG2-9NTP> (archived Apr. 8, 2026).

221. *Under Secretary for Arms Control and International Security*, U.S. DEP'T STATE, <https://perma.cc/2XQW-WHBN> (archived Apr. 8, 2026).

222. *Bureau of Arms Control and Nonproliferation*, U.S. DEP'T STATE, <https://perma.cc/6EDK-HK4X> (archived Apr. 8, 2026).

- addresses export controls as well as the peaceful development of nuclear energy.<sup>223</sup>
- Bureau of Counterterrorism (CT): The CT focuses on countering terrorism overseas and securing the country against foreign terrorist threats.<sup>224</sup>
  - Bureau for International Narcotics and Law Enforcement Affairs (INL): In an effort to counter crime, narcotics trafficking, and global instability, the INL employs a combination of foreign assistance, diplomatic engagement, sanctions, and rewards.<sup>225</sup>
  - Directorate of Defense Trade Controls (DDTC): The DDTC administers the International Traffic in Arms Regulations (ITAR).<sup>226</sup>
- **U.S. Department of Transportation (USDOT)**: The USDOT's mission is to ensure a safe, efficient, and modern transportation system.<sup>227</sup> It houses components within the NSAS, such as:
- Federal Aviation Administration (FAA): The FAA is entrusted with providing a safe, efficient aerospace system.<sup>228</sup> It issues Rules,<sup>229</sup> Orders and Notices,<sup>230</sup> and policy guidance.<sup>231</sup>
    - Office of National Security Programs & Incident Response (AXE)<sup>232</sup>: Part of the larger Office of Security and Hazardous Materials Safety (ASH), the AXE engages in emergency preparedness, crisis management, and threat identification and analysis to ensure national airspace and aviation safety and security.<sup>233</sup>

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223. *Id.*

224. *About Us—Bureau of Counterterrorism*, U.S. DEP'T STATE, <https://perma.cc/N4VJ-ZQW6> (archived Apr. 8, 2026).

225. *About Us—Bureau of International Narcotics and Law Enforcement Affairs*, U.S. DEP'T STATE, <https://perma.cc/VG6F-MN7A> (archived Apr. 8, 2026).

226. 22 C.F.R. pts. 120-130 (2025); *see id.* § 120.1; *Directorate of Defense Trade Controls*, U.S. DEP'T STATE, <https://perma.cc/3QDR-MS7> (archived Apr. 8, 2026).

227. *Safety First*, U.S. DEP'T TRANSP., <https://perma.cc/HH56-K85R> (last updated May 6, 2020).

228. *Mission*, U.S. FAA, <https://perma.cc/PT3T-UMC2> (last updated Jan. 22, 2025).

229. *See generally* 14 C.F.R. pts. 1-199 (2025) (providing regulations for aircraft, air traffic, and other aviation-related matters).

230. *See Orders & Notices*, U.S. FAA (Mar. 25, 2024, 1:35 PM EDT), <https://perma.cc/7QBK-MWNS>.

231. *Policy & Guidance*, U.S. FAA, <https://perma.cc/T24G-ELDG> (last updated July 11, 2023).

232. *See* U.S. FAA, FAA ORGANIZATIONAL CHART, <https://perma.cc/STF5-RD77> (archived Apr. 8, 2026).

233. *Offices*, U.S. FAA, <https://perma.cc/952Q-CTTM> (last updated Sept. 11, 2025).

- Office of Infrastructure Protection (AXF)<sup>234</sup>: The AXF evaluates physical risk to the FAA’s infrastructure and protects the agency’s classified NSI and controlled, unclassified information.<sup>235</sup> It is responsible for compliance with IC requirements, federal regulations, and departmental and agency policy.<sup>236</sup>
- Office of Intelligence, Security and Emergency Response (OISE): The OISE uses intelligence and preparedness programs to balance the USDOT’s security requirements with U.S. safety, mobility, and economic needs.<sup>237</sup>
  - Intelligence Division: The Intelligence Division provides all-source intelligence to the USDOT’s leadership to ensuring they are aware of the current threat environment as well as long term trends in international terrorism, aviation, trade, and transportation.<sup>238</sup> It also supports other departmental entities by providing intelligence.<sup>239</sup>
  - National Security Policy and Preparedness Division (NSPD): The NSPD coordinates the USDOT’s participation in the NSC in areas such as “critical infrastructure security and resilience, biodefense and public health, cybersecurity, all-hazards emergency preparedness, continuity of operations, and exercises.”<sup>240</sup> Along with the DHS, the NSPD serves as the Risk Management Agency for the Transportation Systems Sector.<sup>241</sup>
- **U.S. Department of the Treasury (DOT)**
  - Committee on Foreign Investment in the United States (CFIUS): In 1975, President Ford issued Executive Order 11,858, creating CFIUS to monitor and review investments in the United States which, in the judgment of the Committee, might

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234. See U.S. FAA, *supra* note 232.

235. *Offices*, *supra* note 233.

236. *Id.*

237. *Intelligence, Security and Emergency Response*, U.S. DEP’T TRANSP., <https://perma.cc/TVP5-PBZU> (last updated Feb. 23, 2024).

238. *Intelligence Division*, U.S. DEP’T TRANSP., <https://perma.cc/9C2N-9SG4> (last updated Feb. 23, 2024).

239. *Id.*

240. *National Security Policy and Preparedness Division*, U.S. DEP’T TRANSP., <https://perma.cc/CB4Q-VHWQ> (last updated Feb. 23, 2024).

241. *Id.*

have major implications for the United States' national interests.<sup>242</sup> The Committee operated under the Defense Production Act of 1950, which Congress amended in 1988 to authorize the President to not just monitor, but also suspend or block foreign acquisitions threatening U.S. national security.<sup>243</sup> In 2007, the Foreign Investment and National Security Act (FINSAs) codified CFIUS into law, requiring that it investigate all foreign government-controlled acquisitions.<sup>244</sup> In 2018, Congress took it a step further, significantly expanding the Committee's jurisdiction to include real estate transactions and non-controlling investments, and requiring that foreign entities undertake mandatory filings for critical technologies.<sup>245</sup>

- Office of Terrorism and Financial Intelligence (TFI): The DOT considers the TFI as the Department's "national security arm . . . with broad responsibilities focused on advancing U.S. national security and foreign policy goals while also protecting the integrity of the U.S. and international financial systems."<sup>246</sup> Its components include:
  - Financial Crimes Enforcement Network (FinCEN): FinCEN is responsible for protecting the financial system from illicit activity, money laundering, and use for terrorist purposes.<sup>247</sup> The agency enforces the Bank Secrecy Act and issues regulations that require banks, casinos, and money services businesses to report suspicious transactions and large cash

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242. Exec. Order No. 11858, 3 C.F.R. 990 (1971-1975).

243. See Defense Production Act of 1950, Pub. L. No. 81-774, 64 Stat. 798 (codified as amended in scattered sections of 50 U.S.C.); Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, sec. 5021, § 721(c), 102 Stat. 1107, 1425-26 (codified as amended at 50 U.S.C. § 4565(d)(1)).

244. See Foreign Investment and National Security Act of 2007, Pub. L. No. 110-49, sec. 3, § 721, 121 Stat. 246, 252-53 (codified as amended at 50 U.S.C. § 4565(k)).

245. See Foreign Investment Risk Review Modernization Act of 2018, Pub. L. No. 115-232, tit. xvii, subtit. A, 132 Stat. 1636, 2173-207 (codified at 50 U.S.C. §§ 4501 note, 4565); see also *The Committee on Foreign Investment in the United States (CFIUS)*, U.S. DEP'T TREASURY, <https://perma.cc/B6SQ-S8XB> (archived Apr. 8, 2026) (discussing CFIUS's general jurisdiction).

246. *Terrorism and Financial Intelligence*, U.S. DEP'T TREASURY, <https://perma.cc/PH6T-KJ4Y> (archived Apr. 8, 2026).

247. U.S. DEP'T TREASURY: FIN. CRIMES ENF'T NETWORK, <https://perma.cc/QGM8-2WCU> (archived Apr. 8, 2026).

transactions.<sup>248</sup> FinCEN also acts as the Financial Intelligence Unit for the United States, collecting, analyzing, and disseminating financial data to law enforcement and the IC.<sup>249</sup> Its regulatory instruments include formal (APA) rulemaking,<sup>250</sup> as well as Alerts, Advisories, Notices, Bulletins, and Fact Sheets.<sup>251</sup>

- Office of Foreign Assets Control (OFAC): OFAC administers sanctions programs against foreign adversaries, including countries; terrorist organizations, networks, and individuals; international narcotics traffickers; state and non-state actors engaged in the development or proliferation of weapons of mass destruction; and others threatening U.S. national interests.<sup>252</sup> It maintains the Specially Designated Nationals List, Consolidated Sanctions List, and Additional Sanctions Lists.<sup>253</sup> In keeping with its statutory authority and direction provided via executive orders, the Office issues formal notices of proposed rulemaking as well as interim and final rules.<sup>254</sup>
- Office of Intelligence and Analysis (OIA): The OIA, one of the eighteen members of the IC, is responsible for the collection of financial intelligence on “entities of interest” to better understand the current and future threats posed to the United States.<sup>255</sup> It provides this information to the DOT’s leadership, as well as FinCEN and OFAC to help to identify potential targets for economic and trade sanctions and to assist

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248. See Bank Secrecy Act, Pub. L. No. 91-508, 84 Stat. 1114 (1970) (codified as amended in scattered sections of the U.S. Code); 31 U.S.C. § 5313(a) (requiring Currency Transaction Reports (CTRs)); 31 C.F.R. § 1010.311 (2025) (detailing filing obligations for CTRs); 12 C.F.R. § 21.11 (2025) (requiring Suspicious Activity Reports (SARs)).

249. U.S. DEP’T TREASURY: FIN. CRIMES ENF’T NETWORK, <https://perma.cc/DU8W-VAXJ> (archived Apr. 8, 2026).

250. See generally 31 C.F.R. pts. 1000-1099 (2025) (containing regulations issued by FinCEN).

251. See *id.*; Alerts/Advisories/Notices/Bulletins/Fact Sheets, U.S. DEP’T TREASURY: FIN. CRIMES ENF’T NETWORK, <https://perma.cc/62CS-Q8J2> (archived Apr. 8, 2026).

252. *Mission*, U.S. DEP’T TREASURY: OFF. FOREIGN ASSETS CONTROL, <https://perma.cc/9TDG-5KNM> (archived Apr. 8, 2026).

253. See *Sanctions List Service*, U.S. DEP’T TREASURY: OFF. FOREIGN ASSETS CONTROL, <https://perma.cc/5CZD-PXF8> (archived Apr. 8, 2026).

254. See 31 C.F.R. §§ 500-599 (2025) (encapsulating OFAC’s formal rules).

255. *Office of Intelligence and Analysis*, U.S. DEP’T TREASURY, <https://perma.cc/76CC-UWKH> (archived Apr. 8, 2026).

in enforcing measures in place.<sup>256</sup> The OIA also monitors trends in malign financial activity, providing data to policymakers.<sup>257</sup>

- Office of Terrorist Financing and Financial Crimes (TFFC): The TFFC formulates and coordinates the DOT's approaches to anti-money laundering (AML), countering the financing of terrorism (CFT), and countering the financing of proliferation (CPF) and leads foreign engagement for the Office of Terrorism and Financial Intelligence (TFI).<sup>258</sup>
- Treasury Executive Office for Asset Forfeiture (TEOAF): The TEOAF administers the Treasury Forfeiture Fund (TFF), which houses non-tax forfeitures made pursuant to laws enforced or administered by the DOT and the DHS.<sup>259</sup> The office issues Policy Directives.<sup>260</sup>

## VI. Independent Agencies

- Central Intelligence Agency (CIA): The 1947 National Security Act created the CIA “to correlate and evaluate intelligence related to the national security,” to advise the nascent NSC “in matters concerning such intelligence activities of the Government departments and agencies as relate to national security,” and to perform additional functions and duties as directed by the NSC.<sup>261</sup> Two years later, Congress passed a statute allowing the Agency to use secret fiscal and administrative procedures and exempted it from being required to disclose its “organization, functions, officials, titles, salaries, or numbers of personnel employed.”<sup>262</sup> The Director of the CIA (DCI) served as the head of both the Agency and the IC until 2004, when Congress created

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256. *Id.*

257. *Id.*

258. *Office of Terrorist Financing and Financial Crimes*, U.S. DEP'T TREASURY, <https://perma.cc/7MPR-S5X4> (archived Apr. 8, 2026).

259. *Treasury Executive Office for Asset Forfeiture (TEOAF)*, U.S. DEP'T TREASURY, <https://perma.cc/7P87-3VNY> (archived Apr. 8, 2026).

260. *See TEOAF Policy Directives*, U.S. DEP'T TREASURY, <https://perma.cc/W4PN-XMD8> (archived Apr. 8, 2026).

261. National Security Act of 1947, Pub. L. No. 80-235, § 102(d), 61 Stat. 496, 497-98.

262. Central Intelligence Agency Act of 1949, Pub. L. No. 81-110, §§ 6-7, 63 Stat. 208, 211-12 (codified as amended at 50 U.S.C. § 3507).

the position of the Director of National Intelligence.<sup>263</sup> From its inception, the CIA issued instruments which reached across the federal government: At the first NSC meeting, the DCI was directed to revise the prior National Intelligence Authority Directives (NIADs) and supplements issued by the Central Intelligence Group (the CIA's forerunner), for incorporation into National Security Council Intelligence Directives (NSCIDs).<sup>264</sup> Those instruments differed from DCI Directives (DCIDs), which also applied outside the agency: The former were "confined to matters of policy in consonance with the 1947 Act," while the latter addressed "the implementing details."<sup>265</sup> After its establishment in 2004, the Office of the Director of National Intelligence began issuing its own Intelligence Community Directives (ICDs).<sup>266</sup> From its inception, the CIA also issued internal instruments, namely, Headquarters Regulations (HRs), Headquarters Notices (HNs), and Headquarters Handbooks (HHBs).<sup>267</sup> While some HRs and HNs persist, in many cases, they have been replaced by new instruments.<sup>268</sup> Two in particular, Agency Regulations (ARs) and Agency Notices (ANs), now serve as the primary devices, implementing policies

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263. See National Security Intelligence Reform Act of 2004, Pub. L. No. 108-458, sec. 1011, §§ 102-104, 118 Stat. 3638, 3643-62 (codified as amended in scattered sections of 50 U.S.C.).

264. Memorandum from R.H. Killenkoetter, Rear Admiral, U.S. Navy, Dir. of Central Intel. 1 (Nov. 10, 1947), <https://perma.cc/M5WZ-MKM6>.

265. *Id.*

266. See U.S. OFF. OF THE DIR. OF NAT'L INTEL., ICD 101, INTELLIGENCE COMMUNITY POLICY SYSTEM 2 (2009), <https://perma.cc/55BN-KNE6>; JOHN NEGROPONTE, ICD 2005-1, SYSTEM OF INTELLIGENCE COMMUNITY DIRECTIVES; STATUS OF DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVES; DELEGATION TO THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE (2005), <https://perma.cc/9BRT-7WYS>.

267. See U.S. CIA, GUIDELINES FOR DECLASSIFICATION REVIEW OF DIRECTORATE OF INTELLIGENCE DOCUMENTS AND MATERIALS 5-6 (1977), <https://perma.cc/ET6C-D5UP>.

268. See, e.g., U.S. CIA, LISTING OF CENTRAL INTELLIGENCE AGENCY (CIA) AGENCY-WIDE REGULATORY ISSUANCES AND THE POLICY COVERING THE AGENCY REGULATORY SYSTEM, 2003-2021 (2022), <https://perma.cc/T6JK-78T9> (listing HN 20-1103, Employees Accompanying Spouses to Other Geographical Areas (WAE Spouse Program)). The new system appears to have been adopted post-1987. See, e.g., U.S. CIA, AR 2-2, LAW AND POLICY GOVERNING THE CONDUCT OF INTELLIGENCE ACTIVITIES (FORMERLY HR 7-1) (1987), <https://perma.cc/3MDK-NES7>; U.S. CIA, AR 6-1, MEDIA BRIEFINGS AND RELEASE OF UNCLASSIFIED INFORMATION TO NEWS MEDIA (2000), <https://perma.cc/YT9R-2ZEF> (superseding HR 6-1, which was issued on September 7, 1988). In 2013, a new regulatory structure and format was approved, prompting more shifts from HRs to ARs. See, e.g., U.S. CIA, AR 3-22, SPECIAL CONSIDERATIONS IN HIRING OR USING THE SERVICES OF CERTAIN INDIVIDUALS (FORMERLY HR 20-13), <https://perma.cc/V8H2-6QHA>. AR 3-22 was reformatted and republished November 2014 in response to new regulatory structure and format approved by the EXDIR in July 2013. *Id.*

- required by statute or by DCIDs.<sup>269</sup> The CIA also issues formal notices of rulemaking and final rules in relation to FOIA and related matters.<sup>270</sup>
- **National Archives and Records Administration (NARA)**: In 1984, Congress established NARA as an independent agency to ensure the independent management, and retention, of federal records.<sup>271</sup>
    - o **Information Security Oversight Office (ISOO)**: In 1978, President Jimmy Carter created the ISOO to oversee the government-wide security classification program.<sup>272</sup> Although initially part of the General Services Administration, in 1995, President Clinton transferred the ISOO to NARA, where it has since remained.<sup>273</sup> It now oversees the national security classification and declassification systems as well as the National Industrial Security Program.<sup>274</sup> The ISOO issues Rules on both classified and Controlled Unclassified Information.<sup>275</sup> Selected programs and offices include:
      - **Controlled Unclassified Information (CUI) Program**: This program standardizes all handling of CUI.<sup>276</sup> Issuances include Notices and Executive Agent Guidance.<sup>277</sup>
      - **Interagency Security Classification Appeals Panel (ISCAP)**: ISCAP “provides the public and users of the

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269. Although a FOIA request for a “listing or listings extracted from the database of CIA agency-wide regulatory issuances” and “policy or policies concerning CIA agency-wide regulatory issuances” yielded a redacted copy of AR 5-1 that was ostensibly current as of February 2022 (post-IRTPA), the document itself continues to reference the authority of the “Director of Central Intelligence” as the grounding for subsequent issuance of ARs and ANs. See AR 5-1, *The Agency Regulatory System*, May 28, 2003, at 1(c)(1)(a), <https://perma.cc/6NLX-DK3P>. No mention is made in the publicly available text of the Director of National Intelligence.

270. See generally 32 C.F.R. pts. 1900-1999 (2023) (containing regulations related to public access to CIA records under the Freedom of Information Act).

271. See National Archives and Records Administration Act of 1984, Pub. L. No. 98-497, tit. I, 98 Stat. 2280 (codified in scattered sections of 44 U.S.C.).

272. See Exec. Order No. 12065, 3 C.F.R. 190, 201-03 (1979).

273. See Exec. Order No. 12958, 3 C.F.R. 333, 351 (1996); *History of the Information Security Oversight Office (ISOO)*, NAT’L ARCHIVES, <https://perma.cc/G6MS-Q2WS> (last updated Mar. 14, 2025).

274. *Information Security Oversight Office (ISOO)*, NAT’L ARCHIVES, <https://perma.cc/MK9C-Y4GK> (last updated Mar. 30, 2026).

275. See 32 C.F.R. pts. 2000-2099 (2023).

276. *Controlled Unclassified Information (CUI)*, NAT’L ARCHIVES, <https://perma.cc/YF2M-C2GX> (last updated Aug. 12, 2025).

277. See *CUI Policy and Guidance*, NAT’L ARCHIVES: CONTROLLED UNCLASSIFIED INFO., <https://perma.cc/K7Y5-G82Z> (last updated Mar. 18, 2026).

classification system with a forum for further review of classification decisions.”<sup>278</sup> Issuances include Releases.<sup>279</sup>

- **Nuclear Regulatory Commission (NRC)**: The Energy Reorganization Act of 1974 created the NRC, abolishing the Atomic Energy Commission and splitting its functions, with the regulation of commercial nuclear power assigned to the new Commission.<sup>280</sup> The NRC secures “agency-licensed radioactive materials, with a particular focus on those materials that could be used malevolently in an improvised nuclear device or a radiological dispersal device.”<sup>281</sup> The NRC also determines how best to protect reactors against radiological sabotage and theft of nuclear fuel and handles licensing for medical, industrial, and academic purposes.<sup>282</sup> It issues Rules,<sup>283</sup> Regulatory Guides and Standard Review Plans,<sup>284</sup> and Manuals.<sup>285</sup>
- **Office of the Director of National Intelligence (ODNI)**: In 2004, the Intelligence Reform and Terrorism Prevention Act created the ODNI to oversee and direct the National Intelligence Program budget and to serve as the principal advisor to the President, the NSC, and the HSC “for intelligence matters related to national security.”<sup>286</sup> The ODNI’s regulatory instruments include Intelligence Community Policy Guidances (ICPGs), Intelligence Community Policy Memorandums (ICPMs), and Intelligence Community Directives (ICDs).<sup>287</sup> NSAS elements within the ODNI include, *inter alia*:
  - o **Cyber Threat Intelligence Integration Center (CTIIC)**: In February 2015, a Presidential Memorandum created the

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278. *Interagency Security Classification Appeals Panel*, NAT’L ARCHIVES, <https://perma.cc/7UQF-4MS8> (last updated Feb. 6, 2026).

279. *See ISCAP Releases*, NAT’L ARCHIVES, <https://perma.cc/FE89-FX7S> (last updated Apr. 8, 2026).

280. *See* Energy Reorganization Act of 1974, Pub. L. No. 93-438, § 201, 88 Stat. 1233, 1242-44 (1974) (codified as amended at 42 U.S.C. § 5841).

281. *Radiation and National Security*, U.S. NUCLEAR REGUL. COMM’N (updated Mar. 20, 2020), <https://perma.cc/NBF3-ZR8S>.

282. *Id.*

283. *See* 10 C.F.R. pts. 1-199 (2025).

284. *See Guidance Development*, U.S. NUCLEAR REGUL. COMM’N (updated July 7, 2020), <https://perma.cc/QU55-NFJ9>.

285. *See, e.g., Inspection Manual*, U.S. NUCLEAR REGUL. COMM’N (updated Dec. 17, 2025), <https://perma.cc/HE8Z-GWKE>; *Enforcement Guidance*, U.S. NUCLEAR REGUL. COMM’N (updated Jan. 8, 2026), <https://perma.cc/C8WL-JQV3>.

286. *What We Do*, U.S. OFF. DIR. NAT’L INTEL., <https://perma.cc/NG76-TWWN> (archived Apr. 8, 2026).

287. *See IC Policies & Directives*, U.S. OFF. DIR. NAT’L INTEL., <https://perma.cc/VS49-ZCGG> (archived Apr. 8, 2026).

CTIIC.<sup>288</sup> The entity was designed to “provide integrated all-source analysis of intelligence related to foreign cyber threats or related cyber incidents affecting U.S. national interests.”<sup>289</sup> Following significant cuts to personnel, the ODNI’s website as of February 5, 2026, refers to the CTIIC as “historical material.”<sup>290</sup>

- Foreign Malign Influence Center (FMIC): Congress created the FMIC in 2019 to provide indications, warning, and strategic assessments related to foreign malign influence campaigns being led by Russia, Iran, North Korea, China, and others.<sup>291</sup> Congress defines foreign malign influence as a “hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of” the foregoing entities with the aim of influencing public opinion or “political, military, economic, or other policies or activities” of federal, state, and local government.<sup>292</sup> The FMIC’s Analytic Integration unit provides policymakers and Congress with Indications and Warning (I&W) reports and assessments in relation to foreign adversaries’ capabilities, intentions, and operations.<sup>293</sup> Despite the Center’s statutory grounding, following significant cuts to personnel, the ODNI’s website as of February 5, 2026 refers to the page detailing the FMIC as “historical material.”<sup>294</sup>
- National Counterproliferation and Biosecurity Center (NCBC): In 2004, IRTPA established the National Counter Proliferation Center (NCPC) to serve as a central repository for intelligence related to proliferation and to ensure that the

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288. See Memorandum on Establishment of the Cyber Threat Intelligence Integration Center, 80 Fed. Reg. 11317 (Mar. 3, 2015).

289. *Id.*

290. See *Who We Are*, U.S. OFF. DIR. NAT’L INTEL.: CYBER THREAT INTEL. INTEGRATION CTR., <https://perma.cc/H5M7-4D66> (archived Apr. 8, 2026); *Gabbard Slashing Intelligence Office Workforce and Cutting Budget by Over \$700 Million*, FED. NEWS NETWORK (Aug. 20, 2025, 6:56 PM), <https://perma.cc/JDE5-PFCG>.

291. See Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020, Pub. L. No. 116-92, sec. 5322, § 119C, 133 Stat. 2111, 2129 (2019) (codified as amended at 50 U.S.C. § 3059) (establishing the FMIC).

292. See 50 U.S.C. § 3059(f)(2).

293. See Michael E. DeVine, CONG. RSCH. SERV., IF12470, THE INTELLIGENCE COMMUNITY’S FOREIGN MALIGN INFLUENCE CENTER (2024).

294. See U.S. OFF. DIR. NAT’L INTEL.: FOREIGN MALIGN INFLUENCE CTR., <https://perma.cc/LE6K-9KY3> (archived Apr. 8, 2026); *Gabbard Slashing Intelligence Office Workforce and Cutting Budget by Over \$700 Million*, *supra* note 290.

correct agencies have full access to the same.<sup>295</sup> The 2022 Intelligence Authorization Act later expanded its purview to include biosecurity and foreign biological threats, renaming the Center the National Counterproliferation and Biosecurity Center.<sup>296</sup> The NCBC acts as the IC hub for intelligence related to WMD.<sup>297</sup> Despite its statutory origins, following significant cuts to personnel, the ODNI's website as of February 5, 2026 refers to information on the NCBC website as "historical material."<sup>298</sup>

- National Counterterrorism Center (NCTC): In 2004, IRTPA also established the NCTC to serve as the primary entity "for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism."<sup>299</sup>
- National Counterintelligence and Security Center (NCSC): In 2002, Congress established the Office of the National Counterintelligence Executive (ONCIX), further developing it in 2004 at which time it became folded into the ODNI.<sup>300</sup> In 2014, the ODNI integrated ONCIX with other security entities into the NCSC.<sup>301</sup> The Center liaises with private sector entities at risk of foreign infiltration and issues public warnings in regard to intelligence threats.<sup>302</sup>

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295. See Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, sec. 1022, § 119A, 118 Stat. 3638, 3675-78 (codified as amended at 50 U.S.C. § 3057).

296. See Intelligence Authorization Act for Fiscal Year 2022, Pub. L. No. 117-103, div. X, sec. 401, § 119A, 136 Stat. 49, 973 (codified at 50 U.S.C. § 3057).

297. *Who We Are*, U.S. OFF. DIR. NAT'L INTEL.: NAT'L COUNTERPROLIFERATION & BIOSECURITY CTR., <https://perma.cc/G2FZ-NSQE> (archived Apr. 8, 2026).

298. See *id.*; *Gabbard Slashing Intelligence Office Workforce and Cutting Budget by Over \$700 Million*, *supra* note 290.

299. Intelligence Reform and Terrorism Prevention Act of 2004, sec. 1021, § 119, 118 Stat. at 3672-74; see also U.S. OFF. DIR. NAT'L INTEL.: NAT'L COUNTERTERRORISM CTR., <https://perma.cc/F45U-LZB7> (archived Apr. 8, 2026) (providing further detail about the NCTC).

300. See Counterintelligence Enhancement Act of 2002, Pub. L. No. 107-306, § 904, 116 Stat. 2383, 2434 (codified as amended at 50 U.S.C. § 3383) (establishing the Office of the National Counterintelligence Executive); Intelligence Reform and Terrorism Prevention Act of 2004, sec. 1011(a), § 103, 118 Stat. at 3655 (codified as amended at 50 U.S.C. § 3025) (assigning the National Counterintelligence Executive to the ODNI).

301. See *History of NCSC*, U.S. OFF. DIR. NAT'L INTEL.: NAT'L COUNTERINTELLIGENCE & SEC. CTR., <https://perma.cc/J43W-R3EY> (archived Apr. 8, 2026).

302. U.S. OFF. DIR. NAT'L INTEL.: NAT'L COUNTERINTELLIGENCE & SEC. CTR., <https://perma.cc/Y6FA-XBYD> (archived Apr. 8, 2026).

- Intelligence Advanced Research Projects Activity (IARPA): IARPA collaborates with the IC to address future intelligence community needs. Its current areas of interest include Quantum advantage, biometrics, forecasting, and human language technology ranging from artificial intelligence and machine learning to speech recognition and information extraction.<sup>303</sup>

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303. *About IARPA*, IARPA, <https://perma.cc/W2JW-UBH7> (archived Apr. 8, 2026).