

# HIDTA Initiative Commander Orientation



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## **Acknowledgements**

Many subject matter experts provided input and guidance in the design and development of this guide. They contributed considerable time and effort to ensure the materials are accurate and relevant to your role as initiative supervisor or commander within the HIDTA Program. Special thanks to all of the subject matter experts, and to new commanders and supervisors:

*Welcome to the HIDTA Program*

July, 2020

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### **Resources:**

***HIDTA Program Policy and Budget Guidance*** (January 6, 2020)

Obtain a copy from your HIDTA Financial Manager.

***PMP User Guide Fifteenth Edition*** (January 1, 2020)

Obtain a copy from your HIDTA PMP Coordinator.

***HIDTA Program Guidance for Implementation of the Federal Grantee Provisions In the National Defense Authorization Act*** (May 8, 2020)

Attached to this document or obtain a copy from your HIDTA Executive Director.

[Center for Task Forces Training](#) (free training and other resources, including 28 CFR Part 23)

## Before You Begin

This guide provides initiative commanders an orientation to the HIDTA Program, in a self-study format that allows independent learning about the HIDTA Program. This guide contains HIDTA-wide information and each HIDTA may provide additional local information, as needed. Therefore, the course varies among HDTAs, and it also may vary for different types of initiatives.


No prior knowledge of HIDTA is required, but participants should know about the practices of his or her work. For example, an enforcement initiative commander should know drug law enforcement activities and practices. Similarly, a commander of an intelligence initiative should have in-depth knowledge of intelligence practices and criminal intelligence regulations such as 28 CFR, Part 23.


This course is suitable for new initiative commanders and group supervisors, as well as an initiative's non-supervisory members.

## How to Use This Guide

The following icons are used in this guide:

 **Important:** Don't miss this important fact.

 **Note:** Notice an unusual concept that you shouldn't miss.

 **Program Policy:** Refer to the *HIDTA Program Policy and Budget Guidance* (January 6, 2020) for more information about the topic.

# **Module 1: Welcome to HIDTA**

## **Learning Outcomes**

At the end of this module, participants will be able to:

- Describe the HIDTA Program including the national strategy and the local organization's contribution to the Program's goals.
- Describe the roles and responsibilities of key positions such as the Executive Board, the HIDTA Executive Director, the financial manager, and the initiative commanders and supervisors.

## What is HIDTA?

The High Intensity Drug Trafficking Areas or HIDTA Program is under the Office of National Drug Control Policy (ONDCP) and provides locally managed regional offices.

### National Strategy

HIDTA is a federally-funded program formed to address the nation's illicit drug market – specifically, focusing on high drug trafficking regions that have harmful effects on the other parts of the United States.

There are 33 HIDTA regions across the nation. Each area is identified and designated by the National Director of the Office of National Drug Control Policy. ONDCP operates within the Executive Office of the President of the United States, and Congress appropriates funds to the HIDTA Program.

### Mission and Purpose

The mission of the HIDTA Program is to disrupt the market for illegal drugs in the United States in support of the National Drug Control Strategy. The Program helps federal and non-federal entities work together in collaborative efforts to dismantle and disrupt drug trafficking organizations and associated money laundering organizations.

Program funding partially supports interagency initiatives that are collocated, commingled in their day-to-day work. Not all costs are funded by HIDTA funds; each participating agency invests what it can.

### HIDTA Goals

There are two HIDTA goals:

#### Goal 1:

Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking and/or money laundering organizations

#### Goal 2:

Improve the efficiency and effectiveness of HIDTA initiatives

- ① **Important:** Notice that HIDTA is a **program**, not an agency or legal entity. A program cannot hire employees or execute contracts such as building leases and purchases. Instead, HIDTAs accomplish legal contracts through one or more of the agencies and entities that participate in the regional HIDTA. These are referred to as a fiduciary or pass-through funding mechanism.

## Measuring Accomplishments

The HIDTA Program measures its accomplishments each year using the Performance Management Process (PMP). You'll learn the details of PMP in the next module, but for now, realize that the HIDTA Program's accomplishments of its mission and program goals are tracked, documented, and verified to demonstrate HIDTA funds are wisely used.

## Example

For example, suppose the San Walter Valley is designated as a high intensity drug trafficking area. Furthermore, the valley spans a three-county area in one state and a two-county area in a neighboring state. Rather than relying on the individual counties and states to fight the drug problem individually, HIDTA funds allow the federal, state, local, and tribal law enforcement agencies to work as one collective, coordinated effort.

In the San Walter Valley example, a team works to fight one area of drug trafficking, such as heroin. Federal agents (DEA) work alongside state, local and tribal officers and analysts (State Highway Patrol, county sheriff deputies, city police officers and tribal police). Their collective team effort to achieve one or more goals is called an *initiative*.

## Initiatives

*Initiatives* are planned activities to accomplish a portion of the HIDTA Executive Board's strategy; each has a limited amount of HIDTA funding that is requested, justified, and approved. Each initiative targets a specific area, sets measurable goals, and maintains a separate budget within its local HIDTA. HIDTA initiatives are designated as

- Enforcement
- Management
- Intelligence
- Support

Every initiative has:

- a mission – representing a portion of the HIDTA's strategy,
- an initiative budget – a portion of the HIDTA's budget,
- a roster of members that identifies each one's position and parent agency, and
- a set of expected performance measures – goals to achieve during the program year.

## Task Forces

The terms initiative and task force are often used interchangeable, but within the HIDTA Program, they are defined differently.

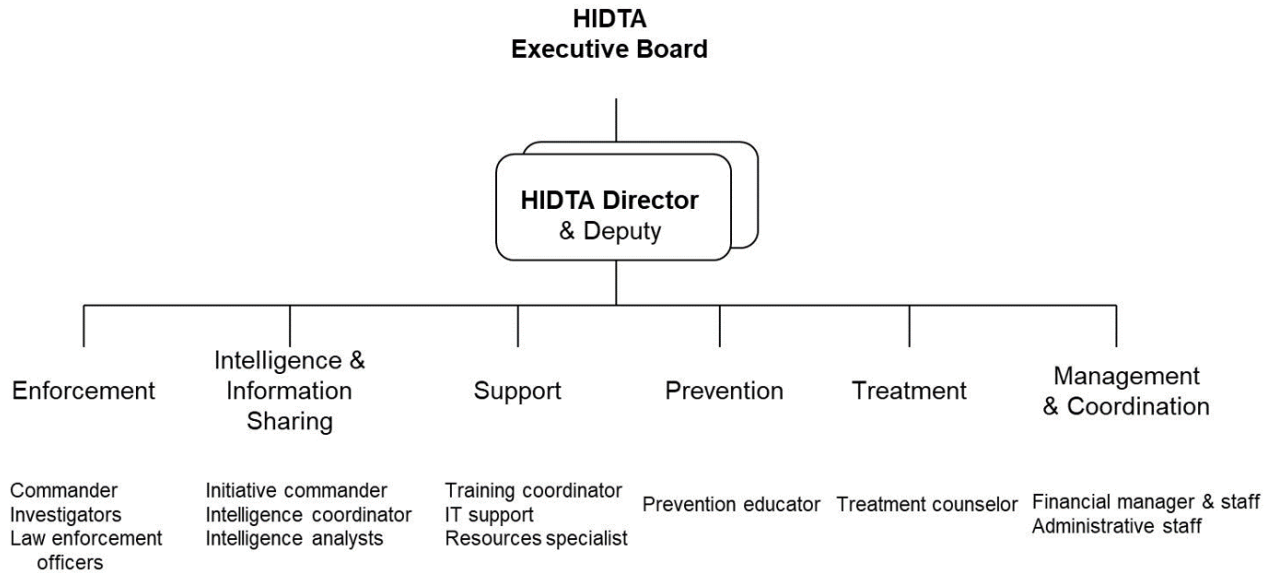
A *task force* is a group of individuals working together to carry out an initiative. An initiative can have a single task force or several. Therefore, an initiative is a planned set of activities, and a task force is a group of people.

# Your HIDTA

Every regional HIDTA is managed by its own Executive Board, following HIDTA program policies set by the Office of National Drug Control Policy (ONDCP).

## Organizational Structure

Each HIDTA has the following structure for its Executive Board, HIDTA Executive Director, and initiatives. The number of members of the HIDTA Executive Board varies, but the chart below depicts a typical size range.



## Key Roles

Key roles are defined in program policy, but each Executive Board determines the positions and responsibilities it needs to carry out its mission. Following, are people you will most likely need to know at your HIDTA.

## Executive Board

Your HIDTA's Executive Board is composed of 18 or so high-ranking federal, state, and local law enforcement officials. By program policy, the board maintains a balanced voting system between federal and non-federal members.

Each HIDTA Executive Board assesses the drug trafficking threat in its defined area, develops a strategy to address that threat, designs initiatives to implement the strategy, and proposes funding needed to carry out the initiatives. This level of local control and discretion has ensured that each



HIDTA Executive Board can tailor its strategy and initiatives closely to local threats and can respond quickly to changes in those threats as they are identified.

Executive Boards supplement program policy as needed with additional policies for the participants of the HIDTA. A local board, might, for example, require all budgeted funds to be spent within 15 months of funds' arrival. A local board might require all participating agencies sign an interagency cooperative agreement about following program policy and reimbursing the HIDTA funds for unauthorized expenditures, should they occur.

### **HIDTA Executive Director**

The HIDTA Executive Director is a non-voting member of the Executive Board; he or she is selected by, reports to, and carries out directives established by the Board. Many HIDTAs also have Deputy Directors who often lead their own projects as part of the HIDTA's strategy. The HIDTA Executive Director has many responsibilities, but he or she is not permitted to be involved in the day-to-day operations of enforcement initiatives.

The HIDTA Executive Director will interact with initiative commanders about:

- New ideas, areas of concern, current issues;
- The initiative's annual performance goals, program policy compliance and internal reviews;
- The initiative's budget request for the following program year, although often the commander works closely with the financial manager and the Executive Board's Budget Subcommittee about the details of the annual budget request; and
- Recommendations and feedback on policy changes proposed by the Executive Board or the ONDCP.

### **Financial Manager**

The Financial Manager (FM) of each HIDTA is the single point of contact for HIDTA funding matters. This doesn't mean the FM signs any checks – recall the HIDTA is not a legal entity so it has no check-writing capability.

The Financial Manager knows who has how much money left to spend, because the FM manages the authorized budget for the entire HIDTA. The FM knows who has how much budgeted funds remaining, at all times, and more importantly, knows who to ask for up-to-the-minute updates on spending.

Your FM has an established system of managing the HIDTA budget, and each initiative's budget, and will certainly brief you on his or her control system. The FM may, for example, provide monthly reports of your budget balances and track your initiative's spending to ensure you are spending at the correct pace – not too fast and not too slow. No one at HIDTA wants leftover funds, so any hint of unused funds will be quickly reassigned to high priority needs – as they should be.

The Financial Manager is your single point of contact for:

- Budgeting
- Explaining rules for spending HIDTA funds
- Providing current reports about your initiative's budget balance

## **Performance Management Process (PMP) Coordinator and Training Coordinator**

Each HIDTA must designate at least one person as the PMP Coordinator who is the principal point of contact for all PMP issues and questions. The coordinator distributes policy and software news to all who report data for PMP purposes. Most likely, the PMP Coordinator provides local training to your HIDTA's users of the software and is responsible for the content and accuracy of PMP data.

Each HIDTA also has a Training Coordinator, often a collateral duty to the employee's other assigned job duties. The Training Coordinator has access to training sources, so if your initiative members require specific training – with or without HIDTA funding – ask the Training Coordinator. Both the PMP Coordinator and the Training Coordinator participate in regular regional committee meetings with other HIDTA representatives to exchange information. They know the latest news for their areas, so ask them before you ask anyone else.

## **Initiative Commander**

The Initiative Commander provides leadership for the members, and handles the day-to-day operations to carry out the initiative's mission. The commander leads a team of top-notch professionals from multiple agencies, and builds unity from the collective expertise and abilities of the initiative members. In enforcement initiatives, for example, the Initiative Commander typically manages several regional cases at once, with task forces or squads blended from several federal, state, local and tribal law enforcement agencies.

When working HIDTA cases, individual agency loyalties are set aside for the good of the often larger HIDTA cases within the HIDTA's designated region. The Initiative Commander's duties include creating and reviewing operational plans, finding or developing solutions for unplanned circumstances, and enforcing policies to ensure officer safety and compliance with HIDTA Program policy as well as policies set by the local HIDTA Executive Board.

Keep in mind that the Initiative Commander manages investigations based on their respective agency's policy. The HIDTA Executive Directors and Deputy Directors have no operational control over investigations.

# Getting to Know Your HIDTA

## Activity 1

Now that you know a bit about the HIDTA Program and the parts that make up regional HIDTAs, you are ready to draw your HIDTA's organization chart.

### Part 1

Locate a knowledgeable colleague or local administrator to help you as you work, and include the following components in your diagram:

- Executive Board
- HIDTA Executive Director
- Deputy Director
- Enforcement initiative(s)
- Intelligence initiative(s)
- Support initiative(s)
- Management & coordination initiative
- Number of members in each initiative

**Part 2**

Locate the names of the people who serve the following roles. You will need to meet with them in the future, but for now, complete the list of the people who are currently filling these roles.

HIDTA Executive Director

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Name	Phone
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Deputy Director

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Name	Phone
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Financial Manager

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Name	Phone
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PMP Coordinator

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Name	Phone
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Training Coordinator

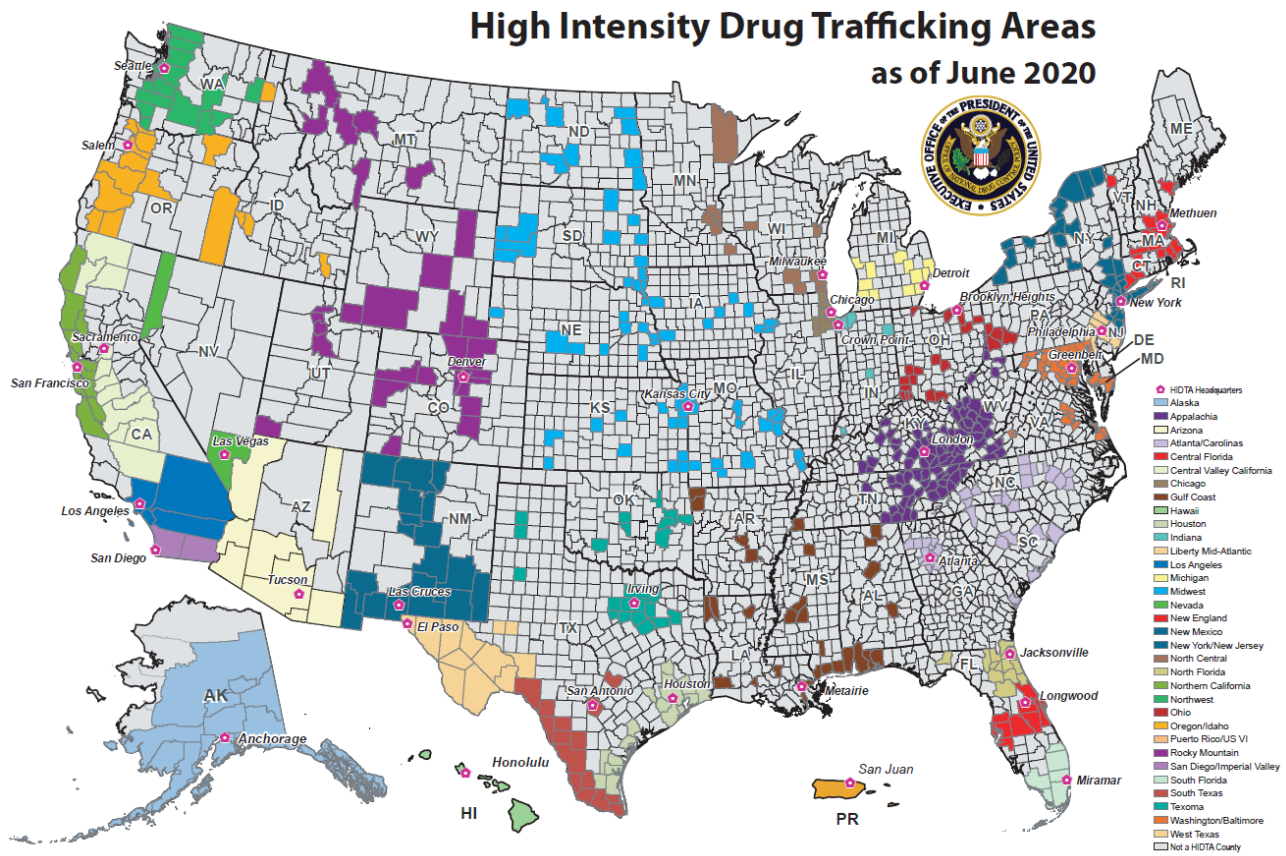
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Name	Phone
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# Your HIDTA's Geographic Area

HIDTAs are designated geographical areas that are not necessarily contiguous on a map. Each area within the HIDTA is designated by the Director of ONDCP, and additional counties may be added by petition from local law enforcement agencies, with the approval of your HIDTA Executive Board.

Take a look at the HIDTA map below showing the geographic areas assigned to the HIDTAs, and locate your own HIDTA's designated area.



## Connecting the HIDTAs

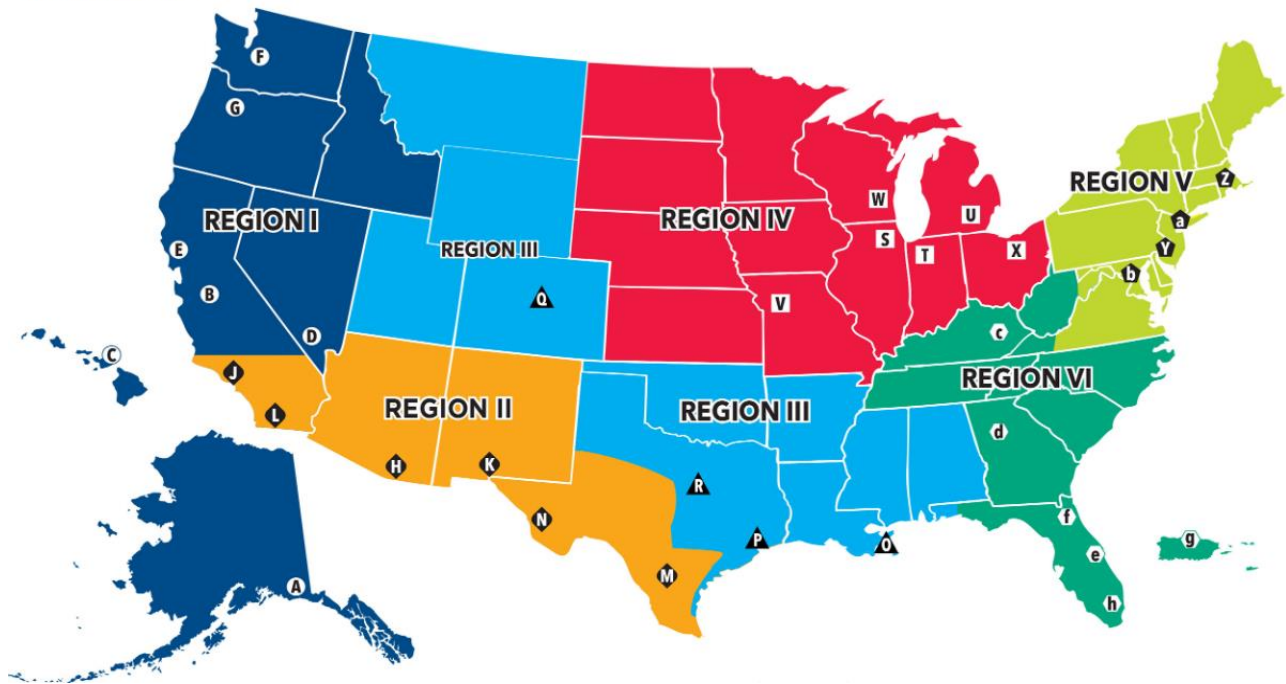
**How do HIDTAs connect with one another?** HIDTA regions function as self-managed organizations with Program direction coming from ONDCP, and information sharing among the 33 HIDTA regions is important to each HIDTA's achievements.

- HIDTAs refer cases to one another and to other law enforcement agencies outside of the HIDTA region.
- HIDTAs perform deconfliction services for their own investigations and events as well as deconfliction services for law enforcement agencies internal and external to the HIDTA region.

### Regional Committees

HIDTA managers communicate with their counterparts to share current practices and exchange ideas about current concerns, and regional committees allow all HIDTAs to participate through a regional representative. The nation is partitioned into six regions, with a representative of each region to channel information to and from the national program and to share collective best practices. The regional committees include the HIDTA Directors Committee (HDC); the Performance Management Process Committee (PMP); HIDTA Intelligence and Information Sharing Committee (HIISC); Intelligence Management Advisory Committee (IMAC); Financial Managers Group (FMG); and Training Coordinators Committee (TCC). By sharing their respective best practices, Initiative Commanders' knowledge can benefit the entire HIDTA Program.

## HIDTA REGIONS



Another way information is distributed efficiently among HIDTAs is by way of a service center that supports HIDTA staff and HIDTA needs, i.e., the NHAC.

### **NHAC – National HIDTA Assistance Center**

The NHAC, the National HIDTA Assistance Center in Miami, Florida, supports the entire HIDTA Program nationwide. Initiative commanders benefit from the NHAC’s assistance, because HIDTA management, financial staff, and training coordinators contact the NHAC for

- Administrative guidance regarding policy compliance,
- Training in program management and tools, such as software used for fiscal and program management,
- Software development and support of HIDTA-specific software, and
- Many other services too numerous to list.

### **Required Resources**

So far, you’ve learned about organizations that provide resources to your local HIDTA – resources such as people, regional committees, the National HIDTA Assistance Center, and the ONDCP. Let’s take a closer look at the resources your HIDTA requires to accomplish the HIDTA mission.

### **Entities**

Both federal and non-federal agencies and entities participate in the HIDTA, by invitation from the HIDTA Executive Board. Not just any entity can participate. You might be surprised to learn that non-profit organizations and institutions of higher education can also participate, especially in the area of prevention and treatment.

Each entity's representatives contribute its collective knowledge and experience, its intelligence data, and other resources to the HIDTA – to different degrees and to different types of initiatives.

**What kinds of contributions do entities make?** Typically, agencies contribute investigation support with agents, officers, analysts, etc. who play a pivotal role in identifying drug trafficking and money laundering organizations until the groups are dismantled or disrupted. Beyond assigning sworn officers and other staff to the HIDTA, equipment, vehicles, and other services can also be contributed. Keep in mind that local entities may have “intelligence data” that isn't stored in any database, such as who in the local town desired a relationship with a drug gang member in years passed.

Some entities contribute accounting services to process the HIDTA's accounting needs if they have expertise in grant management because they receive multiple grants and have an established Grants Department.



## Fiduciary role

To help manage the large number and variety of non-federal entities participating in the HIDTA Program, many HIDTA Executive Boards designate a single grantee (or maybe several grantees) to receive all of the non-federal HIDTA funds for the smaller entities. They serve as a *fiduciary*, or caretaker, of the HIDTA funds.

The fiduciary entity for your HIDTA affects your initiative members only because the fiduciary – serving as the HIDTA’s centralized paymaster – can have additional rules for providing receipts, three quotes on equipment purchases, and such.

When a commander submits receipts or timekeeping records, for example, the receipts and documents have to satisfy both the **employee’s parent agency as well as the HIDTA’s fiduciary agency**.

Don’t worry, though, your Financial Manager will give you the details you need to provide with each receipt submitted for reimbursement, including overtime payments and payroll.

↳ Note: Keep in mind that invoices for reimbursement must be submitted in a timely fashion. Some HIDTAs require reimbursement submissions be made on a monthly basis.

### Why does the fiduciary matter?

Because HIDTA is not an entity and cannot receive and spend funds.

HIDTA *grantees* sign a Grant Agreement that outlines the non-federal entity’s funding, its approved budget plan, and its obligation to comply with federal grant regulations and HIDTA program policy set by the ONDCP.

## How funding arrives – does it matter?

Both federal agencies and non-federal entities receive HIDTA funds but by different means. Federal entities receive awards directly from ONDCP, with immediate transfers of HIDTA funds (actually spending authorization at the U.S. Treasury). Non-federal entities receive HIDTA funds from ONDCP either directly or indirectly by way of *grants* and *sub-awards* from appointed HIDTA grantees, i.e., an appointed fiduciary.

Other non-federal entities receive HIDTA funds by contract agreements with a HIDTA grantee. To summarize the delivery means of HIDTA funds:

**Federal agencies** receive funding by way of awards from ONDCP.

**Non-federal entities** receive funding from:

*Grants* - direct awards from ONDCP; or

*Sub-grants* or sub-awards – pass through of funds from a grant, by a sub-award agreement between two entities; or

*Contracts* – cost-reimbursement contracts between 2 entities.

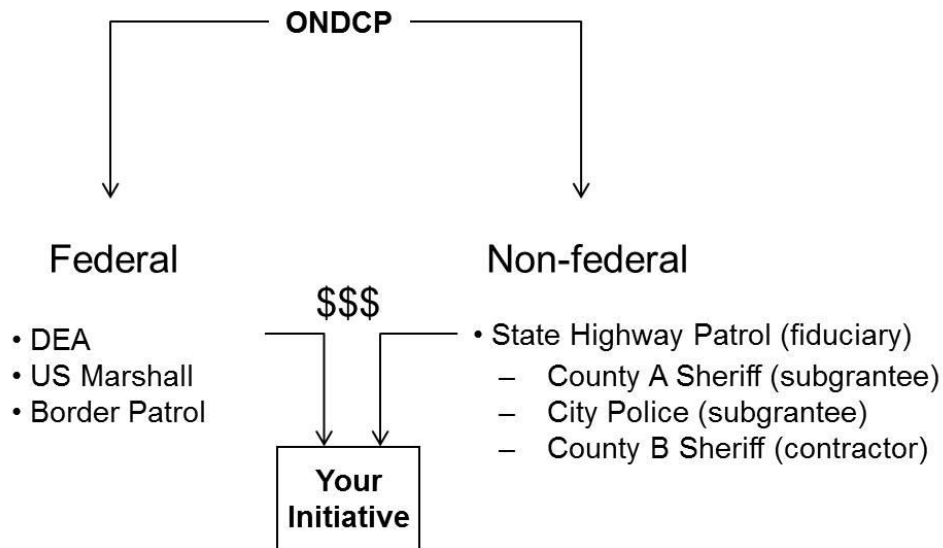
Notice the term *award* applies to both federal and non-federal entities, but the term *grant* applies only to non-federal entities.

Non-federal entities may receive funds on a reimbursement basis – after they provide receipts and proof of payment or obligations, or by requesting an advance to pay the bills and provide receipts after the fact.

## HIDTA funding

Now that you know that ONDCP distributes HIDTA Program funds through a variety of ways, you can see that your initiative has many funding sources – all arrive by way of your initiative members' parent agencies.

For example:



## Funding for 1 year – 2-year spending window

Because HIDTA funds are appropriated each year by Congress, for ONDCP to distribute to the participating entities, an initiative is funded for 1 year's activities and needs.

Bookkeeping of invoices, payments, and such occur over time, and 1 year's funding takes longer than 1 year to spend, when you consider time to receive all of the invoices, check the budget, review the receipts, and finally pay the invoices. Therefore, HIDTA transfers and grants are intended to fund 1 year, but all agreements have a 2-year time limit for spending the funds.

## Software

In addition to the standard software many offices use, the HIDTA Program funds the development and maintenance of several HIDTA-specific software tools. The two tools you will most likely use or encounter are WebPMP and FMS.net. These tools will be discussed in detail in the next module.

## QUIZ 1 - Test Your Knowledge

1. What is HIDTA?

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2. What is the HIDTA Program's national strategy?

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3. What is the HIDTA Program's purpose?

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4. What are the two HIDTA goals?

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5. What does PMP track?

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6. What is the Initiative Commander's primary role at the HIDTA?

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## Check Points

Before moving onto the next module, make sure you have a good grasp on the following points. Review the material as needed.

- ✓ HIDTAs provide an organized response to a region's drug threat, and each HIDTA has a strategy with planned initiatives that implement portions of the strategy.
- ✓ HIDTA awards provide funding for a coordinated effort between federal, state, and local law enforcement agencies but the funding is not intended to fully fund all of the costs. Individual agencies and entities contribute various talents, equipment, staff, and access to intelligence to optimize the collective efforts.
- ✓ Each HIDTA region is locally managed by its Executive Board, a group of high-ranking officials of federal and non-federal law enforcement agencies and related entities.
- ✓ By design, ONDCP allows the Executive Board to set local policies according to its needs; the HIDTA Executive Director carries out the directives of the Executive Board.
- ✓ The Financial Manager of the HIDTA closely monitors the budgets for each initiative, and collectively for the entire HIDTA. If you have financial concerns or needs, take them to your Financial Manager.
- ✓ Keep in mind that invoices for reimbursement or advance must be submitted in a timely fashion.
- ✓ Find out who at your HIDTA serves the role of PMP Coordinator; he or she knows the latest news and changes about PMP.
- ✓ Each initiative is staffed by individuals working for various agencies and non-federal entities; be respectful of each entity's policies as well as the fiduciary's policy regarding overtime records, expenditure receipts, and so forth.

# **Module 2: The Fiscal Process**

## **Learning Outcomes**

At the end of this module, you will be able to:

- Describe the components and significance of the annual budget request
- Describe the program reporting, the funding cycle and the Executive Board's role.
- Track your initiative's budget
- Interface with the PMP Coordinator to access and record PMP data

## The Annual Budget Request (ABR)

An annual budget request (ABR) consisting of a threat assessment and initiative description and budget proposal is created and approved by each HIDTA Executive Board.. A budget report is then generated by FMS and uploaded into the PMP software (WebPMP) detailing the financial need for each initiative to carry out its mission. ONDCP reviews the data stored online in WebPMP and approves the ABR. The HIDTA strategy that describes measures to combat the identified threats is created by the Executive Board (but not part of the ABR) is described here to show the importance of the document and the need to understand its connection to the initiative mission, purpose and performance targets.

Once the ABR (threat assessment and initiative description and budget proposal) is approved in PMP and the award documents are signed and returned by the grantee, spending of the HIDTA funds can begin.

Here is a summary of the contents of each document.

### Threat Assessment

- Completed by the Intelligence component and/or Executive Director's office
- Contains current drug threats in the region
- Includes trends, projections and outlook; used by the Executive Board to determine what Initiatives are needed to accomplish the HIDTA mission
- Approved by the Executive Board

### Strategy

- Not required for the ABR but essential for determining what initiatives are needed to accomplish the HIDTA's mission
- Completed by the Executive Director's office
- Includes the HIDTA vision and mission statement
- Identifies the initiatives needed to support HIDTA Goals 1 and 2
- Identifies performance targets to support HIDTA Goals 1 and 2

#### Goal 1:

Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking and/or money laundering organizations

#### Goal 2:

Improve the efficiency and effectiveness of HIDTA initiatives

### Initiative Description and Budget Proposal

- May be completed by the Initiative Commander or the HIDTA PMP Coordinator with assistance from the Financial Manager and Executive Director's office
- Describes the mission, lead agency and strategy responsibility of each initiative
- Includes an FMS Budget report identifying the financial needs of the initiative
- Identifies agency participation (positions, full-time or part-time, collocated members, etc.)
- Includes policy compliance and waiver requests
- Identifies performance goals

#### The Initiative Commander's role starts here.

The Finance Manager (FM) at each HIDTA will assist the Initiative Commander with the budget process to secure needed funds so the initiative can accomplish its mission and achieve its target goals.

## Program Reporting

Program reporting tracks the funding and accomplishments of the Program. Before each program year, individual HIDTA regions plan for and request funds needed for the program year, and after the year is complete, each HIDTA prepares core tables of its accomplishments for that program year. Program reporting for a single program year starts before the program year begins and extends well after the program year concludes. The annual budget request guides this process.

Initiative data is recorded in WebPMP. This information consists of the summary of the initiatives' expected accomplishments including the mission, participating agencies and positions staffed as well as expected data values reflecting DTOs and MLOs identified, investigated, disrupted and dismantled, cases deconflicted and cases supported; law enforcement agents, officers and analyst trained. It also includes the HIDTA's aggregate accomplishments including return on investment (the value of seizures v. budget); number of DTOs and MLOs dismantled and disrupted; meth labs dismantled and many others.

*Program year* – a 12-month period beginning January 1 for which budget needs are planned, requested and granted for a HIDTA's operation. A HIDTA's reporting of its accomplishments also occur during this same 12-month period.

**Note:** All documents are due to ONDCP by June 15.

### 3 Guiding Principles

Simply stated, the process is based on three guiding principles as illustrated in the chart on the next page.

- **Say what you do**

Before the program year begins, HIDTA participants record expected outputs (e.g., how many DTOs/MLOs will be dismantled, how many students will be trained, etc.) for the program year.

- **Do what you say**

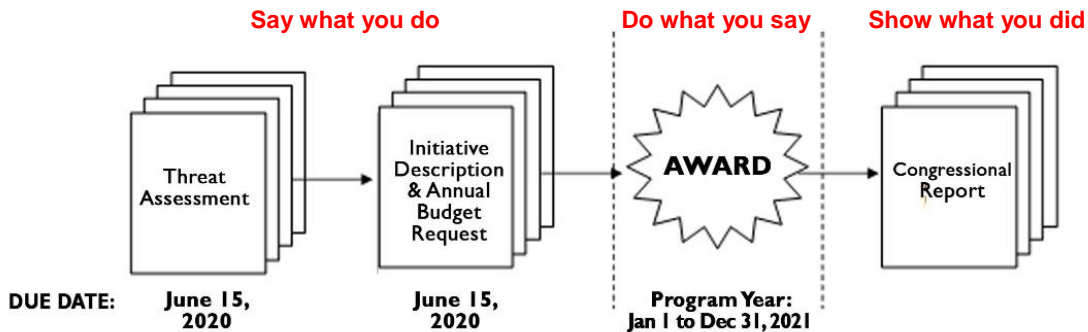
During the program year, the HIDTA participants record their actual outputs (e.g., how many DTOs were dismantled, how many students were trained, etc.).

- **Show what you did**

After the program year, the HIDTA management can compare:

- Actual vs. expected values for the program year
- Actual vs. average values for the preceding 3 years

## Program Year 2021



### A Brief Overview of the Software Used for Program Reporting and Tracking of Funds

There are two software tools that are used for Program reporting and tracking of funds: WebPMP and FMS.net. The following overview provides a brief description of these two tools.

#### WebPMP

All initiatives record performance goals and record actual performance data, or achievements using the WebPMP program. The software gathers this and other initiative data such as its description, its mission statement, and its roster of positions from various agencies. Collectively, the software screens fully describe the initiative and its work.

Here are a few key terms you should become familiar with as you navigate the Performance Management Process. These definitions can be found in the PMP User Guide.

#### 1. Drug Trafficking Organization (DTO)

A DTO is an organization consisting of five or more persons, including at least one identified leader, that (1) has a clearly defined chain-of-command and (2) whose principal activity is to generate income or acquire assets through a continuing series of illegal drug production, manufacturing, importation, transportation, or distribution activities.

#### 2. Money Laundering Organization (MLO)

A MLO is an organization of two or more individuals engaged in processing illegal drug profits through a continuing series of illegal activities (placement, layering, and integration) to disguise the source of the money and make the illegal profits appear to be legitimate income.



3. Criminal Operations (COs)

One or more individuals trafficking in drugs, firearms, and/or smuggled bulk cash proceeds. A CO does not meet the definitions of a DTO or MLO due to the size or its lack of a clearly defined chain-of-command.

4. Disrupted

An organization is “disrupted” when the normal and effective operation of the organization is impeded, as indicated by changes in organizational leadership and/or changes in methods of financing, transportation, distribution, communications, or drug production. There is no precise way to calculate or measure whether a DTO/MLO is disrupted. This is a judgment call by the case agent or initiative supervisor. NOTE: A drug seizure, the execution of a search warrant or another enforcement activity, by itself, does not constitute a disruption unless the action truly results in the alteration of the organization’s operations or membership.

5. Dismantled

An organization is dismantled when its leadership, financial base, and supply network are destroyed and incapable of operating and/or reconstituting itself. NOTE: For HIDTA reporting purposes, a dismantlement of a DTO/MLO does not require that all fugitives have been apprehended, that all cases have been adjudicated, or that all appeals by those charged have been exhausted. Dismantling a DTO/MLO does not occur very often, especially for international DTOs.

6. Case Closed

A case is closed when all investigative action by the HIDTA initiative on the case has ceased. For HIDTA reporting purposes, a closed case does not require that all fugitives have been apprehended, that all cases have been adjudicated, or that all appeals by those charged have been exhausted. In the 5<sup>th</sup> year of inactivity on a DTO or MLO, a closed date will be automatically assigned to the DTO/MLO.

7. Analytical Support

Analytical support refers to those services an analyst provides to support an investigation; i.e., Association/Link/Network Analysis, Commodity Flow Analysis, Crime-Pattern Analysis, Financial Analysis, Flow Analysis, Geo-Spatial Analysis, or Telephone Toll Analysis.

8. Conversion Laboratory

A conversion laboratory is a clandestine lab that changes or transforms the form of an illegal substance; e.g., cocaine HCL to crack, morphine to heroin; marijuana to hashish, methamphetamine powder to crystal meth; “wax,” or an oil; etc.

Other Law Enforcement Outputs Table

Arrests, wiretaps, firearms and vaping cartridges seized are reported in a Threat Specific Table called “Other Law Enforcement Outputs.” While this is not a core table, HIDTAs are strongly encouraged to report their activities regarding these measures in this other outputs table.

9. Arrest

Arrest refers to the taking into custody of a person and holding them to answer a criminal charge. Arrests are reported in the Other Enforcement Outputs table. Report the total number of persons arrested, not the total number of charges filed against those persons.

10. Wiretap

A wiretap is a form of electronic monitoring where a Federal or state court order authorizes law enforcement to surreptitiously listen to phone calls or intercept wireless electronic text messages or video communications. Wiretaps are reported in the Other Enforcement Outputs table. Report the number of lines (telephone numbers) for which a court authorized eavesdropping. An extension of a court order for an existing wiretap on the same telephone line (number) should not be counted unless the extension spans two calendar years. Note: Dialed number recorders (Pen Registers) are not considered a wiretap for PMP reporting purposes.

11. Firearm

The term “firearm” means any weapon that is designed to expel a projectile by the action of an explosive. This definition is based on 18 USC 921(3).

12. Vaping Cartridges

Generally, vaping device consists of a mouthpiece, a battery, a cartridge for containing the ‘e-liquid’, and a heating component for the device that is powered by a battery. When the device is used, the battery heats up the heating component, which turns the contents of the e-liquid into an aerosol that is inhaled into the lungs and then exhaled.

There are over 100 definitions in the PMP User Guide which are HIDTA-specific and may not be the same definitions used at your parent agency. In addition to the definitions, the PMP User Guide is designed to guide entries into the database to meet the quality, integrity and accuracy standards consistent within the HIDTA community. It is strongly recommended that the initiative commander attend formal Performance Management Process training to become familiar with the process, data entry rules and requirements, and perform hands-on data entry.

**FMS.net**

Budget data is stored in a software program known as FMS.net (FMS = Financial Management System). The HIDTA budget is tracked in FMS.net, so your HIDTA’s Financial Manager uses FMS.net to constantly track your initiative’s budget balances as award recipients spend their allotted funds. Financial Managers routinely provide initiative commanders reports about the initiative’s remaining funds, and watches for possible shortfalls and leftover funds in your budget accounts. A detailed budget is kept for each initiative, in line item detail. Each initiative is comprised of members from multiple agencies and entities, so an initiative’s budget is detailed enough to show each entity’s portion of the initiative’s budget.

The following is a list of common budget categories.

- Personnel
- Fringe
- Overtime
- Travel
- Facilities
- Services
- Equipment
- Supplies
- Other

**Note:** These budget categories may not align with your agency’s categories. The Financial Manager will reconcile the two accounts.

### **Avoid Unused Funds**

Keeping up with the awards that fund your initiative is the responsibility of your HIDTA’s Financial Manager. Your FM will keep you informed about your initiative’s budget balances and will encourage you to spend the oldest money first.

**Note:** Your HIDTA Executive Board has the authority to reallocate funds between initiatives, and some executive boards set policies to “sweep” unused, remaining funds from all initiatives’ budget accounts after 15 months of availability.

Again, it is important that you establish a good working relationship with your Finance Manager. If you have not already done so, record the name and contact information for your FM:

Financial Manager

\_\_\_\_\_

Name

\_\_\_\_\_

Phone

## QUIZ 2 - Test Your Knowledge

1. At your HIDTA, how do you figure out the status of your budget?  
\_\_\_\_\_
2. What are the parts that make up the annual budget request? \_\_\_\_\_, and \_\_\_\_\_.
3. Who approves the HIDTA annual budget request before it is sent to ONDCP?  
\_\_\_\_\_
4. List two items that are included in the Initiative Description and Budget Proposal.  
\_\_\_\_\_ and \_\_\_\_\_
5. Where is the initiative data recorded? \_\_\_\_\_
6. When is the annual budget request due to ONDCP? \_\_\_\_\_
7. Your Financial Manager will keep you informed about your initiatives budget balances and will encourage you to spend \_\_\_\_\_ money first.
8. Who has the authority to reallocate funds between initiatives? \_\_\_\_\_
9. Define drug trafficking organization (DTO).  
\_\_\_\_\_  
\_\_\_\_\_
10. How does a Criminal Operation differ from a DTO?  
\_\_\_\_\_  
\_\_\_\_\_

# **Module 3: Key Policies**

## **Learning Outcomes**

At the end of this module, you will be able to:

- Recall 3 or more policies that affect all HIDTA participants
- Recall 3 of the criteria for overtime funded by HIDTA
- List 2 or more policy and guidance documents that are critical to an initiative commander or supervisor

## Policy Documents

The set of policy documents for HIDTA participants is at minimum:

### All HIDTAs

- ***HIDTA Program Policy and Budget Guidance*** January 6, 2020 (known simply as *Program Policy*) Check with your FM for the latest version.  
Source: ONDCP.
- ***Uniform Guidance***  
Source: OMB (*Note: You do not need to read this document; simply follow instructions based on your HIDTA's financial management practices.*)
- ***PMP Users Guide*** January 1, 2020  
Source: Your PMP Coordinator, or download it from the WebPMP Home Sidebar.

### Your HIDTA

- Policies created by your HIDTA's Executive Board  
Source: Your local administration
- Various agency-created policy documents for each agency's personnel  
Source: Each agency

## All Commanders

What you need to know: read each of these sections in ***HIDTA Program Policy and Budget Guidance***, January 6, 2020:

- ***HIDTA Program Policy and Budget Guidance*** (known simply as *Program Policy*)
  - Section 5.14 Initiative Evaluation
  - Section 6.0 Composition of Initiatives
  - Section 7.12 Overtime
  - Section 7.13 Vehicles
  - Section 7.20 Prohibited uses of HIDTA Funds
  - Section 7.25 Rules for confidential expenditures, i.e., purchase of evidence, information, or services
  - Section 8 Property Management
  - Section 10 Performance Management
- ***PMP Users Guide***, updated frequently and posted on WebPMP
  - Before you begin using the WebPMP software, it is recommended that you attend training. HIDTA-specific definitions, practices, etc. must be followed when reporting measureable PMP data. Initiative Commanders must be able to articulate these during internal reviews and third-party audits.

## Overtime

The participating agency or initiative supervisor of the personnel receiving HIDTA-funded overtime shall ensure overtime is tracked, the maximum allowable amounts are not exceeded, the overtime is for HIDTA initiative-related activities, and the individual does not receive overtime compensation from another funding source for the same hours worked .

Below is a summary of sound overtime tracking practices that conform to Program Policy and have been used throughout the HIDTAs for many years. For more information, refer to Section 7.12 of the *HIDTA Program Policy and Budget and Guidance*.

- Initiative commanders and supervisors ensure sufficient overtime records to satisfy the fiduciary or local HIDTA policy for recordkeeping. In general and as a best practice, the overtime records should show:
  - The employee is a member of the initiative (by providing an initiative roster) and the overtime hours were approved (by the supervisor’s signature).
  - The employee worked overtime on case-related enforcement or intelligence support work, or, the employee has written approval from the HIDTA Executive Director for supporting other HIDTA activity through overtime hours.
  - The employee does not receive redundant overtime compensation from other sources.
  - Every effort is made to seek Department of Justice funding of overtime for hours worked on OCDETF-designated cases.
- HIDTA can fund overtime only for state, local, and tribal law enforcement officers and uniformed federal agents that are eligible for overtime from their own agency.
- Non-law enforcement personnel may be eligible if the work is for a HIDTA-funded activity, , and is authorized by written approval of the HIDTA Executive Director.
- Overtime paid by HIDTA funds is limited to 25% of a GS-12, Step 1 salary cap for law enforcement officers ([www.OPM.gov](http://www.OPM.gov): Law Enforcement Schedules and Locality Pay Tables, “Rest of U.S.”), but many local HIDTAs set a lower limit based on limited availability of funds. The 25% of a GS-12 Step 1 salary overtime cap is based on the federal fiscal year and includes OCDETF and other federal funding sources. For example, if the cap is \$15,680 and the TFO has received \$10,000 in OCDETF overtime, the TFO can only be reimbursed \$5,680 with HIDTA funds during the same federal fiscal year. Agencies are liable for reimbursed amounts exceeding the federal cap.
- Overtime to federal employees is not allowed except in special circumstances. Policy specifically allows overtime for uniformed federal employees of:
  - U.S. Customs and Border Protection
  - U.S. Forest Service

## Prohibited Uses of HIDTA Funds

Of particular importance is *Program Policy* Section 7.20: Prohibited Uses of HIDTA Funds. This section has been excerpted and included in this document so that you may avoid requesting funds that are considered to be prohibited.

The Uniform Guidance contains regulations governing the expenditure of Federal funds. In addition to the disallowable items listed in the regulations, ONDCP will not reimburse funds expended for the following items or purposes:

- Clothing or clothing allowances, except for items purchased for the safety of HIDTA personnel; such expenses must comply with each of the following Government Accountability Office (GAO) guidelines:
  1. the item must be "special" and not part of the ordinary and useful furnishings an employee may reasonably be expected to provide for himself;
  2. the item must be for the benefit of the government, that is, essential to the safe and successful accomplishment of the work, and not solely for the protection of the employee; and
  3. the employee must be engaged in hazardous duty
- Food and beverage items;
- Personal hygiene or medication items, except for: (1) items such as toilet paper, hand towels, soap, and other items that are standard supplies for an office; and (2) special hygiene products for the mitigation of risks from contact with communicable pathogens or hazardous substances that arise from tasks performed by HIDTA participants (e.g., disinfectant wipes and liquids used after handling persons, evidence, seized materials, or executing a search warrant);
- Promotional or representational items (e.g., hats, pins, T-shirts, or other memorabilia);
- Gifts, except for plaques and other commemorative items not exceeding \$150 awarded to recognize service to a HIDTA initiative(s) or the HIDTA Program;
- Real property;
- Weapons and holsters;
- Ammunition;
- Standard issue departmental-type equipment and uniforms including raid/tactical gear;
- Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence (DNI) or the Director of the FBI, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country;
- Professional association or bar dues.



## **Other Important Policies**

All policies are important, but some policies are given special attention within HIDTA, such as these listed below.

### **HIDTA-purchased Equipment**

Initiative participants share responsibility for ensuring that equipment purchased with HIDTA funds is used to the maximum benefit of HIDTA initiatives and that its use complies with all ONDCP requirements pertaining to equipment management.

The initiative commander must keep track of the HIDTA-purchased property and shall immediately report any item that is lost, stolen or otherwise unaccounted for to the grantee or resource recipient that acquired or holds the equipment, and the Executive Director.

Section 8 of the *HIDTA Program Policy and Budget Guidance* describes how the property can be loaned out for non-HIDTA activities if those activities are consistent with the Executive Boards' strategy, do not interfere with the work of HIDTA initiatives, and do not become the primary use (or permanent use) of the equipment.

### **Use of Criminal Intelligence Data**

28 CFR, Part 23 regulates the use of criminal intelligence data. Essentially, this regulation limits the use of criminal intelligence data strictly to criminal investigations only.

You cannot, for example, use criminal databases to research personal acquaintances, neighbors, and such without a criminal investigation underway.

If you are not thoroughly knowledgeable about this regulation, be sure to obtain a copy and adhere to the guidelines.

### **Protection of Personally Identifiable Information (PII)**

The Uniform Guidance (2CFR200) requires all recipients of federal grant funds to protect personal identifiable information at all times.

#### **What is personally identifiable information?**

According to the Uniform Guidance PII is “information that can be used to distinguish or trace an individual’s identity, either alone or when combined” with other information linked to the individual. Some PII is publicly available, such as a personal first and last name, address, work and home telephone numbers, and educational credentials.

## What information is protected?

The following data elements are specifically listed in the Uniform Guidance as protected PII whenever used in combination with an individual's first name or first initial and last name:

- Social security number
- Passport number
- Bank number
- Date and place of birth
- Criminal, medical, and financial records
- Credit card numbers
- Clearances
- Biometrics
- Mother's maiden name
- Educational transcripts

## Security Requirements

Personnel with a requirement to access national security information or secure areas of the ISC must have sufficient security clearance to allow such access. ISC Managers and Supervisors must have security clearances at a level to permit them access to all areas of the ISC facility. The costs for obtaining this clearance shall be an allowable use of HIDTA funds.

Section 6.2.10 of the *HIDTA Program Policy and Budget Guidance* provides requirements for protecting facilities and information.

## Coordination of HIDTA Initiatives

Initiatives other than the enforcement initiatives may be supervised by the Executive Director. Initiative Supervisors of Intelligence, Support, Treatment and Prevention initiatives should report financial, inventory, and performance data to the Executive Director.

Initiative supervisors, must participate in a process for facilitating the coordination and flow of information among initiatives and participating agencies of the HIDTA at least semi-annually.

## HIDTA Initiatives Internal Review

Each initiative supervisor will participate in an annual internal review, or self-inspection, directed by the HIDTA Executive Director to determine whether the initiative is being implemented as described in the budget submission to ONDCP, complies with all HIDTA Program requirements, and is achieving its performance targets

## Orientation Process

All new initiative supervisors must participate in an orientation process that addresses the specific responsibilities of the position and the general requirements of the HIDTA Program.

## Activity

Answer the questions below after obtaining a copy of *HIDTA Program Policy and Budget Guidance* and reviewing the information presented in this Module 3

Question	Answer, Section of Program Policy
1. Are soap and other personal hygiene articles allowable expenditures?	<hr/>
2. What is the limit on how much overtime a HIDTA participant can be paid with HIDTA funds? (2 options)	<hr/>
3. To whom does the initiative supervisor report lost or stolen HIDTA-funded equipment?	<hr/>
4. Can HIDTA funds be used to provide a vehicle to officers assigned part-time to a HIDTA initiative?	<hr/>
5. Can HIDTA funds be used to fund overtime for administrative personnel for non-investigative work?	<hr/>
6. Can HIDTA funds be used for purchasing weapons, holsters, and ammunition?	<hr/>
7. Can HIDTA funds pay for fuel used in vehicles owned by federal agencies?	<hr/>
8. What are 3 examples of PII that 2CFR200 requires all recipients of federal grant funds to protect?	<hr/>

## Check Points

Before moving on to the next module, make sure you have a good grasp on the following points. Review the material as needed.

- ✓ All HIDTA participants follow the same rules, such as:
  - Spending for overtime must follow the HIDTA Program policies on overtime (Section 7.12),
  - HIDTA funds cannot be used for food, clothes, and ammunition (Section 7.20), and
  - Initiative commanders must track and safeguard HIDTA-funded equipment (Section 8.0).
- ✓ HIDTA Program Policy (HIDTA Program Policy and Budget Guidance) is the key policy document to read, and the Uniform Guidance (2CFR200) regulations apply to all non-federal grants and sub-awards.
- ✓ The regional HIDTA Executive Board also sets local policies for your HIDTA participants.
- ✓ HIDTA funds can be used for overtime under very strict rules, such as:
  - Annual overtime shall not exceed the lower of state, local or tribal parent agency or 25% of the GS-12, step 1 level pay schedule,
  - Only overtime for investigation can be funded with HIDTA funds, so the overtime hours must be documented with a case number, and
  - Only employees eligible for overtime from their parent agencies can receive HIDTA funds for overtime.
  - Reimbursable overtime per 12 month period is from all federal sources.
- ✓ *HIDTA Program Policy* Section 7.20 addresses prohibited uses of HIDTA funds and should be reviewed.

# **Module 4: Initiative Commander Responsibilities**

## **Learning Outcomes**

At the end of this module, participants will be able to:

- Recall 2 responsibilities of every HIDTA initiative commander or supervisor
- List 1 or more unique initiative commander responsibilities for your initiative type: enforcement, intelligence, management & coordination, or support

## Responsibilities of All Initiative Commanders

In this module, we begin by looking at the tasks and responsibilities for HIDTA initiative commanders and supervisors. We start with the tasks and responsibilities that are common to all HIDTA initiative leaders.

- Enforcement initiative commanders
- Intelligence initiative commanders
- Support supervisors
- Management and coordination supervisors

**❶ Important:** After reading the following responsibilities of all initiative commanders, be sure to review the additional responsibilities specific to your type of initiative:

### Manage the team and the work

The Initiative Commander is the team leader or supervisor and manages both the team members and the team's workload, including the processes for accomplishing the work.

Enforcement Commanders, for example, manage the team and its investigations. Intelligence Supervisors manage the initiative members and the workload using standard processes. The supervisor ensures each team member is equipped with tools, equipment, and knowledge to perform the work, in an efficient manner to meet or exceed the initiative's performance expectations. Support initiative supervisors ensure excellence in the support provided to the initiative's clients and ensure survey data and other performance tracking data is collected, recorded, and monitored for excellence. In all of these examples, the Initiative Commander or supervisor acts as a facilitator among HIDTA participants – internal and external to the initiative – to ensure timely and reliable communications occur to expedite all parties' objectives.

### Manage the budget

All Initiative Commanders and supervisors are responsible for developing, following, and monitoring the initiative's budget. This requires working closely with the HIDTA Financial Manager; it does not require working with individual agencies participating in your initiative.

Proactively manage the budget in anticipation of future spending needs; contact your HIDTA's FM for all issues and concerns about funding and budgeting.

### Safeguard protected personally identifiable information (PII)

All Initiative Commanders and supervisors must follow policies and monitor initiative members' actions regarding safeguarding protected PII and other information deemed necessary by ONDCP.

For example, devices with memory must be treated as storage facilities for potentially confidential information, and as such, must be restricted to authorized personnel.

Initiative supervisors shall ensure that all sensitive information is removed from the devices with memory before it leaves the premises for repair or disposal. Removal of the data on the hard drive should be consistent with Department of Defense (DOD) standard 5220.22M or National Institute of Standards and Technology (NIST) Publication 800-88.

### **Monitor policy compliance**

While commanders and supervisors are performing their usual work tasks, they keep a keen eye out for policy compliance by all initiative members. Any circumvention of HIDTA policy must be corrected immediately, to avoid loss of funding from that agency or entity. Multiple sets of auditors review various aspects of every initiative's operations, so be sure to follow all policies and keep documentation when possible to confirm that policy was followed.

Additionally, initiative commanders must ensure 28 CFR Part 23 is followed consistently. Ensure compliance by providing all initiative members a copy of the regulation and provide training, as needed.

### **Keep accurate records**

Many initiative commanders and supervisors delegate recordkeeping responsibility to others, and while that is certainly acceptable, it does not relieve the commander from the responsibility of keeping accurate records. In other words, the commander should spot-check records to ensure the delegate is, in fact, keeping accurate records, as required.

Keep source documents and records secure and available in case you need to authenticate the data during an audit, such as a performance audit of PMP data. Keep abreast of the data definitions in the *PMP Users Guide*, and double-check data entry accuracy.

### **Follow overtime policies – all of them**

There are many policies for HIDTA-funded overtime, and if violated, the employee's parent agency will be required to reimburse the HIDTA funds for unauthorized overtime (Section 7.12.4). The method of tracking overtime varies among HIDTAs and among different types of initiatives. Enforcement and intelligence initiative members generally work overtime because HIDTA funding for overtime is generally available to only work related to investigations, but exceptions can be made with local approval.

### **Keep track of property and equipment assigned to your initiative**

Property and equipment, for HIDTA purposes are items that have an initial purchase price of \$5,000 or more and also have longer than a one year expected life. Items not meeting both of these criteria are considered supplies, and do not require tracking item by item. However, many HIDTAs set local policies to treat certain lower-priced items as though they are property and equipment, if they are at high risk for loss, theft, or damage, e.g., GPS devices, cell phones, digital cameras, etc.

Many HIDTAs keep a central property log to keep track of property assigned to its initiatives, but the agency that purchases the property is responsible for maintaining complete inventory records and providing inventory records to the Executive Director.

## **National Defense Authorization Act (NDAA)**

Effective January 3, 2020, Section § 889(b)(2) of the John McCain National Defense Authorization Act (NDAA) for FY 2019 prohibits executive agencies that administer loan or grant programs from permitting their funds to be used to purchase certain telecommunications and video surveillance equipment and services produced by certain Chinese entities. This applies to Executive Branch agencies like the Office of National Drug Control Policy (ONDCP) and Federal grantees, including the High Intensity Drug Trafficking Areas (HIDTA) Program.

The purpose of this legislation is to reduce the vulnerabilities of Federal agencies and their grantees to foreign interference in technology, data, and operations that rely on telecommunications or video surveillance. The covered telecommunications equipment or services include equipment manufactured or services provided by several Chinese entities, and their subsidiaries or affiliates.

The provisions of Section § 889(b)(2) of the NDAA prohibit the use of HIDTA funds to purchase items and services that are commonly acquired by law enforcement agencies at all levels of government. Specifically, the prohibition covers equipment or services capable of routing or redirecting user data, or that permits visibility of such data to prohibited foreign vendors. This prohibition could have significant ramifications on task force operations, intelligence sharing, and other HIDTA-funded activities.

Beyond the specific vendors listed in the NDAA, other vendors not listed in the statute may present potential security threats to law enforcement operations. Both the ONDCP National HIDTA Program Office (NHPO) and individual HIDTAs must be diligent in vetting current and future vendors for the same security concerns regarding foreign interference, exploitation or theft of sensitive information.

To assist in assuming a posture that reduces vulnerabilities associated with foreign interference, the *HIDTA Program Guidance for Implementation of the Federal Grantee Provisions in the National Defense Authorization Act* document has been attached to this Initiative Commanders Orientation. Initiative commanders should review the *Guidance* and consult the appendices for additional resources such as protocols that may assist in vetting potential vendors, lists of approved U.S. Department of Defense (DoD) vendors, and a checklist for initiative commanders to complete before requesting the purchase of covered items and services with HIDTA funds.

Initiative commanders should take every reasonable precaution to ensure that equipment and services purchased from foreign vendors do not unnecessarily increase vulnerability. By conducting due diligence, HIDTAs are better positioned to identify potential threats and vulnerabilities, and manage risks.



All Initiative Commanders should consult with the HIDTA Executive Director for local policy due diligence recommendations and any additional guidance issued by the Executive Board, HIDTA or the fiduciaries pertaining to NDAA compliance.

## **Enforcement Initiatives**

In addition to the previously discussed tasks and responsibilities, Enforcement Initiative Commanders have the following additional tasks and responsibilities.

### **Foster collaboration and innovative strategies**

With the variety and depth of knowledge and experience among the initiative members, the commander is in a prime position to receive innovative ideas and develop collaborative strategies to accomplish its mission. HIDTA Enforcement Commanders keep an open door policy and are actively engaged in current cases and develop, discuss, and approve operational plans.

### **Coordinate regional investigations**

The Enforcement Commander coordinates multiple local, statewide, regional, national, and international investigations. The targets are high-impact, targeting drug trafficking corridors and distribution centers, so each success is impactful and each case is high risk to officer safety.

Enforcement Commanders ensure all initiative members are adequately trained and fully briefed on all aspects of the case management and initiative protocol – for efficiency, for effectiveness, and for officer safety.

### **Keep executive management informed**

Although the HIDTA Executive Director is not allowed, by program policy, to participate in the day-to-day operations of enforcement activities, the commander should report outcomes and discuss shifts in strategies with the HIDTA Executive Director and or the local Fiscal Committee.

### **Require 100% deconfliction for all events**

All HIDTAs require 100% deconfliction for case-related events such as buys, buy/bust events, no-knock warrants, take-downs, etc. Event deconfliction is critical to officer safety as well as prudent case management to avoid overlap of effort or spoiling one another's investigation.

### **Deconflict elements of investigation cases**

In addition to event deconfliction, enforcement initiatives also require a minimum set of investigation elements to be deconflicted, such as people and places – at several points over the life of the investigation – to look for connections and work products of other investigators inside and outside of the HIDTA Program and outside of your HIDTA region. Examples of data elements in most investigations are people, places, things, vehicles, and weapons. Your HIDTA's

Investigative Support Center (ISC) or intelligence initiative can perform these checks quickly, and re-check for updates as the investigation progresses.

**Monitor overtime for policy compliance**

Recall there are many detailed policies for HIDTA funds being used for overtime, and you need to know all of them – before allowing initiative members to work overtime hours. The employee’s parent agency must pay for unauthorized overtime cost.

As the initiative commander, you need to verify some areas of overtime policy, and the employee’s parent agency will provide the remaining information as it processes payroll records and eventually invoices the HIDTA Program for reimbursement. The participating agency invoicing the HIDTA Program or the initiative supervisor of the personnel receiving the HIDTA-funded overtime must ensure that all overtime policies are met.

**Sample method for tracking overtime**

As officers join your initiative, find out general information about the officers as you add their name and parent agency to your initiative’s roster. Remember to safeguard personal information.

Sample Roster

<b>Name</b>	<b>Agency</b>	<b>Eligible for OT by Parent Agency?</b>	<b>Full or Part Time to Initiative</b>	<b>Admin or Officer</b>
Keller, Erik	MDPD	Yes	FT	O
Desmond, Derrick	DEA	No	FT	O
Harper, Steve	FCSO	Yes	FT	O
Smith, B. J.	FCSO	No	PT	A
Callaghan, John	MDPD	Yes	FT	O
Russo, Mike	APD	Yes	FT	O
Stapleton, Carlos	ICE	No	FT	O
Diaz, Edmundo	FHP	Yes	FT	O
Williams, Ed	FHP	Yes	FT	O

Remember to take into consideration the following questions regarding overtime:

- **Is this initiative member eligible for overtime?**

Verify which initiative members are eligible and ineligible for overtime from their parent agencies – recall they must be eligible for overtime from their parent agency to be eligible for overtime reimbursement from HIDTA funds. Surely, you will keep the roster current, tracking all other information in the same spreadsheet. The sample below shows only the columns related to overtime.

- **Is the overtime for this officer within the limit?**

There is a limit on the HIDTA-funded overtime each officer can receive, and it is based on the GS-12 pay scale, which changes from year to year. Ask your Financial Manager the amount

of the current limit. Overtime from all federal sources must be within this cap (See Program Policy 7.12)

- **Is the overtime case-related?**

HIDTA funded overtime must be case-related, in support of an investigation or the intelligence initiative. If the overtime is for non-investigative personnel, prior written approval from the HIDTA Executive Director is required.

- **Is OCDETF funding available for this case?**

Once a HIDTA case becomes eligible for Organized Crime Drug Enforcement Task Force (OCDETF) funding, overtime costs for the investigation should be requested from the Department of Justice, so that DOJ funds are used prior to using HIDTA funds. This is not retroactive, but rather, when you confirm OCDETF designation of the case, and you have an OCDETF case number, the officers' parent agencies should pursue reimbursement from the DOJ from that point forward.

## Activity

Ask your Financial Manager the following:

1. What is the current overtime limit in dollars?

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2. Can you provide an anticipated future date when this limit is expected to change?

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3. Are there currently any OCDETF cases?

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4. Are there any other overtime funding sources being used?

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**Track overtime hours/amount used**

Many Enforcement Commanders delegate the tracking of overtime hours to others, i.e., the officers or the officers’ parent agencies track the amount of HIDTA funded overtime provided year to date.

However, as a precaution against working unauthorized overtime, many Initiative Commanders track the cumulative amount used or delegate the task to others. Your HIDTA’s Financial Manager will provide you guidance on your HIDTA’s local practices for tracking each officer’s overtime amount used.

**Validate time reports, including overtime justification**

In general, timekeeping for enforcement initiative members typically includes the following, and the commander validates each time report’s data with his or her signature.

- Each member is assigned to the initiative, e.g., keep a current initiative roster, in case it is requested
- The reported regular and overtime hours worked are accurate.
- Overtime hours were for case-related work, e.g., indicate the case number or case identifier for all overtime hours.
- Availability of OCDETF funding was considered and found not to be available for the case(s) where overtime hours occurred.

Therefore, at the end of each pay period, the Initiative Commander may have a single spreadsheet that tracks all of the data to which he or she can be accountable to know (*see example below and remember the rules about protecting personal information*).

To save time, the current roster can include tracking columns to provide a summary of each pay period’s overtime.

Roster Expanded at End of Each Pay Period to Certify Overtime

Pay Period: (Date) \_\_\_\_\_

Name	Agency	Eligible for OT by Parent Agency?	Assigned Full or Part Time	Admin or Officer	OT Hours this Period	Description or Case Number(s)	OCDETF Case? Funds?
Keller, Erik	MDPD	Yes	FT	O	3.5	45-99206	N
Desmond, Derrick	DEA	No	FT	O	6.0	45-99206	N
Harper, Steve	FCSO	Yes	FT	O			
Smith, B. J.	FCSO	No	PT	A			
Callaghan, John	MDPD	Yes	FT	O	9.0	45-99206	N
Russo, Mike	APD	Yes	FT	O	4.25	45-99206	N
Stapleton, Carlos	ICE	No	FT	O			
Diaz, Edmundo	FHP	Yes	FT	O	5.0	45-99310	N
Williams, Ed	FHP	Yes	FT	O	5.0	45-99301	N

*Initiative Commander Certification* \_\_\_\_\_

## Intelligence Initiatives

The intelligence initiative is a required initiative at each HIDTA and may be a single initiative or a group of initiatives with one central location and one or more remote locations – each HIDTA Executive Board designs its intelligence operations. Section 6.2 of the *HIDTA Program Policy and Budget Guidance* describes the services and activities intelligence initiatives provide, but generally they provide

- Information sharing activities in conjunction with participating agencies through event and target/investigative data deconfliction, maintaining access to participating agency proprietary and public databases, and sharing drug-related information with national intelligence centers
- Analytical case support to all HIDTA-funded cases and non-HIDTA-funded cases as appropriate
- Develop and disseminate tactical, operational and strategic intelligence products

Did you know...

- The ISC is required to apply DEA or FBI standards for classifying and marking intelligence products and systems used to share this information must be compliant with applicable standards for the safeguarding of such information.
- All fulltime Federal, state, local, and tribal law enforcement personnel assigned to the ISC or ancillary intelligence initiatives must be collocated (in shared or contiguous workspace) and commingled (free and open access for interaction).
- The ISC must be sponsored by at least one law enforcement agency to ensure compliance with all applicable Federal regulations and standards pertaining to intelligence and information sharing.
- The ISC Manager reports to the Executive Director and is responsible for ensuring compliance with grant requirements, PMP guidelines and may also supervise ancillary intelligence initiatives.
- The ISC Manager must obtain and maintain at least a Top Secret Security Clearance.
- ISCs are required to support the production of the annual threat assessment.
- A representative of DEA is required to participate in the ISC.
- The HIDTA ISC and ancillary intelligence initiatives must adopt and maintain access to an established deconfliction system that is part of the nationwide deconfliction pointer solution and provide event deconfliction services 24/7 with an immediate response capability to all law enforcement in the HIDTA region.

### Deconfliction

Deconfliction is a critical function for all HDTAs, and the *HIDTA Program Policy* specifies minimum requirements.

Event deconfliction is the process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Events include raids, undercover operations, surveillance, or executing search warrants. For example, when planning a drug raid at 1401 Westside Street, the ISC is notified and the analyst cross-checks the collective intelligence databases for possible conflicts with other cases' planned activities and other agency operations.

Finding a surveillance squad also plans a stake out one block away, the ISC advises the task force commander of the time, date and location match with the other event. Immediate notification is made to the affected agencies or personnel regarding the identified conflict for resolution.

Similarly, target/investigative data deconfliction also strives to avoid possible conflicts between cases and subjects under investigation.

For example, suppose the Violent Gang Task Force is opening a new case. The investigator submits the various information about the case to the ISC for target deconfliction. The agent likely submits information about the subject (driver's license number, name and birth date, etc.); information about the vehicle each subject drives; or information about the subjects' residences or other locations at which they are known to frequent. The deconfliction request may reveal another agency already working the location or subject, or the vehicle may be linked to another subject in an unrelated case.

All types of deconfliction serve to reduce duplication, leverage intelligence activities, and promote officer safety.

Each HIDTA Executive Board adopts an established deconfliction system to provide online target/investigative data and event deconfliction services to law enforcement agencies within their HIDTA region.



**Program Policy:** Refer to Section 6.2.8 in the *Program Policy* for more information about deconfliction.

### **Monitor processing of requests**

Each intelligence initiative has a defined process for authorizing and accepting requests for deconfliction and analytical services. The Initiative Commander must ensure the process is followed and only authorized users are provided service. Proper handling of requests ensures compliance with applicable Federal, state and local statutes and agency-specific policies and procedures of the sponsoring agency.

Keep in mind an important part of the defined process is to deliver data results in a secure manner to the requestor.

### **Foster information sharing within the law enforcement community**

The intelligence initiative is often co-managed by a federal and a non-federal commander, with many benefits, including the ability to foster, encourage, and coordinate the sharing of information and intelligence data among HIDTA participants.



**Program Policy:** Section 6.2.9 describes the coordination efforts of intelligence initiatives, and the limits for disseminating intelligence information. Threat Assessment is discussed in Section 6.2.11.

### **Security Requirements**

Keep in mind an important part of the defined process is to collect, store and disseminate information in a secure manner.

Security requirements for the intelligence initiatives covers three aspects of the HIDTA: facilities, personnel and information. HIDTA ISCs must also comply with CJIS information security requirements, guidelines and agreements.



**Program Policy:** Section 6.2.10 describes specific security measures to be implemented at the intelligence initiatives.

### **Update the Watch Center 311 list twice annually**

The intelligence initiative commander must provide a current Watch Center 311 list to the National HIDTA Assistance Center (NHAC) twice each year. Provide this by posting it directly to the HIDTA Resources Management System (HRMS) or by sending it to the HRMS systems administrator at the NHAC.

When a HIDTA has multiple intelligence initiatives, the responsibility is designated to one intelligence initiative such as the ISC

### **Conduct performance management surveys**

You learned about initiatives recording performance data to demonstrate the HIDTA's accomplishments. One important performance measure for intelligence initiatives is client feedback on the intelligence initiative's services.

Usually, the commander delegates an initiative member to send out emails to the intelligence center's clients with links to online surveys. Two different online surveys are used, depending on the services the intelligence initiative provided.

- **Case Agent Satisfaction** – survey to case agents about the case support provided by the ISC such as charts, graphs, toll analysis, etc.
- **Strategic Products** – survey to senior level law enforcement executives about the usefulness of intelligence products such as the regional Threat Assessment or other tactical, operational or strategic documents.

Your HIDTA's PMP Coordinator will provide more information about how this is accomplished at your HIDTA.

### **Monitor overtime for policy compliance**

Intelligence and enforcement initiatives are the allowable users for HIDTA-funded overtime, i.e., overtime must be for investigation purposes. Many rules apply, and the commander must be sure the overtime worked is for the purpose of a HIDTA case.

Before paying for overtime hours, the grant recipient must have certification that all policies are followed. Some of the information required for overtime during each pay period is provided by



the employee's parent agency, and some of the information must be provided and verified by the Initiative Commander.

Your HIDTA Financial Manager can tell you more about the timekeeping data you must track and certify with your signature each pay period. To see a sample of how a commander might manage overtime tracking, see the discussion for enforcement initiative commanders' overtime tracking.

## Activity

1. Identify the intelligence initiatives at your HIDTA.

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2. List the services the intelligence initiative provides.

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3. Who maintains the 311 list at your HIDTA?

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4. How is the 311 list submitted to the National HIDTA Assistance Center (NHAC)?

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5. Locate forms, standards, sources and processes for performing deconfliction at your HIDTA.

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## Support Initiative

Support initiatives exist to provide Executive Boards flexibility in meeting the needs of the HIDTA participating agencies and fulfilling the HIDTA Program mission.



**Program Policy:** Section 6.5 describes the various support initiatives a HIDTA may establish to meet the regional mission.

### Training Support Initiative

Every HIDTA is required to maintain at least one training initiative which derives from the HIDTA Program goal ‘to improve the efficiency and effectiveness of HIDTA initiatives.’ When the support initiative includes activities to provide training to HIDTA participants, the HIDTA’s Training Coordinator performs the management tasks related to training services.

Priority of training funds goes to support training and related expenses for the participants of HIDTA initiatives. Funds may then be used for participating agency personnel and then to other law enforcement agencies. Training must be directly related to drug enforcement or other HIDTA-initiative–related duties.

The PMP User Guide provides specific responsibilities about conducting, recording and reporting HIDTA training. Please ask your PMP Coordinator for the latest copy.

### Conduct performance management surveys

You learned about initiatives using the WebPMP software tool to collect data about each initiative’s accomplishments, or performance measures. One important performance measure for support initiatives that provide training services is the client feedback survey.

Essentially, the Training Coordinator records all training events in the HIDTA Online Training Tracker or HOTT system provided by the National HIDTA Assistance Center (NHAC). NHAC will distribute surveys two months after each training event and provide survey results and other training statistics to the PMP software quarterly. Only training is tracked for PMP reporting purposes; meetings are not included in PMP reporting.

The survey asks 2 short questions regarding use of the knowledge, skills and/or abilities presented during the training:

1. Did the course improve your knowledge, skills or abilities needed to perform your job?
  - a. Yes
  - b. No
2. Since the completion of this course, have you used the knowledge, skills or abilities you acquired in the training?
  - a. Yes
  - b. No

## Prevention Support Initiatives

Executive Boards may establish evidence-based and evidence-informed prevention programs with community based organizations.

Prevention Initiatives are designed to facilitate coordination and collaboration between law enforcement and the prevention community.

Only 5% of total HIDTA Program funds may be expended for prevention and treatment initiatives per Federal statute. With the exception of the Washington/Baltimore HIDTA and the Northwest HIDTA, HIDTAs are prohibited from expending Federal funds for drug treatment programs.



**Program Policy:** Section 6.4 and 6.7 describes the establishment of prevention and treatment initiatives

## Management Initiative

Management initiatives are often led by the HIDTA Executive Director with the assistance of one or more unit managers for the day-to-day supervision. Regardless of how responsibilities are divided, the initiative is responsible for the successful implementation of the Executive Board's strategy and compliance with all grant requirements. The HIDTA Executive Director may supervise all initiatives other than enforcement initiatives.



**Program Policy:** Section 6.3 describes the coordination efforts of intelligence initiatives, and the limits for disseminating intelligence information. Threat Assessment is discussed in Section 6.2.11. qualifications, responsibilities, oversight and controls designated to the Executive Director.

### Policy distribution

Leadership of the management and coordination initiative is responsible for distributing all changes to policies that affect HIDTA participants such as local policies implemented by the HIDTA Executive Board and program policy when released by the ONDCP.

### Financial management and coordination of funds

The HIDTA Executive Director is responsible for oversight of the HIDTA's budget and ensuring compliance with HIDTA Program policy in all activities.

The complexity of the HIDTA budget – with multiple initiative budgets – requires the Executive Director to rely on others to perform the daily activities and the Executive Director reviews and approves transactions that affect each initiative's budget.

The HIDTA Financial Manager submits reprogramming transactions to the budgeting system, monitors the budget status of each initiative and each grantee, and so forth.

The HIDTA Executive Board often has a standing fiscal committee that guides the planning for upcoming funding needs, and the preparation of the HIDTA's annual budget request.

Did you know... The Executive Director

- Must maintain a Top Secret Security Clearance.
- Is the grantee's point of contact for assistance and resolution of HIDTA-related financial issues.
- Is the liaison between the HIDTA Executive Board and ONDCP.
- Is responsible for preparing the HIDTA Annual Budget Request.
- Is responsible for ensuring property management controls are established for HIDTA-purchased equipment.
- Will collaborate on decisions regarding IT and cybersecurity management with participating agencies and Executive Board.
- Will establish and participate in an annual internal review process of each initiative ensuring initiatives report factual financial, inventory and performance data.
- Will establish an Orientation process for Executive Board members, participating agencies and initiative commanders.

## Check Points

- ✓ All Initiative Commanders ensure cost-effective, efficient activities and services; all ensure policy compliance of initiative members.
- ✓ Enforcement Commanders coordinate multiple local, statewide, regional, national, and international investigations, and ensure 100% event deconfliction. They ensure PMP data is accurately tracked and reported to demonstrate the initiative's accomplishments.
- ✓ Commanders over intelligence initiatives foster information sharing with the law enforcement community by performing deconfliction, by providing intelligence products using tools such as Pen Link or i2, case support, and ensure criminal intelligence is protected and handled according to 28 CFR Part 23. Other key tasks include maintaining a current Watch Center 311 List, monitoring overtime eligibility and limits, and gathering and recording PMP data.
- ✓ Support initiative supervisors that manage training activities ensure post-training surveys are processed and recorded as part of the performance data required by PMP.
- ✓ Supervisors and managers within the management and coordination initiative distribute policy changes and handle the fiscal management transactions for the HIDTA.



## Office of National Drug Control Policy National HIDTA Program Office

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HIDTA Program Guidance for Implementation of the  
Federal Grantee Provisions  
In the National Defense Authorization Act

May 8, 2020



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## **1. Background**

Effective January 3, 2020, Section § 889(b)(2) of the John McCain National Defense Authorization Act (NDAA) for FY 2019 prohibits executive agencies that administer loan or grant programs from permitting their funds to be used to purchase certain telecommunications and video surveillance equipment and services produced by certain Chinese entities. This applies to Executive Branch agencies like the Office of National Drug Control Policy (ONDCP) and Federal grantees, including the High Intensity Drug Trafficking Areas (HIDTA) Program.

The purpose of this legislation is to reduce the vulnerabilities of Federal agencies and their grantees to foreign interference in technology, data, and operations that rely on telecommunications or video surveillance. The covered telecommunications equipment or services<sup>1</sup> include equipment manufactured or services provided by the following Chinese entities, and their subsidiaries or affiliates:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company

Types of prohibited items include (but are not limited to) equipment that can be used to route or redirect user data traffic or permit visibility into any user data or packets that the equipment transmits or otherwise handles. Prohibitions also include telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

## **2. Impact on the HIDTA Program**

The provisions of Section § 889(b)(2) of the NDAA prohibit the use of HIDTA funds to purchase items and services that are commonly acquired by law enforcement agencies at all levels of government. Specifically, the prohibition covers equipment or services capable of routing or

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<sup>1</sup> For additional information on these prohibitions, refer to Section § 889(b)(2) of the John McCain National Defense Authorization Act (NDAA) for FY 2019: <https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf>



redirecting user data, or that permits visibility of such data to prohibited foreign vendors. This prohibition could have significant ramifications on task force operations, intelligence sharing, and other HIDTA-funded activities.

Currently, other than the five entities listed above and their subsidiaries and affiliates, there are no applicable Federal prohibitions on specific vendors, their subsidiaries, or affiliates.

Beyond the specific vendors listed in the NDAA, other vendors not listed in the statute may present potential security threats to law enforcement operations. Both the ONDCP National HIDTA Program Office (NHPO) and individual HIDTAs must be diligent in vetting current and future vendors for the same security concerns regarding foreign interference, exploitation or theft of sensitive information.

### **3. Actions Taken by ONDCP**

As of April 2020, the NHPO has taken initial steps to eliminate current telecommunications and equipment providers that pose a national security threat, as well as prohibit the future purchase of such services. In addition to conducting initial reviews of HIDTA inventory for banned telecommunications and other information technology systems and services, NHPO has:

1. Updated the HIDTA Program Policy and Budget Guidance (PPBG) to reflect the prohibited items (refer to section 7.20 Prohibited Use of HIDTA Funds, pg. 46);
2. Coordinated with the HIDTA Directors Committee (HDC), Intelligence Committee, the HDC IT Committee, and the Criminal Intelligence/Information Technology (CI/IT) Crossroads Committee;
3. Engaged directly with the Office of the Director of National Intelligence (ODNI) and the National Counterintelligence Security Center (NCSC) on NDAA implementation and threat mitigation efforts;
4. Completed a preliminary review of HIDTA budget documentation for references to prohibited items and services; and
5. Included the prohibited items and services in fiscal year (FY) 2021 official grant notifications that will be issued to all HIDTA grant recipients.



Based on the information gleaned from these steps, NHPO perceives the risk of foreign interference to be low for the HIDTA Program at this time. However, the level of perceived risk may vary based on new information, additional statutory prohibitions or Federal regulations, or the emergence of new foreign interference techniques and other vulnerabilities.

In order to mitigate the risk to the HIDTA Program, the NHPO will continue to engage directly with legal counsel and Federal partners to anticipate potential impacts of the NDAA, and identify future areas of concern in systems and services relevant to the law enforcement community. Additionally, the NHPO will monitor legislation and other regulatory actions to determine impact on the HIDTA Program, and communicate requirements to the HIDTA community in a timely fashion.

#### **4. Immediate Actions Required of HIDTAs**

The prohibition covers equipment or services capable of routing or redirecting user data, or that permits visibility of transmitted user data or packets, from the prohibited foreign vendors. Within 120 days of the release of this memorandum, HIDTAs are required to conduct a review of their current equipment inventories and service contracts to determine whether HIDTA grant funds have been used to purchase equipment or services from prohibited vendors, their affiliates, or subsidiaries. Detailed instructions are provided in Appendix A.

If a HIDTA has used HIDTA grant funds to purchase covered equipment, section § 889(b)(2) of the NDAA requires the NHPO to prioritize assistance to those HIDTAs to replace covered equipment or services. Although the NDAA does not provide a specific timeline for replacing previously purchased covered equipment, the NHPO will prioritize available funds and technical support to assist grantees in transitioning away from using covered equipment, including establishing a plan with regional HIDTAs to phase-out the use of covered equipment over a reasonable period of time.

#### **5. Implementing Due Diligence Practices for Sustained NDAA Compliance**

NHPO recognizes that it is impossible to identify every potential foreign threat. However, responsible actions by HIDTAs in partnership with participating agencies and fiduciaries can lower the overall risk to an individual HIDTA and the HIDTA Program.



This prohibition is likely going to remain as a permanent requirement for all Federal grantees. As information or other resources become available, NHPO will provide updates and issue guidelines or requirements to the HIDTA Directors via email, and post all relevant documentation to the HIDTA Resource Management System (HRMS).

Going forward, due diligence will be expected of every HIDTA to protect against foreign interference in law enforcement operations. Beyond the requirements and additional recommendations outlined in this memorandum, it is imperative that HIDTAs establish the practice of conducting research into vendors, equipment, and services for potential vulnerabilities, and work with fiduciaries and partner agencies to ensure acquisition protocols and procedures incorporate considerations related to NDAA compliance.

To assist HIDTAs in assuming a posture that reduces vulnerabilities associated with foreign interference, this memorandum contains general guidelines that HIDTAs may adopt. For information on protocols that may assist in vetting potential vendors, refer to Appendix B. Additional information resources, including approved vendor lists from U.S. Department of Defense (DoD) can be found in Appendix C. Finally, Appendix D offers guidance and a checklist for HIDTA management teams and initiative commanders to complete before purchasing covered items and services with HIDTA funds, and Appendix E contains general language that can be used to notify fiduciaries of the NDAA provisions applicable to the HIDTA funds they administer.



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## Appendix A: HIDTA Inventory Review Procedures (Required Action)

In order to fully comply with the provisions of Section § 889(b)(2) of the NDAA, each HIDTA must complete the following actions within 120 days of the issuance of this memorandum.

### Step 1: Inventory Review

Review the equipment inventory for the specific vendors and associated items listed in section § 889(b)(2) of the NDAA, to include their affiliates and subsidiaries (if known):

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company

### Step 2: Contract Review

Review current service contracts for the specific vendors and associated services listed in section § 889(b)(2) of the NDAA, to include their affiliates and subsidiaries (if known).

### Step 3: Notification to ONDCP

If the review does not identify prohibited equipment, the HIDTA must notify ONDCP via email sent to [ONDCP\\_HIDTA@ondcp.eop.gov](mailto:ONDCP_HIDTA@ondcp.eop.gov) that states the following:

“[Insert] HIDTA has completed the required inventory review, and hereby affirms that no prohibited items or services under section § 889(b)(2) of the NDAA were found to be in the possession or employ of the [insert] HIDTA.”

If prohibited equipment or service contracts are found, the HIDTA must notify NHPO within 5 business days of identifying the items or services. The notification should be sent to [ONDCP\\_HIDTA@ondcp.eop.gov](mailto:ONDCP_HIDTA@ondcp.eop.gov) and include the following:

- Subject line – “NDAA Prohibited Item Notification”
- Email body –
  - Item make/model
  - Year purchased (if known)
  - Applicable grant number
  - Cost at time of purchase, along with estimated depreciation



## **OFFICE OF NATIONAL DRUG**

- Any service contracts with prohibited vendors should also be identified by providing the following –
  - Vendor
  - Brief description of the service
  - Length/timeframe of the executed contract
  - Associated cost(s)

If the notification includes multiple items, the HIDTA may submit all items in an Excel spreadsheet.

### **Step 4: Notify the Executive Board**

Notify the Executive Board that these actions have been completed, along with any follow-on directives from ONDCP.

### **Step 5: Notify All Fiduciaries**

Ensure fiduciaries are notified (see Appendix E) and that initiative commanders are provided with applicable guidance (see Appendix D), as appropriate.

### **Step 6: Revise and Update Materials**

Revise the new Executive Board member and initiative commander orientation materials to reflect the requirements outlined in this memo, along with the due diligence recommendations and any additional guidance issued by the HIDTA or the fiduciaries pertaining to NDAA compliance.



## **Appendix B: Due Diligence Recommendations**

In addition to any forthcoming recommendations or guidelines, HIDTAs are expected to perform due diligence when procuring equipment or services to minimize the risk of foreign interference. At a minimum, the NHPO recommends the following practices be implemented by each HIDTA.

### **Verify Vendor Information**

When making procurement decisions, leverage open source materials and search engines (e.g., Google, Bing, etc.) to identify vendors approved by Federal Government entities, as well as potential causes for concern in open source information:

- Use additional resources below from the U.S. General Services Administration (GSA), Department of Defense Information Network (DoDIN), Bureau of Industry and Security at the U.S. Department of Commerce (BIS), and the National Counterintelligence Security Center (NCSC) (see Appendix C for links to this information);
- Conduct searches for news articles, Federal Government notifications and information on threats emanating from foreign countries, or legal/regulatory actions taken against firms that fail to protect information from foreign interference for specific telecommunications or video surveillance equipment purchases; and
- Search records and see if vendor is registered in the Office of Personnel Management's System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov)

### **Enhance Inventory Tracking**

Update the annual inventory review process to include the list of prohibited items, as well as additional information on equipment to expedite future inventory reviews (e.g., in the event that additional vendors are added to prohibited lists):

- Include more detailed descriptions of all telecommunications and video surveillance equipment and services, including model and manufacturer
- Add the following to inventory databases for all telecommunications and video surveillance equipment:





- Vendor Name
- Vendor Address
- Vendor and/or Product Website

**Inform and Continuously Update Initiative Commanders**

Update initiative commanders as part of their annual refresher training on prohibited vendors, or services and equipment that may require additional vetting and research. Include the *Initiative Commander NDAA Pre-Purchase Checklist* (Appendix D) with all new initiative commander training(s) offered by the HIDTA.



## Appendix C: Additional Information and Resources

HIDTA management teams should become familiar with the following resources, and refer to the publicly available vendor lists. Note that these are the only vendor lists issued by the Federal Government at this time. As more Federal Government resources become available, NHPO will issue them to the HIDTAs, and post documents on HRMS.

### General Information about the NDAA

- National Defense Authorization Act (NDAA) FY 2019 - <https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf>
- NDAA Legislative History - <https://www.congress.gov/115/crpt/hrpt676/CRPT-115hrpt676.pdf>
- United States Department of Justice Press Release of Huawei Technologies Co., Ltd.'s indictment - <https://www.justice.gov/usao-edny/pr/chinese-telecommunications-conglomerate-huawei-and-subsiaries-charged-racketeering>

### Federal Government Vendor and Entity Lists

- U.S. General Services Administration (GSA) Approved Manufacturer List - <https://www.gsaadvantage.gov/advantage/s/mfr.do?q=0:2qs-35f-0119y&db=0&searchType=1&listFor=All>
  - GSA serves as the acquisition and procurement arm of the Federal government, offering equipment, supplies, telecommunications, and integrated information technology solutions to Federal agencies so that the agencies can focus on serving the public. This is a link to vendors they have already approved.
- Department of Defense Information Network (DoDIN) Approved Products List (APL) – <https://aplits.disa.mil/processAPList.action>
  - This is updated periodically and a PDF version is available for download
  - The Department of Defense Information Network (DoDIN) Approved Products List (APL) is the single consolidated list of products that have completed Cybersecurity (CS) and Interoperability (IO) certification



- Bureau of Industry and Security (BIS) at the U.S. Department of Commerce Entity List –  
<https://www.bis.doc.gov/index.php/documents/regulations-docs/2326-supplement-no-4-to-part-744-entity-list-4/file>
  - BIS first published the Entity List in February 1997 as part of its efforts to inform the public of entities who have engaged in activities that could result in an increased risk of the diversion of exported, re-exported and transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to activities sanctioned by the State Department and activities contrary to U.S. national security and/or foreign policy interests.

**Information about Foreign Interference, Supply Chain Security, and Cybersecurity**

- National Counterintelligence Security Center (NCSC) public website –  
<https://www.dni.gov/index.php/ncsc-home>



## Appendix D: NDAA Pre-Purchase Checklist

To ensure the exercise of due diligence when procuring items or services that may be covered by Section § 889(b)(2) of the NDAA, HIDTA management teams and initiative commanders should first determine whether the equipment or service meets one or both of the following criteria:

1. Does the equipment or service include the capture or storage of digital information or imagery (e.g. surveillance footage, or drones and drone images, etc.)?
2. Does the equipment or service transmit information or communications electronically (e.g. two-way radios, data sharing services, etc.)?
- 3.

If the answer to one or both questions is “yes,” then the equipment or service is likely covered by the NDAA and subject to additional scrutiny. At a minimum, HIDTAs must ensure that the equipment or service is not manufactured, maintained, or otherwise associated with a covered foreign entity (reference the list of prohibited vendors in Appendix A). In addition, HIDTA management teams and initiative commanders should strive to answer the following questions prior to procuring any covered equipment or service with HIDTA funds:

1. Is the vendor based within the United States?
2. Does the vendor source components for the equipment or services from within the United States?
3. Is data stored and maintained within the United States?
4. Are warranty or service agreements honored or fulfilled within the United States?
5. Relying upon the best available information, is the vendor, including its affiliates or subsidiaries not listed as prohibited in HIDTA Program Policy and Budget Guidance (PPBG)?

An answer of “yes” to each of the above questions represents the lowest level of perceived risk to an individual HIDTA and the HIDTA Program. A “no” answer to any of the above questions may warrant additional review by the initiative commander and/or the HIDTA Director (or their designee) to determine the level of risk posed by procurement of the equipment or service.



Whenever procuring equipment or services from foreign vendors (e.g., the vendor website references China or Chinese entities, or any other foreign entities), included non-prohibited vendors, the HIDTA should determine the following before procuring the equipment or service:

- Is the equipment or service essential?
  
- Is a viable alternative manufactured or otherwise provided in the United States?
  
- Is any open source information readily available (e.g., internet search, news articles) that identifies potential risks posed by the equipment or service?

Although the only prohibited vendors are those outlined in the PPBG and this document, HIDTA management teams and initiative commanders should take every reasonable precaution to ensure that equipment and services purchased from foreign vendors do not unnecessarily increase vulnerability. By conducting due diligence HIDTAs are better positioned to identify potential threats and vulnerabilities, and manage risks.

HIDTAs may adapt portions of this guidance into their own materials and formatting, as appropriate. It is recommended that HIDTAs incorporate this guidance and the checklist to initiative commanders during their orientation to the HIDTA, and on an annual basis thereafter.



## Appendix E: Fiduciary Notice of NDAA Prohibitions Applicable to HIDTA Grantees

Effective January 3, 2020, Section § 889(b)(2) of the John McCain National Defense Authorization Act (NDAA) for fiscal year (FY) 2019 prohibits executive agencies that administer loan or grant programs from permitting their funds to be used to purchase certain telecommunications and video surveillance equipment and services produced by certain Chinese entities. This prohibition extends to Federal grant programs, including the High Intensity Drug Trafficking Areas (HIDTA) Program.

The purpose of this legislation is to reduce the vulnerabilities of Federal agencies and their grantees to foreign interference in technology, data, and operations that rely on telecommunications or video surveillance. As a fiduciary for the (insert) HIDTA, you are required to observe the provisions outlined in the NDAA for all expenditures of HIDTA grant funds. While no immediate action is required, compliance with the NDAA necessitates that HIDTA fiduciaries work with the (insert) HIDTA leadership to determine the overall impact of these prohibitions on acquisition and procurement activities involving HIDTA funds.

At a minimum, covered telecommunications equipment or services<sup>2</sup> include equipment manufactured or services provided by the following Chinese entities, and their subsidiaries or affiliates:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company

Types of prohibited items include (but are not limited to) equipment that can be used to route or redirect user data traffic or permit visibility into any user data or packets that the equipment transmits or otherwise handles. Prohibitions also include telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the

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<sup>2</sup> For additional information on these prohibitions, refer to Section § 889(b)(2) of the John McCain National Defense Authorization Act (NDAA) for FY 2019: <https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf>



Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

At this time, the Office of National Drug Control Policy (ONDCP) assesses the overall risks associated with foreign interference and compliance with the NDAA to be low for the HIDTA Program. However, all HIDTAs have been instructed to take initial steps to ensure compliance with the provisions of the law, and to implement due diligence practices that minimize vulnerabilities to foreign interference through technology acquisitions in support of law enforcement operations and data sharing.

As of this notification, the Federal Government has not provided a detailed list of prohibited vendors (other than those named in the legislation, and listed above), affiliates, or subsidiaries. However, the (insert) HIDTA will continually monitor directives from ONDCP and other Federal entities for updates to the prohibitions outlined above and share them with you as quickly as possible.

Please direct any further questions to (insert).