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Description of document: Memorandum of Understanding between The Department Of Homeland Security (DHS) and the Department Of Justice (DOJ) Pertaining To U.S. Membership In INTERPOL, 2010 - released by DOJ Office of Information Policy (OIP)

Requested date: 19-October-2010

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Title of document Memorandum of Understanding Between the U.S. Department of Homeland Security and the U.S. Department of Justice Pertaining to U.S. Membership in the International Criminal Police Organization (INTERPOL), Management of the INTERPOL-U.S. National Central Bureau, and Related Matters

Source of document: Chief of Staff
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U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

FEB 10 2011

Re: DAG/11-00150 (F)
CLM:VRB:GSA

While processing your Freedom of Information Act (FOIA) request dated October 19, 2010, for a Memorandum of Understanding between the Department of Justice and the Department of Homeland Security concerning INTERPOL-United States National Central Bureau (USNCB), INTERPOL-USNCB referred two documents, totaling seven pages, to this Office for processing and direct response to you on behalf of the Office of the Deputy Attorney General. For your information, the documents were received by this Office on November 9, 2010.

I have determined that these two documents, totaling seven pages, are appropriate for release without excision and copies are enclosed.

Inasmuch as this constitutes a full grant of the documents that were referred by INTERPOL-USNCB, for processing on behalf of the Office of the Deputy Attorney General, I am closing your file in this Office.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Mallon", with a long horizontal flourish extending to the right.

Carmen L. Mallon
Chief of Staff

Enclosures



MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY
AND THE U.S. DEPARTMENT OF JUSTICE PERTAINING TO
U.S. MEMBERSHIP IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION
(INTERPOL), MANAGEMENT OF THE INTERPOL-U.S. NATIONAL CENTRAL
BUREAU, AND RELATED MATTERS

The U.S. Department of Justice (DOJ) and the U.S. Department of Homeland Security (DHS), recognizing the importance of international cooperation in law enforcement matters, and the unique resources and capabilities of the International Criminal Police Organization (INTERPOL), have reached the following understanding concerning implementation of the United States' membership in INTERPOL pursuant to Title 22, U.S. Code, Section 263a, and related matters. DOJ and DHS are authorized to enter into this Memorandum of Understanding (MOU) pursuant to Title 28, U.S. Code, Section 530C, and Title 6, U.S. Code, Section 112(b)(2), respectively. This agreement supersedes and replaces any and all previous MOUs and agreements concerning U.S. membership in INTERPOL and the INTERPOL-U.S. National Central Bureau (USNCB).

I. Establishment of the INTERPOL-U.S. National Central Bureau (USNCB)

A. In accordance with Article 32 of the INTERPOL Constitution, there will be a single INTERPOL office for the United States, namely, "USNCB" or "INTERPOL Washington." The USNCB shall serve as the point of contact for all federal, state, local, and tribal law enforcement authorities in the United States and its territories for any matter involving INTERPOL.

B. The USNCB will be a separate component of the DOJ under the supervision of the Deputy Attorney General. The Deputy Attorney General, in consultation with the DHS Deputy Secretary, shall approve in advance any change affecting the placement of the USNCB within the Department of Justice.

C. Each DOJ and DHS law enforcement agency, and any other United States federal, state, local, or tribal law enforcement agency that DOJ and DHS deem appropriate, may participate in the USNCB (participating agency) by detailing career law enforcement employees, or other personnel to the USNCB to work as appropriate under the supervision of the USNCB management.

II. Director and Deputy Director of the USNCB – Selection and Terms

A. The Deputy Attorney General and the DHS Deputy Secretary will select the USNCB Director and Deputy Director, and may in their discretion, replace and return either of them to their agency. The Director must be from a department of the U.S. government party to this MOU other than that of his or her: (a) predecessor, and (b) Deputy Director. The Director and Deputy Director will serve a term of three years. When a Director's term concludes, the Deputy Director will succeed him or her as Director, if the Deputy Attorney General and the Deputy Secretary concur. The Director and Deputy Director will both be senior career law enforcement officials (1811 series).

B. Approximately six months prior to the expiration of the Director's term, the department responsible for providing a new Deputy Director shall begin soliciting qualified candidates from its components participating in the USNCB. That department will present its nominees for the Deputy Director position to the Deputy Attorney General and Deputy Secretary for consideration. The Deputy Attorney General and Deputy Secretary will appoint a panel of designees, including the Director, to interview the nominees and make a recommendation for the selection of the Deputy Director to the Deputy Attorney General and Deputy Secretary. The selection of a Deputy Director will be made in time to coincide with the expiration of the outgoing Director's term.

III. The USNCB Executive Management Committee (EMC)

A. The Deputy Attorney General, the Deputy Secretary, and the Director will constitute the USNCB Executive Management Committee (EMC). It shall meet at least semi-annually to make all policy and personnel decisions for the USNCB except those that it delegates to the Director.

B. The EMC shall set forth USNCB policies, including management and supervision of personnel detailed from participating agencies, in a separate addendum to this document. DOJ and DHS agree that it is essential for these policies to maintain the caliber, continuity, and effectiveness of personnel detailed to, and employed by the USNCB.

C. The Director will report regularly to the EMC on all substantial matters. Any member of the EMC may request an extraordinary meeting. The Deputy Attorney General and Deputy Secretary shall each designate a senior level staff member to serve as a point of contact for INTERPOL and USNCB matters, and to meet with the Director or Deputy Director as frequently as necessary.

IV. Selection of Candidates for the INTERPOL Executive Committee (IEC)

A. The INTERPOL Executive Committee (IEC), as provided in Article 22 of the INTERPOL Constitution, is INTERPOL's senior select deliberative body for program and policy decisions. Its members, each representing one of INTERPOL's geographic regions, are elected by the INTERPOL General Assembly to terms of four years (President), or three years (Vice Presidents and Delegates), and meet three times each year. Candidates of the United States for positions on the IEC, including President, Vice President and Delegate, shall be selected by the EMC.

B. The Director of the USNCB will advise the Deputy Attorney General and Deputy Secretary when there is an appropriate opening on the IEC. The Deputy Attorney General and Deputy Secretary will then solicit nominations for qualified candidates for positions on the IEC from senior level officials at participating agencies. Candidates must be U.S. government employees for the duration of their prospective terms on the IEC. The EMC will select candidates to run for positions on the IEC from among these nominations. The USNCB will assist the selected candidate in running for a position on the IEC, and if elected, assist and support the official while serving on the IEC. The candidate, if elected to the IEC, will report all significant issues, developments, and decisions involving the IEC to the USNCB so that the USNCB may advise the EMC.

V. The USNCB Management Policy Group (MPG)

A. At its discretion, the EMC will convene the USNCB Management Policy Group (MPG) of participating agencies' officials who oversee international investigative operations to provide feedback on the development of the USNCB's programs and policies, and the USNCB's service to participating agencies and the state, local, and tribal law enforcement community. The Director or his or her designee shall chair the MPG which will meet quarterly and shall report its observations and recommendations to the EMC.

VI. Costs and Funding

A. The DOJ will assume the administrative costs of operating the USNCB, other than the costs related to personnel detailed from participating agencies and their travel.

B. As provided in Title 22, U.S. Code, Section 263a, all dues and expenses relating to the United States' membership in INTERPOL will be paid from sums authorized and appropriated for the DOJ.

C. In order to maintain the effectiveness of the USNCB and its operations, the DHS will provide and maintain an appropriate level of support as recommended by the EMC. This shall include the appropriate level of detailed personnel; and in addition, funding pursuant to interagency agreements that comply with all applicable laws including the Economy Act, Title 31, U.S. Code, Section 1535.

D. The Deputy Attorney General and the Deputy Secretary, with input from the USNCB Director, will advise other participating agencies, who are not parties to this MOU, of an appropriate level of support, in funding and detailed personnel, to the USNCB, and may also assess these participating agencies a yearly, cost based user fee.

E. The obligations in this MOU are subject to the availability of funds. No provision of this MOU shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, Title 31, U.S. Code, Section 1341, or other applicable laws.

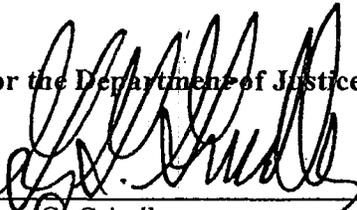
VII. Entry into Force

This MOU will become effective on the date of the latest signature below.

VIII. Signatures

This MOU is executed by the following authorized representatives of the parties:

For the Department of Justice:



Gary C. Grindler
Acting Deputy Attorney General

Date

7/19/10

For the Department of Homeland Security:



Jane Holl Lute
Deputy Secretary

Date

19 July 2010

ADDENDUM
TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY
AND THE U.S. DEPARTMENT OF JUSTICE
PERTAINING TO U.S. MEMBERSHIP IN THE INTERNATIONAL CRIMINAL
POLICE ORGANIZATION (INTERPOL), MANAGEMENT OF THE INTERPOL-U.S.
NATIONAL CENTRAL BUREAU, AND RELATED MATTERS

As provided in Section III (B) of the Memorandum of Understanding between the U.S. Department of Homeland Security and the U.S. Department of Justice, the following provisions supplement the agreement and set forth the policies for the management, supervision, and administration of personnel detailed to the INTERPOL-U.S. National Central Bureau (USNCB) by participating agencies.

1. USNCB Executive Accountability:

A. When the participating agency of the Director of the USNCB is within the Department of Justice, the Director will report to the Office of the Deputy Attorney General, and the Director's Rating Official will be the Deputy Attorney General (DAG). When the Director's participating agency is within the Department of Homeland Security, the Director will report to the Office of the Deputy Secretary, and the Director's Rating Official will be the Deputy Secretary.

B. When the participating agency of the Deputy Director of the USNCB is within the Department of Justice, the Deputy Director will report to the Office of the Deputy Attorney General, and the Deputy Director's Rating Official will be the Deputy Attorney General. When the Deputy Director's participating agency is within the Department of Homeland Security, the Deputy Director's Rating Official will be the Deputy Secretary.

2. Selection and Term of Service of USNCB Assistant Directors Detailed from Participating Agencies

A. When there is a vacancy for an Assistant Director of a USNCB Division normally occupied by a detailed agent from a participating agency, the USNCB shall notify all participating agencies of the vacancy, provide an explanation of the nature of the cases and programs handled by Division in question, and details about the preferred qualifications for candidates and the process for the selection of a new Assistant Director.

B. The selection process for new Assistant Directors nominated by participating agencies shall include an interview with the candidates by the USNCB Director and Deputy Director.

C. The USNCB Director will have authority to replace an Assistant Director detailed to the USNCB.

D. USNCB Assistant Directors detailed from participating agencies shall normally serve a term of at least two years and no more than three years. If the participating agency and the USNCB Director agree, this term of service may be modified.

3. Selection and Term of Service for Other Personnel Detailed to the USNCB from Participating Agencies

A. Participating agencies and the USNCB Director and Deputy Director shall agree upon the number and qualifications for other personnel detailed to the USNCB, with due consideration given to the needs of the USNCB and the nature of the cases and programs to be supported by the detailed personnel. In selecting personnel to be candidates for detail to the USNCB, participating agencies will use as criteria the knowledge, skills, and abilities that USNCB Executives have identified as essential for a detailed person's effectiveness. Participating agencies will provide the USNCB with the *curriculum vitae* for any candidate, and the proposed candidate will be interviewed by the USNCB Director, Deputy Director, or a USNCB Assistant Director prior to selection.

B. Given the importance of training, experience, and continuity in the operations of the USNCB, detailed personnel will normally be detailed to the USNCB for a term of at least two years, and not more than three years. If the participating agency and the USNCB Director agree, the period of service may be modified. Exemptions to these terms may also be granted if the USNCB Director and participating agency agree in order to: facilitate the orderly transition of detailed positions and prevent excessive loss of USNCB experience; allow detailed persons to identify suitable placement opportunities upon return to their participating agencies; or for participating agencies to identify suitable replacements for detailed personnel.

C. Participating agencies shall endeavor to replace on a timely basis personnel detailed to the USNCB at the conclusion of their terms of service in order to ensure the continuity of USNCB operations.

4. Detail of Personnel by Participating Agencies to the Interpol Secretariat General

As the official representative of the United States to INTERPOL and the point of contact between the U.S. law enforcement community and INTERPOL, participating agencies will give priority to detailing personnel to the USNCB before assigning personnel to the INTERPOL Secretariat General (IPSG) in Lyon, France. In addition, in order to promote greater coordination between the U.S. personnel assigned to the IPSG and the USNCB, U.S. personnel to be assigned to the IPSG shall serve at least a two week orientation at the USNCB prior to reporting on duty at the IPSG.

5. Accountability of Personnel Detailed to the USNCB from Participating Agencies

A. Participating agencies shall make available to USNCB Executives the following information regarding personnel detailed to the USNCB:

- 1) The Performance Plans or appropriate rating criteria for Assistant Directors and other detailed personnel;
- 2) The contact information for participating agencies' Rating and Reviewing Officials for each of the detailed personnel, and;
- 3) The critical dates for interim and annual rating period appraisals of all personnel detailed to the USNCB.

B. The USNCB Director and Deputy Director, with input from the USNCB Assistant Directors and other USNCB managers as appropriate, shall on a timely basis provide the appropriate participating agency with a written report concerning the performance of each of the detailed personnel at the USNCB.

C. While detailed to the USNCB, all personnel will be responsible for following all applicable Department of Justice and USNCB regulations, policies, and requirements, in addition to those of their parent agency. In addition, detailed Assistant Directors will be responsible for complying with any Department of Justice requirements for management positions.

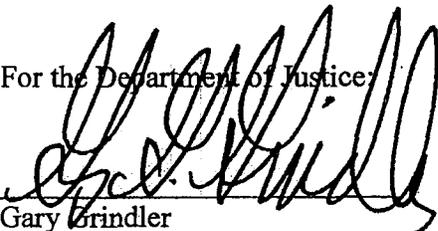
6. Expenses of Personnel Detailed to the USNCB from Participating Agencies

Expenses incurred by the Director and Deputy Director will be the responsibility of the USNCB. All expenses incurred by other personnel detailed to the USNCB shall be the responsibility of the participating agency unless the USNCB Director and participating agency otherwise agree.

7. Signatures

This Addendum is executed by the following authorized representatives of the parties:

For the Department of Justice:



Gary Grindler
Acting Deputy Attorney General

Date

7/19/10

For the Department of Homeland Security:



Jane Holl Lute
Deputy Secretary

Date

19 July 2010