



**Secure the Grid Coalition**  
A Project of the Center for Security Policy  
2020 Pennsylvania Avenue, N.W., Suite 189  
Washington, D.C. 20006

National Guard Bureau  
NGB FOIA Office (NGB-DM&A-OIP)  
111 South George Mason Drive, AH2  
Arlington, VA 22204-1373

October 17, 2023

Via E-Mail: [ngb.foia@army.mil](mailto:ngb.foia@army.mil)

**Subject: Request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552**

Dear NGB FOIA Office:

We request records under the Freedom of Information Act, which are described below. We also request a fee waiver as we have no commercial interest in the described records, and it is in the public interest for the National Guard Bureau (NGB) to disclose these records to the public.

**Description of records sought:**

We seek all records relating to NGB's responsibilities under National Defense Authorization Act (NDAA) for Fiscal Year 2020. Specifically, this NDAA required specific reports, described below, and we request all documents and reports related to NGB's responsibilities under this section:

NDAA 2020 Section 1720 "Report on National Guard and United States Northern Command capacity to meet homeland defense and security incidents." A copy of NDAA 2020 Section 1720 is attached for reference.

**Request for Waiver of Fees:**

The Secure the Grid Coalition is a project of the Center for Security Policy. The Center for Security Policy is a 501(c)(3) non-profit national security think tank focused on securing America's founding principles and freedom through forthright national security analysis and policy solutions. We accept no funding from the government or any special interest group, nor from advertising on our website. We derive no revenue from writing or posting our research articles. We have no commercial interest in these records and will use these records in research and information dissemination to the public and for the public interest.

A handwritten signature in blue ink that reads "Thomas J. Waller Jr." in a cursive script.

Lt. Col. Thomas J. Waller Jr. (USMC, Ret.)  
Co-Director, Secure the Grid Coalition  
President & CEO, Center for Security Policy

Attachment: NDAA 2020 Section 1720

## Attachment: NDAA 2020 Section 1720

S. 1790—611

### **SEC. 1718. REPORT ON BACKLOG OF PERSONNEL SECURITY CLEARANCE ADJUDICATIONS.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter for three years, the Security Executive Agent, in coordination with members of the Performance Accountability Council established pursuant to Executive Order 13467, shall submit to Congress a report on the backlog of personnel security clearance adjudications conducted by all Government agencies that adjudicate decisions for security clearances. Such report shall include—

(1) the size of the backlog of personnel security clearance adjudications, by agency, for the fiscal quarter preceding the quarter during which the report is submitted;

(2) the average length of time, for each security clearance sensitivity level, to carry out an initial adjudication and an adjudication following a periodic reinvestigation, by agency;

(3) the number of cases referred to the Consolidated Adjudication Facility of the Department of Defense;

(4) the number of initial investigations adjudicated by the Consolidated Adjudication Facility;

(5) the number of periodic reinvestigations adjudicated by the Consolidated Adjudication Facility;

(6) the number of cases adjudicated by the Consolidated Adjudication Facility stemming from participation in a continuous evaluation program;

(7) the number of personnel enrolled in a continuous evaluation program as opposed to subject to a periodic reinvestigation;

(8) the number of adjudicators by agency; and

(9) a backlog mitigation plan, which shall include—

(A) the identification of the cause of, and recommendations to remedy, the adjudication backlog at Federal agencies; and

(B) the steps the Security Executive Agent, established pursuant to Executive Order 13467, shall take to reduce the adjudication backlog.

(b) **PUBLIC AVAILABILITY.**—Each report required under subsection (a) shall be made publicly available.

### **SEC. 1719. REPORT REGARDING OUTSTANDING GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS.**

Not later than September 30, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) a list of the priority recommendations identified by the Comptroller General of the United States regarding matters of the Department of Defense that the Secretary has not implemented due to funding limitations.

(2) the estimated cost associated with implementing such recommendations.

### **SEC. 1720. REPORT ON NATIONAL GUARD AND UNITED STATES NORTHERN COMMAND CAPACITY TO MEET HOMELAND DEFENSE AND SECURITY INCIDENTS.**

Not later than September 30, 2020, the Chief of the National Guard Bureau shall, in consultation with the Commander of United

States Northern Command, submit to the congressional defense committees a report setting forth the following:

(1) A clarification of the roles and missions, structure, capabilities, and training of the National Guard and the United States Northern Command, and an identification of emerging gaps and shortfalls in light of current homeland security threats to our country.

(2) A list of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident, with particular focus on a multi-State electromagnetic pulse event.

(3) The readiness and resourcing status of forces listed pursuant to paragraph (2).

(4) The current strengths and areas of improvement in working with State and Federal interagency partners.

(5) The current assessments that address National Guard readiness and resourcing of regular United States Northern Command forces postured to respond to homeland defense and security incidents.

(6) A roadmap to 2040 that addresses readiness across the spectrum of long-range emerging threats facing the United States.

**SEC. 1721. ASSESSMENT OF STANDARDS, PROCESSES, PROCEDURES, AND POLICY RELATING TO CIVILIAN CASUALTIES.**

(a) **ASSESSMENT.**—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of Department of Defense standards, processes, procedures, and policy relating to civilian casualties resulting from United States military operations.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the assessment under this section, the federally funded research and development center shall consider the following matters:

(1) Department of Defense policy relating to civilian casualties resulting from United States military operations.

(2) Standards, processes, and procedures for internal assessments and investigations of civilian casualties resulting from United States military operations.

(3) Standards, processes, and procedures for identifying, assessing, investigating, and responding to reports of civilian casualties resulting from United States military operations from the public and non-governmental entities and sources.

(4) Combatant command resourcing and organizational constructs for assessing and investigating civilian casualties resulting from United States military operations.

(5) Mechanisms for public and non-governmental entities to report civilian casualties that may have resulted from United States military operations to the Department of Defense.

(6) Standards and processes for accurately recording kinetic strikes, including raids, strikes, and other missions, and civilian casualties resulting from United States military operations.

(7) An analysis of general reasons for any disparity between third party public estimates and official United States Government estimates of civilian casualties resulting from United States or joint military operations.