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3000 MARINE CORPS PENTAGON
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MARINE CORPS ORDER 5510.20A

From: Commandant of the Marine Corps
To: Distribution List

Subj: DISCLOSURE OF MILITARY INFORMATION TO FOREIGN GOVERNMENTS AND INTERESTS

Ref:
(a) DOD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
(b) National Disclosure Policy-1 (NDP-1), October 1, 1988 (NOTAL)
(c) SECNAVINST 5510.34A
(d) MCO 5510.16A
(e) DOD Directive C-5230.23, "Intelligence Disclosure Policy (U)," November 18, 1983 (NOTAL)
(f) Defense Intelligence Agency (DIA) Regulation 60-28, "International Intelligence Contacts and Agreements," April 19, 1999 (NOTAL)
(g) MCO 5700.4E
(h) Dir, Navy IPO ltr 5510 Ser 01B22/5U11118 dtd 12 Apr 05 (NOTAL)
(i) MCO 4950.2
(j) 22 CFR 120, 121
(k) DOD Directive 5530.3, "International Agreements," February 18, 1991
(l) PL 83-703 2121
(m) DOD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," July 10, 2008
(n) Executive Order 12958, "Classified National Security Information," March 28, 2003
(o) DOD 5400.7-R, "DOD Freedom of Information Act Program," April 11, 2006
(p) 15 CFR 730-799
(q) 10 U.S.C. 2350a
(r) PL 104-210 1082
(s) DOD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

(t) Department of the Navy Foreign Disclosure Manual, September, 2007
(u) SECNAV M-5210.1

Encl: (1) Marine Corps Foreign Disclosure Definitions
(2) Requests for Exception to National Disclosure Policy
(3) NDP-1 Categories of Classified Military Information (CMI)
(4) NDP-1 Disclosure Criteria, Conditions, and Limitations
(5) Request for Disclosure Authorization Letter Format
(6) Sample Delegation of Disclosure Authority Letter (DDL) Format

1. Situation. This Order establishes Marine Corps policy, procedures, authority, and responsibilities for the disclosure of U.S. Classified Military Information (CMI) and Controlled Unclassified Information (CUI) to foreign governments and interests as directed by references (a) through (u), and implements references (a) through (c).

a. This Order applies to:

(1) All foreign disclosures of CMI and CUI defined in enclosure (1). Disclosures of military intelligence information must also be in compliance with reference (e).

(2) Classified information involved in munitions license applications is processed in accordance with references (j) and (m).

b. This Order does not apply to:

(1) The disclosure of CMI and CUI to foreign nationals who are employed by Department of Defense (DOD) Components or DOD contractors per reference (a). Such persons do not represent, nor are they sponsored by, a government; they, therefore, are not foreign representatives to whom the disclosure of CMI and CUI may be made under this Order.

(2) Information that is releasable to the Public Domain in accordance with reference (o).

2. Cancellation. MCO 5510.20 and MARADMIN 349/05.

3. Mission

a. The Marine Corps will fully support national disclosure policy and provide appropriate safeguards for the protection of national security interests. CMI and CUI are national security assets and will be protected. CMI and CUI shall be shared with foreign governments only when there is a clearly defined benefit to the U.S. Disclosure of such information will be made only when authorized by an official designated in accordance with this Order.

b. In accordance with references (a) and (c), the following Marine Corps policy is established.

(1) Only Marine Corps military and civilian officials who have been appointed as Designated Disclosure Authorities (DDA) in writing may authorize foreign disclosure of CMI and CUI and only in accordance with references (a) through (c) and (t), and in support of a lawful and authorized U.S. Government purpose if:

(a) the official representative of the Marine Corps Component that submits information for foreign disclosure review obtains the prior written consent of the relevant official having original classification authority for the information.

(b) the level of classified information to be disclosed does not exceed the classification level delegated in NDP-1, reference (b), unless a National Disclosure Policy Committee's (NDPC) Record of Action authorizes a higher level of disclosure authority. See enclosure (2) for instructions regarding completion of a request for Exception to National Disclosure Policy (ENDP). See enclosure (3) for a listing of NDP-1 Categories of information.

(c) disclosure criteria, conditions, and limitations in reference (b) and enclosure (4) are satisfied.

(2) CMI and CUI shall not be disclosed to foreign nationals until the appropriate DDA receives a security assurance from the recipient foreign government or international organization on the individuals who are to receive the information.

(3) CMI and CUI, in document, material, or any other form, approved for foreign disclosure shall be transferred to the intended foreign recipient only through official government-to-government channels pursuant to references (a) and (c) or through

other channels that have been agreed to in writing by the responsible security officials of the governments involved.

(4) Pursuant to references (a) through (c), it is U.S. policy to avoid creating "false impressions" of the U.S. Government's readiness to provide CMI, CUI, material, or technology. Initial planning with foreign governments and international organizations concerning programs that might involve the eventual disclosure of sensitive military information may be conducted only if it is explicitly understood and acknowledged that no U.S. commitment to furnish information, material, or technology is intended or implied until disclosure has been approved by the appropriate disclosure authority.

(5) All Marine Corps personnel responsible for negotiating, overseeing, managing, executing, or otherwise participating in international programs or projects shall complete international security training as prescribed by Marine Corps Systems Command's (MARCORSYSCOM) DDA.

(6) Disclosure planning shall include the following.

(a) Planning for possible foreign involvement should start at the beginning of the weapon system or other program acquisition process to facilitate decisions regarding disclosure of CMI and CUI in support of cooperative programs, foreign participation in Marine Corps procurement activities, and foreign military sales.

(b) Marine Corps Components shall use the Technology Assessment/Control Plan outlined in reference (k) as the basis for making the stated disclosure decisions on weapon system programs.

(c) A Delegation of Disclosure Authority Letter (DDL) or other appropriate written guidance shall be used to provide disclosure policy to subordinate commands and agencies.

(d) Letter or email requests for Foreign Disclosure Reviews can be sent to DDAs or Foreign Disclosure Points of Contact (FDPOCs) at commands that have disclosure authority, or to the Deputy Commandant for Plans, Policies and Operations (DC PP&O) (PLU); or the Director, Marine Corps Intelligence (DIRINT), as appropriate. Requestors should complete the sample form provided in enclosure (5), providing as much detail as possible in order to expedite the review process. Normally, a decision will be

returned by email within 30 days unless a need for a quicker turn-around is documented in the request. DDAs and submitting components will maintain records of foreign disclosure decisions in accordance with references (a) and (u) SSIC 5510.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The Marine Corps supports U.S. foreign policy by cooperating with our allies to the fullest extent possible in the development of mutual defense against potential adversaries, while providing safeguards in the protection of national security interests in accordance with reference (i).

(b) The disclosure of CMI and CUI to military allies is a significant aspect of this cooperation. The net benefit to the United States and the need to protect and conserve military information must be measured on a case-by-case basis.

(c) It is essential that requests for disclosure are processed and coordinated in accordance with references (a) through (d) and this Order.

(2) Concept of Operations

(a) To ensure proper coordination and control of foreign disclosure within the Marine Corps, the Commandant has designated the DC PP&O and DIRINT as the DDAs for CMI and CUI (NDP-1 Categories 1 through 7, and NDP-1 Category 8 respectively). Disclosure criteria, conditions, and limitations are provided in enclosure (4).

(b) Disclosure authority includes responsibility for ensuring compliance with the provisions of any treaty, agreement, statute, executive order, directive, or instruction involving the disclosure of military information to foreign governments and international organizations.

(c) No staff agency, command, or activity within the Marine Corps will disclose or direct the disclosure of CMI or CUI except as approved or authorized by the DC PP&O, DIRINT, or by a local DDA if one has been appointed in accordance with this Order.

(d) CMI and CUI originated by other U.S. Government agencies or military Services may be disclosed only with the approval of the appropriate disclosure authority from the originating agency or military Service.

b. Marine Corps Commanders/Commanding Generals. Per reference (u), the Commandant may redelegate DDA to subordinate commands after coordination with, and approval from, the Navy International Programs Office (Navy IPO). Further delegation of disclosure authority to Marine Component Commanders, Commanding Generals of Marine Expeditionary Forces, and Commanding Generals of supporting establishment commands is necessary to decentralize disclosure decisions, accurately safeguard CMI and CUI, and streamline the disclosure process. Commands requesting delegated disclosure authority will follow procedures.

(1) Marine Component Commanders, Commanding Generals of Marine Expeditionary Forces, and Commanding Generals of supporting establishment commands notify DC PP&O (PLU) of the Command's intent and provide specific NDP-1 categories of information for which they require delegation. Categories of information are provided in enclosure (3). For Category 8 information, notify DIRINT.

(2) Appoint, in writing and by-name, a DDA or a FDPOC as defined in enclosure (1), and provide a copy of the appointment letter to DC PP&O (PLU) and/or DIRINT, as appropriate. The DDA or FDPOC may be assigned full-time, part-time, or as a collateral duty and must be a civilian employee, GS-11 equivalent or above, or a military officer with sufficient authority and staff to manage the program for the command. Senior enlisted personnel may be designated as DDAs or FDPOCs on a case-by-case basis after coordination with DC PP&O (PLU) or DIRINT. The DDA or FDPOC must be a U.S. citizen and have been the subject of a favorably adjudicated Single Scope Background Investigation (SSBI) completed within the last ten years.

(3) The DDA and/or FDPOC must complete the following prerequisites before a DDL can be issued to the command.

(a) Complete Department of the Navy (DON) online Foreign Disclosure training provided at: https://osdforeigndisclosure.com, or the DON 3-day Foreign Disclosure Course offered by Navy IPO coordinated by DC PP&O (PLU). For Intelligence disclosure authorities only, complete the 5-day Defense Intelligence Agency (DIA) foreign disclosure course coordinated by DIRINT.

(b) Complete additional classroom or individual training as prescribed by DC PP&O (PLU) and/or DIRINT on a case-by-case basis. DC PP&O and DIRINT will continue to provide further instruction and assistance regarding the foreign disclosure program and advise disclosure authorities of additional or refresher training opportunities. Marine Force (MARFOR) DDAs and FDPOCS should also pursue training from their Regional Combatant Command Foreign Disclosure Offices which usually has a formal training program established. DC PP&O (PLU) can assist in setting up this training.

(4) Upon completion of the above requirements, DC PP&O and/or DIRINT will issue a DDL in the format outlined in enclosure (6) and coordinate with Navy IPO to provide a copy of NDP-1 to the command. The DDA will then be authorized to provide foreign disclosure decisions in accordance with the guidelines of the Command DDL.

c. Responsibilities

(1) Deputy Commandant for Plans, Policies, and Operations (DC PP&O)

(a) Act as Executive Agent for general foreign disclosure matters and this Order.

(b) In coordination with Navy IPO, re-delegate foreign disclosure authority for NDP-1 Categories 1-7 to Marine Corps commands or officials when such authority is determined to be mission essential or in the best interest of the U.S. Government.

(c) Appoint one or more DDAs and FDPOCS within PP&O (PLU) to oversee the Marine Corps Foreign Disclosure Program and provide Foreign Disclosure policy guidance regarding NDP-1 Categories 1-7.

(d) Coordinate with appropriate Headquarters Marine Corps (HQMC) staff agencies, Marine Corps commands, other Services, and contractor facilities regarding requests for disclosure and release of CMI and CUI. Render disclosure decisions regarding requests for disclosure and release of CMI and CUI in NDP-1 categories 1 through 7, that are not controlled by a local DDA, in accordance with references (a) through (d). Oversee all Marine Corps disclosures of CMI in NDP-1 categories 1-7.

(e) Issue DDLs and oversee all disclosure authorizations and extended Foreign Visit Requests for Marine

Corps Foreign Personnel Exchange Program (PEP) assignments, Foreign Liaison Officer (FLO) assignments, Cooperative Program Personnel (CPP) assignments and other exchange program assignments in accordance with references (a) through (d) and (g).

(2) Deputy Commandant for Aviation. Assist DC PP&O by providing disclosure authorization guidance and limitations on all aviation-related matters.

(3) Deputy Commandant for Installations and Logistics. Assist DC PP&O by providing disclosure authorization guidance and limitations on all installation and logistics-related matters.

(4) Deputy Commandant, Manpower and Reserve Affairs. Submit all requests for disclosure regarding foreign personnel assigned to the Foreign Personnel Exchange Program to DC PP&O.

(5) Director Command, Control, Communications, and Computers (C4). Assist DC PP&O with disclosure decisions by providing guidance and limitations on all Command, Control, Communications, and Computer-related matters.

(6) Director of Intelligence

(a) In coordination with Navy IPO, re-delegate foreign disclosure authority for NDP-1 Category 8 information to Marine Corps Commands or officials when such authority is determined to be mission essential or in the best interest of the U.S. Government.

(b) Appoint one or more DDAs or FDPOCS within DIRINT to provide Marine Corps Foreign Disclosure policy guidance regarding NDP-1 Category 8.

(c) Coordinate with the Defense Intelligence Agency (DIA), appropriate unified commands, and Marine Corps commands and render decisions regarding requests for disclosure and release of CMI and CUI, Category 8, in accordance with references (a) through (f).

(d) Process and coordinate with the DIA and the National Security Agency (NSA) all intelligence-related international agreements in accordance with reference (c).

(e) Assist DC PP&O by providing disclosure authorization guidance and limitations for all Category 8 CMI and

CUI for DPEP, FLO, and CPP and assignments in accordance with references (a) through (f) and (h).

(f) Coordinate with DC PP&O to ensure that one-time or recurring visits that disclose CMI or CUI are properly vetted and approved prior to the visit.

(7) Commanding General, Training and Education Command

(a) In cooperation with DC PP&O and DIRINT, establish foreign disclosure educational requirements throughout the Marine Corps training and education system and appoint FDPOCs at Marine Corps schools that train foreign personnel.

(b) Security Cooperation Education Training Command (SCETC), in coordination with DC PP&O, local DDAs or FDPOCS, must ensure appropriate foreign disclosure approval is in place for all Marine Corps courses attended by foreign nationals.

(8) Director, Administration and Resource Management Division. In cooperation with DC PP&O and DIRINT, establish foreign disclosure training within the Marine Corps security education program in accordance with this Order.

(9) Inspector General of the Marine Corps. Coordinate, conduct, and evaluate inspections of operating forces and supporting establishment commands, units, and activities, including operational forces assigned to the unified and specified commands, to ensure compliance with foreign disclosure policy in accordance with references (a) through (d) and this Order. Ensure local commands with foreign personnel permanently assigned have appropriate entries on Inspector General checklists as prescribed by this Order.

(10) Marine Corps Commanders/Commanding Generals

(a) Ensure Marine Corps foreign disclosure and release actions are conducted in accordance with applicable directives, regulations, instructions, and orders.

(b) Establish and maintain, at the lowest supporting level, local standard operating procedures, directives, and guidance regarding foreign disclosure, and, if feasible, appoint a DDA or FDPOC in accordance with the guidance outlined in paragraph 4 of this Order.

(c) When it is impractical to appoint a command DDA or FDPOC, submit requests to DC PP&O, for disclosure or release regarding CMI and CUI, Categories 1 through 7, and to DIRINT for Category 8 when required to support a foreign visit, cooperative program, or security assistance program.

(d) Maintain a current list of all foreign nationals, foreign government representatives, and international organization representatives within your command/organization who have occasion to receive information within the purview of this Order.

(11) Marine Corps Systems Command, International Programs (MARCORSYSCOM, IP). In coordination with DC PP&O, oversee foreign disclosure for NDP-1 categories 2 and 3 for ground systems/equipment.

d. Coordinating Instructions

(1) The DIA assists with the coordination and processing of Marine Corps requests for disclosure of CMI, Category 8, to foreign governments and interests.

(2) Navy IPO coordinates with DC PP&O and/or DIRINT for all Exceptions to National Disclosure Policy (ENDP); and requests for disclosure of CMI, Categories 1 through 8, to foreign governments and interests pertaining to the Marine Corps.

(3) Requests for disclosure review of CMI and CUI will be initiated by the respective Marine Corps command or HQMC staff agency and sent to DC PP&O, DIRINT, or the local appointed DDA or FDPOC, as appropriate. Recommended format for disclosure requests is contained in enclosure (2). This can be accomplished by letter or email and should include supporting rationale. Once approved, a DDA letter will be issued by the appropriate approval authority, or other appropriate written guidance, to the requesting Marine Corps command or HQMC staff agency. Requests that do not provide sufficient detail upon which to base a decision will be denied or returned for further justification, as appropriate.

(4) Disclosure approval does not include authority for the release of classified documents, materials, or equipment unless explicitly stated in the disclosure authorization. If release of classified information is required, requests for

disclosure must indicate such and provide ample justification for physical release of documents, materials, or equipment.

(5) Foreign nationals are permitted to take part in classified training provided it has been authorized per procedures outlined in references (a) through (c) and (i). The applicability of these directives is not affected by this Order.

(6) Authorization for foreign visits is governed by references (c) and (d). Disclosure of CMI and CUI during those visits is subject to the provisions of this Order.

e. International Agreements

(1) Early Disclosure Determination. Before any discussions with foreign representatives on the negotiation of an international agreement that is governed by reference (k), the Marine Corps Components shall determine the extent to which CMI will be required for release, and obtain disclosure authorization for the information.

(2) Security Requirements. International agreements that involve the disclosure of CMI shall contain, at a minimum, the security requirements described in reference (a). If a general security agreement exists with the foreign government concerned, this requirement may be satisfied by referencing that agreement. Such agreements shall be coordinated with the Office of the Under Secretary of Defense for Policy, ATTN: Deputy Under Secretary of Defense (Security Policy), who may specify other requirements during coordination.

(3) Cooperative Programs. Disclosure authorities shall review any request for CMI made in accordance with a cooperative agreement with both the goals of the program and the interests of national security in mind.

f. Meetings, Symposia, and Conferences

(1) Foreign Participation. Foreign nationals may participate in such gatherings when their participation is in accordance with this Order and U.S. export control policies, the appropriate DDAs have approved any CMI or CUI for disclosure to the proposed foreign attendees, the foreign attendees actively participate in the proceedings, and there is reciprocity for the U.S. government and industry representatives.

(2) Disclosure Levels. The classification levels and categories of information authorized for disclosure vary among nations. Marine Corps Components shall limit the level of classified information to be disclosed at meetings attended by foreign representatives to the lowest level common to all nations represented in accordance with reference (b).

g. Foreign Visitors, Liaison Officers, and Exchange Personnel. Procedures on such individuals shall be in accordance with references (a) through (d) and (s). Activities with FLO, Personnel Exchange Officers, or CPP permanently on staff must maintain records for those foreign personnel and should make retention of the following documents part of their local Inspector General checklist.

(1) A copy of the approved, extended Foreign Visit Request for each foreign person assigned.

(2) A copy of the DDL for the billet to which the foreign officer is assigned.

(3) A Contact Officer Appointment letter from the Commanding Officer, Commanding General or by direction for each foreign exchange officer or foreign liaison officer assigned to that activity per the applicable DDL.

(4) A Contact Officer Acceptance letter per the applicable DDL.

(5) An "Understanding of Conditions and Responsibilities Letter" signed by the foreign liaison officer or foreign exchange officer assigned to the activity per the applicable DDL.

h. Sales, Leases, Loans, or Grants of Classified Items. In accordance with reference (a), Marine Corps Components in coordination with MARCORSYSCOM (IP), shall comply with the following standards when authorizing the disclosure or commercial export of any information, classified or unclassified, relating to sales, leases, loans, or grants of military equipment.

(1) Release Authorization. Before approval of initiatives that could lead to a sale, lease, loan, or grant of military equipment, obtain authorization from MARCORSYSCOM (IP) for disclosure of all necessary classified equipment and information required for system operation, employment, maintenance, and training, including system software.

(2) Initial Disclosures. Limit initial disclosures to general information, usually no higher than CONFIDENTIAL, on system characteristics, capabilities, and price and availability until a sale, lease, loan, or grant is consummated.

(3) System Countermeasures. Withhold specific information on system countermeasures susceptibilities or vulnerabilities and counter-countermeasures capabilities, until the sale, lease, loan, or grant is consummated.

(4) Operation, Employment, Maintenance, and Training. After consummation of a sale, lease, loan, or grant, CMI may be disclosed up to the level necessary for operation, employment, maintenance, and training as long as consistent with NDP-1 and the mechanism of transfer. Edit or rewrite data packages to exclude information beyond that which has been authorized for public release

(a) The disclosure of technical data for production purposes shall be limited to data necessary to produce a specific item that is approved for release to the country that is to receive the data.

(b) The disclosure of technical data for maintenance purposes shall be limited to data necessary to perform the level of maintenance that has been authorized for the country that is to receive the data.

i. Foreign Test and Evaluation. Foreign test and evaluation of the U.S. classified equipment may be authorized when the tests:

(1) Are on an item approved for foreign disclosure by the appropriate disclosure authority.

(2) Can be performed at a U.S. installation or under other strict U.S. control that guarantees appropriate safeguards for classified information and classified or unclassified critical technology.

(3) Exceptions to paragraph 4h(4)(b), such as the transfer of a single classified military item for test and evaluation under foreign security control, may be authorized only when all the following conditions are fulfilled.

(a) There is no transfer of, and the test will not reveal, technology that the United States would not license for manufacture in the foreign country.

(b) There is no release of equipment that would not be approved for foreign sale or export to the foreign country, if requested.

(c) The release will result in a clearly defined advantage to the United States; for example:

1. Specifically defined avoidance of significant costs or acceleration of program in development efforts by the United States and its allies.

2. Advance the objectives of standardization with and among U.S. allies by promoting cooperation in research and development.

3. Exchange technical and scientific information of common interest on a mutually beneficial basis.

(4) The releases are reported in the Foreign Disclosure System (FDS) or other Office of the Under Secretary of Defense, (Policy) (OUSD (P)) approved reporting system in accordance with references (a) and (u).

j. Foreign Participation in Marine Corps Component Classified Training Activities

(1) Receiving Training on U.S. Equipment. A foreign national may receive training on U.S. equipment that is classified or involves classified information, normally if the equipment is in the inventory of, or is to be acquired by, the trainee's Government, and after the following:

(a) the prospective trainee's government has concluded an international agreement or signed a purchase agreement with the United States to acquire the equipment and training; or

(b) the Defense Security Cooperation Agency issues an International Military Education and Training (IMET) order for the training.

(c) a foreign exchange officer is permanently assigned to a Marine Corps command and such training is required for him/her to perform duties of the billet in accordance with the DDL.

(2) Conducting Training on U.S. Equipment. A foreign national may conduct training on U.S. equipment that is

classified or involves classified information if the item has been sold or otherwise provided to the foreign national's government and the U.S. Government has specifically approved the provisions of such training to any third party that is involved.

(3) Third-Country Equipment. Foreign nationals may receive or conduct training on equipment provided by a third-country that is classified or involves third-country classified information only with the prior written consent of the government that provided the equipment.

k. Requests for Classified Documents

(1) Disclosure Review. Official requests for classified documents by a foreign representative shall be forwarded to the applicable DDA of the sponsoring Marine Corps Component for review and a decision, or to DC PP&O (PLU) if no other DDA can be identified.

(2) Reference Lists and Bibliographic Material. To avoid false impressions and avoid proliferation of requests for CMI that is not releasable to the requestor, Marine Corps Components shall:

(a) When practical, not reference non-releasable documents.

(b) Discourage release of documents that have reference lists or bibliographies, or sanitize, as appropriate. Identify the requestor's specific requirements and provide only the U.S. information that satisfies that requirement and is determined to be releasable.

l. Foreign Access to Information When Participating in U.S. Procurement Programs. Participation consistent with applicable U.S. laws, regulations, and security requirements in DOD procurement initiatives by contractors from countries with which the DOD has agreements that encourage reciprocal participation in defense procurement may include access to classified information consistent with this Order as follows.

(1) Access to Technical Data. Qualified government and industry representatives from those countries shall be given appropriate access to technical data, consistent with this Order, reference (j), and the Federal Acquisition Regulation (FAR)/Defense FAR Supplement (DFARS) Subpart 27, necessary to bid on the Marine Corps contracts.

(2) Disclosure Decisions. Disclosure decisions involving those countries shall be made before the announcement of the procurement and the announcement shall describe any restrictions on foreign participation.

(3) Participation as Subcontractor. When it is determined that foreign contractors are not authorized to participate in the classified or other sensitive aspects of a potential contract, consideration should be given to their requests for participation in unclassified or less sensitive aspects of the contract as a subcontractor.

(4) Requests for Documentation. Requests by foreign entities for classified or controlled unclassified documentation must be submitted through government channels to appropriate disclosure authorities.

m. Reporting Compromises of U.S. Classified Military Information Furnished to Foreign Governments. In accordance with reference (a), Marine Corps Components having knowledge of compromises of U.S. classified information to foreign governments shall promptly inform the originating Marine Corps Component and DC PP&O. The originating Marine Corps Component shall conduct a damage assessment and forward results to DC PP&O (PLU) for submission to the National Disclosure Policy Committee (NDPC) via Navy IPO.

5. Administration and Logistics. Definitions used in this Order are contained in enclosure (1).

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.

R. S. KRAMLICH
Director, Marine Corps Staff

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Marine Corps Foreign Disclosure Definitions

1. Assignment. The placement of a visitor who is a military or civilian employee of a foreign government or international organization on the premises of a Marine Corps Component or Marine Corps contractor facility, or the placement of a Marine Corps civilian or military employee on the premises of a foreign government defense installation or defense contractor facility.

2. Classified Military Information (CMI). Classified information that is under the control or jurisdiction of the Department of Defense, its departments or agencies, or is of primary interest to them; it may be embodied in oral, visual, or other form; and requires protection in the interest of national defense and security in one of three classification categories - TOP SECRET, SECRET, or CONFIDENTIAL - as described in Executive Order 12958 (reference (n)) or successor orders.

3. Contractor Facility. A contractor facility is a plant, laboratory, office, college, university, or commercial structure with associated warehouses, storage areas, utilities, and components, which, when related by function and location, form an operating entity. (A business or educational organization may consist of one or more facilities as defined above.)

4. Controlled Unclassified Material (CUI). Unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country. It includes U.S. information that is determined to be exempt from public disclosure in accordance with reference (o) or that is subject to export controls in accordance with reference (j).

5. Cooperative Program. For the purposes of this Order, programs that comprise one or more specific cooperative projects with a foreign government or international organization whose arrangements are defined in a written agreement between the parties covering research, development, test, and evaluation, joint production (including follow-on support) under section 2767 of reference (j), or a cooperative research and development program defined in a written agreement with North Atlantic Treaty Organization (NATO) and major non-NATO allies under section 2350a of reference (q).

6. Cooperative Program Personnel (CPP). Military or civilian employees of a foreign government or international organization who are assigned to a cooperative program at a DOD component or DOD contractor facility.

7. Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate Principle Disclosure Authority (PDA) or Designated Disclosure Authority (DDA) describing classification levels, categories, scope, limitations, and procedures related to information under a Marine Corps Component's disclosure jurisdiction that may be disclosed to specific foreign governments or international organizations or their representatives for a specified purpose.

8. Designated Disclosure Authority (DDA). A military or civilian government official, designated by the Head of a DOD Component or by the DOD Component's PDA, who has been delegated disclosure authority in a delegation of disclosure letter, in accordance with reference (a) and this Order, to control disclosure of CMI and CUI to foreign governments and international organizations.

9. Export Authorization. An approved numbered license or agreement or an authorized exemption under reference (j).

10. Foreign. Away from one's own native country; subject to the jurisdiction of another political unit.

11. Foreign Disclosure. Conveying information, in any manner, to an authorized representative of a foreign government or international organization.

12. Foreign Disclosure System (FDS). The automated system managed by OUSD(P) that supports and facilitates decisions on the foreign disclosure, IVP, and export licensing processes by maintaining records of precedence on foreign disclosure decisions. Note: decisions may be documented in another system if approved by OUSD(P).

13. Foreign Interest. Any foreign government, or agency of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the United States or its territories; and any person who is not a citizen or national of the United States.

14. Foreign Liaison Officer (FLO). A military or civilian employee of a foreign government or international organization

who is authorized by his or her government or by an international organization, and certified by a Marine Corps Component for specified purposes, to conduct business with a Marine Corps Component on behalf of the foreign government or international organization. FLOs stationed with a Marine Corps Component shall be assigned in accordance with the terms of a FLO agreement. The FLO does not report to the Marine Corps chain of command but to his/her own government.

15. Foreign National. Any person who is not a citizen or national of the United States.

16. Foreign Representative. Any individual, regardless of citizenship or country of origin, who represents a foreign government or other foreign interest including companies incorporated in the U.S., but under foreign ownership, control, or influence (a foreign firm that has ownership of at least 51 percent of the voting stock) in dealings with a DOD component or contractor.

17. Foreign Visit. A foreign national enters or proposes to enter a Marine Corps Component or Marine Corps-cleared contractor facility or to meet with employees or representatives of the facility. There are two types of foreign visits: official visits and unofficial visits. Foreign visits should be conducted in accordance with references (c) and (d).

18. Foreign Visit System (FVS). The automated system managed by the OUSD(P) that provides staffing and database support for processing Requests for Visits (RFVs) by foreign government representatives to Marine Corps Component activities and cleared defense contractors.

19. Government-to-Government Principle. The principle that the foreign disclosure or export of CMI and CUI is based on a decision that the information is authorized for disclosure or export to the government or international organization of the intended recipient or end-user.

20. Intelligence. The product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information concerning foreign countries or areas.

21. International Organization. An entity established by recognized governments pursuant to an international agreement

which, by charter or otherwise, is able to acquire and transfer property, make contracts and agreements, obligate its members, and pursue legal remedies.

22. Joint Information. Military information over which two or more DOD components, or two or more Federal Departments or Agencies, exercise control, jurisdiction, or security awareness.

23. Material. Any product or substance on or in which information is embodied (e.g., documents, hardware, tapes, photographs, film, hard drives, disks, etc.).

24. Meeting. A conference, seminar, symposium, exhibit, convention, training course, or other gathering during which CMI or CUI is disclosed.

25. Official Visit. An occasion when a foreign national visits to perform official business approved by the sponsoring government or by the international organization.

26. Originating Marine Corps Component. The Marine Corps organization that exercises original classification jurisdiction for classified information.

27. Personnel Exchange Program (PEP). A program authorized by reference (r) where military and civilian personnel of the DOD and the defense ministries, departments, and/or armed services of foreign governments, pursuant to the terms of an international agreement, occupy positions with and perform functions for a host organization to promote current or future international programs, greater mutual understanding, and interoperability with allies and coalition partners. A Foreign PEP officer holds a U.S. billet and reports to his/her Marine Corps chain of command.

28. Principal Disclosure Authority. A senior military or civilian government official appointed in writing by the Head of a DOD Component as the senior foreign disclosure authority for that Component, who is responsible for the establishment of an effective foreign disclosure program consistent with this Order and reference (a).

29. Public Domain. Information certified for public release by a DOD public affairs officer (PAO), an empowered company representative (for unclassified, company-proprietary information), or DOD material marked as "Distribution Statement A." (Note: An item's appearance on the Internet does not, by itself, certify that

it is officially public domain.) Per reference (j) (120.11), Public domain constitutes published information generally available to the public through sales at newsstands and bookstores; unrestricted subscriptions; second class mail; available through libraries or at the Patent Office; public distribution at conferences, seminars, meetings, etc.; or through fundamental-level research at accredited science and engineering institutions of higher learning.

30. Release. To convey information in material form to a representative of a foreign government or international organization.

31. Security Assurance. The written confirmation, requested by and exchanged between governments, of the security clearance level or eligibility for clearance, of their employees, contractors, and citizens. It includes a statement by a responsible official of a foreign government that the original recipient of U.S. classified military information possesses the requisite security clearance and is approved by his or her government for access to information of the security classification involved on behalf of the foreign government and that the recipient will comply with any security requirements specified by the United States.

32. Training. Formal or informal instruction of foreign personnel in the United States or abroad (including instruction at civilian institutions) by officers or employees of the Marine Corps, contract technicians, or contractors; correspondence courses; technical, educational, or information publications and media of all kinds; training aids, orientations, training exercises; and military advice for foreign military units and forces (including their civilian and military personnel).

33. Transfer. The physical conveyance of material from one location to another.

34. Unofficial Visit. An occasion when a person who is not a representative of a foreign government or international organization visits for unofficial purposes, or to conduct business which will entail access to information in the public domain.

Requests for Exception to National Disclosure Policy

Requests for an exception to policy shall contain the following elements of information.

1. A concise statement of the action proposed. Include security classification and categories of U.S. classified military information to be disclosed. (For example: "The OUSD(A) member, National Disclosure Policy Committee (NDPC), requests an exception to the National Disclosure Policy to permit the disclosure of SECRET Category 3 (Applied Research and Development Information and Material) information to the Government of in support of the negotiation of a Data Exchange Agreement pertaining to surface-to-air missiles.")

2. A precise statement of why an exception to policy is required. (For example: an exception is required because (a) the level of classified information involved exceeds the classification level delegated in Annex A of NDP-1; or (b) the proposed action is not in consonance with policy currently established in Annex B or C of NDP-1; or (c) certain (identify which) of the disclosure criteria or conditions listed in section II of NDP-1 are not fully met; or (d) any or all of the above in combination.)

3. An assessment of how each of the disclosure criteria and conditions in section II or NDP-1 shall be met:

a. "Disclosure is consistent with the foreign policy of the United States toward the Government of _____." A further detailed discussion shall be included to substantiate this statement. Reference shall be made to Presidential, National Security Council, or other high-level policy decisions to support the justification provided. (A simple statement such as "the recipient cooperates with the United States in pursuance of military and political objectives" is not sufficient.)

b. "The military security of the United States permits disclosure." (If equipment or technology is involved, there must be discussion on the result of a compromise on U.S. operational capability or the U.S. position in military technology. The discussion shall include an analysis of the state of the art regarding the technology involved, the susceptibility of the item to reverse engineering, the capability of the foreign recipient to reverse engineer the item, the foreign availability of the technology or equipment involved, and other governments to whom similar equipment or technology has been released.)

c. "The foreign recipient will afford the information substantially the same degree of security protection given to it by the United States." (If there has been an NDPC Security Survey for the proposed recipient, the conclusion reached therein shall be discussed. In the absence of an NDPC Security Survey, efforts shall be made to obtain, through intelligence channels, a counterintelligence risk assessment or security analysis of the foreign government's security capabilities. The mere statement that "classified information has been released previously to this government and there is no indication that such information has been compromised" is not sufficient.)

d. "Disclosures will result in benefits to the United States at least equivalent to the value of the information disclosed." (For example: (1) if the United States obtains information from the proposed recipient on a quid-pro-quo basis, describe the information and the value to the United States; (2) explain how the exchange of military information for participation in a cooperative project will be advantageous to the United States from a technical or military capability viewpoint; (3) if the development or maintenance of a high degree of military strength and effectiveness on the part of the recipient government will be advantageous to the United States, explain how.)

e. "The disclosure is limited to information necessary to the purpose for which disclosure is made." (For example, if the purpose of the request is for the sale of equipment only, it shall be indicated clearly that research and development data or production know-how is not to be divulged or that documentation will be sanitized.)

4. Any limitations placed on the proposed disclosure in terms of information to be disclosed, disclosure schedules, or other pertinent caveats that may affect NDPC approval or denial of the request. (If disclosures are to be phased or if certain information is not to be released, the phasing or non-releasable information shall be specified.)

5. A statement that the requested exception is to be either a continuing exception, subject to annual review, or a one-time exception. (A continuing exception usually is associated with a long-term project, such as a co-production program or military sale when the United States will be obligated to provide life-cycle support. A one-time exception typically is used for a briefing or demonstration or short-term training.)

6. The names and titles of U.S. officials accredited to the requesting foreign government or international organization with whom the proposed exception has been coordinated, as well as the views of the Theater Commander. (Sufficient time shall be allowed to obtain an opinion from U.S. Embassy personnel in-country and the responsible Theatre Commander before submitting the request for approval. Many cases are delayed because a U.S. Embassy or Theater Commander opinion has not been obtained.)

7. The opinion of other interested Departments or Agencies if joint Service or shared information is involved. (If the information or item of equipment is of shared or joint interest, such as an air-to-air missile used by two Services or containing technology of concern to another Service, the views of the other party will be included.

8. Any information not mentioned above that would assist the NDPC members, the Secretary of Defense, or the Deputy Secretary of Defense in evaluating the proposal.

9. The name and telephone number of a knowledgeable individual within the requesting organization who can provide additional technical detail or clarification concerning the case at issue.

10. The date response is desired on the case. Ten full working days for NDPC case deliberations should be allowed. The suspense date (10 full working days) is computed starting from the first full working day after the date of the request.

NDP-1 Categories of Classified Military Information (CMI)

1. Category 1 - Organization, Training, and Employment of Military Forces. Information of a general nature pertaining to tactics, tactical doctrine, techniques, and intelligence and counterintelligence doctrine and techniques. Excluded is information necessary for the operation, training, and maintenance on specific equipment covered under categories 2 and 3 below.

2. Category 2 - Military Material and Munitions. Information on specific items of equipment already in production, or in service, and the information necessary for the operation, maintenance, and training. Items on the U.S. Munitions List fall within this category. This category does not pertain to equipment that is in research and development.

3. Category 3 - Applied Research and Development Information and Material. Information related to fundamental theories, design, and experimental investigation into possible military applications; it includes engineering data, operating requirements, concepts, and military characteristics required to adopt the item for production. Development ceases when the equipment has completed suitability testing and has been adopted for use or production.

4. Category 4 - Production Information. Information related to designs, specifications, manufacturing techniques, and such related information necessary to manufacture material and munitions.

5. Category 5 - Combined Military Operations, Planning, and Readiness. Information necessary to plan, ensure readiness for, and provide support to the achievement of mutual force development goals or participation in specific combined tactical operations and exercises. It does not include strategic plans and guidance or North American defense information.

6. Category 6 - U.S. Order of Battle. Information pertaining to U.S. forces in a specific area. In general, disclosures of this information are limited to those countries in which U.S. forces are stationed or are in adjacent geographical areas.

7. Category 7 - North American Defense. Information related to plans, operations, programs, and projects, to include data and equipment, directly related to North American defense.

8. Category 8 - Military Intelligence. Information of a military character pertaining to foreign nations. This category of information does not include national intelligence or sensitive compartmented information under the purview of the Director of Central Intelligence (DCI).

NDP-1 Disclosure Criteria, Conditions, and Limitations

1. Disclosure Criteria. In accordance with reference (a), disclosure of CMI in Categories 1 through 8 may be made only when all of the criteria are satisfied.

a. Disclosure is consistent with U.S. foreign policy and national security objectives concerning the proposed recipient foreign government. For example:

(1) The recipient government cooperated with the United States in pursuance of military and political objectives that are compatible with those of the United States.

(2) A specific U.S. national purpose, diplomatic or military, will be served.

(3) The information will be used in support of mutual defense and security objectives.

b. Disclosure is consistent with U.S. military and security objectives. For example:

(1) Disclosures of advanced technology, if compromised, will not constitute an unreasonable risk to the U.S. position in military technology and operational capabilities, regardless of the intended recipient.

(2) The proposed disclosure reflects the need for striking a proper balance between pursuit of our mutual defense and foreign policy objectives on the one hand, and the preservation of the security of our military secrets on the other.

c. The foreign recipient of the information will afford it substantially the same degree of security protection given to it by the United States. The intent of a foreign government to protect U.S. CMI is established in part by the negotiations of a General Security of Information Agreement or other similar security arrangement. A foreign government's capability to protect U.S. CMI normally is determined by the evaluation of embassy security assessments, Central Intelligence Agency risk assessments, National Disclosure Policy Committee (NDPC) Security Survey Reports, and/or historical precedence.

d. Disclosure will result in benefits to the United States at least equivalent to the value of the information disclosed. For example:

(1) The United States obtains information from the recipient nation on a quid pro quo basis.

(2) The exchange of military information or participation in a cooperative project will be advantageous to the United States from a technical or other military viewpoint.

(3) The development or maintenance or a high level of military strength and effectiveness on the part of the government receiving the information will be advantageous to the United States.

e. The disclosure is limited to only that information necessary to achieve the purpose for which disclosure is made. For example, if the purpose of the disclosure is the sale of military equipment, information on operation, maintenance, and training would be released; research and development data, or production know-how, must be withheld.

2. Disclosure Conditions. After a decision is made to disclose CMI to a foreign government or international organization, based on the criteria listed in sections (c) through (e) of this enclosure, or an exception to policy, release of the CMI will be contingent upon agreement by the recipient foreign government that the listed minimal conditions in paragraphs 2a through h, below, will be met. The conditions normally are satisfied by the provisions of existing General Security of Information Agreements. When a General Security of Information Agreement does not exist, the conditions may be included in a program-specific agreement, government contract, or similar arrangement.

a. The information or acknowledgement of its possession will not be revealed to a third-country government, organization, or person, except with the prior written permission of the originating U.S. Department Agency.

b. The information will be afforded substantially the same degree of security protection afforded to it by the United States.

c. The information will be used only for designated military purposes, or other specified purposes.

d. The recipient will report promptly and fully to U.S. authorities any known or suspected compromise of U.S. classified CMI released to it.

e. All individuals and facilities that will have access to the CMI and material will have security clearances granted by their government at a level greater than or equal to that of the classified information involved and an official need-to-know.

f. The information will be transferred through government-to-government channels.

g. Security experts of each government will be permitted to visit the other government, when mutually convenient, to review and discuss each other's policies and practices for protecting classified information.

h. The recipient of the information agrees to abide by or meet U.S.-specified special terms and conditions for the release of U.S. information or material.

3. General Disclosure Limitations. Nothing in this Order shall be construed so as to allow the disclosure of the following types of information:

a. Prohibited by Law or Agreement. Classified information, the disclosure of which is prohibited by Federal law or by an international agreement to which the United States is a party.

b. Naval Nuclear Information. Any naval nuclear propulsion information, classified or unclassified, except under an agreement negotiated pursuant to reference (l).

c. Proprietary Information. Classified or unclassified proprietary information, the rights to which are owned by private firms or citizens (i.e., patents, copyrights, or trade secrets) without the owner's consent, unless such disclosure is authorized by relevant legislation, and then release will be subject to such legislation.

d. National Intelligence. National Intelligence or interdepartmental intelligence produced within the National Foreign Intelligence Board (NFIB) structure. Such intelligence cannot be disclosed without authorization of the Director of National Intelligence (DNI) in accordance with applicable policies.

e. National Security Telecommunications and Information Systems Security Information. The National Security Telecommunications and Information Systems Security Committee is

authorized by its terms of reference to make disclosures of classified military telecommunications and information systems security equipment and information without reference to the National Disclosure Policy Committee (NDPC).

f. Counterintelligence. Operational information related to counterintelligence activities and disclosures related thereto.

g. Atomic Information. Such disclosures are made in accordance with The Atomic Energy Act of 1954, reference (l).

h. Strategic Planning and Guidance. Only the Secretary of Defense or the Deputy Secretary of Defense may authorize the disclosure of plans, concepts, or other information about strategic war plans. Requests for such disclosure shall be submitted through the Chairman of the Joint Chiefs of Staff.

i. Specifically Prohibited Disclosures. The following types of classified information are specifically prohibited from disclosure.

(1) Classified information officially obtained from a foreign government, except when the information has been conveyed by the government with express written consent to its further disclosure.

(2) Combined information without prior agreement of all parties.

(3) Joint information without prior agreement of all Departments or Agencies having control or jurisdiction.

(4) Information originated by or for another Department or Agency, unless that Department or Agency consents to the disclosure.

Request for Disclosure Authorization Letter Format

SSIC
Serial
Date

From: [Your Command]
To: [Appropriate DDA]

Subj: REQUEST FOR DISCLOSURE AUTHORIZATION

Ref: (a) MCO 5510.20A

Encl: (1) [The document you want reviewed]

1. Per reference (a), request foreign disclosure review of the enclosure.

2. Classification. Identify highest level of classification required to be disclosed.

3. Disclosure Methods. Identify method of disclosure whether oral, visual, documentary, or materiel.

4. Categories of Information. Specify categories of classified military information to be disclosed.

5. Scope. Specify the exact information or materiel to be disclosed, and to what specific government requested. The following points need to be addressed:

a. Justification.

b. Description of information, document, or materiel.

c. Characteristics (be sure to provide in layman's terminology, not technical).

d. Capabilities.

e. Vulnerabilities.

f. Operational advantage(s) to the country.

g. Susceptibility to CM (be sure to include classification).

h. Foreign availability of similar item.

i. Recommendation on release.

6. Point of Contact

Commanding Officer
(or person authorized to act on
his/her behalf)

Sample Delegation of Disclosure Authority Letter Format

General. The following Delegation of Disclosure Authority Letter format and information shall be used by the Marine Corps to control access and disclosure of classified military information and controlled unclassified information to foreign nationals visiting or assigned to Marine Corps installations. A cover letter on command letterhead will be attached.

Date:

TITLE [DELEGATION OF DISCLOSURE AUTHORITY LETTER FOR[FOREIGN PERSONNEL EXCHANGE PROGRAM (PEP)/FOREIGN LIAISON OFFICER (FLO)] ASSIGNED TO U.S. MARINE CORPS (INSERT MARINE CORPS COMPONENT)]:

1. **THE CONTENTS OF THIS DELEGATION OF DISCLOSURE AUTHORITY LETTER ARE NOT AUTHORIZED FOR DISCLOSURE TO FOREIGN PERSONNEL OR REPRESENTATIVES OF FOREIGN GOVERNMENTS.**

2. Classification. Identify highest level of classification to be disclosed.

3. Disclosure Methods. E.g., oral, visual, or documentary.

4. Categories Permitted. Specify national disclosure policy categories to be disclosed.

5. Scope/Authority. Specify who is authorized to release material or information, and to whom disclosure is authorized.

6. Authorization for Disclosure and Release. Describe material and/or information that can be disclosed and released.

7. Not Authorized for Disclosure and Release. Describe material or information that cannot be disclosed or released. (In addition to providing specific descriptions of releasable and restricted material and information, paragraph 5 and this paragraph of this enclosure will also specify any conditions or limitations to be imposed; e.g., time-phasing of release, allowable forms for software, identification of items releasable only as finished, tested assemblies, etc.)

8. Procedures. Specify review and release procedures, special security procedures, or protective measures to be imposed.

9. Re-delegation. Specify the extent of re-delegation of authority (if any) permitted to subordinate activities.

Appropriate DDA signature
(must be signed by appointed DDA)