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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350

IN REPLY REFER TO
OPNAVINST 5510.158A
OP-009P32

10 December 1984

OPNAV INSTRUCTION 5510.158A

Subj: SECURITY REVIEW GUIDE FOR CONGRESSIONAL MATTERS

Ref: (a) OPNAVINST 5730.4D
(b) Navy Witness Guide (OLA)

Encl: (1) Security Review Guide

1. Purpose. To inform personnel of their responsibilities for the security review of Navy information prepared for presentation to, or publication by, the Congress and provide guidance and procedures. (R)

2. Cancellation. OPNAVINST 5510.158.

3. Background. The primary responsibility and accountability for security review is with the witness and originators of all Congressional submissions. The Director of Naval Intelligence (OP-009P) provides security classification guidance, other assistance as requested, and serves as the point of contact for resolving security questions emanating from the Directorate for Freedom of Information and Security Review (DFOI&SR), Office of the Assistant Secretary of Defense (Public Affairs). (R)

4. Action. All DCNO's, DMSO's, and heads of naval activities who routinely prepare material for submission to the Congress, or who may occasionally be called upon to appear as witnesses before Congressional committees or sub-committees, shall ensure all personnel involved in such efforts comply with the provisions and guidance contained in references (a) and (b), and enclosure (1), particularly the mandatory procedures and markings requirements to be used in the transcript review process. This instruction does not apply to the Marine Corps. Security review guidance for the Marine Corps is provided in HQOP5510.2. (R)

5. Reports and Forms.

a. The reports required by this directive are exempt from reports controlled by OPNAVINST 5214.7. (A)

b. DD 1790, Prepared Testimony Review, and DD 1587, Record of Congressional Transcript Review, shall be provided to the monitoring office (OLA or NAVCOMPT, as appropriate) by OP-906 as needed. (A)


JOHN L. BUTTS
Director of Naval
Intelligence

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**SECURITY REVIEW GUIDE
FOR
CONGRESSIONAL MATTERS**

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I. SECURITY REVIEW

This guide is designed to assist individuals responsible for security review and classification marking of Navy information prepared for presentation to, or publication by, the Congress. The guide refers only to security review, not to accuracy or completeness of presentation.

(R)

II. DEFINITIONS

1. Security Review. The process which ensures material intended for public release does not contain classified information as defined by Executive Order 12356.

(R)

2. The Official of Prime Responsibility (OPR). The individual (originator) responsible and accountable for the security review of testimony given, statements made, and data provided to Congressional committees, sub-committees, their members, and staff assistants. The OPR is also responsible for the security review of transcripts, inserts to the record, and answers to Congressional questions.

(R)

3. Security Review monitor. The individual assigned by the Director of Naval Intelligence (OP-009P), who is responsible for the monitoring of the security review process in the Navy Department; and who acts as the point of contact with the DFOI&SK for the resolution of security inconsistencies and classification problems.

(R)

4. Monitoring Office. The Office of Legislative Affairs (OLA) is the Monitoring Office which ensures all authorization testimony is reviewed. The Office of the Comptroller of the Navy (NAVCOMPT) is the Monitoring Office which ensures all appropriation testimony is reviewed.

(A)

5. Prepared Statement. A written statement, including supplemental material, prepared by a Navy witness for presentation to a Congressional committee in open or executive session.

(R)

6. Open Session Testimony. The prepared statement and oral comments given by a Navy witness before a congressional committee in a hearing open to the public. Such testimony is considered to be releasable to the public; therefore, statements must not contain classified information.

(R)

7. Executive (Closed Session) Testimony. The written and oral statements given by a Navy witness before a Congressional committee in a hearing closed to the public. Such testimony may contain classified information. However, the transcript of the hearing must be reviewed to ensure all classified information is bracketed for deletion from the record.

(R)

8. Inserts for the Record. Amplifying or supplemental information prepared by, or on behalf of, the Navy witness for inclusion in the written record of testimony before a Congressional committee.

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9. Budget Justification Books. Information prepared by the Department of the Navy at the direction of, and in the format prescribed by, Congressional committees to explain and justify in detail the estimates contained in a given Navy budget. Budget Justification Books include:

a. Department of the Navy Justification Estimates for Fiscal Year ___ Submitted to Congress, January __, Procurement. (Other Budget Justification books concern research and development, operation and maintenance, personnel, military construction, intelligence and communications.)

b. Supporting Data for Fiscal Year ___ Budget Estimates, Descriptive Summaries, Research, Development, Test and Evaluation, Navy, submitted to Congress January ___.

c. Supporting Data for Fiscal Year ___ Budget Estimates, Exhibit P-1, R-1, C-1. (R)

d. Congressional Data Sheets for Fiscal Year ___ Budget.

10. Supplemental, Backup, and Reference Material. Information which is not intended to be made part of the record or which is prepared for use by witnesses in verbal responses to questions put by members of a specific committee or by members of the committee staffs. Point papers, fact sheets, etc., are included.

11. Selected Acquisition Reports (SAR). Information prepared annually with quarterly Exception Reports by the program manager of a major acquisition program. Program and format are specified by the Office of the Secretary of Defense. (R)

12. Government Accounting Office (GAO) Report. Information related to a Navy program prepared as a report for Congress by an investigator from the GAO.

II. REVIEW CRITERIA

1. Purpose. The purpose of security review is to prevent unauthorized disclosures of classified information. Classified information and supporting text which may indirectly reveal classified information shall be marked for deletion. This may require deleting words, phrases, sentences, figures, or entire pages. (R)

2. Source Material

a. Before beginning a security review, the OPR should have available source material for the program being reviewed to determine what information needs protection. For consistency, as many of the following sources are pertinent to the review should be used:

(1) The current Security Classification Guide for the program (available in the OPNAVINSTS 5513).

(2) The current SAR for the program (available in OP-922S).

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(3) The current GAO report for the program showing final security review markings (available in OP-925). (R)

(4) The current fiscal year Justification material (available in Navy Comptroller, Budget Evaluation Group (NCBG)). (R)

(5) Any previous statements and testimony on the subject matter (available in OLA, OP-92L, or OP-906).

(6) The Operational Requirements (ORs) (available in OP-987).

(7) The current Congressional Data Sheets (available in NCBG).

(8) The most recent unclassified posture statements by the Secretary of Defense, the Secretary of the Navy, the Chair of the Joint Chiefs of Staff, the Under Secretary of Defense Research and Engineering, the Chief of Naval Operations, and others (available in OP-007).

b. After screening available source material, the OPR should be able to identify information requiring security protection.

3. Security Brackets. To meet the objective defined in paragraph 1, words, phrases, figures, or sentences which reveal classified information must be bracketed. For example, if the information to be protected is that the CONDOR missile is TERMINALLY GUIDED, the word "TERMINALLY", and other words or phrases that reveal this information should be bracketed. That is, if the subject under discussion is the CONDOR missile and on page 49 of the testimony the witness states, "Yes sir, it is TERMINALLY GUIDED," the word "TERMINALLY" should be bracketed even though the word CONDOR was not mentioned in that particular sentence. The key is to know what information must be protected, and maintain that knowledge throughout the review. It is important to remember that words and phrases may be unclassified standing alone, but may be classified when associated with other words or phrases in the testimony or other information already in the public domain. (R)

4. Consistency. Bracketing should be consistent. The witness or representative should ensure markings on information previously cleared are consistent with those applied in the current review. If the witness or representative considers that information previously released once again warrants protection, a memorandum must be directed to DFOI&SR via the Security Review Monitor (OP-009P) giving adequate justification for this action. The justification must be sufficient to enable DFOI&SR to convince the staff of the Congressional committee concerned. (R)

5. Security Justification. An OPR must be ready to justify his/her security determinations. The best justification is that the program/project security classification guide requires the information be classified. Other source material identified in paragraph 2 may also be used to support a determination, where applicable. (R)

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IV THE SECURITY REVIEW PROCESS

1. Materials which must be submitted to OP-009P and DFOI&SR after security review by the OPR:

a. Statements to be delivered orally, or submitted for inclusion in the record of an open session hearing. (R)

b. Transcripts of executive session testimony provided by the committee for minor editing and review for security. (Transcripts of open session testimony are not reviewed by OP-009P except for edited text and inserts for the record to be included in the transcript.)

c. All inserts for a particular hearing, whether open or closed, submitted after the transcript has been reviewed.

d. Drafts of all Budget Justification Books.

e. Supplementary, backup, and reference material; i.e., slides, charts, films, and briefings whenever the material may be published or released by the Congress.

f. Drafts of SARs.

g. GAO reports submitted to the Department of the Navy by GAO for comment and security review.

2. Materials which need not be submitted: Prepared statements for presentation in executive session. However, assistance will be provided by the Security Review Monitor in the proper markings for classification and downgrading/declassification. When such statements are returned for editing, they will require review of the entire transcript, including statements made by members of Congress and the testimony of other witnesses, bracketing by the OPA and review by the Security Review Monitor.

3. Time allowed for review: The more time allowed for security review, the better the review. If insufficient time is allowed, it will not be possible for the Security Review Monitor to verify existing brackets nor indicate the need for changes in bracketing. (R)

V. SUBMISSIONS

1. Forms.

a. DD Form 1790 will be used by the Monitoring Office (OLA, NAVCOMPT, or OP-906) for forwarding prepared statements, drafts of Budget Justification Books, inserts for the Record, and supplementary, backup, and reference materials. (R)

b. DD Form 1587 will be used by the Monitoring Office (OLA and NAVCOMPT) for forwarding transcripts of testimony. (R)

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2. Bracketing. When classified information is bracketed, the left margin of the page which contains the classified information must indicate the name, office symbol, and phone number of the official who placed the brackets around the information. This notation will facilitate contact by the Security Review Monitor if the markings appear to be incorrect or questionable. Notwithstanding the bracketing requirements, all documentation prepared by the Department of the Navy for Congressional consumption must show the source for classification, be classified by paragraph, and contain downgrading/declassification notations as required by OPNAVINST 5510.1G. For transcripts, only the overall classification, source for classification, and downgrading/declassification information will be used.

3. Priorities. When OLA and NAVCOMPT have several documents in the review process, they must supply a priority listing for clearance. Otherwise, the Security Review Monitor will review the information in the order received.

4. SARs and GAO Reports. SARs will be submitted by OP-922 after security review by the OPR. GAO Reports will be submitted by NAVCOMPT (NCB-53) directly to OP-009P after security review by the OPR.

5. Incorrect Submission. A document may be returned without clearance by the Security Review Monitor when:

- a. No staff coordination or OPR security review are evident, or
- b. Bracketing, source for classification, or downgrading/declassification information is missing, or (A)
- c. Pages are missing or incomplete, or
- d. It is unreadable, or
- e. Its review is not required.

VI. FLOW OF CONGRESSIONAL TESTIMONY

1. Congressional committees forward transcribed verbatim testimony to the Navy. The OLA will receive authorization testimony or any other testimony delivered to a committee or subcommittee except the Appropriations Committee. If it is appropriations testimony, it is received by NAVCOMPT. OLA and NAVCOMPT forward the testimony to OPRs. When the OPR is within OPNAV or a subordinate activity, the testimony will be forwarded to the Head, Congressional, and Policy Coordination Branch (OP-906).

2. OPRs perform accuracy editing and bracketing of specific classified information. Testimony is then processed through the Security Review Monitor (OP-009P). (R)

3. After review by OP-009P, the documents are returned to OLA, NAVCOMPT, or to OP-906, as appropriate, for further transmittal to DFOI&SR. DFOI&SR applies the final security bracketing before clearance. The document is returned to OLA or NAVCOMPT (R)

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where the record copy is marked to conform with the DFOI&SR bracketing. The document is then transmitted to the Congress.

4. OP-009P serves as the point of contact with DFOI&SR for security matters, and will resolve security classification disputes within the Navy. (R)

VII. FLOW OF OTHER CONGRESSIONAL MATERIAL

1. Selected Acquisition Reports (SARs)

a. Program managers forward SARs to the Head, Investment and Development Division (OP-922). SARs will have been reviewed for security, with classified information bracketed prior to forwarding. OP-922 forwards SARs to the OPNAV program sponsor for review. This review must also include a check of the program manager's security review. (R)

b. Upon completion of the OPR review, OP-922 forwards the SARs to OP-009P in quadruplicate (only one copy having been bracketed in advance). After review by the OP-009P Security Review Monitor, the SARs are transmitted to the DFOI&SR. (R)

2. General Accounting Office (GAO) Reports

a. The Director, Budget Policy and Procedures Division (OP-925/NAVCOMPT (NCB-5)), receives draft reports from the GAO. OP-925 (through NAVCOMPT (NCB-53)) forwards reports to the appropriate OPR for review and security bracketing. (R)

b. The OPRs perform the security review and bracket classified information. OPRs forward a bracketed copy to OP-925/NAVCOMPT (NCB-53) for processing through the Security Review Monitor (OP-009P). A second copy is required for OP-009P files. (R)

c. After review by OP-009P, the GAO reports are returned to OP-925 to obtain the final security bracketing and clearance by DFOI&SR. The document is returned to OP-925/NCB-53 where the record copy is marked with final brackets. The document is then transmitted to the GAO. (R)

d. Changes in the reports classification (upgrading or downgrading) and declassification markings are made by the program sponsor (OPR), and all offices known to have received the original GAO report are notified by the OPR.

3. Budget Books

a. Drafts of Budget Estimates Descriptive Summaries, Justification of Estimates for Procurement, Procurement P-1 Line Items, and Congressional Data Sheets, etc., are reviewed for security by the OPR and submitted to NAVCOMPT (NCBG-2)/CNO (OP-92C). (R)

b. Upon completion of the OPR's review, NAVCOMPT (NCBG-2)/CNO (OP-92C) forwards two copies of each Budget Book to the Security Review Monitor (OP-009P) for (R)

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processing. The Budget Books are then returned to NAVCOMPT (NCBG-02/CNO(OP-92C) for processing through DFOI&SR for final security bracketing and clearance.

VIII. POINTS TO REMEMBER

1. Release of Congressional Information. Information prepared for presentation in executive or open session may not be released to the public until released by, or with the permission of, the Congressional committee. The importance of maintaining the confidence of Congress in this regard cannot be overemphasized.

2. Handling of Classified Documents. It must be emphasized the review for security only identifies classified information. The Security Review Monitor (OP-009P) does not classify, regrade, or declassify. For Navy-prepared documents, the witness or originator is responsible for classification or declassification, page, and paragraph marking, etc., in accordance with OPNAVINST 5510.1G. Any compromise of classified information must be handled in accordance with OPNAV Instruction 5510.1G. OPRs should make a review of the final security markings and red brackets as submitted to Congress. They are available in OLA, NAVCOMPT, or OP-906. If the OPR disagrees with the final security markings, he/she should immediately notify the Security Review Monitor (OP-009P) so the issue can be re-evaluated with DFOI&SR and resolved immediately. Formal paperwork can follow. This will ensure that any possibility for compromise is minimized, and that changes are made prior to information in the documents being released or published by the Congress. (R)

3. "For Official Use Only" (FOUO). The designation of "For Official Use Only" is not a security classification and is not a consideration in security review. However, it is an indication that an originator considers such information to be exempt from disclosure under the Freedom of Information Act (SECNAVINST 5720.42C). DFOI&SR and OP-009P will take no action with respect to "FOUO" information in Congressional material. Information to be released to Congress containing the marking "For Official Use Only" should either be removed if a review of the information by the OPR indicates that the information no longer requires the marking, or an explanation should be provided the recipient as to the significance of the term "For Official Use Only," i.e., "This document contains information which is exempt from disclosure under exemptions 2 through 9 of the Freedom of Information Act." The submitter of the Congressional material must make arrangements for the protection of any "FOUO" information furnished to the Congress. "For Official Use Only" information should be bracketed and the notation "FOUO" made in the margin. (R)

4. Non-Security Exemption (NSE). The designation "Non-Security Exemption" is not a security classification, and is not considered in the security review. However, it is an indication that an originator considers such information to be exempt from disclosure under the Freedom of Information Act pursuant to SECNAVINST 5720.42C. Information containing NSE information to be released to the Congress shall be bracketed and the notation "NSE" will be made in the margin. Some examples of such exemptions are:

- a. Bargaining limitations and positions.

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b. Information authorized by 18 U.S.C. 1905 (Confidential Trade Information) trade, technical, and financial information provided in confidence by business firms, trade groups, etc.

c. Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if received in confidence from a contractor or potential contractor.

d. Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged; such as trade secrets, inventions, and discoveries or other proprietary data.

5. Problem Areas. When time limitations for review are not observed, it is detrimental to a meaningful review. Those in the sequence who delay the processing of information are increasing the risk of Navy embarrassment due to late response to Congressional deadlines, as well as increasing the possibility of compromising classified information. The Congressional season is a busy time for everyone, but response to the Congress must take high priority.

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PREPARED TESTIMONY REVIEW	
DIRECTOR, SECURITY REVIEW, OASD(PA)	DATE
The attached document is forwarded for review in accordance with paragraph IV.B.1.b., DoD Directive 5400.4.	
DESCRIPTION OF DOCUMENT (Enter statement, budget justification book, insert(s) at page(s), etc.)	
WITNESS	
COMMITTEE/SUBCOMMITTEE	
HEARING DATE AND SUBJECT	
PAGE COUNT	THIS DOCUMENT IS FOR <input type="checkbox"/> CLASSIFIED <input type="checkbox"/> UNCLASSIFIED PRESENTATION (Check applicable term)
UPON COMPLETION NOTIFY (Name, agency and telephone number)	
DIRECT QUESTIONS TO (Name, agency and telephone number)	
RELEASANCE DATE (Date)	
The attached material has department/agency approval for the purpose specified. Any portions requiring security protection have been appropriately designated.	
ATTACHMENT	SIGNATURE

DD FORM 1790
1 JAN 71

ENCLOSURE (1)

RECORD OF CONGRESSIONAL TRANSCRIPT REVIEW

TRANSCRIPT ACTION MONITOR (Name, agency and telephone number)	DATE RECEIVED FROM CONGRESS
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TO: <i>In Turn</i> 1. _____ 2. _____ 3. DIRECTOR, FREEDOM OF INFORMATION AND SECURITY REVIEW, OASD (PA)	DATE ACTION MUST BE COMPLETED 1. _____ 2. _____ 3. _____
--	---

DESCRIPTION OF DOCUMENT COMMITTEE/SUBCOMMITTEE	HEARING DATE AND SUBJECT	PAGES _____ THRU _____ HEARING: CLOSED OPEN CLASSIFICATION
--	--------------------------	--

The attached transcript of testimony is forwarded for editorial and security review in accordance with DoD Directive 5400.4. To meet committee requirements and allow time for final review by the Directorate for Freedom of Information and Security Review, OASD(PA), your action must be completed as indicated. Each element in the review process must give cooperative consideration to the time requirements of all elements in meeting due out dates. An advance copy of this DD Form has been sent to DFOISR, OASD(PA).

GUIDELINES

I. SECURITY

A. GENERAL. Review must be accomplished by officials competent to judge the security aspects of the subjects involved and to provide a consistent and defensible security position.

B. MARKING

1. Use black lead pencil.
2. Inclose with brackets [] information to be deleted.
3. Make deletions as limited as possible, considering whether the total context may contain clues to the information deleted.

II. EDITORIAL

A. GENERAL. Edit to correct inaccuracies.

B. MARKING

1. Use black lead pencil.
2. Line through all words or figures for which substitute language or figures are entered. Do not use brackets.
3. Print or write all entries legibly.
4. Use standard proofreaders markings.
5. Do not change statements by committee members. Note inaccuracies in the margin.

REMARKS

FORWARDING CERTIFICATE

TO: Director, Freedom of Information and Security Review, OASD(PA) Date _____

Portions of the attached transcript which require deletion in the interests of national security before publication have been bracketed. This action represents the considered judgment of this department agency that the information so marked warrants the protection of security classification.

SIGNATURE	OFFICE
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