



UNITED STATES MARINE CORPS
COMMAND ELEMENT
II MARINE EXPEDITIONARY FORCE
PSC BOX 20080
CAMP LEJEUNE, NORTH CAROLINA 28542-0080

II MEFO 5510.4B
G-3/FDO
AUG 23 2017

II MARINE EXPEDITONARY FORCE ORDER 5510.4B

From: Commanding General, II Marine Expeditionary Force
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 (NDP-1), February 14, 2017 (NOTAL)
 - (c) SECNAVINST 5510.34A, "Disclosure of Classified Military Information and Controlled Unclassified Information to Foreign Governments, International Organizations and Foreign Representatives," October 8, 2004
 - (d) MCO 5510.16B, "USMC Liaison with Representatives of Foreign Governments/Interests," January 24, 2013
 - (e) DOD Directive C-5230.23, "Intelligence Disclosure Policy," November 18, 1983
 - (f) DIA Regulation 60-28 (NOTAL)
 - (g) MCO 5700.4E, "Marine Corps Foreign Personnel Exchange Program (MCFPEP), August 10, 2005
 - (h) MCO P5510.20B, "Disclosure of Military Information to Foreign Governments and Interests," December 21, 2012
 - (i) MCO 4950.2, "Joint Security Assistance Training Regulation", October 1, 1985
 - (j) Title 22, Code of Federal Regulations "International Traffic in Arms (ITAR)"
 - (k) DoD Directive 5530.3, "International Agreements," June 11, 1987
 - (l) Public Law 83-703, "Atomic Energy Act of 1954," August 30, 1954, as amended (Sections 2121, 2153 and 2164 of title 42, United States Code)
 - (m) DoD Directive 2040.2, "International Transfers of Technology, Articles, and Services," July 10, 2003
 - (n) DoD C-5230-23, "Intelligence Disclosure Policy," November 18, 1983
 - (o) DoD 5400.7-R, "DOD freedom of Information Act Program," September 4, 1998
 - (p) Title 15, Code of Federal Regulations, Parts 730-799, Export Administration Regulations (EAR)
 - (q) Title 10, United States Code
 - (r) Section 1082 of P.L. 104-210, "Agreements for Exchange of Defense Personnel between the United States and Foreign Countries"
 - (s) DoD Directive 5230.20, "Visits and Assignments Of Foreign Nationals," June 22, 2003
 - (t) Department of the Navy Foreign Disclosure Manual, May 2017

- Encl:
- (1) Definitions
 - (2) Request for Disclosure Authorization Letter Format
 - (3) NDP-1 Disclosure Criteria, Conditions and Limitations

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- (4) Requests for Exception to Policy
- (5) NDP-1 Categories of Classified Military Information (CMI)

1. Situation. II Marine Expeditionary Force (MEF) routinely interacts with allies, partnered nation forces, and foreign militaries during training, exercises and operations. Care must be taken to avoid unintentional or unauthorized disclosure of Classified Military Information (CMI), Controlled Unclassified Information (CUI). This Order establishes II MEF policy, procedures, authority, and responsibilities for the disclosure of CMI, CUI, to foreign governments and interests as directed by the references and implements references (a) through (t).

a. This Order applies to:

(1) All foreign disclosure of CMI and CUI defined in the definitions section of enclosure (1). Disclosures of military intelligence information must comply with reference (e).

(2) Any foreign nationals or foreign representatives representing their parent governments or international organizations on official business visiting or assigned to II MEF commands discussing official business.

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 and, 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 (IAW) reference (o).

(3) Visits of foreign nationals that fall within the exemption outlined in paragraph 20803 of reference (t).

2. Cancellation. II MEFO 5510.4A.

3. Mission

a. II MEF will fully support national disclosure policy and the International Visits Program (IVP) in accordance with references (a), (c), (s), and (t), and provides appropriate safeguards for the protection of our national security interests while building and enhancing relationships with allies and other friendly nations. 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 United States (U.S.). Disclosures of such information will be made only when authorized by an official designated in accordance with this Order.

b. IAW references (a) through (f) and (t), it is the Marine Corps and II MEF policy that:

(1) Only a Marine Corps military or civilian official who has been appointed in writing, completed certification training as the Designated Disclosure Authority (DDA), also known as a Foreign Disclosure Officer (FDO) may authorize foreign disclosure of CMI and CUI and only in accordance with

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references (a), (c), and (t) and in support of a lawful and authorized U.S. Government purpose if:

(a) The official II MEF representative designated as the foreign visit sponsor submits all information to be disclosed through the duration of visit to a FDO for foreign disclosure review.

(b) The level of classified information to be disclosed does not exceed the classification level delegated in reference (b), unless a National Disclosure Policy Committee's (NDPC) Record of Action authorizes a higher level of disclosure authority. See enclosure (4) for instructions regarding completion of a request for Exception to National Disclosure Policy (ENDP). See enclosure (4) for listing of NDP-1 categories of information.

(c) Disclosure criteria, conditions, and limitations in reference (b) and enclosure (3) are satisfied.

(2) CMI and CUI shall not be disclosed to foreign nationals until the appropriate designated disclosure authority 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 (g) and (i) 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) Under conditions of actual or imminent hostilities, any commander of a U.S. Combatant Command may disclose CMI up to and including SECRET to representatives of an actively participating allied coalition or military force when support of combined combat operations require that disclosure. In those situations when there may be doubt about the disclosure, the Commander may disclose the CMI to actively participating forces, if in the Commander's judgment, access to the CMI is crucial to the combat operation. Such disclosures will be expeditiously reported to Deputy Commandant, Plans, Policies, and Operations (DC, PP&O, PLU) and to Commander, U. S. Marine Corps Forces Command FDO.

(6) All II MEF 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.

(7) Disclosure planning shall include the following:

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(a) Planning for possible foreign involvement must start at the beginning process to facilitate decisions regarding the disclosure of CMI and CUI in support of operations, exercises, training, acquisition programs, or other foreign involvement to ensure that all requirements can be supported within the construct of the event and IAW applicable foreign disclosure policy.

(b) A Delegation of Disclosure Authority letter (DDL) or other appropriate written guidance, to include electronic mail, shall be used to provide disclosure guidance for exercises or training.

(c) Requests for foreign disclosure reviews shall be sent via electronic mail to the first FDO in the chain of command. Submissions to II MEF FDO will be sent to II MEF Command Element SharePoint portal to the Foreign Disclosure Management System (FDMS) at <http://eis.usmc.mil/sites/IIMEF/G3/foreign-disclosure-office/SitePages/FDMS.aspx>. Normally, a decision will be returned within 48 hours, depending on the complexity of the issue. FDOs and submitting commands will maintain records of all foreign disclosure decisions in accordance with references (a), (c), (m) and (t). Subordinate commands will submit to the II MEF FDO a report of all decision rendered by 31 December of the specific year.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) II MEF 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 our national security interests.

(b) The disclosure of CMI and CUI to our military allies is a significant aspect of this cooperation. The net benefit to the U.S. and the need to protect and conserve our 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 disclosures within II MEF, authority for the disclosure of II MEF CMI, is delegated to the II MEF FDO by Commander General, II MEF. United States Marine Corps CMI is delegated by HQMC to Commander, U.S. Marine Corps Forces Command to CG, II MEF.

(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 section, or subordinate command within II MEF will disclose or direct the disclosure of CMI or CUI except as approved or authorized by FDO.

(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 within the originating agency/military service or as dictated by control markings. In either case, the originator of the information must be informed of the intent to disclose or of the actual disclosure of information at the earliest possible time.

b. Subordinate Element Missions

(1) Chief of Staff

(a) Designate a FDO, in writing, to manage the Foreign Disclosure program per the references.

(b) Ensure that the FDO and other designated foreign disclosure personnel are appropriately trained, that all personnel receive required foreign disclosure education and that the command has an effective foreign disclosure awareness program.

(2) Assistant Chief of Staffs/Special Staff. Coordinate all foreign disclosure requests, release actions and foreign visits with the FDO.

(a) Adhere to the foreign disclosure processes established within this Order and the references.

(b) Coordinate with the FDO during initial planning when hosting any foreign personnel within II MEF.

(c) When hosting foreign visitors, provide and assign Contact Officers and/or sponsors as required per the references and identify them by-name to the FDO during initial planning.

(3) Subordinate Commanders

(a) All General Officer commands will designate a command FDO and/or a Foreign Disclosure Representative (FDR) in writing, to coordinate all foreign disclosure requests and foreign visits per the references.

(b) All O-6 commands will designate a command FDR, in writing, to coordinate all foreign disclosure requests and foreign visits per the references.

(c) Issue written command foreign disclosure directive and procedure to ensure II MEF foreign disclosure and release actions are conducted in accordance with this Order and the references.

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

(e) Ensure that the FDO and other designated foreign disclosure personnel are appropriately trained, that all personnel receive the required

foreign disclosure education and the command has an effective foreign disclosure awareness program.

(f) Maintain a list of most current non-releasable Tactics, Techniques, and Procedures (TTPs) as well as equipment capabilities.

(4) FDO

(a) Serve as the DDA by reviewing all requests for disclosure or release and serve as the final approval authority.

(b) Coordinate all requests for CMI and CUI, by a foreign government, with II MEF, MARFORCOM, DOD components or activities, and all applicable U.S. government agencies.

(c) Coordinate with DC, PP&O, Navy IPO on all Exceptions to National Disclosure Policy (ENDP) and requests for disclosure of CMI or CUI, Categories 1, 5, 6, and 7 to foreign governments and interests pertaining to the II MEF.

(d) Review and provide recommendations on all Foreign Visit Requests (FVR) to Marine Forces Command.

(e) Develop general instructions for distribution to any incoming foreign visitor by the respective staff section hosting them.

(f) Develop and provide foreign disclosure briefing to all new join personnel during their check in process, making sure to address the security and cultural implications of improper disclosure or release of information to foreign governments.

(g) Conduct foreign disclosure training to augments to combined exercise.

(h) Provide training as required to Contact Officers, Sponsors, FDR, and escorts to assist in the timely coordination of foreign disclosure reviews and foreign visitors.

(5) FDR. Per reference (h), a Foreign Disclosure Representative (FDR) will streamline the disclosure process by providing initial review of any request, and when assigned within a particular section, will also subject matter expert perspective before forwarding to the FDO for final review and determination. FDRs are limited to disclosure and/or release of only CUI under their purview. All CMI requires a review and approval from a FDO within the chain of command.

c. Coordinating Instructions

(1) Requests for disclosure review of CMI or CUI will be forwarded to the first FDO in the chain of command. Format for disclosure requests is contained in enclosure (2). This can be accomplished by letter or email and should include supporting rationale. Requests that do not provide sufficient detail on which to base a decision will be denied or returned for further justification, as appropriate.

(2) Disclosure approval does not include authority for the release of classified documents, materials, or equipment unless explicitly stated in

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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.

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

(4) 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.

(5) All General Officer command designated FDOs must complete the Marine Corps Resident Foreign Disclosure course provided by HQMC, PP&O, PLU. FDR designated at O-6 commands must complete the Defense Security Service (DSS) online Foreign Disclosure training provided at: <http://www.cdse.edu/catalog/curricula/GS401.html>. FDRs assigned are normally Staff Noncommissioned Officers or Company Grade Officers.

(6) Joint Combined Exchange Training (JCET). The supporting unit will ensure the Terms of Reference (TOR) drafted are coordinated with the applicable theater and country plans to ensure that topics covered are linked to strategic objectives. Any potential foreign disclosure issues will be vetted through a designated FDO then forwarded to the appropriate theater FDO prior to deployment, the unit will review the most current list of non-releasable TTPs and capabilities. Once a mission is approved and is in execution on-scene, commanders must ensure that "mission creep" does not result in unauthorized disclosure. During mission execution, disclosures will be vetted directly through the theater DDA/FDO.

(7) Network Access

(a) Secret Internet Protocol Router Network (SIPRNet). Foreign personnel will not receive any access to U.S. SIPRNet workstations or systems.

(b) Non-secure Internet Protocol Router Network (NIPRNet). Foreign personnel may be granted access to NIPRNet workstations, systems and accounts. In space of the Security Manager, the FDO must complete and digitally sign part III of DD Form 2875, System Authorization Access Request (SAAR).

(c) Marine Corps Enterprise Information Technology Services (MCEITS). Freedom of access to MCEITS and SharePoint websites will not normally be granted to foreign personnel. Should a command, staff section submit or validate a requirement to the Information Management Officer (IMO) for foreign personnel access to specific MCEITS webpages, those pages may only contain files cleared for both disclosure and release to the respective government.

(d) Electronic Mail (EMAIL). All personnel must be conscious when sending emails, specifically when forwarding or replying to all, in order to ensure that they do not forward or reply with CMI and/or CUI not cleared for disclosure and/or release to a foreign recipient in the To: or CC: line. For this reason, addition of foreign personnel to the Global Address List (GAL) contact group is discouraged. In addition, all foreign

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personnel having access to Marine Corps Enterprise Network (MCEN) are required to have a country identifier attached to their email addresses.

(e) Combined Enterprise Regional Information Exchange (CENTRIX). Foreign personnel assigned to II MEF or involved in exercises with II MEF personnel may be authorized access to the appropriate CENTRIX as a collaborative tool for sharing of information for planning and execution. Country eligibility, need to know and mission requirement will be required as to whether a foreign individual may be provided access. FDO and AC/S G-6 approval is required prior to access to CENTRIX by a foreign individual.

(8) Distribution Statements. Documents marked "Distribution Statement A" are authorized for disclosure and release without review by a FDO. Documents marked with any other distribution statement require FDO review and approval.

(9) Contact Officers

(a) Per reference (h), contact officers will be Marine Corps official of the same rank or higher as the foreign visitor and will oversee and control all contacts, request for information, access and other activities of their assigned visitor.

(b) Contact Officers will become familiar with reference (h), the respective Delegation of Disclosure Letter (DDL) and ensure that co-workers are knowledgeable about the limitations on information access by the visitor and their responsibilities, coordinating with the FDO on any disclosure question not clearly delineated in the respective DDL. In addition, Contact Officers will complete the Foreign Disclosure Introductory and Contact Officer Courses which can be found by searching "Foreign Disclosure" on Marine Net. A copy of the completion certificates will be forwarded to the appropriate FDO within the chain of command.

(c) Per reference (h), Contact Officers for extended visits will be appointed in writing by their respective Commanding Officer. A copy of the appointment letter will be forwarded to a FDO within the chain of command.

(10) International Agreements (IAs)

(a) Early Disclosure Determination. Before any discussions with foreign representatives on the negotiation of an international agreement that is governed by reference (k), the II MEF components shall determine the extent to which classified military information will be required for release, and obtain disclosure authorization for the information.

(b) Security Requirements. International agreements that involve the disclosure of classified military information 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.

(c) Cooperative Programs. Disclosure authorities shall review carefully any request for CMI made IAW an established cooperative agreement

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with both the goals of the program and the interests of national security in mind.

(d) Personnel Exchange IAs for Foreign Visitors, Liaison Officers (FLO), and Exchange Personnel. Many allied SOF units express interest in visiting or exchanging training with II MEF. This can have positive net effects, but must follow the foreign disclosure guidelines set forth in references (a) through (d), (s), (t), and (v). Foreign Visits require a Foreign Visit Request that is routed through the FDO in order to establish the exact purpose of the visit and what material is releasable. A designated Contact Officer or sponsor will escort visitors during the visit after being briefed by the FDO of his specific responsibilities. A Foreign Visit Authorization does not imply approval of disclosures to the clearance level of the visitor; only disclosures specifically authorized in the disclosure authorization are permissible and at no time during the visit is the visitor to be made aware of the authorities over what can be disclosed. Procedures for individuals that fall into the Foreign Personnel Exchange Program (FPEP), permanently on staff must have records maintained and inspected as part of their local Inspector General checklist under 5510.2, records should include the following:

1. A copy of the approved, extended Foreign Visit Request for each foreign person assigned.
2. A copy of the Delegation of 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. A copy of the IA in the form of a Memorandum of Understanding (MOU) or Memorandum.
6. 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. Some FLO's may be required to sign a similar certification when a requirement is contained within the MOU.
7. Completion certificates on Foreign Disclosure Introductory and Contact Officer Courses from Marine Net.

(11) Check-In. All foreign personnel on a one time, emergency and/or extended visit will physically check-in with the command FDO/FDR or assigned Contact Officer/Sponsor for the subject visit. The visitor will provide appropriate identification paperwork such as country passport or identification card. The command FDO/FDR or Contact Officer/Sponsor assigned will notify the II MEF FDO via email that the visitor has arrived and checked-in. The II MEF FDO will acknowledge and input the foreign individual(s) into the Foreign Visit System Conformation Module (FVS-CM).

(12) Meetings, Symposia, and Conferences

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(a) Foreign Participation. Foreign nationals may participate in such gatherings when their participation is IAW this Order and U.S. Export Control Policies. The II FDO or MSC FDO must approve 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.

(b) Disclosure Levels. The classification levels and categories of information authorized for disclosure vary among nations. II MEF components shall limit the level of classified information to be disclosed at meetings attended by foreign representatives to the lowest level that is common to all nations represented IAW reference (b).

(13) Sales, Leases, Loans, or Grants of Classified Items. Per reference (a), the II MEF components in coordination with MARCORSYSCOM DDA, 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.

(a) Release Authorization. Before approval of initiatives that could lead to a sale, lease, loan, or grant of military equipment, obtain authorization from II MEF FDO in coordination with MARCORSYSCOM International Program Office (IPO).

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

(14) Operation, Employment, Maintenance, and Training

(a) After consummation of a sale, lease, loan, or grant, classified military information may be disclosed up to the level necessary for operation, employment, maintenance, and training.

(b) Technical/Training Data Packages. Edit or rewrite technical/training data packages to exclude information that is beyond that which has been authorized for disclosure.

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

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

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

(a) Conducted on an item approved for foreign disclosure by the appropriate disclosure authority.

(b) 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.

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(c) Exceptions to paragraph (12)(a)2, 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:

1. There is no transfer of, and the test will not reveal technology that the U.S. would not license for manufacture in the foreign country.

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

3. The release will result in a clearly defined advantage to the United States; for example:

(a) Specifically defined avoidance of significant costs or acceleration of program in development efforts by the U.S. and its allies.

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

(c) Exchange technical and scientific information of common interest on a mutually beneficial basis.

(d) The releases are reported in the Foreign Disclosure Management System (FDMS), see definitions in enclosure (1).

(16) Foreign Participation in II MEF Component Classified Training Activities

(a) 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 after the following:

1. The prospective trainee's government has concluded an international agreement or signed a purchase agreement with the U.S. to acquire the equipment and training; or

2. The Defense Security Assistance Agency issues an International Military Education and Training (IMET) order for the training.

3. Unique training associated with exchange assignments.

(b) 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.

(c) 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.

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(17) Requests for Classified Documents

(a) Disclosure Review. Official requests for classified documents by a foreign representative shall be forwarded to the first FDO within the chain of command from the applicable FDR at the originating II MEF component for review and a decision. If a decision cannot be reached at the II MEF level, requests will be forwarded to Commander, Marine Forces Command Foreign Disclosure Officer.

(b) Reference Lists and Bibliographic Material. To avoid false impressions and to avoid proliferation of requests for classified military information that is not releasable to the requestor, the II MEF components shall:

1. When practical, not reference non releasable documents.
2. Discourage release of documents that have reference lists or bibliographies that have not been sanitized 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.

(18) 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 Department of Defense has agreements that encourage reciprocal participation in defense procurement may include access to classified information consistent with this Order as follows:

(a) Access to Technical Data. Qualified government and industry representatives from those countries shall be given appropriate access to technical data, consistent with this Order and reference (j), necessary to bid on the II MEF contracts.

(b) 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.

(c) 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.

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

(19) Reporting Compromises of U.S. Classified Military Information Furnished to Foreign Governments. IAW reference (a), II MEF components having knowledge of compromises of U.S. classified information to foreign governments shall promptly inform the II MEF FDO. The originating II MEF component shall conduct a damage assessment and forward the results to II MEF FDO who will in turn report it to the National Disclosure Policy Committee (NDPC) via HQMC, PP&O, PL to the Navy International Program Office (NIPO).

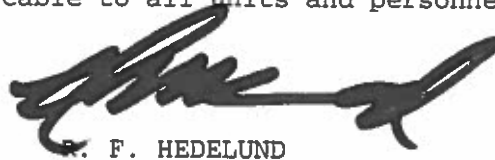
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4. Administration and Logistics. Definitions used in this Order are contained in enclosure (1).

5. Command and Signal

a. Command. This Order is effective the date signed.

b. Signal. This Order is applicable to all units and personnel within II MEF.



R. F. HEDELUND

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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 II MEF component or II MEF contractor facility or the placement of a MEF civilian or military employee on the premises of a foreign government defense installation or defense contractor facility.
2. Classified Military Information (CMI). Information originated by or for the Department of Defense or its Agencies or is under their jurisdiction or control and that requires protection in the interests of national security. It is designated TOP SECRET, SECRET, and CONFIDENTIAL, as described in reference (t). Classified military information may be in oral, visual, or material form and has been subdivided further into the eight categories described in enclosure (5).
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 Information (CUI). Unclassified information that does not meet the standard for National Security Classification under Executive Order 12958, but is pertinent to the national interest of the United States or originated by entities outside the U.S. Federal Government and under law or policy requires protection from disclosure, special handling safeguards, and prescribed limits on exchange or dissemination.
5. Cooperative Program. For the purposes of this Order, programs that comprise one of 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 NATO and major non-NATO allies under section 2350a of reference (q).
6. 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 II MEF component's disclosure jurisdiction that may be disclosed to specific foreign governments or international organizations or their representatives for a specified purpose.
7. Designated Disclosure Authority (DDA). An official who has been delegated disclosure authority in accordance with reference (a), to control disclosures of classified information and CUI to foreign governments or international organizations and their representatives.
8. Export Authorization. An approved numbered license or agreement or an authorized exemption under reference (j).
9. Foreign. Away from one's own native country; subject to the jurisdiction of another political unit.

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10. Foreign Disclosure. To convey CMI or CUI to an authorized representative of a foreign government or organization through government-to-government channels. (NOTE: The transfer or disclosure of CMI or CUI to a foreign national who is an authorized employee of the U.S. government or a U.S. contractor technically is not a "foreign disclosure," since the disclosure is not made to the person's government).

11. Foreign Disclosure Officer (FDO). A FDO is a disclosure authority member designated in writing to oversee and control coordination of specific disclosures of CMI and CUI. The FDO must be a military officer or civilian employee, GS-11 or above; a U.S. citizen, and have been the subject of a favorably adjudicated Single Scope Background Investigation with Sensitive Compartmented Information (SCI) eligibility completed within the last five years.

12. Foreign Disclosure Representative (FDR). FDR is military officer or civilian employee, GS-9 or above that will coordinate all foreign disclosure reviews and facilitate a complete and timely response to foreign disclosure requests and represent the organizations consolidated disclosure representative. The FDR does not have disclosure authority to release CMI or CUI.

13. Foreign Disclosure System (FDS). The automated system managed by Office of the Under Secretary of Defense, Policy OUSD(P) that supports and facilitates decisions on the foreign disclosure, IVP, and export licensing processes by maintaining records of precedence records on foreign disclosure decisions.

14. Foreign Interest. Any foreign government, 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.

15. 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 DoD component for specified purposes, to conduct business with a DoD component on behalf of the foreign government or international organization. FLOs that are stationed with a DoD component shall be assigned in accordance with the terms of a FLO agreement. The FLO does not report to the DoD chain of command but to his own government.

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

17. 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.

18. Foreign Visit. A foreign national enters or proposes to enter a DoD component or DoD-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).

19. Foreign Visit System (FVS). The automated system managed by the OUSD(P) that provides staffing and database support for processing RFVs by foreign government representatives to MARSOC component activities and cleared defense contractors.

20. Government-to-Government Channels. The principle that classified information or material will be transferred by government officials through official channels or through other channels expressly agreed upon by the governments involved.

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

22. 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.

23. 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.

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

25. Meeting. A conference, seminar, symposium, exhibit, convention, training course, or other gathering during which classified or controlled unclassified information is disclosed.

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

27. Originating Classification Authority. The U.S. Agency that exercises original classification jurisdiction for classified information.

28. Foreign Personnel Exchange Program (FPEP). A program authorized by reference (r) where military and civilian personnel of the Department of Defense 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 II MEF chain of command.

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

30. 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.

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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.

31. 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 II MEF, 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).

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

33. 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.



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REQUEST FOR DISCLOSURE AUTHORIZATION LETTER FORMAT

Org Code

Date

From: Commanding Officer, (II MEF UNIT)
To: Foreign Disclosure Officer (First FDO within Chain of Command)

Subj: REQUEST FOR FOREIGN DISCLOSURE DETERMINATION

Ref: (a) II MEFO 5510.4_

Encl: (1) Information for Foreign Disclosure Review

1. Classification. Identify highest level of classification disclosure required.
2. Disclosure Methods. Identify method of disclosure (oral, visual, documentary, or material).
3. Categories of Information. Specify disclosure categories of classified military information.
4. Scope. Specify specific information or material to be disclosed, and the requesting agency. The following information must be included:
 - a. Justification.
 - b. Description of information, document, or material.
 - c. Characteristics (provide in layman's terminology, not technical).
 - d. Capabilities.
 - e. Vulnerabilities.
 - f. Operational advantage(s) to the country.
 - g. Susceptibility to CM (include classification).
 - h. Foreign availability of similar item.
 - i. Recommendation on release
5. Point of Contact

Commanding Officer signature

Enclosure (2)

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NDP-1 DISCLOSURE CRITERIA, CONDITIONS, AND LIMITATIONS

1. Disclosure Criteria. In accordance with reference (a), disclosures of classified military information in Categories 1, 5, 6, and 7 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:

"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. classified military information 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. classified military information normally is determined by the evaluation of embassy security assessments, Central Intelligence Agency risk assessments, national Military Information Disclosure Policy Committee (NDPC) Security Survey Reports, and/or historical precedence

d. Disclosure will result in benefit 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 of 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 information necessary to the purpose for which disclosure is made. For example, information would be released on operation, maintenance, and training if the purpose of the disclosure is the

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sale of military equipment. Research, development and production data must be withheld.

2. Disclosure Conditions. After a decision is made to disclose classified military information 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 classified military information is contingent upon agreement by the recipient foreign government that the listed minimal conditions in subsections (a) through (h), of this enclosure are 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 military information released to it.

e. All individuals and facilities that will have access to the classified military information and material will have security clearances granted by their government at a level 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. Disclosure Limitations. General Limitations. The information in this Order shall not be construed 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 the Atomic Energy Act of 1954 reference (1).

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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 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 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, as amended in reference (1).

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.

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REQUESTS FOR EXCEPTION TO 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. 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. 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 a 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." Example: "(1) if

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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." 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 nonreleasable 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 long-term project, such as a co-production program or military sale when the United States will be obligated to provide life- exception. (A continuing exception usually is associated with 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. NDPC case deliberations are allowed 10 working days for processing. The suspense date is computed starting with the first working day after the date of the request.

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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, ensures readiness for, and provides 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, a disclosure of this information is 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 National Intelligence (DNI).