



DEPUTY SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1010

October 8, 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 13-009, "Congressional Notification for Authorized Public Disclosure of Intelligence Information"

References: See Attachment

Purpose. This DTM:

- In accordance with section 504 of Public Law 112-277 (Reference (a)), implements a new congressional notification requirement for the authorized public disclosure of intelligence information.
- Is effective October 8, 2013. This DTM will expire January 14, 2014.

Applicability

- This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the "DoD Components").

- Nothing in this guidance alters direction regarding those individuals designated in Executive Order 13526 (Reference (b)) and DoD Manual 5200.01, Volume 1 (Reference (c)) who may declassify or downgrade the classification level of currently classified information, or procedures concerning unauthorized disclosures of classified information in Secretary of Defense Memorandum (Reference (d)).

Policy. It is DoD policy that:

- In accordance with Reference (a), notification within 14 days will be provided to the congressional intelligence committees whenever a military member, civilian employee, or DoD contractor has made an authorized disclosure of national intelligence or intelligence related to national security (defined in Executive Order 12333 (Reference (e)) to media personnel or any person or entity if such disclosure is made with the intent or knowledge that such intelligence will be made publicly available. This notification is required if the intelligence is currently classified or if it is declassified for the purpose of the disclosure.
- Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the DoD will be cleared prior to public release in accordance with DoD Directive 5230.09 (Reference (f)).

Responsibilities

- In consultation with the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)), the Assistant Secretary of Defense for Legislative Affairs (ASD(LA)), and the Department of Defense General Counsel, the Under Secretary of Defense for Intelligence (USD(I)) determines when disclosures meet the reporting requirements in accordance with Reference (a).
- The ATSD(PA) notifies USD(I) and ASD(LA) whenever authorized disclosures meet the requirements of Reference (a). ATSD(PA) is the sole release authority to news media for any official DoD information. All media inquiries are coordinated through appropriate public affairs channels.
- In consultation with the USD(I), the ASD(LA) ensures timely and complete notification to the congressional intelligence committees for any disclosures of national intelligence that must be reported in accordance with Reference (a).

Procedures

- Notification. The individual authorizing the disclosure is responsible for ensuring the following notifications are made:

- Provide the specific title and authority of the individual authorizing the disclosure.
- If applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed.
- Describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.
- Exception. The notification requirement in this section does not apply to a disclosure made:
 - Pursuant to any statutory requirement, including to section 552 of Title 5, United States Code (U.S.C.) (Reference (g));
 - In connection with a civil, criminal, or administrative proceeding;
 - As a result of a declassification review process in accordance with Reference (b) or any successor order; or
 - To any military member, civilian employee, or DoD contractor of the Federal Government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 401a(5) of Title 50, U.S.C. (Reference (h)).

Releasability. This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

A handwritten signature in black ink, appearing to read "Robert A. Cat". The signature is written in a cursive, flowing style.

Attachment:
As stated

ATTACHMENT

REFERENCES

- (a) Section 504 of Public Law 112-277, "The Intelligence Authorization Act for Fiscal Year 2013," January 14, 2013
- (b) Executive Order 13526, "Classified National Security Information," December 29, 2009
- (c) DoD Manual 5200.01, Volume 1, "DoD Information Security Program: Overview, Classification, and Declassification," February 24, 2012
- (d) Secretary of Defense Memorandum, "Deterring and Preventing Unauthorized Disclosures of Classified Information," October 18, 2012
- (e) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended
- (f) DoD Directive 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008
- (g) Section 552 of Title 5, United States Code
- (h) Section 401a of Title 50, United States Code

GLOSSARY

ACRONYMS AND ABBREVIATIONS

ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ATSD(PA)	Assistant to the Secretary of Defense for Public Affairs
DTM	Directive-type Memorandum
U.S.C.	United States Code
USD(I)	Under Secretary of Defense for Intelligence