

Defense Office of Prepublication and Security Review (DOPSR) Mandates and Authority (Interagency interdependences)

Historical Context: On March 17, 1949, a memorandum from Secretary of Defense James Forrestal to the three Service Secretaries and the Joint Chiefs of Staff ordered the consolidation of the public information activities of the National Military Establishment including Security Review. On April 14, 1949 OSD's Consolidation Directive No. 1 formally codified the creation of a Joint DoD level Security Review function responsible for classification and policy review prior to publication.

Note: Colored boxes are used to trace directly related functions to their highest authority

Public Laws	<p>22 CFR 125.4 (b)(13) International Traffic in Arms Regulations authored by the Department of State to implement Export Control Act using authority granted in E.O. 11958, as Amended</p>	<p>22 USC Section 2778 Export Control Act Assigns authority to control export of defense articles to the President</p>	<p>22 USC 4352 Foreign Relations of the U.S. Requires all involved US Gov't Agencies review/consider declassification/public release approval upon formal request from the Office of the Historian (Department of State) of all previously classified records of FRUS related decisions and actions older than 26 years old</p>	<p>Budget and Accounting Act of 1921, the President must submit a budget to Congress each year. 31 U.S.C. 1105(a) specifies that the President submit a budget between the first Monday in January and the first Monday in February. Congressional Budget and Impoundment Control Act of 1974 requires the President to spend funds that Congress allocated</p>	<p>2 CFR Part 2001 Information Security Oversight Office Directive No. 1, Appendix <i>Interagency Security Classification Appeal Panel</i> bylaws</p>			
Executive Orders	<p>E.O. 11958, as Amended Delegates export control statutory authority for defense articles and related services to the Department of State</p>		<p>E.O. 13526, Classified National Security Information Establishes safeguards to protect/share national security information</p>	<p>E.O. 13526, Classified National Security Information Sec. 5.3 Establishes ISCAP including membership (DoD, DOS, DOJ, Nat'l Archives, ODNI, Nat'l Security Advisor)</p>				
DoD Directives or Manual	<p>DoDD 5105.53 Director of Administration & Management Designates DA&M to develop, coordinate, issue policy and oversee administration, organization, and management and act as DoD appellate authority for the "DoD Security Review Program"</p>	<p>DoDD 5110.04 Washington Headquarters Services WHS shall organize, direct, and manage the DoD-wide operational program entitled the "DoD Security Review Program"</p>	<p>DoDD 5230.09 Clearance of DoD Information for Public Release defines the "DoD Security and Policy Review Program" implemented by the Defense Office of Prepublication and Security Review (<i>applies to active/former/retired DoD employees</i>)</p>		<p>DoDM 5200.01 Vol 1 DoD Information Security Program Directs WHS (under supervision of DA&M) to identify a DoD ISCAP liaison IAW ISCAP bylaws</p>			
DoD Instructions or Manual	<p>DoDI 7650.02 Government Accountability Office Reviews and Reports Allows DoD responses to GAO Reports through DoD IG</p>	<p>DoDI 8550.01 DoD Internet Services and Internet-Based Capabilities</p>	<p>DoDI 5230.29 Security and Policy Review of DoD Information for public release defines what needs to be reviewed and the process including timeframes</p>	<p>DoDI 5400.04 Provision of Information to Congress creates a method allowing DoD to respond directly to Congress</p>	<p>DoDM 5200.01 DoD Information Security Program Damage Assessment Information Security</p>	<p>USD(I) Letter of Delegation assigning DOPSR the role of DoD ISCAP liaison</p>		
Provides What Authority to DOPSR?	<p>ITAR mentions DOPSR's previous name (DoD OSR) specifically. Provides authority to review and approve for public release information on defense articles (that require a Department of State export control license to sell outside the U.S.)</p>	<p>Provides authority for DOPSR to review/approve DoD information in GAO Reports including DoD responses before publication</p>	<p>Ensures DOPSR properly marks and controls all identified classified DoD information</p>	<p>Provides DOPSR authority to conduct security and policy reviews and approve for public release on behalf of the SECDEF</p>	<p>Provides authority for DOPSR to review and approve public release of previously highly classified historical DoD documents (>26 years old)</p>	<p>Provides DOPSR authority to timely review and approve for release to Congress the DoD portion of the President's budget, supporting testimony, answers to Questions for the Record, Inserts for the Record, Select Acquisition Reports, transcripts</p>	<p>Provides ability for USD(I) or other OCA to formally request DOPSR perform a post-publication review to assist in developing a damage assessment quantifying adverse impact to national security</p>	<p>Assigns DOPSR ISCAP liaison duties as part of the ISCAP Working Group to formulate and brief recommendations to the DoD ISCAP voting member (from USD(I))</p>
MANDATE	<p>Timely DOPSR export control reviews foster future requests creating a win-win scenario. No requester fines, and no published data harmful to our frontline warfighters. Typical deadline requiring staffing: 2-4 weeks.</p>	<p>Compliance with GAO timelines is Congressional compliance. Typical deadline: 3-5 work days.</p>	<p>Enclosure 3 of DoDI 5230.29 contains requester <i>timelines</i> for DOPSR reviews & clearances for public release. Speeches/briefings 10 days Articles/papers 10 days Technical papers 15 days Book manuscripts 30 work days</p>	<p>FRUS public law allows 120 days for initial review, and 60 days for appeals</p>	<p>Each Congressional committee sets testimony deadlines (2 days before appearance). DOPSR often receives review/approval requests within 24 hours of deadline. IAW DoDI 5230.29: Statements 5 days, QFRs/IFRs/SARs 5 days, Budget data IAW DoDI 5400.04</p>	<p>Timely completion of formal USD(I) damage assessment review requests to DOPSR limits harm to national security and may lead to prosecution via DOJ. Typical deadline: 2-4 weeks</p>	<p>DoD participation in the ISCAP process including timelines for reviews is statutory. Hard deadlines supporting interagency voting on release/partial release.</p>	