

CUI BASICS FOR CONGRESS

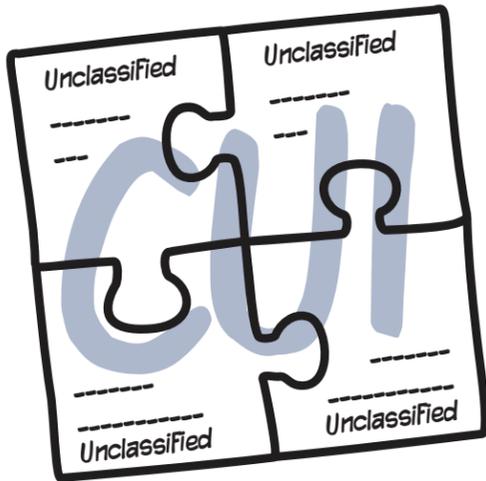
CLEARED
For Open Publication

Mar 17, 2023

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW



CUI is unclassified information that requires safeguarding or dissemination control ...



May share within Congress ...



... Don't disclose to public without Further review

Markings protect data related to Congress's DoD oversight ...



... * "For Committee Use Only" is NOT CUI.

CUI annual training required ...



... Stay tuned More programs and processes to come

What is CUI?

- Controlled Unclassified Information (CUI) is unclassified information the United States Government creates or possesses that requires safeguarding or dissemination controls limiting its distribution to those with a lawful government purpose. CUI may not be released to the public absent further review.
- The DoD CUI Program, established through Executive Order 13556, standardizes the safeguarding of information across multiple categories. For example, CUI categories exist to protect Privacy Act information, attorney-client privileged information, and controlled technical information, among many others. A complete list of these categories is available at the DOD CUI Registry found at <https://www.dodcui.mil>.
- CUI markings alert recipients that special handling may be required to comply with law, regulation, or Government-wide policy.
- For DoD, CUI also enables consistent processes to safeguard information for specific national security purposes, such as physical and operations security.
 - CUI-protected information is unclassified, but requires control to prevent release of unclassified information that, if publicly associated with defense missions or aggregated with other sources of information, often will reveal exploitable information to adversaries or violate statutory requirements.

Who can access CUI?

- Any Member of Congress and personal or professional staff are authorized to receive and share CUI from DoD.
- The standard for access to CUI is a "lawful government purpose." This is defined as "any activity, mission, function, operation, or endeavor that the U.S. Government authorizes or recognizes as within the scope of its legal authorities or the legal authorities of a non-executive branch entity." (32 CFR 2002.4(bb))
 - Many different groups may have a "lawful government purpose" to receive access to CUI. In addition to any Member of Congress or their staffs, this may include State, Local, Tribal and Territorial Governments, appropriate industrial partners, other Federal Agencies, Allies and Partner nations, and members of academia.

How should members and staff handle CUI?

- If a document is marked CUI and provided to members or staff, either during a briefing or otherwise, it can be shared widely. CUI does not prohibit dissemination within Congress—it only prohibits public release.
- CUI markings do not prohibit Executive Branch briefers from leaving documents behind after a congressional engagement.
- Members and staff can request to keep any materials brought to a briefing.

What do the markings "Legislative Materials" and "For Committee Use Only" mean?

- The CUI category "Legislative Materials" (LMI) is applied to protect data related to Congress's legislative or oversight responsibilities over DoD. This includes data related to proposed or pending legislation as well as DoD responses to Congressional inquiries and any other information which, if disclosed, would reveal the nature and scope of congressional inquiries to DoD.
- "For Committee Use Only" indicates that only Members and staff of a particular Committee should read a document. DoD recognizes there may be a need to share information beyond the Committee. When this is necessary, DoD asks that the Committee reengage with DoD so DoD can help remove that requested limitation where possible.
 - For example, in extraordinary circumstances personally identifiable information (PII) may be provided in response to congressional investigation where PII is requested in a Chairman's letter. In such cases, any production involving PII would be for Committee Use Only.

What actions is the Department taking to educate and implement proper use of CUI with Congress and internal to the Department?

- DoD requires annual CUI training. To date, 2.3 million military, civilian and contractor personnel have been trained. Training resources are available at <https://www.dodcui.mil>.
- DoD is taking steps to reform its congressional reporting processes so that unclassified reports are written with the expectation of public release. Reports which require inclusion of CUI, or other non-public information, will be included as an annex.
- DoD's program is an implementation of existing federal requirements. The Department is a leading advocate for increased simplification and uniform adoption by all federal agencies of the national CUI program through an ongoing interagency review process.

FOR MORE INFORMATION, VISIT <https://www.dodcui.mil>