''Top Secret,'' ''Secret,'' or ''Confidential.'' The markings ''For Official Use Only,'' and ''Limited Official Use'' shall not be used to identify classified information. Moreover, no other term such as ''Sensitive,'' ''Conference,'' or ''Agency'' shall be used in conjunction with the authorized classification designations to identify classified information.

(b) *Top Secret*. ''Top Secret'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Examples of exceptionally grave damage include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security.

(c) *Secret*. ''Secret'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security. Examples of serious damage include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; compromise of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security.

(d) *Confidential*. ''Confidential'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause damage to the national security. Examples of damage include the compromise of information that indicates strength of ground, air, and naval forces in the United States and overseas areas; disclosure of technical information used for training, maintenance, and inspection of classified munitions of war; revelation of performance characteristics, test data, design, and production data on munitions of war.

§159a.12 Authority to classify, downgrade, and declassify.

(a) *Original Classification Authority*—(1) *Control*. Authority for original classification of information as Top Secret, Secret, or Confidential may be exercised only by the Secretary of Defense, the Secretaries of the Military Departments, and by officials to whom such authority is specifically delegated in accordance with and subject to the restrictions of this section of the part. In the absence of an original classification authority, the person designated to act in his or her absence may exercise the classifier's authority.

(2) *Delegation of Classification Authority*. Original classification authority shall not be delegated to persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide. Delegations of original classification authority shall be limited to the minimum number required for efficient administration and to those officials whose duties involve the origination and evaluation of information warranting classification at the level stated in the delegation.

(i) *Top Secret*. Only the Secretary of Defense, the Secretaries of the Military Departments, and the senior official designated by each under §5.3(a) of E.O. 12356, provided that official has original Top Secret classification authority, may delegate original Top Secret classification authority. Such delegation may only be made to officials who are determined to have a demonstrable and continuing need to exercise such authority.

(ii) *Secret and Confidential*. Only the Secretary of Defense, the Secretaries of the Military Departments, the senior official designated by each under §5.3(a) of E.O. 12356, and officials with original Top Secret classification authority, may delegate original Secret and Confidential classification authority to officials whom they determine respectively to have a demonstrable and continuing need to exercise such authority.

(iii) Each delegation of original classification authority shall be in writing and shall specify the title of the position held by the recipient.

(3) *Requests for Classification Authority*. (i) A request for the delegation of original classification authority shall be made only when there is a demonstrable and continuing need to exercise such authority and the following conditions exist:

(A) The normal course of operations or missions of the organization results in the origination of information warranting classification;

(B) There is a substantial degree of local autonomy in operations or missions as distinguished from dependence upon a higher level of command or supervision for relatively detailed guidance;

(C) There is adequate knowledge by the originating level to make sound classification determinations as distinguished from having to seek such knowledge from a higher level of command or supervision; and

(D) There is a valid reason why already designated classification authorities in the originator's chain of command or supervision have not issued or cannot issue classification guidance to meet the originator's normal needs.

(ii) Each request for a delegation of original classification authority shall:

(A) Identify the title of the position held by the nominee and the nominee's organization;

(B) Contain a description of the circumstances, consistent with paragraph (a)(3)(i) of this section, that justify the delegation of such authority; and

(C) Be submitted through established channels to the Secretary of Defense, the Secretary of the Military Department concerned, the senior official designated by each under §5.3(a) of E.O. 12356, or the appropriate Top Secret classification authority.

(4) *Training Requirements for Original Classification Authorities*. Heads of DoD Component shall establish procedures to ensure that all original classification authorities in their Component, to include themselves, are indoctrinated in the fundamentals of security classification, limitations on their authority to classify information, and their responsibilities as such. This indoctrination shall be a prerequisite to the exercise of such authority and shall be a matter of record that is subject to audit. Heads of DoD Components shall ensure this indoctrination is given to all present original classification authorities within 12 months of the effective date of this part.

(b) *Derivative Classification Responsibility*. Derivative application of classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate in new form, information that is already classified, or those who apply markings in accordance with guidance from an original classification authority. Persons who apply derivative classifications should take care to determine whether their paraphrasing, restating, or summarizing of classified information has removed all or part of the basis for classification. Persons who apply such derivative classification markings shall:

(1) Respect original classification decisions;

(2) Verify the information's current level of classification as far as practicable before applying the markings; and

(3) Carry forward to any newly created documents the assigned dates or events for declassification and any additional authorized markings.

(c) *Record and Report Requirements*. (1) Records of designations of original classification authority shall be maintained as follows:

(i) *Top Secret Authorities*. A current listing by title and organization of officials designated to exercise original Top Secret classification authority shall be maintained by:

(A) The Office of the Deputy Under Secretary of Defense (Policy) (ODUSD(P)) for the Office of the Secretary of Defense; the Organization of the Joint Chiefs of Staff; the headquarters of each Unified Command and the headquarters of subordinate Joint Commands; and the Defense Agencies.

(B) The Offices of the Secretaries of the Military Departments for the officials of their respective departments, including Specified Commands but excluding officials from their respective

departments wo are serving in headquarters elements of Unified Commands and headquarters of Joint Commands subordinate thereto.

(ii) *Secret and Confidential Authorities.* A current listing by title and organization of officials designated to exercise original Secret and Confidential classification authority shall be maintained by:

(A) The ODUSD(P) for the Office of the Secretary of Defense.

(B) The offices of the Secretaries of the Military Departments for the officials of their respective departments, including Specified Commands but excluding officials from their respective departments who are serving in headquarters elements of Unified Commands and headquarters elements of Joint Commands subordinate thereto.

(C) The Director, Joint Staff, for the OJCS.

(D) The Commanders-in-Chief of the Unified Commands, for their respective headquarters and the headquarters of subordinate Joint Commands.

(E) The Directors of the Defense Agencies, for their respective agencies.

(iii) If the listing of titles of positions and organizations prescribed in paragraphs (c)(1) (i) and (ii) of this section discloses intelligence or other information that either qualifies for security classification protection or otherwise qualifies to be withheld from public release under statute, some other means may be recommended by the DoD Component by which original classification authorities can be readily identified. Such recommendations shall be submitted to ODUSD(P) for approval.

(iv) The listings prescribed in paragraphs (c)(1) (i) and (ii) of this section shall be reviewed at least annually by the senior official designated in or pursuant to §159a.92(a)(1), §159a.93 (a) or (b) or designee to ensure that officials so listed have demonstrated a continuing need to exercise original classification authority.

(2) The DoD Components that maintain listings of designated original classification authorities shall, upon request, submit copies of such listings to ODUSD(P).

(d) *Declassification and Downgrading Authority.* (1) Authority to declassify and downgrade information classified under provisions of this part shall be exercised as follows:

(i) By the Secretary of Defense and the Secretaries of the Military Departments, with respect to all information over which their respective Departments exercise final classification jurisdiction;

(ii) By the official who authorized the original classification, if that official is still serving in the same position, by a successor, or by a supervisory official of either; and

(iii) By other officials designated for the purpose in accordance with paragraph (d)(2) of this section.

(2) The Secretary of Defense, the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Directors of the Defense Agencies, or their senior officials designated under §159a.93 (b) or (c) may designate additional officials at the lowest practicable echelons of command and supervision to exercise declassification and downgrading authority over classified information in their functional areas of interest. Records of officials so designated shall be maintained in the same manner as prescribed in §159a.12(c)(1)(i) for records of designations of original classification authority.

Subpart C—Classification

§159a.14 Classification responsibilities.

(a) *Accountability of Classifiers.* (1) Classifiers are accountable for the propriety of the classifications they assign, whether by exercise of original classification authority or by derivative classification.

(2) An official who classifies a document or other material and is identified thereon as the classifier is and continues to be an accountable classifier even though the document or material is approved or signed at a higher level in the same organization.

(b) *Classification Approval.* (1) When an official signs or approves a document or other material already marked to reflect a particular level of classification, he or she shall review the information contained therein to determine if the classification markings are