

§ 159a.59 Restrictions, procedures, and authorization concerning escort or handcarrying of classified information.

(a) *General Restrictions.* Appropriately cleared personnel may be authorized to escort or handcarry classified material between their duty station and an activity to be visited subject to the following conditions:

(1) The storage provisions of § 159a.37 and § 159a.38(g) of subpart F of this part shall apply at all stops enroute to the destination, unless the information is retained in the personal possession and under constant surveillance of the individual at all times. The hand carrying of classified information on trips that involve an overnight stop is not permissible without advance arrangements for proper overnight storage in a U.S. Government facility or, if in the United States, a cleared contractor's facility that has the requisite storage capability.

(2) Classified material shall not be read, studied, displayed, or used in any manner in public conveyances or places.

(3) When classified material is carried in a private, public or government conveyance, it shall not be placed in any detachable storage compartment such as automobile trailers, luggage racks, aircraft travel pods, or drop tanks nor, under any circumstances, left unattended.

(4) Responsible officials shall provide a written statement to all individuals escorting or carrying classified material aboard commercial passenger aircraft authorizing such transmission. This authorization statement may be included in official travel orders and should ordinarily permit the individual to pass through passenger control points without the need for subjecting the classified material to inspection. Specific procedures for carrying classified documents aboard commercial aircraft are contained in paragraph (c) of this section.

(5) Each activity shall list all classified information carried or escorted by traveling personnel. All classified information shall be accounted for.

(6) Individuals authorized to handcarry or escort classified material shall be fully informed of the provisions of

this subpart, and shall sign a statement to that effect prior to the issuance of written authorization or identification media. This statement shall be retained for a minimum of 2 years; it need not be executed on each occasion that the individual is authorized to transport classified information provided a signed statement is on file.

(b) *Restrictions on Handcarrying Classified Information Aboard Commercial Passenger Aircraft.* Classified information shall not be hand-carried aboard commercial passenger aircraft unless:

(1) There is neither time nor means available to move the information in the time required to accomplish operational objectives or contract requirements.

(2) The handcarry has been authorized by an appropriate official in accordance with paragraph (d) of this section.

(3) In the case of the handcarry of classified information across international borders, arrangements have been made to ensure that such information will not be opened by customs, border, postal, or other inspectors, either U.S. or foreign.

(4) The handcarry is accomplished aboard a U.S. carrier. Foreign carriers will be utilized only when no U.S. carrier is available and then the approving official must ensure that the information will remain in the custody and physical control of the U.S. escort at all times.

(c) *Procedures for Handcarrying Classified Information Aboard Commercial Passenger Aircraft—(1) Basic requirements.*

(i) Advance and continued coordination by the DoD activity and contractor officials shall be made with departure airline and terminal officials and, when possible, with intermediate transfer terminals to develop mutually satisfactory arrangements within the terms of this issuance and Federal Aviation Administration (FAA) guidance. Specifically, a determination should be made beforehand whether documentation described in paragraph (c)(4) of this section, will be required. Local FAA Security Officers can be of assistance in making this determination. To aid coordination and planning, a listing of FAA field offices is at Appendix D to this part.

(ii) The individual designated as courier shall be in possession of either DD Form 2, "Armed (or Uniformed) Services Identification Card" (any color), or other DoD or contractor picture identification card and written authorization to carry classified information.

(2) *Procedures for carrying classified information in envelopes.* Persons carrying classified information should process through the airline ticketing and boarding procedures the same as all other passengers except for the following:

(i) The classified information being carried shall contain no metal bindings and shall be contained in sealed envelopes. Should such envelopes be contained in a briefcase or other carry-on luggage, the briefcase or luggage shall be routinely offered for opening for inspection for weapons. The screening officials may check envelopes by X-ray machine, flexing, feel, and weight, without opening the envelopes themselves.

(ii) Opening or reading of the classified document by the screening official is not permitted.

(3) *Procedures for transporting classified information in packages.* Classified information in sealed or packaged containers shall be processed as follows:

(i) The government or contractor official who has authorized the transport of the classified information shall notify the appropriate air carrier in advance.

(ii) The passenger carrying the information shall report to the affected airline ticket counter before boarding, present his documentation, and the package or cartons to be exempt from screening. The airline representative will review the documentation and description of the containers to be exempt.

(iii) If satisfied with the identification of the passenger and his documentation, the official will provide the passenger with an escort to the screening station and authorize the screening personnel to exempt the container from physical or other type inspection.

(iv) If the airline official is not satisfied with the identification of the passenger or the authenticity of his documentation, the passenger will not be permitted to board, and not be subject

to further screening for boarding purposes.

(v) The actual loading and unloading of the information will be under the supervision of a representative of the air carrier; however, appropriately cleared personnel shall accompany the material and keep it under surveillance during loading and unloading operations. In addition, appropriately cleared personnel must be available to conduct surveillance at any intermediate stops where the cargo compartment is to be opened.

(vi) DoD Components and contractor officials shall establish and maintain appropriate liaison with local FAA officials, airline representatives and airport terminal administrative and security officials. Prior notification is emphasized to ensure that the airline representative can make timely arrangements for courier screening.

(4) *Documentation.* (i) When authorized to carry sealed envelopes or containers containing classified information, both government and contractor personnel shall present an identification card carrying a photograph, descriptive data, and signature of the individual. (If the identification card does not contain date of birth, height, weight, and signature, these items must be included in the written authorization.)

(A) DoD personnel shall present an official identification issued by U.S. Government agency.

(B) Contractor personnel shall present identification issued by the contractor or the U.S. Government. Contractors' identification cards shall carry the name of the employing contractor, or otherwise be marked to denote "contractor."

(C) The courier shall have the original of the authorization letter. A reproduced copy is not acceptable; however, the traveler shall have sufficient authenticated copies to provide a copy to each airline involved. The letter shall be prepared on letterhead stationery of the agency or contractor authorizing the carrying of classified material in addition, the letter shall:

(1) Give the full name of the individual and his employing agency or company;

(2) Describe the type of identification the individual will present (for example, Naval Research Laboratory Identification Card, No. 1234; ABC Corporation Identification Card No. 1234);

(3) Describe the material being carried (for example, three sealed packages, 9" × 8" × 24", addressee and addressor);

(4) Identify the point of departure, destination, and known transfer points;

(5) Carry a date of issue and an expiration date;

(6) Carry the name, title, and signature of the official issuing the letter. Each package or carton to be exempt shall be signed on its face by the official who signed the letter; and

(7) Carry the name of the government agency designated to confirm the letter of authorization, and its telephone number. The telephone number of the agency designated shall be an official U.S. Government number.

(ii) Information relating to the issuance of DoD identification cards is contained in DoD Instruction 1000.13³⁴. The green, gray, and red DD Forms 2 and other DoD and contractor picture ID card are acceptable to FAA.

(iii) The Director, DIS, shall establish standards for the issuance of identification cards when required by contractor employees selected as couriers or whose duties will involve handcarrying of classified material.

(d) *Authority to Approve Escort or Handcarry of Classified Information Aboard Commercial Passenger Aircraft—*

(1) *Within the United States, its Territories, and Canada.* (i) DoD Component officials who have been authorized to approve travel orders and designate couriers may approve the escort or handcarry of classified information within the United States, its Territories, and Canada.

(ii) The Director, DIS, may authorize contractor personnel to handcarry classified material in emergency or time-sensitive situations subject to adherence with the procedures and limitations specified in this section.

(2) *Outside the United States, its Territories, and Canada.* The head of a DoD Component, or single designee at the headquarters or major command level,

may authorize the escort or handcarrying of classified information outside the area encompassed by the boundaries of the United States, its Territories, and Canada upon certification by the requestor that:

(i) The material is not present at the destination;

(ii) The material is needed urgently for a specified official purpose; and

(iii) There is a specified reason that the material could not be transmitted by other approved means to the destination in sufficient time for the stated purpose.

Subpart J—Disposal and Destruction

§ 159a.61 Policy.

Documentary record information originated or received by a DoD Component in connection with the transaction of public business, and preserved as evidence of the organization, functions, policies, operations, decisions, procedures, or other activities of any U.S. Government department or agency or because of the informational value of the data contained therein, may be disposed of or destroyed only in accordance with DoD Component record management regulations. Non-record classified information, and other material of similar temporary nature, shall be destroyed when no longer needed under procedures established by the head of the cognizant DoD Component. These procedures shall incorporate means of verifying the destruction of classified information and material and be consistent with the following requirements.

§ 159a.62 Methods of destruction.

Classified documents and material shall be destroyed by burning or, with the approval of the cognizant DoD Component head or designee, by melting, chemical decomposition, pulping, pulverizing, cross-cut shredding, or mutilation sufficient to preclude recognition or reconstruction of the classified information. (Strip shredders purchased prior to June 1, 1986 may continue to be used but only in circumstances where reconstruction of

³⁴See footnote 1 to § 159a.3.