



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 5000.38A
DUSN Intel
5 February 2010

SECNAV INSTRUCTION 5000.38A

From: Secretary of the Navy

Subj: OVERSIGHT OF THE DEPARTMENT OF THE NAVY MILITARY
INTELLIGENCE PROGRAM

Ref: (a) SECNAVINST 5430.7Q
(b) DoD Directive 5205.12 of 14 Nov 08

1. Purpose

a. To establish policy and procedures implementing Deputy Under Secretary of the Navy (DUSN) for Plans, Policy, Oversight, and Integration (PPOI) oversight of the Department of the Navy (DON) Military Intelligence Program (MIP).

b. To establish responsibilities and procedures for the service programmers and comptrollers, MIP component managers, and Navy Budget Office in support of DUSN PPOI in this role.

2. Cancellation. SECNAVINST 5000.38.

3. Scope and Applicability. This instruction governs all MIP activities within the U.S. Navy and U.S. Marine Corps (USMC) and all components of planning, programming, budgeting, and execution (PPBE) for the MIP. It provides methods for changing a MIP project or its budget and requirements for external reporting of MIP-related information to the Office of the Secretary of Defense (OSD) and Under Secretary of Defense for Intelligence (USDI). It applies to all MIP activities, personnel, supporting contractors, and consultants. Unless specifically directed by the Secretary of the Navy (SECNAV) or Under Secretary of the Navy (UNSECNAV), no MIP-designated activity within the Department of the Navy shall be exempt from the requirements of the instruction, regardless of sensitivity, classification, or degree of access restriction.

4. Background

a. Reference (a) assigns responsibility for oversight of intelligence and intelligence-related activities to the

UNSECNAV. DUSN PPOI supports the UNSECNAV in the execution of this oversight responsibility in accordance with reference (b). Service MIP activities and the Navy Budget Office are responsible to support the overall DON MIP oversight effort.

b. The oversight of DON MIP by DUSN PPOI, Navy Budget Office, and other participants is mutually cooperative. DUSN PPOI exerts authority over the MIP to ensure that projects adhere to applicable strategy and are resourced properly. This authority is executed on behalf of the UNSECNAV and in coordination with Service MIP component managers. The Navy Budget Office ensures the MIP projects are properly priced, budgeted, and executed through Departmental PPBE processes, and proposes, coordinates, and processes execution realignments when necessary. The Navy Budget Office coordinates with budget submitting offices (BSOs) and Service intelligence and programming staffs to ensure the MIP is properly displayed in Departmental data, budgets, and submissions to higher authority. This instruction further defines the interaction between the MIP participants.

5. Policy

a. Carry out all MIP-related activities in strict conformity with the U.S. Constitution, applicable laws, Executive Order 12333, and reference (b). Within the Department of the Navy, projects identified as part of the MIP are subject to additional internal oversight ensuring compliance with various guidance and direction.

b. In accordance with section 5013(c)(7) of title 10, United States Code, SECNAV is responsible for the effective supervision and control of DON intelligence activities. As directed by SECNAV via reference (a), authority and responsibility for all activities within the purview of this instruction lies with the UNSECNAV. DUSN PPOI supports the UNSECNAV by exercising this authority subject at all times to the direction and control of the UNSECNAV.

c. This instruction does not constitute authority for any DON component or person to initiate, conduct, or support MIP activities or MIP-related activities without prior approval by an appropriate official.

6. Definitions

a. Program. An effort that has been identified as a program by an appropriate acquisition authority for all appropriations. A program might be comprised of several MIP projects, a mix of MIP and non-MIP projects, or a single MIP project.

b. Project. A singular MIP effort that involves one technology, sensor, development effort, or focus. MIP projects are listed in the Congressional Justification Book (CJB) published by USDI per reference (b).

7. Responsibilities

a. DUSN PPOI is responsible for overseeing the development of the MIP portion of the DON budget by the Navy and Marine Corps and for approving changes to MIP-designated resources during the year of execution.

(1) DUSN PPOI will oversee the development of the DON MIP budget by the Navy and Marine Corps through:

(a) Approving proposed MIP programming changes during Service program reports (or briefings as required) to DON leadership upon completion of the Program Objectives Memorandum (POM)/Program Review (PR), which will specifically address changes to each MIP project.

(b) Approving proposed MIP budget review changes during Navy leadership updates that occur during the course of the DON budget review. Change proposals will specifically address changes to each MIP project.

(c) Communicating DON concerns about MIP projects to OSD/USDI during the course of the PPBE cycle. Ensuring the Service resource sponsor and MIP component manager are aware of Department of Defense (DoD) and DON decisions concerning the MIP.

(2) DUSN PPOI will exercise approval authority over changes to MIP resources, including all appropriations, during the year of execution as follows:

(a) Coordinating any above threshold reprogramming (ATR) actions (as defined by OSD and DoD Financial Management Regulations) that involve MIP resources.

(b) Coordinating all proposed changes that do not meet ATR criteria, but will result in a change in excess of 20 percent or \$10 million for a MIP project, in accordance with reference (b).

(c) Approving any execution-year change in MIP resources when a MIP project has reached a threshold of \$4 million or more in any fiscal year and the reprogramming action is \$1 million or more. Any reprogramming action less than \$1 million will be noted in the quarterly execution review submitted to the DUSN PPOI. The DUSN PPOI or designee will respond to requests within 3 working days of receiving the request; if no DUSN PPOI response is received within 3 working days, recommendations by the MIP component manager are considered approved.

(d) Reviewing MIP component manager-directed below threshold reprogramming for which concurrence among BSOs is not obtained (within 3 working days). The DUSN PPOI will respond to requests within 3 working days of receiving the request; if no DUSN PPOI response is received within 3 working days, recommendations by the MIP component manager are considered approved.

(e) Conducting quarterly execution reviews of MIP programs, to ensure that DON budget authority is effectively managed and maintained at the MIP project level. Each quarter, the DUSN PPOI staff will review the execution status of DON MIP projects. During the quarter, DUSN PPOI will review projects that fall below OSD execution benchmarks, as well as selected other projects of interest. Service MIP component managers shall submit these reviews to the Senior Director for Intelligence (DUSN/I) no later than 45 calendar days prior to the end of the quarter, thereby allowing sufficient time to take action prior to the next OSD quarterly MIP review.

(f) Retaining disapproval authority for all requests. For items in subparagraphs 7a(2)(a) through 7a(2)(c), approval and coordination authority is delegated to DUSN/I.

b. The DUSN/I is responsible for assisting the DUSN PPOI in monitoring MIP execution and will make recommendations on MIP project execution as necessary. DUSN/I will coordinate with appropriate Navy and Marine Corps staff elements during the POM or PR build, and with Assistant Secretary of the Navy (Financial Management and Comptroller) during the DON budget review, to ensure critical MIP requirements are properly addressed.

(1) DUSN/I will serve as the SECNAV's point of contact for DON MIP matters.

(2) DUSN/I will provide a working level representative to USDI quarterly MIP execution reviews. The DUSN/I representative will convey DUSN PPOI direction for programs to be briefed during the quarterly reviews, and will provide feedback to the DUSN PPOI on the outcome of the DoD review. The DUSN/I representative will also review MIP quarterly execution data and advise the Navy Budget Office of any DUSN PPOI concerns.

c. The Deputy Chief of Naval Operations for Information Dominance (CNO (N2/N6)) and Director of Intelligence, Headquarters Marine Corps will serve as Service MIP component manager for the Navy and Marine Corps, respectively, and will:

(1) Prepare, review, and submit the MIP CJB and other MIP-related exhibits to the OSD Selective Native and Programming (SNaP) database as directed in budget guidance.

(2) Support DUSN PPOI, Navy Budget Office, Office of Legislative Affairs (OLA), OSD, and USDI by providing testimony, attending hearings, and responding to Congressional Questions for the Record (QFRs) concerning the MIP. QFRs should be coordinated through DUSN PPOI. If OLA determines that time does not permit coordination with DUSN PPOI, a copy of the response shall be provided to DUSN PPOI.

(3) Review reprogramming of MIP funds requiring submission to DUSN PPOI.

(4) In the case of Navy MIP projects, CNO (N2/N6) will collect, review and forward to DUSN PPOI resource changes that

meet or exceed the \$4 million approval threshold in the year of execution using SECNAV 7000/1, Department of the Navy MIP Project Realignment Request.

(5) Review monthly the status of projects that require reprogramming action, and arrange MIP project briefings for the DUSN PPOI. For MIP project resource changes that do not meet the approval thresholds provided above, changes will be consolidated and reported (or briefed as required) during the next quarterly update to the DUSN/I.

(6) Communicate intelligence community concerns about MIP projects to DUSN PPOI enabling appropriate action with OSD/USDI to be completed during the course of the PPBE cycle.

(7) Coordinate and review all MIP BSO execution data. Prepare quarterly MIP project execution information for review by the Navy Budget Office prior to uploading to OSD data systems. In quarters when briefings are required, provide briefing materials to the Navy Budget Office for review, approval, and pre-briefing prior to delivery to OSD and USDI. Any direction provided by DUSN PPOI during quarterly reviews will be highlighted to the Navy Budget Office during the quarterly review.

(8) Initiate and/or coordinate reprogramming actions at the discretion of the MIP component manager. If a BSO does not concur with the reprogramming action, the BSO may attach an impact statement to the request.

d. The Office of the Chief of Naval Operations, Director, Programming Division (OPNAV (N80)), and the Deputy Commandant, Programs and Resources (USMC P&R), are assigned responsibility for:

(1) Oversight of DON MIP, including program/project status, project strategies and associated program and budget funding profiles, and coordination with the acquisition community to ensure strategies and milestones are appropriate.

(2) Support to the MIP component manager and Navy Budget Office to ensure MIP projects are properly displayed in programming products.

(3) In the case of USMC MIP programs, USMC (P&R) will collect, review and forward to DUSN PPOI resource changes that meet or exceed the \$4 million approval threshold using SECNAV 7000/1.

(4) Collecting, reviewing, and forwarding to DUSN PPOI programming changes to the MIP at the conclusion of POM or PR program cycles. This will be accomplished through inputs to standard program briefings to DON leadership upon completion of the POM/PR and will specifically address changes to MIP projects.

e. The Navy Budget Office is assigned responsibility for:

(1) Collecting, reviewing, and processing, after receiving DUSN PPOI approval, changes to MIP projects being executed. For research development, test and evaluation reprogramming, the Navy Budget Office must inform the Deputy Assistant Secretary of the Navy, Management and Budget and the Office of Naval Research staff prior to final processing.

(2) Providing an appropriate representative to attend USDI quarterly MIP execution reviews with the DUSN PPOI for MIP projects.

(3) Communicating Navy Budget Office concerns about MIP projects to DUSN PPOI enabling appropriate action with OSD/USDI to be completed during the course of the PPBE cycle.

(4) Reviewing quarterly MIP project execution information provided by the Service resource sponsor. In quarters when briefings are required, coordinate and review briefing materials provided by the Service resource sponsor and conduct pre-briefs with the Service resource sponsors, MIP component managers, and DUSN PPOI prior to delivery of quarterly execution information to OSD and USDI.

(5) Ensuring that MIP program changes implemented during the DON budget process are coordinated with DUSN PPOI for review and approval and briefed as necessary.

(6) Drafting and publishing budget guidance for the conduct of MIP quarterly execution data reviews.

(7) Providing guidance on the collection and submission of the MIP CJB and other MIP-related exhibits to the OSD SNaP database.

f. BSOs are assigned responsibility for:

(1) Execution of DON MIP including program/project status, project strategies and associated program and budget funding profiles, and coordination with the acquisition community to ensure strategies and milestones are appropriate.

(2) Formulation of justification material to support budget estimates.

(3) Requesting clearance/approval from the MIP component manager for reprogramming actions in excess of established thresholds.

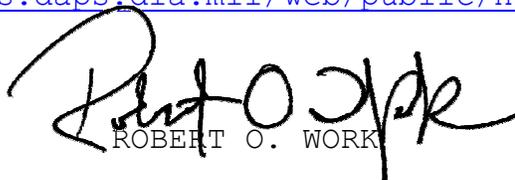
(4) Preparing MIP quarterly project execution information for review, and, when appropriate, providing a representative to attend DUSN PPOI and USDI execution reviews.

8. Action. All DON directives at variance with this instruction shall be revised within approximately 120 days of the date of this instruction.

9. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.

10. Report. The reporting requirement contained in this instruction is exempt from reports control by SECNAV Manual 5214.1.

11. Forms. SECNAV 7000/1 Department of the Navy MIP Project Realignment Request is available for download from Naval Forms OnLine: <https://navalforms.daps.dla.mil/web/public/home>.



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