

Department of Defense **DIRECTIVE**

NUMBER 5144.1 May 2, 2005

DA&M

SUBJECT: Assistant Secretary of Defense for Networks and Information Integration/

DoD Chief Information Officer (ASD(NII)/DoD CIO)

Reference: (a) Title 10, United States Code

(b) Title 44, United States Code(c) Title 40, United States Code

(d) Unified Command Plan, March 1, 2005¹

(e) through (aa), see enclosure 1

1. PURPOSE

Under the authorities vested in the Secretary of Defense by section 113 of reference (a) and references (b) through (e), this Directive:

- 1.1. Assigns responsibilities, functions, relationships, and authorities to the Assistant Secretary of Defense for Networks and Information Integration/DoD Chief Information Officer (ASD(NII)/DoD CIO).
 - 1.2. Cancels references (f) through (i).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

¹ Requests for copies can be forwarded to the Director for Strategic Plans and Policy, J-5/Joint Staff, and will be provided in accordance with laws, regulations, and policies concerning the treatment of classified information.

3. RESPONSIBILITIES AND FUNCTIONS

The ASD(NII)/DoD CIO is the principal staff assistant and advisor to the Secretary of Defense and Deputy Secretary of Defense on networks and network-centric policies and concepts; command and control (C2); communications; non-intelligence space matters; enterprise-wide integration of DoD information matters; Information Technology (IT), including National Security Systems (NSS); information resources management (IRM) (as defined by reference (b)); spectrum management; network operations; information systems; information assurance (IA); positioning, navigation, and timing (PNT) policy, including airspace and military-air-traffic control activities; sensitive information integration; contingency support and migration planning; and related matters. Pursuant to chapter 113, subchapter III of 40 U.S.C. (reference (j)), the ASD(NII)/DoD CIO has responsibilities for integrating information and related activities and services across the Department. The ASD(NII)/DoD CIO also serves as the DoD Enterprise-level strategist and business advisor from the information, IT, and IRM perspective; Information and IT architect for the DoD enterprise; and, DoD-wide IT and IRM executive. Hereafter these responsibilities and functions are referred to collectively as "NII and CIO" (including IRM) matters. In the exercise of assigned responsibilities and functions, the ASD(NII)/DoD CIO shall:

- 3.1. Serve as the senior NII and CIO policy and resources official below the Secretary and Deputy Secretary of Defense.
- 3.2. Advise and assist the Secretary and Deputy Secretary of Defense on policy and issues regarding all assigned responsibilities and functions as they relate to the Department of Defense.

3.3. As the DoD CIO:

- 3.3.1. Review and provide recommendations to the Secretary and the Heads of the DoD Components on:
- 3.3.1.1. The performance of the Department's IT and NSS programs (to include monitoring and evaluating the performance of IT and NSS programs on the basis of all applicable performance measurements).
- 3.3.1.2. DoD budget requests for IT and NSS pursuant to section 2223 of reference (a).
- 3.3.1.3. The continuation, modification, or termination of an IT and/or NSS program or project pursuant to section 1425 of reference (c).
- 3.3.1.4. The continuation, modification, or termination of an NII or CIO program pursuant to the Federal Information Security Management Act of 2002 as part of Public Law (Pub. L.) 107-347 (reference (e)), Executive Order (E.O.). 13011 (reference (k)), and other applicable authorities.

- 3.3.2. Lead the formulation and implementation of enterprise-level defense strategies from the information, IT, network-centric, and non-intelligence space perspective.
- 3.3.3. Serve as the information architect for the DoD enterprise information environment, and provide oversight and policy guidance to ensure compliance with standards for developing, maintaining, and implementing sound integrated and interoperable architectures across the Department, including intelligence systems and architectures. Ensure that IA is integrated into architectures pursuant to section 3534 of reference (b) and section 11315 of reference (c).
- 3.3.4. Perform the duties and fulfill the responsibilities associated with information security and other matters under section 3544 of reference (b).
- 3.3.5. Serve as the DoD-wide information executive and participate as a member on DoD-wide councils and boards involving NII and CIO matters, including serving as the DoD representative on the Intelligence Community CIO Executive Council.
- 3.3.6. Ensure that NII and CIO policy and resource decisions are fully responsive to the guidance of the Secretary and Deputy Secretary of Defense.
- 3.3.7. Develop and maintain the DoD IA program and associated policies, procedures, and standards required by section 2224 of reference (a), chapter 35 of reference (e) and DoD Directive S-3600.1 (reference (l)).
- 3.3.8. Ensure the interoperability of IT, including NSS, throughout the Department of Defense pursuant to section 2223 of reference (a).
- 3.3.9. Design and implement, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), the Under Secretary of Defense (Comptroller)/DoD Chief Financial Officer (USD(C)/CFO), the Under Secretary of Defense for Intelligence (USD(I)), and the Chairman of the Joint Chiefs of Staff, a process for maximizing the value and assessing and managing the risks of DoD IT acquisitions, including NSS acquisitions, as applicable.
- 3.3.10. Ensure compliance with the reduction of information-collection burdens on the public pursuant to section 3507 of reference (b).
- 3.3.11. Prescribe data and information management policies, procedures, and other guidance for the Department.
- 3.3.12. Issue policies and procedures necessary to establish and maintain a DoD Records Management Program pursuant to standards, guidelines, and procedures issued under section 2904 of reference (b) and Pub. L. No. 107-347 (reference (e)).
- 3.3.13. Ensure that IT, including NSS, standards that apply throughout the Department are prescribed and enforced pursuant to section 2223 of reference (a).

- 3.3.14. Provide advice and other assistance to the Secretary of Defense and other senior DoD managers to ensure that IT, including NSS, is acquired and information resources are managed in a manner consistent with reference (b) and section 11315 of reference (c) as well as the priorities established by the Secretary.
- 3.3.15. Provide enterprise-wide oversight of the development, integration, and implementation of the Global Information Grid (GIG) in accordance with DoD Directive 8100.1 (reference (m)).
- 3.3.16. Promote the effective and efficient design and operation of all major IRM processes, including improvements to work processes for the Department pursuant to section 11315 of reference (c).
- 3.3.17. Provide for the elimination of duplicate IT, including NSS, within and between the DoD Components, including the Military Departments and the Defense Agencies, pursuant to Section 2223 of reference (a).
- 3.3.18. Maintain a consolidated inventory of DoD mission critical and mission essential information systems, identify interfaces between those systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of those information systems pursuant to section 2223 of reference (a).
- 3.3.19. Provide DoD-wide policy regarding the use of the Internet and web site administration.
- 3.3.20. Develop policies, in coordination with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), to provide oversight of training, career development, and occupation-specialty programs to ensure that personnel with the requisite knowledge and skills are available to support the DoD Information Enterprise.
 - 3.3.21. Chair the DoD CIO Executive Board.
- 3.3.22. Establish policies, plans, goals, measures, and baselines to incorporate commercial-off-the-shelf software, knowledge management technologies, and services into the policies, doctrine, and training programs of the Department. Undertake initiatives to increase the use of commercial IT solutions throughout the Department across all applications, including NSS, training, logistics, and non-material solutions.
- 3.3.23. Serve as the principal DoD official responsible for preparing and defending NII and CIO issues before the Congress as well as evaluating and assessing Congressional activity for impact on all NII and CIO areas of responsibility.
- 3.3.24. Provide for the enterprise information environment and ensure that its capabilities are synchronized with requirements. This shall include providing for a common set of Enterprise capabilities that enable users to discover, access, post, process, advertise, retrieve, and fuse data, and make sense of the data gathered.

- 3.4. With regard to communications and information networks:
- 3.4.1. Develop and implement network-centric policies, architectures, practices, and processes with emphasis on communications and information networks to enable Defense transformation; however, these do not include content-based communications functions such as those associated with public affairs and public diplomacy.
- 3.4.2. Identify opportunities presented by communication and information technologies as well as risks and costs, and make recommendations on the initiation of communication and information plans, programs, policies, and procedures accordingly.
- 3.4.3. Provide policies, oversight, guidance, architecture, and strategic approaches for all communications and information network programs and initiatives on an enterprise-wide basis across the Department, ensuring compliance with the IA requirements as well as interoperability with national and alliance/coalition systems. This includes network-centric and information-integration projects, programs, and demonstrations as they relate to GIG implementation and employment.
- 3.4.4. Negotiate and conclude international agreements and other arrangements relating to the sharing or exchange of DoD communications equipment, facilities, support, services or other communications resources; the use of DoD electromagnetic spectrum equities; and the use of U.S. communications facilities and/or systems pursuant to DoD Directive 5530.3 (reference (n)). Agreements of an operational nature within alliance organizations shall be coordinated with the Chairman of the Joint Chiefs of Staff.
 - 3.5. With regard to the electromagnetic spectrum:
- 3.5.1. Provide policy, oversight, and guidance for all DoD matters related to the electromagnetic spectrum, including the management and use of the electromagnetic spectrum (MUES) pursuant to DoD Directive 4650.1 (reference (o)) and the Electromagnetic Environmental Effects (E3) Program pursuant to DoD Directive 3222.3 (reference (p)) within the Department, nationally, and internationally. Ensure that appropriate national policies for MUES and E3 Control are implemented within the Department pursuant to section 305 and Chapter 8 of title 47, U.S.C. (reference (q)) and the National Telecommunications and Information Administration Manual (reference (r)) as well as applicable international policies and standards.
- 3.5.2. Serve as the lead within the Department for coordination, approval, and representation of DoD positions on all MUES and E3 Control matters within the U.S. Government as well as in regional, national, and international spectrum-management forums and organizations.
- 3.5.3. Coordinate, as appropriate, with the Chairman of the Joint Chiefs of Staff regarding the development of electromagnetic spectrum policy.

3.6. With regard to C2:

- 3.6.1. Develop and integrate the Department's overall C2 strategy, approach, structure, and policies and ensure the C2 structure and architecture are compliant with DoD network-centric precepts, information strategy, and joint needs.
- 3.6.2. Provide policies, program oversight, guidance, and strategic approaches for all C2 programs and initiatives on an enterprise-wide basis across the Department.
- 3.6.3. Identify the governance of the C2 structure that addresses the needs of the President and all levels of operational command within the Department.
- 3.6.4. Oversee and facilitate the integration of national, strategic, operational, and tactical C2 systems/programs, including support to the White House Military Office, pursuant to Secretary of Defense guidance (reference (s)).
- 3.6.5. Oversee the development and integration of DoD-wide C2 capabilities, including promotion of C2-related research, experimentation, metrics, and analysis techniques.
- 3.6.6. Direct the Heads of the DoD Components to plan, program, budget, and execute programs that will develop material solutions for Joint Capability Integration and Development System approved joint C2 capabilities.

3.7. With respect to space:

- 3.7.1. Oversee DoD non-intelligence related space matters, including space-based communications programs, space-based information integration activities, space control activities, operationally responsive space programs, space access, satellite control, space-based position, navigation, and timing programs, environmental sensing, and space launch ranges.
- 3.7.2. Oversee the Space Major Defense Acquisition Program activities of the DoD Executive Agent for Space in coordination with the USD(AT&L), and in coordination with the USD(I) for space-based intelligence system acquisitions, as delegated by the USD(AT&L).
 - 3.8. With regard to network-centric systems engineering policy and program oversight:
- 3.8.1. Facilitate and resolve interoperability, performance, and other issues related to interfaces, security, standards, and protocols critical to the end-to-end operation of the GIG.
- 3.8.2. Oversee a network-centric system engineering effort using facilities and services of the Department of Defense to manage an enterprise-wide technical view for the GIG.
- 3.8.3. Provide oversight of policies and programs to support independent evaluation and to physically validate the technical performance for key transformational communication programs of the GIG.

3.9. With regard to systems acquisition:

- 3.9.1 Serve as the Milestone Decision Authority for Major Automated Information Systems and other acquisition programs, as delegated by the USD(AT&L), with responsibility for developing and enforcing the policies and practices of DoD Directive 5000.1 (reference (t)) for such programs, in coordination with the USD(AT&L) and the USD(I), as appropriate.
- 3.9.2. Provide advice on issues related to all assigned responsibilities and functions to the Defense Acquisition Board and the Defense Space Acquisition Board.

3.10. With regard to PNT:

- 3.10.1. Develop and implement PNT policy, including airspace and military air traffic control, pursuant to DoD Directive 4650.5 (reference (u)).
- 3.10.2. Develop and oversee contingency policies regarding the Federal Aviation Administration and its transfer to the Department of Defense under certain national security emergencies, pursuant to E.O. 11161 (reference (v)).
- 3.11. Support the Special Assistant to the Secretary of Defense and Deputy Secretary of Defense for compartmented activities by coordinating sensitive information integration and providing a support staff and appropriately cleared facilities for these functions pursuant to Deputy Secretary of Defense Memorandum (reference (w)).
- 3.12. Provide NII and CIO support to the mission of Information Operations in support of DoD Directive S-3600.1 (reference (l)).
- 3.13. Develop and oversee contingency and crisis response communications policies and planning for stabilization and reconstruction operations carried out by the Department with emphasis given to those executed in concert with the United States Government interagency process, to include the interaction of DoD assets with foreign nations and nongovernmental organizations. Special emphasis shall be placed on migrating technologies uniquely suited to contingency operations that are often not used in DoD applications.
- 3.14. Participate, pursuant to the responsibilities and functions prescribed herein, in the DoD Planning, Programming, Budgeting, and Execution process, which includes proposing DoD programs, formulating budget estimates, recommending resource allocations and priorities, and monitoring the implementation of approved programs in order to ensure adherence to approved policy and planning guidance. This includes conducting program evaluation, assessments, and cross-program reviews, when applicable.
- 3.15. Address issues associated with meteorology, oceanography, and space weather programs (METOC) and provide overall guidance on DoD METOC matters. Ensure that DoD METOC systems and architectures are interoperable and consistent with GIG policies.

- 3.16. Address international issues associated with information and communications technologies, including technologies for the non-automatic movement, transmission, or reception of information. Negotiate and conclude international agreements relating to coalition command, control, and communications (C3) and IT policies, standards, and programs pursuant to DoD Directive 5530.3 (reference (n)). Exercise authority, direction, and control and approval of U.S. representation and negotiating positions in international fora and the conclusion of international agreements related to coalition C3 and international IT policies, standards, and programs.
- 3.17. Represent the Secretary of Defense at the North Atlantic Treaty Organization C3 Board.
- 3.18. Recommend changes to the Director, Program Analysis and Evaluation regarding to the content of the "virtual" Major Force Program for the GIG.
- 3.19. Serve on boards, committees, and other groups and represent the Secretary and Deputy Secretary of Defense on matters outside the Department pursuant to responsibilities and functions prescribed herein.
- 3.20. Periodically review assigned DoD Executive Agent responsibilities and functions to ensure conformance with DoD Directive 5101.1 (reference (x)).
- 3.21. Identify and convey enterprise-wide, information-related research requirements to the Director of Defense Research and Engineering (DDR&E) and other Senior Officials in the Department, as appropriate. In coordination and consultation with the DDR&E, establish reliability, survivability, and endurability design criteria/standards for DoD C3 and develop and maintain a technology investment strategy to support the development, acquisition, and integration of DoD C3 services, systems, and processes.
- 3.22. Provide advice on issues related to all assigned responsibilities and functions to the Joint Requirements Oversight Council and Joint Capabilities Integration and Development System process.
- 3.23. Coordinate with the USD(I) to ensure that intelligence systems and architectures for collection, analysis, and dissemination of critical intelligence information follow net-centric strategies and are consistent and interoperable with DoD command, control, and communications and information-enterprise systems.
- 3.24. Coordinate with the Assistant Secretary of Defense for Homeland Defense to ensure interoperability of information systems with non-DoD organizations for homeland security and homeland defense.
- 3.25. Coordinate with the USD(AT&L) as the Vice Chair of the Defense Business Systems Management Committee to ensure that business systems and architectures for collection, analysis, and dissemination of militarily relevant information are consistent and interoperable with DoD command, control, communications, and information-enterprise systems.

- 3.26. Ensure that NII and CIO policies and programs are designed and managed in ways that improve standards of performance, economy, and efficiency and that all Defense Agencies and DoD Field Activities under the authority, direction, and control of the ASD(NII)/DoD CIO are attentive and responsive to the requirements of their organizational customers, internal and external to the Department.
 - 3.27. Perform other such duties as the Secretary or Deputy Secretary of Defense may direct.

4. RELATIONSHIPS

- 4.1. In the performance of all assigned responsibilities and functions, the <u>Assistant Secretary of Defense for Networks and Information Integration/Department of Defense Chief Information Officer shall:</u>
 - 4.1.1. Report directly to the Secretary and Deputy Secretary of Defense.
- 4.1.2. Oversee and exercise authority, direction, and control over the Director, Defense Information Systems Agency.
- 4.1.3. In consultation and coordination with the USD(I), provide policy guidance to the Director, National Security Agency regarding network operations and IA matters.
- 4.1.4. Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and achieve maximum efficiency and economy.
- 4.1.5. Provide advice to the OSD Principal Staff Assistants, as necessary, on DoD-wide issues associated with IRM, requirements analysis, budget-preparation matters, reporting activities, Congressional material, and enterprise architectural design related to those areas under the cognizance of the ASD(NII)/DoD CIO.
- 4.1.6. Serve as the sponsor of the Command, Control, Communications, and Intelligence Federally Funded Research and Development Center.
- 4.2. The <u>Secretaries of the Military Departments</u> shall provide timely advice to the ASD(NII)/DoD CIO and shall ensure that the policies and guidance issued by the ASD(NII)/DoD CIO are implemented in their respective Military Departments.
- 4.3. The <u>Heads of the DoD Components</u> shall coordinate with the ASD(NII)/DoD CIO on all matters relating to the responsibilities and functions cited in section 3, above.

5. AUTHORITIES

The ASD(NII)/DoD CIO is hereby delegated authority to:

- 5.1. Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (y)), that implement policy approved by the Secretary or Deputy Secretary of Defense in the areas of assigned responsibilities and functions. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments, or their designees.
- 5.2. Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1 (reference (z)) and DoD Directive 8000.1 (reference (aa)), as necessary, to carry out assigned functions.
- 5.3. Communicate directly with the Heads of the DoD Components. Communications with the Military Departments shall be transmitted through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary or Deputy Secretary of Defense in other DoD issuances, or except as provided in paragraph 5.4. below. Communications to the Commanders of the Combatant Commands, except in unusual circumstances, shall be transmitted through the Chairman of the Joint Chiefs of Staff. With the concurrence of the Chairman of the Joint Chiefs of Staff and the cognizant Combatant Commander, Chief Information Officers of the Combatant Commands may directly contact the ASD(NII)/DoD CIO or designee, when required.
- 5.4. Communicate directly with the CIOs of the DoD Components on all matters for which the ASD(NII)/DoD CIO is assigned responsibilities herein.
- 5.5. Establish arrangements for DoD participation in non-Defense governmental programs for which the ASD(NII)/DoD CIO is assigned primary responsibility.
- 5.6. Represent the Department of Defense and represent the Secretary and Deputy Secretary of Defense on matters prescribed herein with government agencies, representatives of the legislative branch, members of the public, and representatives of foreign governments and international organizations, as appropriate, in carrying out assigned responsibilities and functions.
 - 5.7. Exercise the specific delegations of authority in enclosure 2.

6. <u>EFFECTIVE DATE</u>

This Directive is effective immediately.

Paul Wolfowitz

Deputy Secretary of Defense

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Enclosures - 2

E1. References, continued

E2. Delegations of Authority

E1. ENCLOSURE 1

REFERENCES, continued

- (e) E-Government Act of 2002 (Public Law 107-347), December 17, 2002
- (f) DoD Directive 5137.1, "Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I))," February 12, 1992 (hereby canceled)
- (g) Deputy Secretary of Defense Memorandum, "Establishment of the Deputy Under Secretary of Defense for Space Acquisition and Technology Programs," December 10, 1994 (hereby canceled)
- (h) Deputy Secretary of Defense Memorandum, "Responsibilities and Functions of the Deputy Under Secretary of Defense for Space," March 8, 1995 (hereby canceled)
- (i) Secretary of Defense Memorandum, "Implementation of Subdivision E of the Clinger-Cohen Act of 1996 (Pub. L. No. 104-106)," June 2, 1997 (hereby canceled)
- (j) Chapter 113, Subchapter III of title 40, United States Code
- (k) Executive Order 13011, "Federal Information Technology," July 16, 1996
- (l) DoD Directive S-3600.1, "Information Operations," December 9, 1996
- (m) DoD Directive 8100.1, "Global Information Grid (GIG) Overarching Policy," September 9, 2002
- (n) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (o) DoD Directive 4650.1, "Policy for Management and Use of the Electromagnetic Spectrum," June 8, 2004
- (p) DoD Directive 3222.3, "DoD Electromagnetic Environmental Effects (E3) Program," September 8, 2004
- (q) Section 305 and Chapter 8, title 47, United States Code
- (r) Part 300, title 47, Code of Federal Regulations (U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA), "Manual of Regulations and Procedures for Federal Radio Frequency Management)
- (s) Secretary of Defense Memorandum, "Secretary of Defense Executive Agent for DoD Assets
 Supporting White House Military Office (WHMO)," February 17, 1999 (classified)²
- (t) DoD Directive 5000.1, "The Defense Acquisition System," May 12, 2003
- (u) DoD Directive 4650.5, "Positioning, Navigation, and Timing," June 2, 2003
- (v) Executive Order 11161, "Relating to Certain Relationships Between the Department of Defense and the Federal Aviation Administration," July 7, 1964, as amended by Executive Order 11382
- (w) Deputy Secretary of Defense Memorandum, October 10, 2003 (subject and content are classified)²
- (x) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
- (y) DoD 5025.1-M, "DoD Directives System Procedures," current edition
- (z) DoD Directive 8910.1, "Management and Control of Information Requirements," June 11, 1993

12 ENCLOSURE 1

² Requests for copies can be forwarded to the Director, NII Administration and Management, Office of the Assistant Secretary of Defense for Networks and Information Integration/DoD Chief Information Officer, and will be provided based upon DoD policy and a need to know regarding classified information.

E1. ENCLOSURE 1

REFERENCES, continued

(aa) DoD Directive 8000.1, "Management of DoD Information Resources and Information Technology," February 27, 2002

13 ENCLOSURE 1

E2. ENCLOSURE 2

DELEGATIONS OF AUTHORITY

- E2.1.1. Pursuant to the authority vested in the Secretary of Defense, and subject to the authority, direction, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the ASD(NII)/DoD CIO, or the person acting for the ASD(NII)/DoD CIO in his or her absence, is hereby delegated authority, as required, in the administration and operation of the Office of the ASD(NII)/DoD CIO to:
- E2.1.1.1. Perform the duties and fulfill the responsibilities of the Secretary of Defense under sections 11312 and 11313 of title 40, United States Code. Assist the USD(Comptroller)/DoD Chief Financial Officer in performing and fulfilling the responsibilities of the Secretary of Defense under section 11316 of title 40, United States Code.
- E2.1.1.2. Make original security classification determinations (up to and including top secret) in accordance with E.O. 12958, "Classified National Security Information," April 17, 1995.
- E2.1.1.3. Make written determinations for the conduct of all closed meetings of Federal Advisory Committees under the cognizance of the ASD(NII)/DoD CIO as prescribed by section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix II, 10(d)).
- E2.1.2. The ASD(NII)/DoD CIO may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or prohibited by law, Directive, or regulation.