

Subpart CC. DISPUTE RESOLUTION

Section 1.0- Purpose

This directive establishes two processes to resolve complaints and disputes (herein after referred to as “disputes”) when parties disagree on matters of CUI designation and marking.

Section 2.0- Interagency Dispute Resolution

(a) Agency heads shall implement, as part of an Agency CUI program, a CUI Dispute Resolution Process that is consistent with the Presidential Memorandum and the CUI Dispute Resolution Process outlined in this directive.

(b) Parties to an interagency dispute shall make every effort to resolve the dispute expeditiously. Disputes should be resolved within a mutually-agreed time period, taking into consideration the mission, sharing, and protection requirements of the parties concerned.

(c) If the parties to the dispute cannot reach agreement, they shall bring the issue to their Agency CUI Council members who shall continue attempts to resolve the dispute. If one or neither of the Agencies has a designated CUI Council member, the dispute shall be submitted directly to the CUI Council through the CUI EA.

(d) If the parties cannot reach a mutually acceptable resolution, either Agency’s CUI Council member may begin the formal dispute resolution process by submitting the dispute to the CUI Council through the CUI EA.

(e) The CUI Council member shall provide a complete description of the dispute and proposed resolution(s) in the submission to the CUI EA.

(f) The CUI Council, in consultation with other parties to the dispute and experts, shall resolve the dispute expeditiously.

(g) The CUI EA shall act as the impartial mediator of the dispute.

(h) Once the CUI Council resolves the dispute, the CUI EA shall promptly transmit the decision to the pertinent Agencies and any non-Federal parties as appropriate.

(i) The CUI EA shall maintain records of the formal dispute resolution and shall update the Registry as needed.

Section 3.0- Dispute Resolution Involving Entities Outside of the Executive Branch

(a) State, local, tribal, and private sector parties should first seek resolution of a dispute informally.

1 (b) If the parties cannot reach agreement, they may bring the dispute to the relevant
2 Agency or Agencies, who shall work with the non-federal parties and make every effort
3 to resolve the dispute expeditiously.

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5 (c) If after bringing the dispute to the relevant Agency or Agencies agreement is not reached,
6 either party may bring the dispute to the Agency CUI Council member who shall continue
7 attempts to resolve the dispute.

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9 (d) If the parties cannot reach an acceptable resolution, either party may forward the
10 dispute to the CUI EA. The submission to the CUI EA shall provide a complete description of
11 the dispute and the proposed resolution(s). The CUI EA shall determine if information in the
12 CUI Registry would resolve the dispute.

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14 (e) If information in the CUI Registry does not result in resolution, the CUI EA may
15 begin the formal dispute resolution process by submitting the dispute to the CUI Council.

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17 (f) Thereafter, the dispute will be resolved according to the process in paragraphs 2(f)-(i)
18 of this Subpart.