



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

SECNAVINST 5000.34E  
OUSN  
17 May 12

SECNAV INSTRUCTION 5000.34E

From: Secretary of the Navy

Subj: OVERSIGHT AND MANAGEMENT OF INTELLIGENCE ACTIVITIES,  
INTELLIGENCE-RELATED ACTIVITIES, SPECIAL ACCESS PROGRAMS  
AND SENSITIVE ACTIVITIES WITHIN THE DEPARTMENT OF THE NAVY

Ref: (a) Title 10, U.S. Code, Section 5013  
(b) Title 50, U.S. Code, Section 413  
(c) SECNAVINST 5430.7Q of 17 Aug 09  
(d) SECNAVINST 3820.3E of 21 Sep 05  
(e) DoD Directive 5240.01 of 27 Aug 07  
(f) DoD Directive O-5240.02 of 30 Dec 10  
(g) SECNAVINST 3850.2C of 20 Jul 05  
(h) SECNAVINST 7042.12E of 25 May 10  
(i) DoD Directive 5205.07 of 1 Jul 10  
(j) SECNAVINST S5460.3G of 17 May 12  
(k) DoD Directive 5525.5 of 20 Dec 89  
(l) SECNAVINST 5820.7C of 26 Jan 06  
(m) SECNAVINST 7042.7K of 14 Mar 06  
(n) SECNAVINST 5730.13A of 1 Feb 06  
(o) DoD Directive S5210.36 of 6 Nov 08 (NOTAL)  
(p) DoD Directive S5105.61 of 6 May 10 (NOTAL)  
(q) DoD Instruction S5105.63 of 9 Mar 99 (NOTAL)  
(r) SECNAVINST 7510.7F of 27 Dec 05  
(s) SECNAVINST 5430.107 of 28 Dec 05  
(t) CJCSI 3710.01B of 26 Jan 07  
(u) DoD Directive 5200.27 of 7 Jan 80  
(v) MFR re: Review of DON Security Functions of  
06 Apr 12

Encl: (1) Senior Review Board (SRB)  
(2) Special Access Program Oversight Committee (SAPOC)  
and Special Programs Review Group (SPRG)  
(3) Sensitive Activities Review Board (SARB)

1. Purpose

a. To establish policy and assign responsibility for the oversight and management of intelligence activities, intelligence-related activities, Special Access Programs (SAPs), and sensitive activities within the Department of the Navy (DON).

b. To establish a system of oversight and management functions comprised of the Senior Review Board (SRB), the Special Access Program Oversight Committee (SAPOC), the Special Programs Review Group (SPRG), the Sensitive Activities Review Board (SARB) and the SARB Working Group.

c. This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 5000.34D.

3. Scope and Applicability. This instruction governs all intelligence activities, intelligence-related activities, SAPs, and sensitive activities within the DON. It applies to all component and department activities, their personnel, and supporting contractors and consultants when contract performance includes any of the above activities. No program or activity shall be exempt from the requirements of this instruction, regardless of sensitivity, classification or degree of restriction on access.

4. Background

a. In accordance with reference (a), the Secretary of the Navy (SECNAV) is responsible to the Secretary of Defense for all matters within DON, which includes the effective supervision and control of intelligence activities, intelligence-related activities, SAPs, and sensitive activities. This oversight role includes oversight of all component and department intelligence and intelligence-related activities and programs. In accordance with reference (c), the Under Secretary of the Navy (UNSECNAV) is designated as the deputy and principal assistant to the SECNAV, and acts with the full authority of the SECNAV in managing the effective supervision and control of intelligence

activities, intelligence-related activities, SAPs and sensitive activities within the Department of the Navy.

b. Reference (d) implements reference (e) and assigns responsibilities within DON for the implementation of intelligence oversight requirements. Additional guidance on CI matters is provided in references (f) through (h).

c. Reference (i) authorizes the establishment or continuation of SAPs only when absolutely necessary to protect the nation's most sensitive and critical information or when required by statute. Establishment of SAPs shall be consistent with law, treaty, policy and regulation, and be based on a determination that the threat and/or vulnerability warrant enhanced protection. Reference (j), which implements reference (i), issues policy and assigns responsibilities for the management, administration support and oversight of SAPs and other compartmented activities within DON.

d. References (h), (k) through (n), and (p) through (u) describe additional activities that come under the purview of this instruction if they meet the criteria set forth in paragraph 3 of this instruction.

## 5. Policy

a. In accordance with reference (c), and by Secretary action herein, authority for all activities within the purview of this instruction is hereby delegated to the UNSECNAV, except where expressly reserved. In the absence of the UNSECNAV, the responsibilities assigned to the UNSECNAV shall be exercised by the SECNAV.

b. All intelligence activities shall be carried out in strict conformity with the U.S. Constitution, applicable laws, Executive Orders, and other relevant Department of Defense (DoD) directives as specified in reference (e). DON policy supports reference (e), requiring all DON intelligence component employees to report all questionable intelligence activities that may violate a U.S. law, treaty, Executive Order, Presidential directive, or applicable DoD policy to the inspector general or general counsel for the DoD intelligence component involved.

c. DON oversight shall encompass not only a legal review for compliance with U.S. law, treaty, policy, directive and regulation, but also a broad review of intelligence activities, intelligence-related activities, SAPs, and sensitive activities which includes, but is not limited to, goals, objectives and resources.

d. This instruction is not intended to alter or impose duplicate reporting and/or advance coordination for operational matters that already occur for support to civilian law enforcement as set forth in references (k) and (l) or for sensitive military activities, reconnaissance operations or counter-drug support pursuant to references (n) through (q).

e. Any intelligence matter having significant operational or acquisition consequences for the DON shall, at the direction of the SECNAV or UNSECNAV, be reported to Congress in accordance with reference (n).

f. This instruction does not constitute authority for any DON component or person to initiate, conduct or support intelligence activities, intelligence-related activities, SAPs and sensitive activities without prior approval by an authorized official.

## 6. Definitions

a. Counterintelligence (CI). Information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons or their agents, or international terrorist organizations or activities.

b. Foreign Intelligence (FI). Information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.

c. Intelligence Activities. Means all activities that DON intelligence components are authorized to conduct pursuant to reference (e). This includes the collection, production,

dissemination and retention of FI and CI by DON intelligence components. An intelligence activity may be a sensitive activity.

d. Intelligence Components. All DON commands, organizations, staffs, offices, or portions thereof, both Active and Reserve, that conduct or supervise FI, CI, or intelligence-related activities, as well as other elements of the DON that have been jointly designated as an element of the Intelligence Community by SECNAV and the Director of National Intelligence.

e. Intelligence-related Activity. Activities normally considered to be linked directly or indirectly to the intelligence field.

f. Questionable Intelligence Activity. Any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential Directive, or applicable DoD or DON policy.

g. Sensitive Activity. For the purpose of this instruction, sensitive activity is defined as any lawfully conducted activity undertaken by DON in furtherance of United States military objectives, national security concerns, foreign policy objectives or other critically important objectives that may include:

(1) The potential for public controversy or embarrassment, either domestically or overseas;

(2) Unusual or significant risks to DON personnel and/or property;

(3) Adverse foreign military or diplomatic reactions or consequences;

(4) The Potential for negatively affecting DON relations with, or support to, other military departments or government agencies;

(5) The provision of DON support to other government agencies wherein DON personnel will act under those agencies' authorities;

(6) DON support to covert action activities as defined by reference (b).

h. Special Access Program (SAP). A program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

(1) Acquisition SAP. A SAP established to protect sensitive research, development, testing and evaluation, modification, and procurement activities.

(2) Intelligence SAP. A SAP established primarily to protect the planning and execution of especially sensitive intelligence or CI operations or collection activities.

(3) Operations and Support (O&S) SAP. A SAP established primarily to protect the planning for, execution of, and support to especially sensitive military operations. An operations and support SAP may protect organizations, property, operational concepts, plans, or activities.

## 7. Responsibilities and Organization

a. The UNSECNAV is assigned responsibility for:

(1) The oversight and management of all intelligence activities, intelligence-related activities, SAPs and sensitive activities within the DON.

(2) The advance approval of any intelligence activity, intelligence-related activity, special access program or sensitive activity within the DON that:

(a) Involves bilateral arrangements or agreements with foreign governments;

(b) Involves the transfer of funds or equipment either to or from a foreign government or service; or

(c) Is conducted by the DON in accordance with references (o), (p) or (q).

(3) The issuance of guidance to implement reference (e) with respect to oversight of activities to ensure consistency with applicable Executive orders, DON national intelligence and military intelligence funding, and allocation of relevant civilian executive resources.

b. The UNSECNAV shall be assisted by the following entities, in overseeing the matters covered by this instruction and in ensuring the effective supervision and control of such matters as contemplated by reference (c):

(1) The Senior Review Board (SRB), chaired by the UNSECNAV shall have oversight and review authority within the DON over all activities governed by this instruction and all additional activities which the SECNAV, the UNSECNAV or the SRB Principal Members designate for review. The composition and functions of the SRB are described in Enclosure (1);

(2) The SAPOC and its subordinate SPRG, shall be responsible for the oversight and the review of DON acquisition SAPs. The composition and functions of the SAPOC and SPRG are described in Enclosure (2); and

(3) The SARB and its subordinate working group shall be responsible for the review and the oversight of all intelligence activities, intelligence-related activities, intelligence and O&S SAPs, and sensitive activities of DON components, to include those activities conducted under Alternative Compensatory Control Measures. The composition and functions of the SARB are described in Enclosure (3).

c. The UNSECNAV may, with the concurrence of the SECNAV, exempt certain programs and activities from review by the SRB, SAPOC, SPRG and SARB.

d. The Deputy Under Secretary of the Navy for Plans, Policy, Oversight and Integration (DUSN (PPOI)) shall assist the UNSECNAV in the oversight of activities covered by this instruction. In addition, the DUSN (PPOI) is the DON Security Executive and shall perform duties as assigned in reference (v).

e. The Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) are responsible for:

(1) Ensuring the UNSECNAV is kept informed of the intelligence activities, intelligence-related activities, SAPs, and sensitive activities within their Service that:

(a) Have the potential to attract public notice or the notice of senior authorities in the United States Government, including matters involving senior officers or senior civilian employees of the DON; or

(b) Are reportable to Congress or the Office of the Secretary of Defense (OSD).

(2) Ensuring proper and timely reporting of intelligence activities, intelligence-related activities, special access programs, and sensitive activities to the cognizant oversight board.

(3) Ensuring the Auditor General of the Navy (AUDGEN), Naval Inspector General (NAVINSGEN), General Counsel of the Navy (GC), the Judge Advocate General of the Navy (JAG), the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC), and the Inspector General for Marine Corps Matters (IGMC) have access to information necessary to carry out their duties under this instruction.

f. The Assistant Secretaries of the Navy (ASNs) shall be responsible for exercising control over and proper management of their functional areas of responsibility with respect to all activities and programs covered by this instruction.

g. The GC, in coordination with the JAG, shall be responsible for ensuring all intelligence activities, intelligence-related activities, SAPs, and sensitive activities covered by this instruction are conducted in a legal manner. Reports of questionable intelligence activities conducted by or on behalf of DON components will be referred to the NAVINSGEN, IGMC, or the Director of NCIS (DIRNCIS), as appropriate, for investigation. GC and JAG shall discharge these responsibilities in part as principal members of the SRB and as

members of the SAPOC, and by designating their deputies as members of the SPRG and SARB.

h. The NAVINSGEN and the IGMC shall be responsible for the inspection of DON intelligence components and for investigating or referring investigation reports of questionable intelligence activities by any DON component.

i. DIRNCIS shall keep UNSECNAV, CNO and CMC informed of ongoing CI matters in a timely manner in accordance with references (c), (g), (h) and (n).

j. The AUDGEN shall maintain a staff of appropriately cleared auditors to independently review intelligence activities, intelligence-related activities, SAPs, and sensitive activities under the control of this instruction and in accordance with reference (r). The AUDGEN's or designated representative's participation in the SRB, SAPOC, SPRG, or SARB will be for informational purposes only and will not in any way imply approval of actions or restrict the independent audit activities of the Naval Audit Service (NAVAUDSVC).

8. Action. All DON directives at variance with this instruction shall be revised appropriately within 180 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.



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SENIOR REVIEW BOARD (SRB)

1. The SRB:

a. Shall exercise oversight, management, and review over all DON intelligence activities, intelligence-related activities, SAPs, sensitive activities, and all other activities designated by SECNAV or UNSECNAV;

b. Shall receive reports from the SAPOC and the SARB annually, or as deemed necessary by the chair;

c. Shall review the independent oversight activities and plans of the AUDGEN related to intelligence activities, intelligence-related activities, SAPs, and sensitive activities of the Department; and

d. Will meet semi-annually or as called by the chair.

2. Membership

a. The SRB shall be chaired by the UNSECNAV. The chair shall determine a quorum.

b. SRB Principal Members:

- Vice Chief of Naval Operations
- Assistant Commandant of the Marine Corps
- General Counsel of the Navy
- Assistant Secretary of the Navy (Research, Development and Acquisition)
- Assistant Secretary of the Navy (Financial Management and Comptroller)
- Naval Inspector General
- Judge Advocate General of the Navy
- Staff Judge Advocate for the Commandant of the Marine Corps

c. SRB Advisory Members:

- Auditor General of the Navy
- Deputy Under Secretary of the Navy (Plans, Policy, Oversight and Integration)

- Deputy Chief of Naval Operations for Integration of Capabilities and Resources (N8)
- Deputy Chief of Naval Operations for Warfare Systems (N9)
- Deputy Chief of Naval Operations for Operations, Plans, and Strategy (N3/N5)
- Deputy Chief of Naval Operations for Information Dominance (N2/N6)
- Deputy Commandant for Programs and Resources
- Deputy Commandant for Plans, Policies and Operations
- Deputy Inspector General for Marine Corps Matters
- Director, Naval Criminal Investigative Service
- Director, Operations Integration Group
- Director of Intelligence, HQMC
- Director, Department of the Navy Special Access Programs Central Office
- Director, Special Programs DC(P&R)

d. The chair may invite other officials to consider individual issues for which special expertise is required.

e. Attendance will be by Principal and Advisory Members only, except by permission of the chair.

3. Administrative Support. The Senior Director of Intelligence, DUSN (PPOI), or a designated delegate, will serve as executive secretary of the SRB, supported by the Director, Department of the Navy Special Access Programs Central Office (DON SAPCO), and the Marine Corps Assistant Inspector General for Intelligence oversight.

4. Record of Proceedings. The SRB executive secretary shall prepare and forward to UNSECNAV for approval a record of the SRB proceedings, and maintain the original signed copy.

SPECIAL ACCESS PROGRAM OVERSIGHT COMMITTEE (SAPOC)

1. DON has established a two-tier process for oversight of acquisition SAPs comprised of the Special Access Program Oversight Committee (SAPOC) and Special Programs Review Group (SPRG).

2. The SAPOC shall:

a. Have oversight authority over DON acquisition SAPs, except as may be exempted under paragraph 7.c. of this instruction.

b. Conduct oversight in accordance with the policies established at paragraph 5 of this instruction.

c. Have cognizance over all matters related to acquisition SAP execution, including acquisition and programmatic decisions, security, operational requirements, concepts of operation, operational test and evaluations, logistic support and fleet implementation.

d. Serve as a forum for DON acquisition SAP issues, with SAPOC meetings focused on Acquisition Category I SAPs, SAPs with significant budget issues, SAPs with significant 'white world' program implications, SAPs with Congressional or OSD interest, issues involving multiple DON or DoD SAPs, and other topics, issues, or SAPs as recommended by the SPRG.

e. Document all SAPOC meetings by Memorandum for the Record (MFR) and report findings and recommendations to UNSECNAV.

f. Review SPRG MFR findings and recommendations documenting SPRG annual program reviews.

g. Report to the SRB at least annually.

3. SAPOC Membership

a. Co-chair: The SAPOC shall be co-chaired by ASN(RD&A) and Deputy Chief of Naval Operations for Integration of Capabilities and Resources. For Marine Corps programs, the Deputy Commandant for Programs and Resources shall serve as co-chair.

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## b. SAPOC Members:

- General Counsel of the Navy
- Assistant Secretary of the Navy (Financial Management and Comptroller)
- Deputy Under Secretary of the Navy (Plans, Policy, Oversight and Integration)
- Deputy Commandant for Programs and Resources (for Navy Programs)
- Deputy Chief of Naval Operations for Integration of Capabilities and Resources (N8) (for Marine Corps Programs)
- Deputy Chief of Naval Operations for Operations, Plans, and Strategy (N3/N5)
- Deputy Chief of Naval Operations for Information Dominance (N2/N6)
- Deputy Chief of Naval Operations for Warfare Systems (N9)
- Judge Advocate General of the Navy
- Cognizant Deputy Assistant Secretary of the Navy
- Director, Department of the Navy Special Access Programs Central Office

## c. SAPOC Advisory Members:

- Naval Inspector General
- Director, Program Integration (N9I)
- Director, Warfare Integration (N2/N6F)
- Director, Innovation, Test and Evaluation, and Technology Requirements
- Director, Programming Division
- Director, Assessment Division
- Director, Office of Budget (FMB)/Director, Fiscal Management Division
- Deputy Director, Naval Intelligence
- Executive Assistant Director for National Security, NCIS
- Cognizant Requirements/Resource Sponsor
- Cognizant Systems Commander
- Cognizant Deputy Assistant Secretary of the Navy
- Cognizant Program Executive Officer
- Auditor General of the Navy
- Director, Special Programs DC(P&R)

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d. For Marine Corps programs or Navy programs with Marine Corps interest, the appropriate counterpart Marine Corps principals will serve as members and advisory members.

e. SAPOC attendance will be by principals or their deputies, except by concurrence of the SAPOC co-chairs. Other DON officials may be invited to attend SAPOC meetings as subject matter experts or interested observers, at the discretion of the SAPOC executive secretary acting for the SAPOC co-chairs. The co-chairs will determine a quorum.

4. The SPRG shall:

a. Have review authority over DON acquisition SAPs, except as may be exempted under paragraph 7.c. of this instruction.

b. Conduct reviews in accordance with the policies established at paragraph 5 of this instruction.

c. Review each DON acquisition SAP at least annually, in accordance with reference (e). The SPRG review constitutes the required annual review of each SAPOC-designated program.

d. Review all matters related to acquisition SAP execution, including acquisition and programmatic decisions, security, operational requirements, concepts of operation, operational test and evaluation, logistic support, and fleet implementation. SAPs with significant requirements, budget, or execution issues shall be referred to the SAPOC.

e. Document all SPRG meetings by MFR and report findings and recommendations to the SAPOC.

5. SPRG Membership

a. Co-chair: The SPRG shall be co-chaired by the Principal Military Deputy ASN(RD&A) and DON SAPCO.

b. SPRG Members:

- Principal Deputy General Counsel of the Navy
- Deputy Judge Advocate General of the Navy
- Director, Program Integration (N9I)
- Director, Warfare Integration (N2/N6F)
- Assistant Deputy Commandant for Programs and Resources

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- Principal Director, DUSN (PPOI)
- Cognizant Requirements/Resource Sponsor
- Cognizant Deputy Assistant Secretary of the Navy
- Cognizant Program Executive Officer/Direct Reporting Program Manager

c. SPRG Advisory Members:

- Deputy Naval Inspector General
- Assistant Deputy Chief of Naval Operations (Information, Plans, and Strategy)
- Deputy Director of Naval Intelligence
- Director, Innovation, Test and Evaluation, and Technology Requirements
- Director, Programming Division
- Director, Assessment Division
- Director, Office of Budget (FMB)/Director, Fiscal Management Division
- Auditor General of the Navy
- Director, Special Programs DC(P&R)

d. For Marine Corps programs or Navy programs with Marine Corps interest, the appropriate counterpart Marine Corps principals will serve as members and advisory members.

e. SPRG attendance will be as noted, except by concurrence of the SPRG co-chairs. Other DON officials may be invited to attend SPRG meetings as subject matter experts or interested observers, at the discretion of the SPRG executive secretary acting for the SPRG co-chairs. The co-chairs will determine a quorum.

6. Administrative Support. DON SAPCO, or a designated delegate, will serve as the SAPOC and the SPRG executive secretary. Staff support to the SAPOC and the SPRG will be provided by CNO (N89) and ASP DON/AA.

7. Record of Proceedings. The SAPOC and SPRG executive secretary shall prepare an MFR, for approval by the appropriate co-chair, documenting the SAPOC and the SPRG proceedings. Record of these proceedings shall be provided to the UNSECNAV and the SRB executive secretary for review. The SAPOC and SPRG executive secretary shall maintain the original signed copy.

SENSITIVE ACTIVITIES REVIEW BOARD (SARB)

1. The SARB shall:

a. Be responsible for review and oversight of all intelligence activities, intelligence-related activities, intelligence and O&S SAPs, and sensitive activities of DON components, except as may be exempted under paragraph 7.c. of this instruction.

b. Conduct other reviews and oversight as directed by the UNSECNAV.

c. Conduct its oversight in accordance with the policies established at paragraph 5 of this instruction.

d. Report findings and recommendations to UNSECNAV.

e. Report to the SRB at least annually.

f. With respect to intelligence and O&S SAPs:

(1) Review each DON intelligence and O&S SAP at least annually, in accordance with reference (e). The SARB review constitutes the required annual review of each intelligence and O&S SAP.

(2) Review all matters related to DON intelligence and O&S SAP execution, including programmatic decisions, security, operational requirements, concepts of operation, logistic support, and fleet implementation. Significant requirements, budget, or execution issues shall be referred to the SRB.

2. Membership

a. The SARB shall be chaired by the Naval Inspector General. The chair will determine a quorum and approve the attendance of advisory members.

b. SARB Members:

- Inspector General for Marine Corps Matters (IGMC)
- Deputy Judge Advocate General of the Navy
- Principal Deputy General Counsel of the Navy
- Senior Director of Intelligence, DUSN (PPOI)

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- Assistant Deputy Chief of Naval Operations for Operations, Plans, and Strategy
- Assistant Deputy Commandant for Plans, Policies and Operations (Security)
- Staff Judge Advocate to the Commandant of the Marine Corps

c. SARB Advisory Members:

- Deputy Assistant Secretary of the Navy (Financial Management and Comptroller)
- Deputy Director of Naval Intelligence
- Assistant Director of Intelligence, HQMC
- Deputy Director, NCIS
- Deputy Director, Operations Integration Group
- Auditor General of the Navy
- ASP DON/AA
- Director, Department of the Navy Special Access Programs Central Office

d. The chair may appoint ad hoc members, as necessary, to consider individual issues for which special expertise is required.

e. The Counsel for the Commandant may attend when Marine Corps matters are under review.

f. Attendance will be by principals or their deputies, except by concurrence of the chair.

3. Administrative Support. The NAVINSGEN Assistant for Intelligence (N2) will serve as executive secretary of the SARB, supported by the staff of CNO (N2/N6), the Director, Intelligence Oversight Division, IGMC, and the staff of DON SAPCO.

4. Record of Proceedings. The SARB executive secretary shall prepare an MFR documenting SARB proceedings for approval by the chair. Record of these proceedings shall be provided to the UNSECNAV and the SRB executive secretary for review. The SARB executive secretary shall maintain the original signed copy.

5. Upon request of the SARB Chair, SARB members will provide subject matter experts to form a SARB Working Group led by the SARB executive secretary. The SARB Working Group will identify and then report to the SARB any significant issues arising from

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oversight of intelligence activities, intelligence-related activities and sensitive activities of DON components.

6. Findings and recommendations arising from the SARB Working Group activities will be presented to the SARB by the SARB executive secretary.