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# REPORT TO THE PRESIDENT: AN ASSESSMENT OF DECLASSIFICATION IN THE EXECUTIVE BRANCH<sup>1</sup>

September 21, 2005

In the March 25, 2003, amendment to Executive Order 12958, “Classified National Security Information” (the Order), you called for a renewed commitment by the Executive branch to the concept of declassification tied to specific deadlines, referred to in the Order as automatic declassification. This direction calls for all 25-year-old and older historically valuable permanent records containing classified national security information to be declassified, exempted, excluded, referred to other interested agencies, or appropriately delayed by December 31, 2006, and each year thereafter, for such records prior to their attaining 25-year-old status. As such, it is important to recognize that December 31, 2006, represents not an end unto itself but rather the beginning of integrating automatic declassification into the fabric of the security classification framework.

We have recently completed our review and analysis of agency efforts to fulfill their automatic declassification responsibilities, including their 2004 updates to their declassification plans where required. Overall, the Executive branch has made significant advances in the past year. We believe, for the most part, the Executive branch is progressing toward fulfilling its responsibilities for these records by the initial deadline of December 31, 2006, although a handful of agencies still remain at risk of not meeting this requirement.

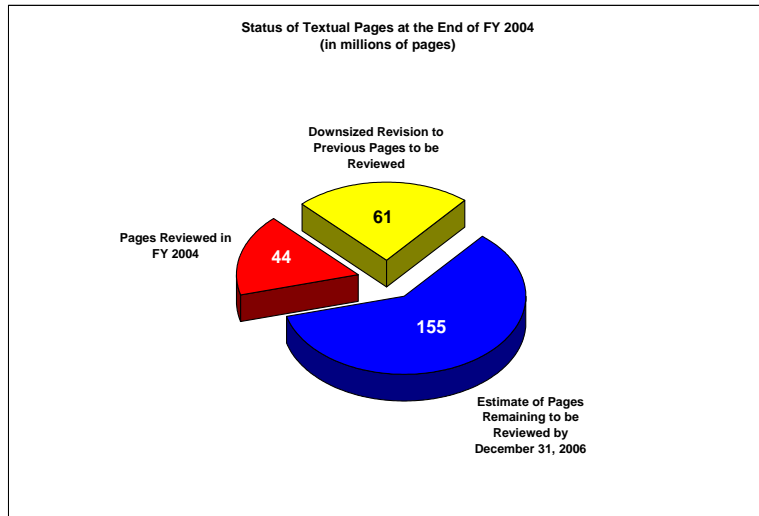
Setting deadlines for agency action in implementing the automatic declassification provisions of the Order is essential in ensuring the continued integrity and effectiveness of the classification system, which cannot be depended upon to protect today’s sensitive national security information unless there is an ongoing process to purge it of yesterday’s secrets that no longer require protection. The automatic declassification process increases the potential release of formerly classified information to the general public and researchers, enhancing their knowledge of the United States’ democratic institutions and

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<sup>1</sup> This report is furnished in accordance with Section 5.2(b)(8) of the Order, per your charge to the Information Security Oversight Office (ISOO), to periodically report to you on the implementation of the Order. This follows our November 30, 2004, assessment of declassification in the Executive branch.

history, while at the same time ensuring that information which can still cause damage to national security continues to be protected. An agency's failure to fully implement these provisions undermines its ability to achieve these complementary objectives.

Based on current data, we estimate that 1.4 billion pages of textual records were reviewed from October 1995 through December 31, 2004, to include 44 million pages in FY 2004.<sup>2</sup> We estimate this leaves an additional 155 million textual pages that require action by December 31, 2006.<sup>3</sup> This excludes special media, such as microforms, motion pictures, audiotapes, or comparable media that



make a review for possible declassification exemptions more difficult or costly, all of which does not become subject to automatic declassification until December 31, 2011.

<sup>2</sup> For purposes of tracking and reporting the amount of records reviewed and/or declassified by the executive branch, ISOO requests that the figures or estimates be in either cubic feet or pages. The following conversion tables may be helpful in calculating estimates:

1 Cubic ft. = 2,500 pages  
 1 Safe Drawer = 3 cubic ft. = 7,500 pages  
 1 Federal Records Center Box = 1 cubic ft.  
 1 Archives Box = 1/3 cubic ft. = approx. 833 pages  
 1 Roll = 2,600 pages  
 1 Minute of Audio Tape = 2.5 pages  
 1 Linear Foot of Film = 1 page of textual material

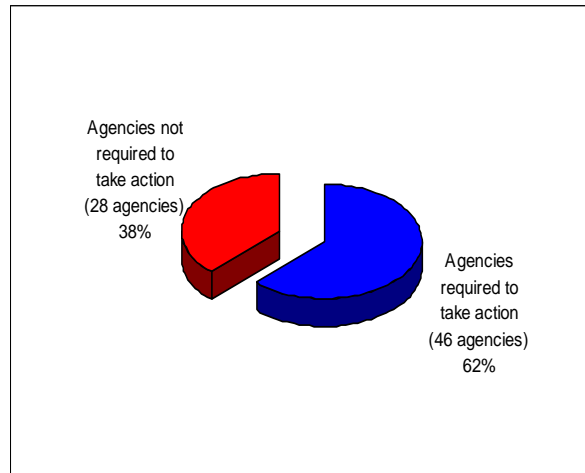
<sup>3</sup> In last year's report, we estimated an additional 260 million pages required review prior to December 31, 2006. In addition to the 44 million pages actually reviewed in FY 2004, there are several reasons attributable to the downward revision in the number of textual pages required to be reviewed by December 31, 2006. They include some agencies: (i) applying the integral file block concept;\* (ii) improperly reporting special media and file series exempted records as textual pages requiring review; (iii) improving their tracking and inventory controls for managing records; (iv) misidentifying records as having permanent historical value when in fact they were determined to be temporary records; and (v) misapplying classification markings to administrative, unclassified information (e.g. business confidential, personnel folders, etc.)

(\*If an agency routinely retires its records in blocks (as evidenced in its approved records schedule), all the records would be automatically declassified on December 31 of the year that is 25 years from the date of the most recent record in the block. For example, if a block of records were dated from 1980-84, all the records in that block would be automatically declassified on December 31, 2009.)

Between October 1, 1995, and September 30, 2004, over 1 billion pages of permanent records have been declassified.

Of the 74 agencies<sup>4</sup> that responded to ISOO's data call for declassification information, we confirmed that 28 (the same as reported last year) do not currently possess any 25-year-old and older historically valuable permanent classified records and thus do not need to submit a declassification plan at this time. In other words, 38 percent of the responsive agencies are not required to take action under section 3.3 of the Order at this time.

The remaining 46 agencies, or 62 percent of the responders, were required to submit plans. Based upon the information available to us at this time, we are confident that 22 (compared to 23 last year) of those 46 agencies will be prepared for the implementation of the automatic declassification program on December 31, 2006. Collectively, these 22 agencies account for 39 percent of the total number of pages identified since 1995 as being subject to automatic declassification and 40 percent of the remaining records requiring action. An additional 8 agencies (compared to 2 reported last year), which together account for another 59 percent of the total volume of records identified since 1995, are most likely to be prepared. However, for each of these 8 agencies a large volume of material must be reviewed (43 percent of the remaining records requiring action) in the remaining 16 months. While these agencies have established procedures and provided additional resources, we remain concerned that unforeseen circumstances might derail these very ambitious review efforts.

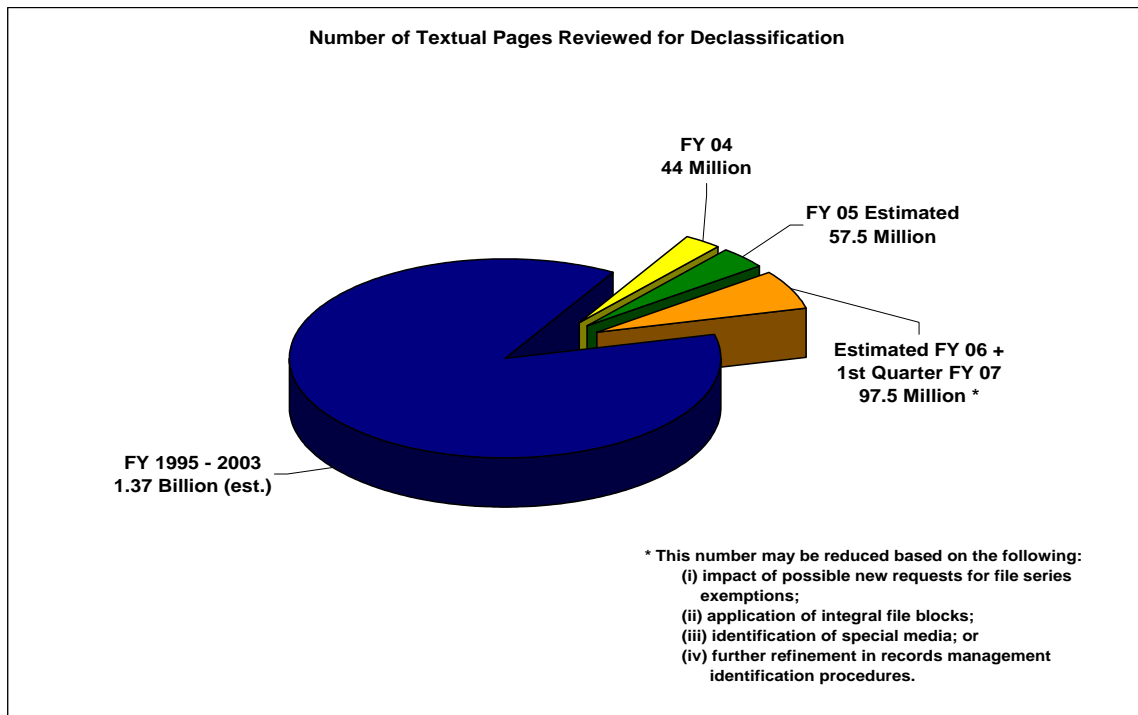


In addition to the above, there is some risk that an additional 9 agencies (as opposed to 2 last year) will not be prepared. These agencies account for 2-3 percent of the remaining pages identified as being subject to automatic declassification. No agencies this year are

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<sup>4</sup> A listing of all Executive branch agencies which ISOO monitors is included in Attachment A and in Attachment B. This is an assessment of whether or not the agencies will reach the December 31, 2006, deadline for automatic declassification. It should be noted that the initial declassification review for the papers of each President and Vice President is conducted at their respective presidential library. This process is described in the Office of Presidential Libraries (NL) section of the National Archives and Records Administration (NARA) Declassification Plan. NARA and NL will work with the National Security Council (NSC) to ensure that these materials are appropriately reviewed for declassification. The other entities of the Executive Office of the President (EOP) are required to submit individual responses.

at significant risk for not meeting the deadline, while last year 4 agencies were in that category. Seven agencies (as opposed to 15 last year) did not provide enough information upon which we could base an assessment of their declassification programs. We are working to ensure that these agencies will provide sufficient information in future declassification plans to include more accurate statistics on the volume of records to be reviewed. Regarding these agencies, we assess that they have an estimated 22 million pages of classified records, or 14 percent of the total remaining records requiring action by December 31, 2006. We will provide you with supplemental information regarding these agencies' progress no later than December 31, 2005.



Some of the estimated 1.6 billion pages of classified national security information subject to the automatic declassification provisions of section 3.3 of the Order by December 31, 2006, contain information of interest to other agencies. This means that the original agency must not only review the classified information for declassification, but it must then refer the record to any other agency that has an interest in the classified information. While agencies have developed strategies to reduce the cost and time required, the referral of records remains one of the most costly and lengthy components of the declassification review process. This is one reason why the most recent amendment to the Order allowed agencies to delay the automatic declassification of classified records referred to them by other agencies for an additional 3 years. While classified records that fall into this category must be referred to agencies of interest no later than December 31, 2006, these records will not be subject to automatic declassification until December 31, 2009. We estimate that 138 million pages of textual records must be acted upon by other agencies by the extended date. However, this figure does not include the 7 agencies

referenced above for which an assessment could not be made at this time due to insufficient information.

In last year's declassification plans a number of agencies requested and were granted an additional 5 years to review special media. In making this request, a large number of agencies were required to clarify the volume of special media subject to the 5-year delay. As a result, the estimated volume of special media pages doubled to 174 million pages and concomitantly a slight decrease occurred in the number of textual pages subject to review. Agencies estimate that approximately 70 percent of special media, such as motion pictures or audio tapes, (regardless of media we report volume in number of pages) will be declassified by December 31, 2011.

Based on our review, we believe that the Executive branch will, for the most part, fulfill its responsibilities under the automatic declassification program by December 31, 2006. Such compliance means that approximately 98 percent of all records subject to section 3.3 of the Order will have been declassified, appropriately exempted, referred or delayed. Any such records not acted upon will be automatically declassified subject to the limitations and conditions set forth in the Order. In addition, we note that many agencies may have trouble reaching the 2009 deadline reflected above unless significant business process changes are implemented in order to handle referrals. We will continue to monitor this situation closely and make recommendations for improvement.

With respect to the December 31, 2009, requirement for the completion of the review of referrals, agencies should implement the following five key concepts:

1. Apply risk management tools to determine if there are any series of records which could either be bulk declassified or not subjected to a full scale review.
2. Request Interagency Security Classification Appeals Panel (ISCAP) approval of declassification guides to protect that information which warrants continued classification.
3. Delegate authority to exempt classified information on an agency's behalf to another agency through sharing ISCAP-approved declassification guides.
4. Cooperate as fully as possible in interagency review processes, such as the Interagency Referral Center, the Remote Archives Capture Program, the Document Declassification Support System, and in other multi-agency efforts.
5. Publicize declassification decisions within the community. If an agency has declassified a key policy document, for example, decisions derived derivatively from that decision could be declassified without having to refer it to the originating agency.

We will continue to work with all agencies and offer our assistance to keep the process moving forward. We have emphasized to each agency head that automatic declassification is an ongoing program that begins, not ends, on December 31, 2006, and thus requires their personal commitment as you called for in the Order.

## Attachment A

LISTING OF EXECUTIVE BRANCH AGENCIES AND ENTITIES  
FOR WHICH ISOO HAS OVERSIGHT

Air Force: Department of the Air Force  
Army: Department of the Army  
CEA: Council of Economic Advisers  
CIA: Central Intelligence Agency  
Commerce: Department of Commerce  
DARPA: Defense Advanced Research Projects Agency  
DCAA: Defense Contract Audit Agency  
DCMA: Defense Contract Management Agency  
DeCA: Defense Commissary Agency  
DFAS: Defense Finance and Accounting Service  
DHS: Department of Homeland Security  
DIA: Defense Intelligence Agency  
DISA: Defense Information Systems Agency  
DLA: Defense Logistics Agency  
DOE: Department of Energy  
DOT: Department of Transportation  
DSS: Defense Security Service  
DTRA: Defense Threat Reduction Agency  
ED: Department of Education  
EPA: Environmental Protection Agency  
EXIMBANK: Export-Import Bank of the United States  
FCC: Federal Communications Commission  
FMC: Federal Maritime Commission  
FRS: Federal Reserve System  
GSA: General Services Administration  
HHS: Department of Health and Human Services  
HUD: Department of Housing and Urban Development  
Interior: Department of the Interior  
JCS: Joint Chiefs of Staff  
Justice: Department of Justice (Includes FBI and DEA)  
Labor: Department of Labor  
MDA: Missile Defense Agency  
MMC: Marine Mammal Commission  
MSPB: Merit Systems Protection Board  
NARA: National Archives and Records Administration  
NASA: National Aeronautics and Space Administration  
Navy: Department of the Navy  
NGA: National Geospatial-Intelligence Agency  
NRC: Nuclear Regulatory Commission  
NRO: National Reconnaissance Office  
NSA: National Security Agency  
NSC: National Security Council  
NSF: National Science Foundation

OA, EOP: Office of Administration, Executive Office of the President  
OIG, DOD: Office of the Inspector General, Department of Defense  
OMB: Office of Management and Budget  
ONDCP: Office of National Drug Control Policy  
OPIC: Overseas Private Investment Corporation  
OPM: Office of Personnel Management  
OVP: Office of the Vice President (individual plan not required)  
OSD: Office of the Secretary of Defense (plus 9 Combatant Commands)  
OSTP: Office of Science and Technology Policy  
PC: Peace Corps  
PFIAB: President's Foreign Intelligence Advisory Board  
SBA: Small Business Administration  
SEC: Securities and Exchange Commission  
SSS: Selective Service System  
State: Department of State  
Treasury: Department of the Treasury  
TVA: Tennessee Valley Authority  
USAID: United States Agency for International Development  
USDA: United States Department of Agriculture  
USITC: United States International Trade Commission  
USPS: United States Postal Service  
USTR: Office of the United States Trade Representative  
VA: Department of Veterans Affairs

## Attachment B

ASSESSMENT OF AGENCIES AND ENTITIES PROGRAMS FOR MEETING THE  
DECEMBER 31, 2006 AUTOMATIC DECLASSIFICATION DEADLINE

Agency	Non Applicable	YES	MOST LIKELY	SOME RISK	SIGNIFICANT RISK	NOT ENOUGH INFORMATION
Air Force		X				
Army			X			
CEA	X					
CIA			X			
Commerce						X
DARPA		X				
DCAA	X					
DCMA	X					
DeCA	X					
DFAS	X					
DHS			X			
DIA		X				
DISA		X				
DLA	X					
DOE		X				
DOT		X				
DSS	X					
DTRA			X			
ED	X					
EPA	X					
Ex-Im Bank	X					
FCC		X				
FMC	X					
FRS	X					
GSA	X					
HHS	X					
HUD	X					
Interior		X				
JCS		X				
Justice						X
Labor		X				
MDA	X					
MMC	X					
MSPB	X					
NARA		X				
NASA			X			
Navy			X			



Agency	Non Applicable	YES	MOST LIKELY	SOME RISK	SIGNIFICANT RISK	NOT ENOUGH INFORMATION
NGA		X				
NRC		X				
NRO		X				
NSA		X				
NSC		X				
NSF	X					
OA, EOP						X
OIG, DOD	X					
OMB						X
ONDCP	X					
OPIC		X				
OPM	X					
OSD			X			
OSTP			X			
PC		X				
PFIAB						X
SBA	X					
SEC	X					
SSS	X					
State		X				
Treasury						X
TVA	X					
USAID		X				
USDA	X					
USITC	X					
USPS		X				
USTR						X
VA		X				
Combatant Commands (9)				X		
<b>TOTALS</b>	<b>28</b>	<b>22</b>	<b>8</b>	<b>9</b>	<b>0</b>	<b>7</b>