



# Information Security Oversight Office

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408



November 30, 2004

The President  
The White House  
Washington, DC 20500

Dear Mr. President

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 orderly declassification of historically valuable permanent classified records that are 25-years-old or older.

Based upon a recently completed assessment of agency actions, the Information Security Oversight Office (ISOO) believes, for the most part, that the Executive branch is progressing toward fulfilling its responsibilities for these records by the initial deadline of December 31, 2006. Nonetheless, a significant number of agencies remain at risk of not meeting the deadline. Enclosed is a report providing the details of this assessment.

Respectfully,

A handwritten signature in black ink, appearing to read "J. William Leonard".

J. William Leonard  
Director

Enclosure

# REPORT TO THE PRESIDENT: AN ASSESSMENT OF DECLASSIFICATION IN THE EXECUTIVE BRANCH

November 30, 2004

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 concept ensures that all 25-year old and older historically valuable permanent records containing classified national security information are declassified, exempted, referred to other interested agencies, or appropriately delayed by December 31, 2006. Setting deadlines for declassification increases the potential release of formerly classified information to the general public and researchers, enhancing our knowledge of our democratic institutions and our history, while at the same time ensuring that information which can cause damage to national security continues to be protected. An agency's failure to fully implement the automatic declassification provisions of your Order undermines its ability to achieve these dual objectives.

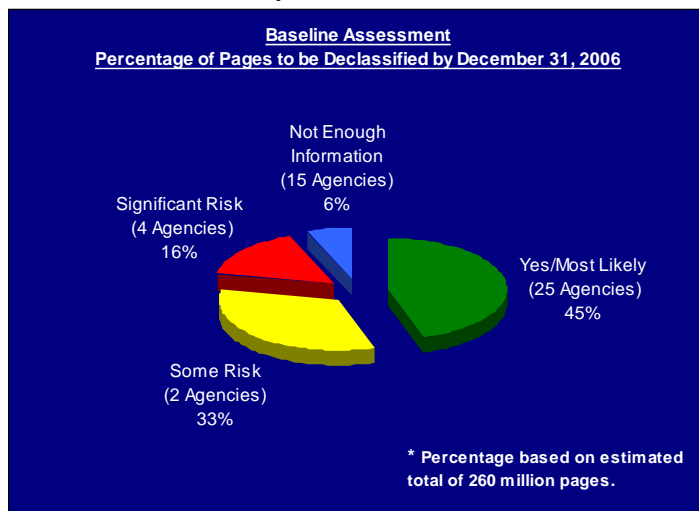
In order to assess Executive branch progress toward fulfilling the above commitment, we requested that all agencies provide information about their declassification programs to the Information Security Oversight Office (ISOO) for review and evaluation. The request was sent to those agencies that are original classifiers and/or derivative classifiers, as well as to those that are solely consumers or holders of classified national security information. This is our first major analysis of declassification data since implementation of the Order, and it establishes a baseline from which we can monitor future activity. In accordance with the provisions of section 5.2(b)(8) of the Order, we are advising you of our findings.

Based on this year's initial data, as of December 31, 2003, we estimate that there are 260 million pages of classified national security information that must be declassified, exempted, or referred to other agencies by December 31, 2006. This figure is in addition to the 982 million pages declassified in the prior 8 years that automatic declassification has been in effect. We believe, for the most part, that the Executive branch is progressing toward fulfilling its responsibilities for these records by the initial deadline, although a significant number of agencies remain at risk of not meeting it.

Specifically, of the 74 agencies\* that responded to ISOO's data call for declassification information, we confirmed that 28 do not currently possess any 25-year old and older historically valuable permanent classified records and thus did not need to submit a declassification plan at this time. The remaining 46 agencies were required to submit plans, which we confirmed through on-site visits. Based upon the information available to us at this time, we are confident that 25 of those agencies required to submit plans will be prepared for the implementation of the automatic declassification program on December 31, 2006 (although two of those agencies need to make minor modifications to their current program). Collectively, these 25 agencies account for 45 percent of the total number of pages subject to automatic declassification by December 31, 2006. In

addition, there is some concern that 2 agencies, which together account for 33 percent of the total, will not be prepared. Both agencies have strong declassification programs, but require additional resources to guarantee that they will meet the deadline. There is significant risk that 4 agencies, which collectively account for 16 percent of the total, will not be prepared. Finally, 15 agencies did not provide enough

information upon which we could base an assessment; we estimate that they account for at least 6 percent of the total. We are working to ensure that these agencies will provide sufficient information in future declassification plans.



Many of the nearly 260 million pages of classified national security information subject to automatic declassification 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 document 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 documents remains one of the most costly and lengthy components of the declassification review process. This is one reason why the recent amendment to the Order allowed agencies to delay the automatic declassification of classified records referred to them by other agencies for an additional three years. While classified records that fall into this category must be

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\* A listing of all Executive branch agencies which ISOO monitors is included in Attachment A and in Attachment B. This is a baseline 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) submitted individual responses.

referred to agencies of interest no later than December 31, 2006, these records will not be subject to automatic declassification until December 31, 2009. Based on the data provided, we estimate that 65 million pages (25 percent of the total) must be referred to and acted upon by other agencies by the extended date.

In addition to the 260 millions pages, 87 million pages of special media, such as motion pictures or audio tapes, (regardless of media we report volume in number of pages) will need to be declassified, exempted, or referred to other interested agencies by December 31, 2011, based upon the 5 additional years allotted by the recent amendment to the Order for information contained in special media.

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. However, we remain concerned that many of the agencies will have trouble reaching the 2009 and 2011 deadlines reflected above. We will continue to monitor the situation closely.

There are a number of highly effective business practices with respect to the implementation of the automatic declassification program that warrant special mention. Several agencies have established an organizational structure that ensures close coordination between their declassification, Freedom of Information Act, and records management programs. This is a noteworthy best practice that ensures both increased efficiency and consistency. We are especially pleased with a number of agencies who are playing leading roles in initiatives such as the Interagency Referral Center housed in the National Archives and Records Administration.

We will continue to work with all agencies and offer what assistance we can 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 the personal commitment of each agency head, 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 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

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		
NGA		X				
NRC		X				
NRO		X				
NSA		X				
NSC		X				
NSF	X					
OA, EOP	X					
DoD IG	X					

<b>OMB</b>						<b>X</b>
<b>ONDCP</b>	<b>X</b>					
<b>OPIC</b>		<b>X</b>				
<b>OPM</b>		<b>X</b>				
<b>OSD</b>		<b>X</b>				
<b>OSTP</b>		<b>X</b>				
<b>PC</b>		<b>X</b>				
<b>PFIAB</b>						<b>X</b>
<b>SBA</b>	<b>X</b>					
<b>SEC</b>	<b>X</b>					
<b>SSS</b>	<b>X</b>					
<b>State</b>		<b>X</b>				
<b>Treasury</b>					<b>X</b>	
<b>TVA</b>	<b>X</b>					
<b>USAID</b>		<b>X</b>				
<b>USDA</b>	<b>X</b>					
<b>USITC</b>	<b>X</b>					
<b>USPS</b>		<b>X</b>				
<b>USTR</b>		<b>X</b>				
<b>VA</b>		<b>X</b>				
<b>Combatant Commands (9)</b>						<b>X</b>
<b>TOTALS</b>	<b>28</b>	<b>23</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>15</b>