

Agency, Washington, DC 20505, (703) 482-6567.

SUPPLEMENTARY INFORMATION:

Background

In 1984 the CIA Information Act (Act) became law. This Act authorized certain CIA operational files from the Directorates of Operations and Science and Technology and the Office of Security to be designated by the Director of Central Intelligence (DCI) as exempt from the search requirements of the Freedom of Information Act (FOIA). The Act also required that not less than once every ten years the DCI review the exemptions then in force to determine whether such exemptions could be removed from any category of exempted files or any portion thereof. The first such review must be completed by 15 October 1994.

Increased Responsiveness to FOIA, Privacy Act, and Mandatory Declassification Requests

A major purpose of the Act is to expedite the Agency's review of information qualifying for release pursuant to FOIA, Privacy Act, and Mandatory Declassification standards. Under the Act the Agency is relieved of having to search files, and review records contained therein, that would likely result in little, if any, released information under the FOIA.

Consequently, the Agency can devote its resources to those files more likely to result in released materials and, thus, FOIA requesters experience much faster processing of those Agency records with a higher likelihood of being released. Since the passage of the Act in 1984, there has been a considerable reduction in the amount of time FOIA requesters must wait for their responses from the Agency. In 1984, when the CIA Information Act was passed, CIA completed action on 2,991 FOIA, Privacy Act, and Mandatory Declassification requests and the median response time for FOIA requests was approximately 15 months. In 1993, CIA completed action on 5,705 requests and reduced the median response time for these requests to 2.4 months. Thus, a primary goal of the Act has been and continues to be met.

Declassification and Release of CIA Information of Historical Value

The Act also sought to encourage CIA to undertake a program for the systematic review for declassification and release of selected information of historical value. The Act required the DCI, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate

representatives of the historical discipline selected by the Archivist, to prepare and submit to Congress a report on the feasibility of conducting systematic review for declassification and release of CIA information of historical value. In his report, submitted on 29 May 1985, the DCI stated that this kind of review was feasible and he described the new Historical Review Program that the Agency had established to carry it out.

Before making his report to Congress, the DCI consulted a panel, made up of the Archivist of the United States, an Assistant Librarian of Congress, and three distinguished historians. This panel recommended that the aim of the new Historical Review Program:

must be release of inactive records, appraised as permanently valuable, to the public via the National Archives and Records Administration (NARA), as the most effective means of serving the public interest and especially that of historical research.

As part of the DCI's Openness Policy, CIA's Historical Review Program has expanded substantially since 1992. Under the Program, the Center for the Study of Intelligence has undertaken to declassify and release CIA records of significant historical value. Records declassified and transferred to the NARA include:

- Over 140,000 pages from the JFK sequestered collection of documents.
- Over 380 political and economic National Intelligence Estimates primarily on the Soviet Union produced prior to 1984.
- Over 1,000 previously classified articles and book reviews from the CIA's professional journal of intelligence.

Studies in Intelligence

- Over 1,500 pages of records on Raoul Wallenberg.
- Since 1992, the CIA History Staff has also published three volumes of documents in its Cold War Records:
 - CIA Documents on the Cuban Missile Crisis. This publication is made up of 112 of the most important documents (some of which are excerpts of documents) from that period.
 - Selected Estimates on the Soviet Union. This volume includes 27 National Intelligence Estimates on International Politics, Foreign Affairs, Global Issues and Nuclear Arms Control and Disarmament.
 - The CIA Under Harry Truman. This publication includes approximately 60 important policy-level documents, more than half of which have never been made public before.
- The Program has also declassified, released, and transferred to the NARA

CENTRAL INTELLIGENCE AGENCY

CIA Information Act of 1984; Operational File Exemptions

AGENCY: Central Intelligence Agency.
ACTION: Notice of operational file exemptions.

SUMMARY: The Central Intelligence Agency (CIA) is soliciting comments regarding the historical value of, or other public interest in, the CIA files designated under the CIA Information Act of 1984.

DATES: Comments must be received by September 7, 1994.

ADDRESSES: Submit comments in writing to Director, Information Management, Central Intelligence Agency, Washington, DC 20505. Comments also may be faxed to (703) 482-8361.

FOR FURTHER INFORMATION CONTACT: Edmund Cohen, Director, Information Management, Central Intelligence

the following three formerly classified internal CIA histories:

- The Central Intelligence Agency, An Instrument of Government, to 1950.
- General Walter Bedell Smith as Director of Central Intelligence, October 1950–February 1953.
- Allen Welsh Dulles as Director of Central Intelligence, 26 February 1953–29 November 1961.

Finally, related to these declassification and release programs and in conjunction with the Agency's Openness Policy, the Center for the Study of Intelligence:

- Conducted a symposium on Teaching Intelligence which also resulted in an unclassified published report.
- Conducted a symposium on the Cuban missile crisis.
- Conducted a conference entitled "The Origins and Development of the CIA in the Administration of Harry Truman."
- Produced two video tapes in conjunction with its symposium on the Cuban missile crisis and on its conference on the CIA and the Truman Administration.

Basis for the 1984 Designation of CIA Files as Operational

The 1984 Act specified the following three categories for designating CIA files as operational and thus exempted from FOIA search requirements:

1. Files of the Directorate of Operations which document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;
2. Files of the Directorate of Science and Technology which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; and
3. Files of the Office of Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources.

Throughout the legislative history there is a clear recognition that there is little benefit from the requirement to search and review certain operational files that almost invariably prove to be exempt from release under the FOIA. By exempting only operational files which document the methods by which intelligence is collected or which describe and identify sources that furnish the intelligence, FOIA requesters are assured of more responsive access to foreign intelligence information provided to U.S. policy

makers. Through a reduction in the backlog of FOIA cases, the Agency's response to FOIA requests for nonoperational information becomes more timely. In speaking in support of the bill which eventually became the law, the then Chair of the Senate Select Committee on Intelligence said:

The purpose of this legislation is to amend the National Security Act of 1947 in order to relieve the CIA of the unproductive burden of searching and reviewing certain operational files under the FOIA. This relief will enable the CIA to become more efficient so that requests under the provisions of the FOIA may be answered more quickly.

In supporting the bill when it was before the House, one member stated for the record that:

The bill is carefully crafted to achieve three purposes.

First, the bill will relieve the CIA from an unproductive FOIA requirement to search and review certain specifically defined CIA operational files consisting of records which, after line-by-line security review, almost invariably prove not to be releasable under the FOIA.

Second, the bill will provide more effective security for the identities and operational activities abroad of individuals who risk their lives and livelihoods to assist the United States by cooperating with the CIA.

Third, the bill will improve the ability of the CIA to respond to FOIA requests from the public in a timely and efficient manner, while preserving undiminished the amount of information releasable to the public under the FOIA.

Moreover, intelligence sources, current and future, have increased confidence about the Agency's ability to protect them from the threat of exposure many have felt under the FOIA.

Pursuant to the criteria specified in the Act, the DCI in 1984 designated as operational files:

1. Files of the Directorate of Operations:
 - a. Operational Activity files. These files document the sources and methods involved in foreign intelligence and counterintelligence operations, liaison relationships with foreign governments and their intelligence and security services, and special activities.
 - b. Operational Interest files. These files contain vulnerability information collected on targets for potential operational activities including foreign intelligence and security services, foreign hostile parties, international narcotics, international terrorism, and clandestine technology transfer.
 - c. Personality files. These files contain information on persons and sources involved in operational activities and persons of operational and counterintelligence interest, including

active and perspective agents, contacts, sources, and targets.

d. Policy and Management files. These files contain information concerning the management of individual projects and decisions made for the conduct of operational activities.

e. Obsolete Category files that remain open, but were created before the establishment of the Directorate of Operations central file system and contain the types of information in the four categories of files listed above.

f. Operational files that are maintained and used within the Directorate of Operations, but that remain outside of and peripheral to the central file system. These are files that contain operational information of the type listed in the first four categories, but is so sensitive that it is compartmented within the Directorate of Operations division or staff directly responsible for the operation. Also included in this category are background and working files derived from materials from the other designated file categories.

2. Files of the Directorate of Science and Technology:

a. Imagery Analysis and Exploitation files. These are files that document the scientific and technical methods used in the collection, analysis, and exploitation of photographic intelligence and other imagery for foreign intelligence and counterintelligence.

b. Signal Intelligence files. These are files which document scientific and technical methods used in the collection, analysis, and exploitation of electromagnetic signals for foreign intelligence and counterintelligence.

c. Operations and Technical Support files. These are files which document scientific and technical methods used in support of human intelligence source operations in the collection of foreign intelligence and counterintelligence.

d. Intelligence Collection Systems files. These files document the use of other scientific and technical methods in conjunction with clandestine operations in collecting foreign intelligence and counterintelligence.

3. Files of the Office of Security:

- a. Covert Security Approval and Provisional Covert Security Approval files. These files document investigations to determine the suitability of potential foreign intelligence or counterintelligence sources proposed for use in operation support activities.

b. Operational Approval and Provisional Operational Approval files. These files document investigations to determine the suitability of potential foreign intelligence or

counterintelligence sources proposed for use in operational activities.

c. Security Access Approval files.

These files document investigations to determine the suitability of potential foreign intelligence or counterintelligence sources proposed for use in collection activities involving scientific and technical systems.

Solicitation of Comments Regarding Historical Value or Other Public Interest of the Previously Designated Operational Files

In undertaking a decennial review of whether the DCI should remove any of the files designated under the 1984 Act, or portions thereof, from any of the specified categories of exempted files, the DCI hereby solicits comments for his consideration regarding the historical value of, or other public interest in, the subject matter of these particular categories of files or portions thereof and the relationship of that historical value or other public interest to the removal of previously designated files or any portions thereof from such a classification.

Dated: August 2, 1994.

Frank J. Ruocco,

Deputy Director for Administration.

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