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17 August 1977

STAT MEMORANDUM FOR: [redacted]
Office of General Counsel, CIA

STAT [redacted]
Assistant for Information, CIA/DDA

STAT [redacted]
Office of Performance, Evaluation and Improvement/ICS

STAT FROM : [redacted]
Security Committee/ICS

SUBJECT : Draft Executive Order Responsive to PRM-29

REFERENCE : My Memorandum, dated 4 August 1977, Same Subject

1. Attached for your information is a copy of the latest draft of the Executive Order being developed in response to PRM-29. The attached version is an update of the one forwarded by referenced memorandum, and reflects changes agreed to by the drafters and as suggested by the PRM-29 co-chairmen. Further changes will probably be limited to those areas where the President is being asked to decide issues (mandatory vs. optional secrecy agreements; Oversight Office in OMB or NSC Staff; declassification review procedures for foreign material). His decisions are expected to become available by 22 August 1977. The attached version will then be revised as necessary, and sent out by OMB for formal coordination sometime during the week of 22-26 August 1977.

2. Please advise me of any errors or flaws in the attachment before 22 August 1977 so that I can try to get them corrected on an informal basis.

[redacted] STAT

Attachment:
as stated

cc: Chairman, SIGINT Committee
Chairman, HUMINT Committee
Chairman, COMIREX

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D R A F T

EXECUTIVE ORDER

NATIONAL SECURITY INFORMATION AND MATERIAL

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to balance the public interest in access to official information with the legitimate need to protect information which should be kept secret in the interest of national security, it is hereby ordered as follows:

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Section 1. Definitions.

(a) "Official information or material" means that information or material which is owned by, produced for or by, or under the control of the United States Government.

(b) "National security" means the foreign policy or national defense interests of the United States.

(c) "Agency" means any independent entity, including the Military Departments, within the Executive Branch.

(d) "Intelligence source" means a person, organization, or technical means which provides foreign intelligence or foreign counterintelligence and which, if its identity or capability is disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in providing foreign intelligence or foreign counterintelligence to the United States. An "intelligence source" also means a person or organization which provides foreign intelligence or foreign counterintelligence to the United States only on the condition that its identity remains undisclosed.

(e) "Intelligence method" means the method which is used to provide support to an intelligence source or operation, and which, if it is disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in supporting the foreign intelligence or foreign

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counterintelligence activities of the United States, or which would, if is disclosed, reasonably lead to the disclosure of an intelligence source or operation.

(f) "Classified information" is official information which has been determined by proper authority to require a degree of protection against unauthorized disclosure in the interest of national security and has been designated, dependent upon its significance to the national security, with one of the three following authorized classification designations:

(1) "Top Secret" is the designation which shall be applied to official information the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security.

(2) "Secret" is the designation which shall be applied to official information the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security.

(3) "Confidential" is the designation which shall be applied to official information the unauthorized disclosure of which could reasonably be expected to cause significant damage to the national security.

Sec. 2. Original Classification.

(a) Classification Requirements. Official information or material, hereinafter referred to as information, may not be classified under this Order unless an original classification authority determines:

(1) That the information meets one or more of the criteria set forth in Subsection (b) below; and

(2) The disclosure of such information could reasonably be expected to cause at least significant damage to the national security. In the case of any information provided in confidence by a foreign government or international organization, it is reasonable to expect that the breach of that confidence could cause significant damage to the national security.

(b) Classification Criteria. The following criteria, which apply equally to all three authorized classification designations, relate to information which if disclosed could reasonably be expected to:

New & expanded

(1) Make the United States or its allies vulnerable to attack, or weaken the ability of the United States or its allies to conduct armed operations or defend themselves, or diminish the effectiveness of the United States' armed forces; or

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(2) Lead to hostile political, economic, or military action against the United States or its allies; or

(3) Disclose, or provide a foreign nation with an insight into, the defense plans or posture of the United States or its allies; provide a foreign nation with information upon which to develop effective counter-measures to such plans or posture; weaken or nullify the effectiveness of a United States military, foreign intelligence, or foreign counter-intelligence, plan, operation, project, or activity; or

(4) Aid a foreign nation to develop, improve, or refine its military potential; or

(5) Jeopardize or disclose an intelligence source or method, or a cryptographic device or system; or

(6) Disclose to other nations or non-national entities that the United States has, or is capable of obtaining, certain information or material concerning those nations or entities without their knowledge or consent; or

(7) Deprive the United States of a scientific, engineering, technical, economic, or intelligence advantage directly related to the national security; or

(8) Create or increase international tensions; or otherwise significantly impair our foreign relations; or

(9) Disclose or weaken the position of the United States or its allies in the discussion, avoidance, or peaceful resolution of existing or potential international differences; or

(10) Disclose plans prepared by, or under discussion by, officials of the United States to meet contingencies or situations arising in the course of our foreign relations; or

(11) Cause political instability or civil disorder in a foreign country; or

(12) Disclose the identity of a confidential source of a United States diplomatic or consular post; or

(13) Disclose information or material provided to the United States in confidence by a foreign government or international organization; or

(14) Disclose adversely candid or critical assessments and observations by United States officials about foreign personalities, events, or countries.

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c. Prohibitions. Classification of information is subject to the following prohibitions:

(1) No information may be classified in order to conceal violations of law, inefficiency, or administrative error, to prevent embarrassment to a person, organization or agency, to restrain competition or independent initiative, or to prevent or delay for any other reason the release of information which does not require, in the interest of national security, the protection authorized by this Order.

(2) Basic scientific research information may not be classified, except for Restricted Data within the meaning of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(y)), and except for such information that is directly related to the national security.

(3) Information or material which is not official information or material may not be classified; thus, information resulting from independent or non-governmental research and development shall not be classified unless it incorporates or reveals classified information to which the researcher or developer was given prior access or unless the Government first acquires a proprietary interest therein.

(4) References to classified documents may not be a basis for classification unless the reference, standing alone, would disclose classified information.

(5) If clearly identified classified information is officially placed in the public domain by an official authorized by this Order to declassify such information, that particular information shall no longer be classified. Compilations of official public releases may not be classified.

(6) Classification shall not be used solely for the purpose of limiting dissemination of information which is not classifiable under the provisions of this Order.

(7) The public interest in access to official information shall not be impeded by unnecessary classification which shall be scrupulously avoided.

(8) Where there is doubt as to whether certain information requires any security protection, the classifying official will strike the balance ~~will be struck~~ in favor of public access to official information and the information shall not be classified.

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d. Classification Authority.

(1) The authority to originally classify information under this Order as "Top Secret" may be exercised only by such officials as the President by publication in the Federal Register may designate in writing and, subject to the restrictions in paragraph (4) by the heads of the following agencies:

(i) Department of State
(ii) Department of Treasury
(iii) Department of Defense
(iv) Department of the Army
(v) Department of the Navy
(vi) Department of the Air Force
(vii) Department of Justice
(viii) Department of Energy
(ix) U.S. Arms Control and Disarmament Agency
(x) Central Intelligence Agency
(xi) National Aeronautics and Space Administration
(xii) General Services Administration

(2) The authority to originally classify information or material under this Order as "Secret" may be exercised, subject to the restrictions in paragraph (4) only by officials who have Top Secret classification authority and by the heads of the following agencies:

(i) Department of Commerce
(ii) Department of Transportation
(iii) Agency for International Development
(iv) Office of Micronesian Status Negotiations
(v) United States Information Agency
(vi) Nuclear Regulatory Commission

(3) The authority to originally classify information under this Order as "Confidential" may be exercised, subject to the restrictions in paragraph (4), only by officials who have "Top Secret" or "Secret" classification authority and the heads of the following agencies:

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(i) Department of Labor

(ii) Export-Import Bank of the United States

(iii) Overseas Private Investment Corporation

(4) The heads of agencies specifically named in paragraphs (1), (2) and (3) may delegate their authority to originally classify information. Such delegation may provide for redelegation, except for Top Secret original classification authority. All delegations shall be in writing, and shall be granted only to officials by name or title of position held. The delegation of original classification authority shall be restricted to those officials whose duties and responsibilities necessitate the origination of classified information on a regular and recurring basis.

(5) The head of any agency not specifically granted original classification authority herein may not originally classify information under this Order, unless specifically authorized in writing by the President. Requests for such authority shall be directed to the Security Information Oversight Office, established herein, and shall identify the positions requiring the authority, the classification level required and justification for the granting of such authority.

(e) Exceptional Cases. In an exceptional case when a person or agency not authorized to originally classify originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this Order and implementing directives. The information shall be promptly transmitted under appropriate safeguards to the agency having primary interest in the subject matter, or where such agency cannot be identified, to the Director of the Security Information Oversight Office, with a request that a determination be made as to classification.

(f) Limitation on Authority to Provide for the Duration of Classification.

(1) All original classification authorities, except as permitted in paragraph (2) shall, at the time of the original classification determination, set a specific date or event for automatic declassification of the information. The date or event shall be as early as the national security interest will permit; but, in no case shall the date or event exceed six years from the date of origin of the information that is classified.

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(2) In those cases where there is a need, directly related to the national security, to continue classification beyond six years, only Top Secret classification authorities or the heads of Agencies specifically designated in Sec. 2. of this Order may set a later date or event for automatic declassification. Alternatively, these authorities may, where declassification guidelines issued by heads of Agencies prescribe a need for review of specified information upon its 20th anniversary, set a date for review of such information consistent with such guidelines. In either case, these dates or events shall be as early as the national security interest will permit but in no case shall exceed 20 years from date of origin of the information involved. Officials who authorize the extension beyond six years must record on the originator's file copy of the information the reasons for such extension and their identity. The reasons must be specific and must meet the requirements set forth in Subsection 2(a) above. They shall be stated in narrative form.

(g) Identification and Markings. (1) Each classified document shall show on its face: (i) the identification of the original classification authority; (ii) the office of origination; (iii) the date of origination; (iv) the date or event for declassification or review; and (v) one of the three classification designations defined herein. No other designations, e.g., "For Official Use Only," "Limited Official Use," shall be used to identify information requiring protection in the interest of national security, except as otherwise expressly provided by statute.

(2) Each classified document shall, by marking or other means, clearly indicate which portions are classified, at what level, and which portions are not classified, in order to facilitate excerpting and other uses. Heads of agencies may, for good cause, seek a waiver of this marking requirement from the Director of the Security Information Oversight Office for certain classes of material.

(3) Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection

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equivalent to that required by the government or international organization which furnished the information or material.

Sec. 3. Derivative Application of Markings. Persons who only reproduce, extract, summarize, or otherwise use classified information shall not be given original classification authority for the purpose of placing or directing the placement of derivative classification markings on new material if the classification is based solely on such previously classified source information. Persons who apply derivative classification markings shall respect classifications assigned by originators, and shall, to the maximum extent practicable, verify the current need for and level of classification of the information or material prior to applying such markings. They shall also carry forward to any newly created documents or material the dates or events assigned by the originator to the source material for declassification or review.

Sec. 4. Declassification. Declassification of classified information shall be given emphasis comparable to that accorded to classification. The determination to declassify information shall not be made on the basis of the level of classification assigned, but rather on the expected perishability and loss of the sensitivity of the information with the passage of time, and withdue regard for the public interest in access to official information. Declassification shall be accomplished in accordance with the following:

(a) Guidelines. Within 180 days after the effective date of this Order, heads of agencies specifically named in Section 2(d) of this Order shall, after consultation with the Archivist of the United States, issue declassification guidelines which shall be applicable to 20-year old information classified under their respective jurisdictions and for which a prior automatic declassification date has not been established. These guidelines shall specifically identify those items or categories of information which, because of their probable continuing sensitivity and importance to the national security interest, cannot be automatically declassified but must be reviewed to determine whether there is a need for continued protection beyond 20 years. Information not identified in the guidelines as requiring review is and shall be automatically declassified at the end

* (4) The failure to mark official information or material as classified at the time of its origin does not preclude subsequent marking in accordance with this section if an original classification authority later determines that classification is required in accordance with the provisions of this order, and provided that the requirements of section 6(a) of this order and of implementing directives can be met.

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of 20 full calendar years from its date of origin. These guidelines shall be authorized for use by the Archivist of the United States and agencies having custody of the information covered therein.

(b) New Material. Information, except as provided in Subsection (f), which is classified on or after the effective date of this Order, shall be declassified or reviewed for declassification in accordance with the dates or events specified by original classification authorities pursuant to Section 2(f) of this Order. Information which is not marked with a date or event for declassification or review is automatically declassified six years after its origination. Information whose classification is derived from source material classified prior to the effective date of this Order shall carry forward dates or events for declassification or review shown on the source material and shall be declassified or reviewed in accordance with Subsection (c).

(c) Old Material. Information, except as provided in Subsection (f), which was classified before the effective date of this Order and already marked with a date or event which directs declassification in twenty years or less from the date of its origin shall be declassified in accordance with such date or event unless, upon review by officials authorized under Section 4(g) of this Order, an earlier date for declassification is determined. Such classified information not so marked is and shall be automatically declassified twenty years from the date of its origin unless identified in the guidelines issued by the heads of agencies under Subsection (a) as requiring review.

(d) Systematic Review. In order to conserve Government resources devoted to the systematic review of 20-year old information and to achieve more effective declassification, only that information constituting the permanently valuable records of the Government in accordance with 44 U.S.C. 2103 shall be so reviewed. Heads of agencies shall order the review of all security classified records 20 years old or older which are held in storage areas by the agency or in Federal Records Centers for possible disposal. Records which are found to be unscheduled for some definite future disposition shall be scheduled immediately. Permanently valuable records of the Government shall be systematically reviewed as they become

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20 years old. In the conduct of this review the declassification guidelines issued by heads of agencies under Subsection (a) shall be applied. Only the head of an agency designated in Section 2(d) hereof may authorize the continued classification of information beyond 20 years and then only if, after review at that time, it is determined that disclosure would be demonstrably harmful to the national security. In these cases, a declassification date shall be determined or a date set, not more than ten years later, for subsequent review in accord with these procedures.

(e) Mandatory Review. (1) Except for those Presidential materials and those historical materials referred to in 44 U.S.C. 2103, and other non-Federal records which are less than ten years old, all information classified under this or prior Orders shall be subject to declassification review by the originating or responsible agency upon request of an agency or member of the public provided the request describes the material sufficiently to enable the agency having custody to locate it with a reasonable amount of effort. The head of each agency shall designate an office to which requests for mandatory review for declassification may be directed. After review, the record or any reasonably segregable portion thereof which no longer requires protection under this Order shall be declassified, and released unless withholding is otherwise determined to be required under applicable statutes.

(2) Procedural instructions for processing such requests from the public shall be issued at the direction of the President by the Security Information Oversight Office.

(3) Requests for declassification review submitted to an agency by employees thereof, shall be considered in accord with procedures which shall be established by agency heads. Denials of such requests may be referred to an agency committee for reconsideration.

(f) Foreign Originated Information. Classified information furnished to the United States by a foreign government, international organization or an official or representative thereof, or produced by the United States jointly with a foreign government or international organization, with the

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understanding that such information will be kept in confidence, shall be exempt from the ~~downgrading and~~ declassification provisions of Section 4 of this Order. Such information shall, unless downgraded or declassified earlier ~~by mutual consent~~, be reviewed for downgrading and declassification 30 years from date of origin and shall be downgraded and declassified in accordance with ~~agreements or~~ guidelines ~~jointly~~ developed ~~between the~~ by heads of agencies ~~Departments~~ in consultation with the Archivist of the United States and, where appropriate, with the foreign government or international organization concerned.

(g) Declassification Authority. The authority to downgrade and declassify information classified under this or prior Executive orders shall be exercised as follows:

(1) Classified information may be downgraded or declassified by the official who authorized the original classification, by a successor in interest or capacity, or by a supervisory official of either.

(2) Heads of agencies specifically named in Section 2(d) shall designate additional officials at the lowest practical echelons of command and supervision to exercise downgrading and declassification authority, particularly with respect to information within their functional areas of responsibility. These officials should also be authorized by the head of the agency to resolve conflicts or doubts regarding classification.

(3) The Director of the Security Information Oversight Office may downgrade or declassify information considered by the Oversight Office in the exercise of its appellate functions pursuant to Section7 hereof, and may downgrade or declassify information in any instance wherein the Director determines that the continued classification would be in violation of Section 2(c) of this Order. These downgrading or declassification decisions shall take effect ten working days after they are made, unless during which time the head of the affected agency appeals the decision to the President through the Assistant to the President for National Security Affairs.

(4) In the case of classified information transferred by or pursuant to statute or Executive order in conjunction with a transfer of function and not merely for storage purposes, the receiving agency shall be deemed

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to be the originating agency for all purposes under this Order, including downgrading and declassification.

(5) In the case of classified information not transferred in accordance with paragraph (4) of this subsection, but originated in an agency which has since ceased to exist, each agency in possession shall be deemed to be the originating agency for all purposes under this Order. Such information may be downgraded or declassified by the agency in possession after consulting with any other agency having an interest in the subject matter.

(6) Classified information transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with this Order, directives of the President issued by the Security Information Oversight Office, and pertinent regulations and declassification guidelines of the agencies.

(7) After the termination of a Presidential administration, the Archivist of the United States shall have the authority to review, downgrade and declassify information which was classified by the President, his White House staff, special committees or commissions appointed by him or others acting in his behalf when this information is not part of the records of an agency subject to Federal records statutes. This authority shall be exercised only after consultation with the agencies having primary subject matter interest.

(8) The provisions of this Order relating to the declassification of national security information shall apply to agencies which, under the terms of this Order, do not have current authority to originally classify information, but which formerly had such authority under prior Executive orders.

Sec. 5. Downgrading. Information classified under prior orders and marked for automatic downgrading is automatically downgraded accordingly. Information classified under this or prior orders shall, after review by the originator or other official authorized to downgrade or declassify information under this Order, be assigned a lower degree of protection

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against unauthorized disclosure than currently provided when such downgrading will serve a useful purpose. Downgrading action will be reflected by changing the classification to a lower level coupled with a notice of such action to holders of the information.

Sec. 6. Safeguarding.

(a) Policy Directives. The Director of the Security Information Oversight Office shall, at the direction of the President, issue directives which shall be binding on all agencies for the protection of classified information from loss or compromise. Such directives shall conform to the following policies:

(1) No person shall be given access to classified information unless such person has been determined to be trustworthy and unless access to such information is necessary for the performance of official duties.

(2) All classified information shall be appropriately and conspicuously marked to put all persons on clear notice of its classified contents.

(3) Classified information shall be used, processed, and stored only under conditions which will prevent access by unauthorized persons.

(4) Appropriate controls for classified information shall be established and maintained and such information shall be protected adequately during all transmissions.

(5) Classified information no longer needed in current working files or for reference or record purposes shall be destroyed or disposed of in accordance with the records disposal provisions contained in Chapters 21 and 33 of Title 44 of the United States Code and other applicable statutes.

(6) All classified information disseminated outside the Executive Branch shall be given appropriate protection.

(b) Secrecy Agreements. [redacted] Heads of agencies may require the signing of a secrecy agreement as a precondition of access to classified information and material. The Security Information Office shall, in coordination with appropriate agencies, develop a uniform secrecy agreement which the heads of agencies may adopt. Secrecy agreements currently in force need not be reexecuted.

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(c) Special Access.

(1) The head of an agency specifically named in Section 2(d)(1), or the Director of Central Intelligence, may impose, in conformity with the provisions of this Order, special requirements with respect to access, distribution, and protection of classified information, including those which presently relate to intelligence sources and methods, or cryptology. Special access programs may only be created or continued by the head of an agency specifically named in Section 2(d)(1), or, for matters pertaining to intelligence sources and methods, by the Director of Central Intelligence, personally and in writing. Such special access programs shall be created or continued only on the specific showing that:

(i) Normal safeguarding procedures are not sufficient to limit need-to-know or access.

(ii) The number of persons who will need access will be reasonably small and ~~given access will be kept reasonable and~~ commensurate with the objective of providing extra protection for the information ~~limited to the absolute minimum~~ involved.

(iii) The special access controls balance the need to protect the information against the full spectrum of needs to use the information.

(2) Further, all such special access programs shall automatically terminate after three years unless renewed in accordance with the procedures in this Section.

(3) Heads of agencies, or the Director of Central Intelligence, as applicable, shall establish and maintain for their areas of responsibility central listings of all special access programs continued or created by them.

(d) Historical Researchers and Former Officials. The requirement in Section 6(a)(1) that access to classified information be granted only as is necessary for the performance of one's duties shall not apply to persons outside the Executive Branch who are engaged in historical research projects or who have previously occupied policy-making positions to which they were appointed by the President; provided, however, that in each case the head of the agency:

(1) Determines in writing that access is consistent with the interests of national security;

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(2) Takes reasonable action to ensure that properly classifed information is not subject to unauthorized disclosure; and

(3) With respect to access granted a person by reason of his having previously occupied a policy-making position, such access shall be limited to those papers which the former official originated, reviewed, signed or received, while in public office.

Sec. 7. Implementation and Review. Overall responsibility for policy direction of the program established pursuant to this Order shall rest jointly with the Director of the Office of Management and Budget and the Assistant to the President for National Security Affairs. Responsibility for oversight and implementation of the program is vested in the Director of the Office of Management and Budget.

(a) Oversight Office.

(1) There is hereby established in the Office of Management and Budget a Security Information Oversight Office which shall perform oversight functions previously assigned to the Interagency Classification Review Committee pursuant to Executive Order 11652, as modified below. This Oversight Office shall be headed by a full-time Director. He shall be appointed by the Director of the Office of Management and Budget with the approval of the President and authorized to maintain a permanent staff. Personnel employed in connection with performance of functions assigned to the Interagency Classification Review Committee, and the personnel positions, assets, liabilities, property, records and unexpended balances of appropriations, authorizations, and allocations employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Order shall be transferred for appropriate allocation. Personnel shall be transferred in accordance with applicable laws and regulations. The Oversight Office shall:

(i) In accordance with procedures to be established by its Director, oversee agency actions to ensure compliance with the provisions of this Order and implementing directives.

(ii) Consider and take action on complaints and suggestions from persons within and without the Government with respect to the general administration of the Order, including appeals from agency denials of

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requests for declassification of classified non-Federal records which are ten or more years old.

(iii) Develop, in consultation with affected agencies, directives required for the effective implementation of this Order.

(2) There is also established an Interagency Security Information Advisory Committee which shall be chaired by the Director of the Oversight Office and shall be comprised of representatives of the Departments of State, Defense, Justice, and Energy, the Central Intelligence Agency, the National Security Council

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staff, and the National Archives and Records Service. The Interdepartmental Committee shall meet at the call of the Chairman and shall act in an advisory capacity to him in all matters related to effective implementation of this Order and implementing directives.

(b) Agencies. To promote the basic purposes of this Order, the head of each agency originating or handling classified information shall:

(1) Prior to the effective date of this Order, submit to the Security Information Oversight Office for approval a copy of the regulations it proposes to adopt pursuant to this Order and implementing directives. Subsequent changes to agency regulations shall also be forwarded to the Oversight Office for approval.

(2) Publish in the Federal Register those regulations or changes thereto which are approved by the Director of the Security Information Oversight Office and which are issued in implementation of this Order to the extent that they affect the general public.

(3) Designate a senior member of the agency staff who shall conduct an active oversight program and shall ensure effective compliance with and implementation of this Order.

(4) Designate a senior member of the agency staff who shall chair an agency committee which shall have authority to act on all suggestions and complaints with respect to the agency's administration of this Order, including appeals from denials of declassification requests made pursuant to Subsection 4(e).

(5) Establish a continuing program to familiarize agency personnel and others authorized access to classified information with the provisions of this Order and implementing directives. There shall also be established and maintained an active security orientation and education program for such personnel in order to impress upon each individual his or her responsibility for exercising vigilance and care in complying with the provisions of this Order.

(6) Ensure the preparation and promulgation of security classification guidance adequate to facilitate the identification and uniform classification of information requiring protection under the provisions of this Order.

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(7) Develop and promulgate declassification guidelines in accordance with Section 4(a) hereof.

(8) Take necessary action to ensure that: (i) a demonstrable need for access to classified information is established prior to the initiation of administrative clearance procedures, and (ii) the number of people granted access to classified information is reduced to and maintained at the minimum, consistent with operational requirements and needs.

(9) Cause a continuing reviewof safeguarding practices and procedures; and, eliminate those which are found to be duplicative and unnecessary.

(10) Submit to the Security Information Oversight Office~~, (i) on an annual basis, a listing of those officials within the agency who have been designated as original classification authorities; and (ii)~~ such ~~other~~ information or reports as the Director of the Security Information Oversight Office may find necessary to carry out the Oversight Office's responsibilities.

Sec. 8. Administrative Sanctions.

(a) Any officer or employee of the United States who knowingly and willfully classifies or continues the classification of information in violation of this Order or any implementing directive; or knowingly and willfully and without authorization, discloses classified information; or loses classified information through gross negligence; or knowingly and willfully violates any other provision of this Order or implementing directive which the head of an agency determines to be a serious violation, shall be subject to appropriate administrative sanctions. In any case in which the Oversight Office finds that unnecessary classification or overclassification has occurred it shall make a report to the head of the agency concerned so that corrective steps may be taken.

(b) Sanctions may include, but are not limited to, reprimand, suspension without pay, removal, or other sanction in accordance with applicable law and agency regulations.

(c) The head of each agency is directed to take appropriate prompt and stringent corrective administrative action whenever a violation under paragraph (a) occurs. Additionally, heads of agencies shall immediately inform the Department of Justice of any case in which a violation of the criminal law may be involved.

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Sec. 9. Atomic Energy Material. Nothing in this Order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended.

Sec. 10. Revocation of Prior Orders. Executive Order No. 11652 of March 8, 1972 as amended by Executive Orders No. 11714 of April 24, 1973 and No. 11862 of June 11, 1975, and all implementing directives issued pursuant to Executive Order No. 11652, including the Directive of May 17, 1972 (3 C.F.R. 1085(1971-75 Comp.)) are revoked.

Sec. 11. Effective Date. This Order shall become effective on January 1, 1978, except that the functions of the Security Information Oversight Office shall be effective immediately and shall be performed in the interim by the Interagency Classification Review Committee.

THE WHITE HOUSE

, 1977

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4			
5			
6			

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks: Per a call between Bob Barr + Lisa Ingram of the Committee Staff the hearings will probably be post-poned. No action for us at this point.

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Congress of the United States
House of Representatives

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August 15, 1977

Honorable Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

This subcommittee has jurisdiction over the Freedom of Information Act and policies involving access to government documents, and will hold several days of hearings during September on the new Executive order on security classification. We have scheduled the first day of such hearings on September 20, providing the new order has been issued by that date, and in accordance with the responsibility placed on him by PRM 29, we have asked Mr. Brzezinski of the National Security Council to make the initial presentation on behalf of the Executive branch.

We would like to invite you to testify before the subcommittee on Tuesday, September 27, 1977 at 9:30 a.m., to explain the changes your department foresees under the new order and your experience under the old order.

We request that 50 copies of your prepared statement be delivered to the subcommittee office at B-349C Rayburn Building twenty-four hours in advance of your testimony. Any questions regarding these hearings should be directed to Tim Ingram or Britt Snider of the subcommittee staff.

Sincerely,

Richardson Preyer

Richardson Preyer
Chairman

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REMARKS:

HGB [redacted]

I have noted the changes — they are very minor.

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