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## United States Senate

COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON  
ADMINISTRATIVE PRACTICE AND PROCEDURE  
(PURSUANT TO SEC. 3, S. RES. 34, 93D CONGRESS)  
WASHINGTON, D.C. 20510

July 1, 1975

Dear Agency Director:

As you know, the 1974 amendments to the Freedom of Information Act require each agency to file with the Speaker of the House of Representatives and the President of the Senate a report on or before March 1 of each year covering specified aspects of the administration of the Act during the prior calendar year (5 U.S.C. 552(d)). In accordance with established procedures, these reports will be referred to and considered by the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee and the Subcommittee on Government Information and Individual Rights of the House Committee on Government Operations.

A model Report Form for providing the information is enclosed. We request that you utilize this format insofar as practicable so that the information furnished will be uniform in style and compatible as to substance. This will facilitate the monitoring and evaluation of agency efforts to comply with the provisions of the Act, as contemplated by the reporting requirements. It will also provide the Congress with data relevant to the consideration of possible clarification or revision of the Freedom of Information Act in the future.

Your cooperation will be greatly appreciated.

Sincerely,

Edward M. Kennedy

Bella S. Abzug

Enclosure

FREEDOM OF INFORMATION ACT

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 ANNUAL REPORT DUE MARCH 1, 1976 PURSUANT TO 5 U.S.C. §552(d)

Each agency as defined in the Freedom of Information Act, as amended, shall provide on or before March 1 of each year the following information with respect to the prior calendar year:

1. Total number of initial determinations not to comply with a request for records made under subsection 552(a).

2. Authority relied upon for each such determination:

(a) Exemptions in 552(b):

Exemption invoked  
 (by number)

Number of times invoked

(b) Statute(s) invoked pursuant to Exemption No. 3:

Statutory citation

Number of times invoked

(c) Other authority

(Specify by category or describe individually as appropriate -- e.g., failure adequately to identify records; non-possession of records; refusal to pay reasonable search or reproduction fees, etc.).

Reason

Number of times invoked

3. List names and titles or positions of each person who is responsible for the initial denial of records requested and number of instances of participation of each:

Name

Title

Number of instances of participation

4. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6):

(a) Number of appeals in which, upon review, request for information was granted in full.

(b) Number of appeals in which, upon review, request for information was denied in full.

(c) Number of appeals in which, upon review, request was denied in part.

5. Specify authority relied upon for total or partial denials on appeal, using the same format as in 2(a), (b) and (c) above.
6. List names and title or positions of each person who, on appeal, is responsible for the denial in whole or in part of records requested and the number of instances of participation of each.

<u>Name</u>	<u>Title</u>	<u>Number of Instances of Participation</u>
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7. Provide a copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F); a copy of the Civil Service Commission findings and recommendations on each such proceeding; and a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.
8. Provide an up-to-date copy of all rules or regulations issued pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552). (Only amendments need be filed with reports for calendar years subsequent to the report filed for calendar year 1975).
9. Provide separately a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available.
10. Pursuant to subparagraph (d)(7), furnish as a minimum the following information as indicative of efforts to administer fully this section.
  - A. Availability of Records. A list of all new categories or segregable portions of records now being released upon request. (See e.g., Attorney General's Memorandum, February 1975, pp. 14, 16-22).
  - B. Costs. A statement of incremental costs incurred in administering the 1974 amendments to the Act. (See e.g., Attorney General's Memorandum, February 1975, Appendix III-B, p. 13).
  - C. Compliance with time limitations for agency determinations. Subparagraph (a)(6)(A) provides for an initial determination to be made on any request for records within 10 working days (usually two weeks) of its

receipt. In case of an appeal from an initial denial, a determination on the appeal is to be made by the agency within 20 working days (four weeks) after receipt of the appeal. The amendments contain two provisions for extension of the foregoing time limits: (1) an additional 10 days in three types of unusual circumstances, and (2) where authorized by a court. (See the detailed discussion of these provisions appearing in the Attorney General's Memorandum, February 1975, Appendix III-B, pp. 2-7).

- (I) Provide the total number of instances in which it was necessary to seek a 10-day extension of time, broken down as follows:
  - (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
  - (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
  - (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.
- (II) Provide the total number of instances where court appeals were taken on the basis of exhaustion of administrative procedures because the agency was unable to comply with the request within the applicable time limits.
- (III) Provide the total number of instances in which a court allowed additional time upon a showing of exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time.

D. Internal Memoranda. Furnish a copy of all unpublished internal memoranda or instructions setting forth procedures to be followed by agency personnel in

administering the Act or defining its coverage, together with a statement indicating whether the memoranda or instructions are publicly available or, if not, the legal basis for non-disclosure of any such document.

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**OFFICIAL ROUTING SLIP**

TO	NAME AND ADDRESS	DATE	INITIALS
1	[Redacted]		
2	X-3 [Redacted]		
3	File	1/12/76	PLC
4			
5			
6			

<b>ACTION</b>	<b>DIRECT REPLY</b>	<b>PREPARE REPLY</b>
<b>APPROVAL</b>	<b>DISPATCH</b>	<b>RECOMMENDATION</b>
<b>COMMENT</b>	<b>FILE</b>	<b>RETURN</b>
<b>CONCURRENCE</b>	<b>INFORMATION</b>	<b>SIGNATURE</b>

**Remarks:**

Pat:

This is the letter I inquired about yesterday.  
We found it among our "to be filed" material.

*(for our wife)*

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO. DATE

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