

and will terminate the processing of any pending requests submitted by such persons to the CIA or to another agency.

6. Revise § 1900.12 to read as follows:

**§ 1900.12 Requirements as to form and content.**

(a) *Required information.* Requesters should identify their written communication as a request for information under the FOIA. Requests must reasonably describe the records of interest sought by the requester. This means that the records requested must be described sufficiently so that Agency professionals who are familiar with the subject area of the request are able, with a reasonable amount of effort, to determine which particular records are within the scope of the request. All requesters are encouraged to be as specific as possible in describing the records they are seeking by including the date or date range, the title of the record, the type of record (such as memorandum or report), the specific event or action to which the record refers, and the subject matter, but requests for electronic communications must specify the dates and parties. Extremely broad or vague requests or requests requiring research do not satisfy this requirement.

(b) *Additional information for fee determination.* In addition, a requester should provide sufficient information to allow us to determine the appropriate fee category. A requester should also provide an agreement to pay all applicable fees or fees not to exceed a certain amount or request a fee waiver.

(c) *Otherwise.* The CIA FOIA Requester Service Center may contact a requester to seek additional or clarifying information or to assist the requester in reformulating his or her request when the request does not meet the requirements of these regulations. A requester seeking to narrow or further define the nature or scope of his or her request may contact the CIA FOIA Requester Service Center as specified at 32 CFR 1900.03.

**§ 1900.13 [Amended]**

7. In § 1900.13 amend paragraph (g) in the table by revising the figure “.10” to read “.50” in entry for “Photocopy (standard or legal)”.

8. Amend § 1900.33 by revising paragraph (b) to read as follows:

**§ 1900.33 Allocation of resources; agreed extensions of time.**

\* \* \* \* \*

(b) *Discharge of FOIA responsibilities.* The Chief FOIA Officer shall monitor the Agency's compliance with the requirements of the FOIA and

administration of its FOIA program. The Chief FOIA Officer shall keep the D/ CIA, the General Counsel of the CIA, and other officials appropriately informed regarding the Agency's implementation of the FOIA and make recommendations, as appropriate. The Chief FOIA Officer shall designate one or more CIA FOIA Public Liaisons. The CIA FOIA Public Liaison shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes between requesters and the Agency. Components shall exercise due diligence in their responsibilities under the FOIA. Components must allocate a reasonable level of resources to process accepted FOIA requests and administrative appeals on a “first in, first out” basis using two or more processing queues based on the amount of work or time or both involved to ensure that smaller as well as larger cases receive equitable attention, except that when a request for expedited processing has been granted under these regulations components must move that request to the front of the processing queue.

\* \* \* \* \*

**§ 1900.34 [Amended]**

9. Amend § 1900.34 by removing and reserving paragraph (a).

10. Revise § 1900.41 to read as follows:

**§ 1900.41 Designation of authority to hear appeals.**

(a) *Agency Release Panel (ARP).* Appeals of initial adverse decisions under the FOIA shall be reviewed by the ARP which shall issue the final Agency decision.

(b) *ARP Membership.* The ARP is chaired by the Chief, Information Review and Release Group, Information Management Services, and composed of the Information Review Officers from the various Directorates and the Director, Central Intelligence Agency area, as well as the representatives of the various release programs and offices. The Information and Privacy Coordinator also serves as Executive Secretary of the ARP.

**§ 1900.43 [Removed and Reserved]**

11. Remove and reserve § 1900.43.

12. Amend § 1900.44 by revising paragraph (b) and removing and reserving paragraph (c).

The revision reads as follows:

**§ 1900.44 Action by appeals authority.**

\* \* \* \* \*

(b) *Decision:* The ARP shall meet on a regular schedule and may take action

when a simple majority of the total membership is present. Issues shall be decided by a majority of the members present. In all cases of a divided vote, before the decision of the ARP becomes final, any member of the ARP may by written memorandum to the Executive Secretary of the ARP, refer such matters to the Director, Information Management Services (D/IMS) for decision. In the event of a disagreement with any decision by D/IMS, Directorate heads may appeal to the Associate Deputy Director, CIA (ADD) for resolution. The final Agency decision shall reflect the vote of the ARP, unless changed by the D/IMS or the ADD.

13. Revise § 1900.45 to read as follows:

**§ 1900.45 Notification of decision and right of judicial review.**

The Executive Secretary of the ARP shall promptly prepare and communicate the final Agency decision to the requester. With respect to any decision to deny requested information, or any decision that is deemed to be a denial of requested information, that correspondence shall state the reasons for the decision, and include a notice of a right to judicial review.

Dated: August 10, 2011.

**Joseph W. Lambert,**

*Director, Information Management Services.*

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**BILLING CODE 6310-02-P**

**CENTRAL INTELLIGENCE AGENCY**

**32 CFR Part 1901**

**Privacy Act**

**AGENCY:** Central Intelligence Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Consistent with the Privacy Act (PA), the Central Intelligence Agency (CIA) has undertaken and completed a review of its public PA regulations that govern certain aspects of its processing of PA access and amendment requests. As a result of this review, the Agency proposes to revise its PA regulations to more clearly reflect the current CIA organizational structure and policies and practices, and to eliminate ambiguous, redundant and obsolete regulatory provisions. As required by the PA, the Agency is providing an opportunity for interested persons to submit comments on these proposed regulations.

**DATES:** Submit comments on or before November 22, 2011.

**ADDRESSES:** Send comments to the Director, Information Management

Services, Central Intelligence Agency, Washington, DC 20505, or fax to (703) 613-3020.

**FOR FURTHER INFORMATION CONTACT:** Joseph W. Lambert, (703) 613-1379.

**SUPPLEMENTARY INFORMATION:** Consistent with the Privacy Act (PA), the CIA has undertaken and completed a review of its public PA regulations. As a result of this review, the Agency proposes to revise its PA regulations to update the title of the head of the CIA and to streamline the appeals structure.

#### List of Subjects in 32 CFR Part 1901

Classified information, Privacy Act.

As stated in the preamble, the CIA proposes to amend 32 CFR part 1901 as follows:

#### PART 1901—PUBLIC RIGHTS UNDER THE PRIVACY ACT OF 1974

1. The authority citation for part 1901 is revised to read as follows:

**Authority:** National Security Act of 1947, as amended; Central Intelligence Agency Act of 1949, as amended; Privacy Act, as amended.

2. Amend § 1901.02, by adding paragraphs (o) and (p) to read as follows:

#### § 1901.02 Definitions.

(o) *Director of Central Intelligence Agency* means the head of the Central Intelligence Agency.

(p) *Agency Release Panel (ARP)* refers to the Agency's forum for reviewing information review and release policy, the adequacy of resources available to all Agency declassification and release programs, and hearing appeals in accordance with this section.

#### § 1901.41 [Amended]

3. Revise § 1901.41 to read as follows:

#### § 1901.41 Designation of authority to hear appeals.

(a) *Agency Release Panel (ARP)*. Appeals of initial adverse decisions under the Privacy Act shall be reviewed by the ARP which shall issue the final Agency decision.

(b) *ARP Membership*. The ARP is chaired by the Chief, Information Review and Release Group, Information Management Services, and composed of the Information Review Officers from the various Directorates and the Director, Central Intelligence Agency (D/CIA) areas, as well as the representatives of the various release programs and offices. The Information and Privacy Coordinator also serves as Executive Secretary of the ARP.

4. In § 1901.42, revise paragraph (d) to read as follows:

#### § 1901.42 Right of appeal and appeal procedures.

\* \* \* \* \*

(d) *Receipt, recording, and tasking*. The Agency shall promptly record each administrative appeal, acknowledge receipt to the requester in writing, and thereafter affect the necessary taskings to the Director(s) in charge of the directorate(s) which originated or has an interest in the record(s) subject to the appeal. As used herein, the term Director in charge of a directorate includes an equivalent senior official within the D/CIA area, as well as a designee known as the Information Review Officer for a directorate or area.

#### § 1901.43 [Removed and Reserved]

5. Remove and reserve § 1901.43  
6. In § 1901.44, revise paragraph (b) and remove and reserve paragraph (c) to read as follows:

#### § 1901.44 Action by appeals authority.

\* \* \* \* \*

(b) *Decision*. The Agency Review Panel (ARP) shall meet on a regular schedule and may take action when a simple majority of the total membership is present. In all cases of a divided vote, before the decision of the ARP becomes final, any member of the ARP may by written memorandum to the Executive Secretary of the ARP, refer such matters to the Director, Information Management Services (D/IMS) for decision. In the event of a disagreement with any decision by D/IMS, Directorate heads may appeal to the Associate Deputy Director, CIA (ADD) for resolution. The final Agency decision shall reflect the vote of the ARP, unless changed by the D/IMS or the ADD.

#### § 1901.45 [Amended]

7. In § 1901.45, revise paragraph (a) to read as follows:

#### § 1901.45 Notification of decision and right of judicial review.

(a) *In general*. The Executive Secretary of the Agency Review Panel shall promptly prepare and communicate the final Agency decision to the requester. With respect to any decision to deny a request, that correspondence shall state the reasons for the decision and include a notice of a right to seek judicial review.

\* \* \* \* \*

Dated: August 10, 2011.

**Joseph W. Lambert,**  
*Director, Information Management Services.*  
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**BILLING CODE 6310-02-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Subtitle B, Chapter II

[Docket ID ED-2011-OS-0005]

RIN 1894-AA02

#### State Fiscal Stabilization Fund Program and Discretionary and Other Formula Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed revisions to certain data collection and reporting requirements, and proposed priority.

**SUMMARY:** The Secretary of Education (Secretary) established requirements for the State Fiscal Stabilization Fund (SFSF) program in a notice of final requirements, definitions, and approval criteria published in the **Federal Register** on November 12, 2009 (November 2009 Notice). In this notice, the Secretary proposes to revise some of those requirements. In a separate notice of interim final requirement, the Secretary is extending to January 31, 2012, the deadline by which a State must collect and publicly report data and information under the SFSF program.

In addition, the Secretary proposes in this notice to establish a priority that the U.S. Department of Education (Department) may use, as appropriate, in any future discretionary grant competitions. The Department would give a priority to States that have developed and implemented the statewide longitudinal data system (SLDS) required under SFSF Indicator (b)(1) on or before the applicable deadline.

Through this notice, we also remind grantees that under its current authority, the Department may identify grantees as high risk and impose sanctions on them for failing to meet programmatic requirements. In addition, the Department is proposing that it may take enforcement action against a State educational agency (SEA) under certain circumstances where a State fails to meet the requirements of Indicators (b)(1), (c)(11), or (c)(12).

**DATES:** We must receive your comments on or before October 24, 2011.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by e-mail. To ensure that we do not receive duplicate copies, please submit your comments only one time. In addition, please include the Docket ID and the term "State Fiscal Stabilization Fund—Proposed Revisions" at the top of your comments.