

103^D CONGRESS
2^D SESSION

H. R. 3927

To provide for a uniform system for classifying and declassifying information,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1994

Mr. GLICKMAN (for himself, Mr. SKAGGS, and Mr. BILBRAY) introduced the following bill; which was referred jointly to the Committees on Armed Services, Permanent Select Committee on Intelligence, Rules, and Government Operations

A BILL

To provide for a uniform system for classifying and
declassifying information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Information Classifica-
5 tion Act of 1994”.

1 **SEC. 2. CLASSIFICATION AND DECLASSIFICATION OF IN-**
2 **FORMATION.**

3 (a) IN GENERAL.—The National Security Act of
4 1947 (50 U.S.C. 401 et seq.) is amended by adding at
5 the end the following new title:

6 “TITLE VIII—CLASSIFICATION OF
7 INFORMATION

8 “CLASSIFICATION CRITERIA

9 “SEC. 801. (a) Information may be classified under
10 this title only if the interest of the public in knowing such
11 information is outweighed by the damage to the national
12 security of the United States which demonstrably could
13 be expected to result from the public release of such infor-
14 mation.

15 “(b) If there is reasonable doubt about the need to
16 classify information, it shall not be classified.

17 “(c) Information that may be considered for classi-
18 fication is information that includes (but is not limited to)
19 any of the following concerns:

20 “(1) The ability of the United States military
21 to defend the Nation from armed aggression, engage
22 in armed conflict, or participate in peacekeeping or
23 multinational operations abroad.

24 “(2) The vulnerability of United States Govern-
25 ment personnel, facilities, weapons technology, or re-
26 lated systems to armed attack, loss or compromise,

1 or measures that would weaken their effectiveness or
2 counter their capabilities.

3 “(3) Diplomatic relations between the United
4 States and another country or international organi-
5 zation of governments.

6 “(4) Intelligence sources and methods, includ-
7 ing those related to covert actions and cryptologic
8 activities.

9 “(5) The ability of the United States to apply
10 critical research or technology to the national de-
11 fense or foreign relations of the United States.

12 “(d) In no case shall information be classified in
13 order to—

14 “(1) conceal violations of law, inefficiency, or
15 administrative error;

16 “(2) prevent embarrassment to a person, orga-
17 nization, or agency;

18 “(3) restrain competition;

19 “(4) prevent or delay the release of information
20 that does not require protection in the interests of
21 national security;

22 “(5) control access to basic scientific research
23 information not clearly related to the national secu-
24 rity;

1 “(6) control information after it has been re-
2 leased to the public or a member thereof under prop-
3 er authority; or

4 “(7) prevent the public release of a compilation
5 of items of information which individually are not
6 classified.

7 “CLASSIFICATION LEVELS

8 “SEC. 802. (a) Information may be classified if at
9 the time the original classification decision is made either
10 of the following is identified or described:

11 “(1) Exceptionally grave damage to the na-
12 tional security of the United States which could de-
13 monstrably be expected to result from the public re-
14 lease of such information.

15 “(2) Serious damage to the national security of
16 the United States which could demonstrably be ex-
17 pected to result from the public release of such in-
18 formation.

19 “(b) Information shall be classified under subsection
20 (a)(2) if there is a reasonable doubt about the appropriate
21 level of classification.

22 “(c)(1) Information obtained directly from a foreign
23 government may retain the classification assigned by that
24 foreign government if the foreign government is on the
25 list published under section 805(b)(3).

1 “(2) Information obtained directly from a foreign
2 government that is not on the list published under section
3 805(b)(3) may only be classified under this title.

4 “CLASSIFICATION AUTHORITY

5 “SEC. 803. Original classification authority may only
6 be exercised by the President and such other officials as
7 the President may designate. The President shall publish
8 annually in the Federal Register the officials designated
9 under this section to exercise original classification au-
10 thority.

11 “DURATION OF CLASSIFICATION

12 “SEC. 804. (a) To the extent possible, the original
13 classification authority shall determine the date when or
14 event upon which declassification shall occur, based on the
15 duration of the national security sensitivity of the informa-
16 tion. The date or event may not exceed the periods speci-
17 fied in subsection (b), except as provided in subsection (c).

18 “(b) Except as provided in subsection (c)—

19 “(1) information classified under section
20 802(a)(1) shall be marked for declassification not
21 later than the end of the 10-year period beginning
22 on the date of the original classification decision;
23 and

24 “(2) information classified under section
25 802(a)(2) shall be marked for declassification not

1 later than the end of the 6-year period beginning on
2 the date of the original classification decision.

3 “(c)(1) Not earlier than 180 days before the sched-
4 uled date of declassification of information, the original
5 classification authority or successor may extend the period
6 for which such information is to remain classified. Any
7 such extension shall be based on the continued existence
8 of the basis for the original classification, as specified in
9 the original classification determination.

10 “(2) The period of extension of the classification of
11 information under paragraph (1) may not exceed the origi-
12 nal period for which such information was classified.

13 “(3) Additional periods of extension of classification
14 of information under this subsection may be made in ac-
15 cordance with this subsection.

16 “(d) Whenever information classified under this title
17 is requested for release under any other provision of law,
18 the original classification authority or successor shall re-
19 view the basis for the original classification decision and
20 determine whether the information can be declassified or
21 whether the classification level can be reduced.

22 “(e)(1) Except as provided in paragraph (3), infor-
23 mation classified under Executive Order 12356, as in ef-
24 fect on the day before the date of approval of the joint

1 resolution under section 806, may remain classified for the
2 shorter of—

3 “(A) the original period specified in the original
4 classification of the information, beginning on the
5 date of such original classification, or

6 “(B) the 25-year period beginning on the date
7 of the original classification of such information.

8 “(2) Upon the expiration of the period applicable
9 under paragraph (1) to information, the information shall
10 be declassified unless the period of classification is ex-
11 tended under subsection (c).

12 “(3) In the case that, with respect to information,
13 both periods specified under paragraph (1) either have ex-
14 pired or will expire within 180 days after the date of ap-
15 proval of the joint resolution under section 806, the infor-
16 mation shall be declassified on the date that is 180 days
17 after such date unless the period of classification is ex-
18 tended under subsection (c).

19 “INFORMATION SECURITY OVERSIGHT OFFICE

20 “SEC. 805. (a) There shall be the Information Secu-
21 rity Oversight Office, to be headed by a director appointed
22 by the President.

23 “(b) The Office shall be responsible for the following:

24 “(1) All functions and responsibilities exercised
25 by the Information Security Oversight Office as such

1 functions and responsibilities existed on the day be-
2 fore the date of enactment of this title.

3 “(2)(A) A periodic review of the classification of
4 information under this title, including—

5 “(i) the appropriateness of the level of
6 classification to the information classified; and

7 “(ii) the basis for the classification deci-
8 sion with respect to the information.

9 “(B) Referring to the original classification au-
10 thority or successor for reconsideration of questions
11 concerning information raised pursuant to para-
12 graph (2).

13 “(3) The annual determination of, and publica-
14 tion of a list of, foreign governments that have writ-
15 ten procedures generally applicable to the classifica-
16 tion of information that are available to the public.

17 “(c) This section shall take effect on the date of ap-
18 proval of the joint resolution under section 806.

19 “CONGRESSIONAL APPROVAL OF IMPLEMENTING ACTIONS

20 “SEC. 806. (a) The President shall develop a proposal
21 for implementing this title and shall submit such proposal
22 to the Congress for approval in accordance with subsection
23 (b).

24 “(b)(1) The proposal referred to in subsection (a)
25 may not take effect until after Congress approves the pro-
26 posal by joint resolution in accordance with this section.

1 “(2) Any such joint resolution shall be considered in
2 the Senate in accordance with the provisions of section
3 601(b) of the International Security Assistance and Arms
4 Export Control Act of 1976.

5 “(3) For the purpose of expediting the consideration
6 and enactment of joint resolutions under this subsection,
7 a motion to proceed to the consideration of any such joint
8 resolution after it has been reported by the appropriate
9 committee shall be treated as highly privileged in the
10 House of Representatives.

11 “DEFINITIONS

12 “SEC. 807. For the purposes of this title:

13 “(1) The term ‘information’ means any knowl-
14 edge that can be communicated or documentary ma-
15 terial, regardless of its physical form or characteris-
16 tics, that is owned by, produced by or for, or is
17 under the control of the United States Government.

18 “(2) The term ‘original classification’ means an
19 initial determination that information requires, in
20 the interest of national security, protection against
21 public release.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents of the National Security Act of 1947 is amended
24 by adding at the end the following:

“TITLE VIII—CLASSIFICATION OF INFORMATION

“Sec. 801. Classification criteria.

- “Sec. 802. Classification levels.
- “Sec. 803. Classification authority.
- “Sec. 804. Duration of classification.
- “Sec. 805. Information Security Oversight Office.
- “Sec. 806. Congressional approval of implementing actions.
- “Sec. 807. Definitions.”.

