

118TH CONGRESS
1ST SESSION

S. 1541

To provide for a system to classify information in the interests of national security and a system to declassify such information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2023

Mr. WARNER (for himself, Mr. WYDEN, Mr. MORAN, Mr. CORNYN, Mr. KING, Mr. HEINRICH, Mr. BENNET, Mr. CASEY, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To provide for a system to classify information in the interests of national security and a system to declassify such 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Classification Reform Act of 2023”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—GOVERNANCE AND ACCOUNTABILITY FOR REFORM OF
THE SECURITY CLASSIFICATION SYSTEM

- Sec. 101. Executive Agent for Classification and Declassification.
 Sec. 102. Executive Committee on Classification and Declassification Programs
and Technology.
 Sec. 103. Advisory bodies for Executive Agent for Classification and Declassification.
 Sec. 104. Information Security Oversight Office.

TITLE II—REDUCING OVERCLASSIFICATION

- Sec. 201. Classification and declassification of information.
 Sec. 202. Declassification working capital funds.
 Sec. 203. Transparency officers.
 Sec. 204. Continuity of membership of the Public Interest Declassification
Board.

TITLE III—PREVENTING MISHANDLING OF CLASSIFIED
INFORMATION

- Sec. 301. Security review of certain records of the President and Vice President.
 Sec. 302. Mandatory counterintelligence risk assessments.
 Sec. 303. Minimum standards for Executive agency insider threat programs.

TITLE IV—OTHER MATTERS

- Sec. 401. Prohibitions.
 Sec. 402. Conforming amendment.
 Sec. 403. Clerical amendment.

1 **SEC. 2. DEFINITIONS.**

2 Title VIII of the National Security Act of 1947 (50
 3 U.S.C. 3161 et seq.) is amended—

4 (1) in the title heading by striking “**ACCESS**
 5 **TO CLASSIFIED INFORMATION PROCE-**
 6 **DURES**” and inserting “**PROTECTION OF**
 7 **NATIONAL SECURITY INFORMATION**”;

8 (2) in the matter before section 801, by insert-
 9 ing the following:

10 **“Subtitle A—Definitions**

11 **“SEC. 800. DEFINITIONS.**

12 “In this title:

1 “(1) AGENCY.—The term ‘agency’ means any
2 Executive agency as defined in section 105 of title
3 5, United States Code, any military department as
4 defined in section 102 of such title, and any other
5 entity in the executive branch of the Federal Gov-
6 ernment that comes into the possession of classified
7 information.

8 “(2) AUTHORIZED INVESTIGATIVE AGENCY.—
9 The term ‘authorized investigative agency’ means an
10 agency authorized by law or regulation to conduct a
11 counterintelligence investigation or investigations of
12 persons who are proposed for access to classified in-
13 formation to ascertain whether such persons satisfy
14 the criteria for obtaining and retaining access to
15 such information.

16 “(3) CLASSIFY, CLASSIFIED, CLASSIFICATION.—
17 The terms ‘classify’, ‘classified’, and ‘classification’
18 refer to the process by which information is deter-
19 mined to require protection from unauthorized dis-
20 closure pursuant to this title in order to protect the
21 national security of the United States.

22 “(4) CLASSIFIED INFORMATION.—the term
23 ‘classified information’ means information that has
24 been classified.

1 “(5) COMPUTER.—The term ‘computer’ means
2 any electronic, magnetic, optical, electrochemical, or
3 other high speed data processing device performing
4 logical, arithmetic, or storage functions, and includes
5 any data storage facility or communications facility
6 directly related to or operating in conjunction with
7 such device and any data or other information
8 stored or contained in such device.

9 “(6) CONSUMER REPORTING AGENCY.—The
10 term ‘consumer reporting agency’ has the meaning
11 given such term in section 603 of the Consumer
12 Credit Protection Act (15 U.S.C. 1681a).

13 “(7) DECLASSIFY, DECLASSIFIED, DECLASSIFICATION.—The terms ‘declassify’, ‘declassified’,
14 and ‘declassification’ refer to the process by which
15 information that has been classified is determined to
16 no longer require protection from unauthorized dis-
17 closure pursuant to this title.

18 “(8) DOCUMENT.—The term ‘document’ means
19 any recorded information, regardless of the nature of
20 the medium or the method or circumstances of re-
21 cording.

22 “(9) EMPLOYEE.—The term ‘employee’ includes
23 any person who receives a salary or compensation of
24 any kind from the United States Government, is a
25

1 contractor of the United States Government or an
2 employee thereof, is an unpaid consultant of the
3 United States Government, or otherwise acts for or
4 on behalf of the United States Government, except
5 as otherwise determined by the President.

6 “(10) EXECUTIVE AGENT FOR CLASSIFICATION
7 AND DECLASSIFICATION.—The term ‘Executive
8 Agent for Classification and Declassification’ means
9 the Executive Agent for Classification and Declassification established by section 811(a).
10

11 “(11) FINANCIAL AGENCY AND HOLDING COMPANY.—The terms ‘financial agency’ and ‘financial
12 institution’ have the meanings given to such terms
13 in section 5312(a) of title 31, United States Code,
14 and the term ‘holding company’ has the meaning
15 given to such term in section 1101(6) of the Right
16 to Financial Privacy Act of 1978 (12 U.S.C. 3401).
17

18 “(12) FOREIGN POWER AND AGENT OF A FOREIGN
19 POWER.—The terms ‘foreign power’ and ‘agent
20 of a foreign power’ have the meanings given such
21 terms in section 101 of the Foreign Intelligence Sur-
22 veillance Act of 1978 (50 U.S.C. 1801).

23 “(13) INFORMATION.—The term ‘information’
24 means any knowledge that can be communicated or
25 documentary material, regardless of its physical

1 form or characteristics, that is owned by, is pro-
2 duced by or for, or is under the control of the
3 United States Government.

4 “(14) INFORMATION SECURITY OVERSIGHT OF-
5 FICE.—The term ‘Information Security Oversight
6 Office’ means the Information Security Oversight
7 Office established by section 814(a).

8 “(15) ORIGINAL CLASSIFICATION AUTHOR-
9 ITY.—The term ‘original classification authority’
10 means an individual authorized in writing, either by
11 the President, the Vice President, or by agency
12 heads or other officials designated by the President,
13 to classify information in the first instance.

14 “(16) RECORDS.—The term ‘records’ means the
15 records of an agency and Presidential papers or
16 Presidential records, as those terms are defined in
17 title 44, United States Code, including those created
18 or maintained by a government contractor, licensee,
19 certificate holder, or grantee that are subject to the
20 sponsoring agency’s control under the terms of the
21 contract, license, certificate, or grant.

22 “(17) STATE.—The term ‘State’ means each of
23 the several States of the United States, the District
24 of Columbia, the Commonwealth of Puerto Rico, the
25 Commonwealth of the Northern Mariana Islands,

1 the United States Virgin Islands, Guam, American
 2 Samoa, the Republic of the Marshall Islands, the
 3 Federated States of Micronesia, and the Republic of
 4 Palau, and any other possession of the United
 5 States.

6 **“Subtitle B—Access to Classified**
 7 **Information Procedures”;**

8 and

9 (3) by striking section 805.

10 **TITLE I—GOVERNANCE AND AC-**
 11 **COUNTABILITY FOR REFORM**
 12 **OF THE SECURITY CLASSI-**
 13 **FICATION SYSTEM**

14 **SEC. 101. EXECUTIVE AGENT FOR CLASSIFICATION AND DE-**
 15 **CLASSIFICATION.**

16 Title VIII of the National Security Act of 1947 (50
 17 U.S.C. 3161 et seq.), as amended by section 2, is further
 18 amended by adding at the end the following:

19 **“Subtitle C—Security Classification**
 20 **Governance**

21 **“SEC. 811. EXECUTIVE AGENT FOR CLASSIFICATION AND**
 22 **DECLASSIFICATION.**

23 “(a) ESTABLISHMENT.—There is in the executive
 24 branch of the Federal Government an Executive Agent for
 25 Classification and Declassification who shall be respon-

1 sible for promoting programs, processes, and systems re-
2 lating to classification and declassification, including de-
3 veloping technical solutions for automating declassification
4 review, and directing resources for such purposes in the
5 Federal Government.

6 “(b) DESIGNATION.—The Director of National Intel-
7 ligence shall serve as the Executive Agent for Classifica-
8 tion and Declassification.

9 “(c) DUTIES.—The duties of the Executive Agent for
10 Classification and Declassification are as follows:

11 “(1) To promote classification and declassifica-
12 tion programs, processes, and systems with the goal
13 of ensuring that declassification activities keep pace
14 with classification activities and that classified infor-
15 mation is declassified at such time as it no longer
16 meets the standard for classification.

17 “(2) To promote classification and declassifica-
18 tion programs, processes, and systems that ensure
19 secure management of and tracking of classified
20 records.

21 “(3) To promote the establishment of a fed-
22 erated classification and declassification system to
23 streamline, modernize, and oversee declassification
24 across agencies.

1 “(4) To direct resources to develop, coordinate,
2 and implement a federated classification and declas-
3 sification system that includes technologies that
4 automate declassification review and promote con-
5 sistency in declassification determinations across the
6 executive branch of the Federal Government.

7 “(5) To work with the Director of the Office of
8 Management and Budget in developing a line item
9 for classification and declassification in each budget
10 of the President that is submitted for a fiscal year
11 under section 1105(a) of title 31, United States
12 Code.

13 “(6) To identify and support the development
14 of—

15 “(A) best practices for classification and
16 declassification among agencies; and

17 “(B) goal oriented classification and de-
18 classification pilot programs.

19 “(7) To promote and implement technological
20 and automated solutions relating to classification
21 and declassification, with human input as necessary
22 for key policy decisions.

23 “(8) To promote feasible, sustainable, and
24 interoperable programs and processes to facilitate a
25 federated classification and declassification system.

1 “(9) To direct the implementation across agen-
2 cies of the most effective programs and approaches
3 relating to classification and declassification.

4 “(10) To establish, oversee, and enforce acquisi-
5 tion and contracting policies relating to classification
6 and declassification programs.

7 “(11) In coordination with the Information Se-
8 curity Oversight Office—

9 “(A) to issue policies and directives to the
10 heads of agencies relating to directing resources
11 and making technological investments in classi-
12 fication and declassification that include sup-
13 port for a federated system;

14 “(B) to ensure implementation of the poli-
15 cies and directives issued under subparagraph
16 (A);

17 “(C) to collect information on classification
18 and declassification practices and policies across
19 agencies, including challenges to effective de-
20 classification, training, accounting, and costs
21 associated with classification and declassifica-
22 tion;

23 “(D) to develop policies for ensuring the
24 accuracy of information obtained from Federal
25 agencies; and

1 “(E) to develop accurate and relevant
2 metrics for judging the success of classification
3 and declassification policies and directives.

4 “(12) To work with appropriate agencies to
5 oversee the implementation of policies, procedures,
6 and processes governing the submission of materials
7 for prepublication review by persons obligated to
8 submit materials for such review by the terms of a
9 nondisclosure agreement signed in accordance with
10 Executive Order 12968 (50 U.S.C. 3161 note; relat-
11 ing to access to classified information), or successor
12 order, and to ensure such policies, procedures, and
13 processes—

14 “(A) include clear and consistent guidance
15 on materials that must be submitted and the
16 mechanisms for making such submissions;

17 “(B) produce timely and consistent deter-
18 minations across agencies; and

19 “(C) incorporate mechanisms for the time-
20 ly appeal of such determinations.

21 “(d) CONSULTATION WITH EXECUTIVE COMMITTEE
22 ON CLASSIFICATION AND DECLASSIFICATION PROGRAMS
23 AND TECHNOLOGY.—In making decisions under this sec-
24 tion, the Executive Agent for Classification and Declas-
25 sification shall consult with the Executive Committee on

1 Classification and Declassification Programs and Tech-
2 nology established under section 102(a).

3 “(e) COORDINATION WITH THE NATIONAL DECLAS-
4 SIFICATION CENTER.—In implementing a federated classi-
5 fication and declassification system, the Executive Agent
6 for Classification and Declassification shall act in coordi-
7 nation with the National Declassification Center estab-
8 lished by section 3.7(a) of Executive Order 13526 (50
9 U.S.C. 3161 note; relating to classified national security
10 information), or successor order.

11 “(f) STANDARDS AND DIRECTIVES OF THE INFORMA-
12 TION SECURITY OVERSIGHT OFFICE.—The programs,
13 policies, and systems promoted by the Executive Agent for
14 Classification and Declassification shall be consistent with
15 the standards and directives established by the Informa-
16 tion Security Oversight Office.

17 “(g) ANNUAL REPORT.—

18 “(1) IN GENERAL.—Not later than the end of
19 the first full fiscal year beginning after the date of
20 the enactment of the Classification Reform Act of
21 2023 and not less frequently than once each fiscal
22 year thereafter, the Executive Agent for Classifica-
23 tion and Declassification shall submit to Congress
24 and make available to the public a report on the im-
25 plementation of classification and declassification

1 programs and processes in the most recently com-
2 pleted fiscal year.

3 “(2) COORDINATION.—Each report submitted
4 and made available under paragraph (1) shall be co-
5 ordinated with the annual report of the Information
6 Security Oversight Office issued pursuant to section
7 814(d).

8 “(3) CONTENTS.—Each report submitted and
9 made available under subsection (a) shall include,
10 for the period covered by the report, the following:

11 “(A) The costs incurred by the Federal
12 Government for classification and declassifica-
13 tion.

14 “(B) A description of information systems
15 of the Federal Government and technology pro-
16 grams, processes, and systems of agencies re-
17 lated to classification and declassification.

18 “(C) A description of the policies and di-
19 rectives issued by the Executive Agent for Clas-
20 sification and Declassification and other activi-
21 ties of the Executive Agent for Classification
22 and Declassification.

23 “(D) A description of the challenges posed
24 to agencies in implementing the policies and di-
25 rectives of the Executive Agent for Classifica-

1 tion and Declassification as well as relevant im-
2 plementing policies of the agencies.

3 “(E) A description of pilot programs and
4 new investments in programs, processes, and
5 systems relating to classification and declas-
6 sification and metrics of effectiveness for such
7 programs, processes, and systems.

8 “(F) A description of progress and chal-
9 lenges in achieving the goal described in (c)(1).

10 “(h) FUNDING.—

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated to carry out
13 this section amounts as follows:

14 “(A) \$5,000,000 for fiscal year 2024.

15 “(B) For fiscal year 2025 and each fiscal
16 year thereafter, such sums as may be necessary
17 to carry out this section.

18 “(2) BUDGET ESTIMATES.—In each budget that
19 the President submits to Congress for a fiscal year
20 under section 1105(a) of title 31, United States
21 Code, the President shall include an estimate of the
22 amounts required to carry out this section in that
23 fiscal year.”.

1 **SEC. 102. EXECUTIVE COMMITTEE ON CLASSIFICATION**
2 **AND DECLASSIFICATION PROGRAMS AND**
3 **TECHNOLOGY.**

4 Subtitle C of title VIII of the National Security Act
5 of 1947 (50 U.S.C. 3161 et seq.), as added by section
6 101, is further amended by adding at the end the fol-
7 lowing:

8 **“SEC. 812. EXECUTIVE COMMITTEE ON CLASSIFICATION**
9 **AND DECLASSIFICATION PROGRAMS AND**
10 **TECHNOLOGY.**

11 “(a) **ESTABLISHMENT.**—There is established a com-
12 mittee to provide direction, advice, and guidance to the
13 Executive Agent for Classification and Declassification on
14 matters relating to classification and declassification pro-
15 grams and technology.

16 “(b) **DESIGNATION.**—The committee established by
17 subsection (a) shall be known as the ‘Executive Committee
18 on Classification and Declassification Programs and Tech-
19 nology’ (in this section referred to as the ‘Committee’).

20 “(c) **MEMBERSHIP.**—

21 “(1) **COMPOSITION.**—The Committee shall be
22 composed of the following:

23 “(A) The Director of National Intelligence.

24 “(B) The Under Secretary of Defense for
25 Intelligence.

26 “(C) The Secretary of Energy.

1 “(D) The Secretary of State.

2 “(E) The Director of the National Declassification Center.

3 “(F) The Director of the Information Security Oversight Board.

4 “(G) The Director of the Office of Management and Budget.

5 “(H) Such other members as the Executive Agent for Classification and Declassification considers appropriate.

6 “(2) CHAIRPERSON.—The President shall appoint the chairperson of the Committee.”.

7 **SEC. 103. ADVISORY BODIES FOR EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.**

8 Subtitle C of title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.), as added by section 101 and amended by section 102, is further amended by adding at the end the following:

9 **“SEC. 813. ADVISORY BODIES FOR EXECUTIVE AGENT FOR CLASSIFICATION AND DECLASSIFICATION.**

10 “The following are hereby advisory bodies for the Executive Agent for Classification and Declassification:

11 “(1) The Public Interest Declassification Board established by section 703(a) of the Public Interest Declassification Act of 2000 (Public Law 106–567).

1 “(2) The Office of the Historian of the Depart-
2 ment of State.

3 “(3) The Historical Office of the Secretary of
4 Defense.

5 “(4) The Office of the Chief Historian of the
6 Central Intelligence Agency.”.

7 **SEC. 104. INFORMATION SECURITY OVERSIGHT OFFICE.**

8 Subtitle C of title VIII of the National Security Act
9 of 1947 (50 U.S.C. 3161 et seq.), as added by section
10 101 and amended by sections 102 and 103, is further
11 amended by adding at the end the following:

12 **“SEC. 814. INFORMATION SECURITY OVERSIGHT OFFICE.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—There is hereby established
15 in the executive branch of the Federal Government
16 an office to ensure the Government protects and
17 provides proper access to information to advance the
18 national and public interest by standardizing and as-
19 sessing the management of classified and controlled
20 unclassified information through oversight, policy de-
21 velopment, guidance, education, and reporting.

22 “(2) DESIGNATION.—The office established by
23 paragraph (1) shall be known as the ‘Information
24 Security Oversight Office’ (in this section referred to
25 as the ‘Office’).

1 “(b) DIRECTOR.—There is in the Office a director
2 who shall be the head of the Office and who shall be ap-
3 pointed by the President.

4 “(c) DUTIES.—The duties of the director of the Of-
5 fice, which the director shall carry out in coordination with
6 the Executive Agent for Classification and Declassifica-
7 tion, are as follows:

8 “(1) To develop directives to implement a uni-
9 form system across the United States Government
10 for classifying, safeguarding, declassifying, and
11 downgrading of national security information.

12 “(2) To oversee implementation of such direc-
13 tives by agencies through establishment of strategic
14 goals and objectives and periodic assessment of
15 agency performance vis-à-vis such goals and objec-
16 tives.

17 “(d) ANNUAL REPORT.—Each fiscal year, the direc-
18 tor of the Office shall submit to Congress a report on the
19 execution of the duties of the director under subsection
20 (c).

21 “(e) FUNDING.—

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this section amounts as follows:

25 “(A) \$5,000,000 for fiscal year 2024.

1 “(B) For fiscal year 2025 and each fiscal
2 year thereafter, such sums as may be necessary
3 to carry out this section.

4 “(2) BUDGET ESTIMATES.—In each budget that
5 the President submits to Congress for a fiscal year
6 under section 1105(a) of title 31, United States
7 Code, the President shall include an estimate of the
8 amounts required to carry out this section in that
9 fiscal year.”.

10 **TITLE II—REDUCING**
11 **OVERCLASSIFICATION**

12 **SEC. 201. CLASSIFICATION AND DECLASSIFICATION OF IN-**
13 **FORMATION.**

14 (a) IN GENERAL.—Title VIII of the National Secu-
15 rity Act of 1947, as amended by title I of this Act, is
16 further amended by adding at the end the following:

17 **“Subtitle D—Classification and**
18 **Declassification**

19 **“SEC. 821. CLASSIFICATION AND DECLASSIFICATION OF IN-**
20 **FORMATION.**

21 “(a) IN GENERAL.—The President may, in accord-
22 ance with this title, protect from unauthorized disclosure
23 any information owned by, produced by or for, or under
24 the control of the executive branch when there is a demon-

1 strable need to do so in order to protect the national secu-
2 rity of the United States.

3 “(b) ESTABLISHMENT OF STANDARDS AND PROCE-
4 DURES FOR CLASSIFICATION AND DECLASSIFICATION.—

5 “(1) GOVERNMENTWIDE PROCEDURES.—

6 “(A) CLASSIFICATION.—The President
7 shall, to the extent necessary, establish cat-
8 egories of information that may be classified
9 and procedures for classifying information
10 under subsection (a).

11 “(B) DECLASSIFICATION.—At the same
12 time the President establishes categories and
13 procedures under subparagraph (A), the Presi-
14 dent shall establish procedures for declassifying
15 information that was previously classified.

16 “(C) MINIMUM REQUIREMENTS.—The pro-
17 cedures established pursuant to subparagraphs
18 (A) and (B) shall—

19 “(i) permit the classification of infor-
20 mation only in cases in which the informa-
21 tion meets the standard set forth in sub-
22 section (c) and require the declassification
23 of information that does not meet such
24 standard;

1 “(ii) provide for no more than two lev-
2 els of classification;

3 “(iii) provide for the declassification
4 of information classified under this title in
5 accordance with subsection (d);

6 “(iv) provide for the automatic declas-
7 sification of classified records with perma-
8 nent historical value in accordance with
9 subsection (e); and

10 “(v) provide for the timely review of
11 materials submitted for prepublication re-
12 view in accordance with subsection (g).

13 “(2) NOTICE AND COMMENT.—

14 “(A) NOTICE.—The President shall pub-
15 lish in the Federal Register notice regarding
16 the categories and procedures proposed to be
17 established under paragraph (1).

18 “(B) COMMENT.—The President shall pro-
19 vide an opportunity for interested persons to
20 submit comments on the categories and proce-
21 dures covered by subparagraph (A).

22 “(C) DEADLINE.—The President shall
23 complete the establishment of categories and
24 procedures under this subsection not later than
25 60 days after publishing notice in the Federal

1 Register under subparagraph (A). Upon com-
2 pletion of the establishment of such categories
3 and procedures, the President shall publish in
4 the Federal Register notice regarding such cat-
5 egories and procedures.

6 “(3) MODIFICATION.—In the event the Presi-
7 dent determines to modify any categories or proce-
8 dures established under paragraph (1), subpara-
9 graphs (A) and (B) of paragraph (2) shall apply to
10 the modification of such categories or procedures.

11 “(4) AGENCY STANDARDS AND PROCEDURES.—

12 “(A) IN GENERAL.—The head of each
13 agency shall establish a single set of consoli-
14 dated standards and procedures to permit such
15 agency to classify and declassify information
16 created by such agency in accordance with the
17 categories and procedures established by the
18 President under this section and otherwise to
19 carry out this title.

20 “(B) DEADLINE.—Each agency head shall
21 establish the standards and procedures under
22 subparagraph (A) not later than 60 days after
23 the date on which the President publishes no-
24 tice under paragraph (2)(C) of the categories

1 and standards established by the President
2 under this subsection.

3 “(C) SUBMITTAL TO CONGRESS.—Each
4 agency head shall submit to Congress the
5 standards and procedures established by such
6 agency head under this paragraph.

7 “(c) STANDARD FOR CLASSIFICATION AND DECLAS-
8 SIFICATION.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
10 and (3), information may be classified under this
11 title, and classified information under review for de-
12 classification under this title may remain classified,
13 only if the harm to national security that might rea-
14 sonably be expected from disclosure of such informa-
15 tion outweighs the public interest in disclosure of
16 such information.

17 “(2) DEFAULT RULES.—

18 “(A) DEFAULT WITH RESPECT TO CLASSI-
19 FICATION.—In the event of significant doubt
20 whether the harm to national security that
21 might reasonably be expected from the disclo-
22 sure of information would outweigh the public
23 interest in the disclosure of such information,
24 such information shall not be classified.

1 “(B) DEFAULT WITH RESPECT TO DE-
2 CLASSIFICATION.—In the event of significant
3 doubt whether the harm to national security
4 that might reasonably be expected from the dis-
5 closure of information previously classified
6 under this title would outweigh the public inter-
7 est in the disclosure of such information, such
8 information shall be declassified.

9 “(3) CRITERIA.—For purposes of this sub-
10 section, in determining the harm to national security
11 that might reasonably be expected from disclosure of
12 information, and the public interest in the disclosure
13 of information, the official making the determination
14 shall consider the following:

15 “(A) With regard to the harm to national
16 security that might reasonably be expected from
17 disclosure of information, whether or not disclo-
18 sure of the information would—

19 “(i) reveal the identity of a confiden-
20 tial human source, or reveal information
21 about the application of an intelligence
22 source or method, or reveal the identity of
23 a human intelligence source when the un-
24 authorized disclosure of that source would
25 clearly and demonstrably damage the na-

1 tional security interests of the United
2 States;

3 “(ii) reveal information that would as-
4 sist in the development or use of weapons
5 of mass destruction;

6 “(iii) reveal information that would
7 impair United States cryptologic systems
8 or activities;

9 “(iv) reveal information that would
10 impair the application of state of the art
11 technology within a United States weapons
12 system;

13 “(v) reveal actual United States mili-
14 tary war plans that remain in effect;

15 “(vi) reveal information that would se-
16 riously and demonstrably impair relations
17 between the United States and a foreign
18 government, or seriously and demonstrably
19 undermine ongoing diplomatic activities of
20 the United States;

21 “(vii) reveal information that would
22 clearly and demonstrably impair the cur-
23 rent ability of United States Government
24 officials to protect the President, Vice
25 President, and other officials for whom

1 protection services, in the interest of na-
2 tional security, are authorized;

3 “(viii) reveal information that would
4 seriously and demonstrably impair current
5 national security emergency preparedness
6 plans; or

7 “(ix) violate a statute, treaty, or inter-
8 national agreement.

9 “(B) With regard to the public interest in
10 disclosure of information—

11 “(i) whether or not disclosure of the
12 information would better enable United
13 States citizens to hold Government officials
14 accountable for their actions and policies;

15 “(ii) whether or not disclosure of the
16 information would assist the United States
17 criminal justice system in holding persons
18 responsible for criminal acts or acts con-
19 trary to the Constitution;

20 “(iii) whether or not disclosure of the
21 information would assist Congress, or any
22 committee or subcommittee thereof, in car-
23 rying out its oversight responsibilities with
24 regard to the executive branch or in ade-
25 quately informing itself of executive branch

1 policies and activities in order to carry out
2 its legislative responsibilities;

3 “(iv) whether the disclosure of the in-
4 formation would assist Congress or the
5 public in understanding the interpretation
6 of the Federal Government of a provision
7 of law, including Federal regulations, pres-
8 idential directives, statutes, case law, and
9 the Constitution of the United States; or

10 “(v) whether or not disclosure of the
11 information would bring about any other
12 significant benefit, including an increase in
13 public awareness or understanding of Gov-
14 ernment activities or an enhancement of
15 Government efficiency.

16 “(4) WRITTEN JUSTIFICATION FOR CLASSIFICA-
17 TION.—

18 “(A) ORIGINAL CLASSIFICATION.—Each
19 agency official who makes a decision to classify
20 information not previously classified shall, at
21 the time of the classification decision—

22 “(i) identify himself or herself; and

23 “(ii) provide in writing a detailed jus-
24 tification of that decision.

1 “(B) DERIVATIVE CLASSIFICATION.—In
2 any case in which an agency official or con-
3 tractor employee classifies a document on the
4 basis of information previously classified that is
5 included or referenced in the document, the of-
6 ficial or employee, as the case may be, shall—

7 “(i) identify himself or herself in that
8 document; and

9 “(ii) use a concise notation, or similar
10 means, to document the basis for that deci-
11 sion.

12 “(5) CLASSIFICATION PROHIBITIONS AND LIM-
13 TATIONS.—

14 “(A) IN GENERAL.—In no case shall infor-
15 mation be classified, continue to be maintained
16 as classified, or fail to be declassified in order—

17 “(i) to conceal violations of law, ineffi-
18 ciency, or administrative error;

19 “(ii) to prevent embarrassment to a
20 person, organization, or agency;

21 “(iii) to restrain competition; or

22 “(iv) to prevent or delay the release of
23 information that does not require protec-
24 tion in the interest of the national security.

1 “(B) BASIC SCIENTIFIC RESEARCH.—Basic
2 scientific research information not clearly re-
3 lated to the national security shall not be classi-
4 fied.

5 “(C) RECLASSIFICATION.—Information
6 may not be reclassified after being declassified
7 and release to the public under proper authority
8 unless personally approved by the President
9 based on a determination that such reclassifica-
10 tion is required to prevent significant and de-
11 monstrable damage to the national security.

12 “(d) DECLASSIFICATION OF INFORMATION CLASSI-
13 FIED UNDER ACT.—

14 “(1) IN GENERAL.—No information may re-
15 main classified indefinitely.

16 “(2) MAXIMUM PERIOD OF CLASSIFICATION.—
17 Except as provided in paragraphs (3), (4), and (5),
18 information may not remain classified under this
19 title after the date that is 25 years after the date
20 of the original classification of the information.

21 “(3) EARLIER DECLASSIFICATION.—When
22 classifying information under this title, an agency
23 official may provide for the declassification of the in-
24 formation as of a date or event that is earlier than
25 the date otherwise provided for under paragraph (2).

1 “(4) LATER DECLASSIFICATION.—When
2 classifying information under this title, an agency
3 official may provide for the declassification of the in-
4 formation on the date that is 50 years after the date
5 of the classification if the head of the agency—

6 “(A) determines that there is no likely set
7 of circumstances under which declassification
8 would occur within the time otherwise provided
9 for under paragraph (2);

10 “(B)(i) obtains the concurrence of the di-
11 rector of the Information Security Oversight
12 Office in the determination; or

13 “(ii) if the agency head seeks but is unable
14 to obtain concurrence under clause (i), obtains
15 the concurrence of the President; and

16 “(C) submits to the President a certifi-
17 cation of the determination.

18 “(5) POSTPONEMENT OF DECLASSIFICATION.—

19 “(A) IN GENERAL.—The declassification of
20 any information or category of information that
21 would otherwise be declassified under para-
22 graph (2) or (4) may be postponed, but only
23 with the personal approval of the President
24 based on a determination that such postpone-
25 ment is required to prevent significant and de-

1 monstrable damage to the national security of
2 the United States.

3 “(B) GENERAL DURATION OF POSTPONE-
4 MENT.—Information the declassification of
5 which is postponed under this paragraph may
6 remain classified not longer than 10 years after
7 the date of the postponement, unless such clas-
8 sification is renewed by the President.

9 “(C) CONGRESSIONAL NOTIFICATION.—
10 Within 30 days of any postponement or renewal
11 of a postponement under this paragraph, the
12 President shall provide written notification to
13 Congress of such postponement or renewal that
14 describes the significant and demonstrable dam-
15 age to the national security of the United
16 States that justifies such postponement or re-
17 newal.

18 “(6) BASIS FOR DETERMINATIONS.—An agency
19 official making a determination under this sub-
20 section with respect to the duration of classification
21 of information, or the declassification of information,
22 shall make the determination required under sub-
23 section (c) with respect to classification or declas-
24 sification in accordance with an assessment of the

1 criteria specified in paragraph (3) of such subsection
2 (c) that is current as of the determination.

3 “(e) AUTOMATIC DECLASSIFICATION OF CLASSIFIED
4 RECORDS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), all classified records that are more than
7 50 years old and have been determined to have per-
8 manent historical value under title 44, United States
9 Code, shall be automatically declassified on Decem-
10 ber 31 of the year that is 50 years after the date
11 on which the records were created, whether or not
12 the records have been reviewed.

13 “(2) POSTPONEMENT.—

14 “(A) AGENCY POSTPONEMENT.—The head
15 of an agency may postpone automatic declas-
16 sification under paragraph (1) of specific
17 records or information, or renew a period of
18 postponed automatic declassification, if the
19 agency head determines that disclosure of the
20 records or information would clearly and de-
21 monstrably be expected—

22 “(i) to reveal the identity of a con-
23 fidential human source or a human intel-
24 ligence source; or

1 “(ii) to reveal information that would
2 assist in the development, production, or
3 use of weapons of mass destruction.

4 “(B) PRESIDENTIAL POSTPONEMENT.—
5 The President may postpone automatic declas-
6 sification under paragraph (1) of specific
7 records or information if the President deter-
8 mines that such postponement is required to
9 prevent significant and demonstrable damage to
10 the national security of the United States.

11 “(C) GENERAL DURATION OF POSTPONE-
12 MENT.—A period of postponement automatic
13 declassification under this paragraph shall not
14 exceed 10 years after the date of the postpone-
15 ment, unless renewed by the agency head who
16 postponed the automatic declassification or the
17 President.

18 “(D) CONGRESSIONAL NOTIFICATION.—
19 Within 30 days of any postponement or renewal
20 of a postponement under this paragraph, the
21 agency head or President responsible for the
22 postponement shall provide written notification
23 to Congress of such postponement or renewal
24 that describes the justification for such post-
25 ponement or renewal.

1 “(f) DECLASSIFICATION OF CURRENT CLASSIFIED
2 INFORMATION.—

3 “(1) PROCEDURES.—The President shall estab-
4 lish procedures for declassifying information that
5 was classified before the date of the enactment of
6 the Classification Reform Act of 2023. Such proce-
7 dures shall, to the maximum extent practicable, be
8 consistent with the provisions of this section.

9 “(2) AUTOMATIC DECLASSIFICATION.—The pro-
10 cedures established under paragraph (1) shall in-
11 clude procedures for the automatic declassification
12 of information referred to in paragraph (1) that has
13 remained classified for more than 25 years as of
14 such date.

15 “(3) NOTICE AND COMMENT.—

16 “(A) NOTICE.—The President shall pub-
17 lish notice in the Federal Register of the proce-
18 dures proposed to be established under this sub-
19 section.

20 “(B) COMMENT.—The President shall pro-
21 vide an opportunity for interested persons to
22 submit comments on the procedures covered by
23 subparagraph (A).

24 “(C) DEADLINE.—The President shall
25 complete the establishment of procedures under

1 this subsection not later than 60 days after
2 publishing notice in the Federal Register under
3 subparagraph (A). Upon completion of the es-
4 tablishment of such procedures, the President
5 shall publish in the Federal Register notice re-
6 garding such procedures.

7 “(g) PREPUBLICATION REVIEW.—

8 “(1) IN GENERAL.—The head of each agency
9 that requires personnel to sign a nondisclosure
10 agreement in accordance with Executive Order
11 12968 (50 U.S.C. 3161 note; relating to access to
12 classified information), or successor order, providing
13 for the submittal of materials for prepublication re-
14 view, shall establish a process for the timely review
15 of such materials consistent with the requirements
16 of this title.

17 “(2) REQUIREMENTS.—Each process estab-
18 lished under paragraph (1) shall include the fol-
19 lowing:

20 “(A) Clear guidance on materials required
21 to be submitted and the means of submission.

22 “(B) Mechanisms for ensuring consistent
23 decisionmaking across multiple agencies.

24 “(C) Mechanisms for appeal of decisions
25 made in the course of the review process.

1 “(3) CENTRALIZED APPEAL.—The President
2 shall establish a mechanism for centralized appeal of
3 agency decisions made pursuant to this subsection.”.

4 (b) CONFORMING AMENDMENT TO FOIA.—Section
5 552(b)(1) of title 5, United States Code, is amended to
6 read as follows:

7 “(1)(A) specifically authorized to be classified
8 under the Classification Reform Act of 2023, or spe-
9 cifically authorized under criteria established by an
10 Executive order to be kept secret in the interest of
11 national security; and

12 “(B) are in fact properly classified pursuant to
13 that Act or Executive order;”.

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Section 821 of the National
16 Security Act of 1947, as added by subsection (a),
17 and the amendment made by subsection (b), shall
18 take effect on the date that is 180 days after the
19 date of the enactment of this Act.

20 (2) RELATION TO PRESIDENTIAL DIREC-
21 TIVES.—Presidential directives regarding classifying,
22 safeguarding, and declassifying national security in-
23 formation, including Executive Order 13526 (50
24 U.S.C. 3161 note; relating to classified national se-
25 curity information), or successor order, in effect on

1 the day before the date of the enactment of this Act,
2 as well as procedures issued pursuant to such Presi-
3 dential directives, shall remain in effect until super-
4 sede by procedures issues pursuant to section 821 of
5 the National Security Act of 1947, as added by sub-
6 section (a).

7 **SEC. 202. DECLASSIFICATION WORKING CAPITAL FUNDS.**

8 Subtitle D of title VIII of the National Security Act
9 of 1947, as added by section 201, is further amended by
10 adding at the end the following:

11 **“SEC. 822. DECLASSIFICATION WORKING CAPITAL FUNDS.**

12 “(a) DEFINITION OF COVERED AGENCY.—In this
13 section, the term ‘covered agency’ means an agency that
14 has original classification authority.

15 “(b) PROGRAMS REQUIRED.—Not later than 90 days
16 after the date of the enactment of the Classification Re-
17 form Act of 2023, each head of a covered agency shall
18 establish a program for the automatic declassification of
19 classified records that have permanent historical value.

20 “(c) ESTIMATES.—Each head of a covered agency
21 shall ensure that the program established by the head pur-
22 suant to subsection (b) includes a mechanism for esti-
23 mating the number of classified records generated by each
24 subcomponent of the covered agency each fiscal year.

1 “(d) DECLASSIFICATION WORKING CAPITAL
2 FUNDS.—

3 “(1) ESTABLISHMENT.—For each covered
4 agency, there is established in the Treasury of the
5 United States a fund to be known as the ‘Declassification Working Capital Fund’ of the respective
6 covered agency.
7

8 “(2) CONTENTS OF FUNDS.—Each fund estab-
9 lished under paragraph (1) shall consist of the fol-
10 lowing:

11 “(A) Amounts transferred to the fund
12 under subsection (e).

13 “(B) Amounts appropriated to the fund.

14 “(3) AVAILABILITY AND USE OF FUNDS.—Sub-
15 ject to the concurrence of the Executive Agent for
16 Classification and Declassification, amounts in a
17 fund of a covered agency established by paragraph
18 (1) shall be available, without fiscal year limitation,
19 to promote and implement technological and auto-
20 mated solutions that are interoperable across cov-
21 ered agencies to support the programs of covered
22 agencies established pursuant to subsection (b).

23 “(e) TRANSFERS TO THE FUNDS.—Each head of a
24 covered agency shall issue regulations for the covered
25 agency, subject to review and approval by the Executive

1 Agent for Classification and Declassification, that require
2 each subcomponent of the covered agency to transfer, on
3 a periodic basis, to the fund established for the covered
4 agency under subsection (c)(1), an amount for a period
5 that bears the same ratio to the total of amounts trans-
6 ferred to the fund by all subcomponents of the covered
7 agency for that period as the ratio of—

8 “(1) the estimate for the subcomponent pursu-
9 ant to the mechanism required by subsection (c) for
10 that period; bears to

11 “(2) the aggregate of all of the estimates for all
12 subcomponents of the Executive agency under such
13 mechanism for the same period.”.

14 **SEC. 203. TRANSPARENCY OFFICERS.**

15 Section 1062(a) of the Intelligence Reform and Ter-
16 rorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a))
17 is amended—

18 (1) in paragraph (3), by striking “; and” and
19 inserting a semicolon;

20 (2) in paragraph (4)(C), by striking the period
21 at the end and inserting “; and”;

22 (3) by adding at the end the following:

23 “(5) assist the head of such department, agen-
24 cy, or element and other officials of such depart-
25 ment, agency, or element in identifying records of

1 significant public interest and prioritizing appro-
2 priate review of such records in order to facilitate
3 the public disclosure of such records in redacted or
4 unredacted form.”;

5 (4) in paragraph (4), by redesignating subpara-
6 graphs (A) through (C) as clauses (i) through (iii),
7 respectively, and indenting such clauses 2 ems to the
8 right;

9 (5) by redesignating paragraphs (1) through
10 (5) as subparagraphs (A) through (E), respectively,
11 and indenting such subparagraphs 2 ems to the
12 right;

13 (6) in the matter before subparagraph (A), as
14 redesignated by paragraph (5), by striking “The At-
15 torney General” and inserting the following:

16 “(1) IN GENERAL.—The Attorney General”;
17 and

18 (7) by adding at the end the following:

19 “(2) DETERMINING PUBLIC INTEREST IN DIS-
20 CLOSURE.—In assisting the head of a department,
21 agency, or element and other officials of such de-
22 partment, agency, or element in identifying records
23 of significant public interest under subparagraph
24 (E) of paragraph (1), a senior officer designated
25 under such paragraph shall consider—

1 “(A) whether or not disclosure of the infor-
2 mation would better enable United States citi-
3 zens to hold Federal Government officials ac-
4 countable for their actions and policies;

5 “(B) whether or not disclosure of the in-
6 formation would assist the United States crimi-
7 nal justice system in holding persons respon-
8 sible for criminal acts or acts contrary to the
9 Constitution;

10 “(C) whether or not disclosure of the infor-
11 mation would assist Congress, or any committee
12 or subcommittee thereof, in carrying out its
13 oversight responsibilities with regard to the ex-
14 ecutive branch or in adequately informing itself
15 of executive branch policies and activities in
16 order to carry out its legislative responsibilities;

17 “(D) whether the disclosure of the infor-
18 mation would assist Congress or the public in
19 understanding the interpretation of the Federal
20 Government of a provision of law, including
21 Federal regulations, presidential directives,
22 statutes, case law, and the Constitution of the
23 United States; or

24 “(E) whether or not disclosure of the in-
25 formation would bring about any other signifi-

1 cant benefit, including an increase in public
 2 awareness or understanding of Government ac-
 3 tivities or an enhancement of Federal Govern-
 4 ment efficiency.”.

5 **SEC. 204. CONTINUITY OF MEMBERSHIP OF THE PUBLIC IN-**
 6 **TEREST DECLASSIFICATION BOARD.**

7 (a) CONTINUITY OF MEMBERSHIP.—Subsection
 8 (c)(2) of section 703 of the Public Interest Declassifica-
 9 tion Act of 2000 (50 U.S.C. 3355a) is amended by adding
 10 at the end the following:

11 “(E) Notwithstanding the other provisions of
 12 this paragraph, a member whose term has expired
 13 may continue to serve until a successor is ap-
 14 pointed.”.

15 (b) MEETINGS.—Subsection (e) of such section is
 16 amended, in the second sentence, by inserting “appointed”
 17 before “members”.

18 **TITLE III—PREVENTING MIS-**
 19 **HANDLING OF CLASSIFIED IN-**
 20 **FORMATION**

21 **SEC. 301. SECURITY REVIEW OF CERTAIN RECORDS OF THE**
 22 **PRESIDENT AND VICE PRESIDENT.**

23 Title VIII of the National Security Act of 1947, as
 24 amended by titles I and II of this Act, is further amended
 25 by adding at the end the following:

1 **“Subtitle E—Protection of**
2 **Classified Information**

3 **“SEC. 831. SECURITY REVIEW OF CERTAIN RECORDS OF**
4 **THE PRESIDENT AND VICE PRESIDENT.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) ARCHIVIST, DOCUMENTARY MATERIAL,
7 PRESIDENTIAL RECORDS, PERSONAL RECORDS.—

8 The terms ‘Archivist’, ‘documentary material’, ‘Pres-
9 idential records’, and ‘personal records’ have the
10 meanings given such terms in section 2201 of title
11 44, United States Code.

12 “(2) COMMINGLED OR UNCATEGORIZED
13 RECORDS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the term ‘commingled or
16 uncategorized records’ means all documentary
17 materials not categorized as Presidential
18 records or personal records upon their creation
19 or receipt and filed separately pursuant to sec-
20 tion 2203(d) of title 44, United States Code.

21 “(B) EXCEPTION.—The term ‘commingled
22 or uncategorized records’ does not include docu-
23 mentary materials that are—

1 “(i) official records of an agency (as
2 defined in section 552(f) of title 5, United
3 States Code);

4 “(ii) stocks of publications and sta-
5 tionery; or

6 “(iii) extra copies of documents pro-
7 duced only for convenience of reference,
8 when such copies are clearly so identified.

9 “(3) OFFICIAL RECORDS OF AN AGENCY.—The
10 term ‘official records of an agency’ means official
11 records of an agency within the meaning of such
12 terms in section 552 of title 5, United States.

13 “(b) PRESUMPTION OF PRESIDENTIAL RECORDS.—
14 Commingled or uncategorized records shall be presumed
15 to be Presidential records, unless the President or Vice
16 President—

17 “(1) categorizes the commingled or
18 uncategorized records as personal records in accord-
19 ance with subsection (c); or

20 “(2) determines the commingled or
21 uncategorized records are—

22 “(A) official records of an agency;

23 “(B) stocks of publications and stationery;

24 or

1 “(C) extra copies of documents produced
2 only for convenience of reference, when such
3 copies are clearly so identified.

4 “(c) CATEGORIZING COMMINGLED OR
5 UNCATEGORIZED RECORDS AS PERSONAL RECORDS.—At
6 any time during the President or Vice President’s term
7 of office, the President or Vice President may categorize
8 commingled or uncategorized records as personal records
9 if—

10 “(1) the Archivist performs a security review of
11 the commingled or uncategorized records that is rea-
12 sonably designed to identify records that contain
13 standard markings indicating that records contain
14 classified information;

15 “(2) the President obtains written confirmation
16 from the Archivist that the review conducted pursu-
17 ant to paragraph (1) did not identify any records
18 that contain standard markings indicating that
19 records contain classified information or, if such
20 markings were improperly applied, that such mark-
21 ings have been corrected; and

22 “(3) the President obtains written confirmation
23 from the Archivist that the Archivist is not aware of
24 any other requirement that would preclude catego-

1 rizing the commingled or uncategorized records as
2 personal records.

3 “(d) REVIEW OF COMMINGLED OR UNCATEGORIZED
4 RECORDS OF FORMER PRESIDENTS AND VICE PRESI-
5 DENTS.—

6 “(1) REQUESTS FOR REVIEW.—During the
7 180-day period following the end of the term of of-
8 fice of a former President or Vice President—

9 “(A) the former President or Vice Presi-
10 dent may request that the Archivist review the
11 categorization of any commingled or
12 uncategorized records created or received dur-
13 ing the term of the former President or Vice-
14 President; and

15 “(B) the Archivist shall perform a security
16 review of the commingled or uncategorized
17 records pursuant to the request.

18 “(2) ACTIONS UPON COMPLETION OF RE-
19 VIEW.—If, pursuant to a review under paragraph
20 (1), the Archivist determines that any commingled
21 or uncategorized records reviewed are improperly
22 categorized, the Archivist shall—

23 “(A) submit to the President a rec-
24 ommendation to correct the categorization of
25 the records; and

1 “(B) notify the former President or Vice-
2 President of that recommendation.”.

3 **SEC. 302. MANDATORY COUNTERINTELLIGENCE RISK AS-**
4 **SESSMENTS.**

5 (a) IN GENERAL.—Subtitle E of title VIII of the Na-
6 tional Security Act of 1947, as added by section 301, is
7 amended by adding at the end the following:

8 **“SEC. 832. MANDATORY COUNTERINTELLIGENCE RISK AS-**
9 **SESSMENTS.**

10 “(a) MISHANDLING OR UNAUTHORIZED DISCLOSURE
11 OF CLASSIFIED INFORMATION DEFINED.—In this section,
12 the term ‘mishandling or unauthorized disclosure of classi-
13 fied information’ means any unauthorized storage, reten-
14 tion, communication, confirmation, acknowledgment, or
15 physical transfer of classified information.

16 “(b) ASSESSMENTS.—The Director of the National
17 Counterintelligence and Security Center shall prepare a
18 written assessment of the risk to national security from
19 any mishandling or unauthorized disclosure of classified
20 information involving the conduct of the President, Vice
21 President, or an official listed in Level I of the Executive
22 Schedule under section 5312 of title 5, United States
23 Code, within 90 days of the detection of such mishandling
24 or unauthorized disclosure.

1 “(c) DESCRIPTION OF RISKS.—A written assessment
2 prepared pursuant to subsection (b) shall describe the risk
3 to national security if the classified information were to
4 be exposed in public or to a foreign adversary.

5 “(d) SUBMITTAL OF ASSESSMENTS.—Each written
6 assessment prepared pursuant to subsection (b) shall be
7 submitted to Congress, in classified form, upon comple-
8 tion.”.

9 (b) PROSPECTIVE APPLICATION.—Section 832 of
10 such Act, as added by subsection (a), shall apply to inci-
11 dents of mishandling or unauthorized disclosure of classi-
12 fied information (as defined in such section) detected on
13 or after the date of the enactment of this Act.

14 **SEC. 303. MINIMUM STANDARDS FOR EXECUTIVE AGENCY**
15 **INSIDER THREAT PROGRAMS.**

16 (a) DEFINITIONS.—In this section, the terms “agen-
17 cy” and “classified information” have the meanings given
18 such terms in section 800 of the National Security Act
19 of 1947, as added by section 2.

20 (b) ESTABLISHMENT OF INSIDER THREAT PRO-
21 GRAMS.—Each head of an agency with access to classified
22 information shall establish an insider threat program to
23 protect classified information from unauthorized disclo-
24 sure.

1 (c) MINIMUM STANDARDS.—In carrying out an in-
2 sider threat program established by the head of an agency
3 pursuant to subsection (b), the head of the agency shall—

4 (1) designate a senior official of the agency who
5 shall be responsible for management of the program;

6 (2) monitor user activity on all classified net-
7 works in order to detect activity indicative of insider
8 threat behavior;

9 (3) build and maintain an insider threat ana-
10 lytic and response capability to review, assess, and
11 respond to information obtained pursuant to para-
12 graph (2); and

13 (4) provide insider threat awareness training to
14 all cleared employees within 30 days of entry-on-
15 duty or granting of access to classified information
16 and annually thereafter.

17 (d) ANNUAL REPORTS.—Not less frequently than
18 once each year, the Director of National Intelligence shall,
19 serving as the Security Executive Agent under section 803
20 of the National Security Act of 1947 (50 U.S.C. 3162a),
21 submit to Congress an annual report on the compliance
22 of agencies with respect to the requirements of this sec-
23 tion.

1 **TITLE IV—OTHER MATTERS**

2 **SEC. 401. PROHIBITIONS.**

3 (a) WITHHOLDING INFORMATION FROM CON-
4 GRESS.—Nothing in this Act or an amendment made by
5 this Act shall be construed to authorize the withholding
6 of information from Congress.

7 (b) JUDICIAL REVIEW.—Except in the case of the
8 amendment to section 552 of title 5, United States Code,
9 made by section 201(b), no person may seek or obtain ju-
10 dicial review of any provision of this Act or any action
11 taken under a provision of this Act.

12 **SEC. 402. CONFORMING AMENDMENT.**

13 Section 804 of the National Security Act of 1947 (50
14 U.S.C. 3163) is amended by striking “this title” and in-
15 serting “sections 801 and 802”.

16 **SEC. 403. CLERICAL AMENDMENT.**

17 The table of contents for the National Security Act
18 of 1947 is amended by striking the items relating to title
19 VIII and inserting the following:

“TITLE VIII—PROTECTION OF NATIONAL SECURITY
INFORMATION

“Subtitle A—Definitions

“Sec. 800. Definitions.

“Subtitle B—Access to Classified Information Procedures

“Sec. 801. Procedures.

“Sec. 802. Requests by authorized investigative agencies.

“Sec. 803. Security Executive Agent.

“Sec. 804. Exceptions.

“Subtitle C—Security Classification Governance

“Sec. 811. Executive Agent for Classification and Declassification.

“Sec. 812. Executive Committee on Classification and Declassification Programs and Technology.

“Sec. 813. Advisory bodies for Executive Agent for Classification and Declassification.

“Sec. 814. Information Security Oversight Office.

“Subtitle D—Classification and Declassification

“Sec. 821. Classification and declassification of information.

“Sec. 822. Declassification working capital funds.

“Subtitle E—Protection of Classified Information

“Sec. 831. Security review of certain records of the President and Vice President.

“Sec. 832. Mandatory counterintelligence risk assessments.”.

