

Calendar No. 489

105TH CONGRESS
2D SESSION
S. 712

[Report No. 105-258]

A BILL

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

JULY 22, 1998

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MAY 7, 1997

Mr. MOYNIHAN (for himself, Mr. HELMS, Mr. ROTH, Mr. LOTT, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JULY 22, 1998

Reported by Mr. THOMPSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 **SECTION 1. SHORT TITLE.**
- 3 *This Act may be cited as the "Government Secrecy*
- 4 *Act of 1997".*

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to promote the effective
3 protection of classified information and the disclosure of
4 information where there is not a well-founded basis for
5 protection or where the costs of maintaining a secret out-
6 weigh the benefits.

7 **SEC. 3. FINDINGS.**

8 The Congress makes the following findings:

9 (1) The system for classifying and declassifying
10 national security information has been based in reg-
11 ulation, not in statute, and has been governed by six
12 successive Executive orders since 1951.

13 (2) The Commission on Protecting and Reduc-
14 ing Government Secrecy, established under Public
15 Law 103-236, issued its report on March 4, 1997
16 (S. Doc. 105-2), in which it recommended reducing
17 the volume of information classified and strengthen-
18 ing the protection of classified information.

19 (3) The absence of a statutory framework has
20 resulted in unstable and inconsistent classification
21 and declassification policies, excessive costs, and in-
22 adequate implementation.

23 (4) The implementation of Executive orders will
24 be even more costly as more documents are prepared
25 and used on electronic systems.

19 SEC. 4. CLASSIFICATION AND DECLASSIFICATION OF IN-
20 FORMATION.

21 (a) CLASSIFICATION FOR NATIONAL SECURITY REA-
22 SONS.—The President may, in accordance with this Act,
23 protect from unauthorized disclosure information in the
24 possession and control of the executive branch when there
25 is a demonstrable need to do so in order to protect the

1 national security of the United States. The President shall
2 ensure that the amount of information classified is the
3 ~~minimum necessary to protect the national security.~~

4 **(b) PROCEDURES FOR CLASSIFICATION AND DECLAS-**
5 **SIFICATION.—**

6 **(1) IN GENERAL.**—The President shall, to the
7 extent necessary, establish categories of information
8 that may be classified and procedures for classifying
9 information under subsection (a). The President
10 shall, concurrently with the establishment of such
11 categories and procedures, establish, and allocate re-
12 sources for the implementation of, procedures for de-
13 classifying information previously classified.

14 **(2) PUBLICATION OF CATEGORIES AND PROCE-**
15 **DRURES.—**

16 **(A)** The President shall publish notice in
17 the Federal Register of any categories and pro-
18 cedures proposed to be established under para-
19 graph (1) with respect to both the classification
20 and declassification of information, and shall
21 provide an opportunity for interested agencies
22 and other interested persons to submit com-
23 ments thereon. The President shall take into
24 account such comments before establishing the

1 categories and procedures, which shall also be
2 published in the Federal Register.

7 (3) AGENCY STANDARDS AND PROCEDURES.—

8 The head of each agency shall establish standards
9 and procedures for classifying and declassifying in-
10 formation created by that agency on the basis of the
11 categories and procedures established by the Presi-
12 dent under paragraph (1). Each agency head, in es-
13 tablishing and modifying standards and procedures
14 under this paragraph, shall follow the procedures re-
15 quired of the President in paragraph (2) for estab-
16 lishing and modifying categories and procedures
17 under that paragraph.

18 (e) CONSIDERATIONS IN DETERMINING CLASSIFICA-
19 TION AND DECLASSIFICATION.—

1 there is significant doubt as to whether information
2 requires such protection, it shall not be classified.

3 (2) WRITTEN JUSTIFICATION.—

4 (A) ORIGINAL CLASSIFICATION.—The
5 agency official who makes the decision to clas-
6 sify information shall identify himself or herself
7 and shall provide in writing a detailed justifica-
8 tion for that decision.

9 (B) DERIVATIVE CLASSIFICATION.—In any
10 case in which an agency official classifies a doc-
11 ument on the basis of information previously
12 classified that is included or referenced in the
13 document, that agency official shall identify
14 himself or herself in that document.

15 (d) STANDARDS FOR DECLASSIFICATION.—

16 (1) INITIAL CLASSIFICATION PERIOD.—Infor-
17 mation may not remain classified under this Act for
18 longer than a 10-year period unless the head of the
19 agency that created the information certifies to the
20 President at the end of such period that the infor-
21 mation requires continued protection, based on a
22 current assessment of the risks of disclosing the in-
23 formation, carried out in accordance with subsection
24 (c)(1).

(2) ADDITIONAL CLASSIFICATION PERIOD.—Information not declassified prior to or at the end of the 10-year period referred to in paragraph (1) may not remain classified for more than a 30-year period unless the head of the agency that created the information certifies to the President at the end of such 30-year period that continued protection of the information from unauthorized disclosure is essential to the national security of the United States or that demonstrable harm to an individual will result from release of the information.

23 (A) was determined to be kept protected
24 from unauthorized disclosure in the interest of
25 national security, and

1 (B) had been kept so protected for longer
2 than the 10-year period referred to in para-
3 graph (1),

4 shall, to the extent feasible, give priority to making
5 decisions with respect to declassifying that informa-
6 tion as soon as is practicable.

7 (e) REPORTS TO CONGRESS.—Not later than December 31 of each year, the head of each agency that is responsible for the classification and declassification of information shall submit to the Congress a report that describes the application of the classification and declassification standards and procedures of that agency during the preceding fiscal year.

14 (f) AMENDMENT TO FREEDOM OF INFORMATION
15 ACT.—Section 552(b)(1) of title 5, United States Code,
16 is amended to read as follows:

17 “(1)(A) specifically authorized to be classified
18 under the Government Secrecy Act of 1997, or spe-
19 cifically authorized, before the effective date of that
20 Act, under criteria established by an Executive order
21 to be kept secret in the interest of national security
22 (as defined by section 7(6) of the Government Se-
23 crecy Act of 1997), and (B) are in fact properly
24 classified pursuant to that Act or Executive order.”.

1 **SEC. 5. NATIONAL DECLASSIFICATION CENTER.**

2 (a) ESTABLISHMENT.—The President shall establish,
3 within an existing agency, a National Declassification
4 Center, the functions of which shall be—

5 (1) to coordinate and oversee the declassification
6 policies and practices of the Federal Government;
7 and

8 (2) to provide technical assistance to agencies
9 in implementing such policies and practices, in accordance
10 with this section.

11 (b) FUNCTIONS.—

12 (1) DECLASSIFICATION OF INFORMATION.—The
13 Center shall, at the request of any agency and on a
14 reimbursable basis, declassify information within the
15 possession of that agency pursuant to the guidance
16 of that agency on the basis of the declassification
17 standards and procedures established by that agency
18 under section 4, or if another agency created the information,
19 pursuant to the guidance of that other agency on the basis of the declassification standards
20 and procedures established by that agency under
21 section 4. In carrying out this paragraph, the Center
22 may use the services of officers or employees or the
23 resources of another agency, with the consent of the
24 head of that agency.

16 (e) NATIONAL DECLASSIFICATION ADVISORY COM-
17 MITTEE—

(1) IN GENERAL.—There is established a 12-member National Declassification Advisory Committee. 4 members of the Advisory Committee shall be appointed by the President and 2 members each shall be appointed by the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

14 (d) ANNUAL REPORTS.—The Center shall submit to
15 the President and the Congress, not later than December
16 31 of each year, a report on its activities during the pre-
17 ceding fiscal year, and on the implementation of agency
18 declassification practices and its efforts to coordinate
19 those practices.

20 SEC. 6. INFORMATION TO THE CONGRESS.

Nothing in this Act shall be construed to authorize the withholding of information from the Congress.

23 SEC. 7. DEFINITIONS

24 As used in this Act—

1 (1) the term "Advisory Committee" means the
2 National Declassification Advisory Committee estab-
3 lished under section 5(e);

4 (2) the term "agency" means any executive
5 agency as defined in section 105 of title 5, United
6 States Code; any military department as defined in
7 section 102 of such title, and any other entity in the
8 executive branch of the Government that comes into
9 the possession of classified information;

10 (3) the term "Center" means the National De-
11 classification Center established under section 5(a);

12 (4) the terms "classify", "classified", and "clas-
13 sification" refer to the process by which information
14 is determined to require protection from unauthor-
15 ized disclosure pursuant to this Act in order to pro-
16 tect the national security of the United States;

17 (5) the terms "declassify", "declassified", and
18 "declassification" refer to the process by which in-
19 formation that has been classified is determined to
20 no longer require protection from unauthorized dis-
21 closure pursuant to this Act; and

22 (6) the term "national security of the United
23 States" means the national defense or foreign rela-
24 tions of the United States.

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act shall take effect 180 days after the date of
3 the enactment of this Act.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Government Secrecy Re-*
6 *form Act of 1998”.*

7 **SEC. 2. CLASSIFICATION AND DECLASSIFICATION OF IN-**
8 **FORMATION.**

9 *(a) IN GENERAL.—The President may, in accordance*
10 *with this Act, protect from unauthorized disclosure any in-*
11 *formation owned by, produced by or for, or under the con-*
12 *trol of the executive branch when there is a demonstrable*
13 *need to do so in order to protect the national security of*
14 *the United States.*

15 *(b) ESTABLISHMENT OF STANDARDS AND PROCE-*
16 *DURES FOR CLASSIFICATION AND DECLASSIFICATION.—*

17 *(1) GOVERNMENTWIDE PROCEDURES.—*

18 *(A) CLASSIFICATION.—The President shall,*
19 *to the extent necessary, establish categories of in-*
20 *formation that may be classified and procedures*
21 *for classifying information under subsection (a).*

22 *(B) DECLASSIFICATION.—At the same time*
23 *the President establishes categories and proce-*
24 *dures under subparagraph (A), the President*
25 *shall establish procedures for declassifying infor-*
26 *mation that was previously classified.*

1 (2) *NOTICE AND COMMENT.*—

24 (4) AGENCY STANDARDS AND PROCEDURES.—

1 *established by the President under this sub-*
2 *section.*

3 *(D) PUBLICATION.—Each agency head shall*
4 *publish in the Federal Register the standards*
5 *and procedures established by such agency head*
6 *under this paragraph.*

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

9 *(1) IN GENERAL.—Subject to paragraphs (2) and*
10 *(3), information may be classified under this Act, and*
11 *classified information under review for declassifica-*
12 *tion under this Act may remain classified, only if the*
13 *harm to national security that might reasonably be*
14 *expected from disclosure of such information out-*
15 *weighs the public interest in disclosure of such infor-*
16 *mation.*

17 *(2) DEFAULT RULE.—In the event of significant*
18 *doubt whether the harm to national security that*
19 *might reasonably be expected from the disclosure of*
20 *information would outweigh the public interest in the*
21 *disclosure of such information, such information shall*
22 *not be classified or, in the case of classified informa-*
23 *tion under review for declassification, declassified.*

24 *(3) CRITERIA.—For purposes of this subsection,*
25 *in determining the harm to national security that*

1 *might reasonably be expected from disclosure of infor-*
2 *mation, and the public interest in the disclosure of*
3 *information, the official making the determination*
4 *shall consider the following:*

5 *(A) With regard to the harm to national se-*
6 *curity that might reasonably be expected from*
7 *disclosure of information, whether or not disclo-*
8 *sure of the information would—*

9 *(i) reveal the identity of a confidential*
10 *human source, or reveal information about*
11 *the application of an intelligence source or*
12 *method, or reveal the identity of a human*
13 *intelligence source when the unauthorized*
14 *disclosure of that source would clearly and*
15 *demonstrably damage the national security*
16 *interests of the United States;*

17 *(ii) reveal information that would as-*
18 *sist in the development or use of weapons of*
19 *mass destruction;*

20 *(iii) reveal information that would im-*
21 *pair United States cryptologic systems or*
22 *activities;*

23 *(iv) reveal information that would im-*
24 *pair the application of state of the art tech-*

nology within a United States weapons system;

(v) reveal actual United States military war plans that remain in effect;

(vi) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(vii) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(viii) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(ix) violate a statute, treaty, or international agreement.

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

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

(ii) whether or not disclosure of the information would assist the United States criminal justice system in holding persons responsible for criminal acts or acts contrary to the Constitution;

(iii) whether or not disclosure of the information would assist Congress, or any committee or subcommittee thereof, in carrying out its oversight responsibilities with regard to the executive branch or in adequately informing itself of executive branch policies and activities in order to carry out its legislative responsibilities; or

(iv) whether or not disclosure of the information would bring about any other significant benefit, including an increase in public awareness or understanding of Government activities or an enhancement of Government efficiency.

(4) WRITTEN JUSTIFICATION FOR CLASSIFICA-

TlON—

5 (i) identify himself or herself; and
6 (ii) provide in writing a detailed jus-
7 tification of that decision.

14 (i) identify himself or herself in that
15 document; and

16 (ii) provide a concise explanation of
17 that decision.

18 (d) DECLASSIFICATION OF INFORMATION CLASSIFIED
19 UNDER ACT.—

21 (4) *POSTPONEMENT OF DECLASSIFICATION.*—

1 *agency with original classification authority*
2 *over the information or category of information,*
3 *as the case may be, determines, before the time*
4 *of declassification under such paragraph, that*
5 *the information or category of information, as*
6 *the case may be, should remain classified.*

7 *(B) PROCEDURE.—An official may not im-*
8 *plement a determination under subparagraph*
9 *(A) until the official—*

10 *(i) obtains the concurrence of the Di-*
11 *rector of the Office of National Classifica-*
12 *tion and Declassification Oversight in the*
13 *determination; and*
14 *(ii) submits to the President a certifi-*
15 *cation of the determination.*

16 *(C) GENERAL DURATION OF POSTPONE-*
17 *MENT.—Except as provided in subparagraph*
18 *(D), information the declassification of which is*
19 *postponed under this paragraph may remain*
20 *classified not longer than 15 years after the date*
21 *of the postponement.*

22 *(D) EXTENDED DURATION OF POSTPONE-*
23 *MENT.—*

24 *(i) IN GENERAL.—Subject to clauses*
25 *(ii) and (iii), the declassification of any in-*

1 formation that would otherwise be declas-
2 sified under subparagraph (C) or para-
3 graph (3) may be postponed if an official of
4 the agency with original classification au-
5 thority over the information determines that
6 extraordinary circumstances require that
7 the information remain classified.

8 (ii) *PROCEDURE*.—An official may not
9 implement a determination under clause (i)
10 until the official—

11 (I) obtains the concurrence of the
12 Director of the Office of National Clas-
13 sification and Declassification Over-
14 sight in the determination; and

15 (II) submits to the President a
16 certification of the determination.

17 (iii) *REVIEW*.—The President shall es-
18 tablish a schedule for the review of the need
19 for continued classification of any informa-
20 tion the declassification of which is post-
21 poned under this subparagraph. Such infor-
22 mation shall be declassified at the earliest
23 possible time after the termination of the
24 circumstances with respect to such informa-
25 tion referred to in clause (i).

1 (E) CONCURRENCES.—A concurrence at the
2 direction of the Classification and Declassifica-
3 tion Review Board on appeal under section
4 4(c)(2) and a concurrence at the direction of the
5 President on appeal under section 5(a) shall be
6 treated as a concurrence of the Director of the
7 Office of National Classification and Declas-
8 sification Oversight for purposes of subpara-
9 graphs (B)(i) and (D)(i).

24 (7) SPECIFICATION OF DECLASSIFICATION
25 DATE.—Each agency official making a decision to

1 *classify information shall specify upon such informa-*
2 *tion the date or event of its declassification under this*
3 *subsection.*

4 *(e) DECLASSIFICATION OF CURRENT CLASSIFIED IN-*
5 *FORMATION.—*

6 *(1) PROCEDURES.—The President shall establish*
7 *procedures for declassifying information that was*
8 *classified before the effective date of this Act. Such*
9 *procedures shall, to the maximum extent practicable,*
10 *be consistent with the provisions of this section.*

11 *(2) AUTOMATIC DECLASSIFICATION.—The proce-*
12 *dures established under paragraph (1) shall include*
13 *procedures for the automatic declassification of infor-*
14 *mation referred to in paragraph (1) that has re-*
15 *mained classified for more than 25 years as of such*
16 *date.*

17 *(3) NOTICE AND COMMENT.—*

18 *(A) NOTICE.—The President shall publish*
19 *notice in the Federal Register of the procedures*
20 *proposed to be established under this subsection.*

21 *(B) COMMENT.—The President shall provide*
22 *an opportunity for interested persons to submit*
23 *comments on the procedures covered by subpara-*
24 *graph (A).*

9 (f) CONFORMING AMENDMENT TO FOIA.—Section
10 552(b)(1) of title 5, United States Code, is amended to read
11 as follows:

12 “(1)(A) specifically authorized to be classified
13 under the Government Secrecy Reform Act of 1998, or
14 specifically authorized under criteria established by
15 an Executive order to be kept secret in the interest of
16 national security and (B) are in fact properly classi-
17 fied pursuant to that Act or Executive order;”.

18 SEC. 3. OFFICE OF NATIONAL CLASSIFICATION AND DE-
19 CLASSIFICATION OVERSIGHT.

20 (a) ESTABLISHMENT—

5 (b) DIRECTOR.—

23 “Director, Office of National Classification and
24 Declassification Oversight.”.

25 (c) PERSONNEL AND RESOURCES.—

11 (d) DUTIES.—*The Oversight Office shall—*

1 *Act be declassified by the agency that originated the*
2 *classification;*

3 *(5) determine whether the concurrence of the Di-*
4 *rector in an agency determination to postpone the de-*
5 *classification of information under section 2(d)(4) is*
6 *consistent with the provisions of this Act;*

7 *(6) review the proposed budgets of agencies for*
8 *classification and declassification programs and make*
9 *recommendations to the Office of Management and*
10 *Budget as to means of ensuring that such budgets*
11 *provide sufficient funds to permit agencies to comply*
12 *with the requirements of this Act;*

13 *(7) subject to the supervision and control of the*
14 *President, oversee special access programs;*

15 *(8) conduct audits and on-site reviews of agency*
16 *classification and declassification programs; and*

17 *(9) establish and maintain a Government-wide*
18 *database on the declassification activities of the Gov-*
19 *ernment, including an unclassified version of the*
20 *database available to the public.*

21 *(e) AGENCY COOPERATION.—Subject to the control and*
22 *supervision of the President, each agency shall provide the*
23 *Oversight Office with such information and other coopera-*
24 *tion as the Director of the Oversight Office considers appro-*
25 *priate to permit the Oversight Office to carry out its duties.*

1 (f) *PROTECTION OF INFORMATION.*—The Director of
2 the Oversight Office shall take appropriate actions to pre-
3 vent disclosure to the public of classified information that
4 is provided to the Oversight Office. Such actions may in-
5 clude a requirement that the staff of the Oversight Office
6 possess security clearances appropriate for the information
7 considered and reviewed by the Oversight Office.

8 (g) *ANNUAL REPORT.*—

9 (1) *REQUIREMENT.*—Not later than March 31
10 each year, the Director of the Oversight Office shall
11 submit to Congress and to the President a report on
12 the compliance of agencies with the requirements of
13 this Act.

14 (2) *ELEMENTS.*—Each report under paragraph
15 (1) shall—

16 (A) include a summary of the extent of the
17 compliance of agencies Government-wide with
18 the requirements of this Act as of the date of such
19 report; and

20 (B) set forth an assessment of the compli-
21 ance of each agency with such requirements as of
22 that date.

23 (3) *FORM.*—Each report under paragraph (1)
24 shall be submitted in unclassified form, but may in-
25 clude a classified annex.

5 SEC. 4. CLASSIFICATION AND DECLASSIFICATION REVIEW

6 **BOARD.**

7 (a) *ESTABLISHMENT.*—There is established within the
8 Executive Office of the President a board to be known as
9 the *Classification and Declassification Review Board* (in
10 this section referred to as the “Board”).

11 (b) *MEMBERSHIP.*—

21 (2) *NOMINATION.*—

1 *Security Advisor, Director of Central Intel-*
2 *ligence, Archivist of the United States, and Di-*
3 *rector of the Office of Management and Budget.*

4 *(B) LIMITATION.—The President may not*
5 *nominate for appointment to the Board any in-*
6 *dividual who is currently an officer or employee*
7 *of the United States or who has previously served*
8 *as a member of the Board.*

9 *(C) INITIAL NOMINATIONS.—The President*
10 *shall make the first nominations of members for*
11 *appointment to the Board not later than 120*
12 *days after the effective date of this Act.*

13 *(3) TERM.—Members of the Board shall be ap-*
14 *pointed for a term of 4 years, except that of the mem-*
15 *bers first nominated for appointment to the Board*
16 *under paragraph (2)(C)—*

17 *(A) two shall be nominated for a 4-year*
18 *term (including the member who shall be the Di-*
19 *rector of the Board);*

20 *(B) two shall be nominated for a 3-year*
21 *term; and*

22 *(C) one shall be nominated for a 2-year*
23 *term.*

8 (c) *POWERS AND DUTIES.*—The Board shall—

1 (e) *PROTECTION OF INFORMATION.*—The Board shall
2 *take appropriate actions to prevent the disclosure to the*
3 *public of classified information that is provided to the*
4 *Board. Such actions shall include a requirement that the*
5 *members and staff of the Board possess security clearances*
6 *appropriate for the information considered and reviewed by*
7 *the Board.*

8 (f) *PERSONNEL MATTERS.*—

9 (1) *COMPENSATION.*—

10 (A) *COMPENSATION OF MEMBERS.*—Each
11 *member of the Board shall be compensated at a*
12 *rate equal to the daily equivalent of the annual*
13 *rate of basic pay prescribed for level IV of the*
14 *Executive Schedule under section 5315 of title 5,*
15 *United States Code, for each day (including*
16 *travel time) during which such member is en-*
17 *gaged in the performance of the duties of the*
18 *Board.*

19 (B) *TRAVEL EXPENSES.*—The members of
20 *the Board shall be allowed travel expenses, in-*
21 *cluding per diem in lieu of subsistence, at rates*
22 *authorized for employees of agencies under sub-*
23 *chapter I of chapter 57 of title 5, United States*
24 *Code, while away from their homes or regular*

1 *places of business in the performance of services*
2 *for the Board.*

3 *(2) STAFF.—The Director of the Board may,*
4 *with the concurrence of the Board, appoint such staff,*
5 *including an executive secretary, as the Board re-*
6 *quires to carry out its duties.*

7 *(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any*
8 *Federal Government employee may be detailed to the*
9 *Board without reimbursement, and such detail shall*
10 *be without interruption or loss of civil service status*
11 *or privilege.*

12 *(g) RULES AND PROCEDURES.—*

13 *(1) REQUIREMENT.—The Board shall establish,*
14 *and may from time to time modify, such rules and*
15 *procedures as the Board considers appropriate to*
16 *carry out its duties. Such rules and procedures shall*
17 *provide that a decision of the Board requires a vote*
18 *of a majority of the members of the Board.*

19 *(2) PUBLICATION.—The Board shall publish its*
20 *rules and procedures in the Federal Register.*

21 *(3) INITIAL RULES AND PROCEDURES.—The*
22 *Board shall establish its initial rules and procedures*
23 *not later than 270 days after the date of enactment*
24 *of this Act.*

1 **SEC. 5. APPEAL OF DETERMINATIONS OF CLASSIFICATION**2 **AND DECLASSIFICATION REVIEW BOARD.**

3 (a) *APPEAL*.—Subject to subsection (c), any agency
4 may appeal to the President a decision or other action of
5 the Classification and Declassification Review Board under
6 section 4(c).

7 (b) *DEADLINE*.—An agency may appeal a decision or
8 other action under subsection (a) only if the agency submits
9 the appeal to the President not later than 60 days after
10 the date of the decision or other action concerned.

11 (c) *FINALITY*.—A decision of the President on an ap-
12 peal under subsection (a) shall be final.

13 **SEC. 6. PROHIBITIONS.**

14 (a) *WITHHOLDING INFORMATION FROM CONGRESS*.—
15 Nothing in this Act shall be construed to authorize the with-
16 holding of information from Congress.

17 (b) *JUDICIAL REVIEW*.—Except in the case of the
18 amendment to section 552 of title 5, United States Code,
19 made by section 2(f), no person may seek or obtain judicial
20 review of any provision of this Act or any action taken
21 under a provision of this Act.

22 **SEC. 7. DEFINITIONS.**

23 *In this Act:*

24 (1) The term “agency” means any executive
25 agency as defined in section 105 of title 5, United
26 States Code, any military department as defined in

1 *section 102 of such title, and any other entity in the*
2 *executive branch of the Government that comes into*
3 *the possession of classified information.*

4 *(2) The terms “classify”, “classified”, and “clas-*
5 *sification” refer to the process by which information*
6 *is determined to require protection from unauthorized*
7 *disclosure pursuant to this Act in order to protect the*
8 *national security of the United States.*

9 *(3) The terms “declassify”, “declassified”, and*
10 *“declassification” refer to the process by which infor-*
11 *mation that has been classified is determined to no*
12 *longer require protection from unauthorized disclosure*
13 *pursuant to this Act.*

14 **SEC. 8. EFFECTIVE DATE.**

15 *This Act and the amendment made by section 3(f)*
16 *shall take effect 180 days after the date of enactment of this*
17 *Act.*