

106TH CONGRESS
1ST SESSION

S. 22

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

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

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

A BILL

To provide for a system to classify information in the interests of national security and a system to declassify 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 “Government Secrecy
5 Reform Act of 1999”.

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

8 (a) IN GENERAL.—The President may, in accordance
9 with the provisions of this Act, protect from unauthorized

1 disclosure any information owned by, produced by or for,
 2 or under the control of the executive branch when there
 3 is a demonstrable need to do so in order to protect the
 4 national security of the United States.

5 (b) ESTABLISHMENT OF STANDARDS AND PROCE-
 6 DURES FOR CLASSIFICATION AND DECLASSIFICATION.—

7 (1) GOVERNMENTWIDE PROCEDURES.—

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

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

18 (2) NOTICE AND COMMENT.—

19 (A) NOTICE.—The President shall publish
 20 in the Federal Register notice regarding the
 21 categories and procedures proposed to be estab-
 22 lished under paragraph (1).

23 (B) COMMENT.—The President shall pro-
 24 vide an opportunity for interested persons to

1 submit comments on the categories and proce-
2 dures covered by subparagraph (A).

3 (C) DEADLINE.—The President shall com-
4 plete the establishment of categories and proce-
5 dures under paragraph (1) not later than 60
6 days after publishing notice in the Federal Reg-
7 ister under subparagraph (A). Upon completion
8 of the establishment of such categories and pro-
9 cedures, the President shall publish in the Fed-
10 eral Register notice regarding such categories
11 and procedures.

12 (3) MODIFICATION.—In the event the President
13 determines to modify any categories or procedures
14 established under paragraph (1), subparagraphs (A)
15 and (B) of paragraph (2) shall apply to such modi-
16 fication.

17 (4) AGENCY STANDARDS AND PROCEDURES.—

18 (A) IN GENERAL.—The head of each agen-
19 cy shall establish standards and procedures to
20 permit such agency to classify and declassify in-
21 formation created by such agency in accordance
22 with the categories and procedures established
23 by the President under this section and other-
24 wise to carry out the provisions of this Act.
25 Such standards and procedures shall include

1 mechanisms to minimize the risk of inadvertent
2 or inappropriate declassification of previously
3 classified information (including information
4 classified by other agencies).

5 (B) GUIDANCE.—

6 (i) IN GENERAL.—The President shall
7 require the head of each agency with origi-
8 nal classification authority to produce writ-
9 ten guidance on the classification and de-
10 classification of information in order to im-
11 prove the classification and declassification
12 of information by such agency and the de-
13 rivative classification of information and
14 declassification of derivatively classified in-
15 formation by such agency and other agen-
16 cies. Such guidance may be treated as clas-
17 sified information under this Act.

18 (ii) DECLASSIFICATION PERIOD FOR
19 CERTAIN INFORMATION.—

20 (I) IN GENERAL.—In producing
21 written guidance under clause (i), the
22 head of an agency may specify types
23 and categories of information that
24 may remain classified for up to 25

1 years after the date of original classi-
2 fication.

3 (II) APPROVAL REQUIRED.—The
4 specification of a type or category of
5 information under subclause (I) shall
6 be effective only with the approval of
7 the Director of the Office of National
8 Classification and Declassification
9 Oversight.

10 (C) DEADLINE.—Each agency head shall
11 establish standards and procedures under sub-
12 paragraph (A) and produce written guidance
13 under subparagraph (B) not later than 60 days
14 after the date on which the President publishes
15 notice under paragraph (2)(C) of the categories
16 and standards established by the President
17 under paragraph (1).

18 (D) PUBLICATION.—Each agency head
19 shall publish in the Federal Register the stand-
20 ards and procedures established by such agency
21 head under subparagraph (A).

22 (c) STANDARD FOR CLASSIFICATION AND DECLAS-
23 SIFICATION DECISIONS.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 information may be classified under this Act, and

1 classified information under review for declassifica-
2 tion under this Act may remain classified, only if the
3 harm to national security that might reasonably be
4 expected from disclosure of such information out-
5 weighs the public interest in disclosure of such infor-
6 mation.

7 (2) DEFAULT RULE.—In the event of signifi-
8 cant doubt whether the harm to national security
9 that might reasonably be expected from the disclo-
10 sure of information would outweigh the public inter-
11 est in the disclosure of such information, such infor-
12 mation shall not be classified or, in the case of clas-
13 sified information under review for declassification,
14 declassified.

15 (3) FACTORS IN DECISIONS.—

16 (A) IN GENERAL.—The President shall
17 prescribe the factors to be utilized in deciding
18 for purposes of paragraph (1) whether the dis-
19 closure of information might reasonably be ex-
20 pected to harm national security or might serve
21 the public interest.

22 (B) GUIDANCE.—In prescribing factors
23 under subparagraph (A), the President shall
24 also prescribe guidance to be utilized in apply-
25 ing such factors. The guidance shall specify

1 with reasonable detail the weight to be assigned
 2 each factor and the manner of balancing among
 3 opposing factors of similar or different weight.

4 (C) PROCESS.—The President shall pre-
 5 scribe factors and guidance under this para-
 6 graph at the same time the President estab-
 7 lishes categories and procedures under sub-
 8 section (b)(1) and subject to the notice and
 9 comment procedures set forth under subsection
 10 (b)(2).

11 (d) WRITTEN JUSTIFICATION FOR CLASSIFICA-
 12 TION.—

13 (1) ORIGINAL CLASSIFICATION.—Each agency
 14 official who makes a decision to classify information
 15 not previously classified shall, at the time of such
 16 decision—

17 (A) identify himself or herself;

18 (B) provide in writing a detailed justifica-
 19 tion of that decision; and

20 (C) indicate the basis for the classification
 21 of the information with reference to the written
 22 guidance produced under subsection (b)(4)(B).

23 (2) DERIVATIVE CLASSIFICATION.—In any case
 24 in which an agency official or contractor employee
 25 classifies a document on the basis of information

1 previously classified that is included or referenced in
2 the document, the official or employee, as the case
3 may be, shall—

4 (A) identify himself or herself in that docu-
5 ment; and

6 (B) provide a concise explanation of that
7 decision.

8 (e) DECLASSIFICATION OF INFORMATION CLASSI-
9 FIED UNDER ACT.—

10 (1) IN GENERAL.—Except as provided in para-
11 graphs (2), (3), and (4), information classified under
12 this Act may not remain classified under this Act
13 after the date that is 10 years after the date of the
14 original classification of the information.

15 (2) EARLIER DECLASSIFICATION.—When
16 classifying information under this Act, an agency of-
17 ficial may provide for the declassification of the in-
18 formation as of a date or event that is earlier than
19 the date otherwise provided for under paragraph (1).

20 (3) LATER DECLASSIFICATION.—

21 (A) IN GENERAL.—When classifying infor-
22 mation under this Act, an agency official with
23 original classification authority over the infor-
24 mation may provide for the declassification of
25 the information on a date that is up to 25 years

1 after the date of original classification in ac-
2 cordance with the guidance approved under
3 subsection (b)(4)(B)(ii).

4 (B) POSTPONEMENT.—The actual date of
5 the declassification of information referred to in
6 subparagraph (A) may be postponed under
7 paragraph (4)(D).

8 (4) POSTPONEMENT OF DECLASSIFICATION.—

9 (A) IN GENERAL.—The declassification of
10 any information or category of information that
11 would otherwise be declassified under para-
12 graph (1) or (2) may be postponed if an official
13 of the agency with original classification author-
14 ity over the information or category of informa-
15 tion, as the case may be, determines, before the
16 time of declassification for such information
17 otherwise provided for under paragraph (1) or
18 (2), as the case may be, that the information or
19 category of information, as the case may be,
20 should remain classified.

21 (B) PROCEDURE.—An official may not im-
22 plement a determination under subparagraph
23 (A) until the official obtains the concurrence of
24 the Director of the Office of National Classi-

1 fication and Declassification Oversight in the
2 determination.

3 (C) GENERAL DURATION OF POSTPONE-
4 MENT.—Except as provided in subparagraph
5 (D), information the declassification of which is
6 postponed under this paragraph may remain
7 classified not longer than 15 years after the
8 date of the postponement.

9 (D) EXTENDED DURATION OF POSTPONE-
10 MENT.—

11 (i) IN GENERAL.—Subject to clauses
12 (ii) and (iii), the declassification of any in-
13 formation that would otherwise be declas-
14 sified under subparagraph (C) or para-
15 graph (3) may be postponed if an official
16 of the agency with original classification
17 authority over the information determines
18 that extraordinary circumstances require
19 that the information remain classified.

20 (ii) PROCEDURES.—An official may
21 not implement a determination under
22 clause (i) until the official—

23 (I) obtains the concurrence of the
24 Director of the Office of National

1 Classification and Declassification
2 Oversight in the determination; and

3 (II) submits to the President a
4 certification of the determination.

5 (iii) REVIEW.—The President shall es-
6 tablish a schedule for the review of the
7 need for continued classification of any in-
8 formation the declassification of which is
9 postponed under this subparagraph. Such
10 information shall be declassified at the ear-
11 liest possible time after the termination of
12 the circumstances with respect to such in-
13 formation referred to in clause (i).

14 (E) CONCURRENCES.—A concurrence at
15 the direction of the Classification and Declassi-
16 fication Review Board on appeal under section
17 4(c)(2) and a concurrence at the direction of
18 the President on appeal under section 5(a) shall
19 be treated as a concurrence of the Director of
20 the Office of National Classification and De-
21 classification Oversight for purposes of subpara-
22 graphs (B) and (D)(ii)(I).

23 (5) APPROVAL REQUIRED FOR DECLASSIFICA-
24 TION OF INFORMATION.—Except as provided in this
25 Act, no information classified under this Act may be

1 declassified or released without the approval of the
2 agency that originally classified the information.

3 (6) SPECIFICATION OF DECLASSIFICATION
4 DATE OR EVENT.—Each agency official making a
5 decision to classify information under this subsection
6 shall specify upon such information the date or event
7 of its declassification.

8 (f) DECLASSIFICATION OF CURRENT CLASSIFIED IN-
9 FORMATION.—

10 (1) PROCEDURES.—The President shall estab-
11 lish procedures for declassifying information that
12 was classified before the effective date of this Act.
13 Such procedures shall, to the maximum extent prac-
14 ticable, be consistent with the provisions of this sec-
15 tion.

16 (2) AUTOMATIC DECLASSIFICATION.—The pro-
17 cedures established under paragraph (1) shall in-
18 clude procedures for the automatic declassification
19 of information referred to in that paragraph that
20 has remained classified for more than 25 years as of
21 the effective date referred to in that paragraph.

22 (3) NOTICE AND COMMENT.—

23 (A) NOTICE.—The President shall publish
24 notice in the Federal Register of the procedures

1 proposed to be established under this sub-
2 section.

3 (B) COMMENT.—The President shall pro-
4 vide an opportunity for interested persons to
5 submit comments on the procedures covered by
6 subparagraph (A).

7 (C) DEADLINE.—The President shall com-
8 plete the establishment of procedures under this
9 subsection not later than 60 days after publish-
10 ing notice in the Federal Register under sub-
11 paragraph (A). Upon completion of the estab-
12 lishment of such procedures, the President shall
13 publish in the Federal Register notice regarding
14 such procedures.

15 (g) CONFORMING AMENDMENT TO FOIA.—Section
16 552(b)(1) of title 5, United States Code, is amended to
17 read as follows:

18 “(1)(A) specifically authorized to be classified
19 under the Government Secrecy Reform Act of 1999
20 or specifically authorized under criteria established
21 by an Executive order to be kept secret in the inter-
22 est of national security and (B) are in fact properly
23 classified pursuant to that Act or Executive order;”.

1 **SEC. 3. OFFICE OF NATIONAL CLASSIFICATION AND DE-**
2 **CLASSIFICATION OVERSIGHT.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established within
5 the National Archives and Records Administration
6 an office to be known as the Office of National Clas-
7 sification and Declassification Oversight (in this sec-
8 tion referred to as the “Oversight Office”).

9 (2) PURPOSE.—The purpose of the Oversight
10 Office is to standardize the policies and procedures
11 used by agencies to assess information for initial
12 classification and to review information for declas-
13 sification.

14 (3) POLICY GUIDANCE.—On behalf of the Presi-
15 dent, the Assistant to the President for National Se-
16 curity Affairs shall provide policy guidance to the
17 Oversight Office.

18 (4) BUDGET.—

19 (A) CONSULTATION IN PREPARATION.—

20 The Archivist of the United States shall consult
21 with the Assistant to the President for National
22 Security Affairs and the Director of the Office
23 of Management and Budget in preparing the
24 annual budget request for the Oversight Office.

25 (B) PRESENTATION.—The annual budget
26 request for the Oversight Office shall appear as

1 a distinct item in the annual budget request of
2 the National Archives and Records Administra-
3 tion.

4 (b) DIRECTOR.—

5 (1) IN GENERAL.—There shall be a Director of
6 the Office of National Classification and Declassi-
7 fication Oversight who shall be appointed by the
8 President, by and with the advice and consent of the
9 Senate. The Director shall be the head of the Over-
10 sight Office.

11 (2) QUALIFICATIONS.—To the maximum extent
12 practicable, the President shall nominate for ap-
13 pointment as Director individuals who have experi-
14 ence in policy relating to classification and declas-
15 sification of information, records management, and
16 information technology.

17 (3) SUPERVISION.—The Director shall report
18 directly to the Archivist of the United States.

19 (4) EXECUTIVE SCHEDULE.—Section 5315 of
20 title 5, United States Code, is amended by adding
21 at the end the following:

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

24 (c) PERSONNEL AND RESOURCES.—

1 (1) TRANSFER.—All personnel, funds, and
2 other resources of the Information Security Over-
3 sight Office are hereby transferred to the Oversight
4 Office and shall constitute the personnel, funds, and
5 other resources of the Oversight Office.

6 (2) INTERIM DIRECTOR.—The Director of the
7 Information Security Oversight Office shall serve as
8 acting Director of the Oversight Office until a Direc-
9 tor of the Oversight Office is appointed under sub-
10 section (b)(1).

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

12 (1) coordinate and oversee the classification and
13 declassification policies and practices of agencies in
14 order to ensure the compliance of such policies and
15 procedures with the provisions of this Act;

16 (2) develop and issue directives, instructions,
17 and educational aids and forms to assist in the im-
18 plementation of the provisions of this Act;

19 (3) develop a program of research and develop-
20 ment of technologies to improve the efficiency of
21 classification and declassification processes under
22 this Act;

23 (4) determine whether or not information is
24 classified in violation of this Act and order that in-
25 formation determined to be classified in violation of

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

3 (5) determine whether an agency determination
4 to postpone the declassification of information under
5 section 2(e)(4) is consistent with the provisions of
6 this Act;

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

13 (7) oversee special access programs consistent
14 with its other duties under this section;

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.—

22 (1) IN GENERAL.—Subject to the control and
23 supervision of the President, each agency shall pro-
24 vide the Oversight Office such information and other
25 cooperation as the Director of the Oversight Office

1 considers appropriate to permit the Oversight Office
2 to carry out its duties.

3 (2) SPECIAL ACCESS PROGRAMS.—The head of
4 an agency with jurisdiction over special access pro-
5 grams may—

6 (A) limit access to such programs to not
7 more than the Director and one other employee
8 of the Oversight Office; and

9 (B) upon the concurrence of the President,
10 deny access by the Oversight Office to any such
11 program if the head of such agency determines
12 that such access would pose an exceptional risk
13 to national security.

14 (f) APPEALS FROM CERTAIN DECISIONS.—

15 (1) IN GENERAL.—An agency may appeal to
16 the Classification and Declassification Review Board
17 any declassification order or determination under
18 paragraph (4) or (5) of subsection (d).

19 (2) DEADLINE.—An agency may appeal an
20 order or determination under paragraph (1) only if
21 the agency submits the appeal to the Board not later
22 than 60 days after the date of the order or deter-
23 mination, as the case may be.

24 (g) PROTECTION OF INFORMATION.—The Director of
25 the Oversight Office shall take appropriate actions to pre-

1 vent disclosure to the public of classified information that
2 is provided to the Oversight Office. Such actions shall in-
3 clude a requirement that the staff of the Oversight Office
4 possess security clearances appropriate for the informa-
5 tion considered and reviewed by the Oversight Office.

6 (h) ANNUAL REPORT.—

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

12 (2) ELEMENTS.—Each report under paragraph
13 (1) shall—

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

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

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

24 (4) AVAILABILITY.—The Oversight Office shall
25 make available to the public the unclassified form of

1 each report under paragraph (1) on an Internet Web
2 site maintained by the Oversight Office.

3 **SEC. 4. CLASSIFICATION AND DECLASSIFICATION REVIEW**
4 **BOARD.**

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

9 (b) **MEMBERSHIP AND PROCEDURAL MATTERS.**—

10 (1) **IN GENERAL.**—The Board shall consist of
11 five members appointed by the President, by and
12 with the advice and consent of the Senate, of
13 whom—

14 (A) four shall be private citizens;

15 (B) two shall be officers or employees of
16 the Federal Government; and

17 (2) **QUALIFICATIONS.**—

18 (A) **PRIVATE CITIZENS.**—The members of
19 the Board who are private citizens shall be ap-
20 pointed from among individuals who are distin-
21 guished historians, political scientists, archi-
22 vists, and other social scientists or who other-
23 wise have demonstrated expertise in matters re-
24 lating to the national security of the United

1 States, records management, or government in-
2 formation policy.

3 (B) GOVERNMENT EMPLOYEES.—The
4 members of the Board who are officers or em-
5 ployees of the Federal Government shall be ap-
6 pointed from among such officers and employ-
7 ees who have demonstrated expertise in matters
8 referred to in subparagraph (A).

9 (C) CHANGE IN EMPLOYMENT.—Notwith-
10 standing any provision of paragraph (1), the
11 commencement or termination of service as an
12 officer or employee of the Federal Government
13 of an individual appointed as a member of the
14 Board under that paragraph before such com-
15 mencement or termination shall not affect the
16 continuation of such individual as a member of
17 the Board.

18 (3) NOMINATIONS.—

19 (A) CONSULTATION.—In nominating indi-
20 viduals for appointment to the Board, the
21 President shall consult with the Secretary of
22 Defense, Secretary of State, Attorney General,
23 Assistant to the President for National Security
24 Affairs, Director of Central Intelligence, Archi-

1 vist of the United States, and Director of the
2 Office of Management and Budget.

3 (B) LIMITATION.—The President may not
4 nominate for appointment to the Board any in-
5 dividual who has previously served as a member
6 of the Board.

7 (C) INITIAL NOMINATIONS.—The Presi-
8 dent shall make the first nominations of indi-
9 viduals for appointment to the Board not later
10 than 120 days after the effective date of this
11 Act.

12 (D) BIPARTISAN REPRESENTATION.—Of
13 the members of the Board appointed under
14 paragraph (1)(A), not more than two shall be
15 of the same political party.

16 (4) PRESIDING OFFICER.—The President shall
17 designate a member of the Board appointed under
18 paragraph (1)(A) to serve as the Presiding Officer
19 of the Board.

20 (5) TERM.—Members of the Board shall be ap-
21 pointed for a term of 4 years, except that of the
22 members first nominated for appointment to the
23 Board under paragraph (3)(C)—

1 (A) two shall be nominated for a 4-year
 2 term (including the member who shall be the
 3 Presiding Officer of the Board);

4 (B) two shall be nominated for a 3-year
 5 term; and

6 (C) two shall be nominated for a 2-year
 7 term.

8 (6) VACANCIES.—An individual appointed to fill
 9 a vacancy shall be appointed for the unexpired term
 10 of the member replaced.

11 (7) PROCEDURAL MATTERS.—

12 (A) QUORUM.—A majority of the members
 13 of the Board shall constitute a quorum, but a
 14 lesser number of members may hold hearings.

15 (B) RULES AND PROCEDURES.—

16 (i) REQUIREMENT.—The Board shall
 17 establish, and may from time to time mod-
 18 ify, such rules and procedures as the
 19 Board considers appropriate to carry out
 20 its duties. Such rules and procedures shall
 21 provide that a decision of the Board re-
 22 quires a vote of a majority of the members
 23 of the Board.

1 (ii) PUBLICATION.—The Board shall
2 publish its rules and procedures in the
3 Federal Register.

4 (iii) INITIAL RULES AND PROCE-
5 DURES.—The Board shall establish its ini-
6 tial rules and procedures not later than
7 90 days after the date of initial meeting
8 of the Board.

9 (c) POWERS AND DUTIES.—The Board shall—

10 (1) decide on appeals by agencies which chal-
11 lenge a declassification order of the Office of Na-
12 tional Classification and Declassification Oversight
13 under section 3(d)(4);

14 (2) decide on appeals by agencies which chal-
15 lenge a determination of that Office not to concur in
16 the postponement of the declassification of informa-
17 tion under section 3(d)(5); and

18 (3) decide on appeals by persons or entities who
19 have filed requests for mandatory declassification re-
20 view.

21 (d) PROTECTION OF INFORMATION.—The Board
22 shall take appropriate actions to prevent the disclosure to
23 the public of classified information that is provided to the
24 Board. Such actions shall include a requirement that the
25 members and staff of the Board possess security clear-

1 ances appropriate for the information considered and re-
2 viewed by the Board.

3 (e) PERSONNEL MATTERS.—

4 (1) COMPENSATION.—

5 (A) COMPENSATION.—Each member of the
6 Board who is a private citizen shall be com-
7 pensated at a rate equal to the daily equivalent
8 of the annual rate of basic pay prescribed for
9 level IV of the Executive Schedule under section
10 5315 of title 5, United States Code, for each
11 day (including travel time) during which such
12 member is engaged in the performance of the
13 duties of the Board.

14 (B) TRAVEL EXPENSES.—The members of
15 the Board shall be allowed travel expenses, in-
16 cluding per diem in lieu of subsistence, at rates
17 authorized for employees of agencies under sub-
18 chapter I of chapter 57 of title 5, United States
19 Code, while away from their homes or regular
20 places of business in the performance of serv-
21 ices for the Board.

22 (2) STAFF.—The Presiding Officer of the
23 Board may, with the concurrence of the Board, ap-
24 point such staff, including an executive secretary, as
25 the Board requires to carry out its duties.

1 (3) DETAIL OF GOVERNMENT EMPLOYEES.—

2 Any Federal Government employee may be detailed
3 to the Board without reimbursement, and such de-
4 tail shall be without interruption or loss of civil serv-
5 ice status or privilege.

6 **SEC. 5. APPEAL OF DETERMINATIONS OF CLASSIFICATION**
7 **AND DECLASSIFICATION REVIEW BOARD.**

8 (a) APPEAL.—Subject to subsection (c), any agency
9 may appeal to the President a decision or other action of
10 the Classification and Declassification Review Board
11 under section 4(c).

12 (b) DEADLINE.—An agency may appeal a decision or
13 other action under subsection (a) only if the agency sub-
14 mits the appeal to the President not later than 60 days
15 after the date of the decision or other action concerned.

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

18 **SEC. 6. PROHIBITIONS.**

19 (a) WITHHOLDING INFORMATION FROM CON-
20 GRESS.—Nothing in this Act shall be construed to author-
21 ize the withholding of information from Congress.

22 (b) JUDICIAL REVIEW.—Except in the case of the
23 amendment to section 552 of title 5, United States Code,
24 made by section 2(g), no person may seek or obtain judi-

1 cial review of any provision of this Act or any action taken
2 under a provision of this Act.

3 **SEC. 7. DEFINITIONS.**

4 In this Act:

5 (1) The term “agency” means any executive
6 agency as defined in section 105 of title 5, United
7 States Code, any military department as defined in
8 section 102 of such title, and any other entity in the
9 Executive Branch of the Government that comes
10 into the possession of classified information.

11 (2) The terms “classify”, “classified”, and
12 “classification” refer to the process by which infor-
13 mation is determined to require protection from un-
14 authorized disclosure pursuant to this Act in order
15 to protect the national security of the United States.

16 (3) The terms “declassify”, “declassified”, and
17 “declassification” refer to the process by which in-
18 formation that has been classified is determined to
19 no longer require protection from unauthorized dis-
20 closure pursuant to this Act.

21 **SEC. 8. EFFECTIVE DATE.**

22 This Act and the amendment made by section 2(g)
23 shall take effect 180 days after the date of the enactment
24 of this Act.

○