

# SENATORS INTRODUCE BIPARTISAN LEGISLATION TO REFORM THE SECURITY CLASSIFICATION SYSTEM

The *Classification Reform Act of 2023* will undertake significant reforms to the classification process. Among other steps, it will establish a new system of governance and accountability for the security classification system. It also provides that information may only be or remain classified where the harm to national security reasonably expected from disclosure outweighs the public interest. This legislation:

- **Establishes a new system of governance and accountability** for the security classification system, including by designating the DNI as the Executive Agent for Classification and Declassification with responsibility to lead whole-of-government reform of the classification system;
- **Ensures that information may only be or remain classified** where the harm to national security reasonably expected from disclosure outweighs the public interest;
- **Enforces a maximum 25-year period for classification**, allowing only agency heads or the President to extend classification protections beyond that duration;
- **Creates financial incentives** that effectively “tax” agencies based on how many classified records they generate and use the proceeds to advance technical solutions for declassification;
- **Mandates minimum standards** for executive branch insider threat programs, so that trusted insiders cannot walk undetected out of government buildings with our most closely guarded secrets;
- And **requires security review of presidential and vice presidential records** to ensure that records bearing classification markings are not improperly categorized as personal records and removed from secure facilities.

The *Sensible Classification Act of 2023* will codify classification authority, streamline the processes for declassification, direct training focused on sensible classification, invest in new technology to modernize the classification system, and direct a review regarding the necessity of existing security clearances to identify potential areas for additional reforms. This legislation:

- **Codifies classification authority** as the President, Vice President, head of an agency, or the individual to whom such authority has been delegated in line with current practice pursuant to Executive Order 13526 and specifies how the authority is delegated and the training required to receive it;
- **Promotes efficient declassification** for records under the Freedom of Information Act or Mandatory Declassification Review;
- **Requires training to promote sensible classification;**
- **Improves the Public Interest Declassification Board (PIDB)** by allowing for additional staff to be hired and allowing members to serve until a successor is appointed;
- **Directs the federal government to develop a federated and integrated technology solution** to the issue of classification and declassification;
- And **directs federal agencies to conduct a study on the necessity of number** and types of security clearances with sufficient justification.