



H.R. 4806 – Reducing Over-Classification Act of 2007

FLOOR SITUATION

H.R. 4806 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Jane Harman (D-CA) on December 18, 2007. The House Committee on Homeland Security ordered the bill to be reported by voice vote, as amended, on July 24, 2008.

H.R. 4806 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

Over-classification Procedures: H.R. 4806 amends the Homeland Security Act of 2002 to create an Over-Classification Prevention Program. This bill directs the Secretary of Homeland Security to develop policies and programs to prevent the over-classification of homeland security, terrorism, and WMD information that must be disseminated to prevent and respond to acts of terrorism. These policies and programs must protect the information privacy rights and legal rights of U.S. persons according to current law.

Auditing Mechanism: This bill requires the DHS Inspector General to maintain an auditing mechanism to assess whether these policies are being complied with and to recommend improvements to the system. The DHS IG must report annually to Congress on its findings. The Secretary must additionally institute a series of penalties for employees and contractors who repeatedly fail to comply with the over-classification prevention procedures.

Classification Tracking: H.R. 4806 directs the DHS Secretary to develop a program in which the classification activities of DHS employees and contractors with classification authority can be monitored to ensure compliance with the aforementioned regulations. The Secretary must also train and educate Department employees and contractors about proper classification procedures and the consequences of over-classification.

Detailee Program: The Secretary shall implement a DHS detailee program to detail personnel to the National Archives and Records Administration for one year, for the purpose of training and providing educational benefit for the assigned personnel so that they may better understand the policies, procedures and laws governing original classification authorities, as well as to bolster the ability of the National Archives and Records Administration to conduct its oversight authorities over the Department of Homeland Security. This program will sunset on December 31, 2012.

BACKGROUND

Among its recommendations in response to the attacks of September 11, 2001, the 9/11 Commission found a need to eliminate the over-classification of intelligence information by the Federal Government. The Commissioners found in their report that pseudo- and over-classification may interfere with the sharing of critical intelligence information between the Federal government and State, local, and tribal partners regarding homeland security efforts.

According to the Information Security Oversight Office at the National Archives, the number of new classification actions almost doubled from eight million in 2001 to 14 million in 2005. During this same period, the quantity of declassified pages dropped from 100 million in 2001 to 29 million in 2005. Some agencies were found to be withdrawing archived records from public access and reclassifying them.



COST

The Congressional Budget Office (CBO) estimates that the cost of implementing H.R. 4806 “would be less than \$500,000 a year, assuming the availability of appropriated funds.”

[Full CBO Cost Estimate](#)

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.