

HR 4806

Reducing Over-Classification Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Dec 18, 2007

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Jul 31, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/4806>

Sponsor

Name: Rep. Harman, Jane [D-CA-36]

Party: Democratic • State: CA • Chamber: House

Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Dec 18, 2007
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Dec 18, 2007
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Dec 18, 2007
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Dec 18, 2007
Rep. Dicks, Norman D. [D-WA-6]	D · WA		Dec 18, 2007
Rep. Etheridge, Bob [D-NC-2]	D · NC		Dec 18, 2007
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Dec 18, 2007
Rep. Langevin, James R. [D-RI-2]	D · RI		Dec 18, 2007
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Dec 18, 2007
Rep. Lowey, Nita M. [D-NY-18]	D · NY		Dec 18, 2007
Rep. Markey, Edward J. [D-MA-7]	D · MA		Dec 18, 2007
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Dec 18, 2007
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Dec 18, 2007

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Aug 1, 2008
Homeland Security Committee	House	Reported by	Jun 11, 2008

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
110 HR 6193	Related bill	<b>Jul 31, 2008:</b> Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Reducing Over-Classification Act of 2008 - (Sec. 3) Amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and administer policies, procedures, and programs (policies) within the Department of Homeland Security (DHS) to prevent the over-classification of homeland security, terrorism, weapons of mass destruction, and other information within the scope of the information sharing environment established under the Intelligence Reform and Terrorism Prevention Act of 2004 that must be disseminated to prevent and collectively respond to acts of terrorism.

Requires the Secretary to coordinate with the Archivist of the United States and consult with representatives of state, local, tribal, and territorial government and law enforcement, organizations with expertise in civil rights, civil liberties, and government oversight, and the private sector to develop such policies.

Directs the Secretary to: (1) create standard classified and unclassified formats for finished DHS intelligence products; (2) require that all such products be simultaneously prepared in the standard unclassified format, provided that such unclassified product would reasonably be expected to be of benefit to a state, local, tribal or territorial government, law enforcement agency or other emergency response provider, or the private sector, based on input provided by the Interagency Threat Assessment and Coordination Group Detail; (3) ensure that such policies protect the national security as well as the information privacy and legal rights of U.S. persons; (4) establish an ongoing auditing mechanism that randomly selects classified information from each DHS component to assess whether applicable classification regulations have been followed, describe any problems with their administration, and recommend improvements in awareness and training to address the problems identified; (5) establish a process whereby employees may challenge original classification decisions and be rewarded for successful challenges resulting in the removal or downgrading of classification markings; (6) inform employees and contractors that failure to comply could subject them to a series of penalties; and (7) institute such penalties.

(Sec. 4) Requires the Secretary to: (1) assess technologies by which an electronic identifying marker can be assigned to each DHS employee and contractor with original classification authority to track which documents have been classified by a particular employee or contractor, determine the circumstances when such documents have been shared, identify and address over-classification problems, and assess the information sharing impact of any such problems or misuse; (2) develop an implementation plan for a DHS standard for such technology; and (3) provide a copy of the implementation plan to the House and Senate homeland security committees.

Directs the Secretary, in coordination with the Archivist, to: (1) require annual training for each DHS employee and contractor with classification authority or those responsible for analyzing, producing, or communicating written classified information; and (2) ensure that such program is conducted efficiently in conjunction with any other security, intelligence, or other training programs required by DHS to reduce the costs and administrative burdens associated with the additional training required.

Requires the Secretary to: (1) implement a program to detail DHS personnel to the National Archives and Records Administration (NARA) for one year for purposes of training and educating DHS personnel to better understand classification authorities, bolstering NARA's ability to conduct oversight, and ensuring that the policies and procedures established by the Secretary remain consistent with those established by the Archivist; (2) ensure that the program includes at least one individual for each DHS office with delegated original classification authority; and (3) report to Congress, in coordination with the Archivist, on the advisability of expanding the program on a government-wide basis and on the administrative and monetary costs of full compliance. Terminates the program on December 31, 2012.

## Actions Timeline

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- **Jul 31, 2008:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jul 30, 2008:** Considered as unfinished business. (consideration: CR H7596)
- **Jul 30, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR 7/29/2008 H7183-7184)
- **Jul 30, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR 7/29/2008 H7183-7184)
- **Jul 30, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 29, 2008:** Ms. Harman moved to suspend the rules and pass the bill, as amended.
- **Jul 29, 2008:** Considered under suspension of the rules. (consideration: CR H7183-7186)
- **Jul 29, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4806.
- **Jul 29, 2008:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Bilirakis objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.
- **Jul 24, 2008:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 110-776.
- **Jul 24, 2008:** Placed on the Union Calendar, Calendar No. 495.
- **Jun 26, 2008:** Committee Consideration and Mark-up Session Held.
- **Jun 26, 2008:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 11, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 11, 2008:** Forwarded by Subcommittee to Full Committee (Amended) by Unanimous Consent .
- **Jan 31, 2008:** Referred to the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.
- **Dec 18, 2007:** Introduced in House
- **Dec 18, 2007:** Sponsor introductory remarks on measure. (CR E2611)
- **Dec 18, 2007:** Referred to the House Committee on Homeland Security.