

HR 553

Reducing Over-Classification Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jan 15, 2009

Current Status: Became Public Law No: 111-258.

Latest Action: Became Public Law No: 111-258. (Oct 7, 2010)

Law: 111-258 (Enacted Oct 7, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/553>

Sponsor

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

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	May 27, 2010
Homeland Security Committee	House	Referred To	Jan 15, 2009

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

(This measure has not been amended since it was passed by the Senate on September 27, 2010. The summary of that version is repeated here.)

Reducing Over-Classification Act - (Sec. 4) Amends the Homeland Security Act of 2002 (HSA) to direct the Secretary of Homeland Security (DHS) to designate a Classified Information Advisory Officer to develop and disseminate educational materials and to develop and administer training programs to assist state, local, and tribal governments (including law enforcement agencies) and private sector entities: (1) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances; (2) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and (3) on the means by which such personnel may apply for security clearances. Directs such Officer to inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel.

(Sec. 5) Amends the National Security Act of 1947 to require the Director of National Intelligence to establish: (1) guidance to standardize formats for classified and unclassified intelligence products for purposes of promoting the sharing of such products; and (2) policies and procedures requiring the increased use, including portion markings, of the classification of portions of information within one intelligence product.

Amends HSA to: (1) include among the responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection, to integrate relevant information, analysis, and vulnerability assessments in order to prepare finished intelligence and information products in both classified and unclassified formats whenever reasonably expected to be of benefit to a state, local, or tribal government or a private sector entity; and (2) require the state, local, and tribal homeland security and law enforcement officers and intelligence analysts assigned by the Interagency Threat Assessment and Coordination Group (ITACG) Detail to work in the National Counterterrorism Center to make recommendations to the Secretary for the further dissemination of intelligence products that could likely inform or improve the security of such a government or entity.

Requires the Secretary, in coordination with the Director of the National Counterterrorism Center and the ITACG Advisory Council, to: (1) compile an annual assessment of ITACG Detail's performance, including summaries of customer feedback, in preparing, disseminating, and requesting the dissemination of intelligence products intended for state, local, and tribal government and private sector entities; (2) provide such assessment to the program manager for the information sharing environment for use in the annual report on ITACG progress. Requires such report to include an assessment of whether the ITACG detailees have appropriate access to all relevant information as required.

(Sec. 6) Permits the President or the head of an agency with an officer or employee who is authorized to make original or derivative classification decisions, in making certain cash incentive awards, to consider such officer's or employee's consistent and proper classification of information. Requires the inspector general of each such agency, in consultation with the Information Security Oversight Office, to carry out at least two evaluations of that agency or components thereof to: (1) assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered; and (2) identify policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material. Requires each first evaluation to be completed by September 30, 2013, and each second evaluation to be completed by September 30, 2016. Requires each inspector general to: (1) submit a report on each such evaluation to specified congressional committees, the agency head, and the Director of the

Information Security Oversight Office; and (2) coordinate with other inspectors general and with the Information Security Oversight Office to ensure that evaluations follow a consistent methodology that allows for cross-agency comparisons.

(Sec. 7) Directs the head of each executive agency, in accordance with Executive Order 13526, to require: (1) annual training for each employee who has original classification authority; and (2) training at least every two years for employees who perform derivative classification or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information. Requires such training to: (1) educate the employee regarding the guidance established under the National Security Act of 1947 regarding the formatting of finished intelligence products, the proper use of classification markings, and incentives and penalties related to the proper classification of intelligence information; and (2) serve as a prerequisite for obtaining and maintaining original classification authority or derivatively classifying information. Directs each agency head to ensure that the training is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the associated costs and administrative burdens.

Actions Timeline

- **Oct 7, 2010:** Signed by President.
- **Oct 7, 2010:** Became Public Law No: 111-258.
- **Sep 30, 2010:** Presented to President.
- **Sep 28, 2010:** Message on Senate action sent to the House.
- **Sep 28, 2010:** Ms. Harman moved that the House suspend the rules and agree to the Senate amendment. (consideration: CR H7075-7077)
- **Sep 28, 2010:** DEBATE - The House proceeded with forty minutes of debate on the motion to suspend the rules and agree to the Senate amendment to H.R. 553.
- **Sep 28, 2010:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.(text as House agreed to Senate amendment: CR H7075-7076)
- **Sep 28, 2010:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. (text as House agreed to Senate amendment: CR H7075-7076)
- **Sep 28, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 28, 2010:** Cleared for White House.
- **Sep 27, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S7554-7556; text of measure as reported in Senate: CR S7554-7556)
- **Sep 27, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 27, 2010:** Passed Senate with an amendment by Unanimous Consent.
- **May 27, 2010:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with an amendment in the nature of a substitute. With written report No. 111-200.
- **May 27, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 413.
- **Nov 4, 2009:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 4, 2009:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Feb 3, 2009:** Mr. Thompson (MS) moved to suspend the rules and pass the bill.
- **Feb 3, 2009:** Considered under suspension of the rules. (consideration: CR H893-898)
- **Feb 3, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 553.
- **Feb 3, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H893-894)
- **Feb 3, 2009:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H893-894)
- **Feb 3, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 15, 2009:** Introduced in House
- **Jan 15, 2009:** Sponsor introductory remarks on measure. (CR E100)
- **Jan 15, 2009:** Referred to the House Committee on Homeland Security.