

United States Senate Committee on Homeland Security and Government Affairs  
Hearing on Modernizing the Government's Classification System

Statement for the Record

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Thank you, Chairman Peters, Ranking Member Paul, and members of the Committee, for the opportunity to discuss potential changes needed to modernize and improve the effectiveness of the U.S. Government's classification and declassification system, and in particular the roles performed by the National Archives and Records Administration (NARA), and its components the Information Security Oversight Office (ISOO) and the National Declassification Center (NDC).

I served in the U.S. government for thirty-five years, all of it in national security and intelligence, retiring in 2019. My service included leadership positions at the Central Intelligence Agency, the National Reconnaissance Office, the Office of the Director of National Intelligence (ODNI), ISOO, and the National Security Council (NSC) staffs of the Obama and Trump administrations. The last dozen or so years, at ODNI, ISOO, and the NSC were concerned with the security and classification policies of the U.S. Government, the implementation of those policies in Departments and Agencies, and efforts to continuously improve government performance in this area. My testimony today represents my personal views as informed by that experience, and not that of any employer or industry group with which I have engaged after retiring.

There is no shortage of opportunity for change and improvement in the government's classification enterprise. I wish to make clear that I believe the possibility for change and improvement of the classification system is real, and I emphasize how Congressional action, and specifically this committee's role, is urgently needed to send the demand signal for that change.

I draw an analogy to the role the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 played in instigating improvements to the security clearance process across government.

That law, and this committee's role in overseeing its implementation, presented a clear mandate for change. It required the President to designate a single official as responsible for driving that change and established strict performance measures and reporting timelines. I played a role in designing the approach and implementing the structure put in place to respond to those IRTPA requirements and witnessed the necessity of having both the Congressional mandate and the single Presidential designee to drive change.

Any successful effort to modernize the classification system will require the concerted efforts of top administration functions and key policy and operational entities to formulate and drive change. The Office of Management and Budget's (OMB) role not only in budgeting broadly, but in shaping the information technology investment and development priorities of all departments and agencies, will be critical. The NSC's mission to convene departments and agencies to identify policy changes and implementation paths while aligning with the U.S. national security interests, is necessary to obtain buy-in from departments and agencies that comprise the government's classification enterprise. Working together, OMB and NSC focus and drive will be required to sustain collective efforts among departments and agencies to implement the changes directed. For these reasons, I consider it essential that any legislative mandate should require a single, responsible official be designated by the President as accountable for the government-wide effort. Without top of government accountability, prospects for progress are few.

Another essential element of reform is to fortify ISOO, whose policy and oversight functions are elevated and made central to this effort. While ISOO has a rich history of steering policy and oversight in this area, strengthening its position is key to meeting the challenge of significant reform. Specifically, deliberate efforts are required to:

- Increase ISOO's prominence within and among the National Security Departments and Agencies, specifically deriving this through active sponsorship from, and utilization by, NSC & OMB, and, if adopted, the single official designated to drive the classification reform.
- Increase ISOO's own resources and ensure it has independent control of same. In the competition for scarce resources across the executive branch and within NARA, ISOO's resources have dwindled over time, and a reform effort such as this should include

rightsizing and empowering ISOO and its Director to a level that can ensure it is able to meet its missions.

- Retaining ISOO's roles in administering both the Public Interest Declassification Board (PIDB) and Interagency Security Classification Appeals Panel (ISCAP). ISOO's independent perspective on classification across government complements the PIDB's statutory role. The same independence, as well as its staff expertise, makes the ISCAP a fair and neutral arbiter in carrying out its reviews.
- Designating the ISOO Director to Co-lead the development of a technology investment strategy with OMB and the Office of the Federal Chief Information Officer (CIO). ISOO's subject matter expertise and ties to the classification/declassification organizations in departments and agencies are a necessary complement to OMB and the Federal CIO guidance of information technology investment and implementation government wide.

As the Committee is aware, the expanse of information that has been classified, that remains classified, and that will be classified going forward, is practically immeasurable. The crisis of overclassification stems from decisions to classify information that need not be classified; to classify it at levels higher than it deserves; and to retain it as classified longer than the risk of potential harm reasonably requires. Critical contributors to this state are the expansion of classified information in the post-9/11 age; the explosion in classified networks, which both facilitate critical information sharing, and enable classified document creation at an ever increasing scale; the policies for declassification that give deference to departments' and agencies' often risk-averse preference to extend classification reflexively, so as not to consider the actual management of risk, nor acknowledge that sensitivity wanes over time; and, finally, the decades-long under resourcing of the staffs and programs in place at departments and agencies whose jobs are to consider classification and declassification actions, but who are overwhelmed both by seas of paper that must be handled manually and serially, and vast oceans of digital records for which there are no tools to automatically sift, sort, and decide what to classify.

I believe that the need to invest in technology to support improved classification and declassification is the single most important piece of this modernization effort. Any effort that only seeks to revise policy, to heighten the importance of public interest, or to otherwise

prioritize the work among agencies or the NDC, all worthy of focus and attention, will still depend upon the manual, serial, paper-oriented capabilities that limit the systems' abilities today.

My emphasis on a statutorily-directed and administration-led reform effort relies entirely on the need to create capabilities in the existing and future information environments across government that utilize emerging and maturing technologies, such as artificial intelligence and machine learning, to facilitate the review of classified current holdings, to engage classification decisions at the time of document creation with the intent of thwarting overclassification, and to suggest new ways to process digital records in the aggregate and alleviate future backlogs before they are built. Investment will also be needed to give access to classified information environments where they do not currently exist. The truth of the matter is that some declassification review offices lack classified network access, further confining them to a paper-only, manual review process.

I do not portray these observations about the poverties of the current system nor the criticality of technological investment as new, but as key components of the imperative for change. As the committee is no doubt aware, the Public Interest Declassification Board has articulated these needs along with specific focus areas in its reports over the last decade. Its May 2020 report *A Vision for a Digital Age: Modernization of the U.S. National Security Classification and Declassification System*, presents a menu of opportunities to achieve strategic change. A prominent and fortified governance structure could use these ideas to guide the application of new technological capabilities not only toward the goal of reducing the vast backlog of classified information, but at critical topics in the public interest that merit release to inform public policy and the public's understanding of how the government works.

I will close by thanking the committee for its efforts to bring attention and drive action to these needed reforms. I welcome your questions and am grateful for the opportunity to contribute ideas as you formulate the way ahead.