Senate Select Committee on Intelligence
Hearing on Proposed Declassification Reform
Wednesday, September 9, 2020
Location: Senate Dirksen Room G-50 and via WEBEX
3:00 PM - 4:30 PM

Congressman John F. Tierney Remarks
Member of the Public Interest Declassification Board

Good afternoon Acting Chairman Rubio, Vice Chairman Warner, and members of the Committee. Thank you for the invitation to testify on the important but usually neglected issue of modernizing the Government's national security classification and declassification system. I would also like to thank the Committee staff for their assistance making it possible for me to appear before the Committee by video. I am speaking to you today as a member of the Public Interest Declassification Board, the "PIDB," and my remarks reflect the views of our members. Our staff previously provided a more detailed prepared statement to the Committee staff.

Congress recognized the critical importance of declassification in our democracy and in our nation's security when it created the PIDB in 2000. It recognized the role the PIDB can and should play in improving the health of our national security classification and declassification system by making recommendations for reform.

We are gratified for Senators Moran and Wyden cosponsoring and introducing "The Declassification Reform Act of 2020." This proposed legislation includes many recommendations from our recent report to the President, *A Vision for the Digital Age: Modernization of the U.S. Classification and Declassification System.*

We are also grateful for the Congress passing and the President signing legislation last year permanently authorizing the PIDB and look forward to continuing our advocacy on the imperative to modernize today's antiquated classification and declassification system.

We have written five reports to the President over the past 12 years. Each report documented challenges facing the government and recommended new policies to address them. Modernization of the classification and declassification system is an imperative. It is a necessity for our national security and our democracy to operate effectively in the digital age.

Since issuing our first report in 2008, the government has made little progress. It has not invested nor integrated information technology into classification and declassification processes. We purposefully designed our most recent report to serve as a road map for the government to overcome collective and individual agency inaction, to harness uncoordinated efforts by a few individual agencies, and integrate them into a government-wide solution.

We stressed the critical importance of sustained leadership in driving change by having a senior-level Executive Agent oversee implementation of reforms. We felt an integrated federated systems approach would ensure interoperability, allow for effective use of advanced technologies, and lead to solutions for declassifying large volumes of digital data.

Our recommendations align with the administration's Information Technology modernization and Artificial Intelligence strategies, and its efforts to integrate IT across agencies to improve performance and reduce costs. They align with the DNI's 2019 National Intelligence Strategy "to do things differently," and the National Solarium's recommendation to "reform the U.S. Government's structure and operations for cyberspace."

There is widespread agreement that the declassification system is at a breaking point. It simply cannot effectively handle the volume of digital data

generated each day. It cannot handle the volume of records requiring declassification review. Declassification processes remain much the same from when they were first developed in the Truman administration in an era when secrets were created on paper and secured in safes. Without reform, it will be far worse in the future.

 I will share one example. In 2012, we learned that <u>one</u> intelligence agency estimated it created approximately 1 petabyte of classified data every 18 months. That is equivalent to approximately 1 trillion pieces of paper. This agency estimated that, using current manual declassification review processes, it would take two million employees one year to review this volume of information. That was *one* *agency 8 years ago*. The problem has undoubtedly grown exponentially since 2012.

Just as the declassification system is about to collapse, over-classification is getting worse and harming current government national security operations. Recently, LTG James Dickinson, the President's nominee to lead the U.S. Space Command, testified before the Senate Armed Services Committee that over-classification was "making it more difficult for us to support the warfighter." In this example, over-classification not only affects operations and missions. But it can lead to costly duplication of space systems, limit innovation, diminish private sector support and reduce development of new technologies on projects that could aid U.S. space dominance.

Agencies must re-evaluate the needs of their customers to maximize their support. For example, the National Geospatial-Intelligence Agency (NGA) created a Consolidated Security Classification Guide, called "CoNGA." It is integrated into NGA work processes, uses advanced technology to automate classification decisions, and ensures decisions align with mission and customer needs.

Policy modernization, interagency integration, and technology use are critical to the security of our nation. Technologies such as artificial intelligence and Machine Learning are revolutionizing operations. Specific tools and

technology solutions exist at agencies now. They can and must be used to revolutionize the management of classified data.

Agency programs currently operate independently in a silo. They are duplicative and only focus on identifying and reviewing their equity information. Many lack the ability to communicate securely with each other, including the National Declassification Center. This leads to added costs and reduced efficiency as agencies duplicate processes.

We recommend an Executive Agent to oversee declassification reform and integrate it into a federated system. First, the EA has the authority to oversee implementation of new policies and processes across agencies, including developing precise declassification guidance and metadata standards that can be used across agencies. The EA has authority to direct and organize research into advanced technology solutions, ensure its interoperability across the federated enterprise system, and coordinate technology acquisition.

We believe the ODNI is strategically empowered to take on the coordination role as Executive Agent. ODNI has the experience. It overcame bureaucratic roadblocks and integrated the 17 organizations that comprise the IC.

ODNI is a proven leader in developing, implementing, and managing technological solutions and acquisitions to support missions and operations across agencies. It led the development and deployment of the Intelligence Community Information Technology Enterprise (ICITE) and manages the Joint Worldwide Intelligence Communications System.

ODNI is a leader in overseeing and managing research in advanced information technology, artificial intelligence, and other machine-learning technologies. It can leverage expertise of the Intelligence Advanced Research Projects Agency, National Security Agency, Central Intelligence Agency, other IC agencies, and In-Q-Tel and other private sector partners.

Lastly, the DNI has the stature to bring about change. The 2019 National Intelligence Strategy recognized the DNI's leadership role in getting the government "to do things differently" by "increasing integration and coordination," "bolstering innovation," and "increasing transparency."

We felt the ODNI was the clear choice to serve as the Executive Agent. ODNI's leadership in establishing a common IT architecture can also provide opportunities to gain efficiencies, better support missions, and increase cost savings by expanding the common IT infrastructure, processes, and data strategy already in place to improve classification and declassification.

We are at the precipice. The declassification system can no longer keep pace with the volume of paper records created 25 years ago and the exponential growth of digital data will cause it to collapse without radical change. The impact of a failure to reform the declassification and classification system will be felt widely - on our democracy and on our national security.

We have authored five reports offering recommendations and possible solutions to this challenge. However, they have yet not led to a coordinated government effort to radically rethink what classification and declassification mean in the digital age, how it impacts our national security and how it impacts our democracy.

Our Board remains hopeful that change is coming.

The President signed Senate Bill 1790 last year. It required the Department of Defense to report to the Congress on its plan to integrate advanced technologies into declassification processes and what it is doing to reduce declassification backlogs.

There is also unanimity among all stakeholders that this system will not work in the digital age. I appreciate the ODNI representative's statement that the system is outdated. Recognizing that there is a problem is a step forward.

We support Senator Moran's and Senator Wyden's recently proposed legislation to modernize declassification. And we are grateful for this committee to host a hearing on this issue. They are also important step forward.

These are important steps that will lead to reform. The government is already modernizing information technology policies and practices. It is reforming acquisition policies and practices for efficiency and reduced costs. It is integrating the use of advanced technology across agencies to address mission imperatives.

Adopting the recommendations in our *Vision* report – either within the Executive branch or through legislation – are the next steps. Appointing the DNI as the Executive Agent will bring needed experience and expertise. It will facilitate development of a federated systems approach across agencies. It will facilitate the integration of advanced information technology into new classification and declassification processes.

Let me express my appreciation to the Committee for addressing this esoteric yet critically important topic. Modernizing the classification and declassification system <u>is</u> important for our 21st century national security and it <u>is</u> important for transparency and our democracy.

The time for action is now. The government must move beyond saying, "it is too costly" or saying, "some other agency should be responsible." Instead, the roadmap in our report offers opportunities for reform. It offers possible solutions the government to engage with stakeholders to truly address this challenge, identify solutions, and implement them.

Thank you for your interest and your support. I look forward to answering your questions and continuing this discussion.