

United States Senate

WASHINGTON, DC 20510

October 4, 2021

The Honorable Avril D. Haines
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Haines,

We write to urge you to take urgent and meaningful action to reform the country's declassification system. The failures of the current obsolete system have been extensively documented, in reports from the Information Security Oversight Office (ISOO) of the National Archives and the Public Interest Declassification Board, as well as in public testimony. During a September 9, 2020, hearing of the Senate Select Committee on Intelligence, the Office of the Director of National Intelligence's (ODNI) Acting Director of the Information Management Office testified that the volume of information requiring declassification review was "growing exponentially" and constituted a "flood of information production" that demanded "significant change" to the declassification system, in particular investments in information technology.

During your confirmation process, you stated that, "currently policies, practices, and technologies cannot keep pace with the amount of classified information generated each year." You further indicated that you believed the DNI "should support the strategic investment of resources in developing and implementing technologies that help reduce the challenges associated with the increasingly large amounts of classified information generated each year."

In light of this commitment and the consensus regarding the seriousness of the problem, we ask that you state, in an unclassified letter, how the ODNI is taking a leadership position in advancing the reforms and supporting the investments needed to build a modern and effective declassification system.

We also ask that your unclassified letter address two related issues, both highlighted in the ISOO's 2020 Report to the President issued on June 24, 2021. The first is the opportunity to develop lessons learned from the Intelligence Community's experience in declassifying information during the COVID pandemic. According to the ISOO report, "teleworking employees at some

national security agencies have consciously decided to keep their work products unclassified.” Some employees also “developed unclassified substitutions for classified products.” One agency “comprehensively reviewed all of its classified training products and created new unclassified substitutions for 41% of those products.” We ask that you conduct a review of this experience and report on how it can be used to develop sustained policies to reduce unnecessary classification.

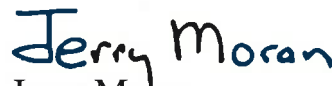
The second issue is the ISOO’s call for reforms to the two executive orders (EO) that govern classified information: EO 13526 and EO 12829. As the ISOO noted, the executive orders should be modernized to address automatic declassification processes and requirements, the declassification of historically significant records, improvements to classification challenges, and other reforms. While changes to executive orders are led by the National Security Council (NSC), the interagency process would include a significant role for the Director of National Intelligence. We therefore ask that you coordinate with the NSC and report on progress on this long-overdue effort.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Jerry Moran
United States Senator

CC: Mark A. Bradley
Director
Information Security Oversight Office