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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Oversight and Government Reform H.R. 6576, the “Reducing Information Control Designations Act” July 23, 2008

Ranking Member Davis and I have introduced H.R. 6576, the Reducing Information Control Designations Act, to address the over 100, and growing, information control designations used by the federal government. Fewer classifications and fewer secrets would better protect national security by focusing safeguards on truly sensitive information while allowing far wider dissemination of facts and analysis.

Investigations by this Committee have found that there has been a proliferation of pseudo-classification designations such as “sensitive but unclassified” or “for official use only.” These often vague and undefined markings can be used to prevent or delay information sharing with interested stakeholders or the public release of that information.

New categories of information control designations are being created by agencies yet these designations lack a statutory basis, and there is no federal entity monitoring their use.

In May, the White House issued a Memorandum on “Designation and Sharing of Controlled Unclassified Information (CUI),” establishing new rules governing the designation and sharing of CUI. By creating a single designation and consistent procedures, the memo attempts to resolve the growing problem of multiple pseudo-classifications.

However, that memo only requires these consistent procedures for “terrorism-related information” and only for information used in the Information Sharing Environment (ISE), a framework established in the Intelligence Reform and Terrorism Prevention Act of 2004.

This bill is broader because it addresses all types of information uses across all of the government. In addition, while the memo had the goal of limiting multiple designations, this bill seeks to go farther by reducing the total number of designations used on government information.

Specifically, this bill calls on the Archivist to promulgate regulations to reduce and minimize the use of information control designations and maximize public access to information.

In addition, the bill allows employees to challenge designations, has agency inspector generals to randomly audit information with information control designations to assess their proper use, and requires personal identifiers to be placed on information with an information designation control. This bill also clarifies that information control designations cannot be considered in a FOIA determination, and includes needed employee training.

With few days left on the legislative calendar, we determined that this important bill should go straight to full Committee markup. Although this Committee did not hold a hearing on this specific bill, it has held numerous hearings on this issue. In addition, much of this bill was addressed in the Committee's actions both at the hearing and markup of H.R. 984, which, among other provisions, banned the use of pseudo-classifications and called on the Archivist to promulgate regulations on this issue.