



H.R. 6576 – Reducing Information Control Designations Act

FLOOR SITUATION

H.R. 6576 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Henry Waxman (D-CA) on July 23, 2008. The House Committee on Oversight and Government Reform ordered the bill to be reported, as amended, by voice vote on July 23, 2008.

H.R. 6576 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

H.R. 6576 directs Federal agencies to limit their use of "information control designations" on information that is unclassified. This bill addresses all types of information uses across the Federal government.

The bill requires the Archivist of the United States to set regulations for the use of information control designations. These regulations would include certain methods to ensure that compliance with the bill does not undermine national security or privacy rights. H.R. 6576 also includes remedies for Federal employees and the public to challenge the use of such designations.

H.R. 6576 directs Federal agencies Inspectors General (IGs) to periodically audit information with the control designations to assess their uses. This bill requires disclosure of the name or other personal identifier of the individual restricting access to the information. Information control designations would also not be considered in Freedom of Information Act determinations under this provision.

BACKGROUND

There are currently over 100 information control designations used by the Federal government. Controlled Unclassified Information (CUI) is one common designation that refers to unclassified homeland security information, law enforcement information relating to terrorism, and other information defined in the Implementing Recommendations of the 9/11 Commission Act of 2007 that does not meet the standards of National Security Classification under Executive Order 12958. There is some concern that the excessive use of information control designations may interfere with important homeland security information sharing among Federal agencies and with State and local partners, as well as limits public access to information.

In a May 2008 memorandum to Executive Departments, the President Bush adopted "controlled unclassified information" (CUI) to be the single categorical designation for sensitive but unclassified information throughout the executive branch and provided a certain framework for designating, marking, safeguarding, and disseminating CUI. This memorandum aimed to resolve the issue of multiple pseudo-classifications by creating a single designation and consistent procedures.

[President's May 7, 2008 Memorandum regarding CUI](#)

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 6576 as of July 28, 2008.

STAFF CONTACT

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