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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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**FOR IMMEDIATE RELEASE**  
**May 11, 2005**

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### **REP. WAXMAN TO INTRODUCE LEGISLATION TO RESTORE TRANSPARENCY AND OPEN GOVERNMENT LAWS**

**WASHINGTON, DC** — Today Rep. Henry A. Waxman announced his intention to introduce legislation to reverse the Bush Administration's assault on open government by restoring laws promoting transparency. The Restore Open Government Act of 2005 requires public disclosure of government information and presidential documents, promotes timely declassification of information, and prohibits secret advisory meetings between government officials and private parties.

"The government has a responsibility to share information," Rep. Waxman said. "Under the Bush Administration, the operating assumption has been that the public should be kept in the dark as much as possible. This bill restores openness and integrity to the relationship between government and the people it serves."

The bill provides clear, common-sense changes to current government policies to prevent secrecy. It would:

- Restore the presumption of public disclosure of information from government agencies under the Freedom of Information Act by overturning the "Ashcroft" and "Card" memos;
- Eliminate unnecessary pseudo-classification designations and empower the Archivist of the United States to regulate the use of information control designations;
- Prohibit secret advisory committees and require that any meetings between government employee advisory committees and influential private industry groups, such as the Vice President's energy task force, be transparent to the public;
- Provide for the timely release of presidential records by repealing President Bush's executive order, which severely curtailed access; and
- Provide for timely declassification of government documents by funding the Public Interest Declassification Board, which was created in 2000.

A bill summary is available online at <http://www.democrats.reform.house.gov>.



REP. HENRY A. WAXMAN  
COMMITTEE ON GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
MAY 2005

## Summary

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# THE RESTORE OPEN GOVERNMENT ACT OF 2005

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The Restore Open Government Act (H.R. 2331) reverses the policies of the Bush Administration that undermine open government laws and reduce government accountability. The bill will improve the transparency of government operations and strengthen public access to government information.

### **Restoring the Presumption of Public Disclosure of Information**

The bill overturns the “Ashcroft Memo,” which restricts release of information under the Freedom of Information Act (FOIA), and the “Card Memo,” which urges agencies to stretch FOIA exemptions to withhold any “sensitive” information. The bill restores the policy that agencies should release requested information absent some finding of harm.

### **Eliminating Unnecessary Pseudo-Classification Designations**

The bill calls on the Archivist of the United States to report on the use of pseudo-classification designations, such as “sensitive but unclassified” and “for official use only.” Unnecessary pseudo-classification designations are banned, and the use of other information control designations is restricted.

### **Restoring Public Access to Presidential Records**

The bill repeals President Bush’s executive order on presidential records, which severely curtailed release of these important historical documents, and restores President Reagan’s executive order on presidential records.

### **Prohibiting Secret Advisory Committees**

The bill prevents the White House from establishing advisory committees of government employees that meet secretly with industry groups, as did the Vice President’s energy task force. Under the bill, these advisory committees must reveal their meetings and communications with private parties.

### **Promoting Timely Declassification of Government Documents**

The bill promotes public access to information and helps prioritize declassification by funding the Public Interest Declassification Board. The bill calls on the Archivist of the United States to levy a fee on agencies to pay for the operations of the Board.

### **Improving the Operations of the Freedom of Information Act**

The bill restores the integrity of FOIA by limiting the broad FOIA exemption for critical infrastructure information created in the Homeland Security Act of 2002. The bill further creates transparency in agency compliance with FOIA and makes it more feasible for citizen groups to challenge the improper withholding of government information.