



## FAN ALERT

### **REQUIRE THE GOVERNMENT TO DISCLOSE ITS ROLE IN ADVOCACY ADS AND SUPPORT RESTRICTIONS ON 'PSEUDO-CLASSIFIED' DOCUMENTS**

#### The Background:

The House Government Reform Committee has unanimously passed and sent to the House floor its proposal for tightening lobbying restrictions and addressing other executive branch problems. Within the bill HR 5112 are two provisions of interest to communicators:

- Section 6 requires agencies using paid ads and public relations to disclose that the messages were paid for by the agencies;
- Section 7 requires agencies to report to the Archivist of the United States their uses of so-called "sensitive but unclassified (SBU)" categories of information, by which records may not be technically classified but are withheld from public view anyway. Within 9 months the Archivist is to report to Congress on those uses and within 15 months is to issue regulations banning such "pseudo-classifications." (The Archivist controls federal information through the Federal Records Act.) If a need for classification is demonstrated, criteria for the use of the agency's power to withhold information from the public must be issued. The bill responds to complaints from scientists, academicians and journalists that agencies have used the SBU designation as an end run around the Freedom of Information Act without heeding the FOIA's requirements for disclosure of information that is not classified or that presents other legitimate concerns. (For more information on how SBU is used, refer to this link to a Congressional Research Service report. Click here: <http://www.fas.org/irp/crs/RL31845.pdf> <<http://www.fas.org/irp/crs/RL31845.pdf>>

#### **The Next Step**

The bill must be approved by the full House.

#### **Action**

Urge your Representatives to support this bill and to ask the House leadership to bring it to the floor as soon as possible. Congress has limited legislative days left in the 109th Congress.

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