



H.R. 6193 – Improving Public Access to Documents Act of 2008

FLOOR SITUATION

H.R. 6193 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 Jane Harman (D-CA) on June 5, 2008. The House Committee on Homeland Security ordered the bill to be reported, as amended, by voice vote on June 26, 2008.

H.R. 6193 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

Controlled Unclassified Information: H.R. 6193 amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop policies and programs to implement the controlled unclassified information (CUI) framework.

Note: The controlled unclassified information framework refers to the President's May 7, 2008 Memorandum for the Heads of Executive Departments Regarding Designation and Sharing of controlled unclassified information.

The Secretary must coordinate with the National Archives and Records Administration as well as consult with various relevant parties. Within a year of enactment, the Secretary must create a standard format for intelligence products that are designated as controlled unclassified information.

The bill creates an ongoing auditing mechanism to periodically assess whether these CUI policies are being complied with and to describe any problems with the administration of CUI. The Secretary must also create a public listing of documents designated as CUI, as well as a process through which the public may seek to remove such a designation.

Training: This bill requires the Secretary to provide annual training to DHS employees and contractors regarding CUI policies and the consequences of improperly designating information as CUI.

Detailee Program: H.R. 6193 requires the Secretary to implement a DHS Detailee program to detail personnel to the U.S. National Archives and Records Administration for one year. The purpose of this program is to provide training and education to DHS personnel on CUI policies and procedures and laws governing such information.

Technology: The bill requires the Department of Homeland Security to assess technologies that may allow DHS to track the designation and sharing of CUI, as well as to develop a plan to implement such technologies.

BACKGROUND

Controlled Unclassified Information (CUI) is a 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 unnecessary proliferation of information designated as CUI 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, 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.

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

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 6193 would cost "less than \$500,000 a year, assuming the availability of appropriated funds." [Full CBO Cost Estimate](#)

STAFF CONTACT

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