

**Statement of Chair Jane Harman (As Prepared)**  
**Committee on Homeland Security**  
**Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment**

**“The Improving Public Access to Documents Act of 2008”**

**10:00 A.M., Wednesday, June 11, 2008 | 311 Cannon House Office Building**

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“From the start of the 110th Congress, this Subcommittee has focused on two huge obstacles to accurate, actionable and timely information sharing: our nation’s broken classification system, and the explosion in the number and use of sensitive but unclassified control markings.

Later today, we’ll take legislative action to address these twin problems with a markup of H.R. 4806, the Reducing Over-Classification Act of 2007, and a new bill that is the subject of today’s hearing.

Last Thursday, Dave Reichert and I were joined by six other Members of the Homeland Security Committee in introducing H.R. 6193 – the “Improving Public Access to Documents Act of 2008” – which I call the “IPAD” Act.

The IPAD Act will give life to the newly released Controlled Unclassified Information Framework prepared by the Program Manager of the Information Sharing Environment, Ambassador Ted McNamara, who testified before this Subcommittee last spring.

Wherever you are, Mr. Ambassador, we commend you for crafting a framework that appears to be a workable replacement for the out-of-control SBU practices, policies, and procedures that plague the Federal government. Indeed, some 28 distinct policies for the protection of sensitive but unclassified information exist.

And security experts believe that there are more than 100 individual agency control markings that have stymied both the sharing of unclassified information within the intelligence community and disclosures of that information to the public. Unlike classified records, moreover, there has been no monitoring of the use or impact of SBU control markings.

Ambassador McNamara’s CUI Framework promises to bring order to the chaos, and Mr. Reichert and I want to help. The legislation we’ve put together requires the Department of Homeland Security to adopt a CUI Framework Implementation Plan with rigorous policy development, training, and auditing requirements. Accountability is what will make this new approach succeed, and the IPAD Act is aimed at getting it right.

After working together on the bill for months – and now with significant input from the privacy, civil liberties, and government oversight communities – we believe the legislation will make DHS the “gold standard” when it comes to getting the CUI Framework up and running and working. The potential dividends for more and better homeland security are enormous. Implementing the new framework at DHS not only will improve information sharing with the Department’s State, local, and tribal partners but also will: help decrease the exorbitant information security costs that the current SBU regime imposes; and “undo” misguided SBU control marking practices that needlessly limit public access to information. That’s why I’m glad to be joined by our three witnesses today.

Each will all be sharing their views on how the IPAD Act will promote not only more robust information sharing within government and with the public but also more transparency regarding how our nation is working to secure itself from terrorist attack.

That transparency will foster greater public confidence by requiring DHS to keep faith with the Constitution and the rule of law as it does its work. I thank Mr. Reichert and our other Members for supporting this critical legislation, and I look forward to the witness testimony this morning.”