

109TH CONGRESS
1ST SESSION

S. 888

To direct the Department of Homeland Security to provide guidance and training to State and local governments relating to sensitive homeland security information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2005

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To direct the Department of Homeland Security to provide guidance and training to State and local governments relating to sensitive homeland security information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Information Guidance and Training Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) there are few uniform standards for State
2 and local government agencies to handle sensitive
3 homeland security information;

4 (2) there are detailed procedures for handling
5 classified documents created by the Federal Govern-
6 ment, but there is little guidance for how to make
7 decisions relating to the management of information
8 from non-Federal sources, including locally gen-
9 erated homeland security plans, State-level grants,
10 and intelligence gathered by local law enforcement
11 agencies;

12 (3) State and local government officials have—

13 (A) a wide variety of approaches for han-
14 dling such information;

15 (B) wasted precious resources battling over
16 what information to make public and what in-
17 formation to keep secret; and

18 (C) established a wide array of procedures
19 for sharing sensitive information among emer-
20 gency management personnel; and

21 (4) the current system is inefficient and has not
22 ensured the adequate balance between protecting
23 sensitive information and ensuring that public offi-
24 cials and the public have the information needed to
25 keep the Nation safe.

1 **SEC. 3. GUIDANCE FOR BEST PRACTICES RELATING TO**
2 **SENSITIVE INFORMATION.**

3 (a) **IN GENERAL.**—Consistent with section 201(d) of
4 the Homeland Security Act of 2002 (6 U.S.C. 121(d)),
5 the Under Secretary of Homeland Security for Informa-
6 tion Analysis and Infrastructure Protection shall establish
7 best practices for State and local governments to assist
8 State and local governments in making determinations
9 on—

10 (1) the types of sensitive non-Federal homeland
11 security information (including locally generated
12 homeland security plans, State-level grants, and in-
13 telligence gathered by local law enforcement infor-
14 mation agencies) that—

15 (A) should be made available to the public;

16 or

17 (B) should be treated as information which
18 should not be made available to the public; and

19 (2) how to use and share sensitive homeland se-
20 curity information among State and local emergency
21 management personnel.

22 (b) **EFFECT ON STATE AND LOCAL GOVERN-**
23 **MENTS.**—Nothing under subsection (a) shall be construed
24 to—

1 (1) require any State or local government to
2 comply with any best practice established under that
3 subsection; or

4 (2) preempt any State or local law.

5 **SEC. 4. TRAINING.**

6 The Director of the Office for Domestic Preparedness
7 shall—

8 (1) establish a training curriculum based on the
9 best practices established under section 3; and

10 (2) provide training to State and local govern-
11 ments using that curriculum.

12 **SEC. 5. GUIDANCE ON GRANT INFORMATION.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Secretary of Homeland Security shall pub-
15 lish in the Federal Register detailed instructions for State
16 and local governments on the management of information
17 relating to homeland security grants administered by the
18 Department of Homeland Security.

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