

107TH CONGRESS
2^D SESSION

H. R. 3825

To provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2002

Mr. CHAMBLISS (for himself, Ms. HARMAN, Mr. GOSS, Ms. PELOSI, Mr. SEN-
SENBRENNER, Mr. SMITH of Texas, Mr. GIBBONS, Mr. ROEMER, Mr.
LAHOOD, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. BURR of North
Carolina, Mr. BISHOP, Mr. BEREUTER, Mr. REYES, Mr. CASTLE, Mr.
BOSWELL, Mr. PETERSON of Minnesota, and Mr. EVERETT) introduced
the following bill; which was referred to the Committee on Intelligence
(Permanent Select), and in addition to the Committees on the Judiciary,
and Government Reform, for a period to be subsequently determined by
the Speaker, in each case for consideration of such provisions as fall with-
in the jurisdiction of the committee concerned

A BILL

To provide for the sharing of homeland security information
by Federal intelligence and law enforcement agencies
with State and local entities.

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 Sharing Act”.

1 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) The Federal Government is required by the
4 Constitution to protect every State from invasion,
5 which includes terrorist attack.

6 (2) The Federal Government relies on State
7 and local personnel to protect against terrorist at-
8 tack.

9 (3) The Federal Government collects, creates,
10 manages, and protects sensitive information to en-
11 hance national security.

12 (4) Some homeland security information is
13 needed by the State and local personnel to prevent
14 and prepare for terrorist attack.

15 (5) The needs of State and local personnel to
16 have access to relevant homeland security informa-
17 tion to combat terrorism must be reconciled with the
18 need to preserve the protected status of such infor-
19 mation and to protect the sources and methods used
20 to acquire such information.

21 (6) Granting security clearances to certain
22 State and local personnel is one way to facilitate the
23 sharing of information regarding specific terrorist
24 threats among Federal, State, and local levels of
25 government.

1 (7) Methods exist to declassify, redact, or other-
2 wise adapt classified information so it may be shared
3 with State and local personnel without the need for
4 granting additional security clearances.

5 (8) State and local personnel have capabilities
6 and opportunities to gather information on sus-
7 picious activities and terrorist threats not possessed
8 by the Federal intelligence agencies.

9 (9) The intelligence community and State and
10 local governments and agencies in other jurisdictions
11 may benefit from such information.

12 (10) Federal, State, and local governments and
13 intelligence, law enforcement, and other emergency
14 preparation and response agencies must act in part-
15 nership to maximize the benefits of information
16 gathering and analysis to prevent and respond to
17 terrorist attacks.

18 (11) Information systems, including the Na-
19 tional Law Enforcement Telecommunications Sys-
20 tem and the Terrorist Threat Warning System, have
21 been established for rapid sharing of sensitive and
22 unclassified information among Federal, State, and
23 local entities.

1 (12) Increased efforts to share homeland secu-
2 rity information should avoid duplicating existing in-
3 formation systems.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that Federal, State, and local entities should share
6 homeland security information to the maximum extent
7 practicable.

8 **SEC. 3. FACILITATING HOMELAND SECURITY INFORMA-**
9 **TION SHARING PROCEDURES.**

10 (a) PRESIDENTIAL PROCEDURES FOR DETERMINING
11 EXTENT OF SHARING OF HOMELAND SECURITY INFOR-
12 MATION.—

13 (1) The President shall prescribe procedures
14 under which Federal agencies determine—

15 (A) whether, how, and to what extent
16 homeland security information may be shared
17 with appropriate State and local personnel, and
18 with which such personnel may it be shared;
19 and

20 (B) to the extent such information is in
21 classified form, whether, how, and to what ex-
22 tent to declassify (or remove classified informa-
23 tion from, as appropriate) such information,
24 and with which such personnel may it be shared
25 after such declassification (or removal).

1 (2) The President shall ensure that such proce-
2 dures apply to each element of the intelligence com-
3 munity and that the requisite technology is available.

4 (3) Such procedures shall not change the sub-
5 stantive requirements for the classification and
6 treatment of classified information.

7 (4) Such procedures shall not change the re-
8 quirements and authorities to protect sources and
9 methods.

10 (b) PROCEDURES FOR SHARING OF HOMELAND SE-
11 CURITY INFORMATION.—

12 (1) Under procedures prescribed jointly by the
13 Director of Central Intelligence and the Attorney
14 General, each element of the intelligence community
15 shall, through information sharing systems, share
16 homeland security information with appropriate
17 State and local personnel to the extent such infor-
18 mation may be shared, as determined in accordance
19 with subsection (a), together with assessments of the
20 credibility of such information.

21 (2) Each information sharing system through
22 which information is shared under paragraph (1)
23 shall—

24 (A) have the capability to transmit unclas-
25 sified or classified information, though the pro-

1 cedures and recipients for each capability may
2 differ;

3 (B) have the capability to restrict delivery
4 of information to specified subgroups by geo-
5 graphic location, type of organization, position
6 of a recipient within an organization, and a re-
7 cipient's need to know such information;

8 (C) be configured to allow the efficient and
9 effective sharing of information; and

10 (D) be accessible to appropriate State and
11 local personnel.

12 (3) The procedures prescribed under paragraph
13 (1) shall ensure, to the greatest extent practicable,
14 that the information sharing system through which
15 information is shared under such paragraph include
16 existing information sharing systems, including, but
17 not limited to, the National Law Enforcement Tele-
18 communications System, the Regional Information
19 Sharing System, and the Terrorist Threat Warning
20 System of the Federal Bureau of Investigation.

21 (4) Each element of the Federal intelligence
22 and law enforcement communities, as well as the
23 Permanent Select Committee on Intelligence of the
24 House of Representatives, the Select Committee on
25 Intelligence of the Senate, the Committee on the Ju-

1 diciary of the House of Representatives, the Com-
2 mittee on the Judiciary of the Senate, and other
3 congressional committees as appropriate, shall have
4 access to each information sharing system through
5 which information is shared under paragraph (1),
6 and shall therefore have access to all information, as
7 appropriate, shared under such paragraph.

8 (5) The procedures prescribed under paragraph
9 (1) shall ensure that appropriate State and local
10 personnel are authorized to use such information
11 sharing systems—

12 (A) to access information shared with such
13 personnel; and

14 (B) to share, with others who have access
15 to such information sharing systems, the home-
16 land security information of their own jurisdic-
17 tions, which shall be marked appropriately as
18 pertaining to potential terrorist activity.

19 (6) Under procedures prescribed jointly by the
20 Director of Central Intelligence and the Attorney
21 General, each element of the intelligence community
22 shall review and assess the information shared under
23 paragraph (5) and integrate such information with
24 existing intelligence.

1 (c) SHARING OF CLASSIFIED INFORMATION WITH
2 STATE AND LOCAL PERSONNEL.—

3 (1) The President shall prescribe procedures
4 under which Federal agencies may, to the extent the
5 President considers necessary, share with appro-
6 priate State and local personnel homeland security
7 information that remains classified or otherwise pro-
8 tected after the determinations prescribed under the
9 procedures set forth in subsection (a).

10 (2) Such procedures may provide for sharing to
11 be carried out through one or more of the following
12 means:

13 (A) Carrying out security clearance inves-
14 tigations with respect to appropriate State and
15 local personnel.

16 (B) Entering into nondisclosure agree-
17 ments with appropriate State and local per-
18 sonnel.

19 (C) Increasing the use of information-shar-
20 ing partnerships that include appropriate State
21 and local personnel, such as the Joint Ter-
22 rorism Task Forces of the Federal Bureau of
23 Investigation, the Anti-Terrorism Task Forces
24 of the Department of Justice, and regional Ter-
25 rorism Early Warning Groups.

1 (d) RESPONSIBLE OFFICIALS.—For each element of
2 the intelligence community, the head of such element shall
3 designate an official of such element to administer this
4 Act with respect to such element.

5 (e) DEFINITIONS.—As used in this section:

6 (1) The term “homeland security information”
7 means any information that is necessary to assist
8 the Federal Government, State and local law en-
9 forcement officials, other appropriate State and local
10 officials, or other appropriate people or organiza-
11 tions to prevent, prepare for, or respond to terrorist
12 attacks against the United States.

13 (2) The term “intelligence community” has the
14 meaning given such term in section 3(4) of the Na-
15 tional Security Act of 1947 (50 U.S.C. 401a(4)).

16 (3) The term “State and local personnel”
17 means any of the following persons involved in pre-
18 vention, preparation, or response for terrorist attack:

19 (A) State Governors, mayors, and other lo-
20 cally elected officials.

21 (B) State and local law enforcement per-
22 sonnel and firefighters.

23 (C) Public health and medical profes-
24 sionals.

1 (D) Regional, State, and local emergency
2 management agency personnel, including State
3 adjutant generals.

4 (E) Other appropriate emergency response
5 agency personnel.

6 (F) Employees of private-sector entities
7 that affect critical infrastructure, cyber, or eco-
8 nomic security.

9 (4) The term “State” includes the District of
10 Columbia and any commonwealth, territory, or pos-
11 session of the United States.

12 **SEC. 4. REPORT.**

13 (a) REPORT REQUIRED.—Not later than 6 months
14 after the date of the enactment of this Act, the President
15 shall submit to the congressional committees specified in
16 subsection (b) a report on the implementation of this Act.
17 The report shall include any recommendations for addi-
18 tional measures or appropriation requests, beyond the re-
19 quirements of this Act, to increase the effectiveness of
20 sharing of information among Federal, State, and local
21 entities.

22 (b) SPECIFIED CONGRESSIONAL COMMITTEES.—The
23 congressional committees referred to in subsection (a) are
24 the following committees:

1 (1) The Permanent Select Committee on Intel-
2 ligence and the Committee on the Judiciary of the
3 House of Representatives.

4 (2) The Select Committee on Intelligence and
5 the Committee on the Judiciary of the Senate.

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this Act.

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