

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4598

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. CHAMBLISS (for himself, Ms. HARMAN, Mr. GOSS, Ms. PELOSI, Mr. SEN-  
SENBRENNER, Mr. SMITH of Texas, Mr. BISHOP, Mr. CONDIT, Mr.  
HOEKSTRA, Mr. ROEMER, Mr. BURR of North Carolina, Mr. REYES, Mr.  
BEREUTER, Mr. BOSWELL, Mr. PETERSON of Minnesota, Mr. CRAMER,  
Mr. HASTINGS of Florida, Mr. ROGERS of Michigan, Mr. FRANK, Mr.  
BARR of Georgia, Mr. FROST, Mr. SULLIVAN, Mr. BALDACCI, Mr. SES-  
SIONS, Mr. DEUTSCH, Mr. TIERNEY, and Ms. HART) introduced the fol-  
lowing bill; which was referred to the Committee on Intelligence (Perma-  
nent Select), and in addition to the Committee on the Judiciary, for a  
period to be subsequently determined by the Speaker, in each case for  
consideration of such provisions as fall within the jurisdiction of the com-  
mittee concerned

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## 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           (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 possessed by a Federal,  
8 State, or local intelligence or law enforcement agen-  
9 cy that—

10 (A) relates to the threat of terrorist activ-  
11 ity;

12 (B) relates to the ability to prevent, inter-  
13 dict, or disrupt terrorist activity;

14 (C) would improve the identification or in-  
15 vestigation of a suspected terrorist or terrorist  
16 organization; or

17 (D) would improve the response to a ter-  
18 rorist act.

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

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

1 (A) State Governors, mayors, and other lo-  
2 cally elected officials.

3 (B) State and local law enforcement per-  
4 sonnel and firefighters.

5 (C) Public health and medical profes-  
6 sionals.

7 (D) Regional, State, and local emergency  
8 management agency personnel, including State  
9 adjutant generals.

10 (E) Other appropriate emergency response  
11 agency personnel.

12 (F) Employees of private-sector entities  
13 that affect critical infrastructure, cyber, or eco-  
14 nomic security.

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

18 **SEC. 4. REPORT.**

19 (a) REPORT REQUIRED.—Not later than 6 months  
20 after the date of the enactment of this Act, the President  
21 shall submit to the congressional committees specified in  
22 subsection (b) a report on the implementation of this Act.  
23 The report shall include any recommendations for addi-  
24 tional measures or appropriation requests, beyond the re-  
25 quirements of this Act, to increase the effectiveness of

1 sharing of information among Federal, State, and local  
2 entities.

3 (b) SPECIFIED CONGRESSIONAL COMMITTEES.—The  
4 congressional committees referred to in subsection (a) are  
5 the following committees:

6 (1) The Permanent Select Committee on Intel-  
7 ligence and the Committee on the Judiciary of the  
8 House of Representatives.

9 (2) The Select Committee on Intelligence and  
10 the Committee on the Judiciary of the Senate.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

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