

HOMELAND SECURITY INFORMATION SHARING ACT

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

H.R. 4598

JUNE 4, 2002

Serial No. 83

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://www.house.gov/judiciary>

U.S. GOVERNMENT PRINTING OFFICE

80-029 PDF

WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON THE JUDICIARY

F. JAMES SENSENBRENNER, JR., WISCONSIN, *Chairman*

HENRY J. HYDE, Illinois	JOHN CONYERS, JR., Michigan
GEORGE W. GEKAS, Pennsylvania	BARNEY FRANK, Massachusetts
HOWARD COBLE, North Carolina	HOWARD L. BERMAN, California
LAMAR SMITH, Texas	RICK BOUCHER, Virginia
ELTON GALLEGLY, California	JERROLD NADLER, New York
BOB GOODLATTE, Virginia	ROBERT C. SCOTT, Virginia
STEVE CHABOT, Ohio	MELVIN L. WATT, North Carolina
BOB BARR, Georgia	ZOE LOFGREN, California
WILLIAM L. JENKINS, Tennessee	SHEILA JACKSON LEE, Texas
CHRIS CANNON, Utah	MAXINE WATERS, California
LINDSEY O. GRAHAM, South Carolina	MARTIN T. MEEHAN, Massachusetts
SPENCER BACHUS, Alabama	WILLIAM D. DELAHUNT, Massachusetts
JOHN N. HOSTETTLER, Indiana	ROBERT WEXLER, Florida
MARK GREEN, Wisconsin	TAMMY BALDWIN, Wisconsin
RIC KELLER, Florida	ANTHONY D. WEINER, New York
DARRELL E. ISSA, California	ADAM B. SCHIFF, California
MELISSA A. HART, Pennsylvania	
JEFF FLAKE, Arizona	
MIKE PENCE, Indiana	
J. RANDY FORBES, Virginia	

PHILIP G. KIKO, *Chief of Staff-General Counsel*

PERRY H. APELBAUM, *Minority Chief Counsel*

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

LAMAR SMITH, Texas, *Chairman*

MARK GREEN, Wisconsin	ROBERT C. SCOTT, Virginia
HOWARD COBLE, North Carolina	SHEILA JACKSON LEE, Texas
BOB GOODLATTE, Virginia	MARTIN T. MEEHAN, Massachusetts
STEVE CHABOT, Ohio	WILLIAM D. DELAHUNT, Massachusetts
BOB BARR, Georgia	ADAM B. SCHIFF, California
RIC KELLER, Florida	
[VACANCY]	

JAY APPERSON, *Chief Counsel*

SEAN McLAUGHLIN, *Counsel*

ELIZABETH SOKUL, *Counsel*

KATY CROOKS, *Counsel*

BOBBY VASSAR, *Minority Counsel*

CONTENTS

JUNE 4, 2002

OPENING STATEMENT

	Page
The Honorable Lamar Smith, a Representative in Congress From the State of Texas, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security	1
The Honorable Robert C. Scott, a Representative in Congress From the State of Virginia, and Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security	2

WITNESSES

The Honorable Saxby Chambliss, a Representative in Congress From the State of Georgia, and Chairman, Subcommittee on Terrorism and Homeland Security, House Permanent Select Committee on Intelligence	
Oral Testimony	3
Prepared Statement	5
The Honorable Jane Harman, a Representative in Congress From the State of California, and Ranking Member, Subcommittee on Terrorism and Homeland Security, House Permanent Select Committee on Intelligence	
Oral Testimony	6
Prepared Statement	8
Mr. John Cary Bittick, President, National Sheriffs' Association	
Oral Testimony	9
Prepared Statement	10

HOMELAND SECURITY INFORMATION SHARING ACT

TUESDAY, JUNE 4, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 4:09 p.m., in Room 2237, Rayburn House Office Building, Hon. Lamar S. Smith [Chairman of the Subcommittee] presiding.

Mr. SMITH. The Subcommittee on Crime, Terrorism, and Homeland Security will come to order. I am going to recognize myself and other Members for opening statements that after which we will look forward to hearing from our witnesses today.

The Subcommittee on Crime, Terrorism, and Homeland Security will now hold a legislative hearing on H.R. 4598, the Homeland Security Information Sharing Act, and the markup of the bill will immediately follow.

This bill facilitates the ability of Federal agencies to share information with State and local officials. The Federal Government needs a more comprehensive information-sharing process to enhance analysis and thus improve the ability of Federal, State and local officials to prevent, detect and disrupt terrorist attacks. This is the goal of the bill, to address a problem we all recognize.

I realize there is a lot of second-guessing and finger-pointing going on, but this is unproductive and impedes our ability to protect our national security. We need to remember our priorities. We should let the joint task force of the House and Senate Intelligence Committees do its job and examine what mistakes were made and how to fix those mistakes.

We are fortunate to have both the Chairman of the Subcommittee on Terrorism and Homeland Security for the House Intelligence Committee, and the Ranking Member of that Subcommittee, as well as the president of the National Sheriffs' Association with us today to discuss H.R. 4598 and how it will help improve our information sharing.

Congress changed Federal law to allow Federal law enforcement and Federal intelligence agencies to share homeland security information. In balancing the need to protect privacy and protect the Nation's security, however, the USA PATRIOT Act limits the information that can be shared to information that relates to foreign intelligence or counterintelligence. Further, Federal law enforcement

intelligence officials can only disclose or receive such information if it relates to the performance of their official duties.

This bill facilitates communications between the Federal Government and State and local officials by directing the Administration to create procedures for Federal agencies to share unclassified but sensitive as well as classified information with State and local law enforcement officials.

Now, once again we welcome the witnesses and look forward to their testimony.

I now recognize the Ranking Member, Mr. Scott of Virginia, for his opening statement.

Mr. SCOTT. Thank you, Mr. Chairman. I am pleased to join you in convening the hearing on the Homeland Security Information Sharing Act. I want to welcome our colleagues Chairman Chambliss and Ranking Member Harman from the House Select Committee on Intelligence. I want to acknowledge them for their hard work and dedication in seeking to protect our Nation from the threat of terrorism.

And I particularly point out that I have had the opportunity to work with Ranking Member Harman on our Democratic Task Force on Homeland Security and want to specifically acknowledge her for the attention she has shown to our efforts to preserve the delicate balance of individual rights and freedoms in the context of protection from terrorism. I think that is exactly the kind of challenge we face, effectively preventing terrorism through proactive approaches which require that we engage people in their ordinary and lawful activities such as traveling by plane in a way that protects them without unduly restricting their freedoms and invading privacy.

It is this concern that we will be looking at during the hearing, Mr. Chairman. We also want to see how this bill fits in to what we did on the USA PATRIOT Act, which some of us think may have gone too far in many respects. There is little debate over empowering our intelligence and law enforcement forces to prevent and fight terrorism. The debate is over whether these extraordinary powers and discretions we give to prevent and fight terrorism can and will be used to ferret out ordinary street crime or other undesirable activities in such a way that it violates fundamental rights.

So I look forward to our testimony by witnesses and to the comments and markup later.

Mr. SMITH. Thank you, Mr. Scott.

Mr. SMITH. Are there other Members who wish to make opening statements?

The gentleman from North Carolina Mr. Coble is recognized.

Mr. COBLE. I have no formal opening statement. I will be brief.

It is good to have our two intelligence experts with us as well as you, Sheriff. And this may not be the time or place, Mr. Chairman, I hadn't even talked to you and Mr. Scott about this, but I am very happy with Governor Ridge, Director Ridge, and I have heard much talk about pro and con about whether or not his office should be elevated to Cabinet status. As I say, this may not be the day to determine that, but I would be glad to hear from you all if you all have any opinions on that. Of course, there is no one from the

Administration here, but just chew on that at the right time, I guess.

But I appreciate, Mr. Chairman, you having called this hearing and thank you for having it.

Mr. SMITH. Thank you, Mr. Coble.

Any other Member wish to make an opening statement? If not, we will proceed, and I will introduce the witnesses. They are the Honorable Saxby Chambliss, Chairman, and Honorable Jane Harman, Ranking Minority Member, of the Subcommittee on Terrorism and Homeland Security, House Permanent Select Committee on Intelligence; and also the Honorable John Cary Bittick, welcome back from a few weeks ago, who is president of the National Sheriffs' Association.

We welcome you all, and we will begin, if we may, Mr. Chambliss, with you.

STATEMENT OF HONORABLE SAXBY CHAMBLISS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. CHAMBLISS. Thank you very much, Mr. Chairman, Mr. Scott. We appreciate you all having us over here today. And to my friend Mr. Coble I will tell you that our Subcommittee is a very bipartisan Subcommittee. We have worked very well together with very little discord and no partisanship. Jane and I agree on about 99.9 percent of the issues; however, the issue you raise is one we disagree on, and we will certainly be happy to come back and discuss that particular issue with you, or we will do it today, but I think probably is more properly the subject of another discussion. But it is an issue that does need to be addressed, and I think it is one that at the end of the day even Jane and I are going to agree on. We happened to be talking about it coming over here.

But let me say thank you for holding this important hearing today. Since September 11 of last year, Congress has passed legislation to provide law enforcement more authorities and better tools to pursue terrorists who threaten the United States. We have strengthened our preparedness to meet the challenges of biological and agricultural terrorism, and we have provided several billion dollars in funding to help rebuild in the wake of the terrorist attacks and make our Nation better prepared and more capable to respond to acts of terrorism as well as fight the war on terrorism around the globe.

While we have enforced the capabilities of the Federal, State and local officials to prepare and respond, as a Nation we still lack a coherent, effective and efficient way to share sensitive intelligence and law enforcement information among those who need to know. Information sharing is the key to cooperation and coordination in homeland security. With the recent press reports about what information the Government had prior to September 11, it has become abundantly more clear that better information sharing among Government agencies and with State and local officials needs to be a higher priority.

The United States Government has vast amounts of information that might be useful in stopping suspected terrorists and criminals across the Nation. Yet old, outdated computer systems cannot talk

to each other, share information, or quickly provide alerts and warnings to officials who need to know.

In the public hearings which our Subcommittee on Terrorism and Homeland Security held last September and October, we heard a recurring theme from witnesses ranking from New York City Mayor Rudolph Giuliani to Oklahoma Governor Frank Keating. They stressed the importance of an increased level of information sharing between Federal intelligence and law enforcement agencies and local and State law enforcement personnel. Mayor Giuliani astutely noted that, and I quote, "we have got to go into an absolutely new revolutionary era in the sharing of information," closed quote. Governor Keating even told us a story about his State adjutant general that told that him he could not share some information with him because as Governor he did not have a Top Secret clearance.

The case in Oklahoma is no exception. These same types of communication gaps exist in every State including Georgia. The result is that sheriffs and local officials do not have the same information as the Governor, who does not have the same information as the FBI and other national law enforcement agencies.

The FBI has some 11,000 agents to cover the entire United States. However, there are some 600,000 law enforcement officers throughout the Nation who are working every day to make our communities safer. Proper policing at the local level may reveal a lot of useful information about what terrorists are doing, what they are planning, and how they are operating, and that information will be particularly valuable to many law enforcement officials. Sharing information will be the key to stopping future terrorist attacks.

There is universal consensus that a concerted effort must be made to ensure that pertinent intelligence and sensitive information relating to our national security must be in the hands of the right person at the right time to prevent another attack and more needless loss of life. Critical homeland security information, which Federal agencies and departments collect, should be quickly disseminated to State and local law enforcement officials who play key roles in protecting the communities in which they serve. For this reason, Representative Harman and I along with several other colleagues, including the Chairman of this Subcommittee, introduced the Homeland Security Information Sharing Act to eliminate the stovepipes that exist in the intelligence and law enforcement worlds with respect to the sharing of vital information and to help officials across Government communicate with each other.

As original cosponsor of this bill, Mr. Chairman, you clearly have an understanding of how critical this issue is. Our bill will increase the level of cooperation between State, local and Federal law enforcement officials. Only when these organizations begin communicating on a more regular basis and sharing the information they have with each other and relevant communities can we begin to effectively prepare for and defend ourselves against future attacks.

In traveling across Georgia and listening to the concerns of our community leaders and emergency responders from the port in Savannah to areas where we have nuclear power plants or military bases, I am more convinced than ever that we must get this legisla-

tion passed. Our police officers, firefighters, sheriff's officers, medical personnel and elected officials must be informed of threats that exist in their communities so that they are able to protect the citizens in their own towns. Georgia sheriffs like John Cary Bittick, who happens to be a constituent of mine and is president of the National Sheriffs' Association and will testify in a minute, or Bill Hutson of Marietta, Cobb County, Georgia, need to know when there is information relevant to their community that will help them do their job and prevent any type of terrorist attack.

The events of September 11 left us staring into the eyes of our own shortcomings. In the days following, we began to connect the scattered and vague messages that in hindsight seem to point to the devastation. But hindsight is 20/20, and now we must take the information and move forward. While the first step to making a real difference is a recognition of a problem, we need more than empty rhetoric. We must act, and this bill will go a long way toward helping our law enforcement officials protect us by giving them the tools they need to do their jobs.

Thank you, Mr. Chairman. I look forward to any questions you might have.

Mr. SMITH. Thank you, Representative Chambliss.

[The prepared statement of Mr. Chambliss follows:]

PREPARED STATEMENT OF THE HONORABLE SAXBY CHAMBLISS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. Chairman, let me say thank you for holding this important hearing today. Since September 11th of last year, Congress has passed legislation to provide law enforcement more authorities and better tools to pursue terrorists who threaten the United States. We have strengthened our preparedness to meet the challenges of biological and agricultural terrorism, and we have provided several billion dollars in funding to help rebuild in the wake of the terrorist attacks and make our nation better prepared and more capable to respond to acts of terrorism, as well as fight the war on terrorism around the globe.

While we have enhanced the capabilities of the federal, state, and local officials to prepare and respond, as a nation, we still lack a coherent, effective, and efficient way to share sensitive intelligence and law enforcement information among those who need to know. Information sharing is the key to cooperation and coordination in homeland security. With the recent press reports about what information the government had prior to September 11th, it has become abundantly more clear that better information sharing among government agencies and with state and local officials needs to be a higher priority.

The United States government has vast amounts of information that might be useful in stopping suspected terrorists and criminals across the nation. Yet, old, outdated computer systems cannot talk to each other, share information, or quickly provide alerts and warnings to officials who need to know.

In the public hearings which our subcommittee on Terrorism and Homeland Security held last September and October, we heard a recurring theme from witnesses ranging from New York City Mayor Rudolph Giuliani to Oklahoma Governor Frank Keating. They stressed the importance of an increased level of information sharing between federal intelligence and law enforcement agencies and local and state law enforcement personnel. Mayor Giuliani astutely noted that "we've got to go into an absolutely new revolutionary era in the sharing of information." Gov. Keating even told us a story about his state adjutant general that told him he could not share some information with him because as governor he did not have a top secret clearance. The case in Oklahoma is no exception—these same types of communication gaps exist in every state, including Georgia. The result is that sheriffs and local officials do not have the same information as the governor who does not have the same information as the FBI and other national law enforcement agencies.

The FBI has some eleven thousand agents to cover the entire United States. However, there are some 600,000 law enforcement officers throughout the nation who are working every day to make our communities safer. Proper policing at the local level may reveal a lot of useful information about what terrorists are doing, what

they are planning, and how they are operating and that information will be particularly valuable to many law enforcement officials. Sharing information will be the key to stopping future terrorist attacks.

There is universal consensus that a concerted effort must be made to ensure that pertinent intelligence and sensitive information relating to our national security must be in the hands of the right person, at the right time to prevent another attack and more needless loss of life. Critical homeland security information which federal agencies and departments collect should be quickly disseminated to state and local law enforcement officials who play key roles in protecting the communities in which they serve.

For this reason, Rep. Jane Harman and I, along with several other colleagues introduced the Homeland Security Information Sharing Act to eliminate the stovepipes that exist in the intelligence and law enforcement worlds with respect to the sharing of vital information and to help officials across government communicate with each other. Our bill will increase the level of cooperation between state, local and federal law enforcement officials. Only when these organizations begin communicating on a more regular basis and sharing the information they have with each other and relevant communities can we begin to effectively prepare for and defend ourselves against future attacks.

In traveling across Georgia and listening to the concerns of our community leaders and emergency responders from the port in Savannah to areas where we have nuclear power plants or military bases, I am more convinced than ever that we must get this legislation passed. Our police officers, firefighters, sheriff's offices, medical personnel and elected officials must be informed of threats that exist in their communities so that they are able to protect the citizens in their own towns. Georgia Sheriffs like John Cary Bittick of Forsyth or Bill Hutson of Marietta need to know when there is information relevant to their community that will help them do their job and prevent any type of terrorist attack.

The events of September 11th left us staring into the eyes of our own shortcomings. In the days following, we began to connect the scattered and vague messages that—in hindsight—seem to point to the devastation. But hindsight is 20/20 and now we must take the information and move forward. While the first step to making a real difference is the recognition of a problem, we need more than empty rhetoric. We must act, and this bill will go a long way toward helping our law enforcement officials protect us by giving them the tools they need to do their jobs.

Thank you.

Mr. SMITH. Representative Harman.

STATEMENT OF HONORABLE JANE HARMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. HARMAN. Thank you, Mr. Chairman, and thank you, Mr. Scott, for your nice comments.

Mr. Coble, I would say to you that, as Saxby Chambliss has said, he and I agree on 99 percent of the issues, and I expect to persuade him to support me on the last 1 percent, and that is to give Governor Ridge more authority to accomplish his critically important job. I do think he needs the Cabinet status, statutory and budgetary authority.

It is a pleasure to appear before this Subcommittee, and it is a pleasure to sit next to my coauthor, partner and Subcommittee Chairman Senator Chambliss. And——

Mr. CHAMBLISS. It has a nice ring to it.

Mr. SMITH. Is that an endorsement?

Ms. HARMAN. I also would like to say to Sheriff Bittick that I work very closely with my sheriff, L.A. County Sheriff Lee Baca, who is, as I understand, about to get some big job in the sheriff's organization. But Lee Baca was one of our witnesses at our New York hearing, the one at which former Mayor Giuliani testified, and I am very proud to be represented by him in L.A. County. And L.A. County has one of the country's most advanced terrorism early warning systems which our Chairman Mr. Chambliss has seen,

and it really matters that the sheriffs' association strongly supports our legislation.

I have a longer statement for the record. I would just like to make a few points in addition to the points that Mr. Chambliss made, with which I am fully in agreement, as follows. First of all, every act of terrorism is local. It happens in a neighborhood in someone's city and county, and that means that the people most likely to stop the next terrorist attack are police officers on the street or other alert local officials who come in contact with something or someone suspicious. These people need good information. They have to know what to be looking for. And the major problem we have right now this minute in real time is that local first responders don't have adequate information.

Our bill fixes that problem, and it fixes that problem without forcing local jurisdictions to bear the costs of getting security clearances for increased numbers of people. We are not against more security clearances, but our point is that if there is good information that exists now that can be redacted or that can have the sources and methods stripped from it, we need to get that out over existing communications systems like the NLET system, and our bill would cause that to happen within 6 months.

I think that given all the interest in—valid interest in protecting this country against the next wave of attacks, that this bill is probably the first significant thing this Congress can do, and I urge us to do it immediately. And I appreciate the support from the Subcommittee Chairman.

Second point I would make is that this system of redacting information that we propose in our bill is already in use. We are not inventing something new. We are suggesting that it be applied to an existing problem. The sharing of information, stripping sources and methods, is now done between the U.S. and our NATO allies and INTERPOL, and that is the system we are talking about here. And as I mentioned, the channels through which this information could be shared, or we believe should be shared, exist as well. So we are not talking about unfunded mandates on our local jurisdictions, we are talking about applying existing technology and existing communications systems to a problem that we think is absolutely critical.

Final comment I would make is that some have criticized the color-coded system that Governor Ridge has proposed. Some call it red light/green light. I have even been known to call it that. I think it is a useful system, but what is missing is information that is communicated along with the color code, and this bill solves that problem. We would have through the NLET system the real information local responders need to accompany the color code that tells them what the threat condition is in their neighborhood.

I urge us to—I urge this Subcommittee to report the bill today. I hope the full Committee will report it promptly. It has overwhelming support on a bipartisan basis by the House Intelligence Committee, and it would be great to have it pass the House in the next few weeks, have it pass the Senate quickly. And we already have the support of Governor Ridge's office, so we are anticipating that we could present the President with a bill that will really help America in the next month or so.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Representative Harman. Without objection, your complete opening statement will be made a part of the record.

[The prepared statement of Ms. Harman follows:]

PREPARED STATEMENT OF THE HONORABLE JANE HARMAN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman, Congressman Scott, and Members of the Subcommittee for the opportunity to speak on behalf of information sharing and the pending legislation, H.R. 4598.

I am pleased to join my co-author, partner, and Subcommittee Chairman. This bill, like our Subcommittee on Terrorism and Homeland Security, is a bipartisan effort, and I appreciate his cooperation and leadership.

Recent headlines have focused attention to the inability of federal agencies to share information on terrorist threats with other agencies. But getting critical information to the mayors, police, firefighters, and other responder groups is perhaps an even more important need for preventing future terrorist attacks.

These state and local personnel are the most likely people to interdict terrorists, as with Ahmed Ressam on the Canadian border. Maryland police pulled over 9/11 terrorists before the hijackings, demonstrating that local officers need more information on suspected terrorists.

The job of collecting intelligence on terrorist groups, abroad and increasingly at home, falls to the nation's intelligence community. The professionals in the CIA, NSA, and more than ever the FBI, do an excellent job in gathering information from across the globe. But this multi-talented dollar capability is worth precisely nothing if that information doesn't get to the eyes and ears of those on the front lines fighting terrorism. As is clear from recent revelations, having information is meaningless if it doesn't lead to action.

Every act of terrorism is local; it happens in a neighborhood in someone's city. The people most likely to stop the next terrorist attack are the police officers on the street or other alert local officials who come in contact with something or someone suspicious. We need to get these people—spread across levels of state, county, and local government, and increasingly in the private sector—the information they need.

Last fall, New York City Mayor Rudy Giuliani testified before our Subcommittee on Terrorism and Homeland Security that our critical priority should be to get information on terrorist activity to mayors and local responders. Our bill does this, which is why the National League of Cities and the International Union of Police Associations have endorsed it.

H.R. 4598 directs the President, with the Director of Central Intelligence and Attorney General, to develop procedures by which federal agencies will share terrorist threat information with state and local personnel, and vice versa. It directs the use of existing technology used in sharing information with NATO allies and INTERPOL that converts intelligence into a format that can be easily shared through declassification or "stripping" of sources and methods in a timely manner. The information then can be shared through existing information sharing networks such as the National Law Enforcement Telecommunications System or Regional Information Sharing Systems.

This approach is less costly and allows wider distribution than sharing classified information and alleviates concerns of distributing classified intelligence. In cases where use of classified information is necessary, the bill also authorizes an increase in the number of security clearance investigations for state and local personnel as necessary.

The bill will supplement the Homeland Security Advisory System by adding substance to the threat level. Rather than alerting the nation or region that we are at one threat level, this information sharing system would include specifics on what local personnel should be looking for and how they should adjust their normal activities.

Finally, the information sharing system called for in H.R. 4598 includes all federal intelligence and law enforcement agencies. This inclusion is important as all agencies may have information of use to state and local personnel, but also because horizontal sharing of information among federal agencies is crucial to "connect the dots" and improve federal counterterrorism capabilities.

While sharing information is critical to preventing and responding to terrorist attacks, protecting classified information is also critical to national security. As members of the House Permanent Select Committee in Intelligence, we recognize that

gathering information on terrorist groups is extremely difficult and can be extremely dangerous.

For this reason, this Homeland Security Information Sharing Act specifically requires that the Administration protect against release of sensitive or classified government information. Sharing of information does not mean we have to reveal the sources or methods of gathering that information. Congressman Chambliss and I have worked with the Office of Homeland Security, the FBI, and the CIA to write legislation that preserves intelligence assets while preventing terrorism.

In writing the bill, we also realize that we don't need to reinvent the wheel. The United States already shares intelligence with our allies, and law enforcement agents across the country share information with each other through well-established and secure networks. What we need to do now is put this experience to work in getting our most important intelligence to our most important counter-terrorists.

I thank to committee for your consideration and am happy to answer any questions you may have.

Mr. SMITH. Sheriff Bittick.

**STATEMENT OF JOHN CARY BITTICK, PRESIDENT,
NATIONAL SHERIFFS' ASSOCIATION**

Sheriff BITTICK. Mr. Chairman, Members of the Committee, I am honored to be here today. As you recall, I appeared before this Subcommittee in March to talk about the transfer of ODP to FEMA. Today I am here to discuss information sharing among law enforcement agencies at all levels of government. I believe this issue is critically important to enhancing the Nation's preparedness.

The adage that information is power has never been more true. In the fight against terrorism, information is the most critical piece of preparedness. As you know, in the answers to the questions when, where, how, what and why, law enforcement is empowered to take an action appropriate to the threat and thwart an attack. Even if those questions are only partially answered, law enforcement can still use that limited information in arranging preparations for an attack.

The Federal intelligence apparatus rightly focuses primarily on foreign intelligence. Agencies such as the CIA must continue their core missions of gathering foreign intelligence so that the President and his national security team can make informed decisions. However, it is my experience that as robust as the foreign intelligence capability is, our domestic intelligence-gathering capability has been lacking. Federal domestic intelligence gathering needs to be handled cautiously and must not usurp individual rights.

I believe that Federal law enforcement intends to respect the rights guaranteed in the Constitution as their domestic intelligence operations come online. That leads to the question of how to use the information once gathered and analyzed.

I am confident in stating that sheriffs do not want access to sources and methods of intelligence gathering. We are unconcerned whether the information comes from satellite intelligence, interviews with foreign nationals, or through electronic intercepts. However, sheriffs are extremely concerned with the timing and location of a potential attack, the method of the attack, and other details that would enable us to prevent or prepare for an attack.

The FBI is reorganizing to meet threats facing the United States, and we applaud the Director's efforts. His first priority is to protect the United States from a terrorist attack. The sheriffs of the Nation stand ready to do what is needed, and we have three suggestions.

We would welcome the opportunity to create a direct link to Federal law enforcement. The FBI graciously offered to accept a liaison officer from the national sheriffs to their Strategic Information Operations Center. This position will coordinate efforts between the FBI and county sheriffs across the country.

A new classification level of Law Enforcement Sensitive information is needed to facilitate information sharing among the different levels of government. Law Enforcement Sensitive is a term of art that we use to describe information that is valuable to the law enforcement community and should not be made public. However, under current practice, information marked Law Enforcement Sensitive is essentially public information. Adding Law Enforcement Sensitive to the classification system and adding sanctions for divulging Law Enforcement Sensitive information would allow those with a need to know to receive information they need to make decisions.

NSA is developing an information system linking sheriffs across the Nation so they can share vital criminal justice information. This system is in its earliest stages of development. Our system is not a competitor to the LEO or RISS systems. Instead our system complements those and enhances the ability of sheriffs to receive timely information. Our system will overcome a gap linking sheriffs more directly to LEO and RISS. I am including a comparison of this program for your information.

Mr. Chairman, thank you for the ability to be here today, and I am ready to answer your questions if you have any.

Mr. SMITH. Thank you, Sheriff Bittick.

[The prepared statement of Sheriff Bittick follows:]

PREPARED STATEMENT OF SHERIFF JOHN CARY BITTICK

Mr. Chairman and Members of the Committee, I am John Cary Bittick, Sheriff of Monroe County, Georgia and President of the National Sheriffs' Association. I am honored to be here today. As you may recall, I appeared before this committee in March to talk about the transfer of ODP to FEMA. Be assured that NSA remains strongly opposed to that proposal and we are glad that the FY02 Supplemental Appropriations legislation passed the House without transferring ODP.

Today, I am here to discuss information sharing among law enforcement agencies at all levels of government. I believe this issue is critically important to enhancing the Nation's preparedness. The adage that "information is power" has never been more true. In the fight against terrorism, information is the most critical piece of preparedness. If you know the answers to the questions—when, where, how, what and why—law enforcement is empowered to take an action appropriate to the threat and thwart an attack. Even if those questions are only partially answered, law enforcement can still use that limited information in arranging preparations for an attack.

The federal intelligence apparatus rightly focuses primarily on foreign intelligence. Agencies such as the CIA and the DIA must continue their core missions of gathering foreign intelligence so that the President and his national security team can make informed decisions. However, it is my experience that as robust as the foreign intelligence capability is, the domestic intelligence gathering capability is lacking.

Federal domestic intelligence gathering needs to be handled cautiously and must not usurp individual rights. I believe that federal law enforcement intends to respect the rights guaranteed in the Constitution as their domestic intelligence operations come on line. That leads to the question of how to use the information, once gathered and analyzed.

I am confident in stating that county sheriffs do not want access to sources and methods of intelligence gathering. We are unconcerned whether the information came from satellite intelligence, interviews with a foreign national or through electronic intercepts. However, sheriffs are extremely concerned with the timing and lo-

cation of a potential attack, the method of attack, and other details that would enable us to prevent and prepare for an attack.

The FBI is reorganizing to meet threats facing the United States and we applaud Director Mueller's efforts. His first priority is to protect the United States from a terrorist attack. It is a Herculean effort that requires all levels of law enforcement—federal, state and local—to work together and cooperate in the sharing of information. The sheriffs of the Nation stand ready to do what is needed and we have three suggestions.

We would welcome the opportunity to create a direct link to federal law enforcement. The FBI graciously offered to accept a liaison officer from NSA to their Strategic Information Operations Center (SIOC). This position will coordinate efforts between the FBI and county sheriffs across the country. By linking the FBI to sheriffs, we expect to see enhanced communications, information shared between agencies and a better understanding the unique roles and responsibilities of each.

A new classification level of Law Enforcement Sensitive is needed to help facilitate information sharing among the different levels of government. Law Enforcement Sensitive is a term of art that we use to describe information that is valuable to law enforcement and should not be made public. However, under current practice, information marked Law Enforcement Sensitive is essentially public information. Adding Law Enforcement Sensitive to the classification system and adding sanctions for divulging Law Enforcement Sensitive information would allow those with a need to know to receive the information they need to make decisions. The Law Enforcement Sensitive classification bridges the gap between information that is sensitive and not intended for the public, but not secret.

NSA is developing an information system linking sheriffs across the Nation so they can share vital criminal justice information. This system, which is in its earliest planning/development stages, is designed to handle intelligence information. Our system is not a competitor to the LEO and RISS systems. Instead, our system compliments the others and it enhances the ability of sheriffs to receive timely information. Our system will overcome a gap, linking sheriffs more directly than LEO and RISS. I am including a comparison of the programs for your information.

Mr. Chairman, information sharing is critically important for sheriffs to be able to do the job the voters elected them to do. It is even more critical if we are going to be successful in preventing and preparing for terrorism. All levels of law enforcement—federal, state and local—must cooperate, must utilize their skills and must share information if the Nation is to win the war on terrorism.

Mr. Chairman, thank you for the opportunity to be heard today and I am ready to answer your questions.

Mr. SMITH. I have a couple of questions for the two Members who are the Chairman and Ranking of the similarly named Subcommittee, and it is this: That we have a situation where we need to, in effect, empower the Federal Government to exchange information with law enforcement agencies whether they be Federal or State or local, and that is more or less through legislative permission. We also have another problem with the exchange of information that really goes to physical capabilities. That is whether or not computers can interface successfully.

Is it your feeling that as a result of this legislation, we are going to solve the first problem; that it will give permission to the various law enforcement agencies to exchange information? How close are we to solving the second problem, which is that the agencies will actually be able to communicate successfully?

And, Representative Chambliss, if you want to start off.

Mr. CHAMBLISS. I will take the first shot at that. First of all, there is a method already in place where the Federal Government has the ability to communicate with the 18,000 various law enforcement agencies around the country. Is it what we need to communicate this type of information? I am not sure I can answer that question. Sheriff Bittick may be able to give us some help there.

But there is a method of communication in place now. Is it over the computer? We can't talk to every computer in every sheriff's of-

fice and every police department in the country. So we are going to—in this bill we allow enough flexibility to allow the Administration to develop a plan of communication.

Are we going to require everybody to buy a computer with the appropriate hardware and software in it? I don't foresee that. I think there are going to be ways by which we can get this information out without having that sort of mandate put on local law enforcement officials. But I think it is going to be more of an expansion of the existing system, because while the information at the time is sent out is not going to be classified, it needs to get there immediately. That is the major concern that we get the right information to the right people immediately.

Mr. SMITH. Thank you.

Representative Harman.

Ms. HARMAN. Well, I believe that the NLET system, the National Law Enforcement Telecommunications system, which is presently in use, and which as Mr. Chambliss said communicates with 18,000 law enforcement agencies, is a logical system that exists to use for this purpose, and it would not add expense to use that system. Also, sending nonclassified information through this system is much less expensive than sending classified information through the various channels that it goes.

So I would just say to you, Mr. Chairman, that we have something in place that would work here, but I think you are also asking a broader question, which is what about the different databases that we have in different stovepipes across our Federal Government; how are they ever going to align? That is a big problem, and I think the answer is going to be that they won't ever align, all of them, but that we can invent a mega database, or it may have a different name, that is a pretty scary one, that culls out the critical information from each of those databases and collates it together so that we have ultimately one template where we can see all the inputs, and the analysis can be made of all of the inputs, and then actionable intelligence can be clear. That is what we are missing now is that system, and we have to invent that, but that is bigger, I suggest, than just this legislation.

Mr. SMITH. Thank you.

Sheriff Bittick, how will this legislation help you ultimately when it is fully enacted? When I say "you," I am not just talking about the sheriffs' association, but all the local law enforcement officials.

Sheriff BITTICK. I think, Mr. Chairman, the ability for us to share this information will benefit us greatly in preparing for something that could happen in the future. Obviously if we have the ability to communicate and receive information that will help us make our preparations or determine how are we going to allocate our manpower, it would be of a great benefit to us.

And with your earlier question about the systems, there are several systems. The NCIC or NLET system that they were referring to is a system that goes directly from the FBI in Washington to each law enforcement agency, but there are also some secure systems such as the RISS network or LEO that can be used to transmit nonclassified information.

Mr. SMITH. Okay. Thank you, Sheriff Bittick.

That concludes my time. The gentleman from Virginia Mr. Scott is recognized for his questions.

Mr. SCOTT. Thank you.

I will ask all of the witnesses if there is anything in the bill that cannot now be done without legislation?

Mr. CHAMBLISS. Well, it probably could be, but as the gentleman knows, we get a lot of rhetoric a lot of times, but unless you have got it spelled out in some form, that it just doesn't get done. And we have worked very closely with Governor Ridge's office and with the White House on this legislation as well as the Justice Department, and I fully expect that at the end of the day that everybody is going to be on board. There is no—we don't have any breakdown in communication between us with respect to what we are doing, and I fully expect that they are going to be willing to sign off on whatever final—the way the bill finally reads when it comes out of Committee.

Mr. SCOTT. Ms. Harman.

Ms. HARMAN. The difference, Mr. Scott, is that it could be done now, but it isn't. And this bill says it must be done in 6 months, and we think that that is critically important for us to say by statute as a Congress.

Mr. SCOTT. Once the information is gotten, are there any provisions of the Privacy Act that might be overridden by this legislation?

Mr. CHAMBLISS. No, I don't think there is any concern. That has been scrubbed pretty hard by Justice and by your counsel here.

Ms. HARMAN. Right. I don't think so.

Mr. SCOTT. If somebody has information, who decides what gets spread around?

Mr. CHAMBLISS. Well, that is the plan that the Administration is going to come back with. We are giving them the flexibility to make that decision.

Mr. SCOTT. Now, if someone gets information and improperly disseminates it, it is supposed to be confidential information, a lot of the information that we are gathering particularly after the USA PATRIOT Act and after the Attorney General has said that he is going to be gathering information outside of investigations, there will obviously be a lot of sensitive information. What sanctions would there be if someone publicizes confidential information, or will that be part of the President's plan?

Ms. HARMAN. We don't provide any—I am sorry.

Mr. CHAMBLISS. We don't provide for any sanctions in the bill, but we do provide for a plan to come back, and that plan is going to have to spell out how they are going to redact information and how they are going to declassify information. So I don't think there is a danger. I mean, I guess there is always the danger, Mr. Scott, in that the classified information may get out, but it is fairly minimal here because, you know, I think the newspapers get it before we get it now anyway.

Mr. SCOTT. You have a lot more confidence in the system than I do. I suspect, as the sheriff indicated, law enforcement sensitive—is that the term you used—is akin to a press release.

Ms. HARMAN. Could I just add something to that? We don't override any remedies under existing law for the release of—inappro-

priate release of information. The problem comes, obviously, that when a threat warning goes out, local responders needs to know what to do, and the point of this bill is to give them real information so they and our constituents know what to do in response to a threat warning. That should save a lot of lives.

Mr. SCOTT. A lot of the concern with this legislation is that some of that information is classified and, therefore, cannot be given to the local law enforcement agency. Now, Sheriff, I assume you have got—at least some of your sheriffs are in the National Guard, with possible security clearances outside of their line of work.

Sheriff BITTICK. We have some sheriffs' offices that have—some of us have officers that already have security clearances, our intelligence officers and that kind of thing.

Mr. SCOTT. Some totally not related to their work as a sheriff. If they belong to the National Guard, they may have a security clearance. Have these been catalogued so that we would—in certain situations would know who has got a security clearance so you could designate them to get classified information?

Sheriff BITTICK. I am sure there is. I do not know the answer to that, but I am sure there is bound to be.

Mr. SCOTT. Would that be part of this legislation, to direct law enforcement officials to ascertain who in their organization already has a security clearance?

Mr. CHAMBLISS. Actually the purpose of the legislation, Mr. Scott, is to get around that very problem that is there. You have the problem that I alluded to in my testimony where Governor Keating had an adjutant general that he appointed who had some information that he couldn't share with the Governor because the Governor didn't have a security clearance.

The purpose of this is to get the information redacted and declassified so it can be sent out without having to worry about having somebody in every sheriff's department or police department having that security clearance. It is not intended that any classified information be disseminated under this bill as classified.

Mr. SCOTT. I had one further question, if I could, Mr. Chairman. Will the plan include an audit trail so that the people who disseminate the information know who got it, and the people who get it know where they got it and would be able to ascertain or assign some level of credibility to ascertain whether the information is out of date?

Mr. CHAMBLISS. I think that is inherent in any plan, that that should definitely be a part of it.

Ms. HARMAN. If I could add to that answer, that is the point of this is so that we don't have any more experiences like the one California had where information went out that the suspension bridges might be threatened, and then it turned out that wasn't credible information. If information goes out through the system that will be developed in 6 months, stripped of sources and methods, that is the kind of classified information we are talking about eliminating. It won't say who the source of the information was, but it will go out in a fashion that those who receive it will know that it is credible. But we are trying to avoid a situation where information that is not credible goes out, or where information that

is classified only goes to a few people who won't be the people in place to prevent the next terrorist incident.

Mr. SMITH. Thanks, Mr. Scott.

The gentleman from North Carolina Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Good to have you all with us.

Sheriff, I have read or heard somewhere that the President has advocated the establishment of a national neighborhood watch program. I don't know whether there has been any money allocated for that purpose or not, but one of my constituents from Pinehurst, North Carolina—and apologies to my friend in Georgia, we regard Pinehurst as the golf capital of America, just for your information, Saxby—he tells me he is having—did you want to be heard on that, Saxby?

Mr. CHAMBLISS. No, sir. I respect my dear friend from North Carolina.

Mr. COBLE. He tells me he is having difficulty in consolidating information. Is there anyone at the national level to whom I can refer my constituent?

Sheriff BITTICK. Yes, sir. I will have one of my staff people get with you. There is somebody at our office that is handling that.

Mr. COBLE. I would appreciate that, because this gentleman in Pinehurst has good ideas. These neighborhood watch programs, I think, if properly administered, they provide a good vehicle for disseminating information, if for no other purpose. I would be glad to get that.

Sheriff BITTICK. As soon as this is over.

We will be glad to have you come to Augusta to play golf whenever you can.

Mr. COBLE. I asked for that. I forgot he is your constituent.

Mr. Scott was talking about security clearances. I want to touch on that, too. I want to ask Saxby this. How will H.R. 4598 protect sources and methods information, A, and how does this bill differ from what the Administration currently does in—

Mr. CHAMBLISS. Well, the sources and methods will be redacted out from the information that goes down to the State and local level. The difference in the way is that there is no set procedure in any particular instance for information to be disseminated. When we have an increase in the threat level, it is on an ad hoc basis as to what information goes out. We need a definite plan in place so that ultimately your constituents and my constituents and everybody else in America can take some comfort in knowing that we have an increased threat level by virtue of Governor Ridge's edict, and while they may not know what that threat is, that they know their sheriffs, officers, their police officers and other law enforcement officials do have some information for which they are on the lookout for, and we are trying to do everything we can to make sure, number one, we disrupt any terrorist activity, but at the same time provide an additional comfort level to the American public.

Mr. COBLE. Did you want to add anything to that, Jane?

Ms. HARMAN. I agree.

Mr. COBLE. Let me ask you this, Saxby and/or Jane, Mr. Chambliss and Ms. Harman to be more proper, I guess, how will

this bill provide any additional information to State and local officials that is already being done?

Mr. CHAMBLISS. Well, currently, as I say, it is on an ad hoc basis. There is no arrangement for, there is no plan in place to disseminate.

Mr. COBLE. It is not organized anyway.

Mr. CHAMBLISS. That is correct.

Mr. COBLE. I have no more, but let me say this to Mr. Chambliss and Ms. Harman. I would like to talk to you all when time permits about this Cabinet status, and I am neither advocating nor rejecting that, but I would be leaning toward it. But I would be glad to hear from you all at an appropriate time.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Coble.

The gentleman from Massachusetts Mr. Delahunt is recognized for his questions.

Mr. DELAHUNT. Thank you.

Let me congratulate both my colleagues. I know you have done yeoman's service in serving the task force that Jane has headed up, and I know that she is very conversant with all the issues surrounding the homeland security.

And let me just say this: You are correct in terms of, I think, the necessity to mandate information sharing; that is, simply to allow it to exist on an ad hoc basis, because clearly that doesn't happen. I think it is important to really underscore my own experience, and I am sure that the sheriff would accept this. In terms of criminal investigations, there has been—well, let me quote Senator Grassley—a culture of concealment, particularly with the FBI, in terms of reticence and reluctance to share important information in terms of significant criminal investigations in the past with local and State law enforcement.

I haven't had an opportunity yet to read the bill in any great detail. I think some of the questions that were posed by the Ranking Member Mr. Scott are the same questions that I would have. But I guess it also goes—and maybe you can educate me. Is there a system now for—is there a system that exists that has objective criteria in terms of what is classified and what is not classified? You know, many of us can pick up the paper tomorrow morning or in the past and find information that I am sure has not been provided to the Intelligence Committees that appears in—you know, in the paper that we would suspect would be classified. But is there a system that—who are the classifiers; do they have objective criteria; who are the redactors; and are there objective criteria to determine what ought to be redacted? Oftentimes, I daresay that that is such a subjective—it has been so subjective in the past, that I wonder if it has any meaning. And I don't know whether you, Saxby or Jane has a response.

Mr. CHAMBLISS. To answer the last part of your question, that will be a part of the plan as far as redaction goes. In trying to say what is classified and not classified, there is no objective standard out there. I think it just about has to be subjective, because a lot of it—most of it, I am going to say about 90 percent of it, deals with sources and methods. It depends on who those sources are as to whether or not it is classified. There is other information of a

more general nature that is classified only because of the subject matter to which it relates, but that as far as the redacting of it and the declassifying of it will be part of their plan, and they will have to tell us how they intend to do that and who is going to do that.

Mr. DELAHUNT. I guess my question is really fundamental, though. These decisions are made early on to classify information and obviously to protect sources, but oftentimes—and it has been my experience at various hearings where the Government—and it can be any Administration, this is not to suggest a partisan basis—will refuse to provide information that upon it being revealed you wonder why was it classified in the first place. That is my concern.

Jane.

Ms. HARMAN. I think it is a valid question. The answer would take hours, and each agency has its own culture, and it is something that I think each Administration revisits. And there is no perfect answer.

Mr. DELAHUNT. Maybe there isn't a perfect answer, but I think that we need some parameters, and maybe that is what I am expressing a frustration. I have been sitting on Government Reform in terms of the inquiry into the FBI that Chairman Burton has been conducting, and there has been some real reluctance to provide information to a congressional Committee. And after, you know, a confrontation of sorts, information has been provided, and every member on that panel has expressed dismay that it was—it got to the point where it became a public confrontation.

Ms. HARMAN. I appreciate that comment, and as a Member of the Intelligence Committee there are times when some of the things we do in a classified setting would seem to me to be things we could do in public. But it is for another time. That is not the subject here.

But I just—one addition to your comment about the culture of concealment, at least Senator Grassley's term for the FBI culture. Our bill is not limited to the FBI, which does have a traditional tie with local law enforcement and does share information over this NLET system. We try to get across the Federal Government to create an information-sharing system that goes to some more cloistered agencies, some of our intelligence agencies, to help get their information out and shared both horizontally and vertically, and this obviously has been a major problem. The front page of every newspaper describes another memo each day that wasn't shared.

Sheriff BITTICK. Yes, sir. I believe that the new Director at the FBI is making every effort at trying to share what information he can, and I think that the possibility of having the sources and methods taken out where he could share more information is the kind of thing that he is looking for.

I have had the honor of working with him, and he was only on board a few days before all of this happened, and I think that sometimes people are quick to blame him for things that really he had no control over. He was not even there at the time. And I personally believe that he is an honorable man and trying to do the best he can.

Mr. DELAHUNT. I didn't think, in no way inferred—I also worked with him when he was the United States attorney in Boston. I had a professional relationship with him and have great respect for

him, but we are talking about something that again is cultural as opposed to an individual.

Mr. SMITH. Thank you, Mr. Delahunt.

The gentleman from Ohio Mr. Chabot is recognized for his questions.

Mr. CHABOT. Thank you, Mr. Chairman.

Sheriff Bittick, could I start with you? I have always had the impression that local law enforcement looked upon the FBI as not oftentimes being willing to share information and keeping things very tight, and sometimes maybe taking over investigations and cases, et cetera. It seemed to me that the FBI, in particular their attitude toward local law enforcement, oftentimes came down to they were concerned that somebody on the local force may be on the take, whether it is the Mafia or whatever, and they were reluctant to give information out because they didn't know who they could trust and not trust, that sort of thing.

But perhaps when we are dealing with terrorism, it is a different—we are dealing with a different situation altogether where it isn't a matter of, you know, people being on the take. You know, we are dealing with our national security, and we all have everything at stake here. It is not a matter of a—you know, a crooked cop or whatever. We are all in this together. We have to look at it that way. So maybe it is different, and maybe we can all work better together in that effort. Would you comment on that?

Sheriff BITTICK. I think that I would agree with that, but I would also say that my—I have been in law enforcement for almost 30 years and have been sheriff for 20, and my personal relationship with the FBI has been very close, and they have always been very open and forthright with me about the situations where I had a need to know.

I think sometimes what you run across is some chiefs or some sheriffs possibly didn't actually have the need to know and got their feelings hurt somewhere in a situation, but I don't know that that is always the case. But what I do know is my relationship is certainly good with this Director.

Mr. CHABOT. Thank you.

And my next question is for Chairman Chambliss and for Ms. Harman also. I also want to reiterate my praise for you all for working so hard on this issue, as I know both of you have for quite some time now. We are very lucky to have you all working on this because it is very, very important.

Have you all been working with the Administration on this bill, and if so, what does the Administration think about it; what is their position?

Mr. CHAMBLISS. Yes. We have, Steve, been working with the Administration from day 1 on this, both with Governor Ridge's office as well as with Attorney General Ashcroft's office. And as I say, we worked out all the kinks. We had a different approach to start with, but we decided they were right on some things. We worked very closely with this Subcommittee and your counsel. There were some things that we needed to review. We did. And the final product, we think, is going to be—everybody is going to be totally on board with it.

Mr. CHABOT. Thank you very much. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH. Thank you, Mr. Chabot. The gentleman from Florida, Mr. Keller, is recognized for his questions.

Mr. KELLER. Thank you, Mr. Chairman, no questions.

Mr. SMITH. The gentleman from Virginia, Mr. Goodlatte, who has just arrived and who is the indispensable person today because he is number 7, which we need to mark up this bill. Does he have any questions?

Mr. GOODLATTE. Mr. Chairman, as they say, if you don't have the votes, talk. If you have the votes, vote. I yield back.

Mr. SMITH. The Chair appreciates the lack of questions by the last two Members recognized. Let me thank our witnesses for being here. Oh, I am sorry, the gentleman from Virginia, Mr. Scott, has one additional question and I want to recognize him.

Mr. SCOTT. As the gentleman just said, if you don't have the votes, you talk.

I wanted a clarification on a question I asked, and that is whether or not the regulations authorized by the bill would allow classified information to be shared if it follows the appropriate protocol.

Mr. CHAMBLISS. Well, actually, they could do that now, but, Bobby, our bill is designed more to redacting and declassifying and sharing of that type of information. But as far as sharing it now, if it is a proper person who can receive it, it can be done now.

Ms. HARMAN. And let me add that we do not add any additional information sharing authority. What we do is we provide a mechanism and a timetable for sharing redacted information, but we don't add to the classification system. We don't provide for sharing of classified information with people who shouldn't have it, and we don't do away with any penalties for wrongful sharing of information.

Mr. SCOTT. Thank you.

Mr. SMITH. Thank you, Mr. Scott. Let me thank all of our witnesses today for their testimony, for their good suggestions and for their great bill. Sheriff Bittick, thank you, too, for your comments about the legislation that the Members of Congress have introduced. You all are welcome to stay. We are going to proceed directly to markup but again we appreciate what you are doing for our country to make everyone a little bit safer.

Mr. CHAMBLISS. Thank you, Mr. Chairman.

Ms. HARMAN. Thank you, Mr. Chairman.

[Whereupon, at 5:03 p.m., the Subcommittee proceeded to other business.]

