

109TH CONGRESS  
2D SESSION

# H. R. 5002

To amend the Homeland Security Act of 2002 to provide for information sharing partnerships, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. SIMMONS (for himself and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to provide for information sharing partnerships, 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 Sharing Partnerships Act of 2006”.

6       **SEC. 2. STATE, LOCAL, TRIBAL, AND REGIONAL INFORMA-**  
7       **TION FUSION CENTER INITIATIVE.**

8       (a) IN GENERAL.—Subtitle A of title II of the Home-  
9 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
10 ed by adding at the end the following:

1 **“SEC. 203. STATE, LOCAL, TRIBAL, AND REGIONAL INFOR-**  
2 **MATION FUSION CENTER INITIATIVE.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-  
4 lish a State, Local, and Tribal Information Fusion Center  
5 Initiative to establish partnerships with State, local, tribal,  
6 and regional information fusion centers.

7 “(b) DUTIES.—Through the State, Local, Tribal, and  
8 Regional Information Fusion Center Initiative, the Sec-  
9 retary shall—

10 “(1) coordinate with the principal official of  
11 each State, local, tribal, or regional information fu-  
12 sion center and the official designated as the Home-  
13 land Security Advisor of the State;

14 “(2) provide Department operational and intel-  
15 ligence advice and assistance to State, local, tribal,  
16 and regional information fusion centers;

17 “(3) support efforts to include State, local, trib-  
18 al, and regional information fusion centers into ef-  
19 forts to establish an information sharing environ-  
20 ment (as defined under section 1016(2) of the Intel-  
21 ligence Reform and Terrorism Prevention Act of  
22 2004 (Public Law 108–458; 118 Stat. 3665));

23 “(4) conduct table-top and live training exer-  
24 cises to regularly assess the capability of individual  
25 and regional networks of State, local, tribal, and re-  
26 gional information fusion centers to integrate the ef-

1       forts of such networks with the efforts of the De-  
2       partment;

3             “(5) coordinate with other relevant Federal en-  
4       tities engaged in homeland security-related activities;

5             “(6) provide analytic and reporting advice and  
6       assistance to State, local, tribal, and regional infor-  
7       mation fusion centers;

8             “(7) review homeland security information  
9       gathered by State, local, tribal, and regional infor-  
10      mation fusion centers and incorporate relevant infor-  
11      mation with homeland security information of the  
12      Department;

13            “(8) Provide management assistance to State,  
14      local, tribal, and regional information fusion centers;

15            “(9) Serve as a point of contact to ensure the  
16      dissemination of relevant homeland security informa-  
17      tion.

18            “(10) facilitate close communication and coordi-  
19      nation between State, local, tribal, and regional in-  
20      formation fusion centers and the Department;

21            “(11) provide State, local, tribal, and regional  
22      information fusion centers with expertise on Depart-  
23      ment resources and operations;

24            “(12) provide training to State, local, tribal,  
25      and regional information fusion centers and encour-

1       age such information fusion centers to participate in  
 2       terrorist threat-related exercises conducted by the  
 3       Department; and

4               “(13) carry out such other duties as the Sec-  
 5       retary determines are appropriate.

6       “(c) DEFINITION OF STATE, LOCAL, TRIBAL, OR RE-  
 7       GIONAL INFORMATION FUSION CENTER.—For purposes  
 8       of this section, the term ‘State, local, tribal, or regional  
 9       information fusion center’ means a local or regional center  
 10      comprised of State, local, or tribal governmental entities  
 11      that—

12               “(1) serves as a data analysis and dissemina-  
 13      tion center for potentially relevant homeland security  
 14      information;

15               “(2) is managed by a state, local, or tribal gov-  
 16      ernment entity; and

17               “(3) is designated as a State, local, tribal, or  
 18      regional information fusion center by the Sec-  
 19      retary.”.

20      (b) CLERICAL AMENDMENT.—The table of contents  
 21      in section 1(b) of such Act is further amended by adding  
 22      at the end of the items relating to such subtitle the fol-  
 23      lowing:

    “Sec. 203. State, Local, Tribal, and Regional Information Fusion Center Initia-  
     tive”.

24      (c) REPORTS.—

1           (1) CONCEPT OF OPERATIONS.—Not later than  
2           90 days after the date of the enactment of this Act  
3           and before the State, Local, Tribal, and Regional In-  
4           formation Fusion Center Initiative under section  
5           203 of the Homeland Security Act of 2002, as  
6           added by subsection (a), has been implemented, the  
7           Secretary shall submit to the Committee on Home-  
8           land Security and Governmental Affairs of the Sen-  
9           ate and the Committee on Homeland Security of the  
10          House of Representatives a report that contains a  
11          concept of operations for the Initiative, which shall  
12          include a privacy and civil liberties impact assess-  
13          ment.

14          (2) PRIVACY AND CIVIL LIBERTIES.—

15                 (A) REVIEW OF CONCEPT OF OPER-  
16                 ATIONS.—Not later than 180 days after the  
17                 date on which the report under paragraph (1)  
18                 is submitted, the Privacy Officer of the Depart-  
19                 ment of Homeland Security and the Officer for  
20                 Civil Rights and Civil Liberties of the Depart-  
21                 ment of Homeland Security shall review the pri-  
22                 vacy and civil liberties implications of the Ini-  
23                 tiative and the concept of operations and report  
24                 any concerns to the Secretary of Homeland Se-  
25                 curity and the Under Secretary of Homeland

1 Security for Intelligence and Analysis. The Sec-  
2 retary may not implement the Initiative until  
3 the Privacy Officer and the Officer for Civil  
4 Rights and Civil Liberties have certified that  
5 any privacy or civil liberties concerns have been  
6 addressed.

7 (B) REVIEW OF PRIVACY IMPACT.—Under  
8 the authority of section 222(5) of the Home-  
9 land Security Act of 2002 (6 U.S.C. 142(5)),  
10 not later than one year after the date on which  
11 the State, Local, Tribal, and Regional Informa-  
12 tion Fusion Center Initiative is implemented,  
13 the Privacy Officer of the Department of  
14 Homeland Security, in consultation with the Of-  
15 ficer for Civil Rights and Civil Liberties of the  
16 Department of Homeland Security, shall submit  
17 to Congress, the Secretary of Homeland Secu-  
18 rity, and the Under Secretary of Homeland Se-  
19 curity for Intelligence and Analysis a report on  
20 the privacy and civil liberties impact of the Ini-  
21 tiative.

22 **SEC. 3. HOMELAND SECURITY INFORMATION SHARING**  
23 **FELLOWS PROGRAM.**

24 (a) ESTABLISHMENT OF PROGRAM.—Subtitle A of  
25 title II of the Homeland Security Act of 2002 (6 U.S.C.

1 121 et seq.), as amended by section 2 is further amended  
2 by adding at the end the following:

3 **“SEC. 204. HOMELAND SECURITY INFORMATION SHARING**  
4 **FELLOWS PROGRAM.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—The Secretary, acting  
7 through the Under Secretary for Intelligence and  
8 Analysis, shall establish a fellowship program in ac-  
9 cordance with this section for the purpose of—

10 “(A) detailing State, local, and tribal ana-  
11 lysts and law enforcement officials and officers  
12 to the Department to participate in the work of  
13 the Office of Intelligence and Analysis in order  
14 to become familiar with—

15 “(i) the mission and capabilities of the  
16 Office of Intelligence and Analysis; and

17 “(ii) the role, programs, products, and  
18 personnel of the Office of Intelligence and  
19 Analysis; and

20 “(B) promoting information sharing be-  
21 tween the Department and State, local, and  
22 tribal analysts and law enforcement agencies by  
23 stationing analysts and law enforcement officers  
24 alongside Department intelligence analysts in  
25 order to—

1           “(i) serve as a point of contact in the  
2           Department to assist in the representation  
3           of State, local, and tribal homeland secu-  
4           rity information needs;

5           “(ii) identify homeland security infor-  
6           mation of interest to State, local, and trib-  
7           al analysts and law enforcement officers;  
8           and

9           “(iii) assist Department analysts in  
10          preparing and disseminating terrorism-re-  
11          lated products that are tailored to State,  
12          local, and tribal analysts and law enforce-  
13          ment agencies and designed to help thwart  
14          terrorist attacks.

15          “(2) PROGRAM NAME.—The program under  
16          this section shall be known as the ‘Homeland Secu-  
17          rity Information Sharing Fellows Program’.

18          “(b) ELIGIBILITY.—

19                 “(1) IN GENERAL.—In order to be eligible for  
20                 selection as an Information Sharing Fellow under  
21                 the program, an individual must—

22                         “(A) have homeland security-related re-  
23                         sponsibilities or law enforcement-related respon-  
24                         sibilities;



1           “(B) be eligible for an appropriate national  
2 security clearance;

3           “(C) possess a valid need for access to  
4 classified information, as determined by the  
5 Under Secretary for Intelligence and Analysis;  
6 and

7           “(D) be an employee of an eligible entity.

8           “(2) ELIGIBLE ENTITIES.—For purposes of this  
9 subsection, the term ‘eligible entity’ means—

10           “(A) a State, local, tribal, or regional fu-  
11 sion center;

12           “(B) a State or local law enforcement or  
13 other government entity that serves a major  
14 metropolitan area, as determined by the Sec-  
15 retary;

16           “(C) a State or local law enforcement or  
17 other government entity that serves a suburban  
18 or rural area, as determined by the Secretary;

19           “(D) a State or local law enforcement or  
20 other government entity with port responsibil-  
21 ities, as determined by the Secretary;

22           “(E) a State or local law enforcement or  
23 other government entity with border responsibil-  
24 ities, as determined by the Secretary;

1           “(F) a State or local law enforcement or  
2 other government entity with agricultural re-  
3 sponsibilities, as determined by the Secretary;

4           “(G) a tribal law enforcement or other au-  
5 thority; or

6           “(H) such other entity as the Secretary de-  
7 termines is appropriate.

8           “(c) OPTIONAL PARTICIPATION.—No State, local, or  
9 tribal law enforcement or other government entity shall  
10 be required to participate in the Homeland Security Infor-  
11 mation Sharing Fellows Program.

12           “(d) PROCEDURES FOR NOMINATION AND SELEC-  
13 TION.—

14           “(1) IN GENERAL.—The Under Secretary shall  
15 establish procedures to provide for the nomination  
16 and selection of individuals to participate in the  
17 Homeland Security Information Sharing Fellows  
18 Program.

19           “(2) LIMITATIONS.—The Under Secretary  
20 shall—

21           “(A) select analysts and law enforcement  
22 officers representing a broad cross-section of  
23 State, local, and tribal agencies; and

24           “(B) ensure that the number of Informa-  
25 tion Sharing Fellows selected does not impede

1           the activities of the Office of Intelligence and  
2           Analysis.

3           “(e) LENGTH OF SERVICE.—Information Sharing  
4           Fellows shall serve for a reasonable period of time, as de-  
5           termined by the Under Secretary. Such period of time  
6           shall be sufficient to advance the information-sharing  
7           goals of the Under Secretary and encourage participation  
8           by as many qualified nominees as possible.

9           “(f) CONDITION.—As a condition of selecting an indi-  
10          vidual as an Information Sharing Fellow under the pro-  
11          gram, the Under Secretary shall require that the individ-  
12          ual’s employer agree to continue to pay the individual’s  
13          salary and benefits during the period for which the indi-  
14          vidual is detailed.

15          “(g) STIPEND.—During the period for which an indi-  
16          vidual is detailed under the program, the Under Secretary  
17          shall, subject to the availability of appropriations provide  
18          to the individual a stipend to cover the individual’s reason-  
19          able living expenses for that period.

20          “(h) SECURITY CLEARANCES.—If an individual se-  
21          lected for a fellowship under the Information Sharing Fel-  
22          lows Program does not possess the appropriate security  
23          clearance, the Under Secretary shall ensure that security  
24          clearance processing is expedited for such individual and  
25          shall ensure that each such Information Sharing Fellow

1 has obtained the appropriate security clearance prior to  
2 participation in the Program.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 in section 1(b) of such Act is further amended by adding  
5 at the end of the items relating to such subtitle the fol-  
6 lowing:

“Sec. 204. Homeland Security Information Sharing Fellows Program”.

7 (c) REPORTS.—

8 (1) CONCEPT OF OPERATIONS.—Not later than  
9 90 days after the date of the enactment of this Act  
10 and before the Homeland Security Information  
11 Sharing Fellows Program under section 204 of the  
12 Homeland Security Act of 2002, as added by sub-  
13 section (a), has been implemented, the Secretary  
14 shall submit to the Committee on Homeland Secu-  
15 rity and Governmental Affairs of the Senate and the  
16 Committee on Homeland Security of the House of  
17 Representatives a report that contains a concept of  
18 operations for the Program, which shall include a  
19 privacy and civil liberties impact assessment.

20 (2) PRIVACY AND CIVIL LIBERTIES.—

21 (A) REVIEW OF CONCEPT OF OPER-  
22 ATIONS.—Not later than 180 days after the  
23 date on which the report under paragraph (1)  
24 is submitted, the Privacy Officer of the Depart-  
25 ment of Homeland Security and the Officer for

1 Civil Rights and Civil Liberties of the Depart-  
2 ment of Homeland Security shall review the pri-  
3 vacy and civil liberties implications of the Pro-  
4 gram and the concept of operations and report  
5 any concerns to the Secretary of Homeland Se-  
6 curity and the Under Secretary of Homeland  
7 Security for Intelligence and Analysis. The Sec-  
8 retary may not implement the Program until  
9 the Privacy Officer and the Officer for Civil  
10 Rights and Civil Liberties have certified that  
11 any privacy or civil liberties concerns have been  
12 addressed.

13 (B) REVIEW OF PRIVACY IMPACT.—Under  
14 the authority of section 222(5) of the Home-  
15 land Security Act of 2002 (6 U.S.C. 142(5)),  
16 not later than one year after the date on which  
17 the Homeland Security Information Sharing  
18 Fellows Program is implemented, the Privacy  
19 Officer of the Department of Homeland Secu-  
20 rity, in consultation with the Officer for Civil  
21 Rights and Civil Liberties of the Department of  
22 Homeland Security, shall submit to Congress,  
23 the Secretary of Homeland Security, and the  
24 Under Secretary of Homeland Security for In-

- 1 telligence and Analysis a report on the privacy
- 2 and civil liberties impact of the Program.

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