

**AMENDMENT TO H.R. 5005, AS REPORTED  
OFFERED BY MR. CHAMBLISS OF GEORGIA**

At the end of title VII add the following new subtitle:

**1     **Subtitle H—Information Sharing****

**2     SEC. 780. SHORT TITLE.**

3           This subtitle may be cited as the “Homeland Security  
4 Information Sharing Act”.

**5     SEC. 781. FINDINGS AND SENSE OF CONGRESS.**

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

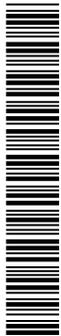
7                 (1) The Federal Government is required by the  
8 Constitution to provide for the common defense,  
9 which includes terrorist attack.

10                (2) The Federal Government relies on State  
11 and local personnel to protect against terrorist at-  
12 tack.

13                (3) The Federal Government collects, creates,  
14 manages, and protects classified and sensitive but  
15 unclassified information to enhance homeland secu-  
16 rity.

17                (4) Some homeland security information is  
18 needed by the State and local personnel to prevent  
19 and prepare for terrorist attack.

20                (5) The needs of State and local personnel to  
21 have access to relevant homeland security informa-



1           tion to combat terrorism must be reconciled with the  
2           need to preserve the protected status of such infor-  
3           mation and to protect the sources and methods used  
4           to acquire such information.

5           (6) Granting security clearances to certain  
6           State and local personnel is one way to facilitate the  
7           sharing of information regarding specific terrorist  
8           threats among Federal, State, and local levels of  
9           government.

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

14          (8) State and local personnel have capabilities  
15          and opportunities to gather information on sus-  
16          picious activities and terrorist threats not possessed  
17          by Federal agencies.

18          (9) The Federal Government and State and  
19          local governments and agencies in other jurisdictions  
20          may benefit from such information.

21          (10) Federal, State, and local governments and  
22          intelligence, law enforcement, and other emergency  
23          preparation and response agencies must act in part-  
24          nership to maximize the benefits of information



1 gathering and analysis to prevent and respond to  
2 terrorist attacks.

3 (11) Information systems, including the Na-  
4 tional Law Enforcement Telecommunications Sys-  
5 tem and the Terrorist Threat Warning System, have  
6 been established for rapid sharing of classified and  
7 sensitive but unclassified information among Fed-  
8 eral, State, and local entities.

9 (12) Increased efforts to share homeland secu-  
10 rity information should avoid duplicating existing in-  
11 formation systems.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that Federal, State, and local entities should share  
14 homeland security information to the maximum extent  
15 practicable, with special emphasis on hard-to-reach urban  
16 and rural communities.

17 **SEC. 782. FACILITATING HOMELAND SECURITY INFORMA-**  
18 **TION SHARING PROCEDURES.**

19 (a) PROCEDURES FOR DETERMINING EXTENT OF  
20 SHARING OF HOMELAND SECURITY INFORMATION.—

21 (1) The President shall prescribe and imple-  
22 ment procedures under which relevant Federal  
23 agencies—

24 (A) share relevant and appropriate home-  
25 land security information with other Federal



1 agencies, including the Department, and appro-  
2 priate State and local personnel;

3 (B) identify and safeguard homeland secu-  
4 rity information that is sensitive but unclassi-  
5 fied; and

6 (C) to the extent such information is in  
7 classified form, determine whether, how, and to  
8 what extent to remove classified information, as  
9 appropriate, and with which such personnel it  
10 may be shared after such information is re-  
11 moved.

12 (2) The President shall ensure that such proce-  
13 dures apply to all agencies of the Federal Govern-  
14 ment.

15 (3) Such procedures shall not change the sub-  
16 stantive requirements for the classification and safe-  
17 guarding of classified information.

18 (4) Such procedures shall not change the re-  
19 quirements and authorities to protect sources and  
20 methods.

21 (b) PROCEDURES FOR SHARING OF HOMELAND SE-  
22 CURITY INFORMATION.—

23 (1) Under procedures prescribed by the Presi-  
24 dent, all appropriate agencies, including the intel-  
25 ligence community, shall, through information shar-



1 ing systems, share homeland security information  
2 with Federal agencies and appropriate State and  
3 local personnel to the extent such information may  
4 be shared, as determined in accordance with sub-  
5 section (a), together with assessments of the credi-  
6 bility of such information.

7 (2) Each information sharing system through  
8 which information is shared under paragraph (1)  
9 shall—

10 (A) have the capability to transmit unclas-  
11 sified or classified information, though the pro-  
12 cedures and recipients for each capability may  
13 differ;

14 (B) have the capability to restrict delivery  
15 of information to specified subgroups by geo-  
16 graphic location, type of organization, position  
17 of a recipient within an organization, or a re-  
18 cipient's need to know such information;

19 (C) be configured to allow the efficient and  
20 effective sharing of information; and

21 (D) be accessible to appropriate State and  
22 local personnel.

23 (3) The procedures prescribed under paragraph  
24 (1) shall establish conditions on the use of informa-  
25 tion shared under paragraph (1)—



1 (A) to limit the redissemination of such in-  
2 formation to ensure that such information is  
3 not used for an unauthorized purpose;

4 (B) to ensure the security and confiden-  
5 tiality of such information;

6 (C) to protect the constitutional and statu-  
7 tory rights of any individuals who are subjects  
8 of such information; and

9 (D) to provide data integrity through the  
10 timely removal and destruction of obsolete or  
11 erroneous names and information.

12 (4) 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 (5) Each appropriate Federal agency, as deter-  
22 mined by the President, shall have access to each in-  
23 formation sharing system through which information  
24 is shared under paragraph (1), and shall therefore



1 have access to all information, as appropriate,  
2 shared under such paragraph.

3 (6) The procedures prescribed under paragraph  
4 (1) shall ensure that appropriate State and local  
5 personnel are authorized to use such information  
6 sharing systems—

7 (A) to access information shared with such  
8 personnel; and

9 (B) to share, with others who have access  
10 to such information sharing systems, the home-  
11 land security information of their own jurisdic-  
12 tions, which shall be marked appropriately as  
13 pertaining to potential terrorist activity.

14 (7) Under procedures prescribed jointly by the  
15 Director of Central Intelligence and the Attorney  
16 General, each appropriate Federal agency, as deter-  
17 mined by the President, shall review and assess the  
18 information shared under paragraph (6) and inte-  
19 grate such information with existing intelligence.

20 (c) SHARING OF CLASSIFIED INFORMATION AND  
21 SENSITIVE BUT UNCLASSIFIED INFORMATION WITH  
22 STATE AND LOCAL PERSONNEL.—

23 (1) The President shall prescribe procedures  
24 under which Federal agencies may, to the extent the  
25 President considers necessary, share with appro-



1        appropriate State and local personnel homeland security  
2        information that remains classified or otherwise pro-  
3        tected after the determinations prescribed under the  
4        procedures set forth in subsection (a).

5            (2) It is the sense of Congress that such proce-  
6        dures may include one or more of the following  
7        means:

8            (A) Carrying out security clearance inves-  
9        tigation with respect to appropriate State and  
10       local personnel.

11          (B) With respect to information that is  
12       sensitive but unclassified, entering into non-  
13       disclosure agreements with appropriate State  
14       and local personnel.

15          (C) Increased use of information-sharing  
16       partnerships that include appropriate State and  
17       local personnel, such as the Joint Terrorism  
18       Task Forces of the Federal Bureau of Inves-  
19       tigation, the Anti-Terrorism Task Forces of the  
20       Department of Justice, and regional Terrorism  
21       Early Warning Groups.

22          (d) RESPONSIBLE OFFICIALS.—For each affected  
23       Federal agency, the head of such agency shall designate  
24       an official to administer this Act with respect to such  
25       agency.



1 (e) FEDERAL CONTROL OF INFORMATION.—Under  
2 procedures prescribed under this section, information ob-  
3 tained by a State or local government from a Federal  
4 agency under this section shall remain under the control  
5 of the Federal agency, and a State or local law authorizing  
6 or requiring such a government to disclose information  
7 shall not apply to such information.

8 (f) DEFINITIONS.—As used in this section:

9 (1) The term “homeland security information”  
10 means any information possessed by a Federal,  
11 State, or local agency that—

12 (A) relates to the threat of terrorist activ-  
13 ity;

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

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

19 (D) would improve the response to a ter-  
20 rorist act.

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



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

4           (A) State Governors, mayors, and other lo-  
5 cally elected officials.

6           (B) State and local law enforcement per-  
7 sonnel and firefighters.

8           (C) Public health and medical profes-  
9 sionals.

10           (D) Regional, State, and local emergency  
11 management agency personnel, including State  
12 adjutant generals.

13           (E) Other appropriate emergency response  
14 agency personnel.

15           (F) Employees of private-sector entities  
16 that affect critical infrastructure, cyber, eco-  
17 nomic, or public health security, as designated  
18 by the Federal government in procedures devel-  
19 oped pursuant to this section.

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

23           (g) CONSTRUCTION.—Nothing in this Act shall be  
24 construed as authorizing any department, bureau, agency,  
25 officer, or employee of the Federal Government to request,



1 receive, or transmit to any other Government entity or  
2 personnel, or transmit to any State or local entity or per-  
3 sonnel otherwise authorized by this Act to receive home-  
4 land security information, any information collected by the  
5 Federal Government solely for statistical purposes in vio-  
6 lation of any other provision of law relating to the con-  
7 fidentiality of such information.

8 **SEC. 783. REPORT.**

9 (a) REPORT REQUIRED.—Not later than 12 months  
10 after the date of the enactment of this Act, the President  
11 shall submit to the congressional committees specified in  
12 subsection (b) a report on the implementation of section  
13 782. The report shall include any recommendations for ad-  
14 ditional measures or appropriation requests, beyond the  
15 requirements of section 782, to increase the effectiveness  
16 of sharing of information between and among Federal,  
17 State, and local entities.

18 (b) SPECIFIED CONGRESSIONAL COMMITTEES.—The  
19 congressional committees referred to in subsection (a) are  
20 the following committees:

21 (1) The Permanent Select Committee on Intel-  
22 ligence and the Committee on the Judiciary of the  
23 House of Representatives.

24 (2) The Select Committee on Intelligence and  
25 the Committee on the Judiciary of the Senate.



1 **SEC. 784. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums  
3 as may be necessary to carry out section 782.

4 **SEC. 785. AUTHORITY TO SHARE GRAND JURY INFORMA-**  
5 **TION.**

6 Rule 6(e) of the Federal Rules of Criminal Procedure  
7 is amended—

8 (1) in paragraph (2), by inserting “, or of  
9 guidelines jointly issued by the Attorney General and  
10 Director of Central Intelligence pursuant to Rule 6,”  
11 after “Rule 6”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A)(ii), by inserting  
14 “or of a foreign government” after “(including  
15 personnel of a state or subdivision of a state”;

16 (B) in subparagraph (C)(i)—

17 (i) in subclause (I), by inserting be-  
18 fore the semicolon the following: “or, upon  
19 a request by an attorney for the govern-  
20 ment, when sought by a foreign court or  
21 prosecutor for use in an official criminal  
22 investigation”;

23 (ii) in subclause (IV)—

24 (I) by inserting “or foreign”  
25 after “may disclose a violation of  
26 State”;



1 (II) by inserting “or of a foreign  
2 government” after “to an appropriate  
3 official of a State or subdivision of a  
4 State”; and

5 (III) by striking “or” at the end;

6 (iii) by striking the period at the end  
7 of subclause (V) and inserting “; or”; and

8 (iv) by adding at the end the fol-  
9 lowing:

10 “(VI) when matters involve a threat  
11 of actual or potential attack or other grave  
12 hostile acts of a foreign power or an agent  
13 of a foreign power, domestic or inter-  
14 national sabotage, domestic or inter-  
15 national terrorism, or clandestine intel-  
16 ligence gathering activities by an intel-  
17 ligence service or network of a foreign  
18 power or by an agent of a foreign power,  
19 within the United States or elsewhere, to  
20 any appropriate federal, state, local, or for-  
21 eign government official for the purpose of  
22 preventing or responding to such a  
23 threat.”; and

24 (C) in subparagraph (C)(iii)—

25 (i) by striking “Federal”;



1 (ii) by inserting “or clause (i)(VI)”  
2 after “clause (i)(V)”; and

3 (iii) by adding at the end the fol-  
4 lowing: “Any state, local, or foreign official  
5 who receives information pursuant to  
6 clause (i)(VI) shall use that information  
7 only consistent with such guidelines as the  
8 Attorney General and Director of Central  
9 Intelligence shall jointly issue.”.

10 **SEC. 786. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**  
11 **ORAL INTERCEPTION INFORMATION.**

12 Section 2517 of title 18, United States Code, is  
13 amended by adding at the end the following:

14 “(7) Any investigative or law enforcement officer, or  
15 other Federal official in carrying out official duties as such  
16 Federal official, who by any means authorized by this  
17 chapter, has obtained knowledge of the contents of any  
18 wire, oral, or electronic communication, or evidence de-  
19 rived therefrom, may disclose such contents or derivative  
20 evidence to a foreign investigative or law enforcement offi-  
21 cer to the extent that such disclosure is appropriate to  
22 the proper performance of the official duties of the officer  
23 making or receiving the disclosure, and foreign investiga-  
24 tive or law enforcement officers may use or disclose such  
25 contents or derivative evidence to the extent such use or



1 disclosure is appropriate to the proper performance of  
2 their official duties.

3       “(8) Any investigative or law enforcement officer, or  
4 other Federal official in carrying out official duties as such  
5 Federal official, who by any means authorized by this  
6 chapter, has obtained knowledge of the contents of any  
7 wire, oral, or electronic communication, or evidence de-  
8 rived therefrom, may disclose such contents or derivative  
9 evidence to any appropriate Federal, State, local, or for-  
10 eign government official to the extent that such contents  
11 or derivative evidence reveals a threat of actual or poten-  
12 tial attack or other grave hostile acts of a foreign power  
13 or an agent of a foreign power, domestic or international  
14 sabotage, domestic or international terrorism, or clandes-  
15 tine intelligence gathering activities by an intelligence  
16 service or network of a foreign power or by an agent of  
17 a foreign power, within the United States or elsewhere,  
18 for the purpose of preventing or responding to such a  
19 threat. Any official who receives information pursuant to  
20 this provision may use that information only as necessary  
21 in the conduct of that person’s official duties subject to  
22 any limitations on the unauthorized disclosure of such in-  
23 formation, and any State, local, or foreign official who re-  
24 ceives information pursuant to this provision may use that  
25 information only consistent with such guidelines as the At-



1 torney General and Director of Central Intelligence shall  
2 jointly issue.”.

3 **SEC. 787. FOREIGN INTELLIGENCE INFORMATION.**

4 (a) DISSEMINATION AUTHORIZED.—Section  
5 203(d)(1) of the Uniting and Strengthening America by  
6 Providing Appropriate Tools Required to Intercept and  
7 Obstruct Terrorism Act (USA PATRIOT ACT) of 2001  
8 (Public Law 107–56; 50 U.S.C. 403–5d) is amended by  
9 adding at the end the following: “Consistent with the re-  
10 sponsibility of the Director of Central Intelligence to pro-  
11 tect intelligence sources and methods, and the responsi-  
12 bility of the Attorney General to protect sensitive law en-  
13 forcement information, it shall be lawful for information  
14 revealing a threat of actual or potential attack or other  
15 grave hostile acts of a foreign power or an agent of a for-  
16 eign power, domestic or international sabotage, domestic  
17 or international terrorism, or clandestine intelligence gath-  
18 ering activities by an intelligence service or network of a  
19 foreign power or by an agent of a foreign power, within  
20 the United States or elsewhere, obtained as part of a  
21 criminal investigation to be disclosed to any appropriate  
22 Federal, State, local, or foreign government official for the  
23 purpose of preventing or responding to such a threat. Any  
24 official who receives information pursuant to this provision  
25 may use that information only as necessary in the conduct



1 of that person's official duties subject to any limitations  
2 on the unauthorized disclosure of such information, and  
3 any State, local, or foreign official who receives informa-  
4 tion pursuant to this provision may use that information  
5 only consistent with such guidelines as the Attorney Gen-  
6 eral and Director of Central Intelligence shall jointly  
7 issue.”.

8 (b) CONFORMING AMENDMENTS.—Section 203(c) of  
9 that Act is amended—

10 (1) by striking “section 2517(6)” and inserting  
11 “paragraphs (6) and (8) of section 2517 of title 18,  
12 United States Code,”; and

13 (2) by inserting “and (VI)” after “Rule  
14 6(e)(3)(C)(i)(V)”.

15 **SEC. 788. INFORMATION ACQUIRED FROM AN ELECTRONIC**  
16 **SURVEILLANCE.**

17 Section 106(k)(1) of the Foreign Intelligence Surveil-  
18 lance Act of 1978 (50 U.S.C. 1806) is amended by insert-  
19 ing after “law enforcement officers” the following: “or law  
20 enforcement personnel of a State or political subdivision  
21 of a State (including the chief executive officer of that  
22 State or political subdivision who has the authority to ap-  
23 point or direct the chief law enforcement officer of that  
24 State or political subdivision)”.



1 **SEC. 789. INFORMATION ACQUIRED FROM A PHYSICAL**  
2 **SEARCH.**

3 Section 305(k)(1) of the Foreign Intelligence Surveil-  
4 lance Act of 1978 (50 U.S.C. 1825) is amended by insert-  
5 ing after “law enforcement officers” the following: “or law  
6 enforcement personnel of a State or political subdivision  
7 of a State (including the chief executive officer of that  
8 State or political subdivision who has the authority to ap-  
9 point or direct the chief law enforcement officer of that  
10 State or political subdivision)”.

