Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the distinguished gentleman from Florida and the distinguished gentleman from Georgia. I want to thank them. I will soon be reprimanded on the floor. I am using my time. Let me thank the two distinguished gentlemen from Florida for their leadership on this issue.

Mr. Speaker, let me applaud the proponents of this legislation, particularly in the testimony they gave before the Committee on the Judiciary, of which I am a member. I want to add my support to the rule and am gratified that it is an open rule.

Mr. Speaker, I would like to share with my colleagues that I think one of the more important points that we can make as we move toward making this country a safer place to live, and recognizing that we have turned the page of history on September 11, is the ability to share viable and important information with our local responders, if you will, or the local leaders that will provide the home-based security.

With that in mind, I intend to offer an amendment, a friendly amendment, that I hope my colleagues will consider favorably, and that is to ensure procedures that will allow the information from government whistle-blowers to be able to be shared within the confines of the regulations that may be designed by the President of the United States of America.

Mr. Speaker, I hope in this context we will recognize that information may come from a variety of sources, and we would hope the President would then design for us the best way that that information should be shared. The idea is to make sure that our Nation is safe, to do it with cooperative and collaborative efforts, but also to protect the integrity of the information we need to secure those in the homeland.

This amendment, as I said, is offered in a friendly context to recognize the importance of information that comes from those who would be willing to provide us the truth. I think as we move forward we have all determined that the key element for safety involves finding out the facts and the truth.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of my colleague, the gentleman from the east coast of Florida (Mr. HASTINGS). Actually, we do note there is an east and west, we are one State together, and proud to know each other.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SMITH of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 42 minutes a.m.), the House stood in recess for approximately 10 minutes.

□ 1056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Texas) at 10 o'clock and 56 minutes a.m.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 458, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOMELAND SECURITY INFORMATION SHARING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 458 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4598.

□ 1057

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia (Mr. CHAMBLISS), and I ask unanimous consent that he be allowed to control the time that is allowed to us on behalf of the House Permanent Select Committee on Intelligence.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to thank the distinguished chairman of the House Permanent Select Committee on Intelligence for the great work that he and the ranking member, the gentlewoman from California (Ms. PELOSI), have done in leading our Permanent Select Committee on Intelligence, not just post-September 11, but even before that.

The gentleman from Florida (Mr. GOSS) has been a very level-headed individual, who has carried us forward in some difficult times with respect to dealing with our intelligence community; and since September 11 he has particularly provided the strong leadership that this Congress needed and that this Nation has needed in order to be able to ensure the American people that Congress and our intelligence community is doing everything we possibly can to ensure that another act like September 11 never occurs again.

□ 1100

Since September 11 of last year, Congress has enhanced the capabilities of the Federal, State and local officials to prepare and respond to acts of terrorism. Information sharing is the key to cooperation and coordination in homeland security, and 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 intelligence community of the Federal Government does a great job of gathering information on terrorist activity, but we do a very poor job of sharing that information both horizontally and vertically within our agencies and with State and local officials.

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 Guiliani 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 agencies.

Governor Keating even told us a story about his State Adjutant General, a gentleman that he appointed, who informed the governor he could not share some information with him because, as governor, he did not have the right security clearance.

The case in Oklahoma is no exception. These same types of communication gaps exist in every State, including my home State of 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, who does not have the same information as other local officials.

As we fight this war on terrorism, we must make certain that relevant intelligence and sensitive information relating to our national security 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 need to be quickly disseminated to State and local law enforcement officials and others who play key roles in protecting our communities.

For these reasons, the gentlewoman from California (Ms. HARMAN) and I, along with several of our colleagues, including the leadership of the Permanent Select Committee on Intelligence as well as the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, and the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, introduced the Homeland Security Information Sharing Act.

This bill will help to eliminate the stovepipes that exist in the intelligence and law enforcement worlds with respect to sharing of vital information and will assist officials across government to 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 that they have with each other in relevant communities can we begin to effectively prepare for and defend ourselves against future attacks.

I have traveled all across my State of Georgia and listened to the concerns of many of our community leaders and emergency responders, and I am more convinced than ever that we must pass this legislation. Our police officers, our firefighters, our sheriffs and other local emergency officials need to be informed about the threats that may exist to their communities.

Georgia sheriffs like John Cary Bittick of Monroe County, who serves as the president of the National Sheriffs Association, or Bill Hutson of Cobb County need to know when there is information relevant to their community that will help them do their jobs better and prevent any type of terrorist attack. This bill has the support of all major law enforcement groups and other organizations of local officials.

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 seemed to point to the devastation, but hindsight is 20/20. Now we must take the information and move forward. We must act, and our bill will go a long way toward helping our law enforcement officials protect us by giving them the tools they need to better protect us.

I urge my colleagues to join me in supporting this important legislation.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding.

I wanted to take just a second to briefly thank publicly the chairman of the subcommittee and the ranking member, the vice chairman of the committee, for doing extraordinary work on behalf of our Nation on the subject of terrorism and homeland security.

This really was the first body in Congress that dealt with this subject after the tragedies of 9–11. They have done an amazing job of gathering material, having the right kind of hearings, talking to the right type of people.

We have a report that I guess is going through classification review or something at this point to make sure we can get as much as possible available to the public as we can do, but this has been hard work. It has been well managed, and it shows Congress doing something positive when there is a critical need for the people of the United States.

So I want to return very much the compliment of the distinguished gentleman from Georgia (Mr. CHAMBLISS), the gentlewoman from California (Ms. HARMAN), and thank them very much for the fine work. They do the Permanent Select Committee on Intelligence proud.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent that the gentlewoman from California (Ms. HARMAN) be allowed to manage the time on this bill. She is one of the valuable members of the Permanent Select Committee on Intelligence and one of the key authors, along with the gentleman from Georgia (Mr. CHAMBLISS).

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. CHAMBLISS) with whom I have had a long and productive partnership on the House Permanent Select Committee on Intelligence. I would also like to thank the chairman of the full committee for the comments he just made. He is graceful, he is competent, he is bipartisan, and I think much of the progress we have been able to make on this problem and many others has to do with the kind of leadership he exhibits as the chairman of the full committee, and I really want to say to the gentleman from Florida (Mr. GOSS) that I am one of his biggest admirers.

For those wondering, Mr. Chairman, what Congress' response to the intractable problem of information sharing is, the answer starts with this vote. I am pleased to speak on behalf of H.R. 4598, the Homeland Security Information Sharing Act of 2002. I introduced this legislation with the gentleman from Georgia (Mr. CHAMBLISS), the chairman of the House Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, some months ago. This bill, like our subcommittee, is a bipartisan effort, and I appreciate his cooperation and real leadership.

Our subcommittee held a hearing last October in New York City to learn the first lessons of the September 11 tragedies. Former Mayor Rudy Giuliani testified that our critical priority should be to get information on terrorist activities to mayors and local responders. In addition, the National League of Cities, several first responder associations and my governor, Gray Davis of California, agree and support this effort to get information into the hands of those who need it; and not only to get the information there but, hopefully, to give them information on what to do in the event of a terrorist threat or terrorist attack.

That is what our bill does. It directs the President to create new procedures to share information on terrorist threats across the Federal government and down to the local government and first responders. After these provisions are put in place, police, fire, public health, EMTs and other first responders will know when the FBI or the CIA has critical information on a threat to their communities.

Governor Tom Ridge, in talking about the new Department of Homeland Security, says all the time that homeland security begins with hometown security, and that is what we are talking about. This information will empower the local communities to protect themselves.

The information will supplement the administration's homeland security advisory system by giving responders actionable information. If, for example, the CIA uncovers a threat to California's suspension bridges, that threat information will be relayed to the governor, to mayors, to police, to Coast Guard and transportation officials in California. Local teams can then react in a systematic, intelligent way to prevent the threat and notify the public appropriately.

The Homeland Security Information Sharing Act recognizes two realities, that sharing of information is more effective when unclassified and that we do not need to reinvent the wheel.

Intelligence on terrorist threats collected by our intelligence community will be classified. The first responders, the feet on the ground, do not need to know how it was collected. They need to know what to do with it. That is why the bill relies on stripping the sensitive sources and methods and transmitting the information through unclassified means.

Not only does this get critical information out to our States and cities, it protects the dedicated workers of our intelligence community. It prevents leaks of classified information, and it saves every police and fire department

across the country from having to invest in security clearance investigations and special facilities for handling secret information.

In addition, Mr. Chairman, the United States already shares intelligence with our allies. The legislation directs use of existing technology used in sharing information with NATO allies and Interpol. These techniques will be borrowed and used after this legislation becomes law. The information can then be shared through existing information sharing networks, such as NLEST, the National Law Enforcement Telecommunications System or the Regional Information Sharing Systems. These systems already reach 18,000 law enforcement offices across the country.

Mr. Chairman, I urge our colleagues to support H.R. 4598. It is the right bill at the right time. We take the step towards solving the problems we faced on 9–11 today. It starts with this bill. It starts now. I thank the gentleman from Georgia (Mr. CHAMBLISS) for authoring the bill with me.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS), a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, I would like to thank the gentleman from Georgia for yielding me the time, and I want to commend him on his work and his leadership on this issue, and I have to tell him, as an agent who worked in the field, next to the PATRIOT Act and I think at equal stature is this bill. I think the bill is that important to the future security of the United States of America. I want to again applaud him from every agent in the field who is struggling to make a difference today. This bill will make a difference for the safety and security of this Nation.

I want to tell this story. We often forget, and sometimes in this town we are so quick to find a villain we forget about finding the solution. Over time what we have done to the agents in the field was, and we would hear the arguments, well, they are not cooperating because one agency thinks they are better than the other. Simply not so.

When we were agents, there are barriers that were put in place that prohibited us from communicating information to local law enforcement officials. I had a case as a new agent where I was able to work a State police officer undercover into a group of self-proclaimed anarchists who were going to do some damage by building bombs and delivering these bombs to kill Federal judges in institutions owned and operated by the Central Intelligence Agency.

Here is the dichotomy we got into. Because of the information we were developing in this case, we were not allowed by law, by rule, to share some of the information that we were developing with the very agent who was risking his life from the State police to go undercover to help us solve it. We had meetings with general counsel and a room full of lawyers trying to figure out if this was the right thing and what information could we or should we, and we always erred on the side of caution, saying we better not share that information.

This bill helps eliminate those very ridiculous rules that for years put fear in the agents who are trying to do the right thing. That is why this bill is so important. It will empower agents there through their own good judgment and common sense to deliver the information that they need and they know they need to deliver to our local law enforcement, our local sheriff offices, our local State police institutions, other Federal agencies. This bill will make that difference and will take down the fear that these agents have of losing their jobs or worse, in some cases losing everything they have through civil liability.

This bill is that important, Mr. Chairman, and I, again, I cannot tell my colleague, from the agents that I have talked to, how important this bill is and what freeing ability this is going to have to them to in a responsible way communicate the kinds of information that is going to make it safer for firefighters and EMT folks out there, for emergency room workers who are going to deal with some of these tragedies, for every level of law enforcement in this country.

This is that last bastion, that last hurdle that is going to stop us from doing good things. Had this bill been in place, we could have shared a lot of information with the State police and maybe even broadened our net a little bit and protected him to a degree that we really were not allowed under the law to do when I was an FBI agent.

Again, I would hope that this body would have quick action on this bill and stand up and salute the work of all, from the minority to the majority party, who worked so hard on this bill to make a difference for this country and the agents that are doing the work.

□ 1115

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Indiana (Mr. ROEMER), who is a member of our subcommittee and one of our hardest-working partners on issues like these.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I want to first of all commend the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) for their hard work on this bipartisan legislation. The gentleman from Georgia has been a leader from his position on the subcommittee, and the gentlewoman from California has shown dogged determination and real intellectual insight in helping craft this legislation and putting it forward before this body, and I thank her for her hard work.

This is important for our rural and urban communities that want to partake in preventing terrorism in the future, and so I rise in strong support of this legislation and want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), and particularly the gentleman from New York (Mr. WEINER), for their support in helping improve the legislation as well.

My reading of this legislation, Mr. Chairman, reveals that it is quite simple and quite productive in what it does. It says to the President of the United States that he must help us devise a system to share information from the Federal, national, level with our local communities.

We have seen some of the problems in communication between the FBI and the CIA, between national and local field offices, and this will help change the culture and deal with the hurdles and some of the barriers that have been put up in the past to make this system work better in the future.

We also see that the President has two steps that he can take in devising this system: one is to declassify information, to declassify this information and, therefore, make it more shareable, if that is a word, a better sharing system with the local community; secondly, is to provide clearances for the local community so that they can get this information, glean from it, get it out, and hopefully prevent the next terrorist act from happening.

I think this is very important, very intelligent; and I think the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) have really come up with a good system to provide a way to fill in some of the gaps and the seams and the holes that exist in the current system.

I do want to say that I think this legislation also answers two important questions for the future. One is we have a lot of information out there. How do we make this information knowledge? How do we provide this information so it is actionable for our local communities rather than simply a color code of red or yellow? How does this information get translated into actionable information that helps the local community move forward to prevent terrorist activity?

The second question is how do we devise this system for the homeland security department to actually implement this in the future? The more information we get out there on these merging questions, the integration questions, the intelligence and analytical questions for the homeland security department, the more we have to move intelligently and wisely to get it right, rather than simply moving to get it done by September 11.

This is a very, very big question for us in the future, and I hope that this

legislation will help us move forward to get the homeland department right in the future; and so again I congratulate the gentlewoman from California and the gentleman from Georgia.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this country is at war against a craven enemy: terrorists. Their main purpose is to kill Americans, whether they are babies or the elderly. We know that this enemy is living here in the United States as well as abroad.

As a result, this country is at war with no borders or fronts. Thus, it will often be the first responders, local police, firefighters, emergency responders, that will confront this enemy when we are threatened or attacked at home.

First responders, however, cannot adequately prepare and respond to such threats without receiving appropriate threat information, nor will the Federal Government be able to respond appropriately without receiving information from State and local officials. We must have a comprehensive information-sharing system that involves all levels of government.

In order to better be able to prevent, disrupt, and respond to a terrorist attack, the Federal Government must improve, first, information sharing; second, analysis of the information; and, third, coordination. All three are interdependent and vital for a strong homeland security system.

Congress recognized the information-sharing problems immediately after 9–11 and passed the U.S.A. PATRIOT Act that provided for enhanced investigative tools and improved information sharing for the Federal law enforcement and intelligence communities. The enhanced law enforcement tools and information-sharing provisions have assisted in the prevention of terrorist activities and crimes which further such activities.

To protect privacy, the PATRIOT Act, first, limited disclosure to foreign intelligence and counterintelligence information, as defined by statute; second, restricted disclosure to only those officials with the need to know the information in the performance of their duties; and, third, maintained the limits on public or other unauthorized disclosure.

What the PATRIOT Act did not do was address the need to share homeland security information with State and local officials. The process by which Federal agencies share information with State and local officials is complicated due to the classified and sensitive nature of much of the information and the need to provide the States and localities with this information in an expedient manner.

This bill helps to address this perplexing issue. This important legislation was reported out of the Committee on the Judiciary on June 13, 2002, after an extensive markup. It requires the President to establish procedures for Federal agencies to determine the extent to which classified and unclassified, but sensitive, information may be shared with State and local officials on a need-to-know basis.

To share this information with State and local officials, Federal agencies must use information-sharing systems that are capable of transmitting both unclassified and classified information in a restricted manner to specified subgroups and be accessible to the appropriate State and local personnel and Federal agencies.

During consideration of H.R. 4598, the Committee on the Judiciary adopted an amendment to ensure that the new procedures contained adequate privacy protections. The bill directs the President to include conditions in the procedures that, first, limit the redissemination of such information to ensure that the information is not used for an unauthorized purpose; second, ensure the security and confidentiality of such information; third, protect the constitutional and statutory rights of any individuals who are subject to such information; and, fourth, provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

Additionally, the committee adopted an amendment which was a modified version of H.R. 3285, the Federal Local Information Sharing Partnership Act of 2001, a bill introduced by the New York delegation. This amendment extends the information-sharing provisions in the PATRIOT Act to State and local officials. Currently, Federal officials cannot share surveillance and intelligence information with State and local officials. This amendment allows for such sharing.

Current law does allow a Federal Government attorney to disclose, with a court order, grand jury information to State and local officials related to Federal criminal law matters. The amendment expands the type of grand jury information available for sharing to include information pertaining to foreign intelligence, foreign counterintelligence, foreign intelligence information, and domestic threat information. Domestic threat information is not covered in the U.S.A. PATRIOT Act. This information needs to be covered, but often it is not clear as to whether threats result from international or domestic terrorism. The amendment also authorized Federal criminal law information to be shared with foreign officials with court approval.

The amendment contains safeguards against the misuse of grand jury information. The information may only be disclosed for the specified purpose of preventing and responding to a threat. Additionally, recipients may only use the disclosed information in the conduct of their official duties as is necessary, and they are subject to the restrictions for unauthorized disclosures, including contempt of court.

State and local officials will be the first to respond to a terrorist attack. It goes without saying that the Federal Government must be able to provide homeland security information to those officials. H.R. 4598, as amended, will help to disseminate homeland security information quickly and efficiently while protecting classified sources and methods information.

This legislation is vital to improving homeland security, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me first thank the chairman of the Committee on the Judiciary for that outstanding explanation of the bill, and I thank my colleagues, the gentleman from Georgia (Mr. CHAMBLISS) for his expert opinion on this issue and his hard work and dedication, and I want to take a moment to single out two Floridians.

There has been a lot of concern about terrorist activities in our country, and some people have been second-guessing some of our great agencies. There have been two notable Floridians, Senator BOB GRAHAM and the gentleman from Florida (Mr. GOSS), who are Chairs of the Permanent Select Committee on Intelligence on the House side and the Senate Select Committee on Intelligence on the Senate side, and I have to praise them for their handling of this information and the way they have been able to work together as colleagues across the aisle and across the Chambers in trying to develop a comprehensive terrorism strategy and a homeland security strategy.

I also want to applaud the agencies themselves. It is time that America lifts up its heart and wishes the best for every agency and every American, rather than the cynical second-guessing of people and the Monday morning quarterbacking and the reflections in the rear-view mirror. Let us look forward as a Nation to provide for the common defense, to protect our communities, to salute the fine men and women who make up these agencies. Let us not sit here and have a pity party. Let us work together.

I also want to commend the gentlewoman from California (Ms. HARMAN), who has done a tremendous job explaining on national network some of the intricacies of what we are dealing with. I know my constituents are very, very pleased and proud when they see Democrats and Republicans explaining to the American public what we are doing relative to homeland security, to give us security, to make us feel better, and to also let us know we are fighting terrorism.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), another member of our committee and I will also thank him for his leadership, and, at the same time, thank my colleague from Florida for his kind comments.

Mr. BISHOP. Mr. Chairman, I rise in strong support of this bill, H.R. 4598.

Mr. Chairman, the great failure of September 11 was our failure to methodically analyze and share among our Federal and local authorities critical intelligence information. The task before Congress today is to provide greater transparency in the information-sharing process so that police officers, sheriffs, elected officials and other emergency responders can exchange vital information while also protecting the critical sources and methods that are used in gathering such information.

The bill before us today, the Homeland Security Information Sharing Act, answers this calling. Specifically, it directs the President to develop procedures by which Federal and local agencies and personnel share security information. It ensures adequate security in the dissemination and transmission of classified or unclassified information based on a recipient's need to know. It protects the legal and constitutional rights of individuals by requiring that shared information is current, factually accurate, and used only for the authorized purpose for which it was obtained or disseminated.

Finally, it safely and responsibly provides authorized State and local officials access to certain types of sensitive information, including foreign intelligence and grand jury information, consistent with the Justice Department and CIA agency guidelines.

Mr. Chairman, transparency must be the goal of any homeland security proposal. This legislation fulfills our responsibility to the American people by providing authorized professionals with the best, safest, and most accurate information available in the most efficient manner possible.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for yielding me this time.

Mr. Chairman, H.R. 4598, the Homeland Security Information Sharing Act, was approved by the Subcommittee on Crime, Terrorism and Homeland Security on June 4 and by the full Committee on the Judiciary on June 13.

This bipartisan bill was introduced by the gentleman from Georgia (Mr. CHAMBLISS), the chairman of the Subcommittee on Terrorism and Homeland Security of the House Permanent Select Committee on Intelligence, and the gentlewoman from California (Ms. HARMAN), the ranking member of that subcommittee.

□ 1130

This bill does not mandate the sharing of information but rather removes the barriers for doing so. The discretion will still remain with the Federal entity that possesses the information. This bill as amended and reported out of the Committee on the Judiciary focuses on procedures to strip out classified information so that State and local officials may receive the information without clearances.

The bill also removes the barriers for State and local officials that prevent them from sharing intelligence information with Federal officials.

The September 11 terrorist attacks made it clear that the Federal Government must improve its ability to collect, share and analyze information. The USA PATRIOT Act and this bill address that pressing need.

Mr. Chairman, America must have a comprehensive information exchange system that will allow those on the front line, our State and local officials, to detect and prevent a terrorist attack. H.R. 4598 helps to create just that system.

Mr. CHAMBLISS. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), a cosponsor of this legislation.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise not only as a cosponsor of this bill and also supporter of the bill but also to urge my colleagues to support this vital legislation as we vote on it today in this body. There has been a growing theme, Mr. Chairman, that Congress must take this opportunity to address the lack of information sharing among some of our Federal agencies.

As a member of the Permanent Select Committee on Intelligence, I have heard testimony about how some of these agencies do not share information in a way that best protects our homeland. To put it another way, not all of the dots are being connected. Internally, some agencies, like the FBI, may connect some of the dots, the CIA may connect some of the dots, and the Border Patrol and Customs may connect some of the dots. But if all of our efforts fail to present a complete picture, we are likely to face a tragedy perhaps worse than those we faced on September 11.

The current stovepipe barriers that prevent timely information sharing must stop. Never before in our Nation's history has communication sharing among our national security agencies been as imperative nor as important as it is today.

While information sharing horizontally must improve, our local law enforcement and first responders demand that we achieve vertical integration in information sharing as well.

As we have all heard from our constituents back home, the first responders are the people who play key rolls in protecting the communities in which they serve. Our police, firefighters, medical personnel must be informed of the threats that exist within their communities so they are able to prepare and protect those in their communities.

H.R. 4598 ensures that information sharing, both horizontally and vertically, exists by directing the President to develop procedures by which Federal agencies will share security information with State and local personnel. Further, it ensures that information-sharing systems have the capability to transmit classified and unclassified information.

Mr. Chairman, I thank the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) for their hard work on this legislation.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentlewoman for yielding me this time and also her leadership and the leadership that the caucus has brought to this important issue.

I believe this is one of the singular, most important issues next to the development of the homeland department, is to make sure that this coordination of information happens.

We know first hand in Portland, Maine, where a couple of the terrorists had boarded the plane, to have gone through the security screening and not to have that information disseminated to the local law enforcement that was available at the Federal level with Federal law enforcement is just completely unacceptable.

I think this legislation which I am cosponsoring directing the administration to develop procedures for Federal agencies to share this information, both declassified and classified, is appropriate with State and local authorities. This bill requires the CIA and the Department of Justice to prescribe procedures in accordance with Presidential directives with Federal agencies to share homeland security information with State and local authorities. These Federal agencies would also be required to provide to State and local authorities an assessment of the credibility of such information.

This legislation is going to go a long way to further enhancing the relationship between the Federal, State and local governments so we can together protect Maine and the Nation's homeland security.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. CHAMBLISS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentlemen for yielding me this time.

Mr. Chairman, we were very much impressed by the remarks given by our colleague from Michigan, the former FBI agent, about the personal experience he had with the vacuum that was left when information did not percolate

very quickly and was not shared immediately, to the detriment of an investigation to which he was a part.

Every Member in Congress has some kind of situation which he can relate in which sharing of information was not what it should have been. I myself a few months ago was part of a scenario in which the Nuclear Regulatory Commission issued what it felt was a credible threat to Three Mile Island and reported the essence of that credible threat to the operators of Three Mile Island. This was 6 or 6:30 p.m. At 1 a.m., when an all-clear was sent forth, we learned for the first time that the first responders, the township officials, the State officials, the county officials who were responsible in and around Three Mile Island, some of them did not hear about this credible threat for several hours following the institution of it by the Nuclear Regulatory Commission, and some never heard a thing about it.

Happily nothing happened, and it turned out not to be a credible threat, but we were alarmed. So we convened a meeting of all of the people who should have been involved in the sharing of information, from the initial first responders in and around Three Mile Island straight up to the State agency, and thus we now have in place a set of positions that will more easily undertake the sharing of information and deal with any kind of threat.

Just yesterday, I and several other Members participated in a war game at Fort McNair sponsored by Secretary of Defense Rumsfeld and Secretary of Agriculture Veneman which portrayed a scenario to determine whether Members of Congress can come up with recommendations to the President if such a thing would really happen; and 80 percent of it, I must relate to the Members, had to do with sharing of information and communication of information on the spot as the threat was developing under the war game.

We learned in this war game that the essence of any kind of preparation for our society, our neighbors, our families, our municipalities, is the instant communication among them of what is happening and the sharing of information across the board for the preparation to meet a threat in the best possible way.

So we all are in a position now to support this piece of legislation which will aid all of us in the completion of a cycle in which sharing of information will be more vital than ever.

Ms. HARMAN. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, the perspective just offered is very helpful to us as we consider this legislation. This is an effort to empower local officials on whose real estate future terrorist acts will occur. Without useful information, they and the citizens who live in those places will not know what to do, and if they do not know what to do, they will panic. That is exactly what the terrorists want, and I appreciate the gentleman's comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I rise to support a bill to help local officials and our emergency responders better protect our communities. I am a proud cosponsor of H.R. 4598, the Homeland Security Information Sharing Act.

We need this bill so we can promote the sharing of critical homeland security threat information between Federal law enforcement and intelligence agencies and State and local officials, including our first responders. We need to do this for the families who lost loved ones on September 11 and in the October anthrax attacks, for the American people who expect us to protect them, and for our children so that future generations can grow up in a free and open society.

We can and must do so while protecting people's constitutional rights and civil liberties by requiring that any information that is shared must not be used for any unauthorized purpose, and that the procedures must ensure the security and confidentiality of the information, as well as remove or delete obsolete or erroneous information.

I cosponsored this bill because first responders from across my district have contacted my office asking for the means to receive credible and specific threat information in order to prevent or respond to terrorist attacks. The fact is, our local first responders face real threats. They need real information and real resources to protect our communities.

This bill is an important first step. It says we will be full partners in this action against terrorism. The partnership is critical in protecting communities and saving lives.

We all agree that, since September 11, America's heroic first responders have risen to the occasion, protecting communities as the first line of defense against terrorism. In my district, as across America, they have marshaled the resources to track down leads on potential terrorist threats, to buy more equipment, from upgraded weapons to technology to biohazard suits and masks. They have increased hazmat training for handling suspicious packages and stepped up patrols around potential targets like water and gas supplies, power plants, harbors and airports.

Now it is time for us to step up and help them. While our first responders appreciated our praise, they do not need our rhetoric. They need our information, and they need resources. This bill is the first step to allow that to happen. We need to press the administration to release direct funding to local first responders and to give them credit for $1.5 billion already spent in this effort.

Mr. CONYERS. Mr. Chairman, I rise on behalf of the Committee on the Judiciary to claim the time for the minority.

The CHAIRMAN pro tempore (Mr. SIMPSON). Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the gentleman from Virginia (Mr. SCOTT), the gentlewoman from California (Ms. HARMAN), and the gentleman from Georgia (Mr. CHAMBLISS) for helping bring this bill to the floor.

We do not have to look far into the realm of the hypothetical to see why this bill was necessary. When anthrax was found at the NBC building at New York City several months ago, the Department of Health was not notified. The New York City Police Department was not notified. In fact, the Police Commissioner and the Mayor found out by watching television news.

We do not know to this day why local authorities were not notified, but we can figure it out by reading the current law of the land. We can figure out it was probably a Federal agency, probably the FBI that was notified, and since they might have found out about this information via a wiretap or grand jury testimony, they were prohibited by the law of the land from even letting New York City know.

□ 1145

Imagine if it were even worse than that anthrax attack. Imagine if in the course of a wiretap about some other related case, someone says, ''This deal is going to go down tomorrow in the New York City subway system. We are going to release sarin gas,'' or ''We are going to try to derail a train.'' Can you imagine if it were the FBI alone, since they gathered the information and were prohibited by law in the way they gathered it, going into every subway station and trying to figure out where they should be to try to stop this?

They could not call the New York City mass transit authority, they could not call the transit authority police that have been responsible for driving crime down in the City of New York subways. They would have had to go down and try to figure out a way to navigate that threat on their own.

There is a reason, perhaps, that these prohibitions were in place. Maybe there is a concern, and it is a legitimate one, about having information that comes as very sensitive falling into the wrong hands. That is why the bill that the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) have drafted is smart by saying that the Attorney General does not have to turn over every piece of information, does not have to say, ''Well, we have a box of grand jury information. Let's give it to every sheriff's department that might be so implicated,'' but it does at least allow them to do it if need be.

Mayor Giuliani before he left office approached this Congress and spoke

publicly about the need to have this information in certain circumstances. He said, ''We need the information, and we need it right away. Otherwise, we are going to make a terrible, critical mistake.'' What Mr. Giuliani was talking about is a mistake of omission, excluding from the chain of information people who needed the information.

I share the concerns that some raised in committee that we do not want this information to chip away at the confidentiality of the grand jury. We do not want wiretap information falling into the wrong hands. But at the very least, if someone runs into the Attorney General's office with a hot piece of information of an impending threat, I would hate to have the Attorney General's counsel say, ''Boss, you can't let the City of New York know about this. You can't let the City of Detroit know about this. You can't let a locality that might need to know about this know about it.''

This is what this seeks to address. There has been a great deal of talk about the way we need to get different levels of government connecting the various dots. This piece of legislation does it better than anything we have done yet to date.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume just to commend the gentleman from New York for his real insight into the practicalities of this issue. His amendment which was filed in the Committee on the Judiciary was readily accepted by the gentlewoman from California (Ms. HARMAN) and myself because it gets right to the core of the practical problem out there and also allows for additional information to be redacted, declassified and get in the hands of the right people at the right time and within real time. I commend the gentleman for his insight and for his thoughtfulness on this issue. His particular amendment will go a long way toward saving additional lives of Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a valued member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time. I particularly want to thank the gentleman from Georgia, the gentlewoman from California and the gentleman from New York for their hard work on this bill.

It is absolutely necessary, Mr. Chairman, to provide a mechanism for meaningful communication of sensitive information to local and State officials so they can take appropriate action to protect citizens from terrorist attacks. Much of this information will, by necessity, be sensitive, often derogatory information which will be circulated without the target of the information ever being able to respond. For public safety reasons, we have to be able to communicate what is known, but we need to make every effort to ensure that this information is circulated just to those who actually need it and not spread all over town so that the chances are increased that someone's neighbors or friends who happen to work for the government agencies might see it unnecessarily.

This bill, because of the hard work of those involved, strikes that appropriate balance. It is slightly different from the Senate version of the bill which tightens the language in regards to privacy and limitations on the kinds of information which will be subject to the provisions of the bill. I would hope that the conferees will adopt the Senate language. It is not inconsistent with the goals of the bill.

But I must also add that the bill establishes just a framework for regulations to be developed. It is therefore important that those who develop the regulations and those who implement the regulations follow not only the letter of the law but also reflect the bipartisan spirit by which this bill was developed.

Again, I want to thank the gentlewoman from California, the gentleman from Georgia and the gentleman from New York for their hard work on this legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the eloquent gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of this legislation.

In the days following September 11, Congress acted very quickly to pass the PATRIOT bill. Some of us thought that some of the provisions in that bill perhaps overstepped the bounds, and some of us voted against it because we were concerned about its implications for individual liberties. In the days since, what has become very, very apparent is that it does not do any good for the CIA and the FBI and Federal law enforcement agencies to have information that would help us combat terrorism and respond to it without bringing local law enforcement and agencies into the equation and sharing that information with them, not necessarily the full ambit of the information that we have but, subject to certain guidelines, sharing that information with them.

When this bill came before the Committee on the Judiciary, some of us expressed concerns and offered an amendment that would put some parameters around this second-stage process of sharing information with local authorities. The Committee on the Judiciary added language which I think is absolutely critical to this bill which would make sure that the information limits the redissemination of such information to ensure that such information is not used for an unauthorized purpose, to ensure the security and confidentiality of such information, to protect the constitutional and statutory rights of any individuals who are subjects of such information, and to provide data integrity through the timely removal and destruction of obsolete and erroneous names and information so that people who are just kind of generally suspicious would not have their whole lives and reputations ruined as a result of information that was shared with local authorities even though they might not be guilty of anything or even involved in anything either directly or indirectly.

We have done a great service to add this language in the Committee on the Judiciary. There are still some concerns, perhaps, about the use of grand jury information and other aspects of this. I think the Senate is addressing some of those concerns on the Senate side, but we clearly need to move this bill forward, get it into conference and work out some of these other details, because local authorities really need to be in the loop when it comes to protecting us from terrorism. This bill would certainly allow that to happen.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Let me offer my applause to the proponents of this legislation, the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN) from the Permanent Select Committee on Intelligence.

I rise to support this legislation and to point out one or two matters that I think are very important. That is, as a member of the Committee on the Judiciary, the concern, as my colleagues have already mentioned, with the preservation of the sanctity of the grand jury testimony or of grand jury testimony, recognizing the importance now even more past September 11. The horrific acts of September 11 certainly, as I have said often, turned the page as to how we do business in America, but certainly now even more after that time frame, after the attack, if you will, of anthrax, we have come to understand the viability and the importance of first responders and the local communities.

This legislation confirms for us that there must be exchange, there must be dialogue on the issues of homeland security, on the issues of information, but we must be reminded that, as we go forward, it is important for the President, the administration, the executive branch, to define and determine how that information on the Federal level is discerned and interpreted and transmitted.

I offered amendments in the larger body that I believe help to enhance this legislation. I look forward to offering a prospective amendment as well that

was proposed but not offered. When I say proposed, there was an interest in but it was not put forward at the committees. But I will say that the language that adds public health security in the bill is important, that it ensures that those who are involved in public health security as well will receive information and as well the emphasis or the adding that rural and urban communities, those first responders there, will be particularly not highlighted but noted that those areas have to have an opportunity to receive information in a balanced way throughout the Nation.

I would offer to support this legislation with the constraints that it has and applaud the proponents of this legislation as well as the distinguished chairman and ranking member of the Committee on the Judiciary.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

I think this has been a very useful debate and would just like to underscore several points.

First of all, as my coauthor, the gentleman from Georgia (Mr. CHAMBLISS), has said, the House Committee on the Judiciary has made a substantial contribution to this bill. We have heard from the gentleman from New York (Mr. WEINER), the gentleman from North Carolina (Mr. WATT), the gentleman from Virginia (Mr. SCOTT), the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. SMITH) about a number of issues that they have had concerns about, and a number of changes they have made to this legislation when it went through their committee. I just want to salute them for a very constructive contribution to making this legislation better.

Second, I would like to underscore the importance of bipartisanship. This is a constant refrain of mine. I represent a very bipartisan district. I have often pointed out that I do not believe the terrorists will check our party registration before they try to blow us up. Therefore, it is absolutely critical that we face the problems of homeland security as American problems, not as partisan problems. This legislation certainly does this. It was introduced virtually unanimously by the House Permanent Select Committee on Intelligence, and that was a very good beginning. I believe that the best legislation we produce here is bipartisan, and this is an example of it.

I also want to salute again the really very special leadership of the chairman of the House Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS). His style is enormously productive on that committee, and I think his experience is enormously helpful to us as well. He sets an environment in which people like the gentleman from Georgia and I can be our most productive in this Congress.

The third point is that homeland security is a bottom-up problem, not a top-down problem. As we continue to consider the department of homeland security concept, which I support as an original cosponsor of the bill introduced by the gentleman from Texas (Mr. ARMEY), we need to remember that the point is not the best arrangement of the deck chairs, the point is how to empower our first responders and all Americans to have the critical information they need to know what to do.

This bill is all about that. It is about making sure that the beginning of the process is empowered. I think it is one of the most important contributions we can make and very consistent with what our subcommittee heard at the first hearing after 9–11 in New York City.

Many are saying that we do not really need a department of homeland security because it does not fix the real problem, which is the lack of collaboration between the CIA and the FBI, which are not formally moved over to that new department. I do not think they should be moved, but I do agree there is a real problem and that problem is about information sharing. This bill addresses that problem.

□ 1200

Finally, let me say that if we think about what the major problems are in our effort to develop an effective strategy for homeland security, information sharing is certainly one. The other big one we do not address here, but it is a big one that we will address I hope shortly, is interoperability. Our first responders need information, but then they need to be able to talk to each other, to communicate in real-time with all of those who are with them trying to deal with whatever the threat is, hopefully to prevent it or disrupt it, but if not, to respond to it. So I hope that soon we will also take up that important issue.

On that point, Mr. Chairman, I would mention to our colleagues that Governor Ridge was here yesterday testifying before the House Committee on Energy and Commerce on which I serve. We talked about that issue. He does support the notion of bridging technologies, and there are existing technologies to deal with that point.

So for all of these reasons, Mr. Chairman, I think we have good legislation here. It was made better by the Committee on the Judiciary; it was made better by bipartisanship. It really emphasizes a bottom-up process. It helps deal with the problems between the FBI and the CIA, and it is one of the major problems that we have to address. I would like to salute my colleague and partner, the gentleman from Georgia (Mr. CHAMBLISS), and thank him for his efforts on this bill. I urge the strong and, I hope, unanimous support of this body for this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

As we conclude our general debate on this bill, I too would like to, first of all, recognize and thank the great leadership that we have had from the Committee on the Judiciary, from the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, to the gentleman from Michigan (Mr. CONYERS), the ranking member, to the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, and the gentleman from Virginia (Mr. SCOTT), the ranking member of that subcommittee.

We have had an open dialogue on this issue, an issue that all of us, irrespective of what party or what side of that party one comes from, recognize that this is a bill about what it takes to make America safer and what it takes to assist our law enforcement officials and ensuring that we do, as the President says, eradicate this war on terrorism.

I also want to thank again the gentleman from Florida (Mr. GOSS), our chairman of the Permanent Select Committee on Intelligence, and the gentlewoman from California (Ms. PELOSI), our ranking member, for their strong leadership. Their cooperation helped us move this forward. I particularly want to say thanks to my ranking member, the gentlewoman from California (Ms. HARMAN). She has already stated a number of times in what a bipartisan way we have worked, and we truly have. She provides good, strong leadership, advice and council; and she has been a great asset to the committee, and she has been an even greater asset to the subcommittee. It is unfortunate that the bipartisan attitude that we have on our subcommittee does not translate over to all of the work that we do in this committee; we would probably get a lot more done. But I do thank her for the great work she has done and the great cooperation she has given us here.

Mr. Chairman, this is a major piece of legislation. I do not think we can say that enough. As the gentleman from Michigan (Mr. ROGERS) mentioned a little bit earlier, if he had had this piece of legislation in place 8 years ago, it would have gone a long ways toward helping him solve a particular crime against the United States of America when he, as a special agent of the FBI, was handicapped. The laws are in place today regarding the ability to share information with our State and local officials.

This is the first step in moving to establish and restructure the Government of the United States and to create the Department of Homeland Security. We cannot guarantee the prevention of another attack of terrorism, domestically or abroad, whether it is against assets or against people of the United States; but without legislation such as the Homeland Security Information Sharing Act, we certainly raise the chances of the possibility of another act of terrorism occurring.

Again, I applaud the great support from a bipartisan standpoint that we

have had as this bill has moved through the process. I urge all of my colleagues to support this measure.

Ms. PELOSI. Mr. Chairman, I am pleased that the Homeland Security Information Sharing Act of 2002 is before the House.

Let me begin by complimenting the chairman and ranking Democrat of the Subcommittee on Terrorism and Homeland Security, Mr. CHAMBLISS and Ms. HARMAN, for the work they have done on this legislation. In the weeks and months after September 11, they have been tireless advocates for ensuring that barriers to information sharing between federal, state, and local officials be eliminated. This legislation is an important result of their leadership. It also has benefitted greatly from the work done on it in the Judiciary Committee through the guidance of Chairman SENSENBRENNER, Ranking Democrat CONYERS, and the efforts of Mr. WEINER.

The bill directs the President to develop procedures for federal agencies to share information with state and local personnel, ensuring that any systems set in place have the capability to transmit classified and unclassified information as needed to respond locally to any terrorist threats that may arise. It is important to note, too, that the legislation is flexible, providing the President broad guidelines within which to design information sharing mechanisms, but leaving to him many of the mechanics of how best to do so. It also requires the President to report back to Congress in 1 year on whether additional changes are necessary. Thus, this bill sets up a framework that is workable within any homeland security architecture that may be established this year.

This important measure will strengthen the Nation's ability to prevent future terrorist attacks. I urge its adoption by the House.

Mr. CASTLE. Mr. Chairman, I want to thank the leadership for bringing up legislation to address the need for sharing of critical homeland security information among federal intelligence agencies, state and local governments, and first responders. Through my work on the Intelligence Committee, I have collaborated with Representative CHAMBLISS and Representative HARMAN to make sure that all levels of government receive the same homeland security information so our local law enforcement agencies and first responders have the proper information to protect us.

The attacks of September 11 obviously exposed some communication weaknesses among our intelligence and law enforcement agencies and now is the time to forward and analyze what went wrong, and more importantly how we can make changes to protect our country from future terrorist attacks. As a member of the Joint Senate-House Intelligence Committee reviewing September 11, I am learning more about our overall intelligence apparatus in context of the September 11 attack and how we can improve the system. The most important goal is to find the best intelligence solutions to ensure our homeland is secure and all domestic agencies are coordinating, communicating, and cooperating with each other.

H.R. 4598 directs that critical threat information be shared between federal law enforcement and intelligence agencies with state and local personnel, including granting security clearances to appropriate state and local personnel.

I strongly support the President's proposal to reorganize our homeland security agencies and enhance information sharing. H.R. 4598 will immediately strengthen our homeland security apparatus while the new Department is being implemented by directing the President to develop procedures by which the federal agencies will share homeland security information with state and local personnel and ensures that information sharing systems have the capability to transmit classified or unclassified information.

I urge quick passage of this important legislation. Let's provide all of our federal, state and local officials timely homeland security information that can be used to better protect all Americans.

Mr. PASCRELL. Mr. Chairman, Coordination and information sharing among federal, state and local authorities may be the single most important thing we can do to enhance our ability to respond to a terrorist threat. This point is reiterated to me in every meeting I have had with law enforcement personnel, firefighters, public health officials and state and municipal leaders in my district since September 11. We need communication. We need cooperation. We need coordination—not only among federal agencies, but also with our people in the field.

In my role on the Democratic Homeland Security Task Force, I have spoken with many first responders about their concerns. They say the same thing. The Federal Government simply does not pass information down the chain to the local level to the extent that is so necessary. And this fact can continue no longer. The Federal Government relies on state and local personnel to protect our Nation against a terrorist attack. We rely on them. It would be unconscionable if we didn't help them to do their job to the best of their ability. And the ability to do their job effectively relies on the information they receive.

I think H.R. 4598, the Homeland Security Information Sharing Act, is an important step toward developing and ensuring an effective strategy for truly protecting the United States. We simply need to get information into the hands of those who need it, and this bill does that. We've heard from many that ''Hometown security equals homeland security.'' This legislation gets past the catchphrases and jingles, and actually does something. This will empower our states and local communities to protect themselves, and in turn protect our Nation.

I urge my colleagues to support this important piece of legislation.

Mr. CONYERS. Mr. Chairman, I am happy to speak in support of this legislation which would provide for information sharing between federal and state and local authorities.

I believe that providing state and local officials with this type of information ultimately will help them detect and prevent future acts of terrorism. State and local personnel are the most likely individuals to interdict terrorists—as demonstrated by the detainment of Ahmed Ressam on the Canadian border and the routine traffic stopping of one of the 9/11 terrorists by a Maryland state trooper. As we have learned in the last several weeks, if we had shared more information before the attacks, we may have been able to more aggressively intervene against the terrorist plot.

The legislation will also help state and local officials prepare an appropriate response to future attacks. Every act of terrorism is local—occurring in a neighborhood, city or state near you or someone you know. Often times, officials at the state and local level are first-line responders to these attacks.

The bill is not perfect. The more broadly information is shared, the greater the danger it will be improperly disclosed. I think we all agree that the last thing we would want is for the newly shared information to be used to harm an innocent person's reputation. As we move forward, we should take a close look at whether sufficient safeguards are in place that will prevent improper disclosure from happening.

The bill, in its current form, offers us a good starting point to improve our nation's defenses against terrorism. It is critical that our law enforcement agencies talk with one another so that the right hand knows what the left hand is doing. I strongly urge its prompt passage.

Mr. UNDERWOOD. Mr. Chairman, I am pleased this bill takes important steps to strengthen homeland security by ensuring workable procedures and systems are designed within the federal government to facilitate the sharing of homeland security information among federal, state, territorial and local officials. Further, I am especially pleased that the bill ensures that the territories are included. We must ensure that information critical to homeland security is shared between important federal agencies and the territorial and local governments of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Homeland security concerns apply for all Americans, irrespective of whether they reside in the 50 states or U.S. territories. Towards this end I am pleased to support H.R. 4598, and I look forward to receiving the President's report required by this legislation to help determine what additional measures are needed to increase the effectiveness of sharing information among all levels of government. I hope this report will assess the needs of the territories and not just the 50 states.

Mr. CHAMBLISS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Information Sharing Act''.

The CHAIRMAN pro tempore. Are there amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

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

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

(2) The Federal Government relies on State and local personnel to protect against terrorist attack.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

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

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

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

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

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

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

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

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

The CHAIRMAN pro tempore. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. FACILITATING HOMELAND SECURITY INFORMATION SHARING PROCEDURES.

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

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

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

(B) how to identify and safeguard homeland security information that is sensitive but unclassified; and

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, and with which such personnel it may be shared after such information is removed.

(2) The President shall ensure that such procedures apply to all agencies of the Federal Government.

(3) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(4) Such procedures shall not change the requirements and authorities to protect sources and methods.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.—

(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined in accordance with subsection (a), together with assessments of the credibility of such information.

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

(A) have the capability to transmit unclassified or classified information, though the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information;

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

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

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1)—

(A) to limit the redissemination of such information to ensure that such information is not used for an unauthorized purpose;

(B) to ensure the security and confidentiality of such information;

(C) to protect the constitutional and statutory rights of any individuals who are subjects of such information; and

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

(4) The procedures prescribed under paragraph (1) shall ensure, to the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(5) Each appropriate Federal agency, as determined by the President, shall have access to each information sharing system through which information is shared under paragraph (1), and shall therefore have access to all information, as appropriate, shared under such paragraph.

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

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

(B) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(7) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, each appropriate Federal agency, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

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

(1) The President shall prescribe procedures under which Federal agencies may, to the extent the President considers necessary, share with appropriate State and local personnel homeland security information that remains classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into nondisclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional Terrorism Early Warning Groups.

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

(e) FEDERAL CONTROL OF INFORMATION.—Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

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

(1) The term ''homeland security information'' means any information possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity;

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term ''State and local personnel'' means any of the following persons involved in prevention, preparation, or response for terrorist attack:

(A) State Governors, mayors, and other locally elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

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

(E) Other appropriate emergency response agency personnel.

(F) Employees of private-sector entities that affect critical infrastructure, cyber, economic, or public health security, as designated by the Federal government in procedures developed pursuant to this section.

(4) The term ''State'' includes the District of Columbia and any commonwealth, territory, or possession of the United States.

The CHAIRMAN pro tempore. Are there amendments to section 3?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 4, line 24, strike ''and''.

Page 5, line 5, strike the period and insert ''; and''.

Page 5, after line 5, insert the following:

(D) whether, how, and to what extent information provided by government whistleblowers regarding matters affecting homeland security may be shared with appropriate state and local personnel, and with which such personnel may it be shared.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I indicated in general debate, I am a supporter of this legislation. I am a supporter because I believe the underlying premises are key to providing expanded homeland security in the face of terroristic threats and, as well, a new approach to ensuring that we have a holistic opposition and fight against terrorism.

One of the concepts that the distinguished gentlewoman from California has always represented to this body is that we need to have an assessment of the threats or the threat situation against this country and, as well, to make sure that those individuals who would have to respond to the threats closest to the home front, if you will, have all of the information that they can accept and utilize in order to protect those local communities. This legislation provides a vehicle for such, and it will make its way through this body and to the other body.

I would like to raise another point that I think is key in what we do, and it is key because most of America now has been introduced to the concept of whistleblowers. They have been introduced to this by way of the thorough investigation that is now ongoing as to the facts and activities of September 11. We know that in providing for protection for the homeland, we must move forward and provide a plan and a structure, we must be able to disseminate information to our local authorities and, at the same time, we must get the facts as to what happened on September 11. Why? Because that begins to define for us the design of changing how we share information.

Having been in about three or four homeland security meetings and hearings yesterday, one of the key elements, Mr. Chairman, was the idea of information. In fact, in the Committee on Science, there was the proposal that was just announced from the Homeland Security Commission to, in fact, implement and institute, that could begin to be the thinkers, the designers of new technology that will help us with homeland security. They need information. So information comes in many ways.

One of the ways that it comes that we saw most recently in determining what happened on September 11 was the insight of Coleen Rowley from the FBI. She initiated the dissemination of information on her own. She was not seeking publicity; she was seeking to be a problem-solver and she did it in the form of a letter. I do not know whether that kind of information disseminated is, in fact, provided for by this particular legislation as we read it through at this point.

So my amendment is simple. It is how the President should design how, whether, and to what extent information by whistleblowers would be disseminated ultimately to the local authorities.

Additionally, there should be the question of making sure whistleblowers are protected. I recognize, of course, that there are multiple jurisdictions here: the Permanent Select Committee on Intelligence, the House Committee on the Judiciary, and certainly the question of whistleblower would be a question of the jurisdiction of the Committee on Government Reform. We know that they are addressing that now.

I believe this is an important enough issue regarding whistleblowers and regarding how information is disseminated that it should be included in the provisions where we ask the President, the executive, to give us guidance and provide this to the United States Congress. It is through whistleblowers and a source of other information that we are able to get the true facts, as well as to help us design the appropriate kind of homeland security.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to point out that the gentlewoman from Texas is the first to identify the importance of the whistleblower function in our system. I think it is going to be considered more carefully now that the gentlewoman has brought this to light. I thank the gentlewoman for it, and I hope it will gain wide acceptance.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman.

With that, Mr. Chairman, I do want to again acknowledge the gentlewoman from California (Ms. HARMAN) for the vision and the persistence that she has had on this key issue. If I might, just for an editorial comment, I think the gentlewoman from California (Ms. HARMAN) and myself and others had gathered about 48 hours, 2 days after September 11, huddled offsite, but convening the business of Congress, if you will, on these very issues; and she was raising them at that time and she pursued them, so I join her. I would be happy to yield to the gentlewoman, but I wanted to indicate my appreciation and respect for her work, along with the distinguished gentleman from Georgia on this idea, and I wanted to bring this issue that I think is so very important to the attention of this body.

Ms. HARMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, first of all, I think whistleblowers are important and that the Rowley memo is a very important fact that has emerged since 9–11.

Secondly, in our legislation as reported, we do state that whether, how, and to what extent information may be shared with appropriate State and local personnel is up to the President. So it is not precluded here that, in an appropriate way with appropriate safeguards and privacy protections, whistleblower information, if it were deemed important to share with local responders could, in fact, be shared. I thank the gentlewoman for raising this issue.

Mr. CHAMBLISS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the gentlewoman's concern and the point which she is raising. She is a very valued member of this body and particularly the Committee on the Judiciary, and her opinions are well respected. It is important that as much homeland security information, whether gained from whistleblowers or elsewhere in the government, be shared with the right people at the right time in order to help our emergency responders and local officials respond to terrorist threats and activity. The gentlewoman's amendment would specifically address information from whistleblowers.

However, let me note that we have crafted the bill in a broad and flexible fashion, as noted by the gentlewoman from California (Ms. HARMAN), so that the administration can determine the appropriate procedures for sharing and disseminating homeland security information, whatever the source, whether from whistleblowers or other relevant homeland security information should be shared.

I think it is important that we retain this flexibility and focus on the original purpose of the bill, namely, to share as much appropriate homeland security information as possible with our State and local authorities.

So my objection is that we have just seen this this morning, and I hope the gentlewoman would consider withdrawing it and let us have a chance as we move into conference to dialogue on this, and if we need to strengthen some provisions, obviously we will look forward to working with the gentlewoman and other members of the Committee on the Judiciary to ensure that we do so. Because we share the same concern that the gentlewoman has brought forward here. I have been open and outspoken about the fact that we need more courageous people like Ms. Rowley to make sure that not just from an oversight standpoint within Congress, but from an oversight standpoint in the public and within the agency and other Federal agencies out there, that we are able to do our job correctly and appropriately.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect the, if you will, explanation that the distinguished gentleman from Georgia has given and the distinguished gentlewoman from California. I would not have brought this to

the attention of the body had I not had a deep concern, having met Ms. Rowley and having been involved in other circumstances with the Committee on the Judiciary in the concept of whistleblowers and the importance of providing information generally to help us be better at our job and the government to be better.

I appreciate the offer that has been extended. This is brought to the attention of this body not to put forward an amendment that would not draw the collective support of this body. I would like to be able to work with the staffs of the respective Members as we move toward conference, recognizing that we have language in the legislation, maybe appropriate language, that the whistleblower issue is of such importance that it requires further study.

Mr. CHAMBLISS. Mr. Chairman, just reiterating to the gentlewoman, I think her point is well taken; and I think there may be some merit to strengthening language, maybe even getting specific as the gentlewoman has done in her amendment. We will commit to the gentlewoman that we will look forward to working with her as we move into conference and dialoguing with her to make sure that we get her input into this specific area of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield, I thank the distinguished gentleman from Georgia and the gentlewoman from California.

Mr. Chairman, I am willing at this time to ask unanimous consent, with the idea of moving forward in consideration and study of this issue to protect whistleblowers, to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The gentlewoman's amendment is withdrawn.

□ 1215

The CHAIRMAN pro tempore (Mr. SIMPSON). Are there further amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. REPORT.

(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 3. The report shall include any recommendations for additional measures or appropriation requests, beyond the requirements of section 3, to increase the effectiveness of sharing of information among Federal, State, and local entities.

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

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

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

The CHAIRMAN pro tempore. Are there amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

The CHAIRMAN pro tempore. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. AUTHORITY TO SHARE GRAND JURY INFORMATION.

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

(1) in paragraph (2), by inserting '', or of guidelines jointly issued by the Attorney General and Director of Central Intelligence pursuant to Rule 6,'' after ''Rule 6''; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by inserting ''or of a foreign government'' after ''(including personnel of a state or subdivision of a state'';

(B) in subparagraph (C)(i)—

(i) in subclause (I), by inserting before the semicolon the following: ''or, upon a request by an attorney for the government, when sought by a foreign court or prosecutor for use in an official criminal investigation'';

(ii) in subclause (IV)—

(I) by inserting ''or foreign'' after ''may disclose a violation of State'';

(II) by inserting ''or of a foreign government'' after ''to an appropriate official of a State or subdivision of a State''; and

(III) by striking ''or'' at the end;

(iii) by striking the period at the end of subclause (V) and inserting ''; or''; and

(iv) by adding at the end the following:

''(VI) when matters involve a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, to any appropriate federal, state, local, or foreign government official for the purpose of preventing or responding to such a threat.''; and

(C) in subparagraph (C)(iii)—

(i) by striking ''Federal'';

(ii) by inserting ''or clause (i)(VI)'' after ''clause (i)(V)''; and

(iii) by adding at the end the following: ''Any state, local, or foreign official who receives information pursuant to clause (i)(VI) shall use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.''.

The CHAIRMAN pro tempore. Are there amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.

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

''(7) Any investigative or law enforcement officer, or attorney for the government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to a foreign investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure, and foreign investigative or law enforcement officers may use or disclose such contents or derivative evidence to the extent such use or disclosure is appropriate to the proper performance of their official duties.

''(8) Any investigative or law enforcement officer, or attorney for the government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to any appropriate Federal, State, local, or foreign government official to the extent that such contents or derivative evidence reveals a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.''.

The CHAIRMAN pro tempore. Are there amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. FOREIGN INTELLIGENCE INFORMATION.

(a) DISSEMINATION AUTHORIZED.—Section 203(d)(1) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 (Public Law 107–56; 50 U.S.C. 403–5d) is amended—

(1) by striking ''Notwithstanding any other provision of law, it'' and inserting ''It''; and

(2) by adding at the end the following: ''It shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, obtained as part of a criminal investigation to be disclosed to any appropriate Federal, State, local, or foreign government official for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.''.

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

(1) by striking ''section 2517(6)'' and inserting ''paragraphs (6) and (8) of section 2517 of title 18, United States Code,''; and

(2) by inserting ''and (VI)'' after ''Rule 6(e)(3)(C)(i)(V)''.

The CHAIRMAN pro tempore. Are there amendments to section 8?

If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.

Section 106(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806) is

amended by inserting after ''law enforcement officers'' the following: ''or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)''.

The CHAIRMAN pro tempore. Are there amendments to section 9?

If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.

Section 305(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by inserting after ''law enforcement officers'' the following: ''or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)''.

The CHAIRMAN pro tempore. Are there amendments to section 10?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4598) to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities, pursuant to House Resolution 458, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. HARMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4598 will be followed by 5-minute votes on H.R. 4477, on H.R. 4070, and on approving the Journal.

The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 10, as follows:

[Roll No. 258]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Delahunt
Kucinich

NOT VOTING—10

Hunter
Northup
Otter
Reyes
Roukema
Simmons
Smith (MI)
Sweeney
Traficant
Watts (OK)

□ 1239

Mr. THOMPSON of Mississippi changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SWEENEY. Mr. Speaker, on June 26, 2002, I missed the rollcall vote No. 258. If I had been present I would have voted ''yea.''

Mr. OTTER. Mr. Speaker, I was unavoidably detained for rollcall vote 258 on H.R. 4598, the Homeland Security Information Sharing Act. Had I been present I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will resume proceedings on postponed questions in the following order: