

HR 5710

Homeland Security Information Sharing Act

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Nov 12, 2002

Current Status: Received in the Senate.

Latest Action: Received in the Senate. (Nov 14, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/5710>

Sponsor

Name: Rep. Armey, Richard K. [R-TX-26]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DeLay, Tom [R-TX-22]	R · TX		Nov 12, 2002
Rep. Gibbons, Jim [R-NV-2]	R · NV		Nov 12, 2002
Rep. Harman, Jane [D-CA-36]	D · CA		Nov 12, 2002
Rep. Portman, Rob [R-OH-2]	R · OH		Nov 12, 2002
Rep. Pryce, Deborah [R-OH-15]	R · OH		Nov 12, 2002
Rep. Tauscher, Ellen O. [D-CA-10]	D · CA		Nov 12, 2002
Rep. Thornberry, Mac [R-TX-13]	R · TX		Nov 12, 2002
Rep. Watts, J. C., Jr. [R-OK-4]	R · OK		Nov 12, 2002
Rep. Osborne, Tom [R-NE-3]	R · NE		Nov 13, 2002

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security Committee	House	Referred To	Nov 13, 2002

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
107 HR 5005	Related bill	Nov 25, 2002: Became Public Law No: 107-296.
107 HRES 600	Procedurally related	Nov 13, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 HR 5506	Related bill	Oct 2, 2002: Forwarded by Subcommittee to Full Committee (Amended).
107 HR 4635	Related bill	Jul 15, 2002: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 494.
107 S 2452	Related bill	Jun 24, 2002: Placed on Senate Legislative Calendar under General Orders. Calendar No. 440.
107 S 2546	Related bill	Jun 4, 2002: Referred to the Committee on Commerce, Science, and Transportation by unanimous consent.
107 S 2554	Related bill	May 23, 2002: Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S4842-4843)

Summary (as of Nov 13, 2002)

Homeland Security Act of 2002 - Establishes a Department of Homeland Security (DHS), headed by the Secretary of Homeland Security.

Establishes in DHS the Directorate for Information Analysis and Infrastructure Protection, headed by an Under Secretary for Information Analysis and Infrastructure Protection.

Critical Infrastructure Information Act of 2002 - Exempts from the Freedom of Information Act and other Federal and State disclosure requirements critical infrastructure information voluntarily submitted to a covered Federal agency for its use regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose.

Requires the Secretary to: (1) establish procedures for sharing information; and (2) appoint a senior Privacy Officer to assume primary responsibility for privacy policy.

Cyber Security Enhancement Act of 2002 - Directs the U.S. Sentencing Commission to amend Federal sentencing guidelines and otherwise address crimes involving fraud in connection with computers and access to protected information, protected computers or restricted data in interstate or foreign commerce or involving a computer used by or for the Federal Government. Exempts from criminal penalties any emergency disclosures to a governmental entity by an electronic communication service and specified disclosures made in good faith.

Abolishes the Office of Science and Technology of the National Institute of Justice and transfers its functions to an Office of Science and Technology hereby established within the Department of Justice.

Requires the Director of the Office to operate and support National Law Enforcement and Corrections Technology Centers.

Establishes in DHS: (1) a Directorate of Science and Technology, headed by an Under Secretary for Science and Technology; (2) a Homeland Security Advanced Research Projects Agency; (3) a Homeland Security Science and Technology Advisory Committee; (4) a Homeland Security Institute; (5) a Directorate of Border and Transportation Security, headed by an Under Secretary for Border and Transportation Security; and (6) the U.S. Customs Service (transferred from the Department of the Treasury, but with certain customs revenue functions remaining with the Secretary of the Treasury).

Transfers to DHS certain agricultural inspection functions of the Department of Agriculture.

Maintains the Transportation Security Administration, transferred to DHS from the Department of Transportation, as a distinct entity.

Vests in the Secretary of DHS all authority relating to U.S. consular officials to grant or refuse visas for entry into the United States.

Establishes in DHS an Office for Domestic Preparedness to prepare the United States for acts of terrorism.

Transfers to Under Secretary for Border and Transportation Security from the Commissioner of Immigration and Naturalization (INS Commissioner) all functions performed under the Border Patrol, detention and removal, intelligence, investigations, and inspections programs.

Establishes in DHS: (1) a Bureau of Border Security, headed by an Assistant Secretary; (2) a Bureau of Citizenship and Immigration Services, headed by a Director; and (3) a Citizenship and Immigration Services Ombudsman.

Transfers from the INS Commissioner to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services (HHS) functions under Federal immigration law with respect to the care of unaccompanied alien children.

Abolishes the Immigration and Naturalization Service (INS) of the Department of Justice.

Authorizes the Attorney General and the Secretary to: (1) make voluntary separation incentive payments to employees of the INS, the DHS Bureau of Border Security, and the DHS Bureau of Citizenship and Immigration Services; and (2) conduct a demonstration project to determine whether changes in the policies or procedures relating to methods for disciplining employees would result in improved personnel management.

Establishes within the Office of Deputy DHS Secretary a Director of Shared Services to coordinate resources for the Bureau of Border Security and the Bureau of Citizenship and Immigration Services.

Establishes in DHS a Directorate of Emergency Preparedness and Response, headed by an Under Secretary.

Declares that, at the direction of the DHS Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), the Nuclear Incident Response Team shall operate as an organizational unit of DHS.

Provides for Johnny Micheal Spann Patriot Trusts for surviving spouses, children, or dependent parents, grandparents, or siblings of members of the U.S. Armed Forces, certain personnel (including contractors) of elements of the intelligence community, Federal Bureau of Investigation (FBI) employees, and Federal officers, employees, or contract employees whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, or law enforcement operations or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism.

Specifies the duties of the DHS Under Secretary for Management.

Requires the Secretary to appoint an Officer for Civil Rights and Civil Liberties to assess information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by DHS employees and officials.

Establishes within the Office of the DHS Secretary an Office for State and Local Government Coordination to oversee and coordinate departmental programs for and relationships with State and local governments.

Subjects the DHS Inspector General to the Secretary's authority with respect to audits or investigations, or issuance of subpoenas, that require access to sensitive information concerning specified matters the disclosure of which would constitute a serious threat to national security. Specifies the law enforcement powers of Inspector General agents.

Transfers the United States Secret Service to DHS.

Prohibits the Secretary from entering into contracts with any foreign incorporated entity treated as an inverted domestic corporation (corporate expatriate).

Authorizes the Secretary to establish a human resources management system for the organizational units of DHS.

Declares that no agency or agency subdivision transferred to DHS shall be excluded from coverage of Federal civil service labor-management relations law unless: (1) the agency's (or subdivision's) mission and responsibilities materially change; and (2) a majority of the employees within such agency (or subdivision) have as their primary duty intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

Prescribes requirements, including expedited procedures, for procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Support Anti-terrorism by Fostering Effective Technologies Act of 2002' or the SAFETY Act - Authorizes the Secretary to designate anti-terrorism technologies that qualify for protection under a prescribed system of risk management (including mandatory liability insurance). Creates a Federal cause of action for claims arising out of, relating to, or resulting from an act of terrorism when qualified anti-terrorism technologies have been deployed in defense against or response or recovery from such act and such claims result or may result in loss to the Seller.

Directs the Secretary to appoint a senior DHS counternarcotics officer to coordinate policy and operations within DHS and between it and other Federal agencies with respect to interdicting the entry of illegal drugs into the United States, and tracking and severing connections between illegal drug trafficking and terrorism.

Establishes within the Office of the Secretary an Office of International Affairs.

Prohibits all Federal activities to implement the proposed component program of the Citizen Corps known as Operation TIPS (Terrorism Information and Prevention System).

Establishes within the Office of the Secretary an Office for National Capital Region to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region Coordination.

Requires DHS to comply with Federal laws protecting equal employment opportunity and providing whistleblower protections.

Authorizes the Secretary to establish a permanent Joint Interagency Homeland Security Task Force composed of representatives from military and civilian Federal agencies to anticipate terrorist threats and prevent terrorist attacks against the United States.

Declares the sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act prohibiting the use of the Armed Forces as a posse comitatus to execute the law except as expressly authorized by the Constitution or Act of Congress.

Transfers the Coast Guard to DHS, but prohibits the Secretary from substantially or significantly reducing the missions of the Coast Guard or its capability to perform them, except as specified in subsequent Acts.

Homeland Security Information Sharing Act - Directs the President to prescribe and implement procedures under which relevant Federal agencies: (1) share relevant and appropriate homeland security information with other Federal agencies, including DHS, and appropriate State and local personnel; (2) identify and safeguard homeland security information that is sensitive but unclassified; and (3) to the extent such information is in classified form, determine 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.

Amends the Federal Rules of Criminal Procedure to authorize the disclosure of grand jury information: (1) to personnel of

a foreign government; and (2) to appropriate Federal, State, local, or foreign government officials to prevent or respond to specified hostile foreign power or domestic or international terrorist threats or actions, or foreign intelligence gathering activities.

Authorizes Federal investigative or law enforcement officers to share electronic, wire, and oral interception information with foreign investigative or law enforcement officers.

Establishes within the Executive Office of the President a National Homeland Security Council to: (1) assess U.S. objectives, commitments, and risks in the interest of homeland security; (2) oversee and review Federal homeland security policies; and (3) make recommendations to the President.

Federal Information Security Management Act of 2002 - Amends Federal law to revise requirements for the coordination of Federal information policy to require: (1) the Director of the Office of Management and Budget (OMB) to oversee agency information security policies and practices; and (2) each Federal agency head to provide information security protections. Requires the Director to prescribe standards for Federal information systems based on proposals by the National Institute of Standards and Technology.

Renames the Computer System Security and Privacy Advisory Board the Information Security and Privacy Advisory Board.

Transfers the Bureau of Alcohol, Tobacco and Firearms (ATF) from the Department of the Treasury to the Department of Justice.

Establishes within ATF an Explosives Training and Research Facility at Fort AP Hill, Fredericksburg, Virginia.

Safe Explosives Act - Amends the Federal criminal code to provide for \$50 one-year limited permits to receive explosive materials no more than six times during the permit period, and only from licensees or permittees whose premises are located in the State where the limited permittee resides. Prohibits limited permit holders from transporting, shipping, or receiving explosive materials in interstate or foreign commerce.

Prohibits knowing distribution of explosive materials to or possession by: (1) certain illegal aliens; (2) persons with a dishonorable discharge from the Armed Forces; or (3) anyone who has renounced U.S. citizenship. Authorizes the Secretary to grant relief from specified prohibitions, depending on the relief applicant's record and reputation.

Extends through calendar 2003 the authority of the Secretary of Transportation to declare an air carrier a victim of terrorism not liable for third party claims arising out of acts of terrorism.

Grants the Secretary of Transportation authority to extend through calendar 2003 the termination date of any insurance policy issued to an air carrier.

Chief Human Capital Officers Act of 2002 - Amends Federal civil service law to require the heads of specified agencies to appoint or designate Agency Chief Human Capital Officers to set agency workforce development strategy.

Establishes a Chief Human Capital Officers Council.

Requires OMB to design a set of systems for assessing the management of human capital by Federal agencies.

Amends Federal civil service law to authorize OMB to establish alternative ranking and selection procedures for the competitive service hiring process.

Provides for permanent extension and revision of authorities for use of voluntary separation incentive pay and voluntary early retirement.

Amends Federal civil service law to repeal recertification requirements of the Senior Executive Service. Revises requirements with respect to employee academic degree training and the National Security Education Program.

Arming Pilots Against Terrorism Act - Amends Federal transportation law to require the Under Secretary of Transportation for Security to establish a program to deputize volunteer pilots of passenger air carriers as Federal law enforcement officers to defend the aircraft flight decks with firearms or less-than-lethal weapons against acts of criminal violence or air piracy (Federal flight deck officers). Provides for flight crew training.

Requires the President to transmit a DHS reorganization plan to the appropriate congressional committees within 60 days after enactment of this Act.

Revises Federal transportation law with respect to airline transportation security.

Allows U.S. nationals, as well as U.S. citizens, as airport screeners.

Transfers to the DHS Secretary the mandate to protect Federal Government officers, employees, and property. of certain security and law enforcement functions and authorities.

Establishes in the Department of Defense a National Bio-Weapons Defense Analysis Center.

Amends Federal transportation law to extend certain requirements with respect to railroad and hazardous materials (hazmat) safety to railroad and hazmat security.

Actions Timeline

- **Nov 14, 2002:** Received in the Senate.
- **Nov 13, 2002:** Rules Committee Resolution H. Res. 600 Reported to House. Rule provides for consideration of H.R. 5710 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **Nov 13, 2002:** Referred to the House Committee on Homeland Security.
- **Nov 13, 2002:** Rule H. Res. 600 passed House.
- **Nov 13, 2002:** Considered under the provisions of rule H. Res. 600. (consideration: CR H8595-8722; text of measure as reported in House: CR H8595-8647)
- **Nov 13, 2002:** Rule provides for consideration of H.R. 5710 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **Nov 13, 2002:** DEBATE - The House proceeded with one hour of debate on H.R. 5710.
- **Nov 13, 2002:** Mr. Roemer moved to recommit with instructions to Homeland Security. (consideration: CR H8718-8721)
- **Nov 13, 2002:** DEBATE - The House proceeded with 10 minutes of debate on Mr. Roemer's motion to recommit with instructions.
- **Nov 13, 2002:** On motion to recommit with instructions Failed by the Yeas and Nays: 203 - 215 (Roll no. 476). (text: CR H8718-8719)
- **Nov 13, 2002:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 299 - 121 (Roll no. 477).(text: CR H8647-8699)
- **Nov 13, 2002:** On passage Passed by the Yeas and Nays: 299 - 121 (Roll no. 477). (text: CR H8647-8699)
- **Nov 13, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 12, 2002:** Introduced in House
- **Nov 12, 2002:** Introduced in House