

110TH CONGRESS  
1ST SESSION

# H. R. 3815

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Mr. PERLMUTTER (for himself, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Mississippi, Mr. SHAYS, Mrs. LOWEY, Mr. CARNEY, Mr. RENZI, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on Homeland Security

---

## A BILL

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security  
5 Open Source Information Enhancement Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Internet has profoundly expanded the  
4 amount, significance, and accessibility of all types of  
5 information, but the Department of Homeland Secu-  
6 rity has not sufficiently expanded its use of such in-  
7 formation to produce analytical products.

8 (2) Open source products can be shared with  
9 Federal, State, local, and tribal law enforcement, the  
10 American public, the private sector, and foreign al-  
11 lies because of their unclassified nature.

12 (3) In a report to the President released on  
13 March 31, 2005, the Commission on the Intelligence  
14 Capabilities of the United States Regarding Weap-  
15 ons of Mass Destruction found that “the need for  
16 exploiting open source material is greater now than  
17 ever before”, but that the Federal Government’s  
18 “open source programs have not expanded commen-  
19 surate with either the increase in available informa-  
20 tion or with the growing importance of open source  
21 data to today’s problems”.

22 (4) The Department of Homeland Security is  
23 responsible for providing open source products to  
24 consumers consistent with existing Federal open  
25 source information guidelines.

1 **SEC. 3. FULL AND EFFICIENT USE OF OPEN SOURCE INFOR-**  
2 **MATION.**

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

6 **“SEC. 203. FULL AND EFFICIENT USE OF OPEN SOURCE IN-**  
7 **FORMATION.**

8 “(a) RESPONSIBILITIES OF SECRETARY.—The Sec-  
9 retary shall ensure that Department components respon-  
10 sible for information sharing and infrastructure protection  
11 under section 201(d) make full and efficient use of open  
12 source homeland security information to develop and dis-  
13 seminate open source products.

14 “(b) CRITICAL INFRASTRUCTURE ANALYSIS.—The  
15 Secretary shall—

16 “(1) ensure that the Department makes full  
17 and efficient use of open source information to ana-  
18 lyze United States critical infrastructure nodes from  
19 the perspective of terrorists and other activities with  
20 a nexus to terrorism using publicly available infor-  
21 mation; and

22 “(2) shall share the unclassified results of such  
23 analysis with appropriate Federal, State, local, trib-  
24 al, and private-sector officials.

25 “(c) PROTECTION OF PRIVACY.—

1           “(1) COMPLIANCE WITH OTHER LAWS.—The  
2       Secretary shall ensure that the manner in which  
3       open source information is gathered and dissemi-  
4       nated by the Department complies with the Con-  
5       stitution, section 552a of title 5, United States Code  
6       (popularly known as the Privacy Act of 1974), provi-  
7       sions of law enacted by the E–Government Act of  
8       2002 (Public Law 107–347), and all other relevant  
9       Federal laws.

10           “(2) DESCRIPTION IN ANNUAL REPORT BY  
11       CHIEF PRIVACY OFFICER.—The Chief Privacy Offi-  
12       cer of the Department shall include in its annual re-  
13       port to Congress a description of the types of per-  
14       sonally identifiable information collected by Depart-  
15       ment intelligence components.

16           “(d) INSPECTOR GENERAL REPORT.—The Inspector  
17       General of the Department shall audit the use and dis-  
18       semination of open source information by the Department  
19       to evaluate the effectiveness of the Department’s activities  
20       and to ensure that it is consistent with existing Federal  
21       open source information guidelines.

22           “(e) OPEN SOURCE INFORMATION DEFINED.—In  
23       this section the term ‘open source information’ means in-  
24       formation that is publicly available and that can be used  
25       and disseminated in a timely manner to an appropriate

1 audience for the purpose of addressing a specific homeland  
2 security requirement.”.

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

“Sec. 203. Full and efficient use of open source information.”.

6 **SEC. 4. OPEN SOURCE INFORMATION DEFINED.**

7 In this Act the term “open source information” has  
8 the meaning that term has in section 203 of Homeland  
9 Security Act of 2002, as amended by this Act.

○