

I reserve the balance of my time

Ms. HARMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I would like to reiterate that we need the appropriations and the authorization Homeland Security bills on the floor this year.

I yield back the balance of my time. Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. BILIRAKIS for his generous comments and for his strong support of this legislation. I think this is landmark legislation. I think our committee will get enormous attention for finally trying to attack this insidious problem of overclassification, and I very much appreciate his personal support.

I also want to tell him that I have watched him raise this issue about authorization and appropriation, the need for both actions, by this House. I agree with him. I think we need an authorization of this bill this year. And it is my understanding that all of the individual bills we are debating this afternoon will be included in that authorization bill. So I thank him for pointing out the need for us to act.

In conclusion, Mr. Speaker, of the bills that I am managing on the floor this afternoon, this is the one that I feel most strongly about. This is the one that will make the biggest difference. If we can get classification right at the Department of Homeland Security, a new department, we can then get it right in the rest of the government.

As I mentioned earlier, I am working with Mr. WAXMAN and others on his committee to see whether we can craft a bill that manages properly all the equities involved in taking this approach governmentwide, but I hope we can work that out. I think this bill sets the right precedent. I urge its passage by the full House.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. 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. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 6193) to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6193

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 "Improving Public Access to Documents Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The proliferation and widespread use of "sensitive but unclassified" (SBU) control markings by the Federal Government interferes with accurate, actionable, and timely homeland security information sharing, increases the cost of information security, and needlessly limits public access to information.

(2) The control markings problem, which has worsened since the 9/11 attacks, causes considerable confusion about what information can be shared with whom both internally at the Department of Homeland Security and with its external partners. This problem negatively impacts the dissemination of homeland security information to the Department's State, local, tribal, and territorial homeland security and law enforcement partners, private sector customers, and the public.

(3) Overuse of "sensitive but unclassified" markings stands in the way of a safer and more secure homeland. This trend is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and must be halted and reversed.

(4) To do so, the Department should start with the understanding that all departmental information that is not properly classified, or marked as controlled unclassified information and otherwise exempt from disclosure, should be made available to members of the public pursuant to section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(5) The Department should also develop and administer policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of controlled unclassified information markings and the National Archives and Records Administration policies implementing them.

SEC. 3. CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

"SEC. 210F. CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION PROGRAM.

"(a) IN GENERAL.—The Secretary shall develop and administer policies, procedures, and programs within the Department to implement the controlled unclassified information framework to standardize the use of controlled unclassified markings on, and to maximize the disclosure to the public of, homeland security information, terrorism information, weapons of mass destruction information, and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) that must be disseminated to prevent and to collectively respond to acts of terrorism. The Secretary shall coordinate with the Archivist of the United States and consult with representatives of State, local, tribal, and territorial government and law enforcement, organizations with expertise in civil rights, civil liberties, and government oversight, and the private sector, as appropriate, to develop such policies, procedures, and programs.

"(b) REQUIREMENTS.—Not later than one year after the date of the enactment of the Improving Public Access to Documents Act of 2008, the Secretary, in administering the policies, procedures, and programs required under subsection (a), shall—

"(1) create, in consultation with the Archivist of the United States, a standard format for unclassified finished intelligence products created by the Department that have been designated as controlled unclassified information, consistent with any governmentwide standards, practices or procedures for similar products;

"(2) require that all unclassified finished intelligence products created by the Department that have been designated as controlled unclassified information be prepared in the standard format;

"(3) ensure that such policies, procedures, and programs protect the national security as well as the information privacy rights and legal rights of United States persons pursuant to all applicable law and policy, including the privacy guidelines for the information sharing environment established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), as appropriate;

"(4) establish an ongoing auditing mechanism administered by the Inspector General of the Department or other appropriate senior Department official that randomly selects, on a periodic basis, controlled unclassified information from each component of the Department, including all Department components that generate unclassified finished intelligence products, to—

"(A) assess whether applicable controlled unclassified information policies, procedures, rules, and regulations have been followed;

"(B) describe any problems with the administration of the applicable controlled unclassified information policies, procedures, rules and regulations, including specific non-compliance issues;

"(C) recommend improvements in awareness and training to address any problems identified in subparagraph (B); and

"(D) report at least annually to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and the public on the findings of the Inspector General's audits under this section;

"(5) establish a process whereby employees may challenge the use of controlled unclassified information markings by Department employees or contractors and be rewarded

with specific incentives for successful challenges resulting in—

“(A) the removal of controlled unclassified information markings; or

“(B) the correct application of appropriate controlled unclassified information markings;

“(6) inform employees and contractors that failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties;

“(7) institute a series of penalties for employees and contractors who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their non-compliance and appropriate training or retraining to address such noncompliance;

“(8) maintain a publicly available list of all documents designated, in whole or in part, as controlled unclassified information by Department employees or contractors that—

“(A) have been withheld in response to a request made pursuant to section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’); and

“(B) includes for each such withheld document a summary of the request and a statement that identifies the exemption under section 552(b) of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’) that justified the withholding; and

“(9) create a process through which the public can notify the Inspector General of the Department of any concerns regarding the implementation of the controlled unclassified information framework, including the withholding of controlled unclassified information pursuant to section 552(b) of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’), which shall be considered as part of the audit described in paragraph (4).

“(c) IMPLEMENTATION.—In carrying out subsections (a) and (b), the Secretary shall ensure that—

“(1) information is designated as controlled unclassified information and includes an authorized controlled unclassified information marking only if—

“(A) a statute or executive order requires or authorizes such a designation and marking; or

“(B) the Secretary, through regulations, directives, or other specific guidance to the agency that have been submitted to and approved by the Archivist of the United States, determines that the information is controlled unclassified information based on mission requirements, business prudence, legal privilege, the protection of personal or commercial rights, safety, or security;

“(2) notwithstanding paragraph (1), information is not to be designated as controlled unclassified information—

“(A) to conceal violations of law, inefficiency, or administrative error;

“(B) to prevent embarrassment to Federal, State, local, tribal, or territorial governments or any official, agency, or organization thereof; any agency; or any organization;

“(C) to improperly or unlawfully interfere with competition in the private sector;

“(D) to prevent or delay the release of information that does not require such protection;

“(E) if it is required to be made available to the public; or

“(F) if it has already been released to the public under proper authority; and

“(3) the controlled unclassified information framework is administered in a manner that ensures that—

“(A) information can be shared within the Department and with State, local, tribal, and territorial governments, the private sector, and the public, as appropriate;

“(B) all policies and standards for the designation, marking, safeguarding, and dissemination of controlled unclassified information are consistent with the controlled unclassified information framework and any other policies, guidelines, procedures, instructions, or standards established by the President, including in any relevant future executive memoranda or executive orders;

“(C) the number of Department employees and contractors with controlled unclassified information designation authority is limited appropriately as determined in consultation with the parties referred to in subsection (a);

“(D) controlled unclassified information markings are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’);

“(E) controlled unclassified information markings are placed on archived or legacy material whenever circulated, consistent with the controlled unclassified information framework and any other policies, guidelines, procedures, instructions, or standards established by the President, including in any relevant future executive memoranda or executive orders;

“(F) all controlled unclassified information portions of classified documents are marked as controlled unclassified information; and

“(G) it supersedes any pre-existing policies and procedures relating to the creation, control, and sharing of sensitive but unclassified information generated by the Department, except where otherwise provided by law.

“(d) PUBLIC ACCESS TO UNCLASSIFIED INFORMATION.—The Secretary shall make available to members of the public all controlled unclassified information and other unclassified information in its possession that is releasable pursuant to an appropriate request under section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’).

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent or discourage the Department from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’).”.

SEC. 4. ENFORCEMENT OF CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION WITHIN THE DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

“SEC. 210G. ENFORCEMENT OF CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK IMPLEMENTATION PROGRAMS.

“(a) PERSONAL IDENTIFIERS.—The Secretary shall—

“(1) assess the technologies available or in use at the Department by which an electronic personal identification number or other electronic identifying marker can be assigned to each Department employee and contractor with controlled unclassified information designation authority in order to—

“(A) track which documents have been designated as controlled unclassified information by a particular employee or contractor;

“(B) determine the circumstances when such documents have been shared;

“(C) identify and address misuse of controlled unclassified information markings,

including the misapplication of controlled unclassified information markings to documents that do not merit such markings; and

“(D) assess the information sharing impact of any such problems or misuse;

“(2) develop an implementation plan for a Department standard for such technology with appropriate benchmarks, a timetable for its completion, and cost estimate for the creation and implementation of a system of electronic personal identification numbers or other electronic identifying markers for all relevant Department employees and contractors; and

“(3) upon completion of the implementation plan described in paragraph (2), or not later than 180 days after the date of the enactment of the Improving Public Access to Documents Act of 2008, whichever is earlier, the Secretary shall provide a copy of the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(b) TRAINING.—The Secretary, in coordination with the Archivist of the United States, shall—

“(1) require annual training for each Department employee and contractor with controlled unclassified information designation authority or those responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written controlled unclassified information. Such training shall—

“(A) educate each employee and contractor about—

“(i) the Department’s requirement that all unclassified finished intelligence products that they create that have been designated as controlled unclassified information be prepared in a standard format prescribed by the Department;

“(ii) the proper use of controlled unclassified information markings, including portion markings; and

“(iii) the consequences of improperly using controlled unclassified information markings, including the misapplication of controlled unclassified information markings to documents that do not merit such markings, and of failing to comply with the Department’s policies and procedures established under or pursuant to this section, including the negative consequences for the individual’s personnel evaluation, homeland security, information sharing, and the overall success of the Department’s missions;

“(B) serve as a prerequisite, once completed successfully, as evidenced by an appropriate certificate, for—

“(i) obtaining controlled unclassified information designation authority; and

“(ii) renewing such authority annually; and

“(C) count as a positive factor, once completed successfully, in the Department’s employment, evaluation, and promotion decisions; and

“(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the Department to reduce the costs and administrative burdens associated with the additional training required by this section.

“(c) DETAILEE PROGRAM.—The Secretary shall—

“(1) implement a Departmental detailee program to detail Departmental personnel to the National Archives and Records Administration for one year, for the purpose of—

“(A) training and educational benefit for the Department personnel assigned so that they may better understand the policies, procedures, and laws governing the controlled unclassified information framework;

“(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over the Department and other Departments and agencies; and

“(C) ensuring that the policies and procedures established by the Secretary remain consistent with those established by the Archivist of the United States; and

“(2) in coordination with the Archivist of the United States, report to Congress not later than 90 days after the conclusion of the first year of the program established under paragraph (1), on—

“(A) the advisability of expanding the program on a government-wide basis, whereby other departments and agencies would send detailees to the National Archives and Records Administration; and

“(B) the administrative and monetary costs of full compliance with this section.

“(d) TERMINATION OF DETAILEE PROGRAM.—Except as otherwise provided by law, subsection (c) shall cease to have effect on December 31, 2012.”

SEC. 5. DEFINITIONS.

Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

“SEC. 210H. DEFINITIONS.

“In this Act:

“(1) CONTROLLED UNCLASSIFIED INFORMATION.—The term ‘controlled unclassified information’ means a categorical designation that refers to unclassified information, including unclassified information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including unclassified homeland security information, terrorism information, and weapons of mass destruction information (as defined in such section) and unclassified national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))), that does not meet the standards of National Security Classification under Executive Order 12958, as amended, but is (i) pertinent to the national interests of the United States or to the important interests of entities outside the Federal Government, and (ii) under law or National Archives and Records Administration policy requires safeguarding from unauthorized disclosure, special handling safeguards, or prescribed limits on exchanges or dissemination.

“(2) CONTROLLED UNCLASSIFIED INFORMATION FRAMEWORK.—The term ‘controlled unclassified information framework’ means the single set of policies and procedures governing the designation, marking, safeguarding, and dissemination of terrorism-related controlled unclassified information that originates in departments and agencies, regardless of the medium used for the display, storage, or transmittal of such information, as set forth in the President’s May 7, 2008 Memorandum for the Heads of Executive Departments Regarding Designation and Sharing of controlled unclassified information (CUI), and in any relevant future executive memoranda, executive orders, or legislation.

“(3) FINISHED INTELLIGENCE PRODUCT.—The term ‘finished intelligence product’ means a document in which an intelligence analyst has evaluated, interpreted, integrated, or placed into context raw intelligence or information.”

SEC. 6. TECHNICAL AMENDMENT.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by adding after the item relating to section 210E the following new items:

“Sec. 210F. Controlled unclassified information framework implementation program.

“Sec. 210G. Enforcement of controlled unclassified information framework implementation programs.

“Sec. 210H. Definitions.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume, and I would like to include for the RECORD an exchange of letters between the distinguished chairmen of the Committees on Homeland Security and Oversight and Government Reform.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, July 25, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Ford House Office Building, Washington,
DC.

DEAR CHAIRMAN THOMPSON:

I am writing about H.R. 6193, the Improving Public Access to Documents Act of 2008, which the Homeland Security Committee ordered reported to the House on June 26, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding H.R. 6193. In particular, I appreciate your willingness to work with me to move a government-wide pseudo-classification bill, H.R. 6576, to the House floor so that H.R. 6193 and H.R. 6576 can be considered during the same week.

In the interest of expediting consideration of H.R. 6193, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 6193 or a similar Senate bill be considered in conference with the Senate.

Moreover, although the Oversight Committee has agreed to forgo a sequential referral of this measure, I believe it is important to reiterate my general concern about H.R. 6193 as it applies to the Department of Homeland Security.

H.R. 6193 creates procedures for the Department to follow in order to reduce the proliferation of unnecessary information classification. This is a commendable goal, however, investigations by the Oversight Committee have demonstrated that there has been a proliferation of pseudo-classification designations such as “sensitive but unclassified” or “for official use only.” In my view, any legislation addressing information control designations should be implemented on a government-wide basis.

Again, thank you for considering my concerns about H.R. 6193. I look forward to working with you to reduce the serious problem of pseudo-classification of information throughout the federal government.

This letter should not be construed as a waiver of the Oversight Committee’s legislative jurisdiction over subjects addressed in H.R. 6193 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Homeland Security Report on H.R. 6193 and in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 28, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN:

Thank you for your letter regarding H.R. 6193, the “Improving Public Access to Documents Act of 2008,” introduced by Congresswoman Jane Harman on June 5, 2008.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 6193 contains provisions that fall under the jurisdictional interests of the Committee on Oversight and Government Reform. I appreciate your agreement to not seek a sequential referral of this legislation and acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters is included in the Committee’s report on H.R. 6193 and in the Congressional Record during floor consideration of H.R. 6193. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, much like the overclassification problem which we have just discussed in the prior debate, so-called sensitive but unclassified markings, which are supposed to manage how sensitive unclassified information is handled internally at Federal departments and agencies, have instead hindered information-sharing with America’s first preventers. At the same time, these markings have been used as tools to deny the public access to information to which it is entitled.

In essence, SBU markings have effectively become pseudo-classifications. Unlike classified records, however, there has been no monitoring of the use or impact of SBU-controlled markings.

Mr. Speaker, my colleague Mr. REICHERT and I introduced H.R. 6193, the Improving Public Access to Documents Act of 2008, to reform the sensitive but unclassified control markings regime. Our bill brings order to this chaos by adopting the CUI information framework developed by Ambassador Ted McNamara in the Office of the Director of National Intelligence.

I want to commend Ambassador McNamara for really courageous work in trying to manage this chaos, and it is his work that we build on in this legislation. His CUI framework reduces the number of allowed information control markings from over 100 to just seven. And to do so, our bill, following his recommendations, imposes strict requirements for when CUI control markings may be used. It promotes greater transparency by requiring the Department of Homeland Security to create a publicly available list of all department documents marked as CUI that have been withheld from public disclosure under a valid FOIA exemption.

After working together on a bipartisan basis for months, and now with significant input from the privacy, civil liberties, and government oversight communities, we believe that H.R. 6193 will make DHS the model to be followed when it comes to adopting and implementing CUI best practices. And, in June, this legislation was marked up and approved on a unanimous basis by both our Intelligence Subcommittee and the full Homeland Security Committee.

Putting the CUI framework into action at DHS will not only improve information sharing, but will also help decrease the exorbitant information security costs that the current SBU regime imposes, and undo misguided SBU practices that needlessly limit public access to information.

Mr. Speaker, terrorism is intended to terrify. If our first preventers have the facts on the front lines, we can begin to alleviate the fear that has paralyzed our homeland security policies and thinking for far too long. A first step is eliminating the confusion by making more unclassified information available to DHS partners, including the public, by ensuring that control markings don't gum up the works. The potential dividends for the security of our homeland are enormous. Mr. Speaker, I urge passage of this critical legislation.

I reserve the balance of my time.

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

I rise today in support of H.R. 6193, the Improving Public Access to Documents Act, sponsored by Homeland Security Committee colleague, Representative JANE HARMAN, who does such great work.

H.R. 6193 requires the Secretary of Homeland Security to develop and administer policies, procedures, and programs to implement the President's controlled unclassified information framework to standardize the many sensitive but unclassified categories of information. The bill requires the Secretary to coordinate with the Archivist of the United States and consult with representatives of State and local governments, privacy and civil rights advocacy groups, and the private sector in this effort.

This bill codifies many of the policies and procedures included in a May 7,

2008 executive memorandum, which directs executive department heads to begin consolidating the over 100 known sensitive but unclassified designations.

Information designated as sensitive but unclassified doesn't merit a security classification under Executive Order 12958 regarding classified national security information but is still sensitive that general disclosure is not in the public's best interest. Information that is law enforcement sensitive or designated for official use only are two examples of information that will now be marked as controlled unclassified information under this new construct.

Mr. Speaker, I am confident that H.R. 6193 is a helpful first step in standardizing the many types of sensitive but unclassified information so as to improve homeland security information sharing. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers and I am prepared to close once the minority has closed.

Mr. BILIRAKIS. I thank the gentlelady for the information, and let's hope that the Senate gets to that authorization bill in September.

I yield back the balance of my time.

Ms. HARMAN. Mr. Speaker, again, I appreciate Mr. BILIRAKIS' support and the support of the minority members of the Homeland Security Committee and my principal cosponsor of this bill, the ranking member, Mr. REICHERT.

It is pretty astounding that there are over 100 ways to block nonclassified information from moving across the Federal Government. With passage of this bill, we will, at least at the Department of Homeland Security, reduce that 100 plus list of poor reasons in many cases to just seven.

Again, I want to commend Ambassador Ted McNamara for his path-breaking work at the Office of the Director of National Intelligence, and I want to commend the Government Reform and Oversight Committee for a bill that will move under the suspension of rules later today, H.R. 6576, which will take the principles we are debating now with respect to the Department of Homeland Security and apply them government-wide. I think that is very good policy, and we start now, I hope, by passage of this important legislation. I urge an aye vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6193, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. 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. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT ACT OF 2008

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3815

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 Open Source Information Enhancement Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The Internet has profoundly expanded the amount, significance, and accessibility of all types of information, but the Department of Homeland Security has not sufficiently expanded its use of such information to produce analytical products.*

(2) *Open source products can be shared with Federal, State, local, and tribal law enforcement, the American public, the private sector, and foreign allies because of their unclassified nature.*

(3) *The Department of Homeland Security is responsible for providing open source products to consumers consistent with existing Federal open source information guidelines.*

SEC. 3. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

(a) *IN GENERAL.—*Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 210F. FULL AND EFFICIENT USE OF OPEN SOURCE INFORMATION.

"(a) *RESPONSIBILITIES OF SECRETARY.—*The Secretary shall establish an open source collection, analysis, and dissemination program within the Department. This program shall make full and efficient use of open source information to develop and disseminate open source intelligence products.

"(b) *OPEN SOURCE PRODUCTS.—*The Secretary shall ensure that among the open source products that the Department generates, there shall be a specific focus on open source products that—

"(1) *analyze news and developments related to foreign terrorist organizations including how the threat of such organizations is relevant to homeland security;*

"(2) *analyze the risks and vulnerabilities to the Nation's critical infrastructure;*

"(3) *analyze terrorist tactics and techniques to include recommendations on how to identify patterns of terrorist activity and behavior allowing State, local and tribal first responders to allocate resources appropriately; and*

"(4) *utilize, as appropriate, computer-based electronic visualization and animation tools that combine imagery, sound, and written material into unclassified open source intelligence products.*