

109TH CONGRESS  
2D SESSION

# H. R. 5003

To amend the Homeland Security Act of 2002 to provide for the full and efficient use of open-source intelligence.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. SIMMONS (for himself and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend the Homeland Security Act of 2002 to provide for the full and efficient use of open-source intelligence.

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 Intelligence Enhancement Act of 2006”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Open-source intelligence is intelligence that  
9       is produced from publicly available information and  
10       is gathered, exploited, and disseminated in a timely

1 manner to an appropriate audience for the purpose  
2 of addressing specific intelligence and information  
3 requirements.

4 (2) With the “information revolution”, the  
5 amount, significance, and accessibility of open-source  
6 information has expanded significantly, but the De-  
7 partment of Homeland Security has not expanded  
8 its exploitation efforts and systems to produce open-  
9 source intelligence.

10 (3) The dissemination and use of validated  
11 open-source intelligence inherently enables informa-  
12 tion sharing because open-source intelligence is pro-  
13 duced without the use of sensitive sources and meth-  
14 ods.

15 (4) Open-source intelligence products can be  
16 shared with the American public and foreign allies  
17 because of the unclassified nature of open-source in-  
18 telligence.

19 (5) The National Commission on Terrorist At-  
20 tacks Upon the United States, in its final report re-  
21 leased on July 22, 2004, identified shortfalls in the  
22 ability of the United States to use all-source intel-  
23 ligence, a large component of which is open-source  
24 intelligence.

1           (6) In the Intelligence Reform and Terrorism  
2           Prevention Act of 2004, Congress called for the co-  
3           ordination of the collection, analysis, production, and  
4           dissemination of open-source intelligence.

5           (7) In a report to the President released on  
6           March 31, 2005, the Commission on the Intelligence  
7           Capabilities of the United States Regarding Weap-  
8           ons of Mass Destruction found that “the need for  
9           exploiting open-source material is greater now than  
10          ever before”, but that “the Intelligence Community’s  
11          open source programs have not expanded commensu-  
12          rate with either the increase in available information  
13          or with the growing importance of open source data  
14          to today’s problems.”

15 **SEC. 3. FULL AND EFFICIENT USE OF OPEN-SOURCE INTEL-**  
16 **LIGENCE.**

17          (a) REQUIREMENT.—Subtitle A of title II of the  
18          Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),  
19          is amended by adding at the end the following:

20 **“SEC. 203. FULL AND EFFICIENT USE OF OPEN-SOURCE IN-**  
21 **TELLIGENCE.**

22          “(a) USE BY UNDER SECRETARY AND ASSISTANT  
23          SECRETARY.—The Secretary shall ensure that, in meeting  
24          their analytic responsibilities under sections 201(d) and  
25          204(c) and in formulating requirements for additional in-

1 formation, the Under Secretary for Intelligence and Anal-  
2 ysis and the Assistant Secretary for Infrastructure Protec-  
3 tion make full and efficient use of open-source intelligence  
4 by acquiring, gathering, processing, and analyzing open-  
5 source information to produce open-source intelligence  
6 products.

7 “(b) CRITICAL INFRASTRUCTURE ANALYSIS.—The  
8 Secretary shall ensure that the Department makes full  
9 and efficient use of open-source information to analyze  
10 United States critical infrastructure nodes from the per-  
11 spective of terrorists using publicly available information.  
12 The Secretary shall share the results of the analysis with  
13 appropriate Federal, State, local, tribal, and private-sector  
14 officials.”.

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

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

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