

107TH CONGRESS
1ST SESSION

S. 1615

To provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2001

Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LEAHY, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the sharing of certain foreign intelligence information with local law enforcement personnel, 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 “Federal-Local Infor-
5 mation Sharing Partnership Act of 2001”.

6 **SEC. 2. AUTHORITY TO SHARE GRAND JURY INFORMATION.**

7 Rule 6(e)(3)(C) of the Federal Rules of Criminal Pro-
8 cedure is amended—

1 (1) in clause (i)(V), by inserting after “national
 2 security official” the following: “or to law enforce-
 3 ment personnel of a State or political subdivision of
 4 a State (including the chief executive officer of that
 5 State or political subdivision who has the authority
 6 to appoint or direct the chief law enforcement officer
 7 of that State or political subdivision)”; and

8 (2) in clause (iii)—

9 (A) by striking “Federal”; and

10 (B) by adding at the end the following:

11 “Any chief executive officer or law enforcement
 12 personnel of a State or political subdivision of
 13 a State who receives information pursuant to
 14 clause (i)(V), shall only use that information
 15 consistent with such guidelines as the Attorney
 16 General shall issue to protect confidentiality.”.

17 **SEC. 3. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**
 18 **ORAL INTERCEPTION INFORMATION.**

19 Section 2517(6) of title 18, United States Code, is
 20 amended—

21 (1) in the first sentence, by inserting after “na-
 22 tional security official” the following: “or to law en-
 23 forcement personnel of a State or political subdivi-
 24 sion of a State (including the chief executive officer
 25 of that State or political subdivision who has the au-

1 thority to appoint or direct the chief law enforce-
2 ment officer of that State or political subdivision)”;

3 (2) in the second sentence, by striking “Fed-
4 eral”; and

5 (3) by adding at the end the following: “Any
6 chief executive officer or law enforcement personnel
7 of a State or political subdivision of a State who re-
8 ceives information pursuant to this paragraph shall
9 only use that information consistent with such
10 guidelines as the Attorney General shall issue to pro-
11 tect confidentiality.”.

12 **SEC. 4. FOREIGN INTELLIGENCE INFORMATION.**

13 Section 203(d)(1) of the Uniting and Strengthening
14 America by Providing Appropriate Tools Required to
15 Intercept and Obstruct Terrorism Act (USA PATRIOT
16 ACT) of 2001 (Public Law 107–56) is amended—

17 (1) in the first sentence, by inserting after “na-
18 tional security official” the following: “or to law en-
19 forcement personnel of a State or political subdivi-
20 sion of a State (including the chief executive officer
21 of that State or political subdivision who has the au-
22 thority to appoint or direct the chief law enforce-
23 ment officer of that State or political subdivision)”;

24 (2) in the second sentence, by striking “Fed-
25 eral”; and

1 (3) by adding at the end the following: “Any
2 chief executive officer or law enforcement personnel
3 of a State or political subdivision of a State who re-
4 ceives information pursuant to this paragraph shall
5 only use that information consistent with such
6 guidelines as the Attorney General shall issue to pro-
7 tect confidentiality.”.

8 **SEC. 5. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR**
9 **COUNTERTERRORISM PURPOSES.**

10 Section 626(a) of the Fair Credit Reporting Act (15
11 U.S.C. 1681 et seq.) is amended by adding at the end
12 the following: “The recipient of that consumer report or
13 information may further disclose the contents of that re-
14 port or information to law enforcement personnel of a
15 State or political subdivision of a State (including the chief
16 executive officer of that State or political subdivision who
17 has the authority to appoint or direct the chief law en-
18 forcement officer of that State or political subdivision) to
19 assist the official who is to receive that information in the
20 performance of the official duties of that official. Any chief
21 executive officer or law enforcement personnel of a State
22 or political subdivision of a State who receives information
23 pursuant to this subsection shall only use that information
24 consistent with such guidelines as the Attorney General
25 shall issue to protect confidentiality.”.

1 **SEC. 6. MULTILATERAL COOPERATION AGAINST TERROR-**
2 **ISTS.**

3 Section 222(f) of the Immigration and Nationality
4 Act (8 U.S.C. 1202(f)) is amended—

5 (1) in paragraph (1), by striking the period at
6 the end and inserting a semicolon;

7 (2) by redesignating paragraph (2) as para-
8 graph (3); and

9 (3) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) the Secretary of State may provide copies
12 of any record of the Department of State and of dip-
13 lomatic and consular offices of the United States
14 pertaining to the issuance or refusal of visas or per-
15 mits to enter the United States, or any information
16 contained in those records, to law enforcement per-
17 sonnel of a State or political subdivision of a State
18 (including the chief executive officer of that State or
19 political subdivision who has the authority to appoint
20 or direct the chief law enforcement officer of that
21 State or political subdivision), if the Secretary deter-
22 mines that it is necessary and appropriate, however,
23 any chief executive officer or law enforcement per-
24 sonnel of a State or political subdivision of a State
25 who receives information pursuant to this paragraph
26 shall only use that information consistent with such

1 guidelines as the Attorney General shall issue to pro-
2 tect confidentiality; and”.

3 **SEC. 7. INFORMATION ACQUIRED FROM AN ELECTRONIC**
4 **SURVEILLANCE.**

5 Section 106(k)(1) of the Foreign Intelligence Surveil-
6 lance Act of 1978 (50 U.S.C. 1806) is amended by insert-
7 ing after “law enforcement officers” the following: “or law
8 enforcement personnel of a State or political subdivision
9 of a State (including the chief executive officer of that
10 State or political subdivision who has the authority to ap-
11 point or direct the chief law enforcement officer of that
12 State or political subdivision)”.

13 **SEC. 8. INFORMATION ACQUIRED FROM A PHYSICAL**
14 **SEARCH.**

15 Section 305(k)(1) of the Foreign Intelligence Surveil-
16 lance Act of 1978 (50 U.S.C. 1825) is amended by insert-
17 ing after “law enforcement officers” the following: “or law
18 enforcement personnel of a State or political subdivision
19 of a State (including the chief executive officer of that
20 State or political subdivision who has the authority to ap-
21 point or direct the chief law enforcement officer of that
22 State or political subdivision)”.

23 **SEC. 9. DISCLOSURE OF EDUCATIONAL RECORDS.**

24 Section 444(j)(1)(B) of the General Education Provi-
25 sions Act (20 U.S.C. 1232g) is amended—

1 (1) by inserting after “disseminate” the fol-
2 lowing: “(including disclosure of the contents of
3 those education records to law enforcement per-
4 sonnel of a State or political subdivision of a State,
5 including the chief executive officer of that State or
6 political subdivision who has the authority to appoint
7 or direct the chief law enforcement officer of that
8 State or political subdivision, in the performance of
9 the official duties of that law enforcement officer)”;
10 and

11 (2) by adding at the end the following: “Any
12 chief executive officer or law enforcement personnel
13 of a State or political subdivision of a State who re-
14 ceives information pursuant to this paragraph shall
15 only use that information consistent with those
16 guidelines.”.

17 **SEC. 10. INVESTIGATION AND PROSECUTION OF TER-**
18 **RORISM.**

19 Section 408(c)(1)(B) of the National Education Sta-
20 tistics Act of 1994 (20 U.S.C. 9007) is amended—

21 (1) by inserting after “disseminate” the fol-
22 lowing: “(including disclosure of the contents of
23 those reports, records, and information to law en-
24 forcement personnel of a State or political subdivi-
25 sion of a State, including the chief executive officer

1 of that State or political subdivision who has the au-
2 thority to appoint or direct the chief law enforce-
3 ment officer of that State or political subdivision, in
4 the performance of the official duties of that law en-
5 forcement officer)”; and

6 (2) by adding at the end the following: “Any
7 chief executive officer or law enforcement personnel
8 of a State or political subdivision of a State who re-
9 ceives information pursuant to this paragraph shall
10 only use that information consistent with those
11 guidelines.”.

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