

Calendar No. 563

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, Mr. HATCH, Mr. DURBIN, Mr. BIDEN, and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 5, 2002

Reported by Mr. LEAHY, with an amendment

[Strike out all after enacting clause and insert the part printed in italic.]

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”.

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

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

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

11 (2) in clause (iii)—

12 (A) by striking “Federal”; and

13 (B) by adding at the end the following:
14 “Any chief executive officer or law enforcement
15 personnel of a State or political subdivision of
16 a State who receives information pursuant to
17 clause (i)(V), shall only use that information
18 consistent with such guidelines as the Attorney
19 General shall issue to protect confidentiality.”.

20 **SEC. 3. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**
21 **ORAL INTERCEPTION INFORMATION.**

22 Section 2517(6) of title 18, United States Code, is
23 amended—

24 (1) in the first sentence, by inserting after “na-
25 tional security official” the following: “or to law en-
26 forcement personnel of a State or political subdivi-

1 sion of a State (including the chief executive officer
 2 of that State or political subdivision who has the au-
 3 thority to appoint or direct the chief law enforce-
 4 ment officer of that State or political subdivision)”;

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

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

14 **SEC. 4. FOREIGN INTELLIGENCE INFORMATION.**

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

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

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

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

10 **SEC. 5. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR**
11 **COUNTERTERRORISM PURPOSES.**

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

1 consistent with such guidelines as the Attorney General
2 shall issue to protect confidentiality.”.

3 **SEC. 6. MULTILATERAL COOPERATION AGAINST TERROR-**
4 **ISTS.**

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

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

9 (2) by redesignating paragraph (2) as para-
10 graph (3); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

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

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

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

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

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

20 **SEC. 10. INVESTIGATION AND PROSECUTION OF TER-**
21 **RORISM.**

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

24 (1) by inserting after “disseminate” the fol-
25 lowing: “(including disclosure of the contents of
26 those reports, records, and information to law en-

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

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

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Federal-Local Informa-*
 16 *tion Sharing Partnership Act of 2002”.*

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

18 *Rule 6(e)(3)(C) of the Federal Rules of Criminal Pro-*
 19 *cedure is amended—*

20 (1) *in clause (i)(V), by inserting after “national*
 21 *security official” the following: “or to law enforcement*
 22 *personnel of a State or political subdivision of a State*
 23 *(including the chief executive officer of that State or*
 24 *political subdivision who has the authority to appoint*

1 or direct the chief law enforcement officer of that
2 State or political subdivision)”; and

3 (2) in clause (iii)—

4 (A) by striking “Federal”; and

5 (B) by adding at the end the following: “In-
6 formation referred to in this clause that is
7 shared with local authorities shall be shared only
8 for the purpose of investigating or preventing
9 international or domestic terrorism (as those
10 terms are defined in section 2331 of title 18,
11 United States Code) or a Federal crime of ter-
12 rorism (as that term is defined in section 2332b
13 of title 18, United States Code). Any chief execu-
14 tive officer or law enforcement personnel of a
15 State or political subdivision of a State who re-
16 ceives information pursuant to clause (i)(V),
17 shall only use that information consistent with
18 such regulations as the Attorney General shall
19 promulgate to protect confidentiality.”.

20 **SEC. 3. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND**
21 **ORAL INTERCEPTION INFORMATION.**

22 Section 2517 of title 18, United States Code, is
23 amended—

24 (1) in paragraph (1), by inserting “or such de-
25 rivative evidence” after “such contents”;

1 (2) *in paragraph (2), by inserting “or such de-*
2 *rivative evidence” after “such contents”; and*

3 (3) *in paragraph (6)—*

4 (A) *in the first sentence, by inserting after*
5 *“national security official” the following: “or to*
6 *law enforcement personnel of a State or political*
7 *subdivision of a State (including the chief execu-*
8 *tive officer of that State or political subdivision*
9 *who has the authority to appoint or direct the*
10 *chief law enforcement officer of that State or po-*
11 *litical subdivision)”;*

12 (B) *in the second sentence, by striking*
13 *“Federal”; and*

14 (C) *by adding at the end the following: “In-*
15 *formation referred to in this paragraph that is*
16 *shared with local authorities shall be shared only*
17 *for the purpose of investigating or preventing*
18 *international or domestic terrorism (as those*
19 *terms are defined in section 2331) or a Federal*
20 *crime of terrorism (as that term is defined in*
21 *section 2332b). Any chief executive officer or law*
22 *enforcement personnel of a State or political sub-*
23 *division of a State who receives information pur-*
24 *suant to this paragraph shall only use that in-*
25 *formation consistent with such regulations as the*

1 *Attorney General shall promulgate to protect*
2 *confidentiality.”.*

3 **SEC. 4. FOREIGN INTELLIGENCE INFORMATION.**

4 *Section 203(d)(1) of the Uniting and Strengthening*
5 *America by Providing Appropriate Tools Required to Inter-*
6 *cept and Obstruct Terrorism Act (USA PATRIOT ACT)*
7 *of 2001 (Public Law 107–56) is amended—*

8 (1) *in the first sentence, by inserting after “na-*
9 *tional security official” the following: “or to law en-*
10 *forcement personnel of a State or political subdivision*
11 *of a State (including the chief executive officer of that*
12 *State or political subdivision who has the authority*
13 *to appoint or direct the chief law enforcement officer*
14 *of that State or political subdivision)”;*

15 (2) *in the second sentence, by striking “Federal”;*
16 *and*

17 (3) *by adding at the end the following: “Infor-*
18 *mation referred to in this paragraph that is shared*
19 *with local authorities shall be shared only for the pur-*
20 *pose of investigating or preventing international or*
21 *domestic terrorism (as those terms are defined in sec-*
22 *tion 2331 of title 18, United States Code) or a Fed-*
23 *eral crime of terrorism (as that term is defined in sec-*
24 *tion 2332b of title 18, United States Code). Any chief*
25 *executive officer or law enforcement personnel of a*

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