

107TH CONGRESS
1ST SESSION

H. R. 3483

To amend title 31, United States Code, to provide for intergovernmental cooperation to enhance the sharing of law enforcement information.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2001

Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. SHAYS, Ms. SCHAKOWSKY, and Mrs. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 31, United States Code, to provide for intergovernmental cooperation to enhance the sharing of law enforcement information.

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 “Intergovernmental
5 Law Enforcement Information Sharing Act of 2001”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) Governors and mayors are responsible for
9 the protection of their constituents, and State and

1 local agencies are typically the first responders to
2 emergencies. Therefore, State and local officials and
3 agencies must be able to receive information regard-
4 ing potential threats within their jurisdictions.

5 (2) Most State and local law enforcement au-
6 thorities currently have mechanisms in place to re-
7 ceive and protect classified information provided by
8 Federal officials. These mechanisms must be supple-
9 mented to include elected officials and additional
10 senior law enforcement officials in every State.

11 (3) Expanding the issuance of security clear-
12 ances, consistent with all applicable Federal stand-
13 ards and investigative requirements, is an important
14 means of improving information sharing among Fed-
15 eral, State, and local officials.

16 (4) There is a need for a comprehensive review
17 of procedures within Federal law enforcement agen-
18 cies in order to identify and remedy unnecessary
19 barriers to information sharing among Federal,
20 State, and local law enforcement agencies.

21 **SEC. 3. SECURITY CLEARANCES AND ENHANCED INFORMA-**
22 **TION SHARING.**

23 Chapter 65 of title 31, United States Code, is amend-
24 ed by adding at the end the following new section:

1 **“§ 6509. Intergovernmental cooperation to enhance**
2 **the sharing of law enforcement informa-**
3 **tion**

4 “(a) The Attorney General shall expeditiously carry
5 out security clearance investigations for the persons iden-
6 tified in subsection (b), and shall grant appropriate secu-
7 rity clearances to all such persons who qualify for clear-
8 ances under the standards set forth in applicable laws and
9 Executive orders.

10 “(b) The persons referred to in subsection (a) are:

11 “(1) Every Governor of a State or territory who
12 applies for a security clearance.

13 “(2) Every chief elected official of a political
14 subdivision of a State or territory with a population
15 exceeding 30,000 who applies for a security clear-
16 ance.

17 “(3) At least one senior law enforcement official
18 for each State or territory, as designated by the
19 Governor of such State or territory.

20 “(4) At least one senior law enforcement official
21 for each political subdivision described in paragraph
22 (2), as designated by the chief elected official of
23 such subdivision.

24 “(5) Law enforcement officers from State, ter-
25 ritorial, and local agencies that participate in Fed-
26 eral counter-terrorism working groups, joint or re-

1 regional terrorism task forces, and other activities in-
2 volving the combined efforts of Federal and non-
3 Federal law enforcement agencies.

4 “(6) The chiefs, commissioners, sheriffs, or
5 comparable officials who head each State, territorial,
6 and local agency that participates in a working
7 group, task force, or similar activity described in
8 paragraph (5).

9 “(c)(1) The Attorney General may charge State, ter-
10 ritorial, and local governments, in whole or in part, for
11 the costs of carrying out security clearance investigations
12 and granting security clearances under this section. Such
13 charges may not exceed the amounts charged for carrying
14 out such investigations and granting such clearances for
15 Federal employees.

16 “(2) The Attorney General may waive any charges
17 that would otherwise apply under paragraph (1) to a
18 State, territorial, or local government if such government
19 agrees to promptly provide Federal officials, without
20 charge, access to the criminal databases of such govern-
21 ment for the purpose of conducting personnel security
22 background investigations for military, civilian, and con-
23 tract employees.

24 “(d) To the maximum extent practicable, the Attor-
25 ney General shall ensure that information systems, includ-

1 ing databases, are configured to allow efficient and effec-
2 tive sharing of information among appropriate Federal,
3 State, territorial, and local officials and agencies.”.

4 **SEC. 4. STUDY BY THE ATTORNEY GENERAL.**

5 (a) STUDY REQUIRED.—The Attorney General shall
6 conduct a study of methods to enhance the sharing of sen-
7 sitive Federal law enforcement information with State,
8 territorial, and local law enforcement officials. The study
9 shall review—

10 (1) appropriate safeguards to protect confiden-
11 tial sources and methods;

12 (2) mechanisms for determining the credibility
13 of information relating to potential threats;

14 (3) restrictions on access to Federal databases
15 by State, territorial, and local elected officials and
16 law enforcement personnel; and

17 (4) any other matter that the Attorney General
18 considers appropriate.

19 (b) PARTICIPATION.—The Attorney General shall en-
20 sure that officials from State, territorial, and local law en-
21 forcement agencies participate in the study.

22 (c) REPORT.—Not later than 6 months after the date
23 of the enactment of this Act, the Attorney General shall
24 submit a report containing the findings and recommenda-
25 tions of the study to the Committee on Government Re-

1 form and the Committee on the Judiciary of the House
2 of Representatives and the Committee on Governmental
3 Affairs and the Committee on the Judiciary of the Senate.

4 **SEC. 5. DISCLAIMER.**

5 Nothing in this Act shall be construed to limit the
6 authority of the head of a Federal agency to classify infor-
7 mation or to continue the classification of information pre-
8 viously classified by an agency.

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