

## 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.

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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.]

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**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-

sion of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)”;

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

(3) by adding at the end the following: “Any chief executive officer or law enforcement personnel of a State or political subdivision of a State who receives information pursuant to this paragraph shall only use that information consistent with such guidelines as the Attorney General shall issue to protect confidentiality.”.

#### **SEC. 4. FOREIGN INTELLIGENCE INFORMATION.**

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

(1) in the first sentence, by inserting after “national security official” the following: “or to law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)”; and

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       sonnel of a State or political subdivision of a State  
 2       who receives information pursuant to this paragraph  
 3       shall only use that information consistent with such  
 4       guidelines as the Attorney General shall issue to pro-  
 5       tect confidentiality; and”.

6   **SEC. 7. INFORMATION ACQUIRED FROM AN ELECTRONIC**  
 7       **SURVEILLANCE.**

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

16   **SEC. 8. INFORMATION ACQUIRED FROM A PHYSICAL**  
 17       **SEARCH.**

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

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)”; and

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*

1        *State or political subdivision of a State who receives*  
 2        *information pursuant to this paragraph shall only*  
 3        *use that information consistent with such regulations*  
 4        *as the Attorney General shall promulgate to protect*  
 5        *confidentiality.”.*

6    **SEC. 5. INFORMATION ACQUIRED FROM AN ELECTRONIC**  
 7                                    **SURVEILLANCE.**

8        *Section 106(k)(1) of the Foreign Intelligence Surveil-*  
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 13       *or political subdivision who has the authority to appoint*  
 14       *or direct the chief law enforcement officer of that State or*  
 15       *political subdivision)”.*

16    **SEC. 6. INFORMATION ACQUIRED FROM A PHYSICAL**  
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 25       *political subdivision)”.*



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2D SESSION

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**A BILL**

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

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SEPTEMBER 5, 2002

Reported with an amendment