

108TH CONGRESS  
2D SESSION

# S. 2599

To strengthen anti-terrorism investigative tools, to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Mr. CHAMBLISS (for himself and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To strengthen anti-terrorism investigative tools, to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, 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 “Information Sharing  
5       Improvement Act of 2004”.

1 **SEC. 2. NATIONAL SECURITY INTELLIGENCE SHARING.**

2 (a) TELEPHONE RECORDS.—Section 2709(d) of title  
3 18, United States Code, is amended by striking “for for-  
4 eign” and all that follows through “such agency”.

5 (b) CONSUMER INFORMATION UNDER 15 U.S.C.  
6 1681u.—Section 625(f) of the Fair Credit Reporting Act  
7 (15 U.S.C. 1681u(f)) is amended to read as follows:

8 “(f) DISSEMINATION OF INFORMATION.—The Fed-  
9 eral Bureau of Investigation may disseminate information  
10 obtained pursuant to this section only as provided in  
11 guidelines approved by the Attorney General. ”.

12 (c) CONSUMER INFORMATION UNDER 15 U.S.C.  
13 1681v.—Section 626 of the Fair Credit Reporting Act (15  
14 U.S.C. 1681v) is amended—

15 (1) by redesignating subsections (d) and (e) as  
16 subsections (e) and (f), respectively; and

17 (2) by inserting after subsection (c) the fol-  
18 lowing:

19 “(d) DISSEMINATION OF INFORMATION.—The Fed-  
20 eral Bureau of Investigation may disseminate information  
21 obtained pursuant to this section only as provided in  
22 guidelines approved by the Attorney General.”.

23 (d) FINANCIAL RECORDS.—Section 1114(a)(5)(B) of  
24 the Right to Financial Privacy Act (12 U.S.C.  
25 3414(a)(5)(B)) is amended by striking “for foreign” and  
26 all that follows through “such agency”.

1 (e) RECORDS CONCERNING CERTAIN GOVERNMENT  
 2 EMPLOYEES.—Section 802(e) of the National Security  
 3 Act of 1947 (50 U.S.C. 436(e)) is amended—

4 (1) by striking “An agency” and inserting the  
 5 following: “The Federal Bureau of Investigation  
 6 may disseminate records or information received  
 7 pursuant to a request under this section only as pro-  
 8 vided in guidelines approved by the Attorney Gen-  
 9 eral. Any other agency”; and

10 (2) in paragraph (3), by striking “clearly”.

11 (f) INFORMATION OBTAINED IN NATIONAL SECURITY  
 12 INVESTIGATIONS.—Section 203(d) of the USA PATRIOT  
 13 ACT (50 U.S.C. 403–5d) is amended—

14 (1) in paragraph (1), by striking “criminal in-  
 15 vestigation” each place it appears and inserting  
 16 “criminal or national security investigation”; and

17 (2) by amending paragraph (2) to read as fol-  
 18 lows:

19 “(2) DEFINITIONS.—As used in this sub-  
 20 section—

21 “(A) the term ‘foreign intelligence informa-  
 22 tion’ means—

23 “(i) information, whether or not con-  
 24 cerning a United States person, that re-

lates to the ability of the United States to  
protect against—

“(I) actual or potential attack or  
other grave hostile acts of a foreign  
power or an agent of a foreign power;

“(II) sabotage or international  
terrorism by a foreign power or an  
agent of a foreign power; or

“(III) clandestine intelligence ac-  
tivities by an intelligence service or  
network of a foreign power or by an  
agent of a foreign power; or

“(ii) information, whether or not con-  
cerning a United States person, with re-  
spect to a foreign power or foreign terri-  
tory that relates to—

“(I) the national defense or the  
security of the United States; or

“(II) the conduct of the foreign  
affairs of the United States; and

“(B) the term ‘national security investiga-  
tion’—

“(i) means any investigative activity  
to protect the national security; and

“(ii) includes—

1 “(I) counterintelligence and the  
 2 collection of intelligence (as defined in  
 3 section 3 of the National Security Act  
 4 of 1947 (50 U.S.C. 401a)); and  
 5 “(II) the collection of foreign in-  
 6 telligence information.”.

7 **SEC. 3. GRAND JURY INFORMATION SHARING.**

8 (a) RULE AMENDMENTS.—Rule 6(e) of the Federal  
 9 Rules of Criminal Procedure is amended—

10 (1) in paragraph (3)—

11 (A) in subparagraph (A)(ii), by striking  
 12 “or state subdivision or of an Indian tribe” and  
 13 inserting “, state subdivision, Indian tribe, or  
 14 foreign government”;

15 (B) in subparagraph (D)—

16 (i) by inserting after the first sentence  
 17 the following: “An attorney for the govern-  
 18 ment may also disclose any grand-jury  
 19 matter involving a threat of actual or po-  
 20 tential attack or other grave hostile acts of  
 21 a foreign power or an agent of a foreign  
 22 power, domestic or international sabotage,  
 23 domestic or international terrorism, or  
 24 clandestine intelligence gathering activities  
 25 by an intelligence service or network of a

1 foreign power or by an agent of a foreign  
2 power, within the United States or else-  
3 where, to any appropriate Federal, State,  
4 state subdivision, Indian tribal, or foreign  
5 government official for the purpose of pre-  
6 venting or responding to such a threat.”;  
7 and

8 (ii) in clause (i)—

9 (I) by striking “federal”; and

10 (II) by adding at the end the fol-

11 lowing: “Any State, state subdivision,  
12 Indian tribal, or foreign government  
13 official who receives information  
14 under Rule 6(e)(3)(D) may use the  
15 information only consistent with such  
16 guidelines as the Attorney General  
17 and Director of Central Intelligence  
18 shall jointly issue.”; and

19 (C) in subparagraph (E)—

20 (i) by redesignating clauses (iii) and  
21 (iv) as clauses (iv) and (v), respectively;

22 (ii) by inserting after clause (ii) the  
23 following:

24 “(iii) at the request of the govern-  
25 ment, when sought by a foreign court or

1                   prosecutor for use in an official criminal  
2                   investigation; ”; and

3                   (iii) in clause (iv), as redesignated—

4                   (I) by striking “state or Indian  
5                   tribal” and inserting “State, Indian  
6                   tribal, or foreign”; and

7                   (II) by striking “or Indian tribal  
8                   official” and inserting “Indian tribal,  
9                   or foreign government official”; and

10               (2) in paragraph (7), by inserting “, or of  
11               guidelines jointly issued by the Attorney General and  
12               Director of Central Intelligence pursuant to Rule 6,”  
13               after “Rule 6”.

14               (b) CONFORMING AMENDMENT.—Section 203(c) of  
15               the USA PATRIOT ACT (18 U.S.C. 2517 note) is  
16               amended by striking “Rule 6(e)(3)(C)(i)(V) and (VI)” and  
17               inserting “Rule 6(e)(3)(D)”.

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