

111TH CONGRESS
2D SESSION

S. 4042

To permit the disclosure of certain information for the purpose of missing
child investigations.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2010

Ms. KLOBUCHAR (for herself, Mr. CORNYN, and Mr. LEAHY) introduced the
following bill; which was read twice and referred to the Committee on the
Judiciary

A BILL

To permit the disclosure of certain information for the
purpose of missing child investigations.

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 “Access to Information
5 About Missing Children Act of 2010”.

6 **SEC. 2. DISCLOSURE OF INFORMATION RELATING TO A**
7 **MISSING OR EXPLOITED CHILD.**

8 (a) IN GENERAL.—Chapter 110 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 2260B. Disclosure of information relating to a**
2 **missing or exploited child**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of law and except as provided under subsection (d),
5 pursuant to and upon the grant of an ex parte order by
6 a Federal district court judge or magistrate under sub-
7 section (b), any information held by any Federal agency
8 with respect to an individual shall be open (but only to
9 the extent necessary as provided in such order) to inspec-
10 tion by, or disclosure to, officers or employees of any Fed-
11 eral agency—

12 “(1) who are personally and directly engaged in
13 an investigation, judicial or administrative pro-
14 ceeding, or Federal grand jury proceeding pertaining
15 to the enforcement of a Federal criminal statute re-
16 lating to the case of a missing or exploited child; or
17 “(2) who seek such an order on behalf of a
18 State or local law enforcement agency under sub-
19 section (c).

20 “(b) APPLICATION FOR ORDER.—A Federal officer
21 seeking an ex parte order under this section shall submit
22 an application to a Federal district court judge or mag-
23 istrate and upon such application, the judge or magistrate
24 may grant the order if the judge or magistrate determines
25 on the basis of the facts submitted by the Federal officer
26 that—

1 “(1) there is reasonable cause to believe, based
2 upon information believed to be reliable, that an act
3 of kidnapping or exploitation of a minor has been
4 committed;

5 “(2) there is reasonable cause to believe that
6 the information sought is or may be relevant to a
7 matter relating to the commission of the act;

8 “(3) the information is sought exclusively for
9 use in a criminal investigation or proceeding con-
10 cerning the act; and

11 “(4) the information sought cannot reasonably
12 be obtained, under the circumstances, from another
13 source.

14 “(c) DISCLOSURE TO STATE AND LOCAL LAW EN-
15 FORCEMENT AGENCIES.—

16 “(1) IN GENERAL.—Upon a written request
17 which meets the requirements of paragraph (3) by a
18 State or local law enforcement agency investigating
19 the case of a missing or exploited child within the
20 venue of any Federal district court, a Federal offi-
21 cer—

22 “(A) may apply for an ex parte order from
23 such court under subsection (a)(2) with respect
24 to such case; and

1 “(B) may disclose the name and mailing
2 address of the individual obtained as a result of
3 such an order to the State or local law enforce-
4 ment agency making such request for the sole
5 purpose of locating a missing or exploited child.

6 “(2) PROHIBITION.—A State or local law en-
7 forcement agency that receives information under
8 paragraph (1)(B) shall not disclose the information
9 to any other person.

10 “(3) WRITTEN REQUEST.—A written request
11 meets the requirements of this paragraph if the re-
12 quest sets forth—

13 “(A) such information as is necessary to
14 identify the individual with respect to whom an
15 ex parte order is sought, including the name
16 and last known mailing address of the indi-
17 vidual; and

18 “(B) the specific reason or reasons why
19 the disclosure of the name and mailing address
20 is relevant to the investigation of a case of a
21 missing or exploited child.

22 “(d) CONFIDENTIAL INFORMANTS; IMPAIRMENT OF
23 INVESTIGATIONS.—The head of the relevant agency shall
24 not disclose any information with respect to an individual
25 under this section if the head of the agency determines

1 and certifies to the court that issued an order under sub-
2 section (b) that such a disclosure would identify a con-
3 fidential informant or seriously impair a civil or criminal
4 investigation.”.

5 (b) CONFORMING AMENDMENT.—The table of sec-
6 tions for chapter 110 of title 18, United States Code, is
7 amended by adding after the item relating to section
8 2260A the following:

“2260B. Disclosure of information relating to a missing or exploited child.”.

