

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2956

To require the Secretary of Homeland Security to submit a semi-annual report to Congress regarding the effectiveness with which information is exchanged between the Department of Homeland Security, the Federal Bureau of Investigation, and State and local law enforcement authorities.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2002

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require the Secretary of Homeland Security to submit a semi-annual report to Congress regarding the effectiveness with which information is exchanged between the Department of Homeland Security, the Federal Bureau of Investigation, and State and local law enforcement authorities.

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 “Intelligence Gathering  
5 Act of 2002”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to require the Secretary of Homeland Secu-  
4 rity, for the first 5 years after the date of enactment  
5 of the National Homeland Security and Combating  
6 Terrorism Act of 2002, to submit a semi-annual re-  
7 port to Congress on—

8 (A) the specific policies and procedures  
9 governing the sharing of law enforcement, intel-  
10 ligence, and other information relating to  
11 threats of terrorism against the United States  
12 and other threats to homeland security within  
13 the Federal government, including the Federal  
14 Bureau of Investigation, and between the Fed-  
15 eral Government, State and local governments,  
16 local law enforcement, and intelligence agencies;

17 (B) the specific policies and procedures for  
18 the tasking of information between the Depart-  
19 ment of Homeland Security and other agencies  
20 of the Federal Government, including the Fed-  
21 eral Bureau of Investigation, and between the  
22 Federal Government, State and local govern-  
23 ments, local law enforcement, and intelligence  
24 agencies; and

25 (C) the nature of law enforcement informa-  
26 tion the Department of Homeland Security has

1 received from the Federal Bureau of Investiga-  
2 tion and State and local law enforcement agen-  
3 cies;

4 (2) to provide relevant information to Congress  
5 to assist in determining if the sharing of intelligence  
6 between the Department of Homeland Security and  
7 the Federal Bureau of Investigation is working effi-  
8 ciently and effectively; and

9 (3) to enable Congress to accurately determine  
10 if the Department of Homeland Security is working  
11 effectively with the Federal, State, and local law en-  
12 forcement agencies so that an accurate and useful  
13 exchange of information occurs between the Depart-  
14 ment of Homeland Security and such agencies.

15 **SEC. 3. INFORMATION ANALYSIS REPORT.**

16 (a) IN GENERAL.—The Department of Homeland Se-  
17 curity (in this section referred to as the “Department”)  
18 shall study the issues under subsection (b) and submit a  
19 report of such study to Congress not less than every 6  
20 months during the 5 years following the enactment of the  
21 National Homeland Security and Combating Terrorism  
22 Act of 2002, without disclosing the actual substance of  
23 any information relating to national security.

24 (b) ISSUES TO BE STUDIED.—The report under sub-  
25 section (a) shall include—

1           (1) the policies and procedures developed by the  
2 Department—

3           (A) to obtain relevant information from the  
4 Federal Government (including the Federal Bu-  
5 reau of Investigation) and State and local law  
6 enforcement agencies;

7           (B) to request follow-up information and  
8 investigation from such entities; and

9           (C) for sharing information with other  
10 Federal, State, and local government agencies;

11          (2) the specific rules and practices developed  
12 between the Department and other Federal, State,  
13 and local government agencies;

14          (3) the nature and type of information—

15           (A) shared with Federal, State, and local  
16 government agencies; and

17           (B) related to law enforcement, intel-  
18 ligence, and homeland security that was re-  
19 ceived by the Department during the relevant  
20 reporting period, including reports, documents,  
21 summaries, tapes, and photographs;

22          (4) a list of the agencies that have received in-  
23 formation under paragraph (3)(A), including wheth-  
24 er the information was provided by the Department  
25 upon the request of such agency;

1           (5) a summary of the items received by the De-  
2           partment from the Federal Bureau of Investigation,  
3           including—

4                   (A) individual witness grand jury tran-  
5                   scripts;

6                   (B) notes of witness interviews

7                   (C) wire-tap applications;

8                   (D) wire-tap transcripts (including actual  
9                   tapes);

10                  (E) search warrant applications;

11                  (F) search warrants;

12                  (G) photographs;

13                  (H) videos;

14                  (I) computer disks;

15                  (J) summary reports; and

16                  (K) any other relevant items;

17           (6) the nature of the follow-up requests made  
18           by the Department—

19                   (A) for information and intelligence from  
20                   the Federal Bureau of Investigation;

21                   (B) for raw intelligence data from the Fed-  
22                   eral Bureau of Investigation; and

23                   (C) that required additional investigation  
24                   by the Federal Bureau of Investigation;

1           (7) the nature of each follow-up request made  
2           by the Department to the Federal Bureau of Inves-  
3           tigation, including whether the request related to a  
4           witness interview, subpoena information, surveil-  
5           lance, or undercover work;

6           (8) the efforts that have been made by the De-  
7           partment and the Federal Bureau of Investigation to  
8           improve interdepartmental communication, including  
9           the development of computer programs to facilitate  
10          electronic communication between the Department  
11          and the Federal Bureau of Investigation;

12          (9) the general nature of investigations con-  
13          ducted by analysts of the Department and any simi-  
14          lar analyses performed by the Federal Bureau of In-  
15          vestigation; and

16          (10) the identification of the method of trans-  
17          mission of all information provided to the Depart-  
18          ment, whether transmitted by mail, computer, or  
19          messenger.

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