

Calendar No. 487

112TH CONGRESS
2D SESSION**S. 225**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2011

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

AUGUST 2, 2012

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 2011”.

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

3 (a) **IN GENERAL.**—Chapter 110 of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 2260B. Disclosure of information relating to a**
 7 **missing or exploited child**

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

17 “(1) who are personally and directly engaged in
 18 an investigation, judicial or administrative pro-
 19 ceeding, or Federal grand jury proceeding pertaining
 20 to the enforcement of a Federal criminal statute re-
 21 lating to the case of a missing or exploited child; or

22 “(2) who seek such an order on behalf of a
 23 State or local law enforcement agency under sub-
 24 section (c).

25 “(b) **APPLICATION FOR ORDER.**—A Federal officer
 26 seeking an ex parte order under this section shall submit

1 an application to a Federal district court judge or mag-
2 istrate and upon such application, the judge or magistrate
3 may grant the order if the judge or magistrate determines
4 on the basis of the facts submitted by the Federal officer
5 that—

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

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

13 “(3) the information is sought exclusively for
14 use in a criminal investigation or proceeding con-
15 cerning the act; and

16 “(4) the information sought cannot reasonably
17 be obtained, under the circumstances, from another
18 source.

19 “(e) DISCLOSURE TO STATE AND LOCAL LAW EN-
20 FORCEMENT AGENCIES.—

21 “(1) IN GENERAL.—Upon a written request
22 which meets the requirements of paragraph (3) by a
23 State or local law enforcement agency investigating
24 the case of a missing or exploited child within the

1 venue of any Federal district court, a Federal offi-
2 cer—

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

6 “(B) may disclose the name and mailing
7 address of the individual obtained as a result of
8 such an order to the State or local law enforce-
9 ment agency making such request for the sole
10 purpose of locating a missing or exploited child.

11 “(2) PROHIBITION.—A State or local law en-
12 forcement agency that receives information under
13 paragraph (1)(B) shall not disclose the information
14 to any other person.

15 “(3) WRITTEN REQUEST.—A written request
16 meets the requirements of this paragraph if the re-
17 quest sets forth—

18 “(A) such information as is necessary to
19 identify the individual with respect to whom an
20 ex parte order is sought, including the name
21 and last known mailing address of the indi-
22 vidual; and

23 “(B) the specific reason or reasons why
24 the disclosure of the name and mailing address

1 is relevant to the investigation of a case of a
 2 missing or exploited child.

3 “(d) ~~CONFIDENTIAL INFORMANTS; IMPAIRMENT OF~~
 4 ~~INVESTIGATIONS.~~—The head of the relevant agency shall
 5 not disclose any information with respect to an individual
 6 under this section if the head of the agency determines
 7 and certifies to the court that issued an order under sub-
 8 section (b) that such a disclosure would identify a con-
 9 fidential informant or seriously impair a civil or criminal
 10 investigation.”

11 (b) ~~CONFORMING AMENDMENT.~~—The table of sec-
 12 tions for chapter 110 of title 18, United States Code, is
 13 amended by adding after the item relating to section
 14 2260A the following:

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

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Access to Information*
 17 *About Missing Children Act of 2012”.*

18 **SEC. 2. DISCLOSURE OF INFORMATION RELATING TO A**
 19 **MISSING OR EXPLOITED CHILD.**

20 (a) *IN GENERAL.*—Chapter 110 of title 18, United
 21 States Code, is amended by adding at the end the following:

22 “§ 2260B. **Disclosure of information relating to a miss-**
 23 **ing or exploited child**

24 “(a) *IN GENERAL.*—

1 “(1) *DISCLOSURE.*—Notwithstanding any other
2 *provision of law and except as provided under sub-*
3 *section (c), pursuant to and upon the grant of an ex*
4 *parte order by a Federal district court judge or mag-*
5 *istrate under subsection (b), the mailing address held*
6 *by the Internal Revenue Service with respect to an in-*
7 *dividual shall be open (but only to the extent nec-*
8 *essary as provided in such order) to inspection by, or*
9 *disclosure to, any Federal law enforcement officer—*

10 “(A) *who is personally and directly engaged*
11 *in an investigation, judicial or administrative*
12 *proceeding, or Federal grand jury proceeding*
13 *pertaining to the enforcement of a Federal crimi-*
14 *nal statute relating to the case of a missing or*
15 *exploited child; or*

16 “(B) *who seeks such an order on behalf of*
17 *a State or local law enforcement agency under*
18 *subsection (e).*

19 “(2) *PROHIBITION.*—A Federal law enforcement
20 *officer who receives information under paragraph (1)*
21 *shall not willfully disclose the information to any per-*
22 *son not personally and directly engaged in the inves-*
23 *tigation or proceeding to which the information re-*
24 *lates. Any violation of this paragraph shall be a fel-*
25 *ony punishable upon conviction by a fine in any*

1 *amount not exceeding \$5,000, or imprisonment of not*
2 *more than 5 years, or both, together with the costs of*
3 *prosecution.*

4 “(b) *APPLICATION FOR ORDER.—A Federal law en-*
5 *forcement officer seeking an ex parte order under this sec-*
6 *tion shall submit an application to a Federal district court*
7 *judge or magistrate and upon such application, the judge*
8 *or magistrate may grant the order if the judge or magistrate*
9 *determines on the basis of the facts submitted by the Federal*
10 *law enforcement officer that—*

11 “(1) *there is reasonable cause to believe, based*
12 *upon information believed to be reliable, that an act*
13 *of kidnapping or exploitation of a minor has been*
14 *committed;*

15 “(2) *there is reasonable cause to believe that the*
16 *information sought is relevant to a matter relating to*
17 *the commission of the act;*

18 “(3) *the information is sought exclusively for use*
19 *in a criminal investigation or proceeding concerning*
20 *the act;*

21 “(4) *the information relates to an individual for*
22 *whom there is reasonable cause to believe has com-*
23 *mitted the act, conspired to commit the act, or aided*
24 *or abetted the act, or for whom there is reasonable*
25 *cause to believe has direct knowledge of the act; and*

1 “(5) the information sought cannot reasonably be
2 obtained, under the circumstances, from another
3 source.

4 “(c) *RULE OF CONSTRUCTION.*—Nothing in this sec-
5 tion shall be construed to limit the ability of any Federal
6 agency to disclose the mailing address of an individual as
7 authorized under any other provision of law.

8 “(d) *DISCLOSURE TO STATE AND LOCAL LAW EN-
9 FORCEMENT AGENCIES.*—

10 “(1) *IN GENERAL.*—Upon a written request by a
11 State or local law enforcement agency investigating
12 the case of a missing or exploited child within the
13 venue of any Federal district court that contains suf-
14 ficient information to allow a Federal law enforce-
15 ment officer to submit an application meeting the re-
16 quirements of subsection (b), a Federal law enforce-
17 ment officer—

18 “(A) may apply for an *ex parte* order from
19 such court under subsection (a)(1)(B) with re-
20 spect to such case; and

21 “(B) may disclose the mailing address of
22 the individual obtained as a result of such an
23 order to the State or local law enforcement agen-
24 cy making such request for the use exclusively in

1 *a criminal investigation or proceeding con-*
2 *cerning a missing or exploited child.*

3 “(2) *PROHIBITION.*—*Any individual employed*
4 *by a State or local law enforcement agency that re-*
5 *ceives information under paragraph (1)(B) shall not*
6 *willfully disclose the information to any other person.*
7 *Any violation of this paragraph shall be a felony*
8 *punishable upon conviction by a fine in any amount*
9 *not exceeding \$5,000, or imprisonment of not more*
10 *than 5 years, or both, together with the costs of pros-*
11 *ecution.*

12 “(e) *CONFIDENTIAL INFORMANTS; IMPAIRMENT OF IN-*
13 *VESTIGATIONS.*—*The Secretary of the Treasury, or the Sec-*
14 *retary’s delegate, shall not disclose any information with*
15 *respect to an individual under this section if the Secretary*
16 *determines and certifies to the court that issued an order*
17 *under subsection (b) that such a disclosure would identify*
18 *a confidential informant or seriously impair a civil or*
19 *criminal investigation.”.*

20 “(b) *CONFORMING AMENDMENT.*—*The table of sections*
21 *for chapter 110 of title 18, United States Code, is amended*
22 *by adding after the item relating to section 2260A the fol-*
23 *lowing:*

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

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

August 2, 2012

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