

CONFIDENTIAL – NOT FOR DISTRIBUTION
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1 or any information contained in those records, to law enforcement personnel of a
2 State or political subdivision of a State (including the chief executive officer of
3 that State or political subdivision who has the authority to appoint or direct the
4 chief law enforcement officer of that State or political subdivision) to assist the
5 official receiving that information in the performance of the official duties of that
6 official, and any chief executive officer or law enforcement personnel of a State or
7 political subdivision of a State who receives information pursuant to this
8 paragraph shall only use that information consistent with such guidelines as the
9 Attorney General shall issue to protect confidentiality; and”.

10 (c) EDUCATIONAL RECORDS INFORMATION. – Section 444(j)(1)(B) of the
11 General Education Provisions Act (20 U.S.C. 1232g(j)(1)(B)) and section 408(c)(1)(B) of
12 the National Education Statistics Act of 1994 (20 U.S.C. 9007(c)(1)(B)) are each amended –

13 (1) by inserting after “disseminate” the following: “(including disclosure of such
14 reports, records, and information to law enforcement personnel of a State or political
15 subdivision of a State, including the chief executive officer of that State or political
16 subdivision who has the authority to appoint or direct the chief law enforcement officer of
17 that State or political subdivision, to assist the official receiving that information in the
18 performance of the official duties of that official”); and

19 (2) by adding at the end the following: “Any chief executive officer or law
20 enforcement personnel of a State or political subdivision of a State who receives
21 information pursuant to this paragraph shall only use that information consistent with
22 those guidelines.”.

23 **Sec. 312: Appropriate Remedies with Respect to Law Enforcement Surveillance**
24 **Activities**

1 (a) Requirements for relief. —

2 (1) Prospective relief. —

3 (A) Prospective relief in any civil action with respect to law enforcement
4 surveillance activities shall extend no further than necessary to correct the current and
5 ongoing violation of the Federal right of a particular plaintiff or plaintiffs. The court
6 shall not grant or approve any prospective relief unless the court finds that such relief
7 is narrowly drawn, extends no further than necessary to correct the violation of the
8 Federal right, and is the least intrusive means necessary to correct the violation of the
9 Federal right. The court shall give substantial weight to any adverse impact on
10 national security, public safety, or the operation of a criminal justice system caused by
11 the relief.

12 (B) The court shall not order any prospective relief that requires a government
13 official to refrain from exercising his authority under applicable law, unless —

14 (i) Federal law requires such relief to be ordered;

15 (ii) the relief is necessary to correct the violation of a Federal right; and

16 (iii) no other relief will correct the violation of the Federal right.

17 (C) Nothing in this section shall be construed to authorize the courts, in
18 exercising their remedial powers, to repeal or detract from otherwise applicable
19 limitations on the remedial powers of the courts.

20 (2) Preliminary injunctive relief. — In any civil action with respect to law
21 enforcement surveillance activities, to the extent otherwise authorized by law, the court
22 may enter a temporary restraining order or an order for preliminary injunctive relief.
23 Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to