"INTELLIGENCE TO PREVENT TERRORISM ACT OF 2001"

SECTION BY SECTION

TITLE I - CLARIFICATION OF AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE

Sec. 101 - Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under the Foreign Intelligence Surveillance Act of 1978.

Section 201 will clarify the role of the DCI with respect to the overall management of collection goals, analysis and dissemination of foreign intelligence gathered pursuant to the Foreign Intelligence Surveillance Act, in order to ensure that FISA is properly and efficiently used for foreign intelligence purposes. It requires the DCI to assist the Attorney General in ensuring that FISA efforts are consistent with constitutional and statutory civil liberties. The DCI will have no operational authority with respect to implementation of FISA, which will continue to reside with the FBI.

Sec. 102 - Inclusion of terrorism activities within scope of foreign intelligence under the National Security Act of 1947.

Section 202 revises the National Security Act definitions section to include "international terrorism" as a subset of "foreign intelligence". This change will clarify the DCI's responsibility for collecting foreign intelligence related to international terrorism.

Sec. 103 - Authorization for the establishment and maintenance of intelligence relationships for the purpose of acquiring information on terrorists or terrorist organizations.

This provision lifts current regulations which require the approval of senior intelligence officials to recruit a source who has a history of serious crimes of violence or human rights abuses. The provision recognizes that recruiting sources inside terrorist groups often will present issues of past violent conduct.

Sec. 104 - Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.

This provision provides for an extension of time for intelligence reports to Congress.
TITLE II - ELECTRONIC SURVEILLANCE

Sec. 201 - Exclusion of instructions to electronic devices from contents of communications under Foreign Intelligence Surveillance Act of 1978.

This section excludes instructions sent to a machine from the definition of a communication under, for example, FISA. It also eliminates the need for a warrant to intercept efforts by a hacker, located abroad, to intrude into a computer, or give instructions through a computer to an inanimate object.

Sec. 202 - Duration of surveillance and searches of certain agents of foreign powers under Foreign Intelligence Surveillance Act of 1978.

This provision enables the Foreign Intelligence Surveillance Court, which presides over applications made by the U.S. Government under FISA, to authorize the search and surveillance in the U.S. of officers and employees of foreign powers and foreign members of international terrorist groups - all non-U.S. persons - for up to a year. Currently, the FISA Court may only authorize such searches and surveillance for up to 45 days and 90 days, respectively. The proposed change would bring the authorization period in line with that allowed for search and surveillance of the foreign establishments for which foreign officers and employees work.


Hostile intelligence officers and international terrorists are trained to use new technologies to defeat coverage under FISA or at least delay that coverage until the U.S. Government can investigate the technologies, draft and clear long and detailed pleadings, and chase down a judge from the FISA Court. This section would enable the court, upon a finding that the actions of a target of electronic surveillance may thwart that surveillance, to issue orders of assistance to then-unidentified providers of certain specific services to the target.

Sec. 204 - Clarification of relationship between wiretap authority and electronic surveillance authority under Foreign Intelligence Surveillance Act of 1978.

Section 304 clarifies existing law, underscoring that, in some cases, the proper avenue for responding to a single target having both an intelligence and a law enforcement aspect is to seek and obtain both a FISA and a Title III warrant. In such
cases, the government would be required to meet both the Title III and FISA standards in their respective courts. It also diminishes the possibility that FISA is being improperly used as a "work-around" to avoid Title III warrant requirements. Enhances sharing of wiretap intelligence with intelligence agencies which are in the FISA chain, but not the Title III chain.

**TITLE III - ENHANCEMENT OF INFORMATION SHARING**

**Sec. 301 - Disclosure to Director of Central Intelligence of foreign intelligence information with respect to criminal investigations.**

Section 401 creates a responsibility for law enforcement agencies to notify the Intelligence Community when a criminal investigation reveals information of intelligence value. Regularizes existing ad hoc notification, and makes clear that constitutional and statutory prohibitions of certain types of information sharing apply.

**Sec. 302 - Foreign Asset Tracking Center**

Section 402 regularizes the existing Foreign Terrorist Asset Tracking Center by creating an element within the Department of Treasury designed to review all-source intelligence in support of both intelligence and law enforcement efforts to counter terrorist financial support networks.

**Sec. 303 - National Virtual Translation Center**

This section directs the establishment of a virtual translation capability, making use of cutting-edge communications technology to link securely translation capabilities on a nationwide basis. Will establish a digital backbone for the retention, dissemination and protection of intelligence data. Will allow for the auditing of retained information to ensure compliance with statutory restrictions, and will help eliminate informal and ad hoc retention of sensitive data.

**Sec. 304 - Training of government officials regarding identification and use of foreign intelligence**

This provision directs the establishment of a training program for State and local officials who may be called upon in a terrorism-related crisis to be "educated consumers" of intelligence products. Provides for training of federal, state and local officials in the recognition and appropriate handling of intelligence information discovered in the normal course of their duties.
A BILL

To enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence to Prevent Terrorism Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE

Sec. 101. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.

Sec. 102. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.

September 21, 2001
Sec. 103. Establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.

Sec. 104. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.

TITLE II—ELECTRONIC SURVEILLANCE

Sec. 201. Exclusion of instructions to electronic devices from contents of communications under Foreign Intelligence Surveillance Act of 1978.


Sec. 204. Clarification of relationship between wiretap authority and electronic surveillance authority under Foreign Intelligence Surveillance Act of 1978.

TITLE III—INFORMATION SHARING

Sec. 301. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations.

Sec. 302. Foreign Terrorist Asset Tracking Center.

Sec. 303. National Virtual Translation Center.

Sec. 304. Training of government officials regarding identification and use of foreign intelligence.

TITLE I—AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE

SEC. 101. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):
“(6) establish requirements and priorities for, and manage the analysis and dissemination of, all foreign intelligence collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including the provision of assistance to the Attorney General in order to ensure that information derived from surveillance or physical searches under that Act is used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance operations pursuant to that Act unless otherwise authorized by statute or executive order;”.

SEC. 102. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: “, or international terrorist activities”; and

(2) in paragraph (3), by striking “and activities conducted” and inserting “, and activities conducted,”.

September 21, 2001
SEC. 103. ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

(a) Authority To Establish and Maintain Relationships.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by redesignating section 112 as section 112A; and

(2) by inserting after section 111 the following new section 112:

"ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS

"SEC. 112. Notwithstanding any other provision of law or regulation, any officer or employee of an element of the intelligence community, acting in the course of the official duties of such officer or employee, may establish and maintain an intelligence relationship with any person for purposes of acquiring information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or any other person, entity, or organization (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.".
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by striking the item relating to section 112 and inserting the following new items:

"Sec. 112. Establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations."

"Sec. 112A. Restrictions on intelligence sharing with the United Nations."

SEC. 104. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required by law to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter this is required by law to be submitted to the Select Committee on
Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the
work of officers or employees who are engaged in
counterterrorism activities.

(2) A certification under paragraph (1) with respect
to a covered intelligence report shall specify the date on
which the covered intelligence report will be submitted to
Congress.

(f) EFFECTIVE PERIOD.—The effective period of this
section is the period beginning on the date of the enact-
ment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY
DEFINED.—In this section, the term “element of the intel-
ligence community” means any element of the intelligence
community specified or designated under section 3(4) of
the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE II—ELECTRONIC
SURVEILLANCE

SEC. 201. EXCLUSION OF INSTRUCTIONS TO ELECTRONIC

DEVICES FROM CONTENTS OF COMMUNICA-

TIONS UNDER FOREIGN INTELLIGENCE SUR-

VEILLANCE ACT OF 1978.

(a) EXCLUSION.—Section 101(f) of the Foreign In-
telligence Surveillance Act of 1978 (50 U.S.C. 1801(f))
is amended by adding after paragraph (4) the following
new matter:
"However, the term does not include the interception of any instruction or signal that is given to an electronic device solely for purposes of the operation, manipulation, or alteration of the electronic device and has no purpose of communication to another person or purpose of retrieval of information to which the person is lawfully entitled."

(b) **Semiannual Reports on Interception of Instructions.**—Section 108(a) of that Act (50 U.S.C. 1808(a)) is amended by adding at the end the following new paragraph:

"(3) Each report under the first sentence of paragraph (1) shall also include a description of the interception, if any, during the period covered by such report of instructions or signals given to an electronic device as described in the second sentence of section 101(f)."

(c) **Technical Amendments.**—Section 108 of that Act is further amended—

(1) in subsection (a), by striking "the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence" and inserting "the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives"; and
(2) in subsection (b), by striking "the Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence" and inserting "the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives".


(a) ELECTRONIC SURVEILLANCE.—Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by striking "as defined in section 101(a), (1), (2), or (3)," and inserting "as defined in paragraph (1), (2), or (3) of section 101(a), or an agent of a foreign power, as defined in section 101(b)(1)(A),".

(b) PHYSICAL SEARCHES.—Section 304(d)(1) of that Act (50 U.S.C. 1824(d)(1)) is amended inserting after "section 101(a)." the following: "or an agent of a foreign power, as defined in section 101(b)(1)(A),".
SEC. 203. ASSISTANCE FOR ELECTRONIC SURVEILLANCE
UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2) of the Foreign Intelligence Surveil-
lance Act of 1978 (50 U.S.C. 1805(c)(2)) is amended—
(1) in subparagraph (B)—
(A) by inserting after "other specified person" the following: "; or if the Court finds that
the actions of the target of electronic surveil-
lanse may thwart the identification of such car-
rier, landlord, custodian, or other person, such
other persons."; and
(B) by striking "or other person is pro-
viding" and inserting "or other person or per-
sons provide";
(2) in subparagraph (C)—
(A) by striking "or other person" and in-
serting "or other person or persons"; and
(B) by striking "such person" and insert-
ing "such person or persons"; and
(3) in subparagraph (D), by striking "or other
person" and inserting "or other person or persons".
SEC. 204. CLARIFICATION OF RELATIONSHIP BETWEEN
WIRETAP AUTHORITY AND ELECTRONIC SURVEILLANCE AUTHORITY UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) WIRETAP AUTHORITY.—(1) Chapter 119 of title 18, United States Code, is amended by adding at the end the following new section:

§ 2523. Construction with electronic surveillance authority under Foreign Intelligence Surveillance Act of 1978

"Nothing in this chapter shall be construed to alter, affect, or prohibit the authority to conduct electronic surveillance under title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) with respect to any communication that may be intercepted by a means authorized by this chapter."

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

"2523. Construction with electronic surveillance authority under Foreign Intelligence Surveillance Act of 1978."

(b) AUTHORITY FOR ELECTRONIC SURVEILLANCE UNDER FISA.—(1) Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:
CONSTRUCTION WITH INTERCEPTION AUTHORITY

UNDER CHAPTER 119 OF TITLE 18, UNITED STATES CODE

"Sec. 112. Nothing in this title shall be construed to alter, affect, or prohibit the authority to intercept communications under chapter 119 of title 18, United States Code, with respect to any communication or technical intelligence that is subject to electronic surveillance under the provisions of this title."

(2) The table of contents at the beginning of that Act is amended by inserting after the item relating to section 111 the following new item:

"Sec. 112. Construction with interception authority under chapter 119 of title 18, United States Code."

TITLE III—INFORMATION SHARING

SEC. 301. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:
"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence any foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General may, in extraordinary circumstances (as determined by the Attorney General), provide for the waiver of the applicability of paragraph (1) to one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize the integrity of an ongoing law enforcement investigation of the United States.

"(b) NOTICE OF CRIMINAL INVESTIGATIONS.—(1) Subject to paragraph (2), not later than 15 days after the
receipt by an element of the Department of Justice of a
report from an element of the intelligence community of
activity of a foreign intelligence source or potential foreign
intelligence source that, as determined by the Attorney
General, warrants investigation as criminal activity, the
Attorney General shall notify the Director of Central In-
telligence of the intention of the Attorney General to com-
mence, or decline to commence, a criminal investigation
of such activity.

"(2) The Attorney General may provide for the waiv-
er of the applicability of paragraph (1) to one or more
classes of foreign intelligence sources, or potential foreign
intelligence sources, if the Attorney General determines
that disclosure of activity of such foreign intelligence
source or potential foreign intelligence source, as the case
may be, under that paragraph would jeopardize the integ-
rit of an ongoing law enforcement investigation of the
United States.

"(c) PROCEDURES.—The Attorney General shall de-
velop procedures for the administration of this section, in-
cluding the disclosure of foreign intelligence by elements
of the Department of Justice, and elements of other de-
partments and agencies of the Federal Government, under
subsection (a) and the provision of notice with respect to
criminal investigations under subsection (b)."
(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources."

"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency."

**SEC. 302. FOREIGN TERRORIST ASSET TRACKING CENTER.**

(a) **REPORT ON RECONFIGURATION.**—Not later than February 1, 2002, the Director of Central Intelligence and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) **REPORT REQUIREMENTS.**—(1) In preparing the report under subsection (a), the Secretary and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Secretary and the Director determine that it is feasible and desirable to undertake the reconfigura-
tion described in subsection (a) in order to establish the
capability described in that subsection, the Secretary and
the Director shall include with the report under that sub-
section a detailed proposal for legislation to achieve the
reconfiguration.

SEC. 303. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REQUIREMENT.—(1) Commencing not later than
180 days after the date of the enactment of this Act, the
Director of Central Intelligence shall, in consultation with
the Director of the Federal Bureau of Investigation, estab-
lish and maintain within the intelligence community an
element for purposes of providing timely and accurate
translations of foreign intelligence for all other elements
of the intelligence community. The element shall be known
as the "National Virtual Translation Center".

(2) The element established and maintained under
paragraph (1) shall make use of state-of-the-art commu-
nications technology, integrate existing translation capa-
bilities in the intelligence community, and utilize remote-
connection capacities so as to minimize the need for a cen-
tral physical facility for the element.

(b) RESOURCES.—In establishing and maintaining
the element required by subsection (a), the Director of
Central Intelligence shall—
(1) assign the element a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element:

(2) provide the element communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community;

(3) ensure, to the maximum extent practicable, that the communications capabilities and systems provided the element under paragraph (2) are compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations; and

(4) develop a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The Director of Central Intelligence shall ensure that the element established and maintained under subsection (a) has secure electronic communications with the other elements of the intelligence community.
(d) Definitions.—In this section:

(1) Foreign intelligence.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) Element of the intelligence community.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 304. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) Program required.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.
(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).