To combat terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

October 2, 2001

Mr. Sensenbrenner (for himself, Mr. Conyers, Mr. Hyde, Mr. Coble, Mr. Goodlatte, Mr. Jenkins, Ms. Jackson-Lee of Texas, Mr. Cannon, Mr. Meehan, Mr. Garam, Mr. Bachu, Mr. Wexler, Mr. Hostetlter, Mr. Keller, Mr. Issa, Ms. Hart, Mr. Flake, Mr. Schiff, Mr. Thomas, Mr. Goss, Mr. Rangel, Mr. Berman, and Ms. Lofgren) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat terrorism, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Provide Appropriate

Tools Required to Intercept and Obstruct Terrorism (PA-

TRIOT) Act of 2001”.

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 102. Seizure of voice-mail messages pursuant to warrants.
Sec. 103. Authorized disclosure.
Sec. 104. Savings provision.
Sec. 105. Interception of computer trespasser communications.
Sec. 106. Technical amendment.
Sec. 107. Scope of subpoenas for records of electronic communications.
Sec. 108. Nationwide service of search warrants for electronic evidence.
Sec. 109. Clarification of scope.
Sec. 110. Emergency disclosure of electronic communications to protect life and limb.
Sec. 111. Use as evidence.
Sec. 112. Reports concerning the disclosure of the contents of electronic communications.

Subtitle B—Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.
Sec. 152. Multi-point authority.
Sec. 153. Foreign intelligence information.
Sec. 154. Foreign intelligence information sharing.
Sec. 155. Pen register and trap and trace authority.
Sec. 156. Business records.
Sec. 157. Miscellaneous national-security authorities.
Sec. 158. Proposed legislation.
Sec. 159. Presidential authority.
Sec. 160. Sunset.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.
Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 204. Multilateral cooperation against terrorists.
Sec. 205. Changes in conditions for granting asylum and asylum procedures.
Sec. 206. Protection of northern border.
Sec. 207. Requiring sharing by the Federal Bureau of Investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.
Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

Sec. 211. Special immigrant status.
Sec. 212. Extension of filing or reentry deadlines.
Sec. 213. Humanitarian relief for certain surviving spouses and children.
Sec. 215. Temporary administrative relief.
Sec. 216. Evidence of death, disability, or loss of employment.
Sec. 217. No benefits to terrorists or family members of terrorists.
Sec. 218. Definitions.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

Sec. 301. Statute of limitation for prosecuting terrorism offenses.
Sec. 302. Alternative maximum penalties for terrorism crimes.
Sec. 303. Penalties for terrorist conspiracies.
Sec. 304. Terrorism crimes as RICO predicates.
Sec. 305. Biological weapons.
Sec. 306. Support of terrorism through expert advice or assistance.
Sec. 307. Prohibition against harboring.
Sec. 308. Post-release supervision of terrorists.
Sec. 309. Definition.
Sec. 310. Civil damages.

Subtitle B—Criminal Procedure

Sec. 351. Single-jurisdiction search warrants for terrorism.
Sec. 352. DNA identification of terrorists.
Sec. 353. Grand jury matters.
Sec. 354. Extraterritoriality.
Sec. 355. Jurisdiction over crimes committed at United States facilities abroad.
Sec. 356. Special agent authorities.

TITLE IV—FINANCIAL INFRASTRUCTURE

Sec. 401. Laundering the proceeds of terrorism.
Sec. 402. Material support for terrorism.
Sec. 403. Assets of terrorist organizations.
Sec. 404. Technical clarification relating to provision of material support to terrorism.
Sec. 405. Disclosure of tax information in terrorism and national security investigations.
Sec. 406. Extraterritorial jurisdiction.

TITLE V—EMERGENCY AUTHORIZATIONS

Sec. 501. Office of Justice programs.
Sec. 502. Attorney General’s authority to pay rewards.
Sec. 503. Limited authority to pay overtime.
Sec. 504. Department of State reward authority.

TITLE VI—DAM SECURITY

Sec. 601. Security of reclamation dams, facilities, and resources.

TITLE VII—MISCELLANEOUS
SEC. 701. Employment of translators by the Federal Bureau of Investigation.

SEC. 702. Review of the Department of Justice.

SEC. 3. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) General Limitation on Use by Governmental Agencies.—Section 3121(e) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”; and

(2) by inserting “, routing, addressing,” after “dialing”; and
(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

“(a) IN GENERAL.—

“(1) Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

“(2) Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-en-
enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of section 3123 of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and”.

•HR 2975 IH
(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of section 3123 of title 18, United States Code, is amended—

(A) by inserting “or other facility” after “the line”; and

(B) by striking “, or who has been ordered by the court” and inserting “or applied, or who is obligated by the order”.

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—

Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or”.

(2) PEN REGISTER.—Paragraph (3) of section 3127 of title 18, United States Code, is amended—

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire
or electronic communication is transmitted (but
not including the contents of such communica-
(3) Trap and Trace Device.—Paragraph (4)
of section 3127 of title 18, United States Code, is amended—
(A) by inserting “or process” after “a de-
vice”; and
(B) by striking “of an instrument” and all
that follows through the end and inserting “or
other dialing, routing, addressing, and signaling
information reasonably likely to identify the
source of a wire or electronic communication
(but not including the contents of such commu-
nication);”.
(4) Conforming Amendment.—Section
3127(1) of title 18, United States Code, is ame-
ed—
(A) by striking “and”; and
(B) by inserting “and ‘contents’” after “electronic communication service”.
(d) **NO LIABILITY FOR INTERNET SERVICE PROVIDERS.**—Section 3124(d) of title 18, United States Code, is amended by striking “the terms of”.

**SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.**

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking all the words after “commerce”; and

(B) in paragraph (14), by inserting “wire or” after “transmission of”; and

(2) in section 2703—

(A) in the headings for subsections (a) and (b), by striking “CONTENTS OF ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC”;

(B) in subsection (a), by striking “contents of an electronic” and inserting “contents of a wire or electronic” each place it appears; and

(C) in subsection (b), by striking “any electronic” and inserting “any wire or electronic” each place it appears.

**SEC. 103. AUTHORIZED DISCLOSURE.**

Section 2510(7) of title 18, United States Code, is amended by inserting “, and (for purposes only of section
2517 as it relates to foreign intelligence information) any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or the President or Vice President of the United States” after “such offenses”.

SEC. 104. SAVINGS PROVISION.
Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking “or chapter 121” and inserting “, chapter 121, or chapter 206”; and

(2) by striking “wire and oral” and inserting “wire, oral, and electronic”.

SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.
Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking “and” at the end;

(B) in paragraph (18), by striking the period and inserting a semi-colon; and

(C) by adding after paragraph (18) the following:

“(19) ‘protected computer’ has the meaning set forth in section 1030; and
“(20) ‘computer trespasser’ means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer.”;

(2) in section 2511(2), by inserting after paragraph (h) the following:

“(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

“(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser’s communications on the protected computer;

“(ii) the person acting under color of law is lawfully engaged in an investigation;

“(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser’s communications will be relevant to the investigation; and

“(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.”; and
(3) in section 2520(d)(3), by inserting “or
2511(2)(i)” after “2511(3)”.

SEC. 106. TECHNICAL AMENDMENT.

Section 2518(3)(c) of title 18, United States Code,
is amended by inserting “and” after the semicolon.

SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(1)(C) of title 18, United States Code, is amended—

(1) by striking “entity the name, address, local
and long distance telephone toll billing records, tele-
phone number or other subscriber number or iden-
tity, and length of service of a” and inserting the
following:

“entity the—

“(A) name;
“(B) address;
“(C) local and long distance telephone connec-
tion records, or records of session times and dura-
tions;
“(D) length of service (including start date)
and types of service utilized;
“(E) telephone or instrument number or other
subscriber number or identity, including any tempo-
rarily assigned network address; and
“(F) means and source of payment (including any credit card or bank account number); and

(2) by striking “and the types of services the subscriber or customer utilized,” after “of a subscriber to or customer of such service,”.

SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking “under the Federal Rules of Criminal Procedure” each place it appears and inserting “using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation”; and

(2) in section 2711—

(A) in paragraph (1), by striking “and”;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding the following new paragraph at the end:

“(3) the term ‘court of competent jurisdiction’ has the meaning given that term in section 3127,
and includes any Federal court within that definition, without geographic limitation.”.

SEC. 109. CLARIFICATION OF SCOPE.

Section 2511(2) of title 18, United States Code, as amended by section 106(2) of this Act, is further amended by adding at the end the following:

“(j) With respect to a voluntary or obligatory disclosure of information (other than information revealing customer cable viewing activity) under this chapter, chapter 121, or chapter 206, subsections (c)(2)(B) and (h) of section 631 of the Communications Act of 1934 do not apply.

SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Section 2702 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

§2702. Voluntary disclosure of customer communications or records;

(2) in subsection (a)(2)(B) by striking the period and inserting “; and”;

(3) in subsection (a), by inserting after paragraph (2) the following:

“(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information
pertaining to a subscriber to or customer of such
service (not including the contents of communica-
tions covered by paragraph (1) or (2)) to any gov-
ernmental entity.”;

(4) in subsection (b), by striking “EXCEP-
TIONS.—A person or entity” and inserting “EXCEP-
TIONS FOR DISCLOSURE OF COMMUNICATIONS.—A
provider described in subsection (a)”;

(5) in subsection (b)(6)—

(A) in subparagraph (A)(ii), by striking
“or”;

(B) in subparagraph (B), by striking the
period and inserting “; or”;

(C) by inserting after subparagraph (B)
the following:

“(C) if the provider reasonably believes
that an emergency involving immediate danger
of death or serious physical injury to any per-
son requires disclosure of the information with-
out delay.”; and

(6) by inserting after subsection (b) the fol-
lowing:

“(e) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER
RECORDS.—A provider described in subsection (a) may di-

vulge a record or other information pertaining to a sub-
scriber to or customer of such service (not including the
contents of communications covered by subsection (a)(1)
or (a)(2))—

“(1) as otherwise authorized in section 2703;
“(2) with the lawful consent of the customer or
subscriber;
“(3) as may be necessarily incident to the ren-
dition of the service or to the protection of the rights
or property of the provider of that service;
“(4) to a governmental entity, if the provider
reasonably believes that an emergency involving im-
mediate danger of death or serious physical injury to
any person justifies disclosure of the information; or
“(5) to any person other than a governmental
entity.”.

(b) Section 2703 of title 18, United States Code, is
amended—

(1) so that the section heading reads as follows:

“§ 2703. Required disclosure of customer communica-
tions or records”;

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “Except” and all that follows through “only when”
in subparagraph (B) and inserting “A govern-
mental entity may require a provider of elec-
tronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when; 

(B) by striking “or” at the end of clause (iii) of subparagraph (B); 

(C) by striking the period at the end of clause (iv) of subparagraph (B) and inserting “; 
or”;

(D) by inserting after clause (iv) of subparagraph (B) the following: 

“(v) seeks information pursuant to subparagraph (B).”;

(E) in subparagraph (C), by striking “(B)” and inserting“(A)”; and

(F) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subsection (e), by striking “or certification” and inserting “certification, or statutory authorization”.

SEC. 111. USE AS EVIDENCE.

(a) In General.—Section 2515 of title 18, United States Code, is amended—
(1) by striking “wire or oral” in the heading and inserting “wire, oral, or electronic”;

(2) by striking “Whenever any wire or oral communication has been intercepted” and inserting “(a) Except as provided in subsection (b), whenever any wire, oral, or electronic communication has been intercepted, or any electronic communication in electronic storage has been disclosed”;

(3) by inserting “or chapter 121” after “this chapter”; and

(4) by adding at the end the following:

“(b) Subsection (a) does not apply to the disclosure, before a grand jury or in a criminal trial, hearing, or other criminal proceeding, of the contents of a communication, or evidence derived therefrom, against a person alleged to have intercepted, used, or disclosed the communication in violation of this chapter, or chapter 121, or participated in such violation.”.

(b) Section 2517.—Paragraphs (1) and (2) of section 2517 are each amended by inserting “or under the circumstances described in section 2515(b)” after “by this chapter”.

(e) Section 2518.—Section 2518 of title 18, United States Code, is amended—
in subsection (7), by striking “subsection (d)” and inserting “subsection (8)(d)”; and

(2) in subsection (10)—

(A) in paragraph (a)—

(i) by striking “or oral” each place it appears and inserting “, oral, or electronic”;

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by inserting “except that no suppression may be ordered under the circumstances described in section 2515(b).” before “Such motion”; and

(B) by striking paragraph (c).

(d) CLERICAL AMENDMENT.—The item relating to section 2515 in the table of sections at the beginning of chapter 119 of title 18, United States Code, is amended to read as follows:

“2515. Prohibition of use as evidence of intercepted wire, oral, or electronic communications.”.

SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:
“(g) REPORTS CONCERNING THE DISCLOSURE OF
THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

“(1) By January 31 of each calendar year, the
judge issuing or denying an order, warrant, or sub-
poena, or the authority issuing or denying a sub-
poena, under subsection (a) or (b) of this section
during the preceding calendar year shall report on
each such order, warrant, or subpoena to the Ad-
ministrative Office of the United States Courts—

“(A) the fact that the order, warrant, or
subpoena was applied for;

“(B) the kind of order, warrant, or sub-
poena applied for;

“(C) the fact that the order, warrant, or
subpoena was granted as applied for, was modi-
fied, or was denied;

“(D) the offense specified in the order,
warrant, subpoena, or application;

“(E) the identity of the agency making the
application; and

“(F) the nature of the facilities from which
or the place where the contents of electronic
communications were to be disclosed.

“(2) In January of each year the Attorney Gen-
eral or an Assistant Attorney General specially des-
ignated by the Attorney General shall report to the
Administrative Office of the United States Courts—
“(A) the information required by subparagraphs (A) through (F) of paragraph (1) of this
subsection with respect to each application for an order, warrant, or subpoena made during the preceding calendar year; and
“(B) a general description of the disclo-
sures made under each such order, warrant, or subpoena, including—
“(i) the approximate number of all communications disclosed and, of those, the approximate number of incriminating communications disclosed;
“(ii) the approximate number of other communications disclosed; and
“(iii) the approximate number of persons whose communications were disclosed.
“(3) In June of each year, beginning in 2003, the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders, warrants, or subpoenas authorizing or requiring the disclosure of the contents of electronic communications pursuant to sub-
sections (a) and (b) of this section and the number
of orders, warrants, or subpoenas granted or denied
pursuant to subsections (a) and (b) of this section
during the preceding calendar year. Such report
shall include a summary and analysis of the data re-
quired to be filed with the Administrative Office by
paragraphs (1) and (2) of this subsection. The Di-
rector of the Administrative Office of the United
States Courts is authorized to issue binding regula-
tions dealing with the content and form of the re-
ports required to be filed by paragraphs (1) and (2)
of this subsection.”.

Subtitle B—Foreign Intelligence
Surveillance and Other Information

SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEIL-
LANCE OF NON-UNITED STATES PERSONS
UNDER FOREIGN INTELLIGENCE SURVEIL-
LANCE.

(a) INCLUDING AGENTS OF A FOREIGN POWER.—(1)
Section 105(e)(1) of the Foreign Intelligence Surveillance
Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by insert-
ing “or an agent of a foreign power, as defined in section
101(b)(1)(A),” after “or (3),”.
(2) Section 304(d)(1) of such Act (50 U.S.C. 1824(d)(1)) is amended by inserting “or an agent of a foreign power, as defined in section 101(b)(1)(A),” after “101(a),”.

(b) PERIOD OF ORDER.—Such section 304(d)(1) is further amended by striking “forty-five” and inserting “90”.

SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting “, or, in circumstances where the Court finds that the actions of the target of the electronic surveillance may have the effect of thwarting the identification of a specified person, such other persons,” after “specified person”.

SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and 303(a)(7)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by striking “that the” and inserting “that a significant”.

SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including information ob-
obtained pursuant to chapter 119 of title 18, United States
Code) to be provided to any Federal law-enforcement-, in-
telligence-, protective-, national-defense, or immigration
personnel, or the President or the Vice President of the
United States, for the performance of official duties.

SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

Section 402(c) of the Foreign Intelligence Surveil-
lance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by adding “and” at the
end;

(2) in paragraph (2)—

(A) by inserting “from the telephone line
to which the pen register or trap and trace de-
vice is to be attached, or the communication in-
strument or device to be covered by the pen
register or trap and trace device” after “ob-
tained”; and

(B) by striking “; and” and inserting a pe-
riod; and

(3) by striking paragraph (3).

SEC. 156. BUSINESS RECORDS.

(a) IN GENERAL.—Section 501 of the Foreign Intel-
ligence Surveillance Act of 1978 (50 U.S.C. 1861) is
amended to read as follows:
"ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

"Sec. 501. (a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, such investigation being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order No. 12333 (or a successor order), the Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a) of this Act; or

"(B) a United States magistrate judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the
release of records under this section on behalf
of a judge of that court; and
“(2) shall specify that the records concerned
are sought for an investigation described in sub-
section (a).
“(c)(1) Upon application made pursuant to this sec-
tion, the judge shall enter an ex parte order as requested
requiring the production the tangible things sought if the
judge finds that the application satisfies the requirements
of this section.
“(2) An order under this subsection shall not disclose
that it is issued for purposes of an investigation described
in subsection (a).
“(d) A person who, in good faith, produces tangible
things under an order issued pursuant to this section shall
not be liable to any other person for such production. Such
production shall not be deemed to constitute a waiver of
any privilege in any other proceeding or context.”.
(b) CONFORMING AMENDMENTS.—(1) Section 502 of
such Act (50 U.S.C. 1862) is repealed.
(2) Section 503 of such Act (50 U.S.C. 1863) is re-
designated as section 502.
(e) CLERICAL AMENDMENT.—The table of contents
at the beginning of the Foreign Intelligence Surveillance
Act of 1978 (50 U.S.C. 1801 et seq.) is amended by strik-
ing the items relating to title V and inserting the fol-
lowing:

‘‘TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR
FOREIGN INTELLIGENCE PURPOSES

‘‘501. Access to certain business records for foreign intelligence and interna-
tional terrorism investigations.

‘‘502. Congressional oversight.’’.

3SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITY-
TIES.

(a) Section 2709(b) of title 18, United States Code,
is amended—

(1) in paragraph (1)—

(A) by inserting ‘‘, or electronic commu-
nication transactional records’’ after ‘‘toll bill-
ing records’’; and

(B) by striking ‘‘made that’’ and all that
follows through the end of such paragraph and
inserting ‘‘made that the name, address, length
of service, and toll billing records sought are
relevant to an authorized foreign counterintel-
ligence investigation; and’’; and

(2) in paragraph (2), by striking ‘‘made that’’
and all that follows through the end and inserting
‘‘made that the information sought is relevant to an
authorized foreign counterintelligence investiga-
tion.’’.
(b) Section 624 of Public Law 90–321 (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking “writing that” and all that follows through the end and inserting “writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.”;

(2) in subsection (b), by striking “writing that” and all that follows through the end and inserting “writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.”; and

(3) in subsection (c), by striking “camera that” and all that follows through “States.” and inserting “camera that the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation.”.

SEC. 158. PROPOSED LEGISLATION.

Not later than August 31, 2003, the President shall propose legislation relating to the provisions set to expire by section 160 of this Act as the President may judge necessary and expedient.
SEC. 159. PRESIDENTIAL AUTHORITY.


(1) in subparagraph (A)—

(A) in clause (ii), by adding "or" after "thereof,"; and

(B) by striking clause (iii) and inserting the following:

"(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;"

(2) by striking after subparagraph (B), "by any person, or with respect to any property, subject to the jurisdiction of the United States;"

(3) in subparagraph (B)—

(A) by inserting after "investigate" the following: " , block during the pendency of an investigation for a period of not more than 90 days (which may be extended by an additional 60 days if the President determines that such blocking is necessary to carry out the purposes of this Act)"; and
(B) by striking “interest;” and inserting

“interest, by any person, or with respect to any
property, subject to the jurisdiction of the
United States; and”; and

(4) by adding at the end the following new sub-
paragraph:

“(C) when a statute has been enacted author-
izing the use of force by United States armed forces
against a foreign country, foreign organization, or
foreign national, or when the United States has been
subject to an armed attack by a foreign country, for-

ey organization, or foreign national, confiscate any
property, subject to the jurisdiction of the United
States, of any foreign country, foreign organization,
or foreign national against whom United States
armed forces may be used pursuant to such statute
or, in the case of an armed attack against the
United States, that the President determines has
planned, authorized, aided, or engaged in such at-
tack; and

“(i) all right, title, and interest in any
property so confiscated shall vest when, as, and
upon the terms directed by the President, in
such agency or person as the President may
designate from time to time,
“(ii) upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, except that the proceeds of any such liquidation or sale, or any cash assets, shall be segregated from other United States Government funds and shall be used only pursuant to a statute authorizing the expenditure of such proceeds or assets, and

“(iii) such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.”.

SEC. 160. SUNSET.

This title and the amendments made by this title (other than sections 109 (relating to clarification of scope) and 159 (relating to presidential authority)) and the amendments made by those sections shall take effect on the date of enactment of this Act and shall cease to have any effect on December 31, 2003.
TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELIGIBLE FOR ADMISSION AND DEPORTABLE DUE TO TERRORIST ACTIVITY.

(a) Aliens Ineligible for Admission Due to Terrorist Activities.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclauses (I), (II), and (III), by striking the comma at the end and inserting a semicolon;

(B) by amending subclause (IV) to read as follows:

“(IV) is a representative of—

“(a) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

“(b) a political, social, or other similar group whose public
endorsement of terrorist activity
the Secretary of State has determined undermines the efforts of
the United States to reduce or eliminate terrorist activities;”;

(C) in subclause (V), by striking any comma at the end, by striking any “or” at the end, and by adding “; or” at the end; and

(D) by inserting after subclause (V) the following:

“(VI) has used the alien’s prominence within a foreign state or the United States to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;”;

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking “(or which, if committed in the United States,” and inserting “(or which, if it
had been or were to be committed in the United States,''; and

(B) in subclause (V)(b), by striking ‘‘explosive or firearm’’ and inserting ‘‘explosive, firearm, or other object’’;

(3) by amending clause (iii) to read as follows:

‘‘(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term ‘engage in terrorist activity’ means, in an individual capacity or as a member of an organization—

‘‘(I) to commit a terrorist activity;

‘‘(II) to plan or prepare to commit a terrorist activity;

‘‘(III) to gather information on potential targets for a terrorist activity;

‘‘(IV) to solicit funds or other things of value for—

‘‘(a) a terrorist activity;

‘‘(b) an organization designated as a foreign terrorist organization under section 219; or
“(c) a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity;

“(V) to solicit any individual—

“(a) to engage in conduct otherwise described in this clause;

“(b) for membership in a terrorist government;

“(c) for membership in an organization designated as a foreign terrorist organization under section 219; or

“(d) for membership in a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity;

or

“(VI) to commit an act that the actor knows, or reasonably should
know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, and radiological weapons), explosives, or training—

“(a) for the commission of a terrorist activity;

“(b) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

“(c) to an organization designated as a foreign terrorist organization under section 219; or

“(d) to a terrorist organization described in clause (v)(II), but only if the actor knows, or reasonably should know, that the act would further a terrorist activity.”; and

(4) by adding at the end the following:
“(v) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term ‘terrorist organization’ means—

“(I) an organization designated as a foreign terrorist organization under section 219; or

“(II) with regard to a group that is not an organization described in subclause (I), a group of 2 or more individuals, whether organized or not, which engages in, or which has a significant subgroup which engages in, the activities described in subclause (I), (II), or (III) of clause (iii).

“(vi) SPECIAL RULE FOR MATERIAL SUPPORT.—Clause (iii)(VI)(b) shall not be construed to include the affording of material support to an individual who committed or planned to commit a terrorist activity, if the alien establishes by clear and convincing evidence that such support was afforded only after such individual permanently and publicly renounced, rejected the use of, and had ceased to engage in, terrorist activity.”.
(b) Aliens Ineligible for Admission Due to Endangerment.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(F) ENDANGERMENT.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible."

(c) Aliens Deportable Due to Terrorist Activities.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

"(B) TERRORIST ACTIVITIES.—Any alien is deportable who—

"(i) has engaged, is engaged, or at any time after admission engages in terrorist activity (as defined in section 212(a)(3)(B)(iii));"
“(ii) is a representative (as defined in section 212(a)(3)(B)(iv)) of—

“(I) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

“(II) a political, social, or other similar group whose public endorsement of terrorist activity—

“(a) is intended and likely to incite or produce imminent lawless action; and

“(b) has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities; or

“(iii) has used the alien’s prominence within a foreign state or the United States—

“(I) to endorse, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or
eliminate terrorist activities, terrorist activity; or

“(II) to persuade others, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, to support terrorist activity or a terrorist organization (as defined in section 212(a)(3)(B)(v)).”.

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which
there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of the enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(b), (V)(c), or (VI)(e) of section

•HR 2975 IH
212(a)(3)(B)(iii) of such Act (as so amended) with respect to a group at any time when the group was not a foreign terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189).

(B) CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(b), (V)(e), or (VI)(e) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a foreign terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act; or

(ii) described in subclause (IV)(c), (V)(d), or (VI)(d) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to any group described in any of such subclauses.
SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “212(a)(3)(B));” and inserting “212(a)(3)(B)), engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or to engage in terrorism (as so defined);”; and

(B) in subparagraph (C), by inserting “or terrorism” after “activity”;

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

“(A) NOTICE.—

“(i) IN GENERAL.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and minority leader of the House of Representatives, the President pro tempore, majority leader, and minority leader of the Senate,
the members of the relevant committees, and the Secretary of the Treasury, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

“(ii) Publication of designation.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”;

(B) in subparagraph (B), by striking “(A).” and inserting “(A)(ii).”; and

(C) in subparagraph (C), by striking “paragraph (2),” and inserting “subsection (b).”;

(3) in paragraph (3)(B), by striking “subsection (c).” and inserting “subsection (b).’;

(4) in paragraph (4)(B), by inserting after the first sentence the following: “The Secretary may also redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the rel-
event circumstances described in paragraph (1) still exist. Any redesignation shall be effective immedi-
diately following the end of the prior 2-year designa-
tion or redesignation period unless a different effec-
tive date is provided in such redesignation.”;

(5) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i),
by inserting “or a redesignation made
under paragraph (4)(B)” after “paragraph
(1)”;

(ii) in clause (i)—

(I) by inserting “or redesigna-
tion” after “designation” the first
place it appears; and

(II) by striking “of the designa-
tion;” and inserting a semicolon; and

(iii) in clause (ii), by striking “of the
designation.” and inserting a period;

(B) in subparagraph (B), by striking
“through (4)” and inserting “and (3)”; and

(C) by adding at the end the following:

“(C) EFFECTIVE DATE.—Any revocation
shall take effect on the date specified in the
revocation or upon publication in the Federal Register if no effective date is specified.”;

(6) in paragraph (7), by inserting “, or the revocation of a redesignation under paragraph (6),” after “(5) or (6)”; and

(7) in paragraph (8)—

(A) by striking “(1)(B),” and inserting “(2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)”;

(B) by inserting “or an alien in a removal proceeding” after “criminal action”; and

(C) by inserting “or redesignation” before “as a defense”.

SEC. 203. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

“MANDATORY DETENTION OF SUSPECTED TERRORISTS;

HABEAS CORPUS; JUDICIAL REVIEW

“Sec. 236A. (a) DETENTION OF TERRORIST ALIENS.—
“(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

“(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

“(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

“(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

“(B) is engaged in any other activity that endangers the national security of the United States.

“(4) NONDELEGATION.—The Attorney General may delegate the authority provided under para-
graph (3) only to the Commissioner. The Commissioner may not delegate such authority.

“(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

“(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

“Sec. 236A. Mandatory detention of suspected terrorists; habeas corpus; judicial review.”.
(c) Reports.—Not later than 6 months after the
date of the enactment of this Act, and every 6 months
thereafter, the Attorney General shall submit a report to
the Committee on the Judiciary of the House of Rep-
resentatives and the Committee on the Judiciary of the
Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section
236A(a)(3) of the Immigration and Nationality Act,
as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so
certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from
removal;

(B) were removed;

(C) the Attorney General has determined
are no longer an alien who may be so certified;
or

(D) were released from detention.

SEC. 204. MULTILATERAL COOPERATION AGAINST TERROR-
ISTS.

Section 222(f) of the Immigration and Nationality
Act (8 U.S.C. 1202(f)) is amended—
(1) by striking “The records” and inserting “(1) Subject to paragraphs (2) and (3), the records”; 
(2) by striking “United States,” and all that follows through the period at the end and inserting “United States.”; and 
(3) by adding at the end the following: 
“(2) In the discretion of the Secretary of State, certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court. 
“(3)(A) Subject to the provisions of this paragraph, the Secretary of State may provide copies of records of the Department of State and of diplomatic and consular offices of the United States (including the Department of State’s automated visa lookout database) pertaining to the issuance or refusal of visas or permits to enter the United States, or information contained in such records, to foreign governments if the Secretary determines that it is necessary and appropriate. 
“(B) Such records and information may be provided on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. General access to records and information may be provided under an
agreement to limit the use of such records and information to the purposes described in the preceding sentence.

“(C) The Secretary of State shall make any determination under this paragraph in consultation with any Federal agency that compiled or provided such records or information.

“(D) To the extent possible, such records and information shall be made available to foreign governments on a reciprocal basis.”

SEC. 205. CHANGES IN CONDITIONS FOR GRANTING ASYLUM AND ASYLUM PROCEDURES.

(a) Aliens Ineligible for Asylum Due to Terrorist Activities.—

(1) In general.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(A) by striking “inadmissible under” and inserting “described in”; and

(B) by striking “removable under” and inserting “described in”.

(2) Retroactive Application of Amendments.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to—
(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States, whose application for asylum is pending on or after such date (except for applications with respect to which there has been a final administrative decision before such date).

(b) Disclosure of Asylum Application Information.—

(1) In General.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) Limitation on Confidentiality of Information.—

“(1) In General.—The restrictions on information disclosure in section 208.6 of title 8, Code of Federal Regulations (as in effect on the date of the enactment of the PATRIOT Act or pursuant to any successor provision), shall not apply to a disclosure to any person, if—

“(A) the disclosure is made in the course of an investigation of an alien to determine if
the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B); and

“(B) the Attorney General has reasonable grounds to believe that the alien may be so described.

“(2) EXCEPTION.—The requirement of paragraph (1)(B) shall not apply to an alien if the alien alleges that the alien is eligible for asylum, in whole or in part, because a foreign government believes that the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B).

“(3) DISCLOSURES TO FOREIGN GOVERNMENTS.—If the Attorney General desires to disclose information to a foreign government under paragraph (1), the Attorney General shall request the Secretary of State to make the disclosure.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to the disclosure of information on or after such date.

SEC. 206. PROTECTION OF NORTHERN BORDER.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the num-
HR 2975 IH

(2) such sums as may be necessary to triple the number of Immigration and Naturalization Service inspectors (from the number authorized under current law) at ports of entry in each State along the northern border; and

(3) an additional $50,000,000 to the Immigration and Naturalization Service for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border.

SEC. 207. REQUIRING SHARING BY THE FEDERAL BUREAU OF INVESTIGATION OF CERTAIN CRIMINAL RECORD EXTRACTS WITH OTHER FEDERAL AGENCIES IN ORDER TO ENHANCE BORDER SECURITY.

(a) In General.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the section heading, by adding “AND DATA EXCHANGE” at the end;

(2) by inserting “(a) LIAISON WITH INTERNAL SECURITY OFFICERS.—” after “105.”;

(3) by striking “the internal security of” and inserting “the internal and border security of”; and
(4) by adding at the end the following:

“(b) CRIMINAL HISTORY RECORD INFORMATION.—

The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Secretary of State and the Commissioner access to the criminal history record information contained in the National Crime Information Center’s Interstate Identification Index, Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the official to be provided access, for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the Department of State’s automated visa lookout database or other appropriate database, and shall be provided without any fee or charge. The Director of the Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon by the Attorney General and the official provided access. Upon receipt of such updated extracts, the receiving official shall make corresponding updates to the official’s databases and destroy previously provided extracts. Such access to any extract shall not be construed to entitle the Secretary of State to obtain the full content of the corresponding
automated criminal history record. To obtain the full content of a criminal history record, the Secretary of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

“(c) RECONSIDERATION.—The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving official upon the development and deployment of a more cost-effective and efficient means of sharing the information.

“(d) REGULATIONS.—For purposes of administering this section, the Secretary of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations—

“(1) to implement procedures for the taking of fingerprints; and

“(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

“(A) to limit the redissemination of such information;

“(B) to ensure that such information is used solely to determine whether to issue a visa to an individual;
“(C) to ensure the security, confidentiality, and destruction of such information; and

“(D) to protect any privacy rights of individuals who are subjects of such information.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 105 to read as follows:

“Sec. 105. Liaison with internal security officers and data exchange.”.

(e) EFFECTIVE DATE AND IMPLEMENTATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall be fully implemented not later than 18 months after such date.

(d) REPORTING REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General and the Secretary of State, jointly, shall report to the Congress on the implementation of the amendments made by this section.

(e) CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center’s Interstate Identification Index, or to any other information maintained by such center, to any Federal agency or officer authorized to en-
force or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with sections 212 through 216 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

**Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism**

**SEC. 211. SPECIAL IMMIGRANT STATUS.**

(a) **IN GENERAL.**—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.
(b) Aliens Described.—

(1) Principal aliens.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a non-immigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was
filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) Spouses and children.—

(A) In general.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.
(B) CONSTRUCTION.—For purposes of construing the terms “accompanying” and “fol-
lowing to join” in subparagraph (A)(ii), any
death of a principal alien that is described in
paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is
described in this subsection if the alien is a grand-
parent of a child, both of whose parents died as a
direct result of a specified terrorist activity, if either
of such deceased parents was, on September 10,
2001, a citizen or national of the United States or
an alien lawfully admitted for permanent residence
in the United States.

(e) PRIORITY DATE.—Immigrant visas made avail-
able under this section shall be issued to aliens in the
order in which a petition on behalf of each such alien is
filed with the Attorney General under subsection (a)(1),
except that if an alien was assigned a priority date with
respect to a petition described in subsection (b)(1)(A)(i),
the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the
application of sections 201 through 203 of the Immigra-
tion and Nationality Act (8 U.S.C. 1151–1153) in any fis-
cal year, aliens eligible to be provided status under this
section shall be treated as special immigrants described
in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 212. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.
(B) Spouses and Children.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) Authorized Employment.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an “employment authorized” endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) New Deadlines for Extension or Change of Nonimmigrant Status.—

(1) Filing Delays.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien’s application shall be considered timely filed if it is
filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien’s departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien’s application shall be considered timely filed if it is filed not later
than 60 days after it otherwise would have been due; and

(ii) the alien’s lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or
(ii) the date that is 60 days after the
date on which the application described in
subparagraph (A) otherwise would have
been due.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—
Notwithstanding section 203(e)(2) of the Immigration
and Nationality Act (8 U.S.C. 1153(e)(2)), an
immigrant visa number issued to an alien under sec-
tion 203(c) of such Act for fiscal year 2001 may be
used by the alien during the period beginning on Oc-
tober 1, 2001, and ending on April 1, 2002, if the
alien establishes that the alien was prevented from
using it during fiscal year 2001 as a direct result of
a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an
alien entering the United States as a lawful perma-
nent resident, or adjusting to that status, under
paragraph (1), the alien shall be counted as a diver-
sity immigrant for fiscal year 2001 for purposes of
section 201(e) of the Immigration and Nationality
Act (8 U.S.C. 1151(e)), unless the worldwide level
under such section for such year has been exceeded,
in which case the alien shall be counted as a diver-
sity immigrant for fiscal year 2002.
(3) Treatment of Family Members of Certain Aliens.—In the case of a principal alien issued an immigrant visa number under section 203(e) of the Immigration and Nationality Act (8 U.S.C. 1153(e)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(d) Extension of Expiration of Immigrant Visas.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry to the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.
(e) **Grants of Parole Extended.**—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(f) **Voluntary Departure.**—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

**SEC. 213. Humanitarian Relief for Certain Surviving Spouses and Children.**

(a) **Treatment as Immediate Relatives.**—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen’s death and was not legally separated from the citizen at the time of the citizen’s death, if the citizen died as a direct result of a specified terrorist activ-
ity, the alien (and each child of the alien) shall be consid-
ered, for purposes of section 201(b) of such Act, to remain
an immediate relative after the date of the citizen’s death,
but only if the alien files a petition under section
204(a)(1)(A)(ii) of such Act within 2 years after such date
and only until the date the alien remarrys.

(b) Spouses, Children, Unmarried Sons and
Daughters of Lawful Permanent Resident
Aliens.—

(1) In general.—Any spouse, child, or unmar-
rried son or daughter of an alien described in para-
graph (3) who is included in a petition for classifica-
tion as a family-sponsored immigrant under section
203(a)(2) of the Immigration and Nationality Act (8
U.S.C. 1153(a)(2)) that was filed by such alien be-
fore September 11, 2001, shall be considered (if the
spouse, child, son, or daughter has not been admit-
ted or approved for lawful permanent residence by
such date) a valid petitioner for preference status
under such section with the same priority date as
that assigned prior to the death described in para-
graph (3)(A). No new petition shall be required to
be filed. Such spouse, child, son, or daughter may be
eligible for deferred action and work authorization.
(2) Self-petitions.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) Applications for adjustment of status by surviving spouses and children of employment-based immigrants.—

(1) In general.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in
paragraph (2)(A), may have such application adju-
dicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described
in this paragraph if the alien—

(A) died as a direct result of a specified
terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for per-
manent residence in the United States by
reason of having been allotted a visa under
section 203(b) of the Immigration and Na-
tionality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of
status to that of an alien described in
clause (i), and admissible to the United
States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In de-
termining the admissibility of any alien accorded an immi-
grant benefit under this section, the grounds for inad-
missibility specified in section 212(a)(4) of the Immigra-
tion and Nationality Act (8 U.S.C. 1182(a)(4)) shall not
apply.
SEC. 214. “AGE-OUT” PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien’s 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien’s 21st birthday for purposes of adjudicating such petition or application.

SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;
(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and (3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—
(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 218. DEFINITIONS.

(a) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) Specified Terrorist Activity.—For purposes of this subtitle, the term “specified terrorist activity” means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE III—CRIMINAL JUSTICE
Subtitle A—Substantive Criminal Law

SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.

(a) In General.—Section 3286 of title 18, United States Code, is amended to read as follows:
§3286. Terrorism offenses

“(a) An indictment may be found or an information instituted at any time without limitation for any Federal terrorism offense or any of the following offenses:

“(1) A violation of, or an attempt or conspiracy to violate, section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 844(f) or (i) when it relates to bombing (relating to arson and bombing of certain property), 1114(1) (relating to protection of officers and employees of the United States), 1116, if the offense involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 2332(a)(1) (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b
(relating to acts of terrorism transcending national boundaries) of this title.

“(2) Section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

“(3) Section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421).

“(4) Section 46502 (relating to aircraft piracy) of title 49.

“(b) An indictment may be found or an information instituted within 15 years after the offense was committed for any of the following offenses:

“(1) Section 175b (relating to biological weapons), 842(m) or (n) (relating to plastic explosives), 930(e) if it involves murder (relating to possessing a dangerous weapon in a Federal facility), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1992 (relating to trainwrecking), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155
(relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture).

“(2) Any of the following provisions of title 49: the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:

“3286. Terrorism offenses.”.
(c) **APPLICATION.**—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

**SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.**

Section 3559 of title 18, United States Code, is amended by adding after subsection (d) the following:

“(e) **AUTHORIZED TERMS OF IMPRISONMENT FOR TERRORISM CRIMES.**—A person convicted of any Federal terrorism offense may be sentenced to imprisonment for any term of years or for life, notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense.”.

**SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.**

Chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:
§2332c. Attempts and conspiracies

(a) Except as provided in subsection (c), any person who attempts or conspires to commit any Federal terrorism offense shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(b) Except as provided in subsection (c), any person who attempts or conspires to commit any offense described in section 25(2) shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(c) A death penalty may not be imposed by operation of this section.”; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2332b the following new item:

“2332c. Attempts and conspiracies.”.

SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking “or (F)” and inserting “(F)”;

and

(2) by striking “financial gain;” and inserting “financial gain, or (G) any act that is a Federal terrorism offense or is indictable under any of the following provisions of law: section 32 (relating to de-
struction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) when it involves a bombing (relating to arson and bombing of certain property), 930(e) when it involves an attack on a Federal facility, 1114 when it involves murder (relating to protection of officers and employees of the United States), 1116 when it involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to trainwrecking), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national
boundaries), 2339A (relating to providing material
support to terrorists), 2339B (relating to providing
material support to terrorist organizations), or
2340A (relating to torture) of this title; section 236
(relating to sabotage of nuclear facilities or fuel) of
the Atomic Energy Act of 1954 (42 U.S.C. 2284);
or section 46502 (relating to aircraft piracy) or
60123(b) (relating to destruction of interstate gas or
hazardous liquid pipeline facility) of title 49.”.

SEC. 305. BIOLOGICAL WEAPONS.

Chapter 10 of title 18, United States Code, is
amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking, “section, the” and in-
serting “section—

“(1) the”;

(ii) by striking “does not include” and
inserting “includes”;

(iii) by inserting “other than” after
“system for”; and

(iv) by striking “purposes.” and in-
serting “purposes, and

“(2) the terms biological agent and toxin do not
encompass any biological agent or toxin that is in its
naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both.”;

(2) by inserting after section 175a the following:

“§ 175b. Possession by restricted persons

“(a) No restricted person described in subsection (b) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of
1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or Appendix A of part 72 of such title; except that the term select agent does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

“(b) As used in this section, the term ‘restricted person’ means an individual who—

“(1) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

“(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

“(3) is a fugitive from justice;

“(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(5) is an alien illegally or unlawfully in the United States;

“(6) has been adjudicated as a mental defective or has been committed to any mental institution; or

“(7) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pur-
suant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination that remains in effect that such country has repeatedly provided support for acts of international terrorism.

“(c) As used in this section, the term ‘alien’ has the same meaning as that term is given in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), and the term ‘lawfully’ admitted for permanent residence has the same meaning as that term is given in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

“(d) Whoever knowingly violates this section shall be fined under this title or imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.”; and

(3) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 175a the following:

“175b. Possession by restricted persons.”.
SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “a violation” and all that follows through “49” and inserting “any Federal terrorism offense or any offense described in section 25(2)”;

(B) by striking “violation,” and inserting “offense,”;

(2) in subsection (b), by inserting “expert advice or assistance,” after “training,”.

SEC. 307. PROHIBITION AGAINST HARBORING.

Title 18, United States Code, is amended by adding the following new section:

“§ 791. Prohibition against harboring

“Whoever harbors or conceals any person who he knows has committed, or is about to commit, an offense described in section 25(2) or this title shall be fined under this title or imprisoned not more than ten years or both.

There is extraterritorial Federal jurisdiction over any violation of this section or any conspiracy or attempt to violate this section. A violation of this section or of such a conspiracy or attempt may be prosecuted in any Federal judicial district in which the underlying offense was committed.
mitted, or in any other Federal judicial district as pro-
vided by law.”.

SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is
amended by adding at the end the following:

“(j) SUPERVISED RELEASE TERMS FOR TERRORISM
OFFENSES.—Notwithstanding subsection (b), the author-
ized terms of supervised release for any Federal terrorism
offense are any term of years or life.”.

SEC. 309. DEFINITION.

(a) Chapter 1 of title 18, United States Code, is
amended—

(1) by adding after section 24 a new section as
follows:

§ 25. Federal terrorism offense defined

“As used in this title, the term ‘Federal terrorism
offense’ means an offense that is—

“(1) is calculated to influence or affect the con-
duct of government by intimidation or coercion; or
to retaliate against government conduct; and

“(2) is a violation of, or an attempt or con-
spiracy to violate- section 32 (relating to destruction
of aircraft or aircraft facilities), 37 (relating to vio-
ence at international airports), 81 (relating to arson
within special maritime and territorial jurisdiction),
175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national
defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

“(3) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

“(4) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

“(5) any of the following provisions of title 49: section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary de-
ervices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”; and

(2) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 24 the following:

“25. Federal terrorism offense defined.”.

(b) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by striking “is a violation” and all that follows through “title 49” and inserting “is a Federal terrorism offense”.

(e) Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting “(or to have the effect)” after “intended”; and

(B) in clause (iii), by striking “by assassination or kidnapping” and inserting “(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)”;

(2) in paragraph (3), by striking “and”; and

(3) in paragraph (4), by striking the period and inserting “; and”; and

(4) by inserting the following paragraph (4):
“(5) the term ‘domestic terrorism’ means activities that—

“(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and

“(B) appear to be intended (or to have the effect)—

“(i) to intimidate or coerce a civilian population;

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof).”.

SEC. 310. CIVIL DAMAGES.

Section 2707(c) of title 18, United States Code, is amended by striking “$1,000” and inserting “$10,000”.

Subtitle B—Criminal Procedure

SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after “executed” the following: “and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of
title 18, United States Code), by a Federal magistrate
judge in any district in which activities related to the ter-
rorism may have occurred, for a search of property or for
a person within or outside the district”.

SEC. 352. DNA IDENTIFICATION OF TERRORISTS.

Section 3(d)(1) of the DNA Analysis Backlog Elimi-
nation Act of 2000 (42 U.S.C. 14135a(d)(1)) is
amended—

(1) by redesignating subparagraph (G) as sub-
paragraph (H); and

(2) by inserting after subparagraph (F) the a
new subparagraph as follows:

“(G) Any Federal terrorism offense (as de-
defined in section 25 of title 18, United States
Code).”.

SEC. 353. GRAND JURY MATTERS.

Rule 6(e)(3)(C) of the Federal Rules of Criminal Pro-
cedure is amended—

(1) by adding at the end the following:

“(v) when permitted by a court at the
request of an attorney for the government,
upon a showing that the matters pertain to
international or domestic terrorism (as de-
defined in section 2331 of title 18, United
States Code) or national security, to any
Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or to the President or Vice President of the United States, for the performance of official duties.”;

(2) by striking “or” at the end of subdivision (iii); and

(3) by striking the period at the end of subdivision (iv) and inserting “; or”.

SEC. 354. EXTRATERRITORIALITY.

Chapter 113B of title 18, United States Code, is amended—

(1) in the heading for section 2338, by striking “Exclusive”;

(2) in section 2338, by inserting “There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter, in addition to any extraterritorial jurisdiction that may exist under the law defining the offense, if the person committing the offense or the victim of the offense is a national of the United States (as defined in section 101 of the Immigration and Nationality Act) or if the offense is directed at the security or interests of the United States.” before “The district courts”; and
(3) in the table of sections at the beginning of such chapter, by striking “Exclusive” in the item relating to section 2338.

SEC. 355. JURISDICTION OVER CRIMES COMMITTED AT UNITED STATES FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

“(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

“(A) the premises of United States diplomatic, consular, military, or other United States Government missions or entities in foreign states, including the buildings, parts of buildings, and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities; and

“(B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, except that this paragraph does not supersede any treaty or international agreement in force
on the date of the enactment of this para-

graph.”.

SEC. 356. SPECIAL AGENT AUTHORITIES.

(a) GENERAL AUTHORITY OF SPECIAL AGENTS.—

Section 37(a) of the State Department Basic Authorities

Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the

following:

“(2) in the course of performing the functions

set forth in paragraphs (1) and (3), obtain and exe-
cute search and arrest warrants, as well as obtain

and serve subpoenas and summonses, issued under

the authority of the United States;”;

(2) in paragraph (3)(F) by inserting “or Presi-
dent-elect” after “President”; and

(3) by striking paragraph (5) and inserting the

following:

“(5) in the course of performing the functions

set forth in paragraphs (1) and (3), make arrests

without warrant for any offense against the United

States committed in the presence of the special

agent, or for any felony cognizable under the laws

of the United States if the special agent has reason-
able grounds to believe that the person to be ar-

rested has committed or is committing such felony.”.
(b) CRIMES.—Section 37 of such Act (22 U.S.C. 2709) is amended by inserting after subsection (e) the following new subsections:

“(d) INTERFERENCE WITH AGENTS.—Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section shall be fined under title 18 or imprisoned not more than one year, or both.

“(e) PERSONS UNDER PROTECTION OF SPECIAL AGENTS.—Whoever engages in any conduct—

“(1) directed against an individual entitled to protection under this section, and

“(2) which would constitute a violation of section 112 or 878 of title 18, United States Code, if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject to the same penalties as are provided for such conduct directed against an individual subject to protection under such section of title 18.”.

TITLE IV—FINANCIAL INFRASTRUCTURE

SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “or 2339B” after “2339A”.

•HR 2975 IH
SEC. 402. MATERIAL SUPPORT FOR TERRORISM.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following “A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”; and

(2) in subsection (b), by striking “or other financial securities” and inserting “or monetary instruments or financial securities”.

SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting after subparagraph (F) the following:

“(G) All assets, foreign or domestic—

“(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

“(ii) acquired or maintained by any person for the purpose of supporting, planning, con-
ducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

“(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.”.

SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of title IX of Public Law 106–387 shall be understood to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) Disclosure Without a Request of Information Relating to Terrorist Activities, etc.—Paragraph (3) of section 6103(i) of the Internal Revenue Code of 1986 (relating to disclosure of return information to apprise appropriate officials of criminal activities or emer-
agency circumstances) is amended by adding at the end the following new subparagraph:

“(C) TERRORIST ACTIVITIES, ETC.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).
“(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer’s identity shall not be treated as taxpayer return information.

“(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.”.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 of such Code (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

“(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal
law enforcement agency who are personally
and directly engaged in the response to or
investigation of terrorist incidents, threats,
or activities.

“(ii) Disclosure to State and
Local Law Enforcement Agencies.—
The head of any Federal law enforcement
agency may disclose return information ob-
tained under clause (i) to officers and em-
ployees of any State or local law enforce-
ment agency but only if such agency is
part of a team with the Federal law en-
forcement agency in such response or in-
vestigation and such information is dis-
closed only to officers and employees who
are personally and directly engaged in such
response or investigation.

“(iii) Requirements.—A request
meets the requirements of this clause if—

“(I) the request is made by the
head of any Federal law enforcement
agency (or his delegate) involved in
the response to or investigation of ter-
rorist incidents, threats, or activities,
and
“(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

“(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning ter-
rorists and terrorist organizations and ac-
tivities. For purposes of the preceding sen-
tence, the information disclosed under the
preceding sentence shall be solely for the
use of such officers and employees in such
investigation, collection, or analysis.

‘‘(ii) REQUIREMENTS.—A request
meets the requirements of this subpara-
graph if the request—

‘‘(I) is made by an individual de-
scribed in clause (iii), and

‘‘(II) sets forth the specific rea-
son or reasons why such disclosure
may be relevant to a terrorist inci-
dent, threat, or activity.

‘‘(iii) REQUESTING INDIVIDUALS.—An
individual described in this subparagraph
is an individual—

‘‘(I) who is an officer or em-
ployee of the Department of Justice
or the Department of the Treasury
who is appointed by the President
with the advice and consent of the
Senate or who is the Director of the
United States Secret Service, and
“(II) who is responsible for the
collection and analysis of intelligence
and counterintelligence information
concerning terrorists and terrorist or-
ganizations and activities.

“(iv) TAXPAYER IDENTITY.—For pur-
poses of this subparagraph, a taxpayer’s
identity shall not be treated as taxpayer
return information.

“(C) DISCLOSURE UNDER EX PARTE OR-
DERS.—

“(i) IN GENERAL.—Except as pro-
vided in paragraph (6), any return or re-
turn information with respect to any speci-
fied taxable period or periods shall, pursu-
ant to and upon the grant of an ex parte
order by a Federal district court judge or
magistrate under clause (ii), be open (but
only to the extent necessary as provided in
such order) to inspection by, or disclosure
to, officers and employees of any Federal
law enforcement agency or Federal intel-
ligence agency who are personally and di-
rectly engaged in any investigation, re-
response to, or analysis of intelligence and
counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

“(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the taxpayer whose return or return information is
to be disclosed may be connected to a terrorist activity or threat,

“(II) there is reasonable cause to believe that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

“(III) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

“(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of
subclauses (I) and (II) of subparagraph (C)(ii) are met.

“(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.”.

(c) CONFORMING AMENDMENTS.—
(1) Section 6103(a)(2) of such Code is amended by inserting “any local law enforcement agency receiving information under subsection (i)(7)(A),” after “State,”.

(2) The heading of section 6103(i)(3) of such Code is amended by inserting “OR TERRORIST” after “CRIMINAL”.

(3) Paragraph (4) of section 6103(i) of such Code is amended—

(A) in subparagraph (A) by inserting “or (7)(C)” after “paragraph (1)”, and

(B) in subparagraph (B) by striking “or (3)(A)” and inserting “(3)(A) or (C), or (7)”.

(4) Paragraph (6) of section 6103(i) of such Code is amended—

(A) by striking “(3)(A)” and inserting “(3)(A) or (C), and

(B) by striking “or (7)” and inserting “(7), or (8)”.

(5) Section 6103(p)(3) of such Code is amended—

(A) in subparagraph (A) by striking “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and
(B) in subparagraph (C) by striking “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or (7)(A)(ii)”.  

(6) Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “or (5),” the first place it appears and inserting “(5), or (7),”, and

(ii) by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),”, and

(B) in subparagraph (F)(ii) by striking “or (5),” the first place it appears and inserting “(5), or (7),”.

(7) Section 6103(p)(6)(B)(i) of such Code is amended by striking “(i)(7)(A)(ii)” and inserting “(i)(8)(A)(ii)”.

(8) Section 7213(a)(2) of such Code is amended by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.
SEC. 406. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

“(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

“(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

“(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.”.

TITLE V—EMERGENCY AUTHORIZATIONS

SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) In connection with the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activi-
ties) that occurred on September 11, 2001, in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President shall not be subject to any limitation on obligations from amounts deposited or available in the Fund.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of Appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after “that Office”, each place it occurs, by inserting “(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)”;

and

(2) by inserting “functions, including any” after “all”.

c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after “programs” by inserting “, to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime,”.

d) Section 1 of Public Law 107–37 is amended—
(1) by inserting “(containing identification of all eligible payees of benefits under section 1201)” before “by a”;

(2) by inserting “producing permanent and total disability” after ”suffered a catastrophic injury”; and

(3) by striking “1201(a)” and inserting “1201”.

SEC. 502. ATTORNEY GENERAL’S AUTHORITY TO PAY REWARDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059B and inserting the following:

“§ 3059. Rewards and appropriation therefor

“(a) IN GENERAL.—Subject to subsection (b), the Attorney General may pay rewards in accordance with procedures and regulations established or issued by the Attorney General.

“(b) LIMITATIONS.— The following limitations apply with respect to awards under subsection (a):

“(1) No such reward, other than in connection with a terrorism offense or as otherwise specifically provided by law, shall exceed $2,000,000.
“(2) No such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President.

“(3) The Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and the House of Representatives not later than 30 days after the approval of a reward under paragraph (2);

“(4) Any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5) may provide the Attorney General with funds for the payment of rewards.

“(5) Neither the failure to make or authorize such a reward nor the amount of any such reward made or authorized shall be subject to judicial review.

“(c) DEFINITION.—In this section, the term ‘reward’ means a payment pursuant to public advertisements for assistance to the Department of Justice.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3075 of title 18, United States Code, and that portion of section 3072 of title 18, United States Code, that follows the first sentence, are repealed.
(2) Public Law 101–647 is amended—

(A) in section 2565—

(i) by striking all the matter after “title,” in subsection (c)(1) and inserting “the Attorney General may, in the Attorney General’s discretion, pay a reward to the declaring.”; and

(ii) by striking subsection (e); and

(C) by striking section 2569.

SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings “Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs and Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction” in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: “Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001.”.
SEC. 504. DEPARTMENT OF STATE REWARD AUTHORITY.

(a) CHANGES IN REWARD AUTHORITY.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) by striking “or” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “, including by dismantling an organization in whole or significant part; or”; and

(C) by adding at the end the following new paragraph:

“(6) the identification or location of an individual who holds a leadership position in a terrorist organization.”;

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) by amending subsection (e)(1) to read as follows:

“(1) AMOUNT OF AWARD.—

“(A) Except as provided in subparagraph (B), no reward paid under this section may exceed $10,000,000.
“(B) The Secretary of State may authorize the payment of an award not to exceed $25,000,000 if the Secretary determines that payment of an award exceeding the amount under subparagraph (A) is important to the national interest of the United States.”.

(b) Sense of Congress Regarding Rewards Relating to the September 11, 2001 Attack.—It is the sense of the Congress that the Secretary of State should use the authority of section 36 of the State Department Basic Authorities Act of 1956, as amended by subsection (a), to offer a reward of $25,000,000 for Osama bin Laden and other leaders of the September 11, 2001 attack on the United States.

TITLE VI—DAM SECURITY

SEC. 601. SECURITY OF RECLAMATION DAMS, FACILITIES, AND RESOURCES.

Section 2805(a) of the Reclamation Recreation Management Act of 1992 (16 U.S.C. 460l–33(a)) is amended by adding at the end the following:

“(3) Any person who violates any such regulation which is issued pursuant to this Act shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any
United States magistrate judge designated for that purpose by the court by which such judge was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

“(4) The Secretary may—

“(A) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to maintain law and order and protect persons and property within a Reclamation project or on Reclamation lands;

“(B) authorize law enforcement personnel of any other Federal agency that has law enforcement authority, with the exception of the Department of Defense, or law enforcement personnel of any State or local government, including Indian tribes, when deemed economical and in the public interest, and with the concurrence of that agency or that State or local government, to act as law enforcement officers within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned them by the Secretary to carry out the regulations promulgated under paragraph (2);

“(C) cooperate with any State or local government, including Indian tribes, in the enforcement of
the laws or ordinances of that State or local govern-
ment; and

“(D) provide reimbursement to a State or local
government, including Indian tribes, for expendi-
tures incurred in connection with activities under
subparagraph (B).

“(5) Officers or employees designated or authorized
by the Secretary under paragraph (4) are authorized to—

“(A) carry firearms within a Reclamation
project or on Reclamation lands and make arrests
without warrants for any offense against the United
States committed in their presence, or for any felony
cognizable under the laws of the United States if
they have reasonable grounds to believe that the per-
son to be arrested has committed or is committing
such a felony, and if such arrests occur within a
Reclamation project or on Reclamation lands or the
person to be arrested is fleeing therefrom to avoid
arrest;

“(B) execute within a Reclamation project or
on Reclamation lands any warrant or other process
issued by a court or officer of competent jurisdiction
for the enforcement of the provisions of any Federal
law or regulation issued pursuant to law for an of-
fense committed within a Reclamation project or on
Reclamation lands; and

“(C) conduct investigations within a Reclama-
tion project or on Reclamation lands of offenses
against the United States committed within a Rec-
lation project or on Reclamation lands, if the
Federal law enforcement agency having investigative
jurisdiction over the offense committed declines to
investigate the offense or concurs with such inves-
tigation.

“(6)(A) Except as otherwise provided in this para-
graph, a law enforcement officer of any State or local gov-
ernment, including Indian tribes, designated to act as a
law enforcement officer under paragraph (4) shall not be
deemed a Federal employee and shall not be subject to
the provisions of law relating to Federal employment, in-
cluding those relating to hours of work, rates of compensa-
tion, employment discrimination, leave, unemployment
compensation, and Federal benefits.

“(B) For purposes of chapter 171 of title 28, United
States Code, popularly known as the Federal Tort Claims
Act, a law enforcement officer of any State or local govern-
ment, including Indian tribes, shall, when acting as a des-
ignated law enforcement officer under paragraph (4) and
while under Federal supervision and control, and only
when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

“(C) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term ‘employee’ as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under this subchapter shall be reduced by the amount of any entitlement to State or local workers’ compensation benefits arising out of the same injury or death.

“(7) Nothing in paragraphs (3) through (9) shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including Indian tribes, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

“(8) For the purposes of this subsection, the term ‘law enforcement personnel’ means employees of a Fed-
eral, State, or local government agency, including an Indian tribal agency, who have successfully completed law enforcement training approved by the Secretary and are authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of their employing jurisdiction.

“(9) The law enforcement authorities provided for in this subsection may be exercised only pursuant to rules and regulations promulgated by the Secretary and approved by the Attorney General.”

TITLE VII—MISCELLANEOUS

SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.
(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for Civil Rights, Civil Liberties, and the Federal Bureau of Investigation (hereinafter in this section referred to as the “Deputy”).

(b) CIVIL RIGHTS AND CIVIL LIBERTIES REVIEW.—The Deputy shall—

(1) review information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling
by government employees and officials including em-
ployees and officials of the Department of Justice;

(2) make public through the Internet, radio, tel-
everision, and newspaper advertisements information
on the responsibilities and functions of, and how to
contact, the Deputy; and

(3) submit to the Committee on the Judiciary
of the House of Representatives and the Committee
on the Judiciary of the Senate on a semi-annual
basis a report on the implementation of this sub-
section and detailing any abuses described in para-
graph (1), including a description of the use of
funds appropriations used to carry out this sub-
section.

(c) Inspector General Oversight Plan for the
Federal Bureau of Investigation.—Not later than
30 days after the date of the enactment of this Act, the
Inspector General of the Department of Justice shall sub-
mit to the Congress a plan for oversight of the Federal
Bureau of Investigation. The Inspector General shall con-
sider the following activities for inclusion in such plan:

(1) Financial systems.—Auditing the finan-
cial systems, information technology systems, and
computer security systems of the Federal Bureau of
Investigation.
(2) Programs and Processes.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) Internal Affairs Offices.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) Personnel.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) Other Programs and Operations.—Reviewing matters relating to any other program or and operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

(6) Resources.—Identifying resources needed by the Inspector General to implement such plan.

(d) Review of Investigative Tools.—Not later than August 31, 2003, the Deputy shall review the implementation, use, and operation (including the impact on civil rights and liberties) of the law enforcement and intel-
intelligence authorities contained in title I of this Act and pro-
vide a report to the President and Congress.