COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2975

[AS ORDERED REPORTED FROM THE COMMITTEE ON THE JUDICIARY ON 3 OCTOBER 2001]

Strike all after the enacting clause and insert the following:

1 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”.

5 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. Clarification of no technology mandates.
Sec. 161. Civil liability for certain unauthorized disclosures.
Sec. 162. 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. Changes in conditions for granting asylum.
Sec. 205. Multilateral cooperation against terrorists.
Sec. 206. Requiring sharing by the Federal bureau of investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.
Sec. 207. Inadmissibility of aliens engaged in money laundering.
Sec. 208. Program to collect information relating to nonimmigrant foreign students and other exchange program participants.
Sec. 209. Protection of northern border.

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. 214. “Age-out” protection for 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.
Sec. 505. Authorization of funds for DEA police training in South and Central Asia.
Sec. 506. Public safety officer benefits.

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. 703. Feasibility study on use of biometric identifier scanning system with access to the FBI integrated automated fingerprint identification system at overseas consular posts and points of entry to the United States.
Sec. 704. Study of access.
Sec. 705. Enforcement of certain anti-terrorism judgments.

TITLE VIII—PRIVATE SECURITY OFFICER QUALITY ASSURANCE

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Background checks.
Sec. 804. Sense of Congress.
Sec. 805. Definitions.
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(c) of title 18, United States Code, is amended—

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

(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. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the assistance of the person or entity being served is related to 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-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”.

(3) NONDISCLOSURE REQUIREMENTS.—Sub-
section (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 inves-
tigated; or”.

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

(A) by striking “electronic or other im-
pulses” and all that follows through “is at-
tached” 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 communication)”; and

(B) by inserting “or process” after “device” each place it appears.

(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 device”; 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 amended—

(A) by striking “and”; and
(B) by inserting ‘‘, and ‘contents’’ after
‘‘electronic communication service’’.

(d) NO LIABILITY FOR INTERNET SERVICE PRO-
VIDERS.—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 ELECT-
TRONIC’’;

(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 elec-
tronic’’ 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 as that term is defined in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)) 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, telephone number or other subscriber number or identity, and length of service of a” and inserting the following:

“entity the—

“(i) name;

“(ii) address;

“(iii) local and long distance telephone connection records, or records of session times and durations;

“(iv) length of service (including start date) and types of service utilized;
“(v) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

“(vi) means and source of payment (including any credit card or bank account number); of a”; 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 105(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:
“(c) Exceptions for Disclosure of Customer Records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber 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 rendition 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 immediate 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 communications 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 governmental entity may require a provider of electronic 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)”;

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

(3) in subsection (e), by striking “or certification” and inserting “certification, or statutory authorization”. 
(c) The table of sections at the beginning of chapter 121 of title 18, United States Code, is amended so that the items relating to sections 2702 through 2703 read as follows:

```
2702. Voluntary disclosure of customer communications or records.
2703. Required disclosure of customer communications or records.
```

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—

(1) 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 General or an Assistant Attorney General specially designated 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 disclosures 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 subsections (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 required to be filed with the Administrative Office by paragraphs (1) and (2) of this subsection. The Director of the Administrative Office of the United States Courts is authorized to issue binding regulations dealing with the content and form of the reports 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 SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

(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 inserting “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 identifica-
tion 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.

It shall be lawful for foreign intelligence information (as that term is defined in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)) obtained as part of a criminal investigation (including information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any Federal law-enforcement-, intelligence-, 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 Surveillance 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 device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device” after “obtained”; and

(B) by striking “; and” and inserting a period; and

(3) by striking paragraph (3).

SEC. 156. BUSINESS RECORDS.

(a) In General.—Section 501 of the Foreign Intelligence 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 applica-
tion 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 redesignated as section 502.

(c) 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 striking the items relating to title V and inserting the following:

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

“Sec. 501. Access to certain business records for foreign intelligence and international terrorism investigations.

“Sec. 502. Congressional oversight.”.

SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

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

(1) in paragraph (1)—

(A) by inserting “, or electronic communication transactional records” after “toll billing 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 counterintelli-
gen investigation; and”; and

(2) in paragraph (2), by striking “made that”
and all that follows through the end of such para-
graph and inserting “made that the information
sought is relevant to an authorized foreign counter-
intelligence investigation.”.

(b) Section 624 of the Fair Credit Reporting Act
(Public Law 90–321; 15 U.S.C. 1681u), as added by sec-
tion 601(a) of the Intelligence Authorization Act for Fiscal
Year 1996 (P.L. 104–93; 110 Stat. 974), 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;”;

October 5, 2001 (12:39 PM)
F:\V7\100501\100501.0B6
(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”;

(4) by adding at the end the following new subparagraph:

“(C) when a statute has been enacted authorizing 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, foreign 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 attack; 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 pur-
poses.”.

SEC. 160. CLARIFICATION OF NO TECHNOLOGY MANDATES.

Nothing in this Act shall impose any additional tech-
nical obligation or requirement on a provider of wire or
electronic communication service or other person to fur-
nish facilities, services, or technical assistance.

SEC. 161. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED
DISCLOSURES.

(a) CHAPTER 119.—Section 2520 of title 18, United
States Code, is amended—

(1) by redesignating paragraph (2) of sub-
section (c) as paragraph (3);

(2) by inserting after paragraph (1) of sub-
section (c) the following:

“(2) In an action under this section by a citizen or
legal permanent resident of the United States against the
United States or any Federal investigative or law enforce-
ment officer (or against any State investigative or law en-
forcement officer for disclosure or unlawful use of infor-
mation obtained from Federal investigative or law enforce-
ment officers), the court may assess as damages whichever
is the greater of—
“(A) the sum of actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

“(B) statutory damages of whichever is the greater of $100 a day for each day of violation or $10,000.”; and

(3) by adding at the end the following:

“(f) IMPROPER DISCLOSURE IS VIOLATION.—Any disclosure or use by an investigative or law enforcement officer of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).

“(g) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any agency or bureau thereof has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee thereof acted willfully or intentionally with respect to the violation, the agency or bureau shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation. In such case, if the head of the agency or bureau determines discipline is not appropriate, he or she shall report his or her conclusions and the reasons therefor to the Deputy Inspector General for
Civil Rights, Civil Liberties, and the Federal Bureau of Investigation.

“(h) ACTIONS AGAINST THE UNITED STATES.—Any action against the United States shall be conducted under the procedures of the Federal Tort Claims Act. Any award against the United States shall be deducted from the budget of the appropriate agency or bureau employing or managing the officer or employee who was responsible for the violation.”.

(b) CHAPTER 121.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “(1)” before “The court”;

(2) by adding at the end of subsection (c) the following:

“(2) In an action under this section by a citizen or legal permanent resident of the United States against the United States or any Federal investigative or law enforcement officer (or against any State investigative or law enforcement officer for disclosure or unlawful use of information obtained from Federal investigative or law enforcement officers), the court may assess as damages whichever is the greater of—
“(A) the sum of actual damages suffered by the
plaintiff and any profits made by the violator as a
result of the violation; or

“(B) statutory damages of $10,000.”; and

(3) by adding at the end the following:

“(f) IMPROPER DISCLOSURE IS VIOLATION.—Any
disclosure or use by an investigative or law enforcement
officer of information beyond the extent permitted by sec-
tion 2517 is a violation of this chapter for purposes of
section 2707(a).

“(g) ADMINISTRATIVE DISCIPLINE.—If a court de-
determines that the United States or any agency or bureau
thereof has violated any provision of this section and the
court finds that the circumstances surrounding the viola-
tion raise questions of whether or not an officer or em-
ployee thereof acted willfully or intentionally with respect
to the violation, the agency or bureau shall promptly ini-
tiate a proceeding to determine whether or not disciplinary
action is warranted against the officer or employee who
was responsible for the violation. In such case, if the head
of the agency or bureau determines discipline is not appro-
priate, he or she shall report his or her conclusions and
the reasons therefor to the Deputy Inspector General for
Civil Rights, Civil Liberties, and the Federal Bureau of
Investigation.
“(h) ACTIONS AGAINST THE UNITED STATES.—Any action against the United States shall be conducted under the procedures of the Federal Tort Claims Act. Any award against the United States shall be deducted from the budget of the appropriate agency or bureau employing or managing the officer or employee who was responsible for the violation.”.

(c) CHAPTER 206.—

(1) IN GENERAL.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

§ 3128. Civil action

“(a) CAUSE OF ACTION.—Except as provided in subsections (d) and (e) of section 3124, any person aggrieved by any violation of this chapter may in a civil action recover from the person or entity which engaged in that violation such relief as may be appropriate.

“(b) RELIEF.—In any action under this section, appropriate relief includes—

“(1) such preliminary and other equitable or declaratory relief as may be appropriate;

“(2) damages under subsection (c) and punitive damages in appropriate cases; and

“(3) a reasonable attorney’s fee and other litigation costs reasonably incurred.
“(c) DAMAGES.—In any action under this section, the court may assess as damages whichever is the greater of—

“(1) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

“(2) statutory damages of $10,000.

“(d) LIMITATION.—A civil action under this section may not be commenced later than 2 years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

“(e) IMPROPER DISCLOSURE IS VIOLATION.—Any disclosure or use by an investigative or law enforcement officer of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 3128(a).

“(f) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any agency or bureau thereof has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee thereof acted willfully or intentionally with respect to the violation, the agency or bureau shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation. In such case, if the head
of the agency or bureau determines discipline is not appro-
appropriate, he or she shall report his or her conclusions and
the reasons therefor to the Deputy Inspector General for
Civil Rights, Civil Liberties, and the Federal Bureau of
Investigation.

“(g) ACTIONS AGAINST THE UNITED STATES.—Any
action against the United States shall be conducted under
the procedures of the Federal Tort Claims Act. Any award
against the United States shall be deducted from the
budget of the appropriate agency or bureau employing or
managing the officer or employee who was responsible for
the violation.”.

(2) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 206 of title 18, United States
Code, is amended by adding at the end the following new
item:

“3128. Civil action.”.

(d) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
1978.—(1) Section 110 of the Foreign Intelligence Sur-
veillance Act of 1978 (50 U.S.C. 1810) is amended—

(A) by inserting “(a)” before “CIVIL ACTION.—
”;

(B) by inserting “or entity” after “shall have a
cause of action against any person”;

(C) by striking “(a) actual” and inserting “(1)
actual”;
(D) by striking “(b) punitive” and inserting “(2) punitive”;
(E) by striking “(c) reasonable” and inserting “(3) reasonable”;
(F) by striking “$1,000” and inserting “$10,000”; and
(G) by adding at the end the following new subsections:

“(b) LIMITATION.—A civil action under this section may not be commenced later than 2 years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

“(c) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any agency or bureau thereof has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee thereof acted willfully or intentionally with respect to the violation, the agency or bureau shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation. In such case, if the head of the agency or bureau determines discipline is not appropriate, the head shall report conclusions for the determination and the reasons therefor to the Deputy Inspector
General for Civil Rights, Civil Liberties, and the Federal
Bureau of Investigation.

“(d) ACTIONS AGAINST THE UNITED STATES.—Any
action against the United States shall be conducted under
the procedures of the Federal Tort Claims Act. Any award
against the United States shall be deducted from the
budget of the appropriate agency or bureau employing or
managing the officer or employee who was responsible for
the violation.”.

(2) Section 308 of the Foreign Intelligence Sur-
veillance Act of 1978 (50 U.S.C. 1828) is amended—

(A) by inserting “(a) CIVIL ACTION.—” before
“An aggrieved person,”;

(B) by inserting “or entity” after “shall have a
cause of action against any person”;

(C) by striking “$1,000” and inserting
“$10,000”; and

(D) by adding at the end the following new sub-
sections:

“(b) LIMITATION.—A civil action under this section
may not be commenced later than 2 years after the date
upon which the claimant first has a reasonable oppor-
tunity to discover the violation.

“(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-
mines that the United States or any agency or bureau
thereof has violated any provision of this section and the
court finds that the circumstances surrounding the viola-
tion raise questions of whether or not an officer or em-
ployee thereof acted willfully or intentionally with respect
to the violation, the agency or bureau shall promptly ini-
tiate a proceeding to determine whether or not disciplin-
ary action is warranted against the officer or employee who
was responsible for the violation. In such case, if the head
of the agency or bureau determines discipline is not appro-
priate, the head shall report the conclusions for the deter-
mination and the reasons therefor to the Deputy Inspector
General for Civil Rights, Civil Liberties, and the Federal
Bureau of Investigation.

“(d) ACTIONS AGAINST THE UNITED STATES.—Any
action against the United States shall be conducted under
the procedures of the Federal Tort Claims Act. Any award
against the United States shall be deducted from the
budget of the appropriate agency or bureau employing or
managing the officer or employee who was responsible for
the violation.”.

(3)(A) Title IV of the the Foreign Intelligence Sur-
veillance Act of 1978 (50 U.S.C. 1841 et seq.) is amended
by adding at the end the following new sections:

“PENALTIES

SEC. 407. (a) PROHIBITED ACTIVITIES.—A person
is guilty of an offense if the person intentionally—
“(1) installs or uses a pen register or trap and
trace device under color of law except as authorized
by statute; or

“(2) discloses or uses information obtained
under color of law by using a pen register or trap
and trace device, knowing or having reason to know
that the information was obtained through using a
pen register or trap and trace device not authorized
by statute.

“(b) DEFENSE.—It is a defense to a prosecution
under subsection (a) that the defendant was a law enforce-
ment or investigative officer engaged in the course of his
official duties and the pen register or trap and trace device
was authorized by and conducted pursuant to a search
warrant or court order of a court of competent jurisdic-
tion.

“(c) PENALTIES.—An offense described in this sec-
tion is punishable by a fine of not more than $10,000 or
imprisonment for not more than five years, or both.

“(d) FEDERAL JURISDICTION.—There is Federal ju-
risdiction over an offense under this section if the person
committing the offense was an officer or employee of the
United States at the time the offense was committed.

“CIVIL LIABILITY

“SEC. 408. (a) CIVIL ACTION.—An aggrieved person,
other than a foreign power or an agent of a foreign power,
as defined in section 101(a) or (b)(1)(A), respectively, who
has been subjected to a pen register or trap and trace de-
vice or about whom information obtained by a pen register
or trap and trace device has been disclosed or used in vio-
lation of section 407 shall have a cause of action against
any person or entity who committed such violation and
shall be entitled to recover—
“(1) actual damages, but not less than liq-
uidated damages of $10,000, whichever is greater;
“(2) punitive damages; and
“(3) reasonable attorney’s fees and other inves-
tigation and litigation costs reasonably incurred.
“(b) LIMITATION.—A civil action under this section
may not be commenced later than 2 years after the date
upon which the claimant first has a reasonable oppor-
tunity to discover the violation.
“(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-
mines that the United States or any agency or bureau
thereof has violated any provision of this section and the
court finds that the circumstances surrounding the viola-
tion raise questions of whether or not an officer or em-
ployee thereof acted willfully or intentionally with respect
to the violation, the agency or bureau shall promptly ini-
tiate a proceeding to determine whether or not disciplinary
action is warranted against the officer or employee who
was responsible for the violation. In such case, if the head
of the agency or bureau determines discipline is not appro-
priate, the head shall report the conclusions for the deter-
mination and the reasons therefor to the Deputy Inspector
General for Civil Rights, Civil Liberties, and the Federal
Bureau of Investigation.

[(d) ACTIONS AGAINST THE UNITED STATES.—Any
action against the United States shall be conducted under
the procedures of the Federal Tort Claims Act. Any award
against the United States shall be deducted from the
budget of the appropriate agency or bureau employing or
managing the officer or employee who was responsible for
the violation.]

(B) The table of contents at the beginning of the For-
egn Intelligence Surveillance Act of 1978 (50 U.S.C.
1801 et seq.) is amended by adding at the end of the items
relating to title IV the following new items:

“Sec. 407. Penalties.
“Sec. 408. Civil liability.”.

SEC. 162. SUNSET.

This title and the amendments made by this title
(other than sections 106 (relating to technical amend-
ment), 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 (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)(c) of section
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.

(a) 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 a designation is made under this subsection, the Secretary of State shall, by classified communication, notify the Speaker and minority leader of the House of Representatives, the President pro tem—
pore, 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 des-
ignate 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 DESIGNA-
tion.—The Secretary of State shall pub-
lish 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
(A)(i),”;

(3) in paragraph (3)(B), by striking “sub-
section (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 relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective 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 redesignation” after “designation” the first place it appears; and

(II) by striking “of the designation;” 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)”;

(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)”;

(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”.

(b) AUTHORITY TO INITIATE DESIGNATIONS, REDesignATIONS, AND REVOCATIONS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as amended by subsection (a), is further amended—

(1) by striking “Secretary” each place such term appears, excluding subparagraphs (A) and (C) of subsection (a)(2), and inserting “official specified under subsection (d)”;

(2) in subsection (c)—
(A) in paragraph (2), by adding “and” at the end;

(B) in paragraph (3), by striking “; and” at the end and inserting a period; and

(C) by striking paragraph (4); and

(3) by adding at the end the following:

“(d) IMPLEMENTATION OF DUTIES AND AUTHORITIES.——

“(1) BY SECRETARY OR ATTORNEY GENERAL.—Except as otherwise provided in this subsection, the duties under this section shall, and authorities under this section may, be exercised by——

“(A) the Secretary of State——

“(i) after consultation with the Secretary of the Treasury and with the concurrence of the Attorney General; or

“(ii) upon instruction by the President pursuant to paragraph (2); or

“(B) the Attorney General——

“(i) after consultation with the Secretary of the Treasury and with the concurrence of the Secretary of State; or

“(ii) upon instruction by the President pursuant to paragraph (2).
“(2) CONCURRENCE.—The Secretary of State and the Attorney General shall each seek the other’s concurrence in accordance with paragraph (1). In any case in which such concurrence is denied or withheld, the official seeking the concurrence shall so notify the President and shall request the President to make a determination as to how the issue shall be resolved. Such notification and request of the President may not be made before the earlier of—

“(A) the date on which a denial of concurrence is received; or

“(B) the end of the 60-day period beginning on the date the concurrence was sought.

“(3) EXCEPTION.—It shall be the duty of the Secretary of State to carry out the procedural requirements of paragraphs (2)(A) and (6)(B) of subsection (a) in all cases, including cases in which a designation or revocation is initiated by the Attorney General.”.
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 paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States or found not to be inadmissible or deportable, as the case may be. Except as provided in paragraph (6), 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 At-
torney General has reasonable grounds to believe
that the alien—

“(A) is described in section

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 Deputy Attorney General. The
Deputy Attorney General may not delegate such au-
thority.

“(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 deten-
tion. If the requirement of the preceding sentence is
not satisfied, the Attorney General shall release the
alien.

“(6) LIMITATION ON INDEFINITE DETEN-
tion.—An alien detained under paragraph (1) who
has been ordered removed based on one or more of
the grounds of inadmissibility or deportability referred to in paragraph (3)(A), who has not been removed within the removal period specified under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months if the Attorney General demonstrates that the release of the alien will not protect the national security of the United States or adequately ensure the safety of the community or any person.

“(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) or (a)(6)) is available exclusively in habeas corpus proceedings initiated 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. CHANGES IN CONDITIONS FOR GRANTING ASYLUM.

(a) 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—

(1) by striking “inadmissible under” each place such term appears and inserting “described in”; and

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

(b) RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to—

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

(2) 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).

SEC. 205. MULTILATERAL COOPERATION AGAINST TERRORISTS.

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 deter-
mination 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 inform-
ation shall be made available to foreign governments on
a reciprocal basis.”.

SEC. 206. 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 Bu-
H.L.C.

1. The 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 appro
priate fingerprint processing fee authorized by law to the
Criminal Justice Information Services Division of the Fed-
eral Bureau of Investigation.

“(c) RECONSIDERATION.—The provision of the ex-
tracts 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, pro-
mulgate 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.”.

c) 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 enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administra-
tion, 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.).

SEC. 207. INADMISSIBILITY OF ALIENS ENGAGED IN MONEY LAUNDERING.

(a) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(I) MONEY LAUNDERING.—Any alien—

“(i) who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or seeks to enter the United States to engage, in an offense which is described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments); or

“(ii) who a consular officer or the Attorney General knows is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense which is described in such section;

is inadmissible.”.

(b) MONEY LAUNDERING WATCHLIST.—Not later than 90 days after the date of the enactment of this Act,
the Secretary of State shall develop, implement, and cer-
tify to the Congress that there has been established a
money laundering watchlist, which identifies individuals
worldwide who are known or suspected of money laun-
dering, which is readily accessible to, and shall be checked
by, a consular or other Federal official prior to the
issuance of a visa or admission to the United States. The
Secretary of State shall develop and continually update the
watchlist in cooperation with the Attorney General, the
Secretary of the Treasury, and the Director of Central In-
telligence.

SEC. 208. PROGRAM TO COLLECT INFORMATION RELATING
TO NONIMMIGRANT FOREIGN STUDENTS AND
OTHER EXCHANGE PROGRAM PARTICIPANTS.

(a) CHANGES IN DEADLINES.—Section 641 of the Il-
legal Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1372) is amended—

(1) in subsection (f), by striking “Not later
than 4 years after the commencement of the pro-
gram established under subsection (a),” and insert-
ing “Not later than 120 days after the date of the
enactment of the PATRIOT Act of 2001,”; and

(2) in subsection (g)(1), by striking “12
months” and inserting “120 days”.

73
(b) INCREASED FEE FOR CERTAIN STUDENTS.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by adding at the end the following: “In the case of an alien who is a national of a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism, the Attorney General may impose on, and collect from, the alien a fee that is greater than that imposed on other aliens described in paragraph (3).”.

(c) DATA EXCHANGE.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) DATA EXCHANGE.—Notwithstanding any other provision of law, the Attorney General shall provide to the Secretary of State and the Director of the Federal Bureau of Investigation the information collected under subsection (a)(1).”.
SEC. 209. 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 number authorized under current law) in each State along the northern border;

(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 enhancing technology for security and enforcement at the northern border, such as infrared technology and technology that enhances coordination between the Governments of Canada and the United States generally and specifically between Canadian police and the Federal Bureau of Investigation.

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 “following 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 grandparent 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.
(c) Priority Date.—Immigrant visas made available 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 Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal 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 dis-
ability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is de-
scribed in this paragraph if the alien was dis-
abled 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 sub-
paragraph (A); or

(ii) an alien who died as a direct re-
sult 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 author-
ized” endorsement or other appropriate document
signifying authorization of employment not later
than 30 days after the alien requests such authoriza-

(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 di-
rect 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 be-
ning on September 11, 2001, and ending on the
date of the alien’s departure, if such departure oc-
curs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RE-
TURN 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 section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 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 permanent resident, or adjusting to that status, under
paragraph (1), the alien shall be counted as a diversity 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 diversity 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(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) 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(e) 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 Sep-
tember 11, 2001, if the alien beneficiary of the parole was
unable to return to the United States prior to the expira-
tion date as a direct result of a specified terrorist activity,
the parole is deemed extended for an additional 90 days.

f) Voluntary Departure.—Notwithstanding sec-
tion 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 Sep-
tember 11, 2001, and ending on October 11, 2001, such
voluntary departure period is deemed extended for an ad-
ditional 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 activity, the alien (and each child of the alien) shall be considered, 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 remarries.

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification 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 before September 11, 2001, shall be considered (if the
spouse, child, son, or daughter has not been admitted 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 paragraph (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 Sep-
tember 10, 2001, the spouse or child of an alien de-
scribed in paragraph (2), and who applied for ad-
justment 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 determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration 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 pos-
sible. 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), 791 (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
(a) 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 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnapping), 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);


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(c) if it involves murder (relating to possessing a dangerous weapon in a Federal facility), 956 (relating to conspiracy to injure property of a foreign

internationally protected persons), 1203 (relating to hostage taking), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnapping), 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.
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 fol-
lowing:

“§ 2332c. Attempts and conspiracies
“(a) Except as provided in subsection (c), any person
who attempts or conspires to commit any Federal ter-
orism 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 oper-
ation 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 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), 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(c) 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 de-
struction 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 inserting “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 inserting “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, pursuant 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,”; and

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

SEC. 307. PROHIBITION AGAINST HARBORING.

(a) Title 18, United States Code, is amended by inserting before section 792 the following:
§ 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, or in any other Federal judicial district as provided by law.”.

(b) The table of sections at the beginning of chapter 37 of title 18, United States Code, is amended by inserting before the item relating to section 792 the following:

“791. Prohibition against harboring.”.

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 authorized 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 conduct of government by intimidation or coercion; or to retaliate against government conduct; and

“(2) is a violation of, or an attempt or conspiracy to violate- section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence 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), 791 (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 (re-
lating 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, sta-
tions, or systems), 1363 (relating to injury to build-
ings or property within special maritime and territ-
orial jurisdiction of the United States), 1366 (relat-
ing to destruction of an energy facility), 1751(a)–(d)
(relating to Presidential and Presidential staff assas-
sination and kidnaping), 1992, 2152 (relating to in-
jury of fortifications, harbor defenses, or defensive
sea areas), 2155 (relating to destruction of national
defense materials, premises, or utilities), 2156 (re-
lating 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 weap-
ons 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 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.”; 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”.

"25. Federal terrorism offense defined.".
(c) 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”;

(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 court of the United States (including a magistrate judge of such court), or any United States Court of Appeals, having jurisdiction over the offense being investigated, 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 Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—
(1) by redesignating subparagraph (G) as subparagraph (H); and

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

“(G) Any Federal terrorism offense (as 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 Procedure is amended—

(1) by adding after clause (iv) 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 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 clause (iii);

and

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

F:\V7\100501\100501.0B6

October 5, 2001 (12:39 PM)
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”;

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

“(ii) 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 paragraph.

“(B) This paragraph does not apply with respect to an offense committed by a person described in section 3261(a).”.

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 execute 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 President-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 reasonable grounds to believe that the person to be arrested 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 (c) 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 sec-
tion 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”.

**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 pros-
ecuted 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, conducting, 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 emergency 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 Fed-
eral law enforcement agency responsible
for investigating or responding to such ter-
rorist incident, threat, or activity. The
head of the agency may disclose such re-
turn information to officers and employees
of such agency to the extent necessary to
investigate or respond to such terrorist in-
cident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPART-
MENT 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 para-
graph (7)(D).

“(iii) TAXPAYER IDENTITY.—For pur-
poses 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 Fed-
eral 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 INFORMA-
TION RELATING TO TERRORIST ACTIVITIES, ETC.—

“(A) DISCLOSURE TO LAW ENFORCEMENT
AGENCIES.—

“(i) IN GENERAL.—Except as pro-
vided in paragraph (6), upon receipt by the
Secretary of a written request which meets
the requirements of clause (iii), the Sec-
retary 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 obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed 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 terrorist 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 terrorists and terrorist organizations and activities. For purposes of the preceding sentence, 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 subparagraph if the request—

“(I) is made by an individual described in clause (iii), and

“(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

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

“(I) who is an officer or employee 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 organizations and activities.

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

“(C) DISCLOSURE UNDER EX PARTE ORDERS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant 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 intelligence agency who are personally and directly engaged in any investigation, 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 ter-
rorist 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 be-
lieved 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 infor-
123

information may be relevant to a matter
relating to such terrorist activity or
threat, and

“(III) the return or return infor-
mination is sought exclusively for use in
a Federal investigation, analysis, or
proceeding concerning terrorist activ-
ity, terrorist threats, or terrorist orga-
nizations.

“(D) Special rule for ex parte dis-
closure by the IRS.—

“(i) In general.—Except as pro-
vided in paragraph (6), the Secretary may
authorize an application to a Federal dis-
trict court judge or magistrate for the
order referred to in subparagraph (C)(i).
Upon such application, such judge or mag-
istrate may grant such order if he deter-
mines 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 infor-
mation.—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 activities) 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 the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act, 2000 (H.R. 3421 of the 106th Congress, as enacted into law by section 1000(a)(1) of Public Law 106–113; Appendix A; 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 I of Public Law 90–351)”; and

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

d) Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended 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,” after “programs”.

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

“§ 3059. Rewards and appropriations 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 mem-
bers of the Committees on Appropriations and the Judiciary of the Senate and the House of Representa-
tives not later than 30 days after the approval of a reward under paragraph (2);

“(4) Any executive agency or military depart-
ment (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 re-
view.

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

(2) The items relating to sections 3059A through 3059B in the table of sections at the beginning of chapter 203 of title 18, United States Code, are repealed.

(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 (12 U.S.C. 4205)—
(i) by striking all the matter after “section 2561,” in subsection (e)(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

(B) by striking section 2569 (12 U.S.C. 4209).

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 Support 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 each place it occurs: “Provided” and all that follows through “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:”.

131
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.

SEC. 505. AUTHORIZATION OF FUNDS FOR DEA POLICE TRAINING IN SOUTH AND CENTRAL ASIA.

In addition to amounts otherwise available to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), there is authorized to be appropriated to the President not less than $5,000,000 for fiscal year 2002 for regional antidrug training in the Republic of Turkey by the Drug Enforcement Administration for police, as well as increased precursor chemical control efforts in the South and Central Asia region.
SEC. 506. PUBLIC SAFETY OFFICER BENEFITS.

(a) IN GENERAL.—Section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking “$100,000” and inserting “$250,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any death or disability occurring on or after January 1, 2001.

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 enforce-
ment 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 reg-
ulations promulgated under paragraph (2);

“(C) cooperate with any State or local govern-
ment, 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 person 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 offense committed within a Reclamation project or on Reclamation lands; and

(C) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation 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 responsibil-
ities, 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 Federal, 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;
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

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 employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, 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 subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

(e) 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 submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) FINANCIAL SYSTEMS.—Auditing the financial 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 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 intelligence authorities contained in title I of this Act and provide a report to the President and Congress.
SEC. 703. FEASIBILITY STUDY ON USE OF BIOMETRIC IDENTIFIER SCANNING SYSTEM WITH ACCESS TO THE FBI INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AT OVERSEAS CONSULAR POSTS AND POINTS OF ENTRY TO THE UNITED STATES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of State and the Secretary of Transportation, shall conduct a study on the feasibility of utilizing a biometric identifier (fingerprint) scanning system, with access to the database of the Federal Bureau of Investigation Integrated Automated Fingerprint Identification System, at consular offices abroad and at points of entry into the United States to enhance the ability of State Department and immigration officials to identify aliens who may be wanted in connection with criminal or terrorist investigations in the United States or abroad prior to the issuance of visas or entry into the United States.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit a report summarizing the findings of the study authorized under subsection (a) to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives and the
Committee on Foreign Relations and the Committee on
the Judiciary of the Senate.

SEC. 704. STUDY OF ACCESS.

(a) IN GENERAL.—Not later than December 31, 2002, the Federal Bureau of Investigation shall study and
report to Congress on the feasibility of providing to air-
lines access via computer to the names of passengers who
are suspected of terrorist activity by Federal officials.

(b) AUTHORIZATION.—There are authorized to be ap-
propriated for fiscal years 2002 though 2003 not more
than $250,000 to carry out subsection (a).

SEC. 705. ENFORCEMENT OF CERTAIN ANTI-TERRORISM
JUDGMENTS.

(a) SHORT TITLE.—This section may be cited as the
“Justice for Victims of Terrorism Act”.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28,
United States Code, is amended—

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

(B) by redesignating paragraphs (1), (2),
and (3) as subparagraphs (A), (B), and (C), re-
spectively;

(C) by striking “(b)” through “entity—”
and inserting the following:
“(b) An ‘agency or instrumentality of a foreign state’ means—

“(1) any entity—”; and

(D) by adding at the end the following:

“(2) for purposes of sections 1605(a)(7) and 1610(a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking “1603(b)” and inserting “1603(b)(1)”.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “(including any agency or instrumentality or such state)” and inserting “(including any agency or instrumentality of such state), except to the extent of any punitive damages awarded”; and

(B) by adding at the end the following:

“(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section...
1605(a)(7) shall be subject to attachment and execution
with respect to that judgment, in like manner and to the
same extent as if the United States were a private person,
except to the extent of any punitive damages awarded.”;
and
(2) by striking paragraph (3) and adding the
following:
“(3)(A) Subject to subparagraph (B), upon deter-
mining on an asset-by-asset basis that a waiver is neces-
sary in the national security interest, the President may
waive this subsection in connection with (and prior to the
enforcement of) any judicial order directing attachment in
aid of execution or execution against any property subject
to the Vienna Convention on Diplomatic Relations or the
Vienna Convention on Consular Relations.
“(B) A waiver under this paragraph shall not apply
to—
“(i) if property subject to the Vienna Conven-
tion on Diplomatic Relations or the Vienna Conven-
tion on Consular Relations has been used for any
nondiplomatic purpose (including use as rental prop-
erty), the proceeds of such use; or
“(ii) if any asset subject to the Vienna Conven-
tion on Diplomatic Relations or the Vienna Conven-
tion on Consular Relations is sold or otherwise
transferred for value to a third party, the proceeds of such sale or transfer.

“(C) In this paragraph, the term ‘property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ and the term ‘asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations’ mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

“(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(e) PAYGO ADJUSTMENT.—The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency
Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this section.

TITLE VIII—PRIVATE SECURITY OFFICER QUALITY ASSURANCE

SEC. 801. SHORT TITLE.

This title may be cited as the “Private Security Officer Quality Assurance Act of 2001”.

SEC. 802. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting services in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security per-
sonnel in the course of a day than with sworn law
enforcement officers;

(5) regardless of the differences in their duties,
skill, and responsibilities, the public has difficulty in
discerning the difference between sworn law enforce-
ment officers and private security personnel; and

(6) the American public demands the employ-
ment of qualified, well-trained private security per-
sonnel as an adjunct, but not a replacement for
sworn law enforcement officers.

SEC. 803. BACKGROUND CHECKS.

(a) In general.—An association of employers of
private security officers, designated for the purpose of this
section by the Attorney General, may submit fingerprints
or other methods of positive identification approved by the
Attorney General, to the Attorney General on behalf of
any applicant for a State license or certificate of registra-
tion as a private security officer or employer of private
security officers. In response to such a submission, the At-
torney General may, to the extent provided by State law
conforming to the requirements of the second paragraph
under the heading “Federal Bureau of Investigation” and
the subheading “Salaries and Expenses” in title II of Pub-
lic Law 92–544 (86 Stat. 1115), exchange, for licensing
and employment purposes, identification and criminal his-
tory records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and recordkeeping and the imposition of fees necessary for the recovery of costs.

c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this Act on the number of inquiries made by the association of employers under this section and their disposition.

SEC. 804. SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 803.

SEC. 805. DEFINITIONS.

As used in this title—

(1) the term “employee” includes an applicant for employment;

(2) the term “employer” means any person that—

(A) employs one or more private security officers; or
(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term “private security officer”—

(A) means—

(i) an individual who performs security services, full or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,
(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term “certificate of registration” means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term “security services” means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;
(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.