

**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.

2 This Act may be cited as the “Provide Appropriate
 3 Tools Required to Intercept and Obstruct Terrorism (PA-
 4 TRIOT) Act of 2001”.

5 SEC. 2. TABLE OF CONTENTS.

6 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. 202. Changes in designation of foreign terrorist organizations.
- 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.



1 **SEC. 3. CONSTRUCTION; SEVERABILITY.**

2 Any provision of this Act held to be invalid or unen-
3 forceable by its terms, or as applied to any person or cir-
4 cumstance, shall be construed so as to give it the max-
5 imum effect permitted by law, unless such holding shall
6 be one of utter invalidity or unenforceability, in which
7 event such provision shall be deemed severable from this
8 Act and shall not affect the remainder thereof or the appli-
9 cation of such provision to other persons not similarly situ-
10 ated or to other, dissimilar circumstances.

11 **TITLE I—INTELLIGENCE**
12 **GATHERING**
13 **Subtitle A—Electronic Surveillance**

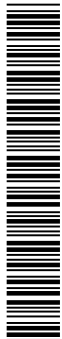
14 **SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO**
15 **USE OF PEN REGISTERS AND TRAP AND**
16 **TRACE DEVICES.**

17 (a) GENERAL LIMITATION ON USE BY GOVERN-
18 MENTAL AGENCIES.—Section 3121(c) of title 18, United
19 States Code, is amended—

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

22 (2) by inserting “, routing, addressing,” after
23 “dialing”; and

24 (3) by striking “call processing” and inserting
25 “the processing and transmitting of wire and elec-
26 tronic communications”.

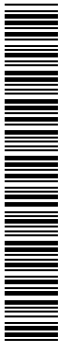


1 (b) ISSUANCE OF ORDERS.—

2 (1) IN GENERAL.—Subsection (a) of section
3 3123 of title 18, United States Code, is amended to
4 read as follows:

5 “(a) IN GENERAL.—

6 “(1) Upon an application made under section
7 3122(a)(1), the court shall enter an ex parte order
8 authorizing the installation and use of a pen register
9 or trap and trace device anywhere within the United
10 States, if the court finds that the attorney for the
11 Government has certified to the court that the infor-
12 mation likely to be obtained by such installation and
13 use is relevant to an ongoing criminal investigation.
14 The order shall, upon service thereof, apply to any
15 person or entity providing wire or electronic commu-
16 nication service in the United States whose assist-
17 ance may facilitate the execution of the order.
18 Whenever such an order is served on any person or
19 entity not specifically named in the order, upon re-
20 quest of such person or entity, the attorney for the
21 Government or law enforcement or investigative offi-
22 cer that is serving the order shall provide written or
23 electronic certification that the assistance of the per-
24 son or entity being served is related to the order.



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

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

13 (A) in subparagraph (A)—

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

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

18 (B) by striking subparagraph (C) and in-
19 serting the following:

20 “(C) the attributes of the communications
21 to which the order applies, including the num-
22 ber or other identifier and, if known, the loca-
23 tion of the telephone line or other facility to
24 which the pen register or trap and trace device
25 is to be attached or applied, and, in the case of



1 an order authorizing installation and use of a
2 trap and trace device under subsection (a)(2),
3 the geographic limits of the order; and”.

4 (3) NONDISCLOSURE REQUIREMENTS.—Sub-
5 section (d)(2) of section 3123 of title 18, United
6 States Code, is amended—

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

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

12 (c) DEFINITIONS.—

13 (1) COURT OF COMPETENT JURISDICTION.—
14 Paragraph (2) of section 3127 of title 18, United
15 States Code, is amended by striking subparagraph
16 (A) and inserting the following:

17 “(A) any district court of the United
18 States (including a magistrate judge of such a
19 court), or any United States court of appeals,
20 having jurisdiction over the offense being inves-
21 tigated; or”.

22 (2) PEN REGISTER.—Paragraph (3) of section
23 3127 of title 18, United States Code, is amended—

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



1 tached” and inserting “dialing, routing, ad-
2 dressing, or signaling information transmitted
3 by an instrument or facility from which a wire
4 or electronic communication is transmitted (but
5 not including the contents of such communica-
6 tion)”); and

7 (B) by inserting “or process” after “de-
8 vice” each place it appears.

9 (3) TRAP AND TRACE DEVICE.—Paragraph (4)
10 of section 3127 of title 18, United States Code, is
11 amended—

12 (A) by inserting “or process” after “a de-
13 vice”; and

14 (B) by striking “of an instrument” and all
15 that follows through the end and inserting “or
16 other dialing, routing, addressing, and signaling
17 information reasonably likely to identify the
18 source of a wire or electronic communication
19 (but not including the contents of such commu-
20 nication);”.

21 (4) CONFORMING AMENDMENT.—Section
22 3127(1) of title 18, United States Code, is
23 amended—

24 (A) by striking “and”; and



1 (B) by inserting “, and ‘contents’” after
2 “‘electronic communication service’”.

3 (d) NO LIABILITY FOR INTERNET SERVICE PRO-
4 VIDERS.—Section 3124(d) of title 18, United States Code,
5 is amended by striking “the terms of”.

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

8 Title 18, United States Code, is amended—

9 (1) in section 2510—

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

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

14 (2) in section 2703—

15 (A) in the headings for subsections (a) and
16 (b), by striking “CONTENTS OF ELECTRONIC”
17 and inserting “CONTENTS OF WIRE OR ELEC-
18 TRONIC”;

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

22 (C) in subsection (b), by striking “any
23 electronic” and inserting “any wire or elec-
24 tronic” each place it appears.



1 **SEC. 103. AUTHORIZED DISCLOSURE.**

2 Section 2510(7) of title 18, United States Code, is
3 amended by inserting “, and (for purposes only of section
4 2517 as it relates to foreign intelligence information as
5 that term is defined in section 101(e) of the Foreign Intel-
6 ligence Surveillance Act of 1978 (50 U.S.C. 1801(e)) any
7 Federal law enforcement, intelligence, national security,
8 national defense, protective, immigration personnel, or the
9 President or Vice President of the United States” after
10 “such offenses”.

11 **SEC. 104. SAVINGS PROVISION.**

12 Section 2511(2)(f) of title 18, United States Code,
13 is amended—

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

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

18 **SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COM-**
19 **MUNICATIONS.**

20 Chapter 119 of title 18, United States Code, is
21 amended—

22 (1) in section 2510—

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

25 (B) in paragraph (18), by striking the pe-
26 riod and inserting a semi-colon; and



1 (C) by adding after paragraph (18) the fol-
2 lowing:

3 “(19) ‘protected computer’ has the meaning set
4 forth in section 1030; and

5 “(20) ‘computer trespasser’ means a person
6 who accesses a protected computer without author-
7 ization and thus has no reasonable expectation of
8 privacy in any communication transmitted to,
9 through, or from the protected computer.”;

10 (2) in section 2511(2), by inserting after para-
11 graph (h) the following:

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

16 “(i) the owner or operator of the protected com-
17 puter authorizes the interception of the computer
18 trespasser’s communications on the protected com-
19 puter;

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

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



1 “(iv) such interception does not acquire commu-
2 nications other than those transmitted to or from
3 the computer trespasser.”; and

4 (3) in section 2520(d)(3), by inserting “or
5 2511(2)(i)” after “2511(3)”.

6 **SEC. 106. TECHNICAL AMENDMENT.**

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

9 **SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELEC-**
10 **TRONIC COMMUNICATIONS.**

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

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

18 “entity the—

19 “ (i) name;

20 “ (ii) address;

21 “ (iii) local and long distance telephone connec-
22 tion records, or records of session times and dura-
23 tions;

24 “ (iv) length of service (including start date) and
25 types of service utilized;



1 “(v) telephone or instrument number or other
2 subscriber number or identity, including any tempo-
3 rarily assigned network address; and

4 “(vi) means and source of payment (including
5 any credit card or bank account number);
6 of a”; and

7 (2) by striking “and the types of services the
8 subscriber or customer utilized,” after “of a sub-
9 scriber to or customer of such service”.

10 **SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS**
11 **FOR ELECTRONIC EVIDENCE.**

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

14 (1) in section 2703, by striking “under the
15 Federal Rules of Criminal Procedure” each place it
16 appears and inserting “using the procedures de-
17 scribed in the Federal Rules of Criminal Procedure
18 by a court with jurisdiction over the offense under
19 investigation”; and

20 (2) in section 2711—

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

22 (B) in paragraph (2), by striking the pe-
23 riod and inserting “; and”; and

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



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

5 **SEC. 109. CLARIFICATION OF SCOPE.**

6 Section 2511(2) of title 18, United States Code, as
7 amended by section 105(2) of this Act, is further amended
8 by adding at the end the following:

9 “(j) With respect to a voluntary or obligatory disclo-
10 sure of information (other than information revealing cus-
11 tomer cable viewing activity) under this chapter, chapter
12 121, or chapter 206, subsections (c)(2)(B) and (h) of sec-
13 tion 631 of the Communications Act of 1934 do not
14 apply.”.

15 **SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COM-**
16 **MUNICATIONS TO PROTECT LIFE AND LIMB.**

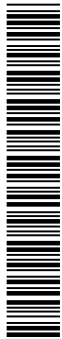
17 (a) Section 2702 of title 18, United States Code, is
18 amended—

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

20 **“§ 2702. Voluntary disclosure of customer commu-**
21 **nications or records” ;**

22 (2) in subsection (a)(2)(B) by striking the pe-
23 riod and inserting “; and”;

24 (3) in subsection (a), by inserting after para-
25 graph (2) the following:



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

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

12 (5) in subsection (b)(6)—

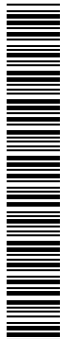
13 (A) in subparagraph (A)(ii), by striking
14 “or”;

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

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

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

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



1 (A) in subparagraph (A), by striking “Ex-
2 cept” and all that follows through “only when”
3 in subparagraph (B) and inserting “A govern-
4 mental entity may require a provider of elec-
5 tronic communication service or remote com-
6 puting service to disclose a record or other in-
7 formation pertaining to a subscriber to or cus-
8 tomer of such service (not including the con-
9 tents of communications) only when”;

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

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

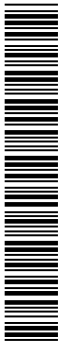
15 (D) by inserting after clause (iv) of sub-
16 paragraph (B) the following:

17 “(v) seeks information pursuant to subpara-
18 graph (B).”;

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

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

23 (3) in subsection (e), by striking “or certifi-
24 cation” and inserting “certification, or statutory au-
25 thorization”.



1 (c) The table of sections at the beginning of chapter
2 121 of title 18, United States Code, is amended so that
3 the items relating to sections 2702 through 2703 read as
4 follows:

“2702. Voluntary disclosure of customer communications or records.
“2703. Required disclosure of customer communications or records.”.

5 **SEC. 111. USE AS EVIDENCE.**

6 (a) IN GENERAL.—Section 2515 of title 18, United
7 States Code, is amended—

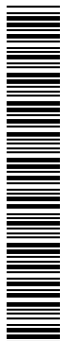
8 (1) by striking “**wire or oral**” in the heading
9 and inserting “**wire, oral, or electronic**”;

10 (2) by striking “Whenever any wire or oral
11 communication has been intercepted” and inserting
12 “(a) Except as provided in subsection (b), whenever
13 any wire, oral, or electronic communication has been
14 intercepted, or any electronic communication in elec-
15 tronic storage has been disclosed”;

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

18 (4) by adding at the end the following:

19 “(b) Subsection (a) does not apply to the disclosure,
20 before a grand jury or in a criminal trial, hearing, or other
21 criminal proceeding, of the contents of a communication,
22 or evidence derived therefrom, against a person alleged to
23 have intercepted, used, or disclosed the communication in



1 violation of this chapter, or chapter 121, or participated
2 in such violation.”.

3 (b) SECTION 2517.—Paragraphs (1) and (2) of sec-
4 tion 2517 are each amended by inserting “or under the
5 circumstances described in section 2515(b)” after “by this
6 chapter”.

7 (c) SECTION 2518.—Section 2518 of title 18, United
8 States Code, is amended—

9 (1) in subsection (7), by striking “subsection
10 (d)” and inserting “subsection (8)(d)”; and

11 (2) in subsection (10)—

12 (A) in paragraph (a)—

13 (i) by striking “or oral” each place it
14 appears and inserting “, oral, or elec-
15 tronic”;

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

19 (iii) by inserting “except that no sup-
20 pression may be ordered under the cir-
21 cumstances described in section 2515(b).”

22 before “Such motion”; and

23 (B) by striking paragraph (c).

24 (d) CLERICAL AMENDMENT.—The item relating to
25 section 2515 in the table of sections at the beginning of



1 chapter 119 of title 18, United States Code, is amended
2 to read as follows:

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

3 **SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE**
4 **CONTENTS OF ELECTRONIC COMMUNICA-**
5 **TIONS.**

6 Section 2703 of title 18, United States Code, is
7 amended by adding at the end the following:

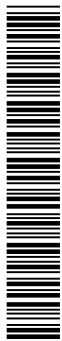
8 “(g) REPORTS CONCERNING THE DISCLOSURE OF
9 THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

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

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

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

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



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

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

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

8 “(2) In January of each year the Attorney Gen-
9 eral or an Assistant Attorney General specially des-
10 ignated by the Attorney General shall report to the
11 Administrative Office of the United States Courts—

12 “(A) the information required by subpara-
13 graphs (A) through (F) of paragraph (1) of this
14 subsection with respect to each application for
15 an order, warrant, or subpoena made during
16 the preceding calendar year; and

17 “(B) a general description of the disclo-
18 sures made under each such order, warrant, or
19 subpoena, including—

20 “(i) the approximate number of all
21 communications disclosed and, of those,
22 the approximate number of incriminating
23 communications disclosed;

24 “(ii) the approximate number of other
25 communications disclosed; and



1 “(iii) the approximate number of per-
2 sons whose communications were disclosed.

3 “(3) In June of each year, beginning in 2003,
4 the Director of the Administrative Office of the
5 United States Courts shall transmit to the Congress
6 a full and complete report concerning the number of
7 applications for orders, warrants, or subpoenas au-
8 thorizing or requiring the disclosure of the contents
9 of electronic communications pursuant to sub-
10 sections (a) and (b) of this section and the number
11 of orders, warrants, or subpoenas granted or denied
12 pursuant to subsections (a) and (b) of this section
13 during the preceding calendar year. Such report
14 shall include a summary and analysis of the data re-
15 quired to be filed with the Administrative Office by
16 paragraphs (1) and (2) of this subsection. The Di-
17 rector of the Administrative Office of the United
18 States Courts is authorized to issue binding regula-
19 tions dealing with the content and form of the re-
20 ports required to be filed by paragraphs (1) and (2)
21 of this subsection.”.



1 **Subtitle B—Foreign Intelligence**
2 **Surveillance and Other Informa-**
3 **tion**

4 **SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEIL-**
5 **LANCE OF NON-UNITED STATES PERSONS**
6 **UNDER FOREIGN INTELLIGENCE SURVEIL-**
7 **LANCE.**

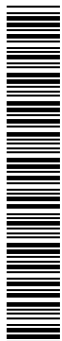
8 (a) INCLUDING AGENTS OF A FOREIGN POWER.—(1)
9 Section 105(e)(1) of the Foreign Intelligence Surveillance
10 Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by insert-
11 ing “or an agent of a foreign power, as defined in section
12 101(b)(1)(A),” after “or (3),”.

13 (2) Section 304(d)(1) of such Act (50 U.S.C.
14 1824(d)(1)) is amended by inserting “or an agent of a
15 foreign power, as defined in section 101(b)(1)(A),” after
16 “101(a),”.

17 (b) PERIOD OF ORDER.—Such section 304(d)(1) is
18 further amended by striking “forty-five” and inserting
19 “90”.

20 **SEC. 152. MULTI-POINT AUTHORITY.**

21 Section 105(c)(2)(B) of the Foreign Intelligence Sur-
22 veillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amend-
23 ed by inserting “, or, in circumstances where the Court
24 finds that the actions of the target of the electronic sur-
25 veillance may have the effect of thwarting the identifica-



1 tion of a specified person, such other persons,” after
2 “specified person”.

3 **SEC. 153. FOREIGN INTELLIGENCE INFORMATION.**

4 Sections 104(a)(7)(B) and 303(a)(7)(B) of the For-
5 eign Intelligence Surveillance Act of 1978 (50 U.S.C.
6 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by
7 striking “that the” and inserting “that a significant”.

8 **SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHAR-**
9 **ING.**

10 It shall be lawful for foreign intelligence information
11 (as that term is defined in section 101(e) of the Foreign
12 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e))
13 obtained as part of a criminal investigation (including in-
14 formation obtained pursuant to chapter 119 of title 18,
15 United States Code) to be provided to any Federal law-
16 enforcement-, intelligence-, protective-, national-defense,
17 or immigration personnel, or the President or the Vice
18 President of the United States, for the performance of of-
19 ficial duties.

20 **SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHOR-**
21 **ITY.**

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

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



1 (2) in paragraph (2)—

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

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

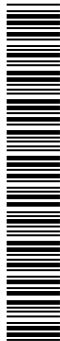
10 (3) by striking paragraph (3).

11 **SEC. 156. BUSINESS RECORDS.**

12 (a) IN GENERAL.—Section 501 of the Foreign Intel-
13 ligence Surveillance Act of 1978 (50 U.S.C. 1861) is
14 amended to read as follows:

15 “ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN
16 INTELLIGENCE AND INTERNATIONAL TERRORISM IN-
17 VESTIGATIONS

18 “SEC. 501. (a) In any investigation to gather foreign
19 intelligence information or an investigation concerning
20 international terrorism, such investigation being con-
21 ducted by the Federal Bureau of Investigation under such
22 guidelines as the Attorney General may approve pursuant
23 to Executive Order No. 12333 (or a successor order), the
24 Director of the Federal Bureau of Investigation or a des-
25 ignee of the Director (whose rank shall be no lower than
26 Assistant Special Agent in Charge) may make an applica-



1 tion for an order requiring the production of any tangible
2 things (including books, records, papers, documents, and
3 other items) that are relevant to the investigation.

4 “(b) Each application under this section—

5 “(1) shall be made to—

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

8 “(B) a United States magistrate judge
9 under chapter 43 of title 28, United States
10 Code, who is publicly designated by the Chief
11 Justice of the United States to have the power
12 to hear applications and grant orders for the
13 release of records under this section on behalf
14 of a judge of that court; and

15 “(2) shall specify that the records concerned
16 are sought for an investigation described in sub-
17 section (a).

18 “(c)(1) Upon application made pursuant to this sec-
19 tion, the judge shall enter an ex parte order as requested
20 requiring the production the tangible things sought if the
21 judge finds that the application satisfies the requirements
22 of this section.

23 “(2) An order under this subsection shall not disclose
24 that it is issued for purposes of an investigation described
25 in subsection (a).



1 “(d) A person who, in good faith, produces tangible
2 things under an order issued pursuant to this section shall
3 not be liable to any other person for such production. Such
4 production shall not be deemed to constitute a waiver of
5 any privilege in any other proceeding or context.”.

6 (b) CONFORMING AMENDMENTS.—(1) Section 502 of
7 such Act (50 U.S.C. 1862) is repealed.

8 (2) Section 503 of such Act (50 U.S.C. 1863) is re-
9 designated as section 502.

10 (c) CLERICAL AMENDMENT.—The table of contents
11 at the beginning of the Foreign Intelligence Surveillance
12 Act of 1978 (50 U.S.C. 1801 et seq.) is amended by strik-
13 ing the items relating to title V and inserting the fol-
14 lowing:

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

“Sec. 501. Access to certain business records for foreign intelligence and inter-
national terrorism investigations.

“Sec. 502. Congressional oversight.”.

15 **SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORI-**
16 **TIES.**

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

19 (1) in paragraph (1)—

20 (A) by inserting “, or electronic commu-
21 nication transactional records” after “toll bill-
22 ing records”; and



1 (B) by striking “made that” and all that
2 follows through the end of such paragraph and
3 inserting “made that the name, address, length
4 of service, and toll billing records sought are
5 relevant to an authorized foreign counterintel-
6 lligence investigation; and”;

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

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

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

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



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

6 **SEC. 158. PROPOSED LEGISLATION.**

7 Not later than August 31, 2003, the President shall
8 propose legislation relating to the provisions set to expire
9 by section 160 of this Act as the President may judge nec-
10 essary and expedient.

11 **SEC. 159. PRESIDENTIAL AUTHORITY.**

12 Section 203 of the International Emergency Eco-
13 nomic Powers Act (50 U.S.C. 1702) is amended in sub-
14 section (a)(1)—

15 (1) in subparagraph (A)—

16 (A) in clause (ii), by adding “or” after
17 “thereof,”; and

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

20 “(iii) the importing or exporting of cur-
21 rency or securities,

22 by any person, or with respect to any property, sub-
23 ject to the jurisdiction of the United States;”;



1 (2) by striking after subparagraph (B), “by any
2 person, or with respect to any property, subject to
3 the jurisdiction of the United States.”;

4 (3) in subparagraph (B)—

5 (A) by inserting after “investigate” the fol-
6 lowing: “, block during the pendency of an in-
7 vestigation for a period of not more than 90
8 days (which may be extended by an additional
9 60 days if the President determines that such
10 blocking is necessary to carry out the purposes
11 of this Act)”; and

12 (B) by striking “interest;” and inserting
13 “interest, by any person, or with respect to any
14 property, subject to the jurisdiction of the
15 United States; and”; and

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

18 “(C) when a statute has been enacted author-
19 izing the use of force by United States armed forces
20 against a foreign country, foreign organization, or
21 foreign national, or when the United States has been
22 subject to an armed attack by a foreign country, for-
23 eign organization, or foreign national, confiscate any
24 property, subject to the jurisdiction of the United
25 States, of any foreign country, foreign organization,

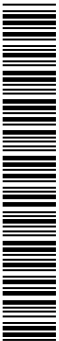


1 or foreign national against whom United States
2 armed forces may be used pursuant to such statute
3 or, in the case of an armed attack against the
4 United States, that the President determines has
5 planned, authorized, aided, or engaged in such at-
6 tack; and

7 “(i) all right, title, and interest in any
8 property so confiscated shall vest when, as, and
9 upon the terms directed by the President, in
10 such agency or person as the President may
11 designate from time to time,

12 “(ii) upon such terms and conditions as
13 the President may prescribe, such interest or
14 property shall be held, used, administered, liq-
15 uidated, sold, or otherwise dealt with in the in-
16 terest of and for the benefit of the United
17 States, except that the proceeds of any such liq-
18 uidation or sale, or any cash assets, shall be
19 segregated from other United States Govern-
20 ment funds and shall be used only pursuant to
21 a statute authorizing the expenditure of such
22 proceeds or assets, and

23 “(iii) such designated agency or person
24 may perform any and all acts incident to the



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

4 “(B) statutory damages of whichever is the
5 greater of \$100 a day for each day of violation or
6 \$10,000.”; and

7 (3) by adding at the end the following:

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

13 “(g) ADMINISTRATIVE DISCIPLINE.—If a court de-
14 termines that the United States or any agency or bureau
15 thereof has violated any provision of this section and the
16 court finds that the circumstances surrounding the viola-
17 tion raise questions of whether or not an officer or em-
18 ployee thereof acted willfully or intentionally with respect
19 to the violation, the agency or bureau shall promptly ini-
20 tiate a proceeding to determine whether or not disciplinary
21 action is warranted against the officer or employee who
22 was responsible for the violation. In such case, if the head
23 of the agency or bureau determines discipline is not appro-
24 priate, he or she shall report his or her conclusions and
25 the reasons therefor to the Deputy Inspector General for



1 Civil Rights, Civil Liberties, and the Federal Bureau of
2 Investigation.

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

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

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

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

16 “(2) In an action under this section by a citizen or
17 legal permanent resident of the United States against the
18 United States or any Federal investigative or law enforce-
19 ment officer (or against any State investigative or law en-
20 forcement officer for disclosure or unlawful use of infor-
21 mation obtained from Federal investigative or law enforce-
22 ment officers), the court may assess as damages whichever
23 is the greater of—



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

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

5 (3) by adding at the end the following:

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

11 “(g) ADMINISTRATIVE DISCIPLINE.—If a court de-
12 termines that the United States or any agency or bureau
13 thereof has violated any provision of this section and the
14 court finds that the circumstances surrounding the viola-
15 tion raise questions of whether or not an officer or em-
16 ployee thereof acted willfully or intentionally with respect
17 to the violation, the agency or bureau shall promptly ini-
18 tiate a proceeding to determine whether or not disciplinary
19 action is warranted against the officer or employee who
20 was responsible for the violation. In such case, if the head
21 of the agency or bureau determines discipline is not appro-
22 priate, he or she shall report his or her conclusions and
23 the reasons therefor to the Deputy Inspector General for
24 Civil Rights, Civil Liberties, and the Federal Bureau of
25 Investigation.



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

8 (c) CHAPTER 206.—

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

12 **“§ 3128. Civil action**

13 “(a) CAUSE OF ACTION.—Except as provided in sub-
14 sections (d) and (e) of section 3124, any person aggrieved
15 by any violation of this chapter may in a civil action re-
16 cover from the person or entity which engaged in that vio-
17 lation such relief as may be appropriate.

18 “(b) RELIEF.—In any action under this section, ap-
19 propriate relief includes—

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

22 “(2) damages under subsection (e) and punitive
23 damages in appropriate cases; and

24 “(3) a reasonable attorney’s fee and other liti-
25 gation costs reasonably incurred.



1 “(c) DAMAGES.—In any action under this section, the
2 court may assess as damages whichever is the greater of—

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

6 “(2) statutory damages of \$10,000.

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

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

16 “(f) ADMINISTRATIVE DISCIPLINE.—If a court deter-
17 mines that the United States or any agency or bureau
18 thereof has violated any provision of this section and the
19 court finds that the circumstances surrounding the viola-
20 tion raise questions of whether or not an officer or em-
21 ployee thereof acted willfully or intentionally with respect
22 to the violation, the agency or bureau shall promptly ini-
23 tiate a proceeding to determine whether or not disciplinary
24 action is warranted against the officer or employee who
25 was responsible for the violation. In such case, if the head



1 of the agency or bureau determines discipline is not appro-
2 priate, he or she shall report his or her conclusions and
3 the reasons therefor to the Deputy Inspector General for
4 Civil Rights, Civil Liberties, and the Federal Bureau of
5 Investigation.

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

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

“3128. Civil action.”.

17 (d) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
18 1978.—(1) Section 110 of the Foreign Intelligence Sur-
19 veillance Act of 1978 (50 U.S.C. 1810) is amended—

20 (A) by inserting “(a)” before “CIVIL ACTION.—
21 ”;

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

24 (C) by striking “(a) actual” and inserting “(1)
25 actual”;



1 (D) by striking “(b) punitive” and inserting
2 “(2) punitive”;

3 (E) by striking “(c) reasonable” and inserting
4 “(3) reasonable”;

5 (F) by striking “\$1,000” and inserting
6 “\$10,000”; and

7 (G) by adding at the end the following new sub-
8 sections:

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

13 “(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-
14 mines that the United States or any agency or bureau
15 thereof has violated any provision of this section and the
16 court finds that the circumstances surrounding the viola-
17 tion raise questions of whether or not an officer or em-
18 ployee thereof acted willfully or intentionally with respect
19 to the violation, the agency or bureau shall promptly ini-
20 tiate a proceeding to determine whether or not disciplinary
21 action is warranted against the officer or employee who
22 was responsible for the violation. In such case, if the head
23 of the agency or bureau determines discipline is not appro-
24 priate, the head shall report conclusions for the determina-
25 tion and the reasons therefor to the Deputy Inspector



1 General for Civil Rights, Civil Liberties, and the Federal
2 Bureau of Investigation.

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

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

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

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

16 (C) by striking “\$1,000” and inserting
17 “\$10,000”; and

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

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

24 “(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-
25 mines that the United States or any agency or bureau



1 thereof has violated any provision of this section and the
2 court finds that the circumstances surrounding the viola-
3 tion raise questions of whether or not an officer or em-
4 ployee thereof acted willfully or intentionally with respect
5 to the violation, the agency or bureau shall promptly ini-
6 tiate a proceeding to determine whether or not disciplinary
7 action is warranted against the officer or employee who
8 was responsible for the violation. In such case, if the head
9 of the agency or bureau determines discipline is not appro-
10 priate, the head shall report the conclusions for the deter-
11 mination and the reasons therefor to the Deputy Inspector
12 General for Civil Rights, Civil Liberties, and the Federal
13 Bureau of Investigation.

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

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

24 “PENALTIES

25 “SEC. 407. (a) PROHIBITED ACTIVITIES.—A person
26 is guilty of an offense if the person intentionally—



1 “(1) installs or uses a pen register or trap and
2 trace device under color of law except as authorized
3 by statute; or

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

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

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

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

24 “CIVIL LIABILITY

25 “SEC. 408. (a) CIVIL ACTION.—An aggrieved person,
26 other than a foreign power or an agent of a foreign power,



1 as defined in section 101(a) or (b)(1)(A), respectively, who
2 has been subjected to a pen register or trap and trace de-
3 vice or about whom information obtained by a pen register
4 or trap and trace device has been disclosed or used in vio-
5 lation of section 407 shall have a cause of action against
6 any person or entity who committed such violation and
7 shall be entitled to recover—

8 “(1) actual damages, but not less than liq-
9 uidated damages of \$10,000, whichever is greater;

10 “(2) punitive damages; and

11 “(3) reasonable attorney’s fees and other inves-
12 tigation and litigation costs reasonably incurred.

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

17 “(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-
18 mines that the United States or any agency or bureau
19 thereof has violated any provision of this section and the
20 court finds that the circumstances surrounding the viola-
21 tion raise questions of whether or not an officer or em-
22 ployee thereof acted willfully or intentionally with respect
23 to the violation, the agency or bureau shall promptly ini-
24 tiate a proceeding to determine whether or not disciplinary
25 action is warranted against the officer or employee who



1 was responsible for the violation. In such case, if the head
2 of the agency or bureau determines discipline is not appro-
3 priate, the head shall report the conclusions for the deter-
4 mination and the reasons therefor to the Deputy Inspector
5 General for Civil Rights, Civil Liberties, and the Federal
6 Bureau of Investigation.

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

14 (B) The table of contents at the beginning of the For-
15 eign Intelligence Surveillance Act of 1978 (50 U.S.C.
16 1801 et seq.) is amended by adding at the end of the items
17 relating to title IV the following new items:

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

18 **SEC. 162. SUNSET.**

19 This title and the amendments made by this title
20 (other than sections 106 (relating to technical amend-
21 ment), 109 (relating to clarification of scope), and 159
22 (relating to presidential authority)) and the amendments
23 made by those sections shall take effect on the date of



1 enactment of this Act and shall cease to have any effect
2 on December 31, 2003.

3 **TITLE II—ALIENS ENGAGING IN**
4 **TERRORIST ACTIVITY**
5 **Subtitle A—Detention and Removal**
6 **of Aliens Engaging in Terrorist**
7 **Activity**

8 **SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELI-**
9 **GIBLE FOR ADMISSION AND DEPORTABLE**
10 **DUE TO TERRORIST ACTIVITY.**

11 (a) ALIENS INELIGIBLE FOR ADMISSION DUE TO
12 TERRORIST ACTIVITIES.—Section 212(a)(3)(B) of the Im-
13 migration and Nationality Act (8 U.S.C. 1182(a)(3)(B))
14 is amended—

15 (1) in clause (i)—

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

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

21 “(IV) is a representative of—

22 “(a) a foreign terrorist orga-
23 nization, as designated by the
24 Secretary of State under section
25 219; or



1 “(b) a political, social, or
 2 other similar group whose public
 3 endorsement of terrorist activity
 4 the Secretary of State has deter-
 5 mined undermines the efforts of
 6 the United States to reduce or
 7 eliminate terrorist activities;”;

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

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

13 “(VI) has used the alien’s promi-
 14 nence within a foreign state or the
 15 United States to endorse or espouse
 16 terrorist activity, or to persuade oth-
 17 ers to support terrorist activity or a
 18 terrorist organization, in a way that
 19 the Secretary of State has determined
 20 undermines the efforts of the United
 21 States to reduce or eliminate terrorist
 22 activities;”;

23 (2) in clause (ii)—

24 (A) in the matter preceding subclause (I),
 25 by striking “(or which, if committed in the



1 United States,” and inserting “(or which, if it
2 had been or were to be committed in the United
3 States,”; and

4 (B) in subclause (V)(b), by striking “explo-
5 sive or firearm” and inserting “explosive, fire-
6 arm, or other object”;

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

8 “(iii) ENGAGE IN TERRORIST ACTIV-
9 ITY DEFINED.—As used in this Act, the
10 term ‘engage in terrorist activity’ means,
11 in an individual capacity or as a member
12 of an organization—

13 “(I) to commit a terrorist activ-
14 ity;

15 “(II) to plan or prepare to com-
16 mit a terrorist activity;

17 “(III) to gather information on
18 potential targets for a terrorist activ-
19 ity;

20 “(IV) to solicit funds or other
21 things of value for—

22 “(a) a terrorist activity;

23 “(b) an organization des-
24 igned as a foreign terrorist or-
25 ganization under section 219; or



1 “(c) a terrorist organization
2 described in clause (v)(II), but
3 only if the solicitor knows, or rea-
4 sonably should know, that the so-
5 licitation would further a ter-
6 rorist activity;

7 “(V) to solicit any individual—

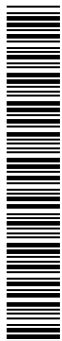
8 “(a) to engage in conduct
9 otherwise described in this
10 clause;

11 “(b) for membership in a
12 terrorist government;

13 “(c) for membership in an
14 organization designated as a for-
15 eign terrorist organization under
16 section 219; or

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

24 “(VI) to commit an act that the
25 actor knows, or reasonably should



1 know, affords material support, in-
2 cluding a safe house, transportation,
3 communications, funds, transfer of
4 funds or other material financial ben-
5 efit, false documentation or identifica-
6 tion, weapons (including chemical, bi-
7 ological, and radiological weapons),
8 explosives, or training—

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

11 “(b) to any individual who
12 the actor knows, or reasonably
13 should know, has committed or
14 plans to commit a terrorist activ-
15 ity;

16 “(c) to an organization des-
17 igned as a foreign terrorist or-
18 ganization under section 219; or

19 “(d) to a terrorist organiza-
20 tion described in clause (v)(II),
21 but only if the actor knows, or
22 reasonably should know, that the
23 act would further a terrorist ac-
24 tivity.”; and

25 (4) by adding at the end the following:



1 “(v) TERRORIST ORGANIZATION DE-
2 FINED.—As used in this subparagraph, the
3 term ‘terrorist organization’ means—

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

7 “(II) with regard to a group that
8 is not an organization described in
9 subclause (I), a group of 2 or more
10 individuals, whether organized or not,
11 which engages in, or which has a sig-
12 nificant subgroup which engages in,
13 the activities described in subclause
14 (I), (II), or (III) of clause (iii).

15 “(vi) SPECIAL RULE FOR MATERIAL
16 SUPPORT.—Clause (iii)(VI)(b) shall not be
17 construed to include the affording of mate-
18 rial support to an individual who com-
19 mitted or planned to commit a terrorist ac-
20 tivity, if the alien establishes by clear and
21 convincing evidence that such support was
22 afforded only after such individual perma-
23 nently and publicly renounced, rejected the
24 use of, and had ceased to engage in, ter-
25 rorist activity.”.



1 (b) ALIENS INELIGIBLE FOR ADMISSION DUE TO
2 ENDANGERMENT.—Section 212(a)(3) of the Immigration
3 and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by
4 adding at the end the following:

5 “(F) ENDANGERMENT.—Any alien who the
6 Secretary of State, after consultation with the
7 Attorney General, or the Attorney General,
8 after consultation with the Secretary of State,
9 determines has been associated with a terrorist
10 organization and intends while in the United
11 States to engage solely, principally, or inciden-
12 tally in activities that could endanger the wel-
13 fare, safety, or security of the United States is
14 inadmissible.”.

15 (c) ALIENS DEPORTABLE DUE TO TERRORIST AC-
16 TIVITIES.—Section 237(a)(4)(B) of the Immigration and
17 Nationality (8 U.S.C. 1227(a)(4)(B)) is amended to read
18 as follows:

19 “(B) TERRORIST ACTIVITIES.—Any alien
20 is deportable who—

21 “(i) has engaged, is engaged, or at
22 any time after admission engages in ter-
23 rorist activity (as defined in section
24 212(a)(3)(B)(iii));



1 “(ii) is a representative (as defined in
2 section 212(a)(3)(B)(iv)) of—

3 “(I) a foreign terrorist organiza-
4 tion, as designated by the Secretary of
5 State under section 219; or

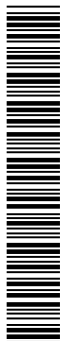
6 “(II) a political, social, or other
7 similar group whose public endorse-
8 ment of terrorist activity—

9 “(a) is intended and likely to
10 incite or produce imminent law-
11 less action; and

12 “(b) has been determined by
13 the Secretary of State to under-
14 mine the efforts of the United
15 States to reduce or eliminate ter-
16 rorist activities; or

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

20 “(I) to endorse, in a manner that
21 is intended and likely to incite or
22 produce imminent lawless action and
23 that has been determined by the Sec-
24 retary of State to undermine the ef-
25 forts of the United States to reduce or



1 eliminate terrorist activities, terrorist
2 activity; or

3 “(II) to persuade others, in a
4 manner that is intended and likely to
5 incite or produce imminent lawless ac-
6 tion and that has been determined by
7 the Secretary of State to undermine
8 the efforts of the United States to re-
9 duce or eliminate terrorist activities,
10 to support terrorist activity or a ter-
11 rorist organization (as defined in sec-
12 tion 212(a)(3)(B)(v)).”.

13 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

14 (1) IN GENERAL.—The amendments made by
15 this section shall take effect on the date of the en-
16 actment of this Act and shall apply to—

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

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

23 (i) in removal proceedings on or after
24 such date (except for proceedings in which



1 there has been a final administrative deci-
2 sion before such date); or

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

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

14 (3) SPECIAL RULE FOR SECTION 219 ORGANIZA-
15 TIONS.—

16 (A) IN GENERAL.—Notwithstanding para-
17 graphs (1) and (2), no alien shall be considered
18 inadmissible under section 212(a)(3) of the Im-
19 migration and Nationality Act (8 U.S.C.
20 1182(a)(3)), or deportable under section
21 237(a)(4)(B) of such Act (8 U.S.C.
22 1227(a)(4)(B)), by reason of the amendments
23 made by subsection (a), on the ground that the
24 alien engaged in a terrorist activity described in
25 subclause (IV)(b), (V)(c), or (VI)(c) of section

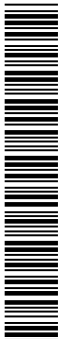


1 212(a)(3)(B)(iii) of such Act (as so amended)
2 with respect to a group at any time when the
3 group was not a foreign terrorist organization
4 designated by the Secretary of State under sec-
5 tion 219 of such Act (8 U.S.C. 1189).

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

10 (i) described in subclause (IV)(b),
11 (V)(c), or (VI)(c) of section
12 212(a)(3)(B)(iii) of such Act (as so
13 amended) with respect to a foreign ter-
14 rorist organization at any time when such
15 organization was designated by the Sec-
16 retary of State under section 219 of such
17 Act; or

18 (ii) described in subclause (IV)(c),
19 (V)(d), or (VI)(d) of section
20 212(a)(3)(B)(iii) of such Act (as so
21 amended) with respect to any group de-
22 scribed in any of such subclauses.



1 **SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TER-**
2 **RORIST ORGANIZATIONS.**

3 (a) DESIGNATION OF FOREIGN TERRORIST ORGANI-
4 ZATIONS.—Section 219(a) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1189(a)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (B), by striking
8 “212(a)(3)(B);” and inserting “212(a)(3)(B)),
9 engages in terrorism (as defined in section
10 140(d)(2) of the Foreign Relations Authoriza-
11 tion Act, Fiscal Years 1988 and 1989 (22
12 U.S.C. 2656f(d)(2)), or retains the capability
13 and intent to engage in terrorist activity or to
14 engage in terrorism (as so defined);”; and

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

17 (2) in paragraph (2)—

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

20 “(A) NOTICE.—

21 “(i) IN GENERAL.—Seven days before
22 a designation is made under this sub-
23 section, the Secretary of State shall, by
24 classified communication, notify the Speak-
25 er and minority leader of the House of
26 Representatives, the President pro tem-



1 pore, majority leader, and minority leader
2 of the Senate, the members of the relevant
3 committees, and the Secretary of the
4 Treasury, in writing, of the intent to des-
5 ignate a foreign organization under this
6 subsection, together with the findings
7 made under paragraph (1) with respect to
8 that organization, and the factual basis
9 therefor.

10 “(ii) PUBLICATION OF DESIGNA-
11 TION.—The Secretary of State shall pub-
12 lish the designation in the Federal Register
13 seven days after providing the notification
14 under clause (i).”;

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

17 (C) in subparagraph (C), by striking
18 “paragraph (2),” and inserting “subparagraph
19 (A)(i).”;

20 (3) in paragraph (3)(B), by striking “sub-
21 section (c).” and inserting “subsection (b).”;

22 (4) in paragraph (4)(B), by inserting after the
23 first sentence the following: “The Secretary may also
24 redesignate such organization at the end of any 2-
25 year redesignation period (but not sooner than 60



1 days prior to the termination of such period) for an
2 additional 2-year period upon a finding that the rel-
3 evant circumstances described in paragraph (1) still
4 exist. Any redesignation shall be effective imme-
5 diately following the end of the prior 2-year designa-
6 tion or redesignation period unless a different effec-
7 tive date is provided in such redesignation.”;

8 (5) in paragraph (6)—

9 (A) in subparagraph (A)—

10 (i) in the matter preceding clause (i),
11 by inserting “or a redesignation made
12 under paragraph (4)(B)” after “paragraph
13 (1)”;

14 (ii) in clause (i)—

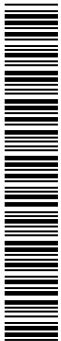
15 (I) by inserting “or redesigna-
16 tion” after “designation” the first
17 place it appears; and

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

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

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

24 (C) by adding at the end the following:



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

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

8 (7) in paragraph (8)—

9 (A) by striking “(1)(B),” and inserting
10 “(2)(B), or if a redesignation under this sub-
11 section has become effective under paragraph
12 (4)(B)”;

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

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

17 (b) AUTHORITY TO INITIATE DESIGNATIONS, REDES-
18 IGNATIONS, AND REVOCATIONS.—Section 219 of the Im-
19 migration and Nationality Act (8 U.S.C. 1189), as amend-
20 ed by subsection (a), is further amended—

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

25 (2) in subsection (c)—



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

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

5 (C) by striking paragraph (4); and
6 (3) by adding at the end the following:

7 “(d) IMPLEMENTATION OF DUTIES AND AUTHORI-
8 TIES.—

9 “(1) BY SECRETARY OR ATTORNEY GEN-
10 ERAL.—Except as otherwise provided in this sub-
11 section, the duties under this section shall, and au-
12 thorities under this section may, be exercised by—

13 “(A) the Secretary of State—

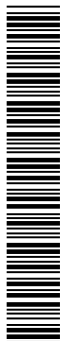
14 “(i) after consultation with the Sec-
15 retary of the Treasury and with the con-
16 currence of the Attorney General; or

17 “(ii) upon instruction by the Presi-
18 dent pursuant to paragraph (2); or

19 “(B) the Attorney General—

20 “(i) after consultation with the Sec-
21 retary of the Treasury and with the con-
22 currence of the Secretary of State; or

23 “(ii) upon instruction by the Presi-
24 dent pursuant to paragraph (2).



1 “(2) CONCURRENCE.—The Secretary of State
2 and the Attorney General shall each seek the other’s
3 concurrence in accordance with paragraph (1). In
4 any case in which such concurrence is denied or
5 withheld, the official seeking the concurrence shall
6 so notify the President and shall request the Presi-
7 dent to make a determination as to how the issue
8 shall be resolved. Such notification and request of
9 the President may not be made before the earlier
10 of—

11 “(A) the date on which a denial of concur-
12 rence is received; or

13 “(B) the end of the 60-day period begin-
14 ning on the date the concurrence was sought.

15 “(3) EXCEPTION.—It shall be the duty of the
16 Secretary of State to carry out the procedural re-
17 quirements of paragraphs (2)(A) and (6)(B) of sub-
18 section (a) in all cases, including cases in which a
19 designation or revocation is initiated by the Attorney
20 General.”.



1 **SEC. 203. MANDATORY DETENTION OF SUSPECTED TER-**
 2 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**
 3 **VIEW.**

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

7 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;
 8 HABEAS CORPUS; JUDICIAL REVIEW

9 “SEC. 236A. (a) DETENTION OF TERRORIST
 10 ALIENS.—

11 “(1) CUSTODY.—The Attorney General shall
 12 take into custody any alien who is certified under
 13 paragraph (3).

14 “(2) RELEASE.—Except as provided in para-
 15 graphs (5) and (6), the Attorney General shall main-
 16 tain custody of such an alien until the alien is re-
 17 moved from the United States or found not to be in-
 18 admissible or deportable, as the case may be. Except
 19 as provided in paragraph (6), such custody shall be
 20 maintained irrespective of any relief from removal
 21 for which the alien may be eligible, or any relief
 22 from removal granted the alien, until the Attorney
 23 General determines that the alien is no longer an
 24 alien who may be certified under paragraph (3).

25 “(3) CERTIFICATION.—The Attorney General
 26 may certify an alien under this paragraph if the At-



1 torney General has reasonable grounds to believe
2 that the alien—

3 “(A) is described in section
4 212(a)(3)(A)(i), 212(a)(3)(A)(iii),
5 212(a)(3)(B), 237(a)(4)(A)(i),
6 237(a)(4)(A)(iii), or 237(a)(4)(B); or

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

10 “(4) NONDELEGATION.—The Attorney General
11 may delegate the authority provided under para-
12 graph (3) only to the Deputy Attorney General. The
13 Deputy Attorney General may not delegate such au-
14 thority.

15 “(5) COMMENCEMENT OF PROCEEDINGS.—The
16 Attorney General shall place an alien detained under
17 paragraph (1) in removal proceedings, or shall
18 charge the alien with a criminal offense, not later
19 than 7 days after the commencement of such deten-
20 tion. If the requirement of the preceding sentence is
21 not satisfied, the Attorney General shall release the
22 alien.

23 “(6) LIMITATION ON INDEFINITE DETEN-
24 TION.—An alien detained under paragraph (1) who
25 has been ordered removed based on one or more of



1 the grounds of inadmissibility or deportability re-
2 ferred to in paragraph (3)(A), who has not been re-
3 moved within the removal period specified under sec-
4 tion 241(a)(1)(A), and whose removal is unlikely in
5 the reasonably foreseeable future, may be detained
6 for additional periods of up to six months if the At-
7 torney General demonstrates that the release of the
8 alien will not protect the national security of the
9 United States or adequately ensure the safety of the
10 community or any person.

11 “(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Ju-
12 dicial review of any action or decision relating to this sec-
13 tion (including judicial review of the merits of a deter-
14 mination made under subsection (a)(3) or (a)(6)) is avail-
15 able exclusively in habeas corpus proceedings initiated in
16 the United States District Court for the District of Colum-
17 bia. Notwithstanding any other provision of law, including
18 section 2241 of title 28, United States Code, except as
19 provided in the preceding sentence, no court shall have
20 jurisdiction to review, by habeas corpus petition or other-
21 wise, any such action or decision.”

22 (b) CLERICAL AMENDMENT.—The table of contents
23 of the Immigration and Nationality Act is amended by in-
24 serting after the item relating to section 236 the following:

“Sec. 236A. Mandatory detention of suspected terrorists; habeas corpus; judicial review.”



1 (c) REPORTS.—Not later than 6 months after the
2 date of the enactment of this Act, and every 6 months
3 thereafter, the Attorney General shall submit a report to
4 the Committee on the Judiciary of the House of Rep-
5 resentatives and the Committee on the Judiciary of the
6 Senate, with respect to the reporting period, on—

7 (1) the number of aliens certified under section
8 236A(a)(3) of the Immigration and Nationality Act,
9 as added by subsection (a);

10 (2) the grounds for such certifications;

11 (3) the nationalities of the aliens so certified;

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

14 (5) the number of aliens so certified who—

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

17 (B) were removed;

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

21 (D) were released from detention.



1 **SEC. 204. CHANGES IN CONDITIONS FOR GRANTING ASY-**
2 **LUM.**

3 (a) IN GENERAL.—Section 208(b)(2)(A)(v) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1158(b)(2)(A)(v)) is amended—

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

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

10 (b) RETROACTIVE APPLICATION OF AMENDMENTS.—

11 The amendments made by subsection (a) shall take effect
12 on the date of the enactment of this Act and shall apply
13 to—

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

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

22 **SEC. 205. MULTILATERAL COOPERATION AGAINST TERROR-**
23 **ISTS.**

24 Section 222(f) of the Immigration and Nationality
25 Act (8 U.S.C. 1202(f)) is amended—



1 (1) by striking “The records” and inserting
2 “(1) Subject to paragraphs (2) and (3), the
3 records”;

4 (2) by striking “United States,” and all that
5 follows through the period at the end and inserting
6 “United States.”; and

7 (3) by adding at the end the following:

8 “(2) In the discretion of the Secretary of State, cer-
9 tified copies of such records may be made available to a
10 court which certifies that the information contained in
11 such records is needed by the court in the interest of the
12 ends of justice in a case pending before the court.

13 “(3)(A) Subject to the provisions of this paragraph,
14 the Secretary of State may provide copies of records of
15 the Department of State and of diplomatic and consular
16 offices of the United States (including the Department of
17 State’s automated visa lookout database) pertaining to the
18 issuance or refusal of visas or permits to enter the United
19 States, or information contained in such records, to for-
20 eign governments if the Secretary determines that it is
21 necessary and appropriate.

22 “(B) Such records and information may be provided
23 on a case-by-case basis for the purpose of preventing, in-
24 vestigating, or punishing acts of terrorism. General access
25 to records and information may be provided under an



1 agreement to limit the use of such records and information
2 to the purposes described in the preceding sentence.

3 “(C) The Secretary of State shall make any deter-
4 mination under this paragraph in consultation with any
5 Federal agency that compiled or provided such records or
6 information.

7 “(D) To the extent possible, such records and infor-
8 mation shall be made available to foreign governments on
9 a reciprocal basis.”.

10 **SEC. 206. REQUIRING SHARING BY THE FEDERAL BUREAU**
11 **OF INVESTIGATION OF CERTAIN CRIMINAL**
12 **RECORD EXTRACTS WITH OTHER FEDERAL**
13 **AGENCIES IN ORDER TO ENHANCE BORDER**
14 **SECURITY.**

15 (a) IN GENERAL.—Section 105 of the Immigration
16 and Nationality Act (8 U.S.C. 1105), is amended—

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

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

21 (3) by striking “the internal security of” and
22 inserting “the internal and border security of”; and

23 (4) by adding at the end the following:

24 “(b) CRIMINAL HISTORY RECORD INFORMATION.—
25 The Attorney General and the Director of the Federal Bu-



1 reau of Investigation shall provide the Secretary of State
2 and the Commissioner access to the criminal history
3 record information contained in the National Crime Infor-
4 mation Center's Interstate Identification Index, Wanted
5 Persons File, and to any other files maintained by the Na-
6 tional Crime Information Center that may be mutually
7 agreed upon by the Attorney General and the official to
8 be provided access, for the purpose of determining whether
9 a visa applicant or applicant for admission has a criminal
10 history record indexed in any such file. Such access shall
11 be provided by means of extracts of the records for place-
12 ment in the Department of State's automated visa lookout
13 database or other appropriate database, and shall be pro-
14 vided without any fee or charge. The Director of the Fed-
15 eral Bureau of Investigation shall provide periodic updates
16 of the extracts at intervals mutually agreed upon by the
17 Attorney General and the official provided access. Upon
18 receipt of such updated extracts, the receiving official shall
19 make corresponding updates to the official's databases
20 and destroy previously provided extracts. Such access to
21 any extract shall not be construed to entitle the Secretary
22 of State to obtain the full content of the corresponding
23 automated criminal history record. To obtain the full con-
24 tent of a criminal history record, the Secretary of State
25 shall submit the applicant's fingerprints and any appro-



1 piate fingerprint processing fee authorized by law to the
2 Criminal Justice Information Services Division of the Fed-
3 eral Bureau of Investigation.

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

9 “(d) REGULATIONS.—For purposes of administering
10 this section, the Secretary of State shall, prior to receiving
11 access to National Crime Information Center data, pro-
12 mulgate final regulations—

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

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

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

20 “(B) to ensure that such information is
21 used solely to determine whether to issue a visa
22 to an individual;

23 “(C) to ensure the security, confidentiality,
24 and destruction of such information; and



1 “(D) to protect any privacy rights of indi-
2 viduals who are subjects of such information.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of the Immigration and Nationality Act is amended by
5 amending the item relating to section 105 to read as fol-
6 lows:

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

7 (c) EFFECTIVE DATE AND IMPLEMENTATION.—The
8 amendments made by this section shall take effect on the
9 date of the enactment of this Act and shall be fully imple-
10 mented not later than 18 months after such date.

11 (d) REPORTING REQUIREMENT.—Not later than 2
12 years after the date of the enactment of this Act, the At-
13 torney General and the Secretary of State, jointly, shall
14 report to the Congress on the implementation of the
15 amendments made by this section.

16 (e) CONSTRUCTION.—Nothing in this section, or in
17 any other law, shall be construed to limit the authority
18 of the Attorney General or the Director of the Federal
19 Bureau of Investigation to provide access to the criminal
20 history record information contained in the National
21 Crime Information Center’s Interstate Identification
22 Index, or to any other information maintained by such
23 center, to any Federal agency or officer authorized to en-
24 force or administer the immigration laws of the United
25 States, for the purpose of such enforcement or administra-



1 tion, upon terms that are consistent with sections 212
2 through 216 of the National Crime Prevention and Pri-
3 vacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

4 **SEC. 207. INADMISSIBILITY OF ALIENS ENGAGED IN MONEY**
5 **LAUNDERING.**

6 (a) AMENDMENT TO IMMIGRATION AND NATION-
7 ALITY ACT.—Section 212(a)(2) of the Immigration and
8 Nationality Act (8 U.S.C. 1182(a)(2)) is amended by add-
9 ing at the end the following:

10 “(I) MONEY LAUNDERING.—Any alien—
11 “(i) who a consular officer or the At-
12 torney General knows, or has reason to be-
13 lieve, has engaged, is engaging, or seeks to
14 enter the United States to engage, in an
15 offense which is described in section 1956
16 of title 18, United States Code (relating to
17 laundering of monetary instruments); or
18 “(ii) who a consular officer or the At-
19 torney General knows is, or has been, a
20 knowing aider, abettor, assister, con-
21 spirator, or colluder with others in an of-
22 fense which is described in such section;
23 is inadmissible.”.

24 (b) MONEY LAUNDERING WATCHLIST.—Not later
25 than 90 days after the date of the enactment of this Act,



1 the Secretary of State shall develop, implement, and cer-
2 tify to the Congress that there has been established a
3 money laundering watchlist, which identifies individuals
4 worldwide who are known or suspected of money laun-
5 dering, which is readily accessible to, and shall be checked
6 by, a consular or other Federal official prior to the
7 issuance of a visa or admission to the United States. The
8 Secretary of State shall develop and continually update the
9 watchlist in cooperation with the Attorney General, the
10 Secretary of the Treasury, and the Director of Central In-
11 telligence.

12 **SEC. 208. PROGRAM TO COLLECT INFORMATION RELATING**
13 **TO NONIMMIGRANT FOREIGN STUDENTS AND**
14 **OTHER EXCHANGE PROGRAM PARTICIPANTS.**

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

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

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



1 (b) INCREASED FEE FOR CERTAIN STUDENTS.—Sec-
2 tion 641(e)(4)(A) of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8 U.S.C.
4 1372(e)(4)(A)) is amended by adding at the end the fol-
5 lowing: “In the case of an alien who is a national of a
6 country, the government of which the Secretary of State
7 has determined, for purposes of section 6(j)(1) of the Ex-
8 port Administration Act of 1979 (50 U.S.C. App.
9 2405(j)(1)), has repeatedly provided support for acts of
10 international terrorism, the Attorney General may impose
11 on, and collect from, the alien a fee that is greater than
12 that imposed on other aliens described in paragraph (3).”.

13 (c) DATA EXCHANGE.—Section 641 of the Illegal Im-
14 migration Reform and Immigrant Responsibility Act of
15 1996 (8 U.S.C. 1372) is amended—

16 (1) by redesignating subsection (h) as sub-
17 section (i); and

18 (2) by inserting after subsection (g) the fol-
19 lowing:

20 “(h) DATA EXCHANGE.—Notwithstanding any other
21 provision of law, the Attorney General shall provide to the
22 Secretary of State and the Director of the Federal Bureau
23 of Investigation the information collected under subsection
24 (a)(1).”.



1 **SEC. 209. PROTECTION OF NORTHERN BORDER.**

2 There are authorized to be appropriated—

3 (1) such sums as may be necessary to triple the
4 number of Border Patrol personnel (from the num-
5 ber authorized under current law) in each State
6 along the northern border;

7 (2) such sums as may be necessary to triple the
8 number of Immigration and Naturalization Service
9 inspectors (from the number authorized under cur-
10 rent law) at ports of entry in each State along the
11 northern border; and

12 (3) an additional \$50,000,000 to the Immigra-
13 tion and Naturalization Service for purposes of en-
14 hancing technology for security and enforcement at
15 the northern border, such as infrared technology and
16 technology that enhances coordination between the
17 Governments of Canada and the United States gen-
18 erally and specifically between Canadian police and
19 the Federal Bureau of Investigation.

20 **Subtitle B—Preservation of Immi-**
21 **gration Benefits for Victims of**
22 **Terrorism**

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

24 (a) IN GENERAL.—For purposes of the Immigration
25 and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney
26 General may provide an alien described in subsection (b)



1 with the status of a special immigrant under section
2 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the
3 alien—

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

8 (2) is otherwise eligible to receive an immigrant
9 visa and is otherwise admissible to the United States
10 for permanent residence, except in determining such
11 admissibility, the grounds for inadmissibility speci-
12 fied in section 212(a)(4) of such Act (8 U.S.C.
13 1182(a)(4)) shall not apply.

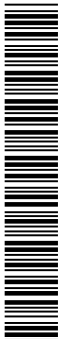
14 (b) ALIENS DESCRIBED.—

15 (1) PRINCIPAL ALIENS.—An alien is described
16 in this subsection if—

17 (A) the alien was the beneficiary of—

18 (i) a petition that was filed with the
19 Attorney General on or before September
20 11, 2001—

21 (I) under section 204 of the Im-
22 migration and Nationality Act (8
23 U.S.C. 1154) to classify the alien as
24 a family-sponsored immigrant under
25 section 203(a) of such Act (8 U.S.C.



1 1153(a)) or as an employment-based
2 immigrant under section 203(b) of
3 such Act (8 U.S.C. 1153(b)); or

4 (II) under section 214(d) (8
5 U.S.C. 1184(d)) of such Act to au-
6 thorize the issuance of a non-
7 immigrant visa to the alien under sec-
8 tion 101(a)(15)(K) of such Act (8
9 U.S.C. 1101(a)(15)(K)); or

10 (ii) an application for labor certifi-
11 cation under section 212(a)(5)(A) of such
12 Act (8 U.S.C. 1182(a)(5)(A)) that was
13 filed under regulations of the Secretary of
14 Labor on or before such date; and

15 (B) such petition or application was re-
16 voked or terminated (or otherwise rendered
17 null), either before or after its approval, due to
18 a specified terrorist activity that directly re-
19 sulted in—

20 (i) the death or disability of the peti-
21 tioner, applicant, or alien beneficiary; or

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

25 (2) SPOUSES AND CHILDREN.—



1 (A) IN GENERAL.—An alien is described in
2 this subsection if—

3 (i) the alien was, on September 10,
4 2001, the spouse or child of a principal
5 alien described in paragraph (1); and

6 (ii) the alien—

7 (I) is accompanying such prin-
8 cipal alien; or

9 (II) is following to join such prin-
10 cipal alien not later than September
11 11, 2003.

12 (B) CONSTRUCTION.—For purposes of
13 construing the terms “accompanying” and “fol-
14 lowing to join” in subparagraph (A)(ii), any
15 death of a principal alien that is described in
16 paragraph (1)(B)(i) shall be disregarded.

17 (3) GRANDPARENTS OF ORPHANS.—An alien is
18 described in this subsection if the alien is a grand-
19 parent of a child, both of whose parents died as a
20 direct result of a specified terrorist activity, if either
21 of such deceased parents was, on September 10,
22 2001, a citizen or national of the United States or
23 an alien lawfully admitted for permanent residence
24 in the United States.



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

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

16 **SEC. 212. EXTENSION OF FILING OR REENTRY DEADLINES.**

17 (a) AUTOMATIC EXTENSION OF NONIMMIGRANT STA-
18 TUS.—

19 (1) IN GENERAL.—Notwithstanding section 214
20 of the Immigration and Nationality Act (8 U.S.C.
21 1184), in the case of an alien described in paragraph
22 (2) who was lawfully present in the United States as
23 a nonimmigrant on September 10, 2001, the alien
24 may remain lawfully in the United States in the
25 same nonimmigrant status until the later of—



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

4 (B) 1 year after the death or onset of dis-
5 ability described in paragraph (2).

6 (2) ALIENS DESCRIBED.—

7 (A) PRINCIPAL ALIENS.—An alien is de-
8 scribed in this paragraph if the alien was dis-
9 abled as a direct result of a specified terrorist
10 activity.

11 (B) SPOUSES AND CHILDREN.—An alien is
12 described in this paragraph if the alien was, on
13 September 10, 2001, the spouse or child of—

14 (i) a principal alien described in sub-
15 paragraph (A); or

16 (ii) an alien who died as a direct re-
17 sult of a specified terrorist activity.

18 (3) AUTHORIZED EMPLOYMENT.—During the
19 period in which a principal alien or alien spouse is
20 in lawful nonimmigrant status under paragraph (1),
21 the alien shall be provided an “employment author-
22 ized” endorsement or other appropriate document
23 signifying authorization of employment not later
24 than 30 days after the alien requests such authoriza-
25 tion.



1 (b) NEW DEADLINES FOR EXTENSION OR CHANGE
2 OF NONIMMIGRANT STATUS.—

3 (1) FILING DELAYS.—In the case of an alien
4 who was lawfully present in the United States as a
5 nonimmigrant on September 10, 2001, if the alien
6 was prevented from filing a timely application for an
7 extension or change of nonimmigrant status as a di-
8 rect result of a specified terrorist activity, the alien's
9 application shall be considered timely filed if it is
10 filed not later than 60 days after it otherwise would
11 have been due.

12 (2) DEPARTURE DELAYS.—In the case of an
13 alien who was lawfully present in the United States
14 as a nonimmigrant on September 10, 2001, if the
15 alien is unable timely to depart the United States as
16 a direct result of a specified terrorist activity, the
17 alien shall not be considered to have been unlawfully
18 present in the United States during the period be-
19 ginning on September 11, 2001, and ending on the
20 date of the alien's departure, if such departure oc-
21 curs on or before November 11, 2001.

22 (3) SPECIAL RULE FOR ALIENS UNABLE TO RE-
23 TURN FROM ABROAD.—

24 (A) PRINCIPAL ALIENS.—In the case of an
25 alien who was in a lawful nonimmigrant status



1 on September 10, 2001, but who was not
2 present in the United States on such date, if
3 the alien was prevented from returning to the
4 United States in order to file a timely applica-
5 tion for an extension of nonimmigrant status as
6 a direct result of a specified terrorist activity—

7 (i) the alien's application shall be con-
8 sidered timely filed if it is filed not later
9 than 60 days after it otherwise would have
10 been due; and

11 (ii) the alien's lawful nonimmigrant
12 status shall be considered to continue until
13 the later of—

14 (I) the date such status otherwise
15 would have terminated if this sub-
16 paragraph had not been enacted; or

17 (II) the date that is 60 days
18 after the date on which the applica-
19 tion described in clause (i) otherwise
20 would have been due.

21 (B) SPOUSES AND CHILDREN.—In the case
22 of an alien who is the spouse or child of a prin-
23 cipal alien described in subparagraph (A), if the
24 spouse or child was in a lawful nonimmigrant
25 status on September 10, 2001, the spouse or



1 child may remain lawfully in the United States
2 in the same nonimmigrant status until the later
3 of—

4 (i) the date such lawful nonimmigrant
5 status otherwise would have terminated if
6 this subparagraph had not been enacted;
7 or

8 (ii) the date that is 60 days after the
9 date on which the application described in
10 subparagraph (A) otherwise would have
11 been due.

12 (c) DIVERSITY IMMIGRANTS.—

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

23 (2) WORLDWIDE LEVEL.—In the case of an
24 alien entering the United States as a lawful perma-
25 nent resident, or adjusting to that status, under



1 paragraph (1), the alien shall be counted as a diver-
2 sity immigrant for fiscal year 2001 for purposes of
3 section 201(e) of the Immigration and Nationality
4 Act (8 U.S.C. 1151(e)), unless the worldwide level
5 under such section for such year has been exceeded,
6 in which case the alien shall be counted as a diver-
7 sity immigrant for fiscal year 2002.

8 (3) TREATMENT OF FAMILY MEMBERS OF CER-
9 TAIN ALIENS.—In the case of a principal alien
10 issued an immigrant visa number under section
11 203(c) of the Immigration and Nationality Act (8
12 U.S.C. 1153(c)) for fiscal year 2001, if such prin-
13 cipal alien died as a direct result of a specified ter-
14 rorist activity, the aliens who were, on September
15 10, 2001, the spouse and children of such principal
16 alien shall, if not otherwise entitled to an immigrant
17 status and the immediate issuance of a visa under
18 subsection (a), (b), or (c) of section 203 of such Act,
19 be entitled to the same status, and the same order
20 of consideration, that would have been provided to
21 such alien spouse or child under section 203(d) of
22 such Act if the principal alien were not deceased.

23 (d) EXTENSION OF EXPIRATION OF IMMIGRANT
24 VISAS.—Notwithstanding the limitations under section
25 221(c) of the Immigration and Nationality Act (8 U.S.C.



1 1201(c)), in the case of any immigrant visa issued to an
2 alien that expires or expired before December 31, 2001,
3 if the alien was unable to effect entry to the United States
4 as a direct result of a specified terrorist activity, then the
5 period of validity of the visa is extended until December
6 31, 2001, unless a longer period of validity is otherwise
7 provided under this subtitle.

8 (e) GRANTS OF PAROLE EXTENDED.—In the case of
9 any parole granted by the Attorney General under section
10 212(d)(5) of the Immigration and Nationality Act (8
11 U.S.C. 1182(d)(5)) that expires on a date on or after Sep-
12 tember 11, 2001, if the alien beneficiary of the parole was
13 unable to return to the United States prior to the expira-
14 tion date as a direct result of a specified terrorist activity,
15 the parole is deemed extended for an additional 90 days.

16 (f) VOLUNTARY DEPARTURE.—Notwithstanding sec-
17 tion 240B of the Immigration and Nationality Act (8
18 U.S.C. 1229c), if a period for voluntary departure under
19 such section expired during the period beginning on Sep-
20 tember 11, 2001, and ending on October 11, 2001, such
21 voluntary departure period is deemed extended for an ad-
22 ditional 30 days.



1 **SEC. 213. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**
2 **SPOUSES AND CHILDREN.**

3 (a) TREATMENT AS IMMEDIATE RELATIVES.—Not-
4 withstanding the second sentence of section
5 201(b)(2)(A)(i) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who
7 was the spouse of a citizen of the United States at the
8 time of the citizen's death and was not legally separated
9 from the citizen at the time of the citizen's death, if the
10 citizen died as a direct result of a specified terrorist activ-
11 ity, the alien (and each child of the alien) shall be consid-
12 ered, for purposes of section 201(b) of such Act, to remain
13 an immediate relative after the date of the citizen's death,
14 but only if the alien files a petition under section
15 204(a)(1)(A)(ii) of such Act within 2 years after such date
16 and only until the date the alien remarries.

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

20 (1) IN GENERAL.—Any spouse, child, or unmar-
21 ried son or daughter of an alien described in para-
22 graph (3) who is included in a petition for classifica-
23 tion as a family-sponsored immigrant under section
24 203(a)(2) of the Immigration and Nationality Act (8
25 U.S.C. 1153(a)(2)) that was filed by such alien be-
26 fore September 11, 2001, shall be considered (if the



1 spouse, child, son, or daughter has not been admit-
2 ted or approved for lawful permanent residence by
3 such date) a valid petitioner for preference status
4 under such section with the same priority date as
5 that assigned prior to the death described in para-
6 graph (3)(A). No new petition shall be required to
7 be filed. Such spouse, child, son, or daughter may be
8 eligible for deferred action and work authorization.

9 (2) SELF-PETITIONS.—Any spouse, child, or
10 unmarried son or daughter of an alien described in
11 paragraph (3) who is not a beneficiary of a petition
12 for classification as a family-sponsored immigrant
13 under section 203(a)(2) of the Immigration and Na-
14 tionality Act may file a petition for such classifica-
15 tion with the Attorney General, if the spouse, child,
16 son, or daughter was present in the United States
17 on September 11, 2001. Such spouse, child, son, or
18 daughter may be eligible for deferred action and
19 work authorization.

20 (3) ALIENS DESCRIBED.—An alien is described
21 in this paragraph if the alien—

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



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

4 (c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY
5 SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-
6 BASED IMMIGRANTS.—

7 (1) IN GENERAL.—Any alien who was, on Sep-
8 tember 10, 2001, the spouse or child of an alien de-
9 scribed in paragraph (2), and who applied for ad-
10 justment of status prior to the death described in
11 paragraph (2)(A), may have such application adju-
12 dicated as if such death had not occurred.

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

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

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

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

23 (ii) an applicant for adjustment of
24 status to that of an alien described in



1 clause (i), and admissible to the United
2 States for permanent residence.

3 (d) WAIVER OF PUBLIC CHARGE GROUNDS.—In de-
4 termining the admissibility of any alien accorded an immi-
5 gration benefit under this section, the grounds for inad-
6 missibility specified in section 212(a)(4) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1182(a)(4)) shall not
8 apply.

9 **SEC. 214. “AGE-OUT” PROTECTION FOR CHILDREN.**

10 For purposes of the administration of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1101 et seq.), in the
12 case of an alien—

13 (1) whose 21st birthday occurs in September
14 2001, and who is the beneficiary of a petition or ap-
15 plication filed under such Act on or before Sep-
16 tember 11, 2001, the alien shall be considered to be
17 a child for 90 days after the alien’s 21st birthday
18 for purposes of adjudicating such petition or applica-
19 tion; and

20 (2) whose 21st birthday occurs after September
21 2001, and who is the beneficiary of a petition or ap-
22 plication filed under such Act on or before Sep-
23 tember 11, 2001, the alien shall be considered to be
24 a child for 45 days after the alien’s 21st birthday



1 for purposes of adjudicating such petition or applica-
2 tion.

3 **SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.**

4 The Attorney General, for humanitarian purposes or
5 to ensure family unity, may provide temporary administra-
6 tive relief to any alien who—

7 (1) was lawfully present in the United States on
8 September 10, 2001;

9 (2) was on such date the spouse, parent, or
10 child of an individual who died or was disabled as
11 a direct result of a specified terrorist activity; and

12 (3) is not otherwise entitled to relief under any
13 other provision of this subtitle.

14 **SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**
15 **EMPLOYMENT.**

16 (a) IN GENERAL.—The Attorney General shall estab-
17 lish appropriate standards for evidence demonstrating, for
18 purposes of this subtitle, that any of the following oc-
19 curred as a direct result of a specified terrorist activity:

20 (1) Death.

21 (2) Disability.

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

24 (b) WAIVER OF REGULATIONS.—The Attorney Gen-
25 eral shall carry out subsection (a) as expeditiously as pos-



1 sible. The Attorney General is not required to promulgate
2 regulations prior to implementing this subtitle.

3 **SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**
4 **BERS OF TERRORISTS.**

5 Notwithstanding any other provision of this subtitle,
6 nothing in this subtitle shall be construed to provide any
7 benefit or relief to—

8 (1) any individual culpable for a specified ter-
9 rorist activity; or

10 (2) any family member of any individual de-
11 scribed in paragraph (1).

12 **SEC. 218. DEFINITIONS.**

13 (a) APPLICATION OF IMMIGRATION AND NATION-
14 ALITY ACT PROVISIONS.—Except as otherwise specifically
15 provided in this subtitle, the definitions used in the Immi-
16 gration and Nationality Act (excluding the definitions ap-
17 plicable exclusively to title III of such Act) shall apply in
18 the administration of this subtitle.

19 (b) SPECIFIED TERRORIST ACTIVITY.—For purposes
20 of this subtitle, the term “specified terrorist activity”
21 means any terrorist activity conducted against the Govern-
22 ment or the people of the United States on September 11,
23 2001.



1 **TITLE III—CRIMINAL JUSTICE**
2 **Subtitle A—Substantive Criminal**
3 **Law**

4 **SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING**
5 **TERRORISM OFFENSES.**

6 (a) IN GENERAL.—Section 3286 of title 18, United
7 States Code, is amended to read as follows:

8 **“§ 3286. Terrorism offenses**

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

12 “(1) A violation of, or an attempt or conspiracy
13 to violate, section 32 (relating to destruction of air-
14 craft or aircraft facilities), 37(a)(1) (relating to vio-
15 lence at international airports), 175 (relating to bio-
16 logical weapons), 229 (relating to chemical weap-
17 ons), 351(a)–(d) (relating to congressional, cabinet,
18 and Supreme Court assassination and kidnaping),
19 791 (relating to harboring terrorists), 831 (relating
20 to nuclear materials), 844(f) or (i) when it relates
21 to bombing (relating to arson and bombing of cer-
22 tain property), 1114(1) (relating to protection of of-
23 ficers and employees of the United States), 1116, if
24 the offense involves murder (relating to murder or
25 manslaughter of foreign officials, official guests, or



1 internationally protected persons), 1203 (relating to
2 hostage taking), 1751(a)–(d) (relating to Presi-
3 dential and Presidential staff assassination and kid-
4 napping), 2332(a)(1) (relating to certain homicides
5 and other violence against United States nationals
6 occurring outside of the United States), 2332a (re-
7 lating to use of weapons of mass destruction), 2332b
8 (relating to acts of terrorism transcending national
9 boundaries) of this title.

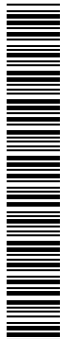
10 “(2) Section 236 (relating to sabotage of nu-
11 clear facilities or fuel) of the Atomic Energy Act of
12 1954 (42 U.S.C. 2284);

13 “(3) Section 601 (relating to disclosure of iden-
14 tities of covert agents) of the National Security Act
15 of 1947 (50 U.S.C. 421).

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

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

21 “(1) Section 175b (relating to biological weap-
22 ons), 842(m) or (n) (relating to plastic explosives),
23 930(c) if it involves murder (relating to possessing
24 a dangerous weapon in a Federal facility), 956 (re-
25 lating to conspiracy to injure property of a foreign



1 government), 1030(a)(1), 1030(a)(5)(A), or
2 1030(a)(7) (relating to protection of computers),
3 1362 (relating to destruction of communication
4 lines, stations, or systems), 1366 (relating to de-
5 struction of an energy facility), 1992 (relating to
6 trainwrecking), 2152 (relating to injury of fortifica-
7 tions, harbor defenses, or defensive sea areas), 2155
8 (relating to destruction of national defense mate-
9 rials, premises, or utilities), 2156 (relating to pro-
10 duction of defective national defense materials,
11 premises, or utilities), 2280 (relating to violence
12 against maritime navigation), 2281 (relating to vio-
13 lence against maritime fixed platforms), 2339A (re-
14 lating to providing material support to terrorists),
15 2339B (relating to providing material support to
16 terrorist organizations), or 2340A (relating to tor-
17 ture).

18 “(2) Any of the following provisions of title 49:
19 the second sentence of section 46504 (relating to as-
20 sault on a flight crew with a dangerous weapon),
21 section 46505(b)(3), (relating to explosive or incen-
22 diary devices, or endangerment of human life by
23 means of weapons, on aircraft), section 46506 if
24 homicide or attempted homicide is involved, or sec-
25 tion 60123(b) (relating to destruction of interstate



1 gas or hazardous liquid pipeline facility) of title
2 49.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 213 of title 18, United States
5 Code, is amended by amending the item relating to section
6 3286 to read as follows:

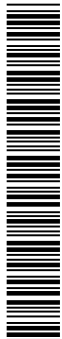
“3286. Terrorism offenses.”.

7 (c) APPLICATION.—The amendments made by this
8 section shall apply to the prosecution of any offense com-
9 mitted before, on, or after the date of enactment of this
10 section.

11 **SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TER-**
12 **RORISM CRIMES.**

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

15 “(e) AUTHORIZED TERMS OF IMPRISONMENT FOR
16 TERRORISM CRIMES.—A person convicted of any Federal
17 terrorism offense may be sentenced to imprisonment for
18 any term of years or for life, notwithstanding any max-
19 imum term of imprisonment specified in the law describing
20 the offense. The authorization of imprisonment under this
21 subsection is supplementary to, and does not limit, the
22 availability of any other penalty authorized by the law de-
23 scribing the offense, including the death penalty, and does
24 not limit the applicability of any mandatory minimum



1 term of imprisonment, including any mandatory life term,
2 provided by the law describing the offense.”.

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

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

6 (1) by inserting after section 2332b the fol-
7 lowing:

8 **“§ 2332c. Attempts and conspiracies**

9 “(a) Except as provided in subsection (c), any person
10 who attempts or conspires to commit any Federal ter-
11 rorism offense shall be subject to the same penalties as
12 those prescribed for the offense, the commission of which
13 was the object of the attempt or conspiracy.

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

19 “(c) A death penalty may not be imposed by oper-
20 ation of this section.”; and

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

“2332c. Attempts and conspiracies.”.



1 **SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.**

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

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

6 (2) by striking “financial gain.” and inserting
7 “financial gain, or (G) any act that is a Federal ter-
8 rorism offense or is indictable under any of the fol-
9 lowing provisions of law: section 32 (relating to de-
10 struction of aircraft or aircraft facilities), 37(a)(1)
11 (relating to violence at international airports), 175
12 (relating to biological weapons), 229 (relating to
13 chemical weapons), 351(a)–(d) (relating to congres-
14 sional, cabinet, and Supreme Court assassination
15 and kidnaping), 831 (relating to nuclear materials),
16 842(m) or (n) (relating to plastic explosives), 844(f)
17 or (i) when it involves a bombing (relating to arson
18 and bombing of certain property), 930(c) when it in-
19 volves an attack on a Federal facility, 1114 when it
20 involves murder (relating to protection of officers
21 and employees of the United States), 1116 when it
22 involves murder (relating to murder or manslaughter
23 of foreign officials, official guests, or internationally
24 protected persons), 1203 (relating to hostage tak-
25 ing), 1362 (relating to destruction of communication
26 lines, stations, or systems), 1366 (relating to de-



1 construction of an energy facility), 1751(a)–(d) (relat-
2 ing to Presidential and Presidential staff assassina-
3 tion and kidnaping), 1992 (relating to
4 trainwrecking), 2280 (relating to violence against
5 maritime navigation), 2281 (relating to violence
6 against maritime fixed platforms), 2332a (relating
7 to use of weapons of mass destruction), 2332b (re-
8 lating to acts of terrorism transcending national
9 boundaries), 2339A (relating to providing material
10 support to terrorists), 2339B (relating to providing
11 material support to terrorist organizations), or
12 2340A (relating to torture) of this title; section 236
13 (relating to sabotage of nuclear facilities or fuel) of
14 the Atomic Energy Act of 1954 (42 U.S.C. 2284);
15 or section 46502 (relating to aircraft piracy) or
16 60123(b) (relating to destruction of interstate gas or
17 hazardous liquid pipeline facility) of title 49;”.

18 **SEC. 305. BIOLOGICAL WEAPONS.**

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

21 (1) in section 175—

22 (A) in subsection (b)—

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

25 “(1) the”;



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

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

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

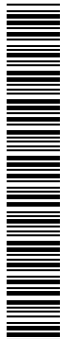
7 “(2) the terms biological agent and toxin do not
8 encompass any biological agent or toxin that is in its
9 naturally-occurring environment, if the biological
10 agent or toxin has not been cultivated, collected, or
11 otherwise extracted from its natural source.”;

12 (B) by redesignating subsection (b) as sub-
13 section (c); and

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

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

22 (2) by inserting after section 175a the fol-
23 lowing:



1 **“§ 175b. Possession by restricted persons**

2 “(a) No restricted person described in subsection (b)
3 shall ship or transport in interstate or foreign commerce,
4 or possess in or affecting commerce, any biological agent
5 or toxin, or receive any biological agent or toxin that has
6 been shipped or transported in interstate or foreign com-
7 merce, if the biological agent or toxin is listed as a select
8 agent in subsection (j) of section 72.6 of title 42, Code
9 of Federal Regulations, pursuant to section 511(d)(1) of
10 the Antiterrorism and Effective Death Penalty Act of
11 1996 (Public Law 104–132), and is not exempted under
12 subsection (h) of such section 72.6, or Appendix A of part
13 72 of such title; except that the term select agent does
14 not include any such biological agent or toxin that is in
15 its naturally-occurring environment, if the biological agent
16 or toxin has not been cultivated, collected, or otherwise
17 extracted from its natural source.

18 “(b) As used in this section, the term ‘restricted per-
19 son’ means an individual who—

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

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

25 “(3) is a fugitive from justice;



1 “(4) is an unlawful user of any controlled sub-
2 stance (as defined in section 102 of the Controlled
3 Substances Act (21 U.S.C. 802));

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

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

8 “(7) is an alien (other than an alien lawfully
9 admitted for permanent residence) who is a national
10 of a country as to which the Secretary of State, pur-
11 suant to section 6(j) of the Export Administration
12 Act of 1979 (50 U.S.C. App. 2405(j)), section 620A
13 of chapter 1 of part M of the Foreign Assistance Act
14 of 1961 (22 U.S.C. 2371), or section 40(d) of chap-
15 ter 3 of the Arms Export Control Act (22 U.S.C.
16 2780(d)), has made a determination that remains in
17 effect that such country has repeatedly provided
18 support for acts of international terrorism.

19 “(c) As used in this section, the term ‘alien’ has the
20 same meaning as that term is given in section 1010(a)(3)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(3)), and the term ‘lawfully’ admitted for perma-
23 nent residence has the same meaning as that term is given
24 in section 101(a)(20) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(20)).



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

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

“175b. Possession by restricted persons.”.

10 **SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT AD-**
11 **VICE OR ASSISTANCE.**

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

14 (1) in subsection (a)—

15 (A) by striking “a violation” and all that
16 follows through “49” and inserting “any Fed-
17 eral terrorism offense or any offense described
18 in section 25(2)”; and

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

21 (2) in subsection (b), by inserting “expert ad-
22 vice or assistance,” after “training,”.

23 **SEC. 307. PROHIBITION AGAINST HARBORING.**

24 (a) Title 18, United States Code, is amended by in-
25 serting before section 792 the following:



1 **“§ 791. Prohibition against harboring**

2 “Whoever harbors or conceals any person who he
3 knows has committed, or is about to commit, an offense
4 described in section 25(2) or this title shall be fined under
5 this title or imprisoned not more than ten years or both.
6 There is extraterritorial Federal jurisdiction over any vio-
7 lation of this section or any conspiracy or attempt to vio-
8 late this section. A violation of this section or of such a
9 conspiracy or attempt may be prosecuted in any Federal
10 judicial district in which the underlying offense was com-
11 mitted, or in any other Federal judicial district as pro-
12 vided by law.”.

13 (b) The table of sections at the beginning of chapter
14 37 of title 18, United States Code, is amended by inserting
15 before the item relating to section 792 the following:
“791. Prohibition against harboring.”.

16 **SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.**

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

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

23 **SEC. 309. DEFINITION.**

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



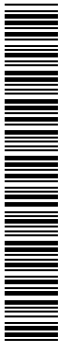
1 (1) by adding after section 24 a new section as
2 follows:

3 **“§ 25. Federal terrorism offense defined**

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

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

9 “(2) is a violation of, or an attempt or con-
10 spiracy to violate- section 32 (relating to destruction
11 of aircraft or aircraft facilities), 37 (relating to vio-
12 lence at international airports), 81 (relating to arson
13 within special maritime and territorial jurisdiction),
14 175, 175b (relating to biological weapons), 229 (re-
15 lating to chemical weapons), 351(a)–(d) (relating to
16 congressional, cabinet, and Supreme Court assas-
17 sination and kidnaping), 791 (relating to harboring
18 terrorists), 831 (relating to nuclear materials),
19 842(m) or (n) (relating to plastic explosives), 844(f)
20 or (i) (relating to arson and bombing of certain
21 property), 930(e), 956 (relating to conspiracy to in-
22 jure property of a foreign government), 1030(a)(1),
23 1030(a)(5)(A), or 1030(a)(7) (relating to protection
24 of computers), 1114 (relating to protection of offi-
25 cers and employees of the United States), 1116 (re-



1 relating to murder or manslaughter of foreign officials,
2 official guests, or internationally protected persons),
3 1203 (relating to hostage taking), 1361 (relating to
4 injury of Government property or contracts), 1362
5 (relating to destruction of communication lines, sta-
6 tions, or systems), 1363 (relating to injury to build-
7 ings or property within special maritime and terri-
8 torial jurisdiction of the United States), 1366 (relat-
9 ing to destruction of an energy facility), 1751(a)–(d)
10 (relating to Presidential and Presidential staff assas-
11 sination and kidnaping), 1992, 2152 (relating to in-
12 jury of fortifications, harbor defenses, or defensive
13 sea areas), 2155 (relating to destruction of national
14 defense materials, premises, or utilities), 2156 (re-
15 lating to production of defective national defense
16 materials, premises, or utilities), 2280 (relating to
17 violence against maritime navigation), 2281 (relating
18 to violence against maritime fixed platforms), 2332
19 (relating to certain homicides and other violence
20 against United States nationals occurring outside of
21 the United States), 2332a (relating to use of weap-
22 ons of mass destruction), 2332b (relating to acts of
23 terrorism transcending national boundaries), 2339A
24 (relating to providing material support to terrorists),
25 2339B (relating to providing material support to



1 terrorist organizations), or 2340A (relating to tor-
2 ture);

3 “(3) section 236 (relating to sabotage of nu-
4 clear facilities or fuel) of the Atomic Energy Act of
5 1954 (42 U.S.C. 2284);

6 “(4) section 601 (relating to disclosure of iden-
7 tities of covert agents) of the National Security Act
8 of 1947 (50 U.S.C. 421); or

9 “(5) any of the following provisions of title 49:
10 section 46502 (relating to aircraft piracy), the sec-
11 ond sentence of section 46504 (relating to assault on
12 a flight crew with a dangerous weapon), section
13 46505(b)(3), (relating to explosive or incendiary de-
14 vices, or endangerment of human life by means of
15 weapons, on aircraft), section 46506 if homicide or
16 attempted homicide is involved, or section 60123(b)
17 (relating to destruction of interstate gas or haz-
18 ardous liquid pipeline facility) of title 49.”; and

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

“25. Federal terrorism offense defined.”.

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



1 (c) Section 2331 of title 18, United States Code, is
2 amended—

3 (1) in paragraph (1)(B)—

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

6 (B) in clause (iii), by striking “by assas-
7 sination or kidnapping” and inserting “(or any
8 function thereof) by mass destruction, assas-
9 sination, or kidnapping (or threat thereof)”;

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

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

13 (4) by inserting the following paragraph (4):

14 “(5) the term ‘domestic terrorism’ means activi-
15 ties that—

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

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

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

23 “(ii) to influence the policy of a gov-
24 ernment by intimidation or coercion; or



1 “(iii) to affect the conduct of a gov-
2 ernment (or any function thereof) by mass
3 destruction, assassination, or kidnapping
4 (or threat thereof).”.

5 **SEC. 310. CIVIL DAMAGES.**

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

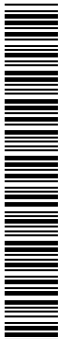
8 **Subtitle B—Criminal Procedure**

9 **SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR**
10 **TERRORISM.**

11 Rule 41(a) of the Federal Rules of Criminal Proce-
12 dure is amended by inserting after “executed” the fol-
13 lowing: “and (3) in an investigation of domestic terrorism
14 or international terrorism (as defined in section 2331 of
15 title 18, United States Code), by a Federal magistrate
16 judge in any district court of the United States (including
17 a magistrate judge of such court), or any United States
18 Court of Appeals, having jurisdiction over the offense
19 being investigated, for a search of property or for a person
20 within or outside the district”.

21 **SEC. 352. DNA IDENTIFICATION OF TERRORISTS.**

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



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

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

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

7 **SEC. 353. GRAND JURY MATTERS.**

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

10 (1) by adding after clause (iv) the following:

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

22 (2) by striking “or” at the end of clause (iii);

23 and

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



1 **SEC. 354. EXTRATERRITORIALITY.**

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

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

6 (2) in section 2338, by inserting “There is
7 extraterritorial Federal jurisdiction over any Federal
8 terrorism offense and any offense under this chap-
9 ter, in addition to any extraterritorial jurisdiction
10 that may exist under the law defining the offense, if
11 the person committing the offense or the victim of
12 the offense is a national of the United States (as de-
13 fined in section 101 of the Immigration and Nation-
14 ality Act) or if the offense is directed at the security
15 or interests of the United States.” before “The dis-
16 trict courts”; and

17 (3) in the table of sections at the beginning of
18 such chapter, by striking “Exclusive” in the item re-
19 lating to section 2338.

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

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

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



1 “(i) the premises of United States diplo-
2 matic, consular, military, or other United
3 States Government missions or entities in for-
4 eign states, including the buildings, parts of
5 buildings, and the land appurtenant or ancillary
6 thereto, irrespective of ownership, used for pur-
7 poses of those missions or entities; and

8 “(ii) residences in foreign states and the
9 land appurtenant or ancillary thereto, irrespec-
10 tive of ownership, used for purposes of those
11 missions or entities or used by United States
12 personnel assigned to those missions or entities,
13 except that this paragraph does not supercede
14 any treaty or international agreement in force
15 on the date of the enactment of this paragraph.

16 “(B) This paragraph does not apply with re-
17 spect to an offense committed by a person described
18 in section 3261(a).”.

19 **SEC. 356. SPECIAL AGENT AUTHORITIES.**

20 (a) GENERAL AUTHORITY OF SPECIAL AGENTS.—
21 Section 37(a) of the State Department Basic Authorities
22 Act of 1956 (22 U.S.C. 2709(a)) is amended—

23 (1) by striking paragraph (2) and inserting the
24 following:



1 “(2) in the course of performing the functions
2 set forth in paragraphs (1) and (3), obtain and exe-
3 cute search and arrest warrants, as well as obtain
4 and serve subpoenas and summonses, issued under
5 the authority of the United States;”;

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

8 (3) by striking paragraph (5) and inserting the
9 following:

10 “(5) in the course of performing the functions
11 set forth in paragraphs (1) and (3), make arrests
12 without warrant for any offense against the United
13 States committed in the presence of the special
14 agent, or for any felony cognizable under the laws
15 of the United States if the special agent has reason-
16 able grounds to believe that the person to be ar-
17 rested has committed or is committing such felony.”.

18 (b) CRIMES.—Section 37 of such Act (22 U.S.C.
19 2709) is amended by inserting after subsection (c) the fol-
20 lowing new subsections:

21 “(d) INTERFERENCE WITH AGENTS.—Whoever
22 knowingly and willfully obstructs, resists, or interferes
23 with a Federal law enforcement agent engaged in the per-
24 formance of the protective functions authorized by this



1 section shall be fined under title 18 or imprisoned not
2 more than one year, or both.

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

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

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

14 **TITLE IV—FINANCIAL**
15 **INFRASTRUCTURE**

16 **SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.**

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

19 **SEC. 402. MATERIAL SUPPORT FOR TERRORISM.**

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

22 (1) in subsection (a), by adding at the end the
23 following “A violation of this section may be pros-
24 ecuted in any Federal judicial district in which the



1 underlying offense was committed, or in any other
2 Federal judicial district as provided by law.”; and

3 (2) in subsection (b), by striking “or other fi-
4 nancial securities” and inserting “or monetary in-
5 struments or financial securities”.

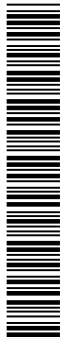
6 **SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.**

7 Section 981(a)(1) of title 18, United States Code, is
8 amended by inserting after subparagraph (F) the fol-
9 lowing:

10 “(G) All assets, foreign or domestic—

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

19 “(ii) acquired or maintained by any person
20 for the purpose of supporting, planning, con-
21 ducting, or concealing an act of domestic ter-
22 rorism or international terrorism (as defined in
23 section 2331) against the United States, citi-
24 zens or residents of the United States, or their
25 property; or



1 “(iii) derived from, involved in, or used or
2 intended to be used to commit any act of do-
3 mestic terrorism or international terrorism (as
4 defined in section 2331) against the United
5 States, citizens or residents of the United
6 States, or their property.”.

7 **SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVI-**
8 **SION OF MATERIAL SUPPORT TO TER-**
9 **RORISM.**

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

13 **SEC. 405. DISCLOSURE OF TAX INFORMATION IN TER-**
14 **RORISM AND NATIONAL SECURITY INVES-**
15 **TIGATIONS.**

16 (a) DISCLOSURE WITHOUT A REQUEST OF INFORMA-
17 TION RELATING TO TERRORIST ACTIVITIES, ETC.—Para-
18 graph (3) of section 6103(i) of the Internal Revenue Code
19 of 1986 (relating to disclosure of return information to
20 apprise appropriate officials of criminal activities or emer-
21 gency circumstances) is amended by adding at the end the
22 following new subparagraph:

23 “(C) TERRORIST ACTIVITIES, ETC.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in paragraph (6), the Secretary may



1 disclose in writing return information
2 (other than taxpayer return information)
3 that may be related to a terrorist incident,
4 threat, or activity to the extent necessary
5 to apprise the head of the appropriate Fed-
6 eral law enforcement agency responsible
7 for investigating or responding to such ter-
8 rorist incident, threat, or activity. The
9 head of the agency may disclose such re-
10 turn information to officers and employees
11 of such agency to the extent necessary to
12 investigate or respond to such terrorist in-
13 cident, threat, or activity.

14 “(ii) DISCLOSURE TO THE DEPART-
15 MENT OF JUSTICE.—Returns and taxpayer
16 return information may also be disclosed to
17 the Attorney General under clause (i) to
18 the extent necessary for, and solely for use
19 in preparing, an application under para-
20 graph (7)(D).

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



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

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

11 “(7) DISCLOSURE UPON REQUEST OF INFORMA-
 12 TION RELATING TO TERRORIST ACTIVITIES, ETC.—

13 “(A) DISCLOSURE TO LAW ENFORCEMENT
 14 AGENCIES.—

15 “(i) IN GENERAL.—Except as pro-
 16 vided in paragraph (6), upon receipt by the
 17 Secretary of a written request which meets
 18 the requirements of clause (iii), the Sec-
 19 retary may disclose return information
 20 (other than taxpayer return information)
 21 to officers and employees of any Federal
 22 law enforcement agency who are personally
 23 and directly engaged in the response to or
 24 investigation of terrorist incidents, threats,
 25 or activities.



1 “(ii) DISCLOSURE TO STATE AND
2 LOCAL LAW ENFORCEMENT AGENCIES.—
3 The head of any Federal law enforcement
4 agency may disclose return information ob-
5 tained under clause (i) to officers and em-
6 ployees of any State or local law enforce-
7 ment agency but only if such agency is
8 part of a team with the Federal law en-
9 forcement agency in such response or in-
10 vestigation and such information is dis-
11 closed only to officers and employees who
12 are personally and directly engaged in such
13 response or investigation.

14 “(iii) REQUIREMENTS.—A request
15 meets the requirements of this clause if—

16 “(I) the request is made by the
17 head of any Federal law enforcement
18 agency (or his delegate) involved in
19 the response to or investigation of ter-
20 rorist incidents, threats, or activities,
21 and

22 “(II) the request sets forth the
23 specific reason or reasons why such
24 disclosure may be relevant to a ter-
25 rorist incident, threat, or activity.



1 “(iv) LIMITATION ON USE OF INFOR-
2 MATION.—Information disclosed under this
3 subparagraph shall be solely for the use of
4 the officers and employees to whom such
5 information is disclosed in such response
6 or investigation.

7 “(B) DISCLOSURE TO INTELLIGENCE
8 AGENCIES.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in paragraph (6), upon receipt by the
11 Secretary of a written request which meets
12 the requirements of clause (ii), the Sec-
13 retary may disclose return information
14 (other than taxpayer return information)
15 to those officers and employees of the De-
16 partment of Justice, the Department of
17 the Treasury, and other Federal intel-
18 ligence agencies who are personally and di-
19 rectly engaged in the collection or analysis
20 of intelligence and counterintelligence in-
21 formation or investigation concerning ter-
22 rorists and terrorist organizations and ac-
23 tivities. For purposes of the preceding sen-
24 tence, the information disclosed under the
25 preceding sentence shall be solely for the



1 use of such officers and employees in such
2 investigation, collection, or analysis.

3 “(ii) REQUIREMENTS.—A request
4 meets the requirements of this subpara-
5 graph if the request—

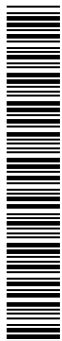
6 “(I) is made by an individual de-
7 scribed in clause (iii), and

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

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

15 “(I) who is an officer or em-
16 ployee of the Department of Justice
17 or the Department of the Treasury
18 who is appointed by the President
19 with the advice and consent of the
20 Senate or who is the Director of the
21 United States Secret Service, and

22 “(II) who is responsible for the
23 collection and analysis of intelligence
24 and counterintelligence information



1 concerning terrorists and terrorist or-
2 ganizations and activities.

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

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

9 “(i) IN GENERAL.—Except as pro-
10 vided in paragraph (6), any return or re-
11 turn information with respect to any speci-
12 fied taxable period or periods shall, pursu-
13 ant to and upon the grant of an ex parte
14 order by a Federal district court judge or
15 magistrate under clause (ii), be open (but
16 only to the extent necessary as provided in
17 such order) to inspection by, or disclosure
18 to, officers and employees of any Federal
19 law enforcement agency or Federal intel-
20 ligence agency who are personally and di-
21 rectly engaged in any investigation, re-
22 sponse to, or analysis of intelligence and
23 counterintelligence information concerning
24 any terrorist activity or threats. Return or
25 return information opened pursuant to the



1 preceding sentence shall be solely for the
2 use of such officers and employees in the
3 investigation, response, or analysis, and in
4 any judicial, administrative, or grand jury
5 proceedings, pertaining to any such ter-
6 rorist activity or threat.

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

18 “(I) there is reasonable cause to
19 believe, based upon information be-
20 lieved to be reliable, that the taxpayer
21 whose return or return information is
22 to be disclosed may be connected to a
23 terrorist activity or threat,

24 “(II) there is reasonable cause to
25 believe that the return or return infor-



1 mation may be relevant to a matter
 2 relating to such terrorist activity or
 3 threat, and

4 “(III) the return or return infor-
 5 mation is sought exclusively for use in
 6 a Federal investigation, analysis, or
 7 proceeding concerning terrorist activ-
 8 ity, terrorist threats, or terrorist orga-
 9 nizations.

10 “(D) SPECIAL RULE FOR EX PARTE DIS-
 11 CLOSURE BY THE IRS.—

12 “(i) IN GENERAL.—Except as pro-
 13 vided in paragraph (6), the Secretary may
 14 authorize an application to a Federal dis-
 15 trict court judge or magistrate for the
 16 order referred to in subparagraph (C)(i).
 17 Upon such application, such judge or mag-
 18 istrate may grant such order if he deter-
 19 mines on the basis of the facts submitted
 20 by the applicant that the requirements of
 21 subclauses (I) and (II) of subparagraph
 22 (C)(ii) are met.

23 “(ii) LIMITATION ON USE OF INFOR-
 24 MATION.—Information disclosed under
 25 clause (i)—



1 “(I) may be disclosed only to the
2 extent necessary to apprise the head
3 of the appropriate Federal law en-
4 forcement agency responsible for in-
5 vestigating or responding to a ter-
6 rorist incident, threat, or activity, and

7 “(II) shall be solely for use in a
8 Federal investigation, analysis, or pro-
9 ceeding concerning terrorist activity,
10 terrorist threats, or terrorist organiza-
11 tions.

12 The head of such Federal agency may dis-
13 close such information to officers and em-
14 ployees of such agency to the extent nec-
15 essary to investigate or respond to such
16 terrorist incident, threat, or activity.

17 “(E) TERMINATION.—No disclosure may
18 be made under this paragraph after December
19 31, 2003.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 6103(a)(2) of such Code is amended
22 by inserting “any local law enforcement agency re-
23 ceiving information under subsection (i)(7)(A),”
24 after “State,”.



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

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

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

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

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

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

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

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

18 (A) in subparagraph (A) by striking
19 “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and

20 (B) in subparagraph (C) by striking
21 “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or
22 (7)(A)(ii)”.

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



1 (A) in the matter preceding subparagraph

2 (A)—

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

5 (ii) by striking “(i)(3)(B)(i)” and in-
6 serting “(i)(3)(B)(i) or (7)(A)(ii),” and

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

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

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

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to disclosures made on or after
18 the date of the enactment of this Act.

19 **SEC. 406. EXTRATERRITORIAL JURISDICTION.**

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

22 “(h) Any person who, outside the jurisdiction of the
23 United States, engages in any act that, if committed with-
24 in the jurisdiction of the United States, would constitute
25 an offense under subsection (a) or (b) of this section, shall



1 be subject to the fines, penalties, imprisonment, and for-
2 feiture provided in this title if—

3 “(1) the offense involves an access device
4 issued, owned, managed, or controlled by a financial
5 institution, account issuer, credit card system mem-
6 ber, or other entity within the jurisdiction of the
7 United States; and

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

14 **TITLE V—EMERGENCY** 15 **AUTHORIZATIONS**

16 **SEC. 501. OFFICE OF JUSTICE PROGRAMS.**

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



1 (b) Section 112 of title I of section 101(b) of division
2 A of Public Law 105–277 and section 108(a) of the De-
3 partments of Commerce, Justice, and State, The Judici-
4 ary, and Related Agencies Appropriations Act, 2000 (H.R.
5 3421 of the 106th Congress, as enacted into law by section
6 1000(a)(1) of Public Law 106–113; Appendix A; 113
7 Stat. 1501A–20) are amended—

8 (1) after “that Office”, each place it occurs, by
9 inserting “(including, notwithstanding any contrary
10 provision of law (unless the same should expressly
11 refer to this section), any organization that admin-
12 isters any program established in title I of Public
13 Law 90–351)”; and

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

16 (c) Section 1404B(b) of the Victims of Crime Act of
17 1984 (42 U.S.C. 10603b) is amended by inserting “, to
18 victim service organizations, to public agencies (including
19 Federal, State, or local governments), and to non-govern-
20 mental organizations that provide assistance to victims of
21 crime,” after “programs”.

22 (d) Section 1 of Public Law 107–37 is amended—

23 (1) by inserting “(containing identification of
24 all eligible payees of benefits under section 1201)”
25 before “by a”;



1 (2) by inserting “producing permanent and
2 total disability” after “suffered a catastrophic in-
3 jury”; and

4 (3) by striking “1201(a)” and inserting
5 “1201”.

6 **SEC. 502. ATTORNEY GENERAL’S AUTHORITY TO PAY RE-**
7 **WARDS.**

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

11 **“§ 3059. Rewards and appropriations therefor**

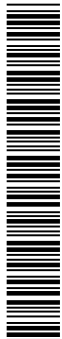
12 “(a) IN GENERAL.—Subject to subsection (b), the
13 Attorney General may pay rewards in accordance with
14 procedures and regulations established or issued by the
15 Attorney General.

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

18 “(1) No such reward, other than in connection
19 with a terrorism offense or as otherwise specifically
20 provided by law, shall exceed \$2,000,000.

21 “(2) No such reward of \$250,000 or more may
22 be made or offered without the personal approval of
23 either the Attorney General or the President.

24 “(3) The Attorney General shall give written
25 notice to the Chairmen and ranking minority mem-



1 bers of the Committees on Appropriations and the
2 Judiciary of the Senate and the House of Represent-
3 atives not later than 30 days after the approval of
4 a reward under paragraph (2);

5 “(4) Any executive agency or military depart-
6 ment (as defined, respectively, in sections 105 and
7 102 of title 5) may provide the Attorney General
8 with funds for the payment of rewards.

9 “(5) Neither the failure to make or authorize
10 such a reward nor the amount of any such reward
11 made or authorized shall be subject to judicial re-
12 view.

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

16 (2) The items relating to sections 3059A through
17 3059B in the table of sections at the beginning of chapter
18 203 of title 18, United States Code, are repealed.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 3075 of title 18, United States
21 Code, and that portion of section 3072 of title 18,
22 United States Code, that follows the first sentence,
23 are repealed.

24 (2) Public Law 101–647 is amended—

25 (A) in section 2565 (12 U.S.C. 4205)—



1 (i) by striking all the matter after
2 “section 2561,” in subsection (c)(1) and
3 inserting “the Attorney General may, in
4 the Attorney General’s discretion, pay a re-
5 ward to the declaring.”; and

6 (ii) by striking subsection (e); and

7 (B) by striking section 2569 (12 U.S.C.
8 4209).

9 **SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.**

10 The matter under the headings “Immigration And
11 Naturalization Service: Salaries and Expenses, Enforce-
12 ment And Border Affairs” and “Immigration And Natu-
13 ralization Service: Salaries and Expenses, Citizenship And
14 Benefits, Immigration Support And Program Direction”
15 in the Department of Justice Appropriations Act, 2001
16 (as enacted into law by Appendix B (H.R. 5548) of Public
17 Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is
18 amended by striking each place it occurs: “*Provided*” and
19 all that follows through “That none of the funds available
20 to the Immigration and Naturalization Service shall be
21 available to pay any employee overtime pay in an amount
22 in excess of \$30,000 during the calendar year beginning
23 January 1, 2001:”.



1 **SEC. 504. DEPARTMENT OF STATE REWARD AUTHORITY.**

2 (a) CHANGES IN REWARD AUTHORITY.—Section 36
3 of the State Department Basic Authorities Act of 1956
4 (22 U.S.C. 2708) is amended—

5 (1) in subsection (b)—

6 (A) by striking “or” at the end of para-
7 graph (4);

8 (B) by striking the period at the end of
9 paragraph (5) and inserting “, including by dis-
10 mantling an organization in whole or significant
11 part; or”; and

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

14 “(6) the identification or location of an indi-
15 vidual who holds a leadership position in a terrorist
16 organization.”;

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

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

22 “(1) AMOUNT OF AWARD.—

23 “(A) Except as provided in subparagraph
24 (B), no reward paid under this section may ex-
25 ceed \$10,000,000.



1 “(B) The Secretary of State may authorize
 2 the payment of an award not to exceed
 3 \$25,000,000 if the Secretary determines that
 4 payment of an award exceeding the amount
 5 under subparagraph (A) is important to the na-
 6 tional interest of the United States.”.

7 (b) **SENSE OF CONGRESS REGARDING REWARDS RE-**
 8 **LATING TO THE SEPTEMBER 11, 2001 ATTACK.**—It is the
 9 sense of the Congress that the Secretary of State should
 10 use the authority of section 36 of the State Department
 11 Basic Authorities Act of 1956, as amended by subsection
 12 (a), to offer a reward of \$25,000,000 for Osama bin
 13 Laden and other leaders of the September 11, 2001 attack
 14 on the United States.

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

17 In addition to amounts otherwise available to carry
 18 out section 481 of the Foreign Assistance Act of 1961 (22
 19 U.S.C. 2291), there is authorized to be appropriated to
 20 the President not less than \$5,000,000 for fiscal year
 21 2002 for regional antidrug training in the Republic of
 22 Turkey by the Drug Enforcement Administration for po-
 23 lice, as well as increased precursor chemical control efforts
 24 in the South and Central Asia region.



1 **SEC. 506. PUBLIC SAFETY OFFICER BENEFITS.**

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

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

9 **TITLE VI—DAM SECURITY**

10 **SEC. 601. SECURITY OF RECLAMATION DAMS, FACILITIES,**
11 **AND RESOURCES.**

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

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

25 “(4) The Secretary may—

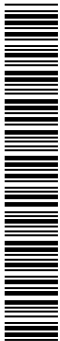


1 “(A) authorize law enforcement personnel from
2 the Department of the Interior to act as law enforce-
3 ment officers to maintain law and order and protect
4 persons and property within a Reclamation project
5 or on Reclamation lands;

6 “(B) authorize law enforcement personnel of
7 any other Federal agency that has law enforcement
8 authority, with the exception of the Department of
9 Defense, or law enforcement personnel of any State
10 or local government, including Indian tribes, when
11 deemed economical and in the public interest, and
12 with the concurrence of that agency or that State or
13 local government, to act as law enforcement officers
14 within a Reclamation project or on Reclamation
15 lands with such enforcement powers as may be so
16 assigned them by the Secretary to carry out the reg-
17 ulations promulgated under paragraph (2);

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

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



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

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

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

21 “(C) conduct investigations within a Reclama-
22 tion project or on Reclamation lands of offenses
23 against the United States committed within a Rec-
24 lamation project or on Reclamation lands, if the
25 Federal law enforcement agency having investigative



1 jurisdiction over the offense committed declines to
2 investigate the offense or concurs with such inves-
3 tigation.

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

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

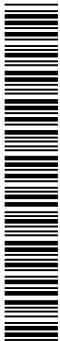
21 “(C) For purposes of subchapter I of chapter 81 of
22 title 5, United States Code, relating to compensation to
23 Federal employees for work injuries, a law enforcement
24 officer of any State or local government, including Indian
25 tribes, shall, when acting as a designated law enforcement



1 officer under paragraph (4) and while under Federal su-
2 pervision and control, and only when carrying out Federal
3 law enforcement responsibilities, be deemed a civil service
4 employee of the United States within the meaning of the
5 term ‘employee’ as defined in section 8101 of title 5, and
6 the provisions of that subchapter shall apply. Benefits
7 under this subchapter shall be reduced by the amount of
8 any entitlement to State or local workers’ compensation
9 benefits arising out of the same injury or death.

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

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



1 “(9) The law enforcement authorities provided for in
2 this subsection may be exercised only pursuant to rules
3 and regulations promulgated by the Secretary and ap-
4 proved by the Attorney General.”.

5 **TITLE VII—MISCELLANEOUS**

6 **SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FED-**
7 **ERAL BUREAU OF INVESTIGATION.**

8 (a) **AUTHORITY.**—The Director of the Federal Bu-
9 reau of Investigation is authorized to expedite the employ-
10 ment of personnel as translators to support
11 counterterrorism investigations and operations without re-
12 gard to applicable Federal personnel requirements and
13 limitations.

14 (b) **SECURITY REQUIREMENTS.**—The Director of the
15 Federal Bureau of Investigation shall establish such secu-
16 rity requirements as are necessary for the personnel em-
17 ployed as translators.

18 (c) **REPORT.**—The Attorney General shall report to
19 the Committees on the Judiciary of the House of Rep-
20 resentatives and the Senate on—

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



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

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

7 **SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.**

8 (a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL
 9 FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL
 10 BUREAU OF INVESTIGATION.—The Inspector General of
 11 the Department of Justice shall appoint a Deputy Inspec-
 12 tor General for Civil Rights, Civil Liberties, and the Fed-
 13 eral Bureau of Investigation (hereinafter in this section
 14 referred to as the “Deputy”).

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

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

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



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

9 (c) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE
10 FEDERAL BUREAU OF INVESTIGATION.—Not later than
11 30 days after the date of the enactment of this Act, the
12 Inspector General of the Department of Justice shall sub-
13 mit to the Congress a plan for oversight of the Federal
14 Bureau of Investigation. The Inspector General shall con-
15 sider the following activities for inclusion in such plan:

16 (1) FINANCIAL SYSTEMS.—Auditing the finan-
17 cial systems, information technology systems, and
18 computer security systems of the Federal Bureau of
19 Investigation.

20 (2) PROGRAMS AND PROCESSES.—Auditing and
21 evaluating programs and processes of the Federal
22 Bureau of Investigation to identify systemic weak-
23 nesses or implementation failures and to recommend
24 corrective action.



1 (3) INTERNAL AFFAIRS OFFICES.—Reviewing
2 the activities of internal affairs offices of the Federal
3 Bureau of Investigation, including the Inspections
4 Division and the Office of Professional Responsi-
5 bility.

6 (4) PERSONNEL.—Investigating allegations of
7 serious misconduct by personnel of the Federal Bu-
8 reau of Investigation.

9 (5) OTHER PROGRAMS AND OPERATIONS.—Re-
10 viewing matters relating to any other program or
11 and operation of the Federal Bureau of Investiga-
12 tion that the Inspector General determines requires
13 review.

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

16 (d) REVIEW OF INVESTIGATIVE TOOLS.—Not later
17 than August 31, 2003, the Deputy shall review the imple-
18 mentation, use, and operation (including the impact on
19 civil rights and liberties) of the law enforcement and intel-
20 ligence authorities contained in title I of this Act and pro-
21 vide a report to the President and Congress.



1 **SEC. 703. FEASIBILITY STUDY ON USE OF BIOMETRIC IDENTIFIER SCANNING SYSTEM WITH ACCESS TO**
2 **THE FBI INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AT OVERSEAS CONSULAR POSTS AND POINTS OF**
3 **ENTRY TO THE UNITED STATES.**

4
5
6
7 (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.

8
9
10
11
12
13
14
15
16
17
18
19
20 (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



1 Committee on Foreign Relations and the Committee on
2 the Judiciary of the Senate.

3 **SEC. 704. STUDY OF ACCESS.**

4 (a) IN GENERAL.—Not later than December 31,
5 2002, the Federal Bureau of Investigation shall study and
6 report to Congress on the feasibility of providing to air-
7 lines access via computer to the names of passengers who
8 are suspected of terrorist activity by Federal officials.

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

12 **SEC. 705. ENFORCEMENT OF CERTAIN ANTI-TERRORISM**
13 **JUDGMENTS.**

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

16 (b) DEFINITION.—

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

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

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

24 (C) by striking “(b)” through “entity—”
25 and inserting the following:



1 “(b) An ‘agency or instrumentality of a foreign state’
2 means—

3 “(1) any entity—”; and

4 (D) by adding at the end the following:

5 “(2) for purposes of sections 1605(a)(7) and
6 1610(a)(7) and (f), any entity as defined under sub-
7 paragraphs (A) and (B) of paragraph (1), and sub-
8 paragraph (C) of paragraph (1) shall not apply.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—Section 1391(f)(3) of title 28, United
11 States Code, is amended by striking “1603(b)” and
12 inserting “1603(b)(1)”.

13 (c) ENFORCEMENT OF JUDGMENTS.—Section
14 1610(f) of title 28, United States Code, is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (A) by striking “(in-
17 cluding any agency or instrumentality or such
18 state)” and inserting “(including any agency or
19 instrumentality of such state), except to the ex-
20 tent of any punitive damages awarded”; and

21 (B) by adding at the end the following:

22 “(C) Notwithstanding any other provision of law,
23 moneys due from or payable by the United States (includ-
24 ing any agency or instrumentality thereof) to any state
25 against which a judgment is pending under section



1 1605(a)(7) shall be subject to attachment and execution
2 with respect to that judgment, in like manner and to the
3 same extent as if the United States were a private person,
4 except to the extent of any punitive damages awarded.”;
5 and

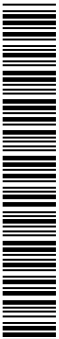
6 (2) by striking paragraph (3) and adding the
7 following:

8 “(3)(A) Subject to subparagraph (B), upon deter-
9 mining on an asset-by-asset basis that a waiver is nec-
10 essary in the national security interest, the President may
11 waive this subsection in connection with (and prior to the
12 enforcement of) any judicial order directing attachment in
13 aid of execution or execution against any property subject
14 to the Vienna Convention on Diplomatic Relations or the
15 Vienna Convention on Consular Relations.

16 “(B) A waiver under this paragraph shall not apply
17 to—

18 “(i) if property subject to the Vienna Conven-
19 tion on Diplomatic Relations or the Vienna Conven-
20 tion on Consular Relations has been used for any
21 nondiplomatic purpose (including use as rental prop-
22 erty), the proceeds of such use; or

23 “(ii) if any asset subject to the Vienna Conven-
24 tion on Diplomatic Relations or the Vienna Conven-
25 tion on Consular Relations is sold or otherwise



1 transferred for value to a third party, the proceeds
2 of such sale or transfer.

3 “(C) In this paragraph, the term ‘property subject
4 to the Vienna Convention on Diplomatic Relations or the
5 Vienna Convention on Consular Relations’ and the term
6 ‘asset subject to the Vienna Convention on Diplomatic Re-
7 lations or the Vienna Convention on Consular Relations’
8 mean any property or asset, respectively, the attachment
9 in aid of execution or execution of which would result in
10 a violation of an obligation of the United States under the
11 Vienna Convention on Diplomatic Relations or the Vienna
12 Convention on Consular Relations, as the case may be.

13 “(4) For purposes of this subsection, all assets of any
14 agency or instrumentality of a foreign state shall be treat-
15 ed as assets of that foreign state.”.

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

21 (e) PAYGO ADJUSTMENT.—The Director of the Office
22 of Management and Budget shall not make any estimates
23 of changes in direct spending outlays and receipts under
24 section 252(d) of the Balanced Budget and Emergency



1 Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fis-
2 cal year resulting from the enactment of this section.

3 **TITLE VIII—PRIVATE SECURITY**
4 **OFFICER QUALITY ASSURANCE**

5 **SEC. 801. SHORT TITLE.**

6 This title may be cited as the “Private Security Offi-
7 cer Quality Assurance Act of 2001”.

8 **SEC. 802. FINDINGS.**

9 Congress finds that—

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

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

16 (3) sworn law enforcement officers provide sig-
17 nificant services to the citizens of the United States
18 in its public areas, and are only supplemented by
19 private security officers who provide prevention and
20 reporting services in support of, but not in place of,
21 regular sworn police;

22 (4) given the growth of large private shopping
23 malls, and the consequent reduction in the number
24 of public shopping streets, the American public is
25 more likely to have contact with private security per-



1 sonnel in the course of a day than with sworn law
2 enforcement officers;

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

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

11 **SEC. 803. BACKGROUND CHECKS.**

12 (a) IN GENERAL.—An association of employers of
13 private security officers, designated for the purpose of this
14 section by the Attorney General, may submit fingerprints
15 or other methods of positive identification approved by the
16 Attorney General, to the Attorney General on behalf of
17 any applicant for a State license or certificate of registra-
18 tion as a private security officer or employer of private
19 security officers. In response to such a submission, the At-
20 torney General may, to the extent provided by State law
21 conforming to the requirements of the second paragraph
22 under the heading “Federal Bureau of Investigation” and
23 the subheading “Salaries and Expenses” in title II of Pub-
24 lic Law 92–544 (86 Stat. 1115), exchange, for licensing
25 and employment purposes, identification and criminal his-



1 tory records with the State governmental agencies to
2 which such applicant has applied.

3 (b) REGULATIONS.—The Attorney General may pre-
4 scribe such regulations as may be necessary to carry out
5 this section, including measures relating to the security,
6 confidentiality, accuracy, use, and dissemination of infor-
7 mation and audits and recordkeeping and the imposition
8 of fees necessary for the recovery of costs.

9 (c) REPORT.—The Attorney General shall report to
10 the Senate and House Committees on the Judiciary 2
11 years after the date of enactment of this Act on the num-
12 ber of inquiries made by the association of employers
13 under this section and their disposition.

14 **SEC. 804. SENSE OF CONGRESS.**

15 It is the sense of Congress that States should partici-
16 pate in the background check system established under
17 section 803.

18 **SEC. 805. DEFINITIONS.**

19 As used in this title—

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

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

24 (A) employs one or more private security
25 officers; or



1 (B) provides, as an independent con-
 2 tractor, for consideration, the services of one or
 3 more private security officers (possibly includ-
 4 ing oneself);

5 (3) the term “private security officer”—

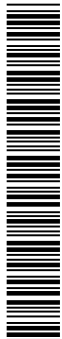
6 (A) means—

7 (i) an individual who performs secu-
 8 rity services, full or part time, for consider-
 9 ation as an independent contractor or an
 10 employee, whether armed or unarmed and
 11 in uniform or plain clothes whose primary
 12 duty is to perform security services, or

13 (ii) an individual who is an employee
 14 of an electronic security system company
 15 who is engaged in one or more of the fol-
 16 lowing activities in the State: burglar
 17 alarm technician, fire alarm technician,
 18 closed circuit television technician, access
 19 control technician, or security system mon-
 20 itor; but

21 (B) does not include—

22 (i) sworn police officers who have law
 23 enforcement powers in the State,



1 (ii) attorneys, accountants, and other
2 professionals who are otherwise licensed in
3 the State,

4 (iii) employees whose duties are pri-
5 marily internal audit or credit functions,

6 (iv) persons whose duties may inciden-
7 tally include the reporting or apprehension
8 of shoplifters or trespassers, or

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

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

15 (5) the term “security services” means the per-
16 formance of one or more of the following:

17 (A) the observation or reporting of intru-
18 sion, larceny, vandalism, fire or trespass;

19 (B) the deterrence of theft or misappro-
20 priation of any goods, money, or other item of
21 value;

22 (C) the observation or reporting of any un-
23 lawful activity;



1 (D) the protection of individuals or prop-
2 erty, including proprietary information, from
3 harm or misappropriation;

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

6 (F) the secure movement of prisoners;

7 (G) the maintenance of order and safety at
8 athletic, entertainment, or other public activi-
9 ties;

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

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

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

