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(Original Signature of Member)

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. \_\_\_\_\_

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on

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# A BILL

To combat terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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



**1 SEC. 2. TABLE OF CONTENTS.**

**2 The following is the table of contents for this Act:**

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

**TITLE I—INTELLIGENCE GATHERING**

**Subtitle A—Electronic Surveillance**

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

**Subtitle B—Foreign Intelligence Surveillance and Other Information**

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

**TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY**

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

- Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.
- Sec. 202. Changes in designation of foreign terrorist organizations.
- Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
- Sec. 204. Multilateral cooperation against terrorists.
- Sec. 205. Changes in conditions for granting asylum and asylum procedures.
- Sec. 206. Protection of northern border.
- Sec. 207. Requiring sharing by the Federal Bureau of Investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.



## 3

## 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.

## 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.

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



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

4           (b) ISSUANCE OF ORDERS.—

5           (1) IN GENERAL.—Subsection (a) of section  
6           3123 of title 18, United States Code, is amended to  
7           read as follows:

8           “(a) IN GENERAL.—

9           “(1) Upon an application made under section  
10           3122(a)(1), the court shall enter an ex parte order  
11           authorizing the installation and use of a pen register  
12           or trap and trace device anywhere within the United  
13           States, if the court finds that the attorney for the  
14           Government has certified to the court that the infor-  
15           mation likely to be obtained by such installation and  
16           use is relevant to an ongoing criminal investigation.  
17           The order shall, upon service thereof, apply to any  
18           person or entity providing wire or electronic commu-  
19           nication service in the United States whose assist-  
20           ance may facilitate the execution of the order.

21           “(2) Upon an application made under section  
22           3122(a)(2), the court shall enter an ex parte order  
23           authorizing the installation and use of a pen register  
24           or trap and trace device within the jurisdiction of  
25           the court, if the court finds that the State law-en-



1       forcement or investigative officer has certified to the  
2       court that the information likely to be obtained by  
3       such installation and use is relevant to an ongoing  
4       criminal investigation.”.

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

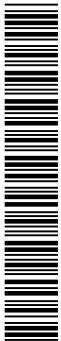
8               (A) in subparagraph (A)—

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

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

13               (B) by striking subparagraph (C) and in-  
14       serting the following:

15               “(C) the attributes of the communications  
16       to which the order applies, including the num-  
17       ber or other identifier and, if known, the loca-  
18       tion of the telephone line or other facility to  
19       which the pen register or trap and trace device  
20       is to be attached or applied, and, in the case of  
21       an order authorizing installation and use of a  
22       trap and trace device under subsection (a)(2),  
23       the geographic limits of the order; and”.



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

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

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

9 (c) DEFINITIONS.—

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

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

19          (2) PEN REGISTER.—Paragraph (3) of section  
20 3127 of title 18, United States Code, is amended—

21           (A) by striking “electronic or other im-  
22 pulses” and all that follows through “is at-  
23 tached” and inserting “dialing, routing, ad-  
24 dressing, or signaling information transmitted  
25 by an instrument or facility from which a wire



1 or electronic communication is transmitted (but  
2 not including the contents of such communica-  
3 tion)”; and

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

6 (3) TRAP AND TRACE DEVICE.—Paragraph (4)  
7 of section 3127 of title 18, United States Code, is  
8 amended—

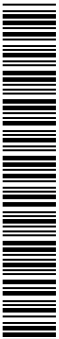
9 (A) by inserting “or process” after “a de-  
10 vice”; and

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

18 (4) CONFORMING AMENDMENT.—Section  
19 3127(1) of title 18, United States Code, is  
20 amended—

21 (A) by striking “and”; and

22 (B) by inserting “and ‘contents’”  
23 after “electronic communication service”.





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

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

6 Title 18, United States Code, is amended—

7 (1) in section 2510—

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

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

12 (2) in section 2703—

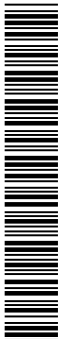
13 (A) in the headings for subsections (a) and  
14 (b), by striking “CONTENTS OF ELECTRONIC”  
15 and inserting “CONTENTS OF WIRE OR ELEC-  
16 TRONIC”;

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

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

23 **SEC. 103. AUTHORIZED DISCLOSURE.**

24 Section 2510(7) of title 18, United States Code, is  
25 amended by inserting “, and (for purposes only of section



1 2517 as it relates to foreign intelligence information) any  
2 Federal law enforcement, intelligence, national security,  
3 national defense, protective, immigration personnel, or the  
4 President or Vice President of the United States” after  
5 “such offenses”.

6 **SEC. 104. SAVINGS PROVISION.**

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

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

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

13 **SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COM-**  
14 **MUNICATIONS.**

15 Chapter 119 of title 18, United States Code, is  
16 amended—

17 (1) in section 2510—

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

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

22 (C) by adding after paragraph (18) the fol-  
23 lowing:

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



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

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

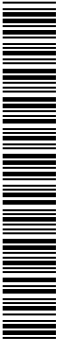
8           “(i) It shall not be unlawful under this chapter for  
9           a person acting under color of law to intercept the wire  
10          or electronic communications of a computer trespasser,  
11          if—

12           “(i) the owner or operator of the protected com-  
13          puter authorizes the interception of the computer  
14          trespasser’s communications on the protected com-  
15          puter;

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

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

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



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

3 **SEC. 106. TECHNICAL AMENDMENT.**

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

6 **SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELEC-**  
7 **TRONIC COMMUNICATIONS.**

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

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

15 “entity the—

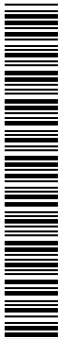
16 “(A) name;

17 “(B) address;

18 “(C) local and long distance telephone connec-  
19 tion records, or records of session times and dura-  
20 tions;

21 “(D) length of service (including start date)  
22 and types of service utilized;

23 “(E) telephone or instrument number or other  
24 subscriber number or identity, including any tempo-  
25 rarily assigned network address; and



1           “(F) means and source of payment (including  
2           any credit card or bank account number);  
3 of a”); and

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

7 **SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS**  
8 **FOR ELECTRONIC EVIDENCE.**

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

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

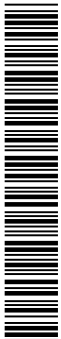
17           (2) in section 2711—

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

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

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

23                   “(3) the term ‘court of competent jurisdiction’  
24                   has the meaning given that term in section 3127,



1 and includes any Federal court within that defini-  
2 tion, without geographic limitation.”.

3 **SEC. 109. CLARIFICATION OF SCOPE.**

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

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

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

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

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

17 **“§ 2702. Voluntary disclosure of customer commu-  
18 nications or records” ;**

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

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

23 “(3) a provider of remote computing service or  
24 electronic communication service to the public shall  
25 not knowingly divulge a record or other information



1       pertaining to a subscriber to or customer of such  
2       service (not including the contents of communica-  
3       tions covered by paragraph (1) or (2)) to any gov-  
4       ernmental entity.”;

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

9           (5) in subsection (b)(6)—

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

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

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

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

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

23       “(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER  
24       RECORDS.—A provider described in subsection (a) may di-  
25       vulge a record or other information pertaining to a sub-



1 scribe to or customer of such service (not including the  
2 contents of communications covered by subsection (a)(1)  
3 or (a)(2))—

4 “(1) as otherwise authorized in section 2703;

5 “(2) with the lawful consent of the customer or  
6 subscriber;

7 “(3) as may be necessarily incident to the ren-  
8 dition of the service or to the protection of the rights  
9 or property of the provider of that service;

10 “(4) to a governmental entity, if the provider  
11 reasonably believes that an emergency involving im-  
12 mediate danger of death or serious physical injury to  
13 any person justifies disclosure of the information; or

14 “(5) to any person other than a governmental  
15 entity.”.

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

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

19 **“§ 2703. Required disclosure of customer communica-**  
20 **tions or records”;**

21 (2) in subsection (c)(1)—

22 (A) in subparagraph (A), by striking “Ex-  
23 cept” and all that follows through “only when”  
24 in subparagraph (B) and inserting “A govern-  
25 mental entity may require a provider of elec-





1           tronic communication service or remote com-  
2           puting service to disclose a record or other in-  
3           formation pertaining to a subscriber to or cus-  
4           tomer of such service (not including the con-  
5           tents of communications) only when”;

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

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

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

13          “(v) seeks information pursuant to subpara-  
14          graph (B).”;

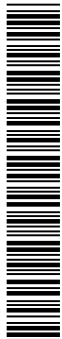
15          (E) in subparagraph (C), by striking  
16          “(B)” and inserting “(A)”;

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

19          (3) in subsection (e), by striking “or certifi-  
20          cation” and inserting “certification, or statutory au-  
21          thorization”.

22   **SEC. 111. USE AS EVIDENCE.**

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



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

3 (2) by striking “Whenever any wire or oral  
4 communication has been intercepted” and inserting  
5 “(a) Except as provided in subsection (b), whenever  
6 any wire, oral, or electronic communication has been  
7 intercepted, or any electronic communication in elec-  
8 tronic storage has been disclosed”;

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

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

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

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

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



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

3 (2) in subsection (10)—

4 (A) in paragraph (a)—

5 (i) by striking “or oral” each place it  
6 appears and inserting “, oral, or elec-  
7 tronic”;

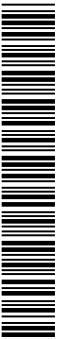
8 (ii) by striking the period at the end  
9 of clause (iii) and inserting a semicolon;  
10 and

11 (iii) by inserting “except that no sup-  
12 pression may be ordered under the cir-  
13 cumstances described in section 2515(b).”  
14 before “Such motion”; and

15 (B) by striking paragraph (c).

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

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



20 **SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE**  
21 **CONTENTS OF ELECTRONIC COMMUNICA-**  
22 **TIONS.**

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

1       “(g) REPORTS CONCERNING THE DISCLOSURE OF  
2 THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

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

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

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

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

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

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

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

24               “(2) In January of each year the Attorney Gen-  
25 eral or an Assistant Attorney General specially des-



1       ignated by the Attorney General shall report to the  
2       Administrative Office of the United States Courts—

3               “(A) the information required by subpara-  
4               graphs (A) through (F) of paragraph (1) of this  
5               subsection with respect to each application for  
6               an order, warrant, or subpoena made during  
7               the preceding calendar year; and

8               “(B) a general description of the disclo-  
9               sures made under each such order, warrant, or  
10              subpoena, including—

11              “(i) the approximate number of all  
12              communications disclosed and, of those,  
13              the approximate number of incriminating  
14              communications disclosed;

15              “(ii) the approximate number of other  
16              communications disclosed; and

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

19              “(3) In June of each year, beginning in 2003,  
20              the Director of the Administrative Office of the  
21              United States Courts shall transmit to the Congress  
22              a full and complete report concerning the number of  
23              applications for orders, warrants, or subpoenas au-  
24              thorizing or requiring the disclosure of the contents  
25              of electronic communications pursuant to sub-



1 sections (a) and (b) of this section and the number  
2 of orders, warrants, or subpoenas granted or denied  
3 pursuant to subsections (a) and (b) of this section  
4 during the preceding calendar year. Such report  
5 shall include a summary and analysis of the data re-  
6 quired to be filed with the Administrative Office by  
7 paragraphs (1) and (2) of this subsection. The Di-  
8 rector of the Administrative Office of the United  
9 States Courts is authorized to issue binding regula-  
10 tions dealing with the content and form of the re-  
11 ports required to be filed by paragraphs (1) and (2)  
12 of this subsection.”.

13 **Subtitle B—Foreign Intelligence**  
14 **Surveillance and Other Informa-**  
15 **tion**

16 **SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEIL-**  
17 **LANCE OF NON-UNITED STATES PERSONS**  
18 **UNDER FOREIGN INTELLIGENCE SURVEIL-**  
19 **LANCE.**

20 (a) INCLUDING AGENTS OF A FOREIGN POWER.—(1)  
21 Section 105(e)(1) of the Foreign Intelligence Surveillance  
22 Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by insert-  
23 ing “or an agent of a foreign power, as defined in section  
24 101(b)(1)(A),” after “or (3),”.



1 (2) Section 304(d)(1) of such Act (50 U.S.C.  
2 1824(d)(1)) is amended by inserting “or an agent of a  
3 foreign power, as defined in section 101(b)(1)(A),” after  
4 “101(a),”.

5 (b) PERIOD OF ORDER.—Such section 304(d)(1) is  
6 further amended by striking “forty-five” and inserting  
7 “90”.

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

9 Section 105(c)(2)(B) of the Foreign Intelligence Sur-  
10 veillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amend-  
11 ed by inserting “, or, in circumstances where the Court  
12 finds that the actions of the target of the electronic sur-  
13 veillance may have the effect of thwarting the identifica-  
14 tion of a specified person, such other persons,” after  
15 “specified person”.

16 **SEC. 153. FOREIGN INTELLIGENCE INFORMATION.**

17 Sections 104(a)(7)(B) and 303(a)(7)(B) of the For-  
18 eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
19 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by  
20 striking “that the” and inserting “that a significant”.

21 **SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHAR-**  
22 **ING.**

23 Notwithstanding any other provision of law, it shall  
24 be lawful for foreign intelligence information obtained as  
25 part of a criminal investigation (including information ob-



1 tained pursuant to chapter 119 of title 18, United States  
2 Code) to be provided to any Federal law-enforcement-, in-  
3 telligence-, protective-, national-defense, or immigration  
4 personnel, or the President or the Vice President of the  
5 United States, for the performance of official duties.

6 **SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHOR-**  
7 **ITY.**

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

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

12 (2) in paragraph (2)—

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

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

21 (3) by striking paragraph (3).

22 **SEC. 156. BUSINESS RECORDS.**

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





1 “ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN  
2 INTELLIGENCE AND INTERNATIONAL TERRORISM IN-  
3 VESTIGATIONS

4 “SEC. 501. (a) In any investigation to gather foreign  
5 intelligence information or an investigation concerning  
6 international terrorism, such investigation being con-  
7 ducted by the Federal Bureau of Investigation under such  
8 guidelines as the Attorney General may approve pursuant  
9 to Executive Order No. 12333 (or a successor order), the  
10 Director of the Federal Bureau of Investigation or a des-  
11 ignee of the Director (whose rank shall be no lower than  
12 Assistant Special Agent in Charge) may make an applica-  
13 tion for an order requiring the production of any tangible  
14 things (including books, records, papers, documents, and  
15 other items) that are relevant to the investigation.

16 “(b) Each application under this section—

17 “(1) shall be made to—

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

20 “(B) a United States magistrate judge  
21 under chapter 43 of title 28, United States  
22 Code, who is publicly designated by the Chief  
23 Justice of the United States to have the power  
24 to hear applications and grant orders for the



1 release of records under this section on behalf  
2 of a judge of that court; and

3 “(2) shall specify that the records concerned  
4 are sought for an investigation described in sub-  
5 section (a).

6 “(c)(1) Upon application made pursuant to this sec-  
7 tion, the judge shall enter an ex parte order as requested  
8 requiring the production the tangible things sought if the  
9 judge finds that the application satisfies the requirements  
10 of this section.

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

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

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

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

23 (c) CLERICAL AMENDMENT.—The table of contents  
24 at the beginning of the Foreign Intelligence Surveillance  
25 Act of 1978 (50 U.S.C. 1801 et seq.) is amended by strik-



1 ing the items relating to title V and inserting the fol-  
2 lowing:

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

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

“502. Congressional oversight.”.

3 **SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORI-**  
4 **TIES.**

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

7 (1) in paragraph (1)—

8 (A) by inserting “, or electronic commu-  
9 nication transactional records” after “toll bill-  
10 ing records”; and

11 (B) by striking “made that” and all that  
12 follows through the end of such paragraph and  
13 inserting “made that the name, address, length  
14 of service, and toll billing records sought are  
15 relevant to an authorized foreign counterintel-  
16 ligence investigation; and”; and

17 (2) in paragraph (2), by striking “made that”  
18 and all that follows through the end and inserting  
19 “made that the information sought is relevant to an  
20 authorized foreign counterintelligence investiga-  
21 tion.”.



1 (b) Section 624 of Public Law 90–321 (15 U.S.C.  
2 1681u) is amended—

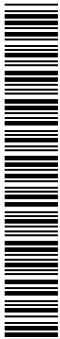
3 (1) in subsection (a), by striking “writing that”  
4 and all that follows through the end and inserting  
5 “writing that such information is necessary for the  
6 conduct of an authorized foreign counterintelligence  
7 investigation.”;

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

13 (3) in subsection (c), by striking “camera that”  
14 and all that follows through “States.” and inserting  
15 “camera that the consumer report is necessary for  
16 the conduct of an authorized foreign counterintel-  
17 ligence investigation.”.

18 **SEC. 158. PROPOSED LEGISLATION.**

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



1 **SEC. 159. PRESIDENTIAL AUTHORITY.**

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

5 (1) in subparagraph (A)—

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

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

10 “(iii) the importing or exporting of cur-  
11 rency or securities,

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

14 (2) by striking after subparagraph (B),  
15 “by any person, or with respect to any prop-  
16 erty, subject to the jurisdiction of the United  
17 States”;

18 (3) in subparagraph (B)—

19 (A) by inserting after “investigate” the fol-  
20 lowing: “, block during the pendency of an in-  
21 vestigation for a period of not more than 90  
22 days (which may be extended by an additional  
23 60 days if the President determines that such  
24 blocking is necessary to carry out the purposes  
25 of this Act),”; and



1 (B) by striking “interest;” and inserting  
2 “interest, by any person, or with respect to any  
3 property, subject to the jurisdiction of the  
4 United States; and”;

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

7 “(C) when a statute has been enacted author-  
8 izing the use of force by United States armed forces  
9 against a foreign country, foreign organization, or  
10 foreign national, or when the United States has been  
11 subject to an armed attack by a foreign country, for-  
12 eign organization, or foreign national, confiscate any  
13 property, subject to the jurisdiction of the United  
14 States, of any foreign country, foreign organization,  
15 or foreign national against whom United States  
16 armed forces may be used pursuant to such statute  
17 or, in the case of an armed attack against the  
18 United States, that the President determines has  
19 planned, authorized, aided, or engaged in such at-  
20 tack; and

21 “(i) all right, title, and interest in any  
22 property so confiscated shall vest when, as, and  
23 upon the terms directed by the President, in  
24 such agency or person as the President may  
25 designate from time to time,



1           “(ii) upon such terms and conditions as  
2           the President may prescribe, such interest or  
3           property shall be held, used, administered, liq-  
4           uidated, sold, or otherwise dealt with in the in-  
5           terest of and for the benefit of the United  
6           States, except that the proceeds of any such liq-  
7           uidation or sale, or any cash assets, shall be  
8           segregated from other United States Govern-  
9           ment funds and shall be used only pursuant to  
10          a statute authorizing the expenditure of such  
11          proceeds or assets, and

12           “(iii) such designated agency or person  
13          may perform any and all acts incident to the  
14          accomplishment or furtherance of these pur-  
15          poses.”.

16 **SEC. 160. SUNSET.**

17          This title and the amendments made by this title  
18          (other than sections 109 (relating to clarification of scope)  
19          and 159 (relating to presidential authority)) and the  
20          amendments made by those sections shall take effect on  
21          the date of enactment of this Act and shall cease to have  
22          any effect on December 31, 2003.



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

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

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

13 (1) in clause (i)—

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

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

19 “(IV) is a representative of—

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

24 “(b) a political, social, or  
 25 other similar group whose public





1 endorsement of terrorist activity  
 2 the Secretary of State has deter-  
 3 mined undermines the efforts of  
 4 the United States to reduce or  
 5 eliminate terrorist activities;”;

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

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

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

21 (2) in clause (ii)—

22 (A) in the matter preceding subclause (I),  
 23 by striking “(or which, if committed in the  
 24 United States,” and inserting “(or which, if it



1 had been or were to be committed in the United  
2 States,”; and

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

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

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

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

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

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

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

21 “(a) a terrorist activity;

22 “(b) an organization des-  
23 igned as a foreign terrorist or-  
24 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 Section 219(a) of the Immigration and Nationality  
4 Act (8 U.S.C. 1189(a)) is amended—

5 (1) in paragraph (1)—

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

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

16 (2) in paragraph (2)—

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

19 “(A) NOTICE.—

20 “(i) IN GENERAL.—Seven days before  
21 making a designation under this sub-  
22 section, the Secretary shall, by classified  
23 communication, notify the Speaker and mi-  
24 nority leader of the House of Representa-  
25 tives, the President pro tempore, majority  
26 leader, and minority leader of the Senate,



1 the members of the relevant committees,  
2 and the Secretary of the Treasury, in writ-  
3 ing, of the intent to designate a foreign or-  
4 ganization under this subsection, together  
5 with the findings made under paragraph  
6 (1) with respect to that organization, and  
7 the factual basis therefor.

8 “(ii) PUBLICATION OF DESIGNA-  
9 TION.—The Secretary shall publish the  
10 designation in the Federal Register seven  
11 days after providing the notification under  
12 clause (i).”;

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

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

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

20 (4) in paragraph (4)(B), by inserting after the  
21 first sentence the following: “The Secretary may also  
22 redesignate such organization at the end of any 2-  
23 year redesignation period (but not sooner than 60  
24 days prior to the termination of such period) for an  
25 additional 2-year period upon a finding that the rel-



1 evant circumstances described in paragraph (1) still  
2 exist. Any redesignation shall be effective imme-  
3 diately following the end of the prior 2-year designa-  
4 tion or redesignation period unless a different effec-  
5 tive date is provided in such redesignation.”;

6 (5) in paragraph (6)—

7 (A) in subparagraph (A)—

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

12 (ii) in clause (i)—

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

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

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

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

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

23 “(C) EFFECTIVE DATE.—Any revocation  
24 shall take effect on the date specified in the



1 revocation or upon publication in the Federal  
2 Register if no effective date is specified.”;

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

6 (7) in paragraph (8)—

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

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

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

15 **SEC. 203. MANDATORY DETENTION OF SUSPECTED TER-**  
16 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**  
17 **VIEW.**

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

21 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;

22 HABEAS CORPUS; JUDICIAL REVIEW

23 “SEC. 236A. (a) DETENTION OF TERRORIST  
24 ALIENS.—





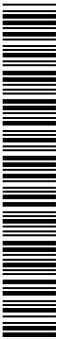
1 graph (3) only to the Commissioner. The Commis-  
2 sioner may not delegate such authority.

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

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)) is available exclu-  
15 sively in habeas corpus proceedings in the United States  
16 District Court for the District of Columbia. Notwith-  
17 standing any other provision of law, including section  
18 2241 of title 28, United States Code, except as provided  
19 in the preceding sentence, no court shall have jurisdiction  
20 to review, by habeas corpus petition or otherwise, any such  
21 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.

22 **SEC. 204. 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. 205. CHANGES IN CONDITIONS FOR GRANTING ASY-**  
11 **LUM AND ASYLUM PROCEDURES.**

12 (a) **ALIENS INELIGIBLE FOR ASYLUM DUE TO TER-**  
13 **RORIST ACTIVITIES.—**

14 (1) **IN GENERAL.—**Section 208(b)(2)(A)(v) of  
15 the Immigration and Nationality Act (8 U.S.C.  
16 1158(b)(2)(A)(v)) is amended—

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

19 (B) by striking “removable under” and in-  
20 sserting “described in”.

21 (2) **RETROACTIVE APPLICATION OF AMEND-**  
22 **MENTS.—**The amendments made by paragraph (1)  
23 shall take effect on the date of the enactment of this  
24 Act and shall apply to—



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

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

10 (b) DISCLOSURE OF ASYLUM APPLICATION INFOR-  
 11 MATION.—

12 (1) IN GENERAL.—Section 208 of the Immigra-  
 13 tion and Nationality Act (8 U.S.C. 1158) is amend-  
 14 ed by adding at the end the following:

15 “(e) LIMITATION ON CONFIDENTIALITY OF INFOR-  
 16 MATION.—

17 “(1) IN GENERAL.—The restrictions on infor-  
 18 mation disclosure in section 208.6 of title 8, Code of  
 19 Federal Regulations (as in effect on the date of the  
 20 enactment of the PATRIOT Act or pursuant to any  
 21 successor provision), shall not apply to a disclosure  
 22 to any person, if—

23 “(A) the disclosure is made in the course  
 24 of an investigation of an alien to determine if



1 the alien is described in section 212(a)(3)(B)(i)  
2 or 237(a)(4)(B); and

3 “(B) the Attorney General has reasonable  
4 grounds to believe that the alien may be so de-  
5 scribed.

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

12 “(3) DISCLOSURES TO FOREIGN GOVERN-  
13 MENTS.—If the Attorney General desires to disclose  
14 information to a foreign government under para-  
15 graph (1), the Attorney General shall request the  
16 Secretary of State to make the disclosure.”.

17 (2) EFFECTIVE DATE.—The amendment made  
18 by paragraph (1) shall take effect on the date of the  
19 enactment of this Act and shall apply to the disclo-  
20 sure of information on or after such date.

21 **SEC. 206. PROTECTION OF NORTHERN BORDER.**

22 There are authorized to be appropriated—

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



1 ber authorized under current law) in each State  
2 along the northern border;

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

8 (3) an additional \$50,000,000 to the Immigra-  
9 tion and Naturalization Service for purposes of mak-  
10 ing improvements in technology for monitoring the  
11 northern border and acquiring additional equipment  
12 at the northern border.

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

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

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

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

24 (3) by striking “the internal security of” and  
25 inserting “the internal and border security of”; and



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

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



1 automated criminal history record. To obtain the full con-  
2 tent of a criminal history record, the Secretary of State  
3 shall submit the applicant's fingerprints and any appro-  
4 priate fingerprint processing fee authorized by law to the  
5 Criminal Justice Information Services Division of the Fed-  
6 eral Bureau of Investigation.

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

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

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

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

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

23                       “(B) to ensure that such information is  
24 used solely to determine whether to issue a visa  
25 to an individual;





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

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

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

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

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

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

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



1 force or administer the immigration laws of the United  
2 States, for the purpose of such enforcement or administra-  
3 tion, upon terms that are consistent with sections 212  
4 through 216 of the National Crime Prevention and Pri-  
5 vacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

6 **Subtitle B—Preservation of Immig-**  
7 **ration Benefits for Victims of**  
8 **Terrorism**

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

10 (a) IN GENERAL.—For purposes of the Immigration  
11 and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney  
12 General may provide an alien described in subsection (b)  
13 with the status of a special immigrant under section  
14 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the  
15 alien—

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

20 (2) is otherwise eligible to receive an immigrant  
21 visa and is otherwise admissible to the United States  
22 for permanent residence, except in determining such  
23 admissibility, the grounds for inadmissibility speci-  
24 fied in section 212(a)(4) of such Act (8 U.S.C.  
25 1182(a)(4)) shall not apply.



1 (b) ALIENS DESCRIBED.—

2 (1) PRINCIPAL ALIENS.—An alien is described  
3 in this subsection if—

4 (A) the alien was the beneficiary of—

5 (i) a petition that was filed with the  
6 Attorney General on or before September  
7 11, 2001—

8 (I) under section 204 of the Im-  
9 migration and Nationality Act (8  
10 U.S.C. 1154) to classify the alien as  
11 a family-sponsored immigrant under  
12 section 203(a) of such Act (8 U.S.C.  
13 1153(a)) or as an employment-based  
14 immigrant under section 203(b) of  
15 such Act (8 U.S.C. 1153(b)); or

16 (II) under section 214(d) (8  
17 U.S.C. 1184(d)) of such Act to au-  
18 thorize the issuance of a non-  
19 immigrant visa to the alien under sec-  
20 tion 101(a)(15)(K) of such Act (8  
21 U.S.C. 1101(a)(15)(K)); or

22 (ii) an application for labor certifi-  
23 cation under section 212(a)(5)(A) of such  
24 Act (8 U.S.C. 1182(a)(5)(A)) that was



1 filed under regulations of the Secretary of  
2 Labor on or before such date; and

3 (B) such petition or application was re-  
4 voked or terminated (or otherwise rendered  
5 null), either before or after its approval, due to  
6 a specified terrorist activity that directly re-  
7 sulted in—

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

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

13 (2) SPOUSES AND CHILDREN.—

14 (A) IN GENERAL.—An alien is described in  
15 this subsection if—

16 (i) the alien was, on September 10,  
17 2001, the spouse or child of a principal  
18 alien described in paragraph (1); and

19 (ii) the alien—

20 (I) is accompanying such prin-  
21 cipal alien; or

22 (II) is following to join such prin-  
23 cipal alien not later than September  
24 11, 2003.



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

6           (3) GRANDPARENTS OF ORPHANS.—An alien is  
7           described in this subsection if the alien is a grand-  
8           parent of a child, both of whose parents died as a  
9           direct result of a specified terrorist activity, if either  
10          of such deceased parents was, on September 10,  
11          2001, a citizen or national of the United States or  
12          an alien lawfully admitted for permanent residence  
13          in the United States.

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

21          (d) NUMERICAL LIMITATIONS.—For purposes of the  
22          application of sections 201 through 203 of the Immigra-  
23          tion and Nationality Act (8 U.S.C. 1151–1153) in any fis-  
24          cal year, aliens eligible to be provided status under this  
25          section shall be treated as special immigrants described



1 in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27))  
2 who are not described in subparagraph (A), (B), (C), or  
3 (K) of such section.

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

5 (a) AUTOMATIC EXTENSION OF NONIMMIGRANT STA-  
6 TUS.—

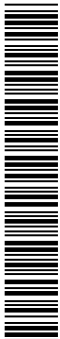
7 (1) IN GENERAL.—Notwithstanding section 214  
8 of the Immigration and Nationality Act (8 U.S.C.  
9 1184), in the case of an alien described in paragraph  
10 (2) who was lawfully present in the United States as  
11 a nonimmigrant on September 10, 2001, the alien  
12 may remain lawfully in the United States in the  
13 same nonimmigrant status until the later of—

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

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

19 (2) ALIENS DESCRIBED.—

20 (A) PRINCIPAL ALIENS.—An alien is de-  
21 scribed in this paragraph if the alien was dis-  
22 abled as a direct result of a specified terrorist  
23 activity.



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

4 (i) a principal alien described in sub-  
 5 paragraph (A); or

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

8 (3) AUTHORIZED EMPLOYMENT.—During the  
 9 period in which a principal alien or alien spouse is  
 10 in lawful nonimmigrant status under paragraph (1),  
 11 the alien shall be provided an “employment author-  
 12 ized” endorsement or other appropriate document  
 13 signifying authorization of employment not later  
 14 than 30 days after the alien requests such authoriza-  
 15 tion.

16 (b) NEW DEADLINES FOR EXTENSION OR CHANGE  
 17 OF NONIMMIGRANT STATUS.—

18 (1) FILING DELAYS.—In the case of an alien  
 19 who was lawfully present in the United States as a  
 20 nonimmigrant on September 10, 2001, if the alien  
 21 was prevented from filing a timely application for an  
 22 extension or change of nonimmigrant status as a di-  
 23 rect result of a specified terrorist activity, the alien’s  
 24 application shall be considered timely filed if it is



1 filed not later than 60 days after it otherwise would  
2 have been due.

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

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

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

23 (i) the alien's application shall be con-  
24 sidered timely filed if it is filed not later





1 than 60 days after it otherwise would have  
2 been due; and

3 (ii) the alien's lawful nonimmigrant  
4 status shall be considered to continue until  
5 the later of—

6 (I) the date such status otherwise  
7 would have terminated if this sub-  
8 paragraph had not been enacted; or

9 (II) the date that is 60 days  
10 after the date on which the applica-  
11 tion described in clause (i) otherwise  
12 would have been due.

13 (B) SPOUSES AND CHILDREN.—In the case  
14 of an alien who is the spouse or child of a prin-  
15 cipal alien described in subparagraph (A), if the  
16 spouse or child was in a lawful nonimmigrant  
17 status on September 10, 2001, the spouse or  
18 child may remain lawfully in the United States  
19 in the same nonimmigrant status until the later  
20 of—

21 (i) the date such lawful nonimmigrant  
22 status otherwise would have terminated if  
23 this subparagraph had not been enacted;  
24 or



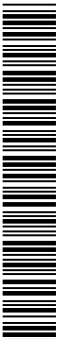
1 (ii) the date that is 60 days after the  
2 date on which the application described in  
3 subparagraph (A) otherwise would have  
4 been due.

5 (c) DIVERSITY IMMIGRANTS.—

6 (1) WAIVER OF FISCAL YEAR LIMITATION.—

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

16 (2) WORLDWIDE LEVEL.—In the case of an  
17 alien entering the United States as a lawful perma-  
18 nent resident, or adjusting to that status, under  
19 paragraph (1), the alien shall be counted as a diver-  
20 sity immigrant for fiscal year 2001 for purposes of  
21 section 201(e) of the Immigration and Nationality  
22 Act (8 U.S.C. 1151(e)), unless the worldwide level  
23 under such section for such year has been exceeded,  
24 in which case the alien shall be counted as a diver-  
25 sity immigrant for fiscal year 2002.



1           (3) TREATMENT OF FAMILY MEMBERS OF CER-  
2 TAIN ALIENS.—In the case of a principal alien  
3 issued an immigrant visa number under section  
4 203(c) of the Immigration and Nationality Act (8  
5 U.S.C. 1153(c)) for fiscal year 2001, if such prin-  
6 cipal alien died as a direct result of a specified ter-  
7 rorist activity, the aliens who were, on September  
8 10, 2001, the spouse and children of such principal  
9 alien shall, if not otherwise entitled to an immigrant  
10 status and the immediate issuance of a visa under  
11 subsection (a), (b), or (c) of section 203 of such Act,  
12 be entitled to the same status, and the same order  
13 of consideration, that would have been provided to  
14 such alien spouse or child under section 203(d) of  
15 such Act if the principal alien were not deceased.

16       (d) EXTENSION OF EXPIRATION OF IMMIGRANT  
17 VISAS.—Notwithstanding the limitations under section  
18 221(e) of the Immigration and Nationality Act (8 U.S.C.  
19 1201(c)), in the case of any immigrant visa issued to an  
20 alien that expires or expired before December 31, 2001,  
21 if the alien was unable to effect entry to the United States  
22 as a direct result of a specified terrorist activity, then the  
23 period of validity of the visa is extended until December  
24 31, 2001, unless a longer period of validity is otherwise  
25 provided under this subtitle.



1 (e) GRANTS OF PAROLE EXTENDED.—In the case of  
2 any parole granted by the Attorney General under section  
3 212(d)(5) of the Immigration and Nationality Act (8  
4 U.S.C. 1182(d)(5)) that expires on a date on or after Sep-  
5 tember 11, 2001, if the alien beneficiary of the parole was  
6 unable to return to the United States prior to the expira-  
7 tion date as a direct result of a specified terrorist activity,  
8 the parole is deemed extended for an additional 90 days.

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

16 **SEC. 213. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**  
17 **SPOUSES AND CHILDREN.**

18 (a) TREATMENT AS IMMEDIATE RELATIVES.—Not-  
19 withstanding the second sentence of section  
20 201(b)(2)(A)(i) of the Immigration and Nationality Act  
21 (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who  
22 was the spouse of a citizen of the United States at the  
23 time of the citizen's death and was not legally separated  
24 from the citizen at the time of the citizen's death, if the  
25 citizen died as a direct result of a specified terrorist activ-



1 ity, the alien (and each child of the alien) shall be consid-  
2 ered, for purposes of section 201(b) of such Act, to remain  
3 an immediate relative after the date of the citizen's death,  
4 but only if the alien files a petition under section  
5 204(a)(1)(A)(ii) of such Act within 2 years after such date  
6 and only until the date the alien remarries.

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

10 (1) IN GENERAL.—Any spouse, child, or unmar-  
11 ried son or daughter of an alien described in para-  
12 graph (3) who is included in a petition for classifica-  
13 tion as a family-sponsored immigrant under section  
14 203(a)(2) of the Immigration and Nationality Act (8  
15 U.S.C. 1153(a)(2)) that was filed by such alien be-  
16 fore September 11, 2001, shall be considered (if the  
17 spouse, child, son, or daughter has not been admit-  
18 ted or approved for lawful permanent residence by  
19 such date) a valid petitioner for preference status  
20 under such section with the same priority date as  
21 that assigned prior to the death described in para-  
22 graph (3)(A). No new petition shall be required to  
23 be filed. Such spouse, child, son, or daughter may be  
24 eligible for deferred action and work authorization.



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

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

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

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

19           (c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY  
20 SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-  
21 BASED IMMIGRANTS.—

22           (1) IN GENERAL.—Any alien who was, on Sep-  
23 tember 10, 2001, the spouse or child of an alien de-  
24 scribed in paragraph (2), and who applied for ad-  
25 justment of status prior to the death described in



1 paragraph (2)(A), may have such application adju-  
2 dicated as if such death had not occurred.

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

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

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

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

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

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



1 **SEC. 214. "AGE-OUT" PROTECTION FOR CHILDREN.**

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

5 (1) whose 21st birthday occurs in September  
6 2001, and who is the beneficiary of a petition or ap-  
7 plication filed under such Act on or before Sep-  
8 tember 11, 2001, the alien shall be considered to be  
9 a child for 90 days after the alien's 21st birthday  
10 for purposes of adjudicating such petition or applica-  
11 tion; and

12 (2) whose 21st birthday occurs after September  
13 2001, and who is the beneficiary of a petition or ap-  
14 plication filed under such Act on or before Sep-  
15 tember 11, 2001, the alien shall be considered to be  
16 a child for 45 days after the alien's 21st birthday  
17 for purposes of adjudicating such petition or applica-  
18 tion.

19 **SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.**

20 The Attorney General, for humanitarian purposes or  
21 to ensure family unity, may provide temporary administra-  
22 tive relief to any alien who—

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





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

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

6 **SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**  
7 **EMPLOYMENT.**

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

12 (1) Death.

13 (2) Disability.

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

16 (b) WAIVER OF REGULATIONS.—The Attorney Gen-  
17 eral shall carry out subsection (a) as expeditiously as pos-  
18 sible. The Attorney General is not required to promulgate  
19 regulations prior to implementing this subtitle.

20 **SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**  
21 **BERS OF TERRORISTS.**

22 Notwithstanding any other provision of this subtitle,  
23 nothing in this subtitle shall be construed to provide any  
24 benefit or relief to—



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

3 (2) any family member of any individual de-  
4 scribed in paragraph (1).

5 **SEC. 218. DEFINITIONS.**

6 (a) APPLICATION OF IMMIGRATION AND NATION-  
7 ALITY ACT PROVISIONS.—Except as otherwise specifically  
8 provided in this subtitle, the definitions used in the Immi-  
9 gration and Nationality Act (excluding the definitions ap-  
10 plicable exclusively to title III of such Act) shall apply in  
11 the administration of this subtitle.

12 (b) SPECIFIED TERRORIST ACTIVITY.—For purposes  
13 of this subtitle, the term “specified terrorist activity”  
14 means any terrorist activity conducted against the Govern-  
15 ment or the people of the United States on September 11,  
16 2001.

17 **TITLE III—CRIMINAL JUSTICE**  
18 **Subtitle A—Substantive Criminal**  
19 **Law**

20 **SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING**  
21 **TERRORISM OFFENSES.**

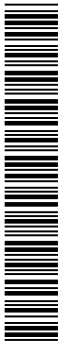
22 (a) IN GENERAL.—Section 3286 of title 18, United  
23 States Code, is amended to read as follows:



1 **“§ 3286. Terrorism offenses**

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

5 “(1) A violation of, or an attempt or conspiracy  
6 to violate, section 32 (relating to destruction of air-  
7 craft or aircraft facilities), 37(a)(1) (relating to vio-  
8 lence at international airports), 175 (relating to bio-  
9 logical weapons), 229 (relating to chemical weap-  
10 ons), 351(a)–(d) (relating to congressional, cabinet,  
11 and Supreme Court assassination and kidnaping),  
12 792 (relating to harboring terrorists), 831 (relating  
13 to nuclear materials), 844(f) or (i) when it relates  
14 to bombing (relating to arson and bombing of cer-  
15 tain property), 1114(1) (relating to protection of of-  
16 ficers and employees of the United States), 1116, if  
17 the offense involves murder (relating to murder or  
18 manslaughter of foreign officials, official guests, or  
19 internationally protected persons), 1203 (relating to  
20 hostage taking), 1751(a)–(d) (relating to Presi-  
21 dential and Presidential staff assassination and kid-  
22 naping), 2332(a)(1) (relating to certain homicides  
23 and other violence against United States nationals  
24 occurring outside of the United States), 2332a (re-  
25 lating to use of weapons of mass destruction), 2332b



1 (relating to acts of terrorism transcending national  
2 boundaries) of this title.

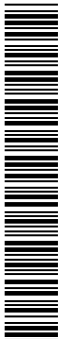
3 “(2) Section 236 (relating to sabotage of nu-  
4 clear facilities or fuel) of the Atomic Energy Act of  
5 1954 (42 U.S.C. 2284);

6 “(3) 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).

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

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

14 “(1) Section 175b (relating to biological weap-  
15 ons), 842(m) or (n) (relating to plastic explosives),  
16 930(c) if it involves murder (relating to possessing  
17 a dangerous weapon in a Federal facility), 956 (re-  
18 lating to conspiracy to injure property of a foreign  
19 government), 1030(a)(1), 1030(a)(5)(A), or  
20 1030(a)(7) (relating to protection of computers),  
21 1362 (relating to destruction of communication  
22 lines, stations, or systems), 1366 (relating to de-  
23 struction of an energy facility), 1992 (relating to  
24 trainwrecking), 2152 (relating to injury of fortifica-  
25 tions, harbor defenses, or defensive sea areas), 2155



1 (relating to destruction of national defense mate-  
2 rials, premises, or utilities), 2156 (relating to pro-  
3 duction of defective national defense materials,  
4 premises, or utilities), 2280 (relating to violence  
5 against maritime navigation), 2281 (relating to vio-  
6 lence against maritime fixed platforms), 2339A (re-  
7 lating to providing material support to terrorists),  
8 2339B (relating to providing material support to  
9 terrorist organizations), or 2340A (relating to tor-  
10 ture).

11 “(2) Any of the following provisions of title 49:  
12 the second sentence of section 46504 (relating to as-  
13 sault on a flight crew with a dangerous weapon),  
14 section 46505(b)(3), (relating to explosive or incen-  
15 diary devices, or endangerment of human life by  
16 means of weapons, on aircraft), section 46506 if  
17 homicide or attempted homicide is involved, or sec-  
18 tion 60123(b) (relating to destruction of interstate  
19 gas or hazardous liquid pipeline facility) of title  
20 49.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 213 of title 18, United States  
23 Code, is amended by amending the item relating to section  
24 3286 to read as follows:

“3286. Terrorism offenses.”.



1 (c) APPLICATION.—The amendments made by this  
2 section shall apply to the prosecution of any offense com-  
3 mitted before, on, or after the date of enactment of this  
4 section.

5 **SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TER-**  
6 **RORISM CRIMES.**

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

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

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

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

24 (1) by inserting after section 2332b the fol-  
25 lowing:



1 **“§ 2332c. Attempts and conspiracies**

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

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

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

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

“2332c. Attempts and conspiracies.”.

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

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

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

21 and

22 (2) by striking “financial gain;” and inserting  
23 “financial gain, or (G) any act that is a Federal ter-  
24 rorism offense or is indictable under any of the fol-  
25 lowing provisions of law: section 32 (relating to de-



1 construction of aircraft or aircraft facilities), 37(a)(1)  
2 (relating to violence at international airports), 175  
3 (relating to biological weapons), 229 (relating to  
4 chemical weapons), 351(a)–(d) (relating to congress-  
5 sional, cabinet, and Supreme Court assassination  
6 and kidnaping), 831 (relating to nuclear materials),  
7 842(m) or (n) (relating to plastic explosives), 844(f)  
8 or (i) when it involves a bombing (relating to arson  
9 and bombing of certain property), 930(c) when it in-  
10 volves an attack on a Federal facility, 1114 when it  
11 involves murder (relating to protection of officers  
12 and employees of the United States), 1116 when it  
13 involves murder (relating to murder or manslaughter  
14 of foreign officials, official guests, or internationally  
15 protected persons), 1203 (relating to hostage tak-  
16 ing), 1362 (relating to destruction of communication  
17 lines, stations, or systems), 1366 (relating to de-  
18 struction of an energy facility), 1751(a)–(d) (relat-  
19 ing to Presidential and Presidential staff assassina-  
20 tion and kidnaping), 1992 (relating to  
21 trainwrecking), 2280 (relating to violence against  
22 maritime navigation), 2281 (relating to violence  
23 against maritime fixed platforms), 2332a (relating  
24 to use of weapons of mass destruction), 2332b (re-  
25 lating to acts of terrorism transcending national





1 boundaries), 2339A (relating to providing material  
2 support to terrorists), 2339B (relating to providing  
3 material support to terrorist organizations), or  
4 2340A (relating to torture) of this title; section 236  
5 (relating to sabotage of nuclear facilities or fuel) of  
6 the Atomic Energy Act of 1954 (42 U.S.C. 2284);  
7 or section 46502 (relating to aircraft piracy) or  
8 60123(b) (relating to destruction of interstate gas or  
9 hazardous liquid pipeline facility) of title 49.”.

10 **SEC. 305. BIOLOGICAL WEAPONS.**

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

13 (1) in section 175—

14 (A) in subsection (b)—

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

17 “(1) the”;

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

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

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

24 “(2) the terms biological agent and toxin do not  
25 encompass any biological agent or toxin that is in its



1 naturally-occurring environment, if the biological  
2 agent or toxin has not been cultivated, collected, or  
3 otherwise extracted from its natural source.”;

4 (B) by redesignating subsection (b) as sub-  
5 section (c); and

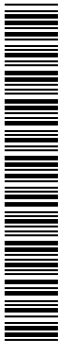
6 (C) by inserting after subsection (a) the  
7 following:

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

14 (2) by inserting after section 175a the fol-  
15 lowing:

16 **“§ 175b. Possession by restricted persons**

17 “(a) No restricted person described in subsection (b)  
18 shall ship or transport in interstate or foreign commerce,  
19 or possess in or affecting commerce, any biological agent  
20 or toxin, or receive any biological agent or toxin that has  
21 been shipped or transported in interstate or foreign com-  
22 merce, if the biological agent or toxin is listed as a select  
23 agent in subsection (j) of section 72.6 of title 42, Code  
24 of Federal Regulations, pursuant to section 511(d)(1) of  
25 the Antiterrorism and Effective Death Penalty Act of



1 1996 (Public Law 104–132), and is not exempted under  
2 subsection (h) of such section 72.6, or Appendix A of part  
3 72 of such title; except that the term select agent does  
4 not include any such biological agent or toxin that is in  
5 its naturally-occurring environment, if the biological agent  
6 or toxin has not been cultivated, collected, or otherwise  
7 extracted from its natural source.

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

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

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

15 “(3) is a fugitive from justice;

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

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

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

23 “(7) is an alien (other than an alien lawfully  
24 admitted for permanent residence) who is a national  
25 of a country as to which the Secretary of State, pur-



1 suant to section 6(j) of the Export Administration  
2 Act of 1979 (50 U.S.C. App. 2405(j)), section 620A  
3 of chapter 1 of part M of the Foreign Assistance Act  
4 of 1961 (22 U.S.C. 2371), or section 40(d) of chap-  
5 ter 3 of the Arms Export Control Act (22 U.S.C.  
6 2780(d)), has made a determination that remains in  
7 effect that such country has repeatedly provided  
8 support for acts of international terrorism.

9 “(c) As used in this section, the term ‘alien’ has the  
10 same meaning as that term is given in section 1010(a)(3)  
11 of the Immigration and Nationality Act (8 U.S.C.  
12 1101(a)(3)), and the term ‘lawfully’ admitted for perma-  
13 nent residence has the same meaning as that term is given  
14 in section 101(a)(20) of the Immigration and Nationality  
15 Act (8 U.S.C. 1101(a)(20)).

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

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

“175b. Possession by restricted persons.”.



1 **SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT AD-**  
2 **VICE OR ASSISTANCE.**

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

5 (1) in subsection (a)—

6 (A) by striking “a violation” and all that  
7 follows through “49” and inserting “any Fed-  
8 eral terrorism offense or any offense described  
9 in section 25(2)”; and

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

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

14 **SEC. 307. PROHIBITION AGAINST HARBORING.**

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

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

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

22 There is extraterritorial Federal jurisdiction over any vio-  
23 lation of this section or any conspiracy or attempt to vio-  
24 late this section. A violation of this section or of such a  
25 conspiracy or attempt may be prosecuted in any Federal  
26 judicial district in which the underlying offense was com-



1 mitted, or in any other Federal judicial district as pro-  
2 vided by law.”.

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

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

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

10 **SEC. 309. DEFINITION.**

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

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

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

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

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

21 “(2) is a violation of, or an attempt or con-  
22 spiracy to violate- section 32 (relating to destruction  
23 of aircraft or aircraft facilities), 37 (relating to vio-  
24 lence at international airports), 81 (relating to arson  
25 within special maritime and territorial jurisdiction),



1 175, 175b (relating to biological weapons), 229 (re-  
2 relating to chemical weapons), 351(a)–(d) (relating to  
3 congressional, cabinet, and Supreme Court assas-  
4 sination and kidnaping), 792 (relating to harboring  
5 terrorists), 831 (relating to nuclear materials),  
6 842(m) or (n) (relating to plastic explosives), 844(f)  
7 or (i) (relating to arson and bombing of certain  
8 property), 930(c), 956 (relating to conspiracy to in-  
9 jure property of a foreign government), 1030(a)(1),  
10 1030(a)(5)(A), or 1030(a)(7) (relating to protection  
11 of computers), 1114 (relating to protection of offi-  
12 cers and employees of the United States), 1116 (re-  
13 lating to murder or manslaughter of foreign officials,  
14 official guests, or internationally protected persons),  
15 1203 (relating to hostage taking), 1361 (relating to  
16 injury of Government property or contracts), 1362  
17 (relating to destruction of communication lines, sta-  
18 tions, or systems), 1363 (relating to injury to build-  
19 ings or property within special maritime and terri-  
20 torial jurisdiction of the United States), 1366 (relat-  
21 ing to destruction of an energy facility), 1751(a)–(d)  
22 (relating to Presidential and Presidential staff assas-  
23 sination and kidnaping), 1992, 2152 (relating to in-  
24 jury of fortifications, harbor defenses, or defensive  
25 sea areas), 2155 (relating to destruction of national



1 defense materials, premises, or utilities), 2156 (re-  
2 relating to production of defective national defense  
3 materials, premises, or utilities), 2280 (relating to  
4 violence against maritime navigation), 2281 (relating  
5 to violence against maritime fixed platforms), 2332  
6 (relating to certain homicides and other violence  
7 against United States nationals occurring outside of  
8 the United States), 2332a (relating to use of weap-  
9 ons of mass destruction), 2332b (relating to acts of  
10 terrorism transcending national boundaries), 2339A  
11 (relating to providing material support to terrorists),  
12 2339B (relating to providing material support to  
13 terrorist organizations), or 2340A (relating to tor-  
14 ture);

15 “(3) section 236 (relating to sabotage of nu-  
16 clear facilities or fuel) of the Atomic Energy Act of  
17 1954 (42 U.S.C. 2284);

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

21 “(5) any of the following provisions of title 49:  
22 section 46502 (relating to aircraft piracy), the sec-  
23 ond sentence of section 46504 (relating to assault on  
24 a flight crew with a dangerous weapon), section  
25 46505(b)(3), (relating to explosive or incendiary de-





1 vices, or endangerment of human life by means of  
2 weapons, on aircraft), section 46506 if homicide or  
3 attempted homicide is involved, or section 60123(b)  
4 (relating to destruction of interstate gas or haz-  
5 arduous liquid pipeline facility) of title 49.”; and

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

“25. Federal terrorism offense defined.”.

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

13 (c) Section 2331 of title 18, United States Code, is  
14 amended—

15 (1) in paragraph (1)(B)—

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

18 (B) in clause (iii), by striking “by assas-  
19 sination or kidnapping” and inserting “(or any  
20 function thereof) by mass destruction, assas-  
21 sination, or kidnapping (or threat thereof)”;

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

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

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



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

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

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

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

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

12           “(iii) to affect the conduct of a gov-  
13 ernment (or any function thereof) by mass  
14 destruction, assassination, or kidnapping  
15 (or threat thereof).”.

16 **SEC. 310. CIVIL DAMAGES.**

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

19       **Subtitle B—Criminal Procedure**

20 **SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR**  
21 **TERRORISM.**

22       Rule 41(a) of the Federal Rules of Criminal Proce-  
23 dure is amended by inserting after “executed” the fol-  
24 lowing: “and (3) in an investigation of domestic terrorism  
25 or international terrorism (as defined in section 2331 of



1 title 18, United States Code), by a Federal magistrate  
2 judge in any district in which activities related to the ter-  
3 rorism may have occurred, for a search of property or for  
4 a person within or outside the district”.

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

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

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

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

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

16 **SEC. 353. GRAND JURY MATTERS.**

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

19 (1) by adding at the end the following:

20 “(v) when permitted by a court at the  
21 request of an attorney for the government,  
22 upon a showing that the matters pertain to  
23 international or domestic terrorism (as de-  
24 fined in section 2331 of title 18, United  
25 States Code) or national security, to any



1 Federal law enforcement, intelligence, na-  
2 tional security, national defense, protective,  
3 immigration personnel, or to the President  
4 or Vice President of the United States, for  
5 the performance of official duties.”;

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

8 (3) by striking the period at the end of subdivi-  
9 sion (iv) and inserting “; or”.

10 **SEC. 354. EXTRATERRITORIALITY.**

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

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

15 (2) in section 2338, by inserting “There is  
16 extraterritorial Federal jurisdiction over any Federal  
17 terrorism offense and any offense under this chap-  
18 ter, in addition to any extraterritorial jurisdiction  
19 that may exist under the law defining the offense, if  
20 the person committing the offense or the victim of  
21 the offense is a national of the United States (as de-  
22 fined in section 101 of the Immigration and Nation-  
23 ality Act) or if the offense is directed at the security  
24 or interests of the United States.” before “The dis-  
25 trict courts”; and



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

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

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

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

11                   “(A) the premises of United States diplo-  
 12                   matic, consular, military, or other United  
 13                   States Government missions or entities in for-  
 14                   eign states, including the buildings, parts of  
 15                   buildings, and the land appurtenant or ancillary  
 16                   thereto, irrespective of ownership, used for pur-  
 17                   poses of those missions or entities; and

18                   “(B) residences in foreign states and the  
 19                   land appurtenant or ancillary thereto, irrespec-  
 20                   tive of ownership, used for purposes of those  
 21                   missions or entities or used by United States  
 22                   personnel assigned to those missions or entities,  
 23                   except that this paragraph does not supercede  
 24                   any treaty or international agreement in force



1 on the date of the enactment of this para-  
2 graph.”.

3 **SEC. 356. SPECIAL AGENT AUTHORITIES.**

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

7 (1) by striking paragraph (2) and inserting the  
8 following:

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

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

16 (3) by striking paragraph (5) and inserting the  
17 following:

18 “(5) in the course of performing the functions  
19 set forth in paragraphs (1) and (3), make arrests  
20 without warrant for any offense against the United  
21 States committed in the presence of the special  
22 agent, or for any felony cognizable under the laws  
23 of the United States if the special agent has reason-  
24 able grounds to believe that the person to be ar-  
25 rested has committed or is committing such felony.”.



1 (b) CRIMES.—Section 37 of such Act (22 U.S.C.  
2 2709) is amended by inserting after subsection (c) the fol-  
3 lowing new subsections:

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

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

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

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

21 **TITLE IV—FINANCIAL**  
22 **INFRASTRUCTURE**

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

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



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

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

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

9 (2) in subsection (b), by striking “or other fi-  
10 nancial securities” and inserting “or monetary in-  
11 struments or financial securities”.

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

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

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

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

25 “(ii) acquired or maintained by any person  
26 for the purpose of supporting, planning, con-





1 ducting, or concealing an act of domestic ter-  
2 rorism or international terrorism (as defined in  
3 section 2331) against the United States, citi-  
4 zens or residents of the United States, or their  
5 property; or

6 “(iii) derived from, involved in, or used or  
7 intended to be used to commit any act of do-  
8 mestic terrorism or international terrorism (as  
9 defined in section 2331) against the United  
10 States, citizens or residents of the United  
11 States, or their property.”.

12 **SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVI-**  
13 **SION OF MATERIAL SUPPORT TO TER-**  
14 **RORISM.**

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

18 **SEC. 405. DISCLOSURE OF TAX INFORMATION IN TER-**  
19 **RORISM AND NATIONAL SECURITY INVES-**  
20 **TIGATIONS.**

21 (a) DISCLOSURE WITHOUT A REQUEST OF INFORMA-  
22 TION RELATING TO TERRORIST ACTIVITIES, ETC.—Para-  
23 graph (3) of section 6103(i) of the Internal Revenue Code  
24 of 1986 (relating to disclosure of return information to  
25 apprise appropriate officials of criminal activities or emer-



1 gency circumstances) is amended by adding at the end the  
2 following new subparagraph:

3 “(C) TERRORIST ACTIVITIES, ETC.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in paragraph (6), the Secretary may  
6 disclose in writing return information  
7 (other than taxpayer return information)  
8 that may be related to a terrorist incident,  
9 threat, or activity to the extent necessary  
10 to apprise the head of the appropriate Fed-  
11 eral law enforcement agency responsible  
12 for investigating or responding to such ter-  
13 rorist incident, threat, or activity. The  
14 head of the agency may disclose such re-  
15 turn information to officers and employees  
16 of such agency to the extent necessary to  
17 investigate or respond to such terrorist in-  
18 cident, threat, or activity.

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



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

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

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

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

17                                 “(A) DISCLOSURE TO LAW ENFORCEMENT  
18                                 AGENCIES.—

19   “(i) IN GENERAL.—Except as pro-  
20   vided in paragraph (6), upon receipt by the  
21   Secretary of a written request which meets  
22   the requirements of clause (iii), the Sec-  
23   retary may disclose return information  
24   (other than taxpayer return information)  
25   to officers and employees of any Federal



1 law enforcement agency who are personally  
2 and directly engaged in the response to or  
3 investigation of terrorist incidents, threats,  
4 or activities.

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

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

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



1                   “(II) the request sets forth the  
2                   specific reason or reasons why such  
3                   disclosure may be relevant to a ter-  
4                   rorist incident, threat, or activity.

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

11                  “(B) DISCLOSURE TO INTELLIGENCE  
12                  AGENCIES.—

13                  “(i) IN GENERAL.—Except as pro-  
14                  vided in paragraph (6), upon receipt by the  
15                  Secretary of a written request which meets  
16                  the requirements of clause (ii), the Sec-  
17                  retary may disclose return information  
18                  (other than taxpayer return information)  
19                  to those officers and employees of the De-  
20                  partment of Justice, the Department of  
21                  the Treasury, and other Federal intel-  
22                  ligence agencies who are personally and di-  
23                  rectly engaged in the collection or analysis  
24                  of intelligence and counterintelligence in-  
25                  formation or investigation concerning ter-



1           rorists and terrorist organizations and ac-  
2           tivities. For purposes of the preceding sen-  
3           tence, the information disclosed under the  
4           preceding sentence shall be solely for the  
5           use of such officers and employees in such  
6           investigation, collection, or analysis.

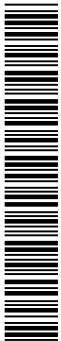
7           “(ii) REQUIREMENTS.—A request  
8           meets the requirements of this subpara-  
9           graph if the request—

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

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

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

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



1                   “(II) who is responsible for the  
2                   collection and analysis of intelligence  
3                   and counterintelligence information  
4                   concerning terrorists and terrorist or-  
5                   ganizations and activities.

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

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

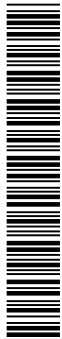
12                  “(i) IN GENERAL.—Except as pro-  
13                  vided in paragraph (6), any return or re-  
14                  turn information with respect to any speci-  
15                  fied taxable period or periods shall, pursu-  
16                  ant to and upon the grant of an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



1 counterintelligence information concerning  
2 any terrorist activity or threats. Return or  
3 return information opened pursuant to the  
4 preceding sentence shall be solely for the  
5 use of such officers and employees in the  
6 investigation, response, or analysis, and in  
7 any judicial, administrative, or grand jury  
8 proceedings, pertaining to any such ter-  
9 rorist activity or threat.

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

21 “(I) there is reasonable cause to  
22 believe, based upon information be-  
23 lieved to be reliable, that the taxpayer  
24 whose return or return information is





1 to be disclosed may be connected to a  
2 terrorist activity or threat,

3 “(II) there is reasonable cause to  
4 believe that the return or return infor-  
5 mation may be relevant to a matter  
6 relating to such terrorist activity or  
7 threat, and

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

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

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



1 subclauses (I) and (II) of subparagraph  
2 (C)(ii) are met.

3 “(ii) LIMITATION ON USE OF INFOR-  
4 MATION.—Information disclosed under  
5 clause (i)—

6 “(I) may be disclosed only to the  
7 extent necessary to apprise the head  
8 of the appropriate Federal law en-  
9 forcement agency responsible for in-  
10 vestigating or responding to a ter-  
11 rorist incident, threat, or activity, and

12 “(II) shall be solely for use in a  
13 Federal investigation, analysis, or pro-  
14 ceeding concerning terrorist activity,  
15 terrorist threats, or terrorist organiza-  
16 tions.

17 The head of such Federal agency may dis-  
18 close such information to officers and em-  
19 ployees of such agency to the extent nec-  
20 essary to investigate or respond to such  
21 terrorist incident, threat, or activity.

22 “(E) TERMINATION.—No disclosure may  
23 be made under this paragraph after December  
24 31, 2003.”.

25 (c) CONFORMING AMENDMENTS.—



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

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

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

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

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

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

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

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

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

22           (A) in subparagraph (A) by striking  
23           “(7)(A)(ii)” and inserting “(8)(A)(ii)”, and



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

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

6 (A) in the matter preceding subparagraph

7 (A)—

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

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

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

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

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

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



1 **SEC. 406. EXTRATERRITORIAL JURISDICTION.**

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

4 “(h) Any person who, outside the jurisdiction of the  
5 United States, engages in any act that, if committed with-  
6 in the jurisdiction of the United States, would constitute  
7 an offense under subsection (a) or (b) of this section, shall  
8 be subject to the fines, penalties, imprisonment, and for-  
9 feiture provided in this title if—

10 “(1) the offense involves an access device  
11 issued, owned, managed, or controlled by a financial  
12 institution, account issuer, credit card system mem-  
13 ber, or other entity within the jurisdiction of the  
14 United States; and

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

21 **TITLE V—EMERGENCY**  
22 **AUTHORIZATIONS**

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

24 (a) In connection with the airplane hijackings and  
25 terrorist acts (including, without limitation, any related  
26 search, rescue, relief, assistance, or other similar activi-



1 ties) that occurred on September 11, 2001, in the United  
2 States, amounts transferred to the Crime Victims Fund  
3 from the Executive Office of the President or funds appro-  
4 priated to the President shall not be subject to any limita-  
5 tion on obligations from amounts deposited or available  
6 in the Fund.

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

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

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

19 (c) Section 1404B(b) of the Victim Compensation  
20 and Assistance Act is amended after “programs” by in-  
21 serting “, to victim service organizations, to public agen-  
22 cies (including Federal, State, or local governments), and  
23 to non-governmental organizations that provide assistance  
24 to victims of crime,”.

25 (d) Section 1 of Public Law 107-37 is amended—



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

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

7 (3) by striking “1201(a)” and inserting  
8 “1201”.

9 **SEC. 502. ATTORNEY GENERAL’S AUTHORITY TO PAY RE-**  
10 **WARDS.**

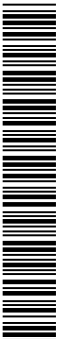
11 (a) IN GENERAL.—Title 18, United States Code, is  
12 amended by striking sections 3059 through 3059B and  
13 inserting the following:

14 **“§ 3059. Rewards and appropriation therefor**

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

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

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



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

4           “(3) The Attorney General shall give written  
5 notice to the Chairmen and ranking minority mem-  
6 bers of the Committees on Appropriations and the  
7 Judiciary of the Senate and the House of Represent-  
8 atives not later than 30 days after the approval of  
9 a reward under paragraph (2);

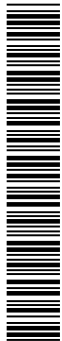
10           “(4) Any executive agency or military depart-  
11 ment (as defined, respectively, in sections 105 and  
12 102 of title 5) may provide the Attorney General  
13 with funds for the payment of rewards.

14           “(5) Neither the failure to make or authorize  
15 such a reward nor the amount of any such reward  
16 made or authorized shall be subject to judicial re-  
17 view.

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

21           (b) CONFORMING AMENDMENTS.—

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





- 1           (2) Public Law 101–647 is amended—
- 2           (A) in section 2565—
- 3               (i) by striking all the matter after
- 4               “title,” in subsection (c)(1) and inserting
- 5               “the Attorney General may, in the Attor-
- 6               ney General’s discretion, pay a reward to
- 7               the declaring.”; and
- 8               (ii) by striking subsection (e); and
- 9           (C) by striking section 2569.

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

11           The matter under the headings “Immigration And

12 Naturalization Service: Salaries and Expenses, Enforce-

13 ment And Border Affairs and Immigration And Natu-

14 ralization Service: Salaries and Expenses, Citizenship And

15 Benefits, Immigration And Program Direction” in the De-

16 partment of Justice Appropriations Act, 2001 (as enacted

17 into law by Appendix B (H.R. 5548) of Public Law 106–

18 553 (114 Stat. 2762A–58 to 2762A–59)) is amended by

19 striking the following each place it occurs: “*Provided*, That

20 none of the funds available to the Immigration and Natu-

21 ralization Service shall be available to pay any employee

22 overtime pay in an amount in excess of \$30,000 during

23 the calendar year beginning 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 United States magistrate judge designated for that pur-  
2 pose by the court by which such judge was appointed, in  
3 the same manner and subject to the same conditions and  
4 limitations as provided for in section 3401 of title 18,  
5 United States Code.

6 “(4) The Secretary may—

7 “(A) authorize law enforcement personnel from  
8 the Department of the Interior to act as law enforce-  
9 ment officers to maintain law and order and protect  
10 persons and property within a Reclamation project  
11 or on Reclamation lands;

12 “(B) authorize law enforcement personnel of  
13 any other Federal agency that has law enforcement  
14 authority, with the exception of the Department of  
15 Defense, or law enforcement personnel of any State  
16 or local government, including Indian tribes, when  
17 deemed economical and in the public interest, and  
18 with the concurrence of that agency or that State or  
19 local government, to act as law enforcement officers  
20 within a Reclamation project or on Reclamation  
21 lands with such enforcement powers as may be so  
22 assigned them by the Secretary to carry out the reg-  
23 ulations promulgated under paragraph (2);

24 “(C) cooperate with any State or local govern-  
25 ment, including Indian tribes, in the enforcement of



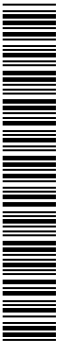
1 the laws or ordinances of that State or local govern-  
2 ment; and

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

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

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

20 “(B) execute within a Reclamation project or  
21 on Reclamation lands any warrant or other process  
22 issued by a court or officer of competent jurisdiction  
23 for the enforcement of the provisions of any Federal  
24 law or regulation issued pursuant to law for an of-



1 fense committed within a Reclamation project or on  
2 Reclamation lands; and

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

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

20 “(B) For purposes of chapter 171 of title 28, United  
21 States Code, popularly known as the Federal Tort Claims  
22 Act, a law enforcement officer of any State or local govern-  
23 ment, including Indian tribes, shall, when acting as a des-  
24 ignated law enforcement officer under paragraph (4) and  
25 while under Federal supervision and control, and only



1 when carrying out Federal law enforcement responsibil-  
2 ities, be considered a Federal employee.

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

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

24 “(8) For the purposes of this subsection, the term  
25 ‘law enforcement personnel’ means employees of a Fed-



1 eral, State, or local government agency, including an In-  
2 dian tribal agency, who have successfully completed law  
3 enforcement training approved by the Secretary and are  
4 authorized to carry firearms, make arrests, and execute  
5 service of process to enforce criminal laws of their employ-  
6 ing jurisdiction.

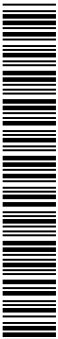
7 “(9) The law enforcement authorities provided for in  
8 this subsection may be exercised only pursuant to rules  
9 and regulations promulgated by the Secretary and ap-  
10 proved by the Attorney General.”.

## 11 **TITLE VII—MISCELLANEOUS**

### 12 **SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FED-** 13 **ERAL BUREAU OF INVESTIGATION.**

14 (a) **AUTHORITY.**—The Director of the Federal Bu-  
15 reau of Investigation is authorized to expedite the employ-  
16 ment of personnel as translators to support  
17 counterterrorism investigations and operations without re-  
18 gard to applicable Federal personnel requirements and  
19 limitations.

20 (b) **SECURITY REQUIREMENTS.**—The Director of the  
21 Federal Bureau of Investigation shall establish such secu-  
22 rity requirements as are necessary for the personnel em-  
23 ployed as translators.





1 (c) REPORT.—The Attorney General shall report to  
2 the Committees on the Judiciary of the House of Rep-  
3 resentatives and the Senate on—

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

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

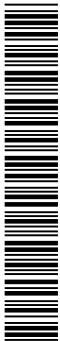
10 (3) the needs of the FBI for specific translation  
11 services in certain languages, and recommendations  
12 for meeting those needs.

13 **SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.**

14 (a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL  
15 FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL  
16 BUREAU OF INVESTIGATION.—The Inspector General of  
17 the Department of Justice shall appoint a Deputy Inspec-  
18 tor General for Civil Rights, Civil Liberties, and the Fed-  
19 eral Bureau of Investigation (hereinafter in this section  
20 referred to as the “Deputy”).

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

23 (1) review information alleging abuses of civil  
24 rights, civil liberties, and racial and ethnic profiling



1 by government employees and officials including em-  
2 ployees and officials of the Department of Justice;

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

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

15 (c) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE  
16 FEDERAL BUREAU OF INVESTIGATION.—Not later than  
17 30 days after the date of the enactment of this Act, the  
18 Inspector General of the Department of Justice shall sub-  
19 mit to the Congress a plan for oversight of the Federal  
20 Bureau of Investigation. The Inspector General shall con-  
21 sider the following activities for inclusion in such plan:

22 (1) FINANCIAL SYSTEMS.—Auditing the finan-  
23 cial systems, information technology systems, and  
24 computer security systems of the Federal Bureau of  
25 Investigation.



1           (2) PROGRAMS AND PROCESSES.—Auditing and  
2           evaluating programs and processes of the Federal  
3           Bureau of Investigation to identify systemic weak-  
4           nesses or implementation failures and to recommend  
5           corrective action.

6           (3) INTERNAL AFFAIRS OFFICES.—Reviewing  
7           the activities of internal affairs offices of the Federal  
8           Bureau of Investigation, including the Inspections  
9           Division and the Office of Professional Responsi-  
10          bility.

11          (4) PERSONNEL.—Investigating allegations of  
12          serious misconduct by personnel of the Federal Bu-  
13          reau of Investigation.

14          (5) OTHER PROGRAMS AND OPERATIONS.—Re-  
15          viewing matters relating to any other program or  
16          and operation of the Federal Bureau of Investiga-  
17          tion that the Inspector General determines requires  
18          review.

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

21          (d) REVIEW OF INVESTIGATIVE TOOLS.—Not later  
22          than August 31, 2003, the Deputy shall review the imple-  
23          mentation, use, and operation (including the impact on  
24          civil rights and liberties) of the law enforcement and intel-



- 1 ligence authorities contained in title I of this Act and pro-
- 2 vide a report to the President and Congress.

