

107TH CONGRESS
1ST SESSION

H. R. 2975

[Report No. 107-236, Part I]

To combat terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. HYDE, Mr. COBLE, Mr. GOODLATTE, Mr. JENKINS, Ms. JACKSON-LEE of Texas, Mr. CANNON, Mr. MEEHAN, Mr. GRAHAM, Mr. BACHUS, Mr. WEXLER, Mr. HOSTETTLER, Mr. KELLER, Mr. ISSA, Ms. HART, Mr. FLAKE, Mr. SCHIFF, Mr. THOMAS, Mr. GOSS, Mr. RANGEL, Mr. BERMAN, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 11, 2001

Additional sponsors: Mr. DELAHUNT, Mr. WEINER, Mr. FRANK, and Mr. SMITH of Texas

OCTOBER 11, 2001

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 11, 2001

Committees on International Relations, Resources, and Ways and Means discharged

OCTOBER 11, 2001

Referral to the Permanent Select Committee on Intelligence extended for a period ending not later than October 12, 2001

[For text of introduced bill, see copy of bill as introduced on October 2, 2001]

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”.*

7 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.

Sec. 102. Seizure of voice-mail messages pursuant to warrants.

Sec. 103. Authorized disclosure.

Sec. 104. Savings provision.

Sec. 105. Interception of computer trespasser communications.

Sec. 106. Technical amendment.

Sec. 107. Scope of subpoenas for records of electronic communications.

Sec. 108. Nationwide service of search warrants for electronic evidence.

Sec. 109. Clarification of scope.

Sec. 110. Emergency disclosure of electronic communications to protect life and limb.

Sec. 111. Use as evidence.

Sec. 112. Reports concerning the disclosure of the contents of electronic communications.

Subtitle B—Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.

- Sec. 152. Multi-point authority.*
- Sec. 153. Foreign intelligence information.*
- Sec. 154. Foreign intelligence information sharing.*
- Sec. 155. Pen register and trap and trace authority.*
- Sec. 156. Business records.*
- Sec. 157. Miscellaneous national-security authorities.*
- Sec. 158. Proposed legislation.*
- Sec. 159. Presidential authority.*
- Sec. 160. Clarification of no technology mandates.*
- Sec. 161. Civil liability for certain unauthorized disclosures.*
- Sec. 162. Sunset.*

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

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

- Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.*
- Sec. 202. Changes in designation of foreign terrorist organizations.*
- Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.*
- Sec. 204. Changes in conditions for granting asylum.*
- Sec. 205. Multilateral cooperation against terrorists.*
- Sec. 206. Requiring sharing by the Federal bureau of investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.*
- Sec. 207. Inadmissibility of aliens engaged in money laundering.*
- Sec. 208. Program to collect information relating to nonimmigrant foreign students and other exchange program participants.*
- Sec. 209. Protection of northern border.*

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

- Sec. 211. Special immigrant status.*
- Sec. 212. Extension of filing or reentry deadlines.*
- Sec. 213. Humanitarian relief for certain surviving spouses and children.*
- Sec. 214. “Age-out” protection for children.*
- Sec. 215. Temporary administrative relief.*
- Sec. 216. Evidence of death, disability, or loss of employment.*
- Sec. 217. No benefits to terrorists or family members of terrorists.*
- Sec. 218. Definitions.*

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

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

Subtitle B—Criminal Procedure

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

TITLE IV—FINANCIAL INFRASTRUCTURE

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

TITLE V—EMERGENCY AUTHORIZATIONS

- Sec. 501. Office of Justice programs.*
Sec. 502. Attorney General's authority to pay rewards.
Sec. 503. Limited authority to pay overtime.
Sec. 504. Department of State reward authority.
Sec. 505. Authorization of funds for DEA police training in South and Central Asia.
Sec. 506. Public safety officer benefits.

TITLE VI—DAM SECURITY

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

TITLE VII—MISCELLANEOUS

- Sec. 701. Employment of translators by the Federal Bureau of Investigation.*
Sec. 702. Review of the Department of Justice.
Sec. 703. Feasibility study on use of biometric identifier scanning system with access to the FBI integrated automated fingerprint identification system at overseas consular posts and points of entry to the United States.
Sec. 704. Study of access.
Sec. 705. Enforcement of certain anti-terrorism judgments.

TITLE VIII—PRIVATE SECURITY OFFICER QUALITY ASSURANCE

- Sec. 801. Short title.*
Sec. 802. Findings.
Sec. 803. Background checks.
Sec. 804. Sense of Congress.
Sec. 805. Definitions.

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

2 *Any provision of this Act held to be invalid or unen-*
3 *forceable by its terms, or as applied to any person or cir-*
4 *cumstance, shall be construed so as to give it the maximum*
5 *effect permitted by law, unless such holding shall be one*
6 *of utter invalidity or unenforceability, in which event such*
7 *provision shall be deemed severable from this Act and shall*
8 *not affect the remainder thereof or the application of such*
9 *provision to other persons not similarly situated or to other,*
10 *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 GOVERNMENTAL*
18 *AGENCIES.—Section 3121(c) of title 18, United States*
19 *Code, is amended—*

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

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

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

1 **(b) ISSUANCE OF ORDERS.—**

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

5 **“(a) IN GENERAL.—**

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

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

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

13 (A) in subparagraph (A)—

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

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

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

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

1 *izing installation and use of a trap and trace de-*
2 *vice under subsection (a)(2), the geographic lim-*
3 *its of the order; and”.*

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

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

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

12 (c) *DEFINITIONS.*—

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

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

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

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

1 *tached” and inserting “dialing, routing, address-*
2 *ing, or signaling information transmitted by an*
3 *instrument or facility from which a wire or elec-*
4 *tronic communication is transmitted (but not*
5 *including the contents of such communication)”;*
6 *and*

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

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

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

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

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

23 *(A) by striking “and”;* *and*

24 *(B) by inserting “, and ‘contents’” after*
25 *“‘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 elec-*
21 *tronic” and inserting “any wire or electronic”*
22 *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 as that
2 term is defined in section 101(e) of the Foreign Intelligence
3 Surveillance Act of 1978 (50 U.S.C. 1801(e)) any Federal
4 law enforcement, intelligence, national security, national
5 defense, protective, immigration personnel, or the President
6 or Vice President of the United States” after “such of-
7 fenses”.

8 **SEC. 104. SAVINGS PROVISION.**

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

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

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

15 **SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COM-**
16 **MUNICATIONS.**

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

19 (1) in section 2510—

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

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

24 (C) by adding after paragraph (18) the fol-
25 lowing:

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

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

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

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

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

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

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

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

1 “(vi) 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 sub-
5 scriber or customer utilized,” after “of a subscriber to
6 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 Fed-
12 eral Rules of Criminal Procedure” each place it ap-
13 pears and inserting “using the procedures described
14 in the Federal Rules of Criminal Procedure by a
15 court with jurisdiction over the offense under inves-
16 tigation”; and

17 (2) in section 2711—

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

19 (B) in paragraph (2), by striking the period
20 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, and

1 *includes any Federal court within that definition,*
2 *without geographic limitation.”.*

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

4 *Section 2511(2) of title 18, United States Code, as*
5 *amended by section 105(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 *tomers cable viewing activity) under this chapter, chapter*
10 *121, or chapter 206, subsections (c)(2)(B) and (h) of section*
11 *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 communica-**
18 **tions or records”;**

19 *(2) in subsection (a)(2)(B) by striking the period*
20 *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 serv-*
 2 *ice (not including the contents of communications*
 3 *covered by paragraph (1) or (2)) to any governmental*
 4 *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) the*
 15 *following:*

16 *“(C) if the provider reasonably believes that*
 17 *an emergency involving immediate danger of*
 18 *death or serious physical injury to any person*
 19 *requires disclosure of the information without*
 20 *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 *subscriber to or customer of such service (not including the con-*
2 *tents of communications covered by subsection (a)(1) or*
3 *(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 infor-*
3 *mation pertaining to a subscriber to or customer*
4 *of such service (not including the contents of*
5 *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 subparagraph*
14 *(B).”;*

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

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 *(c) The table of sections at the beginning of chapter*
23 *121 of title 18, United States Code, is amended so that the*
24 *items relating to sections 2702 through 2703 read as follows:*

“2702. Voluntary disclosure of customer communications or records.

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

1 **SEC. 111. USE AS EVIDENCE.**

2 (a) *IN GENERAL.*—Section 2515 of title 18, United
3 States Code, is amended—

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

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

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

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

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

22 (b) *SECTION 2517.*—Paragraphs (1) and (2) of section
23 2517 are each amended by inserting “or under the cir-
24 cumstances described in section 2515(b)” after “by this
25 chapter”.

1 (c) *SECTION 2518.*—*Section 2518 of title 18, United*
2 *States Code, is amended—*

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

5 (2) *in subsection (10)—*

6 (A) *in paragraph (a)—*

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

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

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

16 (B) *by striking paragraph (c).*

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

“2515. Prohibition of use as evidence of intercepted wire, oral, or electronic com-
munications.”.

1 **SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE**
2 **CONTENTS OF ELECTRONIC COMMUNICA-**
3 **TIONS.**

4 *Section 2703 of title 18, United States Code, is amend-*
5 *ed by adding at the end the following:*

6 *“(g) REPORTS CONCERNING THE DISCLOSURE OF THE*
7 *CONTENTS OF ELECTRONIC COMMUNICATIONS.—*

8 *“(1) By January 31 of each calendar year, the*
9 *judge issuing or denying an order, warrant, or sub-*
10 *poena, or the authority issuing or denying a sub-*
11 *poena, under subsection (a) or (b) of this section dur-*
12 *ing the preceding calendar year shall report on each*
13 *such order, warrant, or subpoena to the Administra-*
14 *tive Office of the United States Courts—*

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

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

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

22 *“(D) the offense specified in the order, war-*
23 *rant, subpoena, or application;*

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

1 “(F) the nature of the facilities from which
2 or the place where the contents of electronic com-
3 munications were to be disclosed.

4 “(2) In January of each year the Attorney Gen-
5 eral or an Assistant Attorney General specially des-
6 ignated by the Attorney General shall report to the
7 Administrative Office of the United States Courts—

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

13 “(B) a general description of the disclosures
14 made under each such order, warrant, or sub-
15 poena, including—

16 “(i) the approximate number of all
17 communications disclosed and, of those, the
18 approximate number of incriminating com-
19 munications disclosed;

20 “(ii) the approximate number of other
21 communications disclosed; and

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

24 “(3) In June of each year, beginning in 2003,
25 the Director of the Administrative Office of the

1 *United States Courts shall transmit to the Congress*
 2 *a full and complete report concerning the number of*
 3 *applications for orders, warrants, or subpoenas au-*
 4 *thorizing or requiring the disclosure of the contents of*
 5 *electronic communications pursuant to subsections (a)*
 6 *and (b) of this section and the number of orders, war-*
 7 *rants, or subpoenas granted or denied pursuant to*
 8 *subsections (a) and (b) of this section during the pre-*
 9 *ceding calendar year. Such report shall include a*
 10 *summary and analysis of the data required to be filed*
 11 *with the Administrative Office by paragraphs (1) and*
 12 *(2) of this subsection. The Director of the Administra-*
 13 *tive Office of the United States Courts is authorized*
 14 *to issue binding regulations dealing with the content*
 15 *and form of the reports required to be filed by para-*
 16 *graphs (1) and (2) of this subsection.”.*

17 ***Subtitle B—Foreign Intelligence***
 18 ***Surveillance and Other Informa-***
 19 ***tion***

20 ***SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEIL-***
 21 ***LANCE OF NON-UNITED STATES PERSONS***
 22 ***UNDER FOREIGN INTELLIGENCE SURVEIL-***
 23 ***LANCE.***

24 *(a) INCLUDING AGENTS OF A FOREIGN POWER.—(1)*
 25 *Section 105(e)(1) of the Foreign Intelligence Surveillance*

1 *Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by inserting*
2 *“or an agent of a foreign power, as defined in section*
3 *101(b)(1)(A),” after “or (3),”.*

4 (2) *Section 304(d)(1) of such Act (50 U.S.C.*
5 *1824(d)(1)) is amended by inserting “or an agent of a for-*
6 *ign power, as defined in section 101(b)(1)(A),” after*
7 *“101(a),”.*

8 (b) *PERIOD OF ORDER.*—*Such section 304(d)(1) is*
9 *further amended by striking “forty-five” and inserting*
10 *“90”.*

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

12 *Section 105(c)(2)(B) of the Foreign Intelligence Sur-*
13 *veillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended*
14 *by inserting “, or, in circumstances where the Court finds*
15 *that the actions of the target of the electronic surveillance*
16 *may have the effect of thwarting the identification of a spec-*
17 *ified person, such other persons,” after “specified person”.*

18 **SEC. 153. FOREIGN INTELLIGENCE INFORMATION.**

19 *Sections 104(a)(7)(B) and 303(a)(7)(B) of the Foreign*
20 *Intelligence Surveillance Act of 1978 (50 U.S.C.*
21 *1804(a)(7)(B), 1823(a)(7)(B)) are each amended by strik-*
22 *ing “that the” and inserting “that a significant”.*

23 **SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.**

24 *It shall be lawful for foreign intelligence information*
25 *(as that term is defined in section 101(e) of the Foreign*

1 *Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e))*
2 *obtained as part of a criminal investigation (including in-*
3 *formation obtained pursuant to chapter 119 of title 18,*
4 *United States Code) to be provided to any Federal law-en-*
5 *forcement-, intelligence-, protective-, national-defense, or*
6 *immigration personnel, or the President or the Vice Presi-*
7 *dent of the United States, for the performance of official*
8 *duties.*

9 **SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHOR-**
10 **ITY.**

11 *Section 402(c) of the Foreign Intelligence Surveillance*
12 *Act of 1978 (50 U.S.C. 1842(c)) is amended—*

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

15 *(2) in paragraph (2)—*

16 *(A) by inserting “from the telephone line to*
17 *which the pen register or trap and trace device*
18 *is to be attached, or the communication instru-*
19 *ment or device to be covered by the pen register*
20 *or trap and trace device” after “obtained”; and*

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

23 *(3) by striking paragraph (3).*

1 **SEC. 156. BUSINESS RECORDS.**

2 (a) *IN GENERAL.*—Section 501 of the Foreign Intel-
3 *ligence Surveillance Act of 1978 (50 U.S.C. 1861) is amend-*
4 *ed to read as follows:*

5 “ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN
6 INTELLIGENCE AND INTERNATIONAL TERRORISM IN-
7 VESTIGATIONS

8 “SEC. 501. (a) *In any investigation to gather foreign*
9 *intelligence information or an investigation concerning*
10 *international terrorism, such investigation being conducted*
11 *by the Federal Bureau of Investigation under such guide-*
12 *lines as the Attorney General may approve pursuant to Ex-*
13 *ecutive Order No. 12333 (or a successor order), the Director*
14 *of the Federal Bureau of Investigation or a designee of the*
15 *Director (whose rank shall be no lower than Assistant Spe-*
16 *cial Agent in Charge) may make an application for an*
17 *order requiring the production of any tangible things (in-*
18 *cluding books, records, papers, documents, and other items)*
19 *that are relevant to the investigation.*

20 “(b) *Each application under this section—*

21 “(1) *shall be made to—*

22 “(A) *a judge of the court established by sec-*
23 *tion 103(a) of this Act; or*

24 “(B) *a United States magistrate judge*
25 *under chapter 43 of title 28, United States Code,*
26 *who is publicly designated by the Chief Justice*

1 *of the United States to have the power to hear*
2 *applications and grant orders for the release of*
3 *records under this section on behalf of a judge of*
4 *that court; and*

5 “(2) shall specify that the records concerned are
6 sought for an investigation described in subsection
7 (a).

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

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

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

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

23 (2) Section 503 of such Act (50 U.S.C. 1863) is reded-
24 ignated as section 502.

1 (c) *CLERICAL AMENDMENT.*—*The table of contents at*
 2 *the beginning of the Foreign Intelligence Surveillance Act*
 3 *of 1978 (50 U.S.C. 1801 et seq.) is amended by striking*
 4 *the items relating to title V and inserting the following:*

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

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

“Sec. 502. Congressional oversight.”.

5 **SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORI-**
 6 **TIES.**

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

9 (1) *in paragraph (1)—*

10 (A) *by inserting “, or electronic commu-*
 11 *nication transactional records” after “toll billing*
 12 *records”; and*

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

19 (2) *in paragraph (2), by striking “made that”*
 20 *and all that follows through the end of such para-*
 21 *graph and inserting “made that the information*

1 sought is relevant to an authorized foreign counter-
2 intelligence investigation.”.

3 (b) Section 624 of the Fair Credit Reporting Act (Pub-
4 lic Law 90–321; 15 U.S.C. 1681u), as added by section
5 601(a) of the Intelligence Authorization Act for Fiscal Year
6 1996 (Public Law 104–93; 110 Stat. 974), is amended—

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

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

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

22 **SEC. 158. PROPOSED LEGISLATION.**

23 Not later than August 31, 2003, the President shall
24 propose legislation relating to the provisions set to expire

1 *by section 160 of this Act as the President may judge nec-*
2 *essary and expedient.*

3 **SEC. 159. PRESIDENTIAL AUTHORITY.**

4 *Section 203 of the International Emergency Economic*
5 *Powers Act (50 U.S.C. 1702) is amended in subsection*
6 *(a)(1)—*

7 *(1) in subparagraph (A)—*

8 *(A) in clause (ii), by adding “or” after*
9 *“thereof;”; and*

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

12 *“(iii) the importing or exporting of cur-*
13 *rency or securities,*

14 *by any person, or with respect to any property, sub-*
15 *ject to the jurisdiction of the United States;”;*

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

19 *(3) in subparagraph (B)—*

20 *(A) by inserting after “investigate” the fol-*
21 *lowing: “, block during the pendency of an inves-*
22 *tigation for a period of not more than 90 days*
23 *(which may be extended by an additional 60*
24 *days if the President determines that such block-*

1 *ing is necessary to carry out the purposes of this*
2 *Act)”; and*

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

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

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

22 *“(i) all right, title, and interest in any*
23 *property so confiscated shall vest when, as, and*
24 *upon the terms directed by the President, in such*

1 (1) by redesignating paragraph (2) of subsection
2 (c) as paragraph (3);

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

5 “(2) In an action under this section by a citizen or
6 legal permanent resident of the United States against the
7 United States or any Federal investigative or law enforce-
8 ment officer (or against any State investigative or law en-
9 forcement officer for disclosure or unlawful use of informa-
10 tion obtained from Federal investigative or law enforcement
11 officers), the court may assess as damages whichever is the
12 greater of—

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

16 “(B) statutory damages of whichever is the great-
17 er of \$100 a day for each day of violation or
18 \$10,000.”; and

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

20 “(f) *IMPROPER DISCLOSURE IS VIOLATION.*—Any dis-
21 closure or use by an investigative or law enforcement officer
22 of information beyond the extent permitted by section 2517
23 is a violation of this chapter for purposes of section 2520(a).

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

1 *of has violated any provision of this section and the court*
2 *finds that the circumstances surrounding the violation raise*
3 *questions of whether or not an officer or employee thereof*
4 *acted willfully or intentionally with respect to the violation,*
5 *the agency or bureau shall promptly initiate a proceeding*
6 *to determine whether or not disciplinary action is war-*
7 *ranted against the officer or employee who was responsible*
8 *for the violation. In such case, if the head of the agency*
9 *or bureau determines discipline is not appropriate, he or*
10 *she shall report his or her conclusions and the reasons there-*
11 *for to the Deputy Inspector General for Civil Rights, Civil*
12 *Liberties, and the Federal Bureau of Investigation.*

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

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

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

24 (2) *by adding at the end of subsection (c) the fol-*
25 *lowing:*

1 “(2) *In an action under this section by a citizen or*
2 *legal permanent resident of the United States against the*
3 *United States or any Federal investigative or law enforce-*
4 *ment officer (or against any State investigative or law en-*
5 *forcement officer for disclosure or unlawful use of informa-*
6 *tion obtained from Federal investigative or law enforcement*
7 *officers), the court may assess as damages whichever is the*
8 *greater of—*

9 “(A) *the sum of actual damages suffered by the*
10 *plaintiff and any profits made by the violator as a*
11 *result of the violation; or*

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

13 (3) *by adding at the end the following:*

14 “(f) *IMPROPER DISCLOSURE IS VIOLATION.—Any dis-*
15 *closure or use by an investigative or law enforcement officer*
16 *of information beyond the extent permitted by section 2517*
17 *is a violation of this chapter for purposes of section 2707(a).*

18 “(g) *ADMINISTRATIVE DISCIPLINE.—If a court deter-*
19 *mines that the United States or any agency or bureau there-*
20 *of has violated any provision of this section and the court*
21 *finds that the circumstances surrounding the violation raise*
22 *questions of whether or not an officer or employee thereof*
23 *acted willfully or intentionally with respect to the violation,*
24 *the agency or bureau shall promptly initiate a proceeding*
25 *to determine whether or not disciplinary action is war-*

1 *ranted against the officer or employee who was responsible*
 2 *for the violation. In such case, if the head of the agency*
 3 *or bureau determines discipline is not appropriate, he or*
 4 *she shall report his or her conclusions and the reasons there-*
 5 *for to the Deputy Inspector General for Civil Rights, Civil*
 6 *Liberties, and the Federal Bureau of Investigation.*

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

14 (c) *CHAPTER 206.—*

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

18 “**§ 3128. Civil action**

19 “(a) *CAUSE OF ACTION.—Except as provided in sub-*
 20 *sections (d) and (e) of section 3124, any person aggrieved*
 21 *by any violation of this chapter may in a civil action re-*
 22 *cover from the person or entity which engaged in that viola-*
 23 *tion such relief as may be appropriate.*

24 “(b) *RELIEF.—In any action under this section, ap-*
 25 *propriate relief includes—*

1 “(1) such preliminary and other equitable or de-
2 claratory relief as may be appropriate;

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

5 “(3) a reasonable attorney’s fee and other litiga-
6 tion costs reasonably incurred.

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

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

12 “(2) statutory damages of \$10,000.

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

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

21 “(f) ADMINISTRATIVE DISCIPLINE.—If a court deter-
22 mines that the United States or any agency or bureau there-
23 of has violated any provision of this section and the court
24 finds that the circumstances surrounding the violation raise
25 questions of whether or not an officer or employee thereof

1 *acted willfully or intentionally with respect to the violation,*
2 *the agency or bureau shall promptly initiate a proceeding*
3 *to determine whether or not disciplinary action is war-*
4 *ranted against the officer or employee who was responsible*
5 *for the violation. In such case, if the head of the agency*
6 *or bureau determines discipline is not appropriate, he or*
7 *she shall report his or her conclusions and the reasons there-*
8 *for to the Deputy Inspector General for Civil Rights, Civil*
9 *Liberties, and the Federal Bureau of Investigation.*

10 “(g) *ACTIONS AGAINST THE UNITED STATES.—Any*
11 *action against the United States shall be conducted under*
12 *the procedures of the Federal Tort Claims Act. Any award*
13 *against the United States shall be deducted from the budget*
14 *of the appropriate agency or bureau employing or man-*
15 *aging the officer or employee who was responsible for the*
16 *violation.”.*

17 (2) *CLERICAL AMENDMENT.—The table of sections at*
18 *the beginning of chapter 206 of title 18, United States Code,*
19 *is amended by adding at the end the following new item:*
 “3128. *Civil action.*”.

20 (d) *FOREIGN INTELLIGENCE SURVEILLANCE ACT OF*
21 *1978.—(1) Section 110 of the Foreign Intelligence Surveil-*
22 *lance Act of 1978 (50 U.S.C. 1810) is amended—*

23 (A) *by inserting “(a)” before “CIVIL ACTION.—*
24 ”;

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

3 (C) by striking “(a) actual” and inserting “(1)
4 actual”;

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

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

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

11 (G) by adding at the end the following new sub-
12 sections:

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

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

1 *for the violation. In such case, if the head of the agency*
2 *or bureau determines discipline is not appropriate, the head*
3 *shall report conclusions for the determination and the rea-*
4 *sons therefor to the Deputy Inspector General for Civil*
5 *Rights, Civil Liberties, and the Federal Bureau of Inves-*
6 *tigation.*

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

14 (2) *Section 308 of the the Foreign Intelligence Surveil-*
15 *lance Act of 1978 (50 U.S.C. 1828) is amended—*

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

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

20 (C) *by striking “\$1,000” and inserting*
21 *“\$10,000”; and*

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

24 “(b) *LIMITATION.—A civil action under this section*
25 *may not be commenced later than 2 years after the date*

1 upon which the claimant first has a reasonable opportunity
2 to discover the violation.

3 “(c) *ADMINISTRATIVE DISCIPLINE.*—If a court deter-
4 mines that the United States or any agency or bureau there-
5 of has violated any provision of this section and the court
6 finds that the circumstances surrounding the violation raise
7 questions of whether or not an officer or employee thereof
8 acted willfully or intentionally with respect to the violation,
9 the agency or bureau shall promptly initiate a proceeding
10 to determine whether or not disciplinary action is war-
11 ranted against the officer or employee who was responsible
12 for the violation. In such case, if the head of the agency
13 or bureau determines discipline is not appropriate, the head
14 shall report the conclusions for the determination and the
15 reasons therefor to the Deputy Inspector General for Civil
16 Rights, Civil Liberties, and the Federal Bureau of Inves-
17 tigation.

18 “(d) *ACTIONS AGAINST THE UNITED STATES.*—Any
19 action against the United States shall be conducted under
20 the procedures of the Federal Tort Claims Act. Any award
21 against the United States shall be deducted from the budget
22 of the appropriate agency or bureau employing or man-
23 aging the officer or employee who was responsible for the
24 violation.”.

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

4 “PENALTIES

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

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

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

15 “(b) *DEFENSE.—It is a defense to a prosecution under*
16 *subsection (a) that the defendant was a law enforcement*
17 *or investigative officer engaged in the course of his official*
18 *duties and the pen register or trap and trace device was*
19 *authorized by and conducted pursuant to a search warrant*
20 *or court order of a court of competent jurisdiction.*

21 “(c) *PENALTIES.—An offense described in this section*
22 *is punishable by a fine of not more than \$10,000 or impris-*
23 *onment for not more than five years, or both.*

24 “(d) *FEDERAL JURISDICTION .—There is Federal ju-*
25 *risdiction over an offense under this section if the person*

1 *committing the offense was an officer or employee of the*
2 *United States at the time the offense was committed.*

3 *“CIVIL LIABILITY*

4 *“SEC. 408. (a) CIVIL ACTION.—An aggrieved person,*
5 *other than a foreign power or an agent of a foreign power,*
6 *as defined in section 101(a) or (b)(1)(A), respectively, who*
7 *has been subjected to a pen register or trap and trace device*
8 *or about whom information obtained by a pen register or*
9 *trap and trace device has been disclosed or used in violation*
10 *of section 407 shall have a cause of action against any per-*
11 *son or entity who committed such violation and shall be*
12 *entitled to recover—*

13 *“(1) actual damages, but not less than liquidated*
14 *damages of \$10,000, whichever is greater;*

15 *“(2) punitive damages; and*

16 *“(3) reasonable attorney’s fees and other inves-*
17 *tigation and litigation costs reasonably incurred.*

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

22 *“(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-*
23 *mines that the United States or any agency or bureau there-*
24 *of has violated any provision of this section and the court*
25 *finds that the circumstances surrounding the violation raise*
26 *questions of whether or not an officer or employee thereof*

1 acted willfully or intentionally with respect to the violation,
2 the agency or bureau shall promptly initiate a proceeding
3 to determine whether or not disciplinary action is war-
4 ranted against the officer or employee who was responsible
5 for the violation. In such case, if the head of the agency
6 or bureau determines discipline is not appropriate, the head
7 shall report the conclusions for the determination and the
8 reasons therefor to the Deputy Inspector General for Civil
9 Rights, Civil Liberties, and the Federal Bureau of Inves-
10 tigation.

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

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

“Sec. 407. Penalties.

“Sec. 408. Civil liability.”.

22 **SEC. 162. SUNSET.**

23 This title and the amendments made by this title
24 (other than sections 106 (relating to technical amendment),

1 109 (relating to clarification of scope), and 159 (relating
 2 to presidential authority)) and the amendments made by
 3 those sections shall take effect on the date of enactment of
 4 this Act and shall cease to have any effect on December 31,
 5 2003.

6 **TITLE II—ALIENS ENGAGING IN**
 7 **TERRORIST ACTIVITY**
 8 **Subtitle A—Detention and Removal**
 9 **of Aliens Engaging in Terrorist**
 10 **Activity**

11 **SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELI-**
 12 **GIBLE FOR ADMISSION AND DEPORTABLE**
 13 **DUE TO TERRORIST ACTIVITY.**

14 (a) *ALIENS INELIGIBLE FOR ADMISSION DUE TO TER-*
 15 *RORIST ACTIVITIES.*—Section 212(a)(3)(B) of the *Immigra-*
 16 *tion and Nationality Act* (8 U.S.C. 1182(a)(3)(B)) is
 17 amended—

18 (1) in clause (i)—

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

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

24 “(IV) is a representative of—

1 “(a) a foreign terrorist orga-
2 nization, as designated by the
3 Secretary of State under section
4 219; or

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

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

15 (D) by inserting after subclause (V) the fol-
16 lowing:

17 “(VI) has used the alien’s promi-
18 nence within a foreign state or the
19 United States to endorse or espouse ter-
20 rorist activity, or to persuade others to
21 support terrorist activity or a terrorist
22 organization, in a way that the Sec-
23 retary of State has determined under-
24 mines the efforts of the United States

1 to reduce or eliminate terrorist activi-
2 ties;”;

3 (2) in clause (ii)—

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

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

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

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

18 “(I) to commit a terrorist activi-
19 ty;

20 “(II) to plan or prepare to com-
21 mit a terrorist activity;

22 “(III) to gather information on
23 potential targets for a terrorist activi-
24 ty;

1 “(IV) to solicit funds or other
2 things of value for—

3 “(a) a terrorist activity;

4 “(b) an organization des-
5 igned as a foreign terrorist or-
6 ganization under section 219; or

7 “(c) a terrorist organization
8 described in clause (v)(II), but
9 only if the solicitor knows, or rea-
10 sonably should know, that the so-
11 licitation would further a terrorist
12 activity;

13 “(V) to solicit any individual—

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

16 “(b) for membership in a ter-
17 rorist government;

18 “(c) for membership in an
19 organization designated as a for-
20 eign terrorist organization under
21 section 219; or

22 “(d) for membership in a ter-
23 rorist organization described in
24 clause (v)(II), but only if the so-
25 licitor knows, or reasonably

1 *should know, that the solicitation*
2 *would further a terrorist activity;*
3 *or*

4 “(VI) *to commit an act that the*
5 *actor knows, or reasonably should*
6 *know, affords material support, includ-*
7 *ing a safe house, transportation, com-*
8 *munications, funds, transfer of funds*
9 *or other material financial benefit,*
10 *false documentation or identification,*
11 *weapons (including chemical, biologi-*
12 *cal, and radiological weapons), explo-*
13 *sives, or training—*

14 “(a) *for the commission of a*
15 *terrorist activity;*

16 “(b) *to any individual who*
17 *the actor knows, or reasonably*
18 *should know, has committed or*
19 *plans to commit a terrorist activ-*
20 *ity;*

21 “(c) *to an organization des-*
22 *ignated as a foreign terrorist or-*
23 *ganization under section 219; or*

24 “(d) *to a terrorist organiza-*
25 *tion described in clause (v)(II),*

1 *but only if the actor knows, or*
2 *reasonably should know, that the*
3 *act would further a terrorist ac-*
4 *tivity.”; and*

5 (4) *by adding at the end the following:*

6 “*(v) TERRORIST ORGANIZATION DE-*
7 *FINED.—As used in this subparagraph, the*
8 *term ‘terrorist organization’ means—*

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

12 “*(II) with regard to a group that*
13 *is not an organization described in*
14 *subclause (I), a group of 2 or more in-*
15 *dividuals, whether organized or not,*
16 *which engages in, or which has a sig-*
17 *nificant subgroup which engages in,*
18 *the activities described in subclause (I),*
19 *(II), or (III) of clause (iii).*

20 “*(vi) SPECIAL RULE FOR MATERIAL*
21 *SUPPORT.—Clause (iii)(VI)(b) shall not be*
22 *construed to include the affording of mate-*
23 *rial support to an individual who com-*
24 *mitted or planned to commit a terrorist ac-*
25 *tivity, if the alien establishes by clear and*

1 *convincing evidence that such support was*
2 *afforded only after such individual perma-*
3 *nently and publicly renounced, rejected the*
4 *use of, and had ceased to engage in, ter-*
5 *rorist activity.”.*

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

10 **“(F) ENDANGERMENT.**—*Any alien who the*
11 *Secretary of State, after consultation with the*
12 *Attorney General, or the Attorney General, after*
13 *consultation with the Secretary of State, deter-*
14 *mines has been associated with a terrorist orga-*
15 *nization and intends while in the United States*
16 *to engage solely, principally, or incidentally in*
17 *activities that could endanger the welfare, safety,*
18 *or security of the United States is inadmis-*
19 *sible.”.*

20 **(c) ALIENS DEPORTABLE DUE TO TERRORIST ACTIVI-**
21 **TIES.**—*Section 237(a)(4)(B) of the Immigration and Na-*
22 *tionality (8 U.S.C. 1227(a)(4)(B)) is amended to read as*
23 *follows:*

24 **“(B) TERRORIST ACTIVITIES.**—*Any alien is*
25 *deportable who—*

1 “(i) has engaged, is engaged, or at any
2 time after admission engages in terrorist
3 activity (as defined in section
4 212(a)(3)(B)(iii));

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

7 “(I) a foreign terrorist organiza-
8 tion, as designated by the Secretary of
9 State under section 219; or

10 “(II) a political, social, or other
11 similar group whose public endorse-
12 ment of terrorist activity—

13 “(a) is intended and likely to
14 incite or produce imminent law-
15 less action; and

16 “(b) has been determined by
17 the Secretary of State to under-
18 mine the efforts of the United
19 States to reduce or eliminate ter-
20 rorist activities; or

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

24 “(I) to endorse, in a manner that
25 is intended and likely to incite or

1 *produce imminent lawless action and*
2 *that has been determined by the Sec-*
3 *retary of State to undermine the efforts*
4 *of the United States to reduce or elimi-*
5 *nate terrorist activities, terrorist activ-*
6 *ity; or*

7 *“(II) to persuade others, in a*
8 *manner that is intended and likely to*
9 *incite or produce imminent lawless ac-*
10 *tion and that has been determined by*
11 *the Secretary of State to undermine the*
12 *efforts of the United States to reduce or*
13 *eliminate terrorist activities, to sup-*
14 *port terrorist activity or a terrorist or-*
15 *ganization (as defined in section*
16 *212(a)(3)(B)(v)).”.*

17 *(d) RETROACTIVE APPLICATION OF AMENDMENTS.—*

18 *(1) IN GENERAL.—The amendments made by*
19 *this section shall take effect on the date of the enact-*
20 *ment of this Act and shall apply to—*

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

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

4 (i) in removal proceedings on or after
5 such date (except for proceedings in which
6 there has been a final administrative deci-
7 sion before such date); or

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

10 (2) *SPECIAL RULE FOR ALIENS IN EXCLUSION OR*
11 *DEPORTATION PROCEEDINGS.*—Notwithstanding any
12 other provision of law, the amendments made by this
13 section shall apply to all aliens in exclusion or depor-
14 tation proceedings on or after the date of the enact-
15 ment of this Act (except for proceedings in which
16 there has been a final administrative decision before
17 such date) as if such proceedings were removal pro-
18 ceedings.

19 (3) *SPECIAL RULE FOR SECTION 219 ORGANIZA-*
20 *TIONS.*—

21 (A) *IN GENERAL.*—Notwithstanding para-
22 graphs (1) and (2), no alien shall be considered
23 inadmissible under section 212(a)(3) of the Im-
24 migration and Nationality Act (8 U.S.C.
25 1182(a)(3)), or deportable under section

1 237(a)(4)(B) of such Act (8 U.S.C.
2 1227(a)(4)(B)), by reason of the amendments
3 made by subsection (a), on the ground that the
4 alien engaged in a terrorist activity described in
5 subclause (IV)(b), (V)(c), or (VI)(c) of section
6 212(a)(3)(B)(iii) of such Act (as so amended)
7 with respect to a group at any time when the
8 group was not a foreign terrorist organization
9 designated by the Secretary of State under sec-
10 tion 219 of such Act (8 U.S.C. 1189).

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

15 (i) described in subclause (IV)(b),
16 (V)(c), or (VI)(c) of section
17 212(a)(3)(B)(iii) of such Act (as so amend-
18 ed) with respect to a foreign terrorist orga-
19 nization at any time when such organiza-
20 tion was designated by the Secretary of
21 State under section 219 of such Act; or

22 (ii) described in subclause (IV)(c),
23 (V)(d), or (VI)(d) of section
24 212(a)(3)(B)(iii) of such Act (as so amend-

1 *ed) with respect to any group described in*
2 *any of such subclauses.*

3 **SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TER-**
4 **RORIST ORGANIZATIONS.**

5 *(a) DESIGNATION OF FOREIGN TERRORIST ORGANIZA-*
6 *TIONS.—Section 219(a) of the Immigration and Nation-*
7 *ality Act (8 U.S.C. 1189(a)) is amended—*

8 *(1) in paragraph (1)—*

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

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

19 *(2) in paragraph (2)—*

20 *(A) by amending subparagraph (A) to read*
21 *as follows:*

22 *“(A) NOTICE.—*

23 *“(i) IN GENERAL.—Seven days before a*
24 *designation is made under this subsection,*
25 *the Secretary of State shall, by classified*

1 *communication, notify the Speaker and mi-*
2 *nority leader of the House of Representa-*
3 *tives, the President pro tempore, majority*
4 *leader, and minority leader of the Senate,*
5 *the members of the relevant committees, and*
6 *the Secretary of the Treasury, in writing, of*
7 *the intent to designate a foreign organiza-*
8 *tion under this subsection, together with the*
9 *findings made under paragraph (1) with re-*
10 *spect to that organization, and the factual*
11 *basis therefor.*

12 “(ii) *PUBLICATION OF DESIGNATION.—*
13 *The Secretary of State shall publish the des-*
14 *ignation in the Federal Register seven days*
15 *after providing the notification under clause*
16 *(i).”;*

17 *(B) in subparagraph (B), by striking “(A).”*
18 *and inserting “(A)(i).”;* and

19 *(C) in subparagraph (C), by striking*
20 *“paragraph (2),” and inserting “subparagraph*
21 *(A)(i),”;*

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

24 *(4) in paragraph (4)(B), by inserting after the*
25 *first sentence the following: “The Secretary may also*

1 *redesignate such organization at the end of any 2-*
2 *year redesignation period (but not sooner than 60*
3 *days prior to the termination of such period) for an*
4 *additional 2-year period upon a finding that the rel-*
5 *evant circumstances described in paragraph (1) still*
6 *exist. Any redesignation shall be effective immediately*
7 *following the end of the prior 2-year designation or*
8 *redesignation period unless a different effective date is*
9 *provided in such redesignation.”;*

10 *(5) in paragraph (6)—*

11 *(A) in subparagraph (A)—*

12 *(i) in the matter preceding clause (i),*
13 *by inserting “or a redesignation made*
14 *under paragraph (4)(B)” after “paragraph*
15 *(1)”;*

16 *(ii) in clause (i)—*

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

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

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

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

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

2 “(C) *EFFECTIVE DATE*.—Any revocation
3 shall take effect on the date specified in the rev-
4 ocation or upon publication in the *Federal Reg-*
5 ister if no effective date is specified.”;

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

9 (7) in paragraph (8)—

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

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

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

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

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

1 (2) *in subsection (c)*—

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

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

6 (C) *by striking paragraph (4); and*

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

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

10 “(1) *BY SECRETARY OR ATTORNEY GENERAL.—*

11 *Except as otherwise provided in this subsection, the*
12 *duties under this section shall, and authorities under*
13 *this section may, be exercised by—*

14 “(A) *the Secretary of State—*

15 “(i) *after consultation with the Sec-*
16 *retary of the Treasury and with the concur-*
17 *rence of the Attorney General; or*

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

20 “(B) *the Attorney General—*

21 “(i) *after consultation with the Sec-*
22 *retary of the Treasury and with the concur-*
23 *rence of the Secretary of State; or*

24 “(ii) *upon instruction by the President*
25 *pursuant to paragraph (2).*

1 “(2) *CONCURRENCE.*—*The Secretary of State*
2 *and the Attorney General shall each seek the other’s*
3 *concurrence in accordance with paragraph (1). In*
4 *any case in which such concurrence is denied or with-*
5 *held, the official seeking the concurrence shall so no-*
6 *tify the President and shall request the President to*
7 *make a determination as to how the issue shall be re-*
8 *solved. Such notification and request of the President*
9 *may not be made before the earlier of—*

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

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

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

20 **SEC. 203. MANDATORY DETENTION OF SUSPECTED TER-**
21 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**
22 **VIEW.**

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

1 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;

2 HABEAS CORPUS; JUDICIAL REVIEW

3 “SEC. 236A. (a) DETENTION OF TERRORIST

4 ALIENS.—

5 “(1) CUSTODY.—The Attorney General shall take
6 into custody any alien who is certified under para-
7 graph (3).

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

19 “(3) CERTIFICATION.—The Attorney General
20 may certify an alien under this paragraph if the At-
21 torney General has reasonable grounds to believe that
22 the alien—

23 “(A) is described in section 212(a)(3)(A)(i),
24 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i),
25 237(a)(4)(A)(iii), or 237(a)(4)(B); or

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

4 “(4) NONDELEGATION.—The Attorney General
5 may delegate the authority provided under paragraph
6 (3) only to the Deputy Attorney General. The Deputy
7 Attorney General may not delegate such authority.

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

15 “(6) LIMITATION ON INDEFINITE DETENTION.—
16 An alien detained under paragraph (1) who has been
17 ordered removed based on one or more of the grounds
18 of inadmissibility or deportability referred to in
19 paragraph (3)(A), who has not been removed within
20 the removal period specified under section
21 241(a)(1)(A), and whose removal is unlikely in the
22 reasonably foreseeable future, may be detained for ad-
23 ditional periods of up to six months if the Attorney
24 General demonstrates that the release of the alien will
25 not protect the national security of the United States

1 *or adequately ensure the safety of the community or*
2 *any person.*

3 “(b) *HABEAS CORPUS AND JUDICIAL REVIEW.*—*Judi-*
4 *cial review of any action or decision relating to this section*
5 *(including judicial review of the merits of a determination*
6 *made under subsection (a)(3) or (a)(6)) is available exclu-*
7 *sively in habeas corpus proceedings initiated in the United*
8 *States District Court for the District of Columbia. Notwith-*
9 *standing any other provision of law, including section 2241*
10 *of title 28, United States Code, except as provided in the*
11 *preceding sentence, no court shall have jurisdiction to re-*
12 *view, by habeas corpus petition or otherwise, any such ac-*
13 *tion or decision.”.*

14 (b) *CLERICAL AMENDMENT.*—*The table of contents of*
15 *the Immigration and Nationality Act is amended by insert-*
16 *ing after the item relating to section 236 the following:*

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

17 (c) *REPORTS.*—*Not later than 6 months after the date*
18 *of the enactment of this Act, and every 6 months thereafter,*
19 *the Attorney General shall submit a report to the Committee*
20 *on the Judiciary of the House of Representatives and the*
21 *Committee on the Judiciary of the Senate, with respect to*
22 *the reporting period, on—*

1 (1) *the number of aliens certified under section*
2 *236A(a)(3) of the Immigration and Nationality Act,*
3 *as added by subsection (a);*

4 (2) *the grounds for such certifications;*

5 (3) *the nationalities of the aliens so certified;*

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

8 (5) *the number of aliens so certified who—*

9 (A) *were granted any form of relief from re-*
10 *moval;*

11 (B) *were removed;*

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

14 or

15 (D) *were released from detention.*

16 **SEC. 204. CHANGES IN CONDITIONS FOR GRANTING ASY-**
17 **LUM.**

18 (a) *IN GENERAL.—Section 208(b)(2)(A)(v) of the Im-*
19 *migration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v))*
20 *is amended—*

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

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

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

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

7 (2) *all aliens, without regard to the date of entry*
 8 *or attempted entry into the United States, whose ap-*
 9 *plication for asylum is pending on or after such date*
 10 *(except for applications with respect to which there*
 11 *has been a final administrative decision before such*
 12 *date).*

13 **SEC. 205. MULTILATERAL COOPERATION AGAINST TERROR-**
 14 **ISTS.**

15 Section 222(f) of the Immigration and Nationality Act
 16 (8 U.S.C. 1202(f)) is amended—

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

19 (2) *by striking “United States,” and all that fol-*
 20 *lows through the period at the end and inserting*
 21 *“United States.”; and*

22 (3) *by adding at the end the following:*

23 “(2) *In the discretion of the Secretary of State, cer-*
 24 *tified copies of such records may be made available to a*
 25 *court which certifies that the information contained in such*

1 records is needed by the court in the interest of the ends
2 of justice in a case pending before the court.

3 “(3)(A) Subject to the provisions of this paragraph, the
4 Secretary of State may provide copies of records of the De-
5 partment of State and of diplomatic and consular offices
6 of the United States (including the Department of State’s
7 automated visa lookout database) pertaining to the issuance
8 or refusal of visas or permits to enter the United States,
9 or information contained in such records, to foreign govern-
10 ments if the Secretary determines that it is necessary and
11 appropriate.

12 “(B) Such records and information may be provided
13 on a case-by-case basis for the purpose of preventing, inves-
14 tigating, or punishing acts of terrorism. General access to
15 records and information may be provided under an agree-
16 ment to limit the use of such records and information to
17 the purposes described in the preceding sentence.

18 “(C) The Secretary of State shall make any determina-
19 tion under this paragraph in consultation with any Federal
20 agency that compiled or provided such records or informa-
21 tion.

22 “(D) To the extent possible, such records and informa-
23 tion shall be made available to foreign governments on a
24 reciprocal basis.”.

1 **SEC. 206. REQUIRING SHARING BY THE FEDERAL BUREAU**
2 **OF INVESTIGATION OF CERTAIN CRIMINAL**
3 **RECORD EXTRACTS WITH OTHER FEDERAL**
4 **AGENCIES IN ORDER TO ENHANCE BORDER**
5 **SECURITY.**

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

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

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

12 (3) *by striking “the internal security of” and in-*
13 *serting “the internal and border security of”; and*

14 (4) *by adding at the end the following:*

15 “(b) *CRIMINAL HISTORY RECORD INFORMATION.*—The
16 *Attorney General and the Director of the Federal Bureau*
17 *of Investigation shall provide the Secretary of State and*
18 *the Commissioner access to the criminal history record in-*
19 *formation contained in the National Crime Information*
20 *Center’s Interstate Identification Index, Wanted Persons*
21 *File, and to any other files maintained by the National*
22 *Crime Information Center that may be mutually agreed*
23 *upon by the Attorney General and the official to be provided*
24 *access, for the purpose of determining whether a visa appli-*
25 *cant or applicant for admission has a criminal history*
26 *record indexed in any such file. Such access shall be pro-*

1 *vided by means of extracts of the records for placement in*
2 *the Department of State’s automated visa lookout database*
3 *or other appropriate database, and shall be provided with-*
4 *out any fee or charge. The Director of the Federal Bureau*
5 *of Investigation shall provide periodic updates of the ex-*
6 *tracts at intervals mutually agreed upon by the Attorney*
7 *General and the official provided access. Upon receipt of*
8 *such updated extracts, the receiving official shall make cor-*
9 *responding updates to the official’s databases and destroy*
10 *previously provided extracts. Such access to any extract*
11 *shall not be construed to entitle the Secretary of State to*
12 *obtain the full content of the corresponding automated*
13 *criminal history record. To obtain the full content of a*
14 *criminal history record, the Secretary of State shall submit*
15 *the applicant’s fingerprints and any appropriate finger-*
16 *print processing fee authorized by law to the Criminal Jus-*
17 *tice Information Services Division of the Federal Bureau*
18 *of Investigation.*

19 “(c) *RECONSIDERATION.*—*The provision of the extracts*
20 *described in subsection (b) may be reconsidered by the At-*
21 *torney General and the receiving official upon the develop-*
22 *ment and deployment of a more cost-effective and efficient*
23 *means of sharing the information.*

24 “(d) *REGULATIONS.*—*For purposes of administering*
25 *this section, the Secretary of State shall, prior to receiving*

1 *access to National Crime Information Center data, promul-*
2 *gate final regulations—*

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

5 “(2) *to establish the conditions for the use of the*
6 *information received from the Federal Bureau of In-*
7 *vestigation, in order—*

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

10 “(B) *to ensure that such information is*
11 *used solely to determine whether to issue a visa*
12 *to an individual;*

13 “(C) *to ensure the security, confidentiality,*
14 *and destruction of such information; and*

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

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

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

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

24 (d) *REPORTING REQUIREMENT.—Not later than 2*
25 *years after the date of the enactment of this Act, the Attor-*

1 *ney General and the Secretary of State, jointly, shall report*
2 *to the Congress on the implementation of the amendments*
3 *made by this section.*

4 *(e) CONSTRUCTION.—Nothing in this section, or in*
5 *any other law, shall be construed to limit the authority of*
6 *the Attorney General or the Director of the Federal Bureau*
7 *of Investigation to provide access to the criminal history*
8 *record information contained in the National Crime Infor-*
9 *mation Center’s Interstate Identification Index, or to any*
10 *other information maintained by such center, to any Fed-*
11 *eral agency or officer authorized to enforce or administer*
12 *the immigration laws of the United States, for the purpose*
13 *of such enforcement or administration, upon terms that are*
14 *consistent with sections 212 through 216 of the National*
15 *Crime Prevention and Privacy Compact Act of 1998 (42*
16 *U.S.C. 14611 et seq.).*

17 **SEC. 207. INADMISSIBILITY OF ALIENS ENGAGED IN MONEY**
18 **LAUNDERING.**

19 *(a) AMENDMENT TO IMMIGRATION AND NATIONALITY*
20 *ACT.—Section 212(a)(2) of the Immigration and Nation-*
21 *ality Act (8 U.S.C. 1182(a)(2)) is amended by adding at*
22 *the end the following:*

23 *“(I) MONEY LAUNDERING.—Any alien—*
24 *“(i) who a consular officer or the At-*
25 *torney General knows, or has reason to be-*

1 *lieve, has engaged, is engaging, or seeks to*
2 *enter the United States to engage, in an of-*
3 *fense which is described in section 1956 of*
4 *title 18, United States Code (relating to*
5 *laundering of monetary instruments); or*
6 *“(ii) who a consular officer or the At-*
7 *torney General knows is, or has been, a*
8 *knowing aider, abettor, assister, con-*
9 *spirator, or colluder with others in an of-*
10 *fense which is described in such section;*
11 *is inadmissible.”.*

12 **(b) MONEY LAUNDERING WATCHLIST.**—*Not later than*
13 *90 days after the date of the enactment of this Act, the Sec-*
14 *retary of State shall develop, implement, and certify to the*
15 *Congress that there has been established a money laundering*
16 *watchlist, which identifies individuals worldwide who are*
17 *known or suspected of money laundering, which is readily*
18 *accessible to, and shall be checked by, a consular or other*
19 *Federal official prior to the issuance of a visa or admission*
20 *to the United States. The Secretary of State shall develop*
21 *and continually update the watchlist in cooperation with*
22 *the Attorney General, the Secretary of the Treasury, and*
23 *the Director of Central Intelligence.*

1 **SEC. 208. PROGRAM TO COLLECT INFORMATION RELATING**
2 **TO NONIMMIGRANT FOREIGN STUDENTS AND**
3 **OTHER EXCHANGE PROGRAM PARTICIPANTS.**

4 (a) *CHANGES IN DEADLINES.*—Section 641 of the Ille-
5 gal Immigration Reform and Immigrant Responsibility Act
6 of 1996 (8 U.S.C. 1372) is amended—

7 (1) in subsection (f), by striking “Not later than
8 4 years after the commencement of the program estab-
9 lished under subsection (a),” and inserting “Not later
10 than 120 days after the date of the enactment of the
11 PATRIOT Act of 2001,”; and

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

14 (b) *INCREASED FEE FOR CERTAIN STUDENTS.*—Sec-
15 tion 641(e)(4)(A) of the Illegal Immigration Reform and
16 Immigrant Responsibility Act of 1996 (8 U.S.C.
17 1372(e)(4)(A)) is amended by adding at the end the fol-
18 lowing: “In the case of an alien who is a national of a
19 country, the government of which the Secretary of State has
20 determined, for purposes of section 6(j)(1) of the Export Ad-
21 ministration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has
22 repeatedly provided support for acts of international ter-
23 rorism, the Attorney General may impose on, and collect
24 from, the alien a fee that is greater than that imposed on
25 other aliens described in paragraph (3).”.

1 (c) *DATA EXCHANGE.*—Section 641 of the *Illegal Im-*
2 *migration Reform and Immigrant Responsibility Act of*
3 *1996 (8 U.S.C. 1372) is amended—*

4 (1) *by redesignating subsection (h) as subsection*
5 *(i); and*

6 (2) *by inserting after subsection (g) the fol-*
7 *lowing:*

8 “(h) *DATA EXCHANGE.*—*Notwithstanding any other*
9 *provision of law, the Attorney General shall provide to the*
10 *Secretary of State and the Director of the Federal Bureau*
11 *of Investigation the information collected under subsection*
12 *(a)(1).”.*

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

14 *There are authorized to be appropriated—*

15 (1) *such sums as may be necessary to triple the*
16 *number of Border Patrol personnel (from the number*
17 *authorized under current law) in each State along the*
18 *northern border;*

19 (2) *such sums as may be necessary to triple the*
20 *number of Immigration and Naturalization Service*
21 *inspectors (from the number authorized under current*
22 *law) at ports of entry in each State along the north-*
23 *ern border; and*

24 (3) *an additional \$50,000,000 to the Immigra-*
25 *tion and Naturalization Service for purposes of en-*

1 *hancing technology for security and enforcement at*
2 *the northern border, such as infrared technology and*
3 *technology that enhances coordination between the*
4 *Governments of Canada and the United States gen-*
5 *erally and specifically between Canadian police and*
6 *the Federal Bureau of Investigation.*

7 ***Subtitle B—Preservation of Immi-***
8 ***gration Benefits for Victims of***
9 ***Terrorism***

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

11 *(a) IN GENERAL.—For purposes of the Immigration*
12 *and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney*
13 *General may provide an alien described in subsection (b)*
14 *with the status of a special immigrant under section*
15 *101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the 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 in*
3 *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 11,*
7 *2001—*

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

16 **(II) under section 214(d) (8**
17 *U.S.C. 1184(d)) of such Act to author-*
18 *ize the issuance of a nonimmigrant*
19 *visa to the alien under section*
20 *101(a)(15)(K) of such Act (8 U.S.C.*
21 *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 filed*

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

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

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

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

12 (2) SPOUSES AND CHILDREN.—

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

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

18 (ii) the alien—

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

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

24 (B) CONSTRUCTION.—For purposes of con-
25 struing the terms “accompanying” and “fol-

1 *lowing to join” in subparagraph (A)(ii), any*
2 *death of a principal alien that is described in*
3 *paragraph (1)(B)(i) shall be disregarded.*

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

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

19 (d) *NUMERICAL LIMITATIONS.—For purposes of the*
20 *application of sections 201 through 203 of the Immigration*
21 *and Nationality Act (8 U.S.C. 1151–1153) in any fiscal*
22 *year, aliens eligible to be provided status under this section*
23 *shall be treated as special immigrants described in section*
24 *101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not*

1 *described in subparagraph (A), (B), (C), or (K) of such sec-*
2 *tion.*

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

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

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

13 (A) *the date such lawful nonimmigrant sta-*
14 *tus otherwise would have terminated if this sub-*
15 *section had not been enacted; or*

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

18 (2) *ALIENS DESCRIBED.—*

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

23 (B) *SPOUSES AND CHILDREN.—An alien is*
24 *described in this paragraph if the alien was, on*
25 *September 10, 2001, the spouse or child of—*

1 (i) a principal alien described in sub-
2 paragraph (A); or

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

5 (3) *AUTHORIZED EMPLOYMENT.*—During the pe-
6 riod in which a principal alien or alien spouse is in
7 lawful nonimmigrant status under paragraph (1), the
8 alien shall be provided an “employment authorized”
9 endorsement or other appropriate document signi-
10 fying authorization of employment not later than 30
11 days after the alien requests such authorization.

12 (b) *NEW DEADLINES FOR EXTENSION OR CHANGE OF*
13 *NONIMMIGRANT STATUS.*—

14 (1) *FILING DELAYS.*—In the case of an alien who
15 was lawfully present in the United States as a non-
16 immigrant on September 10, 2001, if the alien was
17 prevented from filing a timely application for an ex-
18 tension or change of nonimmigrant status as a direct
19 result of a specified terrorist activity, the alien’s ap-
20 plication shall be considered timely filed if it is filed
21 not later than 60 days after it otherwise would have
22 been due.

23 (2) *DEPARTURE DELAYS.*—In the case of an
24 alien who was lawfully present in the United States
25 as a nonimmigrant on September 10, 2001, if the

1 *alien is unable timely to depart the United States as*
2 *a direct result of a specified terrorist activity, the*
3 *alien shall not be considered to have been unlawfully*
4 *present in the United States during the period begin-*
5 *ning on September 11, 2001, and ending on the date*
6 *of the alien's departure, if such departure occurs on*
7 *or before November 11, 2001.*

8 (3) *SPECIAL RULE FOR ALIENS UNABLE TO RE-*
9 *TURN FROM ABROAD.—*

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

18 (i) *the alien's application shall be con-*
19 *sidered timely filed if it is filed not later*
20 *than 60 days after it otherwise would have*
21 *been due; and*

22 (ii) *the alien's lawful nonimmigrant*
23 *status shall be considered to continue until*
24 *the later of—*

1 (I) the date such status otherwise
2 would have terminated if this subpara-
3 graph had not been enacted; or

4 (II) the date that is 60 days after
5 the date on which the application de-
6 scribed in clause (i) otherwise would
7 have been due.

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

15 (i) the date such lawful nonimmigrant
16 status otherwise would have terminated if
17 this subparagraph had not been enacted; or

18 (ii) the date that is 60 days after the
19 date on which the application described in
20 subparagraph (A) otherwise would have
21 been due.

22 (c) DIVERSITY IMMIGRANTS.—

23 (1) WAIVER OF FISCAL YEAR LIMITATION.—Not-
24 withstanding section 203(e)(2) of the Immigration
25 and Nationality Act (8 U.S.C. 1153(e)(2)), an immi-

1 *grant visa number issued to an alien under section*
2 *203(c) of such Act for fiscal year 2001 may be used*
3 *by the alien during the period beginning on October*
4 *1, 2001, and ending on April 1, 2002, if the alien es-*
5 *tablishes that the alien was prevented from using it*
6 *during fiscal year 2001 as a direct result of a speci-*
7 *fied terrorist activity.*

8 (2) *WORLDWIDE LEVEL.—In the case of an alien*
9 *entering the United States as a lawful permanent*
10 *resident, or adjusting to that status, under paragraph*
11 *(1), the alien shall be counted as a diversity immi-*
12 *grant for fiscal year 2001 for purposes of section*
13 *201(e) of the Immigration and Nationality Act (8*
14 *U.S.C. 1151(e)), unless the worldwide level under such*
15 *section for such year has been exceeded, in which case*
16 *the alien shall be counted as a diversity immigrant*
17 *for fiscal year 2002.*

18 (3) *TREATMENT OF FAMILY MEMBERS OF CER-*
19 *TAIN ALIENS.—In the case of a principal alien issued*
20 *an immigrant visa number under section 203(c) of*
21 *the Immigration and Nationality Act (8 U.S.C.*
22 *1153(c)) for fiscal year 2001, if such principal alien*
23 *died as a direct result of a specified terrorist activity,*
24 *the aliens who were, on September 10, 2001, the*
25 *spouse and children of such principal alien shall, if*

1 *not otherwise entitled to an immigrant status and the*
2 *immediate issuance of a visa under subsection (a),*
3 *(b), or (c) of section 203 of such Act, be entitled to*
4 *the same status, and the same order of consideration,*
5 *that would have been provided to such alien spouse or*
6 *child under section 203(d) of such Act if the principal*
7 *alien were not deceased.*

8 *(d) EXTENSION OF EXPIRATION OF IMMIGRANT*
9 *VISAS.—Notwithstanding the limitations under section*
10 *221(c) of the Immigration and Nationality Act (8 U.S.C.*
11 *1201(c)), in the case of any immigrant visa issued to an*
12 *alien that expires or expired before December 31, 2001, if*
13 *the alien was unable to effect entry to the United States*
14 *as a direct result of a specified terrorist activity, then the*
15 *period of validity of the visa is extended until December*
16 *31, 2001, unless a longer period of validity is otherwise pro-*
17 *vided under this subtitle.*

18 *(e) GRANTS OF PAROLE EXTENDED.—In the case of*
19 *any parole granted by the Attorney General under section*
20 *212(d)(5) of the Immigration and Nationality Act (8*
21 *U.S.C. 1182(d)(5)) that expires on a date on or after Sep-*
22 *tember 11, 2001, if the alien beneficiary of the parole was*
23 *unable to return to the United States prior to the expiration*
24 *date as a direct result of a specified terrorist activity, the*
25 *parole is deemed extended for an additional 90 days.*

1 (f) *VOLUNTARY DEPARTURE.*—*Notwithstanding sec-*
2 *tion 240B of the Immigration and Nationality Act (8*
3 *U.S.C. 1229c), if a period for voluntary departure under*
4 *such section expired during the period beginning on Sep-*
5 *tember 11, 2001, and ending on October 11, 2001, such vol-*
6 *untary departure period is deemed extended for an addi-*
7 *tional 30 days.*

8 **SEC. 213. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**
9 **SPOUSES AND CHILDREN.**

10 (a) *TREATMENT AS IMMEDIATE RELATIVES.*—*Not-*
11 *withstanding the second sentence of section 201(b)(2)(A)(i)*
12 *of the Immigration and Nationality Act (8 U.S.C.*
13 *1151(b)(2)(A)(i)), in the case of an alien who was the*
14 *spouse of a citizen of the United States at the time of the*
15 *citizen's death and was not legally separated from the cit-*
16 *izen at the time of the citizen's death, if the citizen died*
17 *as a direct result of a specified terrorist activity, the alien*
18 *(and each child of the alien) shall be considered, for pur-*
19 *poses of section 201(b) of such Act, to remain an immediate*
20 *relative after the date of the citizen's death, but only if the*
21 *alien files a petition under section 204(a)(1)(A)(ii) of such*
22 *Act within 2 years after such date and only until the date*
23 *the alien remarries.*

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

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

19 (2) *SELF-PETITIONS.*—Any spouse, child, or un-
20 married son or daughter of an alien described in
21 paragraph (3) who is not a beneficiary of a petition
22 for classification as a family-sponsored immigrant
23 under section 203(a)(2) of the Immigration and Na-
24 tionality Act may file a petition for such classifica-
25 tion with the Attorney General, if the spouse, child,

1 son, or daughter was present in the United States on
2 September 11, 2001. Such spouse, child, son, or
3 daughter may be eligible for deferred action and work
4 authorization.

5 (3) *ALIENS DESCRIBED.*—An alien is described
6 in this paragraph if the alien—

7 (A) died as a direct result of a specified ter-
8 rorist activity; and

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

12 (c) *APPLICATIONS FOR ADJUSTMENT OF STATUS BY*
13 *SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-*
14 *BASED IMMIGRANTS.*—

15 (1) *IN GENERAL.*—Any alien who was, on Sep-
16 tember 10, 2001, the spouse or child of an alien de-
17 scribed in paragraph (2), and who applied for adjust-
18 ment of status prior to the death described in para-
19 graph (2)(A), may have such application adjudicated
20 as if such death had not occurred.

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

23 (A) died as a direct result of a specified ter-
24 rorist activity; and

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

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

6 (ii) an applicant for adjustment of sta-
7 tus to that of an alien described in clause
8 (i), and admissible to the United States for
9 permanent residence.

10 (d) **WAIVER OF PUBLIC CHARGE GROUNDS.**—In deter-
11 mining the admissibility of any alien accorded an immi-
12 gration benefit under this section, the grounds for inadmis-
13 sibility specified in section 212(a)(4) of the Immigration
14 and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

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

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

19 (1) whose 21st birthday occurs in September
20 2001, and who is the beneficiary of a petition or ap-
21 plication filed under such Act on or before September
22 11, 2001, the alien shall be considered to be a child
23 for 90 days after the alien’s 21st birthday for pur-
24 poses of adjudicating such petition or application;
25 and

1 (2) whose 21st birthday occurs after September
 2 2001, and who is the beneficiary of a petition or ap-
 3 plication filed under such Act on or before September
 4 11, 2001, the alien shall be considered to be a child
 5 for 45 days after the alien's 21st birthday for pur-
 6 poses of adjudicating such petition or application.

7 **SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.**

8 *The Attorney General, for humanitarian purposes or*
 9 *to ensure family unity, may provide temporary adminis-*
 10 *trative relief to any alien who—*

11 (1) *was lawfully present in the United States on*
 12 *September 10, 2001;*

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

16 (3) *is not otherwise entitled to relief under any*
 17 *other provision of this subtitle.*

18 **SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**
 19 **EMPLOYMENT.**

20 (a) *IN GENERAL.*—*The Attorney General shall estab-*
 21 *lish appropriate standards for evidence demonstrating, for*
 22 *purposes of this subtitle, that any of the following occurred*
 23 *as a direct result of a specified terrorist activity:*

24 (1) *Death.*

25 (2) *Disability.*

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

3 (b) *WAIVER OF REGULATIONS.—The Attorney General*
4 *shall carry out subsection (a) as expeditiously as possible.*
5 *The Attorney General is not required to promulgate regula-*
6 *tions prior to implementing this subtitle.*

7 **SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**
8 **BERS OF TERRORISTS.**

9 *Notwithstanding any other provision of this subtitle,*
10 *nothing in this subtitle shall be construed to provide any*
11 *benefit or relief to—*

12 (1) *any individual culpable for a specified ter-*
13 *rorist activity; or*

14 (2) *any family member of any individual de-*
15 *scribed in paragraph (1).*

16 **SEC. 218. DEFINITIONS.**

17 (a) *APPLICATION OF IMMIGRATION AND NATIONALITY*
18 *ACT PROVISIONS.—Except as otherwise specifically pro-*
19 *vided in this subtitle, the definitions used in the Immigra-*
20 *tion and Nationality Act (excluding the definitions applica-*
21 *ble exclusively to title III of such Act) shall apply in the*
22 *administration of this subtitle.*

23 (b) *SPECIFIED TERRORIST ACTIVITY.—For purposes of*
24 *this subtitle, the term “specified terrorist activity” means*

1 *any terrorist activity conducted against the Government or*
2 *the people of the United States on September 11, 2001.*

3 ***TITLE III—CRIMINAL JUSTICE***
4 ***Subtitle A—Substantive Criminal***
5 ***Law***

6 ***SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING TER-***
7 ***RORISM OFFENSES.***

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

10 ***“§ 3286. Terrorism offenses***

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

14 *“(1) A violation of, or an attempt or conspiracy*
15 *to violate, section 32 (relating to destruction of air-*
16 *craft or aircraft facilities), 37(a)(1) (relating to vio-*
17 *lence at international airports), 175 (relating to bio-*
18 *logical weapons), 229 (relating to chemical weapons),*
19 *351(a)–(d) (relating to congressional, cabinet, and*
20 *Supreme Court assassination and kidnaping), 791*
21 *(relating to harboring terrorists), 831 (relating to nu-*
22 *clear materials), 844(f) or (i) when it relates to bomb-*
23 *ing (relating to arson and bombing of certain prop-*
24 *erty), 1114(1) (relating to protection of officers and*
25 *employees of the United States), 1116, if the offense*

1 *involves murder (relating to murder or manslaughter*
2 *of foreign officials, official guests, or internationally*
3 *protected persons), 1203 (relating to hostage taking),*
4 *1751(a)–(d) (relating to Presidential and Presidential*
5 *staff assassination and kidnaping), 2332(a)(1) (relat-*
6 *ing to certain homicides and other violence against*
7 *United States nationals occurring outside of the*
8 *United States), 2332a (relating to use of weapons of*
9 *mass destruction), 2332b (relating to acts of terrorism*
10 *transcending national boundaries) of this title.*

11 *“(2) Section 236 (relating to sabotage of nuclear*
12 *facilities or fuel) of the Atomic Energy Act of 1954*
13 *(42 U.S.C. 2284);*

14 *“(3) Section 601 (relating to disclosure of identi-*
15 *ties of covert agents) of the National Security Act of*
16 *1947 (50 U.S.C. 421).*

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

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

22 *“(1) Section 175b (relating to biological weap-*
23 *ons), 842(m) or (n) (relating to plastic explosives),*
24 *930(c) if it involves murder (relating to possessing a*
25 *dangerous weapon in a Federal facility), 956 (relat-*

1 *ing to conspiracy to injure property of a foreign gov-*
2 *ernment), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7)*
3 *(relating to protection of computers), 1362 (relating*
4 *to destruction of communication lines, stations, or*
5 *systems), 1366 (relating to destruction of an energy*
6 *facility), 1992 (relating to trainwrecking), 2152 (re-*
7 *lating to injury of fortifications, harbor defenses, or*
8 *defensive sea areas), 2155 (relating to destruction of*
9 *national defense materials, premises, or utilities),*
10 *2156 (relating to production of defective national de-*
11 *fense materials, premises, or utilities), 2280 (relating*
12 *to violence against maritime navigation), 2281 (relat-*
13 *ing to violence against maritime fixed platforms),*
14 *2339A (relating to providing material support to ter-*
15 *rorists), 2339B (relating to providing material sup-*
16 *port to terrorist organizations), or 2340A (relating to*
17 *torture).*

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

1 *(relating to destruction of interstate gas or hazardous*
2 *liquid pipeline facility) of title 49.”.*

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

 “3286. *Terrorism offenses.*”.

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

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

12 *Section 3559 of title 18, United States Code, is amend-*
13 *ed by adding after subsection (d) the following:*

14 “**(e) AUTHORIZED TERMS OF IMPRISONMENT FOR**
15 **TERRORISM CRIMES.**—*A person convicted of any Federal*
16 *terrorism offense may be sentenced to imprisonment for any*
17 *term of years or for life, notwithstanding any maximum*
18 *term of imprisonment specified in the law describing the*
19 *offense. The authorization of imprisonment under this sub-*
20 *section is supplementary to, and does not limit, the avail-*
21 *ability of any other penalty authorized by the law describ-*
22 *ing the offense, including the death penalty, and does not*
23 *limit the applicability of any mandatory minimum term*
24 *of imprisonment, including any mandatory life term, pro-*
25 *vided by the law describing the offense.”.*

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

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

4 (1) by inserting after section 2332b the following:

5 **“§2332c. Attempts and conspiracies**

6 “(a) Except as provided in subsection (c), any person
7 who attempts or conspires to commit any Federal terrorism
8 offense shall be subject to the same penalties as those pre-
9 scribed for the offense, the commission of which was the ob-
10 ject of the attempt or conspiracy.

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

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

18 (2) in the table of sections at the beginning of the
19 chapter, by inserting after the item relating to section
20 2332b the following new item:

“2332c. Attempts and conspiracies.”.

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

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

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

25 and

1 (2) by striking “financial gain.” and inserting
2 “financial gain, or (G) any act that is a Federal ter-
3 rorism offense or is indictable under any of the fol-
4 lowing provisions of law: section 32 (relating to de-
5 struction of aircraft or aircraft facilities), 37(a)(1)
6 (relating to violence at international airports), 175
7 (relating to biological weapons), 229 (relating to
8 chemical weapons), 351(a)–(d) (relating to congres-
9 sional, cabinet, and Supreme Court assassination and
10 kidnaping), 831 (relating to nuclear materials),
11 842(m) or (n) (relating to plastic explosives), 844(f)
12 or (i) when it involves a bombing (relating to arson
13 and bombing of certain property), 930(c) when it in-
14 volves an attack on a Federal facility, 1114 when it
15 involves murder (relating to protection of officers and
16 employees of the United States), 1116 when it in-
17 volves murder (relating to murder or manslaughter of
18 foreign officials, official guests, or internationally
19 protected persons), 1203 (relating to hostage taking),
20 1362 (relating to destruction of communication lines,
21 stations, or systems), 1366 (relating to destruction of
22 an energy facility), 1751(a)–(d) (relating to Presi-
23 dential and Presidential staff assassination and kid-
24 naping), 1992 (relating to trainwrecking), 2280 (re-
25 lating to violence against maritime navigation), 2281

1 *(relating to violence against maritime fixed plat-*
 2 *forms), 2332a (relating to use of weapons of mass de-*
 3 *struction), 2332b (relating to acts of terrorism tran-*
 4 *scending national boundaries), 2339A (relating to*
 5 *providing material support to terrorists), 2339B (re-*
 6 *lating to providing material support to terrorist orga-*
 7 *nizations), or 2340A (relating to torture) of this title;*
 8 *section 236 (relating to sabotage of nuclear facilities*
 9 *or fuel) of the Atomic Energy Act of 1954 (42 U.S.C.*
 10 *2284); or section 46502 (relating to aircraft piracy)*
 11 *or 60123(b) (relating to destruction of interstate gas*
 12 *or hazardous liquid pipeline facility) of title 49;”.*

13 **SEC. 305. BIOLOGICAL WEAPONS.**

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

16 *(1) in section 175—*

17 *(A) in subsection (b)—*

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

20 *“(1) the”;*

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

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

1 (iv) by striking “purposes.” and insert-
2 ing “purposes, and

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

8 (B) by redesignating subsection (b) as sub-
9 section (c); and

10 (C) by inserting after subsection (a) the fol-
11 lowing:

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

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

19 “**§ 175b. Possession by restricted persons**

20 “(a) No restricted person described in subsection (b)
21 shall ship or transport in interstate or foreign commerce,
22 or possess in or affecting commerce, any biological agent
23 or toxin, or receive any biological agent or toxin that has
24 been shipped or transported in interstate or foreign com-
25 merce, if the biological agent or toxin is listed as a select

1 *agent in subsection (j) of section 72.6 of title 42, Code of*
2 *Federal Regulations, pursuant to section 511(d)(1) of the*
3 *Antiterrorism and Effective Death Penalty Act of 1996*
4 *(Public Law 104–132), and is not exempted under sub-*
5 *section (h) of such section 72.6, or Appendix A of part 72*
6 *of such title; except that the term select agent does not in-*
7 *clude any such biological agent or toxin that is in its natu-*
8 *rally-occurring environment, if the biological agent or toxin*
9 *has not been cultivated, collected, or otherwise extracted*
10 *from its natural source.*

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

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

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

18 “(3) *is a fugitive from justice;*

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

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

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

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

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

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

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

“175b. Possession by restricted persons.”.

4 **SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT AD-**
 5 **VICE OR ASSISTANCE.**

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

8 (1) *in subsection (a)—*

9 (A) *by striking “a violation” and all that*
 10 *follows through “49” and inserting “any Federal*
 11 *terrorism offense or any offense described in sec-*
 12 *tion 25(2)”;* and

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

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

17 **SEC. 307. PROHIBITION AGAINST HARBORING.**

18 (a) *Title 18, United States Code, is amended by insert-*
 19 *ing before section 792 the following:*

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

21 *“Whoever harbors or conceals any person who he knows*
 22 *has committed, or is about to commit, an offense described*
 23 *in section 25(2) or this title shall be fined under this title*
 24 *or imprisoned not more than ten years or both. There is*
 25 *extraterritorial Federal jurisdiction over any violation of*

1 *this section or any conspiracy or attempt to violate this*
 2 *section. A violation of this section or of such a conspiracy*
 3 *or attempt may be prosecuted in any Federal judicial dis-*
 4 *trict in which the underlying offense was committed, or in*
 5 *any other Federal judicial district as provided by law.”.*

6 (b) *The table of sections at the beginning of chapter*
 7 *37 of title 18, United States Code, is amended by inserting*
 8 *before the item relating to section 792 the following:*

“791. Prohibition against harboring.”.

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

10 *Section 3583 of title 18, United States Code, is amend-*
 11 *ed by adding at the end the following:*

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

16 **SEC. 309. DEFINITION.**

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

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

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

22 *“As used in this title, the term ‘Federal terrorism of-*
 23 *fense’ means an offense that is—*

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

4 “(2) is a violation of, or an attempt or con-
5 spiracy to violate- section 32 (relating to destruction
6 of aircraft or aircraft facilities), 37 (relating to vio-
7 lence at international airports), 81 (relating to arson
8 within special maritime and territorial jurisdiction),
9 175, 175b (relating to biological weapons), 229 (relat-
10 ing to chemical weapons), 351(a)–(d) (relating to con-
11 gressional, cabinet, and Supreme Court assassination
12 and kidnaping), 791 (relating to harboring terror-
13 ists), 831 (relating to nuclear materials), 842(m) or
14 (n) (relating to plastic explosives), 844(f) or (i) (relat-
15 ing to arson and bombing of certain property),
16 930(c), 956 (relating to conspiracy to injure property
17 of a foreign government), 1030(a)(1), 1030(a)(5)(A),
18 or 1030(a)(7) (relating to protection of computers),
19 1114 (relating to protection of officers and employees
20 of the United States), 1116 (relating to murder or
21 manslaughter of foreign officials, official guests, or
22 internationally protected persons), 1203 (relating to
23 hostage taking), 1361 (relating to injury of Govern-
24 ment property or contracts), 1362 (relating to de-
25 struction of communication lines, stations, or sys-

1 *tems*), 1363 (relating to injury to buildings or prop-
2 *erty within special maritime and territorial jurisdic-*
3 *tion of the United States*), 1366 (relating to destruc-
4 *tion of an energy facility*), 1751(a)–(d) (relating to
5 *Presidential and Presidential staff assassination and*
6 *kidnaping*), 1992, 2152 (relating to injury of for-
7 *tifications, harbor defenses, or defensive sea areas*),
8 2155 (relating to destruction of national defense ma-
9 *terials, premises, or utilities*), 2156 (relating to pro-
10 *duction of defective national defense materials, prem-*
11 *ises, or utilities*), 2280 (relating to violence against
12 *maritime navigation*), 2281 (relating to violence
13 *against maritime fixed platforms*), 2332 (relating to
14 *certain homicides and other violence against United*
15 *States nationals occurring outside of the United*
16 *States*), 2332a (relating to use of weapons of mass de-
17 *struction*), 2332b (relating to acts of terrorism tran-
18 *scending national boundaries*), 2339A (relating to
19 *providing material support to terrorists*), 2339B (re-
20 *lating to providing material support to terrorist orga-*
21 *nizations*), or 2340A (relating to torture);

22 “(3) section 236 (relating to sabotage of nuclear
23 *facilities or fuel) of the Atomic Energy Act of 1954*
24 *(42 U.S.C. 2284)*;

1 “(4) section 601 (relating to disclosure of identi-
2 ties of covert agents) of the National Security Act of
3 1947 (50 U.S.C. 421); or

4 “(5) any of the following provisions of title 49:
5 section 46502 (relating to aircraft piracy), the second
6 sentence of section 46504 (relating to assault on a
7 flight crew with a dangerous weapon), section
8 46505(b)(3), (relating to explosive or incendiary de-
9 vices, or endangerment of human life by means of
10 weapons, on aircraft), section 46506 if homicide or
11 attempted homicide is involved, or section 60123(b)
12 (relating to destruction of interstate gas or hazardous
13 liquid pipeline facility) of title 49.”; and

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

 “25. Federal terrorism offense defined.”.

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

21 (c) Section 2331 of title 18, United States Code, is
22 amended—

23 (1) in paragraph (1)(B)—

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

1 (B) in clause (iii), by striking “by assas-
2 sination or kidnapping” and inserting “(or any
3 function thereof) by mass destruction, assassina-
4 tion, or kidnapping (or threat thereof)”;

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

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

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

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

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

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

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

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

20 “(iii) to affect the conduct of a govern-
21 ment (or any function thereof) by mass de-
22 struction, assassination, or kidnapping (or
23 threat thereof).”.

1 **SEC. 310. CIVIL DAMAGES.**

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

4 ***Subtitle B—Criminal Procedure***

5 **SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR**
6 ***TERRORISM.***

7 *Rule 41(a) of the Federal Rules of Criminal Procedure*
8 *is amended by inserting after “executed” the following:*
9 *“and (3) in an investigation of domestic terrorism or inter-*
10 *national terrorism (as defined in section 2331 of title 18,*
11 *United States Code), by a Federal magistrate judge in any*
12 *district court of the United States (including a magistrate*
13 *judge of such court), or any United States Court of Appeals,*
14 *having jurisdiction over the offense being investigated, for*
15 *a search of property or for a person within or outside the*
16 *district”.*

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

18 *Section 3(d)(1) of the DNA Analysis Backlog Elimini-*
19 *ation Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—*

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

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

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

1 **SEC. 353. GRAND JURY MATTERS.**

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

4 (1) *by adding after clause (iv) the following:*

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

16 (2) *by striking “or” at the end of clause (iii);*
17 *and*

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

20 **SEC. 354. EXTRATERRITORIALITY.**

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

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

25 (2) *in section 2338, by inserting “There is*
26 *extraterritorial Federal jurisdiction over any Federal*

1 *terrorism offense and any offense under this chapter,*
2 *in addition to any extraterritorial jurisdiction that*
3 *may exist under the law defining the offense, if the*
4 *person committing the offense or the victim of the of-*
5 *fense is a national of the United States (as defined*
6 *in section 101 of the Immigration and Nationality*
7 *Act) or if the offense is directed at the security or in-*
8 *terests of the United States.” before “The district*
9 *courts”;* and

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

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

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

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

20 “(i) *the premises of United States diplo-*
21 *matic, consular, military, or other United States*
22 *Government missions or entities in foreign*
23 *states, including the buildings, parts of build-*
24 *ings, and the land appurtenant or ancillary*

1 *thereto, irrespective of ownership, used for pur-*
2 *poses of those missions or entities; and*

3 *“(i) residences in foreign states and the*
4 *land appurtenant or ancillary thereto, irrespec-*
5 *tive of ownership, used for purposes of those mis-*
6 *sions or entities or used by United States per-*
7 *sonnel assigned to those missions or entities, ex-*
8 *cept that this paragraph does not supercede any*
9 *treaty or international agreement in force on the*
10 *date of the enactment of this paragraph.*

11 *“(B) This paragraph does not apply with respect*
12 *to an offense committed by a person described in sec-*
13 *tion 3261(a).”.*

14 **SEC. 356. SPECIAL AGENT AUTHORITIES.**

15 *(a) GENERAL AUTHORITY OF SPECIAL AGENTS.—Sec-*
16 *tion 37(a) of the State Department Basic Authorities Act*
17 *of 1956 (22 U.S.C. 2709(a)) is amended—*

18 *(1) by striking paragraph (2) and inserting the*
19 *following:*

20 *“(2) in the course of performing the functions set*
21 *forth in paragraphs (1) and (3), obtain and execute*
22 *search and arrest warrants, as well as obtain and*
23 *serve subpoenas and summonses, issued under the au-*
24 *thority of the United States;”;*

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

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

5 “(5) in the course of performing the functions set
6 forth in paragraphs (1) and (3), make arrests without
7 warrant for any offense against the United States
8 committed in the presence of the special agent, or for
9 any felony cognizable under the laws of the United
10 States if the special agent has reasonable grounds to
11 believe that the person to be arrested has committed
12 or is committing such felony.”.

13 (b) *CRIMES.*—Section 37 of such Act (22 U.S.C. 2709)
14 is amended by inserting after subsection (c) the following
15 new subsections:

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

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

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

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

8 **TITLE IV—FINANCIAL**
9 **INFRASTRUCTURE**

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

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

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

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

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

21 (2) in subsection (b), by striking “or other finan-
22 cial securities” and inserting “or monetary instru-
23 ments or financial securities”.

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

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

4 *“(G) All assets, foreign or domestic—*

5 *“(i) of any person, entity, or organization*
6 *engaged in planning or perpetrating any act of*
7 *domestic terrorism or international terrorism (as*
8 *defined in section 2331) against the United*
9 *States, citizens or residents of the United States,*
10 *or their property, and all assets, foreign or do-*
11 *mestic, affording any person a source of influ-*
12 *ence over any such entity or organization;*

13 *“(ii) acquired or maintained by any person*
14 *for the purpose of supporting, planning, con-*
15 *ducting, or concealing an act of domestic ter-*
16 *rorism or international terrorism (as defined in*
17 *section 2331) against the United States, citizens*
18 *or residents of the United States, or their prop-*
19 *erty; or*

20 *“(iii) derived from, involved in, or used or*
21 *intended to be used to commit any act of domes-*
22 *tic terrorism or international terrorism (as de-*
23 *defined in section 2331) against the United States,*
24 *citizens or residents of the United States, or their*
25 *property.”.*

1 **SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVI-**
2 **SION OF MATERIAL SUPPORT TO TERRORISM.**

3 *No provision of title IX of Public Law 106–387 shall*
4 *be understood to limit or otherwise affect section 2339A or*
5 *2339B of title 18, United States Code.*

6 **SEC. 405. DISCLOSURE OF TAX INFORMATION IN TER-**
7 **RORISM AND NATIONAL SECURITY INVES-**
8 **TIGATIONS.**

9 *(a) DISCLOSURE WITHOUT A REQUEST OF INFORMA-*
10 *TION RELATING TO TERRORIST ACTIVITIES, ETC.—Para-*
11 *graph (3) of section 6103(i) of the Internal Revenue Code*
12 *of 1986 (relating to disclosure of return information to ap-*
13 *prise appropriate officials of criminal activities or emer-*
14 *gency circumstances) is amended by adding at the end the*
15 *following new subparagraph:*

16 *“(C) TERRORIST ACTIVITIES, ETC.—*

17 *“(i) IN GENERAL.—Except as provided*
18 *in paragraph (6), the Secretary may dis-*
19 *close in writing return information (other*
20 *than taxpayer return information) that*
21 *may be related to a terrorist incident,*
22 *threat, or activity to the extent necessary to*
23 *apprise the head of the appropriate Federal*
24 *law enforcement agency responsible for in-*
25 *vestigating or responding to such terrorist*
26 *incident, threat, or activity. The head of the*

1 agency may disclose such return informa-
2 tion to officers and employees of such agen-
3 cy to the extent necessary to investigate or
4 respond to such terrorist incident, threat, or
5 activity.

6 “(ii) *DISCLOSURE TO THE DEPART-*
7 *MENT OF JUSTICE.—Returns and taxpayer*
8 *return information may also be disclosed to*
9 *the Attorney General under clause (i) to the*
10 *extent necessary for, and solely for use in*
11 *preparing, an application under paragraph*
12 *(7)(D).*

13 “(iii) *TAXPAYER IDENTITY.—For pur-*
14 *poses of this subparagraph, a taxpayer’s*
15 *identity shall not be treated as taxpayer re-*
16 *turn information.*

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

20 (b) *DISCLOSURE UPON REQUEST OF INFORMATION*
21 *RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection*
22 *(i) of section 6103 of such Code (relating to disclosure to*
23 *Federal officers or employees for administration of Federal*
24 *laws not relating to tax administration) is amended by re-*

1 *designating paragraph (7) as paragraph (8) and by insert-*
2 *ing after paragraph (6) the following new paragraph:*

3 “(7) *DISCLOSURE UPON REQUEST OF INFORMA-*
4 *TION RELATING TO TERRORIST ACTIVITIES, ETC.—*

5 “(A) *DISCLOSURE TO LAW ENFORCEMENT*
6 *AGENCIES.—*

7 “(i) *IN GENERAL.—Except as provided*
8 *in paragraph (6), upon receipt by the Sec-*
9 *retary of a written request which meets the*
10 *requirements of clause (iii), the Secretary*
11 *may disclose return information (other than*
12 *taxpayer return information) to officers and*
13 *employees of any Federal law enforcement*
14 *agency who are personally and directly en-*
15 *gaged in the response to or investigation of*
16 *terrorist incidents, threats, or activities.*

17 “(ii) *DISCLOSURE TO STATE AND*
18 *LOCAL LAW ENFORCEMENT AGENCIES.—The*
19 *head of any Federal law enforcement agency*
20 *may disclose return information obtained*
21 *under clause (i) to officers and employees of*
22 *any State or local law enforcement agency*
23 *but only if such agency is part of a team*
24 *with the Federal law enforcement agency in*
25 *such response or investigation and such in-*

1 *formation is disclosed only to officers and*
2 *employees who are personally and directly*
3 *engaged in such response or investigation.*

4 “(iii) *REQUIREMENTS.—A request*
5 *meets the requirements of this clause if—*

6 “(I) *the request is made by the*
7 *head of any Federal law enforcement*
8 *agency (or his delegate) involved in the*
9 *response to or investigation of terrorist*
10 *incidents, threats, or activities, and*

11 “(II) *the request sets forth the spe-*
12 *cific reason or reasons why such disclo-*
13 *sure may be relevant to a terrorist in-*
14 *cident, threat, or activity.*

15 “(iv) *LIMITATION ON USE OF INFORMA-*
16 *TION.—Information disclosed under this*
17 *subparagraph shall be solely for the use of*
18 *the officers and employees to whom such in-*
19 *formation is disclosed in such response or*
20 *investigation.*

21 “(B) *DISCLOSURE TO INTELLIGENCE AGEN-*
22 *CIES.—*

23 “(i) *IN GENERAL.—Except as provided*
24 *in paragraph (6), upon receipt by the Sec-*
25 *retary of a written request which meets the*

1 *requirements of clause (ii), the Secretary*
2 *may disclose return information (other than*
3 *taxpayer return information) to those offi-*
4 *cers and employees of the Department of*
5 *Justice, the Department of the Treasury,*
6 *and other Federal intelligence agencies who*
7 *are personally and directly engaged in the*
8 *collection or analysis of intelligence and*
9 *counterintelligence information or inves-*
10 *tigation concerning terrorists and terrorist*
11 *organizations and activities. For purposes*
12 *of the preceding sentence, the information*
13 *disclosed under the preceding sentence shall*
14 *be solely for the use of such officers and em-*
15 *ployees in such investigation, collection, or*
16 *analysis.*

17 *“(ii) REQUIREMENTS.—A request*
18 *meets the requirements of this subparagraph*
19 *if the request—*

20 *“(I) is made by an individual de-*
21 *scribed in clause (iii), and*

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

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

4 “(I) *who is an officer or employee*
5 *of the Department of Justice or the De-*
6 *partment of the Treasury who is ap-*
7 *pointed by the President with the ad-*
8 *vice and consent of the Senate or who*
9 *is the Director of the United States Se-*
10 *cret Service, and*

11 “(II) *who is responsible for the*
12 *collection and analysis of intelligence*
13 *and counterintelligence information*
14 *concerning terrorists and terrorist or-*
15 *ganizations and activities.*

16 “(iv) *TAXPAYER IDENTITY.*—*For pur-*
17 *poses of this subparagraph, a taxpayer’s*
18 *identity shall not be treated as taxpayer re-*
19 *turn information.*

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

22 “(i) *IN GENERAL.*—*Except as provided*
23 *in paragraph (6), any return or return in-*
24 *formation with respect to any specified tax-*
25 *able period or periods shall, pursuant to*

1 and upon the grant of an *ex parte* order by
2 a Federal district court judge or magistrate
3 under clause (ii), be open (but only to the
4 extent necessary as provided in such order)
5 to inspection by, or disclosure to, officers
6 and employees of any Federal law enforce-
7 ment agency or Federal intelligence agency
8 who are personally and directly engaged in
9 any investigation, response to, or analysis
10 of intelligence and counterintelligence infor-
11 mation concerning any terrorist activity or
12 threats. Return or return information
13 opened pursuant to the preceding sentence
14 shall be solely for the use of such officers
15 and employees in the investigation, re-
16 sponse, or analysis, and in any judicial,
17 administrative, or grand jury proceedings,
18 pertaining to any such terrorist activity or
19 threat.

20 “(ii) *APPLICATION FOR ORDER.*—The
21 Attorney General, the Deputy Attorney Gen-
22 eral, the Associate Attorney General, any
23 Assistant Attorney General, or any United
24 States attorney may authorize an applica-
25 tion to a Federal district court judge or

1 *magistrate for the order referred to in clause*
2 *(i). Upon such application, such judge or*
3 *magistrate may grant such order if he de-*
4 *termines on the basis of the facts submitted*
5 *by the applicant that—*

6 *“(I) there is reasonable cause to*
7 *believe, based upon information be-*
8 *lieved to be reliable, that the taxpayer*
9 *whose return or return information is*
10 *to be disclosed may be connected to a*
11 *terrorist activity or threat,*

12 *“(II) there is reasonable cause to*
13 *believe that the return or return infor-*
14 *mation may be relevant to a matter re-*
15 *lating to such terrorist activity or*
16 *threat, and*

17 *“(III) the return or return infor-*
18 *mation is sought exclusively for use in*
19 *a Federal investigation, analysis, or*
20 *proceeding concerning terrorist activ-*
21 *ity, terrorist threats, or terrorist orga-*
22 *nizations.*

23 *“(D) SPECIAL RULE FOR EX PARTE DISCLO-*
24 *SURE BY THE IRS.—*

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in paragraph (6), the Secretary may au-*
3 *thorize an application to a Federal district*
4 *court judge or magistrate for the order re-*
5 *ferred to in subparagraph (C)(i). Upon such*
6 *application, such judge or magistrate may*
7 *grant such order if he determines on the*
8 *basis of the facts submitted by the applicant*
9 *that the requirements of subclauses (I) and*
10 *(II) of subparagraph (C)(ii) are met.*

11 “(ii) *LIMITATION ON USE OF INFORMA-*
12 *TION.*—*Information disclosed under clause*
13 *(i)—*

14 “(I) *may be disclosed only to the*
15 *extent necessary to apprise the head of*
16 *the appropriate Federal law enforce-*
17 *ment agency responsible for inves-*
18 *tigating or responding to a terrorist*
19 *incident, threat, or activity, and*

20 “(II) *shall be solely for use in a*
21 *Federal investigation, analysis, or pro-*
22 *ceeding concerning terrorist activity,*
23 *terrorist threats, or terrorist organiza-*
24 *tions.*

1 *The head of such Federal agency may dis-*
2 *close such information to officers and em-*
3 *ployees of such agency to the extent nec-*
4 *essary to investigate or respond to such ter-*
5 *rorist incident, threat, or activity.*

6 “(E) *TERMINATION.*—*No disclosure may be*
7 *made under this paragraph after December 31,*
8 *2003.”.*

9 (c) *CONFORMING AMENDMENTS.*—

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

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

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

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

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

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

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

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

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

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

9 (B) in subparagraph (C) by striking
10 “(i)(3)(B)(i)” and inserting “(i)(3)(B)(i) or
11 (7)(A)(ii)”.

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

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

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

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

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

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

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

4 (e) *EFFECTIVE DATE.*—The amendments made by this
5 section shall apply to disclosures made on or after the date
6 of the enactment of this Act.

7 **SEC. 406. EXTRATERRITORIAL JURISDICTION.**

8 Section 1029 of title 18, United States Code, is amend-
9 ed by adding at the end the following:

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

16 “(1) the offense involves an access device issued,
17 owned, managed, or controlled by a financial institu-
18 tion, account issuer, credit card system member, or
19 other entity within the jurisdiction of the United
20 States; and

21 “(2) the person transports, delivers, conveys,
22 transfers to or through, or otherwise stores, secrets, or
23 holds within the jurisdiction of the United States, any
24 article used to assist in the commission of the offense

1 *or the proceeds of such offense or property derived*
2 *therefrom.”.*

3 **TITLE V—EMERGENCY**
4 **AUTHORIZATIONS**

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

6 *(a) In connection with the airplane hijackings and ter-*
7 *rorist acts (including, without limitation, any related*
8 *search, rescue, relief, assistance, or other similar activities)*
9 *that occurred on September 11, 2001, in the United States,*
10 *amounts transferred to the Crime Victims Fund from the*
11 *Executive Office of the President or funds appropriated to*
12 *the President shall not be subject to any limitation on obli-*
13 *gations from amounts deposited or available in the Fund.*

14 *(b) Section 112 of title I of section 101(b) of division*
15 *A of Public Law 105–277 and section 108(a) of the Depart-*
16 *ments of Commerce, Justice, and State, The Judiciary, and*
17 *Related Agencies Appropriations Act, 2000 (H.R. 3421 of*
18 *the 106th Congress, as enacted into law by section*
19 *1000(a)(1) of Public Law 106–113; Appendix A; 113 Stat.*
20 *1501A–20) are amended—*

21 *(1) after “that Office”, each place it occurs, by*
22 *inserting “(including, notwithstanding any contrary*
23 *provision of law (unless the same should expressly*
24 *refer to this section), any organization that admin-*

1 *isters any program established in title I of Public*
2 *Law 90–351)”; and*

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

5 *(c) Section 1404B(b) of the Victims of Crime Act of*
6 *1984 (42 U.S.C. 10603b) is amended by inserting “, to vic-*
7 *tim service organizations, to public agencies (including*
8 *Federal, State, or local governments), and to non-govern-*
9 *mental organizations that provide assistance to victims of*
10 *crime,” after “programs”.*

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

12 *(1) by inserting “(containing identification of*
13 *all eligible payees of benefits under section 1201)” be-*
14 *fore “by a”;*

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

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

18 **SEC. 502. ATTORNEY GENERAL’S AUTHORITY TO PAY RE-**

19 **WARDS.**

20 *(a) IN GENERAL.—(1) Title 18, United States Code,*
21 *is amended by striking sections 3059 through 3059B and*
22 *inserting the following:*

23 **“§ 3059. Rewards and appropriations therefor**

24 *“(a) IN GENERAL.—Subject to subsection (b), the At-*
25 *torney General may pay rewards in accordance with proce-*

1 *dures and regulations established or issued by the Attorney*
2 *General.*

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

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

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

11 “(3) *The Attorney General shall give written no-*
12 *tice to the Chairmen and ranking minority members*
13 *of the Committees on Appropriations and the Judici-*
14 *ary of the Senate and the House of Representatives*
15 *not later than 30 days after the approval of a reward*
16 *under paragraph (2);*

17 “(4) *Any executive agency or military depart-*
18 *ment (as defined, respectively, in sections 105 and*
19 *102 of title 5) may provide the Attorney General with*
20 *funds for the payment of rewards.*

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

1 “(c) *DEFINITION.*—*In this section, the term ‘reward’*
2 *means a payment pursuant to public advertisements for as-*
3 *sistance to the Department of Justice.”.*

4 (2) *The items relating to sections 3059A through*
5 *3059B in the table of sections at the beginning of chapter*
6 *203 of title 18, United States Code, are repealed.*

7 (b) *CONFORMING AMENDMENTS.*—

8 (1) *Section 3075 of title 18, United States Code,*
9 *and that portion of section 3072 of title 18, United*
10 *States Code, that follows the first sentence, are re-*
11 *pealed.*

12 (2) *Public Law 101–647 is amended—*

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

14 (i) *by striking all the matter after*
15 *“section 2561,” in subsection (c)(1) and in-*
16 *serting “the Attorney General may, in the*
17 *Attorney General’s discretion, pay a reward*
18 *to the declaring.”; and*

19 (ii) *by striking subsection (e); and*

20 (B) *by striking section 2569 (12 U.S.C.*
21 *4209).*

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

23 *The matter under the headings “Immigration And*
24 *Naturalization Service: Salaries and Expenses, Enforce-*
25 *ment And Border Affairs” and “Immigration And Natu-*

1 *ralization Service: Salaries and Expenses, Citizenship And*
2 *Benefits, Immigration Support And Program Direction” in*
3 *the Department of Justice Appropriations Act, 2001 (as en-*
4 *acted into law by Appendix B (H.R. 5548) of Public Law*
5 *106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended*
6 *by striking each place it occurs: “Provided” and all that*
7 *follows through “That none of the funds available to the*
8 *Immigration and Naturalization Service shall be available*
9 *to pay any employee overtime pay in an amount in excess*
10 *of \$30,000 during the calendar year beginning January 1,*
11 *2001:”.*

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

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

16 *(1) in subsection (b)—*

17 *(A) by striking “or” at the end of para-*
18 *graph (4);*

19 *(B) by striking the period at the end of*
20 *paragraph (5) and inserting “, including by dis-*
21 *mantling an organization in whole or significant*
22 *part; or”; and*

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

1 “(6) *the identification or location of an indi-*
2 *vidual who holds a leadership position in a terrorist*
3 *organization.*”;

4 (2) *in subsection (d), by striking paragraphs (2)*
5 *and (3) and redesignating paragraph (4) as para-*
6 *graph (2); and*

7 (3) *by amending subsection (e)(1) to read as fol-*
8 *lows:*

9 “(1) *AMOUNT OF AWARD.—*

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

13 “(B) *The Secretary of State may authorize*
14 *the payment of an award not to exceed*
15 *\$25,000,000 if the Secretary determines that*
16 *payment of an award exceeding the amount*
17 *under subparagraph (A) is important to the na-*
18 *tional interest of the United States.*”.

19 (b) *SENSE OF CONGRESS REGARDING REWARDS RE-*
20 *LATING TO THE SEPTEMBER 11, 2001 ATTACK.—It is the*
21 *sense of the Congress that the Secretary of State should use*
22 *the authority of section 36 of the State Department Basic*
23 *Authorities Act of 1956, as amended by subsection (a), to*
24 *offer a reward of \$25,000,000 for Osama bin Laden and*

1 *other leaders of the September 11, 2001 attack on the United*
2 *States.*

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

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

13 **SEC. 506. PUBLIC SAFETY OFFICER BENEFITS.**

14 *(a) IN GENERAL.—Section 1201(a) of title I of the*
15 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
16 *U.S.C. 3796) is amended by striking “\$100,000” and in-*
17 *serting “\$250,000”.*

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

TITLE VI—DAM SECURITY**SEC. 601. SECURITY OF RECLAMATION DAMS, FACILITIES,
AND RESOURCES.**

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

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

“(4) The Secretary may—

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

“(B) authorize law enforcement personnel of any other Federal agency that has law enforcement authority, with the exception of the Department of Defense, or law enforcement personnel of any State or

1 *local government, including Indian tribes, when*
2 *deemed economical and in the public interest, and*
3 *with the concurrence of that agency or that State or*
4 *local government, to act as law enforcement officers*
5 *within a Reclamation project or on Reclamation*
6 *lands with such enforcement powers as may be so as-*
7 *signed them by the Secretary to carry out the regula-*
8 *tions promulgated under paragraph (2);*

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

13 *“(D) provide reimbursement to a State or local*
14 *government, including Indian tribes, for expenditures*
15 *incurred in connection with activities under subpara-*
16 *graph (B).*

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

19 *“(A) carry firearms within a Reclamation*
20 *project or on Reclamation lands and make arrests*
21 *without warrants for any offense against the United*
22 *States committed in their presence, or for any felony*
23 *cognizable under the laws of the United States if they*
24 *have reasonable grounds to believe that the person to*
25 *be arrested has committed or is committing such a*

1 *felony, and if such arrests occur within a Reclama-*
2 *tion project or on Reclamation lands or the person to*
3 *be arrested is fleeing therefrom to avoid arrest;*

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

11 *“(C) conduct investigations within a Reclama-*
12 *tion project or on Reclamation lands of offenses*
13 *against the United States committed within a Rec-*
14 *lamation project or on Reclamation lands, if the Fed-*
15 *eral law enforcement agency having investigative ju-*
16 *risdiction over the offense committed declines to inves-*
17 *tigate the offense or concurs with such investigation.*

18 *“(6)(A) Except as otherwise provided in this para-*
19 *graph, a law enforcement officer of any State or local gov-*
20 *ernment, including Indian tribes, designated to act as a*
21 *law enforcement officer under paragraph (4) shall not be*
22 *deemed a Federal employee and shall not be subject to the*
23 *provisions of law relating to Federal employment, including*
24 *those relating to hours of work, rates of compensation, em-*

1 *ployment discrimination, leave, unemployment compensa-*
2 *tion, and Federal benefits.*

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

11 “(C) *For purposes of subchapter I of chapter 81 of title*
12 *5, United States Code, relating to compensation to Federal*
13 *employees for work injuries, a law enforcement officer of*
14 *any State or local government, including Indian tribes,*
15 *shall, when acting as a designated law enforcement officer*
16 *under paragraph (4) and while under Federal supervision*
17 *and control, and only when carrying out Federal law en-*
18 *forcement responsibilities, be deemed a civil service em-*
19 *ployee of the United States within the meaning of the term*
20 *‘employee’ as defined in section 8101 of title 5, and the pro-*
21 *visions of that subchapter shall apply. Benefits under this*
22 *subchapter shall be reduced by the amount of any entitle-*
23 *ment to State or local workers’ compensation benefits aris-*
24 *ing out of the same injury or death.*

1 *vestigations and operations without regard to applicable*
2 *Federal personnel requirements and limitations.*

3 (b) *SECURITY REQUIREMENTS.*—*The Director of the*
4 *Federal Bureau of Investigation shall establish such secu-*
5 *rity requirements as are necessary for the personnel em-*
6 *ployed as translators.*

7 (c) *REPORT.*—*The Attorney General shall report to the*
8 *Committees on the Judiciary of the House of Representa-*
9 *tives and the Senate on—*

10 (1) *the number of translators employed by the*
11 *FBI and other components of the Department of Jus-*
12 *tice;*

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

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

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

20 (a) *APPOINTMENT OF DEPUTY INSPECTOR GENERAL*
21 *FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL*
22 *BUREAU OF INVESTIGATION.*—*The Inspector General of the*
23 *Department of Justice shall appoint a Deputy Inspector*
24 *General for Civil Rights, Civil Liberties, and the Federal*

1 *Bureau of Investigation (hereinafter in this section referred*
2 *to as the “Deputy”).*

3 (b) *CIVIL RIGHTS AND CIVIL LIBERTIES REVIEW.—*

4 *The Deputy shall—*

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

9 (2) *make public through the Internet, radio, tele-*
10 *vision, and newspaper advertisements information on*
11 *the responsibilities and functions of, and how to con-*
12 *tact, the Deputy; and*

13 (3) *submit to the Committee on the Judiciary of*
14 *the House of Representatives and the Committee on*
15 *the Judiciary of the Senate on a semi-annual basis*
16 *a report on the implementation of this subsection and*
17 *detailing any abuses described in paragraph (1), in-*
18 *cluding a description of the use of funds appropri-*
19 *ations used to carry out this subsection.*

20 (c) *INSPECTOR GENERAL OVERSIGHT PLAN FOR THE*
21 *FEDERAL BUREAU OF INVESTIGATION.—Not later than 30*
22 *days after the date of the enactment of this Act, the Inspec-*
23 *tor General of the Department of Justice shall submit to*
24 *the Congress a plan for oversight of the Federal Bureau of*

1 *Investigation. The Inspector General shall consider the fol-*
2 *lowing activities for inclusion in such plan:*

3 (1) *FINANCIAL SYSTEMS.—Auditing the financial*
4 *systems, information technology systems, and com-*
5 *puter security systems of the Federal Bureau of Inves-*
6 *tigation.*

7 (2) *PROGRAMS AND PROCESSES.—Auditing and*
8 *evaluating programs and processes of the Federal Bu-*
9 *reau of Investigation to identify systemic weaknesses*
10 *or implementation failures and to recommend correc-*
11 *tive action.*

12 (3) *INTERNAL AFFAIRS OFFICES.—Reviewing the*
13 *activities of internal affairs offices of the Federal Bu-*
14 *reau of Investigation, including the Inspections Divi-*
15 *sion and the Office of Professional Responsibility.*

16 (4) *PERSONNEL.—Investigating allegations of se-*
17 *rious misconduct by personnel of the Federal Bureau*
18 *of Investigation.*

19 (5) *OTHER PROGRAMS AND OPERATIONS.—Re-*
20 *viewing matters relating to any other program or and*
21 *operation of the Federal Bureau of Investigation that*
22 *the Inspector General determines requires review.*

23 (6) *RESOURCES.—Identifying resources needed*
24 *by the Inspector General to implement such plan.*

1 (d) *REVIEW OF INVESTIGATIVE TOOLS.*—Not later
2 than August 31, 2003, the Deputy shall review the imple-
3 mentation, use, and operation (including the impact on
4 civil rights and liberties) of the law enforcement and intel-
5 ligence authorities contained in title I of this Act and pro-
6 vide a report to the President and Congress.

7 **SEC. 703. FEASIBILITY STUDY ON USE OF BIOMETRIC IDEN-**
8 **TIFIER SCANNING SYSTEM WITH ACCESS TO**
9 **THE FBI INTEGRATED AUTOMATED FINGER-**
10 **PRINT IDENTIFICATION SYSTEM AT OVER-**
11 **SEAS CONSULAR POSTS AND POINTS OF**
12 **ENTRY TO THE UNITED STATES.**

13 (a) *IN GENERAL.*—The Attorney General, in consulta-
14 tion with the Secretary of State and the Secretary of Trans-
15 portation, shall conduct a study on the feasibility of uti-
16 lizing a biometric identifier (fingerprint) scanning system,
17 with access to the database of the Federal Bureau of Inves-
18 tigation Integrated Automated Fingerprint Identification
19 System, at consular offices abroad and at points of entry
20 into the United States to enhance the ability of State De-
21 partment and immigration officials to identify aliens who
22 may be wanted in connection with criminal or terrorist in-
23 vestigations in the United States or abroad prior to the
24 issuance of visas or entry into the United States.

1 (b) *REPORT TO CONGRESS.*—Not later than 90 days
2 after the date of the enactment of this Act, the Attorney
3 General shall submit a report summarizing the findings of
4 the study authorized under subsection (a) to the Committee
5 on International Relations and the Committee on the Judi-
6 ciary of the House of Representatives and the Committee
7 on Foreign Relations and the Committee on the Judiciary
8 of the Senate.

9 **SEC. 704. STUDY OF ACCESS.**

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

15 (b) *AUTHORIZATION.*—There are authorized to be ap-
16 propriated for fiscal years 2002 through 2003 not more than
17 \$250,000 to carry out subsection (a).

18 **SEC. 705. ENFORCEMENT OF CERTAIN ANTI-TERRORISM**

19 **JUDGMENTS.**

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

22 (b) *DEFINITION.*—

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

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

3 (B) by redesignating paragraphs (1), (2),
4 and (3) as subparagraphs (A), (B), and (C), re-
5 spectively (and by moving the margins 2 em
6 spaces to the right);

7 (C) by striking “(b)” through “entity—”
8 and inserting the following:

9 “(b) An ‘agency or instrumentality of a foreign state’
10 means—

11 “(1) any entity—”; and

12 (D) by adding at the end the following:

13 “(2) for purposes of sections 1605(a)(7) and
14 1610(a)(7) and (f), any entity as defined under sub-
15 paragraphs (A) and (B) of paragraph (1), and sub-
16 paragraph (C) of paragraph (1) shall not apply.”.

17 (2) *TECHNICAL AND CONFORMING AMEND-*
18 *MENT.*—Section 1391(f)(3) of title 28, United States
19 Code, is amended by striking “1603(b)” and inserting
20 “1603(b)(1)”.

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

23 (1) in paragraph (1)—

24 (A) in subparagraph (A) by striking “(in-
25 cluding any agency or instrumentality or such

1 *state)*” and inserting “(including any agency or
2 *instrumentality of such state), except to the ex-*
3 *tent of any punitive damages awarded”; and*

4 *(B) by adding at the end the following:*

5 “(C) *Notwithstanding any other provision of law,*
6 *moneys due from or payable by the United States (includ-*
7 *ing any agency or instrumentality thereof) to any state*
8 *against which a judgment is pending under section*
9 *1605(a)(7) shall be subject to attachment and execution*
10 *with respect to that judgment, in like manner and to the*
11 *same extent as if the United States were a private person,*
12 *except to the extent of any punitive damages awarded.”;*
13 *and*

14 *(2) by striking paragraph (3) and adding the*
15 *following:*

16 “(3)(A) *Subject to subparagraph (B), upon deter-*
17 *mining on an asset-by-asset basis that a waiver is necessary*
18 *in the national security interest, the President may waive*
19 *this subsection in connection with (and prior to the enforce-*
20 *ment of) any judicial order directing attachment in aid of*
21 *execution or execution against any property subject to the*
22 *Vienna Convention on Diplomatic Relations or the Vienna*
23 *Convention on Consular Relations.*

24 “(B) *A waiver under this paragraph shall not apply*
25 *to—*

1 “(i) if property subject to the Vienna Convention
2 on Diplomatic Relations or the Vienna Convention on
3 Consular Relations has been used for any nondiplo-
4 matic purpose (including use as rental property), the
5 proceeds of such use; or

6 “(ii) if any asset subject to the Vienna Conven-
7 tion on Diplomatic Relations or the Vienna Conven-
8 tion on Consular Relations is sold or otherwise trans-
9 ferred for value to a third party, the proceeds of such
10 sale or transfer.

11 “(C) In this paragraph, the term ‘property subject to
12 the Vienna Convention on Diplomatic Relations or the Vi-
13 enna Convention on Consular Relations’ and the term ‘asset
14 subject to the Vienna Convention on Diplomatic Relations
15 or the Vienna Convention on Consular Relations’ mean any
16 property or asset, respectively, the attachment in aid of exe-
17 cution or execution of which would result in a violation
18 of an obligation of the United States under the Vienna Con-
19 vention on Diplomatic Relations or the Vienna Convention
20 on Consular Relations, as the case may be.

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

24 (d) *EFFECTIVE DATE.*—The amendments made by this
25 section shall apply to any claim for which a foreign state

1 *is not immune under section 1605(a)(7) of title 28, United*
2 *States Code, arising before, on, or after the date of the enact-*
3 *ment of this Act.*

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

10 **TITLE VIII—PRIVATE SECURITY**
11 **OFFICER QUALITY ASSURANCE**

12 **SEC. 801. SHORT TITLE.**

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

15 **SEC. 802. FINDINGS.**

16 *Congress finds that—*

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

19 *(2) the private security industry provides nu-*
20 *merous opportunities for entry-level job applicants,*
21 *including individuals suffering from unemployment*
22 *due to economic conditions or dislocations;*

23 *(3) sworn law enforcement officers provide sig-*
24 *nificant services to the citizens of the United States*
25 *in its public areas, and are only supplemented by*

1 *private security officers who provide prevention and*
2 *reporting services in support of, but not in place of,*
3 *regular sworn police;*

4 (4) *given the growth of large private shopping*
5 *malls, and the consequent reduction in the number of*
6 *public shopping streets, the American public is more*
7 *likely to have contact with private security personnel*
8 *in the course of a day than with sworn law enforce-*
9 *ment officers;*

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

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

18 **SEC. 803. BACKGROUND CHECKS.**

19 (a) *IN GENERAL.*—*An association of employers of pri-*
20 *vate security officers, designated for the purpose of this sec-*
21 *tion by the Attorney General, may submit fingerprints or*
22 *other methods of positive identification approved by the At-*
23 *torney General, to the Attorney General on behalf of any*
24 *applicant for a State license or certificate of registration*
25 *as a private security officer or employer of private security*

1 *officers. In response to such a submission, the Attorney Gen-*
2 *eral may, to the extent provided by State law conforming*
3 *to the requirements of the second paragraph under the head-*
4 *ing “Federal Bureau of Investigation” and the subheading*
5 *“Salaries and Expenses” in title II of Public Law 92–544*
6 *(86 Stat. 1115), exchange, for licensing and employment*
7 *purposes, identification and criminal history records with*
8 *the State governmental agencies to which such applicant*
9 *has applied.*

10 (b) *REGULATIONS.—The Attorney General may pre-*
11 *scribe such regulations as may be necessary to carry out*
12 *this section, including measures relating to the security,*
13 *confidentiality, accuracy, use, and dissemination of infor-*
14 *mation and audits and recordkeeping and the imposition*
15 *of fees necessary for the recovery of costs.*

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

21 **SEC. 804. SENSE OF CONGRESS.**

22 *It is the sense of Congress that States should partici-*
23 *pate in the background check system established under sec-*
24 *tion 803.*

1 **SEC. 805. DEFINITIONS.**

2 *As used in this title—*

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

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

7 *(A) employs one or more private security of-*
8 *ficers; or*

9 *(B) provides, as an independent contractor,*
10 *for consideration, the services of one or more pri-*
11 *vate security officers (possibly including oneself);*

12 *(3) the term “private security officer”—*

13 *(A) means—*

14 *(i) an individual who performs secu-*
15 *rity services, full or part time, for consider-*
16 *ation as an independent contractor or an*
17 *employee, whether armed or unarmed and*
18 *in uniform or plain clothes whose primary*
19 *duty is to perform security services, or*

20 *(ii) an individual who is an employee*
21 *of an electronic security system company*
22 *who is engaged in one or more of the fol-*
23 *lowing activities in the State: burglar*
24 *alarm technician, fire alarm technician,*
25 *closed circuit television technician, access*

1 control technician, or security system mon-
2 itor; but

3 (B) does not include—

4 (i) sworn police officers who have law
5 enforcement powers in the State,

6 (ii) attorneys, accountants, and other
7 professionals who are otherwise licensed in
8 the State,

9 (iii) employees whose duties are pri-
10 marily internal audit or credit functions,

11 (iv) persons whose duties may inciden-
12 tally include the reporting or apprehension
13 of shoplifters or trespassers, or

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

16 (4) the term “certificate of registration” means a
17 license, permit, certificate, registration card, or other
18 formal written permission from the State for the per-
19 son to engage in providing security services;

20 (5) the term “security services” means the per-
21 formance of one or more of the following:

22 (A) the observation or reporting of intru-
23 sion, larceny, vandalism, fire or trespass;

24 (B) the deterrence of theft or misappropria-
25 tion of any goods, money, or other item of value;

1 (C) the observation or reporting of any un-
2 lawful activity;

3 (D) the protection of individuals or prop-
4 erty, including proprietary information, from
5 harm or misappropriation;

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

8 (F) the secure movement of prisoners;

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

11 (H) the provision of canine services for pro-
12 tecting premises or for the detection of any un-
13 lawful device or substance; and

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

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

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