

108TH CONGRESS
1ST SESSION

H. R. 3179

To strengthen anti-terrorism investigative tools and promote information sharing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2003

Mr. SENSENBRENNER (for himself and Mr. GOSS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen anti-terrorism investigative tools and promote information sharing, 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 “Anti-Terrorism Intel-
5 ligence Tools Improvement Act of 2003”.

1 **SEC. 2. VIOLATION OF NONDISCLOSURE PROVISIONS OF**
 2 **NATIONAL SECURITY LETTERS.**

3 Section 1510 of title 18, United States Code, is
 4 amended by adding at the end the following new sub-
 5 section:

6 “(e) Whoever knowingly violates section 2709(c) of
 7 this title, sections 625(d) or 626(c) of the Fair Credit Re-
 8 porting Act (15 U.S.C. 1681u(d) or 1681v(c)), section
 9 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial
 10 Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or
 11 section 802(b) of the National Security Act of 1947 (50
 12 U.S.C. 436(b)) shall be imprisoned for not more than one
 13 year, and if the violation is committed with the intent to
 14 obstruct an investigation or judicial proceeding, shall be
 15 imprisoned for not more than five years.”.

16 **SEC. 3. JUDICIAL ENFORCEMENT OF NATIONAL SECURITY**
 17 **LETTERS.**

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

20 (1) in the chapter analysis, by inserting before
 21 the item relating to section 2333 the following new
 22 item:

2332h. Enforcement of requests for information.”; and.

23 (2) by inserting before section 2333 the fol-
 24 lowing new section:

1 **“§ 2332h. Enforcement of requests for information**

2 “In the case of a refusal to comply with a request
 3 for records, a report, or other information made to any
 4 person under section 2709(b) of this title, section 625(a)
 5 or (b) or 626(a) of the Fair Credit Reporting Act, section
 6 1114(a)(5)(A) of the Right to Financial Privacy Act, or
 7 section 802(a) of the National Security Act of 1947, the
 8 Attorney General may invoke the aid of any court of the
 9 United States within the jurisdiction of which the inves-
 10 tigation is carried on or the person resides, carries on
 11 business, or may be found, to compel compliance with the
 12 request. The court may issue an order requiring the per-
 13 son to comply with the request. Any failure to obey the
 14 order of the court may be punished by the court as con-
 15 tempt thereof. Any process under this section may be
 16 served in any judicial district in which the person may be
 17 found.”.

18 **SEC. 4. INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN**
 19 **POWERS.**

20 Section 101(b)(1) of the Foreign Intelligence Surveil-
 21 lance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by
 22 adding at the end the following new subparagraph:

23 “(C) engages in international terrorism or
 24 activities in preparation therefor; or”.

1 **SEC. 5. EX PARTE AUTHORIZATIONS UNDER CLASSIFIED**
 2 **INFORMATION PROCEDURES ACT.**

3 The second sentence of section 4 of the Classified In-
 4 formation Procedures Act (18 U.S.C. App. 3) is amend-
 5 ed—

6 (1) by striking “may” and inserting “shall”;

7 and

8 (2) by striking “a written statement to be in-
 9 spected” and inserting “a statement to be consid-
 10 ered”.

11 **SEC. 6. USE OF FISA INFORMATION IN IMMIGRATION PRO-**
 12 **CEEDINGS.**

13 The following provisions of the Foreign Intelligence
 14 Surveillance Act of 1978 are each amended by inserting
 15 “(other than in civil proceedings or other civil matters
 16 under the immigration laws (as that term is defined in
 17 section 101(a)(17) of the Immigration and Nationality Act
 18 (8 U.S.C. 1101(a)(17)))” after “authority of the United
 19 States”:

20 (1) Subsections (c), (e), and (f) of section 106
 21 (50 U.S.C. 1806).

22 (2) Subsections (d), (f), and (g) of section 305
 23 (50 U.S.C. 1825).

24 (3) Subsections (c), (e), and (f) of section 405
 25 (50 U.S.C. 1845).