

Roemer	Skelton	Tierney
Ross	Slaughter	Turner
Rothman	Smith (WA)	Udall (CO)
Roybal-Allard	Snyder	Udall (NM)
Rush	Solis	Velazquez
Sabo	Spratt	Visclosky
Sanchez	Stark	Waters
Sanders	Stenholm	Watson (CA)
Sandlin	Strickland	Watt (NC)
Sawyer	Stupak	Waxman
Schakowsky	Tanner	Weiner
Schiff	Tauscher	Wexler
Scott	Taylor (MS)	Woolsey
Serrano	Thompson (CA)	Wu
Sherman	Thompson (MS)	Wynn
Shows	Thurman	

## NOT VOTING—8

Aderholt	Boyd	Miller (FL)
Barton	Gillmor	Towns
Blunt	McHugh	

□ 1400

Mr. PETRI changed his vote from “nay” to “yea.”

So the previous question was ordered.  
The result of the vote was announced as above recorded.

NATIONAL SIMULTANEOUS  
PLEDGE OF ALLEGIANCE

The SPEAKER. Pursuant to the order of the House of October 11, 2001, the Chair recognizes the gentleman from California (Mr. Cox) to lead us in the Pledge of Allegiance.

Mr. COX. Please join with me and millions of American teachers and students as we recite the Pledge of Allegiance.

Mr. COX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PROVIDING FOR CONSIDERATION  
OF H.R. 2975, PATRIOT ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 9, as follows:

[Roll No. 384]

## AYES—214

Akin	Burton	Davis, Jo Ann
Armey	Buyer	Davis, Tom
Bachus	Callahan	Deal
Baker	Calvert	DeLay
Ballenger	Camp	DeMint
Barr	Cannon	Diaz-Balart
Bartlett	Cantor	Doolittle
Bass	Capito	Dreier
Bereuter	Castle	Duncan
Biggert	Chambliss	Dunn
Bilirakis	Coble	Ehlers
Boehrlert	Collins	Ehrlich
Boehner	Combest	Emerson
Bonilla	Cooksey	English
Bono	Cox	Everett
Brady (TX)	Crane	Ferguson
Brown (SC)	Crenshaw	Flake
Bryant	Cubin	Fletcher
Burr	Culberson	Foley

Forbes	Kolbe	Ryun (KS)
Fossella	LaHood	Saxton
Frelinghuysen	Largent	Schaffer
Galleghy	Latham	Schrock
Ganske	LaTourette	Sensenbrenner
Gekas	Leach	Sessions
Gibbons	Lewis (CA)	Shadegg
Gilchrest	Lewis (KY)	Shaw
Gilman	Linder	Shays
Goode	LoBiondo	Sherwood
Goodlatte	Lucas (OK)	Shimkus
Goss	Manzullo	Shows
Graham	McCrery	Shuster
Granger	McInnis	Simmons
Graves	McKeon	Simpson
Green (WI)	Mica	Skeen
Greenwood	Miller, Gary	Smith (MI)
Grucci	Moran (KS)	Smith (NJ)
Gutknecht	Morella	Smith (TX)
Hall (TX)	Myrick	Souder
Hansen	Nethercutt	Stearns
Hart	Ney	Stump
Hastert	Northup	Sununu
Hastings (WA)	Norwood	Sweeney
Hayes	Nussle	Tancredo
Hayworth	Osborne	Tauzin
Hefley	Ose	Taylor (NC)
Herger	Otter	Terry
Hilleary	Oxley	Thomas
Hobson	Paul	Thornberry
Hoekstra	Pence	Thune
Horn	Peterson (PA)	Tiahrt
Hostettler	Pickering	Tiberi
Houghton	Pitts	Toomey
Hulshof	Platts	Trafficant
Hunter	Pombo	Upton
Hyde	Portman	Vitter
Isakson	Pryce (OH)	Walden
Issa	Putnam	Walsh
Istook	Quinn	Wamp
Jenkins	Radanovich	Watkins (OK)
Johnson (CT)	Ramstad	Watts (OK)
Johnson (IL)	Regula	Weldon (FL)
Johnson, Sam	Rehberg	Weldon (PA)
Jones (NC)	Reynolds	Weller
Keller	Riley	Whitfield
Kelly	Rogers (KY)	Wicker
Kennedy (MN)	Rogers (MI)	Wilson
Kerns	Rohrabacher	Wolf
King (NY)	Ros-Lehtinen	Young (AK)
Kingston	Roukema	Young (FL)
Kirk	Royce	
Knollenberg	Ryan (WI)	

## NOES—208

Abercrombie	Davis (FL)	Jackson-Lee
Ackerman	Davis (IL)	(TX)
Allen	DeFazio	Jefferson
Andrews	DeGette	John
Baca	Delahunt	Johnson, E. B.
Baird	DeLauro	Jones (OH)
Baldacci	Deutsch	Kanjorski
Baldwin	Dicks	Kaptur
Barcia	Dingell	Kennedy (RI)
Barrett	Doggett	Kildee
Becerra	Dooley	Kilpatrick
Bentsen	Doyle	Kind (WI)
Berkley	Edwards	Kleczka
Berman	Engel	Kucinich
Berry	Eshoo	LaFalce
Bishop	Etheridge	Lampson
Blagojevich	Evans	Langevin
Blumenauer	Farr	Lantos
Bonior	Fattah	Larsen (WA)
Borski	Filner	Larson (CT)
Boswell	Ford	Lee
Boucher	Frank	Levin
Brady (PA)	Frost	Lewis (GA)
Brown (FL)	Gephardt	Lipinski
Brown (OH)	Gonzalez	Lofgren
Capps	Gordon	Lowey
Capuano	Green (TX)	Lucas (KY)
Cardin	Gutierrez	Luther
Carson (IN)	Hall (OH)	Maloney (CT)
Carson (OK)	Harman	Maloney (NY)
Chabot	Hastings (FL)	Markey
Clay	Hill	Mascara
Clayton	Hilliard	Matheson
Clement	Hinchee	Matsui
Clyburn	Hinojosa	McCarthy (MO)
Condit	Hoeffel	McCarthy (NY)
Conyers	Holden	McCollum
Costello	Holt	McDermott
Coyne	Honda	McGovern
Cramer	Hooley	McIntyre
Crowley	Hoyer	McKinney
Cummings	Inslee	McNulty
Cunningham	Israel	Meehan
Davis (CA)	Jackson (IL)	Meek (FL)

Meeks (NY)	Price (NC)	Spratt
Menendez	Rahall	Stark
Millender	Rangel	Stenholm
McDonald	Reyes	Strickland
Miller, George	Rivers	Stupak
Mink	Rodriguez	Tanner
Moore	Roemer	Tauscher
Moran (VA)	Ross	Taylor (MS)
Murtha	Rothman	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Rush	Thurman
Neal	Sabo	Tierney
Oberstar	Sanchez	Turner
Obey	Sanders	Udall (CO)
Oliver	Sandlin	Udall (NM)
Ortiz	Sawyer	Velazquez
Owens	Schakowsky	Visclosky
Pallone	Schiff	Waters
Pascarell	Scott	Watson (CA)
Pastor	Serrano	Watt (NC)
Payne	Sherman	Waxman
Pelosi	Skelton	Weiner
Peterson (MN)	Slaughter	Wexler
Petri	Smith (WA)	Woolsey
Phelps	Snyder	Wu
Pomeroy	Solis	Wynn

## NOT VOTING—9

Aderholt	Boyd	Miller (FL)
Barton	Gillmor	Mollohan
Blunt	McHugh	Towns

□ 1418

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION TO AMENDMENT  
TO H.R. 2975, PATRIOT ACT OF 2001

Ms. WATERS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2975, pursuant to H.Res. 264, the amendment considered as adopted pursuant to that rule be modified by striking section 1001 and renumbering the remaining section accordingly.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentlewoman from California?

There was no objection.

## PATRIOT ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 264, I call up the bill (H.R. 2975) to combat terrorism, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the bill is considered read for amendment.

The text of H.R. 2975 is as follows:

H. R. 2975

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001”.

## SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

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

## TITLE I—INTELLIGENCE GATHERING

## Subtitle A—Electronic Surveillance

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

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

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

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

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

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

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

**Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism**

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

**TITLE III—CRIMINAL JUSTICE**

**Subtitle A—Substantive Criminal Law**

- Sec. 301. Statute of limitation for prosecuting terrorism offenses.
- Sec. 302. Alternative maximum penalties for terrorism crimes.
- Sec. 303. Penalties for terrorist conspiracies.
- Sec. 304. Terrorism crimes as RICO predicates.
- Sec. 305. Biological weapons.

- Sec. 306. Support of terrorism through expert advice or assistance.
- Sec. 307. Prohibition against harboring.
- Sec. 308. Post-release supervision of terrorists.
- Sec. 309. Definition.
- Sec. 310. Civil damages.

**Subtitle B—Criminal Procedure**

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

**TITLE IV—FINANCIAL INFRASTRUCTURE**

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

**TITLE V—EMERGENCY AUTHORIZATIONS**

- Sec. 501. Office of Justice programs.
- Sec. 502. Attorney General's authority to pay rewards.
- Sec. 503. Limited authority to pay overtime.
- Sec. 504. Department of State reward authority.

**TITLE VI—DAM SECURITY**

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

**TITLE VII—MISCELLANEOUS**

- Sec. 701. Employment of translators by the Federal Bureau of Investigation.
- Sec. 702. Review of the Department of Justice.

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

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

**TITLE I—INTELLIGENCE GATHERING**

**Subtitle A—Electronic Surveillance**

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

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

- (1) by inserting "or trap and trace device" after "pen register";
- (2) by inserting " , routing, addressing," after "dialing"; and
- (3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) ISSUANCE OF ORDERS.—

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

"(a) IN GENERAL.—

"(1) Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Govern-

ment has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

"(2) Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation."

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

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and"

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

(A) by inserting "or other facility" after "the line"; and

(B) by striking " , or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) DEFINITIONS.—

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

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or"

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

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted (but not including the contents of such communication)"; and

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

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

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication (but not including the contents of such communication)";

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

(A) by striking "and"; and

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

(d) NO LIABILITY FOR INTERNET SERVICE PROVIDERS.—Section 3124(d) of title 18, United States Code, is amended by striking “the terms of”.

#### SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—  
(1) in section 2510—

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

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

(2) in section 2703—

(A) in the headings for subsections (a) and (b), by striking “CONTENTS OF ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC”; and

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

(C) in subsection (b), by striking “any electronic” and inserting “any wire or electronic” each place it appears.

#### SEC. 103. AUTHORIZED DISCLOSURE.

Section 2510(7) of title 18, United States Code, is amended by inserting “, and (for purposes only of section 2517 as it relates to foreign intelligence information) any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or the President or Vice President of the United States” after “such offenses”.

#### SEC. 104. SAVINGS PROVISION.

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

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

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

#### SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

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

(1) in section 2510—

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

(B) in paragraph (18), by striking the period and inserting a semi-colon; and

(C) by adding after paragraph (18) the following:

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

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

(2) in section 2511(2), by inserting after paragraph (h) the following:

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

“(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser’s communications on the protected computer;

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

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

“(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.”; and

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

#### SEC. 106. TECHNICAL AMENDMENT.

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

#### SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

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

(1) by striking “entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a” and inserting the following:

“entity the—

“(A) name;

“(B) address;

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

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

“(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

“(F) means and source of payment (including any credit card or bank account number);

of a”; and

(2) by striking “and the types of services the subscriber or customer utilized,” after “of a subscriber to or customer of such service.”.

#### SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

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

(1) in section 2703, by striking “under the Federal Rules of Criminal Procedure” each place it appears and inserting “using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation”; and

(2) in section 2711—

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

(B) in paragraph (2), by striking the period and inserting “; and”; and

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

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

#### SEC. 109. CLARIFICATION OF SCOPE.

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

“(j) With respect to a voluntary or obligatory disclosure of information (other than information revealing customer cable viewing activity) under this chapter, chapter 121, or chapter 206, subsections (c)(2)(B) and (h) of section 631 of the Communications Act of 1934 do not apply.

#### SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

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

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

“§ 2702. Voluntary disclosure of customer communications or records”;

(2) in subsection (a)(2)(B) by striking the period and inserting “; and”; and

(3) in subsection (a), by inserting after paragraph (2) the following:

“(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communica-

tions covered by paragraph (1) or (2)) to any governmental entity.”;

(4) in subsection (b), by striking “EXCEPTIONS.—A person or entity” and inserting “EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.—A provider described in subsection (a)”;

(5) in subsection (b)(6)—

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

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

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

“(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.”; and

(6) by inserting after subsection (b) the following:

“(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

“(1) as otherwise authorized in section 2703;

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

“(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

“(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

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

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

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

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

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “Except” and all that follows through “only when” in subparagraph (B) and inserting “A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when”;

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

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

(D) by inserting after clause (iv) of subparagraph (B) the following:

“(v) seeks information pursuant to subparagraph (B).”;

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

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

(3) in subsection (e), by striking “or certification” and inserting “certification, or statutory authorization”.

#### SEC. 111. USE AS EVIDENCE.

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

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

(2) by striking “Whenever any wire or oral communication has been intercepted” and inserting “(a) Except as provided in subsection (b), whenever any wire, oral, or electronic communication has been intercepted, or any electronic communication in electronic storage has been disclosed”;

(3) by inserting "or chapter 121" after "this chapter"; and

(4) by adding at the end the following:

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

(b) SECTION 2517.—Paragraphs (1) and (2) of section 2517 are each amended by inserting "or under the circumstances described in section 2515(b)" after "by this chapter".

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

(1) in subsection (7), by striking "subsection (d)" and inserting "subsection (8)(d)"; and

(2) in subsection (10)—

(A) in paragraph (a)—

(i) by striking "or oral" each place it appears and inserting "or, oral, or electronic";

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

(iii) by inserting "except that no suppression may be ordered under the circumstances described in section 2515(b)." before "Such motion"; and

(B) by striking paragraph (c).

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

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

#### SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.

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

"(g) REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

"(1) By January 31 of each calendar year, the judge issuing or denying an order, warrant, or subpoena, or the authority issuing or denying a subpoena, under subsection (a) or (b) of this section during the preceding calendar year shall report on each such order, warrant, or subpoena to the Administrative Office of the United States Courts—

"(A) the fact that the order, warrant, or subpoena was applied for;

"(B) the kind of order, warrant, or subpoena applied for;

"(C) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

"(D) the offense specified in the order, warrant, subpoena, or application;

"(E) the identity of the agency making the application; and

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

"(2) In January of each year the Attorney General or an Assistant Attorney General specially designated by the Attorney General shall report to the Administrative Office of the United States Courts—

"(A) the information required by subparagraphs (A) through (F) of paragraph (1) of this subsection with respect to each application for an order, warrant, or subpoena made during the preceding calendar year; and

"(B) a general description of the disclosures made under each such order, warrant, or subpoena, including—

"(i) the approximate number of all communications disclosed and, of those, the approximate number of incriminating communications disclosed;

"(ii) the approximate number of other communications disclosed; and

"(iii) the approximate number of persons whose communications were disclosed.

"(3) In June of each year, beginning in 2003, the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders, warrants, or subpoenas authorizing or requiring the disclosure of the contents of electronic communications pursuant to subsections (a) and (b) of this section and the number of orders, warrants, or subpoenas granted or denied pursuant to subsections (a) and (b) of this section during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by paragraphs (1) and (2) of this subsection. The Director of the Administrative Office of the United States Courts is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by paragraphs (1) and (2) of this subsection."

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

#### SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

(a) INCLUDING AGENTS OF A FOREIGN POWER.—(1) Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by inserting "or an agent of a foreign power, as defined in section 101(b)(1)(A)," after "or (3)."

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

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

#### SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting "or, in circumstances where the Court finds that the actions of the target of the electronic surveillance may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

#### SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and 303(a)(7)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by striking "that the" and inserting "that a significant".

#### SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any Federal law-enforcement-, intelligence-, protective-, national-defense, or immigration personnel, or the President or the Vice President of the United States, for the performance of official duties.

#### SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

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

(1) in paragraph (1), by adding "and" at the end;

(2) in paragraph (2)—

(A) by inserting "from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device" after "obtained"; and

(B) by striking "and" and inserting a period; and

(3) by striking paragraph (3).

#### SEC. 156. BUSINESS RECORDS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

"ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

"SEC. 501. (a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, such investigation being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order No. 12333 (or a successor order), the Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

"(b) Each application under this section—

"(1) shall be made to—

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

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

"(2) shall specify that the records concerned are sought for an investigation described in subsection (a).

"(c)(1) Upon application made pursuant to this section, the judge shall enter an ex parte order as requested requiring the production the tangible things sought if the judge finds that the application satisfies the requirements of this section.

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

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

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

(2) Section 503 of such Act (50 U.S.C. 1863) is redesignated as section 502.

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

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

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

"502. Congressional oversight."

#### SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

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

(1) in paragraph (1)—

(A) by inserting "or, or electronic communication transactional records" after "toll billing records"; and

(B) by striking "made that" and all that follows through the end of such paragraph and inserting "made that the name, address, length of service, and toll billing records

sought are relevant to an authorized foreign counterintelligence investigation; and"; and

(2) in paragraph (2), by striking "made that" and all that follows through the end and inserting "made that the information sought is relevant to an authorized foreign counterintelligence investigation."

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

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

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

(3) in subsection (c), by striking "camera that" and all that follows through "States." and inserting "camera that the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation."

#### SEC. 158. PROPOSED LEGISLATION.

Not later than August 31, 2003, the President shall propose legislation relating to the provisions set to expire by section 160 of this Act as the President may judge necessary and expedient.

#### SEC. 159. PRESIDENTIAL AUTHORITY.

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

(1) in subparagraph (A)—

(A) in clause (ii), by adding "or" after "thereof,"; and

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

"(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;"

(2) by striking after subparagraph (B), "by any person, or with respect to any property, subject to the jurisdiction of the United States";

(3) in subparagraph (B)—

(A) by inserting after "investigate" the following: "block during the pendency of an investigation for a period of not more than 90 days (which may be extended by an additional 60 days if the President determines that such blocking is necessary to carry out the purposes of this Act)."; and

(B) by striking "interest;" and inserting "interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

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

"(C) when a statute has been enacted authorizing the use of force by United States armed forces against a foreign country, foreign organization, or foreign national, or when the United States has been subject to an armed attack by a foreign country, foreign organization, or foreign national, confiscate any property, subject to the jurisdiction of the United States, of any foreign country, foreign organization, or foreign national against whom United States armed forces may be used pursuant to such statute or, in the case of an armed attack against the United States, that the President determines has planned, authorized, aided, or engaged in such attack; and

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

"(ii) upon such terms and conditions as the President may prescribe, such interest or

property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, except that the proceeds of any such liquidation or sale, or any cash assets, shall be segregated from other United States Government funds and shall be used only pursuant to a statute authorizing the expenditure of such proceeds or assets, and

"(iii) such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."

#### SEC. 160. SUNSET.

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

### TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

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

#### SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELIGIBLE FOR ADMISSION AND DEPORTABLE DUE TO TERRORIST ACTIVITY.

(a) ALIENS INELIGIBLE FOR ADMISSION DUE TO TERRORIST ACTIVITIES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

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

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

"(IV) is a representative of—

"(a) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

"(b) a political, social, or other similar group whose public endorsement of terrorist activity the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;"

(C) in subclause (V), by striking any comma at the end, by striking any "or" at the end, and by adding "or" at the end; and

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

"(VI) has used the alien's prominence within a foreign state or the United States to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;"

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking "(or which, if committed in the United States," and inserting "(or which, if it had been or were to be committed in the United States,"; and

(B) in subclause (V)(b), by striking "explosive or firearm" and inserting "explosive, firearm, or other object";

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

"(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit a terrorist activity;

"(II) to plan or prepare to commit a terrorist activity;

"(III) to gather information on potential targets for a terrorist activity;

"(IV) to solicit funds or other things of value for—

"(a) a terrorist activity;

"(b) an organization designated as a foreign terrorist organization under section 219; or

"(c) a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity;

"(V) to solicit any individual—

"(a) to engage in conduct otherwise described in this clause;

"(b) for membership in a terrorist government;

"(c) for membership in an organization designated as a foreign terrorist organization under section 219; or

"(d) for membership in a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, and radiological weapons), explosives, or training—

"(a) for the commission of a terrorist activity;

"(b) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(c) to an organization designated as a foreign terrorist organization under section 219; or

"(d) to a terrorist organization described in clause (v)(II), but only if the actor knows, or reasonably should know, that the act would further a terrorist activity."; and

(4) by adding at the end the following:

"(v) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term 'terrorist organization' means—

"(I) an organization designated as a foreign terrorist organization under section 219; or

"(II) with regard to a group that is not an organization described in subclause (I), a group of 2 or more individuals, whether organized or not, which engages in, or which has a significant subgroup which engages in, the activities described in subclause (I), (II), or (III) of clause (iii).

"(vi) SPECIAL RULE FOR MATERIAL SUPPORT.—Clause (iii)(VI)(b) shall not be construed to include the affording of material support to an individual who committed or planned to commit a terrorist activity, if the alien establishes by clear and convincing evidence that such support was afforded only after such individual permanently and publicly renounced, rejected the use of, and had ceased to engage in, terrorist activity."

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

"(F) ENDANGERMENT.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible."

(c) ALIENS DEPORTABLE DUE TO TERRORIST ACTIVITIES.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

"(B) TERRORIST ACTIVITIES.—Any alien is deportable who—

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

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

“(I) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

“(II) a political, social, or other similar group whose public endorsement of terrorist activity—

“(a) is intended and likely to incite or produce imminent lawless action; and

“(b) has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities; or

“(iii) has used the alien's prominence within a foreign state or the United States—

“(I) to endorse, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, terrorist activity; or

“(II) to persuade others, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, to support terrorist activity or a terrorist organization (as defined in section 212(a)(3)(B)(v)).”

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

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

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

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

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

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

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a group at any time when the group was not a foreign terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189).

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

(i) described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a foreign ter-

rorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act; or

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

#### SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)—

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

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

(2) in paragraph (2)—

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

“(A) NOTICE.—

“(i) IN GENERAL.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and minority leader of the House of Representatives, the President pro tempore, majority leader, and minority leader of the Senate, the members of the relevant committees, and the Secretary of the Treasury, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

“(ii) PUBLICATION OF DESIGNATION.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”

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

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

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

(4) in paragraph (4)(B), by inserting after the first sentence the following: “The Secretary may also redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.”;

(5) in paragraph (6)—

(A) in subparagraph (A)—

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

(ii) in clause (i)—

(I) by inserting “or redesignation” after “designation” the first place it appears; and

(II) by striking “of the designation,” and inserting a semicolon; and

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

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

(C) by adding at the end the following:

“(C) EFFECTIVE DATE.—Any revocation shall take effect on the date specified in the Federal Register if no effective date is specified.”;

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

(7) in paragraph (8)—

(A) by striking “(1)(B),” and inserting “(2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)”;

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

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

#### SEC. 203. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

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

“MANDATORY DETENTION OF SUSPECTED

TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

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

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

“(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

“(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

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

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

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

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

“(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.”

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

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

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

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

- (2) the grounds for such certifications;
- (3) the nationalities of the aliens so certified;
- (4) the length of the detention for each alien so certified; and
- (5) the number of aliens so certified who—
  - (A) were granted any form of relief from removal;
  - (B) were removed;
  - (C) the Attorney General has determined are no longer an alien who may be so certified; or
  - (D) were released from detention.

#### SEC. 204. MULTILATERAL COOPERATION AGAINST TERRORISTS.

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

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

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

(3) by adding at the end the following:

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

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

“(B) Such records and information may be provided on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. General access to records and information may be provided under an agreement to limit the use of such records and information to the purposes described in the preceding sentence.

“(C) The Secretary of State shall make any determination under this paragraph in consultation with any Federal agency that compiled or provided such records or information.

“(D) To the extent possible, such records and information shall be made available to foreign governments on a reciprocal basis.”.

#### SEC. 205. CHANGES IN CONDITIONS FOR GRANTING ASYLUM AND ASYLUM PROCEDURES.

(a) ALIENS INELIGIBLE FOR ASYLUM DUE TO TERRORIST ACTIVITIES.—

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

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

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

(2) RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to—

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

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

(b) DISCLOSURE OF ASYLUM APPLICATION INFORMATION.—

(1) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) LIMITATION ON CONFIDENTIALITY OF INFORMATION.—

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

“(A) the disclosure is made in the course of an investigation of an alien to determine if the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B); and

“(B) the Attorney General has reasonable grounds to believe that the alien may be so described.

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

“(3) DISCLOSURES TO FOREIGN GOVERNMENTS.—If the Attorney General desires to disclose information to a foreign government under paragraph (1), the Attorney General shall request the Secretary of State to make the disclosure.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to the disclosure of information on or after such date.

#### SEC. 206. PROTECTION OF NORTHERN BORDER.

There are authorized to be appropriated—

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

(2) such sums as may be necessary to triple the number of Immigration and Naturalization Service inspectors (from the number authorized under current law) at ports of entry in each State along the northern border; and

(3) an additional \$50,000,000 to the Immigration and Naturalization Service for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border.

#### SEC. 207. REQUIRING SHARING BY THE FEDERAL BUREAU OF INVESTIGATION OF CERTAIN CRIMINAL RECORD EXTRACTS WITH OTHER FEDERAL AGENCIES IN ORDER TO ENHANCE BORDER SECURITY.

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

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

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

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

(4) by adding at the end the following:

“(b) CRIMINAL HISTORY RECORD INFORMATION.—The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Secretary of State and the Commissioner access to the criminal history record information contained in the National Crime Information Center’s Interstate Identification Index, Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the official to be provided access, for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the

Department of State’s automated visa lookout database or other appropriate database, and shall be provided without any fee or charge. The Director of the Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon by the Attorney General and the official provided access. Upon receipt of such updated extracts, the receiving official shall make corresponding updates to the official’s databases and destroy previously provided extracts. Such access to any extract shall not be construed to entitle the Secretary of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Secretary of State shall submit the applicant’s fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

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

“(d) REGULATIONS.—For purposes of administering this section, the Secretary of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations—

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

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

“(A) to limit the dissemination of such information;

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

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

“(D) to protect any privacy rights of individuals who are subjects of such information.”.

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

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

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

(d) REPORTING REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General and the Secretary of State, jointly, shall report to the Congress on the implementation of the amendments made by this section.

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



**Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism**

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

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

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

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

(b) ALIENS DESCRIBED.—

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

(A) the alien was the beneficiary of—

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

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a non-immigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

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

(2) SPOUSES AND CHILDREN.—

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

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

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

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

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

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

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

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

(a) AUTOMATIC EXTENSION OF NON-IMMIGRANT STATUS.—

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

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

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

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

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an “employment authorized” endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

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

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

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

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

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

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

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

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful non-immigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

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

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

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

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

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

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

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



(f) **VOLUNTARY DEPARTURE.**—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

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

(a) **TREATMENT AS IMMEDIATE RELATIVES.**—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries.

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

(1) **IN GENERAL.**—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

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

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

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

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

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

(1) **IN GENERAL.**—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

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

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

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

(1) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under sec-

tion 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

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

(d) **WAIVER OF PUBLIC CHARGE GROUNDS.**—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

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

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

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

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

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

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

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

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

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

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

(1) Death.

(2) Disability.

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

(b) **WAIVER OF REGULATIONS.**—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

**SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.**

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

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

**SEC. 218. DEFINITIONS.**

(a) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) **SPECIFIED TERRORIST ACTIVITY.**—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

**TITLE III—CRIMINAL JUSTICE**

**Subtitle A—Substantive Criminal Law**

**SEC. 301. STATE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.**

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

**"§ 3286. Terrorism offenses**

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

"(1) A violation of, or an attempt or conspiracy to violate, section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnapping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 844(f) or (i) when it relates to bombing (relating to arson and bombing of certain property), 1114(1) (relating to protection of officers and employees of the United States), 1116, if the offense involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnapping), 2332(a)(1) (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries) of this title.

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

"(3) Section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421).

"(4) Section 46502 (relating to aircraft piracy) of title 49.

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

"(1) Section 175b (relating to biological weapons), 842(m) or (n) (relating to plastic explosives), 930(c) if it involves murder (relating to possessing a dangerous weapon in a Federal facility), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1992 (relating to trainwrecking), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture).

"(2) Any of the following provisions of title 49: the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 213 of

title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:

“3286. Terrorism offenses.”.

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

#### SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.

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

“(e) AUTHORIZED TERMS OF IMPRISONMENT FOR TERRORISM CRIMES.—A person convicted of any Federal terrorism offense may be sentenced to imprisonment for any term of years or for life, notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense.”.

#### SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.

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

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

##### “§ 2332c. Attempts and conspiracies

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

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

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

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

“2332c. Attempts and conspiracies.”.

#### SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

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

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

(2) by striking “financial gain;” and inserting “financial gain, or (G) any act that is a Federal terrorism offense or is indictable under any of the following provisions of law: section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnapping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) when it involves a bombing (relating to arson and bombing of certain property), 930(c) when it involves an attack on a Federal facility, 1114 when it involves murder (relating to protection of officers and employees of the United States), 1116 when it involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of com-

munication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnapping), 1992 (relating to trainwrecking), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title; section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or section 46502 (relating to aircraft piracy) or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”.

#### SEC. 305. BIOLOGICAL WEAPONS.

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

(1) in section 175—

(A) in subsection (b)—

(i) by striking, “section, the” and inserting “section—

“(1) the”;

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

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

(iv) by striking “purposes.” and inserting “purposes, and

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

(B) by redesignating subsection (b) as subsection (c); and

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

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

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

##### “§ 175b. Possession by restricted persons

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

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

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

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

“(3) is a fugitive from justice;

“(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

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

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

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

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

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

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

“175b. Possession by restricted persons.”.

#### SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

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

(1) in subsection (a)—

(A) by striking “a violation” and all that follows through “49” and inserting “any Federal terrorism offense or any offense described in section 25(2)”; and

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

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

#### SEC. 307. PROHIBITION AGAINST HARBORING.

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

##### “§ 791. Prohibition against harboring

“Whoever harbors or conceals any person who he knows has committed, or is about to commit, an offense described in section 25(2) or this title shall be fined under this title or imprisoned not more than ten years or both. There is extraterritorial Federal jurisdiction over any violation of this section or any conspiracy or attempt to violate this section. A violation of this section or of such a conspiracy or attempt may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

#### SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

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

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

#### SEC. 309. DEFINITION.

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

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

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

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

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

“(2) is a violation of, or an attempt or conspiracy to violate— section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnapping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnapping), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

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

“(4) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

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

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

“25. Federal terrorism offense defined.”.

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

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

(1) in paragraph (1)(B)—

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

(B) in clause (iii), by striking “by assassination or kidnapping” and inserting “(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)”;

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

(4) by inserting the following paragraph (4): “(5) the term ‘domestic terrorism’ means activities that—

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

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

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

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof).”.

**SEC. 310. CIVIL DAMAGES.**

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

**Subtitle B—Criminal Procedure****SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.**

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after “executed” the following: “and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district”.

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

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

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

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

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

Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(1) by adding at the end the following:

“(v) when permitted by a court at the request of an attorney for the government, upon a showing that the matters pertain to international or domestic terrorism (as defined in section 2331 of title 18, United States Code) or national security, to any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or to the President or Vice President of the United States, for the performance of official duties.”;

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

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

**SEC. 354. EXTRATERRITORIALITY.**

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

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

(2) in section 2338, by inserting “There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter, in addition to any extraterritorial jurisdiction that may exist under the law defining the offense, if the person committing the offense or the victim of the offense is a national of the United States

(as defined in section 101 of the Immigration and Nationality Act) or if the offense is directed at the security or interests of the United States.” before “The district courts”; and

(3) in the table of sections at the beginning of such chapter, by striking “Exclusive” in the item relating to section 2338.

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

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

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

“(A) the premises of United States diplomatic, consular, military, or other United States Government missions or entities in foreign states, including the buildings, parts of buildings, and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities; and

“(B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, except that this paragraph does not supercede any treaty or international agreement in force on the date of the enactment of this paragraph.”.

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

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

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

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

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

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

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

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

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

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

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

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

**TITLE IV—FINANCIAL INFRASTRUCTURE****SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.**

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

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

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

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

(2) in subsection (b), by striking “or other financial securities” and inserting “or monetary instruments or financial securities”.

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

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

“(G) All assets, foreign or domestic—

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

“(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

“(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.”.

**SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.**

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

**SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.**

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) of the Internal Revenue Code of 1986 (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

“(C) TERRORIST ACTIVITIES, ETC.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

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

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

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

“(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

“(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of terrorist incidents, threats, or activities.

“(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

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

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

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

“(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

“(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

“(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning terrorists and terrorist organizations and activities. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

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

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

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

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

“(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

“(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning terrorists and terrorist organizations and activities.

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

“(C) DISCLOSURE UNDER EX PARTE ORDERS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

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

“(I) there is reasonable cause to believe, based upon information believed to be reliable, that the taxpayer whose return or return information is to be disclosed may be connected to a terrorist activity or threat,

“(II) there is reasonable cause to believe that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

“(III) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

“(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subclauses (I) and (II) of subparagraph (C)(ii) are met.

“(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

“(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

“(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

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

(c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) by striking “(i)(3)(B)(i),” and inserting “(i)(3)(B)(i) or (7)(A)(ii),” and

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

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

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

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

#### SEC. 406. EXTRATERRITORIAL JURISDICTION.

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

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

“(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

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

#### TITLE V—EMERGENCY AUTHORIZATIONS

##### SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) In connection with the airplane hijackings and terrorist acts (including, without

limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President shall not be subject to any limitation on obligations from amounts deposited or available in the Fund.

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

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

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

(c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after “programs” by inserting “, to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime.”.

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

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

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

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

#### SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS.

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

##### “§ 3059. Rewards and appropriation therefor

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

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

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

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

“(3) The Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and the House of Representatives not later than 30 days after the approval of a reward under paragraph (2);

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

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

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

(b) CONFORMING AMENDMENTS.—

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

(2) Public Law 101-647 is amended—

(A) in section 2565—

(i) by striking all the matter after “title,” in subsection (c)(1) and inserting “the Attorney General may, in the Attorney General’s discretion, pay a reward to the declaring.”; and

(ii) by striking subsection (e); and

(C) by striking section 2569.

#### SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings “Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs and Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction” in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106-553 (114 Stat. 2762A-58 to 2762A-59)) is amended by striking the following each place it occurs: “Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001.”.

#### SEC. 504. DEPARTMENT OF STATE REWARD AUTHORITY.

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

(1) in subsection (b)—

(A) by striking “or” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “, including by dismantling an organization in whole or significant part; or”; and

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

“(6) the identification or location of an individual who holds a leadership position in a terrorist organization.”;

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

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

“(1) AMOUNT OF AWARD.—

“(A) Except as provided in subparagraph (B), no reward paid under this section may exceed \$10,000,000.

“(B) The Secretary of State may authorize the payment of an award not to exceed \$25,000,000 if the Secretary determines that payment of an award exceeding the amount under subparagraph (A) is important to the national interest of the United States.”.

(b) SENSE OF CONGRESS REGARDING REWARDS RELATING TO THE SEPTEMBER 11, 2001 ATTACK.—It is the sense of the Congress that the Secretary of State should use the authority of section 36 of the State Department Basic Authorities Act of 1956, as amended by subsection (a), to offer a reward of \$25,000,000 for Osama bin Laden and other leaders of the September 11, 2001 attack on the United States.

#### 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. 4601-33(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 local government, including Indian tribes, when deemed economical and in the public interest, and with the concurrence of that agency or that State or local government, to act as law enforcement officers within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned them by the Secretary to carry out the regulations promulgated under paragraph (2);

“(C) cooperate with any State or local government, including Indian tribes, in the enforcement of the laws or ordinances of that State or local government; and

“(D) provide reimbursement to a State or local government, including Indian tribes, for expenditures incurred in connection with activities under subparagraph (B).

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

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

“(B) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for an offense committed within a Reclamation project or on Reclamation lands; and

“(C) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands, if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense or concurs with such investigation.

“(6)(A) Except as otherwise provided in this paragraph, a law enforcement officer of any State or local government, including Indian tribes, designated to act as a law enforcement officer under paragraph (4) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

“(B) For purposes of chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

“(C) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating

to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term ‘employee’ as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under this subchapter shall be reduced by the amount of any entitlement to State or local workers’ compensation benefits arising out of the same injury or death.

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

“(8) For the purposes of this subsection, the term ‘law enforcement personnel’ means employees of a Federal, State, or local government agency, including an Indian tribal agency, who have successfully completed law enforcement training approved by the Secretary and are authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of their employing jurisdiction.

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

#### TITLE VII—MISCELLANEOUS

##### SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) **SECURITY REQUIREMENTS.**—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.

(c) **REPORT.**—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

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

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

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

##### SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) **APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL BUREAU OF INVESTIGATION.**—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for Civil Rights, Civil Liberties, and the Federal Bureau of Investigation (hereinafter in this section referred to as the “Deputy”).

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

(1) review information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by government employees and officials including employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the Deputy; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

(c) **INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.**—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) **FINANCIAL SYSTEMS.**—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) **PROGRAMS AND PROCESSES.**—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) **INTERNAL AFFAIRS OFFICES.**—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) **PERSONNEL.**—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) **OTHER PROGRAMS AND OPERATIONS.**—Reviewing matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

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

(d) **REVIEW OF INVESTIGATIVE TOOLS.**—Not later than August 31, 2003, the Deputy shall review the implementation, use, and operation (including the impact on civil rights and liberties) of the law enforcement and intelligence authorities contained in title I of this Act and provide a report to the President and Congress.

The **SPEAKER** pro tempore. In lieu of the amendment printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 is adopted.

The text of H.R. 2975, as amended pursuant to House Resolution 264, is as follows:

#### H.R. 3108

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Uniting and Strengthening America Act” or the “USA Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Construction; severability.

#### TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.

Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.

Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.



- Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
- Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
- Sec. 106. Presidential authority.

#### TITLE II—ENHANCED SURVEILLANCE PROCEDURES

- Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
- Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
- Sec. 203. Authority to share criminal investigative information.
- Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
- Sec. 205. Employment of translators by the Federal Bureau of Investigation.
- Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
- Sec. 208. Designation of judges.
- Sec. 209. Seizure of voice-mail messages pursuant to warrants.
- Sec. 210. Scope of subpoenas for records of electronic communications.
- Sec. 211. Clarification of scope.
- Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
- Sec. 213. Authority for delaying notice of the execution of a warrant.
- Sec. 214. Pen register and trap and trace authority under FISA.
- Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
- Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
- Sec. 217. Interception of computer trespasser communications.
- Sec. 218. Foreign intelligence information.
- Sec. 219. Single-jurisdiction search warrants for terrorism.
- Sec. 220. Nationwide service of search warrants for electronic evidence.
- Sec. 221. Trade sanctions.
- Sec. 222. Assistance to law enforcement agencies.
- Sec. 223. Civil liability for certain unauthorized disclosures.
- Sec. 224. Sunset.

#### TITLE III—FINANCIAL INFRASTRUCTURE

- Sec. 301. Laundering the proceeds of terrorism.
- Sec. 302. Material support for terrorism.
- Sec. 303. Assets of terrorist organizations.
- Sec. 304. Technical clarification relating to provision of material support to terrorism.
- Sec. 305. Extraterritorial jurisdiction.

#### TITLE IV—PROTECTING THE BORDER

##### Subtitle A—Protecting the Northern Border

- Sec. 401. Ensuring adequate personnel on the northern border.
- Sec. 402. Northern border personnel.
- Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
- Sec. 404. Limited authority to pay overtime.
- Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

##### Subtitle B—Enhanced Immigration Provisions

- Sec. 411. Definitions relating to terrorism.
- Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
- Sec. 413. Multilateral cooperation against terrorists.

##### Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

- Sec. 421. Special immigrant status.
- Sec. 422. Extension of filing or reentry deadlines.
- Sec. 423. Humanitarian relief for certain surviving spouses and children.
- Sec. 424. "Age-out" protection for children.
- Sec. 425. Temporary administrative relief.
- Sec. 426. Evidence of death, disability, or loss of employment.
- Sec. 427. No benefits to terrorists or family members of terrorists.
- Sec. 428. Definitions.

#### TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

- Sec. 501. Attorney General's authority to pay rewards to combat terrorism.
- Sec. 502. Secretary of State's authority to pay rewards.
- Sec. 503. DNA identification of terrorists and other violent offenders.
- Sec. 504. Coordination with law enforcement.
- Sec. 505. Miscellaneous national security authorities.
- Sec. 506. Extension of Secret Service jurisdiction.
- Sec. 507. Disclosure of educational records.
- Sec. 508. Disclosure of information from NCES surveys.

#### TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

##### Subtitle A—Aid to Families of Public Safety Officers

- Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
- Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
- Sec. 613. Public safety officers benefit program payment increase.
- Sec. 614. Office of Justice programs.

##### Subtitle B—Amendments to the Victims of Crime Act of 1984

- Sec. 621. Crime victims fund.
- Sec. 622. Crime victim compensation.
- Sec. 623. Crime victim assistance.
- Sec. 624. Victims of terrorism.

#### TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

- Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

#### TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

- Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
- Sec. 804. Jurisdiction over crimes committed at U.S. facilities abroad.
- Sec. 805. Material support for terrorism.
- Sec. 806. Assets of terrorist organizations.
- Sec. 807. Technical clarification relating to provision of material support to terrorism.
- Sec. 808. Definition of Federal crime of terrorism.

- Sec. 809. No statute of limitation for certain terrorism offenses.
- Sec. 810. Alternate maximum penalties for terrorism offenses.
- Sec. 811. Penalties for terrorist conspiracies.
- Sec. 812. Post-release supervision of terrorists.
- Sec. 813. Inclusion of acts of terrorism as racketeering activity.
- Sec. 814. Deterrence and prevention of cyberterrorism.
- Sec. 815. Additional defense to civil actions relating to preserving records in response to Government requests.
- Sec. 816. Development and support of cybersecurity forensic capabilities.

#### TITLE IX—IMPROVED INTELLIGENCE

- Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
- Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
- Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
- Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
- Sec. 905. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations.
- Sec. 906. Foreign terrorist asset tracking center.
- Sec. 907. National Virtual Translation Center.
- Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

#### TITLE X—MISCELLANEOUS

- Sec. 1001. Payments.
- Sec. 1002. Review of the department of justice.

#### SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

#### TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

##### SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and



(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

**SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

**SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.**

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, \$200,000,000 for each of the fiscal years 2002, 2003, and 2004.

**SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.**

Section 2332e of title 18, United States Code, is amended—

(1) by striking “2332c” and inserting “2332a”; and

(2) by striking “chemical”.

**SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.**

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Elec-

tronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

**SEC. 106. PRESIDENTIAL AUTHORITY.**

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking “; and” and inserting a comma and the following:

“by any person, or with respect to any property, subject to the jurisdiction of the United States;”;

(B) in subparagraph (B)—

(i) by inserting “, block during the pendency of an investigation” after “investigate”; and

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

(C) by striking “by any person, or with respect to any property, subject to the jurisdiction of the United States; and

(D) by inserting at the end the following:

“(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.”; and

(2) by inserting at the end the following:

“(c) CLASSIFIED INFORMATION.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.”.

**TITLE II—ENHANCED SURVEILLANCE PROCEDURES**

**SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

**SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.**

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),”.

**SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.**

(a) AUTHORITY TO SHARE GRAND JURY INFORMATION.—

(1) IN GENERAL.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking “or” at the end;

(B) in clause (iv), by striking the period at the end and inserting “; or”; and

(C) by inserting at the end the following:

“(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)), to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Within a reasonable time after such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information.”.

(2) DEFINITION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting “(i)” after “(C)”;

(B) redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(C) inserting at the end the following:

“(ii) In this subparagraph, the term ‘foreign intelligence information’ means—

“(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

“(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

“(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

“(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

“(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

“(aa) the national defense or the security of the United States; or

“(bb) the conduct of the foreign affairs of the United States.”.

(b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—

(1) LAW ENFORCEMENT.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

“(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose

such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information."

(2) **DEFINITION.**—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States."

(c) **PROCEDURES.**—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) **FOREIGN INTELLIGENCE INFORMATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) **DEFINITION.**—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

**SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.**

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

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

**SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.**

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) **SECURITY REQUIREMENTS.**—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) **REPORT.**—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

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

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

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

**SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

**SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.**

(a) **DURATION.**—

(1) **SURVEILLANCE.**—Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) **PHYSICAL SEARCH.**—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) **EXTENSION.**—

(1) **IN GENERAL.**—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) **DEFINED TERM.**—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2)) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A)".

**SEC. 208. DESIGNATION OF JUDGES.**

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no fewer than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

**SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.**

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "CONTENTS OF ELECTRONIC" and inserting "CONTENTS OF WIRE OR ELECTRONIC" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

**SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.**

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

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

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

**SEC. 211. CLARIFICATION OF SCOPE.**

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by inserting at the end the following:

“(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.”; and

(2) in subsection (h), by striking “A governmental entity” and inserting “Except as provided in subsection (c)(2)(D), a governmental entity”.

**SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.**

(a) DISCLOSURE OF CONTENTS.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**“§2702. Voluntary disclosure of customer communications or records”;**

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking “and” at the end;

(ii) in paragraph (2)(B), by striking the period and inserting “; and”; and

(iii) by inserting after paragraph (2) the following:

“(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.”;

(C) in subsection (b), by striking “EXCEPTIONS.—A person or entity” and inserting “EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.—A provider described in subsection (a)”;

(D) in subsection (b)(6)—

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

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

(iii) by adding after subparagraph (B) the following:

“(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.”; and

(E) by inserting after subsection (b) the following:

“(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

“(1) as otherwise authorized in section 2703;

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

“(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

“(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

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

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**“§2703. Required disclosure of customer communications or records”;**

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking “(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may” and inserting “A governmental entity may require a provider of electronic communication service or remote computing service to”;

(ii) by striking “covered by subsection (a) or (b) of this section) to any person other than a governmental entity.”

“(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity” and inserting “”;

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting “; or”; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

“(E) seeks information under paragraph (2).”; and

(D) in paragraph (2) (as redesignated) by striking “subparagraph (B)” and insert “paragraph (1)”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

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

**SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.**

Section 3103a of title 18, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “In addition”; and

(2) by adding at the end the following:

“(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

“(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

“(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

“(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.”.

**SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.**

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking “for any investigation to gather foreign intelligence

information or information concerning international terrorism” and inserting “for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution”;

(2) by amending subsection (c)(2) to read as follows:

“(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.”;

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

“(A) shall specify—

“(i) the identity, if known, of the person who is the subject of the investigation;

“(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

“(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.”.

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking “foreign intelligence information or information concerning international terrorism” and inserting “information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution”;

(2) in subsection (b)(1), by striking “foreign intelligence information or information concerning international terrorism” and inserting “information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution”.

**SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.**

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

**“SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.**

“(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

“(2) An investigation conducted under this section shall—

“(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

“(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(b) Each application under this section—

“(1) shall be made to—

“(A) a judge of the court established by section 103(a); or

“(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

“(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

“(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

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

“(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

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

#### “SEC. 502. CONGRESSIONAL OVERSIGHT.

“(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

“(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

“(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

“(2) the total number of such orders either granted, modified, or denied.”

#### SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

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

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

(3) by striking “call processing” and inserting “the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications”.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

“(a) IN GENERAL.—

“(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

“(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

“(3)(A) Where the law enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained which will identify—

“(i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network;

“(ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information;

“(iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and

“(iv) any information which has been collected by the device.

To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device.

“(B) The record maintained under subparagraph (A) shall be provided ex parte and under seal to the court which entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order (including any extensions thereof).”

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

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

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

(B) by striking subparagraph (C) and inserting the following:

“(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under

subsection (a)(2), the geographic limits of the order; and”

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

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

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

(c) DEFINITIONS.—

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

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or”

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

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication”; and

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

(3) TRAP AND TRACE DEVICE.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking “of an instrument” and all that follows through the semicolon and inserting “or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;”; and

(B) by inserting “or process” after “a device”.

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

(A) by striking “and”; and

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

(5) TECHNICAL AMENDMENT.—Section 3124(d) of title 18, United States Code, is amended by striking “the terms of”.

#### SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

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

(1) in section 2510—

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

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

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

“(21) ‘computer trespasser’—

“(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

“(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.”; and

(2) in section 2511(2), by inserting at the end the following:

“(i) It shall not be unlawful under this chapter for a person acting under color of

law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

“(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser’s communications on the protected computer;

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

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

“(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.”.

#### **SEC. 218. FOREIGN INTELLIGENCE INFORMATION.**

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking “the purpose” and inserting “a significant purpose”.

#### **SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.**

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after “executed” the following: “and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district”.

#### **SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.**

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

(1) in section 2703, by striking “under the Federal Rules of Criminal Procedure” every place it appears and inserting “using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation”; and

(2) in section 2711—

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

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by inserting at the end the following:

“(3) the term ‘court of competent jurisdiction’ has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.”.

#### **SEC. 221. TRADE SANCTIONS.**

(a) IN GENERAL.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106-387; 114 Stat. 1549A-67) is amended—

(1) by amending section 904(2)(C) to read as follows:

“(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.”;

(2) in section 906(a)(1)—

(A) by inserting “, the Taliban or the territory of Afghanistan controlled by the Taliban,” after “Cuba”; and

(B) by inserting “, or in the territory of Afghanistan controlled by the Taliban,” after “within such country”; and

(3) in section 906(a)(2), by inserting “, or to any other entity in Syria or North Korea” after “Korea”.

(b) APPLICATION OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promul-

gated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106-120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

#### **SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.**

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of a wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

#### **SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.**

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

(1) in subsection (a), after “entity”, by inserting “, other than the United States,”;

(2) by adding at the end the following:

“(f) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.”; and

(3) by adding a new subsection (g), as follows:

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

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

(1) in subsection (a), after “entity”, by inserting “, other than the United States,”;

(2) by striking subsection (d) and inserting the following:

“(d) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible

violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.”; and

(3) by adding a new subsection (g), as follows:

“(g) IMPROPER DISCLOSURE.—Any willful disclosure of a ‘record’, as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title, or from a device installed pursuant to section 3123 or 3125 of this title, that is not a disclosure made in the proper performance of the official duties of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed to the public by a Federal, State, or local governmental entity.”.

(c)(1) Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

#### **“§2712. Civil actions against the United States**

“(a) IN GENERAL.—Any person who is aggrieved by any violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

“(1) actual damages, but not less than \$10,000, whichever amount is greater; and

“(2) litigation costs, reasonably incurred.

“(b) PROCEDURES.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

“(2) Any action against the United States under this section shall be commenced within the time period set forth in section 2401(b) of title 28, United States Code. The claim shall accrue on the date upon which the claimant first discovers the violation.

“(3) Any action under this section shall be tried to the court without a jury.

“(4) Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

“(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

“(c) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the

court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

“(d) **EXCLUSIVE REMEDY.**—Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.”

(2) The table of sections at the beginning of chapter 121 is amended to read as follows:

“2712. Civil action against the United States.”

#### SEC. 224. SUNSET.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 211, 213, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2004.

(b) **EXCEPTIONS.**—(1) If the President notifies the Congress before December 31, 2004 that it is in the national interest that these provisions remain in effect, these provisions shall remain in effect until December 31, 2006 and cease to have effect on that date.

(2) With respect to any investigation that began before the date on which these provisions cease to have effect, these provisions shall continue in effect.

### TITLE III—FINANCIAL INFRASTRUCTURE

#### SEC. 301. LAUNDERING THE PROCEEDS OF TERRORISM.

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

#### SEC. 305. EXTRATERRITORIAL JURISDICTION.

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

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

“(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

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

### TITLE IV—PROTECTING THE BORDER

#### Subtitle A—Protecting the Northern Border

#### SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

#### SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

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

the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional \$50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

#### SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) **AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.**—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting “; DATA EXCHANGE” after “SECURITY OFFICERS”;

(2) by inserting “(a)” after “SEC. 105.”;

(3) in subsection (a), by inserting “and border” after “internal” the second place it appears; and

(4) by adding at the end the following:

“(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

“(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

“(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

“(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

“(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

“(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

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

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

“(A) to limit the dissemination of such information;

“(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

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

“(D) to protect any privacy rights of individuals who are subjects of such information.”

(b) **REPORTING REQUIREMENT.**—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) **TECHNOLOGY STANDARD TO CONFIRM IDENTITY.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) **INTEGRATED.**—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) **ACCESSIBLE.**—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) **REPORT.**—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) **STATUTORY CONSTRUCTION.**—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the



United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105-251; 42 U.S.C. 14611-16) and section 552a of title 5, United States Code.

#### SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106-553 (114 Stat. 2762A-58 to 2762A-59)) is amended by striking the following each place it occurs: "Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:".

#### SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than \$2,000,000 to carry out this section.

#### Subtitle B—Enhanced Immigration Provisions

#### SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section,";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting "firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization

or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply,"; and

(G) by adding at the end the following new clause:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv),"; and

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

"(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible,".

(b) CONFORMING AMENDMENTS.—

(1) Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(2) Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (IV)" and inserting "(IV), or (VI)".

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

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

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

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

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

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, sections 212(a)(3)(B) and 237(a)(4)(B) of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C.



1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

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

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) **EXCEPTION.**—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) **DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting “or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or terrorism)” after “212(a)(3)(B)”;

(2) in paragraph (1)(C), by inserting “or terrorism” after “terrorist activity”;

(3) by amending paragraph (2)(A) to read as follows:

“(A) **NOTICE.**—

“(i) **TO CONGRESSIONAL LEADERS.**—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

“(ii) **PUBLICATION IN FEDERAL REGISTER.**—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”;

(4) in paragraph (2)(B)(i), by striking “subparagraph (A)” and inserting “subparagraph (A)(ii)”;

(5) in paragraph (2)(C), by striking “paragraph (2)” and inserting “paragraph (2)(A)(i)”;

(6) in paragraph (3)(B), by striking “subsection (c)” and inserting “subsection (b)”;

(7) in paragraph (4)(B), by inserting after the first sentence the following: “The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an addi-

tional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.”;

(8) in paragraph (6)(A)—

(A) by inserting “or a redesignation made under paragraph (4)(B)” after “paragraph (1)”;

(B) in clause (i)—

(i) by inserting “or redesignation” after “designation” the first place it appears; and

(ii) by striking “of the designation”;

(C) in clause (ii), by striking “of the designation”;

(9) in paragraph (6)(B)—

(A) by striking “through (4)” and inserting “and (3)”;

(B) by inserting at the end the following new sentence: “Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.”;

(10) in paragraph (7), by inserting “, or the revocation of a redesignation under paragraph (6),” after “paragraph (5) or (6)”;

(11) in paragraph (8)—

(A) by striking “paragraph (1)(B)” and inserting “paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)”;

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

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

#### **SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.**

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

“**MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW**

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

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

“(2) **RELEASE.**—Except as provided in paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

“(3) **CERTIFICATION.**—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

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

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

“(4) **NONDELEGATION.**—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

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

“(6) **LIMITATION ON INDEFINITE DETENTION.**—An alien detained under paragraph (1) who

has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months if the release of the alien will not protect the national security of the United States or adequately ensure the safety of the community or any person.

“(b) **HABEAS CORPUS AND JUDICIAL REVIEW.**—

“(1) **IN GENERAL.**—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3) or (a)(6)) is available exclusively in habeas corpus proceedings consistent with this subsection. Except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

“(2) **APPLICATION.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, including section 2241(a) of title 28, United States Code, habeas corpus proceedings described in paragraph (1) may be initiated only by an application filed with—

“(i) the Supreme Court;

“(ii) any justice of the Supreme Court;

“(iii) any circuit judge of the United States Court of Appeals for the District of Columbia Circuit; or

“(iv) any district court otherwise having jurisdiction to entertain it.

“(B) **APPLICATION TRANSFER.**—Section 2241(b) of title 28, United States Code, shall apply to an application for a writ of habeas corpus described in subparagraph (A).

“(3) **APPEALS.**—Notwithstanding any other provision of law, including section 2253 of title 28, in habeas corpus proceedings described in paragraph (1) before a circuit or district judge, the final order shall be subject to review, on appeal, by the United States Court of Appeals for the District of Columbia Circuit. There shall be no right of appeal in such proceedings to any other circuit court of appeals.

“(4) **RULE OF DECISION.**—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

“(c) **STATUTORY CONSTRUCTION.**—The provisions of this section shall not be applicable to any other provision of the Immigration and Nationality Act.”.

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

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

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

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

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

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

(5) the number of aliens so certified who—

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

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

**SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.**

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

(1) by striking “except that in the discretion of” and inserting the following: “except that—

“(1) in the discretion of”; and

(2) by adding at the end the following:

“(2) the Secretary of State, in the Secretary’s discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State’s computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

“(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

“(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.”.

**Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism**

**SEC. 421. SPECIAL IMMIGRANT STATUS.**

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

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

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

(b) ALIENS DESCRIBED.—

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

(A) the alien was the beneficiary of—

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

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a non-immigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

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

(2) SPOUSES AND CHILDREN.—

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

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

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) CONSTRUCTION.—For purposes of constructing the terms “accompanying” and “following to join” in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

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

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

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

**SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.**

(a) AUTOMATIC EXTENSION OF NON-IMMIGRANT STATUS.—

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

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

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

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

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an “employment authorized” endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

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

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a

timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien’s application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien’s departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

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

(i) the alien’s application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien’s lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

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

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

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

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE AND RETURN DELAYS.—For purposes of paragraphs (2) and (3), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

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

(3) **TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.**—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(4) **CIRCUMSTANCES PREVENTING TIMELY ACTION.**—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

- (A) office closures;
- (B) mail or courier service cessations or delays;
- (C) airline flight cessations or delays; and
- (D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) **EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.**—

(1) **IN GENERAL.**—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) **CIRCUMSTANCES PREVENTING ENTRY.**—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

- (A) office closures;
- (B) airline flight cessations or delays; and
- (C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) **GRANTS OF PAROLE EXTENDED.**—

(1) **IN GENERAL.**—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(2) **CIRCUMSTANCES PREVENTING RETURN.**—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

- (A) office closures;
- (B) airline flight cessations or delays; and
- (C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) **VOLUNTARY DEPARTURE.**—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on

September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

#### **SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.**

(a) **TREATMENT AS IMMEDIATE RELATIVES.**—

(1) **SPOUSES.**—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) **CHILDREN.**—

(A) **IN GENERAL.**—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) **PETITIONS.**—An alien described in subparagraph (A) may file a petition with the Attorney General for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

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

(1) **IN GENERAL.**—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

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

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

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

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

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

(1) **IN GENERAL.**—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

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

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

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

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

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

(d) **WAIVER OF PUBLIC CHARGE GROUNDS.**—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

#### **SEC. 424. "AGE-OUT" PROTECTION FOR CHILDREN.**

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

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

#### **SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.**

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

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

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

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

#### **SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.**

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

(1) Death.

(2) Disability.

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

(b) **WAIVER OF REGULATIONS.**—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

**SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.**

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

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

**SEC. 428. DEFINITIONS.**

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term “specified terrorist activity” means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

**TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM****SEC. 501. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.**

(a) PAYMENT OF REWARDS TO COMBAT TERRORISM.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) CONDITIONS.—In making rewards under this section—

(1) no such reward of \$250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

**SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.**

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “, including by dismantling an organization in whole or significant part; or”; and

(C) by adding at the end the following:

“(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.”;

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

(3) in subsection (e)(1), by inserting “, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.” after “\$5,000,000”.

**SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.**

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

“(2) In addition to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

“(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

“(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

“(C) Any attempt or conspiracy to commit any of the above offenses.”.

**SEC. 504. COORDINATION WITH LAW ENFORCEMENT.**

(a) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

“(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

“(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

“(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

“(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

“(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.”.

(b) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

“(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

“(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

“(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

“(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

“(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.”.

**SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.**

(a) TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director” after “Assistant Director”;

(2) in paragraph (1)—

(A) by striking “in a position not lower than Deputy Assistant Director”; and

(B) by striking “made that” and all that follows and inserting the following: “made

that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and”; and

(3) in paragraph (2)—

(A) by striking “in a position not lower than Deputy Assistant Director”; and

(B) by striking “made that” and all that follows and inserting the following: “made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”.

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director” after “designee”; and

(2) by striking “sought” and all that follows and inserting “sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”.

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director” after “designee” the first place it appears; and

(B) by striking “in writing that” and all that follows through the end and inserting the following: “in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”;

(2) in subsection (b)—

(A) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director” after “designee” the first place it appears; and

(B) by striking “in writing that” and all that follows through the end and inserting the following: “in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”; and

(3) in subsection (c)—

(A) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director” after “designee of the Director”; and

(B) by striking “in camera that” and all that follows through “States.” and inserting

the following: “in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”.

#### SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

“(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

“(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

“(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”.

(b) REAUTHORIZATION OF JURISDICTION UNDER 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking “credit and debit card frauds, and false identification documents or devices” and inserting “access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution”.

#### SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

“(j) INVESTIGATION AND PROSECUTION OF TERRORISM.—

“(1) IN GENERAL.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

“(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

“(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

“(2) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

“(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

“(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

“(4) RECORD-KEEPING.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.”.

#### SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

“(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

“(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

“(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

“(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

“(2) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

“(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

“(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.”.

#### TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

##### Subtitle A—Aid to Families of Public Safety Officers

#### SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agen-

cy was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) DEFINITIONS.—For purposes of this section, the terms “catastrophic injury”, “public agency”, and “public safety officer” have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

#### SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before “by a” the following: “(containing identification of all eligible payees of benefits pursuant to section 1201)”;

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

(3) striking “1201(a)” and inserting “1201”.

#### SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

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

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

#### SEC. 614. OFFICE OF JUSTICE PROGRAMS.

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

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

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

##### Subtitle B—Amendments to the Victims of Crime Act of 1984

#### SEC. 621. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking “and” at the end;

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

(3) by adding at the end the following:

“(5) any gifts, bequests, or donations to the Fund from private entities or individuals.”.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

“(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

“(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute

not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

“(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.”.

(C) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking “deposited in” and inserting “to be distributed from”;

(2) in subparagraph (A), by striking “48.5” and inserting “47.5”;

(3) in subparagraph (B), by striking “48.5” and inserting “47.5”; and

(4) in subparagraph (C), by striking “3” and inserting “5”.

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

“(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

“(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

“(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.”.

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

#### SEC. 622. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting “in fiscal year 2002 and of 60 percent in subsequent fiscal years” after “40 percent”.

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking “are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or”.

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

“(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107-42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”.

(d) DEFINITIONS OF “COMPENSABLE CRIME” AND “STATE”.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking “crimes involving terrorism.”; and

(2) in paragraph (4), by inserting “the United States Virgin Islands,” after “the Commonwealth of Puerto Rico.”.

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting “including the program established under title IV of Public Law 107-42,” after “Federal program.”.

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107-42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107-42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

#### SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

“(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).”.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.”.

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting “, program evaluation, compliance efforts,” after “demonstration projects”.

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking “not more than” and inserting “not less than”; and

(2) in subparagraph (B), by striking “not less than” and inserting “not more than”.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) use funds made available to the Director under this subsection—

“(i) for fellowships and clinical internships; and

“(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.”.

#### SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

“(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.”.

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking “who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986”.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: “The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”.



# **TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION**

## **SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.**

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting “and terrorist conspiracies and activities” after “activities”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “and” after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

“(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)”;

(3) by inserting at the end the following:

“(d) **AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.**—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section \$50,000,000 for fiscal year 2002 and \$100,000,000 for fiscal year 2003.”.

## **TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM**

### **SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.**

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

#### **“§ 1993. Terrorist attacks and other acts of violence against mass transportation systems**

“(a) **GENERAL PROHIBITIONS.**—Whoever willfully—

“(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

“(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

“(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

“(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(b) **AGGRAVATED OFFENSE.**—Whoever commits an offense under subsection (a) in a circumstance in which—

“(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

“(2) the offense has resulted in the death of any person, shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

“(c) **DEFINITIONS.**—In this section—

“(1) the term ‘biological agent’ has the meaning given to that term in section 178(1) of this title;

“(2) the term ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) the term ‘destructive device’ has the meaning given to that term in section 921(a)(4) of this title;

“(4) the term ‘destructive substance’ has the meaning given to that term in section 31 of this title;

“(5) the term ‘mass transportation’ has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

“(6) the term ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title;

“(7) the term ‘State’ has the meaning given to that term in section 2266 of this title; and

“(8) the term ‘toxin’ has the meaning given to that term in section 178(2) of this title.”.

(f) **CONFORMING AMENDMENT.**—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

“1993. Terrorist attacks and other acts of violence against mass transportation systems.”.

### **SEC. 802. DEFINITION OF DOMESTIC TERRORISM.**

(a) **DOMESTIC TERRORISM DEFINED.**—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking “by assassination or kidnapping” and inserting “by mass destruction, assassination, or kidnapping”;

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

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

(4) by adding at the end the following:

“(5) the term ‘domestic terrorism’ means activities that—

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

“(B) appear to be intended—

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

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

“(C) occur primarily within the territorial jurisdiction of the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 3077(1) of title 18, United States Code, is amended to read as follows:

“(1) ‘act of terrorism’ means an act of domestic or international terrorism as defined in section 2331.”.

### **SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.**

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

#### **“§ 2339. Harboring or concealing terrorists**

“(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.”.

“(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

(b) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

“2339. Harboring or concealing terrorists.”.

### **SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.**

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

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

“(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

“(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.”.

### **SEC. 805. MATERIAL SUPPORT FOR TERRORISM.**

(a) **IN GENERAL.**—Section 2339A of title 18, United States Code, is amended—



(1) in subsection (a)—  
(A) by striking “, within the United States,”;

(B) by inserting “229,” after “175.”;

(C) by inserting “1993,” after “1992.”;

(D) by inserting “, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),” after “of this title”;

(E) by inserting “or 60123(b)” after “46502”;

and  
(F) by inserting at the end the following: “A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”; and

(2) in subsection (b)—

(A) by striking “or other financial securities” and inserting “or monetary instruments or financial securities”; and

(B) by inserting “expert advice or assistance,” after “training.”.

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

#### **SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.**

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

“(G) All assets, foreign or domestic—

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

“(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

“(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.”.

#### **SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.**

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

#### **SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.**

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after “terrorism” the following: “and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title,” before “and the Secretary”; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

“(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnapping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking

or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnapping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

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

“(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”.

#### **SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.**

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

“**§ 3286. Extension of statute of limitation for certain terrorism offenses.**

“(a) **EIGHT-YEAR LIMITATION.**—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

“(b) **NO LIMITATION.**—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a foreseeable risk of, death or serious bodily injury to another person.”.

(b) **APPLICATION.**—The amendments made by this section shall apply to the prosecution

of any offense committed before, on, or after the date of enactment of this section.

#### **SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.**

(a) **ARSON.**—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking “not more than twenty years” and inserting “for any term of years or for life”.

(b) **DESTRUCTION OF AN ENERGY FACILITY.**—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “ten” and inserting “20”; and

(2) by adding at the end the following:

“(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or for life.”.

(c) **MATERIAL SUPPORT TO TERRORISTS.**—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking “10” and inserting “15”; and

(2) by striking the period and inserting “, and, if the death of any person results, shall be imprisoned for any term of years or for life.”.

(d) **MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.**—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking “10” and inserting “15”; and

(2) by striking the period after “or both” and inserting “, and, if the death of any person results, shall be imprisoned for any term of years or for life.”.

(e) **DESTRUCTION OF NATIONAL-DEFENSE MATERIALS.**—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking “ten” and inserting “20”; and

(2) by striking the period at the end and inserting “, and, if death results to any person, shall be imprisoned for any term of years or for life.”.

(f) **SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking “ten” each place it appears and inserting “20”; and

(2) in subsection (a), by striking the period at the end and inserting “, and, if death results to any person, shall be imprisoned for any term of years or for life.”; and

(3) in subsection (b), by striking the period at the end and inserting “, and, if death results to any person, shall be imprisoned for any term of years or for life.”.

(g) **SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.**—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking “15” and inserting “20”; and

(2) by striking the period at the end and inserting “, and, if death results to any person, shall be imprisoned for any term of years or for life.”.

(h) **DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.**—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking “15” and inserting “20”; and

(2) by striking the period at the end and inserting “, and, if death results to any person, shall be imprisoned for any term of years or for life.”.

#### **SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.**

(a) **ARSON.**—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking “, or attempts to set fire to or burn”; and

(2) by inserting “or attempts or conspires to do such an act,” before “shall be imprisoned”.

(b) **KILLINGS IN FEDERAL FACILITIES.**—Section 930(c) of title 18, United States Code, is amended—

(1) by striking “or attempts to kill”;  
 (2) by inserting “or attempts or conspires to do such an act,” before “shall be punished”; and

(3) by striking “and 1113” and inserting “1113, and 1117”.

(c) COMMUNICATIONS LINES, STATIONS, OR SYSTEMS.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking “or attempts willfully or maliciously to injure or destroy”; and

(2) by inserting “or attempts or conspires to do such an act,” before “shall be fined”.

(d) BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended—

(1) by striking “or attempts to destroy or injure”; and

(2) by inserting “or attempts or conspires to do such an act,” before “shall be fined” the first place it appears.

(e) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

“(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.”.

(f) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A of title 18, United States Code, is amended by inserting “or attempts or conspires to do such an act,” before “shall be fined”.

(g) TORTURE.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

“(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.”.

(h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking “, or who intentionally and willfully attempts to destroy or cause physical damage to”;

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

(C) by inserting “or attempts or conspires to do such an act,” before “shall be fined”; and

(2) in subsection (b)—

(A) by striking “or attempts to cause”; and

(B) by inserting “or attempts or conspires to do such an act,” before “shall be fined”.

(i) INTERFERENCE WITH FLIGHT CREW MEMBERS AND ATTENDANTS.—Section 46504 of title 49, United States Code, is amended by inserting “or attempts or conspires to do such an act,” before “shall be fined”.

(j) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

“(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.”.

(k) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking “, or attempting to damage or destroy.”; and

(2) by inserting “, or attempting or conspiring to do such an act,” before “shall be fined”.

## SEC. 812. POST-RELEASE SUPERVISION OF TERRORISTS.

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

“(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.”.

## SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

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

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

(2) by inserting before the semicolon at the end the following: “, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B)”.

## SEC. 814. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting “(i)” after (A)”;

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding “and” at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

“(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

“(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety; or

“(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security.”.

(b) PENALTIES.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting “except as provided in subparagraph (B),” before “a fine”;

(ii) by striking “(a)(5)(C)” and inserting “(a)(5)(A)(iii)”;

(iii) by striking “and” at the end;

(B) in subparagraph (B), by inserting “or an attempt to commit an offense punishable under this subparagraph,” after “subsection (a)(2),” in the matter preceding clause (i); and

(C) in subparagraph (C), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “, (a)(5)(A), (a)(5)(B),” both places it appears; and

(B) by striking “and” at the end; and

(3) by striking “(a)(5)(C)” and inserting “(a)(5)(A)(iii)”;

and

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

“(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

“(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

“(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.”.

(c) DEFINITIONS.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting “, including a computer located outside the United States” before the semicolon;

(2) in paragraph (7), by striking “and” at the end;

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

“(8) the term ‘damage’ means any impairment to the integrity or availability of data, a program, a system, or information.”;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

“(10) the term ‘conviction’ shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

“(11) the term ‘loss’ includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

“(12) the term ‘person’ means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.”.

(d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: “A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages.”; and

(2) by adding at the end the following: “No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.”.

(e) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

## SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after “or statutory authorization” the following: “(including a request of a governmental entity under section 2703(f) of this title)”.

## SEC. 816. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in

order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multidisciplinary task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year \$50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

#### TITLE IX—IMPROVED INTELLIGENCE

##### SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or executive order.”

##### SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: “, or international terrorist activities”; and

(2) in paragraph (3), by striking “and activities conducted” and inserting “, and activities conducted.”

##### SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intel-

ligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

##### SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

##### SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

“DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

“SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

“(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

“(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

“(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

“Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

“Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.”

##### SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the

Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

#### **SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.**

(a) **REPORT ON ESTABLISHMENT.**—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) **RESOURCES.**—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) **SECURE COMMUNICATIONS.**—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) **DEFINITIONS.**—In this section:

(1) **FOREIGN INTELLIGENCE.**—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

#### **SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.**

(a) **PROGRAM REQUIRED.**—The Attorney General shall, in consultation with the Di-

rector of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) **OFFICIALS.**—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

### **TITLE X—MISCELLANEOUS**

#### **SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.**

The Inspector General of the Department of Justice shall designate one official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriated to carry out this subsection.

The **SPEAKER** pro tempore. The gentleman from Wisconsin (Mr. **SENSENBRENNER**) and the gentleman from Virginia (Mr. **SCOTT**) each will control 30 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Wisconsin (Mr. **SENSENBRENNER**).

#### **GENERAL LEAVE**

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2975, the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SENSENBRENNER**. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, on September 11, 2001, a war was started on United States soil. It was not a war we voluntarily entered. It was not a war we started. We were not given a choice. We were dragged into a war that day, a war on terrorism.

Every day since September 11, we are reminded of these violent acts. The

media reminds us daily with pictures of the missing, interviews with survivors, films of the many memorial services, and images of the massive destruction. We are constantly reminded that this is a war that is far from over. The rules of this war are vastly different from the wars that we have fought as a country in the past. We are uncertain who the enemy is. We are uncertain where the enemy is. We are more uncertain than ever before when and what the next move of the enemy will be.

Because of this uncertainty, we have had to change the way that we think about the safety and security of our country and its people. We must develop new weapons for protection against this new kind of war.

It is this new approach to safety and security that has required us to take action today. This bipartisan legislation will give law enforcement new weapons to fight this new kind of war. Terrorists have weapons that law enforcement cannot protect against right now. Technology has made extraordinary advances; but with these advances in the wrong hands, we are more vulnerable to attacks.

Indeed, it cannot be denied that law enforcement tools created decades ago were crafted for rotary telephones, not e-mail, the Internet, mobile communications, and voice mail. Thus, this legislation, like the previous Committee on the Judiciary version and Senate 1510, modernizes surveillance capabilities by ensuring that pen register and trap and trace court orders apply to new technologies, such as the Internet, and can be executed in multiple jurisdictions anywhere in the United States.

Criminal provisions dealing with stored electronic communications will be updated to allow law enforcement to seize stored voice-mail messages the same way they can seize a taped answering machine message. Additionally, under this bill, a court may authorize a pen register or trap/trace order that follows the person from cell phone to cell phone rather than requiring law enforcement to return to court every time the person switches cell phones. The bill, consistent with our constitutional system of government, still requires a judge to approve wiretaps, search warrants, pen registers, and trap/trace devices.

Like the Committee on the Judiciary reported bill, this new bill continues to provide for nationwide service of warrants for electronic evidence, such as content of e-mails, and search warrants for terrorism. Current rules require that a search warrant be issued from the judicial district in which the property to be searched is located. The bill would change this to permit the prosecutor to go to the judge in the district overseeing the investigation to issue the warrant, and in the case for search warrants for terrorism offenses, in any district in which activities related to terrorism occurred. This will save valuable time.

It is clearly within the public interest and the Federal Government's mandate to keep out of the United States persons who are intent on inciting or engaging in terrorist activities. This bill furthers that goal by expanding the definitions related to terrorist organizations. Under current law, unless otherwise specified, an alien is inadmissible and deportable for engaging in terrorist activities only when the alien has used explosives or firearms. This act eliminates that limitation so that any terrorist who has used any object, including a knife, a box-cutter, or an airplane, would be inadmissible and deportable.

Under the current regulatory regime, the INS can detain an alien for 48 hours before making a decision as to charging the alien with a crime or removable offense. The INS uses this time to establish an alien's true identity, to check foreign and domestic databases for information about the alien, and to liaise with law enforcement agencies.

This act extends that time period to 7 days so that the INS is not forced to release a terrorist simply because it has not had adequate time to do a thorough investigation.

The substantive criminal law statutes are also toughened in order to treat crimes of terrorism with the same level of importance as the most serious crimes in our country. Some of these new provisions include no statutes of limitations for the most serious crimes of terrorism, allowing a judge to sentence a terrorist to prison for any number of years up to life for any offense that is defined as a "Federal terrorism offense," and subjecting persons convicted of conspiracy to commit terrorism to the same penalties as those who actually commit the offense. Any person convicted of a terrorism offense will now be under supervision for as long as the court determines is necessary, including up to life.

The act also expands the definition of support for terrorism for which a person can be prosecuted to include providing expert advice to terrorists and harboring or concealing a suspected terrorist.

This new bill also continues the compromise language between current law and the administration's initial proposal for the showing needed for FISA, the Foreign Intelligence Surveillance Act, investigations using wiretaps. Current FISA law requires that in order to obtain a FISA wiretap, the Attorney General must certify that the gathering of foreign intelligence is the purpose or a primary purpose of the investigation.

The administration draft wanted to change this to only require a certification that it was a purpose. This bill requires the Attorney General must certify that it is a significant purpose.

Furthermore, this bill, like the Committee on the Judiciary reported bill, provides for roving wiretaps for FISA investigations. Currently under FISA, the government must identify and get

a separate order for each phone to be tapped. This provision allows the government to make a showing to a court that the target is changing phones to thwart the tap, and to allow the court to authorize taps of any phones which the target may use. This provision is consistent with current criminal law.

Importantly, the bill does not do anything to take away the freedoms of innocent citizens. Of course we all recognize that the fourth amendment to the Constitution prevents the government from conducting unreasonable searches and seizures, and that is why this legislation does not change the United States Constitution or the rights guaranteed to citizens of this country under the Bill of Rights.

We should keep in mind that the Preamble to the Constitution states that it was ordained to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and to secure the blessings of liberty.

Well, let me say, on September 11, our common defense was penetrated, and America's tranquility, welfare, and liberty were ruthlessly attacked. I urge the Members of this body to stand united together in recognition of the important purpose we must serve in preventing terrorist attacks in the future and prosecuting those who have already attacked us.

Mr. Speaker, I would like to say a little bit about the road this legislation has traveled on the way to the floor today. The road was relatively short, but certainly not without its twists and turns. Along the way, the legislation has been the subject of intense negotiation between House Republicans and Democrats, the administration, Members from the other body, and our leaders here in the House. After a 36 to nothing markup in the House Committee on the Judiciary last week and the introduction of a bipartisan antiterrorism bill in the other body, we were faced with trying to reconcile two different bipartisan bills, one of which garnered stronger support by the administration.

However, our goal remains clear, to quickly come to agreement on legislation that will provide our law enforcement and intelligence officials with new tools necessary to more effectively battle terrorism and other crimes.

□ 1430

The bill before us now makes several changes to the bill passed by the other body last night, although most core provisions are very similar or are identical to the bill reported by the Committee on the Judiciary last week. Indeed, S. 1510 incorporated many of our committee's provisions. Most importantly, this bill preserves a sunset over many provisions of the bill. It is longer than the 2-year sunset contained in the bill passed by the Committee on the Judiciary; but, nonetheless, I believe it does the trick. It should keep the Department of Justice in line while pro-

viding Congress the opportunity to conduct effective oversight over the implementation and use of these new law enforcement authorities.

Mr. Speaker, this has not been the ideal process, and the legislation before us now does not represent a perfect compromise. However, the work of the House Committee on the Judiciary over the past 3 weeks has greatly improved upon the original Justice Department proposal. I believe it now responsibly addresses many of the shortcomings of the current law and improves law enforcement's ability to prevent future terrorism activities and the preliminary crimes which further such activities while preserving the civil rights of our citizens.

I urge my colleagues to support this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized to control the time. There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to begin our discussion by yielding 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, like every American citizen, the emotions that we as Members of Congress and I personally have gone through over the last 31 days since September 11 have spanned the whole course.

As I saw the buildings crash in New York, I wondered whether the terrorists would prevail, only to see the firefighters and police officers and rescue workers spring to their work, lift their shoulders, observe my colleagues on the steps of the House of Representatives that evening singing "God Bless America" and raise my head and say, we will prevail over them.

When I heard the Attorney General come and say we had to pass an antiterrorism bill in 2 days following that, I wondered whether the terrorists would prevail. And the admiration that I had for our committee chairman, the gentleman from Wisconsin, and the ranking member of our committee as they stood and said, we cannot do this in the heat of passion, we must honor the constitutional requirements, caused me to raise my head and say, we will prevail.

When I saw the incidents around the country of attacks on Arabs and Muslim mosques, I wondered whether the terrorists would succeed. And with pride I saw my President spring and say, "We cannot tolerate this kind of attack on our people," and I raised my head with pride.

On the floor of this House, I saw Secretary Colin Powell and Secretary Rumsfeld come and brief us and say that we are approaching this methodically; and I raised my head with pride and said, we will prevail.

Today, we have another test in this House to determine whether we will

stand strong in support of our constitutional rights and be able at the end of this debate to raise our heads with pride and not to cower to the terrorists and give away the constitutional rights that our Founding Fathers have given to us.

This bill in my estimation goes too far in giving away those rights. I ask my colleagues to consider carefully the provisions of this bill and its implications for whether we prevail in our fight against terrorism.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Crime, I support this legislation.

Security is valued, yet it is often unappreciated until taken away. What happened on September 11, 2001, has made us feel like we lost our sense of security. It doesn't have to be that way.

We are united like never before, resolved to defeat terrorism and protect American lives. We seek a return to "normal," although the word normal takes on a new meaning now. Law enforcement officials need all the necessary tools to confront the daunting tasks ahead. The administration initially offered a strong antiterrorism bill that would have helped bring terrorists to justice. The Attorney General asked for measures he believed would reduce the threat of terrorist attacks. Unfortunately, some in the administration disregarded the public mandate for increased safety and agreed to weaken the bill.

However, the legislation does make improvements in current law.

**Intelligence Gathering**—The bill expands law enforcement's ability to obtain wiretaps and "trap and trace" authority, which is a method used to identify the origin of a message. (This component was added from legislation I had previously introduced.)

**Criminal Justice**—The bill expedites court proceedings and increases penalties related to terrorism.

**Financial Infrastructure**—The bill expands the law to allow seizure of assets of terrorist organizations.

**Information Sharing**—The bill promotes interagency cooperation so that data is shared among agencies and used to its fullest extent.

**Border Security**—The bill authorizes additional funds to the INS for purposes of making improvements in technology for monitoring both the northern and southern borders and triples the number of Border Patrol personnel in each state along the northern border.

It is critically important to implement solutions to combat the threats to America. This antiterrorism legislation reduces our vulnerability to terrorist attacks, though it should have done more.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman emeritus of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time; and I want, before I launch into my remarks, to congratulate him and the gentleman from Michigan for a thoroughly professional, workmanlike job in shepherding this complicated bill through the committee. They came out with a wonderful work product despite all of the difficulties and pressures and anxieties. I am very proud of both of them as Members of the House.

I do support this bill, but I am disappointed that the process by which it came to the floor has resulted in the omission of a number of antiterrorism measures that are important to the Committee on International Relations and of personal interest to me. In saying this, I direct no criticism to my colleagues on the Committee on the Judiciary. To the contrary, throughout this process there has been excellent cooperation between the Committee on International Relations and the Committee on the Judiciary and between the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. LANTOS), and myself. I especially want to commend the gentleman from California for his patient efforts to work with us and for the bipartisan spirit in which he approached this project.

We did not mark up this legislation within the Committee on International Relations, even though we had jurisdiction to do so. Instead, the gentleman from California and I jointly filed an amendment with the Committee on Rules seeking to add provisions to the bill that we believe would have been approved by our committee had we marked up the measure. Our amendment included provisions designed to improve U.S. monitoring of foreign terrorist organizations and of foreign countries that provide direct or indirect support to such organizations. Regrettably, the rule has not made our amendment in order.

In addition, our committee on a bipartisan basis proposed a number of refinements to provisions within our jurisdiction that were requested by the administration. These refinements were largely technical in nature, relating to such matters as the vesting of foreign assets under the International Emergency Economic Powers Act and the sharing of U.S. visa information with foreign governments. But they were important to us, and we were pleased that the Committee on the Judiciary agreed to include them in their version of this bill. Regrettably, these refinements have also been left out of the bill now before us.

Finally, the version of this bill that was approved by the Committee on the Judiciary included three amendments offered by me relating to money laundering, counternarcotics training in Central Asia and other matters. All three of these amendments were omitted from H.R. 3108.

I know the gentleman from California joins me in saying that the bill

before us is much weaker than it would have been had it included the proposals we developed. I hope to work with him to correct this through separate legislation that we can move quickly through the Committee on International Relations. I hope our colleagues on the Committee on the Judiciary will work with us to expedite our efforts.

Again, I congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), and the gentleman from California (Mr. LANTOS).

Mr. CONYERS. Mr. Speaker, no one has worked with more energy and thoughtfulness than the gentleman from Virginia (Mr. SCOTT) to whom I yield 2 minutes.

Mr. SCOTT. Mr. Speaker, there are a lot of provisions of this bill that ought to cause concern. One is the wiretap provision, because we have changed several provisions which, taken together, represent a fundamental attack on principles of privacy.

One change we made is to allow Federal investigators to share information from intelligence-gathering and criminal investigation. That is important because under foreign intelligence gathering, the standard is intelligence gathering. For the crime, you need probable cause that a crime has been committed. Since they cannot share, this has never been a problem. But now that we are allowing them to share information, you could essentially conduct a criminal investigation using the FISA standard.

We also then reduced the standard under foreign intelligence wiretap. It used to be that it had to be the primary purpose of the wiretap. Under this bill, it can be a significant purpose. Obviously not the primary purpose. And what is the primary purpose? If it is criminal investigation, then you ought to have had probable cause to get the warrant; and if you do not have probable cause, that is not the way we ought to be investigating crimes.

Third, we have this roving wiretap where you can assign the wiretap to the person and the wiretap follows the person. That means that wherever the person goes, whatever phone that the person uses, you can tap that phone, neighbors, pay phones, anybody else; and therefore you have a situation where innocent people who may also be using that phone will have their conversations listened in on. I will note that this is not limited to terrorism, and it is not even limited to criminal activity.

The language in this bill needs improvement. That is why we at least insisted on a short sunset that has been expanded to a full 5 years. We need time to reconsider and draft legislation without the rush that this bill has been subjected to. We need to make sure that we have a bill that we can be proud of. The Committee on the Judiciary had a bill; we ought to go back to that bill. But we ought to be concerned



about the wiretap provisions under this legislation.

Mr. CONYERS. Mr. Speaker, one of the most thoughtful members of our committee and of the Congress is the gentleman from Massachusetts (Mr. FRANK) to whom I yield 2 minutes.

Mr. FRANK. Mr. Speaker, we recognize that the chairman of the full committee tried hard to preserve some of our process; but powers beyond, it seem to me, his control have given us the least democratic process for debating questions fundamental to democracy I have ever seen.

But I want to get to substance while continuing to deplore this outrageous and unfair procedure whereby the product that we voted on in committee cannot even be offered. No amendments. No amendments.

But I want to explain what the substantive problem is. What we decided to do in committee, correctly, was to give to the law enforcement officials all the expanded powers they asked for, because we want to be protected. And electronic evolution requires an evolution in the powers. But we simultaneously tried to put into effect a full set of safeguards to minimize the chance that human beings, fallible ones, would abuse the powers.

The problem is that the bill before us today preserves the fullness of the powers, but substantially weakens the safeguards against the misuse of the powers. The major safeguard was the sunset. Knowing that within 2 years they would have to come back for a renewal of these powers was the best way to build into the bureaucracy respect and avoid abuse. A 5-year sunset greatly diminishes that. They can figure, hey, we have got a couple of years and if we come in in the fifth year and we can say, Well, there weren't any problems lately, that is one thing.

This bill may well not, in fact, be the final bill. It could go to conference with the Senate, which has no sunset at all and that sunset may recede into the sunset. We also created an Assistant Inspector General and called it an Assistant Inspector General for the purposes of trying to monitor this. That office has been downgraded.

We are trying to do something very delicate. We are trying to empower law enforcement and simultaneously put constraints on them. A bill that gives the full powers and weakens the constraints is an inadequate bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for his hard work on this legislation, as well as the ranking member.

If I might ask the chairman, it is my understanding from committee staff that the report language which was very important in the way the committee crafted this legislation in clarifying certain points, that the rule is written so that that report language will be incorporated into the final

product that will be reported from the House.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman is correct. The report will follow this bill.

□ 1445

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, the recent attacks on the World Trade Center and the Pentagon have permanently changed America. September 11, 2001, was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war, and Congress must respond.

The world we live in since September 11 will require us to be more patient, to be more careful, and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the other members of the committee for their dedication to crafting a bipartisan bill that will give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill was unanimously passed out of the Committee on the Judiciary and is a product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The version that has been brought to the floor of the House does not contain everything that I would like it to contain that was in the Committee on the Judiciary version, but it is still a strong and solid bill; and I commend the chairman and the ranking member for their work to incorporate as much of the committee's language into this final product as possible.

I urge Members to support this legislation.

The recent attacks on the World Trade Center and Pentagon have permanently changed America. September 11, 2001 was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war and Congress must respond.

The world that we live in since September 11th will require us to be more patient, to be more careful and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend Chairman SENSENBRENNER and Ranking Member CONYERS for

their dedication to crafting a bipartisan bill that would give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill that was unanimously passed out of the Judiciary Committee is the product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The PATRIOT Act clarifies that orders for the installation of pen register and trap and trace devices apply to a broad variety of communications technologies, including the Internet. An issue of particular concern to me that was raised during the crafting of the Judiciary-passed bill is the clarification that these devices may not capture content information.

I commend the Chairman and Ranking Member for including statutory language in the Judiciary bill that makes this clarification. Language stating that these devices may not capture the contents of any communication is also included in the bill that is before us today.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), a thoughtful member of our committee that has worked on many of the important ideas that have helped shape our legislative product.

Ms. LOFGREN. Mr. Speaker, I do have concerns about the measure before us; but before touching on those concerns, I would like to state here publicly the esteem I have for the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, as well as the gentleman from Michigan (Mr. CONYERS), the ranking member. They have really conducted themselves in the very finest manner possible, and I am proud to be serving in this House with the two of them.

We worked together on the Committee on the Judiciary understanding that we need to do everything we can to make sure that law enforcement has all the tools necessary to keep our country safe, and we came out with a good measure. It may not be a perfect measure. But there are risks inherent in some of the changes we made, and most particularly the changes made in the area of FISA that my colleague the gentleman from Virginia (Mr. SCOTT) basically mentioned.

We are changing the way we deal with the fourth amendment, and we were prepared to do that in the Committee on the Judiciary, provided that we had a review. We had a 2-year sunset clause on that FISA section. Because we are on new ground here, we may be on thin ice; and we wanted to make sure that we force ourselves to review that provision so that the freedoms of Americans are not destroyed as we fight to destroy the terrorists. I am very concerned that the sunset provision relative to FISA and the fourth amendment has not been adhered to in this bill, and I feel obliged to mention that.

Also, as the gentleman from Illinois (Mr. HYDE) mentioned, we could have



had a much tougher bill. We could have given much greater authority in some areas, and we would have had a unanimous vote actually among the Committee on the Judiciary on this floor perhaps for some of those.

So I have concerns, but I do very much honor the chairman and ranking member for their efforts.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the chairman for yielding me time.

As we consider today the expansion of Federal law enforcement powers, I am reminded that as we redefine this often-delicate balance between our country's national defense and individual rights, we must be very careful.

I have over the years, though, become convinced that some adjustments are needed to our criminal law. Given the significantly greater ability of the criminal, particularly the terrorists, to freely operate worldwide, and given the advancing technology of communications, simply put, the laws that we have are no longer adequate for the good guys to keep up with the bad guys. At this time I think it is very appropriate that the good guys get the edge once again.

This PATRIOT bill, H.R. 2975, I believe is a balanced approach to our fight against terrorism. I believe it is an appropriate response to a very real problem. Neither our constitutional rights nor our fundamental rights of privacy are dismissed. Please keep in mind we are not waiving in any way or voiding the Constitution today. The provisions of this PATRIOT bill will undoubtedly be tested and must withstand challenge in a court of law. I believe they will meet the constitutional test.

But for now, the ability of our law enforcement to uncover and ferret out, particularly acts of terrorism, these abilities are enhanced with this bill. Clearly this is needed. The Attorney General, the chief law enforcement officer on the Federal level in this country, has asked for this bill; and I believe it should be an effective one in preventing more tragic events like those that occurred September 11.

I urge my colleagues to be in support of this bill.

I close with a statement by Thomas Paine on another September 11, some 224 years ago, when he said, "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it."

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), whom I am inviting to speak out of order for a special reason.

Mr. OTTER. Mr. Speaker, I thank the gentleman from Michigan for this courtesy.

Mr. Speaker, I rise as many others have already said today to congratulate the chairman of the committee and the ranking member for the great work and the great task which they un-

dertook. However, Mr. Speaker, I cannot support this effort. I do support Governor Ridge, and I do support Attorney General Ashcroft and the President of the United States. However, Mr. Speaker, I feel like this bill goes way too far.

Some of the provisions place more power in the hands of law enforcement than our Founding Fathers could have ever dreamt. Nationwide warrants and secret courts would have been familiar to the Founding Fathers, Mr. Speaker, because they fought against those very institutions when they fought the British.

This bill promises security, but Americans need to be secure with their liberties. This bill promises safety, but Americans are only safe if they are free.

Mr. Speaker, others have said it more eloquently than I. Patrick Henry, for instance, said it when he said, "I have but one lamp which guides my feet, and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes which gentlemen now today are pleased to solace themselves."

John Stewart Mill said, "A people may prefer a free government, but if from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if they can be deluded by the artifices used to cheat them out of their liberties; if by momentary discouragement or temporary panic or a fit of enthusiasm for an idea or an individual, they can be deluded to lay their liberties at the feet of even a great man, or trust him with powers which enable them to subvert their institutions, in all these cases they are more or less unfit for liberty."

I urge my colleagues to listen to the voices of these patriots and reject the so-called "PATRIOT" Act. I support my President, I support law enforcement, but I also support the fundamental rights and liberties of the American people.

I include the following for the RECORD.

PARTIAL LIST OF FEDERAL LAW ENFORCEMENT AGENCIES

Border Patrol.  
ATF.  
Capitol Police.  
Coast Guard.  
Customs.  
Defense Investigative Service.  
Defense Protective Service.  
DOD Police.  
Drug Enforcement Agency.  
EPA.  
FAA.  
FBI.  
Bureau of Prisons.  
FDIC Basic Inspectors.  
GSA.  
INS.  
IRS.  
U.S. Marshals.  
National Park Service.  
Naval Criminal Investigative Service.

U.S. Park Police.  
U.S. Postal Investigators.  
U.S. Parole Office.  
U.S. Army.  
BLM.  
U.S. Fish and Wildlife Service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I rise today as a supporter and original cosponsor of the PATRIOT anti-terrorism bill. This is a powerful piece of crime-fighting legislation. It gives the FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists. At the same time, it respects the civil liberties of our citizens.

Some people say it is not identical to the bill that came out of the Committee on the Judiciary, on which I serve. It may not be identical, but it is a good bill. Let us not allow the perfect to be the enemy of the good.

Recently, President Bush told us that we should take our family on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando. Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because people have been afraid to fly, theme park workers, convention workers hotel workers, and cab drivers have lost their jobs.

It is critical to the people in Orlando and across the country that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. I urge my colleagues to vote "yes" on this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is a very effective member of the Committee on the Judiciary and who played a big role in our original work product.

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this bill. This is a Senate bill that was voted out at 3 a.m. this morning. This bill is quite different than the bill passed by the House Committee on the Judiciary. Under the rules of the House, the Committee on the Judiciary's bill should have been heard on this floor and the differences between this bill and the House bill should have been worked out in a conference committee.

Mr. Speaker, we had a bipartisan bill, and John Ashcroft destroyed it. The Attorney General has fired the first partisan shot since September 11.

Mr. Speaker, both Democrats and Republicans worked hard to come up with a bipartisan bill. Attorney General John Ashcroft undermined the work of the Republican committee chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the Democratic ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I serve on the Committee on the Judiciary. I consented to some policies I did not particularly

care for. For the good of the House I compromised. Some of the Republicans on that committee compromised also. We had a bipartisan bill.

The bill before us today is a faulty and irresponsible piece of legislation that undermines our civil liberties and disregards the Constitution of the United States of America.

This bill takes advantage of the trust that we have placed in this administration. Our law enforcement and intelligence community have all of the laws and all of the money that they need to do their job. Mr. Speaker, they failed us; and now this Attorney General is using this unfortunate situation to extract extraordinary powers to be used beyond dealing with terrorism, laws that he will place into the regular criminal justice system.

The question to be answered today is can we have good intelligence and investigations and maintain our civil liberties? This bill says no. I say yes. Let us not give away our privacy. Let us not undermine our constitutional rights.

The gentleman did not finish the quote by Patrick Henry. He said: "Give me liberty or give me death." I say the same today. Vote "no" on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of today's version of the anti-terrorism legislation. It represents a significant improvement over both the draft administration legislation and the Senate version passed last night. The bill strikes an appropriate current balance between civil liberties and providing the Government with the tools needed to protect our Nation to win this war on terrorism.

The process used to craft the bill could have been better, and I am disappointed in some aspects of the final product. In fact, we did better with the Committee on the Judiciary bill reported unanimously.

I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and also the ranking member, the gentleman from Michigan (Mr. CONYERS), who both, along with their staffs, worked very hard to keep key compromises in the legislation that is now before us.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) fought tirelessly over the last few days to preserve our committee's consensus legislation, or many of the elements. Among the key elements, improvements which are made and preserved in today's bill, are a 5-year sunset for the bill's most difficult provisions; an explicit prohibition on capturing content information from electronic communications under pen register and trap-and-trace authorities; a no-technology mandate that ensures communication providers cooperating with law enforcement do not have to bear needless burdens; immigration provisions that should prevent indefinite detention of

innocent parties and provide relief to immigrant victims of the September 11 attack.

However, many important changes added by the Committee on the Judiciary to fight terrorism and compensate victims were left on the cutting room floor last night. In particular, I added an amendment at markup to allow access to frozen assets of terrorist sponsor states for American victims after they obtained judgments from U.S. courts.

□ 1500

Unfortunately, today's views reflect the views of the State Department bureaucrats who insist on protecting the status quo, rather than helping the victims of state-sponsored terrorism. Justice for past, present, and future victims of state-sponsored terrorism may have to wait until another day. But this fight is not over. I intend to reintroduce that bill in the near future. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the very vital, thoughtful gentlewoman from Houston, Texas (Ms. JACKSON-LEE), the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all acknowledge the work done by the chairman of this committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS). A lot has been made of the fact that there are two, two distinct views of our Constitution and maybe some of the issues, and maybe some views that are very much the same, worked harmoniously together, which overcome obstructions and presented a bill to this House. If we could have presented it, that would have made America proud.

I stand with the Founding Fathers, although many of us were not created equal at that time. But Alexander Hamilton said there were various considerations that warn us against an excess of confidence or an excess of security.

I would like to support this bill because I believe we must bring the terrorists to justice, and we had a bill that all of America could stand proud of: one that protected the Constitution, civil liberties, civil rights, and the Bill of Rights. What American will stand up and pledge allegiance to the flag, as we did today on this floor, and yet stomp on civil liberties? None of us.

The legislation we have now does not allow those who are detained to appeal their case to the Supreme Court. The legislation we have now does not answer the problem of those who come into this country legally, with legal visas or visas that have been waived, and yet now do terroristic acts.

Legislation that I would have offered in amendment would have provided an

enhanced tracking system so that we could find out those who may have come in with vocational visas or student visas or foreign visas, and find them where they are.

We realize that this is a country of great diversity, and we needed language in this bill that says that this is not an attack on Islam, the Islamic faith, Muslims, or any other faith, or any other ethnic group. This means that we will not target people unnecessarily. A person from my State, a doctor, was taken all the way to New York because of his turban, but yet he was found innocent.

This is a bill we can do better on, America can do better. Let us stand on our constitutional principles, include hate crimes language in this. Mr. Speaker, this Nation can do better. I am proud to be an American, but today I want a bill that stands for what America believes in.

Today, the House will answer the recent terrorist attacks against the United States and the world by passing, arguably, the most sweeping piece of law enforcement legislation of our lifetime. While the rules and procedures that have let to this legislation began fair and balanced, the recent process in the Senate, the House Rules Committee and the version before us today are at best deplorable.

Having said that, the need for anti-terrorism legislation is great. Indeed, Alexander Hamilton, in Federalist No. 24 noted that "there are various considerations that warn us against an excess of confidence or security," not the least of which were and are today the constantly changing global political landscape and the fragility of our political ties abroad. Today, we must and will answer this warning.

We must bring to justice the terrorists who targeted the passengers and crews of Flight 77, Flight 11, Flight 93, and Flight 175; those serving our great Nation at the Pentagon, both civilian and military, and the thousands of innocent civilians and rescue workers who were killed or injured at the World Trade Center and throughout New York City. These include: 4,815 people reported missing to the New York Police Department from the World Trade Centers, including the 157 people on the two hijacked planes, 417 confirmed dead, and 366 bodies identified. In the Pentagon strike, 64 people have been confirmed dead on the hijacked plane and an additional 125 dead or missing. Lastly, in the Somerset County, Pennsylvania crash, 44 people have been confirmed dead. Our fallen brothers and sisters deserve the justice that each and every one of us in this room has the power to provide. And we will do it.

Alexander Hamilton warned us in Federalist No. 25 that "it is a truth, which the experience of ages has attested, that the people are always most in danger when the means of injuring their rights are in the possession of those of whom they entertain the least suspicion." Today, despite the travesty of process that has befallen many of us in Congress, we must heed his warning. We must do so deliberately, with purpose and with surgical precision. Our goal must be to identify and correct the precise problems that exist under our current laws which hinder our investigatory and prosecutorial efforts. If, however, we act without such due precision, we risk losing the

very freedoms, liberties, and constitutional tenants that are the foundation of this free society and all free societies around the world—due process, a presumption that people are innocent until proven guilty, the right to defend oneself and to confront the evidence against oneself, and the protections of judicial review. If we loose sight of these simple principles, we have truly lost this war to the extremists who seek our demise by any means.

The bill before us today eviscerates the work of the House Judiciary Committee. Most members of that Committee would agree that this bill is far too sweeping and offensive to the civil liberties that we enjoy in this country. So while I commend my colleagues in Judiciary for helping to omit from the House version offensive provisions such as the provision which would have penalized innocent spouses and children of inadmissible aliens; the provision which would have provided a simple “reason to believe” evidentiary standard as a predicate to mandatory detention; and for tightening up the “guilt by association” section, I am outraged that our efforts were forsaken.

As Ranking Member of the subcommittee on Immigration and Claims, I find several immigration provisions particularly offensive.

1. **Judicial Review.**—Currently, the bill provides for a single judicial review process in the Federal District Court for the District of Columbia. This is unfairly burdensome, particularly to people with little money or resources. My amendment would have provided for such review in any Federal District Court.

2. **CIPRIS Program.**—This program deals with acquiring information of exchange visitors, foreign students, and people admitted on vocational visas. Currently it is a fee-based program. My amendment would have appropriated money for the program and would require that the program be implemented one year after the passage of this bill. It would have also required the Attorney General to share this information with the FBI and the State Department.

3. **Targeting (Racial Profiling).**—We must study the effects of this bill in proliferating the deplorable process of racial profiling. To this end, my amendment would have amended Section 235(a)(3) of the INS with a new paragraph which states: The GAO shall conduct a study not later than 2004 to determine the extent to which immigration officers conducting inspections under 235 of the Immigration and Nationality Act are targeting individuals based on race, ethnicity and gender.

4. **Hate Crimes.**—The backlash of the September 11, 2001 attacks have put American against American. Murders and attacks against citizens resembling Middle Easterners have occurred. Innocent people died because they looked like the Islamic extremists allegedly responsible for the September 11th tragedies. Now, more than ever, we need legislation to punish crimes motivated by hate against ethnicity, religion, and gender. These crimes cannot be tolerated. Under my amendment, a perpetrator who willfully commits a crime motivated by hate would have been imprisoned a minimum of 10 years or fined, or both; or imprisoned up to life and fined, or both, if the crime results in death, kidnapping, or aggravated sexual abuse, or an attempt of any of these crimes.

5. **Sunset Title II.**—Currently Title II which deals with detention and removal of aliens

would allow for indefinite detention in some circumstances. My amendment would have sunset this after a period of five years after enactment which would preserve the authority of the Attorney General under Title II. This would have also provided a safety net that would enable Congress to review the manner in which the Department of Justice carries out the awesome powers we are giving it.

6. **Information Sharing.**—Currently, there is a disconnect between the INS and consular officers abroad. My amendment would have directed the Attorney General to ensure that the INS acquires the requisite information technology necessary to permit such consular officer to use such information for immigration enforcement purposes.

These improvements in the bill would have recognized the importance of a fair and just legal process for all Americans and for all of our guests.

These acts of terrorism targeted, not merely Americans, but rather, they targeted men, women, and children from around the world, killing hundreds from Britain, more than 130 Israelis, more than 250 from India, and scores of others from El Salvador, Iran, Mexico, Japan and elsewhere. Indeed, these were attacks against all people, and against all humanity. As such, the legislation and the issues before the House today concerns not only this great Nation's security today, but will have a profound effect on children, and freedom-loving people around the world for generations to come.

So while many of us deplore the process that has befallen us, as Members of Congress, we are united and determined to give our law enforcement agencies the tools and resources that they need to do the job; so that we may preserve the freedoms and liberties of all peoples; so we ensure that justice is delivered swiftly, deliberately, and without prejudice; and so that we may work towards a world free from terror, bigotry, and lawlessness.

At the Pentagon services this past Wednesday the President assured us all that “[w]e will continue until justice is delivered.” I hope that we may assure it by coming together once again as Members of Congress from both sides of the aisle and from around this great Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me begin by congratulating the chairman on the work product before us. Both he and the ranking member have done a wonderful job in getting us to this point today.

Mr. Speaker, I stand today in strong support of this legislation. I believe that this legislation balances the need to move quickly with the need to move carefully.

First, the need to move carefully. If we listen to the rhetoric from the other side, it sounds like we are making all these dramatic, broad changes in laws. In fact, what we are doing today primarily is modernizing our laws, helping law enforcement to deal with evolving technology and evolving threats.

The good gentlewoman from California said a few moments ago that our

law enforcement has all the tools, all the resources, and all the laws they need to protect us. I could not disagree more. I think September 11 has proven to us very clearly that we need more resources and more tools for law enforcement and the Permanent Select Committee on Intelligence.

The need to move carefully must be balanced with the need to move quickly. We have deployed forces. We have been threatened with a jihad. We are still cleaning up the debris of the World Trade Center and the Pentagon. We must move quickly. We must make sure that we are prepared, that we are safe, that this will never happen again.

Debate is important; rhetoric is good. We should debate ideas. But there is also a time and place for action. Today is the time. This is the place for action. Let us get this done as quickly as we can now. Let us get this over to the Senate. Let us hope that they act quickly. Let us get this to the President's desk, and let us get these tools in the hands of law enforcement. They need it, and our citizens deserve no less.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to our esteemed colleague, the gentleman from New York (Mr. NADLER). When tragedy struck September 11, Mr. Speaker, it was in his district.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, last year candidate George Bush pledged to seek repeal of the secret courts provision of the 1996 antiterrorism bill because he claimed to understand that the law was passed hastily and that this provision at least endangered civil liberties without contributing to national security.

Now the President, the same George Bush, and the leadership of this House is insisting that we again enact hastily, and again in the name of national security and antiterrorism, act so hastily as probably to endanger our civil liberties without necessarily helping our security.

The bill we passed in the Committee on the Judiciary was a balanced bill that would have enhanced our security without endangering our civil liberties. Now we have a 187-page bill with a lot of provisions in it.

What I am about to say I hope is accurate, but I cannot be sure, because we have only had time to glance quickly through this bill. We have not had time to properly review it, to send it out to law schools, to send it out to civil libertarians to get comments back so we can make an intelligent judgment.

We cannot wait until Tuesday. We passed out the bill from committee last week. We wasted a whole week, but now we cannot wait 3 days. We must rush to judgment on this bill.

Let me give three provisions of this bill that look, to a hasty reading, dangerous.

Section 203 says that “secret grand jury information can be shared without

a court order," upsetting all American legal tradition, "if notice is given to the court within a reasonable period after the sharing."

But, of course, the whole point of the current law is that a court, not some FBI agent, should decide if secret grand jury information is appropriate for sharing with other agencies. Now the FBI agent decides it on his own and tells the court later, and the court has nothing to do except to say thanks for the information.

Section 213 permits law enforcement to delay notification of search warrants in any criminal investigation. There may be justification for delaying notification of a search warrant sometimes, but in all criminal investigations? What does that have to do with terrorism?

Finally, there is a provision in the bill that essentially allows the Attorney General, by stating he has reasonable grounds to believe that someone here who is not a citizen, that may be deportable, he has 7 days to start deportation proceedings; but once he does, that person can stay in jail forever. He can sue under habeas corpus; but if the court then says, okay, you can keep him in jail, it is not reviewable again ever.

So they can throw away the key and forget about him forever? Is that American justice, or is that the Count of Monte Cristo? We ought to review this bill carefully and not pass it today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, we have listened to a lot of comments about additional measures people would like to see in this antiterrorism initiative. I believe that further discussions on this initiative and ways to crack down on terrorism will be constructive. We are certainly most interested in making our Nation safer.

But as a member of the Committee on the Judiciary, I believe that we cannot delay the bill simply because it is not everything to everyone. To delay the bill is to fail to move forward, to fail to move forward on critical reforms, including giving local, State, and Federal law enforcement badly needed tools to fight terrorism and protect Americans.

It would be a failure to move forward on updating our wiretap and surveillance laws to recollect the advances in technology that have changed how terrorists communicate and giving them an advantage. It would be a failure to move forward on allowing the sharing of criminal information within the intelligence community, coordinating our resources, and making it harder for terrorists to bury their tracks in bureaucratic red tape. It would also prevent us from making the simple but critical change that makes harboring terrorists a crime.

Mr. Speaker, failure to support this bill today is to ignore these critical

and urgently needed changes. I commend the chairman of the committee, and I commend my colleagues to support them.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we are considering under a very strange rule a very strange process which has resulted in a bill which is quite different than reported by the committee.

I wanted to commend the distinguished chairman and the distinguished ranking member for the superb work which they did in crafting what I thought was a very fine bill. Somehow last night we found ourselves with a bill on our hands which is quite different than that which was presented to the House by the committee, after very thoughtful and careful work leading to an overwhelming bipartisan vote.

What we are doing today is not considering just a few simple questions like expenditures of money. We are dealing today with basic constitutional rights. Ordinarily these are matters of the highest importance and are considered with great care under a rule, in an open process, because, after all, these are the things upon which Americans rely for their personal security and for their understanding that their rights are protected.

All of a sudden sometime, probably last night, the Attorney General snuck up here to have a meeting. The result is that the bill suffered some extraordinary changes, all of which deal with the basic, fundamental rights of Americans in ways very different and probably much more unfavorably than did the committee bill.

This is not the way. The United States is not so threatened that we have to throw away our rights without careful consideration, and that we have to disregard the careful and thoughtful and fine work done by the chairman, the committee, and by my distinguished friend, the ranking minority member.

I find this a distressing process, one which reflects very poorly on the House—and one which indicates a great distrust and dislike for the work of the committee, which was superb—and for the basic fundamental liberties of the people of the United States.

I find it denigrating basic constitutional rights, and I find it to have been done in a sneaky, dishonest fashion. It reflects very poorly on this body.

Mr. Speaker, I rise in strong support for increasing security along our northern border. I would also like to commend the Judiciary Committee for the language in the bill it released that triples Border Patrol personnel and INS inspectors along our northern border. Unfortunately, I do not support the tactics used by the Republican leadership that has substituted an entirely different bill in place of the bipartisan House Judiciary Committee bill.

Since September 11th, the heightened security levels have made us aware how understaffed we are along our northern border. This is a serious problem, it is unacceptable, and must be corrected in the short and long term. We must make sure that land, air, and sea ports are adequately staffed across the nation. This must include our northern border.

To our INS and Customs inspectors as well as our Border Patrol, I would like to commend them for their tireless efforts. Their efforts have helped greatly during the last month. However, with current staffing levels we are still encountering long lines at our ports of entry and continuing security concerns.

In particular, trade has been seriously stifled with our Canadian neighbors. For several days following September 11th, there were up to 14 hour waits to cross between Canada and Michigan. Lines are still long, as waits run into the hours. While this was understandable given the gravity of the situation immediately after the September 11th attacks, it is completely unacceptable that our economy has been placed at risk due to insufficient numbers of border personnel. Automobile plants needing parts have closed, and hospitals have been understaffed because their employees have been unable to cross our ports of entry in a timely fashion. These are just some of the reasons why our border requires more INS and Customs inspectors. Over 82 percent of goods originating in Michigan are exported to Canada via truck. 70 percent of Canada-U.S. trade and 80% of Ontario-U.S. trade, by value, moves by truck. The largest portion (38 percent) of Ontario's exports by road is destined for Michigan. Without optimum force levels of Customs and INS inspectors, the State of Michigan will continue to pay greatly for the loss in trade attributed to long lines at our ports of entry, both to and from Canada. In addition, the economies of our neighboring states and Canada will suffer.

I will work with other committees and appropriations that are seeking to secure our northern border and ensure that adequate funding is given to INS and Customs for optimum force levels along our northern border. Failure to address problems along our northern border in a comprehensive manner jeopardizes our security and economy. I urge my colleagues to act expediently in providing a remedy for the serious shortfall of INS and Customs officials in Michigan.

Mr. Speaker, using the regular committee process that has served us so well, we can protect the nation from terrorists in a swift and orderly fashion. I am not sure this kind of action protects the peoples' basic liberties. We can protect the Constitutional rights of our people from the whims of the attorney general, the Republican Administration, and the Republican leadership of this House. A bill, which would have achieved overwhelming support by the Congress, has been cast into question by this irregular process, and basic American liberties are being put into question. However, despite this egregious breach of House procedure, these border concerns are so great that I support the PATRIOT Act of 2001.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, because I believe our country could face a chemical, biological, radioactive, or, heaven

forbid, nuclear attack by well-organized groups of fanatic terrorists, I rise in strong support of the PATRIOT Act. I believe this bill is necessary, and we have no time to waste.

Mr. Speaker, in particular, I want to offer my praise for a section of this legislation designed to ensure the State Department has access to U.S. criminal databases before permitting aliens to enter the United States.

Last year, the Government Reform Subcommittee on National Security, which I chair, began a series of meetings and briefings to discuss inter-agency data-sharing.

On July 24th of this year, our Subcommittee held a hearing on Federal Interagency Data Sharing and National Security.

That hearing taught us effective border security begins with our embassies, where U.S. visas are issued.

Unfortunately, the State Department currently lacks the ability to access the FBI's National Criminal Information Center's Interstate Identification Index database.

That means an alien can come into our country, commit a crime, leave, and get a re-entry visa from our State Department or cross the border without being stopped.

In 1996, the FBI and State Department issued a joint report recommending the State Department receive limited access to the NCIC-III database so the State Department could better identify aliens with a criminal background in our country and prevent their entry.

Nevertheless, for four years this report lay dormant while the Departments could not find a mutually agreeable way to institute their recommendations.

This gap in data-sharing between Departments is no longer simply a matter of bureaucratic inertia, but a threat to national security.

Mr. Speaker, protecting our borders against dispersed but deadly criminals and terrorists requires interagency cooperation on an unprecedented scale.

This legislation is a step in the right direction. I'm pleased Attorney General John Ashcroft included this provision in the anti-terrorism proposals he submitted to Congress, and I commend the Judiciary Committee for including it in the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have tremendous respect for the chairman of the Committee on the Judiciary, and I know he is trying his best; but I am highly distressed for one simple reason: I do not, and neither do most of the Members of this House, have any real idea about what is in this bill or what the consequences are. We know some of the rough outlines; we do not know the details.

This House, under the Constitution, is essentially a political body. What makes it a legislative body is the committee system, because on the committees we have people who have built up years and years of expertise. The way this has become the greatest legislative body on the face of the Earth is because we have relied upon the expertise of people on the committees who spend

their lives learning what they need to know in order to see that the House makes the right judgments.

When the committee system is over-ridden, as is the case in this instance, and when bills instead are written by a few people in conjunction with House leadership, that turns a legislative body into nothing but a political body; and it means that in the end, virtually all of the decisions made are made on the basis of political power, not on the basis of intellectual persuasion.

□ 1515

That is a fundamental danger to a legitimate legislative body and certainly to the greatest legislative body in the world, it is a mortal blow.

I do not know what the right vote is on this bill because I do not know the consequences. I do not know how much damage this bill will actually do to the terrorists. But I do know how much damage the way this bill is being considered by the House will do to this institution and none of that is because of any action taken by the gentleman from Wisconsin (Mr. SENSENBRENNER).

This House must operate on the basis of shared information and shared decision-making if it is to truly get through these trying days. This is a sorry day in the history of the House.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, none of the provisions in what we are considering today are new and a surprise. The base bill is the bill that was produced by the other body. That has been out there for over a week. There have been some modifications made to this bill in an attempt to avoid a conference. Many of the modifications were made at the request of the minority party in the House of Representatives.

Now, I agree that this process is not an ideal process and this is not a perfect compromise, but there are a number of House provisions in this bill, none of which are a surprise that was written in the middle of the night. The bill does not violate the Constitution. It protects our vital fourth amendment rights; and with a clear and present danger facing our country, I believe it is imperative that we act expeditiously.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not only for yielding me time, but also for his very tremendous leadership on this most important of issues.

The terrorist attacks on this Nation that occurred on September 11 did not occur because of freedoms that we have in this country under our Constitution. They did not exist because our Constitution guarantees all of us the right to be free from unreasonable searches and seizures.

The attacks that occurred on September 11 occurred because of a very

unfortunate combination of bad luck on our part, good luck on the part of the terrorists, very careful planning on the part of the terrorist, very poor planning, perhaps, very poor execution on the part of some of our Federal, State, and local agencies.

Therefore, I do not believe we ought to be in any rush to judgment to diminish our freedoms in the misguided conception that it is those freedoms that gave rise to the attacks on September 11. I commend the chairman of the Committee on the Judiciary and others who worked very hard to craft a very necessary and vitally important balance between giving law enforcement those narrowly crafted tools it needs and protecting the civil liberties, including the right to privacy, of American citizens.

Is this a perfect bill? No, it is not a perfect bill, and I know the distinguished chairman would be the first to admit that. Is there much further work that needs to be done? Yes, there is much further work that needs to be done. I think that all of this means that it is absolutely imperative that we take very seriously the sunset provision in this bill that at least gives us an opportunity to evaluate how these important, momentous provisions that we are granting Federal law enforcement will be used.

I also think it is important to realize that there were important concessions by the administration made in crafting this version of this bill. Am I happy with it? No, I do not think this is a happy piece of legislation. It is not a happy set of circumstances that brings us to the point where we have to consider amending our criminal laws and criminal procedures. But I do think on balance it is important to pass this piece of legislation, monitor it very carefully, and take seriously our responsibility to exercise the power that we are granting in the sunset provision.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 8½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 3½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues and I need to do everything within our power to find the responsible persons and parties that have caused this attack on the United States and to bring them to justice and to end the blight of terrorism everywhere around the world. But at the same time we must all remember that just as this horrendous act could destroy us from without, it can also destroy us from within.

Historically it has been at times of inflamed passion and national anger that our civil liberties have proven to be at greatest risk. The unpopular group of the moment happens to be subject to prejudice and deprivation of liberties.

Alien and Sedition Acts in 1798 made it a Federal crime to criticize the government. At the beginning of the Civil War, Abraham Lincoln, no less, suspended the writ of habeas corpus citing the need to repress an insurrection against the laws of the United States. Ulysses Grant sought to expel Jews from the Southern States of this Nation. World War II brought about the shameful internment of Japanese Americans which even the Supreme Court failed to overturn. And what about the McCarthy era of the 1950's? Guilt by association.

So we face a situation now that requires care. Well, certainly we must update our counterterrorism laws so they reflect the 21st century realities. But new expansion of government authorities should be limited to properly defined terrorist activity or threats of terrorism. And with increased Federal power, we must ensure accountability and oversight. We also need to drastically improve airport security by increasing training and compensation for those that are at such an important point in our national transportation system.

But by forcing us to take up a bill in this manner, the administration unfortunately has chosen to fire the first shots of partisanship after September 11. One week ago, the Committee on the Judiciary passed a bill 36 to 0, every member of every persuasion supported the bill that was worked on by the chairman, myself, and all the members. There was good process. There was ample debate. No one was cut off. No amendments were prevented. And in that environment, we agreed to sunset the expansion in government surveillance power that are in this bill to 2 years. It would have given the administration not only the emergency powers it requested on an expedited basis, but at the same time allow us in Congress to revisit the issue after 2 years. What is wrong with that? We sunset civil rights laws. We sunset environmental laws. We sunset labor laws.

Well, I can only tell my colleagues that until last night we had a bill that, had we brought it to the floor, would have literally passed almost unanimously in this Congress. I do not think anyone disputes that. But now what we have nobody knows. So it seems to me that we have to move very, very carefully.

We have a problem. There is no provision protecting our own citizens from CIA wiretaps under the FISA court. There is no provision ensuring the government does not introduce information in a court obtained from illegal e-mail wiretaps. There is no provision limiting the sharing of sensitive law enforcement information to inappropriate personnel.

Guess what? There are 35,000 law enforcement jurisdictions in the United States of America. There is no provision protecting immigrants from being deported for donating money to humanitarian groups that they did not

know might be financing terrorists. Most importantly of all, we have lost the 2-year sunset. What are we left with? A measure that is in no way limited to terrorism. It is a bill that provides broad new wire tap authorities that might be used to minor drug offenses, to firearm violations to anti-trust crimes, to tax violations, to environmental problems, literally to every single criminal offense in the United States code. So for all of us that know our history, we have been down this road before.

All I am saying to you is that I am going to do the best that I can no matter what happens here today to make sure, with the gentleman from Wisconsin (Chairman SENSENBRENNER), that we convince our own administration and, yes, our own House leadership to realize that this is not a time to compromise the Constitution. There is no reason for us to sacrifice civil rights to increase security.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the legislation. Maybe I am looking at it too simply, but I think maybe sometimes simple can really give us clear answers.

We are at war. We are in a war right now, and the reality is that the bill as it passed out of the House really did not acknowledge that. There was some specific provisions in the bill only dealing with terrorism that the bill was passed out of the Committee on the Judiciary did not provide for that the bill in front of us does today. Specifically, the bill out of the Committee on the Judiciary did not allow classified information to be used against terrorists in courts in terms of property.

The bill, as passed out of the Committee on the Judiciary, had a criminal standard that specifically, and I quote, has committed or is about to commit a terrorist act. Not as the bill now does, a standard reasonable grounds to believe that a person being harbored will commit a terrorist act. A significant difference.

The bill passed out of the Committee on the Judiciary had a limitation on a grand jury sharing information on terrorist situations.

We have a situation today that the downside of not uncovering terrorists potentially really are catastrophic, nuclear, biological, or even nuclear catastrophes. We need to pass the legislation to provide the tools to prevent that from happening.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, "My country 'tis of thee, sweet land of liberty, of thee I sing; land where my fathers died, land of the pilgrims' pride, from every mountainside let freedom ring." Let freedom ring in the ears of those who want to still its sound. Let

freedom ring even as we travel through the valley of the shadow of terrorism, for freedom is a sweeter melody.

The terrorists have aimed their attack on the fundamental freedoms of all law-abiding Americans. They have attacked our right to life, to liberty, to pursuit of happiness, to freedom of association, freedom of mobility, freedom of assembly, and freedom from fear.

Freedom is not just 50 States. Freedom is a state of mind. Freedom is our National anthem here in the land of the free and the home of the brave.

Let freedom ring. If freedom is under attack from outside sources, then let us not permit an attack from within. It is an attack on freedom to let government come into the home of any American to conduct a search, to take pictures without notification. It is an attack on freedom to give the government broad wiretap authority. It is an attack on freedom to permit a secret grand jury to share information with other agencies. It is an attack on freedom to create laws which can endanger legitimate protests.

Tens of thousands of men and women are getting ready to journey far from the shores of our Nation. They are being asked to defend some of the very rights this legislation would take away. Patriots are those who, in times of crisis, do not give up their liberties for any cause.

"Long may our land be bright with freedom's holy light; protect us by thy might, great God, our King."

□ 1530

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), to wrap this up.

The SPEAKER pro tempore (Mr. NETHERCUTT). The majority leader is recognized for 2½ minutes.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin for yielding me this time, and let me thank the gentleman from Wisconsin and, indeed, the gentleman from Michigan, and all the members of the committee for their hard, diligent work.

It seems like only yesterday when the horrible, frightening tragic incident in New York, here at our Pentagon, and in the fields of Pennsylvania occurred. Just a few days afterwards, this Congress rose-up and validated, confirmed, and affirmed our President as Commander in Chief and said, "We stand with you, Mr. President, with all the resources that you can muster. You are our Commander in Chief. Let us wage war on these terrorists and let us win that war."

Since that time, we have responded to the national emergency with as much as 100 billion dollars, and we did so with a measure of ease. It was the right thing to do. We did it, and we did it together. Now we take on a more difficult task: How do we make all the agencies of the Government, in this



case, with this legislation 80 agencies of the Federal Government, from the CIA to the border patrol, more resourceful in intervening against terrorists while protecting the precious rights of the American people for which we fight in the first place? It is a difficult job, and one that was handled admirably by this committee.

I have heard a lot of complaints about this bill as we find it today. People say we do not know what it is. Well, we know what the base bill is. We have known what was in the other body for a long time. Anyone who cared to do so could have done as I did last night, sit and watch the other body pass that bill. My colleagues could have watched the debate as I did. They could have heard the arguments and descriptions as I did. They could have watched.

I want to point out that those of us who watched, those of us who have a heartfelt commitment to our liberties as American citizens, those of us that did might have enjoyed the other gentleman from Wisconsin, the distinguished Senator FEINGOLD, as he valiantly fought for those committed to the liberties of the American people by repeatedly offering on the floor of the other body last night many of the provisions that this bill adds to that base bill. And, Mr. Speaker, it broke my heart to watch the distinguished gentleman from South Dakota, the Democratic Senate majority leader, move to table each of Senator FEINGOLD's dearly protective amendments.

POINT OF ORDER

Mr. OBEY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Texas (Mr. ARMEY) will refrain from characterizing the actions of Senators.

Mr. OBEY. I thank the Chair.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARMEY. Each and every one of those efforts was tabled in the other body. And this committee worked with the White House to restore those protections to the base bill so that we can achieve a proper balance, a balance that gives the resources to the agencies of this government to protect the American people while at the same time protects us from any trespass against our liberties.

Mr. Speaker, I should point out the controversy that surrounds the sunset clause. I was there when the Democrat minority from the committee presented to the chairman of the committee their five requests for the final revisions of this effort; and I was there when we saw that the exact sunset language in this bill was proposed to the chairman just yesterday by the minority on that committee. It is good sunset language. It is necessary sunset language. It gives our agencies an opportunity to use these tools of investigation and surveillance, and us the opportunity to fulfill our responsibility

to oversee that activity, to review it, and to choose to reauthorize or not. I am proud of that language, and I am proud of the minority for offering it.

Bottom line is this, Mr. Speaker: as we started this effort, we knew something from historical experience. The world is replete with stories of strong governments who have maintained their own security by trespassing against the rights of even their own people. Strong governments can make themselves secure. We have seen that too many times. But we have known, the committee has known, this Congress knows and the White House knows that a good government makes the people secure while preserving their freedom. And that is what this bill is. That is why we should not only vote for it, but we should thank our lucky stars we are in a democracy where we have that right.

Mr. PAUL. Mr. Speaker, the shocking attacks on the World Trade Center and the Pentagon have reminded us all that the primary responsibility of the federal government is to protect the security and liberty of our nation's citizens. Therefore, we must do what we can to enhance the ability of law enforcement to prevent future terrorist attacks. For example, the federal government can allow enhanced data-sharing among federal agencies that deal with terrorism. The federal government should also forbid residents of countries which sponsor terrorism from receiving student visas as well as prohibit residents of terrorist countries from participating in programs which provide special privileges to immigrants. In fact, I have introduced my own anti-terrorism legislation, the Securing American Families Effectively (SAFE) Act, which strengthens the ability of law enforcement to track down and prosecute suspected terrorists as well as keep potential terrorists out of the country.

There is also much the federal government can do under current existing law to fight terrorism. The combined annual budgets of the FBI, the CIA and various other security programs amount to over \$30 billion. Perhaps Congress should consider redirecting some of the money spent by intelligence agencies on matters of lower priority to counterterrorism efforts. Since the tragic attacks, our officials have located and arrested hundreds of suspects, frozen millions of dollars of assets, and received authority to launch a military attack against the ring leaders in Afghanistan. It seems the war against terrorism has so far been carried out satisfactorily under current law.

Still, there are areas where our laws could be strengthened with no loss of liberties, and I am pleased that HR 3108 appears to contain many common sense provisions designed to strengthen the government's ability to prevent terrorist attacks while preserving constitutional liberty.

However, other provisions of this bill represent a major infringement of the American people's constitutional rights. I am afraid that if these provisions are signed into law, the American people will lose large parts of their liberty—maybe not today but over time, as agencies grow more comfortable exercising their new powers. My concerns are exacerbated by the fact that HR 3108 lacks many of the protections of civil liberties which the

House Judiciary Committee worked to put into the version of the bill they considered. In fact, the process under which we are asked to consider this bill makes it nearly impossible to fulfill our constitutional responsibility to carefully consider measures which dramatically increase government's power.

Many of the most constitutionally offensive measures in this bill are not limited to terrorist offenses, but apply to any criminal activity. In fact, some of the new police powers granted the government could be applied even to those engaging in peaceful protest against government policies. The bill as written defines terrorism as acts intended "to influence the policy of a government by intimidation or coercion." Under this broad definition, should a scuffle occur at an otherwise peaceful pro-life demonstration the sponsoring organization may become the target of a federal investigation for terrorism. We have seen abuses of law enforcement authority in the past to harass individuals or organizations with unpopular political views. I hope my colleagues consider that they may be handing a future administration tools to investigate pro-life or gun rights organizations on the grounds that fringe members of their movements advocate violence. It is an unfortunate reality that almost every political movement today, from gun rights to environmentalism, has a violent fringe.

I am very disturbed by the provisions centralizing the power to issue writs of habeas corpus to federal courts located in the District of Columbia. Habeas corpus is one of the most powerful checks on government and anything which burdens the ability to exercise this right expands the potential for government abuses of liberty. I ask my colleagues to remember that in the centuries of experience with habeas corpus there is no evidence that it interferes with legitimate interests of law enforcement. HR 3108 also codifies one of the most common abuses of civil liberties in recent years by expanding the government's ability to seize property from citizens who have not yet been convicted of a crime under the circumvention of the Bill of Rights known as "asset forfeiture."

Among other disturbing proposals, H.R. 3108 grants the President the authority to seize all the property of any foreign national that the President determines is involved in hostilities against the United States. Giving the executive branch discretionary authority to seize private property without due process violates the spirit, if not the letter, of the fifth amendment to the Constitution. Furthermore, given that one of the (unspoken) reasons behind the shameful internment of Americans of Japanese ancestry in the 1940s was to reward favored interests with property forcibly taken from innocent landowners, how confident are we that future, less scrupulous executives will refrain from using this power to reward political allies with the property of alleged "hostile nationals?"

H.R. 3108 waters down the fourth amendment by expanding the federal government's ability to use wiretaps free of judicial oversight. The fourth amendment's requirement of a search warrant and probable cause strikes a balance between effective law enforcement and civil liberties. Any attempt to water down the warrant requirement threatens innocent citizens with a loss of their liberty. This is particularly true of provisions which allow for nationwide issuance of search warrants, as

these severely restrict judicial oversight of government wiretaps and searches.

Many of the questionable provisions in this bill, such as the expanded pen register authority and the expanded use of roving wiretaps, are items for which law enforcement has been lobbying for years. The utility of these items in catching terrorists is questionable to say the least. After all, terrorists have demonstrated they are smart enough not to reveal information about their plans when they know federal agents could be listening.

This legislation is also objectionable because it adopts a lower standard than probable cause for receiving e-mails and Internet communications. While it is claimed that this is the same standard used to discover numbers dialed by a phone, it is also true that even the headings on e-mails or the names of web sites one visits can reveal greater amounts of personal information than can a mere telephone number. I wonder how my colleagues would feel if all of their e-mail headings and the names of the web sites they visited were available to law enforcement upon a showing of mere "relevance." I also doubt the relevance of this provision to terrorist investigation, as it seems unlikely that terrorists would rely on e-mail or the Internet to communicate among themselves.

Some defenders of individuals rights may point to the provisions establishing new penalties for violations of individual rights and the provisions "sunsetting" some of the government's new powers as justifying support for this bill. Those who feel that simply increasing the penalties for "unauthorized" disclosure of information collected under this act should consider that existing laws did not stop the ineffectiveness of such laws in preventing the abuse of personal information collected by the IRS or FBI by administrations of both parties. As for "sunsetting," I would ask if these provisions are critical tools in the fight against terrorism, why remove the government's ability to use them after five years? Conversely, if these provisions violate American's constitutional rights why is it acceptable to suspend the Constitution at all?

As Jeffery Rosen pointed out in the New Republic, this proposal makes even the most innocuous form of computer hacking a federal offense but does not even grant special emergency powers to perform searches in cases where police have reason to believe that a terrorist attack would be imminent. Thus, if this bill were law on April 24, 1995 and the FBI had information that someone in a yellow Ryder Truck was going to be involved in a terrorist attack, the government could not conduct an emergency search of all yellow Ryder Trucks in Oklahoma City. This failure to address so obvious a need in the anti-terrorism effort suggests this bill is a more hastily cobbled together wish list by the federal bureaucracy than a serious attempt to grant law enforcement the actual tools needed to combat terrorism.

H.R. 3108 may actually reduce security as private cities may not take necessary measures to protect their safety because "the government is taking care of our security." In a free market, private owners have great incentives to protect their private property and the lives of their customers. That is why industrial plants in the United States enjoy reasonably good security. They are protected not by the local police but by owners putting up barbed

wire fences, hiring guards with guns, and requiring identification cards to enter. All this, without any violation of anyone's civil liberties. In a free society private owners have a right, if not an obligation, to "profile" if it enhances security.

The reason this provision did not work in the case of the airlines is because the airlines followed federal regulations and assumed they were sufficient. This is often the case when the government assumes new powers or imposes new regulations. Therefore, in the future, once the horror of the events of September 11 fade from memory, people will relax their guard, figuring that the federal government is using its new powers to protect them and thus they do not need to invest their own time or money in security measures.

In conclusion, I reiterate my commitment to effective ways of enhancing the government's powers to combat terrorism. However, H.R. 3108 sacrifices too many of our constitutional liberties and will not even effectively address the terrorist menace. I, therefore, urge my colleagues to oppose this bill and instead support reasonable common-sense measures that are aimed at terrorism such as those contained in my SAFE Act.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2975, which seeks to provide new tools to identify, pursue and punish suspected terrorist and strengthen our sustained campaign against terrorism. Just over a month ago, our country experienced terrorist attacks that resulted in an unfathomable human loss. Since that time, Congress and the Administration have led the nation in a unified battle against terrorism. Today, we are poised to confer new emergency authority to the Attorney General for a specific purpose—to fight the scourge of terrorism—and definite period, a maximum of five years.

I am, however, disappointed that this legislation fails to adequately address the lifeblood of terrorism, money. Absent from this measure is legislation language to interfere with terrorist money laundering activities. I am hopeful that H.R. 3004, the Financial Anti-Terrorism Act of 2001, which I cosponsored, will get the full attention of the House in the coming days.

Today's seamless financial marketplace, born out of the globalization of the late Twentieth Century, has fostered an unprecedented era of economic opportunity for terrorists like Osama bin Laden and the vast networks of evil they finance. In one month the United States has frozen nearly \$4 million in assets belonging to the Taliban, Osama bin Laden and the al Qaeda network. Congress must continue to close the loopholes that allow the enemies of freedom to finance attacks on America. To date, our allies have frozen more than \$24 million since September 11th. We are making great headway, but we are not there yet. New anti-money laundering tools are critical to this continued effort.

With respect to H.R. 2975, I am pleased that this measure enhances our wiretapping laws to reflect today's communication reality. Under this measure, wiretap authority for suspects using communication devices such as the Internet and cell phones would be streamlined so that law enforcement could obtain a subpoena from one jurisdiction. I am also pleased that this measure makes aliens who endorse terrorist activity or suspected money launderers inadmissible and deportable. Today, we know that one of our greatest

strengths, our open society, may have made us particularly susceptible to this brand of terrorism. While we must not allow fear to force us to change the inherent nature of our society—we must do what is reasonable to insure that potential terrorist operatives are not able to plot their heinous schemes within our borders.

Mr. Speaker, I stand with my colleagues on both sides of the aisle in my determination to provide law enforcement authorities with the necessary tools to investigate terrorism and protect against future attacks. Accordingly, I call upon my colleagues to join me in approving this important legislation at this time of national crisis which balances the need to expand the laws governing intelligence and law enforcement activities while safeguarding our dearly held constitutional rights and way of life.

Mr. SERRANO. Mr. Speaker, I rise in opposition to H.R. 2975, the Patriot Act of 2001, in its revised form. It is vitally important to give law enforcement the tools necessary to investigate and prevent further terrorist acts against American targets and to root out any person responsible for the dreadful acts of September 11. But it is at least as important to preserve the basic liberties that are ours under the Constitution of the United States.

I was reluctantly prepared to support the Judiciary Committee-reported version of H.R. 2975, because it was very carefully crafted on a bipartisan basis to address concerns expressed by Members across the political spectrum about the threat to our freedoms from too much expansion of law enforcement powers. Even the reported bill raised concerns, particularly about non-terrorist activities that might be swept up in the definition of terrorism, but I was somewhat reassured by the unanimous Judiciary Committee vote to report the bill.

But now we are presented with a new bill, a mix of Senate and House provisions, that became available for review at 8:00 this morning. An initial look at it reveals troubling provisions that expand government's power to invade our privacy, imprison people without due process, and punish dissent. The fact that some expansions of these powers may be used in any criminal investigation, not just an investigation of terrorism, particularly seems like overreaching.

I don't see why regular order had to be abandoned in this case. The Committee had reported a bill, the House was prepared to work its will on it today, and a final version could be crafted in conference. Instead, the Republican leadership basically hijacked the process, moving the negotiating position the House will take to conference toward the Senate's. This inevitably skews the conference results toward more police powers and less protection of our Constitutional rights and liberties. The procedural complaint may sound "inside-the-Beltway", but it has important effects on the final result.

Mr. Speaker, I support refining law enforcement powers to reflect the modern world and equipping law enforcement personnel to fight terrorism and bring terrorists to justice. But I most emphatically do not support erosion of our most basic rights to privacy and freedom from government scrutiny, and I cannot support this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I know this may sound unduly strong, but today we will react to one day of infamy with another if we pass H.R. 3108.

I remember hearing someone say shortly after September 11th in response to something I cannot remember now, that the first casualty of this war must not be the U.S. Constitution.

Well it wasn't the first, but if this bill is passed, it will perhaps be the most devastating one, certainly the most far-reaching one, one that will not honor those whose lives were lost in the terrorist attack, and one that all of us in this body—those who voted for it and those who did not—will rue to our dying day.

This will be the crowning glory and the golden key of all of the most extreme radical conservatives in this country. With the right to wiretap, with the right to hold without due process, with the right to even punish dissent, the very worst of infringements on the civil liberties that we have worked so hard to extend to all and protect and preserve, will reign, and threaten not just the terrorists, but all Americans.

When I think of all our forefathers fought for to create this independent Nation, with freedom and justice for all; when I think of the struggle to end slavery, to win the right to vote and to ensure that all Americans fully participate in this society, and all the lives that were given in these efforts, it makes me sick to think that today we might pass this travesty of justice and freedom and fairness, and in doing so undermine the government of checks and balances that they in their wisdom constructed, relinquish our responsibilities in this body, and dishonor their memory and their legacy.

Although neither I or most of our members have had an opportunity to fully review the legislation, it appears clear that most of the provisions of this act are unnecessary to accomplish the goals of ferreting out terrorists and their abettors. In other instances they go too far or continue long after they would be reasonably needed under the very worst of circumstances.

At the very least we need to apply the restraint of time and opportunity for full review, as well as make possible the opportunity to amend and thus fix the more egregious parts before a vote is taken on a measure such as this, which will change the culture of our society in terrible ways, and give those who wanted to destroy not only our prosperity but our freedom, the victory in the end.

I urge all of my colleagues to vote H.R. 3108, the leadership bill down, and protect the freedoms that make America, America.

Mr. GILMAN. Mr. Speaker, today we have been debating an important bill. Our deliberations this afternoon will provide modernized surveillance capabilities aimed at capturing terrorists which will ensure that new technology can be executed in multiple jurisdictions anywhere in the United States.

The Patriot Act will expand the definitions related to terrorist organizations; provide the seamless flow of information between law enforcement and intelligence agencies; strengthen our northern border by tripling the number of Border patrol personnel in each state along this border; and most importantly will permit the courts to issue a generic order, which will still identify a target, yet permit the court order to be presented to a carrier, landlord or custodian and allow that the surveillance may be undertaken as soon as technically feasible on any new location.

There has been extensive discussion on the floor with regard to these new surveillance provisions by those fearing the abdication of our civil rights protections with the passage of this Act.

While, I am confident that nobody in this chamber is interested in either deteriorating our civil rights or failing to provide our nation with the necessary law enforcement and intelligence tools to defeat terrorism, I believe it is important to bear in mind the times in which we currently find ourselves.

A month and one day ago, we were barbarically and cowardly attacked by terrorists. Nearly six thousand lives were lost—more than in the attack on Pearl Harbor. Our economy has been adversely affected, and our constituents are demanding that we provide protection against any further terrorist assaults. While, we did not ask for the war we now find ourselves involved in it is our duty as Members of Congress to provide the necessary tools and laws necessary to defeat those who wish to harm America.

Mr. Speaker, we learned during Vietnam that we cannot fight and expect to win a war when we fail to provide our military with the resources necessary for victory. Let us not make that same mistake twice and fail to provide the tools necessary to win this war—our war against terrorism.

We can and will continue to protect our civil liberties by providing constant oversight over these initiatives. After all it is our responsibility in the Congress to provide such oversight and to insure that our government not overstep its bounds. I am confident that we will not fail in this regard.

Accordingly, I rise in full support of the Patriot Act and I urge all of my colleagues to support this important legislation.

Mr. OXLEY. Mr. Speaker, I am pleased that this Congress is going to give our law enforcement and intelligence communities the tools they desperately need to track down terrorists and prevent another murderous attack on our people.

September 11th ushered in a new era in American history. We are vulnerable here at home, not just to the fanatics who hijacked those planes, but to other terrorists who have access to biological, chemical, and maybe even nuclear weapons. This threat will not end in 2 years, 5 years, or 10 years.

The provisions in this bill will help to put the FBI and CIA on a more equal footing with terrorists who are using electronic communications to plot with impunity. I have long warned that our wiretap laws have not kept pace with advances in technology. Law enforcement needs to be able to monitor cell phone calls and electronic communications, just as it has been able to listen in on old-style rotary phones.

Simply put, if we can't hear what terrorists are saying, we can't stop them.

Under the sunset language in this bill, these new authorities could expire in as little as 3 years and possibly in 5 years. Establishing that "sunset" date is a mistake. It sends an unintended message that our resolve is fleeting. It also tells a law enforcement community working around the clock that their power to protect us is provisional. And it suggests to the American people that in a few years, we might let down our guard.

We will not give our Armed Forces anything less than our full support in this war. Intel-

ligence gathering is going to be every bit as important to this campaign as our military.

Surveillance is restrained by a body of agency rules, judicial approval, and congressional approval. As a former FBI agent, I applied for wiretap orders. They are not easy to get. The electronic surveillance provisions in the bill are constitutional and achieve the proper balance with our constitutional rights. I happen to think that safety and security during uncertain times is a most important civil liberty.

Through the actions we take, Congress must show that the U.S. will stay the course with the war on terrorism for the long haul. I hope that our law enforcement community will be able to deal with the inconsistency that the sunset poses, and use these common sense authorities to protect us from the terrorists who we have already been warned may be poised to strike again.

Mr. BOYD. Mr. Speaker, I rise today in support of H.R. 3108, the Uniting and Strengthening America Act. Since the attacks that devastated our Nation on September 11th, Congress has been working in a bipartisan fashion to develop the solutions to combating terrorism. I believe this bill provides the necessary solutions to one of the greatest challenges our country has ever faced. Congress and the President must work together to ensure that the necessary steps are taken in order to prevent terrorism from occurring on American soil and victimizing American citizens ever again. Providing federal law enforcement officials with the tools to fight the war on American is not only our civic responsibility, but our responsibility as American citizens. While expanding these powers, we must be mindful of protecting the civil liberties that every American enjoys, because these are the very freedoms that make this country great and for which scores of our forefathers have fought. This bill strikes the delicate balance between the two vital points of expanding power and protecting civil liberty.

It is important to update current laws to reflect the technological changes the 21st century has brought about, including new methods of communication. Federal law enforcement officials must have the capacity to monitor terrorists who utilize relatively new technology to plan attacks on Americans throughout the world. These provisions are essential to ensuring victory in our war against terrorism. Additional items included in this bill expand law enforcement power through new types of electronic surveillance, increased foreign intelligence gathering, and immigration reforms that will keep us a step ahead of any potential act of terrorism against Americans. It is also important to note there are provisions in the bill to ensure our civil liberties are protected. Among these is the mandatory sunset of the intelligence gathering provisions after five years. This allows Congress to evaluate whether the new powers given to justice officials have been successful and have respected the civil rights of each and every American citizen.

Again, Mr. Speaker, I rise in support of the Uniting and Strengthening America Act and urge that this legislation be adopted.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to this rule and in opposition to the clandestine way in which what was once a strong bipartisan package was changed and rushed to the floor with no consultation with this side of the aisle.

While I understand the difficult task of crafting legislation while the nation is still recovering from and investigating the terrorist attacks of September 11th, I am disappointed with the extremely limited choice placed before me. I want to provide our law enforcement with the tools they need to stop terrorism. I want to support this bill, but few of us even know what is in it since the Judiciary Committee never considered it.

In the aftermath of the attacks, we must strengthen our ability to find and punish those connected with these tragic events, and enhance our preparedness to prevent similar tragedies in the future. However, we must meet the critical counter-terrorism need of federal law enforcement and intelligence agencies without compromising the civil liberties of our citizens in the process. I have strong concerns about the bill we are considering today because I cannot be guaranteed it strikes this crucial balance.

I urge my colleagues to vote against the rule so we all can be assured this goal is met by bringing the original measure which was unanimously approved the Judiciary Committee, to the floor instead.

Ms. KILPATRICK. Mr. Speaker, today I rise in opposition to the rule and the antiterrorism bill we are considering today.

While the current circumstances require expedited action, we must also be deliberate and circumspect in our action. I know these aims run counter to one another, but at this juncture in our history it is critical that we think before we act. The attacks on our nation have changed us forever causing strong demands for action to improve our security. Our response to terrorism, however, must not thwart the very democratic values that this nation was founded upon.

Any legislative action we take must ensure that our traditions of civil liberty continue to stand strong—anything less would serve the goals of those who attacked us.

Unfortunately, we are now poised to consider a measure that grants our federal government broad sweeping powers to investigate not only terrorism, but all crimes. We are now poised to consider legislation that may jeopardize the civil liberties that we hold dear. Today we are forced by the White House and a few people in the House and Senate to circumvent a process that produced legislation that could truly be called bipartisan. The Republicans and the Democrats on the Judiciary Committee joined together to create a measure that received the unanimous support of the Committee. I commend Chairman SENSENBRENNER and Ranking Member CONYERS for their good work. The White House and the Republican leadership of the House, however, hijacked the Committee's work—forcing us to vote on this one hundred and eighty page bill with only a few short hours to review it.

There are thorny issues in the measure before us.

The House Judiciary Committee's counter-terrorism bill included a provision that sunsets these extraordinary increases in Government power in two years, ensuring that the House would be forced to review these measures at that time. This compromise was reached despite the fact that the White House and the Justice Department wanted the measure to be enacted for an indefinite amount of time.

The bill before us today, however, allows the measure to be revisited in three years. At

that time, however, it is within the sole discretion of the President to decide whether or not to extend these measures for another two years. This is dangerous. This measure gives this administration nearly unbridled power to pursue terrorism and other crime. Yes, we need to address the ability of government to pursue terrorists. However, Congress should be able to change this measure if the current terrorist threat subsides. Congress should be the body revisiting this measure in two or three years. Congress should not delegate its constitutional duty to oversee the activity of the Executive Branch.

While I firmly support added measures to fight terrorism, we should not move in the direction of past mistakes. Fortunately we successfully removed provisions giving the administration the ability to detain suspect non-citizens for indefinite amounts of time. Unlimited detention is unacceptable. There must be thorough judicial review in a specified period of time. We must not repeat the mistakes of our past. We must not revert to the age of McCarthyism when accusation and innuendo operated with the force of law. I am concerned that those who support today's process and the measure before us today have not learned the lessons of history well enough.

I understand that the events of September 11 have necessitated heightened measures to ensure the security of our citizens. However, I hope these heightened measures do not distort our records on the issue of civil liberties. I am particularly concerned about those who suggest that our current situation justifies the practice of racial profiling or search and seizure procedures without clear standards that are subject to thorough review of our nation's judges. As an African American, I know all too well the ills of racial profiling. The President has proclaimed that our war on terrorism is not a war on Islam. He has proclaimed that our nation takes pride in its diversity, which is strengthened by our brothers and sisters of the Islamic faith. I suggest that if our policy is to focus our heightened investigative efforts solely on those who look Middle Eastern, or foreign, then we dishonor the President's noble proclamations. In this time of need we should focus our attention on all potential terrorists, including those who attack this country in the name of Christianity. Our outcry and efforts against foreign terrorism should be just as zealous against domestic terrorism. Our outcry against the Osama bin Ladens of the world should be just as strong against the Timothy McVeighs. Both seek to use terror and confusion to accomplish their warped political goals. By a truly comprehensive and objective attack on terrorism we lend credibility to our current war on terrorism and shine forth the light of freedom from our nation's shores.

Mr. Speaker, for these reasons I oppose the measure before us today. In our justified haste to catch those who perpetrated the events of September 11 and who pose a continued threat to our nation, we must not abort the ideals that have made our nation strong. In the face of this crisis we must not rend our civil liberties and thus our Constitution, lest we be prepared to cede victory to the terrorists.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2975, the anti-terrorism bill. I do so reluctantly because we were supposed to have had a bill on the Floor today that I could have supported. The House Judiciary Committee unanimously passed a bipartisan

bill that adroitly found the right balance between giving federal authorities the tools they need to fight terrorism, while still protecting the civil liberties that our citizens hold so dear.

Unfortunately, a few members of the Republican leadership rejected this bipartisan legislation and created a new bill. This bill loses the balance that the previous legislation had achieved. The bill gives broad new powers to federal law enforcement officials while putting civil liberties at risk. Even worse, the bill prevents the Congress from reviewing these provisions in two years to ensure that the government is using its new powers in an appropriate manner.

In addition, this bill has not received proper consideration by the House of Representatives. Most members, in fact, don't even know what the bill contains. This may be the most sweeping, comprehensive piece of legislation dealing with law enforcement practices and civil liberties that this Congress will ever consider. Such important legislation demands careful scrutiny and deserves bipartisan agreement. This bill fails in both respects.

There is no question that the United States government must do everything in its power to protect our citizens. Our laws do need to be adjusted to properly reflect modern technology and to effectively respond to modern threats. The bill we consider today, however, is not the answer. I urge my colleagues to oppose this bill and to return to a bipartisan approach to improving our nation's security.

Mr. THOMPSON of California. Mr. Speaker, it is with great reluctance that I vote in support of the antiterrorism legislation that was debated in the House today. What began as a collaborative and bipartisan process, has become a clandestine and highly partisan catastrophe. My intention today, was to support H.R. 2975, the PATRIOT Act that was given thoughtful consideration and resulted in a well-crafted compromise. To my great regret, however, partisan procedures and pressures kept the House of Representatives from passing this legislation. Instead, the House took up a modified version of the Senate passed Uniting and Strengthening America Act.

With some adjustments by the House leadership, the legislation contains many important provisions to ensure that the intelligence and law enforcement communities can do their jobs. The bill makes changes to intelligence and surveillance laws to account for advances in technology. It also strengthens penalties for money laundering and possession of biological agents for a suspected terrorist. But I am concerned that the legislation fails to create a watchdog position within the Department of Justice to monitor intelligence and law enforcement activities enacted by this new law. It also abandons the original two-year sunset, to a sunset of up to five years depending upon presidential preference. I believe that a five-year period is too lengthy, and support a sunset period of up to three years to ensure that civil liberties are protected, while intelligence and law enforcement officials do their jobs.

Let me be very clear: I voted for the revised antiterrorism legislation today to ensure that the horrendous events of September 11th are never repeated. I am offended by the process but am compelled by the circumstances in which we live today. I believe that in the days ahead, the House and Senate conference committee will work to craft a compromise measure that the American people can fully

support. In this new day of extraordinary circumstances, the impossible became a reality. Consequently, decisive action is necessary to prevent future acts of terrorism on the United States.

Mr. UDALL of Colorado. Mr. Speaker, earlier this year we began this Congress by taking an oath to uphold the Constitution.

It was the second time I did so, but for me it was still a solemn moment and a source of great pride—as I am sure it was for you and for the many of our colleagues who have served far longer than I.

It was a solemn moment because we were pledging ourselves to upholding the basic framework of our government, including the basic guarantees of the Bill of Rights. I think that is the highest and most important duty any American can undertake.

And it was an especially proud moment for me because it meant that I would again be privileged to be part of this great institution, the House of Representatives—an institution for which I have for so long had such great respect.

Since then less than six months have passed—but how long ago that seems to have been. Since September 11th, so many things have happened, and so many things have changed. And, unfortunately, one of the things that has changed is my pride in the way the House is meeting its responsibilities.

That is because today we are proceeding in a way that falls far short of the standard to which we should hold ourselves—and doing so in connection with legislation of the very highest importance, legislation that can affect the lives and liberties of all the American people.

To start with, like so many of our colleagues, I have not had an opportunity to learn fully what is in this bill beyond a cursory discussion in caucus, and while some Members of the House are versed on the particulars, I don't believe there has been enough time for debate and full consideration. On a subject so dear as our civil liberties, particularly in a time of crisis, surely the House could afford time to allow Members to read and understand this complicated legislative package before a vote. I do not know whether the objections raised by the bill's critics—such as those in today's letter from the American Civil Liberties Union—are well-founded or not. But I have no doubt that when it comes to matters as important as these it is far better to err on the side of caution.

Mr. Speaker, in times of war and crisis there is always a very delicate balance between the need to be secure and the need to protect civil liberty. There have been moments in our nation's history when this balance was not carefully preserved—and with shameful consequences. In the rush to fight the terrorist threat, I want to be absolutely certain that we strike the right balance and avoid looking back on this time with regret about our haste and lack of wisdom.

I am not an expert on fighting terrorism, but I know that if we are not careful in choosing our weapons, we can damage the very Constitution we have sworn to uphold. And I do know that there is a right way and a wrong way to legislate—and this is the wrong way.

And that, Mr. Speaker, is why I cannot vote for this bill today.

#### AMERICAN CIVIL LIBERTIES UNION

Washington, DC, October 12, 2001.

#### BE PATRIOTIC—VOTE AGAINST THE REVISED “PATRIOT BILL”

DEAR REPRESENTATIVE: The ACLU is urging Members to vote no on the Rule, no on final passage and yes on the motion to recommit. Sadly, most Americans do not seem to realize that Congress is about to pass a law that drastically expands government's power to invade our privacy, to imprison people without due process, and to punish dissent. More disturbing is the fact that this power grab over our freedom and civil liberties is in fact not necessary to fight terrorism. Briefly, the substitute bill has the following problems:

**Sharing Sensitive Information without Privacy Protections:** The bill authorizes law enforcement to “share criminal investigative information.” This section permits the disclosure of sensitive, previously undisclosed information obtained through grand jury investigations or wiretaps about American citizens to the CIA, NSA, INS, Secret Service and military, without judicial review, and with no limits as to how these agencies can use the information once they have it, and without marking the information to indicate how the information can be used.

**Sneak and Peek Searches:** this section authorizes the wholesale use of covert searches for any criminal investigation thus allowing the government to enter your home, office or other private place and conduct a search, take photographs, and download your computer files without notifying you until later. The Congress rejected this provision two times last year because it was misguided and overbroad.

**Single-Jurisdiction search warrants for terrorism:** This provision enables the government to go to a court in any jurisdiction where it is conducting a terrorism investigation, regardless of how insubstantial that location is to the investigation, to conduct a search anywhere in the country. This will allow the government to forum shop and make it practically impossible for individuals who are subjected to the search to challenge the search when the warrants are issued by a judge in a distant location.

**New crime of Domestic Terrorism:** This new crime is wholly unnecessary for the Administration's “War on Terrorism.” It expands the ever-growing cadre of federal crimes by authorizing the federal government to prosecute violations of state law and may be used to prosecute political protestors who engage in acts the government considers to be dangerous to human life.

**Requires People to Turn in Suspects Even If They Don't Know Whether the Person Has Committed a Crime.** This bill creates a new crime exposing people to criminal liability for lodging a person who he or she knows “or has reasonable grounds to believe” has committed or is about to commit a crime. This places a new burden on persons to turn in family and friends never before imposed on individuals.

**Disclosing Intelligence Information on Americans to the CIA:** The bill mandates that the FBI turn over any information on terrorism, even if it is about American citizens, that is developed in criminal cases. This will result in the CIA getting back into the business of spying on Americans.

**Imposing Indefinite Detention:** The bill allows for non-citizens to be detained indefinitely, without meaningful judicial review;

**Reducing Privacy in Student Records:** The bill overturns current law by giving law enforcement greater access to and use of student records for investigative purposes. Under the substitute, highly personal and

potentially damaging information about American and foreign students will be transmitted to many federal agencies and could lead to adverse consequences far beyond the stated goal of the anti-terrorism bill.

**Sunset of Wiretap Provisions:** The House Judiciary Committee's bill would have sunset all of new wiretapping authorities in two years and two months. The sunset was designed to permit Congress to evaluate how the new authorities were being used, and whether there were abuses that would require additional privacy protections. The bill now pending before the House would gut the sunset provision by extending it to five years and three months (three years and three months, plus two more years upon a presidential certification).

**Exclusionary Rule:** The House Judiciary Committee's bill included a provision to exclude from criminal cases evidence that law enforcement seized illegally when monitoring Internet communications. This would have conformed the rules pertaining to illegal interception of Internet communications to the rules governing illegal interception of telephone calls. The bill now pending in the House omits this provision.

**Expansion of Wiretapping Authority:** The wiretapping provisions in the pending House bill are virtually identical to those in the bill the Senate approved last night. Both bills minimize judicial oversight of electronic surveillance by: subjecting private Internet communications to a minimal standard of review; permitting law enforcement to obtain what would be the equivalent of a “blank warrant” in the physical world; authorizing scattershot intelligence wiretap orders that need not specify the place to be searched or require that only the target's conversations be eavesdropped upon; and allowing the FBI to use its “intelligence” authority to circumvent the judicial review of the probable cause requirement of the Fourth Amendment.

Most of these provisions are unnecessary for fighting international terrorism; some would be acceptable if they were implemented with appropriate judicial oversight. Law enforcement agents make mistakes—for example, the life of suspected Atlanta Olympic bomber Richard Jewell was turned upside down. Essential checks and balances on these new powers are omitted from this legislation. We can be both safe and free if the House takes the time to do this right.

For more information, please contact:  
Wiretapping—Greg Nojeim 202/675-2326,  
Crime Provisions—Rachel King 202/675-2314,  
Immigration—Tim Edgar 202/675-2318, Privacy—Katie Corrigan—202/675-2322.

Sincerely,

LAURA W. MURPHY,

Director.

GREGORY T. NOJEIM,

Associate Director & Chief Legislative Counsel.

Mr. KIND. Mr. Speaker, of all the issues we have considered, and will consider, in the aftermath of September 11, securing the safety of our Nation against the threat of terrorism may prove to be the most challenging aspect of our recovery and security focus. One reason the terrorists targeted our Nation is because of the freedoms we enjoy as a nation, and the importance we place on individual liberty.

By nature, the openness of American society is a liability when it comes to public safety. The attacks on the World Trade Center and the Pentagon have shown us that virtually any possible threat may be realized.

The challenge of securing the Land of the Free is a delicate task. By considering the laws that protect personal privacy we risk

alienating those values on which our Nation was founded. In taking on this challenge, I commend the Chairman and ranking member of the Judiciary Committee for recognizing the fundamental importance of this task, and working together to draft legislation in a fair and respectful manner. I just wish that process had been followed through all the way to the end instead of being hijacked the night before.

The legislation before us today is not perfect. I, like many Members, have reservations about expanding boundaries in which Government may more easily encroach on personal privacy. However, these reservations must be weighed in light of our experiences, as well as Section 8 of Article 1 of the Constitution which states "Congress shall have the power—to provide for the common defense and general welfare of the United States . . ."

As a former prosecutor, I have experience in dealing with criminal investigations and prosecutions, and understand the inherent need to protect the public against terrorist activities. While I maintain concerns regarding some aspects of the bill regarding the specifics of electronic monitoring and other provisions, I acknowledge the importance of modernizing our laws to reflect the use of new technologies. I also appreciate the committee work on issues including improving the security of our borders, providing benefits to individuals involved in the immigration system who were detrimentally impacted under the law by the attacks, and updating the definition of terrorist activities and criminal penalties associated with terrorism in light of September 11. In addition, the sunset provisions attached to this legislation will provide for a review of these changes.

This legislation provides the best opportunity for our Nation to protect its citizens without crossing the Constitution, and I therefore support its passage.

Ms. HARMAN. Mr. Speaker, a long-scheduled appointment for minor surgery that was planned on the basis of the House leadership's announced calendar requires that I miss the vote on final passage of H.R. 2975.

I support many—though not all—of the counter-terrorism changes recommended by Attorney General Ashcroft. Indeed, I was part of the bipartisan group of members of Congress who met with him shortly after the tragic terrorist attacks of September 11.

Whether the bill implements those recommendations is difficult to tell. The time stamp on the text is 3:43 am this morning. Do we know what changes were made between it and the bill reported unanimously from the Judiciary Committee?

Mr. Chairman, the process by which we are considering this measure plays fast and loose with our Constitution. It may well be that a number of its provisions will be stricken by the Courts.

We should have had an opportunity to more carefully consider its provisions.

Law enforcement needs 21st century rules to combat 21st century enemies. A cursory review of this bill suggests that we are providing many of them. But some may go too far, some may not go far enough.

With some reluctance I support this bill. Not because I believe changes are not warranted, but because the rushed process by which the House is considering this bill is inappropriate given the severity of the challenge before this nation.

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to the version of the bill that has been presented before this House for consideration. Like every Member of this Congress, I believe we should provide law enforcement with every appropriate tool necessary to combat terrorism. In that spirit, I have supported all of the President's actions and requests, in both word and deed, since the horrific attacks which devastated this nation on September 11. Furthermore, I came to work this morning with every intention of voting for the carefully crafted bipartisan legislation that passed the House Judiciary Committee last week 36–0.

However, I now stand before this House in complete amazement at the events that have transpired over the past 24 hours. Last week, the Judiciary Committee took the Bush administration's proposal into mark-up, and carefully discussed and considered every aspect of this legislation. In an impressive display of bipartisanship the concerns of every single one of the 36 members of the Judiciary Committee, from the right and the left, were addressed. For that, I applaud both Chairman SENSENBRENNER and Ranking Member CONYERS for their efforts.

Yet despite this monumental display of cooperation, we stand poised to vote this morning on a substitute bill that was never even considered in the committee setting, and whose contents few of us have even seen. I am deeply troubled by the injustice done to the legislative process by rushing this new bill onto the floor, replacing the carefully crafted bill that was so impressively constructed last week.

During this great nation's time of trial, we cannot underscore enough the importance of safeguarding the precious civil liberties and basic freedoms that underpin our society. Even in times of heightened alert, military action, and increased security awareness, it is our job as Members of the U.S. Congress to carefully consider the implications of extending the search and seizure powers of federal agencies, and ensure the protection of our basic rights as Americans. If we allow the cowardly terrorist actions of September 11 to redefine the freedoms that law-abiding citizens of this great nation are allowed to enjoy, then we have defeated ourselves. Nothing would greater please those who deplore America and our freedom loving society than to watch as we rashly whittle away our civil liberties out of fear and insecurity.

Mr. Speaker, I will oppose this legislation today, and I ask that all of my colleagues do the same. I fully support the efforts of President Bush to ensure the security of this nation, yet I will not vote to undermine the basic freedoms we all hold dear. It is crucial that we, as a united Congress, remain strong in this time of crisis, and protect the fundamentally American values and civil liberties that so many generations before us have struggled to create.

Mr. BUYER. Mr. Speaker, I rise today in support of the PATRIOT Act.

We are engaged in a great struggle to combat the forces of terrorism that threatened our Nation on September 11. For this struggle, we have called forth the strong arm of our military. But in addition, this struggle will also be fought by law enforcement here at home.

Our law enforcement officers need the best tools available to combat terrorism. This is not the case today and it is this deficiency that

this bill seeks to remedy. For far too long we have neglected to equip our law enforcement with the tools they need to do their jobs as technology has changed.

This bill will permit wiretaps to be leveled against suspected terrorists the same as we do for drug lords and organized crime syndicates. With existing court protections in place, law enforcement will now be able to follow suspected terrorists when they use the Internet, a land line phone or numerous cell phones. Nor will law enforcement have to go back to various courts when suspects move from location to location to location.

Quite frankly, these provisions are long overdue. I regret that this bill includes a sunset provision. We need these provisions to be permanent.

MODIFICATION TO AMENDMENT ADOPTED  
PURSUANT TO HOUSE RESOLUTION 264

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the amendment considered as adopted pursuant to H. Res. 264 be further modified as follows: delete sections 302, 303, and 304.

This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NADLER moves to recommit the bill H.R. 2975 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following:

“Section 225. Scope of Provisions

“This title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall apply only to investigations of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code), such that this title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall not apply to violations of either sections 992(a)(1)(A), 922(a)(6), 922(a)(5), 922(m), or 924(a)(1)(A) of title 18, United States Code (pertaining to firearm dealers violations), or first-time non-violent violations of the Controlled Substances Act (as set forth in title 21, United States Code) unless such violations pertain to domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code).”



Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes in support of his motion to recommit.

Mr. NADLER. Mr. Speaker, what this motion to recommit does is to make the provisions of this bill granting extraordinary powers to investigative agencies of governments apply only to extraordinary circumstances, only to investigations of terrorism or potential terrorism.

Mr. Speaker, a month ago, the United States was attacked; and in particular my district was attacked. I know or knew many people who were victims of that horrible attack, and I thirst to repay that attack and to make sure it will not happen again. But we can be attacked in many ways, and one of those attacks is to cause us to invade our own liberties as a reaction to the attack upon us, and that we must prevent.

Speaker after speaker on this floor today has described how this 187-page bill, seen by us only a few hours ago, with no opportunity to really look into it, to send out the text to law professors, to others, to really see the implications and to make intelligent judgments upon it may very well be a danger to many of our liberties.

Well, we have to act in haste, we are told. Why? Because we must prevent acts of terrorism. Let us grant that assumption. Fine. But why should these provisions then extend to anything but terrorism? We can pass the bill today. I will not vote for it, but we can pass the bill today, give our government the powers it says it needs, that the President and the Attorney General say they need to prevent terrorism and to defeat terrorists, but not grant that power with respect to everything else until we have had proper time to look into the question without the haste that this emergency imposes on us. And then we can say that these provisions should or should not, or some should and some should not, be extended to ordinary criminal investigations.

Let the terrorism bill proceed for terrorism now, albeit in haste, albeit hastily drafted, albeit not properly vetted. If that is the will of the body, let it be done for terrorism, but only for terrorism. And let us, for other things where the emergency is not immediate, take our time and do it properly.

So this motion to recommit simply says these extraordinary powers exist for terrorist threats, for investigations of terrorism, and not for others.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I rise and I speak to some in this body who share my view that the Senate bill, arguably, does not go far enough. And I speak to some in this body who recognize the great work that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did to cobble a compromise that everyone can rally around. Those are good reasons for us to step back, go back to the drawing board, and perhaps return with our original bill, if for no other reason than we are going to conference with the other body and it seems insane we are here negotiating with ourselves.

But let us think of some of the things that were in the bill that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) wrote that are not in today. The gentleman from Illinois (Mr. HYDE) offered language that would track money launderers. Out of the bill. I think it should be in. The gentleman from Georgia (Mr. BARR) offered language, and I have trouble saying these words, that I agree with while in terms of tracking security officers. I offered language that was in the bill that would track people who come here on student visas and who overstay their visas and commit acts of violence, at least two of which were in that category that crashed into the World Trade Center in my hometown.

My colleagues, I have been to too many vigils, too many funerals, held too much hands of grieving families in my district to be satisfied with a bill that takes out so many of the provisions that we worked so hard for in the Committee on the Judiciary. There are many reasons why we should offer a motion to recommit, some of which are those which are shared by my colleague, the gentleman from New York (Mr. NADLER), who believes this bill goes too far. But there are also reasons, I say to all of my colleagues, for those who think we have watered down these efforts too far, to put back in some of the thoughtful provisions that the House Committee on the Judiciary put in.

There is no good reason not to recommit. There is going to be a conference on this bill. Why not go in with our strongest possible negotiating position, including the Hyde language, the Barr language, and the Weiner language that I would say would pass this House with 350 votes.

Mr. NADLER. Mr. Speaker, reclaiming my time, I agree with the other distinguished gentleman from New York. There are provisions that go too far in this bill, in my opinion; and there are things that are not in this bill that ought to be, again, after the wonderful work done by the distinguished gentleman from Wisconsin and the distinguished gentleman from Michigan and the committee as a whole, tossed out the window, a new bill, brand new, emergency we are told.

Limit this to the terrorism and let us work regular order, the way this House

ought to proceed, so we may examine whether these powers belong in the general criminal field. There is no emergency we are told about there. The emergency pertains to terrorism, so let us proceed on an emergency basis, which we are doing now, voting for this bill virtually sight unseen, proceed on that emergency basis only for the terrorism emergency. Limit the bill to the terrorism emergency and look at the rest in our own good time.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit should be rejected for the following reason:

In many cases, what begins as an ordinary criminal investigation will end up leading into material relating to how terrorists finance themselves or how terrorists act and further criminal activity as well.

Let me give an example. Last month, the Prime Minister of the United Kingdom, Tony Blair, gave a very eloquent speech to the annual conference of his Labor Party somewhere in England. That speech was covered by C-SPAN. I saw most of it. I hope that many of the other Members did as well. But one of the things that Prime Minister Blair said was that 90 percent of the heroin that is sold in the United Kingdom is sold by Osama bin Laden's front groups, and the money that is used from people who purchase the heroin is used to finance Osama bin Laden's terrorist activities.

□ 1545

Under the motion to recommit by the gentleman from New York, if there is an ordinary, run-of-the-mill drug investigation that might include terrorist activity or might not include terrorist activity, the expanded law enforcement provisions of this bill would not apply until there is evidence that terrorist activity has infiltrated that part of the drug trade.

By the time that evidence comes up, it might be too late, and there might be another terrorist strike that could have been prevented as a result of the increased law enforcement powers that are contained in this bill.

The motion to recommit by the gentleman from New York will not allow law enforcement to expand its scope in time because there would have to be showing of a linkage to international terrorism as defined by this bill. We should reject the motion to recommit simply for that reason. I urge a "no" vote.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 73, nays 345, not voting 12, as follows:

[Roll No. 385]

#### YEAS—73

Berkley	Hastings (FL)	Owens
Berman	Hilliard	Paul
Bonior	Hinchee	Pelosi
Boucher	Hoeffel	Rahall
Brady (PA)	Honda	Rodriguez
Capps	Hoyer	Roybal-Allard
Capuano	Inslee	Rush
Cardin	Jackson (IL)	Sabo
Clay	Jefferson	Sandlin
Clayton	Johnson, E. B.	Scott
Clyburn	Jones (OH)	Sherman
Conyers	Kaptur	Slaughter
Coyne	Kilpatrick	Snyder
Davis (IL)	Kucinich	Solis
DeGette	Lee	Thompson (MS)
Delahunt	Lewis (GA)	Thurman
Dingell	Matsui	Udall (CO)
Engel	McCarthy (MO)	Visclosky
Farr	McCollum	Waters
Fattah	McDermott	Watson (CA)
Filner	McKinney	Watt (NC)
Frost	Mink	Wu
Gephardt	Nadler	Wynn
Gonzalez	Oberstar	
Green (TX)	Oliver	

#### NAYS—345

Ackerman	Clement	Frank
Akin	Coble	Frelinghuysen
Allen	Collins	Gallegly
Andrews	Combest	Ganske
Armey	Condit	Gekas
Baca	Cooksey	Gibbons
Bachus	Costello	Gilchrest
Baird	Cox	Gilman
Baker	Cramer	Goode
Baldacci	Crane	Goodlatte
Baldwin	Crenshaw	Gordon
Ballenger	Crowley	Goss
Barcia	Cubin	Graham
Barr	Culberson	Granger
Barrett	Cummings	Graves
Bartlett	Cunningham	Green (WI)
Bass	Davis (CA)	Greenwood
Becerra	Davis (FL)	Grucci
Bentsen	Davis, Jo Ann	Gutierrez
Bereuter	Davis, Tom	Gutknecht
Berry	Deal	Hall (OH)
Biggart	DeFazio	Hall (TX)
Bilirakis	DeLauro	Hansen
Bishop	DeLay	Hart
Blagojevich	DeMint	Hastings (WA)
Blumenauer	Deutsch	Hayes
Boehlert	Diaz-Balart	Hayworth
Boehner	Dicks	Hefley
Bonilla	Doggett	Herger
Bono	Dooley	Hill
Borski	Doolittle	Hilleary
Boswell	Doyle	Hinojosa
Brady (TX)	Dreier	Hobson
Brown (FL)	Duncan	Hoekstra
Brown (OH)	Dunn	Holden
Brown (SC)	Edwards	Holt
Bryant	Ehlers	Hooley
Burr	Ehrlich	Horn
Burton	Emerson	Hostettler
Buyer	English	Houghton
Callahan	Eshoo	Hulshof
Calvert	Etheridge	Hunter
Camp	Evans	Hyde
Cannon	Everett	Isakson
Cantor	Ferguson	Israel
Capito	Flake	Issa
Carson (IN)	Fletcher	Istook
Carson (OK)	Foley	Jackson-Lee
Castle	Forbes	(TX)
Chabot	Ford	Jenkins
Chambliss	Fossella	John

Johnson (CT)	Moran (VA)	Shadegg
Johnson (IL)	Morella	Shaw
Johnson, Sam	Murtha	Shays
Jones (NC)	Myrick	Sherwood
Kanjorski	Neal	Shimkus
Keller	Nethercutt	Shows
Kelly	Ney	Shuster
Kennedy (MN)	Northup	Simmons
Kennedy (RI)	Norwood	Simpson
Kerns	Nussle	Skeen
Kildee	Obey	Skelton
Kind (WI)	Ortiz	Smith (MI)
King (NY)	Osborne	Smith (NJ)
Kingston	Ose	Smith (TX)
Kirk	Otter	Smith (WA)
Klecza	Oxley	Souder
Knollenberg	Pallone	Spratt
Kolbe	Pascrell	Stark
LaFalce	Pastor	Stearns
LaHood	Payne	Stenholm
Lampson	Pence	Strickland
Langevin	Peterson (MN)	Stump
Lantos	Peterson (PA)	Stupak
Largent	Petri	Sununu
Larsen (WA)	Phelps	Sweeney
Larson (CT)	Pickering	Tancredo
Latham	Pitts	Tanner
LaTourette	Platts	Tauscher
Leach	Pombo	Tauzin
Levin	Pomeroy	Taylor (MS)
Lewis (CA)	Portman	Taylor (NC)
Lewis (KY)	Price (NC)	Terry
Linder	Pryce (OH)	Thomas
Lipinski	Putnam	Thompson (CA)
LoBiondo	Radanovich	Thornberry
Lofgren	Ramstad	Thune
Lowe	Rangel	Tiahrt
Lucas (KY)	Regula	Tiberi
Lucas (OK)	Rehberg	Tierney
Luther	Reyes	Toomey
Maloney (CT)	Reynolds	Trafigant
Maloney (NY)	Riley	Turner
Manzullo	Rivers	Udall (NM)
Markey	Roemer	Upton
Mascara	Rogers (KY)	Velazquez
Matheson	Rogers (MI)	Vitter
McCarthy (NY)	Rohrabacher	Walden
McCrery	Ros-Lehtinen	Walsh
McGovern	Ross	Wamp
McInnis	Rothman	Watkins (OK)
McIntyre	Roukema	Watts (OK)
McKeon	Royce	Waxman
McNulty	Ryan (WI)	Weiner
Meehan	Ryun (KS)	Weldon (FL)
Meek (FL)	Sanchez	Weldon (PA)
Meeks (NY)	Sanders	Weller
Menendez	Sawyer	Wexler
Mica	Saxton	Whitfield
Millender	Schaffer	Wicker
McDonald	Schakowsky	Wilson
Miller, Gary	Schiff	Wolf
Miller, George	Schrock	Woolsey
Mollohan	Sensenbrenner	Young (AK)
Moore	Serrano	Young (FL)
Moran (KS)	Sessions	

#### NOT VOTING—12

Abercrombie	Boyd	Miller (FL)
Aderholt	Gillmor	Napolitano
Barton	Harman	Quinn
Blunt	McHugh	Towns

□ 1618

Ms. LOFGREN, Messrs. GILMAN, KIND, MCGOVERN, TANCREDO, BERRY, WEINER, GEORGE MILLER of California, KLECZKA, BLUMENAUER, Ms. BALDWIN, Messrs. MOLLOHAN, CROWLEY, RANGEL, NEAL of Massachusetts, Ms. RIVERS, Mr. SPRATT, Ms. HOOLEY of Oregon, Messrs. MATHESON, LIPINSKI, BORSKI, STRICKLAND, MCNULTY, Mrs. LOWEY, Mrs. TAUSCHER, Messrs. BARCIA, KILDEE, CUMMINGS, DOOLEY of California, PASTOR, COSTELLO, MEEKS of New York, GORDON, MOORE, LANGEVIN, WAXMAN, DEFazio, HOLT, PALLONE, ROTHMAN, ROSS, Ms. VELAZQUEZ, Mr. LEVIN, Mr. BACA, Ms. BROWN of Florida, Messrs. DUNCAN, PETERSON of Minnesota, STUPAK, Ms. CARSON of Indiana, Messrs.

ETHERIDGE, MENENDEZ, BENTSEN, PRICE of North Carolina, Ms. MILLENDER-MCDONALD, Messrs. TANNER, PAYNE, SANDERS, HILL, GUTIERREZ, Mrs. MALONEY of New York, Mr. BLAGOJEVICH, Mr. BECERRA, Ms. JACKSON-LEE of Texas, Messrs. CLEMENT, LARSON of Connecticut, LANTOS, STARK, MARKEY, Ms. DELAURO, Mr. UDALL of New Mexico, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. WOOLSEY, Mr. EVANS, Mr. ORTIZ, Ms. ESHOO, Mr. BALDACCI, Mr. ALLEN, Ms. SANCHEZ, Mrs. DAVIS of California, Messrs. CONDIT, REYES, LAMPSON, THOMPSON of California, ACKERMAN and HINOJOSA changed their vote from “yea” to “nay.”

Mrs. CLAYTON, Mr. McDERMOTT, Ms. LEE, Mr. OLVER, Ms. SOLIS and Ms. ROYBAL-ALLARD changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 79, answered “present” 1, not voting 14, as follows:

[Roll No. 386]

#### YEAS—337

Akin	Capito	Edwards
Allen	Capps	Ehlers
Andrews	Cardin	Ehrlich
Armey	Carson (IN)	Emerson
Baca	Carson (OK)	Engel
Bachus	Castle	English
Baird	Chabot	Eshoo
Baker	Chambliss	Etheridge
Baldacci	Clay	Evans
Ballenger	Clement	Everett
Barcia	Coble	Fattah
Barr	Collins	Ferguson
Bartlett	Combest	Flake
Bass	Condit	Fletcher
Bentsen	Cooksey	Foley
Bereuter	Costello	Forbes
Berkley	Cox	Ford
Berman	Cramer	Fossella
Berry	Crane	Frelinghuysen
Biggart	Crenshaw	Frost
Bilirakis	Crowley	Gallegly
Bishop	Cubin	Ganske
Blagojevich	Culberson	Gekas
Boehlert	Cunningham	Gephardt
Boehner	Davis (CA)	Gibbons
Bonilla	Davis (FL)	Gilchrest
Bono	Davis, Jo Ann	Gilman
Borski	Davis, Tom	Gonzalez
Boswell	Deal	Goode
Brady (PA)	DeLauro	Goodlatte
Brady (TX)	DeLay	Gordon
Brown (FL)	DeMint	Goss
Brown (SC)	Deutsch	Graham
Bryant	Diaz-Balart	Granger
Burr	Dicks	Graves
Burton	Dingell	Green (TX)
Buyer	Dooley	Green (WI)
Callahan	Doolittle	Greenwood
Calvert	Doyle	Grucci
Camp	Dreier	Gutierrez
Cannon	Duncan	Gutknecht
Cantor	Dunn	Hall (OH)

Hall (TX)	Manzullo	Schaffer
Hansen	Mascara	Schiff
Hart	Matheson	Schrock
Hastert	Matsui	Sensenbrenner
Hastings (WA)	McCarthy (MO)	Sessions
Hayes	McCarthy (NY)	Shadegg
Hayworth	McCollum	Shaw
Hefley	McCrery	Sha's
Herger	McInnis	Sherman
Hill	McIntyre	Sherwood
Hilleary	McKeon	Shimkus
Hinojosa	McNulty	Shows
Hobson	Meehan	Shuster
Hoeffel	Menendez	Simmons
Hoekstra	Mica	Simpson
Holden	Miller, Gary	Skeen
Holt	Mollohan	Skelton
Hooley	Moore	Slaughter
Horn	Moran (KS)	Smith (MI)
Hostettler	Moran (VA)	Smith (NJ)
Houghton	Morella	Smith (TX)
Hoyer	Murtha	Smith (WA)
Hulshof	Myrick	Snyder
Hunter	Neal	Souder
Hyde	Nethercutt	Spratt
Inslee	Ney	Stearns
Isakson	Northup	Stenholm
Israel	Norwood	Strickland
Issa	Nussle	Stump
Istook	Ortiz	Stupak
Jenkins	Osborne	Sununu
John	Ose	Sweeney
Johnson (CT)	Oxley	Tancredo
Johnson (IL)	Pallone	Tanner
Johnson, Sam	Pascarell	Tauscher
Jones (NC)	Pelosi	Tauzin
Kanjorski	Pence	Taylor (MS)
Keller	Peterson (PA)	Taylor (NC)
Kelly	Petri	Terry
Kennedy (MN)	Phelps	Thomas
Kennedy (RI)	Pickering	Thompson (CA)
Kerns	Pitts	Thornberry
Kildee	Platts	Thune
Kind (WI)	Pombo	Thurman
King (NY)	Pomeroy	Tiahrt
Kingston	Portman	Tiberi
Kirk	Price (NC)	Toomey
Knollenberg	Pryce (OH)	Trafficant
Kolbe	Putnam	Turner
LaFalce	Radanovich	Upton
Lampson	Ramstad	Vitter
Langevin	Regula	Walden
Lantos	Rehberg	Walsh
Largent	Reyes	Wamp
Larsen (WA)	Reynolds	Watkins (OK)
Larson (CT)	Riley	Watts (OK)
Latham	Rodriguez	Waxman
LaTourette	Roemer	Weiner
Leach	Rogers (KY)	Weldon (FL)
Levin	Rogers (MI)	Weldon (PA)
Lewis (KY)	Rohrabacher	Weller
Linder	Ros-Lehtinen	Wexler
Lipinski	Ross	Whitfield
LoBiondo	Rothman	Wicker
Lofgren	Royce	Wilson
Lowey	Ryan (WI)	Wolf
Lucas (KY)	Ryun (KS)	Wynn
Lucas (OK)	Sanchez	Young (AK)
Luther	Sandlin	Young (FL)
Maloney (CT)	Sawyer	
Maloney (NY)	Saxton	

## NAYS—79

Ackerman	Jackson (IL)	Otter
Baldwin	Jackson-Lee	Owens
Barrett	(TX)	Pastor
Becerra	Jefferson	Paul
Blumenauer	Johnson, E. B.	Payne
Bonior	Jones (OH)	Peterson (MN)
Boucher	Kaptur	Rahall
Brown (OH)	Kilpatrick	Rangel
Capuano	Kleczka	Rivers
Clayton	Kucinich	Roybal-Allard
Clyburn	LaHood	Rush
Conyers	Lee	Sabo
Coyne	Lewis (GA)	Sanders
Cummings	Markey	Schakowsky
Davis (IL)	McDermott	Scott
DeFazio	McGovern	Serrano
DeGette	McKinney	Solis
Delahunt	Meek (FL)	Stark
Doggett	Meeks (NY)	Thompson (MS)
Farr	Millender	Tierney
Filner	McDonald	Udall (CO)
Frank	Miller, George	Udall (NM)
Hastings (FL)	Mink	Velazquez
Hilliard	Nadler	
Hinchey	Oberstar	
Honda	Oliver	

Visclosky	Watson (CA)	Woolsey
Waters	Watt (NC)	Wu

## ANSWERED "PRESENT"—1

Obey

## NOT VOTING—14

Abercrombie	Gillmor	Napolitano
Aderholt	Harman	Quinn
Barton	Lewis (CA)	Roukema
Blunt	McHugh	Towns
Boyd	Miller (FL)	

## □ 1626

Mr. HONDA and Mr. BECERRA changed their vote from "yea" to "nay."

Ms. CARSON of Indiana changed her vote from "present" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes."

A motion to reconsider was laid on the table.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2975, PATRIOT ACT OF 2001

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2975, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring the schedule for the remainder of the week and next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield, I thank the gentleman.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business next Tuesday, October 16, at 12:30 p.m. for morning hour, and at 2 p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Of special importance to Members, on Tuesday, no recorded votes are expected until 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules:

First, on Wednesday, the conference report to accompany H.R. 2217, the In-

terior appropriations bill for fiscal year 2002. Also on Wednesday, H.R. 3004, the Financial Anti-Terrorism Act of 2001, which is money laundering legislation reported out of committee yesterday.

## □ 1630

Finally, on Thursday the House is expected to take up H.R. 3090, the Economic Security and Recovery Act of 2001, which is expected to be reported out of the Committee on Ways and Means yet this afternoon or this evening.

Mr. Speaker, appropriators are also working hard on additional bills now in conference. It is our hope that additional appropriations conference reports will be available for consideration in the House at some point next week.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from Ohio if the aviation security bill is coming to the floor next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, we are hopeful it will come to the floor next week. We are still working on this legislation. The gentleman from Florida (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and others are working on it. We want to take this bill up with some urgency, but we cannot give the gentleman a firm time at this point.

Mr. BONIOR. Mr. Speaker, let me just say this. We have been very patient here. I have been raising this issue each week at the end of the week with a colloquy with the distinguished majority leader about the aviation security bill, and about the compensation bill for those who were laid off. Every week we have been told, well, we are working on that. We are working on it.

While we are working on it, the American people want some security in their flights. They want to know that their baggage is going to be checked. They want to know that there is a federally-secured inspection system in place. They want to know all of these things.

I must say, with all due respect, we are running out of patience, and I think the American people are running out of patience. That bill ought to have been brought to the floor today. It passed the Senate 100 to 0. There is no reason why we keep delaying and delaying.

So I want to encourage my friend, the gentleman from Ohio, and my colleagues on the other side of the aisle, have that bill on the floor as soon as we get back here next week. The American people are ready for it; we are ready for it on our side. I know Members on the gentleman's side are ready for it. There is no reason to continue to delay this important legislation.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.