

107TH CONGRESS
1ST SESSION

H. R. 2975

To combat terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

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

A BILL

To combat terrorism, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 SEC. 2. TABLE OF CONTENTS.

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

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

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

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

Subtitle B—Foreign Intelligence Surveillance and Other Information

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

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

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

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

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

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

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

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

Subtitle B—Criminal Procedure

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

TITLE IV—FINANCIAL INFRASTRUCTURE

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

TITLE V—EMERGENCY AUTHORIZATIONS

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

TITLE VI—DAM SECURITY

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

TITLE VII—MISCELLANEOUS

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

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

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

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

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

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

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

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

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

4 (b) ISSUANCE OF ORDERS.—

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

8 “(a) IN GENERAL.—

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

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

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

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

8 (A) in subparagraph (A)—

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

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

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

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

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

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

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

9 (c) DEFINITIONS.—

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

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

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

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

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

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

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

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

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

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

21 (A) by striking “and”; and

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

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

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

6 Title 18, United States Code, is amended—

7 (1) in section 2510—

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

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

12 (2) in section 2703—

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) in section 2510—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (5) in subsection (b)(6)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) in subsection (c)(1)—

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

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

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

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

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

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

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

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

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

22 **SEC. 111. USE AS EVIDENCE.**

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

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

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

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

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

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

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

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

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

3 (2) in subsection (10)—

4 (A) in paragraph (a)—

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

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

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

15 (B) by striking paragraph (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) in paragraph (2)—

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

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

21 (3) by striking paragraph (3).

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

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

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

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

16 “(b) Each application under this section—

17 “(1) shall be made to—

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

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

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

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

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

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

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

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

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

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

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

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

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

“502. Congressional oversight.”.

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

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

7 (1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subparagraph (A)—

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

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

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

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

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

18 (3) in subparagraph (B)—

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

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

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

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

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

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

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

16 **SEC. 160. SUNSET.**

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

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

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

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

13 (1) in clause (i)—

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

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

19 “(IV) is a representative of—

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

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

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

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

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

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

21 (2) in clause (ii)—

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

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

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

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

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

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

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

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

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

21 “(a) a terrorist activity;

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

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

7 “(V) to solicit any individual—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 eliminate terrorist activities, terrorist
2 activity; or

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

13 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in paragraph (1)—

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

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

16 (2) in paragraph (2)—

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

19 “(A) NOTICE.—

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

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

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

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

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

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

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

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

6 (5) in paragraph (6)—

7 (A) in subparagraph (A)—

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

12 (ii) in clause (i)—

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) the grounds for such certifications;

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

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

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

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

17 (B) were removed;

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

20 or

21 (D) were released from detention.

22 **SEC. 204. MULTILATERAL COOPERATION AGAINST TERROR-**
23 **ISTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 There are authorized to be appropriated—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) ALIENS DESCRIBED.—

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

4 (A) the alien was the beneficiary of—

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

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

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

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

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

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

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

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

13 (2) SPOUSES AND CHILDREN.—

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

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

19 (ii) the alien—

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) ALIENS DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) DIVERSITY IMMIGRANTS.—

6 (1) WAIVER OF FISCAL YEAR LIMITATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **SEC. 218. DEFINITIONS.**

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

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

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

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

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

1 **“§ 3286. Terrorism offenses**

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

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

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

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

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

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

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

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

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

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

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

“3286. Terrorism offenses.”.

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

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

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

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

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

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

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

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

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

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

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

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

“2332c. Attempts and conspiracies.”.

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

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

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

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

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

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

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

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

13 (1) in section 175—

14 (A) in subsection (b)—

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

17 “(1) the”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(3) is a fugitive from justice;

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

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

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

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

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

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

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

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

“175b. Possession by restricted persons.”.

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

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

5 (1) in subsection (a)—

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

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

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

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

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

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

18 “Whoever harbors or conceals any person who he
19 knows has committed, or is about to commit, an offense
20 described in section 25(2) or this title shall be fined under
21 this title or imprisoned not more than ten years or both.
22 There is extraterritorial Federal jurisdiction over any vio-
23 lation of this section or any conspiracy or attempt to vio-
24 late this section. A violation of this section or of such a
25 conspiracy or attempt may be prosecuted in any Federal
26 judicial district in which the underlying offense was com-

mitted, 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),

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

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

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

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

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

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

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

“25. Federal terrorism offense defined.”.

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

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

15 (1) in paragraph (1)(B)—

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **Subtitle B—Criminal Procedure**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 354. EXTRATERRITORIALITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(C) TERRORIST ACTIVITIES, ETC.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) CONFORMING AMENDMENTS.—

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

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

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

11 The matter under the headings “Immigration And

12 Naturalization Service: Salaries and Expenses, Enforce-

13 ment And Border Affairs and Immigration And Natu-

14 ralization Service: Salaries and Expenses, Citizenship And

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

16 partment of Justice Appropriations Act, 2001 (as enacted

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

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

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

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

21 ralization Service shall be available to pay any employee

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

23 the calendar year beginning January 1, 2001:”.

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

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

5 (1) in subsection (b)—

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

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

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

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

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

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

22 “(1) AMOUNT OF AWARD.—

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

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

6 “(4) The Secretary may—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **TITLE VII—MISCELLANEOUS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

○