

106TH CONGRESS  
1ST SESSION

# S. 1754

To deny safe havens to international and war criminals, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 1999

Mr. HATCH (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To deny safe havens to international and war criminals,  
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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Denying Safe Havens to International and War Crimi-  
6 nals Act of 1999”.

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

Sec. 1. Short title; table of contents.

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL  
CRIMINALS

- Sec. 101. Extradition for offenses not covered by a list treaty.  
 Sec. 102. Technical and conforming amendments.  
 Sec. 103. Temporary transfer of persons in custody for prosecution.  
 Sec. 104. Prohibiting fugitives from benefiting from fugitive status.  
 Sec. 105. Transfer of foreign prisoners to serve sentences in country of origin.  
 Sec. 106. Transit of fugitives for prosecution in foreign countries.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FIGHT  
 AGAINST INTERNATIONAL CRIME

- Sec. 201. Streamlined procedures for execution of MLAT requests.  
 Sec. 202. Temporary transfer of incarcerated witnesses.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

- Sec. 301. Inadmissibility and removability of aliens who have committed acts of torture abroad.  
 Sec. 302. Establishment of the Office of Special Investigations.

1 **TITLE I—DENYING SAFE HAVENS**  
 2 **TO INTERNATIONAL CRIMINALS**

3 **SEC. 101. EXTRADITION FOR OFFENSES NOT COVERED BY A**  
 4 **LIST TREATY.**

5 Chapter 209 of title 18, United States Code, is  
 6 amended by adding at the end the following:

7 **“§ 3197. Extradition for offenses not covered by a list**  
 8 **treaty**

9 “(a) **SERIOUS OFFENSE DEFINED.**—In this section,  
 10 the term ‘serious offense’ means conduct that would be—

11 “(1) an offense described in any multilateral  
 12 treaty to which the United States is a party that ob-  
 13 ligates parties—

14 “(A) to extradite alleged offenders found  
 15 in the territory of the parties; or

16 “(B) submit the case to the competent au-  
 17 thorities of the parties for prosecution; or

1           “(2) conduct that, if that conduct occurred in  
2 the United States, would constitute—

3           “(A) a crime of violence (as defined in sec-  
4 tion 16);

5           “(B) the distribution, manufacture, impor-  
6 tation, or exportation of a controlled substance  
7 (as defined in section 201 of the Controlled  
8 Substances Act (21 U.S.C. 802));

9           “(C) bribery of a public official or mis-  
10 appropriation, embezzlement, or theft of public  
11 funds by or for the benefit of a public official;

12           “(D) obstruction of justice, including pay-  
13 ment of bribes to jurors or witnesses;

14           “(E) the laundering of monetary instru-  
15 ments, as described in section 1956, if the value  
16 of the monetary instruments involved exceeds  
17 \$100,000;

18           “(F) fraud, theft, embezzlement, or com-  
19 mercial bribery if the aggregate value of prop-  
20 erty that is the object of all of the offenses re-  
21 lated to the conduct exceeds \$100,000;

22           “(G) counterfeiting, if the obligations, se-  
23 curities, or other items counterfeited have an  
24 apparent value that exceeds \$100,000;

1           “(H) a conspiracy or attempt to commit  
2           any of the offenses described in any of subpara-  
3           graphs (A) through (G), or aiding and abetting  
4           a person who commits any such offense; or

5           “(I) a crime against children under chap-  
6           ter 109A or section 2251, 2251A, 2252, or  
7           2252A.

8           “(b) AUTHORIZATION OF FILING.—

9           “(1) IN GENERAL.—If a foreign government  
10          makes a request for the extradition of a person who  
11          is charged with or has been convicted of an offense  
12          within the jurisdiction of that foreign government,  
13          and an extradition treaty between the United States  
14          and the foreign government is in force, but the trea-  
15          ty does not provide for extradition for the offense  
16          with which the person has been charged or for which  
17          the person has been convicted, the Attorney General  
18          may authorize the filing of a complaint for extra-  
19          dition pursuant to subsections (c) and (d).

20          “(2) FILING OF COMPLAINTS.—

21                 “(A) IN GENERAL.—A complaint author-  
22                 ized under paragraph (1) shall be filed pursu-  
23                 ant to section 3184.

24                 “(B) PROCEDURES.—With respect to a  
25                 complaint filed under paragraph (1), the proce-

1           dures contained in sections 3184 and 3186 and  
2           the terms of the relevant extradition treaty  
3           shall apply as if the offense were a crime pro-  
4           vided for by the treaty, in a manner consistent  
5           with section 3184.

6           “(c) CRITERIA FOR AUTHORIZATION OF COM-  
7    PLAINTS.—

8           “(1) IN GENERAL.—The Attorney General may  
9           authorize the filing of a complaint under subsection  
10          (b) only upon a certification—

11                  “(A) by the Attorney General, that in the  
12                  judgment of the Attorney General—

13                          “(i) the offense for which extradition  
14                          is sought is a serious offense; and

15                          “(ii) submission of the extradition re-  
16                          quest would be important to the law en-  
17                          forcement interests of the United States or  
18                          otherwise in the interests of justice; and

19                  “(B) by the Secretary of State, that in the  
20                  judgment of the Secretary of State, submission  
21                  of the request would be consistent with the for-  
22                  eign policy interests of the United States.

23           “(2) FACTORS FOR CONSIDERATION.—In mak-  
24           ing any certification under paragraph (1)(B), the  
25           Secretary of State may consider whether the facts

1 and circumstances of the request then known appear  
2 likely to present any significant impediment to the  
3 ultimate surrender of the person who is the subject  
4 of the request for extradition, if that person is found  
5 to be extraditable.

6 “(d) CASES OF URGENCY.—

7 “(1) IN GENERAL.—In any case of urgency, the  
8 Attorney General may, with the concurrence of the  
9 Secretary of State and before any formal certifi-  
10 cation under subsection (c), authorize the filing of a  
11 complaint seeking the provisional arrest and deten-  
12 tion of the person sought for extradition before the  
13 receipt of documents or other proof in support of the  
14 request for extradition.

15 “(2) APPLICABILITY OF RELEVANT TREATY.—

16 With respect to a case described in paragraph (1),  
17 a provision regarding provisional arrest in the rel-  
18 evant treaty shall apply.

19 “(3) FILING AND EFFECT OF FILING OF COM-  
20 PLAINTS.—

21 “(A) IN GENERAL.—A complaint author-  
22 ized under this subsection shall be filed in the  
23 same manner as provided in section 3184.

24 “(B) ISSUANCE OF ORDERS.—Upon the fil-  
25 ing of a complaint under this subsection, the

1 appropriate judicial officer may issue an order  
2 for the provisional arrest and detention of the  
3 person as provided in section 3184.

4 “(e) CONDITIONS OF SURRENDER; ASSURANCES.—

5 “(1) IN GENERAL.—Before issuing a warrant of  
6 surrender under section 3184 or 3186, the Secretary  
7 of State may—

8 “(A) impose conditions upon the surrender  
9 of the person that is the subject of the warrant;  
10 and

11 “(B) require those assurances of compli-  
12 ance with those conditions as are determined by  
13 the Secretary to be appropriate.

14 “(2) ADDITIONAL ASSURANCES.—

15 “(A) IN GENERAL.—In addition to impos-  
16 ing conditions and requiring assurances under  
17 paragraph (1), the Secretary of State shall de-  
18 mand, as a condition of the extradition of the  
19 person in every case, an assurance described in  
20 subparagraph (B) that the Secretary deter-  
21 mines to be satisfactory.

22 “(B) DESCRIPTION OF ASSURANCES.—An  
23 assurance described in this subparagraph is an  
24 assurance that the person that is sought for ex-  
25 tradition shall not be tried or punished for an

1 offense other than that for which the person  
 2 has been extradited, absent the consent of the  
 3 United States.”.

4 **SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) IN GENERAL.—Chapter 209 of title 18, United  
 6 States Code, is amended—

7 (1) in section 3181, by inserting “, other than  
 8 sections 3197 and 3198,” after “The provisions of  
 9 this chapter” each place that term appears; and

10 (2) in section 3186, by striking “or 3185” and  
 11 inserting “, 3185, 3197, or 3198”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 13 ter 209 of title 18, United States Code, is amended by  
 14 adding at the end the following:

“3197. Extradition for offenses not covered by a list treaty.

“3198. Extradition absent a treaty.”.

15 **SEC. 103. TEMPORARY TRANSFER OF PERSONS IN CUSTODY**  
 16 **FOR PROSECUTION.**

17 (a) IN GENERAL.—Chapter 306 of title 18, United  
 18 States Code, is amended by adding at the end the fol-  
 19 lowing:

20 **“§ 4116. Temporary transfer for prosecution**

21 “(a) STATE DEFINED.—In this section, the term  
 22 ‘State’ includes a State of the United States, the District  
 23 of Columbia, and a commonwealth, territory, or possession  
 24 of the United States.



1       “(b) AUTHORITY OF ATTORNEY GENERAL WITH RE-  
2 SPECT TO TEMPORARY TRANSFERS.—

3           “(1) IN GENERAL.—Subject to subsection (d),  
4 if a person is in pretrial detention or is otherwise  
5 being held in custody in a foreign country based  
6 upon a violation of the law in that foreign country,  
7 and that person is found extraditable to the United  
8 States by the competent authorities of that foreign  
9 country while still in the pretrial detention or cus-  
10 tody, the Attorney General shall have the  
11 authority—

12           “(A) to request the temporary transfer of  
13 that person to the United States in order to  
14 face prosecution in a Federal or State criminal  
15 proceeding;

16           “(B) to maintain the custody of that per-  
17 son while the person is in the United States;  
18 and

19           “(C) to return that person to the foreign  
20 country at the conclusion of the criminal pros-  
21 ecution, including any imposition of sentence.

22           “(2) REQUIREMENTS FOR REQUESTS BY AT-  
23 TORNEY GENERAL.—The Attorney General shall  
24 make a request under paragraph (1) only if the At-  
25 torney General determines, after consultation with

1 the Secretary of State, that the return of that per-  
2 son to the foreign country in question would be con-  
3 sistent with international obligations of the United  
4 States.

5 “(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-  
6 SPECT TO PRETRIAL DETENTIONS.—

7 “(1) IN GENERAL.—

8 “(A) AUTHORITY OF ATTORNEY GEN-  
9 ERAL.—Subject to paragraph (2) and sub-  
10 section (d), the Attorney General shall have the  
11 authority to carry out the actions described in  
12 subparagraph (B), if—

13 “(i) a person is in pretrial detention  
14 or is otherwise being held in custody in the  
15 United States based upon a violation of  
16 Federal or State law, and that person is  
17 found extraditable to a foreign country  
18 while still in the pretrial detention or cus-  
19 tody pursuant to section 3184, 3197, or  
20 3198; and

21 “(ii) a determination is made by the  
22 Secretary of State and the Attorney Gen-  
23 eral that the person will be surrendered.

1           “(B) ACTIONS.—If the conditions de-  
2           scribed in subparagraph (A) are met, the Attor-  
3           ney General shall have the authority to—

4                   “(i) temporarily transfer the person  
5                   described in subparagraph (A) to the for-  
6                   eign country of the foreign government re-  
7                   questing the extradition of that person in  
8                   order to face prosecution;

9                   “(ii) transport that person from the  
10                  United States in custody; and

11                  “(iii) return that person in custody to  
12                  the United States from the foreign coun-  
13                  try.

14           “(2) CONSENT BY STATE AUTHORITIES.—If the  
15           person is being held in custody for a violation of  
16           State law, the Attorney General may exercise the au-  
17           thority described in paragraph (1) if the appropriate  
18           State authorities give their consent to the Attorney  
19           General.

20           “(3) CRITERION FOR REQUEST.—The Attorney  
21           General shall make a request under paragraph (1)  
22           only if the Attorney General determines, after con-  
23           sultation with the Secretary of State, that the return  
24           of the person sought for extradition to the foreign  
25           country of the foreign government requesting the ex-

1 tradition would be consistent with United States  
2 international obligations.

3 “(4) EFFECT OF TEMPORARY TRANSFER.—

4 With regard to any person in pretrial detention—

5 “(A) a temporary transfer under this sub-  
6 section shall result in an interruption in the  
7 pretrial detention status of that person; and

8 “(B) the right to challenge the conditions  
9 of confinement pursuant to section 3142(f) does  
10 not extend to the right to challenge the condi-  
11 tions of confinement in a foreign country while  
12 in that foreign country temporarily under this  
13 subsection.

14 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-  
15 ING OF WHETHER A PERSON IS EXTRADITABLE.—The  
16 Attorney General may exercise the authority described in  
17 subsections (b) and (c) absent a prior finding that the per-  
18 son in custody is extraditable, if the person, any appro-  
19 priate State authorities in a case under subsection (c), and  
20 the requesting foreign government give their consent to  
21 waive that requirement.

22 “(e) RETURN OF PERSONS.—

23 “(1) IN GENERAL.—If the temporary transfer  
24 to or from the United States of a person in custody  
25 for the purpose of prosecution is provided for by this

1 section, that person shall be returned to the United  
 2 States or to the foreign country from which the per-  
 3 son is transferred on completion of the proceedings  
 4 upon which the transfer was based.

5 “(2) STATUTORY INTERPRETATION WITH RE-  
 6 SPECT TO IMMIGRATION LAWS.—In no event shall  
 7 the return of a person under paragraph (1) require  
 8 extradition proceedings or proceedings under the im-  
 9 migration laws.

10 “(3) CERTAIN RIGHTS AND REMEDIES  
 11 BARRED.—Notwithstanding any other provision of  
 12 law, a person temporarily transferred to the United  
 13 States pursuant to this section shall not be entitled  
 14 to apply for or obtain any right or remedy under the  
 15 Immigration and Nationality Act (8 U.S.C. 1101 et  
 16 seq.), including the right to apply for or be granted  
 17 asylum or withholding of deportation.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 19 ter 306 of title 18, United States Code, is amended by  
 20 adding at the end the following:

“4116. Temporary transfer for prosecution.”.

21 **SEC. 104. PROHIBITING FUGITIVES FROM BENEFITING**  
 22 **FROM FUGITIVE STATUS.**

23 (a) IN GENERAL.—Chapter 163 of title 28, United  
 24 States Code, is amended by adding at the end the fol-  
 25 lowing:

1 **“§ 2466. Fugitive disentitlement**

2 “A person may not use the resources of the courts  
3 of the United States in furtherance of a claim in any re-  
4 lated civil forfeiture action or a claim in third party pro-  
5 ceedings in any related criminal forfeiture action if that  
6 person—

7 “(1) purposely leaves the jurisdiction of the  
8 United States;

9 “(2) declines to enter or reenter the United  
10 States to submit to its jurisdiction; or

11 “(3) otherwise evades the jurisdiction of the  
12 court in which a criminal case is pending against the  
13 person.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-  
15 ter 163 of title 28, United States Code, is amended by  
16 adding at the end the following:

“2466. Fugitive disentitlement.”.

17 **SEC. 105. TRANSFER OF FOREIGN PRISONERS TO SERVE**  
18 **SENTENCES IN COUNTRY OF ORIGIN.**

19 Section 4100(b) of title 18, United States Code, is  
20 amended in the third sentence by striking “An offender”  
21 and inserting “Unless otherwise provided by treaty, an of-  
22 fender”.

1 **SEC. 106. TRANSIT OF FUGITIVES FOR PROSECUTION IN**  
2 **FOREIGN COUNTRIES.**

3 (a) IN GENERAL.—Chapter 305 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 4087. Transit through the United States of persons**  
7 **wanted in a foreign country**

8 “(a) IN GENERAL.—The Attorney General may, in  
9 consultation with the Secretary of State, permit the tem-  
10 porary transit through the United States of a person  
11 wanted for prosecution or imposition of sentence in a for-  
12 eign country.

13 “(b) LIMITATION ON JUDICIAL REVIEW.—A deter-  
14 mination by the Attorney General to permit or not to per-  
15 mit a temporary transit described in subsection (a) shall  
16 not be subject to judicial review.

17 “(c) CUSTODY.—If the Attorney General permits a  
18 temporary transit under subsection (a), Federal law en-  
19 forcement personnel may hold the person subject to that  
20 transit in custody during the transit of the person through  
21 the United States.

22 “(d) CONDITIONS APPLICABLE TO PERSONS SUB-  
23 JECT TO TEMPORARY TRANSIT.—Notwithstanding any  
24 other provision of law, a person who is subject to a tem-  
25 porary transit through the United States under this sec-  
26 tion shall—

1           “(1) be required to have only such documents  
2 as the Attorney General shall require;

3           “(2) not be considered to be admitted or pa-  
4 roled into the United States; and

5           “(3) not be entitled to apply for or obtain any  
6 right or remedy under the Immigration and Nation-  
7 ality Act (8 U.S.C. 1101 et seq.), including the right  
8 to apply for or be granted asylum or withholding of  
9 deportation.”.

10       (b) CLERICAL AMENDMENT.—The analysis for chap-  
11 ter 305 of title 18, United States Code, is amended by  
12 adding at the end the following:

“4087. Transit through the United States of persons wanted in a foreign coun-  
try.”.

13 **TITLE II—PROMOTING GLOBAL**  
14 **COOPERATION IN THE FIGHT**  
15 **AGAINST INTERNATIONAL**  
16 **CRIME**

17 **SEC. 201. STREAMLINED PROCEDURES FOR EXECUTION OF**  
18 **MLAT REQUESTS.**

19       (a) IN GENERAL.—Chapter 117 of title 28, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing:

22 **“§ 1785. Assistance to foreign authorities**

23       “(a) IN GENERAL.—



1           “(1) PRESENTATION OF REQUESTS.—The At-  
2           torney General may present a request made by a  
3           foreign government for assistance with respect to a  
4           foreign investigation, prosecution, or proceeding re-  
5           garding a criminal matter pursuant to a treaty, con-  
6           vention, or executive agreement for mutual legal as-  
7           sistance between the United States and that govern-  
8           ment or in accordance with section 1782, the execu-  
9           tion of which requires or appears to require the use  
10          of compulsory measures in more than 1 judicial dis-  
11          trict, to a judge or judge magistrate of—

12                   “(A) any 1 of the districts in which per-  
13                   sons who may be required to appear to testify  
14                   or produce evidence or information reside or are  
15                   found, or in which evidence or information to be  
16                   produced is located; or

17                   “(B) the United States District Court for  
18                   the District of Columbia.

19           “(2) AUTHORITY OF COURT.—A judge or judge  
20           magistrate to whom a request for assistance is pre-  
21           sented under paragraph (1) shall have the authority  
22           to issue those orders necessary to execute the re-  
23           quest including orders appointing a person to direct  
24           the taking of testimony or statements and the pro-  
25           duction of evidence or information, of whatever na-

1       ture and in whatever form, in execution of the re-  
2       quest.

3       “(b) AUTHORITY OF APPOINTED PERSONS.—A per-  
4       son appointed under subsection (a)(2) shall have the au-  
5       thority to—

6               “(1) issue orders for the taking of testimony or  
7       statements and the production of evidence or infor-  
8       mation, which orders may be served at any place  
9       within the United States;

10              “(2) administer any necessary oath; and

11              “(3) take testimony or statements and receive  
12       evidence and information.

13       “(c) PERSONS ORDERED TO APPEAR.—A person or-  
14       dered pursuant to subsection (b)(1) to appear outside the  
15       district in which that person resides or is found may, not  
16       later than 10 days after receipt of the order—

17              “(1) file with the judge or judge magistrate who  
18       authorized execution of the request a motion to ap-  
19       pear in the district in which that person resides or  
20       is found or in which the evidence or information is  
21       located; or

22              “(2) provide written notice, requesting appear-  
23       ance in the district in which the person resides or  
24       is found or in which the evidence or information is  
25       located, to the person issuing the order to appear,

1 who shall advise the judge or judge magistrate au-  
 2 thorizing execution.

3 “(d) TRANSFER OF REQUESTS.—

4 “(1) IN GENERAL.—The judge or judge mag-  
 5 istrate may transfer a request under subsection (c),  
 6 or that portion requiring the appearance of that per-  
 7 son, to the other district if—

8 “(A) the inconvenience to the person is  
 9 substantial; and

10 “(B) the transfer is unlikely to adversely  
 11 affect the effective or timely execution of the re-  
 12 quest or a portion thereof.

13 “(2) EXECUTION.—Upon transfer, the judge or  
 14 judge magistrate to whom the request or a portion  
 15 thereof is transferred shall complete its execution in  
 16 accordance with subsections (a) and (b).”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 18 ter 117 of title 28, United States Code, is amended by  
 19 adding at the end the following:

“1785. Assistance to foreign authorities.”.

20 **SEC. 202. TEMPORARY TRANSFER OF INCARCERATED WIT-**  
 21 **NESSES.**

22 (a) IN GENERAL.—Section 3508 of title 18, United  
 23 States Code, is amended—

24 (1) by striking the section heading and insert-  
 25 ing the following:

1 **“§ 3508. Temporary transfer of witnesses in custody”;**

2 (2) in subsection (a), by inserting “IN GEN-  
3 ERAL.—” after “(a)”; and

4 (3) by striking subsections (b) and (c) and in-  
5 serting the following:

6 “(b) TRANSFER AUTHORITY.—

7 “(1) IN GENERAL.—If the testimony of a per-  
8 son who is serving a sentence, in pretrial detention,  
9 or otherwise being held in custody in the United  
10 States, is needed in a foreign criminal proceeding,  
11 the Attorney General shall have the authority to—

12 “(A) temporarily transfer that person to  
13 the foreign country for the purpose of giving  
14 the testimony;

15 “(B) transport that person from the  
16 United States in custody;

17 “(C) make appropriate arrangements for  
18 custody for that person while outside the  
19 United States; and

20 “(D) return that person in custody to the  
21 United States from the foreign country.

22 “(2) PERSONS HELD FOR STATE LAW VIOLA-  
23 TIONS.—If the person is being held in custody for a  
24 violation of State law, the Attorney General may ex-  
25 ercise the authority described in this subsection if  
26 the appropriate State authorities give their consent.

1       “(c) RETURN OF PERSONS TRANSFERRED.—

2               “(1) IN GENERAL.—If the transfer to or from  
3       the United States of a person in custody for the pur-  
4       pose of giving testimony is provided for by treaty or  
5       convention, by this section, or both, that person shall  
6       be returned to the United States, or to the foreign  
7       country from which the person is transferred.

8               “(2) LIMITATION.—In no event shall the return  
9       of a person under this subsection require any re-  
10      quest for extradition or extradition proceedings, or  
11      require that person to be subject to deportation or  
12      exclusion proceedings under the laws of the United  
13      States, or the foreign country from which the person  
14      is transferred.

15      “(d) APPLICABILITY OF INTERNATIONAL AGREE-  
16      MENTS.—If there is an international agreement between  
17      the United States and the foreign country in which a wit-  
18      ness is being held in custody or to which the witness will  
19      be transferred from the United States, that provides for  
20      the transfer, custody, and return of those witnesses, the  
21      terms and conditions of that international agreement shall  
22      apply. If there is no such international agreement, the At-  
23      torney General may exercise the authority described in  
24      subsections (a) and (b) if both the foreign country and  
25      the witness give their consent.

1 “(e) RIGHTS OF PERSONS TRANSFERRED.—

2 “(1) Notwithstanding any other provision of  
3 law, a person held in custody in a foreign country  
4 who is transferred to the United States pursuant to  
5 this section for the purpose of giving testimony—

6 “(A) shall not by reason of that transfer,  
7 during the period that person is present in the  
8 United States pursuant to that transfer, be en-  
9 titled to apply for or obtain any right or remedy  
10 under the Immigration and Nationality Act, in-  
11 cluding the right to apply for or be granted asy-  
12 lum or withholding of deportation or any right  
13 to remain in the United States under any other  
14 law; and

15 “(B) may be summarily removed from the  
16 United States upon order of the Attorney Gen-  
17 eral.

18 “(2) RULE OF CONSTRUCTION.—Nothing in  
19 this subsection may be construed to create any sub-  
20 stantive or procedural right or benefit to remain in  
21 the United States that is legally enforceable in a  
22 court of law of the United States or of a State by  
23 any party against the United States or its agencies  
24 or officers.

1       “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-  
 2 TIONS.—The Attorney General shall not take any action  
 3 under this section to transfer or return a person to a for-  
 4 eign country unless the Attorney General determines, after  
 5 consultation with the Secretary of State, that transfer or  
 6 return would be consistent with the international obliga-  
 7 tions of the United States. A determination by the Attor-  
 8 ney General under this subsection shall not be subject to  
 9 judicial review by any court.”.

10       (b) CLERICAL AMENDMENT.—The analysis for chap-  
 11 ter 223 of title 18, United States Code, is amended by  
 12 striking the item relating to section 3508 and inserting  
 13 the following:

“3508. Temporary transfer of witnesses in custody.”.

14                   **TITLE III—ANTI-ATROCITY**  
 15                   **ALIEN DEPORTATION**

16       **SEC. 301. INADMISSIBILITY AND REMOVABILITY OF ALIENS**  
 17                   **WHO HAVE COMMITTED ACTS OF TORTURE**  
 18                   **ABROAD.**

19       (a) INADMISSIBILITY.—Section 212(a)(3)(E) of the  
 20 Immigration and Nationality Act (8 U.S.C.  
 21 1182(a)(3)(E)) is amended by adding at the end the fol-  
 22 lowing:

23                   “(iii) COMMISSION OF ACTS OF TOR-  
 24 TURE.—Any alien who, outside the United  
 25 States, has committed any act of torture,

1 as defined in section 2340 of title 18,  
2 United States Code, is inadmissible.”.

3 (b) REMOVABILITY.—Section 237(a)(4)(D) of that  
4 Act (8 U.S.C. 1227(a)(4)(D)) is amended by striking  
5 “clause (i) or (ii)” and inserting “clause (i), (ii), or (iii)”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to offenses committed before, on,  
8 or after the date of enactment of this Act.

9 **SEC. 302. ESTABLISHMENT OF THE OFFICE OF SPECIAL IN-**  
10 **VESTIGATIONS.**

11 (a) AMENDMENT OF THE IMMIGRATION AND NA-  
12 TIONALITY ACT.—Section 103 of the Immigration and  
13 Nationality Act (8 U.S.C. 1103) is amended by adding  
14 at the end the following:

15 “(g) The Attorney General shall establish within the  
16 Criminal Division of the Department of Justice an Office  
17 of Special Investigations with the authority of inves-  
18 tigating, and, where appropriate, taking legal action to re-  
19 move, denaturalize, or prosecute any alien found to be in  
20 violation of clause (i), (ii), or (iii) of section  
21 212(a)(3)(E).”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated to the Department of Justice for the  
25 fiscal year 2000 such sums as may be necessary to



1 carry out the additional duties established under sec-  
2 tion 103(g) of the Immigration and Nationality Act  
3 (as added by this Act) in order to ensure that the  
4 Office of Special Investigations fulfills its continuing  
5 obligations regarding Nazi war criminals.

6 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
7 priated pursuant to paragraph (1) are authorized to  
8 remain available until expended.

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