

**Calendar No. 344**

106TH CONGRESS  
1ST SESSION

**S. 1754**

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**A BILL**

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

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OCTOBER 25, 1999

Reported with an amendment

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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

OCTOBER 25, 1999

Reported by Mr. HATCH, with an amendment

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

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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”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 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.

3 **TITLE I—DENYING SAFE HAVENS**  
 4 **TO INTERNATIONAL CRIMINALS**

5 **SEC. 101. EXTRADITION FOR OFFENSES NOT COVERED BY A**  
 6 **LIST TREATY.**

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

9 **“§ 3197. Extradition for offenses not covered by a list**  
 10 **treaty**

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

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

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

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

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

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

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

13          “(C) bribery of a public official or mis-  
14          appropriation, embezzlement, or theft of public  
15          funds by or for the benefit of a public official;

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

18          “(E) the laundering of monetary instru-  
19          ments, as described in section 1956, if the value  
20          of the monetary instruments involved exceeds  
21          \$100,000;

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

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

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

8           “(I) a crime against children under chap-  
9           ter 109A or section 2251, 2251A, 2252, or  
10          2252A.

11       “(b) AUTHORIZATION OF FILING.—

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

23           “(2) FILING OF COMPLAINTS.—

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

4           “(B) PROCEDURES.—With respect to a  
5           complaint filed under paragraph (1), the proce-  
6           dures contained in sections 3184 and 3186 and  
7           the terms of the relevant extradition treaty  
8           shall apply as if the offense were a crime pro-  
9           vided for by the treaty, in a manner consistent  
10          with section 3184.

11          “(c) CRITERIA FOR AUTHORIZATION OF COM-  
12          PLAINTS.—

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

16                       “(A) by the Attorney General, that in the  
17                       judgment of the Attorney General—

18                               “(i) the offense for which extradition  
19                               is sought is a serious offense; and

20                               “(ii) submission of the extradition re-  
21                               quest would be important to the law en-  
22                               forcement interests of the United States or  
23                               otherwise in the interests of justice; and

24                       “(B) by the Secretary of State, that in the  
25                       judgment of the Secretary of State, submission

1 of the request would be consistent with the for-  
2 eign policy interests of the United States.

3 “(2) FACTORS FOR CONSIDERATION.—In mak-  
4 ing any certification under paragraph (1)(B), the  
5 Secretary of State may consider whether the facts  
6 and circumstances of the request then known appear  
7 likely to present any significant impediment to the  
8 ultimate surrender of the person who is the subject  
9 of the request for extradition, if that person is found  
10 to be extraditable.

11 “(d) CASES OF URGENCY.—

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

20 “(2) APPLICABILITY OF RELEVANT TREATY.—  
21 With respect to a case described in paragraph (1),  
22 a provision regarding provisional arrest in the rel-  
23 evant treaty shall apply.

24 “(3) FILING AND EFFECT OF FILING OF COM-  
25 PLAINTS.—

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

4           “(B) ISSUANCE OF ORDERS.—Upon the fil-  
5           ing of a complaint under this subsection, the  
6           appropriate judicial officer may issue an order  
7           for the provisional arrest and detention of the  
8           person as provided in section 3184.

9           “(c) CONDITIONS OF SURRENDER; ASSURANCES.—

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

13           “(A) impose conditions upon the surrender  
14           of the person that is the subject of the warrant;  
15           and

16           “(B) require those assurances of compli-  
17           ance with those conditions as are determined by  
18           the Secretary to be appropriate.

19           “(2) ADDITIONAL ASSURANCES.—

20           “(A) IN GENERAL.—In addition to impos-  
21           ing conditions and requiring assurances under  
22           paragraph (1), the Secretary of State shall de-  
23           mand, as a condition of the extradition of the  
24           person in every case, an assurance described in



1           subparagraph (B) that the Secretary deter-  
2           mines to be satisfactory.

3           “(B) DESCRIPTION OF ASSURANCES.—An  
4           assurance described in this subparagraph is an  
5           assurance that the person that is sought for ex-  
6           tradition shall not be tried or punished for an  
7           offense other than that for which the person  
8           has been extradited, absent the consent of the  
9           United States.”.

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

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

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

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

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

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

“3198. Extradition absent a treaty.”.

1 **SEC. 103. TEMPORARY TRANSFER OF PERSONS IN CUSTODY**  
 2 **FOR PROSECUTION.**

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

6 **“§ 4116. Temporary transfer for prosecution**

7 “(a) **STATE DEFINED.**—In this section, the term  
 8 ‘State’ includes a State of the United States, the District  
 9 of Columbia, and a commonwealth, territory, or possession  
 10 of the United States.

11 “(b) **AUTHORITY OF ATTORNEY GENERAL WITH RE-**  
 12 **SPECT TO TEMPORARY TRANSFERS.**—

13 “(1) **IN GENERAL.**—Subject to subsection (d),  
 14 if a person is in pretrial detention or is otherwise  
 15 being held in custody in a foreign country based  
 16 upon a violation of the law in that foreign country,  
 17 and that person is found extraditable to the United  
 18 States by the competent authorities of that foreign  
 19 country while still in the pretrial detention or cus-  
 20 tody, the Attorney General shall have the  
 21 authority—

22 “(A) to request the temporary transfer of  
 23 that person to the United States in order to  
 24 face prosecution in a Federal or State criminal  
 25 proceeding;

1           “(B) to maintain the custody of that per-  
 2           son while the person is in the United States;  
 3           and

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

7           “(2) REQUIREMENTS FOR REQUESTS BY AT-  
 8           TORNEY GENERAL.—The Attorney General shall  
 9           make a request under paragraph (1) only if the At-  
 10          torney General determines, after consultation with  
 11          the Secretary of State, that the return of that per-  
 12          son to the foreign country in question would be con-  
 13          sistent with international obligations of the United  
 14          States.

15          “(e) AUTHORITY OF ATTORNEY GENERAL WITH RE-  
 16          SPECT TO PRETRIAL DETENTIONS.—

17           “(1) IN GENERAL.—

18           “(A) AUTHORITY OF ATTORNEY GEN-  
 19           ERAL.—Subject to paragraph (2) and sub-  
 20           section (d), the Attorney General shall have the  
 21           authority to carry out the actions described in  
 22           subparagraph (B), if—

23           “(i) a person is in pretrial detention  
 24           or is otherwise being held in custody in the  
 25           United States based upon a violation of

1 Federal or State law, and that person is  
2 found extraditable to a foreign country  
3 while still in the pretrial detention or cus-  
4 tody pursuant to section 3184, 3197, or  
5 3198; and

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

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

12 “(i) temporarily transfer the person  
13 described in subparagraph (A) to the for-  
14 eign country of the foreign government re-  
15 questing the extradition of that person in  
16 order to face prosecution;

17 “(ii) transport that person from the  
18 United States in custody; and

19 “(iii) return that person in custody to  
20 the United States from the foreign coun-  
21 try.

22 “(2) CONSENT BY STATE AUTHORITIES.—If the  
23 person is being held in custody for a violation of  
24 State law, the Attorney General may exercise the au-  
25 thority described in paragraph (1) if the appropriate

1 State authorities give their consent to the Attorney  
2 General.

3 “(3) CRITERION FOR REQUEST.—The Attorney  
4 General shall make a request under paragraph (1)  
5 only if the Attorney General determines, after con-  
6 sultation with the Secretary of State, that the return  
7 of the person sought for extradition to the foreign  
8 country of the foreign government requesting the ex-  
9 tradition would be consistent with United States  
10 international obligations.

11 “(4) EFFECT OF TEMPORARY TRANSFER.—  
12 With regard to any person in pretrial detention—

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

16 “(B) the right to challenge the conditions  
17 of confinement pursuant to section 3142(f) does  
18 not extend to the right to challenge the condi-  
19 tions of confinement in a foreign country while  
20 in that foreign country temporarily under this  
21 subsection.

22 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-  
23 ING OF WHETHER A PERSON IS EXTRADITABLE.—The  
24 Attorney General may exercise the authority described in  
25 subsections (b) and (c) absent a prior finding that the per-

1 son in custody is extraditable, if the person, any appro-  
2 priate State authorities in a case under subsection (e), and  
3 the requesting foreign government give their consent to  
4 waive that requirement.

5 “(e) RETURN OF PERSONS.—

6 “(1) IN GENERAL.—If the temporary transfer  
7 to or from the United States of a person in custody  
8 for the purpose of prosecution is provided for by this  
9 section, that person shall be returned to the United  
10 States or to the foreign country from which the per-  
11 son is transferred on completion of the proceedings  
12 upon which the transfer was based.

13 “(2) STATUTORY INTERPRETATION WITH RE-  
14 SPECT TO IMMIGRATION LAWS.—In no event shall  
15 the return of a person under paragraph (1) require  
16 extradition proceedings or proceedings under the im-  
17 migration laws.

18 “(3) CERTAIN RIGHTS AND REMEDIES  
19 BARRED.—Notwithstanding any other provision of  
20 law, a person temporarily transferred to the United  
21 States pursuant to this section shall not be entitled  
22 to apply for or obtain any right or remedy under the  
23 Immigration and Nationality Act (8 U.S.C. 1101 et  
24 seq.), including the right to apply for or be granted  
25 asylum or withholding of deportation.”

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

“4116. Temporary transfer for prosecution.”.

4 **SEC. 104. PROHIBITING FUGITIVES FROM BENEFITING**  
 5 **FROM FUGITIVE STATUS.**

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

9 **“§ 2466. Fugitive disentitlement**

10 “A person may not use the resources of the courts  
 11 of the United States in furtherance of a claim in any re-  
 12 lated civil forfeiture action or a claim in third party pro-  
 13 ceedings in any related criminal forfeiture action if that  
 14 person—

15 “(1) purposely leaves the jurisdiction of the  
 16 United States;

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

19 “(3) otherwise evades the jurisdiction of the  
 20 court in which a criminal case is pending against the  
 21 person.”.

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

“2466. Fugitive disentitlement.”.

1 **SEC. 105. TRANSFER OF FOREIGN PRISONERS TO SERVE**  
2 **SENTENCES IN COUNTRY OF ORIGIN.**

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

7 **SEC. 106. TRANSIT OF FUGITIVES FOR PROSECUTION IN**  
8 **FOREIGN COUNTRIES.**

9 (a) **IN GENERAL.**—Chapter 305 of title 18, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing:

12 **“§ 4087. Transit through the United States of persons**  
13 **wanted in a foreign country**

14 “(a) **IN GENERAL.**—The Attorney General may, in  
15 consultation with the Secretary of State, permit the tem-  
16 porary transit through the United States of a person  
17 wanted for prosecution or imposition of sentence in a for-  
18 eign country.

19 “(b) **LIMITATION ON JUDICIAL REVIEW.**—A deter-  
20 mination by the Attorney General to permit or not to per-  
21 mit a temporary transit described in subsection (a) shall  
22 not be subject to judicial review.

23 “(c) **CUSTODY.**—If the Attorney General permits a  
24 temporary transit under subsection (a), Federal law en-  
25 forcement personnel may hold the person subject to that



1 transit in custody during the transit of the person through  
2 the United States.

3       “(d) ~~CONDITIONS APPLICABLE TO PERSONS SUB-~~  
4 ~~JECT TO TEMPORARY TRANSIT.~~—Notwithstanding any  
5 other provision of law, a person who is subject to a tem-  
6 porary transit through the United States under this sec-  
7 tion shall—

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

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

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

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

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

1 **TITLE II—PROMOTING GLOBAL**  
 2 **COOPERATION IN THE FIGHT**  
 3 **AGAINST INTERNATIONAL**  
 4 **CRIME**

5 **SEC. 201. STREAMLINED PROCEDURES FOR EXECUTION OF**  
 6 **MLAT REQUESTS.**

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

10 **“§ 1785. Assistance to foreign authorities**

11 **“(a) IN GENERAL.—**

12 **“(1) PRESENTATION OF REQUESTS.—**The At-  
 13 torney General may present a request made by a  
 14 foreign government for assistance with respect to a  
 15 foreign investigation, prosecution, or proceeding re-  
 16 garding a criminal matter pursuant to a treaty, con-  
 17 vention, or executive agreement for mutual legal as-  
 18 sistance between the United States and that govern-  
 19 ment or in accordance with section 1782, the execu-  
 20 tion of which requires or appears to require the use  
 21 of compulsory measures in more than 1 judicial dis-  
 22 trict, to a judge or judge magistrate of—

23 **“(A) any 1 of the districts in which per-**  
 24 **sons who may be required to appear to testify**  
 25 **or produce evidence or information reside or are**

1 found, or in which evidence or information to be  
2 produced is located; or

3 ~~“(B) the United States District Court for~~  
4 ~~the District of Columbia.~~

5 ~~“(2) AUTHORITY OF COURT.—A judge or judge~~  
6 ~~magistrate to whom a request for assistance is pre-~~  
7 ~~sented under paragraph (1) shall have the authority~~  
8 ~~to issue those orders necessary to execute the re-~~  
9 ~~quest including orders appointing a person to direct~~  
10 ~~the taking of testimony or statements and the pro-~~  
11 ~~duction of evidence or information, of whatever na-~~  
12 ~~ture and in whatever form, in execution of the re-~~  
13 ~~quest.~~

14 ~~“(b) AUTHORITY OF APPOINTED PERSONS.—A per-~~  
15 ~~son appointed under subsection (a)(2) shall have the au-~~  
16 ~~thority to—~~

17 ~~“(1) issue orders for the taking of testimony or~~  
18 ~~statements and the production of evidence or infor-~~  
19 ~~mation, which orders may be served at any place~~  
20 ~~within the United States;~~

21 ~~“(2) administer any necessary oath; and~~

22 ~~“(3) take testimony or statements and receive~~  
23 ~~evidence and information.~~

24 ~~“(c) PERSONS ORDERED TO APPEAR.—A person or-~~  
25 ~~dered pursuant to subsection (b)(1) to appear outside the~~

1 district in which that person resides or is found may, not  
 2 later than 10 days after receipt of the order—

3           “(1) file with the judge or judge magistrate who  
 4 authorized execution of the request a motion to ap-  
 5 pear in the district in which that person resides or  
 6 is found or in which the evidence or information is  
 7 located; or

8           “(2) provide written notice, requesting appear-  
 9 ance in the district in which the person resides or  
 10 is found or in which the evidence or information is  
 11 located; to the person issuing the order to appear,  
 12 who shall advise the judge or judge magistrate au-  
 13 thorizing execution.

14           “(d) TRANSFER OF REQUESTS.—

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

19                   “(A) the inconvenience to the person is  
 20 substantial; and

21                   “(B) the transfer is unlikely to adversely  
 22 affect the effective or timely execution of the re-  
 23 quest or a portion thereof.

24           “(2) EXECUTION.—Upon transfer, the judge or  
 25 judge magistrate to whom the request or a portion



1           “(B) transport that person from the  
2           United States in custody;

3           “(C) make appropriate arrangements for  
4           custody for that person while outside the  
5           United States; and

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

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

13          “(c) RETURN OF PERSONS TRANSFERRED.—

14                 “(1) IN GENERAL.—If the transfer to or from  
15          the United States of a person in custody for the pur-  
16          pose of giving testimony is provided for by treaty or  
17          convention, by this section, or both, that person shall  
18          be returned to the United States, or to the foreign  
19          country from which the person is transferred.

20                 “(2) LIMITATION.—In no event shall the return  
21          of a person under this subsection require any re-  
22          quest for extradition or extradition proceedings, or  
23          require that person to be subject to deportation or  
24          exclusion proceedings under the laws of the United

1 States, or the foreign country from which the person  
2 is transferred.

3 “(d) APPLICABILITY OF INTERNATIONAL AGREE-  
4 MENTS.—If there is an international agreement between  
5 the United States and the foreign country in which a wit-  
6 ness is being held in custody or to which the witness will  
7 be transferred from the United States, that provides for  
8 the transfer, custody, and return of those witnesses, the  
9 terms and conditions of that international agreement shall  
10 apply. If there is no such international agreement, the At-  
11 torney General may exercise the authority described in  
12 subsections (a) and (b) if both the foreign country and  
13 the witness give their consent.

14 “(e) RIGHTS OF PERSONS TRANSFERRED.—

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

19 “(A) shall not by reason of that transfer,  
20 during the period that person is present in the  
21 United States pursuant to that transfer, be en-  
22 titled to apply for or obtain any right or remedy  
23 under the Immigration and Nationality Act, in-  
24 cluding the right to apply for or be granted asy-  
25 lum or withholding of deportation or any right

1 to remain in the United States under any other  
2 law; and

3 “(B) may be summarily removed from the  
4 United States upon order of the Attorney Gen-  
5 eral.

6 “(2) RULE OF CONSTRUCTION.—Nothing in  
7 this subsection may be construed to create any sub-  
8 stantive or procedural right or benefit to remain in  
9 the United States that is legally enforceable in a  
10 court of law of the United States or of a State by  
11 any party against the United States or its agencies  
12 or officers.

13 “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-  
14 TIONS.—The Attorney General shall not take any action  
15 under this section to transfer or return a person to a for-  
16 eign country unless the Attorney General determines, after  
17 consultation with the Secretary of State, that transfer or  
18 return would be consistent with the international obliga-  
19 tions of the United States. A determination by the Attor-  
20 ney General under this subsection shall not be subject to  
21 judicial review by any court.”.

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

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



1           **TITLE III—ANTI-ATROCITY**  
 2                   **ALIEN DEPORTATION**

3   **SEC. 301. INADMISSIBILITY AND REMOVABILITY OF ALIENS**  
 4                   **WHO HAVE COMMITTED ACTS OF TORTURE**  
 5                   **ABROAD.**

6           (a) **INADMISSIBILITY.**—Section 212(a)(3)(E) of the  
 7 Immigration and Nationality Act (8 U.S.C.  
 8 1182(a)(3)(E)) is amended by adding at the end the fol-  
 9 lowing:

10                   “**(iii) COMMISSION OF ACTS OF TOR-**  
 11                   **TURE.**—Any alien who, outside the United  
 12                   States, has committed any act of torture,  
 13                   as defined in section 2340 of title 18,  
 14                   United States Code, is inadmissible.”.

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

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

21   **SEC. 302. ESTABLISHMENT OF THE OFFICE OF SPECIAL IN-**  
 22                   **VESTIGATIONS.**

23           (a) **AMENDMENT OF THE IMMIGRATION AND NA-**  
 24                   **TIONALITY ACT.**—Section 103 of the Immigration and

1 Nationality Act (8 U.S.C. 1103) is amended by adding  
2 at the end the following:

3 “(g) The Attorney General shall establish within the  
4 Criminal Division of the Department of Justice an Office  
5 of Special Investigations with the authority of inves-  
6 tigating, and, where appropriate, taking legal action to re-  
7 move, denaturalize, or prosecute any alien found to be in  
8 violation of clause (i), (ii), or (iii) of section  
9 212(a)(3)(E).”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be  
12 appropriated to the Department of Justice for the  
13 fiscal year 2000 such sums as may be necessary to  
14 carry out the additional duties established under sec-  
15 tion 103(g) of the Immigration and Nationality Act  
16 (as added by this Act) in order to ensure that the  
17 Office of Special Investigations fulfills its continuing  
18 obligations regarding Nazi war criminals.

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
20 priated pursuant to paragraph (1) are authorized to  
21 remain available until expended.

22 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

23 (a) *SHORT TITLE.*—*This Act may be cited as the “De-*  
24 *nying Safe Havens to International and War Criminals*  
25 *Act of 1999”.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS*

*Sec. 101. Temporary transfer of persons in custody for prosecution.*

*Sec. 102. Prohibiting fugitives from benefiting from fugitive status.*

*Sec. 103. Transfer of foreign prisoners to serve sentences in country of origin.*

*Sec. 104. 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.*

3    ***TITLE I—DENYING SAFE HAVENS***  
 4    ***TO INTERNATIONAL CRIMINALS***

5    ***SEC. 101. TEMPORARY TRANSFER OF PERSONS IN CUSTODY***  
 6                                   ***FOR PROSECUTION.***

7           (a) *IN GENERAL.*—*Chapter 306 of title 18, United*  
 8 *States Code, is amended by adding at the end the following:*

9    ***“§ 4116. Temporary transfer for prosecution***

10           “(a) *STATE DEFINED.*—*In this section, the term*  
 11 *‘State’ includes a State of the United States, the District*  
 12 *of Columbia, and a commonwealth, territory, or possession*  
 13 *of the United States.*

14           “(b) *AUTHORITY OF ATTORNEY GENERAL WITH RE-*  
 15 *SPECT TO TEMPORARY TRANSFERS.*—

16                           “(1) *IN GENERAL.*—*Subject to subsection (d), if*  
 17           *a person is in pretrial detention or is otherwise being*

1 *held in custody in a foreign country based upon a*  
 2 *violation of the law in that foreign country, and that*  
 3 *person is found extraditable to the United States by*  
 4 *the competent authorities of that foreign country*  
 5 *while still in the pretrial detention or custody, the At-*  
 6 *torney General shall have the authority—*

7 *“(A) to request the temporary transfer of*  
 8 *that person to the United States in order to face*  
 9 *prosecution in a Federal or State criminal pro-*  
 10 *ceeding;*

11 *“(B) to maintain the custody of that person*  
 12 *while the person is in the United States; and*

13 *“(C) to return that person to the foreign*  
 14 *country at the conclusion of the criminal pros-*  
 15 *ecution, including any imposition of sentence.*

16 *“(2) REQUIREMENTS FOR REQUESTS BY ATTOR-*  
 17 *NEY GENERAL.—The Attorney General shall make a*  
 18 *request under paragraph (1) only if the Attorney*  
 19 *General determines, after consultation with the Sec-*  
 20 *retary of State, that the return of that person to the*  
 21 *foreign country in question would be consistent with*  
 22 *international obligations of the United States.*

23 *“(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-*  
 24 *SPECT TO PRETRIAL DETENTIONS.—*

25 *“(1) IN GENERAL.—*

1           “(A) *AUTHORITY OF ATTORNEY GENERAL.*—  
2           *Subject to paragraph (2) and subsection (d), the*  
3           *Attorney General shall have the authority to*  
4           *carry out the actions described in subparagraph*  
5           *(B), if—*

6                   “(i) *a person is in pretrial detention*  
7                   *or is otherwise being held in custody in the*  
8                   *United States based upon a violation of*  
9                   *Federal or State law, and that person is*  
10                  *found extraditable to a foreign country*  
11                  *while still in the pretrial detention or cus-*  
12                  *tody pursuant to section 3184, 3197, or*  
13                  *3198; and*

14                   “(ii) *a determination is made by the*  
15                   *Secretary of State and the Attorney General*  
16                   *that the person will be surrendered.*

17           “(B) *ACTIONS.*—*If the conditions described*  
18           *in subparagraph (A) are met, the Attorney Gen-*  
19           *eral shall have the authority to—*

20                   “(i) *temporarily transfer the person*  
21                   *described in subparagraph (A) to the for-*  
22                   *ign country of the foreign government re-*  
23                   *questing the extradition of that person in*  
24                   *order to face prosecution;*

1                   “(ii) transport that person from the  
2                   United States in custody; and

3                   “(iii) return that person in custody to  
4                   the United States from the foreign country.

5                   “(2) CONSENT BY STATE AUTHORITIES.—If the  
6                   person is being held in custody for a violation of  
7                   State law, the Attorney General may exercise the au-  
8                   thority described in paragraph (1) if the appropriate  
9                   State authorities give their consent to the Attorney  
10                  General.

11                  “(3) CRITERION FOR REQUEST.—The Attorney  
12                  General shall make a request under paragraph (1)  
13                  only if the Attorney General determines, after con-  
14                  sultation with the Secretary of State, that the return  
15                  of the person sought for extradition to the foreign  
16                  country of the foreign government requesting the ex-  
17                  tradition would be consistent with United States  
18                  international obligations.

19                  “(4) EFFECT OF TEMPORARY TRANSFER.—With  
20                  regard to any person in pretrial detention—

21                         “(A) a temporary transfer under this sub-  
22                         section shall result in an interruption in the pre-  
23                         trial detention status of that person; and

24                         “(B) the right to challenge the conditions of  
25                         confinement pursuant to section 3142(f) does not

1           *extend to the right to challenge the conditions of*  
2           *confinement in a foreign country while in that*  
3           *foreign country temporarily under this sub-*  
4           *section.*

5           “(d) *CONSENT BY PARTIES TO WAIVE PRIOR FINDING*  
6 *OF WHETHER A PERSON IS EXTRADITABLE.—The Attorney*  
7 *General may exercise the authority described in subsections*  
8 *(b) and (c) absent a prior finding that the person in custody*  
9 *is extraditable, if the person, any appropriate State au-*  
10 *thorities in a case under subsection (c), and the requesting*  
11 *foreign government give their consent to waive that require-*  
12 *ment.*

13           “(e) *RETURN OF PERSONS.—*

14           “(1) *IN GENERAL.—If the temporary transfer to*  
15 *or from the United States of a person in custody for*  
16 *the purpose of prosecution is provided for by this sec-*  
17 *tion, that person shall be returned to the United*  
18 *States or to the foreign country from which the person*  
19 *is transferred on completion of the proceedings upon*  
20 *which the transfer was based.*

21           “(2) *STATUTORY INTERPRETATION WITH RE-*  
22 *SPECT TO IMMIGRATION LAWS.—In no event shall the*  
23 *return of a person under paragraph (1) require extra-*  
24 *dition proceedings or proceedings under the immigra-*  
25 *tion laws.*

1           “(3) *CERTAIN RIGHTS AND REMEDIES*  
2           *BARRED.*—Notwithstanding any other provision of  
3           *law, a person temporarily transferred to the United*  
4           *States pursuant to this section shall not be entitled to*  
5           *apply for or obtain any right or remedy under the*  
6           *Immigration and Nationality Act (8 U.S.C. 1101 et*  
7           *seq.), including the right to apply for or be granted*  
8           *asylum or withholding of deportation.”.*

9           **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*  
10          *306 of title 18, United States Code, is amended by adding*  
11          *at the end the following:*

*“4116. Temporary transfer for prosecution.”.*

12          **SEC. 102. PROHIBITING FUGITIVES FROM BENEFITING**  
13                                    **FROM FUGITIVE STATUS.**

14          **(a) IN GENERAL.**—*Chapter 163 of title 28, United*  
15          *States Code, is amended by adding at the end the following:*

16          **“§ 2466. Fugitive disentitlement**

17                 *“A person may not use the resources of the courts of*  
18                 *the United States in furtherance of a claim in any related*  
19                 *civil forfeiture action or a claim in third party proceedings*  
20                 *in any related criminal forfeiture action if that person—*

21                         *“(1) purposely leaves the jurisdiction of the*  
22                         *United States;*

23                         *“(2) declines to enter or reenter the United*  
24                         *States to submit to its jurisdiction; or*



1           “(3) otherwise evades the jurisdiction of the court  
2           in which a criminal case is pending against the per-  
3           son.”.

4           (b) *CLERICAL AMENDMENT.*—The analysis for chapter  
5 163 of title 28, United States Code, is amended by adding  
6 at the end the following:

“2466. Fugitive disentitlement.”.

7 **SEC. 103. TRANSFER OF FOREIGN PRISONERS TO SERVE**  
8   **SENTENCES IN COUNTRY OF ORIGIN.**

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

13 **SEC. 104. TRANSIT OF FUGITIVES FOR PROSECUTION IN**  
14   **FOREIGN COUNTRIES.**

15           (a) *IN GENERAL.*—Chapter 305 of title 18, United  
16 States Code, is amended by adding at the end the following:  
17 “§4087. **Transit through the United States of persons**  
18   **wanted in a foreign country**

19           “(a) *IN GENERAL.*—The Attorney General may, in  
20 consultation with the Secretary of State, permit the tem-  
21 porary transit through the United States of a person want-  
22 ed for prosecution or imposition of sentence in a foreign  
23 country.

24           (b) *LIMITATION ON JUDICIAL REVIEW.*—A deter-  
25 mination by the Attorney General to permit or not to per-

1 *mit a temporary transit described in subsection (a) shall*  
 2 *not be subject to judicial review.*

3       “(c) *CUSTODY.*—*If the Attorney General permits a*  
 4 *temporary transit under subsection (a), Federal law en-*  
 5 *forcement personnel may hold the person subject to that*  
 6 *transit in custody during the transit of the person through*  
 7 *the United States.*

8       “(d) *CONDITIONS APPLICABLE TO PERSONS SUBJECT*  
 9 *TO TEMPORARY TRANSIT.*—*Notwithstanding any other pro-*  
 10 *vision of law, a person who is subject to a temporary transit*  
 11 *through the United States under this section shall—*

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

14               “(2) *not be considered to be admitted or paroled*  
 15 *into the United States; and*

16               “(3) *not be entitled to apply for or obtain any*  
 17 *right or remedy under the Immigration and Nation-*  
 18 *ality Act (8 U.S.C. 1101 et seq.), including the right*  
 19 *to apply for or be granted asylum or withholding of*  
 20 *deportation.”.*

21       “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 22 *305 of title 18, United States Code, is amended by adding*  
 23 *at the end the following:*

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

1 **TITLE II—PROMOTING GLOBAL**  
2 **COOPERATION IN THE FIGHT**  
3 **AGAINST INTERNATIONAL**  
4 **CRIME**

5 **SEC. 201. STREAMLINED PROCEDURES FOR EXECUTION OF**  
6 **MLAT REQUESTS.**

7 (a) *IN GENERAL.*—Chapter 117 of title 28, United  
8 States Code, is amended by adding at the end the following:

9 **“§ 1785. Assistance to foreign authorities**

10 “(a) *IN GENERAL.*—

11 “(1) *PRESENTATION OF REQUESTS.*—The Attor-  
12 ney General may present a request made by a foreign  
13 government for assistance with respect to a foreign in-  
14 vestigation, prosecution, or proceeding regarding a  
15 criminal matter pursuant to a treaty, convention, or  
16 executive agreement for mutual legal assistance be-  
17 tween the United States and that government or in  
18 accordance with section 1782, the execution of which  
19 requires or appears to require the use of compulsory  
20 measures in more than 1 judicial district, to a judge  
21 or judge magistrate of—

22 “(A) any 1 of the districts in which persons  
23 who may be required to appear to testify or  
24 produce evidence or information reside or are

1           *found, or in which evidence or information to be*  
2           *produced is located; or*

3           “(B) *the United States District Court for*  
4           *the District of Columbia.*

5           “(2) *AUTHORITY OF COURT.—A judge or judge*  
6           *magistrate to whom a request for assistance is pre-*  
7           *sented under paragraph (1) shall have the authority*  
8           *to issue those orders necessary to execute the request*  
9           *including orders appointing a person to direct the*  
10          *taking of testimony or statements and the production*  
11          *of evidence or information, of whatever nature and in*  
12          *whatever form, in execution of the request.*

13          “(b) *AUTHORITY OF APPOINTED PERSONS.—A person*  
14          *appointed under subsection (a)(2) shall have the authority*  
15          *to—*

16                  “(1) *issue orders for the taking of testimony or*  
17                  *statements and the production of evidence or informa-*  
18                  *tion, which orders may be served at any place within*  
19                  *the United States;*

20                  “(2) *administer any necessary oath; and*

21                  “(3) *take testimony or statements and receive*  
22                  *evidence and information.*

23          “(c) *PERSONS ORDERED TO APPEAR.—A person or-*  
24          *dered pursuant to subsection (b)(1) to appear outside the*

1 *district in which that person resides or is found may, not*  
2 *later than 10 days after receipt of the order—*

3           “(1) *file with the judge or judge magistrate who*  
4 *authorized execution of the request a motion to ap-*  
5 *pear in the district in which that person resides or*  
6 *is found or in which the evidence or information is*  
7 *located; or*

8           “(2) *provide written notice, requesting appear-*  
9 *ance in the district in which the person resides or is*  
10 *found or in which the evidence or information is lo-*  
11 *cated, to the person issuing the order to appear, who*  
12 *shall advise the judge or judge magistrate authorizing*  
13 *execution.*

14           “(d) *TRANSFER OF REQUESTS.—*

15           “(1) *IN GENERAL.—The judge or judge mag-*  
16 *istrate may transfer a request under subsection (c), or*  
17 *that portion requiring the appearance of that person,*  
18 *to the other district if—*

19                   “(A) *the inconvenience to the person is sub-*  
20 *stantial; and*

21                   “(B) *the transfer is unlikely to adversely af-*  
22 *fect the effective or timely execution of the request*  
23 *or a portion thereof.*

24           “(2) *EXECUTION.—Upon transfer, the judge or*  
25 *judge magistrate to whom the request or a portion*

1       *thereof is transferred shall complete its execution in*  
 2       *accordance with subsections (a) and (b).”.*

3       **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*  
 4       *117 of title 28, United States Code, is amended by adding*  
 5       *at the end the following:*

*“1785. Assistance to foreign authorities.”.*

6       **SEC. 202. TEMPORARY TRANSFER OF INCARCERATED WIT-**  
 7                                   **NESSES.**

8       **(a) IN GENERAL.**—*Section 3508 of title 18, United*  
 9       *States Code, is amended—*

10                   (1) *by striking the section heading and inserting*  
 11       *the following:*

12       **“§ 3508. Temporary transfer of witnesses in custody”;**

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

15                   (3) *by striking subsections (b) and (c) and in-*  
 16       *serting the following:*

17       **“(b) TRANSFER AUTHORITY.—**

18                   **“(1) IN GENERAL.—***If the testimony of a person*  
 19       *who is serving a sentence, in pretrial detention, or*  
 20       *otherwise being held in custody in the United States,*  
 21       *is needed in a foreign criminal proceeding, the Attor-*  
 22       *ney General shall have the authority to—*

23                                   **“(A) temporarily transfer that person to the**  
 24                                   *foreign country for the purpose of giving the tes-*  
 25                                   *timony;*

1           “(B) transport that person from the United  
2 States in custody;

3           “(C) make appropriate arrangements for  
4 custody for that person while outside the United  
5 States; and

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

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

13           “(c) RETURN OF PERSONS TRANSFERRED.—

14           “(1) IN GENERAL.—If the transfer to or from the  
15 United States of a person in custody for the purpose  
16 of giving testimony is provided for by treaty or con-  
17 vention, by this section, or both, that person shall be  
18 returned to the United States, or to the foreign coun-  
19 try from which the person is transferred.

20           “(2) LIMITATION.—In no event shall the return  
21 of a person under this subsection require any request  
22 for extradition or extradition proceedings, or require  
23 that person to be subject to deportation or exclusion  
24 proceedings under the laws of the United States, or

1        *the foreign country from which the person is trans-*  
2        *ferred.*

3        “(d) *APPLICABILITY OF INTERNATIONAL AGREE-*  
4        *MENTS.—If there is an international agreement between the*  
5        *United States and the foreign country in which a witness*  
6        *is being held in custody or to which the witness will be*  
7        *transferred from the United States, that provides for the*  
8        *transfer, custody, and return of those witnesses, the terms*  
9        *and conditions of that international agreement shall apply.*  
10       *If there is no such international agreement, the Attorney*  
11       *General may exercise the authority described in subsections*  
12       *(a) and (b) if both the foreign country and the witness give*  
13       *their consent.*

14       “(e) *RIGHTS OF PERSONS TRANSFERRED.—*

15                “(1) *Notwithstanding any other provision of law,*  
16        *a person held in custody in a foreign country who is*  
17        *transferred to the United States pursuant to this sec-*  
18        *tion for the purpose of giving testimony—*

19                        “(A) *shall not by reason of that transfer,*  
20                        *during the period that person is present in the*  
21                        *United States pursuant to that transfer, be enti-*  
22                        *tled to apply for or obtain any right or remedy*  
23                        *under the Immigration and Nationality Act, in-*  
24                        *cluding the right to apply for or be granted asy-*  
25                        *lum or withholding of deportation or any right*



1           *to remain in the United States under any other*  
2           *law; and*

3                   “(B) *may be summarily removed from the*  
4           *United States upon order of the Attorney Gen-*  
5           *eral.*

6                   “(2) *RULE OF CONSTRUCTION.—Nothing in this*  
7           *subsection may be construed to create any substantive*  
8           *or procedural right or benefit to remain in the United*  
9           *States that is legally enforceable in a court of law of*  
10          *the United States or of a State by any party against*  
11          *the United States or its agencies or officers.*

12                   “(f) *CONSISTENCY WITH INTERNATIONAL OBLIGA-*  
13          *TIONS.—The Attorney General shall not take any action*  
14          *under this section to transfer or return a person to a foreign*  
15          *country unless the Attorney General determines, after con-*  
16          *sultation with the Secretary of State, that transfer or return*  
17          *would be consistent with the international obligations of the*  
18          *United States. A determination by the Attorney General*  
19          *under this subsection shall not be subject to judicial review*  
20          *by any court.”.*

21                   “(b) *CLERICAL AMENDMENT.—The analysis for chapter*  
22          *223 of title 18, United States Code, is amended by striking*  
23          *the item relating to section 3508 and inserting the fol-*  
24          *lowing:*

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

1 **TITLE III—ANTI-ATROCITY ALIEN**  
2 **DEPORTATION**

3 **SEC. 301. INADMISSIBILITY AND REMOVABILITY OF ALIENS**  
4 **WHO HAVE COMMITTED ACTS OF TORTURE**  
5 **ABROAD.**

6 (a) *INADMISSIBILITY.*—Section 212(a)(3)(E) of the  
7 *Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E))*  
8 *is amended by adding at the end the following:*

9 “(iii) *COMMISSION OF ACTS OF TOR-*  
10 *TURE.*—Any alien who, outside the United  
11 *States, has committed any act of torture, as*  
12 *defined in section 2340 of title 18, United*  
13 *States Code, is inadmissible.”.*

14 (b) *REMOVABILITY.*—Section 237(a)(4)(D) of that Act  
15 *(8 U.S.C. 1227(a)(4)(D)) is amended by striking “clause*  
16 *(i) or (ii)” and inserting “clause (i), (ii), or (iii)”.*

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

20 **SEC. 302. ESTABLISHMENT OF THE OFFICE OF SPECIAL IN-**  
21 **VESTIGATIONS.**

22 (a) *AMENDMENT OF THE IMMIGRATION AND NATION-*  
23 *ALITY ACT.*—Section 103 of the *Immigration and Nation-*  
24 *ality Act (8 U.S.C. 1103) is amended by adding at the end*  
25 *the following:*

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

7       **(b) AUTHORIZATION OF APPROPRIATIONS.—**

8           **(1) IN GENERAL.—***There are authorized to be ap-*  
9 *propriated to the Department of Justice for the fiscal*  
10 *year 2000 such sums as may be necessary to carry*  
11 *out the additional duties established under section*  
12 *103(g) of the Immigration and Nationality Act (as*  
13 *added by this Act) in order to ensure that the Office*  
14 *of Special Investigations fulfills its continuing obliga-*  
15 *tions regarding Nazi war criminals.*

16           **(2) AVAILABILITY OF FUNDS.—***Amounts appro-*  
17 *priated pursuant to paragraph (1) are authorized to*  
18 *remain available until expended.*