

107TH CONGRESS  
1ST SESSION

# H. R. 3108

To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2001

Mr. SENSENBRENNER 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, Energy and Commerce, Financial Services, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration for such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, 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 AND TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title and table of contents.  
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

- Sec. 101. Counterterrorism fund.  
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.  
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.  
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.  
Sec. 105. Expansion of National Electronic Crime Task Force Initiative.  
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

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

TITLE III—FINANCIAL INFRASTRUCTURE

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

#### TITLE IV—PROTECTING THE BORDER

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

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

##### Subtitle B—Enhanced Immigration Provisions

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

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

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

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

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

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

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

- Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.

- Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
- Sec. 613. Public safety officers benefit program payment increase.
- Sec. 614. Office of Justice programs.

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

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

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

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

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

- Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
- Sec. 804. Jurisdiction over crimes committed at U.S. facilities abroad.
- Sec. 805. Material support for terrorism.
- Sec. 806. Assets of terrorist organizations.
- Sec. 807. Technical clarification relating to provision of material support to terrorism.
- Sec. 808. Definition of Federal crime of terrorism.
- Sec. 809. No statute of limitation for certain terrorism offenses.
- Sec. 810. Alternate maximum penalties for terrorism offenses.
- Sec. 811. Penalties for terrorist conspiracies.
- Sec. 812. Post-release supervision of terrorists.
- Sec. 813. Inclusion of acts of terrorism as racketeering activity.
- Sec. 814. Deterrence and prevention of cyberterrorism.
- Sec. 815. Additional defense to civil actions relating to preserving records in response to Government requests.
- Sec. 816. Development and support of cybersecurity forensic capabilities.

### TITLE IX—IMPROVED INTELLIGENCE

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

Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

#### TITLE X—MISCELLANEOUS

Sec. 1001. Payments.

Sec. 1002. Review of the department of justice.

### 1 **SEC. 2. 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—ENHANCING DOMESTIC** 12 **SECURITY AGAINST TERRORISM**

### 13 **SEC. 101. COUNTERTERRORISM FUND.**

14 (a) ESTABLISHMENT; AVAILABILITY.—There is here-  
 15 by established in the Treasury of the United States a sepa-  
 16 rate fund to be known as the “Counterterrorism Fund”,  
 17 amounts in which shall remain available without fiscal  
 18 year limitation—

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

1 (A) reestablishing the operational capa-  
2 bility of an office or facility that has been dam-  
3 aged or destroyed as the result of any domestic  
4 or international terrorism incident;

5 (B) providing support to counter, inves-  
6 tigate, or prosecute domestic or international  
7 terrorism, including, without limitation, paying  
8 rewards in connection with these activities; and

9 (C) conducting terrorism threat assess-  
10 ments of Federal agencies and their facilities;  
11 and

12 (2) to reimburse any department or agency of  
13 the Federal Government for any costs incurred in  
14 connection with detaining in foreign countries indi-  
15 viduals accused of acts of terrorism that violate the  
16 laws of the United States.

17 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—Sub-  
18 section (a) shall not be construed to affect the amount  
19 or availability of any appropriation to the  
20 Counterterrorism Fund made before the date of enact-  
21 ment of this Act.

1 **SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINA-**  
2 **TION AGAINST ARAB AND MUSLIM AMERI-**  
3 **CANS.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

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

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

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

19 (4) When American citizens commit acts of vio-  
20 lence against those who are, or are perceived to be,  
21 of Arab or Muslim descent, they should be punished  
22 to the full extent of the law.

23 (5) Muslim Americans have become so fearful  
24 of harassment that many Muslim women are chang-  
25 ing the way they dress to avoid becoming targets.

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

8           (b) SENSE OF CONGRESS.—It is the sense of Con-  
9           gress that—

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

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

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

20   **SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUP-**  
21                           **PORT CENTER AT THE FEDERAL BUREAU OF**  
22                           **INVESTIGATION.**

23           There are authorized to be appropriated for the Tech-  
24           nical Support Center established in section 811 of the  
25           Antiterrorism and Effective Death Penalty Act of 1996



1 (Public Law 104–132) to help meet the demands for ac-  
2 tivities to combat terrorism and support and enhance the  
3 technical support and tactical operations of the FBI,  
4 \$200,000,000 for each of the fiscal years 2002, 2003, and  
5 2004.

6 **SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO EN-**  
7 **FORCE PROHIBITION IN CERTAIN EMER-**  
8 **GENCIES.**

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

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

12 and

13 (2) by striking “chemical”.

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

16 The Director of the United States Secret Service  
17 shall take appropriate actions to develop a national net-  
18 work of electronic crime task forces, based on the New  
19 York Electronic Crimes Task Force model, throughout the  
20 United States, for the purpose of preventing, detecting,  
21 and investigating various forms of electronic crimes, in-  
22 cluding potential terrorist attacks against critical infra-  
23 structure and financial payment systems.

1 **SEC. 106. PRESIDENTIAL AUTHORITY.**

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

4 (1) in subsection (a)(1)—

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

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

10 (B) in subparagraph (B)—

11 (i) by inserting “, block during the  
12 pendency of an investigation” after “inves-  
13 tigate”; and

14 (ii) by striking “interest;” and insert-  
15 ing “interest by any person, or with re-  
16 spect to any property, subject to the juris-  
17 diction of the United States; and”;

18 (C) by striking “by any person, or with re-  
19 spect to any property, subject to the jurisdiction  
20 of the United States;” and

21 (D) by inserting at the end the following:

22 “(C) when the United States is engaged in  
23 armed hostilities or has been attacked by a for-  
24 eign country or foreign nationals, confiscate any  
25 property, subject to the jurisdiction of the  
26 United States, of any foreign person, foreign

1 organization, or foreign country that he deter-  
2 mines has planned, authorized, aided, or en-  
3 gaged in such hostilities or attacks against the  
4 United States; and all right, title, and interest  
5 in any property so confiscated shall vest, when,  
6 as, and upon the terms directed by the Presi-  
7 dent, in such agency or person as the President  
8 may designate from time to time, and upon  
9 such terms and conditions as the President may  
10 prescribe, such interest or property shall be  
11 held, used, administered, liquidated, sold, or  
12 otherwise dealt with in the interest of and for  
13 the benefit of the United States, and such des-  
14 ignated agency or person may perform any and  
15 all acts incident to the accomplishment or fur-  
16 therance of these purposes.”; and

17 (2) by inserting at the end the following:

18 “(c) CLASSIFIED INFORMATION.—In any judicial re-  
19 view of a determination made under this section, if the  
20 determination was based on classified information (as de-  
21 fined in section 1(a) of the Classified Information Proce-  
22 dures Act) such information may be submitted to the re-  
23 viewing court ex parte and in camera. This subsection does  
24 not confer or imply any right to judicial review.”.

**TITLE II—ENHANCED  
SURVEILLANCE PROCEDURES**

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

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

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

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

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

1 **SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND**  
2 **ELECTRONIC COMMUNICATIONS RELATING**  
3 **TO COMPUTER FRAUD AND ABUSE OF-**  
4 **FENSES.**

5 Section 2516(1)(c) of title 18, United States Code,  
6 is amended by striking “and section 1341 (relating to mail  
7 fraud),” and inserting “section 1341 (relating to mail  
8 fraud), a felony violation of section 1030 (relating to com-  
9 puter fraud and abuse),”.

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

12 (a) **AUTHORITY TO SHARE GRAND JURY INFORMA-**  
13 **TION.—**

14 (1) **IN GENERAL.—**Rule 6(e)(3)(C) of the Fed-  
15 eral Rules of Criminal Procedure is amended—

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

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

20 (C) by inserting at the end the following:

21 “(v) when the matters involve foreign  
22 intelligence or counterintelligence (as de-  
23 fined in section 3 of the National Security  
24 Act of 1947 (50 U.S.C. 401a)), or foreign  
25 intelligence information (as defined in Rule  
26 6(e)(3)(C)(ii)), to any other Federal law

1 enforcement, intelligence, protective, immi-  
2 gration, national defense, or national secu-  
3 rity official in order to assist the official  
4 receiving that information in the perform-  
5 ance of his official duties. Within a reason-  
6 able time after such disclosure, an attorney  
7 for the government shall file under seal a  
8 notice with the court stating the fact that  
9 such information was disclosed and the de-  
10 partments, agencies, or entities to which  
11 the disclosure was made.

12 Any Federal official who receives information  
13 pursuant to clause (v) may use that information  
14 only as necessary in the conduct of that per-  
15 son's official duties subject to any limitations  
16 on the unauthorized disclosure of such informa-  
17 tion.”.

18 (2) DEFINITION.—Rule 6(e)(3)(C) of the Fed-  
19 eral Rules of Criminal Procedure, as amended by  
20 paragraph (1), is amended by—

21 (A) inserting “(i)” after “(C)”;

22 (B) redesignating clauses (i) through (v)  
23 as subclauses (I) through (V), respectively; and

24 (C) inserting at the end the following:

1           “(ii) In this subparagraph, the term ‘for-  
2           eign intelligence information’ means—

3                   “(I) information, whether or not con-  
4                   cerning a United States person, that re-  
5                   lates to the ability of the United States to  
6                   protect against—

7                           “(aa) actual or potential attack  
8                           or other grave hostile acts of a foreign  
9                           power or an agent of a foreign power;

10                           “(bb) sabotage or international  
11                           terrorism by a foreign power or an  
12                           agent of a foreign power; or

13                           “(cc) clandestine intelligence ac-  
14                           tivities by an intelligence service or  
15                           network of a foreign power or by an  
16                           agent of a foreign power; or

17                   “(II) information, whether or not con-  
18                   cerning a United States person, with re-  
19                   spect to a foreign power or foreign terri-  
20                   tory that relates to—

21                           “(aa) the national defense or the  
22                           security of the United States; or

23                           “(bb) the conduct of the foreign  
24                           affairs of the United States.”.

1 (b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND  
2 ORAL INTERCEPTION INFORMATION.—

3 (1) LAW ENFORCEMENT.—Section 2517 of title  
4 18, United States Code, is amended by inserting at  
5 the end the following:

6 “(6) Any investigative or law enforcement officer, or  
7 attorney for the Government, who by any means author-  
8 ized by this chapter, has obtained knowledge of the con-  
9 tents of any wire, oral, or electronic communication, or  
10 evidence derived therefrom, may disclose such contents to  
11 any other Federal law enforcement, intelligence, protec-  
12 tive, immigration, national defense, or national security of-  
13 ficial to the extent that such contents include foreign intel-  
14 ligence or counterintelligence (as defined in section 3 of  
15 the National Security Act of 1947 (50 U.S.C. 401a)), or  
16 foreign intelligence information (as defined in subsection  
17 (19) of section 2510 of this title), to assist the official  
18 who is to receive that information in the performance of  
19 his official duties. Any Federal official who receives infor-  
20 mation pursuant to this provision may use that informa-  
21 tion only as necessary in the conduct of that person’s offi-  
22 cial duties subject to any limitations on the unauthorized  
23 disclosure of such information.”.

24 (2) DEFINITION.—Section 2510 of title 18,  
25 United States Code, is amended by—



1 (A) in paragraph (17), by striking “and”  
2 after the semicolon;

3 (B) in paragraph (18), by striking the pe-  
4 riod and inserting “; and”; and

5 (C) by inserting at the end the following:  
6 “(19) ‘foreign intelligence information’ means—

7 “(A) information, whether or not con-  
8 cerning a United States person, that relates to  
9 the ability of the United States to protect  
10 against—

11 “(i) actual or potential attack or other  
12 grave hostile acts of a foreign power or an  
13 agent of a foreign power;

14 “(ii) sabotage or international ter-  
15 rorism by a foreign power or an agent of  
16 a foreign power; or

17 “(iii) clandestine intelligence activities  
18 by an intelligence service or network of a  
19 foreign power or by an agent of a foreign  
20 power; or

21 “(B) information, whether or not con-  
22 cerning a United States person, with respect to  
23 a foreign power or foreign territory that relates  
24 to—

1 “(i) the national defense or the secu-  
2 rity of the United States; or

3 “(ii) the conduct of the foreign affairs  
4 of the United States.”.

5 (c) PROCEDURES.—The Attorney General shall es-  
6 tablish procedures for the disclosure of information pursu-  
7 ant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the  
8 Federal Rules of Criminal Procedure that identifies a  
9 United States person, as defined in section 101 of the For-  
10 eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
11 1801)).

12 (d) FOREIGN INTELLIGENCE INFORMATION.—

13 (1) IN GENERAL.—Notwithstanding any other  
14 provision of law, it shall be lawful for foreign intel-  
15 ligence or counterintelligence (as defined in section  
16 3 of the National Security Act of 1947 (50 U.S.C.  
17 401a)) or foreign intelligence information obtained  
18 as part of a criminal investigation to be disclosed to  
19 any Federal law enforcement, intelligence, protective,  
20 immigration, national defense, or national security  
21 official in order to assist the official receiving that  
22 information in the performance of his official duties.  
23 Any Federal official who receives information pursu-  
24 ant to this provision may use that information only  
25 as necessary in the conduct of that person’s official

1 duties subject to any limitations on the unauthorized  
2 disclosure of such information.

3 (2) DEFINITION.—In this subsection, the term  
4 “foreign intelligence information” means—

5 (A) information, whether or not concerning  
6 a United States person, that relates to the abil-  
7 ity of the United States to protect against—

8 (i) actual or potential attack or other  
9 grave hostile acts of a foreign power or an  
10 agent of a foreign power;

11 (ii) sabotage or international ter-  
12 rorism by a foreign power or an agent of  
13 a foreign power; or

14 (iii) clandestine intelligence activities  
15 by an intelligence service or network of a  
16 foreign power or by an agent of a foreign  
17 power; or

18 (B) information, whether or not concerning  
19 a United States person, with respect to a for-  
20 eign power or foreign territory that relates to—

21 (i) the national defense or the security  
22 of the United States; or

23 (ii) the conduct of the foreign affairs  
24 of the United States.

1 **SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS**  
2 **FROM LIMITATIONS ON INTERCEPTION AND**  
3 **DISCLOSURE OF WIRE, ORAL, AND ELEC-**  
4 **TRONIC COMMUNICATIONS.**

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

7 (1) by striking “this chapter or chapter 121”  
8 and inserting “this chapter or chapter 121 or 206  
9 of this title”; and

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

12 **SEC. 205. 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 under subsection (a).

24 (c) **REPORT.**—The Attorney General shall report to  
25 the Committees on the Judiciary of the House of Rep-  
26 resentatives and the Senate on—

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

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

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

11   **SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE**  
12                   **FOREIGN INTELLIGENCE SURVEILLANCE ACT**  
13                   **OF 1978.**

14       Section 105(c)(2)(B) of the Foreign Intelligence Sur-  
15   veillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amend-  
16   ed by inserting “, or in circumstances where the Court  
17   finds that the actions of the target of the application may  
18   have the effect of thwarting the identification of a speci-  
19   fied person, such other persons,” after “specified person”.

20   **SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-**  
21                   **UNITED STATES PERSONS WHO ARE AGENTS**  
22                   **OF A FOREIGN POWER.**

23       (a) DURATION .—

1           (1) SURVEILLANCE.—Section 105(e)(1) of the  
2       Foreign Intelligence Surveillance Act of 1978 (50  
3       U.S.C. 1805(e)(1)) is amended by—

4                   (A) inserting “(A)” after “except that”;  
5       and

6                   (B) inserting before the period the fol-  
7       lowing: “, and (B) an order under this Act for  
8       a surveillance targeted against an agent of a  
9       foreign power, as defined in section  
10      101(b)(1)(A) may be for the period specified in  
11      the application or for 120 days, whichever is  
12      less”.

13       (2) PHYSICAL SEARCH.—Section 304(d)(1) of the  
14      Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
15      1824(d)(1)) is amended by—

16                   (A) striking “forty-five” and inserting “90”;

17                   (B) inserting “(A)” after “except that”; and

18                   (C) inserting before the period the following: “,  
19      and (B) an order under this section for a physical  
20      search targeted against an agent of a foreign power  
21      as defined in section 101(b)(1)(A) may be for the  
22      period specified in the application or for 120 days,  
23      whichever is less”.

24       (b) EXTENSION.—

1           (1) IN GENERAL.—Section 105(d)(2) of the  
2       Foreign Intelligence Surveillance Act of 1978 (50  
3       U.S.C. 1805(d)(2)) is amended by—

4                   (A) inserting “(A)” after “except that”;  
5       and

6                   (B) inserting before the period the fol-  
7       lowing: “, and (B) an extension of an order  
8       under this Act for a surveillance targeted  
9       against an agent of a foreign power as defined  
10      in section 101(b)(1)(A) may be for a period not  
11      to exceed 1 year”.

12          (2) DEFINED TERM.—Section 304(d)(2) of the  
13      Foreign Intelligence Surveillance Act of 1978 (50  
14      U.S.C. 1824(d)(2)) is amended by inserting after  
15      “not a United States person,” the following: “or  
16      against an agent of a foreign power as defined in  
17      section 101(b)(1)(A),”.

18   **SEC. 208. DESIGNATION OF JUDGES.**

19      Section 103(a) of the Foreign Intelligence Surveil-  
20      lance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

21                  (1) striking “seven district court judges” and  
22      inserting “11 district court judges”; and

23                  (2) inserting “of whom no fewer than 3 shall  
24      reside within 20 miles of the District of Columbia”  
25      after “circuits”.

1 **SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT**  
2 **TO WARRANTS.**

3 Title 18, United States Code, is amended—

4 (1) in section 2510—

5 (A) in paragraph (1), by striking beginning  
6 with “and such” and all that follows through  
7 “communication”; and

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

10 (2) in subsections (a) and (b) of section 2703—

11 (A) by striking “CONTENTS OF ELEC-  
12 TRONIC” and inserting “CONTENTS OF WIRE OR  
13 ELECTRONIC” each place it appears;

14 (B) by striking “contents of an electronic”  
15 and inserting “contents of a wire or electronic”  
16 each place it appears; and

17 (C) by striking “any electronic” and in-  
18 serting “any wire or electronic” each place it  
19 appears.

20 **SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELEC-**  
21 **TRONIC COMMUNICATIONS.**

22 Section 2703(c)(2) of title 18, United States Code,  
23 as redesignated by section 212, is amended—

24 (1) by striking “entity the name, address, local  
25 and long distance telephone toll billing records, tele-  
26 phone number or other subscriber number or iden-



1       tity, and length of service of a subscriber” and in-  
 2       serting the following: “entity the—

3               “(A) name;

4               “(B) address;

5               “(C) local and long distance telephone connec-  
 6       tion records, or records of session times and dura-  
 7       tions;

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

10              “(E) telephone or instrument number or other  
 11       subscriber number or identity, including any tempo-  
 12       rarily assigned network address; and

13              “(F) means and source of payment (including  
 14       any credit card or bank account number),  
 15       of a subscriber”; and

16              (2) by striking “and the types of services the  
 17       subscriber or customer utilized,”.

18   **SEC. 211. CLARIFICATION OF SCOPE.**

19       Section 631 of the Communications Act of 1934 (47  
 20   U.S.C. 551) is amended—

21              (1) in subsection (c)(2)—

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

23                      (B) in subparagraph (C), by striking the  
 24       period at the end and inserting “; or”; and

25                      (C) by inserting at the end the following:

1 “(D) to a government entity as authorized  
 2 under chapters 119, 121, or 206 of title 18, United  
 3 States Code, except that such disclosure shall not in-  
 4 clude records revealing cable subscriber selection of  
 5 video programming from a cable operator.”; and

6 (2) in subsection (h), by striking “A govern-  
 7 mental entity” and inserting “Except as provided in  
 8 subsection (c)(2)(D), a governmental entity”.

9 **SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COM-**  
 10 **MUNICATIONS TO PROTECT LIFE AND LIMB.**

11 (a) DISCLOSURE OF CONTENTS.—

12 (1) IN GENERAL.—Section 2702 of title 18,  
 13 United States Code, is amended—

14 (A) by striking the section heading and in-  
 15 serting the following:

16 **“§ 2702. Voluntary disclosure of customer commu-**  
 17 **nications or records”;**

18 (B) in subsection (a)—

19 (i) in paragraph (2)(A), by striking  
 20 “and” at the end;

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

23 (iii) by inserting after paragraph (2)  
 24 the following:

1           “(3) a provider of remote computing service or  
2           electronic communication service to the public shall  
3           not knowingly divulge a record or other information  
4           pertaining to a subscriber to or customer of such  
5           service (not including the contents of communica-  
6           tions covered by paragraph (1) or (2)) to any gov-  
7           ernmental entity.”;

8           (C) in subsection (b), by striking “EXCEP-  
9           TIONS.—A person or entity” and inserting “EX-  
10          CEPTIONS FOR DISCLOSURE OF COMMUNICA-  
11          TIONS.— A provider described in subsection  
12          (a)”;

13          (D) in subsection (b)(6)—

14               (i) in subparagraph (A)(ii), by strik-  
15               ing “or”;

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

18               (iii) by adding after subparagraph (B)  
19               the following:

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

1 (E) by inserting after subsection (b) the  
 2 following:

3 “(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER  
 4 RECORDS.—A provider described in subsection (a) may di-  
 5 vulge a record or other information pertaining to a sub-  
 6 scriber to or customer of such service (not including the  
 7 contents of communications covered by subsection (a)(1)  
 8 or (a)(2))—

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

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

12 “(3) as may be necessarily incident to the ren-  
 13 dition of the service or to the protection of the rights  
 14 or property of the provider of that service;

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

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

21 (2) TECHNICAL AND CONFORMING AMEND-  
 22 MENT.—The table of sections for chapter 121 of  
 23 title 18, United States Code, is amended by striking  
 24 the item relating to section 2702 and inserting the  
 25 following:

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

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

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

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking “(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may” and inserting “A governmental entity may require a provider of electronic communication service or remote computing service to”;

(ii) by striking “covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

“(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of commu-

1            communications covered by subsection (a) or (b) of  
 2            this section) to a governmental entity” and in-  
 3            serting “)”;

4                       (iii) by redesignating subparagraph  
 5                       (C) as paragraph (2);

6                       (iv) by redesignating clauses (i), (ii),  
 7                       (iii), and (iv) as subparagraphs (A), (B),  
 8                       (C), and (D), respectively;

9                       (v) in subparagraph (D) (as redesign-  
 10                      nated) by striking the period and inserting  
 11                      “; or”; and

12                      (vi) by inserting after subparagraph  
 13                      (D) (as redesignated) the following:

14                      “(E) seeks information under paragraph  
 15                      (2).”; and

16                      (D) in paragraph (2) (as redesignated) by  
 17                      striking “subparagraph (B)” and insert “para-  
 18                      graph (1)”.

19            (2) TECHNICAL AND CONFORMING AMEND-  
 20            MENT.—The table of sections for chapter 121 of  
 21            title 18, United States Code, is amended by striking  
 22            the item relating to section 2703 and inserting the  
 23            following:

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

1 **SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXE-**  
2 **CUTION OF A WARRANT.**

3 Section 3103a of title 18, United States Code, is  
4 amended—

5 (1) by inserting “(a) IN GENERAL.—” before  
6 “In addition”; and

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

8 “(b) DELAY.—With respect to the issuance of any  
9 warrant or court order under this section, or any other  
10 rule of law, to search for and seize any property or mate-  
11 rial that constitutes evidence of a criminal offense in viola-  
12 tion of the laws of the United States, any notice required,  
13 or that may be required, to be given may be delayed if—

14 “(1) the court finds reasonable cause to believe  
15 that providing immediate notification of the execu-  
16 tion of the warrant may have an adverse result (as  
17 defined in section 2705);

18 “(2) the warrant prohibits the seizure of any  
19 tangible property, any wire or electronic communica-  
20 tion (as defined in section 2510), or, except as ex-  
21 pressly provided in chapter 121, any stored wire or  
22 electronic information, except where the court finds  
23 reasonable necessity for the seizure; and

24 “(3) the warrant provides for the giving of such  
25 notice within a reasonable period of its execution,

1       which period may thereafter be extended by the  
2       court for good cause shown.”.

3   **SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHOR-**  
4                   **ITY UNDER FISA.**

5       (a) APPLICATIONS AND ORDERS.—Section 402 of the  
6   Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
7   1842) is amended—

8               (1) in subsection (a)(1), by striking “for any in-  
9       vestigation to gather foreign intelligence information  
10      or information concerning international terrorism”  
11      and inserting “for any investigation to protect  
12      against international terrorism or clandestine intel-  
13      ligence activities, provided that such investigation of  
14      a United States person is not conducted solely upon  
15      the basis of activities protected by the first amend-  
16      ment to the Constitution”;

17              (2) by amending subsection (c)(2) to read as  
18      follows:

19              “(2) a certification by the applicant that the in-  
20      formation likely to be obtained is relevant to an on-  
21      going investigation to protect against international  
22      terrorism or clandestine intelligence activities, pro-  
23      vided that such investigation of a United States per-  
24      son is not conducted solely upon the basis of activi-



1       ties protected by the first amendment to the Con-  
2       stitution.”;

3               (3) by striking subsection (c)(3); and

4               (4) by amending subsection (d)(2)(A) to read  
5       as follows:

6               “(A) shall specify—

7                       “(i) the identity, if known, of the per-  
8                       son who is the subject of the investigation;

9                       “(ii) the identity, if known, of the per-  
10                      son to whom is leased or in whose name is  
11                      listed the telephone line or other facility to  
12                      which the pen register or trap and trace  
13                      device is to be attached or applied;

14                     “(iii) the attributes of the communica-  
15                     tions to which the order applies, such as  
16                     the number or other identifier, and, if  
17                     known, the location of the telephone line or  
18                     other facility to which the pen register or  
19                     trap and trace device is to be attached or  
20                     applied and, in the case of a trap and trace  
21                     device, the geographic limits of the trap  
22                     and trace order.”.

23       (b) AUTHORIZATION DURING EMERGENCIES.—Sec-  
24       tion 403 of the Foreign Intelligence Surveillance Act of  
25       1978 (50 U.S.C. 1843) is amended—

1           (1) in subsection (a), by striking “foreign intel-  
2           ligence information or information concerning inter-  
3           national terrorism” and inserting “information to  
4           protect against international terrorism or clandestine  
5           intelligence activities, provided that such investiga-  
6           tion of a United States person is not conducted sole-  
7           ly upon the basis of activities protected by the first  
8           amendment to the Constitution”; and

9           (2) in subsection (b)(1), by striking “foreign in-  
10          telligence information or information concerning  
11          international terrorism” and inserting “information  
12          to protect against international terrorism or clandes-  
13          tine intelligence activities, provided that such inves-  
14          tigation of a United States person is not conducted  
15          solely upon the basis of activities protected by the  
16          first amendment to the Constitution”.

17 **SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER**  
18 **THE FOREIGN INTELLIGENCE SURVEIL-**  
19 **LANCE ACT.**

20          Title V of the Foreign Intelligence Surveillance Act  
21 of 1978 (50 U.S.C. 1861 et seq.) is amended by striking  
22 sections 501 through 503 and inserting the following:

1 **“SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR**  
2 **FOREIGN INTELLIGENCE AND INTER-**  
3 **NATIONAL TERRORISM INVESTIGATIONS.**

4 “(a)(1) The Director of the Federal Bureau of Inves-  
5 tigation or a designee of the Director (whose rank shall  
6 be no lower than Assistant Special Agent in Charge) may  
7 make an application for an order requiring the production  
8 of any tangible things (including books, records, papers,  
9 documents, and other items) for an investigation to pro-  
10 tect against international terrorism or clandestine intel-  
11 ligence activities, provided that such investigation of a  
12 United States person is not conducted solely upon the  
13 basis of activities protected by the first amendment to the  
14 Constitution.

15 “(2) An investigation conducted under this section  
16 shall—

17 “(A) be conducted under guidelines approved by  
18 the Attorney General under Executive Order 12333  
19 (or a successor order); and

20 “(B) not be conducted of a United States per-  
21 son solely upon the basis of activities protected by  
22 the first amendment to the Constitution of the  
23 United States.

24 “(b) Each application under this section—

25 “(1) shall be made to—

1           “(A) a judge of the court established by  
2           section 103(a); or

3           “(B) a United States Magistrate Judge  
4           under chapter 43 of title 28, United States  
5           Code, who is publicly designated by the Chief  
6           Justice of the United States to have the power  
7           to hear applications and grant orders for the  
8           production of tangible things under this section  
9           on behalf of a judge of that court; and

10          “(2) shall specify that the records concerned  
11          are sought for an authorized investigation conducted  
12          in accordance with subsection (a)(2) to protect  
13          against international terrorism or clandestine intel-  
14          ligence activities.

15          “(c)(1) Upon an application made pursuant to this  
16          section, the judge shall enter an ex parte order as re-  
17          quested, or as modified, approving the release of records  
18          if the judge finds that the application meets the require-  
19          ments of this section.

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

23          “(d) No person shall disclose to any other person  
24          (other than those persons necessary to produce the tan-  
25          gible things under this section) that the Federal Bureau

1 of Investigation has sought or obtained tangible things  
2 under this section.

3 “(e) A person who, in good faith, produces tangible  
4 things under an order pursuant to this section shall not  
5 be liable to any other person for such production. Such  
6 production shall not be deemed to constitute a waiver of  
7 any privilege in any other proceeding or context.

8 **“SEC. 502. CONGRESSIONAL OVERSIGHT.**

9 “(a) On a semiannual basis, the Attorney General  
10 shall fully inform the Permanent Select Committee on In-  
11 telligence of the House of Representatives and the Select  
12 Committee on Intelligence of the Senate concerning all re-  
13 quests for the production of tangible things under section  
14 402.

15 “(b) On a semiannual basis, the Attorney General  
16 shall provide to the Committees on the Judiciary of the  
17 House of Representatives and the Senate a report setting  
18 forth with respect to the preceding 6-month period—

19 “(1) the total number of applications made for  
20 orders approving requests for the production of tan-  
21 gible things under section 402; and

22 “(2) the total number of such orders either  
23 granted, modified, or denied.”.

1 **SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO**  
2 **USE OF PEN REGISTERS AND TRAP AND**  
3 **TRACE DEVICES.**

4 (a) GENERAL LIMITATIONS.—Section 3121(c) of title  
5 18, United States Code, is amended—

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

8 (2) by inserting “, routing, addressing,” after  
9 “dialing”; and

10 (3) by striking “call processing” and inserting  
11 “the processing and transmitting of wire or elec-  
12 tronic communications so as not to include the con-  
13 tents of any wire or electronic communications”.

14 (b) ISSUANCE OF ORDERS.—

15 (1) IN GENERAL.—Section 3123(a) of title 18,  
16 United States Code, is amended to read as follows:  
17 “(a) IN GENERAL.—

18 “(1) ATTORNEY FOR THE GOVERNMENT.—  
19 Upon an application made under section 3122(a)(1),  
20 the court shall enter an ex parte order authorizing  
21 the installation and use of a pen register or trap and  
22 trace device anywhere within the United States, if  
23 the court finds that the attorney for the Government  
24 has certified to the court that the information likely  
25 to be obtained by such installation and use is rel-  
26 evant to an ongoing criminal investigation. The

1 order, upon service of that order, shall apply to any  
2 person or entity providing wire or electronic commu-  
3 nication service in the United States whose assist-  
4 ance may facilitate the execution of the order.  
5 Whenever such an order is served on any person or  
6 entity not specifically named in the order, upon re-  
7 quest of such person or entity, the attorney for the  
8 Government or law enforcement or investigative offi-  
9 cer that is serving the order shall provide written or  
10 electronic certification that the order applies to the  
11 person or entity being served.

12 “(2) STATE INVESTIGATIVE OR LAW ENFORCE-  
13 MENT OFFICER.—Upon an application made under  
14 section 3122(a)(2), the court shall enter an ex parte  
15 order authorizing the installation and use of a pen  
16 register or trap and trace device within the jurisdic-  
17 tion of the court, if the court finds that the State  
18 law enforcement or investigative officer has certified  
19 to the court that the information likely to be ob-  
20 tained by such installation and use is relevant to an  
21 ongoing criminal investigation.

22 “(3)(A) Where the law enforcement agency im-  
23 plementing an ex parte order under this subsection  
24 seeks to do so by installing and using its own pen  
25 register or trap and trace device on a packet-

1 switched data network of a provider of electronic  
2 communication service to the public, the agency shall  
3 ensure that a record will be maintained which will  
4 identify—

5 “(i) any officer or officers who installed  
6 the device and any officer or officers who  
7 accessed the device to obtain information from  
8 the network;

9 “(ii) the date and time the device was in-  
10 stalled, the date and time the device was  
11 uninstalled, and the date, time, and duration of  
12 each time the device is accessed to obtain infor-  
13 mation;

14 “(iii) the configuration of the device at the  
15 time of its installation and any subsequent  
16 modification thereof; and

17 “(iv) any information which has been col-  
18 lected by the device.

19 To the extent that the pen register or trap and trace  
20 device can be set automatically to record this infor-  
21 mation electronically, the record shall be maintained  
22 electronically throughout the installation and use of  
23 such device.

24 “(B) The record maintained under subpara-  
25 graph (A) shall be provided ex parte and under seal



1 to the court which entered the ex parte order au-  
2 thorizing the installation and use of the device with-  
3 in 30 days after termination of the order (including  
4 any extensions thereof).”.

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

7 (A) in subparagraph (A)—

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

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

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

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

23 (3) NONDISCLOSURE REQUIREMENTS.—Section  
24 3123(d)(2) of title 18, United States Code, is  
25 amended—

1 (A) by inserting “or other facility” after  
2 “the line”; and

3 (B) by striking “, or who has been ordered  
4 by the court” and inserting “or applied, or who  
5 is obligated by the order”.

6 (c) DEFINITIONS.—

7 (1) COURT OF COMPETENT JURISDICTION.—

8 Section 3127(2) of title 18, United States Code, is  
9 amended by striking subparagraph (A) and inserting  
10 the following:

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

16 (2) PEN REGISTER.—Section 3127(3) of title  
17 18, United States Code, is amended—

18 (A) by striking “electronic or other im-  
19 pulses” and all that follows through “is at-  
20 tached” and inserting “dialing, routing, ad-  
21 dressing, or signaling information transmitted  
22 by an instrument or facility from which a wire  
23 or electronic communication is transmitted, pro-  
24 vided, however, that such information shall not

1 include the contents of any communication”;  
2 and

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

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

8 (A) by striking “of an instrument” and all  
9 that follows through the semicolon and insert-  
10 ing “or other dialing, routing, addressing, and  
11 signaling information reasonably likely to iden-  
12 tify the source of a wire or electronic commu-  
13 nication, provided, however, that such informa-  
14 tion shall not include the contents of any com-  
15 munication;”; and

16 (B) by inserting “or process” after “a de-  
17 vice”.

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’” after  
23 “electronic communication service”.

1           (5) TECHNICAL AMENDMENT.—Section 3124(d)  
2           of title 18, United States Code, is amended by strik-  
3           ing “the terms of”.

4   **SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COM-**  
5                           **MUNICATIONS.**

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

8           (1) in section 2510—

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

11                  (B) in paragraph (19), by striking the pe-  
12                  riod and inserting a semicolon; and

13                  (C) by inserting after paragraph (19) the  
14                  following:

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

17                  “(21) ‘computer trespasser’—

18                         “(A) means a person who accesses a pro-  
19                         tected computer without authorization and thus  
20                         has no reasonable expectation of privacy in any  
21                         communication transmitted to, through, or from  
22                         the protected computer; and

23                         “(B) does not include a person known by  
24                         the owner or operator of the protected computer  
25                         to have an existing contractual relationship with

1 the owner or operator of the protected computer  
2 for access to all or part of the protected com-  
3 puter.”; and

4 (2) in section 2511(2), by inserting at the end  
5 the following:

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

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

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

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

21 “(IV) such interception does not acquire com-  
22 munications other than those transmitted to or from  
23 the computer trespasser.”.

1 **SEC. 218. FOREIGN INTELLIGENCE INFORMATION.**

2 Sections 104(a)(7)(B) and section 303(a)(7)(B) (50  
3 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign  
4 Intelligence Surveillance Act of 1978 are each amended  
5 by striking “the purpose” and inserting “a significant pur-  
6 pose”.

7 **SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR**  
8 **TERRORISM.**

9 Rule 41(a) of the Federal Rules of Criminal Proce-  
10 dure is amended by inserting after “executed” the fol-  
11 lowing: “and (3) in an investigation of domestic terrorism  
12 or international terrorism (as defined in section 2331 of  
13 title 18, United States Code), by a Federal magistrate  
14 judge in any district in which activities related to the ter-  
15 rorism may have occurred, for a search of property or for  
16 a person within or outside the district”.

17 **SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS**  
18 **FOR ELECTRONIC EVIDENCE.**

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

21 (1) in section 2703, by striking “under the  
22 Federal Rules of Criminal Procedure” every place it  
23 appears and inserting “using the procedures de-  
24 scribed in the Federal Rules of Criminal Procedure  
25 by a court with jurisdiction over the offense under  
26 investigation”; and

1 (2) in section 2711—

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

3 (B) in paragraph (2), by striking the pe-  
4 riod and inserting “; and”; and

5 (C) by inserting at the end the following:

6 “(3) the term ‘court of competent jurisdiction’  
7 has the meaning assigned by section 3127, and in-  
8 cludes any Federal court within that definition,  
9 without geographic limitation.”.

10 **SEC. 221. TRADE SANCTIONS.**

11 (a) IN GENERAL.—The Trade Sanctions Reform and  
12 Export Enhancement Act of 2000 (Public Law 106–387;  
13 114 Stat. 1549A–67) is amended—

14 (1) by amending section 904(2)(C) to read as  
15 follows:

16 “(C) used to facilitate the design, develop-  
17 ment, or production of chemical or biological  
18 weapons, missiles, or weapons of mass destruc-  
19 tion.”;

20 (2) in section 906(a)(1)—

21 (A) by inserting “, the Taliban or the ter-  
22 ritory of Afghanistan controlled by the  
23 Taliban,” after “Cuba”; and

1 (B) by inserting “, or in the territory of  
2 Afghanistan controlled by the Taliban,” after  
3 “within such country”; and  
4 (3) in section 906(a)(2), by inserting “, or to  
5 any other entity in Syria or North Korea” after  
6 “Korea”.

7 (b) APPLICATION OF THE TRADE SANCTIONS RE-  
8 FORM AND EXPORT ENHANCEMENT ACT.—Nothing in the  
9 Trade Sanctions Reform and Export Enhancement Act of  
10 2000 shall limit the application or scope of any law estab-  
11 lishing criminal or civil penalties, including any executive  
12 order or regulation promulgated pursuant to such laws (or  
13 similar or successor laws), for the unlawful export of any  
14 agricultural commodity, medicine, or medical device to—

15 (1) a foreign organization, group, or person  
16 designated pursuant to Executive Order 12947 of  
17 June 25, 1995;

18 (2) a Foreign Terrorist Organization pursuant  
19 to the Antiterrorism and Effective Death Penalty  
20 Act of 1996 (Public Law 104–132);

21 (3) a foreign organization, group, or person  
22 designated pursuant to Executive Order 13224 (Sep-  
23 tember 23, 2001);

24 (4) any narcotics trafficking entity designated  
25 pursuant to Executive Order 12978 (October 21,



1       1995) or the Foreign Narcotics Kingpin Designation  
2       Act (Public Law 106–120); or

3               (5) any foreign organization, group, or persons  
4       subject to any restriction for its involvement in  
5       weapons of mass destruction or missile proliferation.

6   **SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.**

7       Nothing in this Act shall impose any additional tech-  
8       nical obligation or requirement on a provider of a wire or  
9       electronic communication service or other person to fur-  
10      nish facilities or technical assistance. A provider of a wire  
11      or electronic communication service, landlord, custodian,  
12      or other person who furnishes facilities or technical assist-  
13      ance pursuant to section 216 shall be reasonably com-  
14      pensated for such reasonable expenditures incurred in pro-  
15      viding such facilities or assistance.

16   **SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED**  
17                           **DISCLOSURES.**

18       (a) Section 2520 of title 18, United States Code, is  
19      amended—

20               (1) in subsection (a), after “entity”, by insert-  
21      ing “, other than the United States,”;

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

23       “(f) ADMINISTRATIVE DISCIPLINE.—If a court deter-  
24      mines that the United States or any of its departments  
25      or agencies has violated any provision of this chapter, and

1 the court finds that the circumstances surrounding the  
2 violation raise serious questions about whether or not an  
3 officer or employee of the United States acted willfully or  
4 intentionally with respect to the possible violation, the de-  
5 partment or agency shall promptly initiate a proceeding  
6 to determine whether disciplinary action against the offi-  
7 cer or employee is warranted. If the head of the depart-  
8 ment or agency involved determines that disciplinary ac-  
9 tion is not warranted, he or she shall notify the Inspector  
10 General with jurisdiction over the department or agency  
11 concerned and shall provide the Inspector General with the  
12 reasons for such determination.”; and

13 (3) by adding a new subsection (g), as follows:

14 “(g) IMPROPER DISCLOSURE IS VIOLATION.—Any  
15 willful disclosure or use by an investigative or law enforce-  
16 ment officer or governmental entity of information beyond  
17 the extent permitted by section 2517 is a violation of this  
18 chapter for purposes of section 2520(a).

19 (b) Section 2707 of title 18, United States Code, is  
20 amended—

21 (1) in subsection (a), after “entity”, by insert-  
22 ing “, other than the United States,”;

23 (2) by striking subsection (d) and inserting the  
24 following:

1       “(d) ADMINISTRATIVE DISCIPLINE.—If a court de-  
2 termines that the United States or any of its departments  
3 or agencies has violated any provision of this chapter, and  
4 the court finds that the circumstances surrounding the  
5 violation raise serious questions about whether or not an  
6 officer or employee of the United States acted willfully or  
7 intentionally with respect to the possible violation, the de-  
8 partment or agency shall promptly initiate a proceeding  
9 to determine whether disciplinary action against the offi-  
10 cer or employee is warranted. If the head of the depart-  
11 ment or agency involved determines that disciplinary ac-  
12 tion is not warranted, he or she shall notify the Inspector  
13 General with jurisdiction over the department or agency  
14 concerned and shall provide the Inspector General with the  
15 reasons for such determination.”; and

16           (3) by adding a new subsection (g), as follows:

17       “(g) IMPROPER DISCLOSURE.—Any willful disclosure  
18 of a ‘record’, as that term is defined in section 552a(a)  
19 of title 5, United States Code, obtained by an investigative  
20 or law enforcement officer, or a governmental entity, pur-  
21 suant to section 2703 of this title, or from a device in-  
22 stalled pursuant to section 3123 or 3125 of this title, that  
23 is not a disclosure made in the proper performance of the  
24 official duties of the officer or governmental entity making  
25 the disclosure, is a violation of this chapter. This provision

1 shall not apply to information previously lawfully disclosed  
2 to the public by a Federal, State, or local governmental  
3 entity.”.

4 (c)(1) Chapter 121 of title 18, United States Code,  
5 is amended by adding at the end the following:

6 **“§ 2712. Civil actions against the United States**

7 “(a) IN GENERAL.—Any person who is aggrieved by  
8 any violation of this chapter or of chapter 119 of this title  
9 or of sections 106(a), 305(a), or 405(a) of the Foreign  
10 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et  
11 seq.) may commence an action in United States District  
12 Court against the United States to recover money dam-  
13 ages. In any such action, if a person who is aggrieved suc-  
14 cessfully establishes a violation of this chapter or of chap-  
15 ter 119 of this title or of the above specific provisions of  
16 title 50, the Court may assess as damages—

17 “(1) actual damages, but not less than  
18 \$10,000, whichever amount is greater; and

19 “(2) litigation costs, reasonably incurred.

20 “(b) PROCEDURES.—(1) Any action against the  
21 United States under this section may be commenced only  
22 after a claim is presented to the appropriate department  
23 or agency under the procedures of the Federal Tort  
24 Claims Act, as set forth in title 28, United States Code.

1       “(2) Any action against the United States under this  
2 section shall be commenced within the time period set  
3 forth in section 2401(b) of title 28, United States Code.  
4 The claim shall accrue on the date upon which the claim-  
5 ant first discovers the violation.

6       “(3) Any action under this section shall be tried to  
7 the court without a jury.

8       “(4) Notwithstanding any other provision of law, the  
9 procedures set forth in section 106(f), 305(g), or 405(f)  
10 of the Foreign Intelligence Surveillance Act of 1978 (50  
11 U.S.C. 1801 et seq.) shall be the exclusive means by which  
12 materials governed by those sections may be reviewed.

13       “(5) An amount equal to any award against the  
14 United States under this section shall be reimbursed by  
15 the department or agency concerned to the fund described  
16 in section 1304 of title 31, United States Code, out of  
17 any appropriation, fund, or other account (excluding any  
18 part of such appropriation, fund, or account that is avail-  
19 able for the enforcement of any Federal law) that is avail-  
20 able for the operating expenses of the department or agen-  
21 cy concerned.

22       “(c) ADMINISTRATIVE DISCIPLINE.—If a court deter-  
23 mines that the United States or any of its departments  
24 or agencies has violated any provision of this chapter, and  
25 the court finds that the circumstances surrounding the

1 violation raise serious questions about whether or not an  
 2 officer or employee of the United States acted willfully or  
 3 intentionally with respect to the possible violation, the de-  
 4 partment or agency shall promptly initiate a proceeding  
 5 to determine whether disciplinary action against the offi-  
 6 cer or employee is warranted. If the head of the depart-  
 7 ment or agency involved determines that disciplinary ac-  
 8 tion is not warranted, he or she shall notify the Inspector  
 9 General with jurisdiction over the department or agency  
 10 concerned and shall provide the Inspector General with the  
 11 reasons for such determination.

12 “(d) EXCLUSIVE REMEDY.—Any action against the  
 13 United States under this subsection shall be the exclusive  
 14 remedy against the United States for any claims within  
 15 the purview of this section.”.

16 (2) The table of sections at the beginning of chapter  
 17 121 is amended to read as follows:

“2712. Civil action against the United States.”.

18 **SEC. 224. SUNSET.**

19 (a) IN GENERAL.—Except as provided in subsection  
 20 (b), this title and the amendments made by this title  
 21 (other than sections 203(a), 203(c), 205, 208, 211, 213,  
 22 219, 221, and 222, and the amendments made by those  
 23 sections) shall cease to have effect on December 31, 2004.

24 (b) EXCEPTIONS.—(1) If the President notifies the  
 25 Congress before December 31, 2004 that it is in the na-

1 tional interest that these provisions remain in effect, these  
 2 provisions shall remain in effect until December 31, 2006  
 3 and cease to have effect on that date.

4 (2) With respect to any investigation that began be-  
 5 fore the date on which these provisions cease to have ef-  
 6 fect, these provisions shall continue in effect.

## 7 **TITLE III—FINANCIAL** 8 **INFRASTRUCTURE**

### 9 **SEC. 301. LAUNDERING THE PROCEEDS OF TERRORISM.**

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

### 12 **SEC. 302. MATERIAL SUPPORT FOR TERRORISM.**

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

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

20 (2) in subsection (b), by striking “or other fi-  
 21 nancial securities” and inserting “or monetary in-  
 22 struments or financial securities”.

1 **SEC. 303. ASSETS OF TERRORIST ORGANIZATIONS.**

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

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

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

14 “(ii) acquired or maintained by any person  
15 for the purpose of supporting, planning, con-  
16 ducting, or concealing an act of domestic ter-  
17 rorism or international terrorism (as defined in  
18 section 2331) against the United States, citi-  
19 zens or residents of the United States, or their  
20 property; or

21 “(iii) derived from, involved in, or used or  
22 intended to be used to commit any act of do-  
23 mestic terrorism or international terrorism (as  
24 defined in section 2331) against the United  
25 States, citizens or residents of the United  
26 States, or their property.”.



1 **SEC. 304. TECHNICAL CLARIFICATION RELATING TO PROVI-**  
2 **SION OF MATERIAL SUPPORT TO TER-**  
3 **RORISM.**

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

7 **SEC. 305. EXTRATERRITORIAL JURISDICTION.**

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

10 “(h) Any person who, outside the jurisdiction of the  
11 United States, engages in any act that, if committed with-  
12 in the jurisdiction of the United States, would constitute  
13 an offense under subsection (a) or (b) of this section, shall  
14 be subject to the fines, penalties, imprisonment, and for-  
15 feiture provided in this title if—

16 “(1) the offense involves an access device  
17 issued, owned, managed, or controlled by a financial  
18 institution, account issuer, credit card system mem-  
19 ber, or other entity within the jurisdiction of the  
20 United States; and

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

**TITLE IV—PROTECTING THE  
BORDER**

**Subtitle A—Protecting the  
Northern Border**

**SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE  
NORTHERN BORDER.**

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

**SEC. 402. NORTHERN BORDER PERSONNEL.**

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number author-

1        ized on the date of enactment of this Act), and the  
 2        necessary personnel and facilities to support such  
 3        personnel, at ports of entry in each State along the  
 4        Northern Border; and

5            (4) an additional \$50,000,000 each to the Im-  
 6        migration and Naturalization Service and the United  
 7        States Customs Service for purposes of making im-  
 8        provements in technology for monitoring the North-  
 9        ern Border and acquiring additional equipment at  
 10       the Northern Border.

11 **SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND**  
 12                    **THE INS TO CERTAIN IDENTIFYING INFORMA-**  
 13                    **TION IN THE CRIMINAL HISTORY RECORDS**  
 14                    **OF VISA APPLICANTS AND APPLICANTS FOR**  
 15                    **ADMISSION TO THE UNITED STATES.**

16        (a) AMENDMENT OF THE IMMIGRATION AND NA-  
 17        TIONALITY ACT.—Section 105 of the Immigration and  
 18        Nationality Act (8 U.S.C. 1105) is amended—

19            (1) in the section heading, by inserting “; DATA  
 20        EXCHANGE” after “SECURITY OFFICERS”;

21            (2) by inserting “(a)” after “SEC. 105.”;

22            (3) in subsection (a), by inserting “and border”  
 23        after “internal” the second place it appears; and

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

1       “(b)(1) The Attorney General and the Director of the  
2 Federal Bureau of Investigation shall provide the Depart-  
3 ment of State and the Service access to the criminal his-  
4 tory record information contained in the National Crime  
5 Information Center’s Interstate Identification Index  
6 (NCIC–III), Wanted Persons File, and to any other files  
7 maintained by the National Crime Information Center  
8 that may be mutually agreed upon by the Attorney Gen-  
9 eral and the agency receiving the access, for the purpose  
10 of determining whether or not a visa applicant or appli-  
11 cant for admission has a criminal history record indexed  
12 in any such file.

13       “(2) Such access shall be provided by means of ex-  
14 tracts of the records for placement in the automated visa  
15 lookout or other appropriate database, and shall be pro-  
16 vided without any fee or charge.

17       “(3) The Federal Bureau of Investigation shall pro-  
18 vide periodic updates of the extracts at intervals mutually  
19 agreed upon with the agency receiving the access. Upon  
20 receipt of such updated extracts, the receiving agency shall  
21 make corresponding updates to its database and destroy  
22 previously provided extracts.

23       “(4) Access to an extract does not entitle the Depart-  
24 ment of State to obtain the full content of the cor-  
25 responding automated criminal history record. To obtain

1 the full content of a criminal history record, the Depart-  
2 ment of State shall submit the applicant's fingerprints and  
3 any appropriate fingerprint processing fee authorized by  
4 law to the Criminal Justice Information Services Division  
5 of the Federal Bureau of Investigation.

6 “(c) The provision of the extracts described in sub-  
7 section (b) may be reconsidered by the Attorney General  
8 and the receiving agency upon the development and de-  
9 ployment of a more cost-effective and efficient means of  
10 sharing the information.

11 “(d) For purposes of administering this section, the  
12 Department of State shall, prior to receiving access to  
13 NCIC data but not later than 4 months after the date  
14 of enactment of this subsection, promulgate final  
15 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 or not to issue

1 a visa to an alien or to admit an alien to the  
2 United States;

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

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

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

12 (c) TECHNOLOGY STANDARD TO CONFIRM IDEN-  
13 TITY.—

14 (1) IN GENERAL.—The Attorney General and  
15 the Secretary of State jointly, through the National  
16 Institute of Standards and Technology (NIST), and  
17 in consultation with the Secretary of the Treasury  
18 and other Federal law enforcement and intelligence  
19 agencies the Attorney General or Secretary of State  
20 deems appropriate, shall within 2 years after the  
21 date of enactment of this section, develop and certify  
22 a technology standard that can confirm the identity  
23 of a person applying for a United States visa or  
24 such person seeking to enter the United States pur-  
25 suant to a visa.

1           (2) INTEGRATED.—The technology standard de-  
2       veloped pursuant to paragraph (1), shall be the tech-  
3       nological basis for a cross-agency, cross-platform  
4       electronic system that is a cost-effective, efficient,  
5       fully integrated means to share law enforcement and  
6       intelligence information necessary to confirm the  
7       identity of such persons applying for a United States  
8       visa or such person seeking to enter the United  
9       States pursuant to a visa.

10          (3) ACCESSIBLE.—The electronic system de-  
11       scribed in paragraph (2), once implemented, shall be  
12       readily and easily accessible to—

13                (A) all consular officers responsible for the  
14       issuance of visas;

15                (B) all Federal inspection agents at all  
16       United States border inspection points; and

17                (C) all law enforcement and intelligence of-  
18       ficers as determined by regulation to be respon-  
19       sible for investigation or identification of aliens  
20       admitted to the United States pursuant to a  
21       visa.

22          (4) REPORT.—Not later than 18 months after  
23       the date of enactment of this Act, and every 2 years  
24       thereafter, the Attorney General and the Secretary  
25       of State shall jointly, in consultation with the Sec-

1       retary of Treasury, report to Congress describing  
2       the development, implementation and efficacy of the  
3       technology standard and electronic database system  
4       described in this subsection.

5       (d) STATUTORY CONSTRUCTION.—Nothing in this  
6       section, or in any other law, shall be construed to limit  
7       the authority of the Attorney General or the Director of  
8       the Federal Bureau of Investigation to provide access to  
9       the criminal history record information contained in the  
10      National Crime Information Center’s (NCIC) Interstate  
11      Identification Index (NCIC–III), or to any other informa-  
12      tion maintained by the NCIC, to any Federal agency or  
13      officer authorized to enforce or administer the immigra-  
14      tion laws of the United States, for the purpose of such  
15      enforcement or administration, upon terms that are con-  
16      sistent with the National Crime Prevention and Privacy  
17      Compact Act of 1998 (subtitle A of title II of Public Law  
18      105–251; 42 U.S.C. 14611–16) and section 552a of title  
19      5, United States Code.

20      **SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.**

21      The matter under the headings “Immigration And  
22      Naturalization Service: Salaries and Expenses, Enforce-  
23      ment And Border Affairs” and “Immigration And Natu-  
24      ralization Service: Salaries and Expenses, Citizenship And  
25      Benefits, Immigration And Program Direction” in the De-



1 partment of Justice Appropriations Act, 2001 (as enacted  
2 into law by Appendix B (H.R. 5548) of Public Law 106–  
3 553 (114 Stat. 2762A–58 to 2762A–59)) is amended by  
4 striking the following each place it occurs: “*Provided*, That  
5 none of the funds available to the Immigration and Natu-  
6 ralization Service shall be available to pay any employee  
7 overtime pay in an amount in excess of \$30,000 during  
8 the calendar year beginning January 1, 2001:”.

9 **SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FIN-**  
10 **GERPRINT IDENTIFICATION SYSTEM FOR**  
11 **POINTS OF ENTRY AND OVERSEAS CONSULAR**  
12 **POSTS.**

13 (a) IN GENERAL.—The Attorney General, in con-  
14 sultation with the appropriate heads of other Federal  
15 agencies, including the Secretary of State, Secretary of the  
16 Treasury, and the Secretary of Transportation, shall re-  
17 port to Congress on the feasibility of enhancing the Inte-  
18 grated Automated Fingerprint Identification System  
19 (IAFIS) of the Federal Bureau of Investigation and other  
20 identification systems in order to better identify a person  
21 who holds a foreign passport or a visa and may be wanted  
22 in connection with a criminal investigation in the United  
23 States or abroad, before the issuance of a visa to that per-  
24 son or the entry or exit by that person from the United  
25 States.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated not less than \$2,000,000  
3 to carry out this section.

4 **Subtitle B—Enhanced Immigration**  
5 **Provisions**

6 **SEC. 411. DEFINITIONS RELATING TO TERRORISM.**

7 (a) GROUNDS OF INADMISSIBILITY.—Section  
8 212(a)(3) of the Immigration and Nationality Act (8  
9 U.S.C. 1182(a)(3)) is amended—

10 (1) in subparagraph (B)—

11 (A) in clause (i)—

12 (i) by amending subclause (IV) to  
13 read as follows:

14 “(IV) is a representative (as de-  
15 fined in clause (v)) of—

16 “(aa) a foreign terrorist or-  
17 ganization, as designated by the  
18 Secretary of State under section  
19 219, or

20 “(bb) a political, social or  
21 other similar group whose public  
22 endorsement of acts of terrorist  
23 activity the Secretary of State  
24 has determined undermines

1 United States efforts to reduce or  
2 eliminate terrorist activities,”;

3 (ii) in subclause (V), by inserting “or”  
4 after “section 219,”; and

5 (iii) by adding at the end the fol-  
6 lowing new subclauses:

7 “(VI) has used the alien’s posi-  
8 tion of prominence within any country  
9 to endorse or espouse terrorist activ-  
10 ity, or to persuade others to support  
11 terrorist activity or a terrorist organi-  
12 zation, in a way that the Secretary of  
13 State has determined undermines  
14 United States efforts to reduce or  
15 eliminate terrorist activities, or

16 “(VII) is the spouse or child of  
17 an alien who is inadmissible under  
18 this section, if the activity causing the  
19 alien to be found inadmissible oc-  
20 curred within the last 5 years,”;

21 (B) by redesignating clauses (ii), (iii), and  
22 (iv) as clauses (iii), (iv), and (v), respectively;

23 (C) in clause (i)(II), by striking “clause  
24 (iii)” and inserting “clause (iv)”;

1 (D) by inserting after clause (i) the fol-  
2 lowing:

3 “(ii) EXCEPTION.—Subclause (VII) of  
4 clause (i) does not apply to a spouse or  
5 child—

6 “(I) who did not know or should  
7 not reasonably have known of the ac-  
8 tivity causing the alien to be found in-  
9 admissible under this section; or

10 “(II) whom the consular officer  
11 or Attorney General has reasonable  
12 grounds to believe has renounced the  
13 activity causing the alien to be found  
14 inadmissible under this section.”;

15 (E) in clause (iii) (as redesignated by sub-  
16 paragraph (B))—

17 (i) by inserting “it had been” before  
18 “committed in the United States”; and

19 (ii) in subclause (V)(b), by striking  
20 “or firearm” and inserting “, firearm, or  
21 other weapon or dangerous device”;

22 (F) by amending clause (iv) (as redesign-  
23 nated by subparagraph (B)) to read as follows:

24 “(iv) ENGAGE IN TERRORIST ACTIVITY  
25 DEFINED.—As used in this chapter, the

1 term ‘engage in terrorist activity’ means,  
2 in an individual capacity or as a member  
3 of an organization—

4 “(I) to commit or to incite to  
5 commit, under circumstances indi-  
6 cating an intention to cause death or  
7 serious bodily injury, a terrorist activ-  
8 ity;

9 “(II) to prepare or plan a ter-  
10 rorist activity;

11 “(III) to gather information on  
12 potential targets for terrorist activity;

13 “(IV) to solicit funds or other  
14 things of value for—

15 “(aa) a terrorist activity;

16 “(bb) a terrorist organiza-  
17 tion described in clauses (vi)(I)  
18 or (vi)(II); or

19 “(cc) a terrorist organiza-  
20 tion described in clause (vi)(III),  
21 unless the solicitor can dem-  
22 onstrate that he did not know,  
23 and should not reasonably have  
24 known, that the solicitation

1 would further the organization’s  
2 terrorist activity;

3 “(V) to solicit any individual—

4 “(aa) to engage in conduct  
5 otherwise described in this  
6 clause;

7 “(bb) for membership in a  
8 terrorist organization described  
9 in clauses (vi)(I) or (vi)(II); or

10 “(cc) for membership in a  
11 terrorist organization described  
12 in clause (vi)(III), unless the so-  
13 licitor can demonstrate that he  
14 did not know, and should not  
15 reasonably have known, that the  
16 solicitation would further the or-  
17 ganization’s terrorist activity; or

18 “(VI) to commit an act that the  
19 actor knows, or reasonably should  
20 know, affords material support, in-  
21 cluding a safe house, transportation,  
22 communications, funds, transfer of  
23 funds or other material financial ben-  
24 efit, false documentation or identifica-  
25 tion, weapons (including chemical, bi-

1                   ological, or radiological weapons), ex-  
2                   plosives, or training—

3                   “(aa) for the commission of  
4                   a terrorist activity;

5                   “(bb) to any individual who  
6                   the actor knows, or reasonably  
7                   should know, has committed or  
8                   plans to commit a terrorist activ-  
9                   ity;

10                  “(cc) to a terrorist organiza-  
11                  tion described in clauses (vi)(I)  
12                  or (vi)(II); or

13                  “(dd) to a terrorist organi-  
14                  zation described in clause  
15                  (vi)(III), unless the actor can  
16                  demonstrate that he did not  
17                  know, and should not reasonably  
18                  have known, that the act would  
19                  further the organization’s ter-  
20                  rorist activity.

21                  This clause shall not apply to any ma-  
22                  terial support the alien afforded to an  
23                  organization or individual that has  
24                  committed terrorist activity, if the  
25                  Secretary of State, after consultation

1 with the Attorney General, or the At-  
2 torney General, after consultation  
3 with the Secretary of State, concludes  
4 in his sole unreviewable discretion,  
5 that this clause should not apply.”;  
6 and

7 (G) by adding at the end the following new  
8 clause:

9 “(vi) TERRORIST ORGANIZATION DE-  
10 FINED.—As used in clause (i)(VI) and  
11 clause (iv), the term ‘terrorist organiza-  
12 tion’ means an organization—

13 “(I) designated under section  
14 219;

15 “(II) otherwise designated, upon  
16 publication in the Federal Register, by  
17 the Secretary of State in consultation  
18 with or upon the request of the Attor-  
19 ney General, as a terrorist organiza-  
20 tion, after finding that it engages in  
21 the activities described in subclause  
22 (I), (II), or (III) of clause (iv), or that  
23 it provides material support to further  
24 terrorist activity; or



1 “(III) that is a group of two or  
2 more individuals, whether organized  
3 or not, which engages in the activities  
4 described in subclause (I), (II), or  
5 (III) of clause (iv).”; and

6 (2) by adding at the end the following new sub-  
7 paragraph:

8 “(F) ASSOCIATION WITH TERRORIST ORGA-  
9 NIZATIONS.—Any alien who the Secretary of  
10 State, after consultation with the Attorney Gen-  
11 eral, or the Attorney General, after consultation  
12 with the Secretary of State, determines has  
13 been associated with a terrorist organization  
14 and intends while in the United States to en-  
15 gage solely, principally, or incidentally in activi-  
16 ties that could endanger the welfare, safety, or  
17 security of the United States is inadmissible.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 237(a)(4)(B) of the Immigration  
20 and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is  
21 amended by striking “section 212(a)(3)(B)(iii)” and  
22 inserting “section 212(a)(3)(B)(iv)”.

23 (2) Section 208(b)(2)(A)(v) of the Immigration  
24 and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is

1 amended by striking “or (IV)” and inserting “(IV),  
2 or (VI)”.

3 (c) RETROACTIVE APPLICATION OF AMENDMENTS.—

4 (1) IN GENERAL.—Except as otherwise pro-  
5 vided in this subsection, the amendments made by  
6 this section shall take effect on the date of enact-  
7 ment of this Act and shall apply to—

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

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

13 (i) in removal proceedings on or after  
14 such date (except for proceedings in which  
15 there has been a final administrative deci-  
16 sion before such date); or

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

19 (2) SPECIAL RULE FOR ALIENS IN EXCLUSION  
20 OR DEPORTATION PROCEEDINGS.—Notwithstanding  
21 any other provision of law, sections 212(a)(3)(B)  
22 and 237(a)(4)(B) of the Immigration and Nation-  
23 ality Act, as amended by this Act, shall apply to all  
24 aliens in exclusion or deportation proceedings on or  
25 after the date of enactment of this Act (except for

proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

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

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or

1 deportable for having engaged in a terrorist  
2 activity—

3 (i) described in subclause (IV)(bb),  
4 (V)(bb), or (VI)(cc) of section  
5 212(a)(3)(B)(iv) of such Act (as so amend-  
6 ed) with respect to a terrorist organization  
7 at any time when such organization was  
8 designated by the Secretary of State under  
9 section 219 of such Act or otherwise des-  
10 ignated under section 212(a)(3)(B)(vi)(II);  
11 or

12 (ii) described in subclause (IV)(cc),  
13 (V)(cc), or (VI)(dd) of section  
14 212(a)(3)(B)(iv) of such Act (as so amend-  
15 ed) with respect to a terrorist organization  
16 described in section 212(a)(3)(B)(vi)(III).

17 (4) EXCEPTION.—The Secretary of State, in  
18 consultation with the Attorney General, may deter-  
19 mine that the amendments made by this section  
20 shall not apply with respect to actions by an alien  
21 taken outside the United States before the date of  
22 enactment of this Act upon the recommendation of  
23 a consular officer who has concluded that there is  
24 not reasonable ground to believe that the alien knew

1 or reasonably should have known that the actions  
2 would further a terrorist activity.

3 (c) DESIGNATION OF FOREIGN TERRORIST ORGANI-  
4 ZATIONS.—Section 219(a) of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1189(a)) is amended—

6 (1) in paragraph (1)(B), by inserting “or ter-  
7 rorism (as defined in section 140(d)(2) of the For-  
8 eign Relations Authorization Act, Fiscal Years 1988  
9 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the ca-  
10 pability and intent to engage in terrorist activity or  
11 terrorism)” after “212(a)(3)(B)”;

12 (2) in paragraph (1)(C), by inserting “or ter-  
13 rorism” after “terrorist activity”;

14 (3) by amending paragraph (2)(A) to read as  
15 follows:

16 “(A) NOTICE.—

17 “(i) TO CONGRESSIONAL LEADERS.—

18 Seven days before making a designation  
19 under this subsection, the Secretary shall,  
20 by classified communication, notify the  
21 Speaker and Minority Leader of the House  
22 of Representatives, the President pro tem-  
23 pore, Majority Leader, and Minority Lead-  
24 er of the Senate, and the members of the  
25 relevant committees, in writing, of the in-

1 tent to designate an organization under  
2 this subsection, together with the findings  
3 made under paragraph (1) with respect to  
4 that organization, and the factual basis  
5 therefor.

6 “(ii) PUBLICATION IN FEDERAL REG-  
7 ISTER.—The Secretary shall publish the  
8 designation in the Federal Register seven  
9 days after providing the notification under  
10 clause (i).”;

11 (4) in paragraph (2)(B)(i), by striking “sub-  
12 paragraph (A)” and inserting “subparagraph  
13 (A)(ii)”;

14 (5) in paragraph (2)(C), by striking “paragraph  
15 (2)” and inserting “paragraph (2)(A)(i)”;

16 (6) in paragraph (3)(B), by striking “sub-  
17 section (c)” and inserting “subsection (b)”;

18 (7) in paragraph (4)(B), by inserting after the  
19 first sentence the following: “The Secretary also may  
20 redesignate such organization at the end of any 2-  
21 year redesignation period (but not sooner than 60  
22 days prior to the termination of such period) for an  
23 additional 2-year period upon a finding that the rel-  
24 evant circumstances described in paragraph (1) still  
25 exist. Any redesignation shall be effective imme-

1 diately following the end of the prior 2-year designa-  
2 tion or redesignation period unless a different effec-  
3 tive date is provided in such redesignation.”;

4 (8) in paragraph (6)(A)—

5 (A) by inserting “or a redesignation made  
6 under paragraph (4)(B)” after “paragraph  
7 (1)”;

8 (B) in clause (i)—

9 (i) by inserting “or redesignation”  
10 after “designation” the first place it ap-  
11 pears; and

12 (ii) by striking “of the designation”;

13 and

14 (C) in clause (ii), by striking “of the des-  
15 ignation”;

16 (9) in paragraph (6)(B)—

17 (A) by striking “through (4)” and insert-  
18 ing “and (3)”;

19 (B) by inserting at the end the following  
20 new sentence: “Any revocation shall take effect  
21 on the date specified in the revocation or upon  
22 publication in the Federal Register if no effec-  
23 tive date is specified.”;

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

4 (11) in paragraph (8)—

5 (A) by striking “paragraph (1)(B)” and  
 6 inserting “paragraph (2)(B), or if a redesigna-  
 7 tion under this subsection has become effective  
 8 under paragraph (4)(B)”;

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

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

13 **SEC. 412. MANDATORY DETENTION OF SUSPECTED TER-**  
 14 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**  
 15 **VIEW.**

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

19 “MANDATORY DETENTION OF SUSPECTED  
 20 TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

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

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



1           “(2) RELEASE.—Except as provided in para-  
2           graphs (5) and (6), the Attorney General shall main-  
3           tain custody of such an alien until the alien is re-  
4           moved from the United States. Except as provided  
5           in paragraph (6), such custody shall be maintained  
6           irrespective of any relief from removal for which the  
7           alien may be eligible, or any relief from removal  
8           granted the alien, until the Attorney General deter-  
9           mines that the alien is no longer an alien who may  
10          be certified under paragraph (3).

11          “(3) CERTIFICATION.—The Attorney General  
12          may certify an alien under this paragraph if the At-  
13          torney General has reasonable grounds to believe  
14          that the alien—

15               “(A) is described in section  
16               212(a)(3)(A)(i),                       212(a)(3)(A)(iii),  
17               212(a)(3)(B),                       237(a)(4)(A)(i),  
18               237(a)(4)(A)(iii), or 237(a)(4)(B); or

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

22          “(4) NONDELEGATION.—The Attorney General  
23          may delegate the authority provided under para-  
24          graph (3) only to the Commissioner. The Commis-  
25          sioner may not delegate such authority.

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

9           “(6) LIMITATION ON INDEFINITE DETEN-  
10      TION.—An alien detained under paragraph (1) who  
11      has not been removed under section 241(a)(1)(A),  
12      and whose removal is unlikely in the reasonably fore-  
13      seeable future, may be detained for additional peri-  
14      ods of up to six months if the release of the alien  
15      will not protect the national security of the United  
16      States or adequately ensure the safety of the com-  
17      munity or any person.

18      “(b) HABEAS CORPUS AND JUDICIAL REVIEW.—

19           “(1) IN GENERAL.—Judicial review of any ac-  
20      tion or decision relating to this section (including ju-  
21      dicial review of the merits of a determination made  
22      under subsection (a)(3) or (a)(6)) is available exclu-  
23      sively in habeas corpus proceedings consistent with  
24      this subsection. Except as provided in the preceding  
25      sentence, no court shall have jurisdiction to review,

1 by habeas corpus petition or otherwise, any such ac-  
2 tion or decision.

3 “(2) APPLICATION.—

4 “(A) IN GENERAL.—Notwithstanding any  
5 other provision of law, including section  
6 2241(a) of title 28, United States Code, habeas  
7 corpus proceedings described in paragraph (1)  
8 may be initiated only by an application filed  
9 with—

10 “(i) the Supreme Court;

11 “(ii) any justice of the Supreme  
12 Court;

13 “(iii) any circuit judge of the United  
14 States Court of Appeals for the District of  
15 Columbia Circuit; or

16 “(iv) any district court otherwise hav-  
17 ing jurisdiction to entertain it.

18 “(B) APPLICATION TRANSFER.—Section  
19 2241(b) of title 28, United States Code, shall  
20 apply to an application for a writ of habeas cor-  
21 pus described in subparagraph (A).

22 “(3) APPEALS.—Notwithstanding any other  
23 provision of law, including section 2253 of title 28,  
24 in habeas corpus proceedings described in paragraph  
25 (1) before a circuit or district judge, the final order

1 shall be subject to review, on appeal, by the United  
2 States Court of Appeals for the District of Columbia  
3 Circuit. There shall be no right of appeal in such  
4 proceedings to any other circuit court of appeals.

5 “(4) RULE OF DECISION.—The law applied by  
6 the Supreme Court and the United States Court of  
7 Appeals for the District of Columbia Circuit shall be  
8 regarded as the rule of decision in habeas corpus  
9 proceedings described in paragraph (1).

10 “(c) STATUTORY CONSTRUCTION.—The provisions of  
11 this section shall not be applicable to any other provision  
12 of the Immigration and Nationality Act.”.

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

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

16 (c) REPORTS.—Not later than 6 months after the  
17 date of the enactment of this Act, and every 6 months  
18 thereafter, the Attorney General shall submit a report to  
19 the Committee on the Judiciary of the House of Rep-  
20 resentatives and the Committee on the Judiciary of the  
21 Senate, with respect to the reporting period, on—

22 (1) the number of aliens certified under section  
23 236A(a)(3) of the Immigration and Nationality Act,  
24 as added by subsection (a);

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

12 **SEC. 413. MULTILATERAL COOPERATION AGAINST TERROR-**  
 13 **ISTS.**

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

- 16 (1) by striking “except that in the discretion
- 17 of” and inserting the following: “except that—
- 18 “(1) in the discretion of”; and
- 19 (2) by adding at the end the following:
- 20 “(2) the Secretary of State, in the Secretary’s
- 21 discretion and on the basis of reciprocity, may pro-
- 22 vide to a foreign government information in the De-
- 23 partment of State’s computerized visa lookout data-
- 24 base and, when necessary and appropriate, other

1 records covered by this section related to informa-  
2 tion in the database—

3 “(A) with regard to individual aliens, at  
4 any time on a case-by-case basis for the pur-  
5 pose of preventing, investigating, or punishing  
6 acts that would constitute a crime in the United  
7 States, including, but not limited to, terrorism  
8 or trafficking in controlled substances, persons,  
9 or illicit weapons; or

10 “(B) with regard to any or all aliens in the  
11 database, pursuant to such conditions as the  
12 Secretary of State shall establish in an agree-  
13 ment with the foreign government in which that  
14 government agrees to use such information and  
15 records for the purposes described in subpara-  
16 graph (A) or to deny visas to persons who  
17 would be inadmissible to the United States.”.

18 **Subtitle C—Preservation of Immi-**  
19 **gration Benefits for Victims of**  
20 **Terrorism**

21 **SEC. 421. SPECIAL IMMIGRANT STATUS.**

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

1 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the  
2 alien—

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

7 (2) is otherwise eligible to receive an immigrant  
8 visa and is otherwise admissible to the United States  
9 for permanent residence, except in determining such  
10 admissibility, the grounds for inadmissibility speci-  
11 fied in section 212(a)(4) of such Act (8 U.S.C.  
12 1182(a)(4)) shall not apply.

13 (b) ALIENS DESCRIBED.—

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

16 (A) the alien was the beneficiary of—

17 (i) a petition that was filed with the  
18 Attorney General on or before September  
19 11, 2001—

20 (I) under section 204 of the Im-  
21 migration and Nationality Act (8  
22 U.S.C. 1154) to classify the alien as  
23 a family-sponsored immigrant under  
24 section 203(a) of such Act (8 U.S.C.  
25 1153(a)) or as an employment-based

1 immigrant under section 203(b) of  
2 such Act (8 U.S.C. 1153(b)); or

3 (II) under section 214(d) (8  
4 U.S.C. 1184(d)) of such Act to au-  
5 thorize the issuance of a non-  
6 immigrant visa to the alien under sec-  
7 tion 101(a)(15)(K) of such Act (8  
8 U.S.C. 1101(a)(15)(K)); or

9 (ii) an application for labor certifi-  
10 cation under section 212(a)(5)(A) of such  
11 Act (8 U.S.C. 1182(a)(5)(A)) that was  
12 filed under regulations of the Secretary of  
13 Labor on or before such date; and

14 (B) such petition or application was re-  
15 voked or terminated (or otherwise rendered  
16 null), either before or after its approval, due to  
17 a specified terrorist activity that directly re-  
18 sulted in—

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

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

24 (2) SPOUSES AND CHILDREN.—



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

3 (i) the alien was, on September 10,  
4 2001, the spouse or child of a principal  
5 alien described in paragraph (1); and

6 (ii) the alien—

7 (I) is accompanying such prin-  
8 cipal alien; or

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

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

17 (3) GRANDPARENTS OF ORPHANS.—An alien is  
18 described in this subsection if the alien is a grand-  
19 parent of a child, both of whose parents died as a  
20 direct result of a specified terrorist activity, if either  
21 of such deceased parents was, on September 10,  
22 2001, a citizen or national of the United States or  
23 an alien lawfully admitted for permanent residence  
24 in the United States.

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

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

16 **SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.**

17 (a) AUTOMATIC EXTENSION OF NONIMMIGRANT STA-  
18 TUS.—

19 (1) IN GENERAL.—Notwithstanding section 214  
20 of the Immigration and Nationality Act (8 U.S.C.  
21 1184), in the case of an alien described in paragraph  
22 (2) who was lawfully present in the United States as  
23 a nonimmigrant on September 10, 2001, the alien  
24 may remain lawfully in the United States in the  
25 same nonimmigrant status until the later of—

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

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

6 (2) ALIENS DESCRIBED.—

7 (A) PRINCIPAL ALIENS.—An alien is de-  
8 scribed in this paragraph if the alien was dis-  
9 abled as a direct result of a specified terrorist  
10 activity.

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

14 (i) a principal alien described in sub-  
15 paragraph (A); or

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

18 (3) AUTHORIZED EMPLOYMENT.—During the  
19 period in which a principal alien or alien spouse is  
20 in lawful nonimmigrant status under paragraph (1),  
21 the alien shall be provided an “employment author-  
22 ized” endorsement or other appropriate document  
23 signifying authorization of employment not later  
24 than 30 days after the alien requests such authoriza-  
25 tion.

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

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

12          (2) DEPARTURE DELAYS.—In the case of an  
13 alien who was lawfully present in the United States  
14 as a nonimmigrant on September 10, 2001, if the  
15 alien is unable timely to depart the United States as  
16 a direct result of a specified terrorist activity, the  
17 alien shall not be considered to have been unlawfully  
18 present in the United States during the period be-  
19 ginning on September 11, 2001, and ending on the  
20 date of the alien's departure, if such departure oc-  
21 curs on or before November 11, 2001.

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

24           (A) PRINCIPAL ALIENS.—In the case of an  
25 alien who was in a lawful nonimmigrant status

1 on September 10, 2001, but who was not  
2 present in the United States on such date, if  
3 the alien was prevented from returning to the  
4 United States in order to file a timely applica-  
5 tion for an extension of nonimmigrant status as  
6 a direct result of a specified terrorist activity—

7 (i) the alien’s application shall be con-  
8 sidered timely filed if it is filed not later  
9 than 60 days after it otherwise would have  
10 been due; and

11 (ii) the alien’s lawful nonimmigrant  
12 status shall be considered to continue until  
13 the later of—

14 (I) the date such status otherwise  
15 would have terminated if this sub-  
16 paragraph had not been enacted; or

17 (II) the date that is 60 days  
18 after the date on which the applica-  
19 tion described in clause (i) otherwise  
20 would have been due.

21 (B) SPOUSES AND CHILDREN.—In the case  
22 of an alien who is the spouse or child of a prin-  
23 cipal alien described in subparagraph (A), if the  
24 spouse or child was in a lawful nonimmigrant  
25 status on September 10, 2001, the spouse or

1 child may remain lawfully in the United States  
2 in the same nonimmigrant status until the later  
3 of—

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

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

12 (4) CIRCUMSTANCES PREVENTING TIMELY AC-  
13 TION.—

14 (A) FILING DELAYS.—For purposes of  
15 paragraph (1), circumstances preventing an  
16 alien from timely acting are—

17 (i) office closures;  
18 (ii) mail or courier service cessations  
19 or delays; and  
20 (iii) other closures, cessations, or  
21 delays affecting case processing or travel  
22 necessary to satisfy legal requirements.

23 (B) DEPARTURE AND RETURN DELAYS.—  
24 For purposes of paragraphs (2) and (3), cir-

1           cumstances preventing an alien from timely act-  
2           ing are—

3                   (i) office closures;

4                   (ii) airline flight cessations or delays;

5                   and

6                   (iii) other closures, cessations, or  
7                   delays affecting case processing or travel  
8                   necessary to satisfy legal requirements.

9           (c) DIVERSITY IMMIGRANTS.—

10           (1) WAIVER OF FISCAL YEAR LIMITATION.—

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

20           (2) WORLDWIDE LEVEL.—In the case of an

21           alien entering the United States as a lawful perma-  
22           nent resident, or adjusting to that status, under  
23           paragraph (1), the alien shall be counted as a diver-  
24           sity immigrant for fiscal year 2001 for purposes of  
25           section 201(e) of the Immigration and Nationality

1 Act (8 U.S.C. 1151(e)), unless the worldwide level  
2 under such section for such year has been exceeded,  
3 in which case the alien shall be counted as a diver-  
4 sity immigrant for fiscal year 2002.

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

20 (4) CIRCUMSTANCES PREVENTING TIMELY AC-  
21 TION.—For purposes of paragraph (1), cir-  
22 cumstances preventing an alien from using an immi-  
23 grant visa number during fiscal year 2001 are—

24 (A) office closures;



1 (B) mail or courier service cessations or  
2 delays;

3 (C) airline flight cessations or delays; and

4 (D) other closures, cessations, or delays af-  
5 fecting case processing or travel necessary to  
6 satisfy legal requirements.

7 (d) EXTENSION OF EXPIRATION OF IMMIGRANT  
8 VISAS.—

9 (1) IN GENERAL.—Notwithstanding the limita-  
10 tions under section 221(c) of the Immigration and  
11 Nationality Act (8 U.S.C. 1201(c)), in the case of  
12 any immigrant visa issued to an alien that expires  
13 or expired before December 31, 2001, if the alien  
14 was unable to effect entry into the United States as  
15 a direct result of a specified terrorist activity, then  
16 the period of validity of the visa is extended until  
17 December 31, 2001, unless a longer period of valid-  
18 ity is otherwise provided under this subtitle.

19 (2) CIRCUMSTANCES PREVENTING ENTRY.—For  
20 purposes of this subsection, circumstances pre-  
21 venting an alien from effecting entry into the United  
22 States are—

23 (A) office closures;

24 (B) airline flight cessations or delays; and

1 (C) other closures, cessations, or delays af-  
2 fecting case processing or travel necessary to  
3 satisfy legal requirements.

4 (e) GRANTS OF PAROLE EXTENDED.—

5 (1) IN GENERAL.—In the case of any parole  
6 granted by the Attorney General under section  
7 212(d)(5) of the Immigration and Nationality Act (8  
8 U.S.C. 1182(d)(5)) that expires on a date on or  
9 after September 11, 2001, if the alien beneficiary of  
10 the parole was unable to return to the United States  
11 prior to the expiration date as a direct result of a  
12 specified terrorist activity, the parole is deemed ex-  
13 tended for an additional 90 days.

14 (2) CIRCUMSTANCES PREVENTING RETURN.—  
15 For purposes of this subsection, circumstances pre-  
16 venting an alien from timely returning to the United  
17 States are—

18 (A) office closures;

19 (B) airline flight cessations or delays; and

20 (C) other closures, cessations, or delays af-  
21 fecting case processing or travel necessary to  
22 satisfy legal requirements.

23 (f) VOLUNTARY DEPARTURE.—Notwithstanding sec-  
24 tion 240B of the Immigration and Nationality Act (8  
25 U.S.C. 1229c), if a period for voluntary departure under

1 such section expired during the period beginning on Sep-  
2 tember 11, 2001, and ending on October 11, 2001, such  
3 voluntary departure period is deemed extended for an ad-  
4 ditional 30 days.

5 **SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**  
6 **SPOUSES AND CHILDREN.**

7 (a) TREATMENT AS IMMEDIATE RELATIVES.—

8 (1) SPOUSES.—Notwithstanding the second  
9 sentence of section 201(b)(2)(A)(i) of the Immigra-  
10 tion and Nationality Act (8 U.S.C.  
11 1151(b)(2)(A)(i)), in the case of an alien who was  
12 the spouse of a citizen of the United States at the  
13 time of the citizen's death and was not legally sepa-  
14 rated from the citizen at the time of the citizen's  
15 death, if the citizen died as a direct result of a speci-  
16 fied terrorist activity, the alien (and each child of  
17 the alien) shall be considered, for purposes of section  
18 201(b) of such Act, to remain an immediate relative  
19 after the date of the citizen's death, but only if the  
20 alien files a petition under section 204(a)(1)(A)(ii)  
21 of such Act within 2 years after such date and only  
22 until the date the alien remarries. For purposes of  
23 such section 204(a)(1)(A)(ii), an alien granted relief  
24 under the preceding sentence shall be considered an

1 alien spouse described in the second sentence of sec-  
2 tion 201(b)(2)(A)(i) of such Act.

3 (2) CHILDREN.—

4 (A) IN GENERAL.—In the case of an alien  
5 who was the child of a citizen of the United  
6 States at the time of the citizen's death, if the  
7 citizen died as a direct result of a specified ter-  
8 rorist activity, the alien shall be considered, for  
9 purposes of section 201(b) of the Immigration  
10 and Nationality Act (8 U.S.C. 1151(b)), to re-  
11 main an immediate relative after the date of the  
12 citizen's death (regardless of changes in age or  
13 marital status thereafter), but only if the alien  
14 files a petition under subparagraph (B) within  
15 2 years after such date.

16 (B) PETITIONS.—An alien described in  
17 subparagraph (A) may file a petition with the  
18 Attorney General for classification of the alien  
19 under section 201(b)(2)(A)(i) of the Immigra-  
20 tion and Nationality Act (8 U.S.C.  
21 1151(b)(2)(A)(i)). For purposes of such Act,  
22 such a petition shall be considered a petition  
23 filed under section 204(a)(1)(A) of such Act (8  
24 U.S.C. 1154(a)(1)(A)).

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

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

19 (2) SELF-PETITIONS.—Any spouse, child, or  
20 unmarried son or daughter of an alien described in  
21 paragraph (3) who is not a beneficiary of a petition  
22 for classification as a family-sponsored immigrant  
23 under section 203(a)(2) of the Immigration and Na-  
24 tionality Act may file a petition for such classifica-  
25 tion with the Attorney General, if the spouse, child,

1 son, or daughter was present in the United States  
2 on September 11, 2001. Such spouse, child, son, or  
3 daughter may be eligible for deferred action and  
4 work authorization.

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

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

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

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

15 (1) IN GENERAL.—Any alien who was, on Sep-  
16 tember 10, 2001, the spouse or child of an alien de-  
17 scribed in paragraph (2), and who applied for ad-  
18 justment of status prior to the death described in  
19 paragraph (2)(A), may have such application adju-  
20 dicated as if such death had not occurred.

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

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

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

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

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

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

16 **SEC. 424. “AGE-OUT” PROTECTION FOR CHILDREN.**

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

20 (1) whose 21st birthday occurs in September  
21 2001, and who is the beneficiary of a petition or ap-  
22 plication filed under such Act on or before Sep-  
23 tember 11, 2001, the alien shall be considered to be  
24 a child for 90 days after the alien’s 21st birthday

1 for purposes of adjudicating such petition or applica-  
2 tion; and

3 (2) whose 21st birthday occurs after September  
4 2001, and who is the beneficiary of a petition or ap-  
5 plication filed under such Act on or before Sep-  
6 tember 11, 2001, the alien shall be considered to be  
7 a child for 45 days after the alien's 21st birthday  
8 for purposes of adjudicating such petition or applica-  
9 tion.

10 **SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.**

11 The Attorney General, for humanitarian purposes or  
12 to ensure family unity, may provide temporary administra-  
13 tive relief to any alien who—

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

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

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

21 **SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**  
22 **EMPLOYMENT.**

23 (a) IN GENERAL.—The Attorney General shall estab-  
24 lish appropriate standards for evidence demonstrating, for



1 purposes of this subtitle, that any of the following oc-  
 2 curred as a direct result of a specified terrorist activity:

3 (1) Death.

4 (2) Disability.

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

7 (b) WAIVER OF REGULATIONS.—The Attorney Gen-  
 8 eral shall carry out subsection (a) as expeditiously as pos-  
 9 sible. The Attorney General is not required to promulgate  
 10 regulations prior to implementing this subtitle.

11 **SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**  
 12 **BERS OF TERRORISTS.**

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

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

18 (2) any family member of any individual de-  
 19 scribed in paragraph (1).

20 **SEC. 428. DEFINITIONS.**

21 (a) APPLICATION OF IMMIGRATION AND NATION-  
 22 ALITY ACT PROVISIONS.—Except as otherwise specifically  
 23 provided in this subtitle, the definitions used in the Immi-  
 24 gration and Nationality Act (excluding the definitions ap-

1 plicable exclusively to title III of such Act) shall apply in  
2 the administration of this subtitle.

3 (b) SPECIFIED TERRORIST ACTIVITY.—For purposes  
4 of this subtitle, the term “specified terrorist activity”  
5 means any terrorist activity conducted against the Govern-  
6 ment or the people of the United States on September 11,  
7 2001.

8 **TITLE V—REMOVING OBSTA-**  
9 **CLES TO INVESTIGATING**  
10 **TERRORISM**

11 **SEC. 501. ATTORNEY GENERAL’S AUTHORITY TO PAY RE-**  
12 **WARDS TO COMBAT TERRORISM.**

13 (a) PAYMENT OF REWARDS TO COMBAT TER-  
14 RORISM.—Funds available to the Attorney General may  
15 be used for the payment of rewards pursuant to public  
16 advertisements for assistance to the Department of Jus-  
17 tice to combat terrorism and defend the Nation against  
18 terrorist acts, in accordance with procedures and regula-  
19 tions established or issued by the Attorney General.

20 (b) CONDITIONS.—In making rewards under this  
21 section—

22 (1) no such reward of \$250,000 or more may  
23 be made or offered without the personal approval of  
24 either the Attorney General or the President;

1           (2) the Attorney General shall give written no-  
2       tice to the Chairmen and ranking minority members  
3       of the Committees on Appropriations and the Judici-  
4       ary of the Senate and of the House of Representa-  
5       tives not later than 30 days after the approval of a  
6       reward under paragraph (1);

7           (3) any executive agency or military department  
8       (as defined, respectively, in sections 105 and 102 of  
9       title 5, United States Code) may provide the Attor-  
10      ney General with funds for the payment of rewards;

11          (4) neither the failure of the Attorney General  
12      to authorize a payment nor the amount authorized  
13      shall be subject to judicial review; and

14          (5) no such reward shall be subject to any per-  
15      or aggregate reward spending limitation established  
16      by law, unless that law expressly refers to this sec-  
17      tion, and no reward paid pursuant to any such offer  
18      shall count toward any such aggregate reward  
19      spending limitation.

20   **SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY RE-**  
21                   **WARDS.**

22      Section 36 of the State Department Basic Authorities  
23   Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C.  
24   2708) is amended—

25          (1) in subsection (b)—

1 (A) in paragraph (4), by striking “or” at  
2 the end;

3 (B) in paragraph (5), by striking the pe-  
4 riod at the end and inserting “, including by  
5 dismantling an organization in whole or signifi-  
6 cant part; or”; and

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

8 “(6) the identification or location of an indi-  
9 vidual who holds a key leadership position in a ter-  
10 rorist organization.”;

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

14 (3) in subsection (e)(1), by inserting “, except  
15 as personally authorized by the Secretary of State if  
16 he determines that offer or payment of an award of  
17 a larger amount is necessary to combat terrorism or  
18 defend the Nation against terrorist acts.” after  
19 “\$5,000,000”.

20 **SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND**  
21 **OTHER VIOLENT OFFENDERS.**

22 Section 3(d)(2) of the DNA Analysis Backlog Elimini-  
23 nation Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended  
24 to read as follows:

1           “(2) In addition to the offenses described in  
2           paragraph (1), the following offenses shall be treated  
3           for purposes of this section as qualifying Federal of-  
4           fenses, as determined by the Attorney General:

5                   “(A) Any offense listed in section  
6                   2332b(g)(5)(B) of title 18, United States Code.

7                   “(B) Any crime of violence (as defined in  
8                   section 16 of title 18, United States Code).

9                   “(C) Any attempt or conspiracy to commit  
10                  any of the above offenses.”.

11 **SEC. 504. COORDINATION WITH LAW ENFORCEMENT.**

12           (a) INFORMATION ACQUIRED FROM AN ELECTRONIC  
13 SURVEILLANCE.—Section 106 of the Foreign Intelligence  
14 Surveillance Act of 1978 (50 U.S.C. 1806), is amended  
15 by adding at the end the following:

16           “(k)(1) Federal officers who conduct electronic sur-  
17 veillance to acquire foreign intelligence information under  
18 this title may consult with Federal law enforcement offi-  
19 cers to coordinate efforts to investigate or protect  
20 against—

21                   “(A) actual or potential attack or other grave  
22                   hostile acts of a foreign power or an agent of a for-  
23                   eign power;

24                   “(B) sabotage or international terrorism by a  
25                   foreign power or an agent of a foreign power; or

1           “(C) clandestine intelligence activities by an in-  
2           telligence service or network of a foreign power or by  
3           an agent of a foreign power.

4           “(2) Coordination authorized under paragraph (1)  
5           shall not preclude the certification required by section  
6           104(a)(7)(B) or the entry of an order under section 105.”.

7           (b) INFORMATION ACQUIRED FROM A PHYSICAL  
8           SEARCH.—Section 305 of the Foreign Intelligence Surveil-  
9           lance Act of 1978 (50 U.S.C. 1825) is amended by adding  
10          at the end the following:

11          “(k)(1) Federal officers who conduct physical  
12          searches to acquire foreign intelligence information under  
13          this title may consult with Federal law enforcement offi-  
14          cers to coordinate efforts to investigate or protect  
15          against—

16               “(A) actual or potential attack or other grave  
17          hostile acts of a foreign power or an agent of a for-  
18          eign power;

19               “(B) sabotage or international terrorism by a  
20          foreign power or an agent of a foreign power; or

21               “(C) clandestine intelligence activities by an in-  
22          telligence service or network of a foreign power or by  
23          an agent of a foreign power.

1 “(2) Coordination authorized under paragraph (1)  
2 shall not preclude the certification required by section  
3 303(a)(7) or the entry of an order under section 304.”.

4 **SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORI-**  
5 **TIES.**

6 (a) TELEPHONE TOLL AND TRANSACTIONAL  
7 RECORDS.—Section 2709(b) of title 18, United States  
8 Code, is amended—

9 (1) in the matter preceding paragraph (1), by  
10 inserting “at Bureau headquarters or a Special  
11 Agent in Charge in a Bureau field office designated  
12 by the Director” after “Assistant Director”;

13 (2) in paragraph (1)—

14 (A) by striking “in a position not lower  
15 than Deputy Assistant Director”; and

16 (B) by striking “made that” and all that  
17 follows and inserting the following: “made that  
18 the name, address, length of service, and toll  
19 billing records sought are relevant to an author-  
20 ized investigation to protect against inter-  
21 national terrorism or clandestine intelligence ac-  
22 tivities, provided that such an investigation of a  
23 United States person is not conducted solely on  
24 the basis of activities protected by the first

1 amendment to the Constitution of the United  
2 States; and”; and

3 (3) in paragraph (2)—

4 (A) by striking “in a position not lower  
5 than Deputy Assistant Director”; and

6 (B) by striking “made that” and all that  
7 follows and inserting the following: “made that  
8 the information sought is relevant to an author-  
9 ized investigation to protect against inter-  
10 national terrorism or clandestine intelligence ac-  
11 tivities, provided that such an investigation of a  
12 United States person is not conducted solely  
13 upon the basis of activities protected by the  
14 first amendment to the Constitution of the  
15 United States.”.

16 (b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of  
17 the Right to Financial Privacy Act of 1978 (12 U.S.C.  
18 3414(a)(5)(A)) is amended—

19 (1) by inserting “in a position not lower than  
20 Deputy Assistant Director at Bureau headquarters  
21 or a Special Agent in Charge in a Bureau field office  
22 designated by the Director” after “designee”; and

23 (2) by striking “sought” and all that follows  
24 and inserting “sought for foreign counter intel-  
25 ligence purposes to protect against international ter-



1       rorism or clandestine intelligence activities, provided  
2       that such an investigation of a United States person  
3       is not conducted solely upon the basis of activities  
4       protected by the first amendment to the Constitution  
5       of the United States.”.

6       (c) CONSUMER REPORTS.—Section 624 of the Fair  
7       Credit Reporting Act (15 U.S.C. 1681u) is amended—

8               (1) in subsection (a)—

9                       (A) by inserting “in a position not lower  
10                      than Deputy Assistant Director at Bureau  
11                      headquarters or a Special Agent in Charge of a  
12                      Bureau field office designated by the Director”  
13                      after “designee” the first place it appears; and

14                     (B) by striking “in writing that” and all  
15                     that follows through the end and inserting the  
16                     following: “in writing, that such information is  
17                     sought for the conduct of an authorized inves-  
18                     tigation to protect against international ter-  
19                     rorism or clandestine intelligence activities, pro-  
20                     vided that such an investigation of a United  
21                     States person is not conducted solely upon the  
22                     basis of activities protected by the first amend-  
23                     ment to the Constitution of the United  
24                     States.”;

25               (2) in subsection (b)—

1           (A) by inserting “in a position not lower  
2           than Deputy Assistant Director at Bureau  
3           headquarters or a Special Agent in Charge of a  
4           Bureau field office designated by the Director”  
5           after “designee” the first place it appears; and

6           (B) by striking “in writing that” and all  
7           that follows through the end and inserting the  
8           following: “in writing that such information is  
9           sought for the conduct of an authorized inves-  
10          tigation to protect against international ter-  
11          rorism or clandestine intelligence activities, pro-  
12          vided that such an investigation of a United  
13          States person is not conducted solely upon the  
14          basis of activities protected by the first amend-  
15          ment to the Constitution of the United  
16          States.”; and

17          (3) in subsection (c)—

18               (A) by inserting “in a position not lower  
19               than Deputy Assistant Director at Bureau  
20               headquarters or a Special Agent in Charge in a  
21               Bureau field office designated by the Director”  
22               after “designee of the Director”; and

23               (B) by striking “in camera that” and all  
24               that follows through “States.” and inserting the  
25               following: “in camera that the consumer report

1 is sought for the conduct of an authorized in-  
2 vestigation to protect against international ter-  
3 rorism or clandestine intelligence activities, pro-  
4 vided that such an investigation of a United  
5 States person is not conducted solely upon the  
6 basis of activities protected by the first amend-  
7 ment to the Constitution of the United  
8 States.”.

9 **SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.**

10 (a) CONCURRENT JURISDICTION UNDER 18 U.S.C.  
11 1030.—Section 1030(d) of title 18, United States Code,  
12 is amended to read as follows:

13 “(d)(1) The United States Secret Service shall, in ad-  
14 dition to any other agency having such authority, have the  
15 authority to investigate offenses under this section.

16 “(2) The Federal Bureau of Investigation shall have  
17 primary authority to investigate offenses under subsection  
18 (a)(1) for any cases involving espionage, foreign counter-  
19 intelligence, information protected against unauthorized  
20 disclosure for reasons of national defense or foreign rela-  
21 tions, or Restricted Data (as that term is defined in sec-  
22 tion 11y of the Atomic Energy Act of 1954 (42 U.S.C.  
23 2014(y)), except for offenses affecting the duties of the  
24 United States Secret Service pursuant to section 3056(a)  
25 of this title.

1       “(3) Such authority shall be exercised in accordance  
2 with an agreement which shall be entered into by the Sec-  
3 retary of the Treasury and the Attorney General.”.

4       (b) REAUTHORIZATION OF JURISDICTION UNDER 18  
5 U.S.C. 1344.—Section 3056(b)(3) of title 18, United  
6 States Code, is amended by striking “credit and debit card  
7 frauds, and false identification documents or devices” and  
8 inserting “access device frauds, false identification docu-  
9 ments or devices, and any fraud or other criminal or un-  
10 lawful activity in or against any federally insured financial  
11 institution”.

12 **SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.**

13       Section 444 of the General Education Provisions Act  
14 (20 U.S.C. 1232g), is amended by adding after subsection  
15 (i) a new subsection (j) to read as follows:

16       “(j) INVESTIGATION AND PROSECUTION OF TER-  
17 RORISM.—

18               “(1) IN GENERAL.—Notwithstanding sub-  
19 sections (a) through (i) or any provision of State  
20 law, the Attorney General (or any Federal officer or  
21 employee, in a position not lower than an Assistant  
22 Attorney General, designated by the Attorney Gen-  
23 eral) may submit a written application to a court of  
24 competent jurisdiction for an ex parte order requir-

1       ing an educational agency or institution to permit  
2       the Attorney General (or his designee) to—

3               “(A) collect education records in the pos-  
4               session of the educational agency or institution  
5               that are relevant to an authorized investigation  
6               or prosecution of an offense listed in section  
7               2332b(g)(5)(B) of title 18 United States Code,  
8               or an act of domestic or international terrorism  
9               as defined in section 2331 of that title; and

10              “(B) for official purposes related to the in-  
11              vestigation or prosecution of an offense de-  
12              scribed in paragraph (1)(A), retain, dissemi-  
13              nate, and use (including as evidence at trial or  
14              in other administrative or judicial proceedings)  
15              such records, consistent with such guidelines as  
16              the Attorney General, after consultation with  
17              the Secretary, shall issue to protect confiden-  
18              tiality.

19              “(2) APPLICATION AND APPROVAL.—

20              “(A) IN GENERAL.—An application under  
21              paragraph (1) shall certify that there are spe-  
22              cific and articulable facts giving reason to be-  
23              lieve that the education records are likely to  
24              contain information described in paragraph  
25              (1)(A).

1           “(B) The court shall issue an order de-  
 2           scribed in paragraph (1) if the court finds that  
 3           the application for the order includes the certifi-  
 4           cation described in subparagraph (A).

5           “(3) PROTECTION OF EDUCATIONAL AGENCY  
 6           OR INSTITUTION.—An educational agency or institu-  
 7           tion that, in good faith, produces education records  
 8           in accordance with an order issued under this sub-  
 9           section shall not be liable to any person for that pro-  
 10          duction.

11          “(4) RECORD-KEEPING.—Subsection (b)(4)  
 12          does not apply to education records subject to a  
 13          court order under this subsection.”.

14 **SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SUR-**  
 15 **VEYS.**

16          Section 408 of the National Education Statistics Act  
 17          of 1994 (20 U.S.C. 9007), is amended by adding after  
 18          subsection (b) a new subsection (c) to read as follows:

19          “(c) INVESTIGATION AND PROSECUTION OF TER-  
 20          RORISM.—

21          “(1) IN GENERAL.—Notwithstanding sub-  
 22          sections (a) and (b), the Attorney General (or any  
 23          Federal officer or employee, in a position not lower  
 24          than an Assistant Attorney General, designated by  
 25          the Attorney General) may submit a written applica-

1       tion to a court of competent jurisdiction for an ex  
2       parte order requiring the Secretary to permit the At-  
3       torney General (or his designee) to—

4               “(A) collect reports, records, and informa-  
5       tion (including individually identifiable informa-  
6       tion) in the possession of the center that are  
7       relevant to an authorized investigation or pros-  
8       ecution of an offense listed in section  
9       2332b(g)(5)(B) of title 18, United States Code,  
10      or an act of domestic or international terrorism  
11      as defined in section 2331 of that title; and

12              “(B) for official purposes related to the in-  
13      vestigation or prosecution of an offense de-  
14      scribed in paragraph (1)(A), retain, dissemi-  
15      nate, and use (including as evidence at trial or  
16      in other administrative or judicial proceedings)  
17      such information, consistent with such guide-  
18      lines as the Attorney General, after consultation  
19      with the Secretary, shall issue to protect con-  
20      fidentiality.

21              “(2) APPLICATION AND APPROVAL.—

22              “(A) IN GENERAL.—An application under  
23      paragraph (1) shall certify that there are spe-  
24      cific and articulable facts giving reason to be-

1           lieve that the information sought is described in  
2           paragraph (1)(A).

3           “(B) The court shall issue an order de-  
4           scribed in paragraph (1) if the court finds that  
5           the application for the order includes the certifi-  
6           cation described in subparagraph (A).

7           “(3) PROTECTION.—An officer or employee  
8           of the Department who, in good faith, produces  
9           information in accordance with an order issued  
10          under this subsection does not violate sub-  
11          section (b)(2) and shall not be liable to any per-  
12          son for that production.”.

13 **TITLE VI—PROVIDING FOR VIC-**  
14 **TIMS OF TERRORISM, PUBLIC**  
15 **SAFETY OFFICERS, AND**  
16 **THEIR FAMILIES**

17 **Subtitle A—Aid to Families of**  
18 **Public Safety Officers**

19 **SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFI-**  
20 **CERS INVOLVED IN THE PREVENTION, INVES-**  
21 **TIGATION, RESCUE, OR RECOVERY EFFORTS**  
22 **RELATED TO A TERRORIST ATTACK.**

23           (a) IN GENERAL.—Notwithstanding the limitations  
24 of subsection (b) of section 1201 or the provisions of sub-  
25 sections (c), (d), and (e) of such section or section 1202



1 of title I of the Omnibus Crime Control and Safe Streets  
2 Act of 1968 (42 U.S.C. 3796, 3796a), upon certification  
3 (containing identification of all eligible payees of benefits  
4 pursuant to section 1201 of such Act) by a public agency  
5 that a public safety officer employed by such agency was  
6 killed or suffered a catastrophic injury producing perma-  
7 nent and total disability as a direct and proximate result  
8 of a personal injury sustained in the line of duty as de-  
9 scribed in section 1201 of such Act in connection with pre-  
10 vention, investigation, rescue, or recovery efforts related  
11 to a terrorist attack, the Director of the Bureau of Justice  
12 Assistance shall authorize payment to qualified bene-  
13 ficiaries, said payment to be made not later than 30 days  
14 after receipt of such certification, benefits described under  
15 subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

16 (b) DEFINITIONS.—For purposes of this section, the  
17 terms “catastrophic injury”, “public agency”, and “public  
18 safety officer” have the same meanings given such terms  
19 in section 1204 of title I of the Omnibus Crime Control  
20 and Safe Streets Act of 1968 (42 U.S.C. 3796b).

21 **SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EX-**  
22 **PEDITED PAYMENTS FOR HEROIC PUBLIC**  
23 **SAFETY OFFICERS.**

24 Section 1 of Public Law 107–37 (an Act to provide  
25 for the expedited payment of certain benefits for a public

1 safety officer who was killed or suffered a catastrophic in-  
 2 jury as a direct and proximate result of a personal injury  
 3 sustained in the line of duty in connection with the ter-  
 4 rorist attacks of September 11, 2001) is amended by—

5 (1) inserting before “by a” the following: “(con-  
 6 taining identification of all eligible payees of benefits  
 7 pursuant to section 1201)”;

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

11 (2) striking “1201(a)” and inserting “1201”.

12 **SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM**  
 13 **PAYMENT INCREASE.**

14 (a) PAYMENTS.—Section 1201(a) of the Omnibus  
 15 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 16 3796) is amended by striking “\$100,000” and inserting  
 17 “\$250,000”.

18 (b) APPLICABILITY.—The amendment made by sub-  
 19 section (a) shall apply to any death or disability occurring  
 20 on or after January 1, 2001.

21 **SEC. 614. OFFICE OF JUSTICE PROGRAMS.**

22 Section 112 of title I of section 101(b) of division  
 23 A of Public Law 105–277 and section 108(a) of appendix  
 24 A of Public Law 106–113 (113 Stat. 1501A–20) are  
 25 amended—

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

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

9 **Subtitle B—Amendments to the**  
10 **Victims of Crime Act of 1984**

11 **SEC. 621. CRIME VICTIMS FUND.**

12 (a) DEPOSIT OF GIFTS IN THE FUND.—Section  
13 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C.  
14 10601(b)) is amended—

15 (1) in paragraph (3), by striking “and” at the  
16 end;

17 (2) in paragraph (4), by striking the period at  
18 the end and inserting “; and”; and

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

20 “(5) any gifts, bequests, or donations to the  
21 Fund from private entities or individuals.”.

22 (b) FORMULA FOR FUND DISTRIBUTIONS.—Section  
23 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.  
24 10601(c)) is amended to read as follows:

1       “(c) FUND DISTRIBUTION; RETENTION OF SUMS IN  
2 FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FIS-  
3 CAL YEAR LIMITATION.—

4               “(1) Subject to the availability of money in the  
5 Fund, in each fiscal year, beginning with fiscal year  
6 2003, the Director shall distribute not less than 90  
7 percent nor more than 110 percent of the amount  
8 distributed from the Fund in the previous fiscal  
9 year, except the Director may distribute up to 120  
10 percent of the amount distributed in the previous  
11 fiscal year in any fiscal year that the total amount  
12 available in the Fund is more than 2 times the  
13 amount distributed in the previous fiscal year.

14               “(2) In each fiscal year, the Director shall dis-  
15 tribute amounts from the Fund in accordance with  
16 subsection (d). All sums not distributed during a fis-  
17 cal year shall remain in reserve in the Fund to be  
18 distributed during a subsequent fiscal year. Notwith-  
19 standing any other provision of law, all sums depos-  
20 ited in the Fund that are not distributed shall re-  
21 main in reserve in the Fund for obligation in future  
22 fiscal years, without fiscal year limitation.”.

23       (c) ALLOCATION OF FUNDS FOR COSTS AND  
24 GRANTS.—Section 1402(d)(4) of the Victims of Crime Act  
25 of 1984 (42 U.S.C. 10601(d)(4)) is amended—

1 (1) by striking “deposited in” and inserting “to  
2 be distributed from”;

3 (2) in subparagraph (A), by striking “48.5”  
4 and inserting “47.5”;

5 (3) in subparagraph (B), by striking “48.5”  
6 and inserting “47.5”; and

7 (4) in subparagraph (C), by striking “3” and  
8 inserting “5”.

9 (d) ANTITERRORISM EMERGENCY RESERVE.—Sec-  
10 tion 1402(d)(5) of the Victims of Crime Act of 1984 (42  
11 U.S.C. 10601(d)(5)) is amended to read as follows:

12 “(5)(A) In addition to the amounts distributed  
13 under paragraphs (2), (3), and (4), the Director  
14 may set aside up to \$50,000,000 from the amounts  
15 transferred to the Fund for use in responding to the  
16 airplane hijackings and terrorist acts that occurred  
17 on September 11, 2001, as an antiterrorism emer-  
18 gency reserve. The Director may replenish any  
19 amounts expended from such reserve in subsequent  
20 fiscal years by setting aside up to 5 percent of the  
21 amounts remaining in the Fund in any fiscal year  
22 after distributing amounts under paragraphs (2), (3)  
23 and (4). Such reserve shall not exceed \$50,000,000.

24 “(B) The antiterrorism emergency reserve re-  
25 ferred to in subparagraph (A) may be used for sup-

1        plemental grants under section 1404B and to pro-  
2        vide compensation to victims of international ter-  
3        rorism under section 1404C.

4            “(C) Amounts in the antiterrorism emergency  
5        reserve established pursuant to subparagraph (A)  
6        may be carried over from fiscal year to fiscal year.  
7        Notwithstanding subsection (c) and section 619 of  
8        the Departments of Commerce, Justice, and State,  
9        the Judiciary, and Related Agencies Appropriations  
10       Act, 2001 (and any similar limitation on Fund obli-  
11       gations in any future Act, unless the same should  
12       expressly refer to this section), any such amounts  
13       carried over shall not be subject to any limitation on  
14       obligations from amounts deposited to or available in  
15       the Fund.”.

16        (e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts  
17       transferred to the Crime Victims Fund for use in respond-  
18       ing to the airplane hijackings and terrorist acts (including  
19       any related search, rescue, relief, assistance, or other simi-  
20       lar activities) that occurred on September 11, 2001, shall  
21       not be subject to any limitation on obligations from  
22       amounts deposited to or available in the Fund,  
23       notwithstanding—

24            (1) section 619 of the Departments of Com-  
25       merce, Justice, and State, the Judiciary, and Re-

1       lated Agencies Appropriations Act, 2001, and any  
2       similar limitation on Fund obligations in such Act  
3       for Fiscal Year 2002; and

4               (2) subsections (c) and (d) of section 1402 of  
5       the Victims of Crime Act of 1984 (42 U.S.C.  
6       10601).

7       **SEC. 622. CRIME VICTIM COMPENSATION.**

8       (a) ALLOCATION OF FUNDS FOR COMPENSATION  
9       AND ASSISTANCE.—Paragraphs (1) and (2) of section  
10      1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.  
11      10602(a)) are amended by inserting “in fiscal year 2002  
12      and of 60 percent in subsequent fiscal years” after “40  
13      percent”.

14      (b) LOCATION OF COMPENSABLE CRIME.—Section  
15      1403(b)(6)(B) of the Victims of Crime Act of 1984 (42  
16      U.S.C. 10602(b)(6)(B)) is amended by striking “are out-  
17      side the United States (if the compensable crime is ter-  
18      rorism, as defined in section 2331 of title 18), or”.

19      (c) RELATIONSHIP OF CRIME VICTIM COMPENSA-  
20      TION TO MEANS-TESTED FEDERAL BENEFIT PRO-  
21      GRAMS.—Section 1403 of the Victims of Crime Act of  
22      1984 (42 U.S.C. 10602) is amended by striking subsection  
23      (c) and inserting the following:

24               “(c) EXCLUSION FROM INCOME, RESOURCES, AND  
25      ASSETS FOR PURPOSES OF MEANS TESTS.—Notwith-

1 standing any other law (other than title IV of Public Law  
2 107–42), for the purpose of any maximum allowed income,  
3 resource, or asset eligibility requirement in any Federal,  
4 State, or local government program using Federal funds  
5 that provides medical or other assistance (or payment or  
6 reimbursement of the cost of such assistance), any amount  
7 of crime victim compensation that the applicant receives  
8 through a crime victim compensation program under this  
9 section shall not be included in the income, resources, or  
10 assets of the applicant, nor shall that amount reduce the  
11 amount of the assistance available to the applicant from  
12 Federal, State, or local government programs using Fed-  
13 eral funds, unless the total amount of assistance that the  
14 applicant receives from all such programs is sufficient to  
15 fully compensate the applicant for losses suffered as a re-  
16 sult of the crime.”.

17 (d) DEFINITIONS OF “COMPENSABLE CRIME” AND  
18 “STATE”.—Section 1403(d) of the Victims of Crime Act  
19 of 1984 (42 U.S.C. 10602(d)) is amended—

20 (1) in paragraph (3), by striking “crimes in-  
21 volving terrorism,”; and

22 (2) in paragraph (4), by inserting “the United  
23 States Virgin Islands,” after “the Commonwealth of  
24 Puerto Rico,”.



1 (e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COM-  
2 PENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM  
3 COMPENSATION FUND.—

4 (1) IN GENERAL.—Section 1403(e) of the Vic-  
5 tims of Crime Act of 1984 (42 U.S.C. 10602(e)) is  
6 amended by inserting “including the program estab-  
7 lished under title IV of Public Law 107–42,” after  
8 “Federal program,”.

9 (2) COMPENSATION.—With respect to any com-  
10 pensation payable under title IV of Public Law 107–  
11 42, the failure of a crime victim compensation pro-  
12 gram, after the effective date of final regulations  
13 issued pursuant to section 407 of Public Law 107–  
14 42, to provide compensation otherwise required pur-  
15 suant to section 1403 of the Victims of Crime Act  
16 of 1984 (42 U.S.C. 10602) shall not render that  
17 program ineligible for future grants under the Vic-  
18 tims of Crime Act of 1984.

19 **SEC. 623. CRIME VICTIM ASSISTANCE.**

20 (a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF  
21 COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES  
22 AND POSSESSIONS.—Section 1404(a) of the Victims of  
23 Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by  
24 adding at the end the following:

1           “(6) An agency of the Federal Government per-  
2           forming local law enforcement functions in and on  
3           behalf of the District of Columbia, the Common-  
4           wealth of Puerto Rico, the United States Virgin Is-  
5           lands, or any other territory or possession of the  
6           United States may qualify as an eligible crime victim  
7           assistance program for the purpose of grants under  
8           this subsection, or for the purpose of grants under  
9           subsection (c)(1).”.

10          (b) PROHIBITION ON DISCRIMINATION AGAINST CER-  
11          TAIN VICTIMS.—Section 1404(b)(1) of the Victims of  
12          Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

13                 (1) in subparagraph (D), by striking “and” at  
14                 the end;

15                 (2) in subparagraph (E), by striking the period  
16                 at the end and inserting “; and”; and

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

18                         “(F) does not discriminate against victims  
19                         because they disagree with the way the State is  
20                         prosecuting the criminal case.”.

21          (c) GRANTS FOR PROGRAM EVALUATION AND COM-  
22          PLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Vic-  
23          tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A))  
24          is amended by inserting “, program evaluation, compliance  
25          efforts,” after “demonstration projects”.

1 (d) ALLOCATION OF DISCRETIONARY GRANTS.—Sec-  
2 tion 1404(c)(2) of the Victims of Crime Act of 1984 (42  
3 U.S.C. 10603(c)(2)) is amended—

4 (1) in subparagraph (A), by striking “not more  
5 than” and inserting “not less than”; and

6 (2) in subparagraph (B), by striking “not less  
7 than” and inserting “not more than”.

8 (e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—  
9 Section 1404(c)(3) of the Victims of Crime Act of 1984  
10 (42 U.S.C. 10603(c)(3)) is amended—

11 (1) in subparagraph (C), by striking “and” at  
12 the end;

13 (2) in subparagraph (D), by striking the period  
14 at the end and inserting “; and”; and

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

16 “(E) use funds made available to the Di-  
17 rector under this subsection—

18 “(i) for fellowships and clinical intern-  
19 ships; and

20 “(ii) to carry out programs of training  
21 and special workshops for the presentation  
22 and dissemination of information resulting  
23 from demonstrations, surveys, and special  
24 projects.”.

1 **SEC. 624. VICTIMS OF TERRORISM.**

2 (a) COMPENSATION AND ASSISTANCE TO VICTIMS OF  
3 DOMESTIC TERRORISM.—Section 1404B(b) of the Victims  
4 of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended  
5 to read as follows:

6 “(b) VICTIMS OF TERRORISM WITHIN THE UNITED  
7 STATES.—The Director may make supplemental grants as  
8 provided in section 1402(d)(5) to States for eligible crime  
9 victim compensation and assistance programs, and to vic-  
10 tim service organizations, public agencies (including Fed-  
11 eral, State, or local governments) and nongovernmental  
12 organizations that provide assistance to victims of crime,  
13 which shall be used to provide emergency relief, including  
14 crisis response efforts, assistance, compensation, training  
15 and technical assistance, and ongoing assistance, including  
16 during any investigation or prosecution, to victims of ter-  
17 rorist acts or mass violence occurring within the United  
18 States.”.

19 (b) ASSISTANCE TO VICTIMS OF INTERNATIONAL  
20 TERRORISM.—Section 1404B(a)(1) of the Victims of  
21 Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended  
22 by striking “who are not persons eligible for compensation  
23 under title VIII of the Omnibus Diplomatic Security and  
24 Antiterrorism Act of 1986”.

25 (c) COMPENSATION TO VICTIMS OF INTERNATIONAL  
26 TERRORISM.—Section 1404C(b) of the Victims of Crime

1 of 1984 (42 U.S.C. 10603c(b)) is amended by adding at  
2 the end the following: “The amount of compensation  
3 awarded to a victim under this subsection shall be reduced  
4 by any amount that the victim received in connection with  
5 the same act of international terrorism under title VIII  
6 of the Omnibus Diplomatic Security and Antiterrorism  
7 Act of 1986.”.

8 **TITLE VII—INCREASED INFOR-**  
9 **MATION SHARING FOR CRIT-**  
10 **ICAL INFRASTRUCTURE PRO-**  
11 **TECTION**

12 **SEC. 711. EXPANSION OF REGIONAL INFORMATION SHAR-**  
13 **ING SYSTEM TO FACILITATE FEDERAL-STATE-**  
14 **LOCAL LAW ENFORCEMENT RESPONSE RE-**  
15 **LATED TO TERRORIST ATTACKS.**

16 Section 1301 of title I of the Omnibus Crime Control  
17 and Safe Streets Act of 1968 (42 U.S.C. 3796h) is  
18 amended—

19 (1) in subsection (a), by inserting “and ter-  
20 rorist conspiracies and activities” after “activities”;

21 (2) in subsection (b)—

22 (A) in paragraph (3), by striking “and”  
23 after the semicolon;

24 (B) by redesignating paragraph (4) as  
25 paragraph (5);

1 (C) by inserting after paragraph (3) the  
 2 following:

3 “(4) establishing and operating secure informa-  
 4 tion sharing systems to enhance the investigation  
 5 and prosecution abilities of participating enforce-  
 6 ment agencies in addressing multi-jurisdictional ter-  
 7 rorist conspiracies and activities; and (5)”;

8 (3) by inserting at the end the following:

9 “(d) AUTHORIZATION OF APPROPRIATION TO THE  
 10 BUREAU OF JUSTICE ASSISTANCE.—There are authorized  
 11 to be appropriated to the Bureau of Justice Assistance  
 12 to carry out this section \$50,000,000 for fiscal year 2002  
 13 and \$100,000,000 for fiscal year 2003.”.

14 **TITLE VIII—STRENGTHENING**  
 15 **THE CRIMINAL LAWS**  
 16 **AGAINST TERRORISM**

17 **SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIO-**  
 18 **LENCE AGAINST MASS TRANSPORTATION**  
 19 **SYSTEMS.**

20 Chapter 97 of title 18, United States Code, is amend-  
 21 ed by adding at the end the following:

22 **“§ 1993. Terrorist attacks and other acts of violence**  
 23 **against mass transportation systems**

24 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

1           “(1) wrecks, derails, sets fire to, or disables a  
2           mass transportation vehicle or ferry;

3           “(2) places or causes to be placed any biological  
4           agent or toxin for use as a weapon, destructive sub-  
5           stance, or destructive device in, upon, or near a  
6           mass transportation vehicle or ferry, without pre-  
7           viously obtaining the permission of the mass trans-  
8           portation provider, and with intent to endanger the  
9           safety of any passenger or employee of the mass  
10          transportation provider, or with a reckless disregard  
11          for the safety of human life;

12          “(3) sets fire to, or places any biological agent  
13          or toxin for use as a weapon, destructive substance,  
14          or destructive device in, upon, or near any garage,  
15          terminal, structure, supply, or facility used in the  
16          operation of, or in support of the operation of, a  
17          mass transportation vehicle or ferry, without pre-  
18          viously obtaining the permission of the mass trans-  
19          portation provider, and knowing or having reason to  
20          know such activity would likely derail, disable, or  
21          wreck a mass transportation vehicle or ferry used,  
22          operated, or employed by the mass transportation  
23          provider;

24          “(4) removes appurtenances from, damages, or  
25          otherwise impairs the operation of a mass transpor-

1       tation signal system, including a train control sys-  
2       tem, centralized dispatching system, or rail grade  
3       crossing warning signal;

4               “(5) interferes with, disables, or incapacitates  
5       any dispatcher, driver, captain, or person while they  
6       are employed in dispatching, operating, or maintain-  
7       ing a mass transportation vehicle or ferry, with in-  
8       tent to endanger the safety of any passenger or em-  
9       ployee of the mass transportation provider, or with  
10      a reckless disregard for the safety of human life;

11              “(6) commits an act, including the use of a  
12      dangerous weapon, with the intent to cause death or  
13      serious bodily injury to an employee or passenger of  
14      a mass transportation provider or any other person  
15      while any of the foregoing are on the property of a  
16      mass transportation provider;

17              “(7) conveys or causes to be conveyed false in-  
18      formation, knowing the information to be false, con-  
19      cerning an attempt or alleged attempt being made or  
20      to be made, to do any act which would be a crime  
21      prohibited by this subsection; or

22              “(8) attempts, threatens, or conspires to do any  
23      of the aforesaid acts,

24      shall be fined under this title or imprisoned not more than  
25      twenty years, or both, if such act is committed, or in the



1 case of a threat or conspiracy such act would be com-  
2 mitted, on, against, or affecting a mass transportation  
3 provider engaged in or affecting interstate or foreign com-  
4 merce, or if in the course of committing such act, that  
5 person travels or communicates across a State line in  
6 order to commit such act, or transports materials across  
7 a State line in aid of the commission of such act.

8 “(b) AGGRAVATED OFFENSE.—Whoever commits an  
9 offense under subsection (a) in a circumstance in which—

10 “(1) the mass transportation vehicle or ferry  
11 was carrying a passenger at the time of the offense;  
12 or

13 “(2) the offense has resulted in the death of  
14 any person,

15 shall be guilty of an aggravated form of the offense and  
16 shall be fined under this title or imprisoned for a term  
17 of years or for life, or both.

18 “(c) DEFINITIONS.—In this section—

19 “(1) the term ‘biological agent’ has the meaning  
20 given to that term in section 178(1) of this title;

21 “(2) the term ‘dangerous weapon’ has the  
22 meaning given to that term in section 930 of this  
23 title;

1 “(3) the term ‘destructive device’ has the mean-  
 2 ing given to that term in section 921(a)(4) of this  
 3 title;

4 “(4) the term ‘destructive substance’ has the  
 5 meaning given to that term in section 31 of this  
 6 title;

7 “(5) the term ‘mass transportation’ has the  
 8 meaning given to that term in section 5302(a)(7) of  
 9 title 49, United States Code, except that the term  
 10 shall include schoolbus, charter, and sightseeing  
 11 transportation;

12 “(6) the term ‘serious bodily injury’ has the  
 13 meaning given to that term in section 1365 of this  
 14 title;

15 “(7) the term ‘State’ has the meaning given to  
 16 that term in section 2266 of this title; and

17 “(8) the term ‘toxin’ has the meaning given to  
 18 that term in section 178(2) of this title.”.

19 (f) CONFORMING AMENDMENT.—The analysis of  
 20 chapter 97 of title 18, United States Code, is amended  
 21 by adding at the end:

“1993. Terrorist attacks and other acts of violence against mass transportation  
 systems.”.

22 **SEC. 802. DEFINITION OF DOMESTIC TERRORISM.**

23 (a) DOMESTIC TERRORISM DEFINED.—Section 2331  
 24 of title 18, United States Code, is amended—

1           (1) in paragraph (1)(B)(iii), by striking “by as-  
2           sassination or kidnapping” and inserting “by mass  
3           destruction, assassination, or kidnapping”;

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

5           (3) in paragraph (4), by striking the period at  
6           the end and inserting “; and”; and

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

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

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

13                   “(B) appear to be intended—

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

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

18                           “(iii) to affect the conduct of a gov-  
19                           ernment by mass destruction, assassina-  
20                           tion, or kidnapping; and

21                   “(C) occur primarily within the territorial  
22                   jurisdiction of the United States.”.

23           (b) CONFORMING AMENDMENT.—Section 3077(1) of  
24           title 18, United States Code, is amended to read as fol-  
25           lows:

1           “(1) ‘act of terrorism’ means an act of domestic  
2           or international terrorism as defined in section  
3           2331;”.

4 **SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.**

5           (a) IN GENERAL.—Chapter 113B of title 18, United  
6 States Code, is amended by adding after section 2338 the  
7 following new section:

8 **“§ 2339. Harboring or concealing terrorists**

9           “(a) Whoever harbors or conceals any person who he  
10 knows, or has reasonable grounds to believe, has com-  
11 mitted, or is about to commit, an offense under section  
12 32 (relating to destruction of aircraft or aircraft facilities),  
13 section 175 (relating to biological weapons), section 229  
14 (relating to chemical weapons), section 831 (relating to  
15 nuclear materials), paragraph (2) or (3) of section 844(f)  
16 (relating to arson and bombing of government property  
17 risking or causing injury or death), section 1366(a) (relat-  
18 ing to the destruction of an energy facility), section 2280  
19 (relating to violence against maritime navigation), section  
20 2332a (relating to weapons of mass destruction), or sec-  
21 tion 2332b (relating to acts of terrorism transcending na-  
22 tional boundaries) of this title, section 236(a) (relating to  
23 sabotage of nuclear facilities or fuel) of the Atomic Energy  
24 Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relat-

ing to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.”.

“(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

“2339. Harboring or concealing terrorists.”.

**SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S.**

**FACILITIES ABROAD.**

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

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

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

1           “(B) residences in foreign States and the  
 2           land appurtenant or ancillary thereto, irrespec-  
 3           tive of ownership, used for purposes of those  
 4           missions or entities or used by United States  
 5           personnel assigned to those missions or entities.

6           Nothing in this paragraph shall be deemed to super-  
 7           sede any treaty or international agreement with  
 8           which this paragraph conflicts. This paragraph does  
 9           not apply with respect to an offense committed by  
 10          a person described in section 3261(a) of this title.”.

11 **SEC. 805. MATERIAL SUPPORT FOR TERRORISM.**

12          (a) IN GENERAL.—Section 2339A of title 18, United  
 13          States Code, is amended—

14               (1) in subsection (a)—

15                       (A) by striking “, within the United  
 16                       States,”;

17                       (B) by inserting “229,” after “175,”;

18                       (C) by inserting “1993,” after “1992,”;

19                       (D) by inserting “, section 236 of the  
 20                       Atomic Energy Act of 1954 (42 U.S.C. 2284),”  
 21                       after “of this title”;

22                       (E) by inserting “or 60123(b)” after  
 23                       “46502”; and

24                       (F) by inserting at the end the following:

25                       “A violation of this section may be prosecuted

1 in any Federal judicial district in which the un-  
 2 derlying offense was committed, or in any other  
 3 Federal judicial district as provided by law.”;  
 4 and

5 (2) in subsection (b)—

6 (A) by striking “or other financial securi-  
 7 ties” and inserting “or monetary instruments  
 8 or financial securities”; and

9 (B) by inserting “expert advice or assist-  
 10 ance,” after “training.”.

11 (b) TECHNICAL AMENDMENT.—Section  
 12 1956(c)(7)(D) of title 18, United States Code, is amended  
 13 by inserting “or 2339B” after “2339A”.

14 **SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.**

15 Section 981(a)(1) of title 18, United States Code, is  
 16 amended by inserting at the end the following:

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

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

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

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

**SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.**

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

**SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.**

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

(1) in subsection (f), by inserting after “terrorism” the following: “and any violation of section



1 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b),  
2 1366(c), 1751(e), 2152, or 2156 of this title,” be-  
3 fore “and the Secretary”; and

4 (2) in subsection (g)(5)(B), by striking clauses  
5 (i) through (iii) and inserting the following:

6 “(i) section 32 (relating to destruction  
7 of aircraft or aircraft facilities), 37 (relat-  
8 ing to violence at international airports),  
9 81 (relating to arson within special mari-  
10 time and territorial jurisdiction), 175 or  
11 175b (relating to biological weapons), 229  
12 (relating to chemical weapons), subsection  
13 (a), (b), (c), or (d) of section 351 (relating  
14 to congressional, cabinet, and Supreme  
15 Court assassination and kidnaping), 831  
16 (relating to nuclear materials), 842(m) or  
17 (n) (relating to plastic explosives), 844(f)  
18 (2) through (3) (relating to arson and  
19 bombing of Government property risking  
20 or causing death), 844(i) (relating to arson  
21 and bombing of property used in interstate  
22 commerce), 930(c) (relating to killing or  
23 attempted killing during an attack on a  
24 Federal facility with a dangerous weapon),  
25 956(a)(1) (relating to conspiracy to mur-

der, kidnap, or maim persons abroad),  
1030(a)(1) (relating to protection of com-  
puters), 1030(a)(5)(A)(i) resulting in dam-  
age as defined in 1030(a)(5)(B)(ii)  
through (v) (relating to protection of com-  
puters), 1114 (relating to killing or at-  
tempted killing of officers and employees of  
the United States), 1116 (relating to mur-  
der or manslaughter of foreign officials, of-  
ficial guests, or internationally protected  
persons), 1203 (relating to hostage tak-  
ing), 1362 (relating to destruction of com-  
munication lines, stations, or systems),  
1363 (relating to injury to buildings or  
property within special maritime and terri-  
torial jurisdiction of the United States),  
1366(a) (relating to destruction of an en-  
ergy facility), 1751 (a) through (d) (relat-  
ing to Presidential and Presidential staff  
assassination and kidnaping), 1992 (relat-  
ing to wrecking trains), 1993 (relating to  
terrorist attacks and other acts of violence  
against mass transportation systems),  
2155 (relating to destruction of national  
defense materials, premises, or utilities),

2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

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

“(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on air-

1                   craft), section 46506 if homicide or at-  
2                   tempted homicide is involved (relating to  
3                   application of certain criminal laws to acts  
4                   on aircraft), or section 60123(b) (relating  
5                   to destruction of interstate gas or haz-  
6                   ardous liquid pipeline facility) of title 49.”.

7   **SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TER-**  
8                   **RORISM OFFENSES.**

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

11   **“§ 3286. Extension of statute of limitation for certain**  
12                   **terrorism offenses.**

13           “(a) EIGHT-YEAR LIMITATION.—Notwithstanding  
14 section 3282, no person shall be prosecuted, tried, or pun-  
15 ished for any noncapital offense involving a violation of  
16 any provision listed in section 2332b(g)(5)(B), or a viola-  
17 tion of section 112, 351(e), 1361, or 1751(e) of this title,  
18 or section 46504, 46505, or 46506 of title 49, unless the  
19 indictment is found or the information is instituted within  
20 8 years after the offense was committed. Notwithstanding  
21 the preceding sentence, offenses listed in section 3295 are  
22 subject to the statute of limitations set forth in that sec-  
23 tion.

24           “(b) NO LIMITATION.—Notwithstanding any other  
25 law, an indictment may be found or an information insti-

1 tuted at any time without limitation for any offense listed  
 2 in section 2332b(g)(5)(B), if the commission of such of-  
 3 fense resulted in, or created a foreseeable risk of, death  
 4 or serious bodily injury to another person.”.

5 (b) APPLICATION.—The amendments made by this  
 6 section shall apply to the prosecution of any offense com-  
 7 mitted before, on, or after the date of enactment of this  
 8 section.

9 **SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TER-**  
 10 **RORISM OFFENSES.**

11 (a) ARSON.—Section 81 of title 18, United States  
 12 Code, is amended in the second undesignated paragraph  
 13 by striking “not more than twenty years” and inserting  
 14 “for any term of years or for life”.

15 (b) DESTRUCTION OF AN ENERGY FACILITY.—Sec-  
 16 tion 1366 of title 18, United States Code, is amended—

17 (1) in subsection (a), by striking “ten” and in-  
 18 serting “20”; and

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

20 “(d) Whoever is convicted of a violation of subsection  
 21 (a) or (b) that has resulted in the death of any person  
 22 shall be subject to imprisonment for any term of years  
 23 or life.”.

24 (c) MATERIAL SUPPORT TO TERRORISTS.—Section  
 25 2339A(a) of title 18, United States Code, is amended—

1 (1) by striking “10” and inserting “15”; and

2 (2) by striking the period and inserting “, and,  
3 if the death of any person results, shall be impris-  
4 oned for any term of years or for life.”.

5 (d) MATERIAL SUPPORT TO DESIGNATED FOREIGN  
6 TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of  
7 title 18, United States Code, is amended—

8 (1) by striking “10” and inserting “15”; and

9 (2) by striking the period after “or both” and  
10 inserting “, and, if the death of any person results,  
11 shall be imprisoned for any term of years or for  
12 life.”.

13 (e) DESTRUCTION OF NATIONAL-DEFENSE MATE-  
14 RIALS.—Section 2155(a) of title 18, United States Code,  
15 is amended—

16 (1) by striking “ten” and inserting “20”; and

17 (2) by striking the period at the end and insert-  
18 ing “, and, if death results to any person, shall be  
19 imprisoned for any term of years or for life.”.

20 (f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—  
21 Section 236 of the Atomic Energy Act of 1954 (42 U.S.C.  
22 2284), is amended—

23 (1) by striking “ten” each place it appears and  
24 inserting “20”;

1           (2) in subsection (a), by striking the period at  
 2           the end and inserting “, and, if death results to any  
 3           person, shall be imprisoned for any term of years or  
 4           for life.”; and

5           (3) in subsection (b), by striking the period at  
 6           the end and inserting “, and, if death results to any  
 7           person, shall be imprisoned for any term of years or  
 8           for life.”.

9           (g) SPECIAL AIRCRAFT JURISDICTION OF THE  
 10          UNITED STATES.—Section 46505(c) of title 49, United  
 11          States Code, is amended—

12                 (1) by striking “15” and inserting “20”; and

13                 (2) by striking the period at the end and insert-  
 14                 ing “, and, if death results to any person, shall be  
 15                 imprisoned for any term of years or for life.”.

16          (h) DAMAGING OR DESTROYING AN INTERSTATE GAS  
 17          OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section  
 18          60123(b) of title 49, United States Code, is amended—

19                 (1) by striking “15” and inserting “20”; and

20                 (2) by striking the period at the end and insert-  
 21                 ing “, and, if death results to any person, shall be  
 22                 imprisoned for any term of years or for life.”.

23          **SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.**

24          (a) ARSON.—Section 81 of title 18, United States  
 25          Code, is amended in the first undesignated paragraph—

1           (1) by striking “, or attempts to set fire to or  
2       burn”; and

3           (2) by inserting “or attempts or conspires to do  
4       such an act,” before “shall be imprisoned”.

5       (b) KILLINGS IN FEDERAL FACILITIES.—Section  
6       930(c) of title 18, United States Code, is amended—

7           (1) by striking “or attempts to kill”;

8           (2) by inserting “or attempts or conspires to do  
9       such an act,” before “shall be punished”; and

10          (3) by striking “and 1113” and inserting  
11       “1113, and 1117”.

12       (c) COMMUNICATIONS LINES, STATIONS, OR SYS-  
13       TEMS.—Section 1362 of title 18, United States Code, is  
14       amended in the first undesignated paragraph—

15          (1) by striking “or attempts willfully or mali-  
16       ciously to injure or destroy”; and

17          (2) by inserting “or attempts or conspires to do  
18       such an act,” before “shall be fined”.

19       (d) BUILDINGS OR PROPERTY WITHIN SPECIAL  
20       MARITIME AND TERRITORIAL JURISDICTION.—Section  
21       1363 of title 18, United States Code, is amended—

22          (1) by striking “or attempts to destroy or in-  
23       jure”; and



1           (2) by inserting “or attempts or conspires to do  
2       such an act,” before “shall be fined” the first place  
3       it appears.

4       (e) WRECKING TRAINS.—Section 1992 of title 18,  
5       United States Code, is amended by adding at the end the  
6       following:

7       “(c) A person who conspires to commit any offense  
8       defined in this section shall be subject to the same pen-  
9       alties (other than the penalty of death) as the penalties  
10      prescribed for the offense, the commission of which was  
11      the object of the conspiracy.”.

12      (f) MATERIAL SUPPORT TO TERRORISTS.—Section  
13      2339A of title 18, United States Code, is amended by in-  
14      serting “or attempts or conspires to do such an act,” be-  
15      fore “shall be fined”.

16      (g) TORTURE.—Section 2340A of title 18, United  
17      States Code, is amended by adding at the end the fol-  
18      lowing:

19      “(c) CONSPIRACY.—A person who conspires to com-  
20      mit an offense under this section shall be subject to the  
21      same penalties (other than the penalty of death) as the  
22      penalties prescribed for the offense, the commission of  
23      which was the object of the conspiracy.”.

1 (h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—  
2 Section 236 of the Atomic Energy Act of 1954 (42 U.S.C.  
3 2284), is amended—

4 (1) in subsection (a)—

5 (A) by striking “, or who intentionally and  
6 willfully attempts to destroy or cause physical  
7 damage to”;

8 (B) in paragraph (4), by striking the pe-  
9 riod at the end and inserting a comma; and

10 (C) by inserting “or attempts or conspires  
11 to do such an act,” before “shall be fined”; and

12 (2) in subsection (b)—

13 (A) by striking “or attempts to cause”;  
14 and

15 (B) by inserting “or attempts or conspires  
16 to do such an act,” before “shall be fined”.

17 (i) INTERFERENCE WITH FLIGHT CREW MEMBERS  
18 AND ATTENDANTS.—Section 46504 of title 49, United  
19 States Code, is amended by inserting “or attempts or con-  
20 spires to do such an act,” before “shall be fined”.

21 (j) SPECIAL AIRCRAFT JURISDICTION OF THE  
22 UNITED STATES.—Section 46505 of title 49, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing:

1       “(e) CONSPIRACY.—If two or more persons conspire  
2 to violate subsection (b) or (c), and one or more of such  
3 persons do any act to effect the object of the conspiracy,  
4 each of the parties to such conspiracy shall be punished  
5 as provided in such subsection.”.

6       (k) DAMAGING OR DESTROYING AN INTERSTATE GAS  
7 OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section  
8 60123(b) of title 49, United States Code, is amended—  
9       (1) by striking “, or attempting to damage or  
10       destroy,”; and

11       (2) by inserting “, or attempting or conspiring  
12       to do such an act,” before “shall be fined”.

13 **SEC. 812. POST-RELEASE SUPERVISION OF TERRORISTS.**

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

16       “(j) SUPERVISED RELEASE TERMS FOR TERRORISM  
17 PREDICATES.—Notwithstanding subsection (b), the au-  
18 thorized term of supervised release for any offense listed  
19 in section 2332b(g)(5)(B), the commission of which re-  
20 sulted in, or created a foreseeable risk of, death or serious  
21 bodily injury to another person, is any term of years or  
22 life.”.

1 **SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKET-**  
2 **EERING ACTIVITY.**

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

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

7 (2) by inserting before the semicolon at the end  
8 the following: “, or (G) any act that is indictable  
9 under any provision listed in section  
10 2332b(g)(5)(B)”.

11 **SEC. 814. DETERRENCE AND PREVENTION OF**  
12 **CYBERTERRORISM.**

13 (a) CLARIFICATION OF PROTECTION OF PROTECTED  
14 COMPUTERS.—Section 1030(a)(5) of title 18, United  
15 States Code, is amended—

16 (1) by inserting “(i)” after (A)”;

17 (2) by redesignating subparagraphs (B) and  
18 (C) as clauses (ii) and (iii), respectively;

19 (3) by adding “and” at the end of clause (iii),  
20 as so redesignated; and

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

22 “(B) caused (or, in the case of an at-  
23 tempted offense, would, if completed, have  
24 caused) conduct described in clause (i), (ii), or  
25 (iii) of subparagraph (A) that resulted in—

1 “(i) loss to 1 or more persons during  
2 any 1-year period (including loss resulting  
3 from a related course of conduct affecting  
4 1 or more other protected computers) ag-  
5 gregating at least \$5,000 in value;

6 “(ii) the modification or impairment,  
7 or potential modification or impairment, of  
8 the medical examination, diagnosis, treat-  
9 ment, or care of 1 or more individuals;

10 “(iii) physical injury to any person;

11 “(iv) a threat to public health or safe-  
12 ty; or

13 “(v) damage affecting a computer sys-  
14 tem used by or for a Government entity in  
15 furtherance of the administration of jus-  
16 tice, national defense, or national secu-  
17 rity;”.

18 (b) PENALTIES.—Section 1030(c) of title 18, United  
19 States Code is amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (A)—

22 (i) by inserting “except as provided in  
23 subparagraph (B),” before “a fine”;

24 (ii) by striking “(a)(5)(C)” and in-  
25 serting “(a)(5)(A)(iii)”; and

1 (iii) by striking “and’ at the end;

2 (B) in subparagraph (B), by inserting “or  
3 an attempt to commit an offense punishable  
4 under this subparagraph,” after “subsection  
5 (a)(2),” in the matter preceding clause (i); and

6 (C) in subparagraph (C), by striking  
7 “and” at the end;

8 (2) in paragraph (3)—

9 (A) by striking “, (a)(5)(A), (a)(5)(B),”  
10 both places it appears; and

11 (B) by striking “and” at the end; and

12 (3) by striking “(a)(5)(C)” and inserting  
13 “(a)(5)(A)(iii); and

14 (4) by adding at the end the following new  
15 paragraphs:

16 “(4)(A) a fine under this title, imprisonment  
17 for not more than 10 years, or both, in the case of  
18 an offense under subsection (a)(5)(A)(i), or an at-  
19 tempt to commit an offense punishable under that  
20 subsection;

21 “(B) a fine under this title, imprisonment  
22 for not more than 5 years, or both, in the case  
23 of an offense under subsection (a)(5)(A)(ii), or  
24 an attempt to commit an offense punishable  
25 under that subsection;

1           “(C) a fine under this title, imprisonment  
2           for not more than 20 years, or both, in the case  
3           of an offense under subsection (a)(5)(A)(i) or  
4           (a)(5)(A)(ii), or an attempt to commit an of-  
5           fense punishable under either subsection, that  
6           occurs after a conviction for another offense  
7           under this section.”.

8           (c) DEFINITIONS.—Subsection (e) of section 1030 of  
9   title 18, United States Code is amended—

10           (1) in paragraph (2)(B), by inserting “, includ-  
11           ing a computer located outside the United States”  
12           before the semicolon;

13           (2) in paragraph (7), by striking “and” at the  
14           end;

15           (3) by striking paragraph (8) and inserting the  
16           following new paragraph (8):

17           “(8) the term ‘damage’ means any impairment  
18           to the integrity or availability of data, a program, a  
19           system, or information;”;

20           (4) in paragraph (9), by striking the period at  
21           the end and inserting a semicolon; and

22           (5) by adding at the end the following new  
23           paragraphs:

24           “(10) the term ‘conviction’ shall include a con-  
25           viction under the law of any State for a crime pun-

1       ishable by imprisonment for more than 1 year, an  
2       element of which is unauthorized access, or exceed-  
3       ing authorized access, to a computer;

4               “(11) the term ‘loss’ includes any reasonable  
5       cost to any victim, including the cost of responding  
6       to an offense, conducting a damage assessment, and  
7       restoring the data, program, system, or information  
8       to its condition prior to the offense, and any revenue  
9       lost, cost incurred, or other consequential damages  
10      incurred because of interruption of service;

11              “(12) the term ‘person’ means any individual,  
12      firm, corporation, educational institution, financial  
13      institution, governmental entity, or legal or other en-  
14      tity;”.

15      (d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of  
16      section 1030 of title 18, United States Code is amended—

17              (1) by striking the second sentence and insert-  
18      ing the following new sentences: “A suit for a viola-  
19      tion of subsection (a)(5) may be brought only if the  
20      conduct involves one of the factors enumerated in  
21      subsection (a)(5)(B). Damages for a violation involv-  
22      ing only conduct described in subsection (a)(5)(B)(i)  
23      are limited to economic damages.”; and

24              (2) by adding at the end the following: “No ac-  
25      tion may be brought under this subsection for the



1 negligent design or manufacture of computer hard-  
2 ware, computer software, or firmware.”.

3 (e) AMENDMENT OF SENTENCING GUIDELINES RE-  
4 LATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—  
5 Pursuant to its authority under section 994(p) of title 28,  
6 United States Code, the United States Sentencing Com-  
7 mission shall amend the Federal sentencing guidelines to  
8 ensure that any individual convicted of a violation of sec-  
9 tion 1030 of title 18, United States Code, can be subjected  
10 to appropriate penalties, without regard to any mandatory  
11 minimum term of imprisonment.

12 **SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELAT-**  
13 **ING TO PRESERVING RECORDS IN RESPONSE**  
14 **TO GOVERNMENT REQUESTS.**

15 Section 2707(e)(1) of title 18, United States Code,  
16 is amended by inserting after “or statutory authorization”  
17 the following: “(including a request of a governmental en-  
18 tity under section 2703(f) of this title)”.

19 **SEC. 816. DEVELOPMENT AND SUPPORT OF**  
20 **CYBERSECURITY FORENSIC CAPABILITIES.**

21 (a) IN GENERAL.—The Attorney General shall estab-  
22 lish such regional computer forensic laboratories as the  
23 Attorney General considers appropriate, and provide sup-  
24 port to existing computer forensic laboratories, in order

1 that all such computer forensic laboratories have the  
2 capability—

3 (1) to provide forensic examinations with re-  
4 spect to seized or intercepted computer evidence re-  
5 lating to criminal activity (including cyberterrorism);

6 (2) to provide training and education for Fed-  
7 eral, State, and local law enforcement personnel and  
8 prosecutors regarding investigations, forensic anal-  
9 yses, and prosecutions of computer-related crime (in-  
10 cluding cyberterrorism);

11 (3) to assist Federal, State, and local law en-  
12 forcement in enforcing Federal, State, and local  
13 criminal laws relating to computer-related crime;

14 (4) to facilitate and promote the sharing of  
15 Federal law enforcement expertise and information  
16 about the investigation, analysis, and prosecution of  
17 computer-related crime with State and local law en-  
18 forcement personnel and prosecutors, including the  
19 use of multijurisdictional task forces; and

20 (5) to carry out such other activities as the At-  
21 torney General considers appropriate.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AUTHORIZATION.—There is hereby author-  
24 ized to be appropriated in each fiscal year

1       \$50,000,000 for purposes of carrying out this sec-  
2       tion.

3               (2) AVAILABILITY.—Amounts appropriated pur-  
4       suant to the authorization of appropriations in para-  
5       graph (1) shall remain available until expended.

6                       **TITLE IX—IMPROVED**  
7                       **INTELLIGENCE**

8       **SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL**  
9                       **INTELLIGENCE REGARDING FOREIGN INTEL-**  
10                      **LIGENCE COLLECTED UNDER FOREIGN IN-**  
11                      **TELLIGENCE SURVEILLANCE ACT OF 1978.**

12       Section 103(c) of the National Security Act of 1947  
13       (50 U.S.C. 403–3(c)) is amended—

14               (1) by redesignating paragraphs (6) and (7) as  
15       paragraphs (7) and (8), respectively; and

16               (2) by inserting after paragraph (5) the fol-  
17       lowing new paragraph (6):

18               “(6) establish requirements and priorities for  
19       foreign intelligence information to be collected under  
20       the Foreign Intelligence Surveillance Act of 1978  
21       (50 U.S.C. 1801 et seq.), and provide assistance to  
22       the Attorney General to ensure that information de-  
23       rived from electronic surveillance or physical  
24       searches under that Act is disseminated so it may be  
25       used efficiently and effectively for foreign intel-

1       ligence purposes, except that the Director shall have  
2       no authority to direct, manage, or undertake elec-  
3       tronic surveillance or physical search operations pur-  
4       suant to that Act unless otherwise authorized by  
5       statute or executive order;”.

6   **SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST AC-**  
7                   **TIVITIES WITHIN SCOPE OF FOREIGN INTEL-**  
8                   **LIGENCE UNDER NATIONAL SECURITY ACT**  
9                   **OF 1947.**

10       Section 3 of the National Security Act of 1947 (50  
11   U.S.C. 401a) is amended—

12               (1) in paragraph (2), by inserting before the pe-  
13       riod the following: “, or international terrorist activi-  
14       ties”; and

15               (2) in paragraph (3), by striking “and activities  
16       conducted” and inserting “, and activities con-  
17       ducted,”.

18   **SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT**  
19                   **AND MAINTENANCE OF INTELLIGENCE RELA-**  
20                   **TIONSHIPS TO ACQUIRE INFORMATION ON**  
21                   **TERRORISTS AND TERRORIST ORGANIZA-**  
22                   **TIONS.**

23       It is the sense of Congress that officers and employ-  
24       ees of the intelligence community of the Federal Govern-  
25       ment, acting within the course of their official duties,

1 should be encouraged, and should make every effort, to  
2 establish and maintain intelligence relationships with any  
3 person, entity, or group for the purpose of engaging in  
4 lawful intelligence activities, including the acquisition of  
5 information on the identity, location, finances, affiliations,  
6 capabilities, plans, or intentions of a terrorist or terrorist  
7 organization, or information on any other person, entity,  
8 or group (including a foreign government) engaged in har-  
9 boring, comforting, financing, aiding, or assisting a ter-  
10 rorist or terrorist organization.

11 **SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL**  
12 **TO CONGRESS OF REPORTS ON INTEL-**  
13 **LIGENCE AND INTELLIGENCE-RELATED MAT-**  
14 **TERS.**

15 (a) **AUTHORITY TO DEFER.**—The Secretary of De-  
16 fense, Attorney General, and Director of Central Intel-  
17 ligence each may, during the effective period of this sec-  
18 tion, defer the date of submittal to Congress of any cov-  
19 ered intelligence report under the jurisdiction of such offi-  
20 cial until February 1, 2002.

21 (b) **COVERED INTELLIGENCE REPORT.**—Except as  
22 provided in subsection (c), for purposes of subsection (a),  
23 a covered intelligence report is as follows:

24 (1) Any report on intelligence or intelligence-re-  
25 lated activities of the United States Government

1       that is required to be submitted to Congress by an  
2       element of the intelligence community during the ef-  
3       fective period of this section.

4           (2) Any report or other matter that is required  
5       to be submitted to the Select Committee on Intel-  
6       ligence of the Senate and Permanent Select Com-  
7       mittee on Intelligence of the House of Representa-  
8       tives by the Department of Defense or the Depart-  
9       ment of Justice during the effective period of this  
10      section.

11      (c) EXCEPTION FOR CERTAIN REPORTS.—For pur-  
12     poses of subsection (a), any report required by section 502  
13     or 503 of the National Security Act of 1947 (50 U.S.C.  
14     413a, 413b) is not a covered intelligence report.

15      (d) NOTICE TO CONGRESS.—Upon deferring the date  
16     of submittal to Congress of a covered intelligence report  
17     under subsection (a), the official deferring the date of sub-  
18     mittal of the covered intelligence report shall submit to  
19     Congress notice of the deferral. Notice of deferral of a re-  
20     port shall specify the provision of law, if any, under which  
21     the report would otherwise be submitted to Congress.

22      (e) EXTENSION OF DEFERRAL.—(1) Each official  
23     specified in subsection (a) may defer the date of submittal  
24     to Congress of a covered intelligence report under the ju-  
25     risdiction of such official to a date after February 1, 2002,

1 if such official submits to the committees of Congress  
 2 specified in subsection (b)(2) before February 1, 2002, a  
 3 certification that preparation and submittal of the covered  
 4 intelligence report on February 1, 2002, will impede the  
 5 work of officers or employees who are engaged in  
 6 counterterrorism activities.

7 (2) A certification under paragraph (1) with respect  
 8 to a covered intelligence report shall specify the date on  
 9 which the covered intelligence report will be submitted to  
 10 Congress.

11 (f) EFFECTIVE PERIOD.—The effective period of this  
 12 section is the period beginning on the date of the enact-  
 13 ment of this Act and ending on February 1, 2002.

14 (g) ELEMENT OF THE INTELLIGENCE COMMUNITY  
 15 DEFINED.—In this section, the term “element of the intel-  
 16 ligence community” means any element of the intelligence  
 17 community specified or designated under section 3(4) of  
 18 the National Security Act of 1947 (50 U.S.C. 401a(4)).

19 **SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTEL-**  
 20 **LIGENCE OF FOREIGN INTELLIGENCE-RE-**  
 21 **LATED INFORMATION WITH RESPECT TO**  
 22 **CRIMINAL INVESTIGATIONS.**

23 (a) IN GENERAL.—Title I of the National Security  
 24 Act of 1947 (50 U.S.C. 402 et seq.) is amended—

1           (1) by redesignating subsection 105B as section  
2       105C; and

3           (2) by inserting after section 105A the fol-  
4       lowing new section 105B:

5       “DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN  
6       CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL  
7       INVESTIGATIONS OF FOREIGN INTELLIGENCE  
8       SOURCES

9       “SEC. 105B. (a) DISCLOSURE OF FOREIGN INTEL-  
10      LIGENCE.—(1) Except as otherwise provided by law and  
11      subject to paragraph (2), the Attorney General, or the  
12      head of any other department or agency of the Federal  
13      Government with law enforcement responsibilities, shall  
14      expeditiously disclose to the Director of Central Intel-  
15      ligence, pursuant to guidelines developed by the Attorney  
16      General in consultation with the Director, foreign intel-  
17      ligence acquired by an element of the Department of Jus-  
18      tice or an element of such department or agency, as the  
19      case may be, in the course of a criminal investigation.

20       “(2) The Attorney General by regulation and in con-  
21      sultation with the Director of Central Intelligence may  
22      provide for exceptions to the applicability of paragraph (1)  
23      for one or more classes of foreign intelligence, or foreign  
24      intelligence with respect to one or more targets or matters,  
25      if the Attorney General determines that disclosure of such  
26      foreign intelligence under that paragraph would jeopardize



1 an ongoing law enforcement investigation or impair other  
2 significant law enforcement interests.

3 “(b) PROCEDURES FOR NOTICE OF CRIMINAL INVES-  
4 TIGATIONS.—Not later than 180 days after the date of  
5 enactment of this section, the Attorney General, in con-  
6 sultation with the Director of Central Intelligence, shall  
7 develop guidelines to ensure that after receipt of a report  
8 from an element of the intelligence community of activity  
9 of a foreign intelligence source or potential foreign intel-  
10 ligence source that may warrant investigation as criminal  
11 activity, the Attorney General provides notice to the Direc-  
12 tor of Central Intelligence, within a reasonable period of  
13 time, of his intention to commence, or decline to com-  
14 mence, a criminal investigation of such activity.

15 “(c) PROCEDURES.—The Attorney General shall de-  
16 velop procedures for the administration of this section, in-  
17 cluding the disclosure of foreign intelligence by elements  
18 of the Department of Justice, and elements of other de-  
19 partments and agencies of the Federal Government, under  
20 subsection (a) and the provision of notice with respect to  
21 criminal investigations under subsection (b).”.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 in the first section of that Act is amended by striking the  
24 item relating to section 105B and inserting the following  
25 new items:

“Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

“Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.”.

1 **SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.**

2 (a) REPORT ON RECONFIGURATION.—Not later than  
3 February 1, 2002, the Attorney General, the Director of  
4 Central Intelligence, and the Secretary of the Treasury  
5 shall jointly submit to Congress a report on the feasibility  
6 and desirability of reconfiguring the Foreign Terrorist  
7 Asset Tracking Center and the Office of Foreign Assets  
8 Control of the Department of the Treasury in order to  
9 establish a capability to provide for the effective and effi-  
10 cient analysis and dissemination of foreign intelligence re-  
11 lating to the financial capabilities and resources of inter-  
12 national terrorist organizations.

13 (b) REPORT REQUIREMENTS.—(1) In preparing the  
14 report under subsection (a), the Attorney General, the  
15 Secretary, and the Director shall consider whether, and  
16 to what extent, the capacities and resources of the Finan-  
17 cial Crimes Enforcement Center of the Department of the  
18 Treasury may be integrated into the capability con-  
19 templated by the report.

20 (2) If the Attorney General, Secretary, and the Direc-  
21 tor determine that it is feasible and desirable to undertake  
22 the reconfiguration described in subsection (a) in order to  
23 establish the capability described in that subsection, the

1 Attorney General, the Secretary, and the Director shall  
2 include with the report under that subsection a detailed  
3 proposal for legislation to achieve the reconfiguration.

4 **SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.**

5 (a) REPORT ON ESTABLISHMENT.—(1) Not later  
6 than February 1, 2002, the Director of Central Intel-  
7 ligence shall, in consultation with the Director of the Fed-  
8 eral Bureau of Investigation, submit to the appropriate  
9 committees of Congress a report on the establishment and  
10 maintenance within the intelligence community of an ele-  
11 ment for purposes of providing timely and accurate trans-  
12 lations of foreign intelligence for all other elements of the  
13 intelligence community. In the report, the element shall  
14 be referred to as the “National Virtual Translation Cen-  
15 ter”.

16 (2) The report on the element described in paragraph  
17 (1) shall discuss the use of state-of-the-art communica-  
18 tions technology, the integration of existing translation ca-  
19 pabilities in the intelligence community, and the utilization  
20 of remote-connection capacities so as to minimize the need  
21 for a central physical facility for the element.

22 (b) RESOURCES.—The report on the element required  
23 by subsection (a) shall address the following:

24 (1) The assignment to the element of a staff of  
25 individuals possessing a broad range of linguistic

1 and translation skills appropriate for the purposes of  
2 the element.

3 (2) The provision to the element of communica-  
4 tions capabilities and systems that are commensu-  
5 rate with the most current and sophisticated com-  
6 munications capabilities and systems available to  
7 other elements of intelligence community.

8 (3) The assurance, to the maximum extent  
9 practicable, that the communications capabilities and  
10 systems provided to the element will be compatible  
11 with communications capabilities and systems uti-  
12 lized by the Federal Bureau of Investigation in se-  
13 curing timely and accurate translations of foreign  
14 language materials for law enforcement investiga-  
15 tions.

16 (4) The development of a communications in-  
17 frastructure to ensure the efficient and secure use of  
18 the translation capabilities of the element.

19 (c) SECURE COMMUNICATIONS.—The report shall in-  
20 clude a discussion of the creation of secure electronic com-  
21 munications between the element described by subsection  
22 (a) and the other elements of the intelligence community.

23 (d) DEFINITIONS.—In this section:

24 (1) FOREIGN INTELLIGENCE.—The term “for-  
25 eign intelligence” has the meaning given that term

1 in section 3(2) of the National Security Act of 1947  
2 (50 U.S.C. 401a(2)).

3 (2) ELEMENT OF THE INTELLIGENCE COMMU-  
4 NITY.—The term “element of the intelligence com-  
5 munity” means any element of the intelligence com-  
6 munity specified or designated under section 3(4) of  
7 the National Security Act of 1947 (50 U.S.C.  
8 401a(4)).

9 **SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARD-**  
10 **ING IDENTIFICATION AND USE OF FOREIGN**  
11 **INTELLIGENCE.**

12 (a) PROGRAM REQUIRED.—The Attorney General  
13 shall, in consultation with the Director of Central Intel-  
14 ligence, carry out a program to provide appropriate train-  
15 ing to officials described in subsection (b) in order to as-  
16 sist such officials in—

17 (1) identifying foreign intelligence information  
18 in the course of their duties; and

19 (2) utilizing foreign intelligence information in  
20 the course of their duties, to the extent that the uti-  
21 lization of such information is appropriate for such  
22 duties.

23 (b) OFFICIALS.—The officials provided training  
24 under subsection (a) are, at the discretion of the Attorney  
25 General and the Director, the following:

1           (1) Officials of the Federal Government who  
2           are not ordinarily engaged in the collection, dissemi-  
3           nation, and use of foreign intelligence in the per-  
4           formance of their duties.

5           (2) Officials of State and local governments  
6           who encounter, or may encounter in the course of a  
7           terrorist event, foreign intelligence in the perform-  
8           ance of their duties.

9           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
10          hereby authorized to be appropriated for the Department  
11          of Justice such sums as may be necessary for purposes  
12          of carrying out the program required by subsection (a).

## 13           **TITLE X—MISCELLANEOUS**

### 14          **SEC. 1001. PAYMENTS.**

15          (a) IN GENERAL.—The Attorney General shall, sub-  
16          ject to the availability of appropriations, pay \$250,000 to  
17          the estates of each of the 12 United States citizens killed  
18          in the 1998 terrorist bombings of the United States em-  
19          bassies in Kenya and Tanzania.

20          (b) RIGHT TO SUE.—Satisfaction of a claim under  
21          this section waives any right the claimant may have to  
22          file a suit (or to be a party to an action) in any court  
23          for damages as a result of the 1998 terrorist-related  
24          bombings of the United States embassies in Kenya and  
25          Tanzania.

1       (c) AUTHORIZATION.—There are authorized to be ap-  
2       propriated for fiscal year 2002 not more than \$3,000,000  
3       to carry out this section.

4       **SEC. 1002. REVIEW OF THE DEPARTMENT OF JUSTICE.**

5       The Inspector General of the Department of Justice  
6       shall designate one official who shall—

7               (1) review information and receive complaints  
8       alleging abuses of civil rights and civil liberties by  
9       employees and officials of the Department of Jus-  
10      tice;

11              (2) make public through the Internet, radio, tel-  
12      evision, and newspaper advertisements information  
13      on the responsibilities and functions of, and how to  
14      contact, the official; and

15              (3) submit to the Committee on the Judiciary  
16      of the House of Representatives and the Committee  
17      on the Judiciary of the Senate on a semi-annual  
18      basis a report on the implementation of this sub-  
19      section and detailing any abuses described in para-  
20      graph (1), including a description of the use of  
21      funds appropriations used to carry out this sub-  
22      section.

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