

107TH CONGRESS
1ST SESSION

H. R. 2975

AN ACT

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,*

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

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

5 (b) **TABLE OF CONTENTS.**— The table of contents
 6 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. 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. 802. Definition of domestic terrorism.
- Sec. 803. Prohibition against harboring terrorists.
- 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. 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—

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

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

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

12 (C) conducting terrorism threat assess-
13 ments of Federal agencies and their facilities;
14 and

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

20 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—Sub-
21 section (a) shall not be construed to affect the amount
22 or availability of any appropriation to the
23 Counterterrorism Fund made before the date of the enact-
24 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 “2332e” 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.”.

1 **TITLE II—ENHANCED**
2 **SURVEILLANCE PROCEDURES**

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

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

8 (1) by redesignating paragraph (p), as so rededesignated 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

9 (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:

10 “(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.”.

1 (b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

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

4 (A) by striking the section heading and in-
5 serting the following:

6 **“§ 2703. Required disclosure of customer communica-
7 tions or records”;**

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

10 (C) in subsection (c)(1)—

11 (i) by striking “(A) Except as pro-
12 vided in subparagraph (B), a provider of
13 electronic communication service or remote
14 computing service may” and inserting “A
15 governmental entity may require a provider
16 of electronic communication service or re-
17 mote computing service to”;

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

21 “(B) A provider of electronic communica-
22 tion service or remote computing service shall
23 disclose a record or other information per-
24 taining to a subscriber to or customer of such
25 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 redesi-
10 gnated) 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 EXECU-**
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. EXTRATERRITORIAL JURISDICTION.**

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

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

21 “(1) the offense involves an access device
22 issued, owned, managed, or controlled by a financial
23 institution, account issuer, credit card system mem-
24 ber, or other entity within the jurisdiction of the
25 United States; and

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

7 **TITLE IV—PROTECTING THE**
8 **BORDER**

9 **Subtitle A—Protecting the**
10 **Northern Border**

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

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

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

18 There are authorized to be appropriated—

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

24 (2) such sums as may be necessary to triple the
25 number of Customs Service personnel (from the

1 number authorized under current law), and the nec-
2 essary personnel and facilities to support such per-
3 sonnel, at ports of entry in each State along the
4 Northern Border;

5 (3) such sums as may be necessary to triple the
6 number of INS inspectors (from the number author-
7 ized on the date of the enactment of this Act), and
8 the necessary personnel and facilities to support
9 such personnel, at ports of entry in each State along
10 the Northern Border; and

11 (4) an additional \$50,000,000 each to the Im-
12 migration and Naturalization Service and the United
13 States Customs Service for purposes of making im-
14 provements in technology for monitoring the North-
15 ern Border and acquiring additional equipment at
16 the Northern Border.

17 **SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND**
18 **THE INS TO CERTAIN IDENTIFYING INFORMA-**
19 **TION IN THE CRIMINAL HISTORY RECORDS**
20 **OF VISA APPLICANTS AND APPLICANTS FOR**
21 **ADMISSION TO THE UNITED STATES.**

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

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

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

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

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

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

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

23 “(3) The Federal Bureau of Investigation shall pro-
24 vide periodic updates of the extracts at intervals mutually
25 agreed upon with the agency receiving the access. Upon

1 receipt of such updated extracts, the receiving agency shall
2 make corresponding updates to its database and destroy
3 previously provided extracts.

4 “(4) Access to an extract does not entitle the Depart-
5 ment of State to obtain the full content of the cor-
6 responding automated criminal history record. To obtain
7 the full content of a criminal history record, the Depart-
8 ment of State shall submit the applicant’s fingerprints and
9 any appropriate fingerprint processing fee authorized by
10 law to the Criminal Justice Information Services Division
11 of the Federal Bureau of Investigation.

12 “(c) The provision of the extracts described in sub-
13 section (b) may be reconsidered by the Attorney General
14 and the receiving agency upon the development and de-
15 ployment of a more cost-effective and efficient means of
16 sharing the information.

17 “(d) For purposes of administering this section, the
18 Department of State shall, prior to receiving access to
19 NCIC data but not later than 4 months after the date
20 of enactment of this subsection, promulgate final
21 regulations—

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

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

4 “(A) to limit the redissemination of such
5 information;

6 “(B) to ensure that such information is
7 used solely to determine whether or not to issue
8 a visa to an alien or to admit an alien to the
9 United States;

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

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

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

19 (c) TECHNOLOGY STANDARD TO CONFIRM IDEN-
20 TITY.—

21 (1) IN GENERAL.—The Attorney General and
22 the Secretary of State jointly, through the National
23 Institute of Standards and Technology (NIST), and
24 in consultation with the Secretary of the Treasury
25 and other Federal law enforcement and intelligence

1 agencies the Attorney General or Secretary of State
2 deems appropriate, shall within 2 years after the
3 date of the enactment of this section, develop and
4 certify a technology standard that can confirm the
5 identity of a person applying for a United States
6 visa or such person seeking to enter the United
7 States pursuant to a visa.

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

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

20 (A) all consular officers responsible for the
21 issuance of visas;

22 (B) all Federal inspection agents at all
23 United States border inspection points; and

24 (C) all law enforcement and intelligence of-
25 ficers as determined by regulation to be respon-

1 sible for investigation or identification of aliens
2 admitted to the United States pursuant to a
3 visa.

4 (4) REPORT.—Not later than 18 months after
5 the date of the enactment of this Act, and every 2
6 years thereafter, the Attorney General and the Sec-
7 retary of State shall jointly, in consultation with the
8 Secretary of Treasury, report to Congress describing
9 the development, implementation and efficacy of the
10 technology standard and electronic database system
11 described in this subsection.

12 (d) STATUTORY CONSTRUCTION.—Nothing in this
13 section, or in any other law, shall be construed to limit
14 the authority of the Attorney General or the Director of
15 the Federal Bureau of Investigation to provide access to
16 the criminal history record information contained in the
17 National Crime Information Center’s (NCIC) Interstate
18 Identification Index (NCIC-III), or to any other informa-
19 tion maintained by the NCIC, to any Federal agency or
20 officer authorized to enforce or administer the immigra-
21 tion laws of the United States, for the purpose of such
22 enforcement or administration, upon terms that are con-
23 sistent with the National Crime Prevention and Privacy
24 Compact Act of 1998 (subtitle A of title II of Public Law

1 105–251; 42 U.S.C. 14611–16) and section 552a of title
2 5, United States Code.

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

4 The matter under the headings “Immigration And
5 Naturalization Service: Salaries and Expenses, Enforce-
6 ment And Border Affairs” and “Immigration And Natu-
7 ralization Service: Salaries and Expenses, Citizenship And
8 Benefits, Immigration And Program Direction” in the De-
9 partment of Justice Appropriations Act, 2001 (as enacted
10 into law by Appendix B (H.R. 5548) of Public Law 106–
11 553 (114 Stat. 2762A–58 to 2762A–59)) is amended by
12 striking the following each place it occurs: “*Provided, That*
13 none of the funds available to the Immigration and Natu-
14 ralization Service shall be available to pay any employee
15 overtime pay in an amount in excess of \$30,000 during
16 the calendar year beginning January 1, 2001:”.

17 **SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FIN-**
18 **GERPRINT IDENTIFICATION SYSTEM FOR**
19 **POINTS OF ENTRY AND OVERSEAS CONSULAR**
20 **POSTS.**

21 (a) IN GENERAL.—The Attorney General, in con-
22 sultation with the appropriate heads of other Federal
23 agencies, including the Secretary of State, Secretary of the
24 Treasury, and the Secretary of Transportation, shall re-
25 port to Congress on the feasibility of enhancing the Inte-

1 grated Automated Fingerprint Identification System
2 (IAFIS) of the Federal Bureau of Investigation and other
3 identification systems in order to better identify a person
4 who holds a foreign passport or a visa and may be wanted
5 in connection with a criminal investigation in the United
6 States or abroad, before the issuance of a visa to that per-
7 son or the entry or exit by that person from the United
8 States.

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

12 **Subtitle B—Enhanced Immigration** 13 **Provisions**

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

15 (a) GROUNDS OF INADMISSIBILITY.—Section
16 212(a)(3) of the Immigration and Nationality Act (8
17 U.S.C. 1182(a)(3)) is amended—

18 (1) in subparagraph (B)—

19 (A) in clause (i)—

20 (i) by amending subclause (IV) to
21 read as follows:

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

24 “(aa) a foreign terrorist or-
25 ganization, as designated by the

1 Secretary of State under section
2 219, or

3 “(bb) a political, social or
4 other similar group whose public
5 endorsement of acts of terrorist
6 activity the Secretary of State
7 has determined undermines
8 United States efforts to reduce or
9 eliminate terrorist activities,”;

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

12 (iii) by adding at the end the fol-
13 lowing new subclauses:

14 “(VI) has used the alien’s posi-
15 tion of prominence within any country
16 to endorse or espouse terrorist activ-
17 ity, or to persuade others to support
18 terrorist activity or a terrorist organi-
19 zation, in a way that the Secretary of
20 State has determined undermines
21 United States efforts to reduce or
22 eliminate terrorist activities, or

23 “(VII) is the spouse or child of
24 an alien who is inadmissible under
25 this section, if the activity causing the

1 alien to be found inadmissible oc-
2 curred within the last 5 years,”;

3 (B) by redesignating clauses (ii), (iii), and
4 (iv) as clauses (iii), (iv), and (v), respectively;

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

7 (D) by inserting after clause (i) the fol-
8 lowing:

9 “(ii) EXCEPTION.—Subclause (VII) of
10 clause (i) does not apply to a spouse or
11 child—

12 “(I) who did not know or should
13 not reasonably have known of the ac-
14 tivity causing the alien to be found in-
15 admissible under this section; or

16 “(II) whom the consular officer
17 or Attorney General has reasonable
18 grounds to believe has renounced the
19 activity causing the alien to be found
20 inadmissible under this section.”;

21 (E) in clause (iii) (as redesignated by sub-
22 paragraph (B))—

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

1 (ii) in subclause (V)(b), by striking
2 “or firearm” and inserting “, firearm, or
3 other weapon or dangerous device”;

4 (F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

5 “(iv) ENGAGE IN TERRORIST ACTIVITY
6 DEFINED.—As used in this chapter, the
7 term ‘engage in terrorist activity’ means,
8 in an individual capacity or as a member
9 of an organization—
10

11 “(I) to commit or to incite to
12 commit, under circumstances indicating an intention to cause death or
13 serious bodily injury, a terrorist activity;
14
15

16 “(II) to prepare or plan a terrorist activity;
17

18 “(III) to gather information on potential targets for terrorist activity;
19

20 “(IV) to solicit funds or other things of value for—
21

22 “(aa) a terrorist activity;

23 “(bb) a terrorist organization described in clauses (vi)(I)
24 or (vi)(II); or
25

1 “(cc) a terrorist organiza-
2 tion described in clause (vi)(III),
3 unless the solicitor can dem-
4 onstrate that he did not know,
5 and should not reasonably have
6 known, that the solicitation
7 would further the organization’s
8 terrorist activity;

9 “(V) to solicit any individual—

10 “(aa) to engage in conduct
11 otherwise described in this
12 clause;

13 “(bb) for membership in a
14 terrorist organization described
15 in clauses (vi)(I) or (vi)(II); or

16 “(cc) for membership in a
17 terrorist organization described
18 in clause (vi)(III), unless the so-
19 licitor can demonstrate that he
20 did not know, and should not
21 reasonably have known, that the
22 solicitation would further the or-
23 ganization’s terrorist activity; or

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

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

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

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

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

19 “(dd) to a terrorist organi-
20 zation described in clause
21 (vi)(III), unless the actor can
22 demonstrate that he did not
23 know, and should not reasonably
24 have known, that the act would

1 further the organization's ter-
2 rorist activity.

3 This clause shall not apply to any ma-
4 terial support the alien afforded to an
5 organization or individual that has
6 committed terrorist activity, if the
7 Secretary of State, after consultation
8 with the Attorney General, or the At-
9 torney General, after consultation
10 with the Secretary of State, concludes
11 in his sole unreviewable discretion,
12 that this clause should not apply.”;
13 and

14 (G) by adding at the end the following new
15 clause:

16 “(vi) TERRORIST ORGANIZATION DE-
17 FINED.—As used in clause (i)(VI) and
18 clause (iv), the term ‘terrorist organiza-
19 tion’ means an organization—

20 “(I) designated under section
21 219;

22 “(II) otherwise designated, upon
23 publication in the Federal Register, by
24 the Secretary of State in consultation
25 with or upon the request of the Attor-

1 ney General, as a terrorist organiza-
2 tion, after finding that it engages in
3 the activities described in subclause
4 (I), (II), or (III) of clause (iv), or that
5 it provides material support to further
6 terrorist activity; or

7 “(III) that is a group of two or
8 more individuals, whether organized
9 or not, which engages in the activities
10 described in subclause (I), (II), or
11 (III) of clause (iv).”;

12 (2) by adding at the end the following new sub-
13 paragraph:

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

24 (b) CONFORMING AMENDMENTS.—

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

5 (2) Section 208(b)(2)(A)(v) of the Immigration
6 and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is
7 amended by striking “or (IV)” and inserting “(IV),
8 or (VI)”.

9 (c) RETROACTIVE APPLICATION OF AMENDMENTS.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided in this subsection, the amendments made by
12 this section shall take effect on the date of the en-
13 actment of this Act and shall apply to—

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

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

19 (i) in removal proceedings on or after
20 such date (except for proceedings in which
21 there has been a final administrative deci-
22 sion before such date); or

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

1 (2) SPECIAL RULE FOR ALIENS IN EXCLUSION
2 OR DEPORTATION PROCEEDINGS.—Notwithstanding
3 any other provision of law, sections 212(a)(3)(B)
4 and 237(a)(4)(B) of the Immigration and Nation-
5 ality Act, as amended by this Act, shall apply to all
6 aliens in exclusion or deportation proceedings on or
7 after the date of the enactment of this Act (except
8 for proceedings in which there has been a final ad-
9 ministrative decision before such date) as if such
10 proceedings were removal proceedings.

11 (3) SPECIAL RULE FOR SECTION 219 ORGANIZA-
12 TIONS AND ORGANIZATIONS DESIGNATED UNDER
13 SECTION 212(a)(3)(B)(vi)(II).—

14 (A) IN GENERAL.—Notwithstanding para-
15 graphs (1) and (2), no alien shall be considered
16 inadmissible under section 212(a)(3) of the Im-
17 migration and Nationality Act (8 U.S.C.
18 1182(a)(3)), or deportable under section
19 237(a)(4)(B) of such Act (8 U.S.C.
20 1227(a)(4)(B)), by reason of the amendments
21 made by subsection (a), on the ground that the
22 alien engaged in a terrorist activity described in
23 subclause (IV)(bb), (V)(bb), or (VI)(cc) of sec-
24 tion 212(a)(3)(B)(iv) of such Act (as so amend-
25 ed) with respect to a group at any time when

1 the group was not a terrorist organization des-
2 ignated by the Secretary of State under section
3 219 of such Act (8 U.S.C. 1189) or otherwise
4 designated under section 212(a)(3)(B)(vi)(II).

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

10 (i) described in subclause (IV)(bb),
11 (V)(bb), or (VI)(cc) of section
12 212(a)(3)(B)(iv) of such Act (as so amend-
13 ed) with respect to a terrorist organization
14 at any time when such organization was
15 designated by the Secretary of State under
16 section 219 of such Act or otherwise des-
17 ignated under section 212(a)(3)(B)(vi)(II);
18 or

19 (ii) described in subclause (IV)(cc),
20 (V)(cc), or (VI)(dd) of section
21 212(a)(3)(B)(iv) of such Act (as so amend-
22 ed) with respect to a terrorist organization
23 described in section 212(a)(3)(B)(vi)(III).

24 (4) EXCEPTION.—The Secretary of State, in
25 consultation with the Attorney General, may deter-

1 mine that the amendments made by this section
2 shall not apply with respect to actions by an alien
3 taken outside the United States before the date of
4 the enactment of this Act upon the recommendation
5 of a consular officer who has concluded that there
6 is not reasonable ground to believe that the alien
7 knew or reasonably should have known that the ac-
8 tions would further a terrorist activity.

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

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

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

20 (3) by amending paragraph (2)(A) to read as
21 follows:

22 “(A) NOTICE.—

23 “(i) TO CONGRESSIONAL LEADERS.—
24 Seven days before making a designation
25 under this subsection, the Secretary shall,

1 by classified communication, notify the
2 Speaker and Minority Leader of the House
3 of Representatives, the President pro tem-
4 pore, Majority Leader, and Minority Lead-
5 er of the Senate, and the members of the
6 relevant committees, in writing, of the in-
7 tent to designate an organization under
8 this subsection, together with the findings
9 made under paragraph (1) with respect to
10 that organization, and the factual basis
11 therefor.

12 “(ii) PUBLICATION IN FEDERAL REG-
13 ISTER.—The Secretary shall publish the
14 designation in the Federal Register seven
15 days after providing the notification under
16 clause (i).”;

17 (4) in paragraph (2)(B)(i), by striking “sub-
18 paragraph (A)” and inserting “subparagraph
19 (A)(ii)”;

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

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

24 (7) in paragraph (4)(B), by inserting after the
25 first sentence the following: “The Secretary also may

1 redesignate such organization at the end of any 2-
2 year redesignation period (but not sooner than 60
3 days prior to the termination of such period) for an
4 additional 2-year period upon a finding that the rel-
5 evant circumstances described in paragraph (1) still
6 exist. Any redesignation shall be effective imme-
7 diately following the end of the prior 2-year designa-
8 tion or redesignation period unless a different effec-
9 tive date is provided in such redesignation.”;

10 (8) in paragraph (6)(A)—

11 (A) by inserting “or a redesignation made
12 under paragraph (4)(B)” after “paragraph
13 (1)”;

14 (B) in clause (i)—

15 (i) by inserting “or redesignation”
16 after “designation” the first place it ap-
17 pears; and

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

19 and

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

22 (9) in paragraph (6)(B)—

23 (A) by striking “through (4)” and insert-
24 ing “and (3)”;

1 (B) by inserting at the end the following
2 new sentence: “Any revocation shall take effect
3 on the date specified in the revocation or upon
4 publication in the Federal Register if no effec-
5 tive date is specified.”;

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

9 (11) in paragraph (8)—

10 (A) by striking “paragraph (1)(B)” and
11 inserting “paragraph (2)(B), or if a redesigna-
12 tion under this subsection has become effective
13 under paragraph (4)(B)”;

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

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

18 **SEC. 412. MANDATORY DETENTION OF SUSPECTED TER-**
19 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**
20 **VIEW.**

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

1 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;
2 HABEAS CORPUS; JUDICIAL REVIEW

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

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

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

18 “(3) CERTIFICATION.—The Attorney General
19 may certify an alien under this paragraph if the At-
20 torney General has reasonable grounds to believe
21 that the alien—

22 “(A) is described in section
23 212(a)(3)(A)(i), 212(a)(3)(A)(iii),
24 212(a)(3)(B), 237(a)(4)(A)(i),
25 237(a)(4)(A)(iii), or 237(a)(4)(B); or

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

4 “(4) NONDELEGATION.—The Attorney General
5 may delegate the authority provided under para-
6 graph (3) only to the Commissioner. The Commis-
7 sioner may not delegate such authority.

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

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

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

1 “(1) IN GENERAL.—Judicial review of any ac-
2 tion or decision relating to this section (including ju-
3 dicial review of the merits of a determination made
4 under subsection (a)(3) or (a)(6)) is available exclu-
5 sively in habeas corpus proceedings consistent with
6 this subsection. Except as provided in the preceding
7 sentence, no court shall have jurisdiction to review,
8 by habeas corpus petition or otherwise, any such ac-
9 tion or decision.

10 “(2) APPLICATION.—

11 “(A) IN GENERAL.—Notwithstanding any
12 other provision of law, including section
13 2241(a) of title 28, United States Code, habeas
14 corpus proceedings described in paragraph (1)
15 may be initiated only by an application filed
16 with—

17 “(i) the Supreme Court;

18 “(ii) any justice of the Supreme
19 Court;

20 “(iii) any circuit judge of the United
21 States Court of Appeals for the District of
22 Columbia Circuit; or

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

1 “(B) APPLICATION TRANSFER.—Section
2 2241(b) of title 28, United States Code, shall
3 apply to an application for a writ of habeas cor-
4 pus described in subparagraph (A).

5 “(3) APPEALS.—Notwithstanding any other
6 provision of law, including section 2253 of title 28,
7 in habeas corpus proceedings described in paragraph
8 (1) before a circuit or district judge, the final order
9 shall be subject to review, on appeal, by the United
10 States Court of Appeals for the District of Columbia
11 Circuit. There shall be no right of appeal in such
12 proceedings to any other circuit court of appeals.

13 “(4) RULE OF DECISION.—The law applied by
14 the Supreme Court and the United States Court of
15 Appeals for the District of Columbia Circuit shall be
16 regarded as the rule of decision in habeas corpus
17 proceedings described in paragraph (1).

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

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

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

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

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

10 (2) the grounds for such certifications;

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

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

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

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

17 (B) were removed;

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

20 (D) were released from detention.

21 **SEC. 413. MULTILATERAL COOPERATION AGAINST TERROR-**
22 **ISTS.**

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

1 (1) by striking “except that in the discretion
2 of” and inserting the following: “except that—

3 “(1) in the discretion of”; and

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

5 “(2) the Secretary of State, in the Secretary’s
6 discretion and on the basis of reciprocity, may pro-
7 vide to a foreign government information in the De-
8 partment of State’s computerized visa lookout data-
9 base and, when necessary and appropriate, other
10 records covered by this section related to informa-
11 tion in the database—

12 “(A) with regard to individual aliens, at
13 any time on a case-by-case basis for the pur-
14 pose of preventing, investigating, or punishing
15 acts that would constitute a crime in the United
16 States, including, but not limited to, terrorism
17 or trafficking in controlled substances, persons,
18 or illicit weapons; or

19 “(B) with regard to any or all aliens in the
20 database, pursuant to such conditions as the
21 Secretary of State shall establish in an agree-
22 ment with the foreign government in which that
23 government agrees to use such information and
24 records for the purposes described in subpara-

1 graph (A) or to deny visas to persons who
2 would be inadmissible to the United States.”.

3 **Subtitle C—Preservation of Immi-**
4 **gration Benefits for Victims of**
5 **Terrorism**

6 **SEC. 421. SPECIAL IMMIGRANT STATUS.**

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

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

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

23 (b) ALIENS DESCRIBED.—

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

1 (A) the alien was the beneficiary of—

2 (i) a petition that was filed with the
3 Attorney General on or before September
4 11, 2001—

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

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

19 (ii) an application for labor certifi-
20 cation under section 212(a)(5)(A) of such
21 Act (8 U.S.C. 1182(a)(5)(A)) that was
22 filed under regulations of the Secretary of
23 Labor on or before such date; and

24 (B) such petition or application was re-
25 voked or terminated (or otherwise rendered

1 null), either before or after its approval, due to
2 a specified terrorist activity that directly re-
3 sulted in—

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

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

9 (2) SPOUSES AND CHILDREN.—

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

12 (i) the alien was, on September 10,
13 2001, the spouse or child of a principal
14 alien described in paragraph (1); and

15 (ii) the alien—

16 (I) is accompanying such prin-
17 cipal alien; or

18 (II) is following to join such prin-
19 cipal alien not later than September
20 11, 2003.

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

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

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

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

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

2 (a) **AUTOMATIC EXTENSION OF NONIMMIGRANT STA-**
3 **TUS.—**

4 (1) **IN GENERAL.—**Notwithstanding section 214
5 of the Immigration and Nationality Act (8 U.S.C.
6 1184), in the case of an alien described in paragraph
7 (2) who was lawfully present in the United States as
8 a nonimmigrant on September 10, 2001, the alien
9 may remain lawfully in the United States in the
10 same nonimmigrant status until the later of—

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

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

16 (2) **ALIENS DESCRIBED.—**

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

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

24 (i) a principal alien described in sub-
25 paragraph (A); or

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

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

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

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

22 (2) DEPARTURE DELAYS.—In the case of an
23 alien who was lawfully present in the United States
24 as a nonimmigrant on September 10, 2001, if the
25 alien is unable timely to depart the United States as

1 a direct result of a specified terrorist activity, the
2 alien shall not be considered to have been unlawfully
3 present in the United States during the period be-
4 ginning on September 11, 2001, and ending on the
5 date of the alien's departure, if such departure oc-
6 curs on or before November 11, 2001.

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

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

17 (i) the alien's application shall be con-
18 sidered timely filed if it is filed not later
19 than 60 days after it otherwise would have
20 been due; and

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

1 (I) the date such status otherwise
2 would have terminated if this sub-
3 paragraph had not been enacted; or

4 (II) the date that is 60 days
5 after the date on which the applica-
6 tion described in clause (i) otherwise
7 would have been due.

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

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

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

24 (4) CIRCUMSTANCES PREVENTING TIMELY AC-
25 TION.—

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

4 (i) office closures;

5 (ii) mail or courier service cessations
6 or delays; and

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

10 (B) DEPARTURE AND RETURN DELAYS.—
11 For purposes of paragraphs (2) and (3), cir-
12 cumstances preventing an alien from timely act-
13 ing are—

14 (i) office closures;

15 (ii) airline flight cessations or delays;
16 and

17 (iii) other closures, cessations, or
18 delays affecting case processing or travel
19 necessary to satisfy legal requirements.

20 (c) DIVERSITY IMMIGRANTS.—

21 (1) WAIVER OF FISCAL YEAR LIMITATION.—

22 Notwithstanding section 203(e)(2) of the Immigra-
23 tion and Nationality Act (8 U.S.C. 1153(e)(2)), an
24 immigrant visa number issued to an alien under sec-
25 tion 203(c) of such Act for fiscal year 2001 may be

1 used by the alien during the period beginning on Oc-
2 tober 1, 2001, and ending on April 1, 2002, if the
3 alien establishes that the alien was prevented from
4 using it during fiscal year 2001 as a direct result of
5 a specified terrorist activity.

6 (2) WORLDWIDE LEVEL.—In the case of an
7 alien entering the United States as a lawful perma-
8 nent resident, or adjusting to that status, under
9 paragraph (1), the alien shall be counted as a diver-
10 sity immigrant for fiscal year 2001 for purposes of
11 section 201(e) of the Immigration and Nationality
12 Act (8 U.S.C. 1151(e)), unless the worldwide level
13 under such section for such year has been exceeded,
14 in which case the alien shall be counted as a diver-
15 sity immigrant for fiscal year 2002.

16 (3) TREATMENT OF FAMILY MEMBERS OF CER-
17 TAIN ALIENS.—In the case of a principal alien
18 issued an immigrant visa number under section
19 203(c) of the Immigration and Nationality Act (8
20 U.S.C. 1153(c)) for fiscal year 2001, if such prin-
21 cipal alien died as a direct result of a specified ter-
22 rorist activity, the aliens who were, on September
23 10, 2001, the spouse and children of such principal
24 alien shall, if not otherwise entitled to an immigrant
25 status and the immediate issuance of a visa under

1 subsection (a), (b), or (c) of section 203 of such Act,
2 be entitled to the same status, and the same order
3 of consideration, that would have been provided to
4 such alien spouse or child under section 203(d) of
5 such Act if the principal alien were not deceased.

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

10 (A) office closures;

11 (B) mail or courier service cessations or
12 delays;

13 (C) airline flight cessations or delays; and

14 (D) other closures, cessations, or delays af-
15 fecting case processing or travel necessary to
16 satisfy legal requirements.

17 (d) EXTENSION OF EXPIRATION OF IMMIGRANT
18 VISAS.—

19 (1) IN GENERAL.—Notwithstanding the limita-
20 tions under section 221(e) of the Immigration and
21 Nationality Act (8 U.S.C. 1201(e)), in the case of
22 any immigrant visa issued to an alien that expires
23 or expired before December 31, 2001, if the alien
24 was unable to effect entry into the United States as
25 a direct result of a specified terrorist activity, then

1 the period of validity of the visa is extended until
2 December 31, 2001, unless a longer period of valid-
3 ity is otherwise provided under this subtitle.

4 (2) CIRCUMSTANCES PREVENTING ENTRY.—For
5 purposes of this subsection, circumstances pre-
6 venting an alien from effecting entry into the United
7 States are—

8 (A) office closures;

9 (B) airline flight cessations or delays; and

10 (C) other closures, cessations, or delays af-
11 fecting case processing or travel necessary to
12 satisfy legal requirements.

13 (e) GRANTS OF PAROLE EXTENDED.—

14 (1) IN GENERAL.—In the case of any parole
15 granted by the Attorney General under section
16 212(d)(5) of the Immigration and Nationality Act (8
17 U.S.C. 1182(d)(5)) that expires on a date on or
18 after September 11, 2001, if the alien beneficiary of
19 the parole was unable to return to the United States
20 prior to the expiration date as a direct result of a
21 specified terrorist activity, the parole is deemed ex-
22 tended for an additional 90 days.

23 (2) CIRCUMSTANCES PREVENTING RETURN.—

24 For purposes of this subsection, circumstances pre-

1 venting an alien from timely returning to the United
2 States are—

3 (A) office closures;

4 (B) airline flight cessations or delays; and

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

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

15 **SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**
16 **SPOUSES AND CHILDREN.**

17 (a) TREATMENT AS IMMEDIATE RELATIVES.—

18 (1) SPOUSES.—Notwithstanding the second
19 sentence of section 201(b)(2)(A)(i) of the Immigra-
20 tion and Nationality Act (8 U.S.C.
21 1151(b)(2)(A)(i)), in the case of an alien who was
22 the spouse of a citizen of the United States at the
23 time of the citizen's death and was not legally sepa-
24 rated from the citizen at the time of the citizen's
25 death, if the citizen died as a direct result of a speci-

1 fied terrorist activity, the alien (and each child of
2 the alien) shall be considered, for purposes of section
3 201(b) of such Act, to remain an immediate relative
4 after the date of the citizen's death, but only if the
5 alien files a petition under section 204(a)(1)(A)(ii)
6 of such Act within 2 years after such date and only
7 until the date the alien remarries. For purposes of
8 such section 204(a)(1)(A)(ii), an alien granted relief
9 under the preceding sentence shall be considered an
10 alien spouse described in the second sentence of sec-
11 tion 201(b)(2)(A)(i) of such Act.

12 (2) CHILDREN.—

13 (A) IN GENERAL.—In the case of an alien
14 who was the child of a citizen of the United
15 States at the time of the citizen's death, if the
16 citizen died as a direct result of a specified ter-
17 rorist activity, the alien shall be considered, for
18 purposes of section 201(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1151(b)), to re-
20 main an immediate relative after the date of the
21 citizen's death (regardless of changes in age or
22 marital status thereafter), but only if the alien
23 files a petition under subparagraph (B) within
24 2 years after such date.

1 (B) PETITIONS.—An alien described in
2 subparagraph (A) may file a petition with the
3 Attorney General for classification of the alien
4 under section 201(b)(2)(A)(i) of the Immigra-
5 tion and Nationality Act (8 U.S.C.
6 1151(b)(2)(A)(i)). For purposes of such Act,
7 such a petition shall be considered a petition
8 filed under section 204(a)(1)(A) of such Act (8
9 U.S.C. 1154(a)(1)(A)).

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

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

1 be filed. Such spouse, child, son, or daughter may be
2 eligible for deferred action and work authorization.

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

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

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

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

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

24 (1) IN GENERAL.—Any alien who was, on Sep-
25 tember 10, 2001, the spouse or child of an alien de-

1 scribed in paragraph (2), and who applied for ad-
2 justment of status prior to the death described in
3 paragraph (2)(A), may have such application adju-
4 dicated as if such death had not occurred.

5 (2) 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 before such death, was—

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

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

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

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

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

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

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

19 **SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.**

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

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

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

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

6 **SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**
7 **EMPLOYMENT.**

8 (a) IN GENERAL.—The Attorney General shall estab-
9 lish appropriate standards for evidence demonstrating, for
10 purposes of this subtitle, that any of the following oc-
11 curred as a direct result of a specified terrorist activity:

12 (1) Death.

13 (2) Disability.

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

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

20 **SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**
21 **BERS OF TERRORISTS.**

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

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

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

5 **SEC. 428. DEFINITIONS.**

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

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

17 **TITLE V—REMOVING OBSTA-**
18 **CLES TO INVESTIGATING**
19 **TERRORISM**

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

22 (a) PAYMENT OF REWARDS TO COMBAT TER-
23 RORISM.—Funds available to the Attorney General may
24 be used for the payment of rewards pursuant to public
25 advertisements for assistance to the Department of Jus-

1 tice to combat terrorism and defend the Nation against
2 terrorist acts, in accordance with procedures and regula-
3 tions established or issued by the Attorney General.

4 (b) CONDITIONS.—In making rewards under this
5 section—

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

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

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

19 (4) neither the failure of the Attorney General
20 to authorize a payment nor the amount authorized
21 shall be subject to judicial review; and

22 (5) no such reward shall be subject to any per-
23 or aggregate reward spending limitation established
24 by law, unless that law expressly refers to this sec-
25 tion, and no reward paid pursuant to any such offer

1 shall count toward any such aggregate reward
2 spending limitation.

3 **SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY RE-**
4 **WARDS.**

5 Section 36 of the State Department Basic Authorities
6 Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C.
7 2708) is amended—

8 (1) in subsection (b)—

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

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

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

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

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

22 (3) in subsection (e)(1), by inserting “, except
23 as personally authorized by the Secretary of State if
24 he determines that offer or payment of an award of
25 a larger amount is necessary to combat terrorism or

1 defend the Nation against terrorist acts.” after
2 “\$5,000,000”.

3 **SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND**
4 **OTHER VIOLENT OFFENDERS.**

5 Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended
6 to read as follows:
7

8 “(2) In addition to the offenses described in
9 paragraph (1), the following offenses shall be treated
10 for purposes of this section as qualifying Federal offenses,
11 as determined by the Attorney General:

12 “(A) Any offense listed in section
13 2332b(g)(5)(B) of title 18, United States Code.

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

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

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

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

23 “(k)(1) Federal officers who conduct electronic surveillance
24 to acquire foreign intelligence information under
25 this title may consult with Federal law enforcement offi-

1 cers to coordinate efforts to investigate or protect
2 against—

3 “(A) actual or potential attack or other grave
4 hostile acts of a foreign power or an agent of a for-
5 eign power;

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

8 “(C) clandestine intelligence activities by an in-
9 telligence service or network of a foreign power or by
10 an agent of a foreign power.

11 “(2) Coordination authorized under paragraph (1)
12 shall not preclude the certification required by section
13 104(a)(7)(B) or the entry of an order under section 105.”.

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

18 “(k)(1) Federal officers who conduct physical
19 searches to acquire foreign intelligence information under
20 this title may consult with Federal law enforcement offi-
21 cers to coordinate efforts to investigate or protect
22 against—

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

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

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

6 “(2) Coordination authorized under paragraph (1)
7 shall not preclude the certification required by section
8 303(a)(7) or the entry of an order under section 304.”.

9 **SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORI-**
10 **TIES.**

11 (a) TELEPHONE TOLL AND TRANSACTIONAL
12 RECORDS.—Section 2709(b) of title 18, United States
13 Code, is amended—

14 (1) in the matter preceding paragraph (1), by
15 inserting “at Bureau headquarters or a Special
16 Agent in Charge in a Bureau field office designated
17 by the Director” after “Assistant Director”;

18 (2) in paragraph (1)—

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

21 (B) by striking “made that” and all that
22 follows and inserting the following: “made that
23 the name, address, length of service, and toll
24 billing records sought are relevant to an author-
25 ized investigation to protect against inter-

1 national terrorism or clandestine intelligence ac-
2 tivities, provided that such an investigation of a
3 United States person is not conducted solely on
4 the basis of activities protected by the first
5 amendment to the Constitution of the United
6 States; and”;

7 (3) in paragraph (2)—

8 (A) by striking “in a position not lower
9 than Deputy Assistant Director”;

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

20 (b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of
21 the Right to Financial Privacy Act of 1978 (12 U.S.C.
22 3414(a)(5)(A)) is amended—

23 (1) by inserting “in a position not lower than
24 Deputy Assistant Director at Bureau headquarters

1 or a Special Agent in Charge in a Bureau field office
2 designated by the Director” after “designee”; and

3 (2) by striking “sought” and all that follows
4 and inserting “sought for foreign counter intel-
5 ligence purposes to protect against international ter-
6 rorism or clandestine intelligence activities, provided
7 that such an investigation of a United States person
8 is not conducted solely upon the basis of activities
9 protected by the first amendment to the Constitution
10 of the United States.”.

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

13 (1) in subsection (a)—

14 (A) by inserting “in a position not lower
15 than Deputy Assistant Director at Bureau
16 headquarters or a Special Agent in Charge of a
17 Bureau field office designated by the Director”
18 after “designee” the first place it appears; and

19 (B) by striking “in writing that” and all
20 that follows through the end and inserting the
21 following: “in writing, that such information is
22 sought for the conduct of an authorized inves-
23 tigation to protect against international ter-
24 rorism or clandestine intelligence activities, pro-
25 vided that such an investigation of a United

1 States person is not conducted solely upon the
2 basis of activities protected by the first amend-
3 ment to the Constitution of the United
4 States.”;

5 (2) in subsection (b)—

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

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

22 (3) in subsection (c)—

23 (A) by inserting “in a position not lower
24 than Deputy Assistant Director at Bureau
25 headquarters or a Special Agent in Charge in a

1 Bureau field office designated by the Director”
2 after “designee of the Director”; and

3 (B) by striking “in camera that” and all
4 that follows through “States.” and inserting the
5 following: “in camera that the consumer report
6 is sought for the conduct of an authorized in-
7 vestigation to protect against international ter-
8 rorism or clandestine intelligence activities, pro-
9 vided that such an investigation of a United
10 States person is not conducted solely upon the
11 basis of activities protected by the first amend-
12 ment to the Constitution of the United
13 States.”.

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

15 (a) CONCURRENT JURISDICTION UNDER 18 U.S.C.
16 1030.—Section 1030(d) of title 18, United States Code,
17 is amended to read as follows:

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

21 “(2) The Federal Bureau of Investigation shall have
22 primary authority to investigate offenses under subsection
23 (a)(1) for any cases involving espionage, foreign counter-
24 intelligence, information protected against unauthorized
25 disclosure for reasons of national defense or foreign rela-

1 tions, or Restricted Data (as that term is defined in sec-
2 tion 11y of the Atomic Energy Act of 1954 (42 U.S.C.
3 2014(y)), except for offenses affecting the duties of the
4 United States Secret Service pursuant to section 3056(a)
5 of this title.

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

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

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

18 Section 444 of the General Education Provisions Act
19 (20 U.S.C. 1232g), is amended by adding after subsection
20 (i) a new subsection (j) to read as follows:

21 “(j) INVESTIGATION AND PROSECUTION OF TER-
22 RORISM.—

23 “(1) IN GENERAL.—Notwithstanding sub-
24 sections (a) through (i) or any provision of State
25 law, the Attorney General (or any Federal officer or

1 employee, in a position not lower than an Assistant
2 Attorney General, designated by the Attorney Gen-
3 eral) may submit a written application to a court of
4 competent jurisdiction for an ex parte order requir-
5 ing an educational agency or institution to permit
6 the Attorney General (or his designee) to—

7 “(A) collect education records in the pos-
8 session of the educational agency or institution
9 that are relevant to an authorized investigation
10 or prosecution of an offense listed in section
11 2332b(g)(5)(B) of title 18 United States Code,
12 or an act of domestic or international terrorism
13 as defined in section 2331 of that title; and

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

23 “(2) APPLICATION AND APPROVAL.—

24 “(A) IN GENERAL.—An application under
25 paragraph (1) shall certify that there are spe-

1 cific and articulable facts giving reason to be-
2 lieve that the education records are likely to
3 contain information described in paragraph
4 (1)(A).

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

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

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

18 **SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SUR-**
19 **VEYS.**

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

23 “(c) INVESTIGATION AND PROSECUTION OF TER-
24 RORISM.—

1 “(1) IN GENERAL.—Notwithstanding sub-
2 sections (a) and (b), the Attorney General (or any
3 Federal officer or employee, in a position not lower
4 than an Assistant Attorney General, designated by
5 the Attorney General) may submit a written applica-
6 tion to a court of competent jurisdiction for an ex
7 parte order requiring the Secretary to permit the At-
8 torney General (or his designee) to—

9 “(A) collect reports, records, and informa-
10 tion (including individually identifiable informa-
11 tion) in the possession of the center that are
12 relevant to an authorized investigation or pros-
13 ecution of an offense listed in section
14 2332b(g)(5)(B) of title 18, United States Code,
15 or an act of domestic or international terrorism
16 as defined in section 2331 of that title; and

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

1 “(2) APPLICATION AND APPROVAL.—

2 “(A) IN GENERAL.—An application under
3 paragraph (1) shall certify that there are spe-
4 cific and articulable facts giving reason to be-
5 lieve that the information sought is described in
6 paragraph (1)(A).

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

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

1 **TITLE VI—PROVIDING FOR VIC-**
2 **TIMS OF TERRORISM, PUBLIC**
3 **SAFETY OFFICERS, AND**
4 **THEIR FAMILIES**
5 **Subtitle A—Aid to Families of**
6 **Public Safety Officers**

7 **SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFI-**
8 **CERS INVOLVED IN THE PREVENTION, INVES-**
9 **TIGATION, RESCUE, OR RECOVERY EFFORTS**
10 **RELATED TO A TERRORIST ATTACK.**

11 (a) IN GENERAL.—Notwithstanding the limitations
12 of subsection (b) of section 1201 or the provisions of sub-
13 sections (c), (d), and (e) of such section or section 1202
14 of title I of the Omnibus Crime Control and Safe Streets
15 Act of 1968 (42 U.S.C. 3796, 3796a), upon certification
16 (containing identification of all eligible payees of benefits
17 pursuant to section 1201 of such Act) by a public agency
18 that a public safety officer employed by such agency was
19 killed or suffered a catastrophic injury producing perma-
20 nent and total disability as a direct and proximate result
21 of a personal injury sustained in the line of duty as de-
22 scribed in section 1201 of such Act in connection with pre-
23 vention, investigation, rescue, or recovery efforts related
24 to a terrorist attack, the Director of the Bureau of Justice
25 Assistance shall authorize payment to qualified bene-

1 ficiaries, said payment to be made not later than 30 days
2 after receipt of such certification, benefits described under
3 subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

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

9 **SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EX-**
10 **PEDITED PAYMENTS FOR HEROIC PUBLIC**
11 **SAFETY OFFICERS.**

12 Section 1 of Public Law 107-37 (an Act to provide
13 for the expedited payment of certain benefits for a public
14 safety officer who was killed or suffered a catastrophic in-
15 jury as a direct and proximate result of a personal injury
16 sustained in the line of duty in connection with the ter-
17 rorist attacks of September 11, 2001) is amended by—

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

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

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

1 **SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM**
2 **PAYMENT INCREASE.**

3 (a) PAYMENTS.—Section 1201(a) of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
5 3796) is amended by striking “\$100,000” and inserting
6 “\$250,000”.

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

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

11 Section 112 of title I of section 101(b) of division
12 A of Public Law 105–277 and section 108(a) of appendix
13 A of Public Law 106–113 (113 Stat. 1501A–20) are
14 amended—

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

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

1 **Subtitle B—Amendments to the**
2 **Victims of Crime Act of 1984**

3 **SEC. 621. CRIME VICTIMS FUND.**

4 (a) DEPOSIT OF GIFTS IN THE FUND.—Section
5 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C.
6 10601(b)) is amended—

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

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

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

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

14 (b) FORMULA FOR FUND DISTRIBUTIONS.—Section
15 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.
16 10601(c)) is amended to read as follows:

17 “(c) FUND DISTRIBUTION; RETENTION OF SUMS IN
18 FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FIS-
19 CAL YEAR LIMITATION.—

20 “(1) Subject to the availability of money in the
21 Fund, in each fiscal year, beginning with fiscal year
22 2003, the Director shall distribute not less than 90
23 percent nor more than 110 percent of the amount
24 distributed from the Fund in the previous fiscal
25 year, except the Director may distribute up to 120

1 percent of the amount distributed in the previous
2 fiscal year in any fiscal year that the total amount
3 available in the Fund is more than 2 times the
4 amount distributed in the previous fiscal year.

5 “(2) In each fiscal year, the Director shall dis-
6 tribute amounts from the Fund in accordance with
7 subsection (d). All sums not distributed during a fis-
8 cal year shall remain in reserve in the Fund to be
9 distributed during a subsequent fiscal year. Notwith-
10 standing any other provision of law, all sums depos-
11 ited in the Fund that are not distributed shall re-
12 main in reserve in the Fund for obligation in future
13 fiscal years, without fiscal year limitation.”.

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

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

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

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

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

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

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

16 “(B) The antiterrorism emergency reserve re-
17 ferred to in subparagraph (A) may be used for sup-
18 plemental grants under section 1404B and to pro-
19 vide compensation to victims of international ter-
20 rorism under section 1404C.

21 “(C) Amounts in the antiterrorism emergency
22 reserve established pursuant to subparagraph (A)
23 may be carried over from fiscal year to fiscal year.
24 Notwithstanding subsection (c) and section 619 of
25 the Departments of Commerce, Justice, and State,

1 the Judiciary, and Related Agencies Appropriations
2 Act, 2001 (and any similar limitation on Fund obli-
3 gations in any future Act, unless the same should
4 expressly refer to this section), any such amounts
5 carried over shall not be subject to any limitation on
6 obligations from amounts deposited to or available in
7 the Fund.”.

8 (e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts
9 transferred to the Crime Victims Fund for use in respond-
10 ing to the airplane hijackings and terrorist acts (including
11 any related search, rescue, relief, assistance, or other simi-
12 lar activities) that occurred on September 11, 2001, shall
13 not be subject to any limitation on obligations from
14 amounts deposited to or available in the Fund,
15 notwithstanding—

16 (1) section 619 of the Departments of Com-
17 merce, Justice, and State, the Judiciary, and Re-
18 lated Agencies Appropriations Act, 2001, and any
19 similar limitation on Fund obligations in such Act
20 for Fiscal Year 2002; and

21 (2) subsections (c) and (d) of section 1402 of
22 the Victims of Crime Act of 1984 (42 U.S.C.
23 10601).

1 **SEC. 622. CRIME VICTIM COMPENSATION.**

2 (a) ALLOCATION OF FUNDS FOR COMPENSATION
3 AND ASSISTANCE.—Paragraphs (1) and (2) of section
4 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.
5 10602(a)) are amended by inserting “in fiscal year 2002
6 and of 60 percent in subsequent fiscal years” after “40
7 percent”.

8 (b) LOCATION OF COMPENSABLE CRIME.—Section
9 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42
10 U.S.C. 10602(b)(6)(B)) is amended by striking “are out-
11 side the United States (if the compensable crime is ter-
12 rorism, as defined in section 2331 of title 18), or”.

13 (c) RELATIONSHIP OF CRIME VICTIM COMPENSA-
14 TION TO MEANS-TESTED FEDERAL BENEFIT PRO-
15 GRAMS.—Section 1403 of the Victims of Crime Act of
16 1984 (42 U.S.C. 10602) is amended by striking subsection
17 (c) and inserting the following:

18 “(c) EXCLUSION FROM INCOME, RESOURCES, AND
19 ASSETS FOR PURPOSES OF MEANS TESTS.—Notwith-
20 standing any other law (other than title IV of Public Law
21 107–42), for the purpose of any maximum allowed income,
22 resource, or asset eligibility requirement in any Federal,
23 State, or local government program using Federal funds
24 that provides medical or other assistance (or payment or
25 reimbursement of the cost of such assistance), any amount
26 of crime victim compensation that the applicant receives

1 through a crime victim compensation program under this
2 section shall not be included in the income, resources, or
3 assets of the applicant, nor shall that amount reduce the
4 amount of the assistance available to the applicant from
5 Federal, State, or local government programs using Fed-
6 eral funds, unless the total amount of assistance that the
7 applicant receives from all such programs is sufficient to
8 fully compensate the applicant for losses suffered as a re-
9 sult of the crime.”.

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

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

15 (2) in paragraph (4), by inserting “the United
16 States Virgin Islands,” after “the Commonwealth of
17 Puerto Rico,”.

18 (e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COM-
19 PENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM
20 COMPENSATION FUND.—

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

1 (2) COMPENSATION.—With respect to any com-
2 pensation payable under title IV of Public Law 107–
3 42, the failure of a crime victim compensation pro-
4 gram, after the effective date of final regulations
5 issued pursuant to section 407 of Public Law 107–
6 42, to provide compensation otherwise required pur-
7 suant to section 1403 of the Victims of Crime Act
8 of 1984 (42 U.S.C. 10602) shall not render that
9 program ineligible for future grants under the Vic-
10 tims of Crime Act of 1984.

11 **SEC. 623. CRIME VICTIM ASSISTANCE.**

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

17 “(6) An agency of the Federal Government per-
18 forming local law enforcement functions in and on
19 behalf of the District of Columbia, the Common-
20 wealth of Puerto Rico, the United States Virgin Is-
21 lands, or any other territory or possession of the
22 United States may qualify as an eligible crime victim
23 assistance program for the purpose of grants under
24 this subsection, or for the purpose of grants under
25 subsection (c)(1).”.

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

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

6 (2) in subparagraph (E), by striking the period
7 at the end and inserting “; and”; and

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

9 “(F) does not discriminate against victims
10 because they disagree with the way the State is
11 prosecuting the criminal case.”.

12 (c) GRANTS FOR PROGRAM EVALUATION AND COM-
13 PLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Vic-
14 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A))
15 is amended by inserting “, program evaluation, compliance
16 efforts,” after “demonstration projects”.

17 (d) ALLOCATION OF DISCRETIONARY GRANTS.—Sec-
18 tion 1404(c)(2) of the Victims of Crime Act of 1984 (42
19 U.S.C. 10603(c)(2)) is amended—

20 (1) in subparagraph (A), by striking “not more
21 than” and inserting “not less than”; and

22 (2) in subparagraph (B), by striking “not less
23 than” and inserting “not more than”.

1 (e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—
2 Section 1404(c)(3) of the Victims of Crime Act of 1984
3 (42 U.S.C. 10603(c)(3)) is amended—

4 (1) in subparagraph (C), by striking “and” at
5 the end;

6 (2) in subparagraph (D), by striking the period
7 at the end and inserting “; and”; and

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

9 “(E) use funds made available to the Di-
10 rector under this subsection—

11 “(i) for fellowships and clinical intern-
12 ships; and

13 “(ii) to carry out programs of training
14 and special workshops for the presentation
15 and dissemination of information resulting
16 from demonstrations, surveys, and special
17 projects.”.

18 **SEC. 624. VICTIMS OF TERRORISM.**

19 (a) COMPENSATION AND ASSISTANCE TO VICTIMS OF
20 DOMESTIC TERRORISM.—Section 1404B(b) of the Victims
21 of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended
22 to read as follows:

23 “(b) VICTIMS OF TERRORISM WITHIN THE UNITED
24 STATES.—The Director may make supplemental grants as
25 provided in section 1402(d)(5) to States for eligible crime

1 victim compensation and assistance programs, and to vic-
2 tim service organizations, public agencies (including Fed-
3 eral, State, or local governments) and nongovernmental
4 organizations that provide assistance to victims of crime,
5 which shall be used to provide emergency relief, including
6 crisis response efforts, assistance, compensation, training
7 and technical assistance, and ongoing assistance, including
8 during any investigation or prosecution, to victims of ter-
9 rorist acts or mass violence occurring within the United
10 States.”.

11 (b) ASSISTANCE TO VICTIMS OF INTERNATIONAL
12 TERRORISM.—Section 1404B(a)(1) of the Victims of
13 Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended
14 by striking “who are not persons eligible for compensation
15 under title VIII of the Omnibus Diplomatic Security and
16 Antiterrorism Act of 1986”.

17 (c) COMPENSATION TO VICTIMS OF INTERNATIONAL
18 TERRORISM.—Section 1404C(b) of the Victims of Crime
19 of 1984 (42 U.S.C. 10603c(b)) is amended by adding at
20 the end the following: “The amount of compensation
21 awarded to a victim under this subsection shall be reduced
22 by any amount that the victim received in connection with
23 the same act of international terrorism under title VIII
24 of the Omnibus Diplomatic Security and Antiterrorism
25 Act of 1986.”.

1 **TITLE VII—INCREASED INFOR-**
2 **MATION SHARING FOR CRIT-**
3 **ICAL INFRASTRUCTURE PRO-**
4 **TECTION**

5 **SEC. 711. EXPANSION OF REGIONAL INFORMATION SHAR-**
6 **ING SYSTEM TO FACILITATE FEDERAL-STATE-**
7 **LOCAL LAW ENFORCEMENT RESPONSE RE-**
8 **LATED TO TERRORIST ATTACKS.**

9 Section 1301 of title I of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3796h) is
11 amended—

12 (1) in subsection (a), by inserting “and ter-
13 rorist conspiracies and activities” after “activities”;

14 (2) in subsection (b)—

15 (A) in paragraph (3), by striking “and”
16 after the semicolon;

17 (B) by redesignating paragraph (4) as
18 paragraph (5);

19 (C) by inserting after paragraph (3) the
20 following:

21 “(4) establishing and operating secure informa-
22 tion sharing systems to enhance the investigation
23 and prosecution abilities of participating enforce-
24 ment agencies in addressing multi-jurisdictional ter-
25 rorist conspiracies and activities; and (5)”;

1 (3) by inserting at the end the following:

2 “(d) AUTHORIZATION OF APPROPRIATION TO THE
3 BUREAU OF JUSTICE ASSISTANCE.—There are authorized
4 to be appropriated to the Bureau of Justice Assistance
5 to carry out this section \$50,000,000 for fiscal year 2002
6 and \$100,000,000 for fiscal year 2003.”.

7 **TITLE VIII—STRENGTHENING**
8 **THE CRIMINAL LAWS**
9 **AGAINST TERRORISM**

10 **SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIO-**
11 **LENCE AGAINST MASS TRANSPORTATION**
12 **SYSTEMS.**

13 Chapter 97 of title 18, United States Code, is amend-
14 ed by adding at the end the following:

15 **“§ 1993. Terrorist attacks and other acts of violence**
16 **against mass transportation systems**

17 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

18 “(1) wrecks, derails, sets fire to, or disables a
19 mass transportation vehicle or ferry;

20 “(2) places or causes to be placed any biological
21 agent or toxin for use as a weapon, destructive sub-
22 stance, or destructive device in, upon, or near a
23 mass transportation vehicle or ferry, without pre-
24 viously obtaining the permission of the mass trans-
25 portation provider, and with intent to endanger the

1 safety of any passenger or employee of the mass
2 transportation provider, or with a reckless disregard
3 for the safety of human life;

4 “(3) sets fire to, or places any biological agent
5 or toxin for use as a weapon, destructive substance,
6 or destructive device in, upon, or near any garage,
7 terminal, structure, supply, or facility used in the
8 operation of, or in support of the operation of, a
9 mass transportation vehicle or ferry, without pre-
10 viously obtaining the permission of the mass trans-
11 portation provider, and knowing or having reason to
12 know such activity would likely derail, disable, or
13 wreck a mass transportation vehicle or ferry used,
14 operated, or employed by the mass transportation
15 provider;

16 “(4) removes appurtenances from, damages, or
17 otherwise impairs the operation of a mass transpor-
18 tation signal system, including a train control sys-
19 tem, centralized dispatching system, or rail grade
20 crossing warning signal;

21 “(5) interferes with, disables, or incapacitates
22 any dispatcher, driver, captain, or person while they
23 are employed in dispatching, operating, or maintain-
24 ing a mass transportation vehicle or ferry, with in-
25 tent to endanger the safety of any passenger or em-

1 ployee of the mass transportation provider, or with
2 a reckless disregard for the safety of human life;

3 “(6) commits an act, including the use of a
4 dangerous weapon, with the intent to cause death or
5 serious bodily injury to an employee or passenger of
6 a mass transportation provider or any other person
7 while any of the foregoing are on the property of a
8 mass transportation provider;

9 “(7) conveys or causes to be conveyed false in-
10 information, knowing the information to be false, con-
11 cerning an attempt or alleged attempt being made or
12 to be made, to do any act which would be a crime
13 prohibited by this subsection; or

14 “(8) attempts, threatens, or conspires to do any
15 of the aforesaid acts,

16 shall be fined under this title or imprisoned not more than
17 twenty years, or both, if such act is committed, or in the
18 case of a threat or conspiracy such act would be com-
19 mitted, on, against, or affecting a mass transportation
20 provider engaged in or affecting interstate or foreign com-
21 merce, or if in the course of committing such act, that
22 person travels or communicates across a State line in
23 order to commit such act, or transports materials across
24 a State line in aid of the commission of such act.

1 “(b) AGGRAVATED OFFENSE.—Whoever commits an
2 offense under subsection (a) in a circumstance in which—

3 “(1) the mass transportation vehicle or ferry
4 was carrying a passenger at the time of the offense;
5 or

6 “(2) the offense has resulted in the death of
7 any person,

8 shall be guilty of an aggravated form of the offense and
9 shall be fined under this title or imprisoned for a term
10 of years or for life, or both.

11 “(c) DEFINITIONS.—In this section—

12 “(1) the term ‘biological agent’ has the meaning
13 given to that term in section 178(1) of this title;

14 “(2) the term ‘dangerous weapon’ has the
15 meaning given to that term in section 930 of this
16 title;

17 “(3) the term ‘destructive device’ has the mean-
18 ing given to that term in section 921(a)(4) of this
19 title;

20 “(4) the term ‘destructive substance’ has the
21 meaning given to that term in section 31 of this
22 title;

23 “(5) the term ‘mass transportation’ has the
24 meaning given to that term in section 5302(a)(7) of
25 title 49, United States Code, except that the term

1 shall include schoolbus, charter, and sightseeing
2 transportation;

3 “(6) the term ‘serious bodily injury’ has the
4 meaning given to that term in section 1365 of this
5 title;

6 “(7) the term ‘State’ has the meaning given to
7 that term in section 2266 of this title; and

8 “(8) the term ‘toxin’ has the meaning given to
9 that term in section 178(2) of this title.”.

10 (f) CONFORMING AMENDMENT.—The analysis of
11 chapter 97 of title 18, United States Code, is amended
12 by adding at the end:

“1993. Terrorist attacks and other acts of violence against mass transportation systems.”.

13 **SEC. 802. DEFINITION OF DOMESTIC TERRORISM.**

14 (a) DOMESTIC TERRORISM DEFINED.—Section 2331
15 of title 18, United States Code, is amended—

16 (1) in paragraph (1)(B)(iii), by striking “by as-
17 sassination or kidnapping” and inserting “by mass
18 destruction, assassination, or kidnapping”;

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

20 (3) in paragraph (4), by striking the period at
21 the end and inserting “; and”; and

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

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

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

4 “(B) appear to be intended—

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

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

9 “(iii) to affect the conduct of a gov-
10 ernment by mass destruction, assassina-
11 tion, or kidnapping; and

12 “(C) occur primarily within the territorial
13 jurisdiction of the United States.”.

14 (b) CONFORMING AMENDMENT.—Section 3077(1) of
15 title 18, United States Code, is amended to read as fol-
16 lows:

17 “(1) ‘act of terrorism’ means an act of domestic
18 or international terrorism as defined in section
19 2331;”.

20 **SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.**

21 (a) IN GENERAL.—Chapter 113B of title 18, United
22 States Code, is amended by adding after section 2338 the
23 following new section:

1 **“§ 2339. Harboring or concealing terrorists**

2 “(a) Whoever harbors or conceals any person who he
3 knows, or has reasonable grounds to believe, has com-
4 mitted, or is about to commit, an offense under section
5 32 (relating to destruction of aircraft or aircraft facilities),
6 section 175 (relating to biological weapons), section 229
7 (relating to chemical weapons), section 831 (relating to
8 nuclear materials), paragraph (2) or (3) of section 844(f)
9 (relating to arson and bombing of government property
10 risking or causing injury or death), section 1366(a) (relat-
11 ing to the destruction of an energy facility), section 2280
12 (relating to violence against maritime navigation), section
13 2332a (relating to weapons of mass destruction), or sec-
14 tion 2332b (relating to acts of terrorism transcending na-
15 tional boundaries) of this title, section 236(a) (relating to
16 sabotage of nuclear facilities or fuel) of the Atomic Energy
17 Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relat-
18 ing to aircraft piracy) of title 49, shall be fined under this
19 title or imprisoned not more than ten years, or both.”.

20 “(b) A violation of this section may be prosecuted in
21 any Federal judicial district in which the underlying of-
22 fense was committed, or in any other Federal judicial dis-
23 trict as provided by law.”.

24 (b) TECHNICAL AMENDMENT.—The chapter analysis
25 for chapter 113B of title 18, United States Code, is

1 amended by inserting after the item for section 2338 the
2 following:

“2339. Harboring or concealing terrorists.”.

3 **SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S.**
4 **FACILITIES ABROAD.**

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

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

10 “(A) the premises of United States diplo-
11 matic, consular, military or other United States
12 Government missions or entities in foreign
13 States, including the buildings, parts of build-
14 ings, and land appurtenant or ancillary thereto
15 or used for purposes of those missions or enti-
16 ties, irrespective of ownership; and

17 “(B) residences in foreign States and the
18 land appurtenant or ancillary thereto, irrespec-
19 tive of ownership, used for purposes of those
20 missions or entities or used by United States
21 personnel assigned to those missions or entities.

22 Nothing in this paragraph shall be deemed to super-
23 sede any treaty or international agreement with
24 which this paragraph conflicts. This paragraph does

1 not apply with respect to an offense committed by
2 a person described in section 3261(a) of this title.”.

3 **SEC. 805. MATERIAL SUPPORT FOR TERRORISM.**

4 (a) IN GENERAL.—Section 2339A of title 18, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) by striking “, within the United
8 States,”;

9 (B) by inserting “229,” after “175,”;

10 (C) by inserting “1993,” after “1992,”;

11 (D) by inserting “, section 236 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2284),”
13 after “of this title”;

14 (E) by inserting “or 60123(b)” after
15 “46502”; and

16 (F) by inserting at the end the following:
17 “A violation of this section may be prosecuted
18 in any Federal judicial district in which the un-
19 derlying offense was committed, or in any other
20 Federal judicial district as provided by law.”;
21 and

22 (2) in subsection (b)—

23 (A) by striking “or other financial securi-
24 ties” and inserting “or monetary instruments
25 or financial securities”; and

1 (B) by inserting “expert advice or assist-
2 ance,” after “training.”

3 (b) TECHNICAL AMENDMENT.—Section
4 1956(c)(7)(D) of title 18, United States Code, is amended
5 by inserting “or 2339B” after “2339A”.

6 **SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.**

7 Section 981(a)(1) of title 18, United States Code, is
8 amended by inserting at the end the following:

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

10 “(i) of any individual, entity, or organiza-
11 tion engaged in planning or perpetrating any
12 act of domestic or international terrorism (as
13 defined in section 2331) against the United
14 States, citizens or residents of the United
15 States, or their property, and all assets, foreign
16 or domestic, affording any person a source of
17 influence over any such entity or organization;

18 “(ii) acquired or maintained by any person
19 for the purpose of supporting, planning, con-
20 ducting, or concealing an act of domestic or
21 international terrorism (as defined in section
22 2331) against the United States, citizens or
23 residents of the United States, or their prop-
24 erty; or

1 “(iii) derived from, involved in, or used or
2 intended to be used to commit any act of do-
3 mestic or international terrorism (as defined in
4 section 2331) against the United States, citi-
5 zens or residents of the United States, or their
6 property.”.

7 **SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVI-**
8 **SION OF MATERIAL SUPPORT TO TER-**
9 **RORISM.**

10 No provision of the Trade Sanctions Reform and Ex-
11 port Enhancement Act of 2000 (title IX of Public Law
12 106–387) shall be construed to limit or otherwise affect
13 section 2339A or 2339B of title 18, United States Code.

14 **SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.**

15 Section 2332b of title 18, United States Code, is
16 amended—

17 (1) in subsection (f), by inserting after “ter-
18 rorism” the following: “and any violation of section
19 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b),
20 1366(e), 1751(e), 2152, or 2156 of this title,” be-
21 fore “and the Secretary”; and

22 (2) in subsection (g)(5)(B), by striking clauses
23 (i) through (iii) and inserting the following:

24 “(i) section 32 (relating to destruction
25 of aircraft or aircraft facilities), 37 (relat-

1 ing to violence at international airports),
2 81 (relating to arson within special mari-
3 time and territorial jurisdiction), 175 or
4 175b (relating to biological weapons), 229
5 (relating to chemical weapons), subsection
6 (a), (b), (c), or (d) of section 351 (relating
7 to congressional, cabinet, and Supreme
8 Court assassination and kidnaping), 831
9 (relating to nuclear materials), 842(m) or
10 (n) (relating to plastic explosives), 844(f)
11 (2) through (3) (relating to arson and
12 bombing of Government property risking
13 or causing death), 844(i) (relating to arson
14 and bombing of property used in interstate
15 commerce), 930(c) (relating to killing or
16 attempted killing during an attack on a
17 Federal facility with a dangerous weapon),
18 956(a)(1) (relating to conspiracy to mur-
19 der, kidnap, or maim persons abroad),
20 1030(a)(1) (relating to protection of com-
21 puters), 1030(a)(5)(A)(i) resulting in dam-
22 age as defined in 1030(a)(5)(B)(ii)
23 through (v) (relating to protection of com-
24 puters), 1114 (relating to killing or at-
25 tempted killing of officers and employees of

1 the United States), 1116 (relating to mur-
2 der or manslaughter of foreign officials, of-
3 ficial guests, or internationally protected
4 persons), 1203 (relating to hostage tak-
5 ing), 1362 (relating to destruction of com-
6 munication lines, stations, or systems),
7 1363 (relating to injury to buildings or
8 property within special maritime and terri-
9 torial jurisdiction of the United States),
10 1366(a) (relating to destruction of an en-
11 ergy facility), 1751 (a) through (d) (relat-
12 ing to Presidential and Presidential staff
13 assassination and kidnaping), 1992 (relat-
14 ing to wrecking trains), 1993 (relating to
15 terrorist attacks and other acts of violence
16 against mass transportation systems),
17 2155 (relating to destruction of national
18 defense materials, premises, or utilities),
19 2280 (relating to violence against maritime
20 navigation), 2281 (relating to violence
21 against maritime fixed platforms), 2332
22 (relating to certain homicides and other vi-
23 olence against United States nationals oc-
24 ccurring outside of the United States),
25 2332a (relating to use of weapons of mass

1 destruction), 2332b (relating to acts of ter-
2 rorism transcending national boundaries),
3 2339 (relating to harboring terrorists),
4 2339A (relating to providing material sup-
5 port to terrorists), 2339B (relating to pro-
6 viding material support to terrorist organi-
7 zations), or 2340A (relating to torture) of
8 this title;

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

12 “(iii) section 46502 (relating to air-
13 craft piracy), the second sentence of sec-
14 tion 46504 (relating to assault on a flight
15 crew with a dangerous weapon), section
16 46505(b)(3) or (c) (relating to explosive or
17 incendiary devices, or endangerment of
18 human life by means of weapons, on air-
19 craft), section 46506 if homicide or at-
20 tempted homicide is involved (relating to
21 application of certain criminal laws to acts
22 on aircraft), or section 60123(b) (relating
23 to destruction of interstate gas or haz-
24 ardous liquid pipeline facility) of title 49.”.

1 **SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TER-**
2 **RORISM OFFENSES.**

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

5 **“§ 3286. Extension of statute of limitation for certain**
6 **terrorism offenses**

7 “(a) EIGHT-YEAR LIMITATION.—Notwithstanding
8 section 3282, no person shall be prosecuted, tried, or pun-
9 ished for any noncapital offense involving a violation of
10 any provision listed in section 2332b(g)(5)(B), or a viola-
11 tion of section 112, 351(e), 1361, or 1751(e) of this title,
12 or section 46504, 46505, or 46506 of title 49, unless the
13 indictment is found or the information is instituted within
14 8 years after the offense was committed. Notwithstanding
15 the preceding sentence, offenses listed in section 3295 are
16 subject to the statute of limitations set forth in that sec-
17 tion.

18 “(b) NO LIMITATION.—Notwithstanding any other
19 law, an indictment may be found or an information insti-
20 tuted at any time without limitation for any offense listed
21 in section 2332b(g)(5)(B), if the commission of such of-
22 fense resulted in, or created a foreseeable risk of, death
23 or serious bodily injury to another person.”.

24 (b) APPLICATION.—The amendments made by this
25 section shall apply to the prosecution of any offense com-

1 mitted before, on, or after the date of the enactment of
2 this section.

3 **SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TER-**
4 **RORISM OFFENSES.**

5 (a) ARSON.—Section 81 of title 18, United States
6 Code, is amended in the second undesignated paragraph
7 by striking “not more than twenty years” and inserting
8 “for any term of years or for life”.

9 (b) DESTRUCTION OF AN ENERGY FACILITY.—Sec-
10 tion 1366 of title 18, United States Code, is amended—

11 (1) in subsection (a), by striking “ten” and in-
12 serting “20”; and

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

14 “(d) Whoever is convicted of a violation of subsection
15 (a) or (b) that has resulted in the death of any person
16 shall be subject to imprisonment for any term of years
17 or life.”.

18 (c) MATERIAL SUPPORT TO TERRORISTS.—Section
19 2339A(a) of title 18, United States Code, is amended—

20 (1) by striking “10” and inserting “15”; and

21 (2) by striking the period and inserting “, and,
22 if the death of any person results, shall be impris-
23 oned for any term of years or for life.”.

1 (d) MATERIAL SUPPORT TO DESIGNATED FOREIGN
2 TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of
3 title 18, United States Code, is amended—

4 (1) by striking “10” and inserting “15”; and

5 (2) by striking the period after “or both” and
6 inserting “, and, if the death of any person results,
7 shall be imprisoned for any term of years or for
8 life.”.

9 (e) DESTRUCTION OF NATIONAL-DEFENSE MATE-
10 RIALS.—Section 2155(a) of title 18, United States Code,
11 is amended—

12 (1) by striking “ten” 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 (f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—
17 Section 236 of the Atomic Energy Act of 1954 (42 U.S.C.
18 2284), is amended—

19 (1) by striking “ten” each place it appears and
20 inserting “20”;

21 (2) in subsection (a), by striking the period at
22 the end and inserting “, and, if death results to any
23 person, shall be imprisoned for any term of years or
24 for life.”; and

1 (3) in subsection (b), 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.”.

5 (g) SPECIAL AIRCRAFT JURISDICTION OF THE
6 UNITED STATES.—Section 46505(c) of title 49, United
7 States Code, is amended—

8 (1) by striking “15” and inserting “20”; and

9 (2) by striking the period at the end and insert-
10 ing “, and, if death results to any person, shall be
11 imprisoned for any term of years or for life.”.

12 (h) DAMAGING OR DESTROYING AN INTERSTATE GAS
13 OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section
14 60123(b) of title 49, United States Code, is amended—

15 (1) by striking “15” and inserting “20”; and

16 (2) by striking the period at the end and insert-
17 ing “, and, if death results to any person, shall be
18 imprisoned for any term of years or for life.”.

19 **SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.**

20 (a) ARSON.—Section 81 of title 18, United States
21 Code, is amended in the first undesignated paragraph—

22 (1) by striking “, or attempts to set fire to or
23 burn”; and

24 (2) by inserting “or attempts or conspires to do
25 such an act,” before “shall be imprisoned”.

1 (b) KILLINGS IN FEDERAL FACILITIES.—Section
2 930(c) of title 18, United States Code, is amended—

3 (1) by striking “or attempts to kill”;

4 (2) by inserting “or attempts or conspires to do
5 such an act,” before “shall be punished”; and

6 (3) by striking “and 1113” and inserting
7 “1113, and 1117”.

8 (c) COMMUNICATIONS LINES, STATIONS, OR SYS-
9 TEMS.—Section 1362 of title 18, United States Code, is
10 amended in the first undesignated paragraph—

11 (1) by striking “or attempts willfully or mali-
12 ciously to injure or destroy”; and

13 (2) by inserting “or attempts or conspires to do
14 such an act,” before “shall be fined”.

15 (d) BUILDINGS OR PROPERTY WITHIN SPECIAL
16 MARITIME AND TERRITORIAL JURISDICTION.—Section
17 1363 of title 18, United States Code, is amended—

18 (1) by striking “or attempts to destroy or in-
19 jure”; and

20 (2) by inserting “or attempts or conspires to do
21 such an act,” before “shall be fined” the first place
22 it appears.

23 (e) WRECKING TRAINS.—Section 1992 of title 18,
24 United States Code, is amended by adding at the end the
25 following:

1 “(c) A person who conspires to commit any offense
2 defined in this section shall be subject to the same pen-
3 alties (other than the penalty of death) as the penalties
4 prescribed for the offense, the commission of which was
5 the object of the conspiracy.”.

6 (f) MATERIAL SUPPORT TO TERRORISTS.—Section
7 2339A of title 18, United States Code, is amended by in-
8 serting “or attempts or conspires to do such an act,” be-
9 fore “shall be fined”.

10 (g) TORTURE.—Section 2340A of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(c) CONSPIRACY.—A person who conspires to com-
14 mit an offense under this section shall be subject to the
15 same penalties (other than the penalty of death) as the
16 penalties prescribed for the offense, the commission of
17 which was the object of the conspiracy.”.

18 (h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—
19 Section 236 of the Atomic Energy Act of 1954 (42 U.S.C.
20 2284), is amended—

21 (1) in subsection (a)—

22 (A) by striking “, or who intentionally and
23 willfully attempts to destroy or cause physical
24 damage to”;

1 (B) in paragraph (4), by striking the pe-
2 riod at the end and inserting a comma; and

3 (C) by inserting “or attempts or conspires
4 to do such an act,” before “shall be fined”; and
5 (2) in subsection (b)—

6 (A) by striking “or attempts to cause”;
7 and

8 (B) by inserting “or attempts or conspires
9 to do such an act,” before “shall be fined”.

10 (i) INTERFERENCE WITH FLIGHT CREW MEMBERS
11 AND ATTENDANTS.—Section 46504 of title 49, United
12 States Code, is amended by inserting “or attempts or con-
13 spires to do such an act,” before “shall be fined”.

14 (j) SPECIAL AIRCRAFT JURISDICTION OF THE
15 UNITED STATES.—Section 46505 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(e) CONSPIRACY.—If two or more persons conspire
19 to violate subsection (b) or (c), and one or more of such
20 persons do any act to effect the object of the conspiracy,
21 each of the parties to such conspiracy shall be punished
22 as provided in such subsection.”.

23 (k) DAMAGING OR DESTROYING AN INTERSTATE GAS
24 OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section
25 60123(b) of title 49, United States Code, is amended—

1 **SEC. 814. DETERRENCE AND PREVENTION OF**
2 **CYBERTERRORISM.**

3 (a) CLARIFICATION OF PROTECTION OF PROTECTED
4 COMPUTERS.—Section 1030(a)(5) of title 18, United
5 States Code, is amended—

6 (1) by inserting “(i)” after (A)”;

7 (2) by redesignating subparagraphs (B) and
8 (C) as clauses (ii) and (iii), respectively;

9 (3) by adding “and” at the end of clause (iii),
10 as so redesignated; and

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

12 “(B) caused (or, in the case of an at-
13 tempted offense, would, if completed, have
14 caused) conduct described in in clause (i), (ii),
15 or (iii) of subparagraph (A) that resulted in—

16 “(i) loss to 1 or more persons during
17 any 1-year period (including loss resulting
18 from a related course of conduct affecting
19 1 or more other protected computers) ag-
20 gregating at least \$5,000 in value;

21 “(ii) the modification or impairment,
22 or potential modification or impairment, of
23 the medical examination, diagnosis, treat-
24 ment, or care of 1 or more individuals;

25 “(iii) physical injury to any person;

1 “(iv) a threat to public health or safe-
2 ty; or

3 “(v) damage affecting a computer sys-
4 tem used by or for a Government entity in
5 furtherance of the administration of jus-
6 tice, national defense, or national secu-
7 rity;”.

8 (b) PENALTIES.—Section 1030(c) of title 18, United
9 States Code is amended—

10 (1) in paragraph (2)—

11 (A) in subparagraph (A) —

12 (i) by inserting “except as provided in
13 subparagraph (B),” before “a fine”;

14 (ii) by striking “(a)(5)(C)” and in-
15 serting “(a)(5)(A)(iii)”; and

16 (iii) by striking “and’ at the end;

17 (B) in subparagraph (B), by inserting “or
18 an attempt to commit an offense punishable
19 under this subparagraph,” after “subsection
20 (a)(2),” in the matter preceding clause (i); and

21 (C) in subparagraph (C), by striking
22 “and” at the end;

23 (2) in paragraph (3)—

24 (A) by striking “, (a)(5)(A), (a)(5)(B),”
25 both places it appears; and

1 (B) by striking “and” at the end; and

2 (3) by striking “(a)(5)(C)” and inserting
3 “(a)(5)(A)(iii)”; and

4 (4) by adding at the end the following new
5 paragraphs:

6 “(4)(A) a fine under this title, imprisonment
7 for not more than 10 years, or both, in the case of
8 an offense under subsection (a)(5)(A)(i), or an at-
9 tempt to commit an offense punishable under that
10 subsection;

11 “(B) a fine under this title, imprisonment
12 for not more than 5 years, or both, in the case
13 of an offense under subsection (a)(5)(A)(ii), or
14 an attempt to commit an offense punishable
15 under that subsection;

16 “(C) a fine under this title, imprisonment
17 for not more than 20 years, or both, in the case
18 of an offense under subsection (a)(5)(A)(i) or
19 (a)(5)(A)(ii), or an attempt to commit an of-
20 fense punishable under either subsection, that
21 occurs after a conviction for another offense
22 under this section.”.

23 (e) DEFINITIONS.—Subsection (e) of section 1030 of
24 title 18, United States Code is amended—

1 (1) in paragraph (2)(B), by inserting “, includ-
2 ing a computer located outside the United States”
3 before the semicolon;

4 (2) in paragraph (7), by striking “and” at the
5 end;

6 (3) by striking paragraph (8) and inserting the
7 following new paragraph (8):

8 “(8) the term ‘damage’ means any impairment
9 to the integrity or availability of data, a program, a
10 system, or information;”;

11 (4) in paragraph (9), by striking the period at
12 the end and inserting a semicolon; and

13 (5) by adding at the end the following new
14 paragraphs:

15 “(10) the term ‘conviction’ shall include a con-
16 viction under the law of any State for a crime pun-
17 ishable by imprisonment for more than 1 year, an
18 element of which is unauthorized access, or exceed-
19 ing authorized access, to a computer;

20 “(11) the term ‘loss’ includes any reasonable
21 cost to any victim, including the cost of responding
22 to an offense, conducting a damage assessment, and
23 restoring the data, program, system, or information
24 to its condition prior to the offense, and any revenue

1 lost, cost incurred, or other consequential damages
2 incurred because of interruption of service;

3 “(12) the term ‘person’ means any individual,
4 firm, corporation, educational institution, financial
5 institution, governmental entity, or legal or other en-
6 tity;”.

7 (d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of
8 section 1030 of title 18, United States Code is amended—

9 (1) by striking the second sentence and insert-
10 ing the following new sentences: “A suit for a viola-
11 tion of subsection (a)(5) may be brought only if the
12 conduct involves one of the factors enumerated in
13 subsection (a)(5)(B). Damages for a violation involv-
14 ing only conduct described in subsection (a)(5)(B)(i)
15 are limited to economic damages.”; and

16 (2) by adding at the end the following: “No ac-
17 tion may be brought under this subsection for the
18 negligent design or manufacture of computer hard-
19 ware, computer software, or firmware.”.

20 (e) AMENDMENT OF SENTENCING GUIDELINES RE-
21 LATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—

22 Pursuant to its authority under section 994(p) of title 28,
23 United States Code, the United States Sentencing Com-
24 mission shall amend the Federal sentencing guidelines to
25 ensure that any individual convicted of a violation of sec-

1 tion 1030 of title 18, United States Code, can be subjected
2 to appropriate penalties, without regard to any mandatory
3 minimum term of imprisonment.

4 **SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELAT-**
5 **ING TO PRESERVING RECORDS IN RESPONSE**
6 **TO GOVERNMENT REQUESTS.**

7 Section 2707(e)(1) of title 18, United States Code,
8 is amended by inserting after “or statutory authorization”
9 the following: “(including a request of a governmental en-
10 tity under section 2703(f) of this title)”.

11 **SEC. 816. DEVELOPMENT AND SUPPORT OF**
12 **CYBERSECURITY FORENSIC CAPABILITIES.**

13 (a) IN GENERAL.—The Attorney General shall estab-
14 lish such regional computer forensic laboratories as the
15 Attorney General considers appropriate, and provide sup-
16 port to existing computer forensic laboratories, in order
17 that all such computer forensic laboratories have the
18 capability—

19 (1) to provide forensic examinations with re-
20 spect to seized or intercepted computer evidence re-
21 lating to criminal activity (including cyberterrorism);

22 (2) to provide training and education for Fed-
23 eral, State, and local law enforcement personnel and
24 prosecutors regarding investigations, forensic anal-

1 yses, and prosecutions of computer-related crime (in-
2 cluding cyberterrorism);

3 (3) to assist Federal, State, and local law en-
4 forcement in enforcing Federal, State, and local
5 criminal laws relating to computer-related crime;

6 (4) to facilitate and promote the sharing of
7 Federal law enforcement expertise and information
8 about the investigation, analysis, and prosecution of
9 computer-related crime with State and local law en-
10 forcement personnel and prosecutors, including the
11 use of multijurisdictional task forces; and

12 (5) to carry out such other activities as the At-
13 torney General considers appropriate.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) AUTHORIZATION.—There is hereby author-
16 ized to be appropriated in each fiscal year
17 \$50,000,000 for purposes of carrying out this sec-
18 tion.

19 (2) AVAILABILITY.—Amounts appropriated pur-
20 suant to the authorization of appropriations in para-
21 graph (1) shall remain available until expended.

1 **TITLE IX—IMPROVED**
2 **INTELLIGENCE**

3 **SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL**
4 **INTELLIGENCE REGARDING FOREIGN INTEL-**
5 **LIGENCE COLLECTED UNDER FOREIGN IN-**
6 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

7 Section 103(c) of the National Security Act of 1947
8 (50 U.S.C. 403–3(c)) is amended—

9 (1) by redesignating paragraphs (6) and (7) as
10 paragraphs (7) and (8), respectively; and

11 (2) by inserting after paragraph (5) the fol-
12 lowing new paragraph (6):

13 “(6) establish requirements and priorities for
14 foreign intelligence information to be collected under
15 the Foreign Intelligence Surveillance Act of 1978
16 (50 U.S.C. 1801 et seq.), and provide assistance to
17 the Attorney General to ensure that information de-
18 rived from electronic surveillance or physical
19 searches under that Act is disseminated so it may be
20 used efficiently and effectively for foreign intel-
21 ligence purposes, except that the Director shall have
22 no authority to direct, manage, or undertake elec-
23 tronic surveillance or physical search operations pur-
24 suant to that Act unless otherwise authorized by
25 statute or executive order;”.

1 **SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST AC-**
2 **TIVITIES WITHIN SCOPE OF FOREIGN INTEL-**
3 **LIGENCE UNDER NATIONAL SECURITY ACT**
4 **OF 1947.**

5 Section 3 of the National Security Act of 1947 (50
6 U.S.C. 401a) is amended—

7 (1) in paragraph (2), by inserting before the pe-
8 riod the following: “, or international terrorist activi-
9 ties”; and

10 (2) in paragraph (3), by striking “and activities
11 conducted” and inserting “, and activities con-
12 ducted,”.

13 **SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT**
14 **AND MAINTENANCE OF INTELLIGENCE RELA-**
15 **TIONSHIPS TO ACQUIRE INFORMATION ON**
16 **TERRORISTS AND TERRORIST ORGANIZA-**
17 **TIONS.**

18 It is the sense of Congress that officers and employ-
19 ees of the intelligence community of the Federal Govern-
20 ment, acting within the course of their official duties,
21 should be encouraged, and should make every effort, to
22 establish and maintain intelligence relationships with any
23 person, entity, or group for the purpose of engaging in
24 lawful intelligence activities, including the acquisition of
25 information on the identity, location, finances, affiliations,
26 capabilities, plans, or intentions of a terrorist or terrorist

1 organization, or information on any other person, entity,
2 or group (including a foreign government) engaged in har-
3 boring, comforting, financing, aiding, or assisting a ter-
4 rorist or terrorist organization.

5 **SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL**
6 **TO CONGRESS OF REPORTS ON INTEL-**
7 **LIGENCE AND INTELLIGENCE-RELATED MAT-**
8 **TERS.**

9 (a) **AUTHORITY TO DEFER.**—The Secretary of De-
10 fense, Attorney General, and Director of Central Intel-
11 ligence each may, during the effective period of this sec-
12 tion, defer the date of submittal to Congress of any cov-
13 ered intelligence report under the jurisdiction of such offi-
14 cial until February 1, 2002.

15 (b) **COVERED INTELLIGENCE REPORT.**—Except as
16 provided in subsection (c), for purposes of subsection (a),
17 a covered intelligence report is as follows:

18 (1) Any report on intelligence or intelligence-re-
19 lated activities of the United States Government
20 that is required to be submitted to Congress by an
21 element of the intelligence community during the ef-
22 fective period of this section.

23 (2) Any report or other matter that is required
24 to be submitted to the Select Committee on Intel-
25 ligence of the Senate and Permanent Select Com-

1 mittee on Intelligence of the House of Representa-
2 tives by the Department of Defense or the Depart-
3 ment of Justice during the effective period of this
4 section.

5 (c) EXCEPTION FOR CERTAIN REPORTS.—For pur-
6 poses of subsection (a), any report required by section 502
7 or 503 of the National Security Act of 1947 (50 U.S.C.
8 413a, 413b) is not a covered intelligence report.

9 (d) NOTICE TO CONGRESS.—Upon deferring the date
10 of submittal to Congress of a covered intelligence report
11 under subsection (a), the official deferring the date of sub-
12 mittal of the covered intelligence report shall submit to
13 Congress notice of the deferral. Notice of deferral of a re-
14 port shall specify the provision of law, if any, under which
15 the report would otherwise be submitted to Congress.

16 (e) EXTENSION OF DEFERRAL.—(1) Each official
17 specified in subsection (a) may defer the date of submittal
18 to Congress of a covered intelligence report under the ju-
19 risdiction of such official to a date after February 1, 2002,
20 if such official submits to the committees of Congress
21 specified in subsection (b)(2) before February 1, 2002, a
22 certification that preparation and submittal of the covered
23 intelligence report on February 1, 2002, will impede the
24 work of officers or employees who are engaged in
25 counterterrorism activities.

1 (2) A certification under paragraph (1) with respect
2 to a covered intelligence report shall specify the date on
3 which the covered intelligence report will be submitted to
4 Congress.

5 (f) **EFFECTIVE PERIOD.**—The effective period of this
6 section is the period beginning on the date of the enact-
7 ment of this Act and ending on February 1, 2002.

8 (g) **ELEMENT OF THE INTELLIGENCE COMMUNITY**
9 **DEFINED.**—In this section, the term “element of the intel-
10 ligence community” means any element of the intelligence
11 community specified or designated under section 3(4) of
12 the National Security Act of 1947 (50 U.S.C. 401a(4)).

13 **SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTEL-**
14 **LIGENCE OF FOREIGN INTELLIGENCE-RE-**
15 **LATED INFORMATION WITH RESPECT TO**
16 **CRIMINAL INVESTIGATIONS.**

17 (a) **IN GENERAL.**—Title I of the National Security
18 Act of 1947 (50 U.S.C. 402 et seq.) is amended—

19 (1) by redesignating subsection 105B as section
20 105C; and

21 (2) by inserting after section 105A the fol-
22 lowing new section 105B:

1 “DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN
2 CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL
3 INVESTIGATIONS OF FOREIGN INTELLIGENCE
4 SOURCES

5 “SEC. 105B. (a) DISCLOSURE OF FOREIGN INTEL-
6 LIGENCE.—(1) Except as otherwise provided by law and
7 subject to paragraph (2), the Attorney General, or the
8 head of any other department or agency of the Federal
9 Government with law enforcement responsibilities, shall
10 expeditiously disclose to the Director of Central Intel-
11 ligence, pursuant to guidelines developed by the Attorney
12 General in consultation with the Director, foreign intel-
13 ligence acquired by an element of the Department of Jus-
14 tice or an element of such department or agency, as the
15 case may be, in the course of a criminal investigation.

16 “(2) The Attorney General by regulation and in con-
17 sultation with the Director of Central Intelligence may
18 provide for exceptions to the applicability of paragraph (1)
19 for one or more classes of foreign intelligence, or foreign
20 intelligence with respect to one or more targets or matters,
21 if the Attorney General determines that disclosure of such
22 foreign intelligence under that paragraph would jeopardize
23 an ongoing law enforcement investigation or impair other
24 significant law enforcement interests.

1 “(b) PROCEDURES FOR NOTICE OF CRIMINAL INVES-
2 TIGATIONS.—Not later than 180 days after the date of
3 enactment of this section, the Attorney General, in con-
4 sultation with the Director of Central Intelligence, shall
5 develop guidelines to ensure that after receipt of a report
6 from an element of the intelligence community of activity
7 of a foreign intelligence source or potential foreign intel-
8 ligence source that may warrant investigation as criminal
9 activity, the Attorney General provides notice to the Direc-
10 tor of Central Intelligence, within a reasonable period of
11 time, of his intention to commence, or decline to com-
12 mence, a criminal investigation of such activity.

13 “(c) PROCEDURES.—The Attorney General shall de-
14 velop procedures for the administration of this section, in-
15 cluding the disclosure of foreign intelligence by elements
16 of the Department of Justice, and elements of other de-
17 partments and agencies of the Federal Government, under
18 subsection (a) and the provision of notice with respect to
19 criminal investigations under subsection (b).”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in the first section of that Act is amended by striking the
22 item relating to section 105B and inserting the following
23 new items:

“Sec. 105B. Disclosure of foreign intelligence acquired in criminal investiga-
tions; 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
24 Attorney General, the Secretary, and the Director shall
25 include with the report under that subsection a detailed
26 proposal for legislation to achieve the reconfiguration.

1 **SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.**

2 (a) REPORT ON ESTABLISHMENT.—(1) Not later
3 than February 1, 2002, the Director of Central Intel-
4 ligence shall, in consultation with the Director of the Fed-
5 eral Bureau of Investigation, submit to the appropriate
6 committees of Congress a report on the establishment and
7 maintenance within the intelligence community of an ele-
8 ment for purposes of providing timely and accurate trans-
9 lations of foreign intelligence for all other elements of the
10 intelligence community. In the report, the element shall
11 be referred to as the “National Virtual Translation Cen-
12 ter”.

13 (2) The report on the element described in paragraph
14 (1) shall discuss the use of state-of-the-art communica-
15 tions technology, the integration of existing translation ca-
16 pabilities in the intelligence community, and the utilization
17 of remote-connection capacities so as to minimize the need
18 for a central physical facility for the element.

19 (b) RESOURCES.—The report on the element required
20 by subsection (a) shall address the following:

21 (1) The assignment to the element of a staff of
22 individuals possessing a broad range of linguistic
23 and translation skills appropriate for the purposes of
24 the element.

25 (2) The provision to the element of communica-
26 tions capabilities and systems that are commensu-

1 rate with the most current and sophisticated com-
2 munications capabilities and systems available to
3 other elements of intelligence community.

4 (3) The assurance, to the maximum extent
5 practicable, that the communications capabilities and
6 systems provided to the element will be compatible
7 with communications capabilities and systems uti-
8 lized by the Federal Bureau of Investigation in se-
9 curing timely and accurate translations of foreign
10 language materials for law enforcement investiga-
11 tions.

12 (4) The development of a communications in-
13 frastructure to ensure the efficient and secure use of
14 the translation capabilities of the element.

15 (c) SECURE COMMUNICATIONS.—The report shall in-
16 clude a discussion of the creation of secure electronic com-
17 munications between the element described by subsection
18 (a) and the other elements of the intelligence community.

19 (d) DEFINITIONS.—In this section:

20 (1) FOREIGN INTELLIGENCE.—The term “for-
21 eign intelligence” has the meaning given that term
22 in section 3(2) of the National Security Act of 1947
23 (50 U.S.C. 401a(2)).

24 (2) ELEMENT OF THE INTELLIGENCE COMMU-
25 NITY.—The term “element of the intelligence com-

1 community” means any element of the intelligence com-
2 munity specified or designated under section 3(4) of
3 the National Security Act of 1947 (50 U.S.C.
4 401a(4)).

5 **SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARD-**
6 **ING IDENTIFICATION AND USE OF FOREIGN**
7 **INTELLIGENCE.**

8 (a) PROGRAM REQUIRED.—The Attorney General
9 shall, in consultation with the Director of Central Intel-
10 ligence, carry out a program to provide appropriate train-
11 ing to officials described in subsection (b) in order to as-
12 sist such officials in—

13 (1) identifying foreign intelligence information
14 in the course of their duties; and

15 (2) utilizing foreign intelligence information in
16 the course of their duties, to the extent that the uti-
17 lization of such information is appropriate for such
18 duties.

19 (b) OFFICIALS.—The officials provided training
20 under subsection (a) are, at the discretion of the Attorney
21 General and the Director, the following:

22 (1) Officials of the Federal Government who
23 are not ordinarily engaged in the collection, dissemi-
24 nation, and use of foreign intelligence in the per-
25 formance of their duties.

1 (2) Officials of State and local governments
2 who encounter, or may encounter in the course of a
3 terrorist event, foreign intelligence in the perform-
4 ance of their duties.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 hereby authorized to be appropriated for the Department
7 of Justice such sums as may be necessary for purposes
8 of carrying out the program required by subsection (a).

9 **TITLE X—MISCELLANEOUS**

10 **SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.**

11 The Inspector General of the Department of Justice
12 shall designate one official who shall—

13 (1) review information and receive complaints
14 alleging abuses of civil rights and civil liberties by
15 employees and officials of the Department of Jus-
16 tice;

17 (2) make public through the Internet, radio, tel-
18 evision, and newspaper advertisements information
19 on the responsibilities and functions of, and how to
20 contact, the official; and

21 (3) submit to the Committee on the Judiciary
22 of the House of Representatives and the Committee
23 on the Judiciary of the Senate on a semi-annual
24 basis a report on the implementation of this sub-
25 section and detailing any abuses described in para-

1 graph (1), including a description of the use of
2 funds appropriations used to carry out this sub-
3 section.

Passed the House of Representatives October 12,
2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 2975

AN ACT

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