

## Calendar No. 198

107TH CONGRESS  
1ST SESSION**H. R. 2975**

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IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2001

Received; read twice and placed on the calendar

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**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,*

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

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

7 (b) **TABLE OF CONTENTS.**— The table of contents  
8 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-

1 cumstance, shall be construed so as to give it the max-  
2 imum effect permitted by law, unless such holding shall  
3 be one of utter invalidity or unenforceability, in which  
4 event such provision shall be deemed severable from this  
5 Act and shall not affect the remainder thereof or the appli-  
6 cation of such provision to other persons not similarly situ-  
7 ated or to other, dissimilar circumstances.

8 **TITLE I—ENHANCING DOMESTIC**  
9 **SECURITY AGAINST TERRORISM**

10 **SEC. 101. COUNTERTERRORISM FUND.**

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

16 (1) to reimburse any Department of Justice  
17 component for any costs incurred in connection  
18 with—

19 (A) reestablishing the operational capa-  
20 bility of an office or facility that has been dam-  
21 aged or destroyed as the result of any domestic  
22 or international terrorism incident;

23 (B) providing support to counter, inves-  
24 tigate, or prosecute domestic or international

1 terrorism, including, without limitation, paying  
2 rewards in connection with these activities; and

3 (C) conducting terrorism threat assess-  
4 ments of Federal agencies and their facilities;  
5 and

6 (2) to reimburse any department or agency of  
7 the Federal Government for any costs incurred in  
8 connection with detaining in foreign countries indi-  
9 viduals accused of acts of terrorism that violate the  
10 laws of the United States.

11 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—Sub-  
12 section (a) shall not be construed to affect the amount  
13 or availability of any appropriation to the  
14 Counterterrorism Fund made before the date of the enact-  
15 ment of this Act.

16 **SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINA-**  
17 **TION AGAINST ARAB AND MUSLIM AMERI-**  
18 **CANS.**

19 (a) FINDINGS.—Congress makes the following find-  
20 ings:

21 (1) Arab Americans, Muslim Americans, and  
22 Americans from South Asia play a vital role in our  
23 Nation and are entitled to nothing less than the full  
24 rights of every American.

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

6           (3) The concept of individual responsibility for  
7           wrongdoing is sacrosanct in American society, and  
8           applies equally to all religious, racial, and ethnic  
9           groups.

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

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

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

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



1 **SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO EN-**  
2 **FORCE PROHIBITION IN CERTAIN EMER-**  
3 **GENCIES.**

4 Section 2332e of title 18, United States Code, is  
5 amended—

6 (1) by striking “2332e” and inserting “2332a”;

7 and

8 (2) by striking “chemical”.

9 **SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME**  
10 **TASK FORCE INITIATIVE.**

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

19 **SEC. 106. PRESIDENTIAL AUTHORITY.**

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

22 (1) in subsection (a)(1)—

23 (A) at the end of subparagraph (A) (flush  
24 to that subparagraph), by striking “; and” and  
25 inserting a comma and the following:

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

3 (B) in subparagraph (B)—

4 (i) by inserting “, block during the  
5 pendency of an investigation” after “inves-  
6 tigate”; and

7 (ii) by striking “interest;” and insert-  
8 ing “interest by any person, or with re-  
9 spect to any property, subject to the juris-  
10 diction of the United States; and”;

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

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

15 “(C) when the United States is engaged in  
16 armed hostilities or has been attacked by a for-  
17 eign country or foreign nationals, confiscate any  
18 property, subject to the jurisdiction of the  
19 United States, of any foreign person, foreign  
20 organization, or foreign country that he deter-  
21 mines has planned, authorized, aided, or en-  
22 gaged in such hostilities or attacks against the  
23 United States; and all right, title, and interest  
24 in any property so confiscated shall vest, when,  
25 as, and upon the terms directed by the Presi-

1           dent, in such agency or person as the President  
2           may designate from time to time, and upon  
3           such terms and conditions as the President may  
4           prescribe, such interest or property shall be  
5           held, used, administered, liquidated, sold, or  
6           otherwise dealt with in the interest of and for  
7           the benefit of the United States, and such des-  
8           ignated agency or person may perform any and  
9           all acts incident to the accomplishment or fur-  
10          therance of these purposes.”; and

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

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

19                           **TITLE II—ENHANCED**  
20                   **SURVEILLANCE PROCEDURES**

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

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



1 **SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE**  
2 **INFORMATION.**

3 (a) AUTHORITY TO SHARE GRAND JURY INFORMA-  
4 TION.—

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

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

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

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

12 “(v) when the matters involve foreign  
13 intelligence or counterintelligence (as de-  
14 fined in section 3 of the National Security  
15 Act of 1947 (50 U.S.C. 401a)), or foreign  
16 intelligence information (as defined in Rule  
17 6(e)(3)(C)(ii)), to any other Federal law  
18 enforcement, intelligence, protective, immi-  
19 gration, national defense, or national secu-  
20 rity official in order to assist the official  
21 receiving that information in the perform-  
22 ance of his official duties. Within a reason-  
23 able time after such disclosure, an attorney  
24 for the government shall file under seal a  
25 notice with the court stating the fact that  
26 such information was disclosed and the de-

1           partments, agencies, or entities to which  
2           the disclosure was made.

3           Any Federal official who receives information  
4           pursuant to clause (v) may use that information  
5           only as necessary in the conduct of that per-  
6           son’s official duties subject to any limitations  
7           on the unauthorized disclosure of such informa-  
8           tion.”.

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

12                   (A) inserting “(i)” after “(C)”;

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

15                   (C) inserting at the end the following:

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

18                           “(I) information, whether or not con-  
19                           cerning a United States person, that re-  
20                           lates to the ability of the United States to  
21                           protect against—

22                                   “(aa) actual or potential attack  
23                                   or other grave hostile acts of a foreign  
24                                   power or an agent of a foreign power;

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

4                   “(cc) clandestine intelligence ac-  
5 tivities by an intelligence service or  
6 network of a foreign power or by an  
7 agent of a foreign power; or

8                   “(II) information, whether or not con-  
9 cerning a United States person, with re-  
10 spect to a foreign power or foreign terri-  
11 tory that relates to—

12                   “(aa) the national defense or the  
13 security of the United States; or

14                   “(bb) the conduct of the foreign  
15 affairs of the United States.”.

16           (b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND  
17 ORAL INTERCEPTION INFORMATION.—

18                   (1) LAW ENFORCEMENT.—Section 2517 of title  
19 18, United States Code, is amended by inserting at  
20 the end the following:

21                   “(6) Any investigative or law enforcement officer, or  
22 attorney for the Government, who by any means author-  
23 ized by this chapter, has obtained knowledge of the con-  
24 tents of any wire, oral, or electronic communication, or  
25 evidence derived therefrom, may disclose such contents to

1 any other Federal law enforcement, intelligence, protec-  
2 tive, immigration, national defense, or national security of-  
3 ficial to the extent that such contents include foreign intel-  
4 ligence or counterintelligence (as defined in section 3 of  
5 the National Security Act of 1947 (50 U.S.C. 401a)), or  
6 foreign intelligence information (as defined in subsection  
7 (19) of section 2510 of this title), to assist the official  
8 who is to receive that information in the performance of  
9 his official duties. Any Federal official who receives infor-  
10 mation pursuant to this provision may use that informa-  
11 tion only as necessary in the conduct of that person’s offi-  
12 cial duties subject to any limitations on the unauthorized  
13 disclosure of such information.”.

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

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

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

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

21 “(19) ‘foreign intelligence information’ means—

22 “(A) information, whether or not con-  
23 cerning a United States person, that relates to  
24 the ability of the United States to protect  
25 against—

1           “(i) actual or potential attack or other  
2           grave hostile acts of a foreign power or an  
3           agent of a foreign power;

4           “(ii) sabotage or international ter-  
5           rorism by a foreign power or an agent of  
6           a foreign power; or

7           “(iii) clandestine intelligence activities  
8           by an intelligence service or network of a  
9           foreign power or by an agent of a foreign  
10          power; or

11          “(B) information, whether or not con-  
12          cerning a United States person, with respect to  
13          a foreign power or foreign territory that relates  
14          to—

15                 “(i) the national defense or the secu-  
16                 rity of the United States; or

17                 “(ii) the conduct of the foreign affairs  
18                 of the United States.”.

19          (c) PROCEDURES.—The Attorney General shall es-  
20          tablish procedures for the disclosure of information pursu-  
21          ant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the  
22          Federal Rules of Criminal Procedure that identifies a  
23          United States person, as defined in section 101 of the For-  
24          eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
25          1801)).

1 (d) FOREIGN INTELLIGENCE INFORMATION.—

2 (1) IN GENERAL.—Notwithstanding any other  
3 provision of law, it shall be lawful for foreign intel-  
4 ligence or counterintelligence (as defined in section  
5 3 of the National Security Act of 1947 (50 U.S.C.  
6 401a)) or foreign intelligence information obtained  
7 as part of a criminal investigation to be disclosed to  
8 any Federal law enforcement, intelligence, protective,  
9 immigration, national defense, or national security  
10 official in order to assist the official receiving that  
11 information in the performance of his official duties.  
12 Any Federal official who receives information pursu-  
13 ant to this provision may use that information only  
14 as necessary in the conduct of that person’s official  
15 duties subject to any limitations on the unauthorized  
16 disclosure of such information.

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

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

22 (i) actual or potential attack or other  
23 grave hostile acts of a foreign power or an  
24 agent of a foreign power;

1           (ii) sabotage or international ter-  
2           rorism by a foreign power or an agent of  
3           a foreign power; or

4           (iii) clandestine intelligence activities  
5           by an intelligence service or network of a  
6           foreign power or by an agent of a foreign  
7           power; or

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

11           (i) the national defense or the security  
12           of the United States; or

13           (ii) the conduct of the foreign affairs  
14           of the United States.

15 **SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS**  
16 **FROM LIMITATIONS ON INTERCEPTION AND**  
17 **DISCLOSURE OF WIRE, ORAL, AND ELEC-**  
18 **TRONIC COMMUNICATIONS.**

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

21           (1) by striking “this chapter or chapter 121”  
22           and inserting “this chapter or chapter 121 or 206  
23           of this title”; and

24           (2) by striking “wire and oral” and inserting  
25           “wire, oral, and electronic”.

1 **SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FED-**  
2 **ERAL BUREAU OF INVESTIGATION.**

3 (a) **AUTHORITY.**—The Director of the Federal Bu-  
4 reau of Investigation is authorized to expedite the employ-  
5 ment of personnel as translators to support  
6 counterterrorism investigations and operations without re-  
7 gard to applicable Federal personnel requirements and  
8 limitations.

9 (b) **SECURITY REQUIREMENTS.**—The Director of the  
10 Federal Bureau of Investigation shall establish such secu-  
11 rity requirements as are necessary for the personnel em-  
12 ployed as translators under subsection (a).

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

16 (1) the number of translators employed by the  
17 FBI and other components of the Department of  
18 Justice;

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

23 (3) the needs of the FBI for specific translation  
24 services in certain languages, and recommendations  
25 for meeting those needs.

1 **SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE**  
2 **FOREIGN INTELLIGENCE SURVEILLANCE ACT**  
3 **OF 1978.**

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

10 **SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-**  
11 **UNITED STATES PERSONS WHO ARE AGENTS**  
12 **OF A FOREIGN POWER.**

13 (a) DURATION.—

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

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

18 and

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

1           (2) PHYSICAL SEARCH.—Section 304(d)(1) of the  
2 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
3 1824(d)(1)) is amended by—

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

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

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

12           (b) EXTENSION.—

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

16                           (A) inserting “(A)” after “except that”;

17                           and

18                           (B) inserting before the period the fol-  
19 lowing: “, and (B) an extension of an order  
20 under this Act for a surveillance targeted  
21 against an agent of a foreign power as defined  
22 in section 101(b)(1)(A) may be for a period not  
23 to exceed 1 year”.

24                   (2) DEFINED TERM.—Section 304(d)(2) of the  
25 Foreign Intelligence Surveillance Act of 1978 (50

1 U.S.C. 1824(d)(2) is amended by inserting after  
2 “not a United States person,” the following: “or  
3 against an agent of a foreign power as defined in  
4 section 101(b)(1)(A),”.

5 **SEC. 208. DESIGNATION OF JUDGES.**

6 Section 103(a) of the Foreign Intelligence Surveil-  
7 lance Act of 1978 (50 U.S.C. 1803(a)) is amended by—  
8 (1) striking “seven district court judges” and  
9 inserting “11 district court judges”; and  
10 (2) inserting “of whom no fewer than 3 shall  
11 reside within 20 miles of the District of Columbia”  
12 after “circuits”.

13 **SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT**  
14 **TO WARRANTS.**

15 Title 18, United States Code, is amended—  
16 (1) in section 2510—  
17 (A) in paragraph (1), by striking beginning  
18 with “and such” and all that follows through  
19 “communication”; and  
20 (B) in paragraph (14), by inserting “wire  
21 or” after “transmission of”; and  
22 (2) in subsections (a) and (b) of section 2703—  
23 (A) by striking “CONTENTS OF ELEC-  
24 TRONIC” and inserting “CONTENTS OF WIRE OR  
25 ELECTRONIC” each place it appears;

1 (B) by striking “contents of an electronic”  
2 and inserting “contents of a wire or electronic”  
3 each place it appears; and

4 (C) by striking “any electronic” and in-  
5 serting “any wire or electronic” each place it  
6 appears.

7 **SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELEC-**  
8 **TRONIC COMMUNICATIONS.**

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

11 (1) by striking “entity the name, address, local  
12 and long distance telephone toll billing records, tele-  
13 phone number or other subscriber number or iden-  
14 tity, and length of service of a subscriber” and in-  
15 serting the following: “entity the—

16 “(A) name;

17 “(B) address;

18 “(C) local and long distance telephone connec-  
19 tion records, or records of session times and dura-  
20 tions;

21 “(D) length of service (including start date)  
22 and types of service utilized;

23 “(E) telephone or instrument number or other  
24 subscriber number or identity, including any tempo-  
25 rarily assigned network address; and

1           “(F) means and source of payment (including  
2           any credit card or bank account number),  
3 of a subscriber”; and

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

6 **SEC. 211. CLARIFICATION OF SCOPE.**

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

9           (1) in subsection (c)(2)—

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

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

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

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

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

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

24           (a) DISCLOSURE OF CONTENTS.—

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

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

5 **“§ 2702. Voluntary disclosure of customer commu-  
6 nications or records”;**

7 (B) in subsection (a)—

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

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

12 (iii) by inserting after paragraph (2)  
13 the following:

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

21 (C) in subsection (b), by striking “EXCEP-  
22 TIONS.—A person or entity” and inserting “EX-  
23 CEPTIONS FOR DISCLOSURE OF COMMUNICA-  
24 TIONS.— A provider described in subsection  
25 (a)”;

1 (D) in subsection (b)(6)—

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

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

6 (iii) by adding after subparagraph (B)  
7 the following:

8 “(C) if the provider reasonably believes  
9 that an emergency involving immediate danger  
10 of death or serious physical injury to any per-  
11 son requires disclosure of the information with-  
12 out delay.”; and

13 (E) by inserting after subsection (b) the  
14 following:

15 “(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER  
16 RECORDS.—A provider described in subsection (a) may di-  
17 vulge a record or other information pertaining to a sub-  
18 scriber to or customer of such service (not including the  
19 contents of communications covered by subsection (a)(1)  
20 or (a)(2))—

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

22 “(2) with the lawful consent of the customer or  
23 subscriber;

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

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

8           “(5) to any person other than a governmental  
9           entity.”.

10           (2) TECHNICAL AND CONFORMING AMEND-  
11           MENT.—The table of sections for chapter 121 of  
12           title 18, United States Code, is amended by striking  
13           the item relating to section 2702 and inserting the  
14           following:

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

15           (b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

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

18                   (A) by striking the section heading and in-  
19                   serting the following:

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

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

24                   (C) in subsection (c)(1)—

1 (i) by striking “(A) Except as pro-  
2 vided in subparagraph (B), a provider of  
3 electronic communication service or remote  
4 computing service may” and inserting “A  
5 governmental entity may require a provider  
6 of electronic communication service or re-  
7 mote computing service to”;

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

11 “(B) A provider of electronic communica-  
12 tion service or remote computing service shall  
13 disclose a record or other information per-  
14 taining to a subscriber to or customer of such  
15 service (not including the contents of commu-  
16 nications covered by subsection (a) or (b) of  
17 this section) to a governmental entity” and in-  
18 serting “);”;

19 (iii) by redesignating subparagraph  
20 (C) as paragraph (2);

21 (iv) by redesignating clauses (i), (ii),  
22 (iii), and (iv) as subparagraphs (A), (B),  
23 (C), and (D), respectively;

1 (v) in subparagraph (D) (as redesignig-  
 2 nated) by striking the period and inserting  
 3 “; or”; and

4 (vi) by inserting after subparagraph  
 5 (D) (as redesignated) the following:

6 “(E) seeks information under paragraph  
 7 (2).”; and

8 (D) in paragraph (2) (as redesignated) by  
 9 striking “subparagraph (B)” and insert “para-  
 10 graph (1)”.

11 (2) TECHNICAL AND CONFORMING AMEND-  
 12 MENT.—The table of sections for chapter 121 of  
 13 title 18, United States Code, is amended by striking  
 14 the item relating to section 2703 and inserting the  
 15 following:

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

16 **SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXE-**  
 17 **CUTION OF A WARRANT.**

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

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

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

23 “(b) DELAY.—With respect to the issuance of any  
 24 warrant or court order under this section, or any other  
 25 rule of law, to search for and seize any property or mate-

1 rial that constitutes evidence of a criminal offense in viola-  
2 tion of the laws of the United States, any notice required,  
3 or that may be required, to be given may be delayed if—

4 “(1) the court finds reasonable cause to believe  
5 that providing immediate notification of the execu-  
6 tion of the warrant may have an adverse result (as  
7 defined in section 2705);

8 “(2) the warrant prohibits the seizure of any  
9 tangible property, any wire or electronic communica-  
10 tion (as defined in section 2510), or, except as ex-  
11 pressly provided in chapter 121, any stored wire or  
12 electronic information, except where the court finds  
13 reasonable necessity for the seizure; and

14 “(3) the warrant provides for the giving of such  
15 notice within a reasonable period of its execution,  
16 which period may thereafter be extended by the  
17 court for good cause shown.”.

18 **SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHOR-**  
19 **ITY UNDER FISA.**

20 (a) APPLICATIONS AND ORDERS.—Section 402 of the  
21 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
22 1842) is amended—

23 (1) in subsection (a)(1), by striking “for any in-  
24 vestigation to gather foreign intelligence information  
25 or information concerning international terrorism”

1 and inserting “for any investigation to protect  
2 against international terrorism or clandestine intel-  
3 lligence activities, provided that such investigation of  
4 a United States person is not conducted solely upon  
5 the basis of activities protected by the first amend-  
6 ment to the Constitution”;

7 (2) by amending subsection (c)(2) to read as  
8 follows:

9 “(2) a certification by the applicant that the in-  
10 formation likely to be obtained is relevant to an on-  
11 going investigation to protect against international  
12 terrorism or clandestine intelligence activities, pro-  
13 vided that such investigation of a United States per-  
14 son is not conducted solely upon the basis of activi-  
15 ties protected by the first amendment to the Con-  
16 stitution.”;

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

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

20 “(A) shall specify—

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

23 “(ii) the identity, if known, of the per-  
24 son to whom is leased or in whose name is  
25 listed the telephone line or other facility to

1           which the pen register or trap and trace  
2           device is to be attached or applied;

3                   “(iii) the attributes of the communica-  
4           tions to which the order applies, such as  
5           the number or other identifier, and, if  
6           known, the location of the telephone line or  
7           other facility to which the pen register or  
8           trap and trace device is to be attached or  
9           applied and, in the case of a trap and trace  
10          device, the geographic limits of the trap  
11          and trace order.”.

12          (b) AUTHORIZATION DURING EMERGENCIES.—Sec-  
13          tion 403 of the Foreign Intelligence Surveillance Act of  
14          1978 (50 U.S.C. 1843) is amended—

15                  (1) in subsection (a), by striking “foreign intel-  
16          ligence information or information concerning inter-  
17          national terrorism” and inserting “information to  
18          protect against international terrorism or clandestine  
19          intelligence activities, provided that such investiga-  
20          tion of a United States person is not conducted sole-  
21          ly upon the basis of activities protected by the first  
22          amendment to the Constitution”; and

23                  (2) in subsection (b)(1), by striking “foreign in-  
24          telligence information or information concerning  
25          international terrorism” and inserting “information

1 to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution”.

6 **SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER**  
7 **THE FOREIGN INTELLIGENCE SURVEIL-**  
8 **LANCE ACT.**

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

12 **“SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR**  
13 **FOREIGN INTELLIGENCE AND INTER-**  
14 **NATIONAL TERRORISM INVESTIGATIONS.**

15 “(a)(1) The Director of the Federal Bureau of Inves-  
16 tigation or a designee of the Director (whose rank shall  
17 be no lower than Assistant Special Agent in Charge) may  
18 make an application for an order requiring the production  
19 of any tangible things (including books, records, papers,  
20 documents, and other items) for an investigation to pro-  
21 tect against international terrorism or clandestine intel-  
22 ligence activities, provided that such investigation of a  
23 United States person is not conducted solely upon the  
24 basis of activities protected by the first amendment to the  
25 Constitution.

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

3               “(A) be conducted under guidelines approved by  
4 the Attorney General under Executive Order 12333  
5 (or a successor order); and

6               “(B) not be conducted of a United States per-  
7 son solely upon the basis of activities protected by  
8 the first amendment to the Constitution of the  
9 United States.

10       “(b) Each application under this section—

11               “(1) shall be made to—

12                       “(A) a judge of the court established by  
13 section 103(a); or

14                       “(B) a United States Magistrate Judge  
15 under chapter 43 of title 28, United States  
16 Code, who is publicly designated by the Chief  
17 Justice of the United States to have the power  
18 to hear applications and grant orders for the  
19 production of tangible things under this section  
20 on behalf of a judge of that court; and

21               “(2) shall specify that the records concerned  
22 are sought for an authorized investigation conducted  
23 in accordance with subsection (a)(2) to protect  
24 against international terrorism or clandestine intel-  
25 ligence activities.

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

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

9       “(d) No person shall disclose to any other person  
10 (other than those persons necessary to produce the tan-  
11 gible things under this section) that the Federal Bureau  
12 of Investigation has sought or obtained tangible things  
13 under this section.

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

19 **“SEC. 502. CONGRESSIONAL OVERSIGHT.**

20       “(a) On a semiannual basis, the Attorney General  
21 shall fully inform the Permanent Select Committee on In-  
22 telligence of the House of Representatives and the Select  
23 Committee on Intelligence of the Senate concerning all re-  
24 quests for the production of tangible things under section  
25 402.

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

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

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

10 **SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO**  
11 **USE OF PEN REGISTERS AND TRAP AND**  
12 **TRACE DEVICES.**

13 (a) GENERAL LIMITATIONS.—Section 3121(c) of title  
14 18, United States Code, is amended—

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

17 (2) by inserting “, routing, addressing,” after  
18 “dialing”; and

19 (3) by striking “call processing” and inserting  
20 “the processing and transmitting of wire or elec-  
21 tronic communications so as not to include the con-  
22 tents of any wire or electronic communications”.

23 (b) ISSUANCE OF ORDERS.—

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

1 “(a) IN GENERAL.—

2 “(1) ATTORNEY FOR THE GOVERNMENT.—

3 Upon an application made under section 3122(a)(1),  
4 the court shall enter an ex parte order authorizing  
5 the installation and use of a pen register or trap and  
6 trace device anywhere within the United States, if  
7 the court finds that the attorney for the Government  
8 has certified to the court that the information likely  
9 to be obtained by such installation and use is rel-  
10 evant to an ongoing criminal investigation. The  
11 order, upon service of that order, shall apply to any  
12 person or entity providing wire or electronic commu-  
13 nication service in the United States whose assist-  
14 ance may facilitate the execution of the order.  
15 Whenever such an order is served on any person or  
16 entity not specifically named in the order, upon re-  
17 quest of such person or entity, the attorney for the  
18 Government or law enforcement or investigative offi-  
19 cer that is serving the order shall provide written or  
20 electronic certification that the order applies to the  
21 person or entity being served.

22 “(2) STATE INVESTIGATIVE OR LAW ENFORCE-  
23 MENT OFFICER.—Upon an application made under  
24 section 3122(a)(2), the court shall enter an ex parte  
25 order authorizing the installation and use of a pen

1 register or trap and trace device within the jurisdic-  
2 tion of the court, if the court finds that the State  
3 law enforcement or investigative officer has certified  
4 to the court that the information likely to be ob-  
5 tained by such installation and use is relevant to an  
6 ongoing criminal investigation.

7 “(3)(A) Where the law enforcement agency im-  
8 plementing an ex parte order under this subsection  
9 seeks to do so by installing and using its own pen  
10 register or trap and trace device on a packet-  
11 switched data network of a provider of electronic  
12 communication service to the public, the agency shall  
13 ensure that a record will be maintained which will  
14 identify—

15 “(i) any officer or officers who installed  
16 the device and any officer or officers who  
17 accessed the device to obtain information from  
18 the network;

19 “(ii) the date and time the device was in-  
20 stalled, the date and time the device was  
21 uninstalled, and the date, time, and duration of  
22 each time the device is accessed to obtain infor-  
23 mation;

1           “(iii) the configuration of the device at the  
2           time of its installation and any subsequent  
3           modification thereof; and

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

6           To the extent that the pen register or trap and trace  
7           device can be set automatically to record this infor-  
8           mation electronically, the record shall be maintained  
9           electronically throughout the installation and use of  
10          such device.

11          “(B) The record maintained under subpara-  
12          graph (A) shall be provided ex parte and under seal  
13          to the court which entered the ex parte order au-  
14          thorizing the installation and use of the device with-  
15          in 30 days after termination of the order (including  
16          any extensions thereof).”.

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

19                  (A) in subparagraph (A)—

20                          (i) by inserting “or other facility”  
21                          after “telephone line”; and

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

24                  (B) by striking subparagraph (C) and in-  
25          serting the following:

1           “(C) the attributes of the communications  
2           to which the order applies, including the num-  
3           ber or other identifier and, if known, the loca-  
4           tion of the telephone line or other facility to  
5           which the pen register or trap and trace device  
6           is to be attached or applied, and, in the case of  
7           an order authorizing installation and use of a  
8           trap and trace device under subsection (a)(2),  
9           the geographic limits of the order; and”.

10           (3) NONDISCLOSURE REQUIREMENTS.—Section  
11           3123(d)(2) of title 18, United States Code, is  
12           amended—

13                   (A) by inserting “or other facility” after  
14                   “the line”; and

15                   (B) by striking “, or who has been ordered  
16                   by the court” and inserting “or applied, or who  
17                   is obligated by the order”.

18           (c) DEFINITIONS.—

19           (1) COURT OF COMPETENT JURISDICTION.—  
20           Section 3127(2) of title 18, United States Code, is  
21           amended by striking subparagraph (A) and inserting  
22           the following:

23                   “(A) any district court of the United  
24                   States (including a magistrate judge of such a  
25                   court) or any United States court of appeals

1           having jurisdiction over the offense being inves-  
2           tigated; or”.

3           (2) PEN REGISTER.—Section 3127(3) of title  
4           18, United States Code, is amended—

5                   (A) by striking “electronic or other im-  
6                   pulses” and all that follows through “is at-  
7                   tached” and inserting “dialing, routing, ad-  
8                   dressing, or signaling information transmitted  
9                   by an instrument or facility from which a wire  
10                  or electronic communication is transmitted, pro-  
11                  vided, however, that such information shall not  
12                  include the contents of any communication”;  
13                  and

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

16           (3) TRAP AND TRACE DEVICE.—Section  
17           3127(4) of title 18, United States Code, is  
18           amended—

19                   (A) by striking “of an instrument” and all  
20                  that follows through the semicolon and insert-  
21                  ing “or other dialing, routing, addressing, and  
22                  signaling information reasonably likely to iden-  
23                  tify the source of a wire or electronic commu-  
24                  nication, provided, however, that such informa-

1           tion shall not include the contents of any com-  
2           munication;” and

3           (B) by inserting “or process” after “a de-  
4           vice”.

5           (4) CONFORMING AMENDMENT.—Section  
6           3127(1) of title 18, United States Code, is  
7           amended—

8           (A) by striking “and”; and

9           (B) by inserting “, and ‘contents’” after  
10          “electronic communication service”.

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

14 **SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COM-**  
15 **MUNICATIONS.**

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

18          (1) in section 2510—

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

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

23                 (C) by inserting after paragraph (19) the  
24                 following:

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

3           “(21) ‘computer trespasser’—

4                   “(A) means a person who accesses a pro-  
5                   tected computer without authorization and thus  
6                   has no reasonable expectation of privacy in any  
7                   communication transmitted to, through, or from  
8                   the protected computer; and

9                   “(B) does not include a person known by  
10                  the owner or operator of the protected computer  
11                  to have an existing contractual relationship with  
12                  the owner or operator of the protected computer  
13                  for access to all or part of the protected com-  
14                  puter.”; and

15           (2) in section 2511(2), by inserting at the end  
16           the following:

17           “(i) It shall not be unlawful under this chapter for  
18           a person acting under color of law to intercept the wire  
19           or electronic communications of a computer trespasser  
20           transmitted to, through, or from the protected computer,  
21           if—

22                   “(I) the owner or operator of the protected  
23                   computer authorizes the interception of the com-  
24                   puter trespasser’s communications on the protected  
25                   computer;

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

3           “(III) the person acting under color of law has  
4 reasonable grounds to believe that the contents of  
5 the computer trespasser’s communications will be  
6 relevant to the investigation; and

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

10 **SEC. 218. FOREIGN INTELLIGENCE INFORMATION.**

11       Sections 104(a)(7)(B) and section 303(a)(7)(B) (50  
12 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign  
13 Intelligence Surveillance Act of 1978 are each amended  
14 by striking “the purpose” and inserting “a significant pur-  
15 pose”.

16 **SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR**  
17 **TERRORISM.**

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

1 **SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS**  
2 **FOR ELECTRONIC EVIDENCE.**

3 Chapter 121 of title 18, United States Code, is  
4 amended—

5 (1) in section 2703, by striking “under the  
6 Federal Rules of Criminal Procedure” every place it  
7 appears and inserting “using the procedures de-  
8 scribed in the Federal Rules of Criminal Procedure  
9 by a court with jurisdiction over the offense under  
10 investigation”; and

11 (2) in section 2711—

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

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

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

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

20 **SEC. 221. TRADE SANCTIONS.**

21 (a) IN GENERAL.—The Trade Sanctions Reform and  
22 Export Enhancement Act of 2000 (Public Law 106–387;  
23 114 Stat. 1549A–67) is amended—

24 (1) by amending section 904(2)(C) to read as  
25 follows:

1           “(C) used to facilitate the design, develop-  
2           ment, or production of chemical or biological  
3           weapons, missiles, or weapons of mass destruc-  
4           tion.”;

5           (2) in section 906(a)(1)—

6           (A) by inserting “, the Taliban or the ter-  
7           ritory of Afghanistan controlled by the  
8           Taliban,” after “Cuba”; and

9           (B) by inserting “, or in the territory of  
10          Afghanistan controlled by the Taliban,” after  
11          “within such country”; and

12          (3) in section 906(a)(2), by inserting “, or to  
13          any other entity in Syria or North Korea” after  
14          “Korea”.

15          (b) APPLICATION OF THE TRADE SANCTIONS RE-  
16          FORM AND EXPORT ENHANCEMENT ACT.—Nothing in the  
17          Trade Sanctions Reform and Export Enhancement Act of  
18          2000 shall limit the application or scope of any law estab-  
19          lishing criminal or civil penalties, including any executive  
20          order or regulation promulgated pursuant to such laws (or  
21          similar or successor laws), for the unlawful export of any  
22          agricultural commodity, medicine, or medical device to—

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

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

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

7           (4) any narcotics trafficking entity designated  
8           pursuant to Executive Order 12978 (October 21,  
9           1995) or the Foreign Narcotics Kingpin Designation  
10          Act (Public Law 106–120); or

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

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

15          Nothing in this Act shall impose any additional tech-  
16          nical obligation or requirement on a provider of a wire or  
17          electronic communication service or other person to fur-  
18          nish facilities or technical assistance. A provider of a wire  
19          or electronic communication service, landlord, custodian,  
20          or other person who furnishes facilities or technical assist-  
21          ance pursuant to section 216 shall be reasonably com-  
22          pensated for such reasonable expenditures incurred in pro-  
23          viding such facilities or assistance.

1 **SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED**  
2 **DISCLOSURES.**

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

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

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

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

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

24 “(g) IMPROPER DISCLOSURE IS VIOLATION.—Any  
25 willful disclosure or use by an investigative or law enforce-  
26 ment officer or governmental entity of information beyond

1 the extent permitted by section 2517 is a violation of this  
2 chapter for purposes of section 2520(a).

3 (b) Section 2707 of title 18, United States Code, is  
4 amended—

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

7 (2) by striking subsection (d) and inserting the  
8 following:

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

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

1           “(g) IMPROPER DISCLOSURE.—Any willful disclosure  
2 of a ‘record’, as that term is defined in section 552a(a)  
3 of title 5, United States Code, obtained by an investigative  
4 or law enforcement officer, or a governmental entity, pur-  
5 suant to section 2703 of this title, or from a device in-  
6 stalled pursuant to section 3123 or 3125 of this title, that  
7 is not a disclosure made in the proper performance of the  
8 official duties of the officer or governmental entity making  
9 the disclosure, is a violation of this chapter. This provision  
10 shall not apply to information previously lawfully disclosed  
11 to the public by a Federal, State, or local governmental  
12 entity.”.

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

15   **“§ 2712. Civil actions against the United States**

16           “(a) IN GENERAL.—Any person who is aggrieved by  
17 any violation of this chapter or of chapter 119 of this title  
18 or of sections 106(a), 305(a), or 405(a) of the Foreign  
19 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et  
20 seq.) may commence an action in United States District  
21 Court against the United States to recover money dam-  
22 ages. In any such action, if a person who is aggrieved suc-  
23 cessfully establishes a violation of this chapter or of chap-  
24 ter 119 of this title or of the above specific provisions of  
25 title 50, the Court may assess as damages—

1           “(1) actual damages, but not less than  
2           \$10,000, whichever amount is greater; and

3           “(2) litigation costs, reasonably incurred.

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

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

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

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

21          “(5) An amount equal to any award against the  
22 United States under this section shall be reimbursed by  
23 the department or agency concerned to the fund described  
24 in section 1304 of title 31, United States Code, out of  
25 any appropriation, fund, or other account (excluding any

1 part of such appropriation, fund, or account that is avail-  
2 able for the enforcement of any Federal law) that is avail-  
3 able for the operating expenses of the department or agen-  
4 cy concerned.

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

20 “(d) EXCLUSIVE REMEDY.—Any action against the  
21 United States under this subsection shall be the exclusive  
22 remedy against the United States for any claims within  
23 the purview of this section.”.

24 (2) The table of sections at the beginning of chapter  
25 121 is amended to read as follows:

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

1 **SEC. 224. SUNSET.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), this title and the amendments made by this title  
4 (other than sections 203(a), 203(c), 205, 208, 211, 213,  
5 219, 221, and 222, and the amendments made by those  
6 sections) shall cease to have effect on December 31, 2004.

7 (b) EXCEPTIONS.—(1) If the President notifies the  
8 Congress before December 31, 2004 that it is in the na-  
9 tional interest that these provisions remain in effect, these  
10 provisions shall remain in effect until December 31, 2006  
11 and cease to have effect on that date.

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

15 **TITLE III—FINANCIAL**  
16 **INFRASTRUCTURE**

17 **SEC. 301. LAUNDERING THE PROCEEDS OF TERRORISM.**

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

20 **SEC. 302. EXTRATERRITORIAL JURISDICTION.**

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

23 “(h) Any person who, outside the jurisdiction of the  
24 United States, engages in any act that, if committed with-  
25 in the jurisdiction of the United States, would constitute  
26 an offense under subsection (a) or (b) of this section, shall

1 be subject to the fines, penalties, imprisonment, and for-  
2 feiture provided in this title if—

3 “(1) the offense involves an access device  
4 issued, owned, managed, or controlled by a financial  
5 institution, account issuer, credit card system mem-  
6 ber, or other entity within the jurisdiction of the  
7 United States; and

8 “(2) the person transports, delivers, conveys,  
9 transfers to or through, or otherwise stores, secrets,  
10 or holds within the jurisdiction of the United States,  
11 any article used to assist in the commission of the  
12 offense or the proceeds of such offense or property  
13 derived therefrom.”.

## 14 **TITLE IV—PROTECTING THE** 15 **BORDER**

### 16 **Subtitle A—Protecting the** 17 **Northern Border**

#### 18 **SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE** 19 **NORTHERN BORDER.**

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

#### 24 **SEC. 402. NORTHERN BORDER PERSONNEL.**

25 There are authorized to be appropriated—

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

6           (2) such sums as may be necessary to triple the  
7           number of Customs Service personnel (from the  
8           number authorized under current law), and the nec-  
9           essary personnel and facilities to support such per-  
10          sonnel, at ports of entry in each State along the  
11          Northern Border;

12          (3) such sums as may be necessary to triple the  
13          number of INS inspectors (from the number author-  
14          ized on the date of the enactment of this Act), and  
15          the necessary personnel and facilities to support  
16          such personnel, at ports of entry in each State along  
17          the Northern Border; and

18          (4) an additional \$50,000,000 each to the Im-  
19          migration and Naturalization Service and the United  
20          States Customs Service for purposes of making im-  
21          provements in technology for monitoring the North-  
22          ern Border and acquiring additional equipment at  
23          the Northern Border.

1 **SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND**  
2 **THE INS TO CERTAIN IDENTIFYING INFORMA-**  
3 **TION IN THE CRIMINAL HISTORY RECORDS**  
4 **OF VISA APPLICANTS AND APPLICANTS FOR**  
5 **ADMISSION TO THE UNITED STATES.**

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

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

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

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

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

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

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

5           “(3) The Federal Bureau of Investigation shall pro-  
6 vide periodic updates of the extracts at intervals mutually  
7 agreed upon with the agency receiving the access. Upon  
8 receipt of such updated extracts, the receiving agency shall  
9 make corresponding updates to its database and destroy  
10 previously provided extracts.

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

19           “(c) The provision of the extracts described in sub-  
20 section (b) may be reconsidered by the Attorney General  
21 and the receiving agency upon the development and de-  
22 ployment of a more cost-effective and efficient means of  
23 sharing the information.

24           “(d) For purposes of administering this section, the  
25 Department of State shall, prior to receiving access to

1 NCIC data but not later than 4 months after the date  
2 of enactment of this subsection, promulgate final  
3 regulations—

4 “(1) to implement procedures for the taking of  
5 fingerprints; and

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

9 “(A) to limit the redissemination of such  
10 information;

11 “(B) to ensure that such information is  
12 used solely to determine whether or not to issue  
13 a visa to an alien or to admit an alien to the  
14 United States;

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

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

19 (b) REPORTING REQUIREMENT.—Not later than 2  
20 years after the date of enactment of this Act, the Attorney  
21 General and the Secretary of State jointly shall report to  
22 Congress on the implementation of the amendments made  
23 by this section.

24 (c) TECHNOLOGY STANDARD TO CONFIRM IDEN-  
25 TITY.—

1           (1) IN GENERAL.—The Attorney General and  
2           the Secretary of State jointly, through the National  
3           Institute of Standards and Technology (NIST), and  
4           in consultation with the Secretary of the Treasury  
5           and other Federal law enforcement and intelligence  
6           agencies the Attorney General or Secretary of State  
7           deems appropriate, shall within 2 years after the  
8           date of the enactment of this section, develop and  
9           certify a technology standard that can confirm the  
10          identity of a person applying for a United States  
11          visa or such person seeking to enter the United  
12          States pursuant to a visa.

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

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

1 (A) all consular officers responsible for the  
2 issuance of visas;

3 (B) all Federal inspection agents at all  
4 United States border inspection points; and

5 (C) all law enforcement and intelligence of-  
6 ficers as determined by regulation to be respon-  
7 sible for investigation or identification of aliens  
8 admitted to the United States pursuant to a  
9 visa.

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

18 (d) STATUTORY CONSTRUCTION.—Nothing in this  
19 section, or in any other law, shall be construed to limit  
20 the authority of the Attorney General or the Director of  
21 the Federal Bureau of Investigation to provide access to  
22 the criminal history record information contained in the  
23 National Crime Information Center's (NCIC) Interstate  
24 Identification Index (NCIC-III), or to any other informa-  
25 tion maintained by the NCIC, to any Federal agency or

1 officer authorized to enforce or administer the immigra-  
2 tion laws of the United States, for the purpose of such  
3 enforcement or administration, upon terms that are con-  
4 sistent with the National Crime Prevention and Privacy  
5 Compact Act of 1998 (subtitle A of title II of Public Law  
6 105–251; 42 U.S.C. 14611–16) and section 552a of title  
7 5, United States Code.

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

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

1 **SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FIN-**  
2 **GERPRINT IDENTIFICATION SYSTEM FOR**  
3 **POINTS OF ENTRY AND OVERSEAS CONSULAR**  
4 **POSTS.**

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

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

21 **Subtitle B—Enhanced Immigration**  
22 **Provisions**

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

24 (a) GROUNDS OF INADMISSIBILITY.—Section  
25 212(a)(3) of the Immigration and Nationality Act (8  
26 U.S.C. 1182(a)(3)) is amended—

1 (1) in subparagraph (B)—

2 (A) in clause (i)—

3 (i) by amending subclause (IV) to  
4 read as follows:

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

7 “(aa) a foreign terrorist or-  
8 ganization, as designated by the  
9 Secretary of State under section  
10 219, or

11 “(bb) a political, social or  
12 other similar group whose public  
13 endorsement of acts of terrorist  
14 activity the Secretary of State  
15 has determined undermines  
16 United States efforts to reduce or  
17 eliminate terrorist activities,”;

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

20 (iii) by adding at the end the fol-  
21 lowing new subclauses:

22 “(VI) has used the alien’s posi-  
23 tion of prominence within any country  
24 to endorse or espouse terrorist activ-  
25 ity, or to persuade others to support

1 terrorist activity or a terrorist organi-  
2 zation, in a way that the Secretary of  
3 State has determined undermines  
4 United States efforts to reduce or  
5 eliminate terrorist activities, or

6 “(VII) is the spouse or child of  
7 an alien who is inadmissible under  
8 this section, if the activity causing the  
9 alien to be found inadmissible oc-  
10 curred within the last 5 years,”;

11 (B) by redesignating clauses (ii), (iii), and  
12 (iv) as clauses (iii), (iv), and (v), respectively;

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

15 (D) by inserting after clause (i) the fol-  
16 lowing:

17 “(ii) EXCEPTION.—Subclause (VII) of  
18 clause (i) does not apply to a spouse or  
19 child—

20 “(I) who did not know or should  
21 not reasonably have known of the ac-  
22 tivity causing the alien to be found in-  
23 admissible under this section; or

24 “(II) whom the consular officer  
25 or Attorney General has reasonable

1 grounds to believe has renounced the  
2 activity causing the alien to be found  
3 inadmissible under this section.”;

4 (E) in clause (iii) (as redesignated by sub-  
5 paragraph (B))—

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

8 (ii) in subclause (V)(b), by striking  
9 “or firearm” and inserting “, firearm, or  
10 other weapon or dangerous device”;

11 (F) by amending clause (iv) (as redesi-  
12 gnated by subparagraph (B)) to read as follows:

13 “(iv) ENGAGE IN TERRORIST ACTIVITY  
14 DEFINED.—As used in this chapter, the  
15 term ‘engage in terrorist activity’ means,  
16 in an individual capacity or as a member  
17 of an organization—

18 “(I) to commit or to incite to  
19 commit, under circumstances indi-  
20 cating an intention to cause death or  
21 serious bodily injury, a terrorist activ-  
22 ity;

23 “(II) to prepare or plan a ter-  
24 rorist activity;

1 “(III) to gather information on  
2 potential targets for terrorist activity;

3 “(IV) to solicit funds or other  
4 things of value for—

5 “(aa) a terrorist activity;

6 “(bb) a terrorist organiza-  
7 tion described in clauses (vi)(I)  
8 or (vi)(II); or

9 “(cc) a terrorist organiza-  
10 tion described in clause (vi)(III),  
11 unless the solicitor can dem-  
12 onstrate that he did not know,  
13 and should not reasonably have  
14 known, that the solicitation  
15 would further the organization’s  
16 terrorist activity;

17 “(V) to solicit any individual—

18 “(aa) to engage in conduct  
19 otherwise described in this  
20 clause;

21 “(bb) for membership in a  
22 terrorist organization described  
23 in clauses (vi)(I) or (vi)(II); or

24 “(cc) for membership in a  
25 terrorist organization described

1 in clause (vi)(III), unless the so-  
2 licitor can demonstrate that he  
3 did not know, and should not  
4 reasonably have known, that the  
5 solicitation would further the or-  
6 ganization’s terrorist activity; or

7 “(VI) to commit an act that the  
8 actor knows, or reasonably should  
9 know, affords material support, in-  
10 cluding a safe house, transportation,  
11 communications, funds, transfer of  
12 funds or other material financial ben-  
13 efit, false documentation or identifica-  
14 tion, weapons (including chemical, bi-  
15 ological, or radiological weapons), ex-  
16 plosives, or training—

17 “(aa) for the commission of  
18 a terrorist activity;

19 “(bb) to any individual who  
20 the actor knows, or reasonably  
21 should know, has committed or  
22 plans to commit a terrorist activ-  
23 ity;

1                   “(cc) to a terrorist organiza-  
2                   tion described in clauses (vi)(I)  
3                   or (vi)(II); or

4                   “(dd) to a terrorist organi-  
5                   zation described in clause  
6                   (vi)(III), unless the actor can  
7                   demonstrate that he did not  
8                   know, and should not reasonably  
9                   have known, that the act would  
10                  further the organization’s ter-  
11                  rorist activity.

12                  This clause shall not apply to any ma-  
13                  terial support the alien afforded to an  
14                  organization or individual that has  
15                  committed terrorist activity, if the  
16                  Secretary of State, after consultation  
17                  with the Attorney General, or the At-  
18                  torney General, after consultation  
19                  with the Secretary of State, concludes  
20                  in his sole unreviewable discretion,  
21                  that this clause should not apply.”;  
22                  and

23                  (G) by adding at the end the following new  
24                  clause:

1           “(vi) TERRORIST ORGANIZATION DE-  
2           FINED.—As used in clause (i)(VI) and  
3           clause (iv), the term ‘terrorist organiza-  
4           tion’ means an organization—

5                   “(I) designated under section  
6                   219;

7                   “(II) otherwise designated, upon  
8                   publication in the Federal Register, by  
9                   the Secretary of State in consultation  
10                  with or upon the request of the Attor-  
11                  ney General, as a terrorist organiza-  
12                  tion, after finding that it engages in  
13                  the activities described in subclause  
14                  (I), (II), or (III) of clause (iv), or that  
15                  it provides material support to further  
16                  terrorist activity; or

17                  “(III) that is a group of two or  
18                  more individuals, whether organized  
19                  or not, which engages in the activities  
20                  described in subclause (I), (II), or  
21                  (III) of clause (iv).”; and

22           (2) by adding at the end the following new sub-  
23           paragraph:

24                   “(F) ASSOCIATION WITH TERRORIST ORGA-  
25                   NIZATIONS.—Any alien who the Secretary of

1 State, after consultation with the Attorney Gen-  
2 eral, or the Attorney General, after consultation  
3 with the Secretary of State, determines has  
4 been associated with a terrorist organization  
5 and intends while in the United States to en-  
6 gage solely, principally, or incidentally in activi-  
7 ties that could endanger the welfare, safety, or  
8 security of the United States is inadmissible.”.

9 (b) CONFORMING AMENDMENTS.—

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

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

18 (c) RETROACTIVE APPLICATION OF AMENDMENTS.—

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

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

1 (B) all aliens, without regard to the date  
2 of entry or attempted entry into the United  
3 States—

4 (i) in removal proceedings on or after  
5 such date (except for proceedings in which  
6 there has been a final administrative deci-  
7 sion before such date); or

8 (ii) seeking admission to the United  
9 States on or after such date.

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

20 (3) SPECIAL RULE FOR SECTION 219 ORGANIZA-  
21 TIONS AND ORGANIZATIONS DESIGNATED UNDER  
22 SECTION 212(a)(3)(B)(vi)(II).—

23 (A) IN GENERAL.—Notwithstanding para-  
24 graphs (1) and (2), no alien shall be considered  
25 inadmissible under section 212(a)(3) of the Im-

1 migration and Nationality Act (8 U.S.C.  
2 1182(a)(3)), or deportable under section  
3 237(a)(4)(B) of such Act (8 U.S.C.  
4 1227(a)(4)(B)), by reason of the amendments  
5 made by subsection (a), on the ground that the  
6 alien engaged in a terrorist activity described in  
7 subclause (IV)(bb), (V)(bb), or (VI)(cc) of sec-  
8 tion 212(a)(3)(B)(iv) of such Act (as so amend-  
9 ed) with respect to a group at any time when  
10 the group was not a terrorist organization des-  
11 ignated by the Secretary of State under section  
12 219 of such Act (8 U.S.C. 1189) or otherwise  
13 designated under section 212(a)(3)(B)(vi)(II).

14 (B) STATUTORY CONSTRUCTION.—Sub-  
15 paragraph (A) shall not be construed to prevent  
16 an alien from being considered inadmissible or  
17 deportable for having engaged in a terrorist  
18 activity—

19 (i) described in subclause (IV)(bb),  
20 (V)(bb), or (VI)(cc) of section  
21 212(a)(3)(B)(iv) of such Act (as so amend-  
22 ed) with respect to a terrorist organization  
23 at any time when such organization was  
24 designated by the Secretary of State under  
25 section 219 of such Act or otherwise des-

1                   ignated under section 212(a)(3)(B)(vi)(II);  
2                   or  
3                   (ii) described in subclause (IV)(cc),  
4                   (V)(cc), or (VI)(dd) of section  
5                   212(a)(3)(B)(iv) of such Act (as so amend-  
6                   ed) with respect to a terrorist organization  
7                   described in section 212(a)(3)(B)(vi)(III).

8                   (4) EXCEPTION.—The Secretary of State, in  
9                   consultation with the Attorney General, may deter-  
10                  mine that the amendments made by this section  
11                  shall not apply with respect to actions by an alien  
12                  taken outside the United States before the date of  
13                  the enactment of this Act upon the recommendation  
14                  of a consular officer who has concluded that there  
15                  is not reasonable ground to believe that the alien  
16                  knew or reasonably should have known that the ac-  
17                  tions would further a terrorist activity.

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

21                  (1) in paragraph (1)(B), by inserting “or ter-  
22                  rorism (as defined in section 140(d)(2) of the For-  
23                  eign Relations Authorization Act, Fiscal Years 1988  
24                  and 1989 (22 U.S.C. 2656f(d)(2)), or retains the ca-

1 pability and intent to engage in terrorist activity or  
2 terrorism)” after “212(a)(3)(B)”;

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

5 (3) by amending paragraph (2)(A) to read as  
6 follows:

7 “(A) NOTICE.—

8 “(i) TO CONGRESSIONAL LEADERS.—

9 Seven days before making a designation  
10 under this subsection, the Secretary shall,  
11 by classified communication, notify the  
12 Speaker and Minority Leader of the House  
13 of Representatives, the President pro tem-  
14 pore, Majority Leader, and Minority Lead-  
15 er of the Senate, and the members of the  
16 relevant committees, in writing, of the in-  
17 tent to designate an organization under  
18 this subsection, together with the findings  
19 made under paragraph (1) with respect to  
20 that organization, and the factual basis  
21 therefor.

22 “(ii) PUBLICATION IN FEDERAL REG-  
23 ISTER.—The Secretary shall publish the  
24 designation in the Federal Register seven

1                   days after providing the notification under  
2                   clause (i).”;

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

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

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

10                  (7) in paragraph (4)(B), by inserting after the  
11                  first sentence the following: “The Secretary also may  
12                  redesignate such organization at the end of any 2-  
13                  year redesignation period (but not sooner than 60  
14                  days prior to the termination of such period) for an  
15                  additional 2-year period upon a finding that the rel-  
16                  evant circumstances described in paragraph (1) still  
17                  exist. Any redesignation shall be effective imme-  
18                  diately following the end of the prior 2-year designa-  
19                  tion or redesignation period unless a different effec-  
20                  tive date is provided in such redesignation.”;

21                  (8) in paragraph (6)(A)—

22                                 (A) by inserting “or a redesignation made  
23                                 under paragraph (4)(B)” after “paragraph  
24                                 (1)”;

25                                 (B) in clause (i)—

1 (i) by inserting “or redesignation”  
2 after “designation” the first place it ap-  
3 pears; and

4 (ii) by striking “of the designation”;  
5 and

6 (C) in clause (ii), by striking “of the des-  
7 igation”;

8 (9) in paragraph (6)(B)—

9 (A) by striking “through (4)” and insert-  
10 ing “and (3)”; and

11 (B) by inserting at the end the following  
12 new sentence: “Any revocation shall take effect  
13 on the date specified in the revocation or upon  
14 publication in the Federal Register if no effec-  
15 tive date is specified.”;

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

19 (11) in paragraph (8)—

20 (A) by striking “paragraph (1)(B)” and  
21 inserting “paragraph (2)(B), or if a redesigna-  
22 tion under this subsection has become effective  
23 under paragraph (4)(B)”;

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

1 (C) by inserting “or redesignation” before  
2 “as a defense”.

3 **SEC. 412. MANDATORY DETENTION OF SUSPECTED TER-**  
4 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**  
5 **VIEW.**

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

9 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;  
10 HABEAS CORPUS; JUDICIAL REVIEW  
11 “SEC. 236A. (a) DETENTION OF TERRORIST  
12 ALIENS.—

13 “(1) CUSTODY.—The Attorney General shall  
14 take into custody any alien who is certified under  
15 paragraph (3).

16 “(2) RELEASE.—Except as provided in para-  
17 graphs (5) and (6), the Attorney General shall main-  
18 tain custody of such an alien until the alien is re-  
19 moved from the United States. Except as provided  
20 in paragraph (6), such custody shall be maintained  
21 irrespective of any relief from removal for which the  
22 alien may be eligible, or any relief from removal  
23 granted the alien, until the Attorney General deter-  
24 mines that the alien is no longer an alien who may  
25 be certified under paragraph (3).

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

5                   “(A) is described in section  
6                   212(a)(3)(A)(i),                   212(a)(3)(A)(iii),  
7                   212(a)(3)(B),                   237(a)(4)(A)(i),  
8                   237(a)(4)(A)(iii), or 237(a)(4)(B); or

9                   “(B) is engaged in any other activity that  
10                  endangers the national security of the United  
11                  States.

12           “(4) NONDELEGATION.—The Attorney General  
13           may delegate the authority provided under para-  
14           graph (3) only to the Commissioner. The Commis-  
15           sioner may not delegate such authority.

16           “(5) COMMENCEMENT OF PROCEEDINGS.—The  
17           Attorney General shall place an alien detained under  
18           paragraph (1) in removal proceedings, or shall  
19           charge the alien with a criminal offense, not later  
20           than 7 days after the commencement of such deten-  
21           tion. If the requirement of the preceding sentence is  
22           not satisfied, the Attorney General shall release the  
23           alien.

24           “(6) LIMITATION ON INDEFINITE DETEN-  
25           TION.—An alien detained under paragraph (1) who

1 has not been removed under section 241(a)(1)(A),  
2 and whose removal is unlikely in the reasonably fore-  
3 seeable future, may be detained for additional peri-  
4 ods of up to six months if the release of the alien  
5 will not protect the national security of the United  
6 States or adequately ensure the safety of the com-  
7 munity or any person.

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

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

18 “(2) APPLICATION.—

19 “(A) IN GENERAL.—Notwithstanding any  
20 other provision of law, including section  
21 2241(a) of title 28, United States Code, habeas  
22 corpus proceedings described in paragraph (1)  
23 may be initiated only by an application filed  
24 with—

25 “(i) the Supreme Court;

1                   “(ii) any justice of the Supreme  
2                   Court;

3                   “(iii) any circuit judge of the United  
4                   States Court of Appeals for the District of  
5                   Columbia Circuit; or

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

8                   “(B) APPLICATION TRANSFER.—Section  
9                   2241(b) of title 28, United States Code, shall  
10                  apply to an application for a writ of habeas cor-  
11                  pus described in subparagraph (A).

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

20                  “(4) RULE OF DECISION.—The law applied by  
21                  the Supreme Court and the United States Court of  
22                  Appeals for the District of Columbia Circuit shall be  
23                  regarded as the rule of decision in habeas corpus  
24                  proceedings described in paragraph (1).

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

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

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

7           (c) REPORTS.—Not later than 6 months after the  
8 date of the enactment of this Act, and every 6 months  
9 thereafter, the Attorney General shall submit a report to  
10 the Committee on the Judiciary of the House of Rep-  
11 resentatives and the Committee on the Judiciary of the  
12 Senate, with respect to the reporting period, on—

13                   (1) the number of aliens certified under section  
14 236A(a)(3) of the Immigration and Nationality Act,  
15 as added by subsection (a);

16                   (2) the grounds for such certifications;

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

18                   (4) the length of the detention for each alien so  
19 certified; and

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

21                           (A) were granted any form of relief from  
22 removal;

23                           (B) were removed;

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

3 (D) were released from detention.

4 **SEC. 413. MULTILATERAL COOPERATION AGAINST TERROR-**  
5 **ISTS.**

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

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

10 “(1) in the discretion of”; and

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

12 “(2) the Secretary of State, in the Secretary’s  
13 discretion and on the basis of reciprocity, may pro-  
14 vide to a foreign government information in the De-  
15 partment of State’s computerized visa lookout data-  
16 base and, when necessary and appropriate, other  
17 records covered by this section related to informa-  
18 tion in the database—

19 “(A) with regard to individual aliens, at  
20 any time on a case-by-case basis for the pur-  
21 pose of preventing, investigating, or punishing  
22 acts that would constitute a crime in the United  
23 States, including, but not limited to, terrorism  
24 or trafficking in controlled substances, persons,  
25 or illicit weapons; or

1           “(B) with regard to any or all aliens in the  
2           database, pursuant to such conditions as the  
3           Secretary of State shall establish in an agree-  
4           ment with the foreign government in which that  
5           government agrees to use such information and  
6           records for the purposes described in subpara-  
7           graph (A) or to deny visas to persons who  
8           would be inadmissible to the United States.”.

9           **Subtitle C—Preservation of Immi-**  
10           **gration Benefits for Victims of**  
11           **Terrorism**

12           **SEC. 421. SPECIAL IMMIGRANT STATUS.**

13           (a) IN GENERAL.—For purposes of the Immigration  
14           and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney  
15           General may provide an alien described in subsection (b)  
16           with the status of a special immigrant under section  
17           101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the  
18           alien—

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

23           (2) is otherwise eligible to receive an immigrant  
24           visa and is otherwise admissible to the United States  
25           for permanent residence, except in determining such

1 admissibility, the grounds for inadmissibility speci-  
2 fied in section 212(a)(4) of such Act (8 U.S.C.  
3 1182(a)(4)) shall not apply.

4 (b) ALIENS DESCRIBED.—

5 (1) PRINCIPAL ALIENS.—An alien is described  
6 in this subsection if—

7 (A) the alien was the beneficiary of—

8 (i) a petition that was filed with the  
9 Attorney General on or before September  
10 11, 2001—

11 (I) under section 204 of the Im-  
12 migration and Nationality Act (8  
13 U.S.C. 1154) to classify the alien as  
14 a family-sponsored immigrant under  
15 section 203(a) of such Act (8 U.S.C.  
16 1153(a)) or as an employment-based  
17 immigrant under section 203(b) of  
18 such Act (8 U.S.C. 1153(b)); or

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

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

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

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

13           (ii) loss of employment due to physical  
14          damage to, or destruction of, the business  
15          of the petitioner or applicant.

16          (2) SPOUSES AND CHILDREN.—

17           (A) IN GENERAL.—An alien is described in  
18          this subsection if—

19           (i) the alien was, on September 10,  
20          2001, the spouse or child of a principal  
21          alien described in paragraph (1); and

22           (ii) the alien—

23           (I) is accompanying such prin-  
24          cipal alien; or

1 (II) is following to join such prin-  
2 cipal alien not later than September  
3 11, 2003.

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

9 (3) GRANDPARENTS OF ORPHANS.—An alien is  
10 described in this subsection if the alien is a grand-  
11 parent of a child, both of whose parents died as a  
12 direct result of a specified terrorist activity, if either  
13 of such deceased parents was, on September 10,  
14 2001, a citizen or national of the United States or  
15 an alien lawfully admitted for permanent residence  
16 in the United States.

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

24 (d) NUMERICAL LIMITATIONS.—For purposes of the  
25 application of sections 201 through 203 of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1151–1153) in any fis-  
2 cal year, aliens eligible to be provided status under this  
3 section shall be treated as special immigrants described  
4 in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27))  
5 who are not described in subparagraph (A), (B), (C), or  
6 (K) of such section.

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

8 (a) **AUTOMATIC EXTENSION OF NONIMMIGRANT STA-**  
9 **TUS.—**

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

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

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

22 (2) **ALIENS DESCRIBED.—**

23 (A) **PRINCIPAL ALIENS.—**An alien is de-  
24 scribed in this paragraph if the alien was dis-

1           abled as a direct result of a specified terrorist  
2           activity.

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

6                   (i) a principal alien described in sub-  
7                   paragraph (A); or

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

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

18          (b) NEW DEADLINES FOR EXTENSION OR CHANGE  
19          OF NONIMMIGRANT STATUS.—

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

1 application shall be considered timely filed if it is  
2 filed not later than 60 days after it otherwise would  
3 have been due.

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

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

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

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

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

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

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

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

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

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

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

5                   (4) CIRCUMSTANCES PREVENTING TIMELY AC-  
6                   TION.—

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

- 10                   (i) office closures;  
11                   (ii) mail or courier service cessations  
12                   or delays; and  
13                   (iii) other closures, cessations, or  
14                   delays affecting case processing or travel  
15                   necessary to satisfy legal requirements.

16                   (B) DEPARTURE AND RETURN DELAYS.—  
17                   For purposes of paragraphs (2) and (3), cir-  
18                   cumstances preventing an alien from timely act-  
19                   ing are—

- 20                   (i) office closures;  
21                   (ii) airline flight cessations or delays;  
22                   and  
23                   (iii) other closures, cessations, or  
24                   delays affecting case processing or travel  
25                   necessary to satisfy legal requirements.

1 (c) DIVERSITY IMMIGRANTS.—

2 (1) WAIVER OF FISCAL YEAR LIMITATION.—

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

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

22 (3) TREATMENT OF FAMILY MEMBERS OF CER-  
23 TAIN ALIENS.—In the case of a principal alien  
24 issued an immigrant visa number under section  
25 203(c) of the Immigration and Nationality Act (8

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

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

16 (A) office closures;

17 (B) mail or courier service cessations or  
18 delays;

19 (C) airline flight cessations or delays; and

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

23 (d) EXTENSION OF EXPIRATION OF IMMIGRANT  
24 VISAS.—

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

11          (2) CIRCUMSTANCES PREVENTING ENTRY.—For  
12          purposes of this subsection, circumstances pre-  
13          venting an alien from effecting entry into the United  
14          States are—

15                 (A) office closures;

16                 (B) airline flight cessations or delays; and

17                 (C) other closures, cessations, or delays af-  
18          fecting case processing or travel necessary to  
19          satisfy legal requirements.

20          (e) GRANTS OF PAROLE EXTENDED.—

21                 (1) IN GENERAL.—In the case of any parole  
22          granted by the Attorney General under section  
23          212(d)(5) of the Immigration and Nationality Act (8  
24          U.S.C. 1182(d)(5)) that expires on a date on or  
25          after September 11, 2001, if the alien beneficiary of

1 the parole was unable to return to the United States  
2 prior to the expiration date as a direct result of a  
3 specified terrorist activity, the parole is deemed ex-  
4 tended for an additional 90 days.

5 (2) CIRCUMSTANCES PREVENTING RETURN.—

6 For purposes of this subsection, circumstances pre-  
7 venting an alien from timely returning to the United  
8 States are—

9 (A) office closures;

10 (B) airline flight cessations or delays; and

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

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

21 **SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**  
22 **SPOUSES AND CHILDREN.**

23 (a) TREATMENT AS IMMEDIATE RELATIVES.—

24 (1) SPOUSES.—Notwithstanding the second  
25 sentence of section 201(b)(2)(A)(i) of the Immigra-

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

18 (2) CHILDREN.—

19 (A) IN GENERAL.—In the case of an alien  
20 who was the child of a citizen of the United  
21 States at the time of the citizen's death, if the  
22 citizen died as a direct result of a specified ter-  
23 rorist activity, the alien shall be considered, for  
24 purposes of section 201(b) of the Immigration  
25 and Nationality Act (8 U.S.C. 1151(b)), to re-

1           main an immediate relative after the date of the  
2           citizen's death (regardless of changes in age or  
3           marital status thereafter), but only if the alien  
4           files a petition under subparagraph (B) within  
5           2 years after such date.

6           (B) PETITIONS.—An alien described in  
7           subparagraph (A) may file a petition with the  
8           Attorney General for classification of the alien  
9           under section 201(b)(2)(A)(i) of the Immigra-  
10          tion and Nationality Act (8 U.S.C.  
11          1151(b)(2)(A)(i)). For purposes of such Act,  
12          such a petition shall be considered a petition  
13          filed under section 204(a)(1)(A) of such Act (8  
14          U.S.C. 1154(a)(1)(A)).

15          (b) SPOUSES, CHILDREN, UNMARRIED SONS AND  
16          DAUGHTERS OF LAWFUL PERMANENT RESIDENT  
17          ALIENS.—

18           (1) IN GENERAL.—Any spouse, child, or unmar-  
19          ried son or daughter of an alien described in para-  
20          graph (3) who is included in a petition for classifica-  
21          tion as a family-sponsored immigrant under section  
22          203(a)(2) of the Immigration and Nationality Act (8  
23          U.S.C. 1153(a)(2)) that was filed by such alien be-  
24          fore September 11, 2001, shall be considered (if the  
25          spouse, child, son, or daughter has not been admit-

1       ted or approved for lawful permanent residence by  
2       such date) a valid petitioner for preference status  
3       under such section with the same priority date as  
4       that assigned prior to the death described in para-  
5       graph (3)(A). No new petition shall be required to  
6       be filed. Such spouse, child, son, or daughter may be  
7       eligible for deferred action and work authorization.

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

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

21           (A) died as a direct result of a specified  
22           terrorist activity; and

23           (B) on the day of such death, was lawfully  
24           admitted for permanent residence in the United  
25           States.

1 (c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY  
2 SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-  
3 BASED IMMIGRANTS.—

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

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

12 (A) died as a direct result of a specified  
13 terrorist activity; and

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

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

20 (ii) an applicant for adjustment of  
21 status to that of an alien described in  
22 clause (i), and admissible to the United  
23 States for permanent residence.

24 (d) WAIVER OF PUBLIC CHARGE GROUNDS.—In de-  
25 termining the admissibility of any alien accorded an immi-

1 gration benefit under this section, the grounds for inad-  
2 missibility specified in section 212(a)(4) of the Immigra-  
3 tion and Nationality Act (8 U.S.C. 1182(a)(4)) shall not  
4 apply.

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

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

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

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

1 **SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.**

2 The Attorney General, for humanitarian purposes or  
3 to ensure family unity, may provide temporary administra-  
4 tive relief to any alien who—

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

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

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

12 **SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF**  
13 **EMPLOYMENT.**

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

18 (1) Death.

19 (2) Disability.

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

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

1 **SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEM-**  
2 **BERS OF TERRORISTS.**

3 Notwithstanding any other provision of this subtitle,  
4 nothing in this subtitle shall be construed to provide any  
5 benefit or relief to—

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

8 (2) any family member of any individual de-  
9 scribed in paragraph (1).

10 **SEC. 428. DEFINITIONS.**

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

17 (b) **SPECIFIED TERRORIST ACTIVITY.**—For purposes  
18 of this subtitle, the term “specified terrorist activity”  
19 means any terrorist activity conducted against the Govern-  
20 ment or the people of the United States on September 11,  
21 2001.

1 **TITLE V—REMOVING OBSTA-**  
2 **CLES TO INVESTIGATING**  
3 **TERRORISM**

4 **SEC. 501. ATTORNEY GENERAL'S AUTHORITY TO PAY RE-**  
5 **WARDS TO COMBAT TERRORISM.**

6 (a) PAYMENT OF REWARDS TO COMBAT TER-  
7 RORISM.—Funds available to the Attorney General may  
8 be used for the payment of rewards pursuant to public  
9 advertisements for assistance to the Department of Jus-  
10 tice to combat terrorism and defend the Nation against  
11 terrorist acts, in accordance with procedures and regula-  
12 tions established or issued by the Attorney General.

13 (b) CONDITIONS.—In making rewards under this  
14 section—

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

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

24 (3) any executive agency or military department  
25 (as defined, respectively, in sections 105 and 102 of

1 title 5, United States Code) may provide the Attor-  
2 ney General with funds for the payment of rewards;

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

6 (5) no such reward shall be subject to any per-  
7 or aggregate reward spending limitation established  
8 by law, unless that law expressly refers to this sec-  
9 tion, and no reward paid pursuant to any such offer  
10 shall count toward any such aggregate reward  
11 spending limitation.

12 **SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY RE-**  
13 **WARDS.**

14 Section 36 of the State Department Basic Authorities  
15 Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C.  
16 2708) is amended—

17 (1) in subsection (b)—

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

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

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

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

4 (2) in subsection (d), by striking paragraphs  
5 (2) and (3) and redesignating paragraph (4) as  
6 paragraph (2); and

7 (3) in subsection (e)(1), by inserting “, except  
8 as personally authorized by the Secretary of State if  
9 he determines that offer or payment of an award of  
10 a larger amount is necessary to combat terrorism or  
11 defend the Nation against terrorist acts.” after  
12 “\$5,000,000”.

13 **SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND**  
14 **OTHER VIOLENT OFFENDERS.**

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

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

22 “(A) Any offense listed in section  
23 2332b(g)(5)(B) of title 18, United States Code.

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

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

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

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

8           “(k)(1) Federal officers who conduct electronic sur-  
9 veillance to acquire foreign intelligence information under  
10 this title may consult with Federal law enforcement offi-  
11 cers to coordinate efforts to investigate or protect  
12 against—

13                   “(A) actual or potential attack or other grave  
14 hostile acts of a foreign power or an agent of a for-  
15 eign power;

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

18                   “(C) clandestine intelligence activities by an in-  
19 telligence service or network of a foreign power or by  
20 an agent of a foreign power.

21           “(2) Coordination authorized under paragraph (1)  
22 shall not preclude the certification required by section  
23 104(a)(7)(B) or the entry of an order under section 105.”.

24           (b) INFORMATION ACQUIRED FROM A PHYSICAL  
25 SEARCH.—Section 305 of the Foreign Intelligence Surveil-

1 lance Act of 1978 (50 U.S.C. 1825) is amended by adding  
2 at the end the following:

3 “(k)(1) Federal officers who conduct physical  
4 searches to acquire foreign intelligence information under  
5 this title may consult with Federal law enforcement offi-  
6 cers to coordinate efforts to investigate or protect  
7 against—

8 “(A) actual or potential attack or other grave  
9 hostile acts of a foreign power or an agent of a for-  
10 eign power;

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

13 “(C) clandestine intelligence activities by an in-  
14 telligence service or network of a foreign power or by  
15 an agent of a foreign power.

16 “(2) Coordination authorized under paragraph (1)  
17 shall not preclude the certification required by section  
18 303(a)(7) or the entry of an order under section 304.”.

19 **SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORI-**  
20 **TIES.**

21 (a) TELEPHONE TOLL AND TRANSACTIONAL  
22 RECORDS.—Section 2709(b) of title 18, United States  
23 Code, is amended—

24 (1) in the matter preceding paragraph (1), by  
25 inserting “at Bureau headquarters or a Special

1 Agent in Charge in a Bureau field office designated  
2 by the Director” after “Assistant Director”;

3 (2) in paragraph (1)—

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

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

17 (3) in paragraph (2)—

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

20 (B) by striking “made that” and all that  
21 follows and inserting the following: “made that  
22 the information sought is relevant to an author-  
23 ized investigation to protect against inter-  
24 national terrorism or clandestine intelligence ac-  
25 tivities, provided that such an investigation of a

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

5 (b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of  
6 the Right to Financial Privacy Act of 1978 (12 U.S.C.  
7 3414(a)(5)(A)) is amended—

8 (1) by inserting “in a position not lower than  
9 Deputy Assistant Director at Bureau headquarters  
10 or a Special Agent in Charge in a Bureau field office  
11 designated by the Director” after “designee”; and

12 (2) by striking “sought” and all that follows  
13 and inserting “sought for foreign counter intel-  
14 ligence purposes to protect against international ter-  
15 rorism or clandestine intelligence activities, provided  
16 that such an investigation of a United States person  
17 is not conducted solely upon the basis of activities  
18 protected by the first amendment to the Constitution  
19 of the United States.”.

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

22 (1) in subsection (a)—

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

1 Bureau field office designated by the Director”  
2 after “designee” the first place it appears; and

3 (B) by striking “in writing that” and all  
4 that follows through the end and inserting the  
5 following: “in writing, that such information is  
6 sought for the conduct of an authorized inves-  
7 tigation 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 (2) in subsection (b)—

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

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

1 vided that such an investigation of a United  
2 States person is not conducted solely upon the  
3 basis of activities protected by the first amend-  
4 ment to the Constitution of the United  
5 States.”; and

6 (3) in subsection (c)—

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

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

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

2 (a) CONCURRENT JURISDICTION UNDER 18 U.S.C.  
3 1030.—Section 1030(d) of title 18, United States Code,  
4 is amended to read as follows:

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

8 “(2) The Federal Bureau of Investigation shall have  
9 primary authority to investigate offenses under subsection  
10 (a)(1) for any cases involving espionage, foreign counter-  
11 intelligence, information protected against unauthorized  
12 disclosure for reasons of national defense or foreign rela-  
13 tions, or Restricted Data (as that term is defined in sec-  
14 tion 11y of the Atomic Energy Act of 1954 (42 U.S.C.  
15 2014(y)), except for offenses affecting the duties of the  
16 United States Secret Service pursuant to section 3056(a)  
17 of this title.

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

21 (b) REAUTHORIZATION OF JURISDICTION UNDER 18  
22 U.S.C. 1344.—Section 3056(b)(3) of title 18, United  
23 States Code, is amended by striking “credit and debit card  
24 frauds, and false identification documents or devices” and  
25 inserting “access device frauds, false identification docu-  
26 ments or devices, and any fraud or other criminal or un-

1 lawful activity in or against any federally insured financial  
2 institution”.

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

4 Section 444 of the General Education Provisions Act  
5 (20 U.S.C. 1232g), is amended by adding after subsection  
6 (i) a new subsection (j) to read as follows:

7 “(j) INVESTIGATION AND PROSECUTION OF TER-  
8 RORISM.—

9 “(1) IN GENERAL.—Notwithstanding sub-  
10 sections (a) through (i) or any provision of State  
11 law, the Attorney General (or any Federal officer or  
12 employee, in a position not lower than an Assistant  
13 Attorney General, designated by the Attorney Gen-  
14 eral) may submit a written application to a court of  
15 competent jurisdiction for an ex parte order requir-  
16 ing an educational agency or institution to permit  
17 the Attorney General (or his designee) to—

18 “(A) collect education records in the pos-  
19 session of the educational agency or institution  
20 that are relevant to an authorized investigation  
21 or prosecution of an offense listed in section  
22 2332b(g)(5)(B) of title 18 United States Code,  
23 or an act of domestic or international terrorism  
24 as defined in section 2331 of that title; and

1           “(B) for official purposes related to the in-  
2           vestigation or prosecution of an offense de-  
3           scribed in paragraph (1)(A), retain, dissemi-  
4           nate, and use (including as evidence at trial or  
5           in other administrative or judicial proceedings)  
6           such records, consistent with such guidelines as  
7           the Attorney General, after consultation with  
8           the Secretary, shall issue to protect confiden-  
9           tiality.

10          “(2) APPLICATION AND APPROVAL.—

11           “(A) IN GENERAL.—An application under  
12           paragraph (1) shall certify that there are spe-  
13           cific and articulable facts giving reason to be-  
14           lieve that the education records are likely to  
15           contain information described in paragraph  
16           (1)(A).

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

21          “(3) PROTECTION OF EDUCATIONAL AGENCY  
22          OR INSTITUTION.—An educational agency or institu-  
23          tion that, in good faith, produces education records  
24          in accordance with an order issued under this sub-

1 section shall not be liable to any person for that pro-  
2 duction.

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

6 **SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SUR-**  
7 **VEYS.**

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

11 “(c) INVESTIGATION AND PROSECUTION OF TER-  
12 RORISM.—

13 “(1) IN GENERAL.—Notwithstanding sub-  
14 sections (a) and (b), the Attorney General (or any  
15 Federal officer or employee, in a position not lower  
16 than an Assistant Attorney General, designated by  
17 the Attorney General) may submit a written applica-  
18 tion to a court of competent jurisdiction for an ex  
19 parte order requiring the Secretary to permit the At-  
20 torney General (or his designee) to—

21 “(A) collect reports, records, and informa-  
22 tion (including individually identifiable informa-  
23 tion) in the possession of the center that are  
24 relevant to an authorized investigation or pros-  
25 ecution of an offense listed in section

1 2332b(g)(5)(B) of title 18, United States Code,  
2 or an act of domestic or international terrorism  
3 as defined in section 2331 of that title; and

4 “(B) for official purposes related to the in-  
5 vestigation or prosecution of an offense de-  
6 scribed in paragraph (1)(A), retain, dissemi-  
7 nate, and use (including as evidence at trial or  
8 in other administrative or judicial proceedings)  
9 such information, consistent with such guide-  
10 lines as the Attorney General, after consultation  
11 with the Secretary, shall issue to protect con-  
12 fidentiality.

13 “(2) APPLICATION AND APPROVAL.—

14 “(A) IN GENERAL.—An application under  
15 paragraph (1) shall certify that there are spe-  
16 cific and articulable facts giving reason to be-  
17 lieve that the information sought is described in  
18 paragraph (1)(A).

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

23 “(3) PROTECTION.—An officer or employee  
24 of the Department who, in good faith, produces  
25 information in accordance with an order issued

1 under this subsection does not violate sub-  
2 section (b)(2) and shall not be liable to any per-  
3 son for that production.”.

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

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

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

1 vention, investigation, rescue, or recovery efforts related  
2 to a terrorist attack, the Director of the Bureau of Justice  
3 Assistance shall authorize payment to qualified bene-  
4 ficiaries, said payment to be made not later than 30 days  
5 after receipt of such certification, benefits described under  
6 subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

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

12 **SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EX-**  
13 **PEDITED PAYMENTS FOR HEROIC PUBLIC**  
14 **SAFETY OFFICERS.**

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

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

1           (2) inserting “producing permanent and total  
2        disability” after “suffered a catastrophic injury”;  
3        and

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

5        **SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM**  
6                               **PAYMENT INCREASE.**

7           (a) PAYMENTS.—Section 1201(a) of the Omnibus  
8        Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
9        3796) is amended by striking “\$100,000” and inserting  
10       “\$250,000”.

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

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

15        Section 112 of title I of section 101(b) of division  
16        A of Public Law 105–277 and section 108(a) of appendix  
17        A of Public Law 106–113 (113 Stat. 1501A–20) are  
18        amended—

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

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

3           **Subtitle B—Amendments to the**  
4           **Victims of Crime Act of 1984**

5           **SEC. 621. CRIME VICTIMS FUND.**

6           (a) DEPOSIT OF GIFTS IN THE FUND.—Section  
7           1402(b) of the Victims of Crime Act of 1984 (42 U.S.C.  
8           10601(b)) is amended—

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

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

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

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

16           (b) FORMULA FOR FUND DISTRIBUTIONS.—Section  
17           1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.  
18           10601(c)) is amended to read as follows:

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

22                           “(1) Subject to the availability of money in the  
23           Fund, in each fiscal year, beginning with fiscal year  
24           2003, the Director shall distribute not less than 90  
25           percent nor more than 110 percent of the amount

1 distributed from the Fund in the previous fiscal  
2 year, except the Director may distribute up to 120  
3 percent of the amount distributed in the previous  
4 fiscal year in any fiscal year that the total amount  
5 available in the Fund is more than 2 times the  
6 amount distributed in the previous fiscal year.

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

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

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

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

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

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

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

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

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

23          “(C) Amounts in the antiterrorism emergency  
24          reserve established pursuant to subparagraph (A)  
25          may be carried over from fiscal year to fiscal year.

1       Notwithstanding subsection (c) and section 619 of  
2       the Departments of Commerce, Justice, and State,  
3       the Judiciary, and Related Agencies Appropriations  
4       Act, 2001 (and any similar limitation on Fund obli-  
5       gations in any future Act, unless the same should  
6       expressly refer to this section), any such amounts  
7       carried over shall not be subject to any limitation on  
8       obligations from amounts deposited to or available in  
9       the Fund.”.

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

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

23               (2) subsections (c) and (d) of section 1402 of  
24       the Victims of Crime Act of 1984 (42 U.S.C.  
25       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 (c) 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:

JEFF TRANDAHL,

*Clerk.*

**Calendar No. 198**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2975**

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**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.

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OCTOBER 15, 2001

Received; read twice and ordered placed on the calendar