

107TH CONGRESS  
1st SESSION

**H.R.** \_\_\_\_\_

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES  
September \_\_\_\_, 2001

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## **A BILL**

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SEC. 1. SHORT TITLE.**

This act may be cited as the "Anti-Terrorism Act of 2001."

### **SEC. 2. TABLE OF CONTENTS.**

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### **SEC. 3. CONSTRUCTION; SEVERABILITY.**

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

## **TITLE I--INTELLIGENCE GATHERING**

### **Subtitle A--Electronic Surveillance**

#### **SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.**

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES--  
Section 3121(c) of title 18, United States Code, is amended--

- (1) by inserting "or trap and trace device" after "pen register";
- (2) by inserting ", routing, addressing," after "dialing"; and
- (3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) ISSUANCE OF ORDERS--

(1) IN GENERAL- Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

“(a) IN GENERAL- (1) Upon an application made under section 3122(a)(1), the court shall enter an ex-parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

“(2) Upon an application made under section 3122(a)(2), the court shall enter an ex-parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) CONTENTS OF ORDER- Subsection (b)(1) of section 3123 of title 18, United States Code, is amended–

(A) in subparagraph (A)–

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

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

(B) by striking subparagraph (C) and inserting the following new subparagraph

(C):

“(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and”.

(3) NON-DISCLOSURE REQUIREMENTS- Subsection (d)(2) of section 3123 of title 18, United States Code, is amended–

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

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

(c) DEFINITIONS–

(1) COURT OF COMPETENT JURISDICTION- Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or”.

(2) PEN REGISTER - Paragraph (3) of section 3127 of title 18, United States Code, is amended–

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted”; and

(B) by inserting “or process” after “device” each place it appears.

(3) TRAP AND TRACE DEVICE- Paragraph (4) of section 3127 of title 18, United States Code, is amended–

(A) by inserting “or process” after “a device”; and

(B) by striking “of an instrument” and all that follows through the end and inserting “or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication;”.

## **SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.**

Title 18, United States Code, is amended–

(1) in section 2510 –

(A) in subsection (1), by striking all the words after “commerce”; and

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

(2) in section 2703(a) and (b)--

(A) by replacing “Contents of electronic” with “Contents of wire or electronic” every place it occurs;

(B) by replacing “contents of an electronic” with “contents of a wire or electronic” every place it occurs; and

(C) by replacing “any electronic” with “any wire or electronic” every place it occurs; and

(D) by replacing “communication,” with “communication (including any electronic storage of such wire communication),”.

**SEC. 103. AUTHORIZED DISCLOSURE.**

Section 2510(7) of title 18, United States Code, is amended by adding “, and (for purposes only of section 2517) any officer or employee of the executive branch of the federal government” after “such offenses”.

**SEC. 104. SAVINGS PROVISION.**

Section 2511(2)(f) of title 18, United States Code, is amended–

(1) by replacing “or chapter 121” with “, chapter 121, or chapter 206”; and

(2) by replacing “wire and oral” with “wire, oral, and electronic”.

**SEC. 105. USE OF WIRETAP INFORMATION FROM FOREIGN GOVERNMENTS.**

Chapter 119 of title 18, United States Code, is amended–

(1) by adding a new section 2514, as follows:

“2514. Use of extraterritorial interceptions by foreign governments.

“(1) Information lawfully received under United States law from the interception of wire, oral or electronic communications outside the United States by a foreign government or a person acting at the direction thereof–

“(a) without the knowing participation of any officer or employee of the United States or person acting at the direction thereof; or

“(b) with such participation, but under circumstances in which such interception would have been lawful if executed within the United States by such officer, employee, or person,

shall be admissible, and the United States may disclose the information (or derivative information therefrom) in any proceeding held under the authority of the United States or any state or political subdivision thereof.

“(2) Information described in subsection (1) the government alleges could affect the national security shall have no less protection than that afforded by law to confidential informants.”; and

(2) in the chapter analysis, by inserting before the item relating to section 2515 the following:

“2514. Use of extraterritorial interceptions by foreign governments.”.

**SEC. 106. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.**

Chapter 119 of title 18, United States Code, is amended–

(1) in section 2510–

(A) in subsection (17), by striking “and” at the end;  
(B) in subsection (18), by replacing the period with a semi-colon; and  
(C) by adding after subsection (18), two new subsections as follows:  
“(19) ‘protected computer’ has the meaning set forth in section 1030; and  
“(20) ‘computer trespasser’ means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer.”; and  
(2) in section 2511(2), by adding after paragraph (h) a new paragraph as follows:  
“(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—  
“(A) the owner or operator of the protected computer authorizes the interception of the computer trespasser’s communications on the protected computer;  
“(B) the person acting under color of law is lawfully engaged in an investigation;  
“(C) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser’s communications will be relevant to the investigation; and  
“(D) such interception does not acquire communications other than those transmitted to or from the computer trespasser.”.

**SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.**

Section 2703(c)(1)(C) of title 18, United States Code, is amended--  
(1) by replacing “name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service” with the following:  
“(i) name;  
“(ii) address;  
“(iii) local and long distance telephone connection records, or records of session times and durations;  
“(iv) length of service (including start date) and types of service utilized;  
“(v) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and  
“(vi) means and source of payment (including any credit card or bank account number)”); and  
(2) by striking “and the types of services the subscriber or customer utilized,” after “of a subscriber to or customer of such service.”.

**SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.**

Chapter 121 of title 18, United States Code, is amended--  
(1) in section 2703, by striking “under the Federal Rules of Criminal Procedure” every place it appears and inserting “using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation”; and  
(2) in section 2711--  
(A) in paragraph (1), by striking “and”;  
(B) in paragraph (2), by replacing the period with “; and”; and  
(C) by adding the following new paragraph at the end:

“(3) the term ‘court of competent jurisdiction’ has the meaning assigned by section 3127, and includes any federal court within that definition, without geographic limitation.”.

**SEC. 109. CLARIFICATION OF SCOPE.**

Section 2511(2) of title 18, United States Code, as amended by section 106(2) of this Act, is further amended by adding at the end a new paragraph as follows:

“(j) Nothing contained in section 631 of the Act of June 19, 1934 (47 U.S.C. 551) shall be deemed to restrict voluntary or obligatory disclosures of information pursuant to the provisions of this chapter, chapter 121, or chapter 206, except that such disclosures shall not include records revealing customer cable television viewing activity.”.

**SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.**

(a) Section 2702 of Title 18, United States Code, is amended--

(1) by amending the heading to read, “Voluntary disclosure of customer communications or records”;

(2) in subsection (a)(2)(B) by replacing the period with “; and”;

(3) by adding after paragraph (a)(2) a new paragraph as follows:

“(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2)) to any governmental entity.”;

(4) in subsection (b) by striking “Exceptions.—A person or entity” and inserting “Exceptions for disclosure of communications.—A provider described in subsection (a)”;

(5) in paragraph (b)(6)--

(A) in clause (A)(ii), by striking “or”;

(B) in subparagraph (B), by replacing the period with “; or”;

(C) by inserting after subparagraph (B) a new subparagraph as follows:

“(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.”; and

(6) by adding after subsection (b) a new subsection as follows:

“(c) Exceptions for disclosure of customer records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))--

(1) as otherwise authorized in section 2703;

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

(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

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

(b) Section 2703 of title 18, United States Code, is amended--

(1) by amending the section heading to read, “Required disclosure of customer communications or records”.

(2) by redesignating subsection (c)(2) as (c)(3);

(3) in subsection (c)(1)--

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

(B) by striking “covered by subsection (a) or (b) of this section) to any person other than a governmental entity.” and inserting a close parenthesis;

(C) by striking “(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity”;

(D) by redesignating subsection (C) as subsection (c)(2);

(E) by redesignating subsection (B)(i) as (A), (B)(ii) as (B), (B)(iii) as (C), (B)(iv) as (D), and (B)(v) as (E);

(F) in subsection (D) (formerly (B)(iv)) by striking the final period and inserting “; or”;

(G) by inserting after subsection (D) (formerly (B)(iv)) the following subsection: “(F) seeks information pursuant to subparagraph (2).”.

## **Subtitle B--Foreign Intelligence Surveillance and Other Information**

### **SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.**

(a) The Foreign Intelligence Surveillance Act of 1978 is amended by adding “or an agent of a foreign power, as defined in section 101(b)(1)(A),”--

(1) in section 105(e)(1) (50 U.S.C. 1805(e)(1)), after “or (3),”; and

(2) in section 304(d)(1) (50 U.S.C. 1824(d)(1)), after “101(a),”.

(b) Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by replacing “forty-five” with “ninety.”

### **SEC. 152. MULTI-POINT AUTHORITY.**

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting “, or, in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons,” after “specified person”.

### **SEC. 153. FOREIGN INTELLIGENCE INFORMATION.**

The Foreign Intelligence Surveillance Act of 1978 is amended by replacing “that the” with “that a”--

(1) in section 104(a)(7)(B) (50 U.S.C. 1804(a)(7)(B)); and

(2) in section 303(a)(7)(B) (50 U.S.C. 1823(a)(7)(B)).

### **SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.**

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including, without limitation, information subject to Rule 6(e) of the Federal Rules of Criminal Procedure and information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any federal law-enforcement-, intelligence-, protective-, or national-defense



personnel, or to any federal personnel responsible for administering the immigration laws of the United States.

**SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.**

Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended--

(1) at the end of paragraph (1), by adding "and";

(2) in paragraph (2)--

(A) by inserting "from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device" after "obtained"; and

(B) by replacing all the matter after "General" with a period; and

(3) by striking paragraph (3).

**SEC. 156. BUSINESS RECORDS.**

The Foreign Intelligence Surveillance Act of 1978 is amended--

(1) in section 501 (50 U.S.C. 1861), by amending the same to read as follows:  
"§ 501. Administrative subpoenas.

"(a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, which investigation is being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order 12333 (or a successor order), the Attorney General may, by administrative subpoena, require the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

"(b) A person who, in good faith, produces tangible things under a subpoena issued pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context."; and

(2) by striking section 502 (50 U.S.C. 1862).

**SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.**

(a) Section 2709(b) of title 18, United States Code, is amended--

(1) by inserting "at Bureau headquarters or Special Agent in Charge in Bureau field offices" before ", may" the first place it occurs;

(2) in paragraph (1)--

(A) by replacing "the Director" and all that follows through "Director" with "he";

(B) by inserting ", or electronic communication transactional records" after "toll billing records"; and

(C) by replacing "made that" and all that follows through the end with "made that the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and"; and

(3) in paragraph (2)--

(A) by replacing "the Director" and all that follows through "Director" with "he"; and

(B) by replacing "made that" and all that follows through the end with "made that the information sought is relevant to an authorized foreign counterintelligence investigation.".

(b) Section 1114(a)(5)(A) of Public Law 95-630 (12 U.S.C. 3414(a)(5)(A)) is amended--

(1) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in Bureau field offices” after “designee”; and

(2) by striking all the matter following “purposes” up to the period; and

(c) Section 624 of Public Law 90-321 (15 U.S.C. 1681u) is amended--

(1) in subsection (a)--

(A) by inserting “in a position not lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in Bureau field offices” after “designee” the first place it appears; and

(B) by replacing “writing that” and all that follows through the end with “writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.”;

(2) in subsection (b)--

(A) by inserting “(in a position not lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in Bureau field offices)” after “designee” the first place it appears; and

(B) by replacing “writing that” and all that follows through the end with “writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.”; and

(3) in subsection (c)--

(A) by inserting “(in a position not lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge in Bureau field offices)” after “designee”; and

(B) by replacing “camera that” and all that follows through “States.” with “camera that the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation.”.

#### **SEC. 158. DISCLOSURE OF EDUCATIONAL RECORDS.**

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

“(c) Without regard to subsections (a) and (b), the Attorney General or the Secretary of Education (or any Federal officer or employee designated by either of them) may, upon determining that so doing can reasonably be expected to assist in investigating or preventing a Federal terrorism offense as defined in section 25 of title 18, United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title--

“(1) collect, through legal process or as otherwise authorized by law, reports, records, and information (including individually-identifiable information), in the Center's possession; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such reports, records, or information as otherwise authorized by law, consistent with such guidelines as the Attorney General may issue to protect confidentiality.

No person furnishing reports, records, or information pursuant to this subsection shall be liable to any other person for furnishing such information.”.

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

“(j) Without regard to subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee designated by him) may, upon determining that so doing can reasonably be expected to assist in investigating or preventing a Federal terrorism offense as defined in section 25 of title 18, United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title—

“(1) collect education records and other information in the possession of an educational agency or institution; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records or other information as otherwise authorized by law, consistent with such guidelines as the Attorney General may issue to protect confidentiality.

No person furnishing records or information pursuant to this subsection shall be liable to any other person for furnishing such information.”.

#### **SEC. 159. PRESIDENTIAL AUTHORITY.**

Section 203 of Public Law 95-223 (50 U.S.C. 1702) is amended—

(1) at the end of subparagraph (a)(1)(A), by replacing “; and” with a comma and adding thereafter the following (flush to that subparagraph):

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

(2) in subparagraph (a)(1)(B)--

(A) by striking “by any person, or with respect to any property, subject to the jurisdiction of the United States.”;

(B) by replacing “interest;” with “interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and”; and

(C) by inserting “, block during the pendency of an investigation” after “investigate”;

(3) at the end of paragraph (a)(1), by adding a new subparagraph as follows:

“(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.”; and

(4) by adding at the end a new subsection (c) as follows:

“(c) Classified information.--In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act, such information may be submitted to the reviewing court ex parte and in camera.”

## **Title II--IMMIGRATION**

### **SEC. 201. DEFINITIONS RELATING TO TERRORISM.**

The Immigration and Nationality Act of 1952 is amended--

(a) in Section 212(a)(3) (8 U.S.C. 1182)--

(1) in paragraph (B) --

(A) in clause (i) --

(i) by amending paragraph (IV) to read as follows:

“(IV) is a representative (as defined in clause (iv)) of : (a) a foreign terrorist organization, as designated by the Secretary under section 219, or (b) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary has determined undermines U.S. efforts to reduce or eliminate terrorist activities, or”;

(ii) in paragraph (V) by inserting “or” after the comma following “...should have known is a terrorist organization”; and

(iii) by adding new paragraphs (VI) and (VII) to read as follows:

“(VI) has used his or her position of prominence within any country to endorse or espouse terrorist activity, or persuade others to support terrorist activity or a foreign terrorist organization, in a way that the Secretary of State has determined undermines U.S. efforts to reduce or eliminate terrorist activities; or

(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years.”;

(B) in clause (ii)--

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

and

(ii) by replacing “or firearm” with “, firearm, or other weapon or dangerous device”;

(C) by amending clause (iii) to read as follows:

“(iii) Engage in terrorist activity defined

“As used in this chapter, the term "engage in terrorist activity" means, in an individual capacity or as a member of an organization--

“(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, an act of terrorist activity;

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

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

“(III) to solicit funds or other things of value for terrorist activity or for any terrorist organization;

“(IV) to solicit any individual for membership in a terrorist organization, a government that supports terrorism, or to engage in a terrorist activity; or

“(V) otherwise to commit an act that the actor knows, or reasonably should know, affords material support (including, without limitation, a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including, without limitation, chemical, biological, and radiological weapons), explosives, or training), to any organization that the actor knows, or reasonably should know, is a terrorist organization, or to any individual whom the actor knows, or reasonably should know, has committed or plans to commit any terrorist activity.

“This clause shall not be construed to encompass any material support the alien affords to an individual who had previously committed terrorist activity if the alien establishes by clear and convincing evidence that such support was afforded only after that individual had permanently and publicly renounced and rejected the use of, and had ceased to commit or support, any terrorist activity.”; and

(D) by adding a new clause after clause (iv) to read as follows:

“(v) Terrorist organization defined

“As used in clause (iii), the term “terrorist organization” means any organization—

“(I) designated or redesignated under section 219;

“(II) that commits or materially supports, or that has a significant subgroup that commits or materially supports, terrorist activity, regardless of any other activities conducted by the organization or its subgroups;

“(III) that intends to commit or materially support, or that has a significant subgroup that intends to commit or materially support, terrorist activity, regardless of any other activities conducted by the organization or its subgroups; or

“(IV) that has committed or materially supported, or that has a significant subgroup that has committed or materially supported, terrorist activity, regardless of any other activities conducted by the organization or its subgroups, unless the Secretary of State has determined in his sole discretion, after consultation with the Attorney General, that as of a date specified by the Secretary the organization shall not be considered a terrorist organization.”; and

(2) by adding a new subparagraph (F) as follows:

“Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.”;

(b) in Section 219(a) (8 U.S.C. 1189(a))--

(A) in subparagraph (1)(B), by inserting “or terrorism (as defined in section 140(d)(2) of the State Department Authorization Act, Public Law 100-204 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)” after “212(a)(3)(B)”;

(B) in subparagraph (1)(C), by inserting “or terrorism” after “terrorist activity”;

(C) by amending subparagraph (2)(A) to read as follows:

“(A) NOTICE.—

“(i) Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

“(ii) The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”;

(D) in clause (2)(B)(i), by replacing “subparagraph (A)” with “subparagraph (A)(ii)”;

(E) in subparagraph (2)(C), by replacing “paragraph (2)” with “paragraph (2)(A)(i)”;

(F) in subparagraph (3)(B), by replacing “subsection (c)” with “subsection (b)”;

(G) in subparagraph (4)(B), by inserting after the first sentence the following:  
“The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.”;

(H) in subparagraph (6)(A),

(i) by inserting “or a redesignation made under paragraph (4)(B)” after “paragraph (1)”;

(ii) in clause (i), by

(I) inserting “or redesignation” after “designation” the first time it appears; and

(II) striking “of the designation”; and

(iii) in clause (ii), by striking “of the designation”;

(J) in subparagraph (6)(B), by

(i) replacing “through (4)” with “and (3)”;

(ii) inserting the following new sentence at the end:  
“Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.”;

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

(L) in paragraph (8), by

(i) replacing “paragraph (1)(B)” with “paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)”;

(ii) inserting “or an alien in a removal proceeding” after “criminal action”; and

(iii) inserting “or redesignation” before “as a defense”.

## **SEC. 202. MANDATORY DETENTION OF SUSPECTED TERRORISTS.**

Section 236 of the Immigration and Nationality Act is amended—

(1) by redesignating subsection (e) as (f) and by inserting before the same the following new subsection:

“(e) Detention of Terrorist Aliens.--

“(1) Custody.--The Attorney General shall take into custody any alien who is certified under paragraph (3).

“(2) Release.--The Attorney General shall maintain custody of any such alien until such alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal the alien may be eligible for or granted until the Attorney General deems such alien is no longer an alien who may be certified pursuant to paragraph (3).

“(3) Certification.--The Attorney General may certify an alien to be an alien he has reason to believe may commit, further, or facilitate acts described in section 237(a)(4)(A)(i), (A)(iii), or (B), or engage in any other activity that endangers the national security of the United States.”

## **SEC. 203. HABEAS CORPUS AND JUDICIAL REVIEW.**

Except as provided herein and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any action taken, administrative proceeding brought, or determination made to detain an alien under section 202 of this Act; without regard to the place of detention, judicial review of the detention of such an alien is available only by habeas-corpus petition filed in the United States District Court for the District of Columbia.

**SEC. 204. APPLICABILITY.**

Notwithstanding any other provision of law, the amendments made by this title (other than the amendments made by sections 205 and 207, which shall apply to offenses committed on or after the date of enactment) shall apply to all aliens, regardless of whether any such aliens entered the United States before or after the date of the enactment of this Act, or whether any relevant activity by any such aliens occurred before or after such date, and shall apply to all past, pending, or future deportation, exclusion, removal, or other immigration proceedings.

**SEC. 205. MULTILATERAL CO-OPERATION AGAINST TERRORISTS.**

Section 222(f) of the Immigration and Nationality Act of 1952 is amended—

(A) by inserting “: (1)” after “except that”; and

(B) by inserting the following before the period at the end:

“and (2) the Secretary of State in his discretion and on the basis of reciprocity may provide to a foreign government information in the Department of State’s computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database:

(A) with regard to individual aliens, at any time on a case by case basis for the purpose of preventing, investigating or punishing, acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons or illicit weapons; or

(B) with regard to any or all aliens in the database, pursuant to such conditions as he shall establish in an agreement with another government in which that government agrees to use such information and records for the purposes described in paragraph (A) or otherwise to deny visas to persons who would be inadmissible to the United States.”

**SEC. 206. INTER-AGENCY DATA SHARING.**

(a) Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the caption by adding “**and Data Exchange**” after “**Officers**”;

(2) by designating all of section 105 as subsection (a);

(3) in subsection (a) as so designated, by inserting the words “and border” after the word “internal” in the second place that it appears; and

(4) by adding new subsections (b), (c), and (d) as follows:

“(b) The Attorney General and the Director of the Federal Bureau of Investigation may provide the Department of State and the Service with access to the criminal history record information contained in the National Crime Information Center’s (NCIC) Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency to be provided access for the purpose of

determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file.

(c) For purposes of administering this Section, the Department of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order-

- (1) to limit the dissemination of such information;
- (2) to ensure that such information is used solely to determine whether to issue a visa to an individual;
- (3) to ensure the security, confidentiality and destruction of such information; and
- (4) to protect any privacy rights of individuals who are subjects of such information.”

(b) Nothing in this section shall be construed to limit such authority as the Attorney General or the Director of the Federal Bureau of Investigation may have pursuant to other law (and procedures thereunder) to provide access to the criminal history record information contained in the National Crime Information Center’s (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States for the purpose of such enforcement or administration, upon terms that are consistent with such other law.

## **Title III--CRIMINAL JUSTICE**

### **Subtitle A--Substantive Criminal Law**

#### **SEC. 301. NO STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.**

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

##### **“§ 3286. Terrorism offenses**

“Notwithstanding any other provision of law, an indictment may be found or an information instituted for any Federal terrorism offense at any time without limitation.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 213 of title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:

“3286. Terrorism offenses.”.

(c) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

#### **SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.**

Section 3559 of title 18, United States Code, is amended by adding after subsection (d) the following new subsection:

“(e) Authorized terms of imprisonment for terrorism crimes. — A person convicted of any Federal terrorism offense may be sentenced to imprisonment for any term of years or for life, notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the



applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense.”.

**SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.**

Chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

**“§ 2332c. Attempts and conspiracies**

“Any person who attempts or conspires to commit any Federal terrorism offense shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”; and

(2) in the analysis for the chapter, by inserting after the item relating to section 2332b the following:

“2332c. Attempts and conspiracies.”.

**SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.**

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking “or (F)” and inserting “(F)”; and

(2) by replacing “financial gain;” with “financial gain, or (G) any act that is indictable as a Federal terrorism offense;”.

**SEC. 305. BIOLOGICAL WEAPONS.**

(a) Chapter 10 of title 18, United States Code is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking, “section, the” and inserting “section – (1) the”;

(ii) by striking “does not include” and inserting “includes”;

(iii) by inserting “other than” after “system for”; and

(iv) by striking “purposes.” and inserting the following: “purposes, and (2) the terms ‘biological agent’ and ‘toxin’ do not encompass any biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.”;

(B) by redesignating subsection (b) as (c); and

(C) after subsection (a), by adding a new subsection as follows:

“(b) Additional offense.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a peaceful purpose is not an element of the offense.”;

(2) after section 175a, by adding a new section as follows:

**“§ 175b. Possession by restricted persons**

“(a) No person described in section 922(g) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a ‘select agent’ in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of such title; except that the term “select agent” does not include any such

biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source. The prohibition of this section shall also apply to an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism.

“(b) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.”; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

“175b. Possession by restricted persons.”.

(b) The Anti-Terrorism and Effective Death Penalty Act of 1996 is amended by adding a new subsection after subsection 511 (42 U.S.C. 262 note) as follows:

**“§ 511A. Regulation of biological agents posing national-security threat**

“(a) IN GENERAL.--

“(1) LIST OF AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those biological agents listed pursuant to section 511(d)(1) that he determines to be a national-security threat.

“(2.) CRITERIA.--In determining whether to include an agent on the list under paragraph (1), the Secretary shall--

“(A) consider the criteria specified in section 511(d)(1)(B)(i), and any other criteria that he determines to be appropriate; and

“(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

“(b) REGULATION OF BIOLOGICAL AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of agents listed under subsection (a)(1) designed to protect public safety and national security, including safeguards to prevent access to such agents for use in domestic terrorism or international terrorism or for any other criminal purpose.

“(c) CIVIL MONEY PENALTIES.--A violation of a requirement imposed by regulation promulgated under this section shall be subject to a civil money penalty of up to \$250,000.

“(d) REGULATIONS.--The Secretary shall promulgate regulations to carry out this section. The initial regulations implementing this section shall be issued as interim final regulations.

“(e) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.--The provisions of the Paperwork Reduction Act (44 U.S.C. ch. 35) shall not apply to this section.

**SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.**

Section 2339A of title 18, United States Code, is amended–

(1) in subsection (a)--

(A) by striking “a violaton” and all that follows through “49” and inserting “any Federal terrorism offense”; and

(B) by replacing “violation,” with “offense,”; and

(2) in subsection (b), by inserting “expert advice or assistance,” after “training,”.

**SEC. 307. PROHIBITION AGAINST HARBORING TERRORISTS.**

Section 792 of title 18, United States Code, is amended–

(1) by inserting “or a Federal terrorism offense,” before “shall be fined”; and

(2) by inserting at the end: “There is extraterritorial Federal jurisdiction over any violation (including, without limitation, conspiracy or attempt) of this section. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

**SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.**

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

“(j) Supervised release terms for terrorism offenses. – Notwithstanding subsection (b), the authorized terms of supervised release for any Federal terrorism offense are any term of years or life.”.

**SEC. 309. DEFINITION.**

(a) Chapter 1 of title 18, United States Code, is amended–

(1) by adding after section 24 a new section as follows:

**“§ 25. Federal terrorism offense defined**

“As used in this title, the term ‘Federal terrorism offense’ means a violation of, or an attempt or conspiracy to violate–

“(a) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), (a)(4), (a)(5)(A), or (a)(7) (relating to protection of computers), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or

utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332c, 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

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

“(c) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

“(d) section 46502 (relating to aircraft piracy), section 46504 (relating to interference with a flight crew), section 46505 (relating to carrying a weapon or explosive on aircraft), section 46506 (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”; and

(2) in the chapter analysis, by inserting after the item relating to section 24 the following:

“25. Federal terrorism offense defined.”.

(b) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by striking “is a violation” and all that follows through “title 49” and inserting “is a Federal terrorism offense”.

## **Subtitle B—Criminal Procedure**

### **SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.**

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after “executed” the following: “and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district”.

### **SEC. 352. NOTICE.**

Section 3103a of title 18, United States Code, is amended by adding at the end the following: “With respect to any issuance of a warrant or court order under this section, or any other law or rule, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.”.

### **SEC. 353. DNA IDENTIFICATION OF TERRORISTS.**

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) the a new subparagraph as follows:

“(G) Any Federalism terrorism offense (as defined in section 25 of title 18, United States Code).”.

**SEC. 354. GRAND JURY MATTERS.**

Rule 6(e)(3)(A) of the Federal Rules of Criminal Procedure is amended—

- (1) by striking “and” at the end of subdivision (i);
- (2) by replacing the period at the end of subdivision (ii) with “; and”; and
- (3) by inserting after subdivision (ii) the following:

"(iii) federal law-enforcement-, intelligence-, protective-, or national-defense personnel, or any federal personnel responsible for administering the immigration laws of the United States, where the matters pertain to international terrorism or domestic terrorism (as defined in section 2331 of title 18, United States Code), or a matter of national security."

**SEC. 355. EXTRATERRITORIALITY.**

Chapter 113B of title 18, United States Code, is amended—

- (1) in the heading, by striking “Exclusive”;
- (2) by inserting “There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter.” at the beginning; and
- (3) in the chapter analysis, by striking “Exclusive” in the item relating to section 2338.

**SEC. 356. DEFINITION.**

Section 7 of Title 18, United States Code, is amended by adding the following at the end thereof:

“(9) With respect to offenses committed by or against a United States national, as defined in Section 1203(c) of this title, (a) the premises of United States diplomatic and consular missions in foreign states including the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for purposes of the missions, and (b) the private residences and the land ancillary thereto, irrespective of ownership, used for purposes of the missions, and (c) the private residences and the land ancillary thereto in foreign states, irrespective of ownership, of the head of diplomatic and consular mission and other United States nationals assigned to diplomatic missions and consular missions.”

**Title IV--FINANCIAL INFRASTRUCTURE**

**SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.**

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

**SEC. 402. MATERIAL SUPPORT FOR TERRORISM.**

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

- (1) in subsection (a), by inserting “A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.” at the end; and
- (2) in subsection (b), by replacing “or other financial securities” with “or monetary instruments or financial securities”.

**SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.**

Section 981(a)(1) of title 18, United States Code, is amended after paragraph (F) by adding the following new paragraph:

“(G) All assets, foreign or domestic--

“(i) of any person, entity or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against

the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

“(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

“(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.”.

**SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.**

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

**SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL-SECURITY INVESTIGATIONS.**

Section 6103 of title 26, United States Code, is amended –

(1) in paragraph (i)(3), by adding a new subparagraph after subparagraph (B) as follows:

“(C) Response to Terrorist Incidents and Threats.– The Secretary may disclose returns or return information to the extent necessary to assist officers or employees of any Federal agency involved in the response to or the investigation of terrorist incidents, threats, or activities; the Federal agency may redisclose information received pursuant to this paragraph to State or local law-enforcement officials who are part of a joint investigative team with the Federal agency.”;

(2) in subsection (i), by adding a new paragraph after paragraph (6), as follows:

“(7) Information Concerning Terrorist Activities.--The Secretary may disclose returns and return information, upon a particularized request signed personally by an individual in the Department of Justice or the Department of the Treasury appointed by the President with the advice and consent of the Senate, or a member of the Senior Executive Service who is responsible for the collection of analysis of intelligence and counter-intelligence information concerning terrorist organizations and activities. Information disclosed under this paragraph may be disclosed to employees of the Department of Justice and the Department of the Treasury personally and directly engaged in (and solely for their use in) the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations or activities. Information disclosed under this paragraph may be disclosed to other United States intelligence agencies when relevant to their analysis of intelligence and counter-intelligence information concerning terrorist organizations and activities, and thereafter the information so disclosed may be used by such agencies only in accordance with Executive Order 12333 (or successor order).”; and

(3) by adding a new paragraph (a)(11) as follows:

“The term ‘terrorism’ means international terrorism or domestic terrorism as those terms are defined in section 2331 of Title 18, United States Code.”

**SECTION 406. RESTRAINT OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE.**

Section 413(e)(1) of the Controlled Substances Act (21 U.S.C. § 853(e)(1)) is amended by inserting “or (p)” after “(a)”.

**SECTION 407. TRADE SANCTIONS.**

The Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of H.R. 5426, as enacted by section 1(a) of Public Law 106-387) is amended—

(1) in section 902(6)--

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(C) by adding at the end thereof the following new subparagraph:

“(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.”;

(2) in section 902(7)--

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(C) by adding at the end thereof the following new subparagraph:

“(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.”;

(3) by amending section 904(2)(C) to read as follows:

“(C) used to facilitate the design, development, or production of missiles or weapons of mass destruction.”;

(4) in section 906(a)(1)--

(A) by inserting “, the Taliban or the territory of Afghanistan controlled by the Taliban,” after “Cuba”; and

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

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

**SECTION 408. EXTRATERRITORIAL JURISDICTION.**

Section 1029 of Title 18, United States Code, is amended by adding at the end a new paragraph (g) as follows:

“(g) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsections (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment and forfeiture enumerated in this title if—

(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secretes, or holds within the jurisdiction of the United States, any article used to assist in

the commission of the offense or the proceeds of such offense or property derived therefrom.”.

## **Title V--EMERGENCY AUTHORIZATIONS**

### **SEC. 501. OFFICE OF JUSTICE PROGRAMS.**

(a) In connection with the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President shall not be subject to any limitation on obligations from amounts deposited or available in the Fund.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105-277 and section 108(a) of appendix A of Public Law 106-113 (113 Stat. 1501A-20) are amended— (1) after “that Office”, each place it occurs, by inserting “(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90-351)”;

and (2) by inserting “functions, including any” after “all”.  
(c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after “programs” by inserting “, to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime,”.

(d) Section 1 of H.R. 2882 of the 107th Congress as enacted is amended in section 1(a) by striking “, (d),”, by inserting “(containing sufficient information to permit a proper distribution pursuant to such section 1201(a), where relevant)” before “by a”, and by replacing all the matter after “certification,” with “benefits under such section 1201(a) and the first year’s benefits under such section 1201(b).”.

### **SEC. 502. ATTORNEY GENERAL’S AUTHORITY TO PAY REWARDS.**

No reward offered by the Attorney General in connection with hijackings or terrorist acts shall be subject to any per- or aggregate reward spending limitation established by law, unless the same should expressly refer to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

### **SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.**

The matter under the headings “Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs” and “Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction” in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106-553 (114 Stat. 2762A-58 to 2762A-59)) is amended by striking the following each place it occurs: “*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:”.

### **SEC. 504. SECRETARY OF STATE’S AUTHORITY TO PAY REWARDS.**

Section 36 of the State Department Basic Authorities Act of 1956 (P.L. 885, August 1, 1956; 22 USC 2708) is amended –

(1) in section (b) –



(a) by deleting “or” at the end of paragraph (4);

(b) by adding the following at the end of subsection (5) “including by dismantling an organization in whole or significant part; or”; and

(c) by adding a new paragraph (6) as follows:

“the identification or location of an individual who holds a key leadership position in a terrorist organization.”

(2) in section (d), by striking paragraphs (2) and (3) and renumbering paragraph (4) accordingly;

(3) in section (e)(1), by striking “\$5,000,000” and inserting in lieu thereof “\$10,000,000, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is important to the national interests of the United States.”

**SEC. 505. ASSISTANCE TO COUNTRIES CO-OPERATING AGAINST INTERNATIONAL TERRORISM.**

(a) The President may provide assistance or take any other action, sell or authorize the export of defense articles or defense services, or issue credit, credit guarantees or extend other financial assistance, under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, or other provisions of law, notwithstanding any other provision of law, if to do so is important to United States efforts to respond to, deter or prevent acts of international terrorism or other actions threatening international peace and security. The authority of this paragraph may be used in Fiscal Years 2002 through 2007.

(b) Section 571 of the Foreign Assistance Act of 1961 is amended as follows:

(1) After “law,” strike “that restricts assistance to foreign countries, other than sections 502B and 620A of this Act,”; and

(2) After “assistance”, strike “to foreign countries”.

(c) Section 582 of the Foreign Assistance Act of 1961 is amended as follows: after “law”, delete “other than section 502B or 620A of this Act,”.